

Your guide to town planning and the NHS estate

Tapping into the town planning system for the NHS



Introduction

Town planning enables decision making about the future of our cities, towns and countryside. The links between health and the built environment are clear and the NHS has an opportunity to capitalise on the planning process to ensure health services benefit in the long term.

NHSPS is a registered Learning Partner of the Royal Town Planning Institute (RTPI), and our team of ten fully chartered town planners can support planning appraisals and applications, protecting NHS rights to our buildings, and monitoring and responding to emerging planning policies.

We help our customers make informed decisions about their estates on behalf of their local communities, getting the most from their estate so that it can enable excellent patient care now and in the future.



Throughout 2021, the NHS Property Services town planning team:



Provided planning assistance to **469** sites



Submitted **78** planning applications and pre-apps



Reviewed **1,183** planning policy consultations



Completed **97** planning appraisals



Promoted **32** sites for allocation

All of which has helped to protect and maximise the value of NHS sites, enable the development of our estate, and promote NHS interests in planning policy.

In this guide, we will introduce how the NHSPS town planning team can support you, via:



Protecting and maximising individual site value via planning applications.

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Supporting the identification and leveraging of developer contributions (Section 106 and Community Infrastructure Levy).

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Promoting NHS interests in national, regional and local town planning policy via lobbying and strategic site promotions.

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Offering technical advice and support including Town and Village Green applications, Assets of Community Value Nominations and public consultations.

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Planning applications

We navigate and influence the town planning system to maximise a site's value or future potential for development. This can be done via early stage planning appraisals and preparing and submitting planning applications to unlock development potential, enable redevelopments and maximise a site's value before sale.

Our planning applications focus on supporting:

Developing new health facilities



Operational development e.g., works to listed buildings, modular buildings, sustainability improvements



Progressing health-led mixed-use development sites



De-risking and maximising site value for surplus land disposals



The planning application process

The team are responsible for managing the full extent of the planning application process, providing clear advice and expertise at each of the key stages identified below.

Assistance will be provided on a subject to capacity basis. This service will be provided on a time/ 2*salary basis, or a fixed fee as agreed.

1



Town planning appraisal and preparatory works

Before commencing a project, we need to undertake early feasibility work and assess the available options.

This information is essential to understanding the key opportunities and constraints, formulating an appropriate planning strategy, and scoping what technical and due diligence work is required to support the project.

2



Pre-application discussion

Pre-application advice is often sought from the local planning authority to establish the principle of a proposed development before we finalise and submit a planning application.

This can help to reduce planning risk and ensure the principle of what is being proposed is likely to be considered acceptable, which can minimise delays later in the planning process. It can also help identify the supporting information that will be required to support an application.

3



Public consultation

The type and format of public consultation will vary depending on the complexity of the proposed scheme. Public consultation can range from:

- Neighbour notification
- Leaflet drop
- Public exhibition
- Letters to Councillors / MPs
- Presentation to Councillors
- Design Review Panel

4



Preparation and submission of application

Different routes are available depending on the site's constraints and preferred town planning strategy. They include:

- Full Application
- Outline Application
- Hybrid Application
- Permission in Principle (more information below)

Each application route is guided by both local and national validation requirements and will be supported by the necessary application forms, supporting statements, plans, and technical surveys.

5



Planning obligations (legal agreements)

Planning obligations are legal obligations to mitigate the impacts of a development proposal. They usually take the form of a legal agreement between the developer/landowner and the local planning authority, requiring the former party to undertake specific actions such as contributing payment to help meet the infrastructure demands arising from the development.

6



Discharge of conditions

When planning permission is granted 'subject to conditions', it is the responsibility of the applicant to ensure that the terms of all conditions are met in full. There will be specific checkpoints in a proposed development when details should be submitted to the local planning authority for approval.

7



Planning appeals

An applicant can make a planning appeal if:

- An application was refused.
- You disagree with the condition(s) attached to your planning application decision, or
- The local planning authority has not decided on the application within the statutory timescale.

There are three main routes for appeal: written representations, hearings, and inquiries.

An applicant can request an appeal 'level' (with justification) depending on the complexity of the scheme, however the final decision on which form the appeal will take rests with the Planning Inspectorate.



Permission in Principle (PiP) planning

Permission in Principle (PiP), introduced in 2017, is a planning mechanism used to obtain planning permission for residential or residential-led developments. It offers a faster and cheaper route to obtaining planning permission for the principle of residential-led development.

It provides an opportunity for the NHS to establish whether a site is suitable for housing, not dissimilar to pre-application advice but with a binding outcome. This, we believe, is particularly helpful for a portfolio as unique as the NHS', and will enable development that supports maximising the value of surplus sites, delivering housing and potentially ancillary NHS healthcare or office uses.

Based on data in October 2020, the NHSPS town planning team were responsible for securing 10% of all PiP consents across the Country since the introduction of this new route to planning permission was introduced.

[Learn more about PiP >](#)

Case studies



Securing planning permission to enable the construction of a new health centre

West Wiltshire Centre for Health and Care

This site has been allocated in the Local Plan for healthcare facilities since 2010, and we have now refreshed the project to enable the c.2,400sqm health centre. Working with the local healthcare system and planning authorities, we secured outline planning application in January 2021, which is a crucial part to the business case and approval process.

We continued the planning process despite COVID-19 disruptions, changing plans from a community consultation drop-in to distributing information packs to key stakeholders and residents and encouraging online feedback via the Council's website. Subject to final approvals, construction will begin later in 2021, significantly increasing primary care capacity in the region.

[Read the full story >](#)



Boosting a surplus site's value for sale by securing Permission in Principle planning

Eccleshill Clinic, Bradford

The former clinic was declared surplus by the local Clinical Commissioning Group in 2019, tasking NHSPS to sell the site and obtain best value for the NHS. The best way to increase the site's value would have been to secure planning permission to change the use of the site, i.e., from healthcare to residential. However, this switch is often unpopular amongst local authorities, meaning full planning permission could incur time and expense that could eat into the eventual capital receipt of the sale.

We decided to instead pursue a Permission in Principle route for planning, benefitting from a reduced application time, lower application costs, and fewer validation requirements. This permission was granted, enabling our Transactions team to take the site to market as a lower risk purchase, boosting its value and opening it up to a wider pool of potential buyers.

[Read the full story >](#)






Planning policy and strategic site promotions

Beyond planning applications, we protect NHS rights to our buildings through strategic site promotion (e.g., brownfield land registers) – and more widely – monitor and respond to regional and national town planning policy.

Strategic site promotion

The team pre-emptively identify opportunities for strategic site promotions through the planning system, to ensure that NHS sites are appropriately allocated through local planning policy documents. This enables a smoother planning process for future healthcare development sites and maximises the value of surplus NHS sites. This activity has already generated £millions in value uplift for NHS sites that are surplus to NHS requirements and resulted in dozens of sites being allocated for health use.

Our key focusses are promoting sites for:

-  New/extended health use
-  Health-led mixed use
-  Housing

Up to July 2021 we have:

- Secured 30+ site allocations for new and expanded health facilities
- Secured 850+ homes within adopted Local Plan allocations, and 500+ secured within emerging allocations
- Identified space for 950+ homes within brownfield registers

Subject to resource availability, this service will not be chargeable for health commissioners where dedicated NHSPS resource or external consultancy time is not required i.e., policy examination appearances.

Case studies



Targeted site promotion to unlock development potential and enable release of surplus land

Ashurst Hospital, New Forest

We identified an opportunity to expand and modernise this existing health building, which would also enable the release of surplus land for alternative use. However, the site was significantly restrained by the emerging Local Plan which restricted any form of development on the site.

NHSPS began a targeted site promotion exercise to unlock development potential and promote the local health commissioning strategy. This promotion included consultation responses at each stage of Local Plan preparation and attending two targeted hearing sessions to justify our allocation.

Allocation has now been adopted for a new and improved health accommodation, alongside confirmation of principle of a care-home led redevelopment of 'surplus' parts of the site.



Targeted site promotion to securing planning permission, boosting value of a surplus site

Lanthorne Court, Broadstairs

This site was identified as a potential disposal in 2018, as all existing health and education uses were to be relocated to a more modern and fit for purpose site nearby. NHSPS began a process of targeted site promotion to de-risk the site for potential purchasers, maximising its potential value and a timely sale.

We secured the principle of residential development before the site was vacated, and the site now has an adopted Site Allocation confirming the principle of residential development for c.53 units. This site allocation alone has added c.£1 million to the baseline site value, at a cost of less than £1,000 to NHSPS.

Planning policy

The team have led joint NHS responses to every major planning policy consultation for the wider NHS over the last 4 years, including the National Planning Policy Framework and London Plan.

The team review every planning policy consultation document in England daily and, where appropriate, respond via engagement with other NHS teams to ensure NHS interests are protected and promoted. Integrated Care System Planning leads can therefore choose to jointly submit representations with NHSPS if a planning policy will impact them.

This service will not be chargeable for health commissioners, subject to resource availability. We regularly publish guidance notes and resources for our customers explaining recent policy changes and what they might mean for the NHS estate. You can find these on our website:

[Click here to visit our website >](#)



Leveraging developer contributions

Contributions from development towards local infrastructure are currently collected primarily through Section 106 agreements and the Community Infrastructure Levy (CIL). These are two different processes but can work in parallel. Local Planning Authorities (LPAs) are responsible for collecting developer contributions and co-ordinating spending.

According to the Ministry of Housing, Communities and Local Government (MHCLG) Review the value of developer contributions agreed in England during the financial year 2018/19 was £7bn. Health is not provided a separate entry but is grouped under 'other' which received just £187m of non-affordable housing planning obligations in 2018/19 – to which the NHS only receives part of this figure. Education comparatively received £439m in 2018/19.

Working collaboratively with commissioner leads, NHSPS will be seeking to capture more funding for NHS priority estates and capital strategies, with a particular focus on NHSPS sites. NHSPS involvement would oversee all professional and technical aspects of engagement with the Local Planning Authority for the purpose of securing funds.

All activities directly related to the NHSPS portfolio are self-funded and would incur no external charges. NHSPS will initially support activities, when requested, on non NHSPS owned sites at no cost in selected pilot areas, subject to resource availability.

On non-NHSPS owned sites, outside of pilot projects, assistance will be offered on either a fixed fee basis (e.g., monthly retainer) or a cost recovery basis of 5% which, where possible, is a cost that will be incorporated into any funding bid. If third party professional fees are required, e.g., a Barrister or Quantity Surveyor this will be pre-agreed on a case-by-case basis.



Technical advice and support

The team provides specialist technical knowledge and support on several important estate related matters.

Town and Village Green Applications (TVG)

A town or village green is an area of land which has been used by a significant number of local inhabitants as an area to play sports or indulge in pastimes for at least 20 years. Any land registered as a town or village green effectively halts any use or redevelopment of that site where local inhabitants would have a right to use it at any time for recreational uses. For NHS land, town and village green applications (TVGs) have the effect of preventing new health buildings or ancillary uses on these sites. NHS Property Services Ltd (alongside Lancashire County Council), were successful in appealing to the Supreme Court on the basis that registration as a TVG was incompatible with the land being acquired and held for defined statutory purposes by a public authority, a principle known as statutory incompatibility. This Supreme Court judgment sets an important precedent to ensure we, and other public bodies, can continue to protect and realise benefits from the public sector estate.

[Read the full case study >](#)

Assets of Community Value Nominations (ACV)

The Localism Act 2011 introduced an ability to nominate land or buildings to be placed on a list of Assets of Community Value (ACV) which impacts property ownership. It restricts the ability of the owner to dispose of a property, delaying potential land sales by up to 6 months, and are considered a material consideration in planning applications.

30+ NHSPS properties have been nominated through this route since its introduction, and – to date - we have successfully challenged/ overturned 80% of them, where the nominations failed to meet the legal criteria.

Managing relationships with key stakeholders

Town Planning workstreams involve extensive engagement with a wide variety of external stakeholders. The team provide expert advice and support in this area including:

- Public consultation and community engagement: working with our Communications team to proactively consult key stakeholders on emerging development proposals.
- MPs & Councillors: identifying key local stakeholders and discussing development proposals.
- War Memorials Trust: developed shared guidance for the treatment of War Memorials on NHSPS land.

Publishing guidance notes

The publication of regular guidance notes on town planning matters circulated to NHSPS teams and the wider NHS, including national Planning Policy changes and changes to Permitted Development Rights.



Get in touch

We are the only dedicated town planning team in the NHS and are ready to provide advice and guidance on town planning matters.

For further discussion on any topics covered in this guide, or for advice on town planning projects within your organisation, please contact town.planning@property.nhs.uk.

Beyond town planning matters, please get in touch with our Customer Support Centre.



0800 085 3015 (Monday-Friday, 08:00 – 18:00)



Customer.service@property.nhs.uk



www.property.nhs.uk/contactus