



Brentwood Borough Council Response to Plan-making reforms: consultation on implementation

Brentwood Borough Council notes that the Department for Levelling Up is currently consultation on changes to the plan-making process in an effort to improve on the effectiveness of Local Plans to make them more user friendly and reduce the length of time it takes to adopt a Plan. In general Brentwood Borough Council are in support of the proposals to improve the plan-making process.

The consultation asks a series of questions. This response is limited to responding to those questions where additional comments were felt necessary.

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

The Council has no specific concerns over the core principles listed for the content of Local Plans prepared under the proposed new system. The proposals appear to maintain a sufficiently broad and inclusive role for Local Plans that includes setting out policies that relate to how land can be used, and what infrastructure or other obligations apply when development is allowed to take place.

Whilst the Council has no objection to the three proposals listed at Paragraph 22, which relate to locally distinctive and vision-led policies, the importance of design, and a detailed approach to monitoring, the Council would emphasise that the role of Local Plans must necessarily be far broader, and that clearer articulation of the expectations of Local Plans in the context of climate change, the natural environment, the historic environment, place-making and health and wellbeing should be weighed equally with the three listed proposals.

Paragraph 22 states that plans should 'foster beautiful places' however does not provide a clear definition of what defines a 'beautiful place'. Therefore, the council would welcome a clear definition to assist planners with being able to ensure this requirement is met.

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 Council strongly supports the inclusion of a long-term vision within a Local Plan. This vision should provide a strong justification for why certain strategy and policy decisions have been made. This vision should be supported by a number of objectives or policy statements which are clear to the public and other interested parties in how the vision has been applied and carried through into the specific topics that a Local Plan must cover.

The Council also supports the linking of the vision to measurable outcomes within the plan period, which require active monitoring. The monitoring of these outcomes should be publicly available but also precise enough to ensure they remain meaningful and proportionate.

Whilst the Council has no specific objection to the proposal to provide a ‘user-tested digital template’ to indicate what a vision should contain, the Council considers that this should not limit the ability for ambitious locally-defined visions, provided these are broadly consistent with national policy and relevant legislation.

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

The Council does not object to the principle of local development management policies being more focused, provided that this focusing exercise does not come at the detriment of ambition or local responsiveness. Ultimately, local authorities should not be prevented from including justified and necessary policies within their Local Plans solely for the sake of limiting the length or scope of policies.

It remains unknown if the policy hook for Strategic Mitigation Strategies, such as the joint Essex RAMS Strategy, will appear in the National Development Management Policies (NDMPs) alongside other environmental mitigation policies such as biodiversity net gain (BNG). However, the Government intends that where a policy is addressed under NDMP in future, there will be no need for local criteria-based policy. This may reduce the ability to seek particular types of mitigation.

Similarly, whilst linking local development management policies with the plan vision is supported, it must be recognised that an effective vision will likely be concise and clear, whereas there are likely to be development management policies dealing with specific issues that are unlikely to feature in a plan’s vision. Any relationship introduced as a consequence of this proposal should not have the effect of either negating the potential for specific, niche or locally-responsive policies simply because they do not feature in the vision or objectives of the plan, or necessitating the inclusion of exceptionally long visions or objectives to try to cover off every policy area.

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 Council broadly supports the principle of greater standardisation and templating in the formatting of Local Plans. The Council recognises the advantages this may bring in terms of consistency of presentation and greater clarity over expectations when it comes to the length and presentation of Local Plans. However, templates ought to be sufficiently flexible to allow for alternative approaches where a scenario arises that the template may not have foreseen – for example, inclusion of diagrams.

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 Council recognises that the current system of plan-making has led to long timescales for the preparation of Local Plans. In this context, the Council supports, in principle, proposals which seek to reduce the time it takes to prepare a Local Plan.

Notwithstanding the above, the proposed 30-month timetable is considered to be very ambitious and likely unachievable in most circumstances. It must be recognised that some elements of the process can be beyond a council's ultimate control, for example the time taken to commission external evidence using consultants (which can exceed 3 months in some cases), the time it may take to complete concurrent processes as master-planning, or unannounced changes to national policy or legislation which require changes to the emerging plan.

It is not clear from the proposals whether any consequences are proposed for not completing Local Plan preparation in the 30-month window. The Council considers that, if introduced, these timescales should be considered a benchmark that do not prevent reasonable and pragmatic judgements to be made on whether sufficient progress is being made outside of these timescales. Local authorities should be invited to keep stakeholders informed on any delays and the reasons for these.

The Council does, however, broadly support the proposal to include 'gateways' at three stages where a Planning Inspector will provide advice at key stages in the process. It is recognised that this will help to identify issues early and correct course, where necessary.

Although the Council broadly supports the proposal to include 'gateways' at three stages, there are concerns on what the financial implications will be, especially given the current financial pressure faced by local authorities. Careful consideration should be given on how to make the 'gateway' process both time and cost effective so that there is not any additional burden placed on local planning authorities.

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?

The Council supports the principle of agreeing a Project Initiation Document at the commencement of a Local Plan process. However, it is recognised that it may not be possible to perfectly define the key issues and opportunities facing the Local Plan at the commencement stage and it is further recognised that a natural outcome of later public consultation may be the identification of other issues and opportunities that perhaps ought to have been included in the Project Initiation Document. In this sense, and with reference to the suggestion it will be 'useful throughout the process', it is suggested the Project Initiation Document may become less useful as plan-making progresses as a better understanding of the plan's strategy emerges. There may therefore be merit in the Project Initiation Document evolving into a live monitoring document as plan-making progresses.

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

The Council supports greater standardisation and use of data in plan-making where this would create efficiencies and not detract from local discretion. Standardisation in the presentation of policy, including particularly mapping of Local Plan allocations and constraints, is an area where may deliver such efficiencies. In addition, there is a wide range of public sector data relevant to plan-making, including demographic and economic projections, which could be better collated into one area, as opposed to currently where this data needs to be searched for individually.

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?

The Council agrees that the challenges and barriers listed are common experiences of those engaging with the plan-making process. The Council agrees that greater digitalisation could be a solution to some of these challenges, by creating clearer expectations around the form and presentation of certain documents, improving public understanding and access to the plan-making process and making it easier and quicker to update out of date information. However, it is also recognised that some of the barriers and challenges listed exist because of far deeper structural reasons, that are unlikely to be addressable through digitalisation.

Although the council does recognise some of the benefits of digitisation, this could pose a challenge in introducing a digital platform that is compatible with the different council's IT systems used across the country.

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?

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?

The Council broadly supports the proposal to make it simpler to update its Local Plan timetable and the greater clarity over what that timetable should cover and/or include. The current system is fairly burdensome and not flexible to routine changes to timetables. This leads to a tendency to only formally update the timetable through a new Local Development Scheme at the point of a new consultation, irrespective of whether it was up-to-date in the months leading up to this point.

A requirement to update this timetable at least every six months is considered reasonable in the context of the proposed 30-month timetable for delivering the Local Plan as a whole.

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?

The Council supports any proposal to make it clearer in national policy and guidance what evidence is required to support a Local Plan. The Council would further support the proposal to clarify in national policy that evidence should not normally be debated at the Examination stage unless there is a significant justification for doing so, such as a plain misapplication of the evidence. The Council considers it important that where two reasonable interpretations of the evidence exist, the local authority's interpretation should prevail in most circumstances. This would prevent a tendency to overproduce evidence on the local authority's part where they feel they need to justify their interpretation beyond any reasonable doubt.

The Council would support further guidance on the intended meaning of words such 'proportionate' and 'adequate' to align with the comments above.

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?

The Council supports the standardisation of evidence requirements for certain topics, where this does not prevent local authorities from preparing additional evidence to justify locally-responsive policies.

The Council considers that those topics which have the greatest scope for standardisation are those which follow or ought to follow fairly similar methodologies across different Local Plan processes, such as Housing and Economic Land

Availability Assessments (HELAAAs), Gypsy and Traveller Accommodation Assessment (GTAA), Green Belt Assessments and Strategic Flood Risk Assessments.

However, the Council would suggest that evidence documents which may have good reason to define a bespoke methodology should not be shoehorned into a standardised methodology.

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?

The Council would support the proposed freezing of data at the publication stage, unless there were exceptional reasons to not do so. Under the proposed system, Local Plans would need to be updated more frequently than is currently the case, and it is considered reasonable and pragmatic to allow Local Plans to be assessed for their soundness at the point of submission, as opposed to continuously up until the point of adoption, on the basis that any change in circumstances, provided it is not severe, can be addressed more quickly through a subsequent review.

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?

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

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?

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

The Council supports the proposed introduction of gateway assessments as an effective means of checking that a Local Plan is on the right track and, where necessary, to identify appropriate actions to address any concerns before the examination stage. The Council considers the proposed three assessment points (in effect commencement, mid-point and pre-submission) to be broadly appropriate.

In particular, the Council considers the proposed third gateway assessment, the 'Stop / Go' stage, to be an important addition to the process which will allow local authorities to identify any further work required on their Local Plan before it should be submitted for examination.

Whilst the Council agrees that the gateway assessments should not prejudice the outcome of the final examination of the plan, particularly given they will not include other stakeholders with a perspective on that plan, the Council considers that appropriate guidance will be required to ensure that the gateway assessments provide meaningful advice and that advisors do not withhold all meaningful conclusions for the Examination stage.

The Council has no specific objection to the proposal to charge planning authorities for gateway assessments, provided any charges are fair and reasonable, and correspond with minimum guarantees over the quality of advice received at each stage. This is particularly the case for those gateway stages which are proposed to include specialist advisors other than Planning Inspectors.

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?

The Council has no objection to the proposals to speed up plan examinations, provided that doing so does not compromise the ability for all parties to participate in effective hearing sessions focussed on the soundness of the plan.

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 Council supports the principle of providing a clear approach to engagement at the beginning of the plan-making process. It is recognised that the draft Bill removes the requirement to prepare a Statement of Community Involvement. As a result, having an alternative document produced at the commencement of the plan-making process which clearly articulates how the public and other stakeholders will be involved in the preparation of the Local Plan is fundamental to good communication. The Council would suggest, however, that these commitments should be capable of being refined, as new techniques or approaches are identified through the plan-making processes.

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?

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

The Council supports the principle of undertaking pre-engagement with interested parties prior to formal commencement of the plan-making process. The Council suggests this could be a good opportunity to receive information on local preferences around engagement that help inform how the local authority subsequently designs its formal engagement processes.

Similarly, any early engagement could also be used to identify the key issues and opportunities that the Local Plan will need to address. It could be focussed on helping to define an agreed vision, that then informs later decision-making, and setting a general scope for later technical work. The Council suggests that this pre-

engagement should take the form of a generally open dialogue with interested parties that is less focussed on speculating over the possible outcomes of the process, but rather agreeing the principles for how that process should work throughout.

Notwithstanding the above, the Council notes the inclusion of a diagram in the consultation material which implies that early engagement will take place prior to the preparation of any evidence. The Council considers this to be a risky proposal, in the sense that subsequent evidence preparation (and related scoping) may identify a range of parameters, issues or opportunities which sit uncomfortably with the outcomes of the early engagement with stakeholders. The Council would suggest that evidence should begin being produced prior to the Project Initiation Document and any early engagement so that some initial evidential context is available to inform scoping and early engagement.

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?

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

The Council agrees there could be value in defining more clearly what the role and purpose of the two mandatory consultation windows should be. However, this greater definition should be aimed at providing clarity and certainty for those involved in the process, and not aimed at restricting local preferences over the form and format of these consultations. For example, matters such as the level of detail, length and frequency of consultations may need to be flexible to individual circumstances. Local authorities may have a legitimate need to run additional, longer or more focussed consultations where the course of the Local Plan changes or additional information is identified which brings into question suggestions made in a previous consultation. As a result, the Council would suggest that any guidance provided on these consultations should be advisory and regulations should allow for flexibility, where justified.

The Council has no objection in principle to having a model form for submitting representations to consultations, provided that this does not limit people's access to the consultation – for example, by being designed for online use and not easily transferring to a paper or print copy.

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.

The Council agrees with the broad principle of obligating relevant public bodies to participate in the plan-making processes and giving local authorities authority and discretion to secure this participation, where it is not forthcoming through normal

engagement. The Council considers it to be major barrier to effective planning where public bodies do not engage effectively with the plan-making processes, or where they only introduce detail comments at a late stage.

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

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?

The Council has no objection in principle with the proposed minimum requirements for monitoring, specifically a lighter-touch annual return and a longer-term detailed return focussed on potential updates to a plan. However, the Council considers that local authorities should have the ability to publish more regular and/or detailed information as part of a commitment to good and transparent communication.

The Council supports the principle of Government prescribing a list of metrics that each local authority must report on, provided they have the ability to report on other metrics that they consider relevant. The Council would suggest that the Government consider other ways in which these metrics are being recorded and reported across the public sector, for example Council tax returns may provide an effective proxy for housing completions, and whether there are opportunities to be clear and specific about how certain metrics should be calculated.

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?

Notwithstanding its general concerns over the introduction of supplementary plans, the Council considers that a single stage of consultation is likely to be sufficient for a supplementary plan, but that local authorities should retain the ability to undertake additional stages of consultation should there be a material change to the proposed contents of a supplementary plan. This would allow for supplementary plans, which should generally be more flexible and responsive than a full Local Plan, to be prepared and updated to a shorter timeframe than a full Local Plan, allowing local authorities to respond quickly to emerging issues.

The council does, however, have a number of concerns regarding the limited scope and lack of roll-over period for existing Supplementary Planning Documents (SPDs). This is of particular concern when considering joint SPDs, such as the Essex RAMS SPD. Justification for these concerns are:

Limited Scope: In the proposals, SPs have a more limited scope compared to their predecessors. The consultation states it is not intended to be used routinely; planning authorities should prioritise including all of the desired policies in their local plan. In some circumstances SP can expand policy, for example, to design codes, allocations, or masterplans. However, the key issue is that SPs prepared by planning authorities will be limited geographically to matters relating to a specific site or two or more nearby sites. In addition, many of the sites which pay RAMS contributions will be unknown until a planning application is submitted, which seems

to rule out the possibility of producing a RAMS Supplementary Plan. Beyond this, the circumstances where SPs can be introduced are less clear. There is no specific reference to mitigation strategies and, although they will expand upon the content of a planning policy, at this moment it is unclear if they will be permitted.

No Roll-over: Unlike in previous practice, it will no longer be possible to roll over Supplementary Plans. Instead, it is expected that the content of SPs will be included with the Local Plan at its next review. In theory, while it could be possible to include 12 copies of RAMS policies within each of the partner authorities' Local Plans, this brings the risk that RAMS policies could diverge over time in response to objections or examining Inspectors, or any future changes to national policy. Condensing the content of an SPD into a local authority's Local Plan would also contradict the Government's stated objective of making Local Plans shorter and more user-friendly.

The council strongly recommends that the plan-making reform support the continued existing use of SPDs to expand upon adopted policy.

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?

The Council considers it questionable whether independent examination of supplementary plans is required as a general principle, insofar as the Local Plan to which they provide further guidance will already have been found sound. It is unclear whether examination of supplementary plans may invite the retesting of matters which should already have been settled at the Local Plan stage.

There are concerns raised regarding the additional time and financial costs that this process is likely to have on local planning authorities, especially given the current financial pressure faced by local authorities. The current consultation does not clarify what process joint Supplement Plans (such as the joint Essex RAMS Strategy referenced above) would need to follow; however, it is assumed that each authority would need to have the Supplementary Plan examined individually. Finally, the current proposals do not appear to have been designed with two-tier authorities in mind, especially where there is a need for the ratification of a plan or strategy by multiple committees across different boroughs / districts.

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

Whilst the Council recognises the Government's ambition to speed up the process by which Local Plans are prepared, it suggests that the current deadline for submission of an 'old style' Local Plan, being mid 2025, requires continuous review in light of ongoing delays over potential changes to national planning policy. These delays are making it challenging for local authorities to progress with their emerging

Local Plans with certainty, and a static deadline will only serve to condense the time available for local authorities to undertake meaningful work at a later time.

Furthermore, whilst the Council has no specific objection to the proposal to publish regulations and guidance on 'new style' Local Plans from late 2024, when considered with the situation referenced above, this may leave local authorities to consider whether transitioning their Local Plans to the new system is more realistic, which may then mean Local Plans progressing under the current system are artificially held back by the lack of available regulations. It is also not clear whether technical or consultation work undertaken under the current regulations will be compatible with new regulations or whether advanced Local Plans which fail to meet the mid-2025 deadline for submission will then need to return to the very start of the process in order to comply with new regulations.

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