



Report of	Meeting	Date
Director of Development & Housing	Central Lancashire Strategic Planning Joint Advisory Comm	Tuesday 3 rd October

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

Is this report confidential?	No
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Is this decision key?	No
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Purpose of the Report

1. To inform members on the recent consultation on the implementation of plan-making reforms and provide a summary of the changes proposed.

Recommendations

2. To note the contents of the report.

Reasons for recommendations

3. The report does not require any decisions, it is for information only.

Other options considered and rejected.

4. Not applicable, this is a summary of the consultation that is currently out, each Council will make its own decision on responding to this.

Summary of the consultation proposals

5. The Department for Levelling Up, Housing and Communities (DLUHC) launched a 12-week consultation on the 25th of July 2023, running until 18th October 2023 entitled Levelling-up and Regeneration Bill: Consultation on implementation of plan-making reforms. The consultation is seeking views on a

proposed new system of plan making and is accompanied by 43 questions around the proposed reforms.

6. The consultation states 'Our vision is for plans to be simpler to engage with and use, and more accessible to all users, with better opportunities for communities to shape the way their area meets its needs and evolves over time'.

Summary plan-making reforms

7. The consultation is broken down in to 15 chapters addressing each of the proposed changes. Some of which have been considered in the wider LURB consultation, with this consultation reinforcing the intention of the Government in implementing change.

Plan Content

8. The Government's ambition is that new-style local plans are simpler, shorter and more visual, showing clearly what is planned in local areas so users can engage more easily. They will focus on locally specific matters and the development plan, including local plans, neighbourhood plans and other statutory plans, will have more weight in decision making.
9. To help achieve this aim, the Levelling Up and Regeneration Bill sets out parameters for the content of a new-style local plan. It requires the local plan to set out the local planning authority's policies for the "amount, type and location of, and timetable for, development" in its area.
10. Local planning authorities must ensure that a map, to be known as a "policies map", is prepared and kept up to date, illustrating the geographical application of the development plan for the authority's area.
11. The Bill establishes an overarching requirement for local plans to be designed to secure that the use and development of land in the planning authority's area, contributes to the mitigation of, and adaption to, climate change. It also sets out key matters that planning authorities must have regard to when preparing plans. These include national development management policies and relevant neighbourhood priorities statements.
12. The government is proposing to set out additional core principles around what a plan should contain to ensure LPAs focus on the right things and present a 'story' of how the area will develop as a result of the new plan, indicating how this will contribute to good place making and environmental enhancement.
13. A key part of this is the requirement to have a locally distinct vision which will anchor the plan and provide strategic direction for the underpinning policies and set out measurable outcomes for the plan period. Sustainable development

must also run as golden thread throughout the plan, with growth being directed to suitable locations and supported by required infrastructure and good design.

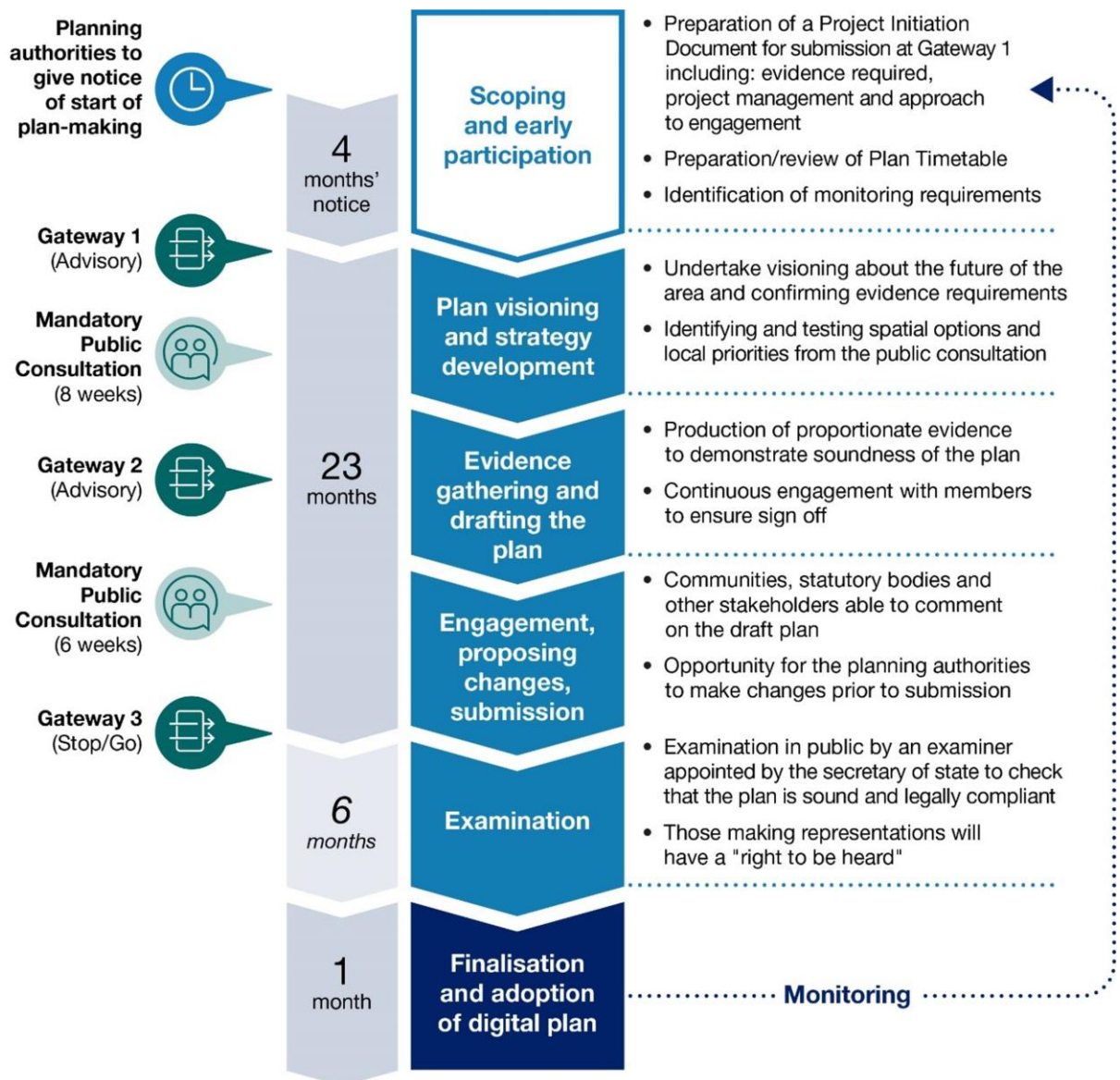
14. The consultation states that new plans will:
 - contain ambitious locally distinctive policies which meet key economic, social, and environmental objectives, linked to the vision.
 - foster beautiful places and recognise the importance of design, linking to design codes where appropriate; and
 - set out a detailed approach to monitoring and ongoing review of the plan, for example how key policies and designations are implemented and applied, and the extent to which the plan is meeting the overall vision for the area.
15. A key diagram must be created for the Local Plan which represents the spatial strategy which will deliver the vision.
16. The policies map must be digital, interactive and easily accessible by all users. Policies maps should support community and developer engagement, clearly visualising core plan policies, allocations and other aspects of the plan and its spatial components.
17. A key part of the local plan will be the vision which should set out the main aims and objectives of the plan over the plan period, however it is felt currently local plan vision fall short and can be too long, generic and do not capture the uniqueness of an area or the views of communities.
18. Going forward the role of the vision is to be strengthened and genuinely shaped by communities through early engagement. Government proposes to use regulations to require the inclusion of a vision in the local and will set out the principles in policy LPAs will need to have regard to when preparing a vision.
19. The vision should also tie in to other relevant corporate or thematic strategies produced by other authorities, public bodies and partnerships.
20. Government is proposing to provide a user-tested digital template which can be used by authorities during plan-making. This will indicate what a vision should do and contain. Exemplars will also be provided to illustrate how visions can be used to their full potential.
21. The introduction of national development management policies (NDMP) has already been proposed by the LURB and these will be consulted on separately and this will streamline plans to focus on genuinely local matters. The Bill also allows for Local development management policies to be included in local plans, but they must relate to use or development of land in the LPA's area and not repeat the NDMPs.

22. To address the issue of lack of standardisation and consistency of plans a series of digital templates are proposed to support councils in drafting their plans within the 30-month period, with the intention LPAs will use them as part of the plan preparation process.

The new 30-month plan timeframe

23. The Government has set out a 30month timeframe for preparing new local plans which they propose strikes the appropriate balance between needing plans to be made more quickly and kept up to date more effectively, with a realistic view on what is achievable.
24. Figure 1 below shows the process proposed by Government to meet the 30-month timeframe. This set outs a 23-month process for plan making and a further 6 months for examination, with 1 month allotted for adoption at the end of the process.

Figure 1 – Plan making process



25. To ensure plans are delivered in the 30 months, LPAs will be required to prepare a Project Initiation Document (PID) using standard template to be provided by government. The PID should:

- i. define the scope of the local plan (or minerals and waste plan) and identify evidence required to create a sound plan.
- ii. identify any local issues likely to be relevant to the plan or environmental assessment.
- iii. set out the project management, governance, risks to delivery and resourcing arrangements; and
- iv. outline the overall approach to community and stakeholder engagement.

26. The PID should also set out how early public participation (scoping stage) has informed the direction of the plan. The proposals requirement for initial engagement (outside of the formal 30 months) are outline in the diagram above, with this initial engagement taking place prior to formal commencement of the plan. Council's must "notify" and "invite" views on what the plan should contain and feedback on key issues that should be addressed. The PID is seen as a key mechanism to distil the key message emerging from these early engagement activities as well as addressing any views expressed by communities and key stakeholders on how they would like to be engaged throughout the process.
27. This stage of the process should enable LPAs to develop a clear understanding of the level of commitment required to produce the plan and the key themes that will shape it.
28. On commencement of the formal 30 months, the first stage is plan visioning and strategy development. The first gateway assessment would also be undertaken at this time. This stage will include an 8-week consultation period to establish the vision, aims and objectives of the local plan, building on the work undertaken at the scoping stage. This work will then help identify the evidence needed to underpin the plan.
29. The next phase is evidence gathering and drafting the plan and will include the second gateway assessment. Evidence gathered here should be proportionate and relate directly to the tests of soundness.
30. Councils are encouraged to continuously engage with members during this stage before the second gateway assessment and should seek final member sign off of the local plan prior to public consultation.
31. The Engagement, proposing changes and submission stage then follows. Any issues with the plan between the council and statutory consultees will be resolved during the mandatory consultation window at this stage, with an opportunity to make modifications to the plan prior to the submission. The planning authority should seek Member sign-off of any changes and avoid re-consulting wherever possible prior to the examination.
32. Examination is the penultimate formal stage of the 30-month period. The final gateway assessment will be undertaken prior to submission and will be key to achieving the examination is completed within the 6-month period. Following this there is a final month allowed for adoption.
33. Local Plans must be monitored to ensure that key objectives are being met and that policies are effective. A proposed detailed monitoring return, which planning authorities would be expected to complete within four years of the plan being adopted, would ensure that updates to plans can be more targeted and focused.

34. Following adoption, there will be a requirement that plans are reviewed every 5 years.

Digital plans

35. Detail above has already indicated that government intends plan to be more digital and to provide Councils with better access to standardised data as set out in in the LURB. As part of this consultation, government is seeking views on where there is the greatest need for standardisation, challenges around publication and where the best opportunities lie. They also set out where their work has identified how digitisation could help planning and seek views on that, this includes standardised formats for local plans, evidence requirements, engagement on the plan, an outdated static PDF plans.
36. To help councils, government are proposing a series of templates and tools to assist plan making.

Local Plan Timetable

37. Councils still need to prepare a Local Development Scheme (LDS), however the format and approval of these is changes under the proposed system. This will simplify the content of the LDS which is set out in the LIRB. LDS's will also not need to be approved by Council which will enable them to be reviewed and kept up to date more easily with a requirement for them to be updated at least once every 6 months. The key stages of plan making councils will need to cover in the LDS include:
- commencement of Gateway 1
 - first mandatory consultation window (8 weeks)
 - commencement of Gateway 2
 - second mandatory consultation window (6 weeks)
 - commencement of Gateway 3
 - submission for independent Examination
 - anticipated adoption date
38. The LDS will also be required to be produced using digital templates and data standards in line with the wider plan making reforms.

Evidence








39. The reforms are considering the requirements and approach to developing the evidence base which supports plans.
40. Government are mindful of the need to ensure that reforms to evidence improve and do not undermine the quality or effectiveness of policies or plans, or the decision-making that relies on them. The diagram below summarise the approach proposed.



41. Following the consultation on removal of the justified test, the government will provide more clarity on what evidence is expected and what 'proportionate' evidence looks like to reduce the amount of evidence required to support a local plan.
42. To support this approach, secondary legislation will be prepared to be clear what evidence is required for submission and publication.

Gateway assessment during plan-making

43. The proposals seek to introduce gateway assessments, with a requirement for 3 gateways:
 - at the very beginning of the 30-month process, following work undertaken at the scoping stage.
 - part-way through plan preparation (between the two mandatory consultation windows)
 - at the end of the plan-preparation process (following the second mandatory consultation window), at the point the local planning authority intends to submit the plan for independent examination in public.
44. Detail of what the role of gateway assessment is shown below. Only the final assessment is mandatory.

	 Gateway 1 (Advisory)	 Gateway 2 (Advisory)	 Gateway 3 (Stop/Go)
 Focus	<ul style="list-style-type: none"> Ensuring the plan sets off in the right direction Supporting early diagnosis of potential issues – legal and procedural requirements and soundness 	<ul style="list-style-type: none"> Supporting early resolution of potential soundness issues, where possible Ensuring legal and procedural compliance Monitoring and tracking progress 	<ul style="list-style-type: none"> Checking the plan is ready to proceed to examination Ensuring legal and procedural compliance Monitoring and tracking progress
 Role	<ul style="list-style-type: none"> Advising, observing and supporting 	<ul style="list-style-type: none"> Advising, observing and supporting 	<ul style="list-style-type: none"> Validating that key requirements have been met (a “stop/go” check)
 Duration	<ul style="list-style-type: none"> 4 weeks (up to 6 by exception) 	<ul style="list-style-type: none"> 4 weeks (up to 6 by exception) 	<ul style="list-style-type: none"> 4 weeks (up to 6 by exception)
 Assessor	<ul style="list-style-type: none"> Independent, specialist hands-on support May involve Planning Inspectors (as required) 	<ul style="list-style-type: none"> Planning Inspectors Optionally supported by technical specialists 	<ul style="list-style-type: none"> Planning Inspectors

45. Further work is planned to develop a working model for gateways, however initial proposals for gateways are as follows:

- Prior to each gateway, the planning authority will prepare a short report detailing progress against a series of key topics. This report will take the form of a digital template, provided by government, to ensure a consistent and efficient approach but may be accompanied by other cross-referenced materials to support the authority’s position.
- At the first and second gateways, it is expected that the authority will be asked to identify up to five issues which pose risks to the soundness and/or legal or procedural compliance of the plan; at the third gateway, we envisage authorities would be required to complete a ‘statement of compliance with legislation and national policy’ template, as proposed in [Chapter 5](#).
- the report and accompanying materials will be submitted to the ‘gatekeeper’ by the planning authority, marking the formal commencement of the gateway.
- a person (or persons) will be appointed to undertake the gateway assessment as soon as possible. They will be responsible for reviewing the planning authority’s report (and accompanying materials, as deemed necessary), and may identify other issues beyond those set out by the authority;

- during the first and second gateways, an interactive workshop day will be planned and executed by the appointed person(s) to work through the issues identified and provide initial observations and advice to the planning authority. This is unlikely to be necessary for the third gateways, with any clarifications to be dealt with via written correspondence between the appointed person(s) and the planning authority; and
 - a short report setting out observations relating to progress against key requirements and advice in relation to issues will be prepared by the appointed person(s) and shared with the planning authority. This will mark the formal end of the gateway and, as per the requirement in the Levelling Up and Regeneration Bill, planning authorities must publish this report publicly as soon as is reasonably practicable. We propose that an end of gateway report digital template will be provided to planning authorities by government to populate at this step of the process.
46. Given gateways will be mandatory for all authorities there is a need to put them on a sustainable financial footing, to ensure delivery of a quality and consistent approach. Government therefore propose that gateways are fully funded through cost recovery from the planning authority, with a standard fee for each gateway defined in regulations.

Examinations

47. As noted already, these should not take longer than 6 months and government are working with PINs on changes to the Inspectorate's procedural guidance on local plan examination.
48. Inspectors can pause the local plan examination for a timebound period, this will be set out in regulation and must not be longer than 6 months, this will be to allow the LPA to undertake any work to address issues identified by the Inspector outside the examination process.

Community engagement and consultation

49. Existing practises of engagement and consultation in plan-making are widely perceived to be narrow and ineffective. For many, consultations on plans can feel too technical and difficult to engage with, discouraging people from having their say whilst disproportionately drawing views from people from a narrow set of demographic groups. Those voices who may benefit most from new development are often the quietest in the planning process.
50. Communities must remain at the heart of the plan-making process, and local people must have a meaningful say on planning policies that will affect them and their local area.

51. Proposals want to increase the amount of engagement that takes place during plan-making and the opportunities for communities to influence their plan. The reforms on engagement focus on the below:
- **the role of digital** – has the potential to improve both the quality, quantity and diversity of participation within the local plans process, when used in combination with traditional methods;
 - **planning and monitoring the engagement approach** – supported by our proposals for a new Project Initiation Document requirement and gateway assessments;
 - **a focus on early participation** – introducing a proposed new requirement to “notify” and “invite” participation at the start of the plan-making process, to complement the scoping stage and to encourage early and increased quality of engagement; and
 - **a more standardised approach to consultation** - retention of two mandatory consultation windows, which will be more clearly defined and strengthened through regulations to increase their impact.
52. A Statement of Community Involvement will no longer be required, and engagement ambitions will instead be set out in the PID as detailed earlier.
53. Government is proposing to introduce a new requirement, in regulations, for planning authorities to “notify” stakeholders and “invite” early participation on matters that might shape the direction of the plan. This will enable increased transparency over plan-making timeframes and provide an earlier opportunity for relevant persons and/or bodies, which might include communities, statutory bodies and neighbouring authorities, to have sight of and to influence the plan-making process. The new requirement will sit within the scoping stage, prior to commencement of the 30-month process and before the first mandatory consultation window.
54. The format of this consultation will be at the discretion of the LPA and the government are seeking views on what it should be addressed.
55. In response to some of the existing challenges around formal consultation in the current system, government propose that in the new system, the regulations governing the two formal consultation windows should:
- define the role and purpose of these windows more clearly, reflecting where these sit within the wider end-to-end local plan process; and
 - enable the submission of representations in a form which maintains and strengthens accessibility for communities but makes it easier for planning authorities to process.

Requirement to assist with certain plan-making.

56. The Levelling Up and Regeneration Bill sets out a “Requirement to Assist with Certain Plan Making”. This will give plan making authorities the power to legally require that “prescribed public bodies” provide assistance to develop or review the local plan, minerals and waste plan, supplementary plan, spatial development strategy, infrastructure delivery strategy, marine plan or policies map. Regulation will be used to set out those bodies this applies to, and the consultation seeks view on the initial list proposed.

Monitoring of plans

57. The Levelling Up and Regeneration Bill provides a power for the government to require planning authorities to provide information, on the implementation of policies relating to the authority’s area. They are also required to monitor the environmental effects of the implementation of the plan, and once reforms to environmental assessment processes are in place, the delivery of specified environmental outcomes. Government intends to use regulations to give clarity on the requirements and to set a small number of common metrics to monitor implementation of policies. The Bill also enables the establishment of a requirement to monitor the progress of plan preparation, the timings for which would be set out through the local plan timetable.
58. Under the new system, the existing AMR approach will be amended and instead the following stages imposed:
- **a light touch annual return.** This will include progress against plan making activities proposed in the local plan or minerals and waste plan timetable, and as a minimum it will also report on a small number of nationally prescribed metrics (see below) to assess the implementation of key policies against the output of the plan. These are intended to remain stable to enable the identification of trends over a longer period. Planning authorities will be free to supplement this list with any locally significant metric that they choose; and
 - **a detailed return to inform updates to the plan.** By 4 years after adoption of a local plan or minerals and waste plan, at the latest, planning authorities should prepare a fuller analysis of how planning policies and designations are being implemented, and the extent to which the plan is meeting the overall vision for their area. This may also consider where policies are no longer relevant. The scope and content of this monitoring report is proposed to be left to individual planning authorities but should be designed to inform the forthcoming update of the plan, which will need to commence five years after adoption, at the latest.

Supplementary plans

59. The Levelling Up and Regeneration Bill provides for the creation of new supplementary plans. These plans are intended to be produced at pace to enable planning authorities to react and respond positively to unanticipated changes in their area separate from the local plan or minerals and waste plan preparation process. This could include allocating and shaping an unexpected regeneration opportunity or introducing new site-specific policies including in relation to design, infrastructure or affordable housing.
60. Local planning authorities will also be able to use supplementary plans to discharge the new Bill requirement to produce an authority-wide design code.
61. The reforms will remove the role of Supplementary Planning Documents and Area Action Plans.
62. The Bill places certain limits on the allowable scope of supplementary plans (either by subject matter or geographically), so that they do not subvert the role of the local plan as the principal planning policy framework for the local planning authority's area.
63. Planning authorities will need to set out any supplementary plans which they are to prepare and certain details in the local plan timetable including: the subject matter and geographical area, site or sites to which each of those supplementary plans is to relate and whether the authority is to prepare a joint supplementary plan. Because they are optional, supplementary plans will not have a defined preparation time such as the 30 months proposed for local plans and minerals and waste plans.
64. Supplementary plans will undergo formal consultation with communities and stakeholders, including statutory bodies and independent examination.
65. The Bill's approach to the independent examination of supplementary plans is broadly modelled upon the existing arrangements for neighbourhood plans (which already form part of the development plan once brought into force).
66. The Bill provides two options for the independent examination of supplementary plans. Plan-making authorities may submit their draft supplementary plan to the Secretary of State, for the examination to be carried out by a person appointed by the Secretary of State, or to an examiner of the authority's choosing who is an independent, impartial person and who is suitably qualified.
67. For especially large, complex, or locally contentious supplementary plans, government suggest it might be more appropriate for the examination to be carried out by a person appointed by the Secretary of State. This is due to the additional resources and expertise that that the Planning Inspectorate can call

upon, and because the Bill sets out that where supplementary plans are adopted, this must be with modifications recommended by examiners.

68. With these matters in mind, government are keen to hear views on whether they should set thresholds to guide the decision that authorities make about the choice of which supplementary plan examination route to follow.
69. Existing SPD's will remain in force until a new style local Plan is adopted.

Approach to roll out and transition.

70. Government remains committed to the key milestones set out in the LURB, subject to Royal Assent of the Bill. In the consultation government state, the following:

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

71. Government confirms their intention to have in place the regulations, policy and guidance by autumn 2024 to enable the preparation of the first new-style local plans and minerals and waste plans.
72. The consultation is also seeking views on the approach to roll out of the new style local plans, with an initial small cohort of around 10 “front runner” authorities. This will ensure there is a strong foundation of learning and best practice for other authorities to draw upon.
73. The first cohort of local planning authorities, the “front runners” could start plan-making from autumn 2024.
74. Remaining authorities would then be ranked by date of most recently adopted plan and placed in groups of up to 25 authorities each allocated a 6-month plan-making commencement window (a wave) within which plan making should start.

Next Steps

75. The three Councils are each preparing their individual response to this Consultation and will continue to review and respond to further updates to this process as they are released.

Climate change and air quality

3. The work noted in this report has an overall positive impact on the Councils Carbon emissions and the wider Climate Emergency and sustainability targets of the Council.
4. The report impacts on the following activities in a positive way although details of specific benefits is to evolve as further guidance on the planning reforms emerge:
 - a. net carbon zero by 2030,
 - b. air quality,
 - c. flooding risks,
 - d. green areas and biodiversity.

Equality and diversity

5. The government has published an EIA along with the consultation. There are no implications at this stage as we are not yet preparing a new style local plan.

Risk

6. The proposals for the plan making reforms are still being formulated. There is the potential for additional work for the Councils to carry out in regard to implementing the reforms when introduced, which could require further resources for the planning teams given the shorter time period for plan preparation and digital ask, however this is unknown at this time.

Background documents

There are no background papers to this report.

Appendices

There are no appendices.

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