

Ministerial
Statement
3 July 2012

DLP BRIEFING NOTE 100

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Ministerial Statement: Planning Simplification Methods 3 July 2012

In his latest Ministerial Statement issued on Tuesday 3 July 2012 Greg Clark the Minister for Decentralisation announced additional measures to support the delivery of sustainable development by making planning simpler, more accessible and better able to support sustainable development

Onwards and Upwards

He considered the National Planning Policy Framework (NPPF), the Localism Act and earlier Ministerial Statements such as the Plan for Growth were already delivering results and that there was clear evidence that they had provided the basis for a radically improved planning system with the rate of local plan adoptions rising and high levels of approval rates for planning applications.

The next stage involves helping to streamline the process of applying for planning permission, ensuring that planning is properly resourced and helping to create greater engagement and accountability in the process.

Extra Funding to Neighbourhood Planning Support Organisations

Over 100 local planning authorities are working with front-runner communities on neighbourhood planning. To help those communities with their neighbourhood plans, the Government will be providing further funding to the four organisations currently offering support on neighbourhood planning: the Royal Town Planning Institute; the Prince's Foundation; the Campaign for the Protection of Rural England, working with the National Association of Local Councils; and Locality (the Building Communities Consortium).

Use Class Changes: Consultation

In line with commitments set out in the growth review and autumn statement, he identified a number of potential changes to the use classes order and associated permitted development rights where, if agreed, could provide new opportunities for development and sustainable economic growth through the reuse of existing buildings, without the need to apply formally for planning permission. These include temporary or so called "meanwhile" use of empty commercial premises as recommended in the Portas review.

The proposals, now out for consultation, would create permitted development rights to assist change of use from existing buildings used for agricultural purposes to uses supporting rural growth, and increase the thresholds for permitted development rights for change of use between B1 (business/office) and B8 (warehouse) classes and from B2 (industry) to B1 and B8. The changes would introduce a permitted development right to allow the temporary use for two years, where the use is low impact, without the need for planning permission and provide C1 (hotels, boarding and guest houses) permitted development rights to convert to C3 (dwelling houses) without the need for planning permission.

Also available is the Government's response to its earlier proposals for changing the Use Classes Order to make it easier to convert commercial and industrial premises to residential use. It has concluded that facilitating such changes of use can best be achieved by providing clear support for them in new wording to be added to the NPPF. The consultation runs until 11 September 2012.

Further Distillation of Policy Guidance

The NPPF has condensed over 1,000 pages of policy into around 50. The next challenge the Government has set itself is to do the same with the supporting planning guidance. More details will be published shortly.

Streamlining of Application Requirements- Consultation

The Minister believes there is also scope to make the information requirements for planning applications clearer, simpler and more proportionate without undermining the ability of local planning authorities to make well-informed decisions, or the ability of the public fully to understand what is being proposed. The consultation published today will run until 11 September 2012 and reviews, amongst other things, outline planning submissions and "local lists".

Amendment to the Declaration on Application Forms

The Government intends to reinforce the importance of local authorities, communities and Inspectors being able to rely on the information contained in planning applications by asking applicants to confirm that the information is, to the best of their knowledge, truthful and accurate.

Planning Application Fees

The planning application fee is a relatively small component of the costs of any development, but delays by planning departments in the processing of applications can lead to substantial costs for residents and professional developers. Fees are currently set by Government and have not been increased since 2008. Councils are experiencing a shortfall in fee income and the Government is therefore proposing a one-off adjustment to uprate fees in line with inflation (amounting to around 15% since 2008). These will come into force in the autumn.

Speedier Decision Making

The Minister reiterated that appropriate resources must be matched by improved performance. The previous growth review announced the Government's intention to introduce a "planning guarantee" that it should take no longer than 12 months to determine any planning application, including any appeal. The guarantee places an equal expectation on local planning authorities and the Planning Inspectorate that they deal with cases in no more than 26 weeks. The guarantee is aimed at the minority of decisions that take a significant amount of time beyond the statutory time frames of eight and 13 weeks (for minor and major applications respectively) to determine.

A consultation paper will be published in the autumn on proposals to underpin the guarantee, together with a report on existing performance against it by planning authorities and the Planning Inspectorate.

Statutory Consultees: Consultation

The Government is taking a number of steps to improve the performance of statutory consultees such as the Highways Agency, Natural England and the Health and Safety Executive. Alongside the requirement for key consultees to produce improvement plans, announced in the autumn statement, they intend to take forward their commitment to ensure that there is a more effective mechanism for applicants to obtain an award of costs, if there has been an appeal against refusal of planning permission where a statutory consultee has acted unreasonably. A consultation paper sets out these proposals. The suggested changes to the award of costs circular also make it clear that appellants may be at risk of having costs awarded against them if the evidence on which they have based their appeal is found to be manifestly untrue. The consultation runs until 11 September 2012.

Speedier Appeals and Cost Awards

The Government also intends to speed up the process for determining planning appeals, which can be a source of frustration for all involved. A consultation on proposals to both shorten and streamline the process for all parties is expected next year.

Clarification of CIL

Technical amendments are proposed to the regulations to clarify and improve the operation of the community infrastructure levy. These are to ensure that developers are not charged the twice on the same development- if they amend an existing planning consent. These will be introduced in the autumn.

Local Plans Viability Testing

In June 2012 *"Viability Testing Local Plans: Advice for planning practitioners"* was published by the Local Housing Delivery Group (LHDG) chaired by Sir John Harman. The LHDG is a cross-industry group set up in 2011 to deliver new homes, to simplify housing standards where possible, and to support growth by helping local authorities and developers find agreed ways in which they can fulfil their obligations under the NPPF.

The NPPF stresses the need to ensure that the sites and scale of development identified in a Local Plan should not be subject to such a scale of obligations, standards and policy burdens that cumulatively this threatens the plan's ability to be developed viably.

The NPPF also requires that Local Plans meet the objectively assessed needs for their area, and are deliverable and realistic. Plans that do not take full account of these requirements are therefore at risk of failing to be found sound when examined.

Consideration of viability is a key factor. Plans may be aspirational but must be realistic and should ensure that the impact of the policies when read as a whole should be such that the plan is deliverable. Local authorities must now “up skill” to be in a position to properly assess the impact on viability of all the policies in the Plan.

This document is a useful resource to aid an understanding of the issues and language of viability testing for all those involved in plan making and the Community Infrastructure Levy.

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