



JANUARY 2023

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**LEVELLING-UP AND REGENERATION BILL: REFORMS TO NATIONAL PLANNING POLICY**

The Department for Levelling Up, Housing, and Communities is seeking views on how we might develop new national planning policy to support our wider objectives.

Thanks to all NORA members for your support over the past year.

## ILLEGAL TREE FELLING IN ENGLAND TO BE PUNISHABLE WITH JAIL AND UNCAPPED FINES

Forestry Act 1967 to change from 1 January to deter people from flattening trees and accepting paltry penalties

Illegal tree felling in England will be punishable by unlimited fines and prison sentences from 1 January, the government has announced.



The current fine for cutting down a tree without a licence, established by the Forestry Act 1967, is £2,500 or twice the value of the timber, whichever is the higher. But the development value of the land, as opposed to the price of timber, has been the main driver of illegal felling in recent years.

To deter property barons from illegally flattening trees and accepting the paltry penalties as a cost of doing business, the Forestry Act 1967 will be amended by the Environment Act to allow uncapped fines. The Environment Act passed into law in November 2021,

although its provisions against illegal tree felling are not yet in force.

Under existing laws, illegally felling 12 oak trees, all about 150 years old, attracted a fine of just £15,000 in January 2020. The case, prosecuted at Hastings magistrates court, was remarkable for resulting in one of the biggest fines in recent years.

“These new powers will hit people where it hurts – in their wallets,” said the Forestry Commission’s chief executive, [Richard Stanford](#). “By guaranteeing that illegal felling is no longer a financially viable option for offenders, these measures are a significant step forward in the fight against this offence and will help in our endeavours to fight the climate emergency and nature crisis.”

The changes also mean a failure to replant illegally felled trees after a court’s restocking order could result in a prison sentence.

Selling land developed through illegal felling will also be made less lucrative, with restocking notices and enforcement notices listed on the local land charges register – potentially reducing the land’s value in the eyes of buyers.

But critics question whether the harsh penalties will be meted out often enough to be an effective deterrent. Last month the Guardian revealed only 15 of 4,002 alleged illegal felling cases reported to the Forestry Commission resulted in a successful conviction between 2012-13 to 2021-22.

The Forestry Commission, a non-ministerial government department, said its count of alleged wrongdoing is inflated by members of the public misreporting. Exemptions apply in the majority of cases flagged up, relating to factors such as the timber volume, the diameter of the tree and its location.

Local planning authorities already have the power to issue tree protection orders (TPOs), with those who breach them facing unlimited fines if the case is serious enough to be tried at the crown court. Earlier this year, a case prosecuted by Eastleigh borough council resulted in a £50,000 fine for a landowner who illegally felled a number of trees within Scorey’s Copse, including oak, ash, birch, hawthorn and poplar.

**From 1 January 2023, even trees without TPOs could land illegal fellers with an unlimited fine, if chopped down without a licence outside of qualifying exemptions.**

The forestry minister, [Trudy Harrison](#), said: “Felling trees without a licence is illegal and can cause irreparable harm – scarring landscapes, damaging habitats for wildlife, and causing distress for local communities.

“These robust measures, implemented as part of our world-leading Environment Act, empower the Forestry Commission to tackle the issue head-on with unlimited fines and custodial sentences for the worst offenders.”

[Abi Bunker](#), the director of conservation at the Woodland Trust, said: “This is a welcome announcement which should strengthen protection for trees in England. These changes should send a clear message that felling trees illegally, for example prior to submitting development proposals, will not be tolerated, and that the penalties reflect the value and many benefits trees bring to our towns and cities.

“It is important that this is backed by increased resources for the organisations that deal with the enforcement of illegal felling.”

Source: Guardian 23<sup>rd</sup> December 2022

## HOUSING DEVELOPMENTS WOULD MEET LESS RESISTANCE IF THE BUILDINGS SHOWED 'HEART AND SOUL', SAYS MICHAEL GOVE

Conflict towards housing growth could be resolved with a better focus on design. Leaders are aiming for 300,000 new homes a year by the middle of the decade. Michael Gove claims development opposition is down to a fear of poor quality. He is suggesting that opposition to housing developments could be reduced if there is a greater focus on design and the 'heart and soul' of place.

The Levelling Up Secretary hit out at 'indifferent or insipid' planning and suggested the potential of some public spaces was being squandered by poor design and maintenance.

His comments came in the foreword to a report by the Policy Exchange think-tank arguing for the creation of a national school of urban design and architecture.



Mr Gove said: *'How often have we seen what would otherwise be good housing developments let down by poor landscaping or indifferent or insipid urban character?'*

He added: *'Places must be at the heart of levelling up but if places themselves have no heart and soul, then levelling up too will falter.'*

The Government is committed to a target of 300,000 new homes a year by the middle of the decade but has so far failed to meet that goal, while efforts to boost construction have encountered opposition.

Mr Gove said: *'Much of the opposition to new housing developments is often grounded in a fear that the quality of the new buildings and places created will be deficient...'*

*'If an improvement in the standard of design reassures the public that this will in fact not be the case, they may be less likely to oppose it.'*

But he acknowledged there was 'no silver bullet' to solve the housing crisis.

## DESIGNER AND GRAND DESIGNS STAR KEVIN MCCLLOUD BACKS CALLS FOR NEW GRADE III 'LISTED' CLASSIFICATION TO PROTECT MILLIONS OF BRITAIN'S MOST ICONIC STRUCTURES FROM DEMOLITION

Grand Designs presenter Kevin McCloud is calling for a 'Grade-III' classification. He said the safeguarding would protect millions of buildings from demolition.

Instead, the Grade-III structures would be repurposed as homes or premises.

Hundreds of thousands of structures across Britain have been assigned one of three 'listed' statuses, Grade I, Grade II\* and Grade II, which means special permission is required for them to be altered. But architects have suggested a new classification, Grade III, effectively covering the vast majority of structures which are not currently listed.

The idea was floated in a recent Architects' Journal article.

McCloud told the Times newspaper: *'It would be a mechanism which asks a developer, an owner, an architect: "What's the opportunity for reuse?"'*

*'We undermine our cultural identity by removing the great signifiers of it. If you want a resilient culture or society, then that is a society which is proud of where it lives, of what it's built of, what it's done and wants to make use of it.'*

It comes after Marks and Spencer announced plans to demolish and rebuild its flagship Oxford Street store in central London, prompting concerns from those who want to protect the early 20th century structure.

McCloud said: *'It's just lazy. You just haven't thought about it and I think there is no excuse for that sort of intellectual or creative laziness. What it suggests is a complete lack of imagination.'*

Grade II refers to structures that are of special interest. It is by far the most common designation, accounting for around nine out of every ten buildings with a listed status, including the BT Tower, the BBC's Maida Vale studios, and Manchester Opera House.

Conversely, Grade I buildings account for less than 3 per cent of listed buildings, and are recognised for being of 'exceptional interest'.

This includes Buckingham Palace, St Paul's Cathedral, and Newcastle Central railway station.

In between the two, Grade II\* properties are 'particularly important buildings of more than special interest'.

Fishmongers' Hall and the Old Vic theatre in London, and Soho House in Birmingham's Jewellery Quarter, are among those with Grade II\* status.

**Historic England**, the body responsible for listing historic buildings, said *'reusing and responsibly adapting our existing buildings, rather than demolishing and building new, can be a powerful way to reduce our carbon footprint'*.

A spokesman said: *'The embodied carbon within existing buildings would not be lost through demolition nor would further carbon emissions be produced through transportation and use of new materials.'*

*'Despite this, reusable buildings are demolished every year and new buildings, which require a huge amount of energy to build, then replace them.'*

*'Whilst there is a place and need for new construction, we should recognise the environmental benefits of re-use and look creatively at retrofitting or repurposing historic buildings before automatically building new.'* Source: Daily Mail 3 January 2023

## THE CASE FOR MULTIPLE STAIRCASES IN NEW HIGH-RISE BUILDINGS

Gavin Tomlinson, chief fire officer, Derbyshire Fire & Rescue Service, and chair, protection and business safety committee, National Fire Chiefs Council is calling for the mandating of second staircases. In the past three years, there have been 154 fires in London where more than 10 people evacuated a high-rise block of flats



Many UK tower blocks, like Grenfell, only have one staircase. *“It is essential that everyone, in all buildings, can evacuate during a fire,”* he said.

Across England, many people live in high-rise blocks of flats with only one staircase. In the event of a fire, if residents are evacuated, they have to share this single staircase with firefighters gaining access.

Firefighting crews will be carrying firefighting equipment, as well as potentially assisting older, disabled and vulnerable people to safely evacuate the building.

Despite this, there is currently no maximum height for residential buildings with only one staircase in England. It is essential that everyone, in all buildings, can evacuate during a fire.

Evacuation may not always be necessary, as it is often safe for residents to ‘stay put’ unless they are affected by fire, heat or smoke.

Nevertheless, the original concept of stay put allowed for people to evacuate a building if they wanted to. Yet, buildings are being designed on the assumption that only the occupants of the flat in which the fire started will try to leave.

In the three years from 1 April 2019 to 31 March 2022, the London Fire Brigade reported 154 cases where 10 or more people evacuated from a block of flats of at least six storeys.

Nearly 8,500 residents chose to evacuate these buildings rather than stay put either before, during or after the fire and rescue service arrived.

*“A second staircase, if designed correctly, removes the possibility of a single point of failure”*

This is why the National Fire Chiefs Council is calling on the government to introduce a requirement for all new residential buildings taller than 18 metres, or seven storeys, to have more than one protected staircase.

In existing residential buildings of this height with a single staircase, it should be a requirement to retrofit sprinklers. This was a recommendation from the coroner at the Lakanal House Inquest.

Any lifts in tall residential buildings should be installed or replaced so that they too are suitable for use in an evacuation.

When built and maintained properly, tall buildings with single staircases are not inherently unsafe, but having multiple staircases and evacuation lifts will increase the safety of residents and firefighters.

Such measures buy critical time for firefighting activities while ensuring people evacuating have multiple escape routes, and, crucially, a back-up should one route be inaccessible due to smoke or fire.

Essentially, a second staircase, if designed correctly, removes the possibility of a single point of failure.

England is an international outlier on this, with countries such as the United States, Canada and Australia all having height limits. Even within the UK there is inconsistency, as buildings taller than 18 metres in Scotland are required to have multiple staircases.

*“A building is only as safe as its management. Its design, construction and fabric are underpinned by assumptions on how the building will be used and managed”.*

It has now been over five years since the tragic events of the Grenfell Tower fire, in which 72 people lost their lives and a further 74 were injured. The government has made strides to ensure that the combustible cladding that exacerbated the fire is removed from all other high-rise residential buildings.

However, Grenfell exposed the historical and systemic flaws in our built environment that extend beyond cladding. We should not simply look at defects, but towards holistic improvements to fire safety arrangements. Reform in these areas, however, lags dangerously behind.

This, in turn, underpins the approvals, information requests, and safety advice given during construction and build. We have called on the government to establish statutory procedural guidance that places a duty on building control bodies to respond to, and demonstrate how they have addressed, comments made by fire and rescue services.

These recommendations could be reinforced by amending building regulations or the government guidance, Approved Document B (ADB).



The government should be congratulated on the improvements it has made, such as requiring sprinklers in new buildings that are 11 metres tall.

Publishing an updated ADB review work plan would give regulators, the public and the fire safety industry confidence that the government is committed to further reform.

This is an opportunity to improve our built environment, benefitting thousands of people across England, safeguarding lives and reassuring people they are safe in their own homes.

## **MANDATORY SECOND STAIRCASES SUBJECT TO CONSULTATION**

(Planning news - 12 January 2023)

### **The government is consulting on proposals to mandate second staircases in new residential buildings over 30 metres height.**

The proposals also include sprinkler systems for new care homes, regardless of height.

They are part of the government's work to update the statutory guidance that underpins building regulations for new buildings to guarantee the safety of those living and working there.

[Building safety minister Lee Rowley](#) said: *"There are undoubtedly lessons still to be learned from the Grenfell Tower tragedy and the department for housing is committed to working with the sector and residents to explore what more needs to be done to make new homes across the country safe.*

*"This consultation is the next step in the department's work to improve building regulations and make sure they are as clear and effective as possible."*

● **The consultation closes on 17 March. It can be found on the [UK Government website](#).**

## **NEW HOMES TO HAVE GIGABIT BROADBAND**

### **The government has amended the Building Regulations 2010 so that new homes built in England will be fitted with infrastructure and connections capable of delivering gigabit broadband.**

Gigabit broadband is available in more than 72 per cent of the UK.

The updated regulations mean that more people moving into new homes will have a gigabit-capable broadband connection ready when construction is completed.

This avoids costly and disruptive installation work after the home is built.

Another new law makes it easier to install faster internet connections in blocks of flats when landlords *"repeatedly ignore requests for access from broadband firms"*, said the government. The Telecommunications Infrastructure (Leasehold Property) Act (TILPA), now in force in England and Wales, makes it easier for broadband providers to gain access to install equipment in blocks of flats when a faster connection is requested by a tenant.



[Digital Infrastructure Minister Julia Lopez](#) said: "Nothing should stop people from seizing the benefits of better broadband, whether it is an unresponsive landlord or a property developer's failure to act.

*"Thanks to our new laws, millions of renters will no longer be prevented from getting a broadband upgrade due to the silence of their landlord, and those moving into newly built homes can be confident they'll have access to the fastest speeds available from the day they move in."*

Under the updated building rules, ([The Building etc. \(Amendment\) \(England\) \(No. 2\) Regulations 2022](#)) developers

are legally required to future-proof new homes in England for next-generation gigabit broadband as standard practice during construction. Connection costs will be capped at £2,000 per home for developers. They will work with network operators to connect developments to the gigabit network.

10 January 2023

## **OPEN CONSULTATION**

### **LEVELLING-UP AND REGENERATION BILL: REFORMS TO NATIONAL PLANNING POLICY**

**The Department for Levelling Up, Housing, and Communities is seeking views on how we might develop new national planning policy to support our wider objectives. *(Continued next page)***

**PLEASE FEEL FREE TO CIRCULATE THIS NEWSLETTER TO ALL YOUR RESIDENTS**

This consultation seeks views on our proposed approach to updating to the National Planning Policy Framework. We are also seeking views on our proposed approach to preparing National Development Management Policies, how we might develop policy to support levelling up, and how national planning policy is currently accessed by users.

A fuller review of the Framework will be required in due course, and its content will depend on the implementation of the government's proposals for wider changes to the planning system, including the Levelling-up and Regeneration Bill.

● **This consultation closes at 11:45pm on 2 March 2023**

**Links: To view the Consultation document and how to respond go to**

<https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>

**National Planning Policy Framework Draft Text for Consultation**

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1126647/NPPF\\_July\\_2021\\_-\\_showing\\_proposed\\_changes.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1126647/NPPF_July_2021_-_showing_proposed_changes.pdf)

Responses to the Consultation can be made by responding online –

(<https://consult.levellingup.gov.uk/planning-policy-and-reform/levelling-up-and-regeneration-bill-reforms-to-nati/>)

or

Email to: [PlanningPolicyConsultation@levellingup.gov.uk](mailto:PlanningPolicyConsultation@levellingup.gov.uk)

Or write to:

Planning Policy Consultation Team

Planning Directorate – Planning Policy Division

Department for Levelling Up, Housing and Communities

Floor 3, Fry Building, 2 Marsham Street, London SW1P 4DF

**NORA WILL BE RESPONDING TO THE ABOVE CONSULTATIONS AND FURTHER DETAILS AND OUR OBSERVATIONS AND COMMENTS WILL BE CIRCULATED SHORTLY TO ALL MEMBERS.**



Government policy 2023???

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**PLEASE LET US KNOW IF YOU HAVE ANY  
COMMENTS**

**EMAIL US AT [norasecretary@gmail.com](mailto:norasecretary@gmail.com)**