

2015 LOCAL PLANS EXPERT GROUP

RESPONSE TO CALL FOR EVIDENCE FROM DISTRICT COUNCILS' NETWORK (DCN)

This submission was made to LocalPlans@communities.gsi.gov.uk on 23 October 2015. Please note that any queries about the call for evidence or the work of the Group should be directed to the Secretariat ian.piper@communities.gsi.gov.uk.

Overview

The DCN

Our Network is a cross-party member led network of some 200 district councils. We are a Special Interest Group of the Local Government Association (LGA), and provide a single voice for district councils within the LGA. We lobby central government, the political parties and other stakeholders directly on behalf of our members, as well as commissioning research, providing support, and sharing best practice.

Our work on how to improve the Local Plan regime

During 2014 the DCN held a number of workshop events that brought together Members and Officers, to identify key issues our Councils encounter implementing the planning system, since introduction of the National Planning Policy Framework (NPPF), and to generate ideas as to how the system could be improved. This led to two publications agreed by the DCN that can be found on the DCN website:

<http://districtcouncils.info/knowledgehub/planning/>:

Our Priorities for the Planning System publication (September 2014)

Streamlining and Supporting the Local Plan Process (November 2014)

Both were shared with government Ministers and officials. In view of the common territory on concerns, solutions and interest in seeing improvements to the local plan regime the District Councils' Network collaborated with the County Councils Network, Planning Officers' Society and Royal Town Planning Institute to produce a jointly agreed paper, also shared with the Secretary of State and government officials:

[Improving Local Plans and Strategic Planning Joint Position Statement](#) – June 2015

The DCN welcomes the establishment of the Local Plans Expert Group and the opportunity to respond to its call for evidence. It supports the plan-led system, which is central to the NPPF, as the vehicle for meeting the development needs of our communities.

Our Submission

This submission builds on the ideas in the above publications and draws on experience and contributions from DCN authorities. Those authorities:

- Provide good case studies of the challenges faced

- Demonstrate the strenuous efforts made by Districts to implement the current regime *and*
- Highlight why it is so important that an improved local plan system is urgently implemented (after due consultation).

Our submission supports:

- ✎ The delivery of quicker and cheaper Local Plans
- ✎ Improved strategic planning across functional economic/ strategic housing market areas
- ✎ Incentivising plan-making
- ✎ Improving links between local growth and infrastructure
- ✎ Making plans shorter and easier to understand
- ✎ Reducing risks and costs for communities, developers and all tiers of government

The initiatives we put forward are about:

- Delivering the growth that communities need, more effectively.
- Offering flexibility and choice as to how plans are taken forward.
- Maintaining ‘bottom up’ planning – aligned with ‘localism’ but more joined up between democratically elected Local Authorities
- Complementing devolution, combined authorities, partnership working and governance
- Forging stronger links, including between Local Planning and Local Enterprise Partnerships

Improving local planning is critical if the government’s agenda for growth is to be met in the most efficient manner. Addressing the needs for growth and delivering against that is a long-term issue. At present the regime has become too characterised by what is termed ‘planning by appeal’ and we believe it is in the interests of all parties to provide Councils with a better framework to shift the emphasis.

We hope our submission helps government achieve that.

We stress that a number of the individual ideas in our submission do not represent DCN ‘policy’ and are advanced for investigation by the Expert Panel. Inevitably ideas in one section may be relevant to others – please read them as a set of inter-connected suggestions.

The DCN is keen to continue the dialogue and offers to assist the Expert Group identify best practice and draw on the valuable experience from practitioners and Members from around the country.

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a. **Content of local plans** *(including requirements of the NPPF, overlap with the NPPF, ditto re. the NPPG, length, preambles, template policies, spatial detail, plan period, one plan or several, relationship with local guidance etc. – including good and bad examples)*

1. Strategic matters addressed at a strategic level

- We believe there is scope for spatial strategy matters (and policies) such as Objectively Assessed Need (OAN) for homes and jobs to be addressed in a simple higher-level strategic plan for each Housing Market Area (or area with an elected Mayor). We expand on this theme in c) 'agreeing strategic requirements'

2. Less detailed Local Plans with detail in supplementary and more flexible documents

- Local Plans to primarily be policy based. The site allocations to be included to be for strategic scales of development and for any development sites requiring land to be removed from the Green Belt. 'Strategic' developments could be defined by Regulation.
- Broad locations for growth to be identified consistent with the agreed spatial strategy. Developers to then bring forward planning applications for developments in these locations.
- Settlement boundaries to be defined for all settlements over a dwelling threshold.
- All new development to be within settlement boundaries or immediately adjacent to them subject to appropriate policy criteria, unless there is a demonstrable need for it to be located elsewhere.
- Make space for and empower localities. Neighbourhood Plans to continue to be able to allocate development sites and propose land to be protected from development as Local Green Space.
- Encourage the use of Supplementary Planning Documents to guide the implementation of strategic sites and address more detailed site matters.

3. Flexibility in the number and type of Plans

- There should be flexibility to have more than one plan retained. The regulations allow for this but the NPPF/NPPG says one plan (normally). If the system is to be more streamlined then being able to respond to issues through plan making at a more local area is important. For example, this may be necessary where an authority wishes to prepare an area action plan to bring forward major growth plans and help coordinate a range of speculative developments. It can be too tall an order to rely on neighbourhood planning doing this.

4. 'Menu' of Development Management Policies

- Whilst the NPPF has broad coverage of issues there are only limited areas where you can really rely on the NPPF to replace development plan policies (ie development management policies).
- This leads to a tendency for plans to include a set of more or less generic policies (e.g. on sustainable development, design, biodiversity, green infrastructure, travel demand, traveller criteria) which are often similar to each other across different authorities' plans and which largely reflect what is in the NPPF.
- As the NPPF is not part of the Development Plan (although a material consideration) authorities try and reflect NPPF wording (in similar ways) in their DPs to ensure DP 'weight'.
- There appears scope to consider the benefits of a set of national 'default' policies that have DP weight - or model policies.

- Such a regime would not preclude a Local Planning Authority (LPA) devising locally specific policies – provided they can be evidenced. Also there should be scope for LPAs to locally interpret the ‘national menu’ through Supplementary Planning Documents (SPD).
- This initiative could simplify and shorten the content of plans, by cutting out policy matters covered in the NPPF and NPPG and make local plans less controversial.
- If this is taken forward we ask for early consultation on the detail of what appears in the ‘menu’.

5. Reducing the weight of evidence

- The amount of evidence generally now required to support LP preparation is excessive as public and developers now expect to see far more detail/ justification on both policy development and site allocations.
- This adds to the cost and timescale for the production of LPs and often means that you need to refresh evidence once or twice through the process.
- This theme is explored further below.

b. Local plan preparation process – *could procedures be changed to provide better and quicker plan preparation? This would include matters such as the terms and flexibility of existing Regulations, the appropriateness of statutory requirements, available ‘best practice’ guides, irreducible requirements and can these be changed, scope for active case management, tests of soundness, the terms and implications of the duty to co-operate, the appropriateness of early review, modifying plans post submission, the examination process, powers of intervention, the importance of transition in any change etc.)*

1. Streamline consultation and Duty to Cooperate requirements

- Duty-to-Cooperate (DtC) has been interpreted too strictly by Inspectors, resulting in many plans failing. It may be that revisions to the NPPF/ NPPG would help with the interpretation but, if necessary, amend the Act as part of the Housing and Planning Bill while there is the chance.
- Remove the second legal test for the DtC.
- Reduce the burdens of consultations in the preparation and amendments to the Statement of Community Involvement. Enable it to be updated in the same way a Local Development Scheme can be amended.
- Consider a clearer framework for DtC – guidance on how this should work in practice would be useful - something Councils could measure their efforts against. We note that DtC doesn’t appear to apply for cross boundary planning applications, which is not useful for Development Management.

2. Getting more good (but perhaps not perfect) plans in place more quickly to co-ordinate growth and infrastructure

- Linked to the above, more pragmatism is required from Inspectors on DtC and the ability for Inspectors to let through plans that may not be perfect, but which are delivering

growth and coordinating development. The bar is set too high at present. There should not be a 100% pass mark, which is how it feels at the moment.

- Amendments to the NPPF/ NPPG are necessary, backed up by the necessary messaging to PINS. Ultimately rejected plans do not help with delivering genuinely sustainable development – they result in uncoordinated development which does not help with winning over public opinion on the delivery of growth. People’s biggest objection to growth is invariably the lack of infrastructure to go with it, and that is where plan making can really add value.
- Allow Inspectors to strike out parts of Local Plans and then allow Local Planning Authorities to adopt the remainder. If the part struck out was central to the plan allow, say, a 3-year period to prepare a new plan instead of 5 years.

3. Proportionate evidence base (including Sustainability Appraisal) – reducing the burden

- Evidence base requirements are still too high. Whilst NPPF makes the right noises about proportionate evidence, the reality is that the burden is too high, both in terms of cost to authorities and the expectation from inspectors, often as a result of pressure from the development industry.
- The evidence requirements at Local Plan hearings for strategic sites are approaching what would be needed to support a planning application and are more onerous than even earlier Local Plan processes. Increasingly there are expectations from key agencies to do expensive and time consuming studies where in the past some sensible dialogue and exchanges of information (eg on various forms of infrastructure requirements) have been adequate.
- We particularly support a re-look at the SA process to consider how it can be streamlined. Our experience is that they are time consuming and complex.
- Consider:
 - Removing the need for an SA to be an iterative process taking in each stage of the whole plan making and policy development process. Move to an SA impact assessment to be submitted (showing reasonable alternatives discounted) for submission at Reg 20. Pin back to actual SEA requirements?
 - Removing the need for Habitats Regulations Assessment (*HRA*) or simplify if possible with the EU.
 - Removing, or at least changing, the test of soundness. The public do not understand it and it prevents the adoption of parts of plans. The London Plan functions perfectly well without the test.
- We observe that much of the delay in plan making is due to the time taken in establishing and agreeing evidence with key agencies/ organisations that often do not share the same sense of urgency as the LPA.
- Generally, the evidence base is a resource intensive process (staff and finances) with the expectations of some bodies (eg Sport England) requiring year-long studies to be prepared.
- A review of and further guidance on an appropriate evidence base would be welcomed. Proportionality needs to be emphasised in the detailed guidance in NPPG, especially in respect to transport, infrastructure, environmental matters, the SA/SEA process and viability. In the following section, 4, we suggest a staged examination, which includes looking at evidence base requirements at an early stage. This would serve to reinforce and interpret national guidance on a locally specific basis.

- We highlight the resource intensiveness of maintaining SHLAA's through the preparation process.
- In respect to the issue of increasing evidence requirements for Local Plans, there should be recognition of the useful role those organisations, such as the National Housing and Planning Advisory Unit (NHPAU), used to play in producing impartial strategic research. For example, the Centre for Urban & Regional Development Studies (CURDS) undertook a research project into 'The Geography of Housing Market Areas in England', funded by the NHPAU, which has produced a range of HMA related outputs and geographies. This used 2001 Census data and it would be useful for this to be updated using the 2011 Census. Clearly there is research being produced but it is often produced by consultancies which have a particular angle rather than being technically focused and impartial. Fortunately we do have PAS, Atlas etc., organisations that provide highly valuable support to LPAs, but these are focused on implementation rather than research.

4. Plan examinations and the staged examination

- There should be scope for more early stage review of emerging plans and evidence by PINS before reaching the final examination stage. We suggest that this 'staged' examination is formalised and offered as an alternative to a single (final) examination. In this way 'preliminary' views and conclusions from PINS on the early stage of local plans advice would be fully public and binding to the final stage of examination (provided the plan proceeds to timetable).
- In our November 2014 discussion paper the DCN advanced that the initial stage(s) of examination could embrace consideration of:
 - Extent of housing market area (HMA)
 - Level of housing need across HMA and other key evidence
 - Strategic approaches to housing numbers, jobs and infrastructure
 - Adequacy of the range of development options to meet needs
 - Duty to cooperate arrangements
 - Timetable for Plan preparation
- Our paper then put forward that the key features of the (optional) staged examination could be:
 - Preliminary Stage: At the outset of Plan preparation there will be the opportunity to set out a detailed plan timetable. Provided the plan progresses on time this would be afforded weight in planning decisions which pre-empt the Plan.
 - Stage 1: 'The fundamentals' (see heading above under the benefit). An interim Inspector's report would sanction work on key issues that underpin the final Plan, or point to where more work is needed. A timetable to complete the Plan would be agreed.
 - Stage 2: Would establish final detailed matters framed by a positive Stage 1 report, with a presumption that issues examined at Stage 1 would not be re-opened.
- We are not saying this is the only possible model - there may be others. We also advanced it as an option. If an authority wishes to pursue a single examination, after submission of the final plan, they should be allowed to do so. This would be particularly important in the transitional period, so as to not undermine existing progress. We would also stress that the staged examination is complementary to the initiative to see strategic plans across SHMAs, not an alternative.
- If the idea of a staged examination is not introduced (and we really hope it is) then to certainly re-instate the PINS critical friend scheme from a few years back where an Inspector reviews work to date and provides a steer to the authority on the emerging plan.
- Examination hearing – these are becoming increasingly adversarial with QCs etc. They need to go back to being round table discussions without legal representation. Legal

representation should not be necessary but local authorities inevitably feel they need counsel at the table to match legal representation elsewhere around the table.

- There should be a review about how the tests of soundness are applied, backed up by new guidance to PINs about their role at Examinations. This should be to foster a more pragmatic approach and recognition of positive initiatives that a Local Plan may be seeking to achieve in meeting both local and Government expectations/ requirements. There are instances presently where inspectors appear to focus immediately on the challenges regarding the test of soundness on one particular issue, in preference to considering the wider picture.
- No Inspector should be able to refuse a plan without giving opportunity for matters to be corrected. No Inspectors should hold evidence sessions and not release his/ her findings on them. Single issue problems / matters should be parked for further examination whilst the rest of the plan approved with any modifications – to ensure an up date plan – or as much as possible is the primary material weight at that point.
- Clearer guidance is needed to Inspectors on OAN to avoid inspectors ‘rule of thumbs’ e.g. an OAN uplift 10-20%, resulting in fairer and more consistent ‘uplift’ parameters.
- Additionally streamline the examination process by considering:
 - Conducting considerable parts via written representations, with examinations not usually lasting longer than four weeks (with 3-4 sitting days per week).
 - The lessons from the DCO process for major infrastructure, which appears more structured and efficient.
 - Plans to be examined on the basis of what was current at the time of submission – not what might be released by ONS or others later – which can de-rail timetables.
 - Linked to this, require ONS and CLG to establish clear timelines for the release of data with penalties for failure and required ONS to make statements/ corrections for unidentified population issues.
 - Allowing modifications post submission even when not required to make a plan ‘sound’. The real world does not run to Local Plan preparation timetables.
- These and other changes can lead to a replacement of the current 5-year housing land supply regime. If the current 5-year supply regime is to be kept (reformed), all plans should be considered to be up to date for 5 years after adoption in respect of housing land supply. This would provide a major incentive to Councils to keep their plans up to date and prematurity guidance would need to be adjusted accordingly (see 7 below).

5. Giving more weight to interim policies/ early reviews

- Early Plan Review can be an appropriate response – there may genuinely be reasons why some options being explored in a plan are best reviewed at a later stage – eg due to current uncertainties around delivery, coordination with other strategies that may be coming through after the local plan, or the fact that it may involve multi agency working which requires more time than plan making timescales allow.
- Early reviews would allow plans to progress more quickly and for plans to be able to be better aligned in the future. This is most definitely needed in the transitional period and could avoid a bottleneck of plans coming to Examination in 2017, overloading PINS.
- Allowing Plans with shorter timescales (eg 10 years) would also give some authorities certainty that Plans are robust, in circumstances as set out above where there are unknowns regarding meeting future housing needs across HMA's. This would also reflect the fact that beyond 10 years some evidence is more unreliable, such as retail and employment forecasts.

- Enable interim policies to be adopted by Councils, including for site allocations, and hold weight in the development management process.

6. Miscellaneous review/ comment on regulations

- Remove the need to be in conformity with the Community Strategy – they aren't universal.
- Simplify the 2012 regs – reduce the stages e.g. 18/19/20. Reg 18 of the development plan regulations gives flexibility for the plan preparation stage though, so change may not be specifically needed there.
- Put in law the ability for early reviews and single issue policy DPDs.
- Amendment is needed of para 32 of the NPPF - re the traffic impacts of development needing to be severe before a development can be rejected. This is singularly unhelpful in delivering infrastructure and hence gaining public support for growth (see other comments).

7. Allow responsible Councils time and space to Plan without being besieged by '5 year supply' appeals and amend prematurity rules

- Authorities need to be given space to plan, rather than fight appeals on 5 year supply.
- Clear evidence of a Council proactively planning for growth should be given a good deal of weight in the development management process. The policy/ guidance on prematurity needs to be amended to recognise this and this can be tied to a positive outcome from the initial examination stage (4 above) and a timetable for completing the plan that the authority is tied to.
- In its November 2014 discussion paper the DCN put forward that: *"Councils who progress their Plan within a submitted/ agreed timescale should receive added 'protection' from planning appeals that challenge the emerging plan.*

To support this initiative government guidance would be updated, including on 'prematurity', helping Councils to finalise their Plans and the consultation and evidence that informs them - rather than fending off planning appeals."

- Policy guidance needs to include sufficient time for strategic crossboundary working to be undertaken to inform Local Plans.
- The following contributions from two LPAs sum up the process challenges they face delivering an up to date plan, despite being 'conscientious' and proactive Councils:

"One of the main issues relating to plan making in Purbeck District is our need to undertake an early partial review of our adopted Local Plan to a specified timetable, whilst wider 'Duty to Cooperate' work is on-going across Dorset (and is likely to be following a different timetable). We have committed to completing our Local Plan review by the end of 2017, and we need to achieve this deadline in order to ensure that we maintain an up to date plan.

We are also fully committed to working with the other Dorset authorities to plan strategically for development needs across Dorset. Discussions about the form of this Dorset-wide work are on-going, but the work is not likely to be completed in time to inform our Local Plan review. This leads to complications in terms of ensuring that we meet the requirements of the Duty to Cooperate whilst maintaining an up to date plan. It is also likely to lead to confusion amongst stakeholders and the community.

To address the above, it would be helpful to have policy guidance in relation to 'up to date plans', to include recognition of the need for local planning authorities to be given sufficient time to address cross-boundary matters."

“South Cambridgeshire District Council entirely surrounds Cambridge and forms part of the Greater Cambridge City Deal growth area. It regularly appears in reports on the most prosperous and desirable locations to live and work in England. Development pressures in the area are intense both for employment and residential, with major cross boundary urban extensions to Cambridge being built and new towns and villages proposed in a district of 100 villages. Despite having an excellent track record of keeping its developments plans up to date over the last 15 years, and taking a positive attitude towards strategic development, the district does not currently have a 5 year housing land supply.”

- If we are to move to realise a plan-led system then the national policy and legislative framework needs revision to support such Councils finalising their plans (and there are many of them and we want to see more), not create conditions which lead to LPAs having to fight off ‘5-year supply’ appeals.

c. **Agreeing strategic requirements** *(including cross boundary requirements) – this could include the role of SHMAs, the appropriateness of evidence requirements and methods for calculating objectively assessed need, the potential for strategic plans, two stage plans, dispute resolution, the role of intervention, striking the relevant balance, etc.*

We observe that significant time is spent by Councils agreeing with other DtC bodies on what the strategic issues are and the approach to be followed in the preparation of each Local Plan, with much greater input now required into commenting on draft evidence base studies etc from other local authorities. There is a general nervousness about not meeting the DtC and therefore a tendency to perhaps over analyse the potential for strategic issues and to over prepare in individual local plans.

1. Enabling Strategic Plans

- Without holding up ‘interim’ local plans there should be a drive to see strategic plans across the SHMA (including Functional Economic Area) to deal with larger than local issues. This would enable the setting of strategic targets, embracing housing and employment, as a first stage of the Local Plan (Strategic Plan) – and for this to be examined prior to the final, site-specific allocations and DM policies stage.
- We understand that this option for a two-stage process is likely to require legislative change.
- Consider introducing (drawing on current best practice):
 - Joint planning boards created by LPA’s based on the new strategic planning areas – these then used to form an infrastructure implementation panel for sub regions of LEP’s and aid devolution (integration) in sub regions / Combined Authorities.
 - The strategic plan for each HMA or Mayoral area to be prepared and approved either by a Joint Committee covering the HMA or by the Mayor – linked to/ consistent with the joint planning boards. Each authority’s representation on the joint committee to be proportionate to its population and political makeup. The joint committee to have all necessary powers to prepare the plan and adopt it.
 - Review/ remove the duty to co-operate in the light of this reformed system. Any coordination over an area, wider than a HMA or Mayoral area, could be set out by Government in NPPG.
 - The Inspectors’ reports on strategic plans to be binding and its findings should not to be subject to the current test of soundness.
- There is no clear guidance on how to define HMAs – a standard methodology with an agreed baseline would be helpful and assist in cross-boundary DtC issues and would help reduce challenge from developers and other organisations at EIP.
- Further than a standard methodology for HMAs there should be consideration to defining HMA’s for strategic planning after a national review – taking on board economic factors and district boundaries – to put them beyond doubt. Thus Housing Market Areas (HMA) could be set out in NPPG for England, clarifying that these cannot be challenged.
- We recognise the proposed long-stop provision to ensure comprehensive Local Plan coverage. This perhaps should focus on progress at the strategic level. Consideration should be given to the Planning Inspectorate (in conjunction with the Planning Advisory Service?) setting up a planning team (well before 2017) which can foster good practice and support LPAs having difficulties and, in the event of unacceptable progress, can step in to directly ensure such Strategic Plans are drawn up and adopted. These teams should have appropriate mapping, research and consultation support.

2. Clarifying the strategic components of Plans

- The SHMA/HEDNA + land availability guidance is too woolly in places leaving too much open to interpretation – eg the issue of counting ‘C2’ in the supply, how to calculate affordable housing need, local adjustments to national projections – this results in inconsistencies.
- More fundamentally the methodology for SHMAs/HEDNAs and in particular the need to inflate the housing figures for market signals simply concentrates even more growth in the same parts of the country to levels in excess of what the evidence normally suggests is required. In terms of economic assessments these rely too much on economic forecasts that are massively variable and unreliable.
- The method for calculating OAN to be precisely set out in the NPPG, it should not be open to challenge at Local Plan hearing or at planning appeal inquiries.

3. The Government’s role

- We consider that the Expert Group should reflect on the role government plays, and should play, in providing a clear spatial and infrastructure context for local and strategic planning. Whilst the NPPF sets a general context it does not have spatial expression.
- In “Our Priorities for the Planning System publication September 2014” the DCN highlighted the need for "A new national approach to infrastructure delivery which strategically supports and funds housing and economic growth, addressing deficits." This remains an issue and is relevant to how efficient the local planning system can be.
- This absence of a national approach creates uncertainty and greater scope for debate (and hence delay) on matters which cross the boundaries of individual local authorities, SHMAs, counties and LEAs – and which raise issues of national or sub-national significance.
- This situation can place PINS’ inspectors in difficult positions interpreting national policy at the local level and the lack of clarity means that the very responsible job of Planning Inspectors is harder than it should be. In this context Inspectors need to be able to use their knowledge proactively to help deliver the best outcomes for an area, its communities (vocal and hidden) and for the country as a whole. This challenging role demands respect and support.

d. **Implementation** *(to look beyond technical issues to consider any other impediments to comprehensive local plan coverage – this could include financial or behavioural constraints or practical difficulties etc.; in addition this includes identifying best practice, lessons from joint working but also potential measures that could help to ensure timely local plan coverage).*

1. 5 Year Supply

- The points we make above about how the 5-year supply regime interacts with the local plan process – and the need for reform – provide the big picture. Here we consider some issues related to implementation.
- In the interest of stability and continued progress on increasing housing delivery and meeting housing needs it is important that ambiguity is removed and the position around validation of OAN figures clarified.

- Also, there has been confusion around the use of the ‘Liverpool’ or ‘Sedgefield’ approaches in how backlogs in housing supply are addressed – differing local plan strategies mean each approach has its place and this needs to be more clearly recognised.
- Such clarification and consistency would allow LPAs to shift their focus and resources on becoming more involved in activity that promotes and encourages housing supply, as opposed to adversarial squabbling over technical niceties. This was considered in the 2015 Elphicke House report and the DCN considers that more can be done to give local authorities more positive tools to enable intervention (when needed) to get agreed developments built out.
- The DCN asks the Expert Panel to consider:
 - The need for more clarity on the appropriate methodologies and their application for calculating both OAN and potential sources of housing supply. Ministerial statements about the subject have not had the desired effect, they need to be more focused. It should be possible to standardise the algorithm for five-year land supply.
 - The democratic deficit which is very apparent for local communities; even with a pressing need for new housing it should be seen as a fair process, with certainty of input and output.
 - The Technical Advice Note approach used in Wales.

2. Financing the process and infrastructure

- There are increasing financial constraints on authorities preparing plans, partly resulting from the increasing burden of evidence.
- There are also undoubtedly constraints amongst key stakeholders who do not have the resources to respond/ participate in a timely manner with the plan making process. It is important that they are resourced but also understand the criticality of being involved at the right time and in the right way and in a constructive and collaborative way. Fundamentally, the planning authorities do not have the necessary levers to influence / have power over key players, such as the LEPs.
- Consider devolving budgets to strategic planning areas/ H&EMAs.
- Ensure rail and road control periods and franchises and utility and health plans to extend long enough to be able to plan for and deal with growth from the HMA Strategic plans.

And finally;

- If the government is serious about the role growth plays in boosting the economy and addressing our communities’ needs then it needs to ensure local planning services are properly resourced – whilst delivering efficient and customer-focused services.
- The DCN believes that having well resourced planning services is in the interests of all concerned – the development industry, residents, businesses and the environment.
- At present there is considerable strain in the system. Some of the ideas in preceding sections would contribute to relieving the strain but there are other steps to consider:

- The ability of Councils to fully recover the costs of the development management service through the local setting of planning fees. How development management and plan-making operate is inter-linked.
- Incentives for strategic planning through linking funding (in conjunction with LEPs) for the infrastructure to support growth identified in local/ strategic plans – there should be guidance to clarify the relationship between the statutory Local (joint) Plans and the plans and priorities of LEPs.
- Introducing financial incentives to reward successful plan-making.
- Recognition that the funding streams which can support infrastructure provision (including New Homes Bonus, CIL and S106) are essential to Councils' ability to deliver the local infrastructure, realise the goal of sustainable development and command community support for growth.
- Penalising Councils by cutting new homes bonus, CIL, or planning obligations funding would have serious consequences for the delivery of necessary infrastructure. Deeming laggard authorities to not have a 5-year housing land supply, despite strenuous efforts to plan for their locality, has negative implications for public confidence in the planning system.
- The difficulties caused by the 5-item S106 pooling limit on contributions to a single piece of infrastructure (new road junction etc, new school etc). It's less of an issue for CIL areas, but as most of the country is not on CIL yet, it is causing real problems (especially where some contributing developments are years old, and the s106 is more specific in the precise piece of infrastructure sought - these would need the S106 to be amended through a deed of variation, which is not always quick or cheap.

e. Observations – *thoughts or relevant experience about how the system is working and the need for change;*

1. General comments

- The current plan making system is not working well. Government, developers, local planning authorities and the public are dissatisfied with it. Change is needed; plan making takes too long, and is too expensive and complicated.
- A key problem with removing the regional tier of plan-making and replacing it with bluntness of the DtC is that we now have a lawyers nose bag. PINS are also over stretched with the detail of examinations e.g. OAN for every for LPA is too much – and counter intuitive. Moving forward to new strategic areas based on relevant geographies is an essential building block for investor, democratic and service provider certainty.
- A general observation is that the message about growth is gradually getting over to the wider public due to national and local communication. However public opposition will always be stronger whilst the ability to deliver infrastructure is undermined by piecemeal development (5 land supply issue), difficulties in reaching agreement with key agencies/ bodies, national policy that does not support provision of infrastructure by developers strongly enough, and at the application stage, the ability of the applicant to plead viability often obscuring the real picture.

- Consider making capturing land use value (to help achieve sustainable development) a planning objective in the NPPF.
- When Government amends policy guidance ‘on a whim’ and doesn’t allow time for such policy guidance to bed in eg affordable housing, this makes plan preparation (let alone development management) very difficult.
- Such ad hoc and frequent national policy changes need to be avoided as they can cause delays in plan progress. For example an authority delayed a whole plan viability report until there was further clarity on the housing standards. Similarly an authority is delaying finalising its plan until there is further clarity on the relationship between starter homes and affordable housing as both the recent policy announcement and viability study will have an impact on what is included within the new Local Plan.
- Simpler Local Plans supported by a less onerous evidence base will help to speed up Local Plan production. The NPPF and NPPG, whilst condensing and making more accessible the guidance, did not simplify the plan preparation process; rather they added extra complexity and new evidence requirements, such matters as duty to cooperate and OAN. Whilst a proportionate evidence base is referred to, in practice planning inspectors demand a high level of complex evidence through the examination process. Tinkering with the system will not be sufficient to achieve a step change in plan making. The Panel needs to be mindful that some well meaning past changes to the system have usually slowed it down rather than speeding it up and have not delivered claimed benefits.
- A key issue on which policy clarity is needed at a government level is around Green Belt and the extent to which Green Belt Authorities should be assessing GB as part of meeting their OAN – as public and local

member perception is that GB trumps housing need – officers generally understand that currently it does not, but there are mixed messages on this. This is a particular issue for areas in the south-east where much of the rural area is green belt and while there is not a national ‘requirement’ to use Green Belt the options are pretty limited. This raises a strategic issue, in respect of the metropolitan GB, that the government needs to recognise.

2. Government intervention and PINS Capacity

- The changes envisaged for 2017 sound similar to those that were meant to work for 2007 – we question the government’s capacity to intervene and consider that better, pro-active solutions and incentives need to be identified.
- The Government’s “early 2017” deadline to “produce” local plans also needs clear explanation. More fundamentally Government needs to review how they intend to resource the examination process for the large number of plans that will be submitted to PINS at around the same time. It will be extremely frustrating for authorities to prepare their plans in accordance with the timetable only to find themselves in a long queue waiting for an inspector.

3. CLG 2014-15 Report “Operation of the National Planning Policy Framework”

- There is widespread recognition of the benefits that the NPPF has brought to the planning system but it isn’t without its flaws. CLG Committee’s Fourth Report of Session 2014-15 “Operation of the National Planning Policy Framework”, published in December 2014, made interesting reading. The committee found that, while it was still too early to undertake a full review of the NPPF, there was scope to amend the

existing framework to help solve emerging concerns. The report suggested reforms to the NPPF across four broad headings:

- Delivering sustainable development
- Local plans
- Land supply
- Town centres
- The section on Local Plans was less about the policies of the NPPF and more about the process of plan-making. But the two are inextricably linked and as the report makes clear: “for a plan-led system to work, plans need to be in place. The NPPF cannot be truly successful until every local authority has an adopted, up-to-date local plan”.
- The government’s response did not take up some recommendations: (<https://www.gov.uk/government/publications/operation-of-the-nationalplanning-policy-framework-government-response-to-the-clg-selectcommittee-inquiry>). We think the recommendations are worth revisiting and hope that the LPEG, as part of its deliberations, has the opportunity to do this, and the evidence underpinning them.

f. **Other** – what other measures should the Group consider that might assist it to make recommendations which would contribute towards making local plan making more efficient and effective?

- Our comments have been incorporated into the other headings