

PLANNING UPDATE NEWSLETTER

This is my last Chief Planners letter as I step down from this role at the end of the month. I was hoping to include a reflective note on my time in central government but this, for obvious reasons, will need to wait for another occasion. This edition includes some usual updates but also important information on the COVID-19 position. We are dealing with many questions relating to the planning implications of the current situation, and while we deal with some here, we will write further on other matters as they arise. Can I thank you for all your support during these difficult times and indeed throughout my time here. Planning is a wonderful profession and we have great people doing a great job. Be practical, be pragmatic and let's plan for the recovery.

Steve Quartermain CBE

Chief Planner

COVID-19 Advice

Decision Making

We understand that some councils are concerned about the implications of COVID-19 for their capacity to process planning applications within statutory timescales. It is important that authorities continue to provide the best service possible in these stretching times and prioritise decision-making to ensure the planning system continues to function, especially where this will support the local economy.

We ask you to take an innovative approach, using all options available to you to continue your service. We recognise that face-to-face events and meetings may have to be cancelled but we encourage you to explore every opportunity to use technology to ensure that discussions and consultations can go ahead. We also encourage you to consider delegating committee decisions where appropriate. The Government has confirmed that it will introduce legislation to allow council committee meetings to be held virtually for a temporary period, which we expect will allow planning committees to continue.

We encourage you to be pragmatic and continue, as much as possible, to work proactively with applicants and others, where necessary agreeing extended periods for making decisions.

We recognise that there may be circumstances where a local planning authority is unable to consider a permitted development prior approval application within the deemed consent period. It remains important to prioritise these so important economic activity can continue. In these exceptional circumstances the authority can, if necessary, seek to agree an extended approval date with the applicant. Where agreement cannot be reached an authority may need to consider whether prior approval is refused if the application cannot be considered with the requisite attention.

Enforcement

A [Written Ministerial Statement](#) was published on Friday 13 March which urges local planning authorities to apply pragmatism to the enforcement of restrictions on food and other essential deliveries at this time. Local planning authorities should also use their discretion on the enforcement of other planning conditions which hinder the effective response to COVID-19.

Planning Inspectorate guidance

In response to the spread of COVID-19, the Planning Inspectorate (PINS) has published [guidance](#) on how it will continue to carry out its duties under the Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Planning Act 2008. While some site visits, hearings, inquiries and events will have to be cancelled or postponed, PINS is considering alternative arrangements where possible.

PINS will keep its guidance under review, which could change at short notice to reflect the Government's wider advice. It is recommended that you check the [PINS website](#) regularly for updates.

MHCLG Planning casework

The Planning Casework Unit (PCU) at MHCLG will be continuing to deal with its regular range of cases. However, as all staff are following the Prime Minister's advice aimed at limiting the spread of COVID-19 and are largely working from home, PCU will not be able to receive or process hard copy correspondence.

All correspondence for the Unit should be sent electronically to:

- PCC@communities.gov.uk for recovered appeals and applications which have been called in by the Secretary of State.
- PCU@communities.gov.uk for all other case types.

It would be very helpful if local planning authorities could help to publicise this.

Permitted Development Rights

The government has made clear that all pubs, restaurants and cafes should no longer be open for on-site consumption but can remain open to provide a takeaway service and that this right will be enshrined in legislation with a permitted development right (PDR) coming into force at 10am on Tuesday 24 March for a 12 month period.

To support pubs and restaurants and ensure access to food during the emergency period, this new national PDR will enable pubs, restaurants and cafes to operate temporarily as hot food takeaways (A5 use class). To give greater flexibility, the PDR will also seek to cover cold and pre prepared food and will allow for takeaway and delivery. The pub, restaurant or café will remain in its current use class during this period. The PDR will be time limited to 12 months. Beyond this time, a planning application would be required for continued use as a takeaway.

Plan-making

We understand that local planning authorities may also be concerned about the implications of COVID-19 on their capacity to prepare and progress local plans and support neighbourhood planning. We encourage all local planning authorities to continue, as much as possible, to work proactively with their community and other stakeholders to progress plans, even if some adjustments to timetables are necessary.

Neighbourhood Planning Referendums

We understand there are concerns about holding scheduled neighbourhood planning referendums at this time. [The Coronavirus Bill](#), introduced into Parliament on 19 March, contains provisions to enable the postponement of electoral events, including neighbourhood planning referendums, over the course of the year. As set out in a [Written Ministerial Statement](#) on 19 March, the Government will give its full support to Returning Officers and others running polls who make the decision to suspend their polls.

Neighbourhood Planning New Burdens Funding

In order to minimise the financial impact of any delays to neighbourhood planning referendums, we will allow local planning authorities in 2020/21 to submit claims for New Burdens grant at an earlier point in the neighbourhood planning process. A claim will be able to be made at the point when the local planning authority issues a decision statement (as set out under [Regulation 25 of the Neighbourhood Planning \(General\) Regulations 2012](#) detailing its intention to send the plan to referendum rather than when a referendum date has been set.

Wider Planning Updates

Planning for the Future

On 12 March the Secretary of State made an important statement on [Planning for the Future](#). It sets out a number of housing and planning reforms, including the intention to bring forward a bold and ambitious Planning White Paper this Spring.

Airport Noise Guidance

In October 2019 the Department for Transport published [guidance](#) for local planning authorities in England and Wales clarifying the requirements of the [Airports \(Noise-related Operating Restrictions\) \(England and Wales\) Regulations 2018](#).

There are currently nine local authorities in England and Wales that have airports within their boundaries that meet the criteria under the regulations, namely the local authorities for Heathrow, Gatwick, Stansted, Luton, Manchester, Birmingham, London City, East Midlands, and Bristol airports. Other airports will come within the scope of the regulations if their civil aircraft movements in a calendar year (averaged out over a three year period) exceed 50,000. If you have any queries please contact [Jonathan Friel](#).

Building Better Building Beautiful Commission publishes report

The [Building Better, Building Beautiful Commission](#) was established in November 2018 to advise the Government on how to promote high-quality design for new buildings and neighbourhoods, making them more likely to be welcomed, rather than resisted, by existing communities. The Commission's [final report](#) was published on 30 January. The Secretary of State has indicated that the government will look to take forward many of the Commission's recommendations and will publish its response alongside the Planning White Paper.

The Secretary of State has already announced that he intends to produce a National Model Design Code by Autumn to set clearer and more predictable parameters for securing well-designed places.

Aggregate Mineral Survey for England and Wales 2019

MHCLG have appointed the British Geological Survey to undertake the national collation for 2019. Aggregate Minerals surveys, normally undertaken at four-yearly intervals since 1973, provide an in-depth and up-to-date understanding of national and sub-national sales, inter-regional flows, transportation, consumption and permitted reserves of primary aggregates. The surveys are used to inform the development of minerals policy in respect to the production, movement and consumption of aggregates. The data are made publicly available. MHCLG are communicating with mineral planning authorities and the mineral industry about how to participate with this online survey.