



By Email Only

July 2021

Message from Chief Planner

In this newsletter you will find updates of the latest policy and practice announcements from MHCLG and colleagues in government departments and agencies relating to planning. As we continue to adjust to changes to our working patterns the Planning Inspectorate are continuing to adapt with an update to the approach to hearings and inquiries, as well as trialing the use of mediation in enforcement cases. There are also updates on the latest planning practice guidance across a range of important issues including fire safety. Also, if you are interested in taking part in some research on how to map the planning system please sign up below.

As we head towards the holidays, we have been delighted to welcome summer interns to the Planning Directorate in MHCLG. This is part of our programme to encourage young people to consider planning as a career. I was also interested to learn more about all that the RTPI have been doing to make entry into planning more accessible through their apprentice programmes. The programme has been running for two years, through which local planning authorities can utilize council training levy and take advantage of the [Degree Apprenticeship](#) scheme, with the next intake due this Autumn 2021 and into 2022; if they have an apprentice role in place.

It provides the opportunity for local planning authorities to 'grow their own' professional planners and directly support local, diverse talent, tailored to meet local employment policies and engagement programmes. [Here are some stories of success](#). University providers and the [national apprenticeship portal](#) may be able to support with advertising such positions.

Wishing you the very best as you plan for or take some leave in the coming months.

Joanna Averley
Chief Planner



Campsite Regulations

The Government recognises that there will be a higher demand for English holidays this summer. In order to ensure planning permission is not a barrier to the creation of pop up campsites and the expansion of existing campsites, a written ministerial statement was made 28th June 2021, encouraging local authorities to take a flexible and proportionate approach to enforcement action against campsites.

These measures do not apply to other forms of campsites, including those for domestic use, and it does not stop local planning authorities taking appropriate action where there are significant adverse impacts on amenity, public health and safety or the environment.

[The full written ministerial statement can be found here](#)

Mediating Planning Enforcement Disputes

As part of the Government's reforms of the planning system we have been looking at ways in which the appeals system can become more responsive. Accordingly, we are engaging in a "Pathfinder" initiative with the Planning Inspectorate, initially, to review its current enforcement workload to identify which appeals could be referred to mediation.

The Inspectorate is currently looking at all appeals which are scheduled for public inquiry or hearing raising grounds (a), (f) and (g), concern gypsies & travellers, or are in respect of TPOs and High Hedges. For cases considered suitable the Inspectorate staff will contact relevant parties to provide information explaining the process and giving contact details for the mediation service which will be overseen by RICS and CI Arb, organisations with extensive experience of managing specialist dispute resolution appointments.

We expect that this initiative will be welcomed by the relevant planning authorities (and appellants), given the current backlog and increased time delays arising out of the pandemic. If, as is to be hoped, this initial "Pathfinder" is successful then active steps may well be taken to expand the range and scope of planning matters that could be resolved or issue limited through mediation even before a statutory appeal is submitted.



The Planning Inspectorate – the Government’s Pandemic Roadmap and Approach to Hearings and Inquiries

The Government’s roadmap expects relaxation of pandemic restrictions on 19 July. Once restrictions are relaxed there is the possibility that face-to-face appeal hearings and inquiries hosted locally can once again play their part in safely progressing the Inspectorate’s casework, but now complemented by virtual participation where appropriate. The Inspectorate will also be reverting to the pre-pandemic approach of local authorities organising hearings and inquiries. This will help increase the number of decisions the Inspectorate can make.

Through July please look out for:

- Updates to the Inspectorate’s Covid-19 guidance
- Updates to arrangements for organising and hosting hearings and inquiries

The Inspectorate is also undertaking further work on the longer term approach to hearings and inquiries, and will share more about this later in the year.

Public Service Infrastructure Development and Planning Gateway One – Fire Safety Matters

As notified in the previous newsletter, the Department has now laid [The Town and Country Planning \(Development Management Procedure and Section 62A Applications\) \(England\) \(Amendment\) Order 2021](#), which comes into force from 1 August 2021.

Planning practice guidance has been updated to accompany the regulations:

- Revised chapters on public service infrastructure development and fire safety matters:
- [Consultation and pre-decision matters - GOV.UK \(www.gov.uk\)](#)
- [Determining a planning application - GOV.UK \(www.gov.uk\)](#)
- [New chapter on fire-safety matters](#)
- [The fire statement form and accompanying guidance can be found here.](#)



NB. The Health and Safety Executive email address for their role as a new statutory consultee under 'planning gateway one' requirements is: planninggatewayone@hse.gov.uk.

Permitted Development Rights – Consequential Changes and Fire Safety

Legislation will come into force on 1 August 2021 to make consequential changes to a number of national permitted development rights. These amendments result from the [Technical consultation on consequential changes to permitted development rights](#) and makes changes to certain rights following the reform of the Use Classes Order from 1 September 2020. Details can be found in the [Town and Country Planning \(General Permitted Development etc\) \(England\) \(Amendment\) \(No 2\) Order 2021](#)

The Order also introduces new prior approvals in respect of fire safety applying to Class MA of Part 3, and Class A and Class AA of Part 20. This ensures that similar requirements apply to the GPDO as apply following the recent amendments to the DMPO (see above), which introduces a requirement to consider fire safety as part of planning applications for high-rise residential buildings. These permitted development rights can be used to develop high-rise residential buildings of the same scope either through conversion (Class MA) or by building up (Classes A and AA). The prior approvals will ensure fire safety is considered, by requiring the submission of a statement about fire safety and consultation with the Health and Safety Executive.

New Policy on Article 4 Directions

On 1 July 2021, the Secretary of State for Housing, Communities and Local Government laid a [Written Ministerial Statement setting out a new policy on the use of Article 4 directions](#). The new policy came into effect immediately.

The Written Ministerial Statement sets out the Government's new policy on Article 4 directions, including the new text for paragraph 53 of the National Planning Policy Framework. It requires that Article 4 directions are targeted and well-evidenced so that there is a clear justification for their introduction. They should also only apply to the smallest geographical area possible to accomplish their objective. Article 4 directions that cover the entirety of a local authority area unlikely to be supported.



The National Planning Policy Framework will be updated in due course.

Planning Advisory Service

MHCLG provides funding for the Planning Advisory Service (PAS) to support local government through the planning reform agenda. PAS deliver 'sector led' improvement through Councillor and officer peers using their own experience of the planning system to help other Councils to improve.

PAS work with MHCLG to identify Councils that may require support on planning matters such as local plan production, development management and resources. This year their work extends across a whole range of new and existing policy areas including Infrastructure, Housing Delivery, Urban Regeneration and Town Centres. PAS is also working with MHCLG's pilot projects for Design, Digital and Freeports. They have a new environmental planning element to their programme, focused on Nutrient Neutrality and Biodiversity Net Gain, the latter funded by Defra, with MHCLG on the project steering group.

Councils can access support by contacting PAS on pas@local.gov.uk or visiting their website <https://www.local.gov.uk/pas> where there are lots of useful resources. As a result of the support from Government most PAS work is provided free of charge.

Input into MHCLG Research on the Planning "System"

MHCLG are working with DXW to prepare visual material to represent the planning system. This work will look to demonstrate how 'real world' planning processes work compared to theoretical models. With this in mind the consultants are keen to get inputs and additional insight from practitioners who use or interface with the planning system from a local plan making and/or development management perspective, such as: Policy officers, Planning officers, Planners from private developers, Community engagement teams, Statutory consultees and Other actors in the planning system

If you are interested in participating in this research **in July** your inputs will be kept under strict confidentiality and participants and their organisations will remain anonymous. Sign up via this [form](#) ASAP if interested and you can also read the [privacy notice](#).



Natural England Launches Biodiversity Metric

On Wednesday 7th July Natural England launched three new tools to help developers measure biodiversity net gain and ensure new developments are “nature positive”. The new tools have received expert input from Natural England, Defra and industry to support the government’s 25 Year Environment Plan commitment to expand net gain approaches to deliver wider benefits for people and nature from development. Where a development has an impact on biodiversity, it will ensure that the development is delivered in a way which helps to restore any biodiversity loss and seeks to deliver thriving natural spaces for local communities.

- The new [Biodiversity Metric 3.0](#) will provide a way of measuring and accounting for nature losses and gains resulting from development or changes in land management. This is the recognised metric for measuring biodiversity, as proposed in the Environment Bill.
- The [Small Sites Metric \(SSM\)](#), a beta version designed to simplify the process of calculating biodiversity net gain on smaller development sites.
- The [Environmental Benefits from Nature Tool \(EBNT\)](#) was also launched to give developers a way of exploring the benefits habitats bring to people, such as improvements to water quality, flood management services and carbon storage.

The tools were launched as part of an online event which can be viewed [here](#). We encourage planners to gain familiarity with the metric as it will be the metric submitted to LPAs by developer as part of the BNG approvals process so understanding the outputs of it is needed. Look out for further information in the autumn on sessions for planners on the metric. For further information, please contact Nick.White@naturalengland.org.uk

Net Gain Local Planning Authority Capacity Project

Defra and Natural England have set up a project with the Planning Advisory Service (PAS) to help local planning authorities get ready for mandatory biodiversity net gain. The project has a [dedicated website](#) and will run for at least two years, providing interactive support and raising awareness of the net gain approach for LPAs as they prepare during the transition. The project is already engaging councillors and planners in policy and development management, and will foster an online community for LPAs to discuss and



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learn together along the way. For further information, please contact
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