

# Thames Valley planning news



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## Headline news

### Reading Council complains to PINS about 'inconsistent' affordable housing decisions

Reading Borough Council is the second local authority to have written formally to the Planning Inspectorate (PINS), complaining about the 'high degree of inconsistency' of recent decisions on affordable housing provision. The appeal decisions all focus on whether authorities can require developers to provide affordable housing contributions on small sites of 10 homes or less.

The Council wrote to PINS after two appeal decisions in which the same Inspector within a matter of days had supported one appellant who was not providing affordable housing on a smaller site, but not another. This was despite the fact that Inspectors in four previous appeals in the Borough had agreed with Reading Borough Council that affordable housing should be provided as part of developments.

According to the Council, it is: '...firmly standing by its requirement to secure affordable housing contributions from ALL housing developers given the critical need for genuinely affordable accommodation in Reading.'

Tony Page, the Lead Member for Strategic Environment, Planning and Transport, described the degree of inconsistency of decisions as 'hugely disappointing', also referring to it as 'staggering'.

### Oxfordshire unitary bid takes step forward

A unitary bid has been submitted to Government to replace the six Oxfordshire local authorities and create one large council.

However, not all six authorities are in agreement; currently, Oxford County Council, South Oxfordshire and Vale of White Horse District Councils support the bid. But Oxford City Council, Cherwell and West Oxfordshire District Councils are all opposed to it. They have raised concerns that a larger, centralised authority would have an impact on service provision, as well as struggle to give due regard to local issues.

The bid states that planning functions are currently split across Oxfordshire's councils, with 'no definitive strategic body or overarching strategic plan at the level of the functional economic area'. It adds:

'One new unitary council for Oxfordshire will, in the medium-term, deliver a single strategic plan (the statutory 'Local Plan'); integrating the planning of housing, employment, community and strategic infrastructure under a single set of elected councillors and a single officer corps. This framework will take into account the identified housing and infrastructure opportunities and pressures across the whole functional economic area rather than focussing on housing land supply in isolation of other considerations.'

## National news

### The Great Repeal Bill White Paper: Legislating for the UK's Withdrawal from the EU

Following the triggering of Article 50, the Department for Exiting the EU a day later published the Great Repeal Bill: Legislating for the UK's Withdrawal from the EU White Paper.

With reference to planning in the context of environmental protection, the White Paper states: ▶▶

## QUOTE OF THE MONTH



There are various measures in the [Neighbourhood Planning] Bill which relate to neighbourhood planning, including a streamlined procedure for modifying neighbourhood plans that are in force. We will notify local planning authorities of changes in financial support that will apply

Steve Quartermain CBE, DCLG's Chief Planner, in a letter sent to England chief planning officers to update them on the financial support that will be available for neighbourhood planning in 2017/18

## THE LICHFIELDS PERSPECTIVE

Decisions about the future governance of Oxfordshire loom large – with current opposition to the proposed single authority cutting across political lines and dividing rural areas

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'The Government is committed to ensuring that we become the first generation to leave the environment in a better state than we found it.

The UK's current legislative framework at national, EU and international level has delivered tangible environmental benefits, such as cleaner rivers and reductions in emissions of sulphur dioxide and ozone depleting substances emissions [...] The Great Repeal Bill will ensure that the whole body of existing EU environmental law continues to have effect in UK law. This will provide businesses and stakeholders with maximum certainty as we leave the EU. We will then have the opportunity, over time, to ensure our legislative framework is outcome driven and delivers on our overall commitment to improve the environment within a generation. The Government recognises the need to consult on future changes to the regulatory frameworks, including through parliamentary scrutiny.'

## Neighbourhood Planning Bill update

The Neighbourhood Planning Bill has almost achieved Royal Assent, being currently at Ping Pong stage.

The most recent version of the Bill is as amended on Report in the House of Lords; a list of all of the Lords amendments made to the Bill was published on 16 March.

A summary of the most recent stages in the House of Lords follows.

### Lords vote to protect pubs from PDRs

At the end of February, the House of Lords voted to amend the Bill, so as to remove PDRs relating to the change of use or demolition of pubs. For 'Ping Pong' (which began on 28 March), and to replace the Lords' amendment, the Communities Secretary instead successfully proposed a Government amendment (published on 23 March) to the Bill, stating that 'as soon as reasonably practical' after the new section comes into force, a development order will be made to remove current PDRs to change the use of/ demolish a 'drinking establishment' (Use Class A4). On 28 March in the House of Commons, the Housing and Minister made a commitment to lay the necessary secondary legislation by July this year.

### Third Reading in House of Lords

On Third Reading of the Bill in the Lords, a new Government clause and schedule were considered on neighbourhood plan/ order examiners engaging with stakeholders in advance of examination, and the publication of draft reports.

A clear focus of the debate on the Bill was also on a new clause for local authorities being handed responsibility for development corporations set up to deliver garden towns and villages – a Lib Dem amendment that the Government supports.

### Ping Pong

As well as discussing pubs in great measure during the House of Commons' consideration of the Lords' amendments to the Bill, MPs also disagreed a Lords' amendment relating to restricting the use of conditions that 'would have the effect of preventing a LPA from requiring a condition that would otherwise be in conformity with the NPPF'. Housing and Planning Minister Gavin Barwell said that it was 'unnecessary'.

MPs have however agreed with the Government-proposed clause from the Lords relating to the above new measures for the neighbourhood plan-making process and the role of neighbourhood planning forums and bodies in planning application consultations.

### DCLG Under Secretary Lord Bourne's letter on office to residential PDR

DCLG Under Secretary Lord Bourne has written to Lord True, to update him on the PDR for office to residential, as discussed during the Neighbourhood Planning Bill's passage in the Lords. During Third Reading, Lord Bourne had referred to a proposed new approach to Article 4 directions, to remove the PDR for the change of use from office to residential where the LPA is delivering 100% or more of its housing requirement.

The letter restates this Government commitment regarding Article 4 directions and clarifies the position - from July this year - as being as follows:

'In future, those areas that are meeting their housing requirement will be afforded greater flexibility in respect of the area to be covered by an Article 4 direction removing the PDR to change from office to residential use. Where a LPA:

- Achieves 100% of its housing delivery requirement; and
- Can demonstrate that it can continue to do so after removal of the right, and;
- Can demonstrate that the direction withdrawing the office to residential PDR is necessary to protect the amenity and wellbeing of the area to be covered by the direction; the SoS will look more generously at the area across which the direction would apply, and not seek to limit a direction applying to that area.'

The letter also explains that detailed guidance will be provided for LPAs on this approach, 'alongside the housing delivery data'.

## PIP via brownfield land registers coming soon

The Town and Country Planning (Brownfield Land Register) Regulations 2017 (BLR) and the Town and Country Planning (Permission in Principle) Order 2017 (PIP Order) come into force in mid-April (on 16 and 15 April respectively).

Their combined effects are that all local planning authorities (LPAs) must publish a BLR before the end of 2017, and sites entered in Part 2 of these registers will be granted PIP for the housing-led development that is to be described in each individual entry.

See our recent blog for more detail and our previous blog for details of the legislative background – it is due to be published, according to the Housing and Planning Minister, before November.

## Spring Budget 2017

On 8 March, Chancellor of the Exchequer Philip Hammond delivered his Spring Budget 2017 speech in the House of Commons. Potentially planning-related announcements covered education, skills and training, energy, and measures to improve the country's productivity.

See the Budget analysis in Lichfields' latest Economic Outlook for more details. ■