

## Principle 2: Start with a clear understanding of what your local plan *must* cover to address the critical issues in your area

### Guide Questions

- What are the key issues that the National Planning Policy Framework requires your local plan to address?
- What are the difficult questions about the where and when of development that will need to be answered?
- What is the context within which the plan is being developed, as measured by housing supply, volume of applications and appeals, for example?

- 2.1 A successful plan will make clear what development is going to be delivered and when, where and how. The critical issues and decisions that need to be made in relation to this will define the scope of the plan. These issues – along with any national policy requirements that the plan must address - should be identified and acknowledged as early as possible in the local plan making process and must be addressed as part of its preparation.
- 2.2 Many soundness problems arise from a failure to properly answer the crucial questions of when, where and how development will be delivered; National Planning Policy Framework (NPPF), paragraphs 154, 156, 157 are relevant. Clear answers to these questions and an unwavering focus on the critical local issues that will shape the answers will lead to a deliverable and worthwhile plan. A lack of focus on these matters will inevitably lead to overly descriptive plans, generic statements and vague aspirations that could apply anywhere –and the likelihood of your plan being found unsound.
- 2.3 As well as reflecting the presumption in favour of sustainable development, the local plan must seek to meet the objectively assessed development and infrastructure needs of the area. This can't be emphasised strongly enough and must be your starting point. This could include unmet needs of neighbouring authorities, where it is reasonable to do so and consistent with achieving sustainable development. Understanding your need comes before looking at supply, which may be constrained by various factors. But you must demonstrate what your objectively assessed need is, before you then consider how you will meet it.
- 2.4 If you choose to define a housing target (or other area of need) at the lower end of the range of evidence, expect the Inspector to scrutinise your

evidence closely. There are quite a few plans that have been found to be lacking in this regard lately, and Inspectors have advised that authorities go back and re-look at both the evidence and the conclusions on need. If you have identified the need, but the plan isn't meeting it, you will have to demonstrate how the harm caused by not meeting the need is outweighed by the harm caused by meeting it. Any restrictive policies, which may be preventing identified need from being met, will need to be justified on the basis of national priorities and the NPPF, such as limiting development in National Parks and Areas of Outstanding Natural Beauty.

- 2.5 The critical local issues should be reflected in the objectives and strategies to address them should be part of the plan. Delaying addressing critical issues by the promise of preparation of later Development Plan Document without proper justification is a dangerous approach. In addition, although the NPPF does not preclude the production of additional Development Plan Documents, where justified, a single plan approach is favoured (paragraph 153 of the NPPF).
- 2.6 Similarly, side stepping these critical issues by using Supplementary Planning Documents (SPDs) could also result in the plan being found unsound. An SPD cannot provide policies for development and use of land or allocate sites or designate areas such as areas of change or conservation.
- 2.7 So what are these critical issues? These of course depend on your planning area and the particular challenges faced. These are typically those matters that lead to sharp intakes of breath when discussed with your councillors, impassioned speeches by community leaders and are often the matters on which community views are most polarised. Some common crunch issues - alongside meeting housing need – are gypsy and traveller provisions, waste plans and green belt.
- 2.8 Your plan must allocate land for housing: it is part of the authority's responsibility to do this, notwithstanding the state of the property market. If the housing industry does not build enough homes, a lack of allocated sites shouldn't be one of the reasons why. A shortage of deliverable sites is contrary to NPPF paragraph 47. Where it is not possible to identify sites for development in the longer-term (i.e. six or more years away) broad locations for future growth should be identified in the plan (NPPF, paragraphs 47 and 157).
- 2.9 Your plan must also address Gypsy and Traveller needs. The Planning Policy for Traveller Sites, published at the same time as the NPPF, sets out similar requirements for sites as the NPPF does for housing, with the addition of criteria based policies for the assessment of decisions (paragraphs 9 to 11).
- 2.10 The best approach is to do Gypsy and Traveller policies alongside your other ones. Some authorities have undertaken a specific Gypsy and Traveller site Development Plan Document at a later date following an assessment of need. Although this *may* be an acceptable approach much will depend on

the urgency and level of need for sites in the area. The Examiner will seek a commitment to address the needs of Gypsies and Travellers within an appropriate time scale. In the absence of allocated sites, a realistic criteria based policy will be required. If neither site allocations nor a criteria based policy is provided you will be vulnerable on appeal.

- 2.11 You may also need to deal with possible changes to the Green Belt within your area. These changes can be justified in exceptional circumstances. These are for you to determine and justify in the light of local considerations. Make sure there is consistency with the local plan strategy for meeting identified requirements for sustainable development. Some authorities are considering green belt reviews to help meet their housing need. If a review is necessary the revised boundary should take account of the settlement policy being followed and the need to define a permanent boundary for the long term, beyond the plan period (NPPF paragraph 83). You will also need to address any representations that development needs constitute exceptional circumstances and any evidence being advanced in light of paragraph 85 of the NPPF. You cannot and should not simply rely on the acknowledged importance of permanent Green Belts.
- 2.12 Sometimes minor adjustments to remove boundary anomalies are needed in order to maintain the integrity and logic of the Green Belt boundary. These anomalies may, for example, have arisen because of changed patterns of development. Whether such small-scale changes are needed is, like more significant changes, a matter for the authority to consider. However, any proposed changes, large or small, need to be shown in map form (preferably inset maps) so that anyone wanting to make representations knows precisely where the proposed boundary is located. This also applies to any proposed boundary changes, not just to those relating to the Green Belt.
- 2.13 You will also need to ensure that they have adequate policies on proposals for waste treatment, addressing: what waste management developments and facilities are required and where, when and how they will be delivered. Planning for waste should be treated in the same way as planning for any other type of development.
- 2.14 Waste planning should both inform and in turn be informed by any relevant municipal waste management strategy. In many instances waste planning involves cross boundary issues, so it is important to get a co-ordinated approach from the authorities involved. This extends to consideration of plan impacts on those areas that will be the recipients of waste streams or impacted by waste transfers. The need for agreement with such authorities is vital. Failure to address this and demonstrate the duty to cooperate has already led to an Examination on a joint waste plan being halted at the start of an Examination hearing.
- 2.15 Some waste plans have failed to give sufficient geographical direction to enable planning applications to be determined on a plan led basis. Identification of a very extensive area does not provide adequate guidance for subsequent site allocation Development Plan Documents, nor does it

help any private sector organisation seeking to develop a site through the planning application route.

- 2.16 The issues and key questions arising from practice and examination of waste plans are:
- **Procurement and land ownership** – to what extent should waste plans take account of procurement matters and the availability of sites already owned by the waste operators?
  - **Baseline information about waste streams** – what waste is currently generated by the various waste streams, how is it managed and what factors are likely to influence the quantities and types of waste and facilities over the plan period?
  - **Predicting demand and devising a strategy** - uncertainties need to be acknowledged. They can be dealt with by reasoned assumptions based on what *is* known, which can then be monitored and the plan adjusted if necessary.
- 2.17 The European Union Waste Framework Directive is relevant and requires waste plans to “include a geographical map specifying the exact location of waste disposal sites or facilities, or locational criteria which are sufficiently precise to enable the permitting authority to determine whether or not the site or facility falls within the management framework provided by the plan.” Avoid producing generalised and vague waste plans. It is important to be explicit about site allocations criteria – and justifications for sites that have been allocated or areas of search.
- 2.18 The whole point of the local plan is to address the critical spatial planning issues affecting your authority area as far as possible even when they raise uncomfortable questions for your authority.

## Further Information

[Soundness Self-Assessment Checklist](#)

[PAS Duty to Cooperate – on-site support](#)

[Gypsy and Traveller national awareness training](#)



## Frequently Asked Questions

**Q: When moving to a composite local plan, what is the best way of pulling this together in terms of presenting this for consultation and representations on things that aren't changing? How do you present the big issues and options for this new style plan?**

A: You need to consider the language of consultation. You need to lead people towards what you are changing. Consider how you tell the story. The NPPF does allow for partial reviews. Where you are not proposing to change policies you need to be satisfied you have relevant and up to date evidence underpinning them. It is not the date per se that drives this, but whether it is still fit for purpose. Neighbourhood plans need to be taken account of when doing the local plan, but don't trump the need for a strategic review. The local plan does take precedence. PINS advocates a pragmatic and sensible approach to be taken with regard to what evidence you submit. There is no need to re-submit core strategy evidence for a subsequent plan but it is likely to be in the document library.

**Q: Should we produce an 'Allocations and Designations Development Plan Document', or move to a whole local plan review. If carrying out a whole local plan review, what is the starting point?**

A: The NPPF expects that in most cases one overall local plan will be produced. Consider the age of the Core Strategy (and any other adopted Development Plan Documents), particularly with reference to the NPPF. Was it adopted pre-NPPF? If so, are you satisfied that it is not in conflict with the policies in the NPPF?

The evidence base for the withdrawn core strategy can be reused where it is still up to date as well, so it does not mean everything has to be thrown out. You can produce separate plans but there should be good reasons why you are not producing a single plan document.

There is a careful balance to be struck between the advantages of going through to examination on an allocation Development Plan Document, compared with devoting time and effort as soon as possible to an overall review of the strategy in co-operation with neighbouring authorities, as necessary. This is especially true where the allocations Development Plan Document is based on a core strategy that does not meet objectively assessed needs as defined in the NPPF. This may be one based on the Regional Strategy housing figure, and so may not fully address the current five year supply.

Councils are advised to have very clear, well substantiated reasons why continuing with a separate Development Plan Document is the right approach in the local circumstances and would best contribute to the achievement of NPPF's aims. If it were being used as a way of avoiding difficult decisions it is unlikely to be acceptable.

**Q: Can a plan be submitted that just took forward development management policies and not site allocations, even though currently they form part of the same draft plan?**

A: The Council would be at liberty to do this but should consider if this is the best option in terms of priorities, time, cost etc and the work that has already been done on site allocations.

- See more at: <http://www.pas.gov.uk/pm-q-a-plan-making#sthash.GSIQnqtp.dpuf>

**Q: For plans at different stages, timing can be an issue. Can partial reviews be the answer to help manage this?**

A: Partial reviews are possible (based only on your own plan area). However, if you do your own review, and then a neighbouring council carries a review which later shows you need to do more, then their more recent review may render your plan out of date.

**Q: How can you decide what to review in a plan? If there is a change in political administration, this may lead to a desire to change certain policies. Can these be targeted?**

A: There is PINS guidance on the Planning Portal about carrying out 'fast track' reviews of plans [http://www.planningportal.gov.uk/uploads/pins/local\\_plans/discrete\\_policy\\_review\\_guidance.pdf](http://www.planningportal.gov.uk/uploads/pins/local_plans/discrete_policy_review_guidance.pdf) If there is a political driver in reviewing certain aspects of the plan, then that is clearly your starting point. However, you should also ask yourself some key questions: How will what we change affect the rest of the plan? Will the changes lead to a significant alteration of the overall strategy? Will we have to carry out Sustainability Appraisal on the changes? If we are not revising the housing requirement, can we justify this? In other words, do we know what our objectively assessed need is? How are we using monitoring to help us understand whether other policies require updating or revising? Do we have a 5-year land supply?

**Q: When does a plan/policy become out of date? Is it the age of the plan/policy, or is it a change in circumstances on the ground, rendering the plan/policy out of date? What if a plan makes provision for a food store in a town, but a food store is subsequently built on a different site within the town? Is the allocation of the land for the food store still up to date, given the town now has a food store?**

A: The issue here is that different pieces of evidence, on which every plan is made, will become out of date at different times. There will also be some 'triggers' which may make all plans potentially out of date (such as a shift in national planning policy). So a landscape character assessment is likely to remain up to date far longer than a strategic housing market assessment (Strategic Housing Market Assessment). This is because the data on which the evidence relies will be updated



more regularly. A key case in point is the emergence of new Census data, and all the household and population projections that follow on from it. Strategic Housing Market Assessment will need to be benchmarked against updated projections, when they come out irrespective of the date of the assessment.

The key consideration in determining whether a change in circumstance would render a whole plan (or policy) out of date is the impact of that change on the strategy as a whole, or the policy in particular. In the example, if the reason for the town having an allocation for a food store is to meet some strategic policy (say, ensuring the town retains a position in the hierarchy, and/or is made more sustainable/competitive), then the ultimate choice of one site over another in the town is unlikely to affect the strategy. It may well render the specific allocation policy out of date, but even that would depend on the evidence, and whether the town could in fact sustain more than one food store. In any event, if policies are failing to be applied, or are rendered obsolete, the authority should pick this up in monitoring. In every case, it is the evidence behind the policy that is crucial in determining its continued relevance.

**Q: When working on a sites and policies/allocations Development Plan Document to deliver housing sites, is the figure adopted in Core Strategy (from Regional Strategy) is still appropriate? Can the figure be challenged again now?**

A: The situation is changing as time moves on and the NPPF beds in. However, you are likely to be challenged if the evidence behind the core strategy figure is now out of date. As the hierarchy of plans has now gone, you are able to revise your overall housing requirement in an allocations Development Plan Document. However, you would have to understand the impact of this on the adopted core strategy, and also ensure all evidence, particularly Sustainability Appraisal, is up to date. Further engagement on any changes to the strategy would also have to be undertaken.

**Q: In some areas, the Regional Strategy suppressed growth to boost delivery in the Metropolitan/growth areas. If progressing the sites and policies Development Plan Document is considered the quickest way of getting housing delivered, can this be supported in the light of the suppressed Regional Strategy figure? In the short term, can we use an interim strategy statement, retaining the Regional Strategy figure?**

A: The appropriateness of an interim strategy statement is dependent on local circumstances. It is also worth noting that the NPPF allows for a partial review of a plan but in general favours a comprehensive local plan approach.

There is a need for cooperation across the region. Authorities in this situation also need to address whether they have a contingency until strategic issues are bottomed out. This could include having additional sites available to assist in maintaining a 5-year supply.

**Q: Can a local plan be prepared without development limits and allocations? In a rural area with low delivery rates, can we use settlement development limits and an understanding of the hierarchy of all settlements to direct development?**

A: There is a risk to the delivery of the plan if there are no allocations and there is no work to demonstrate where there is developable and deliverable land. If there are no suitable sites to allocate, you will need to be clear how you are delivering the housing required. This must be identified through your work on objectively assessed needs. Settlement boundaries and robust criteria may well be enough. However, criteria based policies must be realistic. There may be a role for neighbourhood plans in this scenario. The local plan would set the strategy, and neighbourhood plans would deliver the detail in the settlements. It is important to set out what the overall strategy is in terms of sharing out the growth around the district (whether it be by applying a settlement hierarchy, with percentages of growth anticipated at each, or other means). This must be fully evidenced.

**Q: When should you carry out a green belt review?**

A: If you are looking to review your green belt, you should attempt to consider it within the context of its' strategic role, rather than just for your authority. That said, if a joint review is not possible or practical, you should consider agreeing a joint methodology, so that any alterations are being made on a consistent basis.

**Q: Can you carry out a partial review if you know there is a suitable site you could release from the green belt whilst leaving the rest unchanged?**

A: In an ideal world there would be a comprehensive sub-regional review. But if the council can build a sound story around not needing to delay, and then come back to the strategic issue later, this may be acceptable. Different authorities seem to be approaching it differently. There may be one single strategic site, or potential smaller releases around settlement boundaries. Both may be appropriate depending on the circumstances, and the evidence.

**Q: Where the scale of objectively assessed needs is pointing to a green belt review, what is the best way of progressing this? Should the council carry out the review, seek to allocate land where required (in the green belt) and then consult? What about the strategic nature of the green belt, where it is shared with other authorities?**

A: It would be preferable to take a comprehensive overview of the green belt when site allocations of this magnitude may be required. And if there were implications for the function and integrity of the green belt across a wider area, then joint working with other planning authorities on the review is necessary. Without joint work there is a risk of piecemeal erosion of what is actually a strategic issue. At the very least, agreeing a common methodology for this would be beneficial (if not essential).

Linked to this is joint working on the housing need for the housing market area. Have you worked with other authorities to seek the most sustainable way of meeting housing needs for the housing market area? There should be really robust evidence



on reviewing the green belt. Say that the economic appraisal provides the emphasis for investment and the need to provide perhaps larger homes than exist at present. The Strategic Housing Market Assessment will set out existing need. Can you be certain you can demonstrate the 'gap' in provision, between the economic and demographic work, that only the green belt can meet? Are you only looking to release it to cater for larger homes? How will new developments in the green belt link with the existing town?

**Q: Can you produce an allocations Development Plan Document that does not include gypsy and traveller sites? If the Gypsy and Traveller Accommodation Needs Assessment is not going to be completed to the same timescale, can you return to gypsy and traveller sites in a separate Development Plan Document?**

A: The needs of gypsies and travellers should not be treated any differently from other housing need. Inspectors will need to be given very convincing reasons why plans coming forward for examination do not provide for travellers' needs in accordance with the Planning Policy for Traveller Sites (issued in March 2012). Site allocations plans examinations have been suspended due to failure to address travellers' needs.

**Q: What is 'strategic'? The main factor on choosing to do a single plan was that allocations are running out and so this was a quicker way to get allocations into a plan. This approach almost uses allocations to drive the strategy, in so far as the public is concerned.**

A: In principle doing the detail to support the strategy is the right approach. But check that the strategy is still reasonably up to date and that the site allocations do enough to significantly boost the housing land supply.

**Q: How do you deal with safeguarded land? Can it be protected from development?**

A: The NPPF requires authorities to consider safeguarded land. It is something that should be considered beyond the 15 years of the plan. The notion is to make any changes to the green belt more permanent, i.e. probably two plan lifespans. The argument that you can't protect safeguarded land is not supported.

**Q: When considering how to review the green belt, it seems that focussing solely on whether it still meets one or more of the 'purposes' will almost always come back with a 'yes'. What other ways are there of assessing the potential for release?**

A: Look at similar land types. They may have different characteristics. It is an iterative process. Start to look again at the impacts once you have made an initial decision on potential sites. Tailor it to your specific needs. Then overlay constraint mapping. This could take out more sites. You could also factor in built-up areas

and the potential for regeneration. Ask 'how important is that 'yes' when balanced against the need for development land to provide for housing or other uses?'

**Q: What about the approach to green belts in neighbourhood plans? If the public come up with entirely different sites, will they be ignored? What are the 'very special circumstances' that justify the release of green belt? What if a developer doesn't want to wait for the plan and their site meets the presumption?**

A: The issue of development within the green belt is dealt with in paragraph 89 of the NPPF. The need for development on its own is not regarded as a 'very special circumstance'. This will be looked at on a site by site basis. If neighbourhood plans come up with entirely different sites, why ignore them? If they are sustainable, they should be considered.

**Q: If, as a result of an updated Strategic Housing Market Assessment, there is an increase in the housing number, do we need to immediately start reviewing our Core Strategy? Can we have a partial or whole review? Or is there a threshold of increase in the housing figure that could trigger a review?**

A: You will need to get on with an early review, particularly if the core strategy was adopted prior to the NPPF. If the Strategic Housing Market Assessment shows that your objectively assessed need is much higher than the core strategy provides for then you stand a significant risk of losing appeals. The plan is likely to be found to be out of date and therefore carry limited weight based on paragraphs 14 and 215 of the NPPF.

There is also significant risk if attempting to do this as a partial review, as housing policies are usually closely linked with the overall plan strategy. Once you start changing the housing policies this will nearly always have consequential impacts on other parts of the plan.

**Q: It is understood that there is no longer a requirement for the chain of conformity to be retained between the core strategy and the 'second tier' plans. Is this correct and if so is there a maximum deviation away from the strategic policies that the second tier plan can plan for if a need is identified?**

A: Although there is no longer the need for other plans to conform to the core strategy, something that fundamentally changes that strategy is likely to require the strategy to be reviewed alongside allocations work. Reasons could include significantly different levels of housing, or reviewing the green belt where a review was not planned for.

**Q: Can you replace existing core strategy policies with new ones, when producing an allocations or other Development Plan Document?**

A: It is possible to replace policies in the core strategy with policies in the allocations document (or any other plan), provided you are clear about the fact that new policies replace old. You also need to consult on the changes, showing the evidence behind them. This will include updating the Sustainability Appraisal.