

## North Devon Council & Torridge District Council

Report Date: 13<sup>th</sup> October 2023

### Topic: Response to Government consultation on plan-making reforms

Report by: Senior Planning Policy Officers (NDC/TDC)

#### 1. INTRODUCTION

- 1.1. In the Summer of 2020, the Government published a White Paper, *Planning for the Future*, setting out its ambitions for the reform of the planning system in England; seeking to deliver a *significantly simpler, faster and more predictable system*. A key aspect of these proposals was to reform the way that plan-making (i.e. preparing a local plan) is carried out.
- 1.2. The Government has been progressing the detail of these proposals through a series of subsequent consultations and also through legislative provisions contained within the Levelling Up and Regeneration Bill that is currently making its way through Parliament.
- 1.3. Most recently, in July 2023, the Government published a consultation that seeks views on their proposals to implement the parts of the Levelling Up and Regeneration Bill which relate to plan-making. The consultation runs for a 12-week period, with responses required to be submitted by 18<sup>th</sup> October 2023.

#### 2. RECOMMENDATIONS

- 2.1. Members of the Joint Planning Policy Committee are recommended to:
  - (a) consider the draft response to the Government's consultation (Appendix 1) on implementation of plan-making reforms; and
  - (b) endorse the response to be formally submitted on behalf of the North Devon Council and Torridge District Council.

#### 3. REASONS FOR RECOMMENDATIONS

- 3.1. To provide Officers with the basis to submit a consultation response on behalf of the Councils, providing views on the Government's proposals and seeking to influence their future approach to plan making.

#### 4. REPORT

- 4.1. On the 25<sup>th</sup> July 2023, the Government published a detailed consultation on their proposals to implement reforms to the plan-making system in England<sup>1</sup>. The wide-ranging consultation is intended to inform the detailed approaches that will be taken forward to implement the legislative provisions on plan-making that are set out in

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<sup>1</sup> [Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms - GOV.UK \(www.gov.uk\)](https://www.gov.uk/consultation/levelling-up-and-regeneration-bill-consultation-on-implementation-of-plan-making-reforms)

the Levelling Up and Regeneration Bill. These changes are intended to reform the way that local planning authorities prepare, examine and adopt their local plans and also shape the content of the plans themselves. It should be noted that this is a detailed technical consultation focussed on proposals for the detailed content and operational preparation of a local plan.

- 4.2. Through the consultation documentation, the Government sets out that their vision is for (local) plans to:
  - (a) be simpler to understand and use;
  - (b) be positively shaped by the views of communities about how their area should evolve;
  - (c) clearly show what is planned in a local area;
  - (d) be prepared more quickly and updated more frequently; and
  - (e) make the best use of new digital technology.
- 4.3. The consultation documentation details the Government's proposals across a series of fifteen chapters, each with a particular emphasis; complimented by 43 specific questions to which the Government seeks responses.
- 4.4. Draft responses to the individual consultation questions (Appendix 1) have been prepared utilising professional expertise and experience of the plan-making process, whilst seeking to have regard to northern Devon and the Councils' specific context and circumstances. In the interests of brevity, the proposed responses are not discussed in detail in this covering report as they span a broad range of technical topics, with the responses provided in full at the appendix.
- 4.5. The consultation seeks views on both the content of plans and the process and requirements that would be followed for their preparation and examination. The following gives a summary of the proposals:
  - (a) vision - the proposals seek to elevate the role of the vision for the plan, with this providing a 'golden thread' upon which the approaches and policies of a plan should be based.
  - (b) core principles - the proposals seek to establish a series of 'core principles' with which the content of local plans will be expected to adhere; requiring a locally distinct vision, that sustainable development should run as a golden thread, plans to contain ambitious locally distinctive policies, foster beautiful places and link to design codes and set out a detailed approach to monitoring. It also requires plans to include a key diagram to articulate the spatial strategy and be accompanied by a policies map.
  - (c) local development management policies –policies to be more focussed, targeted on enabling the delivery of the plan's vision and underpinned by appropriate justification.

- (d) templates and digital efficiencies – expectation to utilise nationally provided templates, setting out standardised approaches to the specific parts of the plan, in the preparation of plans.
- (e) prescribed preparation process – with clearly defined stages of preparation covering (i) scoping and early participation; (ii) plan visioning and strategy development; (iii) evidence gathering and drafting the plan; (iv) engagement, proposing changes and submission; (v) examination; and (vi) finalisation and adoption of a digital plan – with all but the scoping and early participation stage to be completed within a prescribed 30-month timeframe.
- (f) digital planning – taking advantage of digital approaches, including use of visualisation for plans, policies and spatial data; toolkits, templates, checklists and guides, standardisation of data, use of dashboards, automation and use of AI.
- (g) timetable – replacement of Local Development Scheme with requirement to prepare and maintain a timetable, reporting consistently against prescribed milestones.
- (h) evidence – clearer expectations through policy and guidance, an increase in standardisation, freezing of data or evidence at particular points of plan making and re-focus of evidence to be submitted for examination.
- (i) gateway assessments – a series of three external assessments at prescribed points of the plan-making process that seek to (i) ensure that the plan sets off in the right direction; (ii) ensures compliance with legal and procedural requirements; and (iii) monitors and tracks progress. The first two assessments would be advisory, with the third being a gatekeeper to progressing to examination.
- (j) examination – streamlining the examination process by appointing inspectors early in the process, revising the pre-hearing processes, providing opportunities for third parties to submit written statements in lieu of attending, reducing the consultation period on plan modifications and the period of notification for hearings and limiting examination periods to a maximum of six months.
- (k) engagement and consultation – providing clarity about the distinct purpose of each stage of engagement and consultation, extending the first period of consultation to eight weeks, introducing an early notification and engagement phase, taking a more standardised approach to consultation and increased use of digitalisation.
- (l) requirement to assist – introduction of requirement for “prescribed public bodies” to provide assistance in preparing or reviewing a local plan.
- (m) monitoring – removal of annual requirement to prepare an Authority Monitoring Report (AMR) to be replaced by light-touch annual return based around a

series of prescribed national metrics and a more detailed return before the plan reaches four years old to inform plan review and update.

- (n) supplementary plans – removal of provision to prepare Supplementary Planning Documents (SPDs) and Area Action Plans (AAPs), replaced by opportunity to prepare “supplementary plans” that will have the same status as local plans, replaced by supplementary plans that relate to a specific site (or two or more nearby sites) or else to set out area wide design code. Preparation process to be streamlined with a lighter touch examination, similar to that used for neighbourhood plans.
- (o) community land auctions – proposals to pilot an alternative approach to secure land value uplift, as an alternative to planning obligations (s106) and Community Infrastructure Levy, in support of addressing the impact of development on infrastructure and services.
- (p) transition arrangements – confirms proposals for set dates for the submission (30 June 2025) and adoption (31 December 2026) of local plans under the current plan-making system. Proposes a staged ‘wave’ approach to local planning authorities starting their plan-making under the new system, with groups of 25 authorities starting every six months in order of the age of existing plans and 10 ‘front runner’ commencing in November 2024. Advocate protection from speculative development until adoption of new style local plans for local planning authorities whose local plans reach five years old after the introduction of the new system, but not for local planning authorities such as North Devon and Torridge who’s plans will reach this stage in this current period of uncertainty and who could not reasonably adopt a new plan in advance of the cut-off dates.

## 5. CONCLUSIONS

- 5.1. On the whole, most of the principles set out within the consultation proposals are inherently sensible and difficult to argue against, such as improved use of digital approaches, templates and data standardisation, advocating improved project management and seeking to provide clearer guidance. The draft consultation response provides broad support for these aspects, whilst highlighting any areas of concern. None-the-less, some of the Government’s planning reform proposals, if implemented, have the potential to have significant implications for North Devon Council and Torridge District Council.
- 5.2. Most notably, there are fundamental concerns over the proposals to specify the point in the future at which the Councils may commence preparation of a local plan; seeking to potentially place local planning authorities into ‘waves’ that would be allowed to commence plan-making at six-month intervals; effectively constraining the Councils ability to decide the best course of action to plan for the future of northern Devon and potentially meaning that the Councils would not have the choice to formally begin work on a new plan for a number of years.
- 5.3. There are also fundamental concerns over the realism of the proposed 30-month time limit for plan preparation, recognising that whilst the principle of reducing the

time it takes to prepare a plan is laudable, the proposals do little in reality to reduce the scale of work required to prepare and adopt a plan.

- 5.4. There are also a number of concerns around some of the proposals for changes to engagement and consultation; especially where these seek to reduce the periods available to respond or risk disenfranchising through a move to digital engagement.
- 5.5. The draft consultation response (Appendix 1) sets out areas of support to many of the proposals but also seeks to highlight areas of concern or to set out concerns where felt justified and where they are considered to not be in the best interests of the Councils or the communities of northern Devon.
- 5.6. The deadline for making submissions to the consultation is 18<sup>th</sup> October 2023 and subject to the outcomes of the consideration of this report, Officers will make arrangements for a formal joint response to be submitted on behalf of both Councils.

## 6. RESOURCE IMPLICATIONS

- 6.1. There are no resource implications directly arising from the preparation and submission of the consultation response. Should particular plan-making reform proposals be taken forward by the Government in due course, there could be implications for the resources that the Councils are necessitated to direct towards that statutory plan-making responsibilities. In particular, the proposals for a more constrained (30-month) plan-making programme could require re-consideration of the scale and nature of resources directed towards plan-making in the two Councils.

## 7. EQUALITIES ASSESSMENT

- 7.1. The Government's consultation seeks views (question 43) on the potential impacts of the proposals on those with protected characteristics as defined in section 149 of the Equality Act 2010. The Councils raise what are considered to be potential concerns in response to the consultation question.

## 8. ENVIRONMENTAL ASSESSMENT

- 8.1. There are no direct environmental implications arising from the content of this report as it only relates to unimplemented consultation proposals. The consultation proposals do not appear to have fundamental implications on the environmental aspects of the planning system.

## 9. CONSTITUTIONAL CONTEXT

- 9.1. Schedule 2, paragraph 1.1.-1.1.3 of the North Devon Councils and Torridge District Council Joint Planning Agreement.

## 10. STATEMENT OF CONFIDENTIALITY

- 10.1. This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

## 11. BACKGROUND PAPERS

11.1. The following background papers were used in the preparation of this report: (The background papers are available for inspection and kept by the authors of the report):

- (a) Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms (website); published 25<sup>th</sup> July 2023; available at: <https://www.gov.uk/government/consultations/plan-making-reforms-consultation-on-implementation>
- (b) Levelling-up and Regeneration Bill: reforms to national planning policy – North Devon and Torridge Consultation Response; 1<sup>st</sup> March 2023
- (c) Levelling-up and Regeneration Bill: reforms to national planning policy (website); published 22<sup>nd</sup> December 2022; available at: <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>
- (d) Planning for the future Consultation (website); published 6<sup>th</sup> August 2020; available at: <https://www.gov.uk/government/consultations/planning-for-the-future>

## 12. STATEMENT OF INTERNAL ADVICE

12.1. The author (below) confirms that advice has been taken from all appropriate Councillors and Officers:

- (1) Cllr Rosemary Lock, Lead Member for Planning and Development (TDC)
- (2) Cllr M Prowse, Lead Member for Economic Development and Strategic Planning Policy; Chair of Joint Planning Policy Committee (NDC)
- (3) Cllr R Hicks, Lead Member for the Economy; Vice-chair of Joint Planning Policy Committee (TDC)
- (4) Helen Smith, Planning Manager (TDC)
- (5) Sarah- Jane Mackenzie-Shapland, Head of Place, Property and Regeneration (NDC)

## 13. APPENDICES

13.1. The following appendices are provided in support of this report:

Appendix 1: Draft Consultation Response



## Appendix 1: Draft consultation response

Reform Topic	Question	Answer	Draft Response
Chapter 1: Plan Content			
Core Content	1. Do you agree with the core principles for plan content? Do you think there are other principles that could be included?	Agree	The proposed core principles appear to be logical and provide a sensible framework for the shape of a local plan and what it should contain. In reality, the principles appear to not be dissimilar to the existing expectations for local plans. The Councils welcome the renewed emphasis on vision led planning. It is important that the notion of sustainable development does not lose sight of the environmental aspects and that the role of a local plan is wider than just planning for the built development that is required to meet the needs of an area and its communities. The Councils are concerned that there appears to be an apparent disconnect between the proposals for more detailed approach to monitoring and the later proposals for a more streamlined annual reporting process based upon a set of standardised metrics. The Councils welcome the commitment to the digitalisation of policies map; this being an approach that North Devon and Torrige have delivered effectively for their adopted local plan - serving up an interactive online policies map that provides direct links through to the individual policies. The Councils have concerns over the discussion of iterative versions of vision, key diagram and policies map, which whilst recognised as an intrinsic part of plan-making, does not appear to be reflected in the proposed preparation process that is clearly envisaged as a 'staged' and linear plan-making approach.
Plan Visions	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?	Agree	The Councils consider that deriving a plan's approach from a vision is an eminently sensible proposition and is welcomed. It is therefore imperative that adequate time and resource is able to be directed to the preparation of the vision. It is important to recognise the need for the vision to not only be based upon local aspirations, opportunities and challenges but for these to be founded on robust evidence that can appropriately inform and justify any approach. It is also necessary to recognise that development of a vision is an iterative process. The Councils are somewhat concerned that the very compartmentalised approach advocated for plan-making through the reforms does not reflect the reality of real-world plan-making that is an integrated and iterative evolutionary process of evidence gathering, engagement and plan writing. The Councils are somewhat concerned that the evidence gathering aspects of the proposals may be advocated for later in the process than are required in reality to support vision development. The Councils strongly support the principle of the vision being a golden thread. In fact, the Councils would encourage the approach of the vision holding the same status as policy wording so that it can be referenced and used directly in decision making.
Local development management	3. Do you agree with the proposed framework for local	Unsure	The principle of having more focused local development management policies is welcomed. It is imperative that local planning authorities remain able to apply locally specific approaches in order to address local context, issues and circumstances; including the ability to deviate from nationally defined development management approaches where

Reform Topic	Question	Answer	Draft Response
policies	development management policies?		justified. The approach of local development management policies being underpinned by appropriate justification is accepted; however it is important that this is proportionate and not overly onerous, with the need for this to be tied in to the proposals for clarity of requirements. Whilst there is clearly sense in scoping the justification for local development management policies, it is important that the process of checking through the gateway review is not overly onerous, nor of such a constraint to be a barrier to creativity or to respond to any changes of circumstances that may arise during the plan-making process.
Templating and digital efficiencies	4. Would templates make it easier for local planning authorities to prepare local plans? Which parts of the local plan would benefit from consistency?	Agree	Any opportunity to introduce efficiencies into the plan making process and to take advantage of best practice is to be welcomed. It is essential however that any templates and standardisation does not stifle creativity nor prevent locally distinctive approaches to be progressed. There is concern that templates could lead to 'identi-kit' local plans that are contrary to the other stated ambitions of the plan-making reforms to ensure that plans are locally distinctive and responding to local circumstances. It is difficult to see what templates could be reasonably be provided, given that all plans and approaches are intended to be locally responsive and justified. Should templates be provided and mandated, it is imperative that they provide sufficient flexibility to ensure that plans are able to deliver against local requirements and priorities. A repository of accepted best practice examples for different elements of the plan, such as vision, objectives, policies, etc. would be valuable and may be a better alternative. Given the great emphasis that is being placed on the opportunity that templates and standards afford to driving efficiency in the plan-making process, should they be mandated, it is essential that the full portfolio of necessary templates and standards are prepared and available to local planning authorities in good order, and sufficiently in advance of the switch over to the new plan-making system, to allow for familiarisation and for them to be integrated into local planning authority processes and systems. It is also essential that any systems, processes and approaches are mature at point of introduction, so as to not prejudice local planning authorities' best opportunity to meet prescribed plan-making timeframes.
Templating and digital efficiencies	5. Do you think templates for new style minerals and waste plans would need to differ from local plans? If so, how?	Unsure	The responsibility for minerals and waste planning resides with another authority (Devon County Council) who will be best placed to determine whether it is necessary and appropriate for templates to differ from those for local plans.
<b>Chapter 2: The new 30 month plan timeframe</b>			
Proposed approach	6. Do you agree with the proposal	Disagree	Whilst the Councils welcome proposals to streamline the plan-making process and ensure that plans can be delivered and adopted in a timely and efficient manner, they retain fundamental concerns over the realism of being able to



Reform Topic	Question	Answer	Draft Response
	to set out in policy that planning authorities should adopt their plan, at the latest, 30 months after the plan preparation process begins?		prepare and adopt a local plan within the proposed 30-month timeframe. In reality, whilst there are some clear proposals that will introduce efficiencies into the plan making process, these do not fundamentally alter the key components of plan making, including those that tend to be time consuming, such as evidence gathering and engagement. Equally, the introduction of additional plan-making processes such as the Gateway Reviews, which whilst have clear potential benefits, also have the potential to be time consuming and resource intensive. The proposals also seek to extend one of the two mandatory consultation periods. The Councils have concerns about the expectations arising from the 4-month scoping and early participation stage and whether this will be a sufficient period to deliver against the proposed requirements and to reach a position sufficient to meet the expectations required for the first Gateway Review. Equally, the Councils are not convinced that the 1-month period afforded to the finalisation and adoption of a digital plan is realistic and achievable - recognising the need to take account of the outcomes of any Examiner's Report, to take account of any recommendations arising and necessary amendments to the Plan and/ or policies map, to arrange for publication and to complete any democratic processes necessary to achieve formal adoption. Rather than the imposition of an arbitrary 30-month timeframe, the Councils would rather the focus being on supporting local planning authorities to deliver local plans in a timely manner, including some of the wider proposals on standardisation and digitalisation, along with the provision of appropriate and adequate resourcing for planning departments and plan-making teams.
The scoping and early participation stage	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?	Agree	The Councils welcome the proposals for the use of a Project Initiation Document in the support of plan-making. This is practice that has been adopted by North Devon Council and Torridge District Council during the preparation of their now adopted joint local plan and also during the early project planning stages of the local plan update programme. It is important that the process is not overly onerous and that it is flexible, responds to local circumstances and potential differences in expertise and capacity. Whilst it is crucial that plan-making is subject to good project management practices, it is imperative that it is proportionate and does not dominate any process to the detriment of core plan-making activity; recognising that plan-making is often undertaken by relatively few officers in small teams.
Chapter 3: Digital plans			
Proposed approach	8. What information produced during plan-making do you	Leave Blank	The Councils recognise the benefits that could arise from standardisation and open publication, both in terms of efficiency and the value arising from any data. It is important that any standardisation does not have unintended consequences such as stifling innovation, subverting decision making based on flawed or constrained intelligence, or having sufficient regard to local context and circumstances, recognising the risk of implementing requirements of a

Reform Topic	Question	Answer	Draft Response
	<p>think would most benefit from data standardisation, and/or being openly published?</p>		<p>lowest common denominator. Standardisation clearly provides opportunities to explore exciting approaches to utilise data in plan-making; hopefully providing local authorities and third-party providers with the impetus to innovate, resulting in efficiencies, better decision making and outcomes for communities. It is crucial that local planning authorities are adequately resourced and supported to develop and embed necessary skills, expertise and capacity to support the digitalisation agenda. Equally, it is imperative to ensure that any mandated standardisation is aligned with investment and engagement with service and software providers to ensure the timely availability of adequate and appropriate software. In terms of specific information that would benefit from standardisation, it is suggested that maximum benefit would arise from standardising data that is commonly utilised by all or most local planning authorities and that would benefit from aggregation or cross-boundary use. Whilst complex, standardisation of representations and consultation responses would be valuable - particularly where it may result in opportunities for the application of automation, machine processing/ learning and use of artificial intelligence for the processing and analysis of said representations.</p>
<p>Listening, understanding and removing barriers</p>	<p>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?</p>	<p>Unsure</p>	<p>The Councils recognise that there are a wide range of challenges and barriers that can adversely impact on plan-making. The Councils do not however agree that a lack of clear guidance on how to make plans fundamentally results in current inconsistency and delays. The existing process of preparing a local plan is well established and understood. The Councils would welcome the provision of affordable, in-depth and intensive training on plan-making for local planning authority officers and members, similar to the residential courses on the local development framework historically delivered by PAS. The Councils do recognise some of the other challenges and barriers that are highlighted; for example, noting there is a significant variation in the form and content of local plans and that this could cause challenges for their use and application. The Councils do not recognise the notion of an over production of evidence on the basis of a fear of challenge at examination; with evidence prepared on the basis of seeking to ensure that plans are appropriate and justified. The Councils do however acknowledge that the scale and nature of evidence required on some topics is burdensome, challenging to effectively prepare and collect (such as on deliverability of sites) and could be considered dis-proportionate (although this is also juxtaposed with a previously stated ambition to frontload certainty on the detail of sites). It is not however clear how the proposed plan-making reforms will necessarily address the challenges and barriers specifically highlighted through the consultation. Equally, there are a number of highlighted challenges that arise more through the approach to practical implementation of the existing plan-making system rather than to pre-existing systemic failures - for example, the adequate maintenance of timetable information through a Local Development Scheme, opportunities for engagement identified through a Statement of Community Involvement, delivery of effective monitoring through Authority Monitoring Reports, etc. In reality, the existing plan making system should provide an appropriate framework for</p>

Reform Topic	Question	Answer	Draft Response
			addressing these challenges, however it often fails on effective implementation, possibly due to challenges with capacity and experience within local planning authority plan-making teams. The Councils do however recognise the opportunities that digitalisation may realise in relation to these matters and across plan-making more widely. In doing so, it is however important to recognise the continuing need to provide alternatives to digital information and engagement so as not to disenfranchise and cause exclusion of particular sectors of communities.
Learning and building on best practice, innovations and investment	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	The Councils recognise the areas of opportunity for digitalisation and innovation identified within the consultation. The Councils are keen to support innovative and modern approaches to plan-making, although it must be recognised that many of the aspects identified are yet to be fully mature or mainstream. Accordingly, their application can currently be somewhat experimental and not necessarily fully realise the benefits that mature technologies and approaches can realise. It will be imperative that local planning authorities are provided with adequate resourcing, skills and capabilities in order to take advantage of these emergent innovations. With the adoption of the North Devon and Torridge Local Plan, the Councils successfully deployed an interactive online policies map ( <a href="http://www.torridge.gov.uk/ndtlp/maps">www.torridge.gov.uk/ndtlp/maps</a> ) that provided the function for users to link directly to the text in an interactive online version of the local plan (published through Objective Keystone) for the relevant individual policies. The Councils also provided a comprehensive set of simple 'friendly' web addresses (for example - <a href="http://www.torridge.gov.uk/ndtlp/st01">www.torridge.gov.uk/ndtlp/st01</a> or <a href="http://www.torridge.gov.uk/ndtlp/glossary">www.torridge.gov.uk/ndtlp/glossary</a> ) that allows interested parties to jump straight to each individual policy, or part of the plan; with these proving extremely useful for incorporating into written advice such as emails and pre-application responses or for articulating over the telephone. These innovations, whilst simple, have a significant impact in delivering a more user-friendly experience for plan users.
Learning and building on best practice, innovations and investment	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?	Leave Blank	The Councils see real value in the prioritisation of tools that would support the efficient and effective handling of representations and responses to engagement and consultation. This tends to be a particularly resource intensive and time-consuming aspect of plan-making that has a significant bearing on the time taken to prepare local plans, particularly where there are sensitive or controversial proposals.
Chapter 4: The local plan timetable			
Proposed	12. Do you agree	Unsure	The proposed milestones would appear to appropriately reflect the key stages proposed for plan-making. The

Reform Topic	Question	Answer	Draft Response
approach	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?		Councils welcome the simplification of the process of maintaining the timetable, however the scope of matters that it is required to cover does not appear to be significantly different to those currently covered by a Local Development Scheme (LDS). Whilst the principle of securing delegated authority for updating the timetable is logical, the Councils have fundamental concerns about the acceptance of such a mandated approach with elected Members and the loss, perceived or otherwise, of political oversight that this would entail. The Councils recognise the value of having a well maintained and up-to-date timetable, however they have concerns about how this may fluctuate if updated every six months. It is unclear how regulations around reviewing the timetable and enforcing that the "information is more reliable" or that they are "updated more regularly" would operate effectively in practice. The Councils can see value in publishing the timings of the completion of the Gateway reviews once these have occurred for monitoring and transparency purposes; recognising that the duration of such reviews, if protracted, could impact on the wider plan-making timetable potentially outside of the control of the local planning authority.
Proposed approach	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?	Leave Blank	If the timetable is required to be revised at least once every six months as per the proposals, then it would not appear necessary to have specific key milestones that would automatically trigger a review of the timetable.
<b>Chapter 5: Evidence and the tests of soundness</b>			
Changes to national policy and guidance	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	Disagree	The Councils remain fundamentally concerned about the proposals for the removal of the explicit test for local plans to be "justified". This test is considered to continue to be an eminently sensible and appropriate requirement and it is advocated that it should remain; recognising the need to ensure that communities, elected Members and other stakeholders buy-in to the vision, ambitions and provisions of a local plan and that evidence providing justification for approaches within a plan offers an appropriate mechanism to do so. Rather than removing the explicit test, the Councils would welcome and agree with the notion of having clearer guidance on the expectations around what evidence is required to demonstrate compliance and what is considered to be proportionate. The Councils are unconvinced that it is necessary or reasonably practicable to make a distinction between evidence required to demonstrate soundness or legal compliance and that utilised for wider plan-making purposes. In reality, much of the local plan evidence is likely to have a significant overlap of purpose and it is considered that there will not, in reality,

Reform Topic	Question	Answer	Draft Response
	there other changes you would like to see?		be a significant change in what is required submitted arising from the proposed changes. The Councils support the proposal to clarify that evidence should only be discussed and argued at examination where there is a significant and demonstrable reason for doing so and where it is linked directly to questions of soundness or legal compliance. The Councils agree that the examination is not the place to be determining wider matters associated to the validity of evidence. The Councils support the introduction of the light touch and templated 'statement of compliance with legislation and national policy' - this would appear to reflect the well established PAS policy and legal compliancy checklists, which are widely utilised and which the Councils made use of in support of the preparation and examination of their joint local plan. The Councils welcome the commitment to further explore the application of the "effectiveness" test and the associated approach to demonstrating deliverability; recognising that this can impose a significant burden upon local planning authorities and it can be challenging to evidence with any certainty over a plan period.
Standardisation of key evidence and data	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?	Agree	The Councils support the principle of standardising elements of evidence and data that support plan-making activity. There is inherent sense in having commonality of approach and standardisation to enable the interoperability, aggregation and exchange of data and information. This will also undoubtedly result in efficiencies of preparation, examination and application, along with the potential to leverage added value from any outputs and deliverables. It is also recognised that standardisation should also reduce levels of challenge and debate that can occur in association with complex data and evidence. The Councils support the principle of having clear and unambiguous detailed guidance for particular elements of evidence, however it is essential that any guidance, approaches and standardisation recognise differing local circumstances and requirements - such as having regard to rurality, size, etc. It is also essential that any standardisation does not, inadvertently or otherwise, adopt a baseline requirement that diminishes the value of the evidence or could realise outputs that are not considered fit-for-purpose. In terms of specific topics, there are clearly areas of commonality across most if not all local planning authorities such as the derivation of housing and economic requirements and the identification and assessment of sites (i.e. housing and economic land availability assessments) where there is already clear good practice that could be taken forward as standards. It is important to recognise that the transition to new standards may have short term resource implications that has the potential to introduce delay and have increased costs associated to training and familiarisation, the alignment of processes, the migration of data and the development and/or procurement and introduction of new systems and software.
Freezing of data or evidence	16. Do you support the freezing of data or evidence at	Agree	The Councils welcome the principle of 'freezing' data or evidence at certain points in the plan making process, recognising that the re-cycling of evidence preparation can result in significant delay to the plan-making process. There is an inherent logic to freezing input data early in the process, possibly at the point of the second Gateway

Reform Topic	Question	Answer	Draft Response
	certain points of the process? If so which approach(es) do you favour?		Assessment. It would seem prudent to freeze any outputs of evidence at the point of publication of the local plan. The Councils would also seek that a similar process of freezing is applied to the need to respond and react to changes to national planning policy or guidance which have historically caused significant cause for delay in plan production and examination. It is imperative that there is clarity about the circumstances whereby an Inspector could potentially still request additional evidence as this could have the potential to cause significant delay or result in an unsound plan through no fault of the local planning authority. There would appear to be logic in utilising the Gateway assessments to agree the scope of evidence and/or methodologies, so long as such is applied consistently and the outcomes are respected.
Regulations	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?	Unsure	The Councils welcome the principle of being required to prepare and submit to examination a reduced quantum of evidence. They are however somewhat nervous about the ability to adequately scope the evidence that would be required to demonstrate a plan is sound. There is a potential risk that local planning authorities will inadvertently omit from submission evidence that could otherwise be utilised to demonstrate the soundness of a plan. It is not clear how such omissions could be addressed in a manner that would not potentially prejudice the examination process. The proposed approach has the potential of being counter-productive, especially if it is deemed necessary for interested parties to be able to have their say on any additional submissions required by the Inspector(s) which could introduce further delay into the plan making process, or if the plan subsequently has to be withdrawn or found unsound on the basis of omitted evidence. The Councils would reiterate that it is their view that a refined understanding of what constitutes 'proportionate evidence' would result in the most significant benefit in terms of addressing the current over burden of evidence gathering and which could, in effect, render other provisions such as reducing the scope of submitted evidence as unnecessary. This clarity around proportionate evidence could also usefully prescribe the scale and nature of evidence that could reasonably be expected to be submitted in order to support the examination of a plan.
Chapter 6: Gateway assessments during plan-making			
Proposed approach	18. Do you agree that these should be the overarching purposes of gateway assessments? Are there other purposes we	Agree	The stated purposes of the gateway assessments would appear to be inherently sensible activity for a local planning authority to undertake as part of discharging its plan-making duties. The Councils do question whether they are introducing an overly burdensome administrative process that will in all likelihood add little value to the actual overall plan-making process and add an additional burden at a time of seeking to streamline the plan-making process. There is recognition that there could be a benefit in having a third-party scrutiny and advice and that this could be beneficial from a public, project and democratic oversight perspective. Good plan-making practice should however already ensure that local planning authorities put in place effective governance arrangements that should provide for adequate oversight and challenge; effectively already delivering against the intended purposes of the assessments.



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	should consider alongside those set out above?		The Councils are concerned that the assessments will divert already limited resource away from core plan-making activity which is of particular concern when viewed against a backdrop of the introduction of the mandated 30-month plan preparation timetable.
Key expectations	19. Do you agree with these proposals around the frequency and timing of gateways and who is responsible?	Unsure	The proposals for number of gateway assessments and the associated timings of these would appear to be logical, with the assessments being placed at key strategic points of the wider plan-making process. The Councils are keen to ensure that there are safeguards in place to ensure that the national arrangements for gateway assessments are adequately resourced and managed so that they can be delivered to a local planning authority as required and in a timely manner so as to not prejudice the Councils' wider plan making programme. It is imperative that the assessment process is streamlined and efficient and does not place a disproportionate burden on local planning authorities. The Councils can see a logic to the proposals for who would conduct the assessments at each of the stages but would wish to ensure that there are appropriate quality assurance processes in place for any third-party independent assessors. The Councils would suggest that there could be real value in appointing the same Planning Inspector(s) for the final gateway assessment to carry out the subsequent local plan examination. This approach would introduce further efficiencies to the plan making process, in accordance with the stated ambition of the wider plan-making reforms, by ensuring continuity and limiting double handling of information and decision making and affording more confidence and certainty come the examination stage.
Process and scope	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?	Disagree	The Councils consider that the key topics proposed for each of the Gateway Assessments appear to be sensible and appropriate, with the principle of the gateway assessments seemingly logical and having the potential to help to reduce and address issues throughout the plan preparation and examination process. The Councils would however suggest that such matters should already be satisfactorily addressed through effective and robust internal project and programme management (including the use of a PID and appropriate governance structures) without the need for the burden of external oversight. The notion of seeking the local planning authority to arbitrarily identify up to five issues which pose risks to the soundness and/or legal or procedural compliance of the local plan for each of the first two gateway assessments would however appear to be somewhat contrived; almost seeking to generate a purpose for the assessments where none may exist, or alternatively artificially constraining the scope of the matters for consideration where there are potentially more issues to consider. The Councils would advocate that the gateway assessments are not arbitrarily constrained in such a manner.
Funding	21. Do you agree with our proposal to charge planning authorities for	Disagree	The Councils are concerned that placing the burden of funding gateway assessments on local planning authorities is unreasonable in the context of an increasingly challenging local government finance situation. Should such an approach be imposed, the Councils would expect to be supported through the provision of adequate new burdens funding - at least for the tranche of gateway assessments necessary to support the introduction and adoption of their

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	gateway assessments?		first new-style local plan. If the Councils are to be required to directly fund the gateway assessments, the Councils would suggest that there may be logic in the cost of gateway assessments being fixed, subject to a cost cap or for the contracts to be delivered through the advocated 'gatekeeper' organisation.
Chapter 7: Plan examination			
Speeding up examinations	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?	Unsure	<p>The Councils welcome the notion of speeding up plan examinations, which has to be welcomed by all. The Councils do consider that it is essential that in doing so, proposals do not undermine the robustness of plan scrutiny, nor constrain the opportunity for communities and interested parties to engage effectively and have their say where appropriate. The Councils have significant concerns about the proposed three-week period for consultation on main modifications. Whilst it is accepted that the scope of main modifications should be reduced under these proposals, the three-week period is unlikely to provide sufficient time for many organisations (such as parish councils) to be able to prepare, consider and sign-off any response. The approach would also appear to be at odds with the proposals for extending the period of engagement offered earlier in the plan making process. Whilst the Council welcomes the potential time saving that a reduction in the notification period for hearings would offer, the Councils are concerned that the advocated three-week period may not provide sufficient notice for third parties, such as statutory bodies, to be able to attend and participate – although clear programmes and ongoing communication may help to mitigate this to some extent. The proposals for the submission of short statements in writing by third parties that can be considered by the Inspector in lieu of attending the hearings would appear to be pragmatic and sensible, offering an efficient and effective route to being heard that would be welcomed by many. It will however be essential that the local planning authority has a right of reply to any such statements, as would be the case should such matters be raised as part of the hearings. The Councils welcome, in principle, the proposal to reform the process of responding to Matters, Issues and Questions, limiting the opportunity to respond to only the local planning authority. As noted, this should reduce the quantum of written material for the Inspector to consider at that stage, however it could have the potential unintended consequence of simply displacing consideration of matters of concern to the hearing sessions, which could result in protracted discussion and the need for follow up work. The Councils welcome the proposals to appoint an Inspector for the examination when the local planning authority commences the third gateway assessment, however would advocate going a step further and utilising the same Inspector(s) for the examination and gateway assessment. The Councils can see logic and pragmatism in the proposals to focus the consultation on main modifications to only the most significant amendments, however the Councils are concerned about how the scope of such modifications will be established and can foresee issues with doing so. It will be essential that any approach to establishing the scope of main modifications to be subject to consultation is justified, clear and unambiguous. The Councils raise fundamental concerns about the proposals to reduce the consultation period on main modifications to</p>

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			only three weeks. There are many organisations, such as Town and Parish Councils, or local civic groups, for whom this period would not provide sufficient time to consider, prepare and sign-off a response to the consultation. The Councils consider that this has the potential to disenfranchise elements of the community by precluding particular organisations from being able to provide any meaningful feedback.
Examination pause	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?	Unsure	The Councils consider that, when taken in combination with the wider plan-making reforms and in particular the focus on better definition of required evidence and the series of gateway assessments, a maximum of a six month pause period should be sufficient to address most circumstances likely to arise at examination. The period does however appear to be somewhat arbitrary and defining an absolute maximum through regulations could potentially be, in some circumstances, counter-productive to the goal of speeding up the adoption of local plans; recognising that it would prevent any discretion or flexibility to afford even a small extension of time over the prescribed six month limit to deliver an outcome that may result in the delivery of a sound plan, rather requiring the plan to be withdrawn and resubmitted. Given the limitation of only a single pause period it will be essential for Inspectors to carefully consider the timing of triggering any pause to ensure that it provides the best opportunity to address all outstanding matters.
<b>Chapter 8: Community engagement and consultation</b>			
Planning and monitoring the engagement approach	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?	Agree	The Councils recognise the importance and value of community engagement in plan-making and welcome its continued emphasis within the plan-making reform proposals. The Councils consider that the Project Initiation Document (PID) provides an appropriate container for setting out the Councils' overall ambitions and approach to engagement and consultation in plan-making. North Devon Council and Torridge District Council sought to adopt a similar approach as they commenced on the update to their joint local plan, preparing an engagement strategy that sat alongside and as part of their Project Initiation Document. The Councils recognise that the use of Statements of Community Involvement (SCI) have been ineffective as local planning authorities have only sought to only set out the minimum requirements necessary to meet statutory requirements, recognising that they do not wish to commit to any additional engagement in advance of commencing plan preparation. The proposed approach has the opportunity to resolve this to some extent, with the detail only being provided at the point of effective commencement of work on a local plan. There is still an inherent risk that local planning authorities will only seek to set out a 'minimum' baseline of engagement so as to not overly promise what they will offer, particularly given the introduction of constrained plan-making timeframes and increasingly limited resources in local planning authorities; this could undermine the value of the approach, however there would not appear to be any easy approach to mitigating this concern. The Councils agree that it is imperative to offer early engagement within the plan-making process, recognising that this offers the best opportunity to influence and shape future plans. Whilst the current plan-making

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			<p>legislation does not prescribe meaningful early engagement within plan-making, local planning authorities have, on the whole, continued to carry out such engagement, recognising that it is essential to effective plan making. The Councils do welcome proposals to regularise this, recognising that with resourcing limitations, there is often a pressure to limit engagement activity to those necessary to meet statutory requirements. It is essential that the consultation and engagement requirements to be set out through the PID are clear, unambiguous and well defined. The Councils welcome the notion of the PID setting out the ambition for what engagement and consultation is intended to achieve, as this will be helpful to articulate to interested parties. It is recognised that there is also value in establishing the who, why, what and when for engagement and consultation, although sufficient flexibility needs to be available to iterate and flex approaches as plan-making progresses. The Councils agree that the proposed oversight offered by the Gateway Assessments, combined with good project management offer an appropriate basis for doing this; however it will be important to recognise that PIDs should not be static but need to be reviewed and maintained throughout the plan making process as circumstances can change.</p>
A focus on early participation	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?	Agree	<p>The Councils welcome the proposal for the notification of relevant persons and/or bodies and invite participation early in the plan-making process; recognising that early participation is essential to deriving good outcomes through plan-making and that advance notification provides the best chance to ensure that third parties (including statutory consultees) are in a position to engage positively and effectively with the plan-making process. The Councils welcome that this activity is proposed to be able to be undertaken in advance of the prescribed 30-month plan-making period. Whilst this is somewhat contrived, it provides a pragmatic opportunity to provide the time and space for local planning authorities to undertake this essential activity. To be effective however, it is imperative that the 'Requirement to Assist' is introduced as proposed to include the early participation stage. The Councils welcome that the four-month notice period is defined as a minimum, offering local planning authorities with the opportunity to expand this period where they think this is necessary and appropriate. This will allow more ambitious authorities to expand their early work and apply wider and/or more innovative approaches, whilst also providing the opportunity to manage engagement across local planning authorities who might have differing levels of resource.</p>
A focus on early participation	26. Should early participation inform the Project Initiation Document? What sorts of approaches might help to	Agree	<p>The use of the outcomes of this early participation to inform the preparation of the Project Initiation Document would appear to be inherently sensible. The identification of key issues through the effective engagement of communities and key stakeholders should provide the basis for scoping the range and nature of evidence and other work necessary to support plan preparation. The Councils consider it essential that the proposed 'Requirement to Assist' applies to the early participation phase of plan making in order to help facilitate positive early participation. To be effective, it is necessary for the early participation to be meaningful; this could be through a combination of the proposals advocated, including ongoing informal engagement, potentially followed up by a more prescribed formal</p>

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	facilitate positive early participation in plan-preparation?		participation period focussed on identifying issues. The Councils consider that a range of approaches may be appropriate and that local planning authorities should be afforded discretion and flexibility as to the approach(es) to reflect their local issues and circumstances.
A more standardised approach to consultation	27. Do you agree with our proposal to define more clearly what the role and purpose of the two mandatory consultation windows should be?	Agree	The Councils welcome the proposals to make representations easier for local planning authorities to analyse through the development and provision of a series of templates. The Councils welcome the proposals to define more clearly the role and purpose of the two mandatory consultation windows. The Councils recognise that doing so will help to manage expectations of all parties involved whilst helping to streamline the management of responses, including the potential for efficiencies through standardisation, and providing clearer outcomes to local planning authorities that are better tailored to the point in the plan-making process where the consultation takes place.
A more standardised approach to consultation	28. Do you agree with our proposal to use templates to guide the form in which representations are submitted?	Agree	The Councils strongly support the proposals to make representations easier for local planning authorities to analyse through the development and provision of a series of templates. The Councils would suggest however that this alone is insufficient and that it is imperative that Councils are given the ability to mandate the form of acceptable responses and insist that standardised approaches to respond are utilised by respondents (recognising the need to offer appropriate and accessible methods to respond). Current experience is that whilst it is possible to provide well designed and standardised methods of submission, be they paper based, electronic for emailing back or for online for direct submission, and to encourage their use, a significant proportion of respondents elect to submit responses in alternative non-conforming formats. This imposes a significant burden on local planning authorities to manage and process representations, even where they have invested in software to help support the efficient management of consultations (for example Objective Keystone). Regulating, ideally on a legislative basis, for local planning authorities to be able to impose approaches and methods of submission (within defined parameters) would likely afford the greatest efficiency savings in undertaking consultation exercises. Whilst the provision of templates is welcomed, it is important that local planning authorities are provided with some discretion to allow them to tailor specific questions to be responsive to particular local circumstances. It is also essential that the PropTech sector is fully engaged with the development and implementation of proposals to ensure that they are able to provide appropriate systems to local planning authorities in a timely manner in order to facilitate the proposed approach. Equally, local planning authorities need to be provided with sufficient time and resource to be able to adequately embed new templates into pre-existing systems and processes.

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Chapter 9: Requirement to assist with certain plan-making			
Proposed prescribed public bodies	29. Do you have any comments on the proposed list of prescribed public bodies?	Leave Blank	The Councils consider that all of the identified organisations and bodies are appropriate to be considered as prescribed public bodies. The Councils would suggest the addition of the Office of the Police and Crime Commissioner and/ or other operational Policing organisations, along with other emergency service representation including Fire and Rescue Services and Ambulance Services. The Councils would also advocate the addition of AONB management bodies. For information, it is suggested that the organisation cited as Homes and Communities Agency should possibly read Homes England, whilst Heritage England should read Historic England.
Proposed approach	30. Do you agree with the proposed approach? If not, please comment on whether the alternative approach or another approach is preferable and why.	Agree	The proposed approach to the Requirement to Assist would seem to be pragmatic and reasonable. The Councils would however suggest that it is necessary to clearly define the expectations, scope and nature of what a public body can be expected to provide in discharging their requirement along with timescales for doing so, in order to be able to manage expectations from all parties and ensure that it is effective. The Councils do consider the use of the Notice as a method of escalation could potential offer a pragmatic initial route to escalate issues with participation. There is however concern that clarity is not provided as to the implications of failing to comply with the Requirement to Assist on prescribed public bodies and that such clarity of implications is necessary in order for it to form an effective tool. Simply setting out the requirements and expectations within planning practice guidance would not appear to necessarily provide adequate strength to support the requirement or encourage compliance. It will be essential that the prescribed public bodies are adequately resourced to ensure that they are able to provide meaningful and effective participation in plan-making or else the Requirement to Assist will be ineffective and/ or potentially result in unreasonable delays to plan-making.
Chapter 10: Monitoring of plans			
Proposed approach	31. Do you agree with the proposed requirements for monitoring?	Agree	The Councils recognise the importance of effective monitoring of planning outcomes and how this helps to inform whether a plan is operating as envisaged; closing the loop to plan review and preparation. The Councils do however welcome the proposals to reform plan monitoring, recognising that the current approach of preparing annual Authority Monitoring Reports can be burdensome, verbose and result in opaque and ineffective outcomes; particularly recognising that local plans are intended to deliver effective change over an often extended time period. The Councils welcome the proposals for a more streamlined monitoring framework built upon a focussed list of nationally prescribed metrics which are able to be supplemented by local metrics where considered necessary and appropriate. The Councils see value in the submission of information on these metrics through a light touch annual return and the benefits this can bring on having a consistent national dataset that will allow for comparisons and aggregation. The Councils would ask that the nationally prescribed metrics are clearly defined and that their scope and definitions are kept consistent over time. The Councils are somewhat concerned that there does however appear



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			to be somewhat of a disconnect between these streamlining proposals and the monitoring requirements set out in the core principles presented elsewhere within the consultation that seek for plans to “set out a detailed approach to monitoring and ongoing review of the plan” and for the vision to “set out measurable outcomes for the plan period...which are actively monitored following the adoption of the plan”. The Council considers the proposal for a more comprehensive of plan performance four years post adoption to be a sensible and natural evolution of the plan review process that is currently in place and something that has the opportunity to build upon the PAS Local Plan Review Toolkit. It is essential that it is recognised that it will remain necessary to maintain monitoring information and processes to inform the longer-term analysis and the resource requirement that this places on local planning authorities, even though this information may not be required for a number of years. Failing to maintain this base information and data will render the more detailed analysis to inform plan update potentially challenging and ineffective.
Proposed approach	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?	Agree	The range of proposed national metrics would appear to cover a sensible broad range of core data. The Councils consider that it is essential that each metric is clearly defined with a precise definition that is not subject to change over time. Some of the proposed metrics are somewhat ambiguous and will need clarification - for example, what constitutes employment floorspace, what measure will be used, will a breakdown of different types of floorspace be required, etc. It should also be noted that a number of the proposed metrics are not routinely monitored by the Councils at the present time, and it will be necessary to develop systems, processes and datasets in order to report on them. It is therefore essential that local planning authorities are given a sufficient period of familiarisation in advance of implementation in order to develop and put these in place. The Councils welcome the proposals for local planning authorities to be obligated to make use of prescribed templates for the provision and publication of monitoring returns.
<b>Chapter 11: Supplementary plans</b>			
Preparation procedure	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	Disagree	The Councils have significant concerns about how the term ‘nearby’ can be defined robustly and consistently for the purposes of supplementary plans. The Councils are not confident that the proposed factors are clear or likely to provide local planning authorities with unambiguous guidance sufficient to enable them to confidently determine whether two or more sites have an adequate and appropriate relationship to be considered ‘nearby’ and hence capable of being addressed through a single supplementary plan. Given that the term ‘nearby’ is identified in legislation, the Councils are concerned that without clear definition there is the potential for supplementary plans to be legally challenged on the premise of sites not being considered to be ‘nearby’; this has the potential to fundamentally undermine the value of supplementary plans and their potential to be swiftly introduced in order to support the delivery of an expedited development outcome. The Councils do acknowledge the challenge of finding a

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	other? Are there any other factors that would indicate whether two or more sites are 'nearby' to each other?		balance of providing clarity and certainty whilst also maintaining sufficient flexibility to take account of varying local context and circumstances. The Councils consider that there are a significant range of factors that could potentially influence whether sites could reasonably be considered to be nearby, including their context, whether they have a rural or urban setting, the size of any host settlement(s), the relationship of host settlements if more than one, the sites' connectivity through the highway, footway or cycle network, the sense of place, reason for and/ or purpose of development.
Preparation procedure	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.	Leave Blank	Given the wide and varied potential scope of supplementary plans, the Councils feel that it is essential that preparation processes and requirements are kept general and not topic specific. The Councils would advocate that clear and unambiguous processes and requirements on the key stages of preparation and for establishing who should be notified, consulted and/or engaged are set out in regulations. The Councils would then welcome additional detail, such as topic specific advice with more flexibility, being set out in guidance. This will help to manage expectations for all involved and ensure that minimum standards and approaches are followed.
Consultation	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	Unsure	If supplementary plans are expected to have the same status as the local plan for the purposes of decision making, the Councils would advocate that it is essential that communities and stakeholders have sufficient opportunity to be engaged and have their say. The Councils recognise the challenge of providing a streamlined process to meet the objective of providing an expedited approach to managing unexpected circumstances, whilst still ensuring that the process and outcomes of supplementary plans retain credibility and legitimacy. It is considered essential that the prescribed approach to preparing supplementary plans provides for a notification process at the outset of preparation to those who would reasonably have an interest in the scope of the plan, early participation (the scale and nature of which could be at the local planning authority's discretion subject to some prescribed minimum requirements) and a period of formal consultation on the draft plan. The Councils consider that in combination with a requirement for notification, early and meaningful informal engagement plus an examination of the supplementary plan, a single period of formal consultation, directed to consultation on a draft of the proposed plan would be a

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	consultation stages be required?		pragmatic solution that strike the balance between engagement and expediency. The Councils are not persuaded that there are specific additional circumstances that should be prescribed formally to require local planning authorities to apply additional formal periods of consultation on supplementary plans. Rather, guidance could simply indicate that where supplementary plans are covering complex or controversial matters then local planning authorities may wish to consider utilising additional stages of formal consultation.
Examination	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.	Unsure	The Councils broadly support the proposals for having the two routes for examining supplementary plans and would welcome the clarity that thresholds could bring to discerning the appropriate route to examination. Given the potential varied scope and nature of supplementary plans, it is not however clear to the Councils how those thresholds could be defined in an unambiguous manner. It is difficult to define thresholds by scale or by particular constraints given that proposals may or may not be controversial or sensitive regardless of these aspects. One potential approach could be to discern through a proxy for level of concern by utilising a petition approach, with a prescribed level of registered interest to discern the appropriate approach to examination. This could make use of similar web-based technology to that utilised to log parliamentary petitions and discern if and when they would trigger a debate; although clearly any such approach would need adequate checks and balances to ensure that it is not open to potential abuse.

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Examination	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?	Disagree	As the supplementary plan is intended to have the same status as the local plan in decision making, it is unclear as to why it should not adhere to the same requirements as a local plan - for example, meeting the tests of soundness and legal compliance requirements. That being said, the Councils do recognise that the proposals are intended to strike a balance between oversight, scrutiny and expediency.
<b>Chapter 12: Minerals and waste plans</b>			
Proposed approach	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?	Leave Blank	As lower tier local planning authorities who do not have statutory responsibility for preparing minerals and waste plans, the Councils do not feel it appropriate to comment on this matter.
<b>Chapter 13: Community Land Auctions</b>			
Proposed approach	39. Do you have any views on how we envisage the Community Land	Leave Blank	The Councils welcome the Government's commitment to explore innovative approaches to land value capture that help ensure that development contributes appropriately towards supporting infrastructure and services. The Councils can see a logic to the proposed Community Land Auctions process, however are somewhat concerned that it will not result in a more competitive market for housing land. The Councils are concerned that the landowner sale price will

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	Auctions process would operate?		potentially be established too early in the process and without the benefit of an understanding of potential site constraints or opportunities that could influence the underlying value of the land. There are concerns that this could potentially 'bake in' inappropriate margins that would then prejudice the amount that could be realised towards infrastructure through the subsequent value uplift between the landowner option 'bid' price and the developer purchase price. There are also concerns that the bidding process could artificially elevate land values, either through land interest collusion or by virtue of landowner ambitions
Proposed approach	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?	Leave Blank	The Councils should clearly be able to take account of the financial benefits that can be realised from a development site as part of considering the sites for allocation. In reality, this is not dissimilar to the considerations that local planning authorities currently have to factor in when determining which sites to take forward to allocation. When allocating sites, Councils already factor in consideration of whether a site is likely to be able to realise necessary infrastructure and contributions towards services and facilities in order to deliver sustainable development. In doing so, taking account of potential development costs and any abnormal site development challenges. The challenge in all cases, which would not appear to be resolved by these proposals, is the uncertainty as to the level of funding that a site may be able to realise in support of providing infrastructure. It would appear to be too simplistic to simply look to the lowest land value, the lowest price per hectare or even the lowest price per potential dwelling. The process would also appear to place a significant responsibility onto local planning authorities to understand the likely development economics of an individual site so as to factor the finance considerations and balance with other planning considerations.
<b>Chapter 14: Approach to roll out and transition</b>			
Proposed approach	41. Which of these options should be implemented, and why? Are there any alternative options that we should be considering?	Leave Blank	The Councils welcome the Government's commitment to ensuring a smooth transition from the current to the future plan-making system. The Councils consider that adequate and appropriate transitional arrangements are a critical aspect of the reforms that are integral to securing the successful ongoing operation of the planning system. The Councils recognise that the move to the new plan-making system has the potential to generate a surge of plan making activity that could result in significant pressure on the resources of the Planning Inspectorate and also external consultancies required to support local planning authorities; potentially undermining the ambitions for swifter plan-preparation. The Councils have grave concerns about the Government's preferred approach of placing local planning authorities into six-monthly 'waves' for plan-making purposes. Given the number of local planning authorities subject to plan-making responsibilities and that the proposals are to place these into groups of 25 who will commence plan-making every six months, it will inevitably take many years for all local planning authorities to get the opportunity to

Reform Topic	Question	Answer	Draft Response
			<p>commence plan-making, let alone realise an adopted plan. For the Councils who are one of the 35% of local planning authorities who have a plan which was adopted within the last five years, this could mean that it would be four years or more before they have the opportunity to commence plan making. In the context of the Government's aim for all local planning authorities having an up-to-date local plan, this would seem to be non-sensical and wholly counterproductive. The Councils strongly object to any approach that prevents individual local planning authorities from progressing the preparation of a new local plan, meeting the ambitions and development needs of local communities in a timely manner. The Councils would suggest that grouping and prioritising local planning authorities by the time since the adoption of their last local plan has the potential to have unintended consequences, such as potentially precluding the formation of new partnerships for joint plan making where existing plans are of a significantly differing vintage. The Councils would be equally concerned about selecting local planning authorities by alternative criteria, such as locality or housing market area, as this could be divisive and have unintended consequences - such as creating disparity across regions or sub-regions which could impact on opportunity and investment. The Councils would support an alternative approach whereby all authorities have the discretion to start work on a new plan at the earliest opportunity but are provided with a 'backstop' date by which they are required to commence - this backstop could be established by duration since last plan adoption. By virtue of differing local circumstances, it is considered that this is likely to have the effect of dispersing plan-making activity over a longer period. The Councils welcome the recognition of the importance of providing protections from speculative development during the transition period to the new plan-making system. The Councils consider that the proposals to provide transitional protection from speculative development by considering plans that become over five years old once the new system commences to remain up-to-date for up to 30 months after they are required to start making their new style local plans is inherently sensible and is to be welcomed. The Councils do however hold fundamental concerns that local planning authorities who currently have up-to-date local plans that are less than five years old but that will reach five years old prior to the commencement of the new plan-making system are not afforded transitional protection. These local planning authorities, including North Devon and Torrige, are penalised through no fault of their own, being caught in a position whereby it will not be possible to prepare and adopt a local plan under the existing plan-making system before the deadline for submission but are not able to benefit from the transitional protections. The Councils strongly object to this unequitable and unreasonable position and would urge the transitional protection to be extended to cover the period from the publication of these plan-reform proposals.</p>
Proposed approach	42. Do you agree with our proposals for saving existing	Agree	<p>The Councils strongly support the approach of existing Development Plan Documents, saved policies and Supplementary Planning Documents remaining in force until the adoption of a new-style local plan. This will afford a smooth transition to the new plan-making system, ensure that there is no policy vacuum and that a plan-led system is</p>



Reform Topic	Question	Answer	Draft Response
	plans and planning documents? If not, why?		maintained. For the Councils, it is essential however that the transitional protections are extended to local planning authorities whose plan will become five years old since the publication of the plan making reforms and prior to their implementation. Without doing so, there is a significant risk that the plans will be considered out-of-date, becoming at significant risk of speculative and un-planned development through no fault of their own.
Equalities impacts			
Potential impact	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?	Leave Blank	It is essential that the Government carries out a thorough Equalities Impact Assessment on their proposals to ensure that they will not have any unacceptable adverse impacts on people with protected characteristics. The Councils would highlight the importance of not inadvertently discriminating or disenfranchising through the transition to, and prioritisation of, digital approaches to engagement, plan-making and implementation. Similarly, the Councils would highlight the challenges that some individuals with and without protected characteristics may find with the introduction of shortened timeframes for consultations, as advocated for proposed main modifications.