

REPORT TO:	Planning Policy Committee 21 September 2023
SUBJECT:	The Future of Plans and Plan Making Technical Consultation 2022/2023
LEAD OFFICER:	Kevin Owen (Planning Policy & Conservation Manager)
LEAD MEMBER:	Cllr Martin Lury, Chair of Planning Policy Committee
WARDS:	All
CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION:	
The recommendations supports: - <ul style="list-style-type: none"> • Improve the Wellbeing of Arun; • Delivering the right homes in the right places 	
DIRECTORATE POLICY CONTEXT:	
The proposals will help to enhance the quality of the natural and built environment, protect the district's natural and heritage assets and to promote economic growth in a sustainable manner, striking a balance between the need for development and the protection of scarce resources.	
FINANCIAL SUMMARY:	
Plan making costs including any transition towards a new plan making regulatory framework, will need to be met from within the current revenue budget. Officers from the Planning and Finance Groups will discuss how this can be achieved and should this not be possible, an overspend will be reported to the Committee in due course.	

1. PURPOSE OF REPORT

- 1.1 To update Planning Policy Committee and agree a broad response to the Government's further public consultation on plan-making reforms published 25 July (running for 12 weeks until the 18 October). The consultation document called 'The Future of Plans and Plan-making: a Non-technical Summary' sets out many of the proposals signalled in earlier reform consultations, associated with the Levelling up and Regeneration Bill (LURB) e.g., National Planning Policy Framework, Infrastructure Levy etc.

2. RECOMMENDATIONS

- i. That the Council bids to become a front runner authority for progressing the Local Plan update in November 2024 when new regulations are published;
- ii. That a high-level response is submitted to the consultation as set out in sections 4.6 to 4.12.

3. EXECUTIVE SUMMARY

- 3.1 The Government's key driver for planning reform is for simple, speedier plans which clearly show what is planned in an area and which are updated frequently, are more digitally accessible and shaped by local communities while they are being drawn up. The Government's key concerns is summarised as follows:-

“The current way of preparing plans is not optimised for community participation. Plans can be lengthy, hard to read and difficult for those without specialist planning knowledge to engage with. They also often take a long time to prepare, at least seven years on average, which means they can be out of date too quickly, and communities struggle to understand the many different consultation phases. As a result, only approximately 35% of local planning authorities have adopted a local plan in the last five years, and few are at an advanced stage of preparing a new one. This creates uncertainty for communities and holds back development where it is needed.”

4. DETAIL

- 4.1. The following section broadly summarises the key proposals under the following topics:-

Plan content

- A single plan with content based on core principles and a standard template;
- Shorter plans focused on locally important matters with sustainable development to run as a golden thread throughout the plan, with growth directed to suitable locations, supported by infrastructure and good design fostering 'beautiful places';
- A set of national Development Management Policies;
- A narrative on how the area will develop supported by a key diagram showing the strategy and vision;
- A digitally accessible interactive Policies Map that foster stakeholder engagement and policy transparency;
- A detailed approach to monitoring including how the Vision and development strategy is delivered.

30-month timetable

- A speeded-up process with preparation to be undertaken within 30 months (2.5 years) when typically plans take 5 - 7 years to prepare or longer;
- 4-month notification and Project Initiation Document prior to 30-month preparation (23 months will be for plan making processes and 6 months for examination and 1 month to adopt i.e. 30 months – See Appendix 1);
- Based on a Project Initiation Document (PID) setting out the scope of the plan, programme and consultation dates (effectively replacing the Statement of Community Involvement);
- Based on a locally distinctive and strategic Vision, developed closely with local communities and stakeholders including monitoring progress through measurable outcomes; ensuring communities shape the local plan at the earliest stages to meet their needs over time;
- Proportionate evidence;
- Early participation and 2 formal consultation stages with stakeholders;
- 6-month planning Examination;
- Requirements to start updating the Local Plan every 5 years;
- The published timetable will be in a digital format published online to be kept up to date at least every 6 months.

Digital plans

- To make documents more visual, efficient and accessible through mapping and electronic/online tools and maps.

Evidence and the tests of soundness

- Evidence to be proportionate and reflect core principles (with open standardised data/metrics, templates and data standards);
- A distinction between evidence to support the plan and evidence to demonstrate 'soundness' at examinations;
- Housing Target based on Standard Housing Methodology to be 'advisory' and remain based on 2014 based population projections;
- Maximised opportunities to protect the environment, human health and deliver government environmental targets and commitments (water, flood, landscape air quality, Local Nature Recovery Strategies); and
- Accommodate new Environmental Outcomes Reports (to replace Strategic Environmental Assessment).

Mandatory Gateway assessments (See Appendix 2)

4.2. To ensure that the plan making process can progress quickly, and the scope of the plan moves in the right direction, the Government proposes 3 gateways that the plan must proceed through (the first two advisory before each mandatory consultation and last one mandatory before submission for examination) in order to minimise problems and issues faced at Examination and thereby allow a swift examination process within 6 months. These gateways are as follows:-

commencement of Gateway 1 (Advisory 4 weeks)

- Scoping and early engagement consultation, will be subject to Planning Independent Specialists or Inspectorate (PINS) advice;
- First mandatory consultation window (8 weeks)

commencement of Gateway 2 (Advisory 4 weeks)

- Plan formulation
- Second mandatory consultation window (6 weeks)

commencement of Gateway 3 (Mandatory 4 weeks)

- Planning Inspectorate (PINS) advice before Examination.
- Submission for independent Examination
- Anticipated adoption date
- The PINS advice will be chargeable to ensure quality decision making.

Plan Examination

- Anticipate that successful passage through the 3 x Gates will reduce and minimise scope for contentious issues at examination stage and speed up the process which should take 6 months (with potentially an additional 3 months if Main Modifications are needed including consultation);
- Inspectors power to pause Examinations for (6 months) for matters to be resolved outside the examination.

Community Engagement

- Project Initiation Document sets out early engagement (PID);
- 'Notify' and 'invite' 'early participation on matters to include to ensure communities shape the plan and strategic vision for growth of the area (Notification happens now in the current system);
- Traditional engagement methods supported by digital methods and best practice;
- Undertake two formal consultation stages (as happens now in the current system);
- Template for representations;
- Requirement for prescribed bodies to assist in plan making;
- Establish a national network of Digital plans through incremental testing and learning.

Monitoring

- Monitoring of delivery of plan objectives and environmental outcomes;
- Light touch annual monitoring reporting with 4-year detailed monitoring return after adoption;
- The LURB proposes removal of requirement to maintain a rolling 5-year Housing Land supply where plans are up to date (i.e. adopted within the last 5 years) and whether the buffers should be removed as part of the calculation;
- The LURB proposes a permissions-based Housing Delivery Test will allow removal of the presumption in favour of sustainable development where it can be demonstrated that permissions are sufficient to meet local need.

Supplementary plans

- ‘Supplementary Plans’ allow quick reaction to change and prepared subject to consultation and examination will be part of the development plan to replace Supplementary Planning Documents (SPD);
- Existing SPD and Area Action plans will be extant until a local plan review commences under the new system.

Infrastructure Delivery Strategies

- Alongside the signalled introduction of an Infrastructure Levy, Infrastructure Delivery Strategies will ensure a strategic and unified approach to infrastructure supporting delivery of the plan and to be introduced under the LURB.

Community Land auctions

- Pilot Community Land auctions to identify land available for allocation in ways which seek to optimise land value capture through ‘price discovery’;
- Land price becomes legally binding if the land is allocated following review by piloting authority;
- Options can be sold by the authority once sites are allocated or develop the land themselves.

Transitional arrangements

- 4.3. A phased roll out is anticipated with Regulations, policy and guidance being in place to permit the new local plans system to commence in November 2024.
- 4.4. Plans being prepared under the current system have deadline for submission on 30 June 2025 and adoption on 31 December 2026 (paragraph 235). If plans that are more than 5 years old are being prepared under the current system and are not aimed at submission by 30 June 2025 the authority should immediately prepare plans under the new system (paragraph 238) when it becomes live (November 2024).

- 4.5. The consultation invites 10 front runner authorities in November 2024 and further waves of authorities in 6-month intervals, thereafter, based on age of plan to keep plan review numbers manageable and on a rolling basis. Acceptance as a front runner would allow the authority to commence under any new regulations in November 2024 while ensuring the capacity of the Planning Inspectorate is allocated to achieve the 3 gateway assessments. Front runner status would also allow for learning and best practice is trialling the new system of plan making, benefitting from Government allocated expert plan making support.

Key Issues

- 4.6. The above summary of proposed changes and transitional arrangements poses potential issues for Arun's Local Plan update which was resumed on 19 July 2023. The Local Plan timetable will not achieve the first milestone for submission by 30 June 2024 because of the consultation stages and phased evidence commissioning programme will not allow it. The consequence would be that a plan would have to then be prepared under the new system when it becomes live in November 2024. This would require Arun to become a 'front runner' authority commencing in November 2024 – unless, following this consultation, the Government permitted authorities which have already started updates, to progress under transitional arrangements beyond the proposed submission deadline. To ensure that work is not wasted under the current Local Plan update, it is expected that this work could continue and be used to transition towards the new system as far as possible.
- 4.7. Some elements of the proposed system will also depend on the results of several further consultations (e.g. National Development Management Polices) and refinement of the consultation proposals - such as promised digital tools for mapping and engagement as well as advice principles and templates for the Local Plan, including defining what is meant by 'proportionate evidence', and formulating locally grounded Vision & Objectives. These uncertainties will require the council to follow a close watching brief in preparing its local Plan update.
- 4.8. Several proposals listed after paragraph 4.1 above, are already a feature of the current planning system although, they are given added emphasis and technical amplification on the basis that they are not being consistently delivered in the right way. In particular, early scoping of the plan and the need for community engagement to shape locally distinctive Visions and Objectives. Rather than just focussing on an authority's long-term aspirations, the new system, may require measurable outcomes (running like a 'golden thread') that that the polices of the plan must aim to achieve. A user tested template/model Vision is to be developed for this purpose for authorities to use.
- 4.9. Given the uncertainties and constraint on resources, officers propose a high-level response to the consultation focused on these matters relevant to Arun (rather than attempting to answer 43 specific questions). In particular, the Government is urged to:

- Recognise the position of those authorities which have already commenced plan making under the current system at considerable expense, where plans are more than 5 years old and consequently, communities are subject to speculative development;
- Those authorities that do not meet the submission deadline but aim to achieve adoption by December 2026 should be given the opportunity to progress plans accordingly under the current system under the transitional arrangements;
- Alternatively, Government is urged to allow evidence work that is already started and underway including early engagement, to be banked and if necessary refined subsequently, to aid transition for the November 2024 start date and that these should be added to the 'front runner' programme of 10 authorities.
- Clarify that the 30-month timetable for plan making should be advisory, to accommodate the Governance and committee cycles that local authorities need to comply with before critical consultations stages and policy proposals can be consulted on which may significantly impact on achieving 30 months.

4.10. Officers recommend to Planning Policy Committee that Arun should put itself forward as a front runner authority.

CONCLUSIONS

4.11. Arun's Local Plan update needs to progress while keeping a close eye out for potential changes and how this may impact upon the process. Should proposed changes be implemented with new regulations the Local Plan update is brought into a position to adapt and transition to the new requirements. It would be prudent to signal now, the authority's desire to become a 'front runner' authority commencing the Local Plan update under the new system from November 2024 should the proposed, changes be implemented.

4.12. Officers will continue to operate with legal guidance on the proposed approach to Arun's Local Plan update. At this stage Officers propose to make a high-level response (addressing only some of the more relevant questions for Arun) because of the level of uncertainty.

5. CONSULTATION

5.1. No consultations have been undertaken because of this Government consultation.

6. OPTIONS / ALTERNATIVES CONSIDERED

6.1. The council can choose to respond to the national consultation to encourage proposed changes to the planning system that best serve Arun and its communities or not to respond and risk the implementation of planning proposals that are not informed by the council's views.

7. COMMENTS BY THE GROUP HEAD OF FINANCE/SECTION 151 OFFICER

- 7.1. Plan making costs including any transition towards a new plan making regulatory framework, will need to be met from within the current revenue budget. Officers from the Planning and Finance Groups will discuss how this can be achieved and should this not be possible, an overspend will be reported to Members in due course. This action is in accordance with Part 6, section 3, paragraph 3.3.2.2 of the Council's constitution, which states that wherever possible additional cost pressures should be met from within existing budgets. Any overspend that cannot be mitigated will reduce the Council's level of Usable Reserves.
- 7.2. The impact on the Council's Mid Term Financial Strategy will also be addressed by Officers as part of the process to update the current Strategy and will be reported back to Policy & Finance Committee

8. RISK ASSESSMENT CONSIDERATIONS

- 8.1. Implementing the recommendation will minimise the risk that the Council will fail to meet national polices and regulations.

9. COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

- 9.1. The governance and legal implications.

10. HUMAN RESOURCES IMPACT

- 10.1. There are no direct implications of this report however, the proposals for the new plan making framework, if brought into effect, may generate additional work streams and remove some work streams which will need effective resource planning.

11. HEALTH & SAFETY IMPACT

- 11.1. There are no direct implications of this report.

12. PROPERTY & ESTATES IMPACT

- 12.1. There are no direct implications for Council property.

13. EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

- 13.1. The proposals may have a positive impact on community health and wellbeing through supporting sustainable polices within the development plan to meet identified housing and economic and environmental needs through placemaking and infrastructure delivery.

14. CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

14.1. The update of the Local Plan through the current or new plan making system if introduced, may have positive and negative implications for Climate Change although these should balance and mitigate being subject to Sustainability Appraisal and environmental outcomes.

15. CRIME AND DISORDER REDUCTION IMPACT

15.1. There are no direct adverse implications for crime and disorder however, preparing an up-to-date development plan may benefit designing out crime through placemaking policies.

16. HUMAN RIGHTS IMPACT

16.1. There are no direct adverse implications for human rights.

17. FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

17.1. There are no implications.

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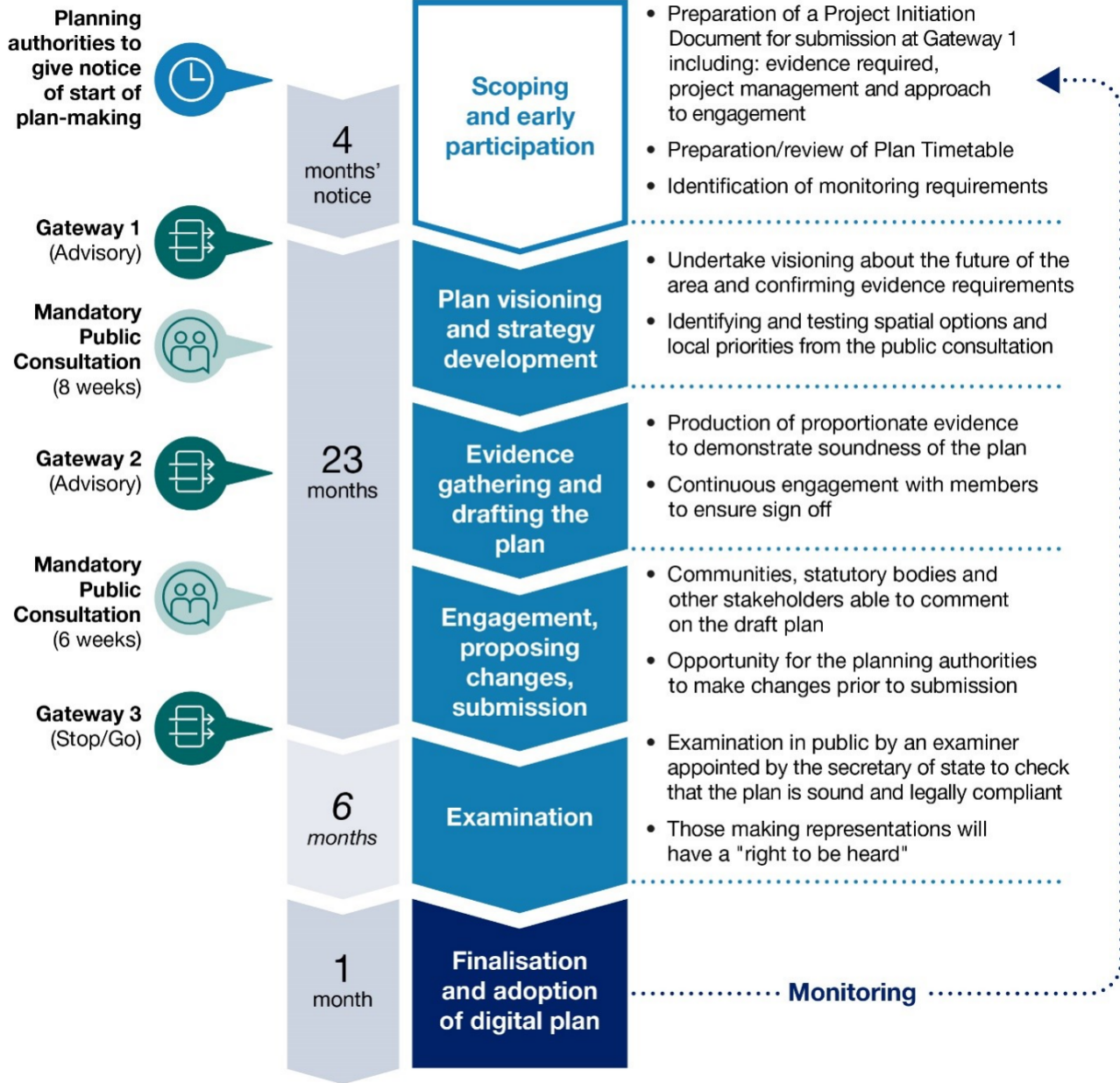
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BACKGROUND DOCUMENTS:








Background Paper 1: The Future of Plans and Plan Making Technical Consultation 2022/2023

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

Appendix 1: 30-month Plan Making Timetable following 4 Months' Notice



Appendix 2 Gateways

	 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

