



MAY 2021

ISSUE 4

## THE NEW PLANNING BILL

### **1 THE GOVERNMENT INTENDS TO CHANGE LOCAL PLANS TO "PROVIDE MORE CERTAINTY" OVER PERMISSIBLE DEVELOPMENT**

One of the main elements of the new Planning Bill would be "changing local plans" so they "provide more certainty over the type, scale and design of development permitted on different categories of land". The changes would involve "clear land allocations in local plans" which would provide "more certainty for communities and developers ... about what is permitted where".

### **2 A NEW LEVY IS PROMISED TO REPLACE EXISTING METHODS OF SECURING DEVELOPER CONTRIBUTIONS TOWARDS INFRASTRUCTURE AND AFFORDABLE HOUSING**

One of the main elements of the Planning Bill would be "replacing the existing systems for funding affordable housing and infrastructure from development with a new more predictable and more transparent levy".

### **3 VARIOUS ASPECTS OF PLANNING DECISION-MAKING WILL BE ACCELERATED, SAY MINISTERS**

The Planning Bill will aim to create "simpler, faster procedures for producing local development plans" as well as for "approving major schemes" and "assessing environmental impacts".

### **4. THE PLANNING BILL WOULD INVOLVE "DIGITISING" THE PLANNING SYSTEM TO MAKE IT "MORE VISUAL" AND WOULD AIM TO IMPROVE PUBLIC ENGAGEMENT IN PLANNING.**

One of the "main benefits" of the bill would be "digitising a system to make it more visual and easier for local people to meaningfully engage with". It echoes proposals in last summer's White Paper to introduce "map-based" and "interactive" Local Plans based on "data standards and digital principles". They "should be fully digitised and web-based ... rather than document-based". Currently there is "very little meaningful public engagement in the current planning system", adding: "At present only around three per cent of local people engage with planning applications, and for local plan consultations engagement can fall to less than one per cent."

### **5. THE SYSTEM FOR ASSESSING THE ENVIRONMENTAL EFFECTS OF DEVELOPMENT IS SET TO CHANGE**

The briefing notes said the proposed Planning Bill will "use post-Brexit freedoms to simplify and enhance the framework for environmental assessments for developments".

### **6. THE LONG-AWAITED NEW DUTY FOR DEVELOPERS TO DELIVER AN UPLIFT IN BIODIVERSITY THROUGH THEIR SCHEMES IS PROMISED**

The Environment Bill will "improve planning for nature recovery through Local Nature Recovery Strategies and create Nature Recovery Networks to join up nature sites and create wildlife-rich places". The Bill will also give communities a greater say in the protection of local trees, the notes say.

### **7. RULE CHANGES FOR DEVELOPMENT CORPORATIONS ARE PLANNED**

The Planning Bill will revise the framework for locally-led development corporations to "ensure local areas have access to appropriate delivery vehicles to support growth and regeneration".

### **8. A NEW BODY THAT THE GOVERNMENT INTENDS TO BECOME A STATUTORY PLANNING CONSULTEE ON THE FIRE SAFETY OF PROPOSED HIGH-RISE FLATS IS PROMISED**

The Building Safety Bill will establish a new Building Safety Regulator (BSR). This regulator is intended to take over "in due course" the Health and Safety Executive's new statutory consultee role on planning applications for high-rise buildings, which was also announced.

### **9. MINISTERS AIM TO ACCELERATE DEPLOYMENT OF DIGITAL COMMUNICATIONS NETWORKS**

The Product Security and Telecommunications Infrastructure Bill will "support the installation, maintenance, upgrading and sharing of apparatus that enables better telecommunications coverage and connectivity". It will reduce the number of new sites and installations needed "by ensuring the use of existing apparatus and equipment is optimised". The Bill will change the Electronic Communications Code "to support faster and more collaborative negotiations for the use of private and public land for telecommunications deployment, and to put the right framework in place for the use of installed apparatus". Already there are rumblings of discontent. Theresa May speaking in the debate said that the Planning Bill will put the "wrong homes in the wrong places" and countryside campaigners have said that the reforms would mean "open season for developers" in rural areas. There are also indications that a number of MPs will raise objections when the Bill is debated later in the year. **The Planning Reform Bill will be presented to Parliament in the Autumn.**

## LEGISLATION

### Environment Bill

- *The Environment Bill has been carried over from the last parliamentary session, further details are in the Emerging Legislation section.*
- *The Bill places a duty on Ministers to ensure environmental considerations are central to policy development.*
- *Dame Glenys Stacey has been appointed chair of the Office for Environmental Protection and a draft Policy Statement on Environmental Principles is out for consultation.*

### Planning Reform in England Bill

- *The new Planning Reform Bill will be introduced to parliament in the autumn.*

## SECONDARY LEGISLATION

• **The Town and Country Planning (General Permitted Development etc) (England) (Amendment) Order 2021** was introduced on 31 March 2021 and came into force on 21 April 2021. [Full details of the legislation can be found here.](#)

### In Summary:

*A new Class MA (in Part 3 of Schedule 2) to allow change of use from commercial, business and service uses (Use Class E) to residential dwellings (Use Class C3) under permitted development rights subject to conditions and limitations. Transition arrangements for Article 4 directions restricting change of use from offices to residential dwellings are in place until 31 July 2022.*

- *Amendments to Class M (in Part 7 of Schedule 2) to increase the size of extensions and building height allowed under permitted development rights for schools, colleges, universities, prisons and hospitals, subject to conditions and limitations.*
- *Addition of Commemorative Structures to Class B (in Part 11 of Schedule 2) confirming extra protections for unlisted statues, memorials or monuments.*

*- Amendments to Class B (in Part 8 of Schedule 2) to bring permitted development rights for seaports in line with airports, allowing development of buildings for the provision of services and facilities at the port, including the erection or alteration of an operational building.*

### EMERGING LEGISLATION:

- **Clean Air (Human Rights) Bill 2019-20.** *The Second Reading in the House of Lords is yet to be scheduled.*
- **Environment Bill 2019-21, 2021-22.** *The Bill has returned in the next Parliamentary session and is due to have its report stage, with the Bill expected to become law by Autumn.*

### PRIVATE MEMBERS' BILLS:

- **Climate and Ecology Bill 2019-21.** *The Bill requires the Prime Minister to achieve climate and ecology objectives; to give the Secretary of State a duty to create and implement those objectives; to establish a Citizens' Assembly; and to give duties to the Committee on Climate Change regarding the objectives and strategy. The Bill was presented to Parliament on 2 September 2020. The date of its Second Reading in the House of Commons is yet to be announced.*
- **Planning (Proper Maintenance of Land) Bill 2019 – 21.** *The Bill makes provision for increased fines for failures to comply with a notice under section 215 of the Town and Country Planning Act 1990. Jonathan Gullis MP made positive reference to historic buildings and Historic England. It was introduced to Parliament under the Ten-Minute Rule. The date of its Second Reading in the House of Commons is yet to be announced.*

## GUIDANCE

### Legislative Directions

- **New Directions relating to Commemorative Structures in the Town and Country Planning (General Permitted Development etc) (England) (Amendment) Order 2021** are summarised below:
- **Arrangements for Handling Heritage Applications:** *Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021 confirms the new requirement to notify Historic England in respect of the demolition of Grade II listed statues, memorials, and monuments; and extends the definition of relevant works to Grade II listed buildings to include 'commemorative object works'.*
- **The Town and Country Planning (Consultation) (England) Direction 2021** introduces the requirement for Local Planning Authorities (LPA) to consult the Secretary of State on planning applications for full or partial demolition of commemorative
- *structures which have been in place for ten or more years, where the LPA does not propose to refuse the application, exceptions to this are set out in the legislation and direction.*
- **The Town and Country Planning (Demolition - Description of Buildings) Direction 2021** confirms that the demolition of a commemorative structure needs planning permission and constitutes the development of land.

### PLANNING PRACTICE GUIDANCE

- *New guidance relating to commemorative structures was issued on 27 April 2021.*
- *Paragraph 125 'Do I need to apply for planning permission to demolish a statue, memorial or monument?' has been added to the PPG - When Is Permission Required.*

The guidance sets out when planning permission is required and when permitted development rights apply for commemorative structures in and outside a conservation area.

• Paragraph 126 'Do I need planning permission to demolish a plaque?' details where a planning application would be required and where listed building consent would be necessary.

#### **MHCLG LETTERS TO CHIEF PLANNING OFFICERS**

The Planning Update Letter from Joanna Averley, MHCLG Chief Planner summarised the post-pandemic planning challenges and encouraged local planning authorities (LPAs) to continue local plan preparations. The 1 April 2021 letter included:

- Supporting Housing Delivery and Public Service Infrastructure – legislation introduced on 31 March 2021
- Further Measures to Enable Businesses to Operate Safely and Support Economic Recovery – detailing the Written Ministerial Statement (Construction Update) to Parliament on 25 March 2021
- Changes to the Current Planning System Consultation – Update on First Homes – detailing the Government response to the First Homes proposals.
- Electronic Communications Infrastructure – setting out the technical consultation on changes to permitted development rights for electronic communications infrastructure.
- Progressing Local Plans and Neighbourhood Plans – referencing the Written Ministerial Statement of 19 January 2021 and encouraging the progression of Neighbourhood Plans.
- Remote Meetings – noting the changes to temporary powers permitting remote meetings which will not be extended after 7 May 2021 and the associated call for evidence which is open until 17 June 2021.
- Graduate Recruitment – noting an update on recruitment.
- A further letter was issued to LPAs on Additional Support to Neighbourhood Planning. The letter outlined funding opportunities available to LPAs to encourage take up and preparation of Neighbourhood Plans. This includes a new £2.1 million fund for underrepresented areas and a £330,000 fund for a Neighbourhood Planning Pilot to test a simpler approach.

#### **COMMITTEES**

##### **Housing, Communities, and Local Government (HCLG) Select Committee**

- The HCLG Committee heard oral evidence on Supporting our high streets after COVID-19 on 13 May 2021.
- The oral evidence session on Permitted Development Rights took place on 17 May 2021.



#### **OVER ONE MILLION HOMES IN ENGLAND WITH PLANNING PERMISSION HAVE NOT BEEN BUILT.**

According to the Local Government Association, which represents 327 of the 333 Councils in England, 2.78 million homes have been granted planning permission since 2010-11 but only 1.6 million have actually been built. The number of planning permissions has doubled since then with nine out of ten being approved by Councils.

The LGA also proposes that the new legislation should give Councils powers to charge developers full Council Tax for every unbuilt development when the original planning permission expires. It also suggests that it should be easier for Councils to use compulsory purchase powers to acquire sites where building has stopped or where developers have not adhered to the timescales agreed with the Local Planning Authority.

#### **FLAWED FIGURES HAVE LED TO THOUSANDS OF HOMES BEING BUILT ON GREEN BELTS**

The ONS (Office for National Statistics) used inaccurate statistics to justify the building of homes in Green Belt land. It had predicted that the population of Coventry would increase by 32% between 2011 and 2031, twice as much as Birmingham, which led Coventry Council to plan for more than 40,000 new homes and that many could be built on Green Belt land that once formed the Forest of Arden.

But campaigners said the ONS wrongly assumed that foreign students at local universities would stay in the area after their studies. They said the city's 'vital signs' such as births, jobs, A&E attendances and car registrations did not match expected growth. The Office for Statistics Regulation has criticised the ONS for failing to listen to concerns and agreed that the projections in some areas were wrong. It ordered the ONS to report back with plans to solve the problem.

The Mayor of the West Midlands Andy Street said Coventry City Council must review its plan and 'stop any more unnecessary development'. The report said: 'We found that in some smaller cities that had a large student population, the population estimates did appear to be inconsistent with, and potentially higher than, local evidence suggests.'

#### **NATIONWIDE RECYCLING RULES AND WEEKLY FOOD-WASTE COLLECTIONS PROPOSED UNDER BINS SHAKE-UP**

##### **Overhaul could end chaotic system created by councils having different rules**

All councils in England would have the same recycling rules for householders under a Government shake-up of bin collections.

Nationwide recycling standards would end the current confusion over which materials residents can put out for reprocessing.

All homes could be given a weekly food-waste collection, to cut the amount of waste going into landfill. Ministers are launching a public consultation on plans to streamline recycling from 2023, involving giving local authorities and waste companies a list of specific materials they must collect from homes and businesses, such as plastic, paper and card, glass, metal and food waste. Free garden waste collections for every home are also being considered, a service for which householders currently pay £100m a year. Councils have the option of whether to provide garden waste collections. The proposals, set out in a Consultation Document, would help the Government meet its target of eliminating all avoidable waste by 2050. The Consultation, **which runs until 4 July**, also seeks to set new “minimum service standards” for bin collections on local authorities, forcing them to make standard rubbish collections at least once a fortnight, alongside the weekly collection of food waste. Ministers are already consulting on a deposit return scheme for drinks containers, whereby consumers would be given incentives to return and recycle bottles and cans.

### AIRBNB SHORT LETS REQUIRE PLANNING PERMISSION, APPEALS PROCESS IN SCOTLAND DECIDES

As members will recall, NORA is pressing the M.H.C.L.G. for a new classification for premises let as Airbnbs. This phenomenon is causing problems for residents in many cities and towns and like the C4 classification for HMOs, should require a planning application for a change of use. However, an appeal in **Edinburgh** where a landlord who appealed against a local council decision regarding the letting of her apartment on Airbnb has lost - and has now been ordered to secure a change of use planning consent, or stop renting it out. The council's submission to the appeal process said: "The use of the dwelling for short stay commercial visitor accommodation, which allows guests to book two-night stays, enables new individuals to arrive and stay at the premises for short periods of time on a regular basis throughout the year in a manner dissimilar to that of permanent resident. "This regular turnover of visitors, combined with guests having access to a communal hallway, is detrimental to neighbouring residential amenity." Under the Scottish appeals process, the final decision is made by a figure called the government reporter.

*The Scottish decision does not have any effect in England.*

### GOVERNMENT FUNDING FOR SELF AND CUSTOM BUILDERS

Housing Secretary Robert Jenrick has announced £150 million in Government funding to make it easier and more affordable for people to build their own homes.

The help-to-build scheme is intended to ensure that self and custom-building is a more realistic option to get on the housing ladder through lower deposit mortgages. Lowering the required deposit, according to the Government, will free up capital for people to embark on building their home. It could be commissioned, made to order or a design from scratch.

Help to Build will provide an equity loan on the completed home, similar to the help-to-buy scheme.

How self-build homes can save cash



### CASH BOOST FOR NEIGHBOURHOOD PLANNING

The Government has announced £2.1 million in funding to guarantee that communities can have a greater say in how their area is developed. Local authorities in under-represented areas will receive additional support. The Government is looking for 40 to 50 local authorities that are interested in increasing the uptake in the neighbourhood planning.

A second fund will see a £330,000 available to councils that want to pilot a simpler approach to neighbourhood planning. Ten local authorities will work in partnership with their communities to establish and explore this as a precursor or alongside a full neighbourhood plan. They will receive up to £30,000 each in grant funding.



### PEATLANDS AND NATIVE WOODLANDS ARE BEST FOR CARBON STORAGE

Peatlands and native UK woodlands have the greatest capacity to store carbon, according to research by Natural England. Carbon Storage and Sequestration by Habitat 2021 considers the impact that different UK habitats have on taking carbon out of the atmosphere.



It suggests that peatlands and native woodlands have the greatest capacity in the UK, but others – such as coastal and marine habitats (salt marsh and seagrass meadows) – have a “significant” role to play in helping the UK to attain net-zero by 2050. Additionally, the report maintains how important it is to protect traditionally managed habitats such as hedgerows, hay meadows, heathlands and old orchards as a way of preserving carbon stocks, all of which may have

taken centuries to develop. Opportunities will be forthcoming, according to Natural England, offering farmers and land managers a reward for creating and maintained habitats, such as native woodlands and peatlands, or hedgerows within farmed landscapes. The Landscape Recovery scheme, for example, is being designed to incentivise major land management changes and habitat restoration within wooded and peatland areas across England.

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## COUNCIL ISSUES ARTICLE 4 DIRECTION TO PROTECT GREEN BELT SITE

Sevenoaks District Council has issued an article 4 direction to ensure that a green belt site in Shoreham being sold for development is protected.



The Council said it has discovered that land is being sold as individual plots and that marketing information suggests that the site has the potential for development. As it is a green belt site and in an area of outstanding natural beauty (AONB), it says planning permission for new residential development is unlikely to be granted. To guarantee that it continues to enjoy protection, though, the council served article 4 directions last week (22 April), which restricts the activities that can be carried out without planning permission. Such activities include putting up fences, gates or walls, stationing caravans and other temporary uses.

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## HYDROGEN FOR HEATING HOMES “IS IN THE PIPELINE”

Following on from the article by **Committee Member Robin Kerr** in the **April 2021 Newsletter**, hydrogen fuelled heating is under trial. Surrounded by pine trees in a remote patch of the RAF Spadeadam base in Cumbria, three purpose-built houses are being used to test out a vision of the future that could soon be rolled out to homes across the UK.

The homes in “Hy Street” are being heated with 100pc hydrogen, the clean-burning gas that is being explored as a possible replacement for fossil fuels in the rush to decarbonise.

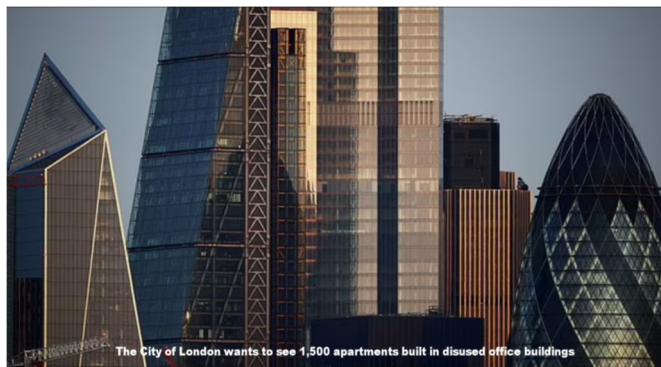
The UK’s success in cutting emissions has so far come mostly from the power sector, where wind turbines generate about 20pc of electricity at plummeting costs. Progress now needs to be made in areas such as heating where change is likely to be felt more keenly by energy users, whether through work to install new boilers or heat pumps, or even the temperature in their home (electric heat pumps work at a lower temperature). Gas and oil boilers will not be allowed in new homes from 2025.

BP is planning to build a hydrogen plant in Teesside, which it says could provide hydrogen for local industry and homes, one of a growing number of hydrogen projects that could lower costs and work in favour of a wider role for the gas in heating.

For now, though, pace on cutting carbon emissions from buildings and overhauling heating systems is slow. The Government has just scrapped a programme of grants for energy efficiency improvements. About 1.7m new fossil fuel boilers are installed every year. A lot of work still needs to be done to modify gas pipe networks underground if hydrogen is to be used. Hydrogen-ready boilers are not yet on the market.



## CONVERSIONS OF OFFICES, SHOPS AND WAREHOUSES – A QUICK FIX OR A PERMANENT SOLUTION TO THE HOUSING PROBLEM?



The City of London has announced plans to build 1,500 new homes in former office blocks left vacant due to the pandemic.

But the trend of converting commercial buildings into homes has been around for a few years.

Since 2015, property developers have been allowed to convert offices into apartments without getting full planning permission, under Permitted Development Rights - and that policy now applies to shops and warehouses, too.

More recently, there have been plans lodged to convert department stores into flats as big retailers have gone under.

The House of Fraser in Aberdeen, for example, is now home to 34 apartments.

Conversions can offer a chance to live in a central location at a more affordable price, as homes converted from shops or offices are often the cheapest in any given area. While many are perfectly habitable, some have caused controversy due to their small size as the Government’s minimum space standard of 37 square metres doesn’t apply to homes built in this way. But barns are turned into dream country homes and Victorian warehouses into trendy loft apartments and old warehouses and former churches offer big spaces packed full of character with industrial proportions and vaulted ceilings. Many offices started life as residential houses, so returning these often-period buildings back to their original use can be leasing and enhance the character of an area.

Size matters when there are no space standards when considering a converted flat that is on the smaller side, knowing the exact proportions is vital. The Government says new homes should be at least 37 square metres. But this rule doesn't apply if they have been converted under permitted development rights - but it is still a good benchmark of whether or not a property is of a reasonable size to live comfortably in. There are a host of other problems that come with a small space - from fitting in standard-sized furniture to being able to get a mortgage.

Acknowledgement: Daily Mail

## 'GENTS' AND 'LADIES' TOILETS WILL BE COMPULSORY IN ALL PUBLIC BUILDINGS UNDER NEW PLANNING LAWS IN BLOW FOR CAMPAIGNERS FOR GENDER-NEUTRAL FACILITIES

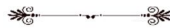
Public buildings will be forced to have separate male and female toilets under plans to target activists for 'gender-neutral' loos.



Communities Secretary Robert Jenrick is to rewrite planning regulations to enshrine separate stalls in new buildings and demand partitions be installed in current unisex facilities.

It said the change would apply to offices, shops and entertainment venues, plus hospitals and other public services. It will also apply to buildings undergoing refurbishment, where consent is required for the works.

Under the changes, buildings will have to separate male and female facilities, and make sure women's cubicles are entirely self-contained, with basins and hand dryers, for privacy.



## ...AND FINALLY, THE LIGHTEN SIDE OF LIFE?



Please feel free to distribute this Newsletter to your Committee members and to your residents. If you have any comments or views on the contents of this Newsletter, the N.O.R.A. Committee would be pleased to hear from you.

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