

Planning and the Coalition:

Planning Strategies in  
A Brave New World?



# Timetable

- **27 May 2010** – The Secretary of State wrote to Local Planning Authorities informing them of his intention to abolish Regional Spatial Strategies, stating that his intention to abolish Regional Spatial Strategies should be regarded as a material planning consideration
- **6 July 2010** – The Secretary of State for the Department of Communities and Local Government issued a statement revoking Regional Spatial Strategies under s79(6) of the Local Democracy Economic Development and Construction Act 2009
- **10 November 2010** – The Secretary of State issued a statement claiming that the Court’s ruling “changed very little” and that advice from the letter of 27 May 2010 still stood

# Timetable / cont'd ...

- **7 February 2011** – The High Court ruled that Councils could regard the letter from the Secretary of State, and the intention to revoke Regional Spatial Strategies, as a material consideration
- **23 March 2011** – The Government announced the Budget and issued the Written Ministerial Statement ‘Planning For Growth’
- **27 May 2011** – The Court of Appeal dismissed the claim that the government’s intention to revoke regional strategies could never be a lawful material consideration in planning decisions. However, the Court ruled that it could not be a material consideration at all in plan-making (e.g. the preparation of Core Strategies)
- **25 July 2011** – The Government published the draft National Planning Policy Framework for consultation

# Green Paper

- Abolish RSS
- Abolish binding reports
- Limit right of appeal
- Establish presumption in favour of sustainable development
- Abolish IPC
- Reduce simplified guidance

# Budget 2011 & Planning for Growth

- Planning System has held back investment and distorted competition between business, deterring development and growth.

# Budget 2011 - Key Measures

- Localising choice about PDL, removing nationally imposed targets while retaining Green Belt controls
- Piloting land auction model – starting with public sector
- Introducing measures to streamline planning consent regimes – ‘12 month guarantee’
- Fast track for major infrastructure projects
- Consultation on commercial to residential use
- Ten new urban enterprise zones

# 3 Core Elements

- National Planning Policy Framework
- Community Infrastructure Levy
- New Homes Bonus

# Draft National Planning Policy Framework

- Published 25 July 2011
- Consultation 17 October 2011
- Final publication late 2011/early 2012

# NPPF

- Replaces all PPSs / PPGs etc.
- Sets out high level objectives, principles and policies on all planning matters

# NPPF: Policy Matters

- “Local People and their accountable councils can produce their own distinctive local and neighbourhood plans which reflect the need and priorities of their communities.” (para 5)

# Housing

Housing Land Supply – 5 years plus 20%

# NPPF: Development and

- “Planning permission should be granted where relevant policies are out of date, for example, where a local authority cannot demonstrate an up-to-date five year supply of deliverable housing sites.” (para 110)

*and*

- “Planning should proactively drive and support the development that this county needs ..... decision is taken at every level should assume that the answer is ‘yes’, except where this would compromise the key development principles in this framework.” (para 19)

So what does this mean?



# How will it be interpreted by:

- Councils
- The approach of DCLG and PINS
- Investment groups

How should you respond?

What is your strategy?

# 2 Key Issues

- Meeting needs
- Sustainable Development

# Meeting Needs

- Determining housing requirements, housing needs - SMHAs, SHLAAs

# Sustainable Development

- Code?
- Lifetime Homes?
- Building for Life?

# Sustainable Development

- Planning for Prosperity (an economic role)
  - Planning for People (a social role)
  - Planning for Places (an environmental role)
- “ When taken as a whole, the policies in this framework set out the Government’s view of what constitutes sustainable development in practice and how the planning system is expected to deliver it.”

# CIL

- Coalition confirmed retention albeit in amended form
- Amendments being set out in Localism Bill and regulations

## **S216 of 2008 Act:**

- Roads
- Flood Defences
- Schools and other Educational Facilities
- Medical Facilities
- Sporting and Recreational
- Open Spaces
- Affordable Housing

# The Charge

- Levied on land owners or developers
- Individuals must assume liability before development commences
- Liability may be apportioned
- Not levied on charities and affordable housing
- Subject to examination and indexation

# Mechanics

- Liability is calculated at and commences on first grant of planning permission
- Can be phased
- Developer serves a Commencement Notice
- Charging authority serves a Demand Notice

# Calculation

Charges must have regard to:

- Actual and expected costs
- Economic viability
- Other actual and expected sources of funding

Charge expressed as £ per sq m

# New Homes Bonus

- At Council Tax Band D equates to £1,489 p.a. or £8,634 over a six year period
- How spent or distributed? 80:20
- How do you promote benefits?

- How do you promote?
- How do you formulate?
- How do you implement?

# Planning for Prosperity



# Planning for People



# Planning for Places



# The Response of Councils



# The Response of PINS



# Overview

- Establish evidence base
- Identify local needs
- Demonstrate sustainability credentials
- Apply/appeal



# Thank you