



17th October 2023

Dear Sir/Madam,

**RE: Plan-making reforms: consultation on implementation**

Please, see Spelthorne Borough Council's ('the Council') formal response to the Department for Levelling Up, Housing and Communities' consultation on proposed plan-making reforms ('the proposals') below.

The Council has found it difficult to respond to the proposals as many of them are vague and lack a level of detail required for a consultee to provide a fully informed response. Notwithstanding this, the Council appreciates the opportunity to make the following comments on the proposals:

**Chapter 1 – Local Plan contents**

The Council is supportive of the requirement of a 'locally distinct vision' to provide direction for the plan.

It is noted that the Levelling Up and Regeneration Bill will provide for National Development Management Policies ('NDMPs') that are subject to a separate consultation. Without further detail on the scope of the NDMPs it is difficult to envisage what the proposed local DM policies would cover. The Council agrees in principle that local DM policies (as all policies) should be underpinned by appropriate justification and enable the delivery of the plan's vision, but it is not entirely clear what this would entail in practice. It is important that the proposed approach does not lead to the implementation of an overtly intricate NDMP framework that would inhibit the ability of Local Planning Authorities to effectively influence development on a local level. This centralisation of planning powers would reduce the influence public has on the planning process.

The Council is generally supportive of templating of local plans. It is, however, important that they are not restrictive, and are flexible enough to allow for dealing with a plethora of spatial challenges.

**Chapter 2 – The new 30 month plan timeframe**

It is not entirely justified why 30 months is the appropriate timeframe for the production of local plans. Whilst the Council is generally positive that some of the measures contained within the proposals can likely lead to some gains in production time, it is not evident how this will lead to a drastic reduction in production time from the Government's stated current average of 7 years (84 months) down to 30 months. To expedite the creation of local plans, it is imperative that local councils receive ample resources, a well-equipped workforce, and extended support from the government.

The Council is concerned that the 30 month timeframe is unachievable if the capacity of statutory consultees to provide timely input is not increased. Whilst it is noted that chapter 9 of the proposals sets out the requirement for prescribed public bodies to assist with plan-making, this requirement on its own will not help with resourcing and staffing issues that these public bodies are facing.

The Council is also concerned that there is a risk for councils such as Spelthorne Borough where all-up elections are held, where the administration of the council could change overnight. This will certainly cause issues with timings if elections coincide with critical points in the 30 month timeframe.

It is not clear what the consequences of delaying a plan beyond the 30 months will be. It appears that the 30 months will be a policy requirement rather than a legal one. It is important that some flex to this timeframe is possible as there are many uncertainties that may delay the plan production. This is further elaborated throughout this response.

The speed of plan production by a Council can be hampered by committee cycles, seeking approval for consultation and to report the outcomes. Other practical considerations are consultation periods, with best practice being not to hold consultation during state school holidays or if they are held during this time to extend beyond the minimum periods. Over three Local Plan consultations this can impact the time scales of production.

### **Chapter 3 – Digital plans**

The Council is not principally opposed to the digitisation of planning processes and are supportive of the ambition to ensure the open sharing of standardised data between authorities. The Council does, however, query the lack of detail around what specific tools will be available, what they will achieve, and how they will necessarily lead to more efficient plan-making. It is not clear how this will contribute towards the massive reduction in production time required for a local plan to be produced within 30 months of commencement.

The Council would support standardised software for inputting consultation responses and standardised templates for producing the documents required for submission to PINS.

### **Chapter 4 – The local plan timetable**

It is important that LPAs keep an up to date and publicly available timetable. Currently, this is done through the form of a Local Development Scheme. The proposal to simplify and add flexibility to this process will help keep local communities and other stakeholders informed and is welcomed by the Council.

### **Chapter 5 – Evidence and the tests of soundness**

Expectations on evidence to be more proportional is a sound principle. It is, however, not clear from the consultation materials what this would entail. Rather, this is deferred to potential future guidance on what 'proportionate' and 'adequate' entails. In the Council's response to the



consultation on changes to the National Planning Policy Framework published in December 2022, and responded to by the Council on 1<sup>st</sup> March 2023, concern is expressed over the removal of the requirement for plans to be justified. The requirement for evidence to justify plans but no need for plans to be justified is a self-contradiction, and clarity on this is required.

The proposal suggest that fewer evidence base documents will be required to be formally considered at examination. More details on what evidence is currently produced that would not be required under the new system and why this evidence is considered superfluous is required for the Council to be able to meaningfully comment on this proposal.

The Council supports the proposal for freezing data and evidence in the plan-making process. It is important that the window(s) for submitting data and evidence are clearly defined to provide certainty for interested parties. This will reduce frequent iteration which causes delay to plan production.

### **Chapter 6 – Gateway assessments during plan-making**

The addition of gateway assessments in the plan-making process is supported by the Council in principle. These assessments will help provide certainty to LPAs that the plan is on the right track and avoid costly abortive work.

It is important that a consistent approach is taken to the gateways and the examination. It is not clear how this will be achieved. Having different assessors through the gateways and the examination will risk causing inconsistency. Having the same assessor conducting the gateway assessments behind closed doors and the examination in public will likely be perceived to be an issue with openness and transparency, which would be in disregard of the Seven Principles of Public Life. Clarity as to how this would be approached would be appreciated.

### **Chapter 7 - Plan examination**

In principle, the approach of using panels of Inspectors to increase efficiency at key stages of the process is supported by the Council, however, there are concerns around the lack of staffing and resourcing of the Planning Inspectorate to accommodate this.

A shorter minimum notification for hearings runs the risk of alienating local residents and community groups. In many cases organisations such as parish councils and Residents Associations meet on a monthly basis, which means a minimum notification period of three weeks is likely to exclude these groups.

### **Chapter 8 – Community engagement and consultation**

Whilst the Council is generally positive towards additional consultation early on in the process, but there is concern over the running of a consultation and processing and implementing the responses into the Project Initiation Document could take more time than the prescribed 4 months.

The usage of templates to guide representation submission is generally supported by the Council. It is, however, important that representations made that do not follow the format of the templates are still allowed and taken into account.

Other practical considerations are consultation periods, with best practice being not to hold consultation during state school holidays, or, if they are held during this time, to extend beyond the minimum periods. Over two local plan consultations this can impact the time scales of production.

### **Chapter 9 – Requirement to assist with certain plan-making**

In order to achieve the 30 month timeframe for plan-production it is of utmost importance that statutory bodies are able to provide timely input. A requirement for these bodies to assist with plan-making can be useful as far as they are sufficiently resourced to fulfil this role. It is not clear from the consultation materials what, if any, additional funding will be granted to these bodies.

### **Chapter 10 – Monitoring of plans**

Monitoring of plans is a crucial tool to ensure the transparency and efficiency of plans. Nationally prescribed monitoring metrics can be helpful in providing certainty around monitoring expectations; however, the proposed metrics do not necessarily show the entire picture of how well a plan is delivering sustainable development. They are quantitative measures of numbers of dwellings with no metrics for matters such as good design and placemaking, contributions towards modal shifts from car to active transport, or contributions towards health and wellbeing. Whilst it is noted the proposed metrics are a minimum and there is scope for more locally determined monitoring metrics, it is disappointing to see that sustainability is not considered essential.

### **Chapter 11 – Supplementary plans**

The proposed introduction of Supplementary Plans in favour of Supplementary Planning Documents (SPDs) is generally supported by the Council. Supplementary Plans would, unlike SPDs, have full development plan status. Supplementary Plans would not, unlike other development plan documents, undergo public examination. Supplementary Plans would be subject to one round of public consultation. A level of iteration is hereby lost, and this could reinforce the perception that local communities and other stakeholders are excluded from the planning process.

### **Chapter 12 – Minerals and waste plans**

The Council is not a minerals and waste planning authority and opts not to comment on this chapter.

### **Chapter 13 – Community Land Auctions**

From the consultation materials it is not clear if the landowners 'bid' to have their site selected would be a planning consideration on par with the sustainability of a site. What weight will the financial benefits of a site be granted vis-à-vis matters such as ecology and landscape impact? This is seemingly deferred to secondary legislation, which makes making meaningful comments on the proposal difficult. There is a risk here that local authorities will be incentivised to allocate the most financially beneficial sites over more sustainable sites, especially in light of local government funding cuts.

### **Chapter 14 – Approach to roll out and transition**

It is noted that a small cohort of front runner authorities will be identified to prepare new-style local plans early to essentially 'trial' the new system. There does not, however, seem to be a mechanism to receive feedback from these authorities and incorporate this feedback into changes to the new system. This level of iteration would be beneficial.

### **Chapter 15 – Saving existing plans and planning documents**

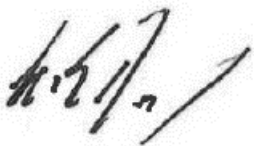
The Council notes the intention to require adoption of plans under the current system by 31<sup>st</sup> December 2026, with a 30<sup>th</sup> June 2025 cutoff for submission of plans of this style. The existing development plan will remain in force until a new-style local plan is adopted, and this approach is supported.

### **Equalities impacts**

There is concern from the Council that the focus on digital technology will be exclusionary to people who lack the means or knowledge to access this. The Council would be grateful to understand further what support will be available to ensure the planning process is made as inclusive as possible.

I trust the above comments are clear. If there is any uncertainty about any of the above, please do not hesitate to contact the strategic planning team at Spelthorne Borough Council via email addressed to [planning.policy@spelthorne.gov.uk](mailto:planning.policy@spelthorne.gov.uk).

Yours sincerely,



Councillor Malcolm Beecher  
Chair of the Environment and Sustainability Committee  
Spelthorne Borough Council