

Planning Act 2008

The Planning Bill received Royal Assent on 26 November 2008. Under the new Act ministers will create a new planning regime, the Infrastructure Planning Commission (IPC) which will determine nationally significant projects, and also give powers to bring in a new form of land tax, the Community Infrastructure Levy. There will be a new unified consents regime and a new requirement for a suite of National Policy Statements (NPS) setting out Government planning policy.

National Policy Statements (NPS)

In effect, the Secretary of State will use NPSs to detail national infrastructure priorities for the country and the decisions as to whether to allow individual projects to go ahead will then be taken within the framework set by the Secretary of State.

The RIBA lobbied during the passage of the Bill on the importance of design within the planning system. As a result the National Policy Statements which would ensure that National Policy Statements for major infrastructure must set out criteria take account of design quality.

Infrastructure Planning Commission (IPC)

A new Infrastructure Planning Commission is to decide applications for nationally significant infrastructure projects and grant Development Consent. The IPC will only determine proposals where there is a NPS covering the relevant type of infrastructure.

Community Infrastructure Levy (CIL)

The Act creates a new levy that planning authorities will have the power to charge on new developments to support the development of local and sub-regional infrastructure. The levy will be collected locally as an optional 'tax' on development. Planning authorities have discretion when to use CIL. CIL supplements but does not replace the traditional section 106 route for both developers and planning authorities. The Act contains the framework for the Levy – the details will come in the form of Regulations.

Changes to the Planning and Compulsory Purchase Act 2004

The Planning Act also makes some changes to PCPA 2004 these include:

- Ability for a charge to be made to appeal.
- Non-material amendments to planning permissions
- Similar applications – new powers to refuse applications for schemes previously refused on appeal
- The RIBA lobbied for the introduction of a statutory duty for design alongside sustainability so that Development Plans must include policies to ensure that the development and use of land with the local planning authority's area contribute to the mitigation of, and adaptation to climate change and consider design.

Implementation

The Government will set out a timetable for setting up the IPC and consult on the detailed regulations and NPSs required to implement the new system. Scrutiny of the first NPSs in draft form is expected to begin in the summer of 2009 with the first tranche designated in 2010. Much of the other elements including the new design duty will come into force in we predict April 2009.