



Report to:	Cabinet	28 September 2023
Lead Cabinet Member:	Lead Cabinet Member for Planning	
Lead Officer:	Joint Director of Planning and Economic Development	

Response to The Department for Levelling Up, Housing and Communities' Consultation on Plan-making reforms: Implementation.

Executive Summary

1. This report seeks to agree a joint response from both Cambridge City and South Cambridgeshire councils to the Department for Levelling Up, Housing & Communities' Consultation on Plan-making reforms: Implementation. This is related to wider changes to the planning system coming through the Levelling Up and Regeneration Bill. The consultation proposes changes to how local plans are prepared, including the contents of plans, how they would be consulted on, and the process that needs to be undertaken.
2. The proposed response is supportive of many elements of the consultation, as changes are needed to help Councils get plans in place. Making best use of digital tools, templates and ways to make plans accessible reflect what the Council are trying to achieve with the Greater Cambridge Local Plan. Whilst the new system seeks to frontload engagement, more could be done to engage on specific draft plan proposals earlier in the process. Completion of plan making within 30 months may still remain challenging. The draft consultation response also highlights uncertainties and areas which need more clarification.

Key Decision

3. No.

Recommendations

4. It is recommended that Cabinet:
 - a. Agrees the joint response to the Department for Levelling Up, Housing & Communities' Consultation on Plan-making reforms: Implementation included in Appendix 1 of this report.

- b. Agree that any subsequent material amendments be delegated to the Lead Cabinet Member for Planning in consultation with the Joint Director of Planning and Economic Development.
- c. Agree that any subsequent minor amendments and editing changes that do not materially affect the content be delegated to the Joint Director of Planning and Economic Development in consultation with the Lead Member for Planning.

Reasons for Recommendations

5. The proposed joint response with Cambridge City Council reflects the plan making experience of the two authorities and consideration of how the new plan making system could impact on future plan making in Greater Cambridge.

Details

The Consultation

6. The Levelling Up and Regeneration Bill, expected to receive royal ascent this year, will result significant reforms to the planning system. In February 2023 the Department for Levelling Up, Housing, and Communities (DLUHC) carried out a wide ranging consultation on revisions to national planning policy. Cambridge City Council and South Cambridgeshire District council submitted a joint response. This latest consultation builds on the previous one, and focuses on implementation of changes to the approach to preparation of Local Plans.
7. The proposals seek to streamline plan making, so that the formal stages of a plan review can be completed within three years. Prior to the start of the three year period, Local Planning Authorities would consult and engage with stakeholders to establish what issues the plan needs to consider and the vision for the area. Once they have given notice that they have formally started plan production, the process involves two public consultations, the first to test the emerging plan and the second on the draft plan itself, and three Gateway reviews designed to allow independent review of an authority's plan making process to reduce risk further down the line. In summary the plan making steps would be as follow:
 - The first Gateway review considers in the process has been started correctly, and an effective Project Initiation Document is in place.
 - The first public consultation seeks feedback on the vision and the strategic options to meet that vision.
 - The second Gateway review considers plan making progress and the preparation of evidence.
 - The second consultation consults on the draft plan itself.
 - The third Gateway review, undertaken by independent planning inspectors, would review the soundness of the process and whether it has met legal requirements.

8. After completing all these stages the plan would be submitted to examination by independent planning inspectors. Examinations under the current planning system can be lengthy. Under these proposals examinations would be restricted to six months, with potential for three months add on for modifications. There is potential for a single six month pause within the examination to rectify issues, such as an evidence gap, if justified.
9. Other significant proposed changes include:
 - Replacing Local Development Schemes with a simpler process of publishing a live plan making timetable;
 - Replacing Statements of Community Involvement with a Local Plan Project Initiation Document;
 - Use of digital planning, standard templates and other tools to speed up processes;
 - Local Plans structured around a vision for the area, with local policies supplementing national development management policies needing to demonstrate how they will help deliver that vision;
 - Streamlined monitoring, with a reduced list of annual indicators, and a more comprehensive output only every five years;
 - Streamlined approach to plan evidence, linked directly to soundness;
 - 5 year land housing supply protected for 5 years after adoption of a new plan.
10. Supplementary Planning Documents will no longer be part of the new system. The consultation proposes that current ones remain live until Councils adopt their first plan under the new system. It will be possible to prepare Supplementary Plans, but these will be reserved largely for providing guidance for specific sites should the need for guidance to be prepared arise, or for adopting District Design Codes. These would form part of the development plan and follow a similar process to neighbourhood plans.
11. The consultation envisages that the first plans under the new system will start in autumn 2024. Plans seeking to be adopted under the current system will need to be submitted by 30 June 2025 and adopted by 31 December 2026.
12. The consultation includes 43 questions seeking views and ideas on the proposals and how they would be implemented.

Response to the consultation

13. A draft response to the consultation questions can be found at Appendix 1 to this report. It is proposed that the response is joint with Cambridge City Council.
14. There are many positive proposals within the consultation. Plan making is currently complex and resource intensive. Exploring opportunities to simplify the process, allowing more councils to get plans in place has benefits for meeting development needs and enabling communities to engage in the future of their area.

15. The use of digital plans, standard templates, and use of new technologies to assist plan making all reflect measures the Greater Cambridge Shared Planning Service has been seeking to explore through the Greater Cambridge Local Plan. The draft response highlights the learning that we could share with DLUHC.
16. Introduction of formal gateways is a useful step with potential to reduce risk of plans being found unsound at later stages. Most Councils seek to do these sorts of interim stocktake reviews on their plan making journey, but the formalised approach could make them more effective.
17. Consultation in this new system would be front loaded, with an emphasis on engagement and participation prior to the three year plan period. However, the draft plan itself is proposed to be only subject to consultation at the second and final formal consultation stage. We suggest that building more detail into the first formal plan consultation stage could allow more engagement on actual proposed sites and proposals prior to drafting the plan itself, similar to preferred options consultations which we use now.
18. Completion of plan making within 30 months may still remain challenging. The series of steps to standardise processes, make evidence base requirements proportionate, and limiting the length of examinations have the potential to speed up plan making, but the true impact won't be known until the system is implemented. The biggest challenges to plan making timetables often come from external factors, as we have experienced with our own plans.
19. The draft consultation response highlights uncertainties and areas which need more clarification. If the system is not absolutely clear and robust it could result in legal challenges and that clarity being provided by case law. It is vital that regulations and guidance can be interpreted clearly.

Options

20. The options available to members are:
 - a. Agree to submit the response in Appendix 1,
 - b. Agree an alternative response.
 - c. Submit no response, although that is not recommended given the importance of issues raised.

Implications

21. In the writing of this report, taking into account financial, legal, staffing, risk, equality and diversity, climate change, and any other key issues, the following implications have been considered:-

Financial

22. There are no financial implications arising from the report as it is to approve a consultation response. However the final approach to system of plan making could have implications for budgets. If proposals are successful then they could reduce the cost of making plans, but this is not possible to confirm until the changes are finalised, and the full local implications understood. Greater Cambridge will remain a complex area with which to prepare plans.

Legal

23. There are no legal implications arising from the report.

Staffing

24. There are no staffing implications arising from the report.

Risks/Opportunities

25. Whilst there are no risks and opportunities directly associated with responding to the consultation questions, the changes to the planning system provide opportunities to speed up plan making. There may be opportunities to work with DLUHC given our shared interest in many of the issues they are addressing. With major system changes there are always going to be an element of risk as new methods are introduced, but we are in a strong position to adapt to change given our proactive approach to plan making.

Equality and Diversity

26. There are no equalities issues associated with this report to approve a consultation response. One of the consultation questions seeks views on equalities implications, and the proposed response highlights issues including the need for systems to avoid digital exclusion.

Climate Change

27. There are no direct implications. However, the outcome of the consultation and changes to the planning system could have environmental and other implications. The consultation highlights that responding to climate change remains a key role for local plans.

Health & Wellbeing

28. There are no direct health & wellbeing implications arising from the report. However, the outcome of the consultation and changes to the planning system could have implications for how health and wellbeing can be addressed in local plans.

Consultation responses

29. None.

Alignment with Council Priority Areas

Growing local businesses and economies, Housing that is truly affordable for everyone to live in, Being green to our core

30. Plan making can contribute to the achievement of a range of Council objectives. Consultation proposals have the potential to change the way we produce our development plans, and are seeking to speed up and simplify the process.

A Modern and Caring Council

31. Consultation proposals have the potential to change the way we produce our development plans, and are seeking to speed up and simplify the process. They also change the way we would consult on plans.

Background Papers

Background papers used in the preparation of this report:

The consultation webpage: [Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-consultation-on-implementation-of-plan-making-reforms)

Appendices

Appendix 1 – Draft response to Consultation on Plan-making reforms: implementation

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