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9th January 2017

Dear Colleagues,

I am writing to Noble Lords in order to provide an update on the implementation of the provisions in the Housing and Planning Act 2016.

Since the Act gained Royal Assent on 12 May 2016, we have made good progress on implementation. Eight sets of regulations have already been made with a further 17 currently expected to be made throughout 2017. The attached tables highlight the current timetable for implementation of the provisions in the Act.

This Government is committed to delivering more housing and the Housing and Planning Act 2016 is key to this. We will set out further plans in the White Paper, to be published shortly.

As always, I am very happy to discuss any of the provisions in more detail. I will place a copy of this letter and the attached tables in the House library.

LORD BOURNE OF ABERYSTWYTH

Timings are indicative and may change as policy develops

HOUSING AND PLANNING ACT 2016 – HOUSING PROVISIONS	
Starter homes	
Update on timetable	Expected to come into force in Summer 2017
How many SIs are currently planned?	Two
What procedure?	One affirmative, one negative
What will they deal with?	Sets out the details of the definition of a starter home; the starter homes requirement on suitable, reasonably sized sites and monitoring arrangements for their delivery.
Self-build and custom housebuilding	
Update on timetable	Complete - both sets of Regulations will come into force on 31 October 2016.
How many SIs?	Two
What procedure?	One negative; one affirmative.
What will they deal with?	<p><u>The Self-build and Custom Housebuilding Regulations 2016</u> (negative procedure) set out the requirements for the content and operation of the registers of demand for custom and self-build under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). They also extend the definition of serviced land to include land which can be provided with services within the duration of the planning permission; allow for authorities to set optional eligibility criteria (local connection test and financial solvency test); and allow for an exemption from the duty to grant sufficient planning permission to match demand where demand is high and land is constrained.</p> <p>The Self-build and Custom Housebuilding (Time for Compliance and Fees) Regulations 2016 (affirmative procedure) require the same authorities who must hold a register to grant planning permission, within three years, to sufficient suitable serviced plots of land to match the demand on their register. They also allow authorities to charge fees for those to enter or remain on their registers, on a cost-recovery basis.</p>
Civil Penalties, Rent Repayment Orders, Rogue landlords & property database, banning orders and management orders	
Update on timetable	Expected to come into force in April 2017 (Civil Penalties and Rent Repayment Orders) October 2017 (Database, banning orders and management orders). Consultation on banning orders ahead of preparing the regulations is now live, closing on 10 February.

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How many SIs are currently planned?	Three
What procedure?	Two negative and one affirmative
What will they deal with?	Accounting arrangements for receipts from civil penalties and rent repayment orders. Specifies which offences are banning order offences, administrative arrangements for database and management orders
Higher Value Assets	
Update on timetable	Regulations will be published in due course.
How many SIs are currently planned?	Two
What procedure?	One negative and one affirmative
What will they deal with?	One set of regulations: <ul style="list-style-type: none"> • Provides for exclusions to HVA policy, inc Areas of Outstanding Natural Beauty and National Parks The other will cover <ul style="list-style-type: none"> • Definition of higher value
Housing association insolvency regulations	
Update on timings	We plan to lay the affirmative regulations in Parliament in February 2017 and the negative regulations in February/March 2017.
How many SIs are currently planned?	Two
What procedure?	One affirmative, one negative
What will they deal with?	What the regulations will set out: Affirmative regulation: to apply housing administration legislation to all types of private registered provider of social housing Negative: to set out the detail on how a housing administration will be run.
Secure Tenancies	
Update on timetable	Likely to come into force in Autumn 2017. Preparatory work underway with group of local councils to test practicalities and inform shaping of regulations and consultation planned for new year
How many SIs are currently planned?	One
What procedure?	Affirmative
What will they deal	The regulations will prescribe the circumstances in which a

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with?	local authority is able to offer a further lifetime tenancy to existing lifetime tenants who apply to move home
Enfranchisement and extensions of long leaseholds rentcharges	
Update on timings	Complete- October 2016.
How many SIs?	One
What procedure?	Negative
What will they deal with?	Replace redeemed gilt used to calculate rent charge redemption prices.
Recognised Tenants' Association contact information & Administration Charge	
Update on timetable	Expected to come into force in Spring 2017.
How many SIs are currently planned?	One
What procedure?	Negative
What will they deal with?	<p>s.130 -Grants powers to a Secretary of a Residents' Association to obtain contact information for other leaseholders, with their consent, in a shared block from their landlord</p> <p>We aim to issue a consultation document early in the New Year.</p>
Client money protection scheme	
Update on timetable	During the passage of the Act we committed to setting up a working group. The group was chaired by Baroness Hayter & Lord Palmer and has completed eight oral evidence sessions, hearing from all interested parties, including tenants, landlords, letting agents insurance and banking industry representatives, local authority trading standard and environmental health officers and housing charities. The report is due to be finalised early in the New Year.
How many SIs are currently planned?	Three
What procedure?	Affirmative
What will they deal with?	Brings into force the power to make client money protection mandatory for all lettings agents.
Electrical Safety Standards in the private rented sector	
Update on timetable	A working group including experts on electrical safety, housing charities, local government, and landlord and letting

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	agent organisations have been looking at what measures would be appropriate and cost effective, and will be reporting in the new year.
How many SIs are currently planned?	Two
What procedure?	Affirmative
What will they deal with?	<p>The regulations will:</p> <ul style="list-style-type: none"> • Create requirements to protect private sector tenants from electrical hazards in the home. This may include requirements for private sector landlords to ensure that a qualified person regularly checks that the installation of the electrical supply is safe and/ or check that electrical fixtures, fittings or appliances provided by the landlord are safe. • Set requirements for the enforcement of the regulations by local housing authorities in England.
Enfranchisement and extension of long leaseholds: calculations	
Update on timetable	Expected to come into force in Spring 2017
How many SIs are currently planned?	One
What procedure?	Negative
What will they deal with?	Replace redeemed gilt used to calculate 'minor intermediate leasehold interests' where the statutory right to enfranchise (houses and flats), or acquire a lease renewal (flats only) is exercised.

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HOUSING AND PLANNING ACT 2016 – PLANNING PROVISIONS	
Neighbourhood planning	
Update on timetable	Complete- 1st October 2016
How many SIs?	One
What procedure?	Negative
What will they deal with?	<p>The regulations cover:</p> <ul style="list-style-type: none"> • the circumstances in which a neighbourhood area must be designated by a local planning authority; • prescribed time periods for local planning authorities to take key decisions on neighbourhood planning matters; • the procedures to be followed where, in rare cases, the Secretary of State intervenes to decide if neighbourhood development plan or order is put to a referendum; and • amendments to development management procedures to place neighbourhood forums on the same footing as parish councils.
Local planning	
Update on timetable	Complete- 1st October 2016
How many SIs?	One
What procedure?	Negative
What will they deal with?	The regulations cover consequential amendments to the Town and Country Planning (Local Planning) (England) Regulations 2012
London Planning	
Update on timetable	Remains under review
How many SIs are currently planned?	One
What procedure?	Negative
What will they deal with?	<p>The regulations will cover consequential amendments to the Town and Country Planning (Mayor of London) Order 2008. This prescribes which planning applications of potential strategic importance (PSI applications) are subject to the Mayor of London's powers to 'call in' and direct refusal of planning applications.</p> <p>The amendments to that Order will define certain categories of PSI application – including those relating to sight-lines and wharves – by reference to the London Plan.</p> <p>The Government also intends to amend the Town and Country Planning (London Spatial Development Strategy) Regulations 2000 to enable the Mayor to define in the London Plan areas of London where different thresholds apply for the use of these</p>

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	powers.
Permission in Principle	
Update on timetable	Expecting to come into force Spring 2017. Government response to the consultation on the detail of these provisions will be published shortly.
How many SIs are currently planned?	Two
What procedure?	Negative and affirmative
What will they deal with?	Implement provisions in the Housing and Planning Act 2016 to introduce permission in principle consent process.
Brownfield registers	
Update on timetable	Expecting to come into force by Spring 2017. Government response to the consultation on the detail of these provisions will be published shortly.
How many SIs are currently planned?	One
What procedure?	Negative
What will they deal with?	Implement provisions in the Housing and Planning Act 2016 to bring forward measures to require Local Planning authorities to publish & maintain brownfield registers of sites suitable for housing.
Resolution of disputes about planning obligations	
Update on timetable	Remains under review as Government considers the CIL review.
How many SIs are currently planned?	One
What procedure?	Negative
What will they deal with?	<p>The regulations are expected to deal with the following:</p> <ul style="list-style-type: none"> • the timing and form of requests for an appointed person; • any notification obligations on the local planning authority or applicant; • provision for the payment of fees and costs; • any particular qualifications or experience the appointed person must have; • any particular issues the appointed person must and must not take account of; • how any corrections or other revisions to the report are to be dealt with;

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	<ul style="list-style-type: none"> • any further steps required to be taken by the appointed person or local planning authority and applicant in relation to the production of the report; and • the minimum or maximum time for determination of the application following the production of the report.
Planning obligations and affordable housing	
Update on timetable	Remains under review as Government considers the CIL review.
How many SIs are currently planned?	None
What procedure?	Remains under review
What will they deal with?	Remains under review
Processing of planning applications by alternative providers	
Update on timetable	Expecting to be consulting on the draft regulations in late 2017. Government response to the consultation on the detail of these provisions will be published shortly.
How many SIs are currently planned?	One
What procedure?	Affirmative
What will they deal with?	<p>The regulations will cover:</p> <ul style="list-style-type: none"> • the role of authorities and designated providers in pilot areas, and the actions and procedures they must follow. • the information that will need to be shared between designated providers and local planning authorities, and the safeguards to be put in place to protect information.
Financial information in planning reports	
Update on timetable	Expecting to come into force in summer 2017. Government response to the consultation on the detail of these provisions will be published shortly.
How many SIs are currently planned?	One
What procedure?	Negative
What will they deal with?	Regulations to set out the financial benefits that local authorities must record in planning committee reports.
Compulsory Purchase	
Update on timetable	Expecting to come into force in January 2017. Affirmative Regulations made in draft and laid 7 November – JCSI

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	considering 23 November.
How many SIs are currently planned?	Three
What procedure?	Affirmative (A), Negative (N), No Parliamentary Procedure (P)
What will they deal with?	(A): Regulations making corresponding amendments to those in Sch 15 HPA16 to the notice procedures in the Acquisition of Land Act 1981; (N) General Vesting Declarations forms Regulations (P) Compulsory purchase forms amendment Regulations.
LPA Performance Regime	
Update on timetable	Complete- October 2016
How many SIs are currently planned?	Two
What procedure?	Negative
What will they deal with?	Process for applications to SoS following designation of poorly performing planning authority. Principle was established in primary legislation and these Regulations provide technical detail.
The Energy Performance of building	
Update on timetable	Complete- October 2016
How many SIs?	One
What procedure?	Negative
What will they deal with?	Corrects minor omissions and allows for transfer of bulk access data to "green deal" operators.