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Ministry of Housing,
Communities &
Local Government

Matthew Pennycook MP

Minister of State
2 Marsham Street
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Paul Morrison
Chief Executive
The Planning Inspectorate

30 July 2024

By email

Dear Paul

The Government knows how essential it is that local authorities have an up-to-date local plan in place as a basis for making sustainable decisions about the future of our cities, towns and countryside. We are committed to the plan making system; it is the right way to plan for the growth and environmental enhancement our country needs – by bringing local authorities and their communities together to agree the future of their areas.

I fully recognise the crucial role that the Planning Inspectorate plays in this, through the examination of plans impartially and publicly to ensure that they are legally compliant and sound. The work that the Inspectors do through Advisory Visits also helps to ensure those plans that are submitted have the best chance of being found sound.

However, we cannot ignore the fact that the length of examinations has been increasing, from 65 weeks on average in 2016 to 134 weeks in 2022.

In 2015, the Government set out an expectation that Inspectors should operate "pragmatically" during local plan examinations to allow deficient plans to be 'fixed' at examination. This has gone too far and has perversely led to years of delays to local plan examinations without a guarantee that the plans will ever be found sound, or that the local authorities will take the decisions necessary to get them over the line. This has to end.

Section 20 of the Planning and Compulsory Purchase Act 2004 provides that a local planning authority must not submit a local plan unless they have complied with relevant legislative requirements, and they think the plan is ready for independent examination by a Planning Inspector. Accordingly, an authority should not be submitting for examination a deficient plan believing the Inspector will use significant time and resource during the examination to 'fix' it.

Noting this concern, there is a role for Inspectors in ensuring plans that are submitted are capable of being found sound, which is why I would strongly encourage the Planning Inspectorate to continue supporting local authorities through Advisory Visits to ensure effective preparation for the examination process.

I also want to empower Inspectors to be able to take the tough decisions they need to at examination, to ensure they can focus their time on those plans that are capable of being found

sound and to realise this Government's aim of universal plan coverage. For this reason, I am writing formally to set out the Government's expectations on how examinations should be conducted in this respect.

Pragmatism should be used only where it is likely a plan is capable of being found sound with limited additional work to address soundness issues. Any pauses to undertake additional work should usually take no more than six months overall. Pragmatism should not be used to address fundamental issues with the soundness of a plan, which would be likely to require pausing or delaying the examination process for more than six months overall. Local authorities should provide regular progress updates of their work to the Planning Inspector during any agreed pause.

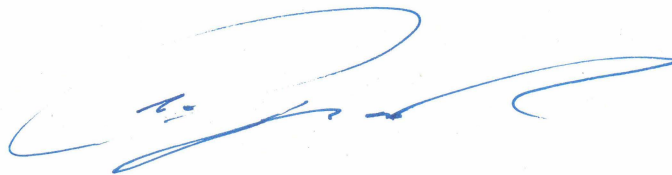
Any extensions to the six-month pause should only be allowed at Inspectors' discretion to deliver adopted local plans under the current system. In agreeing extensions, the Inspector should be confident that the local authority can complete any outstanding work in the agreed timeframe.

This new approach will apply to all plans with immediate effect. Existing pauses already agreed by an Inspector should remain in place unless the Inspector considers there is insufficient progress being made.

This will enable Inspectors to focus their valuable time and resources on those plans that are capable of being found sound and can be adopted quickly to provide certainty to local communities. Where a plan is unable to be found sound, the local authority will need to work in partnership with their local community to bring forward a new plan.

I would be grateful if you could ensure that Inspectors are aware of these changes and that you update your procedural guidance and support to Inspectors accordingly, as they continue their critical role in examining plans to support our ambition of universal coverage of local plans.

Yours sincerely,



MATTHEW PENNYCOOK MP
Minister of State