

GOVERNMENT CONSULTATION RESPONSE

(online submission, deadline 18th October 2023)

A consultation on our proposals to make local plans (and minerals and waste plans) simpler, faster to prepare, and more accessible.

<https://www.gov.uk/government/consultations/plan-making-reforms-consultation-on-implementation>

Chapter 1: Plan content

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

Agree

The Council broadly agrees that the core principles appear suitable. It would like to see emphasis given to transparency at all stages of plan preparation.

Question 2: Do you agree that plans should contain a vision, and with our proposed principles preparing the vision? Do you think there are other principles that could be included?

Agree

The Council agrees that plans should contain a vision, and that the vision should be developed through close working with local communities. Further clarity on how communities will be given a genuine opportunity to shape the vision would be welcome.

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

Unsure

Until more information has been made available on national development management policies, it is difficult to make comment on the framework for local development policies.

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?

Unsure

There is concern that templates could be too rigid, and not allow enough flexibility to reflect local circumstances.

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

Yes

Minerals and waste plans are entirely different in scope to local plans, so it is difficult to envisage how templates could be the same.

Chapter 2: The new 30 month plan timeframe

Question 6: Do you agree with the proposal to set out in policy that planning authorities should adopt their plan, at the latest, 30 months after the plan preparation process begins?

Disagree

It is felt that a degree of flexibility is necessary to allow for unforeseen circumstances and to ensure that local authorities dealing with more complicated issues or facing resource issues are not disadvantaged. Local areas would likely suffer if local plans were “rushed through”.

It is unclear what is to happen should a plan fail at examination without enough time to resolve the issues within the 30-month timeframe.

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?

Agree

The Parish Council would welcome being engaged at an earlier stage in the process. It is recommended that Parish Councils are specifically mentioned in guidance when suggesting which bodies are invited to participate.

Chapter 3: Digital plans

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

In order to provide greater transparency, it is recommended that public and consultee comments received during the plan-making process are published in full (subject to GDPR requirements) upon receipt.

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?

No

It is unclear how PDF-based plans (which are themselves a form of digitalisation) going “out of date quickly” is an issue when the final, adopted plan is a firm version that should not be subject to any amendments.

The Council continues to raise concerns that progress in the digital area risks excluding members of the public who do not access information digitally for a variety of reasons.

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?

Agree

The Council agrees in principle to learning from leaders and innovators, and seeking to roll out best practice. It must however be recognised that this could present significant resource, cost and transitional challenges for some local authorities.

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?

It is suggested that there could be greater alignment between local plans and neighbourhood plans, and that very local area principles and priorities (e.g. at village level) may be developed by the communities themselves.

Chapter 4: The local plan timetable

Question 12: Do you agree with our proposals on the milestones to be reported on in the local plan timetable and minerals and waste timetable, and our proposals surrounding when timetables must be updated?

Unsure

The Parish Council considers this is a matter for local planning authorities and has no comment to make, other than it must be ensured that the timetable is available to the public and kept up to date.

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?

A review should be triggered after each milestone or in the event of significant planning reform at government level.

Chapter 5: Evidence and the tests of soundness

Question 14: Do you think this direction of travel for national policy and guidance set out in this chapter would provide more clarity on what evidence is expected? Are there other changes you would like to see?

Yes

The Parish Council welcomes in principle a move away from “overproduction” of evidence, which would in turn make the process more accessible to the public. Clear guidance on expectations will be essential in this regard.

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?

Unsure

With Local Plans intended to focus more on local matters going forward, too much standardisation could hinder the aims of this plan-making reform.

Question 16: Do you support the freezing of data or evidence at certain points of the process? If so which approach(es) do you favour?

Yes

It is believed that the freezing of data will be welcomed by planning authorities as it will provide certainty and help avoid “moving targets”.

Question 17: Do you support this proposal to require local planning authorities to submit only supporting documents that are related to the soundness of the plan?

Yes

Provided this does not prevent a local authority from optionally submitting such material that it considers appropriate or necessary to support its position.

Chapter 6: Gateway assessments during plan-making

Question 18: Do you agree that these should be the overarching purposes of gateway assessments? Are there other purposes we should consider alongside those set out above?

Agree

The gateway assessments should cover at least those areas set out. The Parish Council is keen that information as to how a plan is progressing is published at reasonably frequent intervals.

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

Unsure

There is concern that there may not be sufficient resource within the Planning Inspectorate or other organisations to deal with the gateway workload. There may be bottlenecks when large numbers of plans reach a gateway phase at the same time.

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?

Unsure

The Parish Council considers this is in the main a matter for local planning authorities. It would however expect to see Neighbourhood Plans included as a Gateway topic, and for findings from the assessment process to be made available to the public.

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

Unsure

The Parish Council recognises the need for gateway assessments to be sustainably funded, but feels that great care must be taken in order that cost efficiencies are made elsewhere so that it does not result in a financial burden to the taxpayer.

Chapter 7: Plan examination

Question 22: Do you agree with our proposals to speed up plan examinations? Are there additional changes that we should be considering to enable faster examinations?

Disagree

The proposal to shorten the minimum notification for hearings to three weeks is unsuitable for Parish Councils, where decisions are made through Committee, and even a six week notification process can prove to be a challenge. The same is the case for reducing the public consultation period for modifications to three weeks. The speeding up of the examination process should not come at the cost of reducing the already modest time available for the public to engage.

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?

Unsure

If the matter(s) to be addressed during the pause would result in a significant change to the plan, it would likely not be appropriate to resume the examination without a further round of public consultation.

Chapter 8: Community engagement and consultation

Question 24: Do you agree with our proposal that planning authorities should set out their overall approach to engagement as part of their Project Initiation Document? What should this contain?

Agree

This would appear to be an area where best practice guidance can be issued, to ensure that engagement is meaningful, inclusive, and undertaken effectively. It should be recognised that the current SCIs generally cover much more than local plan engagement (e.g. Neighbourhood Plan and planning applications) and it is unclear what would become of these parts of the statement.

Question 25: Do you support our proposal to require planning authorities to notify relevant persons and/or bodies and invite participation, prior to commencement of the 30 month process?

Yes

As mentioned in the reply to question 7, the Parish Council would welcome being engaged at an earlier stage in the process. It is recommended that Parish Councils are specifically mentioned in guidance when suggesting which bodies are invited to participate.

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

Yes

Early participation could be one of a range of elements that may inform to the Project Initiation Document, and that this is an area where best practice guidance could be made available, as well as authorities being encouraged to use a mix of traditional and innovative approaches that best suits their local area.

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?

Unsure

This area of the process does require more clarification, but there is concern that a move towards the use of response templates will restrict free comment from the public and further exclude those who are unable, or prefer not to, engage via digital means.

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

Disagree

In the experience of the Council, prescriptive online response forms can be frustrating and discouraging. They are often not user-friendly, e.g. forcing a response to every section of longer consultations, no opportunity for general/overarching comments, make it difficult to prepare collaborative responses (for this consultation all questions had to be manually copied and pasted into a separate document), and on occasion crash or fail. The end user's experience must be a fundamental consideration, and a choice of response methods is critical to obtaining meaningful engagement.

Chapter 9: Requirement to assist with certain plan-making

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

No comment to make.

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.

Unsure

It is unclear what will happen with regard to the short timeframes of local plan preparation if any of the prescribed public bodies do not have capacity/resource to engage in the plan-making process. With the envisaged more frequent turnover of plans, the workload could be significant.

Chapter 10: Monitoring of plans

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

Unsure

The Parish Council considers monitoring requirements are a matter for local planning authorities, but asks that the reports are published in a form that is easily accessible to the public.

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?

Unsure.

No comment to make.

Chapter 11: Supplementary plans

Question 33: Do you agree with the suggested factors which could be taken into consideration when assessing whether two or more sites are 'nearby' to each other? Are there any other factors that would indicate whether two or more sites are 'nearby' to each other?

Unsure

It is unclear how the preparation of supplementary plans will be handled for sites that straddle two or more authorities' boundaries.

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.

As noted in the text, the diversity and scope of supplementary plans is likely to be substantial. It is therefore suggested that a prescriptive approach is not appropriate, and local planning authorities make appropriate arrangements.

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?

Disagree

While one formal stage of consultation may be sufficient in many cases, the "exceptional" nature of supplementary plans could mean the unanticipated change that triggers a supplementary plan may have a large and/or long term impact on communities, or the scope of a supplementary plan could shift dramatically during its preparation phase. In certain circumstances it may be appropriate for more than one stage of consultation to take place.

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.

Yes

Setting thresholds such as those suggested would appear to be a sensible measure to avoid ambiguity and streamline the process.

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?

Agree

The approach appears proportionate. If Neighbourhood Plans are not included in “other parts of the development plan” then it should be specifically stated that the supplementary plan must have regard to the Neighbourhood Plan. It should be noted that terms such as “had regard to” and “general conformity” are open to interpretation.

Chapter 12: Minerals and waste plans

Question 38: Are there any unique challenges facing the preparation of minerals and waste plans which we should consider in developing the approach to implement the new plan-making system?

No comment to make.

Chapter 13: Community Land Auctions

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

It is noted that there will be a draft CLA regulations consultation in due course. It is urged that this includes detail on transparency of the proposed system and how it would integrate into the wider priorities for planning and not be open to abuse.

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?

Financial considerations should not outweigh the principles of good planning, including (but not limited to) sustainable development, tackling climate change, inappropriate development in Green Belts, sensitive sites, infrastructure concerns, harm to the environment, quality of life of existing residents, protection of the distinct character of areas.

Chapter 14: Approach to roll out and transition

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

There is concern that giving priority in the pilot to authorities with the most up to date plans will create discontent and/or lethargy amongst communities who, having recently had a local plan adopted, will have to immediately begin another plan cycle with associated consultations etc.

Chapter 15: Saving existing plans and planning documents

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

Agree

All existing plans should remain in force until a new-style local plan is adopted. This includes those for any areas where there may be unforeseen delays to the new-style process.

Equalities impacts

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

Please provide a free text response to explain your answer where necessary. Is there anything that could be done to mitigate any impacts identified?

Yes

The move towards more digitised delivery of Local Plans is likely to exclude members of the public who are less able to access information electronically, who choose not to, or who cannot afford to.

The proposed reductions and shorter timeframes of public participation in the planning system may disproportionately affect people from disadvantaged groups.

With such a comprehensive review of the existing system, the potential impacts on people with protected characteristics could be significant. The Council would expect to see the government undertake its own impact assessment in this regard, and would welcome seeing this published for comment.