



## Meeting with Communities and Local Government and representatives of the Land Forum

30<sup>th</sup> April 2014

11am – 12.30pm @ CLG Offices, Eland House, London

**FINAL**

Attendees:

### **Representing CLG**

Peter Ellis – CLG  
Helen Keen – CLG  
Isobel Wightman – CLG (intern)

### **Representing Land Forum**

Seamus Lefroy-Brooks  
Peter Witherington  
Frank Evans  
Christopher Taylor  
Simon Firth  
Matthew Whitehead  
Nicola Harries

### **Agenda Items**

- Introductions plus Land Forum Background
- Current Land Contamination organisation in CLG
- Planning Issues
  - Status of NPPF Link to Part 2A revised Guidance
  - Permitted Development (Change of Use)
  - Quality of information submitted for Planning
- CLG involvement in Land Forum
- Wind up/Resolutions/AOB

#### **1. Introductions plus Land Forum Background**

All attendees introduced themselves.

Seamus Lefroy- Brooks provided an introduction to the Land Forum and the previous involvement that CLG had had within the forum in the past.

## **2. Current Land Contamination organisation in CLG**

Peter Ellis (PE) explained that due to reduction in resources CLG no longer had a team dedicated to land remediation issues. Therefore it would not be possible to regularly participate in all Land Forum meetings but would be happy to provide adhoc interaction when required and able. PE explained that he welcomed the opportunity to discuss issues with the Land Forum and thanked them for their contributions that they made on the Beta version of the Planning Practice Guidance.

PE explained that the NPPF was a high level but policy rich document that had been written to be accessible to all users of the planning system including local communities. Inevitably this meant it did not contain the same level of detail as the earlier PPSs. The NPPF was supported by web-based planning guidance which also was drafted to be accessible to a range of users and therefore intentionally avoided technical jargon and detail wherever possible. As it was web based it was not frozen in time (as with a print publication) and could be updated and changed when required.

## **3. Planning Issues**

- **Status of NPPF Link to Part 2A revised Guidance**

Peter Witherington (PW) provided the context with the status of the National Planning Policy Framework (NPPF) link to Part 2A revised Statutory Guidance. PW explained the link between the previously published Regulatory Impact Assessment and the reference to the development of category 4 screening levels (C4SLs).

There was discussion that Defra had recently published the C4SLs and there was reference in the Policy Companion Document to the use of C4SLs in planning, however it was not for Defra to make that decision as it is not their policy area.

The Land Forum attendees asked CLG for a steer on this issue, and explained that they felt it would be enormously helpful to have a sign post to the use of C4SL within the Planning Practice Guidance as it was felt this would speed up development decisions and therefore save money.

CLG were sympathetic to what the Land Forum attendees were saying and agreed to give serious consideration to a sign post to the C4SL research project and policy companion document in the Planning Practice Guidance. All agreed this would be a sensible way forward.

- **Permitted Development (Change of Use)**

Christopher Taylor (CT) explained some of the issues that Local Planning Authorities (LPAs) were having when developers were seeking prior approval in respect of a number of the permitted development rights for change of use introduced by Government in May 2013. CT raised the point that environmental concerns such as noise and poor air quality could not be considered. CLG appreciated the point and explained that the government was keen to see more homes being provided, and conversions from offices to dwellings was helping to meet demand. Regulation was not the only route to securing appropriate outcomes with market forces providing an incentive for developers to mitigate against environmental concerns that could affect the saleability of their properties.

CT explained that often insufficient information was presented regarding land contamination and that it was difficult to ensure that approved contamination mitigation measures were undertaken without the ability to use planning conditions. CLG explained that the recent changes brought in by the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014, Number 564 should help allay these concerns as they specifically now provided for conditions to be attached in relation to the granting of prior approval and the refusal of a prior approval request. Article 5 paragraph N – provides for the LPA to refuse an application when

the developer has not provided sufficient information to enable the authority to establish if the proposed development complies.

*“(2A) The local planning authority may refuse an application where, in the opinion of the authority—*

*(a) the proposed development does not comply with, or*

*(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,*

*any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.”*

The same order also allows planning conditions to be placed on the prior approval, which can be used generally and in particular for contaminated land, which is important for remediation verification.

*“(11) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval”.*

<http://www.legislation.gov.uk/ukxi/2014/564/article/5/made>

- **Quality of information submitted for Planning**

Matthew Whitehead (MW) explained the EAs aspiration in working more closely with industry to develop a good practice management scheme that will ultimately improve quality of planning submissions.

It aims to work within existing frameworks and hopefully empower industry to develop a robust mechanism that regulators and industry jointly buy into. It is hoped that ultimately this will also help to establish a benchmark for what industry feels is a “competent person” in accordance with the NPPF.

#### **4. CLG involvement in Land Forum**

PE concluded by saying that CLG welcomed the interaction with the Land Forum and wanted to maintain the dialogue. CLG welcomed interaction if there were particular issues that need addressing. SL-B reiterated that the dialogue works both ways and welcomed CLG to use the Land Forum as a vehicle for engaging with the land development sector.