



By Email Only

Message from Chief Planner

19 May 2023

This Newsletter provides updates on the latest announcements from DLUHC and other government departments and agencies relating to planning practices and policy.

In this issue we draw your attention to the draft affirmative regulations which, once approved by Parliament, will establish a Responsible Actors Scheme for the purpose of securing and improving the safety and standard of buildings. As the Scheme is implemented, Government will provide detailed planning guidance so keep an eye out for that.

The Environmental Outcomes Reports (EOR) and Infrastructure Levy consultations are still live and I encourage you all to respond using the links provided. There are also consultations underway on short-term lets and high street rental auctions that we hope you'll engage with.

Following our announcement of funding for Public Practice in March, they have now started recruiting the next cohort of placemaking professionals to join local planning authorities in October 2023. For the first time, they will now be working in the South West, East and West Midlands regions – authorities interested in hosting a placement should get in touch via their website.

Outside of DLUHC, Defra have published the regulations, statutory guidance and consultation response for Local Nature Recovery Strategies; there are new powers to be aware of that address illegal tree-felling in England; and TCPA, with the Environment Agency, have published the findings of a survey highlighting the challenges facing local authorities in planning for flood risk.

Meanwhile, the Digital Planning Team continue their exciting and award-winning work. Fifteen more council-led projects have been awarded funding through Round three of the PropTech Innovation Fund to improve citizen engagement in the planning process and a further nineteen councils will lead and take part in digital projects that will encourage quicker planning decisions and improve digital planning software. Their Digital Planning website is a great place to find out about all their great work.

Kind regards,

Joanna Averley
Chief Planner



Building Safety - Responsible Actors Scheme and the Prohibition on Development

The Government has laid draft affirmative [regulations](#) which, once approved by Parliament, will establish a Responsible Actors Scheme (RAS or Scheme) under the Building Safety Act 2022 for eligible major developers for the purpose of securing and improving the safety and standard of buildings.

Members of the Scheme will be required to enter into and comply with the developer remediation contract (available [here](#)), and must identify and remediate (or pay for the remediation) of life-critical fire safety defects in residential buildings over 11m in height, which they developed or refurbished in England between 1992 and 2022, in accordance with the contract terms.

The regulations will also establish prohibitions, including a planning prohibition, which will be used in relation to developers who are eligible for the RAS and opt not to join or comply with the scheme's conditions, and persons whom those eligible developers control.

Details of the planning prohibition include that:

- Prohibited developers will be prohibited from carrying out major development in England ('major development' as defined by the Development Management Procedure Order 2015)
- Prohibited developers should notify the relevant local planning authority about their prohibited status at certain key junctures, to assist with enforcement, including when submitting an application for planning permission; seeking reserved matters approval or prior approval; where they buy land with planning permission attached that could result in prohibited development; where they sell all their interest in land with planning permission attached to someone who is not prohibited.
- The regulations will apply the enforcement provisions of Part 7 of the Town and Country Planning Act 1990 to a breach of the planning prohibition, but with modifications as set out in the Schedule of the draft Regulations.
- The prohibition would only apply to development that gains planning permission, or a required subsequent approval (e.g. reserved matters approval), after the regulations come into force.

The draft regulations require that the name of any prohibited person appear on a list to be published by the Secretary of State.

At present, many of the developers who are likely to be eligible to join the Scheme have signed the developer remediation contract and therefore we expect them promptly to become members of the Scheme and, where they do so, not to face the prohibitions on account of failing to join.



As the scheme is implemented, we will publish more detailed planning guidance, especially on enforcement, and notify and engage with local planning authorities to support implementation.

Consultation: Infrastructure Levy and Environmental Outcomes Report

The consultations on the [Infrastructure Levy](#) and [Environmental Outcome Reports](#) are currently live and will close on **9 June 2023**. We would encourage you to respond online, using the links provided, as this supports us to analyse your responses as effectively as possible.

Consultation: Short-term Lets

Short-term lets are now an integral part of the country's visitor economy. This has brought a range of benefits, such as increased choice for consumers, and increased income for individual homeowners and to local economies through increased visitor spend. At the same time, concerns have been raised in areas with a high concentration of short-term lets about the availability and affordability of homes to buy or to rent for local people. The government wants to ensure that we continue to benefit from a diverse and sustainable visitor accommodation offer whilst also protecting local communities. This includes supporting the provision of a sustainable housing stock for those who live and work in our most popular tourist areas.

The government is therefore currently seeking views on two consultations relating to short-term lets. The first, led by the Department for Culture Media and Sport on the approach and design of the register of short term lets being introduced through the Levelling Up and Regeneration Bill. Further details on the consultation and how to respond can be found [here](#).

The second, led by DLUHC, on the introduction of a short-term let use class and associated permitted development rights. These permitted development rights would provide flexibility where short term lets are not a local issue, and allow for this flexibility to be removed where there is local concern. Some homeowners benefit from letting out their sole or main home for short periods, and therefore we are also seeking views on how homeowners might be provided with flexibility to let out their sole or main home for up to a specified number of nights in a calendar year. Details of the consultation and how to respond may be found [here](#).

The consultation closes **7 June 2023**.

Consultation: High Street Rental Auctions

In the [Build Back Better High Streets Strategy](#), published in July 2021, and the [Levelling Up White Paper](#), published in February 2022, the Government announced its intention to explore what policy solutions could address empty shops and offices and to give local authorities the power to tackle vacancy rates.



As part of the Levelling Up and Regeneration Bill, the government is introducing High Street Rental Auctions, a new power for local authorities to require landlords to rent out persistently vacant commercial properties to new tenants, such as local businesses or community groups.

A consultation was launched on 31 March 2023 seeking views on matters that will form part of the High Street Rental Auction policy, covering various matters, including the introduction of two new permitted development rights.

Full details of the consultation can be found [here](#).

The consultation closes **23 June 2023**.

DLUHC continue funding support for the RTPI Future Planners Bursary Scheme.

On Friday 12 May, DLUHC announced that more students in England will benefit from a £5,000 bursary to pursue a career in planning.

Co-ordinated and administered by the Royal Town Planning Institute (RTPI), the Future Planners Bursary Scheme will see more than 50 young professionals offered a bursary to study an RTPI fully accredited planning masters, attracting the next generation of students aspiring to train and work in the planning sector.

The funding from the DLUHC will back more careers in the planning sector, helping councils recruit staff and create better communities that people are proud to call home.

This year's scheme, which DLUHC has been funding since 2018, increases the size of the bursary from £2,000 to £5,000 to better support those who might be put off from studying a planning masters due to financial barriers.

You can see the full press release [here](#) and further information from RTPI [here](#).

Local Nature Recovery Strategies regulations and statutory guidance published

On 23 March 2023, the Government published the [regulations](#), [statutory guidance](#) and [consultation response](#) for Local Nature Recovery Strategies (LNRS). LNRSs are one of the Government's new flagship nature recovery measures in the Environment Act 2021. They will bring together communities and decision makers across the public, private and voluntary sectors to collaborate in planning and prioritising action for nature's recovery and wider environmental objectives. In doing so, LNRSs will help local authorities as well as many other stakeholders to plan and deliver more for nature and the wider environment.

LNRSs have been designed explicitly with the planning system in mind. They will help local authorities deliver existing commitments in the NPPF and support the



preparation of local development plans enabling not only better environmental outcomes, but also improving development planning in the long term.

All public bodies in England will need to have regard to LNRs once they are in place. Government will provide more detailed guidance on how local planning authorities should have regard to LNRs in due course, as required by the Environment Act 2021.

Support to Local Planning Authorities providing pre-application services and Planning Performance Agreements

It was announced in the October 2022 newsletter that the Planning Advisory Service (PAS), on behalf of the Department for Levelling Up, Housing and Communities, was commissioned to carry out a programme of work to support local planning authorities in delivering their pre-application services and Planning Performance Agreements (PPAs).

This programme is now complete and has delivered;

- A PPA template and guidance for use by local planning authorities;
- Best practice guidance for pre-application advice and PPAs; and
- Guidance on setting pre-application fees and a fee calculator.

The full pre-application and PPA guidance can be found on the PAS website [here](#).

Housing Design Awards

The Housing Design Awards, created in 1948 alongside the Act establishing the NHS, have revealed the shortlist for this year's awards. Awards are given each year for schemes with planning approval but not occupied (Project) and those which are occupied and at least 25% built out (Completed). As part of this announcement, the Housing Design Awards website has undergone an extensive redesign and upgrade to include new tools and improved functionality to allow all users access to well-designed housing schemes across the country.

The improved website includes new search capabilities which allows users to filter through schemes based on categories such as geography, number of units and height. There is also a new mapping tool which provides an insight through 3D annotations into winning and shortlisted schemes. This tool will allow local authorities to see examples of winning and shortlisted housing schemes in their area and those further afield that they could plan a visit to. There are several new vlogs which provide a brief insight into schemes accompanied by videos and data.

These tools will provide greater accessibility to examples of well-designed housing schemes and can be seen online at www.hdawards.org.



£5.3M of DLUHC funding awarded to local planning authorities to improve the digital services they use for planning applications

Our Digital Planning team have funded 19 more councils to lead and take part in digital projects that will encourage quicker planning decisions and improve digital planning software.

This £5.3M round of the [Planning Software Improvement Fund](#) was split into 3 tracks; local planning authorities (LPAs) have been funded to either:

- Join the [Open Digital Planning \(ODP\) project](#) adopting both ODP services being co-created by project participants;
- Implement one of the ODP services alongside existing software;
- Work with their current providers to improve existing services.

You can find out more about the successful LPAs in this [blog post](#).

Fifteen council led projects funded to scale digital solutions which aim to improve citizen engagement within the planning process

We're pleased to announce 15 more council-led projects have been awarded a total of £3.2 million of funding through [Round 3 of the PropTech Innovation Fund](#).

The 27 local planning authorities (LPAs) who are involved in pilots represent a range of diverse planning teams, projects and opportunities to design digital solutions at scale and pace across the country. Some LPAs are delivering their pilot as part of a joint project team with other LPAs.

This next stage of the PropTech Innovation Fund will allow LPAs to build on previous rounds of funding which saw them develop and test solutions relating to the scalability, interoperability and visualisation of consultation data and digital engagement platforms.

Event: PropTech Innovation Fund Round 2 LPA Showcase – 14th June

To celebrate the completion of Round 2 of the [PropTech Innovation Fund](#) and the results achieved, DLUHC's Digital Planning team is hosting an LPA showcase event on Wednesday 16 June. This event will highlight emerging best practice and lessons-learned when using digital engagement in planning consultations.

Since launching in September 2021 the PropTech Innovation Fund has worked with 47 local authorities to support the widespread adoption of digital citizen engagement tools and services within the planning process. Round 2 of the Fund centred around many aspects of the planning process including; Masterplanning, Council-Led Development, Estate Regeneration and Community Development. This event is a great opportunity to hear first hand from the LPAs involved and discuss plans for the future



Planning professionals, advisors, PropTech companies and anyone else across the industry interested in this fast-growing sector are welcome to attend. You and your wider networks can [sign up for a free ticket via Eventbrite](#) – Please do share with anyone who may find this of interest.

Digital Planning funded project updates available

DLUHC's Digital Planning Team have recently updated their website with details of some of their funded LPA projects.

Round 1 of the PropTech Innovation Fund supported pioneering local planning authorities across England to work with PropTech partners to use digital tools to help make the planning process more open and accessible to citizens. [Case studies on each project are now available on the Digital Planning website](#) and the team have published a [blog post](#) highlighting key lessons learnt from this round.

Project summaries for LPAs successful across all three tracks of then recently awarded Planning Software Improvement Fund are also available on the fund's [dedicated webpage](#).

Award wins for DLUHC's Digital Planning Team

DLUHC's [Digital Planning Team](#) have recently scooped two prestigious industry awards. The team won the Gold award at the [iESE Public Sector Digital Transformation Awards](#) in the 'Best Use of Digital and Technology' category, and won in the 'Digital Change Project of the Year' category at the [IPA Government Project Delivery Profession Awards](#).

The IPA Project Delivery Awards are a celebration of the inspirational individuals and teams who deliver complex and ambitious projects across Government. DLUHC's Digital Planning Software Team and LPA partners won the Digital Change Project of the year award for their collaborative work on the DLUHC funded [Open Digital Planning project](#). The win was awarded for the team's exceptional use of user and data-led approaches to co-create innovative planning software services with LPAs and the private sector.

The iESE Awards are an opportunity to celebrate and share the most innovative practices in transforming local public services. After the awards have taken place, the details of entries are used by iESE to shape best practice for the future, therefore DLUHC's Digital Planning Programme and collaborative work with a range of local authority and industry partners will be used to continue transformation of the sector which is testament to the fantastic work being undertaken in this space. Thank you to all our partners who are contributing to this award-winning programme.



Public Practice now recruiting England-wide

With funding from the Department for Levelling Up, Housing and Communities, Public Practice is now working with local authorities across England to recruit placemaking professionals for its next cohort starting in October 2023. For the first time since the programme's launch, Public Practice will now be working in the South West, East and West Midlands regions.

The not-for-profit organisation works with local authorities to identify gaps in the capacity of planning and place making teams, then matches skilled candidates to year-long placements supported by learning, development and knowledge sharing activity; it offers a route for local authorities to recruit placemaking professionals from a wide range of built environment backgrounds.

Local authorities interested in hosting placements need to apply by **31 May 2023**. For more information, visit www.publicpractice.org.uk/authorities/apply-authorities.

Beautiful and Safe High Streets - an Office for Place webinar

7 June 2023 – 3:30pm – 5pm – online via Teams

Prosperous places tend to be safe places. What is the best path to prosperous and busy high streets with low anti-social behaviour? Please join this Office for Place webinar to discuss the relative importance of land ownership, building design, local council leadership, community action, and street redesign in supporting and regenerating high streets and town centres to be prosperous, popular and safe. Speakers include Caroline Simpson, Chief Executive of Stockport Council, Mark Robinson (Chair, High Streets Task Force), and members from our Design Code Pathfinders programme. This event is free - please click [here](#) to register.

The Office for Place are recruiting!

The Office for Place are recruiting! This is an exciting opportunity to join the Office for Place team in DLUHC, lead and shape the work that will enable it to support councils and communities to create beautiful, sustainable, popular and healthy places.

Role 1: Design Code Lead – We are seeking a senior architect or urban designer to join the Office for Place to lead on the development of tools and processes to help local authorities and communities set their own design codes. Click here for more information on this role. [Office for Place Design Code Lead - Civil Service Jobs - GOV.UK](#)

Role 2: Research lead – We are seeking an experienced research practitioner, with expertise in the built environment to lead on the commissioning and undertaking of research for the Office for Place. Click here for more information on this role. [Office for Place Research Lead - Civil Service Jobs - GOV.UK](#)



These roles are being offered as 1-year fixed-term contracts and can also be offered on secondment.

The team will be holding an online information session Wednesday 24th May at 4pm, email simiat.ilupeju@levellingup.gov.uk to request the link to join the meeting.

New Powers to address illegal tree felling in England

There is an overarching policy for the sustainable management of forests and woodlands in England which provides a presumption against the permanent loss of woodland. The felling of growing trees is therefore a regulated activity and, although some exceptions do apply, will usually require permission from the Forestry Commission through a felling licence. Where trees have been felled illegally, a Restocking Notice or subsequent Enforcement Notice may be issued by the Forestry Commission, which compels the landowner to replant the trees.

Delivered as part of the world-leading Environment Act, changes made to the Forestry Act 1967 on the 1 January 2023 have introduced clarity of rules, stronger punishments and better visibility of charges on the land. Key changes are:

- Increased fines for illegal felling. As the major driver of profit from illegal felling lies in the increased land value, the previous fining regime did not offer a sufficient deterrent. Prior to January 2023 the fine was £2,500 or twice the value of the trees felled, whichever was greater. The new fine is 'unlimited' and set at the discretion of the court in each case.
- Where an Enforcement Notice for restocking trees has not been complied with, upon conviction, courts now have the power to also issue a Restocking Order. Failure to comply with a court-ordered Restocking Order will put offenders at risk of a fine or imprisonment.
- The Forestry Commission's Restocking Notices and Enforcement Notices are now listed on the Local Land Charges Register, making them publicly visible. In cases where landowners have illegally cleared a site of trees in advance of forward sale of the land, prospective buyers will be clearly sighted on any duties on that land.
- Clarity that if the land is sold, the conditions of an Enforcement Notice are the responsibility of the new landowner, and must still be complied with.

It is important to note that even if subsequent planning permission is granted on the land, this does not override the conditions of a previous felling licence or Enforcement Notice, which still must be complied with.

Details of existing notices and charges on land can be found by visiting <https://www.gov.uk/search-local-land-charges>.

Information on Restocking Notices and Enforcement Notices can be found in section 7.1.3 of the [Tree Felling – Getting Permission](#) guide produced by the Forestry Commission.



Further details on the other changes introduced can be found here on [GOV.UK](https://www.gov.uk).

Survey highlights local authorities' challenges in planning for flood risk

The Town and Country Planning Association have published the findings of a survey issued in December 2022 in partnership with the Environment Agency. A total of 148 participants from 102 different authorities took part in the survey, which sought views on skills, capacity and training needs. The full results can be found [here](#). The results will steer planned work on local authority training over the next two years.

Survey: The Waste (England and Wales) Regulations 2011

We are carrying out a survey to gather views on [The Waste \(England and Wales\) Regulations 2011](#) ('the 2011 regulations') as part of a Post Implementation Review (PIR).

What is a PIR?

The PIR is a legal obligation that must be carried out every 5 years. It is designed to look back at how well objectives of regulations have been met, test if regulations continue to be useful or consider amendments to minimise burdens or improve impacts. There are particular questions that we must ask as part of this process. The first [PIR](#) was published in 2018 and we plan to publish the next one this year.

The Waste (England and Wales) 2011 Regulations

The 2011 regulations transposed several aspects of the revised Waste Framework Directive (rWFD). The broad aim of the 2011 regulations is to reduce the adverse impacts of the generation of waste and resource use on human health and the environment. The regulations cover a range of objectives.

Focus of the survey

The survey will not cover all objectives of the 2011 regulations. This is because there are several areas where Defra has recently consulted. In these cases we will use consultation responses to inform the PIR, unless there are some additional questions that we considered it useful to ask. The areas covered by the survey are:

- Waste Prevention Programme
- Waste Management Plan
- Waste Hierarchy
- Household Recycling Target
- Construction Waste Recovery
- Waste Infrastructure



PLANNING NEWSLETTER

We recognise you may have an interest or be impacted by these regulations and so would be grateful if you would answer questions on the above subjects where appropriate. In the survey, you will be able to select which of the areas above are applicable and you will then only be asked those relevant to you.

The survey link can be found below [here](#).

Please note that your responses are very important in helping us to understand if any changes to these regulations are needed. We will be very grateful if you can take the time to respond.

We would be grateful for responses to be sent by close Friday 2nd June. The survey link will be closed after this date. The survey will not save once started and so we advise completing it in one go.

Please do forward to colleagues who would be interested in taking part.