



Ministry of Housing,
Communities &
Local Government

By email only

November 2018

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.

I would also like to wish everyone a happy World Town Planning Day which is taking place on the 8th of November.

Steve Quartermain CBE
Chief Planner

Planning Reform: Supporting the high street and increasing the delivery of new homes

On 29 October we launched a [consultation](#) setting out proposals for permitted development rights to support the high street including allowing greater flexibility for change of use, extending buildings upwards to create new homes and removing the permitted development right for telephone kiosks and associated advertising consent. In addition, there are proposals to increase the height limit for electric vehicle charging points in off street parking spaces to accommodate rapid charging points and make permanent two time-limited rights to change use from storage or distribution to residential use and for larger home extensions. Views are also invited on the feasibility of a permitted development right for the redevelopment of a commercial site to create new homes.

The consultation also proposes to extend local authorities' freedoms to dispose of surplus land at less than best consideration without the Secretary of State's consent, invites comments on a draft listed building consent order to allow routine works to the Canal & River Trust's structures without the need

for individual applications and on draft guidance on new town development corporations' compulsory purchase powers.

The consultation closes on 14 January 2019.

Developer Contributions

Alongside budget, we published the [Government's response](#) to the consultation on reforms to developer contributions.

The reforms to developer contributions build on improvements made to viability assessment earlier this year through the National Planning Policy Framework (NPPF) and accompanying guidance. They ensure that developers know what contributions they are expected to make, that local communities are clear about the infrastructure and affordable housing they will get, and that local authorities can hold them to account. The reforms include:

- Introducing a new tariff (Strategic Infrastructure Tariff) that will allow combined authorities to collect funds from developers towards strategic infrastructure that benefits multiple areas.
- Removing restrictions on how planning obligations can be used, so that local authorities have greater flexibility to secure the funds they need to deliver infrastructure. These pooling restrictions will be lifted across all areas.
- Measures to make Community Infrastructure Levy (CIL) rates more responsive to changes in the value of development. We will consult on indexation proposals.
- Increasing transparency, by requiring authorities to publish more details on what has been collected and spent, so that local communities can see the value of developer contributions secured.
- Increasing certainty for developers on the contributions that they are required to make, by clarifying regulations.

Legislation will be required to implement the changes set out in the consultation document. We are planning to consult on draft regulations later this year.

Independent review of build out: final report

The [final report](#) of the Independent Review of Build Out Rates, chaired by Rt Hon Sir Oliver Letwin MP, was published alongside the Budget on 29 October 2018. The review found no evidence that speculative land banking is part of the business model for major house builders, nor that this is a driver of slow build out rates. The review concluded that greater differentiation in the types and tenures of housing delivered on large sites would increase the market absorption rates of new homes – the binding constraint on build out rates on large sites. To achieve this, Sir Oliver recommends new planning rules that require developers to offer a variety of property types, and suggests local authorities have a more muscular role in home building with the creation of European-style development companies that use master planners to shape developments. The government will respond to the review in full in February 2019.

Neighbourhood Planning: Budget announcement

As part of the Budget, Government announced we will provide an additional £8.5 million to support neighbourhood plans and neighbourhood development orders with ambitions to allocate or permission land for homes sold at a discount. More information will follow through our neighbourhood planning support programme.

Building Better, Building Beautiful Commission

The Government have launched the [Building Better, Building Beautiful Commission](#). The Commission, chaired by aesthetics philosopher Sir Roger Scruton, will expand the debate on design quality and style. Their focus will be on the creation of places and homes that are popular with local communities, attractive and respect the character and identity of the area in which they are located, whilst meeting the needs of people now and in the future.

The three aims of the Commission are:

- Promoting better design and style of homes, villages, towns and high streets, to reflect local wishes, knowledge and tradition.
- Investigating how new towns and villages can be developed with greater local support.

- To make the planning system work in support of better design and style, not against it.

The Commission will report directly to the Secretary of State for Housing, Communities and Local Government James Brokenshire, and will make final recommendations towards the end of 2019.

Technical consultation on updates to national planning policy and guidance

We launched a [consultation](#) on updates to national planning policy and guidance on 26 October. The consultation sets out how we propose to alter the standard method for assessing local housing need to ensure that it is consistent with increasing the supply of homes. This will mean that local authorities would continue to use the 2014-based household projects when using the standard method to assess the minimum number of homes needed in their area. Plans submitted on or before 24 January 2019 can be based on existing assessments of housing need.

The consultation also proposes clarifications of national planning policy on:

- housing land supply
- the definition of deliverable
- appropriate assessment

The consultation closes on 7 December 2018. Following that we will analyse the responses and publish the response to the consultation as soon as possible.

Government response to the National Infrastructure Commission study on the Cambridge-Milton Keynes-Oxford Arc

The Government has published its [response](#) to the National Infrastructure Commission's report on the Oxford to Cambridge Arc, setting out detailed responses to their recommendations to unlock transformative growth in the Arc. This response confirms the Government's commitment to working with local partners to maximise sustainable economic growth across the Arc and welcomes the NIC's finding that up to 1 million homes will be needed to deliver this.

Shale gas update

Government consultations on permitted development for shale gas exploration development, and the inclusion of shale production projects into the Nationally Significant Infrastructure Projects regime, have now closed. The Government is in the process of considering the responses to the consultations and will publish its responses in due course.

The Government has also published a separate [consultation](#) on whether developers should be required to conduct pre-application community consultation prior to submitting a planning application for shale gas development, and the process of community consultation that could be required. The consultation opened on 31 October 2018 and runs for a period of 10 weeks, ending on 7 January 2019.

European Union (EU) Exit and planning regulations

On the 24th of October the government published three EU Exit statutory instruments which amend various pieces of planning legislation in preparation for when the UK leaves the EU on 29 March 2019. These are minor drafting amendments which seek only to ensure that the planning regime continues to function as it does currently after the UK has left the EU and so there will be no substantive impact on any stakeholders. These changes will not be retrospective, and so there will be no need to re-examine any decisions made before our EU exit purely as a result of these changes. More information on these statutory instruments, which principally relate to implementation of the EIA Directive, SEA Directive, and the land-use planning aspects of the Seveso III Directive, can be found [here](#).

Review Deadline for Brownfield Land Registers and Permission in Principle

Since the end of last year, every local planning authority has been required to publish a register of brownfield land suitable for housing. To ensure each register is kept up-to-date, and can continue to be used as a vehicle for granting permission in principle, there is also a requirement for every authority to review the entries at least once within each register year. As most authorities published their register at the turn of the year, the review deadline is fast approaching. Further information about reviewing your register can be found in the [Government's planning guidance](#).

Habitats Regulations Assessments

In April 2018, in the case *People Over Wind & Sweetman v Coillte Teoranta* (“People over Wind”), the Court of Justice of the European Union clarified that it is not appropriate to take account of mitigation measures when screening plans and projects for their effects on European protected habitats under the Habitats Directive. In practice this means if a likely significant effect is identified at the screening stage of a habitats assessment, an ‘Appropriate Assessment’ must be undertaken.

We are considering the judgement in detail and will give further advice in due course.

Onshore Wind Development

The Business, Energy and Industrial Strategy Department (BEIS) is researching the response of local planning authorities to the changed planning policy regime for onshore wind development, following the June 2015 ministerial statement. We would be grateful if you could take 5 minutes to respond to this short [survey](#).

User survey on planning practice guidance

We are currently conducting a short user survey on planning practice guidance. The survey is available [here](#) and via the planning practice guidance page on gov.uk when visited. We welcome your feedback - thank you to those of you who have already completed it.

We continue to review the guidance following the publication of the revised National Planning Policy Framework (NPPF) and anticipate updated guidance in December and March.