

Report to	Planning Committee
Date	12 October 2023
By	Director of Planning
Title of Report	SDNPA Draft Response to DLUCH consultation on implementation of plan-making reforms
Purpose of Report	To inform Planning Committee of the implications of the Government's plan-making reforms and consider and provide comments on SDNPA's response to the consultation

Recommendation: The Committee is recommended to:

- 1 Note the Government consultation on the implementation of plan-making reforms; and**
 - 2 Consider and provide comments on the contents of the draft response, set out at Appendix 2, to be approved and submitted by the Chief Executive of the Authority.**
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1 Introduction

- 1.1** DLUCH has published a consultation seeking views on the Government's proposals to implement the parts of the Levelling Up and Regeneration Bill which relate to plan-making. The stated intention is to make plans simpler, faster to prepare and more accessible. The vision is for local plans (and minerals and waste plans) to be simpler to understand and use, and positively shaped by the views of communities about how their area should evolve. The Government wants them to clearly show what is planned in a local area – so that communities and other users of the plan can engage with them more easily, especially while they are being drawn up. It wants them to be prepared more quickly and updated more frequently to ensure authorities have up-to-date plans that reflect local needs. It also wants them to make the best use of new digital technology, so that people can get involved without having to go through hundreds of pages of documents at council offices and to drive improved productivity and efficiency in the plan-making process.
- 1.2** The deadline for responses is 18th October and can be sent to planmakingconsultation@levellingup.gov.uk . Given this deadline this response is to be considered by Planning Committee but can't be considered by full Authority as the next meeting is on 19 October. Members comments will inform the response that will be sent by the Chief Executive of the Authority.

2 Main Implications and Messages

- 2.1** The consultation proposes a 30 month timetable for Local Plans which would be preceded by a 'scoping and participation' stage and the Local Planning Authority (LPA) serving 4-months' notice of its intention to start plan-making. It would also include three 'gateways', essentially advisory visits by the Planning Inspectorate or other appointed body at the beginning, in the middle and just before submission of the plan for examination. These

gateways would last 4-6 weeks allowing for the LPA to submit information, the visit to take place and the advisor to write up their report. Appendix I shows how these proposals could fit with the existing agreed Local Plan Review timetabling, but this diagram also highlights the difficulties, particularly around the time available for public consultation, member engagement and formal member sign-off.

- 2.2 As a large number (approx. 90) of LPAs would be needing to start plan reviews under the new planning system, Government is proposing to place them in 'waves' with the first 10 starting Autumn 2024. Appendix I assumes that the South Downs would be in the 'first wave' which is by no means certain as other plans may be considered higher priority nationally.
- 2.3 The consultation includes a number of detailed questions and draft responses to these are appended to this report. However, there are a number of key implications for the South Downs Local Plan Review and overall messages that officers think should be pulled out in a covering letter. These are as follows:
- The South Downs National Park Authority generally supports the intent of the proposals and includes in its consultation response suggestions on how they could be implemented in practice in the South Downs National Park in its Local Plan Review and the minerals and waste plans that the authority prepares jointly with county and unitary authorities.
 - However, it is concerned that the proposed 30 month timescale does not allow sufficient time to procure or prepare the necessary evidence base and it does not allow time to properly engage with the community or members or get formal signoff to plan stages. This is particularly the case with joint plans (including many minerals and waste plans) where the stages need to be signed off by multiple authorities.
 - This is exacerbated by the introduction of additional requirements such as the Project Initiation Document; early community engagement on the vision; and the gateways. Whilst these are good ideas in themselves they take time to do properly and imposing a 30 month timescale will not allow this.
 - The reasons why plan-making has been very slow relate to the lack of a strategic level plan for infrastructure (especially transport, water supply and wastewater) and resolving the appropriate level of development for each LPA, and the political and practical difficulties this causes. This has been exacerbated recently by the uncertainty caused by multiple Government announcements of planning reforms. The examples quoted of planning authorities making a plan in just over 30 months within the current system demonstrate that it is not the process itself that is the problem, so changing it may well not resolve the delays. None of the changes proposed in the Bill or this consultation address the real reasons for delays in plan-making.
 - The South Downs Local Plan was adopted on 2nd July 2019 and will therefore be over 5 years old on 2nd July 2024. Whilst work has started on the Local Plan Review, it would not be possible to get it to submission stage by 30 June 2025 due to the size of the area and the complexities of planning in a nationally designated landscape. There is also a strong desire to avoid abortive work especially in relation to Development Management policies if many of these are to be 'nationalised'. However, because the existing South Downs Local Plan will be over 5 years old before the start of the new planning system in Autumn 2024, it would not explicitly benefit from the protections from speculative development offered to those whose plans become out of date after Autumn 2024. Notwithstanding this our designated status and slightly different approach to housing allocation does provide a degree of protection from such development.
 - It is recommended that the protection against speculative development be extended to all those LPAs with a plan over 5 years old (even if it went out of date before Autumn 2024) provided that they have confirmed the intention to and shown some clear progress in preparing a local plan under the new planning system. This could be secured by temporarily extending the 4 month notice period to reflect the wave that

they have been allocated to. For instance, a plan allocated to the second wave could serve a 10 month notice in September 2024 to confirm their intention to start the 30 month timetable as part of the second wave in July 2025.

3 Conclusion

- 3.1 It is recommended that the attached response be submitted to DLUCH and that officers continue to work with civil servants and partners to agree how the South Downs Local Plan Review and the SDNP minerals and waste plans can be practically taken forward under the new planning system. A revised NPPF is also due to be published by the end of 2023 to provide guidance on plan-making and National Development Management Policies, and any delay with this could also impact the timetable for the Local Plan Review.
- 3.2 Whilst the transitional arrangements currently require any plans not submitted for examination by June 2025 to progress under the new planning system, there is the possibility that date may be delayed, especially if Royal Assent to the Levelling Up and Regeneration Bill is not obtained in November 2023 or the necessary Regulations and revised NPPF / National Development Management Policies are not progressed by Autumn 2024. It is important therefore to maintain momentum on progressing the Local Plan Review and particularly the evidence base, according to the agreed timetable so that it can be submitted under the existing planning system if the transition date changes.

4 Other Implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	Formal decisions on the Local Plan Review timetable will be taken by Planning Committee and full Authority. Members of the Authority will be informed about the use of the provisions for urgent actions as set out in Standing Order 18.
Does the proposal raise any Resource implications?	The Resources required to progress the Local Plan Review and Minerals and Waste Plans are incorporated in the medium term budget.
Has due regard been taken of the South Downs National Park Authority’s equality duty as contained within the Equality Act 2010?	Yes.
Are there any Human Rights implications arising from the proposal?	None
Are there any Crime & Disorder implications arising from the proposal?	None
Are there any Health & Safety implications arising from the proposal?	None
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy: I. Living within environmental limits	None

2. Ensuring a strong healthy and just society 3. Achieving a sustainable economy 4. Promoting good governance 5. Using sound science responsibly	
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5 Risk Management

Risk	Likelihood	Impact	Mitigation
The South Downs Local Plan Review may be delayed by changes to the plan-making system	Medium	Medium	Work with civil servants and partners to agree how the South Downs Local Plan Review can be practically taken forward under the new planning system. Maintain momentum on the current timetable to allow submission under the existing planning system if transitional arrangements are delayed.

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- Appendices:
1. Diagram comparing new planning system with LPR timetable
 2. Draft response to plan-making consultation