

Public Document Pack



Environment and Urban Renewal Policy and Performance Board

**Wednesday, 30 September 2020 6.30 p.m.
Via public remote access (please contact
below named for instructions)**

A handwritten signature in black ink that reads 'David WR'.

Chief Executive

BOARD MEMBERSHIP

Councillor Bill Woolfall (Chair)	Labour
Councillor Mike Fry (Vice-Chair)	Labour
Councillor Robert Gilligan	Labour
Councillor Harry Howard	Labour
Councillor Alan Lowe	Labour
Councillor Keith Morley	Labour
Councillor Paul Nolan	Labour
Councillor Joe Roberts	Labour
Councillor Christopher Rowe	Liberal Democrats
Councillor Pauline Sinnott	Labour
Councillor Angela Teeling	Labour

*Please contact Gill Ferguson on 0151 511 8059 or e-mail
gill.ferguson@halton.gov.uk for further information.
The next meeting of the Board is on Wednesday, 11 November 2020*

**ITEMS TO BE DEALT WITH
IN THE PRESENCE OF THE PRESS AND PUBLIC**

Part I

Item No.	Page No.
1. MINUTES	1 - 3
2. DECLARATIONS OF INTERESTS (INCLUDING PARTY WHIP DECLARATIONS)	
Members are reminded of their responsibility to declare any Disclosable Pecuniary Interest or Other Disclosable Interest which they have in any item of business on the agenda, no later than when that item is reached or as soon as the interest becomes apparent and, with Disclosable Pecuniary interests, to leave the meeting during any discussion or voting on the item.	
3. PUBLIC QUESTION TIME	4 - 6
4. DEVELOPMENT OF POLICY ISSUES	
(A) REVISIONS TO THE TOWN & COUNTRY PLANNING USE OF CLASS ORDER	7 - 39
(B) CHANGES TO THE CURRENT PLANNING SYSTEM GOVERNMENT CONSULTATION	40 - 50
(C) LOCAL PLAN ADDENDUM TO THE STATEMENT OF COMMUNITY INVOLVEMENT (SCI)	51 - 85
(D) PLANNING WHITE PAPER	86 - 99
(E) PROPOSED CHANGES TO NATIONAL PERMITTED DEVELOPMENT RIGHTS	100 - 105
(F) UNITARY DEVELOPMENT PLAN DRAFT SUPPLEMENTARY PLANNING DOCUMENTS (SDPS)	106 - 111

In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

ENVIRONMENT AND URBAN RENEWAL POLICY AND PERFORMANCE BOARD

At a meeting of the Environment and Urban Renewal Policy and Performance Board on Wednesday, 15 July 2020 via public remote access

Present: Councillors Woolfall (Chair), Gilligan, Howard, A. Lowe, Joe Roberts, Rowe and Sinnott

Apologies for Absence: Councillors Nolan, Morley and Teeling

Absence declared on Council business: None

Officers present: T. Gibbs and A. Scott

Also in attendance: One member of the press

**ITEM DEALT WITH
UNDER DUTIES
EXERCISABLE BY THE BOARD**

	<i>Action</i>
<p>EUR31 MINUTES</p> <p>The Minutes of the meeting held on 26 February 2020, having been circulated were signed as a correct record.</p>	
<p>EUR32 PUBLIC QUESTION TIME</p> <p>It was confirmed that no public questions had been received.</p>	
<p>EUR33 EXECUTIVE BOARD MINUTES</p> <p>The Board considered the Minutes of the meetings of the Executive Board relevant to the Environment and Urban Renewal Policy and Performance Board.</p> <p>RESOLVED: That the Minutes be received.</p>	
<p>EUR34 ENVIRONMENT AND URBAN RENEWAL PRIORITIES UPDATE</p> <p>The Board considered a report of the Strategic Director, Enterprise, Community and Resources, which</p>	

provided an update on the work undertaken during the COVID 19 pandemic as it related to the work within the remit of the Board.

It was reported that the majority of the Council services relevant to the remit of the Board continued to be provided throughout the lockdown period; this included refuse collections, repairs to roads, maintenance of public open spaces and progress on key regeneration projects.

The report set out details of the work that continued throughout lockdown and included:-

- Logistics and Transport Management;
- Town Planning and Development;
- Road Safety;
- Highways;
- Major Schemes (including Runcorn Station Quarter, Widnes Loops, Silver Jubilee Bridge, Vehicle Charging Points provision for residents and Flood Risk Management);
- Regeneration;
- Open Space Service;
- Cemeteries and Crematoria;
- Waste and Recycling Operations; and
- Household Waste Recycling Centres.

The Board wished to place on record their thanks to all Council staff for their work during lockdown and in particular those involved on maintaining services at the Waste Recycling facility, the Crematoria, and staff involved in the establishment of the emergency facilities at the Ice Rink.

RESOLVED: That progress made against the relevant Council priorities during COVID 19 lockdown be noted.

EUR35 DISABLED PARKING SPACES POLICY

The Board considered a report of the Strategic Director, Enterprise, Community and Resources, on changes to the disabled person's parking spaces policy.

The Board was advised that since 2006, the Traffic Management and Road Safety Section had installed advisory on-street disabled person's parking spaces for residents with the most severe mobility issues. Appendix A, attached to the report, showed the current application form used by an applicant for a dedicated parking space. It was

noted that to qualify for such a space, the applicant must have a Blue Badge, be in receipt of the higher rate mobility allowance and have a vehicle registered at their address.

Since 2006 more than 600 Halton residents had applied for a disabled parking bay; it was reported that 60% of these had been approved and details of the most common reasons for applications being denied were set out in the report.

Members were advised that the current application form failed to recognise changes in the way mobility allowances were categorised and awarded. Also, following a recent study of how neighbouring authorities in the Liverpool City Region conducted their application process, it was concluded that more information should be included on the form, together with an amendment to the qualifying criteria which recognised the changes in mobility allowances.

Appendix B, attached to the report, provided a copy of the revised application form which contained a comprehensive list of guidelines and all the categories of mobility allowance which met the criteria. It was noted that by updating the process, it would bring Halton into line with how Liverpool City Region authorities managed their residential disabled parking applications.

RESOLVED: That Executive Board be advised to adopt the revised disabled parking spaces policy.

Strategic Director
- Enterprise,
Community and
Resources

Meeting ended at 5.48 p.m.

REPORT TO: Environment and Urban Renewal Policy & Performance Board

DATE: 30 September 2020

REPORTING OFFICER: Strategic Director, Enterprise, Community and Resources

SUBJECT: Public Question Time

WARD(s): Borough-wide

1.0 PURPOSE OF REPORT

- 1.1 To consider any questions submitted by the Public in accordance with Standing Order 34(9).
- 1.2 Details of any questions received will be circulated at the meeting.

2.0 RECOMMENDED: That any questions received be dealt with.

3.0 SUPPORTING INFORMATION

3.1 Standing Order 34(9) states that Public Questions shall be dealt with as follows:-

- (i) A total of 30 minutes will be allocated for dealing with questions from members of the public who are residents of the Borough, to ask questions at meetings of the Policy and Performance Boards.
- (ii) Members of the public can ask questions on any matter relating to the agenda.
- (iii) Members of the public can ask questions. Written notice of questions must be given by 4.00 pm on the working day prior to the date of the meeting to the Committee Services Manager. At any one meeting no person/organisation may submit more than one question.
- (iv) One supplementary question (relating to the original question) may be asked by the questioner, which may or may not be answered at the meeting.
- (v) The Chair or proper officer may reject a question if it:-
 - Is not about a matter for which the local authority has a responsibility or which affects the Borough;
 - Is defamatory, frivolous, offensive, abusive or racist;

- Is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
 - Requires the disclosure of confidential or exempt information.
- (vi) In the interests of natural justice, public questions cannot relate to a planning or licensing application or to any matter which is not dealt with in the public part of a meeting.
- (vii) The Chair will ask for people to indicate that they wish to ask a question.
- (viii) **PLEASE NOTE** that the maximum amount of time each questioner will be allowed is 3 minutes.
- (ix) If you do not receive a response at the meeting, a Council Officer will ask for your name and address and make sure that you receive a written response.

Please bear in mind that public question time lasts for a maximum of 30 minutes. To help in making the most of this opportunity to speak:-

- Please keep your questions as concise as possible.
- Please do not repeat or make statements on earlier questions as this reduces the time available for other issues to be raised.
- Please note public question time is not intended for debate – issues raised will be responded to either at the meeting or in writing at a later date.

4.0 POLICY IMPLICATIONS

None.

5.0 OTHER IMPLICATIONS

None.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 **Children and Young People in Halton** - none.

6.2 **Employment, Learning and Skills in Halton** - none.

6.3 **A Healthy Halton** – none.

6.4 **A Safer Halton** – none.

6.5 **Halton's Urban Renewal** – none.

7.0 EQUALITY AND DIVERSITY ISSUES

7.1 None.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

8.1 There are no background papers under the meaning of the Act.

REPORT TO:	Environment and Urban Renewal Policy and Performance Board
DATE:	30th September 2020
REPORTING OFFICER:	Strategic Director – Enterprise, Community and Resources
PORTFOLIO:	Physical Environment
SUBJECT:	Revisions to the Town & Country Planning Use Class Order
WARDS:	Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of this briefing is to update the Board on changes to national planning regulations that remove, in many circumstances, the need for planning permission where change of use is involved. The Government's intent is make it easier for high street uses to adapt and change according to local circumstances without a planning application.
- 1.2 Other changes, as described below, will also be introduced including new "Use Classes" in relation to "learning and non-residential institutions" and "local community uses".
- 1.3 It should be noted that there is a legal challenge to both the General Permitted Development Order (GPDO) and Use Classes Order (UCO) changes. The High Court has directed that this action will be heard in a "rolled-up" hearing in the first half of October. This means that the Court will deal with both the application for leave to proceed and with the substantive claim at the same time. This is a procedure that is sometimes adopted in cases of urgency. The legal challenge to the legislation is serious, and the grounds on which this challenge is based raise important legal issues, especially in relation to the failure to carry out a Strategic Environmental Assessment. The alleged failure to take proper account of the responses to consultation, or to consider the government's own specialist advice, also raises a serious *Wednesbury* (unreasonableness) issue.

2.0 RECOMMENDATION: That

- 2.1 **The Board note the proposed changes to national planning regulations covering "Use Classes" that categorise the way that land and buildings are used.**

3.0 SUPPORTING INFORMATION

- 3.1 A broad range of uses for land and buildings fall into various categories known as “Use Classes” as defined by national planning regulations dating from 1987¹. In the event that a change to the use of a building is proposed, it may require an application for planning permission (or prior approval); for example, to change from a shop to a restaurant currently requires planning permission.
- 3.2 New planning regulations are now in force (1 September 2020) and will create three new Use Classes and most importantly, a new broad category of uses mainly found in town centres, which the Government contend will “...*allow commercial, retail and leisure uses greater freedom to adapt to changing circumstances and respond to the needs of their local communities*”. The effect of the changes in planning law are that a wide range of changes to the use of buildings will be permissible and without a need to obtain planning permission.

4.0 POLICY IMPLICATIONS

4.1 Changes made by the Regulations

- 4.2 The new use Class E (“**Commercial, Business and Service**”) will replace and encompass those uses that previously fell within the following Use Classes:-

- Class A1 - shops;
- Class A2 - financial and professional services (such as banks, solicitors and estate agents);
- Class A3 - restaurants and cafes, and;
- Class B1 - business.

The new “Class E” will also include gyms, health centres, clinics, nurseries and day centres.

- 4.3 The consequence of the imminent change in planning law is that buildings used for the above uses will not need to obtain planning permission for changes within the Use Class; so to change from a shop to a gym to a café will not require planning permission.
- 4.4 Two further new Use Classes will also be introduced, which the Government say are designed “...*to ensure that those uses which are important to local communities can be protected through the planning system.*” Changes of use within (but not between) each of these Use Classes, as described below, will not require planning permission.
- 4.5 Class F1 is for **learning and non-residential institutions**. Specifically, any use (not including residential use):-
- (a) for the provision of education;
 - (b) for the display of works of art (otherwise than for sale or hire),
 - (c) as a museum,
 - (d) as a public library or public reading room,

¹ The Town and Country Planning (Use Classes) Order 1987

- (e) as a public hall or exhibition hall,
- (f) in connection with, public worship or religious instruction,
- (g) as a law court.

- 4.6 Class F2 is for **local community use**. Specifically, any use as:-
- (a) a shop mostly selling essential goods, including food, to visiting members of the public in circumstances where—
 - (i) the shop's premises cover an area not more than 280 metres square, and
 - (ii) there is no other such facility within 1000 metre radius of the shop's location,
 - (b) a hall or meeting place for the principal use of the local community,
 - (c) an area or place for outdoor sport or recreation, not involving motorised vehicles or firearms,
 - (d) an indoor or outdoor swimming pool or skating rink.
- 4.7 The impending revisions also provide for the need for the Council's consideration of some uses, because a change away from certain existing uses will in future require planning permission; whereas previously this wasn't the case. The Government have achieved this by taking certain uses out of the Use Classes Order altogether.
- 4.8 The above change means that any change to - or from - the following uses will require planning permission:-
- as a public house, wine bar, or drinking establishment;
 - as a drinking establishment with expanded food provision;
 - as a hot food takeaway for the sale of hot food, where consumption of that food is mostly undertaken off the premises;
 - as a venue for live music performance;
 - as a cinema;
 - as a concert hall;
 - as a bingo hall, and;
 - as a dance hall.
- 4.9 Reactions to the proposed changes
- 4.10 The changes have been welcomed by many in the private sector. The director of policy at the British Property Federation was recently reported to have said that the changes struck a balance and that *"I think they are radical, without being reckless"*.
- 4.11 The British Retail Consortium have sounded a note of more caution in saying: *"Reducing bureaucracy is fine in principle but we need to be careful not to undermine councils' ability to properly plan their high streets."*
- 4.12 In contrast, the chairman of the Planning Officers Society has highlighted more significant concerns in saying that: *"the consequences will be phenomenal. Just leaving the market to do what it wants is very unlikely to deliver the combination of uses that attract people to town centres. At the moment, councils cluster uses to provide vitality. This will decimate town*

centres as you end up with lots of 'dead' uses not serving the public. It's madness."

4.13 Implications for Halton

4.14 The principle aim of these reforms, to create vibrant, mixed use town centres by allowing businesses greater freedom to change to a broader range of compatible uses is generally welcomed. The changes are generally considered to align with the significant steps taken by the Council - both prior to and since the pandemic - to support the regeneration of our town centres.

4.15 The role of town centres has always been a continually evolving one, albeit in recent years the pressures on the traditional 'high street' have significantly mounted and then recently accelerated with the substantial challenges of Covid 19. The expectation from communities as to what they expect to find on modern high streets has also changed.

4.16 The relaxation of certain planning controls in themselves will have little bearing on the success of a business venture, and it is clear that this move is not supported by evidence that the need for planning permission is a significant barrier to business. These changes were not subject to prior consultation – with the Government's rationale for not doing so based on an earlier consultation having been undertaken about lesser reforms and the *"pressing need to support town centres."*

4.17 However, the relaxations *will* allow flexibility for town centre businesses and the removal of a hurdle which some, particularly small businesses, may perceive as a bureaucratic hurdle. The new Commercial, Business and Service Use Class may also help stores adapt their space for delivery centres and pick up and collect facilities, which are all increasingly part of the current retailing model.

4.18 Probably the biggest concern of these changes is on the Council's "town centre first" planning policies designed to protect our town centres and the range of uses allowed within them. Under the changes any use within the new town centre use class, anywhere, will be able to change to any other, without planning permission. The impacts of this are that individual shops in the town centre could be left isolated, surrounded by non-retail uses with less footfall to and from them and as a result the "offer" of our town centres could become diluted.

4.19 Outside of the town centre, there is also a concern that as a consequence of the changes, food retailers target out of town business parks to convert properties into supermarkets, a change that will not require planning permission.

4.20 Positively though, the impending changes to national planning regulations do not dilute other licensing controls impacted by these changes, although

the Government has also recently introduced separate changes to the Pavement café licensing regime.

- 4.21 The changes also mean that changes of use to (or from) public houses and hot food takeaways require planning permission with the consequence that local pubs can be protected. Also, the proliferation of hot food takeaways can be prevented, which can be an important tool in supporting the reduction of health inequalities in the borough.
- 4.22 The 'Local community' use class (F2) also includes the use of buildings where this is principally by the local community and the importance of small, local shops in meeting the day to day shopping needs of local communities is recognised, including those within large residential estates and outside of main shopping areas. The new controls, to require planning permission where the loss of a small local shop (if no other such shop exists within 1km) is welcomed.
- 4.23 The changes from 1 September are as a consequence of amendments to existing planning regulations and it is understood that a new set of (consolidated) regulations will be introduced next year. However, officers are not currently aware that the imminent changes ensure that controls are in place for changes of use close to sites covered by The Control of Major Accident Hazard Regulations (COMAH), where proposals which are likely to attract large number of people, such as a supermarket – which could take place without planning permission as a consequence of the changes - are normally unacceptable on safety grounds.

5.0 OTHER IMPLICATIONS

- 5.1 There will be a need to edit the relevant policies in the DALP to ensure that reference is now made to the new Use Class Order.

6.0 RISK ANALYSIS

- 6.1 A key risk is the loss of control. However, there are no practical actions that can be taken to mitigate these risks. The biggest concern of these changes is on the Council's "town centre first" planning policies designed to protect our town centres and the range of uses allowed within them. Under the changes any use within the new town centre use class, anywhere, will be able to change to any other, without planning permission. The impacts of this are that individual shops in the town centre could be left isolated, surrounded by non-retail uses with less footfall to and from them and as a result the "offer" of our town centres could become diluted. Outside of the town centre, there is also a concern that as a consequence of the changes, food retailers target out of town business parks to convert properties into supermarkets, a change that will not require planning permission.

7.0 EQUALITY AND DIVERSITY ISSUES

7.1 There are no equality and diversity implications arising from this report.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 Table of existing and proposed Use Classes	Planning & Transport Strategy, Municipal Building	Alasdair Cross

Changes to the Use Classes Order and Permitted Development Rights

30 September 2020



Introduction of New Regulations

On 21 July, a series of planning measures were laid before Parliament in the hope to **deliver new homes and revitalise town centres across England.**

The measures include a set of amendments to:

Town and Country Planning (Use Classes Order) 1987:

- to create three new Use Classes.

The Town and Country Planning (General Permitted Development) (England) Order 2015:

- to allow the construction of additional storeys on some buildings
- to allow the demolition and redevelopment of certain buildings for residential purposes

Changes to the Planning “Use Classes Order”

Key Aims of the Regulations

- The two main aims of the changes are:
 - To **help the high street and town centres** to provide more space for new businesses by allowing typical high street uses (such as shops, gyms, nurseries and offices) to change between uses **without planning permission**;
 - To **protect "community assets"** (such as pubs, music venues and cinemas) by taking them out of the "Classes" and making them "sui generis", meaning that planning permission would be needed to change to a different use.



New Use Classes

- With effect from 1 September 2020, the new regulations mean that Use Classes A and D of the existing Order are revoked, providing for **three** new Use Classes:

Class E – ‘Commercial, Business and Service’

Class F1 – ‘Learning and Non-Residential Institutions’

Class F2 – ‘Local Community’

- The changes will also expand the number of uses classed as “Sui Generis”

Class E - 'Commercial, Business and Service'

- The regulations seek to '**amend and simplify**' the system of Use Classes in England by creating a new broad **Class E - 'Commercial, Business and Service'**. This will replace the following Use Classes:
 - Class A1 - Shops;
 - Class A2 - Financial and Professional Services;
 - Class A3 - Restaurants and Cafes;
 - Class B1 - Business.
- The new Class E will also include gyms, health centres, clinics, nurseries and day centres.

Class E - 'Commercial, Business and Service'

*'This new class allows for a mix of uses to reflect changing retail and business models...Bringing these uses together and allowing movement between them will give businesses **greater freedom to adapt to changing circumstances and to respond more quickly to the needs of their communities**'.*

Key Implications:

As a result of the creation of Class E, planning permission will not be required for changes of use within this new Use Class (changes of use within Class E **will not constitute development**, as oppose to permitted development).



Class F1 - 'Learning and Non-Residential Institutions' and Class F2 - 'Local Community'

- A series of more protected 'community uses' have been moved into a new Class F.
 - **Class F1** (e.g. schools, galleries, libraries and places of worship).
 - **Class F2** (e.g. essential isolated shops, community halls and outdoor sports facilities)

The Government states that the new Use Classes are designed “...to ensure that *those uses which are important to local communities can be protected through the planning system.*”

Key Implications:

By taking certain uses out of the Use Classes Order, some changes of use will soon require planning permission and therefore the Council's consideration, which they had not needed to obtain previously.

Use	Use Class up to 31 August 2020	Use Class from 1 September 2020	Use	Use Class up to 31 August 2020	Use Class from 1 September 2020
Shop not more than 280sqm mostly selling essential goods, including food and at least 1km from another similar shop	A1	F.2	Hotels, boarding and guest houses	C1	C1
Shop	A1	E	Residential institutions	C2	C2
Financial and professional services (not medical)	A2	E	Secure residential institutions	C2a	C2a
Café or restaurant	A3	E	Dwelling houses	C3	C3
Pub or drinking establishment	A4	Sui generis	Use of a dwellinghouse by 3-6 residents as a 'house in multiple occupation'	C4	C4
Take away	A5	Sui generis	Clinics, health centres, creches, day nurseries, day centre	D1	E
Office other than a use within Class A2	B1a	E	Schools, non-residential education and training centres, museums, public libraries, public halls, exhibition halls, places of worship, law courts	D1	F.1
Research and development of products or processes	B1b	E	Cinemas, concert halls, bingo halls and dance halls	D2	Sui generis
For any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area)	B1c	E	Gymnasiums, indoor recreations not involving motorised vehicles or firearms	D2	E
Industrial	B2	B2	Hall or meeting place for the principal use of the local community	D2	F.2
Storage or distribution	B8	B8	Indoor or outdoor swimming baths, skating rinks, and outdoor sports or recreations not involving motorised vehicles or firearms	D2	F.2

Class E (Commercial, business and service uses),

Class F.1 (Learning and non-residential institutions)

Class F.2 (Local community uses)

Key Issues for Halton

- The relaxation of planning controls is not supported by evidence that the need to obtain planning permission is a significant barrier to business.
 - **The changes were not subject to prior consultation** – earlier consultation having been undertaken about less significant reforms
- Individual shops in the town centre could be left isolated, surrounded by non-retail uses – **the “offer” of our town centres could become diluted.**
 - A significant concern is how this change will affect the Council’s **“town centre first”** planning policies which are designed to protect our town centres and the types of uses allowed.
- There is concern that food retailers could target out of town business parks to convert properties into supermarkets, a change that will *not* require planning permission.

Key Opportunities for Halton

- The main aims of the reforms to give businesses greater freedom to change to a broader range of uses is considered to **align with the Council's agenda to support the regeneration of our town centres.**
- Stores will have **greater flexibility to adapt their space** for delivery centres and pick up and collect facilities, which are all increasingly becoming part of the current retailing model.
- Changes of use to (or from) public houses and hot food takeaways require planning permission with the result that local pubs can be protected
- The new Use Class F2 (Local community) **recognises the importance of small, local shops** in meeting the day to day shopping needs of local communities through greater planning controls.

Next Steps

- It is understood that a consolidated version of the new Use Classes Order regulations will be introduced next year.
- Officers are not aware that the changes ensure that controls are in place for changes of use close to sites covered by *The Control of Major Accident Hazard Regulations (COMAH)*, where proposals are likely to attract large numbers of people (e.g. a supermarket)

Changes to Permitted Development Rights

Proposed Changes to Permitted Development Rights

Back in March 2020, the Planning for the Future policy paper was published and it was announced that in Summer 2020 the Government would introduce further permitted development rights for building upwards.



The Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2020 comes into effect on 31st August 2020.

It sets out new classes of Permitted Development Rights into Schedule 2 of the GPDO which allow for extending upwards by up to two storeys to certain buildings.



The forthcoming changes are intended to provide support to housing delivery and economic recovery.

Enlargement of a dwellinghouse by construction of additional storey

- Part 1 of Schedule 2 of the General Permitted Development Order, introduces a new permitted development right (**Class AA**).
- This allows for the **enlargement of a dwellinghouse** by the construction of additional storeys on top of the highest existing storey of a dwelling house.

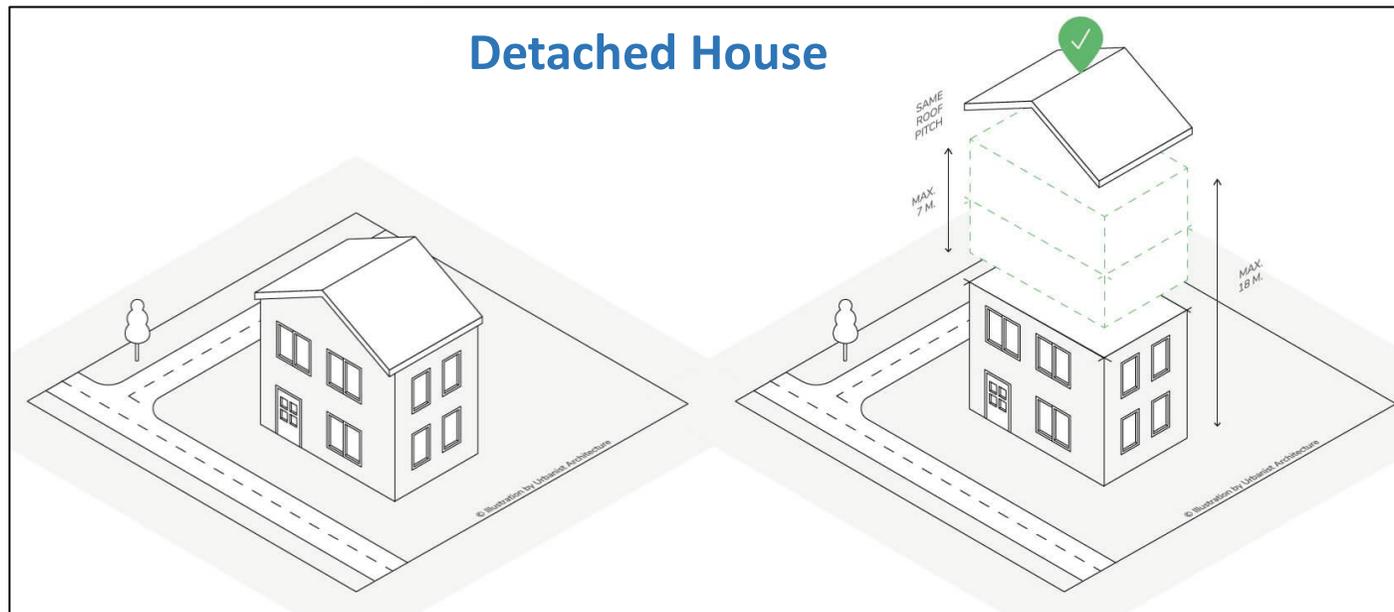


Image source: Urbanist Architecture (2020)

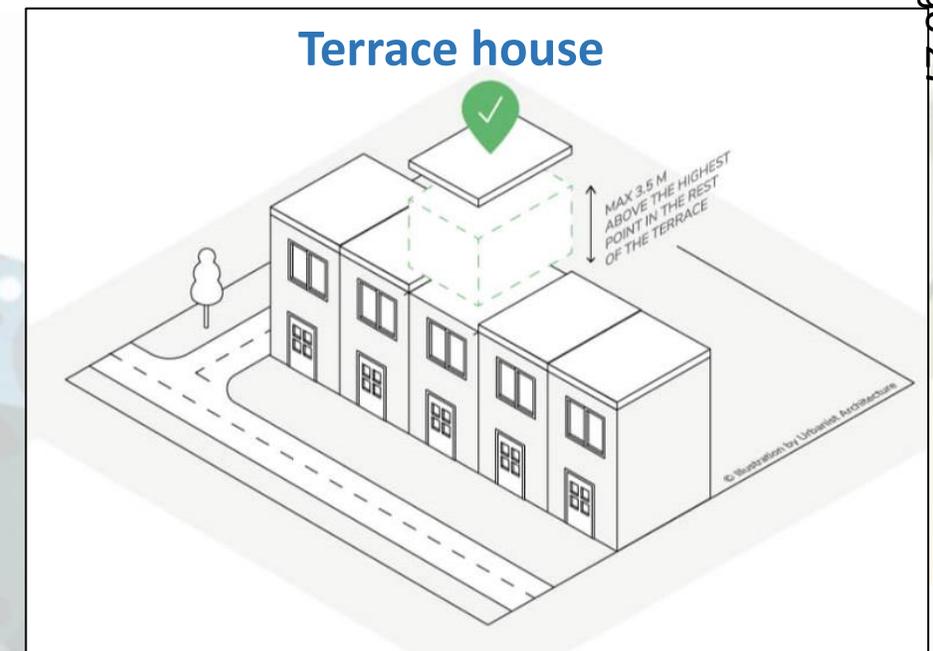


Image source: Urbanist Architecture (2020)

- There are certain restrictions to the new right (Class AA). For instance, development is not permitted if:



THE DWELLINGHOUSE WAS CONSTRUCTED BEFORE 1ST JULY 1948 AND AFTER 28TH OCTOBER 2018.



THE OVERALL HEIGHT OF THE NEWLY EXTENDED HOUSE WOULD EXCEED MORE THAN 18M.



THE DWELLINGHOUSE WAS SITUATED ON ARTICLE 2(3) LAND OR A SITE OF SPECIAL SCIENTIFIC INTEREST.

- There is a **requirement for Prior Approval** from the Council under the new permitted development right. Factors to consider are:

The impacts on the amenity of adjoining premises

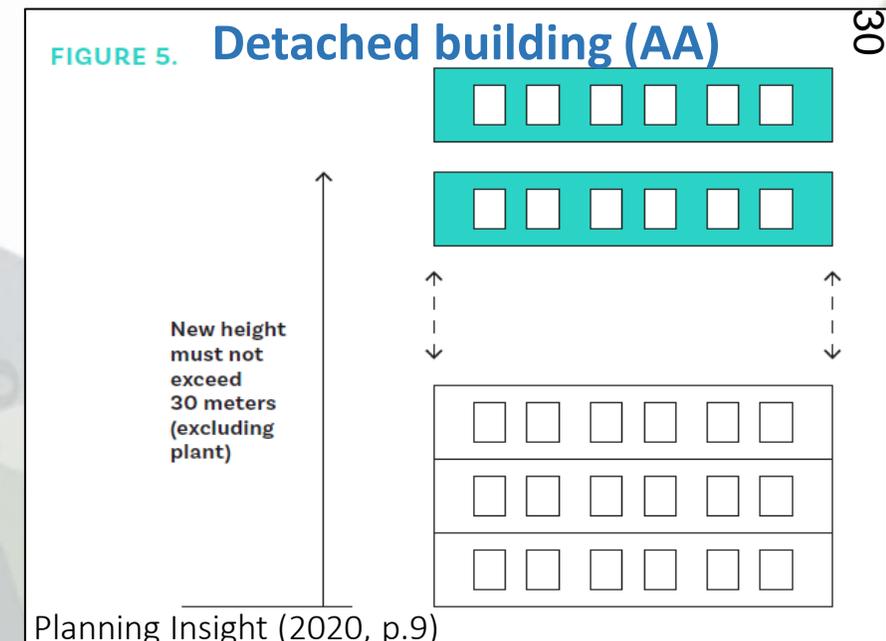
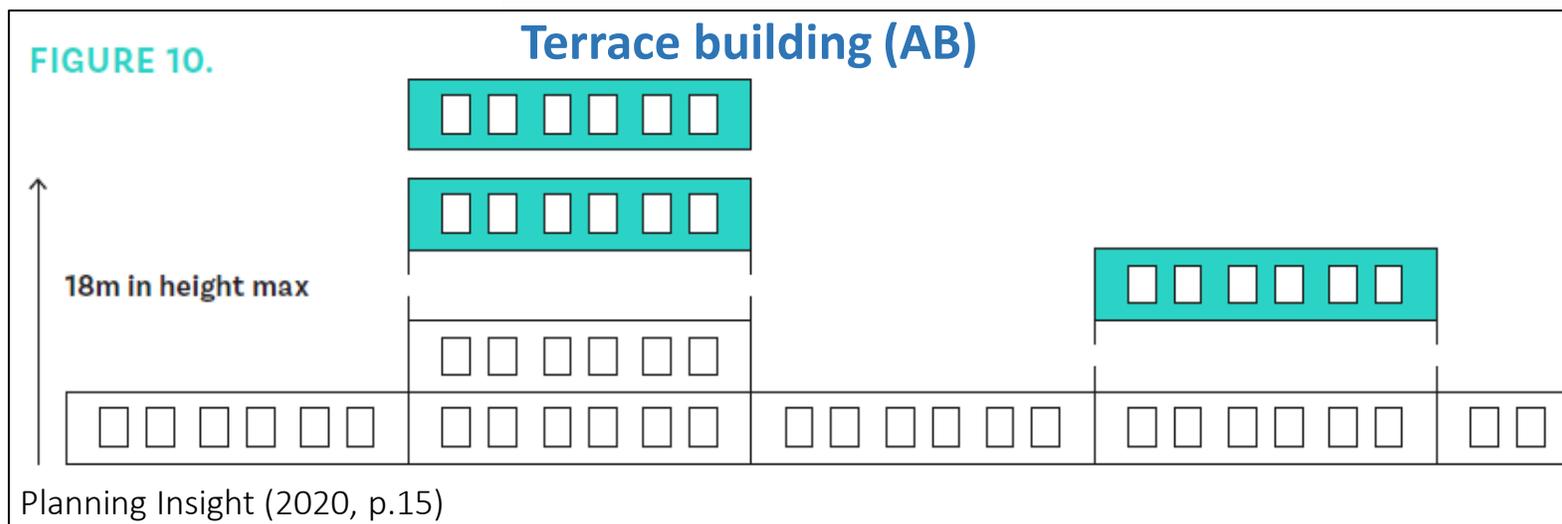
The external appearance

The impacts a taller building may have to air traffic and defence assets

The impact the development could have on a protected view.

The creation of new dwellings on top of existing commercial or mixed uses

- Under Part 20 of Schedule 2 of the Order, the new permitted development rights **Class AA and AB** will allow the construction of up to two additional storeys above detached and terrace buildings in commercial or mixed use to form self-contained flats.
- The new permitted development rights applies to **specific commercial uses**, for instance Class A1, A2, A3 and B1, or in **mixed use** within these uses and mixed use combined with a residential use (Class C3).



New dwellinghouses on terrace and detached buildings in use

- Under Part 20 of the General Permitted Development Order, the **new Classes AC and AD** allows the building of new dwelling houses on existing terrace and detached buildings in use as a dwelling house.
- The **maximum height** of the highest part of the roof of the extended building must not either:
 - Exceed 18 m for terrace buildings (Class AC); or
 - Exceed 18m for detached buildings (Class AD)

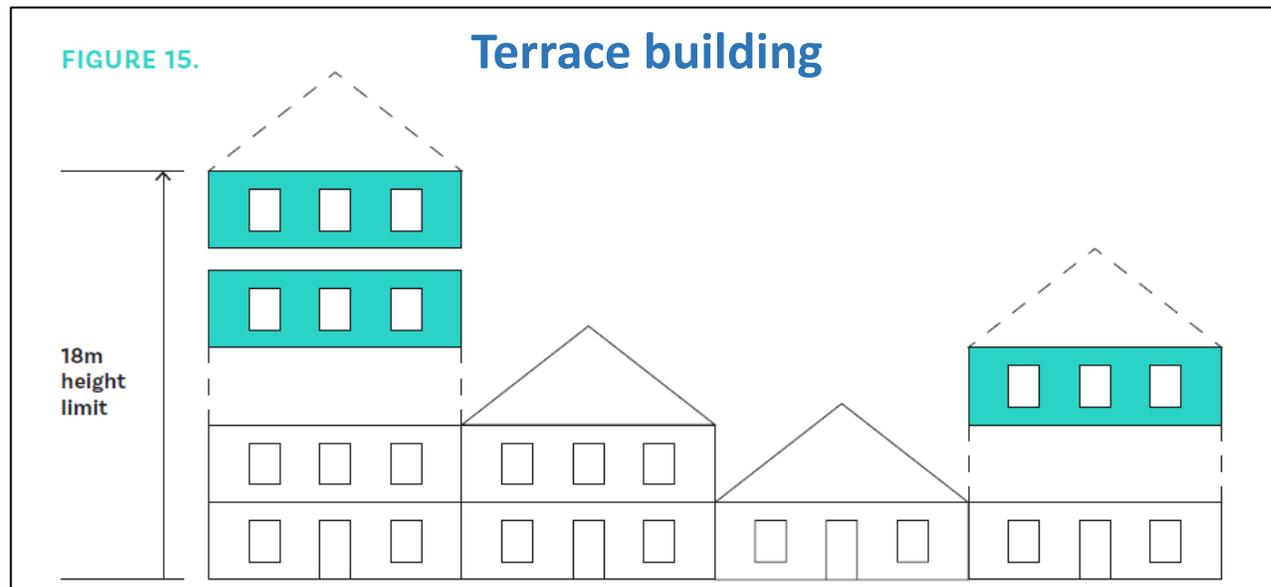


Image source: Planning Insight (2020, p.21)

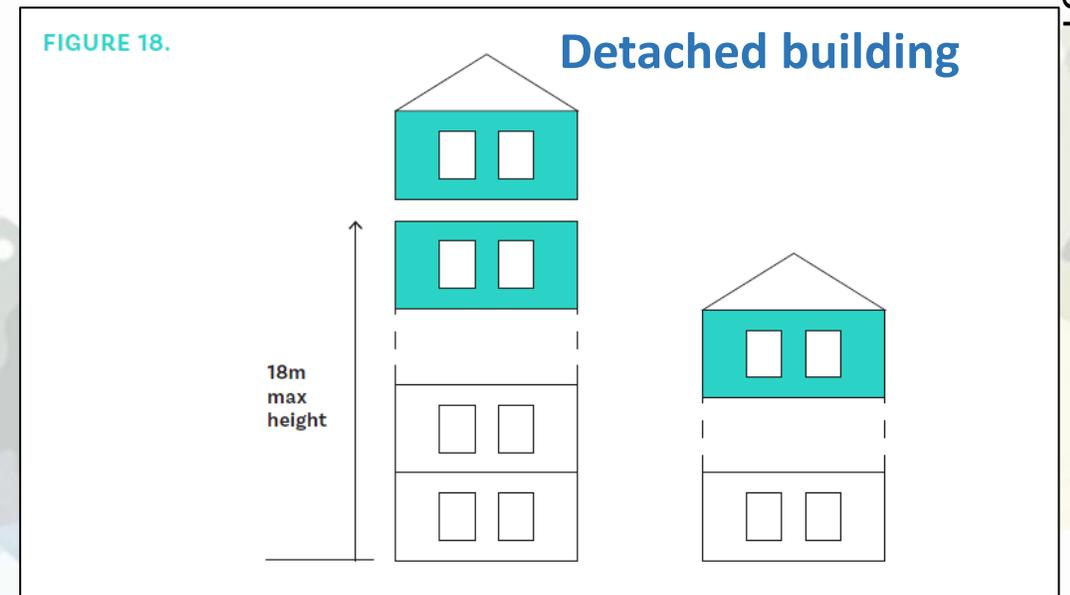


Image source: Planning Insight (2020, p.26)

- A requirement under each of the new permitted development rights (Classes AA, AB, AC and AD) is **for Prior Approval from Local Planning Authority**. Several of the factors to consider are:

Impact on the amenity of neighbouring properties.

Impact of the external appearance of the building

Transport and highway impacts of the development.

The provision of adequate natural light in all habitable rooms of new dwellings.

Flood risks and contamination risks in relation to the building.



Class ZA - Demolition of buildings and construction of new homes in their place

- A new Permitted Development right, subject to a Prior Approval process.
- Allows for the demolition of a single detached building that was used for:
 - office; research and development; light industry; or a free-standing purpose-built block of flats.

And allows its replacement with:

- an individual detached block of flats; or a single detached dwelling house.

No default approval should the Council fail to make a decision within 8 weeks.

Development Not Permitted

Class ZA PD rights **do not apply** to buildings:-

- constructed **after 31 December 1989**;
- vacant for less than 6 months;
- with a footprint of more than 1000sqm;
- nationally listed; or
- within a conservation area.



The Replacement Building...

- Shall not be larger than the footprint of the building it replaces.
- Can be up to seven metres higher (than the original) to accommodate up to two additional residential storeys.
- Shall not exceed 18m in height.



Prior Approval – Matters for Consideration



- Councils are required to have regard to national planning guidance (the National Planning Policy Framework) **only**, and not to local planning policies.
- Any development permitted under Class ZA is subject to agreement of a Construction Management Plan.

Key Implications for Halton

- A large proportion of Halton's housing stock will be eligible to use the new PD rights to extend upwards.
- Greatest interest (in extending homes upwards) will likely be in the most affluent areas of the Country, in London and the south east, where the property values are high enough to make these extensions viable.
- The extension above vacant business buildings for residential purposes may be an attractive way of repurposing office buildings in light of COVID-19 and the shift to greater home working.



Key Implications for Halton

- The Council will have **limited control over the appearance and impacts of the proposed extensions.**
- Matters for consideration within the Prior Approval process **do not include** issues such as:
 - access to social facilities, shops and play space;
 - openness of the green belt;
 - air pollution or the carbon profile of new housing units (with potential implications for the Declaration of a Climate Emergency).
- Environmental campaign group 'Rights:Community:Action' along with law firm Leigh Day have launched a legal challenge to the government's extension of PD rights.
- Extensions creating additional residential accommodation through these PD rights are not subject to Section 106 agreements.
- In the event that such changes are considered locally to result in significantly negative consequences, the Council has the option of restricting the Permitted Development Right in parts of the borough by introducing additional planning controls (an "Article 4 direction"), meaning that the changes require planning permission.

Opportunity for Questions?



REPORT TO:	Environment and Urban Renewal Policy and Performance Board
DATE:	30th September 2020
REPORTING OFFICER:	Strategic Director – Enterprise, Community and Resources
PORTFOLIO:	Physical Environment
SUBJECT:	Changes to the Current Planning System Government Consultation
WARDS:	Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To inform the Board about the recently published (6 August 20) Government consultation on the **current planning system** and the potential implications this could have for development in Halton. The consultation is open until 1 October 2020.
- 1.2 The Ministry of Housing, Communities and Local Government is consulting on shorter-term changes to planning policy and regulations in addition to the **more fundamental reform to the planning system as set out in "Planning for the Future"** (which is the subject of a separate Board report).
- 1.3 The Planning for the Future white paper sets out plans to undertake a fundamental reform of the planning system and explains that this would be accompanied by shorter-term measures.
- 1.4 This consultation sets out proposals that aim to improve the effectiveness of the current system. The four main proposals are described below. The consultation can be found online here:

<https://www.gov.uk/government/consultations/changes-to-the-current-planning-system>

2.0 RECOMMENDATION: That

(1) The Board notes the report; and

(2) Consideration is given to the proposals, together with any response the Board way wish to provide to the consultation.

3.0 SUPPORTING INFORMATION

3.1 The Government has set out proposals to improve the effectiveness of the current planning system. These cover:

- **The standard method for assessing housing for local plans:** Proposals to revise the standard method to increase the overall number of homes being planned for and achieve a more appropriate distribution.
- **Delivering First Homes:** Following a consultation on the First Homes proposals in February 2020, the Government has published its response and are now consulting on the detail of the planning proposals. This includes setting a requirement that 25% of all affordable housing secured through developer contributions should be First Homes. We are consulting on options for the remaining 75% of affordable housing secured through developer contributions, and seeking views on transitional arrangements, level of discount, interaction with the Community Infrastructure Levy and how we propose First Homes would be delivered through exception sites.
- **S106 and small sites:** Proposals to temporarily raise the threshold below which developers do not need to contribute to affordable housing, to up to 40 or 50 units for an 18-month period. In designated rural areas, the consultation proposes to maintain the current threshold. It also seeks views on whether there are any other barriers for SMEs to access and progress sites.
- **Permission in Principle:** Proposals to increase the threshold for Permission in Principle by application, to cover sites suitable for major housing-led development, rather than being restricted to just minor housing development.

4.0 POLICY IMPLICATIONS

4.1 The standard method for assessing housing for local plans

4.2 The 'standard method' intended to shift debate at examination away from the 'numbers' question and towards the 'how' and 'where' of building new homes. However, as simple as it was, the method was not without its' criticisms and almost as soon as the method was implemented, it was announced that it would be changing. Fortunately, Halton's draft Delivery and Allocations Local Plan (DALP) is well positioned to account for the change in method:

Current Core Strategy Requirement	Avg. Delivery (last 3 years)	Current Standard Methodology	Proposed New Methodology	Draft DALP
552 (units per annum)	555	246	386	350

- 4.3 The Government's new method, incorporates stock into the baseline (as well as household projections) to help achieve a 'fair share' approach; this helps boost numbers in areas with low projections. It also puts a greater emphasis on the uplift for affordability and removes the cap which exists under the current approach, stating it is '*not compatible*' with the aim of boosting housing supply quickly. These changes mean a new national total of 337,000 homes a year – far higher than the 270,000 under the current approach but no doubt intended to help plans 'stretch' for the 300,000 homes a year ambition, in light of some areas not being able to deliver.
- 4.4 These changes look set to be more compatible with the objective of 'levelling up' the midlands and north. While the current method meant that many of these regions would plan for fewer homes than they have delivered in recent years, the new method brings the number closer to (but not at) recent delivery in the north. It also creates higher numbers across the south compared with the current method, but this will always be the case for a method with such a significant emphasis on affordability. However, the new method continues to concentrate growth in London. Its figure of 93,532 looks unrealistic, given long-term delivery rates in the capital of 30-40,000 per annum. Without a duty to cooperate, the excess need (50-60,000 homes) will fall between the cracks, meaning 300,000 may still be beyond reach.
- 4.5 Importantly, the Government's White Paper proposes to replace the Standard Method for Local Housing Need with a nationally-set method for setting local housing requirements in effect distributing 300,000 homes per annum across local authorities, taking into account constraints and other factors. Therefore, whilst the current proposals will be of significant importance for emerging local plans coming forward over the next 2-3 years – and in five year land supply matters over that time horizon – they may ultimately have a short shelf-life.
- 4.6 **Delivering First Homes:**
- 4.7 Following the failure of the Government's 'Starter Homes' initiative, the Government launched a consultation on 'First Homes', a form of discounted market housing.
- 4.8 The Government is taking forward both of the options put forward:
1. a new planning requirement in law or policy for the delivery of First Homes (it is policy only for now); and
 2. changing the current national entry-level exception site policy to a First Homes exception policy.
- 4.9 The Government is now consulting on the detailed proposals for First Homes and on associated significant changes to the [exception sites policy in the National Planning Policy Framework](#).

- 4.10 The premise of First Homes is to diminish opposition to new housing developments, on the basis that local people will know that they might be able to afford to live in the development where perhaps historically they would not. First Homes are to be aimed primarily at first time buyers who are young and local (including local key workers living elsewhere), but there will be exceptions, including serving members of the Armed Forces and recent veterans. Of note, the focus has switched between the first and second consultation from young to first time buyer, which seems a more equitable approach.
- 4.11 The Government appears to be highly committed to this policy and it could be introduced very quickly, but the timings are not clear: the Government has also announced that a 1,500 unit pilot of First Homes will be included in its affordable homes programme. Notwithstanding, given that First Homes policy could be introduced in the next six months, the transitional arrangements will be relevant to some planning applications pending at present and many more at pre-application stage.
- 4.12 If enacted, Councils' will need to consider how they are going to administer their many and significant new responsibilities linked to the product. Furthermore, where payments are accepted in lieu of First Homes, local planning authorities will need consider their approach to purchasing market homes that will become First Homes.
- 4.13 Councils' will also need to think about determining what a tenure mix policy compliant scheme is in their locality, if the First Homes policy would shift the balance set out in the tenure mix policy of a local plan. The Government considers that replacing home-ownership tenures by First Homes in national policy will reduce the need for LPAs to carry out a local plan review, but LPAs might decide to review the local plan to update the tenure mix they are seeking.
- 4.14 The First Homes policy will require at least a quarter of all affordable housing units secured through developer contributions to be First Homes; it will be brought forward via amendments to the National Planning Policy Framework (NPPF) (NPPF v2.2? – another future consultation?).
- 4.15 This is notwithstanding a concern in the first consultation that prescribing that a given percentage of affordable homes via s106 agreement should be First Homes might discourage some local authorities from using s106 obligations to deliver affordable housing, which would mean fewer First Homes being delivered. The alternative policy option of prescribing that a percentage of all units delivered on housing sites of 10 units or more are to be First Homes was said to be preferred, but the potential impact on viability and consequential reduction in the potential for other developer contributions on certain sites was acknowledged and is likely to be why this approach is not being taken forward.

- 4.16 The 25 per cent requirement is lower than the worked examples in the consultation, which estimated that if 40% of affordable homes secured by s106 agreements were First Homes, then 12,000 First Homes would be delivered (it appears to be a per annum figure). This would increase to 16,000 if 60% of affordable homes were First Homes and 19,000 if 80% of affordable homes were First Homes.
- 4.17 On-site delivery of First Homes is anticipated in most cases, but the consultation recognises that there may be off-site contributions towards affordable housing, of which a quarter of the contribution (whether all or partly cash) should be used to deliver First Homes. Local authorities or developers may need to acquire market housing *“paying the developer a sum to offset the discount from market price, and securing the tenure through section 106 planning obligations”*. While the consultation refers to a developer, it is not clear whether the local authority would have to buy a new home.
- 4.18 The Government intends that First Homes will be prioritised over any other affordable home-ownership products referred to in any tenure mix set out in development plans.
- 4.19 In this circumstance, to avoid distorting the *“value captured”* by affordable housing, as assessed in the viability assessment that underpins any local plan’s tenure mix policy, the affordable housing proposed in a policy compliant application should seek to capture the same value of affordable housing that pre-First Homes policies would require.
- 4.20 In addition, and where affordable homes for sale currently make up less than 25 per cent of the housing mix sought by policies, the percentage of affordable homes for rent will be reduced too.
- 4.21 An example included in the consultation is that where a policy requires 20% shared ownership, 40% affordable rent and 40% social rent, a policy compliant scheme would provide 25% First Homes; 37.5% affordable rent and 37.5% social rent. The Government prefers the approach in the example above where housing mix beyond First Homes reflects the approach taken to housing mix in the development plan, but is consulting on whether the mix of the other to be 75% negotiable.
- 4.22 Where a scheme is not policy compliant in terms of the percentage of housing that will be affordable housing, the affordable rent element of the proposal would not be squeezed further, because First Homes policy will be a percentage of the affordable housing to be delivered.
- 4.23 The CIL Regulations would be amended to provide a CIL exemption for First Homes. The first consultation also said that CIL Regulations may also be amended to ensure that CIL charging rates *“are not set at a level that would prevent current levels of affordable housing delivered through*

s106 obligations from being delivered in future". It seems likely that the CIL Regulations will be amended before they are abolished

- 4.24 Presented as the alternative to requiring First Homes via s106 agreements in the first consultation, the Government also intends to amend the [exception sites policy at para 71](#) of the National Planning Policy Framework (NPPF) – i.e. there will be two routes to First Homes. The policy will be amended to:
- specify that the affordable homes delivered should be First Homes for local, first-time buyers;
 - allow a small proportion of affordable homes to be delivered on these sites where there is a significant local identified need;
 - allow a small proportion of market homes on a site where essential to ensure the development will be viable and deliverable; and
 - remove the threshold on site size set out in footnote 33 of the National Planning Policy Framework but retain that they should be proportionate in size to the existing settlement".
- 4.25 The current exception site policy does not permit a proportion of market housing.
- 4.26 The proposal for discounts is a minimum 30 per cent discount off market value as set by an independent valuer. As in the earlier consultation, local authorities will have the discretion to apply higher discounts. But where the previous consultation said there would be no maximum discount is proposed, a cap of a 40% or 50% discount is proposed where need is evidenced via the local plan. The level of discount will not lead to a variation in the percentage of First Homes to be provided – e.g. a 50% First Homes discount would not mean 15% of the affordable homes could be First Homes, instead of 25%. An evidence-based requirement for even higher discounts across an area would presumably be possible through a local plan or supplementary guidance as First Homes are being introduced via policy rather than law, but the document does not indicate this.
- 4.27 The full discount would be retained in perpetuity by placing restrictive covenants on the homes. However, if the owner defaulted on their mortgage the lender would receive the home without the covenant and the discount would be lost.
- 4.28 To avoid the purchase of "exceptionally expensive" property being subsidised, caps on the market value of a property that could benefit from the First Home discount will be put in place; £450,000 in London and £250,000 elsewhere in England. In order to fit market conditions,

where the cap is considered too high, LPAs will be able to set lower price caps for the first three months of sale of First Homes provided they evidence both local need and the impact on the viability of building new First Homes through the local plan-making process. The first consultation contemplated regional caps, but raised concerns that this may not sufficiently reflect local markets, and caps set at a sub-regional level were considered potentially inflexible; neither is to be taken forward.

- 4.29 Eligibility is proposed as the young, local, first time buyers predominantly and also serving members and veterans of the Armed Forces who have left in the last 5 years. The definition of local will be determined locally, but restrictions must be clearly evidenced, available for scrutiny, necessary and viable. There is no further detail on the first consultation's acknowledgement that older people's housing would not be suitable for first time buyers and suggestion that this is an example of a circumstance where non first time buyers might be eligible – it did not suggest that First Homes would not be required in such a development.
- 4.30 There will be an income cap on eligibility, as with purchase price caps; Councils will have the ability to set lower income caps for the first three months of sale, provided they can evidence both need and viability through their local plan making process. The first consultation said that where demand still exceeds supply local authorities might review an applicant's income and assets in more detail, in a bid to seek out those most "*in need*".
- 4.31 The Government now acknowledges that there will be costs associated with administering the scheme and will produce standardised covenants and s106 clauses and provide new burdens funding, if required. It is considering whether LPAs can charge developers and purchasers fees that reflect administration costs.
- 4.32 There would be a model First Homes agreement, which would reduce the need for lenders to understand local models.
- 4.33 **S106 and Small Sites:**
- 4.34 The Government is proposing to extend the threshold of "*small sites policy*", which says that affordable housing contributions should not be sought for minor housing developments. The extension of the policy is an element of providing support for small and medium enterprise (SME) builders and would be for 18 months from its publication.
- 4.35 The threshold would be increased from 10 units to 40 or 50 units and from 0.5 hectares to an as-yet-undecided site size.
- 4.36 In terms of how this would impact the delivery of affordable housing, the consultation says:

“For example, for a threshold of up to 40 units we would expect to see a reduction of between 7% and 14% of section 106 affordable housing delivery over a single year, assuming overall housing delivery remained constant. For a threshold of up to 50 units, this would be between 10% and 20%”.

- 4.37 According to the Government, only 8% of authorities have policies in up-to-date plans (less than five years old) that do not comply with national policy and are currently seeking affordable housing contributions for small sites. While up-to-date, these policies would not be affected by the temporary change.
- 4.38 Planning guidance will advise local authorities on how to secure affordable housing where large sites are being brought forward in phases of up to 40 or 50 homes.
- 4.39 The Government is consulting on all elements of the above proposals and inviting views on other ways to support SME builders. The consultation refers to changes in policy and legislation but the latter is probably a typographical error; the consultation says that if it is taken forward, this could be through the introduction of a Written Ministerial Statement in the Autumn.
- 4.40 **Permission in Principle Significantly Extended**
- 4.41 The Government is consulting on extending permission in principle (PiP) on application to all forms of housing-led development, with the exception of EIA development and development requiring appropriate assessment, with no cap on the amount of commercial floorspace within a given scheme.
- 4.42 These proposals would open up establishing the principle of housing-led development to many more sites than at present. PiP is not a planning permission and the subsequent technical details consent may not necessarily be easily achieved (notwithstanding the probable 10-week determination period for major development). So perhaps PiP for large sites is best thought of as buying the opportunity to put forward a site allocation to achieve some certainty and add value.
- 4.43 It has been possible to seek permission in principle (PiP) on application since June 2018. It remains one of the most significant changes to the way planning permission may be achieved since outline planning applications were introduced 60 years ago. PiP is not a planning permission; it is part one of a two stage process that grants planning permission. The second stage is technical details consent. The granting of technical details consent means that the site has planning permission; this is the key difference between outline planning permission and permission in principle.

- 4.44 Take up of PiPs has not been great. To a large extent it is aimed at SMEs trying to de-risk sites in order to obtain funding, rather than being a sleek, cost-effective two stage process. Some developers have perceived that PiP on application only applies to brownfield land and/or land on a Brownfield Land Register (BLR): but this is not the case.
- 4.45 The Government is consulting on extending PiP on application to all forms of housing-led development, with no cap on the amount of commercial floorspace within a given scheme. They state that they “do not believe it is necessary to limit the amount of commercial floorspace as it will still be the case that Permission in Principle should only be granted for development that is housing-led. Non-housing development that is compatible and well-integrated into residential development can help to create sustainable neighbourhoods”.
- 4.46 Potential Schedule 2 EIA development, including large sites capable of delivering more than 150 dwellings and/or of more than 5 hectares would not be able to apply for PiP unless the application were accompanied by a screening opinion concluding the proposal was not EIA development. Similarly, where there is a probability or risk that the proposal is likely to have a significant effect on a European site, a PiP application would have to be accompanied by an appropriate assessment demonstrating significant impact on the site was unlikely. While the White Paper wants to change these environmental impact procedures, this is some way off and well beyond the timescales for introducing this measure.
- 4.47 The determination period for a PiP on application is five weeks and includes a 14-day consultation period with public and statutory consultees. The Government is not proposing to change this as it considers these timescales ensure “a speedy decision by the local planning authority”. However, as a result of extending the scope of PiP to major developments the Government is considering amending the scope of information required and the publicity requirements placed upon the local planning authority.
- 4.48 The relevant matters which should be assessed by a local planning authority in a PiP application are location, land use and the amount of development. The Government is considering adding a height parameter in terms of the number of storeys, as an additional matter to be assessed, given the potentially larger scale developments that PiP could be used for. This would provide greater clarity to the applicant and local planning authority about the scale of housing development that is acceptable for the site although it would add to the complexity of the determination of the application. In addition, it would start to bring design issues into the PiP process as well as result in a need to identify zones within a site with differing height parameters, perhaps diluting the original aims and objectives of the PiP process itself.
- 4.49 As larger developments are proposed to fall within the scope of PiP on application, the Government is keen to increase the extent of publicity of

such applications in order to give the public a greater opportunity to comment, whilst still keeping to the speedier decision-making process. Currently local planning authorities need to advertise PiP applications on their website and by posting a site notice.

- 4.50 Other specific consultation requirements apply in certain circumstances. The Government is suggesting that a press notice might also be required to advertise the application and is seeking views on whether there should be an overall general requirement to publicise the application, or even both. This is an interesting proposal; no mention is made of introducing neighbour notification, notwithstanding the very significant increase in the scale of development that can be granted in PiP. This seems to be a nod towards the seeking out of development proposals in an area that will be part of the new approach to consultation set out in the White Paper.
- 4.51 The Government is keen to revise the cost to applicants of submitting an application for PiP, in order to make the process more attractive to developers, particularly on larger sites and as an alternative to an outline planning application. The consultation notes:
- “Under the current fee structure, a Permission in Principle application for a 1-hectare development would cost approximately £4000, which is only slightly less than the cost of an outline planning application (£4600). We are keen to promote Permission in Principle by application as a more streamlined and cheaper alternative to outline permission”.*
- 4.52 The Government says its preferred option is for a *“simplified banded fee structure”* with a fee per 0.1 hectare in each of three bands of site size: less than 1 hectare, between 1 to 2.5 hectares and more than 2.5 hectares (capped at a maximum).
- 4.53 The Government wants to see an increase in the use of PiP on application and to make such applications a more attractive option than an outline planning application by proposing the changes set out above. As part of this push, the Government proposes to introduce further clarity and guidance on the purpose, process and benefits of PiP. The consultation states that *‘it seems some local planning authorities continue to make decisions on Permission in Principle based on detailed matters, such as transport access, when these should only be taken into consideration at the technical details consent stage.’* As such, the Government wants new guidance to ensure that local planning authorities only take into account the matters specified by the Regulations.
- 4.54 Following this consultation, which runs until 1 October 2020, the Government aims to introduce amendments to existing Regulations this Autumn and to come in to force by the end of 2020. Changes to application fees would require separate changes to the Planning Fees Regulations.

5.0 OTHER IMPLICATIONS

5.1 On the basis the report covers a consultation paper, there are no other direct implications arising from the subject of this report at this time.

6.0 RISK ANALYSIS

6.1 Given the proposals are published for consultation, risks do not immediately arise from the contents of the paper. It is evident that, in time, if the proposals are brought into effect by legislation, then there will an impact on the Planning Service. However, any legislative change arising out of the while paper will be the subject of a future report to the Board.

7.0 EQUALITY AND DIVERSITY ISSUES

7.1 There are no equality and diversity implications arising from the subject of this report.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
https://www.gov.uk/government/consultations/changes-to-the-current-planning-system	Planning & Transport Strategy, Municipal Building	Alasdair Cross

REPORT TO:	Environment and Urban Renewal Policy and Performance Board
DATE:	30th September 2020
REPORTING OFFICER:	Strategic Director – Enterprise, Community and Resources
PORTFOLIO:	Physical Environment
SUBJECT:	Local Plan - Addendum to the Statement of Community Involvement (SCI)
WARDS:	Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 The production of Local Plans for land use planning purposes is supported by statutory process documents. One such document is the 'Statement of Community Involvement' (SCI) 2019. National legislative change requires an addendum (Appendix A) to be temporarily added to the adopted Statement of Community Involvement (Appendix B), which forms part of the Halton Local Plan Framework. Changes to statutory planning documents require a resolution from Executive Board for formal implementation.

2.0 RECOMMENDATION: That

- 2.1 **the Board endorses a recommendation to Executive Board for the addition of the addendum (Appendix A) into the Statement of Community Involvement (SCI) for Local Plan making.**

3.0 SUPPORTING INFORMATION

- 3.1 The Government has introduced new legislation to help deal with governance issues during the coronavirus (COVID-19) pandemic. The relevant legislation here is the Town and Country Planning (Development Management Procedure, Listed Buildings and Environmental Impact Assessment) (England) (Coronavirus) (Amendment) Regulations 2020.
- 3.2 These new regulations provide for the temporary suspension (until 31st December 2020) of certain planning consultation procedures where they may conflict with Covid-19 public health priorities. This affects the holding of public meetings, public committee meetings, making documents available to view in public locations (i.e. offices / libraries) and the holding of referenda on Neighbourhood Plans etc.
- 3.3 The SCI was approved by the Executive Board on 13th April 2019. The SCI is a statutory requirement and sets out how the Council will involve the local community, stakeholders, and statutory bodies in the preparation

and revision of Local Plans. The SCI also describes the Council's procedures for involving the community when considering planning applications and major proposals for development. The SCI forms part of a suite of documents that make up Halton's Local Plan.

4.0 POLICY IMPLICATIONS

- 4.1 The Council's first SCI was adopted in 2006, and revised in 2012 and 2019. It is being updated in 2020 because there have been a number of legislative changes to the way that planning documents are publicised and consulted upon during the COVID 19 pandemic.
- 4.2 The SCI addendum has been produced to ensure that the Council, through its function as a Local Planning Authority, complies with national planning policy and regulations.

5.0 OTHER IMPLICATIONS

- 5.1 There are no other implications arising from the subject of this report.

6.0 RISK ANALYSIS

- 6.1 There are legal and financial risks that can arise from not following statutory procedures for the preparation of local plans. For example, the process can be challenged through the Courts if the relevant national legislation is not followed.

7.0 EQUALITY AND DIVERSITY ISSUES

- 7.1 There are no equality and diversity implications arising from the subject of this report.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Town and Country Planning (Development Management Procedure, Listed Building and Environmental Impact Assessment)(England)(Coronavirus) (Amendment) Regulations 2020.	Planning & Transport Strategy, Municipal Building	Alasdair Cross
Planning and Compulsory Purchase Act (2004 as amended) Section 18	Planning & Transport Strategy, Municipal Building	Alasdair Cross
Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)	Planning & Transport Strategy, Municipal Building	Alasdair Cross

Halton Local Development Scheme	Planning & Transport Strategy, Municipal Building	Alasdair Cross
---------------------------------	--	----------------

Addendum (Covid-19) to the adopted SCI 2019

1. Government has issued new guidance¹ and regulations allowing for the temporary suspension (until 31st December 2020) of certain planning consultation procedures where they may conflict with Covid-19 public health priorities.
2. This affects the holding of public meetings, public committee meetings, making documents available to view in public locations (i.e. offices / libraries) and the holding of referenda on Neighbourhood Plans etc.
3. The following table sets out the detailed amendments to the adopted 2019 Statement of Community Involvement. The Council will keep the situation under review and will seek to reintroduce those methods suspended on the basis of as Government and Public Health advice.

Page/ Section/ Paragraph	Current text	Replacement/additional text	Reason for the change
Page 6 Section 1 Paragraph 1.7		Additional bullet point – The Town and Country Planning (Development Procedure, Listed Building and Environmental Impact Assessment)(England)(Coronaviruses)(Amendment) Regulations 2020 sets out revised requirements for consultation on planning matters during the pandemic (COVID 19)	Revised Regulatory Framework ²
Page 7 Section 2 Paragraph 2.3	Make information available at 'deposit locations'	Delete	The revised regulations suspend the requirement to make copies of documents available for inspection at deposit locations.
Page 11 Section 4 Paragraph 4.6	Information relating to the formal 'scoping' stage (Reg 18) will be made available for viewing at deposit locations (as listed in Section 10) and made available on the Council's website.	Information relating to the formal 'scoping' stage (Reg 18) will be made available on the Council's website.	
Page 11 Section 4 Paragraph 4.7	During formal consultation(s) in the production stage of a LDD the SA and SEA will be made	During formal consultation(s) in the production stage of a LDD the SA and SEA will be made available on the Council website.	

¹ <https://www.gov.uk/guidance/coronavirus-covid-19-planning-update>

² The Town and Country Planning (Development Management Procedure, Listed Building and Environmental Impact Assessment)(England)(Coronavirus)(Amendment) Regulations 2020

	available at deposit locations and on the Council website.		
Page 12 Section 4 Paragraph 4.9	The draft LDD and supporting documents will be placed at deposit locations and will be made available on the Council website.	The draft LDD and supporting documents will be made available on the Council website.	
Page 12 Section 4 Paragraph 4.11	The 'submission' version of the LDD, the SA and supporting documents will be placed at deposit locations and on the Council website.	The 'submission' version of the LDD, the SA and supporting documents will be made available on the Council website.	
Page 15 Section 4 Paragraph 4.22	Following an internal approvals process, the statement of consultation and an adoption statement will be made available on the Council website and at deposit locations.	Following an internal approvals process, the statement of consultation and an adoption statement will be made available on the Council website.	
Page 18 Section 5 Paragraph 5.15		The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 made on Thursday 2 April 2020 and apply to all local authority meetings up to 7 May 2021.	The inclusion of revised Regulations
Page 21 Section 6 Paragraph 6.11		The Government have introduced changes to the neighbourhood planning process to support local authorities and provide some reassurance to communities with neighbourhood plans that are awaiting referendum. The main changes are: <ul style="list-style-type: none"> Regulations linked to the Coronavirus Act 2020 mean that no elections or referendums can take place until 6 May 2021. This includes neighbourhood planning referendums. These provisions will be kept under review and may be amended or revoked in response to changing circumstances.	The inclusion of revised Regulations
Page 28 Section 7 Paragraph 7.7	The Council will produce and Adoption Statement, advertise that the Schedule has been adopted and make the	Council will produce and Adoption Statement, advertise that the Schedule has been adopted and make the document available for public inspection on the Council website.	The revised regulations suspend the requirement to make documents

	document available for public inspection at the main Council Planning Offices and on the Council website.		available for inspection at deposit locations.
Page 29 Section 10 Paragraph 10.2	All consultation material will be made available in Halton Direct Link offices and in all Halton's libraries. The location and opening times of the Councils offices and libraries can be found online at: http://www3.halton.gov.uk/educationandlearning/libraries/	Delete	



Halton Borough Council Statement of Community Involvement

January 2019



STATEMENT OF COMMUNITY INVOLVEMENT

January 2019

Operational Director
Policy, Planning and Transportation,
Halton Borough Council,
Municipal Building,
Kingsway,
Widnes,
WA8 7QF

Contents

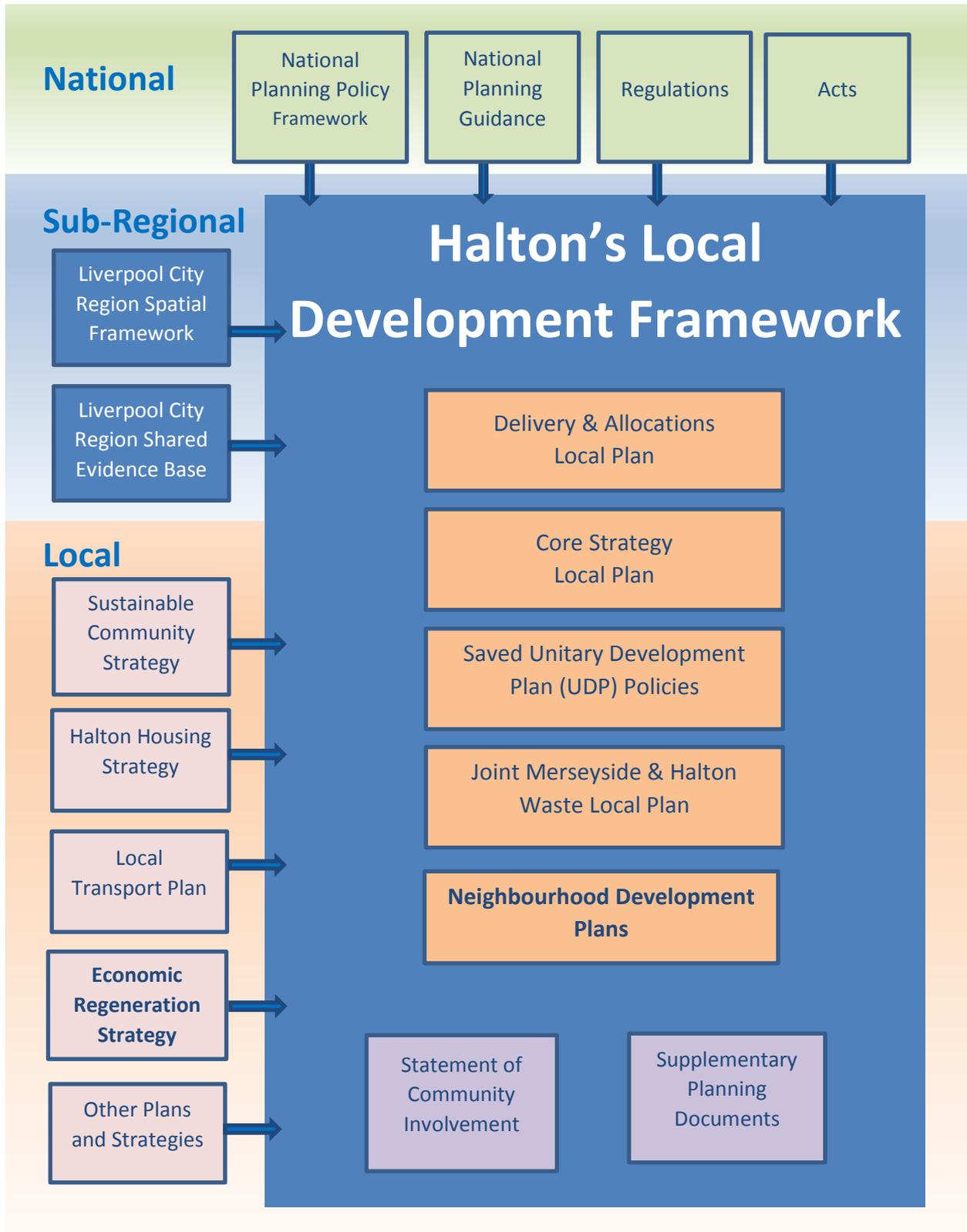
1. Introduction and Purpose	4
2. Regulatory Framework.....	7
3. How to interpret this document	9
PART A: Local Plans	10
Preparation and Revision of Local Plans and other Local Development Documents.....	10
4. Community Involvement in the Local Development Framework	10
Figure 2: LDD production stages	13
Figure 3: SPD production stages	15
PART B: Development Management	16
Community Involvement in Planning Applications.....	16
5. Provisions relating to the control of development in Part 111 Town and Country Planning Act 1990.	16
PART C.....	20
6. Neighbourhood Plans and Neighbourhood Development Orders.....	20
PART D.....	27
7. Community Infrastructure Levy (CIL)	27
8. Further Planning Advice	29
9. Monitoring	29
10. Availability of Consultation Material.....	29

I. Introduction and Purpose

Our Statement of Community Involvement (SCI): Role and Purpose

- I.1 The role and purpose of the SCI is to provide the community with clarity on the levels of involvement that they should expect in planning processes. This statement explains how the Council will involve the community in planning for the future use of land in the Borough.
- I.2 The Council is responsible for preparing planning documents used to shape the future development of the Borough. Together, these documents are known as the Local Development Framework (LDF). The policies within these documents need to take account of local, regional, sub-regional and national policies, needs and interests. This document is the third Statement of Community Involvement (SCI) Halton Borough Council has produced and is part of the LDF. The first SCI was adopted in 2007 and revised in 2013. The SCI now requires revision because of:
- recent changes in the National Planning Policy Framework, planning regulations and procedures governing plan making.
 - the introduction of the 'Duty to Inform, Consult and Involve' arising from the Local Government & Public Involvement in Health Act 2007,
- I.3 The LDF is a folder made up of a number of;
- Local Development Documents (LDDs),
 - Supplementary Planning Documents (SPDs) and,
 - process documents such as the Authority's Monitoring Report (AMR) and the Statement of Community Involvement (SCI).
- I.4 These plans and documents can be prepared and reviewed separately, increasing opportunities for community involvement, as different LDDs and SPDs will be prepared at different times in response to changing circumstances. The Halton LDF is illustrated in figure 1 below.

Figure 1: SCI Policy context



Statutory basis for this Statement of Community involvement (SCI)

- 1.5 The requirement to prepare a SCI was introduced by section 18 of the Planning and Compulsory Purchase Act 2004.
- 1.6 The functions specified for the purpose of SCI's are the Council's functions relating to:
- The preparation and revision of Local Plans and other Local Development Documents (including joint Local Development Documents) and
 - The provisions relating to the control of development in Part 3 Town and Country Planning Act 1990.

What are the legal requirements?

- 1.7 Details of consultation required during the preparation of the documents covered by the SCI are set out in various Acts, Statutory Instruments and policy documents, including;
- The Planning and Compulsory Purchase Act 2004, Section 18 (Part 1), sets out the requirement for LPAs to produce a Statement of Community Involvement;
 - The Town and Country Planning (Local Planning) (England) Regulation's 2012 (as amended) set out the minimum requirements for consultation on planning policy documents;
 - The Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out the minimum requirements for consultation on planning applications;
 - The Localism Act 2011, Sections 110, sets out a "Duty to Co-operate" between public bodies on planning issues that cross administrative boundaries;
 - The National Planning Policy Framework (NPPF) 2018 sets out the importance of community involvement and multi-agency consultation, and further emphasises the importance of cross-boundary co-operation.
 - The Community Infrastructure Levy Regulation's 2010 (as amended) set out the minimum requirements for consultation on the Community Infrastructure Levy;
 - Section 69 of the Planning (Listed Building and Conservation Areas) Act 1990 sets out the need to periodically review Conservation Area designations in consultation with the community;
 - The Town and Country Planning Act 1990, Section 199, sets out the need to consult persons and consider representation and objections in relation to Tree Preservation Orders (TPOs)

2. Regulatory Framework

- 2.1 The Council's first SCI¹ was prepared in the context of the Town and Country Planning (Local Development) (England) Regulations 2004² (as amended). It was first adopted in July 2007 and subsequently revised in 2013.
- 2.2 The Government has since made changes to the planning process through legislation³ and associated revised regulations⁴, together with revised policy in the National Planning Policy Framework (NPPF)⁵. This fourth version of the SCI has been prepared in the context of these changes and to ensure that the legal requirements for community involvement will be met.
- 2.3 The requirements set out in the regulations can be summarised as follows:
- Formal consultation for a defined period: this must be for a minimum of six weeks for Local Development Documents (LDDs) and four weeks for Supplementary Planning Documents (SPDs).
 - Notification and issue of information to specific consultation bodies which the Council considers would have an interest in the subject matter.
 - Notification to 'general' consultees which the Council considers appropriate or have expressed an interest in the preparation of a LDD or SPD and whose details are held on the LDF database.
 - Information made available on the Council's website.
 - Make information available at 'deposit locations'.
 - Publish a statement setting out who has been consulted during the preparation of the LDD and how the consultation was undertaken. The statement will also include a summary of the main issues raised and details as to how the issues have been addressed in the document.
 - Publish an adoption statement on the website, and inform to consultees who had requested to be notified of the adoption of a LDD document.
- 2.4 The Localism Act 2011 requires all LPAs to engage with neighboring authorities and other statutory bodies to consider joint approaches to plan-making. Halton Council is committed to fulfilling its Duty to cooperate and works closely with neighbouring authorities and other partner organisations and stakeholders. Regulation 4 of the Town

¹ HBC (2007) Statement of Community Involvement

² CLG (2004) Town and Country Planning (Local Development)(England) Regulations

³ CLG (2008) The Planning Act

⁴ CLG (2012) Town and Country Planning (Local Planning)(England) Regulations 2012 (as amended)

⁵ CLG (2018) National Planning Policy Framework (as amended)

and Country Planning (Local Planning) (England) Regulations 2012 lists the Duty to Co-operate 'prescribed bodies'.

- 2.5 A number of documents are also relevant to the preparation of the SCI these include:
- Halton Borough Council Sustainable Community Strategy 2011-2026 which sets out the Council's approach to community engagement; and
 - The Halton Local Development Scheme (LDS) – this sets out the timetable for the preparation of planning policy documents
- 2.6 Nothing in this SCI overrides any statutory provision relating to the preparation, adoption or revision of local development documents (including joint local development documents).

3. How to interpret this document

- 3.1 This document is divided into four sections to reflect the requirements of Section 18 Planning and Compulsory Purchase Act⁶. Part C and Part D to reflect the Localism Act (2011) and the Neighbourhood Planning (General) Regulations 2012 (as amended).

Part A : Local Plans

Deals with the preparation and revision of Local Plans and other local development documents (including joint local development documents and supplementary planning documents).

Part B : Development Management

Deals with the provisions relating to Development Management, i.e. the control of development as set out in Part 111 of the Town and Country Planning Act 1990⁷.

Part C : Neighbourhood Plans

Deals with the preparation and revisions of Neighbourhood Plans and Local Development Orders.

Part D : Community Infrastructure Levy

Deals with the preparation and introduction of the Community Infrastructure Levy (CIL).

⁶ [HMSO \(2004\) The Planning and Compulsory Purchase Act](#)

⁷ [HMSO \(1990\) The Town and Country Planning Act](#)

PART A: Local Plans

Preparation and Revision of Local Plans and other Local Development Documents

4. Community Involvement in the Local Development Framework

- 4.1 Halton Borough Council is responsible for preparing a LDF to guide development in the borough. At the time of writing in 2018, the Core Strategy Local Plan is the overarching strategic planning document. The LDF also includes the saved policies from the Halton Unitary Development Plan (UDP)⁸ and a range of adopted SPDs. These documents will be in place until superseded by the adoption of new local plans which are subject to examination in public by an independent inspector appointed by the Secretary of State.

Key Contacts and LDF Consultation Database

- 4.2 The Council holds a database of contact details for organisations and community groups. It contains details of statutory organisations and people who have responded to previous consultations or have requested to be informed of the production of LDDs, SPDs and/or supporting documents. This is a 'live' database, updated on a regular basis as requests for inclusion or removal are received. All data held is pursuant to the principles of the Data Protection Act⁹ (1998).
- 4.3 To subscribe, see <https://halton.me/planning-contact/>

⁸ HMSO (2011) The Localism Act

⁹ HMSO (2012) Neighbourhood Planning (General) Regulations (as amended)

When and how can the community get involved in the production of the LDF documents?

Local Development Documents

- 4.4 Each Local Development Document (LDD) that the Council prepares has to go through a number of stages, with informal and formal consultation stages taking place along the way. The stages are described below and illustrated in Figure 2.

Scoping and Pre-Production

- 4.5 The Council will seek the involvement of relevant groups in the formation of evidence; this will be used to support planning policies. The Council will ensure that based upon the relevance to the subject of the LDD. Those who have expressed an interest in the subject area when subscribing to the consultation database may be consulted.
- 4.6 Information relating to the formal ‘scoping’ stage (Reg 18) will be made available for viewing at deposit locations (as listed in Section 10) and made available on the Council’s website. As a method of reducing duplication and achieving greater efficiency, the Council anticipates that multiple documents may be consulted upon at one time.
- 4.7 Planning Authorities must undertake a Strategic Environmental Assessment (SEA) on documents which are likely to have significant environmental effects under European Directive 2001/42/EC¹⁰. It is also mandatory for LDDs to produce a Sustainability Appraisal (SA)¹¹. The SA process ensures that we assess the environmental, economic and social effects of policies and proposals as the LDD is being produced. The overall aim is to check whether our policies and plans are contributing towards achieving sustainable development. The SA takes place alongside the preparation of a Local Development Document and includes opportunities for involvement at key stages of the document’s production. Whilst the SA and SEA tests are distinct, it is possible to carry them out in one appraisal process. During formal consultation(s) in the production stage of a LDD the SA and SEA will be made available at deposit locations and on the Council website.

Production

- 4.8 Using evidence previously gathered or commissioned, the Council will begin work on preparing a draft document that;

¹⁰ European Union Directive (2001) The European SEA Directive 2001/42/EC

¹¹ Sustainability Appraisal

- a) has considered alternative approaches and is justified in the selected approach, and;
 - b) is underpinned by both the evidence base and SA.
- 4.9 The draft LDD will be subject to a six week public consultation period. Appropriate stakeholders, and those individuals with an identified interest in the topic/document subscribed to the LDF notifications system (consultation database) will be contacted. The draft LDD and supporting documents will be placed at deposit locations and will be made available on the Council website.
- 4.10 Representations received during the public consultation will be taken into consideration and the LDD altered as appropriate. A concise report called a 'Statement of Consultation' will be prepared summarising the representations received and how they are to be, or have been, addressed in the subsequent 'submission' version of the LDD.

Submission - Examination

- 4.11 The 'submission' version of the LDD, the SA and supporting documents will be placed at deposit locations and on the Council website. These documents will also be sent to the Secretary of State. Representations can be made at this stage, however, they will not be considered by the Council, but by an independent Inspector, appointed by the Secretary of State, who will hold a public examination.
- 4.12 At least six weeks before the examination hearing sessions begin all details of the hearing sessions will be advertised in the local press and on the Council website. This information will include times, dates and the location of the examination and the name of the inspector appointed.
- 4.13 It is at the inspectors' discretion as to whether a 'pre examination' meeting is called. This would take place 8 weeks prior to the start of the examination hearing sessions.
- 4.14 It is at the Inspector's discretion as to what issues they wish to cover in the Hearing Sessions, whether to hold Hearing Sessions and whom may be invited to take part in any Hearing Sessions.

Adoption

- 4.15 Following an examination, the Inspector will produce a report which informs the Council of their findings. If no major changes to the LDD are required the Council can proceed to adoption. If major changes are required these will be subject to a six week public consultation.

- 4.16 The Council will produce an adoption statement; this will be available on the Council's website. A notification letter will also be posted to all consultees that have previously requested to be notified of the adoption of the LDD.

Figure 2: LDD production stages

DPD Preparation Stage	Reg Number	Purpose	Consultation Required?	Publicity Required?
Evidence gathering	-	Gather evidence in order to identify the issues and opportunities for development in the Borough	As necessary for each evidence document	As necessary for each evidence document
Scoping	Reg 18	Notify persons/groups of the subject of the DPD and invite them to make representations about the content of the DPD	Yes	Yes
Issues and Options	-	Gathering evidence on the issues and options for suggested policy directions and undertaking initial work on the Sustainability Appraisal. Notify persons/groups of the issues for the DPD and invite them to make representations. If consulted upon, comments received will inform the next stage.	Optional (requirement removed by the 2012 Regulation's)	Optional (requirement removed by the 2012 Regulation's)
Preferred Options	-	To prepare a draft document taking into account the comments made at Issues and Options and produce a Sustainability Appraisal.	Optional	Optional
Publication	Reg 19 Reg 20	Prepare a final draft document taking into account the comments made at any previous stages, along with a Sustainability Appraisal.	Yes	Yes
Submission of a DPD to the Secretary of State	Reg 22	All representations received at Publication stage will be collated, summarised and forwarded to an independent Planning Inspector	No	Yes
Independent Examination	Reg 24	The EiP considers the soundness of the DP, which includes an assessment of whether the LPA has considered the views of the community and met the requirements of the SCI	No	Yes
Main Modifications		The Planning Inspector may recommend modifications to the DPD in order to make	Yes	Yes

		it pass a test of soundness. Any comments received will be considered by the Planning Inspector		
Publication of Inspectors Report / Adoption of the DPD	Reg 25 Reg26	Subject to the recommendations of the Planning Inspector, the Council will adopt the DPD as soon as practical and will notify consultees of the publication of the Inspectors Report and adoption of the DPD.	No	Yes
Monitoring and Review		Annual Monitoring will track the performance of policies and to advise on necessary adjustments	No	No

Supplementary Planning Documents (SPD)

- 4.17 Supplementary Planning Documents are produced to provide more detailed planning policy guidance to applicants or their agents seeking planning permission. They supplement existing Local Development Documents. The following section describes when and at what stage public consultation takes place in the production of an SPD and is illustrated in figure 3 below.
- 4.18 Unlike a LDD, an SPD is not required to be examined by the Secretary of State, as the content of the SPD is intended to ‘supplement’ policies within a LDD which will have undergone an examination in public.

Pre-Production

- 4.19 At this stage evidence is gathered to support policies to be written. As previously stated SPDs supplement existing LDD policies or saved Unitary Development Plan (UDP) policies. Therefore, it is likely that some evidence will already exist which will be used in the preparation of the SPD. Where additional evidence is required, consultation will occur with groups/ departments/ organisations who have expressed an interest in the SPD subject or who are associated with the subject, for example, the Hot Food Takeaway SPD consultation was undertaken with Environmental Health.

Production

- 4.20 A draft SPD is prepared and is subject to a minimum four week consultation period. Appropriate stakeholders stored on the LDF database and any organisation or person requesting to be kept informed of the production of SPDs will be contacted and informed that the SPD is available at deposit locations. The SPD consultation will be advertised and made available on the Council’s website.

- 4.21 In accordance with Regulation 17 (d)(i) of the Town and Country Planning (Local Planning)(England) 2004 Regulations 2012¹² a 'Statement of Consultation' will be produced. This will list all representations received as a result of the consultation and will explain how they have been taken into consideration and, where appropriate, the SPD altered.

Adoption

- 4.22 Following an internal approvals process, the statement of consultation and an adoption statement will be made available on the Council website and at deposit locations. An adoption statement will be sent to any person who had requested to be notified of the adoption of the SPD.

Figure 3: SPD production stages

SPD Preparation Stage	Reg Number	Purpose	Consultation Required?	Publicity Required?
Evidence gathering	-	Gather evidence in order to the SPD	No	No
Scoping/Issues	Reg 12(a)	To set the scope of and identify issues. Comments will inform the next stage of the SPD.	Informal/ limited to bodies who have expressed an interest in the subject	Optional
Public participation on draft SPD	Reg 12(b) Reg 13	To prepare the draft SPD Publish consultation statement (Reg 12(a)) and draft SPD, invite representations on the draft SPD. Comments will inform the next stage of the SPD	Yes	Yes
Final SPD	-	To produce the final SPD	No	No
Adoption of the SPD	Reg 14	Adoption of the SPD	No	Yes
Monitoring & Review		Annual Monitoring will track the performance of policies and to advise on necessary adjustments	No	No

¹² CLG (2012) Town and Country Planning (Local Planning)(England) Regulations (as amended)

PART B: Development Management

Community Involvement in Planning Applications

5. Provisions relating to the control of development in Part 111 Town and Country Planning Act 1990.

- 5.1 The planning application process involves the making, consideration and determination of applications for “development” which can be either building works or a material change of use. There are also other types of applications that do not involve development but fall under the management of the local planning authority and include applications for advertisement consents and listed building consents.

Timescales

- 5.2 The government sets targets for the time taken to determine planning applications. These are currently 13 weeks for major applications and 8 weeks for all others. If an Environmental Impact Assessment is required as a result of the scale of development, then this period will extend to 16 weeks.

Permitted Development

- 5.3 Not all “development” requires a planning application for planning permission. Some works can be carried out as “Permitted Development” whereby planning permission is automatically granted by the Town and Country Planning (General Permitted Development) (England) Order 2015. Similarly, not all advertisements require consent from the Council; certain types of advert may be displayed with “Deemed Consent”.

If you are unsure whether or not you require planning permission, or other planning related consents please visit

https://www.planningportal.co.uk/info/200125/do_you_need_permission

The Planning portal provides a useful link to an interactive house.

- 5.4 For up-to-date information on how to make a planning application, guidance can be found on our website

<https://www3.halton.gov.uk/Pages/planning/applyforplanning.aspx>

Pre Application Advice

- 5.5 Halton Borough Council welcomes and encourages applicants and developers to see pre-application advice from the Council prior to the submission of a formal planning application. There are a number of benefits in seeking advice before making an application, including:
- Providing early guidance on the planning policies relevant to your development and help to understand how these policies apply to your proposal;
 - Identifying if there is a need for specialist information such as a tree survey, flood risk assessment, ecological assessment.
 - Enabling proposals to be changed and potential problems overcome before an application is submitted, saving time during the application process and minimising the risk of planning permission being refused.
 - Ensuring you know what information is required to submit the application
 - Identifying and addressing issues at pre-application stage can save time when an application is submitted and may result in a quicker decision.

In summary, pre-application discussion can help deliver a higher quality of application which improves the chance of successful outcomes.

What is required when submitting a pre-application enquiry?

- 5.6 Normally pre-application enquiries require the submission of sketch drawing and other relevant detail and applicants are asked to fill in forms which are available on the Council's website. We aim to provide a response within 28 days wherever possible, we will advise on the likelihood of gaining an approval on an informal basis.
- 5.7 The schedule of charges for pre-application advice and the pre application procedure can be found on the Council's webpages at:
<https://www3.halton.gov.uk/Pages/planning/Get-Planning-Advice.aspx>

How will the Council consult on pre-application enquiries?

- 5.8 For major pre-application enquiries the Council may seek advice from statutory consultees in order to provide comprehensive pre-application advice.
- 5.9 During pre-application discussion officers will advise developers on whether we feel the proposal would benefit from a process of community involvement before the application is submitted. National Planning Practice Guidance advises that "pre application engagement with the community is encouraged where it will add value to the process and the outcome." The Council understands that different types of

development will require public consultation to be tailored to suit the individual circumstances, however on major schemes a developer would be expected to consider holding a public meeting, exhibition and leaflet drop in the local area. Appropriate consultation plans can be agreed at pre application stage.

- 5.10 Community consultation measures are not necessary for small scale applications for example a house extension or single dwelling. However, we emphasise with applicant/developers the benefits to be gained from discussing proposals with neighbours.

Development Management

- 5.11 The Council exercises its development management function in the public interest and is committed to publicising and consulting on planning applications. Upon receipt of a planning application the Council will undertake a period of formal consultation.
- 5.12 Dependent upon the type of application being considered, the Council is also required to consult various organisation and bodies and to invite them to make a representation, as set out in the Town and Country Planning (Development Management Procedure Order) (England) (2015) (DMPO).
- 5.13 The main type of consultation groups include:
- Public
 - Statutory Consultees
 - Non Statutory Consultees
- 5.14 The level of consultation associated with planning applications, will be proportionate to the type and scale of planning applications being determined. The Council will meet legal requirements with regards to publicity.
- 5.15 The following regulations set out public consultation:
- Town and Country Planning (Development Management Procedure) (England) Order 2015
 - The Planning (Listed Building and Conservation Areas) Regulations and The Planning (Listed Buildings and Conservation Areas) Act 1990
 - The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

The regulations state how the consultation should be undertaken whether by site notice or individual neighbour notification.

- 5.16 Neighbour notification by letter is the principal method of consultation for most planning applications. Letters are sent to all owners/occupiers of properties that

immediately adjoin the boundary of the application site. Where the Council is unsure of the owner of an adjoining site a site notice will be displayed.

- 5.17 A press notice is also required for the following types of applications:
- Erection of 10 or more dwellings, or a site areas of 0.5 ha or more
 - Erection of 1000 sqm of floor space or site area of 1 ha or more
 - An application accompanied by an Environmental Impact Statement
 - A departure from the Local Plan
 - A development that would affect a public right of way under part III of the Wildlife and Countryside Act 1981
 - Development affecting the character or appearance of a Conservation Area
 - Development affecting the setting of a Listed Building.
- 5.18 Interested parties are given 21 days to respond in writing to the consultation.,
- 5.19 A weekly list of planning applications is available on the Council's webpage, or you can sign up to receive the weekly list via email at <https://webapp.halton.gov.uk/planningapps/>
- 5.20 We consult neighbouring Council's where appropriate and also consult directly any properties in other Boroughs which directly adjoin an application site.

How to comment on a planning application

- 5.21 Planning applications can be viewed in on the Council's website <https://webapp.halton.gov.uk/planningapps/>
- 5.22 Comments may be made on any planning application, by anyone, regardless of whether or not they were consulted individually. All comments must be made in writing and must contain the name and address of the author. The Council will not take into consideration any anonymous comments received.
- 5.23 Comments received are public information and cannot legally be kept confidential, therefore comment should not include any personal information for example, phone numbers or signatures. Comments should be submitted within the stated identified consultation period,

Notifying you of a decision

- 5.24 A decision on the planning application will be available on the Council webpage, it is the responsibility of the individual who have commented on an application to check the status of the application on the web page as people who have commented on an application are not notified that a decision has been made.

PART C

6. Neighbourhood Plans and Neighbourhood Development Orders

What is Neighbourhood Planning?

- 6.1 Introduced by the Localism Act 2011 supported by the Neighbourhood Planning (General) Regulations 2012 (as amended), Neighbourhood planning offers communities three new planning tools intended to support community-led growth and development.
- 1) Neighbourhood Development Plans
These Plans allow communities to establish general (non-strategic) planning policies for the development and use of land within a defined neighbourhood area and so influence the type, design, location and mix of new development.
 - 2) Neighbourhood Development Orders
This is a community led “order” that grants planning permission in relation to a Neighbourhood Area for development specified in the Order. An order cannot relate to ‘excluded’ development and does not grant building regulations approval.
 - 3) Community Right to Build Orders
This is a particular type of Neighbourhood Development Order that grants planning permission for small-scale, site-specific, community-led developments. It does not remove the need for Building Regulations approval
- 6.2 Neighbourhood Planning is a community-led framework for guiding the future development, regeneration and conservation of an area. It is about the use and development of land and may contain a vision, aims, planning policies and proposals for improving the area, or the allocation of key sites for specific kinds of development.
- 6.3 A Neighbourhood Plan is subject to an independent examination, and if approved by the Examiner a local referendum, in which residents on the electoral register within the designated area can vote. If the Plan or Order is supported by over 50% of the turnout, the local authority must adopt it into its Local Development Framework, thereby representing a material consideration in the determination of planning applications, or “make” the Order so removing the need for separate planning permission.
- 6.4 The Neighbourhood Plan must be made within 8 weeks of the date of the Referendum. Prior to a draft neighbourhood plan being “made” after succeeding at referendum, it automatically forms part of the development plan, but it would not continue to do so if the Borough Council were to decide it should not be “made”.
- 6.5 Neighbourhood Planning proposals must be;

- In line with local and national planning policies
 - In line with other laws
 - In accordance with the local planning authority plans for growth.
- 6.6 Like local plans, regulations cover neighbourhood plan/orders preparation, including consultation requirements. Regulations also cover the referendum stage. The council's role is to provide advice and support to groups developing a plan. Up to submission of the final draft ('proposed submission') plan, it is the Parish council/qualifying body that is responsible for public consultation and engagement in its preparation.

Borough Council support for Neighbourhood Plans

- 6.7 The Borough Council will seek to provide proportionate support to 'qualifying bodies' seeking to prepare a Neighbourhood Plan, where the level of support does not adversely impact on the delivery of the Council's own Local Development Scheme.
- 6.8 Support may include;
- Technical advice on process and procedures
 - Advice on potential scope of the Neighbourhood Plan and interrelationships with existing / emerging higher level policy
 - Interpretation of Borough planning policies
 - Interpretation of evidence base studies / information
 - Provision of housing development requirements
- 6.9 Where appropriate, the Council will consider an informal service level agreement with qualifying bodies to cover information sharing (both ways), procedural issues and intended timetables.
- 6.10 The preparation of a Neighbourhood Plan is the responsibility of the individual qualifying body, and as such the nature, timing and extent of the public engagement is outside the scope of this SCI. The following table sets out the key stages in the preparation of a Neighbourhood Plan, where regulations require the qualifying body to undertake consultation and the duties/roll of the Borough Council.

Neighbourhood Development Plans and Orders		
Key Stages	Opportunities for engagement	
	Qualifying body	Halton Council
<u>Stage 1: Designation of neighbourhood area (and if appropriate neighbourhood forum):</u>		
Qualifying body submits an application to the borough council to designate an area	Before submitting an application to designate the neighbourhood area the qualifying body may decide to consult with the local community about preparing a neighbourhood plan/ order.	<p>Where a parish council applies for the whole of a parish to be designated as a neighbourhood planning area and no existing designations/applications are in place the Council must designate the area, and will publicise the designation.</p> <p>Where another group applies for designation, the Council will formally publicise and consult on the application (minimum consultation period is 4 weeks) and will publish details in relation to the designation or refusal of a neighbourhood area</p> <ul style="list-style-type: none"> • Write to specific, general and all other consultees who the council consider may have an interest. • Make documents available on the council's website, at the HDL offices and other locations as considered appropriate.
<u>Stage 2: Preparing the Draft Neighbourhood Plan/Order</u>		
<ul style="list-style-type: none"> • Develop vision, aims and objectives • Develop communications strategy • Gathering baseline information and evidence • Identify and assess options • Prepare draft Neighbourhood Plan/ 	Qualifying body should undertake ongoing consultation and engagement with the community (those living, working, with an interest in or affected by proposals) and relevant consultees (such as infrastructure providers) as the neighbourhood plan/order is being developed.	

<p>Order and associated documents</p> <p>Ensure compliance with EU obligations If the plan is deemed likely to have significant environmental effects then Strategic Environmental Assessment will be required.</p>	<p>If it is determined that a Strategic Environmental Assessment (SEA) is required for the neighbourhood plan then the Parish Council / qualifying body will need to undertake the SEA.</p>	<p>The Council will carry out an initial screening which lasts for five weeks and involves consulting the statutory consultees.</p>
<p><u>Stage 3: Pre-submission publicity and consultation</u></p>		
<ul style="list-style-type: none"> • Formal consultation stage • After consultation, the qualifying body will consider representations received and amend neighbourhood plan as appropriate • Consultation statement is prepared which details the consultation undertaken, the responses received and any changes as a result. • The Borough Council will continue to provide informal advice and support. 	<ul style="list-style-type: none"> • Qualifying body will formally publicise the draft neighbourhood plan or order and invite representations. • Consultation bodies (outlined in the Neighbourhood Planning Regulations¹³ (Sch1) also need to be consulted. 	<p>The Council may make formal representations in response to consultation</p>
<p><u>Stage 4: Submission of Neighbourhood Plan/Order to Borough Council:</u></p>		
<p>Submission Plan and supporting documents submitted to the council including basic conditions</p>		<p>If the Council finds that the plan or order meets the legal requirements it will formally</p>

¹³ The Neighbourhood Planning (General) Regulations 2012 No. 637 SCHEDULE 1

<p>statement, SEA and consultation statement.</p>		<p>publicise and consult (for a minimum of 6 weeks) as follows:</p> <ul style="list-style-type: none"> • Write to specific, general and all other consultees who the council consider may have an interest. • Make documents available on the council’s website, at Deposit Locations as considered appropriate along with any locations suggested by the Parish Council/qualifying body. • Use social media and local media/ press to raise awareness • Collate the representations made to send to the examiner.
<p><u>Stage 5: Independent examination</u></p>		
<ul style="list-style-type: none"> • Qualifying body submits plan, relevant documentation and representations to independent examiner. • Following examination, the examiner issues a recommendation to the council and qualifying body. • If the council is satisfied that the Plan/Order meets the basic conditions the neighbourhood plan proceeds to referendum, working with the parish/town council/forum in light of any changes 		<p>The Council will;</p> <ul style="list-style-type: none"> • Write to specific, general and all other consultees who the council consider may have an interest informing them that the examiner’s report has been published. • Publish the examiner’s report on the council's website

<p>required by the examiner.</p> <ul style="list-style-type: none"> • If the council doesn't think the basic conditions have been met, they will work with the qualifying body to determine the way forward. 		
<p><u>Stage 6 : Referendum plan/order</u></p>		
<p>Referendum version of the neighbourhood plan/order made available by the council along with associated documents including information statement, examiners report, decision statement and general information document.</p> <ul style="list-style-type: none"> • Results declared after polling has taken place • If there is a positive referendum result the Neighbourhood Plan becomes part of the Development Plan immediately. 	<p>Qualifying body can raise awareness of referendum through publication of <i>neutral promotional material</i>.</p>	<p>Council makes arrangements and publishes notice for the referendum setting out the relevant information and associated documents in line with legislative requirements. These documents will be made available on the council's website, council offices, local library and parish council office along with any locations suggested by the qualifying body.</p> <ul style="list-style-type: none"> • A person is entitled to vote if at the time of the referendum, they meet the eligibility criteria to vote in a local election for the area and if they live in the referendum area. • Council declares result of referendum on website and via social media.
<p><u>Stage 7: Making the neighbourhood plan/ order</u></p>		
<p>If more than 50% vote in favour, the Borough council 'makes' the plan via Council resolution.</p>		<p>The Council will;</p> <ul style="list-style-type: none"> • Publish the Neighbourhood Plan, adoption statement and SEA adoption statement (where relevant) on the council's website, at the council offices and other locations as considered

		<p>appropriate. A copy of the adoption statement will be sent to specific, general and all other consultees who the council consider may have an interest.</p>
<p><u>Stage 8: Monitoring and Review</u></p>		
<p>The Neighbourhood Plan sets out the period for which it has effect. Qualifying bodies in areas where policies in a made neighbourhood plan have become out of date may decide to update their plan, or part of it before the end of the plan period.</p>	<p>The process for the ‘making’ of a replacement plan/order is the same as the process for the making of the existing plan/order. A streamlined procedure for modification of a neighbourhood development plans/orders where the proposed modifications would materially affect the policies in the plan/order, but would not be as significant or substantial as to change the nature of the plan is also possible.</p>	<p>The Council will advise on the options, process and timing for reviewing neighbourhood plans.</p>

PART D

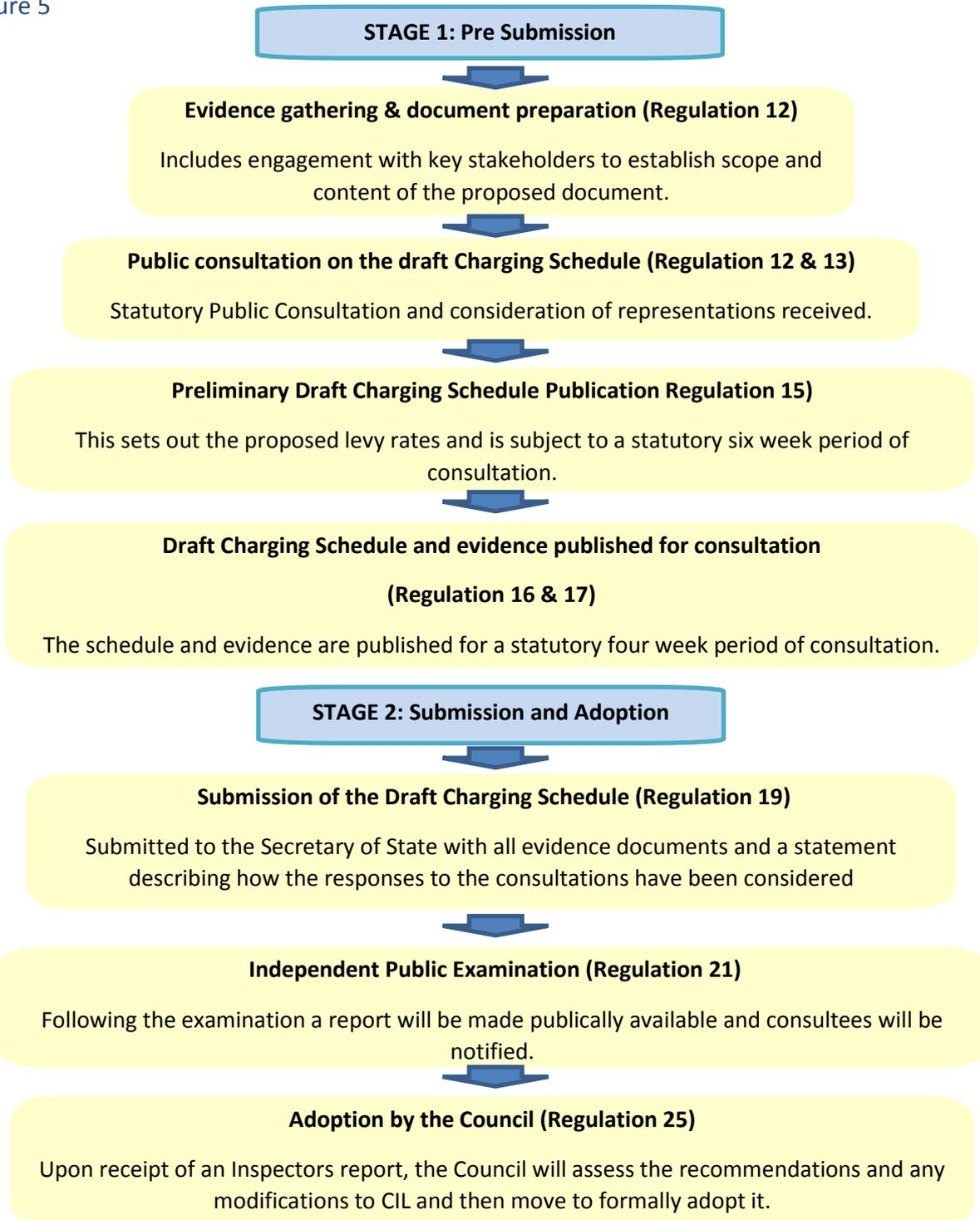
7. Community Infrastructure Levy (CIL)

- 7.1 There are CIL Regulations¹⁴ that prescribe the steps that need to be undertaken in the preparation of a CIL Charging schedule, as described in figure 5 below. The procedures for preparation, consultation, submission and examination are very similar to those for the preparation of Local Development Documents which collectively form Halton's Local Plan.
- 7.2 Initial preparation of a draft CIL involves engagement with key stakeholders to establish the scope and content of the CIL. The Council will prepare a preliminary draft and this will then be consulted on for a period of 6 weeks. Following this, the Council will consider the representations received and prepare a Draft Charging Schedule. This is then consulted upon for a further statutory six week period
- 7.3 If there are any modifications following consultation on the Draft, there will be another consultation for at least 4 weeks.
- 7.4 Following the consultation period, the Draft Charging Schedule will be submitted to the Secretary of State together with all supporting evidence documents and a statement setting out how the council have considered representations received following each consultation stage, This statement will clearly explain how the responses have been considered by the Council, and how or if the schedule has been amended as a result.
- 7.5 An independent examination of the CIL by a Government appointed Inspector, will be arranged. Members of the public, stakeholders and the Council are able to attend. The purpose of the Examination is to consider the "soundness" of the Community Infrastructure Levy and whether it meets the legal requirements as set out in the relevant legislation and regulations. The conduct of the Examination is usually hearing sessions whereby representors can present their comments orally to the inspector during the sessions. The Examination may, however, be wholly by written representations; this will be determined by the Inspector. During the Examination the Inspector may pose additional questions to the Council and other representors to help his/her understanding of the issues. These questions and the responses given will be made publically available, usually on the Council's website. The Examination may result in modifications being required in order to make CIL 'sound'. If these modifications are deemed to be significant 'material changes' to the schedule then the Inspector may advise that the Council undertakes a further round of public consultation on these changes. This consultation will usually be for six weeks.
- 7.6 Following the Examination, the Inspector will prepare a report on the CIL and make recommendations and or modifications which are required before CIL can be adopted. This report will be made publically available and consultees will be notified.

¹⁴ CLG (2010) The Community Infrastructure Levy Regulations (as amended)

- 7.7 Upon receipt of an Inspectors report, the Council will assess the recommendations and any modifications to CIL and then move to formally adopt it. The Council will produce and Adoption Statement, advertise that the Schedule has been adopted and make the document available for public inspection at the main Council Planning Offices and on the Council website.

Figure 5



8. Further Planning Advice

- 8.1 The Royal Town Planning Institute (RTPI) is helping to encourage public participation in planning issues by setting up a Planning Aid system in every region. The advice offered to community groups and individuals is complementary to the advice given by the local authority. Planning Aid England provides free, independent and professional planning advice to communities and individuals who cannot afford to pay professional fees:

Planning Aid England (PAE)

Tel: 020 7929 9494

(www.rtpi.org.uk/planning-aid)

- 8.2 The planning portal is a web based source of planning information. (www.planningportal.gov.uk). The information provided allows members of the public to learn more about how the planning system works and find out how they can become involved. The planning portal provides comprehensive information for both planning policy and development control/development management.

9. Monitoring

9.1

The Council will maintain the LDF consultation database which will continue to be the main source to identify individual consultees for future consultation exercises. The Council will seek to work with partners and land owners to pursue delivery against the Vision and Strategic Objectives of the Sustainable Community Strategy and Core Strategy Development document within the LDF.

10. Availability of Consultation Material

- 10.1 All consultation material, supporting background and evidence base documents will be published on the Council website.
- 10.2 All consultation material will be made available in Halton Direct Link offices and in all Halton's libraries. The location and opening times of the Councils offices and libraries can be found online at: <http://www3.halton.gov.uk/educationandlearning/libraries/>

REPORT TO:	Environment and Urban Renewal Policy and Performance Board
DATE:	30th September 2020
REPORTING OFFICER:	Strategic Director – Enterprise, Community and Resources
PORTFOLIO:	Physical Environment
SUBJECT:	Planning White Paper
WARDS:	Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To inform the Board about the recently published (6 August 20) Planning White Paper consultation and the potential implications this could have for development in Halton. The consultation is open until 29 October 2020. The White Paper can be found online here:

<https://www.gov.uk/government/consultations/planning-for-the-future>

2.0 RECOMMENDATION: That

(1) The Board notes the report; and

(2) Consideration is given to the proposals, together with any response the Board may wish to provide to the consultation.

3.0 SUPPORTING INFORMATION

- 3.1 The Government has announced significant changes to the planning system in recent months with various changes to the Use Class Order and Permitted Development Rights, and the Prime Minister's announcement to 'Build, Build, Build'. These changes are intended to significantly increase the number of new homes built, a move to 'beauty' in development and streamlining and modernising the planning process.
- 3.2 Recent announcements have now been expanded and formalised within proposals set out in the Planning White Paper 'Planning for the Future'. The Planning Paper sets out the most radical changes to the Planning System since it was introduced in the immediate period after the Second World War.

4.0 POLICY IMPLICATIONS

- 4.1 The Planning White Paper 'Planning for the Future' was published on 6 August 2020. It has been heralded by many as the most radical reform of the planning system in England since the establishment of the current

system. Probably the key driver of the proposed reforms is the need to deliver, as a nation, 300,000 new homes per year.

- 4.2 The proposals are set out under a number of 'pillars' with each having a number of specific proposals. The pillars for change are:
- Planning for development
 - Planning for beautiful and sustainable places
 - Planning for Infrastructure and connected places
- 4.3 The remainder of this report will set out each of the 24 detailed proposals as set out in the White Paper with an explanation of each. An initial response to the proposals is provided at Annex A.

Proposal 1: The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – Growth areas suitable for substantial development, Renewal areas suitable for development, and areas that are Protected.

- 4.4 The term 'substantial' has not yet been defined but it is considered that growth areas will be new settlement and urban extension areas but also large urban regeneration areas. Sites annotated in the new Local Plan as growth areas would have automatic outline planning permissions (see proposal 5). Areas of flood risk and other land with important constraints, would be excluded unless the risk can be fully mitigated.
- 4.5 Renewal areas will cover existing built-up areas where smaller scale development is appropriate. It could include the 'gentle densification' and infill of residential areas, development in Town Centres and small sites within or on the edge of a village. There would be statutory presumption in favour of development being granted for the uses specified as being suitable in each area.
- 4.6 Protected Areas would include sites and areas which, as a result of their environmental and/or cultural characteristics, would justify more stringent development controls to ensure sustainability. This would include areas such as Green Belt, Conservation Areas, Local Wildlife Sites, areas of significant flood risk and important areas of green space. At a smaller scale it can continue to include gardens in line with existing policy in the National Planning Policy Framework.

Proposal 2: Development management policies established at national scale and an altered role for Local Plans.

- 4.7 Development management policies contained in Local Plans would be restricted to clear and necessary site or area-specific requirements, including broad height limits, scale and/or density limits for land included in Growth areas and Renewal areas, established through the accompanying text. The National Planning Policy Framework would become the primary source of policies for development management;

there would be no provision for the inclusion of generic development management policies that simply repeat national policy within Local Plans.

Proposal 3: Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness.

4.8 This would consider whether the plan contributes to achieving sustainable development in accordance with policy issued by the Secretary of State. Specifically:

- It is proposed to abolish the Sustainability Appraisal system and develop a simplified process for assessing the environmental impact of plans
- the Duty to Cooperate test would be removed
- a slimmed down assessment of deliverability for the plan would be incorporated into the “sustainable development” test
- Plans should be informed by appropriate infrastructure planning, and sites should not be included in the plan where there is no reasonable prospect of any infrastructure that may be needed coming forward within the plan period

Proposal 4: A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.

4.9 Local Plans will need to identify areas to meet a range of development needs – such as homes, businesses and community facilities – for a minimum period of 10 years.

4.10 It is proposed that the standard method would be a means of distributing the national housebuilding target of 300,000 new homes annually, and one million homes by the end of the Parliament, having regard to:

- the size of existing urban settlements (so that development is targeted at areas that can absorb the level of housing proposed);
- the relative affordability of places (so that the least affordable places where historic under-supply has been most chronic take a greater share of future development);
- the extent of land constraints in an area to ensure that the requirement figure takes into account the practical limitations that some areas might face, including the presence of designated areas of environmental and heritage value, the Green Belt and flood risk;
- the opportunities to better use existing brownfield land for housing, including through greater densification. The requirement

figure will expect these opportunities to have been utilised fully before land constraints are taken into account;

- the need to make an allowance for land required for other (non-residential) development; and
- inclusion of an appropriate buffer to ensure enough land is provided to account for the drop off rate between permissions and completions as well as offering sufficient choice to the market.

4.11 The proposed method for calculating the housing requirement taking account of all the factors above has not yet been published. The current 'standard methodology' is subject to a proposed revision but this does not factor in all the points above. The government, however, is confident that the proposed approach would make sure enough land is identified for new housing and therefore proposes that a five year supply of housing land is no longer needed to be demonstrated, although the Housing Delivery Test would remain.

Proposal 5: Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.

4.12 In areas suitable for substantial development (Growth areas) an outline permission for the principle of development would be confirmed on adoption of the Local Plan. Further details would be agreed, and full permission achieved, through streamlined and faster consent routes which focus on securing good design and addressing site-specific technical issues.

4.13 Detailed planning permission could be secured in one of three ways:

- a reformed reserved matters process for agreeing the issues which remain outstanding;
- a Local Development Order prepared by the local planning authority for the development which could be prepared in parallel with the Local Plan and be linked to a master plan and design codes; or
- for exceptionally large sites a Development Consent Order under the Nationally Significant Infrastructure Projects regime

4.14 In areas suitable for development (Renewal areas), there would be a general presumption in favour of development established in legislation (achieved by strengthening the emphasis on taking a plan-led approach, with plans reflecting the general appropriateness of these areas for development). Consent for development would be granted in one of three ways:

- for pre-specified forms of development such as the redevelopment of certain building types, through a new permission route which gives an automatic consent if the scheme meets design and other prior approval requirements (as

discussed further under the fast-track to beauty proposals set out under Pillar Two);

- for other types of development, a faster planning application process where a planning application for the development would be determined in the context of the Local Plan description, for what development the area or site is appropriate for, and with reference to the National Planning Policy Framework; or
- a Local or Neighbourhood Development Order.

4.15 In both the Growth and Renewal areas it would still be possible for a proposal which is different to the plan to come forward (if, for example, local circumstances had changed suddenly, or an unanticipated opportunity arose), but this would require a specific planning application. It is expected that this is the exception rather than the rule.

4.16 In areas where development is restricted (Protected areas) any development proposals would come forward as now through planning applications being made to the local authority (except where they are subject to permitted development rights or development orders) and judged against policies set out in the National Planning Policy Framework.

Proposal 6: Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology

4.17 For all types of planning applications regardless of the category of land, the Government want to see a much more streamlined and digitally enabled end to end process which is proportionate to the scale and nature of the development proposed, to ensure decisions are made faster. The well-established time limits of eight or 13 weeks for determining an application from validation to decision should be a firm deadline – not an aspiration which can be got around through extensions of time as routinely happens now.

4.18 In order that this is achieved several proposals to standardise and digitise the processes are proposed. The Government believe there should be a clear incentive on the local planning authority to determine an application within the statutory time limits. This could involve the automatic refund of the planning fee for the application if they fail to determine it within the time limit. But they also want to explore whether some types of applications should be deemed to have been granted planning permission if there has not been a timely determination, to ensure targets are met and local authorities keep to the time limit in the majority of cases. A key issue here will be the ability of statutory and non-statutory consultees to provide comments within tight timeframes, allowing consultation to be undertaken, but also providing time for a LPA to take those comments into consideration and meet time limits.

4.19 There will remain the ability for applicants to appeal against a decision by a local planning authority. However, by ensuring greater certainty

about the principle of development in Local Plans, the Government expect to see fewer appeals being considered by the Planning Inspectorate. To promote proper consideration of applications by planning committees, where applications are refused, it is proposed that applicants will be entitled to an automatic rebate of their planning application fee if they are successful at appeal.

Proposal 7: Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.

- 4.20 Interactive, map-based Local Plans will be built upon data standards and digital principles. To support local authorities in developing plans in this new format, the Government will publish a guide to the new Local Plan system and data standards and digital principles, including clearer expectations around the more limited evidence that will be expected to support “sustainable” Local Plans, accompanied by a “model” template for Local Plans and subsequent updates, well in advance of the legislation being brought into force.

Proposal 8: Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.

- 4.21 It is proposed that the Local Plan process covers five stages, with meaningful public engagement at two stages:
- Stage 1 [6 months]: The local planning authority “calls for” suggestions for areas under the three ‘zoning’ categories
 - Stage 2 [12 months]: The local planning authority draws up its proposed Local Plan, and produces any necessary evidence to inform and justify the plan.
 - Stage 3 [6 weeks]: The local planning authority simultaneously (i) submits the Plan to the Secretary of State for Examination; and (ii) publicises the plan for the public to comment on. Responses will have a word count limit.
 - Stage 4 [9 months]: A planning inspector appointed by the Secretary of State considers whether the three categories shown in the proposed Local Plan are “sustainable” as per the statutory test and accompanying national guidance and makes binding changes which are necessary to satisfy the test.
 - Stage 5 [6 weeks]: Local Plan map, key and text are finalised, and come into force.
- 4.22 To support the transition to the new system, the Government propose a statutory duty for local authorities to adopt a new Local Plan by a specified date – either 30 months from the legislation being brought into force, or 42 months for local planning authorities who have adopted a Local Plan within the previous three years. This should be accompanied

by a requirement for each planning authority to review its Local Plan at least every five years. Reviews should be undertaken sooner than five years where there has been a significant change in circumstances. Local planning authorities that fail to do what is required to get their plan in place, or keep it up to date, would be at risk of government intervention.

- 4.23 Alternative options for Local Plan production is the removal of examination stage altogether and requiring Local Authorities to undertake a self-assessment against a set of set criteria and guidance.

Proposal 9: Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools

- 4.24 Neighbourhood Plans should be retained in the reformed planning system, but the Government want to consider whether their content should become more focused to reflect proposals for Local Plans, as well as the opportunities which digital tools and data offer to support their development and improve accessibility for users.

Proposal 10: A stronger emphasis on build out through planning

- 4.25 The Government propose to make it clear in the revised National Planning Policy Framework that the masterplans and design codes for sites prepared for substantial development should seek to include a variety of development types by different builders which allow more phases to come forward together. They will explore further options to support faster build out as we develop our proposals for the new planning system.

Proposal 11: To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.

- 4.26 As national guidance, the Government will expect the National Design Guide, National Model Design Code and the revised Manual for Streets to have a direct bearing on the design of new communities. But to ensure that schemes reflect the diverse character of our country, as well as what is provably popular locally, it is important that local guides and codes are prepared wherever possible. These play the vital role of translating the basic characteristics of good places into what works locally, and can already be brought forward in a number of ways:

- by local planning authorities to supplement and add a visual dimension to their Local Plans;
- through the work of neighbourhood planning groups;
- or by applicants in bringing forward proposals for significant new areas of development.

- 4.27 It is proposed that these different routes for bringing forward design guides and codes should remain, although in all cases it will be essential that they are prepared with effective inputs from the local community, considering empirical evidence of what is popular and characteristic in the local area. To underpin the importance of this, the Government intend to make clear that designs and codes should only be given weight in the planning process if they can demonstrate that this input has been secured. And, where this is the case, it will also be made clear that decisions on design should be made in line with these documents. Where locally-produced guides and codes are not in place, the Government also propose to make clear in policy that the National Design Guide, National Model Design Code and Manual for Streets should guide decisions on the form of development.

Proposal 12: To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.

- 4.28 The Government will explore the options for establishing a new expert body which can help authorities make effective use of design guidance and codes, as well as performing a wider monitoring and challenge role for the sector in building better places. They will also bring forward proposals later this year for improving the resourcing of planning departments more broadly; and their suggestions in this paper for streamlining plan-making will allow some re-focusing of professional skills. However, effective leadership within authorities will also be crucial. To drive a strong vision for what each place aspires to, and ensure this is integrated across council functions, the Government believe that each authority should appoint a chief officer for design and place-making, as recommended by the Building Better, Building Beautiful Commission.

Proposal 13: To further embed national leadership on delivering better places, we will consider how Homes England's strategic objectives can give greater emphasis to delivering beautiful places.

- 4.29 This proposal doesn't have specific implications for Local Authorities except that Homes England would be expected to prioritise schemes (and hence funding opportunities) to schemes that promote 'beauty'.

Proposal 14: We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.

- 4.30 In the first instance, through updating the National Planning Policy Framework, the Government will make clear that schemes which comply with local design guides and codes have a positive advantage and greater certainty about their prospects of swift approval.

- 4.31 Second, where plans identify areas for significant development (Growth areas), it will be legislated to require that a masterplan and site-specific code are agreed as a condition of the permission in principle which is granted through the plan. This should be in place prior to detailed proposals coming forward, to direct and expedite those detailed matters. These masterplans and codes could be prepared by the local planning authority alongside or subsequent to preparing its plan, at a level of detail commensurate with the size of site and key principles to be established.
- 4.32 Third, it also proposed to legislate to widen and change the nature of permitted development, so that it enables popular and replicable forms of development to be approved easily and quickly, helping to support 'gentle intensification' of our towns and cities, but in accordance with important design principles. This could be through the use of 'pattern books' setting out what would be acceptable in areas identified for Renewal.

Proposal 15: We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.

- 4.33 The Government want to provide important opportunities to strengthen the way that environmental issues are considered through the planning system. They also want the reforms to be clear about the role that local, spatially-specific policies can continue to play, such as in identifying important views, opportunities to improve public access or places where renewable energy or woodland and forestry creation could be accommodated.

Proposal 16: We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.

- 4.34 The current frameworks assessing environmental impacts – which include Strategic Environmental Assessment, Sustainability Appraisal, and Environmental Impact Assessment – can lead to duplication of effort and overly-long reports which inhibit transparency and add unnecessary delays.
- 4.35 The government see this is an area that needs reforming to simplify the process, make information more accessible and easier to understand and avoid duplication. This will be the subject of a separate and more detailed consultation in the autumn.

Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century.

- 4.36 The government will review and update the planning framework for listed buildings and conservation areas, to ensure their significance is conserved while allowing, where appropriate, sympathetic changes to support their continued use and address climate change. In doing so, they want to explore whether there are new and better ways of securing consent for routine works, to enable local planning authorities to concentrate on conserving and enhancing the most important historic buildings. This includes exploring whether suitably experienced architectural specialists can have earned autonomy from routine listed building consents.

Proposal 18: To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.

- 4.37 The Planning White Paper acknowledges planning system is only one of the tools that we need to use to mitigate and adapt to climate change. Last year the government consulted on proposals to move towards a Future Homes Standard, which was a first step towards net zero homes. From 2025, they expect new homes to produce 75-80 per cent lower CO2 emissions compared to current levels. These homes will be 'zero carbon ready', with the ability to become fully zero carbon homes over time as the electricity grid decarbonises, without the need for further costly retrofitting work.

Proposal 19: The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.

- 4.38 The government believe that the current system of planning obligations under Section 106 should be consolidated under a reformed, extended 'Infrastructure Levy'. This would be based upon a flat-rate, valued-based charge, set nationally, at either a single rate, or at area-specific rates. This would address issues in the current system as it would:
- be charged on the final value of a development;
 - be levied at point of occupation, with prevention of occupation being a potential sanction for non-payment;
 - include a value-based minimum threshold below which the levy is not charged, to prevent low viability development becoming unviable;
 - provide greater certainty for communities and developers about what the level of developer contributions are expected alongside new development.
- 4.39 To better support the timely delivery of infrastructure, the government would also allow local authorities to borrow against Infrastructure Levy revenues so that they could forward fund infrastructure. Enabling

borrowing combined with a shift to levying developer contributions on completion, would incentivise local authorities to deliver enabling infrastructure, in turn helping to ensure development can be completed faster.

- 4.40 Another option the government are asking for views on is for the Infrastructure Levy to be optional and for each local authority to set their own. However, as planning obligations would be consolidated into the single Infrastructure Levy, the government anticipate that there would be a significantly greater uptake than with CIL.
- 4.41 Alternatively, the national rate approach could be taken, but with the aim of capturing more land value than currently, to better support the delivery of infrastructure. While developers would be liable for paying the levy, the cost of this would be capitalised into land value. This would ensure that the landowners who benefit from increases in value as a result of the grant of planning permission contribute to the infrastructure and affordable housing that makes development acceptable.

Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights

- 4.42 In making this change to developer contributions for new development, the scope of the Infrastructure Levy would be extended to better capture changes of use which require planning permission, even where there is no additional floorspace, and for some permitted development rights including office to residential conversions and new demolition and rebuild permitted development rights. This approach would increase the levy base and would allow these developments to better contribute to infrastructure delivery and making development acceptable to the community. However, it is proposed to maintain the exemption of self and custom build development from the Infrastructure Levy.

Proposal 21: The reformed Infrastructure Levy should deliver affordable housing provision

- 4.43 Developer contributions currently deliver around half of all affordable housing, most of which is delivered on-site. It is important that the reformed approach will continue to deliver on-site affordable housing at least at present levels.
- 4.44 Affordable housing provision is currently secured by local authorities via Section 106, but the Community Infrastructure Levy cannot be spent on it. With Section 106 planning obligations removed, it is proposed that under the Infrastructure Levy, authorities would be able to use funds raised through the levy to secure affordable housing.
- 4.45 This could be secured through in-kind delivery on-site, which could be made mandatory where an authority has a requirement, capability and

wishes to do so. Local authorities would have a means to specify the forms and tenures of the on-site provision, working with a nominated affordable housing provider. Under this approach, a provider of affordable housing could purchase the dwelling at a discount from market rate, as now. However, rather than the discount being secured through Section 106 planning obligations, it would instead be considered as in-kind delivery of the Infrastructure Levy. In effect, the difference between the price at which the unit was sold to the provider and the market price would be offset from the final cash liability to the Levy. This would create an incentive for the developer to build on-site affordable housing where appropriate. First Homes, which are sold by the developer direct to the customer at a discount to market price, would offset the discount against the cash liability.

- 4.46 Local authorities could also accept Infrastructure Levy payments in the form of land within or adjacent to a site. Through borrowing against further Infrastructure Levy receipts, other sources of funding, or in partnership with affordable housing providers, they could then build affordable homes, enabling delivery at pace.
- 4.47 Another option in the Planning White Paper is to create a ‘first refusal’ right for local authorities or any affordable housing provider acting on their behalf to buy up to a set proportion of on-site units (on a square metre basis) at a discounted price, broadly equivalent to build costs. The proportion would be set nationally, and the developer would have discretion over which units were sold in this way. A threshold would be set for smaller sites, below which on-site delivery was not required, and cash payment could be made in lieu. Where on-site units were purchased, these could be used for affordable housing, or sold on (or back to the developer) to raise money to purchase affordable housing elsewhere. The local authority could use Infrastructure Levy funds, or other funds, in order to purchase units.

Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy

- 4.48 It is important that there is a strong link between where development occurs and where funding is spent. Currently, the Neighbourhood Share of the Community Infrastructure Levy ensures that up to 25 per cent of the levy is spent on priorities in the area that development occurred, with funding transferred to parish councils in parished areas. There are fewer restrictions on how this funding is spent, and the government believes it provides an important incentive to local communities to allow development in their area. It is therefore proposed that the Neighbourhood Share would be kept, and the government would be interested in ways to enhance community engagement around how these funds are used, with scope for digital innovation to promote engagement.

- 4.49 The government are also seeking views about allowing Council's to spend the Infrastructure Levy more flexibly, including on other policy priorities or lowering Council Tax, if all the infrastructure has been provided – with the caveat that levy secured for affordable housing is protected.

Proposal 23: As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms.

- 4.50 The cost of operating the new planning system should be principally funded by the beneficiaries of planning gain – landowners and developers – rather than the national or local taxpayer. Currently, the cost of development management activities by local planning authorities is to a large extent covered by planning fees, although the current fee structure means the cost of processing some applications can be significantly greater than their individual fee. However, the cost of preparing Local Plans and enforcement activities is now largely funded from the local planning authority's own resources.
- 4.51 If a new approach to development contributions is implemented, a small proportion of the income should be earmarked to local planning authorities to cover their overall planning costs, including the preparation and review of Local Plans and design codes and enforcement activities. Some local planning activities should still be funded through general taxation given the public benefits from good planning, and time limited funding will be made available by the Government in line with the new burdens principle to support local planning authorities to transition to the new planning system as part of the next Spending Review.
- 4.52 Local planning authorities should be subject to a new performance framework which ensures continuous improvement across all planning functions from Local Plans to decision-making and enforcement – and enables early intervention if problems emerge with individual authorities.

Proposal 24: We will seek to strengthen enforcement powers and sanctions

- 4.53 The government will review and strengthen the existing planning enforcement powers and sanctions available to local planning authorities to ensure they support the new planning system. They intend to introduce more powers to address intentional unauthorised development, consider higher fines, and look to ways of supporting more enforcement activity.

5.0 OTHER IMPLICATIONS

- 5.1 Due to the need to change primary legislation, any 'new regime' is going to take some time to come in. The new proposal continues with 'Local

Plans', and there will be a transition period from the current system to the new one. Work on the Delivery and Allocations Plan is at an advanced stage and should not stop as it will provide the starting point for any 'new regime'.

- 5.2 In terms of expected timescales, there is currently a 12-week consultation period, which concludes at the end of October. The government must then be considering the responses to the consultation. This will take another few weeks. The government will then have to introduce primary legislation to change the Development Plan system and to scrap and replace CIL with a nationally imposed development levy mechanism, not to mention various other changes to the 1990 Act. It is unlikely the Government could introduce a Bill before the Christmas recess.
- 5.3 It is anticipated that it will be the New Year before Parliament could get to grips with draft legislation. It is too early to say whether the Bill will undergo much parliamentary debate or whether it will be fast-tracked in order to get to Royal Assent as fast as possible. However, it is expected that this legislation may well prove to be very controversial.
- 5.4 It is likely to be the Summer of 2021 before the changes the government is promising can actually be implemented.

6.0 RISK ANALYSIS

- 6.1 Given the White Paper is a consultation document on the Government's proposals, risks do not immediately arise from the contents of the paper. It is evident that, in time, if the proposals are brought into effect by legislation, then there will be an impact on the Planning Service. However, any legislative change arising out of the white paper will be the subject of a future report to the Board.

7.0 EQUALITY AND DIVERSITY ISSUES

- 7.1 There are no equality and diversity implications arising from the subject of this report.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Planning White Paper 'Planning for the Future' published on 6 August 2020 https://www.gov.uk/government/consultations/planning-for-the-future	Planning & Transport Strategy, Municipal Building	Alasdair Cross

REPORT TO:	Environment and Urban Renewal Policy and Performance Board
DATE:	30th September 2020
REPORTING OFFICER:	Strategic Director – Enterprise, Community and Resources
PORTFOLIO:	Physical Environment
SUBJECT:	Proposed Changes to National Permitted Development Rights
WARDS:	Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to update the Board on imminent changes to planning regulations which give greater freedoms for certain forms of development to be undertaken without planning permission.
- 1.2 It should be noted that there is a legal challenge to both the General Permitted Development Order (GPDO) and Use Classes Order (UCO) changes. The High Court has directed that this action will be heard in a “rolled-up” hearing in the first half of October. This means that the Court will deal with both the application for leave to proceed and with the substantive claim at the same time. This is a procedure that is sometimes adopted in cases of urgency. The legal challenge to the legislation is serious, and the grounds on which this challenge is based raise important legal issues, especially in relation to the failure to carry out a Strategic Environmental Assessment. The alleged failure to take proper account of the responses to consultation, or to consider the government’s own specialist advice, also raises a serious *Wednesbury* (unreasonableness) issue.

2.0 RECOMMENDATION: That

- 2.1 **The Board note the proposed changes to national permitted development rights that allow certain types of development without the need to apply for planning consent.**

3.0 SUPPORTING INFORMATION

- 3.1 Many forms of home extensions and alterations, extensions to commercial premises, alongside a wide range of changes in the use of buildings (and land), and the undertaking of specific development (such as the erection of certain telecommunication masts and associated equipment), do not require the submission and approval of a planning application before work can take place. This is because these certain

types of development have deemed planning consent from Parliament in the form of the “General Permitted Development Order”

- 3.2 The above is as a consequence of national planning regulations granting explicit “Permitted Development Rights”; with the result that the development can take place without the need for a planning permission from the Council, or in some instances a planning-light, “Prior Approval” process, must be followed, with the Council only having the ability to influence certain limited details.
- 3.3 New planning regulations came into force on 31 August 2020 to further extend national Permitted Development Rights, as described below. The Government’s aim through these changes is to “*boost housing delivery*”.
- 3.4 *Extensions on top of existing homes.*
- 3.5 The new Regulations introduce a new class of Permitted Development that allows:-
 - the construction of up to two additional storeys (up to an additional 7m high) on a dwelling which has two or more storeys, and;
 - the construction of one additional storey (up to 3.5m high) on a dwelling that has one storey (along with any engineering operations necessary to facilitate the development), subject to a Prior Approval process.
- 3.6 The right is subject to obtaining Prior Approval from the Council, for the consideration of:-
 - the impact on the amenity of neighbouring premises, including overlooking, privacy and overshadowing;
 - the design, including the architectural features of the principal elevation of the house, and of any side elevation which fronts a highway, and;
 - the impacts a taller building may have on air traffic and defence assets.
- 3.7 The new rights do not apply to older or recently constructed buildings (buildings constructed before 1st July 1948 or after 28th October 2018 are excluded), or buildings in a Conservation Area. Also, for semi-detached and terrace dwellings, an extension cannot exceed the height of an adjoining property, or a property in the same terrace by more than 3.5 metres.
- 3.8 *Additional homes on top of existing commercial or mixed use buildings.*
- 3.9 The construction of up to two additional storeys of dwellings on top of buildings in commercial or mixed use, or existing dwelling houses will now be classed as Permitted Development; subject to a Prior Approval

process. The additional dwellings must be self-contained flatted accommodation and not a House in Multiple Occupation.

- 3.10 The commercial uses above which extensions can take place (including a mixture of such uses, or one combined with a residential use) are: shops; financial and professional services; restaurants and cafes; certain offices; betting offices; pay day loan shops, and; launderettes.
- 3.11 Again, the new rights do not apply to older or recently constructed buildings (buildings constructed before 1st July 1948 or after 28th October 2018 are excluded). Listed Buildings or buildings in a Conservation Area are also excluded.
- 3.12 For extensions above existing dwellings:-
- the increase in height is limited to 7m, and;
 - for semi-detached and terrace dwellings, an extension cannot exceed the height of an adjoining property, or a property in the same terrace by more than 3.5 metres.
- 3.13 For extensions above commercial buildings:-
- the height increase is limited to 7m, and;
 - the overall height of the building cannot exceed 30m on detached buildings and 18m on semi-detached and terrace buildings.
- 3.14 The Prior Approval process to be introduced allows the local planning authority to consider a fairly comprehensive range of matters, including:-
- Appearance;
 - transport impacts;
 - the amenity of existing residents and future occupants, and;
 - the impact of the change on existing businesses.
- 3.15 *The demolition of buildings and construction of new homes in their place.*
- 3.16 The demolition of a detached purpose-built detached block of flats, or a detached building used as an office, for light industry or research and development¹ and its replacement with a purpose built detached block of flats or a detached dwelling house (including some additional operations such as provision of services, works to enable access and egress etc.), will be classed as Permitted Development, subject to a Prior Approval process.
- 3.17 However, the above changes do not apply to buildings:-
- constructed before 1 January 1990;
 - that are nationally listed or in a conservation area;
 - with a footprint of more than 1000sqm, or;
 - that have been entirely vacant for less than six months before the application is made.

¹ All uses falling within Use Class B1 - Business

- 3.18 Also, a replacement building cannot be larger than the footprint of the building it replaces. However, it can be up to seven metres higher to accommodate up to two additional residential storeys, within a final overall maximum height of 18m.
- 3.19 The Prior Approval process allows for a fairly comprehensive range of matters to be considered by the Council, encompassing:-
- the transport and highways impacts;
 - contamination and flooding risks;
 - the impact of noise on the future residents;
 - design and external appearance of the new building;
 - the adequacy of natural light in all habitable rooms of each new dwelling house;
 - the impact of the introduction of residential use into an area, and;
 - the impact of the development on the amenity of the new building and of neighbouring premises, including overlooking, privacy and light.
- 3.20 Unlike some other forms of Prior Approval, for the classes of new Permitted Development Rights described above there is no deemed (default) approval should the Council fail to make a timely decision (within 8 weeks).
- 3.21 Councils are also required to only have regard to national planning guidance (the National Planning Policy Framework) and not to their own local planning policies – which may in some instances is contrary to and seeks to resist or shape the development to be granted by the new Permitted Development Rights.

4.0 POLICY IMPLICATIONS

- 4.1 A significant quantity of the housing stock in Halton, given its age, will be eligible to use the new Permitted Development Rights to extend upwards. However, the necessity to obtain separate approval under the Building Regulations remains and the cost (and significant disruption) of adding an additional storey may discourage many households from pursuing such an option. The Borough's proportion of social housing stock is also likely to impact upon take-up of this new 'right', due to this sector being rent stock, rather than home owners who would capture any uplift in the value of their property.
- 4.2 Consequently, a rush of such schemes in Halton is not expected, although developers could also see an opportunity to buy up homes and extend them, with the Council having only limited control over the appearance and impacts of the resultant extension. These may be of particular concern in streets demonstrating some uniformity and rhythm of building design and appearance, which would be significantly disrupted by the extensions allowed by the new Permitted Development Rights.

- 4.3 However, it is reasonable to assume that the greatest interest (in extending homes upwards) will be in the most affluent areas of the Country, in London and the south east, where the property values are high enough to make these extensions viable.
- 4.4 The extension above vacant business buildings for residential purposes may also be attractive for the re-purposing of office buildings in the light of the likely reduced requirements for some office and business spaces, with the shift to more home working – if this is sustained. However, again a rush of schemes in Halton is not considered likely given the nature of such buildings across the Borough, which are unlikely to be viable to extend in this manner, or attractive to occupants if located at a distance from facilities such as shops and schools.
- 4.5 In the event that such changes are considered locally to result in significantly negative consequences (although this is not currently anticipated), the Council has the option of restricting the Permitted Development Right in parts of the borough by introducing additional planning controls (an “Article 4 direction”), meaning that the changes require planning permission. However, such a direction would require ratification from the Secretary of State.
- 4.6 It is also worthwhile highlighting that under the new Permitted Development Right and need for Prior Approval, the Council continues to assess a proposal's design quality. In terms of extensions to existing homes, this includes the architectural features of the house's principal elevation and the impact on neighbouring properties. It is understood that this strand of the new Prior Approvals has been introduced by Government in response to criticisms about the design quality of schemes built under earlier office-to-residential Permitted Development rights, such as proposed at East Lane House in Halton Lea, Runcorn.
- 4.7 The new Permitted Development Rights are similar to an outline planning permission, which means that the principle of development is not a consideration for the Council. This will be of particular significance in relation to dwellings in the Green Belt where an extension's impacts on the openness (of the Green Belt) is currently a key part of the consideration of the related planning application. For developments which in future will only need to follow the Prior Approval process, this will no longer be a consideration and as a consequence, larger obtrusive extensions in the Green Belt may result.
- 4.8 Any extensions creating additional residential accommodation through these additional rights cannot be subject to any s106 agreement – to pay for, for example, highway works or the provision of Public Open Space - or require the provision of affordable housing. Furthermore, a smaller application fee (than for a planning application) will be payable to the Council. Consequently, any developments coming forward via this route will not contribute towards mitigating their impacts on local infrastructure. Nevertheless, they will require careful consideration and

scrutiny by Council officers, primarily within the Planning Service, whilst not supported by a fee to cover the cost of doing so.

- 4.9 Lastly, the introduction of further Prior Approvals as a route for a wider range of developments, further dilutes local decision-making from Halton and creates a more complex planning system for local communities to understand. Based upon experience of the operation of Prior Approval processes already in place, many communities find Prior Approval applications difficult to understand.

5.0 OTHER IMPLICATIONS

- 5.1 There are no other implications arising from the subject of this report.

6.0 RISK ANALYSIS

- 6.1 The key risks, as outlined above, are reduced controls on development and reduced planning fees. Prior Approval application will still require careful consideration and scrutiny by Council officers, primarily within the Planning Service

7.0 EQUALITY AND DIVERSITY ISSUES

- 7.1 There are no equality and diversity implications arising from the subject of this report.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020	Planning & Transport Strategy, Municipal Building	Alasdair Cross
The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020		

REPORT TO: Environment and Urban Renewal Policy and Performance Board

DATE: 30th September 2020

REPORTING OFFICER: Strategic Director – Enterprise, Community and Resources

SUBJECT: Unitary Development Plan Draft Supplementary Planning Documents (SPD's)

WARDS: Borough wide

1. PURPOSE OF THE REPORT

- 1.1. The Council currently has a number of draft Supplementary Planning Documents (SPDs) that were not progressed, and are now unlikely to be progressed in their current form due to the expiration of the Unitary Development Plan. Changes to statutory planning documents require a resolution from Executive Board for formal implementation.

2. RECOMMENDATION: That

- (1) the Board endorses a recommendation to Executive Board to remove the draft Supplementary Planning Documents (SPDs) from the Halton Local Development Scheme (LDS) in accordance with the relevant legislation.**

3. SUPPORTING INFORMATION

- 3.1. Supplementary planning documents (SPDs) expand on the Council's policies contained in the adopted Development Plan to provide more detailed information and guidance than can be contained in the policies themselves. They give guidance to the public, applicants and developers when making planning applications. Adopted SPDs are a material consideration in determining planning applications. However SPDs are not part of the Development Plan itself, and they do not carry as much weight as a Development Plan policy.
- 3.2. The Delivery and Allocations Local Plan is now at an advanced stage, and upon its adoption, the Unitary Development Plan will expire. The draft SPDs associated with the UDP will therefore expire alongside their parent UDP policies.

- 3.3. The introduction of a new automated legal land search process undertaken to support land transfer and conveyancing has provided impetus to formalise the status of these draft SPDs. In particular, land searches have to report on development proposals contained within adopted and draft Plans. Including old SPDs on property searches may cause unnecessary concern and confusion amongst property purchasers and generate unnecessary follow-up enquires to the Council from solicitors and conveyancers.
- 3.4. The Council has the power to revoke SPD's, in accordance with Regulation 15 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). It is recommended that four draft SPDs be formally removed from the Local Development Scheme (LDS).

4. POLICY IMPLICATIONS

- 4.1. Removing the SPDs from the Local Development Scheme (LDS) will have no policy implications. The objectives of the draft SPDs have been achieved by other means, or superseded by more recent strategies / policies. Currently, as these SPDs remain only in a draft form, they have not been used for Development Management purposes. Any material weight that may have been attributed to the SPD in planning decisions would be negligible due to more recently adopted policy positions. The relevant draft SPDs are as follows:

- 4.2. **Draft Runcorn Old Town SPD** (Last consultation - February 2007)

- 4.3. The purpose of this SPD was to encourage those who have an interest in the vitality and viability of this town centre to follow the practical guidance it contains wherever opportunities arise.
- 4.4. This SPD was not progressed for the following reasons:
 - a) Production of the SPD was initially paused due to the commissioning of the Mersey Gateway Regeneration Strategy to avoid any potential mismatch between the two documents.
 - b) The policies the SPD was intended to supplement have largely been revoked (Regional Spatial Strategy policies SD2 and EC8 - revoked in 2013) or will shortly be replaced by the DALP (existing Unitary Development Plan policies TC1-6).
 - c) The SPD covers the UDP 'town centre boundary' that has subsequently been amended in the Core Strategy.
 - d) Many significant changes have affected the background to the proposals within the SPD, including opening of the Mersey Gateway, subsequent SJB delinking, Runcorn Station Quarter development and a much tougher retail business climate.
 - e) More recent plans exist to support the regeneration of the Old Town, for example the Runcorn Station Quarter Masterplan.

4.5. **Halton Lea SPD** (Last consultation - February 2007)

- 4.6. The purpose of this SPD was to encourage all of those who have, or will have, an interest in the vitality and viability of Halton Lea to follow the practical guidance it contains wherever opportunities arise.
- 4.7. This SPD was not progressed for the following reasons:
- a) Production of the SPD was initially paused due to the commissioning of the Mersey Gateway Regeneration Strategy to avoid any potential mismatch between the two documents.
 - b) The policies the SPD was intended to supplement have largely been revoked (Regional Spatial Strategy policies SD2 and EC8 - revoked in 2013) or will shortly be replaced by the DALP (existing Unitary Development Plan policies TC1-6).
 - c) The SPD covers the 'town centre boundary' that has subsequently been amended in the Core Strategy.
 - d) Many of the proposals within the SPD have been implemented and many other significant changes have affected the background to the SPD, including redevelopment of Vestric House site (Lidl/Polar Ford), increase in office vacancies, office to residential conversion (permitted development), closure of the Courts and a much tougher retail business climate.

4.8. **West Bank SPD** (Last consultation - November 2009)

- 4.9. The purpose of this SPD was to establish and identify potential development or improvement opportunities within West Bank to help sustain the existing community and deliver regeneration benefits to the area. The SPD also sought to ensure a suitable standard of development was achieved to improve the visual and environmental quality of the area.
- 4.10. This SPD was not progressed for the following reasons:
- a) The SPD supported targeted regeneration within the West Bank area. Following investment in the area, active intervention in the market is no longer necessary.
 - b) The parent policy for this SPD in the Core Strategy Local Plan (Policy CS9 South Widnes) is to be deleted, with no equivalent parent policy in the Delivery and Allocations Local Plan.
 - c) The SPD has now been superseded by the Mersey Gateway Regeneration Strategy.

- 4.11. Halebank Regeneration Area SPD (Last consultation - September 2005)
- 4.12. The purpose of this SPD was to establish what development or improvement opportunities there are within Halebank to help sustain the existing community and improve the economy of this local area. The SPD is also concerned with ensuring a suitable standard of development is achieved that will improve the visual and environmental quality of the area. This SPD will specifically address the following opportunities:
- The reinforcement of the new neighbourhood shopping area and local community facilities.
 - Additional housing development including redevelopment of land currently or previously used for business, where ground conditions and location are favourable.
 - Improved road and public transport access using the railway and possible new road links to the wider strategic road network.
 - Provide mechanisms and guidance to achieve improvements in the quality of existing business operations.
 - New woodland planting on the urban fringe and improved public open space provision.
- 4.13. This SPD was not progressed for the following reasons:
- a) The Core Strategy (including Key Area of Change policy) was progressed negating the need for much of the SPD.
 - b) The main proposals of the SPD have been delivered.
 - c) The Unitary Development Plan (UDP) policy the SPD supports will be deleted.
 - d) The SPD had regard to the then current Planning Policy Statements (PPS1 and PPS6), now replaced by National Planning Policy Framework (NPPF). The draft SPD may not fully accord with the latest national policy and guidance.
 - e) The SPD has now been superseded by the Mersey Gateway Regeneration Strategy.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications from this report.

6. IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

- 6.1. As described above, the objectives of the draft SPDs have been achieved by other means or superseded by more recent strategies / policies.
- 6.2. **Healthy Halton**
None
- 6.3. **Halton's Urban Renewal**
None

6.4. **Children and Young People in Halton**

None .

6.5. **Employment, Learning and Skills in Halton**

None

6.6. **Safer Halton**

None

7. RISK ANALYSIS

- 7.1. There are no risks arising from this report or the recommendation. The objectives of the draft SPDs either have been delivered or are taken account of by other more recent strategies and policies.

8. EQUALITY AND DIVERSITY ISSUES

- 8.1. There are no equality or diversity issues raised by the issues discussed in this report.

9. LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
(Draft) Halebank Regeneration Area SPD	Municipal Building, Widnes	Alasdair Cross
https://www3.halton.gov.uk/Pages/planning/policyguidance/pdf/spd/Draft/Draft_Halebank_Regeneration_Area_SPD.pdf		
(Draft) Runcorn Old Town SPD	Municipal Building, Widnes	
https://www3.halton.gov.uk/Pages/planning/policyguidance/pdf/spd/Draft/Draft_Runcorn_Old_Town_SPD.pdf		
(Draft) Halton Lea Town Centre SPD	Municipal Building, Widnes	Alasdair Cross
https://www3.halton.gov.uk/Pages/planning/policyguidance/pdf/spd/Draft/Draft_Halton_Lea_Town_Centre_Strategy_SPD.pdf		
(Draft) West Bank SPD	Municipal Building, Widnes	Alasdair Cross
https://www3.halton.gov.uk/Pages/planning/policyguidance/pdf/spd/Draft/Draft_West_Bank_SPD.pdf		

