



Department for
Communities and
Local Government

March 2015
By email only

PLANNING UPDATE PRIOR TO THE GENERAL ELECTION

INTRODUCTION

As we draw closer to the General Election, I thought it would be helpful to update you on planning developments since my last newsletter in [January](#).

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Chief Planner

WRITTEN MINISTERIAL STATEMENTS

The Secretary of State made a Written Ministerial Statement on 25 March giving a [Planning update](#) and made a further statement on Housing and Planning Delivery on 26 March, which can be found (along with previous statements) [here](#).

NATIONAL PLANNING POLICY FRAMEWORK

On 27 February, the Government published its [response](#) to the CLG Select Committee's Report into the operation of the National Planning Policy Framework. This was followed by a backbench debate on 5 March.

APPEAL DECISIONS

Ministers would like to draw attention to some appeal decisions which demonstrate the careful balance of considerations required by the presumption in favour of sustainable development in the absence of a 5 year housing supply. These can be found on the PAS website [here](#).

PLANNING GUIDANCE

Please be aware of new and updated guidance as well as forthcoming changes to guidance, including on:

- [Aerodromes](#)
- [Older People](#)

- [Starter Homes](#)
- [Planning Obligations, including the vacant building credit element of this](#)
- [Community Infrastructure Levy](#)
- [Compulsory Purchase System](#)
- [Permitted Development for Change of Use of Agricultural Buildings](#)
- [Household Projections](#)
- [Sustainable Drainage Systems](#)
- [Temporary Stop Notices](#)
- [Flood Risk and Coastal Change](#)
- Hazardous Substances
- Environmental Impact Assessment
- Students
- Viability
- Maximum Parking Standards
- Gypsy and Travellers

HOUSEHOLD PROJECTIONS

The [2012-2037 household projections](#) were published by the Department on 27 February and [Planning Guidance](#) has been updated to include this information.

PLANNING STATISTICS

The [latest DCLG planning application statistics](#) for October to December 2014 were published on 19 March. They show that good performance by local planning authorities is continuing overall, with 77 per cent of major applications decided within 13 weeks or within the agreed time, up from 74 per cent a year earlier. Data provided to the Department by Glenigan Ltd show that planning permission was granted for 253,000 homes in England in 2014, up 12 per cent on 2013.

FIRST PLANNING PERFORMANCE STATISTICS

The Chancellor announced in the Autumn Statement in December 2014 that the Government would be publishing new data on local planning authorities' performance in meeting their statutory duty to process smaller planning applications within 8 weeks, or an extended period agreed in writing with the applicant. This data was published for the first time on 19 March. [Tables 153 and 154](#) provide data on both the speed and quality of decisions made by authorities on smaller planning applications.

NEIGHBOURHOOD PLANNING NEW SUPPORT PROGRAMME

In February, reforms introducing [timescales for designating neighbourhood planning areas](#) came into effect and the new support programme for neighbourhood planning and the community right to build opened for applications - see www.mycommunity.org.uk.

THE COMMUNITY INFRASTRUCTURE LEVY (AMENDMENT) REGULATIONS 2015

[Regulations which extend mandatory social housing relief](#) come into force on 1 April. The change extends relief to include discounted rental properties provided by a broader range of bodies. Planning practice guidance will be updated accordingly.

SECTION 106 POOLING RESTRICTION

From April 2015, [Regulation 123 of the Community Infrastructure Levy \(CIL\) Regulations](#) restricts the use of pooled section 106 contributions towards items that are capable of being funded through CIL. At that point, no more contributions may be sought in respect of a specific infrastructure project or a type of infrastructure through a section 106 agreement, if five or more obligations for that project or type of infrastructure have already been entered into since 6 April 2010, and it is a type of infrastructure that is capable of being funded by the Levy.

In relation to planning appeals, local planning authorities will need to provide details to the Planning Inspectorate on the number of relevant contributions already made through section 106 agreements. Alternatively authorities may wish to make provision for a public register making this data generally available in line with the improved transparency measures set out in revised [planning obligations guidance](#).

TECHNICAL PLANNING CONSULTATION (SUMMER 2014)

Since my last newsletter, further Government responses to this consultation have been published on the [Planning and Building Consultations](#) section of the Department's website, including the final one on further permitted development rights to deliver more homes and support the high street.

THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT (ENGLAND) ORDER 2015

This Order will come into force on 15 April. This is a Red Tape Challenge commitment consolidating the 23 Statutory Instruments and brings into force a number of new permitted development rights. The 2015 Order and the Explanatory Memorandum are available [here](#).

PROTECTION FOR COMMUNITY PUBS

On 6 April, [regulations](#) will come into force to remove the permitted development rights for the change of use or demolition of a pub (or other A4 use) which is either nominated or listed as an Asset of Community Value.

THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE (ENGLAND) ORDER 2015

This Order will come into force on 15 April. This is also a Red Tape Challenge commitment consolidating the 15 amendments made to the 2010 Order and bringing into force a number of new measures including; changes to consultation requirements with statutory consultees (Schedule 4) and the procedure for deemed discharge of planning conditions (Part 5). The 2015 Order and the Explanatory Memorandum are available [here](#).

THE TOWN AND COUNTRY PLANNING (DEVELOPMENT AFFECTING TRUNK ROADS) DIRECTION 2015

As a result of the transition of the Highways Agency to Highways England, a Government Company, the Development Management Procedure Order has been updated to ensure that Highways England is consulted where it is the highway authority for the trunk road, rather than the Secretary of State for Transport. From 1 April, The Town and Country Planning (Development Affecting Trunk Roads) Direction 2015 will take effect in cases where the local planning authority intends to determine an application contrary to the recommendation of Highways England.

STARTER HOMES

Following [consultation](#), the government has introduced [a new national Starter Homes exemption site policy](#) for England to make it easier to secure planning permission from local planning authorities for new high quality, low cost Starter Homes for young first time buyers on brownfield land not already identified for housing. More information can be found [here](#).

RIGHT TO BUILD

The Self-build and Custom Housebuilding Act 2015 will bring forward the first part of the government's new Right to Build - the establishment of local registers of custom builders who wish to acquire a suitable plot of land to build their own home. The Act will also require local authorities to have regard to the demand on their local register when exercising their planning and other relevant functions.

HOUSING TECHNICAL STANDARDS REVIEW

The outcome of the Review has now been announced. The [Planning Written Ministerial Statement](#) of 25 March significantly affects the types of technical standards local authorities can apply to new housing, such as the Code for Sustainable Homes. Some standards are now being taken forward by new optional Building Regulations. The Government has also introduced a national space standard. The Written Ministerial Statement sets out how this new approach affects

local plans and planning decisions, and the transitional arrangements. Further information will be available [here](#).

PLANNING PORTAL

On 11 March, DCLG completed contracts to enter into a joint venture with TerraQuest Solutions Limited. A new company has been created - PortalPlanQuest Limited - to run the Planning Portal, developing the services and technology it offers and securing the future of online planning application submissions.

COMPULSORY PURCHASE

Following the recent Budget, we have now published a [technical consultation on improvements to compulsory purchase processes](#) and [draft updated guidance](#) on the compulsory purchase system for comment. The closing date is 9 June.

NEW MAYOR OF LONDON POWERS

We worked closely with the Treasury and Greater London Authority to develop recent Budget proposals on giving the Mayor greater powers over planning in relation to strategic views and safeguarded wharves, subject to consultation. Further information on the announcement is available [here](#).

PROVISION OF HIGH-SPEED BROADBAND CONNECTIONS FOR COMMERCIAL AND RESIDENTIAL NEW BUILDS

On 19 March, Brandon Lewis and Ed Vaizey wrote to all Council Leaders in England about the important role local planning authorities have in supporting the rollout of superfast broadband when developing and updating Local Plans and considering planning applications and is available [here](#).

ADVANCED HIGH QUALITY DIGITAL COMMUNICATIONS IN THE UNITED KINGDOM

The Department for Culture Media and Sports (DCMS) has recently published several key documents:

- **Reforming the Electronic Communications Code (ECC) together with a Draft Bill:** [consultation](#) published 26 February. The ECC provides the legal framework for network operators to rollout and maintain the physical networks of apparatus in the United Kingdom. The consultation closes 30 April.
- **Tackling Partial Not-Spots in Mobile Phone Coverage (where there is currently only one provider):** [the Government's response to the consultation](#) was published on 12 March, including a separate annex on the Statement of

Commitment between Government and mobile operators binding them to invest £9 billion to provide 90% coverage for all four mobile network operators in the United Kingdom by 2017.

- **Digital Communication Infrastructure Strategy:** [the Government's response to the consultation](#) was published on 18 March as part of Budget 2015. This document sets out what regulatory changes may be required to give the United Kingdom the best connectivity possible by 2025-2030.

ENGLISH HERITAGE

Changes to the requirements to notify/consult English Heritage and refer certain heritage related applications to the Secretary of State will come into effect on 15 April. The relevant statutory instruments (SI Nos 595, 807 and 809) can be found on legislation.gov.uk and the relevant Secretary of State Direction can be found [here](#).

HARMONISATION MEASURE FOR STATUTORY REVIEWS

[Section 92 of the Criminal Justice and Courts Act 2015](#) is due to commence on 13 April. It harmonises the start date from which various planning-related challenges may be brought by providing for the start of the challenge period to commence from the day after the relevant decision has been made.

ECOTOWNS

On 5 March, the Government cancelled '[Planning Policy Statement: Eco-towns: A supplement to Planning Policy Statement 1](#)', as part of our commitment to localism and to supporting locally-led development. However, it is saving the policies for north-west Bicester until Cherwell District Council has an up-to-date Local Plan in place. This follows a [screening assessment](#) carried out by independent consultants.

SOLAR FARMS

The [Planning Written Ministerial Statement](#) of 25 March draws together policy and guidance on the siting of solar farms and underlines that proposals involving the best and most versatile agricultural land should be justified by the most compelling evidence.

INFRASTRUCTURE ACT 2015: SHALE GAS

The [Infrastructure Act](#) received royal assent on 12 February. It creates a new right to use land below 300 metres for the purposes of exploiting petroleum or deep geothermal energy. Section 50 provides that the Secretary of State for the Department of Energy & Climate Change (DECC) may not issue a consent for onshore high volume hydraulic fracturing below 1,000 metres unless, inter alia,

eleven conditions are met. Planning–related conditions include the environmental impact of development; consideration of cumulative effects, restoration conditions and consultation of water and sewerage undertakers (see reference under The Town and Country Planning (Development Management Procedure (England) Order 2015 above).

On 5 March, we published a [Shale Gas Prospectus](#) inviting [bids](#) for funding to boost local authorities' capacity and capability to deal with shale gas applications. We also published for technical consultation [a proposal to improve the process for potential petroleum exploration, including shale gas](#), through making a minor amendment to existing permitted development rights in relation to mineral exploration. The consultation closes on 16 April.

HAZARDOUS SUBSTANCES

The [Government response](#) to the consultation on '[The role of planning in preventing major-accident hazards involving hazardous substances](#)' was published on 13 March and the new [Planning \(Hazardous Substances\) Regulations 2015](#) have been laid in Parliament and will come into effect on 1 June.

ENVIRONMENTAL IMPACT ASSESSMENTS

On 12 March, The [Town and Country Planning \(Environmental Impact Assessment\) \(Amendment\) Regulations 2015](#) were laid in Parliament and will come into force on 6 April. The Regulations raise the screening thresholds for urban development and industrial estate development projects.

MAXIMUM PARKING STANDARDS

The [Written Ministerial Statement](#) of 25 March has strengthened the National Planning Policy Framework by encouraging local planning authorities to set maximum parking standards only where absolutely necessary.

SUPPORT AVAILABLE FROM THE EDUCATION FUNDING AGENCY

The [Education Funding Agency](#) has a strategic overview of infrastructure needs for schools and funding opportunities and is well placed to help local planning authorities to identify and address their school infrastructure needs. Considering how the Education Funding Agency can beneficially inform decision taking and plan making will assist local planning authorities, who can consult with them as appropriate. For more information, contact the Education Funding Agency at: FreeSchools.EFACAPITAL@education.gsi.gov.uk, for the attention of the Head of Planning.