

Response to Consultation:

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

Introduction

Lancaster City Council welcomes the opportunity to respond to the Government's consultation on plan-making reforms. This response represents the views of Lancaster City Council.

The Council recognises the importance of Local Plans in providing certainty to all over the ambitions in the Council around sustainably, the protection and enhancement of natural and historic assets, meeting the needs of our communities but also the ability to delivery on the range of ambitions of the Council, for instance seeking to address the Climate Emergency.

The Council, whilst welcoming some aspects of the reforms proposed, do not see sufficient clarity from the Government in how it will effectively balance the competing demands of securing more effective engagement with stakeholders while at the same time delivering a speedier and more efficient process. With many of the proposals set out there needs to be further guidance and detail before a clear position can be established.

There is also concern that some of the proposed changes to the plan-making process will result in a greater level of centralisation, particularly the role of gateway assessments, which has the opportunity to stifle local democracy and local input into shaping a plan which local people want. It is felt that the consequence of some of these reforms will see a reduction in democratic input into the preparation of local plans which is directly contrary to the Governments stated ambitions of opening up the planning system for all those who have an interest to participate in the process.

Furthermore, the Council are disappointed to see that a number of the proposed reforms are not reforms to the planning system and are simply reflective of what local planning authorities already do – for instance the use of core principles and vision. These are matters which are already addressed with the existing planning system and so the Council feels that a number of the proposals within this consultation do not express new ideas or new thinking.

The Council would recognise the value of effective and transparent consultation, and would welcome the opportunity to engage further on these proposed reforms as further details and guidance emerge. It is important that the Government take account of local planning authorities perspective on these matters as they can provide beneficial, real world, input into the effectiveness of the reforms proposed.

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

Regarding the core principles set out in paragraph 22 of the consultation document, the Council would agree that these represent the key elements of a Local Plan. The expectation that a Plan looks to contain a vision, a development strategy, a series of key policies (strategic or non-strategic) which look to address that vision and a specific monitoring framework is no different to the existing plan making process. Indeed, all these core components are contained within the 2020 Lancaster District Local Plan.

Consequently, it is not clear how this 'new' approach is any different from the existing approach, if that is the case then it is not clear what the purpose of the reform is in this regard. It just seeks to add a further layer of guidance which will add confusion within the planning system.

Reforms to the system need to be distinctly different to those approaches which have gone before, and it should be clear why the existing approach has either succeeded or failed. That is not the case here (and with many of the proposed 'changes' to the system).

One minor change is the use of the term 'beautiful'. The Council would re-iterate their concerns (as many other organisations have already) regarding the use of subjective terminology such as 'beautiful'. The use of the term 'beautiful' is different to different people and the use of the term, without any sort of definition, is not helpful. It is already intrinsic to the planning system. The planning system seeks to deliver development which is of a high standard and quality, securing design which is sympathetic to its surroundings. The use of the term 'beautiful' does not assist this matter.

Either the Government define what is meant by the term 'beautiful' or it should be removed from future national guidance.

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 Plans already include a vision which sets out the ambitions of the local planning authority over what it is seeking to achieve across the plan period. These should be locally specific to the area (and therefore standardisation would not be appropriate) and be reflected across the wider plan with policies which have measurable standards (for instance a specific housing requirement).

This is standard practice within the existing planning system and is reflected in paragraph 15 of the current NPPF. Again, reforms to the system need to be distinctly different to those approaches which have gone before, and it should be clear why the existing approach has either succeeded or failed.

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

The Council would agree that any Development Management policies should be locally specific and address issues which are locally important. They should not include policies which seek to duplicate national planning policy, nor should they include policies which could be described as unnecessary or burdensome.

However, the role of local DM policies should be a matter for the local planning authority and scoped out through engagement with key stakeholders, including the local community. The proposed approach in paragraph 32 of the consultation document suggests that the Government are seeking to set a high bar in terms of locally specific DM policies, and it is not clear what is meant by 'appropriate justification'. Does this mean the need to evidentially justify any approach (which seems contrary to the Governments stated ambitions around reducing the burden on authorities to produce evidence)?

The Council would agree that the policies, DM or otherwise should link back to the wider ambitions of the Council in terms of what is set out in the Vision and Development Strategy of the Plan.

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?

The Council would agree that the use of templates for specific elements of the plan making process would be useful in terms of consistencies across LPA areas and could make understanding the content and direction of Local Plan's simpler for users, particularly the local community.

However, templates by their very nature are prescribed and inflexible – unable to adapt to local situations and circumstances – and therefore their application should be carefully managed to fully understand their implications.

The role of templates – for instance in the presentation of mapping – would be beneficial. The use of templates to dictate how policies should be worded would not.

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

As Lancaster City Council is not a Waste and Minerals Authority, we have no comment to make on this matter.

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?

No. The Council would re-iterate their concerns from previous consultations on this matter that the inflexibility of a 30-month period for plan making is simply not realistic given the complexities of planning and the often conflicting opinions of stakeholders. The Government's stated ambition is to involve the local community in the plan-making process, the reality of this is that genuine engagement and consultation with the public to secure tangible outcomes takes time. The 30-month timeframe proposed does not realistically take account for opportunities for genuine engagement. It simply encourages LPAs to rush through the plan-making process.

Notwithstanding this, a recommended timeframe to focus LPAs is not seen as a bad idea. However, experience off preparing a recently adopted Local Plan would indicate that the preparation of a sound and inclusive plan would take longer than the 30 months currently identified.

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?

The Council agree that in principle the use of a 'Project Initiation Document' would help to define the scope of the plan and how it will be prepared. However, further guidance will be required to set out the detail of these documents and their wider role in the plan-making process. As it currently stands there is insufficient information to judge their benefits.

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

It would be beneficial for Councils to publish information on all key strategic policies and strategic sites (for instance housing and employment sites) via an interactive web map and also have the data readily available to be downloaded by the public in various formats (e.g. shapefile, OGC WMS web service, OGC WFS web service, API).

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?

The Council are aware of the challenges which are identified in the consultation document and have heard of other Councils who have experienced other challenges. Additionally, the lack of inclusion of UPRNs (Unique Property Reference Numbers) in datasets and inconsistency in site boundaries being drawn to Ordnance Survey Master Map can be a challenge a part of the plan preparation. The addition of UPRNs where possible in Local Plan datasets can enable multiple layers of data to be combined and analysed more effectively in the future (i.e. for monitoring purposes). Not all historic Local Plan data may have been drawn against Ordnance Survey Master Map so levels of accuracy of layers may differ. Also, the production of data in different formats can be challenging if the format does not naturally join to a shapefile. For example, certain formatting must be followed for an Excel document to join a shapefile or feature class.

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?

Yes. The opportunities identified are valid and it would be beneficial if each were improved in the future. Another opportunity for digital plan-making brings is the chance to integrate the latest technologies to aid those visually impaired / colour-blind. For example, using open-source software Color Brewer and ColorOracle, as well as the latest colour blind feature in ArcGIS Pro, are great ways improve digital inclusion.

Question 11: What innovations or changes would you like to see prioritised to deliver efficiencies in how plans are prepared and used, both now and in the future?

It would be beneficial if digital local plans were accessible to all (e.g. those colour blind). If local plans datasets were easily downloadable and had a standard formatting for the columns in all shapefile attribute tables, this would aid efficiency.

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?

As Lancaster City Council is not a Waste and Minerals Authority, we have no comment to make on this matter.

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?

The Council have no specific comments on this question. However, any key milestones should be linked to tangible indicators which have been set out within the early scoping stages of the plan-making process.

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?

The Council recognise the challenges and the fine balance in collecting a 'proportionate' evidence base. There has been little guidance provided on what is defined as a 'proportionate' evidence base which leads local planning authorities to over-preparing evidence to limit the risks of a plan not being found sound at Examination. The Council would agree that has led to burdensome levels of evidence which can complicate the plan-making process. The points raised in paragraph 89 of the consultation document are generally supported by the Council as methods where clarification on the levels of evidence could be provided.

The Council would support greater clarity on the levels of evidence which are required for the plan-making process and consequently a lower burden of evidence for the preparation of a Local Plan. However, the information provided within this consultation process is not sufficient to define what 'proportionate' means and further guidance on this matter, preferably within future revisions of the National Planning Policy Framework, will be required.

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?

The Council would agree that the standardisation of evidence requirements would provide consistency in terms of the suite of evidence which is required. The Government have yet to provide guidance or direction on what they consider to be a 'proportionate' level of evidence and certainty on this matter would be welcomed.

Whilst a standard approach is welcomed as a starting point, there needs to be a degree of pragmatism in terms of proposing a one-size-fits-all approach as it must be recognised that each place is different and will have different dynamics. Therefore, the standardised approach should be the starting point but there needs to be sufficient flexibility to be established to ensure that local circumstances can be addressed.

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?

The Council agree that at some point the plan-making process must get off the evidence carousel and its content and direction is robustly tested. For many this point arrives at the time of Submission of the Plan (Regulation 22). Again, the proposed reforms set out in this consultation document do not appear to be any different to the currently established approach.

The Council do not object to evidence being 'frozen' at a point in time, but it is imperative that if the Government is proposing such an approach, then it provides direction on when evidence is to be frozen.

For example, the issues described in paragraph 97 of the consultation document regarding the role of data which is 'regularly released' (for instance household projections) when should this data be frozen? Is it at the start of the plan-making process? Is it at the consultation of a draft plan? Is it prior to publication of the final iteration of the plan? The Council would agree from its own experiences that the cut off for the use of new data (particularly housing data) is a hotly contested matter from all spectrums of the debate – from those looking to lower housing numbers but also those seeking to increase them. Therefore, clear direction on this would be beneficial.

Whilst the consultation document highlights a very important issue, it does not provide the detail to understand how such matters will be addressed.

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?

The Council support the preparation of a proportionate and reasonable level of evidence to support the content and direction of the Local Plan. Over time the level of evidence which has been required has increased which has simply raised the level of burden on local planning authorities and the costs of plan-making.

Whilst the Council wholeheartedly support this, there is no guidance provided by the Government on what represents a 'proportionate and reasonable' level of evidence. There are no checklists provided on what constitutes core components of evidence which a local plan should have.

In this absence of national direction on this matter the default position remains the same and encourages local planning authorities to prepare larger suites of evidence to ensure that risks of the plan falling at Examination are minimised.

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?

The Council can see the merits of gateway assessments in the plan-making process where they are viewed as 'critical friend' advice. These assessments, particularly the first two assessments at the start and mid-way through the process, provide the opportunity to ensure that the plan is progressing in an appropriate and robust fashion.

The Council would raise some concern over the implications of the third assessment (prior to Submission) which would include binding recommendations on the Council which suggest that the Council cannot advance to Examination unless these recommendations are met. This seems to introduce a pre-examination process which will in itself be subject to public consultation. Again, this

seems to go beyond the stated ambitions of the Government in terms of allowing the wider community to shape the content and direction of the plan.

It is not clear what occurs when the binding recommendations of the third assessment are disputed by the local planning authority. In such cases this would suggest that the Council will be placed in a position of advancing a plan that they do not agree with and will not have recourse to make their case through an Examination process with the involvement of third parties.

This does not seem to be a robust or appropriate outcome and it is recommended that the outcomes of the third assessment reflect the first two in that they are accompanied by non-binding recommendations.

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

The Council would agree that the timings of the three assessments (i.e. at the start, mid-point, and pre-submission) represent the most logical points in the plan-making process to undertake these assessments.

The Council would also agree that, subject to their own resources to undertake these, that the Planning Inspectorate represent a logical responsible organisation.

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?

The Council would support the key issues identified in paragraph 113 of the consultation document. Guidance could be provided on the 'proportionate' level of evidence which is being prepared to support the Local Plan which is also seen as a key ambition of the Government within this consultation process.

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

No. Whilst the Council recognise that the role of gateway assessments may have benefits in terms of ensuring the approaches seek to meet the tests of soundness it is not clear that recommendations would save Local Planning Authorities any money. Therefore, the requirement to the Council to pay for such assessment simply adds further financial burden to the plan-making process at a time where financial resources within local government are tightly stretched.

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?

The Council do not object to the speeding up of Local Plan Examinations provided that it does not result in the reducing public confidence in the process or result in key issues within the Plan not being fully explored. It important that the Examination process is seen by all parties as the opportunity for an independent examination of the issues and the opportunity for any outstanding

issues to be heard in an objective and fair manner. Whilst speeding up the process would be of benefit it should not be at the detriment of these key principles.

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?

The Council do not have a specific view on this proposal, it would however recommend that any 'pause' to an Examination process should be on a case-by-case basis and judged on individual circumstances. It should be for the appointed Inspector(s) to determine the length of time required rather than a prescribed and inflexible time-period.

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?

The Council would agree that the 'Project Initiation Document' should include an approach to how the LPA intends to engage on the preparation of the Plan. This is very much which is already described in the 'Statement for Community Involvement' which sets out the minimum requirements for engagement throughout the plan-making process and provides opportunity for the authority to go further as and when appropriate to do so. It is anticipated this will be the same approach taken albeit in a different document.

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?

The Council have no objections to formally notifying relevant persons or bodies of the commencement of the plan-making process. Indeed, that is a process which for many, as best practice, already exists to ensure that all parties are clear that a new round of plan-making has commenced.

It is not clear however how 'early participation' as described in the consultation is any different to the current process of 'scoping' which is part of the current plan-making process. As part of scoping it offers opportunity for interested parties to discuss and shape the types of issue which the Local Plan should be seeking to address and enables discussion over high-level visions and objectives for plan making moving forward.

Reading through paras 142 – 148 it is not clear how the new approach is distinctly different to the existing approach and on that basis it does not appear to be productive to introduce new terminology to replace the well-understood scoping stage of plan-making.

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

The Council would suggest that early participation should inform the completion of the Project Initiation Document (PID) to ensure there is support from key stakeholders in the early stages of plan-making process. However, it should be mindful that engagement takes time and consensus

may not be achieved, that means consideration that the implications on timescales should be carefully considered and should how the PID should be presented where there is significant disagreement over its content and direction.

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?

No. The purpose of the current Regulation 18 and Regulation 19 consultations have been with Local Planning Authorities and have been well used and well understood by the public. The purposes of these two mandatory consultations (as highlighted in paragraph 153) do not appear to differ from the current understanding of Regulation 18 and Regulation 19 consultations. Therefore, the introduction of new terminology to essentially achieve the same thing is not necessary and would simply lead to confusion amongst the public and other stakeholders.

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

The Council would agree that the use of a standardised template for representations would be highly beneficial to collating and analysing responses. Whilst the Council have sought to standardise responses for some time now to maximise efficiency the reality has been that responses are still received in a number of ways – via email, written letter, PDF letter or online forms (the latter of which is the Council's preferred method).

Whilst the Council would accept with the Government's view that standardisation is preferable, it is not clear how this could be achieved or enforced in reality. Would the Government suggest that any responses received not in the standardised format not be accepted? If this is not the case then what is the motivation for responders to make use of the standardised approach?

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

The prescribed list does not include Active Travel England.

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.

The proposed approach is essentially the same as the current position. Failure to contact the relevant prescribed bodies in the early stages of plan-making places the local planning authority at great risk later on in the process and could result in the plan not being found sound.

This is acknowledged in paragraph 161 of the consultation document which states that the new process is to be undertaken *'much the same way that is common practice already'*.

Similarly to previous consultation responses, it is not clear why the new reforms are essentially suggesting a change which is no different to the current approach.

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

The City Council supports the establishment of a consistent set of national monitoring indicators. This approach has been provided in the past and ensures that a consistent approach to monitoring across geographical areas and over time is provided.

The annual monitoring of the delivery of the vision is also supported although additional information on this is required. There is the potential that this could result in the same level of work as required in the preparation of an annual Authority Monitoring Report something which the consultation implied it wanted to avoid.

The preparation of a more timely and detailed authority monitoring report is also supported, with this allowing local circumstances to be monitored in greater detail. It will ensure that the implementation of planning policies can be appropriately monitored with local indicators tailored to reflect local conditions.

The relationship of this with the current requirement to maintain and report on the delivery of a five-year housing land supply will need to be considered with the current consultation currently silent on this.

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?

Table 3 provides a list of high-level indicators which would benefit from consistent monitoring. Wider data collection on other topic areas will be picked up via the monitoring of the vision for an area and through the more detailed monitoring reports prepared by a local authority.

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?

Other factors could including functional links such as public transport connectivity, habitat connectivity and shared service provision.

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.

The Council do not have any specific views on this issue. However, the scope of Supplementary Plans should not be overly prescriptive to enable local planning authorities to consider their role and benefits in the context of local circumstances.

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?

The Council have no objections to a single stage of consultation. However, it is not clear what the consultation is seeking to infer with this issue. As it currently stands under the 2012 regulations there is only one formal stage of consultation to an SPD (Regulation 12). However, there is pre-regulation

consultation required in order to meet the expectations of legislation the preparation of a statement which takes account of earlier responses to the content of the SPD. This can only be achieved by a further round of consultation.

It is not clear whether these reforms are seeking to remove this earlier round of pre-engagement. If not, then the proposed reforms on this matter would not change the current position in terms of SPD preparation.

If the proposed reforms are making a genuine attempt to reduce the level of engagement, this seems to be contrary to the wider aims of the Government to seek more engagement and involvement in the planning process. If the level of engagement is to be reduced, then the reduction in engagement should not be used by third parties as a method of seeking to weaken the content and direction of an SPD for their own individual scheme.

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.

Lancaster City Council do not accept that SPDs should be subject to examination which would simply lead to an unnecessary delay in the production of SPDs. The Government do not provide any sort of advantage to imposing such a requirement on SPDs so it would simply lead to further inefficiencies in the plan-making system.

The Government make clear via paragraph 187 of their consultation that SPDs may need to respond rapidly to changes not envisaged in the plan, specifically it states '*supplementary plans will provide a mechanism to respond to unanticipated development opportunities between plan-making cycles.*'

Making SPDs undergo Examination will produce precisely the opposite of that ambition, with the reality being that SPDs have the threat of being unnecessarily stuck in the examination process. The process of neighbourhood plans is an unhelpful example to use, it is this Council's experience that some neighbourhood plans have been stuck in the system for months as they are vexatiously challenged by third parties intent in delaying their production.

Therefore, to answer the question it is the Council's view that SPDs should not be subject to examination in any of the methods described.

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?

See response to Question 36. The approach set out demonstrates the overly bureaucratic nature Government's reforms on this matter. It suggests that the Government are seeking to make the use and role of SPDs so overly difficult and challenging as to render the process useless. If this is the Government's ambition then the reforms should make this point clear.

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?

As Lancaster City Council is not a Waste & Minerals Authority we have no comment to make on this matter.

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

The Council would agree that more needs to be done to better capture land values to drive the delivery of key elements of infrastructure and higher quality development than we currently see, particularly in the North-West of England. In that regard the concept of Community Land Auctions is an interesting one and at least starts the discussion on how the planning system can look to address this important of matters.

However, the current consultation lacks detail on how this approach might work in reality. It is not clear what the motivations will be for landowners to offer up their land for a fixed price, particularly in areas where opportunities for development are limited due to wider constraints (which is the case in Lancaster). Where land supply is plentiful then this approach (subject to more detail) might move this issue forward, however for areas where supply is limited it is not clear this approach will have any value.

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?

There are significant risks to this approach. It risks the wider community seeing landowners simply 'buying' planning permission for their land. The terminology used ('Auction') would exacerbate these concerns.

It is important that, if such an approach is to be advanced, further detail is provided on how the assessment of land should be undertaken and how any decisions on allocating land are transparently and accountably presented to ensure that the local community can see the relative planning merits for the allocation of land.

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

The City Council do not have a view on which options should be implemented.

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

Lancaster City Council agree with the proposals for saving existing plans as described in paragraphs 262 – 265 of the consultation document.

Authorisation

Report Sign Off Mark Cassidy, Chief Officer - Planning and Climate Change, Lancaster City Council	22 September 2023
Business Committee Sign Off and Authority to Submit Councillor David Whittaker Chair of Council Business Committee, Lancaster City Council	

Background Files

The scope of the DLUHC consultation is available here:

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