



Department for
Communities and
Local Government

21 December 2017

By email only

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

The Budget and Planning Reform

You will be aware that there were a number of proposals for planning reform announced in last month's Autumn Budget. The full package of proposals can be found on gov.uk [here](#).

We will be consulting on new policy measures alongside a draft of the new National Planning Policy Framework (NPPF) early next year. Full guidance will be published at the same time that the revised NPPF is published before the end of the summer next year.

Plan making reforms

[Regulations](#) under the Neighbourhood Planning Act 2017 were laid before Parliament on 13 December 2017, and, subject to parliamentary procedures will be brought into force in 2018. These will require all authorities to have up to date plans (and Statements of Community Involvement) and commence the statutory duty for authorities to identify their strategic priorities and the policies to address them. Additional powers are also provided for the Secretary of State to intervene in plan-making where authorities are not planning effectively for the needs of communities. Attention is drawn in particular to the following regulations:

Introduction of a requirement for review of Local Development Documents every five years, coming into force on 6 April

The regulations introduce a requirement to review Local Plans/ Statements of Community Involvement at least every 5 years from adoption. To comply with this authorities must, every five years from the adoption of the plan, carry out an assessment of whether it remains relevant and effectively addresses the needs of the local community, or whether policies need updating. Having carried out this assessment authorities must decide:

- that one or more policies do need updating, and update their Local Development Scheme to set out the timetable for updating their plan, and then update their plan; or
- that their policies do not need updating, and publish their reasons for this decision.

Requirement to update content of Statements of Community Involvement (commencement regulations to be made January)

The regulations also require authorities to set out in their Statements of Community Involvement their policies for giving advice or assistance to neighbourhood planning groups and their policies involving communities and other interested parties in the preliminary stages of plan-making: specifically in the exercise of their functions under sections 13 (survey)

and 15 (Local Development Scheme) of the Planning and Compulsory Purchase Act 2004.

The Government response to consultation on implementation of these neighbourhood planning provisions proposed that this would be implemented 12 months from royal assent (i.e. 27th April 2018). The coming into force date will be confirmed shortly.

Transitional arrangements will be confirmed which set out how this will be applied to avoid slowing down emerging plans.

Updates to neighbourhood planning processes, coming into force on 31 January

Further [regulations](#) laid on 13 December:

- update notification of planning applications requirements to neighbourhood planning qualifying bodies.
- introduce flexibility into the process for modifying neighbourhood plans that are in force to keep them up-to-date, so the process is proportionate to the changes being proposed.
- facilitate the modification of a neighbourhood area and provide for what is to happen to a neighbourhood development plan or order that is already in force in that area. These regulations come into force on 31 January 2018.

Relevant Planning Practice Guidance will be updated where appropriate in due course.

Neighbourhood Planning Support Programme

Further details regarding the new 2018-22 Neighbourhood Planning Support programme are due to be announced shortly. This programme aims to continue delivering support to communities who are (or are interested in) creating a neighbourhood plan or order, including members of public, community organisations and town and parish councils. The support shall also be available to those replacing and / or modifying an existing neighbourhood plan. It is anticipated that groups will be able to

apply for grants for the next financial year (i.e. issued after 1 April 2018) from February 2018, and be able to apply for related Technical Support packages from April 2018. Further updates can be found [here](#)

Planning Delivery Fund

On 4 December we announced the first part of the new £25 million Planning Delivery Fund, which is aimed at supporting joint working, design quality and innovation. £11 million of this funding is now open to bids for the financial years 2017/18 and 2018/19.

We invite expressions of interest by 11th January 2018 from Local Authorities and third sector organisations (individually or in partnership), under three dedicated funding streams:

- **Joint Working Fund:** to create additional capacity in local authorities for joint working to help achieve their ambitions for growth.
- **Design Quality Fund:** to increase design skills in local authorities and enable the effective use of new technologies to ensure that new development meets the Government's ambitions for quality as well as quantity.
- **Innovation Fund:** to stimulate and support innovation in the way planning services are delivered.

You can find the prospectus, with more details on bidding criteria and how to access the fund, [here](#)

Housing Delivery Test

The Housing White Paper announced the Government's intention to introduce a new Housing Delivery Test (HDT). The Department will publish an illustrative HDT measurement covering the years 2014-15 to 2016-17 next year. To ensure we have an up-to-date record of local plan figures to measure delivery against, we will ask you in the first week of January 2018 to check our records through the Department's new web-based data collection system, DELTA. Two officers in your team should

already be set up on the system. Please do keep an eye out for emails from the DELTA system and [Planning Policy](#) and remember to complete the survey before the deadline.

Enhancing the Community Infrastructure Levy

The Government announced at Budget in November a series of reforms to reforms to the Community Infrastructure Levy (CIL). This includes lifting the restriction on pooling section 106 planning obligations where CIL has been introduced, where the authority is in a low viability area, or where significant development is planned on several large sites. In addition, reforms will speed up the process for local authorities to introduce and revise the Community Infrastructure Levy. The Community Infrastructure Levy will be made more market responsive by indexing rates to changes in house prices, and allowing rates to be set that better reflect increases in land value from one use to another. The Government will also give Combined Authorities and planning joint committees the option to levy Strategic Infrastructure Tariff, similar to the Mayor of London's CIL, to collect funding towards infrastructure. A consultation will be issued in due course.

The Government has also laid an amendment to regulation 128A of the CIL Regulations. [The amendment](#) concerns development that is initially granted planning permission before CIL was implemented, and is then subsequently amended after CIL is introduced. The amendment provides additional clarity to ensure charging authorities calculate CIL liabilities in line with policy intent. It does not change government policy, but strengthens the wording.

Local Plan Interventions

On Thursday 16 November the Secretary of State commenced the formal Local Plan intervention process with 15 local authorities that have recently either failed the duty to cooperate or failed to meet the deadlines set out in their Local Development Schemes, the public timetable that all local planning authorities are required to put in place. The remaining authorities who are not making progress on their plan-making and fail to publish a

plan for consultation, submit a plan to examination or to keep policies in plans up to date should be aware that this is an approach that Ministers have determined will be followed in future. We will thus begin formally considering the case for intervention as deadlines are missed. The full Written Ministerial Statement can be found [here](#). I would like to emphasise that it is a statutory requirement to have a published Local Development Scheme setting out the plan-making timetable for a local authority and for that timetable to be kept up to date.

Update on Planning Fee Increase

Regulations to introduce the 20% increase in planning fees were made on 20th December 2017, which means that local planning authorities will be able to start applying the fee increase from 17th January 2018. The reference for the Regulations is SI 2017 no.1314

These Regulations will also introduce a new fee of £402 per 0.1 hectare for Permission in Principle applications, the ability for authorities to charge for applications for planning permission following the removal of permitted development rights through Article 4 directions or by condition; and for Mayoral and Urban Development Corporations to charge for providing a pre-application service.

Finally, the Regulations introduce a fee of £96 for prior approval applications to permitted development rights that were introduced in April 2015 and April 2017. These include the rights for the installation of solar PV equipment on non-domestic buildings, the erection of click-and-collect facilities within the land area of a shop, the temporary use of buildings or land for film-making purposes and the provision of temporary school buildings on vacant commercial land for state funded schools.

Permitted development rights

The permitted development right for the change of use from light industrial (B1 (c)) to residential use (C3) came into effect on 1 October 2017. The right allows for the change of use of buildings up to 500sq m, subject to prior approval by the local planning authority. Applications for prior

approval must be made on or before 30 September 2020, and the change of use must be completed within three years of the date of prior approval. Details of the legislation can be found [here](#).

Compulsory Purchase

Local authorities have a range of compulsory purchase powers, which can be used to support projects for various purposes, including infrastructure, development and regeneration schemes. On 22 September we brought into force a [package of measures](#) to make the compulsory purchase process clearer, fairer and faster for all. This includes replacing obscurely worded statute and 100 years' of often conflicting case law with a clearer basis for identifying market value, allowing negotiations on compensation to proceed with more speed and certainty.

We have also published a [new model claim form](#), which will make the process of claiming and assessing compulsory purchase compensation simpler and quicker for both claimants and acquiring authorities

Brownfield land registers and permission in principle

The statutory deadline for you to publish your brownfield land register is fast-approaching. An encouraging number of councils have already published their registers, and you should also ensure that you have published yours before 31 December. DCLG will assess progress in January, and it will be important that published registers contain up-to-date information on brownfield land suitable for housing.

In July we published [planning guidance](#), a [data standard](#), and a [template](#), to support local planning authorities in preparing and publishing their registers, and to ensure registers are published in a consistent and open format which can be aggregated by users of the data.

The brownfield land registers will also be a vehicle for granting [permission in principle](#), a new planning consent route, which will provide early certainty about the location, use, and amount of residential-led

development before detailed and often costly development proposals need to be provided.

We have now also laid regulations that enable applications for permission in principle to be made for minor housing-led development. The regulations will come into force on 1 June 2018. We will publish planning guidance to support authorities in due course. The reference for the Regulations is SI 2017 no.1309

If you have any queries please contact DCLG [here](#)

Planning statistics

The latest [DCLG planning application statistics](#), for July to September 2017, were published on 14 December. This is the final quarter for the assessment period for October 2015 and September 2017, against which the performance of local planning authorities in the speed of determining major and non- major applications will be assessed for the 2018 designation round. The current thresholds for the speed of decision making are 60% for majors and 70% for non-majors.

Unauthorised development and encampments

During the debate in the House of Commons on Gypsies and Travellers and Local Communities on 9 October, the Government heard strong views that in spite of a range of powers already in place, unauthorised development and encampments remain a significant issue which causes genuine difficulties for communities. The Government announced that it will consult on the effectiveness of existing powers for dealing with unauthorised development and encampments, and whether reform is needed. We look forward to hearing your views in response to the consultation which will be published shortly.

Support for Local Mineral Authorities dealing with Shale Applications

On 17 November, the Government published its [‘Shale Exploration – Support for Local Mineral Authorities: Invitation to Bid’](#) prospectus. The prospectus launches the £1.2m shale support funding scheme that seeks to deliver on a proposal in the manifesto by providing expertise, capacity and capability to support mineral planning authorities in their consideration of complex shale applications:-

This document sets out how mineral authorities can bid for funding, at defined trigger points in the planning application process, to help them with the processing and consideration of shale planning applications.

Planning treatment of electricity storage facilities (such as battery storage systems)

The Government and Ofgem have published a [response](#) to their Call for Evidence on ‘A smart, flexible energy system’ which reaffirms the Government’s position that electricity storage facilities are a form of generating station. The Government’s position is that such facilities will constitute a Nationally Significant Infrastructure Project (NSIP) requiring development consent (rather than planning permission) if the criteria in section 15 of the Planning Act 2008 apply. Local Planning Authorities should, as applicable, take the Government’s position into account when considering proposed or existing development involving the construction, extension or operation of electricity storage facilities (such as battery storage systems), including where such facilities are co-located with other forms of electricity generation, or sited within existing buildings and/or land previously used for non-electricity related storage purposes.