

**By email only
September 2018**



Ministry of Housing, Communities & Local Government

PLANNING UPDATE NEWSLETTER

Introduction

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 revised National Planning Policy Framework

We published the revised [National Planning Policy Framework](#) on 24 July 2018, following extensive public consultation to which many of you contributed. The revised Framework implements around 80 reforms from the housing White Paper and Autumn Budget 2017, in a shorter and more streamlined format. It combines stronger protection for the natural environment, with a greater emphasis on meeting the housing needs of communities.

The revised Framework implements a new standard method for calculating local housing need, to enable all communities to have a clear, transparent understanding of the homes they need as a minimum.

In the [government response document to the revised National Planning Policy Framework](#) we noted that revised population projections are likely to lead to the minimum need numbers generated by the method being subject to a significant reduction, once the relevant household projection figures are released. We will consider adjusting the method

after the household projections are released, in late September 2018, and consult on the specific details of any change at that time.

We have also introduced a new Housing Delivery Test in the revised Framework, which measures delivery of homes across England, with consequences for under-delivery.

Planning Practice Guidance

The updated planning practice guidance on viability was published alongside the revised Framework on 24 July. This is available at:
<https://www.gov.uk/guidance/viability#viability-and-decision-taking>

On 13 September, we published new guidance on “Build to rent” and “Plan-making”. Guidance on “Housing need assessment”, “Housing and economic land availability assessment,” “Local Plans” and “Neighbourhood planning” has also been updated. All planning practice guidance can be accessed on this link:

<https://www.gov.uk/government/collections/planning-practice-guidance>

The planning practice guidance to support other areas of the Framework will be subject to updates in due course.

Planning Advisory Service (PAS) events on the new NPPF

The Planning Advisory Service (PAS), with support from MHGLG, are running a series of specialist events in late September / October focussing on the delivery of the package of reforms in the new NPPF. Please do visit [PAS's website](#) for further information and sign up if you can (but be quick as I understand spaces are getting booked up!) and I hope you find them really useful.

Housing Delivery Test

The first Housing Delivery Test (HDT) measurement will be published in November. Detail on the HDT Measurement Rule Book can be found at <https://www.gov.uk/government/publications/housing-delivery-test-measurement-rule-book>. During the Autumn, MHCLG will be collecting information on adopted housing requirements from local planning authorities through the web-based DELTA system. Each authority

should have provided MHCLG with two contacts during August, and these are being set up with access to the DELTA system. Contacts will be notified once the HDT collection is open, so please do keep an eye out for emails from the DELTA system and the planningpolicy@communities.gsi.gov.uk mailbox.

Independent Review of Planning Appeal Inquiries

The [Planning Appeal Inquiries Review](#) is examining the planning appeal inquiry process from end to end and will make recommendations to reduce the time taken to conclude planning inquiries, while maintaining the quality of decisions.

As a first step in the review process, a [Call for Evidence](#) was published on 25 July, seeking views **by 18 September** on how the planning appeal inquiry process can be speeded up or otherwise improved. The Review will report to the Secretary of State for Housing, Communities and Local Government by the end of 2018.

Planning for shale gas - update

On 19 July 2018 the Government launched an early stage consultation to seek views on the principle of whether non-hydraulic fracturing shale exploration development should be granted planning permission through a permitted development right, and in particular the circumstances in which it would be appropriate.

The [consultation](#) will run for a period of 14 weeks and has been published alongside a [BEIS led consultation](#) on the criteria required to trigger the inclusion of shale production projects into the Nationally Significant Infrastructure Projects regime.

In addition, the Government has committed to a separate consultation on whether developers should be required to conduct community pre-application consultation prior to submitting a planning application for shale gas development. This consultation will be launched in Autumn 2018.

The 17 May 2018 Written Ministerial Statement on energy and planning policy launched a £1.6 million shale support fund to build capacity and capability in mineral planning authorities dealing with shale applications for two financial years (2018/19 and 2019/20). Further information on the

fund and how to bid can be found using the following link:
<https://www.gov.uk/government/publications/shale-exploration-support-for-mineral-planningAuthorities-invitation-to-bid--2>.

The Government also announced the creation of a new planning brokerage service for shale applications. The service will work to facilitate better understanding and improved relationships between developers and local authorities and provide support throughout the planning application process to help facilitate timely decision making. The service will focus exclusively on the planning process and will have no role in the consideration or determination of planning applications. The service will not comment on the merits of a case and will also have no role in the appeals process.

We also are working with the Planning Advisory Service to provide a range of training and information resources to mineral authorities to increase their knowledge and understanding of shale development.

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 2018 review, the Government has decided to raise the maximum and minimum payment thresholds for payments for owner-occupiers from £61,000 and £6,100 to £63,000 and £6,300 respectively.

The flat rate paid to tenants has been raised from £6,100 to £6,300. [The Home Loss Payments \(Prescribed Amounts\) \(England\) Regulations 2018 \(Statutory Instrument 2018 No.915\)](#) were laid before Parliament on 2 August and come into force on 1 October 2018.

Imposing pre-commencement conditions

From 1 October 2018 planning permission may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition, except in the circumstances set out in Regulations.

A pre-commencement condition is defined for this purpose as a condition imposed on a grant of planning permission (other than a grant of outline planning permission) which must be complied with

- a) before any building or operation comprised in the development is begun, or
- b) where the development consists of a material change of use of any buildings or other land, before the change of use is begun

In line with existing good practice, we expect that in most cases, local planning authorities and applicants will discuss the range of planning conditions (including any pre-commencement conditions) that will need to be imposed, during the course of their negotiations about the application and before a final decision is made.

We expect the local planning authority will share with the applicant any draft pre-commencement conditions at the earliest possible opportunity. If the applicant confirms their agreement to a pre-commencement condition in writing, that pre-commencement condition can be imposed, and the procedures set out in the Regulations do not apply.

Where a local planning authority has not been able to obtain written agreement to a pre-commencement condition it wishes to impose, in the course of negotiations it may decide to serve a notice, in accordance with the relevant Regulations, which must include the following information:

- a) the text of the proposed pre-commencement condition
- b) the full reasons for the proposed pre-commencement condition, set out clearly and precisely
- c) the full reasons for the proposed condition being a pre-commencement condition, set out clearly and precisely; and
- d) the date by which any response must be received which must not be before the last day of the period of 10 working days beginning with the day after the date on which the notice is given

In the absence of a substantive response as defined in the Regulations the local planning authority may impose the pre-commencement condition without the written agreement of the applicant. This process is

set out in the [Town and Country Planning \(Pre-commencement Conditions\) Regulations 2018](#) and [Planning Practice Guidance](#).

2017/18 Annual Casework Report to Parliament

This Act Paper, published on 23 July 2018, is a report to Parliament on performance in complying with timetables set for planning decisions between 1 April 2017 and 31 March 2018, under the provisions of paragraphs 1 and 2 of Schedule 2 to the Planning and Compulsory Purchase Act 2004. It shows an improving performance, with 75% of decisions issued within target in 2017-2018 compared to 51% in 2016-2017.

Since 2005, the Secretary of State has been required to set timetables for issuing final decisions on a range of cases including called-in applications; recovered planning appeals; and other cases “linked” to such decisions, such as appeals against enforcement notices. Statutory timetables do not apply to cases decided by Inspectors, or to those decided by the Secretary of State jointly with another Secretary of State.

The Secretary of State is required to publish an annual report setting out reasons for not meeting the targets in relevant cases. This is done through the publication of an Act Paper. A link to this item is on our website: -

<https://www.gov.uk/government/publications/act-paper-report-on-compliance-with-statutory-timetables-for-planning-decisions-2017-to-2018>

Developing future planners

MHCLG established a Planning Graduate scheme in 2016 to provide opportunities for newly qualified planners. The scheme has been very successful and is now into its third year, providing training and support to nine planning graduates since it was introduced.

As part of the development package and to provide our graduates with a wider understanding of the planning system; we would like to offer each of our graduates a placement within a local planning authority.

Consequently, we are looking for local authority partners that can offer practical experience in an area of planning or as part of a development

or regeneration project within their local area. Placements can be flexible and subject to negotiation between the Department and the local authority to ensure both partners can maximise the potential benefits arising from the placement.

This will be a great opportunity for our graduates to understand the impacts of their work within the Planning Directorate. In return, MHCLG would like to offer a similar opportunity for newly qualified planners within the participating local authority who wish to gain experience in policy development at a national level. If you are interested in becoming a partner to our planning graduate programme or would like to find out further information please contact:

PlanningGraduateScheme@communities.gsi.gov.uk

Developer contributions and open data tools

Following publication of the new viability guidance in July, MHCLG is developing open data tools to support increased transparency for developer contributions and viability assessments. MHCLG will be testing these tools with local authorities in the autumn.

Publication of the review of planning policy for Sustainable Drainage Systems

On 23 August, the Government published its review of the application and effectiveness of national planning policy for Sustainable Drainage Systems (SuDS). The report is available at:

<https://www.gov.uk/government/publications/a-review-of-the-application-and-effectiveness-of-planning-policy-for-sustainable-drainage-systems>.

The review was undertaken during the period when the 2012 edition of the NPPF was operative. The Government published the revised Framework on 24 July 2018.

The review found that planning policy for SuDS has been successful in encouraging take-up of SuDS in a cross-section of new developments, with almost 90% of all approved planning applications sampled featuring a SuDS. We recognise that while national planning policy has a clear role to play in facilitating the delivery of SuDS, the review findings suggest that other factors, such as arrangements around sharing good

practice and innovation across the sector can also influence the uptake of SuDS in new developments.

The Government reviewed relevant sections of the 2012 Framework and, following completion of the SuDS review, have embedded the December 2014 Written Ministerial Statement¹ on SuDS into the revised Framework. We also emphasise in the new Framework that in their local plans, planning authorities are now expected to use opportunities provided by new development to reduce the causes and impacts of flooding, by using natural flood management techniques where appropriate.

¹ <http://www.parliament.uk/documents/commons-vote-office/December%202014/18%20December/6.%20DCLG-sustainable-drainage-systems.pdf>

Design charrettes – Call for Expressions of Interest

To deliver on the Government's pledge of the right homes in the right places, achieving consistently high quality design is essential. We recognise that a key part of effective place-making is building support for new development.

We are interested in exploring how the design charrette process can be used to engage communities in both plan making and developments. We are looking for Local Planning Authorities who are interested in working with the Government as a demonstrator project. If you would like to receive more information, please send your contact details to Simiat Ilupeju from the design team:

Simiat.Ilupeju@communities.gsi.gov.uk before 5pm on Friday 12th October 2018.

The Local Digital Declaration and Fund

In July, the Local Digital Collaboration Unit (LDCU) in MHCLG published [The Local Digital Declaration](#), along with 43 co-publishers. The Declaration is a shared ambition for better local public services for our citizens, by connecting local government and sharing knowledge to create common digital solutions. The LDCU are inviting local authorities

and not-for-profit organisations to [sign up to the Declaration](#). To sign up, organisations must make a commitment that fits the agenda set out in the Declaration.

The [Local Digital Fund](#) is a £7.5 million fund to achieve the Declaration mission. The fund will be used to support councils to solve their common problems more effectively, develop their digital capacity and design and deliver high-quality services. From 24 September, the LDCU will invite expressions of interest from local authorities wanting to bid for funding for a collaborative project. The team will be at Local Gov Camp on 21-22 September to announce the fund and discuss potential projects.

Details of the Declaration and the Local Digital Fund are available on the [Local Digital website](#) and [MHCLG Digital blog](#). To keep updated, [subscribe to the Local Digital newsletter](#).