



By Email Only

February 2022

Message from Chief Planner

Within this newsletter we provide updates on a range of policy matters notably the Levelling Up White Paper, environmental screening of Neighbourhood Plans and permitted development rights. There are also invitations to input into, give your views on or get involved with bio-diversity net gain and its implementation; the experience of Planning Gateway One and fire safety as part of decision making; testing how Active Travel England can deliver its future statutory role in planning and putting forward projects for this year's Housing Design Awards.

On the latter subject, I had the pleasure of a visiting Hawley Wharf in Camden, a Housing Design Award 2021 Winner. It's a project with everything: railway arches, canal, primary school, affordable housing, cinema and, of course, co-worker spaces, contemporary market spaces; all withing a constrained site. Well worth a visit for work or pleasure, especially as the food market looked and smelt delicious.

Its projects like these that remind us why we are passionate about planning and place-making as professionals in the built environment. I also wanted to acknowledge the important conversations and insights colleagues have provided about their experiences as local authority planners. These are issues that I will be discussing with colleagues from across the sector in the weeks ahead.

Kind regards

Joanna Averley
Chief Planner



Levelling Up White Paper

The Levelling Up White Paper was published on [GOV.UK](https://www.gov.uk), setting out the Government's priorities to ensure that everyone has equal economic and social opportunities up and down the country. As the Secretary of State announced, Levelling Up is core to the Government's mission and the planning system has a key role to play. The key planning changes highlighted in the White Paper include:

- The simplification of local plans ensuring they are transparent and easier to engage with
- The consideration of new models for a new infrastructure levy
- A number of policies and powers to enable planning to better support town centre regeneration
- Improving democracy and engagement in planning decisions
- Supporting environmental protection through planning

We will be providing a further update on our approach to changes in the planning system in the Spring. This will provide further detail on how we will take forward measures to create a modernised and effective planning system that empowers communities to support, and local authorities to deliver, the beautiful, environmentally-friendly development this country needs.

Whilst we understand that many colleagues in local government are looking forward to further detail on the precise details of our changes to planning, I would like to take this opportunity to encourage local authorities to continue work to ensure they have an up-to-date local plan in place in a timely manner.

Biodiversity Net Gain

On 11th January 2022, Defra launched its consultation on the Biodiversity Net Gain Regulations and Implementation. The Environment Act 2021 sets out a mandatory requirement for new developments to provide a 10% biodiversity net gain. Mandatory biodiversity net gain will apply in England by amending the Town & Country Planning Act and is due to be implemented in 2023.

This important consultation sets out the proposals and asks questions about how biodiversity net gain will be applied to Town and Country Planning Act development and Nationally Significant Infrastructure Projects (NSIPs). The consultation is seeking views on the practical implementation and details of delivering biodiversity net gain on new development through the planning system.



DLUHC will be working closely with Defra over the coming months to develop further technical implementation and policy details. I would therefore strongly encourage those with an interest in the development process to read and respond to the consultation. Your responses will shape developing legislation, processes and guidance. This will help ensure the requirement for mandatory biodiversity net gain delivers positive outcomes for nature, improves the process for developers, and creates better places for local communities.

The consultation is open until 5th April 2022 and can be found here:

<https://consult.defra.gov.uk/defra-net-gain-consultation-team/consultation-on-biodiversity-net-gain-regulations/>

Housing Design Awards

The Housing Design Awards are now accepting 2022 entries.

This year awards presentation will take place from July to October and will be located at winning schemes across the country, so the industry can experience what the judges thought worthy of commendation. A cross-disciplinary panel of 20 judges from key industry stakeholders, including DLUHC's Head of Architecture Sarah Allan and representatives from Homes England, GLA, RIBA and RTPI, visit shortlisted schemes (typically 50) each year.

A number of award categories are supported by DLUHC – for the Private Rental Sector, Modern Methods of Construction, and the Good Neighbour Award, awarded to the scheme which best complements existing development. The Good Neighbour Awards is presented each year by the Housing and Planning Minister, who also presents the Winner of Winners.

You can enter online using the standardised template. Entries become part of a database for use by awards partners including government departments and agencies as a resource of current housing practice. LPAs can invite scheme promoters to put forward any developments that can act as local benchmarks for good quality design. Project Award entries must have received full planning approval between 1st January 2021 and the entry deadline date of 4th March 2022. Completed award entries should not have been more than 25% occupied on 1st January 2020.

The development story of winning schemes is often filmed, complete with interviews with residents. Films of more than 80 recent winners and the project information on more than a thousand recent schemes can be found online at www.hdawards.org.



Permitted development rights – markets, moveable structures, and continued support for local authorities and health service bodies to respond to the spread of coronavirus

Legislation came into force in January 2022 which makes permanent two time-limited permitted development rights relating to outdoor markets by or on behalf of Local Authorities, and moveable structures within the curtilage of pubs, cafes, restaurants and historic visitor attractions, alongside the introduction of limitations and conditions to address any impacts.

The Order also extends the time-limited permitted development right for development by local authorities and health service bodies to manage the response to and recovery from the coronavirus pandemic for a further 12 months, now due to expire on 31 December 2022.

Lastly, we have introduced a permitted development right to allow development by the Crown on a closed defence site to both extend and alter existing buildings and erect additional buildings on the Defence estate, within the perimeter of a site, subject to certain limitations and conditions. This legislation follows the consultation, [Supporting defence infrastructure and the future of time-limited permitted development rights](#), last autumn. Details can be found in The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 3) Order 2021 on the [legislation website](#).

Active Travel England

In [Gear Change 2020](#), the Government announced the establishment of a new organisation called Active Travel England (ATE). In January 2022 the new Executive Agency was launched, with Chris Boardman leading as the interim Active Travel Commissioner.

ATE will be a statutory consultee within the spatial planning system on major planning applications. This will require a change to the Development Management Procedure Order (2015) and therefore is expected to be implemented over the next year. As the body becomes more established it will also consider the role it wishes to adopt in relation to local plan making.



Currently, the spatial planning team at ATE is in shadow mode and is piloting the future development management function in assessing a range of planning applications. The first tranche of pilot assessments will take place from mid-February and all Local Planning Authorities are invited to get in contact with the team at the following email address if they would like to take part in this pilot scheme:

ATEspatialplanning@dft.gov.uk.

ATE are keen to hear from all stakeholders and local authorities as they stand up their statutory function, including how ATE can best support local planning authorities in delivering active travel through the planning system. The team are planning further engagement with stakeholders over the next six months with opportunities to input into this pilot project, hear more from the team, and hold workshops to explain the role and function of ATE moving forward. Should there be any queries in advance of this, or should you wish to get in touch with the team, then please use the email above.

Planning Gateway One

February marks the six-month anniversary of the introduction of [Planning Gateway One](#) into the planning system. Planning Gateway One ensures fire safety matters as they relate to land use planning are considered at the planning stage for relevant high-rise residential buildings. Buildings which are in scope are those which contain two or more dwellings, or educational accommodation, and meet the height condition of 18m or more, or 7 or more storeys.

Planning Gateway One has two key elements:

- the requirement of a developer to submit a fire statement setting out fire safety considerations specific to the development with a relevant application for planning permission for development which involves one or more relevant buildings
- the establishment of the Health and Safety Executive as a statutory consultee for relevant planning applications

Local authorities should send any fire statements they receive as part a planning application to the Health and Safety Executive for comment. The email address for their role as a statutory consultee under Planning Gateway One requirements is planninggatewayone@hse.gov.uk.

We are keen to hear of the experiences local authorities are having with Planning Gateway One and we welcome any comments. Comments can be emailed to PlanningGatewayOne@levellingup.gov.uk.



Strategic Environmental Assessment for Neighbourhood Plans: Timely and effective screening

A key stage in the neighbourhood planning process is determining whether a Strategic Environmental Assessment (SEA) is required. SEA is essential for informing and influencing the Neighbourhood Plans' development process with a view to maximising its contribution to sustainable development. As well as considering environmental factors such as biodiversity, landscape character, the historic environment and air, water and soil quality; it also considers socio-economic factors. Through this approach, an SEA process helps both avoid and mitigate potential negative effects, and identify the 'win-win' opportunities available to the Neighbourhood Plan.

There is a common misconception among many local planning authorities that screening can only be undertaken once a full draft of the Neighbourhood Plan has been prepared. However, the SEA process should seek to proactively inform the development plan before its finalisation, and the minimum time an SEA process can take, up to the preparation of the main output of the SEA process, the Environmental Report, is in the region of 12 weeks.

If undertaken properly and in a timely manner the SEA process can add real value to the plan making process, facilitating a positive experience for plan-making, supporting the evidence base for the Neighbourhood Plan and enabling the local community, other stakeholders and decision makers to understand the plan better. However, late screening for SEA can put a plan at risk, both in terms of delaying the plan-making process and for meeting relevant requirements at examination. Therefore, to ensure quality outcomes, a Neighbourhood Plan should be screened sooner rather than later for SEA.

Guidance has recently been updated for SEA screening of Neighbourhood Plans, which can be accessed at:

<https://neighbourhoodplanning.org/toolkits-and-guidance/understand-plan-requires-strategic-environmental-assessment-sea/>

In a nutshell, SEAs are required for Neighbourhood Plans which have the potential for 'likely significant environmental effects'. In practice 'significant environmental effects' have the potential to take place for plans where both the following apply:

- The Neighbourhood Plan is being prepared within a neighbourhood area with significant environmental constraints, such as, for example, within an AONB, World Heritage Site, SSSI or large concentrations of heritage assets; and
- The Neighbourhood Plan is likely to allocate sites for development.