



NORWICH
City Council

Committee name: Sustainable development panel

Committee date: 03/10/2023

Report title: Plan Making Reform - Government Consultation

Portfolio: Councillor Stonard, Cabinet member for inclusive and sustainable growth

Report from: Head of planning and regulatory services

Wards: All wards

Purpose

To inform members about the current consultation on plan making reforms, and to seek members' views on the proposed consultation responses.

Recommendation:

It is recommended that members discuss and comment on the proposed consultation response to be submitted to government and that officers submit a response which takes into account members' comments by the end of the consultation period on 18 October 2023.

Policy framework

The council has five corporate priorities, which are:

- People live independently and well in a diverse and safe city.
- Norwich is a sustainable and healthy city.
- Norwich has the infrastructure and housing it needs to be a successful city.
- The city has an inclusive economy in which residents have equal opportunity to flourish.
- Norwich City Council is in good shape to serve the city.

This report addresses the first four aims.

Report details

Background

1. The government published the consultation on plan making reforms on 25 July 2023. There are 43 questions within the consultation document and the deadline for providing a response is 11:59pm on 18 October 2023. The consultation document is available here: <https://www.gov.uk/government/consultations/plan-making-reforms-consultation-on-implementation/levelling-up-and-regeneration-bill-consultation-on-implementation-of-plan-making-reforms>.
2. The government's vision is that local plans are simpler to understand and use and positively shaped by the views of communities about how their areas should evolve. The government wants local plans to be prepared more quickly and updated more frequently to ensure more authorities have up-to-date plans that reflect local needs. They want them to make the best use of new digital technology, so people can get involved without having to go through hundreds of pages of documents. The consultation asks for views on the proposal to implement the parts of the Levelling Up and Regeneration Bill (LURB) which relates to planning making, to make plans simpler, faster to prepare and more accessible.
3. It is the government's intention to have in place the regulations, policy and guidance by autumn 2024 to enable the preparation of the first new-style local plans. Its introduction will be done via a 'phased roll-out'.

Summary of key proposed changes

4. The key elements of the consultation are set out below. The proposed response to the consultation questions is given in Appendix 1.

Plan content

- It is proposed that a single local plan document would be prepared which would include the vision, the overall strategy, site allocations and locally specific DM policies. Supplementary Plans could be produced but these could only be on design issues or to help planning authorities react quickly to change in particular areas (for example an unexpected regeneration opportunity). Supplementary Plans will have the same weight as Local Plans and will be subject to consultation and examination. The government intends that there will be national development management policies and any locally specific DM policies would need to be in the single plan and must not repeat national policies.
- The government will publish a new series of 'core principles' setting out what plans should contain.
- The plan must contain a locally distinct vision which will anchor the plan, provide strategic direction for the underpinning policies and set out measurable outcomes for the plan period. The vision should serve as a 'golden thread' through the entire strategy.

Process

- It is proposed that plans should be prepared and adopted in 30 months (two and a half years). Before the timeframe begins and the clock starts ticking, LPAs will be able to undertake preparation to be in the best position to start their plan and will be required to announce when the formal plan preparation process will start. Preparation will include scoping, evidence gathering and early participation ('notify' and 'invite' views on what the plan should contain and gather views on how communities and stakeholder would like to be engaged through the process).
- Following scoping and early participation there will then be five stages of local plan preparation which must be completed within the 30 month timescale. These are:
 - i) Plan visioning and strategy development
 - ii) Evidence gathering and drafting the plan
 - iii) Engagement, proposing changes, submission
 - iv) Examination
 - v) Finalisation and adoption of the plan
- Draft plans will have to pass three mandatory gateway checks involving inspectors. The first gateway check, which will take place following the scoping stage is to ensure the plan 'sets off in the right direction'. The second gateway check will involve 'ensuring compliance with legal and procedural requirements and (wherever possible) supporting early resolution of potential soundness issues' and take place between the two mandatory consultation windows. The third gateway will take place at the point just before submission and is designed to 'monitor and track progress'.
- Plan examination by the Planning Inspector should take no longer than six months (plus additional 3 months if further consultation is needed).

Consultation

- LPAs must have two periods of consultation which will take place following the conclusion of the first and before the third gateway assessments. They will last for a minimum of eight and six weeks respectively. In addition early participation will be required during the scoping phase. The government is proposing new approaches to engagement and within the 'project initiation document' it must be set out what engagement is planned and what resources and skills will be required to deliver this.

Monitoring

- LPAs will be required to produce annual monitoring reports outlining how their plans have met a series of nationally prescribed metrics and a fuller analysis four years after adoption.

Format

- New 'digital templates' should be used to help authorities prepare their new-style plans. The aim is that this should help support planning

authorities in drafting their plans by setting out standardised approaches to specific parts of the plan.

- PDF style plans should be replaced with digital version that are shorter and 'more visual'.
- Digital support for plans will be provided via a new 'pick and mix toolkit'. This will include a 'set of tools that can be used by different types of planning authorities, at different stages of the plan cycle, to make the process more efficient, more cost effective and more accessible'.

Timetables

- Local Development schemes would be replaced with a new 'timetable' document.
- Plans must be updated more frequently (updates need to commence within 5 years after adoption and updates will be subject to consultation and independent examination). The removal of the requirement for planning authorities to have a five year housing land supply will protect against speculative development and provide an incentive to have an up to date plan.

Community land auctions

- Councils who sell community land auction options to developers will still be able to ask them for s106 planning gain contributions.

Council response

5. Officers have reviewed the consultation document and have provided a draft response which is set out within Appendix 1. Overall officers are quite supportive of the proposal in principle and hope that the proposed measures will speed up the planning making process and make plans easier to understand and use.
6. In particular standardisation and digitisation is welcomed and should help ensure consistency for all Local Planning Authorities. The gateway assessments should help keep LPAs on track so that submitted plans are more likely to be found sound, in particular if clear guidance is provided on what evidence is needed at examination. Engagement with communities and stakeholders is also promoted and new approaches should help engage a cross section of population.
7. Our main concerns however are whether in practice it will be possible to produce and adopt a plan within 30 months and whether the quicker timescales will result in a significant reduction in traditional consultation methods. It is likely that a considerable amount of work (scoping, evidence gathering and early engagement) will need to be undertaken before the clock starts ticking. Officers also have reservations regarding the Community Land Auctions.

Consultation

8. Due to the nature of the report, no public or stakeholder consultation has taken place. The chair and vice-chair of this Panel have been briefed on this report. Stakeholders have the opportunity to comment on the consultation using the link at the start of this report.

Implications

Financial and resources

9. None directly as a result of this report.

Legal

10. There are no legal implications.

Statutory considerations

Consideration	Details of any implications and proposed measures to address:
Equality and diversity	The report is not likely to affect people because of their protected characteristics.
Health, social and economic impact	Whilst the report itself does not have any direct health, social and economic impacts, the future implications of the changes could have quite significant social and economic impacts. These impacts will need to be assessed as part of the decision making process or plan making stage.
Crime and disorder	No likely implications
Children and adults safeguarding	No likely implications
Environmental impact	Whilst the report itself does not have any direct environmental impacts, the future implications of the changes could quite significantly impact upon our environment. These impacts will need to be assessed as part of the decision making process or plan making stage.

Risk management

Risk	Consequence	Controls required
No risks have been identified in terms of the publication of this report.	n/a	n/a

Other options considered

11. One option is to not submit a response to the consultation. This is not recommended as the scope of the consultation concerns some fundamental changes to the plan making process and it is important to provide comments so the Councils support/concerns can be recorded/ taken into account.

Reasons for the decision/recommendation

The recommendation is to discuss and comment on the proposed consultation response to be submitted to government. This will enable members' concerns and support to be taking into account when submitting the council's response to government.

Background papers: None


Appendices: Appendix 1 - Draft consultation response

Contact officer:

Name: Joy Brown and Mike Burrell

Telephone number: 01603 989245 and 01603 222761

Email address: joybrown@norwich.gov.uk and mike.burrell@norfolk.gov.uk

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Appendix 1

Responses to individual questions

The Council's proposed response to each of the consultation questions is set out below in italics. A brief summary of the key issues raised within the consultation document is also given for context but will not be included within the response submitted to government.

Chapter 1: Plan content

To support the approach outlined in the LURB it is proposed to set out through policy and guidance a series of additional core principles around what plans should contain. This should include a locally distinct vision that will anchor the plan and sustainable development should run as a golden thread throughout the plan. They should contain ambitious locally distinctive policies which meet key economic, social and environment objectives, foster beautiful places and recognise the importance of design and set out a detailed approach to monitoring. They should include a key diagram.

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

Norwich City Council supports the proposed content of plans and has no other principles to suggest.

It is proposed that the role of the vision is strengthened, focused and specific, shaped by the views of communities and informed by baseline information and inputs from stakeholders. It should serve as a golden thread with policies and allocations linking directly to delivering the outcomes set out in the vision. It should set out measurable outcomes for the plan period.

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?

Norwich City Council agrees that Local Plans should contain locally distinct visions and objectives and should be based on achieving the principles of sustainable development in the context of the specific area. Considerable work will need to have been done prior to the production of the Project Initiation Document (PID) and the drawing up of the initial vision to establish the nature and extent of local economic opportunities, the environmental constraints and opportunities and the amount and type of growth needed, along with the options for addressing these. Clear guidance from government on the amount and type of evidence that will be needed to ensure both a streamlined and relatively co-ordinated approach to plan-making will be essential.

The LURB provides for the creation of National Development Management Policies and allows for local development management policies to be included in local plans.

It is proposed that local DM policies should be underpinned by appropriate justification and local DM policies should enable delivery of the plan's vision.

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

Norwich City Council welcomes both the introduction of national DM policies and the ability to develop locally specific DM policies which help to achieve the plan's vision. This does however means that considerable work will need to have been done prior to the production of the PID to establish the need for, nature and scope of local DM policies. This will be partly dependent on the nature and scope of the national DM policies.

It is proposed to introduce a series of templates, setting out standardised approaches to specific parts of the plan. For example these could set out what a plan should contain through templated contents pages or could suggest approaches to drafting and presenting specific policies. Templates will be designed to provide sufficient flexibility to allow for individual local circumstances and to enable local innovation, whilst ensuring that key standards are met.

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

Standardisation and consistency through digitisation, including digital templates is welcomed. Plan-making manuals existed in the past, providing helpful guidance and assisting in standardising plans. Local specificity will also need to be promoted.

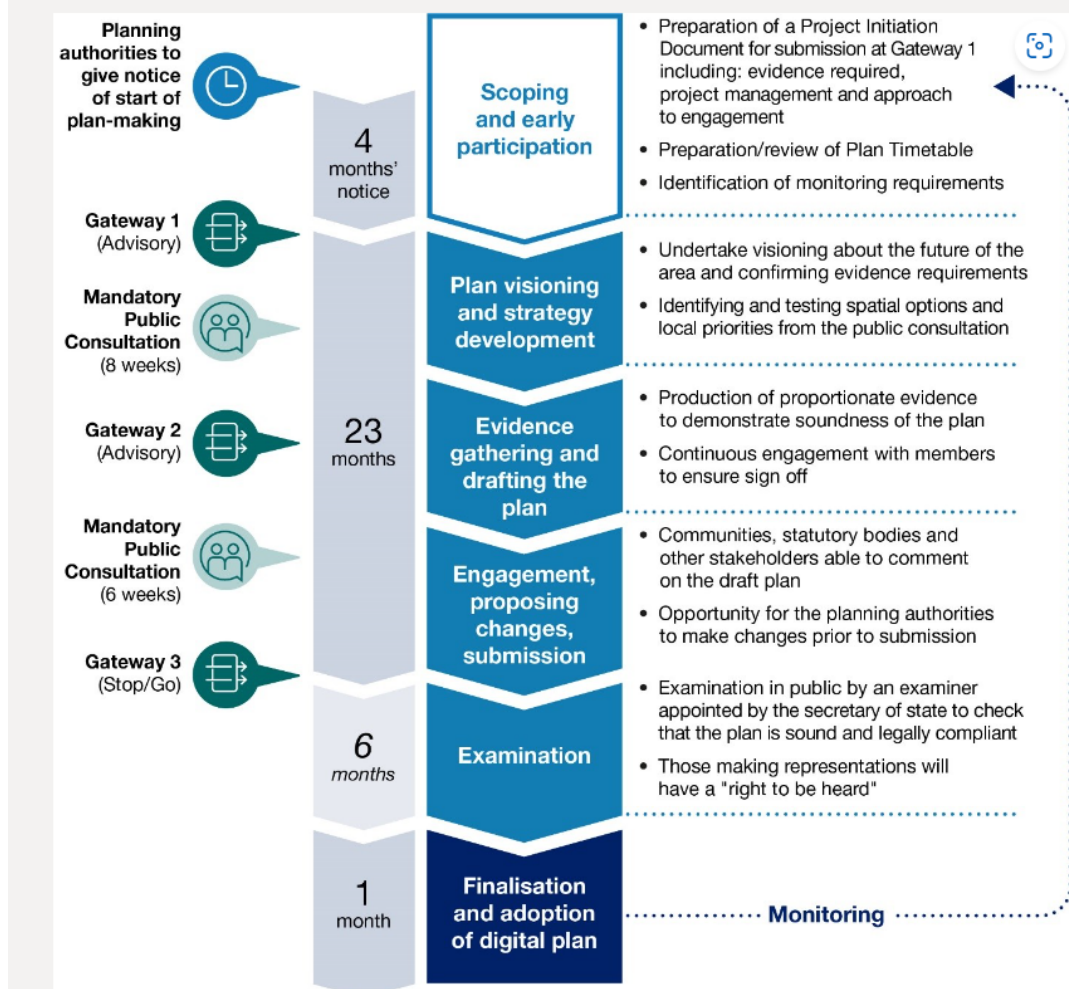
Question 5: Do you think templates for new style minerals and waste plans would need to differ from local plans? If so, how?

No comment

Chapter 2: The new 30 month plan timeframe

On average it takes 7 years to produce a local plan. The LURB sets out that local plans should be prepared and adopted within 30 months. The government proposed to use policy and guidance to establish more detailed expectations about what planning authorities should do at each stage of the process.

Figure 1: The new 30 month plan timeframe



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

No. Even with the considerable amount of work that will be necessary before the Project Initiation Document (PID) is produced, it still seems to be highly optimistic to assume that the plan can be produced in 30 months. This assumes that there will be general agreement from most parties on the approach to be taken, appears to take little account of the time taken to progress issues locally with both the two stage consultation requirements and the democratic checks and balances required and assumes that significant resources will be available. It also assumes that examination will be considerably speeded up, though it is accepted that the gateway assessments will likely assist this by ensuring that key issues are addressed prior to plan submission.

The production of proportionate evidence to demonstrate soundness taking place after the plan visioning and strategy development stage is strange – surely evidence will be required in order to undertake the initial visioning work? The guidance on

what “proportionate evidence” is and when it will be required referred to in chapter 5 of the consultation will be essential.

Examples of LPAs which have produced plans to such rapid timescales would be welcomed, as would clarification on the implications and outcomes for LPAs if these highly demanding timescales are not met.

Before the 30 month process begins the LPA should:

- a. prepare a Project Initiation Document which should include:
 - i) define the scope of the local plan and identify evidence required
 - ii) identify any local issues likely to be relevant
 - ii) set out the project management, government, risks to delivery and resourcing arrangements
 - iv) outline the overall approach to community and stakeholder engagement.
- b. consider introducing the Infrastructure Levy and Infrastructure Delivery Strategy where the ‘test and learn’ approach facilitates it.
- c. ‘Notify’ and ‘invite’ views on what the plan should contain from the community and key stakeholders

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?

Agreed in principle, though the caveats set out in question 6 may make the production of a credible and implementable PID difficult.

Chapter 3: Digital plans

The government recognise that standardisation and publication of data can contribute to greater efficiency and transparency in the plan-making process. The government seek views on where there is the greatest need for standardisation, challenges around publication and where the best opportunities lie.

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

Norwich City Council is supportive of the digital transformation in plan-making and, more widely, in planning as a whole. We accept that standardisation and the publication of data is part of this.

Through engagement the government has identified several areas where digitisation could help. These include:

- Lack of clear guidance on how to make plans
- Lack of standard formats and terminology
- Uncertainty about evidence requirements
- Lack of clear timelines
- Plans are static and pdf based meaning they go out of date quickly
- Poor monitoring means it is difficult to understand if policies are working

- Majority of people do not engage in plans
- Plans often involve making difficult local decisions but the political nature of local decision making and how it shapes plan content is often not understood.

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?

Norwich City Council recognises and agrees with the challenges identified. The final point, which should be extended to recognise that many people in any locality will oppose the principle of growth, is a key one. In addition, key local issues will arise. The use of digital techniques to get the views of a wider cross section of the population has and will ameliorate this to a certain extent. The reality is that there will likely be a need to significantly reduce the amount of “traditional techniques” in consultation referred to elsewhere in the document if the reduced timescales for plan production are to be met. It is considered therefore that there is likely to be a trade off between traditional forms of consultation and achieving timescales.

Tools and products identified that could help deliver better plans include:

- Visualisation of plans, policies and spatial data
- Templates, checklists and step-by-step guides to provide clarity and efficiencies
- Standardisation of data for consistency, access and use
- Dashboards and platforms for transparency and communication
- Search tools to better access information
- Automation tools and AI to process and report
- The sharing of best practice via case studies and blogs

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?

Agree with the opportunities identified. Norfolk County Council did a good map based [consultation](#) on the Norwich Western Link road scheme which made it easy to submit comments and opened up participation to a wider audience.

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?

No doubt AI could and will play a role, but would rely on a wholly digital approach which LPAs are not geared up for yet.

Chapter 4: The local plan timetable

It is proposed to replace the Local Development Scheme with a local plan timetable which will no longer need to go through full Council sign-off each time it is revised. It is intended to use regulations to bring about a shift from a document-based requirement to one that will make the relevant data publicly available in a prescribed digital format. Key information will need to be made available about the future shape of local plans and supplementary plans and it should be in a simple, consistent

format and structure and kept up to date. It should be revised every 6 months or earlier if deemed appropriate.

All planning authorities will be required to report on when they expect to meet the following milestones (by making this information available to the public):

- 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

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?

The milestones, timetable updates and the gateway support are sensible and helpful.

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

Ensuring that evidence is proportionate is a key component in meeting the ambitions for a 30 month end-to-end plan making timeframe. It is proposed that clearer evidence expectations will be set through national policy. A distinction will also be made between evidence produced and submitted to demonstrate the plan is sound and legally compliant and information gathering and assessment which are used to inform the plan. A summary of the proposed approach to evidence is as follows:

Figure 3: Approach to evidence



The consultation on reforms to the National Planning Policy Framework (launched Dec 2022) already proposed to amend the tests of soundness against which plans are examined, removing the 'justified' test. Whilst LPAs will still need to produce evidence to inform and explain their plans, removing the test allows a proportionate approach to their examination. The direction of travel is proposed as follows:

- Setting clear expectations through national policy
- Amending national policy to make a distinction between evidence produced and evidence submitted.
- Clarifying that evidence should only be discussed and argued at examination where there is a significant and demonstrable reason for doing so.
- Clarify that no longer a need to demonstrate that the plan is the most appropriate strategy.
- Provide guidance on 'what good evidence looks like'.
- LPAs should complete a new light touch and templated 'statement of compliance with legislation and national policy'

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?

The comprehensive proposed approach is both welcomed and essential.

Work is currently being undertaken to standardise elements of the evidence base that are particularly complex. This will provide greater clarity on what is expected and reduce discussions about specific methodologies at examination.

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?

Support the proposed approach.

The government proposed 'freezing' data or evidence at certain points in the plan making process with the aim to reduce iteration and delay.

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?

Support the third bullet point approach whereby there is the freezing of evidence at the point of publication of the plan and submission to the inspector. If examinations prove to be as short as anticipated, then there should not be the need for updates during the examination.

Currently LPAs are required to submit 'such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the local plan'. It is instead proposed that the LPA only submit supporting documents that are necessary to show that the plan is sound.

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

Yes, if this is accompanied by the clear guidance referred to in paragraph 100.

Chapter 6: Gateway assessments during plan-making

It is proposed to introduce mandatory gateway assessments into the new local plan process which require LPAs to seek observations and advice from a person appointed by the Secretary of State. This will ensure that the plan sets off in the right direction, complies with legal and procedural requirements and is on track against its timetables.

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?

Agree with the proposed approach. No doubt there will need to be a recruitment drive at PINS.

Three gateways are proposed which is:

1. at the beginning of the 30 month process, following work undertaken at the scoping stage
2. part-way through plan preparation
3. at the end of the plan preparation process (when LPA plans to submit).

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

Agree with the proposed approach.

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?

Agree with the proposed approach.

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

It is proposed that gateways are fully funded through cost recovery from the planning authority with a standard fee for each gateway.

This could place additional burden on Local Planning Authorities. It is unclear if the examination fee would subsequently be reduced.

Chapter 7: Plan examination

It is proposed that 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 more than three months.

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?

In general agreement with the proposals except for revising the way the Matters, Issues and Questions (MIQs) stages work. The submission of MIQs by other interested parties as well as the LPA allows forewarning of and preparation for the likely topics of discussions at the hearings, so should be retained.

It is proposed that the local plan examination cannot be paused for more than six months. If the matters have been dealt with before the end of the pause period then the examination will resume. If not then the inspector will be required to recommend that the authority withdraws the plan.

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?

Agreed. There is some concern that this could add further delays if plans need to be withdrawn and then resubmitted; however, the inclusion of the gateway approach should, if effective, prevent submission of policies which do not work or the omission of key issues. Our understanding is that it will not be possible to submit a plan if there is a clear omission or process error and provided this is the case then six months is likely to be an adequate pause period.

Chapter 8: Community engagement and consultation

It is proposed to increase the amount of engagement that takes place during plan making and to reach a broader audience. The proposals are as follows:

- The role of digital has the potential to improve both the quality, quantity and diversity of participation (in conjunction with traditional methods).
- Plan and monitor engagement through the Project Initiation Document
- Focus on early participation through the 'notify' stakeholders and 'invite' early participation stage at the start of plan making
- Have a more standardised approach to consultation

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

Agreed that the PID should set out the approach to engagement, though there will need to be substantial evidence gathering and engagement at the scoping stage prior to PID production. Agree that the digitisation of consultation should assist in widening engagement so that the voices of more sectors of society are heard and allow greater efficiencies in processing and analysing responses. The use of "traditional methods" of consultation may well need to be significantly reduced if the demanding timescales are to be met. This is due both to the time taken to prepare such consultations and to the time taken to process non-digital consultation responses received.

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

Norwich City Council support this. This stage of work will be critical to establishing the vision and objectives and the spatial options for growth. There is no mention in the consultation of a Call for Sites. It is assumed that this will still be the first step to plan-making as it will be critical to establishing which locations are available for consideration for development. The nature of the engagement with neighbouring local authorities and infrastructure providers will be largely dependent on the content of the alignment test.

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

Yes, the consultation at the scoping stage will need to inform the PID.

It is proposed that there will be two periods of formal consultation. The first window should build on outputs from the early participation carried out in the scoping phase. To ensure that communities can meaningfully influence the plan the government expects that questions will focus on validating the vision and test the broad options for the plan. The second consultation should seek views on the draft plan which the planning authority intends to submit for examination. To make it easy to analyse representations it is proposed that a series of templates are developed which should ensure that submissions are machine readable.

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?

Agreed. Validation of the vision for the area and testing the broad options for the plan, including the key spatial choices, were key elements of the first consultation on the production of the Greater Norwich Local Plan. The greater use of digital presentation techniques should make this critical stage of plan-making more accessible.

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

Yes, we successfully used this template as a basis for the response form for the submission version of the Greater Norwich Local Plan.

Chapter 9: Requirement to assist with certain plan-making

The LURB sets out a 'Requirement to Assist with Certain Plan Making' which give LPAs the power to legally require that 'prescribed public bodies' provide assistance to develop or review the local plan. An initial list of bodies is given.

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

No comment.

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.

Agreed.

Chapter 10: Monitoring of plans

Currently LPAs can largely choose which targets and indicators to use to assess the implementation of policies. It is intended to use regulations to give clarity on the requirements and to set a small number of common metrics to monitor implementation of policies. It is proposed that there will be a light touch annual return and a detailed return to be submitted four years after adoption of the local plan. The scope of this will be down to each LPA and will be used to inform the forthcoming

update of the plan which will need to commence five years after adoption, at the latest.

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

Agreed. The more detailed report in year 4 of the plan should play an important role in informing the update to the plan.

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

Standardisation of monitoring through a simple framework will be beneficial. We would query how useful “Net change in designated open space” would be as an indicator. Since open spaces are designated through local plans, it is difficult to see how this figure will change within the lifetime of a plan. It would be more useful if the metric used takes account of new open spaces delivered through new developments or by other means within plan periods. The net change will be a useful long-term metric.

Chapter 11: Supplementary plans

Supplementary Plans are intended to be produced at pace to enable planning authorities to react and respond positively to unanticipated change such as introducing a new site specific policy including in relation to design, infrastructure or affordable housing. They will be limited geographically to matters relating to a specific site or two or more nearby. They can also be used to produce an authority-wide design code or to set out a design code or masterplan for a site allocated in the local plan. They will have the same weight as local plans and be subject to consultation and examination. They are not intended to be used routinely.

If area wide planning policies need updating or a new policy, other than one addressing design, is required to cover an entire authority area, local planning authorities will need to update their local plan instead of preparing a supplementary plan.

For site based supplementary plans, when assessing whether two or more sites are ‘nearby’ to each other factors could include geographical distance, relationship to sites in other similar sized settlements or for the delivery of planning obligations.

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?

Agree with suggested factors. Also need to consider the relationship between the sites and the regeneration opportunities that may arise when brownfield sites are developed together.

Supplementary plans may be subject to Environmental Assessment obligations. The Bill allows for regulations to make provision about the preparation, withdrawal or

revision of supplementary plans. Given the possible diversity and flexibility of supplementary plans, different preparation procedures may be suitable for different types of supplementary plans.

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.

There appears to be no potential to prepare local DM policies through supplementary plans. This could be a problem in areas producing joint plans where different local DM policies could be priorities for different LPAs.

It is proposed the supplementary plans should have a minimum of one formal consultation stage, the timeframe for which will be set out in the local plan timetable.

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?

Agreed

The Bills approach to the independent examination of supplementary plans is broadly modelled upon the existing arrangement for neighbouring plans. The general rule is that the independent examination is to take the form of written representations but a hearing can be held if the examiner considered necessary. There are two options for independent examination. The plan can be submitted to the Secretary of State or to an examiner of the authority's choosing who is an independent impartial person and who is suitably qualified. The government are asking for views on whether larger, complex or locally contentious supplementary plans should be examined by the Secretary of State and what the threshold should be.

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 binding thresholds are considered to be necessary, but guidance would be helpful.

An examiner can only recommend that a supplementary plan is adopted if they consider all relevant procedural requirements have been met. This includes

- has had regard to other parts of the development plan
- secures that local development and use of land contribute to the mitigation of and adaption to climate change
- includes sites that are nearby each other
- have complied with requirements i.e. consultation with public
- have had regard to government guidance.

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?

Agree that it is a proportionate approach.

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?

No comment.

Chapter 13: Community Land Auctions

Community Land Auctions (CLAs) are aimed at capturing uplift in land value. The competitive nature of CLAs will encourage landowners to reveal the true price at which they would willingly part with their land. The LURB proposes to introduce the Infrastructure Levy which will replace the existing system of developer contributions. The IL will be the main mechanism to improve land value capture; however CLA provides the opportunity to pilot a further approach in certain areas, which may support increased land value capture. LPAs can put themselves forward as a 'piloting authority'. As part of the site identification and selection process, landowners '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 offer from the landowner, once an option agreement is in place with the piloting authority, becomes a legally binding option. Once piloting authorities have acquired options over land put forward in the site identification phase, they will then decide which land to allocate by considering a range of factors. They will be able to consider the financial benefits that are likely to arise from each site. Consultation and examination will be similar to plans without CLAs.

Once the local plan is adopted and sites are allocated, the piloting authority can sell the CLA options. If the CLA option is sold, the piloting authority keeps the amount the successful bidder paid for the option. The successful bidder owns the option and can exercise the option (to purchase the land) by paying the price set out by the original landowner in the option agreement to the landowner. The LPA could alternatively exercise the option by paying the original option price to the landowner in order to purchase the land. They could then sell the land by inviting bids or develop the land themselves. The piloting authority will be able to spend CLA receipts in accordance with the requirements set out in the CLA regulations. This will need to be on funding infrastructure.

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

Norwich City Council has concerns about the CLA process. Whilst welcoming the principle that LPAs should direct a major part of the uplift in land values resulting from planning to fund infrastructure delivery, this proposed approach risks the

planning system being seen as a means of buying permissions, or for less sustainable sites being brought forward over better located sites.

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

Norwich City Council has significant concerns about CLAs. Whilst welcoming the principle that LPAs should direct a major part of the uplift in land values resulting from planning to fund infrastructure delivery, this proposed approach risks the planning system being seen as a means of buying permissions, or for less sustainable sites being brought forward over better located sites.

Chapter 14: Approach to roll out and transition

It is proposed to have a phased approach with around 10 authorities being provided with expert planning making support and will start to prepare the new style local plans from autumn 2024. The remaining authorities will be ranked chronologically by the date that they have most recently adopted a plan containing strategic policies. They will then be grouped together sequentially into groups of up to 25 authorities. Each group will be allocated a 6 month plan making commencement window. Proposals are also going to be put in place which protect authorities from speculative development.

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

Norwich City Council would favour an approach which provides the maximum protection for LPAs.

Chapter 15: Saving existing plans and planning documents

It is proposed that 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 adopts a new style local plan.

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

Agree

Equalities impact

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?

Widening access to engagement should be beneficial.