

Committee(s):- Culture Heritage and Libraries Natural Environment Board	Dated: 18 March 2024
Subject: Levelling Up and Regeneration Act 2023	Public
Which outcomes in the City Corporation's Corporate Plan does this proposal aim to impact directly?	6 9 11 12
Report of: Remembrancer	For Information
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Summary

This Report provides an overview of the provisions of the Levelling Up and Regeneration Act 2023 ("the Act") that are relevant to the City's cultural, heritage and environmental interests. The legislation is in the form of a framework, mostly containing little detail. The Government's intention is that rules and guidance will be grafted on in the future.

Briefings and engagement took place throughout the prior consultation period and during the progress of the Bill through Parliament.

Recommendation(s)

Members are asked to note the report.

Main Report

Background

1. The White Paper published ahead of the Act proposed new categories of land for planning purposes, which in some instances appeared to reduce protections for some green and open spaces. Working with colleagues in the City's open spaces and more widely in the Environment Department, the Remembrancer made representations in support of continued strong protections for the environment and open spaces.

Environment

2. The Act replaces existing environmental assessment processes (Strategic Environmental Assessment, Sustainability Appraisal and Environmental Impact Assessment) with a requirement for 'Environmental Outcome Reports'. Whilst many of the elements of this new regime are similar to the current arrangements, the Government described EORs as a way to simplify the process of deciding when an environmental assessment is required, strengthen the role of mitigation in the context of environmental assessments, and create a more robust approach to monitoring outcomes. Consent will not be granted for a development unless an EOR has been prepared and taken into account.
3. The Act describes what an EOR should be - a written report which assesses the impact on the delivery of specified environmental outcomes (for example outcomes relating to heritage protection or the natural environment) – but does not provide detail of the regime. Whilst the regulation-making power came into force on 26 December 2023, no regulations have as yet been made and the details will only be known once these are put in place at a future date. EORs will cover, as a minimum, biodiversity and environmental quality (including visual impacts).
4. Under the Act, the concept of environmental protection will encompass the effects of human activity on the natural environment, cultural heritage and landscape, as well as the protection of people from those activities. It also extends to issues relating to maintenance, restoration and enhancement of the environment. For example, in a provision not yet in force, registered parks and gardens (such as Wanstead Park) a planning authority will have a duty to have 'special regard' to the desirability of preserving or enhancing designated heritage assets.
5. The Government will produce a series of National Development Management Policies, which will build on and replace the current National Planning Policy Framework (NPPF). The provisions are not yet in force, but the Government intends that these national policies will provide a consistent approach across England on issues which apply in most areas such as Green Belt and heritage policies. The national policies will, if there are points of conflict, trump local plans.
6. Areas of Outstanding Natural Beauty (AONBs) currently have the highest status of protection under NPPF and the Countryside and Rights of Way Act 2000. The Act (section 245, not yet in force) strengthens protection for AONBs, so that authorities "must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty". Regulations under this provision will be made at a future date. Separately to the Act, the Government has indicated that further guidance on biodiversity and environmental protection will be developed by summer 2024.
7. The Act places a greater emphasis on community engagement, for example through enhanced pre-application consultation. When the measures come into force, in a City Corporation context, this move will be embedded in a new

version of the City's 'Statement of Community Involvement'. The concept of 'street votes' on planning matters received media coverage and the Government has begun to consider proposals, including through consultation, for how such votes might be implemented.

Design

8. Reflecting the Government's stated desire to promote high quality of design in buildings and spaces, the current National Planning Policy Framework (NPPF) guidance on the need for each local authority to have a design guide or design codes in place will become a statutory requirement. Local authority-wide design codes will have full weight in making decisions on development. These codes will either be set out within the local plan or in a supplementary plan. The national 'Office for Place' will support local authorities to turn design visions into local standards, deliver design codes and design better outcomes. The Office has already published guidance in support of this aim.

Heritage

9. The Act gives designated heritage assets, including scheduled monuments, registered parks and gardens, World Heritage Sites and registered battlefields the same statutory protection as listed buildings and conservation areas. The overall level of protection has been strengthened from 'preserving' to 'preserving and enhancing'.
10. When considering whether to grant planning permission for a development which affects a relevant asset or its setting, planning authorities and the Secretary of State will be obliged to have 'special regard' to the desirability of preserving or enhancing the asset or its setting, a change which requires that significant weight is given to the protection and improvement of heritage assets. This provision is not yet in force.
11. Planning authorities will also have a new statutory duty, not yet in force, to maintain an Historic Environment Record. Officers in the City's Planning Department welcome this move as a way of increasing the level of information available on local heritage assets. Central government funding and details are not yet clear, however.
12. The Act introduces a new temporary stop notice which will be available, when the provision is brought into force at a date to be appointed, where it appears unauthorised works are being undertaken to a listed building. This would require all specified works to cease for a maximum of 56 days from the date of the notice.

Conclusion

13. Culture, Heritage and Libraries, and Open Spaces officers have been consulted in the preparation of this Report.
14. Planning matters have been separately reported to the Planning and Transportation Committee.
15. While not part of the Act, in a linked subject the Government has indicated that the implementation of mandatory Biodiversity Net Gain in England will start in 2024 with application to most conventional planning applications and will expand following further consultation. Draft regulations have been published¹ and a considerable volume of further regulations are anticipated.
16. During the Bill's parliamentary passage, briefings were provided on the Corporation's support for financial services innovation across the UK and the City's stated aim to ensure that no area is left behind, including relevant areas of the Capital. Engagement underlined the contribution to levelling up made by City Corporation projects and the importance of environmental and heritage protections.

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¹ [Draft regulations](#)