

PARISH / TOWN COUNCIL & TOWN FORUM TRAINING EVENT



Update on Recent Legislative Changes & Implications of Reduced Grant Funding on Delivery of the Planning Service

13 July 2016

Presentation by Jane Lynch

Development Management Update



- Reducing local government finance \implies need to reduce DM reliance on subsidy
- Researching potential ways to increase income & reduce costs – applying user pays principle
- Ensuring maintain / improve core service
- Awareness of local reputation & open for business expectation
- Looking at:
 - What we have to do (legislation)
 - What we need to do (local context/corporate aims & objectives etc)
- Increasing income eg.:
 - Introduce a charge for invalid applications (over 60% invalid on receipt; significant proportion more than two attempts to validate, some never validated)
 - Review of pre-app fees – ensure cost of service provision is covered
- Reduce costs:
 - Neighbour notification by means of site notice(s) only from 1st October (legislative compliant)

Housing & Planning Act 2016



- Received Royal Assent on 12th May 2016
- Details to be provided in forthcoming regulations

Key issues impacting on planning:

- **Starter Homes**
 - New dwelling (new build or conversion)
 - Available to first time buyers aged 23 to 40
 - Sold at 20% less than market value with price cap of £250,000 (outside London)
 - Restrictions on sale & letting to be confirmed in regulations
 - LPAs only able to grant permission for certain residential development if starter home requirements met – details to be confirmed in regulations. Likely that 20% of new dwellings to be starter homes.
 - Requirements for S106 contributions should not be applied
- **Self Build & Custom House Building**
 - New LA duty to:
 - Keep & have regard to register of people seeking land
 - Grant permission for enough serviced plots to meet demand

Housing & Planning Act 2016



- Neighbourhood Areas:
 - SoS power to set time limits for LPA's to carry out key neighbourhood functions
 - SoS powers of intervention in certain circumstances
 - LPA required to notify neighbourhood forum (NF) of planning applications in neighbourhood area (at NF request)
- Local Development Scheme/Development Plan Documents
 - SoS power to direct LA to amend LDS
 - SoS power to intervene in DPD examinations – LPA to cover such costs
- Register of Particular Kinds of Land
 - SoS power to require LPA to compile & maintain registers of certain types of land
 - Initially relates to register for “brownfield land”
 - Register may be in two parts:
 - That suitable for housing
 - That suitable for grant of permission in principle (PiP – see next slide)

Housing & Planning Act 2016



- Permission in Principle (PiP)
 - Enables PiP to be granted for housing led development. Principles only established e.g. location, uses & amount
 - Scheme details approved under technical details consent (TDC) – matters of principle cannot be re-considered
 - Granted in two ways:
 - Allocation in plans & registers – “qualifying documents” (probably future local & neighbourhood plans; brownfield registers)
 - Direct application (probably limited to smaller sites e.g. less than 10 units)
 - Aims to give up-front certainty for developers on core matters
 - PiP granted on allocation can remain valid after “qualifying documents” updated or revised
 - PiP granted on application valid for 3 years
 - LPA required to hold a register of PiP land in their area
 - PiP not subject to conditions.
 - Conditions can be imposed at TDC stage
 - TDC can be refused if detail found to be unacceptable

Housing & Planning Act 2016



- Planning Applications Submitted Directly to SoS
 - 2013: Designation as poor performing introduced. Allows major applications to be submitted direct to SoS. Based on two year assessment of performance (back dated). Criteria for designation based on 2 measures: speed & quality
 - Speed: initially 30% decisions within time. Increased to 40%. Now 50%
 - Quality: 20% or more LPA's decisions on major applications overturned at appeal. Likely to be decreased to 10%
 - Designation now expanded to include non-major applications.
 - Possible that SoS may direct that only certain minor/other/householder application categories submitted direct to him. Possible criteria for designation:
 - Speed: at least 60-70 per cent of applications within time
 - Quality: more than 10-20 per cent overturned at appeal
 - Earliest designation – last quarter 2016
- TWBC – not at risk

Housing & Planning Act 2016



- Information about Financial Benefits
 - Requirement for financial benefits to be listed in committee reports:
 - To include local finance considerations e.g. S106/CIL contributions, grants or financial assistance from central government or any other benefit defined by SoS
 - Recorded whether or not material to decision on planning application
 - Report to state if material
 - Information about Neighbourhood Development Plans (NDP)
 - Committee report recommending grant planning permission or PiP in NDP area to set out how fits with NDP and identify any points of conflict
 - Planning Application Fee Setting
 - Potential for local fee setting
 - Currently set nationally
 - Last increase: 2012
 - Proposed increase linked to performance – possibly only LPA's in top75% national league tables on performance eligible to increase fees
- Note: current fees do not cover cost of determining applications

Housing & Planning Act 2016



- Processing of Planning Applications by Alternative Providers
 - 5 year pilot schemes – competition in the processing of planning applications
 - Applicant choice : LPA or “alternative designated person” (ADP)
 - Decision rests with LPA - ADP recommendation not binding
 - Fee to ADP – still work for LPA
 - Many details yet to be resolved

“Technical Consultation on Implementation of Planning Changes”

- Recent government consultation – TWBC response submitted
- Proposals relate to detail on above matters plus additional areas of change