

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

## Horsham District Council Response 12 October 2023

1. We are pleased to be able to contribute to the consultation on reforms to the plan-making process. We have a history of constructive engagement on changes to the planning system, including involvement in a previous task force, and have taken an active interest in the reform agenda that has been emerging during this Government.
2. We have set out in our responses below the measures in this consultation which have our support. Where we think measures can be improved or whether the proposals would have negative impacts, we have made suggestions and/or made clear why the proposals generate concerns.
3. In summary, we:
  - Agree with the central aims to speed up plan-making and make plans more accessible. In particular, we are supportive of measures to speed up Local Plan examinations and require evidence to be proportionate.
  - Are disappointed that reforms are taking so long to produce – in sections of this document, it would not appear that progress has been made on key elements. In particular, we are yet to see new draft NPPF wording (including the alignment policy) and the proposed NDMPs, which collectively will be crucial in the preparation of new style Local Plans.
  - Support standardisation in principle, with clear guidance and templates as to how to undertake evidence documents on key issues welcomed. However, such guidance and templates have not been drafted or published and therefore it is difficult to give full support without seeing the detail.
  - Are supportive of the Gateway Assessments and can see benefits. Nonetheless it is deeply disappointing that Councils will be expected to fund these three assessments themselves which will add a further burden on local authority budgets. We also have concerns about the ability of PINS to resource such level of involvement without major investment.
  - Support requiring statutory consultees to assist with plan-making, though we express reservations about their ability to provide such assistance without major investment.
  - Do not support limiting supplementary plans to being design codes or else, site specific policies. Such a change will prevent Councils from introducing policies on thematic issues – such as water neutrality – to respond to changes in circumstances swiftly and efficiently, without having to produce a new Local Plan.

## Chapter 1 – Plan Content

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

4. We are generally supportive of the principles identified but reiterate points made at previous consultations that a subjective term that is 'beauty' should not form a central part of what a Local Plan should aim to achieve.

5. The Council has declared a climate and ecological emergency and the UK has a legally binding agreement to reach net zero emissions by 2050. Given this context, it is surprising that a core principle of Local Plans relating to tackling climate change does not feature, as measures in Local Plans could have a key influence on the achievement of such goals.

**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?**

6. We agree that plans should contain a vision to which the policies of the Local Plan should assist with delivering. We agree that visioning should be done with communities to enable their input – albeit the government will be aware that there are many voices in communities who seek to limit new development, which may not be compatible with the government’s objective for the planning system and there will need to be guidance provided centrally on this point to manage expectations of those who wish to involve themselves in plan making.
7. We do think the second principle – that the vision should set out measurable outcomes for the plan period and be underpinned by the evidence base is peculiar. At the visioning stage of the plan-making process, the evidence base would not have been finalised and the monitoring framework will not have been established. We thus would advise that it is made clear that the development of the vision is a separate task to evidence base preparation rather than attempting to combine two separate processes. Doing so will also enable visions to be concise – a principle that is identified in the consultation document and supported.
8. Mention is made in paragraph 28 of a digital template to be used to prepare the vision for the Plan. As with other sections of this consultation document, it would have been helpful to share this as part of the consultation so that it could be reviewed and its effectiveness assessed. Without this, there are questions as to whether a template-produced vision matches with the government’s laudable intent to make visioning a community-led activity – however this cannot be judged without seeing the template.

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

9. We support the basic framework for local DM policies – namely that they should be supported by appropriate justification and enable the delivery of the vision. However, a missing aspect not included within the consultation document is that when scoping local DM policies, account will need to be had of NDMPs, so as not to repeat or conflict with national policy. On this point, we feel that it is a missed opportunity that the NDMPs have not yet been published – even in a draft state. We think it would have been advisable to publish them in this round of consultation so that the effect of the proposed principles could be properly judged.

**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?**

10. We agree that a degree of standardisation could benefit the planning system as a whole – we would not be against common colours, symbols, etc. for maps, particularly if it is envisaged that a national map would be created. Neighbourhood Plan groups would also need to have access to such templates to ensure consistency across the sector.
11. Nonetheless places are different, as will be their planning issues and policy approaches. Variation between authorities and their Local Plans (as well as Neighbourhood Plans) is therefore inevitable and standardisation may not necessarily be a good outcome in all instances. Therefore templates will need to allow for such nuances, but again, as the templates have not been produced we cannot offer a view as to whether they would make plan making easier.

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

12. We do not have comments on this question.

## Chapter 2 – The new 30 month plan timeframe

### 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?

13. Firstly, the consultation document puts forward a 34 month timeframe for plan preparation, given that there will be an enforced notification period of at least 4 months prior to the following phases being allowed to commence in which plan-making activity will need to be undertaken. It is not clear why this 4 month period is not included in the calculation for the timeframe of plan development but the messaging is likely to give rise to expectations as to the speed of plan production that cannot be achieved.
14. Nonetheless, the Council agrees with the central need to speed up plan-making and that this is a good aspiration. However, there is no discussion as to how things beyond the control of plan-makers will affect development of Local Plans. For instance, local elections may see a change of power and thus a shift in strategy. It is not clear however if Councils would have to restart back to the first notification period or could make changes before the next gateway assessment. National infrastructure, for example should a major international airport expansion be approved in close proximity, would likely impact on the strategy behind a Local Plan, affecting timescales. This lack of flexibility in timescales presents a major risk to plan-making authorities, and we would consider it unacceptable that LPAs could be penalised for circumstances beyond their reasonable control. It may further be construed as undemocratic if a change in political leadership during plan preparation did not present opportunity for an alternative strategy to be put forward (based, for example, on manifesto commitments) without risking ending up with an out-of-date plan along the line.
15. Additionally, although we appreciate statutory consultees will be required to engage in the process, our experience is that they are already poorly resourced for their current level of work and we have no confidence that they will be able to deal with additional requests – which has added significant time in preparing our current Local Plan.
16. Lastly, there is also no discussion about the number of representations that will likely be received during consultations on the draft Local Plan and the visioning stage – which is peculiar given that Government itself has suggested the volume of feedback has delayed the speed of its reforms. At HDC, we received over 6,000 comments at the Regulation 18 version of our Local Plan. Such comments take time to process, review and consider in order to take them into account when finalising the Local Plan. This takes considerable resource, and this does not appear to be adequately reflected in the timescales indicated.

### 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?

17. We think this is a capable of being a positive change as it will make clear as to the intent of the Local Plan and will help prevent mission creep that can occur through plan preparation. As it will also be used in the first gateway assessment, it will have a dual purpose and therefore will reduce the need for Councils to produce other documentation for an Inspector – something that we support in principle. The PID should specifically include a risk assessment section, with recognition that there may be limited options for mitigation against significant changes in circumstance – this may include the elections cycle leading to changes in political leadership, or unforeseen decisions outside of the LPA's control relating to planned supporting infrastructure.
18. However, it is not possible to judge the effectiveness that the PID may have until the template referred to in the consultation material is made available for consideration. Further, NDMPs have the potential to limit the scope of policies that may be included in Local Plans – yet, we have yet to see them either.

## Chapter 3 – Digital plans

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

19. Geographical data would benefit most from standardisation. The ESRI GIS system is considered to be the data standard for spatial mapping. Receiving, for instance, the GIS shapefiles for submitted SHELAA sites would save considerable officer time manually digitising boundaries from maps in various formats and of questionable accuracy. Once such sites are assessed these could be published on an open web-based portal, to allow for use by others.

### 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?

20. We do recognise the challenges identified and agree that they have negative impacts on plan preparation. If data requirements were standardised it would make it easier to share spatial information with other authorities and consultants producing evidence base documents on the Council's behalf.
21. Critical beyond all else is certainty. Too often standards and requirements get inserted into the planning system without adequate warning, which can result in work being aborted or becoming out of date. Therefore clarity on standards is needed with identified timescales as to when updates may occur.

### 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?

22. We do agree that the consultation document has correctly identified opportunities to improve and innovate plan-making.
23. As well as the clear opportunities, there are also some threats arising from full digitisation. In our experience of consulting on local plans, there are still very many people who struggle to engage with digital or interactive engagement tools, and feel they can only respond to more traditional format documents (e.g. paper or PDF) and using more traditional response methods (e.g. sending in an email or a letter). We have found that encouraging such participants to use digital or online forms simply leads to suggestions of being unhelpful and 'undemocratic'. More thought needs to be given to this threat, and how LPAs will be supported in mitigating it.

### 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?

24. It would be preferable for the different elements of the toolkit to be accessible from a single platform rather than a competing set of separate standalone applications. It would perhaps have been helpful to give examples in this consultation of the types of tools envisaged (i.e. more than just generalised descriptions) as many responding won't necessarily be familiar with the 'tools' being described or how they relate to the 'old-style' elements of local plan-making.

## Chapter 4 – The local plan timetable

### 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?

25. It makes sense, and is already good practice, for Councils to report on progress of its Local Plans. We do not oppose the proposed regulatory requirement that our timetable is reviewed and, if

necessary, updated at least every six months (albeit noting that it may not be necessary to 'revise' the timetable at every 6-month juncture) and note that there will be no requirement to get full Council approval for agreeing a timetable, which will aid in publishing the timetable. We support government defining the data that should be published.

**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?**

26. Government should clarify whether it is the expectation that each authority updates their timetable on the same date twice a year – much like the Caravan Count – with optional updates at other points, or whether the start of the six month period is at the discretion of the Councils. From a data standardisation viewpoint, the former would appear to be preferable but this is not clearly stated in the consultation material.
27. We do think it wise for Councils to update the timetable following any report back from the gateway assessments. Presumably, information could be received which advises going back a stage or doing further work which is likely to extend the plan making process. Similarly, advice could be received that planned evidence work would not be necessary and shorten the timetable.
28. Throughout all of the material it is not clear what would happen should a timetable not be met and the 34 month target for plan preparation not achieved. It is also not clear whether Councils can extend the timetable from the point of initiation – for instance, to take account of purdah periods, a large amount of consultation responses likely to be received or any other matter that can affect the progress of Local Plans.

## **Chapter 5 – Evidence and the tests of soundness**

**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?**

29. It is disappointing and concerning in equal measure that there has been very little progress on such matters. It had been previously announced that evidence would be more proportionate and less onerous than in the current system – to which we expressed broad support to our response on question 11 of the previous consultation. That same consultation said that national policy would be updated in spring 2023 to reflect this aspiration. Our support for the 'direction of travel' still therefore stands.

**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?**

30. Guidance and minimum standards for evidence documents are welcome. We'd agree that, for instance, Gypsy and Traveller Accommodation Assessments, would benefit from a standardised way of calculating needs as it will allow data to be shared and discussions with other parties to be undertaken on an equal basis.
31. Similarly, minimum standards for transport assessments would also be beneficial. As we are a lower tier authority without responsibilities for highways, we are guided as to the work required by West Sussex County Council and National Highways and work that we procure is often very expensive with updates regularly required to reflect new transport models and assumptions. Therefore, it would be preferable if there was clear guidance as to the level of work we should undertake to support Local Plans as this may mean that unnecessary detailed and resource intensive work can be avoided.
32. Site assessments may benefit from some level of standardisation and/or further guidance. It may be that a national form for SHELAA's could be developed with standard data collected (site size, ownership details, development type, etc.). Such submissions could be made from the Planning

Portal, rather than having numerous different webpages for the user to navigate. This would aid the submission of cross-border sites too.

33. However, care does need to be taken to ensure that there are no negative/unintended consequences from standardisation. In particular, site assessment methodologies will vary across local authorities to reflect differing contexts. For example, as Horsham District is landlocked, it would be of no purpose to assess a site against a metric for coastal erosion. Site assessment work may also pick up cumulative impacts of nearby development, infrastructure constraints, etc. that may not be able to be properly captured by a national assessment process.

**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?**

34. We agree that freezing key data/evidence at certain points of the plan-making process would be beneficial and aid the production of Local Plans. It is very difficult to produce a Local Plan without a solid base of what development should be delivered. Accordingly, we think it would be beneficial if the housing need figure is 'frozen' after the conclusion of the first gateway assessment to reflect the standard methodology at that time (with the calculation of the standard method figure having been considered by the gateway assessment).
35. With a fixed housing number, this can inform other evidence base work without jeopardy that the amount of residential development needed would be subject to change and would help inform discussions with statutory bodies and neighbouring authorities regarding supporting infrastructure and cross-border issues.
36. We also agree that once a Plan is published and submitted for examination that it should be the expectation that further work is not required and/or needs to be updated to reflect updates to datasets. Freezing evidence requirements in this way will likely reduce costs and examinations, thus helping plans to become adopted in the most efficient way.

**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?**

37. We fully support this measure in principle, which should focus the examination process and make plan-preparation less resource intensive. As with other questions posed in this consultation, it would have been helpful to be able to review draft guidance on this matter alongside the consultation material, to assess the impact that the change to secondary legislation would have.

## **Chapter 6 – Gateway assessments during plan-making**

**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?**

38. The principles identified are logical for the gateway assessments. Though not mentioned in the bulletpoints, is another principle not transparency? We note that per paragraph 102's reference to visibility, the results of the gateway assessments are to be made public and this is reiterated in paragraph 112. It would be beneficial if guidance specifically stated that this is the expectation.

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

39. We agree that the amount of gateway assessments would appear suitable and that they would be undertaken at logical points of the plan-making. We do however have concerns about whether the Planning Inspectorate are sufficiently resourced for the amount of gateway assessments that they are expected to be involved in, as well as the examinations themselves. It is also not clear as to what the exceptional circumstances are that would allow gateway assessments to pass the four week timeframe – the guidance will need to be clear on this point.

40. In terms of responsibility, there are queries that we have. Firstly, there is the suggestion of a gatekeeper that manages the gateway processes. It is not clear who is envisaged for this role. Would this be PAS or PINS? Given that government is keen to make changes to the planning system to ensure a greater number of plans get adopted, would it not be preferential for DLUHC to directly manage this rather than pass on this responsibility to others?
41. Further, is it intended that the same Inspector(s) would be used for all gateway assessments where Inspectors are involved? We think this would be beneficial as it would allow consistent advice to be provided with Inspectors having knowledge about the earlier stages of plan-development. This should be clarified.

**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?**

42. In general, the process and scope that is set out is logical. However, it is recognised that this is still under development and more detail is expected. As we reiterate throughout this response, it is disappointing that such detail is not presented in this consultation paper – for instance by providing draft templates that Councils will be expected to use to provide the relevant information – which would give greater clarity at this stage as to the level of information that would be provided.
43. With respect of the ‘interactive workshop days’ planned for the first and second gateways, we note that it is not the intention that they are public or that other statutory bodies are invited to attend. However, it may be beneficial for certain bodies to be invited relevant to a particular key issue. For instance, if a key environmental issue is identified, it would likely aid plan progress if Natural England/Environment Agency were invited to attend. Such attendance could be requested under the ‘requirement to assist’.
44. In terms of topics, we largely agree with those identified in Table 1. However, we think that as well as SEA/EOR being considered, that it is important that Habitats Regulation Assessment work is also considered at this stage.

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

45. No. This is an additional charge for a process that Councils cannot avoid. Councils are already insufficiently funded to carry out plan-making and have not been funded to pay for these gateway assessments. This proposal will therefore act as a disincentive for Councils to progress Local Plans as intended, and/or will divert financial resources away from other local authority-provided essential services. It is, in our view, the responsibility of central Government to sufficiently fund and resource the Planning Inspectorate (as well as other statutory bodies as necessary) to fulfil these additional duties.
46. Should planning authorities be charged, in full, for the costs of the assessment, it is essential that Plan-making bodies receive a commensurate rise in the local government finance settlement and, for consistency, we would similarly expect planning fees to fully reflect the costs of determining planning applications. As we’ve indicated in other consultations, we think it would also be appropriate to charge those who submit sites for assessment under a SHELAA (or similar) as undertaking such assessments are resource intensive.

## **Chapter 7 – Plan examination**

**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?**

47. Examinations currently take too long – we are aware of a neighbouring authority where its examination is approaching its fifth anniversary. Not only is the current system resource intensive, but when plans do eventually become adopted they are often almost immediately out of date.

48. Given the context, we fully support the intention to speed up Local Plan examinations. In particular, we are pleased to see that it is only the planning authority that will respond to the MIQs – the amount of material that Inspectors currently accept from third parties during the examination period takes up an incredible amount of time for both the Inspectorate and Councils.
49. We are similarly encouraged about the prospect of the immediate appointment of an Inspector after the third gateway assessment and the use of two or more Inspectors as being the standard for examination. However, as stated previously, we are concerned about whether the Inspectorate has the ability to resource the level of staffing needed. We would also object to local planning authorities having to pay double for Inspectors to run the examination (i.e. paying for two Inspectors rather than the current standard one Inspector) as current costs are already very high and a significant burden on local authority budgets.

**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?**

50. We do agree that if a pause of an examination is applied by an Inspector it ought to be for a short a period as possible and that the Inspector(s) should be clear as to the reasons for the pause and what work is required. Despite this, it is difficult to fully support a particular time period for the pause. A pause of a longer than the stated six month period may, in some circumstances, be preferable to withdrawal of a plan from examination and a new plan having to be prepared from the start. Thus, there should be flexibility to allow Inspectors to choose a greater time period to reflect the specific matters relating to a particular examination and the likely time that corrective work may take.

## **Chapter 8 – Community engagement and consultation**

**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?**

51. We agree that the overall approach to engagement should be set out in the PID and support the removal of the requirement to prepare an SCI – a document that was inflexible and could not always reflect latest Council processes, as is correctly recognised in paragraph 137 in the consultation document.
52. While we think it is right that a high level approach to engagement is set out in the PID, we do believe that Councils should not need to be too specific as to how it will consult. This will allow Councils to reflect best practice engagement activities undertaken by others and to utilise new technologies that may not exist at the time the PID is written.

**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?**

53. With regards to key statutory bodies, we do think it fair that they are formally notified of a Council's intention to start plan-making, so that they can start considering how they can help assist Councils with plan-making and how that this can be resourced within their organisation.
54. Our involvement with statutory bodies has been varied, but we have experience of some statutory bodies introducing major issues late in the plan-making process and it is also common for such bodies to either not respond to consultations/formal correspondence or respond beyond deadlines. Given this context, we believe that it should be made mandatory that such organisations respond to such notifications within a defined time period, setting out what specific issues, relevant to their organisation, that the Council ought to consider when developing its Plan. We expand upon this idea in response to question 30.
55. We do think it right that the public at large should be notified of the intent to prepare a Plan and invite thoughts about what the plan ought to contain and how they should be formally consulted. We support



flexibilities described in the consultation documentation about how such engagement should take place so as to avoid a resource intensive formal consultation.

56. We would also however observe that it is often challenging to elicit meaningful responses on general 'issues'/Local Plan content from the public and grassroots stakeholders at an early stage of plan-making (i.e. at the Visioning stage). This is due to a natural tendency for people to focus on specific change, for example the allocation of development/sites, in their local areas which aren't known at the early stages. We would therefore welcome guidance and best practice on how this might best be done within resource constraints; an obvious way of addressing would be to increase resources for plan-making authorities to undertake neighbourhood-scale workshops (which is currently difficult to do due to shortage of resources).

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

57. We do think that early participation should help inform the PID, as it is likely to highlight or reaffirm issues that the Local Plan shall need to address and help identify the means by which effective, formal consultation can be undertaken. Given timescales, with the gateway assessment commencing four months after the start of the notification/participation period and that the PID is to be considered at the gateway assessment, the early participation will have to be time-limited to ensure that the PID can be produced to reflect feedback received.

**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?**

58. We support the distinctions set out between the first and second consultations. In reality, however, it does not appear that these are materially different between the existing Regulation 18 and Regulation 19 consultation/publication periods that we have now – aside from the first consultation period lasting for eight weeks, rather than the six weeks currently mandated.

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

59. We do not oppose templates to guide representations, but a form is already commonly produced by Councils as part of the current statement of representations procedure for Regulation 19 publication periods. Generally, Councils also produce forms for earlier rounds of consultation. Also, as explained elsewhere in this response, many potential participants will still struggle to engage with electronic or web-based forms so care will be needed to not inadvertently exclude such people. In any case, if the Government has a choice to make prioritising some elements of the reforms above others, the Council would advise that this to be a lower priority. It is more critical that new national policy and guidance is advanced as quickly as possible.

## **Chapter 9 – Requirement to assist with certain plan-making**

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

60. We don't disagree with the named organisations on the list but think that neighbouring local authorities should also be prescribed to ensure that timely responses come from such Councils. Additionally, we also think that the Department for Education should also be prescribed given their involvement in education provision and that Active Travel England should similarly be listed given their responsibilities and the importance of sustainable means of travel to Local Plans. We'd further note that National Highways is not specifically included and would question this. It is noted that both Local Nature Partnerships and 'Local Nature Recovery Strategy' responsible authorities are included but in most areas these are one and the same so the distinction will need to be clarified. The 'Homes and Communities Agency' has been replaced with Homes England.

**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.**

61. We agree that all prescribed bodies should be notified of the intention to produce a plan. We also agree that there should be the ability to mandate a response from such organisations using the new 'requirement to assist'. We largely agree, as explained in paragraph 162, that the requirement to assist should not be invoked automatically as it is a tool for elevating concerns as to the conduct of such an organisation rather than automatically presuming that no/a poor response would be forthcoming from such an organisation. We think that there should be a named officer at each organisation that correspondence for Local Plan enquiries should be sent to.
62. However, speaking generally about such organisations, our experience is that many of them are not fully resourced to carry out their current Local Plan related functions, let alone an increased involvement in plan preparation. Frequently, responses to formal consultations are late or non-existent and getting responses to queries and/or access to their information is slow. This can have resource implications – for instance, as work is aborted due to a late issue being identified and has slowed down Local Plan preparation for ourselves and others. Accordingly, in response to question 25, we explained our view that such organisations should outline issues early and be unable to introduce major issues late in the plan making process.
63. Our concern is therefore that even should we invoke the 'requirement to assist', the current situation will continue to prevail without major investment in some of the statutory organisations that are key to the preparation of Local Plans. It is also not clear as to the consequence for the prescribed organisation should they not meet the obligations imposed by the requirement to assist. Are they to be fined or required to pay for abortive plan making work that such inaction may cause?

## **Chapter 10 – Monitoring of plans**

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

64. The requirements seem sensible and proportionate. A standardised format for presenting the required data is logical and would allow for comparisons to be made across different authorities by government, local authorities and the development industry. The government could then hold and present such information centrally so as to remove the need for those looking at comparisons to have to source data from multiple locations.
65. Though we agree with a light touch annual return/report, for planning appeals it is often the case that updates are made to monitoring information to respond to as requests are submitted to evidence an updated five year housing land supply or performance against the delivery test. This commonly serves very little purpose but can be resource intensive. Although appreciating that the reforms in the previous consultation suggest that should a new style Local Plan be adopted, five year housing land supply positions will be fixed, in the meantime it is presumed that such positions will form part of the evidence considered during a planning appeal. Therefore it would be beneficial if government could confirm in policy or guidance that the planning authorities can rely upon the information submitted annually rather than undertaking such work as and when appeals are brought forward.

**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?**

66. The proposed metrics appear proportionate and designed to centrally collect information that can be relatively easily acquired. We do think however that government should capture information on the number of new homes/employment floorspace contained within planning applications that have lapsed in the past year. This will allow government to understand the amount of development lost by the non-build out of approved applications. In line with our earlier comments, we question how metrics can be developed to monitor implementation of a plan 'vision' as these two things would seem to be a

contradiction in terms: measurable outcomes will stem from specific policies (in particular, site allocations) rather than the overarching vision.

## Chapter 11 – Supplementary plans

67. Before responding to the specific questions on this section, the Council feels necessary to express disappointment at the proposed changes. To be clear, the Council is not opposed to making supplementary plans subject to examination even though this is likely to be more resource intensive than the current system of supplementary planning documents as a result. Our main concern is that no longer can supplementary plans be used to cover a thematic policy area. In our view, this is a mistake as the current system allows the creation of policy to respond to a district-wide issue that needs to be addressed – for instance relating to water neutrality.
68. In relation to transitional arrangements, we understand that existing SPDs will remain in force until such a time as a new style local plan is prepared. What is not clear however is whether old style SPDs can still be produced to support old style Local Plans. This needs to be clarified.

### **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?**

69. We think it might be better if the term used is not ‘nearby’ but ‘related to’. This would allow sites not only locationally close to each other to be covered by a single supplementary plan but would allow for sites which are linked to each other to have the same policy document. For instance, a situation may arise where three or more sites are being promoted by the same landowner/development and it would be desirable to prepare a supplementary plan to guide development. One site may deliver the majority of the market housing, another site may deliver mostly affordable housing and a third site may be home to supporting infrastructure such as a school or a community building, but each could be located some distance from each other. In such an instance, it would seem preferable to allow a single supplementary plan to be prepared rather than multiple documents (and examinations) being mandatory.

### **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.**

70. It may be useful to clearly distinguish the procedures needed for district-wide design codes (which could be brought forward in a Local Plan or supplementary plan), with the emphasis on community consultation and the procedures for other supplementary plans. We agree that guidance on the level of environmental assessment is also needed to ensure that Councils undertake such assessment in accordance with government expectations.

### **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?**

71. We do agree that there is a balance needed to ensure that both that views from stakeholders should be taken account of when preparing a supplementary plan and the need for supplementary plans to be produced swiftly and efficiently. As such, we support provisions for only a single formal stage of consultation but expect there to be flexibilities to allow for a greater level of involvement should it be desired by a plan-making authority.

**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.**

72. The consultation documents discusses that there are two options available for the local authority to choose regarding who examines supplementary planning documents – an appointee by the Secretary of State (e.g. the Planning Inspectorate) or a suitably qualified independent and impartial person (in a manner similar to neighbourhood plan examinations).
73. While we agree that the current process for neighbourhood plans is fit for purpose, we are unsure as to whether it is suitable for a local authority produced supplementary plan. Local authorities do not prepare neighbourhood plans and therefore can operate neutrally when appointing an examiner for a neighbourhood plan examination. We are concerned that if the Council were to directly appoint an Inspector for a supplementary plan that it produces, charges can be levelled against a Council that the Inspector would not be independent. As such, if the Secretary of State does not wish to appoint Inspectors for supplementary plans, we would recommend that a gateway organisation is created to manage examinations of supplementary plans.
74. If government remains minded to allow for different examination routes, we agree that guidance will need to be set on expectations as to which route should be utilised. A useful measure may be how many responses are received at the formal consultation stage as this is likely to identify how contentious a particular supplementary plan is. We'd also agree if a site or connected sites are likely to deliver a very large amount of new homes or employment floorspace and/or if there are sensitive heritage/environmental designations that could be affected that its examination would be better dealt with by the Planning Inspectorate than by another examiner.

**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?**

75. We agree with the approach identified in paragraph 200 of what an Inspector would consider as part of an examination into a supplementary plan. It would be helpful if the government could clarify as to whether the soundness tests would also apply to such documents as this is not clear from the material presented. If the soundness tests are not to be applied, it does create an unusual situation that design codes (which can either be included within a Local Plan or supplementary plan) could be subject to different tests depending on which document they are prepared as, yet still have the same force.

## **Chapter 12 – Minerals and waste plans**

**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?**

76. We are not an authority with responsibility for minerals and waste plans and therefore do not have comments on this question.

## Chapter 13 – Community Land Auctions

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

**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?**

77. We are interested in new policy ideas, of which “Community Land Auctions” are one. The theory is that a local authority invites landowners to put their sites forward for allocation in the Local Plan and at the same time, takes an option to purchase those sites. When allocated in the Plan, the local authority would exercise its option; dispose of the sites to developers; and retain any uplift in value above the option price. The theory goes that this would enable the local authority to retain much of the uplift resulting from allocation of land, rather than going to the original landowner.
78. While in theory this sounds attractive, it does raise several questions. Would all developers take part in this exercise? And what happens if there are not enough sites to result in true competition between landowners within a particular local authority area? We are therefore concerned that the Government is producing a major change to the planning system without having consulted with local authorities first, and with little evidence of its workability in practice, rather than after the Planning Bill has gone through. We also note that the proposal would put a higher work load on already stretched policy teams and would question whether there would be adequate skills and resources in place to accommodate the proposal
79. Secondly, and in reference to Question 40, we are very concerned that this approach will make Councils think primarily about the financial benefits of scheme, rather than whether a site is sustainable and would contribute to meeting the identified development needs within a local authority area. It could be argued that we are moving towards the sale of planning permission, which must be resisted. A simpler way to rebalance high land costs in viability studies that support planning applications and Local Plans by disallowing excessive hope values in calculations. This should act to reduce landowner expectations over time.

## Chapter 14 – Approach to roll out and transition

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

80. We are pleased that Government recognises the limitation in capacity of the Planning Inspectorate and that measures will need to be undertaken to ensure successful roll out of the new planning system. Given the position that we find ourselves within the plan-making cycle, the Council will not be in an early wave of those producing new-style Local Plans and thus will not be directly affected by the options identified in this section.
81. Notwithstanding the above, it would appear that the government would prefer to provide enhanced support for 10 front-runner authorities, giving priority to those with the most up to date plans. Our view is that this seems counter intuitive and it would be better if instead the focus is on those authorities who have not had a plan produced for some time, as it indicates that they would need more support than those who have recently been successful in adopting a Local Plan.
82. In addition, it is the experience of officers that planning in rural and semi-rural areas is often a more emotive and complex activity that producing a Local Plan in an urban area, eliciting a far greater response rate to Local Plan consultations as a proportion of their population and a greater level of environmental considerations. Thus, we’d advise that the Government ensures that a mix of authorities in terms of types (rural/urban, north/south, district/unitary) are included within the frontrunner authorities so that any lessons learned can be applied to the entire sector.

## Chapter 15 – Saving existing plans and planning documents

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

83. We do agree that existing Local Plans should remain in force until a new-style Local Plan is adopted and thus support measures to save such plans and their policies. It makes sense for SCIs and LDSs to remain in respect of the production of old-style Local Plans.
84. Though these measures are welcomed, and as we state in comments relating to chapter 11, clarity is needed as to whether old-style SPDs can still be produced to support measures in old-style (but still in-date) Local Plans.

### Equalities impacts

**Question 43: Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?**

85. The Council generally supports the measures in the consultation material that looks to speed up Local Plan production and move to a more digital way of presenting information relating to proposed and/or adopted Local Plans. Despite this, care needs to be taken that those who may be unable to access or use digital means (e.g. the elderly and/or those with certain types of disabilities) are not excluded from participating in consultations and are able to understand and access adopted Local Plans.