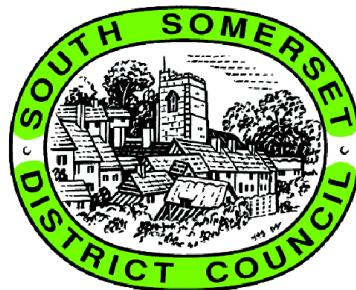


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Planning Update

November 2009

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South Somerset District Council



Further Sustainability Appraisal of Regional Spatial Strategy for the South West

- Government has given the go-ahead to a further appraisal of whether proposals for the SW RSS are the most sustainable way forward for the Region.
- Reason: it's the response to the judgement in May, that the Sustainability Appraisal of the East of England RSS had failed to test reasonable alternatives to two of its proposals, and has remitted those proposals to the Government to reconsider them. In light of this DCLG and GOSW have looked again at the Sustainability Appraisal of the SW RSS, and whether they have tested reasonable alternatives to modifications introduced following the EiP particularly for the Areas of Search for strategic housing, business and other development which were added or amended following consideration of the EiP Panel's report.
- Decided to carry out a new Sustainability Appraisal, to ensure that alternatives are properly tested and represent the most sustainable way forward
- Once appraisal is complete, the Government will then decide what action to take to complete the SW Strategy to provide the clarity and certainty about the future framework for growth in the region. The Government had expected to issue the final version at the end of June 2009.

The Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009

- Amends the "GDPO" for the purpose of implementing s190 of the Planning Act 2008.
- Amends the procedure for applications under section 73 of the T&CPA for permission to develop land without conditions previously attached.
- Thirdly, introduces a new procedure for dealing with applications to amend an extant planning permission
- Came into force from October 1st.

SI No 2262 The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2009

- Complements the changes to GPDO
- Amends the Planning (Listed Buildings and Conservation Areas) Regulations 1990 to remove the requirement for a design and access statement, where applications are to replace an extant consent granted before October 2009.

Circular 10/2009: Postponing amendments to Building Regs

- Delays implementation of new Part G and other provisions of the Building Regulations until 6th April 2010

GPDO Consultation Non domestic development

- This consultation 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.
- Consultation ended 23 October but watch this space.....

Benchmarking the cost of making a planning application

- Background is Killian Pretty. Need for 'customer focused' research from the perspective of applicants.
- This study seeks to provide a benchmark for typical financial costs of making a planning application. 6 cases in 9 categories were considered:-
 - Householder development
 - Prior approval for telecom development
 - Major development for approx 100 houses
 - Major retail development of approx 2,500 sq m
 - A typical warehouse development (under 1000 sq m)
 - Smaller housing development 10-15 dwellings
 - Change of use
 - Applications by small businesses (offices/light industrial)
 - Single house construction or conversion to single dwelling

Findings

Costs looked at under 5 headings:-

- Initial scheme development
- Preparation of planning application
- Submission of planning application
- Post submission work (e.g. amendments)
- Post determination work (e.g. conditions)

Householder development	£1,190
Prior approval for telecom development	£2350
Major development for approx 100 houses	£97,350
Major retail development of approx 2,500 sq m	£20,070
A typical warehouse development (under 1000 sq m)	£15,320
Smaller housing development 10-15 dwellings	£25,100
Change of use	£1,250
Applications by small businesses (offices/light industrial)	£1,990
Single house construction or conversion to single dwelling	£18,030

Affordable housing in rural areas safeguarded for future generations

- Housing Minister Ian Austin. Provisions contained in sections 300 to 302 of the Housing and Regeneration Act 2008.
- Come into force on September 7 and apply to all new shared ownership leases for houses granted after this date.
- Affordable rural homes in thousands of newly designated 'protected' areas will be safeguarded for future generations of first time buyers
- 13,000 small rural settlements will be designated 'protected' areas across England - areas where land to build new affordable homes is severely limited or where it is not possible to buy existing properties for shared ownership because of the small size of the housing market.
- Shared ownership properties in these 'protected' areas will be retained by either restricting to 80 per cent the share owners can buy or allowing owners to acquire up to 100 per cent but ensuring the provider, for example a housing association, buys the property back to retain it for future purchasers.

Local Economic Assessments – Draft statutory guidance

- The Local Democracy, Economic Development and Construction (LDEC) Bill makes provision for the new local authority economic assessment duty. This
- Required to be done by all county councils and unitary district councils
- Is an assessment of the economic conditions of their area.
- Will be formal guidance once the Bill has been enacted.
- Pre-consultation draft guidance now is to give local authorities and partners early sight of the Government's thinking on how the proposed new duty should be carried out
- Will enable local authorities to start thinking about how they should prepare for the new duty.
- Published 18th August 2009

Helping parish and town councils work with unitary local authorities

- Short guide has been developed to support County Associations of Local Councils (CALCs) in their work to help parish and town councils engage effectively with principal authorities.
- Lessons also relevant for areas with County and district structures
- Details available on www.ruralcommunities.gov.uk

Case Law

- High Court ruling with implications for determining and reporting cases where European protected species (bats, dormice, great crested newts etc.) are affected.
- Planning permission in Cheshire affected a (minor) bat roost
- Decision challenged by a third party and was quashed.
- Main reason given was Ipa hadn't properly considered the EC Habitats Directive and UK Habitats Regulations.
- Need to see if all the Article 16 tests are met including:
 - there is no satisfactory alternative;
 - not detrimental to population of the species in its natural range;
 - permission is necessary for preserving public health or public safety, or overriding public interest
- Judge's view that responsibility for considering tests lies firmly with the Ipa (and can't be 'discharged' or left to Natural England as part of the licencing process); so cannot impose planning condition and consider this is sufficient

Eel and Elver net fishing byelaws

- As a point of local Bridgwater interest!!!
- Consulting on new byelaws to regulate eel and elver fisheries and seeking views on
 - need for an elver close season and proposed dates
 - need for a yellow and silver eel close season, and proposed date
 - more robust byelaw to improve the quality of catch returns
 - limit the geographic extent of yellow and silver eel fisheries
 - preventing net fishing for elvers at vulnerable location
 - byelaws to specify elver fishing methods and equipment
 - banning trawling for eel and elver

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