

Insights

EXTENSION FOR PLANNING PERMISSIONS IN ENGLAND DUE TO EXPIRE CONFIRMED BY MHCLG

Jun 23, 2020

SUMMARY

MHCLG has confirmed that all planning permissions due to expire during the lockdown period will be extended until 1 April 2021. In this blog we examine the details of this announcement.

In a welcome boost for developers, MHCLG confirmed on 22 June 2020 that planning permissions and listed buildings consents that would lapse during the lockdown period (between 23 March and 31 December 2020) will automatically be extended until 1 April 2021.

However, planning permissions that lapse during this period but before the extension provisions come into force are expected to require an 'Additional Environmental Approval' before the extension can take effect.

This move follows lobbying by BCLP and jointly by the RTPI, BPF and the Home Builders Federation and others in the industry. It also follows the measures put in place by the Scottish Government at the start of the lockdown and which came into force in April 2020 in the Coronavirus (Scotland) Act 2020.

The 'Business and Planning Bill'

New legislation will be introduced to bring the extension measures into effect in England. The draft legislation has not yet been published but we believe it is likely to be included in a new 'Business and Planning Bill' which could be published this week.

Questions remain as to how the legislation will be formulated and whether:

- there will be any exceptions to the automatic extension;
- the extended permissions will be subject to any further planning conditions;

- the extension will apply to the time period for reserved matters approvals under outline planning permissions;
- what additional environmental details must be provided and how these details will be assessed to secure the 'Additional Environmental Approval' for permissions that lapsed after 23 March 2020 but before the extension legislation comes into force;
- there will be the ability for a further extension beyond 1 April 2021, similar to the Coronavirus (Scotland) Act 2020 which gives Scottish Ministers powers to amend the timescales if necessary.

Faster Appeals

To speed up the planning appeals process, MHCLG also announced that the Planning Inspectorate will be permanently granted the ability to use more than one procedure (written representations, hearings and inquiries) at the same time when dealing with a planning appeal. This approach was tested last year in a pilot program and was found to more than halve the time taken for appeal inquiries, from 47 weeks to 23 weeks.

What's not included

MHCLG have remained silent on any extension to Compulsory Purchase Orders or Development Consent Orders that are due to lapse without the powers being exercised. This could change in due course as lobbying efforts continue, but this is causing concern for some schemes that have been unable to make the necessary progress during lockdown such that timescales have slipped.

The development industry has also been hoping that measures may be introduced to address the difficulties arising in connection with CIL payments due on schemes which have been delayed or stalled and on affordable housing commitments under s106 Agreements. These issues remain unaddressed by MHCLG to date.

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Clare Eccles

Co-Author, London

clare.eccles@bclplaw.com

+44 (0) 20 3400 4267

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