



By Email Only

## Message from Chief Planner

**19 June 2023**

This Newsletter provides updates on the latest announcements from DLUHC and other government departments and agencies relating to planning practices and policy.

In this issue we draw your attention to the recent Written Ministerial Statement on planning for accommodation for looked after children, reminding local planning authorities that they should consider whether it is appropriate to include accommodation for children in need of social services care when assessing housing needs for different groups.

There's another reminder about the High Street Rental Auctions Consultation which closes on 23 June; important information about the forthcoming skills and resourcing survey which will help target future support for capacity and capability in local planning authorities; and a note on the outcome from the Consultation on Compulsory Purchase Compensation Reforms.

Outside of DLUHC, Defra has issued a call for Evidence on biodegradable waste to landfill, with until Friday 7 July to respond; and Natural England is sending LPA Planning Directors a letter requesting authorisation to copy materials and to make public the materials on habitat creation. Finally, as of 1 June, Active Travel England is a statutory consultee – I encourage you to read up about the relevant thresholds for engagement.

Kind regards,

**Joanna Averley**  
**Chief Planner**



## **Written Ministerial Statement on planning for accommodation for looked after children**

On 23 May 2023, the Housing Minister issued a written ministerial statement on planning for accommodation for looked after children. The full statement can be accessed [here](#).

This statement sets out that the planning system should not be a barrier to providing homes for the most vulnerable children in society. The purpose of the statement is to remind local planning authorities that, as set out in paragraph 62 of the National Planning Policy Framework, local planning authorities should assess the size, type and tenure of housing needed for different groups in the community and reflect this in planning policies and decisions. Local planning authorities should consider whether it is appropriate to include accommodation for children in need of social services care as part of that assessment.

Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country. It is important that prospective applicants talk to local planning authorities about whether their service is needed in that locality, using the location assessment (a regulatory requirement and part of the Ofsted registration process set out in paragraph 15.1 of the Guide to the Children's Homes Regulations) to demonstrate this.

To support effective delivery, unitary authorities should work with commissioners to assess local need and closely engage to support applications, where appropriate, for accommodation for looked after children as part of the authority's statutory duties for looked after children. In two tier authorities, we expect local planning authorities to support these vital developments where appropriate, to ensure that children in need of accommodation are provided for in their communities.

The statement also sets out that planning permission will not be required in all cases of development of children's homes, including for changes of use from dwelling houses in Class C3 of the Use Classes Order 1987 where the children's home remains within Class C3 or there is no material change of use to Class C2. An application to the local planning authority can be made for a lawful development certificate to confirm whether, on the facts of the case, the specific use is or would be lawful. Where a Certificate is issued, a planning application would not be required for the matters specified in the certificate.

## **Consultation: High Street Rental Auctions**

In the Build Back Better High Streets Strategy, published in July 2021, and the Levelling Up White Paper, published in February 2022, the Government announced



its intention to explore what policy solutions could address empty shops and offices and to give local authorities the power to tackle vacancy rates.

As part of the Levelling Up and Regeneration Bill, the government is introducing High Street Rental Auctions, a new power for local authorities to require landlords to rent out persistently vacant commercial properties to new tenants, such as local businesses or community groups.

A consultation was launched on 31 March 2023 seeking views on matters that will form part of the High Street Rental Auction policy, covering various matters, including the introduction of two new permitted development rights.

Full details of the consultation can be found [here](#).

**The consultation closes 23 June 2023.**

## LPA Skills and Resourcing Survey

We recognise that local planning authorities, as well as the wider planning sector, face serious capacity and capability challenges. We have therefore produced a programme of urgent and targeted interventions, working closely with partners across the planning sector. This will help equip and support them in recruiting, retaining and upskilling planners and build a more sustainable planning system for the benefit of communities.

To help us to better understand the scale of the challenge facing authorities in recruiting and retaining the key skills needed, both now and in the future, we are working with our partners Kantar to launch a new survey of Local Authorities in England, and this will build on much of the research already available.

To design this survey, we have worked closely with colleagues at the RTPI, LGA and the Planning Advisory Service (PAS). The survey which we intend to repeat on a regular basis will provide insight from a more localised level of the skills and resourcing need, the commonality of this across areas and types of authorities as well as operating models currently in use to address these challenges.

If you receive this Newsletter via email and have already stated that you are content for your local authority email address to be shared with consultants working on DLUHC's behalf, your email address will be provided to Kantar who will be sending out the survey. If you are reading this via other means e.g. LinkedIn, and would like to ensure your local authority receives the survey, please email [capacityandcapability@levellingup.gov.uk](mailto:capacityandcapability@levellingup.gov.uk) before **Friday 23 June 2023**. The survey will be launching in July, with further details to follow.

The results of this survey will be published in the Autumn and will be used to help target our support, as well as provide ongoing monitoring of the changing landscape of resourcing and skills over time.



## Outcome of Consultation on Compulsory Purchase Compensation Reforms

The Government has published its [response to the consultation on compulsory purchase compensation reforms](#).

The consultation sought views on a proposal to allow acquiring authorities to seek directions from the Secretary of State to cap or remove the payment of compensation for the prospect of planning permission ('hope value') when powers of compulsory purchase are used.

The proposal was put forward to address criticisms that the current land compensation rules for compulsory purchase unnecessarily embed and raise expectations of hope value in the assessment of compensation. It is understood this is a factor which can prevent public authorities from using their compulsory purchase powers to deliver important development and regeneration.

The consultation generated significant debate which the Government has carefully considered. In response, the Government has introduced a measure in the Levelling Up and Regeneration Bill which will allow certain public sector acquiring authorities to seek directions from the Secretary of State on a scheme-by-scheme basis to restrict the payment of hope value in certain types of schemes. Those schemes being ones that enable affordable and social housing, education or health related development. In all cases, the acquiring authority must be able to demonstrate there is justification in the public interest to restrict the payment of hope value.

## 'AwDev' Research Prioritisation Survey

['AwDev' \(Ancient Woodlands and Development Impacts, NCF\)](#) is a 2.5 year project funded by Defra's Nature for Climate Fund that started at the end of 2022. It is led by Forest Research in partnership with the University of Reading, the Forestry Commission and Natural England. Our aim is to deliver evidence to underpin future policy, practice, and industry guidance critical to safeguarding ancient woodlands whilst supporting responsible development and woodland use. Our first step is to identify and prioritise evidence gaps and policy/practice needs. We are using a research-prioritisation exercise to gather this information which involves a wide initial survey consultation with individuals from relevant sectors including academia/research, conservation, construction, developers, local authorities, forestry, planning, policy and woodland management.

We are therefore keen for input from local planning authorities and associated bodies involved in planning decisions around ancient woodlands and development. Your input will help to shape this research, enabling us to account for planning needs in our project plans and outputs.

Please complete this [short survey](#), comprising of 11 questions, by **Sunday 25 June 2023**.



Participants can remain anonymous. For more information on the survey and project please see our [website](#) and the participant information sheet, glossary of terms and question guidance (accessible via the survey), or email [m.j.roach@pgr.reading.ac.uk](mailto:m.j.roach@pgr.reading.ac.uk).

## Natural England Copyright Letter

Natural England is sending LPA Planning Directors a letter requesting authorisation to copy materials and to make public the materials on habitat creation under the Copyright, Design and Patents Act s.47 (3 and 3E). Plans, drawings and materials submitted to LPAs as part of the planning process are protected by the Act and Natural England needs authorisation from LPAs to copy and make public this data.

By copying and making public these materials, Natural England will be able to help LPAs with evidence to, among other things:

- Report on Biodiversity Net Gain;
- Inform Local Nature Recovery Strategies development and reporting; and
- Support Habitat Banking compliance and "Stacking and Bundling" compliance

Please look out for this letter from Natural England as it offers a solution to the Copyright issue identified. If you have any queries, Natural England will be able to provide further information: [habitat.creation@naturalengland.org.uk](mailto:habitat.creation@naturalengland.org.uk)

## Defra Call for Evidence on biodegradable waste to landfill

Defra have issued a Call for Evidence, the outputs of which will support the development and targeting of policies to achieve the near elimination of biodegradable waste to landfill from 2028, in line with our commitment in the 2021 Net Zero Strategy.

The Call for Evidence will run for 6 weeks - from 00.00 Friday 26 May until **23.59 Friday 7 July 2023**.

We are seeking views, data and evidence that will help our understanding of a number of issues around the continued landfilling of biodegradable wastes, as well as help fill the gaps in our data on non-municipal wastes, and on the composition and biodegradability of mixed wastes.

We value your input and welcome your participation. Your responses will be important in supporting the design of evidence-based policies that will achieve our ambition and reduce the environmental impacts of residual waste.

You can complete the survey on Citizen Space, or via a word document, both of which can be accessed through [this link](#).



Waste is a devolved matter in the UK and this Call for Evidence and any subsequent policy development relates to England only.

We would welcome your further engagement and input into policy development. If you have any questions about this Call for Evidence, please email [residualwaste@defra.gov.uk](mailto:residualwaste@defra.gov.uk).

## **Active Travel England – official launch as of 1 June 2023**

Further to the newsletter published on 3 March, "The Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2023" came into force on 1 June 2023. Active Travel England is now a statutory consultee on planning applications which meet the following thresholds:

- the development includes 150 dwellings or more;
- development for the provision of a building or buildings, where the use is not exclusively for the provision of dwellings, and where the floor space to be created by the development is 7,500 square metres or more; or
- the overall area of the development is 5 hectares or more.

Further details can be found at:

[www.legislation.gov.uk/ukxi/2023/142/contents/made](http://www.legislation.gov.uk/ukxi/2023/142/contents/made)

[www.legislation.gov.uk/ukxi/2023/142/memorandum/contents](http://www.legislation.gov.uk/ukxi/2023/142/memorandum/contents)

## **Design Code Pathfinder Showcase – An Office for Place Webinar**

**1:30pm, 17 July 2023.**

Join this Office for Place webinar to hear more about the Design Code Pathfinder programme, through which we awarded [twenty-five areas in England a share of £3 million to help them set their own standards for design locally](#) using the National Model Design Code. We are delighted to announce that Prof. Robert Adam (Office for Place Advisory Board) and Joanna Averley (Chief Planner) will be contributing to the event. Speakers will be drawn from the local authorities and Neighbourhood Planning Groups taking part in the programme, who will tell us about the work they have undertaken to deliver more healthy, popular and sustainable places.

Please click [here](#) to book a ticket.