WDC LURB Consultation response

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

Response: Yes. It is considered that, in general, the core principles for plan content are agreeable. Although further detail will be required to fully consider how these core principles can be translated into the local context for the purpose of Plan-making.

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?

Response: Yes, it is agreed that plans should contain a vision and the proposed principles for development of a vision are noted. The approach proposed is not dissimilar to the approach being followed by Wealden District Council so is not considered out of step with current plan-making arrangements. It is noted that it is proposed to develop a digital template for developing a vision and whilst this may prove useful, there is some concern over the use of templates when developing Local Plans and how they may reduce local distinctiveness and innovation in the plan-making process.

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

Response: Yes, it considered an appropriate approach to have suite of national development management (DM) policies without the need to duplicate within these at a local level. It is noted that these will be consulted upon through a separate consultation in due course and only then it will become clear whether these proposed policies are appropriate for use at the local level. It is welcomed that local DM policies can also be developed in the appropriate circumstances to more locally specific nuances.

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?

Response: Without seeing the specific detail regarding the digital templates, it is difficult to come to a definitive view about whether they would make it easier to develop Local Plans. Whilst the consultation indicates that the approach will be designed with flexibility and will not stifle innovation, the devil is in the detail and we remain unconvinced that this juncture as to whether this will be the reality. It is our view that the desire for local distinctiveness echoed through this consultation appears to be at odds with the template approach.

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

Response: Notwithstanding the comments made above, without seeing the specific detail regarding the digital templates, it is difficult to come to a definitive view about whether templates should differ for Local Plans and Waste and Minerals Plans. However, we would expect similar principles running throughout plans regardless of their focus.

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?

Response: Whilst it is acknowledged that the Government wish to speed up the plan-making process, the proposed 30-month turnaround from scoping and early participation to adoption could be very challenging. The approach will need to rely on fully resourced planning departments (including having officers with requisite planning experience) to develop the evidence base at the required speed but also relies on appropriate resource requirements the Planning Inspectorate for each of the three Gateway Review checks. In addition, statutory consultees will need to be able to respond to consultation in a timely way and therefore they will also need to be appropriately resourced in order to ensure the proposed 30-month timeframe is realistic. As such, we do question whether the timeframe is realistic and achievable? It is also unclear if a plan is developed to a longer timeframe what the consequences of this are?

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?

Response: Yes, it is agreed that the use of a Project Initiation Document (PID) to help define the scope of the plan is a useful tool for the start of the plan-making process. Whilst it is not clear what this template for a PID will cover it could be a useful tool to consistently to define scope, identify local issues and set out the project management approach to plan-making, including the overall approach to engagement across England. However, given our comments above regarding the potential for templates to stifle innovation and potentially creating bland/benign formats for such documents, we consider that a set of mandatory principles/topics to cover within the PID may be more appropriate.

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

Response: As set out above, we are concerned about whether data standardisation will hamper the ability for innovation in the plan-making process. However, we consider that the most useful area by which data could be standardised/open published would be that of the monitoring framework by which planning policies should be annually monitored for their effectiveness. This would allow for easy comparison of policy effectiveness across wider geographies.

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?

Response: It is agreed that there may be some limited benefit to digitalisation through the plan-making process, although it is considered that this should be limited to monitoring and feedback loops as set out above. By the nature of the current planning system, plans are static and PDF based, the current process meant an immediate response to changing circumstances on the ground which may warrant planning policy is impossible. We would note however that it is still difficult to see how the proposed changes to the system and it's 30 month timeframe will be actually speedy enough to see quick change planning policy responses on the ground.

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?

Response: The use of technology could be used to help deliver better Local Plans. The key to this is the use of spatial data to represent policies visually through the Local Plan process. However, investment in these technologies can be costly and planners will need upskilling in the use of such technologies in order to understand them and consider their full potential. Planners will deep routed skills in both areas are rare. Whilst it is understood that PropTech companies will be the leaders in understanding these technologies, they are not planners. There needs to be a way that these two professions can intermingle and exchange thoughts and ideas through a common language.

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?

Response: Community engagement is an important element of the plan-making process and we would like to see innovations revolving around how communities can better engage with the plan-making process and get their voice heard. We would like to see innovative ways that technology can be used to capture their voice without isolating communities who wish to engage through more traditional avenues.

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?

Response: The milestones consistent with the 30-month timeframe set out in the consultation are considered appropriate. The requirement to update this timetable at least every six months seems reasonable in order to ensure that the process is transparent and up to date. It is noted that there are to be two formats for this timetable (one in plain English, tabular format, other being in as set out through the national dataset standard). This is onerous and an additional burden on LPAs to produce documents in this way. If this is the way that government wishes to present such information, then tools should be developed to streamline this duplication approach.

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?

Response: Yes, it is considered appropriate to publish a version of the timetable at the following milestones:

- commencement of Gateway 1
- first mandatory consultation window (8 weeks)
- commencement of Gateway 2
- second mandatory consultation window (6 weeks)
- commencement of Gateway 3
- submission for independent Examination

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?

Response: The proposed changes relating to resetting the evidence base expectations supporting the Local Plan is, in principle, welcomed. It is clear that a lot of time, resource and money is spent on evidence supporting policies within the Local Plan. Currently the bar for developing evidence base is very high and it is not always clear the level of proportionate supporting evidence base needed to support policy approaches through the Examination in Public process. It is noted that the proposal to remove the 'Justified' test of soundness remains and this will go someway to reducing the need for copious amounts of supporting evidence. However, it should be noted that policy approaches do need to be appropriate for the local area and it may still be necessary to provide lots of detail to support a policy approach. Clear, effective guidance for plan-making authorities will be needed to set out what the expectations are, as will the consistent application of that guidance by the Planning Inspectorate through the Examination in Public.

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?

Response: In principle, the standardisation of some evidence base documents may be appropriate but we question whether this should be the norm. The need to develop locally specific policies through the Local Plan process is essential and given that these will respond to local issues, it may not always be adequate, appropriate or proportionate to rely on a standardised approach to evidence gathering. As such, it may be appropriate for a local planning authority to deviate from a standardised approach to demonstrate locally specific circumstances. If that is the case, they should not be penalised for this approach as long as it is warranted.

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?

Response: Dependent on the detail associated with this approach to freezing data/evidence at certain point, this is approach welcomed. It is noted that the Gateway Assessments could be a way to agree this approach, however, whilst it is appreciated that the Examination process will retain primacy in testing the appropriateness of evidence, if a local planning authority has agreed an approach with an Inspector through the Gateway Assessment, it cannot be right that an LPA is penalised for following that Inspector's advice, should the subsequent Inspector through the Examination find that freezing data inputs was not appropriate.

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?

Response: Yes, the suggested approach to only submit supporting documents which are related to the soundness of the Plan is welcomed. However, we would advocate that this is currently what happens and question whether this is really any different to what happens in practice.

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?

Response: Yes, in principle the approach to undertake Gateway Assessments is supported, as is the overarching purposes set out in the consultation. In terms of other purposes of a Gateway Assessment could be to highlight early evidence base concerns. Whilst this may be the intention through the purposes set out in the consultation, it should be explicitly referred to for the avoidance of doubt.

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

Response: We have some initial concerns with the proposed Gateway Assessment process. It is noted that the LPAs *"should set out when they intend to commence a gateway in their local plan timetable and notify the relevant parties a minimum of four weeks prior to commencement"*. It is not clear who we are to be notifying and what the purpose of that notification is for. It is also not clear if all, or indeed any, of the Gateway Assessments are to be held in public. If so, how is the process undertaken and managed, albeit it is noted that interested parties would not be invited to participate in the workshops and/or contribute to reports.

We also have concerns over the possibility that non-planning experts could be tasked with the Gateway Assessment role, given the provision set out that the Secretary of State could choose to appoint alternative assessor outwith the Planning Inspectorate.

There is also some concern regarding the third Gateway Assessment whereby if the appointed Inspector indicates it is not appropriate to submit the Plan for Examination,

in order to go away to address any particular gaps in the Plan, how the 30 month timetable may be negatively affected. If that is the case, what recourse is there for additional time needed to rectify (beyond the 30 month timeframe) and then go through a further Gateway Assessment?

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?

Response: Yes, the topics sent out in the proposals seem appropriate. In terms of other topics to consider, it seems that monitoring/review is not explicitly considered and whilst it is noted that the *"Headline position on delivering new homes based on the standard method and recent Housing Delivery Test (HDT) results and, where possible,* describe the high-level options available to deliver development needs in the area" is specifically set out in the Gateway 1 scope this is not carried forward to subsequent Gateway Assessments. It would seem remiss not to carry that consideration forward into the second and third Gateway Assessment. Whilst it is noted it could be a topic of choice from the five chosen by the LPA to be discussed with the Inspector, it seems appropriate to include this on the mainline agenda at each session, allowing the LPA to select a further additional five topics of their choice for discussion at the sessions.

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

Response: Whilst it is noted that this process will be charged on a cost recovery basis, this may require new burdens type funding as this will not be planned for through existing medium/long-term budget plans.

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?

Response: The proposals to speed up the Examination process are noted. It is felt that the process whereby MIQs are only responded to by the LPA but third parties could speak to them at the hearing, may be considered an inequitable position tilted adversely towards LPAs. The provision for a third party to provide a written statement in lieu of attending the hearing sessions, would result in more material for the Inspector to read. Presently, consultation responses at Regulation 19 stage are meant to be given equal weight by the Inspector as those which are presented verbally at hearing sessions, if those not attending can also provide an additional statement as an alternative, we feel this encourages more written material to be submitted and therefore results in more reading for an Inspector.

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?

Response: It is considered that six months may be an insufficient timeframe in some cases to get additional evidence to support a plan and/or find additional sites to meet requirements. Inspectors should have flexibility to extend this timeframe where six months is insufficient.

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?

Response: In the absence of a Statement of Community Involvement (SCI) which is proposed to be abolished, it seems appropriate to set out the consultation intentions at the start of the plan-making process through the Project Initiation Document. However, circumstances may change throughout the plan-making process which may mean the way in which consultation happens may need to be refocussed. Local planning authorities will want to be able to responsive to changing needs/circumstances/publication of best practice approaches and the current SCI provision allows for this. It is not clear whether the proposed approach set out within the consultation would allow changes to consultation methods through this process.

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?

Response: Yes. Although there is some confusion over how this fits in with the development of the Project Initiation Document particularly in reference to the consultation arrangements for the plan-making 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?

Response: Yes, but there should be further opportunities to amend the consultation approach set out within the Project Initiation Document further along the process as best practice emerges.

In terms of approaches which might facilitate positive early participation could include more informal ways of being involve at earlier stages. The public, generally, would like to make their comments known but don't necessarily want to fill in all their contact details and the forms (electronic or paper) which are associated with engagement in the process. So would generally welcome ways for the public to make brief comments on topics/issues, similar to how people interact with social media.

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?

Response: It is helpful to define expectations as to what is the role and purpose of the mandatory consultation windows. Although we would highlight that, in general, local planning authorities are very familiar with the need for and purpose of plan-making through the plan-making process.

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

Response: Templates to guide the form in which representations are submitted could be helpful but should only be used as a guide so that innovation is not stifled by being too prescriptive. We do note that the making forms machine readable whilst also trying to simplify how people engage in consultation may be difficult to achieve in practice.

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

Response: Active Travel England seem to have been missed off the list and given their statutory role regarding being consulted on major planning applications. It seems remiss to not include them on the prescribed public bodies list for plan-making. It is also noted that neighbouring councils are not specifically named on the list.

We would also like to raise the need for more direction from Government as to how local planning authorities can seek genuine engagement with infrastructure providers, and that it happened at the right time, whilst ensuring that those infrastructure providers were sufficiently engaged as part of the plan making process.

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.

Response: The proposed approach is noted but we question whether the inclusion of this intention within the Planning Practice Guidance really has any “teeth”, particularly when seeking information from other bodies to inform plan-making but where it is not forthcoming. Is there a role for DHLUC or PINS in acting as an enabler whereby information is not being provided by these prescribed bodies?

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

Response: Yes.

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?

Response: Yes. In terms of details of each metric, it is difficult to comment without seeing their specific requirements in terms of which underpins their calculation. For example, what does ‘delivery of 10% Biodiversity Net Gain’ mean? Secured via planning condition/conservation covenant or actually delivered on site? This means very different things and a very different level of monitoring.

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?

Response: Yes, however clarity should be provided related to how the delivery of shared infrastructure could relate to two or more ‘nearby’ sites.

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.

Response: Unsure. We consider it should be up to the local planning authority to determine how they prepare their Supplementary Plans but they should set out, similar to the PID proposals, how they will carry out that process and the timeframe under which they will be prepared.

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?

Response: Yes, if the purpose is to enable quick responses to changing circumstances, then turnaround times to produce and examine a supplementary plan will necessary.

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.

Response: Yes, if it is proposed that there will be differing routes for Examination, the circumstances by which they apply must be set out clearly. Although there is some concern that not all eventualities can be covered by thresholds. We feel that it may be more appropriate and therefore simpler to only have one Examination route for Supplementary Plans.

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?

Response: We consider that the issue of proportionality directly relates to the topic covered the Supplementary Plan. It is felt that should the coverage of Supplementary

Plans be limited to non-strategic matters then they may be able to considered through a written representations Examination process. However, we are concerned about the public perception about a local planning authority 'cherry picking' an independent Examiner (rather than having a PINS Inspector) to examine Supplementary Plans. How is the test for 'suitability qualified' determined and how would this be demonstrated for the purposes of the public and other stakeholders? If any interested parties feel there is an issue with the Examiner selection choice, would there be a third party right of appeal and if so, under what circumstances? With the Neighbourhood Development Plan Examination process, the Examiner has to be mutually agreed by the local planning authority and the Neighbourhood Plan Group. The way this is set out within these proposals leaves an enormous amount/scope for challenge in our view.

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?

Response: No comment

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

Response: The CLA process appears overly complicated and if introduced will result in the need for local planning authorities to bring in new specialist resources to help assist this process. External funding should be made available for this process should it be adopted widely.

It is currently difficult to envisage how CLA can operate separately, and in advance or as alternative to IL, in some local planning authority areas, as it only appears to capture the land value uplift element through the plan-making process. There will always be speculative sites which come forward through the development management process and it is not clear how contributions towards strategic infrastructure might be captured outwith the site allocation process in areas where CLA is in force.

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?

Response: Wealden District Council notes that that landowner 'bids' are binding at the point at which they are submitted for consideration for allocation through the emerging local plan process. It is difficult to envisage how this process works in regard to the circumstances by which a landowner puts forward their site. Is it based on a certain level of development being achieved? Is it based on a certain coverage of the site which may not be achievable in reality? How much work has been undertaken by that landowner in terms of realistic options for site? In some circumstances, their expectations may be unrealistic. How is this equalised through the local plan process? We consider there are some fundamental matters which need further consideration before any such process is put in place. At present, we do

not deem there is sufficient detail about how the process could work in order to fully consider the question posed through this consultation.

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

Response: The principal option set out in the consultation seems most appropriate when considered against the alternative options set out. Although we would encourage dialogue with local planning authorities regarding whether they would like to go faster than the ‘master list’ as some authorities may wish to update their Local Plans quicker than the chronological list.

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

Response: The deadline by which current style plans should be adopted and how existing are ‘saved’ is noted. We would also like to raise the need for the Planning Inspectorate to have sufficient resources to enable all current style plans to be examined within the deadline set, particularly noting the deadline to submit plans to the Planning Inspectorate by 30 June 2025.

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?

Response: No comment