



By Email Only

Message from Chief Planner

10 May 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.

This month's issue provides an update on the reforms to the Nationally Significant Infrastructure Projects and the key guidance documents that have been published to help explain the changes that have been made. There will also be further new and updated guidance published in Autumn 2024 and Winter 2024.

Meanwhile, the Environment Agency has teamed up with the Town and Country Planning Association (TCPA) to offer a suite of online training resources on Planning for Flood Risk. Courses are free and aimed at planners and flood risk professionals working in the public sector.

Other highlights include updates on statutory guidance around second staircases. There is also an update on progress on implementing build-out measures for planning permissions. Views are also sought on how authorities will oversee Locally-led Urban Development Corporations, responses to this should be submitted by 5 June 2024.

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

Update on Second Staircases

The Government has recently issued revised statutory guidance, known as Approved Document B, which sets out the general position on the requirement for second staircases in new multi-occupancy residential buildings that have a top occupied storey above 18 metres in England.

The revised Approved Document B represents general guidance: it will not be exhaustive, and the design of each high-rise building will continue to receive individual scrutiny from experts. The guidance makes clear the need for a second staircase in new multi-occupancy residential buildings that have a top occupied storey above 18 metres and confirms that evacuation lifts will not be called for as a matter of course.

From the date that these changes to Approved Document B were formally published, developers will have 30 months during which new building regulations applications can conform to either the guidance as it exists today, or to the updated guidance requiring second staircases. When those 30 months have elapsed, all applications will need to conform to the new guidance.

Any approved applications that do not follow the new guidance will have 18 months for construction to get underway in earnest. If it does not, they will have to submit a new building regulations application, following the new guidance. Sufficient progress, for this purpose, will match the definition set out in the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023, and will therefore be when the pouring of concrete for either the permanent placement of trench, pad or raft foundations or for the permanent placement of piling has started.

Projects that already have planning permission with a single staircase, the safety of which will have been considered as part of that application, can continue without further delay if they choose.

Should new or revised planning applications be required in order to meet these requirements, we would expect local planning authorities to take a positive and pragmatic approach, recognising that the inclusion of a second staircase could impact the viability of schemes and that applicants may therefore need to seek to amend various aspects of their application in an effort to redress the balance.



Open Consultation: Locally-led Development Corporation

DLUHC launched an 8 week consultation which will close on **5 June 2024**, on regulations concerning how oversight authorities will oversee locally-led urban development corporations, following their establishment by the Secretary of State. In addition, the consultation also asks for comments on updating the New Towns Act 1981 (Local Authority Oversight) Regulations 2018 (the 2018 Regulations) in relation to locally-led new town development corporations.

The draft Regulations are made under the Levelling Up and Regeneration Act 2023 which made provision for the designation of a new type of locally-led urban development corporation model with the appropriate powers to support transformational regeneration and growth, overseen by a local authority or authorities ('the oversight authority') rather than the Secretary of State.

A copy of the consultation document can be found at: [Locally-led Development Corporation Consultation - Department for Levelling Up, Housing and Communities - Citizen Space](#), which is our preferred method for completion of the survey. The document can also be accessed via the following link: [Locally-led Development Corporation consultation - GOV.UK \(www.gov.uk\)](#)

Nationally Significant Infrastructure Projects Reform

Guidance

Government has now launched new and updated guidance on the '[National Infrastructure Planning Guidance Portal - GOV.UK \(www.gov.uk\)](#)', the new digital repository for providing access to and updates on the status of existing and new National Infrastructure Planning Guidance. Alongside this, the following new guidance has been published:

- [Planning Act 2008: Pre-application stage for Nationally Significant Infrastructure Projects - GOV.UK \(www.gov.uk\)](#)
- [Planning Act 2008: Fast-track process for Nationally Significant Infrastructure Projects - GOV.UK \(www.gov.uk\)](#)
- [Planning Act 2008: Content of a Development Consent Order required for Nationally Significant Infrastructure Projects - GOV.UK \(www.gov.uk\)](#)
- [Planning Act 2008: Acceptance stage for Nationally Significant Infrastructure Projects - GOV.UK \(www.gov.uk\)](#)
- [Planning Act 2008: Pre-examination stage for Nationally Significant Infrastructure Projects - GOV.UK \(www.gov.uk\)](#)
- [Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects - GOV.UK \(www.gov.uk\)](#)

The guidance chapters have been published as a priority to implement reforms to the NSIP system and will now commence updates to the remaining National Infrastructure Planning guidance with new and updated guidance tranches to be published in Autumn 2024 and Winter 2024.



The [National Infrastructure Planning Guidance Portal - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/national-infrastructure-planning-guidance-portal) contains a facility to register for a notification of when new National Infrastructure Planning Guidance is published.

Secondary legislation

Provisions in The Infrastructure Planning (Examination Procedure) (Amendment) Rules 2024 and The Infrastructure Planning (Miscellaneous Provisions) Regulations 2024 came into force on 30th April, introducing the following amendments to infrastructure planning legislation:

- Removing the prohibition on a person who has been involved in giving pre-application from being appointed to a Panel, or as a single appointed person responsible for examining application for development consent.
- Introducing a new Schedule of persons prescribed for the purposes of s.42(1)(a) (duty to consult) and s.56(2) (notifying persons of accepted application) of the Planning Act 2008.
- Extending the requirements relating to the relevant representations to include, where practicable, the full particulars of the case.
- Removing the requirement for the date specified by the Examining Authority for receipt of Written Representations to be at least 21 days.
- Amending the requirement for at least 21 days' notice to be given by the Examining Authority a) when setting deadlines for making a request for compulsory purchase or open floor hearings, and b) when notifying interested parties and affected persons of those hearings.
- Expanding the meaning of 'by local advertisement' to give an alternative option to publish the notice of a hearing on the applicant's website.
- Removing the requirement for consent to be given by the recipient to the use of electronic transmission for any representation, notice or other documents.

Further information on the changes can be found in the explanatory memorandum available at www.legislation.gov.uk.

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 Compulsory Purchase Reforms in the Levelling-Up and Regeneration Act 2023

On 8 April 2024, DLUHC published [The Compulsory Purchase of Land \(Prescribed Forms\) \(Ministers\) \(Amendment\) Regulations 2024](#). This statutory instrument replaces all the prescribed forms in The Compulsory Purchase of Land (Prescribed Forms) (Ministers) Regulations 2004 (the 2004 Regulations) and inserts a new Regulation 4A into the 2004 Regulations. These changes came into effect on 30 April and are needed to give full effect to the following reforms in the Levelling-up and Regeneration Act 2023 (the 2023 Act):

- Section 181 – online publicity
- Section 185 – time limits
- Section 190 – power to require prospects of planning permission to be ignored

On 9 April 2024, DLUHC also laid regulations which amend The Compulsory Purchase of Land (Vesting Declarations) (England) Regulations 2017 and The Land Compensation Development (England) Order 2012. These can be viewed here: [The Compulsory Purchase of Land \(Vesting Declarations and Land Compensation Development Order\) \(England\) \(Amendment\) Regulations 2024](#). These regulations came into force on 30 April 2024, except for the amendments to The Land Compensation Development (England) Order 2012 which will take effect on 31 January 2025. These changes are needed to give full effect to the following reforms in the 2023 Act:

- Section 181 - online publicity
- Section 189 – prospects of planning permission for alternative development (comes into effect on 31 January 2025)

Update on the Implementation of Build-Out Measures

Following the partial commencement of Development Commencement Notice provisions in the LURA on 31st March 2024, DLUHC received queries from the planning sector asking what this practically meant, what was happening with other proposed build out measures, and our next steps in implementing them.

To be helpful and to answer these questions, Government recently published an announcement on the Gov.uk website [Levelling Up and Regeneration Act 2023: progress on implementing build out measures - GOV.UK \(www.gov.uk\)](#)

This announcement advertises that there will be:

- A public consultation to seek views on the practical implementation of the four LURA build out measures.
- A separate consultation seeking views on a build out financial penalty to incentivise developers to build out homes more quickly.



Neighbourhood Planning Design Coding Guidance

DLUHC has funded Locality to develop guidance to be used by neighbourhood planning groups, including neighbourhood forums, town councils and parish councils, who want to prepare a design code to include in or alongside their neighbourhood plan.

The guidance has been produced following the learnings and findings of the Design Code Pathfinder Programme where DLUHC funded four neighbourhood planning groups to produce design codes. This guidance explains what a design code is, what it is for and will inform neighbourhood planning groups about whether a design code is the appropriate tool for them and how it could support their neighbourhood plan priorities. It describes how a design code fits in with other policy and guidance, including neighbourhood plans and local authority design codes and how to work with the community, Local Planning Authorities, Highways Authorities, developers and other stakeholders, as well as consultants. Although not a requirement, design codes can be produced by neighbourhood planning groups across the parish or town council, or neighbourhood forum planning area or for specific sites, and can form part of the neighbourhood plan.

Templates have been developed to help neighbourhood planning groups navigate the process of producing a code and to focus on the priorities for their area.

The guidance can be accessed at [Neighbourhood Planning Design Coding Guidance - Locality Neighbourhood Planning](#).

Research and Events

Water Efficiency in New Homes

On Wednesday 17 April 2024, the Future Homes Hub published a report entitled "Water Ready: A report to inform HM Government's roadmap for water efficient new homes". The report will help to inform the Government review of Building Regulations 2010, including the timeline and options for consideration, to ensure effective, long-term change that delivers significant increased water efficiency in new homes, at a deliverable pace for industry whilst creating space for innovation. The report is available on their website [here](#).

New 'Planning for Flood Risk' Training Launched

The Environment Agency has teamed up with the Town and Country Planning Association (TCPA) to develop a suite of online training resources aimed at planners and flood risk professionals working in the public sector. The courses are designed to develop knowledge and understanding of the key principles underlining planning for flood risk, and the application of national policy and guidance in England.



PLANNING NEWSLETTER

The resources launched today include: an introduction to planning for flood risk in England; courses on applying the sequential and exception tests to decision making; and flood risk assessments for planning applications. Further resources focused on plan making are being developed and will be available soon.

The courses are interactive, free of charge and can be completed at your own pace. Time spent on these courses can be used to contribute to CPD requirements for professional memberships. They are all available from a new e-learning hub developed by the TCPA. Register now to access these courses here: [TCPA learning](#).