



By Email Only

Message from Chief Planner

11 September 2023

This Newsletter provides updates on the latest announcements from DLUHC and other government departments and agencies relating to planning practices and policy. Please see overleaf for the list of contents.

Three stand-alone Chief Planner Letters have been published in the last two weeks, including on [Nutrient Neutrality](#) and on [unsafe cladding on high-rise buildings](#). I encourage local planning authorities (LPAs) to familiarise themselves with these announcements, as well as the focused update to the NPPF regarding planning for onshore wind development in England.

In this Newsletter you'll also find important updates on amendments to the Levelling Up and Regeneration Bill relating to the Infrastructure Levy, Permitted Development Rights for EV chargepoint installation and changes to the Planning Practice Guidance to address grid-scale Lithium-ion Battery Energy Storage Systems.

The Newsletter also highlights lots of opportunities to get involved, through research, surveys and events. Your engagement and feedback are imperative so I do hope you will participate where possible.

All previous Chief Planner Letters and Newsletters are available on GOV.UK [here](#).

Kind regards,

Joanna Averley
Chief Planner



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POLICY UPDATES

Written Ministerial Statement and NPPF update on planning for onshore wind development in England

On 5 September 2023 the Secretary of State for the Department for Levelling Up, Housing and Communities issued a [written ministerial statement to update policy on planning for onshore wind development in England](#).

The Government's formal response to the wider proposals in [the National Planning Policy Framework consultation](#) will be published later this autumn.

Policy changes on onshore wind, relevant to planning decisions, took effect immediately upon publication (with some transitional arrangements for plan making set out at Annex 1). The amendments are to chapter 14 of the National Planning Policy Framework and responds to the technical consultation that concluded earlier this year.

The measures will pave the way for more onshore wind projects to come online by:

- Broadening the ways that suitable locations can be identified. Communities will be able to bring forward proposals to local councils, rather than solely identifying developments through local plans which can take many years.
- Ensuring local councils look at the views of the whole community, rather than a small minority when considering a planning application. This addresses the planning impacts of these focuses changes to the NPPF, with further guidance to follow on best practice and new digital engagement techniques.

Nutrient Neutrality

On 29 August, the Government made a significant announcement in relation to nutrient neutrality. On 1 September DLUHC published a [Chief Planners Letter](#) to explain what this means for Local Planning Authorities (LPAs). The letter provides more detail on the changes Government are introducing, explanations of the impacts of amendments to the Levelling Up and Regeneration Bill upon commencement and how LPAs should approach this important issue in the months between now and these provisions coming into effect.

Update on Biodiversity Net Gain

Defra have shared a range of updates on Biodiversity Net Gain, including:

- Issuing further grant funding for the financial year 2023/24 to help local authorities prepare for Biodiversity Net Gain. Defra emailed all local authorities



on 4 August 2023 to inform them about their grant; if you need further information about the grant, please contact Defra at SM-Defra.NetGain@defra.gov.uk.

- Providing further detail on some key stakeholder questions, including confirming when the Biodiversity Gain Site Register and statutory metric will be made available.
- Publishing indicative [Statutory credit prices](#), the backstop option for developers to deliver BNG.
- Announcing a new 'Land Use Policies and Frameworks' [blog](#) which will consolidate case studies, updates and commentary across land use policies, including BNG, nutrient neutrality and LNRS, has been established. One of the initial blogs is [a piece on how local authorities can take action now to prepare for BNG](#).
- Launching the [application process for responsible bodies](#) to support conservation covenants: local authorities can apply to be responsible bodies.

Full details are available in [this press release](#).

Infrastructure Levy: Amendments to the Levelling Up and Regeneration Bill

On 18 July, the Government made several amendments at Lords Report Stage to Schedule 12 of the Levelling Up and Regeneration Bill, which provides the legislative framework for the new Infrastructure Levy.

The amendments made are designed to respond to feedback received on the new Infrastructure Levy, clarify its aims, and help to ensure the Levy can achieve these aims.

A summary of the amendments are as follows:

- The Government must make provision in Infrastructure Levy regulations allowing local authorities to require developers to pay a proportion of their Levy liability in-kind, through the delivery of on-site affordable housing. This amendment confirms the Government's intention to bring forward the 'right to require', making it an explicit requirement on the face of the Bill. The detail of how the 'right to require' will operate will be set out in the Infrastructure Levy regulations.
- The Secretary of State will be under a duty to publish a report on the amount of affordable housing funded by the Infrastructure Levy, the impact of the new Levy on the delivery of affordable housing, and such other information the Secretary of State considers appropriate about the effects of the new Levy on affordable housing or other infrastructure.



- Local authorities will be required, when setting Infrastructure Levy rates, to seek to ensure that affordable housing can be delivered at a level maintaining or exceeding what developers deliver currently in that area. This duty will not apply if the authority determines that setting their Levy rates in this way would make development of the area economically unviable.
- The Secretary of State will have an optional power through regulations to disapply the Infrastructure Levy in a particular area if the Levy is not delivering on its policy aims in that area. The authority could then use section 106 planning obligations to secure affordable housing and infrastructure required to mitigate the impacts of new development and support sustainable growth. The Government recognises that introduction of the new Infrastructure Levy represents a significant change – therefore this is a sensible, inbuilt precautionary power to cater for all circumstances. The Government does not expect this power to be used often, if at all. The Secretary of State will retain the ability to mandate the Levy nationally where it is meeting its aims, which will be supported by the planned ‘test and learn’ approach to implementation.

The technical consultation on the Infrastructure Levy closed on 9 June. Further consultation on the design of the Levy before drafting Infrastructure Levy regulations will be forthcoming. This will provide another valuable opportunity to make representations on how the new Levy should operate. Prior to making regulations, a report will be published on the interaction between the Infrastructure Levy and Permitted Development Rights. The Bill has been designed to accommodate capturing permitted development rights subject to provision that is made in regulations, and the technical consultation sought views on when permitted development should be subject to a requirement to pay the Levy.

High-rise buildings and unsafe cladding

On 1 September DLUHC published a [Chief Planners Letter](#) sent to those authorities most affected by high-rise private sector buildings with unsafe cladding. ACM cladding and all other types of unsafe cladding on high-rise buildings present a significant fire hazard.

Whilst some planning decisions are being made promptly on these buildings, there are inconsistencies across planning authorities and some planning applications are still waiting for approval. To this end local authority planning departments are encouraged to prioritise and take a proactive approach to planning applications for high-rise buildings with unsafe cladding.



Urgent accommodation for Unaccompanied Asylum-Seeking Children (UASC)

Following a [High Court Judgment](#) which was handed down on 27 July 2023 and which found it is unlawful to house unaccompanied asylum-seeking children in hotels, there is an urgent need to find suitable alternative accommodation.

Depending on their age and circumstances, children may be placed in children's homes or in any other suitable accommodation. Existing buildings may need to be repurposed at short notice. The safeguarding of vulnerable children is of critical importance, and the Government would encourage local planning authorities to work closely with directors of children's services to support these developments where appropriate, to ensure children in need of accommodation are provided for in their communities.

Department for Education issues new guidance

The Department for Education (DfE) has updated non-statutory guidance for local authorities on [securing developer contributions for education](#), which was first published in 2019. Changes to the guidance include:

- Recognition that the Government is introducing a new Infrastructure Levy through the Levelling Up and Regeneration Bill. However, DfE's guidance is still based on the current system of developer contributions, pending further detail to be established through regulations and the Government's 'test and learn' approach to implementation of the Levy.
- Additional references to childcare facilities as a type of infrastructure that should be considered to mitigate the impact of new development.
- Recognition of increased planning policy requirements for zero carbon development and Biodiversity Net Gain.
- New recommendations about seeking developer contributions towards the cost of home-to-school transport and offsite works to enable active travel to school.
- New section on assessing the capacity in existing schools, recommending a strategic approach to calculating which schools in the area will have capacity to accommodate pupils moving into a housing development, and whether developer contributions are required.
- Updated annex on developer delivery of new schools, reflecting the latest legislation and case law on the subsidy control regime and public procurement rules.

DfE has also published new guidance on [estimating pupil yield from housing development](#), and a [dashboard](#) containing pupil yield factors for local authorities in



England. The dashboard shows the pupil yield from housing developments started and completed between 2008 and 2022, broken down by education phase (early years, primary, secondary, and post-16), type (mainstream and special schools), property type (houses and flats), tenure (market and affordable housing), and size (bedroom numbers). Alongside local evidence, the dashboard can help local authorities assess the need for education infrastructure during plan-making and when development proposals come forward.

Planning Practice Guidance Update: Changes to the Renewable and Low Carbon Energy chapter to address grid-scale lithium-ion battery energy storage systems

Electricity storage is an important way for the Government to reach their net zero goals, helping to use energy more flexibly and to de-carbonise the energy system cost-effectively. Ensuring grid-scale battery energy storage systems (BESS) are sited, installed, operated, maintained and decommissioned safely are priorities for the Government and ensuring that potential risks to safety are duly assessed. As part of cross government work on BESS, DLUHC has updated the [Planning Practice Guidance](#) for BESS with a capacity of 1MW or greater. This guidance encourages:

- applicants to engage with Local Fire & Rescue Services before submitting a planning application, so issues of siting and location of BESS are dealt with before applications are made; and
- local planning authorities to refer to [guidance produced by the National Fire Chiefs Council](#) for consideration when determining applications and consult with local Fire & Rescue Services before issuing decisions.

Permitted Development Rights for EV chargepoint installation

In July, the Government laid a [Statutory Instrument](#) to amend planning regulations relating to Permitted Development Rights (PDRs) for EV chargepoint installation on the public highway. The change (which came into effect on 26 July) now allows chargepoint operators acting on behalf of a local planning authority to install EV chargepoints without the need for planning permission. It is expected to speed up delivery times for EV infrastructure of around 12 weeks and lead to the rollout of new EV chargepoints up and down the country.

Local authorities are encouraged to engage with infrastructure providers to discuss routes to EV rollout in their area and deploy the use of this new PDR where appropriate, in conjunction with the relevant Local Planning Authority and the Local Transport / Highways Authority.

In addition, the Office for Zero Emission Vehicles (OZEV) and the Department for Transport recognise the importance of ensuring that appropriate design standards and accessibility requirements are promoted and delivered by industry in the rollout of EV charging on public highways. That is why OZEV, in conjunction with the



Institution of Engineering and Technology, is due to publish a 'Guide to Electric Vehicle Charging Infrastructure for Local Authorities' later this year.

OZEV will be engaging with chargepoint industry representatives and trade associations as well as local authorities through the Local Government Association. Support will be available for local authority officers through the Energy Savings Trust Local Government Support Programme and LEVI Support body.

Call for Evidence - Barriers for farmers and land managers

The Government are seeking evidence of the barriers farmers and land managers have experienced when applying for permission for slurry stores, reservoirs, changes to agricultural buildings and any projects involving engineering works or land use change e.g. creation of ponds, wetlands, peatland restoration, fallowing/rewilding etc.

The purpose of the call for evidence is to identify the root causes of planning barriers and consider the most appropriate measures to overcoming them. Views on any unintended consequences that could result from these types of projects are also welcome.

The call for evidence is part of DLUHC's consultation on Permitted Development Rights, and is aimed at farmers, environmental NGOs, LPAs, and other land managers or owners.

It would be helpful if local authorities can encourage stakeholders to submit a formal response through the [online survey](#) by the closing date of **25 September 2023**.

Queries about the planning barriers call for evidence can be sent to Robin.Weaver@defra.gov.uk or Rachael.Hamilton@defra.gov.uk. An engagement session to talk further can also be arranged.

Call for evidence - Future of Freight: a long-term plan

The [Future of Freight: a long-term plan](#) sets out the objective of a planning system that recognises the needs of the freight and logistics sector – now and in the future – and empowers the relevant authority to plan for them.

The Department for Transport and DLUHC published a call for evidence to seek views on the planning needs of the freight and logistics sector to ensure these needs can be properly and effectively considered.

The evidence received will help underpin any new or amended planning policies that reflect the Government's vision and expectations for local planning authorities in planning for freight. It will also ensure sufficient land is allocated to service the needs of freight and logistics. The call for evidence is open until **6 October 2023** and all stakeholders are encouraged to respond to help shape future planning policy.



RESEARCH & EVENTS

Plan Making System Reforms 2023: Consultation Events for Planning Officers

On 25 July 2023 the Government published a consultation on proposals to make local plans (and minerals and waste plans) simpler, faster to prepare, and more accessible.

The Levelling up and Regeneration Bill sets out changes to the legislation that governs how plans are produced and through this consultation Government are asking for views on certain proposals to implement these changes. The consultation is open until **18 October 2023**.

The Planning Advisory Service is running a series of in-person workshops across England for local authorities to hear more about the proposals and to provide input and feedback. This will provide a valuable opportunity to partake in discussions with DLUHC colleagues who have led on developing these proposals.

The following events are being run:

- [Manchester](#) - Wed, Sep 13, 09:30 - The Studio
- [York](#) - Thu, Sep 14, 09:30 - Principal York Hotel
- [Birmingham](#) - Tue, Sep 19, 09:30 - Conference Aston, Aston University
- [Exeter](#) - Thu, Sep 21, 09:30 - Mercure Exeter Rougemont Hotel

Please note, these events are for local authority officers only, and should be signed up to using a .gov email address.

Call for Participation: Authority Wide Design Codes Survey

Local authorities are invited to take part in a short survey relating to the requirement proposed in the Levelling Up and Regeneration Bill for local authorities to prepare an authority wide design code.

Please complete the survey here: <https://forms.office.com/e/tS8ShFuYeX>

The survey will help us to understand local authorities' familiarity with the proposals, the stage local authorities are at in preparing authority wide design codes, and the challenges faced in preparing design codes at this scale.

It will also explore how to provide further support to local authorities to produce authority wide codes and help update Part 1 of the National Model Design Code so it can better assist with the preparation of design codes.

The survey opens on **1 September** and will close on **31 October**. Please email DesignQuality@levellingup.gov.uk if you have any questions relating to this research.



Event: Office for Place - Masterclasses from the Design Code Pathfinder Programme

21st September until 5th December, various times

In 2022 DLUHC and the Office for Place funded 25 local authorities and neighbourhood planning groups to produce design codes at different spatial scales and using the National Model Design Code. With speakers drawn from the Pathfinder cohort, this series of free events will dive into the detail on some of the important topics identified through the programme, providing delegates with ideas and practical suggestions for developing their own codes.

[Please click here for more details and to book tickets](#)

Planning Portal partners with Environment Agency and the National Contaminated Land Officers Group to provide information on Groundwater Protection and Land Contamination

Planning Portal has partnered with the National Contaminated Land Officers Group (NCLOG) and the [Environment Agency](#) to provide new content around two crucial environmental planning considerations – [land contamination](#) and [groundwater protection](#).

The guide is intended to help planning professionals and applicants fully understand their responsibilities with regards to land contamination and groundwater protection and indicate where some developments may be objected to.

It's essential that land contamination and groundwater protection are considered before submitting a planning application. Failure to include appropriate information on either of these issues when making a planning application can lead to rejection or refusal, delaying developments. Providing the correct information the first time can avoid delays, reduce the chance of receiving objections, and/or reduce the quantity and scope of pre-commencement planning conditions.

Our guide helps everyone learn about both subjects and details their importance. It also informs users on what information they should include and how they should provide it. The new content also includes information on how to find competent persons to carry out any necessary work.

Event: Natural England Webinar on the Urban Greening Factor

Natural England has developed an Urban Greening Factor (UGF) for England, as one of a suite of five headline Green Infrastructure Standards within the Green Infrastructure Framework – Principles and Standards for England. The use of UGFs is voluntary, and guidance is intended to support organisations and individuals involved in the planning and development process.



UGFs are a planning tool that are relatively simple to use and when combined with other planning measures can significantly increase urban greening in an area and support delivery of mandatory Biodiversity Net Gain. They provide a mechanism to support planning, design and decision making to improve the quantity, quality, and functionality of green infrastructure in urban districts.

Natural England are hosting a webinar on UGFs on **12 September**. You can register for this event [here](#).

Call for Participation: Research on changes to the planning system

DLUHC is continuing to carry out user research to support changes to the planning system, as set out in the Levelling Up and Regeneration Bill, to understand how things are working currently, what impact any changes are likely to have and to help shape policy.

Over 350 representatives from local authorities, the development industry and beyond have now taken part in our research with an estimated 250+ hours of interviews and workshops.

There is more research planned, so if you've not yet had the opportunity to take part, anyone working in planning can sign up to be part of the user research panel, where you'll hear about any upcoming research and be able to express an interest in taking part. Each opportunity is on a voluntary basis.

You can sign up via [this link](#). More information about how your inputs are anonymised and how your data is stored can be viewed through this [privacy notice](#).