

**Tim Mould QC
Planning and Environmental Bar Association**

**Landmark Chambers
180 Fleet Street
London
EC4A 2HG**

**Planning Policy Consultation Team
Ministry of Housing, Communities and Local Government
3rd floor, South East
Fry Building
2 Marsham Street
London
SW1P 4DF**

BY EMAIL

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Dear Sir/Madam,

Consultation on the draft revised National Planning Policy Framework (“NPPF”)

The Planning and Environment Bar Association (“PEBA”) encloses its Consultation Response on the Word pro forma. We respectfully request that this covering letter is considered prior to consideration of our Consultation Response.

The Planning and Environmental Law Bar Association

PEBA is the specialist Bar association for barristers practising in planning law and related fields.¹ PEBA’s members undertake advocacy and advisory work involving the current NPPF and Planning Practice Guidance (“PPG”) in the following principal contexts:

- (1) Planning inquiries/hearings under section 78 of the Town and Country Planning Act 1990 (“TCPA”);
- (2) Plan examination hearings held under section 20 of the Planning and Compulsory Purchase Act 2004 (“PCPA”) and Schedule 4B of the TCPA;
- (3) Litigation before the Planning Court and appellate courts (in order of frequency):
 - (a) Section 288 challenges to Inspector/Secretary of State decisions in section 78 TCPA appeals;
 - (b) Judicial review challenges to decisions of local planning authorities to grant permission at first instance;
 - (c) Section 113 challenges to decisions by LPAs to adopt development plan documents/judicial review challenges by LPAs concerning the making of neighbourhood plans;

¹ Including environment, compulsory purchase, highways, housing, rating and other aspects of local government and administrative law. PEBA also has Associate Members (e.g. students)

(d) Judicial review challenges to decisions of the Secretary of State to publish national policy, especially Written Ministerial Statements.²

PEBA's members' clients include the full range of individuals and organisations involved in the planning process, both private sector and public sector, and third party interests. A number of PEBA members are currently or have been members of the Attorney-General's Panels of Advocates, carrying out advisory and advocacy work for the Ministry of Housing Communities and Local Government ("MHCLG") and related Departments.

Individual members may focus their practice within certain areas of planning, and for particular types of client, depending on seniority, expertise and interest. However, the particular nature of planning advocacy and advisory work requires an appreciation of how all participants in the planning process access and operate with national policy. Members therefore understand the diversity of interests across the planning sector.

PEBA is committed to assisting in the objective of ensuring that planning policy is therefore easily accessed by all stakeholders and the general public, practical to operate with at inquiry and in court and well-understood.

PEBA's Consultation Response

PEBA has submitted a number of public consultation responses in the contemporary era (i.e. since 2010) to MHCLG, including:

- (i) Housing White Paper (February 2017);
- (ii) Planning for the Right Homes in the Right Places (September 2017)

As with all previous consultations, PEBA has carefully considered the terms of the MHCLG description of the purpose of the present consultation: page 5: "*How to respond*" and how it can best represent the interests of its diverse professional membership and best assist MHCLG.

It is noted, first, that the consultation invites a commentary on the "*draft text*": i.e. National Planning Policy Framework - Draft Text for Consultation. This will be denoted "**CDT-NPPF**" (Consultation Draft Text) for shorthand throughout this document, to distinguish from the current NPPF. Further, the present consultation invites broad comment on the actual merits of planning policy: "*welcomes comments on the ways in which the draft Framework implements changes to planning policy on which the Government has previously consulted, and on the merits of the new policy proposals that it includes.*" (page 7, Introduction).

PEBA recalls that Planning for the Right Homes in the Right Places ("PRHRP"), MHCLG recorded that: "*We intend to allow a short period of time for further consultation on the text of the Framework to make sure the wording is clear, consistent and well-understood.*" (page 7, paragraph

² This is not an exhaustive list. National policy considerations arise to varying degrees in the context of planning enforcement, compulsory purchase and nationally significant infrastructure (NSIPs/DCOs) and hybrid bill procedures.

6). PEBA has taken the approach recommended in the PRHRP formula above, focusing on the clarity and consistency of the CDT-NPPF drafting, and thus its comprehensibility, where directed by Questions 1 to 43.

PEBA does not seek to question or challenge the merits of MHCLG policy. Nor does it invite additional policy coverage of substantive issues, save in respect of certain additional explanatory text or where specific removals of current NPPF text have removed policy text covering interests/forms of development of widely acknowledged importance.

PEBA however strongly encourages MHCLG to ensure that policy text within the CDT-NPPF is as clearly drafted as possible, given members' experience of the scale of litigation in recent years on the interpretation of the NPPF and PPG. There is also broad consensus across the Planning Bar that national planning policy (including through supplementary documents such as the PPG, Written Ministerial Statement and Letters to the Planning Inspectorate) should have a degree of stability (save in cases of urgent amendment to address emergent problems or new case law). Stability would be accordance with the principles of accessibility, practicality and certainty: see for example the Local Plan Expert Group identified in their Report, Recommendation S28 (page 5) and paragraph 8.4(ii) (page 30) and the recommendation of periodic review with set time separation: 5 years for the NPPF and 6 months for the PPG.

We therefore preface our detailed consultation response with some short remarks on litigation and the importance of accessibility of policy guidance.

The Courts and Planning Policy

PEBA's position on the clarity and consistency of the drafting of the CDT-NPPF is strongly influenced by judgments of the Planning Court and Court of Appeal and Supreme Court in cases involving the interpretation and application of the present NPPF document, as well as the PPG and Written Ministerial Statements.

The judgment of the Supreme Court in *Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13; [2012] PTSR 983 (hereafter "*Tesco v Dundee*") was handed down on 21 March 2012, only shortly prior to the publication of NPPF on 27 March 2012, confirming the "*objective approach*" to interpretation. The present consultation therefore takes place following a scale of litigation that could not have been foreseen in 2011, when the first draft NPPF was consulted upon and in early 2012 when the NPPF's drafting was finalised.

In *Hunston Properties v SSCLG and St Albans CDC* [2013] EWCA Civ 1610, Keene LJ observed the particular issues that arose from the first NPPF "simplification" process and the particular responsibility of the Secretary of State in ensuring clarity in the drafting:

4. The Framework was published by the Government in order to set out its planning policies for England, so as to give guidance to local planning authorities and other decisions-makers in the planning system. It was seen by the Minister for Planning as simplifying national planning guidance "by replacing over a thousand pages of national policy with around fifty, written simply and clearly." Unhappily, as this case demonstrates, the process of simplification has in certain instances led to a diminution in clarity. It will be necessary to set out the wording of paragraph 47 of the Framework very soon in this judgment. I have to say

that I have not found arriving at “a definitive answer” to the interpretative problem an easy task, because of ambiguity in the drafting. In such a situation, where one is concerned with non-statutory policy guidance issued by the Secretary of State, it would seem sensible for the Secretary of State to review and to clarify what his policy is intended to mean. Nonetheless, the Supreme Court in Tesco Stores Ltd -v- Dundee City Council [2012] UKSC 13 has emphasised that policy statements are to be interpreted objectively by the court in accordance with the language used and in its proper context, so that the meaning of the policy is for the courts, even if the application of the policy is for planning authorities and other planning decision-makers: see paragraphs 18 and 19. That case was concerned with policy in a statutory development plan, but it would seem difficult to distinguish between such a policy statement and one contained in non-statutory national policy guidance. I accept, therefore, as do the parties to this appeal, that it is for this court to seek to arrive at the appropriate meaning of paragraph 47 of the Framework.

In *Redhill Aerodrome v SSCLG* [2015] EWCA Civ 1386, Sullivan LJ observed at [22]: “Views may differ as to whether simplicity and clarity have always been achieved, but the policies are certainly shorter.”

In recent years, the courts have sought to emphasise the distinction between interpretation and application of the policy, see notably Lord Carnwath in *Suffolk Coastal DC v SSCLG* [2017] UKSC 37, [23]-[24]:

23 In the present appeal these statements were rightly taken as the starting point for consideration of the issues in the case. It was also common ground that policies in the Framework should be approached in the same way as those in a development plan. However, some concerns were expressed by the experienced counsel before us about the over-legalisation of the planning process, as illustrated by the proliferation of case law on paragraph 49 itself: see paras 27 et seq below. This is particularly unfortunate for what was intended as a simplification of national policy guidance, designed for the lay reader. ...

[24]... Recourse to the courts may sometimes be needed to resolve distinct issues of law, or to ensure consistency of interpretation in relation to specific policies, as in the Tesco case. In that exercise the specialist judges of the Planning Court have an important role. However, the judges are entitled to look to applicants, seeking to rely on matters of planning policy in applications to quash planning decisions (at local or appellate level), to distinguish clearly between issues of interpretation of policy, appropriate for judicial analysis, and issues of judgment in the application of that policy; and not to elide the two.

Following *Suffolk Coastal*, the Court of Appeal continued to discourage excessive legalism in policy consideration: e.g. *Mansell v Tonbridge and Malling BC* [2017] EWCA Civ 1314; and stressed the importance of flexibility, avoiding “mechanical” or “quasi-mathematical” approaches: *Barwood Strategic Land LLP v SSCLG* [2017] EWCA Civ 893.

PEBA respectfully submits that the primary (or first-stage) solution to “over-legalisation” and consequent litigation must be clarity and consistency in the initial drafting of national policy. This ensures that decision-takers, including officers writing Reports, Planning Committees making decisions on such advice, Inspectors and indeed the Secretary of State

on recovered/call-in decisions, can understand and apply the policy with the greatest possible ease.

In cases such as *Hunston*, claimants from both the development industry and the public sector, successfully secured quashing orders of decisions where the decision-maker had failed correctly to interpret and thus apply the text of the NPPF following the 2012 publication.

Should MHCLG wish to reduce the scale of litigation, the fundamental starting point therefore lies in careful scrutiny of the initial Consultation Draft Text. Experience of six years of litigation reveals that the areas of particular complexity include the following:

- (1) The Presumption in Favour of Sustainable Development;³
- (2) Housing Policy: Need and Supply;⁴
- (3) Neighbourhood Plans;⁵
- (4) Green Belt Policy⁶
- (5) Transitional Arrangements.⁷

In each of these areas, there is a need for a heightened scrutiny in the policy drafting should the Secretary of State wish to reduce the overall scale of litigation.

Draft Planning Practice Guidance

Clarity in the initial drafting of the NPPF is closely interlinked with the supplementary role of PPG.

The courts have emphasised the width of the Secretary of State's policy-making power: see *R(West Berkshire DC) v SSCLG* [2016] EWCA Civ 441 and *Richborough Estates v SSCLG* [2018] EWHC 33 (Admin). The courts have further recognised that the PPG may be an aid to interpretation of the original NPPF text.⁸

However it is respectfully submitted that the Secretary of State should take particular care not to consider PPG as a "repair kit", such that gaps or ambiguities in the initial drafting can

³ *Bloor Homes East Midlands v SSCLG* [2014] EWHC 754 (Admin); *William Davis v SSCLG* [2013] EWHC 3058 (Admin); *Crane v SSCLG* [2015] EWHC 425 (Admin); *Dartford BC v SSCLG* [2016] EWHC 649 (Admin); *Cheshire East v SSCLG and Renew* [2016] EWHC 571 (Admin); *Wychavon DC v SSCLG* [2016] EWHC 592 (Admin); *Suffolk Coastal DC v SSCLG* [2016] EWCA Civ 168 and [2017] UKSC 37; *East Staffordshire BC v SSCLG* [2016] EWHC 2973 (Admin) and [2017] EWCA Civ 893;

⁴ *Hunston Properties v SSCLG* [2013] EWCA Civ 1610; *Bloor Homes* [supra]; *William Davis* [supra]; *Gallagher Estates v Solihull MBC* [2014] EWCA Civ 1610; *Satnam Millennium Ltd v Warrington BC* [2015] EWHC 370 (Admin) *Oadby and Wigston BC v SSCLG* [2016] EWCA Civ 1040; *Suffolk Coastal* [supra]; *St Modwen v SSCLG* [2017] EWCA Civ 1643

⁵ *R(Gladman) v Aylesbury Vale DC* [2014] EWHC 4323 (Admin); *Woodcock Holdings v SSCLG* [2015] EWHC 1173 (Admin); *R(Crownhall Estates Ltd) v Chichester DC* [2016] EWHC 73 (Admin);

⁶ *Europa Oil and Gas Ltd v SSCLG*; [2014] EWCA Civ 825 *Redhill Aerodrome Ltd v SSCLG* [2014] EWCA Civ 1386; *R(Timmins) v Gedling BC* [2015] EWCA Civ 10; *Samuel Smith Old Brewery Tadcaster v North Yorkshire CC* [2018] EWCA Civ 489

⁷ *Daventry DC v SSCLG* [2016] EWCA Civ 1146

⁸ *St Modwen v SSCLG* [2016] EWHC 968 (Admin), [36] and *Braintree DC v SSCLG* [2018] EWCA Civ 610, [36]

be mended through later PPG release, or through Written Ministerial Statement, following the present consultation. There is a clear role for providing PPG guidance on key terms, but where the PPG relates to key processes or major evidential issues for the purpose of plan examination/review, then the PPG becomes directly intertwined with the NPPF text.

The Consultation was launched on Monday 5 March 2018, with additional papers including the Housing Delivery Test document and the HWP and PRHRP Consultation available that morning. A single draft PPG was published at that time in respect of Viability only. It was not until the afternoon of Friday 9 March 2018 that a comprehensive Draft PPG was published, covering six chapters:

- (1) Viability
- (2) Housing Delivery
- (3) Local Housing Need Assessment
- (4) Neighbourhood Plans
- (5) Plan-making
- (6) Build to rent

A number of these sub-chapters are guidance to the operation of individual paragraphs within the NPPF, for example: CDT-NPPF 58 and Viability PPG and CDT-NPPF 74-76 and Local Housing Need Assessment/Delivery. The Draft PPG questions are not numbered. The Consultation Questions document (published prior to the Draft PPG) does not refer to the PPG in terms, nor does it expressly seek consultation on its terms in the wording of the Questions. That is notwithstanding the fact that the PPG includes a number of questions which directly explain terms in the parent text: e.g. P4: *“What is meant in the ‘effective’ test of soundness by “strategic matters” which are dealt with rather than deferred?”* (page 38).

The format of the present consultation has therefore presented some uncertainty. PEBA understands the Secretary of State’s implicit position to be that consultees should provide detailed consultation responses in respect of the accompanying PPG text now. It has taken the view that an early response would be preferable and accordingly has set out detailed observations below, under (for example): Questions 4, 8 and 14. It has also numbered the PPG paragraphs, using the following temporary alpha-numeric system for ease of reference – with the questions listed in the [Annex](#) to this Consultation Response:

- (1) Viability: V1-V28
- (2) Housing Delivery: HD1-HD41
- (3) Local Housing Need Assessment: LHNA1-LHNA25
- (4) Neighbourhood Plans: NP1-NP7
- (5) Plan-making: P1-P48
- (6) Build to rent: BTR1-BTR11

PEBA appreciates that MHCLG does not wish to fix the numbering at this early stage, in circumstances where individual paragraphs may be included in existing Chapters or may need to re-ordered. However there is a real need to ensure that critical component elements of national policy, for example Statements of Common Ground under CDT-NPPF 29 and Annual Position Statements under CDT-NPPF 74 and 76, are explained in a manner that

integrates with the CDT-NPPF text. Consultees cannot hit a moving target. Clear signposting of policy and guidance is the hallmark of an accessible planning system.

Conclusion

PEBA welcomes the present consultation with the opportunity provided to the wide range of stakeholders to comment on policy.

Should the MHCLG team wish to meet with PEBA to discuss any matter arising from this letter or our Consultation Response, we would be happy to do so.

Yours faithfully

Tim Mould QC

On behalf of the Planning and Environment Bar Association

ANNEX

VIABILITY

Viability - An overview

V1: How does this National Planning Guidance relate to sector-led guidance on viability assessment?

V2: Does this National Planning Guidance apply to viability assessment for the purposes of setting a Community Infrastructure Levy (CIL) charge?

Viability and plan making

V3: How should viability be assessed in plan making?

V4: Should every site be assessed for viability in plan making?

V5: How should strategic sites be assessed for viability in plan making?

V6: How should site promoters engage in viability assessment in plan making?

Viability and decision making

V7: What should plans say about viability assessment at the decision making stage?

V8: Should viability be assessed in decision making?

V9: How can review mechanisms be used to amend developer contributions during the lifetime of a project?

V10: How can review mechanisms be used to apportion any significant increase in the gross development value of a development?

Standardised inputs to viability assessment

V11: How should gross development value be defined for the purpose of viability assessment?

V12: How should costs be defined for the purpose of viability assessment?

V13: How should land value be defined for the purpose of viability assessment?

V14: What is meant by existing use value in viability assessment?

V15: How should Existing Use Value be established for viability assessment?

V16: How should the premium to the landowner be defined for viability assessment?

V17: How should a return to developers be defined for the purpose of viability assessment?

V18: How does viability assessment apply to the build to rent sector?

Accountability

V19: How should a viability assessment be presented and published to ensure accountability?

V20: Should a viability assessment be publicly available?

- V21: Why should local authorities monitor and report on developer contributions?
- V22: How should section 106 agreements be published?
- V23: How should developer contributions be monitored?
- V24: How should developer contributions be reported?
- V25: How can local authorities fund monitoring of developer contributions?
- V26: How should monitoring and reporting inform plan reviews?
- V27: How should local authorities and applicants promote the benefits of development to communities?

HOUSING DELIVERY

Five year land supply

HD1: What is a five year land supply?

HD2: Why do authorities need to demonstrate a five year land supply?

HD3: What is the starting point for the five year land supply?

HD4: How can shortfalls in housing completions against planned requirements be addressed?

HD4: What counts as a completion?

HD5: How should authorities count bringing empty homes back into use?

HD6: How should authorities count student housing completions?

HD7: How should authorities count older people's housing completions?

HD8: Can previous over-supply of housing be considered when determining the objectively assessed need for housing?

HD9: How quickly should past shortfalls be addressed?

HD10: Where should buffers be added?

HD11: What is the starting point for five year housing land supply calculations in National Parks and Development Corporations?

HD12: How should all local planning authorities review their five year land supply annually?

HD13: What information will annual reviews of five year land supply, including annual position statements, need to include?

HD14: What constitutes a 'deliverable site' in the context of housing policy?

HD15: How can authorities demonstrate deliverability as part of plan preparation?

HD16: What happens in areas with stepped rather than annual average requirements?

HD17: What happens in areas with requirements set out as a range?

HD18: How will areas with joint plans be monitored for the purposes of a five year land supply and the Housing Delivery Test?

HD19: When and for how long does the Housing Delivery Test indicate the 20% land supply buffer should apply?

HD20: How can local authorities demonstrate a confirmed five year land supply in a given year?

HD21: How is five year land supply confirmed through an annual position statement?

HD22: What engagement should the authority undertake?

HD23: Who should the authority engage with?

HD24: How should sites without planning permission be included?

HD25: What happens where there is disagreement about sites?

HD26: What can an authority do once the Planning Inspectorate has provided recommendations?

HD27: How can those with an interest in delivery such as land owners and developers be involved in five year housing land annual assessments?

Housing Delivery Test

HD28: How is the Housing Delivery Test calculated?

HD29: When will the Housing Delivery Test results be published?

HD30: What happens if delivery of the entire identified housing requirement in a local planning authority is not met?

HD31: How will Housing Delivery Test consequences apply to areas with a joint plan?

HD32: How will Housing Delivery Test consequences apply to areas covered by a spatial development strategy?

HD24: At what rate of delivery does the presumption in favour of sustainable development apply?

HD25: What is an action plan?

HD26: Who can produce an action plan?

HD27: Who can be involved in the creation of the action plan?

HD28: What aspects could local planning authorities review as part of the action plan?

HD29: What actions could local planning authorities consider as part of the action plan?

HD30: What is the time-frame for an action plan?

HD31: Will an action plan require formal public consultation?

LOCAL HOUSING NEED ASSESSMENT

The approach to assessing need

LHNA 1: What is the purpose of the guidance?

LHNA 2: What approach should be used?

LHNA 3: Can plan-making authorities apply constraints to the assessment of development needs?

LHNA 4: How can plan-making authorities apply the method to the plan period?

Deviation from the standard method

LHNA 5: Can identified need be higher than the number identified by the standard method?

LHNA 6: Can identified need be lower than the number identified by the standard method?

LHNA 7: Can plan-making authorities use a different method?

Implementation of the approach

LHNA 8: When should plan-making authorities draw down their number?

LHNA 9: How often are the projections and affordability ratios updated?

LHNA 10: For how long can an estimate of local housing need be relied upon?

LHNA 11: Can plan-making authorities take account of past under delivery of new homes in preparing plans?

LHNA 12: How should local housing need be calculated where plans cover more than one area?

LHNA 13: In what circumstances should strategic policies relevant to housing be reviewed earlier than every five years?

Identifying the need for different types of housing

LHNA 14: How can the needs for all types of housing be identified?

LHNA 15: How can the housing requirements of particular groups of people be addressed in plans?

LHNA 16: How can affordable housing need be calculated?

LHNA 17: What types of households are considered to be in affordable housing need?

LHNA 18: How can the current unmet gross need for affordable housing be calculated?

LHNA 19: How can the number of newly arising households likely to be in affordable housing need be calculated (gross annual estimate)?

LHNA 20: How can the current total affordable housing supply available be calculated?

LHNA 21: What is the relationship between the current housing stock and current and future needs?

LHNA 22: What is the total annual need for affordable housing?

Core outputs and monitoring

LHNA 23: What are the core outputs?

LHNA 24: How often should indicators be monitored?

LHNA 25: What could be monitored?

NEIGHBOURHOOD PLANS

NP1: How should local planning authorities set a housing requirement figure for designated neighbourhood areas?

NP2: What happens if the local planning authority's strategic policies do not provide a neighbourhood housing requirement for a designated neighbourhood area?

NP3: Are housing requirement figures for neighbourhood areas binding?

NP4: How should neighbourhood plans use the housing requirement figure provided by the local planning authority?

NP5: What does 'policies and allocations to meet its identified housing requirement' mean in the context of paragraph 14 of the National Planning Policy Framework on neighbourhood plans?

NP6: How should a neighbourhood plan allocate sites for development?

NP7: When are neighbourhood plans protected from the 'presumption in favour of sustainable development'?

PLAN-MAKING

Statutory duty and role of plans

P1: What is the role of plans?

P2: How detailed should plans be?

P3: Do local planning authorities have to prepare any plans in addition to those which address their strategic priorities?

P4: What should an authority do if strategic matters cannot be dealt with through effective cross-boundary working?

Tests of soundness

P5: What is meant in the 'effective' test of soundness by "strategic matters which are dealt with rather than deferred"?

Statement of common ground

P6: What is a statement of common ground?

P7: How should a statement of common ground be developed?

P8: How should the statement of common ground be published?

P9: Who is responsible for preparing, maintaining and updating the statement of common ground?

P10: Which geographical area should a statement of common ground cover?

P11: What is the process for preparing, maintaining and updating the statement of common ground?

P12: Once published how often should a statement of common ground be reviewed and updated?

P13: Who are additional signatories to the statement of common ground?

P14: What is the role of additional signatories on the statement of common ground?

P15: Should authorities prepare a statement of common ground for each matter being addressed?

P16: When is it appropriate for plan-making authorities to prepare more than one statement of common ground?

P17: Should a statement of common ground be prepared for minerals and waste plans?

P18: Are local planning authorities (including London Boroughs) within a combined authority area required to be signatories to a statement of common ground prepared by the combined authority for a spatial development strategy?

P19: Is a combined authority (including the Greater London Authority) required to be a signatory to statements of common ground prepared by local planning authorities within the combined authority area?

P20: What role can combined authorities without plan-making powers play in the preparation of statements of common ground?

P21: Do local planning authorities have to produce a statement of common ground for plans which do not contain strategic policies?

P22: How should the Mayor of London use the statement of common ground when preparing the London Plan?

P23: Are Parish Councils and Neighbourhood Forums required to produce Statements of Common Ground when preparing neighbourhood plans?

P24: How can the statements of common ground be used to address strategic infrastructure?

Evidence Base

P25: How are strategic and local plans produced?

P26: How should local planning authorities keep communities informed of plan-making?

P27: What approach should plan-making authorities take when gathering evidence needed to support policies?

P28: How should authorities keep communities informed of evidence gathering?

P29: How can the strategic plan making authority show that strategic or local plans are capable of being delivered, including provision for infrastructure?

P30: How should the authority ensure there is consistency between viability assessments and the Community Infrastructure Levy?

P31: What evidence might be needed to plan for housing?

P32: What evidence might be needed to plan for businesses?

P33: What evidence might be needed to plan for defence, national security, counter-terrorism and resilience?

P34: What evidence might be needed to plan for the natural environment?

P35: What evidence might be needed to plan for the conservation and enhancement of the Historic environment?

P36: What evidence might be needed to plan for health and well-being?

P37: What evidence might be needed to plan for public safety from major incidents?

P38: What evidence might be needed to assess viability?

Plan review guidance

P39: How often should a plan be reviewed?

P40: What is the role of the Authority Monitoring Report?

- P41: What documents does the requirement to review apply to?
- P42: What does a plan review involve?
- P43: Is a plan considered out-of-date if it is not updated after five years?
- P44: What should authorities consider when determining whether policies should be updated?
- P45: What evidence is required when carrying out a review?
- P46: What is required when updating a plan?
- P47: What is the process for publishing reasons not to update a plan?
- P48: How do the review requirements apply to Statements of Community Involvement?
- P49: Do neighbourhood plans have to be reviewed every five years?

BUILD TO RENT

- BR1: Should authorities promote build to rent?
- BR2: What provision of affordable housing is a build to rent development expected to provide?
- BR3: How should affordable private rent be calculated?
- BR4: Is affordable private rent the only form of affordable housing permitted on build to rent schemes?
- BR5: How can the proportion of affordable private rent and level of discount be flexed?
- BR6: How should affordable private rent and market rent properties be managed?
- BR7: What happens if homes within a build to rent scheme are sold off into separate ownership?
- BR8: How should the clawback arrangement be structured?
- BR9: How is eligibility to occupy affordable private rent homes determined?
- BR10: How is a longer tenancy policy applied to build to rent homes?
- BR11: Should build to rent homes meet additional minimum standards?