What is Planning Advisory Service for?

“The Planning Advisory Service (PAS) is part of the Local Government Association. The purpose of PAS is to support local planning authorities to provide effective and efficient planning services, to drive improvement in those services and to respond to and deliver changes in the planning system”

(Grant offer letter for 2014-15)
**Key Facts**

- Started in 2004
- Part-Funded by DCLG
- 6 staff. Supplier framework. Peer community.
- Non-judgemental. Not inspectors
- Respond to reform. Keep you current
- Support, promote, innovate

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**This session**

- National Planning Policy Framework/Background
- Role of Members
- Housing – Local Plan Requirements
- Housing – 5 year supply
- Housing – conclusion/summary/risks
- Strategic planning
- Proposed Changes to NPPF
- Summary
National Policy

NPPF and planning

- The NPPF explicitly states planning’s principal role as being to help achieve sustainable development.

- “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking.”
Key principles of the NPPF

• Emphasises that sustainable development should be about **positive growth** – making **economic, environmental** and **social progress** for this and future generations

• Emphasises central role of Local Plans in planning system

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Key principles of the NPPF

• Local plans should:
  “meet **objectively assessed needs**, with sufficient flexibility to adapt to rapid change”

• Local Authorities should:
  “**use their evidence base** to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area”

NPPF
Unless….

• “…any adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole”

NPPF

Remember – still a presumption in favour of the plan

Planning in England is policy-led

• national policy/guidance
  • National Planning Policy Framework (NPPF)
  • National Policy Statements
  • Gypsy & Traveller policy
  • Planning Practice Guidance

• local policy
  • development plan

• neighbourhood policies
  • neighbourhood plans
Local plans are important

- set out a vision and a framework for the future development of the area
- address needs and opportunities for housing, the economy, community facilities, infrastructure
- guide decisions about individual development proposals
- the context for considering applications

The role of Elected Members
The role of Members

• You have a vital **leadership** role to play to produce a **robust** Local Plan for your area that has **buy in** from all parties

• Key challenge is to listen to the views and aspirations of your constituents and **balance** this with the professional advice of your planning staff in order to **plan** for, and **meet**, the **development needs of your area**

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The role of Members

• Leadership
• Understanding your issues
• Setting the vision & objectives
• Setting priorities
• Making decisions & understanding implications
• Agreeing programmes & resources
• Engagement / community accountability
• Working with other authorities and agencies
• Scrutiny and monitoring
Key relationships

- Leader and Committee Chairman
- Committee Members and other Members

Moving forward

Have no fear of perfection, you’ll never reach it.
- Salvador Dalí
Housing – Local Plan Requirements

Why does housing matter?

• Providing homes for our children and grandchildren
  • Average house prices are 8 times average incomes
  • The average first time buyer needs a deposit equal to 65% of their income
  • Those in private rented sector spend 40% of income on rents
  • One in four adults between the age of 20 and 34 still live with their parents
• Providing homes for our aging communities
• Providing investment in infrastructure
• Critical to good management of the economy
• Current system one cause of increasing inequality
  (From Lyons review 2014)
Meeting housing need

• “LPAs should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area”

“ to boost significantly the supply of housing “

Need/requirement

• Approach is now different from the old regime under Regional Spatial Strategies
• OAN – is your full, objectively assessed needs (policy – neutral)
• Work out how (whether) you can meet it. Requirement – is what you are planning for after you’ve applied policy constraints (policy on)
• Ensure any unmet need is discussed early on with neighbouring authorities
• But your OAN figure is your requirement until you get your adopted plan in place (Solihull and St Alban’s cases)
Assessment of the housing need

- latest demographic forecasts for the district
- adjust for longer term migration
- adjust for market signals
- housing requirements for planned job growth
- appropriate combination of demographic and economic scenarios
- objectively assessed need
- unmet requirement from other districts
- prime targets

Official demographic projections

- Two publications
  - ONS sub-national population projections (SNPP)
  - CLG household projections - turn that population into households
  - Net new households measure housing demand / need

- Trend-driven
  - Roll forward past demographic trends from different ‘base periods’
  - For migration the base period is only five years

- Assume no change in non-demographic factors
  - Including impact of economic climate on housing demand

- 2014-based – ONS, CLG
  - NPPF tells us to use these as the starting point
Setting the level of provision

Getting under the numbers – Using the SHMA

• Private rented sector – Buy to rent?
• Custom or self-build
• Family housing
• Housing for the elderly
• Households with specific needs
• Student housing
• Affordable housing
Identifying provision in the plan

- testing the capacity to accommodate
- testing the ability to deliver
- testing the argument if less than need
- provision figure for the plan
- some of OAN may be provided in other districts

Prime targets

Basis for 5 year supply calculation

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Site selection

- Call for sites
- Engagement strategy
- Housing and Economic Land Availability Assessment (HELAA)
- Selection methodology – evidence, assumptions, transparency, audit trail
Changes to Green Belt

- national planning policy has always provided for change to the Green Belt to be made through development plans
- the case for change exists in any case where the development requirement exceeds what can be satisfactorily and confidently delivered within the urban areas, and green field land will be needed, some of which is Green Belt. This need constitutes ‘exceptional circumstances’
- Green Belt is not sacrosanct

Housing: 5 year land supply

Farmland loss justified by housing supply shortfall

Loss of high-grade farmland is outweighed by the lack of a five-year housing land supply on plans for 163 homes in Suffolk, an inspector has decided.

UK house price to earnings ratio

Source: Nationwide, DNS
NPPF

Para 7 - meet needs of present and future
Para 14 - positively seek opportunities to meet development needs, sufficient flexibility
Para 49 - relevant policies for the supply of housing cannot be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

5 year housing land supply

• Government wants more housing – and now

• “….Identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer….”

• Without it you are prone to predatory planning applications
Planning Practice Guidance

• be realistic about what can be achieved and when – Understand the infrastructure requirements, and how long these will take to deliver

• increased emphasis should be given to market signals, land values, prices, affordability – Understand what is happening in the market, locally. This will help you monitor your policies.

Demonstrating supply – Using the HELAA

– Set out the requirement for the 5 year period (inc. shortfall, buffer etc.)
– Work out your annual requirement for the 5 year period (based on housing requirement).
– List all sites that can deliver housing within period, and the number of houses.
– Include allowance for windfalls and demolitions, as appropriate. Be mindful of spatial distribution.
– Be realistic, it will be subject to challenge by developers.
Demonstrating the supply - Delivery

• NPPF tells us sites must be ‘deliverable’
• Take into account information about sites from developers/landowners
• Also, note that not all sites with pp will be delivered, nor will large sites deliver their entire capacity within 5 years.

Lessons

• Your five year supply and trajectory will be heavily scrutinised
• Need overrides out of date policies, subject to sustainable development test
• Costs awarded where unreasonable reliance on out of date evidence

What sites should be included as being deliverable?
Housing: Conclusions and risks

Taking a positive approach – get your SHMA in place
Seeking to achieve a step change in delivery
Providing a robust and evidenced delivery information
Continuous working with developers, agreeing the methodology and assumptions
Consider how we deal with planning applications in the interim

Risks of not having an up-to-date Local Plan in place (or 5 YLS)

- Housing policies will be considered out of date
- NPPF presumption in favour of ‘sustainable development’ will apply in decision making
- Which means permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits
- Your ability to ‘plan’ for the area, provide certainty and secure development where you want it, will be diminished
Critical and unavoidable points

• Must take the staged approach in the NPPF
• you are responsible for identifying the housing requirement for your area, as part of the wider Housing Market Area
• the plan sets out the level of provision to be made
• requirement and provision have to be rooted in evidence
• the provision made in the plan can be less than the identified requirement, but the planning authority will have to provide substantive justification for this approach

these issues don’t go away if ignored
Strategic Planning

Duty to Cooperate

• New legal requirement under the Localism Act

• Designed to promote a culture change and spirit of partnership working on strategic cross boundary issues

• “Strategic planning in the context of localism”
What does the Duty mean for LPAs?

• “Working collaboratively with other bodies to ensure that strategic priorities across local authority boundaries are properly coordinated and clearly reflected in individual Local Plans”

NPPF

Complying with the Duty

• “The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities”

NPPF

• “Cooperation should be a continuous process of engagement from initial thinking through to implementation, resulting in a final position where plans are in place to provide the land and infrastructure necessary to support current and projected future levels of development”

NPPF
Duty to Cooperate – two aspects

• Legal requirement to co-operate under section 33A of the Planning and Compulsory Purchase Act 2004 (as inserted by section 110 of the Localism Act 2011)
• ‘Process’
• Policy tests set out in paragraphs 178-181 of the National Planning Policy Framework (NPPF)
• ‘Outcome’
• It is possible for a plan to pass the process test but fail the more challenging outcome test

Evidence of engagement

• Examples:
  - Plans/policies prepared by a joint committee
  - Memorandum of understanding
  - Jointly prepared strategy presented as evidence of an agreed position (e.g. South Hampshire Strategy)
  - Representations from adjoining LPAs etc.
  - Statement of Common Ground / compliance
  - Shared evidence base
Not complying with the Duty (1)

• “I am not satisfied, however, that it would be consistent with national policy for Rushcliffe to plan in isolation… Given the Framework’s emphasis on planning strategically across local boundaries, the issue – should Rushcliffe help to meet the needs of Nottingham City? – is not one that the Core Strategy can side-step”

Rushcliffe Core Strategy inspector’s note (November 2012)

Not complying with the Duty (2)

• “I conclude that the Plan does not meet the legal requirements of the 2004 Act in that the Council has not engaged constructively with neighbouring local planning authorities on the strategic matter of the number of houses proposed in the Plan…”

Letter from the Planning Inspector to Coventry City Council (27 February 2013)
Critical and unavoidable points

- Must take DtC seriously - will the need to be met through the housing market area as a whole?
- If one district says cannot meet need, must be able to justify, with rigorous application, paragraph 14 presumption
- Even if this presumption is overcome, there must be a plan as to where the unmet need will go

Productivity Plan 2015

- Allocations give the site ‘permission in principle’
- Brownfield Register
- DCLG may intervene in Local Plans not ‘in place’ by 2017
Proposed changes to NPPF

- Broadening the definition of affordable housing;
- Increasing the density of development around commuter hubs;
- Supporting sustainable new settlements, development on brownfield land and small sites, and delivery of housing allocated in plans; and
- Supporting delivery of starter homes.

Summary

- You have to prepare local plan
- You have to meet national policy requirements etc.
- Members have a vital role in ensuring a local plan is prepared
- Risks of not having a local plan that plans positively for the borough