



# B O S T O N

## B O R O U G H C O U N C I L

REPORT TO:	Planning Committee
DATE:	27 November 2023
SUBJECT:	Planning Legislation Updates
PORTFOLIO HOLDER:	Councillor John Baxter
REPORT AUTHOR:	Abbie Marwood – Deputy Development Manager – Planning
EXEMPT REPORT?	No

### **SUMMARY**

The purpose of this report is to advise members of the upcoming legislative changes to the planning system and implications this will have on the Service.

### **RECOMMENDATION**

The Committee are asked to note this report.

### **REASONS FOR RECOMMENDATION**

To provide an update on changes to National legislation and requirements; and pick up any key learning around planning policy or approach to decision making in order to ensure quality of decisions in future.

## **1.0 INTRODUCTION**

- 1.1 There are a number of changes proposed to national planning legislation and policy which will have implications for Planning as a service and impact decision making on planning applications.
- 1.2 This report intends to highlight up-coming changes and their implications for Members attention.

## **2.0 PLANNING FEES INCREASE**

2.1 The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 have been amended by the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2023.

2.2 The new regulations come into effect on 6<sup>th</sup> December 2023 and result in an increase in planning fees by 35% for major development and 25% for all other development. In addition the regulations introduce an annual increase of fees, capped at 10%, from 1 April 2025 and remove the fee exemption for repeat applications (known as the 'free-go').

2.3 The increase in fees is intended to support local Planning departments to improve performance through increased funding and resourcing, with statutory targets for refunding a fee if an application is not determined without an agreed extension of time reduced from 26 weeks to 16 weeks (applies to non-major applications).

## **3.0 LEVELLING UP AND REGENERATION ACT 2023 (LURA)**

3.1 The Levelling Up and Regeneration Act 2023 gained royal assent from 26 October 2023. It provides a range of initial legislation in relation to planning including (this list is not exhaustive) :

- Requiring LPAs to produce a design code for their areas;
- A new infrastructure levy to replace S106 legal agreements;
- New power to create supplementary plans for LPA's;
- Improved enforcement powers;
- New National Development Policies to be introduced; and
- LPA's will have the power to decline to determine applications from applicants who have been slow to implement previous permissions.

3.2 These powers are not currently in effect, with the majority awaiting secondary legislation to be published by Central Government. Further information will be made available once this is known.

## **4.0 BIODIVERSITY NET GAIN (BNG)**

4.1 The Government introduced Biodiversity Net Gain (BNG) in the Environment Act 2021 with a target to be implemented in Nov 2023. This has since been delayed until Jan 2024.

4.2 BNG will require all applications (with the exception of small sites and some exemptions tbc) to demonstrate at least a 10% gain in biodiversity as a result of proposed development.

4.3 Secondary legislation is expected to be published imminently with the 10% BNG requirement coming into effect from January 2024.

## **5.0 CONCLUSION**

5.1 This report is intended to highlight upcoming and recent changes to national policy and legislation and is for Members information.

**FINANCIAL IMPLICATIONS**

None

**LEGAL IMPLICATIONS**

None

**ANY OTHER IMPLICATIONS**

None

**CONSULTATION**

None undertaken

**BACKGROUND PAPERS**

Background papers used in the production of this report are listed below: -

**Document title**

The Levelling Up and Regeneration Act 2023

the Town and Country Planning (Fee's for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2023

The Environment Act 2021

**Where the document can be viewed**

All Government legislation can be viewed online via:

[www.legislation.gov.uk](http://www.legislation.gov.uk)