

## POS UPDATE AUGUST 2009

The Planning Officers Society E-Bulletin for POS Members

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### 1 SPATIAL PLANS LATEST

#### **LDF Soundness Guidance Updated**

PINS has issued a revised guidance note on the Inspector's main considerations of a DPD at examination; the revision largely clarifies the guidance in relation to Strategic Environmental Assessment.

To access the new guide go to [http://www.planning-inspectorate.gov.uk/pins/appeals/local\\_dev/ldf\\_testing\\_soundnessaug09.pdf](http://www.planning-inspectorate.gov.uk/pins/appeals/local_dev/ldf_testing_soundnessaug09.pdf)

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## **Evidence Base Good Practice**

David Vickery, Senior Planning Inspector (SHPI) Development Plans for PINS has outlined the evidence Inspectors look for when examining DPDs and offers advice on good practice: “An Inspector will be looking to see if your Plan has a focussed evidence base, limited to that essential to support or inform the policies and proposals in it, and which demonstrates that participation has properly taken place. The evidence should be up-to-date, relevant and to-the point. It should provide an “audit trail” demonstrating that the Plan’s strategy is founded on robust and credible evidence, with “signposts” in the text of the Plan itself (written or graphic) clearly pointing to the key evidence. The Plan should be coherent and consistent.”

To read more go to [http://www.planning-inspectorate.gov.uk/pins/publications/newsletter/issue\\_13/evidence\\_base\\_good\\_practice.html](http://www.planning-inspectorate.gov.uk/pins/publications/newsletter/issue_13/evidence_base_good_practice.html)

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## **Local Economic Assessments: draft guidance**

The Local Democracy, Economic Development and Construction (LDEC) Bill makes provision for the new local authority economic assessment duty. This requires all county councils and unitary district councils to prepare an assessment of the economic conditions of their area. The pre-consultation draft guidance has just been released to give local authorities and partners early sight of the Government's thinking on how the proposed new duty should be carried out and to enable local authorities to start thinking about how they should prepare for the new duty. To access the draft guidance go to <http://www.communities.gov.uk/publications/localgovernment/localeconomicassessments>

The first draft of the PAS sector-led guidance on how to undertake a local economic assessment is now available to download and comment. It provides a detailed and comprehensive 'how to' response to CLG's forthcoming statutory guidance. Go to <http://www.pas.gov.uk/pas/core/page.do?pageId=124871>

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## **Inland Waterways Policy Advice Note**

Amongst other things this TCPA advice note, prepared with the support of British Waterways, seeks to identify the key planning policy challenges and issues that need to be tackled in order to fully unlock the economic, social and environmental benefits of inland waterways and secure their long-term sustainability as a national asset; promote the need for a supportive planning policy framework for inland waterways at all the different spatial levels; and make recommendations to policy-makers and planners at the different spatial levels on how the planning system can help to secure the long-term future and support the development, regeneration and improvement of the inland waterways network.

To download the advice note go to <http://www.tcpa.org.uk/pages/inland-waterways.html>

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## Guidance to Regions on Delivering a Sustainable Transport System

This DfT document provides guidance on the work that regions will be invited to undertake to influence decisions on transport investment from 2014 onwards. This guidance replaces the Draft Guidance that was published in November 2008. For details go to <http://www.dft.gov.uk/pgr/regional/strategy/dasts/regions.pdf>

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PAS is holding a series of **free round table discussions to find out the sector's attitudes towards the forthcoming Community Infrastructure Levy (CIL)**.

How much do you know about CIL? Is your authority embracing it with open arms, or thinking 'no thanks, we'll stick with what we've got?' Do councillors know about it - have you discussed the right approach for your authority with them? Is your authority doing anything different to prepare for it? Perhaps you've already got a tariff system and are anxious to develop it into a CIL.

How will the discussions help? PAS want to get under your skin to better understand where support might be needed and report back to Communities and Local Government. Come along to one of our four sessions to air your views and hear from your peers. Communities and Local Government will also be there, so you will have a chance to talk to them.

How do you book? There will be four free sessions, from approximately 10.30am to 3pm, as follows:

- Manchester - 8 September - Manchester Hilton
- London - 14 September - Devere Holborn
- London - 15 September - Devere Holborn
- Bristol - 22 September - Bristol Novotel

To book a place at any of these discussions, or to find out more information, go to <http://www.pas.gov.uk/pas/core/page.do?pagelid=113703>

Please note that PAS are looking for a cross section of authorities to be represented at each event; if these sessions are oversubscribed, they will seek to ensure that a variety of places are represented.

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## 2 DEVELOPMENT MANAGEMENT LATEST

### Government's Response to the Killian Pretty Review – Progress Report

In addition to an overall summary, this CLG report has three substantive annexes on:

- development management
- a discussion paper on options for a revised performance indicator and
- an update on progress in delivering the actions identified in the Government response.

To download a copy go to <http://www.communities.gov.uk/publications/planningandbuilding/killianprettyprogress>

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### Costs to Applicants of Submitting a Planning Application

This CLG research report seeks to provide benchmark estimates of the costs faced by applicants when submitting a planning application. For details go to

<http://www.communities.gov.uk/publications/planningandbuilding/benchmarkingcostsapplications>

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### Appeal Statistics

This PINS report provides appeal outcome data by Local Planning Authority for 2008-09. To get a copy go to [http://www.planning-inspectorate.gov.uk/pins/reports/stats\\_2009/index\\_stats\\_09.htm](http://www.planning-inspectorate.gov.uk/pins/reports/stats_2009/index_stats_09.htm)

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### New Homes Space Standards

CABE has urged planning authorities to take a tougher stance on space standards in new houses and flats after it published new research on private homes built between 2003 and 2006 including flats, houses and bungalows.

The findings showed that in all households:

- 44 per cent said that there wasn't enough space for small children to play safely in the kitchen while meals are being prepared
- 47 per cent don't have enough space for all the furniture they have, or would like to have

- 35 per cent said they didn't have enough kitchen space for the appliances they need, such as a toaster or a microwave
- 37 per cent said they or their children do not have enough space to entertain guests privately
- 57 per cent don't have enough storage
- 72 per cent said they did not have enough space for the three small bins required to recycle properly

To download a copy of the research report go to <http://www.cabe.org.uk/publications/space-in-new-homes>

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### **Bespoke Inquiry Timetables**

PINS has developed a bespoke approach to longer inquiries to provide a more flexible and responsive process to dealing with the most complex cases. Peter Burley, Assistant Director, Environment and Specialist Casework, has outlined the new approach: go to [http://www.planning-inspectorate.gov.uk/pins/publications/newsletter/issue\\_13/bespoke\\_timetable.html](http://www.planning-inspectorate.gov.uk/pins/publications/newsletter/issue_13/bespoke_timetable.html).

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### **Public Art and the Planning System**

Ian Dove QC of No 5 Chambers in Birmingham has recently published advice on changes to planning legislation over the last 10 years and the implications of this for public art. Commissioned by ixia, the public art think tank, in association with legal practice DLA Piper, Mr Dove's advice is the first major analysis of the issues for more than 20 years.

The advice states that it is now possible for local planning authorities to require rather than encourage public art. This is a fundamental change in the relationship between public art and the planning system. It is now up to commissioners and artists to lead on the development of strategic, considered and plan-led approaches that clearly indicate how developers can best support the commissioning of public art.

For a full copy of Ian Dove QC's Advice go to: <http://www.no5.com/resource-centre>.

To find out more about the Advice, go along to one of the briefing sessions where Ian Dove QC; Jonathan Banks, CEO of ixia; and David Brammer, of DLA Piper will provide an overview of the current position of public art within the planning system, talk through the advice and its implications, take questions and encourage debate. The events are being held at:

- Birmingham, Monday 14 September 2009 at 12 noon including lunch  
DLA Piper, Victoria Square House, Birmingham, B2 4DL

- Leeds, Monday 28 September 2009 at 12 noon including lunch  
DLA Piper, Princes Exchange, Princes Square, Leeds, LS1 4BY
- London, Monday 12 October 2009 at 8.15 am including breakfast  
DLA Piper, 3 Noble Street, London, EC2V 7EE

To reserve a place at one of these free events email [eleni.michael@dlapiper.com](mailto:eleni.michael@dlapiper.com)

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### **3 BREAKING NEWS .....**

... Rynd Smith, RTPI Director of Policy & Partnerships, is to join PINS as Director of Policy, Quality & Development Plans; he succeeds Leonora Rozee.

... Sara Richards, Head of Planning at PAS, is to become Assistant Director of Sustainable Planning & Development at Essex CC.

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### **4 CONSULTATIONS, ETC LATEST**

POS has subscribed to a regular legal update service and as a result will feature informative summaries in the POS E-bulletin. Relevant extracts are included as appropriate in the section below.

#### **Bills Published:**

##### **SUSTAINABLE ENERGY (LOCAL PLANS) BILL**

This is a Private members' bill to promote energy efficiency, to require specified bodies to publish sustainable energy plans and to make provision for the transfer of functions to principal councils. Published on 15<sup>th</sup> July 2009. For details go to <http://services.parliament.uk/bills/2007-08/sustainableenergylocalplans.html>

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## Statutory Instruments issued:

### **THE PLANNING (HAZARDOUS SUBSTANCES) (AMENDMENT) (ENGLAND) REGULATIONS 2009**

These Regulations implement, Article 12 of European Directive [96/82/EC](#) on the control of major accident hazards involving dangerous substances (the Seveso II Directive), as amended by Council Directive [2003/105/EC](#) (the 2003 Directive). The amendment regulations substitute a new Schedule 1 prescribing the substances which are hazardous substances and their controlled quantities, in order to implement the amendments made by the 2003 Directive.

Comes into force: 1<sup>st</sup> October 2009.

For details go to [http://www.opsi.gov.uk/si/si2009/uksi\\_20091901\\_en\\_1](http://www.opsi.gov.uk/si/si2009/uksi_20091901_en_1)

## Circulars issued:

### **DCLG 7/2009 CIRCULAR ON THE PROTECTION OF WORLD HERITAGE SITES**

This applies only to England and provides updated policy guidance on the level of protection and management required for World Heritage Sites. It replaces paragraphs 2.22-2.23 and 6.35-6.37 of Planning Policy Guidance 15 -Planning and the Historic Environment. For details go to <http://www.communities.gov.uk/publications/planningandbuilding/circularworldheritage>

## White Papers issued:

### **THE UK LOW CARBON TRANSITION PLAN: NATIONAL STRATEGY FOR CLIMATE AND ENERGY, Department for Energy and Climate Change, July 2009.**

This White Paper plots out how the UK will meet the cut in emissions set out in the budget of 34% on 1990 levels by 2020. See also The UK Low Carbon Industrial Strategy at <http://www.berr.gov.uk/files/file52002.pdf> which sets out a series of active government interventions to support industries critical to tackling climate change and The UK Renewable Energy Strategy and Low Carbon Transport (below).

The Plan includes

- new money for a 'smart grid', and to help regions and local authorities prepare for and speed up planning decisions on renewable and low carbon energy whilst protecting legitimate environmental and local concerns,
- funding to significantly advance the offshore wind industry in the UK,
- funding to cement the UK's position as a global leader in wave and tidal energy,
- funding to explore areas of potential "hot rocks" to be used for geothermal energy,
- Challenging 15 villages, towns or cities to be testbeds for piloting future green initiatives,
- Support for anaerobic digestion,
- Encouraging private funding for woodland creation,
- Reducing the amount of waste sent to landfill, and better capture of landfill emissions etc.

For details go to [http://www.decc.gov.uk/en/content/cms/publications/lc\\_trans\\_plan/lc\\_trans\\_plan.aspx](http://www.decc.gov.uk/en/content/cms/publications/lc_trans_plan/lc_trans_plan.aspx)

**THE UK RENEWABLE ENERGY STRATEGY**, Presented to Parliament by the Secretary of State for Energy and Climate Change by command of Her Majesty, July 2009.

This Renewable Energy Strategy is an integral part of the Government's overall UK Low Carbon Transition Plan (see above) delivering the clean, secure and affordable energy of the future. In relation to planning it includes:-

- "In particular we expect regions to set targets for renewable energy capacity in line with national targets, or better where possible. These targets are expected to be reviewed in the light of delivery and revised upwards where appropriate..."
- "We also recognise feedback from stakeholders that we now need to update PPS 1 and PPS 22 so as to ensure they set a clear and challenging framework for delivering energy infrastructure and cutting carbon emissions consistent with national ambitions. An updated PPS will also need to reflect the importance of planning for the climate change we already expect and be properly integrated with the new suite of energy NPSs. We will therefore review these PPSs and consult on a new combined climate change PPS by the end of 2009. Until this review is complete, the existing PPSs will continue to be used for local planning decisions, alongside other relevant national policy including the NPSs once designated..."
- 4.26 "We also want to improve the delivery of our planning policy for managing flood risk (PPS 25) to avoid onshore wind developments being ruled out in areas of flood risk. We are considering consulting on improvements on how flood risk is managed when deploying wind turbines in areas at risk of flooding.

The document also refers to "Reducing the number of small-scale developments that require full planning permission. This applies in particular to the extension of permitted development rights (PDR) to business and public services. Some forms of distributed generation up to a certain size are already subject to PDR and we are currently assessing whether small-scale wind, air source heat pumps, and other renewable technologies could be included. The Government expects to consult later this year, with a view to introducing new regulations in April 2010." For details go to <http://www.official-documents.gov.uk/document/cm76/7686/7686.asp>

**LOW CARBON TRANSPORT: A GREENER FUTURE**, DfT, July 2009.

This sets out how it is intended to reduce greenhouse gas emissions from transport. It also shows how transport will make a major contribution to UK efforts to reduce CO2 emissions by 2022 and 2050 in line with the Climate Change Act 2008. For details go to <http://www.dft.gov.uk/pgr/sustainable/carbonreduction>

#### **Planning Policy Statements issued:**

##### **PLANNING POLICY STATEMENT: ECO-TOWNS - A SUPPLEMENT TO PLANNING POLICY STATEMENT 1**

This PPS provides the standards any eco-town will have to adhere to and the list of locations identified with the potential for an eco-town. These are Whitehill-Bordon, Rackheath, North-West Bicester, St Austell (China Clay Community). For details go to <http://www.communities.gov.uk/publications/planningandbuilding/pps-ecotowns>

The latest Government (and other) consultations include:

**Mining Waste Directive consultation**, Environment Agency, 25<sup>th</sup> June 2009.

- 1) How to comply with your environmental permit. Additional guidance for: mining waste operations.
- 2) Guidance on financial guarantees for mining waste facilities.

The Mining Waste Directive came into force on 7 July 2009. The EA are now in a position to accept applications for all new mining waste operations. Operators who want to apply for a mining waste permit before the consultation has closed should use the draft guidance. Responses to this consultation should be made by 1 October 2009. See the correspondence section at 8 below; and for details go to <http://www.environment-agency.gov.uk/research/library/consultations/108895.aspx>

**CONSULTATION ON SECONDARY LEGISLATION FOR ENGLAND AND WALES UNDER THE MARINE AND COASTAL ACCESS BILL: PART 4 MARINE LICENSING**, DEFRA and Welsh Assembly Government, 1<sup>st</sup> July 2009.

This is a first consultation on some of the secondary legislation that will be produced under this Bill. It sets out some initial ideas on how applications for a marine licence should be processed and determined; what the appeals process for appealing decisions of the marine licensing authority should be like; and which activities should be exempt from the need for a marine licence and on what conditions. The closing date for this consultation is 22nd September 2009.

For details go to <http://www.defra.gov.uk/corporate/consult/marine-bill/index.htm>

**DRAFT NOISE ACTION PLANS**, DEFRA, July 2009.

This seeks views on draft noise action plans in England for agglomerations, major roads (outside agglomerations) and major railways (outside agglomerations), under the European Environmental Noise Directive (2002/49/EC) and the Environmental Noise (England) Regulations 2006 (as amended). The consultation runs to 4<sup>th</sup> November 2009.

For details go to <http://www.defra.gov.uk/corporate/consult/noise-action-plan/index.htm>

**CONSULTATION ON THE TRANSPOSITION OF THE REVISED WASTE FRAMEWORK DIRECTIVE (DIRECTIVE 2008/98/EC) IN ENGLAND AND WALES**, DEFRA / Welsh Assembly Government, 16<sup>th</sup> July 2009.

Member States are required to bring into force by 12 December 2010 the laws, regulations and administrative provisions necessary to comply with the revised Waste Framework Directive (WFD). This is the first part of the consultation process. Responses are required by 9th October 2009. For details go to <http://www.defra.gov.uk/corporate/consult/waste-framework/index.htm>

**CONSULTATION ON HAZARDOUS WASTE STRATEGY**, DEFRA, July 2009.

This seeks views on a proposed Strategy for Hazardous Waste Management in England which seeks to underpin the practical application of the revised European Waste Framework Directive 2008/98/EC (WFD) in relation to hazardous waste.

The strategy comprises:

- Seven high level principles for the management of hazardous waste.
- A set of outline decision trees to assist waste producers and waste managers to make the right decisions about the management of their waste and the investment in infrastructure to help move hazardous waste management up the waste hierarchy.
- A timeline of action on issues relating to the introduction and implementation of the strategy.
- A list of guidance relating to the treatment of hazardous waste.

Responses should be received by 13<sup>th</sup> October 2009. For details go to <http://www.defra.gov.uk/corporate/consult/hwm-strategy/index.htm>

**STREAMLINING INFORMATION REQUIREMENTS FOR PLANNING APPLICATIONS: CONSULTATION**, DCLG, 30<sup>th</sup> July 2009.

This seeks views on proposals to make the requirements for information to accompany planning applications clearer, simpler and more proportionate.

This will include simplifying the requirements for all Design and Access Statements by requiring a more straightforward explanation of how the context of the development influences its design and reducing the number of applications that require a DAS for small scale changes. Closing date 23<sup>rd</sup> October 2009.

For details go to <http://www.communities.gov.uk/publications/planningandbuilding/streamliningconsultation>

**PUBLICITY FOR PLANNING APPLICATIONS: CONSULTATION**, DCLG, 30<sup>th</sup> July 2009.

This seeks views on whether changes should be made to planning legislation in relation to publicising planning applications.

One of the Killian Pretty recommendations was to conduct a consultation into the way local councils advertise major planning applications, including the requirement to advertise applications in local newspapers. No decision has been taken and the consultation is open on this point. Closing date 23<sup>rd</sup> October 2009.

For details go to <http://www.communities.gov.uk/publications/planningandbuilding/consultationpublicity>

**IMPROVING PERMITTED DEVELOPMENT: CONSULTATION**, DCLG, 30<sup>th</sup> July 2009.

This seeks views on proposals to remove the need for a full planning application for some small scale non-domestic development. This consultation also proposes changes to the process by which Article 4 Directions which restrict national permitted development rights locally, are made.

The new rules will:

- Expand permitted development - which means that more minor extensions and alterations to shops, offices, industry and institutions (including schools, universities, and hospitals) can proceed without a planning application.
- Develop an intermediate approach (between permitted development and full planning application) in which permission is deemed granted if the Local Planning Authority does not object within 28 days. This new approach would be used for shop fronts and cashpoints.
- shops and offices would be able to extend their premises by 50 square metres (for example by adding a store room to the rear of their premises;
- hospitals and universities could extend their premises or construct new buildings up to 100 square metres, and schools up to 50 square metres;
- industry's current permitted development right to extend their premises would be supplemented by the right to erect one freestanding building per existing building up to 100 square metres floorspace.

Closing date 23<sup>rd</sup> October 2009. For details go to

<http://www.communities.gov.uk/publications/planningandbuilding/improvingdevelopmentconsultation>

**Policy Statement on Regional Strategies and Guidance on the establishment of Leaders' Boards**, DCLG, 6<sup>th</sup> August 2009.

This consultation seeks views on:

- a new policy statement on the process of preparing, revising, implementing and monitoring Regional Strategies
- draft regulations to support the implementation of Part 5 of the Local Democracy, Economic Development and Construction Bill
- draft guidance on the preparation of schemes for the establishment of Leaders' Boards and
- draft supplementary guidance on undertaking sustainability appraisal of Regional Strategies

Closing date 30<sup>th</sup> October 2009. For details go to <http://www.communities.gov.uk/publications/planningandbuilding/regionalstrategiesconsultation>

**Detailed Proposals and Draft Regulations for the Introduction of the Community Infrastructure Levy**, DCLG, 30<sup>th</sup> July 2009

This consultation seeks views from consultees on the Government's detailed proposals for the introduction of the Community Infrastructure Levy (CIL), including draft regulations. CIL will be a new charge which local authorities in England and Wales will be empowered, but not required, to charge on most types of new development in their area.

Closing date 23<sup>rd</sup> October 2009. For details go to <http://www.communities.gov.uk/publications/planningandbuilding/communitylevyconsultation>

**Consultation on proposed amendments to Planning Policy Statement 25: Development and Flood Risk**, DCLG, 11<sup>th</sup> August 2009.

This consultation seeks views on proposed amendments clarifying aspects of the spatial planning policy on development and flood risk. These amendments would affect the application of the policy to essential infrastructure, including water and sewage treatment works, emergency services facilities, bulk storage facilities, wind turbines and the identification of functional floodplains.

Closing date for comments is 3<sup>rd</sup> November 2009. To get a copy go to <http://www.communities.gov.uk/publications/planningandbuilding/consultationfloodrisk>

**Programme Announcements:**

**Programme for Replacement of PPGs and PPSs**, DCLG, 30<sup>th</sup> July 2009.

PPS1 supp	Planning and Climate Change	2007	To be reviewed and consolidated with PPS22. Consultation draft to be published later in 2009
PPS1 supp	Eco-towns	2009	Final PPS published on 16 July 2009
PPG4	Industrial, Commercial Development	1992	Consultation draft PPS4 published on 5 May 2009 incorporating PPG5, PPS6 and the

	& Small Firms		economic aspects of PPS7. Final PPS to be published in autumn 2009
PPG5	Simplified Planning Zones	1992	See PPG4
PPS6	Planning for Town Centres	2005	See PPG4
PPS7	Sustainable Development in Rural Areas	2004	See PPG4 and PPS9. A review of the remaining policies in PPS7 has still to be programmed
PPS9	Biodiversity and Geological Conservation	2005	To be reviewed and consolidated with opens space, sport and recreation policy (PPG17) and the landscape aspects of PPS7. Consultation draft to be published later in 2009
PPS 11	Regional Spatial Strategies	2004	Consultation draft policy statement to be published in summer 2009
PPG15	Planning and the Historic Environment	1994	Consultation draft PPS15 published on 24 July 2009, updating and combining PPG15 and PPG16
PPG16	Archaeology and Planning	1990	See PPG15
PPG17	Planning for Open Space, Sport and Recreation	2002	See PPS9
PPG18	Enforcing Planning Control	1991	Will be consolidated within the new Development Management Policy Framework
PPG19	Outdoor Advertisement Control	1992	Will be consolidated within the new Development Management Policy Framework
PPG20	Coastal Planning	1992	Consultation draft planning policy on development and coastal change published on 20 July 2009. The intention is that following consultation, the finalised policy will be published as a supplement to PPS25, and PPG20 would be cancelled
PPS22	Renewable Energy	2004	See PPS1: Planning and Climate Change supplement
PPS25	Development and Flood Risk	2006	Minor update to policy, to be published for consultation later in July 2009. See PPG20 for details on a new supplement to PPS25. When the coastal change supplement is published in its final form, the intention is to consolidate PPS25 and the supplement into a single PPS on development and flooding and coastal change

PPG and PPS reviews still to be programmed

PPS1	Delivering Sustainable Development	2005
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PPG2	Green Belts	1995
PPS3	Housing	2006
PPG8	Telecommunications	2001
PPS10	Planning for Sustainable Waste Management	2005
PPS12	Local Spatial Planning	2008
PPG13	Transport	2001
PPG14	Development of Unstable Land	1990
PPG23	Planning and Pollution Control	2004
PPG24	Planning and Noise	1994

**Recent POS responses to consultations:**

**Greater Flexibility for Planning Permissions Consultation** go to <http://www.planningofficers.org.uk/file/b21410ba74ed63da94e5621ec1194886/greater-flexibility-for-planning-permissions-consultation.html>

**The Impact of the Revised PPG3 on Car Parking Policy** go to <http://www.planningofficers.org.uk/file/f02d38b202a53bea7569f0360377c8f5/the-impact-of-the-revised-ppg3-on-car-parking-policy-response-by-pos.html>

**5 BRIEF UPDATES**

**Sustainable Development Indicators 2009**

This free DEFRA booklet provides a statistical overview of the country's progress in tackling key economic, social and environmental issues, by bringing together an extensive range of indicators. The booklet is available at [www.defra.gov.uk/sustainable/government/progress](http://www.defra.gov.uk/sustainable/government/progress)

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### **Investment and Planning Obligations: Responding to the Downturn: Good Practice Note**

This HCA good practice note, based on existing policy guidance, makes recommendations for maintaining more affordable housing from planning permissions and associated S106 obligations alongside HCA investment, in the current housing market downturn.

The purpose of the document is to set out the approach the HCA will take to help local authorities meet immediate housing need and ensure that when the upturn begins, a recovering market is not hampered by a proliferation of lapsed consents, or delays due to a glut of re-applications.

To download the practice note go to <http://www.homesandcommunities.co.uk/good-practice-notes.htm>

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### **Latest land-use statistics published**

Over the last decade the proportion of dwellings built on previously developed land has increased by 23 percentage points, according to the latest national and regional estimates for England.

Provisional estimates released by Communities and Local Government indicated that during 2008 some 79 per cent of dwellings (including conversions) were built on previously developed land compared to 77 per cent in 2007.

To read the statistics go to <http://www.communities.gov.uk/publications/planningandbuilding/lucs2008provisionaljuly>

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### **Housing and Planning Key Facts - August 2009**

This quarterly reference leaflet contains a snapshot of the main housing and planning data. To get a copy go to <http://www.communities.gov.uk/publications/corporate/statistics/keyfactsaugust2009>

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### **Developing Best Practice Guidance for Local Heritage Assets**

English Heritage is in the process of developing non-statutory best practice guidance for local authorities and their communities for the identification and management of local heritage assets and the consolidation of these assets as a local list. To get more information go to <http://www.helm.org.uk/upload/pdf/LocalList.pdf?1249649943>

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### **Inquiry into the Future for England's Upland Communities: The views of the communities**

This Commission for Rural Communities report presents the findings of research to provide evidence of the views and opinions of the diverse range of people who live and work in England's upland communities. To download a copy go to <http://www.ruralcommunities.gov.uk/publications/inquiryintothefutureforenglande28099suplandcommunitiestheviewsofthecomunities>

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### **Guidance for local authorities on how to mainstream community cohesion into other services**

This CLG guidance note provides evidence and arguments which can be used by local authorities as a basis for mainstreaming or embedding community cohesion in other areas of service delivery and with other local organisations. To access a copy go to <http://www.communities.gov.uk/publications/communities/mainstreamcommunitycohesion>

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### **What Makes a Good Planning Website?**

The Government is seeking views on what makes a good LPA website. To fill out the short survey go to [http://www.surveymonkey.com/s.aspx?sm=nnxr7nKWZF\\_2bH38SoDUAgHA\\_3d\\_3d](http://www.surveymonkey.com/s.aspx?sm=nnxr7nKWZF_2bH38SoDUAgHA_3d_3d)

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### **Children's Play Strategy**

The first national Play Strategy sets out the Government's plans to improve and develop play facilities for children throughout the country. Based on consultation with thousands of children and young people, as well as their parents, the strategy outlines the short-, medium- and long-term objectives in bringing to life children's right to play. To get a copy go to <http://www.dcsf.gov.uk/play>

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## 6 SOCIETY MATTERS

### President's Piece

I'm now two months into my Presidential year. August was fairly quiet in terms of meetings – school holidays cast a long shadow. I met with Phil Kirby, John Silvester and Linda Durnal to progress arrangements for the Summit with leading Conservatives in October. We made useful progress on what I see as a key event for the Society.

I had a phone call from Miles Butler, Chair of CSS (formerly the County Surveyors Society) Planning & Regeneration Committee suggesting that I meet him and the current CSS President, Alison Quant to discuss matters of common concern. I have arranged to meet Alison and Miles with Dave Simpson, Chair of the POS Spatial Planning & Policy Committee at the RAC Club in September. Apparently one of the perks of the CSS Presidency is a year's membership of the RAC Club in Pall Mall. For the avoidance of doubt, this is not the breakdown service! Sadly, the POS Presidency does not bring anything comparable.

As usual, the start of the summer break saw a flush of CLG consultations – a further response to the Killian Pretty report and draft Regulations for the Community Infrastructure Levy. I have asked Graham Jones to draft a POS response to the CIL regs and Phil Kirby to do likewise for the Killian Pretty response. If you have any comments on either consultation, Graham & Phil will be pleased to hear from you.

Together with Richard Diment, Director General of the Federation of Master Builders, I wrote to John Healey urging CLG to issue a Circular on the interpretation of the 2009 GPDO. The FMB and POS are agreed on the need for greater clarity as the current Order is causing confusion for both planners and builders – particularly in relation to Class B.

Mediation seems to have become flavour of the month as an approach to conflict resolution in planning. In the same week I received an invitation to the launch of the RICS's Planning & Environmental Mediation Service in October, a call from the National Planning Forum for details of projects to demonstrate the value of mediation in planning before appeal or examination stage and an invitation to the AGM of the Milton Keynes Community Mediation Service. Despite the local connection with the latter invitation, I have no personal experience of mediation in planning – so if you have, I'd be glad to hear from you.

The new Infrastructure Planning Commission (IPC) is starting to find its feet and I've arranged to meet its interim CEO Kevin Williamson. I will also be attending one of the IPC's regional briefings in London, which conveniently will be on 10<sup>th</sup> September - the same day as my first Planning Sounding Board meeting. Even more conveniently both events are at Eland House.

I will be speaking on the first day of the Members' School at Summer School in Exeter. I will be giving an overview of the evolution of the planning system and its purposes. I will emphasise that Planning is not just about stopping inappropriate development: it is also about encouraging and enabling the right development in the right place.

I've accepted an invitation to chair a seminar on "Designing the CIL" in London on 7 September and I have meetings with Martin Wheatley of the Local Government Association and Alice Lester of the Planning Advisory Service later that month. I'll also be attending a meeting of the POS Management & Performance Committee on 11 September and chairing the Board and Cabinet meetings the following week.

No interviews with foreign TV companies this month but the interview I did with BBC TV South East on polytunnels is due to be screened in September – it is going to be an interesting month!

*David Hackforth*  
President 2009/10

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**Coming soon** - watch out for the fliers and details on the website regarding:

- the invitation to be part of the new "planning for climate change supported learning group"
- details of the POS Enterprises Training Days on:
  - Development economics for planners
  - Development management- different and better

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## 7 FORTHCOMING EVENTS

### POS Events:

<i>Date</i>	<i>Event</i>	<i>Venue</i>	<i>Contact</i>
11 Sept	Management & Performance Committee	PAS, London	<a href="mailto:d.n.ayres@dorsetcc.gov.uk">d.n.ayres@dorsetcc.gov.uk</a>
	Spatial Planning & Policy Committee	RTPI, London	<a href="mailto:Roger.hargreaves@surreycc.gov.uk">Roger.hargreaves@surreycc.gov.uk</a>
18 Sept	POS Ltd Board & Cabinet	RTPI, London	<a href="mailto:membership@planningofficers.org.uk">membership@planningofficers.org.uk</a>
	POSE Ltd Board	RTPI, London	<a href="mailto:andrewwright@posenterprises.co.uk">andrewwright@posenterprises.co.uk</a>
25 Sept	Development Management Committee – includes presentations on Development Management and the Economics of Development	Gedling, Notts	<a href="mailto:pyates@herefordshire.gov.uk">pyates@herefordshire.gov.uk</a>

**CPD/Training Opportunities:**

<i>Date</i>	<i>Event</i>	<i>Venue</i>	<i>Details</i>
1 <sup>st</sup> September	Coastal Planning Consultation Workshop	RTPI, London	<p>Hosted by the RTPI Environmental Planning and Protection Network and RTPI Marine Spatial Planning Task Group, this workshop will focus on developing responses to the three consultations below, which the RTPI is currently inviting comments on:</p> <ul style="list-style-type: none"> <li>• Consultation paper on a new planning policy on Development and coastal change</li> <li>• DEFRA Coastal Change Policy</li> <li>• Consultation on secondary legislation for England and Wales under the Marine and Coastal Access Bill: Part 4 Marine Licensing</li> </ul> <p>For details go to <a href="http://www.rtpi.org.uk/ct/EVENT/815/11/events/815">http://www.rtpi.org.uk/ct/EVENT/815/11/events/815</a></p>
14 <sup>th</sup> September	Planning and Design for Outdoor Sport and Play	Church House Conference Centre, Westminster, SW1	<p>The recession has seen a decline in residential development and a reassessment of priorities - quality of life, the well-being of children and environmental issues are now all firmly placed at the top of the agenda. When the economic upturn comes developers will be under pressure to address these new priorities. Fields in Trust's guidelines in the new edition of the <i>Six Acre Standard</i> - now called <i>Planning and Design for Outdoor Sport and Play</i> - addresses all these issues, placing them realistically in the current planning legal framework, exploring how best they can be addressed.</p> <p>Featuring a key note address by Wayne Hemingway and an impressive list of other speakers including Tim Smith (Berwyn, Leighton, Paisner), Jerry Woolf (Woolf Bond Planning), Paul Garber (just retired as Planning Director, at Taylor Wimpey) this is a real opportunity to find out the very latest thinking and network with experts in the field.</p> <p>Delegate rates are £249 for FIT corporate members and £349 for all others. For full details visit <a href="http://www.fieldsintrust.org/get_involved/events.php">http://www.fieldsintrust.org/get_involved/events.php</a></p>

## 8 CORRESPONDENCE

Three letters this month; one from the **National Planning Forum regarding the Secretary post vacancy** and the second and third from **DEFRA re changes as a result of the Mining Waste Directive**

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The vacancy for the **post of Secretary of the Forum** from December 2009 is now live on PlanningJobs with a closing date of 5pm Friday 4 September.

If appropriate could you circulate your network with this message as the Executive Board would like to get good applicants for this very exciting opportunity! The link is: <http://jobs.planningresource.co.uk/job/305106/secretary>

Many thanks.

*Kay Powell*, NPF Secretary; [powellks@tiscali.co.uk](mailto:powellks@tiscali.co.uk)

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I am emailing you to confirm that:-

- (a) The Regulations necessary to transpose the **Mining Waste Directive** (MWD) (2006/21/EC) in England and Wales have now been made; and
- (b) Responsibility on behalf of the Government for the Directive has been transferred from Communities and Local Government (CLG) to the Department for Environment, Food and Rural Affairs (Defra).

2. The MWD has been transposed in England and Wales by means of the following Regulations:-

- (a) The Environmental Permitting (England and Wales) (Amendment) Regulations 2009 (S.I. 2009 No.1799) which came into force on 7 July 2009. These Regulations transpose all of the MWD's requirements other than some aspects of Article 6 relating to off-site emergency plans (see paragraph 2(b) below). The Environment Agency is designated as the "competent authority" responsible for implementing these Regulations. The Regulations are available at <http://www.opsi.gov.uk/si/si200917> together with an Explanatory Memorandum, Transposition Note and Impact Assessment; and
- (b) The Major Accident Off-Site Emergency Plan (Management of Waste from Extractive Industries) (England and Wales) Regulations 2009 (S.I. 2009 No.1927) which will come into force on 12 August 2009. These Regulations transpose the requirements of Article 6 of the MWD relating to the preparation of an off-site (external) emergency plan for each Category A facility. "Emergency planning authorities" are designated as the "competent authority" responsible for

implementing these Regulations. The Regulations are available at <http://www.opsi.gov.uk/si/si200919> together with an Explanatory Memorandum, Transposition Note and Impact Assessment.

3. Because lead Department responsibility for the MWD now rests with Defra, we have prepared the attached text for publication on the Department's website. The text will be published on the "Recycling and waste" pages of Defra's website at <http://www.defra.gov.uk/environment/waste/index.htm>. However, because extensive re-design work is being carried out on Defra's website during August, publication of the information may not be immediate. I am therefore making the text available to you now by means of this email.

4. The text includes information about guidance on the MWD - guidance which is either being consulted on by Defra or the Environment Agency or will be the subject of consultation later in the autumn. The latter will include consultation by Defra on guidance relating to Article 6 of the MWD and the Off-Site Emergency Plan Regulations.

5. As lead Government Department, Defra plans to meet regularly with stakeholders in future, starting in autumn, to discuss issues relating to the Directive and its implementation. If you do not wish to receive further communications from Defra about the MWD then please let me know. On the other hand, I would also be grateful if you would let me know of anyone that you believe should be on our circulation list for MWD matters but who is not on the attached circulation list for this email.

Thank you.

*Davica Farrell-Evans*, Waste Framework Directive Unit

Tel no. 020 7238 3205 Fax: 020 7238 4860; Email: [davica.farrell-evans@defra.gsi.gov.uk](mailto:davica.farrell-evans@defra.gsi.gov.uk)

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### **Environmental Permitting – Mining Waste Guidance Workshop – 25 September 2009**

Following the recent consultation on EPP2 Government guidance, which closed on 29 July 2009, we have decided to hold a further workshop on the guidance for permitting under the Mining Waste Directive. This is to ensure that as many stakeholders as possible can contribute to further development of the EPP2 Government guidance on Mining Waste.

In light of responses received, we will be making amendments to the Mining Waste guidance and will use this as the basis for further discussion at the workshop. It will be an interactive day with plenty of opportunity to understand the guidance further and to contribute to further amendments.

Event details:

Date: Friday 25 September 2009

Venue: The Innovation Centre, Reading  
Time: 10am – 3.30pm

If you wish to attend this workshop please reply to this email by 10 September 2009, and specify if you any special dietary requirements for the lunch.

We will circulate a detailed agenda and the updated version of the Mining Waste Guidance to those attending the week before the event.

Regards

Ravi Sachdev, (ERDP) [[Ravi.Sachdev@defra.gsi.gov.uk](mailto:Ravi.Sachdev@defra.gsi.gov.uk)]

See also:

[www.defra.gov.uk/corporate/consult/env-permitting-guidance](http://www.defra.gov.uk/corporate/consult/env-permitting-guidance)

[www.defra.gov.uk/environment/epp/index.htm](http://www.defra.gov.uk/environment/epp/index.htm)

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## 9 AND FINALLY .....

..... fancy joining the International Session in Beijing focusing on **Leadership and Climate Change: Impacts, Innovation and Interdependence** on 8-14 November 2009? You could network and learn with sustainability leaders from all over the world. For more information and to register, visit the event website: <http://china2009.lead.org>

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If you have any item of interest that you would like to share with fellow Society members for inclusion in the next **Bulletin** please send them to John Silvester by phone, fax or email.

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John Silvester

**Publicity Officer & Spokesperson and Communications Manager**

**Planning Officers Society**

Tel/Fax 01252 671304

Mobile 07843 377080

Email [communications@planningofficers.org.uk](mailto:communications@planningofficers.org.uk)

Website <http://www.planningofficers.org.uk>

Planning Officers Society is Registered in England and Wales No: 6709078 Registered Office: 20-22 Bedford Row, London EC1R 4JS