

# Planning Update

## Statement made on 25 March 2015

Statement UIN HCWS488

### Statement made by

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Conservative

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Commons



### Statement

I would like to update the House on further steps we are taking to streamline the planning system, protect the environment, support economic growth and assist locally-led decision-making.

#### ***Solar energy: protecting the local and global environment***

Last year, the Coalition Government published a comprehensive solar photovoltaic strategy setting out our ambitions for the technology as an important part of the United Kingdom's energy mix. In doing so, the strategy underlines the importance of focusing growth on domestic and commercial roof space and previously developed land.

My Department supported this by consulting on reforms to permitted development rights which will encourage the take up of much larger scale solar power generation (solar photovoltaic) on non-domestic buildings and complement the existing flexibilities for home owners. These reforms allow for a twenty-fold increase in the amount of solar that can go onto the roofs of non-domestic buildings such as warehouses and offices without having to submit a full planning application, subject to strict safeguards to protect local amenity. The proposals have been widely welcomed by the solar industry, and the measure will come into force from 15 April.

The National Planning Policy Framework includes strong protections for the natural and historic environment and is quite clear that local councils when considering development proposals should take into account the economic and other benefits of the best and most versatile agricultural land. Yet, some local communities have genuine concerns that when it comes to solar farms insufficient weight has been given to these protections and the benefits of high quality agricultural land. As the solar strategy noted, public acceptability for solar energy is being eroded by the public response to large-scale solar farms which have sometimes been sited insensitively.

Meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of high quality agricultural land. Protecting the global environment is not an excuse to trash the local environment. When we published our new planning guidance in support of the Framework, we set out the particular factors relating to large scale ground mounted solar photovoltaic farms that a local council will need to consider. These include making effective use of previously developed land and, where a proposal involves agricultural land, being quite clear this is necessary and that poorer quality land is to be used in preference to land of a higher quality.

We are encouraged by the impact the guidance is having but do appreciate the continuing concerns, not least those raised in this House, about the unjustified use of high quality agricultural land. In light of these concerns we want it to be clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence. Of

course, planning is a quasi-judicial process, and every application needs to be considered on its individual merits, with due process, in light of the relevant material considerations.

### ***Brownfield land: increasing support for councils***

We are clear that brownfield land that is suitable for housing has a vital role to play in meeting the need for new homes and have challenged local authorities to have Local Development Orders in place on more than 90 per cent of brownfield land suitable for new homes by 2020. We have agreed funding for those local authorities who successfully bid for funding to help deliver 200,000 new homes on brownfield sites across the country. These Councils will deliver Local Development Orders for housing on brownfield land which will help to speed up the delivery of housing on these sites.

### ***Green Belt: protecting against inappropriate development***

The Government continues to attach great importance to safeguarding the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

We remain concerned about harm to the Green Belt where there is unauthorised development of land in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place.

For these reasons, we will be seeking to introduce a new evidenced-based planning and recovery policy for the Green Belt to introduce early in the next Parliament to strengthen protection against unauthorised development.

### ***Unauthorised encampments: ensuring fair play in the planning system***

My Department, in conjunction with the Home Office and Ministry of Justice, is publishing an updated guide for councils, police and crime commissioners and police forces on unauthorised encampments, and the powers that public bodies have. We are making very clear that public bodies should not gold-plate human rights and equality laws and turn a blind eye to breaches of the rules. The cause of equality is assisted by taking firm and fair action against anyone who breaches planning rules, and stopping the small number of cases which undermine community relations and hinder integration.

We are also revoking today the following guidance from the last Administration which is now redundant following previous changes to planning policy and planning legislation: DCLG, *Local authorities and Gypsies and Travellers: a guide to responsibilities and powers*, May 2007 and DCLG, *Preparing Regional Spatial Strategy reviews on Gypsies and Travellers by regional planning bodies*, May 2007.

### ***Parking: helping local shops and preventing congestion***

This Government is keen to ensure that there is adequate parking provision both in new residential developments and around our town centres and high streets.

The imposition of maximum parking standards under the last Administration led to blocked and congested streets and pavement parking. Arbitrarily restricting new off-street parking spaces does not reduce car use, it just leads to parking misery. It is for this reason that the Government abolished national maximum parking standards in 2011. The market is best placed to decide if additional parking spaces should be provided.

However, many councils have embedded the last Administration's revoked policies. Following a consultation, we are now amending national planning policy to further support the provision of car parking spaces. Parking standards are covered in paragraph 39 of the National Planning Policy Framework. The following text now needs to be read alongside that paragraph: "Local Planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network."

Building on the success of our previous guidance to help householders rent out under-used car parking spaces, we have also updated planning guidance to local authorities to clarify that non-residential car parking space can be rented out. This will support the shared economy and increase the provision of competitively priced car parking spaces.

### ***Planning applications: streamlining the process***

As part of our commitment to streamline the planning application process, we have laid in Parliament a newly consolidated Development Management Procedure Order, to come into force on 15 April. The new Order consolidates the 15 amendments made to the 2010 Order in order to simplify and improve the planning process for all users of the system. It will also bring into force a number

of important new measures including; changes to improve the process of statutory consultation and the introduction of a new 'deemed discharge' of conditions to ensure that planning conditions are cleared on time so that homes and other development granted planning permission can start on site without delay.

### ***Short term lets: championing the shared economy***

The Deregulation Bill takes forward our reforms to 1973 legislation which arbitrarily restricts the ability of Londoners to let out their homes on a short-term basis. The provisions in the Bill will commence two months after Royal Assent.

We set out our policy on short-term letting in London in a paper published on 9 February. The Bill allows for local authorities to request that the Secretary of State agrees to targeted localised exemptions from the new flexibility, where there is a strong amenity case to do so in exceptional circumstances.

Any application should be very localised – for example, specific properties or a specific street not for wider exemptions. Any local authority should consult with the public before making an application, and there should be clear evidence of specific harm once the new provisions have actually been introduced and operated. The Deregulation Bill contains provisions so that the flexibility can be withdrawn following a successful enforcement action against a statutory nuisance. We should be very clear that the broader goal of the policy is to deregulate, and to put London on a similar footing as the rest of the country.

### ***Planning guidance: making the planning system more accessible***

Alongside the consolidation of national policy through the National Planning Policy Framework, my Department has also been working to streamline associated planning guidance and make it more accessible.

Following the 2014 review of the nationally significant infrastructure planning regime, we are updating guidance on the pre-application and examination stages. These changes clarify aspects of guidance, benefiting users of the regime.

Planning practice guidance on hazardous substances ('Seveso III') is being updated to reflect changes to new regulations being introduced on 1 June 2015. My Department is producing draft guidance to help people understand and prepare for these changes. The guidance explains planning controls for storage of hazardous substances in England, which will streamline the current system and bring regulations in line with international standards. The guidance follows technical consultation last year on the role of land-use planning in preventing major-accident hazards involving hazardous substances.

Planning practice guidance is also being updated to explain the changes to the environmental impact assessment screening thresholds which will come into effect on 6 April 2015. The changes will remove unnecessary gold-plating of a European directive, reduce costs for local planning authorities and developers and provide more certainty about when an assessment is required.

The Government is committed to tackling delays associated with Section 106 planning obligation negotiations. We have today published our response to the 'Section 106 Planning Obligations – speeding up negotiations' consultation which supports our view that Government should consider further strengthening the legislative framework for resolving delays in negotiating these agreements. Revised guidance will be published alongside this.

We have previously revised national policy on Section 106 thresholds to help small builders and to encourage empty buildings to be brought back into use. Some councils have misinterpreted the Written Ministerial Statement of 28 November 2014, *Official Report*, Column 54WS as just a change in guidance – to clarify, this was a change in national policy and we will be updating the online planning guidance/policy website to make this crystal clear. We are also publishing guidance tomorrow on the vacant building credit to assist in the delivery of the new policy.

We are also to publish guidance on the new social housing relief rules under the amended Community Infrastructure Levy regulations which will help increase the delivery of affordable housing; on supporting the provision of dedicated student accommodation to take pressure off the private rented sector; on supporting the Built to Rent sector and increasing institutional investment in new build rented accommodation; on ensuring effective pre-application discussions; and improving awareness of the New Homes Bonus – taking forward recommendations from our New Homes Bonus evaluation.

In response to our commitment made during the passage of the Infrastructure Bill (26 January 2015, *Official Report*, Column 644), the Government is also updating planning guidance to make clear that up to date assessments of housing need should not normally need to be updated for a full twelve months, and that untested assessments of housing need are inevitably less robust than those which have been subject to examination.

### ***Change of use: supporting brownfield regeneration***

To further reduce unnecessary planning regulations, we have brought forward new permitted development rights in line with our ‘third way’, reducing the number of development types which are required to go through the full planning process.

We consulted in the ‘Technical consultation on planning’ on a range of measures to support housing, the high streets and growth. We have laid the Town and Country Planning (General Permitted Development) (England) Order 2015 to introduce new permitted development rights from 15 April 2015.

These permitted development rights allow more development to take place without the need for a planning application. Where appropriate, the development may require prior approval, allowing consideration by the local planning authority of specific planning matters. These new measures will benefit businesses and householders.

The changes we are announcing today include:

- Supporting mixed and varied high streets by allowing more change of use between shops and financial and professional services, allowing the change of such uses to restaurants or leisure use, and allowing retailers to adapt their facilities more freely to support click and collect;
- Increasing housing supply by allowing change of use from some business uses to residential and continuing to allow larger, rear domestic extensions; we have also clarified the wording on front extensions following requests by some local authorities.
- Supporting growth by allowing commercial filming for longer periods, allowing larger capacity solar panels on non-domestic buildings, making permanent larger business extensions, allowing like-for-like replacements within waste management facilities and allowing equipment housings for sewerage undertakers;
- Introducing this regulation also meets our Red Tape Challenge commitment to simplify and reduce planning regulation, by consolidating the Town and Country Planning (General Permitted Development) Order 1995 and its 22 amendments; and
- Delivering on our commitment in gambling protections and controls, we are also introducing a new requirement to enable local consideration of a planning application for any change of use to a betting shop or pay day loan shop.

The Government will further consider the case for extending the office to residential reforms, which are helping provided more new homes on brownfield land.

### ***Zero Carbon Homes: Supporting small builders***

We are committed to implementing the zero carbon homes standard in 2016 and in addition to the future strengthening of minimum on-site energy performance requirements we have introduced in the Infrastructure Act 2015 the powers needed to enable off-site carbon abatement measures (Allowable Solutions) to contribute to achieving the zero carbon standard. However we recognise that achieving the zero carbon standard will be a challenge for home builders and in particular smaller home builders and so last year we consulted on how an exemption for small sites could operate and we will publish the Government’s response shortly.

We have decided there will be an exemption for small housing sites of 10 units or fewer, which are most commonly developed by small scale home builders and can be more expensive to develop irrespective of the size of the builder, from the allowable solutions element of the zero carbon homes target. This means that all new homes will be required to meet the strengthened on-site energy performance standard but those building on small sites will not be required to support any further off-site carbon abatement measures. We will also put in place legislation to ensure that this exemption is not abused.

### ***Housing standards: streamlining the system***

New homes need to be high quality, accessible and sustainable. To achieve this, the Government has created a new approach for the setting of technical standards for new housing. This rationalises the many differing existing standards into a simpler, streamlined system which will reduce burdens and help bring forward much needed new homes.

The new system will comprise new additional optional Building Regulations on water and access, and a new national space standard (hereafter referred to as “the new national technical standards”). This system complements the existing set of Building Regulations, which are mandatory.

To implement this new regime, this Written Ministerial Statement sets out the Government’s new national planning policy on the setting of technical standards for new dwellings. This Statement should be taken into account in applying the National Planning Policy Framework, and in particular the policies on local standards or requirements at paragraphs 95, 174, and 177, in both plan making and decision-taking.

### *Plan making:*

From the date the Deregulation Bill is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. This includes any policy requiring any level of the Code for Sustainable Homes to be achieved by new development; the Government has now withdrawn the Code, aside from the management of legacy cases. Particular standards or requirements for energy performance are considered later in this Statement.

Local planning authorities and qualifying bodies preparing neighbourhood plans should consider their existing plan policies on technical housing standards or requirements and update them as appropriate, for example through a partial Local Plan review, or a full neighbourhood plan replacement in due course. Local planning authorities may also need to review their local information requirements to ensure that technical detail that is no longer necessary is not requested to support planning applications.

The optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the National Planning Policy Framework and Planning Guidance. Neighbourhood plans should not be used to apply the new national technical standards.

For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The Government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the Government's intention into account in applying existing policies and not set conditions with requirements above a Code level 4 equivalent. This statement does not modify the National Planning Policy Framework policy allowing the connection of new housing development to low carbon infrastructure such as district heating networks.

Measures relating to flood resilience and resistance and external noise will remain a matter to be dealt with through the planning process, in line with the existing national policy and guidance. In cases of very specific and clearly evidenced housing accessibility needs, where individual household requirements are clearly outside the new national technical standards, local planning authorities may ask for specific requirements outside of the access standard, subject to overall viability considerations.

### *Decision taking, Transition and Compliance:*

*From the date the Deregulation Bill is given Royal Assent until 30 September 2015:* The Government's policy is that planning permissions should not be granted requiring, or subject to conditions requiring, compliance with any technical housing standards other than for those areas where authorities have existing policies on access, internal space, or water efficiency.

Planning permission may still be granted on the basis of existing Local Plan and neighbourhood plan policies on access, internal space, and water efficiency, even though they may have a degree of conflict with the new national technical standards.

Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this Statement, concerning energy performance.

*From 1 October 2015:* Existing Local Plan, neighbourhood plan, and supplementary planning document policies relating to water efficiency, access and internal space should be interpreted by reference to the nearest equivalent new national technical standard. Decision takers should only require compliance with the new national technical standards where there is a relevant current Local Plan policy.

Planning policies relating to technical security standards for new homes, such as door and window locks, will be unnecessary because all new homes will be subject to the new mandatory Building Regulation Approved Document on security (Part Q). Policies relating to the external design and layout of new development, which aim to reduce crime and disorder, remain unaffected by this Statement.

Where policies relating to technical standards have yet to be revised, local planning authorities are advised to set out clearly how the existing policies will be applied in decision taking in light of this Statement.

If, in the light of experience in implementing this policy statement, the Government considers that it is not being accorded sufficient weight by planning authorities, we will consider bringing forward new legislation to secure implementation.

Conclusion

This package of measures will help deliver more homes in a locally-led planning system, protect the environment, provide certainty for local residents and business, and contribute to the Government’s long-term economic plan and economic growth.

We will be placing in the Library of the House copies of the documents associated with these announcements.

Statement from


Ministry of Housing, Communities and Local Government

Linked statements

This statement has also been made in the House of Lords

Department for Communities and Local Government

Planning Update



Lord Ahmad of Wimbledon

Parliamentary Under-Secretary of State for Communities and Local Government

Conservative, Life peer

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Lords