

## *Shaping the future, safeguarding the past*

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### **To Whom It May Concern**

### **Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms – Responses from Epsom Civic Society**

### **About Epsom Civic Society**

Epsom Civic Society was founded in 1959 as Epsom Protection Society, at a time when many historic and architecturally valuable buildings and houses in Epsom and Ewell were being threatened by developers. Then, our primary role was to halt the destruction of Epsom's heritage and to ensure that new development was compatible with the traditional character of the town. In 2011, our name was changed to Epsom Civic Society. Our purpose continues to be to protect the heritage of Epsom and to encourage high standards of new planning and building; but the change of name reflects the wider concerns of the Society to promote civic pride and to inspire progressive improvement in the quality of local life for everyone. The Society is an unincorporated association with an executive committee and a constitution that requires us to prepare accounts and hold an annual general meeting. We

have over 1650 members. The Society is a founder member of Civic Voice, the national charity for the civic movement in England, and shares common aims with other civic societies.

**Responses are submitted on the Society's behalf by our Chair, Margaret Hollins, following consultation with and input from the Society's planning sub-committee members.**

### **Preliminary observations on this consultation**

#### **Overview**

The premises of this consultation document appear to be that:

- delays in completing Local Plans are down to the difficulty of the existing process
- the solution is more central government control, largely via imposing the NPPF and Development Management Policies thus "saving" the need for LPAs to develop their own policies appropriate to local circumstances
- more digitisation/technology/standardisation will increase efficiency and save time.

The Society's view is that the **more likely causes of delay** affecting plan-making (and housing delivery) are, in priority order:

- the **standard methodology, and the adoption of the 2014 data as the base**, which creates impossible targets in the most constrained areas of the country, takes no account of housing type and tenure mixes, and the other priorities of place development (social, economic and "beauty") which should have equal weight in each Local Plan
- the **constant changes to planning law** triggered by HMG during the period when a Local Plan is being revised, which has increased every year the time taken and cost of reaching a viable Local Plan. Across the country the constant changes to the NPPF, Permitted Development and Changes of Use has wasted millions of man-hours and pounds sterling which would otherwise have enabled plans to be long since completed
- the **failure of HMG to mandate and finance construction of social housing as a priority** over other types of development. All available evidence suggests that over the last 30 years social housing delivery is the key component of the housing mix that has been consistently lacking
- the **difficulty of assembly of sites** to enable major projects to be developed where the land is subject to multiple ownership
- the **constraint of the Green Belt**, which is seen as uniformly sacrosanct, whereas Keir Starmer's term "the Grey Belt" has some practical merit. Epsom's Green Belt study identified a few small sites that could be so designated and provide development opportunities but are resisted to avoid precedent-setting
- Specifically in terms of **delay in housing delivery**, para 11D of the NPPF has, in Epsom, led to agreement of a number of inappropriate housing applications being allowed on appeal, the larger of which *may never actually be developed* (eg Guild

Living). In addition, much time of the Planning team has been wasted reducing development schemes to acceptable heights and density (eg 24-28 West Street, Stoneleigh tower block) reducing time and resources available for plan-making.

Underlying all issues is the simple fact that private sector developers are market-driven, and not subject to government fiat, unlike LPAs.

HMG cannot force builders to build. They put their own capital at risk to buy land and build houses and hope to sell for a profit in due course. It is in their shareholders' interests to keep house prices high, so they are motivated to start and complete just enough houses each year to keep their business running efficiently, and to use their resources to build the sort of housing which will generate the highest return on investment, not what society needs most.

HMG must recognise that markets cannot be controlled to the extent necessary to create a step function change in housing numbers, type, or location.

On the other hand, **a Local Plan for Epsom (and other areas with unmet social housing demand) that prioritises development of social housing** would fail to achieve the required number of new dwellings but **would ensure that what development takes place would (i) reduce Housing Benefit etc costs and (ii) reduce demand and thus upwards pressure on market prices in Epsom at the bottom end of the market.** By reducing demand this would make starter homes fractionally more affordable for those who don't qualify for housing benefit but can't afford current open market prices.

Providing some **motivation for developers to invest more on consolidating land parcels to enable larger schemes to be brought forward** might also help.

**More specific comments on the consultation text: scope, non-technical summary, detailed summary**

***Scope of the consultation*** *'...so that people can get involved without having to go through hundreds of pages of documents at council offices...'* (repeated again in para 4 below).

**Comment:** Do people have to go through hundreds of pages of documents at council offices? Surely most look at local plan documents online on council websites or print docs to read at home? Have DLUHC misunderstood how things work for interested residents?

***The future of plans and plan-making: a non-technical summary***

***Overview***

***Para 2*** *'...and ensure our buildings and places are beautiful and of a high quality.'*

**Comment:** Same problem as in previous consultations of defining 'beauty'.

***Para 3*** *'Plans can.....take a long time to prepare..... This creates uncertainty for communities and holds back development where it is needed.'*

**Comment:** The **highest degree of uncertainty in this process has resulted from the lack of a clear, coherent approach from central government** - consultations on reforming planning have been going on since 2019 and are still mired in confusion. It would be refreshing if gov't were to acknowledge their central role in what is becoming a process that even the most charitable of observers could reasonably describe as farcical.

*Para 4 '...so that people can get involved without having to go through hundreds of pages of documents at council offices...'*

**Comment:** Repeats same myth as above.

*Para 5 'There will be a requirement for planning authorities to start updating their plans within 5 years of the adoption of their previous plan.'*

**Comment:** Insufficient clarity here, and later in the consultation document, over how this new plan and plan update process dovetails with what is currently happening.

Much of this consultation feels like **a repeat of previous consultation proposals** – as consultees we respond to each consultation, **there is scant, if any, acknowledgement of our input and views, and we are then faced with a new consultation of similar sounding proposals.** The Society notes, with regret, that it feels like the gov't is wasting everyone's time. **This is the sixth central gov't consultation that the Society has responded to in the last three years.**

### ***Our proposals***

***Making the role and content of plans clearer, para 3 'We will be introducing a set of 'national development management policies'...'***

**Comment:** This is a return to more centralisation. The Society reserves its judgment on the basis for and utility of proposed National Development Management Policies. Were NDMPs to go ahead there would be a need for:

- A policy for **major investment by water companies** and developers to increase water supply, sewerage infrastructure and prevent overflows by water companies of raw sewage into rivers and streams and the sea
- Planning authorities to be able to take account of **aggregate effect of multiple minor development planning applications** (by the same or different developers) in an area on the need for infrastructure contributions.

### ***Speeding up the process for preparing a plan***

**Comment:** What time period are plans assumed to cover? 10 or 20 or 30 years?

*Para 3 'We are proposing to introduce three new 'gateway' assessments – around the beginning, middle and end of the process for preparing a plan...'*

**Comment:** This sounds like a recipe for more centrally driven documentation, more resources to commit to the process of plan preparation – and no additional funding for these resources.

**Para 5** ‘...a requirement for planning authorities to start updating their plans every 5 years...’

**Comment:** Are we in for a process of *continual* plan preparation?

**Making the most of digital technology, para 2** ‘Making standardised planning and environmental data openly available and accessible would make it easier to prepare planning applications and give communities the information they need to provide feedback on proposals for their area.’

**Comment:** Who provides the standardised data? There is a risk of local authorities being required to accept data that is clearly **out of date** or **inappropriate for local needs**.

**Other proposals, para 1** ‘This consultation proposes details for a new type of plan called a “supplementary plan”.’

**Comment:** This can add flexibility to the plan-making process, while maintaining public input via consultation and examination.

**Other proposals, para 2** ‘We also propose to pilot “Community Land Auctions”, which are a new and innovative way of identifying land for development in a local plan in a way which seeks to maximise the benefits to the local community.’

**Comment:** The section on auctions reads like a classic theoretical market mechanism which risk side-lining LPAs and residents while giving more control to developers and/or central govt.

### **Detailed summary**

**Comment:** We note that the ‘detailed’ summary of c.1500 words is **shorter** than the preceding non-technical summary of c.1900 words (?).

**Para 4** ‘...minerals and waste plans will be able to be produced by minerals and waste planning authorities as a single document or separate documents (which collectively will make up the plan), or (where possible through local government structure) incorporated into a local plan;’

**Comment:** How does this work where Surrey CC does minerals and waste plan on one time cycle and 11 boroughs work to 11 different time cycles?

**Para 4** ‘...a new suite of national development management policies will cover common planning considerations...’

**Comment:** This implies more centralisation and limitations on LPAs’ ability to respond to local circumstances, including planning pressures.

**Para 4** ‘the introduction of Infrastructure Delivery Strategies in Part 4 of the Bill will strengthen infrastructure delivery...’

**Comment:** What about **funding to ensure sufficient infrastructure** to support developments – eg current sewerage infrastructure is inadequate, as shown by discharge of untreated

sewage into rivers, and plans to address this are timed over the next 25 to 50 years (or quite possibly longer).

*Para 4 'new mandatory "gateway" assessments will ensure a more engaged approach to plan-making, and provide greater visibility to key stakeholders and the wider community about how plans are progressing...'*

**Comment:** As chapter 6 sets out this will require **LPAs** to **somehow find funds** to resource more Planning Inspectorate time to inspect/ approve these gateways.

*Para 4 'there will be a greater emphasis on community engagement, with more time set aside for participation and consultation which will be longer than the current statutory minimum.'*

**Comment:** How to reconcile **contradictory aims** – shorten planning preparation timescales while increasing community involvement while making update process more frequent. This is **not a coherent approach**.

*Para 4 '...plans will ... be produced digitally...'*

**Comment:** Repeating a mantra of 'digital' does not create involvement or greater clarity.

*Para 4 'plans will be shorter, more visual and map-based...'*

**Comment:** Maps without text are just maps – planning law and regulations are text based and need to be reflected in local plans.

*Para 4 'plans will be built on open, standardised data...'*

**Comment:** Who provides the standardised data? Will it be relevant to local circumstances?

*Para 4 '...a requirement for planning authorities to commence an update of their plans every 5 years. In certain circumstances, we intend to require planning authorities to commence these updates earlier.'*

**Comment:** LPAs face continual plan preparation! This has major resource implications.

*Para 7 '...the catchment-based approach in the Plan for Water, will create more certainty for planning authorities about environmental requirements.'*

**Comment:** Will this address the underinvestment in water and sewerage infrastructure in the water industry?

*Para 9 'Through our capacity and capability programme, we are developing and delivering a comprehensive programme of support, working with partners across the planning sector, to ensure that planning authorities have the skills and capacity they need, both now and in the future, recognising the resourcing challenges.'*

**Comment:** What extra funding is involved and where is it from?

*Para 11 'DLUHC welcomes the opportunity to engage with a range of stakeholders from across the planning and development sectors as well as with representative organisations and local government.'*

**Comment:** What about engaging with residents?

**The Society's responses to specific questions (Nos 1 – 43) start on the next page.**

### **Chapter 1 Plan Content**

**Q1 Do you agree with the core principles for plan content? Do you think there are other principles that could be included?**

**Response:** What *specifically* are these core principles and how do they differ from what LPAs already produce? The commentary here is much **too vague**. Much of what is said in paras 12 – 24 is **not new but restates existing** (or former) **practice, policy, and law**. There is a risk that the changes proposed will result in **over-simplification and lack of essential detail**. This is not the time to be dumbing down the planning process.

We **welcome the Bill's overarching requirement** for local plans and minerals and waste plans to be designed to secure that the use and development of land, and minerals and waste development in the planning authority's area contributes to the **mitigation of, and adaption to, climate change**.

**We suggest including principles** re: (i) committing to ensuring social housing is built as a proportion of total development; (ii) necessary infrastructure is funded; (iii) environmental sustainability of developments is embedded in all cases; (iv) retro-fitting rather than demolition of existing buildings is the norm rather than the exception; (v) vacant accommodation is brought back into use to help meet housing demand; (vi) second homes are subject to higher council tax rates as default position.

**Q2 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?**

**Response:** There is considerable confusion in this section as to the meaning of "vision", "strategy" and "plan". The last term is apparently used interchangeably to mean the Local Plan and the plan to complete the Local Plan. The vision is part of the process of preparing the Local Plan, the Project Initiation Document is effectively, the plan to achieve the revised/new Local Plan and should be treated as such.

By definition, the Vision is an aspirational statement as to the outcome of a successful implementation of the new Local Plan. If it is required to include milestones, key stages, or details of what each individual neighbourhood looks like, then it is more plan than vision. The “strategy” is the chosen means, timetable, and milestones for moving from the present state to the envisioned state, testing the feasibility of which is a key element of Local Plan preparation.

**The proposals sound very prescriptive (paras 25 and 28). We do not support proposals to enable central government to prescribe what local vision statements are acceptable. Let local government decide vision etc for local circumstances.** Does this question move us on from previous 2020 and 2021 consultations on this topic?

Locally, we consider that Epsom and Ewell BC made a valiant attempt with their Future 40 approach. Unfortunately, they failed to come up with a vision and possible ways of getting there that generated sufficient public support because it was not and is not possible to meet HMG’s aspirations for delivery of locally unrealistic housing numbers over the life of the draft plan with an acceptable rate of change in the nature of our town.

**Q3 Do you agree with the proposed framework for local development management policies?**

**Response:** This was all in the last consultation document in 2022 – never moves forward! The proposals (para 32) are glaringly obvious and for the most part already done at the local level. It is interesting that the govt should be asking for local plan policies to be underpinned by evidence base and justification – as pointed out previously, there is little in the way of evidence underpinning the whole of the government’s approach to planning reform.

**We remain concerned that *taken as whole*, the proposals will lead to more centralisation.** In trying to ‘simplify’ the system, proposals are making the system more complicated. Why do we need NDMPs when we have the NPPF?

**Q4 Would templates make it easier for local planning authorities to prepare local plans? Which parts of the local plan would benefit from consistency?**

**Response: No.** This would be **overly prescriptive**. Standardisation and consistency of local plans is **not a big issue for local residents as they are most likely to only read one local plan ie for their local authority**. Less prescription is better.

Para 35 sounds like centralisation gone wild – Soviet Union style. Para 36 is an example of the usual **confused messaging** – central government is keen to centralise but then provides indications of flexibility – will this be like central government’s approach to housing targets that are mandatory/ not mandatory/ maybe mandatory, depending on latest spin from central government?

**Q5 Do you think templates for new style minerals and waste plans would need to differ from local plans? If so, how?**

**Response:** Has DLUHC given this any thought? Question reads as if just thought this up!



## **Chapter 2 The New 30-month Plan Timeframe**

**Q6 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?**

**Response:** Yes, *provided* the government agrees to **freeze planning legislation** for the next 30 months while the planning process is completed. (Cf our response to freezing data, Q 16.) **Election cycles and delay from the Inspectorate are important factors in making this timeframe probably unrealistic.**

**Central government need to recognise their own leading role in producing this state of affairs (para 38) through:**

- cuts to local authority budgets since 2010
- confused stop/start approach to planning reform that has been coming out of central government since 2019
- ignoring responses to consultations on planning reform such that the responses are not analysed and no coherent dialogue with stakeholders who are submitting responses (except maybe developers and a very limited circle of other players)

Para 43: how does this work with LAs who have already started their local plan renewal process eg as for Epsom and Ewell BC who have issued reg 18 draft Local Plan and had a substantive public response- do they have to repeat this exercise? How will the public engage on an exercise that is virtually a repeat of what already done?

**Q7 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?**

**Response:** In principle **we do not agree with the PID proposal** and consider this should be **left to local planning teams**. Would this proposal be relevant if the plan renewal process has already started? Can we assume re-titling the existing timetable document will suffice?

Paras 56 and 57: It is difficult to get the public to engage on a 'vision' document – they are more likely to engage where proposed development sites are included in the plan.

We note that **para 64** envisages more centralisation with which we do not agree.

We also note that the old and new requirements in **para 65** sound virtually the same.

## **Chapter 3 Digital Plans**

**Q8 What information produced during plan-making do you think would most benefit from data standardisation, and/or being openly published?**

**Response:** This 'proposal/query' doesn't seem to have moved on from the last consultation.

Para 71: non-homogeneous data does not submit to standard formatting. This push for standardisation seems to mainly be for the benefit of large developers who are working across several LAs.

**Q9 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?**

**Response:** There is undue focus on digitalisation and standardisation – and speed of preparation. Quality takes time and cost. Constructive deployment of **digitalisation can be helpful**, eg in encouraging public engagement, as happened locally with the consultation on the Town Centre Masterplan. Local authorities should be **appropriately resourced** to adopt / extend digitalisation and have **flexibility to choose** appropriate options to meet local needs, respecting local circumstances.

**Q10 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**

**Response:** The narrow technocratic focus of opportunities identified is likely to produce small benefits - much more benefits are achievable from devolving power to LAs- see below.

**Q11 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?**

**Response:** Devolve power and provide resources to draft local plans to local authorities – stop trying to dictate everything from the centre.

**Deployment of automation tools** ('Our digital vision' – “automation tools to speed up labour intensive tasks such as processing feedback from consultations” - learning and developing para 7): there is a **risk of AI not understanding what consultees are saying in response to draft local plan consultations** – probably the key part of the consultation process which is, tellingly, seen by DLUHC as something to be automated (and ignored?). Also para 8 (“a unified resource”): the focus is on developers spotting opportunities to exploit – not really concerned about residents’ views.

## **Chapter 4 The Local Plan Timetable**

### **Preliminary Comments**

In project management and Lean Six Sigma, a Gateway Review is a milestone meeting to decide whether or not the project is worth continuing (a “go/no-go” decision) or whether all necessary conditions are met to continue to the next planned phase. In commercial contexts, key factors will be progress to date and budget i.e., is the project on time and budget or running late and/or costing more than planned? Will it still provide the anticipated benefits in full?

In Local Planning, stopping work is not an option, so the review has to serve the purpose of revising the timetable and budget (as has happened several times in Epsom in the last decade as our attempt to produce a Local Plan fails to conform to the ever-changing rule book and fails the reality test by continuing to be based on out-of-date data)

The actual LP timetable and cost is inextricably linked to the Gateway Review (GR) outcomes. A failure at any GR must imply a timetable slippage, since that GR should be repeated following completion of all remedial work that has been identified as necessary.

**Fig 1 shows a 34-month rather than 30-month timespan in total.** An LPA's own timetable will therefore show a 34-month timespan, with the first Gateway Review being to ensure assembly of the Project Initiation Document (it is not accepted that this document is either necessary or helpful) and whatever other data is required by the defined process. Thus, the **LPA will incur 34 months of costs for each cycle, which must be reflected in the central financing support implied by imposing a fixed cycle.** As has been established in the current LP process, **the cost and difficulty in reaching a deliverable "sound" plan varies considerably** from one LPA to another. **Nothing in the consultation document suggests that this will not be a permanent state of affairs.**

**Q12 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?**

**Response: No.** This is **excessively centralising** something which by its very nature is a local activity.

Para 77: What happens when county does minerals and waste plan and 11 boroughs do local plans – all on different timetables?

Paras 81-83: Who has the **resources** to continually update their local plan? This will create conditions for mass confusion over version control. Yet more centralisation.

**Q13 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?**

**Response: No.** What ever happened to **local control** of planning?

**Response to both Qs 12 and 13:** Gateway reviews are a common and successful project review technique, but in this context the only possible impact of a failed review is to **extend the timescale and cost of the project.** But in any project, the manager should always have the **option to call for an ad-hoc review** if it is clear that either the data, context or risk has changed significantly from those assumed at the outset. This is why the **best thing** the Department can do is to **assign an experienced Inspector to act as mentor to each LPA team as they start their 34-month Local Plan project,** to be available for consultation and attend each gateway review (possibly remotely) and/or any internal project review meetings.

## **Chapter 5 Evidence and Tests of Soundness**

**Q14 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?**

**Response: No.** One size does not fit all. **Seemingly endless consultations on planning reform** leave us **either standing still** (no new information) **or going in the wrong direction** (LAs to demonstrate more adherence to the centre). **We do not support more centralisation of the plan-making process.**

**Mixed messages:** ‘Do less data gathering’ (para 84) but also...‘do more data gathering’ (para 85) lead to uncertainty.

We note with mixed feelings that **more consultations are coming** (para 89 “...the majority of these changes would be brought forward through the next review of the National Planning Policy Framework, and so there will be an opportunity to comment on detailed proposals at that stage.”) – **and acknowledge with some ruefulness that they will be needed as this one doesn’t move things forward.** We also note the **prospect of more centralisation:** “Setting clearer evidence expectations through national policy.” (para 89).

“...overarching guidance on ‘what good evidence looks like’...” (para 89) is presumably not included here as DLUHC has yet to work out what they mean.

The likely impact of the proposals in para 90 *will* be to increase the burden.

**Q15 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?**

**Response: No.** Top-down direction re evidence will restrict innovation and undermine the need to reflect local circumstances, Green Belt and Land Availability Assessments. Best local data is better than standard out-of-date data.

**Q16 Do you support the freezing of data or evidence at certain points of the process? If so which approach(es) do you favour?**

**Response: No.** For example, freezing data on 2014 housing projections has not helped get a more rational approach to housing needs numbers. If freezing data is introduced, need time limits on how long data can be frozen. (Cf our response to freezing legislation Q 6.) We support using up-to-date data.

**Q17 Do you support this proposal to require local planning authorities to submit only supporting documents that are related to the soundness of the plan?**

**Response:** This sounds like a trap!

## **Chapter 6 Gateway Assessments During Plan-making**

### **Preliminary Comments (Qs 18 and 19)**

The sole purpose of a Gateway Review (GR) is to decide whether or not the project should proceed to the next stage. All professional stakeholders should be represented.

**GR1 is correctly timed 4 months into the cycle,** when the “plan for a plan” stage is due to complete, and the 30-month clock starts. Logically, the **process of notifying the community and other stakeholders that the LP process has started should follow immediately.**

**GR2a should occur prior to the first public consultation** on the proposed vision and LP. There is no point in a public consultation on a draft that has no prospect of being both “sound” and “deliverable”. The present process is largely hung up (at least in the Home Counties) on a deliverable plan being deemed unsound either due to failing the Standard Methodology or, if sound by the same measure, undeliverable.

**GR2b should occur after the results of the public consultation have been analysed.** Planning Inspectorate input is essential at this point if the tension is too great between the balance of public response and the vision/plan proposed.

**All of these reviews should be possible as a single meeting** with papers prepared 2-3 weeks in advance or provided to the Assessor/Mentor as and when they are at final draft stage.

**Q18 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?**

**Response:** We support gateway assessments/ progress reviews provided they are not over-elaborate or unduly centralised. Please refer to ‘preliminary comments’ above.

**Q19 Do you agree with these proposals around the frequency and timing of gateways and who is responsible?**

**Response:** We support the frequency and timing of gateway assessments/ progress reviews as set out in our ‘preliminary comments’ above. The process should not be over-elaborate or unduly centralised. **All of these reviews should be possible as a single meeting** with papers prepared 2-3 weeks in advance or provided to the Assessor/Mentor as and when they are at final draft stage.

We would like clarity on what happens where the **LA has a different view** on what is feasible and needed re **housing numbers** in their area.

#### **Preliminary Comments on Qs 20 and 21 (and 31)**

If the objective of the whole proposed process is to reduce the elapsed time to complete the LP, then the question of **who has to pay for the Inspectorate resource** being input has to be addressed. If the Inspectors keep rejecting the plan all the way through on “soundness” grounds, then paying for the extra work involved in trying to “square the circle” would be an unacceptable burden on the LPA, so **extra funding must be provided centrally**.

**DLUHC cannot keep loading extra bureaucracy/assessment/monitoring burdens onto LPAs and expect not to pay for it.** Equally, the Westminster politicians cannot continue to make unreasonable demands and expect not to pay the price electorally.

**Q20 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?**

**Response:** Not insofar as central govt gets the Planning Inspectorate to ‘manage’ LPAs in drawing up local plan *and* gets LA to pay for planning inspectorate gateway role with no

extra funding – this is outrageous and unacceptable. Please see our ‘preliminary comments’ above. We support gateway assessments/ progress reviews *provided* they are not over-elaborate and unduly centralised. We do not support what we consider the imposition of unfair financial burdens on local authorities.

**Q21 Do you agree with our proposal to charge planning authorities for gateway assessments?**

**Response:** No – this is imposition of central control on local plan making and imposition of a cost burden on LAs that they cannot afford. Insofar as central govt gets the Planning Inspectorate to ‘manage’ LPAs in drawing up local plan *and* gets LA to pay for planning inspectorate gateway role with no extra funding – this is outrageous and unacceptable. Please see our ‘preliminary comments’ above. We support gateway assessments/ progress reviews provided they are not over-elaborate and unduly centralised. We do not support what we consider the imposition of unfair financial burdens on local authorities.

### **Chapter 7 Plan Examination**

**Q22 Do you agree with our proposals to speed up plan examinations? Are there additional changes that we should be considering to enable faster examinations?**

**Response:** We support this in principle, but quality, which involves time and cost, must not suffer. **More speed implies a less inclusive process**, and there is a risk of loss of thoroughness, and exclusion of residents, civic societies, and other interested parties. Will there be no opportunity for them *to even see* what is being discussed at the MIQ stage (para 119)?

**Q23 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?**

**Response:** We would welcome clarification on how this would operate – why will the power to pause only be used once (para 122)? We would not support centralisation of local plan process through this mechanism.

We note that para 122 Implies more pressure to build upwards / at greater density / build over green spaces and anticipate that these will be areas of significant contention locally.

### **Chapter 8 Community Engagement and Consultation**

**Q24 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?**

**Response:** We support increasing the amount of community engagement and consultation. The Project Initiation Document does not appear to add value. An up-to-date and inclusive Statement of Community Involvement is required.

We urge caution regarding the benefits of AI/digital – risk of over-claiming in terms of involvement of hard-to-reach groups. Please see our responses to Qs 8-11 (Chapter 3: Digital Plans).

We are pleased to note a name-check for the Borough in para 134, despite the typo in its name.

**Q25 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?**

**Response:** LPAs should set out clearly their approach to engagement, but this can be done via an up-to-date Statement of Community Involvement. A separate Project Initiation Document does not appear to add value.

**Q26 Should early participation inform the Project Initiation Document? What sorts of approaches might help to facilitate positive early participation in plan-preparation?**

**Response:** The PID does not appear to add value and makes the process unduly 'document-heavy'. Please see our responses to Qs 24 and 25. There must be a strong outreach team liaising with individuals and community groups. Facilitate participation by being able to tell potential participants that there will be a local focus to the Local Plan and that there will be local discretion in plan contacts rather than just following central govt direction. The proposal implies that there is a 'notice' going out to relevant persons with the timetable. Ensure an up-to-date and comprehensive Statement of Community Involvement addresses the requirements.

We would welcome clarification on how the proposal work would when, as in the case for Epsom and Ewell BC, they already embarked on plan making – does EEBC have to repeat the Regulation 18 consultation? What happens to the Reg 18 and 19 stages?

**Q27 Do you agree with our proposal to define more clearly what the role and purpose of the two mandatory consultation windows should be?**

**Response:** We would welcome clarification about how these proposed stages relate to current stages and about the transition arrangements between current and new approach.

**Q28 Do you agree with our proposal to use templates to guide the form in which representations are submitted?**

**Response: No.** Templates eliminate nuance completely. Model representation form featured (in the link in para 156) is:

- highly restrictive
- forbidding and unwelcoming (exclusionary)
- constraining, or at least discouraging, of local discretion
- assumes local plan consultation does not prompt questions for consultees to answer (even this consultation prompts the reader to answer questions that arise from the content).

### **Chapter 9 Requirement to Assist with Certain Plan-making**

**Q29 Do you have any comments on the proposed list of prescribed public bodies?**

**Response:** Resourcing is key. Are these organisations resourced to be involved in Local Plans for all/most/many local planning authorities in England?

**Q30 Do you agree with the proposed approach? If not, please comment on whether the alternative approach or another approach is preferable and why.**

**Response:** It is not clear what is meant by ‘proposed approach’ – wishing other bodies get involved in Local Plan processes does not mean that they will.

## **Chapter 10 Monitoring of Plans**

### **Preliminary Comment**

If the objective of the whole proposed process is to reduce the elapsed time to complete the LP, then the question of who has to pay for the Inspectorate resource being input has to be addressed. If the Inspectors keep rejecting the plan all the way through on “soundness” grounds, then paying for the extra work involved in trying to “square the circle” would be an unacceptable burden on the LPA, so extra funding must be provided centrally.

DLUHC cannot keep loading extra bureaucracy/assessment/monitoring burdens onto LPAs and expect not to pay for it. Equally, the Westminster politicians cannot continue to make unreasonable demands and expect not to pay the price electorally.

**Q31 Do you agree with the proposed requirements for monitoring?**

**Response:** No. Too much central govt control envisaged here. 15 centrally set metrics for monitoring of plans does not feel like a ‘light touch’ return (para 168).

**Q32 Do you agree with the proposed metrics? Do you think there are any other metrics which planning authorities should be required to report on?**

**Response:** We suggest **housing** metrics has a separate category for **social housing units**. We suggest **economy** has a separate category for **change in local employment**. LAs may want to ( more relevantly) measure: (i) vacant dwellings; and (ii) numbers of new build housing that remains vacant within 6mths, 1year, 2 years + after completion.

## **Chapter 11 Supplementary Plans**

**Q33 Do you agree with the proposed metrics? Do you think there are any other metrics which planning authorities should be required to report on?**

**Response:** Let LAs decide the contents appropriate to their local context.

**Q34 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.**

**Response:** Leave planning authorities with maximum discretion over supplementary plans. Guidance is already out there for example on Design Codes.



**Q35 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?**

**Response:** Maximise the scope for LAs to determine what supplementary plans are needed in their area and whether more than one formal stage of consultation is appropriate.

**Q36 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.**

**Response:** No. Leave this to LA discretion.

**Q37 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?**

**Response:** No. Overly complex and bureaucratic, seems to be tying LAs in knots.

## **Chapter 12 Minerals and Waste Plans**

**Q38 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?**

**Response:** In a two-tier authority circumstance, we assume Local Plans and mineral & waste plans will continue with their separate existence, but for how long?

## **Chapter 13 Community Land Auctions**

**Q39 Do you have any views on how we envisage the Community Land Auctions process would operate?**

**Q40 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?**

**Responses to Qs 39 and 40:** This sounds like another foray into theoretical market economics – which didn't work so well in 2008 (credit default swaps) and in 2022 (with Truss/Kwarteng unfunded budget). Is this a free market experiment by imposing competition in places where it may not fit?

The process needs translating into plain English (paras 224, 225) and clarifying (para 229).

Given current financial difficulties of local authorities (as grant funding from central govt has been massively cut for over a decade) , is it wise for central govt to encourage LAs to enter into ever more complicated financial arrangements through CLAs that could (i) increase

financial risk for LAs; and (ii) result in developers paying less towards infrastructure needs arising from development.

We seriously doubt this will ever happen.

## **Chapter 14 Approaches to Roll-out and Transition**

### **Preliminary Comments**

The Consultation Paper **does not adequately address** some practical aspects of transition and management of monitoring costs, benefits, and success in achieving (i) the aspired increase in new housing quantity and (ii) the achievement or otherwise of achieving the 34-month Local Plan development cycle.

**First**, recognising that **much of the delay in current LP production has been caused by the frequent changes of applicable legislation and HMG policy** (not to mention the ambiguity and lack of clarity in some of the relevant documents including the present and previous consultations), **success of the new LP process can only be measured properly given a freeze for at least 34 months from June 2025 in relevant planning law**. It also implies a **further substantive freeze for the next five years** to be able to assess the success or otherwise of the LPs produced under the new system. There are obvious drawbacks to this. **But if not implemented for at least the first cycle starting June 2025, it will not be possible to attribute the failure of that cycle to improve the resultant LPs and timescale to either process faults or law changes** – and we shall be back guessing at what to change in future.

**In addition**, even one complete 7½ year cycle may not really be enough to assess whether any given LP is really successful. The majority of LPs will depend for their housing success on one or more major schemes being completed in the first 5-year life of the LP, or substantially so. History suggests that major schemes take longer in the application planning process and may need four or more years from first application submission to ground being broken, and perhaps another three years to complete. Resource constraints (land, finance, materials, skilled staff) suggest that the future may be even slower than the past.

In terms of development delivery, using the “presumption in favour of sustainable development” (a phrase of fudge of EU-worthy proportions) to shorten the planning application process will inevitably result in a lower quality, less sympathetic final design, a sub-standard result that the residents (but not the Planning Inspectorate) will just have to live with. (Locally, Guild Living, if built, comes to mind.)

Consequently, planning resources may be the least of the problems, and there is attraction in the idea of getting, in the steady state, to a position where *all* LPs can be started *simultaneously* so that a Planning Law freeze need only last for 30 or 34 months every 7 years.

**Q41 Which of these options should be implemented, and why? Are there any alternative options that we should be considering?**

**Response:** - Not clear which are the options to consider – overall an air of unreality pervades this section of the consultation. Please see ‘preliminary comments’ above.

Para 252: If you have an up-to-date plan, your reward is having to do another plan *sooner* than everyone else. This is surely a disincentive to LAs to be part of the leading edge.

Para 255: The first part of the sentence says Capacity and Capability programme has been introduced and second half of sentence says it 'will seek to provide' suggesting it hasn't been introduced yet. It would be helpful to provide details of how **much money is in the programme, how much has been committed, to whom, and how much has been spent, on what.**

Paras 256, 257, 258: the **overall level of increase in planning bursaries for students is disappointing** - an extra £3k x 50 students = £150k in total. Regarding the National Survey of LA skills and resources, a **link to the survey questions is needed**. How much money, what timescales are involved?

### **Chapter 15 Saving Existing Plans and Planning Documents**

**Q42 Do you agree with our proposals for saving existing plans and planning documents? If not, why?**

**Response:** Yes, provided there really is no loss of existing policies, plans etc since this would create an incentive to delay adopting new style local plans.

### **Equalities Impacts**

**Q43 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?**

**Response:** The **consultation document should include an impact assessment for consultees to comment on**. It is unreasonable for the document to omit this important step. **The fact that impact assessments have not been included for any of the previous planning reform consultations over the past 4 years demonstrates that this omission is not a one-off oversight, but instead, a deliberate and high handed decision to avoid carrying out basic steps of consultation and shows a contempt for consultees.**

Responses to previous consultations have not been acknowledged, nor analysed, nor responded to by central govt. Therefore, there can be no confidence, if consultees were to carry out the equalities impact themselves, that the govt would take any notice of them. In any instance, consultees are not resourced to carry this task.

### **Concluding Remarks**

The overall tenor of the LURB consultation document is **over-prescriptive, over-bureaucratic**, and seeking to enter into statute details which cannot possibly be most appropriate in all circumstances. **It seeks to remove from the planning process all the judgments and trade-offs which represent the key skill set of town planning professionals, whether those in LPAs or the Planning Inspectorate.**

It cannot be right for civil servants and lawmakers (who in the main have no planning qualifications or experience relevant to Local Plans) to try to tell planners how to do their jobs. The Bill should content itself to setting out requirements for Local Plans to exist and clarifying how success and failure will be rewarded or punished (in financial terms for central funding to lower bodies), and crucially what aid will be provided to remedy any deficiencies.

**Guidance and worked examples from the Planning Inspectorate to share best practice between planners would obviously be constructive.**

**There is no evidence that the Department has given any consideration to the idea of allocating an experienced Inspector to act as mentor to each LPA team as they start their 34-month Local Plan project**, to be available for consultation and attend each gateway review (possibly remotely) and/or any internal project review meetings. This would ensure the Department can get quicker feedback on any practical issues arising during the first new cycle, and thus an earlier resolution.

**Digital does not always mean better.** In practice, digital systems are constraining in input format and totally blind to nuance. In particular, digital interactive maps may make it difficult to cross-check or compare unless users have multiple display screens to examine simultaneously different parts of a document or map. In practice, it appears that most of these “digitalisation requirements” are just a means of transferring the task of monitoring the “national picture” on to the LPAs by standardising data formats. This **generates box-ticking mentality and fails to provide the level of nuance implied by the planning process itself**. Not the best way to get quality plans or useful statistical data.

In regard to standardisation and digitalisation, we commend to the Department’s relevant senior managers the concepts and methods of the process & quality improvement scheme known as “Lean Six Sigma”, which is a combination of Lean (getting process efficiency, in particular for frequently repeated processes in manufacturing or services) and Six Sigma, (the use of statistical control methods to maintain consistently high quality of output). Both are based on focusing on the needs and views of customers, whether end users of the product or service or intermediaries like other departments in the same organisation who need information to satisfy other legislative needs, e.g. finance departments needing data for statutory accounts.

As an initial quick 92-page read, try ISBN 0-07-142668-X What is Lean Six Sigma? By Mike George and others, published by McGraw-Hill and available on Amazon.

This should clarify the currently muddled and one-sided thinking about what a “good” process for Local Plans would look like, and possibly even clarify what can be defined as a “sound plan”, which in common parlance is one that has a reasonable chance of successful achievement within the timeframe and budget proposed and producing the benefits expected. The Local Plan development process for England in the last decade has been anything but successful, with the adoption of the Standard Methodology and the mandatory use of data now 9 years old being significant contributors to the failure, together with repeated changes to planning law while plans are being prepared.

Finally, the Society recommends DLUHC to note that **the more digital and template-driven any public consultation process is, the lower and less representative the response will be.** Open questions rather than closed ones must be the order of the day (and not leading one way or another), and maximum flexibility given to individual residents to express their views fully. This will result in higher quality input, albeit less amenable to quantitative analysis. There is a reason commercial enterprises and politicians use focus groups.

This concludes the responses from Epsom Civic Society to this consultation.

Yours faithfully,

**Margaret Hollins**

Chair of the Committee  
Epsom Civic Society

