RTPI response to 'Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms'

October 2023

About the RTPI

The Royal Town Planning Institute (RTPI) champions the power of planning in creating sustainable, prosperous places and vibrant communities. We have over 27,000 members in the private, public, academic, and voluntary sectors. Using our expertise and research we bring evidence and thought leadership to shape planning policies and thinking, putting the profession at the heart of society's big debates. We set the standards of planning education and professional behaviour that give our members, wherever they work in the world, a unique ability to meet complex economic, social environmental and cultural challenges.

Chapter 1: Plan content

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

Strongly agree / <u>agree</u> / neutral / disagree / strongly disagree

Yes, we agree with the core principles for plan content under the section 'proposed approach', and that, as outlined elsewhere in the consultation, more effective community engagement, and plans that are far more accessible to the general public, would be an important step forward.

Supporting these ambitions, we think it may be appropriate to include the following additional principles for local plan content, originally suggested in the discussion paper ['What does a good local plan look like?'](#) (shared with DLUHC on 14 October 2022, and authored by Catriona Riddell FRTPI):

- Vision-led and outcome-focused;
- Clear in scope, focussing on what is appropriate to the place and setting the highest standards;

- Evidence based, not evidence led; and
- In 'general conformity' with national policy.

In addition, it would be beneficial to enshrine the following principles for plan content in guidance:

- It should link to strategic (i.e. cross-local authority) evidence bases, plans and priorities where these exist and are relevant; and
- In being local vision-led and meeting national priorities, consider local growth holistically, with housing delivery being a key aspect of this *alongside* employment, transport, utilities, logistics, etc.

More generally, local planning authorities (LPAs) should use local plans as delivery documents for infrastructure and housing delivery, rather than having a series of separate strategies for these issues. The currently generally fragmented approach can cause confusion and disjointed decision making. But fully integrating these strategies into the local plan would ensure that decisions about connected issues – such as land use, housing, and transport – are joined-up and evidenced together. This would provide clarity to communities and stakeholders and enable more comprehensive approaches to place making which bring a range of co-benefits (for example, opening up new sustainable sites for housing via transport investment).

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?

<u>Strongly agree</u> / agree / neutral / disagree / strongly disagree

We strongly agree. It is encouraging to see the switch to vision-led and outcome focused local plans and waste and minerals plans. We consider that a vision should take careful account of local circumstances. We also agree that the vision should set out measurable outcomes. However the scope of the vision should not be limited to matters which are easy to measure.

Key diagrams are welcomed and we have previously highlighted the importance of visualising plans; research the RTPI commissioned from Grayling ('The Future of Engagement', 2020) found that more needs to be done to ensure information shared digitally is easier to access and understand, with diagrams providing important context to technical information. A core finding of this research was that an increased focus on digital would particularly benefit individuals with a disability and 16–24-year-olds.

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

Strongly agree / <u>agree</u> / neutral / disagree / strongly disagree

Yes, we agree with both of the principles outlined in this part of the consultation. We also welcome the requirement for less additional justification, as LPAs are often required to produce further evidence at examination stage. Front-loading through early scoping and gateway assessment would reduce the burden on resource-limited policy teams.

However, we are unable to comment more widely on the scope or types of policy that will be covered by LDMPs because this depends on the policy which the government proposes to move into NDMPs – something which has yet to be explained or consulted on.

Question 4: Would templates make it easier for local authorities to prepare local plans? Which parts of the local plan would benefit from consistency?

Strongly agree / <u>agree</u> / neutral / disagree / strongly disagree

Yes, overall we agree that templates, if done well, would make it easier for LPAs to prepare local plans, particularly those which are resource constrained. They may also benefit the public (by ensuring that policy is written in an accessible style), applicants (by ensuring that policy is written in a consistent style between LPAs), and the overall quality of policy by encouraging innovation.

To be effective in this way it will be important for the templates to:

- Be regularly reviewed and updated to ensure that they are fit for purpose, respond to national priorities, and reflect local best practice;
- Provide space for local decision makers to approach and respond to policy challenges in a way that is most appropriate for their area, rather than encouraging conformity at the cost of local appropriateness.

Templates could be most effectively applied to the aspects of plans that generally require consistent approaches or presentation. This may include policy maps, site allocations, data presented within plans, and monitoring tables.

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

Strongly agree / <u>agree</u> / neutral / disagree / strongly disagree

Yes, assuming that templates the government proposes are fairly detailed, templates for local plan contents, and templates for minerals and waste plan contents will need to be different, because each deal with different policy themes, and thus requires different considerations. Therefore they are likely to require different approaches to laying out and justifying policy.

As discussed above, templates are best used for those aspects of plans which are consistent in presentation from one LPA area to another. This would also apply to new style minerals and waste plans.

Chapter 2: The new 30 month plan timeframe

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

Strongly agree / <u>agree</u> / neutral / disagree / strongly disagree

The RTPI supports the government's ambition for local plans to be delivered more quickly and, ideally, within a 30-month timeframe. Meeting this ambition will require LPAs to be ambitious, and a degree of policy stability which would enable them to fully bed in.

There are however a number of issues which need addressing in order for the 30-month timescale to be achieved. The following were raised by our members in consultation:

- **Under-resourcing in LPAs:** The increased pressure this rigid timeframe would inevitably place on severely under-staffed and under-resourced policy teams, where direct cuts have already made it hard to deliver local plans at pace. The government must urgently seek to address these resource and capacity constraints and be conscious of the lag time involved in recruiting staff. Perhaps consideration should be given to a policy-focused "backlog" fund as is currently operating for planning applications.
- **Under-resourcing in the Planning Inspectorate:** There is a general impression from across the system and profession that the Planning Inspectorate is stretched to capacity at present and would need additional funding and resourcing to be able to meet the new workload these proposals would entail.
- **Unaligned committee timetables:** Concerns about how the 30-month timetable would fit with committee processes, as how often Councils will need to go to committee will impact the timetable, with most LPAs having an 8–12-week lead in. This is particularly relevant with joint local plans which often retain separate decision-making governance structures.
- **The need to ensuring that pilot authorities are representative:** The 10 pilot authorities must be representative to garner the most effective best practice going forward. For example, they cannot all be combined authorities that are facing the same issues and should include LPAs in two-tier areas.
- **Whether this timeframe would apply to Spatial Development Strategies (SDS):** SDS should inform and/or set the context for emerging local plans. How would this condensed timeframe work within an area where a joint or combined authority SDS is being prepared?

We have also commissioned in-depth case study-based research on the key factors that determine the speed at which local plans are produced, which we will publish shortly and share with DLUHC. This research was based on 28 case study development plan documents, and has identified the following factors as key reasons for delays in production:

- **Changes to national planning policy:** These cause policy uncertainty, which in turn causes a) disruption in the planning process in terms of the time taken from submission to adoption, and b) fewer plans being adopted immediately after national policy changes are introduced;

- **Cross-boundary agreements on housing numbers:** Local plans that do not have to address the issue of the overall housing numbers for their area because there is already a cross-border agreement on housing numbers in place across a number of local authorities negotiate the period between submission and adoption more quickly than plans that have to determine the overall level of development; and
- **Instability of government policy on investment in major transport infrastructure:** Local plans can be delayed or withdrawn where central government support for new major transport projects that have been announced becomes uncertain or is withdrawn. This is because these projects (and the additional investment and infrastructure they bring) can be crucial to the viability of local plan proposals.

We also consider that delays from statutory consultees that are required to feed into evidence base preparation are a significant factor in delaying the whole plan-making process, but we hope that the proposals laid out in this consultation will help to address that issue.

Other considerations

Considering the concerns highlighted, authorities would be more likely to meet the 30-month timescale if the risks to delivery presented in Project Initial Documents are presented as fully fledged risk management plans. These would make clear where there may be potential problems with meeting the 30-month timescale, such as need for crucial infrastructure or where an area is impacted by nutrient neutrality. They should be used to anticipate potential problems during plan development whilst also aiding PINS to manage their workload.

Finally, it is noted that, in practice, the proposed plan-making timeframe actually translates as 34 months or more, as some of the most important work in the new plan-making process is proposed to be completed before the official start of the 30-month period, including consultation, agreeing an approach to consultation for rest of the plan-making period, scoping exercise, and work into the vision. Because this preparatory work will have huge influence over the success of subsequent plan progression and councils' ability to hit the 30-month deadline, there will be an incentive for them to take longer to complete this stage, even with the gateways acting as a counter balance.

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?

<u>**Agree**</u> **/ disagree / unsure**

Yes, particularly in relation to laying out LPAs' approach to public engagement, which these proposals give PIDs a key role in.

Statements of Community Involvement (SCI) — the current tool for doing this for local plans — have been proven to be problematic often in terms of their low profile and thus inaccessibility, inconsistency, lack of innovation and measurable principles, with a significant proportion out-of-date rendering many an under-utilised and under-performing tool within the planning system (see Civic Voice, "'Paper Tigers': a critical review of Statements of Community Involvement in England", 2021, for example).

The RTPI's joint research paper with Grayling, 'The Future of Engagement' (2020), which evaluated the impact of the Covid-19 pandemic on digital engagement in planning,

recommended that LPAs develop comprehensive strategies for digital and in-person engagement informed by the demographics and media consumption habits of target groups. A Project Initiation Document (PID) is likely to be much more reliable in this sense and provide an opportunity to engage the local community right from the start. This would be particularly useful for Minerals and Waste Plans, which local communities may be less aware of, or initially regard as less relevant to their lives.

We would however question whether four months is sufficient time to effectively engage with community/stakeholders to comprehensively prepare this document, considering its importance in subsequently guiding the whole approach to engagement/consultation (and noting the degree to which policy departments are constrained). The PID must also incorporate clear targets and milestones for engagement to ensure the potential of the PID is fully achieved.

Chapter 3: Digital plans

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

One aspect of plan-making which would most benefit from standardisation is naming conventions/categories used to describe different land uses within LPA areas. Slight differences in naming conventions can make analysis across multiple LPAs extremely difficult, reducing the scope for collaboration, transparency (for public and private sector stakeholders, as well as communities), and a clear national-level picture of key policy considerations like land use.

Data related to strategic issues and cross-LPA working would also benefit greatly from both data standardisation and open publication. Examples of this include logistics, housing, or employment needs assessments, which are often most effectively delivered the city-regional level at which many sectors and markets operate (this is an argument we made in more detail in our response to DLUHC and DfT consultation on planning for freight and logistics [(RTPI, 2023)](#). Standardisation and open publication of such shared evidence bases would enable them to be developed and re-shared over time, regardless of what stage of the plan-making process the partner authorities are at over time (shared evidence can become disjointed as plan-making moves at different speeds in partner authorities).

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?

Strongly agree / <u>agree</u> / neutral / disagree / strongly disagree

Yes, we largely agree with the challenges identified. However, we would suggest some points listed could not realistically be resolved by digitalisation alone. One particular example is the last bullet point in terms of addressing local communities' lack of awareness of the extent to which the political nature of local decision-making shapes local plan content.

Research by RTPI and Grayling found that online consultation/engagement/outreach must not entirely replace in-person methods, with 21% of people still wishing to engage via public

meetings or exhibitions ('The Future of Engagement', 2020). Similarly, research by RTPI Scotland noted a desire to retain some level of human contact, as opposed to a service that is exclusively online ('Introduction to Digital Planning Handbook', 2021). This research also notes a multitude of benefits associated with using digital methods in plan-making, including online surveys and feedback; communicating plan content and progress through websites, webinars, social media, videos, and podcasts; interactive maps and GIS; and modelling and flyovers.

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?

Strongly agree / <u>agree</u> / neutral / disagree / strongly disagree

We agree with the opportunities identified and we continue to call on the government to collaborate with PlanTech companies to deliver these opportunities.

We support the greater use of automation (and/including through AI) to lessen the burden of repetitive administrative and procedural work on planners, freeing up time for planning work that requires professional expertise, creativity, and discretion. We also recommend research into the potential of AI to support analytical planning work such as site identification or assessing flood risk. AI has significant transformative potential in planning if it is used to ease planners' administrative workloads and support professional judgment - rather than replace it.

Other types of digital innovation supported by the RTPI include the visualisation of plans, policies, and spatial data to help communities understand the range of potential options available to specific localised issues such as flooding or coastal erosion through scenario planning.

More broadly, we support the sharing and standardisation of data relevant to planning to facilitate better planning across LPA boundaries, which we discuss in more detail in response to Question 11.

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?

We answer this question from the perspective that more effective strategic planning and cooperation between local authorities to determine and plan for needs could be one of the most effective ways of delivering efficiencies in how local plans are prepared and used. Indeed, as we argued in response to question 6, citing research we have recently commissioned and will publish and share with DLUHC shortly: Plans that do not have to address the issue of the overall housing numbers for their area because there is already a cross-border agreement on housing numbers in place tend to get plans in place faster than those that have to determine the overall level of development.

With this in mind, we would prioritise innovations related to standardising and sharing data in a way that enables this cross-boundary working. For example, LPAs in a sub-region could use shared datasets to justify their local plans, substantially reducing the amount of evidence each LPA would need to individually prepare. Similarly, mutually intelligible datasets would enable and incentivise strategic collaboration between LPAs on addressing cross-boundary issues, such as meeting housing need across housing market areas, or planning for logistics and

freight-related development. Overall, improving the collection, standardisation, distribution, and linking of data would allow LPAs to make more informed decisions in plan-making at the local and strategic levels.

Ideally, as the RTPI has previously put forward, the government should establish a common data schema for local plans linked to an open national evidence base ('Priorities for Planning Reform in England', 2020).

The RTPI has promoted the Planning Agencies model as way to facilitate data sharing and cross-boundary working. Planning Agencies are a voluntary, shared services model in which multiple LPAs come together to deliver planning services, undertake research, and develop policy ('Planning Agencies', 2022). We see Planning Agencies as the most efficient vehicle to collect and share data that can be used to evidence local plans and address strategic issues.

Chapter 4: The local plan timetable

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

Strongly agree / <u>agree</u> / neutral / disagree / strongly disagree

The proposed milestones and timescales seem logical. But they need to allow additional times in summer holidays and at Christmas. Furthermore LPAs have different election cycles which could have an impact on timetabling.

Making local plan timetable data publicly available in a digital format is welcomed. This will empower local communities with live data on the key stages of various documents and when they can engage. Removing the bureaucracy of full Council sign-off for revisions to the timetable will streamline the process and provide more flexibility to Councils.

Updating timetables every 6 months will increase transparency between the LPA and community, as often Local Development Schemes are severely outdated. Policy departments will need to be appropriately resourced to be able to fulfil this regular additional task.

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?

No comment.

Chapter 5: Evidence and the tests of soundness

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

Strongly agree / <u>agree</u> / neutral / disagree / strongly disagree

We agree that these changes would provide more clarity around what evidence is expected, as members have confirmed understanding of what is proportionate evidence currently varies. This clarity would be highly beneficial to the scoping stage of the 30-month timetable.

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.

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?

Strongly agree / <u>agree</u> / neutral / disagree / strongly disagree

In principle, we support the standardisation of evidence requirements, as long as this does not undermine the subsequent effectiveness or legitimacy of plans and the ability of LPAs to collect evidence that is of most significance to specific local needs. If evidence requirements for certain topics are to be nationalised, they must be robust enough to accommodate this necessary local variation.

There remains a key opportunity for regional knowledge sharing regarding the generation and dissemination of evidence**.** The RTPI would be interested in discussing the potential of a spatial planning observatory to provide a single open source platform for local plan data, evidence and supporting documents, as outlined in the Research Paper, '<u>Ambitions for the North' (RTPI, 2019)</u>. The carbon performance of plans is one particular area that would benefit from standardisation and the provision of more available baseline data.

Government and its agencies also have a role to play in making evidence that is relevant to plan-making available in open, transparent, and useable formats, such as Environment Agency data and ONS population and household data*.*

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?

Strongly agree / <u>agree</u> / neutral / disagree / strongly disagree

Freezing evidence could help with the issue of many LPAs deliberately waiting until examination to finalise their evidence base in response to inspectors requiring significant additional reports.

Our members have reported that plan inspection requirements to continually refresh their evidence bases can add considerable expense and delays to the plan-making process without adding significant value. This constant process also creates additional burdens for statutory

consultees and key stakeholders including local communities and site promoters/developers who review updated evidence and can have knock-on effects on other documents.

In terms of the proposed approaches:

- The freezing of input data risks local plans being based on an out-of-date evidence base. We have strong concerns this would undermine the legitimacy of the local plan. If the end goal of the planning system remains to create successful places, it is much more beneficial to take longer to produce a better plan.
- Agreeing the scoping of evidence/methodology early in the process is equally flawed in that the relationship between the gateway assessment and the enquiry is unclear. Crucially, there would not be certainty that matters which have previously been agreed to be in the scope of evidence are then sufficient for the actual examination.
- Given that the freezing of evidence must be flexible to allow for development in certain areas through plan progression, the third approach of freezing evidence at the point of publication and submission is the most logical and one which we can support. This approach is the most similar to the current arrangement. Members have cautioned however that evidence must be frozen at the point of publication, as the issues highlighted above would still be encountered if evidence were frozen at submission owing to the lag time between these two distinct plan-making stages.

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

Strongly agree / agree / <u>neutral</u> / disagree / strongly disagree

We are slightly puzzled by the suggestion that LPAs submitting supporting documents that are unrelated to the soundness of the plan is a significant issue and would welcome more evidence on this issue.

We consider that, in principle, all actors involved in the examination process, including those from the private sector, should only submit documents that are related to the soundness of the plan.

Chapter 6: Gateway assessments during plan-making

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

Strongly agree / <u>agree</u> / neutral / disagree / strongly disagree

Yes, we agree with the proposed overarching purposes of gateway assessments and welcome the introduction of external guidance at the outset to identify issues early when they are easier to address. Front-loading engagement with PINS is welcomed, as too many local plans are withdrawn at the last stage.

However, these checks place a lot of emphasis on PINS and the quality of service they can deliver. Members have voiced concerns as to whether PINS will be able to support this through a good system service. There is a concern that if inexperienced inspectors are required to deliver this advice, or if this advice differs across the checks, this could counterintuitively be damaging to the process. Members have therefore stressed that it will be important to encourage engagement with the same inspector throughout the process to ensure continuity across advice checks to best set up the local plan for examination. Within this context, we also argue that PINS should be involved in all 3 checks to reduce the danger of inconsistency.

As the government intends to preclude other interested parties from participating in working or contributing to reports, our members have also raised concerns as to how these gateway checks could resolve significant issues that are cross-boundary in nature and the only way to resolve them is strategically. Members have stressed the importance that adjoining authorities, any relevant County Councils, and government agencies are involved in the 2nd gateway check as 'critical friends' acting as independent arbitrators.

Moreover, members have highlighted potential impartiality issues with LPAs self-assessing the effectiveness of their community engagement and reporting back to PINS.

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

Strongly agree / <u>agree</u> / neutral / disagree / strongly disagree

Yes, the proposed frequency and timing of the gateways is sensible. Members have welcomed the check in between the two rounds of statutory consultations and immediately prior to the plan being submitted for examination.

However, as discussed above at question 18, members have raised concerns over PINS in relation to capacity and consistency, and given the concerns raised over the 30-month timeframe in question 6, our members have cautioned that these checks must not lead to delays but in the event of delays there should be a level of flexibility where the timeframe is paused.

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?

Strongly agree / <u>agree</u> / neutral / disagree / strongly disagree

Yes, the proposals have the potential to effectively speed up plan-making and mirror the 'early MOT' checks previously proposed by the [Local Plans Expert Group](#). The gateway assessment process effectively formalises the existing PINS advisory visit approach which are considered useful by LPAs. The topics proposed for each gateway must be thoroughly explored to prevent the process from evolving into a 'box-ticking' exercise. As well as being poor planning practice, tick box approaches can be damaging to communities by, for example, undermining public confidence in planning processes.

LPAs must demonstrate they have made progress against and given regard to advice received at the three gateway assessments, which is intended to provide more certainty throughout the

plan-making process and mitigate the risk of serious issues surfacing later in the process. However, it is currently unclear whether examining inspectors must have regard to the advice given by the proposed 'gatekeeper' organisation. An examining inspector taking a significantly different opinion to the advice given at gateway assessments would derail and delay plan-making. LPAs should have assurance that if they follow advice given at gateways, there will be little risk of examining inspectors taking a different opinion on key issues. We therefore recommend that advice given at gateway assessments must have very significant weight in examining inspectors' decisions. This will ensure that the proposals for the gateway assessment process are consistent with the aims of these reforms with respect to increasing the certainty and pace of plan-making.

Continuing our encouragement for strategic planning, we would call for the incorporation of regional collaborators at the earlier gateways to ensure this element is woven in throughout the whole plan-making process and does not impede its progress or conclusion.

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

Strongly agree / agree / <u>neutral</u> / disagree / strongly disagree

LPAs currently pay the Planning Inspectorate for their plans to be examined, so it would be consistent for them to also pay for gateway assessments.

However, because the currently proposed reforms will require local authorities to review and/or update their local plans every five years and require them to undergo these gateway assessments during the plan-making process, these costs should be regarded as an unavoidable part of effective and timely plan-making. This suggests that resourcing provided by central government should take the need for LPAs to cover these costs into account, or that the government should consider ending the requirement for LPAs to pay the cost of examinations and gateways entirely.

It is important to note that:

- **The cost of examination can be high:** The [Town and Country Planning (Costs of Independent Examinations) (Standard Daily Amount) (England) Regulations 2006](#) set the day rate for examining Inspectors at £993, so, assuming that a typical examination can last about 25 weeks, an LPA can expect to pay £125,000 in Inspector's fees alone); and that
- **Local authorities' planning policy functions have been disproportionately affected by cuts to resourcing since 2009/2010:** The real-terms reduction in expenditure on policy planning staff between 2009/2010 and 2017/2018 was £48 million (73%), versus £18 million (27%) for development management [(RTPI, 2019)](#).

Chapter 7: Plan examination

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

Strongly agree / <u>agree</u> / neutral / disagree / strongly disagree

We support the proposals to speed up plan examinations.

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?

Strongly agree / <u>agree</u> / neutral / disagree / strongly disagree

Yes, this approach seems logical.

Chapter 8: Community engagement and consultation

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

<u>Strongly agree</u> / agree / neutral / disagree / strongly disagree

Yes, we agree that the approach to engagement should be set out in the Project Initiation Document (PID). The existing engagement document, the Statement of Community Involvement (SCI), has been criticised as an under-utilised and under-performing tool in the planning system. SCIs are often overly vague, inaccessible to the public, and out of date ([Civic Voice, "'Paper Tigers': a critical review of Statements of Community Involvement in England", 2021](#)).

PIDs should be designed in a way that addresses the key criticisms of SCIs, which include a lack of clear principles and responsibilities for engagement, public consultation informing their production, and a framework for monitoring and review. When SCIs are not followed, they can undermine confidence in the planning process. To that end, the PID should clearly link the evidence base, vision, plan scope and timeline with the approach to community participation. It should detail the specific engagement activities to be undertaken, including how and where different methods will be used and a timeline for all engagement. The PID should set out clear responsibilities and objectives for engagement to enable effective implementation and monitoring – including channels for communities to hold LPAs to account – and explain how and when LPAs' responses to consultations will be published. It should also set out how LPAs will seek community participation in monitoring the adopted plan, which would allow local people affected by the plan to contribute to a qualitative understanding of the plan's progress towards its vision and objectives. The approach to monitoring this should be set out in the PID as part of the overall approach to engagement and monitoring.

The PID should set out a comprehensive approach to engagement that explains how it will engage with local communities and relevant stakeholders. LPAs should explain how they plan

to engage with a representative sample of their population, not just the demographics that are typically likely to engage in plan-making. The PID should set out minimum thresholds for engagement for groups with protected characteristics that reflect local demographics – for example, requiring that 25% of individuals engaged with have a disability. This should also set out procedures to be used if minimum thresholds are not reached.

We are encouraged by the reference to our previous research with Grayling on the importance of utilising a combination of traditional and digital methods to achieve this. The PID should be clearly located on the LPA's website and include an accessible explanation of the purpose of the document.

Sufficient time and resourcing must be allocated to produce the PID. The PID guides the approach to the plan-making process, including engagement and consultation, and the quality of the PID will therefore strongly influence the success of the process as a whole. We question whether the four months of early participation set out in the plan timeframe would be long enough to enable the production of a robust PID in partnership with communities, stakeholders, and councillors. More generally, the preparatory period prior to the 30-month timeframe will require substantial effort to ensure the rest of the plan-making process is successful and LPAs will likely need longer than four months to undertake this initial work.

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

<u>Strongly agree</u> / agree / neutral / disagree / strongly disagree

Yes, LPAs should be required to notify and invite participation from relevant stakeholders prior to starting the 30-month process. We consider that this early engagement period should encompass informal ongoing engagement over a longer time period than the four-month scoping phase proposed in the consultation document.

LPAs must effectively market opportunities for participation to ensure the public and stakeholders are aware of opportunities to get involved in shaping the plan. Notifications should be marketed through physical and digital advertisements as well as through community groups and other appropriate public settings and forums to motivate interest.

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

<u>Strongly agree</u> / agree / neutral / disagree / strongly disagree

The Project Initiation Document (PID) should absolutely be informed by early participation and engagement with communities and stakeholders. The PID lays out the procedures and principles for engagement throughout the plan-making process, so it is vital that the public have a voice in shaping this. People are more likely to participate positively in plan-making when they feel invested in the procedures guiding consultation.

LPAs should engage with communities and stakeholders to develop the principles and approaches that will guide engagement in plan-making. This could involve holding collaborative

workshops and deliberative sessions to gather input on how engagement should operate, what methods should be used, and what the timeline should be. Digital surveys and other tools, if marketed effectively, would also be useful.

Given the role that this early engagement will play in determining the approach taken to later rounds, it is particularly important for it to, as far as possible, involve a representative group of contributors, and not be 'hijacked' by particular groups.

To prevent this from happening, and in addition to notifying relevant stakeholders and communities as effectively as possible, LPAs should be required to set minimum thresholds for engagement that properly reflect the make-up of the local community (something we also set out in our response to question 24). Only if these thresholds are met should the consultation be regarded as a success.

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?

<u>Strongly agree</u> / agree / neutral / disagree / strongly disagree

Yes, more clearly delineating the distinct role and purpose of each consultation window will facilitate more meaningful engagement. Communicating to the public in plain language when they can provide input at the options development stage is valuable. We support relabelling the formal consultation stages using more inclusive language that explains what kind of input is sought. However, the two formal consultation windows should be supplemented by continuous informal engagement spanning visioning through to monitoring. Informal engagement supplements formal consultations by enabling collaborative dialogue between LPAs and stakeholders, giving planning teams flexibility to respond to feedback and address issues proactively.

Consultation windows must include flexibility for holiday periods to fully ensure that everyone has an equal opportunity to engage.

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

Strongly agree / <u>agree</u> / neutral / disagree / strongly disagree

While machine-readable templates can aid in processing responses more quickly, it is critical that planners continue to interpret representations using their professional judgment and are allotted sufficient time to do so. A key feature and benefit of the English discretionary planning system is that planners can consider and reconcile the varied interests within their communities, which results in more responsive, balanced, and democratically accountable plans. This ability to appraise and balance local interests in their context must be maintained.

It is also essential that templates do not constrain what topics representations can be made on or how they can be expressed. Consultations should provide communities the opportunity to submit comments outside the scope of any standardised set of questions. It would undermine public confidence in the plan-making process if communities are only invited to answer questions that may not be central to their concerns.

Chapter 9: Requirement to assist with certain plan-making

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

We support the inclusion of NHS Commissioning Boards in the list of prescribed bodies and suggest also adding Active Travel England. Consideration should be given to including equality groups such as Women's Rights, Disability Rights and Race Equity alongside the Music Venues Trust and emergency services and local resilience forums (LRFs),

Energy infrastructure provider should include both generators and distributors to ensure that both types of infrastructure are considered in plan-making.

Highways England are currently missing from the list.

We would also like to highlight that the consultation document incorrectly references Homes 'England' and 'Historic England', and that Local Enterprise Partnerships will not be in existence after April 2024.

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.

Strongly agree / <u>agree</u> / neutral / disagree / strongly disagree

The proposed approach is welcomed, and we are glad the government recognises the importance of requiring prescribed bodies to contribute to plan-making. However, prescribed bodies would need to be adequately funded, resourced, and held to set timescales for input in order to prevent delays in the plan-making process.

Ideally, prescribed bodies would be compelled to support plan delivery in addition to plan-making. The RTPI's Duty to Deliver proposal would require prescribed bodies and infrastructure providers to cooperate effectively with LPAs to align their investment strategies with local plan objectives. Ministers indicated at committee stage for the Levelling Up and Regeneration Bill that the government supports requiring bodies with functions "of a public nature", including both public bodies and private infrastructure bodies, to assist in preparing and reviewing local plans.

Chapter 10: Monitoring of plans

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

Strongly agree / <u>agree</u> / neutral / disagree / strongly disagree

We support the proposed approach to monitoring of an annual light-touch report focussed on nationally prescribed metrics and a longer-term locally designed assessment. Being able to compare the implementation of local plans across authority boundaries using these broader metrics would be valuable. The longer-term assessment should focus on assessing the progress of the local vision and placemaking outcomes in a holistic way, which encompasses both qualitative and quantitative assessment. This should include understanding health and environmental outcomes, including climate change mitigation and resilience.

It is vital that the government provides clarity on any requirements that may be triggered if national or local objectives are not met. This is why output indicators are so crucial in determining whether desired outcomes are likely to be delivered. We recommend that monitoring requirements seek to understand the reasons behind outcomes and avoid applying consequences to LPAs in response to outcomes that are outside their control. To understand outcomes holistically, monitoring indicators could be designed to capture broader circumstances and statutory consultees could provide data on their performance where it is relevant to local plan monitoring targets. For example, monitoring the number of planning applications for new housing submitted could serve as an indicator of how broader economic circumstances impact housing supply, and monitoring the percentage of applications granted permission would reflect the impact of planning decisions on housing supply, rather than the underperformance of local authorities. Statutory consultees directly involved in delivering monitoring targets, such as improving the ecology quality of bodies of water or the provision of primary health care facilities, could provide data on their performance to enable a fuller understanding of progress towards targets. This holistic approach to monitoring could enable LPAs to more effectively respond to challenges or opportunities in collaboration with relevant stakeholders.

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

Strongly agree / agree / <u>neutral</u> / disagree / strongly disagree

The proposed metrics are a good starting point, but some should be revised to more usefully capture outcomes. For example, affordable housing completions and employment floorspace change should be disaggregated by tenure and use class, respectively. Rather than only measuring the proportion of homes permitted on brownfield land, LPAs should more broadly monitor the locations of development to get a fuller picture of where development is taking place.

In addition to the proposed metrics, LPAs must be required to account for and monitor the carbon performance of local plans (CSE & TCPA, 'Spatial planning for climate resilience and net zero', 2023). This must extend beyond Government's proposed metric on progress towards net zero emissions from buildings, capturing the cumulative carbon impact of the plan's spatial strategy, transportation policies, and renewable energy policies. We also recommend monitoring the performance of climate adaptation policies, such as those addressing flood and heat risk.

Chapter 11: Supplementary plans

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

Strongly agree / <u>agree</u> / neutral / disagree / strongly disagree

The suggested factors for assessing whether sites are 'nearby' to each other are sensible. We would also recommend considering whether the sites are functionally or morphologically similar – in other words, whether they form part of a functional urban area or are of a similar place typology with analogous needs. This would ensure supplementary plans are applicable to the sites they cover, allowing them to address issues efficiently.

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.

Certain preparation procedures would help ensure supplementary plans are robust, reflect local views, and align with strategic objectives. For design-focused supplementary plans, requiring design workshops with communities would be beneficial.

For supplementary plans allocating large development sites, meaningful engagement is crucial in preparing a masterplan. The public must have opportunities to actively shape the vision for major sites, which could be delivered through deliberative workshops and other events, and then should be clearly reflected in the final proposals to prevent disenfranchisement. Assessments of financial viability and deliverability should also be prescribed to ensure robustness.

Less helpful procedures would include being overly prescriptive about design, which risks curtailing innovation and creativity. Additionally, relying solely on formal written submissions rather than participative community events would limit meaningful engagement.

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?

Strongly agree / <u>agree</u> / neutral / disagree / strongly disagree

A single formal consultation stage is appropriate for supplementary plans, given their narrower scope and the intention that they should be responsive and relatively light weight to produce. The fact that supplementary plans will go through examination, and that design codes can build on the national model design code, also alleviates the need for multiple stages of consultation for these types of plans.

The PID should set out an approach to formal consultation and ongoing informal engagement for supplementary plans that aligns with the approach to local plan engagement. This would help to address concerns raised by some of our members that best practice in master planning

(for which supplementary plans may be used) is for an iterative approach to consultation – something which government guidance generally encourages.

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.

No comment.

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?

Strongly agree / <u>agree</u> / neutral / disagree / strongly disagree

The proposed approach of streamlined examinations should provide proportional scrutiny of supplementary plans. This would appropriately test their soundness without being overly onerous given their narrow focus.

Chapter 12: Minerals and waste plans

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

While many of the challenges LPAs face when producing local plans and minerals and waste plans are similar, three challenges related to the production of minerals and waste plans require particular consideration in developing the new plan-making system:

- **Multi-level coordination:** Because they are often plans that coordinate sites, infrastructure, and resources either between levels of local government, and/or between adjoining principal authorities, effective minerals and waste policy may require special treatment in regulations. For example, it is crucial that sites are not allocated for different purposes in different kinds of local plans which both cover the same territory.
- **The relationship between waste disposal authorities and the private sector:** The special nature of unitary and county councils as waste disposal authorities which may enter into contracts with private companies for waste handling and disposal facilities means that particular safeguards around their plan-making role should be established
- **Additional evidence gathering and different scrutiny needs:** Our members argued that, compared to local plans, minerals and waste plans require significantly more time for additional evidence gathering, expert scrutiny, and resolving complex environmental issues, and the 30-month timeframe may be more difficult for minerals and waste plans to achieve.

Chapter 13: Community Land Auctions

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

The way that CLAs are envisaged to operate challenges the principle that land should not be allocated for different uses according to anything other than its planning merits. This includes considerations like amenity, heritage, place making, connectivity, health and wellbeing, character, economic impacts, sustainability, and existing planning policy and decisions. It does not include potential financial benefits to the local authority allocating the sites.

There is good reason for this principle to exist. If financial considerations come into play, LPAs could allocate low-quality, unsustainable, or otherwise unsuitable sites for development because they would provide the greatest financial returns to the LPA. There are strong incentives for both LPAs and land owners for this to happen:

- Land owners and promoters may see CLAs as way of achieving allocation for poorer-quality sites because they know that the soundness of allocation will not be assessed purely on the basis of planning merit; and
- LPAs' resourcing challenges mean that any decision which brought in additional income would be tempting, regardless of development outcome.

Poor development outcomes and concerns about probity could have significant knock-on effects for public confidence in the planning system.

Overall, introducing financial considerations in site allocations introduces a potential conflict of interest between planning for sustainable, high quality, places – and any financial returns an LPA might receive. Because of these concerns, we do not think that that CLAs should be implemented.

Question 40: To what extent should financial considerations be taken into account by local authorities in Community Land Auction pilots, when deciding to allocate sites in the local plan, and how should this be balanced against other factors?

As we argued in response to question 39, above, we believe financial considerations should not carry any material weight in site allocations.

The government could issue guidance that only sites deemed sustainable and suitable for development should be available for allocation through this process. Indeed, this something which Tim Leunig's (widely cited as the originator of this idea) 2011 paper ['Community land auctions: Working towards implementation'](#) on the subject for Centre Forum argues for. But this would undermine the core tenets of the process as described here.

Chapter 14: Approach to roll out and transition

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

The proposed option of a gradual phased introduction is logical and provides the opportunity to benefit from best practice going forward, albeit the 10 pilot authorities must be as widely representative as possible. However, the wave approach means authorities in later stages of plan-making will be faced with a considerable lag period before their plan is updated. Although the latest date for these authorities to submit the plans they are already working on is 30 June 2025, the date by which these authorities must adopt a new-style plan has not been specified.

Government's proposed approach could mean isolated authorities with old local plans are automatically identified for early roll-out, meaning areas with high need for various reasons are at the back of the queue. As such, we propose the roll out is not just chronologically focused but is also focused on a prioritisation of significance of local plans for national housing or infrastructure delivery. Metrics for assessing this significance could be centred around a lack of 5YHLS or identified need for new infrastructure.

Separately, it has come to our attention that up-to-date plans would be undermined as they are not protected by the proposed transitional arrangements. If these plans are assessed and need to be revised but they are subsequently unable to be updated until there is certainty about the revised system, this then leaves such authorities vulnerable to the risk of speculative development outside the plan-led system.

Chapter 15: Saving existing plans and planning documents

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

Strongly agree / <u>agree</u> / neutral / disagree / strongly disagree

Yes, there should be a suitable transition period that reflects the substantial strain on LPAs to prepare and submit plans.

Equality

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?

Positively, the proposals seek to introduce community engagement from local plan inception, however careful consideration should be given to both strengthening and making more explicit the requirements for ensuring that all communities are involved. This must include, but not be limited to, target setting and detailing what types of methods/strategies will be used to target/engage different groups that may require added support, such as the deaf community.

There must also be consideration on implications on the older population and speakers of English as a second language with regards to the emphasis placed on digitalisation. There should be more advice/consideration of these matters or LPAs are likely to suffer challenges.