

DRAFT RESPONSE TO THE LEVELLING-UP AND REGENERATION BILL: CONSULTATION ON IMPLEMENTATION OF PLAN-MAKING REFORMS

Head of Service:	Justin Turvey, Interim Head of Place Development
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1: Draft Response to the Levelling-Up and Regeneration Bill: Consultation on Implementation of Plan-Making Reforms

Summary

The Department for Levelling Up, Housing and Communities (DLUHC) has published a consultation titled 'Levelling-Up and Regeneration Bill: Consultation on Implementation of Plan-Making Reforms'. The consultation was published on 25 July 2023 and comments are invited by the end of 18 October 2023.

The consultation seeks views on the governments proposals to implement the parts of the emerging Levelling-up and Regeneration Bill that relate to plan making.

The consultation document is split into 15 Chapters and contains 43 questions.

It is important to note that there will be a transition phase and the consultation document makes it clear that the government's intention is that all Local Plans submitted for examination on or before 30 June 2025 will be examined under the current system rather than the proposed new system that is the subject of the consultation document.

Recommendation (s)

The Committee is asked to:

- (1) Approve the principle of the draft response to the levelling-Up and Regeneration Bill: Consultation on Implementation of Plan-Making Reforms.**

- (2) To note, if changes are recommended by this committee due to insufficient time to bring it back to committee it will be dealt with under the urgency provision in the constitution set out at Paragraph 3.1 of appendix 2 and the decision to approve the final draft response will be taken by the relevant director in consultation with the Chair of this Committee.

1 Reason for Recommendation

- 1.1 The consultation 'Levelling-Up and Regeneration Bill: Consultation on Implementation of Plan-Making Reforms'. The consultation was published on 25 July 2023 and comments are invited by the end of 18 October 2023.
- 1.2 The proposed changes are likely to have significant impact on the preparation of Local Plans in the future. Transitional arrangements are set out in the emerging Levelling-up and Regeneration Bill which mean that Local Plans submitted for examination on or before the 30 June 2025 will be examined under the current system.
- 1.3 Whilst it is anticipated that the Epsom and Ewell Local Plan (2022-2040) will be examined under the current planning system it is important that the Council responds to the consultation to set out its views on the proposals which will impact future iterations of the Local Plan.

2 Background

- 2.1 The consultation document is split into 15 Chapters which are detailed below along with a headline summary of the changes proposed:

Chapter 1: Plan Content

- Plans to be simpler, shorter and more visual.
- To contain a locally distinct vision that provides the strategic direction for the plan.
- To focus on locally important matters, with no need to repeat national development management policies that will be introduced (separate consultation to be undertaken).

Chapter 2: The new 30-month timeframe

- 30 month timeframe for plan preparation, which will not include some early preparation time including scoping the content of the plan and will only start once the council formally announces the start of plan preparation.
- Vision developed early with public consultation.

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Chapter 3: Digital Plans

- More detail on how digital local plans could be implemented and the forms of standardisation that could be implemented.

Chapter 4: The Local plan timetable

- New form of local plan timetable in a digital format to replace the Local Development Scheme (LDS). Will require identification of when specific stages are anticipated to be met.
- Replacement timetable no longer to be required to go through formal processes (such as a committee) for sign off to enable them to be updated more easily (at least every 6 months). However, governance arrangements could include 'accelerated sign off' by members.

Chapter 5: Evidence and the Tests of soundness

- The government will set clearer expectations of evidence through national policy and guidance, with increased standardisation of key evidence and data and enabling the 'freezing' of evidence base at certain points of the plan making process so that they do not need to be updated prior to examination.
- Government still considering whether to remove the 'justified' soundness test which will be confirmed through future changes to the NPPF.

Chapter 6: Gateway Assessments during plan-making

- New mandatory gateway assessment introduced during the preparation process, purpose to reduce time spent examining Plans and to speed up the process.
- Three gateways are proposed during the 30-month period, two of which are advisory with the final one being a mandatory check that the plan is ready to proceed to Examination.
- The outcome reports following the gateway are to be published publicly.

Chapter 7- Plan Examination

- More efficient Local Plan examinations, taking no longer than 6 months (or 9 months if additional consultation required on changes), but flexibility for more complex plans.
- Inspectors can 'pause' the examination, this is proposed to be for a maximum of 6 months. If issues not resolved by the end of this period, the Inspector would recommend that the plan is withdrawn.

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Chapter 8 – Community Engagement and Consultation

- Greater emphasis on community engagement, more time for consultation and engagement and a greater use of digital engagement such as that piloted through the consultation on the Town Centre Masterplan in September 2022. This example is cited in para 134 of the consultation document.
- Retention of two mandatory consultation periods as part of plan making process.
- Requirement to produce a Statement of Community Involvement to be removed, with details of how we will consult set out in a Project Initiation Document published at the early engagement stage. The PID will be assessed by a government appointed examiner at the first Gateway.

Chapter 9 – Requirement to assist with certain plan making

- New requirement for earlier engagement, including with statutory bodies, to ensure input throughout the process and identification of issues early on.
- The requirement to assist is reserved for cases where planning authorities are not getting the engagement / information they need from public organisations.

Chapter 10 – Monitoring of Plans

- New light touch approach to be introduced to the monitoring of plans, with light touch annual returns required and then a more detailed return required by 4 years after the Local Plan has been adopted.

Chapter 11 – Supplementary Plans

- Supplementary Planning Documents and Area Action Plans will not feature in the new planning system. The consultation confirms that supplementary planning documents will remain in force until local authorities adopt a new style local plan.
- There will be scope to introduce Supplementary Plans which will have the same weight as a Local Plan following adoption but will need to be independently examined.
- The focus is to include all necessary policies in the Local Plan with Supplementary Plans being used to deal with exceptional or unforeseen circumstances relating to a site or to enable the implementation an authority-wide design code.

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Chapter 12 – Minerals and Waste Plans

- Confirms minerals and waste plan will continue to form part of the development plan. The minerals plan and waste plan will continue to be prepared by Surrey County Council.

Chapter 13 – Community Land Auctions

- Pilot initiative, which will only be implemented for planning authorities who actively volunteer.
- Purpose is to drive land sale price down so that it is not such a high proportion of a site's Gross Development Value (GDV). In doing so, developers will be better able to meet their planning obligations (for example, paying for infrastructure and affordable housing).
- Will dovetail into the local plan process. In that, as part of the site identification process, rather than simply putting land forward, landowners will be asked to "bid" to have their site allocated in the local plan, thereby revealing the price they are willing to sell their land for.
- If bid successful, landowner enters into a legally binding "option agreement" with the Council.
- Following the local plan process, if the site gets allocated in the local plan, the Council can then sell the option to a developer and spend receipts in line with Community Land Auction (CLA) regulations, exercise the option, pay for the land and sell to a developer (also spend in line with CLA regulations) or develop the land itself. Each of these options would in theory mean that the Council better captures the land value uplift that arises from development, for the benefit of the community.

Chapter 14 – Approach to roll out and Transition.

- Confirms (subject to royal assent of the Levelling up and Regeneration Bill) that the latest date Local Plans could be submitted through the current system is 30 June 2025 and that plans will need to be adopted by 31 December 2026.
- Confirms that there will be approximately 10 front runners to test the new system from autumn 2024.
- Local authorities will be allocated a 6-month plan making commencement window, within which plan making should start to manage resources are available to deliver gateway assessments, with the government seeking views on providing flexibility to start earlier.

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Chapter 15 – Saving existing plans and planning documents

- Confirms existing Development Plan Documents (e.g. the Local Plan) will remain in force until a new-style Local Plan is adopted.
 - Local Development Schemes (the Local Plan timetable) and Statement of Community Involvement will also remain in force where they are supporting a plan being prepared under the current system until the Local Plan is adopted.
- 2.2 The ‘Levelling-Up and Regeneration Bill: Consultation on Implementation of Plan-Making Reforms’ is published with 43 questions which the government is inviting views on. The Council’s draft response is to be set out in Appendix 1.

3 Risk Assessment

Legal or other duties

3.1 Equality Impact Assessment

3.1.1 None arising from this report which relates to potential national planning policy changes.

3.2 Crime & Disorder

3.2.1 None arising from this report.

3.3 Safeguarding

3.3.1 None arising from this report.

3.4 Dependencies

3.4.1 None arising from this report.

3.5 Other

3.5.1 None arising from this report.

4 Financial Implications

4.1 On the basis that the Epsom and Ewell Local Plan (2022-2040) is submitted to the planning Inspectorate on or before 30 June 2025, it is not considered that there will be any financial impacts arising until the council commences preparation of a new style local plan.

4.2 **Section 151 Officer’s comments:** None arising from the contents of this report.

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5 Legal Implications

- 5.1 None arising from the contents of this report.
- 5.2 **Legal Officer's comments:** None arising from the contents of this report
None arising from the contents of this report.

6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** None arising from this report.
- 6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 6.3 **Climate & Environmental Impact of recommendations:** None arising from the contents of this report
- 6.4 **Sustainability Policy & Community Safety Implications:** None arising from the contents of this report
- 6.5 **Partnerships:** None arising from the contents of this report.

7 Background papers

- 7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- None

Other papers:

- Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms published on the government's website on 25 July 2023.