

July 2010

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If you want to find out more from NLP on June's news stories, or other issues you may have come across, use the links provided or please contact one of us.

1. The Budget confirms major changes to planning

The Emergency Budget confirmed some (but not all) of the expected changes to planning and made the promise of further information to come, in the form of White Papers later this summer. One will deal with the proposed Public Bodies (Reform) Bill, which will include a simplified planning consents process using local development orders (which already exist but are seldom introduced by councils).

2. The Public Bodies (Reform) Bill, more details emerge

Confirmed at the end of June, the White Paper for the Public Bodies (Reform) Bill will provide details on: the abolition of the regional development agencies (RDAs); the creation of local enterprise partnerships (LEPs) to replace them (BIS and CLG wasted no time in subsequently inviting local groups of councils and business leaders to consider by 6 September how they wish to form LEPs); and options for local authorities (LAs) to use business rate and council tax incentives for new development.

3. Housing and Planning Delivery Grant payments stopped

Further to the Chancellor's statement on the Government's approach to the 2010 Spending Review, CLG Secretary of State Eric Pickles announced that no Housing and Planning Delivery Grant (HPDG) will be paid for 2010-11. This will no doubt affect LPAs and whether they will continue to rigidly follow determination targets for applications.

4. What a national planning policy framework for England might look like

Whilst the details of the Coalition Government's proposed national planning policy framework for England have yet to be announced, the second edition of the Welsh Assembly Government's (equivalent) Planning Policy Wales has been published; it could provide a blueprint for something similar in England, as it sets out land use planning policies with an increased focus on tackling climate change.

5. PINS advice to Inspectors on the abolition of regional strategies

New Planning Inspectorate (PINS) advice to Inspectors, issued in the light of Secretary

of State Eric Pickles' letter to LA chief planners on abolishing regional strategies (RS), confirms that as the intention to abolish RS has been announced, decision-makers should take it into account as a material consideration. But because RS have not been abolished yet, a current RS is still part of the development plan – the starting point for deciding planning applications and appeals. As for evidence that has informed the preparation of an RS, it may be a material consideration.

6. Brownfield land redefined and minimum density standard lifted in revised PPS3, Housing

Consistent with the Coalition Government's localism agenda, steps have been taken to return some decision-making powers on housing and planning to local planning authorities (LPAs), including giving councils new powers to stop 'garden grabbing'. A Ministerial Statement made by Greg Clark, Minister for Decentralisation (and a CLG letter to Chief Planning Officers) both confirmed that Planning Policy Statement 3 – Housing (PPS3) had been re-issued; its definition of previously developed land now excludes private residential gardens and the national indicative minimum density of 30 dwellings per ha has been deleted. The desirability of using land efficiently is still maintained in the revised PPS. PINS has also published advice for its Inspectors in the light

of the PPS3 amendments.

7. New 'Free Schools' to be favoured in planning system changes

The Government's commitment to introducing free schools (i.e. independent state schools run by teachers and accountable to parents) has been confirmed by the Department for Education; it is to be made easier to secure sites for new schools, without the need for planning permission for change of use. Powers to protect existing schools' sites will be extended and CLG will update guidelines to LPAs, to make it clear that there is a presumption in favour of setting up of new schools.

8. Confidentiality of commercial information

A significant decision by the Tribunal that considers appeals arising from the Environmental Information Regulations 2004 underlines how commercially sensitive information submitted as part of the planning application process might have to be disclosed. Despite the Regulations allowing exceptions to the 'duty to disclose' for commercially sensitive information, Bristol City Council has been ordered to release a viability report by an applicant to local residents, on the ground that the need for commercial confidentiality was significantly outweighed by the public interest in disclosing the information.