

COMMITTEE TITLE: Planning Committee

DATE: 17 October 2023

REPORT TITLE:	Response to Plan-making reforms: consultation on implementation
REPORT OF:	Phil Drane, Director of Place

REPORT SUMMARY

The Department for Levelling Up is proposing a number of changes to the plan-making process in order to allow plans to be made simpler, faster to prepare and more accessible. The proposal is focused around enabling local planning authorities to prepare a plan within a target of 30-months, which was first announced in 2020 Planning for the Future white paper. The core changes being proposed include:

- a) There would be six stages for local plan preparation that must be completed within the 30-month timescale. The six stages include:
 - Scoping and early participation;
 - Plan visioning and strategy development;
 - Evidence gathering and drafting the plan;
 - Engagement, proposing changes, submission;
 - Examination; and
 - Finalisation and adoption of the plan
- b) Draft plans will have to pass three mandatory gateway checks involving inspectors. The first gateway check will take place following the first scoping stage to ensure plans sets off in the right direction. The second gateway check will involve ensuring compliance with legal and procedural requirements and supporting early resolution of potential soundness issues and take place between two mandatory consultation windows. The third gateway will take place before submission and is designed to monitor and track progress. The first gateway may not involve planning inspectors, while inspectors will be required for the latter two.
- c) Plan examinations should take no longer than six months with examining inspectors appointed earlier to avoid delays.
- d) The two mandatory consultation periods, Regulation 18 and Regulation 19 will be longer and more clearly defined.

- e) New approaches to engagement will replace existing narrow and ineffective practices. The government's proposed changes to the way authorities are required to engage with communities when preparing their local plans is replacing the statement of community involvement.
- f) The new plan-making system will be introduced in autumn 2024 but will be done so via a phased roll out focusing initially on ten front runner authorities. These front runners could start plan-making in 2024 and should have completed all three gateway assessments by June the following year. All remaining authorities would be ranked chronologically by the date they adopted their local plan, before groups of 25 authorities at a time are allocated a six-month plan-making commencement window.
- g) The government will publish a new series of core principles setting out what plans should contain.
- h) New regulations will require that a plan's vision serve as a golden thread through the strategy.
- i) Authorities will be required to produce annual monitoring reports outlining how their plans have met a series of new nationally prescribed metrics and a fuller analysis four years after adoption.
- j) New digital templates should be replaced with digital versions that are shorter and more visual.
- k) Local development schemes would be replaced by new timetable documents
- l) Digital support for plans will be provided via a new pick and mix toolkit.

Brentwood Borough Council is in general support with the proposals, however, have raised that a 30-month period is a very ambitious time frame, and likely unachievable, especially when considering factors outside the councils control, such as when consultants are appointed to carry out evidence. Furthermore, some concerns are raised in ensuring the digital templates allow for sufficient flexibility and do not limit the council's ability to peruse its own local ambitions.

RECOMMENDATION

R1. Approve the response to the consultation on Plan-making reforms, as set out in Appendix A

SUPPORTING INFORMATION

1.0 REASON FOR RECOMMENDATION

- 1.1 The Department for Levelling Up is proposing a number of changes to the plan-making process in order to allow plans to be made simpler, faster to prepare and more accessible. The proposal is focused around enabling local planning authorities to prepare a plan within a target of 30-months, which was first announced in 2020 Planning for the Future white paper.
- 1.2 The consultation response has been limited to those changes that are likely to have an impact within the borough, including the following areas:
- Proposed new principles for Local Plans
 - Plan to include long term vision
 - New framework for local development management policies
 - Templates to help standardise Local Plans to make them more consistent and user friendly
 - Requirement for Local Plans to be prepared over a 30-month period
 - Introduction of Project Initiation Document, which is to include the council's engagement strategy
 - Digitisation to help improve standardisation of plan and engagement with the plan-making process
 - Replacing the Local Development Scheme (LDS) with mandatory timetable of milestones
 - Updates to the National Policy and Guidance
 - Standardisation of evidence and freezing dates
 - Introduction of gateway assessments to address any significant issues prior to reaching submission stage
 - New monitoring requirements
 - Consultation and examination of supplementary plans

New principles for Local Plans

- 1.3 It is proposed that Plans under the new proposed planning system should include:
- Contain ambitious locally distinctive policies which meet key economic, social, and environmental objectives, linked to the vision;
 - Foster beautiful places and recognise the importance of design, linking to design, linking to design codes where appropriate; and
 - Set out a detailed approach to monitoring and ongoing review of the plan, for example how key policies and designations are implemented and applied, and the extent to which the plan is meeting the overall vision for the area.

- 1.4 The council has no objections to the above principles, however, have raised that Local Plans must 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.
- 1.5 The council has also requested that a clear definition is provided on what is meant by 'beautiful place'.

Long term vision included in Local Plans

- 1.6 The Council supports the inclusion of a long-term plan which is 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 the Local Plan must cover. The Council also supports the linking of the vision to measurable outcomes within the plan period which require active monitoring.
- 1.7 The Council does not have any objections to the proposal to provide a 'user-tested digital template' to indicate what a vision should contain, however the Council has raised that this should not limit the ability for ambitious locally-defined vision, provided these are broadly consistent with national policy and relevant legislation.

New Framework for Local Development Management Policies

- 1.8 The Levelling Up and Regeneration Bill provides for the creations of a suite of National Development Management Policies (NDMPs), which will be consulted on separately. These NDMPs are expected to enable plans to be more streamlined and allow plan-makers to focus on matters that are genuinely local. Two core principles are proposed for development management policies – policies should be underpinned by appropriate justification and policies should enable delivery of the plan's vision.
- 1.9 The Council does not object to the principle of local development policies being more focused, provided that this focusing exercise does not come at the detriment of ambition or local responsiveness. The Council's response supports the proposal that development management policies should be linked to the vision however highlights that some of these policies deal with specific local issues and therefore there may be some policies that are not featured in the vision or objectives of the plan.
- 1.10 Concerns were raised by the council as to what policy hook will be in place for Strategic Mitigation Strategies, such as the Essex Coastal RAMS Strategy. The current proposal suggests that there will be no need for local criteria-

based policy. This may reduce the ability for local planning authorities to seek particular types of mitigation.

Local Plan Templates

- 1.11 The introduction of data standards, as provided for in the Levelling Up and Regeneration Bill, is expected to help to ensure that plan data is created and published consistently across all planning authorities. Nationally-defined digital templates are proposed to support planning authorities in drafting their plans and being able to meet the 30-month timeframe. The digital templates to be produced will set out a standardised approach to specific parts of the plan.
- 1.12 The Council generally supports the principle of greater standardisation and templating in the formatting of Local Plans; however, these templates need to provide sufficient flexibility to allow for alternative approaches where a scenario arises that the template may not have foreseen – for example the inclusion of diagrams.

Local Plans to be Prepared over a 30-month period

- 1.13 Nationally the length of time to produce a Local Plan is on average 7 years. Statistics show that approximately only 35% of local planning authorities have adopted a local plan in the last 5 years. Slow progress means local plans are at greater risk of being outdated upon adoption. As a result, it has been proposed that local plans and mineral and waste plans are to be prepared and adopted within 30 months.
- 1.14 It is acknowledged that the current plan-making system has led to long timescales for the preparation of Local Plans. In this context the Council supports, in principle, the proposals which seek to reduce the time it takes to prepare a Local Plan. Concerns are raised, however, on whether the requirement of a 30-month plan-making process is too ambitious. There are situations where the plan-making process may take longer which are outside the control of the local planning authority, such as the preparation of evidence undertaken by consultants, and ongoing changes to national planning policy and guidance.
- 1.15 It is also unclear from the proposal whether any consequences are proposed for not completing Local Plans within the 30-month window. Therefore, the Council has suggested that if the 30-month timescale is implemented, that this be listed as a benchmark that do not prevent reasonable and pragmatic judgements to be made on whether sufficient progress is being made outside of these timescales.

Project Initiation Document

- 1.16 The scoping and early participation stage is to take place prior to the 30-month timescale. At this stage local planning authorities are expected to complete a Project Initiation Documents which have been proposed as a means of standardising Local Plans and make them more accessible and user friendly. Project Initiation Documents are digital templates that will be provided by government, which will form the basis of discussions at the first gateways assessment and will help set out the context, trends, and possibilities of the planning authority's area. These documents should include:
- Define the scope of the local plan and identify evidence required to create a sound plan;
 - Identify any local issues likely to be relevant to the plan or environmental assessment;
 - Set out the project management, governance, risks to delivery and resourcing arrangements; and
 - Outline the overall approach to community and stakeholder engagement.
- 1.17 There is general support in principle of agreeing a Project Initiative 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 Initiative Document. Therefore, it is suggested that the Project Initiative Documents may be a useful tool as a live monitoring document as plan-making progresses.

Digitisation

- 1.18 The Levelling Up and Regeneration Bill seeks to ensure that data is consistently processed, and data is represented in a consistent format. By standardising data this will enable greater efficiency and transparency in the plan-making process. One means of achieving this goal is through digitisation, which will also allow for plans to be prepared faster, simpler, and provide greater accessibility.
- 1.19 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 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 are, as opposed to currently where this data needs to be searched for individually.

- 1.20 Although the Council recognises 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.

Replacing Local Development Schemes (LDS) with Timetable Milestones

- 1.21 In order for local planning authorities to meet the 30-month deadline, the plan-making implementation proposal is to replace the current process of local planning authorities preparing a Local Development Scheme (LDS) with a timetable outlining the key milestones. This timetable will be required to be updated every 6 months and published on the Council's website. The purpose behind this change is to make it simpler to update the progress of a Local Plan timetable and provide greater clarity over what the timetable should include. The replacement of the LDS for a simpler and more concise timetable is supported by the Council.

Updates to National Policy and Guidance

- 1.22 The Department for Levelling Up is proposing to make national planning policy and guidance more substantive and clearer. Changes are expected with the next National Planning Policy Framework (NPPF) update (no date known at this time). It is expected that the core changes to the NPPF will include:

- Setting out clearer expectations on what evidence is required to support the local plan;
- Amending national policy to make a distinction between evidence produced and submitted to demonstrate that the plan is sound and legally compliant;
- Clarifying in national policy that evidence should only normally be discussed and argued against at examination where there is a significant and demonstrable reason for doing so, in relation to the tests of soundness and legal requirements;
- Providing clearer guidance to support the existing national policy that a plan should represent an appropriate strategy for the area, but that planning authorities do not need to demonstrate it is the most appropriate strategy; and
- Providing additional overarching guidance on 'what good evidence looks like'.

- 1.23 The council supports the proposed changes to national policy and guidance.

Standardisation of Evidence and Freezing Dates

- 1.24 The Department for Levelling Up is currently undertaking work to standardise elements of evidence that are particularly complex. Standardising evidence will ensure there is a consistent methodology and representation of data making it more user friendly and assist local planning authorities to make better use of the data and digital processes and tools.
- 1.25 The standardisation of evidence is broadly supported, provided that it does not prevent local planning authorities from preparing additional evidence to justify locally-specific policies.
- 1.26 In addition, the plan-making reforms are proposing to enable a data and evidence 'freezing' at certain points of the plan-making process with the aim to reduce further iterations and delays, as well as resources required to update.
- 1.27 The proposal to 'freeze' evidence, in the context of a 30-month plan-making processes, is supported, as this approach is considered to be reasonable and pragmatic.

Gateway Assessments

- 1.28 To assist with meeting the proposed 30-month timescales to produce a plan, the proposal also includes four key plan-making stages and 3 Gateways (refer to figure 1 below):
- A scoping and early participation stage;
 - Plan visioning and strategy development (Gateway 1);
 - Evidence gathering and drafting the plan (Gateway 2); and
 - Engagement, proposing changes and submission of the plan (Gateway 3).

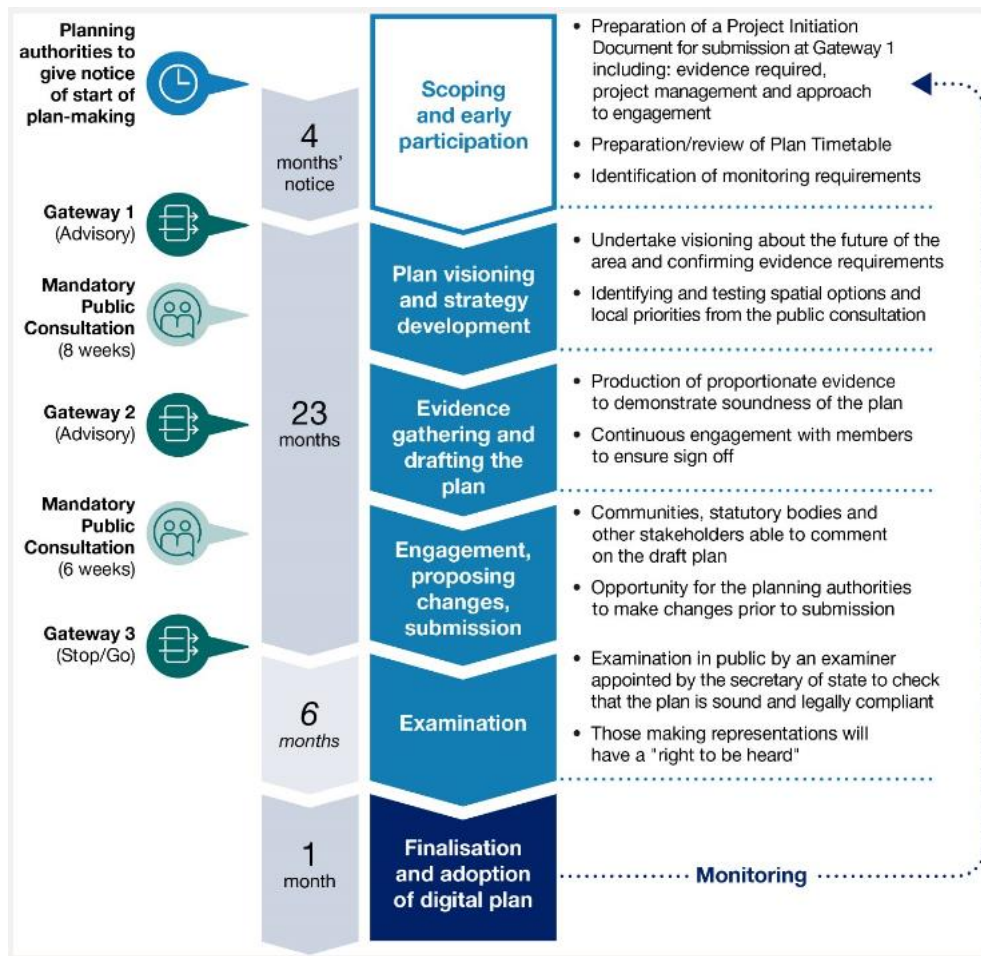


Figure 1: 30-month Plan Timescale, taken from consultation document.

- 1.29 The gateways are expected to assist local planning authorities in addressing any possible deficiencies and issues prior to reaching the examination stage. It is anticipated that this will prevent any unexpected delays at the examination stage and provide a greater chance that local plans are found sound.
- 1.30 The Council broadly supports the proposal to include 'gateways', where a Planning Inspector provides advice to address any potential issues of soundness and legal compliance. The Council, has, however, raised some concerns on what the financial implications might be, especially when considering the current financial pressures faced by local authorities. Therefore, it is encouraged that careful consideration be given to how to make the 'gateway' process both time and cost effective so that there is not an additional burden placed on local planning authorities.

Consultation and Examination for Supplementary Plans

- 1.31 The Levelling Up and Regeneration Bill is proposing to replace Supplementary Planning Documents (SPDs) and Action Plans with

Supplementary Plan. Under the Bill, local planning authorities are expected to produce a borough-wide design code supplementary plan which will be used to provide, or reinforce an authority's overarching design vision, and setting out high level strategic design parameters to apply to development. In some circumstances, supplementary plans could also build on existing policies in the development plan similar to the existing supplementary planning document (SPD) process. However, the new supplementary plans will be given the same weight as local plans.

- 1.32 Supplementary Plans are proposed to be consulted on once prior to undergoing an examination process. There is general support of undertaking a consultation process, however, questions the value of undertaking an examination process, especially where the local plan has already been found sound. There are concerns that by undertaking an examination for supplementary plans, this may result the retesting of matters which should have been settled at the local plan stage.
- 1.33 Further concerns were raised on the limited scope and lack of roll-over period for existing Supplementary Planning Documents (SPDs). This is of particular concern to the Essex Coastal RAMS partnership and how to effectively bring forward and enforce joint mitigation strategies. The Council has suggested that the plan-making reform support the continued existing use of SPDs to expand upon adopted policy.

2.0 BACKGROUND INFORMATION

- 2.1 The Department for Levelling Up is proposing a number of changes to the plan-making process, as outlined above, in order to allow plans to be made simpler, faster to prepare and more accessible. Based on current data on average it takes approximately 7 years for a Local Plan to progress through the plan-making process through to adoption. Only 35% of all local planning authorities have adopted a Local Plan in the last 5 years. Therefore, there is a significant risk of Plans being outdated. The Regeneration Bill is focused on enabling local planning authorities to prepare a plan within a target of 30-months, which was first announced in 2020 Planning for the Future white paper.

3.0 OTHER OPTIONS CONSIDERED

- 3.1 None

4.0 RELEVANT RISKS

4.1 None

5.0 ENGAGEMENT/CONSULTATION

5.1 The consultation on the Levelling Up and Regeneration Bill: consultation on implementation of plan-making reforms is being consulted on from 25 July 2023 until 18 October 2023.

6.0 FINANCIAL IMPLICATIONS

Name & Title: Tim Willis, Director – Resources & Section 151 Officer
Tel & Email: 01277 312500 / tim.willis@brentwood.rochford.gov.uk

6.1 There are no direct financial implications arising from this report.

7.0 LEGAL/GOVERNANCE IMPLICATIONS

Name & Title: Claire Mayhew, Acting Joint Director – People & Governance & Monitoring Officer
Tel & Email 01277 312500 / Claire.mayhew@brentwood.rochford.gov.uk

7.1 There are no direct legal implications arising from this report.

8.0 EQUALITY & HEALTH IMPLICATIONS

Name & Title: Kim Anderson, Corporate Manager - Communities, Leisure and Health
Tel & Email 01277 312500 kim.anderson@brentwood.gov.uk

8.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful;
- b) Advance equality of opportunity between people who share a protected characteristic and those who do not; and
- c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

- 8.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).
- 8.3 The proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

9.0 ECONOMIC IMPLICATIONS

Name & Title: Phil Drane, Director - Place

Tel & Email 01277 312500 / phil.drane@brentwood.rochford.gov.uk

- 9.1 Changes to the plan-making process will have a direct impact on the methodology the Council uses when updating its Local Plan. The Local Plan Review will identify future development in the borough and how this is managed, which will contribute towards economic growth. The Council is at the beginning stages of the Local Plan Review process. The implementation date of the Regeneration Bill will have a direct impact on whether the Council will follow the existing plan-making process or the new system.

REPORT AUTHOR:

Name: Andrea Pearson

Title: Senior Planning Policy Officer

Phone: 01277 312572

Email: andrea.pearson@brentwood.gov.uk

APPENDICES

Appendix A: Response to Plan-making reforms: consultation on implementation

BACKGROUND PAPERS

The Department for Levelling Up and Regeneration Bill: consultation on implementation of plan-making reforms - [Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms - GOV.UK \(www.gov.uk\)](#)

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Finance, Assets, Investment & Recovery Committee – Local Plan Review Update (Item 153)	13 September 2023