



## PLANNING UPDATE NEWSLETTER

Welcome to the latest version of the Planning Directorate newsletter, which brings you up to date with the Government's programme of planning reform. There has been work undertaken across a significant breadth of planning areas, which we highlight below.

**Steve Quartermain CBE**

**Chief Planner**

### **The Planning Inspectorate**

The Secretary of State for Communities, the Rt Hon James Brokenshire MP, [wrote to the Planning Inspectorate on 18 June 2019](#). The letter recognises the important role that the Planning Inspectorate plays in examining local plans and reaffirms the views set out in the [letter](#) from the Rt Hon Greg Clark MP in 2015 on the need for Inspectors to work pragmatically with councils towards achieving a sound plan.

The letter sets out arrangements for Inspectors to share factual information with MHCLG relating to local plans at examination. The Planning Inspectorate have updated their [Procedure Guide for Local Plan Examinations](#) and the guidance for Programme Officers to reflect the arrangements.

The Planning Inspectorate will also publish a quarterly report on their website setting out the plans that are expected to be submitted for examination in the following 6-month period.

I would remind all local planning authorities of the need to keep their own published plan timetables fully up-to-date (including through the Local Development Scheme) to ensure the accuracy of this quarterly report and to alert the Planning Inspectorate to any changes to the intended submission date. Please also note that the information you provide to the Planning Inspectorate about intended submission dates will be used in the quarterly report mentioned above.

### **Post-Rosewell Reforms to the Planning Inspectorate**

The Planning Inspectorate published its Rosewell Review [action plan](#) on 14 May. This sets out how and when the recommendations will be implemented. Importantly,

all new planning appeal inquiries are now following the Rosewell procedures. This means there will be tighter scheduling of appeals, with a case conference at around 7 weeks after the appeal start date and the inquiry beginning within 13 to 16 weeks, enabling planning appeal inquiries to be determined within 24 -26 weeks.

Appellants seeking an inquiry are asked to give the Planning Inspectorate and local planning authority at least 10 days' notice that they intend to submit an inquiry appeal. In their email to you on 18 June, the Planning Inspectorate asked that you include reference to this pre-notification requirement in your decision notices, and that following receipt of a pre-notification, you should begin preparations for the inquiry, such as arranging legal and staff representation, take a view on whether you agree an inquiry is the appropriate procedure and identify suitable inquiry venues. More information can be found [here](#).

### **Planning Guidance updates**

The Department recently published a range of new and updated [planning guidance](#). This includes new guidance on appropriate assessment, effective use of land, Green Belt, housing for older and disabled people, housing needs of different groups and housing supply and delivery. Updated items of guidance include:

- Advertisements
- Consultation and pre-decision matters
- Enforcement and post-permission matters
- Healthy and Safe Communities
- Historic environment
- Housing and economic land availability assessment
- Housing and economic needs assessment
- Land affected by contamination
- Land stability
- Natural Environment
- Noise
- Plan-making
- Strategic environmental assessment and sustainability appraisal
- Town centres and retail
- Use of planning conditions
- Water supply, wastewater and water quality
- When is permission required?

### **Building Better Building Beautiful Commission – Interim Report**

The Building Better, Building Beautiful Commission published their [interim report](#) on 9 July. The Commission is an independent body that is advising government on how to promote and increase the use of high-quality design for new build homes and neighbourhoods. The Commission will recommend practical measures to help ensure new housing developments meet the needs and expectations of

communities, making them more likely to be welcomed, rather than resisted, by existing communities. In their interim report, 'Creating space for beauty', the Commission have set out their work to date – please see link below. The final report, which will include the Commission's recommendations to government, is expected in December 2019.

## **Fee Regulations**

On 10 June the draft [Town and Country Planning \(Fees for Applications, Deemed Applications, Requests and Site Visits \(England\) \(Amendment\) Regulations 2019](#) were laid in Parliament. These Regulations remove a sunset clause to the existing fees regulations so that local authorities can continue to charge fees for planning applications. The Regulations will also introduce a £96 fee for applications for prior approval for permitted development rights for a larger single-storey rear extension to a house, following this permitted development right being made permanent on 25 May. The Regulations were debated in Parliament on 15 July and were made on 22 July. The new fee for prior approvals for larger single-storey rear house extensions will come into effect on 19 August.

## **Guidance on New Town Development Corporations' CPO Powers**

On 16 July we published a revised version of the Government's [Guidance on Compulsory Purchase Process and Cribel Down Rules](#), incorporating a new chapter on new town development corporations' compulsory purchase powers. The new guidance explains how the Government expects these powers to be used, and the factors which Ministers will take into account when deciding New Town CPOs. It will provide greater clarity for stakeholders, including promoters, investors, infrastructure providers, landowners and local communities.

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## **RTPI Apprenticeship**

The new Chartered Town Planner Degree Apprenticeship is now available and will be running at universities across England from autumn 2019. The apprenticeship was developed by a group of local authorities, consultancies and the RTPI and a successful apprentice will complete a RTPI accredited qualification and become a Chartered Town Planner. The apprenticeship is an opportunity for local authorities to address the shortage of planners and use their apprenticeship levy to develop both new and existing planning staff. A number of local authorities are already signing up to start this September. Find out more [www.rtpi.org.uk/degreeapprenticeship](http://www.rtpi.org.uk/degreeapprenticeship)

## **Good Development Management**

On behalf of the Planning Advisory Service and the Local Government Association, Citiesmode and Arup have investigated how Local Planning Authorities across England are designing and implementing projects to improve the efficiency, quality and delivery of their Development Management services. This has produced 13 case studies from a variety of councils which are delivering their development management services in high pressure environments. The case studies include examples of how councils are creating more capacity, plugging skills gaps and getting the whole machine operating more effectively. You can read the report and case studies [here](#).

## **Resources Survey**

I would like to thank all authorities who took the time to respond to the PAS local authority resources survey. The appropriate resourcing of local planning authorities is a key theme we want to consider for the Accelerated Planning Green Paper, which was announced in the Spring Statement and will be published later this year. The results of this survey will provide important evidence to help us develop the Green Paper and to better understand the skills and resources that you require to deliver your planning services.

## **Permitted Development Rights and Deemed Advertising Consent**

[The Town and Country Planning \(Permitted Development, Advertisement and Compensation Amendments\) \(England\) Regulations 2019](#) came into force on 25 May. It includes new permitted development rights for change of use from a shop (A1), financial and professional services (A2), betting office, pay day loan shop, launderette, and hot food takeaway (A5) to an office (B1(a)); and change of use from hot food takeaway (A5) to dwellinghouse (C3).

The existing right for change of use to a temporary flexible use has been expanded to allow change to a clinic or health centre (D1(a)), art gallery (D1(d)), museum (D1(e)), public library (D1(f)) or exhibition hall (D1(g)); and the period of temporary use in all cases has been increased from two years to three years.

The right for a larger single storey rear extension to a house has been made permanent. The height permitted for off-street electric vehicle charging point upstands has been increased to 2.3 metres, except within the curtilage of a dwellinghouse or block of flats where it remains at 1.6 metres. The permitted development rights for the installation, alteration and replacement of public call boxes and the associated deemed advertisement consent has been removed.

Other minor clarifications include amending Class C of Part 4 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 to ensure that where there is a temporary use of a building as a state-funded school, that the building retains its original use or use class and any associated rights to change to a permanent state-funded school.

## **Community Infrastructure Levy Regulations**

The Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations will come into force on 1 September, having been debated and passed in Parliament on 27 June. We will be issuing revised planning practice guidance to coincide with the regulations coming into force.

The amended regulations follow public consultations and stakeholder engagement on both the initial detailed proposals and subsequent draft regulations. The consultation documents and the Government's responses to them can be found here:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/806284/Developer\\_contributions\\_government\\_response.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/806284/Developer_contributions_government_response.pdf)

The amendments make our system of developer contributions simpler, more flexible, fairer, and more transparent. They:

- make it faster and simpler to introduce or amend CIL by reducing the number of consultations that must be undertaken
- give authorities more flexibility over the use of CIL and s106 planning obligations, by removing pooling restrictions which limit the number of planning obligations that can be used to fund a single infrastructure project, and by allowing planning obligations to fund infrastructure also being partly funded by CIL
- make CIL fairer by ensuring that where a planning permission is altered and a new CIL liability created, the most recent CIL rate is only charged on the altered area
- make CIL fairer by allowing multi-phased developments which were originally consented prior to CIL adoption, and are amended post CIL adoption, to offset increases in liability in one phase against decreases in another phase, to ensure that the final CIL liability reflects the amount of floorspace developed
- make CIL fairer by ensuring that developments which are otherwise exempt from CIL, including residential extensions and self-build housing, will not lose that exemption when failing to notify an authority when a development has commenced

- increase transparency for communities, by requiring authorities to report annually on what they have received and spent through developer contributions, through both CIL and section 106 planning obligations
- enable authorities to seek a monitoring fee through section 106 planning obligations, to support the annual reporting requirements

### **Developer contributions research**

This summer we will be carrying out research into section 106 and the Community Infrastructure Levy. The purpose of this research is to update research that we carried out into the value and use of developer contributions in 2016/17 and to understand the early impacts of recent reforms to developer contributions.

The University of Liverpool will be conducting the research on our behalf and will be sending out a survey to local authorities in the next couple of weeks. I ask that all local authorities respond to this important survey so that we can better understand how section 106 and the Community Infrastructure Levy are currently operating. The output of this research will help feed into policy evaluation, our response to the HCLG Select Committee inquiry on land value capture and future policy development. Please do keep an eye out for emails from the University of Liverpool.

### **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 2019 review, the Government has decided to raise the maximum and minimum payment thresholds for payments for owner-occupiers from £63,000 and £6,300 to £64,000 and £6,400 respectively. The flat rate paid to tenants has been raised from £6,300 to £6,400. [The Home Loss Payments \(Prescribed Amounts\) \(England\) Regulations 2019 \(Statutory Instrument 2019 No.1117\)](#) were laid before Parliament on 12 July and come into force on 1 October 2019.