



PLANNING UPDATE NEWSLETTER

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.

The Government has signalled taking forward additional measures for planning reform including the publication of our proposals on accelerating the planning system and we will be publishing another Planning Update Newsletter in the near future.

Steve Quartermain CBE
Chief Planner

Guidance on design

The Department published updated planning guidance on design on 1 October. This has two parts: the [National Design Guide](#) and [Design: Process and Tools](#). The National Design Guide sets out ten characteristics of well-designed places based on planning policy expectations and is illustrated by projects that demonstrate good practice. The Design: Process and Tools PPG sets out how design quality can be achieved through policy and decision making, the use of tools and processes such as design review, assessment frameworks and design codes, and the effective engagement of communities in shaping the design of their neighbourhoods.

The Secretary of State made a [written ministerial statement](#) alongside the guidance which set out the intention to consult on a National Model Design Code in the new year. This National Model Design Code will be informed by consideration of recommendations made by the Building Better, Building Beautiful Commission when they report in December 2019.

Design workshops with local authorities

Earlier this year, MHCLG commissioned the Design Network to run 8 workshops around the country. From Newcastle to Taunton, 230 planning officers and elected

members, from 90 local authorities attend the workshops. The aim of the workshops was for Government to listen and understand the challenges facing local planning authorities when trying to achieve well-designed places.

The key findings [are attached in this report](#).

EU Exit preparedness

MHCLG's Planning Response Unit has been assisting other government departments in their no deal EU Exit preparations to ensure that key infrastructure is in place. On 5 September the Minister for Housing gave temporary planning permission to three sites in Kent and Essex using Special Development Orders. The Orders allow for the use of the land for the stationing and processing of vehicles (particularly goods vehicles), which are required to ensure the free flow of traffic to and from Dover and the Channel Tunnel in the event of a no deal.

MHCLG is extremely grateful to all of the local authorities in Kent and Essex that have assisted us in this matter.

Community Infrastructure Levy regulations and planning practice guidance

The [Community Infrastructure Levy \(Amendment\) \(England\) \(No.2\) Regulations](#) came into force on 1 September.

The regulations made a number of important changes to the operation of the Community Infrastructure Levy (CIL) and section 106 planning obligations. These include:

- removing the requirement to consult on a preliminary draft charging schedule;
- applying indexation when planning permissions are amended;
- removing the restriction on the number of planning obligations that can be used to fund a single project;
- introducing new reporting requirements through Infrastructure Funding Statements (from December 2020); and
- allowing authorities to charge developers for the costs of monitoring planning obligations.

Planning practice guidance on [CIL, planning obligations and viability](#) was updated on 1 September explaining the changes introduced by the new regulations. The revised CIL guidance includes flow charts to illustrate key processes and worked examples of the calculations of the chargeable amount in different circumstances. The Planning Advisory Service, in conjunction with MHCLG officials, has been running a

series of workshops for local authorities, which continue through to November, to explain the regulatory changes and provide related illustrative examples of CIL calculations. The CIL forms have also been updated, and a few new ones added, to align with the regulatory changes. The full list can be found on the Planning Portal [website](#).

We have also published new guidance on [publishing developer contributions data](#) to support the roll out of the Infrastructure Funding Statements. We are currently piloting new digital tools which will further help with the preparation of Infrastructure Funding Statements.

District level licensing for great crested newts

MHCLG has been working with Natural England to roll-out a new approach to licensing for great crested newts. District level licensing is part of [four new Natural England policies](#) created to streamline the process for developers who require a wildlife licence for their project, saving them time and sometimes money, and channelling investment into bigger, better, more joined-up habitat for wildlife.

Under the traditional licensing approach, developers who want to build on land which is home to great crested newts have to commission site surveys (which can only be undertaken at certain times of the year), put in place mitigation measures where necessary and obtain a licence from Natural England after planning permission is granted. Under district level licensing developers can instead pay a simple one-off conservation payment when planning permission is granted. These payments are then used to create or restore ponds in areas which Natural England have identified as the best places for newts to thrive. It is intended to reduce delays, costs and uncertainty for developers as well as ensuring continued conservation for Great Crested Newts. [Read about the first development to enter the scheme in Kent](#)

Strategic schemes are already available across 32 Local Planning Authorities (LPAs) and we aim to extend this to more than 150 LPAs by 2020. Natural England need allocations data from LPA's in order to carry out impact assessments as part of writing district level licensing strategies so please do engage with them to enable the programme to be successfully expanded.

The department has published [information](#) about how the scheme operates and where it is available. To find out more, please contact the [District Level Licensing team](#) in Natural England.

New joint guidance on flood risk emergency plans for new development

The Environment Agency and the Association of Directors of Environment, Economy, Planning and Transport (ADEPT) have produced [joint guidance](#) on risk emergency plans for new development.

The guidance is principally aimed at local authority planners, to help them understand when they should be asking for planning applications to be supported by flood risk emergency plans, and what should be included in them. It encourages local planning authorities to produce their own guidelines and set up local consultation arrangements to ensure emergency plans are fit-for-purpose and receive proper scrutiny. It also provides a framework for them to appraise emergency plans in the absence of such local arrangements.

The guidance will also help developers and their consultants produce suitable emergency plans, and should ensure emergency planners, local resilience forums, the emergency services and other risk management authorities are involved appropriately in the planning process. The guidance aims to support robust consideration of whether proposed development will be safe.

If you have any questions or queries on the guidance, please contact [Sam Kipling](#), Senior Advisor, Resilience and Adaptation, Environment Agency.

Neighbourhood planning research

The Department has recently appointed the University of Reading to undertake independent research to evaluate the impact of neighbourhood planning. The research will examine a wide range of issues including the impact of plans on housing supply and other development, how plans are used in decision-making, and their wider benefits for communities. The research team will be engaging with a wide range of stakeholders including local planning authorities and we would greatly appreciate if those authorities asked to participate would share their views and experience.

Digital: permitted development rights for 5G infrastructure

I would like to draw your attention to the [consultation](#) that was published on 27 August seeking views on proposed reforms to permitted development rights to support the deployment of 5G and extend mobile coverage, and the circumstances in which it would be appropriate.

Please do participate in this [consultation](#) which will close on 4 November.

Advice for local authorities on non-mains drainage from non-major development

[Advice](#) for local authorities on non-mains drainage from non-major development has been published on the Planning Portal. It has been provided to help local planning authorities ensure proposals for non-mains drainage for non-major development complies with the NPPF and PPG. It has been provided because since 2015 the Environment Agency is not a statutory consultee for these planning applications, thus local planning authorities won't have access to bespoke advice from Environment Agency on such development when they are determining these applications.

This guidance is principally to help local planning authorities determine planning applications proposing to rely on non-mains foul drainage systems, but it will also be useful for developers proposing development using non-mains drainage. This guidance will be most useful in those areas with high levels of growth and environmentally sensitive receptors such as environmental designations for water bodies (e.g. Special Areas of Conservation). This combination of circumstances is likely to mean that there will be a relatively high number of non-mains drainage proposals that could affect sensitive environmental receptors in the water environment.

Airport Noise Guidance

Earlier this month, the Department for Transport published [guidance](#) for local planning authorities in England and Wales clarifying the requirements of [the Airports \(Noise-related Operating Restrictions\) \(England and Wales\) Regulations 2018](#).

There are currently nine local authorities in England and Wales that have airports within their boundaries that meet the criteria under the regulations, namely the local authorities to Heathrow, Gatwick, Stansted, Luton, Manchester, Birmingham, London City, East Midlands, and Bristol airports. Other airports will come within the scope of the regulations if their civil aircraft movements in a calendar year (averaged out over a three year period) exceed 50,000.

If you have any queries please contact [Jonathan Friel](#).

The Environment Bill

Defra has introduced an Environment Bill that contains several measures with implications for the planning system and the opportunities it provides to protect and improve the natural environment.

Key measures include:

- a mandatory duty on developers to provide for a 10% net gain in biodiversity, preferably locally to the development;
- a new mapping system will identify opportunities to improve biodiversity at a strategic scale and can be used to inform development plans and the net gain process;
- local authorities will be required to consult on proposals to fell street trees, and will have a strengthened duty to *improve* biodiversity when delivering their functions;
- there will also be a new statutory body, the Office for Environmental Protection, with the power to enforce the proper application of environmental law.

For more information the Bill as published can be found [here](#), and the latest policy statement [here](#).

2019 Housing Delivery Test Results

The revised NPPF introduced the Housing Delivery Test (HDT) to provide transparency about where housing is, or is not, being delivered. Publication of the next set of results is coming up shortly - as per the NPPF HDT results are published in November. The team at MHCLG is processing authorities' DELTA returns and preparing the results for publication. Thanks to authorities for feeding into the process to produce the results.