

PINS LDF Advisory Visit – Wigan

Inspector's Advice Note - David Vickery – 12 to 16 October 2009

The purpose of this Advisory Visit was to consider what has been done so far in preparation of the Core Strategy (CS) and to identify those matters and questions that at this stage appear potentially problematic in terms of soundness. It did not seek to test material, confirm the adequacy of the CS or endorse any part of it as sound. This Note should therefore not be taken as pre-judging the outcome of the examination of the submitted CS in any way. The Note sets out specific advice for this authority based on the particular circumstances and questions raised. Although the Note contains some general guidance and good practice, it should not be assumed that this specific advice is necessarily applicable to all other authorities and other circumstances. The main sources of advice as to the appropriate content are: PPS12; the PAS Plan Making Manual; and the PINS Soundness Guidance (July 2008).

Key Problems

- Infrastructure investigation is at an early stage, and so the list of development sites is really just a "wish-list" at present.
- A lack of prioritising and phasing of the development proposals gives an unrealistic idea of what might actually be achieved.
- An over-long document, which consequently obscures the key strategies.

Key Positives

- A CS which seeks to tackle the identified issues in a coherent, effective way. The main spatial policy is consistently applied throughout the CS's policies.

General guidance for writing the CS

1. You had one editor for the Preferred Options, and this practice should be continued. This person should make sure the CS clearly says what you intend it to say and edit the CS succinctly before publication. I would expect the final CS to be considerably shorter than the Preferred Options, ideally no more than 50-60 pages of strategy and key policies, concentrating on the key policies and proposals and the essential justification for the strategy.
2. The most helpful advice I can give you at this stage is to continually ask yourselves the following questions about each policy and its explanatory text:

Is it Spatial Planning?

Are the various parts of the CS (policies and text) relevant to spatial planning? That is, are they contributing to "place shaping and delivery"? If it does not shape a place and/or cannot be delivered, what is it doing in the CS? (¶s 2.1 to 2.7 of PPS12)

Does it deal with the basic questions?

The basic questions to be answered by every part of every policy are:

- **what** will be delivered;
- **where** will it be delivered;
- **when** will it be delivered; and
- **how** will it be delivered through the Core Strategy?

Does the CS deal with the critical questions?

The critical questions cannot be left in the CS to be answered by a subsequent DPD or SPD. The CS is the place where the tough, hard and key decisions have to be made. The principle guiding components must be in the CS before a lower level Document can deal with the detail of implementation.

Are the Vision and Objectives focussed?

Are the Vision and Objectives sufficiently (a) spatial in planning terms and (b) locally specific and distinctive? Are they clear, easy to read and to understand? Do they (and the Plan overall) provide everyone with a sense of purpose and direction?

The CS should give a clear message about the ways in which the area will change by its end date. The CS must be very clearly focussed on the locality and how it will change. I do not believe this happens at the moment, and I give more advice below.

3. The spatial portrait section gives a good “pen picture” of the area, but it goes into too much detail about each individual town from ¶ 3.20 onwards – this part should be cut down or placed in a separate background paper. The key issues from this portrait are well set out, but there is no priority order for them, which might be helpful. The key evidence section does not need the list of sources (put them in a background paper), and the subsequent findings could usefully be placed before the key issues (in the portrait section?) in order to inform them.
4. The spatial vision is generalised and could apply to most districts. I was not convinced that they were realistic given the limited resources and timescale. It gave the impression that the CS would lead to a Wigan utopia. The strategic objectives are better, but do not give locally specific tasks to resolve the vision which could then be elaborated upon in the policy sections. And I am not sure that some of the objectives are spatial planning matters that the CS can deal with (e.g. EL1, CD1). There are too many objectives, and many do not say how they could be achieved.
5. The aim must be to have policies which flow almost naturally from the locally distinctive vision and objectives. I do appreciate that this is easier to say than to achieve.

Strategic Sites

6. A site is strategic if the delivery of the CS depends upon it. PPS12’s advice on strategic sites does not make it obligatory for a CS to include strategic sites if there is another suitable timely DPD by which necessary allocations can be made. The inclusion of strategic sites in CSs (as opposed to the identification of broad locations for future developments) will add to the amount and detail of the work needed to support the CS. The detail is equivalent to a former UDP allocation. You may have detailed representation cases on alternative competing sites during the examination, which might increase your workload.
7. Thus allocations should normally only be included in a CS where there is a need to create certainty, or to enable an early start on the development, or where there is no programmed Allocations or other DPD to deliver the strategic sites. The implication of making a strategic allocation in the CS is that the development will not need to be resolved in a subsequent DPD. The CS will therefore need to be clear on how the development will be delivered, such as by a masterplan and/or SPD (see below) as you are currently proposing.
8. The appropriate content of the CS also needs to be informed by what other DPDs are programmed in the LDS and the maintenance through that process of a 5 year

housing land supply, both in PPS3 terms and in the CLG “rolling” supply requirement. Getting the balance of content right between the respective DPDs should even-out the workload of the Council’s policy team.

9. The inclusion of a strategic site allocation in the CS will add to the range and detail of work needed to justify it. The level of detail will in practice depend on when the site is expected to come forward. For a site anticipated in the early years of the CS there is an expectation that the detailed delivery matters such as availability and infrastructure requirements will have been resolved. Matters that impact on the rest of the Plan area (such as the scale and nature of development) will also need to have been resolved. On the other hand, matters that only impact on the site itself, such as the internal road layout, may not need to be detailed. See also the following section on Infrastructure.
10. The policy in the CS for any strategic site would need to cover the following:
 - A clear objective/aim for what is intended to be achieved in the overall development;
 - Identification of site constraints - both those that are fixed and those that need to be overcome or mitigated;
 - All the different land uses/proposals and their scale that the site is to accommodate (e.g. xx housing, yy employment, community facilities etc);
 - What infrastructure (e.g. transport, education, social and community services) is needed to make that development a viable, attractive, sustainable location;
 - What of the above needs to be provided by when (i.e. inter-related phasing of all elements) and who will fund it and deliver it.
 - *For an allocation*: whether further detail is to be worked up in a master plan and/or SPD (if so, specify timescales for delivery);
 - *For a location*: stating that the detail is to be worked up in later DPD (possibly an AAP), specifying timescales for delivery.
 - *For an allocation*: milestones for progression of the development, e.g. application submission and commencement on site, phasing and consequences if missed. *For a location*, this should be left to the later DPD;
 - *For an allocation*: the boundary on the Proposals Map should encompass all the area needed for the development and related facilities, and its position can be shown on the Key Diagram. *For a location*: just a rough position on the Key Diagram shown, but if a defined search area for a later DPD is to be set, then that also would need to be shown on the Proposals Map.
11. If some present allocated sites were downgraded to a location, the amount of detailed infrastructure work needed would be less and the sites could be roughly identified with stars as on the existing Key Diagram. But there would still have to be sufficient evidence to show in principle that sites were capable of development. The evidence could be more “broad brush”, but it would have to show that the infrastructure could in all probability be provided and that there were probable and timely solutions to any concerns.

Infrastructure Delivery Plan

12. You are preparing an “Infrastructure Delivery Plan” using advice on the PAS web site. As I have said, it is imperative that infrastructure is seen to be in place at the right time to allow development to be implemented in the planned manner. The Inspectorate’s recent [“Learning From Experience”](#) booklet contains useful advice on infrastructure planning and other matters.
13. You are already keenly aware that without more infrastructure investigation the development sites in the CS are just a “wish list” with no realistic prospect of being achieved. And also that without such investigation it is not possible to phase development or to resolve whether some sites should be allocations or locations. I do not consider that infrastructure problems would provide a reasonable justification for extending the Plan period to 2031/2. The Regional Plan ends in

2021 and there is a PPS3 and PPS12 (¶ 4.13) 15 year requirement for DPDs which justifies going “pro rata” to 2026. Beyond that date a CS review will be necessary.

14. Inspectors will be reasonable, realistic and pragmatic in examining infrastructure plans. But a lack of infrastructure planning or huge investment unknowns suggests that the strategy on key sites may well not be deliverable - and if these are very large sites then the whole CS may be at risk. I now go on to possible solutions.
15. For development in short term (5 years) Inspectors will look for a large amount of detail and a high degree of certainty. But even in this period assumptions can be made if it is absolutely necessary. If assumptions are used you must make it clear how these will feature in the annual monitoring report and the CS must deal with "what if" alternatives if the assumptions prove to be wrong or over optimistic. I deal with this last important point below. Inspectors will not be unreasonable if all sensible efforts to obtain infrastructure certainty have been made and this is explained. For the medium or longer term sites Inspectors will accept that the level of detail and certainty will be less (see below).
16. Key to this for you is resolving what infrastructure is critical and what the infrastructure priorities are. These should then be placed into a critical “time line” or project management chart. The result is likely to determine the timing and phasing of each site, or group of sites, or area of development.
17. Thus, you should do as much firm infrastructure planning as possible (including economic viability assessments for development funding its necessary infrastructure). For sites in the later parts of the Plan period, you should attempt to obtain as many "agreement in principle" letters from Government and other providers that this type of development would attract funding if bid for; show that current Government and Regional policy has in the past, and will in the foreseeable future, favour this development in this location in the UK; and show that the monies involved are not extraordinary in terms of past funding for other similar sites. In other words, show that it is a "reasonable prospect" given past and likely future performance.
18. Clearly, you need to get the main infrastructure partners on board and, where possible, 'signed up' to delivery mechanisms. This can mean chasing them to get answers up front and making sure that the answers are understood and acted upon before submission. The key questions to be addressed are a) what is the key infrastructure required to deliver; and b) can it realistically be delivered in the timescale of the Plan’s phasing (once resolved)?
19. Of course, there may be problems exploring with some of the infrastructure providers what can be provided and when. This is where a pragmatic and realistic view will have to be taken. If the information cannot be obtained then you will have to provide the best possible information you can (perhaps from consultants or experts).
20. Statements from developers that a site can itself fund the necessary infrastructure are meaningless assertions unless backed up by viability evidence. Viability assessment is even more important in today’s difficult financial climate - see ¶s 4.8 to 4.12 and 4.45 in PPS12. PPS12 says that the infrastructure planning process should identify and have evidence for, amongst other matters, cost and funding sources (¶s 4.8 to 4.12 and 4.45). As I have said, the detail of such information would be less the further ahead one is looking. The PPS3 15-year period split into 3 x 5-year phases with less detailed information required on each successive phase and this could serve as a useful model/analogy for viability and delivery assessment in the CS (developable; deliverable; broad locations).
21. Viability assessment where a site has to provide a large amount of funding for its own infrastructure is difficult – there is as yet no authoritative advice on how to deal with it. The HCA has produced a [Good Practice Note](#) on responding to the

downturn, which gives some advice. Certainly, the house and land values of 2007 can no longer be used, but it can also be said that the very low values of the last few years should not be extrapolated throughout the Plan period. There is presently no “normal” market housing condition.

22. I dealt recently with a strategic location in the Horsham CS which was finalised in the adopted [West of Bewbush Joint AAP](#), which may be helpful in showing one way economic viability assessments can be used. This was done as follows:
 - 1) The regular predictions of house price inflation produced by [Savills](#), [Knight Frank](#) and [CLG](#) were used to derive an agreed level of house prices at the relevant date(s).
 - 2) This was treated as the medium scenario. Two other scenarios were then created at agreed lower and higher house price rates. These three scenarios (low, medium and high) were then used in the [HCA economic appraisal tool](#), which are Excel spreadsheets (recently updated by the HCA).
23. Obviously, other appraisal tools are available, such as from Three Dragons (the London one is specific to that area) and the District Valuation Service.
24. It is a feature of residual valuations that comparatively minor adjustments to the constituent figures can have a major effect on the result. Nevertheless, this methodology and this particular tool are commonly used for the valuation of development sites, which shows that it is potentially a reasonably precise valuation instrument. If exceptional economic conditions persist the monitoring arrangements should identify the implications of this and point to what changes may need to be made to the CS.

Changing circumstances

25. As ¶ 4.46 of PPS12 says, the CS will have to show how it will deal with changing circumstances – in other words with foreseeable changes. The important thing is for the implications of the uncertainty to be taken into account and the “what if” situation considered. This is particularly important for your CS as it is highly likely that not all the strategic sites will actually be developed due to infrastructure delays.
26. The CS has to show what alternative strategies it has to handle the uncertainties, such as the late provision of needed infrastructure for the strategic sites, or the review of the Regional Plan to take it beyond 2021. In other words, the CS must be seen to be flexible and so effective, or else it is unsound. Flexibility comes through monitoring and management mechanisms and contingency planning in response to uncertainties.
27. The possible responses for the CS to deal with uncertainties could be to:
 - ❖ set out in detail how the uncertainty would be handled;
 - ❖ specify monitoring targets/indicators with set limits when specified action would take place (e.g. the 10% - 20% range for housing in ¶ 65 PPS3);
 - ❖ devolve handling the uncertainty down to a separate DPD, setting out in the CS the parameters (broadly or in detail) for how in principle it would be dealt with;
 - ❖ indicate that the CS would need to be wholly reviewed in order to deal with the uncertainty (the circumstances that would trigger the review and timing of it, allowing time for the review itself so that it would be adopted in time to deal with the contingency, should be stated); or
 - ❖ indicate that a specified part only of the CS would need to be reviewed, probably as a separate DPD – again, set out the triggering circumstances and timing.

The SHLAA

28. You should know through the SHLAA whether there would be a gap in the 5-year supply between sites that are now available (without the need for allocation in a DPD) and the date when the first allocated sites would come on stream (either strategic sites or those in a future Allocations DPD). If there is such a gap, then the CS should say how that gap would be resolved. Phasing does not seem to have been addressed in the CS. I have not seen the SHLAA and so cannot comment on it.

Green Belt

29. Policy SP4 The Bell is presently Green Belt (GB). As it is 62 hectares, I tend to agree with GONW's view that it is a strategic issue and not a local one for the CS to decide. I say this because of its large size and the fact that it is an important and significant "finger" of GB into an urban area immediately next to the M6 motorway. Regional policy RDF 4 contains a presumption against exceptional substantial strategic change to the GB, and I understand that a regional review of the GB in the short term is now unlikely.
30. Given the above, the best way forward would be to identify the site on the Key Diagram as a broad location for employment land subject to the conclusions of a strategic review of the Green Belt. It could not be an allocation. If that review was favourable, then the site would be allocated in an Allocations DPD. In the meantime, the Council should seek to convince the regional body (through the evidence below) that a favourable outcome was urgent.
31. But this will require very robust justification, and I repeat here the advice my colleague gave to Bolton on a similar problem. Firstly, the borough-wide amount of employment land to be provided during the plan Period will require clear justification in the context of the employment land supply. Secondly, there should be a clear and detailed audit trail indicating what alternative distribution/sites have been considered and the reasons why they have been rejected. Thirdly, it will be necessary to demonstrate that the site would be deliverable in terms of infrastructure and landowners' support - and that it has the support of neighbouring councils (as it is on the edge of the Borough).
32. Even so, this is clearly a high risk strategy for this major provision of around an eighth of the employment land requirements. You should work with other councils and your regional colleagues to resolve all the similar GB problems. Separately, in order to demonstrate flexibility and so soundness, a very clear 'what if' scenario should be set out in the CS that demonstrates what action the Council would take if the site did not come forward and at the right time to enable a continuous supply of employment land throughout the Plan period.

Affordable housing

33. If the SHMA confirms no requirement for affordable housing then this needs to be explained in the CS. As I understand that housing need fluctuates and that the CS will cover a 15 year time period, it might be wise to provide convincing evidence that the CS should set thresholds based on an average need taken over a realistic time period. [Perhaps a more pragmatic approach would be to use house price to annual income ratios as a trigger for action. For example, if annual monitoring showed that the average price of 1-3 bedroom accommodation exceeded the average household income of the bottom quartile by more than 4:1, then this would trigger a requirement for affordable housing to be considered.](#)
34. If any thresholds and targets are set, they should be included in the CS and subjected to economic viability assessment as PPS3 requires. Policies setting targets and thresholds should not be delegated to a SPD, but included in a DPD

(preferably the CS) and subject to independent testing and examination – the Blyth Valley High Court case makes this requirement clear.

Proposals Map

35. The proposals map sets out the geographic application of all policies with specific spatial extent in any DPD or saved development plan. The proposals map is not a DPD as it just identifies the geographical areas of application of policies (which can be a DPD or a saved Local Plan or a statutory designation).
36. The CS has to show how the existing adopted proposals map (i.e. the adopted UDP map) will be changed as a consequence of its adoption. Changes include anything that is being removed (for example a protective designation) and not only what is being added. Many authorities are showing proposed changes through the use of inset plans within the submitted CS, similar to your CS.
37. The Inspectorate's experience is that a complete "submission version" Proposals Map creates confusion between what is carried over and what is new and complicates CS examinations by side-tracking people from the main strategic issues. So this is not recommended.

Development Management policies

38. PPS12 does not mention development management (DM) policies in a CS but this does not mean it cannot be done - CLG is encouraging Councils to do so. Policies should not repeat national or regional planning policy guidance (¶ 4.30 PPS12).
39. In the CS there should be no detailed, negative "can't do that" DM policies - only higher level, strategic, positive and pro-active policies which provide a "hook" for later more detailed documents on the issues covered. The policies should be a limited number, and at a sufficiently detailed level and robust enough that sites can be developed without delays in waiting for later SPDs or DPDs.
40. There are duplications in DM policies in the CS, especially in design, and several repeat national policies.
41. The monitoring chapter should allocate responsibilities for the implementation of the various CS policies. In some cases there will be joint or shared responsibilities, but I think that in practice it will be clear to your colleagues which DM policies they have the prime responsibility for implementing.

UDP policies

42. Saved UDP policies and allocations remain until they are superseded by policies in a DPD (see below). Technically, therefore, UDP allocations will remain, but the result will be messy and confusing to the public, so I agree with GONW's advice that the UDP should ideally be superseded as quickly as possible. Safeguarded land in the UDP has no specific development allocation, and so would need to be specifically allocated for a new stated purpose in a DPD. Following our second meeting, I agree with GONW that safeguarded land has been allocated in the UDP for a strategic purpose (see ¶ 2.12 and Annex B of PPG2), and the implication in the CS at ¶ 10.132 is that this policy is being carried on. So the CS should have a strategic review of safeguarded land as part of its evidence base to justify this policy statement and the deletion of safeguarded land at ¶ 10.143, or another solution will have to be found.
43. If there are sites in the UDP which would no longer fit in with the overarching CS key policies then they should be superseded in the CS. But where deleting a UDP policy with criteria inconsistent with the CS policies, such as EMP1A, would remove allocations required in the short term until the Allocations DPD is adopted, then another solution will have to be found. This might be to retain the UDP policy but

to clearly set out in the CS (perhaps in an appendix) why it has been retained and exactly what criteria or part of the policy is inconsistent with the CS and so will no longer be implemented by the Council. This is not ideal or tidy, but it would probably be clear and logical to all parties and to any Inspector on appeal.

Housing Trajectory and Saved Policies

44. The CS needs to have a housing trajectory – probably in an appendix. It should clearly show how the sites would be phased over the Plan period. The 5 year rolling housing land supply [criteria](#) does not appear to take account of phasing, which means that the CS will have to carefully justify any inconsistencies in delivery. The policies do not give me a clear idea of the house numbers (or employment or retail floorspace) or where they will be distributed throughout the area. The CS should also clearly set out what saved UDP policies it will supersede – again, probably in an appendix.

Evidence base

45. See the [PINS article](#) on the evidence base. Evidence should be proportionate (only as much as is necessary) to the job that needs to be done.
46. The evidence should inform what is in the CS. The evidence should be as up-to-date as is practical (¶ 4.47 PPS12). Be rigorous in selecting what is needed. You may need to update old studies. Give Executive Summaries to long, technical studies.
47. It could be a useful exercise to go through each policy and proposal in the CS asking yourselves critically what its justification is and what are the facts/analysis that backs this up. Is there a clear linkage from evidence to policy?
48. There is no need to summarise study findings in the CS itself as this can reduce clarity. Some councils have found it helpful to prepare a statement or “Audit Trail” that sets out the preparation process and which has clear links to the relevant evidence, including non-technical summaries.

Other concerns

49. I have seen the recent GONW comments on the CS, which I agree with. Some other key concerns from my rapid read through of the CS are:
 - There is a lot of detail, and many allocations and boundary changes in your CS. It is consequently perilously close to being an old-style UDP. This may naturally change and reduce as you look at all the above points.
 - Many of the policies do not answer the basic questions set out above – what, where, when, how?
 - The explanation of the policies from ¶ 9.10 onwards is too complex (although the tables are relevant). Perhaps shorten and/or put in a background paper?
 - There needs to be a separate monitoring chapter written to accord with the Good Practice Guide. All the references to monitoring in the present CS (mainly in Chapter 7) would be moved into this new chapter.
 - I understand that minerals and waste strategy/policies are going to be provided in a separate, subsequent, joint DPD. The CS should confirm and state this position and then needs only to deal with the essential strategic elements relevant to the overall strategy.
 - The Key Diagram needs to be bigger and clearer and located in a more prominent position – perhaps at the end of the CS. The “focus for development” and “Greenheart regional park” line colours are too similar and so are confusing to readers.

Last thoughts

50. Please don't try to invent/re-invent the wheel. Look at other councils' websites where they have a sound Core Strategy (see the Inspectorate's list of submitted DPDs on its [LDF web page](#)); look through the documents produced for their Examination (including the Inspector's schedule of matters/issues); and discuss experiences with planning officers in other similar councils.
51. Please remember that the LDF system is very flexible and that there are always several possible ways of resolving a problem. Be creative. But always back up your chosen course of action with convincing evidence. And if you can see likely problems ahead with your solution, set out how you would deal with the situation if it went off course - the "what if" scenarios.
52. Please don't ignore a problem or concern. State it and deal with it. The CS has to deal with the tough, critical questions and not duck the question by pushing the problem away to a later DPD or SPD.