



LOCAL PLANS EXPERT GROUP

A RESPONSE BY CPRE TO RECOMMENDATIONS MADE IN THE FINAL REPORT

April 2016

Introduction and summary

1. CPRE welcomes the opportunity to respond to the recommendations made by the Local Plan Expert Group (LPEG). We have had long experience of engaging with the planning system at all levels. Both our initial submission of evidence to LPEG and this response have included input from our network of branches and district groups, who engage closely in the preparation of local and neighbourhood plans. As the LPEG report notes, we also met the group during its initial deliberations.

2. This response summarises our headline views and then gives detailed answers to those LPEG recommendations to which we have detailed evidence to offer in response.

3. In our view, the Group makes a few sensible recommendations when it retains its focus on the process for preparing Local Plans, in particular on policy formulation and presentation. However, the report as a whole appears to us to go way beyond its remit. This is shown by the sprawling set of 47 recommendations backed up by 12 technical annexes and 121 pages of discussion papers on top of the final report. But in particular the report goes beyond consideration of Local Plans to make a series of what we perceive to be ill-informed and unbalanced recommendations on the housing supply policies in the National Planning Policy Framework (NPPF). These policies need to be changed, but need to be made considerably less onerous rather than more entrenched as the Group recommends.

4. We do not doubt the professionalism of the individual members of LPEG, but we do not consider the group to be representative of the wide range of interests involved in planning, in particular environmental interests. We urge the Government to be very selective in choosing which of the LPEG recommendations to take forward and also to consider carefully the further work that will be needed to make a number of others workable. In some cases, the Government should reject the recommendations outright.

5. The main themes of our response are as follows:

- The Group places far too much emphasis on setting high levels of so-called 'objectively assessed need' (OAN) and then expecting these to be met. OAN is largely based on population projections, but these should not be seen as a baseline requirement when there is already a large surplus of homes over households in England. In addition, OAN fails to distinguish between market demand for housing, which in many areas of England is impossible to satisfy without major environmental damage, and the need for low-cost or social housing.
- The Government should make the method for calculating housing need clearer, but this should also be more clearly integrated with what is realistically achievable

given availability of finance and supporting infrastructure, and trends of development.

- One of the key flaws of the Group's approach is an over-emphasis on market signals as part of OAN. The recommendation for considerable levels of uplift in housing requirements to take account of market signals will lead to local authorities having to expend considerably more resources in identifying sites for housebuilding, but will not in itself do anything to reduce house prices.
- A greater emphasis on environmental capacity is welcome, but it is critical that the Government encourages local authorities to plan for increases in environmental capacity through strengthening protection against development and extending networks of protected areas of habitat and landscape. Environmental capacity should not be seen as a means of setting the overall levels of development that an area can take. Overall, the lack of environmental representation on the LPEG is reflected in a lack of real understanding of how environmental issues interface with the planning system, as shown by the shallow and dismissive references to Green Belt and existing 'saved' policies in the report.
- The LPEG also fails to grasp the need for meaningful public involvement in the development of Local Plans. This is particularly clear in (i) the Group's suggested approach of consulting on a fully drafted plan rather than allowing discrete and sufficient time for focused consultation on issues and options; and (ii) restricting public involvement in plan examinations, which often prove to be the most critical points in the policy formulation process.
- Linked to our points about OAN and market signals above, the Government needs to provide much clearer and less onerous guidance to local authorities about setting housing requirements that both boost the supply of housing as the NPPF requires, but are also realistic. Such requirements will generally be far below current levels of OAN in most cases, and should only be exceeded where targets are both clearly deliverable and do not cut across either established environmental protection or plans for environmental improvement. The LPEG recommendation for a new allowance for 'reserve sites' should either be dropped or it should replace the current NPPF requirement for a site allocation buffer of between 5 and 20%.
- LPEG produces some sensible recommendations when it sticks to its remit. CPRE is particularly able to welcome the proposals on best practice in policy formulation and on improving the presentation of Local Plans.
- Some ideas are welcome in principle but need further work. These include in particular the proposals for a single method for assessing housing need (LPEG recommendation 4); a statutory timetable for Local Plan preparation (recommendation 23); and an annual statement of five year land supply (recommendation 42).

Detailed CPRE response to individual LPEG recommendations

The Problems facing Plan Preparation (Section 2)

1. *Ensuring up to date plans are produced - the Government's current proposals to stimulate the production of local plans by early 2017 should apply to all authorities who have not produced a post NPPF local plan. If that measure is regarded by Government as a change or addition to its stated position, the time period in the case of post NPPF local plans (as opposed to post 2004 local plans) could be extended to March 2018.*

6. No comment.

Establishing Objectively Assessed Need (OAN) (Section 3)

2. *HMA boundaries - DCLG should commission an update of the 2010 study of HMA boundaries to reflect the latest statistical evidence (notably the 2011 census) and to provide an up to date basis to guide authorities in the determination of their HMA boundaries. That study should identify 'best fit' HMAs based on local authority boundaries.*

The NPPG guidance should be strengthened to reinforce the need to use HMA boundaries which meet the definition of housing market areas set out in the updated CURDS study in the next review of local plans where practical.

In view of the potential for HMA boundaries to be 'gamed' it is all the more important that guidance reinforces the operation of the Duty to Co-operate (see recommendation 11) both within and between HMAs.

3. *Coordinated boundaries - Longer term consideration be given by Government to achieving coordination between economic and housing planning boundaries in order to facilitate more effective voluntary strategic planning for housing, economic growth and infrastructure.*

7. No comment.

4. *SHMAs - The NPPG should be revised to set out standard common methodology for the preparation of concise SHMAs in accordance with Appendix 6, with a clear stipulation that this is the approach government expects to be followed.*

8. CPRE agrees that a standard common methodology for SHMAs should be produced. We fundamentally disagree, however, with the methodology proposed by LPEG in Appendix 6 to their report. We consider that more attention should be given to using the existing Planning Advisory Service advice on quantifying OAN and identifying appropriate local plan housing requirements.

9. In particular, we do not think that local planning authorities should be placed under a new and arbitrary requirement to upwardly adjust their objectively assessed need figures by between 10 and 25% to supposedly take account of market signals. It is this recommendation in particular, taken alongside other recommendations calling for a 'reserve sites' allowance, that is likely to lead to double counting of housing requirements and a considerably more onerous workload for local authorities to identify sites to meet the requirement, as well as making local plan production even more problematic, controversial and hence slower.

10. CPRE believes that the Planning Practice Guidance, in its current form, already takes an irrelevant and unhelpful approach to the use of market signals in plan-making. In particular it is based on the erroneous assumption that releasing more land for development through the planning process will reduce house prices. This assumption has

been clearly disproved by the experience of other developed economies, in particular the USA, Canada and Australia.

11. The NPPF (at paragraphs 17 and 50) only requires local authorities to ‘take account’ of market signals in terms of deciding what mix of new housing is needed in an area, rather than how much land needs to be released; furthermore, it does not privilege market signals above ‘the needs of the residential and business community’. Rather than made more onerous, CPRE recommends that the PPG section on market signals should be radically trimmed down, in particular the section ‘How should plan makers respond to market signals?’. The only parts of this section that can be justifiably retained as ‘guidance’ are the final paragraph and opening two sentences of the first paragraph.

12. We are surprised that, given the Group’s remit to make local plan making more efficient and effective, it did not look in more detail at the scope to combine the preparation of both SHMAs and Housing and Economic Land Availability Assessments. We are also particularly concerned that the Group does not propose to retain the current section of the PPG on assessing the specific needs of rural areas. Similarly, we recommend that both the NPPF and the PPG should continue to firmly encourage local authorities to clearly identify the type, size and tenure of housing needed, in order to plan to meet actual need as a priority, rather than make the guidance more equivocal as the LPEG recommends. In particular, custom and self-build is likely to play a significant role in boosting the overall supply of housing, as major housebuilders are unlikely to increase their levels of supply above current levels.

5. Market signals - DCLG should produce and maintain a Live Table that specifically deals with the two market signals identified.

13. CPRE recognises that market signals are useful as information, so we have no issue with this recommendation in itself. We do question whether the identified signals are necessarily the best or the only signals that should be considered.

6. Common data - DCLG should give active consideration to inclusion of a relevant local-level sensitivity in the 2014-based projections to address necessary changes to formation rates, so that it can be utilised in local demographic calculations without necessitating specialist demographic modelling support.

14. No comment.

Turning OAN into Local Plan Requirements (Section 4)

7. Assessment of Environmental Capacity - A proportionate Assessment of Environmental Capacity should be an important part of plan making and should be defined as an essential element of the local plan evidence base. An indicative scope should be prepared as part of an amendment to the NPPG to make clear this requirement and to guide preparation of a proportionate approach to the assessment.

15. CPRE would welcome a greater emphasis on environmental capacity in plan-making. We have considered this issue in depth in a number of reports over a long period of time¹.

¹ See, in particular, CPRE, *Making Sense of Environmental Capacity*, June 1997, copy available on request.

16. However, we recommend that any assessment should go further than simply looking at existing environmental capacity. Rather it should go much further and look at where capacity can be boosted through better and more extensive (as opposed to intensive) land management, stronger protection against development, or targeted investment. Such analysis is also often best done at a strategic, landscape scale and the outcome is likely to involve stronger protection over an increased area of undeveloped land. For these reasons CPRE recommends that an assessment of environmental capacity should be done strategically, across a city region or housing market area by local authorities working in co-operation.

17. Care needs to be taken to ensure that 'environmental capacity' is not narrowly defined, and properly accounts for the full range of benefits that the environment provides (natural capital, eco-system services, productivity, etc.) in order that the planning system can properly fulfil its function in managing competing demands for the use of land.

18. The LPEG report (in particular at paragraph 4.3) also appears to treat 'environmental capacity' as if it is synonymous with 'development capacity', with land presumably not of proven environmental value being considered suitable for development. The Government should make clear in any changes to the NPPF and PPG that this is not the intended approach, especially as the current NPPF makes clear that the countryside has an intrinsic value. Furthermore, the lack of specific environmental constraints does not in itself make a site suitable for development: it may provide environmental services that are not recognised in a designation (such as SSSI, flood plain, etc.), and there may also be a lack of capacity in relation to transport or other infrastructure.

19. CPRE therefore recommends that an Assessment of Environmental Capacity should be seen as providing a general framework to set the context for local planning policies and decisions. The Assessment should address both existing assets such as Green Belt and protected landscapes, but also the potential to improve on and extend these assets, which is likely to involve an increase in the amount of land more strongly protected from development. It cannot and should not be used as a means to define the precise amount of development that can be accommodated in an area.

8. Application of paragraph 14 of the NPPF - A robust approach needs to be taken to the implementation of paragraph 14 the NPPF and guidance needs to be supplemented to make clear the expectation that it will be for authorities to demonstrate that the adverse effects of development significantly outweigh the presumption that sufficient land should be allocated to meet objectively assessed needs.

20. CPRE fundamentally disagrees with this recommendation. Planning decisions should be led primarily by policies in locally-agreed development plans, and as a result of the local planning process it may be decided that objectively assessed needs cannot be met. We believe that paragraph 14 as currently worded does not give enough primacy either to Local Plans or to the protection of national and international assets such as those listed in footnote 9, and that it should be reworded to only support development identified within Local Plans and to be more robust with regard to the implementation of other NPPF policies unless there is no reasonable alternative.

21. Furthermore, the term 'objectively assessed need' as set out in the NPPF has proved in practice to be fundamentally misleading, as it conflates need for social or low cost market housing with demand for market housing of any value. CPRE recommends that the NPPF should instead prioritise the delivery of housing types that meet specific identified needs (e.g. low cost or social housing), and plan for market housing only at

rates that are achievable based on historic rates of delivery and the expected availability of mortgage finance.

9. Green Belt - advice about how to conduct Green Belt reviews should be more readily available to local authorities.

22. CPRE has produced our own advice for our local groups on engaging with Green Belt reviews, and we can see the logic in a common approach. CPRE recommends that the Government should issue a statement making clear that reviews should only take place in exceptional circumstances, which should relate to the availability of reasonable alternatives, and that unmet 'objectively assessed need' for housing is not in itself an exceptional circumstance. If exceptional circumstances do exist then reviews should be undertaken strategically, account for the circumstances applying to the whole area of the designated Green Belt, and should be judged against the five purposes of including land within the Green Belt as set out in the NPPF.

23. See also our response to LPEG recommendation 30 below on the issue of Green Belt.

10. Growth points - Government should consider the extent to which it is necessary to create the circumstances to enable the establishment of growth points to complement the capacity of local plans to meet national needs. Options include:

- *a refreshed New Towns programme;*
- *increased powers for the private sector to promote large scale housing using the infrastructure planning powers of the Planning Act 2008;*
- *facilitating the preparation of locally produced spatial plans based on transport corridors; and*
- *incentivising bids or growth, for instance, through the devolution agenda.*

24. CPRE considers that paragraph 52 of the NPPF already provides sufficient encouragement for locally-led new settlements.

25. In particular, we would oppose the LPEG recommendation calling for increased use of the Planning Act 2008 powers. Such a move would appear to require the production of a National Policy Statement for new settlements, which might be seen as a top-down imposition of new settlements, rather than the locally-led approach already enshrined in the NPPF. Currently the vast majority of new houses are built by private sector housebuilders, who build at rates largely designed to maximise their profits, and we believe that increased powers will only encourage large housebuilders to attempt to bring forward schemes without sufficient local support or agreement.

26. If there is to be any change to policy, then the NPPF or PPG should also advise that:

- there should be a clearly accepted need for new housing that the new settlement is aiming to fulfil, and a wide range of affordable homes should be provided;
- new communities should make the best use of suitable brownfield land, where available, in preference to greenfield land or brownfield land of high environmental value;
- sites should not conflict with any local environmental objectives, formally designated areas or their settings, and should make use of and help safeguard any existing heritage or biodiversity assets;
- new communities should be self-sustaining with good provision of supporting jobs, work spaces and community facilities, and low density or dormitory development should be avoided; and

- green spaces and sustainable transport (public transport, cycling and walking) should be provided from the start, and the settlement should generally be expected to have rail access.

Working across boundaries to meet needs (Section 5)

11. The Duty to Cooperate - wording should be added to the soundness tests at the end of paragraph 182 of the NPPF to the following effect:

i. the product of joint working between authorities is expected to be agreement on the distribution of full OAN unless there is clear and convincing agreed evidence that the adverse effects of meeting the need in full would significantly outweigh the presumption that the need should be met;

ii. plan making authorities who do not plan to meet their own OAN are expected to identify in their submitted plans how those needs are likely to be met and to proactively work towards achieving the meeting of those needs - this should involve, for instance,

- *testing the assertions of adjacent authorities who claim an inability to meet those unmet needs and challenging that assertion if capacity is considered to be available to meet needs;*
- *formally requesting that adjacent authorities meet those needs; and*
- *making representations to adjacent authorities' plans to meet those needs in the event that agreement has not been reached.*

iii. where unmet needs are identified as a result of this process, planning authorities requested to meet needs from adjacent authorities whether within the same HMA (or not) will be expected to treat that unmet need as part of their own OAN and to apply the same NPPF tests as they do to their own OAN in assessing their ability to meet those needs within their local plan.

Where authorities fail to make representations to a neighbouring plan about their unmet needs, Guidance should be amended to make clear that Local Plan Inspectors should nevertheless assume that such representations have been made - the absence of representations is not to be taken as evidence of a lack of unmet need where the evidence clearly identifies that such unmet need exists.

In addition the NPPG should be strengthened to reflect this clarification in the NPPF and to make clear:

- a) the importance of joint working between authorities to meet and deliver housing needs, where this is consistent with the policies of the NPPF; and*
- b) Whilst governance models are a matter for the authorities, engagement and joint working is expected at both officer and member level.*

27. CPRE supports strengthening the arrangements for joint working between local authorities. We do not believe, however, that agreement will be possible 'on the distribution of full OAN' if housing market assessments continue to generate unrealistically high land requirements as they do at present. For reasons we set out above, the Group's recommendations on a method for assessing housing need are likely to make matters worse.

28. Joint working between local authorities should not in any case be limited to generating housing market assessments; rather it should go further to consider environmental constraints and opportunities across a wider strategic area.

29. CPRE recommends that local authorities should be expected to work together to produce an overall housing requirement for the housing market area, that takes account of the realistic likelihood of the amount of housing likely to be built. If a HMA is affected by environmental or policy constraints, national policy should continue to allow for the possibility that the OAN for that area will not be met in full.

12. *Directed preparation of a Joint Local Plan - The Government should make clear that, where authorities in a HMA have failed to reach sufficient agreement on meeting and distributing housing needs by March 2017, the Government will use powers to make Regulations to direct the preparation of a Joint Local Plan for the HMA (or a suitable geography such as transport corridors) within a prescribed timetable. Legislation may be necessary to this effect. Guidance would also be necessary in the NPPG to guide the governance arrangements for such plans.*

30. CPRE has no detailed comments. However, the Government could do much to reduce the need for such regulations if it allowed local authorities to set realistic and achievable housing targets, and honoured its policy that OAN does not need to be met in full where constraints apply.

31. CPRE suggests that 'transport corridors' should be better defined to place the emphasis on sustainable modes of travel.

Devolved Powers (Section 6)

13. *Conditions in devolution bids - We recommend that Government attaches precise conditions to any successful devolution bids requiring a commitment to positively plan to meet objectively assessed housing needs and we further recommend that Government should secure a commitment to joint planning across the bid area to that effect as a condition of approval.*

14. *Housing and economic boundaries - where practical, the opportunity should be taken for devolved bids to secure a rationalisation of housing and economic planning boundaries.*

15. *Ensuring consistency - A power should be provided to the combined authority that they are able to certify that individual constituent authorities have, in their opinion, satisfied the Duty to Cooperate. Individual local plans within the devolved area would not be allowed to proceed to examination in the absence of such a certificate.*

32. As noted above we do not agree with the assumption of the LPEG that 'objectively assessed need' can or should be planned to be met in full. Otherwise, CPRE welcomes the encouragement for more strategic planning.

Incentives for timely plan preparation (Section 7)

16. *Financial incentives - Government should review the role of financial incentives to stimulate efficient and effective plan making. As part of this, authorities bidding to government or through LEPs for infrastructure related funding should expect to receive less priority if they do not have in place an up to date local plan which identifies the need for that infrastructure.*

33. CPRE broadly agrees with this recommendation. We see a particular opportunity to reform the New Homes Bonus to better align it with plan-making.

34. Some elements of the current New Homes Bonus scheme are valuable: in particular those which support affordable housing and bringing empty homes back into use. In other cases, the scheme should explicitly support the successful delivery of schemes in a development plan (local plan or neighbourhood plan) that is either adopted or, to a lesser degree, at examination. This would retain the focus on rewarding an increase in housebuilding, as the New Homes Bonus originally intended. It would also be more likely to reward well planned, good quality development that is supported by the local community. The scheme should also be used to encourage the granting of planning permissions on brownfield sites in clear preference to greenfield, and should not support greenfield schemes that are not in accordance with an agreed local or neighbourhood plan. When

brownfield sites have not attracted funding under other Government schemes, local authorities could do more to work towards the Government's target of 90% of suitable brownfield sites having planning permission by 2020. Our full response to the December 2015 consultation on the New Homes Bonus is on our website and also available on request.

17. Statutory Duty - We recommend a change to legislation placing a statutory duty on local authorities to produce a local plan and to maintain an up to date local plan.

35. While CPRE agrees that local plans should be put in place and kept up-to-date, we do not agree that there should necessarily be a statutory duty to prepare one. Such a move could make local plan preparation a 'box-ticking' exercise. The best plans are made when councils appreciate their value, and the main problem at the moment is that plans are seen as expensive, time-consuming tasks that can be so tied up with delivering national objectives that they do not provide the opportunity for local distinctiveness and innovation, and their contents are frequently over-ruled by planning appeals and court decisions against community wishes. A statutory duty for plan preparation and review would imply penalties for councils that fail to meet the duty, putting further pressure on their resources, or taking their discretion away from them.

36. It would be more effective to make a better deal with councils, offering positive incentives to get plans in place and keep them up-to-date (along the lines of a ring-fenced 'planning delivery grant' and/or management of New Homes Bonus funds), and apply the 'presumption in favour of sustainable development' with a more localist approach by ensuring that an up-to-date local plan completely protects a community from any threat of unwanted speculative development.

18. Time limiting out of date plans - We recommend:

i. if a planning authority with no local plan has not submitted for examination a local plan by the end of March 2017, it should be made clear as a matter of Government policy (through an amendment to the NPPF) that its existing relevant development plan policies for the supply of housing will be considered to be out of date.

In other words, the presumption in favour of sustainable development set out in the NPPF would fully apply, informed by local designations but unconstrained by local policies;

ii. the same provisions should apply to any authority who has not submitted for examination a post NPPF local plan by March 2018;

iii. the same consequence should arise where a local authority fails to undertake an early review of its local plan in circumstances where a Planning Inspector has recommended such a review. If, for example, the Planning Inspector considered that the review should be complete within five years but no review has been submitted for examination within that timescale, the existing policies should be considered to be out of date after 5 years (in other words, the plan would be strictly time limited);

iv. the Government should abandon the principle of "saved policies" i.e. the practice by which planning policies are allowed to continue to carry weight beyond the expiry period of the local plan period; and

v. authorities without a submitted Local Plan by the end of March 2017 should be considered for "special measures" in exactly the same way as authorities who are currently slow to determine planning applications.

37. CPRE disagrees with these recommendations, and we very strongly disagree in particular with the fourth bullet under recommendation 18 which calls for an end to 'saved' policies. This recommendation in particular reflects the narrow bias of the LPEG towards site allocations for housing. Many 'saved' policies cover protection of biodiversity, countryside and heritage sites or designations, and have not needed change over time due

to the relative constancy of national policy in these regards. Causing their removal would require local authorities to expend considerable resources on redrafting policies. CPRE recommends that a far more constructive reform would be to simply guide local authorities to clearly set out, within draft or published new plans, 'saved' policies from previous plans that are intended to remain in force rather than separately and outside of new plans as is often the case at present. See also our response to LPEG recommendation 44, with which our recommendation here would be consistent.

38. We share the Government's aim of getting up to date Local Plans coverage across the country, but we do not see value in setting arbitrary and unrealistic deadlines to achieve this. In particular, deadlines backed up by a threatened reversion to planning by appeal, as proposed in bullet no.1, would be a perverse incentive for developers to seek to slow Local Plan progress. If deadlines are to be set, these could be backed up by incentives to pay greater amounts of New Homes Bonus for plans following a statutory outline timetable, which CPRE is able to welcome in principle (see response to recommendation 23 below.)

Policy Changes (Section 8)

19. Stable national policy - We recommend that:-

i. the NPPF is reviewed only every 5 years;

ii. the NPPG is only changed periodically (for instance, every six months); and

iii. that proposed changes to the NPPG are subject to scrutiny by a technical working group drawn, for instance, from the Government's Planning Sounding Board before the changes are made so that their potential effect is fully considered.

39. CPRE agrees that there should generally be stability in national policy and guidance. We have no preference for a stated time period, but we would support in particular the need to change both the NPPF and the Planning Practice Guidance (PPG or NPPG) on a more predictable, transparent basis.

40. Where policy or guidance needs to be changed because it is not working, is being interpreted incorrectly, or it is resulting in unintended consequences, then changes should be made as soon as is practicably possible. Any Ministerial statements or clarifications on planning policy matters that have not yet been assimilated into the NPPF or PPG should be presented in an easily accessible manner, alongside the NPPF and PPG and linked from the relevant passages as soon as the statement is issued.

41. Since its introduction in 2014 there have been several changes to the PPG but these have not always been sufficiently well discussed, publicised or understood. (It is worth noting here that the online NPPG is very difficult to navigate and the search facility is erratic, to the extent that it is almost impossible to use effectively, especially for non-professionals. Links within the NPPF online to the PPG are not consistent or complete.)

42. Proposed changes to both the NPPF and PPG should be subject to scrutiny by stakeholders. The Government's Planning Sounding Board is, however, a somewhat opaque grouping and not necessarily representative (though highly valuable); CPRE would recommend that the National Planning Forum could be a more effective body for scrutinising revised policy and practice guidance.

Local Plan process (Section 9)

20. Modifications after publication - The Local Plans Regulations should be amended to allow local planning authorities to make modifications to the draft of the local plan following consultation and prior to submission.

43. CPRE is concerned by this recommendation. ‘Modifications’ can often be far reaching and there should be clearly identified opportunities for the public to be able to comment on them. If this recommendation is introduced then it will increase pressure to provide time and space for public debate at the examination stage, which would be far more lengthy and costly than if the changes had been discussed as part of the formal consultation package. Similarly, high housebuilding targets are likely to increase the pressure for late modifications, particularly if the underlying numbers are challenged. In CPRE’s view a far preferable solution would be to allow for the setting of realistic and achievable housebuilding targets, as we explain elsewhere in this response.

21. Community engagement - The Local Plan Regulation 18 should be amended to ensure that the first stage of consultation on a local plan must take place early enough to allow community engagement on a vision and high level options for the local plan area.

44. CPRE agrees with this in principle, but the practical experience of planning is that stakeholders, especially the general public, find it hard to engage with a ‘vision’ or ‘high level options’, especially in what often appears to be a technical planning document, without a clear understanding of what those would mean in terms of actual development proposals. It can be more effective to determine a vision for the future of a place outside of the planning process, and allow the local plan to be a delivery mechanism for that agreed vision, and para 155 of the NPPF could be revised to allow for the ‘collective vision and a set of agreed priorities for the sustainable development of the area’ to be determined through broader strategy (subject to appropriate engagement). This was the case under the former ‘sustainable community strategies’ which could be very effective in this regard where communities were properly engaged in their preparation (although the statutory duty to prepare one, that was rightly repealed through the Deregulation Act, did have the effect in some cases of stifling local innovation and reducing vision preparation to a meaningless ‘tick-box’ exercise).

22. Efficient, meaningful consultation - The NPPG should be amended to guide local authorities in how they may engage communities effectively at the commencement of the local plan making process. The NPPG should also provide that further rounds of discretionary consultation should not be carried out except in exceptional circumstances and that where any such exceptional additional consultation is proposed it does not impact on the overall programme for plan preparation.

45. CPRE is concerned that this (and related) recommendations proposed by the LPEG are unnecessarily privileging speed of plan making over effective public engagement. ‘Exceptional circumstances’ would, as ever, need carefully to be defined.

46. The requirement should be that discretionary consultation that does not impact on the overall programme is acceptable, but that consultation leading to the extension of the overall programme should be exceptional, subject to a meaningful definition of appropriate exceptions. See also recommendation 23.

23. Timetabled plan making - The Government should revise the Local Plans Regulations to specify a strict maximum timetable for the preparation of all local plans, following the Timetable set out at paragraph 9.14 of our report.

47. CPRE has no objection to the setting of statutory timescales for Local Plan production, as this appears to have worked well for nationally significant infrastructure projects following the procedures set out in the Planning Act 2008. But if the proposals of the Group are accepted, we would recommend that the Government makes clear that the Planning Inspectorate will be held accountable for meeting the deadlines for accepting

submitted plans and examining them. Further, as paragraph 9.7 of the final report notes, it is usually necessary in practice to consult on two drafts of a plan - broadly equating to issues and options and preferred options. We note the Group's disparaging reference to this current practice, but we are not convinced that the Group's preference for consultation on a full draft plan with a brief consultation on any modifications to overlap with the first stages of the examination, will be a workable alternative. In particular, a focus on 'issues and options' is likely to do more to encourage plans to be brief and focused rather than comprehensive, and also to allow meaningful public participation to choose between different options, a key element not only of meeting the requirements of the EU Strategic Environmental Assessment directive, but also of common law expectations on consultation.

48. It should also be noted that, the more onerous the requirement on local authorities to identify sites for housebuilding, the more public concern there is likely to be and therefore the more resource intensive the plan will be. We fear therefore that the timescales proposed are likely to prove unachievable in practice if the Group's recommendations on calculating housing need and identifying housing land are also accepted.

49. Accordingly, CPRE recommends that any new regulations governing the length of plan periods should allow sufficient time and scope for both an issues and options and preferred options consultation, with supporting guidance produced by the Planning Advisory Service to set out how consultations can be devised, administered and completed within the mandated timescales.

24. Documents required for plan making - The NPPG should be amended to provide a list of documents which may be required in the preparation of a local plan; that list should be based on our Appendix 10A.

25. A smaller, focussed evidence base - An amendment should be made to the NPPG to tighten the definition of the documentation which is expected to comprise the evidence base for the local plan. We recommend the following revised definition of the requirement for evidence to support a local plan: "Only such supporting documents as the local planning authority considers strictly necessary to show whether the plan is legally compliant, sound and in compliance with the duty to cooperate." We further recommend that advice of the NPPG is tightened in order to ensure consistency with this revised definition.

26. Strategic Environmental Assessment - In relation to SEA:-

- i. we recommend that local planning authorities are alert to consider whether SEA is required at all. The NPPG should be amended to refer to the potential for screening out SEA for particular types of local plans and local planning issues; and*
- ii. we recommend that the NPPG be revised to include guidance that SEA environmental reports should concentrate on the particular issues which arise from the proposals of the local plan and their reasonable alternatives and be no longer than is necessary.*

27. Sustainability Appraisal - We recommend that the NPPG is revised to delete the advice that Sustainability Appraisal is an iterative process or that it needs to consider reasonable alternatives. The Guidance should advise that Sustainability Appraisal is concerned with explaining how the plan represents sustainable development by providing an audit of the local plan against the terms of the NPPF and whether it falls short in any respect. A report to that effect supporting the local plan would be sufficient to meet the legislative and practical requirement.

50. CPRE would welcome changes to guidance to make evidence requirements less onerous, although it is worth noting that the list of requirements in appendix 10A barely

reduces the existing level of requirements. Care needs to be taken to ensure that this does not result in unintended consequences; for example, if councils are advised not to prepare a particular type of assessment, but are then faced with a proposal which relates to that issue, then the council should be granted the time to prepare its own evidence.

51. However, we believe that the Group's line of reasoning to link to perceived problems with environmental assessment and Sustainability Appraisal is misguided, and not supported by any detailed evidence or examples. We also strongly disagree with the recommendation that Sustainability Appraisals should be used to provide 'an audit of the local plan against the terms of the NPPF'. We believe that this would serve in practice to make appraisals both much more onerous and also far less fit for purpose. Sustainability Appraisals should be focused on the development of a locally agreed vision as well as considering wider issues of environmental change in line with the requirements of the SEA Directive, and not simply be a post hoc exercise that justifies a draft plan with reference to the NPPF. Furthermore, the benefit of SA is actually in its iterative nature, enabling councils to check the impact of their policies and the internal consistency of their plans as they draft them.

52. We recommend that the Government should retain existing guidance on SEA/SA and provide minimum requirements, based on the experience of inspectors running examinations, for studies to help a plan pass examination, leaving further evidence at the discretion of the local planning authority.

28. Early MOTs - We recommend revision to the NPPG to set out strong guidance to local authorities that they should commission two early assessments of the soundness of their local plans. The first should be undertaken at the formative stage of plan making, whilst the second should take place once a full internal draft of the local plan has been prepared prior to its publication. DCLG should undertake a review with PINS, PAS, DCN and POS to put in place a system which ensures that sufficient resources are available from certified providers to undertake this service.

53. No comment.

29. PINs resources - We recommend that Government undertakes a review of PINs resources in the light of the full scale of recommendations set out in this Report.

54. CPRE agrees with this recommendation. In particular we would urge the Government to prioritise inspector resources for plan-making over those for Section 78 appeals.

30. PINs Annual Report - It would help to promote consistency and provide a degree of reassurance if the Inspectorate were required to produce an Annual Report outlining any consistency issues that have arisen during the year and to explain how these have been dealt with.

55. CPRE has no issue with this recommendation, but if this is introduced then we would recommend that inspectors are specifically guided to consider consistency with Government policy on protection of the Green Belt. We are greatly concerned by the continued exponential growth in housing development proposals in Green Belt areas in every year since the final NPPF was published². See also our response to LPEG recommendation 9 above.

² See CPRE, *Green Belt Under Siege*, April 2016.

31. *Soundness and the implications for examinations - We recommend an amendment to the tests of soundness so that a plan is considered sound if it represents “an appropriate strategy”, when considered against reasonable alternatives, based on proportionate evidence. As a result of these and other proposed changes we recommend changes to the NPPG and to PINS’s own Procedural Guidance to allow Inspectors predominantly to conduct examinations through written representations and to limit hearing sessions to those which the Inspector considers necessary to conclude whether the plan is sound and meets its legal requirements. Revised PINS Procedural Guidance should make it very clear that the use of a list of standard issues and questions is not appropriate.*

56. CPRE strongly disagrees with the recommendation ‘to allow Inspectors predominantly to conduct examinations through written representations and to limit hearing sessions to those which the Inspector considers necessary to conclude whether the plan is sound and meets its legal requirements.’ We believe that the outcome of this will be to make the planning process more legalistic and biased towards large landowners and developers who can afford dedicated legal representation, as participants at future examinations would be required to make a case for their own participation in legal terms. It would also be likely to reduce public influence, as planning inspectors’ reports on Local Plans tend to be far more influenced by matters discussed at the examination rather than the written representations received.

57. The proposal would clearly run contrary to the Government’s aspirations for greater community involvement, as set out in the NPPF and embodied by the recent introduction of neighbourhood planning. CPRE recommends that the Government does not take it forward.

58. CPRE welcomes, however, the proposal to amend the test of soundness.

32. *National concordat - We recommend that DCLG secures a concordat at a national level with the principal statutory consultees, including the County Councils Network, which sets out their commitment to the local plan process, the recognition of the need for early plan preparation and puts in place high level arrangements for joint working on plan preparation. We also recommend changes to the NPPG to make clear that a local authority will not be considered to be in breach of the duty to cooperate where it has consulted with statutory authorities but not received a timely response.*

59. No comment.

Local Plan Content (Section 10)

33. *Staged plan making - We recommend a change to paragraph 153 of the NPPF and section 10 of the NPPG to make clear the legitimacy of a staged approach to local plan production, starting with a strategic Local Plan document.*

60. CPRE welcomes this recommendation. This recommendation should be linked to our concern, expressed above, with regard to ‘saved’ policies. Many types of policies are not time-dependent and do not need regularly to be updated, especially policies relating to environmental protection, design and detailed development management issues. Councils should be free to retain such policies without review after arbitrary periods, unless the council itself feels the need to review them, or if it can be demonstrated that the policy no longer accords with national policy.

61. Conversely, policies relating to the identification of sites for development may need to be reviewed far more frequently, and councils should be empowered to review

site allocations and area-based policies as needed without having unnecessarily to re-open debates about strategy.

62. If the delivery function of plan-making is to be made more responsive and allowed to be kept up-to-date, then there should be a presumption that long-term visions and strategies may be retained for as long as they are consistent with local aspirations and national policy, with the emphasis on stability where possible.

34. Role of other plans - We recommend that the revisions to the NPPG make clear the division of responsibilities between local plans, Neighbourhood Plans, and supplementary planning documents (which cannot carry the weight of a development plan document but which could be a useful vehicle for local standards etc. as long as the limited weight attached to SPD is understood). As we have set out in Appendix 12, Local Plans have a role in setting the scope for and role of Neighbourhood Plans.

63. CPRE disagrees with this recommendation. In particular, it assumes that SPDs can only be given limited weight, which is often not the case if an SPD is particularly relevant to an individual application. Also, while Local Plans can and should set out the wider context for neighbourhood plans, we do not believe there is a need to mandate that Local Plans should set the scope for and role of neighbourhood plans, nor that this would be desirable.

35. Policy Formulation - We recommend that new guidance is prepared and published in the NPPG or independently on best practice in policy formulation. This would include best practice in drafting reasoned justifications for policies (which are required by the Local Plan Regulations but which can sometimes be excessively worded). The best practice should include advice on the drafting of concise policies, and mechanisms for dealing with local policy guidance and detailed requirements such as local standards and development management criteria.

64. CPRE welcomes this recommendation. We have produced some guidance of our own on good practice in local planning, in a series of 12 'Planning Campaign Briefings' on our website³.

36. Funding uncertainty - The NPPG should be strengthened to indicate that strategic allocations may still be included in later phases of the plan period where there is uncertainty over funding, but where they are supported in principle by relevant key agencies/authorities.

37. CIL and local plans - We recommend that (where practical and without causing delay to plan preparation) the local plan and CIL Charging Schedule are reviewed together, as part of the same thought process and for them to be focused on delivering the same objectives. Where there is a CIL already in place it is important that the authority keep under review its CIL Regulation 123 list to ensure that the spending priorities are aligned with the key infrastructure requirements identified in the plan, and that there is a close correlation with the local plan's Infrastructure Delivery Schedule. This may mean, for instance, exempting strategic sites from general CIL charges and developing bespoke CIL and section 106 strategies to assist their delivery.

65. CPRE is concerned by these recommendations. In particular since the 1980s, new development on edge of town greenfield sites has often run far ahead of the supporting

³ <http://www.cpre.org.uk/resources/housing-and-planning/planning/planning-campaign-briefings>

infrastructure needed to service it. If such allocations are included in later phases, then CPRE would recommend that there should be a presumption against giving them permission in principle or full permission unless the infrastructure deficit has first been addressed.

38. Monitoring - We recommend that the NPPG is amended to set out more clearly the Monitoring and Delivery requirements of a Plan's policies and proposals, with the necessary linkages to Authority Monitoring Reports.

66. No comment.

39. Content of local plans - We recommend that the NPPG be amended to make clear the requirements of a local plan in accordance with our content model and our Appendix 12.

67. CPRE welcomes this recommendation, provided that a content model is seen as providing context rather than a prescriptive approach that must be followed.

Implementation and Delivery (Section 11)

40. Long term supply and reserve sites - We recommend that the NPPF makes clear that local plans should be required not only to demonstrate a five year land supply but also focus on ensuring a more effective supply of developable land for the medium to long term, plus make provision for and provide a mechanism for the release of Reserve Sites - land that can be brought forward to respond to changes in circumstances. Implementation of this recommendation should be accompanied by the requirement for maintaining a five year land supply being given a more effective platform for consideration and scrutiny through Authority Monitoring Reports.

68. CPRE welcomes the proposal to use Authority Monitoring Reports to judge whether a five year supply is being provided on a year by year basis. We do not support the introduction of a requirement to provide additional 'reserve sites', as this would make the planning process more onerous and even more focused on releasing sites for housebuilding. Our objection to this would however be removed if the current NPPF requirement for a buffer of between 5 and 20%, depending on supposed local authority 'under delivery' and purely focused on providing 'choice and competition in the market for land', was also removed.

69. We do however agree that where a council has identified sites for development beyond the first five years of the plan period (as they should), and subsequently housebuilding rates have not met the anticipated target, then consideration should be given to releasing land only from the sites identified for later phases in the plan period, and not further sites that have not been so identified. In such cases, consideration needs to be given to the reasons why targets have not been met, having particular regard to any evidence that releasing further sites has any impact on the overall build rate.

41. *Boosting supply - To boost significantly the supply of housing paragraph 47 of the NPPF should be amended to require:*

i. Local Plans should identify a housing requirement with sufficient deliverable or developable sites or broad locations to meet full objectively assessed housing need (FOAHN) over the full plan period for their local area, including any unmet need from within or beyond the Housing Market Area, plus an additional allowance for flexibility appropriate to local circumstances, as far as is consistent with the policies set out in this Framework.

ii. Local Plans should make a further allowance; equivalent to 20% of their housing requirement, in developable reserve sites as far as is consistent with the policies set out in this Framework, for a minimum fifteen year period from the date of plan adoption, including the first five years (this recommendation does not apply where it has been demonstrated that a local authority does not have sufficient environmental capacity to exceed its local plan requirement). The purpose of reserve sites is to provide extra flexibility to respond to change (for example, to address unmet needs) and/or to help address any actions required as a result of the Government's proposed housing delivery test.

iii. Local Plans should contain a policy mechanism for the release of reserve sites in the event that monitoring concludes that there is less than 5 years housing land supply or there is a need to address unmet needs;

iv. Local Plans should be supported by a Housing Implementation Strategy ("the HIS") that illustrates the expected rate of housing delivery through a housing trajectory for the whole of the plan period (at least fifteen years) and also sets out the mechanisms by which the local authority will manage delivery of a five-year supply of housing land to meet its housing requirement.

v. Local authorities should identify within Authority Monitoring Reports (AMRs) a supply of specific deliverable 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 or the Reserve Sites allowance, where applicable) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land; The NPPG would need amendments to reflect this position.

70. CPRE disagrees strongly with this recommendation. In our view this recommendation takes the Group beyond its remit of aiming at efficient and effective Local Plan production, and instead is a narrow and one-sided case for making policies in the NPPF more suited to the preferences of large housebuilding companies and land speculators.

71. The approach outlined would formalise and extend the already flawed existing NPPF presumption in favour of sustainable development and housing delivery policies⁴. The impact of these policies has often been to force local authorities to release more land for housing if housebuilders fail to build out planning permissions they already have. If this proposal became explicit national policy there would be a widening vicious spiral of increased and unnecessary loss of countryside, and greater local antipathy towards both planning and development, both of which would be contrary to the aims of the Government.

⁴ NPPF, paras 11-15 and paras 47-49, respectively

72. CPRE wishes to highlight the existing problems as shown in the CPRE report *Set Up to Fail*⁵ that releasing yet more land for development would result in needless loss of countryside and prevent long term management for people and nature, while failing to lead to an increase in housing delivery.

73. Our research shows that targets coming forward in local plans are already unrealistically high, as they zone many more sites for housing than are realistically likely to be developed. Local Plan targets envisage up to 270,000 new houses being built every year, but in 2014 less than half this number (131,000 new houses) were completed, and only 177,000 were completed in the most recent market peak year of 2007. Too much greenfield land is therefore already being permitted for building.

74. The high volume housebuilders have no incentive to increase the number of homes they build beyond current levels - indeed they are incentivised to build slowly as this maintains house prices. A system which results in councils being forced to release even more sites for housing would offer a further disincentive to housebuilders to build quickly: in effect, their failure to build homes quickly enough would give them a greater choice of cheaper sites to build on.

75. Recent research from the Local Government Association (LGA)⁶ found that there are current 475,000 homes with planning permission which have not yet been built, and that this figure has been rising over the past few years. The *Guardian* also recently reported that Britain's biggest housebuilders have a bank of more than 600,000 homes. Developers are, however, taking an increasingly long time to complete housing schemes: Glenigan research, commissioned by the LGA, reported in January 2016 that schemes are on average taking 32 months to complete following planning permission, compared to 20 months in 2007/8.

76. The planning system should play a critical role in directing development to sites that have been judged at the local level to be the most appropriate to develop. These may not, however, be the most profitable for the developer. The planning system seeks to operate in the wider public interest, rather than in the interests of individual businesses. We believe national policy should focus on incentivising the development of sites, including previously developed sites, allocated for development in local or neighbourhood plans but which are not being taken up by developers.

77. The imbalance of the LPEG report in this regard is shown by the lack of any serious proposals to encourage large developers to improve their performance. While we welcome proposals that aim to increase the contribution made by smaller and custom housebuilders, a significant increase in output to catch up with the numbers of permissions being granted will require a massive increase in the capacity of construction workers as well as the production of building materials.⁷

78. CPRE accordingly recommends that local plans should be allowed to weigh up all evidence for housing need, demand and constraints on an equal basis and come to a housing target which is flexible and subject to regular review, and:

⁵ CPRE (2015) - *Set up to fail*

⁶ See LGA press release http://www.local.gov.uk/media-releases/-/journal_content/56/10180/7632945/NEWS

⁷ See for example <http://www.theguardian.com/housing-network/2016/jan/04/george-osborne-400000-homes-housebuilding-bricks>

- The NPPF should be amended (para 14, 47 and 159) to say that when LPAs are determining their local plan housing target, in the context of need and demand, they must take account of opportunities and constraints, as well as a realistic assessment of how many homes the housebuilding sector will be able to deliver.
- Local authorities should only be required to plan for the number of homes that are genuinely needed. They may plan for more to meet demand or aspiration if they wish, but it must be made clear that this is a choice.
- There is a need to link SHMAs with SHLAAs in order to ensure that environmental and policy constraints are properly taken into account when housing requirements are set in local plans. It would help to speed up the local plan process to combine both assessments or run them concurrently.

42. A monitored, plan led approach - To ensure a monitored, plan-led supply of housing land is delivered:

i. As now, local authorities should produce an Authority Monitoring Report (AMR) which draws on the Housing Implementation Strategy and which identifies the five year housing land supply position based on an assessed trajectory ('the Five Year Housing Land Supply Statement') for housing delivery, based on the housing requirement, and a standard form of years supply calculation (see further below);

ii. Where a local authority does not have a five year housing land supply, it should address the shortfall based on bringing forward sites from later years in its trajectory or from its Reserve Sites allowance (where there is an adopted Local Plan) or from sites identified as deliverable within its SHLAA, and show the effect of doing so within its trajectory. Where a local plan does not identify sufficient (or any) Reserve Sites, that authority will be obliged to live with the outcome from the conclusion of the Statement that it does not have a five year supply and the terms of paragraph 49 of the NPPF will apply unless and until a five year supply can be demonstrated through the following year's assessment.

iii. In preparing its Five Year Housing Land Supply Statement, local authorities will be expected to establish close working relationships (for instance through a Working Group) with landowners, developers and others who hold information relevant to the availability and viability of housing sites in their area.

Local authorities will be responsible for preparing their trajectory drawing on information gathered from known landowners/site promoters, and this should then be used to set out the Five Year Housing Land Supply Statement, which should be submitted to PINS (or a suitable alternative independent body) for it to be formally tested by an Examiner (who may be an PINS Inspector or relevant qualified professional). It is important that the views of relevant organisations are addressed as part of this process, so this could involve one or both of the following:

- *The Five Year Housing Land Supply Statement is prepared by the local authority in collaboration with a Working Group drawn from relevant organisations, including representatives of the development industry, with a statement of common ground setting areas of agreement or disagreement on the trajectory being submitted to the Examiner for consideration⁸, and*
- *The trajectory is published for a consultation period of four weeks, inviting representations to be made that are then considered by the Examiner. The Examiner will normally rely on written representations but may at their discretion schedule an examination hearing session to consider specific matters.*

iv. Based on the trajectory within the submitted Five Year Housing Land Supply Statement, the statement of common ground and/or any representations received, the

⁸ This is the approach adopted in Wales under TAN01.

Examiner will adjudicate on the matters of dispute and arrive at a 'concluded' trajectory and five year land supply position, including specifying the number of years supply as at the preceding 1st April. This 'concluded' figure that should be reported within the local authority's AMR. If no representations are received and there is a statement of common ground agreeing all aspects of the trajectory, the Examiner need simply validate the Five Year Housing Land Supply Statement and 'conclude' it.

v. Where a Local Plan (with its Housing Implementation Strategy and five year land supply trajectory) has been examined and found sound in the period up to December based on a land supply position as at 1st April of that year, this is assumed to be the 'concluded' five year land supply position for that year and there is no need for a separate Five Year Housing Land Supply Statement to be submitted for examination.

The concluded trajectory and five year land supply position following examination should be considered as the 'concluded' five year land supply position for the purpose of decision taking for a twelve month period from its publication by the Planning Inspectorate, including at s.78 appeals. Over the twelve month period this will remain the case even if circumstances are considered to have changed, for example due to new planning permissions being granted or sites becoming unavailable. Such changes would need to be reflected in the subsequent year's Statement. Where the Council does not produce a trajectory for determination by the Examiner, the 'default' position is that there is no five year land supply. The attachment of substantial weight to either default or 'concluded' position should be reflected in the NPPG, consistently with paragraph 49 of the NPPF.

79. CPRE supports, in principle, the introduction of a five year supply statement as part of an Authority Monitoring Report. We would also want to see such a statement be given full weight in the planning process in order to address the growing problem of planning by appeal.

80. The detailed proposals of the Expert Group, however, give far too much weight in the preparation of the Statement to the views of the development industry. CPRE recommends that it should be sufficient for a local authority to consult publicly on its trajectory and issue a statement, which is then given full weight in planning decisions, and should prevent or reduce planning by appeal. We are unconvinced of the need for a formal working group or an examination process, both of which we think will encourage developers to continue pressuring local authorities in the fashion that they do currently.

81. Moreover, a statement is, in itself, unlikely to sufficiently deter some developers from continuing to seek permissions through the appeals process. To address the issue more thoroughly and cost-effectively, CPRE recommends that paragraph 49 of the NPPF is changed to remove the automatic presumption in favour of granting planning permission when there is no five year supply, and to place more weight on developers meeting local policy objectives such as on the use of brownfield land. Similarly, the NPPF should also be clearer that the development of inappropriate or unallocated sites will not be permitted at appeal where there is an up to date Local Plan or neighbourhood plan in place.

43. A standard approach to 5 year supply calculations - We recommend that the NPPG is updated to provide a codified template for five year land supply calculations in accordance with our Appendix 13. We recommend tighter parameters within the NPPG for calculating the five year housing land supply with these to be confirmed through a technical sub-group looking at the following aspects:

i. A prescribed approach to defining the housing requirement for five year land supply purposes with and without an up-to-date Local Plan, to include the expectation that the housing requirement figure in an adopted Local Plan is considered to be regarded as up-to-date for five year land supply purposes for a period of at least three years

commencing at the date at which an Inspector concluded on the OAN figure in examining the Local Plan.

- ii. A base date against which to measure undersupply;*
- iii. A more prescriptive definition for persistent under delivery or the application of a blanket buffer to all LPAs;*
- iv. Clarifying that the application of the buffer is to the requirement plus backlog;*
- v. The implementation of a more case-specific application of Liverpool or Sedgfield for the delivery of backlog;*
- vi. The introduction of a lapse rate into the calculation; and*
- vii. Explicit exclusion of specialist types of accommodation as components of supply.*

82. CPRE supports, in principle, a standard approach to five year supply calculations. But, again, the method proposed by the Group will exacerbate existing problems with Local Plans rather than remove them. In particular, the call for ‘explicit exclusion of specialist types of accommodation as components of supply’ is profoundly misguided, as it ignores that in university towns in particular, student accommodation is a key part of the overall demand for housing. The effect of making this change as part of the Group’s overall package would be to significantly inflate unmet ‘objectively assessed need’ in university towns, in turn increasing pressure for unsympathetically high densities or, in cases such as Bath, Cambridge or Oxford, development in the Green Belt. We would only support the removal of such accommodation from the objective assessment of need if it was also made clear that OAN clearly differentiated demand and need (as per our recommendations set out in response to LPEG recommendation 8 above), and in turn that providing for student accommodation is seen as part of ‘demand’ and therefore of secondary importance to plan for.

83. For reasons given above, CPRE does not accept that local authorities are responsible for ‘persistent under delivery’ of housing, or that promoting choice and competition in the land market is in itself sufficiently in the public interest to justify the use of buffer allowances. We therefore recommend that these references are deleted from the NPPF altogether, rather than entrenched.

Presentation, Access and Style (Section 12)

44. Local plan style and accessibility - We recommend that local planning authorities consider ways in which the accessibility, of local plans can be improved by for example:

- i. reducing length where possible;*
- ii. the use of an executive summary;*
- iii. careful formatting, for example by including a summary of the key facts and the policy approach at the beginning of plan documents more utilisation of graphic presentation to explain the spatial approach and, particularly, in areas where change is envisaged, what change might look like -“propositional planning”;*
- iv. more focus on the link between policy and masterplanning in areas where significant change is envisaged to provide guidance on what change might look like and how well designed places can be created;*
- v. reviewing how readily relevant plan documents are accessible on the web;*
- vi. improving the interactivity of policies maps and plan documents, as well as the links between them;*
- vii. exploring opportunities for improving on-line consultation;*
- viii. We further recommend that the Government commission work to review opportunities to draw attention to and spread good practice in the way local plans are structured and presented. We note the opportunity to link this to work the Government is already doing on best use of technology and modern media.*

84. CPRE agrees with this recommendation. See also our response to LPEG recommendation 18 on saved policies.

Minerals and Waste Plans

45. *Minerals - We recommend a revision to the NPPG to the effect that the output from the Aggregates Working Parties should be given particular weight in planning decisions and in the preparation of minerals plans.*

46. *Minerals and Waste Plans - We recommend that the Government clarifies that it has comparable expectations for the completion of Minerals and Waste local plans.*

85. CPRE supports the recommendation calling for completion of Minerals and Waste Local Plans. We do not see any justification, however, to give ‘particular weight’ to the output of Aggregates Working Parties. The current wording in paragraph 145 of the NPPF only calls on local authorities to ‘take account’ of this work alongside other issues such as environmental capacity, and the Group offers no reason as to why this is insufficient.

Next Steps and Transition (Section 13)

47. *Technical Working Group - We would see advantage in the establishment of a Technical Working Group being formed from representative sectors of the planning industry to assist with the implementation of detailed recommendations.*

86. We agree with this recommendation subject to the Group being properly representative, in contrast to the LPEG itself. We suggest that such a Group be convened through the National Planning Forum, and resourced by DCLG. We would also request that CPRE are represented on the Group, making the best use of our local networks, our expertise and experience with navigating the planning system from professional, community group and member of the public standpoint, and our understanding of the particular circumstances of planning and development in rural areas.

CPRE
April 2016