



Department for  
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*Dear colleague,*

Further to my statement to the committee at the evidence session on 18 October I am writing to inform you that I have tabled amendments to the Bill relating to local plan making.

As we heard from the Secretary of State at Second Reading, the Government agrees with the central thrust of the Local Plans Expert Group's recommendations for plan reform. Most of these recommendations don't need legislating on. Those that do are:

- Recommendation 12: Directed preparation of a Joint Local Plan
- Recommendation 17: Statutory duty to produce a Local Plan and maintain an up to date Local Plan
- Recommendation 44: Local Plan style accessibility

Our amendments will place beyond doubt the requirement for all local planning authorities to have a plan, but with greater freedom around the detail in those plans, providing they addresses strategic priorities, such as housing and infrastructure. We want to see more collaboration to address issues that require solutions across geographic boundaries. We also want to take the opportunity to improve the accessibility of plans to local communities and others.

The Prime Minister has made it clear that people need greater control over what happens in their area. I believe ensuring that all communities have an up-to-date and accessible Local Plan, which sets out how and where communities should develop, is the best way to give people that control and protect communities from speculative development. The amendments, further details of which are provided at Annex A, will help us achieve full plan coverage and I look forward to debating them with committee in due course.

When I gave evidence on 18 October I also undertook to look into the number of appeals that have been allowed where there are both local and neighbourhood plans in place and S106 agreements that are signed post the issuing of planning permission. While I am unable to easily access the specific information that Members were looking for, I have provided some detail in Annex B & C which I hope proves helpful.

*Yours sincerely*  
*Gavin*

**GAVIN BARWELL MP**

## **Annex A: Detail of Local Plan Amendments**

*It is intended that the Neighbourhood Planning Bill will be used to:*

- Require every local planning authority to have a development plan document (the documents that collectively make up a Local Plan) that set out policies to deliver the strategic priorities for the development and use of land in the authority's area. Local Planning Authorities will have the flexibility to rely on the spatial development strategy if they want to do so. Additionally, local planning authorities will be required to review these documents at intervals prescribed by the Secretary of State.
- Enable the Secretary of State to direct two or more local planning authorities to work together to prepare a joint development plan document, where this would ensure effective local planning in an area, for example, to address housing needs.
- Enable the Secretary of State to invite a county council (in a two tier area) to prepare or revise a Local Plan where a district council, in the county council's area, has not done so.
- Enable the Secretary of State to set data standards for certain planning documents

## **Annex B: Appeals where a local and neighbourhood plan is in place**

- Planning Inspectors are required to determine an appeal in accordance with the development plan unless material considerations indicate otherwise. When they do allow an appeal, it does not mean that they have disregarded the views of the local authority, local residents, or local or neighbourhood plan policy – rather that they have attributed different weight to the issues in coming to a decision.
- In 2015-16 local planning authorities decided 425,870 planning applications. Of these, 373,686 (88%) were granted planning permission by the local planning authority. In the same year there were 14,462 planning appeal decisions. Just over one third of these, 4,918 (34%), were allowed. These 4,918 allowed appeals equate to around 1% of the 425,870 local authority planning decisions. These figures demonstrate that the decision of the local authority is upheld in the majority of cases
- Plan preparation is the best way for communities to have their say and guide future development in their area, as Local Plans and neighbourhood plans form the basis for decisions on planning applications and appeals under planning law. With these plans in place, it will be much clearer to developers where they should expect to be able to build. If they apply outside those locations, developers know that they will generally be less likely to get planning permission. If they do appeal, those appeals are less likely to be successful, as the local authority will have taken a robust plan-led decision which is more likely to be upheld by the inspector.

## **Annex C: Conditions requiring a S106 to be entered into post permission being granted**

- We do not systematically collect data on how many Section 106 agreements are signed after a resolution to grant planning permission (i.e. how many planning permissions are subject to a S106 to be signed).

- National Planning Guidance is clear that conditions limiting the development that can take place until a S106 has been entered into is unlikely to be appropriate in the majority of cases. In exceptional circumstances such a condition may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk.
- Research published in May 2014 indicated that local authorities entered into 2,516 section 106 agreements in 2011/12, an average of 20 agreements per local authority. The total value of planning obligations in 2011/12 was estimated at £3.7 billion, this includes £2.3 billion worth of affordable housing and £1.4 billion for direct payments and the in-kind provision of infrastructure.
- The trend highlighted by that research is that there appears to be a decrease in the number and value of section 106 planning obligations, which may be due to an increase in the number of authorities charging the Community Infrastructure Levy.

