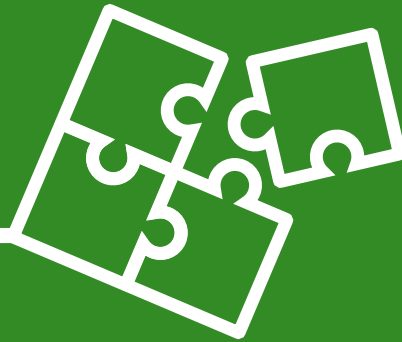


town planning

The Basics



**DEVELOPMENT
PLANS**



INTRODUCTION

The booklet covers some of the basics of the English Development Plan systems. This booklet does not cover all aspects in depth and focuses on Local Plans, further information can be found on the [Ministry of Housing, Communities and Local Government website](#).

A series of Town Planning “The Basics” booklets have been produced to assist non-planners with the dark art of Town Planning, these can be downloaded via www.planninghouse.co.uk

Who are Planning House?

Planning House is an independent town planning consultancy which offers a professional & knowledgeable service to meet client needs, we embrace a pragmatic approach by providing realistic & tailored town planning advice.

Headed by Chris Pipe who is a Gamekeeper turned poacher. As former Head of Planning for a Local Authority she knows how to navigate the planning system efficiently and effectively.



WHAT IS A DEVELOPMENT PLAN?

A development plan includes local and neighbourhood plans that have been adopted and any spatial development strategies produced by combined authorities or elected Mayors. In this booklet the focus will be on local plans.


Local plans are at the heart of the planning system and set out a vision and framework for the development of an area. These plans are used as the basis for determining all planning applications, so if you're planning a development check the adopted local plan to determine what planning policies are in place for the area and the type of development you are proposing.

A local plan should detail everything planned for the area that will be carried out within the plan's time period (minimum of 15 years).

This can involve designating land and objectively assessing where to locate different types of development. It could also include identified needs for diverse housing including gypsy and traveller sites.

The plan provides guidance on where and what should be developed within different areas..

A local plan should also ensure policies are sufficiently flexible enough to adapt to a changing environment and also provide a framework for any development not anticipated.



Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.



TYPES OF PLANS

The National Planning Policy Framework NPPF (2018) identifies that Development Plans must include strategic policies to address each local planning authority's priorities for the development and use of land in its area.

They can be contained in an individual local plan or joint plan where authorities work together; or can be in a spatial development strategy produced by an elected Mayor or combined authority.

Local Plan

Local Plans are formulated by a local planning authority in consultation with the public. These plans set out the vision for future developments in their local areas as well as answering the determined needs of these areas. A local plan can consist of either strategic or non-strategic policies, or a combination of the two and include a policy proposal map.

Neighbourhood Plan

Neighbourhood plans are more localised than local plans, these are community led by a parish council or neighbourhood forum for a designated neighbourhood area. They must meet certain 'basic conditions' and other requirements and be independently examined before they go through a referendum process in advance of being adopted.



EVIDENCE NEEDED FOR A LOCAL PLAN

A local plan must be based on up to date evidence which support the policies and guidance proposed in the plan. Therefore appropriate and proportionate evidence is required to show that the needs are real.

Plans significantly affect how an area can develop, any proposed allocation or policy to shape an area should be based on objectively assessed needs.

A local plan will be examined by an independent Planning Inspector acting on behalf of the Secretary of State. The local plan will be critically analysed, it will be checked for any holes in terms of its soundness for instance a lack of evidence to support a proposal.

A local planning authority will therefore need to ensure there is up to date and robust evidence to prove the points the plan makes.

Local Plans must be reviewed at least every 5 years from the date of adoption to ensure they take into account changes in circumstances.

Some of the common documents produced in the evidence base include:

- Strategic Housing Market Assessment (SHMA), identifies the housing need for the area over the plan period;
- Strategic Housing Land Availability Assessment (SHLAA), establishes the land available to meet the identified housing need;
- Employment Land Review (ELR), usually carried out at the same time as the SHLAA or combined with it. This assessment considers the existing and future supply of employment land;
- Sustainability Appraisal, is an integral part of preparation and considers all likely significant environmental, economic and social factors to inform the development of the plan;
- Statement of Common Ground;
- Habitat Regulation Assessment;
- Strategic Flood Risk Assessment;
- Landscape Character Appraisal;
- Infrastructure Plan, setting out essential infrastructure needed to deliver the plan;
- Heritage Assessment;
- Green Belt Review (where necessary);
- Minerals and Waste Plan; ETC

A local plan affects peoples lives in different ways, it is essential that meaningful community engagement is carried out to help shape the future of an area.

CONSULTATION IS KEY

A local planning authority will gather evidence to determine the future needs of the local area as well as consulting communities, businesses and other parties / stakeholders who may be affected by the plan.

Submitting a representation in relation to an emerging plan is a way to voice opinions and ideas to support, object and / or improve the local plan.

HOW DO I BECOME INVOLVED?

Your local planning authority's website will give information on when consultations will be carried out and how to submit representations. Local planning authorities must produce a Statement of Community Involvement (SCI), which should explain how they will engage local communities and other interested parties in producing their Local Plan and determining planning applications. The Statement of Community Involvement will be published on the local planning authority's website.

If in doubt contact your local planning policy team and ask what stage a plan is at and ask to be added to their mailing list for any future consultations.

When making comments, it is important to make them easy to understand and as specific as possible. This is to ensure the local authority understands the points you are making and how to resolve any issues you may have.



Local planning authorities must publicise and keep up-to-date their timetable for producing their local plan. This information is contained within a Local Development Scheme, which local planning authorities should publish on their website and must keep up-to-date.

LOCAL PLAN PROCESS

EVIDENCE GATHERING

- Formulate initial aims and objectives;
- Commence evidence gathering process;
- Identify environmental, economic and social objections to inform the Sustainability Appraisal (SA).

CONSULTATION & IDENTIFICATION OF KEY ISSUES

- Engage with the local community, business and other interested parties, including statutory consultees on the scope of key issues;
- Take into account any representations received;
- Ensure compliance with Statement of Community Involvement (SCI);
- Continue gathering evidence.
- Test emerging options through an SA.

PUBLICATION & SUBMISSION

- Publish the draft plan for a minimum of 6 weeks inviting further representation;
- Submit plan for examination, along with SA, evidence base and statement of representations received.

EXAMINATION OF PLAN

- Independent Inspector assesses plan to determine it has been prepared in accordance with legal and procedural requirements and whether the plan is sound.
- Local planning authorities can request that the Inspector recommends main modifications to make the plan sound or comply with other requirements;
- Inspector will issue a report at the end of the examination, exceptionally the Inspector could recommend a plan is withdrawn if it is likely to be found unsound. Consultation on modification takes place.

ADOPTION

- Draft plan formally adopted by the local planning authority, if main modification are proposed by the Inspector these must also be adopted.
- Monitoring the implementation of the plan is required in the form of an Authorities Monitoring Report;
- Review local plan at least every 5 years.



TESTS OF SOUNDNESS

Local Plans are examined to assess whether they have been prepared in line with the duty to cooperate, other legal requirements and whether it is sound. The National Planning Policy Framework (NPPF) identifies that plans are found sound if they are:

Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;

Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the Framework.



EXAMINATION IN PUBLIC (EIP)

The local planning authority will submit its published local plan and all supporting documents to the Planning Inspectorate for examination on behalf of the Secretary of State. A suitably qualified Planning Inspector is appointed to examine the plan.

An EIP is an open and transparent process, held in public, anyone can attend to watch the proceedings, however if you intend to participate you must have been involved in the local plan consultation process and invited by the Planning Inspector to make representation in person.

The local planning authority should already have an independent Programme Officer in place. They will have the responsibility of managing the examination of a local plan in accordance with legislation and code of practice on inquiries.

The Programme Officer will co-ordinate the overall programme of the examination including event and document management. They will also provide a level of administrative support to the Inspector without compromising the independence of said Inspector.

EIP PROCESS



The Inspector will give consideration to the matters and issues for examination, the structure of hearings, allocate participants to hearing sessions and decide whether additional material is needed from participants.



The local planning authority (and representors) may be asked to provide papers or responses on specific issues. These topic papers will form part of the evidence base.



The Inspector will confirm the hearing start date. Notification sent to participants of the examination. There may be multiple hearing days, however participants only need to attend on the relevant day or session. The Inspector will lead the discussion and invite representations as appropriate.



The majority of plans are subject to a request from the local planning authority that main modifications are recommended by the Inspector where it is necessary to make the plan sound.



Post-hearing the local authority will work with the Inspector on drafting the proposed main modifications and will then be required to undertake sustainability appraisal (SA)(as necessary) and public consultation (minimum 6 weeks) on these proposed main modifications.



During this time the Inspector will progress work on the report but finalisation of the draft report will not be possible until the responses and SA are available on the main modifications. At this point the Inspector will issue the report.

FREQUENTLY ASKED QUESTIONS

Q: How can I ensure I am part of the plan process?

A: Contact your local planning authority and request to be added to their consultation list, also check their website for consultations regularly.

Q: What do I do if I believe the evidence base has errors?

A: Ensure you communicate these to the local authority during the consultation process with your evidence of why you believe this, request to be part of the examination in public and during the hearing sessions highlight your concerns to the Planning Inspector.

Q: I have a piece of land which I would like to put forward for housing development, what do I do?

A: During the gathering evidence stage, there will be a 'Call for Sites' as part of the Strategic Housing Land Availability Assessment (SHLAA) submit your site along with relevant information during this call for sites to have it considered by the local planning authority.

Q: Can the local planning authority decline to adopt the examined local plan?

A: The local planning authority does not technically have to adopt the planning once the examination is complete but as they will have gone through considerable amounts of work as well as spent large sums of money on the process, in the vast majority of cases the local planning authority will work quickly to secure an adoption of the plan.

If you need help find a Town Planning Consultant to advise and support you through the process, Planning House would be happy to assist.

There are other **Town Planning... The Basics** booklets available to download at

www.planninghouse.co.uk





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