

# What's the plan?

An analysis of local plan coverage across England

May 2020



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## Executive summary

### Introduction

Local plans set out the long-term development strategy for an area and are an important way for the public to be involved in shaping the future of the places where they live. They are vital to ensuring both the local community and investors have the confidence and certainty to manage the social, economic and environmental wellbeing of an area. Local plans set a baseline for determining planning applications and are critical to safeguarding and improving undeveloped areas of countryside, which is vital to tackling the climate and biodiversity crises.

In recognition of the importance of local plans, central government has pledged to ensure that all local plans in England are in place, and fully up-to-date, by the end of 2023. However, new research from CPRE, the countryside charity, shows that many local planning authorities (LPAs) have found getting adopted, ie approved, plans in place challenging and, what is more, keeping those plans current has proved even more problematic.

The government continues to take positive strides forward in various aspects of policy, including housing design, biodiversity and nature conservation. It is vital to have up-to-date local plans so that these plans can take into account the best new thinking, which is increasingly urgent in a number of areas, particularly those that relate to tackling the climate emergency.

This research report from CPRE, the countryside charity, provides an analysis of current local plan coverage across England and an assessment of the extent to which these plans can be considered up-to-date. It goes on to set out some key recommendations for how the government can work towards its target of full coverage by the end of 2023, an aim CPRE is keen to support.

### Methodology

Freedom of Information requests (FOI) have been used to collect the information on existing and emerging plans as well as the LPAs' housing land supply position. All 330 LPAs were analysed as part of this report and the majority of the data was collected from May to August 2019. The full set of data can be found in the spreadsheets listed in the appendix in the main report.

### Key findings – plan coverage and currency

Our research shows that not all of England is covered by local plans and that a significant proportion would not pass the tests required to be seen as up-to-date. In England, the majority (90%) of LPAs have an adopted local plan – 10% of LPAs do not have a local plan, with most using older 'saved policies' from previous plans. Two key criteria need to be met for a plan to be classed as up-to-date:

- It needs to be less than five years old (or, having been reviewed for consistency with updated evidence and national policy, found not to require updating). Only around 40% of local plans meet this criterion.
- The council must be able to demonstrate that it has sufficient land identified in the plan (or with planning permission) to provide five years of housing development (known as the housing land supply). With this taken into account, only 30% of plans are up-to-date.

Since the housing land supply position can, and does, change frequently, and few LPAs publish information, it is difficult to be confident of the status of any local plan.

Therefore, the government is not currently able to describe our planning system as genuinely plan-led given that fewer than one third of LPAs in England are operating under an up-to-date plan for the purposes of deciding applications for new housing development. Furthermore, the current bar for a plan to become out-of-date is unhelpful, as plans could be considered out-of-date shortly after adoption, due to a lack of housing land supply, or by default after five years, which represents only a third of a planning period for a typical local plan.

## Key findings – looking ahead

- Our research reveals that over 80% of LPAs will need to review an existing plan, or adopt a new plan, in order to meet the government's proposed 2023 deadline.
- Even if all LPAs have an adopted plan in place by 2023, questions remain as to whether those plans will still be up-to-date by then, and for how long will they remain so.
- The government must decide if the 2023 deadline is a one-off target, or if it plans to reform processes to enable local authorities to keep their plans up-to-date.

## Recommendations

CPRE is keen to work constructively with the government to help deliver full coverage of up-to-date local plans in England by the end of 2023. Accordingly, we recommend that:

1. **Monitor local plan coverage** – the government should monitor and publish a summary of local plan coverage across England at least annually. It should also monitor the currency of adopted plans in regards to the National Planning Policy Framework's (NPPF) requirements. This would furthermore enable the government to identify the strengths and weaknesses of existing policy requirements.
2. **Monitor and strengthen housing land supply positions** – the government should monitor LPAs' housing land supply positions and consider improving the policy's practicability, for instance by requiring set publication dates and freezing the housing land supply position by default until the next publication or monitoring date – potentially with a rapid strategic review option if a LPA is below five years supply.
3. **Produce guidance for LPAs on updating local plans** – the process to review local plans to keep them up-to-date remains vague. The government should produce clear guidance and for LPAs on how to review and subsequently update a local plan, which is essential to enable local authorities to maintain up-to-date plans.
4. **Learn lessons** – some local authorities took decades to adopt a local plan, or decided to withdraw draft plans before adoption. The government should work more closely with the relevant LPAs to try to learn from these lessons and provide the necessary support to address the barriers these LPAs face in plan preparation and adoption.
5. **Simplify statutory plan documents** – the number and structure of development plan documents is currently not prescribed by national planning legislation or policy. The government should help simplify the landscape by providing a clear structure of statutory plan documents across England, which would improve usability and make it easier to monitor and maintain up-to-date plans.

## Introduction

Fundamentally, local plans are about the management of resources that aim to shape places and the built environment, provide certainty to communities, businesses and developers, protect the environment and plan for the development within the local authority boundary for a certain plan period. No successful institution works without a clear set of objectives and processes to ensure that resources are managed efficiently and effectively, and places should be no different. If we are going to deliver and maintain the homes, workplaces, schools, shops, infrastructure and open spaces that make a place work living in, we need to have plans in place to manage those resources, and local plans are the best means we have of achieving this, within the current planning system..

Unfortunately, in the past few decades, constant debate over the value and nature of planning and ongoing reforms to processes for getting plans in place and measuring their effectiveness have acted to ensure that making plans is highly complex. Adopting a plan that meets community aspirations is almost impossible, and that once a plan is in place, it is very easy for developers to undermine the primacy that it is supposed to have in law, to achieve their own, often short sighted interests to maximise profits.

On 12 March 2020, the Ministry of Housing, Communities and Local Government (MHCLG) issued a policy statement [“Planning for the Future”](#), which contained a plethora of further reforms to the planning system, including a proposal for:

**‘Setting a deadline for all local authorities to have an up-to-date local plan** – the government will require all local planning authorities to have up-to-date local plans by December 2023. The government will prepare to intervene where local authorities fail to meet the deadline in accordance with the existing statutory powers, considering appropriate action on a case by case basis.’<sup>i</sup>

This statement recognised explicitly the precarious nature of local plans in England, and belied previous confident statements that the government’s hyperactive reforms to planning since 2010 were resulting in improved coverage of adopted local plans across the country.

Statements like this, from Esther McVey, then housing minister, just eight weeks earlier:

“The wide-ranging reforms we’ve made to simplify the planning process are having a massive impact: 90% of councils now have an adopted Local Plan compared to just 17% in 2010.” <sup>ii</sup>

It is now clear that the government recognises that simply having an adopted local plan is not sufficient: it must be up-to-date too. CPRE is just as concerned about the lack of adopted and up-to-date local plans as the government appears to be, although possibly for different reasons. Local plans give both communities and investors the confidence and certainty they need in order to manage their places in the interests of social, economic and environmental well-being.

This has been advocated by the previous Prime Minister Theresa May: ‘local communities will be put at the heart of the planning process by seeing to it that all areas have an up-to-date plan.’<sup>iii</sup>

The government’s current emphasis is that councils must have local plans in place, and they must keep them up-to-date – all well and good – but rather than resourcing, empowering and supporting councils in doing so, and providing a system that favours the rapid adoption of achievable plans and mechanisms to ensure plans are capable of being kept current, the government continues to propose sanctions to remove plan-making powers from local authorities.

Unfortunately, as things currently stand, it is difficult to get plans in place, and even harder to keep them ‘up-to-date’, which is a requirement for their policies and proposals to be upheld. For many users of the planning system, it is almost impossible to identify what plans or policies are in place in any one local authority area, and often in different parts of that area, and – worse – this situation can change from day-to-day as a result of individual decisions made on planning applications and other changes in the local or national context.



In this report, we show that, while the government has recently committed to massively increasing the coverage of adopted local plans, and has arguably delivered on that commitment, the question of whether those plans are still effective, as a result of questions over whether they are genuinely up-to-date, and for how long they will remain so.

Unfortunately, the government does not publish information on local plan coverage and particularly not if these plans are up-to-date as required by the National Planning Policy Framework (NPPF). In summary, it is unclear if the whole of England is covered by up-to-date (statutory) plans.

This report will analyse the current state of local plans in England, within our ostensibly plan-led system. It aims to answer the following questions:

- Is England covered by local plans?
- Are the plans up-to-date?
- Do we have a plan-led system?
- How can we work towards a genuine plan-led system in the near future?

## Which plans are prepared and who is responsible?

Planning can occur at a variety of levels:

- National
- Regional
- District/local authority
- Neighbourhood

As a starting point, it is necessary to illustrate who prepares plans and if there are different types of plans in place.

In England, the current key instruments of planning are the NPPF, local plans by local planning authorities, and neighbourhood plans at the local level. Regional planning has largely been replaced by the duty to co-operate between different local authorities<sup>iv</sup>, but some city regions have statutory planning powers under devolution and other measures, including Greater London, Greater Manchester, the West of England (broadly corresponding to the former county of Avon) and Liverpool.

As neighbourhood plans, although once made they form part of the development plan, are not a obligatory and statutory plan document, we do not cover them in this report.

### Who prepares plans?

Local plans are prepared (sometimes jointly) by district, London borough, metropolitan district, unitary, and National Park authorities.

The NPPF differentiates in local planning authorities and strategic policy making authorities:

**Local planning authorities** are the public authorities ‘whose duty it is to carry out specific planning functions [in particular deciding planning applications] for a particular area. All references to local planning authority include the district council, London borough council, county council, Broads Authority, National Park Authority, the Mayor of London and a development corporation, to the extent appropriate to their responsibilities.’<sup>v</sup>

**Strategic policy making authorities**, are ‘those authorities responsible for producing strategic policies’. These include all ‘local planning authorities’ (see above), but they can also include elected Mayors or combined authorities, where strategic planning powers have been conferred<sup>vi</sup>. This ‘conferring’ is done through an Act of Parliament or devolution deal.

In summary, there are four areas in England with conferred strategic policy making powers:

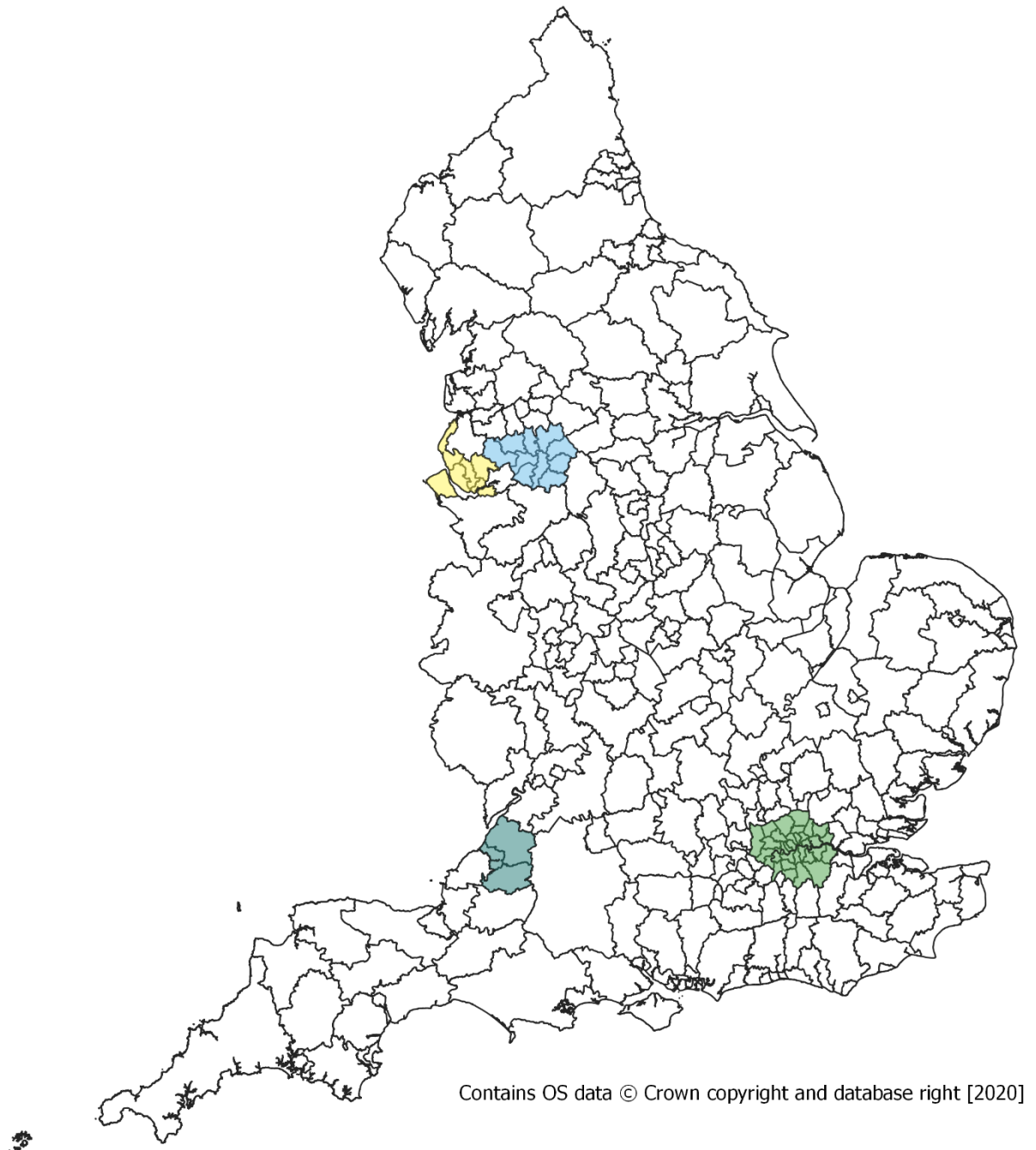


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- Greater London
- West of England
- Greater Manchester
- Liverpool City Region

Besides those areas, in large parts of England the local planning authority remains the strategic policy making authority. To sum it up are **330 local planning authorities** (considering the latest structural changes in April 2019), including district, borough or city councils as well as unitary authorities and London and metropolitan boroughs and **ten National Park Authorities** and **three Development Corporations**.

## Areas with conferred strategic policy making powers in England 2019



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### Legend


 Local Authority Districts (April 2019)

Areas with conferred strategic policy making powers

 Greater London

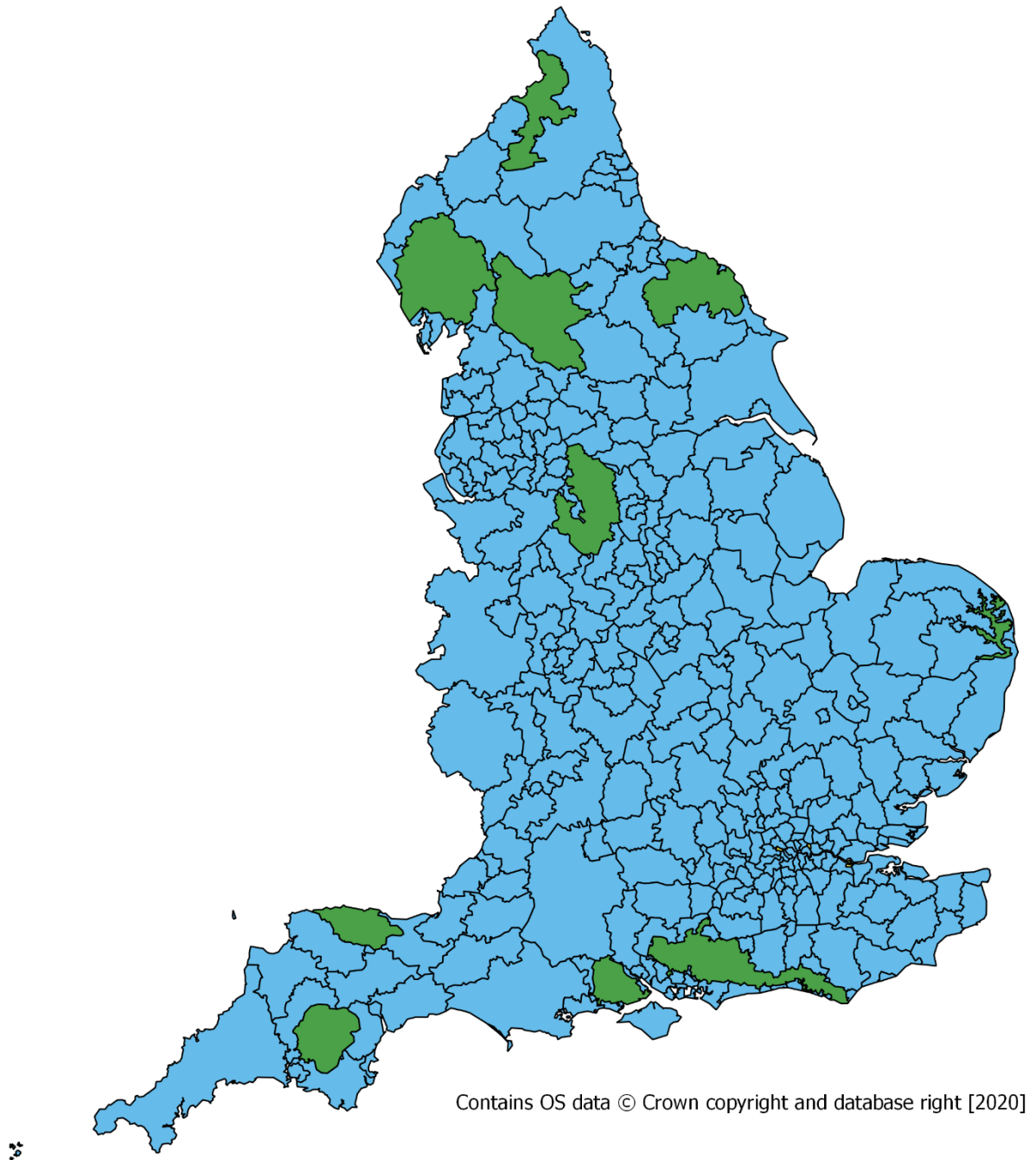
 Greater Manchester

 Liverpool City Region

 West of England




# Local Planning Authorities in England 2019




## Legend

Local Planning Authorities (April 2019)

 Development corporation

 National Parks & Broads Authority

 District, borough or city councils, unitary authorities or London or metropolitan boroughs

## Which plans are prepared?

To enable an analysis of plan coverage across England, one needs to know which (statutory) plans have to be prepared by planning authorities. The following section provides an overview of the used terminology, as well as the relationship of plans to each other.

### The development plan

The relevant **development plan**, as 'defined in section 38 of the Planning and Compulsory Purchase Act 2004 (..) includes adopted local plans, neighbourhood plans that have been made and published spatial development strategies, together with any regional strategy policies that remain in force'<sup>vii</sup>

### Spatial development strategies

As mentioned earlier, Greater London, West of England, Greater Manchester and the Liverpool City Region have conferred strategic policy making powers.

The Combined Authorities (Spatial Development Strategy) Regulations 2018 extended powers to the combined Authorities of Greater Manchester, Liverpool City Region and the West of England which were initially granted to the Mayor of London by the Greater London Authority Act 1999 to produce a spatial development strategy – The London Plan.

The NPPF's glossary defines a **Spatial Development Strategy** as:

'A plan containing strategic policies prepared by a Mayor or a combined authority. It includes the London Plan (prepared under provisions in the Greater London Authority Act 1999) and plans prepared by combined authorities that have been given equivalent plan-making functions by an order made under the Local Democracy, Economic Development and Construction Act 2009 (as amended).'

<sup>viii</sup>

In summary, spatial development strategies plan for larger areas or regions, which consist of multiple local authorities.

### Local plans

Simplified a **local plan**, is a 'plan for the future development of a local area, drawn up by the local planning authority in consultation with the community' and in law it 'is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004'.<sup>ix</sup>

The Planning and Compulsory Purchase Act 2004 includes provisions for the preparation of local plans/local development documents/development plan documents.

Local plans can be prepared individually, or multiple local authorities can prepare a joint local plan. As one can see, a development plan usually consists of multiple documents, which can be prepared by one or more bodies, and the local plan itself can consist of multiple documents.

The following two figures illustrate this complexity of multiple documents by the means of Westminster's policy framework and North Northamptonshire's planning documents.

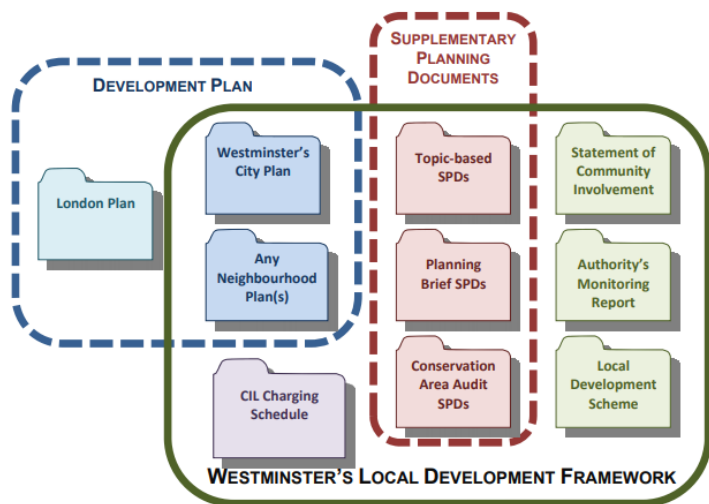


Figure 1: Westminster's Policy Framework © City of Westminster<sup>x</sup>

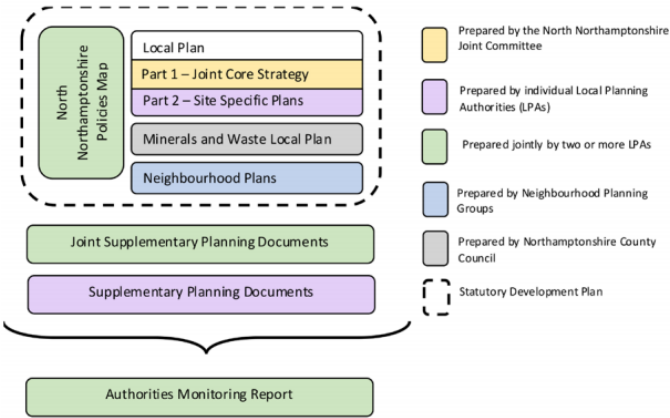


Figure 2: Plan Making in North Northamptonshire © North Northamptonshire Joint Planning Unit<sup>xi</sup>

As one can see, the development plan can consist of a variety of documents, in some areas also Area Action Plans are being prepared.

Area Action Plans ‘set out area-specific visions, planning policies and masterplans for (..) key regeneration areas’ and also form part of the development plan/local plan.<sup>xii</sup>

This report does not look at the coverage or use of Area Action Plans, as this would go beyond the scope of this analysis.

Those local planning authorities with minerals and waste planning responsibilities should also produce plans to provide a framework for decisions involving these uses. Local planning authorities can produce combined minerals and waste plans and, where relevant, may also prepare one local plan combining policies on minerals, waste and other planning matters.<sup>xiii</sup>

The focus of this report are plans for housing and other built development, therefore this report also does not deal with mineral and waste planning authorities and the plans produced for these responsibilities.

‘The number and structure of development plan documents (DPD) is not prescribed by national planning policy and so may vary from one planning authority to another, however, they may include a range of documents such as; a core strategy, site allocations, area action plans, proposals maps, development management policies and so on.’<sup>xiv</sup>

This report uses the terms “**local plan part 1**” for plans like a core strategy, (single) local plans, etc. and “**local plan part 2**” for every additional plan document such as site allocations plans, development management plans, etc.

In regard to the different levels of planning mentioned in the introduction the following illustration visualises the current situation in England in a simplified way:



Figure 3: Planning Hierarchy in England<sup>xv</sup>

In conclusion, one can see the English planning system is highly devolved, with each local planning authority setting their own targets for development (although within sometimes challenging parameters set by central government through national policy). In theory, this allows to deal with the diverse requirements and the constantly changing nature of planning problems.<sup>xvi</sup>

## Methodology of this research

It is possible to find out which plans are in place for an individual authority by searching their website, but the different names used for these plans, such as “core strategy”, “local plan”, “local development framework”, etc. can be confusing, as it suggests a variety of plans are in place, while in practice they form part of “the LPA’s plan” and the names have changed during the last years. Additionally, the ‘Planning Inspectorate maintains a list of the overall position for each LPA. This is updated as examinations are completed’, as well as expected plan submissions in the next months<sup>xvii</sup>, but this list does not illustrate the LPAs plans’ “up-to-datedness” based on NPPF requirements.

There is no central publicly available source for (up-to-date) local plans and the LPAs’ housing land supply position, or the LPAs’ (annual) housing requirement. E.g. similar to the annual Housing Delivery Test measurement, published by MHCLG.

Therefore, at the end of May 2019, CPRE submitted freedom of information (FOI) requests to all district, borough or city councils as well as unitary authorities and London and metropolitan boroughs and National Park Authorities. Through these FOI we requested information regarding their adopted and emerging local plans and their latest published information on their housing land supply position.

## Findings - plan coverage

The NPPF (para 13) states:

‘The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.’<sup>xviii</sup>

If the planning system is supposed to be plan-led and a vision for each area should be provided, a plan setting a direction and framework for (future) planning decisions, needs to be present. Therefore as a first step, the plan coverage of the two types of statutory plans - **spatial development strategies** and **local plans** across England- will be analysed.

### Spatial development strategies

Currently just one spatial development strategy- the London Plan- is in place. Though, this is not surprising, as the powers to produce such a spatial development strategy have only been extended recently.

### LPAs with an adopted local plan

Our analysis of the FOI responses, illustrates 295 of a total of 330 local planning authorities have an adopted plan, 33 currently do not have an adopted plan and determine their planning applications solely on “saved policies” of previously adopted plans.

The 330 local planning authorities also include three development corporations. Of those, only one adopted a local plan, one is currently working on a plan and in the case of Ebbsfleet Development Corporation, ‘Plan-making powers have not been transferred to the Development Corporation and the local authorities of Dartford and Gravesham will continue to prepare local plans in their local authority areas.’<sup>xix</sup>

The Planning and Compulsory Purchase Act 2004 saved old policies of adopted local plans, unitary development plans and structure plans for three years. Subsequently, by direction of the Secretary of State local planning authorities could save these policies for longer periods.<sup>xx</sup>

As one can see, legislation and Secretary of State directions, address the possibility of expired plans and try to avoid some kind of “local policy vacuum”. In this sense, some policies of old plans, which formally already passed their lifespan a long time ago are still valid and in use today. But, it also shows that certain plan policies do not have a formal best-before-date and are relevant for much longer periods than the originally set plan period.

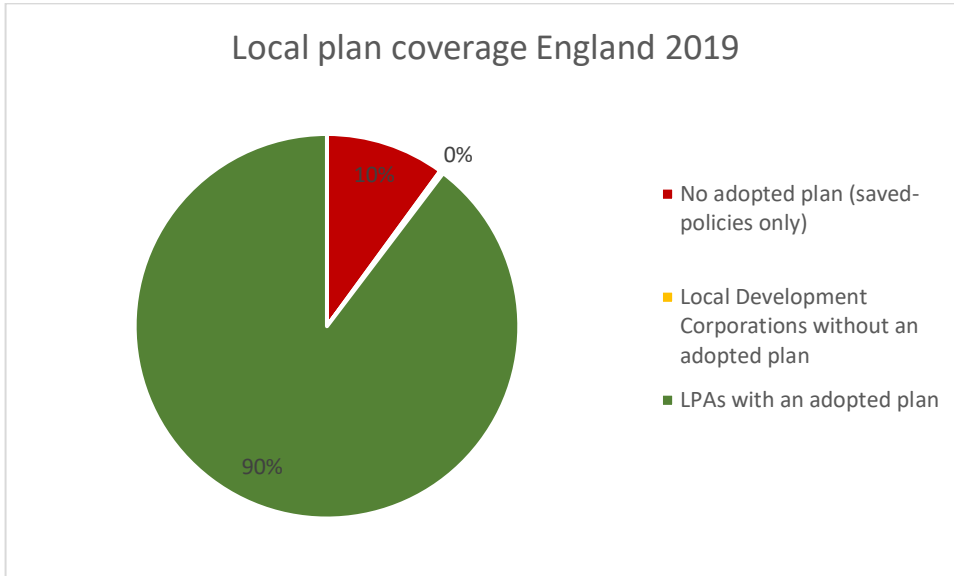


Figure 4: Local plan coverage in England 2019

The findings regarding adopted plans and LPA's using saved policies only, accords with the statement made by the previous Housing Minister Esther McVey in early 2020.

### Is England covered by local plans?

In conclusion and to answer one of the research questions:

- 330 LPA's, 295 have an adopted plan and 10% of English planning authorities do not have an adopted plan. Also, not every (district) LPA transferred plan-making powers to Development Corporations.
- 50 (2017 based) LPA's are involved in or have an adopted joint local plan.
- As local plans are prepared by individual LPA's or in cooperation one can also illustrate how many adopted plans are in place.

### Joint and individual local plans

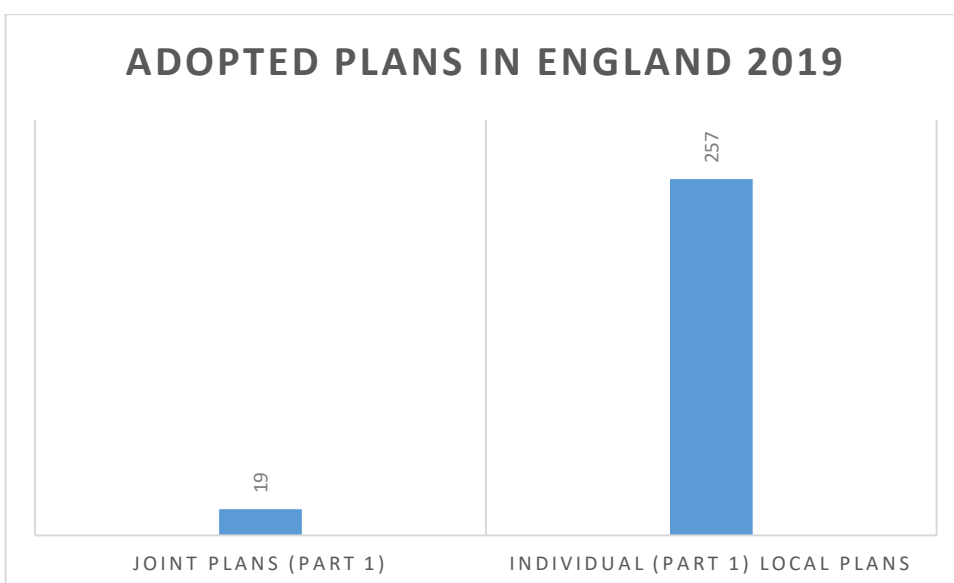


Figure 5: Adopted joint and individual local plans in England 2019

There are 19 joint (part 1) plans, and 257 individual (part 1) local plans.



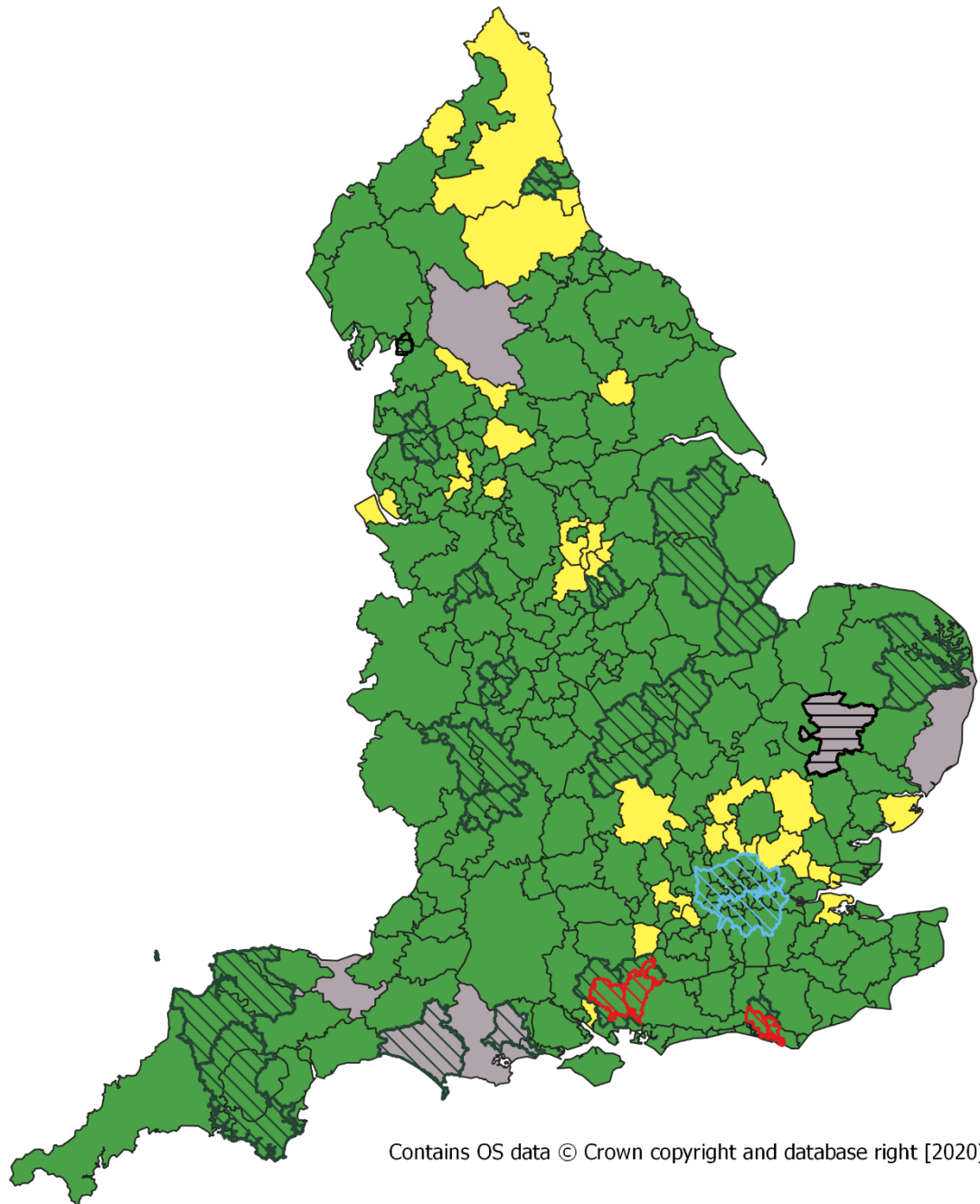
Some of these individual plans cover the LPA boundaries predating the 2019 changes.

These plans, predating the 2019 structure changes to LPAs, will remain in place, but the Local Government (Structural Changes) (General) (Amendment) Regulations 2018 requires the adoption of new plans covering the whole of the new area within 5 years of reorganisation.<sup>xxi</sup>

Therefore, the six LPAs “formed” by the 2019 restructuring are required to prepare new plans within five years.

In three cases “joint local plans” are currently only joint plans in the name, as these joint plans were originally adopted by a district council and a National Park Authority, but due to the adoption of the National Park Authority’s own local plan the part of the plan dealing with the National Park area has been superseded by the National Park Authority’s own local plan.

# Adopted Local Plans and Spatial Development Strategies in England 2019



## Legend

### Spatial Development Strategies

 adopted

### Joint Local Plan (Part 1)

 adopted

 superseded


### Joint Local Plan Part 2


 adopted

### 2019 LPAs' Local Plan (Part 1) Status

 Adopted Local Plan

 No adopted Local Plan

 Authority was reorganised

 Development Corporation without plan making powers





As illustrated in the map on the previous page, the majority of joint plans are either “part 1” or “single local plan” documents, based on the available information, just two “part 2 joint local plan documents have been prepared and adopted.

### Single local plans & multi part local plans

In many cases, LPAs have additional “part 2” plan documents. These usually focus on allocating specified areas of land for development, rather than policies for the overall amount or broad distribution of development. For the purposes of this report every additional local plan document part will be called “part 2” document, although some LPA’s formally do not refer to them in that way, and some plans consist of more than two documents. It is also not a formal, or official term required by planning policy or legislation, though it proved useful to differentiate adopted plan documents.

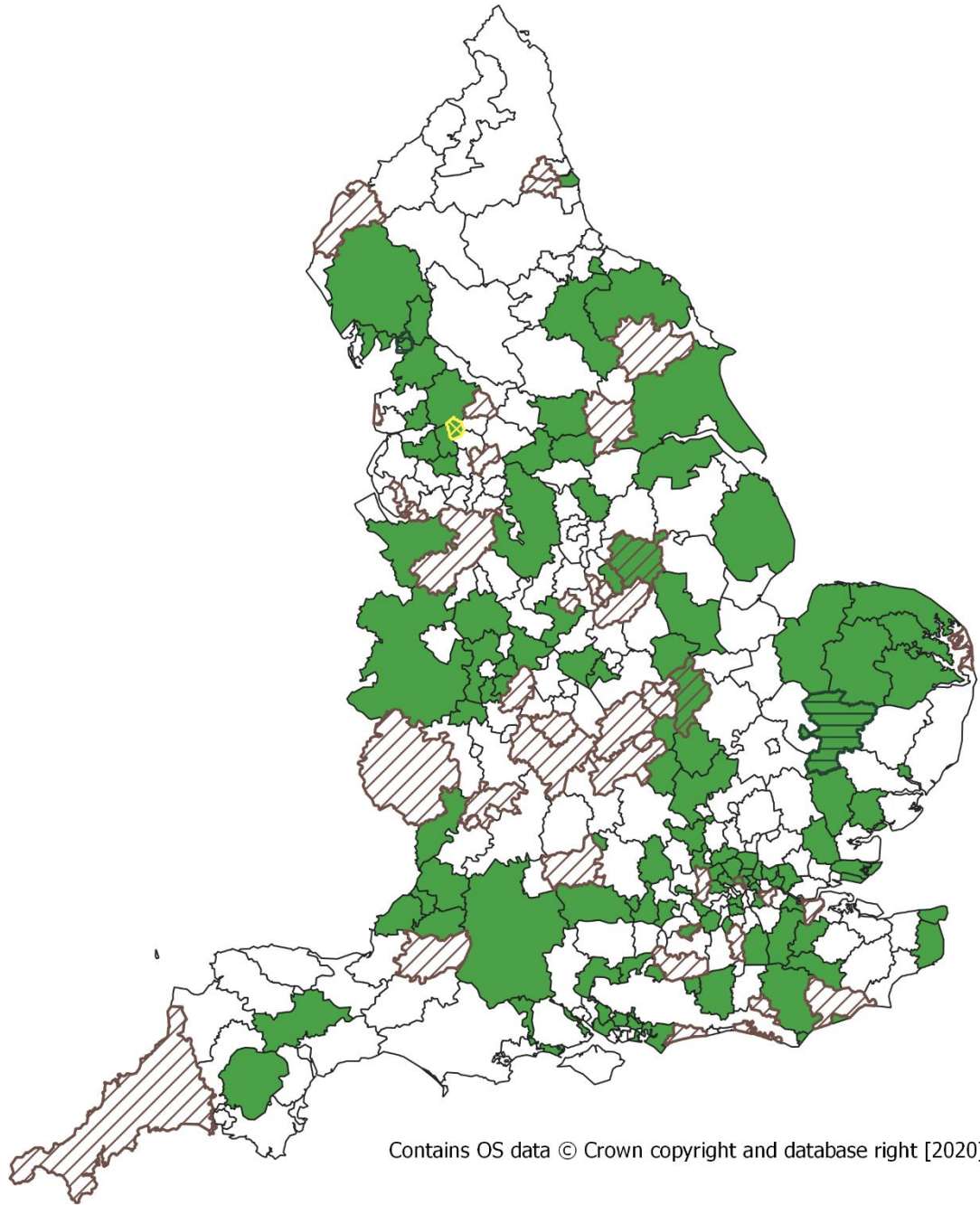
Of 330 LPAs 110 have at least one part 2 plan , and at least 40 LPAs are currently preparing a part 2 plan document.

Some local authorities do not have any part 2 plan documents, as their local plan covers/includes the content otherwise addressed in part 2 plan documents, e.g. site allocations, and others have multiple part 2 plan documents. We did not count the total number of “part 2 plans” as it would be irrelevant because the focus is on the strategic policies usually contained in a part 1 or comprehensive local plan.

While part 2 plans dealing with site allocations and/or development management policies seem to be quite common, also very specialised or topic/area specific plans are in place, e.g. Merton adopted an “Estates Local Plan” dealing specifically with planning applications on three housing estates,<sup>xxii</sup> or Wakefield’s Local Plan consists of multiple documents also including a “Leisure, Recreation and Open Space Local Plan” and a “Retail and Town Centre Local Plan”.<sup>xxiii</sup>

As one can see the contents of these additional plan documents are various across local authorities and the range of contents varies across England.

# Adopted and emerging "Part 2 Local Plans" in England 2019




## Legend


2019 LPAs' with emerging "Part 2 Local Plans"

 Emerging "Local Plan Part 2"

 Emerging Local Plan & "Local Plan Part 2"

2019 LPAs' adopted "Part 2 Local Plans"

 LPA with one or more adopted "Local Plan Part 2"

 Development Corporation without plan making powers

 LPA without a "Local Plan Part 2"

Joint Local Plan Part 2

 adopted

In the cases of emerging “part 2” documents, one could assume that the existing (adopted part 1) plan is not “complete”, and e.g. does not include site allocations to meet proposed housing targets or requirement of an adopted (part 1) plan, but it is also possible that the LPA simply prepares additional policies which have not been covered by other plan documents, or are specific for certain areas within the LPA boundary, and therefore simply provide additional more detailed policies for a certain area/topic rather than “completing” an formally incomplete plan.

In this regard, additional research on the content of “part 2 plans” could be undertaken in the future. In conclusion, the local authority’s “plan” can consist of hundreds of pages of policy documents, sometimes spread across a multiplicity of documents.

## Findings – emerging plans

LPAs and those authorities that are required to prepare a spatial development strategy, are required to prepare a plan and keep it up-to-date, by reviewing and updating it, or by replacing it with a new document. Due to these requirements, besides adopted documents also a vast number of draft plans are currently in preparation across the country, so called emerging plans.

### Emerging spatial development strategies

Due to the previous absence of powers, the currently emerging Greater Manchester Spatial Framework (GMSF) is currently being produced as a development plan document, based on the provisions of the Planning and Compulsory Purchase Act 2004. ‘Through the 2014 Devolution Agreement the Mayor has a duty to produce a Spatial Development Strategy’ and Greater Manchester requested to amend the Spatial Development Regulations to allow the Greater Manchester Spatial Framework to be progressed as a spatial development strategy. Moreover, Greater Manchester states ‘the next GMSF will be produced as an SDS if the regulations are in place, otherwise it will continue as a joint development plan document.’<sup>xxiv</sup>

The Liverpool City Region also announced the initial consultation and the start of the preparation of their Liverpool City Region spatial development strategy<sup>xxv</sup>.

Another interesting issue is the emerging West of England Joint Spatial Plan, which ‘will sit above and guide each councils’ own local plans’<sup>xxvi</sup> extends the boundaries of the West of England combined authority and is also produced as a development plan document, however based on current information, it seems questionable if this plan will ever be finalised, examined and adopted, due to the inspector recommending withdrawal of the draft plan and LPAs withdrawing from the joint plan.<sup>xxvii</sup>

Therefore, besides the emerging London Plan and the emerging Liverpool City Region Spatial Development Strategy, the two additional emerging documents do not formerly qualify as spatial development strategies and rather present emerging joint local plans.

In conclusion, besides the London Plan, there is scope for three more spatial development strategies to be produced in the future.

### Emerging local plans

Multiple local authorities are working on “new”, reviewed or additional plan documents.

Based on the 2019 Local Authorities, 247 LPAs are working on some form of (emerging) plan.

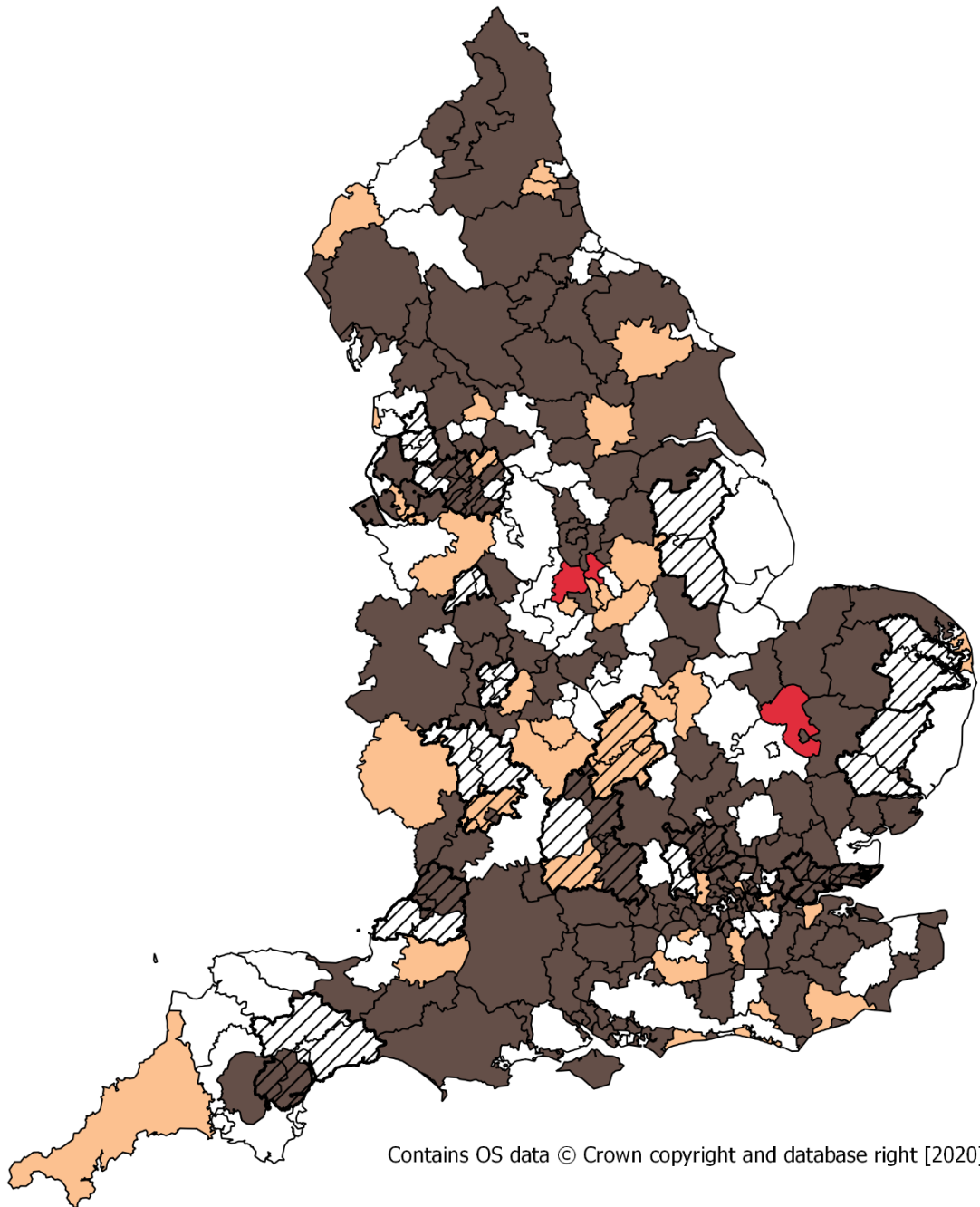
Fifteen joint local plans are currently being produced. Two of these joint plans are named “strategic” plans with a plan period of up to 2050 (South Essex Joint Strategic Plan and the Oxfordshire Plan 2050) and also involve county councils, and a few other emerging plans try to fill the gap of regional/strategic planning and produce so called “joint spatial” or “joint strategic plans” (e.g. Greater Exeter Strategic Plan, South West Herts Joint Strategic Plan, West of England Joint Spatial Plan), though formally they are joint local plan documents. As mentioned above two of these emerging joint



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local plans cover the areas of West of England and Greater Manchester, which should prepare a spatial development strategy (instead).

# Emerging Local Plans and Spatial Development Strategies in England 2019



## Legend


### Spatial Development Strategies

 emerging


### Joint Local Plans


 emerging


### 2019 LPAs' with emerging Local Plans

 Local Plan or Local Plan (Part 1)

 "Local Plan Part 2"

 Local Plan/"Local Plan Part 2"

 Emerging plan withdrawn

 No emerging plan/no information

As one can see, quite a large number of LPAs are working on emerging plans, however plan preparation can be a lengthy process and LPAs can also decide to withdraw an emerging plan, also at late stages such as during examination or before a plan is supposed to be adopted, and return to the “drawing board”.

The absence of higher level strategic planning, apart from London and other authorities which are able to prepare a spatial development strategy, results in attempts to use the existing system to fill this gap and produce some kind of strategic plans which are formally just joint local plans.

## Are these (adopted) plans up-to-date?

The NPPF states that the planning system should be genuinely plan-led.<sup>xxviii</sup> and refers to up-to-date plans at multiple occasions.

However, MHCLG, stated in their response to the FOI request on the information MHCLG holds on LPAs' local plan status and whether these plans can be considered up to date: ‘This information is not held by MHCLG. Although MHCLG and the Planning Inspectorate do track the progress of Local Plans (including adoption dates)...’.<sup>xxix</sup>

The currency and relevance of plans and their policies is particularly relevant for decision-makers in the determination of planning applications.

The National Planning Policy Framework illustrates in para 12 ‘the statutory status of the development plan as the starting point for decision making’ and clearly indicates, if a ‘planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.’<sup>xxx</sup>

### But when is a plan up-to-date?

Unfortunately, the NPPF and its glossary lacks a crystal clear definition of up-to-date development plans, but it lists the review requirements for local plans in para 33:

‘Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. **Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly**; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.’<sup>xxxi</sup>

As listed in footnote 18 of the NPPF, ‘**reviews at least every five years are a legal requirement for all local plans** (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012).’<sup>xxxii</sup>

#### ‘Review of local development documents

10A.—(1) A local planning authority must review a local development document within the following time periods—

(a) in respect of a local plan, the review must be completed every five years, starting from the date of adoption of the local plan, in accordance with section 23 of the Act (adoption of local development documents);

(b) in respect of a statement of community involvement, the review must be completed every five years, starting from the date of adoption of the statement of community involvement, in accordance with section 23 of the Act.’ (The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017)<sup>xxxiii</sup>

However, MHCLG’s technical note accompanying the Housing Delivery Test, which was introduced in the 2018 NPPF revision, defines up-to-date plans as:

‘An ‘up to date plan’ for the purposes of the Housing Delivery Test is a plan which is less than five years old, or is older than five years old been reviewed and found not to require updating.’<sup>xxxiv</sup>

If the Local Authority finds the plan or just some of its policies do not require updating, ‘they must publish the reasons for this decision within five years of the adoption date of the plan. A local planning authority will not necessarily need to revise their entire plan in whole and may publish a list of which policies they will update and which policies they consider do not need updating.’<sup>xxxv</sup>

Concluding, based on the NPPF and the HDT, a plan is up-to-date if the plan:

- is fewer than five years old
- or
- is older than five years and has been reviewed and concluded the plan does not need an update.

Also the National Audit Office shares the Housing Delivery Test’s definition for their research:

#### NAO data on up-to-date local plans (December 2018)

In December 2018, there were ‘338 local authorities who could be covered by a local plan. This is made up of 326 Local Planning Authorities, 10 National Parks and 2 Mayoral Development Corporations. As of December 2018, 149 (44.1%) local authorities had an adopted local plan which is less than 5 years old, 143 (42.3%) local authorities had an adopted local plan which is five years or older and 46 (13.6%) local authorities do not have an adopted local plan (this includes any plan adopted before the Planning Act 2004).’<sup>xxxvi</sup>

After comparing the definition of up-to-date plans for the Housing Delivery Test and the general provisions in the NPPF, it is possible to use this HDT definition as a general starting point for this regarding the up-to-datedness of local plans.

Government guidance also states ‘Most plans are likely to require updating in whole or in part at least every 5 years.’<sup>xxxvii</sup> So in general MHCLG assumes a new updated/reviewed plan should be adopted every 5 years.

Though, the same guidance also states the ‘National Planning Policy Framework is clear that strategic policies should be prepared over a minimum 15 year period and a local planning authority should be planning for the full plan period. Policies age at different rates according to local circumstances and **a plan does not become out-of-date automatically after 5 years**. The review process is a method to ensure that a plan and the policies within remains effective.’<sup>xxxviii</sup> It makes sense, that not every content of a plan becomes out of date automatically, as some policies might be relevant for a much longer timeframe than an certain plan period.

Therefore, it is not as simple as classing every local plan, older as 5 years as out-of-date. Though, it is definitely more likely for a plan to be (partially) out-of-date, if the plan older than 5-years and hasn’t been reviewed/updated.

#### How to treat “development plans” consisting of multiple documents?

It remains unclear how to deal with LPAs with more than one plan, as it is likely that not all plan documents were adopted at the same time or plan for the same plan period.

Is the LPA’s “development” more likely to be up-to date if a part 2 document has been recently adopted, or are these LPAs treated the same way as LPAs without a part 2 document and e.g. a core strategy which is older than 5 years?

Due to the current situation, it is possible to clearly list plans which are less than 5 years old and classify them as up-to-date. The same applies to those plans which have been reviewed.

It is also possible to identify local authorities who reviewed their plan and whose plan does not require updating and therefore fulfill the NPPF’s requirement for an up-to date plan. Although, some LPAs who self-certified their plan as reviewed and not requiring an update faced criticism.





Based on our FOI requests and information published by PlanningResource, just three local authorities reviewed their plan.

For all other plans, e.g. older than 5 years, and/or close to the end of their plan period it is possible to say they are likely to be (partially) out of date, as guidance states that a plan does not become out-of-date automatically after 5 years.

In addition, it seems to be common practice to differentiate between plans post-NPPF and plans adopted prior the NPPF was introduced in 2012.

Of the 295 LPAs with an adopted plan, **207 LPAs adopted their latest plan in 2012 or later**, which means roughly **63 % of all English LPAs have an adopted post-NPPF plan**, if one assumes all plans adopted in 2012 are in NPPF conformity. However, the category of post-NPPF plans does not seem to be sufficient, since they could be older than 5 years, and therefore although adopted after the NPPF was introduced, still become out-of-date due to their “age”.

This report identifies those local planning authorities with a local plan (part 1) older than 5 years, but with at least one additional (part 2) document less than 5 years old.

In summary, the following five categories of LPAs can be identified:

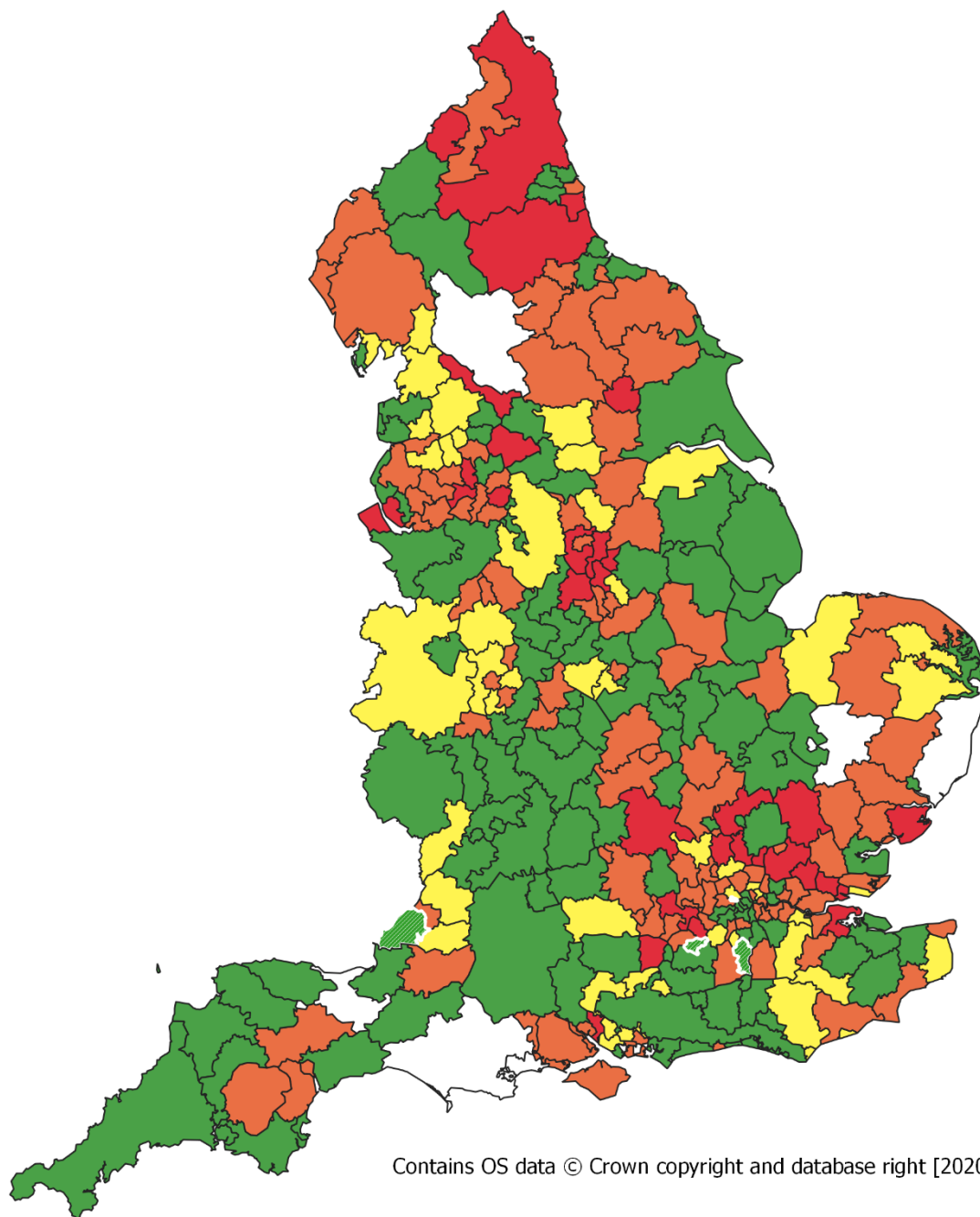
- **Up-to-date plan:** consisting of (part 1) plans less than 5 years old (adopted in 2015 or later), and plans which were reviewed and do not require an update (no differentiation regarding adopted part 2 plans)
- **Presumably partly up-to-date plan:** (main) plan is older than 5 years, but at least one up-to-date part 2 plan document is in place
- **Likely to be (partially) out-of-date plan:** Plan older than 5 years
- **New plan (for the whole LPA boundary) required:** due to LPA restructuring, or if the boundary of a National Park was extended
- **No adopted plan:** LPAs using saved policies of previous plans, or a Local Development Corporation without an adopted plan



Table 1: LPAs' plan status

Category	Plan status	Number of LPAs	Share of all LPAs
Up-to-date plan	Plan less than 5 years old	131	39.7 %
	Reviewed (and no update required)	3	0.9 %
Presumably partly up-to-date plan	Older than 5 years, but at least one part 2 plan less than 5 years old	45	13.6 %
Likely to be (partially) out-of-date plan	Older than 5 years	110	33.3 %
New plan required	Due to restructuring or NP boundary extension	6	1.8 %
No adopted plan	Saved policies only	33	10.0 %
	Local Development Corporation without an adopted plan	1	0.3 %
No statutory plan (implementation framework only)	Local Development Corporation without plan making powers	1	0.3 %

# Local Plan Status of Local Planning Authorities in England 2019



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## Legend

### 2019 LPAs' Local Plan Status

■ Up-to-date (Plan adopted in 2015 or later)

■ Up-to-date (Plan adopted prior 2015 but reviewed)

■ Presumably partly up-to-date

■ Likely to be (partialy) out-of-date

New Plan required (LPA restructured)

■ Saved Policies only! (no adopted plan)

■ Local Development Corporations without an adopted plan

■ Local Development Corporation without plan-making powers

In conclusion, about 40% of all LPAs have an up-to-date plan, while 10% are using saved policies to determine their planning decisions. If an up-to-date plan is a key requirement in the plan led system, the status quo is not a genuinely plan led system.

Table 2: 2019 Restructured LPAs

2019 LPA	2017 LPA	Joint plan	Adoption year (plan part 1)	Plan part 2	Joint part 2	Adoption year part 2	2017 LPA plan status
Bournemouth, Christchurch and Poole	Bournemouth	No	2012	No			older than 5 years
	Christchurch	Yes	2014	No			older than 5 years
	Poole	No	2018	No			less than 5 years old (plans adopted in 2015 and later)
Dorset	East Dorset	Yes	2014	No			older than 5 years
	North Dorset	No	2016	No			less than 5 years old (plans adopted in 2015 and later)
	Purbeck	No	2012	No			older than 5 years
	West Dorset	Yes	2015	No			less than 5 years old (plans adopted in 2015 and later)
	Weymouth and Portland	Yes	2015	No			less than 5 years old (plans adopted in 2015 and later)
East Suffolk	Suffolk Coastal	No	2013	Yes	No	2017	older than 5 years but at least one up-to-date Part 2 plan
	Waveney	No	2019	No			less than 5 years old (plans adopted in 2015 and later)
West Suffolk	Forest Heath	No	2010	Yes	Yes	2015	older than 5 years but at least one up-to-date Part 2 plan
	St Edmundsbury	No	2010	Yes	Yes/No	2015/2014	older than 5 years but at least one up-to-date Part 2 plan
Somerset West and Taunton	Taunton Deane	No	2012	Yes	No	2016	older than 5 years but at least one up-to-date Part 2 plan
	West Somerset	No	2016	No			less than 5 years old (plans adopted in 2015 and later)

As one can see, it would be possible to categorise the plans of the 2017 LPAs in the same way as the 2019 LPAs, but it does not seem to be sensible to form an overall conclusion for all restructured 2019 LPAs. They are also required to prepare a local plan covering the whole (new) LPA area within the next 5 years, therefore for the transition period a rough idea of the up-to-dateness of adopted plans covering the previous LPAs seems to be sufficient.

Of the 257 individual local plans, 108 are less than 5 years old and 3 were reviewed. Therefore, 111 plans are “up-to-date”, while 36 are presumably partly up-to-date due to a subsequently adopted part 2 plan, and 99 are likely to be (partially) out-of-date.

Regarding joint plans, only two categories are suitable, as any part 2 plans, are not essentially relevant for the whole plan area, and therefore any effects of an adopted part 2 plan are affecting the area of LPAs rather than the whole joint plan area. Of 19 joint plans (part 1), 11 are less than 5 years old, and are therefore “up-to-date”, while 8 are “likely to be (partially) out-of-date” since they were adopted more than 5 years ago and haven’t been reviewed. The two present joint part 2 plans are both currently less than 5 years old.

## Five-year housing land supply policy and local plans

NPPF para 73 requires LPAs to ‘identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing’ (including a 5-20% buffer) against their plan target or the standard method figure if strategic policies are more than five years old.

NPPF para 11 d and footnote 7 clarify the relevance of a LPA’s housing land supply position for residential applications, relevant policies are also seen as “out-of-date” if ‘the local planning authority cannot demonstrate a five year supply of deliverable housing sites’. Therefore, this policy requirement also significantly impacts a local plan’s “up-to-dateness”.

‘LPAs can demonstrate a 5YHLS through using the latest available evidence, such as a Strategic Housing Land Availability Assessment, or by ‘confirming’ it. Until the publication of the recent guidance, there was some uncertainty surrounding the interpretation of this and how LPAs could confirm their 5YHLS’, but to confirm their Housing Land Supply position, certain requirements (stated in the updated Planning Policy Guidance) have to be fulfilled.<sup>xxxix</sup>

In many cases the current/latest 5YHLS position at the time of the FOI request (on 31st of May 2019) is set/published in the 2017/2018 monitoring report. (which does not qualify as an annual position statement as listed in the NPPF) One can see that a) the collation and publication of monitoring reports for the last financial year varies across the country, and b) that a “day-by-day” calculation of the housing land supply (as previously required by government guidance) does not seem to be realistic.

Some council’s reports, statements or other publications lack a clear date of publication, as well as a clear and straight forward indication of the 5-year housing land supply position’s date.

Additionally, the supply position varies depending on the method used by LPAs, e.g. Sedgefield or Liverpool approach to address shortfall. ‘The ‘Liverpool approach’ apportions the shortfall across the remaining years of the plan period, whilst the ‘Sedgefield approach’, seeks to make up the shortfall during the next five years.’<sup>xl</sup>

Some LPAs with a joint plan, also calculate the housing land supply position for the area covered by this joint plan, though not all LPAs with a joint plan do so.

It is also noteworthy, all of the available housing land supply positions, do not qualify as a “Housing Land Supply Annual Position Statements”, as introduced by the 2018 revision of the NPPF.

‘Annual position statement: A document setting out the 5 year housing land supply position on 1st April each year, prepared by the local planning authority in consultation with developers and others who have an impact on delivery.’<sup>xli</sup>

These annual position statements would present a way forward for LPAs to “fix” their housing land supply position for a year, though in practice the process seem to complicated, as it requires a submission to PINS, and of three submitted statements in 2019<sup>xlii</sup>, only one LPA managed to fulfill all requirements and get it approved by PINS<sup>xliii</sup>. Additionally, the supply position varies depending on the method used by LPAs, e.g. Sedgefield or Liverpool approach to address shortfall.

More detailed guidance and/or a standardised approach would be beneficial, as it would increase clarity, improve LPA’s capability of producing “up-to-date” position statements and potentially reduce the number of appeals/speculative applications based on challenging a LPA’s 5-year housing land supply position. A standardised statement with a set base-date, e.g. quarterly would be also beneficial for monitoring purposes. But generally, it should be ensured that LPAs have sufficient expertise and resources to fulfil the policy requirements.

If one looks at the 5-year housing land supply position published by LPAs, they illustrate the following:

*Table 3: LPAs' 5-year housing land supply position in published statements*

	Number of LPAs	Share of total LPAs
5YHLS policy does not apply	6	1.82 %
LPA with a 5YHLS	243	73.64 %
LPA's position is unclear	6	1.82 %
LPA does not meet 5YHLS requirement in the available position	75	22.73 %

However, as challenges at appeals illustrate it is of particular importance how up-to-date these positions are. Therefore, the basedate of the position is as important as meeting the policy requirement.

*Table 4: Relevance of available 5-year housing land supply positions (date of the statement)*

	Number of LPAs	Share of total LPAs
5YHLS policy does not apply	6	1.82 %
LPAs with a 2018 position	209	63.33 %
LPAs with a 2019 position	67	20.30 %
LPAs with a 5YHLS position older than 2018	48	14.55 %

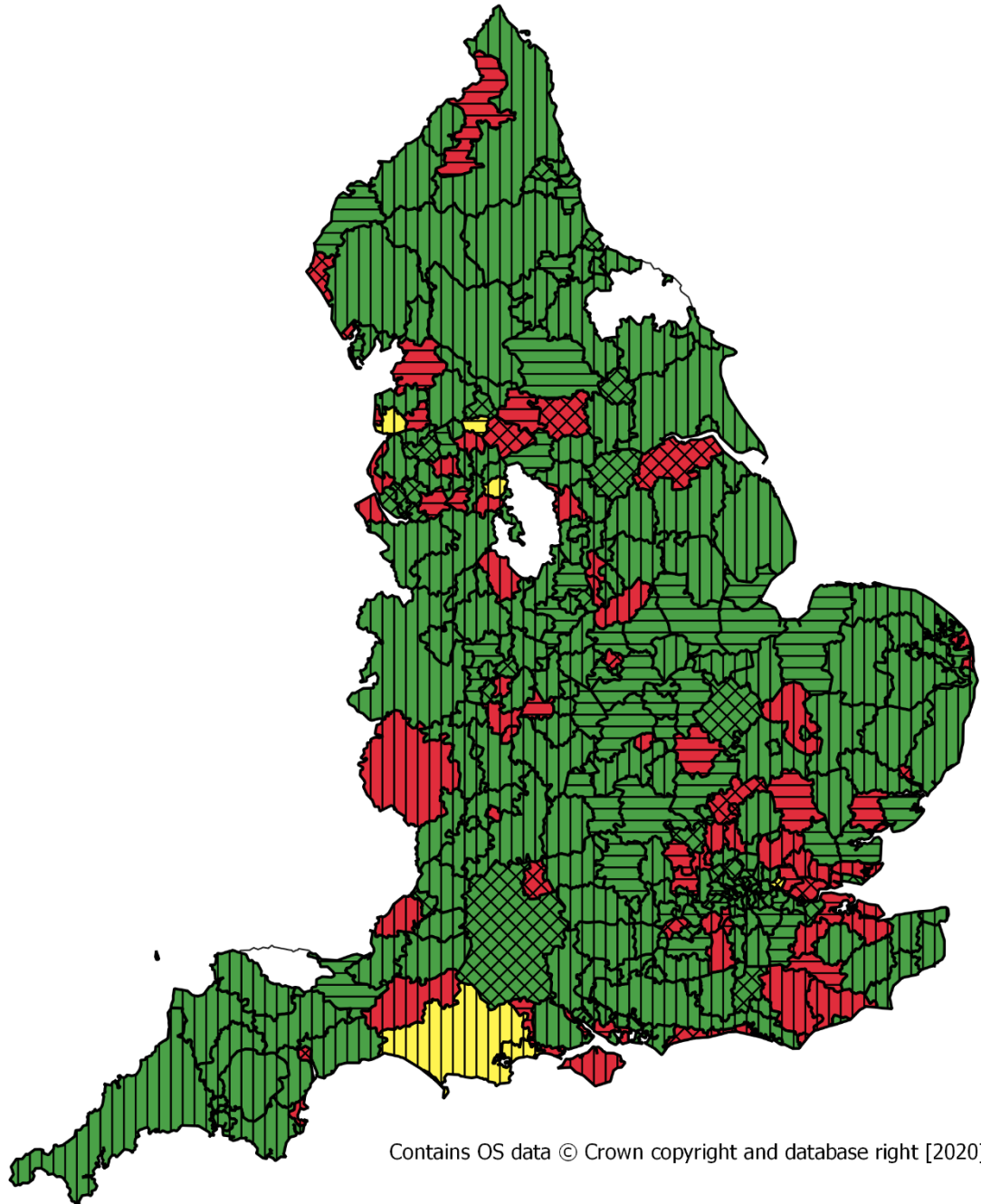
As one can see just 20% of LPAs had a housing land supply position statement for the 2018/2019 financial year available at the time of the FOI request (31/05/2019), and almost 15% of LPAs' latest available/published position was older than 2018, therefore it isn't sufficient to check if the LPA meets the policy, without considering the date of the data used for the calculation.

Based on the information available, just 67 LPAs (20%) published information for the 2019 financial year. Therefore, our assumption as an "up-to-date" or "recent" statement is a statement for the 2018 or 2019 (financial) year, as we considered it possible for LPAs to sustain their position (e.g. regarding lapsing planning applications, etc.), moreover using only 2019 positions would provide a very small sample. Any statement older than that was seen as irrelevant, as it is unlikely that these statement represent a current position. For future research a collection later than May should enable more LPAs to publish more "up-to-date" statements. It is also interesting, that the housing land supply policy requirement does not apply to all LPAs, however, the interpretaion by National Park Authorities seems to be varying, as some stated the policy does not apply to them (since they do not have a housing requirement), while some National Park Authorities calculate a supply position.

*Table 5: LPAs meeting the 5-year housing land supply policy requirement (supply => 5 years incl. buffer) and the information is "recent"!*

5YHLS policy position	Number of LPAs	Share of total LPAs
5YHLS policy does not apply	6	1.82 %
LPA meets the requirement and the position is "recent" (2018 or 2019)	209	63.33 %
LPA does not have a 5YHLS, 5YHLS not up-to-date or unclear	115	34.85 %

# 5-Year Housing Land Supply positions of Local Planning Authorities in England 2019



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## Legend

### 2019 LPAs meeting 5YHLS policy

- LPA has a 5-year supply
- Supply position is unclear
- No 5-year supply
- 5YHLS policy does not apply

### Year of the LPAs' position

- 2014-2017
- 2018
- 2019

Based on the FOI requests, 215 LPAs have passed the housing land supply requirement of at least 5-years supply and provide a “current” position (dating 2018 or 2019) or the 5YHLS does not apply. Therefore, for these 215 LPAs the housing land supply policy of the NPPF does not risk a local plan to be out of date.

In contrast 114 LPAs do not have a 5-year supply, an unclear position, or the position is older than baseyear 2018. As a consequence, due to the housing land supply policy of the NPPF, policies relevant for housing could become out-of-date.

If one remembers the definition of an “up-to-date plan”, and implements the LPA’s housing land supply position in the categorisation of local plans, 49 LPAs which previously fell in the status of “up-to-date plans” or “presumably partly up-to-date plans” would move in the category “likely to be (partially) out-of-date”, due to their 5YHLS position.

18 LPAs without a local plan still meet the 5-year housing land supply policy, so there is no requirement to have a local plan (and residential site allocations) to meet this policy, as it rather focuses on sites with planning permission rather than local plan content.

*Table 6: LPAs’ 5-year housing land supply position and their local plan status*

Local plan status	Number of LPAs	Number of LPAs with an "up-to-date" 5YHLS or policy does not apply	LPAs without a 5YHLS, unclear position, or if the position is older than baseyear 2018
less than 5 years old (plans adopted in 2015 and later)	131	100	31
reviewed (and not requiring an update)	3	1	2
older than 5 years but at least one up-to-date Part 2 plan	45	29	16
older than 5 years	110	61	49
due to restructuring (or NP extension)	6	4	2
saved-policies only	33	18	15
Local Development Corporations without an adopted plan	1	1	0

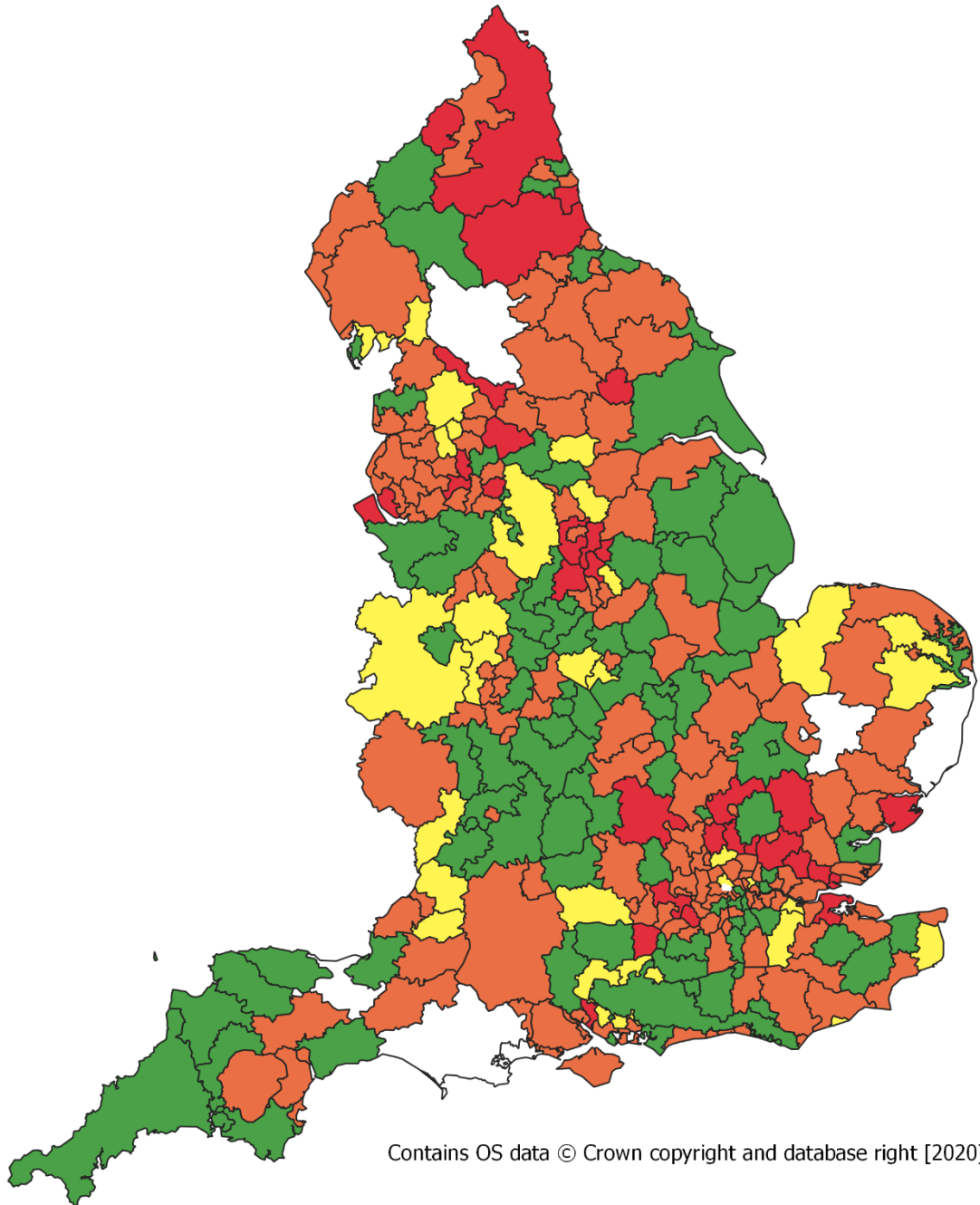
If one keeps the previous classifications of local plans in mind and considers the LPA’s 5-year housing land supply position, the plan’s status might be affected. E.g. due to a failure to meet the 5-year housing land supply policy a previously “up-to-date” or “presumably partly up-to-date plan” might move to the “likely to be (partially) out-of-date plan” category, etc.

Table 7: Local plan status affected by the 5-year housing land supply policy and comparison to previous category

Category	Number of LPAs (without 5YHLS consideration)	Number of LPAs (considering 5YHLS)	Share of all LPAs (considering 5YHLS)
up-to-date plan	134	101	30.6 %
Presumably partly up-to-date plan	45	29	8.8 %
Likely to be (partially) out-of- date plan	110	159	48.2 %
New plan required	6	6	1.8 %
No adopted plan	34	34	10.3 %



# Local Plan Status of Local Planning Authorities considering 5YHLS in England



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## Legend

2019 LPAs' Local Plan Status taking 5YHLS into account

Green Up-to-date and meeting 5YHLS or N.A.

Yellow Presumably partly up-to-date and meeting 5YHLS or N.A.

Orange Likely to be (partialy) out-of-date

White New Plan required (LPA restructured)

Red No adopted plan (saved policies only)

Red with diagonal lines Local Development Corporation without an adopted plan

Brown Local Development Corporation without plan-making powers

Considering the 5YHLS policy has significant consequences: The share of LPAs with an “up-to-date plan” drops by almost 10% to only 101 LPAs in this category. Also the number of LPAs with “plans which are presumably partly up-to-date” drop by roughly 4% to only 29 LPAs in this category. Due to the consideration of the 5YHLS policy, 49 LPAs move to the category “likely to be (partially) out-of-date plan”, which increases the total share of this category to 48 % of all English local planning authorities.

This implementation would amend the previous definition of “up-to-date plans” towards:

A plan is up-to-date if the plan:

- is less than 5 years old
- or
- is older than five years and has been reviewed and concluded the plan does not need an update.
- and
- the LPA currently meets the requirements of the 5-year housing land supply policy.

Though, such an implementation is harder to analyse as an LPA’s housing land position is not set in stone and flexible to a certain degree and monitoring is more complicated.

The NPPF states in para 73:

**‘Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing** against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.’ Additionally, a buffer of 5-20% has to be applied.<sup>xliv</sup>

However, MHCLG, stated in their FOI response: **‘This Department does not monitor the 5 year land supply position of individual local planning authorities** in England. It is for authorities to demonstrate this, in plan-making and decision-taking, based on their own individual circumstances and is subject to change.’<sup>xlv</sup>

Therefore, it is questionable how successful the 5YHLS policy is, if the relevant department does not even monitor the policy outcome or implementation.

In Wales, LPAs are also required to meet a 5-year supply, but 19 of 25 LPAs do not meet the policy requirement, so Planning Policy Wales considers to remove this policy requirement.<sup>xlvi</sup>

As mentioned above, in England, the relevant department does not monitor the effectiveness of this national policy.

### **Is England, respectively English LPAs, covered with up to date plans?**

While most of England (roughly 89% of English LPAs) is covered with a plan, only 30-40% of England is covered by an up-to-date plan. Additional 9-13% are covered with a partly up-to-date plan and 33-48% are covered with a plan which is likely to be (partially) out-of-date. The 5-year housing land supply policy is affecting the coverage with “up-to-date” plans significantly.

As the housing land supply policy is affecting the status of a local plan, it would be beneficial if transparent standards to calculate and publish the LPA’s position were available as it would provide certainty, which should be particularly in the public interest.

### **What does the government’s 2023 deadline to have an up-to-date plan mean for LPAs?**

Based on the data collected 2019 by FOIs, of 330 LPAs, (one of which is without plan making powers), at least 29 Local Authorities (8.8%) would still have a (part 1) plan which is considered up-to-date (less than 5-years), at least 25 Local Authorities (7.6%) would face their (part 1) plan (adopted in 2018) to become out of date in 2023. Up to 275 Local

Authorities (83.3%) would not have an up-to-date plan if they do not review their plan, or adopt a new plan until the end of 2023.

These numbers do not take plan adoption or reviews into account, which took place after the collection of the 2019 FOIS, additionally all LPAs' plans up-to-datedness could be negatively affected by the LPAs' 5-year housing land supply position.

## Challenges in the local plan process & limitations of this report

Based on the findings of this report, one could identify certain challenges within the planning system and the local plan process. Though, some of them have been identified by other research, or could be addressed in additional in depth analysis in the future. Moreover, it would go beyond the scope of this report.

### Complexity of the plan making process and keeping a plan up-to-date (in regard to the NPPF requirements)

The 2017 White paper stated 'Plan-making remains slow, expensive and bureaucratic, with arguments about the number of homes to be planned for often being a particular cause of delay – something not helped by the lack of a standard methodology for assessing housing requirements.'<sup>xlviii</sup> This lack of a standard methodology was addressed in the 2018 revision of the NPPF, though challenges within this standard methodology in regard to the government's 300,000 houses/year target were pointed out by the 2018 consultation due to the incompatibility of this methodology with the 2016 ONS household projections.

Some of the findings of this report, such as the absence of adopted local plans in some local authorities point out certain challenges in the process to prepare and subsequently adopt a plan.

'Plan-making remains expensive and bureaucratic, and can appear inaccessible to local communities.'<sup>xlviii</sup>

'Slow building of new homes undermines local and neighbourhood plans'<sup>xlix</sup>

Therefore, on one hand it seems to be a complex and lengthy task for a local authority to prepare a local plan. On the other hand, it is extraordinarily easy for a plan to be considered out-of-date or for developers to undermine local plans at appeal or in case a 5-year housing land supply cannot be demonstrated.

As the definition of "out-of-date" based on the requirements in the NPPF, including the 5-year housing land supply requirement and the guidance on procedures to keep a plan up-to date are relatively brief and particularly vague if a plan does not require an update<sup>l</sup>, local authorities struggle to prepare plans (e.g. due to political prominence of allocating more sites for housebuilding) and keep them up to date.

### 'What is required when updating a plan?

A local planning authority can review specific policies on an individual basis. Updates to the plan or certain policies within it must follow the plan-making procedure; including preparation, publication, and examination by the Planning Inspectorate on behalf of the Secretary of State.'<sup>li</sup>

### 'What is the process for publishing reasons not to update policies?

If a local planning authority decides that they do not need to update their policies, they must publish the reasons for this decision within 5 years of the adoption date of the plan. A local planning authority will not necessarily need to revise their entire plan in whole and may publish a list of which policies they will update and which policies they consider do not need updating.'<sup>lii</sup>

Our research showed that only a very low number of LPAs reviewed their plans, and it is more common for local authorities to prepare a new, reviewed plan instead. This is not helpful, as preparing a local plan is an extensive and lengthy process. Straightforward process to review their plans and maintain them up-to-date across the whole plan period would be in the public interest. Though, failure to meet the 5-year housing land supply requirement which can

easily trump a local plan's housing policies is like a sword of Damocles hanging over the LPAs heads. failure to meet the 5-year housing land supply requirement which can easily trump a local plan's housing policies is like a sword of Damocles hanging over the LPAs heads.

### **Lengthy examinations & statutory review in regard to the government's 2023 deadline**

Other research undertaken by the planning consultancy Lichfields<sup>liii</sup>, published in 2019 pointed out:

- of 221 Local Plans examined/submitted for examination since the NPPF was introduced, only 141 have been found sound
- 18 Months is the average time from submission to a plan being found sound (under 2012 NPPF)
- average time for plans submitted in 16/17 was 15 months (2014/15 average was 22 months)
- 53% of adopted up-to-date plans require a statutory review within 2 years

This information is particularly relevant in regard to the government's 2023 deadline for up-to-date local plans, as it illustrates the duration required to examine a plan, the potential demand for examiners if all LPAs would submit new plans to examination, as well as the questionable soundness of plans which require a statutory review within 2 years of adoption.

### **Plans & their policies can easily be trumped**

Generally, plans should provide an outline basis for planning decisions, but it does not mean that LPAs or Inspectors at appeal cannot grant planning permissions in contrast to local plans, e.g. if material considerations indicate that the plan should not be followed<sup>liv</sup>

'Development not in accordance with the development plan

32. A local planning authority may in such cases and subject to such conditions as may be prescribed by directions given by the Secretary of State under this Order, grant permission for development which does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated.'<sup>lv</sup>

This should be considered particularly in the plan making process, as on one hand it indicates that plans do not have to cover for every eventuality, and on the other hand strong, unambiguous policies are required to provide a framework for decision making.

In this regard also the currency of plans and the consequence if a plan is seen as "out-of-date" could be reconsidered, as it is questionable if a less restrictive approach is suitable to enable development without negative consequences in the long term (e.g. major residential development without adequate infrastructure at greenfield sites).

### **Strong focus on (residential) growth**

Not all areas are likely to grow, currently it seems hard to see how plans and policies can plan for areas without growth, e.g. stagnating or even shrinking communities or deal with these issues in the future.

If one considers the implications of the 5-year housing land supply policy, the focus on residential growth is also clearly visible, as there is no similar policy requiring sufficient land for commercial purposes, increase employment, or sufficient infrastructure provision (social or transport infrastructure, etc.) alongside residential development.

### **Developer/land owner led approach towards land allocations**

Currently, a "Call for Sites" is required in the local plan process, to identify suitable and deliverable sites for (residential) allocations. This limits strategies to (currently) available and deliverable sites, which often tend to be undeveloped greenfield sites, rather than towards the best and most suitable sites for development and/or regeneration. E.g.

development of brownfield sites in suitable locations would be in the public interest, but might be ignored due to site remediation costs.

### **Measures to build out permissions vs. policies to enable additional permissions**

As one can see, the number of houses permitted each year currently exceeds the completed additional houses. Currently, policies enable additional permissions if not enough deliverable sites are available for a 5-year housing land supply or not enough houses are delivered are enabled, often at less suitable locations (which would not usually be granted if a plan is up-to-date). Instead, a focus on speeding up delivery and/or the implementation of (already) permitted homes would be more beneficial than the status quo to increase the numbers of speculative applications and permitted homes as well as allowing development at unfavourable and/or less suitable locations.

### **Effectiveness of the 5-year housing land supply policy**

Regarding up-to-date information on LPAs' Housing Land Supply position, our research, respectively our FOI requests showed similar results as previous research (done by Indigo, who examined LPAs 5YHLS statements).<sup>lvi</sup> On one hand this shows that LPAs are either not incentivised to publish this information or struggle to keep it up-to-date (or even calculate it in the first place), and MHCLG does not seem to bother to collect this information and incentivise LPAs' to fulfil policy requirements.

As pointed out earlier, MHCLG does not monitor the LPAs' 5YHLS positions, therefore it is not surprising that not all LPAs' publish up-to-date statements information on their housing land supply position.

### **Absence of higher level planning level in wide parts of the country**

As one can see, besides London and the areas which will be preparing a Spatial Development Strategy in the future, there is no higher level planning than on the local level. On one hand plans wider than individual LPA boundaries can be prepared as joint local plans and LPAs have a "duty to cooperate", on the other hand this does not replace planning on a higher strategic level, e.g. on a county, national or regional level. This absence resulted in attempts of LPAs to use the existing system and prepare "strategic plans" across LPA boundaries, which in fact are just "joint local plans".

As mentioned earlier, the current plan-led system was developed in the nineties due to concerns that plans at that time were not prescriptive enough, but if one keeps the provisions of the NPPF in mind and how hard it is to have an up-to-date plan in place, certain improvements seem necessary to enable a prescriptive plan led system including plans which provide a higher degree of certainty both developers as well as local communities can rely on.

## **Concluding summary**

Based on the research it is possible to address the previous stated research questions.

### **Is England covered by local plans?**

Not the whole of England is covered by (adopted) plans, roughly 10% of LPAs are still using saved policies (of previous plans) in the determination of planning applications. York is an extreme example, where the last plan was adopted in the 1950ies. It is also noteworthy to point out that two LPAs formed by restructuring in 2009, did not adopt a new plan yet. This is particularly relevant, as six "new" LPAs, formed by the 2019 restructuring have to prepare a new plan covering the whole LPA boundary within 5 years, one can assume that in some cases restructuring exercises increase complexity in the plan-preparation. Extensions of plan National Park boundaries also affect the local plans of National Parks, since the new boundary is not considered in a previously adopted plan, e.g. in site specific policies. Also of the two Local Development Corporations (with plan making powers) only one adopted a plan yet.

The research also visualised a complexity of the Local Plan document structure, in some cases a single document is in place, while in others policies are spread across a variety of documents.

### Are the plans up-to-date?

If one considers plans less than 5-years old, and reviewed plans as up-to-date, roughly 40% of the English LPAs have an up-to-date plan.

However, this very baseline definition does not consider the fact that a plan can consist of multiple documents, which have been adopted at various times, and the NPPF or guidance does not include clear provisions how to address plans consisting of more than one document which have been adopted at different times.

About 13% are likely to be partly up-to-date since their “part 1” plan is more than 5 years old, but an additional “part 2” document has been adopted within the last 5-years. Though, about a third of English LPAs’ have a plan which is likely to be (partially) out-of-date, since the plan is more than 5 years old.

Furthermore, if a LPA fails the 5-year housing land supply policy, parts of a plan can become out-of-date. This is not considered in the baseline definition too, the 5-year housing land supply policy also does not apply for every LPA, e.g. National Parks. Though, some National Park Authorities calculate their housing land supply position.

If a LPA does not meet the requirement to have at least a 5-year supply of deliverable housing land, the relevant policies for housing might be seen as out-of-date. Therefore, if one also considers this policy requirement, only 30% of LPAs have an up-to-date plan, about 8% might have a partly-up-to-date plan, since they are having a “part 2” document less than 5 years old and meet the 5YHLS policy, and almost half of English LPAs’ (48%) plans are likely to be (partially) out-of-date.

Therefore, in short the answer is no, since less than half of English LPAs’ plan seems to be “up-to-date”. MHCLG’s definition is unhelpfully ambiguous if one considers the provisions of the NPPF and published guidance.

### Do we have a plan-led system?

As one remembers, the NPPF claims, the planning system should be plan-led. However, to enable this, adopted plans are necessary and their policies should be unambiguous and have to carry weight in the itself very flexible discretionary system. The fact, that some LPAs across the country haven’t adopted a new plan for a long time questions if the NPPF policies itself are monitored regarding their effectiveness and also raises concerns regarding the plan making process and the need for an adopted plan, as in some cases a set of saved policies seems to be somehow sufficient for day-to-day development management.

The planning system is plan-led to a certain degree, but at the same time the system involves (national) planning policies which targets and questions the up-to-datedness of these plans.

As mentioned earlier the NPPF para 7-8 lists the purpose and objectives of the planning system. However, if one considers the presumption in favour of sustainable development in decision making and the housing requirements in local plans, one can notice a strong focus on additional housing.

Overall it is hard to identify a comprehensive approach to meet economic, social and environmental objectives. As there are no control mechanisms in place to amend housing growth if economic growth lacks behind or if the environment gets negatively impacted through (unlimited) residential development, as well as a limited consideration of long term effects of residential development in areas without adequate (transport) infrastructure. And it seems that housing provision often trumps other considerations.

## Recommendations

CPRE, the countryside charity, is keen to work constructively with the government to help deliver maximum coverage of up-to-date plans in England by the end of 2023, as well as providing suggestions which would enable identification of out-of-date plans and enable LPAs to maintain up-to-date plans. The following recommendations are designed to help achieve this:

1. The government should monitor and publish a summary of local plan coverage across England, and also monitor the currency of (adopted) plans in regards to the National Planning Policy Framework's (NPPF) requirements. This would furthermore enable the government to identify the strengths and weaknesses of (existing) policy requirements (e.g. the absence of guidance on how to consider "part 2 plans"). The frequency of publication would need to take the NPPF's requirements (also in regard to housing land supply) into account, as an annual monitoring/publication might be a starting point, though due to the temporal nature of up-to-dateness of plans, once the housing land supply position is considered, seems to require multiple status publications during one year.
2. The NPPF's housing land supply is of particular relevance for the up-to-dateness of some plan policies and the weight plans carry in planning decisions. It is also a useful tool for LPAs and their plans to identify sufficient supply of development land. Therefore, it should be treated as a pipeline to bring sites forward over the whole plan period, rather than a tool to penalise councils and take their control over development from them. The government should monitor LPAs' housing land supply positions and consider improving the policy's practicability, for instance by requiring set publication dates and freezing the housing land supply position by default until the next publication/monitoring date (potentially with a rapid strategic review option if a LPA is below 5 years supply).
3. Previous statutory plans also required regular reviews and updates, similar to the current local plan requirements. Though, the process to review and update plans to keep them up-to-date remains vague. The government should address this lack of clear provisions, as clear processes and requirements on how to review and subsequently update a local plan is essential to enable local authorities to maintain up-to-date plans. Although some guidance exists, the low number of reviewed plans illustrates challenges for local authorities to review (parts) of their plans, particularly if they do not require updating.
4. Some local authorities did not adopt a plan for decades, or decided to withdraw (draft) plans prior adoption, due to various reasons. The government should work more closely with the relevant LPAs to try to learn from these lessons and provide the necessary support to address the barriers these LPAs face in plan preparation and adoption.
5. The number and structure of development plan documents is currently not prescribed by national planning policy, and due to the multiple reforms in the recent past, the number of documents, the covered contents and the used terminology varies across local authorities. We believe a simplified and clear structure of statutory plan documents across England would improve usability and make it easier to monitor and maintain up-to-date plans.



## Annex 1: Glossary

**Annual position statement:** ‘A document setting out the 5 year housing land supply position on 1st April each year, prepared by the local planning authority in consultation with developers and others who have an impact on delivery.’<sup>lvii</sup>

**Area action plans (AAPs):** These plans ‘set out area-specific visions, planning policies and masterplans for (..) key regeneration areas. These are part of the council’s wider development plan and are used to make planning decisions on development proposals in the area.’<sup>lviii</sup>

**Core strategy:** A core strategy was a mandatory development plan document (alongside specific site allocations and a proposals map) on the local authority level, introduced to the development plan system through changes in 2004 and forming part of the local development framework. ‘The core strategy comprises a long-term spatial vision and should express the broad policies that are needed to achieve that vision and provide a monitoring and implementation framework to measure progress towards it.’ The focus is on strategic policies which look over a long-term horizon of at least ten years, the core strategy identifies broad locations for development/policies but not individual sites.<sup>lix</sup>

**Deliverable:** ‘To be considered deliverable, sites for housing 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. In particular:

a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.’<sup>lx</sup>

**Development plan:** ‘Is defined in section 38 of the Planning and Compulsory Purchase Act 2004, and includes adopted local plans, neighbourhood plans that have been made and published spatial development strategies, together with any regional strategy policies that remain in force. Neighbourhood plans that have been approved at referendum are also part of the development plan, unless the local planning authority decides that the neighbourhood plan should not be made.’<sup>lxi</sup>

**Development plan documents (DPD):** ‘A development plan document is a local development document which is specified as a development plan document in the local development scheme.’ (Section 37 of the Planning and Compulsory Purchase Act); ‘Local development documents that have development plan status. DPDs must include the:

- Core strategy.
- Adopted proposals map.

DPDs may also include area action plans.

Once DPDs have been adopted by the local planning authority, development control decisions must be made in accordance with them unless material considerations indicate otherwise. DPDs require a high level of community involvement, consultation procedures and independent assessment. They are officially adopted after a binding report is produced by an independent planning inspector following an independent examination of the DPD and any representations made in respect of it.’<sup>lxii</sup>





**Five year housing land supply:** ‘A five year land supply is a supply of specific deliverable sites sufficient to provide five years’ worth of housing (and appropriate buffer) against a housing requirement set out in adopted strategic policies, or against a local housing need figure, using the standard method, as appropriate in accordance with paragraph 73 of the National Planning Policy Framework.’<sup>lxiii</sup>

**Housing delivery test:** ‘Measures net additional dwellings provided in a local authority area against the homes required, using national statistics and local authority data. The Secretary of State will publish the Housing Delivery Test results for each local authority in England every November.’<sup>lxiv</sup>

**Joint local plan:** A local plan document prepared by multiple LPAs covering their joint area.

**Local planning authority:** ‘The public authority whose duty it is to carry out specific planning functions for a particular area. All references to local planning authority include the district council, London borough council, county council, Broads Authority, National Park Authority, the Mayor of London and a development corporation, to the extent appropriate to their responsibilities.’<sup>lxv</sup>

**Local plan:** ‘A plan for the future development of a local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. A local plan can consist of either strategic or non-strategic policies, or a combination of the two.’<sup>lxvi</sup>

**Major development:** ‘For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m<sup>2</sup> or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.’<sup>lxvii</sup>

**Neighbourhood plan:** ‘A plan prepared by a parish council or neighbourhood forum for a designated neighbourhood area. In law this is described as a neighbourhood development plan in the Planning and Compulsory Purchase Act 2004.’<sup>lxviii</sup>

**Non-strategic policies:** ‘Policies contained in a neighbourhood plan, or those policies in a local plan that are not strategic policies.’<sup>lxix</sup>

**Up-to-date plan:** ‘is a plan which is less than five years old, or is older than five years old been reviewed and found not to require updating.’<sup>lxx</sup>

**Saved policies:** Policies of (formerly) adopted local plans, unitary development plans and structure plans, which were initially, saved for three years by the Planning and Compulsory Purchase Act 2004. Subsequently local planning authorities could save these policies for longer periods by direction of the Secretary of State.<sup>lxxi</sup>

**Site allocation:** A site allocated in a statutory plan document, providing a policy framework for this specific site, e.g. residential or employment use, number of dwellings, etc.

**Spatial development strategy:** ‘A plan containing strategic policies prepared by a Mayor or a combined authority. It includes the London Plan (prepared under provisions in the Greater London Authority Act 1999) and plans prepared by combined authorities that have been given equivalent plan-making functions by an order made under the Local Democracy, Economic Development and Construction Act 2009 (as amended).’<sup>lxxii</sup>

**Strategic policies:** ‘Policies and site allocations which address strategic priorities in line with the requirements of Section 19 (1B-E) of the Planning and Compulsory Purchase Act 2004.’<sup>lxxiii</sup>

**Strategic policy-making authorities:** ‘Those authorities responsible for producing strategic policies (local planning authorities, and elected Mayors or combined authorities, where this power has been conferred). This definition applies whether the authority is in the process of producing strategic policies or not.’<sup>lxxiv</sup>



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**Supplementary planning documents:** 'Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.'<sup>lxxv</sup>

**Windfall sites:** 'Sites not specifically identified in the development plan.'<sup>lxxvi</sup>

## Annex 2: Summary Table LPAs

The underlying data can be found in the excel spreadsheets via the following link:

[https://cpretree.sharepoint.com/:x/s/CPRENetwork/EWiH\\_rTcJ-BKv\\_HBcAmu4QgB7Kkp8KHqn4K1pE3nsWVbeg?e=dIPbg7](https://cpretree.sharepoint.com/:x/s/CPRENetwork/EWiH_rTcJ-BKv_HBcAmu4QgB7Kkp8KHqn4K1pE3nsWVbeg?e=dIPbg7)

Local planning authorities:

<b>Total Number of LPAs (2019 restructure):</b>	<b>330</b>
district, borough or city councils as well as unitary authorities and London and metropolitan boroughs	317
National Parks	10
Development Corporations with plan making powers:	2
Development Corporations without plan making powers:	1

Joint local plans

<b>Number of adopted joint plans:</b>	<b>21</b>
Adopted joint (part 1) plans:	19
Adopted joint (part 2) plans:	2
“joint” plans with only one LPA (NP part superseded):	3
Emerging joint local plans:	16

Spatial Development Strategies:

Areas with conferred strategic policy making powers:	4
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	<b>Adopted SDS:</b>	<b>Emerging SDS:</b>
Greater London	X	X
West of England	-	-
Greater Manchester	-	-
Liverpool City Region	-	X

Although West of England and Greater Manchester started to prepare a strategic plan as “joint local plan”.

Adopted “part 1” plans:

	Local Development Corporations without plan making powers	1	LPAs without an adopted plan:	35
No adopted (part 1) plan	Local Development Corporations without an adopted plan	1		
	saved-policies only	33		
LPAs with an adopted (part 1) plan	less than 5 years old (plans adopted in 2015 and later) plan	132	LPAs with an adopted plan:	295
	reviewed plan (and not requiring an update)	3		
	Plan older than 5 years	154		
	new plan needed in 5 years due to restructuring	6		
	Total number of LPAs:	330		

### Adopted “part 2” plans

No adopted part 2 plan:		219		
Adopted part 2 plan	(at least one) Part 2 Plan is less than 5 years old (plans adopted in 2015 and later)	62	LPAs with an adopted part 2 plan:	111
	older than 5 years	49		
	Total number of LPAs:	330		

### Adopted “part 1” plans and emerging and adopted “part 2” plans

2019 LPAs with adopted (part 1) plans	295
2019 LPAs with at least one adopted (part 2) plan:	111
2019 LPAs with at least one emerging (part 2) plan:	41

### LPAs’ plan status – “up-to-date” or not (without consideration of 5YHLS)

up-to-date plan	up-to-date (less than 5 years old (plans adopted in 2015 and later))	131	LPAs with an up-to-date plan:	134
	up-to-date (reviewed (and not requiring an update))	3		
	Presumably partly up-to-date (older than 5 years but at least one up-to-date Part 2 plan)	45		
	Likely to be (partially) out-of-date (older than 5 years)	110		
	No adopted plan (saved-policies only)	33		
	No adopted plan (Local Development Corporations without an adopted plan)	1		
	New Plan required (due to restructuring)	6		
	Local Development Corporations without plan making powers	1		
	Total number of LPAs:	330		

## LPAs 5-year housing land supply

LPAs' 5-year housing land supply position in published statements

5YHLS policy does not apply	6
LPA with a 5YHLS	243
LPA's position is unclear	6
LPA does not meet 5YHLS requirement in the available position	75
Total number of LPAs:	330

## Relevance of available 5-year housing land supply positions (date of the statement)

5YHLS policy does not apply	6
LPAs with a 2018 position	209
LPAs with a 2019 position	67
LPAs with a 5YHLS position older than 2018	48
Total number of LPAs:	330

LPAs meeting the 5-year housing land supply policy requirement (supply => 5 years incl. buffer) and the information is "recent"!

5YHLS policy does not apply	6
LPA meets the requirement and the position is "recent" (2018 or 2019)	209
LPA does not have a 5YHLS, 5YHLS not up-to-date or unclear	115
Total number of LPAs:	330

## Annex 3: References

- <sup>i</sup> Ministry of Housing, Communities & Local Government (2020): Planning for the future, (page 6)
- <sup>ii</sup> GOV.UK (2020): Speech Esther McVey: Local authority town planning: planning for prosperous communities, Housing Minister Esther McVey's speech on the updated National Planning Policy Framework: setting out the government's planning policies for England and how they should be applied (Published 16 January 2020), Ministry of Housing, Communities & Local Government and The Rt Hon Esther McVey MP; URL: <https://www.gov.uk/government/speeches/local-authority-town-planning-planning-for-prosperous-communities> [17/02/2020]
- <sup>iii</sup> The Mirror (2018): Theresa May's housing speech in full: Prime Minister promises crackdown on landbanking developers; URL: <https://www.mirror.co.uk/news/politics/theresa-mays-housing-speech-full-12130186> [26/02/2020]
- <sup>iv</sup> MOORE, V., PURDUE, M. (2014): A practical approach to planning law, thirteenth edition, Oxford University Press, Oxford. (page 42-43)
- <sup>v</sup> Ministry of Housing, Communities & Local Government (2019): National Planning Policy Framework, Glossary. (page 68)
- <sup>vi</sup> Ministry of Housing, Communities & Local Government (2019): National Planning Policy Framework, Glossary. (page 72)
- <sup>vii</sup> Ministry of Housing, Communities & Local Government (2019): National Planning Policy Framework, Glossary. (page 66)
- <sup>viii</sup> Ministry of Housing, Communities & Local Government (2019): National Planning Policy Framework, Glossary. (page 72)
- <sup>ix</sup> Ministry of Housing, Communities & Local Government (2019): National Planning Policy Framework, Glossary. (page 68)
- <sup>x</sup> City of Westminster (2016): Westminster's City Plan (November 2016). (page 1) URL: <https://www.westminster.gov.uk/westminsters-city-plan-strategic-policies> [26/02/2020]
- <sup>xi</sup> North Northamptonshire Joint Planning Unit (2016): Adopted North Northamptonshire Joint Core Strategy 2011-2031. (page 4) URL: <http://www.nnipu.org.uk/publications/docdetail.asp?docid=1573> [26/02/2020]
- <sup>xii</sup> Southwark Council (2019): Area action plans; URL: <https://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/development-plan/area-action-plans> [13/09/2019]
- <sup>xiii</sup> GOV.UK (2019): Guidance Plan-making, Are there specialist types of plans?, Paragraph: 007 Reference ID: 61-007-20190315; Revision date: 15 03 2019; URL: <https://www.gov.uk/guidance/plan-making> [13/09/2019]
- <sup>xiv</sup> Designing Buildings Wiki (2019): Core strategy for local plans; URL: [https://www.designingbuildings.co.uk/wiki/Core\\_strategy\\_for\\_local\\_plans](https://www.designingbuildings.co.uk/wiki/Core_strategy_for_local_plans) [06/02/2020]
- <sup>xv</sup> Spatial Planning and Energy for Communities in all Landscapes (undated): Planning System England URL: [http://www.special-eu.org/assets/uploads/UK-Current\\_Planning\\_System.jpg](http://www.special-eu.org/assets/uploads/UK-Current_Planning_System.jpg) [11/12/2018]
- <sup>xvi</sup> CULLINGWORTH, B., NADIN, V. (2002): Town and Country Planning in the UK, 13th Edition, Routledge, London. (page 1)
- <sup>xvii</sup> GOV.UK (2019): Guidance Local Plans, Monitoring local plan progress, URL: <https://www.gov.uk/guidance/local-plans#monitoring-local-plan-progress> [16/10/2019]
- <sup>xviii</sup> Ministry of Housing, Communities & Local Government (2019): National Planning Policy Framework, para 13
- <sup>xix</sup> Ebbsfleet Development Corporation (undated): Planning Information Guide, (page 5); URL: <https://ebbsfleetdc.org.uk/wp-content/uploads/2018/08/Planning-Information-Guide.docx> [14/10/2019]
- <sup>xx</sup> DCLG (2006): Protocol for handling proposals to save adopted Local Plan, Unitary Development Plan and Structure Plan policies beyond the 3 year saved period, Department for Communities and Local Government. (page 1) URL: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7782/160454.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7782/160454.pdf) [30/11/2018]
- <sup>xxi</sup> GOV.UK (2019): Guidance Plan-making, What is the status of existing local plans in authorities which result from local government reorganisation?, Paragraph: 074 Reference ID: 61-074-20190723, Revision date: 23 07 2019; URL: <https://www.gov.uk/guidance/plan-making> [15/10/2019]
- <sup>xxii</sup> Merton Council (2019): Estates Local Plan, URL: <https://www.merton.gov.uk/planning-and-buildings/planning/local-estates-plan> [18/12/2019]
- <sup>xxiii</sup> Wakefield Council (2019): Local Development Framework Site Specific Policies Local Plan & Local Development Framework Retail and Town Centre Local Plan, URL: <https://www.wakefield.gov.uk/planning/policy/local-plan> [18/12/2019]
- <sup>xxiv</sup> Greater Manchester Combined Authority (2019): Greater Manchester Spatial Framework Update, Paul Dennett, Portfolio Lead for Housing, Homelessness and Infrastructure, 27/09/2019 (para. 3.1-3.4)
- <sup>xxv</sup> Liverpool City Region (2019): About Liverpool City Region: Our Places, URL: <https://lcrourplaces.commonplace.is/about> [03/12/2019]
- <sup>xxvi</sup> West of England (2019): West of England Joint Spatial Plan, URL: <https://www.jointplanningwofe.org.uk/index.cfm> [16/10/2019]
- <sup>xxvii</sup> Planning Resource (2020): What the tribulations of the West of England plan mean for the future of joint strategies (30/01/2020); URL: <https://www.planningresource.co.uk/article/1672527/tribulations-west-england-plan-mean-future-joint-strategies> [06/02/2020]

- <sup>xxviii</sup> GOV.UK (2019): Guidance Local Plans - The Local Plan examination process and the role the Planning Inspectorate plays, URL: <https://www.gov.uk/guidance/local-plans#introduction> [12/09/2019]
- <sup>xxix</sup> MHCLG (2019): Freedom of Information request response (28/06/2019), Environmental Information Regulations 2004 – 4270783 (email)
- <sup>xxx</sup> Ministry of Housing, Communities & Local Government (2019): National Planning Policy Framework, para 12
- <sup>xxxi</sup> Ministry of Housing, Communities & Local Government (2019): National Planning Policy Framework, para 33
- <sup>xxxii</sup> Ministry of Housing, Communities & Local Government (2019): National Planning Policy Framework, footnote 18
- <sup>xxxiii</sup> The Town and Country Planning (Local Planning) (England) Regulations 2012, Regulation 10A
- <sup>xxxiv</sup> MHCLG (2019): Housing Delivery Test: 2018 Measurement Technical note; (page 4)  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/779782/HDT\\_technical\\_note.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779782/HDT_technical_note.pdf) [13/09/2019]
- <sup>xxxv</sup> GOV.UK (2019e): Guidance Plan-making, What is the process for publishing reasons not to update policies?, Paragraph: 070 Reference ID: 61-070-20190315; Revision date: 15 03 2019; URL: <https://www.gov.uk/guidance/plan-making#plan-reviews> [13/09/2019]
- <sup>xxxvi</sup> NAO (2019): Press Release 08/02/2019, Planning for new homes, National Audit Office, URL: <https://www.nao.org.uk/press-release/planning-for-new-homes/> [01/10/2019]
- <sup>xxxvii</sup> GOV.UK (2019): Guidance Plan-making, How often should a plan or policies be reviewed?, Paragraph: 062 Reference ID: 61-062-20190315; Revision date: 15 03 2019; URL: <https://www.gov.uk/guidance/plan-making#plan-reviews> [13/09/2019]
- <sup>xxxviii</sup> GOV.UK (2019): Guidance Plan-making, Are policies considered out-of-date if they are not updated after 5 years?, Paragraph: 064 Reference ID: 61-064-20190315; Revision date: 15 03 2019; URL: <https://www.gov.uk/guidance/plan-making#plan-reviews> [13/09/2019]
- <sup>xxxix</sup> Local Government Lawyer (2019): What is the latest on five year housing land supply? (18/10/2019), URL: <https://www.localgovernmentlawyer.co.uk/planning/318-planning-features/41673-what-is-the-latest-on-five-year-housing-land-supply> [09/01/2020]
- <sup>xl</sup> LAINTON, A. (2017): Javid Favours Liverpool Approach in Planning Appeal , 21/02/2017, Andrew Lainton's Decisions, Decisions, Decisions planning blog, URL: <https://andrewlainton.wordpress.com/2017/02/21/javid-favours-liverpool-approach-in-planning-appeal/> [18/12/2019]
- <sup>xli</sup> Ministry of Housing, Communities & Local Government (2019): National Planning Policy Framework, Glossary. (page 65)
- <sup>xlii</sup> Gov.uk (2020): Guidance Housing Land Supply Annual Position Statements; URL: <https://www.gov.uk/guidance/housing-land-supply-annual-position-statements> [16/04/2020]
- <sup>xliii</sup> Planning Resource (2020): PINS rejects two out of three councils seeking to confirm housing land supply position; URL: <https://www.planningresource.co.uk/article/1675022/pins-rejects-two-three-councils-seeking-confirm-housing-land-supply-position> [16/04/2020]
- <sup>xliv</sup> Ministry of Housing, Communities & Local Government (2019): National Planning Policy Framework, para 73
- <sup>xlv</sup> MHCLG (2019): Freedom of Information request response (28/06/2019), Environmental Information Regulations 2004 – 4270783 (email)
- <sup>xlvi</sup> Planning Resource (2019): Welsh Government proposes scrapping five-year housing land supply requirement, (11/10/2019), URL: <https://www.planningresource.co.uk/article/1662184/welsh-government-proposes-scrapping-five-year-housing-land-supply-requirement> [15/01/2020]
- <sup>xlvii</sup> DCLG (2017): Fixing our broken housing market, Department for Communities and Local Government. (page 22) URL: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/590464/Fixing\\_our\\_broken\\_housing\\_market\\_-\\_print\\_ready\\_version.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/590464/Fixing_our_broken_housing_market_-_print_ready_version.pdf) [13/11/2018]
- <sup>xlviii</sup> DCLG (2017): Fixing our broken housing market, Department for Communities and Local Government. (page 23)
- <sup>xlix</sup> DCLG (2017): Fixing our broken housing market, Department for Communities and Local Government. (page 36)
- <sup>i</sup> GOV.UK (2020): Guidance, Plan reviews, Paragraph 065, 068-070; URL: <https://www.gov.uk/guidance/plan-making#plan-reviews> [04/05/2020]
- <sup>ii</sup> GOV.UK (2020): Guidance Plan reviews, What is required when updating a plan?, Paragraph: 069 Reference ID: 61-069-20190723 Revision date: 23 07 2019; URL: <https://www.gov.uk/guidance/plan-making#plan-reviews> [04/05/2020]
- <sup>iii</sup> GOV.UK (2020): Guidance Plan reviews, What is the process for publishing reasons not to update policies?, Paragraph: 070 Reference ID: 61-070-20190315, Revision date: 15 03 2019; URL: <https://www.gov.uk/guidance/plan-making#plan-reviews> [04/05/2020]
- <sup>liii</sup> Lichfields (2019): Planned up and be counted, Local plan making under the NPPF 2012, URL: <https://lichfields.uk/content/insights/planned-up-and-be-counted> [14/04/2020]
- <sup>liv</sup> GOV.UK (2020): Can the local planning authority decide not to follow the policies in the development plan?, Paragraph: 013 Reference ID: 21b-013-20150327, Revision date: 27 03 2015; URL: <https://www.gov.uk/guidance/determining-a-planning-application> [06/02/2020]



- 
- <sup>lv</sup> The Town and Country Planning (Development Management Procedure) (England) Order 2015, Article 32
- <sup>lvi</sup> Planning Resource (2019): Sharp rise in councils not publishing up-to-date housing land supply statements, conference told, (12 November 2019), URL: [https://www.planningresource.co.uk/article/1665506/sharp-rise-councils-not-publishing-up-to-date-housing-land-supply-statements-conference-told?bulletin=housing-bulletin&utm\\_medium=EMAIL&utm\\_campaign=eNews%20Bulletin&utm\\_source=20191113&utm\\_content=Housing%20Bulletin%20\(25\)::&email\\_hash=\[07/01/2020\]](https://www.planningresource.co.uk/article/1665506/sharp-rise-councils-not-publishing-up-to-date-housing-land-supply-statements-conference-told?bulletin=housing-bulletin&utm_medium=EMAIL&utm_campaign=eNews%20Bulletin&utm_source=20191113&utm_content=Housing%20Bulletin%20(25)::&email_hash=[07/01/2020])
- <sup>lvii</sup> Ministry of Housing, Communities & Local Government (2019): National Planning Policy Framework, Glossary. (page 65)
- <sup>lviii</sup> SOUTHWARK COUNCIL (2019): Area action plans; URL: <https://www.southwark.gov.uk/planning-and-building-control/planning-policy-and-transport-policy/development-plan/area-action-plans> [13/09/2019]
- <sup>lix</sup> CULLINGWORTH, B., NADIN, V. (2006): Town and Country Planning in the UK, 14th Edition, Routledge, London. (page 119-123)
- <sup>lx</sup> Ministry of Housing, Communities & Local Government (2019): National Planning Policy Framework, Glossary. (page 66)
- <sup>lxi</sup> Ministry of Housing, Communities & Local Government (2019): National Planning Policy Framework, Glossary. (page 66)
- <sup>lxii</sup> THOMSON REUTERS PRACTICAL LAW (2019): Development plan documents (DPDs), URL: [https://uk.practicallaw.thomsonreuters.com/4-203-2714?transitionType=Default&contextData=\(sc.Default\)&firstPage=true&bhcp=1](https://uk.practicallaw.thomsonreuters.com/4-203-2714?transitionType=Default&contextData=(sc.Default)&firstPage=true&bhcp=1) [12/09/2019]
- <sup>lxiii</sup> GOV.UK (2019): Guidance Housing supply and delivery, 5 year housing land supply, What is a 5 year land supply?, Paragraph: 002 Reference ID: 68-002-20190722, Revision date: 22 July 2019; URL: <https://www.gov.uk/guidance/housing-supply-and-delivery#year-housing-land-supply> [14/10/2019]
- <sup>lxiv</sup> Ministry of Housing, Communities & Local Government (2019): National Planning Policy Framework, Glossary. (page 67)
- <sup>lxv</sup> Ministry of Housing, Communities & Local Government (2019): National Planning Policy Framework, Glossary. (page 68)
- <sup>lxvi</sup> Ministry of Housing, Communities & Local Government (2019): National Planning Policy Framework, Glossary. (page 68)
- <sup>lxvii</sup> Ministry of Housing, Communities & Local Government (2019): National Planning Policy Framework, Glossary. (page 68)
- <sup>lxviii</sup> Ministry of Housing, Communities & Local Government (2019): National Planning Policy Framework, Glossary. (page 69)
- <sup>lxix</sup> Ministry of Housing, Communities & Local Government (2019): National Planning Policy Framework, Glossary. (page 69)
- <sup>lxx</sup> Ministry of Housing, Communities & Local Government (2019): Housing Delivery Test: 2018 Measurement Technical note; [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/779782/HDT\\_technical\\_note.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779782/HDT_technical_note.pdf) [13/09/2019] (page 4) and Ministry of Housing, Communities & Local Government (2019): National Planning Policy Framework, para 33 and footnote 18
- <sup>lxxi</sup> DCLG (2006): Protocol for handling proposals to save adopted Local Plan, Unitary Development Plan and Structure Plan policies beyond the 3 year saved period, Department for Communities and Local Government URL: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7782/160454.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7782/160454.pdf) [30/11/2018] (page 1)
- <sup>lxxii</sup> Ministry of Housing, Communities & Local Government (2019): National Planning Policy Framework, Glossary. (page 72)
- <sup>lxxiii</sup> Ministry of Housing, Communities & Local Government (2019): National Planning Policy Framework, Glossary. (page 72)
- <sup>lxxiv</sup> Ministry of Housing, Communities & Local Government (2019): National Planning Policy Framework, Glossary. (page 72)
- <sup>lxxv</sup> Ministry of Housing, Communities & Local Government (2019): National Planning Policy Framework, Glossary. (page 72)
- <sup>lxxvi</sup> Ministry of Housing, Communities & Local Government (2019): National Planning Policy Framework, Glossary. (page 73)