



By Email Only

## Message from Chief Planner

**3<sup>rd</sup> March 2023**

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

In this issue we highlight two consultations: 'Stronger Performance of Local Planning Authorities supported through an increase in Planning Fees' and 'Permitted development rights: supporting temporary recreational campsites, renewable energy and film-making consultation'. The former outlines important proposals about how local authorities charge for planning services and poses questions about how to measure importance and address capacity and capability issues in local planning departments. We know this is a common concern across the sector, while recognising the important and complex work done by dedicated planners and other professionals in local government. These are important consultations for the sector and your feedback is hugely valuable. Both consultations end on 25<sup>th</sup> April.

Elsewhere, the Government has launched its NSIP Action Plan for reforming the consenting process and the Competition and Market Authority has launched a market study on house building. There's a reminder for LPAs to engage with their local water companies on the forthcoming 2024 Water Resources Management Plans, technical guidance from Defra on new environmental targets for fine particulate matter, and a link to the new Natural Capital Guide for the Development Sector launched by the Environment Agency.

Finally, Active Travel England are undertaking a series of Roadshow events to explain how they plan to engage with the planning system when they become a new statutory consultee on June 1<sup>st</sup>. Places on these events are limited so get your tickets booked as soon as possible!

Kind regards,

**Joanna Averley**  
Chief Planner



## **Consultation: Stronger Performance of Local Planning Authorities supported through an increase in Planning Fees**

DLUHC have published the technical consultation 'Stronger Performance of Local Planning Authorities supported through an increase in Planning Fees'. The measures contained within this consultation document set out our proposals for increasing financial support to ensure that local planning authorities have the resources to deliver the high-performing planning service that applicants and communities expect.

The consultation includes proposals to increase planning fees by 35% for major applications and 25% for all other applications together to allow for annual adjustments in line with inflation. We are also seeking views on potential new metrics to measure local planning authority performance and how government can further support the capacity and capability of local planning authorities.

In addition, the consultation seeks views on proposals to charge additional fees for bespoke or 'fast track' services, ring-fence additional fees income, double fees for retrospective applications, remove the 'free-go' for repeat applications and introduce a prior approval fee for the permitted development right allowing the Crown to develop sites within the perimeter of a closed defence site.

This is an important consultation for the sector and we are keen to receive as much feedback as possible from local planning authorities to help us shape this work going forward.

The consultation can be viewed [here](#) and closes on **Tuesday 25 April 2023**.

## **Consultation: Permitted development rights: supporting temporary recreational campsites, renewable energy and film-making consultation**

DLUHC have published a consultation seeking views on changes to permitted development rights. This includes a new right which would allow the temporary use of land for recreational campsites. In addition, and as committed to in the Government's British Energy Security Strategy, this consultation seeks views on changes to the existing rights for solar equipment and a new right for solar canopies in ground-level off-street car parks in non-domestic settings. The consultation also proposes changes to the existing rights for film-making and local authority led development.

The consultation will run for eight weeks and close on **Tuesday 25 April 2023**. Further information on the consultation can be found [here](#).

## **Government launches NSIP Action Plan**

The Government has set out its plans for reforming the consenting process for Nationally Significant Infrastructure Projects (NSIPs) in an NSIP Reform Action Plan



[available here](#), published on 23 February 2023. The reforms outlined in the cross Government Action Plan are about ensuring the system can deliver for the demands of a greater number and complexity of cases and deliver against government's ambitions. Government intends to consult on the regulatory and guidance changes needed to deliver the reforms in Spring, with different elements of the reform package coming into effect from September 2023.

Through the Action Plan, Government announced continued funding to local authorities to support their engagement in nationally significant infrastructure planning through the Local Authority Innovation and Capacity Fund. We are also working with the Planning Advisory Service to support a network of local authorities with an interest in NSIPs – further details of this network are available [here](#).

The measures in the plan include:

- **Setting a clear strategic direction**, where National Policy Statements and wider government policy reduce the policy ambiguity and uncertainty faced by individual projects;
- **Bringing forward operational reforms to support faster consenting** with an emphasis on delivering proportionate examinations for all projects, strengthening pre-application advice and introducing a fast-track consenting timeframe for projects that meet quality criteria;
- **Realising better outcomes for the environment**, replacing the cumbersome environmental assessment processes with new Environmental Outcomes Reports; reviewing the protected sites and species policy framework (including Habitats Regulations Assessment (HRA)), and the introduction of biodiversity and marine net gain for NSIPs;
- **Recognising the role of Local Authorities and strengthening community engagement with NSIPs**, with greater support and measures to embed community input and benefits much earlier in the process;
- **Improving system-wide capacity and capability**, including through developing skills and training and extending proportionate cost recovery by the Planning Inspectorate and key statutory consultees to support effective preparation and examination of NSIPs and build resilience into the system.

## **The Competition and Market Authority (CMA) has launched a market study on housebuilding**

On 28 February, the CMA launched a market study into housebuilding and a separate project considering consumer rights for those in rented homes. The department welcomes this decision and will keenly await its findings.

The market study will focus on 4 areas:



- **Housing quality:** looking at how builders are delivering the right sorts of homes that communities and buyers need – including the fairness of estate management fees charged for 'unadopted' roads and amenities;
- **Land management:** examining whether the practice of 'banking' land before or after receiving planning permission is anti-competitive;
- **Local authority oversight:** exploring how councils oversee the delivery of homes and how developers negotiate affordable home requirements; and
- **Innovation:** considering whether factors may be holding builders back from adopting new building techniques or moving towards more sustainable, net zero homes.

A market study runs to a statutory timeline of 12 months, with the conclusion of the study being publication of a market study report. The CMA are inviting comments by **20 March 2023** from all interested parties on the issues raised in the statement of scope. We expect the CMA to be in contact with Local Planning Authorities during the course of the study.

## Water Resources Management Plans 2024 preparation and consultation

Water Companies are in the process of preparing the next round of Water Resources Management Plans (WRMP) for the period 2024-2029, called WRMP24. Their draft plans have been published for consultation and LPAs may still be able to comment on the draft plan for their area. WRMPs set out how the water company will provide a water supply for growth and contain important information to aid understanding of the water resources. It is likely they will have changed since the last round of WRMPs in 2019 and so LPAs should engage with the draft WRMP24 for their area.

By engaging with water companies on WRMPs, LPAs can influence the emerging WRMPs and ensure there is join up when plan-making. This may include considering spatial strategies when having regard to water resources and considering policies that increase capacity for sustainable development. Where it is clear that further water resources or infrastructure are required to support growth, this should be raised with water companies at the earliest opportunity. If water resources are constrained, it will be important to consider including policies on phasing, water efficiency and water reuse in the next local plan. It may also be beneficial to work with neighbouring LPAs to understand cross-boundary water issues and, where possible, working jointly on the evidence base so that broader opportunities to spatially locate development and identify essential infrastructure to support growth are not missed, taking an Integrated Water Management approach.

Check your local water company website to find their draft WRMP24. See [Water resources planning: managing supply and demand - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/water-resources-planning-managing-supply-and-demand) for more information on Water Resources Management Plans.



## 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. We're speaking to those working in planning to understand how things are working currently, and what impact any changes are likely to have, to help us shape our policy making.

Over 300 representatives from local authorities, the development industry and beyond have now taken part in our research. We've run an estimated 200+ hours of interviews and workshops, and completed 17 pieces of research since Spring 2021, with some projects involving 40+ individuals across 30+ organisations.

All this research has helped policy teams at DLUHC to think through how changes to the planning system can be delivered, and the things that different users of the planning system need. We're very grateful to those who have shared their time and expertise with us. We still have lots more research planned, so if you've not yet had the opportunity to take part, we're calling for anyone working in planning to sign up to be part of our user research panel.

Signing up means that you'll hear about any upcoming research that's relevant to your work and be able to express your interest in taking part. Each opportunity is on a voluntary basis, so you're not obliged to get involved, and we try our best to make sure a diverse range of views and organisations are represented.

If you would like to sign up and take part in our research on a confidential basis, you can do so through this link: <https://tinyurl.com/DLUHCRsearchPanel>. More information about user research, how we anonymise your inputs, and how we store your data can be viewed through our privacy notice here: <https://tinyurl.com/DLUHCRsearchPrivacy>.

## Environmental Targets for Fine Particulate Matter (PM2.5)

Information has been published for use by local authorities, planners, developers, consenting bodies and practitioners on environmental targets for Fine Particulate Matter (PM2.5). The Environmental Targets (Fine Particulate Matter) (England) Regulations 2023 (made 30th January) <https://www.legislation.gov.uk/uksi/2023/96/contents/made> sets two new targets for fine particulate matter (PM2.5):

- a maximum annual mean concentration target of 10 µg/m<sup>3</sup> to be achieved by 2040 (the AMCT); and
- a population exposure reduction target of 35% compared to 2018 to be achieved by 2040 (the PERT).



Legal compliance with the targets will be monitored using the national monitoring network as set out in the Regulations, although local monitoring and modelling remain useful indicators of local concentrations.

While it is the responsibility of central government to drive action to meet the targets, local authorities, businesses and individuals all contribute to PM2.5 emissions and therefore have an important role in achieving the targets. The Air Quality Strategy, which will be published in 2023, will provide a framework for local authority action.

The new targets will also need to be integrated into the planning system, and in setting out planning guidance for local authorities and businesses, we will consider the specific characteristics of PM2.5. The guidance will be forthcoming in due course, until then we expect local authorities to continue to assess local air quality impacts in accordance with existing guidance.

### **Considerations when integrating the PM2.5 targets in the planning system**

PM2.5 is a complex pollutant which can be both directly emitted and formed from other precursor pollutants in the atmosphere. It has multiple natural and manmade sources and is far less localised than other pollutants such as nitrogen dioxide, travelling across local authority boundaries as well as from sources outside the country. This means that unlike nitrogen dioxide which can be managed with local policies to reduce vehicular and industry emissions there are multiple sources of PM2.5, some of which are outside local authorities' control. Significant variations in non-UK and natural contributions across the country also mean that the AMCT will be more challenging to meet in some locations than others regardless of local emissions.

Other considerations are that:

- the legal requirement to meet these levels applies at a future date;
- the PERT metric is a national average; some places will reduce exposure more than 35% and others less - the target cannot be directly applied locally;
- there are challenges in modelling concentrations of this complex pollutant especially for a future date; and
- there is a need to assess environmental outcomes for planning applications at the design stage, in accordance with the principles of the forthcoming DLUHC's Environmental Outcome Report methodology.

Further information on the targets is available on UKAIR ([Air Quality Targets in the Environment Act – Defra, UK](#)) and we will keep you informed via UKAIR and future Chief Planners newsletters of developments in the guidance relating to the targets.



## Active Travel England Roadshow

Further to the previous newsletter, "The Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2023" was laid on 13 February, formally establishing Active Travel England (ATE) as a new statutory consultee on certain planning applications. Further details can be found at:

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

ATE will go live as a statutory consultee from **1 June 2023**. Between now and then the ATE team is undertaking a series of Roadshow events across England to provide more information on how they plan to engage with the planning system. Spaces are limited and events are starting to sell out so, if you have not done so already, book your places via Eventbrite [here](#).

## Natural Capital Guide for the Development Sector

The Environment Agency, with the support of Defra and Natural England, have produced a [Natural Capital Guide for the Development Sector](#). The simple signposting guide is for local organisations with an interest in natural capital, economic development and prosperity such as local authorities, combined authorities, local enterprise and local nature partnerships. It is designed to complement and support more detailed guides such as [Enabling a Natural Capital Approach guidance](#) and the [Natural Capital Evidence Handbook: to support place-based planning and decision-making - NERR092](#).

## BNG consultation response, LPA funding and land manager guidance released

### Details on Biodiversity Net Gain implementation and LPA funding

On 21st February, Defra [released the government consultation response on Biodiversity Net Gain \(BNG\) regulation and implementation](#).

In this, the government confirmed:

- £16 million funding will allow Local Planning Authorities with planning oversight to expand resource and upskill teams, including ecologists. This will increase their capacity to work with developers and communities to help secure a long-lasting legacy for nature. Information on funding in the period 1 April 22 – 31 March 2023 must be returned to Defra by 30 March 2023. Details of the information required has been sent to local authorities.
- A phased introduction for Biodiversity Net Gain, with small sites having until April 2024 to comply with the regulations. This extension will give Local Planning Authorities and smaller developers more time to prepare and apply



best practice from activity on major development sites. For the purpose of the extension, small sites are defined as:

- For residential: where the number of dwellings to be provided is between one and nine inclusive on a site having an area of less than one hectare, or where the number of dwellings to be provided is not known, a site area of less than 0.5 hectares.
- For non-residential: where the floor space to be created is less than 1,000 square metres OR where the site area is less than one hectare.
- Details of a statutory credit scheme – a last resort option for Biodiversity Net Gain' delivery, which will be set up to prevent delays in the planning system. In order to buy credits, developers will have to demonstrate they cannot deliver habitat onsite, or via the off-site market. The proceeds will be invested in habitat creation.
- Draft legislation is due to be published later in 2023, with further stakeholder engagement taking place on implementation before Biodiversity Net Gain becomes mandatory in November.

### **Guidance for land managers, including LPAs, who wish to sell units to the off-site market**

The government has also published guidance for land managers who wish to sell to the Biodiversity Net Gain market, including LPAs. This provides information on:

- What actions land managers can take ahead of November 2023, [to prepare for selling biodiversity units](#)
- [Combining environmental payments with Biodiversity Net Gain](#), including nutrient mitigation credits, grant payments or selling to other voluntary markets (e.g. carbon markets).

We will be publishing other guidance in phases throughout Spring, including for LPAs. This guidance will cover a diverse range of topics, including the securing of biodiversity gain sites and management, monitoring, and reporting. Existing and future guidance will be available [here](#).