



**Wide ranging
consultation
on the
planning
system
launched**

DLP BRIEFING NOTE 177

Prepared by
DLP Planning Consultants

August 2014

www.dlpconsultants.co.uk

DLP Planning Consultants

Bedford

Bristol

Cardiff

East Midlands

London

Milton Keynes

Sheffield

Disclaimer

DLP Consulting Group Ltd, and its constituent companies disclaims any responsibility to the client and others in respect of matters outside the scope of this Report. This Report has been prepared with reasonable skill, care and diligence, is the property of DLP Consulting Group, and is confidential to the client, DLP Consulting Group Ltd accepts no responsibility of whatsoever nature to third parties, to whom this report has been provided.

Wide ranging consultation on the planning system launched

The Government have instigated a consultation, ending 26th September 2014, on a wide range of proposals to improve the current planning system. The one hundred page document, published on 30th July 2014, features sections on:

- Neighbourhood planning;
- Planning regulations;
- Planning conditions;
- The planning application process;
- Environmental impact assessment;
- Nationally significant infrastructure.

Neighbourhood planning

There is a proposal to implement time limits on the amount of time local planning authorities are allowed for decision making in regards to certain applications for the designation of neighbourhood areas. Current government estimates have concluded that on average Councils take 126 days to designate neighbourhood areas, with timescales varying from 45 days to 400 days. The new proposal would limit the decision making period to 10 weeks (70 days).

Reducing planning regulations to support housing, high streets and growth

Proposals to introduce a new permitted development right would allow light industrial buildings (B1(c)) and storage & distribution buildings (B8) which were in that use at the time of the 2014 budget to change to residential use. Further proposals include extending permitted development rights to some sui generis uses to convert to residential use, such as nightclubs, arcades, casinos and laundrettes. The current permitted development right of change of use from offices (B1(a)) to residential is proposed to be extended to cover developments completed up to 2019.

Improving the use of planning conditions

Once again, the Government has highlighted two main issues in relation to the use of planning conditions:

- The tendency of planning authorities to impose too many conditions; and
- Delays in discharging of conditions.

This proposal will see the **'deemed discharge' of certain types of conditions**. This provision is included in the Infrastructure Bill currently being considered by Parliament and will allow developers to notify the local planning authority of their intention to consider the condition discharged after six weeks. The sections propose that the following conditions be exempt from the deemed discharge:

- Development subject to an Environmental Impact Assessment;
- Development which is likely to have a significant effect on a qualifying European site;
- Development in areas of high flood risk (e.g. where development is in flood zones 2 & 3 or where there are reported critical drainage issues);
- Conditions that have the effect of requiring that an agreement under section 106 of the Town and Country Planning Act 1980 to be entered into before an aspect of the development can go ahead;

- Any conditions requiring the approval of details for outline planning permissions required by reserved matters.

Planning application process improvements

The Government proposes to streamline the consultation period with statutory consultees. Requirements to consult Natural England on developments within two kilometres of a Site of Special Scientific Interest (SSSI) are to be removed by the proposals. Instead, the local planning authority will be given the discretion to decide whether the development is “likely to affect” a SSSI.

Similarly, small developments will not require input from the Highways Agency as an alternative narrower test focused on safety and queuing is proposed to be applied. Moreover, the consultation proposes changes to the requirements to consult English Heritage when developing in conservation areas.

There is to be a measurement of the end-to-end planning process time as the Government seek views on how best to measure the time taken from the submission of planning applications until their determination. This will aid the information known on the time length of time it takes for developments to be delivered inclusive of the pre-application and post-permission stages.

Environmental Impact Assessment thresholds

The Government aims to reduce the number of projects that are needlessly screened for environment projects relating mainly to urban development projects. The screening threshold for development of dwellings is proposed to be raised to five hectares. Based on an average housing density of 30 dwellings per hectare, the new higher threshold will equate to schemes of around 150 units thus reducing the expected number of screenings for residential developments in England from around 1600 per year to 300.

Nationally significant infrastructure

The consultation is also seeking views on publicising non-material changes to planning applications in this category.

We recommend clients make representations supporting these helpful proposals – please contact your local DLP office to discuss how we can assist you in doing so.

If you require more information or would like to discuss the issues mentioned in further detail please contact:

Bedford

4 Abbey Court
Fraser Road
Priory Business Park
Bedford
MK44 3WH
T 01234 832 740
F 01234 831 435

Bristol

Unit 1 Blenheim Court
Beaufort Office Park
Woodlands
Bradley Stoke
Bristol
BS32 4NE
T 01454 410 380
F 01454 410 389

Cardiff

Sophia House
28 Cathedral Road
Cardiff
CF11 9LJ
T 029 2064 6810

East Midlands

The Old Vicarage
Market Street
Castle Donington
DE74 2JB
T 01332 856971
F 01332 856973

London

1st Floor
3 More London Riverside
London
SE1 2RE
T 020 3283 4142

Milton Keynes

Midsummer Court
314 Midsummer Boulevard
Milton Keynes
MK9 2UB
T 01908 440015
F 01908 357750

Sheffield

11 Paradise Square
Sheffield
S1 2DE
T 0114 228 9190
F 0114 272 1947

A summary of matters that the DLP Consulting Group provide services for follows:

DLP Planning Consultants

Planning Applications and Appeals
Public Consultation
Development Promotion
Development Plan Representations
Land Searches
Project Management
Minerals and Waste Planning
Conservation Area/Listed Building Negotiation
Enforcement
Retail Impact Analysis
Renewable Energy Planning and Delivery
Discharge of Planning Conditions

DLP Environment Ltd

Strategic Environmental Assessments
Sustainability Appraisals
Environmental Impact Assessments

If you would like to receive a brochure providing more detail of the service provided by the DLP Consulting Group, please contact any of the offices listed on the left of this page.

BEDFORD

4 Abbey Court
Fraser Road
Priory Business Park
Bedford
MK44 3WH

t 01234 832 740
f 01234 831 435

bedford@dlpconsultants.co.uk

BRISTOL

Unit 1 Blenheim Court
Beaufort Office Park
Woodlands
Bradley Stoke
Bristol
BS32 4NE

t 01454 410 380
f 01454 410 389

bristol@dlpconsultants.co.uk

CARDIFF

28 Cathedral Road
Cardiff
CF11 9LJ

t 029 2064 6810

cardiff@dlpconsultants.co.uk

EAST MIDLANDS

The Old Vicarage
Market Street
Castle Donington
DE74 2JB

t: 01332 856971
f: 01332 856973

eastmidlands@dlpconsultants.co.uk

LONDON

1st Floor
3 More London Riverside
London
SE1 2RE

t 020 3283 4140

london@dlpconsultants.co.uk

MILTON KEYNES

Midsummer Court
314 Midsummer Boulevard
Milton Keynes
MK9 2UB

t 01908 440015
f 01908 357750

miltonkeynes@dlpconsultants.co.uk

SHEFFIELD

11 Paradise Square
Sheffield
S1 2DE

t 0114 228 9190
f 0114 272 1947

sheffield@dlpconsultants.co.uk

briefings

