Successful plan-making
Advice for practitioners
Foreword

The Planning Advisory Service (PAS) has been helping planning authorities with their plan-making, sometimes working in partnership with the Planning Inspectorate (PINs). We’ve learnt a lot from this work, mostly carried out between April 2012 and March 2013. Together with PINs’ knowledge from the examinations we have an informed picture of what is happening with plan preparation.

Building on this knowledge, this note aims to
- provide some answers to the most common questions,
- give some suggestions for how to approach various aspects of plan-making
- highlight the main areas of challenge for local authorities,

The note is aimed at plan-making practitioners. It mostly relates to authorities preparing their core strategy or local plan, but we have also worked with authorities on other development plan documents or revisions to an existing core strategy.

We are working on examples of some case studies, which will be published over the summer.

More information on the principles of plan-making is on our website at http://www.pas.gov.uk/pas/core/page.do?pageld=1786311
Contents

Foreword 3
Introduction 5
What is a plan? 5
Dealing with uncertainty 5
Meeting needs 5
The presumption in favour of sustainable development 5
Is the plan a concise, consistent and focussed document? 5
Plan-making in a nut-shell 6
The evidence base and development needs 7
Sustainability Appraisal 10
Duty to Cooperate and Cross-Boundary Impacts 12
What is a plan?

The National Planning Policy Framework (NPPF) favours a single local plan approach, and many local authorities are now working on combining their individual, emerging development plan documents (DPDs) into one plan. Separate documents can still be produced where it is appropriate to do so. If this is the case in your authority, remember that the hierarchy of documents has changed. A core strategy is no longer the primary DPD; supporting, or other DPDs don’t have to be in conformity with it – any existing policy can be changed via a new DPD. (Regulation 8(5) of the 2012 Local planning Regulations allows authorities to be more flexible about changing adopted policies, including adopted core strategy policies).

Dealing with uncertainty

A plan needs to look ahead, but some degree of uncertainty will always exist. A plan will not be found unsound just because you can’t predict the future. But you do need to explicitly acknowledge and address uncertainty. The implications of the uncertainty should be taken into account and the “what if” situation considered. Some authorities have addressed this by referring to a range of possible outcomes. This should be fine if you can’t be more precise. If the delivery of development, and consequently the proposed strategy, is jeopardised by uncertainties, you should include a contingency plan (alternatives which could be bought into play), with appropriate monitoring and trigger mechanisms.

Uncertainties are not the same as ‘unknowns’. You will need to show that you have had relevant conversations with key partners. Where possible, you should gain ‘in principle’ agreements or statements of support.

Meeting needs

The plan must seek to meet the objectively assessed development and infrastructure needs of the area. This can’t be emphasised strongly enough and must be your starting point. This could include unmet needs of neighbouring authorities, where it is reasonable to do so and consistent with achieving sustainable development. Understanding your need comes before looking at supply, which may be constrained by various factors. But you must demonstrate what your objectively assessed need is, before you then consider how you will meet it.

If you choose to define a housing target (or other area of need) at the lower end of the range of evidence, expect the Inspector to scrutinise your evidence closely. There are quite a few plans that have been found to be lacking in this regard lately, and Inspectors have advised that authorities go back and re-look at both the evidence and the conclusions on need. If you have identified the need, but the plan isn’t meeting it, you will have to demonstrate how the harm caused by not meeting the need is outweighed by the harm caused by meeting it. Any restrictive policies, which may be preventing identified need from being met, will need to be justified on the basis of national priorities and the NPPF, such as limiting development in National Parks and Areas of Outstanding Natural Beauty. There is more on how PAS suggest you approach your objectively assessed needs available in ‘10 key principles for owning your housing number’, available at http://www.pas.gov.uk/pas/core/page.do?pageId=3766455

The presumption in favour of sustainable development

Local plans must be based upon and reflect the presumption in favour of sustainable development in the NPPF with clear policies showing how the presumption will be applied locally (NPPF paragraphs 14 and 15). There is a model policy on the Portal web site (http://tinyurl.com/cu7aaho). If this is in your plan this should be enough to meet this expectation. You can make up your own policy, but if you do the Inspector will need to be satisfied that it fully and accurately reflects the national presumption.

Is the plan a concise, consistent and focussed document?
A successful plan will make clear:

- what development is going to be delivered
- where it will be
- when it will be done
- how it will be done

Many soundness problems arise from a failure to properly answer these crucial requirements (*NPPF* 154, 156, 157) in a plan. Keep focussed on these key areas.

Plans should set out the strategic priorities for the area without including a mass of descriptive material. Generic statements and vague aspirations that could apply anywhere will not lead to a deliverable and worthwhile plan.

**Plan-making in a nut-shell**

Here are our top five tips for successful plan-making:

- **Critical issues** – you should focus relentlessly on the critical local issues, which will inform your objectives and your strategies to address them. Pay attention to deliverability and viability.

  This may raise uncomfortable questions for you and the authority but the whole point of the plan is to address the critical issues as far as possible. Side stepping them by avoidance or by using Supplementary Planning Documents (SPDs) could result in the plan being found unsound. Remember, an SPD cannot make statements on the development and use of land; allocate sites; make development management and site allocation policies; or contain policies for an area defined as being one of significant change or special conservation.

- **Objectives** – these should flow from the critical issues. Your plan should identify what these are and set out how the objectives will be met. Some of these will be so important that they will be your strategic priorities for the area. Focus on these; you don’t need an objective for everything. For example, there is little need for an objective on tourism if the area is not one where tourism is important.

You should be able to express your strategic objectives in fewer than 20 points.

- **Consistency within the plan** – make sure that the vision set out at the beginning of the plan is clear and concise and then carried forward through the strategy and policies; similarly, the challenges identified need to be tackled through appropriate policies. These should also be reflected in your Sustainability Appraisal (SA) objectives.

- **Policies** - should be focussed on how development proposals will be viewed by your authority (*NPPF* 154). Remember, the NPPF also contains policies for use in determining applications. There is no need to repeat these locally.

- **Presentation** – how the plan and supporting material is presented is important. Make sure it has been rigorously edited to ensure for consistency throughout the document; structure material in a logical way, use sub-headings etc; decide what is better placed in supporting documents with clear cross references; use illustrations or graphics to improve understanding and visual appeal; and use plain English wherever possible. Make sure there is an executive summary. This may also be a separate document, illustrating all key policies and issues in just a few pages.
The evidence base and development needs

Evidence should be proportionate and inform what is in the plan, rather than being collected retrospectively in an attempt to justify the plan. You should have a clear idea about what the evidence is needed for, how it is going to be used and how much detail is needed. The general approach is that:

- it is the quality, not the quantity, of the evidence that counts; the only evidence needed is that which informs the content of the plan
- the reasoning behind any assumptions should be set out clearly to show that they are grounded in local experience and evidence
- the plan must not contain assertions of fact not supported by the evidence
- where evidence has been prepared by consultants or other departments, officers need to make sure they understand it fully if they are to rely on it
- action plans can be useful in organising the work needed to address gaps in the evidence base and these can then be monitored.

You have to manage the risks when it comes to the evidence required to support a plan. Evidence can be challenged if it is too old. Some of the evidence used for regional spatial strategies may still be relevant, but you should be aware that they may need to be updated. Evidence base documents relating to retail, employment & housing that were completed 3 or more years before the submission date are at risk of having been overtaken by events. This is particularly because the evidence used in these documents goes back some way prior to it being finalised.

Rather than treat evidence base production as a one-off, some councils are treating the understanding and sharing of evidence as a process. The frequency and resources needed are dependent on the importance of the dataset to the plan. Light-touch reviews can demonstrate whether it is time for a more fundamental reappraisal (for example if the latest population and household formation information is significantly different from the original assumptions made within a plan).

We think that the following tips are worth remembering.

- **Adequate/relevant evidence base** – relevance is a local matter; for example if water supply and sewage treatment issues are important then water cycle studies and evidence from the Environment Agency and utility companies would be relevant to support the plan’s approach. There is no list of relevant evidence, which must depend on the issues that the plan seeks to address and on local circumstances.

- **Understanding what is “key evidence”** – some evidence will monitor factors that are both crucial to your plan and variable. Many councils consider their SHLAA, SHMA and Employment Land Review to be key evidence; make sure that these are as up to date and relevant as possible when the plan is examined.

- **Working with others** – neighbouring authorities may have more recent data or be willing to share the cost of assembling or monitoring data. Joint studies could be commissioned even if you are at different stages of plan preparation. If the study will still be considered up to date at the time of your examination, carrying out the work with neighbours may be beneficial. This could save you money and resources, and ensure consistency across a sub-region.

- **Identifying objectively assessed (housing) needs** - the NPPF is clear, the plan must take demographic considerations, including migration trends, into account. Neither a capacity based approach, nor one which is based on past building rates, are appropriate. The impact of anticipated employment levels should be taken into account but only as one factor within the context of the overall demographic profile of the area. Housing need assessments (SHMA) should cover the housing market area (likely to be cross-boundary) rather than just the authority area. You should clearly explain the methodology.
• **Land availability** – the assessments of need and availability must be done as separate exercises to ensure their objectivity; the strategic housing land availability assessment (SHLAA) should cover all potential sources of supply. The SHLAA should be prepared in consultation with the development industry and key stakeholders, and aim to identify as many of the potential housing sites in the area as possible. Agreeing a methodology with neighbouring authorities would result in a consistent approach across the housing market area. The Local Plan should then seek to decide which of these identified sites should be allocated for housing.

The SHLAA thus forms part of the evidence base and is not examined in its own right, but it does need to be sufficiently robust to justify and support the delivery of the plan. Where it is not possible to identify sites for development in the longer term (6 or more years away) broad locations for future growth should be identified in the plan (NPPF 47 and 157).

You must allocate land: it is part of the authority’s responsibility to do this, notwithstanding the state of the property market. If the housing industry does not build enough homes, a lack of allocated sites shouldn’t be one of the reasons why. A shortage of deliverable sites is contrary to NPPF para 47.

A plan is not unsound just because there is no SHLAA in place, but any available evidence of housing land supply should be updated taking into account the same basic principles. Housing supply evidence needs to be up to date, convincing and in accordance with NPPF paragraphs 47, 50 and 159.

• **Windfalls** - Windfalls are sites that have not been identified in the plan preparation process and hence unexpectedly become available. They are unforeseen and unplanned-for sites, so a site identified in a SHLAA cannot be a windfall site even if it has not been chosen as one of the allocated sites. The NPPF (paragraph 48) says that authorities may make an allowance for windfall sites (excluding residential gardens) in the 5-year housing land supply, provided there is compelling evidence that they have been consistently available and will continue to be a reliable source of supply.

• **Under/over-provision** – if a figure is proposed which is lower than the assessed need the justification for this needs to be very strong and supported by evidence on the relevant constraints; where over-provision is proposed (eg as part of a growth strategy) this should also be shown to be justified and, crucially, deliverable. Any over-provision resulting in a requirement to provide housing in an adjoining authority must of course demonstrate agreement between the authorities.

On ‘persistent under delivery’ and future plan-requirements (NPPF para 47) take a sensible and pragmatic view. Look at a period that is long enough to take into account the peaks and troughs of the property cycle.

• **Housing trajectory** - Does the plan have one (NPPF para 47), or provide a Housing Implementation Strategy in the evidence base (sometimes combined with an Infrastructure Delivery Strategy)? This is used to demonstrate housing delivery against housing need.

Some authorities are seeking to “backload” their housing trajectories citing the poor housing market as a reason for doing so. However the point about the trajectory is that it should relate to housing need. There is little point in planning to provide additional housing in the latter part of the plan period if the need is for housing in the early plan period. Thus to be effective housing policies need to be closely related to where and when the housing need is anticipated.

• **Presentation** – the evidence base should be set out clearly; this includes making sure that evidence is as easy to read as possible and that the evidence library/webpage is well-structured; and, where appropriate, produce topic papers on particular subjects so that all the evidence is easily accessible.
in one place (this can also be useful in highlighting any gaps). Use signposting via footnotes, and make sure any conflicts within the evidence base are explained. Provide executive summaries or summary leaflets of particularly large or technical pieces of evidence. Produce a non-technical summary of the SA.

- **Deliverability** – this is covered in a separate section below
The requirements of the EU Directive (2001/42/EC) on Strategic Environmental Assessment are an important consideration in the preparation of a SA. The Courts are interpreting the requirements of the SA very rigorously, as evidenced by judgements involving Forest Heath and Norwich:

- Norwich: [http://www.bailii.org/ew/cases/EWHC/Admin/2012/344.html](http://www.bailii.org/ew/cases/EWHC/Admin/2012/344.html)

Common issues that are arising from SA work include:

- **Sustainability objectives** - sustainability objectives, indicators and targets should reflect the local context and be directly relevant to the plan being prepared; think clearly at the outset about what sort of sustainability evidence you need and how it will be used to inform the strategic choices to be made.

- **Methodology** - the SA methodology and the rationale behind it should be clearly and simply explained in the SA report (SAR). The SAR must show how the sustainability work has informed the process of selecting the proposed strategy. Options or alternatives should be realistic; don’t include options that cannot be delivered. Where there are no or few options explain why. Sometimes this will be obvious - for example, a minerals plan may have few if any options given that minerals can only be worked where they exist.

- **Appraisal of alternatives** - all reasonable alternative options should be considered in the same level of detail, regardless of the stage of the process at which they are identified. This should be clearly detailed within the SAR. Their likely significant effects should be established and compared.

- **Assessment of impacts** – it is important that you have up-to-date baseline information for the assessment. Assess the impacts of options individually, as well as their cumulative, in-combination and temporal impacts where appropriate. Options can include matters such as density, the rate of development, delivery mechanisms etc (they can go beyond location of development).

- **Consistency of appraisals** – keep the process as simple as you can. Criteria should be as objective as possible. Criteria should be as objective as possible and the range of scoring options should be limited; you could think about some internal QA checking or external review. You could also consider agreeing a methodology with neighbouring authorities.

- **Selection or rejection** - the SAR must clearly set out the reasons for the selection or rejection of each alternative, referring to the evidence; the selected options which are in the published plan need to be included.

- **Changes in context** – the SAR should refer to any changes to relevant plans, programmes, policies etc, or the introduction of any new ones, since the scoping report (including those of neighbouring authorities); a statement should be included to confirm that the SA framework has been reviewed accordingly and whether any changes were needed as a result. If alternatives themselves are changed, show that they are not likely to have any significant environmental or sustainability effects which have not been covered in the SAR. If new alternatives are introduced after consultation on the publication plan and the supporting SAR, another round of consultation may be needed.

- **Hybrid of initial options** – sometimes a hybrid of initial options is selected. In this case you need to be sure that the choice of a hybrid option does not undermine the consultation process or the SA work that has been done. Inspectors will need evidence that the SA work has been updated and that the approach has not resulted in confusion, or circumvented the SA process.
We have found that authorities sometimes overlook these things which do need to be included in the SAR:

- the purpose and aims of the plan and their compatibility with the sustainability objectives
- a non-technical summary, which should be accessible and appropriate to its audience
- details of any limitations or uncertainties related to the data and any difficulties encountered during the SA process
- details of any relevant consultation comments and how these have been taken into account
- where mitigation is proposed, whether or not there will be any residual effects
- the proposed monitoring arrangements.

In terms of additional good practice from local authorities to date:

- try to integrate SA with other types of assessment where possible to avoid duplication of effort, save time and make the process more effective
- avoid scoring systems which result in an overall ranking; authorities need to be clear, and make it clear to others, that SA is simply a tool to aid the selection of the most appropriate option and is not the actual decision-making mechanism
- if an addendum or update to an SA is produced make sure that it includes all the relevant information or clearly signposts it to reduce the need for readers to search through the evidence
- use the ODPM SEA Quality Assurance Checklist to help improve the quality of your SA reports; you can include the completed checklist alongside the submitted report.
Duty to Cooperate and Cross-Boundary Impacts

There are two related elements to meeting the Duty to Cooperate and cross-boundary impacts:

• the legal requirement under section 33A of the 2004 Act, and
• the NPPF soundness assessment of how effective the cooperation has been.

The latter is clearly critical where the delivery of the plan depends on cooperation.

The Inspector will consider the first aspect, the legal requirement, relatively soon after the examination has commenced. If this has been met then you can ask the Inspector to make modifications to the plan if they are necessary (sections 20(7B) and 20(7C) of the 2004 Act), thereby giving a clear direction for the remainder of the examination. But if there is non-compliance with the legal duty the Inspector’s report can only recommend non-adoption. This is because the legal duty has to be met during the plan preparation stage, which ends with the submission of the plan for examination.

Practically, it is possible to pass the legal test but still fail the soundness test.

We have found that some of the issues for authorities are:

• **When and what?** Authorities need to liaise with neighbouring authorities on cross-boundary strategic issues, crucial to the delivery of your (or their) strategy. This can include where you are unable to meet the needs generated from within your area, or where you are being asked to help meet someone else’s identified need. This can be difficult if neighbours already have an adopted plan. Authorities will need to check the alignment of their respective plans and policies, and to share or jointly commission evidence.

• **Demonstrating the Duty** - Prepare a statement of compliance which focusses on the outcomes rather than the mechanisms; it is not simply a statement of the consultation procedures adopted. The Inspector will need to be satisfied that, within reason, all the various bodies have been given an adequate opportunity to influence the plan (not just been consulted on it). There should have been serious discussions between the parties aimed at achieving an effective plan. There will already usually have been cooperation and discussions over cross-boundary matters so don’t forget about these. Any statement should also set out how cooperation will continue in the future.

Wherever possible, cooperation with neighbouring authorities should be formalised and supported by a memorandum of understanding or similar agreement. These statements should set out, for example, how decisions on strategic issues are made now and will be made in the future. These statements are not the place to introduce policy. They should focus on the decision-making process between the organisations, and on the outcomes to be achieved, so that they can be monitored. Any such statement or memorandum should have Member level sign-off and demonstrate corporate buy-in. In some cases there will be formal joint working arrangements in place (section 33A(6) of the 2004 Act).

• **Meeting needs** - Cooperation needs to result in a positively prepared plan with an effective outcome. There are a number of instances where an authority is relying on an adjoining authority to take some of its projected growth—often some of its housing growth.

• **Timings** - Where there is no joint plan and cooperation is needed to deliver the plan, the respective plans should, if at all possible, be examined at broadly the same time. In instances such as this the Inspectorate will do all that it can to facilitate effective working by, for example, appointing the same Inspector to undertake the examinations consecutively or a team of Inspectors who will ensure that the respective plans are
co-ordinated. Where plans are not following broadly the same time frame Inspectors will look for formal Member level commitments between the authorities to seek effective cooperation (cooperation resulting in deliverable plans).

- **Non-agreement** - Unresolved positions between authorities on cross-boundary issues could lead to all the plans involved being found unsound. The situation where an authority has sought to uphold the duty in preparing a positive plan but has been frustrated by another body will not be easy to resolve. Generally such an authority should if possible not be penalised. Much will depend on the circumstances of each case, including factors such as the extent of the unmet need, possible short or long term solutions, and the consequences of the locality not having a plan-led development strategy.

When cooperation is needed to deliver the plan but the cooperation is not demonstrably effective, we suggest that you think about these options:

- change the strategy in the plan so that delivery can be achieved without cooperation
- negotiate effective cooperation with a different partner
- acknowledge that effective cooperation is not possible (at least at the present time) and hence the plan will only be partly deliverable, making clear arrangements to produce a later plan to resolve the delivery problem
- abandon the plan and rely solely on the policies in the NPPF combined with local evidence.
Deliverability

Local plans need to be deliverable over the plan period. You need to show how a plan will be delivered in an implementation/delivery plan – who, how, when. Your authority will often also have a role in helping do deliver another authority’s plan, and vice versa. A key part of deliverability is identifying land. This has often been one of the hardest and most controversial aspects of plan-making, as the decisions involved can be difficult and unpopular.

Some of the common issues arising from demonstrating deliverability, based on the work we have done, include:

• **Deliverable policies** - Aspirational policies can be acceptable, but they still need to be deliverable over time. Plans shouldn’t have policies in that are so aspirational that the plan will not be delivered. One aspect of this is around identification of sites – for example identifying land for employment without any likelihood of development for employment purposes.

• **Infrastructure** - Make clear for the first 5 years of the plan:
  o what infrastructure is needed
  o who will fund and provide it
  o how it relates to the delivery/rate of development

For the later stages of the plan period, detail these aspects if you can, but less detail is fine as understanding of infrastructure delivery is likely to be less certain. Having an in principle agreement from key partners is helpful in demonstrating the issues have at least been considered.

The detail regarding planned infrastructure can be set out in supporting evidence such as an Infrastructure Delivery Programme and a Housing Implementation Strategy (NPPF 47), which can be updated regularly. However, it is essential that the key infrastructure elements on which delivery of the plan is dependent are embedded in the plan itself.

You will also need:

• appropriate monitoring arrangements in the Authority Monitoring Report (AMR) to ensure delivery stays on track
• a “plan B” to show how you would deal with any difficulties or delays with the delivery of key elements— in other words the “what if” question (particularly important if you have a history of poor delivery)
• to identify the crucial elements; break down infrastructure requirements into essential and desirable categories
• if possible, do local plan and Community Infrastructure Levy work at the same time so that the question of the provision of infrastructure can be dealt with in a comprehensive and coordinated way

We know that many authorities are finding it difficult to effectively engage with some of the infrastructure providers, although not from lack of trying on the authority’s. In these cases the Inspector should take a realistic view about what the authority can provide so long as it can demonstrate that it has made all reasonable attempts to engage with the infrastructure provider in question. Authorities and infrastructure providers should as a minimum come to the examination with a statement of common ground that includes consideration of the key infrastructure elements.
The NPPF has placed much stronger emphasis on viability in plan-making. It is clear that all policy requirements need to be considered together in assessing whether the plan can be delivered. This gives rise to the need for "whole-plan" viability testing. Two main points to remember are that this is about the cumulative cost of policies, and that full account has to be taken of relevant market and economic signals. In trying to do this, we found that local authorities were dealing with these issues:

- **Evidence from different sources** – some authorities had more than one set of viability evidence (commissioned for different purposes eg CIL or affordable housing) and these were often prepared by different consultancies with different approaches. This resulted in inconsistencies in methodology and assumptions etc; the authority would need to reconcile these differences, through discussion with the consultants, to enable them to use the evidence in relation to whole-plan viability

- **Engagement** – engagement with appropriate stakeholders is vital: it can provide direct inputs from those with market/business knowledge and allow other inputs to be tested in order to provide support for the authority’s evidence. It can also help reduce objections at examination stage: such engagement should ideally be formalised and should be clearly documented in the plan

- **What to test** – under the NPPF, authorities need to test the whole plan and all its policies together to show its impact on viability; however, separate viability testing of strategic sites is also recommended if they are key to the delivery of the plan. Taking into account the cumulative impact of policies on the viability of development includes the impact of CIL. CIL costs should come out of land values and not have an adverse impact on the delivery of other policy objectives such as affordable housing. This point is reinforced in the most recent CIL guidance issued in December 2012 by DCLG (paragraph 29).

- **Methodology** – there are several ways of testing viability but it needn’t be over-complicated. In assessing viability, Inspectors will bear in mind the advice set out in the *Viability Testing local plans* document of June 2012 by the Local Housing Delivery Group, which is available on:
  
  [http://www.nhbc.co.uk/NewsandComment/Documents/filedownload,47339,en.pdf](http://www.nhbc.co.uk/NewsandComment/Documents/filedownload,47339,en.pdf)

  And also that in the RICS guidance note on *Financial Viability in planning*:
  

Other general suggestions for good practice:

- evidence for viability can be gathered from a variety of sources including local agents, mystery shopping exercises, the internet, previous planning applications (it can be helpful to record this information over time), and Inspectors’ reports on plans and CIL.

- for the first 5 years of a plan period policies should be based on current market costs and values.
Project management

Project management of the plan is also a key element in ensuring it can be delivered with the available resources, and to the timescales set out on the council’s website.

Common issues faced by authorities centre on:

- **Staff resource issues** – teams should undertake a skills audit to identify both gaps and particular strengths or interests of individuals which could be exploited; training or other skill-building exercises should be undertaken; and they should aim to share responsibility for topic areas among staff so that no one person represents a potential single point of failure.

- **Timescales** – be realistic; adjust timetables to reflect the realities of some tasks such as dealing with consultation responses; build in an element of flexibility so that not every deadline is critical; where this is not possible, consider delaying submission rather than compromise the quality of the plan and risk suspension of the examination and ultimate delay in adoption.

- **Project management expertise** – if resources allow, this can help. Non-planners (perhaps a corporate resource) would be less distracted by work on the content of the plan, are seen as being slightly removed from the team and therefore more objective.

- **Project management tools** – prepare staff resource plans and work/task programmes to identify key milestones, task dependencies, pinch points etc; use a risk register to highlight critical elements of the programme and help avoid or mitigate the risks. This should be reviewed regularly, especially if the timetable is revised; PAS provides templates for each of these.

- **Managing consultants** – where work is being out-sourced to consultants it is crucial that sufficient time is devoted to managing them. This will ensure they stay within budget and deliver what the authority has asked for. When writing a brief the more detail that is included, the more likely the authority is to receive better quality responses and find it easier to compare them; providing an indication of budget is likely to produce more consistent and comparable tenders; details of all the project requirements should be included eg whether meetings will be needed for progress reporting or whether a formal presentation of the findings is required; and sub-dividing projects should be considered if a single tenderer is unlikely to be able to carry out all the work or if there are a number of distinct elements to it.

- **Member involvement** – establish a Member working group with officer support and an officer group to be attended by the portfolio holder; carry out training; involve Members in policy decisions from the start and establish formal mechanisms for progress reports to Members. Preparing a joint Core Strategy presents additional challenges; agree resource commitments and governance from the start. Consider the effect of an election and a change of administration. Could this have an impact on the plan? How will you manage this?
Green Belts and boundary changes

Many authorities are concerned about how to deal with possible changes to the Green Belt.

- **When can it be justified?** Only in exceptional circumstances, which are for you to determine and justify in the light of local considerations, including the need for consistency with the local plan strategy for meeting identified requirements for sustainable development. Some authorities are considering green belt reviews to help meet their housing need. If a review is necessary the revised boundary should take account of the settlement policy being followed and the need to define a permanent boundary for the long term i.e. beyond the plan period (NPPF paragraph 83). Authorities will need to address any representations that development needs constitute exceptional circumstances. In doing so the authority will need to consider the evidence being advanced in the light of paragraph 85 of the NPPF and should not simply rely on the acknowledged importance of permanent Green Belts.

- **Minor adjustments** - Sometimes minor adjustments to remove boundary anomalies are needed in order to maintain the integrity and logic of the Green Belt boundary. These anomalies may, for example, have arisen because of changed patterns of development. Whether such small scale changes are needed is, like more significant changes, a matter for the authority to consider.

- **Demonstrating boundary changes** - Any proposed changes, large or small, need to be shown in map form (preferably inset maps) so that anyone wanting to make representations knows precisely where the proposed boundary is located. This also applies to any proposed boundary changes, not just to those relating to the Green Belt.
Gypsy and Traveller provision

Gypsy and Traveller (G&T) provision is a difficult policy area for authorities. The Planning Policy for Traveller Sites (published at the same time as the NPPF) sets out similar requirements for sites as the NPPF does for housing, with the addition of criteria based policies for the assessment of decisions (paragraphs 9 to 11).

- **When should we do a G&T policy?** The best approach is to do G&T policies along with your other ones. However some authorities are undertaking a specific G&T site DPD at a later date following an assessment of need, possibly involving several authorities. Although this may be an acceptable approach much will depend on the urgency and level of need for sites in the area. The Inspector will seek a commitment to address the G&T needs within an appropriate time scale.

- **What is the best approach in the meantime?** In the absence of allocated sites a realistic criteria based policy will be required. If neither of these is provided you will be vulnerable on appeal.
Policies Maps

This isn’t a “proposals map” any longer. The Policies Map shows all policies which have a specific location and boundary.

- **What is the status of a policies map?** It’s a map. It isn’t, in its own right, a DPD; anything it conveys must be identified in a DPD or saved development plan.

- **How can it be changed during examination?** If the Inspector finds a feature on the Policies Map to be unacceptable and in need of changing (for example a settlement boundary) the only way of dealing with it is to say that the relevant settlement boundary policy is unsound unless the boundary is changed in a way specified by the Inspector.

- **What needs to be submitted?** A policies map must accompany the submitted plan. This should show how the existing adopted Policies Map will be changed as a consequence of the adoption of a plan where changes are proposed. Changes should include anything that is being removed (for example a protective designation) and not only what is being added. It doesn’t have to show existing policy areas that are unchanged. One way of doing this is to show proposed changes in small inset plans within the submitted plan. The detail of suggested changes clearly needs to be available at the publication stage so that informed representations can be made.

An alternative but more expensive option is to produce a complete “submission version” Policies Map. However this can create confusion between what is carried over and what is new and complicates things at examination. Because of this it is only worth doing it this way where there are wholesale changes proposed to a majority of designations. Whichever route is followed, the existing adopted Policies Map must be revised when the plan is adopted and this revised Map then replaces the previous Policies Map. There is only ever one adopted Policies Map at any one time that records the spatial incidence of all extant development plan policies.
You only need a limited suite of essential development management (DM) policies, which are framed in the following way. Reality is that many authorities are coming forward with a suite of DM policies which don’t follow these tips.

- **Be positive** - in your DM policies. Avoid negative “thou shalt not” type development control policies. They should be aimed at promoting the strategy that the authority is seeking to implement. Negative policies reinforce the reactive development control mind-set rather than the positive development management approach suitable for a genuinely plan-led planning system.

- **Try to avoid repeating national policy** - Except for the fundamentally critical presumption in favour of sustainable development, policy matters that are adequately covered in the NPPF should not be repeated in the local plan. Repeating national policy does not make the document unsound but it can make it longer than it needs to be. Some authorities feel that having the relevant policies all in one document is convenient for the public, but this is often negated by the production of a long, unfocussed and confusing plan in which the essential issues and the strategies are lost in a mass of unnecessary material.
• **What is a main modification?** Where a Local Plan needs modifications to make it sound the Inspector can only recommend these ‘main modifications’ where the authority has made a specific written request under section 20(7C) of the Act. Once this request is received, the Inspector must recommend “main modifications” to make the plan sound and legally compliant. You will need to consult and advertise all proposed main modifications included in the report. This might also include undertaking further SA work on significant proposed modifications. Only once this has been done, and the Inspector has considered the resulting public comments, can the final report be issued.

• **What is an additional (minor) modification?** Minor changes to a plan (called “additional modifications” in section 23(2A) of the 2004 Act) are made by the authority on adoption and not by the Inspector. If, though, the changes are so extensive that the plan is largely being re-written, the Inspector might suggest that you withdraw the plan or, failing this, will request that the Secretary of State direct you to do so. The authority will need to decide whether to advertise any additional modifications. In practice, many do (often alongside any main modifications consultations required by the inspector).
Waste plans

Authorities need to ensure that they have adequate policies on proposals for waste treatment, addressing:

- what waste management developments and facilities are required;
- where, they are to be located
- when they are to be provided
- how they will be delivered

Some of the issues arising from practice and examination of waste plans are:

- **Procurement and land ownership** – to what extent should waste plans take account of procurement matters and the availability of sites already owned by the waste operators? Planning for waste should be treated in the same way as planning for any other type of development. Some waste plans have failed to give sufficient geographical direction for subsequent site allocation DPDs and to enable planning applications to be determined on a plan led basis.

- **Baseline information about waste streams** – what waste is currently generated by the various waste streams, how is it managed and what factors are likely to influence the quantities and types of waste and facilities over the plan period? Waste plans should both inform and in turn be informed by any relevant municipal waste management strategy. In many instances waste planning involves cross boundary issues, so it is important to get a co-ordinated approach from the authorities involved.

- **Predicting demand and devising a strategy** - uncertainties need to be acknowledged. They can be dealt with by reasoned assumptions based on what is known, which can then be monitored and the plan adjusted if necessary. Avoid producing generalised and vague plans - this may avoid the need to justify the assumptions on the basis of evidence specific to the area, but it does not reflect the positive planning approach. It also means that a plan can be so general that it is difficult to identify a clear strategy.

- **Be explicit about allocations criteria** – and justifications for sites that have been allocated or areas of search. A very extensive area of search does not provide adequate guidance for subsequent site allocation DPDs, nor does it help any private sector organisation seeking to develop a site through the planning application route. Note that the European Union Waste Framework Directive requires waste plans to “include a geographical map specifying the exact location of waste disposal sites or facilities, or locational criteria which are sufficiently precise to enable the permitting authority to determine whether or not the site or facility falls within the management framework provided by the plan.”
List of references and other useful documents

National Planning Policy Framework, Department of Communities and Local Government, March 2012

The Environmental Assessment of Plans and Programmes Regulations 2004


Sustainability Appraisal: advice note, Planning Advisory Service, June 2010
http://www.pas.gov.uk/pas/aio/627078

Viability Testing Local Plans: advice for planning practitioners (Harman Report), Local Housing Delivery Group, June 2012
http://www.pas.gov.uk/pas/aio/2426206

Strategic Planning and the Duty to Cooperate Crib Sheet, Planning Advisory Service
www.pas.gov.uk/pas/aio/3291090

Soundness Self-Assessment Checklist, Planning Advisory Service, January 2013
http://www.pas.gov.uk/pas/core/page.do?pageId=109568#contents-1

Principles of plan-making
http://www.pas.gov.uk/pas/core/page.do?pageId=1786265
Successful Local Plans