

Only one month into the New Year and there are no signs that the Coalition Government has lost its appetite for planning reform. With almost daily announcements of new consultations and proposed changes to the system, here we highlight but a few.

Revised statutory guidance for CIL

The new statutory guidance for the Community Infrastructure Levy ("CIL") came into force on 14 December 2012, replacing the previous guidance of March 2010. It applies to all charging schedules except those which have already been submitted for examination. The guidance has been revised to take into account the National Planning Policy Framework and the CIL (Amendment) Regulations 2012 but also feedback and best practice. The key changes are:

- A section on the interaction between CIL and Section 106 agreements – to seek to ensure that there is no double dipping
- Clarity on the use of differential rates
- Greater clarity on the evidence to underpin the charging schedule, for examination
- More strength given to ensuring that CIL does not threaten the delivery of the plan as a whole

After April next year Councils will be limited in their ability to use Section 106 contributions towards infrastructure that can be funded by CIL. They will not be able to pool more than five Section 106 contributions, whether or not they have a CIL charging schedule in place. Whilst there have been recent murmurings of this deadline being extended, nothing certain has yet been announced.

Planning has compiled a useful table setting out details of councils across England and Wales that have published charging schedules and, the stage that each authority is at. It reveals that, as at the beginning of December last year, nine councils in England had CIL charging schedules in force. Some 85 councils across England and Wales had produced draft charging schedules but hadn't yet completed the process.

Streamlining information requirements for planning applications

An order due to come into force at the end of this month, makes changes to the procedural requirements for submitting planning applications by amending the Development Management Procedure Order.

The Order is intended to reduce the required information for outline planning applications, where a matter is reserved for later determination. The Order removes the current detailed information requirements relating to layout and scale for outline applications, where these matters are reserved.

Judicial review reform

The Ministry of Justice has published a consultation document which could see the time limit for bringing judicial review claims cut from three months to six weeks. The proposed change would see uniformity between the time limits for s.288 challenges and planning appeals.

The document also sets out proposals to restrict the number of repeated applications that can be made along with a revised schedule for judicial review. The proposals would see the fee for a judicial review application rise to £235 (from £60), fees to proceed to hearing would rise from £215 to £235 and a new fee for an oral renewal is proposed, this would be set at £215.

Consultation responses deadline was 24 January 2013.

Changes to Temporary Stop Notice Consultation

Consultation has commenced concerning the proposal to revoke SI 2005/2006 of the Town and Country Planning (Temporary Stop Notice) (England) Regulations 2005, which apply to the serving of temporary stop notices where a caravan is the main residence on an unauthorised site.

The consultation seeks to strengthen Council powers to deal with unauthorised development, allowing Councils to make the decision to serve a temporary stop notice based on local circumstances and appropriateness. Councils will still be required to consider the consequences of enforcement action, whether the action is necessary and proportionate in the circumstances.

Consultation closes 13 February 2013

Planning practice guidance

A consultation on the review of planning practice guidance has been launched following the independent review, led by Lord Taylor of Goss Moor, of the practice guidance that supports the National Planning Policy Framework. The consultation seeks views on the recommendations of the review group, which relate to the scope and form of future government practice guidance to support effective planning; and the question of what new or updated practice guidance should be published; and what guidance should be cancelled.

The review group recommends that the greatest priority is establishing a single coherent and up-to-date suite of only essential guidance which is easily accessible on-line. It has identified which existing guidance and gaps in guidance it believes urgently need to be revised or filled because they are particularly vital for the delivery of effective planning.

The consultation ends on 15 February 2013.

Proposed improvements to technical elements of the planning application process

This consultation relates to proposed changes in England only. The consultation proposes cutting down the number of applications that must be accompanied by a design and access statement and reducing the level of information they include; tightening up the tests that Local Planning Authorities must pass before they include a document on a local list for validation purposes; reinstating the right of appeal for non-determination where a local planning authority refuses to validate an application; and removal of the requirement for local planning authorities to list reasons for approval and a summary of policies and proposals on decision notices.

The consultation ends on 4 March 2013

Change of use

Written Ministerial Statement: Change of use—promoting regeneration

Department for Communities and Local Government 24 January 2013

The scope of permitted development rights is being increased in order to facilitate growth, including the introduction of permitted development rights to enable change of use from commercial to residential purposes. In a written statement to Parliament, Eric Pickles, the Secretary of State for Communities and Local Government, said the government wanted to promote the use of brownfield land to assist regeneration, and get empty and under-used buildings back into productive use.

Planning changes to help open free schools' gates faster

Department for Communities and Local Government 25 January 2013

Free schools will be able to open in almost any building without the need for planning permission under proposals from the Department for Communities and Local Government. The changes will be introduced as soon as possible to the Town and Country Planning (General Permitted Development) Order 1995, and will last for a year. Free schools will still have to win the necessary permanent planning permission to remain in their buildings after that first year.



Growth and Infrastructure Bill

The Growth and Infrastructure Bill was introduced to the House on 18 October 2012. The second reading debate on the Bill was on 5 November 2012. Some of the proposed changes to the planning system are:

- Allow (but not require) planning applications to be made direct to the Secretary of State (i.e. the Planning Inspectorate) if an LPA has been "designated" for demonstrating a consistently poor performance in the determination of applications;
- Broader powers for the Secretary of State to award costs at planning appeals;
- Broader powers for the Secretary of State to award costs at Compulsory Purchase Inquiries;
- Time limits on the use of powers by Local Planning Authorities to require further information;
- Allow variation of Section 106 obligations relating to Affordable Housing in order to make a development financially viable;
- Changes to town and village green legislation making it more difficult for third parties to register; and
- Inclusion of certain significant commercial development in the definition of Nationally Significant Infrastructure Project

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