



## **INTRODUCTION**

Welcome to the latest edition of the Chief Planner newsletter. There are a number of updates which we want to make you aware of on the Government's programme of planning reform, along with an indication of what will be coming up.

### **Local housing need**

In the Housing White Paper, the Government committed to consult on a new way for councils to assess their local housing need. Work is continuing on this to ensure the new approach is simple, straightforward and transparent. We intend to publish the consultation when Parliament returns in September.

We recognise that a number of areas have already made significant steps in preparing their plan. In order to give you greater certainty we want to make it clear that if you submit your plan for examination on or before 31 March 2018 you will be able to progress with your plan, using the existing methodology for calculating local housing need, as set out in current guidance.

If a plan is withdrawn from examination or found unsound, depending on the outcome of the forthcoming consultation, you would prepare a new plan based on the new standardised method. We also intend to consult on what constitutes a reasonable justification for deviating from the standard methodology, and make this explicit in the National Planning Policy Framework.

The consultation document also proposes that if you already have an existing up-to-date plan (that is, as outlined in the White Paper, one which is less than five years old) you will not need to make any changes until you next review or update your current plan.

Alongside the forthcoming consultation, we intend to publish data on each local authority's most recent assessment of need. We will also publish data on the

number of homes currently being planned for, where there is an adopted plan in place. We are grateful for your and your colleagues' help in validating this data over the past week. We believe we currently hold up to date and accurate data on the number of homes needed and being planned for in each local authority.

If the position for your authority changes, either through the adoption of a new Local Plan, or the publication of a new Strategic Housing Market Assessment, and you wish to discuss either the local housing need implications or the data itself, please email [planningdata@communities.gsi.gov.uk](mailto:planningdata@communities.gsi.gov.uk) by 31 August 2017. This will ensure our publication continues to reflect the most up to date position.

### **Recladding of a building**

Following the recent tragic event in London, questions have been raised about whether planning permission is required for the recladding of a building. Planning permission is needed if the work being carried out meets the definition of "development" set out in section 55 of the Town and Country Planning Act 1990. Generally the installation of cladding will be development that requires planning permission. However, some categories of work do not amount to development; for example, there may be circumstances where the external appearance of the building is not materially altered where planning permission is not required, depending on the scale of the operation, but this is a matter for each local planning authority to determine in the first instance. If permission is required for recladding we would encourage the authority to work proactively with the applicant to determine any application at the earliest possible opportunity.

### **Planning Guidance updates**

The Department published a range of new and updated [guidance](#) on 28 July. The new guidance is updated in response to the Rural Planning Review. We have also updated guidance for Hazardous Substances and Environmental Impact Assessments and made a number of minor changes outlined below:

- Ensuring Effective Enforcement
- Crown Development
- Neighbourhood Planning - area designation guidance and updates flowing from the Neighbourhood Planning Act 2017.
- Health
- Custom Build
- Permitted development rights for telecoms

- Permitted Development Rights - removal of permitted development rights for pubs and schools
- Statutory consultees
- Consultation and safeguarding directions
- Consultation and pre-decision matters
- Planning performance regime
- Planning registers

In addition, there is new guidance on brownfield land registers and permission in principle (see next item).

### **Brownfield land registers and permission in principle**

Statutory brownfield land registers and permission in principle were introduced in April this year to help improve the quality and consistency of data on brownfield land suitable for housing and provide much needed upfront certainty in the planning process to encourage investment. To help ensure local planning authorities are supported in securing the full benefits of these important new measures, we have published new planning practice guidance, and an accompanying national data standard. The planning guidance for [brownfield land registers](#) and [permission in principle](#) explains the policies in more detail and sets out the Government's expectations for their operation. The [Brownfield Land Register Data Standard](#) will enable local planning authorities to ensure their brownfield land register data is published in an open, national standardised format. This will ensure that nationally consistent information on suitable brownfield sites is kept up to date and accessible for communities and developers.

### **Planning application fees increase**

We know it is vital to have well-resourced, effective and efficient local authority planning departments to provide new homes and deliver economic growth in their area. Increasing planning application fees is a significant step towards addressing the problem of under-resourced planning authorities. All planning authorities have accepted the 20 per cent fee increase announced in the Housing White Paper which is to be ring-fenced for investment in planning services. The Government are bringing forward the necessary regulations in the autumn which, subject to Parliamentary scrutiny, will apply the increase.

## **Improving Planning Performance**

The designation criteria for 2018 were set out in [Improving planning performance: Criteria for designation \(revised 2016\)](#). The thresholds for speed of delivery increase for 2018 assessment and the measure for quality of decision making will be used for the first time. The quality measure is based on appeals data provided by the Planning Inspectorate which inform the local planning authority performance live tables P152 and P154.

DCLG will be restarting the publication of the live tables P152 and P154 (quality of decisions made between July 2014 and June 2016) on Thursday 10 August. They will be released as experimental statistics to enable local authorities to validate the information held. They will be available at the gov.uk website [here](#).

## **Local Plans – Commencement of measures in the Neighbourhood Planning Act**

On 19<sup>th</sup> July 2017, we commenced two Local Plans measures (sections 11 and 12) from the Neighbourhood Planning Act; these measures:

- enable the Secretary of State to publish data standards which set technical specifications for local development schemes and local development documents or data contained in them. This measure also enables the Secretary of State or the Mayor of London (in the case of a London borough council) to direct a local planning authority to revise a local development scheme so that it complies with published data standards; and
- provide the Secretary of State with a power to prescribe in regulations the intervals at which local planning authorities must review their local development documents. Where an authority reviews a document but decides not to revise it, they must publish their reasons.

The Neighbourhood Planning Act can be viewed [here](#).

The Commencement Regulations which brought sections 11 and 12 of the Act into force can be viewed [here](#).

## **Ministerial Planning Casework**

The Department's two Divisions dealing with planning casework have recently merged into a single casework unit, the Planning Casework Unit (PCU). The new Division comprises the former Planning Casework Division which handled recovered appeals and call in decisions and the National Planning Casework Unit which dealt

with a range of cases such as Compulsory Purchase Orders, referrals under the consultation direction and EIA screening direction requests.

The address for the PCU is:

Planning Casework Unit

5 St Philip's Place

Colmore Row

Birmingham

B3 2PW

**Enquiry number: 0303 444 8050**

**[pcu@communities.gsi.gov.uk](mailto:pcu@communities.gsi.gov.uk)**

May I take this opportunity to remind you that the Secretary of State is not a statutory consultee for planning applications, although applications referred to the Secretary of State under the terms of the The Town and Country Planning (Consultation) (England) Direction 2009 should be sent to the PCU.

The Unit also receive requests to call in planning applications from third parties. The Unit do not usually consider whether or not to call in an application unless the local planning authorities are minded to approve an application. In most cases we would prefer to have the written agreement (usually in the form of an e-mail) that the local planning authority will not issue the decision until the Secretary of State has considered whether or not to call it the application rather than resorting to issuing an Article 31 holding direction. This practice works well and the goodwill of local planning authorities is appreciated.

Details of Secretary of State decisions made on recovered appeals and call in since November 2012 can be found on the gov.uk website [here](#).

### **Home loss payments under the Land Compensation Act 1973**

Home loss payments are payable under the terms of the Land Compensation Act 1973 to owner-occupiers and tenants of dwellings displaced by compulsory purchase or public redevelopment. They have been reviewed annually since 2003. Following the 2017 review, the Government has decided to raise the maximum and minimum payment thresholds for payments for owner-occupiers from £58,000 and £5,800 to £61,000 and £6,100 respectively. The flat rate paid to tenants has been raised from £5,800 to £6,100. The Home Loss Payments (Prescribed Amounts) (England) Regulations 2017 (Statutory Instrument 2017 No. 769) were laid before Parliament on 20 July and come into force on 1 October 2017.

## **Research study on S106**

The Department has commissioned the University of Liverpool to undertake research on the extent, value and scale of developer contributions. The aim of the research is to help us understand trends behind CIL and section 106. The findings of the study will contribute towards our continuing policy considerations about the future of section 106 and CIL. An independent review of CIL published alongside the Housing White Paper recommended changes to the current system of developer contributions and the Housing White Paper set out the Government's intention to examine options for reform. I encourage all local planning authorities to participate in this important research by responding to the survey.

## **Update on newts**

Building on work already underway in Woking, Kent, Warwickshire and the South Midlands, Natural England is rolling out a new approach to licensing for developments affecting great crested newts (GCN). DCLG fully supports the aims of this programme. A three year programme to roll out the approach across the country was announced in DCLG's Housing White Paper Fixing our broken housing market.

The streamlined approach involves building up a picture of GCN distribution and habitat condition using environmental DNA surveys and modelling at a strategic district-wide level. Impacts on GCN from all planned development in the district over the whole local plan period are assessed. Strategic habitat compensation is then provided on a scale both sufficient to address the full impact of the allocations and to improve outcomes for GCN conservation. Developers will have the option to rely on this strategic habitat compensation in place of undertaking mitigation measures on individual development sites. Approved development can be authorised through an organisational licence from Natural England given to the local planning authority.

This streamlined service will reduce delays, costs and uncertainty for developers, will help deliver much needed housing as well as ensuring continued conservation for Great Crested Newts.

Natural England is seeking local planning authorities to participate in the programme. For further information please contact: Gareth Dalglish, Partnership Manager: [gareth.dalglish@naturalengland.org.uk](mailto:gareth.dalglish@naturalengland.org.uk); mobile: 07970 463825.

## **Maritime Air Quality Strategy**

Pollutant emissions from ships in coastal regions and on inland waterways, can have a detrimental effect on local air quality. As part of the Government's drive to

meet the UK's pollutant emissions targets for 2020 and 2030, the Department for Transport would encourage local authorities affected by these issues to consider whether there is a need for more information about ships, their emissions and the types of preventative and mitigation technologies that might be introduced. The information might be helpful for local emissions modelling and for the assessment of planning consents for port developments.

If you have any views on this issue, we encourage you to contact Ian Timpson, [Ian.Timpson@dft.gsi.gov.uk](mailto:Ian.Timpson@dft.gsi.gov.uk).

### **Planning for Schools**

We thought it would be helpful to remind you of the work of the Education & Skills Funding Agency (ESFA) in supporting Local Authorities to meet their responsibility to plan for and deliver new school places (see NPPF para 72). The ESFA are accountable for £61 billion of funding a year for the education and training sector, including support for all state-provided education for children and young people aged 3 to 19. As the agency responsible, within the Department for Education, for funding additional school places, including new schools, the ESFA has a strategic overview of infrastructure needs for schools and funding opportunities.

The ESFA is in a unique position to help Local Planning Authorities with the allocation of sites for new and expanded schools and the formation of policies to support school delivery within Local Plans. The ESFA is able to assist in identifying and developing appropriate evidence to support site allocations and associated policies so that schools come forward in parallel with housing growth as well as explore innovative funding and partnership opportunities with LAs and developers.

You can make contact with the ESFA to assist with these matters at:

[ESFA.PLANNINGTEAM@education.gov.uk](mailto:ESFA.PLANNINGTEAM@education.gov.uk) marked for the attention of the Head of Forward Planning.