Department for Levelling Up, Housing & Communities

Open consultation

Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms

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Applies to England

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Scope of the consultation

Topic of this consultation:

This consultation seeks views on our proposals to implement the parts of the Levelling Up and Regeneration Bill which relate to plan-making, to make plans simpler, faster to prepare and more accessible.

Scope of this consultation:

Our vision is for local plans (and minerals and waste plans) to be simpler to understand and use, and positively shaped by the views of communities about how their area should evolve. We want them to clearly show what is planned in a local area – so that communities and other users of the plan can engage with them more easily, especially while they are being drawn up. We want them to be prepared more quickly and updated more frequently to ensure more authorities have up-to-date plans that reflect local needs. And we want them to make the best use of new digital technology, so that people can get involved without having to go through hundreds of pages of documents at council offices and to drive improved productivity and efficiency in the plan-making process.

Geographical scope:

These proposals relate to England only.

Basic Information

Body/bodies responsible for the consultation:

The Department for Levelling Up, Housing and Communities.

Duration:

This consultation will last for 12 weeks from from 25 July to 18 October 2023.

Enquiries:

For any enquiries about the consultation please contact:

How to respond:

You may respond by completing an online survey (https://consult.levellingup.gov.uk/planning/plan-making-reform-consultation).

Alternatively you can email your response to the questions in this consultation to:

planmakingconsultation@levellingup.gov.uk

Written responses should be sent to:

> Planning Development Management
> Department for Levelling Up, Housing and Communities
> Planning Directorate
> 3rd Floor, North East
> Fry Building
> 2 Marsham Street
> London
> SW1P 4DF

If you are responding in writing, please make it clear which questions you are responding to.

When you reply it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name,
- your position (if applicable),
- the name of organisation (if applicable),
- an address (including post-code),
- an email address, and
- a contact telephone number

The future of plans and plan-making: a non-technical summary

Overview

Local plans, and minerals and waste plans, (referred to here as ‘plans’) are produced by planning authorities (local authorities with responsibility for preparing these plans) to guide and manage development in their areas. They are important documents for local communities because they set the development framework for the area, usually for the next 10 or 15 years. Plans allocate sites for development, set out what land should be protected and contain planning policies, which are the basis for deciding whether to approve planning applications that are subsequently made, including by housing developers and by home owners.

Plans direct where new development should be located – including new homes and places to work – and ensure our buildings and places are beautiful and of a high quality. They facilitate the delivery of local infrastructure, such as new schools,

health and community facilities, transport, and green infrastructure such as parks, street trees, local wildlife areas and woodlands. They help to protect and enhance those things communities hold important, including the natural, built and historic environment. They also help us respond to climate change, support nature recovery and level up economic opportunity. Independent planning inspectors, appointed by the Planning Inspectorate on behalf of the Secretary of State, hold examinations in public to scrutinise plans and determine whether they meet the standard required.

However, the current way of preparing plans is not optimised for community participation. Plans can be lengthy, hard to read and difficult for those without specialist planning knowledge to engage with. They also often take a long time to prepare, at least seven years on average, which means they can be out of date too quickly, and communities struggle to understand the many different consultation phases. As a result, only approximately 35% of local planning authorities have adopted a local plan in the last five years, and few are at an advanced stage of preparing a new one. This creates uncertainty for communities and holds back development where it is needed.

Our vision is for plans to be simpler to understand and use, and positively shaped by the views of communities about how their area should evolve. We want them to clearly show what is planned in a local area – so that communities and other users of the plan can engage with them more easily, especially while they are being drawn up. We want them to be prepared more quickly and updated more frequently to ensure more planning authorities have up-to-date plans that reflect local needs. And we want them to make the best use of new digital technology, so that people can get involved without having to go through hundreds of pages of documents at council offices and to drive improved productivity and efficiency in the plan-making process.

There will be a requirement for planning authorities to start updating their plans within 5 years of the adoption of their previous plan. Updates will be subject to full consultation and examination to make sure plans remain relevant and can take account of any changes locally.

Finally, we have also proposed new protections from speculative development. As set out in our recent consultation: Levelling-up and Regeneration Bill: reforms to national planning policy[footnote 1], we have proposed removal of the requirement for planning authorities with an up-to-date plan to demonstrate continually a deliverable 5-year housing land supply. This would provide a strong incentive for authorities to update local plans on a more rolling basis, every five years, to avoid the need to undertake five year housing land supply assessments.

The Levelling up and Regeneration Bill sets out changes to the legislation that governs how plans are produced. Through this consultation, we are asking for your views on certain proposals to implement these changes[footnote 2], to make plans simpler, faster to prepare and more accessible. The Bill is currently undergoing Parliamentary scrutiny and our proposals are subject to the Bill receiving Royal Assent.

Our proposals

Below is a summary of our main proposals to change the way plans are prepared, which we have developed with support from key town planning stakeholders. More details on these proposals can be found throughout this consultation document.

Making the role and content of plans clearer

We propose to make it clearer what the role of plans should be, and what they should or might contain. This will allow them to be simpler, shorter and more visual, showing more clearly what is planned in local areas so that local communities and other users of the plan can engage more easily.

Rather than planning authorities splitting their local plan across multiple documents, in the future they will have a single local plan to help make it clear which planning policies will be considered when planning applications are considered. Additionally, minerals and waste plans (which set the planning policy for minerals extraction, waste and recycling facilities and so on) will either sit separately or – depending on which body is responsible for preparing it – could be incorporated into the local plan.

One other important way to make plans simpler will be for policies to focus only on locally important matters. We will be introducing a set of 'national development management policies', which will cover many of the 'general' policies typically found in plans. New plans will therefore not repeat the national development management policies, reducing duplication across the country. We have previously consulted (https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy#chapter-10--national-development-management-policies) on our initial thinking on the scope and content of these new national policies, and there will be further opportunities to share your views on them in the future.

Speeding up the process for preparing a plan

We propose to set a timeframe of 30 months (two and half years) to prepare and put in place (adopt) a plan. That is much faster than currently. The process will become more standard for planning authorities to follow. Before the timeframe begins, planning authorities will be able to undertake preparation to be in the best position to start their plan, and will be required to announce when the formal plan preparation process will start.

When producing a plan, we will expect planning authorities to do the following:

- define the scope of the plan and prepare a programme for how they are going to develop the local plan (through the Project Initiation Document) including when they will consult with the public
- through close working with local communities and stakeholders, prepare a vision for how the area could change and develop, and how progress towards meeting this vision will be delivered and monitored, giving communities a genuine

opportunity to shape, from the earliest stages, how their area meets its needs and evolves over time

- prepare the right amount of evidence to test and underpin the proposals in the plan, so that there is transparency and confidence in the plan
- invite early participation and hold different stages of consultation with local communities, stakeholders and statutory bodies along the process, to make sure the plan takes account of a wide range of views
- ensure that the plan is maximising opportunities to protect the environment and human health, and deliver on the government's environmental targets and commitments, informed by relevant environmental policy including strategies for water, flood risk management, air quality and landscapes, and Local Nature Recovery Strategies, as well as the processes of Strategic Environmental Assessment, and its eventual replacement Environmental Outcomes Reports
- have the plan assessed by a Planning Inspector at public examination, which should take no longer than 6 months (plus an additional three months if further consultation is needed)

We are proposing to introduce three new 'gateway' assessments – around the beginning, middle and end of the process for preparing a plan, with the final assessment taking place just before the examination. These will support the preparation of plans by providing advice to the planning authority and identifying difficult issues earlier in the process. This will reduce the time spent examining plans.

So that it is clear what stage the planning authority has reached in preparing their plan, we propose to build upon the requirement for planning authorities to prepare and maintain a local plan timetable or a minerals and waste plan timetable, and introduce a requirement for that timetable to be updated at least every 6 months and made available to the public.

Finally, there will be a requirement for planning authorities to start updating their plans every 5 years to make sure they remain relevant and can take account of any changes locally.

Ensuring local communities are engaged

As part of the 30 month timeframe we will require planning authorities to undertake two periods of public consultation. Outside of this, we also propose to introduce a new requirement for planning authorities to "notify" and "invite" early participation on matters that might shape the direction of the plan, to ensure that communities and other key stakeholders are able to participate much earlier in the process and shape the vision for growth in the area and on a more ongoing basis than happens now.

Dealing with complexity

Throughout this consultation document there are references to policy, guidance and templates. Although this might sound like added complexity, in all cases the

purpose is to make sure the new system runs smoothly, quickly and consistently. It is intended to remove ambiguity and uncertainty, so that all participants in the plan making process are clear about what is expected at every stage, reducing the need for additional work that is not necessary to get a plan in place.

Making the most of digital technology

A significant way to speed up the production of plans and make the process simpler and more accessible is by making best use of digital technology. It can support authorities in plan-making and has been proven to improve accessibility, when used alongside more traditional methods of engagement.

Digital transformation could mean plans are presented as interactive maps rather than static documents to show how an area could develop and change over time. Making standardised planning and environmental data openly available and accessible would make it easier to prepare planning applications and give communities the information they need to provide feedback on proposals for their area. We will work closely with the planning sector to introduce changes incrementally, testing and learning as we go along, including consideration of how digital will impact the different needs of our communities. New digital tools and better use and availability of standardised data in the plan-making process can also be used to improve the way that plans are prepared. This should make it faster to produce a plan whilst making it easier for communities to get involved.

Other proposals

This consultation proposes details for a new type of plan called a “supplementary plan”. Supplementary plans will help planning authorities react quickly to changes in their areas (for example, an unexpected regeneration opportunity) by producing a plan that has the same ‘weight’ (in other words, status) as local plans or minerals and waste plans and will also be subject to consultation and independent examination. They can also be used to set authority-wide design policies.

We also propose to pilot “Community Land Auctions”, which are a new and innovative way of identifying land for development in a local plan in a way which seeks to maximise the benefits to the local community.

Bringing in the new plans system

We have set out in this consultation document proposed arrangements for how we will move from the current plans system to the new one. We also confirm our intention to have in place the regulations, policy and guidance by autumn 2024 to enable the preparation of the first new-style local plans and minerals and waste plans.

Detailed summary

1. The purpose of the planning system is to contribute to the achievement of sustainable development. Local plans and minerals and waste plans are the

foundation of the system's delivery of this purpose. Their role is to support the delivery of the homes and development this country needs, and protect and enhance our natural, built and historic environment. Plans are made with the support of local communities – and that requires people to know development will be beautiful and well-designed, accompanied by the right infrastructure, approved democratically and that it will protect and enhance the environment and create proper neighbourhoods.

2. Our vision is for plans to be simpler to engage with and use, and more accessible to all users, with better opportunities for communities to shape the way their area meets its needs and evolves over time. They will show, more transparently, what is planned – so that users can engage easily and support high quality development that benefits people, improves places, and delivers sustainable development. They will be anchored in consistent, accurate, open data and tailored to the needs of their users. And they will be simpler and faster to prepare.

3. The Levelling Up and Regeneration Bill enables a more streamlined, focussed plan-making process so that local plans and minerals and waste plans can be produced, examined and adopted more quickly, and updated more often. Reducing the amount of work required during the plan preparation process, whilst maintaining and improving the quality of plans, is key to achieving this goal, and the wider reforms in the Bill have a crucial role to play.

4. It is anticipated that the reforms in the Bill, along with the implementation proposals being consulted on in this document, will mean that:

- local planning authorities will have a single local plan which will help to make it clear to applicants and other interested parties the relevant policies that will be considered when determining an application. In addition, minerals and waste plans will be able to be produced by minerals and waste planning authorities as a single document or separate documents (which collectively will make up the plan), or (where possible through local government structure) incorporated into a local plan;
- the purpose of plans will be defined and their content will be streamlined, with a strengthened role for the strategic vision, which we expect would be developed collaboratively with communities and stakeholders, that should then directly shape the plan (see Chapter 1);
- the repetition of policies across all plans will be eliminated, and plans will be concise and more focused on locally important matters. To assist in achieving this, a new suite of national development management policies will cover common planning considerations that apply widely in decision-making across different authorities. Plans will draw on these policies but not repeat them;
- the plan preparation, examination and adoption process will be more standardised and front-loaded, with plans in place within a 30 month timeframe and the process of updating the plan commencing within five years following adoption of the plan (see Chapter). The new process will be supported by clearer, more streamlined and proportionate evidence expectations to reduce the burden on planning authorities (see Chapter 5);

- the reforms to Strategic Environmental Assessments in Part 6 of the Bill – Environmental Outcomes Reports – will make the assessment process more effective and accessible, and strengthen and clarify the role of assessment in avoiding adverse impacts;
- the introduction of Infrastructure Delivery Strategies in Part 4 of the Bill will strengthen infrastructure delivery, enabling a more strategic and unified approach to infrastructure planning and delivery and allowing planning authorities to plan for the infrastructure that is required to support growth and demonstrate the deliverability of their plan;
- new mandatory "gateway" assessments will ensure a more engaged approach to plan-making, and provide greater visibility to key stakeholders and the wider community about how plans are progressing (see Chapter 6). Ultimately, this will reduce the time spent examining the plans, speeding up the process;
- examinations will become more efficient – we propose that they should take no more than 6 months, and that if a consultation on proposed modifications to the plan is needed, this should last no longer than three months in addition (see Chapter 7). We will work closely with the Planning Inspectorate to ensure that these timeframes are routinely adhered to, exploring further opportunities to make examinations faster and more efficient;
- there will be a greater emphasis on community engagement, with more time set aside for participation and consultation which will be longer than the current statutory minimum. To ensure access to all and increase the diversity of communities who engage, traditional in-person methods of engagement will be complemented by a digitally enabled process, supported by development of new guidance on best practise and a digital toolkit showcasing the use of PropTech;
- there will be a new requirement for earlier engagement, including with statutory bodies, to ensure that their input is considered throughout the process and issues are identified as early on as possible;
- in line with our ambitions, plans will wherever possible make the best use of modern technology and be produced digitally, rather than as "analogue" (PDF or paper) documents by default. We want to create a planning world in England featuring digital plans that users can easily search for, engage with and use the information that most interests them. We will work closely with the planning sector to introduce changes incrementally, testing and learning as we go along, including consideration of how digital impacts the different needs of our communities;
- plans will be shorter, more visual and map-based, enabling communities to engage more easily with their content. We will develop and publish digital templates, guidance and best practice to show how this can be achieved;
- plans will be built on open, standardised data which will be published by planning authorities. We are working to unlock the information and data contained in a plan so it is easier to access, use and update, and we will produce data standards, digital templates, tools and models to support planning authorities in preparing plans in this way;
- we are also exploring how digital can help the end-to-end plan preparation journey, developing and testing checklists and step-by-step guides and

signposted journeys that support, enable, facilitate and encourage makers and users of plans – including communities, planners, developers, statutory bodies and other stakeholders, and the Planning Inspectorate;

- local development schemes and minerals and waste development schemes will be replaced by a new, simpler requirement to prepare and maintain a local plan timetable or minerals and waste plan timetable, that will make data publicly available in a prescribed digital format (see Chapter 4); and
- there will be a requirement for planning authorities to commence an update of their plans every 5 years. In certain circumstances, we intend to require planning authorities to commence these updates earlier.

5. To support the changes to local plans and minerals and waste plans, in the new system supplementary planning documents will be replaced by "supplementary plans" which will have the same weight as a local plan or minerals and waste plan and other parts of the development plan, and will also be subject to consultation and examination (see Chapter 11). Supplementary plans will help planning authorities react quickly to changes in particular areas (for example, an unexpected regeneration opportunity), or set authority-wide design policies.

6. This consultation also sets out proposals to pilot "Community Land Auctions" (see Chapter 13). Community Land Auction is an innovative process of identifying land for allocation for development in a local planning authority's area in a way which seeks to optimise land value capture, which is being introduced as a piloted measure through the Levelling Up and Regeneration Bill.

7. The new plan-making process will be supported by other reforms in the wider planning system, including the introduction of the Infrastructure Levy and Infrastructure Delivery Strategies, and Environmental Outcomes Reports. These reforms have been subject to separate consultations, which have now closed[footnote 3]. Additionally, reforms under the Environment Act 2021 (such as Local Nature Recovery Strategies and Protected Site Strategies), as well as the catchment based approach in the Plan for Water, will create more certainty for planning authorities about environmental requirements.

8. We want to ensure a smooth transition to the new system for planning authorities, but have heard concerns about the impact on the sector of a large group of authorities commencing plan-making at exactly the same point. We have therefore proposed options for phasing the roll-out of the new local plan-making system from autumn 2024.

9. Alongside this we want to ensure that planning authorities are well equipped and supported to deliver development now as well as being ready to adapt to the new measures proposed in the Levelling Up and Regeneration Bill. Through our capacity and capability programme, we are developing and delivering a comprehensive programme of support, working with partners across the planning sector, to ensure that planning authorities have the skills and capacity they need, both now and in the future, recognising the resourcing challenges.

Purpose of this consultation

10. This consultation sets out our proposals and direction of travel for the implementation of certain key aspects of the new plan-making system and seeks views on these proposals. It also confirms, subject to Royal Assent of the Levelling Up and Regeneration Bill, certain key plan-making transitional milestone dates, which were consulted on in December 2022. This will provide more certainty and help ensure a smooth transition from the current to the future plan-making system.

11. DLUHC welcomes the opportunity to engage with a range of stakeholders from across the planning and development sectors as well as with representative organisations and local government.

Chapter 1: Plan content

Core content

Background

12. Plans play an important role in directing development and providing local communities with certainty over their areas. However, plans prepared under the current system are often lengthy, word-heavy documents, generally made available in PDF format. Moreover, the content of plans can be unclear and hard to understand and navigate.

13. Our ambition is that new-style local plans and minerals and waste plans are simpler, shorter and more visual, showing more clearly what is planned in local areas so users can engage more easily. They will focus on locally specific matters, and the development plan, including local plans, neighbourhood plans and other statutory plans, will have more weight in decision making.

14. To help achieve this aim, the Levelling Up and Regeneration Bill sets out parameters for the content of a new-style local plan. It requires the local plan to set out the local planning authority's policies for the "amount, type and location of, and timetable for, development" in its area. In addition, plans may include:

- other policies relating to the use or development of land in the local planning authority's area which are designed to achieve objectives that relate to the particular characteristics or circumstances of their area, any part of the local planning authority's area or one or more specific sites in their area
- details of any infrastructure requirements, or requirements for affordable housing, which development over the plan period should meet -design requirements for development that relate to the whole plan area, part of the plan area or for specific sites, that the authority consider should be met in order for planning permission to be granted

15. In addition, each local planning authority must ensure that a map, to be known as a "policies map", is prepared and kept up to date, illustrating the geographical application of the development plan for the authority's area.

16. The Levelling Up and Regeneration Bill similarly sets out the parameters for the content of a new style minerals and waste plan, indicating that they too should set out the minerals and waste planning authority's policies for the "amount, type and location of, and timetable for, minerals and waste development" in its area. In addition, minerals and waste plans may include:

- other policies relating to minerals and waste development in the relevant area which are designed to achieve objectives that relate to the particular characteristics or circumstances of that area, any part of that area or one or more specific sites in that area;
- other policies in relation to development other than minerals and waste development, which are designed to secure that minerals and waste development in the relevant area can take place; and
- details of any infrastructure requirements to which minerals and waste development would give rise.

17. The Bill establishes an overarching requirement for local plans and minerals and waste plans to be designed to secure that the use and development of land, and minerals and waste development, in the planning authority's area, contributes to the mitigation of, and adaption to, climate change. 18. The Bill also sets out key matters that planning authorities must have regard to, when preparing plans. These include national development management policies and relevant neighbourhood priorities statements.

Proposed approach

19. To support the approach outlined in the Levelling Up and Regeneration Bill, we propose to set out, through policy and supported by guidance, a series of additional core principles around what plans should contain, to ensure plans are focused on the right things and users are able to understand clearly the 'story' of how the planning authority's area will develop, what is needed to ensure development achieves the right outcomes, and how this will contribute positively to good place making and environmental enhancement.

20. To achieve this, we propose that plans will need to contain a locally distinct vision which will anchor the plan, provide strategic direction for the underpinning policies and set out measurable outcomes for the plan period (see more detailed proposals at paragraph 25).

21. We propose to make it clear in policy that sustainable development should run as a golden thread throughout plans, with growth being directed to suitable locations and supported by required infrastructure and good design.

22. We also propose that plans, including minerals and waste plans, should do the following:

- contain ambitious locally distinctive policies which meet key economic, social, and environmental objectives, linked to the vision;

- foster beautiful places and recognise the importance of design, linking to design codes where appropriate; and
- set out a detailed approach to monitoring and ongoing review of the plan, for example how key policies and designations are implemented and applied, and the extent to which the plan is meeting the overall vision for the area.

23. Planning authorities should also ensure that a key diagram is created. This should initially represent the spatial strategy, linked to the plan's vision, and evolve to represent the agreed spatial strategy of the draft plan.

24. When preparing the policies map, local planning authorities should ensure that emerging and published iterations are digital, interactive and easily accessible by all users. Policies maps should support community and developer engagement, clearly visualising core plan policies, allocations and other aspects of the plan and its spatial components.

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

Plan visions

Background

25. A core component of plans is a vision, which should set out the main aims and objectives of the plan over the plan period. Visions can be an important means of setting the wider context and detailing the planning authority's key aims and priorities, and to lay the foundations for a plan in a way that can be clearly understood by communities and other stakeholders before they engage with the full detail. However, visions in existing plans often fall short of these principles. They tend to be too long, generic and high level, and do not sufficiently capture the uniqueness of the places they describe or the views of the communities that they serve.

Proposed approach

26. Recognising their potential as a tool to give communities a much stronger voice in the plan-making process, we propose to strengthen the role of the vision in new-style local plans, ensuring they are more focused and specific than those prepared for plans in the current system, genuinely shaped by the views of communities on how their place should evolve, and informed by baseline information and inputs from other stakeholders garnered through early participation (see Chapter 2 and Chapter 8). We propose to use regulations to require the inclusion of a vision within a local plan, and set out the following principles in policy which authorities would need to have regard to when preparing their vision:

- the vision should serve as a "golden thread" through the entire local plan, with policies and allocations linking directly to delivering the outcomes set out in the

vision;

- the vision should set out measurable outcomes for the plan period, underpinned by the planning authority's evidence base, which are actively monitored following adoption of the plan (see details of the proposed approach in Chapter 10. This will strengthen the vision to ensure that it is more than just a "wish-list" and is deliverable and able to respond to the key issues that the plan seeks to address; and
- the vision should be supported by a key diagram which sets out the vision spatially for the plan area.

27. In addition, we propose to encourage planning authorities to make links more explicitly between the vision and other relevant corporate or thematic strategies produced by other authorities, public bodies and partnerships, to help secure more buy-in for local plans as vehicles of change.

28. To help planning authorities prepare visions that are focused and concise, more quickly and easily, we propose to provide a user-tested digital template which can be used by authorities during plan-making. This will indicate what a vision should do and contain. Exemplars will also be provided to illustrate how visions can be used to their full potential.

29. We intend for this approach to also apply to minerals and waste plans.

> 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?

Local development management policies

Background

30. The Levelling Up and Regeneration Bill provides for the creation of a suite of National Development Management Policies (NDMPs), which will be consulted on separately. By dealing with nationally important matters, these will enable plans to be more streamlined, and allow plan-makers to focus on matters that are genuinely local. NDMPs will benefit from the same increased weight which will be afforded to local plans (along with the other different parts of the development plan).

31. The Bill also allows for local development management (DM) policies to be included in local plans and minerals and waste plans, to guide decisions on applications. These must relate to use or development of land in their area and be designed to achieve objectives that relate to the planning authority's area, whilst not in substance repeating any of the NDMPs.

Proposed approach

1. We want to encourage authorities to be more focused in scoping and designing local DM policies. To drive this focus, we propose to set out the following principles in policy:

- local DM policies should be underpinned by appropriate justification. It is the intention that the justification for this would be scoped by planning authorities and the new gateway assessments (see Chapter 6) can be used as a measure to check the scoping work done by the planning authority as the plan progresses; and
- local DM policies should, wherever possible, enable delivery of the plan's vision. This will assist in strengthening the role of the plan's vision and ensure that local standards and policies are well targeted. This may also assist in reducing the amount of additional justification required to justify local DM policies, as the vision itself will need to be linked to the planning authority's evidence base.

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

Templating and digital efficiencies

Background

33. Plans lack standardisation and consistency. The appearance of plans, the way in which they are structured, the terminology applied and the use of supporting text alongside policies can vary a large amount between authorities. Plans also have different approaches to policies maps, using different systems, colours and symbology.

Consequently, it can be challenging for users to navigate and engage with different plans to understand what matters to them, resulting in wasted time and effort; for example, for communities trying to find out about the policies specific to their local area, or planning consultants comparing specific policies or features across different places.

34. The introduction of data standards, as provided for in the Levelling Up and Regeneration Bill, will help to ensure that plan data is created and published consistently across all planning authorities (see proposals in Chapter 3). However, we recognise that more could be done to help standardise plans.

Proposed approach

35. Through engagement with the sector, we have consistently heard that nationally-defined digital templates would support planning authorities in drafting their plans and doing so within the proposed 30 month timeframe. Therefore, we propose to produce a series of templates, setting out standardised approaches to specific parts of the plan.

Our policy is that planning authorities should use these templates to draft and present their plan. For example, these could set out what a plan should contain through a templated contents page, or could suggest approaches to drafting and presenting specific policies.

36. We propose to set out in policy an expectation that any templates provided by the government will be used in the preparation of plans. Templates will be designed to provide sufficient flexibility, for example to allow for individual local circumstances and to enable local innovation, whilst ensuring that key standards are met where it really matters (see approach to data standards in Chapter 3).

37. We envisage adopting a similar approach to templating across both local plans and minerals and waste plans, although we welcome your views on areas you feel this may need to differ.

> 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?

Chapter 2: The new 30 month plan timeframe

Background

38. Our evidence on local plan progress shows that it takes 7 years, on average, to produce a local plan. In addition, our statistics show that:

- only approximately 35% of local planning authorities have adopted a local plan in the last 5 years; and
- of the 62% that have not adopted a local plan in the last 5 years, only 5% have published a new plan and only 12% have submitted one for examination.

39. Slow progress means local plans are at greater risk of being outdated upon adoption. This creates uncertainty for communities and holds back development where it is needed.

40. As a result, we have previously proposed (https://www.gov.uk/government/consultations/planning-for-the-future) that local plans and minerals and waste plans are to be prepared and adopted within 30 months and reiterated our intention in Levelling Up and Regeneration Bill policy paper (https://www.gov.uk/government/publications/levelling-up-and-regeneration-further-information/levelling-up-and-regeneration-further-information), published in May 2022.

41. We believe that a 30 month timeframe strikes the appropriate balance between needing plans to be made more quickly and kept up to date more effectively, with a realistic view on what is achievable: there are recent examples of planning authorities making a plan in just over 30 months within the current system, making 30 months all the more realistic as a timeframe across all planning authorities once the reforms are introduced.

42. This chapter sets out proposed new elements of regulations and policy to implement a 30 month timeframe for local plans and minerals and waste plans.

Proposed approach

Scope of key plan-making stages

43. In addition to the requirements set out in the LURB, we propose to establish additional requirements in regulations for authorities to prepare plans based on the following key stages and activities:

- **A scoping and early participation stage** – including requirements to "notify" the public and stakeholders including statutory bodies and "invite" participation; prepare or update the local plan or minerals and waste timetable (see Chapter 4); and give a minimum of four months' notice before they intend to formally commence the 30 month plan preparation timeframe (starting with the first gateway assessment). Participation and evidence gathering required to inform the Strategic Environmental Assessment (and its eventual replacement Environmental Outcomes Reports) also begins in this stage.
- **Plan visioning and strategy development** – including a requirement to undertake visioning about the future of the area (see Chapter 1) and the first formal public consultation on the plan.
- **Evidence gathering and drafting the plan** – including a requirement to undertake the second gateway assessment.
- **Engagement, proposing changes and submission of the plan** – including a requirement for the second public consultation on the plan and undertaking the third gateway assessment.

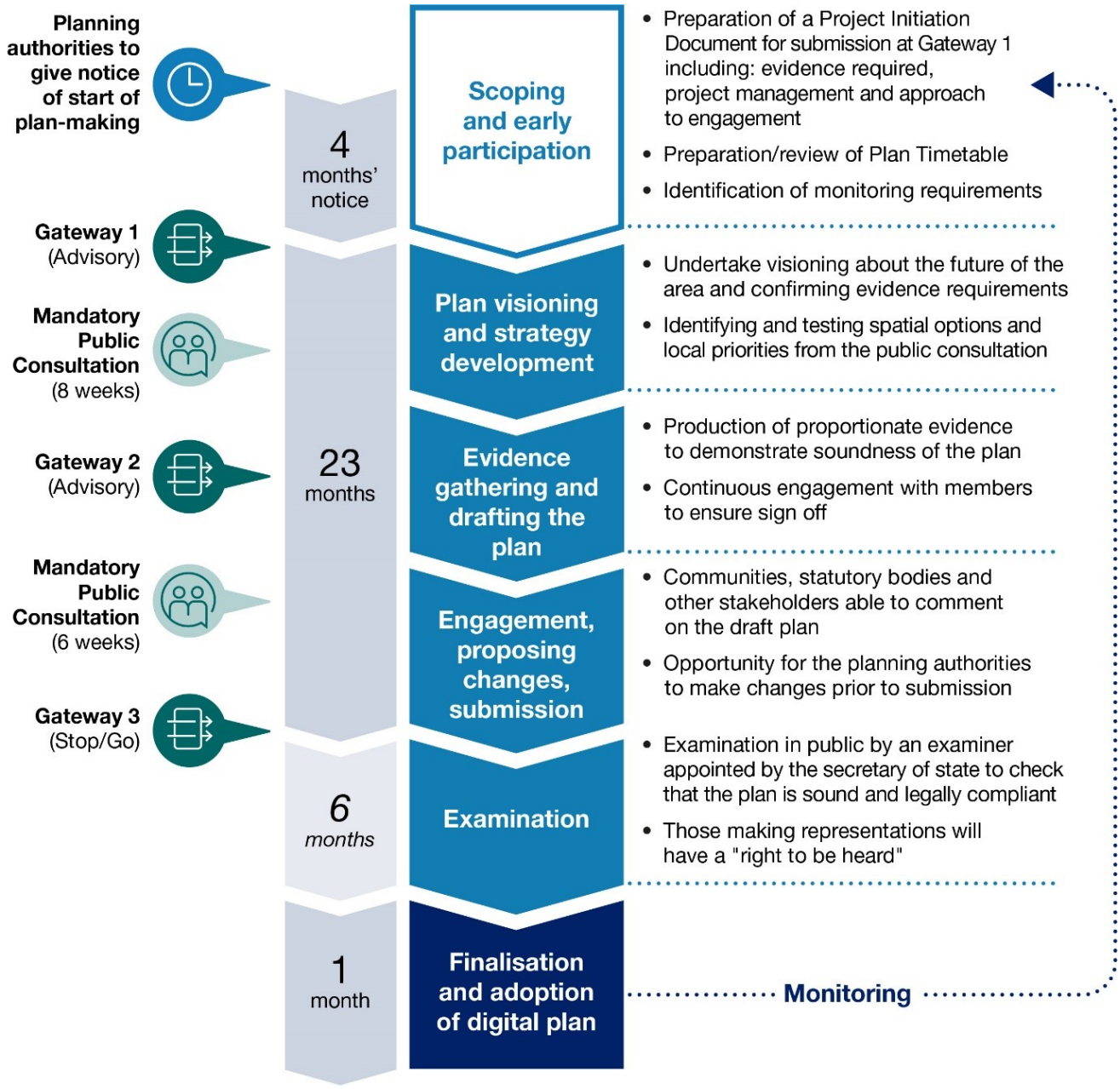
44. Further details of specific regulations proposed in relation to these activities, for example in relation to consultation or gateway assessments, are set out in the corresponding chapters.

45. To avoid an overly prescriptive and inflexible system, we do not intend to set required timings for all stages in regulations. However, we propose to set out in policy that authorities should adopt their plan, at the latest, 30 months after the plan preparation process begins, following commencement of the first gateway assessment.

46. We intend to use policy and guidance to establish more detailed expectations about what planning authorities should do at each stage of the process, as

summarised in the diagram below and explained more fully in the remainder of this chapter.

Figure 1: The new 30 month plan timeframe



Alt text

A flow diagram of the new 30 month plan timeframe. The text contents of the image are provided in the plain text below.

Plain text

Scoping and early participation

- Preparation of a Project Initiation Document for submission at Gateway 1 including: evidence required, project management and approach to engagement
- Preparation/review of Plan Timetable
- Identification of monitoring requirements

Plan visioning and strategy development

- Undertake visioning about the future of the area and confirming evidence requirements
- Identifying and testing spatial options and local priorities from the public consultation

Evidence gathering and drafting the plan

- Production of proportionate evidence to demonstrate soundness of the plan
- Continuous engagement with members to ensure sign off

Engagement, proposing changes, submission and Examination

- Communities, statutory bodies and other stakeholders able to comment on the draft plan
- Opportunity for the planning authorities to make changes prior to submission
- Examination in public by an examiner appointed by the secretary of state to check that the plan is sound and legally compliant
- Those making representations will have a “right to be heard”

Finalisation and adoption of digital plan

- Monitoring (linking back to the start of the process)

The scoping and early participation stage

4 months’ notice: Planning authorities to give notice of start of plan making

Plan making

23 months including:

- Gateway 1 (Advisory)
- Mandatory Public Consultation (8 weeks)
- Gateway 2 (Advisory)
- Mandatory Public Consultation (6 weeks)
- Gateway 3 (Stop/Go)

Examination

6 months

Finalisation and adoption of digital plan

1 month

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

preparation process begins?

The scoping and early participation stage

47. During this stage planning authorities should define what will be included in the local plan or minerals and waste plan, and what is not within scope. It is an activity that takes place before the 30 month process begins, and is essential to help balance the time and resources available and establish support from elected Members on the main messages that will shape the local plan. Planning authorities will also prepare for the first gateway assessment (see Chapter 6).

48. Whilst we do not propose to place a time-limit on this stage, planning authorities will be required to commence the 30 month process at a certain point. Therefore, guidance will encourage planning authorities to focus on what is necessary for the 30 month process to commence when required and not to undertake work that could be done in parallel with future stages. Project planning will be key, and planning authorities should resource the necessary project management skills so that planning teams can focus on shaping the plan content and engaging with stakeholders.

49. To augment the regulations, we propose to set out, in guidance, the following key activities that the planning authority will need to complete during this phase, prior to the commencement of the 30 month plan-making process.

a. Prepare a Project Initiation Document, using a digital template provided by government, which will form the basis of discussions at the first gateway assessment and will help set out the context, trends and possibilities of the planning authority's area. It should:

i. define the scope of the local plan (or minerals and waste plan) and identify evidence required to create a sound plan;

ii. identify any local issues likely to be relevant to the plan or environmental assessment;

iii. set out the project management, governance, risks to delivery and resourcing arrangements; and

iv. outline the overall approach to community and stakeholder engagement (see paragraph 139).

b. Where the proposed 'test and learn' approach facilitates it, consider introducing the Infrastructure Levy and Infrastructure Delivery Strategy, as proposed in the recent technical consultation (https://www.gov.uk/government/consultations/technical-consultation-on-the-infrastructure-levy), which has now closed .

50. As we set out in Chapter 8, we propose a stronger emphasis on early participation during the initial stages of plan-making (see paragraph 142 for details and paragraph 131 for definitions). As part of this, planning authorities will need to "notify" and "invite" views on what the plan should contain and feedback on key

issues that should be addressed. It will also provide an important opportunity for local authorities to garner the views of communities and key stakeholders on how they would like to be engaged throughout the process.

51. The knowledge and experience of all stakeholders will be key to this and in identifying who should be engaged at this stage. The expectation is that planning authorities will be required to invite a range of relevant persons and bodies, which might include communities, statutory bodies and neighbouring authorities, to participate at this stage. However, this might also be supported by informal engagement with elected members and other internal stakeholders within the wider authority, to ensure the plan ties in with the authority's wider corporate strategies. We see the Project Initiation Document as a way to distil the key messages emerging from these early engagement activities.

52. Where propose that, where possible, Project Initiation Documents should outline the 'main messages' of this participation to front-load discussions on vision and strategy. The basis of a vision and strategy will begin to emerge which will then be underpinned by evidence and refined throughout the local plan process.

53. At the end of this stage, planning authorities should have a clear idea of the level of commitment required to produce the plan and the key themes that will shape it.

> 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?

Plan visioning and strategy development

54. This is the first stage at the beginning of the 30 month timeframe. The purpose of this stage is to: establish the vision, aims and objectives of the local plan or minerals and waste plan, building on the work done at the scoping stage; to confirm the evidence required to support this; and the spatial options and topics to be covered in local policies as part of the plan.

55. In line with the aim to strengthen the role of plan visions outlined in Chapter 1, an established vision will influence the spatial options and link to the local policies and sites – the 'golden thread' as described in paragraph 26 above. A vision that is tested, including through the process of environmental assessment, and well established will result in a local plan or minerals and waste plan that can support proposals and initiatives that align with it, and robustly defend itself from proposals that are not.

56. The proposed eight-week mandatory consultation window, shown on the diagram above, is important to establishing the vision. It will be the first opportunity for all stakeholders to formally comment on the issues an area is facing and how they may be tackled in the local plan or minerals and waste plan. Details of the eight-week consultation window are set out in Chapter 8.

57. At the end of this stage the planning authority should be confident about the proposed vision, aims and objectives and know what options are available to deliver them.

Evidence gathering and drafting the plan

58. This is second stage within the 30 month timeframe in the diagram above and marks the mid-point between scoping and examination with the second gateway assessment.

59. We propose to advise in guidance that the aim of this stage is to decide on an appropriate strategy for the local plan or minerals and waste plan, in terms of the spatial options and policies that will best meet the planning authority's vision, aims and objectives.

60. In line with the Chapter 5 on evidence and the tests of soundness, the evidence base should relate directly to the tests of soundness to keep it proportionate.

61. We propose that guidance on this stage of the plan preparation should encourage continuous engagement with Members, in line with the governance arrangements agreed in the Project Implementation Document Plan. Following the second gateway assessment, planning authorities should seek final Member sign-off of the local plan for public consultation.

Engagement, proposing changes and submission

62. We intend to set out in guidance that this final stage before the submission of the local plan or minerals and waste plan needs to be as focused as possible. We will expect that issues are resolved with statutory consultees and stakeholders during the mandatory consultation window, with an opportunity to make modifications to the plan prior to the submission. The planning authority should seek Member sign-off of any changes and avoid re-consulting wherever possible prior to the examination.

Examination and amendments

63. We intend to set out in guidance that this stage should last a maximum of six months, to move away from the current situation where examinations can potentially last for several years. The new gateway assessment process will be key to achieving this, by ensuring that any issues with the plan are picked up earlier in the plan-making process and resolved prior to the examination (see Chapter 7).

Monitoring and updates

64. Following adoption of the local plan or minerals and waste plan, planning authorities will be expected to monitor how their plan is performing, to ensure that key objectives are being met and that policies are effective (see our proposed approach in Chapter 10). A proposed detailed monitoring return, which planning

authorities would be expected to complete within four years of the plan being adopted, would ensure that updates to plans can be more targeted and focused.

65. As previously announced (https://www.gov.uk/government/publications/levelling-up-and-regeneration-further-information/levelling-up-and-regeneration-further-information), the existing complex requirement for plans to be reviewed at least once every 5 years and updated as necessary will be replaced by a clearer requirement in regulations for planning authorities to commence an update of their local plans and minerals and waste plans every 5 years. This would not preclude planning authorities from commencing an update sooner. The intention is to encourage a more rolling rhythm of updates to plans wherever possible, ensuring plans and their evidence are routinely kept up to date. Ultimately, this will make plans more effective.

Chapter 3: Digital plans

Background

66. Digital technology has transformed and is transforming our everyday lives, it affects how we communicate with one another, how services are delivered and what we expect from services, how we tackle problems - there is so much that we can learn and transfer to planning. Our ambition is to bring planning and plan making into the digital age and transform how things are done for the better; to provide faster, simpler, more accessible plans and policies to deliver better outcomes, informed by up-to-date data and shaped more actively by communities and other stakeholders.

67. To address barriers and reveal efficiencies we have already begun to explore: how plans are presented, their format, content, data accessibility, spatial visualisations; the evidence underpinning plans; and how people engage in plans, with the aim of understanding what is most effective and useful for all those interested in planning. This exploration is pointing us towards a helpful pick and mix of tools, techniques, approaches and guidance to meet the varying needs of plan makers and those involved in plan-making, that when applied will bring delivery efficiencies. ‘Figure 2: Our Digital Vision’ brings together what this might look like.

68. We know that the digital transformation of the planning system and plans will evolve rather than happen overnight. This consultation is an important opportunity for us to hear from you about your needs, hopes and fears, and the challenges and opportunities that you see ahead so that we approach this change with ambition but also pragmatism and realism.

Proposed approach

69. We have introduced our ambition for a digital planning system that is underpinned by standardised and open planning data in the Levelling Up and Regeneration Bill. To achieve this ambition, we have introduced legislation which

will allow us to prescribe a common format based on standardised data across plan-making. Legislating for data standards and publication will help to ensure that open, standardised data can drive an improved local plans system. In summary, the Bill sets out the following:

- Clause 79 (processing of planning data) is to ensure that data is consistently processed, while Clause 80 (provision of planning data) ensures planning authorities no longer receive data in inconsistent formats. This will better enable plans to be delivered faster; and
- Clause 81 (certain planning data to be made publicly available) will ensure planning data is open, enabling users to freely reuse it. For example, property developers could identify suitable sites for development and the Property Technology sector could focus on services that help increase efficiency and productivity across the planning system.

70. We recognise that standardisation and publication of data can contribute to greater efficiency and transparency in the plan-making process. Therefore, we seek your views on where there is the greatest need for standardisation, challenges around publication and where the best opportunities lie.

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

Listening, understanding and removing barriers

71. To ensure that digital changes are directed at the right areas, it is important that we listen and learn from what is working and what is not working. Through the engagement we have undertaken so far, the following challenges and barriers have been identified as areas where digitalisation could help:

- lack of clear guidance on how to make plans results in inconsistency and delays
- lack of standard formats and terminology makes plans inconsistent, time consuming to develop and hard to use
- uncertainty about evidence requirements and fear of challenge at examination drives over production of evidence which is resource intensive and leads to delays
- lack of clear communicable timelines and updates prevents users from understanding and getting involved
- plans are static and PDF-based meaning they go out of date quickly
- poor monitoring and feedback loops make it difficult to understand if the plan and its policies are working well
- the majority of people do not engage in plans, or know why and how they can be involved
- plans often involve making difficult local decisions but the political nature of local decision making and how it shapes plan content is often not understood

> 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?

Learning and building on best practice, innovations and investment

72. It is important that we learn and build upon the very best digital tools, technologies and innovations and apply and adapt these to support the varying needs, contexts, challenges and opportunities related to all those involved in plan making. We are aware that every planning authority is different both in its planning context, organisational set up and resource. And so it is important that when we look to the future of plans and how digital will improve plan making, that we consider a range of solutions to fit these richly varying needs and circumstances.

73. There is lots we can learn from those planning authority leaders and partners that we are working with on our on our planning data platform, PropTech Innovation Fund, Open Digital Planning community and Design Code Pathfinders and best practice that could be applied to help deliver better plans today, as well as tomorrow. These include a mix of emerging tools and products relating to:

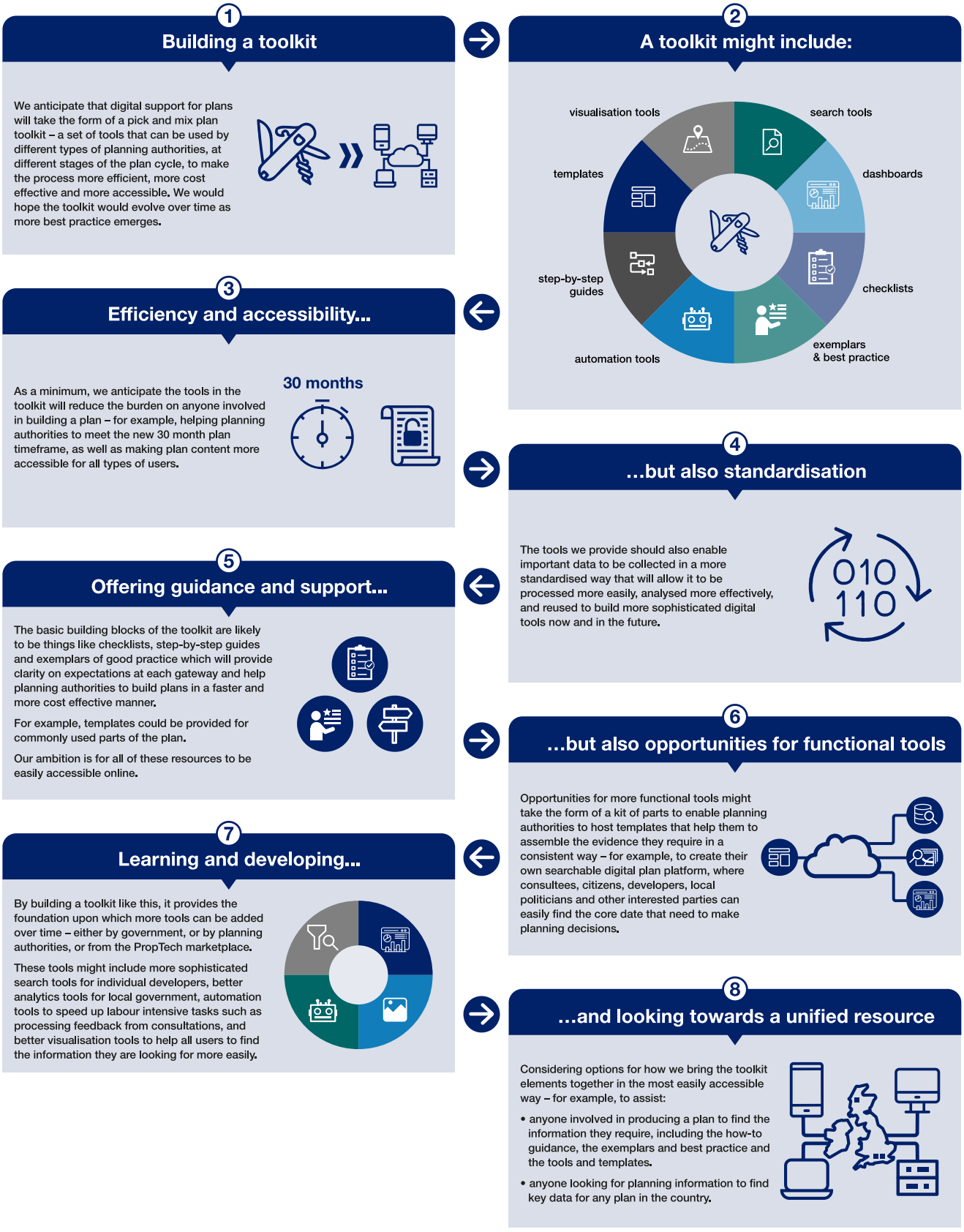
- visualisation of plans, policies and spatial data
- templates, checklists and step-by-step guides to provide clarity and efficiencies
- standardisation of data for consistency, access and use
- dashboards and platforms for transparency and communication
- search tools to better access information
- automation tools and AI to process and report
- the sharing of best practice via case studies and blogs

74. These are just some examples that could help to improve how we approach the development of plan content, share information on timetables, prepare evidence, process responses and monitor delivery.

> 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?

> 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?

Figure 2: Our digital vision



Alt text

A sequence of steps to explains how digital elements might support the makers and users of plans. The text contents of the image are provided in the plain text below.

Plain text

1. Building a toolkit

We anticipate that digital support for plans will take the form of a pick and mix plan toolkit – a set of tools that can be used by different types of planning authorities, at different stages of the plan cycle, to make the process more efficient, more cost effective and more accessible. We would hope the toolkit would evolve over time as more best practice emerges.

2. A toolkit might include:

- search tools
- dashboards
- digital checklists
- exemplars and best practice
- automation tools
- step-by-step guides
- digital templates
- visualisation tools

3. Efficiency and accessibility

As a minimum, we anticipate the tools in the toolkit will reduce the burden on anyone involved in building a plan – for example, helping planning authorities to meet the new 30 month plan timeframe, as well as making plan content more accessible for all types of users.

4. …but also standardisation

The tools we provide should also enable important data to be collected in a more standardised way that will allow it to be processed more easily, analysed more effectively, and reused to build more sophisticated digital tools now and in the future.

5. Offering guidance and support…

The basic building blocks of the toolkit are likely to be things like checklists, step-by-step guides and exemplars of good practice which will provide clarity on expectations at each gateway and help planning authorities to build plans in a faster and more cost effective manner.

For example, templates could be provided for commonly used parts of the plan.

Our ambition is for all of these resources to be easily accessible online.

6. …but also opportunities for functional tools

Opportunities for more functional tools might take the form of a kit of parts to enable planning authorities to host templates that help them to assemble the evidence they require in a consistent way – for example, to create their own searchable digital plan platform, where consultees, citizens, developers, local politicians and other interested parties can easily find the core date that need to make planning decisions.

7. Learning and developing

By building a toolkit like this, it provides the foundation upon which more tools can be added over time – either by government, or by planning authorities, or from the PropTech marketplace.

These tools might include more sophisticated search tools for individual developers, better analytics tools for local government, automation tools to speed up labour intensive tasks such as processing feedback from consultations, and better visualisation tools to help all users to find the information they are looking for more easily.

8. …and looking towards a unified resource

Considering options for how we bring the toolkit elements together in the most easily accessible way – for example, to assist:

- anyone involved in producing a plan to find the information they require, including the how-to guidance, the exemplars and best practice and the tools and templates.
- anyone looking for planning information to find key data for any plan in the country.

Chapter 4: The local plan timetable

Background

75. In the current system it can be challenging for communities and other stakeholders to understand when a local plan will come forward and when they can get involved. In part, this is due to the existing requirement for local planning authorities to prepare and adopt Local Development Schemes (LDSs), which are typically long, complex and technical documents which are not updated often enough and therefore do not accurately reflect the stage of preparation local planning authorities are at. This situation is the same for Minerals and Waste Development Schemes (MWDS) which County Councils are required to produce for their local plans relating to minerals and waste.

76. The Levelling Up and Regeneration Bill sets out that the local plan timetable must include:

- the matters the local plan is seeking to address
- the geographical area of the local plan
- what (if any) supplementary plans the local planning authority is looking to prepare, as well as the subject matter and geographical area or sites these supplementary plans relate to
- how the authority seeks to implement its authority-wide design code

- details of joint plan-making (including any joint committees), where relevant (including for supplementary plans)
- a timetable for the preparation of the local planning authority's local plan and any supplementary plans they are seeking to prepare

77. The requirements as to the contents of minerals and waste plan timetables mirror those for local plan timetables, with the exception of the requirements relating to preparing an area wide design code and whether there is agreement to establish a joint committee. If the local planning authority is also the minerals and waste planning authority, the local plan timetable may itself incorporate the authority's minerals and waste plan timetable.

78. As now, the process of environmental assessment will continue to run alongside the process of plan preparation.

Proposed approach

79. In addition to what is set out in the Bill, we propose to require planning authorities to prepare their proposed timetable consistently, reporting against the same milestones in the same way, with an expectation that they do so in a manner that is consistent with the 30 month timeframe (as set out in Chapter 2). We are therefore proposing that all planning authorities report on when they expect to meet the following milestones (by making this information available to the public):

- 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
- anticipated adoption date

80. The Bill replaces the existing requirement to adopt an LDS with a new, simpler requirement to prepare and maintain a local plan timetable. We intend to use regulations to bring about a shift from a document-based requirement to one that will make the relevant data publicly available in a prescribed digital format. An equivalent requirement for a minerals and waste timetable will also be introduced.

81. Planning authorities will no longer need to go through full Council sign-off each time their local plan timetable or minerals and waste plan timetable is revised. Instead, they will be required to make available key information about the future shape of local plans, supplementary plans and minerals waste plans and the timeline for their preparation in a simple, consistent format and structure, and keep this up to date. This will ensure that key information is available consistently and streamline the preparation and update process for authorities.

82. We also propose to set out in regulations a requirement for planning authorities to revise their timetable at least once every six months, or earlier upon reaching a

key milestone in the preparation of the plan, or if deemed appropriate, in order to ensure they are updated more regularly and the information they contain is more reliable. We propose to set out in guidance an expectation that planning authorities should put in place the governance and delegation arrangements needed to enable this to happen. This may include seeking appropriate delegated powers for officers to update timetables or putting in place arrangements for accelerated sign-off of changes by members.

83. We are also considering how planning authorities should prepare the local plan timetable and minerals and waste plan timetable and make it available, to ensure information is available consistently and in a format that everyone is able to understand. Our initial proposal is to set out in regulations:

- that planning authorities must use digital templates and data standards, as prescribed by government, in preparing their local plan and minerals and waste plan timetables. These would be mandatory, to ensure that they are to be delivered in a consistent way; for example, using standardised date formats, or adopting consistent conventions for key plan preparation milestones; and
- that planning authorities should publish and maintain the timetable on their website in two forms: a plain-English, tabular form, aimed primarily at the public; and as a dataset, to enable public and private sector innovation and support better monitoring of the “national picture”.

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

> Question 13: Are there any key milestones that you think should automatically trigger a review of the local plan timetable and/or minerals and waste plan timetable?

Chapter 5: Evidence and the tests of soundness

Background

84. The amount of evidence produced to support a local plan or minerals and waste plan takes a significant amount of time and resource to produce and can often feel disproportionate. As part of wider measures, we have therefore been considering the requirements and approach to developing the evidence base which supports plans. Ensuring that evidence is proportionate is a key component in meeting our ambitions for a 30 month end-to-end plan-making timeframe, as well as allowing planners to focus on activities such as community engagement.

85. However, a strong evidence base will still be expected to inform and support plans. Evidence will remain an important part of plan-making and monitoring, allowing planning authorities to develop robust and effective plans and allowing communities and other stakeholders to understand the decisions that have been made. We are mindful of the need to ensure that reforms to evidence improve and do not undermine the quality or effectiveness of policies or plans, or the decision-making that relies on them.

Proposed approach

86. We are considering a number of changes which, taken together, will reduce the amount of evidence required to develop a plan and defend it at examination, but still ensure high quality plans are delivered. These changes are summarised in the diagram below, and explained in more detail in the remainder of this chapter.

Figure 3: Approach to evidence

Alt text

A circle diagram which sets out the proposed approach to evidence to support plans. The text contents of the image are provided in the plain text below.

Plain text

The central element of the diagram states:

- Clearer expectations set through national policy and guidance

Around the outside of the circle states:

- Increased standardisation of key evidence and data
- Freezing data or evidence at particular points of plan making
- Streamlined, focused new style plans

- Support on evidence provided through gateway assessments

Changes to national policy and guidance

87. We have already proposed (through the consultation on reforms to the National Planning Policy Framework (https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy) launched in December 2022) amending the tests of soundness against which plans are examined, removing the 'justified' test. Although planning authorities would still need to produce evidence to inform and explain their plan against the remaining tests of soundness, and to satisfy requirements for environmental assessment, removing the explicit test that plans are 'justified' is intended to allow a proportionate approach to their examination in light of these other evidential requirements. We are currently analysing the responses to the consultation and a decision on whether to implement this proposal will be confirmed when the Framework is updated in due course.

88. We have heard from planning authorities and the wider sector that more clarity on what evidence is expected and what 'proportionate' evidence looks like would help to address some of the issues set out in paragraph 84. Clearer expectations should not mean more work for planning authorities in order to meet those expectations; on the contrary, it should allow them to have greater confidence that their evidence base is appropriate and that 'overproduction' of evidence does not take place.

89. We are therefore exploring the direction of travel set out below. It should be noted that the majority of these changes would be brought forward through the next review of the National Planning Policy Framework, and so there will be an opportunity to comment on detailed proposals at that stage.

- Setting clearer evidence expectations through national policy. This would make it easier for planning authorities to understand what to produce, and to be more confident that their evidence base is proportionate and able to demonstrate the soundness of the plan.
- Amending national policy to make a distinction between evidence produced and submitted to demonstrate that the plan is sound and legally compliant, and information gathering, assessment and other plan-making activities which are used to inform the plan but are not related to soundness or legal compliance. The rationale for doing this would be to help focus discussion at the examination. This change is related to a proposed change to the regulations which prescribe what documents or information are provided alongside the plan submitted to examination, as set out later in this chapter (paragraph 99).
- Clarifying in national policy that evidence should only normally be discussed and argued against at examination where there is a significant and demonstrable reason for doing so, in relation to the tests of soundness and legal requirements. This would be intended to provide more certainty to all stakeholders on the types of issues that might come up at examination, and to ensure planning authorities do not feel they need to over-produce evidence in order to manage risks. Note,

this would not impact the right to be heard at examination, and would not affect the ability to legally challenge the plan.

- Providing clearer guidance to support the existing national policy that a plan should represent an appropriate strategy for the area, but that planning authorities do not need to demonstrate it is the most appropriate strategy. This would reflect a previous change made to the NPPF in 2018, and clarify what this means for evidence expectations.
- Providing additional overarching guidance on 'what good evidence looks like'. This could include guidance on:
  - what 'proportionate' and 'adequate' looks like;
  - what constitutes up-to-date and how evidence should be updated;
  - how evidence should be communicated (including the use of non-technical summaries) and published; and
  - how data inputs should be referenced, and how data outputs should be shared and produced on a consistent basis to be able to be re-used for other purposes.

90. We are also proposing that planning authorities to complete a new, light touch and templated 'statement of compliance with legislation and national policy' – which would set out where in the suite of evidence each national policy has been considered, acting as a signposting document. The benefit of this would be that, combined with greater definition in the NPPF, it would become far clearer what is expected to be consistent with national policy, and that this expectation has been met (or why it has not). Some planning authorities already produce similar documents of their own to support examination of their plans, and the intention would not be to set a material additional burden – instead, it would reduce some of the need for topic papers and similar documents currently prepared.

91. We also understand there are various views in the planning sector about the 'effective' element of the tests of soundness, in particular the extent to which deliverability over the plan period must be demonstrated through evidence. We intend to undertake work to explore whether a change to this test of soundness would be beneficial, balancing the need to ensure there is sufficient confidence that planned development will come forward.

> 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?

Standardisation of key evidence and data

92. We are currently undertaking work to standardise elements of the evidence base that are particularly complex. Previous engagement with the sector has indicated that standardisation of evidence would help provide greater clarity on what is expected and reduce discussions around specific methodologies at examination.

93. Standardisation also presents opportunities to make better use of data and digital processes and tools. More readily available data will help planning authorities create a consistent and quality baseline of evidence.

94. Standardisation could be a more detailed level of guidance, through to standard methodologies, or even tools developed to support planning authorities to produce evidence. The precise type of standardisation is likely to vary by evidence topic.

95. The topics that might benefit from standardisation and/or more readily available baseline data include: development need (for example, documents currently produced such as economic development needs assessments); sites identification, assessment and selection (for example, housing and employment land availability assessments); and impact assessments (for example, transport assessments).

96. More broadly, our reforms to the processes of environmental assessment also seek to strengthen monitoring processes so that we can better capture data for future reuse, and the new requirement to prepare Infrastructure Delivery Strategies will enable a more unified approach to identifying the infrastructure that is required to support growth.

> 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?

Freezing of data or evidence

97. We think there is a case for ‘freezing’ data or evidence at certain points in the plan-making process – with the aim to reduce iteration and delay, as well as the resources required to update. This expectation would be established through national policy or guidance rather than regulations, and Inspectors at examination would still be able to request up-to-date evidence if needed to properly assess soundness. There are different ways in which freezing might work:

- freezing of input data – for example, no longer being expected to incorporate or re-consider regularly released data each time they are released, unless the planning authority feels there is an overwhelming reason for doing so. This would reduce iteration in the overall process and provide certainty around the development being planned for as the plan is progressed. This could relate to only certain evidence topics or documents, or to only certain types of data;
- agreeing the scope of evidence (or certain evidence documents) or the methodology followed earlier in the process, which is then not changed or only changed under limited prescribed circumstances. This might be done through gateway assessments (see Chapter 6). It is important to note, however, that examinations will retain primacy – gateway assessments cannot act as quasi-inquiries and so will not ‘examine’ or sign off evidence per se; and

- freezing of the evidence at the point of publication of the plan and submission to the Inspector. This would mean setting an expectation that new evidence would not normally be required to be submitted to support examination. As stated above it would not, however, preclude the Inspector from requesting additional evidence if they felt it was necessary – and, indeed, this could be done through the examination pause (see Chapter 7).

98. Freezing of data and evidence is also related to the move to greater standardisation of evidence requirements and approaches, as set out above. For example, methodologies could set out the circumstances under which data or evidence should be revisited.

> 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?

Regulations

99. To support the direction of travel set out above, we are proposing to amend the requirement for the submission and publication of evidence set under secondary legislation. Currently local planning authorities are required to submit 'such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the local plan'. When implementing the plan-making reforms, we are proposing a requirement to submit only such supporting documents as the planning authority considers strictly necessary to show whether the plan is sound. This would also apply to minerals and waste plans.

100. Combined with clearer guidance on what evidence is required, and a distinction made between evidence to support the examination and wider plan-making activities, we believe that fewer evidence base documents will be required to be submitted and therefore formally considered at examination. It should be noted that this would not prevent planning authorities choosing to publish wider materials to help to explain decisions taken. It would also not preclude the Inspector from requesting additional evidence at examination if they felt it was necessary. The gateway assessments process might also make recommendations on evidence required to demonstrate soundness.

> 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?

Chapter 6: Gateway assessments during plan-making

Background

101. A challenge in the current system is the number of local plans, including those for minerals and waste, that are submitted for independent examination in public with deficiencies. At best, this results in delays during examinations, but may also result in plans failing late in the preparation process. This can be frustrating for all of those with an interest in the plan, wasting resources and leaving authorities more vulnerable to speculative development. While local planning authorities may take up advisory visits through the Planning Inspectorate, these are only optional and often take place too late in the process to be able to genuinely resolve issues.

102. The Levelling Up and Regeneration Bill requires authorities to seek observations and advice from a person appointed by the Secretary of State at times which will be prescribed in regulations. We intend to use these provisions to introduce mandatory gateway assessments ('gateways') into the new local plan process, to ensure a more supportive approach to plan-making, and provide greater visibility to key stakeholders and the wider community about how their local plan is progressing. This provision also applies to the preparation of minerals and waste plans.

Proposed approach

Purpose of the gateway assessments

103. We think the overarching purposes of the gateways should be:

- **ensuring the plan sets off in the right direction** – that the planning authority has the right tools and resources to deliver, that the scope of the plan and associated supporting information and evidence is appropriate, and that key risks are identified with suitable mitigation proposed
- **ensuring compliance with legal and procedural requirements and (wherever possible) supporting early resolution of potential soundness issues** – that the plan has met all the necessary legal and procedural requirements to progress to examination in public, and as far as is possible prior to examination that potential soundness issues have been addressed[footnote 4]; there would be a focus on resolving key issues or blockers, wherever possible
- **to monitor and track progress** – that the planning authority is having regard to the observations and advice provided through the gateways, and that the plan is on track against its timetable, and communities and other interested parties have information about how plans are progressing

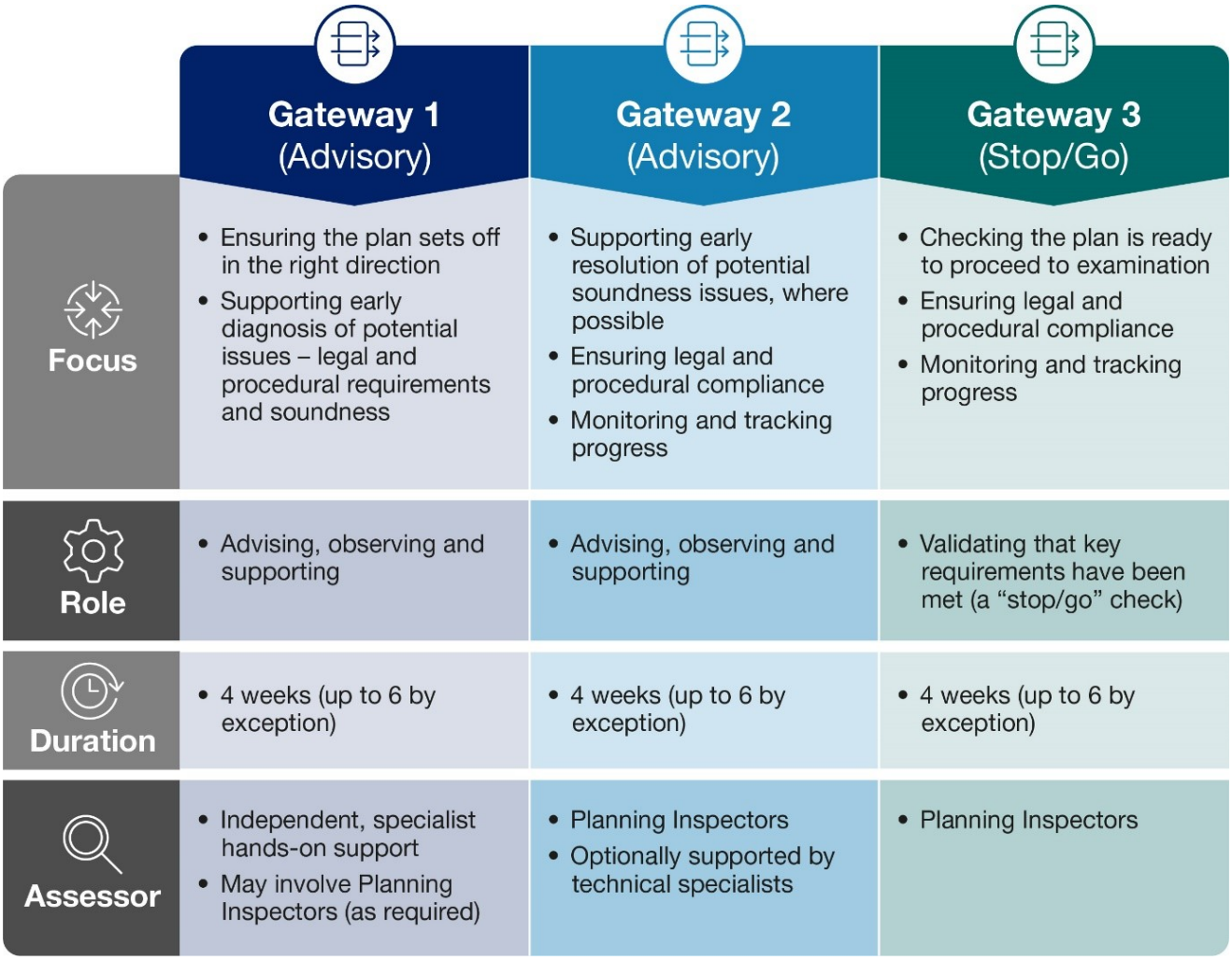
> Question 18: Do you agree that these should be the overarching purposes of gateway assessments? Are there other purposes we should consider alongside those set out above?

Key expectations

104. We propose to introduce, via regulations, a requirement for planning authorities to undertake 3 gateways:

1. at the very beginning of the 30 month process, following work undertaken at the scoping stage
2. part-way through plan preparation (between the two mandatory consultation windows)
3. at the end of the plan-preparation process (following the second mandatory consultation window), at the point the local planning authority intends to submit the plan for independent examination in public

Figure 4: Gateway assessments



	Gateway 1 (Advisory)	Gateway 2 (Advisory)	Gateway 3 (Stop/Go)
Focus	• Ensuring the plan sets off in the right direction • Supporting early diagnosis of potential issues – legal and procedural requirements and soundness	• Supporting early resolution of potential soundness issues, where possible • Ensuring legal and procedural compliance • Monitoring and tracking progress	• Checking the plan is ready to proceed to examination • Ensuring legal and procedural compliance • Monitoring and tracking progress
Role	• Advising, observing and supporting	• Advising, observing and supporting	• Validating that key requirements have been met (a "stop/go" check)
Duration	• 4 weeks (up to 6 by exception)	• 4 weeks (up to 6 by exception)	• 4 weeks (up to 6 by exception)
Assessor	• Independent, specialist hands-on support • May involve Planning Inspectors (as required)	• Planning Inspectors • Optionally supported by technical specialists	• Planning Inspectors

Alt text

A diagram which explains the focus, role, duration and assessor for each of the three gateway assessments. The text contents of the image are provided in the plain text below.

Plain text

Gateway 1 (Advisory)

Focus:

- Ensuring the plan sets off in the right direction

- Supporting early diagnosis of potential issues – legal and procedural requirements and soundness

Role:

- Advising, observing and supporting

Duration:

- 4 weeks (up to 6 by exception)

Assessor:

- Independent, specialist hands-on support
- May involve Planning Inspectors (as required)

Gateway 2 (Advisory)

Focus:

- Supporting early resolution of potential soundness issues, where possible
- Ensuring legal and procedural compliance
- Monitoring and tracking progress

Role:

- Advising, observing and supporting

Duration:

- 4 weeks (up to 6 by exception)

Assessor:

- Planning Inspectors
- Optionally supported by technical specialists

Gateway 3 (Stop/Go)

Focus:

- Checking the plan is ready to proceed to examination
- Ensuring legal and procedural compliance
- Monitoring and tracking progress

Role:

- Validating that key requirements have been met (a “stop/go” check)
- Planning Inspectors

Duration:

- 4 weeks (up to 6 by exception)

Assessor:

- Planning Inspectors

105. The role of the first and second gateways will be advisory, and the appointed person will have no power to halt or delay the plan preparation process. However, planning authorities will be required to have regard to their observations and advice in preparing their plan.

106. The third gateway will have a binding role, as planning authorities will be required to submit their draft local plan or minerals and waste plan for examination where the appointed person has advised that the prescribed requirements are met. We propose that such requirements would be focused on legal and procedural requirements, for example those set out in Part 2 of the Planning and Compulsory Purchase Act 2004 (as modified by the Levelling Up and Regeneration Bill), in regulations, or relevant environmental legislation applying to plans.

107. We propose that issues related to the soundness tests, set out in the NPPF, may be flagged by the assessor at this stage, but would need to be considered further and resolved as part of the examination in public, to ensure the views of other parties are taken into account when reaching a decision. Where requirements are not met, we intend that planning authorities will be able to repeat the third gateway assessment.

108. We propose to define in regulations when planning authorities must undertake gateways, tied to key stages of the overall plan preparation process rather than precise timeframes. More detail about appropriate timings will be set out in guidance. We also propose that authorities should set out when they intend to commence a gateway in their local plan timetable (see Chapter 4 (or minerals and waste plan timetable) and notify the relevant parties a minimum of four weeks prior to commencement.

109. We think that each gateway should ordinarily last no more than four weeks (up to 6 weeks in exceptional circumstances). In order to maintain a degree of flexibility around how gateways are introduced, we do not propose to define this maximum timeframe in regulations, but will work closely with delivery partners to ensure it is consistently achieved. We also propose to set out, in guidance, that authorities should not pause work during gateways and that plan preparation work should continue in parallel.

110. To ensure gateways checks are carried out consistently and provide quality outputs that support authorities, we propose that there should be a ‘gatekeeper’ organisation that manages the end-to-end gateways process, including appointments on behalf of the Secretary of State.

111. By default, we expect that planning Inspectors will routinely conduct gateway assessments (and would always do so at the third gateway). However, we do not think this should preclude the Secretary of State appointing alternative or additional assessors to support the gateway assessment process, where this can provide appropriate tailored advice. For example, more hands-on support will likely be

needed to support the first gateway to ensure the plan sets off in the right direction, and in some instances independent technical advice may be required at the second gateway dependent on the specific issues identified by the authority or assessor.

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

Process and scope

112. In order to be successful, we believe that there needs to be flexibility in how the different gateways are delivered. Further work is planned to develop a detailed working model for gateways, however our initial proposals are as follows:

- prior to each gateway, the planning authority will prepare a short report detailing progress against a series of key topics. This report will take the form of a digital template, provided by government, to ensure a consistent and efficient approach but may be accompanied by other cross-referenced materials to support the authority's position.
- At the first and second gateways, it is expected that the authority will be asked to identify up to five issues which pose risks to the soundness and/or legal or procedural compliance of the plan; at the third gateway, we envisage authorities would be required to complete a 'statement of compliance with legislation and national policy' template, as proposed in Chapter 5.
- the report and accompanying materials will be submitted to the 'gatekeeper' by the planning authority, marking the formal commencement of the gateway;
- a person (or persons) will be appointed to undertake the gateway assessment as soon as possible. They will be responsible for reviewing the planning authority's report (and accompanying materials, as deemed necessary), and may identify other issues beyond those set out by the authority;
- during the first and second gateways, an interactive workshop day will be planned and executed by the appointed person(s) to work through the issues identified and provide initial observations and advice to the planning authority. This is unlikely to be necessary for the third gateways, with any clarifications to be dealt with via written correspondence between the appointed person(s) and the planning authority; and
- a short report setting out observations relating to progress against key requirements and advice in relation to issues will be prepared by the appointed person(s) and shared with the planning authority. This will mark the formal end of the gateway and, as per the requirement in the Levelling Up and Regeneration Bill, planning authorities must publish this report publicly as soon as is reasonably practicable. We propose that an end of gateway report digital template will be provided to planning authorities by government to populate at this step of the process.

113. We propose that the following key topics would be explored through each gateway:

Table 1: Gateway assessments topics

Gateway 1

- Review of the Project Initiation Document (as proposed in Chapter 2), including:
  - Proposed scope of the plan and identifying the evidence required to create a sound plan
  - Project management, governance, risks to delivery and resourcing to deliver against the local plan timetable
  - The overall approach to engagement with communities and stakeholders, including statutory bodies throughout the plan preparation process
- Data and digital approach
- Early scoping of relevant SEA (and subsequently EOR) requirements
- Scoping out topics where local specific development management policies may be required.
- 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.
- Headline positions on how plan with reflect any relevant Local Nature Recovery Strategy

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Gateway 2

- Progress against Project Initiation Document and programme
- Progress against observations or advice received at Gateway 1
- Topic-specific advice based on planning authority and appointed person identified issues (around emerging plan and evidence)
- Data and digital requirements (including policies map)
- Progress with relevant SEA (and subsequently EOR) requirements
- Engagement with communities and statutory bodies
- Compliance with the requirement to have regard to certain matters, including any relevant Neighbourhood Priorities Statements

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Gateway 3

- Procedural and legal requirements met
- Regard had to observations and advice at Gateways 1 and 2
- Evidence prepared as proposed and any previously identified gaps addressed

- Relevant SEA (and subsequently EOR) published, including explanation of compliance with national requirements
- Summary of representations available
- Digital and data requirements met (including policies map)
- Nationally defined templates used, where appropriate
- Engagement activities undertaken in line with Project Initiation Document with regard to national guidance
- SDS general conformity statement prepared (where relevant)
- Practical readiness for examination (e.g. venue identified for hearings etc.)

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114. To mitigate any risk of unfairness and ensure the gateways can operate at pace, we propose that other interested parties should not be invited to participate in workshops or contribute to reports. However, under the provisions within the Levelling Up and Regeneration Bill, planning authorities must publish the final report as soon as is reasonably practicable and it is expected that the report will detail where the involvement of third parties will be required to resolve issues, acting as a key ‘sign-posting’ document for those with an interest in the plan.

> 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?

Funding

115. While existing advisory visits are provided by PINS free of charge to planning authorities, given gateways will be mandatory for all authorities there is a need to put them on a sustainable financial footing, to ensure delivery of a quality and consistent approach. We therefore propose that gateways are fully funded through cost recovery from the planning authority, with a standard fee for each gateway defined in regulations. We will develop this in close partnership with the Planning Inspectorate and taking into consideration wider sectoral views.

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

Chapter 7: Plan examination

Background

116. Examination is a critical part of the plan preparation process, and will remain so in the reformed plan-making system. An examination in public by an

independent Inspector provides assurance that the local plan or minerals and waste plan is ‘sound’. It provides a critical chance for scrutiny and a further opportunity for those with an interest in a plan, including communities, to have their say, with the existing “right to be heard” retained.

117. We believe that the overall examination process, in its current form, broadly continues to provide a good basis for testing local plans and minerals and waste plans, and for interested parties to have their say. However, we also recognise that examinations frequently take too long, in extreme cases lasting several years. This does not align with the government’s aim for plans to be prepared and adopted in 30 months. It can result in development being held up and leave planning authorities more vulnerable to speculative applications for development, creating uncertainty for communities.

Proposed approach

Speeding up examinations

118. We are proposing that examinations of local plans and minerals and waste plans should take no longer than six months; if a consultation on proposed modifications to the plan is needed, this should add no more than three months to the overall examination process in addition. Recognising that some plans can deal with particularly contentious or complex matters and can cover significant geographies (potentially involving several planning authorities), we do not intend to prescribe these timeframes in regulations.

119. We are working closely with the Planning Inspectorate to ensure that these timeframes are routinely adhered to, exploring further opportunities to make examinations faster and more efficient. Most changes would be delivered through changes to the Inspectorate’s procedural guidance on local plan examination. The emerging proposals include:

- appointing an Inspector when the planning authority commences the third gateway assessment, to reduce delays at the beginning of the examination process
- using panels of two or more Inspectors by default, to allow for more parallel working and increase efficiency at key stages of the process;
- revising the way the Matters, Issues and Questions (MIQs) stage of the process works, so that only the relevant planning authority is invited to submit responses. MIQs are usually shaped by representations from third parties, and as those third parties will have a further opportunity to speak at the hearings, their involvement at this stage could be considered unnecessary. We also propose that the MIQs stage is focused on questions that relate directly to the soundness of the plan. Taken together, these proposals should result in a significant reduction in the volume of materials which need to be processed by the Inspector
- providing the opportunity for third parties to submit a short statement in writing which can be considered by the Inspector, where they do not wish to attend a

hearing

- shortening the minimum notification for hearings to three weeks by default, in line with the approach to examining Development Consent Orders, and longer by exception only
- proposals to streamline the main modifications stage so that only the most significant amendments are consulted on; for example, where a new site is to be inserted into the plan (as opposed to small changes to development management policies), or where there is a legal requirement to consult. The length of time that modifications should be consulted on publicly should be shortened to three weeks by default, and longer by exception only; for example, where there are particularly significant or contentious changes proposed, or where this period would fall over bank holidays.

120. We are also exploring further ways to ensure the evidence required to support a plan is proportionate and robust, as set out in Chapter 5. This should also help speed up the examination process.

> 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?

Examination pause

121. The Levelling Up and Regeneration Bill provides a new power for Inspectors to pause the local plan examination for a timebound period. We propose to set out in regulations that the pause period may not be longer than 6 months. It would be for the Inspector to decide the length of the pause period within this maximum timeframe. This change formalises a mechanism through which issues with local plans or minerals and waste plans, identified by an Inspector at the examination, can be properly considered and addressed by planning authorities outside of the examination process, without needing to withdraw the plan and start again. This will ensure that more plans can be adopted, more quickly.

122. We anticipate that the pause may be activated by the Inspector if a significant issue was identified that could not reasonably be resolved without further work by the planning authority. This may, for example, be a significant issue with the evidence base, or an identified shortfall in land supply where additional site allocations need to be identified. We expect that the power to pause an examination will only be used once in relation to a particular plan.

123. The Inspector would write to confirm the problem and the work required. To ensure progress, the Inspector may ask for an overall timetable and regular progress reports. In some cases, it may be helpful for the Inspector to hold an additional hearing before the pause starts to discuss what needs to be done.

124. If the relevant matters have been dealt with to the necessary degree before the end of the pause period, then the examination will resume. If not, the Inspector will be required to recommend that the authority withdraw the plan. This will speed

up the delivery of up-to-date local plans and minerals and waste plans by preventing plans from becoming stuck in a never-ending examination process.

> 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?

Chapter 8: Community engagement and consultation

Background

125. The English planning system gives communities a key role in planning, so they can take an active part in shaping their areas, and to build local pride and belonging. Within the plan-making process, there are formal requirements in regulations 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 to invite representations in relation to the local plan, providing vital opportunities for our communities to influence their local area. Whilst there are many positive examples of how community engagement is undertaken, we recognise the challenges associated.

126. Existing practises of engagement and consultation in plan-making are widely perceived to be narrow and ineffective. There is currently limited definition around the role of the existing requirements under Regulations 18 and 19, which can create confusion around the purpose of these consultations. For many, consultations on plans can feel too technical and difficult to engage with, discouraging people from having their say whilst disproportionally drawing views from people from a narrow set of demographic groups. Those voices who may benefit most from new development are often the quietest in the planning process.

127. We are aware that existing requirements for plan consultation may start too late in the plan-making process and that it can sometimes be perceived that communities are not influencing key decisions. We have heard from statutory bodies that they face challenges identifying the resources needed to feed in their technical expertise, with little warning and limited time to comment. This can create challenges further along the process, for example slowing down examinations if many issues need to be resolved at a late stage.

128. We understand that representations can be difficult to process and that questions posed at early stages of plan preparation can be too open ended, resulting in representations which may be vague or lengthy and in some circumstances, submitted in formats with unextractable texts and graphics. Such representations can be difficult for planning authorities to process, compromising the quality of their analysis and subsequently the influence that representations have on the plan.

129. We are clear that communities must remain at the heart of the plan-making process, and that local people must have a meaningful say on planning policies that will affect them and their local areas. We want to encourage open dialogue between authorities, communities, and other key stakeholders such as statutory bodies about key local decisions and trade-offs, to help influence the production of genuinely local plans at the earliest stages of plan-making.

Proposed approach

130. We want to increase the amount of engagement that takes place during plan-making and the opportunities for communities to influence their plan. We also recognise the continued importance of engaging with the seldom heard, including groups who are less represented and as such we want to support authorities to reach a broader audience and manage engagement more effectively. To achieve this, we are considering several changes which, taken together, will enable improved quality and quantity of community engagement throughout the local plans process. We have grouped our proposals around the following four themes:

- **the role of digital** – has the potential to improve both the quality, quantity and diversity of participation within the local plans process, when used in combination with traditional methods;
- **planning and monitoring the engagement approach** – supported by our proposals for a new Project Plan requirement and gateway assessments;
- **a focus on early participation** – introducing a proposed new requirement to "notify" and "invite" participation at the start of the plan-making process, to complement the scoping stage and to encourage early and increased quality of engagement; and
- **a more standardised approach to consultation** - retention of two mandatory consultation windows, which will be more clearly defined and strengthened through regulations to increase their impact.

131. Throughout this chapter, and the wider consultation document:

- when referring to "engagement", this is a general reference to any activities undertaken by a planning authority involving communities and other interested parties, rather than a reference to any specific requirement in legislation
- references to "participation" relate to the proposed new requirement for planning authorities to notify relevant persons and/or bodies, and invite participation in the local plan. This is intended to address problems that have been identified around communities and other stakeholders being involved too late in the process
- "consultation" refers to the two proposed mandatory consultation windows as part of the 30 month plan-making process, and will involve planning authorities inviting representations on the emerging plan

Supporting authorities and the role of digital

132. Digital has the opportunity to play a transformative role in the way in that planning authorities engage people during the plan preparation process, improving

both the quality and quantity of responses, and how efficiently those responses are analysed and incorporated into the plan making process. Modern digital engagement tools, combined with more consistent data, could reduce the time it takes to process representations, remove barriers to engagement and improve planning authorities' abilities to understand community views.

133. We want to encourage planning authorities to use a combination of traditional in-person and digital methods to connect with all members of the community. A study by the RTPI and Grayling Engage (https://www.rtpi.org.uk/blog/2017/may/planning-and-public-engagement-the-truth-and-the-challenge/) suggested that out of those surveyed, 49% of people would be more likely to get involved in local decision making if this could be done online. Increasing digital engagement has the potential to ensure that developments and plan-making are being influenced by local voices and in turn meet the needs of local communities.

134. Through our Property Technology (PropTech) Innovation Fund (https://dluhcdigital.blog.gov.uk/tag/proptech/) , we are piloting and scaling the adoption of digital engagement tools and services by planning authorities across the country. These tools have proven to engage more people and to attract a more representative proportion of local communities. For example, a pilot was undertaken in Epson & Ewell through the PropTech Innovation fund which demonstrated the power of digital in engaging the seldom heard, with 55% of people who took part saying they had not been involved in a planning consultation before.

135. These approaches will be incorporated into a digital toolkit, which will include digital engagement tools (and templates), to support engagement with members of the community, developers and consultants, enabling an increased range of voices to be heard and offering more opportunities for communities to shape their local areas.

Planning and monitoring the engagement approach

136. In the current system, planning authorities are required to produce a Statement of Community Involvement (SCI), which is typically produced outside of the plan process. These are used to set out how the public, statutory bodies and other interested parties will be involved in the preparation of the local plan and other parts of the development plan.

137. However, independent analysis commissioned by government found that many SCIs are out-of-date and most go no further than reiterating basic legal requirements on consultation. The legal weight of SCIs (being something that planning authorities must comply with when preparing plans) can prevent planning authorities from expressing creative solutions for engaging with communities because of legal compliance concerns.

138. Moreover, where authorities signal a desire to use innovative approaches to community involvement, for example through digital techniques or initiatives like

citizens' panels, this is typically expressed as an ambition or aspiration rather than a commitment to do so.

139. The Bill removes the requirement to prepare an SCI. We instead propose to use two key levers to drive improvements to the quality of engagement, and to allow authorities to better express their ambitions around engagement and consultation: - authorities will need to outline their overall ambitions and approach to engagement and consultation through their Project Initiation Document (as set out in Chapter 2). This might include the approaches to be used (including the use of digital engagement tools), what early engagement is planned, and the resources and skills required to deliver this; and - the Project Initiation Document should form the basis for discussion at Gateway 1. Through the gateway assessment, the implementation of this approach will be subject to independent oversight, to ensure that the planning authority is on the right track.

140. We want to encourage planning authorities to be ambitious when it comes to outlining their overall ambitions to approaching engagement and consultation. For example, the Project Plan may include how a planning authority intends to connect with groups who have had traditionally low levels of engagement, and how the use of hybrid approaches to engagement might contribute to overcoming this.

141. To support planning authorities in scoping out ambitious approaches to engaging communities, tailored to their context, the digital toolkit will distil learnings from the PropTech Fund to be used by planning authorities to support engagement. In addition, we intend to develop new guidance on community engagement, setting out best practice examples, and guiding principles for community engagement activity around the local plan process.

> 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?

A focus on early participation

142. We have frequently heard from communities and statutory bodies that they are involved too late in the process and that they have been given insufficient notice to comment on the plan. To ensure communities have a stronger role in shaping the vision and strategy for their area, a stronger emphasis on early participation during the initial stages of plan-making will be key.

143. As such we are proposing to introduce a new requirement, in regulations, for planning authorities to "notify" stakeholders and "invite" early participation on matters that might shape the direction of the plan. This will enable increased transparency over plan-making timeframes and provide an earlier opportunity for relevant persons and/or bodies, which might include communities, statutory bodies and neighbouring authorities, to have sight of and to influence the plan-making process. The new requirement will sit within the scoping stage, prior to

commencement of the 30 month process and before the first mandatory consultation window.

144. Whilst we propose to give discretion around what the focus of early participation should be, we intend that the planning authority should use this requirement to gather baseline information to inform the plan and focus on seeking views on plan-preparation activities undertaken within the scoping stage. This could include, as a minimum, seeking views on drafting a vision which will be required to anchor the local plan, initial principles, or other matters such as overall approaches to engagement.

145. In terms of when early participation should take place and how long it should be, we are seeking views on whether it could take the form of a focused, timebound early participation period, inviting feedback on key issues that the plan should address. This may take place around the same time as the formal requirement which will be introduced through regulations to publicise the start of the process (four months prior to the first gateway assessment), or at an earlier stage.

146. Alternatively, it may encompass more ongoing, informal engagement exercises taking place over a longer period, for example with statutory bodies to identify key opportunities and risks for the plan, with neighbouring authorities or with communities to help shape the vision of the area.

147. In identifying who should be invited to participate in the early stages of plan-making, we propose that the requirement would broadly mirror what is already set out within the existing Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. This includes residents and businesses within the local authority area and relevant statutory bodies. We are also proposing that this requirement should also be extended to neighbouring authorities, and any such authority that, in the view of the planning authority, may have an interest in the plan.

148. In addition to informing plan options, we also propose that early participation should inform the Project Initiation Document, providing an important opportunity for planning authorities to test how the community would wish to be engaged later on in the process. The outputs of such questions could feed into the ambitions and overall approaches to consultation during the 30 month timeframe, which the planning authority would be expected to include here.

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

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

A more standardised approach to consultation

149. Formal consultation windows, as part of the 30 month plan-making process, will remain a critical means for planning authorities to seek the views of communities and other stakeholders, including statutory bodies, on plans whilst under development.

150. As set out in Chapter 2, we will be retaining two points of formal consultation within the 30 month plan-making timeframe. We propose to set out in regulations that planning authorities will be required to carry out two rounds of consultation: the first for a minimum of eight weeks after scoping following the first gateway assessment; and the second for a minimum of six weeks shortly before the final gateway assessment, prior to submission of the plan for examination. This is longer than the current statutory minimum and is in addition to early participation that would be required during the scoping phase.

151. In response to some of the existing challenges around formal consultation in the current system, we propose that in the new system, the regulations governing the two formal consultation windows should:

- define the role and purpose of these windows more clearly, reflecting where these sit within the wider end-to-end local plan process; and
- enable the submission of representations in a form which maintains and strengthens accessibility for communities, but makes it easier for planning authorities to process.

152. In the new system, the Project Initiation Document will be the starting point for planning authorities to set out their proposed methods of consultation. This document will be considered at the first gateway assessment, where the authority's overall approach to engagement and consultation will have received independent oversight to ensure it is on the right track.

153. Building on this, we propose to define more clearly in regulations what the purpose of each formal consultation window will be, so that planning authorities know what to focus on, and communities and other users of the system have a better understanding of how their views will be able to influence the process. Our proposals are as follows:

- The first window should build on outputs from the early participation carried out in the scoping phase. To ensure that communities can meaningfully influence the plan, we expect that questions asked at this consultation will focus on validating the vision for the area and test the broad options for the plan, including the key spatial choices.
- The second should seek views on the draft plan which the planning authority intends to submit for examination.

154. By the second consultation window, communities and other stakeholders, including statutory bodies, should have had sufficient opportunity to influence and make representations on wider ideas in the plan, through both early participation and the first consultation window. The second window should therefore be more focused, and key to its success will be ensuring that questions are well-structured

and targeted to garner clear community views on specific proposals and improve the clarity of representations received.

155. To make representations easier for planning authorities to analyse, we propose to develop a series of templates that authorities should use these to collect responses. Templates have the ability to support planning authorities in analysing responses more effectively and can be used to ensure that submissions are ‘machine readable’ wherever possible and not submitted in PDF format by default.

156. We recognise the importance of maintaining accessibility for all in responding to consultations, therefore templates will be designed to provide sufficient flexibility when used. Development of templates would draw on learnings from existing materials (for example, the model representation form (https://www.gov.uk/government/publications/model-representation-form-for-local-plans) already published by the Planning Inspectorate , would be developed collaboratively through a user-led approach and would be designed to support the adoption of digital approaches.

157. Other proposals in this consultation will also support our aim for greater involvement, including the local plan timetable which will make it clearer when people are able to have their say, and the new requirement to prepare a policies map that will be digital and interactive, making plans clearer, and easily accessible to all.

> Question 27: Do you agree with our proposal to define more clearly what the role and purpose of the two mandatory consultation windows should be?

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

Chapter 9: Requirement to assist with certain plan-making

Background

158. The Levelling Up and Regeneration Bill sets out a “Requirement to Assist with Certain Plan Making”. This will give plan making authorities the power to legally require that “prescribed public bodies” provide assistance to develop or review the local plan, minerals and waste plan, supplementary plan, spatial development strategy, infrastructure delivery strategy, marine plan or policies map. We will set out which organisations are within the definition of prescribed public bodies within regulations, but we propose to include important infrastructure providers, even if they are private utility companies, as well as other bodies of a public nature.

159. Our initial proposal for the list of bodies to be given the requirement to assist is set out in in Table 2 below, but we are keen to hear views on whether all of these bodies are appropriate or whether other bodies should be added:

Table 2 Proposed prescribed public bodies

Environment Agency
Historic Buildings & Monuments Commission for England (Heritage England)
Natural England
Civil Aviation Authority
Homes & Communities Agency
Integrated Care Boards
Office of Road and Rail
Highway Authority, Local Transport Authority, Integrated Transport Authority or Transport for London
Local Enterprise Partnership
Local Nature Partnerships
Local Nature Recovery Strategy responsible authorities
Health & Safety Executive
Lead Local Flood Authority
National Health Service Commissioning Board
Rail Infrastructure Managers or Rail Network Operators
Sport England
Energy Undertakers
Telecommunications Undertakers
Water & Sewerage Undertakers
Where relevant:

Mayor of London
Combined Authorities
Marine Management Organisation
Canal and River Trust
County Councils
Coal Authority
Crown Estate Commissioners
Forestry Commission
National Park Authorities
Office for Nuclear Regulation
Toll Road Concessionaires
North Sea Transition Authority

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

160. The aim is to avoid either late provision of information or unexpected issues being raised late in the plan preparation process, or even at examination, which will be particularly important in the context of local plans, given the new 30 month timeframe for preparing them.

Proposed approach

161. Our proposed approach is that at the beginning of the plan preparation process, in other words during the four months initiation period before the 30 month timeframe begins, plan making authorities notify all relevant interested parties when they commence work on a new plan or revised plan, in much the same way that is common practice already. In the majority of cases this should result in engagement from those bodies at appropriate stages in the plan-making process. The intention therefore is that the requirement to assist will be reserved for cases where the planning authority is not getting the engagement and/or information that it needs. In which case the authority would formally notify the body of the need to provide relevant assistance. We intend to set this out in Planning

Practice Guidance, alongside an expectation that any requirements should be proportionate.

162. There would however be nothing preventing a plan making authority from notifying relevant bodies under the requirement to assist in that initiation period. If used in this way, there would be no sense in which a notice under the requirement to assist would elevate any concerns where there may be an issue with the provision of assistance.

> 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.

Chapter 10: Monitoring of plans

Background

163. The overall purpose of monitoring and reporting is to ensure that plans are meeting their key objectives, policies are effective and that updates of the plan are effective. This will be more important with the clear requirement for a plan update to commence, at the latest, 5 years from adoption. Monitoring can also be a powerful tool to build more trust in the planning process, by showing transparently how well plans are delivering.

164. Under the current system, local planning authorities, including those for minerals and waste, are required to produce an Authority Monitoring Report (AMR) to illustrate how local plan policies are being implemented and any additional steps needed to implement policies, and update on the progress against the Local Development Scheme. Where applicable, the AMR must also set out the net additional dwellings (including affordable dwellings) over the reporting period and since the policy was first published or adopted, the details of any neighbourhood development order or neighbourhood development plan that has been made, certain information relating to any Community Infrastructure Levy and updated details of actions taken over the reporting period in regards to the duty to co-operate.[footnote 5] There is a separate requirement for Spatial Development Strategies which covers some, but not all the above-mentioned requirements.

165. Authorities are also required to monitor the significant environmental effects of the implementation of the plan[footnote 6] , for the purpose of identifying unforeseen adverse effects at an early stage and taking appropriate remedial action. Reforms to environmental assessment in Part 6 of the Bill Environmental Outcomes Reports further clarifies this requirement. We will look to combine this requirement with plan monitoring and other environmental reporting requirements wherever possible to maximise synergies and benefits and minimise costs.

166. Planning authorities can largely choose for themselves which targets and indicators to use to assess the implementation of policies provided they are in line

with the relevant legislation. There is also a degree of flexibility on how frequently AMRs are prepared, so long as they are produced at least every 12 months. The limited detail about what is expected of authorities in the current system results in a variable approach to monitoring, with some authorities clearly devoting significant resources to monitoring and others taking a much lighter touch approach, and it is not always clear that monitoring genuinely assists in supporting updates to plans.

167. The Levelling Up and Regeneration Bill provides a power for the government to require planning authorities to provide information, on the implementation of policies relating to the authority's area. They are also required to monitor the environmental effects of the implementation of the plan, and once reforms to environmental assessment processes are in place, the delivery of specified environmental outcomes. We intend to use regulations to give clarity on the requirements and to set a small number of common metrics to monitor implementation of policies. The Bill also enables the establishment of a requirement to monitor the progress of plan preparation, the timings for which would be set out through the local plan timetable (see Chapter 4).

Proposed approach

168. A clearer, more focused approach to monitoring will ensure that planning authorities have a better understanding of how the plan is performing, and the impact of development on the local environment to ensure that subsequent updates to plans can be more targeted. To support this, we propose that monitoring in the new system will have two distinct elements:

1. **a light touch annual return.** This will include progress against plan making activities proposed in the local plan or minerals and waste plan timetable, and as a minimum it will also report on a small number of nationally prescribed metrics (see below) to assess the implementation of key policies against the output of the plan. These are intended to remain stable to enable the identification of trends over a longer period. Planning authorities will be free to supplement this list with any locally significant metric that they choose; and
2. **a detailed return to inform updates to the plan.** By 4 years after adoption of a local plan or minerals and waste plan, at the latest, planning authorities should prepare a fuller analysis of how planning policies and designations are being implemented, and the extent to which the plan is meeting the overall vision for their area. This may also consider where policies are no longer relevant. The scope and content of this monitoring report is proposed to be left to individual planning authorities but should be designed to inform the forthcoming update of the plan, which will need to commence five years after adoption, at the latest.

169. To ensure clarity and simplification of monitoring plan policies in the new system, we propose to set out a requirement for planning authorities to report against a small set of nationally prescribed metrics. This will support a more streamlined approach to monitoring as authorities will know exactly what they need to report against as a minimum requirement. We therefore propose to require that, as a minimum, planning authorities report on:

Table 3 Monitoring of plans

Proposed monitoring metrics	Detail of metrics
Housing	Net additional dwellings completed (including conversions)
	Net affordable units completed
	Proportion of new homes permitted on brownfield land
	Net additional pitches & plots for gypsies and travellers
Economy	Net change in employment floorspace
Environment and Open space	Net change in designated open space
	Net change in designated habitats due to development
	Delivery of 10% Biodiversity Net Gain
	Progress toward net zero emissions from buildings (to be developed)
Minerals*	Aggregate landbank
	Amount (ha) of non-mineral development granted permission in a Mineral Safeguarding Area despite a Mineral Planning Authority objection
Waste*	Waste generated (split by waste stream)
	Waste management methods (% recycled, recovered and disposed)
	Capacity at waste management facilities (split by management method)
Environmental Outcome Reports (EORs)	Assessment of the contribution to meeting Environmental Outcomes and identification of any remedial action that needs to be undertaken

* These would only be required for plans which include minerals and waste policies, i.e., those prepared by single tier, upper tier and national park authorities.

170. To help clarify requirements and support the streamlining of the monitoring requirement, we also propose that a template is made available for authorities to use as the basis for reporting their monitoring activities, to ensure this is done consistently and to enable easier comparisons between the performance of plans in different areas. We propose to set out in policy an expectation that any templates provided by the government will be used by authorities when undertaking their monitoring. Templates will be designed to provide sufficient flexibility, for example to enable authorities to capture their own specific metrics, whilst ensuring that key standards are met.

171. We propose that reporting of the minimum requirements, as stated above, takes place annually and is made available digitally and at least on the authority's website by the anniversary of the plan adoption, as this gives a clear target and is helpful to inform the general progress of key policies relating to plan-making.

172. To ensure that monitoring is meaningful and tailored to local circumstances, we also propose that on top of the minimum requirement for reporting, planning authorities should monitor against the success of implementation of their specific vision for the local plan or minerals and waste plan (as set out in Chapter 1). The vision set out by each authority will be underpinned by evidence and based on measurable outcomes that authorities can monitor and report against.

173. However, we appreciate that not all policies will benefit from annual reporting, in particular those which relate to the long-term vision where the changes made by the implementation of the policies are not yet visible. We propose that a fuller monitoring report is required to inform the next update of the plan. This would therefore be required at least every four years, but it could be earlier where an update is planned or required to begin less than five years from adoption. The report would need be made available to the Secretary of State and on the authority's website. This report should consider all outcomes as set in the planning authority's vision statement.

174. We are considering which environmental metrics would be proportionate for monitoring purposes in the transitional period before the implementation of Environmental Outcome Reports, and whether that should be different to the list in Table 3.

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

> Question 32: Do you agree with the proposed metrics? Do you think there are any other metrics which planning authorities should be required to report on?

Chapter 11: Supplementary plans

Background

175. The Levelling Up and Regeneration Bill provides for the creation of new supplementary plans. These plans are intended to be produced at pace to enable planning authorities to react and respond positively to unanticipated changes in their area separate from the local plan or minerals and waste plan preparation process. This could include allocating and shaping an unexpected regeneration opportunity or introducing new site-specific policies including in relation to design, infrastructure or affordable housing. Supplementary Plans are not intended to be used routinely; planning authorities should prioritise including all policies in their local plan or minerals and waste plan, leaving supplementary plans only for exceptional or unforeseen circumstances that need resolving between plans.

176. The exception to this is where local planning authorities will also be able to use supplementary plans to discharge the new Bill requirement to produce an authority-wide design code which will be used to provide, or reinforce an authority's overarching design vision, setting out high level strategic design parameters to apply to development.

177. In some circumstances, supplementary plans could also build on existing policies in the development plan, for example, to set out a design code or masterplan for a site allocated in a local plan.

178. The reforms will remove the role of Supplementary Planning Documents and Area Action Plans. The introduction of supplementary plans will help to provide clarity and simplify the development plan framework. Supplementary plans will have the same weight as a local plan and other parts of the development plan, giving communities and applicants much more certainty about the documents that applications are determined in line with. They will therefore also be subject to consultation and an independent examination.

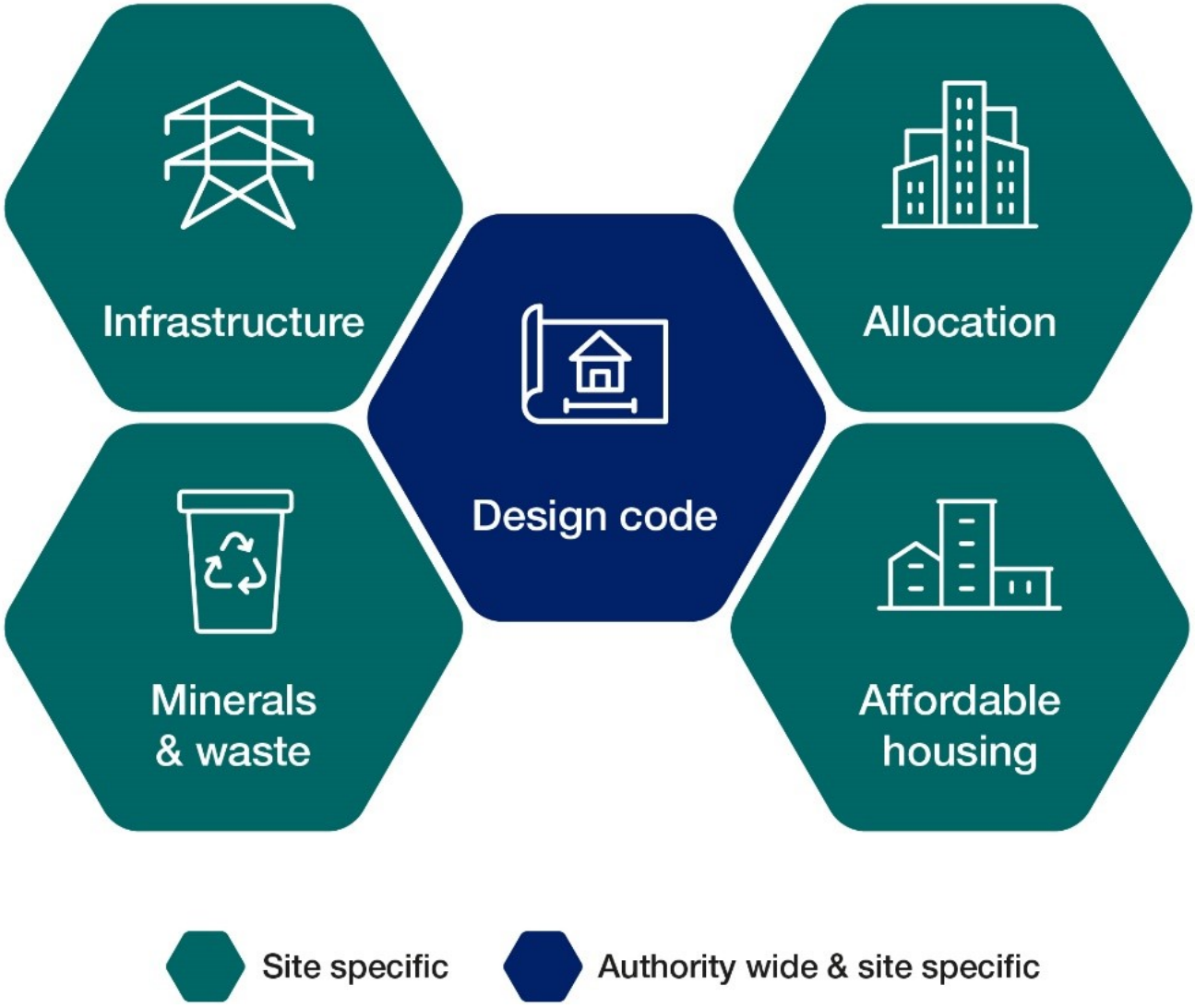
179. Like local plans and minerals and waste plans, supplementary plans will not be able to repeat NDMPs and must be in general conformity with a relevant operative Spatial Development Strategy.

180. The Bill places certain limits on the allowable scope of supplementary plans (either by subject matter or geographically), so that they do not subvert the role of the local plan as the principal planning policy framework for the local planning authority's area. Supplementary plans prepared by planning authorities are limited geographically to matters relating to a specific site or two or more nearby sites. However, a supplementary plan prepared by a local planning authority may set out a design code, which may cover a wider area. This will allow supplementary plans prepared by planning authorities to address site-specific needs or opportunities which require a new planning framework to be prepared quickly (like a regeneration opportunity). Supplementary plans prepared by local planning authorities may then also act as a vehicle for setting out authority-wide or other design codes.

181. Aligned to the principle that spatial development strategies cannot allocate sites for development, the Bill makes clear that a supplementary plan prepared by the Mayor of London, or other Mayoral Combined Authorities with strategic plan-making powers, may only include requirements with respect to design that relate to

development, or development of a particular description, throughout Greater London.

Figure 5 Supplementary plans prepared by local planning authorities: example topics at spatial scale of plan



Alt text

A diagram which shows example topics that a supplementary plan might cover, by spatial scale. The text contents of the image are provided in the plain text below.

Plain text

Site specific:

- Infrastructure
- Minerals and waste
- Allocation
- Affordable housing

Authority wide and site specific:

- Design code

182. As such, if area wide planning policies need updating or a new policy, other than one addressing design, is required to cover an entire authority area, local planning authorities will need to update their local plan instead of preparing a supplementary plan. This equally applies in respect of minerals and waste plans, which should be updated as necessary by minerals and waste planning authorities.

183. The Bill states that all supplementary plans must be designed to secure that the development and use of land in the authority's area contribute to the mitigation of, and adaption to, climate change, so far as the relevant plan-making authority consider appropriate, having regard to the subject matter of the supplementary plan.

184. Supplementary plans will also benefit from wider reforms mentioned in this consultation document. These include ensuring evidence base requirements are proportionate and plan preparation processes and plans themselves are digital, transparent, understandable and map-based.

Proposed approach

Preparation procedure

185. As part of the local plan timetable or minerals and waste plan timetable Bill provisions, planning authorities will need to set out any supplementary plans which they are to prepare and certain details including: the subject matter and geographical area, site or sites to which each of those supplementary plans is to relate and whether the authority is to prepare a joint supplementary plan. Because they are optional, supplementary plans will not have a defined preparation time such as the 30 months proposed for local plans and minerals and waste plans. As set out previously, supplementary plans should not be used routinely, local planning authorities should make every effort to include policies and allocations in their local plans.

186. The Bill sets out that supplementary plans must be in general conformity with a relevant operative spatial development strategy and the relevant plan-making authority must have regard to any other part of the development plan which has effect for the area or a site to which the plan relates when preparing a supplementary plan (including the local plan and its local vision for growth, and any neighbourhood plans). However, they can be prepared prior to the adoption of a new style local plan.

187. Whilst local plans and minerals and waste plans will continue to lead the planning policy response to the local vision and spatial strategy and holistically plan for the local area, supplementary plans will provide a mechanism to respond to unanticipated development opportunities between plan-making cycles, with the expectation that supplementary plan content will be merged into the next iteration of the local plan, where those policies remain relevant.

188. The Bill sets out that supplementary plans prepared by planning authorities may contain any subject matter which may be in a local plan or minerals and waste plan but must be site specific or relate to two or more sites which an authority consider nearby to each other; except for design related supplementary plans which may be authority area wide[footnote 7].

189. For site based supplementary plans only, when assessing whether two or more sites are 'nearby' to each other, important factors could include: geographical distance between sites; relationship to sites in other similar sized settlements or neighbourhoods in the authority area (or neighbouring authority area, for a joint supplementary plan)) or for the delivery of planning obligations.

> 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?

190. Depending on content, supplementary plans may be subject to Environmental Assessment (or subsequent Environmental Outcomes Reports) obligations. We expect planning authorities to use an environmental screening approach for supplementary plans similar to that used for neighbourhood plans.

191. The Bill allows for regulations to make provision about the preparation, withdrawal or revision of supplementary plans. Given the possible diversity and flexibility of supplementary plans, different preparation procedures may be suitable for different types of supplementary plans.

> 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.

Consultation

192. Supplementary planning documents or guidance currently go through limited consultation and no public examination. Supplementary plans will undergo formal consultation with communities and stakeholder, including statutory bodies and independent examination.

193. A key objective for planning reform is to enhance opportunities for public involvement, which includes where planning authorities are creating policies on additional matters not covered in their local plan, or minerals and waste plan, for example, through supplementary plans.

194. The government remains committed to support planning authorities on plan-making engagement and we intend to set out in guidance that informal engagement will be encouraged throughout the supplementary plan-making process. However, there is a balance to be struck when preparing plans that aim to

be able to flexibly respond to planning needs, at pace, whilst ensuring sufficient meaningful formal consultation opportunities. The Bill ensures that regulations must require a proposed supplementary plan to be the subject of consultation with the public. We intend to set out in regulations that supplementary plans should have a minimum of one formal consultation stage, the timeframe for which will be set out in the local plan timetable or minerals and waste plan timetable.

> 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?

Examination

195. The Bill's approach to the independent examination of supplementary plans is broadly modelled upon the existing arrangements for neighbourhood plans (which already form part of the development plan once brought into force).

196. The general rule is that the independent examination is to take the form of written representations. However, the examiner must cause a hearing to be held for the purposes of receiving oral representations if the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of an issue or that a person has a fair chance to put a case.

197. The Bill provides two options for the independent examination of supplementary plans. Plan-making authorities may submit their draft supplementary plan to the Secretary of State, for the examination to be carried out by a person appointed by the Secretary of State, or to an examiner of the authority's choosing who is an independent, impartial person and who is suitably qualified.

198. The government believes that the examination process for neighbourhood plans remains fit for purpose. However, we have heard views that, for especially large, complex, or locally contentious supplementary plans, it might be more appropriate for the examination to be carried out by a person appointed by the Secretary of State. This is due to the additional resources and expertise that that the Planning Inspectorate can call upon, and because the Bill sets out that where supplementary plans are adopted, this must be with modifications recommended by examiners.

199. With these matters in mind, we are keen to hear views on whether we should set thresholds to guide the decision that authorities make about the choice of which supplementary plan examination route to follow.

> 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.

200. The Bill sets out that an examiner cannot recommend that a supplementary plan is adopted until they consider that the relevant procedural requirements have been met. These include consideration of whether the authority or plan:

a. has had regard to, where necessary, to other parts of the development plan when preparing their supplementary plan
b. is in general conformity with an operational strategic development strategy
c. secures that local development and use of land contribute to the mitigation of and adaption to climate change
d. if the supplementary plan includes sites that are “nearby” to each other
e. have complied with any requirements relating to the preparation of supplementary plans set out in regulations, including requirements in relation to consultation with the public
f. has had regard to government guidance that may be relevant. We expect that this will apply to all planning guidance, including the extent of evidence required, rather than simply new guidance prepared to support the preparation and examination of supplementary plans

201. We also propose to set out in regulations a requirement for plan-making authorities to prepare a statement for the examiner setting out how their plan has addressed the points above, to ensure clarity for the examiner and interested parties.

> 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?

Supplementary Planning Document transition

202. SPDs provide advice or guidance which covers a wide range of topics, local detail and evidence and are an expression of a planning authority’s position on how this is expected to be treated in decision taking.

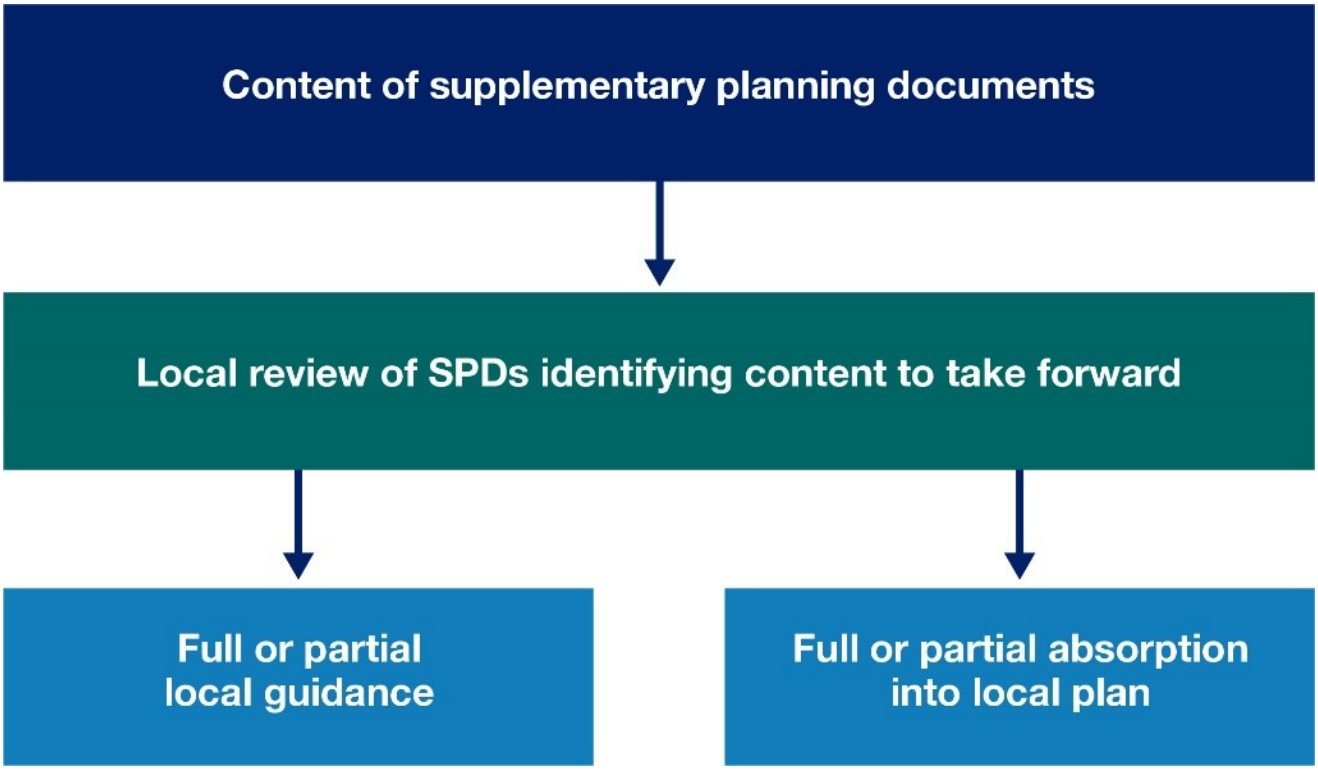
203. Our December 2022 consultation Levelling-up and Regeneration Bill: reforms to national planning policy, (https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy) proposed that when the new plan-making system comes into force, existing SPD Regulations (and SPDs) will remain in force for a time-bound period; until the local planning authority is required to adopt a plan prepared under the reformed system when current SPDs will automatically cease to have effect.

204. Based on feedback received, we confirm our intention, contingent upon Royal Assent of the Levelling Up and Regeneration Bill, as well as Parliamentary

approval of the relevant regulations, SPDs will remain in force until planning authorities adopt a new style local plan or minerals and waste plan.

205. We acknowledge that authorities have invested considerable time and effort in creating SPDs and that their content is locally beneficial. With this in mind, planning authorities should review their SPDs to identify whether the advice or guidance is still relevant and consider whether the content should be revised and remain as guidance, or should be integrated into their new-style local plan. Planning authorities should ensure that important policies which are required for decision-making purposes sit within the local plan or minerals and waste plan.

Figure 6 Supplementary planning documents: elective route



Alt text

A flow diagram which explains how plan-making authorities could review their SPDs to identify whether the advice or guidance is still relevant and consider whether the content should be revised and remain as guidance, or should be integrated into their new plan. The text contents of the image are provided in the plain text below.

Plain text

Content of supplementary planning documents

Arrow to:

Local review of SPDs identifying content to take forward

Arrow to:

- Full or partial local guidance

- Full or partial absorption into local plan

Chapter 12: Minerals and waste plans

Context

206. The minerals planning system plays an essential role in ensuring that there is a sufficient supply of the materials required to deliver the infrastructure, buildings, energy and goods the country needs. The waste planning system plays an equally important role in minimising waste generation and ensuring that there is adequate capacity to sustainably manage waste which is produced. Robust, up to date, locally produced minerals and waste plans underpin the effective delivery of the planning system for these types of development.

Proposed approach

207. Minerals and waste plans will continue to form an important part of the development plan under the reformed system. The Levelling Up and Regeneration Bill requires each minerals and waste planning authority to prepare “one or more documents which are to be known collectively as the minerals and waste plan”. This will continue to enable minerals and waste plans to be produced as:

a. A single document - a minerals and waste plan
b. separately – a minerals plan and a waste plan
c. where possible through local government structure, incorporated as part of a local plan, as set out in Section 15C(8).

208. Whilst the approach taken in the Bill means that minerals and waste plans are now distinct from local plans in legislation, many of the provision in the Bill relating to local plans also apply to minerals and waste plans[footnote 8]. In developing further implementation detail in relation to this through regulations, we propose that the process for the preparation, examination, review and updating of a document which is to be, or form part of, a minerals and waste plan, will continue to be the same as that for a local plan. As such, other parts of this consultation document are relevant to minerals and waste plans, and we would encourage comments or concerns on how the new system would work for minerals and waste plans to be raised through the specific questions posed throughout this document.

209. There is no change proposed to the authorities which are required to consider local planning policy for minerals and waste under the existing system. The flexibility provided in the Bill enables authorities to continue incorporating their minerals and waste policies to their local plan where they have powers for both local plans and minerals and waste plans. This will ensure authorities are able to take whichever approach works best for their local circumstances.

210. Recognising that minerals and waste are often strategic cross boundary issues, it will also continue to be possible for two or more minerals and waste

planning authorities to work together to produce a joint minerals and waste plan where this would appropriate.

> 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?

Chapter 13: Community Land Auctions

Context

211. Part 5 of the Levelling Up and Regeneration Bill provides for time-limited pilots of Community Land Auctions (CLAs), expiring ten years after the date the first CLA regulations are made. CLAs are a longstanding idea for capturing uplift in land value, akin to competitive tendering, and are a process of price discovery. They provide an alternative approach for identifying land for allocation for development which seeks to improve land value capture for the benefit of local communities.

212. The value of land typically increases at numerous points in the development cycle. For example, land value increases when land is allocated in a local plan, and when planning permission is granted (with ‘hope value’ increasing in relation to the likelihood of either of these events). The current system of developer contributions captures a proportion of this value uplift via negotiated agreements between the local planning authority and the developer (section 106 planning obligations) or through a local levy mechanism such as the Community infrastructure Levy (CIL), or the proposed Infrastructure Levy (IL) as introduced through the Levelling Up and Regeneration Bill. Both section 106 and CIL rely on local planning authorities making assumptions about the premium required by a landowner to release their land for development.

213. For s106 agreements, this can manifest itself through viability negotiations between the local planning authority and developer. Under this system, there is a risk that developers will pay more for land than is necessary, and negotiate down their developer contributions, to ensure development remains viable. For CIL and the IL, local planning authorities set non-negotiable rates, which developers must pay. When setting rates, the local planning authorities must balance the desirability of securing funding with the need to ensure that development remains viable, and land will continue to be brought forward for development. When setting rates, local planning authorities typically make assumptions about the land value uplift that will occur, and the level of premium that a landowner will require in order to ensure that development will come forward.

214. The competitive nature of CLAs will encourage landowners to reveal the true price at which they would willingly part with their land: if they choose to offer a higher price, they risk another site being allocated for development, in which case they will secure no value uplift at all through the CLA arrangement. In a CLA

arrangement, the local planning authority does not have to assume landowner premiums, as the local planning authority will know the exact price at which landowners would sell their land for the purposes of development.

215. While assumptions can be made about the average premium required, the exact premium will change from site to site, depending on the circumstances of the landowner. CLAs are a process that seek to ‘discover’ the actual price at which an individual landowner will release their land for development, rather than making broader assumptions about the average premium needed.

216. CLAs are designed to dovetail into the new local plan making process, more detail in respect of which can be found throughout the other chapters of this consultation.

Community Land Auctions and the Infrastructure Levy in the Levelling Up and Regeneration Bill

217. The Levelling up and Regeneration Bill gives the government powers to introduce a new Infrastructure Levy (IL). The new IL will be a locally-set, mandatory charge levied on the final value of development and will largely replace the existing system of developer contributions. The IL will be the main mechanism to improve land value capture and address problems arising in the current system, the details of which were recently subject to a technical consultation.[footnote 8]

218. However, CLA arrangements provide the opportunity to pilot a further innovative approach in certain areas, which may support increased land value capture. DLUHC expects that CLA arrangements will be put in place and run in a small number of local planning authorities, who will put themselves forward to participate in the pilot, referred to throughout the remainder of this section as ‘piloting authorities’. The detailed design of CLA arrangements will be set out in CLA regulations, and it is our intention to pilot CLA arrangements in different areas with different characteristics, to ensure that their effectiveness can be measured across a variety of geographical areas. In piloting authorities, land will be brought forward and allocated for development in the local plan through the CLA arrangement.

219. This section invites comments from respondents on the Community Land Auction pilot proposals. Consultation responses will inform the preparation and content of CLA regulations. We intend to consult on the draft CLA regulations in due course.

Proposed approach

Community Land Auctions process

- **Identification of land for allocation in a local plan**

220. In piloting authorities, as part of the site identification and selection process, landowners ‘bid’ to have their land selected for allocation in an emerging local plan

by stating the price at which they would willingly sell their land for development. The offer from the landowner, once an option agreement is in place with the piloting authority, becomes a legally binding option (known as a “CLA option”).

- **Assessment of land put forward for allocation**

221. Once the piloting authority has acquired options over land put forward in the site identification phase, they will then decide which land to allocate in their emerging local plan by considering a range of factors that will be set out by the government. Unlike the conventional local plan-making process, the Bill sets out that when CLA-piloting authorities are making decisions surrounding site allocation, they will also be able to consider the financial benefits that they are likely to accrue from each site. Financial benefits include the benefits that a piloting authority will or could derive from a CLA option, allowing option prices to be taken into account as part of the land allocation process for a local plan. How, and the extent to which, financial benefits may be taken into account, including how they are to be weighed against other factors, will be set out in CLA regulations. The existing requirement to prepare local plans with the objective of contributing to the achievement of sustainable development as per Section 39 of the Planning and Compulsory Purchase Act 2004, will remain.

- **Consultation and examination**

222. Piloting authorities will be required to consult on the proposed land allocations in their draft local plan, before the plan is submitted and independently examined in public, in accordance with the local plan preparation procedures (as modified by Schedule 7 to the Bill) (see Chapter 2). We set out in our May 2022 Levelling Up and Regeneration Bill policy paper (https://www.gov.uk/government/publications/levelling-up-and-regeneration-further-information/levelling-up-and-regeneration-further-information), and confirmed in Chapter 8, that there will be a requirement for two mandatory consultation windows before plans are submitted for independent examination.

223. The examination of local plans where a CLA arrangement is in place will be the same as the examination of local plans in areas where CLA arrangements are not being piloted (the proposals for which are set out in Chapter 7), with one material difference. This difference is that, as set out in the Bill, an Inspector will also be permitted to take into account any financial benefits that the piloting authority has, will or could derive from a CLA option when deciding whether or not the plan is sound. We will set out in CLA regulations how, or the extent to which, financial benefits may be taken into account when deciding whether the plan is sound, including how any financial benefit is to be weighed against any other relevant factors.

Auction

224. Once the local plan is adopted and sites are allocated, the piloting authority can sell the CLA options over the land the piloting authority has allocated for development. In line with new section 15C(3), to be inserted into the Planning and Compulsory Purchase Act 2004 by Schedule 7 to the Bill, local plans will need to

include policies setting out the type of development that will be acceptable on allocated sites. This will provide certainty to developers and communities. These policies may also set out on-site infrastructure requirements, or requirements relating to affordable housing, and how other local and national policies will be applied. Piloting authorities may wish to bring forward some further detail in a site-specific Supplementary Plan (under provisions in new section 15CC, to be inserted into the Planning and Compulsory Purchase Act 2004 by Schedule 7 to the Bill) (see Chapter 11).

225. If the CLA option is sold, the piloting authority keeps the amount the successful bidder paid for the option (the "CLA receipts"). The successful bidder owns the option and can exercise the option (to purchase the land) by paying the price set out by the original landowner in the option agreement to the landowner. Piloting authorities can also exercise options themselves to buy the land, and either sell the land to a successful bidder, or develop the land themselves. Planning permission will not be granted automatically on sites that have been allocated in the local plan through the CLA arrangement, and planning permission will need to be sought in the usual way.

- **Spending receipts collected from a CLA arrangement, and the CLA Infrastructure Delivery Strategy**

226. The piloting authority will be able to spend CLA receipts in accordance with requirements set out in CLA regulations. Clause 134(1) of the Bill requires CLA regulations to set out that piloting authorities must spend CLA receipts on supporting the development of an area by funding infrastructure or on funding the operation of CLA arrangements in relation to the piloting authority's area. There is a non-exhaustive definition of "infrastructure" in clause 134(4), which replicates the list set out for the IL in new section 204N (to be inserted into the Planning Act 2008 by Schedule 12 to the Bill).

227. To strengthen infrastructure delivery and identify infrastructure priorities, piloting authorities may be required by CLA regulations to prepare and publish a CLA Infrastructure Delivery Strategy (IDS), as set out in clause 137(1) of the Bill. This would allow piloting authorities to take a more strategic approach to the delivery of local infrastructure by setting out the strategy for delivering local infrastructure, including affordable housing, and spending of CLA receipts, to give communities a clear view of how piloting authorities intend to use CLA receipts in their area.

228. The aim of the CLA IDS would be to provide certainty and clarity to infrastructure providers and developers regarding the deliverability of infrastructure required by the local plan, as well as the feasibility of securing the necessary funding for schemes. It would seek to make the use of developer contributions (including CLA receipts) more strategic.

229. The CLA IDS would replicate our approach to spending and infrastructure delivery as required for the IL as set out in the recent technical consultation. The key difference is that whilst IL regulations must make regulations to this effect, CLA regulations may make regulations requiring the use of an IDS. The government

sought views on how an effective IDS would operate in the technical consultation on the Infrastructure Levy. Retaining this optionality for CLA arrangements would allow the Secretary of State to take a judgement as to whether piloting authorities should also be required to publish a CLA IDS when running the novel CLA process.

How will Community Land Auction arrangements align with other systems of developer contributions?

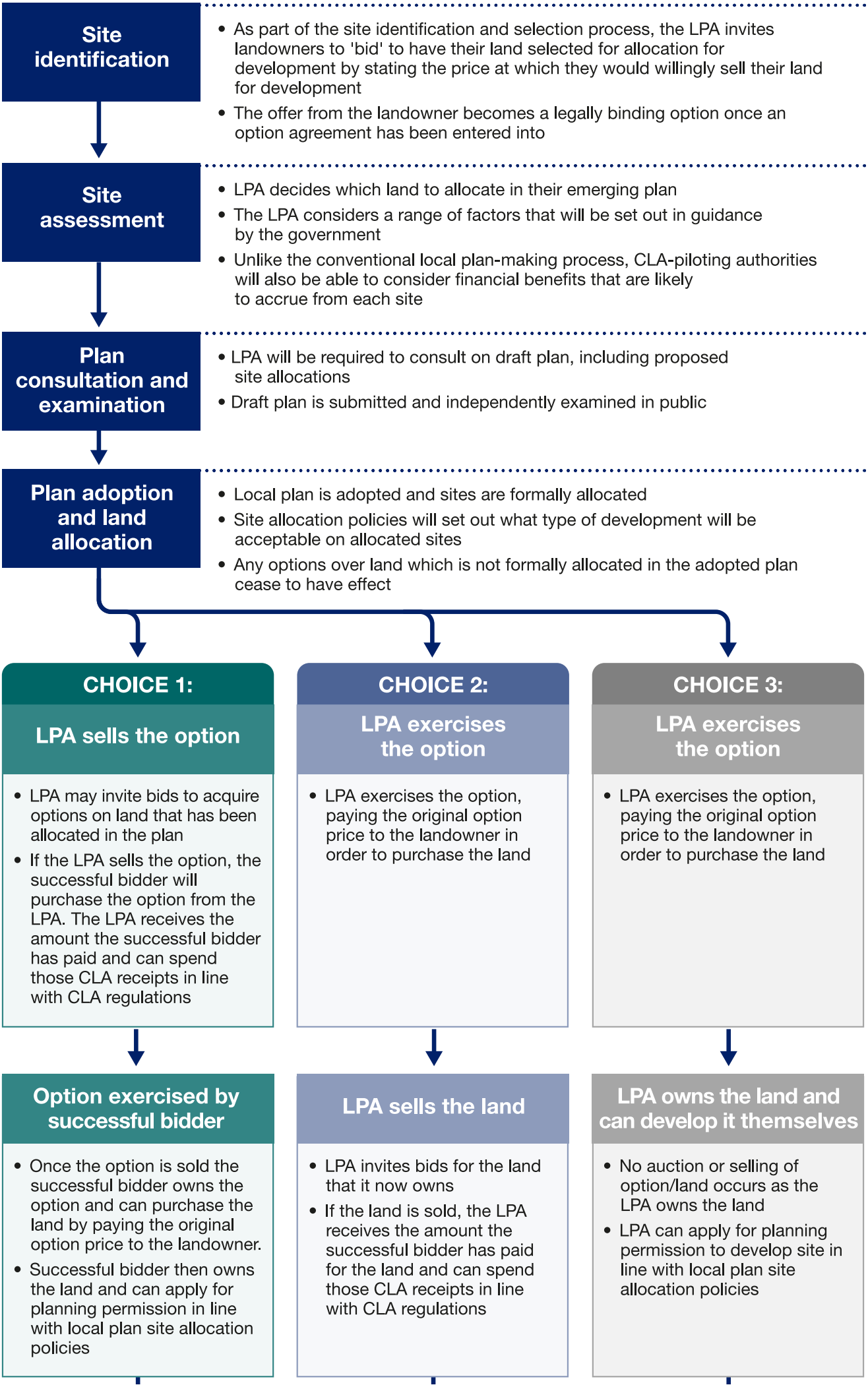
230. Community Land Auction arrangements will become a significant source of land value capture in areas where they are piloted. However, it will still be necessary to have other forms of developer contributions in place, for instance to secure infrastructure and onsite affordable housing. Where other forms of developer contributions are in place, we expect this to be reflected in the auction prices that developers pay in order to secure land.

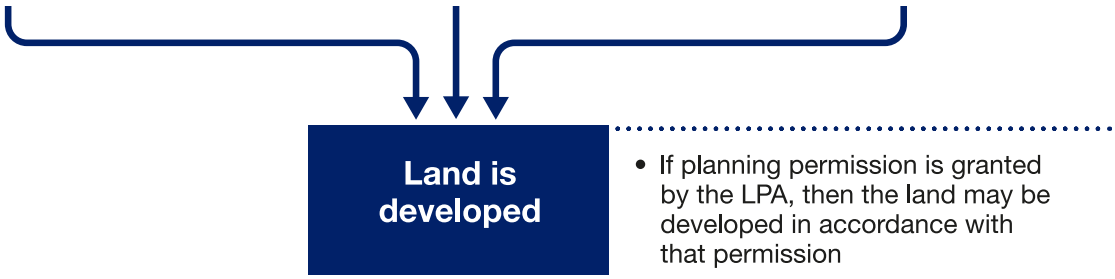
231. In the first instance, we expect pilot authorities will introduce Community Land Auction arrangements instead of the IL, and to secure infrastructure and affordable housing contributions through s106 agreements where necessary. This will be necessary to ensure that piloting authorities are being asked to deliver a manageable amount of change, and to isolate the impacts of CLAs against those of the IL, which will enable us to properly assess the effectiveness of Community Land Auction arrangements. However, in the longer term, we can explore aligning CLAs with the IL.

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

> 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?

Figure 7 Community Land Auction process


Site identification
As part of the site identification and selection process, the LPA invites landowners to 'bid' to have their land selected for allocation for development by stating the price at which they would willingly sell their land for development
The offer from the landowner becomes a legally binding option once an option agreement has been entered into
Site assessment
LPA decides which land to allocate in their emerging plan
The LPA considers a range of factors that will be set out in guidance by the government
Unlike the conventional local plan-making process, CLA-piloting authorities will also be able to consider financial benefits that are likely to accrue from each site
Plan consultation and examination
LPA will be required to consult on draft plan, including proposed site allocations
Draft plan is submitted and independently examined in public
Plan adoption and land allocation
Local plan is adopted and sites are formally allocated
Site allocation policies will set out what type of development will be acceptable on allocated sites
Any options over land which is not formally allocated in the adopted plan cease to have effect
CHOICE 1:
LPA sells the option
LPA may invite bids to acquire options on land that has been allocated in the plan
If the LPA sells the option, the successful bidder will purchase the option from the LPA. The LPA receives the amount the successful bidder has paid and can spend those CLA receipts in line with CLA regulations
Option exercised by successful bidder
Once the option is sold the successful bidder owns the option and can purchase the land by paying the original option price to the landowner.
Successful bidder then owns the land and can apply for planning permission in line with local plan site allocation policies
CHOICE 2:
LPA exercises the option
LPA exercises the option, paying the original option price to the landowner in order to purchase the land
LPA sells the land
LPA invites bids for the land that it now owns
If the land is sold, the LPA receives the amount the successful bidder has paid for the land and can spend those CLA receipts in line with CLA regulations
CHOICE 3:
LPA exercises the option
LPA exercises the option, paying the original option price to the landowner in order to purchase the land
LPA owns the land and can develop it themselves
No auction or selling of option/land occurs as the LPA owns the land
LPA can apply for planning permission to develop site in line with local plan site allocation policies



Alt text

A flow chart to explain the proposed Community Land Auctions process. The text contents of the image are provided in the plain text below.

Plain text

Site identification

- As part of the site identification and selection process, the LPA invites landowners to ‘bid’ to have their land selected for allocation for development by stating the price at which they would willingly sell their land for development.
- The offer from the landowner becomes a legally binding option once an option agreement has been entered into.

Site assessment

- LPA decides which land to allocate in their emerging plan.
- The LPA considers a range of factors that will be set out in guidance by the government.
- Unlike the conventional local plan-making process, CLA-piloting authorities will also be able to consider financial benefits that are likely to accrue from each site.

Plan consultation and examination

- LPA will be required to consult on draft plan, including proposed site allocations.
- Draft plan is submitted and independently examined in public.

Plan adoption and land allocation

- Local plan is adopted and sites are formally allocated.
- Site allocation policies will set out what type of development will be acceptable on allocated sites.
- Any options over land which is not formally allocated in the adopted plan cease to have effect.

CHOICE 1: LPA sells the land

- LPA may invite bids to acquire options on land that has been allocated in the plan.

If the LPA sells the option, the successful bidder will purchase the option from the

- LPA. The LPA receives the amount the successful bidder has paid and can spend those CLA receipts in line with CLA regulations.

Option exercised by successful bidder

- Once the option is sold the successful bidder owns the option and can purchase the land by paying the original option price to the landowner.
- Successful bidder then owns the land and can apply for planning permission in line with local plan site allocation policies.

CHOICE 2: LPA exercises the option

- LPA exercises the option, paying the original option price to the landowner in order to purchase the land.

LPA sells the land

- The LPA invites bids for the land that it now owns.
- If the land is sold, the LPA receives the amount the successful bidder has paid for the land and can spend those CLA receipts in line with CLA regulations.

CHOICE 3: LPA exercises the option

- LPA exercises the option, paying the original option price to the landowner in order to purchase the land.

LPA owns the land and can develop it themselves

- No auction or selling of option/land occurs as the LPA owns the land.
- LPA can apply for planning permission in line with local plan site allocation policies.

Arrow from all three choices:

Land is developed

- If planning permission is granted by the LPA, then the land may be developed in accordance with that permission.

Chapter 14: Approach to roll out and transition

Background

232. We remain committed to ensuring a smooth transition from the current to the future plan-making system. Below, subject to Royal Assent of the Levelling Up and Regeneration Bill, we confirm certain key milestones and also set out further matters on which we would welcome feedback.

233. Our December 2022 consultation Levelling-up and Regeneration Bill: reforms to national planning policy (https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy), proposed that:

> " plan makers will have until 30 June 2025 to submit their local plans, neighbourhood plans, minerals and waste plans, and spatial development strategies for independent examination under the existing legal framework… [and]…all independent examinations of local plans, minerals and waste plans and spatial development strategies must be concluded, with plans adopted, by 31 December 2026. These plans will be examined under the current legislation."

234. Consultation respondents saw these proposals as broadly reasonable, if challenging, allowing time for authorities to get up-to-date plans in place. There were wide-spread calls to provide some flexibility on the 31 December 2026 adoption deadline, to avoid a 'cliff edge' scenario.

235. **We confirm our intention that the latest date for plan-makers to submit local plans, minerals and waste plans, and spatial development strategies for examination under the current system will be 30 June 2025. We also confirm our intention that those plans will, in general, need to be adopted by 31 December 2026. As referred to above, these dates are contingent upon Royal Assent of the Levelling Up and Regeneration Bill, as well as Parliamentary approval of the relevant regulations. However, we are setting this out now to provide planning authorities with as much notice as possible of these dates.**

236. For local plans and minerals and waste plans, this would mean that if an authority were to fail to meet the adoption deadline, or their plan were to fail at examination or be withdrawn, they would, in general, be required to commence preparation of a new-style plan immediately.

237. Regulations will provide limited flexibility for authorities to adopt plans at a specified later date in the most exceptional circumstances. Arrangements for Neighbourhood Plans will be set out in due course.

238. Our December 2022 consultation (https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy) also proposed the following timeline for preparing local plans, spatial development strategies, minerals and waste plans and supplementary plans under the reformed system:

> " 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. So, for example, if an authority last adopted a local plan on 31 March 2022, the preparation of a new plan must start by 1 April 2027. For a plan adopted in mid-December 2026, the preparation of a new plan must start by mid-December 2031. The period of 5 years applies from the date of adoption. Authorities can begin preparing a new plan sooner if they wish."

- " Authorities that do not meet the 30 June 2025 submission deadline for 'old-style' plans (as set out previously) will need to prepare plans under the new plan-making system."

239. The consensus among consultation respondents was that the government should put in place a transitional timetable for plan preparation, covering the transitional period and beyond.

240. We confirm our intention to have in place the regulations, policy and guidance by autumn 2024 to enable the preparation of the first new-style local plans and minerals and waste plans. As set out above, this deadline is contingent upon Royal Assent of the Levelling Up and Regeneration Bill, as well as Parliamentary approval of the relevant regulations.

241. While many local planning authorities supported our timeline proposals, some feedback suggests that it might be unrealistic for a large group of authorities to commence plan-making at exactly the same point. Concerns were also raised about a lack of professional capacity in the system to support this and that such an approach would not enable authorities to learn from emerging best practice. Our analysis suggests that, under the proposal set out above, around 90 authorities could be required to start preparing new-style local plans at the same time.

242. So, to ensure a smooth transition to the plan-making new system, we are seeking views on options for a more phased roll out.

Proposed approach

243. Under the roll-out options set out below, we propose to provide expert plan-making support to a first, small cohort of around ten "front runner" authorities to prepare new-style local plans. This will ensure there is a strong foundation of learning and best practice for other authorities to draw upon.

244. The first cohort of local planning authorities, the "front runners" could start plan-making from autumn 2024.

245. The next key milestone would be 30 June 2025. This would be seven months after the first cohort had started, so all the first gateway assessments should have

been completed and there will be learning and best practice for other authorities to draw on.

The remaining authorities would be:

- ranked chronologically by the date that they have most recently adopted a plan containing strategic priorities
- grouped together sequentially into groups of up to 25 authorities
- each groups allocated a 6 month plan-making commencement window (a "wave"), within which plan making should start

246. This approach provides an even distribution and avoids a large bulge of authorities starting plan-making shortly after the new system in in place. It will also help ensure that sufficient resources are available to deliver gateway assessments and independent examinations.

Alternative roll-out options

247. We are interested in hearing suggestions on other ways to potentially group authorities, for instance via housing market areas, county boundaries or based on their rural or urban compositions. There would be benefits of such approaches but also administrative complexities.

248. An additional option would be to allow authorities to begin plan-making earlier than these dates should they wish to, with the waves acting as a final 'back stop' by which authorities should have begun preparing their new plan. This however raises a risk of losing some of the benefits of putting authorities into waves, if high numbers decide to start in the same time period (i.e. a larger number than can be managed by the professional capacity in the sector).

Proposals around protection from speculative development

249. Our December 2022 consultation Levelling-up and Regeneration Bill: reforms to national planning policy (https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy), set out the following:

> " We also intend to set out that plans that will become more than 5 years old during the first 30 months of the new system (i.e. while the local planning authority is preparing their new plan), will continue to be considered 'up-to-date' for decision-making purposes for 30 months after the new system starts."

> " Additionally, where a plan has been found sound subject to an early update requirement, and the Inspector has given a deadline to submit an updated plan within the first 30 months of the new system going live, this deadline will be extended to 30 months after the new system goes live. This will ensure that local planning authorities are protected from the risk of speculative development while preparing their new plan."

250. Should we go ahead with one of the roll-out options set out above, we intend to extend this transitional protection from speculative development. Once the new

plan-making system is commenced, after their most recently adopted plan is five years old, for 30 months after the point at which they are required to start making their new-style local plan, authorities would be protected from speculative development (i.e. their plans would be considered up to date for decision making purposes). This is intended to ensure that local planning authorities do not face adverse consequences from being placed into a wave which would mean them beginning plan-making later than they otherwise would do.

251. An additional option would be to allow planning authorities to begin plan-making earlier than these dates should they wish to, with the waves acting as a final ‘back stop’ by which local planning authorities must have begun their new plan. This however raises a risk of losing some of the benefits of putting local planning authorities into waves, if high numbers decide to start in the same time period (i.e. a larger number than can be managed by the professional capacity in the sector).

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

Support for the first authorities preparing new-style plans

252. As set out above, we intend to provide an enhanced support package for around 10 “front runner” authorities preparing the first local or joint local plans, minerals and waste plans or joint minerals and waste plan under the new planning system.. This will help ensure there is a strong foundation of learning for other planning authorities to draw upon, as well as helping make sure the new system gets off to a good start. We will confirm details of who can apply and how in due course, but it is likely that priority will be given to authorities with the most up to date plans. We intend to take this approach to help incentivise those with a recent record of plan-making to come forward and drive successful plan delivery in the first cohort. As we have set out previously, we expect that areas with the most up-to-date plans will be in the best position to adapt to new plan-making processes.

Supporting the resilience, capacity and capability of local planning authorities

253. We recognise that many local planning authorities are facing significant capacity and capability challenges, including challenges in recruiting and retaining planning professionals and other technical experts with the right skills and experience.

254. We want to support and work with local planning authorities to ensure they have the skills and capacity they need, and support planning departments to recruit, retain and develop planners and build a more sustainable planning system.

255. We have introduced a Capacity and Capability programme, which will seek to provide direct support to local planning authorities that is needed now. This comprises direct funding now, delivering upskilling opportunities for existing

planners, and further developing the future pipeline into the profession in order to continually improve the resilience of local planning authorities.

256. This programme consists of a number of interventions, including a new 2-year graduate programme delivered through the Local Government Association, funding to support the national roll out of Public Practice, a social enterprise in the built environment sector, to support their work in helping local authorities to recruit and develop skills planners and built environment professionals. We have also announced an extension to the bursary scheme through the Royal Town Planning Institute (RTPI) which increases the size of the bursary from £2,000 to £5,000 for over 50 students.

257. We have also launched the Planning Skills Delivery Fund to support local authorities to help clear the backlog of planning applications as well as providing funding to support the development of core skills needed for the implementation of the measures contained in the Levelling Up and Regeneration Bill.

258. A national survey of local authority skills and resources has been launched for the first time and this s research will enable us to have a better geographical understanding of the skills gaps can challenges across local authorities and will enable us to further target capacity and capability support.

Chapter 15: Saving existing plans and planning documents

Background

259. This chapter of the consultation document sets out what will happen to existing Development Plan Documents, adopted under the Planning and Compulsory Purchase Act 2004 and historic polices saved under Schedule 8 to the 2004 Act, following the implementation of the reforms set out in the Levelling Up and Regeneration Bill.

260. We proposed in our December 2022 consultation Levelling-up and Regeneration Bill: reforms to national planning policy (https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy) that plan makers will have until 30 June 2025 to submit their local plans, neighbourhood plans, minerals and waste plans, and spatial development strategies for independent examination under the existing legal framework; this will mean that existing legal requirements and duties, for example the Duty to Cooperate will still apply to those documents.

261. We also proposed that all independent examinations of local plans, minerals and waste plans and spatial development strategies must be concluded, with plans adopted, by 31 December 2026. These plans will be examined under the current legislation.

Proposed approach

262. In line with our proposals for all local planning authorities to have a single local plan, we are proposing that when the new plan-making system comes into force, existing Development Plan Documents and saved policies will remain in force until the local planning authority adopt a new-style local plan. When that new-style plan is adopted, in line with the current arrangements, those existing Development Plan Documents and saved policies will automatically cease to have effect.

263. These proposals would also apply to minerals and waste plans and to spatial development strategies.

264. Statements of Community Involvement and Local Development Schemes should also remain in force where they relate to emerging “old-style” plans, until those plans are adopted or the deadline for their adoption passes.

265. Separate saving provisions for Supplementary Planning Documents are proposed in Chapter 11.

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

Equalities impacts

266. We are keen to hear about any potential impact these proposals may have on those with a protected characteristic, together with any supporting evidence and suggestions for any appropriate mitigation which can assist us in the future.

> 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?

About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Environmental Information Regulations 2004 and UK data protection legislation. In certain circumstances this may therefore include personal data when required by law.

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the information access regimes and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department for Levelling Up, Housing and Communities will at all times process your personal data in accordance with UK data protection legislation and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included below.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the complaints procedure (https://www.gov.uk/government/organisations/department-for-levelling-up-housing-and-communities/about/complaints-procedure).

Personal data

The following is to explain your rights and give you the information you are entitled to under UK data protection legislation.

Note that this section only refers to personal data (your name, contact details and any other information that relates to you or another identified or identifiable individual personally) not the content otherwise of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Department for Levelling Up, Housing and Communities (DLUHC) is the data controller. The Data Protection Officer can be contacted at dataprotection@levellingup.gov.uk or by writing to the following address:

> Data Protection Officer
> Department for Levelling Up, Housing and Communities
> Fry Building
> 2 Marsham Street
> London
> SW1P 4DF

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

We will collect your IP address if you complete a consultation online. We may use this to ensure that each person only completes a survey once. We will not use this data for any other purpose.

Sensitive types of personal data

Please do not share special category personal data or criminal offence data if we have not asked for this unless absolutely necessary for the purposes of your consultation response. By 'special category personal data', we mean information about a living individual's:

- race
- ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- genetics
- biometrics
- health (including disability-related information)
- sex life; or
- sexual orientation.

By 'criminal offence data', we mean information relating to a living individual's criminal convictions or offences or related security measures.

3. Our legal basis for processing your personal data

The collection of your personal data is lawful under article 6(1)(e) of the UK General Data Protection Regulation as it is necessary for the performance by DLUHC of a task in the public interest/in the exercise of official authority vested in the data controller. Section 8(d) of the Data Protection Act 2018 states that this will include processing of personal data that is necessary for the exercise of a function

of the Crown, a Minister of the Crown or a government department i.e. in this case a consultation.

Where necessary for the purposes of this consultation, our lawful basis for the processing of any special category personal data or 'criminal offence' data (terms explained under 'Sensitive Types of Data') which you submit in response to this consultation is as follows. The relevant lawful basis for the processing of special category personal data is Article 9(2)(g) UK GDPR ('substantial public interest'), and Schedule 1 paragraph 6 of the Data Protection Act 2018 ('statutory etc and government purposes'). The relevant lawful basis in relation to personal data relating to criminal convictions and offences data is likewise provided by Schedule 1 paragraph 6 of the Data Protection Act 2018.

4. With whom we will be sharing your personal data

DLUHC may appoint a 'data processor', acting on behalf of the Department and under our instruction, to help analyse the responses to this consultation. Where we do we will ensure that the processing of your personal data remains in strict accordance with the requirements of the data protection legislation.

5. For how long we will keep your personal data, or criteria used to determine the retention period.

Your personal data will be held for two years from the closure of the consultation, unless we identify that its continued retention is unnecessary before that point.

6. Your rights, e.g. access, rectification, restriction, objection

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

a. to see what data we have about you

b. to ask us to stop using your data, but keep it on record

c. to ask to have your data corrected if it is incorrect or incomplete

d. to object to our use of your personal data in certain circumstances

e. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at https://ico.org.uk/, or telephone 0303 123 1113.

Please contact us at the following address if you wish to exercise the rights listed above, except the right to lodge a complaint with the ICO: dataprotection@levellingup.gov.uk or

Knowledge and Information Access Team
Department for Levelling Up, Housing and Communities
Fry Building
2 Marsham Street
London
SW1P 4DF

7. Your personal data will not be sent overseas

8. Your personal data will not be used for any automated decision making

9. Your personal data will be stored in a secure government IT system

We use a third-party system, Citizen Space, to collect consultation responses. In the first instance your personal data will be stored on their secure UK-based server. Your personal data will be transferred to our secure government IT system as soon as possible, and it will be stored there for two years before it is deleted.

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1. As set out in paragraphs 1 and 2, chapter 4 of the December 2022 consultation: Levelling-up and Regeneration Bill: reforms to national planning policy. Government will respond to this consultation in due course.
2. The proposals set out in this document draw upon a number of areas of the Bill, including Chapter 1 of Part 3, Chapter 2 of Part 3 (in particular, Schedule 7 to the Bill), Part 5, and the general powers to make transitional and saving provision provided by Part 13 of the Bill. Access the latest version of the Bill (https://bills.parliament.uk/bills/3155/publications).
3. Technical consultation on the Infrastructure Levy (https://www.gov.uk/government/consultations/technical-consultation-on-the-infrastructure-levy); Environmental Outcomes Report (https://www.gov.uk/government/consultations/environmental-outcomes-reports-a-new-approach-to-environmental-assessment).
4. It is accepted that gateway assessments will not be able to make final decisions on matters of soundness, ahead of the examination in public, as this would risk pre-judging issues ahead of the wider public having their say. As such, the role of the gateway assessments will be to support early resolutions wherever possible, but lack of resolution would not necessarily prevent plans proceeding to examination.
5. As set out in Regulation 34 of the Town and Country Planning Regulations 2012/767 (https://www.legislation.gov.uk/uksi/2012/767/regulation/34/made).
6. The Environmental Assessment of Plans and Programmes Regulations 2004.

7. Note this does not apply to supplementary plans prepared by a minerals and waste planning authority.
8. By operation of new section 15CB(7), to be inserted into the Planning and Compulsory Purchase Act 2004 by Schedule 7 to the Bill.
9. Technical consultation on the Infrastructure Levy (https://www.gov.uk/government/consultations/technical-consultation-on-the-infrastructure-levy). If you wish to find out more about the Infrastructure Levy please contact the Department for Levelling Up, Housing, and Communities (DLUHC) Infrastructure Levy team at InfrastructureLevyConsultation@Levellingup.gov.uk.

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