



January 2015
By email only

PLANNING UPDATE NEWSLETTER

INTRODUCTION

Welcome to the winter edition of the Planning Directorate newsletter. A lot has happened since my [last update](#) to you in March 2014: the launch of our technical consultation paper last summer, along with the proposals in the Autumn Statement, to further improve the planning system; and the extension of grant funding and the support programme for neighbourhood planning, to highlight only some of the many topics covered here that you should be aware of. This newsletter will also give you an indication of key actions happening over the coming months which I hope you will find useful.

Steve Quartermain CBE
Chief Planner

NATIONAL PLANNING POLICY FRAMEWORK

The [National Planning Policy Framework](#) reached its second anniversary in March 2014. In October, the Communities and Local Government Select Committee [launched an inquiry](#) into the Framework's operation in its first two years. Greg Clark and Brandon Lewis together with Simon Ridley, Chief Executive of the Planning Inspectorate, attended evidence sessions. The Committee's report in December can be found [here](#) and we will be responding to the recommendations.

AUTUMN STATEMENT

The Chancellor announced in the [Autumn Statement](#) on 3 December 2014 a number of further reforms to the planning system. In particular, to help speed up the end-to-end planning process further and support small and medium-sized enterprise builders, we will be:

- taking forward measures to ensure that the principle of development need only be established once;
- taking steps to speed up section 106 negotiations, including revised guidance, consulting on a faster process for reaching agreement, considering how timescales for agreement could be introduced, and improving transparency on the use of section 106 funds;

- keeping the speed of decisions on major applications under review, with the minimum performance threshold increasing to 50% of major decisions on time as performance improves;
- publishing new data on local authorities' performance in meeting their statutory duty to process smaller planning applications within 8 weeks;
- working with industry and authorities to test whether more can be done to support the approval of small sites in the planning system.

We will also be publishing proposals for Compulsory Purchase reforms for consultation at Budget 2015 to make processes clearer, faster and fairer.

The latest [National Infrastructure Plan](#) accompanying the Autumn Statement also announced that the Government would lay the [National Policy Statement on National Networks](#). This was laid on 17 December 2014. It also confirms the Government's intentions to continue with its planned programme of reform for the nationally significant infrastructure planning regime, including a commitment to streamline consents further, and to consult during 2015 on options for combining written and other relevant representations.

CONSULTATION AND FURTHER SUPPORT AVAILABLE ON MEASURES TO SUPPORT THE DELIVERY OF HOUSING THROUGH LOCAL DEVELOPMENT ORDERS

Following on from the package announced in June 2014 to boost the development of new homes on brownfield land suitable for housing, the Government published a [consultation](#) on 28 January 2015 on measures to support the delivery of housing permissions on brownfield land. This focuses on ways in which local authorities can collect and share information on suitable brownfield land in an open and transparent manner, and measures that may be needed in more exceptional circumstances where further action is needed to drive progress to get planning permissions in place on brownfield sites. The closing date for responses is 11 March 2015.

In tandem with the consultation there is a further opportunity for local planning authorities to [bid for funding](#) from the Local Development Order Incentive Fund to support a local development order for housing on brownfield land. Bids can be made for up to £50k of funding. The closing date to submit bids is also 11 March. Awards have already been made to the successful bidders from the first invitation to bid: North East Lincolnshire, Swindon, Gravesham and West Lindsey Councils. The Planning Advisory Service will be holding two half day events in London and Birmingham to support authorities interested in bidding for funding. See the [PAS website](#) for details.

Four authorities, Teignbridge, Welwyn Hatfield, Swindon and North East Lincolnshire Councils, are working with the Planning Advisory Service to develop local development orders for housing on smaller brownfield sites. Their experiences will inform advice and templates being put together by the Planning Advisory Service for local planning authorities. A web based learning tool being developed is [available here](#).

Housing Zones

The Government [announced](#) on 8 January 2015 the areas shortlisted to become the first flagship housing zones in England, which will support development on brownfield land. A shortlist of 29 areas outside London has been published, each of which have bid to become one of 10 housing zones. Bids were submitted by local authorities working with developers who were invited to bid for a share of £200million for infrastructure and land remediation to

get their ideas off the ground. Successful zones will also have access to cheaper borrowing from the Public Works Loan Board and priority access to expert planning and technical support from the ATLAS service run by the Homes and Communities Agency. The 29 shortlisted bids will now go through an assessment process which will include looking at value for money and commitment to delivering high quality homes quickly.

STARTER HOMES

The Prime Minister launched the [Starter Homes scheme](#) on 15 December 2014 to free up the planning system to deliver more low cost, high quality homes for first time buyers without burdening the tax payer. The new Starter Homes exception site planning policy will enable Starter Homes to be built on under used brownfield sites that would not otherwise be released for housing on both public and private sector land. Starter Homes will be available to first time buyers under 40 years old at a minimum 20% below open market value.

PLANNING ENFORCEMENT FUND

The Department launched on 10 January 2015, a £1 million fund to provide financial support of up to £10,000 to enable local planning authorities in England secure a court injunction for serious breaches of planning control.

Details of the scheme and the eligibility criteria are available from the scheme administrator's [website](#). The site also provides contact details should you have any questions.

Prior to March 2016, the Department will review the fund and explore whether it can become self-funding thereafter.

SECTION 106 AND COMMUNITY INFRASTRUCTURE LEVY

With increased construction activity, I thought it would be timely to remind you of recent changes to the [Community Infrastructure Levy Regulations](#).

Community Infrastructure Levy (CIL) Regulations 2014 – flexibilities

The [amending regulations](#) brought into effect in February last year provided charging authorities with greater flexibility in setting charging rates for development and in the use of discretionary reliefs. Charging authorities are encouraged to consider and make full use of these flexibilities in implementing CIL in order to support and enable development which will deliver economic growth.

CIL neighbourhood funding payments

A quick reminder to those local planning authorities who have implemented the Levy: the regulations requiring the neighbourhood funding element of CIL receipts to be paid over to relevant town or parish councils state that this should happen:

- in accordance with an agreed timetable; or
- for CIL received from 1 April to 30 September by 28 October of that financial year; or
- for CIL received from 1 October to 31 March by 28 April of the following financial year; unless

- the town or parish council notifies the charging authority in writing that it does not wish to receive some or all of the payment due in which case the charging authority should retain the funding.

Pooling of section 106 developer contributions

From April 2015, the CIL regulations will limit authorities' ability to pool section 106 developer contributions. For all authorities in England and Wales, whether they have implemented CIL or not, no more than 5 developer contributions may be pooled towards a funding 'pot' for a type of infrastructure or an individual infrastructure project. Authorities who are progressing their implementation of CIL with this date in mind will want to make early contact with the Planning Inspectorate to discuss timing of the required levy schedule examination.

New section 106 thresholds

On 28 November 2014, Brandon Lewis announced a change of national planning policy on section 106 thresholds imposed on small scale developers through a [Written Ministerial Statement](#) to Parliament. Local planning authorities are required to have regard to national policies when preparing Local Plans and national policy is a material consideration in planning decisions. Further information can be found in revised [planning guidance](#).

SUSTAINABLE URBAN DRAINAGE SYSTEMS

On 18 December 2014 the Secretary of State for Communities and Local Government [announced](#) a change of national planning policy in relation to sustainable drainage systems, this policy will come take effect from 6 April 2015. This follows the joint consultation with the Department for Food and Rural Affairs, on [Delivering sustainable drainage systems](#). The new policy will apply to major development only (developments of 10 dwellings or more; or equivalent non-residential or mixed development (as set out in Article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010)).

On the same day, the Government launched a consultation on [Further changes to statutory consultee arrangements for the planning application process](#) which considers proposals to: introduce the Lead Local Flood Authority as a statutory consultee on major planning applications with surface water drainage implications; to change the thresholds for the Environment Agency's statutory consultee involvement in a planning application; and seeks views on whether water companies should be made statutory consultees in respect of planning applications for shale oil and gas development. The consultation closes on 29 January 2015.

TRAVELLERS AND GREEN BELT

The Planning and Travellers Consultation closed on 23 November 2014. We are currently considering the responses, including proposals to strengthen protection for sensitive areas and the Green Belt, and ensuring Green Belt policy applies consistently to the Traveller and settled communities. Following a recent case about Gypsies and Travellers on the Green Belt, Brandon Lewis released a short statement about the Government's continued commitment to protecting the Green Belt which is available [here](#).

TECHNICAL CONSULTATION ON PLANNING

The [consultation](#) ran between 31 July and 29 September 2014 and presented a range of proposals for how we wished to improve the planning system.

There was a strong level of public interest and we have been giving careful consideration to all replies received. We have already issued Government responses to proposals in relation to deemed discharge of planning conditions, making changes to development consent orders, raising the environmental impact assessment thresholds and simplifying the neighbourhood planning process, which can be viewed [here](#).

We aim to issue further responses to the following proposals as soon as possible to:

- increase permitted development rights to support high streets and growth and create new homes;
- further improve the use of planning conditions to enable development to start more quickly after planning permission is granted;
- improve engagement with statutory consultees so they are consulted in a proportionate way.

Please check our [Planning and Building Consultations](#) section of the Department's website over the coming months for responses to the other proposals in the consultation, which will be published at a later date.

LOCAL PLANS

Congratulations on the continued progress in plan-making. 80% of local planning authorities now have a post-2004 Local Plan in place and 62% an adopted Local Plan. This marks significant progress and reinforces the plan-led system. Local Plans are very valuable in agreeing the future of sustainable development in particular areas with local communities. I would encourage all areas yet to adopt a Local Plan to continue working towards doing so, and to ensure that Local Plans are regularly reviewed so that they remain up-to-date. We offer support on plan-making both directly, contact tom.bristow@communities.gsi.gov.uk, and through working with the [Planning Advisory Service](#).

THE PLANNING ADVISORY SERVICE

The Planning Advisory Service (PAS) is part of the Local Government Association and provides support and advice to local planning authorities. PAS is funded by DCLG and most of their support is available without charge, to help authorities understand and respond to planning reform, and to improve the service to customers. PAS can work with your authority on plan-making, the duty to co-operate, understanding costs and resources, committees and councillors. Or you can attend some of their forthcoming events on viability, section 106s, or neighbourhood planning or local development orders for housing on brownfield land. See www.pas.gov.uk for more details, or sign up for their newsletter to be the first to hear about new events and materials. If you would like to discuss your need for some support, please email pas@local.gov.uk.

NEIGHBOURHOOD PLANNING

We have so far seen over 1300 applications for neighbourhood planning designation, with 1206 of those neighbourhood areas designated and over 180 full draft plans published, over 100 of which have been submitted to examination. 49 successful neighbourhood planning referendums (including one Neighbourhood Development Order and three Community Right to Build Orders) have been held and 33 neighbourhood plans and 3 Community Right to Build Orders are now in force.

62% of all local planning authorities in England have now designated at least one area for neighbourhood planning. If you are in one of those authorities that has yet to designate an area or is just getting going, the neighbourhood planning team in DCLG would be happy to talk through different aspects of the process. Please email decentralisation@communities.gsi.gov.uk.

To support communities across England to get involved in neighbourhood planning we recently announced that we would be:

- providing community groups with a further £1 million for grants during this financial year, in addition to the £4.25 million already awarded since 2013. Grants of up to £7,000 can now be applied for at www.mycommunityrights.org.uk;
- making available £22.5 million over 2015 -18 to provide community groups with expert advice, grant funding and technical assistance to get neighbourhood plans and orders from their inception to their coming into force following a local referendum. This is a 50% increase in the value of the existing support;
- providing £100,000 to enable groups to organise workshops on neighbourhood planning in their local area, run by knowledgeable advocates of neighbourhood planning and aiming to give communities the information and encouragement needed to start on a neighbourhood plan.

Local planning authorities will also be able to take advantage of a £12 million funding pot to help them meet the cost of their responsibilities and to support local communities by claiming up to £100,000 a year each to help their communities start a neighbourhood plan, with an additional £25,000 for each plan or order that passes an examination. Please click [here](#) for further information.

PLANNING GUIDANCE

Over the last few months we have published new and updated existing [planning guidance](#), including:

- [Plain English guides to the planning system](#) and [planning for schools](#)
- [Planning obligations](#)
- [Fees for planning applications](#)
- [Should mineral planning authorities allow time extensions to extract peat from existing sites?](#), [Underground coal gasification](#) and [Underground storage of natural gas](#)
- [Waste](#)
- [Transport evidence bases in plan making](#)
- [Do housing and economic needs override constraints on the use of land, such as Green Belt?](#) and

- [Do local planning authorities have to meet in full housing needs identified in needs assessments?](#).

PLANNING ADVISORY SERVICE AND URS SHALE WORKSHOPS

A series of workshops are underway on shale gas which we have asked the Planning Advisory Service to undertake with consultants URS. Aimed at officers and councillors of both mineral planning authorities and district authorities, the workshops are designed to explain the basic science of shale gas and consider likely planning issues around access, transportation, water storage, noise and air quality etc. The first four events, which were held in Nottingham, Manchester, Horsham and Bath, received positive feedback from attendees. A further event is planned for Leeds on 17 February 2015. Please contact Stephen.Barker@local.gov.uk if you would like to attend. For further information about these events please visit the [Planning Advisory Service events page](#).

HAZARDOUS SUBSTANCES

We are analysing responses to the consultation on [The role of planning in preventing major-accident hazards involving hazardous substances](#) which closed in December 2014 and will be finalising regulations over the coming months. We are also going to revise guidance to accompany new regulations, which we expect to come into force alongside the Health and Safety Executive's Control of Major Accident Hazards Regulations in Summer 2015.

NATIONAL PLANNING POLICY FOR WASTE

On 16 October 2014 we published the [National Planning Policy for Waste](#) and [supporting planning guidance on Waste](#) which streamline and replace previous planning policy in Planning Policy Statement 10 and the Planning Policy Statement 10 Companion Guide respectively.

The new policy and guidance provide a clear and positive framework for waste's contribution towards sustainable development objectives. Together they enable waste planning authorities, working collaboratively with each other and their districts, to consider through Local Plan-making what sort of waste facilities are needed and where they should go to meet waste needs. They also reflect: the Government's approach towards development upon Green Belt, bringing waste into line with policies for other development, where approval should only be given in very special circumstances; planning authority engagement with local communities; and up-to-date Local Plans being key to underpinning local decision making.

The policy needs to be read alongside other national planning policy set out in the [National Planning Policy Framework](#).

PLANNING PORTAL AND ONLINE PLANNING APPLICATIONS

5 November 2014 saw the 2 millionth planning application submitted online to local planning authorities via the Planning Portal. More than 85% of all planning applications are

now submitted in this way, generating huge efficiencies throughout the process and supporting the drive for growth.

Reaching this milestone only 15 months after passing the 1.5 million application mark, signals a continuing acceleration in the move to digital by default services and demonstrates the ongoing commitment of authorities to adopt new ways of working and realise efficiencies in their planning application processing.

We have recently [announced](#) that TerraQuest has been appointed as the preferred bidder to take over the running of the Planning Portal from early this year.

PLANNING CASEWORK

In the nine months from the start of April 2014, the Department's Planning Casework team in London have issued decisions on 103 recovered appeals and 7 called in planning applications. The decision letters and Inspector's reports together with Ministerial statements regarding the recovery of certain case types can be viewed [here](#).

Additionally the Planning Casework team, together with colleagues from DEFRA, issued the decision in September 2014 to make an Order granting development consent for the Thames Tideway Tunnel to be built and operated. The application, consisting of over 50,000 pages and over 1,000 plans, is the first waste water project to be submitted and the largest Nationally Significant Infrastructure Project to date. [The Statement of Reasons, Development Consent Order and all supporting documentation](#) are available to view on the Planning Portal.

NATIONAL PLANNING CASEWORK UNIT MAPPING APP

In October 2014 we launched a new [mapping app](#) to showcase the National Planning Casework Unit's data as part of the Department's [OpenDataCommunities initiative](#). The app is based on decision data of Referrals under the Consultation Direction 2009, Third Party Requests to Intervene, Compulsory Purchase Orders and Environmental Screening Directions from April 2014 onwards. The interactive map shows the parts of the country and approximate location the National Planning Casework Unit has considered cases from and the decisions taken.

By releasing this data we hope to provide an open and accessible insight into the Unit's casework and increase the information available in the public domain. For future data releases, we are looking to increase the amount of data we make available, including on other case types. The National Planning Casework Unit will be sending surveys to local authorities in the near future to get feedback and inform the next iteration of the mapping app.

COMPULSORY PURCHASE ORDERS

Send the National Planning Casework Unit your draft Compulsory Purchase Order for a free and quick Technical Examination!

The National Planning Casework Unit handles all Compulsory Purchase Order work on behalf of the Secretary of State. The Unit aims to deal efficiently and effectively with all

Compulsory Purchase Orders and experience suggests that submitting a draft Order to the Unit for a pre-submission **technical examination** can assist significantly by minimising errors and drafting defects, and avoiding unnecessary delays by reducing the risk of an Order not being confirmed.

A **technical examination** will check that the draft Order, Order Schedule and Order Map complies with the requirements on the form and content as set out in legislation and regulatory requirements.

Requests for a technical examination can be made in writing (email or post) by providing the following information; a copy of the Order, Order Schedule and Order Map. The Unit aims to reply within 21 working days of receipt and all acquiring local authorities are urged to take advantage of this service.

National Planning Casework Unit
5 St Philip's Place
Colmore Row
Birmingham
B3 2PW
Enquiry Number: 0303 444 8050
Email: npcu@communities.gsi.gov.uk

Click here for [further information about the Unit and links to my earlier letters](#)

MARINE PLANNING

The [Marine Management Organisation](#) continues to take forward its work in developing marine plans for all of England's seas. Engagement in support of the integration of the land-based and marine planning systems is underway with many local authorities taking an active role and making valued contributions to this work.

The marine economy makes a vital contribution to coastal communities and beyond through supporting sustainable development on land as well as at sea. Social, economic and environmental benefits can only be delivered effectively through close working between all parties involved.

Progress on Marine Plans

- **East Marine Plan Areas** - from Felixstowe to Flambourgh Head – was published on 2 April 2014.
- **South Marine Plan Areas** - from Folkestone to the River Dart in Devon. The plans are nearing the options stage, and the Marine Management Organisation will be seeking views at workshops and through consultation in February 2015 as they take forward the options stage of plan making.

Local planning authorities are legally obliged to take authorisation or enforcement decisions in accordance with the marine planning documents (adopted marine plans and the Marine Policy Statement) unless relevant considerations indicate otherwise and must have regard to the appropriate marine policy documents when taking any decision which could affect the marine area.

The Marine Management Organisation recently issued a baseline monitoring survey for the Marine Plans for the East. The outputs will assist them in supporting the development and application of the East and future marine plans, identifying benefits, issues arising and means of resolution.

The [Marine Planning Portal](#) gives a good insight into some of the elements of the evidence being used to shape marine plans. The Marine Management Organisation, the Department for Communities and Local Government, the Department for Environment Food and Rural Affairs and the Planning Advisory Service have produced a useful [tool](#) for checking that a wide range of obligations regarding Local Plan development are met prior to submission of Local Plans for examination by the Planning Inspectorate.

If you have any further queries of the delivery of England's marine plans or the work of the Marine Management Organisation, please contact them at: planning@marinemanagement.org.uk, Telephone: 0191 376 2790, or visit their [website](#).

HOUSING STANDARDS REVIEW

Over the last two years the Government has undertaken a review of the hundreds of different technical standards currently applied by local planning authorities to new housing. The exercise has been underpinned by two separate consultation exercises.

The aim was to remove duplication and contradiction, and to rationalise all the key technical standards into a sensible group that are properly defined, simpler and fit for purpose. It was also intended to incorporate any technical standards into the Building Regulations where possible. The review has proposed a set of 5 new standards which protect essential quality, sustainability and accessibility matters, spanning water efficiency, access, energy, security, and space. These will now be either supported through a new form of "optional" Building Regulation to be triggered by the planning system, or will be brought forward wholly through the Regulations. More details [are available here](#).

The new system of standards will be launched this Spring (2015), once supportive legislative changes have received Royal Assent. A full announcement will be made, including implementation and transition details, and a planning statement which will explain how technical standards, such as the Code for Sustainable Homes, should be handled by the planning system after that point.

RIGHT TO BUILD

The Government is committed to increasing housing supply and helping more people achieve their aspiration of a home of their own and it strongly believes that custom and self-build housing can play a crucial role as part of a wider package of measures in securing greater diversity in the housing market, as well as helping to deliver the homes people want.

The Right to Build seeks to improve the availability of suitable, serviced plots of land for custom build through requiring local authorities to open, promote and maintain a register for prospective builders and make a sufficient number of suitable plots available for sale to them at market value. Following our budget announcement in 2014, we published a [consultation](#) in October on how the Right might be implemented and are now in the process

of considering the responses we received. Further information on the outcome of the consultation will be available on our website in due course.

Alongside this, we are working with [11 vanguards](#) to test how the Right might work in practice. In particular we are testing the practicalities of maintaining a register and making sufficient land available across a range of different local housing and land markets. This will ensure that the Right is informed by practical experience.

The Government is also supporting Richard Bacon MP's Private Members' [Self-Build and Custom Housebuilding Bill](#) which aims to enact the first element of the Right – the establishment by local authorities of a register of prospective custom builders who are seeking a suitable serviced plot of land.

The policy is currently in development and the results of the consultation, along with learning from the vanguards and Parliamentary scrutiny of the Private Members' Bill, will all help to design the final Right to Build.

HOUSING DESIGN AWARDS

DCLG continues to champion good design and I have always taken the opportunity to make the point that award winning schemes have been supported through the planning system. The Housing Design Awards have long promoted the significant role planning and communities play in the quality of new homes built in each locality. The Awards are unique in providing an opportunity for the consumer and residents' to feedback on their experience of new homes in the accreditation of winning schemes.

The [Housing Design Awards 2015](#) are now open to receive entries, so I am writing to you again to say it is important that we celebrate the very best that is been built in your locality and to encourage you to put forward examples of new homes which have contributed positively to their communities and become exemplars of good design. You can also submit schemes that have received planning permission, whether they have been started or not.

The closing date for entries is 27 February 2015 and the Awards will be presented in July, details to be confirmed.

TOWN CENTRE FIRST POLICY

Ministers wish to re-emphasise to local authorities the importance of the Town Centre First policy as set out in the [National Planning Policy Framework](#) and supported by planning guidance [Ensuring the Vitality of Town Centres](#). **Please see Annex A.**

Town Centre First policy

Town Centre First policy, as set out in the [National Planning Policy Framework](#), makes clear that local authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. It requires applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.

The Framework also sets out that when assessing large applications (if there is no locally set threshold, the default threshold is 2,500 sq m) for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local authorities should require an impact assessment.

Ministers wish to restate policy which makes clear that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on the town centre as set out in the Framework, it should be refused. It is for local authorities to ensure that the sequential test and impact test have been properly applied, and that the “town centre first” approach has been followed. This does not mean that out-of-centre development is necessarily inappropriate.

Ministers would highlight the planning guidance [Ensuring the Vitality of Town Centres](#) and specifically draw authorities’ attention to the section: “How should the sequential test be used in decision-taking?”. This sets out the considerations that local authorities should take into account when determining whether a proposal complies with the sequential test, including that due regard should be given to the requirement to demonstrate flexibility. This includes whether the suitability of more central sites to accommodate the proposal has been considered and the scope for flexibility in the format and/or scale of the proposal.

Guidance on applying the impact test can also be found under the above section and makes clear that the design year for impact testing should be selected to represent the year when the proposal has achieved a ‘mature’ trading pattern. This is conventionally taken as the second full calendar year of trading after opening of each phase of a new retail development, but it may take longer for some developments to become established.