



Department for  
Communities and  
Local Government

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By email only

## **PLANNING UPDATE NEWSLETTER**

### **INTRODUCTION**

Welcome to the latest version of the Planning Directorate newsletter which brings you up to date with the Government's programme of planning reform. There has been a significant amount of work undertaken since the last newsletter on 15 September and we highlight the issues you should be aware of, together with an indication of what is coming up.

**Steve Quartermain CBE**  
**Chief Planner**

### **'Fixing our broken housing market' Housing White Paper**

The Government published the Housing White Paper 'Fixing Our Broken Housing Market' on 7 February, setting out our strategy to build the homes that this country needs, of the type people want to live in, in the places they want to live.

Gavin Barwell MP attended a series of regional events across the country in February and March to hear from a wide range of housing and planning professionals on responses to the White Paper and how we can work together to fix the broken housing market. I also strongly encourage you to respond to the questions we are consulting on in the White Paper. The [consultation](#) runs until 2 May this year.

### **Neighbourhood Planning Bill**

The Neighbourhood Planning Bill was introduced to Parliament on 7 September 2016 and, subject to the will of Parliament, will shortly move towards receiving Royal Assent. The Bill contains a focused set of measures on planning and compulsory purchase and complements the strategy set out in the Housing White Paper.

Provisions include: further strengthening neighbourhood planning; ensuring every part of England has an up-to-date plan; improving the use and discharge of planning conditions (especially pre-commencement conditions); and continuing the reforms of compulsory purchase to make the process clearer, fairer and faster for all those involved. Further details about the Bill and its contents can be found on the [Parliament website](#).

## **Local plan making**

Subject to achieving Royal Assent, the Neighbourhood Planning Bill will introduce a statutory duty for local planning authorities to identify the strategic priorities for the development and use of land in their area, and to have policies that address these priorities either in a development plan document or a spatial development strategy. As we make clear in the White Paper, there is now more flexibility for local authorities to decide what area they wish to plan over, including through the production of joint plans. We would be keen to talk to any local authorities considering joint plan-making.

The Bill will also allow the Secretary of State to prescribe through Regulations the intervals when local development documents must be reviewed: the Housing White Paper confirms that this will be every five years. The Housing White Paper confirmed the criteria that Government intends to use when making decisions on whether to intervene in a development plan document. We are going through a process of updating our data on plan progress. We have been in touch directly with planning policy teams asking them to confirm that their Local Development Schemes (LDS's) are up to date.

## **Permission in principle and registers of brownfield land suitable for housing**

I want to draw your attention to two important new measures that will shortly be coming on stream. These measures are being implemented following extensive consultation and engagement with a wide variety of organisations and groups, including local government, the development sector, and voluntary and charitable organisations.

### **Permission in principle**

Permission in principle is a new consent route that will sit alongside existing routes for obtaining planning permission. Over the coming year we intend to make it available for sites allocated for housing-led development in brownfield registers and in local and neighbourhood plans. It will also be available by application to the local planning authority for minor housing-led development.

An Order making permission in principle available through brownfield registers will be laid in Parliament shortly. Secondary legislation providing for permission in principle on application and through plans will follow.

Permission in principle will establish the use, location and amount of housing led development. Early certainty on these matters will help to make the planning system more efficient and has the potential to increase the number of suitable sites that are developed for much needed housing.

The choice about where to grant permission in principle will be a local one, reached through the involvement of communities and statutory bodies and in line with local and national policy. We are keen to see it taken up positively by local planning authorities, neighbourhood groups and applicants/developers.

## **Brownfield Registers**

Brownfield land has an important role to play in meeting the country's need for new homes. Brownfield registers will provide up-to-date, publicly available information on brownfield land that is suitable for housing.

Regulations requiring local authorities to prepare and publish brownfield registers will be laid in Parliament shortly. This legislation has been informed by the piloting of brownfield registers undertaken by 73 local planning authorities in 2016.

Decisions about the suitability of sites to enter on registers will be for local planning authorities having regard to national and local policy and will be informed by the well established Strategic Housing Land Availability Assessment process.

## **Guidance**

We will publish guidance to explain our policies for permission in principle and brownfield registers in more detail, including the complementary role that they play alongside local and neighbourhood plans and other planning tools. Guidance will also set out our expectations for the operation of the policies. We intend to publish guidance as soon as possible after the secondary legislation comes into force. Our [website](#) will provide Q&A when the secondary legislation is laid.

## **Local authority grant funding**

The Department will be making grant funding available to local planning authorities to cover these new responsibilities. We will write to authorities shortly on this matter.

## **Fees increase**

Local authorities have been responding to the invitation to take up the 20% increase in planning fees and subject to parliamentary scrutiny we are seeking to bring in the increase in July 2017.

Should you have any questions about this please do not hesitate to get in touch with Simon Llewellyn [Simon.Llewellyn@communities.gsi.gov.uk].

## **Designation on poor performance**

The criteria for designating local planning authorities for poor performance in determining planning applications came into force on 19 Jan 2017. The 2016 Criteria document set increased thresholds for 2017 and 2018. This means that by 2018 the thresholds for the speed and timeliness of decision making increase to 60% for majors and 70% for non-majors, and a quality threshold of no more than 10 per cent of an authority's total number of decisions being overturned at appeal will also apply.

## **Technical consultation on environmental impact assessment regulations**

The consultation sought views on draft legislation to replace the existing regulations, which implement Environmental Impact Assessment (EIA) Directive requirements in relation to the planning system and the nationally significant infrastructure planning regime.

It ran between 14 December 2016 and 1 February 2017. We are now giving careful consideration to all replies received and will issue a Government response shortly. We will also update the EIA section of the planning practice guidance.

The regulations will come into force on 16 May 2017. There are transitional provisions for projects for which an environmental statement was submitted or where a scoping opinion has been sought before 16 May 2017. In such cases, the provisions of the 2011 Directive will continue to apply.

## **Changes to the Nationally Significant Infrastructure Planning Regime**

Regulations have been laid to allow an increase in applications fees for nationally significant infrastructure projects. The increase is to allow for cost recovery by the Planning Inspectorate in the processing and examination of applications. The regulations come into force on 6 April and the increase will apply to applications made from this date.

A commencement order that will bring into force Section 160 of the Housing and Planning Act 2016 has been registered and published. Section 160 will introduce the ability for schemes consented through the nationally significant infrastructure planning regime to include an element of housing, and will now come into force on 6 April.

Regulations are also in force which amends the compulsory acquisition notices which must be sent to claimants when a DCO contains compulsory acquisition powers. These Regulations are part of the package of measures implementing some of the compulsory purchase provisions in the Housing and Planning Act 2016 (see next item). Further guidance will be published shortly.

## **Implementation of compulsory purchase provisions in the Housing and Planning Act 2016**

On 3 February, the provisions on notice periods for entering land and resolving disputes about material detriment were commenced by Regulations. In addition, we also introduced a number of new forms required to implement the Act (the Compulsory Purchase Forms Regulations and new General Vesting Declarations Forms Regulations). We have also introduced Corresponding Amendments Regulations to amend those Acts which do not depend on the procedures in the Acquisition of Land Act 1981.

## **Clarification for applicants of hazardous substances consent**

Amending regulations have been laid that provide clarity for applicants of hazardous substances consent on a rule in the regulations for calculating which small quantities of hazardous substances need hazardous substances consent. They will come into force on 6 April.

## **Barriers to development – we want to hear from you**

In taking forward the strategy set out in the White Paper to build the homes that this country needs, we want to get a better understanding of the barriers that you face locally. In the next couple of weeks we will be sending out a short survey, and I would really encourage you to look out for this and take part. The feedback that we receive will help us to understand what more we can do to support you and ensure that the homes that your local communities need are built.

## **Permitted Development Rights for State-funded Schools**

An amendment to regulations has been laid that introduces a new permitted development right to enable temporary schools to be constructed on vacant commercial land for up to three years. Amendments also provide for larger extensions to be built on existing schools, and for the timescale of the permitted development right allowing any building to be used temporarily as a state-funded school to increase from 1 to 2 academic years. The amendments will come into force on the 6<sup>th</sup> April 2017.