



**PLANNING COMMITTEE: 5TH OCTOBER
2023**

Report of: Corporate Director of Housing, Transformation and Resources

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**SUBJECT: GOVERNMENT CONSULTATION ON "PLAN-MAKING REFORMS:
CONSULTATION ON IMPLEMENTATION"**

Wards affected: Borough-wide

1.0 PURPOSE OF THE REPORT

- 1.1 To inform Members of a Government consultation on proposed reforms to the plan-making system.

2.0 RECOMMENDATIONS TO PLANNING COMMITTEE

- 2.1 That the content of the report be noted.

3.0 BACKGROUND

- 3.1 The Government is undertaking wide-reaching reforms of the Planning system and are currently taking a Levelling-up and Regeneration Bill through Parliament. As the Bill progresses through Parliament, the Government is consulting on a range of technical reforms to the planning system to implement the proposals contained in the Bill.

- 3.2 This consultation seeks views on proposals to reform plan-making to make plans simpler, faster to prepare and more accessible. A link to the consultation document is below:

<https://www.gov.uk/government/consultations/plan-making-reforms-consultation-on-implementation>

- 3.3 The consultation contains 43 questions and closes on 18 October 2023. All Members were informed of the consultation by e-mail on 9 August 2023.
- 3.4 The consultation identifies problems with the current plan-making system and suggests possible solutions. Whilst the consultation focuses on plan-making,

decision-taking is a key thread that runs throughout the consultation and therefore it is considered that this summary report of the consultation is of relevance to Planning Committee as decision-makers on planning applications.

4.0 GOVERNMENT PROPOSALS

4.1 Local Plans are produced by planning authorities to guide and manage development in their areas. They are important documents for local communities because they set the development framework for the area, usually for the next 15 years. Plans can allocate sites for development, set out what land should be protected and contain planning policies, which are the basis for deciding whether to approve planning applications that are subsequently made.

4.2 The Government's vision is for plans to be simpler to understand and use, and positively shaped by the views of communities about how their area should evolve. Plans should be prepared more quickly, updated more frequently, and make the best use of new digital technology.

4.3 There are 15 Chapters to the Consultation and a summary of the proposals follows:

4.4 Plan Content

Plans should contain core principles of: a locally distinct vision, policies linked to the vision, a key diagram, a policies map, and a detailed approach to monitoring and reviewing the plan. Maps illustrating policies should be digital, interactive and accessible by all users. Templates are proposed that all plan-making authorities across England can use to prepare their Local Plans.

4.5 The new 30-month plan timeframe

Four key stages are proposed for making a plan:

- A scoping and early participation stage;
- Plan visioning and strategy development;
- Evidence gathering and drafting the plan;
- Engagement, proposing changes and submission of the plan.

4.6 The timeframe for producing a Local Plan under the proposed system is described as a '30-month plan timeframe', however the proposed timeframe illustrated in the Government consultation shows a 34-month timeframe. Planning authorities will be required to commence the plan-making process at a certain point and not at a time of their own choosing. The reason for this is that there will be three 'Gateway Assessments' whereby a Government official will provide advice to the Council and identify difficult issues earlier in the plan-making process.

4.7 Two public consultation periods are proposed; this is consistent with current Plan-making regulations. Outside of this, there will be a new requirement for planning authorities to "notify" and "invite" early participation on matters that might shape the direction of the plan.

4.8 Digital Plans

There are proposals to develop a common format based on standardised data across plan-making. Problems and opportunities are identified in the consultation that conclude in an illustration of a proposed Digital Toolkit that explains how digital elements might support the makers and users of plans.

4.9 The Local Plan Timetable

Templates will be developed for planning authorities to use to produce their Local Plan timetables. This will replace Local Development Schemes but function in a similar manner.

4.10 Evidence and the tests of soundness

There will be clearer expectations set through national policy and guidance about evidence, increased standardisation of key evidence and data and support on evidence provided through the gateway assessments.

4.11 Gateway assessments during plan-making

Three mandatory gateway assessments are proposed that will ensure a more supportive approach to plan-making and provide greater visibility to key stakeholders and the wider community about how their local plan is progressing. Gateway assessments are proposed to be fully-funded through cost recovery from the planning authority with a standard fee for each gateway defined in regulations.

4.12 Plan examination

Examinations of local plans should take no longer than six months and if a consultation on proposed modifications to the plan is needed, this should add no further than three months to the overall examination process. Emerging proposals include shortening time periods for examination and increasing the number of Inspectors that would examine the plan.

4.13 Community engagement and consultation

The proposals are grouped around four themes:

- The role of digital – in combination with traditional methods;
- Planning and monitoring the engagement approach
- A focus on early participation
- A more standardised approach to consultation

4.14 Requirement to assist with certain plan-making

Plan-making authorities will have the power to legally require that "prescribed public bodies", such as Natural England, the Environment Agency, the Highway Authority, provide assistance to develop or review the local plan. This can be at the beginning of the plan preparation process as well as during plan-development.

4.15 Monitoring of plans

A "light-touch" annual return is proposed; this is likely to be submitted online and is consistent with other data returns that the Council undertakes. In the longer term, a detailed return to inform whether updates to the plan is required, four years after the adoption of a local plan under the new system.

4.16 Supplementary Plans

These will remove the role of Supplementary Planning Documents and Area Action Plans. Supplementary Plans will have the same weight as a local plan and therefore will also be subject to consultation and an independent examination. Supplementary Plans could build on existing policies in the development plan, for example, to set out a design code or masterplan for a site allocated in a local plan. Existing Supplementary Planning Documents will remain relevant until a new-style local plan is adopted.

- 4.17 Minerals and waste plans
Whilst this is a County Council matter, the Government outlines that the wider reform proposals will also apply to Minerals and Waste Plans.
- 4.18 Community Land Auctions
Landowners can 'bid' to have their land selected for allocation in an emerging local plan by stating the price at which they would willingly sell their land for development. The Council could enter into a legal agreement with an 'option' on the land to allocate it for development. Community Land Auction regulations will follow separately.
- 4.19 Approach to roll out and transition
The Government confirms the intention that the latest date for plan-makers to submit local plans for examination under the current system will be 30 June 2025 and that those plans will need to be adopted by 31 December 2026. Phased roll-out options are proposed which planning authorities must follow; as set out at paragraph 4.6 above, planning authorities will have a certain timeframe in which to start and conclude the plan-making process.
- 4.20 Saving existing plans and planning documents
When the new plan-making system comes into force, existing Development Plan Documents and saved policies will remain in force until the local planning authority adopt a new-style local plan.
- 4.19 Equalities Impacts
The consultation concludes with a question on whether there are 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.
- 4.20 There are tensions between the proposals. It is proposed that there will be a shorter and stricter timeframe in which to produce a local plan, but with more consultation periods than under the existing system and with increased collaboration with the Planning Inspectorate during the mandatory Gateway Assessments. Furthermore, the consultation explains the aspiration for local plans to be positively shaped by the views of communities about how their area should evolve but introduces a standardised template against which plans should be prepared and monitored.

5.0 NEXT STEPS

- 5.1 This is a consultation on proposed changes to the Planning system and is not a confirmed list of all the proposed changes that will take place.
- 5.2 Officers will be diligently monitoring progress of the Levelling-Up and Regeneration Bill as it progresses through Parliament and will report back to the appropriate committees when there is more tangible information about the proposed reforms to the planning system. Government have provided no timeframes for this.
- 5.3 In accordance with item 4.25 of the Scheme of Delegation, after consulting the relevant Portfolio Holder, Directors and Heads of Service have delegated authority to respond to consultation papers where the timescale for reply does not allow time for consideration by the Cabinet, relevant committee or by the Council, subject to a report back in the appropriate Members' Update. Members will note the significant scale of this consultation. At the time of writing, Officers are working on a response to the consultation questions in the run up to the deadline and will provide a verbal

update to the Committee accordingly. This will ensure comments are submitted to Government on or before the deadline of 18 October 2023.

- 5.4 Should any Members have their own views on the proposed reforms they can make these directly to Government using the information provided earlier in this report.

6.0 SUSTAINABILITY IMPLICATIONS

- 6.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 There are no significant financial or resource implications arising from this report.

8.0 RISK ASSESSMENT

- 8.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

9.0 HEALTH AND WELLBEING IMPLICATIONS

- 9.1 There are no health and wellbeing implications arising from this report.

Background Documents

In accordance with Section 100D of the Local Government Act 1972 the background papers used in the compilation of reports relating to planning applications are listed within the text of each report and are available for inspection in the Planning Division, except for such documents as contain exempt or confidential information defined in Schedule 12A of the Act.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.