

# PLANNING BRIEFING NOTE

## IMPLEMENTATION OF PLANNING REFORMS IN ENGLAND

### OVERVIEW

The government has published a consultation on its proposed approach to the implementation of a range of measures in the Housing and Planning Bill, which is currently making its way through Parliament. All apply to England only.

### THE KEY PROPOSALS

#### **A statutory register of brownfield land suitable for housing development**

The government proposes to require that local authorities prepare a register of previously developed (or 'brownfield') land suitable for housing.

To qualify for inclusion on the register, sites will need to be:

- Capable of being developed within at least ten years
- More than 0.25 hectares or capable of accommodating five or more dwellings
- Free from constraints that cannot be mitigated, so as to ensure that there will be no unacceptable impacts on, for example, the natural and the historic environment

Sites included on the register are, as we explain below, likely to be capable of being granted 'permission in principle' for housing development.

#### **Permission in principle**

The Housing and Planning Bill provides for a new 'permission in principle' route for obtaining planning permission, designed to separate decisions on the principle of development from the consideration of more detailed issues. The Bill provides for permissions in principle to be achieved by:

- The identification of a site in a plan or a register of sites by a local planning authority; or
- Through an application for small-scale development, though with less supporting information required than in an outline application.

Full planning permission will only be secured once technical details consent has been obtained by applying to the local planning authority.

The government is now consulting on how the 'permission in principle' arrangement will work in practice. It is seeking advice on, for example, which documents should be capable of granting a site 'permission in principle', and has suggested the proposed brownfield register, development plan documents and neighbourhood plans.

Similarly, the government is seeking comments on the issues that will need to be confirmed at the 'permission in principle' stage, which it suggests should be location, use, and amount of development, with other matters agreed at technical details stage.

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## Changes to planning application fees and competition in processing of planning applications

At a national level, the government proposes that national fees should increase, linked to both inflation and the performance of individual local authorities. It is also seeking suggestions as to how applicants might be provided with the choice of a fast-track service (or services) in return for a proportionate fee and proposes to test the potential for competition in application processing.

### Information about financial benefits

The Housing and Planning Bill proposes to place a duty on local planning authorities so that their reports on planning applications must record details of financial benefits likely to accrue to an area as a result of the proposed development. The aim is to secure a more positive response from local communities to development proposals.

The Bill identifies a range of 'local finance considerations', such as Community Infrastructure Levy and New Homes Bonus payments, which will need to be recorded in reports on planning applications, but the government now proposes to add an additional range of financial benefits that will need to be recorded: council tax revenue, business rate revenue and section 106 payments.

### Intervention in the preparation of local plans

The government has long been concerned about the slow progress of some local planning authorities in preparing and adopting local plans. It has previously set out its intention to ensure plans are put in place by:

- Publishing league tables, setting out local authorities' progress on their local plans
- Intervening where no local plan has been produced by early 2017, to arrange for the plan to be written, in consultation with local people
- Imposing a new delivery test on local authorities, to ensure delivery against the number of homes set out in local plans

The government is now proposing to prioritise intervention where:

- There is under delivery of housing in areas of high housing pressure
- The least progress in plan-making has been made against the timetable the local planning authority has set itself
- Plans have not been kept up-to-date
- Intervention will have the greatest impact in accelerating local plan production

## WHAT HAPPENS NEXT?

The proposals are subject to consultation until 15 April 2016, at which point the government will be able to implement some of them, whether as currently proposed or in amended form. Others will need to await Royal Assent for the Housing and Planning Act, and some of these will require secondary legislation.

It is, however, clear that the government has an appetite to move forward with further planning reforms at a fast pace. These reforms, alongside the proposed changes to the National Planning Policy Framework (NPPF) on which the government launched a consultation in December 2015, will further change the planning landscape. We would be delighted to advise further.

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