



By Email Only

August 2021

Message from Chief Planner

This newsletter provides the latest update on planning policy from MHCLG and colleagues across Whitehall and government agencies.

The contents touch on some of the important issues of the day. Over the last month we have watched, learned of and experienced some of the pressing issues that face us in the journey to net zero and adaptation to the, now inevitable, impacts of climate change. For example, there is an invitation to consider where there are sites that could be suitable for tree planting and a metric to plan for and assess biodiversity net gain on projects. Many will also be looking forward to the return to offices and face-to-face working and PINs provide the latest update on inquiries.

Delivering the journey to net zero will also rely on effective delivery of infrastructure through the NSIP regime and your views on how to improve it would be very welcome, see the survey details below.

We are very grateful to the local planning authorities and their partners who are working on the first wave of design coding pilots. They are giving rich insight and are making real progress on the ground. We look forward to inviting more local authorities to join this programme, through the application process that closes on 13 September.

Finally, I hope you have had or are planning a break. I can vouch for the value of time under big skies and in fresh air, as an antidote to working remotely on teams and skype. I was particularly lucky to spend a week in Orkney and marvel at the vistas across Scapa flow, see the intact remains of pre-historic homes at Scara Brae, enjoy long views south to Scotland and note that they now produce more energy through wind generation than they need. An indication of what can be achieved, perhaps.

With kind regards

Joanna Averley
Chief Planner



National Model Design Code: Phase 2 Pilots

We are inviting local authorities and neighbourhood planning groups to submit an Expression of Interest to participate in the National Model Design Code Phase 2 pilot programme.

We are looking to work with around 10 additional local authorities and neighbourhood planning groups to develop best practice design codes and processes that can serve as exemplars to others in the creation of local design codes. We are running another information event with the Planning Advisory Service **Wednesday 1 September 10:00-12:00**. [Please find details to join this session here](#)

We strongly encourage local authorities from counties to districts and parish councils, as well as neighbourhood planning groups, to apply. The deadline for expressions of interest is Monday the 13th of September at 5pm. [More information about the phase 2 pilots, including how to apply, can be found here.](#)

We have produced a list of FAQs, which cover the pilot programme and expression of interest process, [which can be accessed here.](#)

If you have any further queries about the pilot programme or expression of interest process, please contact us at designquality@communities.gov.uk

NSIP Survey

We have launched a survey for users of the Nationally Significant Infrastructure Projects (NSIP) process to gather insights into their experience of the process and ideas for change.

The Planning Minister, Chris Pincher, announced an end-to-end review of NSIP process at the National Infrastructure Planning Association's (NIPA) annual conference in July, and feedback from this survey will inform this review, which itself is part of the wider reform of the NSIP process announced in the National Infrastructure Strategy.

The survey is open throughout the first phase of our review until 17 December 2021, and we are looking for views on the following:

1. What Government, its Arms-Length Bodies and other statutory bodies could do to accelerate the speed at which NSIP applications can be prepared and, more generally, to enhance the quality of submissions.



2. Following submission, whether there are any aspects of the examination and decision process which might be enhanced, and how might these be improved.
3. Where a development consent order has been made, what impediments there are to physically implementing a project which could be removed.
4. How digitalisation might support the wider improvements to the regime, for example are there any specific aspects that you feel could benefit from digital enhancements.
5. What issues are affecting current NSIPs that you are working on that would benefit from enhanced cross-government co-ordination including Government Departments and Arms-Length Bodies.
6. Whether the NSIP regime successfully interacts with other consenting and regulatory processes and the wider context within which infrastructure projects operate.
7. Areas where limits in the capacity or capability of NSIP applicants, interested parties and other participants are resulting in either delays or adversely affecting outcomes.

The survey can be [found here](#) and more details about the end-to-end process review can be found in the [Minister's letter to the NIPA conference](#)

If you would like to keep in touch with NSIP reform please contact us at:
InfrastructurePlanning@communities.gov.uk

Aggregate Mineral Survey

MHCLG published the [Aggregate Mineral Survey \(2019\)](#) in August. This report is the collation of data for primary aggregates for 2019, providing an in depth and up-to-date understanding of national and sub national sales, inter-regional flows, transportation, consumption and permitted reserves of primary aggregates. Information is also presented on aggregate minerals planning applications and permission between 2015 and 2019.

Temporary Pavement Licence Provisions Extension

The Government has extended the temporary Pavement Licence Provisions introduced in the Business and Planning Act 2020, to be in place for a further 12 months until 30 September 2022 through the Business and Planning Act 2020 (Pavement Licences) (Coronavirus) (Amendment) Regulations 2021.

These provisions make it quicker and cheaper for businesses to obtain a pavement licence to place furniture such as tables and chairs on the highway outside their



premises. [The Pavement Licence guidance which can be found here](#) has also been updated to reflect this extension.

The guidance reminds local authorities and businesses that with the easing of lockdown restrictions, they will need to take extra care when applying the pavement licence provisions to ensure national and local requirements are still being met. This includes the national no-obstruction condition set out in the legislation, so that the highway remains accessible for all users. In addition, local authorities may wish to review any local conditions they have set in relation to access and safety, such as taking into account the impact increased crowds will have on security.

Tree Planting on Vacant & Derelict Land

Defra is seeking input from local planning authorities to develop an innovative funding mechanism to turn vacant and derelict land unsuitable for housing into beneficial, productive woodland.

Vacant and derelict land, defined as economically and ecologically degraded land, which is unsuitable for housing development, offers potentially significant opportunities to create woodland that can provide a multitude of environmental, social and economic benefits to communities. Defra is looking to hear from stakeholders to understand the scale of the opportunity, barriers and constraints to tree planting on this type of land, and how a potential funding mechanism could 'tip the balance' in encouraging landowners to transform vacant and derelict sites into woodland and forest.

To register interest in getting involved in the project please contact sam.ralph@defra.gov.uk

Biodiversity Metric 3

In July 2021 Natural England published [Biodiversity Metric 3](#). This metric has been designed for use by projects committing to, or required to achieve, a biodiversity net gain outcome. It can also be used by landowners (including Local Planning Authorities) seeking to sell biodiversity net gain units to developers. Metric 3 replaces the previously released beta test metric 2.0.

Metric 3 is available for use now. Unless a project has already commenced work using the previous metric, Natural England would encourage developers and consenting bodies to refer to and recommend the use of this updated metric when specifying or delivering biodiversity net gain. Additional background information about the metric can be found in this [blog article](#).



Natural England will be publishing a series of case studies to illustrate how Metric 3 can be used in a range of development scenarios, including by mineral operators. We will also be working with the Planning Advisory Service (PAS) to provide training to planners about Metric 3. The PAS website contains additional information about [Biodiversity Net Gain](#) that may be of interest to local authority planners and members.

Alongside the publication of metric 3 Natural England also launched a consultation version of a proposed [Small Sites Metric](#) (SSM) – a streamlined version of Metric 3 intended for use on smaller development sites. The consultation on this SSM is running until the end of October 2021.

Natural England will continue to listen to feedback on metric 3 and may undertake further tweaks and revisions if required. In 2022 Natural England anticipates recommending to the Secretary of State that metric 3 (together with the updated SSM) be put to formal consultation, as required under the Environment Bill, to form the metric(s) used to measure and calculate the forthcoming mandatory biodiversity net gain requirement for Town & Country Planning Act developments.

Call for Participation: User Research and Planning Reform

Over the coming months, MHCLG will be carrying out user research to support the planning reform programme. User research is user-centred which means we'd love to speak to those involved in the planning system, from all sectors, to hear about your experiences of planning and build that into future reform work.

We're calling for anyone involved in planning to sign up to be part of our user research panel. This means when we're conducting research, you'll be offered the opportunity to take part. Each opportunity is on a voluntary basis, so you're not obligated to get involved, but you'll hear about it first.

If you would like to consider taking part in future research, [sign up through this form](#). More information about user research, how we anonymise your inputs, and how we store your data can be viewed through this [privacy notice](#).



The Planning Inspectorate – Approach to Hearings and Inquiries After Lockdown

On 15 July the Planning Inspectorate explained how its approach to hearings and inquiries across all its casework will change now pandemic restrictions are lifted.

For hearings and inquiries taking place from 13 September the Planning Inspectorate is returning to the pre-pandemic approach of them being arranged by local authorities. In-person events will be possible, but where participants (including the inspector) need to present their evidence or participate virtually this will need to be facilitated by the local authority.

Where in-person elements are planned, the local authority will need to be prepared for the event to be held fully virtually in case pandemic restrictions change.

The Inspectorate is also undertaking further work on the longer-term, sustained approach to hearings and inquiries. We are currently engaging and consulting with staff, stakeholders and customers about how we should work in the future. We expect both blended (which include in-person elements) and virtual events to be part of our future operating model. [Read more here](#)