



Plan making after the publication of the National Planning Policy Framework (NPPF) and the Localism Act – Woking’s experience

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Issues to cover

- Summary of the key changes introduced by the NPPF and the Localism Act
- Woking's experience
- Plan making now – Plan making post the adoption of the Woking Core Strategy
- Summary of key lessons



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Key changes introduced by the NPPF and the Localism Act

- Planning is undergoing significant change mainly due to the publication of the NPPF and the Localism Act
- Implications include uncertainty and confusion about how to meet some of the specific requirements of the changes
- The key changes include:
 - The revocation of regional strategies
 - The introduction of the duty to cooperate, which is promoted as a means to bridge the strategic policy gap created by the revocation of regional strategies
 - A requirement to meet the full objectively assessed need for market and affordable housing in a housing market area
 - The introduction of Neighbourhood Plans

Key changes

- The endorsement of the Community Infrastructure Levy (CIL) as a means for securing developer contributions towards infrastructure provision to support development
- The expansion of permitted development rights
- The presumption in favour of sustainable development

Steps taken by Woking to prepare its Core Strategy

- Core Strategy adopted in October 2012, (post dates the NPPF)
- Core Strategy judged to be NPPF compliant (July 2012)
- Steps adopted include the following:
 - **Local residents** – having a good appreciation of the needs of people who live, work and visit the Borough. They are the ones who are going to live with the implications of growth. Meetings with residents groups and face to face discussion with people at supermarkets, rail stations
 - **Councillors** – planning is part of the democratic process. The involvement of Councillors at all stages of the plan making process was fundamental and integral and not as an ‘add on’. But be clear on roles
 - **Effective communication** – a clear approach for communicating what is mainly a technical document through a politically charged process. Use Innovative marketing to catch interest in press – T-Shirts, pens

Steps taken by Woking to prepare its Core Strategy

- **Woking Partnership** – the local strategic partnership that represents all sections of the community. Their involvement considered fundamental and integral to the process. There is a standard item on progress on Local Development Documents on the agenda of every meeting
- Having a clear **vision** that people can associate with
- **Issues** – Core Strategy was issues-driven. Clear definition and focus on issues that mattered to people who live and work in the area
- **Evidence based approach** – evidence used was robust, credible and up-to-date. PAS was engaged to undertake an independent evaluation of the currency and relevance of the evidence base

Steps taken by Woking to prepare its Core Strategy

- **Meeting housing requirement in full**, including committing to release Green Belt land to meet part of housing land supply
- Active engagement with neighbouring authorities to identify practical steps together, including **calling as witnesses all neighbouring authorities to confirm that they will not be requiring Woking to meet any part of their housing need**
- **Flexibility** – having flexible policies that recognise the dynamic nature of the socio-economic environment that plans are made
- **Meeting external requirements in full**, including European, national and county planning policy requirements
- **Putting partnership working at the heart of the entire plan making process** – the essence of the duty to cooperate

Duty to cooperate

- A legal test to be met (distinct from but related to soundness test). Therefore not an option that can be avoided
- It is a continuous process to achieve a demonstrable outcome
- It cannot be retrofitted – should be integral to plan making process
- It is triggered when there are issues of cross-boundary (strategic) significance to address. This could be housing, transport or designated sites of European significance
- There is a prescribed number of bodies to engage. If they are not relevant to the issues being addressed by the Plan, demonstrate why they are not relevant
- There is no prescribed format for presenting the evidence of cooperation, but be aware that it will be subject to scrutiny

Duty to cooperate – Woking's approach

- Duty to cooperate always seen as partnership working, which is good planning practice and already our approach
- Identified prescribed bodies for engagement and the strategic issues they have been engaged on
- Set out the mechanism and methods for cooperation, including statements of common ground
- Specified the outcomes gained by cooperation (new guidance says 'cooperation should produce effective and deliverable policies on strategic cross boundary matters')
- Specified the policies that are influenced by cooperation and how
- Core Strategy judged to have met the test for the duty to cooperate – It happened to be the first to have passed the test



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Plan making now - Plan making post adoption of Woking's Core Strategy

- Regional strategies revoked – no strategic policy context for plan making, in particular, for setting housing requirement
- Central focus for plan making is now more about:
 - How to determine objectively assessed housing need in the Housing Market Area (paragraph 47 of NPPF)
 - How to use the duty to cooperate to meet any unmet housing by other local authorities (paragraph 182 of NPPF)
 - How to define/re-define Housing Market Areas (be pragmatic and the area should be manageable)
 - In all cases, the outcome has been challenging. Recent Inspector's comments on Waverley and Hart District Council's Plans demonstrate the difficulties of meeting the above tests
 - There is no certainty for the future but the new CLG guidance will help

Objectively assessed housing need

- No formal guidance of substance about how it should be measured.
- Most of what we know to date comes from lessons drawn from Inspector's reports. But they often tells us 'what is not objectively assessed housing need' rather than what it is supposed to be.
- Many of the lessons so far have not been sweet pills to swallow by authorities who have recently been through Examination
- We sense that it is not exactly the same as past approach to SHMAs
- We also know that objectively assessed housing need does not always equal to housing requirement. In this regard, do not attempt to fudge the evidence to make housing requirement look like objectively assessed housing need
- Need is demand-led. Your housing requirement is all you can possibly deliver in the area with all constraints considered

Objectively assessed housing need

- If you have capacity, meet the objectively assessed housing need in full
- If your requirement is less than your objectively assessed, you will have to use the duty to cooperate to get other authorities to meet the unmet need
- But before you go with your ‘begging bowl’ for help from other authorities, make sure that you have made all effort to swallow your own smoke, including reviewing all your constraints such as the Green Belt and any countryside beyond this
- Unfortunately, when authorities have asked others to help meet their unmet housing need, they often get the following answer:

A very interesting but predictable answer



Why this answer? – are other authorities being unreasonable?

- Meeting other authorities unmet housing need is not just about the availability of land or capacity to accommodate the need
- It is time critical – if you have an adopted Core Strategy, there is no incentive to cooperate because that could mean a change to your spatial strategy, an early review of your plan and a new set of evidence to ensure that the impacts of the additional provision is appropriately mitigated. Who pays for the cost, including cost of infrastructure?
- You could end up with an unsound Core Strategy
- If you have not started your plan, you will not know whether you are able to help meet other authorities unmet need
- Significant local objection cannot be underestimated or ignored

Other Local Development Documents

- Site Allocations DPD – changes to permitted development rights are having implications on the certainty of identifying land for specific uses, for example land identified for employment uses could go for housing with limited control
- Difficulty in projecting development impacts and any mitigation measures needed to address that
- Neighbourhood Plans – tension between addressing strategic needs of the area and the perceived power of localism

Summary – key lessons

- There is a strategic policy gap for housing provision that the duty to cooperate is proving ineffective to address
- Identifying the objectively assessed housing need is a requirement that has to be met
- Remember that housing requirement is not always equal to your objectively assessed housing need. Make your case with robust evidence if there is a difference between the two, but do not fudge the evidence
- Before you ask other authorities to meet your unmet need, you will need to demonstrate that you have made serious attempt to meet your need including a review of your constraints such as the Green Belt.

Summary – key lessons

- Whilst not part of the prescribed bodies for the purposes of the duty to cooperate, never forget the people that you are planning for. They are the people who are going to live with the impacts of development. Never forget the **business community** too
- The duty to cooperate cannot be retrofitted. Remember that it is not always that you will be able to agree. In any case you will need to demonstrate effort (at Officer and Member level). Plan to cooperate in the future because cooperation is a continuous process
- Be aware that Planners throughout time have demonstrated remarkable ability to adapt to change. With a collective search for answers and a can do mentality, we can overcome the challenges
- The role of RTPI and the National Planning Forum is critical

Contact details

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