



Local Plan Preferred Options: Guidelines and Recommendations

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Executive Summary

1. This document sets out guidelines and recommendations to Uttlesford District Council, in particular the Planning Policy Working Group, on how to approach the 'big decisions' around selecting sites to include within the draft local Plan, anticipated in the second half of 2016. There is no 'one size fits all' standard methodology available to guide Local Planning Authorities through the process.
2. *Chapter 2: Review of National Policy and Guidance* contains the following guidelines drawn from reading of the text of the National Planning Policy Framework and Planning Practice Guidance.

Sustainable Development: Guidelines

3. Local Plan-makers should seek economic, social, and economic gains jointly and simultaneously. In practice this is likely to mean difficult judgements about how much weight to attribute to various factors. This is more of an art than a science, although it should be informed by evidence.
4. National policy seeks to minimise adverse impacts, but acknowledges that these may nevertheless occur. The presumption tips the balance in favour of development rather than no development, provided that overall the net effect is positive in planning terms and there are no 'showstoppers'.
5. This means that mitigation and compensatory measures are likely to be embedded within Local Plan policies.

Soundness: Guidelines

6. The four 'tests of Soundness' for Local Plans (that they should be positively prepared, justified, effective, and consistent with national policy) set the overarching framework for putting together the Local Plan and the Council's efforts should be dedicated to showing how the new Local Plan meets each of those requirements.
7. 'Positive preparation' requires that the Council needs to demonstrate that it has made every effort to meet objectively assessed needs, i.e. it has 'left no stone unturned'. If the Council is asked by another authority to consider taking its unmet housing or other needs, then it is reasonable to expect that authority to be able to demonstrate that it has done the same. On this basis both Councils should try to agree whether the request is reasonable. Failure to do so could result in both plans failing to meet the requirements of the Duty to Co-Operate.

8. 'Justification' of the Local Plan means that there needs to be a clear rationale behind the selection of the options carried forward, and equally importantly, of the rejected options. In part this is the role of the Sustainability Appraisal, but the Council will need to take account of other factors such as deliverability in documenting its reasons.
9. Effective plans must be able to show that there is a 'reasonable prospect' of delivery. In some cases it is not possible to fully tie down funding pots for infrastructure 10 or 15 years ahead, but a commitment from the delivery bodies is important.
10. Ensuring that the plan is fully consistent with all the requirements of the NPPF is very difficult, but the Planning Inspector is there to provide that check and may recommend modifications to the Plan. Therefore plan-makers should not delay the plan unnecessarily for fear that it is not 'perfect', so long as it is confident that the main tests of soundness have been met.

Housing Needs: Guidelines

11. Local Planning Authorities must make every effort to 'boost significantly' the supply of housing over what has been achieved to date.
12. Calculation of the housing trajectory, including whether a 5% buffer or a 20% buffer should apply, will have a major impact on the amount of development to be planned for in the first five years.
13. There is a difference between the requirement for 'deliverable' sites in the first five years (see footnotes 11 and 12), which for larger sites is generally equated with sites with planning permission or where planning applications are at an advanced stage, and 'developable' sites later in the plan period.

Constraints: Guidelines

14. Local Plan-makers should take account of constraints but in some cases the presumption in favour of sustainable development will be a determining factor in deciding whether to allocate a site for development.
15. Where constraints exist, mitigation or compensation measures should be considered.
16. Plan-makers must be able to demonstrate that they have followed a clear and transparent process in producing their plans, show how the various constraints have been addressed, and whether or not it is possible to resolve them through the Local Plan or potentially through subsequent planning stages.

17. Local Plan-making should take care not to be seen to be erecting barriers or finding excuses for limiting development.

Deliverability: Guidelines

18. There is a difficult balance to be struck between ensuring that the infrastructure is provided to support development, and ensuring that the demands on the landowner and developer are not set so high as to make the land unattractive for them to develop.
19. There will need to be an iterative process of testing the impact of costs on the deliverability of development in order to ensure that the policies are viable. This may include a need to test the impact of potential developer contributions towards costly pieces of infrastructure.

Green Belt: Guidelines

20. Local Planning Authorities should undertake a criteria-based approach to assessment of Green Belt when undertaking a review of their Local Plans, based on the five criteria set out in Paragraph 80 of the NPPF.
21. Housing and economic needs do not alone override national constraints such as Green Belt.
22. 'Exceptional circumstances' set out in paragraph 83 are not defined in the NPPF, but relate to the overall development strategy and consideration of 'sustainable patterns of development' set out in Paragraph 84. Other key considerations in this respect are likely to involve cross-boundary strategic planning issues and the Duty to Co-Operate.

Cross-boundary planning: Guidelines

23. Councils should diligently explore all the options for delivering a planning strategy within their own planning area before approaching other authorities to address their unmet needs.
24. Legitimate justification for failing to meet development need within the area could be, for example because of lack of physical capacity or because of significant harm to the principles of the national planning policy framework.
25. In cases of cross-boundary planning where agreement is not reached, Local Planning Authorities should discuss their particular circumstances with the Planning Inspectorate prior to submitting the Local Plan.

Preparing Local Plans: Guidelines

26. Local Plans are a 'framework and a starting point' and attempts to provide exhaustive evidence and policy detail is unnecessary and likely

to cause long delays. This requires a judgement about what the main issues and evidence gaps are in relation to the plan area.

27. Many local issues can be addressed at planning application stage through careful layout and design. For example, a site-level drainage plan can address most flood risk issues. Green Infrastructure networks can usually protect the majority of local wildlife assets, and the context and setting of heritage assets can also usually be protected through careful design as part of a planning application. Robust policy wording can help to secure these protections.
28. Assessment of housing, economic and other strategies should be integrated. In putting together the plan, the Council must identify the main strategic issues and not lose sight of these at any point during the process.

Recommendations

29. **Recommendation 1: Interim 'Options Sieving' stage:** it is recommended that the Council carry out an interim 'sieve' of the options based on a limited number of key pieces of evidence.
30. **Recommendation 2: Prepare a Development Strategy Report:** The Council should prepare a report which details the key factors and decisions taken at each stage in the decision-making process which led to the preferred options set out in the draft Local Plan.
31. **Recommendation 3: Prepare a housing topic paper** including a housing trajectory set out in 5-year blocks.
32. **Recommendation 4: Prepare an Infrastructure Delivery Plan:** An Infrastructure Delivery Plan (IDP) is a high-level document which sets out broadly what infrastructure is needed, where it is needed, when it is needed, an estimate of how much it is going to cost, what the anticipated funding sources are, and who is going to be responsible for delivering it.
33. **Recommendation 5: Ensure that evidence is proportionate.** The Local Plan is a framework and a starting point for the consideration of planning applications. Local Plans should be based on proportionate evidence, and should not try to assemble evidence which is properly addressed through planning applications.
34. **Recommendation 6: clearly set out and explain the 'planning balance'.** Set out the critical issues in a format such as a table which will enable a consistent approach and clear justification for the decisions taken.
35. **Recommendation 7: Consider planning history (i.e. applications and appeal decisions) within a strategic context.** When considering a planning application, decision-makers assess the specific proposal

before them. By contrast plan-making must take account of the principles of development in an area.

36. **Recommendation 8: Demonstrate that the plan is deliverable.** There are useful guidance notes published by the Advisory Team for Large Applications, including a note on build-out rates on strategic sites.
37. **Recommendation 9: Prepare a Duty to Co-Operate Statement** using the template provided by the Planning Advisory Service
38. **Recommendation 10: Soundness should be the main consideration in driving the pace of the work programme.** If the Council submits a plan which is of uncertain soundness then there is a high risk of failing at Examination.

1. Introduction

- 1.1 This document sets out guidelines and recommendations to Uttlesford District Council, in particular the Planning Policy Working Group, on how to approach the 'big decisions' around selecting sites to include within the draft local Plan, anticipated in the second half of 2016. There is no 'one size fits all' standard methodology available to guide Local Planning Authorities through the process.
- 1.2 The main aim of this document is to help the District Council to achieve a sound plan following Examination in Public. Reflecting this aim, the advice contained within this document is heavily oriented towards interpretation and application of the National Planning Policy Framework (NPPF), which sets the requirements against which a Planning Inspector will assess the soundness of the submission version of the Local Plan.
- 1.3 The Council has already made a good progress towards achieving a sound plan, ensuring that it has a framework in place to enable a range of options to be considered in an objective manner, based on an evidence-led approach.
- 1.4 It is important that the Council follows through this process, ensuring that decisions on the final plan accord with sound planning principles. If the Council can achieve this then there is a good chance that the Local Plan will be found sound at Examination.
- 1.5 This document is intended to provide the Council with general principles which need to be met and should inform ongoing work, and also to provide some more specific recommendations as to some of the key work which will need to be undertaken.
- 1.6 More detail on specific work-streams can be found in the Local Plan Work Programme and Risk Assessment ([PPWG, 13 July 2015, agenda item 4](#)).

2. Review of National Policy and Guidance

- 2.1 Planning policy can be perplexing for those who are not familiar with the planning system, because it contains many words and phrases which may appear to be lacking in precision. This is because policy needs to be capable of interpretation in relation to a wide range of types and scales of development, each with their own local considerations.
- 2.2 Planning is quasi-judicial in nature and a large number of appeal decisions around the country hinge on the Planning Inspectorate's interpretation of words and phrases within the document. The aim of this section is to identify the main requirements, drawing on the experience of Uttlesford's own Local Plan examination and that of other Local Plan examinations around the country.
- 2.3 The Planning Advisory Service has published four very useful [legal updates](#) on major areas of plan-making case-law, on housing numbers, green belt, sustainability appraisal, and the Duty to Co-Operate. These four reviews were all prepared by No. 5 Chambers in November 2014. The Council may wish to seek further legal advice in relation to aspects of the strategy at appropriate points in preparing the Local Plan.

The Presumption in Favour of Sustainable Development

- 2.3 The definition of sustainable development in the NPPF poses a challenge for Local Plan-makers seeking a way into the process because it requires them to consider a very large number of separate requirements:

“The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.” (NPPF Paragraph 6)

- 2.4 The NPPF (paragraph 14) explains that this interpretation is designed to support development rather than hinder it, as set out in the 'presumption in Favour of 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. For **plan-making** this means that:*

- *local planning authorities should positively seek opportunities to meet the development needs of their area;*

- *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;
 - or
 - *specific policies in this Framework indicate development should be restricted.*⁹

9. For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion.”

2.5 In terms of the further application of the presumption, the section on Local Plans includes this:

“Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. To this end, they should be consistent with the principles and policies set out in this Framework, including the presumption in favour of sustainable development.”
[\(NPPF Paragraph 151\)](#)

“Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate.” [\(NPPF Paragraph 152\)](#)

Sustainable Development: Guidelines

39. Local Plan-makers should seek economic, social, and economic gains jointly and simultaneously. In practice this is likely to mean difficult judgements about how much weight to attribute to various factors. This is more of an art than a science, although it should be informed by evidence.

40. National policy seeks to minimise adverse impacts, but acknowledges that these may nevertheless occur. The presumption tips the balance in favour of development rather than no development, provided that overall the net effect is positive in planning terms and there are no ‘showstoppers’.

41. This means that mitigation and compensatory measures are likely to be embedded within Local Plan policies.

Ensuring that the Local Plan is ‘Sound’

- 2.8 Four ‘tests of soundness’ are the focus of the Examination in Public. Local Plans should be, positively prepared, justified, effective, and consistent with national policy:

Examining Local Plans

The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “sound” – namely that it is:

Positively prepared – *the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;*

Justified – *the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;*

Effective – *the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and*

Consistent with national policy – *the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.*

(National Planning Policy Framework, [Paragraph 182](#))

- 2.9 To be **positively prepared**, Local Planning Authorities must demonstrate that they have made every effort to meet development needs. This is one of the ‘core principles’ set out in Paragraph 17: *“Planning should...proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.”* ([NPPF Paragraph 17](#)). The often-remarked implication of this is that Local Planning Authorities should not regard the housing requirement or ‘objectively assessed need’ as maximum ‘targets’, but as **minimum figures to achieve**. In other words, if there are sites available which meet the requirements of sustainable development as defined in the NPPF, the Local Planning

Authority should not seek to restrict development. In practice this means that the Council's development strategy needs to be supported by very strong evidence if it wishes to restrict development in certain locations. It could mean, for example, over-delivering in areas which accord with the strategy.

- 2.11 The requirement to include 'unmet requirements from neighbouring authorities where it is reasonable to do so' requires Local Planning Authorities to understand the evidence base and the constraints faced by their neighbours, in order to understand whether their requests are reasonable. It is likely that Officers in the event of such a request, Officers will need to closely scrutinise the evidence base of the requesting authority and advise Members accordingly. This is potentially a huge political challenge and a number of Local Plans have failed on these grounds.
- 2.12 **Justification** of the Local Plan means that it must be clear how all the reasonable alternatives have been assessed. This was the main criticism of the 2014 Submission Local Plan identified by the Planning Inspector in his report of December 2014. Through the Issues and Options stage the Council has addressed this problem by setting out an assessment framework based on Areas of Search and scenarios which should enable the Council to demonstrate that it has met this requirement, subject to preparing a draft Local Plan which is demonstrably based on and justified by the consideration of these alternatives.
- 2.14 To be **effective** the Council must be able to demonstrate that the plan can be implemented. This means that there must be a 'reasonable prospect' that the necessary infrastructure can be delivered through to 2033, and that there are willing landowners and developers ready to deliver the plan. The requirements for effectiveness are much more stringent in the first five years of the plan.
- 2.15 A list of strategic priorities is contained in paragraph 156 of the NPPF, and can include homes, jobs, and infrastructure, as well as retail, leisure, and other commercial development. In developing its Local Plan the Council will need to discuss these with its neighbouring Local Planning Authorities to identify what issues there are, and take appropriate measures to address them.
- 2.16 The last test of soundness is '**consistency with national policy**' and this catch-all requirement can be challenging because it requires plan-makers to ensure that they have tested their emerging proposals against the full range of national requirements in the round.
- 2.17 Planning Inspectors are able to recommend 'minor' and 'major' modifications through their Examination Reports, which provide additional reassurance that plans are fully consistent with national

policy. Inspectors suggest changes in the majority of cases where plan are found sound.

- 2.18 However, in the case of some 'major' modifications, the Inspector may recommend that further consultation should be carried out before the plan is found sound. For this reason it is highly recommended that the Council should pay great attention to ensuring that the plan meets the NPPF requirements set out in this document before it submits the Local Plan to the Planning Inspectorate. Furthermore, the Secretary of State has recently urged the Planning Inspectorate to be 'pragmatic' dealing with Local Plans.

Soundness: Guidelines

The four 'tests of Soundness' for Local Plans (that they should be positively prepared, justified, effective, and consistent with national policy) set the overarching framework for putting together the Local Plan and the Council's efforts should be dedicated to showing how the new Local Plan meets each of those requirements.

'Positive preparation' requires that the Council needs to demonstrate that it has made every effort to meet objectively assessed needs, i.e. it has 'left no stone unturned'. If the Council is asked by another authority to consider taking its unmet housing or other needs, then it is reasonable to expect that authority to be able to demonstrate that it has done the same. On this basis both Councils should try to agree whether the request is reasonable. Failure to do so could result in both plans failing to meet the requirements of the Duty to Co-Operate.

'Justification' of the Local Plan means that there needs to be a clear rationale behind the selection of the options carried forward, and equally importantly, of the rejected options. In part this is the role of the Sustainability Appraisal, but the Council will need to take account of other factors such as deliverability in documenting its reasons.

Effective plans must be able to show that there is a 'reasonable prospect' of delivery. In some cases it is not possible to fully tie down funding pots for infrastructure 10 or 15 years ahead, but a commitment from the delivery bodies is important.

Ensuring that the plan is fully consistent with all the requirement of the NPPF is very difficult, but the Planning Inspector is there to provide that check and may recommend modifications to the Plan. Therefore plan-makers should not delay the plan unnecessarily for fear that it is not 'perfect', so long as it is confident that the main tests of soundness have been met.

Making every effort to meet Housing Needs

- 2.21 Compliance with housing requirements set out in the NPPF continues to be one of the main difficulties facing Local Plans at Examination. The housing requirements are an extension of the test of soundness relating to ‘positive planning’ in paragraph 182 and paragraph 17 (cited above).
- 2.22 [Paragraph 47](#) is frequently cited as a key area where Councils trip up at Examination, and it contains a number of technical requirements which should be addressed as part of the draft plan (Preferred Options) stage, because failure to do so can necessitate major changes to the plan prior to submission.

“To boost significantly the supply of housing, local planning 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, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;*
- *identify and update annually a supply of specific deliverable¹¹ sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;*
- *identify a supply of specific, developable¹² sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;*
- *for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and*
- *set out their own approach to housing density to reflect local circumstances.”*

“11 To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.”

“12 To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.”

Housing Needs: Guidelines

1. Local Planning Authorities must make every effort to ‘boost significantly’ the supply of housing over what has been achieved to date.
2. Calculation of the housing trajectory, including whether a 5% buffer or a 20% buffer should apply, will have a major impact on the amount of development to be planned for in the first five years.
3. There is a difference between the requirement for ‘deliverable’ sites in the first five years (see footnotes 11 and 12), which for larger sites is generally equated with sites with planning permission or where planning applications are at an advanced stage, and ‘developable’ sites later in the plan period.

Constraints

- 2.23 With a few exceptions for nationally/internationally designated assets, constraints to development must be viewed in the context of the presumption in favour of sustainable development, as shown in the examples below.

“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.” (NPPF Paragraph 32, bullet point 3)

“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.” (NPPF Paragraph 112)

“In preparing plans to meet development needs, the aim should be to minimise pollution and other adverse effects on the local and natural environment. Plans should allocate land with the least environmental or amenity value, where consistent with other policies in this Framework.” (NPPF Paragraph 110)

“local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.” (NPPF Paragraph 122)

“Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.” (NPPF Paragraph 124)

“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.... Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property...” (NPPF Paragraph 100),

Constraints: Guidelines

1. Local Plan-makers should take account of constraints but in some cases the presumption in favour of sustainable development will be a determining factor in deciding whether to allocate a site for development.
2. Where constraints exist, mitigation or compensation measures should be considered.
3. Plan-makers must be able to demonstrate that they have followed a clear and transparent process in producing their plans, show how the various constraints have been addressed, and whether or not it is possible to resolve them through the Local Plan or potentially through subsequent planning stages.
4. Local Plan-making should take care not to be seen to be erecting barriers or finding excuses for limiting development.

Deliverability

- 2.23 Ensuring that plans are 'effective' includes provision of evidence of matters collectively known as 'deliverability'. These considerations are bound up together, as set out in paragraphs 173 and 177 of the NPPF:

"Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable." ([NPPF Paragraph 173](#))

"It is equally important to ensure that there is a reasonable prospect that planned infrastructure is deliverable in a timely fashion. To facilitate this, it is important that local planning authorities understand district-wide development costs at the time Local Plans are drawn up. For this reason, infrastructure and development policies should be planned at the same time, in the Local Plan. Any affordable housing or local standards requirements that may be applied to development should be assessed at the plan-making stage, where possible, and kept under review." ([NPPF Paragraph 177](#))

Deliverability: Guidelines

1. There is a difficult balance to be struck between ensuring that the infrastructure is provided to support development, and ensuring that the demands on the landowner and developer are not set so high as to make the land unattractive for them to develop.
2. There will need to be an iterative process of testing the impact of costs on the deliverability of development in order to ensure that the policies are viable. This may include a need to test the impact of potential developer contributions towards costly pieces of infrastructure.

Green Belt

2.26 Green Belt is often a politically challenging topic for Local Planning Authorities. The key parts of the NPPF relating to Local Plans are as follows:

“Green Belt serves five purposes:

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”* (NPPF Paragraph 80)

“Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.” ([NPPF Paragraph 83](#))

“When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset

within the Green Belt or towards locations beyond the outer Green Belt boundary.” ([NPPF Paragraph 84](#))

- 2.27 However, the Planning Practice Guidance makes clear that housing and economic needs do not in themselves override [‘footnote 9’](#) constraints such as Green Belt: *“The National Planning Policy Framework should be read as a whole: need alone is not the only factor to be considered when drawing up a Local Plan.”* ([PPG, Housing and Economic Land Availability Assessment, Paragraph 44](#))

Green Belt: Guidelines

1. Local Planning Authorities should undertake a criteria-based approach to assessment of Green Belt when undertaking a review of their Local Plans, based on the five criteria set out in Paragraph 80 of the NPPF.
2. Housing and economic needs do not alone override national constraints such as Green Belt.
3. ‘Exceptional circumstances’ set out in paragraph 83 are not defined in the NPPF, but relate to the overall development strategy and consideration of ‘sustainable patterns of development’ set out in Paragraph 84. Other key considerations in this respect are likely to involve cross-boundary strategic planning issues and the Duty to Co-Operate.

Cross-Boundary Strategic Planning and the Duty to Co-Operate

- 2.28 Regional Plans have been abolished and replaced with a requirement to work together across administrative boundaries on matters of common interest:

“Public bodies have a duty to cooperate on planning issues that cross administrative boundaries, particularly those which relate to the strategic priorities set out in [paragraph 156](#). The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities.” ([NPPF Paragraph 178](#))

“Local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly coordinated and clearly reflected in individual Local Plans. Joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within

their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of this Framework.” (NPPF Paragraph 179)

2.29 [Section 3 of the Planning Practice Guidance on the Duty to Co-Operate](#) states:

“If another authority will not cooperate this should not prevent the authority bringing forward a Local Plan from submitting it for examination. However, the authority will need to submit comprehensive and robust evidence of the efforts it has made to cooperate and any outcomes achieved and this will be thoroughly tested at the examination. Local Planning Authorities should discuss their particular circumstances with the Planning Inspectorate prior to submitting the Local Plan.”

“Prior to submitting a Local Plan in these circumstances Local Planning Authorities should have explored all available options for delivering the planning strategy within their own planning area. They should also have approached other authorities with whom it would be sensible to seek to work to deliver the planning strategy.”

Cross-boundary planning: Guidelines

1. Councils should diligently explore all the options for delivering a planning strategy within their own planning area before approaching other authorities to address their unmet needs.
2. Legitimate justification for failing to meet development need within the area could be, for example because of lack of physical capacity or because of significant harm to the principles of the national planning policy framework.
3. In cases of cross-boundary planning where agreement is not reached, Local Planning Authorities should discuss their particular circumstances with the Planning Inspectorate prior to submitting the Local Plan.

Preparing a Local Plan

- 2.28 As will be apparent from the above review of national requirements, preparing a Local Plan is a complex task. National policy and guidance on this is provided as follows:

“Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals.” (NPPF, Paragraph 158)

- 2.29 [Section 10 of the Planning Practice Guidance on Local Plans](#) asks ‘how detailed should a Local Plan be?’ and states: *“While the content of Local Plans will vary depending on the nature of the area and issues to be addressed, all Local Plans should be as focused, concise and accessible as possible. They should concentrate on the critical issues facing the area – including its development needs – and the strategy and opportunities for addressing them, paying careful attention to both deliverability and viability.”*)

- 2.30 [Section 14 of the Planning Practice Guidance on Local Plans](#) asks “What evidence is needed to support the policies in a Local Plan?” and states the following:

“Appropriate and proportionate evidence is essential for producing a sound Local Plan, and [paragraph 158](#) onwards of the National Planning Policy Framework sets out the types of evidence that may be required. This is not a prescriptive list; the evidence should be focused tightly on supporting and justifying the particular policies in the Local Plan. [Evidence of cooperation](#) and considering different options for meeting development needs will be key for this process.

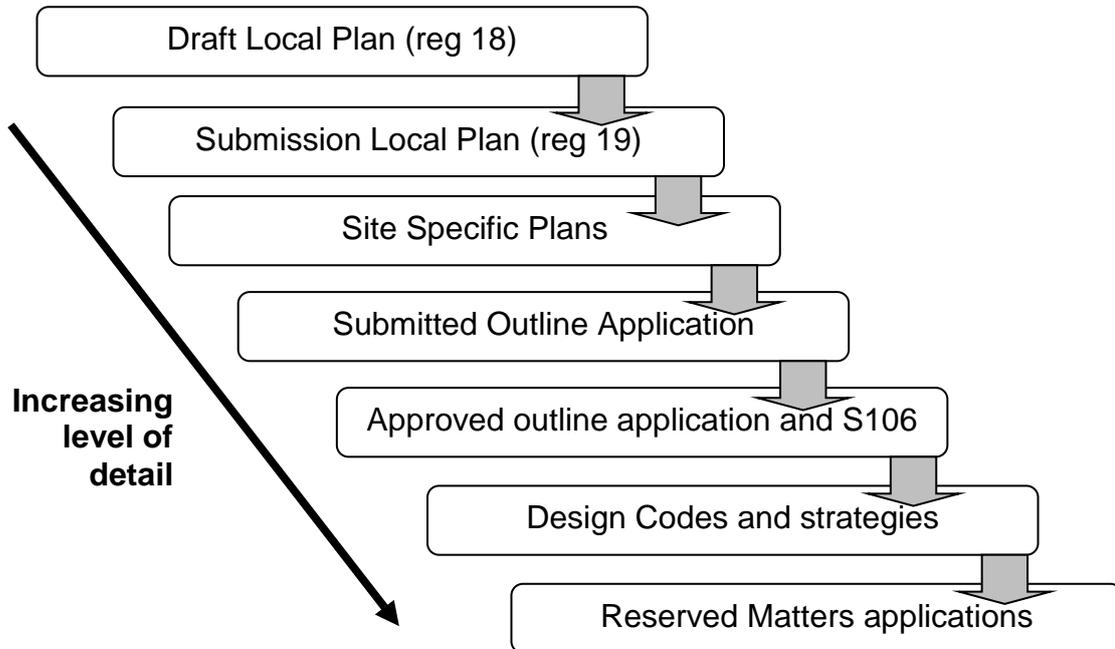
The evidence needs to inform what is in the plan and shape its development rather than being collected retrospectively. It should also be kept up-to-date. For example when approaching submission, if key studies are already reliant on data that is a few years old, they should be updated to reflect the most recent information available (and, if necessary, the plan adjusted in the light of this information and the comments received at the publication stage).

Local planning authorities should publish documents that form part of the evidence base as they are completed, rather than waiting until options are published or a Local Plan is published for representations. This will help local communities and other interests consider the issues and engage with the authority at an early stage in developing the Local Plan. It will also help communities bringing forward [neighbourhood](#)

plans, who may be able to use this evidence to inform the development of their own plans.”

2.31. Preparation of the Local Plan is part of an end-to-end Planning process, as shown in Figure 1. Appropriate detail should be sought at each stage.

Figure 1: Stages in the planning process



Preparing Local Plans: Guidelines

1. Local Plans are a ‘framework and a starting point’ and attempts to provide exhaustive evidence and policy detail is unnecessary and likely to cause long delays. This requires a judgement about what the main issues and evidence gaps are in relation to the plan area.
2. Many local issues can be addressed at planning application stage through careful layout and design. For example, a site-level drainage plan can address most flood risk issues. Green Infrastructure networks can usually protect the majority of local wildlife assets, and the context and setting of heritage assets can also usually be protected through careful design as part of a planning application. Robust policy wording can help to secure these protections.
3. Assessment of housing, economic and other strategies should be integrated. In putting together the plan, the Council must identify the main strategic issues and not lose sight of these at any point during the process.

3 Recommendations

- 3.1 Having reviewed the key themes in terms of national policy and guidance, the following recommendations are made to Uttlesford District Council as it embarks on the next stage of plan preparation. These recommendations are not intended as an exhaustive 'to do' list and the Council will need to ensure that it has prepared the necessary supporting evidence base.

Recommendation 1: Interim 'Options Sieving' stage

- 3.2 The Council has developed a wide range of options and consulted on options including new settlements, urban extensions, and extensions to villages. In reality only a very small proportion of the original Areas of Search are likely to be required as part of the Local Plan. If the Council were to equally appraise all the Areas of Search then this could lead to very large amounts of unnecessary work which would considerably delay the progress of the plan.
- 3.3 To avoid this scenario, it is recommended that the Council carry out an interim 'sieve' of the options based on a limited number of key pieces of evidence. For example, the Green Belt assessment could suggest that some areas of the Green Belt perform a very important function and therefore should not be released, or there may be evidence from key infrastructure or service providers that there are significant obstacles to development in some locations.
- 3.4 At this stage the Council should consider the deliverability of the options, in particular whether each Area of search is being promoted by the landowner(s), taking account of whether any fresh interest has been expressed through responses submitted as part of the Issues and Options consultation. If the land is not being promoted, the Council will need to make a decision as to whether it is prepared to explore the feasibility of a special purpose delivery vehicle in partnership with the landowners, or other appropriate mechanism. A special purpose vehicle is only likely to be appropriate for a strategic site. Depending on the decision, the deliverability of the option would be in doubt and it would be advisable to drop the option from further consideration at this stage.
- 3.5 Given the importance of this interim stage it is recommended that a decision on which options (if any) to drop should be taken by Full Council. Public consultation at this stage is not necessary because any options dropped as part of the interim 'sieve' will be set out for consultation alongside the draft Local Plan as part of the Preferred Options consultation.
- 3.5 As part of the report the map should be updated to show any Areas of Search proposed for deletion and those proposed for retention, perhaps by removing the fill colour from those proposed for deletion whilst leaving

an outline of the shape. This map will help to demonstrate the 'audit trail' of decisions made and form part of a narrative explanation of the preparation of the Local Plan.

Recommendation 2: Prepare a Development Strategy Report

- 3.6 The Council should prepare a report which details the key factors and decisions taken at each stage in the decision-making process which led to the preferred options set out in the draft Local Plan. This document will form a key part of the evidence submitted to the examination in public in order to demonstrate that the plan meets the tests of soundness set out in Paragraph 182 of the NPPF.
- 3.7 The document should set out how the housing strategy, economic development strategy, delivery of key pieces of infrastructure, and any other key components of the plan relate to each other as parts of an overall development strategy. For example, the report should set out where jobs are anticipated to be provided in relation to housing (whether within or outside the district) and what the implications of this will be for sustainable transport. It should also set out the key cross-boundary planning issues, and consider whether there are any strategic matters which would constitute the 'exceptional circumstances' necessary to release Green Belt.
- 3.8 The report should explain how the vision for the District in 2033 was produced, and how this relates to the development strategy. It should also set out how the development strategy and vision relates to the settlement hierarchy, the implications for the existing settlements, and how these impacts will be managed and mitigated. It should also be where the 'planning balance' is addressed (see Recommendation 6 below).
- 3.9 It is recommended that the Council prepare an 'interim' development strategy report to publish as part of the Preferred Options consultation alongside the draft Local Plan. This report can then be updated and adjusted as necessary for the Pre-Submission consultation and finally for Submission. A draft of the Development Strategy Report should be provided to the Council's consultants for Sustainability Appraisal, and the recommendations from the Appraisal should then be reported and addressed in the published version of the development strategy report.

Recommendation 3: Prepare a housing topic paper including a housing trajectory

- 3.10 Housing is one of the most complicated areas of Local Plan development and one which is likely to come under most scrutiny at Examination in Public, in particular relating to Paragraph 47 of the NPPF. It is therefore recommended that the Council prepare a Housing

Topic Paper which sets out a clear audit trail of the evidence which sits behind the housing strategy component of the Local Plan.

- 3.11 The centrepiece of the housing topic paper should be a housing trajectory along the lines of the template set out in Appendix A. This should show the expected contribution to housing supply from all sources over the plan period, set out in 5 year blocks. Completions and commitments can be shown in a single line, perhaps supported by an appendix containing tables providing details.
- 3.12 The topic paper should explain the approach taken to calculating the housing trajectory, including for example the approach taken to windfall (unexpected permissions), the buffer, and how any shortfall is to be addressed.
- 3.13 The topic paper should provide a synopsis of the Housing Market Assessment and how this evidence has been taken on board as part of the overall development strategy, including whether there are any unmet housing needs within the housing market area and if so how these will be addressed.
- 3.14 The first five years of the housing trajectory is likely to come under particular scrutiny and so the Topic Paper should set out how it intends to meet this requirement. This might involve setting out evidence of whether planning applications are in preparation or are likely to be capable of obtaining permission in the short term (1-3 years).
- 3.15 The starting point for consideration of the housing trajectory should be that the Council will try to deliver a continuous pipeline of development throughout the plan period. If the Council decides to 'back-load' the trajectory to focus on a new settlement later in the plan period, it is recommended that the Council should discuss this approach thoroughly with a Planning Inspector and secure some written advice before public consultation to minimise the risks of being found unsound at examination.
- 3.16 Finally, the Housing Topic Paper should set out contingency arrangements in case one or more sites runs into problems with delivery, for example if the developer fails to build at the anticipated pace, or goes bust. This consideration is likely to be particularly important if the strategy involves a 'new settlement' approach.

Recommendation 4: Prepare an Infrastructure Delivery Plan

- 3.17 An Infrastructure Delivery Plan (IDP) is a high-level document which sets out broadly what infrastructure is needed, where it is needed, when it is needed, an estimate of how much it is going to cost, what the anticipated funding sources are, and who is going to be responsible for delivering it.

- 3.18 The IDP should include an infrastructure schedule which could include the following columns within a spreadsheet and a row for each item:
- Date record updated
 - Category (schools, GP surgeries, new roads etc)
 - Description (e.g. 2 FE Primary school etc)
 - Phasing (which 5-year block)
 - Site Specific (strategic infrastructure may not be site specific)
 - Site
 - Location
 - Justification (must be linked to delivery of development)
 - Main provider
 - Estimated total cost
 - Funding source
 - Funding source contribution (amount)
 - Delivery start date
 - Delivery End date
 - Local Plan policy reference (if applicable)
 - Status (feasibility assessment, programmed, underway, etc)
- 3.19 This schedule should be a 'live' document which can be updated as the Local Plan is implemented over time, to assist the Council in monitoring and managing development. It is likely that over time the schedule and IDP will become more sophisticated as the process beds in.
- 3.19 The IDP should focus in particular on the 'big-ticket' items of infrastructure such as transport, schools, and healthcare. Other smaller items may be addressed through planning applications and section 106 negotiations (see recommendation 5 below). The cost estimates in the draft IDP will be helpful in ensuring that the policies in the draft Local Plan are viable and comply with NPPF in this respect (see above paragraph 2.23). Depending on the emerging plan, the Council may consider appointing a cost consultant to advise on likely infrastructure costs.
- 3.20 Utilities provision can be very expensive but utilities companies in general do not release cost data and this is negotiated on commercial terms between developer and provider. Both for utilities and other infrastructure and service providers one of the key components of the IDP will be signed letters of agreement stating that there is a reasonable prospect that the necessary infrastructure is capable of being delivered on the timescale set out in the draft Local Plan.

Recommendation 5: Ensure that evidence is proportionate

- 3.21 As set out in section 2 above, the Local Plan is a framework and a starting point for the consideration of planning applications. Local Plans should be based on proportionate evidence, and should not try to

assemble evidence which is properly addressed through planning applications.

- 3.22 Local Plans have to address contentious development issues and there is a risk of the evidence base developing into an 'arms race' with developers or an attempt to placate local critics. Both scenarios are likely to result in unnecessary delays and expense.
- 3.23 If the Council is unsure whether sufficient evidence has been assembled for the purposes of Examination then it could consider inviting an independent review from an external party, for example the Planning Advisory Service or the Planning Officers Society.

Recommendation 6: clearly set out and explain the 'planning balance'

- 3.24 There is no 'off the shelf' process or template to follow when preparing a draft Local Plan. Many Local Authorities reach their preferred options plan through a rather tortuous process and none of the recent examples can be held up as a 'model' process. This is attributable to the complexity of the issues involved and shifting interpretations of national policy.
- 3.25 National policy and guidance is clear that Local Authorities should focus on the critical issues. This is a matter of planning judgement and therefore it is important that the Council should focus on an approach based on explaining the rationale behind everything it does. There is often no unequivocally 'right' answer, but there are 'reasonable' ones.
- 3.26 For this reason Local Authorities should try to ensure that the planning balance is clearly articulated. In order to do this it may be helpful to set out a table (for example as set out in **Appendix A** below) which will enable the main issues to be addressed and compared. This kind of systematic approach is necessary to reassure the Planning Inspector (as well as all the interested parties) that sound judgement has been exercised. This could be set out in the Development Strategy Report (see Recommendation 3 above).
- 3.27 A judgement is also required about the appropriate means of approach to different parts of the assessment. A large number of different types of evidence will be considered as the Council makes its decisions, and they will involve different approaches.
- 3.28 Some of these approaches may use a simple criteria-based approach. This is the approach commonly taken to Sustainability Appraisal and Strategic Housing Land Availability Assessments, both of which are accompanied by methodologies explaining the criteria (the SA Scoping Report). Green Belt Assessment is undertaken using the five criteria set out in national policy.

- 3.29 However, whilst comparison between options is necessary for the purposes of consistency, criteria-based approaches are not helpful for some technical areas of assessment. One example of this may be around transport modelling and mitigation, where there needs to be evidence that particular solutions can be delivered. Matters of deliverability are usually not capable of being addressed through criteria-based approaches, and instead rely on Memoranda of Understanding with providers, supported by proportionate evidence as appropriate.
- 3.30 Planning is an art rather than a science, and ‘false precision’ is a pitfall to be avoided. Slavish adherence to criteria-based approaches necessitates weighting and scoring charts, which quickly become very complex and arbitrary, and therefore open to challenge. Instead, the Council should apply the guiding principles set out in the NPPF, which will be the subject of the Examination in Public.

Recommendation 7: Consider planning history (i.e. applications and appeal decisions) within a strategic context

- 3.31 As Local Planning Authority the Council exercises the function of determining planning applications (called ‘decision-taking’ in the NPPF), either by Case Officers under delegated powers or through the Planning Committee, as well as its plan-making function. In cases where permission is refused, some applicants may seek to challenge the decision through the appeals system, and the Planning Inspectorate may either dismiss or allow the appeal depending on a range of factors including the Council’s reasons for refusal.
- 3.32 When considering a planning application, decision-makers assess the specific proposal before them. By contrast plan-making must take account of the principles of development in an area. Plan-makers therefore need to consider whether any of the reasons for refusal or dismissal amount to in-principle reasons why a site cannot be allocated in the Local Plan, or whether the reasons could be addressed through a future planning application.
- 3.33 When considering the decisions of the Planning Committee or the Planning Inspectorate, plan-makers should address a range of factors including whether:
- the provision of a new piece of infrastructure could make the location suitable in planning terms;
 - land assembly agreements between separate landowners and developers are in place;
 - there are other more suitable locations elsewhere which are capable of delivering the overall housing requirement for the District;

- constraints could be addressed through high-quality design and layout;
 - satisfactory mitigation or compensation measures could be provided;
 - *“any adverse impacts of [development] would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”* (NPPF Presumption in Favour of Sustainable Development, paragraph 14)
- 3.34 Such matters are likely to affect not only whether a location is suitable in principle, but also what the phasing of a site could be, whether early in the plan period or later on.

Recommendation 8: Demonstrate that the plan is deliverable.

- 3.35 Demonstrating deliverability involves a wide range of factors and evidence. The Advisory Team for Large Applications (ATLAS) has prepared a **‘Deliverability Advice Note’** which draws on experience from Examinations of Local Plans around the country and could help inform the Council’s approach.
- 3.36 ATLAS has also prepared a useful **Note on Build Out Rates from Strategic Sites** which indicates that there is generally a variation between the peak rate of development and the average rate, which in most cases is between 200 and 300 dwellings per year. Consideration of the rate of development is an important aspect of deliverability, because when promoting sites developers are often over-optimistic about how quickly their site could deliver housing. The Council may wish to use the ATLAS note as a benchmark against which proposals can be considered when seeking input and justification for development rates from site promoters.
- 3.37 Deliverability does not mean that development will necessarily occur in accordance with the plan. It means that the Council has considered, and has allowed enough flexibility in the plan to accommodate some degree of changes in circumstances, for example taking account of the economic cycle, and included some consideration of contingencies.

Recommendation 9: Prepare a Duty to Co-Operate Statement

- 3.38 Cross-boundary strategic planning must be carried out ‘constructively, actively, and on an ongoing basis’. All Local Planning Authorities need to be able to demonstrate to the Planning Inspector that this has been achieved. The Planning Advisory Service has prepared a useful template, contained at **Appendix C**, which the Council could use to document that the requirements have been met.

Recommendation 10: Soundness should be the main consideration in driving the pace of the work programme

- 3.39 Local Plans have been criticised for the length of time taken to prepare them. Particularly when Local Planning Authorities have suffered a number of adverse appeal decisions there may be considerable pressure from the community to get the Local Plan in place as quickly as possible.
- 3.40 However, if a Local Planning Authority is insufficiently diligent in achieving a satisfactory resolution of the critical issues, the risks of being found unsound at Examination are very high.
- 3.41 It is therefore of great importance that the Council should focus on these critical issues as the principal driver of the Local Plan. This can be frustrating, particularly if for example the Council is reliant on a third party infrastructure provider to agree a Memorandum of Understanding or to provide other critical evidence. To expedite progress with the Plan, the Council must try to anticipate any potential blockages and devote energies up-front to resolving these with the relevant parties.
- 3.42 In doing so the Council will be aware of the Ministerial Statement by Housing and Planning Minister Brandon Lewis (July 2015) which stated that:
- “As stated in the Productivity Plan we will publish league tables setting out local authorities’ progress on their Local Plans. In cases where no Local Plan has been produced by early 2017 – five years after the publication of the NPPF – we will intervene to arrange for the Plan to be written, in consultation with local people, to accelerate production of a Local Plan.”*
- 3.43 ‘Production’ of a Local Plan is not defined, but since according to Planning Inspectorate figures a very large number of Local Planning Authorities have not yet produced a draft Local Plan (Regulation 18) it is to be hoped that reaching this stage, or if possible Pre-Submission stage (Regulation 19), combined with the ability to demonstrate sustained and diligent efforts to address the critical issues, should reassure the government that intervention is unnecessary.
- 3.44 **Appendix D** contains charts and tables based on data published by the Planning Inspectorate, which shows that if league tables are published, currently many Local Planning Authorities would be seen as particularly tardy. It remains to be seen whether league tables will make a difference to improving the speed at which Local Plans are produced.

Appendices

Appendix A: Balancing the options

Area of Search	Key considerations	Interim conclusions	Recommendation
1. Description of area	Strategy and vision	<i>How could the option contribute to the achievement of an overall development strategy and vision for the district? How could the sites proposed relate to the existing built-up areas and the landscape?</i>	e.g. Carry forward into the draft Local Plan, do not carry forward into the draft Local Plan, suggest phasing towards the beginning or end of the plan period.
	Constraints	<i>Can local constraints be adequately addressed through layout and design?</i>	
	Opportunities	<i>Are there potential opportunities associated with development in the area, for example to contribute to the vitality and viability of communities, to provide opportunities for walking and cycling to key services and facilities, or to provide leisure and recreation facilities?</i>	
	Deliverability	<i>Is the option deliverable, and can the infrastructure be provided? Can the cumulative impacts of development on existing infrastructure be adequately managed?</i>	
	Phasing	<i>Are there any factors which suggest that development could not happen during the first five years? (e.g. prior mineral extraction, provision of critical infrastructure). What phasing is considered realistic?</i>	
	Cross-boundary planning	<i>Does joint work to date suggest that the cross-boundary implications can be managed? What would the impacts on infrastructure and development outside the district be?</i>	

Appendix B: Sample Local Plan Housing Trajectory

Source of Supply	2011-16	2016-2021	2021-2026	2026-2031	TOTAL
Completions	X				X
Commitments (current planning permissions)		X			X
Windfall (x per year)		X	X	X	X
Site x		X			X
Site y			X	X	X
Site z				X	X
TOTAL Supply					X
Requirement (x per year)					X
Adjustments					
5%/20% buffer brought forward		+X		-X	
Shortfall from 2011-16		+X			

Appendix C: Duty to Co-Operate Statement -Template



PAS Duty to Cooperate Statement Template

August 2015

PAS Duty to Cooperate Statement Template

Under the Localism Act and the National Planning Policy Framework ('the Framework') local authorities have to address strategic planning matters in their local plans. The duty to cooperate is the mechanism for ensuring that this happens. As part of the examination process local authorities should demonstrate how they have **managed strategic planning matters in the local plan in a concise and focused statement.**

The likelihood is that effective cooperation will be critical in relation to:

- defining the appropriate strategic planning area (SPA)
- agreeing the appropriate plan period
- quantifying development needs within the SPA
- agreeing on the distribution of development within the SPA
- establishing what strategic infrastructure is essential to deliver the required development
- agreeing how and when the essential infrastructure will be provided

The most important aspect of demonstrating the Duty to Co-operate is the outcomes: what was the result of the strategic cooperation and how has this influenced the plan?

We hope that this note and template will help local authorities to prepare their statements. It should be adapted to individual needs and used as a prompt to ensure that the relevant information is available for the Inspector.

Your Duty to Cooperate statement

1: Strategic context

Briefly describe your

- strategic geography in a pen portrait. This may be different for different issues;
- strategic development strategy and priorities
- key relationships and bodies you have worked with on strategic issues, particularly links with other local authorities and strategic bodies such as Local Enterprise Partnerships and Local Nature Partnerships;

2: Strategic planning priorities

The list of strategic objectives in the Framework (Paragraph 156) is a useful starting point, but your strategic planning priorities must be linked to your local plan's overall objectives.

Within these overall objectives there may be implications for specific policy areas, such as housing provision, strategic infrastructure needs and employment growth. Your strategic planning priorities may also be narrower in nature, such as provision for traveller sites or delivery of a strategic site which impacts on neighbours.

What are the key policy issues that have been addressed/managed on a strategic basis? For each identified issue set out the following in a short and focussed summary (see appendix 1):

- Define the issue
This must be done in the most specific way possible e.g. the strategic site of XXXX lies on the borders of this authority and two other authorities (X and X). It will provide a significant number of jobs and homes for all three authorities and is therefore considered to be a key strategic issue within the local plan. Vague general statements such as "delivering sustainable long term growth" are not helpful.

Evidence base

What is the evidence used to develop the plan's strategic priorities?

- Actions
What actions did you take to address and manage the strategic issue?
e.g. cooperated with X and X to produce an agreed Master Plan for strategic site XXXXX

Was there any joint evidence developed? Who was involved?
eg a joint SHMA or employment land study. Include timescales for the evidence in an annex to demonstrate how and when key decisions were made (see appendix 2).

- Governance and working arrangements:

Who has been involved/ is affected by these issues and how has the LPA cooperated with them?

What are the governance arrangements for strategic working?

How have the LEP and other strategic partners been involved (there may be different stakeholders involved in different issues)?

Are there any agreements/MoUs to underpin joint working?

The strategic response/arrangements may be different for different issues.

The arrangements must provide confidence that the strategic cooperation will be effective.

- Outcomes from strategic working

What was the result of the strategic cooperation and how has this influenced the plan?

The outcome of the strategic cooperation is the most important element of Duty to Cooperate statement. Specific references to relevant policies should be included where possible. It should be clear where any issues remain unresolved and how the authority plans to manage these.

e.g. agreed approach to providing 15,000 dwellings in the SHMA over 15 years, agreed that District A would accommodate X dwellings etc, Agreed strategic infrastructure priorities which are LP strategy reflects LEP strategic economic plan priorities

- Managing strategic issue on an ongoing basis

How will the strategic issue be managed on an ongoing basis? What are the mechanisms/structures being used to do this? How will this be monitored?

All strategic planning priorities should have a clear delivery plan (including any relevant links to other plans and strategies e.g. LEP's Strategic Economic Plan) and monitoring framework.

Appendix 1
Strategic Planning Issues (suggested template)

<p>1. Strategic Planning issue <i>Define the issue</i></p>
<p>2. Evidence base <i>What is the evidence used to develop the LP's strategic policies?</i></p>
<p>3. Strategic Partners <i>List of bodies engaged with (details of each, make up and constitution etc, to be listed in appendix 3)</i></p>
<p>4. Actions <i>How have you worked collaboratively with your partners? What actions did you take to manage the strategic issue? Was there any joint evidence developed e.g. SHMA? Who was involved? Include timescales for the evidence in an annex to demonstrate how and when key decisions were made (appendix 2).</i></p>
<p>Action : Partners Outcome: Date :</p>
<p>Action : Partners : Outcome: Date :</p>
<p>5. Outcomes from strategic working <i>What was the result of the strategic cooperation and how has this influenced the plan (include specific references to relevant policies where possible)? Include any issues that remain unresolved and how the authority plans to manage these. Outline what the implications are of these unresolved matters</i></p>
<p>6. Ongoing cooperation <i>How will the strategic issues be managed on an ongoing basis? What are the mechanisms/structures being used to do this? How will this be monitored?</i></p>

APPENDIX 2

1. Audit trail of key decisions and processes

Set out the audit trail for local plan preparation, highlighting where key decisions were made on strategic issues and include link to relevant documents/reports. Use flow charts or other pictorial representation as an aid to the Inspector and others. Where the LPA is relying on regular working groups or similar as part of their governance and working arrangements, ensure that minutes reflect the outcome or action arising from any relevant discussions and include web links to the relevant minutes. **Do not include minutes/notes of meetings where there is no specific outcome.**

Include summary of timelines for evidence used to support joint work eg SHMA, strategic framework.

Sample

1. *Officers agree joint project (objectives and project management arrangements)*
2. *Establishment of project governance/technical support*
3. *Project Inception*
4. *Stakeholders workshops (dates and purpose of workshops)*
5. *Officer meeting to consider draft report (outcome of meeting)*
6. *Officer meeting to finalise draft report*
7. *Joint member meeting to sign-off final report (and agree next steps/outcome)*

APPENDIX 3

Organisations engaged

List of key groups which played a role in developing the strategic policies of the local plan and details of how their commitments to actions/outcomes are embedded. Demonstrate how agreements reached between organisations are if not binding, then real commitments and that authorities have member level commitment.

APPENDIX 4

Map of strategic planning area

APPENDIX 5

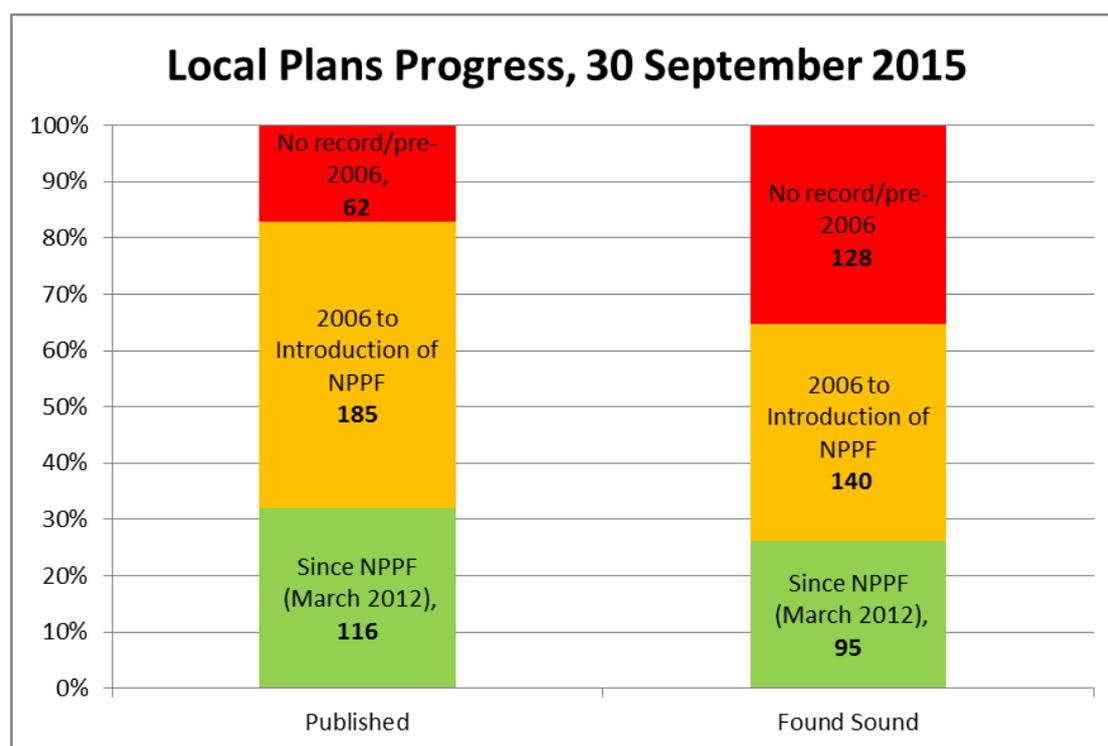
References to key documents

Include references and web links to key evidence, including minutes of relevant meetings. You do not need to include copies of everything in your statement eg legislation, national planning policy and guidance

Appendix D: Progress with Local Plans

'Published' means that a draft Local Plan has been put out to consultation (Regulation 18). The figures here are to the end of September 2015.

	Published	Published %	Found Sound	Found Sound %
Since NPPF (March 2012)	116	32%	95	26%
2006 to Introduction of NPPF	185	51%	140	39%
No record/pre-2006	62	17%	128	35%
TOTAL	363	100%	363	100%
Since 2006	301	83%	235	65%



Based on data published by the Planning inspectorate from the excel spreadsheet of 'Core Strategy progress' maintained by the Planning Inspectorate at <https://www.gov.uk/guidance/local-plans> (see under 'Monitoring Local Plans')

Local Plans 'Found Sound'

Year	Quarter	Found Sound	Running total found sound since introduction of NPPF	Total per year			
2015	July- September	7	95	16			
	April-June	4	88				
	January-March	5	84				
2014	October-December	13	79	38			
	July-September	8	66				
	April-June	9	58				
	January-March	8	49				
2013	October-December	7	41	20			
	July-September	6	34				
	April-June	5	28				
	Jan-March	2	23				
2012 NPPF March	October-December	11	21	28			
	July-September	6	10				
	April-June	4	4				
	January-March	7					
2011	October-December	16	140	48			
	July-September	9					
	April-June	10					
	January-March	13					
2010	October-December	14		140	32		
	July-September	9					
	April-June	5					
	January-March	4					
2009	October-December	4			140	18	
	July-September	6					
	April-June	2					
	January-March	6					
2008	October-December	4				140	21
	July-September	4					
	April-June	7					
	January-March	6					
2007	October-December	4	140				14
	July-September	3					
	April-June	5					
	January-March	2					
Total since Jan 2007		235		65%			235
No records/pre-2007		128		35%			
Grand Total		363		100%			
Total Found Sound since NPPF		95		26%			

Local Plans 'Published'

Year	Quarter	Published	Running total since introduction of NPPF	Total per year			
2015	July- September	2	116	14			
	April-June	2	114				
	January-March	10	112				
2014	October-December	8	102	37			
	July-September	4	94				
	April-June	14	90				
	January-March	11	76				
2013	October-December	7	65	32			
	July-September	11	58				
	April-June	3	47				
	Jan-March	11	44				
2012 NPPF March	October-December	10	33	44			
	July-September	9	23				
	April-June	14	15				
	January-March	11					
2011	October-December	4	185	31			
	July-September	7					
	April-June	4					
	January-March	16					
2010	October-December	14		185	53		
	July-September	15					
	April-June	9					
	January-March	15					
2009	October-December	17			185	32	
	July-September	7					
	April-June	4					
	January-March	4					
2008	October-December	8				185	22
	July-September	7					
	April-June	3					
	January-March	4					
2007	October-December	4	185				17
	July-September	2					
	April-June	5					
	January-March	6					
2006	October-December	6		185			19
	July-September	5					
	April-June	4					
	January-March	4					
Total since Jan 2006		301			83%		301
No record/pre-2006		62			17%		
Grand Total		363			100%		
Total Published since NPPF		116			44%		

