

**NOTES ON THE LOCAL PLAN MEETING HELD ON MONDAY 25<sup>TH</sup> NOVEMBER '13**

**Present:** Alan Thompson, Derek Bodey, Janet Miller, Joe Dugdale, Kate MacLean, Kathryn Barton, Linda Baldry, Philip Barton, Roddie MacLean, Richard Silson.

**Apologies:** Caitlin Bisknell, Charles Jolly, Ian Bowns, Mike Bryant, Perry Wardle, Richard Lower, Sarah Rawlinson, Tom Rhodes.

The meeting comprised a presentation from Richard Silson. His slides are shown below alongside notes from his accompanying talk.

BUXTON TOWN TEAM

**The New (again) Planning System**

*Plus ca change .....*

Richard Silson    The Planning Cooperative    4 St James Terrace Buxton

The new planning system was set up in 2012.

A lot of it is not new, for instance having it all as one document is how it was until 2004. Some things are new, though, notably the requirement for rigour and evidence.

The Localism Act - this is something Joe will be dealing with in more detail some time.

Government sets the National Planning Policy Framework (NPPF).

Three major elements

- Localism - *Can people do Planning ?*
- National Planning Policy Framework - *Can Govt. do Planning ?*
- Local Plans - *Can Planning Authorities do Planning ?*

Local Plans have been around since 1990, but so far only half of all Local Authorities have adopted a Local Plan.

All local Plans and planning decisions have to have regard to the NPPF. This has a presumption in favour of 'sustainable' development - sustainable means 'as good as it can be' while still being economically viable.

Then there is Localism - Neighbourhood Plans - from the other direction. These are 'more not less' - they can't stop things happening, but they can influence the quality of design (refining and improving) and the location of development (but they cannot insist on brownfield versus greenfield development without demonstrating the proposal is still economically viable).

Presumption in favour of Sustainable development  
Priority to housing and economic development  
Default answer to a proposal is ~~Yes~~ unless it infringes one or more of the fundamental principles of the NPPF

The LPA has to prepare a Local Plan for a chosen level of growth, tested by an Inspector at Examination  
Must Assist Communities with Neighbourhood Plans  
Until the LP is in place decisions are based on the NPPF  
Very local!

Local Planning Authority

Communities can draw up a Neighbourhood Plan  
They can influence the type of development, location design, form etc.  
They can opt for more development - but not less

The Local Authority is squeezed between the two.

The quantity of development used to be set nationally, now Local Authorities have to set their own evidence-based numbers, which are objectively assessed.

## Bit of Pickle ?



The new role for the Local Authority is to enable others to develop. They are not there to defend against development, they now have to actively promote it. They have to decide what development is needed, and where they want it, and be pro-active in making that happen.

Local Plans were initially introduced in 1990, the idea was to have everything in one document. In 2004 this was replaced by Local Development Frameworks, a portfolio of separate documents. Local Plans are now back.

Policy Regime - the NPPF, European Law and Good Practice Guidance all impose constraints.

Preparation of a Local Plan is a big exercise, it has to rest on evidence. In the past a plan could be theoretical, with no test as to whether it could work.

There are two critical stages:

- preparing the technical information
- the examination - test of soundness.

The stages are sequential, the process can't be rushed, it takes a long time. Plans used to be for ten years, from the start of the process - by the time they were adopted there wasn't much time left. They now apply for 15 years from when they are adopted. The whole thing is a 20 year process.

If the inspector does not approve a plan, the Local Authority might have to start all over again. One in three are rejected before even being submitted for full examination, to avoid this happening.

There is a duty to co-operate with other Local Authorities, but it doesn't work too well. HPBC did ask the Peak Park Authority about doing a joint plan, this was not taken up.

The Test of Soundness checks that the Plan is:

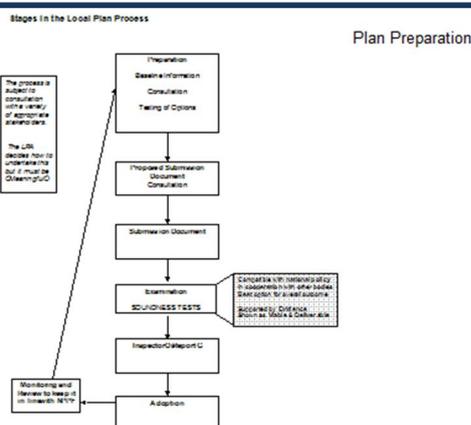
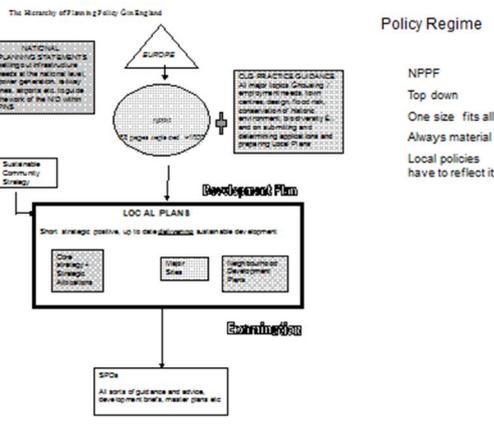
- legal ie complies with EU directives (lots of them)
- compatible with the NPPF
- positive, ie promotes and secures development
- justified logically by the evidence
- the best possible option - have to test everything
- deliverable, ie economically viable sites

Deliverability - the emphasis on is on getting more houses built. The aim is to ensure that development is not stopped through lack of land.

Use of brownfield rather than greenfield can be encouraged eg by waiving infrastructure levies, to offset the additional development costs. The infrastructure Plan sits alongside all this, and requires funding from somewhere.

## Local Plans

- Introduced in 1990
- LDFs ( portfolio of documents ) 2004
- Now revived
  - Policy Regime
  - Preparation and approval
  - HPBC current position



#### Evidence and tests of Soundness

Legal  
Compatible with NPPF  
Positively prepared  
Justified  
Deliverable ( Viable sites )  
Infrastructure plan along side  
Duty to Cooperate

The Plan has to be reviewed in full every five years, with an annual review as to whether it is working.

What's better: the need for justification; plan for growth; NPPF as enabler for higher quality build.

What's worse: not clear enough; less national guidance; too much emphasis on 'evidence'.

The change was too dramatic and not well enough explained, planners are struggling, morale has plummeted. Around three quarters of LAs have failed to submit Local Plans, and then get into a punitive regime. But so many Plans have been rejected, they are being over-cautious.

#### HPBC Local Plan Position

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Local Plan - Finish Off  
LDF - Joint Strategy with DDDC  
Evidence collection / analysis  
Preferred options  
Split from DDDC  
Review of housing figures  
Submission draft March 2014  
Adoption March 2015

HPBC started a new version late on in the process. Originally they were persuaded, via government funding, into a joint strategy with Derbyshire Dales. A long way into the process this arrangement broke down, and HPBC had to start all over again.

The draft Local Plan is due to be signed off soon, then in March 2014 there will be further consultation; the aim is to submit it for inspection in July 2014.

The Plan is based on 270 houses per year, but the evidence points to a need for 440. There is also an imbalance between large expensive houses and the affordable ones that are sought. Developers prefer big houses, and there is a knock-on effect as people move up the chain releasing cheaper houses at the bottom. In setting quotas, you do have to look at existing stock as well as new. There is a need for town centre property for older people downsizing - it needs to be high quality.

The answer is to decide where you want the houses and encourage landowners to submit applications, then there is enough land and development where you don't want it can be stopped. You need to keep a five year bank of land with planning permission.

#### HPBC Planning Application Position

No local Plan  
Old Local Plan is out of date  
NPPF is the local plan  
No five year land supply  
Housing numbers and BuA boundaries no longer apply  
Under pressure to release land

#### Current situation in High Peak:

No Local Plan, no 5 year land supply, therefore the NPPF is the de facto plan. The Built up Area Boundary from the previous plan no longer applies, there is no limit on the number of houses. Anyone can bring forward an application even for somewhere that has previously been ruled out and is not where the LA wants it.

We need the Local Plan, and a five year land supply, so HPBC is back in control. The important thing is to get the five year land supply back up to size, by granting applications in the areas we want development. We currently have 3.8 years.

#### Any Questions ?

