



Ministry of Housing,  
Communities &  
Local Government

By email only

March 2019

## 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**

### Survey of Planning Departments 2019

On 28 February PAS launched a survey of planning departments on behalf of the LGA and MHCLG. The purpose of the survey is to understand long term resourcing pressures and skills gaps for local authorities. Additionally, we ask about the impact of the 20% increase in planning fees for local authorities and what improvements it has facilitated. I ask that all local authorities respond to this important survey so that we can better understand the skills and resources that are required to support your planning service. All local authorities received a copy of the survey by Tuesday 5 March and further information can be found at the following link: <https://local.gov.uk/pas/pas-topics/monitoring/survey-planning-departments-2019>. The closing date for responses is **Wednesday 20 March**.

## **Spring Statement: planning reforms**

The Secretary of State made a [written ministerial statement](#) on 13 March, as part of the Spring Statement, on the Government's response to Sir Oliver Letwin's independent review of build out rates and recent planning reform consultation.

Building on existing work to deliver on the conclusions of the Letwin review, the department will publish additional planning guidance on housing diversification to further encourage large sites to support a diverse range of housing needs, and help them build out more quickly. We will keep under review the need for further interventions to support housing diversification and faster build out, including amendments to primary legislation. An Accelerated Planning Green Paper will be published later this year that will discuss how greater capacity and capability, performance management and procedural improvements can accelerate the end-to-end planning process. This Paper will also draw on the Rosewell Review, which made recommendations to reduce the time taken to conclude planning appeal inquiries, whilst maintaining the quality of decisions. Consideration will also be given to the case for further reforms to the compulsory purchase regime.

Following the consultation, *Planning Reform: Supporting the high street and increasing the delivery of new homes*, measures will be brought forward to support high streets and deliver more homes. These include new and amended permitted development rights for change of use to office and residential uses; an extension of the right for temporary change of use; changes to the (A) use classes; an increase in the height threshold for off-street electric vehicle charging points; the removal of the right and associated advertising deemed consent for new telephone kiosks; and making permanent the right to erect longer single storey extensions to dwelling houses with a proportionate fee. The time-limited right for change of use from storage to residential will not be extended and ceases on 10 June 2019. A listed building consent order to allow works to listed waterway structures, owned, controlled or managed by the Canal & River Trust, will be brought forward.

Ministers intend to take forward a permitted development right to extend upwards certain existing buildings in commercial and residential use to deliver additional homes, engaging with interested parties on design and technical details and to continue to consider the design of a permitted development right to allow commercial buildings to be demolished and replaced with homes. Alongside they intend to review permitted

development rights for conversion of buildings to residential use in respect of the quality standard of homes delivered. Regulations will be brought forward in two stages, starting in the spring.

In addition, the [Government announced as part of the Spring Statement](#) that biodiversity net gain for development will be mandated through the forthcoming Environment Bill.

## **Updates to national planning policy and guidance**

The Government ran a consultation on updates to national planning policy and guidance including the standard method for assessing local housing need, from 26 October until 7 December 2018. We published the [Government response](#) to the consultation on 19 February 2019. We have also published updated guidance on [housing and economic needs assessment](#), which implements the changes to the standard method set out in the consultation. We have also made minor changes to the text of the National Planning Policy Framework to make the proposed clarifications relating to housing land supply, the definition of “deliverable” and appropriate assessment for habitats sites, which are reflected in an [updated version](#).

## **Housing Delivery Test**

On 19 February we published the [Housing Delivery Test measurement for 2018](#) and a technical note setting out how the Housing Delivery Test was calculated. The Housing Delivery Test provides transparency about where housing is, or is not, being delivered in relation to the number of homes communities require. Any policy consequences will be in place until the next result is published (expected in November). If a new plan containing a new housing requirement has been adopted, local planning authorities (LPAs) are encouraged to contact us at [planningpolicy@communities.gov.uk](mailto:planningpolicy@communities.gov.uk) to have their result recalculated. We have commissioned the Planning Advisory Service to provide support to local authorities preparing action plans. We will continue to monitor the impacts of the policy and provide further clarity through updated guidance where necessary. There are 108 local planning authorities who now have 6 months in which to make an Action Plan. To help us organise support and understand how to help, we have set up a dedicated mailing list. If you are one of the 108 sign up [here](#).

## **Local Development Schemes and plan submission dates**

Section 15 of the Planning and Compulsory Purchase Act 2004 requires every LPA to put in place a Local Development Scheme (LDS) which should set out the documents which will comprise the Local Plan for the area. This is so local communities and interested parties can keep track of plan progress. In addition, the NPPF sets out that plans should be reviewed every 5 years potentially leading to an update. This should be reflected in the LDS.

However, it would appear that, in practice, some LPAs are not keeping LDSs up to date which could impact on the ability of the community and key stakeholders to take part in the plan process. The NPPF makes clear that plans should be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees. The LDS plays a key part in that and I would like to stress the importance of ensuring that the LDS is kept up to date and made available by all LPAs on their websites. Further to this, it is important that LPAs keep the Planning Inspectorate informed of proposed local plan publication and submission dates. This is so the Planning Inspectorate can work to have an Inspector available soon after submission.

## **Submission of Planning Applications**

Since the introduction of the financial transaction service by the Planning Portal in September 2018 the Ministry has received a number of queries regarding the submission and validation of planning applications.

Local planning authorities are reminded of the guidance set out in [Making an application](#) (which underpins The Town and Country Planning (Development Management Procedure) (England) Order 2015) that they cannot refuse to validate an application if an applicant who has made an application electronically does not provide paper copies. Nor can a local planning authority refuse to validate an application if an applicant does not provide an electronic copy of the application.

Local planning authorities cannot insist that a planning application is only made via the Planning Portal or any route.

## **New Burdens Grant payments for development management functions**

We will be paying local planning authorities new burdens funding this March for the review, revision and republishing of Brownfield Land Registers and other statutory development management functions, including prior approval registered applications for permitted development rights, and a one-off payment for adjustments to new consultation rules around public/bank holidays.

## **Design Conference**

With the Government continuing to promote the importance of design quality, I am delighted to report that we hosted a second national design quality conference in Birmingham on the 13 and 14 February. I was pleased to welcome over 400 representatives from the housing sector and the community, for two days that also featured a community engagement event with local Birmingham residents and an in conversation with Sir Roger Scruton, chair of the new Building Better, Building Beautiful Commission.

The conference was opened by Minister for Communities Lord Bourne and guest speakers included television presenter and architect George Clarke and the Mayor of the West Midlands Combined Authority, Andy Street.

There were breakout discussions on a range of topics, including; infrastructure, beauty, healthy homes, innovation, development in rural areas and planning policy and an exhibition of 13 case studies demonstrating good practice. We will be publicising a film of the event soon. The appreciation of the importance of design quality, across the sector, was evident and the Government have made a commitment to tackle some of the key issues raised.

## **Independent Review of Planning Appeal Inquiries**

The Planning Appeal Inquiries Review examined the end-to-end planning appeal inquiry process. Following a Call for Evidence and other stakeholder engagement, including meetings with local planning

authorities, the Chair of the Review, Bridget Rosewell, submitted a report to the Secretary of State containing 22 recommendations on how the process could be improved. The [Report](#) was published on 12 February 2019. The Planning Inspectorate is currently drawing up an action plan on how it will implement the practical measures recommended, so that, with the support of all appeal parties, planning appeal inquiries can be decided within 26 weeks.

## **Unauthorised development and encampments**

On 6 February, the Government published its [response](#) to the consultation on Powers for Dealing with Unauthorised Development and Encampments. The response sets out a package of measures, including proposals for additional police powers and a review into the potential criminalisation of unauthorised encampments as well as a range of planning-specific measures.

New statutory good practice guidance will be produced to support local authorities' use of powers to deal with unauthorised encampments, and up to £1.5m of funding will be made available through the next round of the Planning Delivery Fund to support planning enforcement against all forms of unauthorised development. We will also consult on options for strengthening existing policy on intentional unauthorised development, and are minded to extend the period that Temporary Stopping Notices can be in place. In his [written statement to Parliament](#), the Secretary of State announced that, he is considering making data on permanent and transit sites freely available in open data format, and he reminded all local authorities of their current responsibilities to provide transit sites and to cooperate with their neighbours on the setting of pitch and plot targets.

## **Update from Defra – EU Exit and planning regulations**

The Government has published EU Exit statutory instruments which amend various pieces of legislation, relevant to planning, in preparation for when the UK leaves the EU. The instruments amend:

- Regulations for Environmental Impact Assessment (EIA) in the field of land drainage improvement works, forestry, water

resources, agriculture and marine works. More information about the relevant instrument can be found [here](#).

- The Conservation of Habitats and Species Regulations 2017 in England and Wales, and The Conservation of Offshore Marine Habitats and Species Regulations 2017. These are the main pieces of legislation which transpose the land and marine aspects of the EU Habitats Directive and certain elements of the Wild Birds Directive. The amending Regulations may be found [here](#). The existing strict protections afforded to sites, habitats and species, including wild birds will remain unchanged. We envisage very few and minor changes to documentation which supports the enforcement of these protections. We plan to share our assessment of these changes with local authorities shortly.

These regulations have been the subject of minor technical amendments to ensure the regimes continue to function as they do now after the UK has left the EU. There will therefore be no policy change, or substantive impact to stakeholders. These changes will not be retrospective, and so there will be no need to re-examine any decisions made before our EU exit purely as a result of these changes.

### **Woodland Trust and RTPI Emodule**

The Royal Town Planning Institute (RTPI) has worked with the Woodland Trust to launch a new Emodule to help planners learn more about ancient woods and trees. The module is freely accessible, counts towards RTPI members' CPD and only takes an hour. This is an important tool to help the implementation of the improved protection set out in the revised NPPF. Please do encourage your officers to complete it.

The module, entitled 'Planning to protect ancient woodlands and trees', can be found [here](#).

### **Digital guidance published by DCMS**

The Department for Digital, Culture, Media and Sport (DCMS) published in December a Digital Connectivity Portal which provides guidance for local authorities and network providers on improving connectivity in local

areas. The guidance is available on the GOV.UK website and can be found at: <https://www.gov.uk/guidance/resources-for-local-authorities>

The digital connectivity portal has been developed to:

- encourage closer cooperation between network providers and local authorities and property developers for the deployment of digital infrastructure; and
- offer guidance on effective policies and processes to facilitate deployment of broadband and mobile networks.

The guidance presented in this portal will be updated periodically as new laws, regulations and examples of best practice develop.

The guidance for local authorities includes areas on digital leadership, considerations for the local planning authority, streetworks, and on making local authority assets available to network operators for the installation of networks. This advice follows on from the Digital Infrastructure Toolkit, which was published in 2018 and provides advice for central government and network providers regarding access to government sites, which is available at:

<https://www.gov.uk/government/publications/digital-infrastructure-toolkit>