

Legal alert

July 2015

Planning update: fixing the foundations



Introduction

The Government has published a paper entitled *Fixing the foundations: creating a more prosperous nation*.

This paper contains reforms aimed at further improving and streamlining the planning system with the primary objective of increasing housing supply.

We discuss some of the key planning reforms below.

Releasing more land for housing

Local authorities will be required to have local plans in place providing for housing by a set deadline of 'early 2017'. Failure to do so will mean that the Secretary of State will have the power to intervene and arrange for a local plan to be written, in consultation with residents.

Mayors across the country will benefit from the powers they will be granted under the Government's Devolution Bill. They will be able to use development corporations to ensure that higher density housing is built around designated areas including key commuter hubs.

Brownfield development

At the heart of the Government's proposals is the promotion of the use of brownfield land removing unnecessary obstacles for its redevelopment.

The Government will legislate to grant automatic planning permission (subject to prior approval of some details) on brownfield sites identified as suitable for housing on

the statutory registers of brownfield land it has already committed to introduce. This will introduce a 'zonal' system which the Government hopes will reduce delays and uncertainty for bringing forward brownfield development.

The Government will also introduce additional compulsory purchase powers to drive forward and shape brownfield development.

Quicker planning decisions

Delays in the planning system are considered to be a significant factor preventing housing development which the Government will address with the following proposals:

- i. Major infrastructure projects with an element of housing will be able to apply for planning permission through the fast-tracked Nationally Significant Infrastructure Regime
- ii. Local authorities making 50% or fewer decisions on time will be at risk of being designated as poorly performing authorities. This regime will also be extended to minor applications
- iii. Introduction of a fast-track certificate process for establishing the principle of minor development proposals
- iv. A dispute resolution mechanism for section 106 agreements to speed up negotiations



Devolved planning powers

There will be devolution of further planning powers to the Mayor of London, including powers over wharves / sightlines and the right to call in planning applications of 50 homes or more.

In London, the Government will work with the Mayor to remove the need for planning permission for extensions upwards for a limited number of stories up to the height of an adjoining building where neighbouring residents do not object.

In Manchester, the Mayor will be able to establish development corporations and promote compulsory purchase orders.

Starter homes

There is a commitment to deliver 200,000 starter homes by 2020 at a 20% discount for young first time buyers. The Government proposes to:

- i. require local authorities to plan proactively for the delivery of starter homes and ensure that every reasonably sized housing site includes a proportion of starter homes
- ii. exempt starter homes from Community Infrastructure Levy as well as affordable housing or tariff-style contributions sought through section 106 agreements.

Right to buy

The right to buy which currently applies to council tenants will now controversially be extended to tenants of housing associations.

Our comments

The planning system is once again the focus of the Government's reforms to achieve its goal of increasing housing supply.

By ensuring that local authorities have their local plans in place to provide housing supply by a set deadline and, being subject to Government intervention, represents the first steps in our view towards the quasi nationalisation of

housing provision under the planning system.

Measures to encourage housing development on brownfield sites, including the Government's proposed zonal system where automatic planning permission will be granted, should have a positive impact on bringing forward housing on these sites.

The proposed further devolution of planning powers is following in the footsteps of the Government's localism agenda and appears to be a popular theme which we will see more of over the course of this Government.



Growth of Maples Teesdale's Planning Team

We are pleased to announce the arrival of Leticia Mandra. Leticia previously worked as a planning lawyer for the London Borough of Hackney and also for the notable planning lawyer David Cooper.

For more information, please contact Chad Sutton Planning Partner at Maples Teesdale on 020 3465 4340 or csutton@maplesteesdale.co.uk