



Department for
Communities and
Local Government

11 April 2016
By email only

PLANNING UPDATE NEWSLETTER

INTRODUCTION

I have now returned to the Department from my interim role of Chief Executive of the Planning Inspectorate. I thought this would be a good time therefore to update you on planning developments since my last general newsletter in [October 2015](#).

Steve Quartermain, CBE
Chief Planner

BUDGET 2016

At Budget 2016 the Chancellor made a number of new announcements on housing and planning that will be of interest, including:

- support for areas that want to establish garden villages;
- bringing forward measures to enable a more zonal 'red line' planning system;
- speeding up the process for assessing housing need to accelerate the preparation of Local Plans;
- setting out details later this year of measures to encourage the production of Local Plans and to consider the scope to reduce the weight of outdated plans;
- consulting with city regions on options for building up as part of devolution deals;
- streamlining the use of planning conditions;
- consulting on proposals to increase land transparency in the property market;
- setting a statutory 3 month deadline for Secretary of State decisions on call-in applications and recovered appeals for decisions on infrastructure, housing and regeneration projects;
- announcing plans to bring forward land around stations for housing, commercial development and regeneration;
- consulting on a second wave of compulsory purchase order reforms; and
- announcing details of greater freedoms and flexibilities in England to support the deployment of mobile infrastructure.

Further details can be found in the [Budget 2016 document](#), from page 124.

NATIONAL PLANNING POLICY

Our [consultation](#) on proposed specific changes to the National Planning Policy Framework, to increase delivery of new homes and support home ownership, closed on 22 February, with around 1,000 responses received from a range of stakeholders. Our ambition is to publish an updated Framework in the Summer.

HOUSING AND PLANNING BILL AND TECHNICAL PLANNING CONSULTATION

The [Housing and Planning Bill](#) has recently completed the Committee Stage in the Lords and should receive Royal Assent in the Spring/Summer 2016.

Our [consultation](#) seeking views and providing further information on the proposed approach to implementing technical changes to a range of planning measures, mainly in the Housing and Planning Bill, was published on 18 February and is open until 15 April.

PLANNING STATISTICS

The latest [DCLG planning application statistics](#), for October to December 2015, were published on 8 March. The next publication of statistics for January to March 2016 is scheduled for June (precise date to be announced in due course).

The latest [DCLG Land Use Change Statistics for England](#), for the year to 31 March 2015, were published on 31 March.

PLANNING CASEWORK

In 2015, the Department's Planning Casework team in London issued decisions on 8 called-in applications and 59 recovered planning appeals. The decision letters and Inspector's reports together with Ministerial Statements regarding the recovery of certain case types can be viewed [here](#).

LOCAL PLANS

In July last year we committed to publishing league tables setting out each local planning authority's progress in plan-making. Our technical planning consultation (see above) states that we will establish when an authority expects to publish, submit and adopt their new or reviewed Local Plan from its local development scheme. The Government expects local planning authorities to comply with the important [statutory requirements](#) in relation to local development schemes. As indicated above, the Budget announced that we will look at the scope to reduce the weight of outdated plans in decision-making to further incentivise the production of up to date plans. I would encourage you to ensure that your authority has an up to date local development scheme that is easily accessible on your website.

Ministers set up the [Local Plans Expert Group \(LPEG\)](#) in September 2015 to examine what measures or reforms might be helpful in ensuring the efficient and effective production of Local Plans. LPEG submitted their [report](#) to Ministers on 16 March. We would welcome any representations on the content or recommendations in LPEG's report by 27 April - either via [surveymonkey](#) or via LocalPlansExpertGroupReport@communities.gsi.gov.uk. In addition LPEG's [website](#) contains a volume of appendices and discussion papers.

NEIGHBOURHOOD PLANNING

In February we updated the planning practice guidance on neighbourhood planning to clarify how planning applications should be decided where there is a made or an emerging neighbourhood plan, but the local planning authority does not have a five-year land supply of deliverable housing sites. Guidance on the evidence needed to support a neighbourhood plan, on a neighbourhood plan coming forward before a Local Plan is in place, and on the ability of a Parish or Town Council to establish an advisory committee or sub-committee has also been updated. Further information can be found [here](#).

In November 2015, we launched a £600,000 challenge fund for local planning authorities to re-design their services and propose new and innovative ways of supporting neighbourhood and local planning. Over 50 bids were received covering a wide range of projects such as selling services to other authorities via a trading arm, measures to help neighbourhood planning groups contribute to Local Plan housing numbers, innovative toolkits for neighbourhood planning groups to help with plan making, and ways of making more data available to communities. A total of £734,954 was awarded to 22 authorities.

We envisage that reports and toolkits will be shared in July.

PERFORMANCE AND RESOURCING OF LOCAL PLANNING AUTHORITIES

We are consulting on two planning fee proposals as part of our wider technical planning consultation (see above). First, we have proposed to increase planning application fees by a proportionate amount, linked to both inflation and performance. Second, we are also consulting on allowing some areas greater fee flexibility where they come forward with radical proposals for reforming their planning services.

The consultation also invites views on the design of pilots to test the benefits of introducing competition to the processing of planning applications. The Department has started an extensive dialogue with local planning authorities about the pilots. If you are interested in hearing more, please get in touch with the team at: planningperformance@communities.gsi.gov.uk.

PERMITTED DEVELOPMENT RIGHTS

[Regulations](#) have been laid before parliament to come into force on 6 April 2016 which:

- make permanent the permitted development right for the change of use from office to residential, include a provision that allows local planning authorities to consider the noise impacts of established businesses on residents, extend the Article 2(5) exemption areas until 30 May 2019, and allow three years for the change of use from the date of prior approval;
- introduce a new temporary right for three years, to take effect from 1 October 2017 for the change of use from light industrial buildings up to 500 sq m to residential use, subject to prior approval;
- allow for the change of use from launderette up to 150 sq m to residential use, subject to prior approval;
- make some minor clarifications in respect of householder extensions, and permitted development rights for filming; and
- support the drilling of boreholes for petroleum exploration site investigation and monitoring.

PLANNING GUIDANCE ON NOISE

We would like to re-emphasise that [updated planning guidance on noise](#) (supporting the National Planning Policy Framework) was published in December 2014. It makes clear that the potential effect of a new residential development being located close to an existing business giving rise to noise, for example a live music venue, should be carefully considered. The guidance also underlines planning's contribution to avoiding future complaints and risks to local business from resulting enforcement action.

COMMUNITY INFRASTRUCTURE LEVY (CIL) & SECTION 106

There are now 116 local planning authorities charging CIL (including the Mayoral CIL and the London Legacy Development Corporation) with 96 more authorities working towards an adopted CIL. An independent review panel has been commissioned to review the operation of CIL and to assess the extent to which the levy provides an effective mechanism for funding infrastructure. The review panel are due to report to Ministers in the Spring.

Ministers have now decided not to extend sections 106BA, 106BB and 106BC of the Town and Country Planning Act 1990, requiring authorities to renegotiate unviable affordable housing requirements, and providing an appeal mechanism for this. These sections will therefore be repealed at the end of April 2016. Applications can be submitted to the appropriate authority under section 106BA until the end of April 2016, and if an application is submitted before that date a subsequent appeal to the Secretary of State will generally still be considered.

The judgment in R (on the application of West Berkshire District Council and Reading Borough Council) v Secretary of State for Communities and Local Government [2015] EWHC 2222 (Admin) in relation to the section 106 small sites threshold and vacant building credit was quashed on 31 July 2015. We have been given leave to appeal the decision; a hearing took place on 15 and 16 March 2016 in the Court of Appeal and we are awaiting the judgment.

BROWNFIELD DEVELOPMENT

The Housing and Planning Bill includes a clause which will allow regulations to be made requiring local planning authorities to keep a register of brownfield land suitable for housing, to provide up to date and publicly available information. On 10 March, the Department announced the 73 authorities (which include some partnerships) that have been invited/selected to work with us in piloting a brownfield register, ahead of the statutory requirement to do so. Further details and a list of the pilot authorities can be found [here](#).

BUILDING UP IN LONDON

A joint consultation with the Mayor of London, [Consultation on upward extensions in London](#), was published on 18 February and closes on 14 April. It seeks views on proposals to increase housing supply in the capital by providing greater freedom to 'build up' through a London-wide permitted development right, local development orders or new London Plan policies.

As indicated in the Budget 2016 statement, subject to the outcome of the current consultation, we will work with city regions to consider how the freedom to build up could help them support housing growth.

RURAL PRODUCTIVITY PLAN AND THE RURAL PLANNING REVIEW

The [Rural Planning Review Call for Evidence](#) was published on 11 February. This takes forward the commitment in the Rural Productivity Plan to review the planning constraints on rural businesses and to review the use of agricultural buildings for residential purposes. We welcome evidence and views from all those involved in planning in rural areas. The Call for Evidence closes on 21 April.

COMPULSORY PURCHASE

On 21 March, we published a consultation on proposals for further reform of the [compulsory purchase system](#), which closes on 15 May. The package contains a number of proposed reforms to the principles of assessing compensation and further technical process improvements. These proposals are intended to make the compulsory purchase process clearer, fairer and faster for all parties involved in the process.

STARTER HOMES

The Government is implementing legislation to enable the delivery of 200,000 Starter Homes through the Housing and Planning Bill. Starter Homes will be sold at a minimum 20% discount on market value to first time buyers under 40. We have consulted on national planning policy changes (see above) to embed starter homes fully within the planning system. We are currently considering all responses and will issue a response in due course.

Prospectus

The [Starter Homes Prospectus](#) was launched on 16 March. It invites expressions of interest, by 13 May, from local authorities outside of London to form partnerships with the Homes and Communities Agency to use the new £1.2 billion Starter Home Land Fund. The Fund will be used to acquire, assemble and de-risk land for quality starter home developments which can be built out by developers by 2020.

Consultation

The [technical consultation on starter homes regulations](#) was published on 23 March and closes on 18 May. It seeks views on the details of the regulations to support starter home delivery. It includes a proposal for a 20% requirement for starter homes on housing developments over 10 units and asks for views on specific exemptions to this requirement.

Changes to planning application form templates

To help monitor starter home delivery, some of the [planning application forms](#) have been changed to enable us to record the number of proposed starter home units. Copies of the revised form templates are now available on our website and online formats will be made available at a later date.

SELF-BUILD AND CUSTOM HOUSEBUILDING

The Self-build and Custom Housebuilding Act 2015, which received Royal Assent at the end of the last Parliament, requires most local planning authorities to keep a register of prospective self-builders and custom builders and to have regard to the registers in their areas when carrying out their planning, housing, land-disposal and regeneration functions.

The Government has made regulations to commence the duties in the Act from 1 April 2016. The [regulations](#) set out the procedure to be followed by authorities who are required to keep a register and by those wishing to be entered on a register. We have also published [planning guidance](#) to support authorities in getting their registers in place.

The Housing and Planning Bill goes further by requiring the same authorities that hold a register to ensure that there are sufficient permissioned serviced plots of land suitable for self-build and custom housebuilding projects, consistent with the demand on their register. It also contains provisions to prepare, maintain and publish local registers of specified land which will be used to require small sites registers.

GARDEN CITIES

As indicated above, at Budget 2016 we announced that we are extending our current garden cities programme to support local authorities who are interested in delivering new garden villages and smaller towns of 1,500 – 10,000 homes. A [prospectus](#) setting out the criteria for the programme, and our offer to authorities who are successful, invites expressions of interest by 31 July.

ACCOMMODATION NEEDS ASSESSMENTS

We are seeking through [Clause 115](#) of the Housing and Planning Bill to ensure that the housing and accommodation needs of all the residents, and those who resort to the area, are considered but without specific reference to any particular ethnic groups. Should the Bill/clause receive Royal Assent, our published [draft guidance](#) clarifies that the duty to assess the needs of all Gypsies and Travellers remains.

SHALE GAS

New Onshore Oil and Gas Licences Offered

The Oil & Gas Authority (OGA) [announced](#) in December 2015 that 159 onshore blocks under the 14th Onshore Oil and Gas Licensing Round are being formally offered to successful applicants. These blocks will be incorporated into 93 onshore licences, with around 75% of the blocks relating to unconventional shale oil or gas.

Infrastructure Act 2015: provision of information when granting planning permission for shale gas applications

On 4 February the Department [wrote](#) to Mineral Planning Authorities requesting that they provide certain information when granting planning permission for relevant shale gas and oil development. It is requested that the information is sent to the Department of Energy and Climate Change and to applicants to support decision making under the Petroleum Licencing regime. It is anticipated that the information will be readily available through the process of determining the relevant application.

FLOOD RISK AND CLIMATE CHANGE

The Environment Agency has updated its advice for planners on how climate change could affect flood risk to new development. [Flood risk assessments: climate change allowances](#) was published on 19 February, following user testing with practitioners in 2015. The Agency is using the updated allowances in its advice to local planning authorities and developers, with the aim of ensuring new developments remain safe and resilient to flooding, without increasing flood risk elsewhere. Our planning guidance on flood risk and coastal change has been updated to include links to the Agency's new advice.

Please contact the [Environment Agency](#) if you have any questions about the updated allowances.

COASTAL CONCORDAT FOR ENGLAND

The [Coastal Concordat for England](#) was introduced on 11 November 2013. It provides a simple framework setting out key principles which the main marine regulatory bodies, advisors and estuarine/coastal planning authorities will use to work together to enable coastal development in England. It aims to improve and simplify how the regulatory regime works at the coast, putting an end to unnecessary overlaps between regulators, duplications of information requirements and delays to economically important coastal developments.

The Coastal Concordat applies to all applications for all coastal development, except those where coordination mechanisms are already in place. Adoption of the Concordat by local authorities is voluntary, but our [planning guidance on coastal change](#) strongly encourages local planning authorities to adopt the Concordat's principles.

Since the introduction of the Coastal Concordat, feedback has indicated that it has eliminated unnecessary overlaps between regulators and duplications of information requirements. Ultimately it should have much wider benefits of reducing delays to coastal developments thereby reducing time and costs spent on projects.

The Coastal Concordat has the potential to improve how marine developments across England are coordinated and delivered, bringing benefits for businesses, communities and the wider economy. We would therefore like to invite your authority, if appropriate, to adopt the Concordat. For further information, please contact Neeta Parmar in the Defra Marine Environment team (neeta.parmar@defra.gsi.gov.uk).