

Proposed Changes to the National Planning Policy Framework and Recommendations of the Local Plan Expert Group Report

Planning Committee

12th April 2016

Author:	Head of Planning, Regulatory Services and Heritage
Wards:	All
Locality Affected:	All
Parishes Affected:	All

1. Purpose and Reasons

- 1.1 The purpose of this report is to advise the Planning Committee of potential changes to the Local Plan making process as set out in the Local Plans Expert Group Report, and to seek endorsement of a response to the Consultation.
- 1.2 The Department for Communities and Local Government (DCLG) appointed the Local Plan Expert Group (LPEG) in November 2015 to undertake a call for evidence and subsequently produce a report making recommendations to speeding up and improving the effectiveness of the plan-making process. The Report was published alongside the Government's Budget on 16th March 2016 setting out 47 recommendations, which are now subject to public consultation.
- 1.3 The proposals support the Stronger Together outcomes of "a more focused, relevant and effective organisation" and "all resources, both in the organisation and in our communities, working together to meet shared challenges."

2. Recommendations

The Committee is recommended to:

- 2.1 Note the recommendations contained in the Local Plans Expert Group Report including:
 - Proposals to stabilise national policy for 5 years (once reformed)
 - Proposals to standardise the five year housing supply calculation process
 - A requirement to allocate reserve housing sites to be developed in the event of a shortfall against the five year housing supply; and
- 2.2 Endorse this report as the Council's response to the consultations and authorise the Head of Planning, Regulatory Services and Heritage to submit this response to the Department for Communities and Local Government.

3. Detail

- 3.1 Following adoption of the Local Plan in March 2015 (Council Minute 97, 2014/15) the Council is at the start of the Local Plan Review process and any changes made to the plan-making process, in terms of statutory requirements and

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guidance, will have implications for the production and resourcing of the Local Plan Review.

- 3.2 Any changes to the plan-making process will likely occur during the preparation of the Local Plan Review, so the Council would need to react quickly in order to produce a legally compliant and sound plan. It is therefore in the Council's interest to respond to the consultation and make clear where its recommendations are supported or noted with concerns, in order to influence DCLG's decision.
- 3.3 This report does not seek to outline the full provisions and implications of the Local Plans Expert Group Report; rather it highlights the issues that are likely to be most pertinent to the Planning Committee.
- 3.4 The Local Plans Expert Group (LPEG)'s report was published alongside the Government's March 2016 Budget with a remit to consider how local plan making can be made more efficient and effective, both during plan preparation and plan implementation. Councillor Toby Elliott, the Cabinet Member for Communities and Strategic Planning, was one of the Experts on the Panel that reviewed the evidence submitted by stakeholders and co-authored the report.
- 3.5 The report makes 47 recommendations against a number of themes that are based on the three key findings that:
- authorities are struggling to meet the requirements of a complex local plans process;
 - housing needs are not being met; and
 - communities are turned off by the length, slow pace and obscure nature of many local plans.
- 3.6 Proposed reforms to the plan-making process will have implications for planning decision-taking in due course.
- 3.7 Consultation responses are being sought by DCLG until 27th April 2016. The key recommendations of relevance to the Council and the Planning Committee are listed below.

Objectively assessed housing needs

- 3.8 Each local authority must produce an objectively assessed need (OAN) for housing figure as required by the National Planning Policy Framework. At present there is no set methodology for the calculation of the OAN across local authorities causing inconsistencies between neighbouring authorities and prolonging local plan examinations. The LPEG Report recommends a standard

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methodology for calculating OANs and also a Government review to update Housing Market Area boundaries to inform plan-making. It is recommended that Members should **support** this as it would increase certainty at the beginning of the plan-making process; although it should be noted that Swindon and Wiltshire have already commissioned a joint Strategic Housing Market Area Assessment and so have a head start on other Local Authorities.

Defining Local Plan requirements

- 3.9 The LPEG Report proposes a new 'Assessment of Environmental Capacity' is produced by Local Authorities to inform plan making. By defining up-front the environmental capacity in Local Authority areas there may be an 'overspill' of housing need from neighbouring authorities, notably London and the South East, and so the LPEG Report recommends that the Government enable and incentivise the establishment of complementary 'Growth Points' across the country to meet this shortfall. Suggested options include:
- a refreshed New Towns programme;
 - increased powers for the private sector to promote large scale housing using the infrastructure planning powers of the Planning Act 2008;
 - facilitating the preparation of locally produced spatial plans based on transport corridors; and
 - incentivising bids or growth, for instance, through the devolution agenda.
- 3.10 Overspill of housing need from authorities in the South East could potentially prove problematic for the Council as it undertakes its Local Plan Review, however there could be opportunities for additional funding and infrastructure associated with Growth Points. It is recommended that this should be **noted**.

Working across boundaries

- 3.11 The LPEG Report seeks to strengthen the Duty to Cooperate by promoting greater sub-regional planning, including greater engagement and joint-working at Member and officer level.
- 3.12 One of the recommendations is that *"Where unmet needs are identified as a result of [joint working], planning authorities requested to meet needs from adjacent authorities whether within the same Housing Market Area (or not) will be expected to treat that unmet need as part of their own Objectively Assessed Need and to apply the same NPPF tests as they do to their own Objectively Assessed Need in assessing their ability to meet those needs within their local plan."*

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- 3.13 It is recommended that the Committee should **note with concerns** the issue about adding unmet housing needs from adjacent authorities as any unmet needs of constrained Green Belt neighbours adjoining Swindon could be added to the Objectively Assessed Need of Swindon and Wiltshire in the future.
- 3.14 There is also the recommendation “*that, where authorities have failed to reach sufficient agreement on meeting and distributing housing needs by March 2017, the Government should take and use powers to direct the preparation of a high level Joint Local Plan for the Housing Market Area or a suitable geography, such as transport corridors, within a prescribed timetable*”. Given the recent adoption of the Swindon Borough Local Plan and Wiltshire Core Strategy this should not be of concern.

Devolved powers

- 3.15 The LPEG Report recommends that devolved bids secure a ‘rationalisation of housing and economic planning boundaries’. In commissioning a joint housing and economic development evidence base Swindon Borough Council, Wiltshire Council and the Swindon and Wiltshire LEP are working collaboratively to achieve this to plan appropriately for the area. Officers recommend to Members that this should be **supported**.

Incentives for timely plan preparation

- 3.16 The LPEG Report proposes a statutory duty to produce and maintain an up-to-date Local Plan, alongside suggested financial incentives such as when a Local Authority bids for funding for infrastructure; they are less likely to receive funding if they do not have an up-to-date Local Plan. Adequately resourcing the plan-making function of the Council will therefore be critical in delivering growth.
- 3.17 In addition it is suggested that Local Authorities will be unable to rely on their existing policies for the supply of housing (i.e. demonstrate a five year housing supply) where an authority fails to undertake an early review of its Local Plan in circumstances where a Planning Inspector has recommended such a review. This should be **cautiously supported** as it does rely on a realistic timetable for review being proposed by the Planning Inspector.

Stable national policy

- 3.18 Once the changes suggested in the LPEG Report, Technical consultation and National Planning Policy Framework (NPPF) consultation have been implemented it is proposed that National policy will be stabilised to allow the changes to ‘bed in’ and take effect. It is proposed that
- the NPPF will be reviewed every five years;

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- the Planning Practice Guidance (PPG) is only changed periodically (every 6 months); and
- changes to the PPG are subject to scrutiny by a technical working group to reduce the prospect of unintended consequences.

3.19 The Committee is advised that this should be **supported** so that the Council and developers are able to focus on delivering planned housing and infrastructure in accordance with the Local Plan, rather than trying to remain up to date with the 'moving goalposts' of changes of policy and advice.

Local Plan process

3.20 Proposals are suggested to streamline the statutory stages in the Local Plan process to:

- allow greater flexibility in responding to consultation comments;
- reduce the burden of evidence gathering through standardised methodological approaches;
- narrowing the scope of Local Plans to strategic issues only (with subsequent detail in Neighbourhood Plans and other Development Plan Documents); and
- involving the Planning Inspectorate earlier in the plan-making process to avoid finding plans unsound at the final stages of the Local Plan process; and
- define a maximum 2 year timetable for Local Plan production.

3.21 It is recommended that Members **support** these recommendations as they seek to ensure greater community buy-in and a more proportionate plan-making process with less chance of abortive work being undertaken.

Local Plan content

3.22 It is recommended in the report that Local Plans should be:

- shorter;
- more accessible to the public; and
- include only strategic policies (with Neighbourhood Plans and secondary 'Part 2' Local Plan documents providing more detail, alongside Brownfield Registers).

3.23 It is suggested that the Committee respond with **cautious support** as this would enable a quicker Local Plan Review to be undertaken to agree the strategic distribution of housing and employment with Wiltshire Council, allowing the detailed Development Management policies and Site Allocations to be

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progressed by Neighbourhood Plans or other secondary Development Plan Documents. However, it may have implications for the five-year housing supply in so much as it may rely on secondary documents to demonstrate a continuous supply, which by their nature lag behind the strategic plan.

Implementation and delivery

- 3.24 The LPEG Report seeks to change the five-year supply calculation process so that the housing requirement adopted in the Local Plan has a three year 'bedding in' period before it is challenged as being out of date.
- 3.25 Authority Monitoring Reports are proposed to be signed off by an independent examiner, including the definitive five year housing supply position that would last for a full 12 months until the next monitoring report; instead of being repeatedly challenged at S.78 appeals.
- 3.26 In the event of a shortfall against the five-year supply, sites could be brought forward from later on in the plan period or suitable 'reserve' Strategic Housing Land Availability Assessment (SHLAA) sites could then be released.
- 3.27 It is also proposed that Councils would be able to claim the existing of a five-year housing supply for up to a year after the adoption of a Local Plan, in order to protect communities and Local Authorities against speculative development immediately after plan adoption.
- 3.28 Members are advised that this should be **supported** as the Council uses significant resources arguing over five-year supply calculations at S.78 appeals. By bringing forward sites from later in the plan period or sites that are suitable (in terms of Local Plan policy) in the SHLAA it would ensure that, in the event of a shortfall against the five year supply, housing development is in accordance with the policies in the Local Plan. However, an additional point could be in circumstance where an authority is in the position of having a housing supply marginally below five-years where it has recently granted permission(s) enabling a five-year supply to be demonstrated it can make a request for a revised sign-off before the end of the 12 month period.

Next Steps

- 3.29 The Planning Committee should be aware proposed changes to the Local Plan-making process as this will have implications for the Local Plan Review (which will, amongst other things, define the future planning policies and spatial distribution of development in the Borough); and for the Council's ability to demonstrate a five-year housing land supply.

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- 3.30 If approved this report will form the response to these consultations and will be sent to the DCLG as soon as is practicable.

4. Alternative Options

- 4.1 The Council could choose not to respond to the consultation. It is recommended that the Council respond to the consultation as if the recommendations in the Local Plan Expert Group's Report are implemented it will have implications for the Local Plan Review and plan-making in the Borough. The alternative option (do nothing/business as usual) could result in either:
- 4.1.1 the supported recommendations not being taken forward or amended against the Council's interest; or
 - 4.1.2 the non-supported recommendations are taken forward either unamended or amended against the Council's interests.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are no direct financial or procurement implications arising from this report. The impact on resourcing for the Local Plan Review and the plan-making process, positive or negative, will need to be investigated and quantified once it is known what recommendations will be taken forward from the LPEG Report.

Legal and Human Rights Implications

- 5.2 Legal and Human Rights implications were taken into account in preparing this report. It is considered that the recommendations are consistent with Convention Rights.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 A streamlined Local Plan-making process should require less in terms of officer resources, however the shorter timescales involved in progressing the plan review will likely offset this.

Diversity Impact Assessment

- 5.4 None of the proposals in this report are specifically aimed at persons with a protected characteristic and no adverse additional or cumulative impacts were identified. DCLG will undertake a Diversity Impact Assessment alongside any amendments to existing legislation.

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Risk Management

- 5.5 This report is based on a consultation on recommendations within a report. There is a possibility that the recommendations may not be taken forward or may be amended before being taken forward. The Council will need to monitor the outcome of the consultation and changes to the plan-making process so that it can respond accordingly.

6. Consultees

- 6.1 The Cabinet Member for Communities and Strategic Planning.
- 6.2 The Board Director, Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

7. Background Papers

- 7.1 Report to the Communities Secretary and to the Minister of Housing and Planning (Local Plans Expert Group, March 2016)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/508345/Local-plans-report-to-governement.pdf

8. Appendices

- 8.1 No further information is appended to this report.