

REPORT FROM: ASSITANT DIRECTOR PLANNING, BUILDING CONTROL
AND REGULATORY SERVICES

TO: EXECUTIVE

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Report Author: Neil Watson
Tel. No: 01282 611330
E-mail: neil.watson@pendle.gov.uk

CONSULTATION ON PLANNING REFORMS

PURPOSE OF REPORT

For the Executive to be aware of the proposed reforms and to agree the formal response of the Council.

RECOMMENDATION

That the Executive agree the response as set out at Appendix 1.

REASON FOR RECOMMENDATION

In order that the Council contributes to national policy development that will affect the Borough.

ISSUE

- 1 The Government is consulting on planning reforms which will affect both development management and the development of planning policy. This report sets out the main aspects of the changes proposed and the implications that it may have for Pendle. A full suggested response is attached at Appendix 1. The consultation runs from 25th July 2023 to 18th October 2023.
- 2 It is recognised that policies develop and that there needs to be changed from time to time to deal with changing national and local issues. The Government has recognised this in previous white papers, but the current proposals will inevitably again result in Councils approaching policy development in different ways. A growing number of Councils have taken decisions not to continue with their local plans pending knowing what the changes will be.

The Proposed Reforms

- 3 The reforms are principally aimed at the format and standardisation of Plans using as of yet undeveloped processes.
- 4 The reforms will involve Councils in redesigning their evidence base as well as having to have the technical capabilities to implement the changes. The use of “PropTech” software is advocated to do much of the work required such as community consultation, plan templates and proposals map updates. This Proptech technology has not yet been developed and the reforms do not consider the skills, resources and time needed to adapt to these once they have been developed.
- 5 The track record of implementing major changes to the Building Regulations and Biodiversity Net Gain is that legislation and guidance on these has not been produced over a number of years despite their impending implementation so there is a natural concern that the infrastructure needed to be able to proceed with the reforms will similarly not be developed in a timely manner.
- 6 The proposed reforms concentrate much on standardisation of processes and a strict timeline to produce Plans. The consultation however misses many of the reasons why Plan preparation takes time and what is needed to speed the process which is the intention of the changes.
- 7 The consultation sets out that the standardisation of the format of Plans will help reduce their complexity and enable the public to better understand them. Whilst standardisation may help some people to understand Plans better most Plans already follow a generally similar format. It is not the Plans themselves that are difficult to follow. The evidence that underpins them is however often long, detailed and complex and it is the evidence that is difficult to follow. If Plans are to be more accessible to members of the public to understand simplifying the detail of the evidence base will be necessary. No details of any simplification are contained in the consultation with those matters left for the future.
- 8 Public consultation and involvement are at the centre of many of the changes to the processes. Public involvement is essential to a successful Plan but is resource and time consuming. The proposals add in additional consultation stages over and above the current requirements which will be difficult to assimilate into the shortened timescales that will be required to be adhered to as well as prepare and write the Plan.
- 9 The two major reasons why Plans take time to prepare is the complexity and weight of the evidence base needed and the challenges that are made to the Plan because of the ambiguity in national policy requirements. An example of that for Pendle is the link between the housing requirement and the economic aspirations of the Council and the ambiguity on current policy over what weight to be given to these factors. The proposals set out the intention that what is currently required in Plans in terms of the breadth of evidence and its details will be reduced.
- 10 This is key to the success or not of the proposals. There has been a long-term acknowledgement that the evidence base for Local Plans is overly complex, expensive and time consuming to produce but what has resulted over many years is not a reduction of that but an ever-increasing evidential burden. It is encouraging that the proposals seek to reduce this and uncomplicate it. There is however no detail in the consultation about what that new evidence will look like and if that burden is not reduced then the overhaul of the Plan making process will not succeed. Failure to reduce it will result in a chaotic picture of Plan preparation across the country. The response of Pendle needs to make this point clearly.

- 11 In stating that the evidence base needs to be simplified in the consultation it is not encouraging when the proposal includes the need for additional evidence such as Community Land Auctions and assessments such as the gateway proposals. These will need to be written, consulted on and considered alongside the other evidence.
- 12 The proposal also includes Community Land Auctions (“CLA”). This is where a landowner will effectively make a bid to the Local Authority to have their land included in the Plan. The landowner will fix a price for the land to be sold at and the Local Authority will then purchase an option to buy the land. Weight will then be given to the value of that financial benefit in deciding whether or not to allocate the land. Once allocated the options can then be sold with the LPA keeping the amount the purchaser paid for the option.
- 13 The concern is that the financial benefits of this will outweigh land use consideration of what sites should come forward for the benefit of the community. It may also produce a development pattern that is not sustainable, but which produces a higher capital receipt for Councils.
- 14 The consultation proposes to replace Supplementary Planning Documents (“SPDs”) with supplementary plans (“SPS”). These will also be available to alter Plans to accommodate for example new development sites that may unexpectedly become available. The flexibility to alter a Local Plan through this flexible approach would be welcomed for matters that should be included in a Plan. However SPDs are useful tools for matters such as minor design guides. Going forward these would be lost with there having to be a public examination by an independent inspector of a SPS. There should be greater flexibility to still allow SPDs for minor matters.
- 15 Transitional arrangements are proposed. These will allow Plans submitted for examination before 30th June 2025 to continue but they must be adopted before December 2026.
- 16 Overall the proposals seek to streamline the Plan making process which is to be welcomed. There are however concerns over the distinct lack of any detail over how this will be achieved and much of the technology that would underpin it has not been developed or tested. Bearing in mind that the proposals seek to start the new plan making process in Autum 2024 the timetable on face value seems extremely optimistic.

IMPLICATIONS

Policy:	The policies for the long-term development of Local Plans will be affected by the changes.
Financial:	There will be a changed evidence base for the new style Plans but as there is no details behind what will be needed the financial implications cannot be estimated.
Legal:	The Council is required to prepare a Local Plan to meet Government legislation
Risk Management:	The main risk is to ensure that the new Pendle Local Plan is submitted for examination before June 2025 and adopted prior to December 2026.
Health and Safety:	None identified as a result of this report.
Sustainability:	None directly arising from this report.

Community Safety: None identified as a result of this report.

Equality and Diversity: The impact of planning policies on equality and diversity have been considered through the Sustainability Appraisal.

LIST OF BACKGROUND PAPERS

<https://www.gov.uk/government/consultations/plan-making-reforms-consultation-on-implementation/levelling-up-and-regeneration-bill-consultation-on-implementation-of-plan-making-reforms>

Appendix 1

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

The core principles are already part of Local Plans. The proposals do not readily differ from what a good plan should comprise of.

The proposals are seeking “simpler, shorter and more visual plans”. This is in order to make Plans easier to read. The greater the simplicity of a Plan the better but this must not be at the expense of the Plan being fit for purpose. The introduction of the shortened NPPF is an example of this where the lack of detail initially resulted in a good deal of confusion on issues and the result was a significant interpretive document in the form of the Planning Practice Guidance.

The intention to simplify Local Plans needs to focus on what actually makes them complicated. Plans themselves are not generally difficult to understand once produced. Policies are normally clear and can be interpreted easily. What confuses and complicates things is the evidence base required to produce them as well as the Sustainability Appraisal that underpins them. These are often extremely complex documents that both professionals and members of the public struggle with. It is not Plans that are difficult but what underpins them.

In reading the overall proposals there is no detail about how Neighbourhood Plans will fit into this process. They will be affected by having an altered upper tier Local Plan alongside nationally prescribed development management policies. It is unclear how both existing and future Neighbourhood Plans fit into the new Plan making arrangements.

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?

We agree that a Plan should have a vision as that sets the tone for the remainder of the document. What we are wary of however is what is planned seems to be narrowing the scope of what the vision should contain into what appear to be preconceived areas of interest.

Visions are meant to be expression of the spatial issues facing an area which may or may not be unique to that place. They need to have the ability to be flexible to meet both the aspirations of the community they serve as well as meeting the identified needs of an area.

Plans contain visions in them currently, but these are not linked to overall outcomes of the Plan. However other policies in Plans do have measurable outcomes related to their individual aims and objectives. If the proposals remain that visions should contain measurable outcomes, they will only be at a very high level as otherwise visions will become long and complex. Whilst we support that there should be a vision that needs to be pitched at the level that allows local variations, outcomes that may not always be measurable, as well as some key overarching goals.

The proposed process as set out in Diagram 1 expects visioning and monitoring requirements to be set out before evidence for the Plan is gathered. Plans are meant to set out policies and spatial development requirements based on what emerges from the evidence that will be gathered later in the process. That is a concern that Plans may set expectations from the public at stage 1 when in fact the evidence about an area, gathered later, may point in another direction. Visions and the direction of the Plan should be informed by the evidence not the evidence informed by the vision.

One of the issues that Council’s sometimes face is that the expectations of the public on the control over Plan content can be different to the requirements of planning policy. This is often the

case for example around housing and the level of housing provision. The setting of a vision without having evidence on key issues may result in a vision that is in fact not the right vision for an area as evidence can point to another direction. This could result in a tension later in the development of Plans and inevitable delays due to this. Evidence needs to inform visions at the outset of delivering those visions.

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

There are the same concerns about how this will work as for the scope of the vision. You would expect that the generic national DM policies would cover the majority of the generic issues that will face a Local authority. Local DM policies will supplement these. The scope of these is targeted at the outset of the Plan at the gateway and scoping at the start of the process. As for the Vision policies are borne often out of evidence which will not have been gathered at the start of the process. LPAs will be expected to set out policies that they may not know will be required.

The consultation says that local DM policies will be expected to be underpinned by evidence. The proposed sequencing needs to be reconsidered. The consultation itself indicates that the policies etc will need to be justified by the evidence base which will not be in place at the time the policies and indeed vision are expected to be scoped out.

The consultation indicates that policies will need to be justified by evidence. We would point out that Plans are already examined and policies are tested against evidence.

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?

We would be interesting to see the research on this as from reading many LPs the general format is similar in most of them. Templates will not make much difference to the preparation of a plan in terms of preparation except if what is to be given as a template is not fit for purpose and presents technological difficulties between current systems Council's use.

The production of interactive proposals maps and having uniformity for the public with these would be beneficial. Many Councils, as we have, already have good functional interactive maps. What we would not want to see is these having to be re-engineered at significant costs just to sit within a template.

We are currently going through changes in terms of BNG and building control. Despite several years in preparation the legislation and guidance for those is still not fully in place. What will be absolutely critical is that if there is to be any technological requirements these are tested and in place well in advance of them being required to be used and not following the pattern of BNG and BC changes where the lack of clarity is hindering every Local Authority in their preparations.

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

No comment.

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 Council wishes to be involved with protracted preparations for Plan making and elongated examinations. That is costly, provides no certainty to the public or developers and means that evidence can quickly become out of date.

Writing Plans is not the time-consuming element of plan preparation. What takes time is public consultations when done meaningfully and properly as well as publicising draft Plans. Each one requires detailed preparation, administering, publicising, collating comments, addressing comments, refining proposals, writing up results, preparing reports and agreeing to the next stage. Preparing the briefs for the consultants to carry out research, tendering, supporting the studies, refining them, digesting them and refining the Plan as a result of what is found and agreeing these within the Council is time consuming.

The proposals do not propose measures that will foreshorten the time taken to prepare Plans. Stipulating a timeframe without examining what causes Plans to take time to prepare will make no difference to producing them. The proposals need to be reconsidered and look at the mechanics of the evidence base and why things take so long including the examination process. The examination process was supposed to be light touch and short having dealt with the main issues in Plan preparation. In reality these are extremely time consuming and resource intense processes that Councils will not enter into without being sure that the Plans will stand up to scrutiny.

It is noted that timeframes will be set out in regulations. Unless the evidence base and the way Plans are produced is altered many Councils will not meet the deadlines.

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?

Most Councils produce PIDS, but which are referred to usually as scoping documents. Having them is key to defining the scope of the Plan but does not prevent it from altering as and when evidence dictates it should or when national policy changes as it frequently does.

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

Receipt of data in formats we cannot deal with has not been an issue and we find that participants will submit in standard formats currently.

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?

The question does not deal with the issues that are outlined in the supporting text. For example uncertainty about the need and extent for evidence is different to the question which is about benefits from digitisation.

The format of Plans and digitisation is not the key issue and further standardisation of Plans will not make any real difference to their production.

As is stated in the third bullet point in paragraph 71 it is the evidence base and the challenges of that which is the key to streamlining Plan production. Consistency in national policies and policy clarity is also key. For example current guidance leaves it open to interpretation on what factors need to be taken into account in supplementing housing numbers above the SM figure when reaching a housing target. Policy ambiguity is leading to delays in Plan preparation as this leads to challenge.

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?

Any efficiencies that can be automated would be welcomed. As indicated in other responses

it is not this which results in slow Plan preparation, and it would be incorrect to think that improvements in that area will improve timescales in any meaningful way.

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?

The toolkits that are proposed would be welcomed provided that they are easily understood and do not make the process of producing a plan more complicated than they are presently. To a large extent this will need to be tested to ensure that what is produced is fit for purpose.

Question 12: Do you agree 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?

Reporting on the milestones as set out is agreed. The issue however is not about reporting but about the ability to meet the deadlines.

Question 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?

The question is to a large degree academic if the 30-month production is to be mandated by Regulations. If the 30 months cannot be altered, then reviewing the Plan timetable would be a pointless exercise.

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?

We fully support this approach. One of the main issues is that each Council has been left to deal with the evidence it produces in its own way to suit local circumstances with a lack of precise guidance in the NPPF.

This section is key to the success or not of the whole reforms. If the evidential burden is not reduced significantly and simplified, alongside the reduction in the ability to challenge issues at EiPs the reforms will not work and the timescales for Plan production will not be met.

The proposals are not specified here but are to be developed. This needs to be undertaken robustly and tested before they are rolled out. If they are not properly tested and the full consequences of what they mean are not identified this would jeopardise the ability of all Councils to produce the Plans the Government seeks Council to make.

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?

The key determinants of whether a Plan proceeds quickly or not generally lie in matters relating to housing supply, housing land availability and the links to economic performance. For example the SM figure is based on significantly outdated population projections that Inspectors are asking to be sense checked against later demographic projections. This is causing confusion and delays as well as allowing objectors and supporters to offer differing interpretations of the data. Matters such as this are major causes of delays in plan making and any standardisation needs to ensure these are dealt with in a clear and unambiguous way.

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?

The proposal is, in basic terms, to freeze data unless the data changes in a material way that requires further examination. That is essentially what we have currently. Data either needs to be frozen to create certainty or not. If it is left to discretion all that will happen is that the focus of the EiP will shift from the data itself to arguments about the significance or not of the change.

Question 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?

Yes, provided that the other elements of the Plan are not open to scrutiny at the examination as otherwise there will be a need to supply other evidence.

There are consistent referrals to “unless the Inspector requires additional evidence.” Uncertainty in what may need to be produced will result in evidence being prepared just in case it is asked for or delays for the LPA to go and produce evidence. There needs to be certainty in the requirements or there will inevitably be delays build into the process.

Question 18: Do you agree that these should be the overarching purposes of gateway assessments? Are there other purposes we should consider alongside those set out above?

Properly conducted gateway assessments will help to ensure that Plans are put forward on a sound basis. We support gateway assessments on the proviso that they are not in themselves significant pieces of work that take considerable time to produce.

Question 19: Do you agree with these proposals around the frequency and timing of gateways and who is responsible?

Yes. The timing and personnel involved are reasonable and proportionate. We assume these will be the subject of the new templates that are being proposed.

The assessments will require the availability of Planning Inspectors. We note that Plan production will be staggered so that the Inspectorate will have the ability to cope with them but point to this resource being critical to the adherence to the timescales.

Question 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?

We agree with the general approach to gateway assessment and what they will contain. We would however also point out that this is an extra bit of evidence that will take time to produce, and which will take up already scarce resources. They will on the one hand ensure that Plans are proceeding on a sound footing but will also take a valuable time and resources away from Plan production.

Question 21: Do you agree with our proposal to charge planning authorities for gateway assessments?

No. There is an ever-increasing financial burden on Councils and planning services. For example the mandatory requirement to produce design codes will be significantly expensive and financially challenging. It is plainly unfair to place burdens on already stretched Council resources and then expect Councils to pay for them. The funding will ultimately come from the public purse either centrally or via Councils. It would be prudent to ensure the Planning Inspectorate has the resources to deal with this at no expense to Planning Authorities.

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

The proposals to shorten certain elements of the Plan making process are welcomed. The main way however that an examination will be shortened is to ensure that planning policy is clearer than it is currently to narrow down areas of disagreement and that the standardisation of evidence prevents challenge at the EiP.

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?

Pause periods would be used to address issues with a Plan. This is similar to what Inspectors do now when issues are identified. The greater concern is that if the six-month elapses Plans have to be withdrawn and the process start again. We would suggest that the Inspector be given flexibility in allowing a greater period than 6 months if in their view that would result in the Plans being found sound. Otherwise a considerable number of public resources would be wasted for an inflexible regulation that would not serve anyone's purpose.

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?

Engagement with communities and why communities sometimes do not engage is a result of a number of factors. The use of technology including online portals, online meetings, direct emails, letters, public events and individual targeted meetings are already widely used. Clearly if the PropTech approach can improve on that those improvements would be welcomed.

It is not in our experience the ability for people to become involved which is the main barrier for them doing so. It is the complexity of what they are looking at and the weight of evidence. For example looking at and understanding a Sustainability Appraisal for someone who has never done so before would be off-putting and daunting. The proposals seek to make the evidence base more consistent, but it must also make it more understandable if the public is to become engaged.

Preparing a Project Initiation Document will be at the start of the process. These take time to prepare and if the requirement is like a Scheme of Community Involvement can take several weeks to prepare if it is to be done properly. The advantage of an SCI is that it does not need to be prepared immediately before the Plan preparation period which frees up time for planning staff to prepare the background documents for the Plan. The PiD should be able to be prepared in advance of the 30 months to help with the resources available to prepare the Plan itself.

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.

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

In order to encourage people to participate there are two factors that need to be in place. First is that they need to be informed. PropTech should look at ways of reaching people in the LPA area digitally without infringing on data protection.

As responded to in question 24 the Plan making process also needs to be made much simpler and more understandable as otherwise people will continue not to engage.

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. It is essential that the purpose is clearly understood in order to focus the responses.

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

Yes. It would help in preparing responses.

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

None.

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.

Question 31: Do you agree with the proposed requirements for monitoring?

This will require a considerable input of resources. Whilst we do not disagree with the monitoring areas there will be additional work created to monitor this and LPAs should receive finding to do that.

Question 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?

No. The proposals will duplicate information that will be required to be granted under BNG legislation.

The proposals for net zero from buildings is not a matter the planning authorities can readily gather hence why the consultation is not able to say how that will be done. It would be better collated through the building regulations for new premises and housing standards for existing houses.

Question 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 other? Are there any other factors that would indicate whether two or more sites are 'nearby' to each other?

No comment.

Question 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.

Properly conceived and considered Plans that are based on sound evidence should seldom require to be altered in a Plan period. Most changes that are required come from changes to legislation or national planning policy. That is accepted in the consultation where it indicates that Plan changes may be required due to the requirements of the LURB.

In circumstances where anticipated changes to a Plan are encountered a more streamlined method of quickly adopting that would be beneficial. It should however be an exception and not the norm and should only be for circumstances where the Plan itself needs to be altered.

We disagree that the proposed supplementary plans will automatically add clarity to Plans. The approach set out in the consultation is that these will not only provide the opportunity to add to the Plan in terms of sites and other policies that should rightly go through a more formal process to

become a formal part of the LP but will also include issues that would be formerly dealt with as Supplementary Planning Documents. Such documents do not need to be a formal part of the LP.

SPDs also allow for issues to be dealt with that are matters of clarification that do not need to sit in the form of being part of the Local Plan. The rigidity in requiring such issues to have to go through as a supplementary plan, including independent examination will add complexity, cost and time into the process of dealing with matters that do not need to be part of the development plan.

Question 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 consultation stages be required?*

The scope of supplementary plans is to be limited and as such a single formal consultation period is likely to be appropriate for most circumstances. It would however be anticipated that the development of a document such as a design code would require a significant amount of informal consultation and refinement before it got to the stage of being in a form fit for formal consultation. It would be for the LPA to use its discretion according to the circumstances of the supplementary plan being developed.

Question 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.

The issue for this is not the level of competency of examiners or the resources they can call on. Examiners of Neighbourhood Plans have in our experience been at a high level and capable of dealing with supplementary plans. The issue is thresholds of whether a matter is so large and significant that it should be dealt with as a supplementary plan or whether it would also require the local Plan to be amended alongside the supplementary plan.

Question 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?

On the basis that there will be a reconsideration of the role of Supplementary Planning Documents that do not require independent examination the approach is proportionate.

Question 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?

No comment.

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

The process of adopting LPs going forward is proposed to be streamlined and made more standardised to allow for quicker preparation. The Community Land Auction ("CLA") would add in a major layer of complication to the assessment process and would be a major area of challenge to the LP examination.

The financial benefits would be set against the Sustainability Appraisal assessment of the LP and monetary value would then be tested against the environmental and sustainability credentials of a site. Whilst there would be pilot authorities to test the process it is highly likely to be both extremely controversial, more costly to administer and much more time consuming to prepare. It will also add

significant staff costs to the process of valuation, setting option agreements, selling agreements and gathering the evidence base to be provided at inquiry. This includes design considerations that will need to be worked up for each site that will be required to be provided in policies in the LP. This will not be a task that can be carried out quickly and will require added resources and skills that every planning team will need to have in addition to what they currently have.

The concern overall with the process is that it will result in an unsustainable pattern of development occurring with decision taken based on land availability as opposed to what is the right form of development of an area.

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?

Financial considerations should not be taken into consideration for sites which are clearly unacceptable as assessed in the evidence base documents a Council will produced, mainly the Sustainability Appraisal.

If financial considerations are to be given weight that must be proportionate to the other benefits or disbenefits of a site and should be one of a range of scored factors which are taken into account. They should not outweigh key safety or environmental factors such as landscape impact or highway safety concerns.

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

The proposed timelines do not take account the staged approach to starting the new Plans that is envisaged. All old-style Plans will become out of date within 30 months of the new system starting but it in theory could be up to 6 years before a start on a new Plan commences if Plans are to start in cohorts of 25 with 6-month intervals. A better solution would be to keep plans up to date until 30 months from the start of their commencement.

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

We agree on the proviso that the Plans remain in force for 30 months form the start of the Plan renewal commencement.