



December 2012

By email only

PLANNING UPDATE NEWSLETTER

As the year draws to a close, I wanted to take the opportunity to provide an update on the Government's recent activities, and to remind you of some recent changes to the Local Plan Regulation 2012.

Planning Fees

Parliament approved the increase of fees for planning applications, deemed applications, requests and site visits regulations by a maximum 15% from 22 November 2012. This consolidates 12 previous statutory instruments and increases planning application fees in line with inflation since 2008. New fees have been introduced for Urgent Crown Development and Certificates of Appropriate Alternative Development. An amendment has also been made to allow the fees for Deemed Applications to be paid in full to the local planning authority rather than being split with the Secretary of State. The new regulations can be found at:

<http://www.legislation.gov.uk/ukxi/2012/2920/contents/made>.

Award of Costs

The recently published addendum to *Circular 03/09: Costs Awards in Appeals and Other Proceedings* makes changes to the award of costs from 19 December. This follows the recent consultation, and makes several changes to the current guidance. First, it meets the commitment made by the Government during the passage of the Localism Act to clarify the guidance to confirm that, in general, councils should not be liable for an award of costs against them if they refuse a planning application that is clearly contrary to a Local Plan that is consistent with national policy, and other material considerations do not indicate otherwise. Secondly it makes clear the expectation that Statutory Consultees should be prepared to substantiate at any appeal the comments they made regarding the planning application. It makes further additional changes in relation to providing accurate and true information, and the importance of timeliness in the decision taking process. A copy can be found at:

<https://www.gov.uk/government/publications/costs-awards-in-appeals-and-other-planning-proceedings-circular-03-2009>.

Further changes to the Costs Circular will be made following the passage of the Growth and Infrastructure Bill.

Local Plan Issues

Health and Social Care Act 2012

The Health and Social Care Act 2012 abolishes Strategic Health Authorities and other health bodies such as Primary Care Trusts. The Government will shortly amend the Local Planning Regulations 2012 to reflect the newly established bodies, the clinical commissioning groups and the National Health Service Commissioning Board. These changes will affect regulations 2, specific consultation bodies, and 4, Duty to Cooperate bodies.

Local Nature Partnerships

Following the designation of the first Local Nature Partnerships, these bodies have now been prescribed under the Duty to Cooperate. This means that councils and other bodies bound by the Duty must have regard to the views of Local Nature Partnerships in relation to strategic planning matters. You can view the amendment at:

<http://www.legislation.gov.uk/ukxi/2012/2613/contents/made>.

Authority Monitoring Reports

The Local Planning Regulations 2012 changed the requirements for local authority reporting. Councils are no longer required to send an annual Monitoring Report to the Secretary of State. Instead, monitoring should be a **continuous process**, and councils should publish monitoring information on websites as soon as practical, upon receipt of that information. This measure is designed to improve transparency, and to give your communities access to more

regular information, which is of particular benefit to areas undertaking neighbourhood planning.

Actions under the Duty to Cooperate

The regulations also require you to report to your communities on the actions you have undertaken under the Duty to Cooperate. In addition to the transparency benefits this brings, it will be beneficial when it comes to showing compliance with the Duty to Cooperate at examination on any forthcoming Local Plans, either yours or ones you have an interest in. The Department for Communities and Local Government has also been tasked with preparing a short report on activities undertaken under the Duty. We will be preparing this report in the coming months and will look to the information you have published to help us with that.

Support for getting an updated Local Plan in place

Following the publication of the National Planning Policy Framework, the Government worked with the Local Government Association, through the Planning Advisory Service (PAS), and the Planning Inspectorate to put in place support for all councils wishing to update their Local Plan.

PAS and the Inspectorate have recently held a series of surgeries aimed at councils who have not yet published a Local Plan under the 2004 Act. The surgeries were very well attended, and the feedback is that they were very well received. PAS now plans to extend these surgeries to those councils who are planning to review their existing Core Strategies. Details will be available shortly.

It is encouraging that real progress is being made on getting plans updated or in place – 68% of councils have now reached the stage of having at least a published plan in place. I would encourage all councils who have not already done so to take full advantage of the support being offered by PAS and the Inspectorate.

Supplementary Planning Documents

The Local Plan regulations 2012 have redefined what information can be contained in supplementary planning documents. I would encourage you to review regulations 5 and 6, and seek legal advice as necessary, before deciding whether supplementary planning documents are the appropriate vehicle for your guidance. Government policy on the use of supplementary planning documents is at paragraph 153 of the National Planning Policy Framework.

Town and Country Planning (Control of Advertisements) (England) Regulations 2007 - Local planning authorities' powers to control certain advertisements

The recent submission of a private members bill to remedy amenity problems created by the proliferation of certain types of advertisements with deemed consent on the amenity of an area suggests that now is an appropriate time to remind local planning authorities of the powers they already have under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to resolve adverse effects on amenity and public safety. When authorities are considering the restriction or removal of deemed consent they should take account of the Government's policy set out in paragraphs 67 and 68 of the National Planning Policy Framework.

The 2007 Regulations can be viewed on the Government legislation website at www.legislation.gov.uk/ukxi/2007/783/pdfs/ukxi_20070783_en.pdf and amending Regulations at www.legislation.gov.uk/ukxi/2007/1739/contents/made; www.legislation.gov.uk/ukxi/2011/2057/contents/made and www.legislation.gov.uk/ukxi/2012/2372/contents/made.

Streamlining Information Requirements for Planning Applications

Following public consultation over the summer, changes to outline planning applications and local lists are being introduced through an amendment (SI 2012 No.3109) to the Development Management Procedure Order 2010. The changes, which come into force on 31 January 2013, reduce the amount of information applicants are statutorily required to provide with outline applications and encourage local authorities to revisit their local lists every two years. The Government will publish its response to this consultation shortly.

CIL

Updated guidance on the Community Infrastructure Levy was published on 14 December 2012 setting out the main procedures local authorities need to follow when introducing and operating the levy.

Here's a link to the CIL guidance: <https://www.gov.uk/government/publications/community-infrastructure-levy-guidance>.

Neighbourhood Planning

Upper Eden is the first neighbourhood plan to reach examination stage. The examiner's report recommends that the plan should proceed to referendum: <http://bit.ly/12nqrQx>. Meanwhile, the **Thame** plan has been submitted to South Oxfordshire District Council for publicity and independent examination.

Minister for Planning Nick Boles announced on 18 December a continuation of funding of up to £30,000 per scheme for local planning authorities 2013/14. He also announced changes from January that will provide greater support to areas encouraging neighbourhood planning on a larger scale in the coming year. Further details can be found here:

<http://bit.ly/TXF4Vg>. DCLG has also published a tender to run a Supporting Communities in Neighbourhood Planning Programme from April 2013 - March 2015. Applications close on 16 January. For more information, go to:

<http://bit.ly/TXzRwq>. Work also continues on neighbourhood planning business referendums regulations. We expect these to come into force in April 2013. For further news on neighbourhood planning, the second edition of the bulletin from the team in DCLG, is available at: <http://bit.ly/R1tIsG>.

Review of Planning Practice Guidance

On 21 December 2012, the Government announced its response to the Review of Planning Practice Guidance which has been led by Lord Taylor of Goss Moor [<https://www.gov.uk/government/organisations/department-for-communities-and-local-government>], welcoming the Review's report, and launching a short consultation on the Review Group's recommendations. You can read the Review Group's report, get involved in the conversation, and respond to the consultation at <http://planningguidance.readandcomment.com/>.

Stalled Sites

Across the country we have high numbers of stalled housing sites with planning consent, ready to provide much needed housing and jobs. Earlier in the year we announced a programme of Section 106 mediation and renegotiation to help get stalled sites moving within 13 councils. A number of suitable sites have been identified and advisors are to be appointed shortly. We have now widened the offer to all areas and would like to invite all councils, landowners and developers with suitable sites to apply via the HCA. Decisions on appropriate sites will be made early 2013. If you have sites which could benefit please see web link:

<http://www.homesandcommunities.co.uk/ourwork/s106>

Revocation Of Regional Strategies

The Localism Act removed the regional planning framework. This means that no further regional strategies can be created. It is our policy to revoke the existing regional strategies as soon as possible subject to the outcome of the Strategic Environmental Assessment process which is in train.

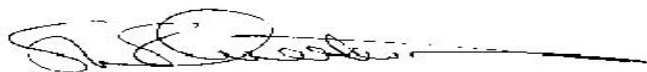
On 11 December 2012, the Government laid the first Order in Parliament to revoke the East of England Regional Strategy. The Order will come into force on 3 January. Further details can be found at:

<https://www.gov.uk/government/news/first-regional-strategy-to-be-abolished>

Reports for Yorkshire & Humber, South East, East Midlands, North East, West Midlands, the South West and the North West have all been published for public consultation.

Planning applications - call in policy

In a Written Ministerial Statement on 26 October 2012, Nick Boles, Parliamentary Under Secretary of State for Communities and Local Government set out the Government's call in policy. The policy reaffirms that the Secretary of State will be very selective about calling in planning applications. In September the Secretary of State indicated that he would carefully consider the use of call in for major new settlements with larger than local impact. The revised call-in indicators reflect this, although each case will continue to be considered on its own merits. The new policy can be found at: <http://www.publications.parliament.uk/pa/cm201213/cmhansrd/cm121026/wmstext/121026m0001.htm>



STEVE QUARTERMAIN, CHIEF PLANNER