



Department for Levelling Up,
Housing & Communities

PLANNING NEWSLETTER

By Email Only

Message from Chief Planner

30 November 2023

This Newsletter provides updates on the latest announcements from the Department for Levelling Up, Housing and Communities (DLUHC) and other government departments and agencies relating to planning practices and policy. Please see overleaf for the list of contents.

This issue highlights the latest milestone towards the implementation of Biodiversity Net Gain, Government's new prospectus setting out how we will improve the delivery of major infrastructure projects, the new time-limited permitted development right for temporary buildings on school land where the school has a building affected by reinforced autoclaved aerated concrete, along with the launch of the new PropTech Steering Board which will explore how technology can support councils to speed up planning decision making.

On 26 October, the Levelling Up and Regeneration Bill became an Act, with the measures outlined enshrined into law. More information regarding next steps will be forthcoming.

All previous Chief Planner Letters and Newsletters are available on GOV.UK [here](#).

Kind regards,

Joanna Averley
Chief Planner



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Policy and Delivery Updates

Biodiversity Net Gain Implementation

This week Government reached another key milestone towards the implementation of Biodiversity Net Gain within the planning system with the publication by Defra of the statutory biodiversity metric, draft regulations and draft guidance. DLUHC has worked closely with Defra on BNG's implementation.

Further details can be found on the Biodiversity Net Gain collections page [here](#).

The information has been published to allow the sector time to familiarise themselves with the requirements ahead of commencement of the regulations and mandatory Biodiversity Net Gain in the New Year. The requirements will apply to new planning applications only made after the commencement date. Permissions granted for applications made before this date are not subject to Biodiversity Net Gain.

We have published [draft Planning Practice Guidance](#) (PPG) to enable familiarisation with the requirements for the planning application process. This is published in draft and will only come into force once regulations have passed through parliament (anticipated late January 2024 subject to parliamentary timetabling). The PPG covers calculating biodiversity gain, the process for submitting and determining a planning application and subsequently submitting and determining the biodiversity gain plan post permission. It also provides guidance on the provisions for appeals and phased development.

The draft PPG also covers some more detailed considerations around securing significant biodiversity enhancements including advice on aerodrome safeguarding. In particular it emphasises the risks of introducing wildlife attractant features near to aerodromes and highlights the duty on local planning authorities to consult where relevant development is proposed, including significant on-site habitat enhancements.

For those who are not already engaged, the Planning Advisory Service (PAS) offers advice, support and training on planning and service delivery to councils. The PAS Biodiversity Net Gain page is a useful resource and provides answers to some of the most frequently asked questions:

<https://www.local.gov.uk/pas/topics/environment/biodiversity-net-gain-local-authorities>

Government Prospectus - Getting Great Britain building again: speeding up infrastructure delivery

In November, alongside Autumn Statement, the Government published a [prospectus](#) setting out why and how we will go further than the existing programme of reform to improve the delivery of major infrastructure projects. We also published



the [Government's response to the recommendations contained in the National Infrastructure Commission's report](#) on improving nationally significant infrastructure planning published in April 2023.

These documents set out short-term, immediate actions to speed up the delivery of major infrastructure projects across the country including announcing the award of £2.7 million Innovation and Capacity funding to 22 projects, speeding up processes at the Planning Inspectorate, bringing forward cost recovery for the NSIP consenting process, getting key National Policy Statements reviewed, improvements to geographical and environmental data, and creation of a new star chamber at the heart of government.

Alongside the immediate programme of reforms, these documents set out where we will also work with industry to develop a new, long-term set of proposals to tackle some of the fundamental issues including taking a strategic approach to community benefits, improving skills and capability in the sector, and setting up a new taskforce to consider whether we should take more of a spatial planning approach in more sectors. We will now be taking the steps necessary to drive forward these proposals alongside existing reforms.

Final reminder: Digital Planning 2023 funding rounds are closing Friday December 1

A final reminder that applications for this year's Digital Planning Programme funding are closing on Friday 1 December at 5pm.

There are two funding streams available:

- The Digital Planning Improvement Fund: Round 2
- The PropTech Innovation Fund: Round 4

You can find links to application forms, prospectus', and answers to previously asked questions on the [Digital Planning Programme website](#).

Launch of new PropTech Steering Board

The Minister for Housing and Planning recently announced a Property Technology (PropTech) Steering Board which is made up of experts to transform the UK's housing and planning sectors, and the first meeting was held earlier this month.

The Board will explore how new technology can support councils to speed up planning decisions by using PropTech tools to streamline community engagement with planning applications and support developers to identify suitable sites for homes.

You can find out more about the board and its members on the [Digital Planning Programme website](#).



New time-limited permitted development right for temporary buildings on school land where the school has a building affected by reinforced autoclaved aerated concrete (RAAC)

Following the Chief Planner letter of 8 September 2023 regarding the presence of RAAC in some schools, legislation came into force on 25 October 2023 to introduce a new time-limited permitted development right that allows temporary buildings to be provided on school land where the school has a building or buildings with confirmed RAAC.

The permitted development right is in place for three years. The permitted development right is subject to limitations and conditions. This includes a requirement that the school must notify the LPA and the fire and rescue authority in writing of their use of the permitted development right. Further details on the changes can be found in the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2023, available at: <https://www.legislation.gov.uk/uksi/2023/1110/contents/made>.

The Department for Education (DfE) has published guidance on installing temporary buildings on RAAC-affected school sites using this permitted development right, available [here](#).

The guidance advises on best practice for minimising any reduction in the amount of school land used as playing fields and for parking and turning, and having due regard to flood risk, soil compaction, ground contamination, trees, air quality, and visual impact. It also reminds schools of their fire safety obligations when temporary buildings are being planned and installed. The guidance explains what schools must include when notifying the LPA and sets out the timescales within which DfE would usually expect notifications to be made and playing fields reinstated after temporary buildings are removed.

Building Safety: Planning enforcement and the Responsible Actors Scheme (the 'RAS Enforcement PPG')

Earlier in the year, Chief Planner Newsletters have provided updates (19 May 2023 & 26 July 2023) about the Responsible Actors Scheme and the planning prohibition linked to that scheme. Planning practice guidance was published on 20 November 2023 to provide further information about how planning enforcement may take place under the Building Safety (Responsible Actors Scheme and Prohibitions) Regulations 2023, if that should ever be necessary.

To date, no developers have been added to the prohibitions list.

The RAS Enforcement PPG can be found at: [Building Safety: Planning enforcement and the Responsible Actors Scheme \(the 'RAS Enforcement PPG'\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/building-safety-planning-enforcement-and-the-responsible-actors-scheme-the-ras-enforcement-ppg).



Public Consultation: Historic England Climate Change and Building Adaptation Advice Note

On 13 November 2023, Historic England published a draft [Advice Note](#) that aims to provide clear and consistent advice on balancing climate action with building adaptation.

Primarily aimed at LPAs, heritage consultants and those involved in the planning process, the Historic England Advice Note (HEAN) is now open for consultation to ensure everyone can comment on the final advice by midnight on **24 December**. Whilst this Advice Note will largely be for a specialist audience, it will also be useful to building owners/occupiers once the final version is published. It provides advice on:

- the need for planning permissions or other consents for some of the common changes required to decarbonise and improve the energy efficiency of historic buildings;
- how to consider planning proposals relating to decarbonisation and improved energy efficiency of historic buildings to enable positive climate action, including some examples of typical building adaptations; and
- how local plans and other planning mechanisms can deliver a positive strategy for historic buildings that proactively supports climate action.

It also signposts to other relevant information, advice, and guidance. Local authorities, and heritage sector and planning organisations are invited to comment on the draft Advice Note.

Review of Natural England's Protected Species Standing Advice

Minor updates to Natural England's [Protected Species Standing Advice](#) have been published on GOV.UK. These relate to new requirements for protected species mitigation licences brought in by the Environment Act 2021 for animals and plants listed in Schedule 5 and Schedule 8 of the Wildlife and Countryside Act 1981.

Natural England is currently carrying out its biennial review of the standing advice to ensure it remains fit for purpose and would welcome feedback from planning authorities.

Please send any comments on your use of the advice or suggestions for improvement to Elizabeth.Knowles@naturalengland.org.uk by **29 December**.

Natural England to launch updated Sites of Special Scientific Interest (SSSI) Impact Risk Zones

Impact Risk Zones are a GIS tool developed by Natural England to make a rapid initial assessment of the potential risks to SSSIs posed by development proposals. They



define zones around each SSSI which reflect the sensitivities of the features for which it is notified and indicate the types of development which could potentially have adverse impacts and need further consideration.

The updated tool will continue to do this but in some cases will also be able to issue instant formal advice for certain development types.

The upgraded Impact Risk Zones will continue to be a GIS-based tool that will work within existing mapping systems but the information and advice within each zone will display on a webpage. This will allow the Impact Risk Zones to contain more information and advice and display it in a format that is clearer and easier to interpret.

Natural England will publish the new Impact Risk Zones as a GIS dataset available to download in various formats and also as a Web Map Service (WMS) with WMS Standard GetFeatureInfo functionality on the [Natural England Open Data Geoportal](#), [data.gov.uk](#) and [Defra Data Services Platform](#). They will also continue to be available for use on the government's interactive mapping website [Magic](#).

A package of training and guidance will accompany the launch.

Research & Events

Environment Agency – Planning Application Consultation Response Research

The Environment Agency is undertaking research to better understand how its responses to statutory planning application consultations are received by development management officers across England's LPAs.

The aim of the research is to help understand what's being delivered well, what's not, and what planning case officers consider helpful and useful from a consultation response. The research results will help shape service development to better meet LPA needs.

Independent research agency Walnut Unlimited has been commissioned to undertake this research on behalf of the Environment Agency and will be sending invitations to take part in a short online survey from 20 November 2023. The survey will be open until **4 December 2023**.

At the end of the survey there will be an opportunity to volunteer to have a call with an independent researcher to discuss the topics from the survey in more detail.

Invites will be sent to LPA Development Management team general inboxes and can be circulated to colleagues who deal with planning applications involving consultation with the Environment Agency. Please encourage your team members to take part in this research and help shape the service provided by the Environment Agency's Sustainable Places team.



If you have any queries or would like further information about the research, you can contact the Environment Agency's National Sustainable Places team at sustainableplaces@environment-agency.gov.uk.

Sign up to DLUHC's Digital Planning Programme newsletter: Doing Planning Differently

DLUHC's Digital Planning Team have published a programme overview document and launched their newsletter on LinkedIn.

The [overview document](#) (also available in [plain text](#)) explains the problem the team is working to solve and explores the programme's goals and aspirations, which are centred around four key outcomes:

- Better access to planning data
- Faster and more efficient planning decisions
- Improved local community engagement
- Simpler, faster, more accessible plan making

The team's newsletter is hosted on LinkedIn and shares regular updates on key workstreams, details of latest funding opportunities and ways you can engage with the work of the teams and partners – [You can follow the programme page here](#) and [sign up to be alerted to new editions of the newsletter here](#).