



# NORA

NATIONAL ORGANISATION  
OF RESIDENTS ASSOCIATIONS

## NEWSLETTER

OCTOBER 2022

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### Update:

We now enter a new chapter in our history with the accession to the throne of our new King, Charles III, and now Britain will be living through new times of great change. We now face new challenges; recovery from the Covid-19 pandemic; the rise in the cost of living; the energy crisis; the appointment of a new Prime Minister, the Rt. Hon. Liz Truss; the replacement of then Chancellor, Kwasi Kwarteng with Jeremy Hunt; the, up to now, implosion of the government in general; the Work From Home ethos in the civil service and Local Authorities; the war in the Ukraine; the recent heatwave and drought in the UK and other factors;

So, over the past year or so, little of interest regarding planning has emerged, rather like when, on April 18, 1930, listeners tuning in to hear the BBC's 8:45 p.m. news bulletin were told "there is no news tonight".

**Ministerial appointments:** Apart from the reappointment of Michael Gove by the new PM, Rishi Sunak, further information about changes to other appointments and personnel at the Department for Levelling Up, Housing and Communities still to be updated/posted. So soon as this is to hand, it will be circulated.

As members will be aware, N.O.R.A. had contacted various former Ministers and civil servants in the past year with regard to the proposed new planning legislation and it was very disappointing that not one even acknowledged our letters. However, *nil desperandum*, we shall continue to press our concerns.



### N.O.R.A. Annual General Meeting 2022

As mentioned in the June Newsletter, it has been decided to hold the Annual General Meeting via email. In view of the increasing expense of travelling and hire costs, the committee considers that this is the most practical course alternative. Documentation will be sent separately to all members shortly.



A Q&A Zoom meeting has been arranged for members and will be held on **November 14<sup>th</sup> 2022 at 6:00 p.m.** Participation will be by invitation only and numbers may be limited.

As time will be limited, participating members should submit any questions on planning and other matters of concern prior to the meeting by the **11<sup>th</sup> November 2020** to the Secretary with your name, your organisation's name, your email address and your question, which will be tabled in the order in which they are received.

As the meeting time will be limited, any questions which are not included will be answered after the meeting and will be circulated by email.

**The Guest Speaker will be committee member John Walker. Committee members will also be attending the meeting.**



**LEGISLATION AND MATTERS ARISING (as at September 2022)**

Little has emerged about the progress of the new proposed new planning legislation but the latest information we have that is available is set out below:

**Legislation and Matters Arising**

**Emerging Legislation**

**Government Bills**

- **Levelling Up and Regeneration Bill:** The Bill makes provisions for a wide range of matters, including aspects of planning, local democracy and devolution, and levelling up measures. Amongst other things the Bill makes provision for:
  - national development management policies to sit alongside local development plan policies;
  - a replacement for the Community Infrastructure Levy;
  - Environmental Outcome Reports to replace Environmental Impact Assessments;
  - changes to compulsory purchase and enforcement powers;
  - powers in relation to planning data;
  - a requirement for local authorities to have design codes for their area.
- The Bill contains five clauses relating to the historic environment:
  - a duty to have special regard to the preservation or enhancement of heritage assets and their settings will apply to a wider range of designated heritage assets. (Clause 92);
  - enforcement powers introducing Temporary Stop Notices for listed building works, aligning them with general planning enforcement powers. (Clause 93);
  - new powers to enable Urgent Works Notices to be served on occupied buildings, and any costs to be entered as a land charge. (Clause 94);
  - removal of compensation for local authorities when they serve a Building Preservation Notice on a historic building under threat of damage whilst it is considered for listing. (Clause 95);
  - a statutory underpinning for Historic Environment Records, enabling them to be a strong evidence base for the new planning system. (Clause 185).
- The Bill was accompanied by an **Explanatory Note**<sup>1</sup> and a **Policy Paper**<sup>2</sup> giving further information on its contents and future consultations on aspects of the Bill. **The Bill had its second reading in the House of Commons on 8 June and proceeded to Committee stage sitting on 21, 22, 23, 28 and 30 June, 5, 7, 12, 14 and 19 July. The Bill will have further sessions at Committee on 6 and 8 September.**
- On 30 August **DLUHC** announced that amendments would be made to the Bill to introduce powers which will enable **Nationally Significant Infrastructure Projects (NSIPs)** to be determined faster. The amendments also propose powers which would allow smaller changes to NSIPs that already have approval to be made more quickly. As part of the announcement, funding of £750,000 has been awarded to ten council-led projects to support innovation in community engagement on infrastructure projects. The announcement included publication of a policy statement, Improving Performance of the NSIP Planning Process and Supporting Local Authorities, **which will be subject to a future consultation. A full Action-Plan is also due to be published.**
- **A Research Briefing on the Levelling Up and Regeneration Bill 2022-23**<sup>3</sup>, was also published as part of the House of Commons Library on 1 June.
- **UK Infrastructure Bank Bill 2022-23**<sup>4</sup>: The Bill has been introduced in the House of Lords to give statute to the UK Infrastructure Bank. Its purposes are to contribute to addressing climate change and to support regional and local economic growth through investment in infrastructure. **The Bill received its first reading in the House of Lords on 11 May, and its second reading on 24 May. The Bill reached Reporting stage on 4 July, had its Third reading in the House of Lords on 11 July and has now passed to the House of Commons having its First reading on 11 July, a date for the Second reading is awaited. A Research Briefing was published by the House of Lords Library on 19 May.**
- **Energy Bill**<sup>5</sup>: The Bill has been introduced through the House of Lords. The aim of the Bill is to increase resilience and reliability of energy systems across the UK, support the delivery of the UK's climate change commitments and reform the UK's energy system while minimising costs to consumers and protecting them from unfair pricing. The Bill has three key pillars:
  - Leveraging investment in clean technologies.
  - Reforming the UK's energy system and protecting consumers.
  - Maintaining the safety, security and resilience of the energy systems across the UK.
- The Bill had its First Reading in the House of Lords on 6 July, its Second reading on 19 July and **will go through Committee Stage from 5 September with planned sessions for 7, 12 and 14 September.** A Library Briefing for the Energy Bill was published by the House of Lords Library on 14 July.

**Private Member's Bills**

<sup>1</sup> <https://publications.parliament.uk/pa/bills/cbill/58-03/0006/en/220006en.pdf>

<sup>2</sup> <https://www.gov.uk/government/publications/levelling-up-and-regeneration-further-information/levelling-up-and-regeneration-further-information>

<sup>3</sup> <https://researchbriefings.files.parliament.uk/documents/CBP-9558/CBP-9558.pdf>

<sup>4</sup> <https://lordslibrary.parliament.uk/research-briefings/lln-2022-0012/>

<sup>5</sup> <https://bills.parliament.uk/bills/3311>

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- **Carbon Emissions (Buildings) Bill<sup>6</sup>**: This Private Member Bill has been introduced with proposals to require the whole-life carbon emissions of buildings to be reported; to set limits on embodied carbon emissions in the construction of buildings; and for connected purposes. The Bill had its first reading in the House of Commons on 2 February in the previous session of Parliament and had its first reading in this current session on 20 June, **the second reading is due on 25 November**.
- **Green Belt (Protection) Bill<sup>7</sup>**: This Private Member Bill seeks to establish a national register of Green Belt land in England, to restrict the ability of local authorities to dedesignate Green Belt land and to make provision about future development of dedesignate Green Belt land. The Bill had been introduced in the previous session of Parliament but had not progressed beyond the first reading and was reintroduced in the current 2022-2023 session in the House of Commons on 20 June 2022. **The Bill is due to have its second reading on 9 September**.
- **Climate and Ecology Bill**: The Bill was introduced through the House of Lords. The Bill would impose a duty on the government to achieve defined climate and nature targets. This would also include introducing a strategy for reducing the UK's overall contribution to global greenhouse gas emissions to net zero. The bill would also impose a similar requirement on targets designed to halt and reverse the UK's overall contribution to the degradation and loss of nature. The Bill had its First reading in the House of Lords on 25 May, its Second reading on 15 July **and has now passed to Committee Stage for which a date is awaited**. A Library Briefing for the Climate and Ecology Bill was published by the House of Lords Library on 11 July.
- **Local Authority (Housing Allocation) Bill<sup>8</sup>**: The Bill has been introduced through the House of Lords and is intended to make provision for local authorities to determine their short-term housing needs and housing allocation numbers; and for connected purposes. The Bill had its first reading in the House of Lords on 24 May, its second reading on 8 July **and has now reached Committee Stage, a date for which is awaited**.

### Committees

#### Land Use in England Committee

- **The Committee is holding an Inquiry to consider Land Use in England**. To date a call for written evidence has been undertaken alongside oral evidence sessions. The Inquiry is looking into a range of issues including:
  - Current and potential demands on land use in England;
  - The impact of these demands on the environment and climate change;
  - The current systems for deciding land use and the effectiveness of these systems;
  - How the decision-making process surrounding land use can be improved.

#### Levelling Up, Housing and Communities Committee

- A letter was published on 24 August from the Chair of the Levelling Up, Housing and Communities Committee<sup>9</sup> to the Secretary of State for DLUHC. The letter presents initial findings on the Bill following scrutiny by the Committee. The letter expresses a number of concerns about the wider planning provisions of the Bill but does not mention the historic environment within these.

### Policy

#### Planning Practice Guidance

##### Flood Risk and Coastal Change

- The Flood Risk and Coastal Change section was updated on 25 August. The update provides a significant refresh to the guidance in line with the latest policy position on flood risk introduced in revisions to the National Planning Policy Framework in 2018 and 2021.

DLUHC has today (25 August) announced that new homes will be better protected from flooding, following changes to the planning guidance.

The updated Planning Practice Guidance (PPG) on flood risk and coastal change will help councils make sure developments meet strict criteria in locations at risk of flooding before they are approved.

Under the changes to the PPG, councils will be better placed to apply government policy where new homes in areas at risk of flooding, and should meet recommended standards on flood resilience.

Announcement:

<https://www.gov.uk/government/news/better-flood-protections-for-new-homes>

Guidance:

<https://www.gov.uk/guidance/flood-risk-and-coastal-change>

Policy statement:

<https://www.gov.uk/government/publications/flood-and-coastal-erosion-risk-management-policy-statement>

Review:

<https://www.gov.uk/government/publications/review-of-policy-for-development-in-areas-at-flood-risk?msclkid=6ddbf722b99711ecb036f99d92e2c6f0>

### Of interest:

#### Other Initiatives

#### Chewing Gum Task Force<sup>10</sup>

- On 6 August Defra announced funding to support more than 40 councils across the UK to remove chewing gum stains as part of the Chewing Gum Task Force run by Keep Britain Tidy. Research has identified that around 87% of England's streets are stained with gum. The funding is to be spread over 5 years.

<sup>6</sup> <https://bills.parliament.uk/bills/3211>

<sup>7</sup> <https://bills.parliament.uk/bills/3286>

<sup>8</sup> <https://bills.parliament.uk/bills/3165>

<sup>9</sup> <https://committees.parliament.uk/work/6731/levelling-up-and-regeneration-bill/news/172851/levelling-up-bill-lacks-clarity-and-funding-commitments-needed-to-transform-local-communities/>

<sup>10</sup> <https://www.gov.uk/government/news/new-funding-to-remove-chewing-gum-stains-from-our-high-streets>

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### Community Forests

• On 5 August Defra and the Forestry Commission announced funding of £44.2 million to be awarded for tree planting across in England's 13 Community Forests<sup>11</sup>. This will amount to around 2,300 hectares of trees. Local authorities are also to benefit from support through the development of the Local Authority Tree and Woodland Strategies Toolkit, to be launched in September, helping build capacity for new trees and woodlands.

### DLUHC Secretary of State Letter to the Planning Inspectorate<sup>12</sup>

- The Secretary of State for DLUHC wrote to the Planning Inspectorate, on 28 July, setting out new temporary arrangements for local plan examinations until a new Prime Minister is appointed. The letter urged Inspectors to continue to address correspondence with councils in a constructive and positive way where shortcomings are identified in a local plan.
- The letter also instructed that during the transition period Inspectors should not send letters or reports which conclude that local plans are unsound and incapable of being made so and/or which advise councils that local plans should be withdrawn, prior to a new Prime Minister taking Office, and until the Department advises the Inspectorate otherwise.

### Levelling Up Parks Fund

• Funding of £9 million has been allocated across the UK to create parks in neighbourhoods which are currently most deprived of green spaces, through the Levelling Up Parks Fund. This includes 85 neighbourhoods in England where existing parks will either be upgraded or, alternatively, new parks will be created. Part of the Fund will be used to support new trees being planted in these parks. A Levelling Up Parks Fund: Prospectus<sup>13</sup> by DLUHC was published to support the distribution of funds.



### Permitted Development

Changes to legislation that came into force from the start of August 2021 meant that, in a few specific circumstances, what used to be considered eligible as permitted development until the end of July 2021, would no longer be. In these circumstances, government **implemented a provision** that classified such proposals as 'protected development'. This ensured that, for a further year until the end of July 2022, they could continue to be considered eligible for permitted development rights.

This period has now expired. Several types of Prior Approval applications were affected and we have taken appropriate action to update the system to account for

this.

The updates were applied to the online system on 18th August 2022. Corresponding changes to the PDF paper forms and website content have also been made.

### Prior approval application types removed

The following Prior Approval applications being created have been stopped by removing them from the list of types available:

- Application to determine if prior approval is required for a proposed: Change of Use from Shops (Class A1), Financial and Professional Services (Class A2), Betting Offices or Pay Day Loan Shops (Sui Generis Uses) to Assembly and Leisure (Class D2) – **ID: 43**
- Application to determine if prior approval is required for a proposed: Change of Use from Shops (Class A1), Financial and Professional Services (Class A2), Takeaways (Class A5), Betting Offices, Pay Day Loan Shops or Laundrettes (Sui Generis Uses) to Offices (Class B1(a)) – **ID: 55**

This is the same with the Prior Approval application types that had previously expired.

Users with existing applications of this type will see updated warning messages directing them to take appropriate action. However, we are aware that a small number may still be copied and/or submitted after the end of July 2022. In such circumstances they will likely not be accepted by the Local Authority, and users may not be entitled to a refund of any fee paid.

### Prior Approval application types updated

The following application types are no longer be valid for the specific changes of use that were covered by the 'protected development' provision (as highlighted below). However, they can still be used for all other eligible proposals:

- Application to determine if prior approval is required for a proposed: Change of Use of Agricultural Buildings to a flexible use within Storage or Distribution (Class B8), Hotels (Class C1), Commercial/Business/Service (Class E), *or until the end of July 2022, uses previously classified as Assembly and Leisure (Class D2)* – **ID: 45**
- Application to determine if prior approval is required for a proposed: Change of Use from Commercial/Business/Service (Class E), Hotels (Class C1), Residential Institutions (Class C2/C2A), *or until the*

<sup>11</sup> <https://www.gov.uk/government/news/major-expansion-of-woodlands-for-communities-across-england>

<sup>12</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1096110/220728\\_-\\_SoS\\_to\\_PINS\\_Chief\\_Executive\\_-\\_Summer\\_Planmaking.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1096110/220728_-_SoS_to_PINS_Chief_Executive_-_Summer_Planmaking.pdf)

<sup>13</sup> <https://www.gov.uk/government/publications/levelling-up-parks-fund-prospectus/levelling-up-parks-fund-prospectus>



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*end of July 2022, uses previously classified as Assembly and Leisure (Class D2) to State-Funded School (Class F1(a)), or until the end of July 2022, a Nursery (previously Class D1(b)) – ID: 47*

- Application to determine if prior approval is required for a proposed: Provision of Temporary School Buildings on Vacant Commercial Land and the use of that land as a State-funded School for up to 3 Academic Years – **ID: 53** – *‘Vacant commercial land’ will no longer cover Local Community, or Sui Generis use previously classified as ‘assembly and leisure’ (e.g. cinemas; concert halls; bingo halls; or dance halls)*

Users with existing applications of this type will see updated warning messages directing them to take appropriate action. If applications for the changes of use that are no longer eligible are submitted, they will likely not be accepted by the Local Authority, and users may not be entitled to a refund of any fee paid.

Individual questions within these application types have also been updated to remove reference to the ‘protected development’ provisions. Users who previously completed these sections will continue to see them, but they will no longer be shown on new applications.

### Legislative compliance catchup for other Prior Approval application types

The following has been updated the:

- Application to determine if prior approval is required for a proposed: Change of Use from Takeaways, Betting Offices, Pay Day Loan Shops or Launderettes (Sui Generis Uses); or a Mixed Use combining use as a Dwellinghouse (Class C3) with a Betting Office, Pay Day Loan Shop or Launderette (Sui Generis Uses); to Dwellinghouses (Class C3), and for building operations reasonably necessary for the conversion – **ID: 42**

This application type was migrated from the previous platform ‘as was’, but has now had sections that are no longer valid safely removed. This will ensure that users who previously completed these sections will continue to see them, but they will no longer be shown on new applications.

### Seagull Saga



“I don’t give a fig about ‘relaxed planning regulations’ it’s got to come down.”

Robin Kerr, our NORA Committee member who lives in Bath, recently made a statement to one of the Committees in his Local Authority – Bath & North East Somerset & NES). He pointed out that their current Seagull situation was a serious Public Realm problem for the World Heritage City of Bath. Consequently, he supported the Council’s efforts to lessen the birds’ impact. Officers had been doing their very best to serve the people of Bath, but under the current draconian restrictions, there was a limit to what they could do. Gull numbers would continue to rise unless there was a change of policy nationally. Bath, in common with an increasing number of inland towns, suffered, he said, from an infestation of seagulls in the breeding season. These cause damage to the Georgian buildings, and affect the health of Bath’s citizens due to their prolific faeces (often infected) and disturbance to citizens’ sleep in the early mornings. Many people believed they came there for food, scattered on the pavements, but in reality they began nesting in towns long before they began feeding in them. Georgian rooftops provide perfect nesting sites: sheltered, and immune from predators. The adult birds can range 50 miles to find food, though if we leave rations for them in our public realm they will certainly take advantage.

Their numbers, he continued, were still increasing. Natural England did not accept this, despite ample scientific evidence, much of it collated by the noted biologist and scientific author, Linda Gamlin, who lived in the city (and we were very lucky to have her).

Until 2019, the ‘General Licence’ allowed eggs of herring gulls and lesser black-backed gulls to be removed or treated by Local Authorities, at their discretion.

The current ‘Organizational Licence’, as granted to B&BS, drastically curtailed the number of eggs that could be prevented from hatching. It also required Councils to justify each action on a specific health-risk basis, adding, he said, that the gull team at Natural England, despite having no medical expertise, decided what constituted a health risk, and had set the bar very high. Across the country, urban gull numbers were rocketing as a result. So impractical and ineffective was this procedure, that the

Council in Gloucester (one of the places most affected) had refused to have anything to do with it.

Accordingly, Ms Gamlin had been campaigning specifically for ‘roof-nesting gulls’ of the two pest species to be put back on the General Licence. This was a simple decision that DEFRA could make, putting an end to all Natural England’s red tape.

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On the bright side, Robin reported, Bath's MP, Wera Hobhouse, had been campaigning to have DEFRA acknowledge that these gulls were not Endangered Species, and to have them better controlled. She had joined with her fellow MPs in a host of other historic places, similarly affected, including Gloucester, Worcester, Devizes, York, Cheltenham, Canterbury and others, to lobby the DEFRA Secretary of State. Some progress was now being made.



**PLEASE LET US HAVE YOUR COMMENTS ON THIS NEWSLETTER AND YOUR VIEWS UPON ANY ISSUES OR MATTERS OF CONCERN THAT YOU MAY HAVE. EMAIL US AT [norasecretary@gmail.com](mailto:norasecretary@gmail.com)**

...and finally, a look at the lighter side of life

