

LOCAL PLANS

PRESENT AND FUTURE



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SPOILER ALERT!

There is not very much good news in this presentation



HAPPY 10TH BIRTHDAY TO THE NPPF

*You may have missed this,
but the NPPF was 10 years
old on 27th March*



NPPF 2012 – A NEW DAWN FOR LOCAL PLANS

- “153.** Each local planning authority should produce a Local Plan for its area. This can be reviewed in whole or in part to respond flexibly to changing circumstances.”
- “154.** Local Plans should be aspirational but realistic. They should address the spatial implications of economic, social and environmental change.”
- “179.** Joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas.”

2022 – WHAT HAS GONE WRONG?

So, here we are in November 2022, and the preparation of Local Plans has become one of the hardest tasks facing LPAs. What are the factors behind this?

Political turmoil at national level

National debate about 'Planning Reforms'

What does 'Levelling Up' mean?

Political rebellions at local level

Protracted Local Plan Examinations

Resources – staff and finance

THE STANDARD METHOD FOR LOCAL HOUSING NEED

Introduced in 2018, following a recommendation from the Local Plans Expert Group.

Intended to shorten the Local Plan preparation and Examination process, and the lengthy debates about 'numbers' and SHMAs of biblical proportions.

Was (and still is) based on the 2014 – based Household Projections plus an uplift for affordability, subject to a 'cap'.

Could deliver potentially 266,000 new homes p.a.

A NEW STANDARD METHOD, OR NOT?

In August 2020, the Government consulted on a proposed new Standard Method, which had a greater focus on affordability.

It would boost the national figure to 337,000 p.a., with most of the increases in the areas where the gap between house prices and incomes was greatest, i.e. Southern England.

This unleashed a political and media storm that led to the proposal being dubbed ‘the mutant algorithm’.

MINISTERIAL STATEMENT – 16TH DECEMBER 2020

The Government launched its solution – scrap its August proposals, revert back to the 2018 Method, but with a modification to uplift the number in the 20 largest cities and urban areas by 35%, reflecting Government objectives to drive housing into existing urban areas and promote ‘brownfield’ development.

This uplift is having a profound effect on strategic planning in the major cities, e.g. Nottingham and Liverpool.

THE STANDARD METHOD HAS NOW BECOME POLITICAL DYNAMITE, NATIONALLY AND LOCALLY

In Summer 2022, erstwhile Prime Minister Liz Truss stated that she wanted to “abolish the top-down, Whitehall-inspired Stalinist housing targets”.

She reaffirmed this intention during PMQ on 19th October, but then resigned the very next day!

Watch this space...?



“PLANNING FOR THE FUTURE” WHITE PAPER (AUGUST 2020)

Simplifying the role of Local Plans, focusing on three land Categories - Growth Areas, Renewal Areas and Protected Areas.

“A new vision for England’s planning system. We will streamline the planning process with more democracy taking place more effectively at the plan-making stage, and will replace the entire corpus of plan-making law in England to achieve this”

Setting out general development management policies nationally, with Local Plans setting clear local rules.

Greater engagement at the plan-making stage. Introducing a single statutory ‘sustainable development test’ replacing the existing tests of soundness.

Abolishing the Duty to Co-operate.

Requiring Local Authorities and the Planning Inspectorate to meet a statutory timetable (of no more than 30 months in total).

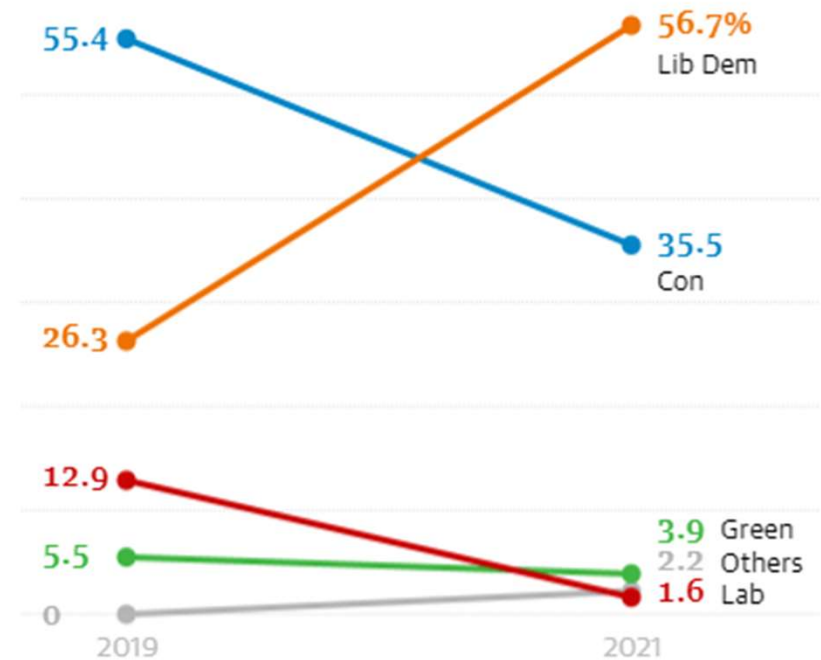
CHESHAM AND AMERSHAM BY-ELECTION, 17TH JUNE 2021

Planning reforms blamed as Lib Dems shock Tories with by-election upset

Lib Dem campaign was largely focused on discontent over the levelling-up agenda and adverse effects upon the constituency – chiefly more housebuilding and impacts of HS2.

The Liberal Democrats took the formerly safe Tory seat of Chesham and Amersham, overturning a majority of 16,223

Percentage share of vote



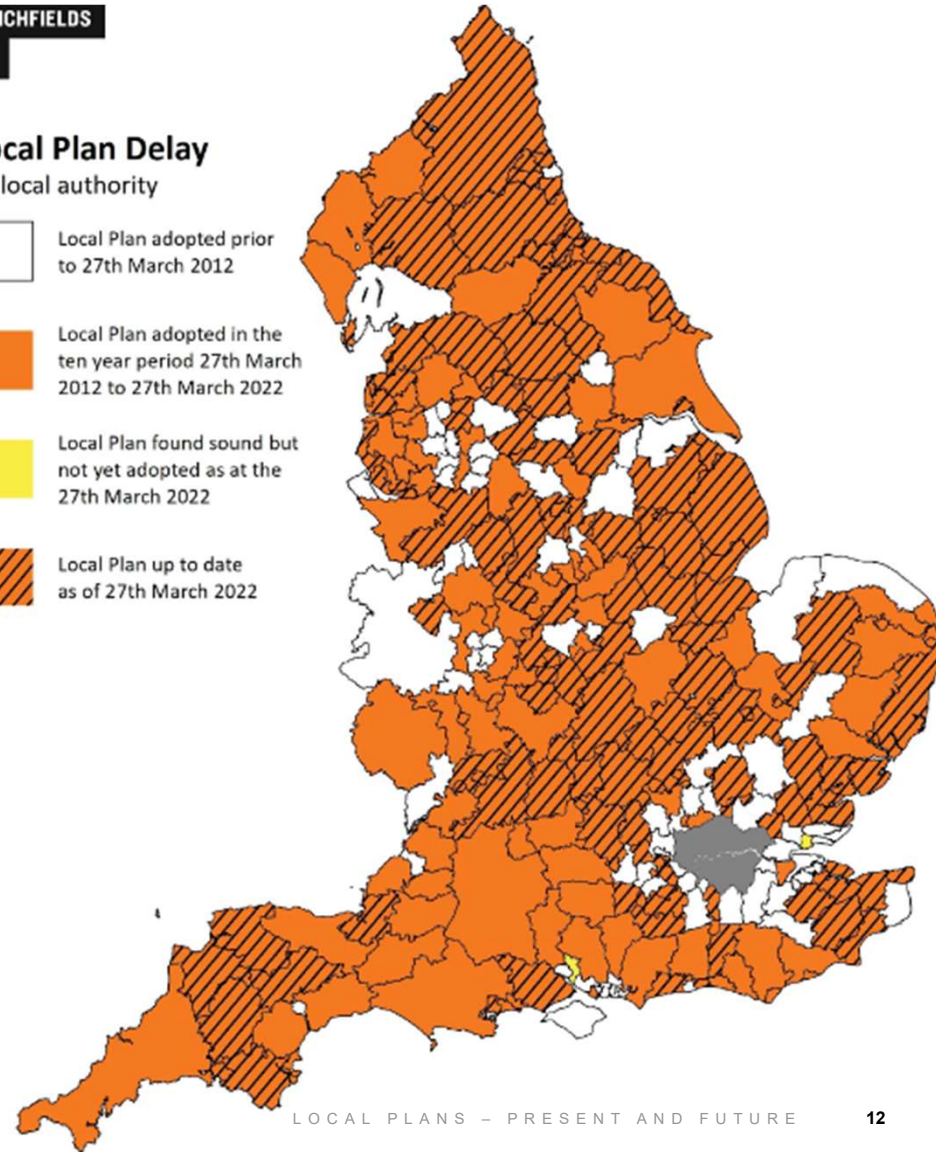
Guardian graphic. Source: PA

'OUT OF DATE' LOCAL PLANS



Local Plan Delay by local authority

-  Local Plan adopted prior to 27th March 2012
-  Local Plan adopted in the ten year period 27th March 2012 to 27th March 2022
-  Local Plan found sound but not yet adopted as at the 27th March 2022
-  Local Plan up to date as of 27th March 2022



WHAT, OR WHEN, IS ‘OUT OF DATE’?

On 3rd September 2020, the Court of Appeal, in *Peel Investments (North) Ltd v Secretary of State for Housing, Communities & Local Government* [2020] EWCA Civ 1175, addressed the interpretation of para. 11(d) of the NPPF 2019

“Policies are “out-of-date” if they have been overtaken by things that have happened since the plan was adopted, either on the ground or through a change in national policy, or for some other reason.”

Nothing to suggest that the expiry of the specified period of a development plan document automatically renders the policies in that document “out-of-date”.

Also held that a development plan without strategic housing policies is not automatically “out-of-date”.

LOCAL PLAN PARALYSIS (AKA 'WITHDRAWN', 'SET ASIDE', 'DELAYED' OR 'PAUSED')

During 2022, at least 20 Local Authorities have announced that their Local Plans are either withdrawn, 'set aside' or will be subject to significant delays in preparation, amongst which are **Castle Point** – withdrawn, after the Examination found it to be Sound; **Hertsmere** - 'set aside' after 18,000 representations at second Reg. 18 stage; **Dacorum** – two year delay; **Basildon** – withdrawn, pre-Examination; **Three Rivers** – two year delay.

This, in the context of a Government deadline of December 2023 for all authorities to have up-to-date adopted Local Plans in place.

Council delays local plan work over housing need and national policy uncertainties

Special measures council cites high staff turnover in announcing 9-month delay to draft plan's publication

Borough delays local plan consultation over 'uncertainties at national level'

Council confirms two-and-a-half year delay to local plan timetable

GOVERNMENT RESPONSE

How is the Government responding to this situation?

Frankly, hardly at all. There have been no ‘interventions’, despite many threats to do so.

After the withdrawal of the Castle Point Local Plan, this was the Government’s response from Marcus Jones, the then Minister of State for Housing, to the Council’s Leader:

“In light of the withdrawal of the Castle Point Local Plan, I would encourage you to ensure that the Council make progress and prepare a timetable for the delivery of a new local plan as soon as possible.”

The Government clearly has no appetite for any tough measures against local authorities who are failing to prepare Local Plans.

LOCAL PLAN CONTROVERSY

Increasingly, Local Plans are generating significant public controversy – in some cases leading to changes in the political landscape at the local level.

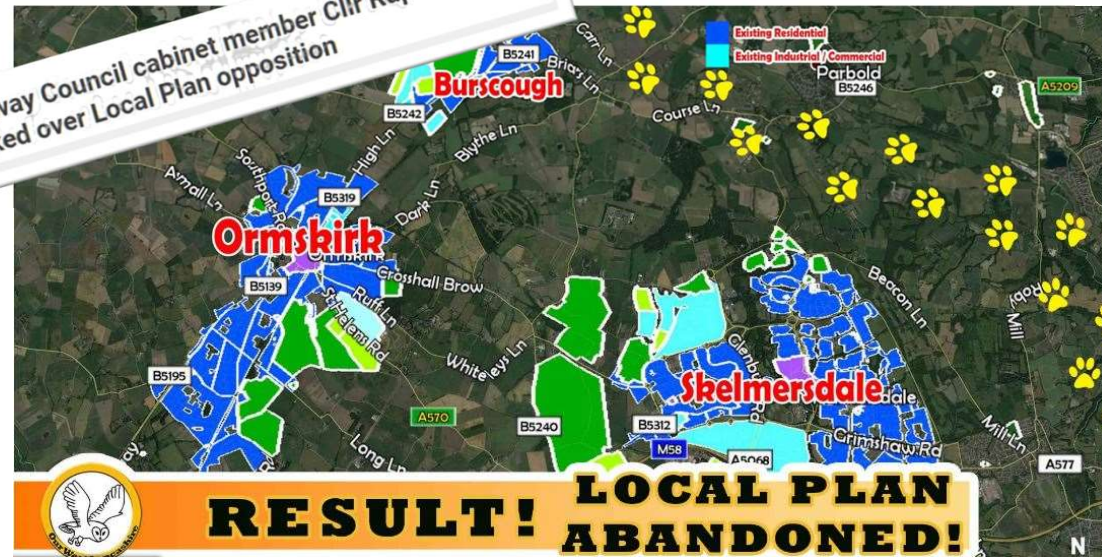
In May 2019, the Conservatives lost control of Guildford Borough Council to a R4GV/Lib Dem alliance, 10 days after adopting the Local Plan.

Similarly, in Uttlesford, R4U gained control of the Council in May 2019 having fought campaigns against previous draft Local Plans.

Huge opposition to local plan expected at Ashfield Council meeting

Ashfield Council could be presented with two petitions totalling more than 9,000 signatures and a cross-party motion, all calling for its draft local plan to be scrapped.

Medway Council cabinet member Cllr Rupert Turpin sacked over Local Plan opposition



Guildford local plan faces prospect of judicial review over green belt allocations

Dorset Council has paused its Local Plan process following significant opposition to the proposed allocation of 30,000 new homes across the council area before 2038.

LEVELLING UP AND REGENERATION BILL (MAY 2022) (1)

Key proposals

A single Local Plan for each local authority, to be prepared within a specified period (likely to be 30 months).

A new set of National Development Management Policies which will carry equal weight to Local Plan policy, except where there is conflict, where they take precedence.

A new system of statutory Supplementary Plans, replacing Supplementary Planning Documents, which would be subject to independent public examination, and which could set out policy for individual sites, infrastructure requirements or specific design policies.

LEVELLING UP AND REGENERATION BILL (MAY 2022) (2)

Key proposals

The option to prepare a Joint Local Plan or wider strategic Spatial Development Strategy between two or more local planning authorities.

A requirement for local planning authorities to produce a Design Code for their whole area.

A new 'requirement to assist' with plan-making which would apply to other public bodies.

LEVELLING UP AND REGENERATION BILL (MAY 2022) (3)

Key proposals

'Duty to Co-operate' will be repealed and according to accompanying notes replaced with a more "flexible alignment test set out in national policy."

Changes to one of the tests which Neighbourhood Plans must meet to proceed to referendum, removing the need for general conformity with the Local Plan. This is to be replaced with a requirement that plans must not prevent housing supply identified in a development plan from going ahead.

Provides the Secretary of State with powers to prepare or revise a local plan or give directions to the local planning authority to do so.

LEVELLING UP AND REGENERATION BILL (MAY 2022) (4)

Key proposals

Supporting information states that “new Local Plan Commissioners may be deployed to support or ultimately take over plan-making if local planning authorities fail to meet their statutory duties.”

Clause 90 includes ‘a requirement to assist’ with plan-making, replacing the current ‘Duty to Co-operate.’ This means that ‘the prescribed public bodies’ who influence the delivery and planning of infrastructure are required to be involved in the plan-making process.

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