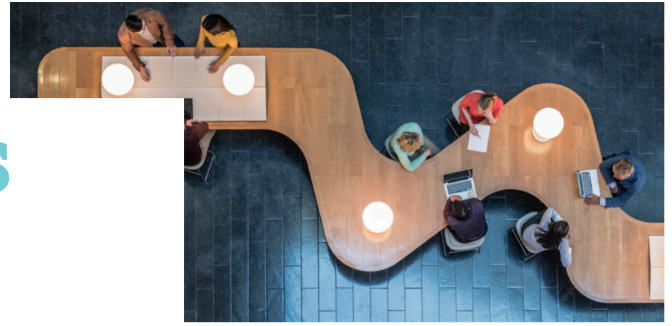


Commercial planning news



AUGUST 2017

Headline news

Minister promotes new town central area regeneration

In a House of Commons debate, DCLG Junior Minister Jake Berry MP has confirmed the Department's interest in the refurbishment of the new towns' central areas, explained in the following terms:

'...the development style of many new towns, which during the '60s and '70s was the height of modernity, especially in our town centres, can look outdated and often does not provide the modern shopping experience that consumers demand today. Telford and other new towns have risen to the challenge and in 2016 the Government signed a unique land deal with Telford in which they committed £44.5 million from land sales to reinvest in Telford's infrastructure. At the same time, we will deliver 2,800 new homes and create 8,500 jobs. Telford has been successful in several rounds of growth deal funding to improve its infrastructure, to build a new bus station—linking to the comments on buses—and to invest in skills. The growth deal for Telford is precisely the sort of forward-looking approach that we would welcome from all new towns up and down the country and could be progressed through the housing deal flagged in the recent White Paper.'

The Junior Minister also confirmed that the Government intends to deliver 23,000 new homes in new towns over the course of this Parliament. He said:

'In Bicester, we have already had 1,000 starts. In Ebbsfleet, 350 properties have been completed. In Northants garden community, Kettering, Corby and Wellingborough, 650 homes have been built and in Aylesbury

Vale there are 2,500 starts, showing that this Government are absolutely determined to deliver our promise to build more than 23,000 homes in new towns.'

The new homes form part of the Government's wider Manifesto commitment to deliver 1.5 million units by 2022.

The debate was led by Conservative MP for Telford, Lucy Allan; she used it to announce the potential creation of a new all-party parliamentary group on new towns, which other MPs supported.

Neighbourhood plans given more status

The first Regulations commencing a series of provisions in the Neighbourhood Planning Act 2017 were laid on 18 July and are already in force.

The Neighbourhood Planning Act 2017 (Commencement No. 1) Regulations 2017 mean that the Secretary of State (SoS) can now go ahead and make another set of regulations on what kind of conditions may or may not be imposed on a grant of planning permission. Regulations can be made now too, governing the circumstances when the agreement of an applicant has to be obtained in advance and when it does not, to the terms of a pre-commencement condition.

As indirectly referred to by the Communities Secretary in his 4 July speech, the key plan-making provision now in force is in s12 of the Act; it means that the SoS can go ahead and make the new Regulations that will prescribe the detail of how often a local planning authority (LPA) must review its local development documents (LDDs) – including local plans – and whether or not revision ensues.

Also, s1 of the Act is now in force so that a LPA has to have regard to a 'post-examination', unmade neighbourhood plan as a material consideration in the determination of planning applications. With s3 now in ►►

QUOTE OF THE MONTH



Planning decision-making is far from being a mechanical or quasi-mathematical activity. It is essentially a flexible process, not rigid or formulaic.

Lord Justice Lindblom giving judgement in Barwood Strategic Land II LLP v (1) East Staffordshire Borough Council (2) Secretary of State for Communities & Local Government (2017)

THE LICHFIELDS PERSPECTIVE

Measures for addressing the housing crisis remain centre stage in both plan making, and decision taking on applications. But progressing change is not proving easy – Brexit is taking up a huge amount of Government resources. The Grenfell Tower disaster is also exerting wider influence – leading to a focus on the development sector engaging better with communities, as well as providing well-designed, truly affordable homes.

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force too, it is the case that just prior to a draft neighbourhood plan being made after succeeding at referendum, the Plan forms part of the development plan - a subtle but potentially significant change to application determination.

For further details about the provisions that are now in force, please see Lichfields' news story (and related blog updates) and/ or the Regulations' explanatory notes.

Industrial Strategy White Paper expected this autumn

Parliamentary Under SoS at the Department for Business, Energy and Industrial Strategy, Lord Prior of Brampton, has revealed (when responding to a parliamentary question by Lord Haskel on the progress of the Strategy) that 'following extensive consultation (on the Industrial Strategy Green Paper), we intend to publish a White Paper in the autumn'.

Government publishes Bill to transpose EU laws after Brexit

The so-called 'Great Reform Bill' - intended to transpose EU legislation into UK law following Britain's departure from the European Union (EU) - has been introduced to Parliament and had its First Reading in the House of Commons.

A factsheet published alongside the European Union (Withdrawal) Bill explains how it would end the supremacy of EU law in UK law and would convert EU law as it stands at the moment of exit into domestic law. This would be including EU environmental regulations.

Although environmentalists are reported as fearing that writing existing EU regulations into UK law could result in a weakening of environmental protections, it is also reported how experts believe that the Government will be too preoccupied with the technicalities of Brexit to attempt significant change.

The Government's factsheet states: 'By returning power to the UK, we will have a unique opportunity to design a set of policies that drive environmental improvement, tailored to the needs of our country that has a powerful and permanent impact, and deliver on our

commitment to leave the environment in a better state than we inherited it.'

Explanatory notes accompanying the Bill give an indication of the process involved:

'...the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 require an environmental impact assessment of certain applications for planning permission. They refer to 'other EEA States' in a number of places, mainly in the context of development likely to have significant transboundary environmental effects. A correction amending the references to 'other EEA States' to 'EEA States', would allow the requirement on transboundary consultation to continue to function on exit as it does now, reflecting the fact that the UK will have left the EEA. This would enable an important piece of environmental protection law to continue to operate effectively.'

Communities Secretary promotes better community engagement and faster plan-making

Communities Secretary Sajid Javid has spoken of local democracy and then at length on planning matters at the Local Government Association's annual conference. This was after opening his speech with references to the terrorist attacks in Westminster, in Manchester, at London Bridge, and in Finsbury Park - he then told a poignant, personal story when referring to 'the tragic catastrophe at Grenfell Tower'.

As a general point on consultation with 'genuine communities', that has arisen from that 'catastrophe', he said this should be:

'Where consultation isn't just treated as a legal necessity, but a genuine engagement in which all views - even ones we don't like - are treated as if they could actually be right.'

'So we need to rethink the entire process of development and, as ever, that starts with planning. Years after local plans were introduced, some councils still haven't produced one. Others produced a plan when the policy was first introduced, but haven't touched it since and are left with a dusty document that's

hopelessly out-of-date and irrelevant to the real needs of their communities. And then there are those councils that have an up-to-date plan, but have failed to be honest about the level of housing they need in their area. It's not good enough.'

DCLG Chief Planner's update on working on revised NPPF: 'towards back end of the year'

While speaking at the Country Land and Business Association's rural housing summit on 5 July, Chief Planner Steve Quartermain is reported as having announced - somewhat ambiguously - that 'towards the back end of the year, we will be working on a revised NPPF'. The revisions would apparently cover 'half a dozen' written ministerial statements made since the NPPF was published in 2012; he added that the 'scope' of the revisions had not yet been finalised.

PPG updates to explain requirements of 2017 EIA Regulations

DCLG has updated national Planning Practice Guidance (PPG), to explain the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 that came into force on 16 May this year (see Lichfields' May 2017 Planning News for details).

The PPG now reflects the 2017 Regulations' rules on competency: an environmental statement (ES) has to be prepared by competent experts, and 'accompanied by a statement from the developer outlining the relevant expertise, or qualifications of such experts, sufficient to demonstrate that this is the case'. In addition, the PPG now explains how if a scoping opinion has been obtained, an ES must be 'based' on the most recent version, '...so far as the proposed development remains materially the same as the proposed development which was subject to the opinion or direction' - a significant change in law, as reflected in previous PPG guidance.

Many other PPG revisions have also just been published (on 28 July); they principally cover detailed development management procedures and reflect recent changes in planning law. ■