Response to:

(DLUHC)
Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms

Key issues

- **Meeting sustainability challenges that could devastate society this century requires radical not incremental change** to plan-making, which up to now has been largely focused on delivering housing targets. The proposed replacement of Sustainability Appraisal with Environmental Outcome Reports (EORs) has been heavily criticised for removing economic and social issues, such as public health, as well as for being unworkable without addressing severe resource shortages in the planning system[1].

- Key to this will be working out how each local area will contribute to stretching national targets, such as climate, air quality or species recovery. Simply saying that something, whether a plan or a development, is "not inconsistent" with national targets that are already off-track is not credible. This requires major change in both the plan-making system in terms of processes as well as policy, especially in considering impacts across different scales and boundaries.

- Particular emphasis is needed on **a far wider range of reasonable alternatives / spatial options**, which are fundamentally different from Business As Usual, such as proposing higher density and sustainable travel share, rather than sprawl. Reasonable alternatives and scenarios should also take on a new role, being used as a tool to help plan for adaptability, whether against climate breakdown or technological change. Greater uncertainty about the future means that the gateway review process needs to allow iteration, including in some instances going back a stage, rather than sticking to unrealistic assumptions and timetables.

- Managing growing uncertainty will require additional and new types of evidence in many policy areas, not least climate adaptation. Spatial options, policies and proposals should be assessed against a wide range of future scenarios, which the Government Office for Science study on 2050 mitigation provides a good start[2]. By contrast some scenarios, such as the DfT's 2022 National Road Traffic Projections are largely neither compliant with net zero nor do they align with emerging policy. Guidance on scenarios should be produced collaboratively rather than top down.

- Transport and patterns of movement are key both to sustainability challenges as well as the form of development. Yet **the separation of spatial and transport planning, both in terms of the plans themselves and in many areas the authorities, is a major problem in England**. The consultation is especially weak here regarding the plans themselves, the bodies involved and the interaction of key plans such as

[1] E.g. RTPI response to the consultation 'Environmental Outcomes Reports: a new approach to environmental assessment', RTPI (2023) and IEMA responds to Government's environmental outcomes consultation, IEMA (2023)

[2] Net Zero Society: scenarios and pathways, GOS (2023)

Infrastructure Development Strategies, Local Transport Plans and related modal plans (e.g. Bus Service Improvement Plans and Local Cycling and Walking Infrastructure Plans), none of which are currently proposed to be digitalised.

- The digitalisation proposals are welcome and long overdue, potentially playing a key role in improving transparency of what the options are, where they would impact and how ambitious an area's policies are compared to similar ones. But there is a lack of consideration of best practice, let alone guidance about how standardised data can improve the different stages of plan-making. Some policy areas, such as active travel, are leading the way and are worth learning from.

- Nonetheless better face-to-face methods are needed too, potentially including mediation between those with seemingly intractable views. Also better engagement on how much needs to change to mitigate and adapt to climate change. To be more accessible, language needs to change, such as using ''housing estate' rather than 'strategic housing allocation'.

- Finally, with so many other parts of the planning system being radically reformed, but not finalised, **a strategic approach to "testing and learning" is required**. Both in terms of where new style local plans are prepared first, the sharing of successes and challenges, as well as the sequencing and updating of related regulations and guidance. In particular, strict time limits should be aspirational rather than binding until these issues are bottomed out. Additionally, this uncertainty has made it challenging to make informed comment on many planning consultations.

Note: Questions that are not relevant to TAN have been omitted.

Consultation questions

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

1. We welcome the ambition to improve and modernise plan-making. The trouble is the thinking behind the core principles comes from a different era, one where there was political, economic and above all climate stability, along with incremental change in areas like technology. This is simply not the case now, and with temperatures exceeding model forecasts, is certainly not going to be the case for plan periods, let alone the lifespan of developments these plans unlock. Spatial planning has a hugely important role in delivering radical mitigation of emissions, both from use and construction, as well as adapting to a radically uncertain future. A central part of that will be integrating it with transport planning, in particular Government's ambition for a world class active travel network by 2040 and levelling up public transport to near London standards by 2030. In turn this integration with transport is key to enabling higher densities, which is key to brownfield regeneration.

2. In these new realities, the belief in paragraph 19 that we can tell a "'story' of how the planning authority's area *will* develop" (emphasis added) is at best quaint, at worst grossly reckless. Plan-making should instead be informed by different future scenarios that are consistent with environment targets, not least net zero, with plans focusing our limited land, carbon and raw material budgets on least regrets development. Such development needs to be designed to be as adaptable for different uses as possible, to avoid the need to demolish.

3. While some publications already take a scenario-based approach, such as Net Zero Society[3], these typically only consider how society might mitigate climate change. As the accelerating climate breakdown of 2022 and now 2023 are showing, radical change is needed to adapt to a near 2C global temperature rise, which means 3C increases in land temperature and greater still increases in urban areas. There will be additional significant requirements, as yet unquantified, to adapt existing stock and infrastructure to cope with accelerating climate breakdown.

4. The Climate Change Committee's (CCC) 2023 Progress Report recommends that *"Net Zero and adaptation outcomes are consistently prioritised through the planning system, making clear that these should work in conjunction with, rather than being overridden by, other outcomes such as development viability"* (R2023-155)[4]. This

[3] Net Zero Society: scenarios and pathways, GOfS (2023)
[4] 2023 Progress Report to Parliament, CCC (2023)

needs to be foregrounded in process and core principles, not simply left to policy and guidance.

5. The CCC also recommends *"clear guidance to planning authorities on carbon assessment and measuring environmental outcomes"* (R2023-174). This requires clarity on the respective roles and responsibilities between different levels of government, which many believe requires regional and local carbon budgets since there appear to be no credible alternatives[5]. If the reforms fail to clarify the governance required here, then duplication of work, confusion and delay from legal challenges will be inevitable. Environmental Outcome Reports (EORs) will be a part of this but only a small part as a broader governance framework is required to keep progress on track, consider resilience at the systems level, including contingency. Moreover, this is required not just for climate but Levelling Up and wider environmental targets. Regarding the latter, the National Audit Office (NAO) was scathing about Defra's governance of 2018 targets let alone its 2023 ones[6].

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?

6. We agree that visions typically can be too short to be anything other than statements of motherhood and apple pie, or a long list of statements that add little to the plan making process. Consequently, they have not been useful in delivering sustainable development.

7. The danger is that without wider engagement and preparation, simply presenting people with a comprehensive vision that is ambitious in tackling sustainability issues - housing, economic as well as environmental - will not have wider buy in and may lead to a significant minority crying conspiracy[7]. As recent research for the CCC has again highlighted, major public engagement is needed on climate mitigation, covering societal as well as individual (behaviour) change[8]. Likewise a deliberative dialogue commissioned by Defra highlighted *"the need for enhanced, ongoing, and extensive communication and engagement with the public on key climate risks and adaptation actions"*[9].

[5] Spatial planning for climate resilience and Net Zero, CCC (2023)
[6] Regulating to achieve environmental outcomes, NAO (2023)
[7] Quarter in UK believe Covid was a hoax, poll on conspiracy theories finds, The Guardian (2023)
[8] The implications of behavioural science for effective climate policy, CCC (2023)
[9] The public are calling for immediate climate adaptation action, University of Leeds (2023)

8. The carbon requirements of maintaining existing house-building would exhaust the carbon budget outlined for home construction by 2036[10]. As the Secretary of State's landmark speech this summer clearly explained, we need to move away from land-hungry destruction and sprawl to efficient regeneration and densification[11]. For this to happen, far greater ambition and integration is required with world class public transport. Presenting different visions at the first consultation should be a key part of the development of reasonable alternatives, including significant traffic reduction and modal shift. This should be done by providing simple but accurate summaries of these different futures alongside visualisations.

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

9. No. Additional guidance is urgently required as to how to set the level of ambition for local areas in contributing to national targets, such as for carbon budgets, Particulate Exposure Reduction Targets, active travel rates, species recovery etc. Both in terms of the minimum level that a planning authority must deliver in its area to ensure national targets are met and supporting it go further if that is its vision and ambition. The CCC has criticised how local policies for higher energy efficiency in new homes than national standards have prevented. If these issues are not addressed, then vision setting and public engagement will become empty processes,while national targets will remain off track.

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?

10. We strongly agree with the thinking behind templates etc. and this needs to extend to the design of online content for local plans, so that it is easy to switch between different planning authorities, whether for users or NGOs giving training or guidance to people on how best to engage. Just as it can be difficult trying to find maps of services or cycle policies on differently structured transport websites, so it can be for local plan websites. We are concerned, however, that without similar guidance for Local Transport Plans nor Infrastructure Delivery Strategies, there will be a lack of join up. In addition, local authority responsibilities are ever more complicated, especially in rural areas: templates need to be flexible and responsive to these differences, for instance to help rather than hinder the planning of transport infrastructure and services across boundaries.

[10] Modelling the embodied carbon cost of UK domestic building construction, Ecological Economics (2023)
[11] Long-term plan for housing, DLUHC (2023)

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?

11. Yes, although, extra time should be allowed for an authority's first new style digital plan. In addition, extra time should be planned for regarding the first tranche of new style local plans, to allow the new process to bed in. By starting early, it should still be possible to finish before an existing plan becomes too out of date, assuming climate breakdown does not accelerate too quickly.

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?

12. Yes, but clarity is needed how a PID may change throughout the plan-making process. Plan-making and environmental appraisal work best as iterative processes: assumptions and scope can and should be allowed to change in response to evidence and consultation. The PID should not constrain such change, indeed it would be helpful for participants if it could record any such changes, including the underlying reasons for those changes.

13. The PID should not only identify local issues but also key uncertainties, such as expected changes in national policy, climate, economy etc. that are likely to be relevant to the plan and its assessment. Being explicit about key uncertainties, their potential impacts and ways to mitigate them is key to managing uncertainty proactively, rather than trying to pretend it does not exist.

14. Objectives and reasonable alternatives will be particularly important to consider at this early stage, before options are closed down. It is concerning that there is no mention of, or lack of any integration with, this key element of environmental appraisal and governance.

15. The belief in paragraph 57 that options and objectives can be confirmed after an eight week consultation risks being wholly unrealistic. Even at the best of times, an iterative process is needed. However, in the current context of intense sustainability challenges, requiring a major and rapid shift from "Planning As Usual", a second round of consultation on reasonable alternatives may well be needed. If such a provision is designed out of the new style system, then it might not be possible to make significant changes to options and hence to respond to initial consultation responses properly.

16. Finally there are severe resourcing issues, in particular subject expertise in certain areas, across the planning system: the PID could usefully identify relevant constraints.

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

17. Data standardisation should have already happened: rather than asking what would benefit the most, the presumption should be that all data is standardised and open. In other words, the question should be what exceptions might there be to this general principle of standardised, open data. Comparison sites, whether of product prices or MP performance in Parliament, help people make choices. There is a pressing need to enable people to compare their local plans with other similar areas, whether in terms of their ambitions or their delivery. In addition, the use of NDAs or requirements of payment for data should be minimised.

18. More broadly, there is a lack of standardised, open data in related policy areas that are necessary *for* plan-making. While extensive transport data is available, such as live bus performance and road collisions, the DfT refuses to make the National Transport Model open. Understanding how (let alone scrutinising) trends such as traffic levels, modal shift or particulate emissions might change in different future scenarios is difficult, especially at the local level, without the underlying models. This is especially important in following the sustainability hierarchy and assessing no-build options first. National Highways, for instance, has committed to making road-building the option of last resort[12]. A wider range of data is needed to assess no-build options, rather than simply different alignments or locations for infrastructure.

19. Standardising data for Infrastructure Development Strategies will be vital, especially as interdependencies between infrastructure systems increase[13], so it is concerning that there is no mention of plans for this. The updated *PAS 2080:2023 Carbon management in buildings and infrastructure*, unlike the 2016 edition, seeks to reduce carbon emissions during the use of infrastructure and buildings, rather than simply carbon emitted or embodied in construction. Understanding the potential to reduce energy and other needs in existing and new buildings is important to understand how much new infrastructure might be required. Local Transport Plans also need data standardisation, but it is unclear whether the long awaited DfT consultation on guidance for these will include such provisions.

20. There may be advantages in targeting some forms of data that could be best at fostering an ecosystem of open source tools and apps, such as to enable comparisons

[12] Connecting the country: our long-term strategic plan to 2050, National Highways (2023)
[13] Interdependencies in infrastructure systems-of-systems, ITRC

of different plans. Such an approach could create commercial advantage for the UK too. Engagement with open source and other developer communities, including through competition funding, would help with prioritisation of which data to standardise first.

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?

21. Some of the challenges have been listed. In some areas, rather than there being an "over production of evidence", there is barely any at all. The PPG on transport evidence bases is often ignored, despite much spatial evidence such as Killed or Seriously Injured collision data having been available digitally for many years.

22. The lack of user friendliness is not listed, despite it being a major problem. Many plans are cumbersome to download and search, let alone open on a handheld device. Digitalisation should not just be about making it easier for computers to deal with data, but about increasing usability for humans too.

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?

23. Yes but there should be much more emphasis on data and digital tools that enable comparisons to be made and for different policies and proposals to be assessed. Comparison sites, whether for insurance policies or MP performance, are popular and improve transparency. Enabling residents, businesses, etc. to compare rates of change, ambition of policies and effectiveness of plans between different planning authorities with similar conditions would improve engagement and effectiveness of the planning system. Digital tools, such as the Propensity to Cycle Tool (pct.bike), enable authorities, community groups, etc. to rapidly assess, test and prioritise policies and proposals. The more data that is made available and support is given for developers to create tools that are in the public interest, but cannot easily secure private funding, the more digital innovation we will see.

24. Another important issue is joining up data across boundaries. For someone living or working close to the boundary of two or more plans, the current system is particularly user-unfriendly. Interactive mapping that aggregates data from different plans and simply states the status they are at would help with engagement.

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?

25. By focusing on delivering efficiencies, this question implicitly assumes external stability, such that the focus can be on securing incremental gains. By contrast, the reality is rapid and unpredictable change, whether from how AI affects the jobs market and manufacturing, or how climate breakdown affects habitability of settlements. Just as companies are reprioritising security of supply chains over cost reduction, so plan-making needs to prioritise long-term security and adaptability over short-term cost savings.

26. A key innovation required in these circumstances is to be able to test a range of spatial and policy options against four or so different future scenarios. These should all be compliant with net zero 2050 and other national environmental targets, with some scenarios aiming to meet these targets considerably sooner. An important requirement is to assess cumulative impacts and relationships in plans, particularly between strategic developments. For instance, how extra development in certain places may lead to thresholds being exceeded, whether nutrient neutrality, pollution levels, or motor traffic levels on a street that is a cycle route but that cannot be widened, or require public transport upgrades. Showing how benefits and costs of different spatial and policy options are spread geographically is important to addressing social impacts and improving equality of opportunity.

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?

27. Yes, although six monthly updates seems too slow given the aspirations for a digital first, fast moving system.

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?

28. There is a lack of clarity about how external changes (as opposed to internal milestones), whether to national policy or proposals, might trigger reviews. The cancellation of HS2 phase 2 illustrates how such changes can radically affect local plan assumptions but updates to national policy, such as to address gaps in decarbonisation trajectories, can be as important. In addition, where there are major

changes in scope, which we recommend above, these should lead to changes in the PID and a review of the timetable.

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?

29. No, this chapter increases the already considerable uncertainty and it is far from clear that the proposals will be at all workable. The planning system has already struggled to improve outcomes in many policy areas, such as transport. With new major challenges, such as nature recovery and electrification replacing fossil fuels, there will be significant requirements for new evidence in these and other areas. However, because so much of the planning system has focused on delivering housing targets 'in vacuo', the focus of this chapter implicitly seems to be on the types of evidence that were important in the past, such as housing trajectories, allocating large strategic sites in places that are inappropriate in terms of sustainable transport and land use simply to absorb housing targets, etc. So in effect this chapter continues with the 'upside down approach', focusing on housing targets, come what may, and then trying desperately to mitigate when the homes are built in places that have real environmental impact. This cannot work and will produce more of the same high impact developments.

30. The starting point here should be evidence based mapping, to work out where there is already evidence, where it is digital and standardised, and where there are gaps. Then to consider the question how that data might actually be used to prepare a plan and to scrutinise it.

31. Looking at the policy area of transport, there are already significant amounts of data, but local plans are often prepared with minimal compliance against PPGs[14] and without any evidence as to what is being used. Active Travel England is developing a new Active Travel Infrastructure Platform[15] to improve decision-making. What is absent in this consultation is not so much the data but actually using it transparently to inform plan-making: how the active travel officers and software will talk to the planning officers and software. That is the missing link.

32. One particularly important element is the degree to which individual areas are expected to contribute to achieving national targets, such as for half of shorter urban trips to be walked or cycled by 2030, or to cut population exposure to particulates. A smaller settlement already achieving 60% walking and cycling trips could reach 67%

[14] Transport evidence bases in plan making and decision taking, MHCLG (2015)

[15] Alan Turing Institute partnership brings data expertise to nationwide walking and cycling schemes, DfT (2023)

more easily, perhaps, than a larger settlement going from 40 to 44% for instance, but that might not help meet particulate exposure reduction targets. What might be the evidence needed to assess this and how to decide the different priorities between areas? This governance infrastructure is entirely lacking by simply having national policy, local plans and an inspectorate judging soundness or "legal" compliance of individual plans, in a way that ignores whether the nation is on track to meet legal targets.

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?

33. Yes. While development need is mentioned, this typically has related to traditional planning matters like housing numbers, and employment floorspace. It has not covered the need for development, including alternatives, more broadly. For instance, in recognition of the need to reduce construction and maintenance emissions, National Highways has, as part of its adoption of PAS 2080:2016, committed to make road-building the option of last resort[16]. Including such considerations in the planning system will require new forms of data and analysis, to work out the potential for higher vehicle occupancy, modal shift and alternatives to travel, such as adapting existing buildings.

34. The evidence base for infrastructure, such as Infrastructure Development Strategies (IDSs), will be especially important to standardise. Yet there appears to be no consideration of requiring either the evidence base or IDSs themselves to be based on standardised open data, despite references to a "[u]nified approach".

35. More broadly, the evidence base and assumptions about change and constraints need much more data and transparency, especially regarding sustainability challenges. SEA regulations currently set out requirements about the likely evolution of trends[17], yet far too often only a snapshot of data is provided. With accelerating climate breakdown potentially meaning that past trends cannot be relied upon, more data and modelling will be essential if plan-making is to deliver resilient and adaptable developments and communities.

[16] Nonetheless this sits oddly with its assertions that current major road schemes need to be continued.

[17] Strategic environmental assessment and sustainability appraisal, DLUHC (2019)

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?

36. We can understand why some types of evidence and data might want to be frozen but what about when new targets are set? The climate and ecological emergencies are requiring a much faster change than the incremental pace we are used to. While the 30 month plan-making period might help, if plans are only updated every five years, there will be too much lag. For instance, the Environmental Improvement Plan this January set interim targets for as soon as January 2028. If evidence is not rapidly updated in light of new targets, then there will be unacceptable lag in delivery undermining any newly set targets.

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?

37. No, we do not support this, particularly without further clarification as to what this might mean in practice. At the very least it should require a list of the documents that the planning authority *reasonably* considers necessary to show whether the plan is appropriate. However, we believe that it is still right to seek the most appropriate plan rather than simply an appropriate one.

38. In addition, guidance could cover what evidence should be included as part of authorities publication schemes[18] and how this could be consistently signposted from local plan websites, etc.

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?

39. No. There needs to be significant emphasis on reasonable alternatives, as well as the approach to cumulative issues and constraints.

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

40. As a starting point, yes. The proposed gateways focus on technical compliance around a minimum baseline, rather than addressing the need for local plans to be radically improved, so that they move from largely being about delivering housing

[18] What information do we need to publish?, ICO

targets with a few other issues tacked on, to being multidimensional and capable of tackling severe sustainability challenges.

41. Learning from the value of design panels, where input from interdisciplinary peers supportively challenges a developer, we believe there is value in trialling a similar approach for plan-making as well as decision-taking. This is suggested for supplementary plans, so why not for local plans too? Such an approach would similarly be advisory but planning authorities would be required to provide written responses to all of a panel's recommendations. With many planning authorities having faced staffing issues, this type of independent advice would add significant value in a way form filling (even if digital forms) could not. This would be most appropriate at the options stage but there would be value for further input later, such as when draft policies are being drawn up.

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?

42. No. For gateway 1, the scoping of SEA requirements should be explicit on reasonable alternatives that positively support delivery of trajectories that meet net zero, nature restoration and other sustainability targets. These alternatives need to be set out before the main 8 week consultation. The relationship with Local Transport Plans and local plans in neighbouring areas needs explicit consideration. More broadly, current guidance rightly stresses the importance of there being an iterative process[19]. The gateway proposals appear to design out the potential for iteration or going back a stage.

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

43. No. Planning authorities are already significantly under-resourced and struggling to retain staff. This would be unfair and exacerbate the current situation. Cost recovery could be obtained via property taxes instead.

[19] Reference ID: 11-018-20140306 in Strategic environmental assessment and sustainability appraisal, MHCLG (2014)

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?

44. While we support shorter plan examinations, the proposal to allow only the relevant planning authority to submit responses to Matters, Issues and Questions (MIQs) stage is flawed. MIQs are usually influenced by third party representations but removing this would store up problems: saying that third parties could make submissions later misses the point that the focus of the examination may wrongly have been fixed by then.

45. Furthermore, three weeks may be too short for main modifications where there are many. In addition, it would be more realistic to allow extra time initially, so there is time to learn and reflect, in order to improve the system before it is rolled out more broadly.

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?

46. It is not possible to answer this question without seeing the new system in action. A six month limit should not be set in regulations until there has been testing of and learning from the new system, not simply the first tranche of new style local plans but a range of pauses for different reasons. We note that recent analysis of other DLUHC innovations has found that "transformation evolves slowly."[20]

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?

47. Yes but this can only work with better guidance about why there should be engagement, beyond commitments to having a "meaningful say", without explaining what that means. Some feel consultation is about giving their consent or not, but consultation is neither a vote nor a referendum. The focus should be on enabling informed comment to improve outcomes.

48. Digital is important but it is only one approach - and "traditional in-person" methods are often as bad as current digital methods. While citizen panels are a positive development, they do not engage those most affected or most vocal. Guidance

[20] What we've learnt from the PropTech Innovation Fund round 1 digital citizen engagement pilots, DLUHC (2023)

should encourage early mediation in complex and controversial issues. Face to face methods are important, especially for what initially might seem to be intransigent views and in an era when up to a third of people might be swayed by conspiracies, such as around 15 minute cities. As explained above, engagement planning should plan for the possibility of needing to go back a step, where an iterative process necessitates it, rather than assuming that keeping to the timetable is the only option.

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?

49. Yes, but this needs to include NGOs and other representative bodies explicitly, not simply residents, businesses, statutory bodies, neighbouring councils and those who "may have an interest". Talk of how "the community" wishes to be engaged is unhelpful as there almost always will be different interests and needs when considering people above the neighbourhood scale. So it is wrong to see it as a single grouping.

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

50. Yes. Identification of key sustainability challenges, both locally and globally, should be relevant. Without this happening, there is a high risk that options in the first consultation window are neither different nor ambitious enough.

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?

51. Generally yes, but this needs to be integrated better with environmental appraisal, specifically requirements for reasonable alternatives, whether in SEA or EORs. There should be guidance on what happens when spatial options are rejected and there needs to be an additional round of consultation.

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

52. Yes, this can help focus responses but there should always be an "other" box to enable people to comment in ways beyond formulaic questions. Extensive user testing is needed in different contexts to ensure that questions are well worded and do not preclude less common types of participant or issue.

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

53. Yes. There is a noticeable lack of transport bodies, including sub-national transport bodies (STBs) like Transport for the North, bus companies[21] and Active Travel England (ATE), whose role is oddly limited to large developments, despite local plans (and Infrastructure Development Strategies) having such an important role. The NAO recently highlighted how *"limited, inconsistent provision of active travel infrastructure in planning"*[22] is a key barrier to achieving national targets on active travel and the importance of *"good integration between transport and planning teams"*[23]. By contrast we do not believe that the Office of Rail and Road should be listed, as local plans are far from its remit and experience.

54. Although the Environment Agency covers at least some adaptation issues, it does not cover all, while there is no body focusing on climate mitigation. The CCC has not even had capacity to engage with National Policy Statements, let alone local plans. This is a major gap both in governance and support for planning authorities, which requires urgent resolution in order that plans can benefit from timely, professional advice on the full range of climate issues.

55. AONB partnerships and conservation boards should also be on the prescribed list of public bodies, for while they don't have formal powers, they play an important role in the planning process.

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.

56. Broadly speaking yes but much more funding is required for bodies like ATE and Local Nature Partnerships, if their involvement is to be anything more than a figleaf consideration of active travel and nature restoration. The cost of undoing bad planning in relation to these issues is far greater than getting it right before plans are approved and the developments in them are built. This should be funded by national taxation.

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

57. No, they are inadequate both in scope and in terms of update frequency. In particular, if EORs are to achieve their potential or the ambition of Defra's 2023

[21] For the importance of which, see Buses in Urban Developments, CIHT (2018)
[22] Kay Facts, page 4, Active travel in England, NAO (2023)
[23] Paragraph 20, Summary in Active travel in England, NAO (2023)

Environmental Improvement Plan, much more, and more timely data will be needed, both to monitor plans and also inform decision-taking. The increased availability of environmental monitoring, such as through the availability of Internet of Things (IoT) devices and open data, should enable far greater and more cost-effective monitoring.

58. DLUHC should provide means for local authorities to share ideas and data standards for themes emerging in their visions, to enable coherence of local monitoring standards and thereby comparability wherever possible.

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?

59. The metrics listed are very focused on outputs, far more emphasis will be needed on outcomes to manage sustainability issues better, such as following sustainability hierarchies.

60. Metrics required include cumulative land take, embodied as well as operational carbon, material requirements, modal share and traffic levels.

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?

61. Clarity is needed as to how supplementary plan processes might work in relation to new (or reopened) public transport infrastructure. Would a strict requirement for sites being "nearby" preclude a supplementary plan unlocking development at new train stations or tram stops? That would not seem to make sense, so we would recommend ensuring flexibility for supplementary plans to cater for development at different sites served by the same new public transport infrastructure.

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.

62. There should be an options stage, considering alternative ways of meeting need in line with the sustainability hierarchy. We support the need for design review - but the key issue is ensuring it comes early enough, so it is not design review of a supplementary plan but of options, at the start of the process when design review adds the most value.

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?

63. We recognise and welcome this proposal to require formal consultation, given there is currently no such requirement for SPDs. Whether an additional consultation stage will be required is something best considered as part of testing and learning, in particular for design codes. We would generally support an initial consultation on options followed by a subsequent consultation on details of the chosen option.

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.

64. Thresholds, or at the very least guidelines, should be set. This should include whether a development in a supplementary plan, actively supports achieving net zero, in line with IEMA guidance[24]. Careful consideration is needed on how to assess climate mitigation and adaptation significance of design codes too. A similar approach is required for other sustainability challenges: meeting minimum BNG requirements is not enough to be consistent with the 2030 species target, for instance.

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?

65. No. Simply requiring a 'contribution' to climate mitigation and adaptation is wholly inadequate, as that could be demonstrated simply by doing something and would barely move us forwards from the current failing situation. As explained in the previous question supplementary plans need to help secure the radical reduction in emissions now written into law. Additional requirements are needed in relation to Environment Act 2021 targets, in particular the apex goal of restoring nature, as well as levelling up.

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

[24] Updated EIA Guidance on Assessing GHG Emissions, IEMA (2022)

66. The proposal of only supporting those with the most up-to-date plans to produce new ones is not a good strategy. It means focusing on higher performing planning authorities who are less likely to struggle with radical change. It also misses the opportunity to update those plans approved before net zero, so locks in higher carbon development. A more balanced approach would be better.

67. There is a particular need for integration of transport and spatial planning. This also applies in new areas, such as taking a strategic approach to nature restoration alongside spatial planning, as BNG is leading to ad-hoc enhancements that are not joined up. The proposed survey risks focusing only on gaps in planning skills, rather than improving the relationship between planning and other skills to break down silos and enable better joint working. There would be significant benefits for some coordination of rolling out new style local plans in travel to work areas, or at the very least in rural areas covered by the same Local Transport Plan.

Question 43: Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?

68. This question fundamentally misunderstands the public sector equality duty. This is not simply about (negative) impact, such as how digitalisation might affect the digitally excluded, such as older people. It is also about improving equality of opportunity. DLUCH should carry out research both on how people with different protected characteristics experience and understand plan-making in terms of process but also in terms of substance, e.g. the outcomes. It should share findings then consult widely, including obviously with disadvantaged groups.

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Transport Action Network supports local communities pressing for more sustainable transport in their area or opposing cuts to bus and rail services and active travel, damaging road schemes and large unsustainable developments

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