

Local Plans Guidance

Paul Ainsworth, Chair of Pub Campaigns

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**CAMPAIGN
FOR
REAL ALE**

1. What Is a Local Plan?

1.1 Councils which are local planning authorities (LPAs) must produce Local Plans which specify local planning policies for their area. The LPA should apply these policies, along with relevant national ones, when considering planning applications. Local Plans have to be consistent with national policy, particularly the National Planning Policy Framework (NPPF) – see Section 5 below.

1.2 Local Plans contain policies on the delivery of a host of services, including housing, shops, transport and other infrastructure, environmental protection and energy. Most importantly from our point of view, they cover community facilities, which in turn include pubs.

1.3 Local Plans comprise a **Core Strategy**, **Site Allocations** and a **Proposals Map**. The Strategy sets out the strategic vision and objectives for the area over a defined period, how the area will look at the end of this period and what key things are to be achieved. It will define the general location of development including any significant area of change or conservation. Site Allocations identify specific locations for new development which are then shown on the Proposals Map. The Plan can also include more general policies to guide how development takes place.

1.4 Please note that what is described here applies in England only. Scotland and Wales have similar, but not identical, systems.

2. Recent History

2.1 The national framework within which these Plans are established has changed several times over the years, resulting in a rather confused overall picture. From 2004, LPAs were required to have a **Local Development Framework (LDF)**, a collection of development plan documents, including a Core Strategy. LDFs supplanted the previous Unitary Development Plans/Local Plans although the policies in those documents were “saved” until the new LDF came into being. However, in 2011, LDFs were scrapped and in came Local Plans, confusingly the same title as often used for plans under the regime before LDFs!

2.2 Councils were supposed to complete these new-style Plans by March 2013 but most missed the deadline. Indeed, many hadn't yet finalised their LDF and so are still relying on policies drawn up many years ago. This does mean, however, that most Councils are still actively working on their Plans which gives us the opportunity to try to influence them in ways that are beneficial to pubs.

2.3 You can find out what stage your local Council(s) have reached by going to the Planning Policy section of their website and looking at the **Local Development Scheme**. This will set out the programme for the preparation and review of the Local Plan. You can also ask your Council(s) to notify of any consultations they are carrying out around Local Plans. A template letter for this purpose is at Appendix A.

3. Using the Existing Plan

3.1 The Plan will also be in the Planning Policy area of the website. As intimated above, it might, for historical reasons, be called something else like Local Development Framework or Development Plan. It will (necessarily) be a long document – the Plans are written primarily for the use of Planners themselves and are not therefore the most approachable of documents.



Most will have a section titled something like “Community Facilities” and it's here that you'll find the policies most relevant to pubs – the same policies often apply to other community facilities like post offices, shops and churches.

3.2 Many policies use wording to the effect that developments leading to the loss of such facilities will only be allowed if there is strong evidence that the facility is no longer needed by the local community and/or no longer commercially viable. The better policies go on to explore these concepts further. On viability, for instance, evidence may be demanded of a sustained marketing campaign to sell the pub as a going concern and submission of trading accounts for at least three years. The best policies of all require our Public House Viability Test, or similar, to have been employed.

3.3 Be aware, though, that in many Local Plans these policies apply only in rural areas, affording some protection to village pubs (especially the last one in a settlement) but not to those in towns and cities. The NPPF, though, has redressed the balance here to a considerable extent (see 5.3 below)

3.4 CAMRA is trying hard, both nationally and (in some areas) locally, to persuade Councils to adopt local planning policies strongly protective of pubs and we have developed a model policy which we ask Councils to consider using in their Plans. You can find this model wording at <http://www.camra.org.uk/resources-for-camra-branches>

3.5 If your Branch is objecting to a planning application concerning a pub, you should check how the proposals stack up against the Local Plan policies – and if they don't, this will be a very strong reason for objecting. There is much more on this in Saving Your Local Pub.

4. Getting Involved

4.1 We want all Local Plans to contain policies which help protect pubs from unwanted changes, especially changes of use. It's vital therefore that Branches have an input to the Plan preparation process and press for inclusion of appropriate policies.

4.2 Step one is to check the current status of the Plans which cover your area and what they say (or don't say) about pubs. Then, as mentioned above, identify the stage which your Council(s) has reached in preparing its NPPF-compliant Local Plan by looking at the Local Development Scheme. The Council is also required to produce a **Statement of Community Involvement (SCI)** which states how the Council will consult with local people and bodies in preparing its Plan. Branches should ask their Council(s) to add them to the list of interested parties to be formally consulted on the Plan.

4.3 Once you get the chance to have your say, decide what points you especially want to make. These could include:

- the case for pubs generally e.g. that they should be retained as community focal points and meeting places and bases for sporting and community activities, that local heritage should be protected by safeguarding pubs of character from unsympathetic development and so forth;
- a case arising from issues specific to the Branch area e.g. the

- continuing high loss rate of pubs;
- the fact that the Sustainable Communities Act establishes in law the definition of the pub as an essential community facility, thus enhancing its entitlement to appropriate protection.

4.4 Evidence to Support Your Case You can argue your case much more strongly if you can supply hard evidence to back it up e.g. precise figures on pub losses in recent years and narrative on the adverse effects which closures have had on local communities.

4.5 Pitch Your Case at the Right Level You should avoid straying into non-land use issues or going off on a tangent into unnecessary detail. Issues like pub company dominance, brewery takeovers or the quality of beer at threatened pubs are not land use matters. You should aim to portray yourself as authoritative on the role and heritage of pubs. This will be especially important if you're called on to put your case in person at any public examination. If, when preparing your case, you can access a friendly professional planner, they could greatly help you frame your case effectively.

4.6 Seek the Support of Others CAMRA isn't the only body interested in pub retention and heritage. Parish and Town Councils, local heritage groups, even some government agencies are likely to be on our side. It will be worth sharing ideas, working up joint arguments and perhaps even making a joint submission.

4.7 Suggest Policy Wording If no suitable pub protection policy exists in the consultation draft, suggest one yourself and explain why; our model policy was prepared with this eventuality in mind. Where there **is** a draft policy, but it's inadequate, state your reasons and submit a better one. These policies are best located in the aforementioned **Core Strategy**.

4.8 Ensure Your Involvement is Timely Needless to say, contributions to and comments on draft plans must be made when they are formally sought. Because of how the planning system works, Councils will discount comments made at other times.

5. The National Planning Policy Framework

5.1 The NPPF came into operation in March 2012, reducing 1000 pages of national planning policy to just 52. Local Planning Authorities in England (i.e. Councils with local planning responsibilities) were given twelve months to put in place up-to-date Local Plans consistent with these national policies.

5.2 As mentioned earlier, most Councils failed to meet that deadline (it **was** a pretty tall order) so due weight is now given to relevant policies in existing Local Plans “according to the degree of consistency with the Framework” - in other words, NPPF policies take precedence where there is any conflict or inconsistency. Where Local Plans are silent (as is often the case with policies on pub protection, especially in urban areas) then Framework policies apply.

5.3 The Framework contains several policies which are potentially very helpful to pubs – notably Section 70, which states that Local Planning Authorities (LPAs) should “guard against unnecessary loss of valued facilities where they would reduce the community's ability to meet its day-to-day needs” and should “ensure that established shops, facilities and services are retained for the benefit of the community”. The definition of community facilities earlier in the



section includes public houses. This policy applies to **all** community pubs, not just those in rural areas.

5.4 Section 28 calls on LPAs to promote the retention and development of local services and community facilities in villages such as public houses. Section 23 tells them to recognise town centres as the heart of their communities and pursue policies to support their viability and vitality.

5.5 At present, many Councils, particularly urban ones, have no policies which afford the Section 70 level of protection to pubs. The scale of pub losses in many towns and cities means that such Councils might now wish that they **did** have such local policies so that they could more easily refuse applications to change the use of pubs. The fact that the NPPF policies now take precedence enables them to do this, even if they have no explicit policy of their own.

6. Neighbourhood Plans

6.1 Neighbourhood Plans were introduced through the Localism Act 2011. The stated aim is to allow communities to plan for what type of development takes place in their areas and where it should go – though, as we will see, there are more than a few strings attached.

6.2 Neighbourhood Development Plans establish general planning policies for the development and use of land in a neighbourhood, such as:

- where any new houses or offices should be built
- what they should look like
- identifying community goals which can be met by planning for development.

The NDP must, however, still meet the needs of the wider area so will have to take into account the Council's assessment of housing and other development needs in the area, as set out in the Local Plan. NDPs can contain policies specifically about pubs or community facilities in general provided these don't conflict with anything in the Local Plan.

6.3 Neighbourhood Development Orders allow the community to grant planning consent for development which complies with the Neighbourhood Plan, removing the need for an application to be submitted to the Council.

6.4 Neighbourhood planning is led by the local Parish or Town Council or, in areas without them, new neighbourhood forums.

6.5 Only a handful of Neighbourhood Plans have so far been made so these are largely uncharted waters. How effective they will be and whether they might prove helpful to saving pubs remains to be seen.

Dear Chief Planning Officer,

LOCAL PLANS – CONSULTATION

I am writing to request that the **XX** Branch of CAMRA be included on your list of interested parties who will be formally consulted at each stage during the preparation of the Council's Local Plans.

As you would expect, CAMRA's chief concern is that your Local Plans will afford suitable protection, in planning terms, for public houses. The continuing loss of traditional pubs, both in urban and rural settings, is in our view having a very negative effect on the communities concerned. The planning system affords a potentially powerful line of defence against the efforts of some pub owners to make short-term financial gains at the expense of valuable community facilities.

Our hope would be that your Local Plans will include policies which support the retention of community assets like pubs and resist applications for change of use unless there is very clear evidence that the facility is no longer wanted or needed.

We will obviously respond in more detail as and when draft policies are prepared and comments on them are invited. If it would be helpful for myself and colleagues to discuss these issues with the officers drafting the relevant aspects of your Local Plans in advance of their being published for consultation then we would of course be delighted to do this.

On a slightly separate note, we would also be interested in being consulted on individual planning applications affecting pubs. Would you let me know please if that might be possible or, alternatively, inform me of any other ways and means by which we can become aware of such applications at an early stage.

Yours sincerely

Branch Pub Protection Officer