

## — THE-SYSTEM

# The Local Plan, and why most of England *does not have one*.

*The document that decides where houses go, how it gets made, what happens when it fails, and what happens without it.*

The Editor



Ground Level

Every planning decision in England is supposed to start with the same question: what does the plan say? Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that decisions "*must be made in accordance with the development plan unless material considerations indicate otherwise.*" That single sentence is the foundation of what planners call the plan-led system. The Local Plan is the document at its centre.

A Local Plan sets out where a council wants development to happen and where it does not. It contains a housing target, site allocations, policies on design and density, protections for landscape and heritage, and a policies map showing it all spatially. It typically covers 15 to 20 years.

It is prepared by the council, examined by an independent inspector, and adopted by a vote of full council. Once adopted, it is the primary basis for every planning application in the district.

## 28%

Of local planning authorities in England with a Local Plan adopted within the last five years. Down from 48% in 2019.

SOURCE • MHCLG, FEBRUARY 2025

As of February 2025, only 86 of 308 local planning authorities in England had a Local Plan adopted within the last five years. That is 28%. Down from 149 in 2019. Most of the other 222 councils still have a plan. It has not disappeared.

But it is more than five years old, which means the NPPF treats its policies as out of date. A plan written for a housing target of 420 homes per year does not carry the same weight when the current target is 1,036. The plan still exists on paper. Its protections become much easier to override in practice. Around 7% of councils have no adopted plan at all (NAO, Improving local areas through developer funding, June 2025; Public Accounts Committee, October 2025).

## How the process works.

Under the regulations that governed plan-making until March 2026, a Local Plan passed through a fixed sequence. The council gathered evidence: housing need assessments, transport studies, flood risk appraisals, landscape character assessments, ecology surveys, viability assessments. This evidence base alone could take two years to assemble.

The council then consulted the public on what the plan should contain. This was the Regulation 18 stage, often run in two or three rounds: issues and options, then preferred options, then a draft. Each round took months. Each generated objections. Each required the council to respond, revise, and re-consult.

Once the council had a draft it was prepared to defend, it published the plan for a formal six-week consultation under Regulation 19. This was the last chance for anyone to raise objections on legal or soundness grounds. The plan was then submitted to the Secretary of State and passed to the Planning Inspectorate for examination.

The examination is where plans survive or die. An inspector, appointed by the Planning

Inspectorate and paid for by the council, tests the plan against four requirements. Is it positively prepared, meaning does it meet the area's objectively assessed needs? Is it justified, meaning is the strategy based on proportionate evidence? Is it effective, meaning can it actually be delivered? And is it consistent with national policy?

These are not abstract questions. The inspector calls hearing sessions, organised by topic. Housing numbers. Site allocations. Green Belt. Transport. Infrastructure. The council presents its evidence. Developers argue for more sites or different policies. Parish councils and residents argue for fewer. Written evidence carries equal weight to oral evidence. The process can take months.

If the inspector finds the plan sound, it is adopted. If the plan needs changes to be made sound, the inspector can recommend main modifications, which require a further six-week consultation before the final report. If the plan cannot be made sound, the inspector invites the council to withdraw it. Years of work and hundreds of thousands of pounds are written off.

## 7 years

Average time to produce a Local Plan under the old system. The new regulations require 30 months. England is short 2,200 planning officers.

SOURCE · MHCLG DIGITAL PLANNING

The government's own data says this process takes an average of seven years. MHCLG's Digital Planning team described the problem plainly: *"Many plans take over 7 years to produce and cost councils millions of pounds."*

## What "*found unsound*" looks like.

Stroud District Council submitted its Local Plan Review in 2021. It proposed around 12,600 homes to 2040, concentrated at large strategic sites including new settlements at Sharpness and Wisloe. These sites depended on upgrades to junctions 12 and 14 of the M5, costed at £240 to £330 million.

The inspectors flagged concerns in August 2023. They granted a ten-month pause. They wrote again in February 2025, and again in April 2025. Their conclusion turned on one question: where was the money for the junction upgrades? No external funding had been identified. Section 106 and Community Infrastructure Levy contributions from the development itself could cover roughly 15% of the total. The inspectors calculated that without the upgrades, only 63 to 71% of the plan's housing could be delivered. They recommended withdrawal.

Stroud had spent upwards of £600,000 to £800,000 on the plan process. Four years of officer time. The council now has a 3.24-year housing land supply against a target that has risen from 620 to 820 homes per year under the new standard method. The tilted balance applies to every application. Developers are already submitting schemes on unallocated sites.

Stroud is not unique. Uttlesford District Council spent approximately £6 million on plan-making between 2005 and 2020 across two separate failed plans, both found unsound by inspectors, before withdrawing the second in April 2020. St Albans withdrew in 2020 after failing the Duty to Cooperate; its current adopted plan dates from 1994. Elmbridge was found unsound in September 2024 because it refused to release

Green Belt land to meet a housing target that had risen from 650 to 1,443 dwellings per year.

## What happens without a plan.

A council without an up-to-date Local Plan loses the presumption that is supposed to protect it.

NPPF paragraph 11(d) requires that where relevant development plan policies are absent or out of date, planning permission must be granted unless the harm would "*significantly and demonstrably*" outweigh the benefits. That word "*significantly*" does all the work. It is not enough for the harm to outweigh the benefits. It must do so significantly and demonstrably. The burden falls on the council to prove it, and the developer knows it.

A plan becomes out of date by three routes. Age: the NPPF requires plans to be reviewed every five years. The five-year housing land supply test: a council that cannot demonstrate five years of deliverable sites is automatically treated as having out-of-date housing policies. And the Housing Delivery Test: delivery below 75% of requirement over three years triggers the same consequence.

The December 2024 NPPF tightened this further. The threshold for refusal moved from "*clear*" to "*strong*" reasons. Previous protections for councils with plans at advanced stages were removed. The result is that roughly two thirds of councils in England are now exposed to the tilted balance. The Home Builders Federation found that roughly half of all housing appeal decisions over 2020/21 to 2022/23 were allowed, covering 73,000 of the 155,000 dwellings appealed.

For the 72% of councils without an up-to-date plan, every speculative application arrives with the system already tilted in the developer's favour. The plan was supposed to be the democratic alternative to this. For most of England, that alternative does not exist.

## **The new system.**

On 25 March 2026, a new set of regulations replaced the old plan-making process. The Town and Country Planning (Local Planning) (England) Regulations 2026, made under the Levelling-up and Regeneration Act 2023, require councils to produce a single Local Plan within 30 months.

The process runs through three gateways. Gateway 1 is a self-assessment by the council: are you ready to start? Gateway 2, around the midpoint, involves the Planning Inspectorate giving advisory observations on whether the plan is heading towards soundness. Gateway 3, before examination, is a pass/fail assessment. If the plan does not pass Gateway 3, it cannot proceed to examination. Examination itself is expected to take no more than six months.

Other changes: the Duty to Cooperate, the legal requirement for neighbouring councils to agree on cross-boundary issues, has been abolished. Councils must produce one plan, not the multiple documents the old system allowed. Supplementary Planning Documents are replaced by Supplementary Plans that carry full development plan weight.

The old system and the new run side by side until 31 December 2026. Councils with plans already in progress can submit under the old reg-

ulations until that date. After that, everything moves to the new system.

Whether 30 months will work is an open question. The Planning Inspectorate is expecting 147 plan submissions before the end of 2026, up from 18 in 2023/24. It is doubling its Local Plans inspector workforce. The LGA has called 30 months "*an aspirational timeframe.*" The RTPI's 2025 survey found one in five planners expect to leave the profession within three years. England is short approximately 2,200 planning officers. The system is being asked to move twice as fast with fewer people.

## **When the council writing the plan is about to be abolished.**

Running alongside all of this is the largest local government reorganisation in England for fifty years. Two-tier government is being abolished across 21 county areas. District and county councils will merge into new unitary authorities, typically serving populations of 500,000 or more. Shadow elections are expected in May 2027 with new authorities operational from April 2028.

The government has been clear that reorganisation is not a reason to stop making plans. Housing Minister Matthew Pennycook told councils in his June 2025 Written Ministerial Statement: "*I continue to expect local planning authorities to work towards the adoption of an up-to-date local plan as quickly as possible.*"

But the precedents are not encouraging. Somerset Council, created as a unitary in April 2023, originally targeted adoption of a new Local Plan by March 2028. That has slipped to March 2029. Six years from vesting day to an

adopted plan. BCP Council and Buckinghamshire saw similarly protracted replacement processes.

Gloucestershire is the live test case. Six districts plus the county council are to merge by April 2028. The government consultation on the structure of the new authority ran from February to March 2026. In the meantime, three separate Local Plans are being written against each other in the same county: Stroud restarting after being found unsound, a joint Cheltenham-Gloucester-Tewkesbury plan racing to submit before December 2026, and a Cotswold plan targeting submission by December 2026 and adoption in 2027.

Cotswold's position is the sharpest illustration of the problem. Its current plan was adopted in August 2018 with a housing requirement of 420 dwellings per year. The December 2024 standard method produced a new target of 1,036. The council's five-year supply has fallen to 1.8 years. Eighty per cent of the district lies within the Cotswolds National Landscape. Pennycook has written three times to confirm the 1,036 target stands. The council's own committee papers, from July 2025, state the dilemma directly: failure to adopt before reorganisation *"could result in delays of 5 to 7 years if local government reorganisation led to the creation of a new unitary authority, which would likely require restarting the process."*

The council is therefore racing to adopt a plan it knows will be inherited by an authority that does not yet exist, against a target it considers undeliverable, on a timetable that depends on nothing else going wrong, using a planning team that is already short-staffed. That is the Local Plan system in 2026.

## Connection to the standard method.

The standard method sets the number. The five-year supply test enforces it. The tilted balance penalises councils that fall behind. And the Local Plan is where the number is supposed to meet the map.

The plan is the mechanism through which a community gets to say: these sites, in this order, with this infrastructure, to this design standard. Without a plan, those decisions are made by developers submitting applications and inspectors deciding appeals. The community participates as objectors rather than as authors.

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— The Editor · Ground Level, May 2026

For 72% of England, that is the system as it stands. The plans do not exist. The decisions are being made anyway. And the places that result are the ones nobody planned for.

