

16 OCTOBER 2023

PR10-23 | LOCAL PLANS

Introduction

We are writing in response to the government's consultation on local plans.

The National Association of Local Councils (NALC) is the national membership body that works with the 43 county associations of local councils to represent and support England's 10,000 local (parish and town) councils.

Local councils and their 100,000 councillors are the first tier of local government, closest to the people, and play an essential part in delivering hyper local services, building strong communities, and strengthening social fabric.

Local councils cover two thirds of England and a third of the population and invest over £3 billion per year to improve and strengthen communities.

Summary

- The government has said it wants to see Local Planning Authorities (LPAs) reviewing their local plans every five years. NALC will be arguing very strongly that this is an impractical requirement that places impossible pressures on LPAs and on neighbourhood planning groups whose neighbourhood plans are aligned to the local plans. A review every 10 years would be demanding enough, especially given the current reduced capacity and skills in planning departments. The emphasis should be on the quality and the soundness of the plans and not on the speed with which it might be possible to produce them.
- NALC will support a planning system which incorporates a significant role for local councils as local leaders. It will not support any diminution of local councils' statutory right to represent the interests of their communities by commenting on planning issues at all stages of their evolution, whether they be development planning matters or spatial planning policies.
- NALC will support a soundly based planning system which represents the most reliable tool for the sustainable allocation of land, and which represents the three pillars of sustainability - social, economic, and environmental - equally.

- NALC is arguing for the complete removal of the whole concept of National Development Management Policies (NDMPs) which will have the effect of unjustly trumping any local or neighbourhood plan.
- Removing the right of Local Planning Authorities (LPAs) to make decisions on planning applications and that of local councils to comment on them constitutes a further loss of democratic input and community representation.

Overarching policy statement

NALC's overarching planning policy positions are as below:

1. NALC has signed up to the proposition that there is a climate emergency and will therefore, as a general principle, promote and support moves and policies which help to mitigate it. For instance, NALC supports the need for Local Plans and large developments to be subject to environmental appraisals and it supports energy efficient homes and more trees.
2. NALC will support a planning system which incorporates a significant role for local councils. It will not support any diminution of local councils' statutory right to comment on planning issues at all stages of their evolution, whether they be development planning matters or spatial planning policies.
3. NALC will support a soundly based planning system which represents the most reliable tool for the sustainable allocation of land, and which represents the three pillars of sustainability equally, i.e., social, economic, and environmental factors.
4. NALC will support changes to the planning system which it perceives will strengthen the system and the voice of democracy and lead to better quality, appropriately sited developments. It will not support planning changes which it perceives will work in the opposite direction.
5. NALC would support a very much strengthened version of the 'duty to co-operate' between neighbouring local authorities or an alternative policy which made it compulsory for neighbouring LAs to work in close co-operation with each other on spatial planning.
6. NALC does not support an across-the-board extension of permitted development rights in the planning system. Policies on permitted

development rights should be the prerogative of LAs in their Local Plans or Neighbourhood Planning Groups.

7. NALC supports the recommendations of the Building Better, Building Beautiful Commission.
8. NALC recognises the need for more affordable housing and would welcome initiatives that would enable LAs and local councils to deliver some. In addition, NALC would like to see more housing delivered that is suitable for the disabled and those with mobility impairments and a range of different types of tenures facilitated.
9. NALC wants to see a fair Community infrastructure levy (CIL) system which gives local councils a voice and benefits them financially so that they in turn can deliver more for their local communities.
10. NALC has concerns about housing tests based on standard methodologies/ algorithms. It wants to see a planning system which recognises that every planning application and every location is different.

Consultation questions

NALC's responses to the main consultation questions applicable to local councils in the consultation document are below:

Chapter 1: Plan content

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

Yes. We agree with the core principles but would like these to explicitly include identification of the types of areas to be protected e.g. green belt, nature reserves, Areas of Outstanding Natural Beauty (AONBs), and the levels of protection that applies to each.

Question 2: Do you agree that plans should contain a vision, and with our proposed principles preparing the vision? Do you think there are other principles that could be included?

Yes, although there is not necessarily an identical vision for the whole of an LPA. The metropolitan districts have always been large unitary authorities that incorporate many diverse and distinctive communities and the move to large county-wide unitaries has resulted in many more local plan areas encompassing a

number of communities that may have a distinctive local vision. It is important that plan should include these visions.

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

No. NALC is arguing against the whole concept of National Development Management Policies. If they are to be developed the details must include detailed consultation. Whilst we appreciate the intent is to streamline some of the process and avoid duplication this must not result in any reduction in the ability of local communities to influence plans for their area. We can also appreciate the argument for local Development Management Policies (DMPs), but these must not be a mechanism to override the wishes of local communities. We believe that it is vitally important to preserve and enhance the integrity of neighbourhood plans as they are the only part of the development plan process that must receive community support through a referendum. It is vital therefore that neither NDMPs nor local DMPs should be able to override policies within a neighbourhood plan.

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

Yes. We fully appreciate that the development of digital templates can simplify the plan development process and also make community engagement more user-friendly. While we support the principle of developing templates these must have a format to make it easier for local communities to engage with the process and not be overly directed towards making it simpler for planning professionals.

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

We have no specific views on this point.

Chapter 2: The new 30-month plan timeframe

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

No, we do not. There is an inherent contradiction in the intention to achieve greater consultation and involvement by local communities in the development of local plans and the intention to speed up the process of developing a local plan. The majority of consultees are not familiar with the planning process and for that reason 30 months will be a completely unachievable target, for many years. The

proposed streamlined process runs the risk of significantly advantaging major national developers who have dedicated teams whose sole purpose is to influence the development of local plans. The voice of local communities will only be clearly heard if the new plan development process is introduced over a longer timescale.

In addition to ensuring that the integrity of the local community consultation process is protected another key factor in ensuring the local plan development is as efficient as possible is that the Local Plans teams in LPAs are adequately resourced.

Question 7: Do you agree that a Project Initiation Document will help define the scope of the plan and be a useful tool throughout the plan making process?

Yes. We think that Project Initiation Documents (PIDs) are essential for all projects and the delivery of the plan is a project, to treat it otherwise will lead to delays and weakened delivery. Whilst, as we indicated in our answer to the previous question, we are extremely sceptical of the capacity and capability of many LPAs to develop a local plan within 30 months, there are a number of ways that the process can be sped up without losing the ability of local communities to contribute towards the development process. In that context the use of PIDs has the potential to streamline the process.

Chapter 3: Digital plans

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

We think that the government needs to only require LPAs to include mandatory legislative planning data in its local plan documents and should still allow for some flexible variation in the local data produced for each local planning authority area within the PIDs.

We can appreciate the argument for standardisation of digital plans, but it should be recognised that for many consultees they may only engage with the development of one or at most two local plans. We can appreciate that it will make it easier for planning professionals and large national developers to engage with many different local plans, but this is not necessarily the case for all consultees. For local small and medium sized enterprise (SME) developers who may only work in one or at most two LPAs their ability to engage effectively could be inhibited. This is equally the case for communities who will engage individually or through local councils.

Question 9: Do you recognise and agree that these are some of the challenges faced as part of plan preparation which could benefit from digitalisation? Are there any others you would like to add and tell us about?

Yes. In addition to the list of challenges provided, with which we concur, there are potential challenges in terms of achieving the desired level of community consultation by a too rapid move to digitalisation. Any move towards digitalisation will be reliant upon access to high-speed broadband, which is not always available universally countrywide. There is therefore a potential danger that some local communities could be inhibited in their access to the consultation process and left behind.

Question 10: Do you agree with the opportunities identified? Can you tell us about other examples of digital innovation or best practice that should also be considered?

Yes. We agree with the opportunities identified, which will enable cross authority/country review and analysis.

Question 11: What innovations or changes would you like to see prioritised to deliver efficiencies in how plans are prepared and used, both now and in the future?

We have no specific views in answer to this question.

Chapter 5: Evidence and the tests of soundness

Question 14: Do you think this direction of travel for national policy and guidance set out in this chapter would provide more clarity on what evidence is expected? Are there other changes you would like to see?

Yes, provided the text for the Soundness test is appropriate and proportionate.

Question 15: Do you support the standardisation of evidence requirements for certain topics? What evidence topics do you think would be particularly important or beneficial to standardise and/or have more readily available baseline data?

Yes, as long as there is an opportunity in addition to provide supplementary information as required by local circumstances. Also there need to be frequent central scheduled reviews of the standards and their application to learn from and improve based on gained experience.

Question 16: Do you support the freezing of data or evidence at certain points of the process? If so which approach(es) do you favour?

Yes, this is essential to meet target dates but possibly allow for one update later on.

Chapter 7: Plan examination

Question 22: Do you agree with our proposals to speed up plan examinations? Are there additional changes that we should be considering to enable faster examinations?

Yes, providing the views of all relevant local councils are allocated sufficient time to be considered regarding the framing of their LPA's local plan. In this context there is the potential that shortening the notification period for a hearing could disadvantage community and local council representatives who may have other outside commitments which could reduce their ability to represent their communities.

Question 23: Do you agree that six months is an adequate time for the pause period, and with the government's expectations around how this would operate?

Yes, providing the clock being set on the production of the local plan by the given LPA is also paused.

Chapter 8: Community engagement and consultation

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

Yes. We are supportive of the analysis of many inadequacies of the current community engagement process in the development of local plans. We also support the proposals to increase the level and depth of community engagement, but we believe they are not of themselves sufficient to deliver the desired outcome. A key strength of neighbourhood planning is the level of community engagement in the process of developing a plan. We believe that a key to enhancing the level of community engagement at all stages in plan development will be to actively engage neighbourhood planning groups in the process. The active involvement of local councils and neighbourhood fora as a key bridge between the LPA and the community, using the techniques described in paragraph 130 can deliver enhanced community engagement.

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

Yes. As indicated in our answer to Q24 we believe the most effective community engagement, especially prior to commencement of the formal process of plan development, will be delivered by the active involvement of local councils and

neighbourhood fora. One of the challenges at the early stages is that an LPA will be looking at things from an authority wide perspective whereas communities will be looking at issues at a predominantly local perspective. Local councils should be involved in the process of interpreting the results of community engagement.

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

Yes. All local councils within the area of the relevant LPA should be actively involved in the development of the Project Initiation Document for the reasons outlined in our previous two answers.

Question 27: Do you agree with our proposal to define more clearly what the role and purpose of the two mandatory consultation windows should be?

Yes. This will deliver more clarity to the overall process.

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

Yes. As indicated in our response to Q4 we support the principle of the use of templates as a way of standardising and simplifying the community consultation process. Care must be taken in designing these templates that they do not focus upon making it simpler for planning professionals who may be responding to multiple Local Plans as compared to community representatives who may only respond to one Local Plan. Local councils can provide an important function as a bridge for the community consultation process. It is important that the templates have sufficient flexibility to allow LPAs to incorporate variable local data and evidence.

Chapter 9: Requirement to assist with certain plan-making

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

Yes. We would welcome clarification and further information from the government as to why local councils are not included in the list of prescribed public bodies. Local councils are the first tier of local government and the list currently includes all other tiers of local government. It would be helpful to understand what consideration has already been given to the inclusion or not of local councils, any impact assessment undertaken or other rationale. We would be keen to engage with the government further on this issue.

Question 30: Do you agree with the proposed approach? If not, please comment on whether the alternative approach or another approach is preferable and why.

Yes, but the government needs to also recognise that the experience of many local councils across different LPA areas in the past has been that LPAs have been and often are variable in terms of both their capacity and skills and in their engagement with local councils during the framing stages of their local plans.

Chapter 13: Community Land Auctions

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

Yes. We see a potential negative for local councils who are the first tier of local government in England. As we understand it the intent is to establish another way of planning gain for infrastructure and paragraph 231 states that authorities who pilot CLA will use this as an alternative to the Infrastructure Levy. This would mean that local councils would not receive any neighbourhood share, which would be unacceptable and undermine their local leadership role to shape their places and deliver hyper local services.

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

Greatly. LPAs should balance the need for planning gain for infrastructure with their use of the Infrastructure Levy. Local councils must continue to receive any neighbourhood share to which they and their communities are entitled.

Chapter 14: Approach to roll out and transition

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

We do not agree with any of the options provided. LPAs should be given far longer than 30 months to generate their local plan. We do however think that local councils and their communities should be protected from speculative development, in areas where LPAs are revising their local plans.

Chapter 15: Saving existing plans and planning documents

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

Yes.

Other comments

In addition, we feel that the government should have ensured it consulted in a more structured and user-friendly way with relevant stakeholders on all the various planning aspects of its Levelling Up and Regeneration Bill. Issuing up to 20 separate consultations in 2023, in addition to the overarching one earlier in 2023 on the National Planning Policy Framework, is inefficient, time consuming and swamps organisations who may have limited resources with an abundance of overly technical planning questions.

For further information on this response contact Chris Borg, NALC policy manager via email at chris.borg@nalc.gov.uk or policycomms@nalc.gov.uk .

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