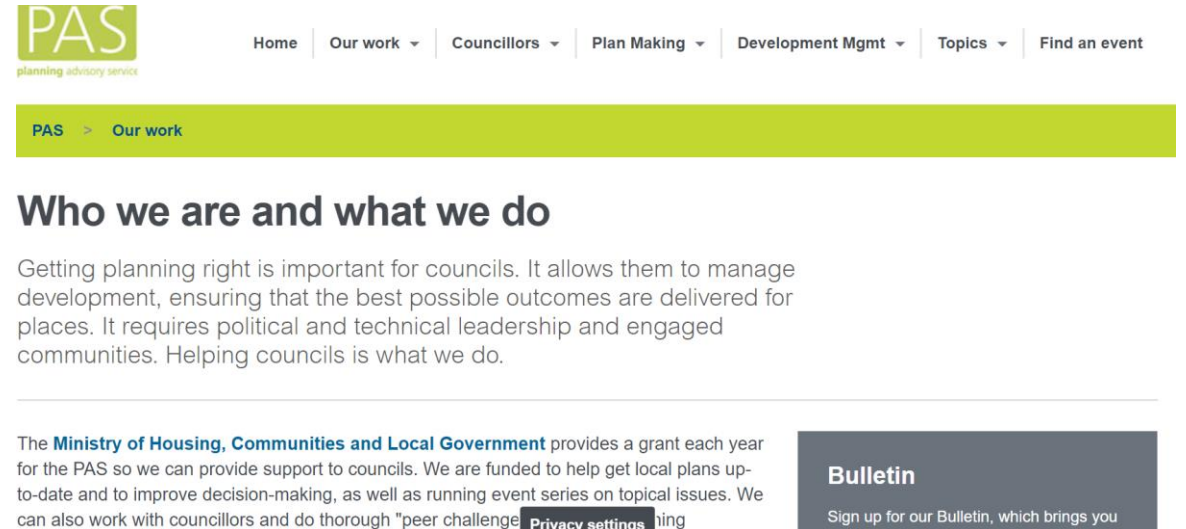


# The process and challenges of producing a Local Plan

# Planning Advisory Service (PAS)

- Team of 9
- Provide support to councils
- Funded to help get local plans up-to-date and improve decision-making
- Run event series on topical issues
- Offer support through peer reviews
- Who's here today?



The screenshot shows the PAS website's 'Our work' page. At the top left is the PAS logo. To its right is a navigation menu with links for Home, Our work (selected), Councillors, Plan Making, Development Mgmt, Topics, and Find an event. Below the navigation is a green breadcrumb trail: PAS > Our work. The main heading is 'Who we are and what we do'. The text below explains that getting planning right is important for councils and that PAS helps with this. At the bottom left, there is a paragraph about funding from the Ministry of Housing, Communities and Local Government. At the bottom right, there is a dark grey box with the text 'Bulletin' and 'Sign up for our Bulletin, which brings you'.

PAS  
planning advisory service

Home | Our work ▾ | Councillors ▾ | Plan Making ▾ | Development Mgmt ▾ | Topics ▾ | Find an event

PAS > Our work

## Who we are and what we do

Getting planning right is important for councils. It allows them to manage development, ensuring that the best possible outcomes are delivered for places. It requires political and technical leadership and engaged communities. Helping councils is what we do.

The [Ministry of Housing, Communities and Local Government](#) provides a grant each year for the PAS so we can provide support to councils. We are funded to help get local plans up-to-date and to improve decision-making, as well as running event series on topical issues. We can also work with councillors and do thorough "peer challenge" [Privacy settings](#)ing

**Bulletin**  
Sign up for our Bulletin, which brings you

## This session:

- How we plan (the plan-led system)
- Preparing the Plan – The stages
- Making the Plan – Evidence based
- Consultation
- Working with others (Duty to Cooperate)
- Examination & Adoption
- Housing land supply, Infrastructure
- Councillor role

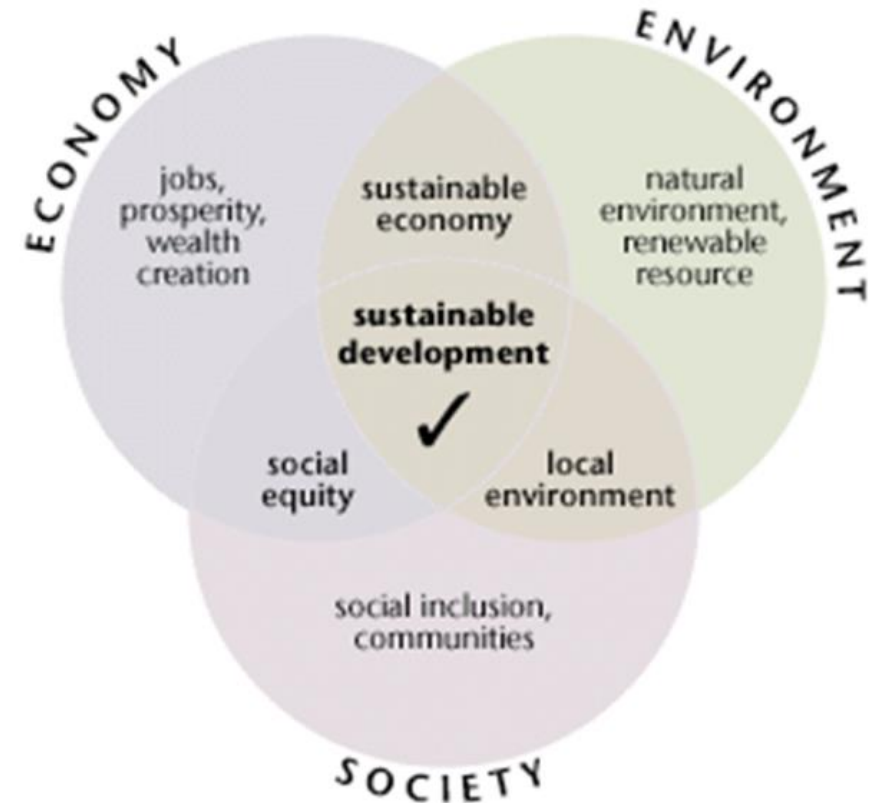


# Before we start...

- **Some key phrases:**
  - “Presumption in favour of sustainable development”
  - “Local Housing Need” (LHN)
  - “5 year Housing Land Supply”
  - “Housing Delivery Test (HDT)”
- **This is a time of change...**
  - Planning White Paper 2020
  - We may have a ‘new’ planning system... soon?

# Planning in England is policy-led

- “The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.”
  - 2019 National Planning Policy Framework



# Purpose of Planning - NPPF

- The NPPF explicitly states “the purpose of the planning system purpose is to contribute to the achievement of **sustainable development** ...summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs”
- “At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**”



Ministry of Housing,  
Communities &  
Local Government

National Planning Policy Framework

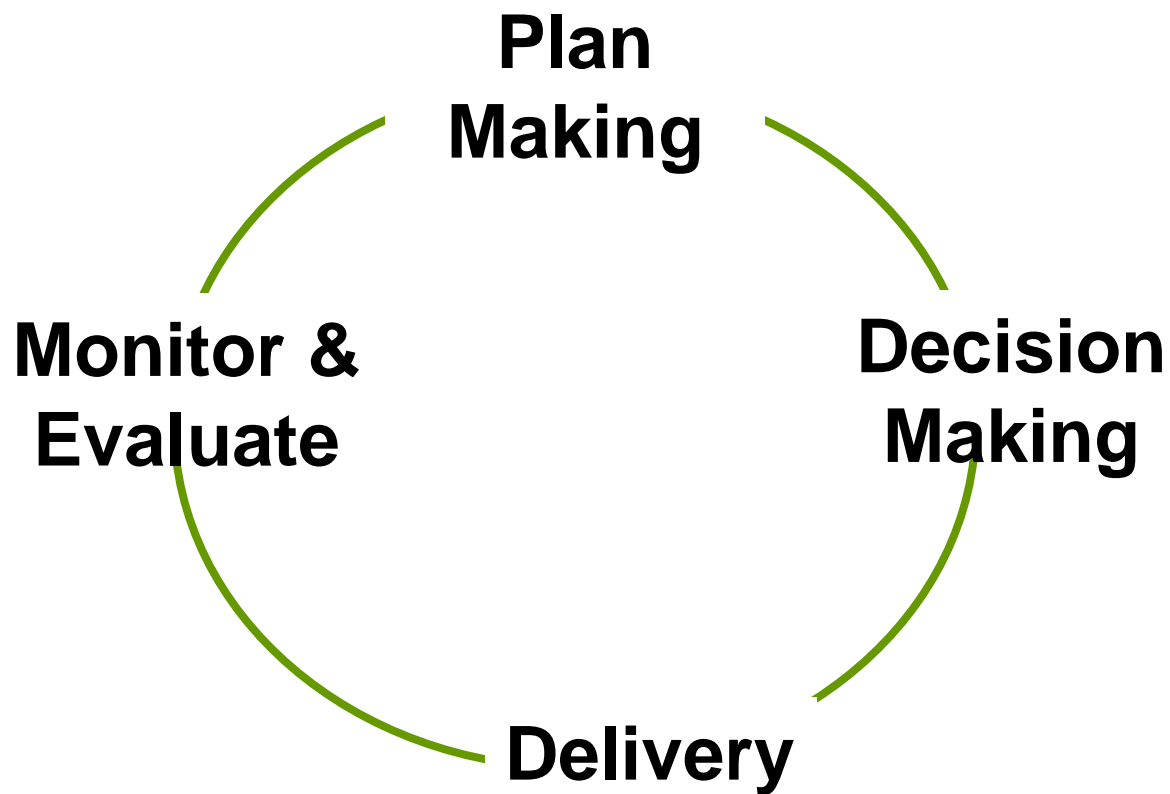
February 2019  
Ministry of Housing, Communities and Local Government

- Town & Country Planning Act 1990
- Planning & Compulsory Purchase Act 2004
- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Localism Act 2011 (Duty to Cooperate, Neighbourhood Plans)
- Self & Custom Build Act 2015
- Soon – Environment Act

# Why & How We Plan



# 4 main elements



*How much* development should there be?

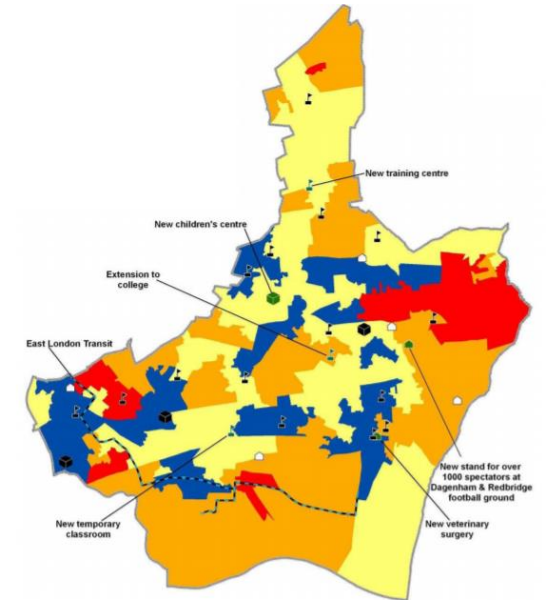
*Where* should development go?

*When* should development happen?

*By what means* will the development be delivered?

# Why we plan / how we plan

- Sets and delivers a vision for an area (the ‘spatial strategy’)
- A whole area, not just one part
- Benefits the place/community as a whole
- Creates certainty (communities, investors)
- Allows others to plan
- Remember its **not all about housing**

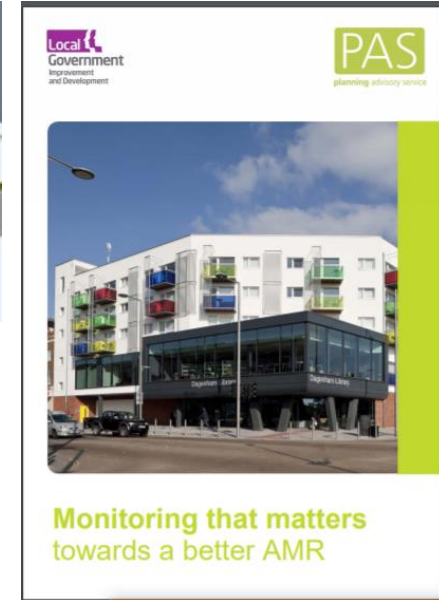


# Why Councils need to plan?

- Allows for an **assessment** of need
- Demonstrates that needs have been **met**
- Sets the framework for **consistent decision making**
- Allows for meaningful **engagement**
- Only plan that is **independently examined**
- We have a **plan-led system**....for this you need a plan.



Planning  
Inspectorate



# What are the different plans?

Strategy	Local	Supplementary
Spatial Development Strategy (SDS)	Local Plans, Development Plan Documents (DPD), Area Action Plan (AAP)	Supplementary Planning Documents (SPD)
Local Plans – Joint or individual Minerals and Waste Plans Marine Plans	Neighbourhood Plans	

# Plan Making Challenges

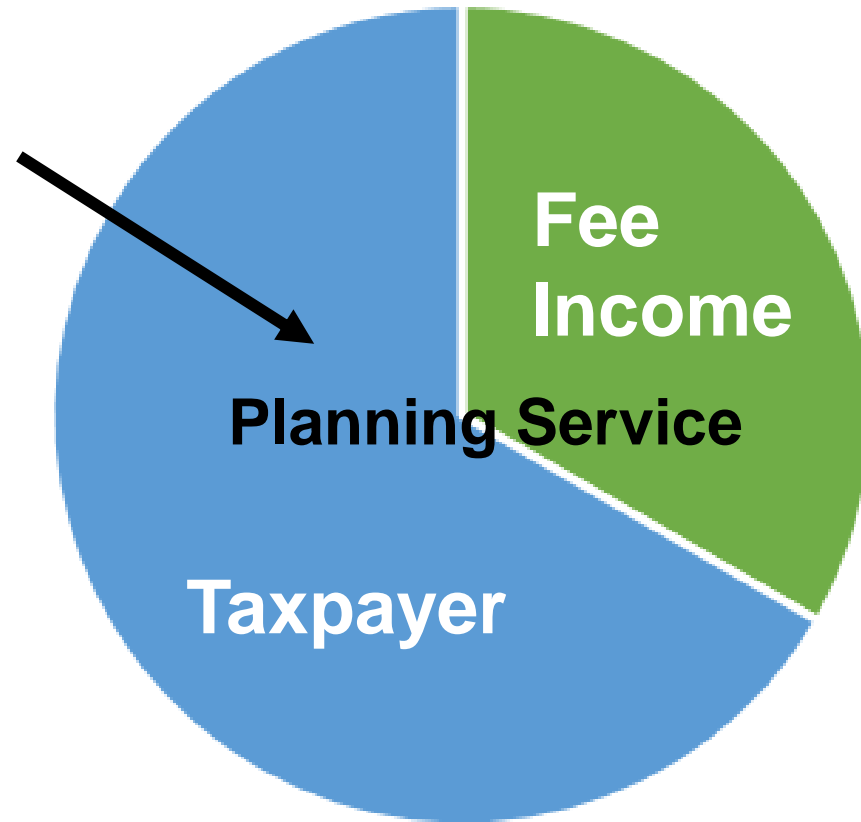
- Change makes people nervous
- Plans create value - contentious
- Green Belt / Green Field / Brownfield
- Power and control – where it lies in this system – what’s in it for us?
- Appeals – necessary, but can undermine

# Plan Making Challenges

- It's expensive
- It takes a long time
- It's long term – political cycles?
- It's not funded so there are too few people making plans.

# Who pays for planning?

**Local Plan**



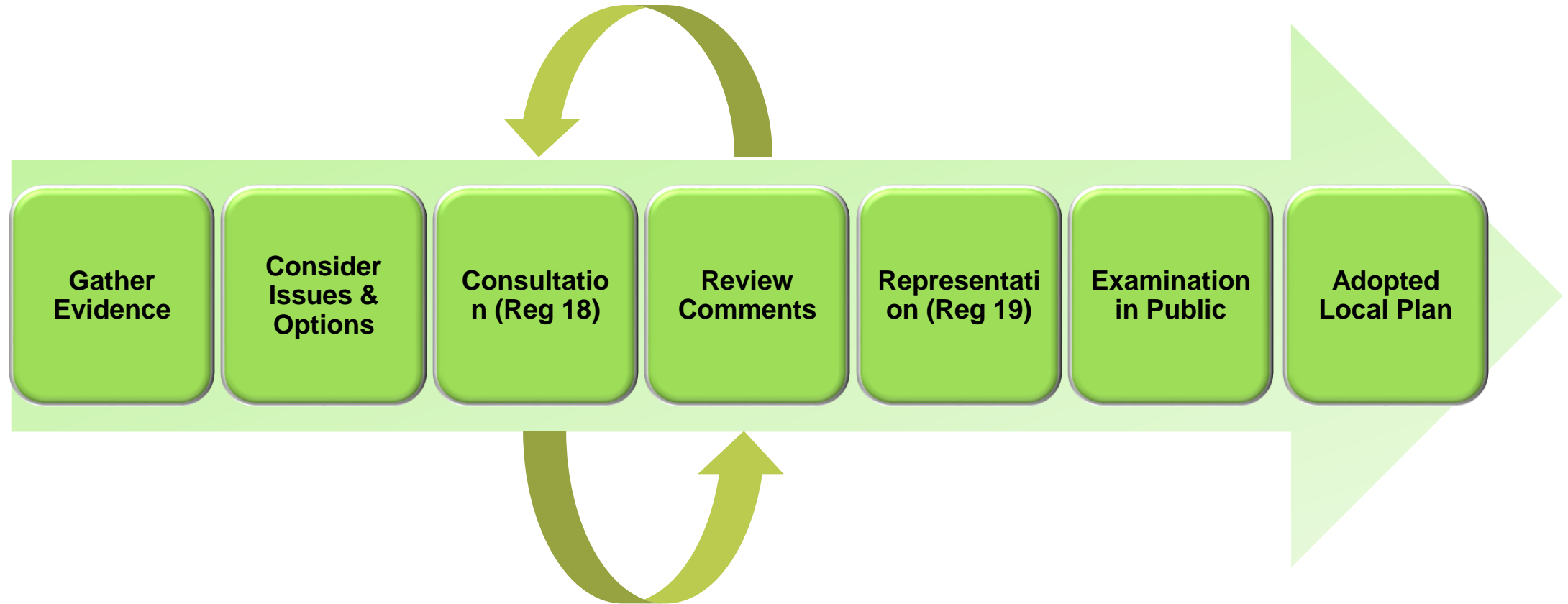
# Councillor Role

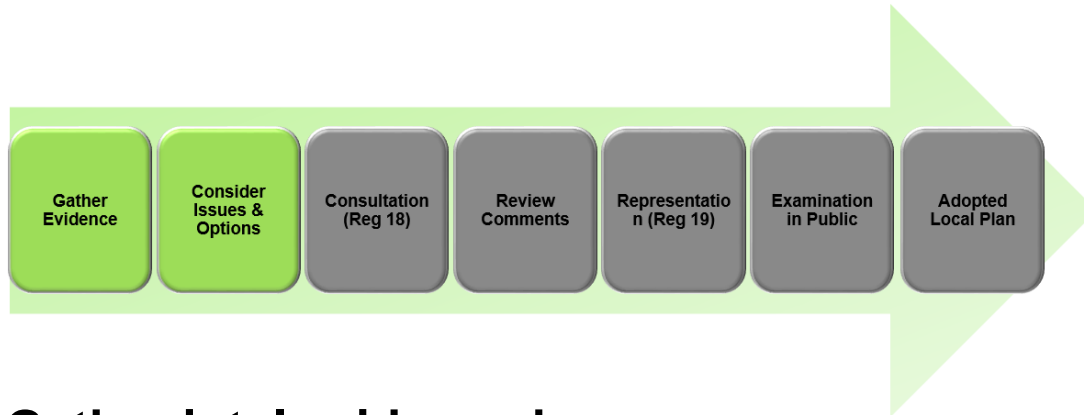
- You have a vital **leadership** role to play to produce a **robust** Local Plan for your area that has **buy in** from all parties
- Key challenge is to listen to the views and aspirations of your constituents and **balance** this with the evidence and professional advice of your planning staff in order to **plan** for, and **meet**, the **development needs of your area**

# Implications / risks of not having an up-to-date Local Plan in place

- Difficult to defend inappropriate development
- Priority in favour of ‘sustainable development’
- Increased ‘planning by appeal’ likely
- Threat of Government intervention to remove plan making powers from an LPA

# How a plan is prepared





## Gather intel evidence base

A range of detailed studies covering everything a Local Plan needs: housing need, environmental and landscape assessments, employment growth and what supporting infrastructure is required.

## Consider issues and options

The council analyses the emerging evidence and considers the ways 'different ways to skin a cat' for development needs. Sometimes this goes as far as outlining a preferred option.

## Identifying land uses

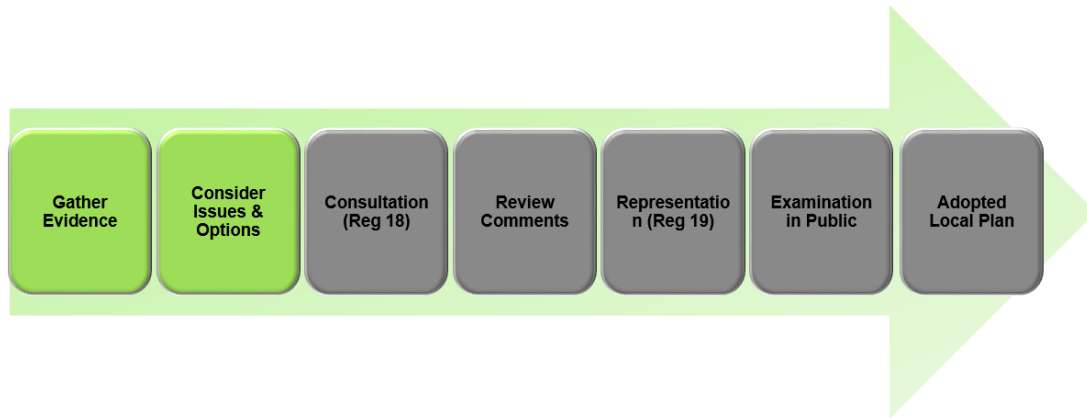
### Proactive evidence base

A search for available land: Review of land already consented or in a previous plan, Call for Sites, council land holdings. Develop a potential 'catalogue' of sites and assessment methodology.

### Consider issues and options

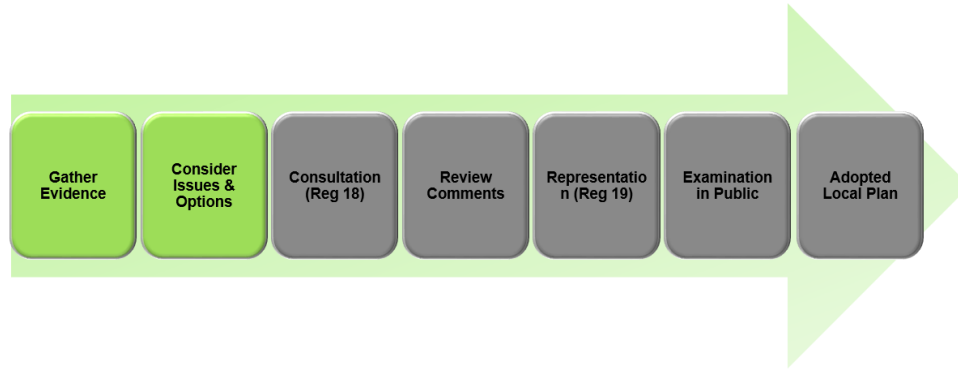
Assess what is in the 'catalogue'. Tests are – suitable, available, achievable, deliverable. How can the 'catalogue' inform or support options

# Evidence Base



- The preparation and review of all policies should be underpinned by relevant and up-to-date evidence.
- This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.

# Evidence Base (Types)



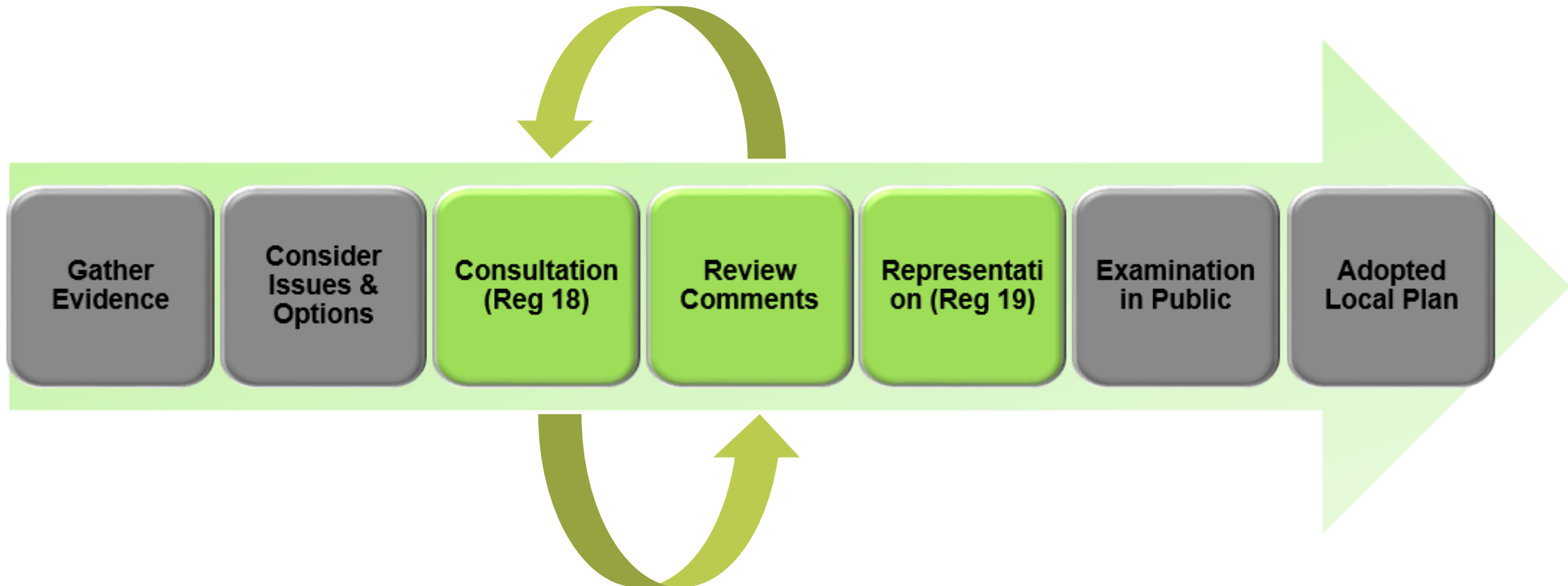
- Housing need assessment
- Housing types assessment
- Strategic Housing Land Availability Assessment (SHLAA) or Strategic Housing and Economic Land Availability Assessment
- Sustainability Appraisal
- Annual Monitoring Report
- Five Year Land Supply
- Affordable Housing
- Viability Assessment
- Employment land review
- Transport Assessments
- Retail assessment
- Renewable and Low Carbon Energy Study
- Strategic Flood Risk Assessment
- Landscape and Settlement Character Assessment
- Green Belt Review

# Meeting Housing Need

“To determine the minimum number of homes needed, strategic policies should be informed by a **local housing need assessment**, conducted using the **standard method in national planning guidance** – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. **Cities – 35% ‘Uplift’**

In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.”

# Consultation



## Communities



### Preparation of a local plan

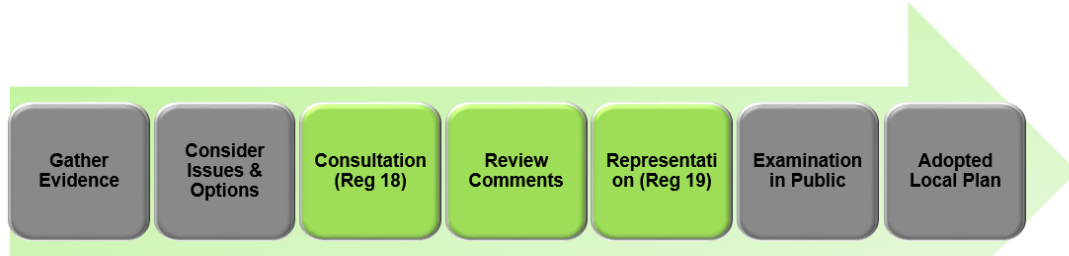
18.—(1) A local planning authority must—

- (a) notify each of the bodies or persons specified in paragraph (2) of the subject of a local plan which the local planning authority propose to prepare, and
- (b) invite each of them to make representations to the local planning authority about what a local plan with that subject ought to contain.

(2) The bodies or persons referred to in paragraph (1) are—

- (a) such of the specific consultation bodies as the local planning authority consider may have an interest in the subject of the proposed local plan;
- (b) such of the general consultation bodies as the local planning authority consider appropriate; and
- (c) such residents or other persons carrying on business in the local planning authority's area from which the local planning authority consider it appropriate to invite representations.

(3) In preparing the local plan, the local planning authority **must take into account** any representation made to them in response to invitations under paragraph (1).



### 3. Consultation (Regulation 18) – Rinse and Repeat

The options go out to the public for consultation. Residents and stakeholders are invited to comment on the options and/or submit land for consideration.

### 4. Review comments

The council reviews comments and after careful consideration of the comments received and how they shape the development of the plan, publishes a draft Local Plan.

## Identifying land uses

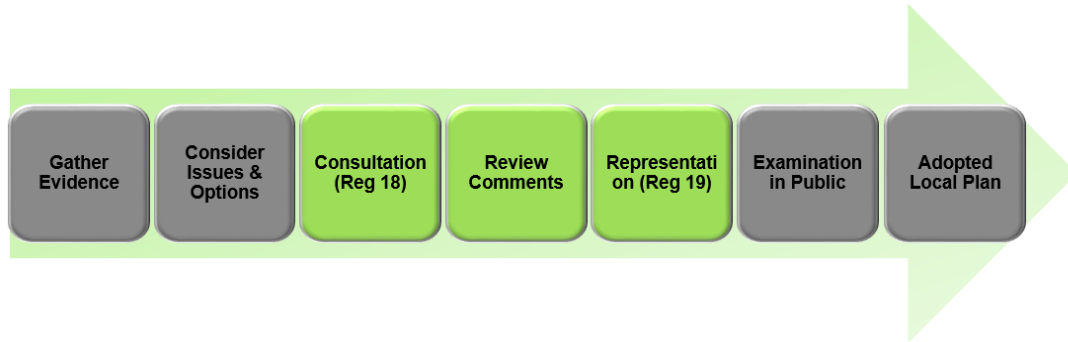
### 3. Consultation (Regulation 18) – Rinse and Repeat

Moving from light and fluffy to full draft plan. Develop the selected sites alongside. Assess sites and where development is guided – SA/SEA

### 4. Review comments

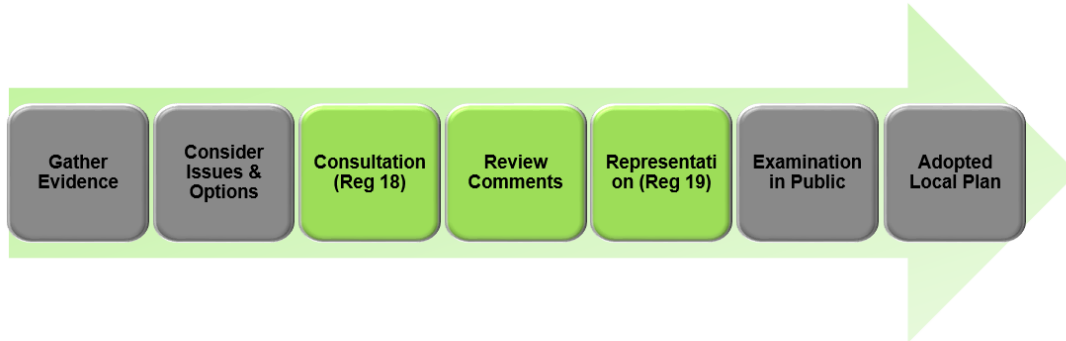
New or extra evidence on sites. More detailed Reg18 = more comments on sites

# Consultation & Engagement



- Requirement of planning legislation
- Helps to create more realistic & deliverable plans
- **Views & knowledge of community** form an important part of the Local Plan evidence base

# Consultation & Engagement



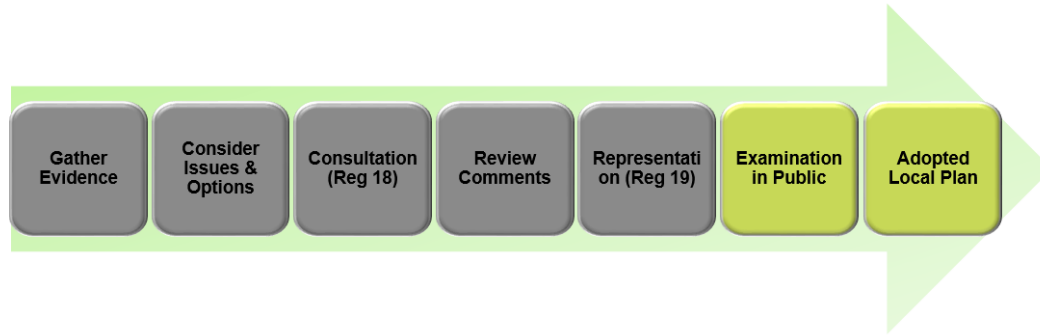
- **Neighbouring Planning Authorities:** Statement of Common Ground, Duty to Cooperate
- **Regulatory agencies:** The Environment Agency, English Heritage, Natural England
- **Physical infrastructure delivery agencies:** highways authority, Highways England, utilities companies, Network Rail, public transport providers, airport operators
- **Social infrastructure delivery agencies:** local authority education dept, social services, primary care trust, strategic health authority, the Police, charities/NGOs
- **Major landowners** including the local authority itself and government departments and agencies
- **Housebuilders and other developers**
- **Minerals and waste management industries**

## Challenges



- Reg18 (options) Reg19 (ready to go)
- Ensuring early and constructive engagement with neighbouring councils
- Involving 'hard to reach' groups
- Too often tokenistic
- Communities don't get it and are late to the party
- Usual Suspects / gatekeepers
- Virtual = more inclusive future?
- Good engagement is people and £££ heavy

# Examination & Adoption



- Examination in public (EIP)
- Planning Inspectorate
- ‘Public’ hearing
- Often amendments – can mean more consultation
- Tests of ‘Soundness’
- Report – binary yes/no or withdraw

# The tests of soundness

- Evidence demonstrating your plan is:
  - **Positively prepared** - based on a strategy that seeks to meet needs and requirements of neighbouring LPAs
  - **Justified** - an appropriate strategy, when considered against reasonable alternatives, based on proportionate evidence
  - **Effective** - deliverable over its period and based on effective joint working on cross-boundary strategic priorities
  - **Consistent with the NPPF** - enable the delivery of sustainable development

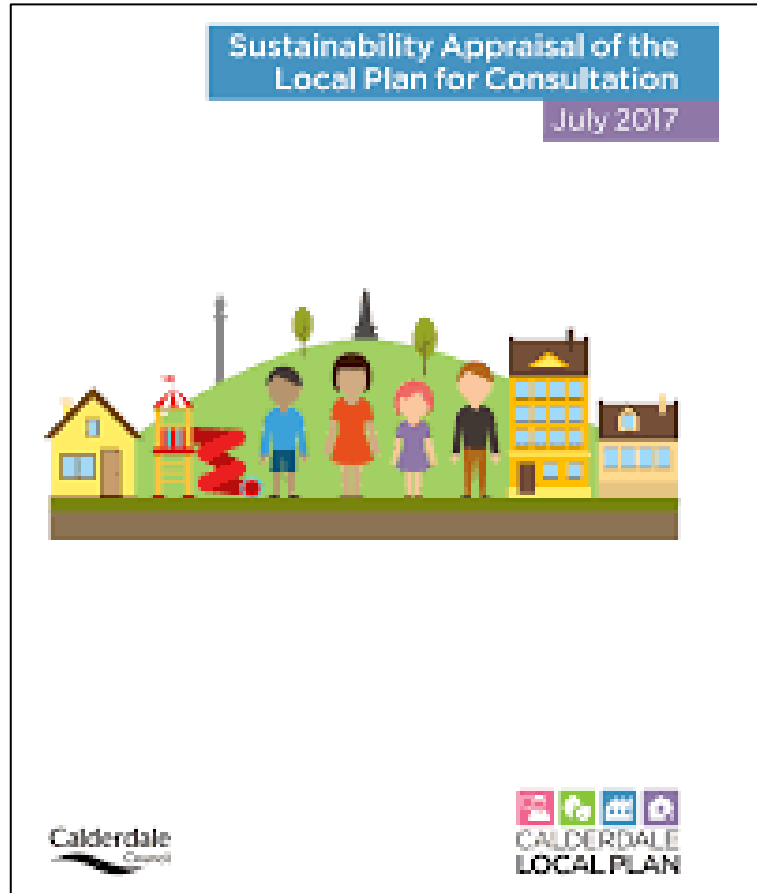
# Green Belt

- Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. ....Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. ”

**NPPF**



# Sustainability Appraisal (SA)



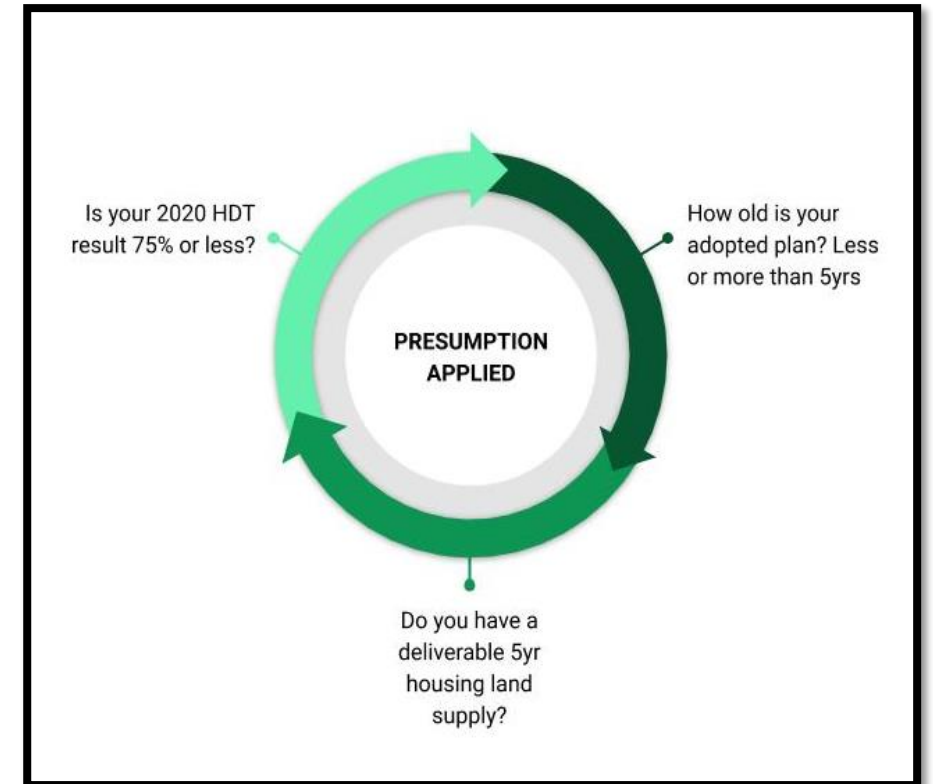
- How sustainable is our plan?
- Undertake SA at key stages in the plan-making process

# Viability and deliverability

- Local plan content must be tested to show that they are both viable and deliverable through cost and impact
- For plan-making, this means:  
Ensuring that the **cumulative impact** of local standards and policies - when added to nationally required standards - does not put implementation of plan at risk

# 5yr ticking clock

- Plans 5yr old = out-of-date
- Monitor the delivery
- 5 Year Housing Land Supply (5YHLS) – at any time but usually once a year
- Housing Delivery Test (HDT) and presumption vortex
- Loss of control = driver for plan led system



# Recap: Developing a sound Plan

- ✓ Address the key priorities for the area
- ✓ Plan positively
- ✓ Develop a robust and credible evidence base
- ✓ Co-operate with neighbouring areas
- ✓ Focus on reasonable alternatives
- ✓ Undertake comprehensive Sustainability Appraisal
- ✓ Stakeholder engagement
- ✓ Viable and deliverable in practice

# Recap: Councillor Role

- You have a vital **leadership** role to play to produce a **robust** Local Plan for your area that has **buy in** from all parties
- Key challenge is to listen to the views and aspirations of your constituents and **balance** this with the evidence and professional advice of your planning staff in order to **plan** for, and **meet**, the **development needs of your area**
- Community engagement
- Sign off
- Local Plan Board
- Get behind / Champion
- Resources
- Conflicts

# Recap - Implications / risks of not having an up-to-date Local Plan in place

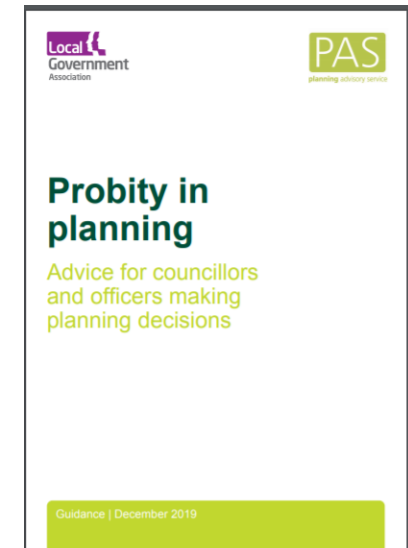
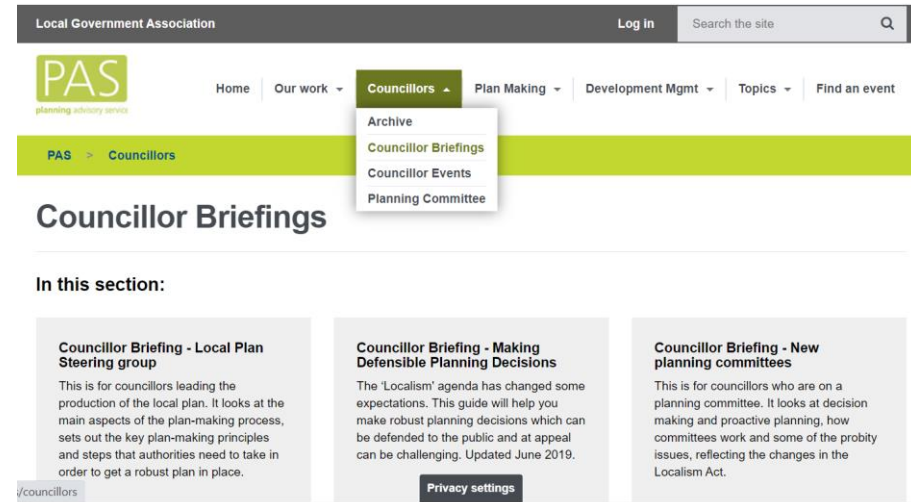
- Difficult to defend inappropriate development
- Priority in favour of ‘sustainable development’
- Increased ‘planning by appeal’ likely
- Threat of Government intervention to remove plan making powers from an LPA

# The (very near?) future...

- Zonal planning system?
- National Planning Policy, local nuance?
- Local Plan ‘front loaded engagement’
- Design-lead, rules-based decision making?



- PAS web site
- Plan making “Route mapper”
- Probity Guide
- Support across all elements of the plan making process



# Stay in touch: we are at local.gov.uk/pas

## PAS

We provide high quality help, advice, support and training on planning and service delivery to councils. We help local government officers and councillors stay effective and up to date. We have a 'sector led' improvement approach, where local authorities help each other to continuously improve.



### Bulletin

Sign up for our Bulletin, which brings news of our latest support, case studies, events and muses.

### PAS Forum

Ask, learn and network with other planners and councillors across England.

## Contact PAS

**email** [pas@local.gov.uk](mailto:pas@local.gov.uk)

**web** [www.pas.gov.uk](http://www.pas.gov.uk)

**phone** 020 7664 3000