England planning news

JANUARY 2018

Headline news

DCLG's Chief Planner sums up recent planning law and policy reforms, and what's due in 2018

To help the development sector at the start of what will be a busy planning year ahead, DCLG has published a planning update newsletter that helpfully summarises the latest on the Government's programme of planning reform. It was sent by Chief Planner Steve Quartermain to local authority (LA) chief planners on 21 December.

The letter starts with the proposed consultation on a revised National Planning Policy Framework (NPPF) 'early this year'; it will be in place 'before the end of the summer'. There is nothing further on its content but Housing Minister Alok Sharma had already said earlier in December in a Parliamentary Written Answer that the 'definition of starter homes is being finalised' as part of revised Framework. In another Answer, the Minister alluded to the design policy content to be expected.

Moving on to other Autumn Budget-announced measures, the letter explains new regulations (see below) that effectively will mean 5 yearly or more frequent local plan review, and other new rules that give neighbourhood planning bodies more say on planning applications, more flexibility in plan review and more resources. LAs will have more planning resources from 17 January too, with a 20% increase in planning application fees, plus new fees e.g. for applications for permissions in principle.

Funding features significantly elsewhere in the Chief Planner's letter too; expressions of interest have to be submitted by 11 January for a share of the new £25 million Planning Delivery Fund, to be used for creating additional LA capacity (including increasing design skills), and for innovating in planning services' delivery. As well as being stated in the Prospectus, and according to Housing and Planning Minister Alok Sharma (as announced via a Written Ministerial Statement), the Planning Delivery Fund will support ambitious councils and third sector organisations in areas of high housing need (also as referred to in DCLG's 'Right homes, right places') to plan for new homes and infrastructure.

Infrastructure funding is confirmed as set to change further and in line with Autumn Budget proposals, with a consultation on community infrastructure levy (CIL) reforms to 'be issued in due course' (CIL amendment regulations should in the meantime help deal with a problem regarding s73 permissions and indexing).

The Housing White Paper's housing delivery test is making some, albeit slow progress, with LAs having this month to provide DCLG with an up-to-date record of local plan figures to measure delivery against.

Other updates covered include permitted development right (PDR) changes of use from light industrial to residential, brownfield land registers, compulsory purchase and electricity storage systems.

Law

Secondary legislation

Local plan reviews required every 5 years or less, from 6 April

The Town and Country Planning (Local Planning) (England)(Amendment) Regulations 2017 have been made and laid before ▶▶

QUOTE OF THE MONTH

"I reiterate that it is vital we have well-resourced, effective and efficient local authority planning departments to provide new homes and deliver economic growth, as the hon. Gentleman set out. We expect local authorities to match the recommended fee increases with an ongoing improvement of service when handling planning applications.

Minister for Housing and Planning Alok Sharma, in a House of Commons debate on draft amendments to planning application fee regulations, 13 December 2017

THE LICHFIELDS PERSPECTIVE

The long-awaited increase to planning-related fees is a welcome start to 2018, provided that it achieves the anticipated – and corresponding – improved resourcing of planning departments and raised levels of staff retention.

Justin Gartland, Chairman

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LICHFIELDS

Parliament; they are accompanied by a lengthy Explanatory Memorandum.

From 6 April, local planning authorities (LPAs) must review their local plans and statements of community involvement every five years, starting from the date of adoption.

From 15 January, further to the SoS power in the Neighbourhood Planning Act 2017 to direct two or more LPAs to prepare a joint development plan document (e.g. a local plan), Regulation 8 prescribes the meanings of jointly prepared development plan documents that can be taken forward by one or more LAs, after a SoS direction has been withdrawn or modified. It is of note that the Explanatory Memorandum states how:

'...the Government indicated at the Commons Committee stage of the Neighbourhood Planning Bill 2017, the power related to joint planning is likely to be used only rarely and in reality be deployed after detailed consideration of the individual case, and used where agreement between authorities is remote.'

Neighbourhood planning changes in force from end of January

Coming into force on 31 January, the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017 amend 2012 Regulations to apply the existing procedure for making a neighbourhood development plan (NDP) to plan modification.

The Regulations implement s4 of the Neighbourhood Planning Act 2017, which inserts Schedule A2 into the Planning and Compulsory Purchase Act 2004, to deal with the modification of NDPs in a similar way to new plans (as in Schedule 4B to the Town and Country Planning Act 1990). Transitional arrangements relating to proposals for NDP modification submitted to an LPA before 31 January mean that existing requirements for modification continue to apply – i.e. the same process has to be followed as for making a new plan. The Explanatory Memorandum accompanying the amendment Regulations explains:

'The main differences between the existing modification procedure and new procedure introduced by this instrument is that under the new procedure the recommendations of the independent examiner of a plan will, in most cases, be binding and there will be no referendum before a modified plan comes into legal force.'

In addition, Regulation 12 amends the Town and Country Planning (Development Management Procedure) (England) Order 2015, as a result of changes to the notification of applications to neighbourhood planning bodies, further to s2 of the Neighbourhood Planning Act 2017. The Explanatory Memorandum accompanying the amendment Regulations explains the change:

'LPAs must automatically notify qualifying bodies of any future planning applications or alterations to those applications in the relevant neighbourhood area where there is an advanced neighbourhood plan and the qualifying body has not confirmed in writing to the LPA that it does not wish to be notified.'

Planning applications fee increases from 17 January

An increase to planning-related fees of approximately 20% applies to applications etc. being submitted on or after 17 January, when the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017 come into force.

The Regulations follow a Housing White Paper commitment to LPAs to apply this increase to fees, provided that they confirm investment of the additional income in their planning departments. According to the Explanatory Memorandum:

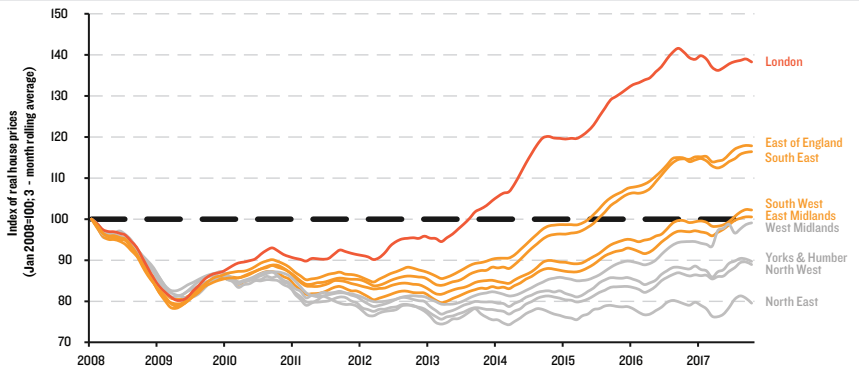
'These Regulations increase the fees for planning applications by 20% and increase the fee ceilings by 20% for those local authorities that have committed to invest the additional fee income in their planning departments. This commitment has been made by all local planning authorities in England.'

In addition to the general increases in fees, the following are to be introduced:

- Fees for planning applications where only required because PDRs have been removed by an Article 4 Direction or a planning condition;
- Fees for pre-application advice from Mayoral and Urban Development Corporations;
- Fees for prior approval applications relating to the PDRs introduced in April 2015 and April 2017. As the Chief Planning Officer letter (see above) explains:

'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 ▶▶

Figure I : East Midlands house prices have now reached their pre-crash peak



Source: ONS, Lichfields analysis

Figure I shows that according to Office for National Statistics data released in December 2017 real house prices are now above their pre-crash peak in London, the South East, the East, the South West, and (most recently) the East Midlands.

commercial land for state funded schools.'

- Fees for permission in principle (PIP) applications (which may be submitted from 1 June 2018, see below), and non-material amendments to PIPs.

A transitional provision applies to applications or requests made, or site visits taking place, prior to 17 January 2018.

The Government's consultation on a further 20% increase to planning fees being applied to those LPAs 'delivering the homes their communities need', or in other circumstances, closed on 9 November 2017. DCLG is currently reviewing responses.

By virtue of Regulation 19 of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, the government was required to publish a review of those Fee Regulations against their objectives before 21 November 2017; we are not aware that this has been published yet.

Permission in principle on application from June 2018

Applications for PIP for minor residential development of land, the main purpose of which is housing development, may be submitted to LPAs from 1 June 2018, when the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 comes into force.

The amendment Order provides the necessary procedures for implementing the Housing and Planning Act 2016's provision for making an application for PIP, for sites where between 1 and 9 new houses are proposed.

Applications for PIP cannot be made for major, habitats, householder, and Schedule 1 EIA development. PIP can be granted for Schedule 2 EIA development, providing that a screening opinion that the proposal is not EIA development has been adopted or made.

As yet, there is no PIP application form, nor a form for applying for a non-material amendment to a PIP (the link in the Order's Explanatory Note goes to a page that does not appear to be maintained - this is likely to be updated before 1 June). Perhaps more surprisingly, there is not yet an application form for technical details consent TDC, notwithstanding that one may already apply for TDC in respect of a site in Part 2 of a council's brownfield land register.

Once a PIP is granted on application, TDC relating to the proposed development would have to be sought within three years.

The Explanatory Memorandum to the Amendment Order states that forthcoming guidance:

'[...] will address our expectations about the detailed practical operation of the policy. We will also support authorities through an active programme of continuous engagement to coincide with the coming into force of the Order.'

Further details can be found in our blog discussing what is known so far about PIPs on application, and in our Guide to PIPs.

Community infrastructure levy amendment deals with s73 and indexation issue

The draft Community Infrastructure Levy (Amendment) Regulations 2018 have been laid before the House of Commons, for approval by resolution in accordance with s222(2)(b) of the Planning Act 2008. They will come into force on the day after the date on which they are made.

The draft Regulations result from a stayed London Borough of Wandsworth High Court case relating to Regulation 128A (inserted by the 2012 CIL (Amendment) Regulations) of the amended CIL Regulations 2010. This Regulation applies to s73 permissions granted after a levy has come into force, where the original permission was granted beforehand, and to indexation. According to the Explanatory Note, the amendment Regulations provide a 'clarificatory amendment':

'Regulation 128A provides for the case where development is granted planning permission (A) before a CIL comes into force in the area and the conditions of that permission are amended by any later planning permission (B) granted under section 73 of the Town and Country Planning Act 1990 where B is granted after a CIL for the area comes into effect. In these cases regulation 128A provides that the development under B is liable to CIL on any additional liability it introduces to the development such as an increase in floorspace (or change of use) compared to the development under A. The amendment to regulation 128A clarifies that when calculating "Y" (the notional amount of CIL payable for development under A), the index figure (for building cost inflation) to be used is the index figure for B.'

Consultation outcome: amending environmental impact assessment regulations

Somewhat belatedly, DCLG has published the Government response to the technical consultation on Environmental Impact Assessment (regulations on planning and nationally significant infrastructure) (on 20 December 2017).

The response summarises consultation comments on the 2016 proposals for implementing amendments to the European Union Directive on environmental impact (EIA) assessment in the planning system in England, and the Planning Act 2008's nationally significant infrastructure planning regime. It goes on to explain the Government's responses and how - for example - they have led to the new Regulations (the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, which came into force on 16 May 2017) not changing thresholds or criteria set out in Schedule 2 of the EIA Regulations, nor standard timings.

The Regulations do however now require a coordinated approach to the Habitats and Birds Directive, but coordination of other assessments is not mandatory. They also now provide that the responsibility for ensuring the competence of those preparing environment statements lies with the developer, with guidance providing further detail. ▶▶

Draft legislation

The New Towns Act 1981 (Local Authority Oversight) Regulations: a consultation paper

A DCLG consultation on the draft New Towns Act 1981 (Local Authority Oversight) Regulations began on 4 December 2017 and closed on 2 January 2018.

The draft Regulations document explains how an LA would oversee the development of an area as a new town, following SoS designation; it refers to the Housing White Paper commitment 'to legislate to allow locally accountable New Town Development Corporations to be set up, enabling local areas to use them as the delivery vehicle if they wish to'.

S16 of the Neighbourhood Planning Act 2017:

- enables the oversight of any area designated as a new town and New Town Development Corporation established under the New Towns Act 1981 to rest with one or more of the LAs covering the area designated for the new town rather than the SoS; and
- includes the powers to make the Regulations that were consulted on.

In the courts

Consideration of LPAs' duty to give reasons for a planning decision

In Dover District Council v CPRE Kent (2017), the Supreme Court upheld a Court of Appeal judgment overturning the High Court's dismissal of a judicial review claim made by the Council for the Protection of Rural England (CPRE) in respect of planning permission granted for EIA development in Dover. Consequently, the part outline/ part full planning permission, which included 521 dwellings, 91 retirement apartments, and a hotel and conference centre within an Area of Outstanding Natural Beauty, has been quashed because insufficient reasons were given for the Planning Committee's decision.

Planning permission was approved by Dover District Council's Planning Committee (subject to the execution of a s106 obligation) in June 2013, but without accepting the officer's recommendation that planning permission be granted subject to a significant amendment which would exclude development from 2ha of the 155ha site, and reduce the number of dwellings proposed to 365. The meeting minutes did not give a reason for the decision that explained the reasoning of the Committee as a whole, or refer to the obligation to give reasons under the EIA regulations (Regulation 3(4) (the equivalent now being Regulation 26 in the 2017 EIA Regulations)); nor did the December 2014 Committee Report provide an update on the s106 obligation.

The High Court dismissed CPRE's claim on a number of grounds, and CPRE was given permission to appeal solely on the issue of reasons.

The Supreme Court considered 'generally the sources, nature and extent of a local planning authority's duty to give reasons for the grant of planning permission'. Lord Carnwarth noted:

'Given the existence of a specific duty under the EIA regulations, and the views I have expressed on its effect, it is strictly unnecessary in the present appeal to decide what common law duty there may be on a local planning authority to give reasons for grant of a planning permission. However, since it has been a matter of some controversy in planning circles, and since we have heard full argument, it is right that we should consider it.'

In this context, the judgment upholds Oakley v South Cambridgeshire District Council and Another (2017) in the Court of Appeal (see Lichfields' March 2017 England Planning News), and it is concluded that in addition to the requirements of the EIA regulations, there is a common law duty to give reasons in certain circumstances:

'[...] in Oakley the Court of Appeal were entitled in my view to hold that, in the special circumstances of that case, openness and fairness to objectors required the members' reasons to be stated. Such circumstances were found in the widespread public controversy surrounding the proposal, and the departure from development plan and Green Belt policies; combined with the members' disagreement with the officers' recommendation, which made it impossible to infer the reasons from their report or other material available to the public. The same combination is found in the present case, and, in my view, would if necessary have justified the imposition of a common law duty to provide reasons for the decision.'

With reference to a concern expressed by Lord Justice Sales in 'Oakley' regarding such a common law duty placing a burden on councillors, Lord Carnwath said:

'Members are of course entitled to depart from their officers' recommendation for good reasons, but their reasons for doing so need to be capable of articulation, and open to public scrutiny. There is nothing novel or unduly burdensome about this.'

A declaration of the reasons and considerations on which the three year old decision was based, the remedy proposed by Counsel for the LPA, was not considered sufficient. The defect in reasons went to the heart of the permission and it must be quashed.

Comment: As a result of this case, LPAs ought to seek advice from their legal team regarding whether or not a statement of reasons for granting planning permission will be required either as a matter of course or in specified circumstances, and the form this statement might take (e.g. a further report to committee, with a minuted outcome).

Untargeted community donation not material consideration

The Court of Appeal has upheld a High Court judgment that a planning permission for a wind turbine should be quashed because (inter alia) a community donation committed to by the developer, which was taken into account by the LPA when determining the planning application, was untargeted and did not address a planning purpose, and therefore was not a material consideration.

In Wright, R (on the application of) v Forest of Dean District Council Resilient Energy Serverndale Ltd the claimant, a local resident, argued that the LPA should not have taken into account the community donation when granting planning permission. ▶▶

The October 2014 Department of Energy and Climate Change (DECC) document 'Community Benefits from Onshore Wind Developments: Best Practice Guidance for England' explains that community benefits are an important way of sharing the value that wind energy can bring with the local community, and they include voluntary monetary payments from an onshore wind developer to the community, usually provided via an annual cash sum. The guidance also explains:

'[...] community benefits are separate from the planning process and are not relevant to the decision as to whether the planning application for a wind farm should be approved or not – i.e. they are not 'material' to the planning process.'

The wind turbine was to be operated by a community benefit society, and an annual donation based on 4% of the turnover of turbine operation over its projected 25 year life. Counsel for the developer submitted that the donation would have been an inherent feature of the community involvement in the proposed development.

The Court did not agree, finding:

'[...] although the DECC guidance is not planning policy, even planning policy cannot convert something immaterial into a material consideration for planning purposes.'

And:

'In respect of materiality, the proper focus is upon the Newbury criteria [Newbury District Council v Secretary of State for the Environment (1981)]. No matter how well-intentioned the proposed donor might be (and I accept that, here, Resilient Severndale is well-intentioned), and no matter how publicly desirable such a donation might be (and I accept that, here, the proposed community benefit fund would benefit the community), such a donation will not be material for planning purposes unless it satisfies those criteria.'

Policy

New policy and guidance

PINS changes to appeal processes

The Planning Inspectorate (PINS) has changed how the following types of appeals are processed:

- Enforcement appeals;
- Listed building enforcement appeals;
- Lawful development certificate appeals; and
- Discontinuance notice appeals.

The guidance on appeal handling times has also been updated.

Listing selection guides updated by Historic England

In early December, Historic England updated its listing selection guides that outline the selection criteria used when listing buildings.

Since becoming Historic England in 2015, work has been ongoing to update all English Heritage guidance under the Historic England 'banner'; the changes to the guides are considered to be fairly minor but no 'change log' has been issued. Updated selection guides for scheduled monuments and archaeological sites should follow this year (see below).

Heritage Statement launches Government's new heritage strategy

Heritage Minister John Glen announced in a wide-ranging written parliamentary statement made on 5 December 2017 a new Heritage Statement 2017 that sets out the 'direction and priorities for the heritage sector in the coming years'.

The Statement explains how Government wants to strengthen the heritage sector, through regeneration and placemaking, skills and environment and how it will contribute to an outward-looking global Britain. It is structured around four 'key themes':

- 'Our heritage creates great places
- Our heritage is for everyone
- Our heritage is international
- Creating a sustainable and resilient heritage sector'

Of particular relevance for the development industry and to the owners of historic buildings, proposals in the Statement include 'exploring options to strengthen interim protection measures and reduce the risk of damage or destruction to sites while they are being considered for listing'.

The Statement also refers to taking forward the development of the Cultural Development Fund that was announced in the Autumn Budget, to 'demonstrate the model of place-based development and the role that investment in culture, heritage and the creative industries can play in social and economic growth'.

In addition, there are proposals for:

- a new Heritage Council, chaired by the Minister, to 'emphasise the value of the historic environment, build consensus and ensure greater coordination'; and
- the digitisation of historic environment records and heritage archives to help councils make informed planning decisions and increase public appreciation for their local heritage.

DCMS is also intending to work across government:

'...to ensure that the role of heritage in placemaking and economic development is understood and properly integrated into the government's broader Industrial Strategy, Local Industrial Strategies and Town Deals and is included in relevant sector deals.'

As regards World Heritage Sites, Jodrell Bank - the earliest radio astronomy observatory in the world still in existence - will be put forward for designation this year.

In 2018, there will be a review of Historic England as well as a review of the 'financial sustainability' of English Heritage.

A new key aim of the Statement that was publicised extensively by Historic England on the same day as its launch is that of tapping into the 'potential for heritage and the historic environment to contribute positively to social, cultural and economic conditions'. Historic England will develop a new scheme, 'to enable communities to identify, permanently mark, and celebrate the spots where history has been made, and the people, places and events that are important to them' and to 'help local economies through tourism and investment and improve quality of life through bringing out local pride, identity and inclusion'. Piloting will take place over the next three years.

Heat pumps guidance for historic buildings

Historic England published a guidance note on 4 December 2017 on energy efficiency in historic buildings that specifically covers issues associated with installing heat pumps. It describes the ▶▶

different options available and how they work. Advice is also provided on how to minimise potential damage to the fabric of a building in the design of the installation.

Sport England continuing to protect playing fields

On 7 December 2017, Sport England announced that its safeguards for preventing the loss of playing fields through the planning process are proving successful.

New figures highlight how Sport England's role as a statutory consultee on planning applications has protected 1,138 out of 1,200 playing fields – and in addition, improved facilities have often been secured.

In 2015/16:

- 95% of concluded planning applications resulted in improved or safeguarded sports provision;
- In 46% of cases originally objected to, intervention and further negotiations led to an overall improvement of the site;
- Of the 120 applications objected to, 49 were either withdrawn by the applicants or refused planning permission; and
- Despite Sport England objections, 62 applications (5%) were approved by LPAs.

Updated standing advice on ancient woodland and veteran trees

Updated Natural England and Forestry Commission standing advice has been issued, to assist with the determination of planning applications affecting ancient woodland and veteran trees.

The standing advice is a material planning consideration and in particular, states that planning permission should be refused, 'unless the need for, and benefits of, the development in that location clearly outweigh the loss or deterioration of ancient woodland and loss of veteran trees'.

Also to be considered are:

- conserving and enhancing biodiversity; and
- reducing the level of impact on ancient woodland and veteran trees.

Draft guidance and advice

'Contested Heritage' guidance consultation

Draft guidance on dealing with 'contested heritage' has been published by Historic England, for comment by 16 February 2017.

'Contested heritage' is also defined as 'problematic' or 'disputed' heritage in the draft guidance, which therefore explains how Historic England responds to proposals to remove or alter 'an architectural feature or structure because it is believed to have strong negative associations'.

Other news

Government announcements

Brownfield land registers: update

The 31 December 2017 statutory deadline for LAs to publish their brownfield land registers has now passed. It appears that approximately half of English local planning authorities have made a brownfield register available on data.gov.uk and, according to the Planning Advisory Service (PAS), DCLG is assessing progress this month.

There are no confirmed sanctions against authorities not having a register in place. Recent parliamentary questions have sought answers from the Communities Secretary on the progress LAs are making on developing their brownfield land registers and the wider issue of the plans he has to bring forward legislative proposals to reduce further the regulatory barriers to housebuilding on brownfield land. In response to both questions, Housing Minister Alok Sharma has referred to the requirement for LPAs to publish a statutory brownfield land register by the end of 2017. In the most recent answer, he states:

'My officials have been supporting the implementation of brownfield registers and permission in principle through an active programme of engagement since early summer. We are also identifying authorities to work with whose positive or innovative approach can be used to promote good practice. Further assistance will be provided in 2018 to help promote permission in principle on suitable sites on registers.'

Garden villages win further funding

On 4 December 2017, a further £3 million of funding was pledged by Communities Secretary Sajid Javid, to support the 14 garden villages announced last January, and intended to help speed up delivery.

The 14 garden villages are:

1. Long Marston (Stratford on Avon),
2. Oxfordshire Cotswold (West Oxfordshire)
3. Spitalgate Heath (South Kesteven)
4. Tresham (formerly known as Deenethorpe, East Northants)
5. Culm (Mid Devon)
6. Welborne (near Fareham in Hampshire)
7. West Carclaze (in Cornwall)
8. Dunton Hills (near Brentwood)
9. Halsnead (Knowsley, Merseyside)
10. Longcross (Runnymede and Surrey Heath)
11. Bailrigg (Lancaster)
12. Infinity Garden Village (in South Derbyshire and Derby City)
13. St Cuthberts (near Carlisle, Cumbria)
14. North Cheshire (in Cheshire East)

New champion for Cambridge-Milton Keynes-Oxford corridor

Communities Secretary Sajid Javid on 22 December announced that Iain Stewart MP, who represents Milton Keynes South, is to 'champion a vision for the corridor with stakeholders including local authorities, local councillors and MPs on a cross-party basis, local enterprise partnerships and local businesses'. His new role will also be to:

- gather intelligence on local issues and update government to help deliver this vision in a way that is locally informed;
- attend events and meetings, along with local stakeholders and ministers as appropriate, to promote the corridor; and
- carry out media engagements to promote the corridor.

Also of interest and on 6 December, the winner was announced by the National Infrastructure Commission of a competition looking for ideas for the ▶▶

future development of the Cambridge-Milton Keynes-Oxford corridor.

The winner, 'VeloCity', is conceived as clusters of villages within walking and cycling distance.

New Homes Bonus not to be linked to appeal successes

In the House of Commons on 19 December, Communities Secretary Sajid Javid spoke on the Local Government Finance Settlement, making mention of the New Homes Bonus (NHB) in announcing a consultation on 'a review of relative needs and resources'. A new system based on its findings will be implemented in 2020-21.

Specifically on previously proposed changes to the Bonus, the SoS made reference to the December 2015 consultation ('New Homes Bonus: sharpening the incentive: technical consultation') on proposals to link NHB payments to LAs to the number of successful planning appeals; raising the NHB baseline had also been considered a year later.

He then went on to announce:

'Following conversations with the sector, I have been persuaded of the importance of continuity and certainty in this area. So today I can confirm that in the year ahead no new changes will be made to the way in which the new homes bonus works, and that the NHB baseline will be maintained at 0.4%.'

Devolution update

Eleven towns and cities bid for share of Northern Cultural Regeneration Fund

DCMS announced on 4 December 2017 that eleven towns and cities in Northern England had bid for a share of the new £15 million Northern Cultural Regeneration Fund.

The Fund is intended to help build a 'lasting regional legacy', arising from the Great Exhibition of the North. It will make grants of up to £4 million available to support major culture and tech capital projects.

The bids are for the following projects:

- Cheshire and Warrington: a world class cultural centre for in Ellesmere Port;
- Cumbria: promoting the Lake District World Heritage Site through capital investment in Windermere Jetty, Dove Cottage and the Wordsworth Museum, and Abbot Hall Art Gallery and Museum;
- Greater Manchester: a young people's creative venue in Rochdale;
- Humber: creating the world's biggest digital artwork using the Humber Bridge;
- Lancashire: creating 'The Amuseum', telling the story of British popular entertainment and Blackpool's role in one of UK's greatest creative industries;
- Leeds City Region: transforming the former Bradford Odeon cinema into a 4,000 capacity live music, entertainment and events venue;
- Liverpool City Region: creating 'Eureka! Merseyside', a new cultural attraction on the Wirral waterfront;
- North East: establishing a 'National Centre for Imagination' in Sunderland;
- Sheffield City Region: creating 'Onwards and Upwards', a mile-long trail of four sculptural red chimneys to replace the demolished Tinsley cooling towers;
- Tees Valley: developing a railway heritage visitor attraction in Tees Valley, as part of a wider programme to create a 'Railway Heritage Quarter' and protect and conserve the Stockton & Darlington Railway; and
- York and North Yorkshire and East Riding: creating 'Constellations: Illuminating Yorkshire's Coast' - light installations in six key locations on the North Yorkshire coast.

Neighbourhood planning update

Approval of neighbourhood plans at referendum

42 neighbourhood plans were approved at referendum stage in October and November, 2017.

Government reports

Local authority culture change needed to ensure effective scrutiny

The House of Commons CLG Committee published a report entitled, 'Effectiveness of Overview and Scrutiny Committees' on 15 December 2017. The Committee found that 'the most significant factor in determining whether or not scrutiny committees are effective is the organisational culture of a particular council'. The inquiry identified 'a number of ways that establishing a positive culture can be made easier' – these include increasing the independence and legitimacy of the scrutiny process.

Key recommendations in the report are that:

- upper tier councils (and combined authorities where appropriate) should be able to monitor the performance and effectiveness of local enterprise partnerships through their scrutiny committees; and
- the scrutiny of mayoral combined authorities should be better-resourced and supported, particularly in new devolution deals.

Post-Grenfell independent review of building regulations and fire safety: interim report

The 'Independent Review of Building Regulations and Fire Safety: interim report', commissioned by Government following the Grenfell Tower fire was published on 18 December 2017.

In addition to making recommendations on the future regulatory system, having concluded that the UK's building regulations are not 'fit for purpose', the report looks at planning as part of the whole life cycle of a building and refers to how 'there is no consistent way' to assess or verify the competence of anyone involved in the system. It notes:

'...fire safety considerations are not normally the subject of consideration at the planning application stage. An exception to this position is in relation ▶▶

to opportunities for emergency service vehicles to access buildings. Given the limited role of planning there is no requirement that the individuals making the application, or those considering it, have any specific fire safety-related knowledge. LPAs are required to consult certain bodies (known as statutory consultees) before granting planning permission for certain types of development. The two main regulatory authorities for the later stages in the building life cycle (building control bodies and fire and rescue services) are not statutory consultees, as there is an understanding that fire safety issues will be picked up as part of the building control process.'

A key finding of the report is that:

'For a performance-based regulatory system to work well and maximise the safety of high-rise residential and other complex buildings there needs to be sufficiently competent individuals undertaking the design and construction, and highly competent regulators with the right focus and powers to ensure compliance.'

The Review was referred to in a Parliamentary Written Answer given by Housing Minister Alok Sharma on 19 December, in relation to a question on steps being taken by DCLG to 'ensure that new buildings are constructed to such a standard that they will not require energy-efficiency upgrades before 2050'. The Minister simply referred to the Government's 2017 Clean Growth Strategy and then to how:

'...following the outcome of Dame Judith Hackitt's independent review of Building Regulations and fire safety, we will consult on improving energy requirements for new buildings where the evidence suggests that there are cost effective and affordable opportunities, and it is safe and practical to do.'

Basements developments and the planning system call for evidence: summary of responses

On 19 December, DCLG published 'Basements developments and the planning system call for evidence: summary of responses', following a call for evidence published on 4 November 2016. It sought evidence on: where basement developments have taken place, how they are currently dealt with through the planning system; and whether the planning process could further mitigate any adverse impacts of such developments.

According to DCLG:

'The Call for Evidence has highlighted a number of concerns about the impact of basement developments in certain areas. It has also provided examples of existing and emerging good practice by LAs in using the existing tools available to them in the planning system to mitigate these local impacts, both before development has started and once it is underway. This includes the introduction of local plan policies and Article 4 directions to control basement development.

LPAs whose areas are affected by basement developments may wish to consider similar approaches.'

No 'next steps' are proposed.

House of Commons Library briefings

The House of Commons Library published a briefing paper on 3 December that summarises the key Government initiatives aimed at increasing housing supply in England since 2015. ■