

## **Council Business Committee**

# **Response to Government Consultation on Reforms to Plan-Making 12<sup>th</sup> October 2023**

## **Report of Chief Officer – Planning and Climate Change**

### **PURPOSE OF REPORT**

To inform members of the national consultation regarding proposed reforms to the plan-making system within England and to consider the draft response at Appendix 1 as the formal response from Lancaster City Council on this matter.

The Department for Levelling Up, Housing and Communities has published a series of proposed reforms to the way that local planning authorities are to prepare Local Plans to shape future development in their areas. The reforms which have been proposed are seeking to speed up the time which is taken to prepare local plans to make them more responsive to local changes, greater embrace the role of digital innovation and seek to encourage a greater participatory role for all interested parties in the plan-making process, particularly greater input from a wider cross-section of our communities.

The Government consultation is seeking responses on the general principles of these reforms and whether they will achieve the Governments ambitions about plan-making, as summarised above. The reforms, if advanced, will require the publication of further detailed guidance on their implementation, likely through future revisions to both the National Planning Policy Framework (NPPF) and its associated planning practice guidance.

The response, as set out in Appendix 1, is required to be submitted to Government prior to the closure of the consultation period which is on Wednesday 18<sup>th</sup> October 2023.

**This report is public.**

### **RECOMMENDATIONS**

- (1) That the draft response at Appendix 1 of this report is submitted to the Department for Levelling Up, Housing and Communities as the formal response from Lancaster City Council.**

#### **1.0 Introduction**

- 1.1 On the 25<sup>th</sup> July 2023, the Department for Levelling Up, Housing and Communities (DLUHC) published a consultation paper on proposed reforms to the plan-making system (i.e. the process to which local planning authorities prepare their statutory local plans). The Government are currently seeking views on these proposed reforms.

1.2 The Levelling Up and Regeneration Bill (the Bill) seeks to reform the existing planning system which it believes currently are too onerous, too inefficient and does not allow for genuine engagement with local communities on issues which are critical to their local area. The reforms which have been identified as part of the consultation are, the Government believes, opportunities to address these issues in the plan making process and achieve a modernisation of the planning process in this country. In particular, the reforms will focus on the following matters:

- Making the role and content of plans clearer.
- Speeding up the process of preparing Local Plans
- Ensuring Local Communities are engaged
- Dealing with the current complexity of the plan-making system
- Making the most of digital technology
- Introducing the role of Supplementary Plans and Community Land Auctions

1.3 The reforms which have been set out in this consultation paper have been informed by responses to the 2020 Planning for the Future White Paper. The council's response to the White Paper was considered on the 15<sup>th</sup> October 2020.

1.4 The recommendation from officers is that Lancaster City Council (the Council) submit a formal response to the consultation on plan-making reforms. The draft response is attached at Appendix 1 of this report.

## **2.0 Proposal Details**

2.1 The Government's consultation on their proposed reforms to the plan-making process address a wide range of matters that seek to make the preparation of local plans more efficient and more include for all those interested in shaping the content of plans. To summarise the key issues of the consultation:

- Review the timescales for preparing local plans and seeking to introduce a 30-month time period for their preparation.
- To boost the role of standardisation and digitalisation within the plan-making process to improve efficiency and consistency through the preparation of plans.
- To reduce the burden of evidence preparation on local plans, to ensure that the evidence prepared to support a local plan is proportionate to its content.
- To introduce the role of 'Gateway Assessments' into the plan-making process which will provide the opportunity for the local planning authority to receive advice and guidance on the direction of plans for outside, independent assessors.
- To boost the role of public participation in plan-making, particularly in the early stages of the process to ensure that local communities can help shape the content of plans. This is to be achieved through a greater role of digitisations and more engaging methods of consultation.

- To introduce the role of Supplementary Plans which are designed to replace the current Supplementary Planning Documents (SPDs) that assist local planning authorities in providing more detail on how local planning policies can be implemented.
- To introduce the role of 'Community Land Auctions' which are designed to address issues around securing land for development at a reasonable price and remove the challenges faced around development viability.

#### The Content of Local Plans

- 2.2 The reforms seek to slim down the content of Local Plans and remove their reputation of being lengthy and challenging documents to read and understand, particularly for local communities who try to understand the implications of local plans on their local area.
- 2.3 It is expected that local plans in the future will become more standardised and consistent in terms of the issues they seek to address and the way that information is presented to provide a more clear and understandable system for users. In achieving this, the Government see a key role in the adoption of new digital systems and tools to make the planning system more inclusive and interactive for the users.
- 2.4 The reforms make clear that local plans will need to include a concise and locally specific vision which sets out the aims and ambitions of the plan. Coupled with this will be a series of core principles which clearly set out how such a vision will be achieved through the course of the plan period. Such principles will be expected to be tangible, including targets which can be monitored to ensure they deliver the vision identified.

#### Timescales for Plan-Making

- 2.5 Through the consultation document, the Government consider the length of time it takes to prepare local plans to be too long. They indicate that the average local plan takes 7 years to prepare from its initial scoping stage through to its formal adoption.
- 2.6 The Government believe this to be too long, meaning that it creates uncertainty over the scale and location of new development and addressing local ambitions around planning.
- 2.7 It is therefore the intention of these reforms to speed up the planning process, increasing efficiencies – such as the reduction in the level of evidence needed to support plans and either removing or slimming down some stages of the preparation process, for example the spending up of Public Examinations into the Plan itself.
- 2.8 It is the ambition of Government to see plans being prepared across a period of 30-months from start to finish. It is anticipated through regular reviews and monitoring that local planning authorities seek to stick to these timeframes with potential penalties (albeit not specified in this consultation) being applied to any authorities who significantly alter from the 30-month preparation period.

#### Great Role for Public Participation

- 2.10 The reforms seek to address the perennial challenge of seeking greater engagement in the plan-making process so that its content and direction has sufficient support from local communities. The government wish to see such participation from an early stage in the plan-making process in order to shape the vision and principles which have already been described.
- 2.11 The reforms lack any detail on this engagement will be achieved, however the Government do see a great role for digital engagement with local communities,

particularly around the role of mapping which can provide a greater visual stimulus for local communities to participate.

- 2.12 The Government want to see the plan-making process simplified for to provide more certainty and clarity into the process for local communities.

#### Increasing Standardisation

- 2.13 In terms of boosting engagement and efficiencies in the plan-making process, the Government strongly advocate the role of standardisation. It is anticipated that standardising some elements of the plan-making process, for instance the preparation of supporting documents such as a the local plan timetable (the Local Development Scheme) and the standardisation of how interested parties can respond to planning consultations should result in a speedier process of plan-making and give certainty to how people can input into the process.

#### Introduction of Gateway Assessments

- 2.14 A key component of the proposed reforms is the introduction of Gateway Assessments as mandatory stages of the plan-making process. It is anticipated that three assessment will be required as a local plan is prepared, the first being at the very outset of its preparation to ensure that the plan is heading in the right direction and covering the necessary issues. The second being to consider the content and direction of the draft Plan in terms of its policy direction and allocations made to meet identified needs. And the final assessment coming immediately prior to the local planning authority submitting the plan for examination.
- 2.15 The purpose of these assessments will be to monitor that the plan is progress to the 30-month timescales described, that the plans (in terms of their content and direction) are progressing in accordance with national planning policy and that they are being prepared with sufficient participation from key stakeholders, including the local community.
- 2.16 The outcomes of the assessments, which will be undertaken by independent assessors from the Planning Inspectorate, will include a series of recommendations on how the plans can and should be evolved. The recommendations from the first to assessments would be advisory to the local planning authority, however the final assessment – prior to the plans submission – would contain a series of binding recommendations which the local planning authority would have to act upon prior to any submission of the plan to Government for Examination.

#### Supplementary Plans

- 2.17 There has been significant discussion since the publication of the 2020 Planning for the Future White Paper over the future of Supplementary Planning Documents (SPDs). It had been anticipated that the Government may seek to remove the right for local planning authorities to prepare SPDs however, through these reforms the Government are suggesting that the role of SPDs are replaced by the preparation of Supplementary Plans.
- 2.18 The content of Supplementary Plans, and their relationship to the Local Plan appear to remain relatively unchanged. However, the reforms suggest that an extra stage to the preparation process will be added to include the requirement for Examination of its content.
- 2.19 At present SPDs, whilst needing to go through a number of stages of public consultation are not subject to the lengthy process of examination – meaning that they

allow for interim guidance to be published to react to short term planning issues. However, the reforms will change that role of supplementary planning, lengthening the time it takes to prepare such documents. Whilst the length of time taken to prepare such supplementary documents will increase, the strength of its content will also increase as it will now be subject to the rigours of examination, thus affording it more weight in planning terms.

#### Community Land Auctions

- 2.20 The consultation document describes the concept of 'Community Land Auctions' as a potential method of capturing the uplift in land values which are associated with new development. This concept is being considered as a pilot at this stage with a number of authorities within England being asked to participate.
- 2.21 The consultation does not have significant detail on how Community Land Auctions will work, however it seems to indicate that it will seek local landowners to 'bid' to have their land included in the Local Plan by stating what price they would willingly sell their land for. This offer (if the land was assessed as being suitable and advanced with the Plan) would become a legally binding offer of land sale on the landowner with the land price fixed at the early stage of plan-making.
- 2.22 The purpose of 'Community Land Auctions' is intended to provide greater clarity over the respective value of land which is being identified for development in the plan and seek to overcome the issues on development viability which comes later on in the planning process – generally when a planning application is made.
- 2.23 Whilst it recognises a challenging issue in the planning system (i.e. the capture of uplift in land values) more detail will be required on how such an approach will work and how effective it would be in addressing this issue.

#### Transitioning to the Proposed New System

- 2.24 As with all reforms, the Government recognise that such changes to the plan-making system cannot be introduced overnight and therefore propose a transitional period where local planning authorities can continue to prepare plans under the current system.
- 2.25 The Government have set out a timescale for this transitional period. They have suggested that local planning authorities will have until 30 June 2025 to submit local plans for independent public examination under the existing legal framework and that any plans adopted under the current system must have been done by 31 December 2026.
- 2.26 Should plans not meet the deadlines outlined above, local plans would have to be withdrawn and restarted using the new system and associated legal framework.

### **3.0 Details of Consultation**

- 3.1 Following the publication of the proposed reforms in July 2023, Officers have drafted a response to the questions posed in the consultation document. The draft response (as attached in Appendix 1) has been refined following its presentation to Members at Local Plan Review Group on the 20<sup>th</sup> September. It is anticipated that, subject to any further comments from Business Committee Members, this version will be the formal response submitted to Government.

#### 4.0 Options and Options Analysis (including risk assessment)

	<b>Option 1: To formally respond to the Consultation with the draft at Appendix 1 of this report.</b>	<b>Option 2: To amend the draft response at Appendix 1 and submit the amendments as the formal response to the Consultation.</b>	<b>Option 3: To provide no response to this consultation</b>
<b>Advantages</b>	The view of the council will be considered when the government proceeds with reforms to the plan-making system.	The view of the council will be considered when the government proceeds with reforms to the plan-making system.	No Advantages
<b>Disadvantages</b>	The response may not result in the issues raised being dealt with in the final preparation of any reforms.	The response may not result in the issues raised being dealt with in the final preparation of any reforms.	The views of the council will not be taken into account.
<b>Risks</b>	The final outcomes of the reforms may not address the issues raised by the council.	The final outcomes of the reforms may not address the issues raised by the council.	The views of the council will not be taken into account and future opportunities to feed into the process may be lost.

#### 5.0 Officer Preferred Option (and comments)

5.1 Option 1 is the preferred option. This option will ensure that the Council provides views on the proposed reforms to the plan-making system. A further opportunity to comment is anticipated through changes to the National Planning Policy Framework.

#### 6.0 Conclusion

6.1 It is recommended that the proposed response set out in Appendix 1 is submitted as the Council's formal response to this consultation.

#### **RELATIONSHIP TO POLICY FRAMEWORK**

The councils Corporate Policies (Jan 2022) include securing investment for the district, transitioning to an accessible and inclusive low-carbon and active transport system, supporting flood resilience and developing housing to ensure people of all incomes are comfortable, warm and able to maintain their independence.

The Lancaster District Local Plan includes a range of policies which seek to deliver sustainable development which mitigates the impacts on infrastructure and provides affordable homes.

The consultation relates to how the plan-making system can become more efficient and responsive to local issues such as those described. The reforms are also seeking boost the participation of local people in the shaping of plans.

**CONCLUSION OF IMPACT ASSESSMENT  
(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):**

Responding to the Consultation provides the council with the best opportunity to raise any issues relating to these matters.

The Government will consider all responses received from the consultation as they seek to progress and refine their reforms to the plan-making system which will subsequently be implemented by the Council using the direction given through national regulation and policy around impact assessments.

#### **LEGAL IMPLICATIONS**

None identified.

#### **FINANCIAL IMPLICATIONS**

Responding to the consultation required officer time that has been absorbed within existing resources. There are no further financial implications at this stage.

#### **OTHER RESOURCE IMPLICATIONS**

**Human Resources:**

None Identified.

**Information Services:**

None identified.

**Property:**

None Identified.

**Open Spaces:**

None Identified.

#### **SECTION 151 OFFICER'S COMMENTS**

The s151 Officer has been consulted and has no comments to add.

#### **MONITORING OFFICER'S COMMENTS**

The Monitoring Officer has been consulted and has no comments to add.

#### **BACKGROUND PAPERS**

The consultation document can be found here:

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

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