

New in 2019
Planning Policies and Guidance

Kate Olley
Landmark
December 2019

- Amended and reissued as a whole February 2019
- Housing supply- footnote 37 clarified
- Housing and economic needs assessments
- Definition of 'deliverable' in Annex 2
- New paragraph 177 substituted

- In tandem with the NPPF revisions, substantially revised PPG issued on 20 February 2019
- Main changes-
- 2014-based household projections remain the basis for calculating housing need under the new standard method, not the 2016 figures
- Standard method to be used for calculating housing need in all but ‘exceptional’ circumstances
- (Para 3) Greater scrutiny will be given to this in Examinations and “there is an expectation that the standard method will be used and that any other method will be used only in exceptional circumstances”
- Guidance as to when planning authorities can depart from using the standard method, including ‘exceptional local circumstances’ allowing them to use a lower housing need figure
- (Para10)- sets out the circumstances in which it might be appropriate for authorities to provide for a higher need than justified by the standard method
- (Para 4)- cap

PPG- more significant changes

- In the following sections:
- ‘Before submitting an application’
- ‘Climate change’
- ‘Consultation and pre-decision matters’
- ‘Determining a planning application’
- ‘Environmental Impact Assessment’
- ‘Hazardous substances’
- ‘Housing and economic-needs assessment’
- ‘Permission in principle’
- ‘Plan-making’
- ‘Planning obligations’
- ‘When is permission required?’

PPG And some more

- Changes to the PPG in relation to Neighbourhood planning and Viability

And then

- A new section added in relation to 'housing for older and disabled people'

In July

- A large number of amendments
- New text on:
- Effective use of land
- Housing needs of different groups
- Appropriate assessment
- Green belt and
- Housing supply and delivery

And most recently

- The amendment and re-naming of the 'Design' section □ 'Design: process and tools'
- Updated alongside the publication of the national design guide which sets out the characteristics of well-designed places and demonstrates what good design means in practice
- And changes as at 1 November 2019:
 - Light pollution
 - Healthy and safe communities
 - Hazardous substances
 - Air quality

Local Plan Examinations, Appeals and Statements of Case

- PINS updated Procedure Guide for Local Plan Examinations
- Updated PINS Guidance on Planning Appeals
- New guidance in respect of statements of case and common ground
- Several changes in approach in the new Statement of Common Ground Guidance

Accelerated Planning Green Paper

- Government has confirmed proposals to speed up the planning system
- Includes the potential for more fees to be refunded if councils take too long to decide on specific planning applications
- Introduction of a new tiered planning system
- Ambition to reduce planning conditions by a third
- Taking forward proposals to allow homes to be built above existing properties
- Seeking views on demolishing old commercial buildings for new housing, “revitalising high streets in the process”

WMS withdrawing commitment to give reasons for call-in decisions

- 26 March 2019
- Withdraws commitment made in 2001 to provide reasons for a decision not to call in a planning application
- In response to *Save Britain's Heritage v SSHCLG*
- “The government fully supports the need to be transparent and open in its decision-making, and acknowledges the rationale behind the 2001 Statement, but a decision on whether to call in a planning application, or not to do so, is inherently about process and not the merits of the application. I am concerned that to give reasons in either eventuality risks blurring this distinction and, as there is no duty in this respect, I will call in those applications where I conclude that such a decision needs to be taken by me and I will not call in applications where I conclude that the decision is best left with the local planning authority.”
- Call in policy of 26 October 2012 remains in place (SoS will continue to be very selective about calling in planning applications and will only consider the use of the call-in power if planning issues of more than local importance are involved)
- Over past 10 years- called-in applications averaged 21 per year from 480,000 applications received by local councils (1 in every 23,000)

National Audit Office Report 'Planning for new homes'

- 8 February (just before NPPF, NPPG and Rosewell Report)
- To assess “how effectively the MHCLG supports the planning regime to provide the right homes in the right places”
- 18 findings
- Series of concerns set out
- Delays and inefficiencies in the planning system and difficulties with national planning policy
- Including the fact that “the Department holds local authorities to account for providing new homes, but this is not fully within local authorities’ control”.
- Concludes that the planning system does not provide value for money

WMS on the Government's response to Sir Oliver Letwin's review of build out rates

- 13 March 2019; Draft analysis published June 2018- in-depth look at rate of housing delivery on a number of large sites in high pressure areas around the country
- The binding constraint on housebuilding rates once implementable planning permission had been granted- the absorption rate (homes built at rate housebuilders believe they can be sold at their target prices)
- No evidence that speculative land banking is part of the business model for major house builders
- Final report concluded- greater differentiation in the types, tenures and design of housing delivered on large sites would increase the market absorption rate of new homes
- The support for greater emphasis on housing diversification within the planning system welcomed in the WMS- requirement for greater mix of housing already embedded in the revised NPPF
- Reference to the commitment to improving design of new development and the Building Better, Building Beautiful Commission
- Signposted additional planning guidance on housing diversification to further encourage large sites to support a diverse range of housing needs and help them build out more quickly
- Recommendations that authorities should further capture land value uplift by insisting on specific levels of greater housing diversification- noted. Agreed with principle that the costs of increased housing diversification should be funded through reductions in residual land values. “The Government is committed to improving the effectiveness of the existing mechanisms of land value capture, making them more certain and transparent for all developments. My focus is on evolving the existing system of developer contributions to make them more transparent, efficient and accountable and my department is gathering evidence to explore the case for further reform. I will keep the need for further interventions to support housing diversification and faster build out, including amendments to primary legislation, under review. My department will also work with Homes England to identify suitable sites and will look for opportunities to support local authorities to further diversify their large sites.”

New green standard for new build homes

- The Future Homes Standard
- Fossil fuel heating systems → latest generation of clean air technology
- Standard will set minimum environmental standards for all new housing

National Design Code

- Sets out the characteristics of well-designed places and demonstrates what good design means in practice
- Asks councils to prepare and implement their own design codes in line with the national standard, which can reflect their unique setting and character
- Emphasises role of NPPF in design ground refusals
- Design review at appropriate intervals
- Ensure quality of approved development is not diminished between permission and completion

Non-statutory guidance on Securing Developer Contributions for Education

- 11 April 2019
- How Councils can seek funding from housing development in their area and use it to create school places

Compulsory purchase/Crichel Down Rules

- Guidance revised to include guidance in relation to new town development

Chief Planner letter re neighbourhood planning

- Letter sent from Chief Planner to chief planning officers with guidance about financial support for neighbourhood planning in 2019 to 2020

Fracking

- Government support ends
- Announcement 2 November 2019
- Oil and Gas Authority report

“Planning Reform: Supporting the high street and increasing the delivery of new homes”

- Consultation (29 Oct 2018 to 14 Jan 2019)
- Mention in WMS 13 March 2019
- Government response May 2019
- 4 separate proposals-
- Part I- PDRs and Use Classes- proposals to support high streets to adapt and diversify through new and amended PDRs and changes to UCs for uses commonly found on the high street to make it easier for certain uses to change use.

Clean Air Strategy

- 14 Jan 2019
- Sets out the comprehensive actions required across all parts of government and society to improve air quality
- To: protect the nation's health, protect the environment, secure clean growth and innovation, reduce emissions from transport, homes, farming and industry, monitor our progress
- Complements 3 other strategies: The Industrial Strategy, The Clean Growth Strategy, The 25 Year Environment Plan
- New planning guidance to be issued outlining how the cumulative impacts of nitrogen deposition on natural habitats should be mitigated and assessed through the planning system
- “We recently published draft clauses that set out how we will create a pioneering new system of green governance, establishing an Office for Environmental Protection, to ensure we succeed in leaving the environment in a better condition than we found it. The draft clauses also introduce a set of environmental principles that will be used to guide future government policy making and lead us toward a greener future; and place our 25 year environment plan on a statutory footing.
- We will bring forward provisions on air quality in 2019. This will include an up to date legislative framework for tackling air pollution at national and local level, tying this into the development of the new environmental principles and governance framework to be outlined in the Environment Bill.
- To drive and enable greater local action on air pollution, we will ensure responsibility sits at the right tier of local government and back this up with new powers as well as making existing powers easier to use. Neighbouring local authorities and other public bodies will work collectively to tackle air pollution.”

First national infrastructure strategy

- Queen's Speech:
- Promise to publish the long-awaited first National Infrastructure Strategy later this autumn
- Bill to allow the HS2 line between the West Midlands and Crewe
- White paper on further English devolution
- Plans for an Environment Bill to introduce 'mandatory biodiversity protections into the planning system'
- New legislation to 'help accelerate the delivery of fast, reliable and secure broadband networks to millions of homes'

London Plan home target

- PINS provisional recommendation that the Mayor cut the proposed housing target in new draft London Plan from 65000pa to 52000pa
- 65000-home target regarded as ‘undeliverable’
- Over-estimation of how many homes can be built on derelict small sites believed possible to remediate and make attractive to developers

Next housing delivery test results

- HDT results for 2019- due in November
- Will now not be until after the election
- (2018 results delayed by 3 months and released in February)

Welsh Government proposes scrapping 5YHLS requirement

- Plans being considered
- LAs in Wales would no longer need to demonstrate
- Councils would be monitored instead on actual housing delivery against targets set in local plans
- (As of 1 April 2018, 19 out of 25 Welsh authorities were unable to demonstrate a 5-year supply)

Thank you for listening

© Copyright Landmark Chambers 2019

London

180 Fleet Street
London, EC4A 2HG
+44 (0)20 7430 1221

Birmingham

4th Floor, 2 Cornwall Street
Birmingham, B3 2DL
+44 (0)121 752 0800

Contact us

 clerks@landmarkchambers.co.uk

 www.landmarkchambers.co.uk

Follow us

 [Landmark_LC](https://twitter.com/Landmark_LC)

 [Landmark Chambers](https://www.linkedin.com/company/landmark-chambers)