



PINS NOTE 09/2016r2

To: All Inspectors, All Examining Inspectors.

Relevancy: Planning casework.

Date of Issue: 13 December 2016

Last updated: 9 January 2017 – Annex B added - letter from Gavin Barwell to Sarah Richards informing PINS of the WMS.

Neighbourhood Plans – Written Ministerial Statement

Action

1. On 12 December 2016 the Planning Minister Gavin Barwell published a [Written Ministerial Statement](#) (WMS) concerning neighbourhood planning.
2. The WMS sets out a change to government policy with regard to the circumstances under which relevant policies for the supply of housing within neighbourhood plans are automatically deemed to be out of date where there is a lack of housing land supply.
3. In addition, the WMS extends the period under which the Secretary of State may consider the recovery of appeals for residential development over 25 units, in areas where a qualifying body has submitted a neighbourhood plan proposal to the local planning authority but the relevant plan has not been made. (Hansard HCWS74). The period is extended to 12 June 2017. See previous PINS Note 09/2014 for further detail on the recovery criteria and for resulting actions.
4. Inspectors should note the content of this PINS Note which will have immediate implications for casework. Resulting actions are set out below.

Background

5. Paragraph 49 of the NPPF currently states that if the LPA cannot demonstrate a five-year supply of housing, relevant policies for the supply of housing should not be considered up-to-date, and therefore housing applications should be considered in the context of paragraph 14. As neighbourhood plans are part of the overall

development plan, this results in neighbourhood plan housing policies being considered out-of-date because the local planning authority cannot demonstrate a five-year supply of housing.

6. The WMS requires that, where there are relevant policies for the supply of housing in a recently made neighbourhood plan, these policies should not be considered out-of-date unless there is a significant lack of supply. The following specific circumstances must all arise at the time the decision is made:
 - This written ministerial statement is less than 2 years old, or the neighbourhood plan has been part of the development plan for 2 years or less;
 - the neighbourhood plan allocates sites for housing; and
 - the local planning authority can demonstrate a **three-year** supply of deliverable housing sites. [*emphasis added*]

With regards the first bullet point, DCLG have confirmed that this means that all made neighbourhood plans are in scope up until 12 December 2018 so long as they also meet the second two bullets. Then after 12 December 2018 only those neighbourhood plans that have been part of the development plan for 2 years or less are in scope, ie those that have been made since the WMS.

7. Please note that the WMS is a material consideration, and should be read alongside the Framework and any relevant statutory provisions such as s38(6).
8. The changes brought about by this WMS are expected to be included in the forthcoming White Paper on Housing, which the Secretary of State has indicated is likely to be published in January 2017. It is anticipated that the changes outlined in the White Paper will then be implemented via amended policy and legislation.

Implications for casework and resulting actions

9. In relation to appeals and called-in applications, Inspectors should review their current live cases to identify any relevant neighbourhood plan policies for the supply of housing, noting the criteria set out in the bullet points above. It is not expected that the measure will have any bearing on development plan examinations.
10. Inspectors determining affected appeals, at any stage, should obtain the views of the parties, as the WMS will be a new material consideration. For cases following the written representations procedure it is suggested that the Inspector asks their Case Officer to send a letter to the parties (See Annex A) to elicit their views. For Hearing and Inquiry cases Inspectors may also wish to write out to the parties, depending on the proximity of the event. At imminent oral events Inspectors may wish to draw the WMS to the attention of the parties and allow an appropriate adjournment for the parties to consider its implications. Whilst it is unlikely to be a

reason to cancel an arranged event, Inspectors will need to make that judgement on a case by case basis.

11. PCO line managers have been made aware of the contents of this PINS Note, and where the appeal is at an early stage Case Officers will endeavour to make their Inspectors aware of affected cases.
12. Where the decision has been submitted to the Case Officer for despatch, relevant cases will need to be identified and despatch of the decision put on hold to give the Inspector the opportunity to consider whether the parties need to be consulted. Whilst Case Officers may be able to assist, it is the responsibility of the Inspector in each case to be aware of the issues and to recall the decision.

Contacts for further information

13. Please contact XXXX if you have any general queries on this Note. Please contact XXXX in relation to the extension of the recovery period.
14. Contact your SGL or XXXX for advice on individual cases potentially affected.

Annex A – Suggested wording for consulting the appeal parties

The Inspector invites comments on the recent Written Ministerial Statement dated [insert date], relating to the way in which housing policies in neighbourhood plans are dealt with in decision-making.

Given that neither party has had an opportunity to comment on this change, I am now extending both main parties that opportunity. You may wish to comment on the weight that should now be attached to relevant policies for the supply of housing.

Any comments should be restricted solely to the Written Ministerial Statement and the implications for this case.

Please submit comments within [X] days of this [email/letter]

Annex B – Letter from Gavin Barwell MP to Sarah Richards