

APPENDIX 1 – Levelling Up and Regeneration Bill: Implementation of Plan-Making Reforms

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

Summary: Policies should be locally distinct, with a clear strategic vision, sustainable development should run through as a golden thread, only contain locally distinctive policies which meet the vision of the plan, have a detailed approach to monitoring and ongoing review, have a key diagram and be produced alongside an interactive digital policies map.

Suggested Response: No comment.

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?

Summary: Vision should be shaped by communities and other stakeholders; it should be the golden thread through the plan – all policies should link directly to it. Vision should have clear measurables so that it is more than just a wish list and is deliverable. Supported by a key diagram and evidence. Vision should be linked to corporate strategies to secure more buy in for change. A template will be available which can be used.

Suggested Response: We suggest that the template for the vision is optional for local authorities to use. If it is mandatory, it may restrict the LPA being able to articulate locally distinctive issues or convey issues raised by consultees and external consultants. It is also, unclear how the vision is to be measurable.

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

Summary: National Development Management Policies (NDMPs) are still being developed by government. Authorities should be more focussed in scoping and designing development management (DM) policies. Local DM policies will be underpinned by appropriate justification. The gateway assessments (see question 18) will check the scope of the policies are appropriate. DM policies should deliver on the plan's vision, which will reduce the burden of evidence for separate policies as the vision will have an evidence base.

Suggested Response: The scope of the NDMPs must be strategic and should not have a specific focus on housing growth (particularly as relates to individual and distinct local area character) and instead must be focussed to contribute to the overall economic, social, and environmental strategic objectives as set out in the NPPF. To assist in this process, the NDMPs should be subject to Sustainability Assessment, Habitat Regulation Assessment and Equalities Impact Assessment and not made to progress solely through the government consultation process.

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? Question

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

Summary: The consultation is proposing that 'nationally defined' templates will work in supporting both local plans and mineral and waste plans, and in doing so within the 30-month timeframe.

Suggested Response: No Comment

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?

Summary: Plans should be produced within the proposed 30-month timeframe. This approach is meant to strike a balance between quicker production and keeping plans up to date more effectively than what is now achievable. We will be required to notify stakeholders at least four months before commencing the 30-month timeframe.

Suggested Response: We agree that the current plan making system is too slow and support the principle that plan-making should be sped up - this is a laudable objective of the planning reform. However, we have concerns around the ability of local authorities to meet this timeframe based on what little detail has been provided about how the new plan making system is meant to work. The burden of evidence to justify plans is unclear as well as how far the NDMPs will go to support this new approach in taking away the need to produce some strategic policies at a local level. More information on the proposed system is required to take an informed view.

It is important to recognise the current system of reviewing a plan every five years allows for a suitable amount of time to have passed since adoption of the previous plan, for policies to have bedded in and new evidence to come to light to inform amendments to policies, or new policies. It is not clear from the consultation if the intention of the new system is for plans to still be reviewed every five years, or on a shorter or longer cycle. The existing 5-year methodology is widely accepted and recognised across a wide range of economic, social, and environmental disciplines, standards, and practices (both within and outside of the UK) and it should be made clearer if it will be retained.

If SPDs are to be scrapped and the expectation is that all the detail to explain a local plan policy will now be found within the local plan, the drafting and evidence gathering process is likely to become a lot more complex, confusing and likely to take much longer for local authorities to review their plans as well as for developers and land promoters to be able to interpret these new plans correctly. This makes the '30-month timeframe' even more unrealistic. For the reasons set out above, the Council remains strongly opposed to the scrapping of Supplementary Planning Documents (SPDs).

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

Summary: During scoping a PID will be produced using a government template, which outlines the main messages of participation. The PID will be used to engage internally and externally to feed into the vision for the plan and make sure it aligns with the corporate strategy.

Suggested Response: Yes, however we may want to adapt the template to address locally specific issues relevant to the PID, which could help to inform early engagement.

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

Summary: The consultation is seeking to introduce a digital planning system that is underpinned by standardised and open planning data.

Suggested Response: Maps that outline boundaries of any kind should be available in at least one common format such as a Shapefile or GeoJSON. These formats should be downloadable. Currently maps are frequently provided within pdfs which makes it very difficult to port for other applications.

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?

Summary: This question seeks to ensure that digital changes are directed at the right outcomes.

Suggested Response: Largely agree with potential benefits of digitalisation, although we do contest assertions that:

- Plans being static is a negative thing – there is some benefit to having stability and long-term certainty in strategic policies that will have long lasting impacts – constant updating without any opportunity for policies to bed in and be implemented can result in lack of certainty to landowners and the development industry and can cause confusion amongst local communities.
- Poor monitoring and feedback loops make it difficult to understand if policies are working well. Existing arrangements for Authority Monitoring Reports already provide transparency on the impacts of implementing existing policies.
- Uncertainty about evidence requirements - a matter that digitalisation could be made to address. This is more a matter for planning practice guidance to be clearer on what is a proportionate approach to evidence and for statutory bodies such as Historic England, Environment Agency, and others to be brought on board. Some agencies can frequently pressure local authorities into producing an extensive supporting evidence base.

A key challenge that digitalisation should seek to address is that most planning information is only readily available to planning professionals or long-term local enthusiasts who have over time become familiar with local planning and know where to look for such information. Opportunities to make relevant information more accessible via interactive mapping, that better enables interested parties to understand what is proposed in their local area, does exist within Westminster City Council.

Any benefits that digitalisation can bring should not result in a marginalisation of those sectors of the community that are not technology savvy. Enhanced digitalisation of planning may also raise resource issues for under-funded local authorities – as there may be a need for upskilling of those in the profession on how the most can be made of any technological advances. Also, because local authorities use different IT platforms and software, compatibility is likely to be an ongoing issue.

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?

Summary: This question is seeking feedback on the changes and innovations that local authorities would like to see prioritised e.g. for better visualisation of plan, better search tools to access information, dashboards for more data transparency, greater use of templates etc.

Suggested Response: Agree with the broad opportunities identified. However, it is important that these opportunities accommodate a planning authority's local context, organisational set up and resources.

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?

Summary: As per Question 10.

Suggested Response: Creating better search tools to access information would be a quick win that should be prioritised. A lot of high-quality information already exists, but it is not easily accessible to all that may have an interest in their local area, which may have significant impacts on who engages in the planning process.

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?

Summary: there is the view that Local Development Schemes (LDS) are typically long, complex technical documents, which aren't updated very often so stakeholders don't know when a plan is coming forward. LDS will be replaced with a Local Plan Timetable (LPT).

LPTs should include what the local plan is seeking to address, the geographical area of the plan, any supplementary plans and their subject matter, information about design codes and timetables. The LPT should set out when the authority will meet each of the milestones in the 30-month plan making timeframe and will not be a document, but digital format which must be kept up to date i.e. updated every six months. The LPT should be published on the website in two forms – one as a table for public consumption and the other as a dataset suitable for monitoring of the national picture.

Suggested Response: While we welcome better information sharing on plan preparation to assist engagement in the process and a more standardised approach to reporting on local plan timetables, setting specific dates against when each milestone will be achieved is likely to set councils up to fail as there are multiple factors and moving parts which dictate ability to meet a deadline. As set out in our answer to question 6 it is unrealistic to expect a full local plan to be prepared within 30 months.

We welcome encouragement to update the timetable on a regular basis to support proper engagement in the process and keep stakeholders informed.

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?

Summary: the view is that evidence base to support policies should be proportionate to allow planners to focus on community engagement, but a strong evidence base is still required. Previous NPPF consultation suggested removing the 'justified' test of soundness which plans have to meet to be adopted. It is not confirmed that this will happen but implied by this consultation. Local plans will have to produce evidence to inform and explain their plan against the other tests of soundness. There will be another consultation on these changes to the NPPF in due course.

National policy will set out what evidence to produce to be proportionate, differentiate between evidence to meet the tests of soundness and evidence which provides context, and set out that evidence should only be debated where it relates to the remaining tests of soundness. This is intended to reduce the need for LPAs to produce excessive evidence to reduce risks at examination.

More clarity will be provided in the NPPF on evidence relating to local plans being an appropriate, not the most appropriate strategy for an area. There will be more clarity on what up to date looks like.

LPAs will be required to prepare a 'statement of compliance with legislation and national policy' which would set out where in the evidence each national policy has been considered, to signpost. This is intended to make it clearer what is required to be consistent with national policy and reduce the need for reliance on topic papers.

Suggested Response: No Comment

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?

Summary: The proposal is that clearer expectations can be set through an overhaul of national planning policy.

Suggested Response: There is not enough detail to fully answer this question. We would welcome more guidance on what proportionate evidence means. We also welcome the guidance that evidence should not be debated at examination unnecessarily and look forward to a future consultation on the detail of this proposal.

We have some reservations as to whether a requirement to produce a statement of compliance with legislation and policy will save time and effort for every local authority – it runs the risk of being an additional bureaucratic burden and appears to be lengthy and complicated to complete.

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?

Summary: Standardisation of evidence would help provide clarity on what is expected and reduce discussions on methodologies at examination. Standardisation could be used for Economic Needs Assessments, Housing Land Availability Assessments, Transport Assessments etc.

Suggested Response: We support the standardisation of evidence for strategic issues. However, our general concern is that ‘a one size fits all’ approach may not work well for all LPAs.

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?

Summary: LPAs will be able to ‘freeze’ data to reduce the need to produce new iterations of their evidence and to avoid delay. However, Inspectors could still ask for more up to date evidence as part of the examination. This could mean that LPAs are not expected to update their evidence base whenever new data sets are released (unless they want to for good reasons). This could provide certainty for the plan making and developers. Or it could mean that the scope of the evidence or its methodology are only changed under limited/prescribed circumstances. Or that freezing of evidence at publication of the plan/submission – sets the expectation that new evidence does not have to be submitted to support examination.

Suggested Response: Yes. We support the freezing of data or evidence and consider the first option (not needing to update the evidence base whenever new data sets are released) the most appropriate of the options listed. The guidance needs to be clear on how local authorities communicate their decision to freeze their data and if any justification is required to do so to avoid challenge from other parties.

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?

Summary: LPAs would only be able to submit supporting documents alongside their plan for examination that they consider strictly necessary to show whether the plan is sound. This could mean fewer documents need to be prepared/submitted. Still, local authorities could publish as many documents as required to explain their policies. Gateway assessments (see question 18) would help guide what is needed.

Suggested Response: This proposal is not useful as local authorities (Westminster included) currently only produce documents relating to soundness to help the plan succeed at examination, so this proposal adds nothing.

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?

Summary: Too many plans fail at examination or are submitted with deficiencies which are spotted too late in the process. Three gateways with a person appointed by the SoS throughout the plan making process will be prescribed to avoid this. Gateways will ensure plans are going in the right direction (and the LPA has the right tools to deliver), that the scope is appropriate and key risks are identified. They will ensure legal and procedural compliance and identify any soundness issues, check on progress against the timetable and the timetable is being sufficiently communicated to stakeholders.

Suggested Response: Yes. The guidance should be clear on how Inspectors will indicate what evidence is required if there is something missing, as well as how this will inform consultation on the plan has been sufficient, LPAs have undertaken an appropriate level of

engagement (on the whole plan, or specific issues) and give guidance on statements of common ground for issues where there is disagreement between the council and stakeholders.

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

Summary: Each gateway is expected to take a month. The three gateways will take place: (i) at the very beginning of the process. Gateway (i) assessments will ensure the plan sets off in the right direction and will supply early diagnosis of legal and procedural requirements. This gateway will most likely be done by specialist, instead of an Inspector.

At gateway (ii) between the two formal consultations, this will ensure legal and procedural compliance, track progress against the timetable and support early resolution of potential soundness issues. This gateway will be done by an Inspector.

At gateway (iii) just prior to submission an Inspector will check the plan is ready to proceed to examination, legal and procedural requirements, and track progress against the timetable.

The role of (i) and (ii) is advisory. If at gateway (iii) the inspector says the plan is ready to submit because it meets the legal and procedural requirements, the LPA must submit. If there are outstanding soundness issues these must be resolved as part of the examination.

Plan preparation should continue in parallel with the gateway process rather than pause while it is taking place. A new gatekeeper organisation will be formed to manage the gateway process.

Suggested Response: While we welcome the principle of engagement with Inspectors prior to examination to identify potential issues, avoiding delays later in the process – the proposed process is convoluted as the gateway assessments will be conducted by different specialists and planning inspectors and gateway decisions are not final and binding on the formal examination process. This means that the inspector undertaking the final examination may find issue with some aspect of a gateway assessment (or in the way it has been carried out). Where planning inspectors disagree, these disparities could potentially introduce an additional level of complexity and confusion into the examination process and will need further clarification and guidance as to how this relationship is meant to work in practice.

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?

Summary: LPA will be required to prepare a short report ahead of each gateway detailing progress against key topics. At gateways (ii) and (iii) the LPA will be required to identify up to five issues which pose risks to soundness and / or legal and procedural requirements. When these reports are submitted to the gatekeepers, the gateway commences. A suitable person will be appointed to review the report asap. During Gateways (i) and (ii) an interactive workshop will take place. Gateway (iii) will be undertaken in writing. The Inspector or specialist will prepare a report at each Gateway, which the LPA should publish. Third parties will not be allowed to participate in the Gateways.

The scope of the gateways is as follows:

Gateway 1

- Review PID
- Early scoping of Strategic Environmental Assessment
- Locally specific DM policies which may be required
- Position on housing delivery and high-level options to deliver the development needs for the area
- Headline on how the plan will reflect any relevant Local Nature Recovery Strategy

Gateway 2

- Progress against PID
- Progress against what was reported at Gateway 1
- Topic specific advice on emerging plan and evidence
- Data and digital requirements
- Progress against SEA
- Consultation and engagement

Gateway 3

- Procedural and legal requirements
- Progress against what was reported at Gateways 1 and 2
- Evidence to address previously identified gaps
- Strategic Environmental Assessment Summary of reps
- Engagement activities have been undertaken in line with the PID.
- Practical readiness for examination.

Suggested Response: LPAs should be able to notify the Gatekeepers in advance that they intend to submit their reports to kick off any of the gateways (as per Gateway 1) to ensure that a specialist/Inspector can be appointed immediately to avoid any delays in resourcing. This is particularly important given the tight timeframe LPAs will have to develop plans. It would be better to have all Gateways in person so that issues can be discussed and comments understood – this is particularly important for the final gateway given that is the last chance to resolve issues prior to submission.

At Gateway 2 it would be beneficial to discuss potential soundness issues and get a view on the consultation/engagement, which has taken place to date and the plans for the next round of consultation.

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

Summary: Gateways need to have a sustainable financial footing. Each gateway will therefore have a standard fee charged to the LPA.

Suggested Response: Local authorities need to have a sustainable financial footing and with ever decreasing funding from central government, and no funding ringfenced for the delivery of local plans, this additional burden is unreasonable. Local Authorities currently pay for the examination and the supporting evidence for their local plan, further charges for this will be a deterrent to progressing plans and could create extra pressures on already stretched budgets.

The new Gateway Assessments will not speed up the examination process or provide a preliminary enquiry into the supporting evidence. This will be in addition to the formal examination process, where the evidence will need to be re-examined and signed off.

As different officers (i.e. examiners or specialists/inspectors) are likely to be involved at the various stages, there may be a disconnect between the matters and concerns raised as part of any gateway assessments and those matters raised further along as part of the formal examination process. This will add another level of bureaucracy to the existing examination process, which could result in unmanageable financial cost to all parties involved (affecting local services).

To account for officer time and protect councils from further financial deficit, all stages of the gateway proposals will need to be separately funded with additional monies being ringfenced and not coming out of the incredibly limited budgets that local authorities are now working with.

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?

Summary: Although it will not be prescribed in the Regulations, the consultation sets out that examinations *should* take no longer than 6 months. Consultation on proposed modifications *should* be no more than 3 months.

Changes to the Inspectorate's procedural guidance include:

- Inspectors to be appointed when Gateway 3 commences
- 2 Inspectors to be used as default
- Only LPA invited to respond to the MIQs
- MIQs to relate directly to the tests of soundness
- Written reps can be submitted by 3rd parties who do not wish to partake in the hearings
- Notification period for hearings to be shortened to 3 weeks
- Only most significant modifications to be consulted on post-hearings.
- Modifications consultation to last only 3 weeks

Suggested Response: As per response to Question 19, 20 and 21 above.

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?

Summary: Examinations can be paused if there is a significant issue identified by the Inspector that requires further work. The maximum length of time for a pause would be 6 months, and the power can only be used once. Inspector will ask for a timetable for the pause and regular updates from the LPA.

Suggested Response: Yes. However, all Gateway fees will need to be funded and ring fenced outside of existing local authority budgets, with payments made in lieu (to local authorities) where time has been lost through third party negligence. Particularly, in instances where critical matters have been wrongly interpreted or missed by the appointed gateway assessment officer/s.

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?

Summary: the view is that consultation on plans is currently too technical and difficult to engage with, drawing views from a narrow demographic and people are engaged too late in the plan making process. Government wants to increase the level of engagement and for it to have a broader reach. They plan to do this in the following ways:

- Digital tools will be expanded - although little detail is given on what this entails.
- Removal of the requirement to produce a Statement of Community Involvement (the view is that they reiterate legal obligations and contain aspirations rather than commitments to innovative ways of engaging). The proposal is that SCIs be replaced by a section in the PID, which will be discussed at Gateway 1, more guidance will be produced by government to support better engagement.

Suggested Response: No Comment

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?

Summary: There will be a stronger emphasis on early engagement to shape the vision and strategy for their area. LPAs will be required to notify stakeholders and invite early participation on matters that shape the direction of the plan. This will take place in the scoping stage, prior to the 30-month timetable starting. It should be used to gather baseline information to inform the plan and could invite views on the draft vision, initial principles etc.

Suggested Response: Yes

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

Summary: Early participation should also inform the PID – which will inform how consultation will be undertaken throughout the process.

Suggested Response: Yes, provided enough time is built in to properly digest and act on the 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?

Summary: First round of consultation will be 8 weeks (equivalent to a Regulation 18 consultation in the current system) and will focus on questions which validate the vision for the area and test broad options for the plan, including key spatial choices.

The second round of consultation will be 6 weeks (equivalent to a Regulation 19 consultation in the current system) and will seek views on the draft plan. This consultation should be

focused, questions should be well-structured and designed to gather clear views on specific proposals.

Regulations will define the role and purpose of these consultations, enable the submission of representations which maintains and strengthens accessibility whilst making it easy for LPAs to process.

Suggested Response: Yes, although the second round of consultation could be as long as the first and it should be clear if LPAs are able to extend consultation periods if they feel it is necessary to gather more views or because of the timing of the consultation (e.g. if it takes place over summer breaks or Christmas periods for example) and what impact that will have on the 30-month timetable and penalties for missing deadlines.

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

Summary: A template for responses will be produced to maintain accessibility and make it easier to process responses.

Suggested Response: Although the principle of standard templates is useful in helping digital responses to be submitted, improving accessibility whilst also helping with the faster processing of responses, questionnaire style consultations could limit opportunity for stakeholders to give their views across as they are restricted to only answering questions that the LPA have asked. A more open approach to consultation is appropriate to ensure that participants are able to give their views outside of the constraints of specific questions. The template example on the PINS website could be useful in informing how this might be achieved.

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

Summary: This list is pretty much the same as the one that already exist for statutory consultees (all of these organisations would be ordinarily consulted).

Suggested Response: No Comment

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.

Summary: The proposal is that plan making authorities would notify all interested parties of when they will be commencing work on the local plan in the way that is already common practice. The main difference would be that plans would need to be completed in the 30-month timeframe proposed and that the local authority can notify prescribed bodies of the need to provide relevant assistance in the preparation of a plan where they have failed to engage or deliver information the authority needs.

Suggested Response: Opportunity to notify bodies of their obligation to assist in the plan making process is supported. However, the ability of all such bodies to do so, without the need to seek financial charges for such advice in response to a reduction in their budgets (e.g. the Environment Agency) needs to be given further consideration.

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

Summary: Key areas of housing, economy and environment will be monitored through annual returns. These are consistent with what is already being monitored under the AMRs.

Suggested Response: No objection to a light touch annual return as it will still allow planning authorities to cover additional metrics if they desire and does not create an additional burden compared to the existing authority monitoring report. Scope for more detailed analysis of the effectiveness of policies, with flexibility given to individual authorities of how this is addressed, is also supported in principle.

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?

Summary: Some of the indicators for additional monitoring relate to Mineral and Waste plans. The relevant metrics for Westminster (which are already monitored) include:

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| Net Dwellings Completions |
| Net affordable housing Completions |
| Proportion of new home on brownfield land |
| Additional Net Pitches and Plots (gypsies and travellers) |
| Net Change in Employment floorspace |
| Net change in designated open space |
| Net change in habitats |
| Delivery of 10% BNG |
| Progress towards net zero carbon |

Suggested Response: Proposed metrics are supported in principle as they do not appear to be overly resource intensive. It is not recommended that further additional metrics are mandated, due to the increased burdens this will place on under-resourced planning authorities.

It should also be noted that governments continued pursuit to expand permitted development rights inhibits what changes in floorspace are subject to planning applications and, by extension, what can therefore be easily monitored.

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?

Summary: LURB sets out that supplementary plan must be site specific or relate to two sites that the authority considers nearby each other. Supplementary Plans (SPs) are to be used to respond positively to unanticipated changes in the area separate from the local plan e.g. allocating and shaping an unexpected regeneration opportunity (one or two sites only) or site specific policies relating to design, infrastructure or affordable housing. They enable the LPA to respond to unanticipated development opportunities outside of the plan making cycle. SPs should only be used in exceptional circumstances unless it is being used to create a Design Code. SPDs will cease upon adoption of a new style local plan. SPs will create clarity and

simplify the development framework. SPs will have same weight as local plans, be subject to consultation and independent examination. The LPAs intention to prepare a SP should be set out in the local plan timetable.

When assessing whether two or more sites are 'nearby' to each other, factors to consider include distance, relationship or neighbourhood area.

Suggested Response: It is not necessary to prescribe in regulations how to assess if sites are near to each other. This is overly prescriptive and planning professionals have the expertise to determine this based on the local circumstances.

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.

Summary: SPs may be subject to Environment Assessment. LPAs should use environmental screening similar to that of neighbourhood plans. Given flexibility and diversity of SPs, different preparation procedures may be suitable.

Suggested Response: We continue to object to the scrapping on SPDs. They are meant to contain only 'Non-strategic Policies'. Under the existing planning regime, SPDs can be prepared locally and do not require any further contact with the Planning Inspectorate or Secretary of State (unless called in). Non-strategic policies in SPDs, provide a higher level of detail and specificity to facilitate an accurate interpretation of the Strategic Policies in an adopted local plan. At the local level non-strategic policies within SPDs, Neighbourhood Plans (or Area Action Plans) are meant to facilitate the planning application process, address complex areas, sites, and location specific matters by providing detailed guidance and assistance to developers and other land promoters in submitting realistic planning applications.

If SPDs are to be scrapped and the expectation is that all the additional detail will now be contained within the local plan, the drafting and evidence gathering process is likely to become a lot more complex, confusing and it is likely to take much longer for local authorities to review their plans as well as for developers and land promoters to be able to interpret these new plans correctly. This will also impact on plans for the 30-month timeframe. Without further detail on the design, policies, strategy, and function of supplementary plans, many of the changes do not appear to be well informed, where important documents in the existing planning framework are being renamed and replaced without enough supporting evidence to justify the changes.

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?

Summary: SPs will go through formal consultation with stakeholders including statutory bodies and will be subject to independent examination. Guidance will be published on informal engagement on SPs. There is a balance to be struck between responding to planning needs at pace, with meaningful engagement.

Suggested Response: Further clarification and information needs to be provided on the purpose of SPs. Therefore, unable to comment.

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.

Summary: Examination of SPs will be similar to Neighbourhood Plans i.e. through written representations rather than hearings, unless the examiner feels oral representations are necessary. Government is seeking views on whether a threshold should be set to guide LPAs e.g. based on the size of development planned for (quantum or hectareage), or environmental or heritage designations.

Suggested Response: No, this should be left to the independent examiner to determine based on the specifics of the area or issues to which the SP relates (e.g. if the issues are controversial) to avoid unnecessary hearings where issues do not need oral representations.

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?

Summary: An examiner cannot recommend that a Supplementary Plan is adopted until it is considered that all of the procedural requirements have been met.

Suggested Response: No Comment

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?

Summary: Proposals for minerals and waste plans that are not relevant to Westminster.

Suggested Response: No comment - Not relevant to Westminster

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

Summary: The government is looking to introduce a CLA pilot scheme where local authorities and landowners are to agree land prices (valid for 10 years) prior to development on allocated sites. The rational proposed is that separate negotiations between landowners and local authorities will generate higher levels of developer contributions (than the current s106/CIL regime), while ensuring that developers are not paying too much for land.

Suggested Response: Proposals appear highly complicated and there is a lack of detail on how they could work in practice as no further evidence has been provided to support these proposals. Nonetheless, local authorities will require intensive business skills and resources, in negotiating and resolving highly complex financial and specialised legal areas relating to unwilling landowners and joint landownership. This approach seems to be passing the buck to local authorities, when there is an argument that setting guidance, for developers and

landowners, on regional and national 'Land Prices' (across the UK) should be carried out at the national level.

Also, it is important to point out that under the existing s106/CIL regime, if a developer chooses to pay more for overpriced land, that would not be something that Councils would need to consider when calculating s106 or CIL contributions.

There is also a potential conflict of interest as this approach may incentivise inappropriate development through site allocations purely to 'balance the books' where the authority is in financial difficulties and struggling to fund its statutory duties and services. This CLA pilot approach is not supported. The issue of paying more for overpriced land has been addressed, to some extent, within the NPPF and further guidance and supporting evidence for what factors constitute an appropriate regional land value need to be addressed at the national level.

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?

Summary: refer to Q39

Suggested Response: Financial considerations must not override the wealth of competing and interconnected factors that local planning authorities must already consider, to promote the right type of development in the right place e.g. meeting housing need, jobs creation, respecting townscape and heritage, responding to the climate emergency etc.

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

Summary: This question is about the transitional arrangements for plans to be updated and/or phased out under the new 30-month timeframe (should this come into effect on 30th June 2025).

The proposal is that authorities that have prepared a local plan, (spatial development strategy or minerals and waste plan), which is '**more than 5 years old**' when the new system goes live (and are **not** proactively working towards the 30 June 2025 submission deadline under the current system) will be required to begin preparing a new style local plan, spatial development strategy or minerals and waste plan straight away." Authorities that have prepared a local plan, (spatial development strategy or minerals and waste plan), which is '**less than 5 years old**' when the new system goes live will not be required to begin preparing a new-style plan until their existing plan is 5 years old.

Suggested Response: No Comment

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

Summary: Adopted plans will remain in place until the new style plans are adopted. SCIs and LDSs will also remain relevant until the new style plan is adopted. LPAs will have until

30th June 2025 to submit their local plans under the old system and examination must be completed by 31st December 2026.

Suggested Response: No. There needs to be more evidence to support how and when existing planning documents can be effectively phased out, while still maintaining continuity.

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

Summary: the consultation is also seeking views on the potential impact on those with protected characteristics.

Suggested Response: No Comment