

Royal Town Planning Institute: Response to Local Plans Expert Panel October 2015

Introduction

The Royal Town Planning Institute has 23000 members in planning practice around the world. In June 2015 we agreed a [Joint Statement](#) with the County Councils Network, the District Councils Network (DCN) and the Planning Officers Society (POS) regarding the plan making system in England. The statement was sent to Greg Clark on 26 June 2015.

This response is based on that joint statement and on the contributions of our England Policy Panel, which has representation from all regions and sectors in England. Text in **bold type** below is quotation from the Joint Statement.

Questions from the Panel

A. Content of local plans

- 1. The POS/RTPI/DCN/CCN joint statement says that local plans should be made shorter. This would be by reducing the burden of evidence required to some more proportionate level *and* enabling PINS to provide early stage reviews of draft plans and advise on the level of evidence actually needed, to avoid needless evidence gathering.**
- 2. This move would reduce the collection of evidence is not critical to the soundness of a development plan and so help reduce costs and time taken in plan making. It will foster a proportionate approach to evidence collection and scrutiny.**
- 3. We think that the delivery of the NPPF could be assisted by cross-sector parties working with DCLG in bringing forward a national set of development control policies. These would act as a backstop for local planning authorities and inspectors, but would also be open to challenge locally if justified. LPAs will therefore have the choice of a plan which deals with more strategic policy only, saving time and resources. Developers will have greater certainty over the types of policy they must consider. Shorter plans and a list of standard policies will also be easier to interpret for local communities.**
4. In contemplating this approach the Expert Panel will need to hold in mind the fact that the NPPF is only a material consideration in legal terms: one reason for the proliferation of local plan policies which closely echo the NPPF is the legal status of the development plan versus government policy. This has been a recurrent issue even in the days of "Planning Policy Statements".
5. The changes proposed would address a problem which has crept in regarding the lack of flexibility in how far LPAs can decide on the content and scope of their Local Plans. When the NPPF was first published in 2012, and in the debates running up to that publication, there was much discussion around devolving power to the most appropriate level, and allowing Local Authorities to decide what their Local Plans should aspire to do. The streamlining of guidance in the NPPF and later the NPPG was meant to reflect this, removing centrally imposed burdens from LPAs. Ministers often repeated that "It's Your Plan" when they were asked how to interpret the implications of the NPPF and Localism into Local Plans.

6. The interpretation of the NPPF and NPPG seems to have removed much of that flexibility and early promise. Court judgements, Inspector's Decisions and Ministerial Statements have increasingly prescribed the content of Local Plans, with Inspectors having to find plans unsound if they do not meet these requirements.
7. Legal interpretation has the effect of creating new guidance which must be taken account of when preparing Local Plans. For example, the judgement of SATNAM vs Warrington had the effect of adding more requirements into the methodology for assessing Objectively Assessed Need for housing, which was then applied immediately in Local Plan Examinations. These additional plan making requirements are increasing the amount of evidence work required to understand the content of Local Plans, and are also meaning that in order to understand how to apply the NPPF it is necessary to scrutinise legal judgements as well as Inspector's Reports. The legal interpretation of the national guidance is therefore increasing the amount of work required to create a robust Local Plan, stifling creativity and making the whole process opaque to local communities and stakeholders.
8. Moreover the current "on-the-hoof" approach to national policy regarding local plans not only adds *complexity*, but also *instability*. Requirements stemming from the courts, Ministers and PINS can and do change on a continuous and unpredictable basis, meaning that plan makers are constantly having to react to the latest change – by adjusting policy, updating evidence and re-running elements of the engagement process. Recent examples of this include the threshold for requiring affordable housing, and the introduction of starter homes policy. Each change necessitates an alteration to the Local Plan process, which in turn introduces delay.
9. The changes proposed by the Joint Statement would sweep away this confusion and ensure a *sector-led* clarity over content rather than an apparently liberal NPPF in practice carrying a great deal of accretions which still do not lead to shorter plans – in fact rather the reverse.
10. Recognising pragmatically however that the Government clearly wants to be able to make changes to national guidance as appropriate, we would urge Ministers to make their Statements only come into force when they enter the NPPG, that they are clear about what the change is seeking to achieve in principle, and that arrangements for including in Local Plans are also clear. Could Ministers create a forward plan of when statements are likely to be made and broadly what issues will be addressed, to allow these to be built into Local Plan project planning? At present the planning system seems to go into an annual series of substantial upheavals.
11. We think in addition to the issues covered in the Joint Statement it is imperative to reinstate the principle of true *spatial planning* – by which we mean the creation of plans which can have a mandate to address all of the factors which affect the lives of people living and working in sustainable communities not simply development control decisions. This change could allow plan makers to focus on the creation of proactive strategic frameworks covering a full range of topics and disciplines, and for decisions to be taken which have full regard to the widest range of factors which determine the health and quality of life of people living and working in communities.
12. We would hold up the [Plymouth Plan](#) as a true spatial plan, one that has combined over 134 strategies into one as a good example of what Local Plans could achieve with a more flexible, open ended set of requirements – although clearly it has been prepared to meet the vision and needs of a city with an agenda for growth and transformation. We believe the principles of spatial planning and of integrated,

holistic plans could be adapted to meet the needs of any local authority, or indeed groupings of local authorities coming together.

13. The Government needs to clarify its position regarding *monitoring of plans*. Other than the regulatory requirement for monitoring reports, the NPPF does not explicitly cover the monitoring requirements of Local Plans and it is only partly referred to in the NPPG on Local Plans. Clearly monitoring should be an important part of the Local Plan revision and implementation process.
14. There are clear concerns from local people and Members around the provision of key elements of infrastructure ahead of the commencement of development. In addition, if the delivery of housing and employment development as set out in a plan is dependent on key infrastructure, uncertainty over how that infrastructure will be delivered can be a threat to soundness. However, there needs to be realism around the level of detail and certainty a Local Plan can put in place. The delivery of major infrastructure can be a complex process, involving many stakeholders, the identification of funding over a period of time from a range of sources, and complicated project management. It doesn't seem appropriate or proportionate to expect this whole process to be mapped out in great detail in a Local Plan. In the case of an area action plan in part of Plymouth for example the entire plan was found unsound because the City Council could not demonstrate that funding was in place or secured for a major infrastructure scheme which was not scheduled for completion until 2019.
15. National policy and guidance needs to recognise that the statutory planning system and spatial planning context in London is different from the rest of the country – whilst the London Plan addresses a number of strategic 'duty to cooperate' issues, London Boroughs are still technically required to fulfil the duty to cooperate on such matters (including Objectively Assessed Need), leading to much duplication of work – could be streamlined. Government could explicitly and precisely set out which issues are to be addressed at which 'tier' of government: national / regional / local. For example London Boroughs are still going through the whole SHMA process to set targets and %s – if there was a clear statement that such things were 'strategic' or 'regional' issues in London (or elsewhere) then Boroughs wouldn't have to spend lots of time and money doing SHMAs.

B. Local plan preparation process

16. **The Joint Statement asks that local planning authorities should have the option of having both**
 - **A strategic plan, agreed through locally-developed arrangements for suitable geographies which can stand alone or followed by detailed local area plans**
 - **A staged plan examination**
17. **The more detailed local area plans, once a strategic plan is in place, would only involve light touch examination if objections arise.** As an example we would cite, the adopted Plymouth Devonport Action Area Plan (AAP) which, despite proposing hundreds of new homes, major urban regeneration and a new local shopping centre was subject to an Examination which took less than 30 minutes. This light touch examination process enabled the LPA to take a sensible view regarding the most appropriate level of detail needed to be set out in evidence; and which allowed local

people to be fully engaged in the process and therefore increased their understanding and support for what the AAP was trying to achieve. This was what the Local Development Framework system was intended to bring in in 2004, an ideal which seems to have been lost along the way.

- 18. The Joint Statement asks for PINS to be able to find partially sound and give LPAs the ability to adopt the sound parts of a plan. This would allow development to move forward in the interim where a section of the plan needs to be revised. It would help the system to be more accommodating of “good” plans as well as “perfect” plans.**
- 19. The Statement asks that the rules on prematurity and the 5-year land supply guidance are changed to give more clarity and a better window for plan making to local planning authorities, communities and developers prior to, during and after the examination, when local planning authorities commit to a plan timetable.**
- 20. This would act as an incentive for LPAs to get on with plans since they would get a clear “window” and greater buy-in to investing time and money and more certainty over the benefits and usefulness of the plan. Revision of 5-year supply guidance can support LPAs addressing housing needs by bringing forward large sites/new settlements which have longer-lead in times alongside bringing forward sites to meet shorter term needs through development control and local plans.**
21. The [RTPI has argued](#) for 2 years now that the emphasis on the short term (5 year supply) to the exclusion of all else is not going to work in the long term, as substantial land is going to be needed in future. The RTPI is in the midst of a [major study](#) of 15 UK city regions to establish to what extent (or not) housing permissions are being located in sustainable locations and in a sufficiently large concentrations to support infrastructure. We cannot keep incrementally growing our towns and cities without a long hard look at infrastructure requirements and the long term direction of growth.
22. Any streamlining of the local plan process will need to be considered alongside separate statutory obligations for Sustainability Appraisal (SA) / Strategic Environmental Assessment (SEA), Habitats Regulations Assessment (HRA), Health Impact Analysis (HIA) and Equalities Impact Analysis (EqIA). There are some examples of consolidating all of these assessments into Integrated Impact Assessments (IIAs) but they still need to satisfy the separate statutory requirements.

C Agreeing strategic requirements

- 23. The RTPI DCN CCN and POS say that the infrastructure and devolution offer from Government should be linked more closely (but not exclusively) to the outcome of agreed joint plans on housing supply.**
- 24. There should be further steps to promote strategic planning to embrace rigorous and inclusive governance arrangements, allowing flexibility for arrangements to be proportionate and locally appropriate and not solely based on a mayoral Combined Authority model.**
- 25. The complete coverage of strategic planning should be facilitated.**
- 26. This increase of strategic planning will enable and accelerate house building particularly through the removal of the barriers to local plan adoption which**

the Duty to Cooperate has created. It would mean areas are strongly motivated to develop joint plans and also to undertake joint working, within the Combined Authority framework or other suitable partnership governance arrangements, widening take-up and building in flexibility to local circumstances. It would promote partnership working between District and County Councils in two tier areas and governance arrangements with the rigour and capacity to undertake strategic planning. And it would enable a joined up system, promoting economic growth, public sector reform and the best local outcomes for residents. Gaps in ‘wider than local’ planning would be filled.

27. It is important that plans for housing within wider geographic areas are consistent with plans for economic growth. There is sometimes considerable discrepancy between the combined housing ambition of local planning authorities and the implications of Strategic Economic Plans of Local Enterprise Partnerships. An incentive structure whereby alignment of housing and economic policy within wider areas was firmly rewarded would establish a much firmer foundation for economic growth in such cases.

D Implementation

28. **We believe collectively that local authorities should have incentives to bring forward local plans through:**

- **Forging links with infrastructure funding via LEPs and emerging Devolution deals**
- **Extending rewards for planning delivery on plans**
- **Enabling strategic planning powers and devolving incentives, such as HIF.**

29. **This would provide encouragement to local authorities to keep development plans up to date and so foster the NPPF’s plan-led system. It would bring closer together the housing and economic growth set out in development plans and infrastructure planned via LEPs.**

30. The Expert Panel will not be surprised to know that sorting out the issue of resources for local plans production is a priority. Some councils regard plan making as a loss making activity because it has no fee income, and accord it weight accordingly. The RTPi has [recently surveyed](#) the state of local authority planning activity across the councils of the North West and found there have been significant reductions in local planning authority budgets and staffing since 2010, with a third fewer planning staff overall, including a decrease on average of 37 per cent in planning policy staff and 27 per cent in development management staff. These reductions are impacting on delivery and development.

31. Overall, the reductions in local planning authorities’ budgets have resulted in increasing difficulties in both the public and private sectors, with the latter frustrated by the decline in local authority planning services in some places. Although the time taken to determine applications is often still good, there are increasingly delays and uncertainty in receiving preapplication advice, S106 agreements and discharge of conditions, resulting in delays bringing forward development. Further, the lack of proactive plan-making due to limited capacity is likely to result in fewer projects

coming forward, particularly public-private partnerships, often with a regeneration agenda.

E Observations

32. Nothing specific to add to the rest of this response.

F Other – what other measures should the Group consider?

33. The effectiveness of planmaking to the achievement of new homes and jobs depends on *cross-government* working: this issue is too significant to be handled by one department alone. The Group would be well advised to consider how its recommendations can be discussed with and directed to other government departments whose activities are crucial to the implementation of plans. This list should include

- Department of Health
- Department for Education
- Department for Transport
- DEFRA

Consideration should also be given to how the increasingly important devolved city and county regions can be involved in improvement of the local plan process.

34. When the Group comes to make recommendations one thing which would be helpful is for you to consider how the *transition* to any changed regime might work. proper transitional arrangements must be drafted and consulted on to ensure there are no unintended consequences e.g. further delay or significant abortive work. (This could be linked to the idea expressed in this response of a forward plan for Written Ministerial Statements.
