



By Email Only

## Message from Chief Planner

**26 July 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.

On Monday, the Secretary of State set out his plans for housing delivery across England. Supporting the planning system was a key part of his [speech](#). Details on the full announcement can be found [here](#) including the following important content regarding the NPPF and development management:

*“The government’s commitment to development and regeneration in and around existing town and city centres is also guiding its consideration of responses to the consultation on updating the National Planning Policy Framework. The government wants to make it easier to progress such developments, and to that end is clear that:*

- *Development should proceed on sites that are adopted in a local plan with full input from the local community, unless there are strong reasons why it cannot.*
- *Local councils should be open and pragmatic in agreeing changes to developments where conditions mean that the original plan may no longer be viable, rather than losing the development wholesale or seeing development mothballed.*
- *Better use should be made of small pockets of brownfield land by being more permissive, so more homes can be built more quickly, where and how it makes sense, giving more confidence and certainty to SME builders.*

*Later in the year, the government will pass the Levelling Up and Regeneration Bill to put in place our reforms to the planning system that will create more beautiful and sustainable homes in the right places, and publish updates to the National Planning Policy Framework.”*

With regard to planning fees, draft regulations to introduce a national fee increase of 35% for major applications and 25% for all other applications were laid on 20 July. This is a significant moment, providing much-needed financial sustainability to Local Planning Authorities (LPAs). The regulations need to receive parliamentary approval before coming into effect and we will make sure you're updated when they do.

The Planning Skills Delivery Fund (PSDF) was also launched. LPAs can now apply for funding which can be used to hire additional planning officers and invest in other resources to help clear planning backlogs. Applications are open until 11 September, with each Authority able to bid for up to £100,000. This will be complemented by the setup of a “super-squad” team of planners and other experts who will support the delivery of major housing developments, underpinned by



£13.5m in funding. More information will be shared about this programme in due course.

The Newsletter also sets out more detail on the significant public consultations on reforms to the preparation and content of local plans, permitted development rights and reforms to the National Strategic Infrastructure Projects (NSIP) consenting process, which were all launched this week. This is alongside updates on the LPA Skills & Resourcing Survey, the Pathways to Planning Graduate Scheme, Active Travel England, the Traveller Site Fund and Local Nature Recovery Strategies.

Your inputs and engagement with these areas of policy and delivery will be much appreciated. Please reach out to the teams delivering this work for support and advice if you have any queries.

Kind regards,

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



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## National Planning Fees Increase

On 20 July draft regulations were laid in Parliament to introduce a national planning fee increase of 35% for major applications and 25% for all other applications, including an indexation mechanism to allow for annual inflation-related adjustments in the future. The regulations also introduce a new prior approval fee for development by the Crown on a closed defence site, remove the 'free-go' for repeat applications and reduce the Planning Guarantee for non-major applications from 26 weeks to 16 weeks.

These measures will provide much needed additional resourcing and financial sustainability for local planning authorities. Whilst this does not introduce formal ringfencing of income from planning fees, it is expected that local planning authorities protect at least the income from the planning fee increase to directly support increased resourcing for planning departments.

A copy of the draft regulations can be viewed at:

<https://statutoryinstruments.parliament.uk/instrument/WRQVzdcA>.

The draft regulations will need Parliamentary approval before they come into effect. A further update on the exact date from which the new fees can be charged will be provided once the necessary Parliamentary debates have taken place.

The government response to the technical consultation 'Stronger performance of local planning authorities supported through an increase in planning fees' was also published on 25 July and can be viewed at:

<https://www.gov.uk/government/consultations/increasing-planning-fees-and-performance-technical-consultation>

## DLUHC launches 12-week consultation on reforms to local plan-making

This week, work to introduce reforms to the local plans and minerals and waste plans system reached a significant milestone with the launch of a [12 week public consultation](#) on proposals for how to implement certain changes set out in the Levelling Up and Regeneration Bill.

The vision is for plans to be simpler to engage with and use, faster to prepare, and updated more often, with better opportunities for communities to shape the way their area meets its needs and evolves over time. Plans will show, more transparently, what is planned in local areas - to support high quality development that benefits people, improves places, and delivers sustainable development. The ambition is to bring plan making into the digital age by providing more accessible plans and policies, which are shaped by communities and stakeholders. Digital plans will be informed by up to date data to deliver better outcomes for plan makers and all users.



Views are sought on the proposals, which also confirm the intention, subject to Royal Assent of the Levelling Up and Regeneration Bill, on plan-making transitional dates previously consulted on in December 2022. The consultation provides an important opportunity for different users of the plans system to have their say, so please take time to read the consultation and respond by **Wednesday 18 October**.

Local authority representatives are invited to hear more about our proposals at a launch event on **3 August 2023**, hosted by the Planning Advisory Service (PAS). There will also be further workshops throughout September to gather views and feedback from stakeholders in greater detail. For more details and to register, visit the [PAS website](#).

## **Financial Support for Neighbourhood Planning in 2023/24**

To support the vital role of local authorities in the neighbourhood planning process, DLUHC have announced arrangements for funding Local Planning Authorities for the financial year beginning April 2023.

Confirmation of this funding, and details of the arrangements for claiming it, are set in [this letter](#). As in 2022/23, eligible claims include rates for claiming neighbourhood planning grant where a made plan has been modified. This reflects changes in types of modification that were introduced through the Neighbourhood Planning Act 2017.

DLUHC is continuing to provide support for communities who choose to prepare neighbourhood plans. Information on how groups can apply for funding and support is available at <http://neighbourhoodplanning.org> alongside other neighbourhood planning tools for communities.

## **Planning Capacity & Capability – launch of funding, survey and graduate recruitment**

### **Planning Skills Delivery Fund**

On 24 July, DLUHC launched the Planning Skills Delivery Fund (PSDF), which will provide £24m over two years to local authorities to help with clearing backlogs of planning applications and prepare for the implementation of proposed planning reform. This is an opportunity for local authorities to apply for funding for up to £100,000 per local authority, which can be used to hire additional planning officers and other specialist resources. Backlog funding is only available to local planning authorities in England who are decision-makers on planning applications. Skills funding is available for all local authorities in England involved in plan-making and decision-making to apply for, which includes upper tier authorities such as county councils.



The published [guidance for applicants](#) sets out eligibility criteria, the criteria that applications will be assessed against, expectations of successful local authorities and FAQs in Annex B. A list of questions for applicants is set out in Annex A, inviting local authorities to submit applications via the Microsoft Form, which is provided in the eligibility section of the guidance. The application process for year one closes on **11 September 2023**.

## **LPA Skills and Resourcing Survey**

The local authority skills and resources survey was launched on Friday 14 July and will close on **Friday 18 August**.

Kantar, who are coordinating the work, have sent out the survey to each local authority. Please check to ensure your local authority has received the link to complete the survey, if not please email [capacityandcapability@levellingup.gov.uk](mailto:capacityandcapability@levellingup.gov.uk) by **Wednesday 2 August**.

The survey will help understand the scale of the challenge facing authorities in recruiting and retaining the key skills needed, both now and in the future. The objective is to reach 100% coverage with the survey returns, and local authority responses would be very welcome, recognising the importance of reliable data to support the case for government programmes, as well as provide ongoing monitoring of the changing landscape of resourcing and skills over time.

## **Pathways to Planning Graduate Scheme**

DLUHC have provided £1.59 million funding to the Local Government Association (LGA) to set up and deliver a graduate programme, called Pathways to Planning, that will market a career in planning to a wide and diverse group of graduates. Graduates who succeed in the rigorous application process will be matched with a participating council where they will work for a minimum of three years while pursuing postgraduate studies at an RTP1 accredited institution. The programme will cover all marketing and recruitment costs, in addition to providing a bursary for each graduate to complete their RTP1 accredited master's degree (or equivalent). The bursary for the pilot programme is £10,000 per graduate, decreasing to £5,000 per graduate for Cohorts 2 and 3. Councils will need to cover any remaining costs associated with the qualification and pay graduates a minimum salary of £26,000 (excluding London weighting, if applicable).

Councils who are interested in taking part in the pilot of the scheme, which is limited to 30 graduates who will start work in March 2024, can sign up now on the LGA's website. The website also includes more information about the scheme, guidance for councils, and the ability to express interest in the first or second cohort. Council sign up for the second cohort, which will place up to 120 graduates in councils by January 2025, will open in October. To find out more please visit: [Pathways to Planning: information for councils | Local Government Association](#)



## **New Capacity & Capability Webpage**

The new [Planning Capacity and Capability Programme webpage](#), launched this week, provides further details and information on all the support interventions listed above and more. Updates will be available as and when the programme develops.

## **Permitted Development Rights Consultation**

On 24 July 2023 a consultation was launched on permitted development rights. The consultation covers:

- Changes to certain permitted development rights that allow for the change of use to dwellinghouses;
- Changes to certain permitted development rights that allow agricultural diversification and development on agricultural units;
- Changes to certain permitted development rights that allow for non-domestic extensions and the erection of new industrial and warehouse buildings;
- Changes to the permitted development right that allows for the temporary use of land to allow markets to operate for more days;
- Changes to the existing permitted development right that allows for the erection, extension or alteration of schools, colleges, universities, hospitals, and closed prisons to also apply to open prisons; and
- The application of local design codes to certain permitted development rights.

The consultation also contains a call for evidence led by Defra seeking views on nature-based solutions, farm efficiency projects and diversification.

The consultation closes **25 September 2023**.

More details can be found here:

<https://www.gov.uk/government/consultations/permitted-development-rights>

## **Temporary recreational campsites, local authority led development, temporary film-making and prison fences**

Legislation comes into force on **Wednesday 26 July** which makes changes to permitted development rights to support temporary recreational campsites, local authority led development, temporary film-making and prison fences.

Following the renewed demand for domestic holidays and to support local tourism, a new permitted development right has been introduced which allows for the temporary use of land for recreational campsites for up to 60 days per calendar year. The right is subject to limitations and conditions, including an annual prior



notification to the local planning authority before land is used as a campsite and prior approval in Flood Zones 2 and 3.

The existing permitted development right has been amended which allows local authorities or urban development corporations to carry out certain development so that bodies working on behalf of the local authority can also undertake the works. In addition, Part 12 of the General Permitted Development Order has been amended to add a National Park Authority and the Broads Authority to the definition of local authority. This makes it explicitly clear that these Authorities can also benefit from the permitted development rights set out in Part 12.

To continue to support the film and TV production industry, changes have been made to the existing temporary film-making permitted development right to allow the production industry greater flexibility and further support the economic growth of the sector.

Also a new permitted development right was introduced to allow for the erection of prison fences up to 5.5 metres above ground level.

Further details on the changes can be found in The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2023, available at: <https://www.legislation.gov.uk/ukxi/2023/747/contents/made>.

## **Traveller Site Fund**

The Traveller Site Fund 2022/23 recently awarded £10 million to 9 local authorities in England to refurbish existing transit and permanent sites to help improve living conditions for residents. This government funding will support 16 separate local authority projects, helping to improve life chances and social outcomes. The funding announcement was made on the 15 June 2023 and further details can be found [here](#).

## **National Strategic Infrastructure Projects – consultation and funding launched**

### **Public Consultation on Operation Reforms to NSIP**

The public consultation has been published regarding operational reforms to the Nationally Significant Infrastructure Projects (NSIP) consenting process, which sets out the detailed proposals that the government intends to make to reform the end-to-end process whilst keeping communities at the heart of the decision-making process.

This is available at: <https://www.gov.uk/government/consultations/operational-reforms-to-the-nationally-significant-infrastructure-project-consenting-process>





This consultation builds on the measures set out in the NSIP Reform Action Plan, by setting out the key regulatory and guidance changes that the government is looking to take forward. The proposals that we are consulting on include:

- Strengthening the role of pre-application and ensure consultation is effective and proportionate;
- Operational reforms to support faster and more proportionate examinations;
- Establishing a new fast-track route to consent;
- Reviewing the process for post consent changes to a development consent order; and
- Ensuring the system is adequately resourced through;
  - Resourcing the Planning Inspectorate, by updating existing fees and enabling full cost recovery;
  - Strengthening performance of government's expert bodies, including enabling cost recovery for key Defra ALBs;
  - Improving engagement with local authorities and communities; and
  - Building the skills needed to support infrastructure delivery.
- Updating national infrastructure planning guidance.

The consultation closes on **Tuesday 19 September**. Following consultation, the government will consider responses before deciding how to take forward the proposals. Subject to consultation responses, the government will bring forward the secondary legislation needed to implement the full extent of the reform programme by Spring 2024.

### **NSIP Reform Innovation and Capacity Fund (Round 2)**

A second round of the Innovation and Capacity Fund has been launched for local authorities participating in the NSIP consenting process. This will support local authorities to develop innovative approaches to dealing with major infrastructure projects in their areas. This follows a successful first round that enabled those local authorities that participated to become more proactive, as well as playing a key role in supporting their local communities to understand the need for, and benefit of, new infrastructure.

For the Innovation and Capacity Fund, this Round, the focus is on projects under two separate funding streams:

- **Stream 1:** for projects relating to NSIPs in the transport sector only. Grants for up to £350,000 are anticipated, with funding for financial year 2023/24.



- **Stream 2:** for projects relating to NSIPs of any sector. Grants for up to £100,000 are anticipated with funding for financial years 2023/24 and 2024/25. Projects can span financial years and funding is available for up to 12 months from September 2023. As limited funding is available for financial year 2024/25 projects are recommended to apportion a maximum of 40% of funding in financial year 2024.

The deadline for applications is **25 August 2023**. If interested then please look at guidance for the Innovation and Capacity Fund Round 2 which can be found [here](#).

The Planning Advisory Service (PAS) will be running advice sessions to support interested local authorities and participants can sign up via their [events page](#).

## **Building Safety - Responsible Actors Scheme and the Prohibition on Development**

The Chief Planner's Newsletter dated 19 May 2023 set out that draft Regulations had been laid to establish a Responsible Actors Scheme under the Building Safety Act 2022. These Regulations were signed into law on 3 July and came into force on 4 July 2023. On 24 July 2023, the first phase of the Responsible Actors Scheme was launched. DLUHC has begun issuing invitations to developers who are likely to be eligible to join the statutory Scheme.

Under the Regulations, eligible developers who have been invited to join the Scheme will have 60 days (the application period) to respond to the invitation by either joining the Scheme and entering into the developer remediation contract with DLUHC, or making representations to the Secretary of State providing evidence as to why they believe themselves to be ineligible for the Scheme.

Any eligible developer who joins the Responsible Actors Scheme will have their name added to a [list of Scheme members](#) on the Government's website. We expect that names of developers will begin appearing on this list over the coming weeks.

Any eligible developer who has been invited to join the Scheme but does not do so by the end of the application period, or who joins the Scheme but fails to comply with its membership conditions, will have their name (and the names of any entities that they control) added to a list of developers who are subject to prohibitions ([the prohibitions list](#)).

Those prohibited entities will be subject to the planning and building control prohibitions set out in the [Building Safety \(Responsible Actors Scheme and Prohibitions\) Regulations 2023](#), although limited exceptions do apply. Details of the planning prohibition were shared in the [Chief Planner's Newsletter dated 19 May 2023](#).



Subject to any exceptions, any developer prohibited from carrying out prohibited major development would be breaching planning control if they continue to do so and would be subject to enforcement action.

The prohibition does not alter planning permission itself or the ability of a prohibited developer to gain planning permission.

**There is no immediate action for you to take at this point.** The earliest point that the prohibitions may be applied is from mid-September 2023. The enforcement provisions for the prohibitions apply an amended version of the TCPA 1990 provisions. To support future action and implementation of the prohibitions, DLUHC will shortly publish guidance, including on enforcement.

Further information about the Responsible Actors Scheme can be found at:  
<https://www.gov.uk/government/publications/responsible-actors-scheme>

## Active Travel England – useful resources for and engagement with LPAs

As per previous newsletters, from Thursday 1 June 2023 Active Travel England (ATE) is a statutory consultee on all planning applications for developments equal to or exceeding 150 housing units, 7,500m<sup>2</sup> of floorspace or an area of five hectares. To ensure that all consultations are dealt with in a timely manner ATE has a single point of contact for all planning consultation emails:

[Planning-Consultations@activetravelengland.gov.uk](mailto:Planning-Consultations@activetravelengland.gov.uk).

A number of resources and advice notes are now available online, including:

- A [Development Management Procedural Note](#) that contains all the necessary information on how to consult ATE, including contact information, as well as the approach that ATE will take to development management;
- A Standing Advice Note on [Active Travel & Sustainable Development](#) (and a [separate note for London developed in collaboration with Transport for London](#)); and
- The ATE [Planning Application Assessment Toolkit](#), along with guidance on how the toolkit works.

These documents will be subject to a first review in September to take into account lessons learned and feedback from stakeholders. Views or queries can be passed on to the Planning Team at ATE via email: [Planning-Advice@activetravelengland.gov.uk](mailto:Planning-Advice@activetravelengland.gov.uk).

ATE with DLUHC will be considering their role in Local Plans and Pre-application Consultations. To support this process, Local Planning Authorities (LPAs) should have received a letter from ATE, asking for some clarifications on their existing Local Plan and other local planning policies for active travel. ATE are also asking for LPAs and others, including those in the private sector, about their interest in participating in the



Local Plan discovery project and work developing the Pre-application Consultation offer. People can express interest in any of these themes of work [by contacting ATE](#).

Following on from roadshows focused on the public sector, ATE will be undertaking a webinar primarily focused on the private sector and developers, hosted by the Home Builders Federation, British Property Federation, and Land Promoters and Developers Federation on **19 September 2023**; you can [book tickets here](#).

## Support for Grassroots Music Venues

Following the Government's 'creative industries' [announcement](#) on the 13 June, local planning authorities have an important role in identifying and protecting local grassroots music venues in their area from the effects of new development.

The National Planning Policy Framework makes clear that where the operation of an existing venue or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

The [Music Venue Trust](#) (MVT) - founded in January 2014 - represents grassroots and other music venues across the country LPAs will want to make sure they are aware of the support MVT can provide when consulting on planning applications. On the Trust's website, it is possible to enter search parameters to identify music venues in any area by clicking the '[gig guide](#)' tab, followed by 'venues'.

## Home loss payments under the Land Compensation Act 1973

Home loss payments are payable to owner-occupiers and tenants of dwellings displaced by compulsory purchase or public redevelopment. They have been reviewed annually since 2003.

Following the 2023 review, the Government has decided to raise the maximum and minimum payment thresholds for payments to owner-occupiers from £78,000 and £7,800 to £81,000 and £8,100 respectively. The flat rate paid to tenants has been raised from £7,800 to £8,100. [The Home Loss Payments \(Prescribed Amounts\) \(England\) Regulations 2023](#) (Statutory Instrument 2023 No.803) were laid before Parliament on 17 July and come into force on **1 October 2023**.

## Local Nature Recovery Strategies preparation begins

Defra has announced the [48 individual local authorities](#) who will receive funding from a £14 million fund to enable them to work with local communities on tailored local nature recovery strategy (LNRS).

- [Local Nature Recovery Strategies](#) will help map out the action needed to restore nature, working closely with local stakeholders, especially farmers and



land managers. When put together they will be a key way to meet the Government's England-wide nature targets.

- On 23 March 2023, the government published [regulations](#) and [statutory guidance](#) setting out the process that each responsible authority must follow and what each strategy should include.
- The LNRS responsible authorities (local authorities who have been selected to lead LNRS preparation in their area) are now able to begin preparing their strategies, which should take between 12-18 months. The preparation of each LNRS will be supported by Natural England, the Environment Agency and Forestry Commission.
- DLUHC are working closely with Defra to develop advice on how local planning authorities should have regard to LNRSs.

## Natural England seeking views on Local Landscape Designations

Natural England is interested in hearing from local authorities to understand the current use of local landscape designation (LLD) policies in development plans. England has seen changes in the use of local landscape designations over the last few decades. They can be known by various names including 'Areas of Great Landscape Value' and 'Special Landscape Areas'.

Some local authorities have retained legacy designations, others have introduced new ones in line with Planning Practice Guidance Paragraph: 036 (2019) and many have no local landscape designation policies at all. Natural England would like to gain a more accurate picture of the current application of LLD policies. This may inform new guidance on the topic and look at how LLDs could be used to better protect and enhance landscapes and shape the location and design of development.

Please respond to [this survey](#) by **8 September 2023**.

## Ofwat consultation on environmental incentives for sustainable new homes

Ofwat has [published a consultation](#) on the framework for incentives water companies offer developers to improve the sustainability of new homes. Key proposals in their consultation include: All companies to offer standardised incentives for water efficiency and sustainable drainage; minimum discounts for incentives; the option to offer incentives for greywater recycling/ harvesting/ water neutrality and; the publication of consistent technical standards.

They are welcoming views on these proposals from a wide range of stakeholders by **1 August 2023**.



## Digital Planning Updates

### **PropTech Innovation Fund Round 2 LPA Showcase - Recording available**

Earlier this month DLUHC's Digital Planning team held their PropTech Innovation Fund Round 2 Showcase event in partnership with the [Digital Task Force for Planning](#) which brought to life how we're #DoingPlanningDifferently with partners and celebrated the learnings from a variety of Digital Citizen Engagement projects.

Local Planning Authority presenters included South West Hertfordshire Joint Strategic Plan LPAs, Plymouth City Council, South Hams District Council & West Devon Borough Council, Harlow & Gilston Garden Town, Watford Borough Council, Epsom & Ewell Borough Council, Leicester City Council, Birmingham City Council, Wirral Council, Cornwall Council and Richmond and Wandsworth Councils.

If you missed the event a [recording is now available here](#). You can also find out more about specific PropTech Innovation Fund projects on our [Digital Planning website](#).

### **Open Digital Planning Project latest updates**

[Open Digital Planning](#) is a DLUHC funded project to design the next generation of planning services for local government. A growing group of UK council officers have joined together with digital agencies to co-design, build, test and launch better planning software.

Project partners have recently come together in person both in [Newcastle](#) and [Medway](#) to discuss ideas for design, collaboration and the future of the project as well as delve deeper into conversations around crucial digital and commercial challenges.

If you are interested in finding out more about the Open Digital Planning project or DLUHC's work on planning software, [please email the team](#). You can also watch recent project Show and Tells [via the Open Digital Planning YouTube channel](#).