



Department for  
Communities and  
Local Government

**2 October 2015**  
**By email only**

## **PLANNING UPDATE NEWSLETTER**

### **INTRODUCTION**

I will be taking on the role of Chief Executive of the Planning Inspectorate on an interim basis from 5 October. I thought this would be a good time therefore to update you on planning developments under the new Government since my last general newsletter in [March](#).

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

### **PRODUCTIVITY PLAN AND HOUSING BILL**

The Government published its [Productivity Plan](#) 'Fixing the foundations: Creating a more prosperous nation' on 10 July, which included measures to further reform the planning system and help boost housing delivery and growth (see Chapter 9 on pages 43 - 48). The Housing Bill will take forward some of these and other measures, including the new Right to Build.

### **LOCAL PLANS**

82% of local planning authorities have now published a Local Plan and it is important that this progress continues. The Productivity Plan and the Minister for Housing and Planning's [Written Ministerial Statement of 21 July](#) reinforced the Government's commitment to get up-to-date Local Plans in place in all areas.

These also signalled that the Government would publish league tables on plan-making progress, intervene to accelerate plan-making where no Local Plan has been produced by early 2017, and look to significantly streamline the length and process of Local Plans. We are working closely with authorities to ensure our information on plan-making is detailed and accurate, and it is therefore important that Local Development Schemes are kept up-to-date and published on council websites.

Although there are many examples of Local Plans which are commendably succinct and have moved quickly through the process, unfortunately there are also examples of excessively detailed plans which have had difficult journeys towards adoption. The

Government is keen to bring forward measures that will build on existing good practice to ensure that the plan-making process is proportionate and efficient, enabling plans to be more easily updated. To support this work, on 15 September [Ministers announced the formation of an expert group](#) to advise on streamlining the length and process of Local Plans.

We are open to hearing views as to how we might best take these measures forward (contact [LocalPlans@communities.gsi.gov.uk](mailto:LocalPlans@communities.gsi.gov.uk)).

## **NEIGHBOURHOOD PLANNING**

The Housing Bill will aim to simplify and speed up the neighbourhood planning system, to support communities that seek to meet local housing and other development needs through neighbourhood planning. We undertook some early engagement to help shape these proposals and expect to consult on the detailed regulations during the Bill process.

Overall, 1,600 communities, representing over 8 million people across England, have begun the neighbourhood planning process, and over 40 successful referendums have been held this calendar year alone. We will be marking the 100<sup>th</sup> neighbourhood planning referendum next week. If you would like to be added to the mailing list to receive the Centenary edition of our regular 'Notes on Neighbourhood Planning' newsletter, as well as future editions, please email the Neighbourhood Planning team at [decentralisation@communities.gsi.gov.uk](mailto:decentralisation@communities.gsi.gov.uk).

## **PLANNING PERFORMANCE**

The Productivity Plan confirmed the Government's intention to raise the threshold for identifying under-performing local planning authorities from the current 40% of major decisions made on time to 50%. A [revised criteria document](#) that makes this change was laid before Parliament at the end of July and, subject to parliamentary approval, is due to come into effect in November. This revised threshold will be used for assessing whether any authorities should be designated later in the autumn, taking into account the quarterly performance statistics that were published on 22 September.

The Productivity Plan also announced that the performance measures will be extended to non-major development. This requires amendments to legislation (through the Housing Bill) before it can come into effect, although data on non-major performance is now published quarterly by the Department.

## **BROWNFIELD LAND**

The Government will be bringing in a requirement for local authorities to hold a register of brownfield land suitable for housing through measures to be contained in the Housing Bill. The register will improve the availability and transparency of information and help to measure progress in delivering permissions against the

commitment to ensure that 90% of suitable brownfield sites have planning permission for housing by 2020. Prior to the statutory requirement coming into force we would encourage authorities to set up voluntary registers.

## **PERMISSION IN PRINCIPLE**

At Autumn Statement 2014, the Government announced that it would take action to ensure that the principle of development is established only once through the planning system. The Government built on this commitment in the Productivity Plan 2015 by announcing that it will legislate (through the Housing Bill) to grant automatic permission in principle on brownfield sites identified in the new statutory registers, subject to the approval of a limited number of technical details. Alongside this, the Government has announced it will introduce a fast-track process for establishing the principle of development for minor development proposals.

## **STARTER HOMES**

The Government set out in its manifesto its commitment to build 200,000 Starter Homes by 2020, to be offered exclusively to first time buyers under the age of 40 at a minimum 20% discount on the open market value.

Building on the [Starter Homes Exception Site Policy](#) which has been in place since March this year, the Government will be introducing planning reforms to support the delivery of Starter Homes, as set out in the Productivity Plan and Rural Productivity Plan published on 20 August (see below). We are engaging with developers, lenders, local authorities, and other partners to discuss these further planning reforms.

On 10 August, we announced a one-off [£36 million funding package](#) to help deliver the first wave of well-designed Starter Homes. Further information on this will be available in the autumn.

## **OPTIONAL TECHNICAL STANDARDS FOR HOUSING TAKE EFFECT FROM 1 OCTOBER 2015**

The Housing Standards Review which concluded in March 2015 has created a new approach for the setting of technical standards for new housing. It has rationalised the many different standards that previously existed into a simpler, streamlined system that will reduce burdens and help bring forward much needed new homes.

The new streamlined system comprises of national optional Building Regulations on water and access and a nationally described optional space standard. The Government set out its policy on the application of the new optional technical standards in decision-taking and plan making in the [Written Ministerial Statement of 25 March 2015](#), which also withdrew the use of the Code for Sustainable Homes (aside from legacy cases). The new optional technical standards take effect from 1 October 2015.

As set out in the Statement, local planning authorities should not set in their emerging Local Plans, neighbourhood plans or supplementary planning documents, any additional technical standards or requirements relating to the construction, internal layout or performance of new dwellings. It also states that authorities should consider their existing plan policies on technical housing standards or requirements and update them as appropriate, for example through a partial Local Plan review, or a full neighbourhood plan replacement in due course. The new optional technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered.

Decision takers should only require compliance with the new technical standards where there is a relevant current Local Plan policy. The Statement sets out how the new technical standards can replace existing plan policies on access, internal space or water efficiency and that from 1 October 2015 existing policies should be interpreted by reference to the nearest equivalent national technical standard. Where local policies relating to technical standards have yet to be revised, authorities are advised to set out clearly how existing policies will be applied in decision taking in light of the Statement.

Guidance on how authorities can gather evidence to set the optional technical standards can be found on the [Planning Practice Guidance](#) website. The Planning Advisory Service (PAS) has also run a number of workshops for planners on 'Getting to grips with the new technical standards for housing' and the workshop presentations can be found on the [PAS website](#). Further workshops are also planned in late October and November.

## **RURAL PRODUCTIVITY PLAN**

On 20 August the Government announced in the [Rural Productivity Plan](#) a review of planning and regulatory constraints facing rural businesses. This will include a review of how permitted development rights in rural areas can support new homes, jobs and innovation. A Call for Evidence will be published this autumn.

## **GREEN BELT PROTECTION AND INTENTIONAL UNAUTHORISED DEVELOPMENT**

The Government has set out changes to national planning policy to strengthen protection for Green Belt and also to make intentional unauthorised development a material consideration to be weighted in the determination more generally of planning applications and appeals, as set out in the [Chief Planner letter](#) of 31 August.

## **NEW TRAVELLER POLICY**

The Government has issued updated [Planning Policy for Traveller Sites](#), supported by the Chief Planner letter on 31 August, setting out updates to planning policy together with updates to planning guidance. The [Government response](#) to the consultation on Planning Policy for Traveller Sites has also been published.

## **SHALE GAS**

A [Written Ministerial Statement](#) was made by the Secretary of State for Energy and Climate Change on 16 September setting out the Government's view that there is a need to explore and develop shale gas resources and steps it is taking to support this, including measures to make the planning system faster and fairer for those affected by development.

On the same day the Secretary of State for Communities and Local Government also made a [Written Ministerial Statement](#) that set out further details of two of the planning measures: on identifying underperformance in respect of local planning authority determination of oil and gas applications, and a revision to the recovery criteria for appeals for planning permission for shale gas.

As part of the underperformance measure a specific table on local planning authority performance on oil and gas applications (Planning Live Table P155) has been added to DCLG's quarterly planning application statistical release - the latest release on 22 September can be accessed below.

## **FURTHER AMENDMENTS TO PERMITTED DEVELOPMENT RIGHTS FOR BOREHOLES FOR PETROLEUM EXPLORATION SITE INVESTIGATION AND MONITORING**

On 13 August we published [the response to the consultation](#) on extending permitted development rights (PDR) for drilling boreholes for groundwater monitoring for petroleum exploration. We recently [sought views on further PDR amendments](#) for petroleum site investigation and monitoring. The closing date for views was 24 September. These responses are now under consideration.

## **WIND TURBINES/ ONSHORE WIND**

A [Written Ministerial Statement](#) was made by the Secretary of State for Communities and Local Government on 18 June, setting out new considerations relating to the determination of planning applications for wind energy development involving one or more wind turbines. [Consequential amendments to planning guidance](#) have been made to support the statement.

## **PLANNING APPLICATION STATISTICS**

The latest DCLG planning application statistics, for April to June 2015, were published on 22 September. The [statistical release](#) and the [associated tables](#) can be found on the gov.uk website. The next publication of statistics for July to September 2015 is scheduled for 17 December.

## **PLANNING CASEWORK**

In the first eight months of 2015, the Department's Planning Casework team in London issued decisions on seven called in applications and 36 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](#).

## **ADVANCE NOTICE- IMPLEMENTATION OF PERMISSION FILTER FOR PLANNING STATUTORY CHALLENGES**

Section 91 of the [Criminal Justice and Courts Act 2015](#) includes provision for leave of the court to be obtained before claimants can bring specified planning statutory reviews. The statutory review process is used to challenge decisions made by the Planning Inspectorate and/or the Secretary of State, and the decision can be challenged on a 'point of law' only.

This new provision will bring the procedures for such challenges more into line with those for judicial review. The aim is to enable the courts to filter out unmeritorious challenges that delay the implementation of development at an early stage. This provision is expected to come into force in late October.

## **CHANGE OF NAME – THE GARDEN HISTORY SOCIETY**

The Garden History Society has been a statutory consultee under Schedule 4 paragraph (s) to the Town and Country Planning (Development Management Procedure) (England) Order 2015 (SI 2015 No 595) for "Development likely to affect any [...] garden or park of special historic interest which is registered in accordance with section 8C of the Historic Buildings and Ancient Monuments Act 1953 (register of gardens)".

The Garden History Society has now merged with the Association of Gardens Trusts to form **The Gardens Trust**, which is now the statutory consultee. Its contact details are:

The Gardens Trust  
70 Cowcross Street  
London EC1M 6EJ

T: 020 7608 2409

E: [info@thegardenstrust.org](mailto:info@thegardenstrust.org).