



Sakina Sheikh AM
Chair of the Planning and Regeneration Committee

[Member of House of Lords]

Re Tabling amendments to the Levelling Up and Regeneration Bill

March 2023

Dear [Member of the House of Lords],

I am writing to you as Chair of the cross-party London Assembly Planning and Regeneration Committee, which sits within the Greater London Authority.

The Committee released a report earlier this year titled '[The Future of Planning in London](#)¹' looking at how the planning reforms laid out in the Levelling Up and Regeneration Bill could affect London's Planning system. I attach proposed amendments to the Levelling Up and Regeneration Bill which the Committee hopes can be tabled.

These amendments have been developed and agreed by our Committee and we hope that the cross-party nature of this work, reflecting a broad range of London's voices, adds weight to the amendments. Would you be willing to table these amendments on our behalf?

¹ <https://www.london.gov.uk/who-we-are/what-london-assembly-does/london-assembly-press-releases/major-planning-reforms-raise-concerns-london-assembly>

Thank you for your consideration. Please do not hesitate to contact me if you have any questions on this. I will also be contacting some of your colleagues regarding these amendments too.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sakina Sheikh'.

Sakina Sheikh AM
Chair of the Planning and Regeneration Committee

Annex

Planning and Regeneration Committee, London Assembly Draft amendments Levelling Up and Regeneration Bill March 2023

These draft amendments relate to:

- National Development Management Policies (NDMPs)
- The Spatial Development Strategy for London
- Infrastructure Levy

Amendments are listed in bold text with explanatory statements.

National Development Management Policies (NDMPs)

1. Clause 87, page 95, leave out lines 12 to 16 and insert —

“(2) Before designating a policy as a national development management policy for the purposes of this Act the Secretary of State must carry out an appraisal of the sustainability of that policy.

(3) A policy may be designated as a national development management policy for the purposes of this Act only if the consultation and publicity requirements set out in clause 38ZB, and the parliamentary requirements set out in clause 38ZC, have been complied with in relation to it, and—

(a) the consideration period for the policy has expired without the House of Commons resolving during that period that the statement should not be proceeded with, or

(b) the policy has been approved by resolution of the House of Commons—

(i) after being laid before Parliament under section 38ZC, and

(ii) before the end of the consideration period.

(4) In subsection (3) “the consideration period”, in relation to a policy, means the period of 21 sitting days beginning with the first sitting day after the day on which the statement is laid before Parliament under section 38ZC, and here “sitting day” means a day on which the House of Commons sits.

(5) A policy may not be designated a national development management policy unless—

(a) it contains explanations of the reasons for the policy, and

(b) in particular, includes an explanation of how the policy set out takes account of Government policy relating to the mitigation of, and adaptation to, climate change.

(6) The Secretary of State must arrange for the publication of a national policy statement.

38ZB Consultation and publicity

(1) This section sets out the consultation and publicity requirements referred to in sections 38ZA(3) and 38ZD(7).

(2) The Secretary of State must carry out such consultation, and arrange for such publicity, as the Secretary of State thinks appropriate in relation to the proposal. This is subject to subsections (4) and (5).

(3) In this section “the proposal” means—

(a) the policy that the Secretary of State proposes to designate as a national development management policy for the purposes of this Act or

(b) (as the case may be) the proposed amendment (see section 38ZD).

(4) The Secretary of State must consult such persons, and such descriptions of persons, as may be prescribed.

(5) If the policy set out in the proposal identifies one or more locations as suitable (or potentially suitable) for a specified description of development, the Secretary of State must ensure that appropriate steps are taken to publicise the proposal.

(6) The Secretary of State must have regard to the responses to the consultation and publicity in deciding whether to proceed with the proposal.

38ZC Parliamentary requirements

(1) This section sets out the parliamentary requirements referred to in sections 38ZA(3) and 38ZD(7).

(2) The Secretary of State must lay the proposal before Parliament.

(3) In this section “the proposal” means—

(a) the policy that the Secretary of State proposes to designate as a national development management policy for the purposes of this Act or

(b) (as the case may be) the proposed amendment (see section 38ZD).

(4) Subsection (5) applies if, during the relevant period—

(a) either House of Parliament makes a resolution with regard to the proposal, or

(b) a committee of either House of Parliament makes recommendations with regard to the proposal.

(5) The Secretary of State must lay before Parliament a statement setting out the Secretary of State's response to the resolution or recommendations.

(6) The relevant period is the period specified by the Secretary of State in relation to the proposal.

(7) The Secretary of State must specify the relevant period in relation to the proposal on or before the day on which the proposal is laid before Parliament under subsection (2).

(8) After the end of the relevant period, but not before the Secretary of State complies with subsection (5) if it applies, the Secretary of State must lay the proposal before Parliament.

38ZD Review of national development management policies

(1) The Secretary of State may review a national development management policy whenever the Secretary of State thinks it appropriate to do so.

(2) A review may relate to all or part of a national development management policy.

(3) In deciding when to review a national development management policy the Secretary of State must consider whether—

(a) since the time when the policy was first published or (if later) last reviewed, there has been a significant change in any circumstances on the basis of which any of the policy set out in the statement was decided,

(b) the change was not anticipated at that time, and (c) if the change had been anticipated at that time, any of the policy set out would have been materially different.

(4) In deciding when to review part of a national development management policy (“the relevant part”) the Secretary of State must consider whether—

(a) since the time when the relevant part was first published or (if later) last reviewed, there has been a significant change in any circumstances on the basis of which any of the policy set out in the relevant part was decided,

(b) the change was not anticipated at that time, and

(c) if the change had been anticipated at that time, any of the policy set out in the relevant part would have been materially different.

(5) After completing a review of all or part of a national development management policy the Secretary of State must do one of the following—

(a) amend the policy;

(b) withdraw the policy's designation as a national development management policy;

(c) leave the policy as it is.

(6) Before amending a national development management policy the Secretary of State must carry out an appraisal of the sustainability of the policy set out in the proposed amendment.

(7) The Secretary of State may amend a national development management policy only if the consultation and publicity requirements set out in section 38ZB, and the parliamentary requirements set out in section 38ZC, have been complied with in relation to the proposed amendment, and—

(a) the consideration period for the amendment has expired without the House of Commons resolving during that period that the amendment should not be proceeded with, or

(b) the amendment has been approved by resolution of the House of Commons—

(i) after being laid before Parliament under section 38ZA, and

(ii) before the end of the consideration period.

(8) In subsection (7) “the consideration period”, in relation to an amendment, means the period of 21 sitting days beginning with the first sitting day after the day on which the amendment is laid before Parliament, and here “sitting day” means a day on which the House of Commons sits.

(9) If the Secretary of State amends a national development management policy, the Secretary of State must—

(a) arrange for the amendment, or the policy as amended, to be published, and (b) lay the amendment, or the policy as amended, before Parliament.”

This amendment stipulates the process for the Secretary of State to designate and review a national development management policy including minimum public consultation requirements and a process of parliamentary scrutiny based on processes set out in the Planning Act 2008 (as amended) for designating National Policy Statements.

2. Clause 86, page 94, leave out lines 28 to 30

This amendment would remove inserted subsection (5C), which would give primacy to the national development management policies over a development plan in the event of a conflict.

Contents of the Spatial Development Strategy for London

- 3. Clause 88, page 95, line 24, after “which” leave out “are” and insert – “the Mayor considers to be”**

This amendment is intended to remove ambiguity about whose opinion is relevant in relation to whether or not a matter is of strategic importance to more than one London borough.

- 4. Clause 88 (‘Contents of the spatial development strategy’), page 96, line 9, at end insert—**
“(3) The spatial development strategy must include statements dealing with the general spatial development aspects of—
(a) such of the other strategies prepared and published, or to be prepared and published, under the enactments mentioned in section 41(1) above as involve considerations of spatial development, and
(b) such of the Mayor of London's other policies or proposals as involve such considerations, whether or not the strategy, policy or proposal relates to the development or use of land.”

This would retain provisions relating to the Mayor of London’s Spatial Development Strategy which relate to the spatial development aspects of the other Mayoral strategies.

- 5. Clause 88, page 96, line 18, leave out “or (in substance) repeat”**

The amendment would remove inserted subsection (10)(c), which would place constraints on the Mayor of London’s Spatial Development Strategy relating to national development management policies.

Infrastructure Levy

- 6. Schedule 11, page 344, leave out lines 38 to 40 and insert—**
“is maintained at a level which, over a specified period, enables it to meet the level of affordable housing need identified in the local development plan.”

This amendment would require Infrastructure Levy rates to be set at such a level as to meet the level of affordable housing need specified in a local development plan.