

## **Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms**

*NB- Wording in italics is for information purposes only, not for inclusion in the response.*

### Preparation and timetable

- *Start updating plans every 5 years.*
- *Updating the timetable in standard format every 6 months.*
- *Allows for preparation and evidence-gathering before formal announcement of the 30 month period will commence. Also includes new steps, e.g. PID preparation.*
- *2 periods of public consultation and 'invite' early matters shaping the plan, with stat bodies, and longer statutory consultation periods.*
- *3-stage gateway process plus final assessment.*

### Other matters

- *Minerals and waste plans to be separate, or incorporated within local plans. New style minerals and waste plans but as above can be combined so who produces?*
- *Introducing supplementary plans, but this would mean not one single local plan as is stated to be the intention.*
- *Community land auctions. options for phasing the roll-out of the new local plan-making system from autumn 2024.*

### **Question 1: Do you agree with the core principles for plan content? Do you think there are other principles that could be included?**

*Plans should contain ambitious locally distinctive policies, foster beautiful places, set out a detailed approach to monitoring and ongoing review. Plans to set out:*

- *“amount, type and location of, and timetable for, development”*
- *other policies relating to the use or development of land*
- *details of any infrastructure requirements, or requirements for affordable housing, which development over the plan period should meet.*

Yes, agree with the core principles of plan-making, including infrastructure requirements and for affordable housing.

### **Question 2: Do you agree that plans should contain a vision, and with our proposed principles preparing the vision? Do you think there are other principles that could be included?**

*The vision should serve as a “golden thread” through the entire local plan,*

*set out measurable outcomes for the plan period, supported by a key diagram.*

Yes, agree that the vision is a fundamental element of a local plan. This should be drawn down from other corporate strategies and be deliverable, and to secure local buy-in of the local plan.

**Question 3: Do you agree with the proposed framework for local development management policies?**

*Local DM policies should be underpinned by appropriate justification, scoped through the gateway assessment and enable the delivery of the plan's vision.*

Without having seen the detailed content of the NDMP, or the checks at each 'gateway' it is difficult to comment fully on the appropriateness of this approach.

**Question 4: Would templates make it easier for local planning authorities to prepare local plans? Which parts of the local plan would benefit from consistency?**

*The introduction of data standards will help to ensure that plan data is created and published consistently across all planning authorities. So proposing nationally-defined digital templates setting out standardised approaches to specific parts of the plan. Templates will be designed to provide sufficient flexibility, for example to allow for individual local circumstances and to enable local innovation, whilst ensuring that key standards are met.*

Disagree with approach to templates for local plan drafting. This appears contrary to the principles of strengthening engagement and consultation within the plan-making system, and reduces scope for local distinctiveness. However, if this were to be progressed the templates should be limited to the scope and structure of policies not detailed 'options' for selection or deselection. It is unlikely that templates produced at the national level would be capable of reflecting the wealth of detailed and local matters and LPAs would then have to spend additional time justifying deviations from this approach.

**Question 5: Do you think templates for new style minerals and waste plans would need to differ from local plans? If so, how?**

As above.

**Question 6: Do you agree with the proposal to set out in policy that planning authorities should adopt their plan, at the latest, 30 months after the plan preparation process begins?**

*Sets out proposed elements of the 30-month timeframe for local plans and minerals and waste plans. However, sets out 30 months maximum.*

- **Scoping and early participation (4 months) before clock starts**– including

*“notify” the public and stakeholders including statutory bodies and “invite” participation; prepare or update timetable, participation and evidence gathering required to inform the Strategic Environmental Assessment (and its eventual replacement Environmental Outcomes Reports).*

- **Preparation -23 months**
  - **Plan visioning and strategy development** – visioning about the future of the area (and the first formal public consultation on the plan of 8 weeks)
  - **Evidence gathering and drafting the plan** – including the second gateway assessment.
  - **Engagement, proposing changes and submission of the plan** – second public consultation (6 weeks) and undertaking the third gateway assessment.
- **Examination- 6 months**
- **Finalisation- 1 month**

Agree that the 30-month timetable should speed up plan making, but only under the right conditions. This would require continuity of position and certainty regarding timetables of any further government planning reforms, including the Development Management Policies or the Environmental Outcomes Reports. At a local level political change, which occurs in regular cycles could have impacts on the ability to meet key deadlines within the 30 month timetable. To be achievable local planning authorities need to be appropriately resourced, enabled to make effective use of technology, in particular in relation to consultation response processing, and to have certainty with regard to each part of the plan-making process.

**Question 7: Do you agree that a Project Initiation Document will help define the scope of the plan and be a useful tool throughout the plan making process?**

Agree with in introduction of project management processes to the plan-making process. However, the initial scoping stage combines plan-scoping with project management which are likely to require more time to be effective. Bullets 49 (a) i and ii define the scope of the plan and local issues and is likely to be more complex and will most likely involve some element of political engagement, introducing a variety of variables, local matters and issues. This also includes SEA (or EOR) processes. However, agree with bullets 49 (a) iii and iv, which embeds project management processes (e.g. Project Initiation Document, risks, engagement plans). Also agree that plan monitoring should be factored in from the outset. Therefore, this stage could take longer than the 4 months allowed and lead to delays to the commencement period.

The plan visioning stage includes confirmation of evidence. Depending on the topics and detail of the evidence this may be too late as can take months to produce so should be done prior to the commencement period. Agree that vision-setting should be integral to the focus of the local plan. If the scope of the evidence gathering is completed before the commencement period this gives additional time for the

evidence gathering stage, making the total 23-month period feel more achievable. Given that the 23-month period contains 16 weeks of consultation, it would be imperative that local planning authorities have the right consultation packages in place to be able to turn around within these timeframes.

**Question 8: What information produced during plan-making do you think would most benefit from data standardisation, and/or being openly published?**

There is quite a lot of data contained within evidence base documents that could be applied universally, or made available. For example open space studies include population data, service provision and standards which could be applied or reflected within other documents. Evidence can also include raw data from retail household surveys or business surveys which could also be useful for other agencies.

**Question 9: Do you recognise and agree that these are some of the challenges faced as part of plan preparation which could benefit from digitalisation? Are there any others you would like to add and tell us about?**

Agreed, most particular in relation to plan-monitoring, whereby digital processes would be easiest to introduce and standardise at a national level.

**Question 10: Do you agree with the opportunities identified? Can you tell us about other examples of digital innovation or best practice that should also be considered?**

Agree. Digital planning tools will be imperative to be able to produce plans within the 30-month period. As above standardisation and integration of monitoring processes.

**Question 11: What innovations or changes would you like to see prioritised to deliver efficiencies in how plans are prepared and used, both now and in the future?**

As above.

**Question 12: Do you agree with our proposals on the milestones to be reported on in the local plan timetable and minerals and waste timetable, and our proposals surrounding when timetables must be updated?**

Agreed. Consistency of timetable reporting and utilising consistent formats and structures is appropriate. As set out within the consultation, it is likely that delegated authority to make these updates would be required to update these every 6 months.

**Question 13: Are there any key milestones that you think should automatically trigger a review of the local plan timetable and/or minerals and waste plan timetable?**

There may be some circumstances whereby political change or direction of national policy, or other locally specific matters which may trigger a review of the timetable.

**Question 14: Do you think this direction of travel for national policy and guidance set out in this chapter would provide more clarity on what evidence is expected? Are there other changes you would like to see?**

These amendments to the NPPF will be subject to further consultation but principles of setting out evidence expectations are supported. Support for the light touch statement of compliance with legislation and national policy supported, which should give local planning authorities confidence in the direction of travel.

**Question 15: Do you support the standardisation of evidence requirements for certain topics? What evidence topics do you think would be particularly important or beneficial to standardise and/or have more readily available baseline data?**

Support for the standardisation of evidence topics. There is already a lot of data produced in support of existing local plans which could be made centrally available to draw upon as a baseline where relevant. One example would be open space studies which apply consistent approaches and methodologies.

**Question 16: Do you support the freezing of data or evidence at certain points of the process? If so which approach(es) do you favour?**

It would be more practical to freeze input data at a certain point in time preventing the need to review where new data is available.

**Question 17: Do you support this proposal to require local planning authorities to submit only supporting documents that are related to the soundness of the plan?**

The proposed amendments require an element of judgement from local planning authorities to determine what documents should be submitted. There is a risk that LPAs will err on the side of caution so these amendments may not have the desired impacts. Therefore additional guidance or dialogue may be required through the 'gateway' assessment process.

**Question 18: Do you agree that these should be the overarching purposes of gateway assessments? Are there other purposes we should consider alongside those set out above?**

Support for the new gateway assessment process and the purposes appear reasonable. However, at least 4 weeks per gateway to meet the 30-month timeline other work would need to continue whilst these checks are underway. Additionally, it is unclear what the early 'advisory' outcomes may be. The risk being that any failures at each gateway stage could increase the requirements for the next, and the ability to meet the strict timelines at risk.

The gateway approach introduces a series of additional checks, with implications for the assessors' resources, so support for a dedicated 'gatekeeper' to undertake some of this role. The cost of the checks are proposed to be borne by the local planning authority which would require additional budget allocations.

**Question 19: Do you agree with these proposals around the frequency and timing of gateways and who is responsible?**

Agree the timing of the gateways and the responsible bodies for assessment. As above the additional costs to the LPA would need to be accounted for.

**Question 20: Do you agree with our proposals for the gateway assessment process, and the scope of the key topics? Are there any other topics we should consider?**

Some of the gateway tasks as proposed relate to project management processes whereas others relate to the content of the plan. It would be helpful therefore to understand the potential outcomes or recommendations of both and their implications for proceeding to the next stage. However the gateway process itself will also require resourcing from within the local planning authorities.

**Question 21: Do you agree with our proposal to charge planning authorities for gateway assessments?**

The gateway process as set out will also require resourcing from within the local planning authorities, and may impact on the ability to deliver the core local plan tasks and timetables. Given local authority budgets, disagree in this context with the proposal to charge local planning authorities for this service. However if there is to be a charge it should be proportional to the tasks.

**Question 22: Do you agree with our proposals to speed up plan examinations? Are there additional changes that we should be considering to enable faster examinations?**

Agreed that crucial to getting plans in place is a swift examination process. This would require adequate resourcing from within the planning inspectorate. There is currently some duplication between Regulation 19 representations, hearing statements and information given at the hearing sessions, therefore could be sped up if there were opportunities to streamline. Shortening the main modifications consultation period could also be beneficial.

**Question 23: Do you agree that six months is an adequate time for the pause period, and with the government's expectations around how this would operate?**

Agreed.

**Question 24: Do you agree with our proposal that planning authorities should set out their overall approach to engagement as part of their Project Initiation Document? What should this contain?**

The approach to engagement is probably too detailed for inclusion within a PID.



Therefore it would be more appropriate to include a requirement for a specific Engagement Strategy including how, when and who will be engaged for each task of the plan-preparation. This should include extensive stakeholder mapping and gap analysis to ensure that groups are effectively engaged with the plan-making system by a variety of means.

**Question 25: Do you support our proposal to require planning authorities to notify relevant persons and/or bodies and invite participation, prior to commencement of the 30 month process?**

Although the principles of early notification and inviting comments at an early stage are supported in principle, inviting input on the plan before it has been developed could lead to additional frustrations or confusion from stakeholders as there would be only a limited amount of input they would be able to provide at this stage. It is the experience of many LPAs that the most useful comments are received on draft policies and approaches and have a real opportunity to further shape and refine content.

**Question 26: Should early participation inform the Project Initiation Document? What sorts of approaches might help to facilitate positive early participation in plan-preparation?**

Early engagement on how to involve stakeholders should form part of the PID, however as above the level of detail this could involve would lend itself to a separate Engagement Strategy approach instead.

**Question 27: Do you agree with our proposal to define more clearly what the role and purpose of the two mandatory consultation windows should be?**

Agree with defining the purposes of the two mandatory consultation periods, and the approaches reflect the degree of influence at differing stages of the plan-preparation process. However, in terms of standardisation, this should also allow for innovation in methods and approaches. Additionally, from experience the length of the consultation period does not affect the quality or quantity of responses. Often consultation periods are extended currently beyond the 6 weeks statutory minimum, however responses become more numerous in the remaining days and weeks. Therefore, extending the minimum requirement will likely have very minimal impact.

**Question 28: Do you agree with our proposal to use templates to guide the form in which representations are submitted?**

Support for the approach to limit the time taken analysing responses, and the need to maximise the use of technology. However, the templates need to be simple, accessible and understandable. The risks associated with templates for submissions is that respondents may by-pass these methods by more traditional means (emails, letters) which would make it more time-consuming to address and respond to. The implications of respondents' not using the templates would a need for external response analysis with a cost to the LPA, or that the 30-month deadlines would not be able to be met.

**Question 29: Do you have any comments on the proposed list of prescribed public bodies?**

Agree with the proposed list of prescribed bodies.

**Question 30: Do you agree with the proposed approach? If not, please comment on whether the alternative approach or another approach is preferable and why.**

Agree with the approach to notifying prescribed bodies of the commencement period for local plan preparation.

**Question 31: Do you agree with the proposed requirements for monitoring?**

Support a consistent and focussed approach to monitoring which should allow more accurate comparisons to be made across authorities. This should also allow data collection at different spatial scales. Provided the appropriate data handling systems are in place, with opportunities for automation it should be relatively simple for local planning authorities to provide the data on a regular basis. Therefore question whether there is a need for a 'light touch' annual approach. The operation of standard data-handling systems at a national level would also assist.

**Question 32: Do you agree with the proposed metrics? Do you think there are any other metrics which planning authorities should be required to report on?**

To enable useful data-collation and comparisons at varying spatial scales, it may be beneficial to include more detailed metrics, such as bedrooms, unit types, floorspace change etc.

**Question 33: Do you agree with the suggested factors which could be taken into consideration when assessing whether two or more sites are 'nearby' to each other? Are there any other factors that would indicate whether two or more sites are 'nearby' to each other?**

Disagree with the removal of Supplementary Planning Documents as they are often used to provide more detailed guidance on adopted topic-based policies and given the parameters of the Supplementary Plans (SP), this leaves a gap. Agree with SPs being used for Design Codes but it is not clear when, and under what other circumstances a SP may be appropriate. The questions posted around what could be considered to be 'nearby' reinforce that the purposes of these documents will most likely be misunderstood, or not applied consistently.

**Question 34: What preparation procedures would be helpful, or unhelpful, to prescribe for supplementary plans? e.g. Design: design review and engagement event; large sites: masterplan engagement, etc.**

As the SPs are due to undergo 'light touch' examination it would be useful to set out what would be included within this. Additionally, similar to the current SPD



preparation process a clear process and consultation approach would be useful.

**Question 35: Do you agree that a single formal stage of consultation is considered sufficient for a supplementary plan? If not, in what circumstances would more formal consultation stages be required?**

As a majority of SPs will relate to Design Codes one round of public consultation appears appropriate.

**Question 36: Should government set thresholds to guide the decision that authorities make about the choice of supplementary plan examination routes? If so, what thresholds would be most helpful? For example, minimum size of development planned for, which could be quantitative both in terms of land use and spatial coverage; level of interaction of proposal with sensitive designations, such as environmental or heritage.**

Agreed that thresholds for when should SP examinations appear appropriate.

**Question 37: Do you agree that the approach set out above provides a proportionate basis for the independent examination of supplementary plans? If not, what policy or regulatory measures would ensure this?**

Agreed a proportionate approach appears appropriate.

**Question 38: Are there any unique challenges facing the preparation of minerals and waste plans which we should consider in developing the approach to implement the new plan-making system?**

No comment.

**Question 39: Do you have any views on how we envisage the Community Land Auctions process would operate?**

It is unclear how the process could operate if there was not a need to allocate land for development to take place, eg if the site could be developed through the application of existing plan policies alone.

**Question 40: To what extent should financial considerations be taken into account by local planning authorities in Community Land Auction pilots, when deciding to allocate sites in the local plan, and how should this be balanced against other factors?**

Where the allocation process applies, the CLA approach and the consideration of financial benefit should not overrule or supersede sustainability and other site-specific factors.

**Question 41: Which of these options should be implemented, and why? Are there any alternative options that we should be considering?**

It is very disappointing that the government is intending to proceed with the transition arrangements as proposed within the December 2022 consultation, whereby plan-makers will have until 30 June 2025 to submit their local plans. At this date it was envisaged that the new NPPF would be published in 'Spring 2023' and yet this is now not expected until September 2023 at the earliest. The consultation suggested quite considerable reforms to the approach to housing targets and the Green Belt and without this certainty it is difficult for Green Belt authorities to proceed with their plan-making. The government will be aware of the number of local planning authorities publicly seeking to pause on the basis of this uncertainty. Therefore authorities have already lost 9 months of the 'transitional period' through this uncertainty. The timeline is therefore incredibly tight for authorities such as Tonbridge and Malling (who require a second round of Regulation 18 consultation) to proceed with their plan-making. The council wishes to get a local plan adopted as soon as possible, and under the current arrangements but due to these delays, this may no longer be achievable.

It is noted that regulations will provide limited flexibility for authorities to adopt plans at a specified later date in the most exceptional circumstances, it would be helpful to have some clarity on under what circumstances this may be appropriate.

If the council was unable to meet the transitional arrangements it would be required to proceed under the new arrangements with at least a year's delay to adoption, depending on whether it would be successful in becoming one of the ten 'front-runners'. If not, the grouping approach applied would be a further delay in plan-making and an even longer delay to when the council has an up-to-date local plan. Therefore, an extension to the transitional arrangements is strongly argued for to allow local planning authorities to get a plan in place.

If not forthcoming, as suggested authorities should be allowed to proceed with the new arrangements as soon as possible.

**Question 42: Do you agree with our proposals for saving existing plans and planning documents? If not, why?**

Agree with the 'saving' arrangements, but this would only apply to authorities with up-to-date plans.