

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

<https://www.gov.uk/government/consultations/plan-making-reforms-consultation-on-implementation/levelling-up-and-regeneration-bill-consultation-on-implementation-of-plan-making-reforms>

SDC response

This consultation seeks views on proposals to implement the parts of the Levelling Up and Regeneration Bill which relate to plan-making, to make plans simpler, faster to prepare and more accessible

Response date: 18 October

Core 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?

Agree with the principles which set out that plans should have a locally distinct vision, focus on sustainable development, contain key economic, social and environmental policy and promote beautiful places. It is recommended that the key principles should also reference the promotion of health and well-being as a key driver and the necessity to address the challenge of climate change.

Plan vision

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?

Agree. The Council is supportive of the use of a key diagram which will support the vision.

Local development management policies

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

The LURB provides for the creation of a suite of National Development Management Policies (NDMPs). Local DM policy must not duplicate the NDMPs, it must be justified with evidence and help deliver the vision and this is all considered sensible.

Templating and digital efficiencies

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?

Yes, templates could assist in producing plans, but there will always be unique/locally specific elements of the Plan which may not lend themselves to templating, or would be better served by the development of a local template. It could be that a 'national template' is developed for site allocations policies/development guidance, or for monitoring policies.

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

N/a

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?

The production of a plan in 2.5 years is an ambitious timetable. Although the proposal to speed-up the process is supported, the production of evidence base documents, consultation, policy refinement and examination often is more protracted in practice. For example, examinations are proposed to take 6 months, but currently are never concluded in less than a year, and many take far longer.

The scoping and early participation stage

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?

Yes, this will help standardise the approach to local planning and will bring a greater level of project management to the process.

Digital plans

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

- *Site information and availability – for example via the call for sites process or SHELAA site assessments.*
- *Site constraints e.g. SFRA / Green Belt Assessment grading*

Listening, understanding and removing barriers

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?

- *Need for stability in plan-making – once reform has taken place, there should be a number of years of stability to allow the new system to bed in. Instability leads to stagnation as authorities 'pause' plans.*
- *Need for consistency of messaging – between departments and ministers. It is challenging to Plan for housing delivery through Green Belt release, if the approach to this difficult issue fluctuates on a regular basis.*
- *Hard to reach groups in consultation need to be an area of focus e.g. younger people, gypsies and travellers, young families – all who are often more impacted by the plan proposals than many of the group who typically respond to the consultations.*

Learning and building on best practice, innovations and investment

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?

Yes, Sevenoaks DC are undertaking some of the projects listed, including 3D modelling to help better visualise plan proposals, and the use of AI to review consultation responses.

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?

- *Visualisation of plans, policies and spatial data – for example using 3D mapping*

- *automation tools and AI to process and report*
- *the sharing of best practice via case studies and blogs*

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?

Yes, it is important to provide a transparent and up to date timetable. Revising the timetables every six months (as suggested) is considered to be too frequent – annually may be more appropriate

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?

Changes in national policy (NPPF)

Changes in proposed consultation timetable

Changes via elections

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?

Yes, a standard listing of evidential requirements is useful and will potentially save both time and money. However, there are likely to be instances where specific local evidence is required which goes beyond the standardised list, to address specific issues in the District – for example in relation to landscape, heritage, Green Belt etc – which may not be common to all areas.

The Council would like to see a change to the way housing need is calculated. Although it is welcomed that a standard method has been created and is outlined in national planning practice guidance it is felt that this is not locally reflective, for example of local constraints such as AONB and Green Belt. The household growth predictions are based on 2014 projections, which have kept the housing growth figures artificially high in order to meet the 300,000 homes per year figure. This should be updated to better reflect the local context.

Standardisation of key evidence and data

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?

Yes – standardisation is welcome – in many areas – for example development needs, settlement hierarchy, site assessment, impact assessments, even potentially Green Belt assessment, to develop a common approach to evidence production

Freezing of data or evidence

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?

Yes, this would help Plans to provide a proportionate response and potentially speed up the plan-making system. This should apply to both data input (for example time limits for call for sites) and scope of evidence.

Regulations

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?

Yes, only documents required for soundness should be submitted, but it is likely to be useful for all parties to be aware of the range of supporting evidence used in plan production, and therefore all supporting documents should be published and made available.

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?

The key proposes are highlighted as:

- *ensuring the plan sets off in the right direction*
- *ensuring compliance with legal and procedural requirements and supporting early resolution of potential soundness issues*
- *to monitor and track progress*

These are considered appropriate and the gateway checks could also be used to provide feedback from both sides and facilitate introductions and input from key organisations. These gateway checks would provide greater certainty which is positive.

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

Three gateways are proposed:

- *at the beginning of the 30 month process, following work undertaken at the scoping stage*
- *part-way through plan preparation (between the two mandatory consultation windows)*
- *at the end of the plan-preparation process (following the second mandatory consultation window), at the point the local planning authority intends to submit the plan for independent examination in public*

Each gateway should ordinarily last no more than four weeks and are likely to be carried out by PINS. This would be appropriate, since they currently carry out the useful 'advisory visits' which are similar to the second or third gateway check. However, there would need to be additional capacity within PINS (who are already stretched) to deliver this service.

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?

Agree

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

No, as existing advisory visits are provided by PINS free of charge, unless there is funding in place to recharge this expense. It is also queried what level of funding will be required.

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?

Yes, the intention is supported. However, six months for an examination is considered an ambitious timetable. Currently, the lead-in to examination can take longer than this. Also, examination logistics (venue hire / legal and consultant availability / inspector availability) should be front-loaded to ensure that this does not lead to delays.

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?

No – it is considered too short a timeframe to resolve potentially complex issues, which may involve partner and stakeholder organisations. It is suggested that a minimum of a year would be more appropriate.

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?

The new approach focuses on:

- *the role of digital*
- *planning and monitoring the engagement approach*
- *a focus on early participation*
- *a more standardised approach to consultation*

These areas of focus are considered appropriate and the use of the PID will help manage the process. This should also set out hard to reach groups (as currently defined within the Statement of Community Involvement) and channels of communication e.g. videos / social media /face to face events etc.

A focus on early participation

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?

Yes, early engagement is key to the plan-making process. The consultation suggests early engagement with residents and businesses, relevant statutory bodies and neighbouring authorities, which is supported.

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

Yes, a summary of feedback from the early engagement should inform the priorities set out in the PID. Creative approaches to early engagement should be encouraged (e.g. the 'Planning for Real' type exercises) or sessions in schools and with youth forums/groups, to give an early voice to identified hard-to-reach groups. 3D mapping/visualisations/fly-throughs could also be used to help stakeholders better appreciate plan proposals.

A more standardised approach to consultation

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?

Yes, this will be important. The consultation sets out:

The first consultation should build on outputs from the early participation carried out in the scoping phase. To ensure that communities can meaningfully influence the plan, we expect that questions asked at this consultation will focus on validating the vision for the area and test the broad options for the plan, including the key spatial choices.

The second should seek views on the draft plan which the planning authority intends to submit for examination.

These broadly mirror the current Reg.18 and Reg.19 consultation windows. It is acknowledged that many authorities run repeat Reg.18 consultations, and this issue should be given further thought, to ensure that the proposed approach is workable and gives sufficient time to develop a meaningful plan for consultation.

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

Yes, this is supported. A model representation form also would potentially be able to be analysed using AI. However, there should be accommodations for individuals / groups with reduced literacy or access to IT, so that if consultees still wish to post a letter / transcribe their views to an assistant, this routes should still be feasible.

Requirement to assist with certain plan-making

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

This will give local authorities the power to legally require that “prescribed public bodies” provide assistance to develop or review the local plan. It is queried whether neighbouring authorities should also be on this list, in addition to the county council.

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.

Yes, this is a useful fall-back process if engagement is not forthcoming from these bodies.

Monitoring of plans

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

Yes - monitoring is important to ensure that plans are meeting their key objectives, policies are effective and that updates of the plan are effective. The proposal is to have a light-touch annual return and a detailed return to inform plan updates.

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?

Potential additional metrics – in relation to net change in employment floorspace, it may be useful to monitor losses via prior approvals separately. It may also be useful to have a metric related to retail/town centres/class E?

Supplementary plans

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?

Supplementary plans are intended only for exceptional or unforeseen circumstances or sites that arise and need resolving between plans. The exception to this is where they can be used to produce a district-wide design code, or a masterplan for a site allocated in the Local Plan. SPDs and AAPs will be removed and the new supplementary plans will have the same weight as the Local Plan.

For site based supplementary plans, when assessing whether two or more sites are 'nearby' to each other, important factors could include: geographical distance between sites and the relationship between sites. For example, if a cluster of sites around a key node (e.g. a station or retail area) are identified as an area of regeneration or opportunity within the parent Local Plan, then it would be logical that all these sites could collectively be the subject of a related supplementary plan.

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.

Potentially a light-touch version of the PID could be used for these documents.

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?

Yes, and this mirrors the current approach to SPDs

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.

The use of the same approach to examinations for Neighbourhood Plans is considered appropriate. The default position is that the plan is considered via written reps unless the examiner considers that issues have been raised which warrant a hearing. It is noted that the addition of an examination is likely to increase the time it takes to adopt a supplementary plan/SPD.

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?

Yes. It is also welcome that existing SPDs will remain in force until planning authorities adopt a new style local plan.

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?

N/a

Community Land Auctions

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

N/a

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?

N/a

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?

The recommendation is that:

- *Local authorities are ranked chronologically by the date that they have most recently adopted a plan containing strategic priorities*
- *grouped together sequentially into groups of up to 25 authorities*
- *each groups allocated a 6 month plan-making commencement window (a “wave”), within which plan making should start*

There are other suggestions regarding grouping authorities by geographical area, or allowing authorities to start earlier than their wave if they so wish. This flexibility is considered sensible, as there may be external pressures or drivers which mean that a LPA would wish to start plan-making before their wave.

Saving existing plans and planning documents

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

Yes - existing Local Plans will remain in force until the local planning authority adopt a new-style local plan. The examination of the local plan must be concluded, with the plan adopted, by 31 December 2026. These plans will be examined under the current legislation, which includes the Duty to Co-operate.

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?

N/a