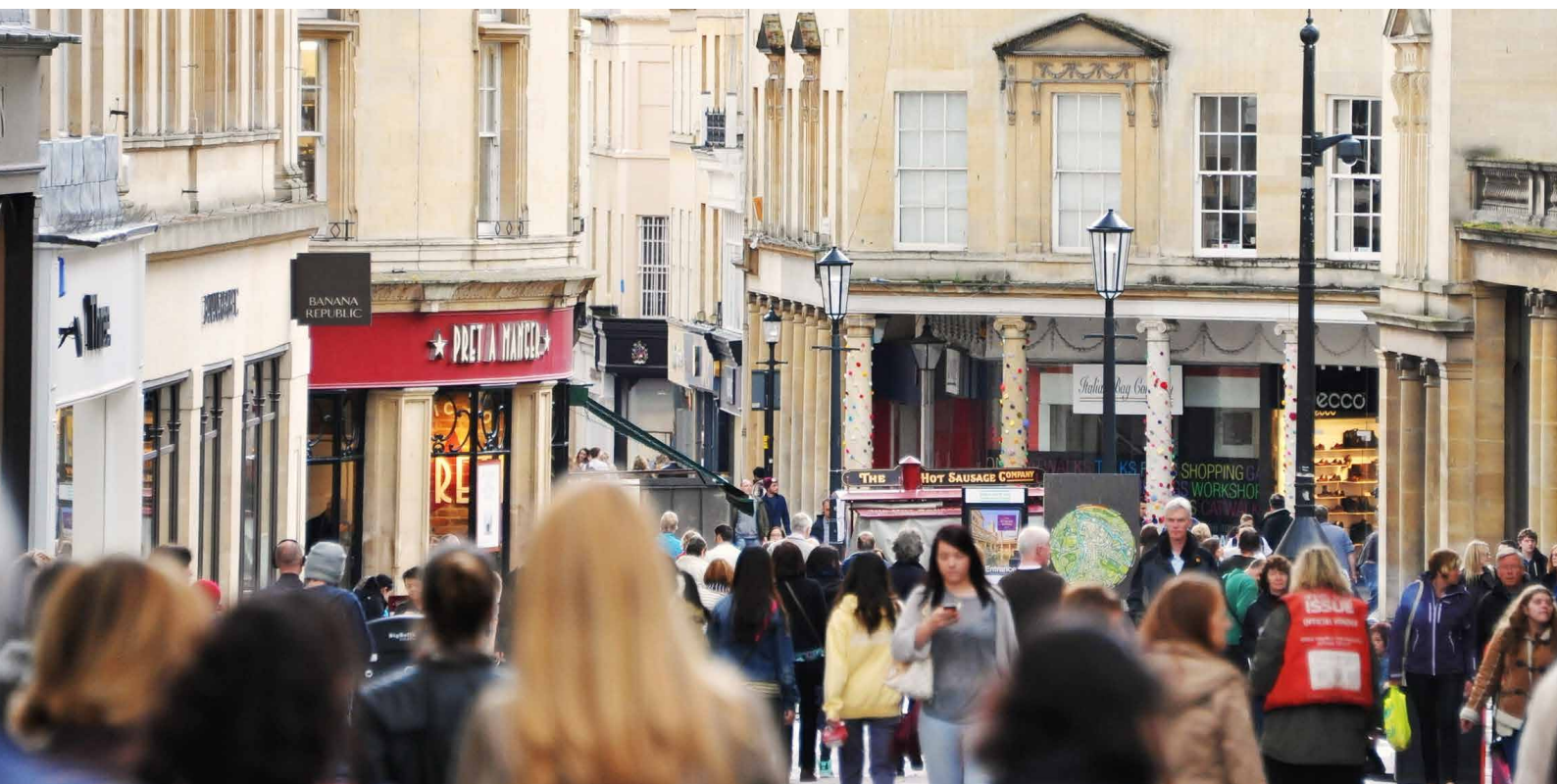


LOCAL PLANS

Detailed Recommendations

MARCH 2016



Local Plans Expert Group

DETAILED RECOMMENDATIONS

1. Whilst we have sought to focus our recommendations on measures that would work with the grain of existing policy and facilitate the implementation of local plans, we are aware that the implementation of any change can disrupt the plan making process and that particular thought needs to be given to issues of transition. Accordingly, we set out our principal recommendations below in a Transition Matrix, which considers the impact of each recommendation on plan making and suggests how it may best be implemented in order to speed rather than delay plan coverage. Appendix 10 contains some additional recommendations on the technical aspects of the local plan making process.
2. Our recommendations are set out in Appendix A of our report. More detail is provided on those recommendations in the table below, where the recommendations are put in to the context of supporting text set out in our Discussion Papers in order, hopefully, to make their intention completely clear.

	RECOMMENDATION	SOURCE	TRANSITION
1.	In July 2015, in a Ministerial Statement, the Government announced that it will publish league tables setting out local authorities' progress on their local plans and that, in cases where no Local Plan has been produced by early 2017 – 5 years after the publication of the NPPF – the Government will intervene to arrange for the Local Plan to be written in consultation with local people. Even if these provisions were only to apply to those authorities who have not produced a local plan since 2004, it appears likely that as many as 25 planning authorities may not achieve even that progress by early 2017.	Additional Ministerial Statement, for instance, in response to this report	The Statement should be made as soon as possible in order to give notice. The recommendation contains its own transition period

	RECOMMENDATION	SOURCE	TRANSITION
	<p>The Government's current proposals to stimulate the production of local plans by early 2017 should apply to all authorities who have not produced a post NPPF local plan. If that measure is regarded by Government as a change or addition to its stated position, the time period in the case of post NPPF local plans (as opposed to post 2004 local plans) could be extended to March 2018. Pre- NPPF local plans cannot be regarded as up to date and many contain housing and other policies which plan at levels of growth far below current requirements.</p> <p>If that measure is regarded by Government as a change or addition to its stated position, the time period in the case of post NPPF local plans could be extended to March 2018 by which time there should not be any reason why an authority has not produced an NPPF compliant local plan.</p>		
2.	<p>DCLG should commission an update of the 2010 study of HMA boundaries to reflect the latest statistical evidence (notably the 2011 census) and to provide an up to date basis to guide authorities in the determination of their HMA boundaries. That study should identify 'best fit' HMAs based on local authority boundaries;</p> <p>The NPPG guidance should be strengthened to reinforce the need to use HMA boundaries which meet the definition of housing market areas set out in the updated CURDS study in the next review of local plans where practical;</p> <p>In view of the potential for HMA boundaries to be 'gamed' it is all the</p>	NPPG	<p>As soon as practical, with the results available within 12 months</p> <p>The terms of the recommendation contain their own transition</p>

	RECOMMENDATION	SOURCE	TRANSITION
	more important that guidance reinforces the operation of the Duty to Co-operate (see recommendation 11) both within and between HMAs.		
3.	In the short term, however, the scale of change that rationalisation would involve goes beyond the remit of our Report and we are particularly conscious that any recommendations we make should not have the unintended effect of reversing the process of effective plan making by causing authorities to start again. Accordingly, we recommend that longer term consideration be given by Government to achieving coordination between economic and housing planning boundaries in order to facilitate more effective voluntary strategic planning for housing, economic growth and infrastructure. In the shorter term, guidance can encourage greater voluntary joint working (see later) and our further recommendations are focused on helping the existing system work effectively.		As soon as reasonably practical
4.	Our preference, therefore, is to recommend adoption of a simplified, standard common methodology within the NPPG for the preparation of concise SHMAs with a clear stipulation that this is the approach government expects to be followed.	NPPG – see Appendix 6	The NPPG guidance should be written now. The adoption of the new methodology should apply to all local plans which have not yet reached Regulation 18
5.	Our recommended approach to making market signals adjustments is to rely on a simplified dataset of house price and rental affordability to earnings based on a rolling three year average. These rely on Land Registry, VOA Rental Market Statistics and Annual Survey of Hours	DCLG Publication and Website	As soon as practical

	RECOMMENDATION	SOURCE	TRANSITION
	and Earnings (ASHE) data. Until 2013, DCLG published an index of housing affordability as part of its DCLG Live Tables, but this has not been updated. Whilst it is possible for those preparing SHMAs to source the individual data sets to assemble the two ratios required, we recommend that DCLG produce and maintain a Live Table that specifically deals with the two market signals identified (the ratio of lower quartile rental costs as a percent of lower quartile earnings; and median quartile house prices to median earnings). These signals provide a simple mechanism through which to assess affordability. In the absence of this Live Table, we have identified illustrative thresholds for the 0%, 10%, 20% and 25% bandings of uplift to the demographic starting point in our suggested revisions of the NPPG at Appendix 6 but these should be reviewed once DCLG has assembled its updated affordability measures.		
6.	We recommend that DCLG should give active consideration to inclusion of a relevant local-level sensitivity in the 2014-based projections to address necessary changes to formation rates, so that it can be utilised in local demographic calculations without necessitating specialist demographic modelling support.	DCLG Publication and Website	As soon as practical
7.	In Section 9 of this Report we recommend the development and publication of a specific list of local plan evidence requirements. Whilst our focus has been on reducing the scale of evidence required, it is clear from the	NPPG	Authorities should have the evidence ingredients for this assessment in any event but the formal requirement for an Environmental Capacity report to accompany a

	RECOMMENDATION	SOURCE	TRANSITION
	NPPF that a proportionate Assessment of Environmental Capacity should be an important part of plan making and we recommend that it should be defined as an essential element of the local plan evidence base. An indicative scope should be prepared as part of an amendment to the NPPG to make clear this requirement and to guide preparation of a proportionate approach to the assessment.		local plan should be introduced for all plans which have not yet passed a period 9 months prior to the timetabled publication of the pre-submission local plan (Regulation 19)
8.	It is Government policy set out, for instance, in the Productivity Plan and the recent Ministerial Statements that the country must meet its housing needs. Wherever practical, therefore, we anticipate that local authorities should be seeking to meet their objectively assessed needs in the most sustainable and environmentally acceptable way, rather than resisting those objectively assessed needs for growth. The experience of planning in the South East that we heard from respondents identifies that there are often not good reasons to anticipate that neighbouring districts are any more able to meet unmet needs than the host authority. If the nation's housing needs are to be addressed, therefore, we recommend that a robust approach needs to be taken to the implementation of paragraph 14 the NPPF and that guidance needs to be supplemented to reflect this approach and to make clear the expectation that it will be for authorities to demonstrate that the adverse effects of development significantly outweigh the presumption that sufficient land should be allocated to meet objectively assessed needs. This approach is consistent with case law. The greater	NPPG	As soon as practical

	RECOMMENDATION	SOURCE	TRANSITION
	the OAN, the more that will be required by way of inconsistency with other policies of the NPPF to constrain the level of provision.		
9.	The Planning Officer's Society (POS) published a paper " <i>We Need to Talk about the Green Belt</i> " in August 2015, which reminded authorities of the fact that Green Belt designation is a planning mechanism rather than an environmental designation and provides helpful suggestions about the methodology for Green Belt reviews. ATLAS also produce helpful advice to local authorities about the way in which release of sites should be managed. We recommend that advice about how to conduct Green Belt reviews should be more readily available to local authorities.	NPPG	As soon as practical
10.	Government should consider the extent to which it is necessary to create the circumstances to enable the establishment of growth points to complement the capacity of local plans to meet national needs. Options include: I. a refreshed New Towns Programme; II. increased powers for the private sector to promote large scale new housing using the Infrastructure planning powers of the Planning Act 2008; III. facilitating the preparation of locally produced spatial plans based on transport corridors; and	Government Review	As soon as practical

	RECOMMENDATION	SOURCE	TRANSITION
	IV. incentivising bids for growth, for instance, through the devolution regime.		
11.	<p>In the NPPF we recommend changes to this aspect of the test of soundness in paragraph 182 in order to give the application of the duty more authority and “bite”. This is the paragraph that sets the tests Inspectors use to examine Local Plans. In order to make sure that local authorities are in no doubt how that test will be applied, we recommend that wording should be added to the soundness tests at the end of paragraph 182 of the NPPF to the following effect:</p> <ol style="list-style-type: none"> 1. the product of joint working between authorities is expected to be agreement on the distribution of full OAN unless there is clear and convincing agreed evidence that the adverse effects of meeting the need in full would significantly outweigh the presumption that the need should be met; 2. plan making authorities who do not plan to meet their own OAN are expected to identify in their submitted plans how those needs are likely to be met and to proactively work towards achieving the meeting of those needs – this should involve, for instance: <ul style="list-style-type: none"> - testing the assertions of adjacent authorities who claim an inability to meet those unmet needs and challenging that assertion if capacity is 	NPPF	These new provisions should apply to any plan submitted post March 2017 but the change needs to be made now in order that notice is given

	RECOMMENDATION	SOURCE	TRANSITION
	<p>considered to be available to meet needs;</p> <ul style="list-style-type: none"> - formally requesting that adjacent authorities meet those needs; - making representations to adjacent authorities' plans to meet those needs in the event that agreement has not been reached; <p>3. where unmet needs are identified as a result of this process, planning authorities requested to meet needs from adjacent authorities whether within the same HMA (or not) will be expected to treat that unmet need as part of their own OAN and to apply the same NPPF tests as they do to their own OAN in assessing their ability to meet those needs within their local plan.</p> <p>Where authorities fail to observe these principles, the adoption of their own plan will clearly be at risk. Where they fail to make representations to a neighbouring plan about their unmet needs, Guidance should be amended to make clear that Local Plan Inspectors should nevertheless assume that such representations have been made – the absence of representations is not to be taken as evidence of a lack of unmet need where the evidence clearly identifies that such unmet need exists.</p> <p>In addition the Guidance should be strengthened to reflect this clarification in the NPPF and to make clear:</p>		

	RECOMMENDATION	SOURCE	TRANSITION
	<p>a) the importance of joint working between authorities to meet and deliver housing needs, where this is consistent with the policies of the NPPF; and</p> <p>b) Whilst governance models are a matter for the authorities, engagement and joint working is expected at both officer and member level.</p>		
12.	<p>We recommend that the Government makes clear that, 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.</p>	<p>Ministerial Statement – for instance, in response to this report.</p> <p>Legislation.</p>	<p>This statement needs to be made as soon as practical in order to give notice and new legislation enacted accordingly.</p>
13.	<p>We recommend that Government attaches precise conditions to any successful devolution bids requiring a commitment to positively plan to meet objectively assessed housing needs and we further recommend that Government should secure a commitment to joint planning across the bid area to that effect as a condition of approval. Without such a commitment there is real danger that the best opportunity for strategic planning will have been missed and that alternative proposals will become necessary which involve much greater levels of Government intervention, contrary to the spirit of the devolution agenda.</p>	<p>Government response to devolution bids</p>	<p>This approach should be adopted with immediate effect</p>

	RECOMMENDATION	SOURCE	TRANSITION
14.	<p>We further recommend that, where practical, the opportunity should be taken for devolved bids to secure a rationalisation of housing and economic planning boundaries.</p> <p>Devolved powers will be less effective if they do not align with HMA and LEP boundaries (and vice versa).</p>	Government review	As soon as practical
15.	<p>We are aware that emerging devolution agreements do not go as far as establishing the ability for the combined authority to impose a spatial plan on a constituent authority, in the manner which for instance the Mayor of London can adopt a plan (after proper examination) which settles strategic policy for individual districts. We regard this as a potential weakness of the devolution agenda. If needs are to be met, the scale of those needs and their distribution needs to be agreed and settled – a strategic plan should be able to do that. If, however, such powers cannot be devolved, we consider that an alternative safeguard should be put in place. In particular, we recommend that a power should be provided to the combined authority that they are able to certify that individual constituent authorities have, in their opinion, satisfied the Duty to Cooperate. Individual local plans within the devolved area would not be allowed to proceed to examination in the absence of such a certificate. This would have the advantages of reducing the genuine prospect that such plans would fail at examination and encouraging a more realistic engagement in the joint business of agreeing housing needs.</p>	Government review	As soon as practical
16.	<p>We do recommend, however, that government should review the role of financial incentives to stimulate</p>	Government review	As soon as practical

	RECOMMENDATION	SOURCE	TRANSITION
	efficient and effective plan making. As part of this, authorities bidding to Government or through LEPs for infrastructure related funding should expect to receive less priority if they do not have in place an up to date local plan which identifies the need for that infrastructure.		
17.	We concur with the views publically expressed by the Planning Minister and others that planning should be at the heart of every local authority. In times of budgetary constraint, however, choices have to be made and there will be a natural inclination for authorities to focus on those duties which they must perform with a risk that local plan making will be relegated. Even when planning has some priority we agree with several respondents who suggested that plan making will often receive less priority than the more immediate day to day task of determining planning applications. Accordingly, we recommend a change to legislation placing a statutory duty on local authorities to produce a local plan and to maintain an up to date local plan. That obligation would elevate the status of plan making and will also provide a mechanism for action to be taken against failing authorities.	Legislative change	At the first legislative opportunity
18.	We are aware that the Government has advised its intention to intervene and to arrange for local plans to be written in consultation with the local community where an authority has not produced a local plan by early 2017 and where it would speed plan preparation. We can see the value of that proposition as a fall back. However, there would be advantage in identifying now additional consequences of a failure to produce a		

	RECOMMENDATION	SOURCE	TRANSITION
	<p>local plan by early 2017 in order to further stimulate authorities to want to avoid those consequences. In particular, we are aware that some authorities feel little incentive to prepare a local plan because either they wish to avoid the consequences of the growth expectations of the NPPF, or they wish to continue to attach weight to their own pre-NPPF policies. Accordingly we recommend:</p> <ul style="list-style-type: none"> • if a planning authority with no local plan has not submitted for examination a local plan by the end of March 2017, it should be made clear as a matter of Government policy (through an amendment to the NPPF) that its existing relevant development plan policies for the supply of housing will be considered to be out of date and that development proposals for housing should be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In other words, the presumption in favour of sustainable development set out in the NPPF would fully apply, informed by local designations but unconstrained by local policies; • the same provisions should apply to any authority who has not submitted for examination a post NPPF local plan by March 2018; • the same consequence should arise where a local authority fails to undertake an early review of its local plan in circumstances where a Planning Inspector has 	<p>NPPF</p> <p>NPPF</p>	<p>As soon as practical in order to give notice</p> <p>As soon as practical in order to give notice</p>

	RECOMMENDATION	SOURCE	TRANSITION
	<p>recommended such a review. If, for example, the Planning Inspector considered that the review should be complete within five years but no review has been submitted for examination within that timescale, the existing policies should be considered to be out of date after 5 years (in other words, the plan would be strictly time limited);</p> <ul style="list-style-type: none"> the Government should abandon the principle of “saved policies” i.e. the practice by which planning policies are allowed to continue to carry weight beyond the expiry period of the local plan period; and authorities without a submitted Local Plan by the end of March 2017 should be considered for “special measures” in exactly the same way as authorities who are currently slow to determine planning applications. 	<p>NPPF</p> <p>Government Statement such as a response to this report</p> <p>NPPG</p>	<p>As soon as practical in order to give notice</p> <p>As soon as practical</p>
19.	<p>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:-</p>		

	RECOMMENDATION	SOURCE	TRANSITION
	<p>i. the NPPF is reviewed only every 5 years;</p> <p>ii. the NPPG is only changed periodically (for instance, every six months); and</p> <p>iii. that proposed changes to the NPPG are subject to scrutiny by a technical working group drawn, for instance, from the Government's Planning Soundings Board before the changes are made so that their potential effect is fully considered.</p>	<p>NPPF</p> <p>NPPG</p> <p>NPPG</p>	<p>Publicity for these measures should be given as soon as practical</p>
20.	<p>The principal amendment that is required is to enable the authority to change the plan in response to public consultation. We recommend that the Local Plans Regulations are amended to allow local planning authorities to make modifications to the draft of the local plan following consultation and prior to submission.</p>	<p>Regulations</p>	<p>As soon as practical given the beneficial consequences</p>
21.	<p>Given that the consultation under regulation 19 would be full, fair and effective, the opportunity arises to use an earlier stage of consultation (under regulation 18) more imaginatively. In particular, we were impressed by the representations we received that many communities feel excluded from plan making – an exercise which they regard as overly technical, dominated by housing issues and often undertaken without a clear community based vision for the future of an area. We address these issues further in section 12 of our Report but we recommend that the first stage of consultation on a local plan must take place early enough to allow community engagement on a vision and high level options for the</p>	<p>Regulations</p>	<p>The regulations should be made as soon as practical, which will give notice. They should be applied to all local plans that have not yet reached regulation 18 stage</p>

	RECOMMENDATION	SOURCE	TRANSITION
	local plan area. Visioning exercises are the subject of developing best practice but local plan making could learn lessons from the way in which recent neighbourhood planning exercises have been successful in capturing community interest.		
22.	The NPPG should be amended to guide local authorities in how they may engage communities effectively at the commencement of the local plan making process. The NPPG should also provide that further rounds of discretionary consultation should not be carried out except in exceptional circumstances and that where any such exceptional additional consultation is proposed it does not impact on the overall programme for plan preparation.	NPPG	As above
23.	Given the importance of timely plan preparation, we recommend that the Government revises the Local Plans Regulations to specify a strict maximum timetable for the preparation of all local plans, following the timetable set out at paragraph 9.14 of our report.	Regulations	The new regulations and their effects should be introduced as soon as practical and applied to all plans that have not yet reached regulation 18 by the time the regulations come into force
24.	We were surprised to find that there was no clear list or guidance on the extent of evidence that it is necessary to produce for a local plan. Our Appendix 10 includes its own appendix which lists the nature of evidence which we consider necessary for plan preparation. We recommend that the NPPG is amended to provide a list of documents which may be required in	NPPG	This should be introduced as soon as practical to assist in plan preparation

	RECOMMENDATION	SOURCE	TRANSITION
	the preparation of a local plan; that list should be based on our Appendix 10A.		
25.	<p>Accordingly, we recommend an amendment to the NPPG to tighten the definition of the documentation which is expected to comprise the evidence base for the local plan. We recommend the following revised definition of the requirement for evidence to support a local plan:-</p> <p>“Only such supporting documents as the local planning authority considers strictly necessary to show whether the plan is legally compliant, sound and in compliance with the duty to cooperate.”</p> <p>We further recommend that advice of the NPPG is tightened in order to ensure consistency with this revised definition. We make further recommendations below that an authority can seek confirmation of the sufficiency of its evidence base prior to submission.</p>	NPPG	As soon as practical and then applied with immediate effect
26.	<p>Our Appendix 10 reviews the legal requirements of Strategic Environmental Assessment and SA. In relation to SEA we make two particular recommendations:-</p> <p>i. we recommend that local planning authorities are alert to consider whether SEA is required at all. The NPPG should be amended to refer to the potential for screening out SEA for particular types of local plans and local planning issues; and</p> <p>ii. we recommend that the NPPG be revised to include guidance that SEA environmental reports should concentrate on the</p>	<p>NPPG</p> <p>NPPG</p>	<p>As soon as practical</p> <p>NPPG</p>

	RECOMMENDATION	SOURCE	TRANSITION
	particular issues which arise from the proposals of the local plan and their reasonable alternatives and be no longer than is necessary.		
27.	In relation to Sustainability Appraisal, even greater efficiency can be achieved without undermining the legitimate purpose of the process – particularly because their SEA already is required to consider reasonable alternatives. The review in Appendix 10 suggests that Sustainability Appraisal can be substantially reduced to move away from the iterative box taking exercise which tends to be undertaken. Consistent with that assessment we recommend that the NPPG is revised to delete the advice that Sustainability Appraisal is an iterative process or that it needs to consider reasonable alternatives. The Guidance should advise that Sustainability Appraisal is concerned with explaining how the plan represents sustainable development by providing an audit of the local plan against the terms of the NPPF and whether it falls short in any respect. A report to that effect supporting the local plan would be sufficient to meet the legislative and practical requirement.	NPPG	The NPPG should be amended as soon as practical and the revised approach to Sustainability Appraisal could then take place with immediate effect
28.	We recommend revision to the NPPG to set out strong guidance to local authorities that they should commission two early assessments of the soundness of their local plans. The first should be undertaken at the formative stage of plan making, whilst the second should take place once a full internal draft of the local plan has been prepared prior to its publication.	NPPG	This should be introduced as soon as practical, although it contains its own transition

	RECOMMENDATION	SOURCE	TRANSITION
	DCLG should undertake a review with PINS, PAS, DCN and POS to put in place a system which ensures that sufficient resources are available from certified providers to undertake this service.		
29.	<p>Whilst we did hear some concerns that the examination process was the cause of delay in plan making, we are also aware that a principal cause of such delay relates to a limitation of PINS' resources, with many Inspectors now assigned to three or more local plans.</p> <p>We recommend that Government undertakes a review of PINS resources in the light of the full scale of recommendations set out in this Report.</p>	Government Review	As soon as practical but in time to ensure that adequate resources are in place to deal with any peak in work load restricting plans to be submitted by the March 2017 deadline.
30.	<p>Our Appendix 10 also reviews the examination process, whilst our Appendix 11 reviews more generally the role of the Planning Inspectorate. That review confirms that we have a very high regard for the Planning Inspectorate and the role which it plays in enforcing and applying national planning policy. We recommend elsewhere that the resources available to the Planning Inspectorate should be reviewed in the light of all of our recommendations but we also</p> <p>recommend that it would help to promote consistency and provide a degree of reassurance if the Inspectorate were required to produce an Annual Report outlining any consistency issues that have arisen during the year and to explain how these have been dealt with.</p>	PINS	As soon as possible
31.	Some concerns were expressed to us, however, in relation to the "Justified" element of the test, where the explanatory text in paragraph 182 explains that this means "the plans		

	RECOMMENDATION	SOURCE	TRANSITION
	<p>should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence". Some observers may regard this as requiring the preparation of the perfect plan and use this test to make that case at examinations. In practice that is not our experience of the way in which the test is applied by Planning Inspectors. Our recommendations in relation to SEA and SA will also help to ensure that the focus is on a reasonable and proportionate consideration of alternatives, starting from the principle that the plan is assumed to be sound on its submission and that the local plan is in principle the plan which the local authority wishes to adopt for its community. However, we do think it would be sensible to amend the test to reflect the practice of Inspectors and the expectations of government. Where an authority has met all other tests required, including addressing its housing requirements over the plan period it should be for the authority in consultation with its community to determine the most appropriate strategy. Accordingly, we recommend an amendment to the tests of soundness so that a plan is considered sound if it represents "an appropriate strategy", when considered against reasonable alternatives, based on proportionate evidence.</p> <p>This change would reinforce the fact that local plans are intended to reflect <i>"the vision and aspiration of local communities"</i> (NPPF paragraph 150). We have considered as a result whether it is necessary for local plans to be examined at all, if they meet certain</p>		

	RECOMMENDATION	SOURCE	TRANSITION
	<p>fundamental requirements (such as planning for their full FOAHN including unmet needs from others etc.). On balance, we consider that there remains benefit in examining local plans because of the importance of ensuring that they do plan positively and robustly to allow needs to be met and delivered. Even the best plans are improved through examination and the knowledge that there will be an examination itself is helpful in ensuring a high quality approach. However, the revised soundness test will reduce the need for debate, as will many of our recommendations in relation to matters such as SHMAs and Sustainability Appraisal, which have commonly formed the principal basis for that debate. Accordingly we do recommend changes to the NPPG and to PINS's own procedural guidance to allow Inspector's predominantly to conduct examinations through written representations and to limit hearing sessions to those which the Inspector considers necessary to conclude whether the plan is sound and meets its legal requirements. This should allow an authority with a well prepared plan to save significant time and cost¹.</p>		
32.	<p>We do believe, however, that plan making is best undertaken when it is jointly undertaken with close cooperation between all those with a contribution to make. We heard directly for instance, of the benefits of joint working applied to the Swindon Local Plan, where the authority secured</p>	<p>Government Review, together with changes to the NPPG</p>	<p>This should be introduced within 6 months of acceptance of this recommendation</p>

¹ This is likely to require legislative change to amend Section 20 (6) of the Planning and Compulsory Purchase Act 2004.

	RECOMMENDATION	SOURCE	TRANSITION
	<p>commitments for direct joint working on matters of common interest. We also heard, however, that the practice of joint working varies very much between regional offices of different statutory consultees. Accordingly, we recommend that DCLG secures a concordat at a national level with the principal statutory consultees, including the County Councils Network, which sets out their commitment to the local plan process, the recognition of the need for early plan preparation and puts in place high level arrangements for joint working on plan preparation. With the benefit of such a national concordat, planning authorities would find it easier to engage with local offices of statutory consultees in order to establish a similar quality of local working arrangements.</p> <p>We also recommend changes to the NPPG to make clear that a local authority will not be considered to be in breach of the duty to cooperate where it has consulted with statutory authorities but not received a timely response.</p>		
33.	<p>We recommend a change to paragraph 153 of the NPPF and section 10 of the NPPG to make clear the legitimacy of a staged approach to local plan production, starting with a strategic Local Plan document.</p>	NPPF	As soon as practical
34.	<p>Against this background, Appendix 12 considers the current policy guidance contained in the NPPF and NPPG for the preparation of Local Plans. In the case of each requirement, we have sought to assess the primary purpose of each element of the guidance, whether it is addressing strategic requirements, more local issues or is concerned with</p>	NPPG	The NPPG should be revised as soon as practical and these provisions should apply to any plans which have not yet reached Regulation 18 stage

	RECOMMENDATION	SOURCE	TRANSITION
	procedural and evidence base requirements. Accordingly, following the categorisation in Appendix 12 of the purpose of each element of the guidance within the NPPF and PPG, we recommend that the revisions to the NPPG make clear this division of responsibilities between local plans, Neighbourhood Plans, and supplementary planning documents (which cannot carry the weight of a development plan document but which could be a useful vehicle for local standards etc. as long as the limited weight attached to SPD is understood). As we have set out in the Appendix 12, Local Plans also have a role in setting the scope for and role of Neighbourhood Plans.		
35.	We also believe that many Development Management policies can be drafted in a much shorter and clearer fashion than is presently the case. For example, The City of London Corporation commented to us that “it would be helpful to suggest standard phraseology for local plan policies to help minimise the amount of time taken up dealing with objections to minor issues during the plan preparation process. Local authorities should be free to adapt such suggestions where justified by local circumstances”. Taylor Wimpey stated in their submission that “We strongly recommend the introduction of templates for Local Planning Authorities to follow – this will assist in concentrating efforts to those areas needing local interpretation and ensure that all Plans have a similar content and structure but tailored to each individual area”. We agree that guidance on policy formulation would be helpful, although we doubt that	NPPG	The NPPG should be amended as soon as practical and applied to all local plans where there is more than 6 months before the proposed date for Regulation 19 publication

	RECOMMENDATION	SOURCE	TRANSITION
	<p>template policies should be automatically replicated across local plans, which will always need the freedom to respond to local circumstances.</p> <p>We recommend that new guidance is prepared and published in the NPPG or independently on best practice in policy formulation. This would include best practice in drafting reasoned justifications for policies (which are required by the Local Plan Regulations but which can sometimes be excessively worded). The best practice should include advice on the drafting of concise policies, and mechanisms for dealing with local policy guidance and detailed requirements such as local standards and development management criteria.</p>	NPPG or independently	As soon as practical
36.	<p>We welcome the practicality of the current NPPG guidance focusing the plan on infrastructure delivery on the first five years, and we recognise that a good deal of pragmatism is required for later years, given the uncertainty over infrastructure funding from sources outside the authority. As such we recommend that the NPPG is strengthened to indicate that strategic allocations may still be included in later phases of the plan period where there is uncertainty over funding, but where they are supported in principle by relevant key agencies/authorities.</p>	NPPG	As soon as practical
37.	<p>In circumstances where there may be funding gap, however, it is essential that CIL receipts are prioritised towards the infrastructure which is most critical to the delivery of the local plan. We recommend that (where practical and without causing delay to plan preparation) the local plan and CIL</p>	NPPG and the Government response to the CIL review	This is intended as best practice, rather than regulatory and should, therefore, be introduced as soon as practical

	RECOMMENDATION	SOURCE	TRANSITION
	Charging Schedule are reviewed together, as part of the same thought process and for them to be focused on delivering the same objectives. Where there is a CIL already in place it is important that the authority keep under review its CIL Regulation 123 list to ensure that the spending priorities are aligned with the key infrastructure requirements identified in the plan, and that there is a close correlation with the local plan's Infrastructure Delivery Schedule. This may mean, for instance, exempting strategic sites from general CIL charges and developing bespoke CIL and Section 106 strategies to assist their delivery.		
38.	We recommend that the NPPG is amended to set out more clearly the Monitoring and Delivery requirements of a Plan's policies and proposals, with the necessary linkages to Authority Monitoring Reports.	NPPG	As soon as practical
39.	We recommend that the NPPG be amended to make clear the requirements of a local plan in accordance with our content model and our Appendix 12.	NPPG	As plans can exceed these minimum requirements, this can be introduced as soon as practical
40.	Accordingly, we recommend that the NPPF makes clear that local plans should be required not only to demonstrate a five year land supply but also focus on ensuring a more effective supply of developable land for the medium to long term, plus provide a mechanism for the release of Reserve Sites – land that can be brought forward to respond to changes in circumstances. Implementation of this recommendation should be accompanied by the requirement for maintaining a five year land supply being given a more effective platform	NPPF	The NPPF should be changed as soon as practical and the new provision applied to all plans that have not yet reached Regulation 18

	RECOMMENDATION	SOURCE	TRANSITION
	for consideration and scrutiny through Authority Monitoring Reports.		
41.	<p>We recommend a change to the NPPF paragraph 47 so that it reads as follows: To boost significantly the supply of housing:</p> <ul style="list-style-type: none"> • Local Plans should identify a housing requirement with sufficient deliverable or developable sites or broad locations to meet full objectively assessed housing need (FOAHN) over the full plan period for their local area, including any unmet need from within or beyond the Housing Market Area, plus an additional allowance for flexibility appropriate to local circumstances, as far as is consistent with the policies set out in this Framework. • Local Plans should make a further allowance; equivalent to 20% of their housing requirement, in developable reserve sites as far as is consistent with the policies set out in this Framework, for a minimum fifteen year period from the date of plan adoption, including the first five years (this recommendation does not apply where it has been demonstrated that a local authority does not have sufficient environmental capacity to exceed its local plan requirement). The purpose of reserve sites is to provide extra flexibility to respond to rapid change (for example, to address unmet needs) and/or to help address any actions required as a 	NPPF	The NPPF should be changed as soon as practical and the new provision applied to all plans that have not yet reached Regulation 18

	RECOMMENDATION	SOURCE	TRANSITION
	<p>result of the Government's proposed housing delivery test.</p> <ul style="list-style-type: none"> Local Plans should contain a policy mechanism for the release of reserve sites in the event that monitoring concludes that there is less than 5 years housing land supply; Local Plans should be supported by a Housing Implementation Strategy ("the HIS") that illustrates the expected rate of housing delivery through a housing trajectory for the whole of the plan period (at least fifteen years) and also sets out the mechanisms by which the local authority will manage delivery of a five-year supply of housing land to meet its housing requirement. Local authorities should identify within Authority Monitoring Reports (AMRs) a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period or the Reserve Sites allowance, where applicable) to provide a realistic prospect of achieving the planned supply and to ensure 	<p>NPPF</p> <p>NPPG</p>	<p>These enhanced expectations should be implemented as soon as practical</p>

	RECOMMENDATION	SOURCE	TRANSITION
	<p>choice and competition in the market for land;</p> <p>The NPPG would need amendments to reflect this position.</p>		
42.	<p>i. As now, local authorities should produce an Authority Monitoring Report (AMR) which draws on the Housing Implementation Strategy and which identifies the five year housing land supply position based on an assessed trajectory ('the Five Year Housing Land Supply Statement') for housing delivery, based on the housing requirement, and a standard form of years supply calculation (see further below);</p> <p>ii. Where a local authority does not have a five year housing land supply, it should address the shortfall based on bringing forward sites from later years in its trajectory or from its Reserve Sites allowance (where there is an adopted Local Plan) or from sites identified as deliverable within its SHLAA, and show the effect of doing so within its trajectory. Where a local plan does not identify sufficient (or any) Reserve Sites, that authority will be obliged to live with the outcome from the conclusion of the Statement that it does not have a five year supply and the terms of paragraph 49 of the NPPF will apply unless and until a five year supply can be demonstrated through the following year's assessment.</p> <p>iii. In preparing its Five Year Housing Land Supply Statement, local authorities will be expected to establish close working</p>	NPPF and NPPG	<p>As soon as practical</p> <p>This should be applied now where local plans do contain reserve sites but otherwise would apply with immediate effect once local plans are adopted in accordance with our recommendations</p> <p>This practice should be adopted as soon as practical</p>

	RECOMMENDATION	SOURCE	TRANSITION
	<p>relationships (for instance through a Working Group) with landowners, developers and others who hold information relevant to the availability and viability of housing sites in their area.</p> <p>Local authorities will be responsible for preparing their trajectory drawing on information gathered from known landowners/site promoters, and this should then be used to set out the Five Year Housing Land Supply Statement, which should be submitted to PINS (or a suitable alternative independent body) for it to be formally tested by an Examiner (who may be an PINS Inspector or relevant qualified professional). It is important that the views of relevant organisations are addressed as part of this process, so this could involve one or both of the following:</p> <ul style="list-style-type: none"> • The Five Year Housing Land Supply Statement is prepared by the local authority in collaboration with a Working Group drawn from relevant organisations, including representatives of the development industry, with a statement of common ground setting areas of agreement or disagreement on the trajectory being submitted to the Examiner for consideration²; and • The trajectory is published for a consultation period of four weeks, inviting representations to be 		<p>Introduction requires a review of PINS and other resources, which should be undertaken as soon as practical. These measures should then be introduced within 3 months of the conclusions of that review</p>

² This is the approach adopted in Wales under TAN01

	RECOMMENDATION	SOURCE	TRANSITION
	<p>made that are then considered by the Examiner. The Examiner will normally rely on written representations but may at their discretion schedule an examination hearing session to consider specific matters.</p> <p>iv. Based on the trajectory within the submitted Five Year Housing Land Supply Statement, the statement of common ground and/or any representations received, the Examiner will adjudicate on the matters of dispute and arrive at a 'concluded' trajectory and five year land supply position, including specifying the number of years supply as at the preceding 1st April. This 'concluded' figure that should be reported within the local authority's AMR. If no representations are received and there is a statement of common ground agreeing all aspects of the trajectory, the Examiner need simply validate the Five Year Housing Land Supply Statement and 'conclude' it.</p> <p>v. Where a Local Plan (with its Housing Implementation Strategy and five year land supply trajectory) has been examined and found sound in the period up to December based on a land supply position as at 1st April of that year, this is assumed to be the 'concluded' five year land supply position for that year and there is no need for a separate Five Year Housing Land Supply Statement to be submitted for examination;</p> <p>The concluded trajectory and five year land supply position following</p>		

	RECOMMENDATION	SOURCE	TRANSITION
	<p>examination should be considered as the 'concluded' five year land supply position for the purpose of decision taking for a twelve month period from its publication by the Planning Inspectorate, including at s.78 appeals. Over the twelve month period this will remain the case even if circumstances are considered to have changed, for example due to new planning permissions being granted or sites becoming unavailable. Such changes would need to be reflected in the subsequent year's Statement. Where the Council does not produce a trajectory for determination by the Examiner, the 'default' position is that there is no five year land supply. The attachment of substantial weight to either default or 'concluded' position should be reflected in the NPPG, consistently with paragraph 49 of the NPPF.</p>		
43.	<p>Underpinning this process, we recommend that the NPPG is updated to provide a codified template for five year land supply calculations in accordance with our Appendix 13. We recommend tightening parameters within the NPPG for calculating the five year housing supply with these to be confirmed through a technical sub-group looking at the following aspects:</p> <ul style="list-style-type: none"> • A prescribed approach to defining the housing requirement for five year land supply purposes with and without an up-to-date Local Plan, to include the expectation that the housing requirement figure in an adopted Local Plan is considered to be regarded as up- 	NPPG	This recommendation should be introduced as soon as practical

	RECOMMENDATION	SOURCE	TRANSITION
	<p>to-date for five year land supply purposes for a period of at least three years commencing at the date at which an Inspector concluded on the OAN figure in examining the Local Plan.</p> <ul style="list-style-type: none"> • A base date against which to measure undersupply; • A more prescriptive definition for persistent under delivery or the application of a blanket buffer to all LPAs; • Clarifying that the application of the buffer is to the requirement plus backlog; • The implementation of a more case-specific application of Liverpool or Sedgfield for the delivery of backlog; • The introduction of a lapse rate into the calculation; and • Explicit exclusion of specialist types of accommodation as components of supply. 		
44.	<p>We recommend that local planning authorities consider ways in which the accessibility, of local plans can be improved by for example:</p> <ul style="list-style-type: none"> • reducing length where possible • the use of an executive summary • careful formatting, for example by including a summary of the key facts and the policy approach at the beginning of plan documents • more utilisation of graphic presentation to explain the spatial 	NPPG	These recommendations should be publicised and introduced as soon as practical

	RECOMMENDATION	SOURCE	TRANSITION
	<p>approach and, particularly, in areas where change is envisaged, what change might look like – “propositional planning”.</p> <ul style="list-style-type: none"> • more focus on the link between policy and masterplanning in areas where significant change is envisaged to provide guidance on what change might look like and how well designed places can be created • reviewing how readily relevant plan documents are accessible on the web • improving the interactivity of proposals maps and plan document, as well as the links between them • exploring opportunities for improving on-line consultation <p>We further recommend that the Government commission work to review opportunities to draw attention to and spread good practice in the way local plans are structured and presented. We note the opportunity to link this to work the Government is already doing on best use of technology and modern media.</p>		
45.	<p>We agree with the representations we have received that the NPPG could and should place more weight on the output from the AWP. Arguably, there would be little point in funding and establishing such a system of joint working if its output is simply to be “taken into account”. Accordingly, we recommend a revision to the NPPG to the effect that the output from the Aggregates Working Parties should be given particular weight in planning</p>	NPPF	<p>This should be applied as soon as practical, i.e. there is no need for transition</p>

	RECOMMENDATION	SOURCE	TRANSITION
	decisions and in the preparation of minerals plans.		
46.	Whilst we are not aware of a clear statement from Government, the minerals and waste industry appears to believe that the deadlines set by the Planning Minister for the preparation of local plans (March 2017) does not apply to Minerals and Waste Local Plans. We cannot see any reasons why the same expectation should not apply to these plans, however, and we recommend that the Government clarifies that it has comparable expectations for the completion of Minerals and Waste local plans.	Ministerial Statement, such as the response to this Report	This statement should be made as soon as practical in order to give notice
47.	The majority of our recommendations would require further detailed work before they could be properly implemented. We would see advantage, therefore, in the establishment of a Technical Working Group being formed from representative sectors of the planning industry to assist with the implementation of detailed recommendations.	Government review	There would be advantage in setting this group up with immediate effect