



**By Email Only**  
**18 December 2020**

## Message from Chief Planner

Firstly, can I thank everyone who participated in the consultation on the White Paper, *Planning for the Future*. We received over 40,000 responses and it is evident that people have engaged in the proposals and what it means for their work, interests and communities.

As part of the consultation we took part in over 60 roundtable events that reached across the spectrum of individuals and organisations that are users of the English planning system. We particularly valued the opportunity to hear from young planners and get their perspective. I'd like to pass on my personal thanks to the many colleagues from partner organisations who made these events possible and for those who took part for the generosity in giving their time and insight. These inputs are invaluable to our ongoing policy work.

So, what next? The government will publish a response in the Spring setting out its decisions on the proposed way forward including preparing for legislation, should the government so decide, in the Autumn. Initial work will focus on developing the next level of policy detail, having considered the inputs received.

It is evident that local planning authorities have moved mountains over the last months to continue to deliver services to our communities, through challenging and uncertain circumstances. As indicated above, the reform will take a few years to implement and I would therefore encourage local planning authorities to progress their local plan preparation and approval and development management decisions, including S106 agreements and the delivery of affordable housing through this means. Please do not use the reform as a reason to hold back on local plan preparation.

The planning system has a key role to play in responding to today and tomorrow's challenges. It has been a busy period for policy and practice development. Some of these changes have been a response to the Pandemic, others respond to the speeding up of underlining trends for example on our high streets; while also focusing on delivering the homes our communities need. I hope you find the summary presented in this newsletter useful.

Finally, may I wish you a Happy Festive Season. I hope it provides you with a well-earned break.

**Joanna Averley**  
**Chief Planner**



## **Opportunities for secondment into MHCLG - Developer Contributions – team leader level**

Are you interested in working with the MHCLG Planning Directorate on secondment? We are looking for someone with significant experience of developer contributions to join the team for 6-12 months to support and manage the ongoing delivery of the existing system of CIL and S106. This will include delivery of Infrastructure Funding Statements – a new reporting requirement that comes into force from December 2020; supporting the introduction of First Homes; and supporting the ongoing development and introduction of changes to the current planning system. The role will come with opportunities to work with colleagues across the MHCLG, and to feed into wider reforms set out in *Planning for the Future*. If you are interested, please confirm with your employer / local authority that they would, in principle, support a secondment. MHCLG would take on salary costs for the period of the secondment. Candidates should provide a CV and a statement of suitability by 18 January 2021 to the contacts below. For more information about the role, please contact: [Samuel Herrera](#), copying in [Laurence Martindale](#).

## **Permitted Development Rights and Use Class E**

### **Consultation - Supporting housing delivery and public service infrastructure**

On 3 December we published a consultation on measures which will support housing delivery and the provision of public service infrastructure. We are seeking views on:

- a proposed new permitted development right for the change of use from Commercial, Business and Service use (new Class E) to residential (Class C3), to create new homes
- measures to support public service infrastructure through the planning system, by expanding existing permitted development rights for educational establishments and hospitals, and extending them to prisons; and, streamlining the planning application process for educational establishment, hospitals and prisons, so that key public service infrastructure improvements can be delivered more quickly
- the approach to simplifying and consolidating existing permitted development rights following recent changes to the Use Classes Order

The consultation [Supporting housing delivery and public service infrastructure](#) closes on 28 January 2021. For any enquiries about the consultation please email [PublicServiceInfrastructure&PermittedDevelopmentConsultation@communities.gov.uk](mailto:PublicServiceInfrastructure&PermittedDevelopmentConsultation@communities.gov.uk).



## **New prior approval in respect of permitted development rights to extend buildings upwards**

[Legislation](#) was laid on 9 December 2020 to introduce a new matter for prior approval to two existing national permitted development rights to extend buildings upwards: on detached blocks of flats (Class A) and detached buildings in commercial or mixed use (Class AA). Where the existing building is 18 metres high or more, the application for prior approval under these two rights must from 30 December 2020 be supported by a report confirming that the external wall construction of the existing building meets the building regulations requirement for resisting fire spread (requirement B4). If the report is not provided the local planning authority must refuse prior approval.

The report must be provided by a chartered engineer or other competent professional. Guidance will be provided in the form of a [Building Safety circular](#) published on the MHCLG website prior to the legislation coming into force.

## **Changes to the standard method for assessing local housing need**

On Wednesday 16 December the government published its [response to the local housing need proposals](#) in the consultation on changes to the current planning system. This sets out important changes to the standard method which has been amended so that the 20 most populated cities and urban centres in England see their need uplifted by 35%.

These cities and urban centres are: London, Birmingham, Liverpool, Bristol, Manchester, Sheffield, Leeds, Leicester, Coventry, Bradford, Nottingham, Kingston upon Hull, Newcastle upon Tyne, Stoke-on-Trent, Southampton, Plymouth, Derby, Reading, Wolverhampton, and Brighton and Hove. All other local authorities in England will continue to use the current standard method to calculate their local housing need. The [planning practice guidance on housing and economic needs assessment](#) has now been updated to reflect these changes.

The Secretary of State made a [Written Ministerial Statement](#) which set out these changes to local housing need and also announced further support for local areas in delivering these homes. This also provided an update on the recent Planning for the Future White Paper consultation, confirming that over 40,000 responses were received and are currently being analysed. The government will publish a response in the Spring setting out its decisions on the proposed way forward, including to prepare for legislation, should the government so decide, in the Autumn.



## Improving planning performance – updated Criteria for Designation

On 16 December 2020 an updated [Criteria Document](#) with the thresholds for designation of local planning authorities on the speed and quality of decision making was laid in Parliament. This covers the 2021 and 2022 designation rounds.

A strongly performing planning system is crucial to delivering housing and supporting economic growth. Decision making is a central part of this process, with local authority planning departments playing a crucial role in enabling development. We continue to closely monitor the performance of local authorities and have the powers to designate local authorities where appropriate.

## Covid19 Responses

### **The Town and Country Planning (General Permitted Development) (England) (Amendment) Regulations 2020**

These regulations laid before Parliament on 11 November 2020 introduced the following changes:

#### **Space Standards**

Further to the [announcement](#) on 30 September 2020, we have [legislated](#) for all homes delivered through Permitted Development Rights to meet, at a minimum, the [nationally described space standards](#) published by the Department of Communities and Local Government on 27 March 2015. This requirement will come into force on 6 April 2021.

#### **Extending temporary Permitted Development Rights**

We are extending some measures which were introduced as a response to ongoing coronavirus pandemic.

We are extending the time limits for the Permitted Development Right for [emergency development by a local authority or health service body](#) by 12 months to 31 December 2021, as well as the time limits on the temporary right to allow for the [provision of takeaway food at pubs, cafes and restaurants](#).

We are also extending the temporary right for the [holding of a market by or on behalf of a local authority](#) until 23 March 2022 which allows for the erection of associated structures for an unlimited number of days.

Having made provision for an additional number of days up to 28 days in which [land can be used temporarily for any purpose](#) for the last six months of



2020, we are amending this provision to give the same number of additional days for the whole of 2021.

### **Amendments to permanent Permitted Development Rights**

Further to the publication of a [Written Ministerial Statement](#) on 14 July 2020 we have amended the Permitted Development Right (PDR) for demolition of buildings [so that it no longer applies to theatres, music performance venues and concert halls](#). This gives an additional layer of protection to those venues which have had to close as a result of restrictions required due to the coronavirus pandemic, requiring a planning application for demolition in all circumstances.

We have also extended from 6 months to 12 months the existing PDR to allow [development by or on behalf of the Crown on Crown land for purposes such as preventing an emergency](#), reducing, controlling or mitigating the effects of an emergency or taking other action in connection with an emergency.

Alongside this we have create a new PDR to allow for [additional development by the Crown in relation to a pandemic](#) for up to 12 months. As these rights came into force on 3 December 2020, we ask that local planning authorities exercise their discretion and not enforce against any facilities whose permission may have lapsed between the time the legislation was laid and when it came into force.

### **The Town and Country Planning (Local Planning, Development Management Procedure, Listed Buildings etc.) (England) (Coronavirus) (Amendment) Regulations 2020**

These regulations laid before Parliament on 3 December 2020 introduce the following changes:

#### **Publicity and physical inspection requirements for planning applications**

On 24 December 2020 these regulations bring into force an extension to the temporary changes that give local planning authorities and applicants for development requiring an Environmental Impact Assessment (EIA) greater flexibility in relation to the way they publicise planning applications (e.g. neighbour notification letters, site notices and notices in local newspapers) until 30 June 2021. Local planning authorities and applicants will have continued flexibility to take other reasonable steps to publicise applications (such as the use of social media and other electronic communications) if they are not able to comply with a publicity requirement which applies to an



application because it is not reasonably practicable for reasons connected to the effects of coronavirus, such as restrictions on movement.

The regulations also temporarily extend until 31 December 2021 the flexibility local planning authorities and applicants have in complying with the requirement to make physical copies of other planning documents, including the local authority planning register, available for physical inspection at a named address. Where it is not possible to meet this requirement for reasons connected to the effects of coronavirus, planning documents should be made available on a website.

## Plan Making

Earlier in the year, in response to concerns raised by local planning authorities and other stakeholders about the implications of Covid-19 on plan making, we published [guidance](#) on reviewing and updating statements of community involvement and on how authorities should consider the practical measures needed to ensure fair participation is possible at this time.

We also temporarily removed legal requirements to make certain development plan documents available for inspection at premises and to provide hard copies on request. The documents must, instead, be made available for inspection online. These temporary changes expire on 31 December 2020 and because of the continuing uncertainty about the spread of Covid-19, these Regulations roll forward these changes for another 12 months to 31 December 2021.

These further temporary changes will support local planning authorities and mayoral combined authorities to continue to progress up-to-date Local Plans and spatial development strategies. They do not prevent authorities from providing hard copies on request or at premises where they are confident that it is safe to do so.

## The Environmental Assessment of Plans and Programmes (Amendment) Regulations 2020

In addition, we have brought forwards these Regulations which make permanent the existing temporary changes introduced in July (through [The Environmental Assessment of Plans and Programmes \(Coronavirus\) \(Amendment\) Regulations 2020](#)) These measures come into force on 31 December 2020 and permanently remove requirements to have documents relating to a Strategic Environmental Assessment available for inspection at an address, and for copies to be available to be obtained from that address. In addition, we have replaced the existing inspection



requirements with a duty to make documents available on a public website where they can be downloaded, for the responsible authority to provide copies of documents by email where requested (or physical copies by mail where it is reasonable to do so in light of Covid-19 restrictions), and to provide a telephone number where enquiries about these documents can be made.

## **The Infrastructure Planning (Publication and Notification of Applications Etc) (Amendment) Regulations 2020**

In order to support a move to a more digital and efficient planning system, we have brought forwards these Regulations which come into force on 31 December 2020 and make permanent the existing temporary changes introduced in July (through the [Infrastructure Planning \(Publication and Notification of Applications etc.\) \(Coronavirus\) \(Amendment\) Regulations 2020](#)). These measures amend certain publicity and notification requirements in the Nationally Significant Infrastructure Project Regime by:

- Removing the need to make documents available for inspection at a physical location, including in the vicinity of the proposed project. Applicants (or the relevant Secretary of State as the case may be) are instead required to make the documents available for inspection online and include in the relevant publicity notice the address of the website and the place on the website where the documents can be found.
- Requiring applicants (or the Secretary of State as the case may be) to include in the relevant publicity notice, a telephone number which members of the public can call to raise any enquiries in relation to the documentation.

## **Planning appeals – updated guidance**

In November the Planning Inspectorate updated its procedural guidance documents reflecting the changes brought in by the Business and Planning Act 2020, which enables Planning Inspectors to use more than one type of procedure (written representations, hearing or inquiry) when determining appeals:

- [Planning appeals.](#)
- [Enforcement notice appeals.](#)
- [Certificate of lawful use or development appeals.](#)





[Guidance on how to complete appeal forms](#) has been updated to reflect these changes.

The Inspectorate also recently updated its guidance for [participating in virtual hearing and inquiry events](#).

On Friday 11 December 2020 Bridget Rosewell chaired a webinar organised by the Inspectorate about virtual events. A [recording of the event](#) is available and the Inspectorate are also seeking feedback on virtual events.

The Inspectorate would welcome feedback on the webinar via [this form](#).

## **Enforcement**

### **Retail Opening Hours: Christmas**

To ensure a safe and successful reopening of non-essential retail on 2 December 2020 a [Written Ministerial Statement](#) was published on 30 November 2020 to make clear that local planning authorities should take a positive approach to their engagement with retailers to ensure planning controls are not a barrier to the temporary extension of retail opening times in December and January. Allowing retailers to take advantage of longer opening hours if they wish to do so, will help to spread footfall, ease transport pressures and make shopping in a socially distanced way easier by giving shoppers greater flexibility to choose when they shop and avoid peak times.

### **Holiday caravan parks and winter opening**

Earlier this year the Secretary of State made a [Written Ministerial Statement](#) regarding the extension of the opening season beyond the usual summer season of holiday caravan parks. It remains government's position, as stated, that given the current situation, while local planning authorities must have regard to their legal obligations, they should not seek to undertake planning enforcement action which would unnecessarily restrict the ability of caravan, campsites and holiday parks to extend their open season.

In addition, planning conditions imposed on holiday caravan parks may also limit their use to holiday purposes only and may not permit the use of the site as a permanent residence. However, we know that there are people who for a variety of reasons do not currently have access to a permanent residence and may use holiday caravan parks for interim or main residential purposes. Whilst the government does not comment on any potential breach of planning and licensing





conditions, the priority during the Covid-19 pandemic is the safety of the public and the containment of the virus.

Given the current situation, while local planning authorities must have regard to their legal obligations, we would encourage local authorities to exercise their discretion and not seek to undertake planning enforcement action to ensure that wherever possible families and vulnerable people are not displaced at this time. In these circumstances, and where holiday caravan parks are seeking to extend their open season, careful consideration should be given where these sites have restrictions related to winter flood risk.

The Minister for Rough Sleeping and Housing has also [written](#) to all local authorities on this matter

The [guidance published on 14 July 2020](#) has also been updated.

## **Other Enforcement Issues**

In addition, there may be other circumstances during these exceptional times where planning enforcement discretion is warranted, such as the temporary storage of export goods or products due to port capacity issues. In these circumstances, while local planning authorities must have regard to their legal obligations, they should use their discretion in the enforcement of planning controls and take a pragmatic approach in dealing with requests for temporary changes.

## **Wider Planning Matters**

### **National Infrastructure Strategy**

The [National Infrastructure Strategy](#) has now been published. This is accompanied by the [Government response to the National Infrastructure Assessment](#).

### **Energy White Paper**

The [Energy white paper: Powering our net zero future](#) has now been published. The white paper addresses the transformation of our energy system, promoting high-skilled jobs and clean, resilient economic growth as we deliver net-zero emissions by 2050. The white paper includes a commitment to review the Energy National Policy Statements (NPS) with the aim of designating updated NPS by the end of 2021.



## Neighbourhood Planning Research

On 26 October 2020, we published [independent research into the impacts of neighbourhood planning](#).

The research was conducted by the University of Reading between September 2019 and March 2020 and addresses key questions including the impact of neighbourhood plans on development outcomes, decision-making and community attitudes and engagement.

## Consultation before applying for planning permission (Wind Turbines)

On 21 October 2020 the [Town and Country Planning \(Pre-Application Consultation\) Order 2020](#) came into force which extended existing provisions that require applicants to consult with local communities before submitting planning applications for certain developments. The legislation at present only applies for applications for certain types of onshore wind turbines as set out in [Article 2 of The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#), which were due to expire on 16 December 2020. This order extends the requirements until 15 December 2025.

## Building Regulations Part M Review – Optional technical standards research

MHCLG is undertaking research on the use of the optional technical standards for accessible homes set out Part M of the Building Regulations:

- Part M4(2) sets a higher standard for accessible homes.
- Part M4(3) sets a standard for wheelchair accessible homes.

We are asking all local planning authorities to take part in a short voluntary survey to help inform us of use of these optional standards.

Evidence gathered will help us consider what changes can be made by either mandating a higher standard or reconsidering the way existing optional standards are used.

We would appreciate your response to our [online survey](#) which should take you around 10 minutes to complete. Please respond by 29 January 2021.



At the start of the survey you will be asked to list your LPA name so that we can keep track of your progress, but this will not affect our review of your response.

If you have any questions regarding the survey please contact us at [accessiblehomes@communities.gov.uk](mailto:accessiblehomes@communities.gov.uk)

## Mineral Planning

Aggregate Working Parties are technical advisory groups of mineral planning authorities, the mineral industry and other relevant organisations covering specific geographical areas who work together to produce fit-for-purpose and comprehensive data on aggregate demand and supply in their area; and provide advice to individual mineral planning authorities and to the National Aggregate Co-ordinating Group.

The Aggregate Working Parties (AWPs) are supported by a secretariat that MHCLG funds. The existing AWP secretaries' contracts are due for renewal at the end of March 2021 and the [invitation to tender](#) for these contracts is now live. The deadline for the submission of tenders is 1 February 2021.

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