



By Email Only

Message from Chief Planner

15 April 2024

This Newsletter provides updates on the latest announcements from the Department for Levelling Up, Housing and Communities (DLUHC) and other government departments and agencies relating to planning practices and policy. Please see overleaf for the list of contents.

I would like to particularly draw attention to the opportunity for local authorities to be part of the Local Government Association's new Pathways to Planning graduate / apprentice recruitment and support scheme. We have increased the funding available for bursaries in this round and would encourage local authorities to look at whether they would benefit from recruiting through this programme. There are around 1000 graduates who have applied to become planners in local government through this cohort and the programme will match them to local authorities and support them while in post.

Biodiversity Net Gain became mandatory for new applications for non-major development on 2 April. I encourage everyone to make use of the advice and support provided by PAS to help adjust to this change. This month's issue also provides recent updates regarding planning performance, including the consultation on "An Accelerate Planning System" which we hope you'll engage with. The consultation closes 1 May.

Elsewhere, the Local Nutrient Mitigation Fund Round 2 opened on 6 March and is accepting proposals from councils until 26 April and the Department for Transport are running a Call for Evidence on planning thresholds for transport projects.

All previous Chief Planner Letters and Newsletters are available on GOV.UK [here](#).

Joanna Averley
Chief Planner



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Policy and Delivery Updates

Biodiversity Net Gain on Small Sites

The regulations required to implement the first phase of Biodiversity Net Gain (BNG) were laid in Parliament on 19 January. BNG became mandatory for new applications for major development from Monday 12 February 2024.

As of 2 April, BNG has also now become mandatory for new applications for non-major development following the lapse of the temporary exemption for non-major development. A non-major development does not fall into the category of a major development, as defined in article 2(1) of [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#)

This will increase the volume of new planning applications which will now be subject to BNG. It is important all local planning authorities prepare for this change, particularly in relation to their validation services. New applications for non-major development will now be subject to new national information requirements which will need to be checked.

There are still some important exemptions to BNG that mean certain permissions such as householder development and development which only has a de minimis impact on habitats are not subject to biodiversity net gain conditions. Please see the [Biodiversity Net Gain Planning Practice Guidance](#) for the full list of exemptions.

For those who are not already engaged, the Planning Advisory Service (PAS) offers advice, support and training on planning and service delivery to councils. The [PAS Biodiversity Net Gain page](#) is a useful resource and provides answers to some of the most frequently asked questions.

Planning Performance Update

Consultation: An Accelerated Planning System

On 6 March, DLUHC published the consultation 'An Accelerated Planning System' which seeks views on proposals to:

- Introduce a new accelerated planning service for major commercial applications with a decision time in 10 weeks and a fee refund if this is not met;
- Make changes to the use of extension to time agreements and changes to the performance regime to monitor speed of decision-making against statutory time periods;



- Expand the current simplified appeals process for householder and minor commercial appeals to more written representation appeals; and
- Implement section 73B for applications to vary planning permissions and the treatment of overlapping planning permissions.

You can find out more about the consultation and how to respond here: [An accelerated planning system: consultation](#). DLUHC is keen to receive views from all interested parties. The consultation closes at **11.59pm on 1 May 2024**.

Draft Planning Performance Dashboard

On 6 March DLUHC also published a new draft Planning Performance Dashboard that brings together performance data for individual local planning authorities for speed of decision-making. The table provides data on the percentage of applications determined within statutory timeframes and the use of Extension of Time agreements.

A copy of the draft Planning Performance Dashboard can be viewed here: [Planning Performance Dashboard: draft live table](#). The team is keen to hear feedback on this table and how useful it would be to local planning authorities. Feedback should be sent to PerformanceDashboard@levellingup.gov.uk by **1 May 2024**.

Planning Inspectorate Appeals Casework Portal

From 1 April 2024, comments from interested parties on planning and enforcement appeals will only be accepted through the Appeals Casework Portal (ACP). The Planning Inspectorate will no longer accept interested party comments by email.

Graham Stallwood, PINS' Chief Operating Officer, wrote in January to all LPAs asking for help in ensuring that anyone commenting on planning and enforcement appeals use the correct route. This suggested reviewing and updating appeal notifications and publicity templates by the end of February, to ensure they signpost interested parties to use the ACP.

PINS' case officers will now ask LPAs to re-issue any appeal notifications where the method of making representations to the Planning Inspectorate is not correctly set out.

Local Nutrient Mitigation Fund Round 2

As set out in the 2023 Spring Budget and Autumn Statement, the Government committed £110m to affected local planning authorities to deliver high quality, locally-led nutrient mitigation schemes. This is to boost mitigation supply available to support sustainable development and unlock housing delivery in affected Habitat Site catchments. The first Local Nutrient Mitigation Fund funding round was allocated to eight successful local authorities in December.



On 6 March the Government opened Round 2 of the Local Nutrient Mitigation Fund. The government is inviting local planning authorities affected by nutrient neutrality advice to submit expressions of interest, via a template, for costed programmes or strategies to deliver nutrient mitigation. We are requesting capital bids of up to £10 million (from a single catchment or area where two catchments overlap). Affected local planning authorities should submit proposals by **26 April**. More details can be found [here](#).

Compulsory Purchase Orders: Publication of Register of Decisions

On 21 March DLUHC published a [register of decisions](#) on all compulsory purchase orders (CPOs) in England submitted to the Department for confirmation since 2019. The intention behind publishing the register is to increase transparency around how decisions are taken, and to improve knowledge and awareness of the purposes for which compulsory purchase powers may be used. It is hoped that this will give local authorities greater confidence to use their CPO powers and help clarify misconceptions about the CPO process.

The register will be updated on a quarterly basis. This is the first iteration of the register and work is already underway on the next iteration which will include copies of the decisions.

Pathways to Planning Graduate Scheme

Pathways to Planning, the new graduate recruitment programme funded by DLUHC and delivered by the Local Government Association and the Planning Advisory Service, is welcoming councils to take part in its second cohort.

Pathways to Planning operates a national marketing and recruitment campaign at no cost to local planning authorities, attracting top graduate talent to work in their planning teams. Each graduate place comes with a choice of bursary: councils can choose either a bursary of £10,000 to help fund graduates' RTPI-accredited master's degree (which they undertake part time, while in work), or a bursary of £5,000 to support a Level 7 apprenticeship; depending on which route best serves the local authority.

Other benefits of the programme include a bespoke learning and development programme, ongoing professional support and fast-track opportunities to retain talent in the sector. There are up to 120 spaces available for the programme's second cohort, which will see graduates start work in September 2024.

Councils are encouraged to sign up as soon as possible to secure their place. They can do so on the LGA's website or by contacting Assistant Programme Manager Anna Buttenshaw (Anna.Buttenshaw@local.gov.uk) to express your interest and request further information.



Consultation Outcome: Operation Reforms to the Nationally Significant Infrastructure Project Consenting Process

Alongside the Spring Budget (6 March), DLUHC published our response to the [consultation on operation reforms to the Nationally Significant Infrastructure Project \(NSIP\) consenting process](#). The consultation ran for eight weeks from 25 July to 19 September 2023, where DLUHC invited views on proposed reforms to make the NSIP consenting process better, faster, greener, fairer and more resilient by 2025. These included: (1) operational reform to support a faster consenting process; (2) recognising the role of local communities and strengthening engagement; and (3) improving system capability and building a more diverse and resilient resourcing model.

Following careful consideration of the responses received, the consultation response confirms that we are taking forward a number of improvements, enabled by legislation and guidance. These include:

- A major increase to the capacity within the planning system by better resourcing public bodies through costs recovery for the advice and services they give to applicants – with additional resources in place already and cost recovery being introduced from 1 April;
- New secondary legislation to make vital changes to the legislative framework under which the system operates, covering the way in which examinations are conducted to support faster and more proportionate examinations for all projects. This will be in place by the end of April;
- Improvements to and strengthening of national infrastructure planning guidance to provide clarity for applicants and ensure that all users of the system are provided with the guidance they need to maximise the benefits of the system changes, and to help navigate applications more efficiently. This will be live by the end of April;
- A new pre-application process, designed to allow applicants to work with the Planning Inspectorate to speed up decision making and ensure that consultation is effective and proportionate. This will be available for any project which requests it from this Autumn on a cost recovery basis; and
- A new fast-track route to consent, to enable projects which meet a quality standard to progress through the process in one year. This will be available from Autumn 2024.

DLUHC have recently laid legislation which took effect from 1 April 2024, and published [draft guidance](#) on cost recovery for the Planning Inspectorate and statutory consultees. Further guidance updates will be published throughout the remainder of the year, starting from the end of April.

If you have any questions about the changes that are being made to the NSIP consenting process, please email infrastructureplanning@levellingup.gov.uk.



Implementation of Enforcement Measures in the Levelling-Up and Regeneration Act 2023

The Levelling-up and Regeneration Act 2023 (the 2023 Act) introduced a package of measures to strengthen local planning authorities' enforcement powers. On 4 April, DLUHC laid a statutory instrument, [The Levelling-up and Regeneration Act 2023 \(Consequential Amendments\) \(No. 2\) \(England\) Regulations 2024](#) to make consequential amendments needed to give full effect to two of the reforms – listed building temporary stop notices and enforcement warning notices.

The instrument also makes consequential changes to *The Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023* to take account of the enforcement measures. In addition, it revokes *The Town and Country Planning (Pre-application Consultation) Order 2020* which extended the temporary provisions relating to pre-application consultation in respect of planning permission set out in sections 61W to 61Y of the Town and Country Planning Act 1990, as these have subsequently been made permanent by the 2023 Act.

A further statutory instrument, [The Planning Act 2008 \(Commencement No. 8\) and Levelling-up and Regeneration Act 2023 \(Commencement No. 4 and Transitional Provisions\) Regulations 2024](#) sets out the commencement and transitional arrangements for the enforcement measures and other measures in the 2023 Act.

Office for Place Update: Free Places at 2024 Code Schools

The Office for Place is supporting Urban Design Learning to run two Code Schools later in the year. This will provide 100 free places to local planning authority officers, suitable for those who are currently working on design codes or looking to start working on one. Delivered entirely online, and lasting for five days spread over two weeks, the Schools will draw on lessons learnt from the design code Pathfinder programme, other design codes local planning authorities have been working on, and emerging best practice. Alongside hearing from a wide range of expert speakers, delegates will also have access to a team of experienced mentors to provide personalised support, peer to peer learning opportunities and a school bag of pre-recorded talks and other resources. If you would like to apply to attend, [please complete this short \(8 question\) survey](#)

Telegraph Pole Deployment by Fixed-line Telecommunications Operators

Telegraph poles play an important role in delivering efficient and cost-effective coverage and connectivity to communities, particularly in hard-to-reach areas. They enable operators to deploy their infrastructure without costly and disruptive roadworks, or where existing infrastructure cannot be used, increasing competition and consumer choice.



However, DLUHC is aware of concerns about inappropriate siting of some poles. Under the Electronic Communications Code (Conditions and Restrictions) Regulations 2003, operators must still notify the local planning authority at least 28 days in advance of their intention to deploy certain infrastructure, including poles. The local planning authority can then suggest conditions with which they wish the operator to comply in relation to the installation of apparatus. The regulations also impose a number of other requirements on operators. This allows local planning authorities to suggest conditions to ensure that telegraph poles are placed sensitively, minimising any impact on communities.

Local planning authorities can contact Ofcom, the independent regulator, to express concern about the conduct of a code operator. Ofcom will investigate reports if there are reasonable grounds to believe that an operator has failed to comply with regulations. The Government encourages local planning authorities to raise a complaint if they believe a code operator has failed to comply. To do so, they can contact Ofcom at Competition.Complain@ofcom.org.uk, outlining their concerns in as much detail as possible to enable Ofcom to consider the matter. Ofcom have also published a general advice document for complainants, which is available at the following link:

https://www.ofcom.org.uk/data/assets/pdf_file/0013/102514/Advice-for-complainants.pdf.

The Department for Science, Innovation and Technology will work with DLUHC and the Planning Advisory Service to organise a webinar providing further information on the 2003 Regulations to local planning authorities. Details will be shared in due course.

Research & Events

Historic England Planning Bulletin

Historic England's monthly [Planning Bulletin](#) provides updates on some of the recent and forthcoming developments in the world of planning from a heritage perspective.

If you wish to be notified when each edition is published, please contact governmentadvice@historicengland.org.uk to subscribe.