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Guidance

Plan-making

Guidance on plan-making.

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This guide was updated in March 2019 to incorporate parts of the Local Plans guide (<https://www.gov.uk/guidance/local-plans--2>) which has now been archived.

Statutory duty and the role of plans

What is the role of plans?

The development plan is at the heart of the planning system with a requirement set in law that planning decisions must be taken in line with the development plan unless material considerations indicate otherwise. Plans set out a vision and a framework for the future development of the area, addressing needs and opportunities in relation to housing, the economy, community facilities and infrastructure – as well as a basis for conserving and enhancing the natural and historic environment, mitigating and adapting to climate change, and achieving well designed places. It is essential that plans are in place and kept up to date.

Section 19(1B) - (1E) of the Planning and Compulsory Purchase Act 2004

(<http://www.legislation.gov.uk/ukpga/2017/20/section/8>) sets out that each local planning authority must identify their strategic priorities and have policies to address these in their development plan documents (taken as a whole).

The development plan for an area is made up of the combination of strategic policies (which address the priorities for an area) and non-strategic policies (which deal with more detailed matters). Paragraphs 17 to 19 of the National Planning Policy Framework (<https://www.gov.uk/guidance/national-planning-policy-framework/3-plan-making#para17>) describe the plan-making framework which allows flexibility in the way policies for the development and use of land are produced.

Paragraph: 001 Reference ID: 61-001-20190315

Revision date: 15 03 2019

What should a plan look like?

While the content of plans will vary depending on the nature of the area and matters to be addressed, all plans need to be as focused, concise, and accessible as possible. The government encourages authorities to make use of digitally accessible plans and open data when publishing plans and the evidence base which underpins them.

Where sites are proposed for allocation, sufficient detail should be given to provide clarity to developers, local communities and other interested parties about the nature and scale of development. Where a local plan contains both strategic and non-strategic policies, the non-strategic policies should be clearly distinguished from the strategic policies.

The policies map should illustrate geographically the policies in the plan and be reproduced from, or based on, an Ordnance Survey map. If the adoption of a local plan would result in changes to a previously adopted policies map, when the plan is submitted for examination, an up to date submission policies map should also be submitted, showing how the adopted policies map would be changed as a result of the new plan.

Section 19 of the Planning and Compulsory Purchase Act 2004

(<http://www.legislation.gov.uk/ukpga/2004/5/section/19>) sets out specific matters to which the local planning authority must have regard when preparing a local plan. Regulations 8 and 9 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (<http://www.legislation.gov.uk/uksi/2012/767/part/4/made>) prescribe the general form and content of local plans and adopted policies maps, while regulation 10 (<http://www.legislation.gov.uk/uksi/2012/767/regulation/10/made>) states what additional matters local planning authorities must have regard to when drafting their local plans.

Paragraph: 002 Reference ID: 61-002-20190315

Revision date: 15 03 2019

What should the Local Development Scheme contain?

A Local Development Scheme is required under section 15 of the Planning and Compulsory Purchase Act 2004 (<http://www.legislation.gov.uk/ukpga/2011/20/section/111/enacted>) (as amended). This must specify (among other matters) the development plan documents (i.e. local plans) which, when prepared, will comprise part of the development plan for the area. Local planning authorities are encouraged to include details of other documents which form (or will form) part of the development plan for the area, such as Neighbourhood Plans. The Local Development Scheme must be made available publicly and kept up-to-date. It is important that local communities and interested parties can keep track of progress. Local planning authorities should publish their Local Development Scheme on their website.

Local Development Schemes must also be produced in compliance with any data standard for this purpose published by MHCLG. Up-to-date and accessible reporting on the Local Development Scheme in an Authority's Monitoring Report is an important way in which authorities can keep communities informed of plan making activity.

Paragraph: 003 Reference ID: 61-003-20190315

Revision date: 15 03 2019

Should all plan policies be contained in one document?

Depending on the issues and opportunities that exist locally local planning authorities should, in consultation with their local community, consider the most appropriate way to plan for the needs of their area. Paragraphs 17 to 19 of the National Planning Policy Framework (<https://www.gov.uk/guidance/national-planning-policy-framework/3-plan-making#para17>) describe the plan-making framework which allows flexibility in the way that plans for the development and use of land may be produced.

Paragraph: 004 Reference ID: 61-004-20190315

Revision date: 15 03 2019

What are the benefits in producing a joint local plan with other local planning authorities?

Section 28 of the Planning and Compulsory Purchase Act 2004 (<http://www.legislation.gov.uk/ukpga/2004/5/section/28>) enables 2 or more local planning authorities to agree to prepare a joint local plan. This can be an effective way of planning for an area's strategic priorities, addressing cross-boundary issues through the duty to cooperate, and sharing specialist resources and reducing costs (e.g. through the formation of a joint planning unit, sharing of evidence base work or examination costs). Joint plans may also offer a more strategic framework across the joint area, setting the framework for future plans.

Preparation and adoption of joint local plans may be overseen either by the individual authorities involved or by a voluntary joint committee structure. Powers also exist for the Secretary of State to create a statutory joint committee, which would be the decision maker in relation to such matters as specified.

Section 29 of the Planning and Compulsory Purchase Act 2004

(<http://www.legislation.gov.uk/ukpga/2004/5/section/29>) enables local planning authorities to form a separate

joint planning committee to take forward a joint local plan. This is a more formal step toward joint planning, with the respective local planning authorities delegating appropriate plan making powers to the Joint Committee.

Where a joint local plan exists, individual local planning authorities can subsequently prepare one or more local plans containing non-strategic policies and designations/allocations. Such local plans should be consistent with the strategic policies, unless there is specific justification for a variation.

Paragraph: 005 Reference ID: 61-005-20190315

Revision date: 15 03 2019

What is the status of existing local plans in authorities which result from local government reorganisation?

As set out in Local Government (Structural Changes) (General) (Amendment) Regulations 2018 (<http://www.legislation.gov.uk/ukSI/2018/930/made>), existing plans will remain in place for the areas set out in the plan. Plans that are being prepared, but not yet adopted, can also carry over and continue through to adoption in the new authority. However, the regulations state that new plans covering the whole of the new area must be adopted within 5 years of the reorganisation.

Paragraph: 074 Reference ID: 61-074-20190723

Revision date: 23 07 2019

What is the relationship between the local plan and neighbourhood plans?

Neighbourhood plans (<https://www.gov.uk/guidance/neighbourhood-planning--2>), when brought into force, become part of the statutory development plan for the area that they cover.

They can be developed before, after or in parallel with a local plan, but the law requires that they must be in general conformity with the strategic policies in the adopted local plan for the area (and any other strategic policies that form part of the statutory development plan where relevant, such as the London Plan). Neighbourhood plans are not tested against the policies in an emerging local plan although the reasoning and evidence informing the local plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.

There are requirements for a local planning authority to support neighbourhood planning (<http://www.legislation.gov.uk/ukpga/2011/20/schedule/10/enacted>). Further detail is provided in the neighbourhood planning guidance (<https://www.gov.uk/guidance/neighbourhood-planning--2>).

Where a neighbourhood plan is brought forward before an up-to-date local plan is in place the local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body. This could include sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination.

Where a neighbourhood plan has been brought into force, the local planning authority should take its policies and proposals into account when preparing the local plan. Local plan policies should not duplicate those in the neighbourhood plan, and do not need to supersede them unless changed circumstances justify this. It is important for local plans to make appropriate reference to neighbourhood plan policies and proposals, and similarly for neighbourhood plans to acknowledge local plan policies that they relate to.

Paragraph: 006 Reference ID: 61-006-20190723

Revision date: 23 07 2019

Are there specialist types of plans?

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.

The Marine Management Organisation is producing a series of marine plans to cover the English marine (off shore) area. Coastal local planning authorities will need to take these into account when preparing their local plans, insofar as they have implications for on-shore activities.

Paragraph: 007 Reference ID: 61-007-20190315

Revision date: 15 03 2019

What is the role of supplementary planning documents?

Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development.

Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (<http://www.legislation.gov.uk/uksi/2012/767/part/5/made>) set out the requirements for producing Supplementary Planning Documents.

In exceptional circumstances a Strategic Environmental Assessment (<https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>) may be required when producing a Supplementary Planning Document.

Paragraph: 008 Reference ID: 61-008-20190315

Revision date: 15 03 2019

Maintaining effective cooperation

How are plan-making bodies expected to cooperate?

Strategic policy-making authorities are required to cooperate with each other, and other bodies, when preparing, or supporting the preparation of policies which address strategic matters. This includes those policies contained in local plans (including minerals and waste plans), spatial development strategies, and marine plans.

The National Planning Policy Framework sets out that these authorities should produce, maintain, and update one or more statement(s) of common ground, throughout the plan-making process. Local planning authorities are also bound by the statutory duty to cooperate. Neighbourhood Planning bodies (<https://www.gov.uk/guidance/neighbourhood-planning--2#who-leads-neighbourhood-planning-in-an-area>) are not bound by the duty to cooperate, nor are they required to produce or be involved in a statement of common ground.

Paragraph: 009 Reference ID: 61-009-20190315

Revision date: 15 03 2019

What is a statement of common ground?

A statement of common ground is a written record of the progress made by strategic policy-making authorities during the process of planning for strategic cross-boundary matters. It documents where effective co-operation is and is not happening throughout the plan-making process, and is a way of demonstrating at examination that plans are deliverable over the plan period, and based on effective joint working across local authority boundaries. In the case of local planning authorities, it also forms part of the evidence required to demonstrate that they have complied with the duty to cooperate.

Paragraph: 010 Reference ID: 61-010-20190315

Revision date: 15 03 2019

Statement of common ground: scope

What is a statement of common ground expected to contain?

It is expected to contain the following:

- a. a short written description and map showing the location and administrative areas covered by the statement, and a brief justification for these area(s);
- b. the key strategic matters being addressed by the statement, for example meeting the housing need for the area, air quality etc.;
- c. the plan-making authorities responsible for joint working detailed in the statement, and list of any additional signatories (including cross-referencing the matters to which each is a signatory);
- d. governance arrangements for the cooperation process, including how the statement will be maintained and kept up to date;

- e. if applicable, the housing requirements in any adopted and (if known) emerging strategic policies relevant to housing within the area covered by the statement;
- f. distribution of needs in the area as agreed through the plan-making process, or the process for agreeing the distribution of need (including unmet need) across the area;
- g. a record of where agreements have (or have not) been reached on key strategic matters, including the process for reaching agreements on these; and
- h. any additional strategic matters to be addressed by the statement which have not already been addressed, including a brief description how the statement relates to any other statement of common ground covering all or part of the same area.

The level of cooperation detailed in the statement is expected to be proportionate to the matters being addressed. The statement is expected to be concise and is not intended to document every occasion that strategic policy-making authorities meet, consult with each other, or for example, contact prescribed bodies under the duty to cooperate. The statement is a means of detailing key information, providing clear signposting or links to available evidence on authorities' websites.

Paragraph: 011 Reference ID: 61-011-20190315

Revision date: 15 03 2019

What information will a statement of common ground be expected to contain about the distribution of identified development needs?

When authorities are in a position to detail the distribution of identified needs in the defined area, the statement will be expected to set out information on:

- a. the capacity within the strategic policy-making authority area(s) covered by the statement to meet their own identified needs;
- b. the extent of any unmet need within the strategic policy-making authority area(s); and
- c. agreements (or disagreements) between strategic policy-making authorities about the extent to which these unmet needs are capable of being redistributed within the wider area covered by the statement.

Paragraph: 012 Reference ID: 61-012-20190315

Revision date: 15 03 2019

When is it appropriate for plan-making authorities to prepare more than one statement of common ground?

Authorities are expected, wherever possible, to detail cooperation in a single statement. They may feel it is appropriate to produce more than one statement if they feel this would be the clearest and most expedient way to evidence joint working. This will depend on the matters being addressed and authorities

and bodies cooperating with each other. For example, multiple statements may be appropriate where authorities work in different groupings to address certain strategic matters.

Paragraph: 013 Reference ID: 61-013-20190315

Revision date: 15 03 2019

What are the strategic matters on which cooperation is required?

Paragraphs 20-23 of the National Planning Policy Framework (<https://www.gov.uk/guidance/national-planning-policy-framework/3-plan-making#para20>) sets out the matters that the strategic policies should make provision for, this is not an exhaustive list and authorities will need to adapt this to meet their specific needs. For local planning authorities this is linked to matters set out in sections 19(1B to 1E)

(<http://www.legislation.gov.uk/ukpga/2017/20/section/8>) and 33A(4)

(<http://www.legislation.gov.uk/ukpga/2004/5/section/33A>) of the Planning and Compulsory Purchase Act 2004

Paragraph: 014 Reference ID: 61-014-20190315

Revision date: 15 03 2019

What activities are expected to be documented in a statement of common ground?

Strategic policy-making authorities are expected to document the activities undertaken when in the process of addressing strategic cross-boundary matters whilst cooperating. These will include (but are not limited to):

- working together at the outset of plan-making to identify cross-boundary matters which will need addressing;
- producing or commissioning joint research and evidence to address cross-boundary matters;
- assessing impacts of emerging policies; and
- preparing joint, or agreeing, strategic policies affecting more than one authority area to ensure development is coordinated, (such as the distribution of unmet needs or policies relating to county matters).

These activities will need to be tailored to address local circumstances.

Paragraph: 015 Reference ID: 61-015-20190315

Revision date: 15 03 2019

How can effective cooperation address strategic infrastructure needs?

Effective cooperation enables strategic policy-making authorities and infrastructure providers to establish whether additional strategic cross-boundary infrastructure is required. The statement is evidence that the strategic policy-making authorities have sought agreement with the relevant bodies. It can also inform the

Community Infrastructure Levy (<https://www.gov.uk/guidance/community-infrastructure-levy>), and can form part of the evidence base for the Infrastructure Funding Statement, especially when forecasting contributions required for future planned development.

Authorities which agree to take additional housing from other areas may in turn require investment in infrastructure provision to support this. Where effective cross-boundary working can be demonstrated in the statement of common ground, this could be used as evidence when trying to secure grants for infrastructure where effective joint working forms part of the assessment criteria.

Paragraph: 016 Reference ID: 61-016-20190315

Revision date: 15 03 2019

Which geographical area does a statement of common ground need to cover?

The statement will need to cover the area which strategic policy-making authorities and public bodies cooperate during plan-making. This will depend on:

- the strategic matters being planned for, informed by a review of the matters affecting the area (<http://www.legislation.gov.uk/ukpga/2004/5/section/13>) and early engagement (<http://www.legislation.gov.uk/ukpga/2017/20/section/13>) with neighbouring authorities, communities and other key stakeholders; and
- the most appropriate functional geographical area to gather evidence and develop policies to address these matters, based on demonstrable cross-boundary relationships.

For example, housing market and travel to work areas, river catchments, or landscape areas may be a more appropriate basis on which to plan than individual local planning authority, county, or combined authority areas. Cooperation between these different tiers (counties, districts and combined authority areas) may be needed. Authorities may well work in different groupings to address different strategic matters. Authorities should be pragmatic in determining the areas.

Paragraph: 017 Reference ID: 61-017-20190315

Revision date: 15 03 2019

How can housing market areas be defined?

A housing market area is a geographical area defined by household demand and preferences for all types of housing, reflecting the key functional linkages between places where people live and work. These can be broadly defined by analysing:

- The relationship between housing demand and supply across different locations, using house prices and rates of change in house prices. This should identify areas which have clearly different price levels compared to surrounding areas.

- Migration flow and housing search patterns. This can help identify the extent to which people move house within an area, in particular where a relatively high proportion of short household moves are contained, (due to connections to families, jobs, and schools).
- Contextual data such as travel to work areas, retail and school catchment areas. These can provide information about the areas within which people move without changing other aspects of their lives (e.g. work or service use).

Suggested data sources: Office for National Statistics (internal migration and travel to work areas statistics); Land Registry House Price Index and Price Paid data (including sales); data from estate agents and local newspapers about geographical coverage of houses advertised for sale and rent; Ministry of Housing, Communities and Local Government statistics including live tables on affordability (lower quartile house prices/lower quartile earnings); and neighbourhood data from the Census.

Paragraph: 018 Reference ID: 61-018-20190315

Revision date: 15 03 2019

How can functional economic market areas be defined?

Since patterns of economic activity vary from place to place, there is no standard approach to defining a functional economic market area, however, it is possible to define them taking account of factors including:

- extent of any Local Enterprise Partnership within the area;
- travel to work areas;
- housing market area;
- flow of goods, services and information within the local economy;
- service market for consumers;
- administrative area;
- catchment areas of facilities providing cultural and social well-being; and
- transport network.

Paragraph: 019 Reference ID: 61-019-20190315

Revision date: 15 03 2019

Statement of common ground: preparation and publication

When does the statement of common ground need to be prepared, published and updated?

Statements need be prepared and then maintained on an on-going basis throughout the plan making process. As a minimum, a statement needs to be published when the area it covers and the governance arrangements for the cooperation process have been defined, and substantive matters to be addressed are determined. If all the information required is not available (such as details of agreements on strategic

matters) authorities can use the statements to identify the outstanding matters which need to be addressed, the process for reaching agreements on these and (if possible) indicate when the statement is likely to be updated.

Authorities should have made a statement of common ground available on their website by the time they publish their draft plan, in order to provide communities and other stakeholders with a transparent picture of how they have collaborated. Authorities may consider using independent bodies as arbiters or facilitators to aid discussions such as county councils in two-tier areas, or Mayors in combined authority areas.

Once published, authorities responsible for the statement will need to ensure that it reflects the most up to date position in terms of joint working across the area. Updates can occur when either agreements are reached, or a decision is taken to update strategic policies in the area covered by the statement.

Paragraph: 020 Reference ID: 61-020-20190315

Revision date: 15 03 2019

How is the statement of common ground expected to be published?

The statement is expected to be published on the websites of all the authorities responsible for its production, and should comply with any template or data standards produced by or on behalf of the government.

Paragraph: 021 Reference ID: 61-021-20190315

Revision date: 15 03 2019

Are strategic policy-making authorities required to reach agreement on strategic matters, and what should an authority do if they are unable to secure these agreements?

Strategic policy-making authorities should explore all available options for addressing strategic matters within their own planning area, unless they can demonstrate to do so would contradict policies set out in the National Planning Policy Framework. If there they are unable to do so they should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their plans for examination. Authorities are not obliged to accept needs from other areas where it can be demonstrated it would have an adverse impact when assessed against policies in the National Planning Policy Framework.

Inspectors will expect to see that strategic policy making authorities have addressed key strategic matters through effective joint working, and not deferred them to subsequent plan updates or are not relying on the inspector to direct them. Where a strategic policy-making authority claims it has reasonably done all that it can to deal with matters but has been unable to secure the cooperation necessary, for example if another authority will not cooperate, or agreements cannot be reached, this should not prevent

the authority from submitting a plan for examination. However, the authority will need to submit comprehensive and robust evidence of the efforts it has made to cooperate and any outcomes achieved; this will be thoroughly tested at the plan examination.

Paragraph: 022 Reference ID: 61-022-20190315

Revision date: 15 03 2019

Statement of Common Ground: signatories and arbiters

Who are additional signatories to the statement of common ground?

Additional signatories will be those bodies who have a role in the matters covered in a statement of common ground, and with whom an authority needs to cooperate in order to plan for these matters. These may include: other relevant public bodies (such as: Local Enterprise Partnerships, Local Nature Partnerships, and the Marine Management Organisation in coastal areas); other authorities (such as county councils, combined authorities without plan-making powers, and strategic policy-making authorities outside of the area covered by the statement); infrastructure providers; or any other non-government organisations (such as advisory bodies) the authority cooperates with to address strategic matters through the plan-making process. This is not an exhaustive list.

In the case of local planning authorities and county councils, prescribed bodies under the duty to cooperate can be treated as additional signatories. Engagement between authorities and prescribed bodies which does not involve agreements on strategic matters can be detailed in Authority Monitoring Reports.

Paragraph: 023 Reference ID: 61-023-20190315

Revision date: 15 03 2019

What is the role of additional signatories to the statement of common ground?

Their role is to act as a signatory to those parts of the statement that relate directly to their cooperation in the plan-making process, e.g. specific infrastructure or transport commitments. They have no responsibility for publishing, maintaining or updating the statement.

Paragraph: 024 Reference ID: 61-024-20190315

Revision date: 15 03 2019

Who should be a signatory to a statement prepared for minerals and waste plans?

In two-tier areas, district councils within the county are expected to be treated as additional signatories on the statement of common ground for county council minerals and waste plans. For minerals plans, aggregate working parties (<https://www.gov.uk/guidance/minerals#Aggregate-Working-Parties>) are also expected to be treated as additional signatories in statements of common ground.

Paragraph: 025 Reference ID: 61-025-20190315

Revision date: 15 03 2019

Who can strategic policy-making authorities appoint as an arbiter or facilitator for the cooperation process and statement of common ground?

Strategic policy-making authorities may elect Mayors or combined authorities (including those without plan-making powers), or county councils to act as an arbiter or facilitator to the cooperation process and could assist in the preparation of the statements of common ground. They may also appoint consultants to carry this out. This will depend on the governance arrangements established by the strategic policy-making authorities responsible for the statement.

Paragraph: 026 Reference ID: 61-026-20190315

Revision date: 15 03 2019

What role can Mayors or combined authorities without plan-making powers play in the preparation of statements of common ground?

Where the Mayor or combined authority has responsibilities to deliver cross-boundary strategic matters, such as economic development and transport improvements they can be included as an additional signatory to a statement of common ground prepared by local planning authorities, where their involvement will help deliver the matters identified in the statement.

Paragraph: 027 Reference ID: 61-027-20190315

Revision date: 15 03 2019

How do statements of common ground operate in combined authority areas, where the Mayor or combined authority has plan-making powers?

It is not expected that each local planning authority (or London borough) within the combined authority area will be signatories on statements prepared for a spatial development strategy, or that the Mayor or combined authority will be a signatory to each local planning authority's statement.

Paragraph: 028 Reference ID: 61-028-20190315

Revision date: 15 03 2019

Duty to cooperate

How is the duty to cooperate different from the statement of common ground?

The statement of common ground is the means by which strategic policy-making authorities can demonstrate that a plan is based on effective cooperation and that they have sought to produce a strategy based on agreements with other authorities.

The duty to cooperate was introduced by the Localism Act 2011 (<http://www.legislation.gov.uk/ukpga/2011/20/section/110>), and is set out in section 33A of the Planning and Compulsory Purchase Act 2004 (<http://www.legislation.gov.uk/ukpga/2004/5/section/33A>). It places a legal duty on local planning authorities and county councils in England, and prescribed public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of local plan and marine plan preparation in the context of strategic cross boundary matters.

Paragraph: 029 Reference ID: 61-029-20190315

Revision date: 15 03 2019

Are other public bodies subject to the duty to cooperate?

Certain other public bodies are also subject to the duty to cooperate. These are prescribed in the Town and Country Planning (Local Planning) (England) Regulations 2012 (<http://www.legislation.gov.uk/uksi/2012/767/regulation/4/made>) as amended.

These organisations are required to cooperate with local planning authorities and county councils in England, and the other prescribed bodies. All parties should approach the duty in a proportionate way, tailoring cooperation according to where they can maximise the effectiveness of plans.

Local Enterprise Partnerships and Local Nature Partnerships are not subject to the requirements of the duty, but local planning authorities and county councils in England, and prescribed public bodies must cooperate with them. Local planning authorities must have regard to their activities when they are preparing their local plans, so long as those activities are relevant to plan-making.

Paragraph: 030 Reference ID: 61-030-20190315

Revision date: 15 03 2019

How will the duty to cooperate be considered at local plan examination?

The local plan examination will first assess whether a local planning authority has complied with the duty to cooperate and other legal requirements. The Inspector will use all available evidence including statements of common ground, Authority Monitoring Reports (<http://www.legislation.gov.uk/uksi/2012/767/regulation/34/made>), and other submitted evidence (such as the statement of compliance prescribed by Planning Inspectorate's examination procedure guidance) to determine whether the duty has been satisfied.

As the duty to cooperate relates to the preparation of the plan it cannot be rectified post-submission, so if the Inspector finds that the duty has not been complied with they will recommend that the local plan is not adopted and the examination will not proceed any further. The most appropriate course of action is likely to be for the local planning authority to withdraw the plan and engage in the necessary discussions and actions with other relevant local planning authorities and bodies. In these circumstances the local planning authority will need to re-publish the revised plan for consultation before it is re-submitted for examination.

If the Inspector finds that the duty and other legal requirements have been complied with, the examination will then test whether the local plan is sound.

Paragraph: 031 Reference ID: 61-031-20190315

Revision date: 15 03 2019

How can 2 or more strategic policy-making authorities cooperate on local plan preparation to satisfy the duty to cooperate?

Section 33A(6) of the Planning and Compulsory Purchase Act 2004

(<http://www.legislation.gov.uk/ukpga/2004/5/section/33A>) enables local planning authorities and other public bodies to consider entering into agreements on joint approaches, so local planning authorities should demonstrate this has been considered at examination. Local planning authorities can agree to prepare a joint plan with neighbouring authorities under section 28 of the Planning and Compulsory Purchase Act 2004 (<http://www.legislation.gov.uk/ukpga/2004/5/section/28>), or form a joint committee (to include one or more county councils) under section 29 of the Planning and Compulsory Purchase Act 2004 (<http://www.legislation.gov.uk/ukpga/2004/5/section/29>).

If plans are not being brought forward at the same time, authorities can enter into formal agreements, which are expected to be set out in a statement of common ground.

Paragraph: 032 Reference ID: 61-032-20190315

Revision date: 15 03 2019

Does the duty to cooperate apply in London, and other combined authority areas?

The duty to cooperate applies in London, and other combined authority areas. Within these areas local planning authorities are required to cooperate with each other, county councils, other local planning authorities outside the combined authority area, and prescribed public bodies. The degree of cooperation needed between these parties will depend on the extent to which strategic matters have already been addressed in the spatial development strategy.

Paragraph: 033 Reference ID: 61-033-20190315

Revision date: 15 03 2019

Does the Duty to Co-operate apply to plan reviews and plan updates?

Local planning authorities need to comply with the Duty to Co-operate when revising their development plan documents and reviewing whether they remain up to date.

Section 33A(3) of the Planning and Compulsory Purchase Act 2004 sets out the activities which bodies subject to the duty to co-operate must co-operate on. Paragraph (3)(d) of section 33A of that Act provides that such bodies will be subject to the duty when undertaking activities that can reasonably be considered

to prepare the way for the preparation of development plan documents, marine plans and other local development documents. Plan reviews prepare the way for the preparation of such documents as they involve an assessment of whether policies in a plan need updating.

Plans are required to set out strategic policies that address strategic priorities. These may include cross-boundary matters, including issues such as whether an authority is able to meet all its housing need. Given the direct implications of plan reviews in enabling such matters to be addressed through the updating of policies, it is important that the bodies subject to the Duty to Co-operate have an opportunity to engage in both how plan reviews are undertaken and the review of the plan. Engagement with neighbouring authorities and prescribed bodies needs to occur before a final decision on whether to update policies in a plan is made, as such engagement may influence that decision.

The level of co-operation is expected to be proportionate to the task and should not unduly delay the plan review. For example, an authority may set out how they propose to review the policies in their plan and when and how neighbouring authorities and prescribed bodies will be engaged. A record of how authorities will be engaged in the review of plans and of where agreement has or hasn't been reached on the need to update a policy or policies can be set out in the Statement of Common Ground.

Paragraph: 075 Reference ID: 61-075-20190723

Revision date: 23 07 2019

Plan reviews

Paragraph: 061 deleted

Revision date: 23 07 2019

How often should a plan or policies be reviewed?

To be effective plans need to be kept up-to-date. The National Planning Policy Framework states policies in local plans and spatial development strategies, should be reviewed to assess whether they need updating at least once every 5 years, and should then be updated as necessary (<https://gov.uk/guidance/national-planning-policy-framework/5-Delivering-a-sufficient-supply-of-homes#para73>).

Under regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (<http://www.legislation.gov.uk/ukxi/2017/1244/regulation/4/made>) local planning authorities must review local plans, and Statements of Community Involvement at least once every 5 years from their adoption date to ensure that policies remain relevant and effectively address the needs of the local community. Most plans are likely to require updating in whole or in part at least every 5 years. Reviews should be proportionate to the issues in hand. Plans may be found sound conditional upon a plan update in whole or in part within 5 years of the date of adoption. Where a review was undertaken prior to publication of the Framework (27 July 2018) but within the last 5 years, then that plan will continue to constitute the up-to-date plan policies unless there have been significant changes as outlined below.

There will be occasions where there are significant changes in circumstances which may mean it is necessary to review the relevant strategic policies earlier than the statutory minimum of 5 years, for example, where new cross-boundary matters arise. Local housing need will be considered to have changed significantly where a plan has been adopted prior to the standard method being implemented, on the basis of a number that is significantly below the number generated using the standard method, or has been subject to a cap where the plan has been adopted using the standard method. This is to ensure that all housing need is planned for as quickly as reasonably possible.

Paragraph: 062 Reference ID: 61-062-20190315

Revision date: 15 03 2019

What documents does the requirement to review apply to?

The requirement to review applies to all development plan documents, including local plans (which would include those containing strategic or non-strategic policies) and in addition, to Statements of Community Involvement. While not a statutory requirement, the National Planning Policy Framework expects the same approach to be taken with spatial development strategies.

Paragraph: 063 Reference ID: 61-063-20190315

Revision date: 15 03 2019

Are policies considered out-of-date if they are not updated after 5 years?

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 (<https://www.gov.uk/guidance/climate-change#how-can-local-planning-authorities-identify-appropriate-mitigation-measures-in-plan-making>). 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. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Due weight should be given to relevant policies in existing plans according to their consistency with the National Planning Policy Framework. It will be up to the decision-maker to decide the weight to give to the policies.

Paragraph: 064 Reference ID: 61-064-20190315

Revision date: 15 03 2019

What can authorities consider when determining whether a plan or policies within a plan should be updated?

The authority can consider information such as (but not exclusively):

- conformity with national planning policy;
- changes to local circumstances; such as a change in Local Housing Need;
- their Housing Delivery Test performance;

- whether the authority can demonstrate a 5 year supply of deliverable sites for housing;
- whether issues have arisen that may impact on the deliverability of key site allocations;
- their appeals performance;
- success of policies against indicators in the Development Plan as set out in their Authority Monitoring Report;
- the impact of changes to higher tier plans;
- plan-making activity by other authorities, such as whether they have identified that they are unable to meet all their housing need;
- significant economic changes that may impact on viability.; and
- whether any new social, environmental or economic priorities may have arisen.

Paragraph: 065 Reference ID: 61-065-20190723

Revision date: 23 07 2019

What are the implications for measuring the Housing Delivery Test in circumstances where the strategic policies need updating?

Where an authority's housing requirement figure is more than 5 years old and needs updating, the Housing Delivery Test measurement rule book (<https://www.gov.uk/government/publications/housing-delivery-test-measurement-rule-book>) sets out the target that will apply. For a local planning authority, this will be the local housing need figure (or projected household growth from years 2015 to 2018), if the adjusted delivery of housing falls below this figure, then certain consequences will apply as set out in the Housing Delivery Test guidance (<https://www.gov.uk/government/publications/housing-delivery-test-measurement-rule-book>).

Paragraph: 066 Reference ID: 61-066-20190315

Revision date: 15 03 2019

What are the implications for measuring 5 year supply of housing sites, in circumstances where the strategic policies need updating?

Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing against their local housing need in circumstances where strategic policies are more than 5 years old and need updating. The Framework makes clear that the presumption in favour of sustainable development should apply where an authority cannot demonstrate a 5 year supply of deliverable housing sites.

Paragraph: 067 Reference ID: 61-067-20190315

Revision date: 15 03 2019

What evidence is required when carrying out a review?

A local planning authority may need to gather new evidence to inform their review. Proportionate, relevant and up-to-date evidence should be used to justify a decision not to update policies. We expect authorities to have due regard to the Duty to Cooperate when undertaking a review to assess if they need updating.

Paragraph: 068 Reference ID: 61-068-20190723

Revision date: 23 07 2019

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.

Paragraph: 069 Reference ID: 61-069-20190723

Revision date: 23 07 2019

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.

Paragraph: 070 Reference ID: 61-070-20190315

Revision date: 15 03 2019

How do the review requirements apply to Statements of Community Involvement?

Local planning authorities must review their Statements of Community Involvement every 5 years from the adoption date. It is important that Statements of Community Involvement are kept up-to-date to ensure effective community involvement at all stages of the planning process. Therefore, a local planning authority should regularly review and update their Statement of Community Involvement to reflect any changes to engagement.

A local planning authority may review and update their Statement of Community Involvement at the same time as reviewing and updating a plan to reflect what action is taken to involve the community in any change to the plan.

Paragraph: 071 Reference ID: 61-071-20190315

Revision date: 15 03 2019

Do neighbourhood plans have to be reviewed every 5 years?

The requirement to review local plans at least every 5 years, does not apply to neighbourhood plans. However, individual policies in a neighbourhood plan may become out of date, for example if they conflict with policies in a plan that is adopted after the neighbourhood plan becomes part of the development plan. In these cases, the more recent policy takes precedence. In addition, where a policy has been in force for a period of time, other material considerations may be given greater weight in planning decisions as the evidence base for the plan policy becomes less robust. In such cases, the qualifying body may give serious consideration to whether it is an appropriate time to review and to update their neighbourhood plan, or part of it (<https://www.gov.uk/guidance/neighbourhood-planning--2#updating-neighbourhood-plan>) in order to keep it in general conformity with the most recent plan, and so the individual policies within the neighbourhood plan continue to be effective.

Paragraph: 072 Reference ID: 61-072-20190315

Revision date: 15 03 2019

What is the role of the Authority Monitoring Report?

Local planning authorities must publish information at least annually that shows progress with local plan preparation, reports any activity relating to the duty to cooperate, any information collected which relates to indicators in the plan, and any policies which are not being implemented. Local planning authorities can also use the Authority Monitoring Report to provide up-to-date information on the implementation of any neighbourhood plans that have been brought into force, and monitor the provision of housing for older and disabled people. It can help inform if there is a need to undertake a partial or full update of the local plan, when carrying out a review at least every 5 years from the adoption date.

This information should be made available publicly. Regulation 34 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (<http://www.legislation.gov.uk/ukxi/2012/767/regulation/34/made>) sets out what information the reports must contain. The reports can include other information, for example, the reports can draw on Infrastructure Funding Statements to highlight the contributions made by development, including section 106 planning obligations, Community Infrastructure Levy and New Homes Bonus payments, and how these have been used.

Paragraph: 073 Reference ID: 61-073-20190315

Revision date: 15 03 2019

Evidence base

How are local plans produced?

Authorities preparing local plans should assess future needs and opportunities for their area, explore and identify options for addressing these, and then set out a preferred approach (except where this has already been dealt with through a spatial development strategy). This involves gathering evidence,

carrying out a Sustainability Appraisal (<https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>) to inform the preparation of local plans and effective engagement and consultation with local communities, businesses and other interested parties.

There is considerable flexibility open to local planning authorities in how they carry out the initial stages of local plan production, provided they comply with the specific requirements in regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (<http://www.legislation.gov.uk/uksi/2012/767/regulation/18/made>), ('the Local Plan Regulations') on consultation, and with the commitments in their Statement of Community Involvement. It is important to make clear how any consultation fits within the wider local plan process.

Local planning authorities must make available each of the proposed submission documents that they intend to submit to the Planning Inspectorate for examination to enable representations to come forward that can be considered at examination, under regulation 19 of the the Local Plan Regulations (<http://www.legislation.gov.uk/uksi/2012/767/regulation/19/made>).

Paragraph: 034 Reference ID: 61-034-20190315

Revision date: 15 03 2019

How should local planning authorities keep communities informed of evidence gathering and plan-making?

Local planning authorities must publicise and keep up-to-date their timetable for producing their local plan. This information is contained within a Local Development Scheme, which local planning authorities should publish on their website and must keep up-to-date. Local Development Schemes must also be produced in compliance with any data standard for this purpose published by MHCLG. A Local Development Scheme is expected to be reviewed and updated at least annually but may need updating more frequently if there are any significant changes in the timescales or the plans being prepared. Up-to-date and accessible reporting on the Local Development Scheme in an Authority's Monitoring Report is an important way in which authorities can keep communities informed of plan making activity.

Local planning authorities must set out in their Statement of Community Involvement how they will engage communities on the preliminary stages of plan-making (<http://www.legislation.gov.uk/ukpga/2017/20/section/13>), specifically survey stage (<http://www.legislation.gov.uk/ukpga/2004/5/section/13>) and Local Development Scheme (<http://www.legislation.gov.uk/ukpga/2004/5/section/15>). This does not apply to those plans which have passed Regulation 18(1) stage of the Town and Country Planning (Local Planning) (England) Regulations 2012 before 31 July 2018 in respect of that particular plan/ Statement of Community Involvement.

Local planning authorities must also set out their policies for giving advice or assistance to qualifying bodies to facilitate proposals for neighbourhood plans (including any modifications) or orders. Where authorities have evidence that might need to be considered by neighbouring authorities when producing or updating plans, they should share this at the earliest opportunity. This will help communities bringing forward neighbourhood plans (<https://www.gov.uk/guidance/neighbourhood-planning--2>), who may be able to use this evidence to inform the preparation of their own plans.

There is no requirement for local planning authorities to consult when reviewing and updating their Statement of Community Involvement. We would encourage authorities to publish documents forming part of their evidence base as they are completed on their website in an accessible format, rather than waiting until options are published or a local plan is published for representations, to keep communities informed and involved. We would encourage authorities to use social media tools and other platforms to communicate with communities, where appropriate.

Authorities are expected to be mindful of the need to produce concise, visual evidence, written in plain English to help ensure that it is easily accessible to local communities, to avoid them becoming disengaged with the process.

Paragraph: 035 Reference ID: 61-035-20190723

Revision date: 23 07 2019

How should a local plan reflect the presumption in favour of sustainable development?

Paragraph 11 of the National Planning Policy Framework indicates that Local Plans should reflect the presumption in favour of sustainable development (<https://www.gov.uk/guidance/national-planning-policy-framework/2-achieving-sustainable-development#para11>). This should be done by identifying and providing for objectively assessed needs and by indicating how the presumption will be applied locally. However, there is no need for a plan to directly replicate the wording in paragraph 11 in a policy.

Paragraph: 036 Reference ID: 61-036-20190723

Revision date: 23 07 2019

What roles do Sustainability Appraisal and Habitats Assessment play?

Every local plan must be informed and accompanied by a Sustainability Appraisal (<https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>). This allows the potential environmental, economic and social impacts of the proposals to be systematically taken into account, and should play a key role throughout the plan-making process. The Sustainability Appraisal plays an important part in demonstrating that the local plan reflects sustainability objectives and has considered reasonable alternatives. The Sustainability Appraisal should incorporate a Strategic Environmental Assessment (<https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>) to meet the statutory requirement for certain plans and programmes to be subject to a process of 'environmental assessment'.

The local plan may also require a Habitats Regulations Assessment (<https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary>) if it is considered likely to have significant effects on habitats sites (<https://www.gov.uk/guidance/neighbourhood-planning--2#environmental-assessment-required>) or species located in the local planning authority's area or in its vicinity, as set out in the Conservation of Habitats and Species Regulations 2017 (<http://www.legislation.gov.uk/uksi/2017/1012/contents/made>).

Paragraph: 037 Reference ID: 61-037-20190315

Revision date: 15 03 2019

How can strategic policy-making authorities gather evidence needed to justify policies?

Policies need to be justified. Evidence to underpin policies can be taken from a wide variety of sources, including the Authority Monitoring Report and planning application and appeal decisions. Strategic policy-making authorities will need to consider carefully the need to commission evidence that will add delay and cost to plan production. Wherever possible, authorities may wish to prepare evidence in-house or jointly to speed up the process, and obtain best value for the taxpayer. Strategic policy-making authorities may wish to seek advice on this, for example, from the Planning Advisory Service as part of their ongoing plan-making support.

The evidence needs to inform what is in the plan and shape its development rather than being collected retrospectively. Strategic policy-making authorities may wish to consider ensuring that their assessment of and strategies for housing, employment and other uses are integrated, and that they take account of relevant market signals.

Wherever possible, assessments can share the same evidence base and be conducted over similar timescales, but strategic policy-making authorities need to take care to ensure that the purposes and statutory requirements of different assessment processes are respected.

Assessments should be proportionate, and should not repeat policy assessment that has already been undertaken. Wherever possible, strategic policy-making authorities should consider how the preparation of any assessment will contribute to the plan's evidence base. The process should be started early in the plan-making process and key stakeholders should be consulted in identifying the issues and any relevant data that the assessment must cover.

Paragraph: 038 Reference ID: 61-038-20190315

Revision date: 15 03 2019

What are the steps in gathering evidence to plan for housing?

Strategic policy-making authorities will need a clear understanding of housing needs in their area. The steps in building up this evidence include:

- establishing the overall housing need (conducted using the standard methodology unless exceptional circumstances justify an alternative - see local housing need guidance (<https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>));
- identifying the housing need of specific groups;
- working with neighbouring authorities and key stakeholders to establish the housing market area, or geography which is the most appropriate to prepare policies for meeting housing need across local authority boundaries;

Authorities can use this evidence to:

- prepare or update their Strategic Housing Land Availability Assessment jointly with the authorities within the defined area or individually to establish realistic assumptions about the suitability, availability, and achievability (including economic viability) of land to meet the identified need for housing over the plan period, including robust evidence of deliverability for those sites identified for the first 5 years of the Plan
- prepare a viability assessment in accordance with guidance to ensure that policies are realistic and the total cost of all relevant policies is not of a scale that will make the plan undeliverable.

Paragraph: 039 Reference ID: 61-039-20190315

Revision date: 15 03 2019

What are the steps in gathering evidence to plan for business?

Strategic policy-making authorities will need a clear understanding of business requirements in their area. The steps in building up this evidence include:

- working together with county and neighbouring authorities, Mayors, combined authorities and with Local Enterprise Partnerships to define the most appropriate geography to prepare policies for employment;
- preparing and maintaining a robust evidence base to understand both existing business needs and likely changes in the market, with reference to local industrial strategies where relevant; and
- engaging with the business community to understand their changing needs and identify and address barriers to investment, including a lack of housing, infrastructure or viability.

Paragraph: 040 Reference ID: 61-040-20190315

Revision date: 15 03 2019

How can authorities use this evidence base to plan for business?

Authorities can use this evidence to assess:

- the need for land or floorspace for economic development, including both the quantitative and qualitative needs for all foreseeable types of economic activity over the plan period, including for retail and leisure development;
- the existing and future supply of land available for economic development and its suitability to meet the identified needs. This should be undertaken at the same time as, or combined with, Strategic Housing Land Availability Assessments and should include a reappraisal of the suitability of previously allocated land.
- the likely availability and achievability of employment-led development, taking into account market signals;
- the role, capacity and function of town centres and the relationship between them, including any trends in the performance of centres;
- locations of deprivation which may benefit from planned remedial action; and

- the needs of the farming and food production industries, including the location and extent of the best and most versatile agricultural land (<https://www.gov.uk/government/publications/agricultural-land-assess-proposals-for-development/guide-to-assessing-development-proposals-on-agricultural-land>), and the ways in which planning could support investment in those industries.

Paragraph: 041 Reference ID: 61-041-20190315

Revision date: 15 03 2019

What are the steps in gathering evidence to plan for defence, national security, counter-terrorism and resilience?

Strategic policy-making authorities will, where appropriate, need to:

- work with the police and other relevant security agencies to develop and implement a local strategy to guide proposals for appropriate security measures at public buildings and spaces;
- work with local police Counter-Terrorism Security Advisers, Crime Prevention Design Advisers, Designing Out Crime Officers, and Architectural Liaison Officers where appropriate, to ensure that they inform them of planning applications concerning the development of crowded places, transport hubs and critical infrastructure;
- involve police and appropriate design advisers in the preparation of site allocations in emerging plans; and
- work with the Ministry of Defence's Defence Infrastructure Organisation (<https://www.gov.uk/government/organisations/defence-infrastructure-organisation>) to ensure that they have and take into account the most up-to-date information about defence and security needs in their area.

Paragraph: 042 Reference ID: 61-042-20190315

Revision date: 15 03 2019

What evidence might be needed to plan for the natural environment and biodiversity?

All planning policies and decisions need to be based on up-to date information about the natural environment and other characteristics of the area including drawing, for example, from River Basin Management Plans, Areas of Outstanding Natural Beauty Management Plans, Green Infrastructure Plans (including environmental net gain and Nature Recovery Networks), Tree and Woodland Strategies, and landscape character assessments. Working with Local Nature Partnerships and other public bodies where appropriate, this should include an assessment of existing and potential components of ecological networks, biodiversity resources and landscapes.

A Sustainability Appraisal (<https://www.gov.uk/guidance/strategic-environmental-assessment-and-sustainability-appraisal>) which meets the relevant legal requirements on strategic environmental assessment should be an integral part of the preparation of spatial development strategies and local plans, and should consider all the likely significant effects on the environment, economic and social factors, and inform the strategy

being progressed. Where relevant, strategic policy-making authorities will need to take into account the noise generated by existing businesses when allocating sites, in accordance with the “agent of change” policy set out in the National Planning Policy Framework (<https://gov.uk/guidance/national-planning-policy-framework/15-Conserving-and-enhancing-the-natural-environment#para182>).

Plans may require a variety of other environmental assessments, such as under the Habitats Regulations where there is a likely significant effect on a Habitats Site (which may not necessarily be within the same local authority area and may include in combination effects).

Paragraph: 043 Reference ID: 61-043-20190315

Revision date: 15 03 2019

What evidence might be needed to plan for meeting the challenge of climate change, flooding and coastal change?

Plans may include: a review of energy provision (to help increase the use and supply of renewable and low carbon energy and heat) and climate change mitigation and adaptation (<https://www.gov.uk/guidance/climate-change>); Strategic Flood Risk Assessment and assessments of the physical constraints on land use, such as land instability, contamination and subsidence; Water Resource Management Plans; Groundwater Source Protection Zones; Catchment Management Plans produced by catchment partnerships and strategic work to reduce air pollution effects on habitat if possible (e.g. Shared Nitrogen Action Plans or work coming out of Air Quality Management Areas).

Shoreline Management Plans should inform the evidence base for planning in coastal areas. The prediction of future impacts should include the longer term nature and inherent uncertainty of coastal processes (including coastal landslip), and take account of climate change.

Paragraph: 044 Reference ID: 61-044-20190315

Revision date: 15 03 2019

What evidence might be needed to plan for the conservation and enhancement of the Historic environment?

Planning policies need to be based on up-to-date evidence about the historic environment (<https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment#plan-making-historic-environment>) in their area. Strategic policy-making authorities can use this evidence to assess the significance of heritage assets and the contribution they make to their environment and to predict the likelihood of currently unidentified heritage assets being discovered in the future. Authorities may draw on a wide range of evidence sources, including the relevant historic environment record, the National Heritage List for England, conservation area management plans and appraisals, and local consultations that have identified assets of local historic importance.

Where a landscape character assessment is being prepared, strategic policy making authorities may wish to integrate this with assessments of historic landscape character and, for areas where there are major expansion options assessments of landscape sensitivity.

Good practice advice on the Historic Environment in local plans can be found on Historic England's website (<https://historicengland.org.uk/advice/planning/plan-making/>).

Paragraph: 045 Reference ID: 61-045-20190315

Revision date: 15 03 2019

What evidence might be needed to plan for health and well-being?

Strategic policy-making authorities can work with public health leads and health organisations to understand and take account of the current and projected health status and needs of the local population, including the quality and quantity of, and accessibility to, healthcare and the effect any planned growth may have on this. Authorities will also need to assess the quality and quantity of, and accessibility to, green infrastructure, education, sports, recreation and places of worship including expected future changes, and any information about relevant barriers to improving health and well-being outcomes. Strategic policy-making authorities may consult any relevant Health Impact Assessments and consider their use as a tool for assessing the impact and risks of development proposals.

Paragraph: 046 Reference ID: 61-046-20190315

Revision date: 15 03 2019

What evidence might be needed to plan for public safety from major incidents?

Planning policies need to be based on up-to-date information on the location of hazardous establishments in relation to population or environmentally sensitive areas, and on the prevention and mitigation of the consequences of major incidents. This includes a requirement for additional measures for existing establishments to be considered so that risks to people in the area are not increased. The strategic policy-making authority needs to consult Health and Safety Executive records at an early stage in the plan-making process to identify potential risk sites. They are also expected to seek technical advice from the Health and Safety Executive and the Environment Agency, on the risks presented by major incident hazards affecting people in the surrounding area and the environment when handling development proposals.

Paragraph: 047 Reference ID: 61-047-20190315

Revision date: 15 03 2019

What evidence might be needed to assess viability?

The National Planning Policy Framework says that plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and

water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan. Policy requirements for developer contributions should be informed by proportionate evidence of infrastructure and affordable housing need and be assessed for viability at the plan-making stage in accordance with guidance.

Paragraph: 048 Reference ID: 61-048-20190315

Revision date: 15 03 2019

What weight does an emerging plan policy carry in decision-making?

The National Planning Policy Framework sets out that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the National Planning Policy Framework (<https://gov.uk/guidance/national-planning-policy-framework/4-Decision-making#para48>).

Paragraph: 049 Reference ID: 61-049-20190315

Revision date: 15 03 2019

Plan examinations

Note: The Planning Inspectorate produce practical guidance on the procedural aspects of the examination of local plans Procedural Practice in the Examination of Local Plans at www.gov.uk/guidance/local-plans (<https://www.gov.uk/guidance/local-plans>)

What is the role of the examination?

Having received any representations on the publication version of the plan, the local planning authority should submit the local plan and any proposed changes it considers appropriate along with supporting (<http://www.legislation.gov.uk/uksi/2012/767/regulation/17/made>) documents to the Planning Inspectorate for examination on behalf of the Secretary of State.

The examination starts when the local plan is submitted to the Planning Inspectorate and concludes when a report to the local planning authority has been issued. During the examination a planning Inspector will assess whether the local plan has been prepared in line with the relevant legal requirements (including the duty to cooperate (<https://www.gov.uk/guidance/national-planning-policy-framework/3-plan-making#para35>)) and whether it meets the tests of 'soundness (<https://www.gov.uk/guidance/national-planning-policy-framework/3-plan-making#para35>)' contained in the National Planning Policy Framework.

The Inspector will need to work proactively with the local planning authority. Underpinning this is the expectation that:

- issues not critical to the plan's soundness or other legal requirements do not cause unnecessary delay to the examination of the plan

- Inspectors should identify any fundamental concerns at the earliest possible stage in the examination and will seek to work with the local planning authority to clarify and address these
- where these issues cannot be resolved within the examination timetable, the potential of pausing the examination should be fully considered, with the local planning authority having an opportunity to assess the scope and feasibility of any work needed to remedy these issues during the pause, so that this can be fully considered by the Inspector
- consideration should be given to the option of the local planning authority making a commitment to review the plan or particular policies in the plan within an agreed period, where this would enable the Inspector to conclude that the plan is sound and meets the other legal requirements.

If necessary, the Inspector may be asked by the local planning authority to recommend modifications to the local plan that would address any issues with soundness or procedural requirements that are identified during the examination. The Inspector can only recommend modifications if they are asked to do so by the local planning authority itself, and where they are necessary to achieve a sound plan. If, in doing so, the Inspector identifies any fundamental issues with the plan, they may recommend that the plan should not be adopted by the local planning authority. The local planning authority will then need to consider whether to withdraw the plan and prepare a new document for submission. In this situation, any existing local plan policies will remain in force while a new plan is prepared, although some of those existing policies are likely to become increasingly out-of-date.

Paragraph: 050 Reference ID: 61-050-20190315

Revision date: 15 03 2019

What happens when a local plan is published?

The publication stage plan should be the document that the local authority considers ready for examination. This plan must be published for representations by the local planning authority, together with other “proposed submission documents” (<http://www.legislation.gov.uk/uksi/2012/767/part/6/made>), before it can be submitted to the Planning Inspectorate for examination. This provides a formal opportunity for the local community and other interests to consider the local plan, which the local planning authority would like to adopt. The specific publication requirements are set out at regulations 17, 19 and 35 (and 21) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (<http://www.legislation.gov.uk/uksi/2012/767/part/6/made>)(as amended).

Paragraph: 051 Reference ID: 61-051-20190315

Revision date: 15 03 2019

What should the local planning authority do when submitting a local plan for examination?

Having received any representations on the publication version of the plan, the local planning authority should submit it along with supporting documents (<http://www.legislation.gov.uk/uksi/2012/767/regulation/17/made>) electronically to the Planning Inspectorate for examination on behalf of the Secretary of State.

The submitted documents should include those that were made available at the publication stage (regulation 19) stage, including the sustainability appraisal report. The local planning authority are also required to submit:

- details of who was consulted when preparing the plan (at regulation 18 stage),
- details of how the main issues raised have been addressed,
- copies of the representations made on the publication version of the plan; and
- a summary of the main issues raised at regulation 18 and pursuant to regulation 20, unless no representations were made pursuant to regulation 20.

For full details of these requirements, see regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (<http://www.legislation.gov.uk/ukxi/2012/767/regulation/22/made>) (amended January 2018).

Paragraph: 052 Reference ID: 61-052-20190315

Revision date: 15 03 2019

Will an Inspector consider all representations made on the publication version of the local plan?

The Inspector will consider all representations made on the publication version of the plan, regardless of whether or not those making the representations choose to appear at a hearing session.

Paragraph: 053 Reference ID: 61-053-20190315

Revision date: 15 03 2019

What can the local planning authority do if they wish to make changes to the publication version of the plan before it is submitted for examination?

The local planning authority can include any changes in an addendum to the plan. Where the local planning authority intend the changes to be treated as part of the submitted plan, the addendum, together with any necessary sustainability appraisal of it, should be subject to further consultation (equivalent to the consultation on the publication version) before submission. Where such consultation has not taken place, their proposed changes will be considered by the Inspector during the examination process, but will not be treated as part of the submitted plan.

Paragraph: 054 Reference ID: 61-054-20190315

Revision date: 15 03 2019

What happens if the Inspector has significant concerns about a submitted local plan before the hearings begin?

The Inspector will make an initial assessment of the local plan once it has been submitted for examination. If the Inspector forms an early view that the submitted plan may have serious shortcomings, for example in relation to the duty to cooperate, other procedural requirements or the soundness of the plan, the Inspector will raise this with the local planning authority at an early stage.

Where any such major concerns are identified, the Inspector will write to the local planning authority setting these out. If the issues cannot be addressed through correspondence the Inspector may arrange for one or more initial hearing sessions, or a procedural meeting, to take place in order to address them.

The Inspector will give the local planning authority every opportunity to respond to any concerns and address key issues that may lead the Inspector to conclude that the plan is not sound or that a legal requirement has not been met.

Where the Inspector has significant concerns about the soundness of a submitted plan, the Inspector may consider that the examination cannot be completed without additional work being undertaken. This may require consideration of a pause or partial pause in the examination process to give the local planning authority time to undertake further work to address the issues raised. Inspectors should make every effort to engage fully with the local planning authority in meaningful discussions to determine the scope and timescale of any additional work needed.

Paragraph: 055 Reference ID: 61-055-20190315

Revision date: 15 03 2019

Who is involved and what is discussed in a hearing session?

Anyone who has made representations seeking to change a published local plan must, if they request, be given the opportunity of attending a hearing (section 20(6) of the Planning and Compulsory Purchase Act 2004) (<http://www.legislation.gov.uk/ukpga/2004/5/section/20>).

The Programme Officer (an independent official who provides administrative support to the Inspector) will liaise with those who have asked to appear at the hearing to arrange attendance, including whether groups with a common interest wish to nominate a representative to put forward their views.

The local planning authority is required to publicise details of the hearing sessions at least 6 weeks before they are scheduled to take place – under regulation 24 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (<http://www.legislation.gov.uk/uksi/2012/767/regulation/24/made>).

Before the hearing sessions take place, the appointed Inspector will issue a written guidance note to explain the procedures to be followed, and will publish the matters, issues and questions to be discussed. Occasionally the Inspector may need to hold a pre-hearing meeting with participants, if the procedural arrangements are unusually complex.

The matters, issues and questions to be discussed at the hearing sessions are determined by the Inspector based on the documents submitted by the local planning authority and the representations that have been made. Both before and during the hearings the Inspector may ask participants to prepare

statements or provide additional information by set deadlines.

Paragraph: 056 Reference ID: 61-056-20190315

Revision date: 15 03 2019

What if modifications are required to make a submitted local plan sound?

If asked to do so by the local planning authority, under section 20(7C) of the 2004 Planning and Compulsory Purchase Act as amended) (<http://www.legislation.gov.uk/ukpga/2011/20/part/6/chapter/1/enacted>) the Inspector must recommend 'main modifications' (changes that materially affect the policies) to make a submitted local plan sound and legally compliant, except that a failure of the duty to cooperate cannot be rectified by a main modification. The local planning authority can also put forward 'additional modifications' of its own to deal with more minor matters.

Where the changes recommended by the Inspector would be so extensive as to require a virtual re-writing of the local plan, the Inspector is likely to suggest that the local planning authority withdraws the plan. Exceptionally, under section 21(9)(a) of the Planning and Compulsory Purchase Act 2004 (<http://www.legislation.gov.uk/ukpga/2004/5/section/21>), the Secretary of State has the power to direct a local planning authority to withdraw its submitted plan.

The Inspector will require the local planning authority to consult on all proposed main modifications. Depending on the scope of the modifications, further Sustainability Appraisal and Habitats Regulations Assessment may also be required. The Inspector's report on the plan will only be issued once the local planning authority has consulted on the main modifications and the Inspector has had the opportunity to consider the representations on these.

Whether to advertise any 'additional modifications' is at the discretion of the local planning authority, but they may wish to do so at the same time as consulting on the main modifications.

Paragraph: 057 Reference ID: 61-057-20190315

Revision date: 15 03 2019

What needs to be done to formally adopt a local plan?

Once the examination process is complete, adoption is the final stage of putting a local plan in place. This requires confirmation by a full meeting of the local planning authority (regulation 4(1) and (3) of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (<http://www.legislation.gov.uk/uksi/2000/2853/regulation/4/made>)). On adopting a Local Plan, the local planning authority has to make publicly available a copy of the plan, an adoption statement and Sustainability Appraisal in line with regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (<http://www.legislation.gov.uk/uksi/2012/767/regulation/26/made>) .

While the local planning authority is not legally required to adopt its local plan following examination, it will have been through a significant process locally to engage communities and other interests in discussions about the future of the area, and it is to be expected that the authority will proceed quickly

with adopting a plan that has been found sound.

Paragraph: 058 Reference ID: 61-058-20190315

Revision date: 15 03 2019

Delivery of strategic matters

How can the strategic policy-making authority demonstrate that a plan is capable of delivering strategic matters, including the provision for housing and infrastructure?

A plan is an opportunity for the strategic policy-making authority to set out a positive vision for the area, but the plan should also be realistic about what can be achieved and when. This means paying careful attention to providing an adequate supply of land, identifying what infrastructure is required and how it can be funded and brought forward.

At an early stage in the plan-making process strategic policy-making authorities will need to work alongside infrastructure providers, service delivery organisations, other strategic bodies such as Local Enterprise Partnerships, developers, landowners and site promoters. A collaborative approach is expected to be taken to identifying infrastructure deficits and requirements, and opportunities for addressing them. In doing so they will need to:

- assess the quality and capacity of infrastructure, and its ability to meet forecast demands. Where deficiencies are identified, policies should set out how those deficiencies will be addressed; and
- take account of the need for strategic infrastructure, including nationally significant infrastructure, within their areas.

The government recommends that when preparing a plan strategic policy-making authorities use available evidence of infrastructure requirements to prepare an Infrastructure Funding Statement. This should set out the anticipated funding from developer contributions, and the choices local authorities have made about how these contributions will be used. At examination this can be used to demonstrate the delivery of infrastructure throughout the plan-period.

Authorities will also need to ensure that policies setting out contributions expected from development do not undermine delivery of the plan. Plan viability assessment should be carried out in accordance with guidance.

Where plans are looking to plan for longer term growth through new settlements, or significant extensions to existing villages and towns, it is recognised that there may not be certainty and/or the funding secured for necessary strategic infrastructure at the time the plan is produced. In these circumstances strategic policy-making authorities will be expected to demonstrate that there is a reasonable prospect that the proposals can be developed within the timescales envisaged.

Paragraph: 059 Reference ID: 61-059-20190315

Revision date: 15 03 2019

How can strategic policy-making authorities demonstrate that there is a reasonable prospect that large scale developments such as new settlements, or significant extensions to existing villages and towns can be developed within a set timescale?

In order to demonstrate that there is a reasonable prospect these large scale developments can come forward, strategic policy-making authorities are expected to make a realistic assessment about the prospect of sites being developed (and associated delivery rates). Strategic policy-making authorities will need to demonstrate they have engaged with infrastructure providers, ensuring that they are aware of the nature and scale of such the proposals, and work collaboratively to ensure that the infrastructure requirements are not beyond what could reasonably be considered to be achievable within the planned timescales. The authority can use statements of common ground, or other evidence, to detail agreements with infrastructure providers which confirm this and set out the further work which they will undertake to support the long-term delivery of the strategy.

Infrastructure providers should, so far as possible, seek to plan for longer-term infrastructure requirements set out within adopted plans and reflect this in their funding and investment decisions. Any agreement between the authority and infrastructure provider can be used as evidence when trying to secure funding.

It is recognised that these developments may have to extend outside of a single plan period. The strategic policy-making authority can use subsequent plans and plan reviews as an opportunity to provide greater certainty about the delivery of the agreed strategy. Annual reviews of the infrastructure funding statement should feed back into review of plans to ensure that plans remain deliverable. Should issues arise which would adversely affect the delivery of the adopted strategy then the authority should consider alternative strategies, through a plan review, if these issues are unlikely to be resolved.

Paragraph: 060 Reference ID: 61-060-20190315

Revision date: 15 03 2019

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1. 23 July 2019 Amended paragraphs 006,035,036 065,068,069 Paragraph 061 deleted New paragraphs 074,075 added
2. 15 March 2019 The Plan-making and Local Plans guides have been combined into this single guide.
3. 13 September 2018 First published.

Related content

- Procedure Guide for Local Plan Examinations (<https://www.gov.uk/government/publications/examining-local-plans-procedural-practice>)
- Housing and economic land availability assessment (<https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment>)

- [Neighbourhood planning \(https://www.gov.uk/guidance/neighbourhood-planning--2\)](https://www.gov.uk/guidance/neighbourhood-planning--2)
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