



A GLIMPSE INTO THE NEW PLAN-MAKING FRAMEWORK

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The Levelling up & Regeneration Bill¹ landed on 11 May. Behold! a new plan-making framework starts to appear as you read through it, with a defined strategic layer (more than two authorities) and local layer (one authority) and high-level descriptions for content.

On the strategic side, the Bill gives the option for two or more authorities to jointly prepare a Spatial Development Strategy (SDS) and sets out the content of these strategies at Section 15AA:

'A joint spatial development strategy must include a statement of the policies (however expressed) of the participating authorities, in relation to the development and use of land in the joint strategy area, which are— (a) of strategic importance to that area, and (b) designed to achieve objectives that relate to the particular characteristics or circumstances of that area...'

Note that the content is in relation to the *development and use of land* for now.

It also says:

'A joint spatial development strategy may specify or describe infrastructure the provision of which the participating authorities consider to be of strategic importance to the joint strategy.'

And what is strategic importance?

'a matter— (a) may be of strategic importance to the joint strategy area if it does not affect the whole of that area, but (b) is not to be regarded as being of strategic importance to that area unless it is of strategic importance to the area of more than one of the participating authorities.'

So it has to be related to at least two local authority areas. But what can't an SDS do?

'A joint spatial development strategy must not— (a) include anything that is not permitted or required by or under the preceding provisions of this section, (b) specify particular sites where development should take place, or (c) be inconsistent with or (in substance) repeat any national development management policy.'

The accompanying explanatory notes provides an example of a policy to clarify (b), titled 'Identifying capacity for development'²

'A joint SDS could identify a broad area for an approximate scale of development, such as, to the north-west of town x and the south of river y there is scope for new development of at least xx new homes.'

So a traditional broad location for development, similar to what was included in a Core Strategy in the LDF³ era.

To understand more about this new(ish) strategic layer, the local layer needs to be understood, and its relationship with the strategic layer.

Section 15C lays down the requirement for all authorities to prepare a local plan, and only one in effect at any time. Section 15I allows authorities to prepare a joint local plan. On their content, 15C says:

'The local plan must set out policies of the local planning authority (however expressed) in relation to the amount, type and location of, and timetable for, development in the local planning authority's area.'

¹ <https://bills.parliament.uk/bills/3155>

² <https://publications.parliament.uk/pa/bills/cbill/58-03/0006/en/220006en.pdf>

³ https://en.wikipedia.org/wiki/Local_development_framework

So we have three types of plan, two voluntary (SDS and joint local plan) and one requirement (local plan), with the following prescriptive requirements:

SPATIAL DEVELOPMENT STRATEGY: Development and use of land	LOCAL PLAN: Amount, type and location of, and timetable for, development	JOINT LOCAL PLAN: Amount, type and location of, and timetable for, development
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The local plan requirements are similar to their existing requirements—for example, authorities have to establish the housing target, find sites and allocate sites to meet the target, and include a trajectory to demonstrate the target is deliverable. In contrast, there is no reference to *amount* of development in the SDS and therefore it can be inferred that the SDS is more about testing capacity and developability of broad locations (not sites), and the strategic infrastructure needed to support these, to give direction to the local plan and its focus on deliverability.

However, the role of the joint local plan is confusing given the introduction of SDSs. If joint local plans are prepared then they would, by their nature, include strategic (cross-boundary) issues, which is what SDSs are for. Also, the term joint local plan is in itself a contradiction as if you have a plan with two local authorities together then it's not 'local' anymore. So it's questionable to include these in a new plan-making framework.

That said, the Bill does show a big step forward from the current plan-making framework in the NPPF which only allows for joint local plans. There is now a statutory strategic plan option that appears to be designed for strategic planning. But there's little further detail in the Bill to really understand these types of plan and how they are supposed to work. Getting the detail right will be critical to facilitating and incentivising strategic planning. For example, the plan periods and evidence base for SDSs (particularly if they look much longer term than local plans), the relationship between local plans and SDSs, and how existing local plans will work with new SDSs, and so on. We will have to wait for the proposed changes to the NPPF and new regulations to see how this all works out. More to follow anon.

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