



# Response to Plan-making Reforms: Consultation on Implementation

5 October 2023

This response is on behalf of nature and animal welfare coalition Wildlife and Countryside Link ([Link](#)) to the [Plan-making Reforms: Consultation on Implementation](#).

This response is supported by: Bat Conservation Trust, Bumblebee Conservation Trust, Earth Trust, Friends of the Earth, Open Spaces Society, the RSPB, the Wildlife Trusts, and the Woodland Trust.

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## Covering letter

We welcome this consultation on plan-making reforms, in particular the proposals to improve community and stakeholder engagement and to improve the state and availability of data to support good plan-making.

However, there is an inconsistency between this consultation's focus on strengthening the Local Plan-led approach to planning and associated emphasis on greater community engagement and the DLUHC's concurrent consultation on expanding permitted development rights (PDRs), as PDRs undermine the ability of local planning authorities to strategically and effectively plan local places.

We note the challenge in responding to some of the proposals and questions in this consultation due to the lack of clarity on the new national context, including new National Development Management Policies (NDMPs). Local planning authorities need to be able to go beyond minimum standards set in national policy in order to implement more ambitious planning policies.

In particular, this consultation was published prior to the Government accepting an amendment to the Levelling Up and Regeneration Bill to create a new duty on local planning authorities to take account of the Local Nature Recovery Strategy (LNRS). We have specified in our responses where the Government must clarify how the LPA should implement this duty during the plan preparation process.



Given the multiple reviews and changes to the National Planning Policy Framework (NPPF), the Levelling Up and Regeneration Bill, and the proposed reforms from the 2020 Planning White Paper, there is a need for a period of stability in planning policy to allow LPAs to develop, consult, embed and deliver plans and policies to allow LPAs and stakeholders to proceed with clarity and confidence. This includes the implementation of protections for ancient woodland and veteran trees and improved planning protections for irreplaceable habitats being implemented in the upcoming review of the NPPF.

Finally, there was an omission in this consultation of the recognition of the resources and expertise necessary to support local planning authorities in the current and any new plan-making process. Local planning authorities are already generally under-resourced and there is a specific lack of resource and expertise in ecology. A [2022 ALGE/ADEPT survey](#) commissioned by Defra assessing the readiness of local planning authorities for BNG found that 26% of LPAs do not have any access to ecological expertise and that only 5% of respondents reported that their current ecological resource (including in-house and external sources) is adequate to scrutinise all applications that might affect biodiversity, let alone implement new environmental policies and requirements such as BNG. Additional funding for local planning authorities and ecological skills and experience within LPAs will be fundamental to implementing the proposed plan-making reforms and to ensuring local plans are fit-for-purpose for nature and people.

## Responses to selected consultation questions

### Chapter 1 on plan content

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

Yes, we agree with the core principles for plan content, but there should be additional core principles.

‘Sustainable development’ should be more specifically defined, to ensure that nature recovery, climate mitigation, and climate adaptation are enshrined as a fundamental purpose of local plans and run as a golden thread throughout.



There should be an additional core principle for plans to include policies to meet the objectives in the Local Nature Recovery Strategy, which local planning authorities will be required to ‘take account of’ when the Levelling Up and Regeneration Bill receives Royal Assent.

We note that the consultation document (paragraph 18) refers to the new provisions coming through the Levelling Up and Regeneration Bill that local planning authorities must have regard to when preparing plans, including national development management policies and relevant neighbourhood priorities statements. The proposals should be updated to also reflect that there is a new duty on local planning authorities to take account of Local Nature Recovery Strategies when preparing plans.

We also wish to flag the inconsistency between this consultation’s focus on strengthening the Local Plan-led approach to planning and associated emphasis on greater community engagement and the Government’s other consultation on expanding permitted development rights, which undermine the ability of local planning authorities to strategically and effectively plan local places.

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

Yes, we agree that plans should contain a vision.

The proposed principles for the vision should be amended to clarify that the vision and outcomes in the vision must cover all three aspects of sustainable development: environmental, economic and social. This clarification will ensure that all three aspects of sustainable development are incorporated into the vision, with measurable outcomes, and then planned for and delivered through the policies and allocations in the local plan.

‘Sustainable development’ should be more specifically defined, to ensure that nature recovery, climate mitigation, and climate adaptation are enshrined as a fundamental purpose of local plans and run as a golden thread throughout.

There should be environmental and nature-focused outcomes, aligned with the Local Nature Recovery Strategy, in every local plan vision.



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

Unsure.

It is challenging to answer this question without any detail on the form, scope, and content of National Development Management Policies.

Local development management policies must be able to be more ambitious than national policy or National Development Management Policies (NDMPs). For example, local planning authorities must be able to set a higher mandatory biodiversity net gain requirement than the national mandatory minimum of 10% net gain.

The proposed vision and outcomes for plans must include environmental and social, as well as economic, visions and objectives, so that under this framework for local development management policies, they can be brought forward to enable the delivery of the plan's vision.

**Chapter 2 on 30 month timeline**

**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?**

Unsure.

Good policy-making, decision-making, and outcomes from the local plan process is more important than rapid preparation timescales.

The Government should provide for any extensions to the plan preparation timeline where necessary and any new statutory period for plan preparation must be monitored and reviewed.



### Chapter 3 on digital plans

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

Environmental data, including national datasets and local datasets, for example on species and habitats such as local priority habitats, should be standardized and openly published.

Despite industry guidance, the vast bulk of data in connection with development is not made available for re-use. Data sharing could be made mandatory or its requirements strengthened through legislation or conditions on planning permissions to improve baseline environmental data and create a level playing field for developers. Environmental information collected for plans and projects undergoing environmental assessment should add to the data bank by being subject to this data sharing requirement, including those that do not receive planning consent.

Even when data is available, it may not be high quality, appropriate, or in a standard or format that is usable. The Government should set national standards for environmental data and create a shared data platform accessible to all stakeholders (there is already a species data platform funded and run by the National Biodiversity Network Trust (NBN Atlas)). It is also essential to improve understanding and use of existing and any new environmental data infrastructure, to ensure that stakeholders are able to access and use data responsibly and accurately.

The Government must also provide the necessary resources to further support the national environmental data infrastructure to collect, curate, assure, manage, and maintain up to date environmental data. There are necessary costs of data collection, curation and quality assurance. It is important that resources are available to support national and local volunteer recording groups which necessarily impacts on data provision and quality assurance. Local Environmental Record Centres (LERCs) and Historic Environment Records (HERs) should play a role in supporting this sharing of data. Data must be consistently updated and must be sufficient to assess the full consideration of impacts at the time of appraisal. Access to and management of these datasets need to be improved within local authorities by ensuring there are the resources and staff necessary to maintain them.



**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?**

Unsure.

We agree that these are some of the challenges faced as part of plan preparation which could benefit from digitalisation.

In addition, poor quality or out-of-date environmental data supplied at the wrong time (often too late) in the plan preparation process can be a challenge by local planning authorities. Improved quality, comprehensiveness and interoperability of national environmental datasets is essential to feed into the local plan preparation process. Digitalisation, standardisation, and data sharing requirements for other environmental data will improve the availability of quality, up-to-date environmental information for upfront consideration as part of the evidence base when preparing local plans.

While we see benefits from digitalisation, we also note that these challenges must also be addressed through clearer guidance on how to engage with plan-making and the planning process, providing up-to-date timelines, and sufficiently resourcing LPAs for communicating and engaging with local communities.

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

Yes, we agree with the opportunities identified.

In particular, the use of technology to establish and build on a shared and open environmental database is essential to the preparation of a local plan that works well for nature and people.

In addition, the visualisation of plans, policies and spatial data is one useful tool to support good stakeholder and local community engagement, for example, stakeholder understanding and consideration of alternatives.



## Chapter 5 on evidence, tests of soundness

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

Unsure.

We can see no benefit for nature and the environment and better quality development and places from the proposal to remove the test of soundness from national planning policy. The test of soundness includes the requirement for evidence-based policy-making and the consideration of reasonable alternatives, which are both essential aspects for good environmental planning.

In addition, there is a potential issue with the interaction of this proposed change to the NPPF with the wider reform of environmental assessment through Environmental Outcome Reports in the Levelling Up and Regeneration Bill. Currently, Strategic Environmental Assessment (SEA) of plans, including Local Plans, requires the consideration of alternatives, but as we have yet to see the detail of the Government's plans for environmental assessment reform, we do not know if this requirement will be preserved. If SEA is not required to consider alternatives, alongside this proposed change to the NPPF, we would be very concerned about the impact of these changes on the ability for Local Plans to avoid environmental harm.

There should be clearer guidance on what evidence should be used for plan-making. This should make clear that environmental evidence must be considered and the LPA should demonstrate how it has had regard to that evidence in its draft plan.

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

Yes, we support the standardisation of environmental data and evidence requirements.

For example, data standards should be developed and required for biodiversity data and in particular, species data, as recommended by [the 2021 Geospatial Commission report on](#)



[Species Data Pathways in England](#). This would help ensure data collected meets its potential for use.

The Government should set national standards for environmental data and create a shared data platform accessible to all stakeholders (there is already a species data platform funded and run by the National Biodiversity Network Trust (NBN Atlas). It is also essential to improve understanding and use of existing and any new environmental data infrastructure, to ensure that stakeholders are able to access and use data responsibly and accurately.

The Government must also provide the necessary resources to further support the national environmental data infrastructure to collect, curate, assure and manage and maintain up to date environmental data. There are necessary costs of data collection, curation and quality assurance. It is important that resources are available to support national and local volunteer recording groups which necessarily impacts on data provision and quality assurance. Local Environmental Record Centres (LERCs) and Historic Environment Records (HERs) should play a role in supporting this sharing of data. Data must be consistently updated and must be sufficient to assess the full consideration of impacts at the time of appraisal. Access to and management of these datasets need to be improved within local authorities by ensuring there are the resources and staff necessary to maintain them.

**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?**

We do not support the freezing of data or evidence at certain points of the process for environmental data and evidence. There is a poor, and in some cases, non-existent baseline or existing evidence base for environmental data, so any updates to environmental data must be considered. Also, environmental evidence can depend on the season or year it was collected due to fluctuations in wildlife and ecosystems, so the most up-to-date evidence must be taken into account during plan preparation.

### **Chapter 6: Gateway assessments during plan-making**

**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?**

Yes, but there must be additional purposes.





The purposes of gateway assessments should also include ensuring that engagement with stakeholders and statutory consultees is reflected in the draft plan and ensuring that environmental evidence and assessments have been appropriately applied.

**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?**

No, there are additional considerations that should be included in the gateway assessment process.

Gateway 1 should be amended so that the final bullet point reflects the Levelling Up and Regeneration Bill provision for local planning authorities to not just 'reflect' but 'take account of' the Local Nature Recovery Strategy (LNRS).

Gateway 2 should include progress on how the plan reflects the LNRS.

Gateway 3 should include a check that the local plan preparation 'Took account of LNRS.'

### **Chapter 7: Plan examination**

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

No, we do not agree with the proposals to speed up plan examinations.

We disagree with the proposal to remove the ability for third parties to respond at the Matters Issues and Questions (MIQ) stage because expert and stakeholder engagement throughout the local plan examination process is fundamental to good planning for nature and people.

We disagree with the proposal to shorten the minimum notification period for hearings to three weeks by default, as this will likely impact local community groups and local people with less time and capacity, reducing their ability to attend, contribute and have their voices and evidence heard at hearings.



We also are concerned about the proposal to remove any consultation on amendments which are considered not the ‘most significant’, as there is no definition of what would be considered a ‘most significant amendment,’ and that the length of time for consultation on modifications be shortened to three weeks. The latter proposal would reduce the ability for stakeholders, including experts and local communities, to engage on ‘the most significant’ amendments to the local plan.

### **Chapter 8: Community engagement and consultation**

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

Yes, we agree with this proposal.

The consultation document’s suggestion that the Project Initiation Document ‘may’ include how a planning authority intends to connect with groups who have had traditionally low levels of engagement should be strengthened to be made a requirement for planning authorities to consider in the Project Initiation Document.

In addition, the Project Initiation Document should consider best practice for community consultation according to Cabinet Office guidance (2018) and the Gunning Principles (which includes a principle for engaging with a wider variety of local communities and interest groups), beyond those who typically engage, and guidance on how to report back to consultees on how feedback was considered and incorporated. It should also proactively consider how to engage people who do not use digital services or are digitally excluded, which is still a significant proportion of UK households (6% of UK households, according to Ofcom: <https://www.ofcom.org.uk/news-centre/2021/digital-dividenarrowed-but-around-1.5m-homes-offline>).

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

Yes.



This proposal should also include a requirement to notify eNGOs and other expert organisations for early participation.

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

Yes, in particular, early participation and research by the local planning authority into how to engage with a wider variety of local communities and interest groups beyond those who typically engage would be useful in informing the Project Initiation Document.

**Chapter 10: Monitoring of plans**

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

Unsure.

**Question 32: Do you agree with the proposed metrics? Do you think there are any other metrics which planning authorities should be required to report on?**

No, we do not agree with the proposed metrics.

The proposed environment and open space metrics should be amended to cover loss and gain (not just net change) of designated open space and of designated habitats, including Local Wildlife Sites.

We welcome the proposal for local planning authorities to report on additional metrics, including locally significant metrics, and to report on progress against more ambitious metrics, such as LPAs who have a 20% biodiversity net gain policy. The metrics should also reflect the outcomes set in the local plan vision.



## Chapter 11: Supplementary plans

**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.**

Supplementary plans should still be subject to sufficient scrutiny and consideration of environmental and other factors by experts and stakeholders, including local communities.

We note that as supplementary plans will be part of the development plan, they must also be subject to the same level of environmental screening, assessment, and compliance as required for local plans.

**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.**

If the Government sets thresholds to guide the decision that authorities make about the choice of supplementary plan examination routes, we agree that there should be a threshold around the level of interaction with sensitive designations, such as environment, landscape, or heritage, or environmentally sensitive areas for habitats or wildlife as identified in the LNRS.

**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?**

The proposed approach should be amended to also include consideration of whether the authority and supplementary plan has complied with its duty to take account of the LNRS.



## Chapter 14: Approach to roll out and transition

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

We do not have a view on which of the roll out options should be implemented.

However, we note that consideration to the development and timelines of LNRs in different local authority areas should be given in the approach to local plan roll out, as local plans will be required to take account of LNRs when the Levelling Up and Regeneration Bill gains Royal Assent.

Given the multiple reviews and changes to the NPPF, the Levelling Up and Regeneration Bill, and the proposed reforms from the 2020 Planning White Paper, there is a need for a period of stability in planning policy to allow LPAs to develop, consult, embed and deliver plans and policies to allow LPAs and stakeholders to proceed with clarity and confidence.

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Wildlife and Countryside Link (Link) is the largest nature coalition in England, bringing together 80 organisations to use their joint voice for the protection of the natural world and animals.

For questions or further information please contact:

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The following organisations support this consultation response:

Bat Conservation Trust

Bumblebee Conservation Trust,

Earth Trust

Friends of the Earth

Open Spaces Society

RSPB

The Wildlife Trusts

Woodland Trust