

Committee: Borough Plan Advisory Committee

Date: 17 October 2012

Agenda item: 6

Wards: all

Subject: National and regional planning changes

Lead officer: Director for Environment and Regeneration, Chris Lee

Lead member: Cabinet Member for Environmental Sustainability and Regeneration

Forward Plan reference number: N/A

Contact officer: Future Merton Strategic Policy Manager, Tara Butler

Recommendations:

A. That Members note the content of this report.

1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. In November 2011, the Future Merton team reported the 70 published changes to the national planning system that occurred between May 2010 and October 2012 to the Sustainable Communities Overview and Scrutiny Panel.
- 1.2. This report highlights changes that have taken place since November 2011 that are most likely to influence Merton. This report also highlights changes at a London level.
- 1.3. An earlier version of this report was published for the Borough Planning Advisory Committee meeting of 17 October 2012 and deferred from this meeting.

2 DETAILS

- 2.1. The National Planning Policy Framework was published at the end of March 2012. In the six months that it has been in place, there are several issues that are emerging (either through advice on plan-making or through Planning Inspectorate appeal decisions) as significantly different to the previous national policy.

Emphasis on ensuring viability and deliverability

- 2.2. The consideration of whether or not a development is viable has been part of the plan-making process for some time. The NPPF makes it much clearer that the financial viability of development must be part of plan-making and can also be a factor in decision-taking.
- 2.3. Paragraph 173 of the NPPF states

“Pursuing sustainable development requires careful attention of viability and costs in plan-making and decision taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.”

To ensure viability the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal costs of development and mitigation, provide competitive returns to a willing landowner and a willing developer to enable the development to be deliverable.

- 2.4. In practice, this means that all local planning authorities must prove that the cumulative impacts of their planning policy requirements are viable. Plans must facilitate, rather than restrict development. For London boroughs, this means considering the impacts of the London Plan (e.g. internal space standards for new homes, affordable housing targets etc) as well as their own local standards.
- 2.5. In preparing Merton's Core Planning Strategy and Sites & Policies documents, Merton reviewed the viability of local planning policies through the Affordable Housing Viability Study in 2010 and more recently, work in support of the Community Infrastructure Levy.
- 2.6. We will need to undertake further research on many of the potential site allocations within the DPD.
- 2.7. On 13 August 2012 Government set up a team of expert brokers to provide free advice and support to councils and developers on renegotiating Section 106 agreements to ensure development is viable and building can start. The brokers will provide technical expertise to help renegotiate S106 agreements where the original agreement is unviable, for example, where it was originally negotiated under more buoyant economic circumstances. As set out in the "Plan for Growth" (Feb 2011) and continued in the National Planning Policy Framework and other initiatives Government's priority is on removing barriers to development, enabling development to take place.
- 2.8. Government will introduce legislation in early 2013 to allow developers of sites which are unviable because of the number of affordable homes to appeal with immediate effect. The Planning Inspectorate would then set aside the S106 agreement to allow fewer affordable homes for that development (Eric Pickles MP's ministerial statement on 06 September 2012)

Meeting housing needs – impacts on London

- 2.9. The language of the NPPF implies a greater focus meeting housing need, as opposed to the capacity for new homes. Whereas previous government guidance set out in *Planning Policy Statement 3: Housing* used language such as "taking into account" "addressing" needs and demand, the NPPF states that local planning authorities should use their evidence base to ensure that their local plan meets the full, objectively assessed needs for market and affordable housing (NPPF paragraph 47).
- 2.10. Government has announced a huge amount of funding via a wide variety of routes, most recently in the Ministerial Statement by Eric Pickles MP on 06 September 2012
 - Reformed Right to Buy, increasing the discounts available to tenants to buy their own homes

- £570million under the Get Britain Building fund to unblock stalled sites with capacity for over 16,000 homes (e.g. in Ebbsfleet, Kent)
 - £200million to be invested in delivering new homes for private rent
 - £10billion government debt guarantee to companies that want to provide private sector rented homes
 - £300million in building another 15,000 affordable homes and bringing 5,000 empty homes back into use
- 2.11. Regional planning still exists in London and the Mayor of London sets the housing target for London as a whole, and the proportion of new homes that each borough must deliver.
- 2.12. The Mayor's London Plan team are currently revising their research to inform what the new housing targets for London and for boroughs should be. The need for new homes in London is overwhelming and the Mayor's previous housing targets have been based on housing capacity – how much the need for new homes can be met given space restrictions and the need for other infrastructure such as schools, open spaces, land for employment, transport etc.
- 2.13. As an example, in 2005 Merton's objectively assessed housing need was over 1,000 new homes per year, however Merton's capacity (housing target) was assessed by the Mayor's office as 370 additional homes per year in the London Plan 2008, revised to 320 additional homes per year in the Mayor's London Plan 2012.
- 2.14. The Mayor is revising the London Plan again and expects to complete a new London Plan by the end of 2013. As part of their research, the Mayor's office is reviewing housing targets. Increasing housing provision to meet London's growing housing needs is a key Mayoral priority, and the Mayor's office has stated that they are keen to close the gap between need and supply (the actual number of homes available and being built)
- 2.15. Officers will be working with other London boroughs and the Mayor's office in their assessment of London's need for new homes, and the potential impacts on boroughs in the 2013 London Plan. We will keep the Borough Plan Advisory Committee updated on the progress of this.

Extending permitted development rights

- 2.16. Government is clear that the planning system is seen as a barrier to development and that their priority is to remove unnecessary red tape. To this end there have been a number of changes (enacted and proposed) to the amount of development that can take place outside the planning system
- 2.17. These changes include:
- From 01 October 2012, allowing offices or storage above shops in town centres to be converted into up to two apartments (previously only one apartment was allowed without planning permission).
 - Consultation until July 2012 on proposals to change uses between B use classes and to allow hotels (Use Class C2) to change to residential (C3) without the need for planning permission.

- Proposed consultation on permitted development rights for extensions to homes or business premises outside conservation areas for a three-year period. (06 September Ministerial Statement)
- Proposals to allow commercial premise in town centres and elsewhere to convert to residential without the need for planning permission. (06 September Ministerial Statement)
- Legislation will be introduced to allow the Planning Inspectorate to decide planning applications in a local authority area *“if local authority has a poor track record in the speed and quality of its decisions”*

Gypsies and Travellers – March 2012

- 2.18. New government guidance published in March 2012 requires local authorities to set housing targets specifically to meet the local accommodation needs of gypsies, travellers and travelling showpeople. The new approach to meeting objectively-assessed accommodation needs is consistent with the wider NPPF approach of meeting need for new homes.
- 2.19. The new guidance also requires the identification of specific sites to deliver these targets over a rolling 5 year period as well as longer term over 10 and 15 years.
- 2.20. These targets must be updated annually and, for the first 5 years, specific sites must be found to deliver the need for new gypsy and traveller accommodation.
- 2.21. The consequence of not identifying accommodation needs, and if necessary, sites to meet these needs, are:
- “If a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be as significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission”*
- 2.22. This is reflected in the government guidance (paragraph 25) and in appeal decisions elsewhere in the country in the past 6 months.
- 2.23. It is proposed to update the Borough Plan Advisory Committee with Merton’s approach towards this new government guidance.
- 2.24. Additional guidance has been published during September and October 2012 to assist councils in managing unauthorised encampments. By having a joint agreement between a variety of council services and the police Merton’s Travellers Unauthorised Encampment Protocol already incorporates many of the government’s recommendations.

The Mayor’s new London Plan and supplementary guidance

- 2.25. The Mayor of London published the London Plan in August 2011 and is aiming to produce a new London Plan by the end of 2013.
- 2.26. The Mayor is also producing a wealth of supplementary guidance for the London Plan, all of which is a material consideration in making planning decisions. The Mayor published eight SPGs prior to 2009, and there are 12 more that have either just been published or will be published within the next 12 months.

- The Mayor's draft Housing SPG (December 2011)

2.27. *The Mayor's Shaping Neighbourhoods: SPG* with additional SPGs

- Understanding Place SPG (to be published)
- Lifetime neighbourhoods SPG (to be published)
- Neighbourhood planning SPG (to be published)
- Children and young people's play and informal recreation SPG (February 2012)
- Accessible London SPG

2.28. The Mayor's *Green Infrastructure and Open Environments SPG*, with additional SPGs:

- All London Green Grid SPG (March 2012) -
- Preparing borough Tree and Woodland Strategy SPG (July 2012)
- London's foundations SPG (March 2012) – identifying geological heritage
- The Mayor's Sustainable Design and Construction SPG

2.29. The Mayor's SPGs contain a very large volume of information and, combined with the review of the London Plan and government guidance

3 ALTERNATIVE OPTIONS

3.1. None for the purposes of this report.

4 CONSULTATION UNDERTAKEN OR PROPOSED

4.1. None for the purposes of this report.

5 TIMETABLE

5.1. None for the purposes of this report.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

6.1. None for the purposes of this report.

7 LEGAL AND STATUTORY IMPLICATIONS

7.1. None for the purposes of this report.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1. None for the purposes of this report.

9 CRIME AND DISORDER IMPLICATIONS

9.1. None for the purposes of this report.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1. None for the purposes of this report.

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

12 BACKGROUND PAPERS

- 12.1. National Planning Policy Framework March 2012
- 12.2. Planning for Gypsy and Travellers Sites March 2012
- 12.3. Town and Country Planning Draft Neighbourhood Planning (Referendum) Regulations (June 2012)
- 12.4. Streamlining information requirements for planning applications: Consultation (until July 2012)
- 12.5. New opportunities for sustainable development and growth through the reuse of existing buildings: Consultation (until July 2012)
- 12.6. Improvements to the policy and legal framework for public rights of way (consultation until August 2012)
- 12.7. Renegotiation of Section 106 planning obligations consultation (until October 2012)
- 12.8. Ministerial statement 01 September 2012 – New permitted development rights to allow two flats to be created above shops
- 12.9. Ministerial statement 06 September 2012 – Housing and Growth

Borough Plan Advisory Committee – update on changes to the planning system (until 10 October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
Year 2010				
<i>May</i>				
1	<p>Letter to Chief Planning Offices: Abolition of Regional Strategies.</p> <p>Local Authorities and Planning Inspectorate to have regard to this letter as a material planning consideration in any decisions they are currently taking.</p>	Letter to local authorities highlighting a commitment in the coalition agreements setting out the intention to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Consequently, decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.	Superseded, in part, by number 28 and 31, 34 and 51.	No impact on London Boroughs as the London Plan is retained. The Mayor's London Plan is part of the statutory development plan for all London boroughs and local planning policies (e.g. Merton's Core Strategy) have to conform with it.
2	The coalition: our programme for Government	Highlights a number of planning policy initiatives the Government is committed to over the next five years.	N/A	.
3	Queen's Speech	<p>The Devolution and Localism Bill announced with the aim at shifting power from the state to individuals, communities and councils and returning decision making powers on housing and planning to local councils by abolishing regional strategies. The Bill also includes powers to abolish the Infrastructure Planning Commission.</p> <p>The Local Government Bill aims to reverse the previous government's commitment to introduce unitary authorities in Exeter, Norwich and Suffolk.</p> <p>Abolition of regional development agencies and the Commission for Rural Communities announced.</p> <p>Infrastructure Planning Commission to be replaced</p>	Superseded by various policies including the Localism Bill, National Planning Policy Framework	<p>The introduction of Localism Bill makes changes to the planning system including: changes to strategic planning, development management, enforcement and building control.</p> <p>Allowing landlords to convert dwellings into houses in multiple occupation without the need to planning permission could have an impact on Merton.</p>

Borough Plan Advisory Committee – update on changes to the planning system (until 10 October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
		<p>by a new Major Infrastructure Planning Unit which will be located within the Planning Inspectorate.</p> <p>The requirement for landlords to obtain permission for the conversion of dwellings into houses in multiple occupation is to be rescinded.</p> <p>Intention to simplify the planning consents process through increased use of local development orders.</p>		
June 2010				
4	Statement: Previously Developed Land and Density	Statement by Minister for Decentralisation Greg Clark on the removal of gardens from the definition of previously developed land and deleting the national indicative minimum density of 30 dwellings per hectare in Planning Policy Statement 3.	N/A	See below
5	Letter to Chief Planning Officers: New Powers for Local Authorities to Stop 'Garden Grabbing'	<p>Letter to local authorities confirming that the Government has implemented the commitment made in the Coalition Agreement to decentralise the planning system by giving them the opportunity to prevent overdevelopment of neighbourhoods and garden grabbing. Changes to PPS3 include:</p> <ul style="list-style-type: none"> ▪ Excluding private residential gardens from the definition of previously developed land in Annex B of PPS3. ▪ Deleting the national indicative minimum density of 30 dwellings per hectare from PPS3. 	N/A	<p>Removal of private residential gardens from PPS's definition:</p> <p>Future proposals for development on private residential gardens would need to meet additional policy requirements – addressed in Merton's Core Planning Strategy Policy 13.</p> <p>Removal of density figures: This had no impact on Merton. Merton is a London borough. As such all proposals for development must meet the</p>

Borough Plan Advisory Committee – update on changes to the planning system (until 10 October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
				development plan's requirements, including the density standards as set out in the London Plan (2011).
6	Planning Policy Statement 3: Housing	Revised PPS3 gives local authorities freedom to prevent overdevelopment of neighbourhoods and 'garden grabbing'.	As above	As above
July 2010				
7	Ministerial statement: Removing Planning Barriers (Schools)		Superseded by 23.	
8	Letter to Chief Planning Officers: Revocations of Regional Strategies	The Secretary of State announced the revocation of Regional Strategies with immediate effect.	N/A	No impact on Merton. As the Mayor's London Plan is retained.
9	Regional government offices	Announcement that the nine regional government offices are to be abolished.	N/A	The Government Office for London (GOL) was deleted. GOL provided London-specific advice on all aspects of planning and ensured that planning policy and decisions meet with government policy and guidance. The London Plan falls under the Greater London Authority (GLA) which was not affected by this announcement.
10	Discussion document published to inform the White Papers on the Environment	It is intended for the white papers to be published in the Spring 2011.	N/A	

Borough Plan Advisory Committee – update on changes to the planning system (until 10 October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
11	Local Enterprise Partnerships	Local Councils and Business leaders were invited by the Government to form Local Enterprise Partnerships to replace regional document agencies.	N/A	
12	Draft National Planning Statements on Energy	Announced that the Draft National Planning Statements on Energy are to be looked at again following their publication by the previous government.	N/A	
13	Big Society	The Prime Minister delivered a speech on the 'Big Society' which includes a commitment to allow communities more powers to plan the look, size, shape and feel of housing developments.	N/A	Yes potential changes to the planning system including: changes to strategic planning, development management, enforcement and building control.
August 2010				
14	Consultation: Environmental Impact Assessment Regulations	<p>Consultation launched on updated Environmental Impact Assessment Regulations.</p> <p>This consultation covers the consolidation of the 1999 Environmental Impact Assessment Regulations, as amended, and explains amendments for screening changes and extensions. It also explains the requirement for the competent authority to provide reasons for screening decisions.</p>	N/A	
15	Announcement: DCLG	DCLG has announced a commitment to represent to parliament a simple and concise national planning framework that will consolidate existing policy and set out the government's economic social and environmental priorities.	Superseded by localism bill and NPPF developments.	

Borough Plan Advisory Committee – update on changes to the planning system (until 10October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
16	Circulars and guidance: Travellers	The Secretary of State for Communities and Local Government has announced that planning circulars that provide guidance for travellers will be scrapped. Travellers will then be on an equal footing to everybody else in respect of the planning system. He also announced that the enforcement powers of a local authority will be strengthened to deal more effectively with abuse of the planning system.	Superseded by number 27 and 52.	Yes potential changes to planning for gypsies and travellers: changes to strategic planning, development management and enforcement.
September 2010				
17	Tree preservation orders: proposals for streamlining	<p>Consultation paper proposing the streamlining of tree preservation orders.</p> <p>The proposed changes are intended to reduce the administrative burden of the TPO system, particularly on local planning authorities, and increase accessibility to a more equitable system.</p>	N/A	
18	Letter to Chief Planning Officers: The Town and County Planning (Development Management Procedure) Order 2010	<p>Letter to local authorities setting out changes to planning procedural legislation resulting from the forthcoming consolidation of the Town and County Planning (General Development Procedure) Order 1995.</p> <p>This change allows, in certain circumstances, applicants with partially implemented outline planning permissions to apply for a replacement planning permission with a new time limited.</p> <p>The Department will shortly revise the November 2009 guidance on greater flexibility for planning</p>	<p>In part.</p> <p>Please see number 29.</p>	Yes potential changes to the length of time it takes for planning applications are determined.

Borough Plan Advisory Committee – update on changes to the planning system (until 10 October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
		permissions, to reflect this change. The revised guidance will also update the legal position in respect of appeals against refusal or non determination by local authorities of applications for non-material amendments to existing planning permissions.		
19	Letter to Chief Planning Offices; Amendments to the planning rules for houses in multiple occupation	<p>Letter to local authorities confirming changes to the planning rules for houses in multiple occupation which will come into effect in October 2010.</p> <p>This means that changes of use from houses to small HMOs will be able to happen freely without the need for planning permission.</p>	Superseded by number 22.	
October 2010				
20	Announcement: New Homes Bonus	Housing Minister, Grant Shapps outlined plans for the New Homes Bonus. The scheme will reward councils that grant planning consent and that support the construction of new homes. Under the terms of the bonus scheme the government will match the council tax raised on each new home for a six year period. Beyond the first year funding for the New Homes Bonus will come from formula grant	Superseded by	<p>Yes.</p> <p>This New Homes Bonus will reward Merton for delivery of new residential dwellings in Merton, similar to the Housing and Planning Delivery Grant (abolished in May 2010). It should be noted that New Homes Bonus funding beyond Year 1 comes from the formula grant.</p>
21	The Town And Country Planning (Development Management Procedure) (England) Order 2010	The Order consolidates the regulations in respect of the procedures for applying, processing and determining planning applications.		<p>Yes.</p> <p>This will impact on the development management process.</p>

Borough Plan Advisory Committee – update on changes to the planning system (until 10October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
22	The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2010	Extends permitted development rights for changes of use from a small houses in multiple occupation (HMO) to a dwellings and vice versa.	Superseded by numbers 35 and 36.	
23	Planning for schools development: Consultation	<p>Consultation on proposed changes to the General Permitted Development Order to give permitted development rights for changes of use planning permission for schools development.</p> <p>This consultation relates to changes of use planning permission only and so, they will affect only those developments that involve purely converting non-school buildings for school use.</p>	Superceded by 64, 65 and 66.	
24	Announcement: The Government's Comprehensive Spending Review	This will have a significant impact on the planning and property sector. Planning was identified along with banking and schools as a key area for structural reform to support economic competitiveness. The Localism Bill which is due to be published in mid-November will contain details of the shift in the balance of power from 'central to local'. The budgets of local authorities and CLG have been subject to significant reductions.	Superceded by localism bill and NPPF developments.	
25	Publication: A National Infrastructure Plan.	A National Infrastructure Plan outlining the Government's vision for the future of UK economic infrastructure.	N/A	
26	White Paper: 'Local Growth: realising every place's potential'.	The White paper outlines the Government's approach to economic growth and effectively provides the agenda for future change in the planning system.	Superceded in part by localism bill and NPPF developments.	

Borough Plan Advisory Committee – update on changes to the planning system (until 10October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
27	Consultation on Implementing the Mobile Homes Act 1983 on local authority Gypsy and Traveller Sites: Summary of Responses	<p>Section 318 of the Housing and Regeneration Act 2008 will apply the Mobile Homes Act 1983 to local authority gypsy and traveller sites.</p> <p>This mean that the Mobile Homes Act 1983 will apply to local authority Gypsy and Traveller sites and the rights and responsibilities of residents living on them will be brought into line with those of residents living in similar caravan site accommodation, such as private Gypsy and Traveller sites and park home sites.</p> <p>Following consultation, this documents sets out amendments to the terms of the 1983 Act and other transitional arrangements that will apply to local authority and county council gypsy and traveller sites when section 318 is brought into force.</p>	Superceded by 52	
28	Letter to Chief Planning Officers: Transfer of GOL's planning casework to CLG.	Letters sent to local authorities confirming that the Government Office for London's, and the Planning and Housing Division's casework, has transferred to Communities and Local Government.	Superceded by number 51.	
29	Greater flexibility for planning permission: Guidance	Greater flexibility for planning permission provides guidance on the extensions to time limited permissions, non-material amendments and minor amendments. The guidance note supercedes the edition first published in November 2009.	Superceded by localism bill and NPPF developments.	Yes potential changes to the length of time it takes for planning applications are determined.
November 2010				
30	Speech: Participation in Planning	Speech made by Minister for Decentralisation, the Rt Hon Greg Clark MP, at the Town and Country	Superceded by localism bill	

Borough Plan Advisory Committee – update on changes to the planning system (until 10October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
		Planning Association Annual Conference. This speech included setting out the next steps in Governments proposals for putting communities in control of their own destiny through the planning system and how the forthcoming Localism Bill will change planning for the better.	and NPPF developments.	
31	Letter to Chief Planning Officers: Abolition of Regional Strategies	Letter to local planning authorities following the judgement in the case of brought by Cala Homes in the High Court, which considered that the powers set out in the 2009 Act could not be used to revoke all Regional Strategies in their entirety. The Chief Planners advises that local authorities and the Planning Inspectorate should still have regard to the Government's intention to abolish Regional Strategies through the Localism Bill and that this is a material consideration in planning applications and appeals.	Superceded by number 34.	No impact on London Boroughs as the London Plan is retained. The Mayor's London Plan is part of the statutory development plan for all London boroughs and local planning policies (e.g. Merton's Core Strategy) have to conform with it
32	The Community Infrastructure Levy: An overview	This documents set out the purpose of the Community Infrastructure Levy and how it is intended to operate. This replaces the previous CIL: An overview published on 25 March 2010.	Superceded by 70	
33	The Community Infrastructure Levy; Summary	This document provides a summary of the Community Infrastructure levy.	As above	As above
34	Letter to Chief Planning Officers: Abolition of Regional Strategies	Letter to local planning authorities following the judgement in the case brought by Cala Homes in the High Court, which considered that the powers set out in the 2009 Act could not be used to revoke all Regional Strategies in their entirety.	N/A	No impact on London Boroughs as the London Plan is retained. The Mayor's London Plan is part of the statutory development plan for all London boroughs and local

Borough Plan Advisory Committee – update on changes to the planning system (until 10October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
		The letter informed local authorities and the Planning Inspectorate advising that they should still have regard to the Government's intention to abolish Regional Strategies through the Localism Bill and that this is a material consideration in planning applications and appeals.		planning policies (e.g. Merton's Core Strategy) have to conform with it
35	Letter to Chief Planning Officers: Publication of Revised Circulars on Houses in Multiple Occupation (HMOs) and Article 4 Directions	Letter to local authorities confirming that a replacement for Circular 95/10, which relates to planning and Houses in Multiple Occupation, and a replacement Appendix D of Circular 09/95, relating to article 4 directions, have been published.	Issues regarding Houses in Multiple Occupation in 3,19,22,35 and 36	As above.
36	Circular 08/10: Changes to Planning Regulations for Dwellinghouses and Houses in Multiple Occupation	Circular 06/2010 'Changes to Planning Regulations for dwellinghouses and houses in multiple occupation'. The circular provides guidance on the change to the permitted development regulations that allow changes of use between dwellinghouses and houses in multiple occupation to take place without the need for planning permission	Issues regarding Houses in Multiple Occupation in 3,19,22,35 and 36	As above
37	Replacement Appendix D to Department of the Environment Circular 09/95: General Development Consolidation Order 1995	This replaces Appendix D of Circular 09/95 to reflect both changes to the article 4 direction introduced in April 2010 and changes to compensation agreements where certain permitted development rights are withdrawn introduced in October 2010.	N/A	Making using article 4 direction powers more burdensome for authorities.
38	Procedures for revoking or marking changes to development consent orders for nationally significant infrastructure projects: Consultation	A consultation paper was published on 11 November 2010 on procedures for revoking or making changes to development consent orders for nationally significant infrastructure projects.		

Borough Plan Advisory Committee – update on changes to the planning system (until 10 October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
39	Changing or revoking a development consent order for nationally significant infrastructure (Planning Act 2008): Consultation stage impact assessment	As above	As above	As above
December 2010				
40	Letter to Chief Planning Officers: The Localism Bill	Letter to local planning authorities regarding the publication of the Localism Bill and the Government's intention to bring forward a number of reforms to the planning system.	Superseded by localism bill and NPPF developments.	
Year 2011				
January 2011				
41	Speech: Making neighbourhood planning work	Speech given by the Rt Hon Greg Clark MP at the Planning Officers Society's Neighbourhood Planning Conference. This speech highlighted the importance of involving the community in the planning process by giving people the opportunity to make their own choices through neighbourhood planning.	Superseded by localism bill and NPPF developments.	
42	Letter to Chief Planning Officers: Planning Policy on Residential Parking Standards, Parking Changes, and Electric Vehicle Charging Infrastructure	Letter to local authorities following a Ministerial announcement, which outlined the Government's position on certain aspects of parking policy and electric vehicle infrastructure, and the publication of a revised PPG13. Local authorities are best placed to take account of local circumstances and are able to make the right		These issues are dealt with in or in part by the London Plan. As a London borough, the London Plan forms part of Merton's development plan.

Borough Plan Advisory Committee – update on changes to the planning system (until 10October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
		<p>decisions for the benefit of their communities. The Government believes it is for the local authority to decide what its parking charges should be.</p> <p>The Government has also taken the opportunities to encourage electric vehicle charging infrastructure in new development, where this does not affect the development's overall viability; and has signalled its intention to process with proposals to introduce permitted development rights for electric vehicle charging points.</p>		
43	Letter to Chief Planning Officers and Chief Executives: The EU Waste framework Directive	Letter to waste planning authorities reminding them that the European Union Waste Framework Directive requires those authorities to publish waste management plans and to contain specific information.	Superseded by number 49.	This was taken into account when preparing the South London Waste Plan
February 2011				
44	Planning Policy Statement 3: Planning for Housing – Technical change to Annex B, Affordable Housing definition: Consultation	<p>This consultation seeks views on the definition of Affordable Rent proposed to be included as part of the definition of affordable housing in a revised annex B to Planning Policy Statement 3: Housing (PPS3). This change will mean affordable rent can be regarded as affordable housing for planning purposes.</p> <p>Affordable rent will be offered by Registered Providers of social housing through the usual allocations process to new tenants.</p> <p>Properties let under Affordable Rent will be offered at a rent of up to 80 per cent of the local market rent</p>	Superseded by number 56.	

Borough Plan Advisory Committee – update on changes to the planning system (until 10October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
		<p>and for a tenancy that can range from two years to lifetime, depending on the circumstances of the tenant.</p> <p>Affordable Rent can only be provided by Registered Providers as part of an agreement on funding made with the Homes and Community Agency.</p>		
March 2011				
45	Letter to Chief Planning Officers: Demolition	<p>Letter to local authorities drawing their attention to the Court of Appeal Judgement in the case of SAVE Britain's Heritage v Secretary of State for DCLG which has important and immediate consequences for planning control over demolition.</p> <p>The demolition of a listed building, a building in a conservation area, a building which is a scheduled monument, or a building that is not a dwelling house or adjoining a dwelling house is now 'development'. This brings the demolition of such structures into line with the treatment of residential buildings generally.</p> <p>Where demolition works are likely to have significant effects on the environment, the local planning authority must issue a screening opinion on whether environmental impact assessment is required.</p>	N/A	This impacts on the development management process with regard to listed buildings etc and could increase the number of planning applications that Merton Council receives.
46	Written ministerial statement: Planning for Growth	This is ministerial statement by Minister of State for Decentralisation, Mr. Greg Clark, on planning for growth. This ministerial statement highlighted that the government's top priority in reforming the planning system is to promote sustainable economic	Superseded by localism bill and NPPF developments.	

Borough Plan Advisory Committee – update on changes to the planning system (until 10October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
		growth and jobs.		
47	Letter to Chief Planning Officers: Planning for Growth	<p>Letter to local authorities regarding the Growth Review which contains ambitious proposals for planning reform, to ensure that planning supports the sustainable development needed as the country emerges from recession.</p> <p>A new presumption in favour of sustainable development: default answer to development and growth is yes except where this would clearly compromise the principal of the National Planning Policy Framework.</p> <ul style="list-style-type: none"> ▪ A pro-growth national policy planning statement ▪ Changes to permitted developments rights to cut red tape ▪ Immediately prioritising growth and jobs ▪ Piloting elements of the land auctions model ▪ Extending neighbourhood planning to businesses ▪ Removal of arbitrary Whitehall targets ▪ Removal bureaucracy from planning applications ▪ New duty for councils to co-operate on planning issues ▪ Fast track, democratic system for major infrastructure applications 	Superceded by localism bill and NPPF developments.	
48	Letter to Chief Planning Officers: Preparation and Monitoring of Local Plans	Letter to local authorities regarding a package of measures to free up local councils by removing red tape and streamlining policy on local plans.	Superceded by localism bill and NPPF	

Borough Plan Advisory Committee – update on changes to the planning system (until 10October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
		<p>Removal of the Local Development Framework Monitoring: A Good Practice Guide (ODPM, 2005), Annual Monitoring Report FAQs and Emerging Best Practice 2004-05 (ODPM, 2006) and Regional Spatial Strategy and Local Development: Core Output Indicators – Update 2/2008 (CLG, 2008).</p> <p>Relax monitoring the preparation and content of local plans previously carried out by the Government Office Network.</p> <p>The Bill contains provisions that will remove the requirement to consult the Secretary of State with the Local Development Scheme, Statement of Community Involvement, Annual Monitoring Report and Supplementary Planning Documents. There is also no need to refer to Supplementary Planning Documents in the Local Development Scheme.</p>	developments.	
49	Letter to Chief Planning Officers: Update to Planning Policy Statement 10	<p>Letter to local authorities informing them of an update to PPS10 to ensure that it incorporates the new waste hierarchy set out in the revised Waste Framework Directive.</p> <p>Ensure that local authorities have regard to the hierarchy in the preparation of their waste plans, and that the hierarchy is capable of being a material consideration in determining individual planning applications.</p>	N/A	This was taken into account when preparing the South London Waste Plan.
50	Letter to Chief Planning Officers:	Letter to local authorities drawing their attention to	N/A	

Borough Plan Advisory Committee – update on changes to the planning system (until 10October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
	Marine planning and licensing systems	the commencement of new statutory marine planning and licensing systems in Spring 2011.		
51	Letter to Chief Planning Officers: National Casework Unit	Letter to local authorities confirming arrangements for handling planning casework following the closure of the Regional Government Offices. A new unit has been established and with immediate effect will be taking over the planning framework.	N/A	
April 2011				
52	Planning for travellers sites: Consultation	<p>This consultation seeks views on a new draft Planning Policy Statement for traveller sites. It is intended for the final statement to replace current policy set out in planning Circular 01/06 and Circular 04/07.</p> <p>The aim of the new policy is to:</p> <ul style="list-style-type: none"> ▪ Enable local planning authorities to make their own assessment to set their own pitch/plot targets; ▪ Encourage local planning authorities to plan for sites over a reasonable timescale; ▪ Protect Green Belt from development; ▪ Reduce tensions between settled and traveller communities in the planning system; ▪ Remove repetition of national planning policy that is set out elsewhere; ▪ Remove unjustified differences in policy in the two circulars and between the two circulars and other policy statements; ▪ Remove unnecessary guidance and context so that planning policy documents contain 	N/A	

Borough Plan Advisory Committee – update on changes to the planning system (until 10October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
		<p>only policy;</p> <ul style="list-style-type: none"> ▪ Ensure that local planning authorities, working together, have fair and effective strategies to meet need through the identification of land for sites; ▪ Promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites; ▪ Reduce the number of unauthorised developments and encampments and make enforcement more effective if local planning authorities have had regard to this policy; ▪ Ensure that the development plan includes fair, realistic and inclusive policies; ▪ Increase the number of traveller sites, in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply, ▪ Reduce tensions between settled and traveller communities in plan making and planning decisions; ▪ Enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure. 		
53	Letter to Chief Planning Officers: Liberalisation of Change of Use	Letter to local authorities drawing their attention to the treatment of change of use in the planning system set out in the consultation paper. Relaxation of planning rules for change of use from commercial to residential use and for this to be allowed as part of permitted development rights.	N/A	

Borough Plan Advisory Committee – update on changes to the planning system (until 10October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
54	Relaxation of planning rules of change of use from commercial to residential: Consultation	<p>This consultation seeks views on proposals to amend the General Permitted Development Order to grant permitted development rights to changes of use from commercial to residential.</p> <ul style="list-style-type: none"> ▪ To provide for change from commercial (B use classes) to residential (C3 Use class) without the need to apply for planning permission. This is in response to the recognised and urgent need to increase housing supply at a nationally level and recognises the fact that, in general, housing is likely to have fewer wider land –use impacts than commercial uses. ▪ A call to local communities and local authorities to use imaginatively the powers they already have to relax planning constraints locally to target local issues, encourage development, support local economic strategies and make best use of existing properties. ▪ To remove unnecessary barriers to change of use through a wider review of how change of use and permitted development is managed within the planning system. This will include consideration of how the system could be liberalised in ways other than to promote housing supply. 	Consultation closed but final decision not published.	<p>Potentially a great impact on Merton commercial development was allowed to change to residential without the need for planning permission.</p> <p>Would make it very difficult for Merton, and other councils, to plan for infrastructure such as new schools to keep pace with new homes.</p>
May 2011				
55	Letter to Chief Planning Officers: Design and Planning	Letter to local authorities bringing them up to date on changes that have occurred to the Government's	N/A	

Borough Plan Advisory Committee – update on changes to the planning system (until 10 October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
		<p>approach in design and planning.</p> <p>Due to funding issues, the Design Council has taken on board CABE's activities on design for homes and neighbourhoods.</p>		
June 2011				
56	Planning Policy Statement 3: Planning for Housing – Technical Change to Annex B – Affordable Housing definition: Consultation – Summary of responses	Summary of Government responses to the consultation on the Planning Policy Statement 3: Housing (PPS3) definition of affordable housing.	N/A	
57	Circular letter: Building (Amendment) Regulations 2011	The letter informs building control bodies about changes to the Building Regulations, which includes a change to the repair of flats roofs and to Competent Persons Schemes.	N/A	Building Control
58	Circular 02/2011: The Building Act 1984, Building (amendment) Regulations 2011	This Circular details the changes to the Building Regulations, which includes a change to the repair of flat roofs and to the Competent Persons Schemes.	N/A	Building Control.
July 2011				
59	Letter to Chief Planning Officers: Planning Guarantee and information requirements	<p>Letter to local planning authorities regarding a statement posing questions about the information required to determine planning applications and an initial indication of the issues in introducing the Planning Guarantee.</p> <p>The Guarantee will establish clear time limits within which an application should be dealt with by determining bodies (both the local planning authority</p>	Superseded by localism bill and NPPF developments.	Once adopted, planning guarantee will have an impact on development management.

Borough Plan Advisory Committee – update on changes to the planning system (until 10 October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
		<p>and, where cases go to appeal, the Planning Inspectorate).</p> <p>For individual applications, the clock would need to start when a valid application is received by the local planning authority, and would stop when the application was determined and a decision notice issues. If the applicant then chose to appeal against a refusal the clock could start again when the appeal is validated by the Planning Inspectorate and would stop once the appeal was determined. If the council failed to determine the application, the clock would not stop but would continue to run, including any appeal period.</p> <p>However, in order to be a guarantee it is important that applicants feel that there are consequences where the required timeframe is not met.</p>		
60	Letter to Chief Planning Officers: National Planning Policy Framework	Letter to local planning authorities informing them that the draft National Planning Policy Framework has been published for consultation and inviting them to submit their views on this.	Superseded by localism bill and NPPF developments.	Yes Local authorities are advised to treat the draft NPPF as a material consideration when determining planning applications.
61	Draft National Planning Policy Framework: Consultation (until October 2011)	<p>This document will replace all existing Planning Policy Statements and accompanying guidance.</p> <p>Key changes to the planning system:</p> <ul style="list-style-type: none"> ▪ Presumption in favour of sustainable development; 	As above	As above

Borough Plan Advisory Committee – update on changes to the planning system (until 10October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
		<ul style="list-style-type: none"> ▪ Local plans, health and well-being; ▪ Duty to Co-operate; ▪ Neighbourhood planning; ▪ Promoting sustainable growth and prosperity (economic growth, town centres, sustainable transport, communications infrastructure and minerals); ▪ Planning for strong, vibrant and health communities (Housing, Design, Sustainable communities, green space designation and green belt); ▪ Looking after the environment and making it better (Climate change, access to the coast, the natural environment, biodiversity – different kinds of countryside, wildlife and plans, noise and light pollution and historic environment). 		
62	Local Planning regulations: Consultation (until December 2011)	<p>In response to reforms in the Localism Bill, the Government is revising the regulations which govern the process by which local council prepare their development plans.</p> <p>The Government wants to remove centralised bureaucracy and return decisions on planning to local councils and communities, in particular through the proposed abolition of regional strategies and introduction of neighbourhood, as well as streamlining the process of preparing local plans. These reforms will make the role of local plans even more important, as they will set out a planning strategy in co-operation with neighbouring councils, as well as a framework to guide neighbourhood</p>	N/A .	Once the consultation is closed and the final Regulations published, these will have an impact on how Merton Council produces development plans. Impact is not expected to be significant compared to current regime.

Borough Plan Advisory Committee – update on changes to the planning system (until 10October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
		<p>plans.</p> <p>The Localism Bill is introducing the following changes to the way local plan are prepared:</p> <ul style="list-style-type: none"> ▪ Duty to co-operate; ▪ Adoption of Local Plans (removal of Inspectors power to impose changes); ▪ Withdrawal of local plan documents (local authority to withdraw the document at any time); ▪ Local Development Scheme (must be prepared by provide more flexibility) ▪ Reporting to Communities (AMR to be prepared for the community) ▪ National planning policy (PPS12 to be replaced by the NPPF). 		
August 2011				
63	Letter to Chief Planning Officers: Advertising Control – Provision of DCLG guidance	Letter to local planning authorities drawing their attention to ‘Outdoor advertising and signs: a guide for advertisers’. This booklet provides an explanation of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.	N/A	
64	Letter to Chief Planning Officers: Policy statement on planning for schools developments	Letter to local planning authorities regarding a new planning policy statement on schools development.	See 65	
65	Policy statement: planning for schools development	This policy statement sets out the Government’s commitment to support the development of state-funded schools and their delivery through the planning system.	See also 66	Yes, all local authorities are expected to grant permission for state-funded schools – see 66

Borough Plan Advisory Committee – update on changes to the planning system (until 10October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
66	Planning for schools development: consultation – Summary of responses	<p>The policy statement is designed to facilitate the delivery and expansion of state-funded schools through the planning system in response to the Government’s strong commitment to improving state education. It follows and strengthens the guidance on planning for schools development contained in the Written Ministerial Statement of July 2010.</p> <p>The Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state- funded schools, and the following principles should apply with immediate effect:</p> <ul style="list-style-type: none"> ▪ There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework; ▪ Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions; ▪ Local authorities should make full use of their planning powers to support state-funded schools applications; ▪ Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95; ▪ Local authorities should ensure that the process for submitting and determining state-funded schools’ applications is as streamlined as possible; ▪ A refusal of any application for a state- 	N/A	See column 2

Borough Plan Advisory Committee – update on changes to the planning system (until 10October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
		<p>funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority;</p> <ul style="list-style-type: none"> ▪ Appeal against any refusals of planning permission for state-funded schools should be treated as a priority; ▪ Where a local planning authority refuses planning permission for a state-funded school, the Secretary of State will consider carefully whether to recover for his own determination appeals against the refusal of planning permission. 		
67	Letter to Chief Planning Officers: Planning support for businesses and shops	Letter to local planning authorities asking them to consider the ways in which their planning powers can be used to support businesses and shops to restore premises which have recently suffered damage.	N/A	Yes. Impact on the number of planning applications that Merton will receive.
September 2011				
68	Letter to Chief Planning Officers: The Town and Country Planning Order 2011 and the Town and Country Planning Regulations 2011.	<p>Letter to local planning authorities drawing attention to these regulations regarding energy.</p> <p>These measures will provide:</p> <ul style="list-style-type: none"> ▪ New permitted development rights for householders to install micro wind turbines and air source heat pumps on their premises; ▪ New permitted development rights to allow for the installation of electrical outlets for recharging electric vehicles in off-street public and private car parks, and amendments to clarify that local authorities 	N/A	Yes. Impact on the number of planning applications that Merton will receive.

Borough Plan Advisory Committee – update on changes to the planning system (until 10October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
		<p>can install on-street charging points for vehicle as permitted development;</p> <ul style="list-style-type: none"> ▪ Deemed advertisement consent for installers of charging points and energy suppliers to display their nameplates on the charging points. 		
October 2011				
69	Neighbourhood planning regulations: Consultation	<p>The Localism Bill leaves various procedural and technical requirements of the neighbourhood planning system to regulations. The consultation seeks views on whether the proposed neighbourhood planning regulations are fit for purpose.</p> <p>This consultation sets out how the Government proposed to take up the regulation making powers in the Localism Bill for neighbourhood planning and Community Right to Build. The regulations proposed set out the minimum level of requirements that would ensure a nationally consistent approach to designating neighbourhood areas and neighbourhood forums, and the preparation of neighbourhood plans and neighbourhood development orders.</p> <p>Topics covered under the proposed approach to neighbourhood planning regulations include: information requirements, publicity and consultation, time limits, local authority decision making, future proofing, independent examination, the referendum, community right to build.</p>	N/A – consultation open until December 2011	Yes, following close of consultation (December 2011)

Borough Plan Advisory Committee – update on changes to the planning system (until 10 October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
70	Community Infrastructure Levy: Detailed proposals and draft regulations for reform – Consultation.	<p>This consultation documents seeks views on the detailed implementation of the Government's proposals, including on the draft regulations, for the reform of the Community Infrastructure Levy.</p> <p>This consultation seeks views in our proposals to:</p> <ul style="list-style-type: none"> ▪ Implement neighbourhood funds; ▪ Allow receipts to be used to provide affordable housing; ▪ Provide transitional provisions to allow fair operation of the levy in Mayoral Development areas; ▪ Require charging authorities to report more openly and regularly on receipts and expenditure to improve transparency and understanding of the contributions that developers are making and how those funds are used; ▪ Add new Development Orders to the list of developments that may be liable to a charge. 	N/A – consultation open until December 2011	Yes, following close of consultation (December 2011)
January 2012				
71	Liberalising the regime for flying flags (January 2012) – proposed changes to the Town and Country Planning (control of advertisements) (England) Regulations 2007	To allow a much wider range of flags to be flown without the need for planning permission – either no consent needed or deemed consent to fly sports flags, regimental flags etc.	No	yes
March 2012				
72	National Planning Policy Framework	Replacement of 95% of previous planning policy on plan-making and decision taking. Considerable changes to both regimes.	No	Yes- very significant

Borough Plan Advisory Committee – update on changes to the planning system (until 10October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
73	Planning for Traveller sites – government guidance	Government approach to requiring councils to meet the objectively assessed accommodation needs of gypsies, travellers and travelling showpeople. Councils must produce a rolling 5 years supply of deliverable sites and must have assessed need and published how it will be met up to 15 years in advance.	No	Yes – considerable.
April 2012				
74	New Tree Preservation Order regime Town and County Planning (Tree Preservation) (England) Regulations 2012	To streamline the TPO regime, first consulted on in 2010. Two key changes: allowing 2 years (instead of one) for tree works to be carried out and requiring the tree owner to give prior notification in writing of works authorised by an exemption	No	Yes - procedural
May 2012				
75	Enterprise and Regulatory Reform Bill – (changes to heritage planning regime)	Combines proposals for conservation area demolition consent to be considered as part of the planning application, rather than separately. Introduces a new offence for failing to obtain planning permission for conservation area demolition The measures also include provision for identifying structures fixed to or within the curtilage of a listed building which don't have to be treated as part of the listed building. Allows Certificates of Immunity from Listing (COI) to be applied to a building at any time	No (in Commons September 2012)	Yes
76	Consultation on simplifying recording public rights of way (until August 2012)	Options to streamline public rights of way recording, potential planning application regime for public rights of way.	N/A (consultation closes August)	

Borough Plan Advisory Committee – update on changes to the planning system (until 10 October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
			2012)	
June 2012				
77	Town and Country Planning Draft Neighbourhood Planning (Referendum) Regulations (June 2012)	Gives precise timings and wording of referendum to be conducted after the examination of any neighbourhood plan	No	Yes – procedural if neighbourhood plan produced.
78	Guidance on housing viability published by Local Housing Delivery Group (government backed)	Government created the Local Housing Delivery Group (Home Builders Federation, Local Government Association) to provide advice to planners on interpreting the NPPF viability element. Report sets out how councils must assess the viability of their plans, making allowances for economic change over time.	No	Yes, Merton will have to follow this advice to ensure that its development plans comply with the NPPF.
July 2012				
79	Streamlining information requirements for planning applications: Consultation	<ul style="list-style-type: none"> • Cutting out unnecessary information in the application process to make the system clearer, and easier to use, without undermining the ability for councils to make well-informed decisions. • Proposing review of around 6,000 pages of supporting planning guidance. • Speeding up the process for determining planning appeals - proposals on shortening and streamlining the process will be published for consultation later this year. • Updating local councils' planning fees in line with inflation (3% each year since 2008) thereby reducing the burden on ordinary council taxpayers, who otherwise end up subsidising 	N/A (consultation closed July 2012)	Yes

Borough Plan Advisory Committee – update on changes to the planning system (until 10October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
		<p>developers. Planning fees are set by Government and have not been increased since 2008.</p> <ul style="list-style-type: none"> • Ensuring councils whose planning decisions are consistent with an up to date local plan are not ordinarily liable for costs if their decision is appealed. • Making technical changes to the operation of the Community Infrastructure Levy including ensuring that developers are not charged the levy twice, on the same development, if they amend existing planning consent. • Extending the funding to April 2013 to the four organisations providing advice and support to communities leading the way on neighbourhood planning. 		
80	New opportunities for sustainable development and growth through the reuse of existing buildings (changes to permitted development rights): Consultation (until July 2012)	<p>Consultation on changes to allow more development without the need for planning permission including</p> <ul style="list-style-type: none"> - Create permitted development rights to assist change of use from existing buildings used for agricultural purposes to uses supporting rural growth, - increase the thresholds for permitted development rights for change of use between B1 (business/office) and B8 (warehouse) classes and from B2 (industry) to B1 and B8. - introduce a permitted development right to allow the temporary use for two years, where the use is low impact, without the need for planning permission - provide C1 (hotels, boarding and guest houses) permitted development rights to convert to C3 (dwelling houses) without the need for planning 	Consultation closes July 2012	If enacted, yes

Borough Plan Advisory Committee – update on changes to the planning system (until 10 October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
		permission.		
August 2012				
81	DCMS Consultation on listed building consent – reducing the circumstances in which listed building consent is required and reducing the amount of information applicants are required to submit.	<p>26 July to 23 August 2012 – government consultation on reducing the circumstances in which listed building consent is required and reducing the amount of information applicants are required to submit</p> <p>The consultation document sets out four options for change:</p> <ul style="list-style-type: none"> • A system of prior notification • A system of local and national class consents • A 'certificate of lawful works to Listed Buildings' • The replacement of local authority conservation officer recommendations for LBC by those made by accredited agents. 	N/A (consultation closed 23 August 2012)	If adopted, yes.
82	Close of CLG consultation on allowing security shutters to be installed without the need for planning permission	CLG consulted on whether or not to allow security shutters to be permitted development and in August 2012 have decided not to take this forward	No	No
83	Renegotiation of Section 106 planning obligations – consultation (13 August - 08 October 2012)	The consultation proposes that for planning obligations agreed on or prior to 6 April 2010, the relevant local authority can be asked to formally renegotiate the terms one month after the introduction of new regulations.	N/A	If enacted, yes. If requested by developers, Merton will have to adhere to this and may meet funding for infrastructure that would normally have been funded through the planning

Borough Plan Advisory Committee – update on changes to the planning system (until 10 October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
		In effect this will mean that the formal period of five years is reduced to between two and half and five years for these obligations. For all planning obligations agreed after 6 April 2010, the period will remain at five years.		obligation will have to be found elsewhere.
September 2012				
84	Ministerial statement Eric Pickles MP 01 Sept 2012 - New permitted development rights to allow two flats to be created above shops (above Use Class A1 and A2) in town centres	Previously only one flat could be created without the need for planning permission above shops or offices in town centres. Come into effect 01 October 2012. Designed to boost housing supply, town centre footfall and support high street regeneration	No	Yes
85	Ministerial Statement Eric Pickles MP 06 September 2012 – Housing and Growth	<ul style="list-style-type: none"> • Removing restrictions on house builders to help unlock 75,000 homes currently stalled due to sites being commercially unviable. Developers who can prove that council's affordable housing requirements make the project unviable will see them removed. • New legislation for Government guarantees of up to £40bn worth of major infrastructure projects and up to £10bn of new homes. The Infrastructure (Financial Assistance) Bill will include guaranteeing the debt of Housing Associations and private sector developers. • Up to 15,000 affordable homes and 5,000 empty homes brought back into use using new capital funding of £300m and the infrastructure guarantee • An additional 5,000 homes built for rent at 	N/A	<p>Awaiting details on permitted development change from commercial to residential without the need for planning permission.</p> <p>Also proposals to allow home and business extensions without the need for planning permission – awaiting further details.</p>

Borough Plan Advisory Committee – update on changes to the planning system (until 10October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
		<p>market rates in line with proposals outlined in Sir Adrian Montague's report to Government on boosting the private rented sector. Registered Social Landlords will also be encouraged to build homes for rent at market rates (private sector rented homes).</p> <ul style="list-style-type: none"> • Thousands of big commercial and residential applications to be directed to a major infrastructure fast track and where councils are poor at processing decisions developers can opt to have their decision taken by the Planning Inspectorate. More applications also will go into a fast track appeal process. • 16,500 first-time buyers helped with a £280m extension of the successful 'FirstBuy' scheme, which offers aspiring homeowners a much-needed deposit and a crucial first step on the housing ladder. • Removing permitted development rights for a time-limited period 		
	<p>Change to extend the life of planning permissions without requiring full consultation or complete resubmission of all information</p> <p>(change to The Town and Country Planning (Development Management Procedure) Order 2010 (DMPO))</p>	<ul style="list-style-type: none"> • Developments where planning permission has been granted that are still within their time limit (usually three years from decision) but work has not yet begun will be able to apply to the council to extend the time period within which they can start work without having to re-submit: design & access statements, full plans and drawings or conduct full consultations • Only applies to planning permissions granted on or before 01 October 2010, previously 	No	Not significant as provision was already in place for planning applications granted before October 2009; this change moves the date to October 2010.

Borough Plan Advisory Committee – update on changes to the planning system (until 10 October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
		only applied to permissions granted before October 2009.		
	<p>Change to ensure “positive planning” is part of council’s decisions</p> <p>(change to The Town and Country Planning (Development Management Procedure) Order 2010 (DMPO))</p>	<p>From 01 October 2012 all decision notices (whether approval or refusal) need to include a statement: “... <i>explaining how they have dealt with the application in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.</i>”,</p> <p>Reflects NPPF, especially para 187: <i>Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.</i></p>	No	Uncertain – unclear whether this could be used as a reason for appeal
	Changes to Regulations to allow more flags to be flown without the need for planning permission – from 12 October 2012	<ul style="list-style-type: none"> • Town and Country Planning (Control of Advertisements) (England) Regulations 2007 • Relaxing these regulations affecting the number, size and siting of flags in all areas away from sensitive locations like national parks and areas of outstanding natural beauty (AONBs). • Deemed consent for much greater range of flags including national, sub-national, community and international flags as well as the Armed Forces Day flag, most military flags, the rainbow “Pride” flag, sports clubs flags, award scheme 	No	<p>A flag for which no planning consent is required can be flown without reference to the local planning authority, subject to a number of conditions and limitations.</p> <p>Flags with deemed consent can also be flown without applying for consent but are subject to specific conditions and limitations, and can be</p>

Borough Plan Advisory Committee – update on changes to the planning system (until 10October 2012)

No.	Planning Update/ Change	Brief summary of document	Superseded	Implications for Merton
		flags.		subject to discontinuance action by the local planning authority if their display gives rise to substantial detriment to the amenity of the area.