



Developers and Builders are vital to kickstart the economy

Home-builders have been given the green light to get going again. On Wednesday (13/5/20), Robert Jenrick, Minister for Housing & Planning, made a statement to Parliament and later delivered a powerfully upbeat speech at the 5pm Downing Street Coronavirus briefing, in which he urged companies to *'Get back to building again'*. He also praised those builders who were delivering housing for key workers and highlighted the Government's 'First Homes' scheme for first-time buyers and key workers.

- In what he described as a 'comprehensive and coherent plan' he issued regulations to restart the building industry, allowing the re-opening of sales offices, show homes, estate agents and the deployment of removal firms to enable anyone in England to move house or buy a new home – subject to social distancing restrictions. As Robert Jenrick said *'People have been stuck in limbo. Now they can carry on with their house moves and add some certainty to their lives'*.
- He also sent a clear signal to firms that he wanted to get 'back to business – building again' by allowing building sites in England to operate until 9pm Monday to Saturday in residential areas and beyond that in non-residential areas. This allows companies to stagger working times to enable work to continue safely and takes pressure off public transport as part of the Government's efforts to restart the economy.
- But perhaps the most controversial change was in relation to planning appeals. In commenting on the need for the planning system to become more efficient by using more digital technology, he suggested (following the first 'virtual' appeal hearing held earlier this week), *'that all hearings should be virtual within weeks' to make planning more accessible and user friendly.'*
- *'Today', he said 'we re-open, we restart and renew the housing market and construction industry to protect lives save jobs and begin rebuilding our economy'.*

In a separate statement issued during the day, MHCLG introduced new advice to 'keep the planning system moving as much as we can so that it is able to play its full part in the economic recovery'. It emphasises that

Site visits

Site visits and the use of digital technology and virtual meetings should become the norm in planning casework. The Planning Inspectorate will be restarting site visits from mid-May. (A separate statement covers matters such as virtual inquiries, publicity, digital documentation)

CIL

To help SME developers there will be temporary changes to the CIL Regulations 2010 to enable charging authorities to defer payments, to temporarily disapply late payment interest and to provide a discretion to return interest already charged where appropriate.

Validating applications

Processing of planning applications should be undertaken remotely where possible to observe the latest social distancing guidelines. Authorities should make this clear on their websites and inform agents that applications should be submitted online.

Application timescales

The timescales for determining planning applications will remain unchanged but the Government recognises that timescales may not be met in all cases. Developers should be encouraged to agree to extensions of time where necessary, but retaining the timescales means there is still the option to appeal for non-determination.

Publicity

From 14 May temporary regulations will supplement the existing statutory publicity arrangements for planning applications, listed building consent applications and environmental statements for EIA development in response to the coronavirus. LPAs now have the flexibility to take other reasonable steps to publicise applications if they cannot display site notices, neighbour notifications or newspaper publicity, for example encouraging people to view applications online or by the use of social media.

Virtual committees

Since 2 April 2020 LPA's have had the power to hold virtual meetings which applies up to 7 May 2021. LPA's should therefore hold virtual planning committees rather than deferring committee dates or use 'urgency powers' to give senior officers delegated authority to make decisions. MHCLG are using PAS to provide practical advice to LPA's through online guidance and web-based training.

Local Plans

The Government wishes to see Local Plans progressing through the system with the aim of having all plans in place across the country by 2023.

Neighbourhood Plans

No elections or referendums can take place until 6 May 2021. Neighbourhood plans awaiting referendums can be given significant weight in decision-making. Guidance was further updated on 13 May 2020, to provide further advice on the implications for conducting publicity and consultation, and examinations.

These measures, whilst not individually striking, combine to represent a strong support for the building industry as it helps to lift the economy out of the impending recession. Perhaps the most important omission however is the absence of any progress to allow extensions to those planning consents, imminently due to expire, unlike in Scotland where this measure has been taken.

This is partly because to do so would require primary legislation. However, now that developers and builders are being encouraged to return to work, this may now be slightly receding as a key issue.

The LPDF is currently working with consultants, Barton Willmore to prepare a paper for Government indicating how the Land Promoters and Developers can assist the Government on its 'Road to Recovery'. If you have points, ideas or concerns you wish to raise, please contact:

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