

The Chief Planning Officer

22 September 2009

Dear Chief Planning Officer

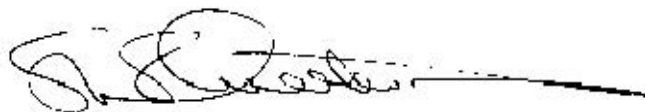
**Extensions to the time limits for implementing existing planning permissions
Non-material amendments**

Following the consultation exercise which was undertaken between the 18th June and the 13th August, regarding the power to extend the time limits for existing planning permissions, I am writing to let you know that new provisions are to come into effect on the 1st October. This will allow planning permissions which are about to lapse to be kept alive via a simplified application procedure. As a result of the consultation we have widened the power so that it now covers all eligible permissions, not just those for major development.

From 1 October it will also be possible to apply to make non-material amendments to existing planning permissions under s.96A of the Town and Country Planning Act 1990 (introduced by s.190 of the Planning Act 2008).

I attach some Q+A on these measures, and a list of web-links to relevant documents.

Yours faithfully



Steve Quartermain
Chief Planner

Q+A

Will you be issuing guidance?

Yes, we are updating the draft guidance which appeared in the consultation paper, and it will be issued soon, although not before 1 October. In the meantime, the draft guidance in the consultation paper still stands.

Will there be new application forms?

Yes. Draft forms for these two measures, along with the associated guidance and helptext, will be available to view on the Planning Portal website shortly. Final versions will be available from 6pm on 30 September, and will be available for use at 10am on 1 October.

What changes did you make as a result of consultation?

Following consultation we have widened the power to extend the time limits for implementation of an existing permission to cover all sizes of developments, not just major developments. We have also revised the proposed fees, although these are not finalised yet.

What did the consultation responses say?

The Explanatory Memorandum to the regulations (web-link below) contains a brief summary of the consultation responses (except on fees – this will be covered in the Explanatory Memorandum to the fees regulations). A detailed breakdown of responses and government response to consultation will be published within the next couple of months.

EXTENSIONS OF THE TIME LIMITS FOR IMPLEMENTING EXISTING PLANNING PERMISSIONS

What planning permissions are covered by this power?

Planning permissions which are extant both on 1 October and at the date of application, and have not yet commenced.

Does it cover listed building/conservation area consents?

Yes, where they are extant both on 1 October and at the date of application, and are associated with an eligible planning permission which is also being extended.

How does this apply to outline permissions?

Outline permissions can also be extended under this power, provided they are extant both on 1 October and at the date of application, and have not yet commenced. An outline permission is extant if either:

- the time limit for submission of reserved matters has not yet expired; or
- reserved matters applications were all submitted in accordance with the time limit for submission of reserved matters, and the time limit for commencement has not yet expired.

NON-MATERIAL AMENDMENTS

Does this cover listed building/conservation area consents?

No, only planning permissions can be amended in this way.

FEES

What are your current proposals on fees?

As a result of the extension of this measure to cover all sizes of developments, and in the light of consultation responses, we propose that different fees should apply to applications to extend time limits than those which were put forward in the consultation paper. The proposals are: £500 for major developments, £50 for householder developments, and £170 for other sizes of developments. In recognition that consultees did not have an opportunity to comment on these specific fee levels, we have carried out a short targeted reconsultation on these proposals. They will be confirmed when the fees regulations are laid (when parliament returns in early October). Other proposed fee levels remain as in the consultation paper. It is important to note that the fees are not finalised until they are agreed by parliament.

What do you mean by ‘major development’/‘householder development’?

For the purposes of the fees regulations, the definitions are as set out in article 1(2) of the GDPO.

When will the fees regulations be changed?

We can't give a definite date when the fees regulations will be changed, as it depends in part on the allocation of parliamentary time. We estimate that the change will be made within 8-10 weeks of 1 October.

What fees are payable in the meantime, before the fees regulations are changed?

For applications to extend the time limits for implementation of an existing permission, the fee is as if it were a wholly new application. For applications for non-material amendments, there is no fee.

WEBLINKS TO RELATED DOCUMENTS

Greater Flexibility for Planning Permissions – consultation paper

<http://www.communities.gov.uk/publications/planningandbuilding/flexibilitypermissions>

Minor Material Changes to Planning Permissions: Options Study – WYG report

<http://www.communities.gov.uk/publications/planningandbuilding/minorpermissions>

Impact assessment – on publication of SIs

<http://www.communities.gov.uk/publications/planningandbuilding/flexibilitypermissionsia>

The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2009 (SI 2009 No. 2262)

http://www.opsi.gov.uk/si/si2009/uksi_20092262_en_1

**The Town and Country Planning (General Development Procedure)
(Amendment No. 3) (England) Order 2009 (SI 2009 No. 2261)**

http://www.opsi.gov.uk/si/si2009/uksi_20092261_en_1

Explanatory memorandum – covering the above two SIs

http://www.opsi.gov.uk/si/si2009/em/uksiem_20092262_en.pdf

Killian Pretty Progress Report

<http://www.communities.gov.uk/publications/planningandbuilding/killianprettyprogress>

If you have any further questions

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