



**Welcome** to the Planning Bulletin prepared by **Tetlow King Planning**. This Bulletin provides an update of recent publications across the housebuilding and planning sectors from a wide range of public, private and quasi-governmental organisations.

## New Governmental appointments and the Conservative leadership race

**In the wake of Gove being dismissed by the Prime Minister, Greg Clarke was appointed as the Secretary of State for the Department for Levelling Up, Housing and Communities. (DLUHC). Clarke a Conservative MP for Royal Tunbridge Wells had previously held the role between 2015 and 2016, in which time he oversaw the passing of the 2016 Housing and Planning Act. Prior to this, he served as minister of state in the Department for Communities and Local Government for decentralisation and planning between 2010 and 2012 and oversaw the development of the National Planning Policy Framework (NPPF).**

Following the resignation of Stuart Andrews as housing minister”, Marcus Jones, Conservative MP for Nuneaton was appointed a Minister of State at the DLUHC. Jones was previously Vice Chamberlain of HM Household (Government Whip) and is the sixth person to occupy the Minister of State role in the past four years.

With the Conservative leadership race now narrowed down to two final candidates, Rishi Sunak and Liz Truss, it is time to reflect on their commentary on planning issues. Sunak has produced fewer comments on planning issues in comparison to his competitor. However, when speaking at a Conservative Home online husting event Sunak described “getting the consent for the number of homes we need” as a “challenge”, with the solution to increase the number of developments on brownfield land, he also suggested that the government needs to make “sure that we have a system where large developers can’t hog the land instead of it being released for house building”. Sunak also advocated for “urban densification” contending “our cities [are] much less dense than lots of other places around Europe [and it is] easier there to build more houses”. Sunak continued, highlighting the work of Richard Bacon MP regarding self-build housing and promoting the use of modular building.

When interviewed by The Sunday Telegraph Liz Truss announced that she would make amendments to the Levelling-up and Regeneration Bill to replace centralised targets with tax cuts and reductions in red tape within “opportunity zones”, within the interview Truss announced she wanted to put an end to “Stalinist housing targets”, stating “I want to abolish the top-down, Whitehall-inspired Stalinist housing targets”. Speaking during the Conservative Home hustings, Truss said “we should be make the most of the space we have” whilst in the countryside Truss was a “supporter of allowing incremental expansion of villages rather than these massive targets that land on the back of local councils”.

Truss has previously advocated building more homes in the green belt, in particular to help first time buyers. In the leadership contest Sunak is now countering this by stating that he will protect the green belt in a bid for votes from the Tory shires.

There is a consensus of concern in the planning and development sector about whether either candidate will proactive tackle the ongoing housing crisis.

Read more [HERE](#), [HERE](#) and [HERE](#)



## Government releases Nutrient Neutrality update

**On 20 July 2022, George Eustice MP, the Secretary of State for Food and Rural Affairs issued a Written Ministerial Statement (WMS) relating to nutrient neutrality.**

Throughout England 27 water catchment areas are in an unfavourable status as a result of nutrient pollution, these catchments encompass 31 internationally important water bodies and protected sites and has led to Natural England advising 74 Local Planning Authorities that plans and projects should only go ahead if they will not cause additional pollution to these legally protected sites. Resulting in delays to the delivery of at least 100,000 new homes.

In the WMS, the Government announced that a new legal duty will be placed upon water companies operating within 'nutrient neutrality' areas in England to upgrade their water treatment works by 2030 to the highest achievable technological levels. In addition, a new Nutrient Mitigation Scheme is to be established by Natural England, the scheme is to be open to all developers however, a priority is to be given to smaller builders who are most affected. As part of this scheme developers will be able to purchase 'nutrient credits' which will discharge the requirements to provide mitigation." The scheme is expected to open in the Autumn, whilst the "new legal duty on water and sewerage companies in England to upgrade certain wastewater plants will be introduced via a Government amendment to the Levelling Up and Regeneration Bill."

Following the announcement, the DLUHC published a letter to local planning authorities by Chief Planner, Joanna Averley which provided further clarity on the WMS:

"It is envisaged that the scheme will enable LPAs to grant permission subject to conditions or obligations securing mitigation and phasing developments (if needed) so that mitigation is operational and in place, prior to any nutrient pollution being discharged."

"The amendment to the LURB will seek to enable decision-makers to be confident the upgrades will be in place by 2030, enabling them to treat as certain the lower levels of pollution after 2030 as part of a HRA. Reducing the mitigation requirements for the in perpetuity period, as the current (higher) levels of pollution need only be mitigated until 2030 (or earlier if the upgrades take place sooner), with the lower pollution levels of TAL needing to be mitigated thereafter."

Read more [HERE](#) and [HERE](#)



## Private members bill allowing local authorities to set their own short-term housing need progresses to committee

The bill proposed by the non-affiliated peer Lord Mann that would allow local planning authorities to set their own short-term housing targets is at committee stage in the House of Lords. The bill seeks to amend section 19 of the Planning and Compulsory Purchase Act to “make provision for local authorities to determine their short-term housing needs and housing allocation numbers; and for connected purposes”.

In proposing the bill Lord Mann highlighted the success of neighbourhood planning in Bassetlaw explaining that “the 13 fully functioning, agreed-at-every-level neighbourhood plans have brought forward between them 1,133 new housing allocations. That is from a position of zero in the local plan.” Lord Mann continued stating “The localities will deliver the housing that the country needs. They will provide more than the country needs. The days of big arguments—of the developer backing the locals and the locals attacking everyone and getting disillusioned with politics because the big state and the big developer wins—will be minimised.”

Despite the proposal by Lord Mann, at the bill's second reading the now former DLUHC minister Lord Greenhalgh suggested that the bill would be opposed by the government for a “number of reasons”:

- The bill seeks to legislate “matters that are more effectively addressed through planning policy”

- “Local planning authorities when preparing their local plans already establish their own housing requirements, informed by the standard method for assessing local housing need”
- “Neighbourhood planning provides a powerful set of tools for local people to shape development in their area to meet their community’s needs, although added that the impact of neighbourhood planning should not be exaggerated”
- Communities are able to comment on what a local plan ought to contain through “existing regulations and legislation”
- “We have recently introduced our Levelling-up and Regeneration Bill, which will reform the process for preparing local plans so that it is simpler, faster and easier for communities to engage with”.

Read more [HERE](#) and [HERE](#)

## PINS release Annual Report and Accounts 2021/22

The recent publication of the Planning Inspectorates Annual Report and Accounts 2021/22 reveals that during 2021/22 the Planning Inspectorate (PINS) “focused on national infrastructure applications, local plan examinations and appeals needing a hearing or inquiry”, the report states that such appeals generally have “the most community interest and potential to support the nation’s economic recovery.” As a result, on average, the time for decisions to be decided took longer. Consequently, PINS state “This meant fewer inspectors deciding higher volume casework and we decided fewer cases than we received.”

The Annual Report and Accounts 2021 also reveal an increase in new planning appeals being submitted, stating “New planning appeals being submitted increased, back to pre-pandemic levels and were 4% higher than 2020/21. The number of new planning appeal cases submitted needing to be heard by inquiry rose by 38%.” The report highlights PINS performance for the period, indicating a median decision time of 23 weeks for written representations, around 26 weeks for inquiries and 46 weeks for hearings.

The report goes on to illustrate the percentage of appeals and subsequent number of homes granted permission for the 2017/18 to 2021/22 period. In doing so, the report indicates

31% of applications were allowed at appeal in 2021/22 which resulted in the delivery of 26,900 homes. The report states “Behind this data is a significant difference between success rates for schemes with 10 or more homes and schemes with 1 to 10 homes (including replacing one home with another).” For schemes of 10 or more homes almost 60% of appeals were allowed in comparison of just 25% being allowed for schemes of 1-10 homes, “In these larger schemes it is more likely that benefits can be evidenced such as meeting unmet housing need in the area or improvements to infrastructure like schools, open space, affordable housing or transport.”

Read more [HERE](#) and [HERE](#)



## In the News



### New NPPF

New Housing Minister confirms NPPF prospectus is still expected this summer

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### Biodiversity

Chief of the Environment Agency warns the biodiversity crisis is 'an existential risk to our survival'

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### Regeneration

£180m brownfield fund launches

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### Older People

More than a third of English local plans lack support for elderly housing

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### Bristol News

£95 million in infrastructure funding secured to deliver "Bristol's biggest ever regeneration project"

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## About Us

Tetlow King Planning is a leading town planning and development consultancy operating nationwide, with specialisms in housing, affordable housing, care, custom and self-build housing. We have been established for over 35 years and operate from our offices in Bristol and West Malling, Kent. Testimonials and news stories on development proposals are available to view on our website [www.tetlow-king.co.uk](http://www.tetlow-king.co.uk). Follow us on social media at:



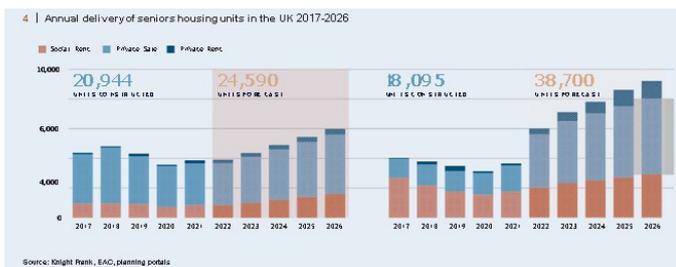


## ARCO Annual Conference

To reflect the continued association with ARCO (Associated Retirement Community Operators) of whom Tetlow King Planning are affiliate members, earlier this month we attended the annual conference held over 2 days at IET London (day 1) and Trowers & Hamblins offices (day 2).

Day 1 was the main conference event with a series of presentations and panel discussions and TKP were in attendance as an Event partner for the first time with an exhibition presence in one of the two main breakout spaces.

One of the presentations related to the emerging Mayhew Review, commissioned by ARCO to inform the emerging Taskforce that has been announced by the government as part of its levelling up agenda. The initial scoping meeting for the Mayhew Review was held at BNP Paribas's offices in May, at which Iain Warner attended as part of a representative panel to discuss the key areas of difficulty with delivering more of this specialist accommodation. The initial findings of the review in terms of future delivery were presented at the conference (unfortunately not by Professor Mayhew himself but by Gareth Lyons of ARCO) outlining that if being truly aspirational we should be looking to deliver 50,000 units a year of specialist accommodation in the form of Integrated Retirement Communities (the new catch all term for extra care housing or retirement villages). When this is compared to recent delivery, as outlined in the very recent Knight Frank Seniors Housing Development Update 2022<sup>1</sup>, the challenge for future delivery is clear.



This shows that even at the highest point in 2026 we would be delivering approximately 9,000 units. This needs to be looked at in the context of the emerging Mayhew review which sets out the baseline figure of 10,000 homes a year; a minimum optimum delivery of 30,000 homes; and the more aspirational target of 50,000 a year.

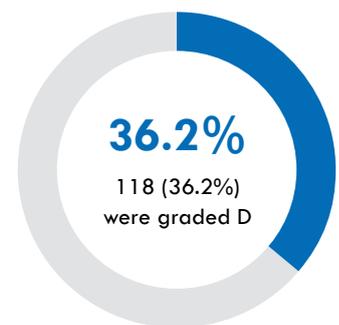
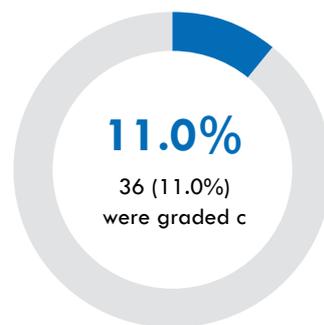
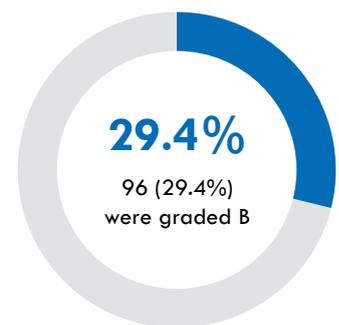
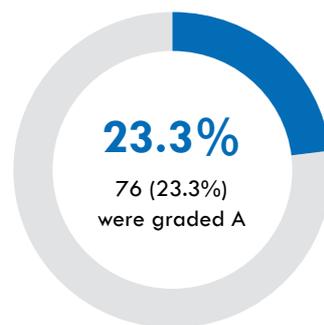
Given that in recent years the peak for IRCs has only once breached 4,000 homes the challenge that we face here is clearly stark, but it demonstrates the opportunities for growth in the sector (let's also not forget the implications from the initial release of the Census 2021 data addressed below). Tetlow King Planning are at the forefront of this in the planning sense, presently instructed across various regions to promote sites by way of local plan promotions and planning applications/appeals.



The first day culminated in the now traditional drinks reception allowing delegates to catch up over a drink and canapes and discuss hot topics, or just catch up with connections across the industry.

Day 2 was the knowledge day hosted at Trower & Hamblins offices consisting of a series of topical workshops to outline various issues of interest to participants. Being an event partner for the first time this also saw us presenting a planning policy workshop that was repeated in the afternoon due to the level of interest amongst attendees.

The workshop set out the overarching planning policy framework that we should be able to rely on presently to make delivery of these sorts of schemes easier, noting that recognition of the need to deliver appropriate housing for older people can be traced back to PPS3. The presentation picked up on the excellent research presented by Irwin Mitchell and Knight Frank<sup>2</sup> that shows even now we only have less than 1 in 4 councils (23.3%) who have clear development plan policies detailing the numerical requirement for specialist housing for older people and specific site allocations.



For reference the following key assists:

- Grade A - Clear policies indicating details of the required number of dwellings or care home beds, how this will be achieved and specific site allocations given
- Grade B - A clear policy as above, but no land or site allocations
- Grade C - Site allocations given, but no clear seniors housing policy
- Grade D - Neither – with policy (at the most) confined to generalisations such as “we will make provision for housing all types of people including the elderly and the disabled.”

Whilst it is encouraging to see that we now have 23.3% of English authorities graded A, which is an increase of 13.5% from previous research, it remains concerning that more than 1 in 3 (36.2%) lack even the most basic of clear development plan policy. This is more concerning when considered in light of the initial findings of the Mayhew review as identified above. That identifies the challenges we face as a sector to try and deliver sufficient schemes to meet the demand in the face of what is often a development plan policy vacuum.



It does not have to be doom and gloom as the emerging Taskforce has been established to address the problems of delivery given that in discussing its creation the levelling up paper noted “For older people trapped in non-decent or unsuitable accommodation, the UK Government will work to increase the choices available to them. A new Task Force will be launched shortly to look at ways better choice, quality and security of housing for older people can be provided, including how to address regional disparities in supply of appropriate and where necessary specialised housing.”

It was also a point of discussion that the wider planning framework needs to look more globally at ensuring the delivery of appropriate housing and accommodation that meets the needs of everyone rather than the macro view of delivering 250,000 or 300,000 new homes a year. It was the Habinteg report ‘The hidden housing market’<sup>3</sup> that stated in the introduction that “Informed estimates suggests that we need between 200,000 - 250,000 per year to keep up with consumer demand. The growing number of disabled and older people in communities up and down the country are a very important component of this additional demand.”

Delivering the aspirational target of 50,000 units per year will therefore not only contribute towards the wider housing delivery but ensure delivery of appropriate choice for older people through rightsizing but create the opportunity to free up some of the more than 15 million underutilised bedrooms<sup>4</sup>. The implications of failing to deliver the right housing to meet identified needs has significant implications, particularly in the context of the wealth of acknowledged benefits that the delivery of specialist housing for older people can bring as is well referenced in planning appeal decisions these days. It is therefore imperative that the debate with local and national government does not focus solely on the numerical need for these types of developments but the benefits that provision can deliver for wider society.

## CENSUS 2021

The initial outputs from the 2021 Census demonstrate that for the first time ever recorded there are now more over 65s than there are under 15s. The data indicates a total of 11,063,400 over 65s (18.6% of the total population) compared to 10,352,600 under 15s (17.4% of the total population).

<sup>1</sup> Seniors Housing Development Update - 2022 | Knight Frank Research

<sup>2</sup> Retirement Living Report – How Your Local Authority Is Supporting Housing For Seniors | Irwin Mitchell

<sup>3</sup> The Hidden housing market | Habinteg Housing Association

<sup>4</sup> [https://www.arcouk.org/sites/default/files/Too%20little%20too%20late\\_\\_FINAL%20-%20June%20%202020.pdf](https://www.arcouk.org/sites/default/files/Too%20little%20too%20late__FINAL%20-%20June%20%202020.pdf)

