

Local Plans Expert Group

How to make Local Plans “*more efficient and effective*”

Summary

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Advisers to the Local Plans Expert Group: Chris Katkowski QC, Landmark Chambers; Ian Manktelow, Wycombe District Council, Team Leader Planning Policy; Matthew Spry, Nathaniel Lichfield & Partners, Senior Director.

TERMS OF REFERENCE

- Review the content of Local Plans and supporting evidence
- Consider measures to speed up and simplify the setting of housing numbers
- Examine whether there are advantages in alternative approaches for settling strategic and cross-boundary issues
- Consider whether 'tests of soundness' should be reformed
- Consider at a high level the way in which local plans address the link between development and infrastructure
- Look at whether there are unnecessary or excessive procedural requirements
- Consider best practice or other mechanisms which could help to ensure the timely preparation of plans
- Suggest template Plan policies which could be included in plans to avoid duplication of effort

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WHAT WE DID

- Call for Evidence – over 160 submissions from all sectors, including members of the public
- Direct engagement with key stakeholders, e.g. PINS, PAS, DCN, POS, RTPI, CPRE, TCPA...
- Questionnaire to cross-section of local authorities
- Identify good practice and exemplars
- Focus on key workstreams – e.g. Meeting Needs, OAN, Process, Content, Implementation, Accessibility
- Identifying potential solutions and Recommendations

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CURRENT POSITION

- Only 31% of LPAs have a sound, post-NPPF Local Plan, of which only half contain site allocations
- 32% of adopted plans require an immediate or early review
- 33% of ongoing Examinations have been suspended, sometimes for a year
- Post-NPPF plans provide an average of 15% less than OAN and little or no 'overspill'
- Plans are slowing down and taking longer to prepare and examine
- Local Plans are currently planning less than half of the country's need for housing

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WHY?

- Lack of clarity - particularly OAN, SHMA, Green Belt, etc.
- Lack of commitment - locally and nationally
- Lack of support - resources, central support, exemplars
- Duty to Co-operate
- Too many changes - continually moving the goal posts
- The process is obscure, complex and hard to navigate

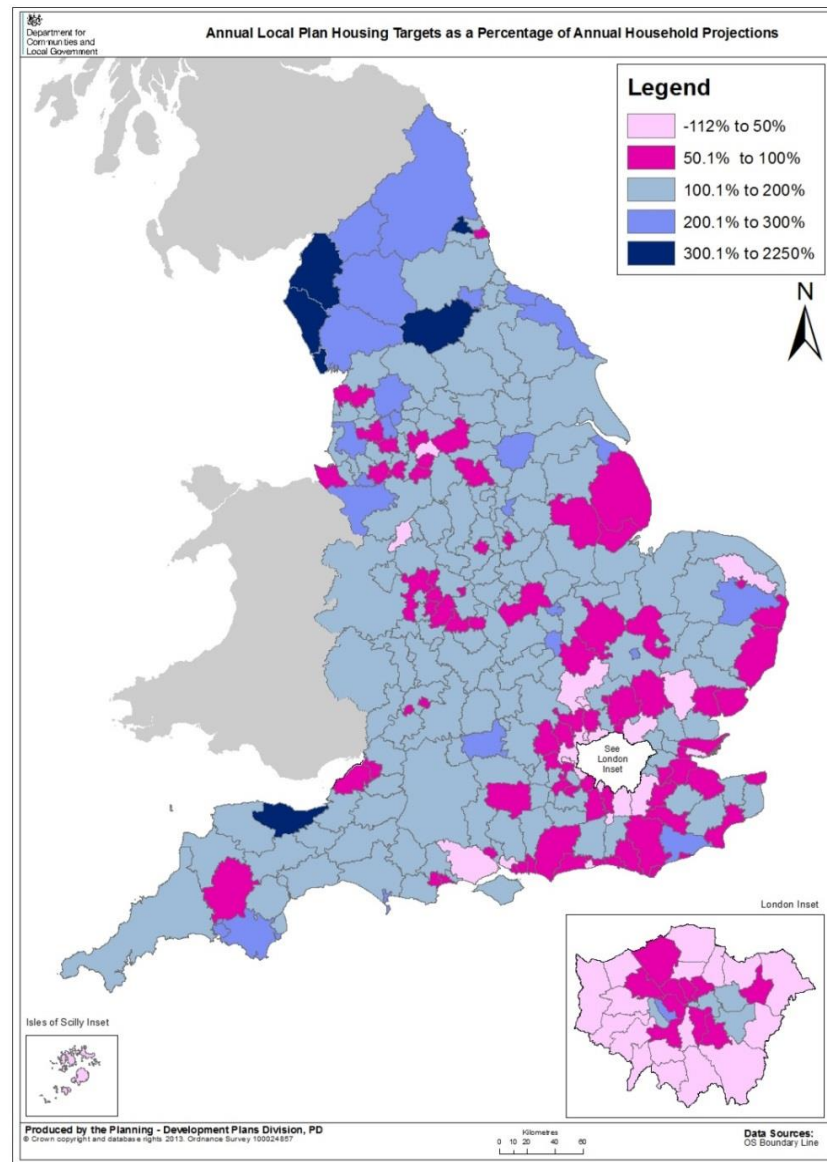
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IS THERE A WIN:WIN SCENARIO?

- Most people want the same thing from planning
- The country needs more development – but in an environmentally responsible way
- Planning should not be more complex than it needs to be
- Communities must feel and be involved
- Local plans should be at the heart of this

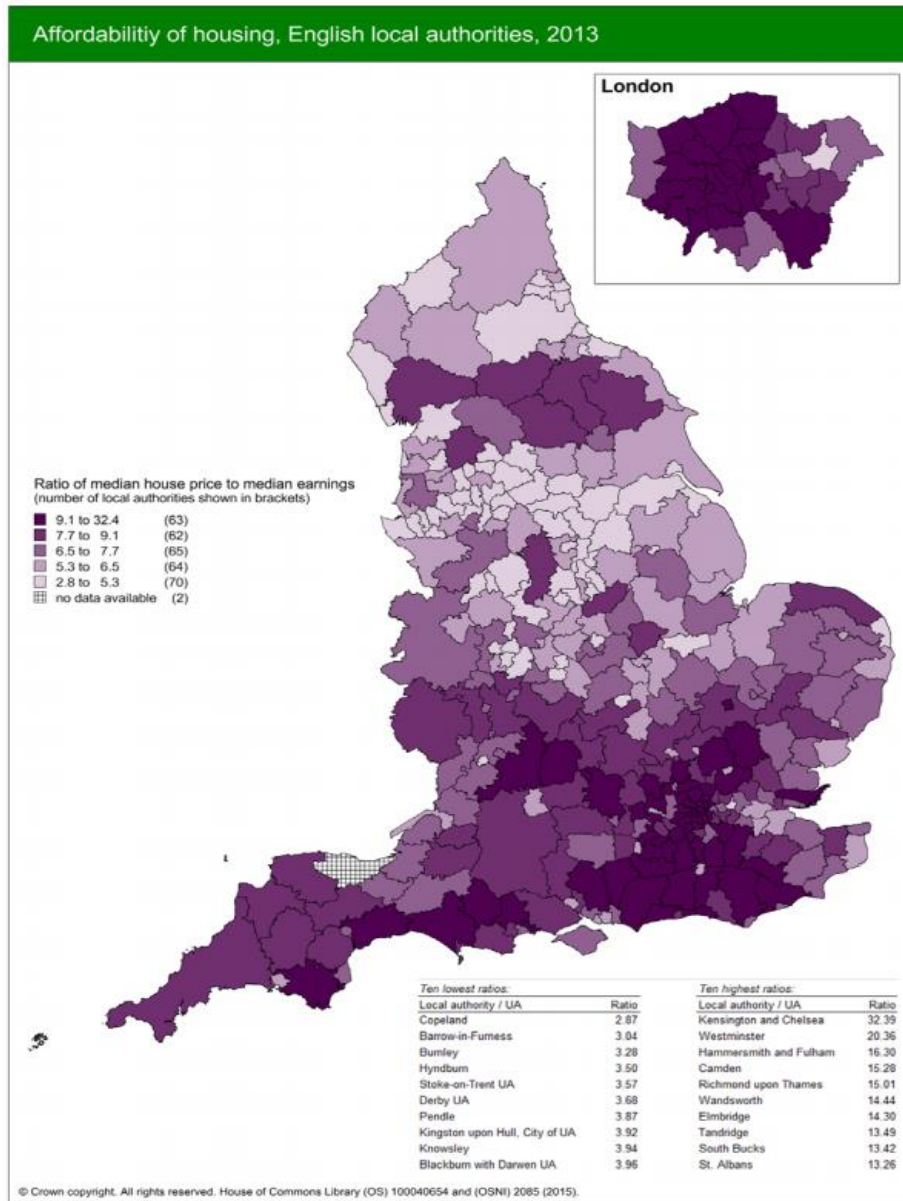
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LOCAL PLAN HOUSING TARGETS AS A PERCENTAGE OF HOUSEHOLD PROJECTIONS



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AFFORDABILITY OF HOUSING, 2013



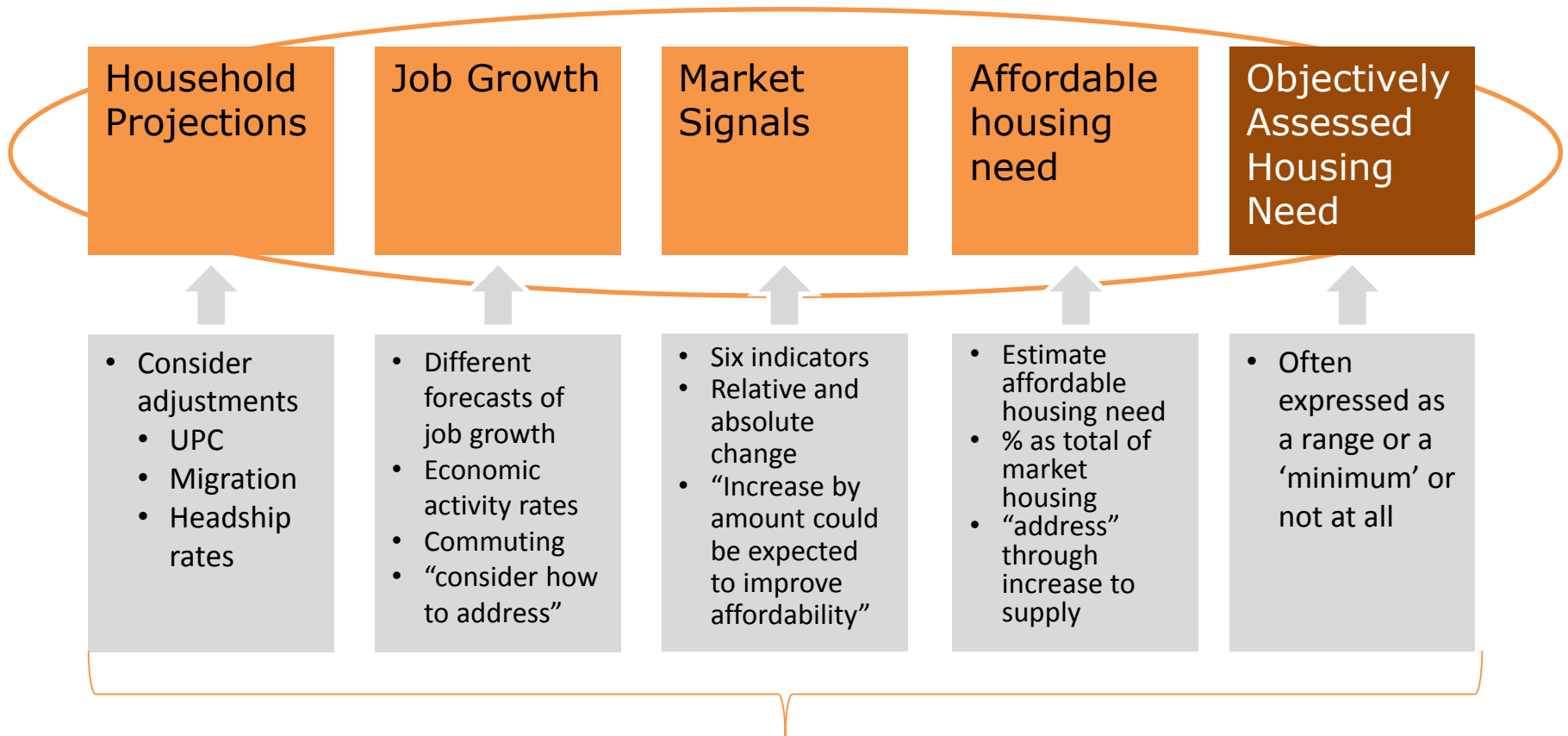
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Objectively Assessed Need: The Problems

- Housing Market Areas – important unit of geography for para 49 of the Framework, but no definitive boundaries
- SHMAs:
 - Progress patchy, although improving
 - No definitive guidance, disputed best practice and alleged lack of consistency
 - Kate Barker: SHMAs are too long, unclear, out of date, political, gamed and inconsistent
 - The SHMA arms race: The quest for unattainable perfection:
 - For every good reason to use a specific nuanced assumption, there's another good reason to not use it
- Nearly half of adopted Local Plans have had to increase their housing target post-submission

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Objectively Assessed Need: Current Approach



Disputed evidence | Moving goalposts | Volatile outputs | Debate |
Court judgments | High consultancy fees

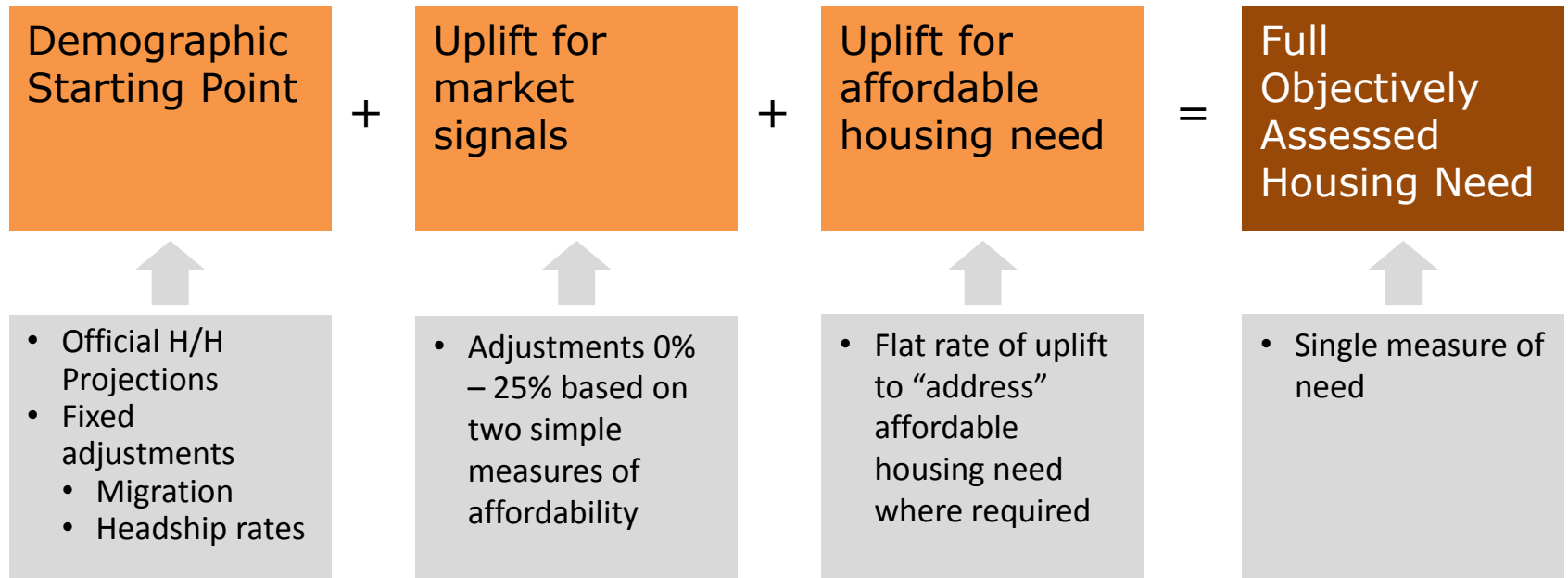
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Objectively Assessed Need: Recommendations (1)

- **Continuity** – evolution of existing ‘stepped’ NPPG approach
- **Clarity** – end the uncertainty over some fundamental principles of methodological approach
- **Proportionality** – can be applied quickly; without huge consultancy fees; removes the temptation of false precision
- **Universality** – can be applied across the board and minimise the likelihood that housing need will be under-estimated, particularly in areas of highest housing pressure
- **Stipulation** – applicable in all cases except where circumstances are so exceptional it would result in grossly inaccurate results
- **Local preparation** – no appetite for ‘top-down’ delivery of OAN
- **Resilience** – no need to change every time new data emerges
- **Consistency** - with the Government’s policy objectives for housing, as clarified by the Courts

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Objectively Assessed Need: Recommendations (2)



- Demographically based, but not capped to narrowly defined household projections (Barker, NHPAU)
- Strips out inevitably contested housing:employment alignment from OAN, but still possible as policy-on adjustment
- Simpler, faster, no debate

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Monitoring and Implementation: Land Supply

- Policy focus on ensuring short term supply via 5YHLS
- Soundness includes important measure of 'effectiveness'
- But Local Plans can only ever do so much
 - Land release operating at the margins
 - Insufficient flexibility to respond to rapid change (para 14)
 - Early reviews and insufficient focus on the long term
 - credibility of plans undermined by EIP and s.78 inquiry contrasts
 - Repeated s.78s revisiting same evidence on 5YHLS
- A plan-led system needs an effective plan-led response to land supply and all its uncertainties
 - Creating long term confidence for development industry and communities
 - Incentivise proactive land release
 - Stripping out unnecessary time and cost

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Monitoring and Implementation: Land Supply Recommendations (1)

- Long term supply and Reserve Sites
- Help ensure Local Plans don't just focus on 5YHLS:
 - Land supply for first five years and for full plan period
 - +20% reserve sites allowance for 15 year requirement
 - Subject to para 14 test
 - A policy mechanism for the release of reserve sites
 - less than 5 years housing land supply
 - Fail housing delivery test
 - need to address unmet needs
- Recognise mix of strategic sites, site allocations, Neighbourhood Plans, Brownfield Registers

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Monitoring and Implementation: Land Supply Recommendations (2)

- A new approach to five year housing land supply
 - Housing Implementation Strategy and Annual Monitoring Report (as now)
 - 5YHLS assessed annually by an Inspector/Examiner
 - Concluded position (positive or negative) binding for a year
 - Position can't be challenged at appeal
 - Requires engagement through annualised process
 - Time implications for PINS/Examiners, but net savings overall
- A more codified approach to housing land supply calculation

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TURNING NEEDS INTO REQUIREMENTS

- OAN should be met *“unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits”*
- LPAs should prepare an Assessment of Environmental Capacity
- NPPG amendments to take a robust approach to the enforcement of the NPPF
- Green Belt policy does not need to be changed but it does need to be understood and enforced – clearer NPPG advice how to review Green Belt boundaries
- Even then not all needs probably cannot be met without planning on a larger scale
- The Government should consider enabling new growth points

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THE DUTY TO COOPERATE

- The duty is not currently effective – a “*pragmatic*” approach defaults to early reviews and long grass
- Cross boundary needs will not be met without a strengthened approach
- Changes to the NPPF soundness tests to oblige authorities to demonstrate how their unmet needs will be met and to involve themselves in adjacent plans
- Unmet needs become part of OAN

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CHANGES TO THE SOUNDNESS TEST AT PARAGRAPH 182

- Joint working is expected to achieve agreement on the distribution of full OAN.
- Plan makers are expected to identify how un-met needs will be met.
- And – test the assertions of adjacent authorities
- Formerly request that needs are met
 - - make representations to adjacent authorities' plans
 - - inspectors should assume that such representations have been made.
- Authorities should treat adjacent un-met needs as part of their own OAN
- Strengthen Guidance to emphasise the importance of joint working at officer and member level

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JOINT PLANNING

- Placing conditions on devolution bids
- Rationalising boundaries
- Where authorities in a HMA have failed to reach sufficient agreement on meeting and distributing housing needs by March 2017, the Government will use powers to make Regulations to direct the preparation of a Joint Local Plan for the HMA (or a suitable geography such as transport corridors) within a prescribed timetable.
- Legislation may be necessary to this effect. Guidance would also be necessary in the NPPG to guide the governance arrangements for such plans.

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INCENTIVES

- The role of financial incentives
- A statutory duty to prepare a local plan
- Time limiting out of date plans and slow reviews
- This should apply to authorities with no local plan submitted by March 2017 or no post NPPF local plan by March 2018.

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STABLE NATIONAL POLICY

The Government should reconsider the ease with which the NPPG can be changed and the reputational risk of any guidance which is changed too easily and too rapidly. To address these matters **we recommend that:-**

- i. **the NPPF is reviewed only every 5 years;**
- ii. **the NPPG is only changed periodically (for instance, every six months); and**
- iii. **that proposed changes to the NPPG are subject to scrutiny by a technical working group drawn, for instance, from the Government's Planning Sounding Board before the changes are made so that their potential effect is fully considered.**

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Objectives on local plan processes:

- Improve local control over plan content
- Promoting efficient and effective plan making
- Speed up and simplify the process

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Local control:

- Widen the initial reg 18 consultation
- Allow authorities to change submission plans post-representations and consult on those modifications
- Possible to cut out non-statutory consultation stages
- Redefine soundness to 'an appropriate strategy'

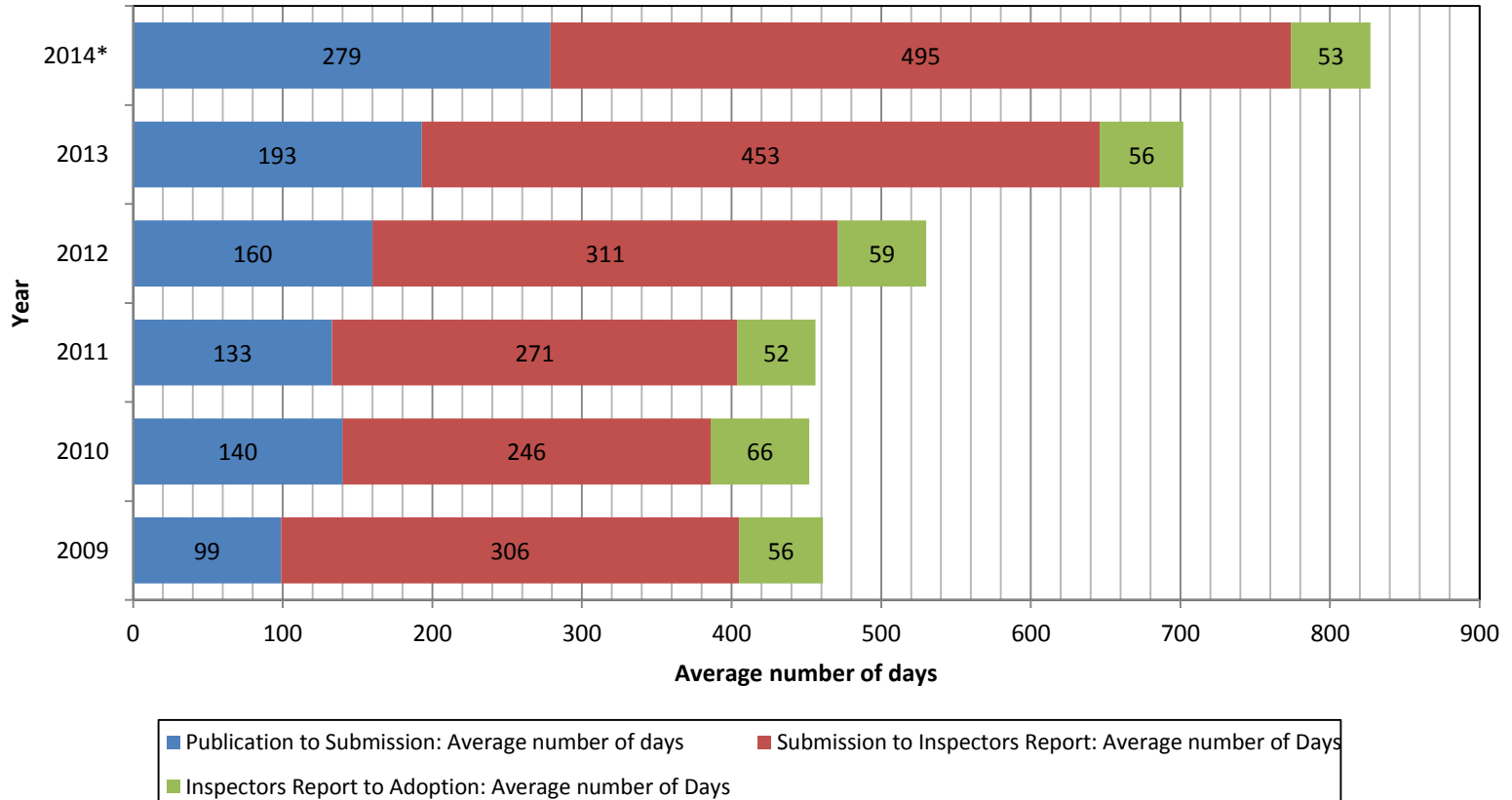
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Efficient and effective plan making:

- Broadly the examination process works well and effective testing is strengthened
- Cut down evidence base to 'strictly necessary' documents
- Make other documents shorter and more focused, particularly sustainability appraisals and strategic environmental assessment
- Early MoTs/reviews
- Reducing and simplifying the steps in the process makes it easier for the public to understand and be involved

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Average number of days from publication to adoption by year of adoption (2009 - 2014)



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Speed – timetabling

Community engagement to draft plan Adoption	48 weeks
Representations	6 weeks
Close of reps to submission (with mods)	12 weeks
Examination	28 weeks
Adoption	10 weeks
	2 years

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Local Plan Content

The Main Issues

- Plans are getting longer – average length has increased from ca. 170 pages in 2012 to ca. 230 pages in 2015
- But, no correlation between length of plans and preparation time
- There is no single definitive guide on the content of Plans for plan makers
- Guidance is spread across NPPF and NPPG – we have compiled a schedule of all requirements (Appendix 12)
- Scope for a much more proportionate approach to plan content – strategic and non-strategic
- Combined with other measures to streamline the process, this should lead to shorter preparation time and shorter documents

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NPPF/NPPG guidance :-

- “Local planning authorities should set out the **strategic priorities** for the area in the Local Plan”
- “Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan”
- “...all Local Plans should be focused, concise and accessible as possible”

We recommend a change to the NPPF and NPPG to make clear the legitimacy of a staged approach to local plan preparation, starting with a strategic Local Plan document

A strategic Local Plan will set out the **strategic policies and site allocations** necessary to deliver the key elements of an authority’s vision and spatial growth strategy

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A Strategic Local Plan Content Model

Our Report includes a suggested Content Model for a high level Local Plan, and **we recommend that good practice guidance be published on how local authorities can adopt Content Models for their local plan documents, in order to shorten the plan preparation process**

We do not advocate the use of template policies, as we believe that a plan should be the expression of a community's vision for the local area

However, we do see a requirement for further guidance on policy formulation, including advice on drafting concise policies and reducing the extent of reasoned justifications

We also suggest that there is scope for other potential Content Models, particularly to illustrate how a concise suite of Development Management policies can be drawn up – **without replicating policies contained in the NPPF**

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Detailed Policies and Smaller Scale Site Allocations

We recommend that detailed policies and smaller scale site allocations be deferred to Neighbourhood Plans or a subsidiary Local Plan document at a later date

Monitoring and Delivery

We recommend stronger linkages between a Plan's policies and proposals and Authority Monitoring Reports, including engagement with key stakeholders

Closer Integration Between Local Plans and CIL

We also recommend much closer integration between the preparation of CIL Charging Schedules and Local Plan priorities, with recognition that Local Plans should be able to plan for long term infrastructure needs

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Presentation and Access

Making Plans Accessible

Plans need to be much more accessible, easy to digest and user friendly, with users able to find out what a Plan contains in a much clearer way.

Improved Web Sites and Navigation

We have seen some excellent Local Plan web sites, but they are a small minority. Too often, the material was almost impenetrable with poor navigation to the key documents and maps. There is a need for improved guidance to local authorities on the use of web sites for Planning material – to meet the needs of the different user groups

Greater Use of Graphics

The web is a graphic tool. But, few authorities use it as a means to illustrate how a Local Plan will affect an area. Even basic OS mapping is variable in legibility and quality

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We recommend :

- **each Plan should contain an executive summary at the beginning**
- **adopting a Place-based approach – with plans structured and presented on a more geographical basis – allowing greater use of web-based GIS applications**
- **additional guidance on improved presentation of local plan content for different user groups**
- **reducing length where possible**
- **reviewing how readily relevant documents are accessible on the web**
- **greater utilisation of graphic material, e,g.
“Propositional Planning”**

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IMPLEMENTATION AND DELIVERY

- Annual monitoring reports signed off to agree a definitive 5 year supply calculation
- A mechanism for plan-led release of reserve sites
- A standard methodology for calculating years supply
- Freezing local plan requirement figures for 3 years
- Creating confidence, long term supply and less planning by appeal

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THE DEVELOPMENT INDUSTRY

- Enforcing the NPPF and meeting needs
- Longer term plans creating confidence for investment
- A constant and predictable supply of housing land
- Faster, more certain preparation and review
- Effective cross-boundary working
- A period of stability and reduced complexity

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PLANNING AUTHORITIES

- Dramatic reduction in the cost and complexity of plan preparation
- Fixing and not moving the goal posts
- More effective cross-boundary working
- More control over plan making and outcomes
- More control over delivery

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COMMUNITY

- Greater engagement at the start of plan making
- More meaningful consultation
- Shorter, more transparent plan making
- A clear role for Neighbourhood Plans
- More emphasis on plan places and biodiversity, less on housing
- Shorter, more accessible local plans
- More confidence in the outcomes of plan making

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