

Shropshire Council Response

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

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Respondent: Shropshire Council

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Chapter 1: 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?

Shropshire Council Response:

- 1.1. The Council is generally supportive of the core principles proposed for Local Plan content. With regard to the specific proposals:
 - a. The proposed requirement for a more locally distinctive vision which forms an ‘anchor’ for the wider plan making process is welcomed. Further advice on consensus building within the visioning process to balance views from engagement and Local Planning Authority’s objectives and aspirations would be welcome.
 - b. Sustainable development already constitutes a ‘golden thread’ running through the plan making and site allocation process. The Council supports the proposal to emphasise this requirement.
 - c. The Council welcomes the proposal for plans to contain locally distinctive policies which meet key economic, social and environmental objectives linked to and supporting the achievement of the locally distinctive vision.
 - d. The Council supports the proposal that design forms an increasingly important focus for Local Plans. It also welcomes recognition that in some areas this may need to be achieved through a strategic high-quality design policy supported by a series of subsequent ‘design codes’.
 - e. The Council supports the need to have an appropriate monitoring framework, but would emphasise the need for this to be proportionate – appropriately balancing the need to understand the effects of the Local Plan with the ability to actually obtain data / the burden associated with data collection.
 - f. The Council supports the proposed increased focus on and use of a key diagram. This provides an opportunity to visually represent the vision and spatial strategy within a plan. However, clear distinction is required between the key diagram and policies map. A key diagram should be a high level visualisation of the vision and spatial strategy, rather than seeking to visualise the geographical application of plan policies (including allocations) which is the role of the policies map.
 - g. The Council supports the role of the policies map. However, clarity is required on the relationship between the policies map and key diagram; and how the digital platforms for the policies maps and Local Plan can be brought together in a clear and concise way.

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?

Shropshire Council Response:

- 2.1. Shropshire Council agrees that a Local Plan should contain a vision and is generally supportive of the proposed principles for the ‘evolution’ of the vision, from that within the current plan making process.
- 2.2. The Council can also see the value of the vision being prepared much earlier in the plan making process and forms a ‘golden thread’ through the entire local plan, with policies and allocations linking directly to delivering the outcomes set out in the vision. The Council also sees the value of the vision being ‘measurable’ and linked to the monitoring framework.

- 2.3. However, producing the vision earlier in the process, means it is assembled before necessary supporting evidence. There is therefore a risk that subsequent evidence does not align with certain aspects of the vision.
- 2.4. As such, Shropshire Council would advocate the development of the vision reflecting the development of the Local Plan. Initially a 'high-level' vision is prepared and used to build consensus on the direction of the Local Plan, through the first stage of consultation. This is then refined so that it is more detailed and provides measurable outcomes informed by responses to the initial consultation, other relevant corporate or thematic strategies produced by other authorities, public bodies, and the evidence necessary to inform this detail, as it becomes available. This would allow the detailed vision to be consulted upon within the second stage of consultation.
- 2.5. The principle that the vision should be supported by a 'key diagram' is also welcomed and has the potential to support the vision and the wider Local Plan being more 'user friendly'.
- 2.6. It is noted that the aspiration is for visions to be concise. Whilst it is appreciated that a concise vision is preferable, achieving this whilst still providing location distinction, a sufficient foundation for the wider plan and measurable outcomes is likely to be extremely challenging. As such, further clarity on what exactly is considered to constitute a concise vision would be welcome.

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

Shropshire Council Response:

- 3.1. In previous consultations, Shropshire Council has indicated its support for the national development management policies becoming a statutory part of the policy framework, as this will aid decision making, make the basis of decisions clearer and reduce the number of local development management policies needed.
- 3.2. However, the Council also noted the need to ensure the primacy of Local Plans and to recognise the diversity of the country by maintaining a role for local development management policies - where they expand upon national development management policies or address issues relevant locally but not addressed in national development management policies. As such, Shropshire Council is very much supportive of the principle of the continuation of local development management policies and is also generally supportive of the framework proposed for these local development management policies.
- 3.3. It is entirely logical that any local development management policy is justified, although it is important to clearly specify that this justification can be linked to either evidence of existing issues to be addressed **or** the achievement of future aspirations within the vision and wider spatial strategy of the Local Plan.
- 3.4. It is also sensible that local development management policies should, wherever possible, enable delivery of the plans vision. This is responsive to the principles that Local Plans should be consistent and read and applied as a whole.

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?

Shropshire Council Response:

- 4.1. Whilst templates would make it easier to prepare Local Plans, Shropshire Council is concerned that they could remove the ability for local distinctiveness and innovation. It is important to recognise that Local Planning Authority areas are very diverse.
- 4.2. As such, Shropshire Council would endorse the provision of a 'portfolio' of templates for various elements of a Local Plan, which allow Local Planning Authorities flexibility to select a template which best aligns with their vision and spatial issues/opportunities. This would strike a balance between providing some standardisation, without jeopardising flexibility to respond to local circumstances, achieve local distinctiveness, and achieve innovation.
- 4.3. Furthermore, the Council does not support suggestions that these should be mandatory, rather these templates should be discretionary in order to ensure that a Local Plan can be responsive to and reflect the local area and local issues and has the ability to be innovative.
- 4.4. In terms of areas of a plan that would benefit from consistency, Shropshire Council can see merit in producing:
 - a. A series of template options for the order / layout of strategic policies.
 - b. A series of template options for the order / layout of development management policies.
 - c. A series of template options for the structure of presenting site allocations (reference, name, location, guidelines, capacity etc).
 - d. A series of template options for the order / layout of the monitoring framework.
 - e. A series of scaled design template options for the design and content of the Key Diagram.
 - f. A standard key for policy maps – however this needs to reflect the various constraints, types of allocation and other factors that Local Planning Authorities illustrate on policy maps.

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

Shropshire Council Response:

- 5.1. See response to Question 4 regarding the format for templates. The Council considers that templates for minerals and waste plans would need to be tailored to these issues. This is because planning for minerals and waste entails a distinctly different process to planning for other forms of development - minerals are essential raw materials which can only be worked where they are found, but the relationship of mineral working to existing communities and built form is very different to that for other development. A similar issue exists for some waste management facilities. Furthermore, Minerals and Waste Plans are often prepared for a larger geography than Local Plans (although this is not the case in Shropshire).

- 5.2. Shropshire Council would suggest that Aggregate Working Parties (for minerals) and Regional Technical Advisory Bodies (for waste) are well placed to assist in the production of these high-level templates.
- 5.3. Shropshire Council would also suggest that a standard template for Local Aggregate Assessments which inform mineral planning may be beneficial to ensure consistency on data collected and presented. Any standard template must be responsive to the commercial sensitivity and availability of data (for instance information on secondary aggregates is very limited).

Chapter 2: The New 30 Month Plan Timeframe

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?

Shropshire Council Response:

- 6.1. **Shropshire Council has significant concerns and as things stand does not agree with the proposal that Local Planning Authorities should adopt their Local Plan (or Minerals and Waste Plan), at the latest, 30 months after the plan preparation process begins. These timescales would appear to be arbitrary and unrealistic.**
- 6.2. Local Planning Authority areas are diverse, with very different scales and types of geographic area, very different quantities and types of settlement, and whilst some Local Planning Authorities are relatively consistent in character, others contain significant variance. Local Planning Authorities will also face different issues and opportunities when plan making, they will have different planning objectives and will identify different levels of aspiration. As such, suggesting a one-size fits all in terms of plan production timescales is considered too arbitrary.
- 6.3. This issue is specifically recognised within the consultation material. Paragraph 72 includes *“We are aware that every planning authority is different both in its planning context, organisational set up and resource. And so it is important that when we look to the future of plans and how digital will improve plan making, that we consider a range of solutions to fit these richly varying needs and circumstances.”*
- 6.4. Using Shropshire as an example, the draft Shropshire Local Plan which is currently the subject of examination includes ambitious proposed housing and employment land requirements of 30,800 dwellings and 300ha of employment land, both of which significantly exceed local needs (in order to support the achievement of various local priorities). Around 70 allocations are proposed across more than 40 settlements to contribute to the achievement of these requirements. In excess of 2,000 sites were assessed and a series of consultations were undertaken to inform the identification of the proposed spatial strategy and associated allocations. This is clearly a very different undertaking to a small urban authority for example.
- 6.5. There is significant concern the proposed timescales could be construed to undermine the objectives to ensure meaningful consultation, which requires sufficient opportunity to consult, consider consultation responses, and if necessary to make appropriate modifications. There is a real risk that this either cannot be undertaken within the proposed timescales or at the least that there is a perception that this is the case.

- 6.6. The proposed timescales could also be construed as undermining the expectation that robust evidence be provided to inform key components of the Local Plan, especially the vision. Preparing, analysing and responding to evidence inevitably takes time, even with a more proportionate approach to evidence proposed through this consultation. Again, there is significant concern that for large authority areas that this cannot be undertaken robustly within the proposed time constraints.
- 6.7. Looking specifically at the proposals, it is noted that a significant part (around 50%) of the timescales for the proposed plan making process are already determined, including:
- The proposed three new 'gateway assessments' (which this response broadly agrees with) constitute around 10% of the total plan making process.
 - The examination process constitutes around 20% of the total plan making process.
 - Two periods of consultation constitute around 10% of the total plan making process, excluding the post consultation analysis/response period.
 - The post examination period constitutes around 2.5% of the total plan making period – although this is likely insufficient given lead-in times and call-in periods for democratic decisions.
- 6.8. In reality, there is significant concern this does not allow sufficient time to undertake the wider plan-making process, including identifying the vision and objectives of the plan, preparing necessary evidence, undertaking necessary assessments (particularly site assessments), preparing proposals for inclusion within the Local Plan, considering the outcomes of consultation, refining proposals, and undertaking all necessary Council procedures.
- 6.9. It is also important to recognise that there is a democratic process required to approve consultations, submissions for gateway checks, submission of Local Plans for examination, and adoption of a Local Plan (although the proposals regarding the timetable document are noted). This process has necessary lead-in times, and a call-in period, all of which are essential to ensure that the plan making process remains democratic, but do have implications for the length of the plan making process. Furthermore, there are of course periods where decisions cannot be taken, for instance during the pre-election period, the need for leeway around these periods must be recognised.
- 6.10. Pragmatically, when the Local Plan is at the 'gateway assessment' and examination stages, the Local Planning Authority has no control of timescales, and it is noted that it is proposed that the timescales for these processes would not be mandatory. As such, Shropshire Council is concerned that many Local Plans could fail to be prepared within timescales due to factors beyond Local Planning Authority control.
- 6.11. It is recognised that the proposal to limit the scope of local development management policies will narrow the scope of a Local Plan, but it is important to understand that the preparation of necessary evidence, development of draft local development management policies and the consultation on draft local development management policies are not the components of plan making that cause the lengthy timescales for plan production. Rather, it is the identification and refinement of the overarching strategy (particularly levels and distribution of growth) and the identification of site allocations that are the time consuming elements of plan making and also, generally, those that are the subject of greatest interest during consultation and examination.

- 6.12. It is noted that paragraph 41 of the consultation document states that *“there are recent examples of planning authorities making a plan in just over 30 months within the current system”*. However, the specific circumstances within which the plan making was undertaken or the scope of the Local Plan are unclear, as such it would be beneficial if these examples were provided. Ultimately, the wider context is provided within paragraph 38 of the consultation document, which recognises that *“Our evidence on local plan progress shows that it takes 7 years, on average, to produce a local plan.”*
- 6.13. As such, Shropshire Council would strongly suggest that it would be sensible to roll-out this process and gain an understanding of timescales involved, before proposing any maximum timescales. If this approach is not taken, then the vast array of evidence on timescales for preparing Local Plans under the current system cannot simply be ignored. Whilst Shropshire Council acknowledges that a 7 year average for preparing a Local Plan is longer than would be preferable, this is the average for a reason and is based on a very large sample size.
- 6.14. Ultimately, Shropshire Council is concerned that this proposal simply places the focus on timescales rather than good plan making. Local Planning Authorities face having to significantly compromise on aspiration, quality of content and quality of product to deliver within arbitrary timescales.**
- 6.15. Shropshire Council is also concerned that these proposed timescales will create unreasonable expectations within the development industry, which could have financial implications if/when not realised.
- 6.16. Shropshire Council strongly suggests that any timeframes for plan making should be identified as targets rather than being mandatory. This allows flexibility to respond to the differing scale and characteristics of Local Planning Authority administrative areas; the varied complexity and aspirations of Local Plans; any unexpected issues which may arise during the plan making process; the need to allow for appropriate democratic processes; and the potential for differing levels and types of ‘challenge’ during examination.
- 6.17. Furthermore, Shropshire Council would strongly endorse any timescales for plan making to be linked to the point of submission rather than examination. The examination timescales and process are beyond the control of Local Planning Authorities and as such should be beyond the scope of timescale expectations placed upon them.
- 6.18. Local Planning Authorities are responsible for Plan making and as such have significant first-hand experience of the challenges in preparing Local Plans. It is therefore essential that Government gives considerable weight to the views of Local Planning Authorities when finalising any proposals for timescales for plan making.

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?

Shropshire Council Response:

- 7.1. Shropshire Council is supportive of the principle of a Project Initiation Document. This will help to define the scope of the Local Plan and provide structure for the wider plan making process. However, Shropshire Council suggests that it be viewed as a ‘live’ document which amended as the plan making process progresses.

- 7.2. The principle of early consultation alongside and to inform the Project Initiation Document is noted. However, further guidance on the purpose and structure of this consultation is required in order to ensure that it is meaningful and focused on issues that are relevant to Local Plans.

Chapter 3: Digital Plans

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

Shropshire Council Response:

- 8.1. Shropshire Council considers there is significant potential for digital planning to increase the efficiency of plan making, increase the ability for communities and individuals to engage in and understand the plan making process, and engage and understand the subsequent Local Plan itself.
- 8.2. However, unfortunately the Council does not consider that digital plans and the associated efficiencies are such that the proposed timescales for plan making are achievable. On this matter we would cross-reference the Council's response to Question 6 of this consultation.
- 8.3. With specific regard to engagement, whilst the Council is of the view that digital forms of engagement clearly have the potential to increase the 'reach' of consultations, these forms of engagement will need to be complementary of rather than instead of other more traditional forms of engagement, otherwise there is a very real risk that many interested in the plan making process who do not use digital technologies will be excluded from the process.
- 8.4. The Council is also supportive of appropriate data standardisation. However, as is recognised within paragraph 72 of this consultation document, this standardisation needs to be tempered by a recognition of the diversity of Local Planning Authorities and their administrative areas.
- 8.5. With regard to standardisation, the one significant contribution that Government could make is to produce certain data / evidence documents at a national level, which can then be made available to all Local Planning Authorities to inform their plan making. This would also have potential benefits for the timescales and cost effectiveness of plan making. Good examples of evidence which can be prepared effectively at a national level are flood risk assessments; agricultural land quality assessments; Green Belt assessments; and landscape and visual sensitivity assessments.
- 8.6. There is also potential for an agency such as the British Geological Survey to provide support for Aggregate Working Parties and Mineral Planning Authorities by producing standard mapping of aggregate mineral resources, permitted mineral working areas, and mineral safeguarding areas across the country. Data on recycled aggregates is generally unavailable to Local Planning Authorities. Any evidence that could be prepared on this issue at a national level would be invaluable to Aggregate Working Parties and Mineral Planning Authorities.
- 8.7. Similarly, the Environment Agency is responsible for licensing of waste management facilities and monitors the management of waste. It is acknowledged that they publish

data on these issues, but there are opportunities to enhance this information so that it is more readily able to inform waste planning at a Waste Planning Authority level.

- 8.8. A 'template' for the scope of the site assessment process may also be beneficial, although this would need to have sufficient flexibility to respond to the diverse situations within which it would be applied.
- 8.9. With regard to open publication, whilst Shropshire Council is very much supportive of transparency and clarity regarding the decision making process, this does have the potential to represent another resource burden without any additional funding. This needs to be given careful consideration, particularly given the potential benefits for the wider industry and the other potential resource implications for Local Planning Authorities of the proposed changes to the plan making process.

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?

Shropshire Council Response:

- 9.1. Shropshire Council agrees that some of the 'challenges' identified could be positively contributed to through digitalisation. However, the Council disagrees with a some of the identified 'challenges' and does not consider digitalisation alone is the answer to others. Dealing with each in turn:
 - a. Shropshire Council generally agrees there is *"lack of clear guidance"* for certain components of the plan making process. However, whilst standardisation of approach may be beneficial this should not be at the expense of local distinctiveness or innovation – see suggestion in response to Questions 4 and 5 of this consultation.
 - b. Shropshire Council agrees a *"lack of standard ... terminology"* is unhelpful. Provision of standardisation through digital means would therefore be beneficial. However, this also needs to balance with the ability to achieve local distinctiveness and innovation.
 - c. Shropshire Council agrees *"uncertainty about evidence requirements and fear of challenge at examination drives over production of evidence"*. This could be positively contributed to through production of guidance on the evidence necessary, optional and unnecessary to support plan making and the production of certain evidence at a national level (see response to Question 8 of this consultation).
 - d. Shropshire Council disagrees a *"lack of clear communicable timelines and updates prevents users from understanding and getting involved."* A mechanism exists for communicating timescales for plan production, this is the Local Development Scheme. However, a digital format could make this more accessible. A key issue however is that Local Planning Authorities prepare these timetables, but during the 'gateway assessments' and examination it is the Planning Inspectorate that determines timetables. This should be given due consideration.
 - e. Shropshire Council disagrees that *"plans are static and PDF-based meaning they go out of date quickly"*. The format in which a document has been saved has little relevance to the provenance of the document's content. Local Plans are intended to be strategic documents that 'look forward' over a long period. The perception that they quickly become out of date is a common misconception that rarely translates

into practice. However, Shropshire Council is supportive of using 'digital' means to make Local Plans more accessible.

- f. Shropshire Council disagrees that "*poor monitoring and feedback loops make it difficult to understand if the plan and its policies are working well*". Local Planning Authorities undertake significant monitoring to inform plan making. However, the Council agrees 'digital advancements' might increase the range of data and the efficiency of its production. To this end, the Council would welcome support from Government for data production at the national level. This might be complemented by imposing data provision requirements on statutory consultees, developers and others in the planning process, to accelerate the monitoring process.
- g. Shropshire Council recognises "*the majority of people do not engage in plans*", although a very significant proportion of this is through personal choice. However, the Council is supportive of the principle that digital means could assist in reaching more people, particularly those in hard to access groups – however this needs to be complementary rather than instead of more traditional means of consultation or it risks excluding other groups. Digital means could also assist in collating and analysing consultation responses.
- h. Decisions taken by Local Planning Authorities are either delivered by elected members at the relevant committee or in accordance with the agreed scheme of delegation. As such, Shropshire Council agrees with the statement that "*plans often involve making difficult local decisions*", and recognises that "*the political nature of local decision making and how it shapes plan content is often not understood*", but considers there is already transparency on decision making and the processes of decision making for those seeking to understand these processes.

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?

Shropshire Council Response:

- 10.1. Shropshire Council generally agrees with the opportunities identified with regard to areas for digital innovation, particularly through bespoke, tested products which can be tailored to reflect local requirements.
- 6.19. However, this should be read in the context of the concerns raised by the Council in response to Questions 4-9 of this consultation, with regard to achieving appropriate balance between standardisation and reflecting the varied character / objectives of Local Planning Authorities and also the ability to innovate. It is also important to recognise that digital innovation can shorten or lengthen timescales for plan production dependent on the specific issue they address.

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?

Shropshire Council Response:

- 11.1. The Council considers there is significant potential for digital planning. However, the value and purpose of the various innovations referenced would need to be more clearly understood in order to provide specific feedback on their prioritisation.

- 11.2. An obvious priority would be greater efficiency in the processes of undertaking, summarising and analysing consultation responses. This could also encompass visualisation tools to facilitate effective consultation as well as assisting in the 'mechanics' of consultation and processing responses. Another priority would be that relating to site identification and assessment, which has significant potential to draw on data digitally.

Chapter 4: The Local Plan Timetable

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?

Shropshire Council Response:

- 12.1. Shropshire Council is supportive of the proposed milestones for reporting within the new Local Plan and Minerals and Waste Plan timetables. These milestones respond to and align with the key stages within the proposed new plan making process. They are also sufficient to provide 'structure' to the timetable for the plan making process.
- 12.2. Shropshire Council recognises the current plan making timetables (Local Development Schemes) can become 'out-of-date', and as such there is value in ensuring updates to the timetables are undertaken more regularly. However, on reflection, the proposed 6 month period is considered too regular. Shropshire Council would suggest a 12 month review period, aligning with the production of the light touch / detailed annual monitoring return.
- 12.3. It is considered that this strikes the appropriate balance between ensuring that the plan making timetable is subject to regular review, with the resource burden placed on Local Planning Authorities during the plan making process.

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?

Shropshire Council Response:

- 13.1. Shropshire Council does not consider that specific milestones need to be identified that would automatically trigger a review of the Local Plan / Minerals and Waste Plan timetables. An annual requirement supplemented by Local Planning Authorities having discretion to update the plan making timetable more regularly is considered sufficient.

Chapter 5: Evidence and the 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?

Shropshire Council Response:

- 14.1. Shropshire Council is content with the proposed removal of 'justified' as a specific soundness test – as documented within the response to the consultation on proposed changes to the NPPF.
- 14.2. Shropshire Council also welcomes the intention to provide clearer expectations on the evidence required to support assessment of compliance with legal requirements and the remaining tests of soundness. Specifically, the consultation suggests two categories of evidence, that “*produced and submitted to demonstrate that the plan is sound and legally compliant*” and that “*used to inform the plan but are not related to soundness or legal compliance*”. The category within which evidence ‘sits’ is however somewhat dependent on local circumstances and the content of a Local Plan. Therefore, there may be value in recognition that some evidence may fall in either category, dependent on the specific Local Plan.
- 14.3. The proposal to provide ‘additional overarching guidance’ on ‘what good evidence looks like’ would be generally welcomed subject to appropriate baselines being set which recognise differing Local Planning Authority circumstances.
- 14.4. Clarifying in the NPPF that ‘evidence should only normally be discussed and argued against at examination where there is a significant and demonstrable reason for doing so, in relation to the tests of soundness and legal requirements’ would be supported and this is considered consistent with expectations currently set out in Local Plan procedure regulations in relation to the making of Regulation 19 responses.
- 14.5. As proposed by the consultation, it would also be helpful to reassert and provide clearer guidance identifying that Local Planning Authorities do not need to demonstrate a Local Plan provides the most appropriate strategy (which is subjective), but only an appropriate strategy.
- 14.6. It is agreed that rolling out a simple, templated ‘statement of compliance with legislation and national policy’ combined with greater definition of requirements in the NPPF, where the template provides a recognised mechanism for the Local Planning Authority to demonstrate consistency with national policy, could be beneficial in addressing this source of challenge at examination and the planning application appeal process.
- 14.7. Any proposals which clearly set out national policy expectations for what constitutes effective cross boundary working and how this should be set out in statements of common ground would be helpful in reducing challenge and time taken in considering this matter at examination.
- 14.8. There is no detail of proposed changes to the effectiveness test, and this would be needed before the Council can comment further.

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?

Shropshire Council Response:

- 15.1. Please see the response to Question 8 of this consultation regarding the value of producing data / evidence documents at a national level, to inform Local Planning Authority plan making. This approach would achieve standardisation whilst also

representing effective use of resources and support the achievement of timelier plan making.

- 15.2. Please also see the response to Question 9 of this consultation, which highlights that standardisation of evidence requirements accompanied by clear guidance on and categorisation of the evidence necessary to support the preparation of a Local Plan would help address uncertainty and reduce unnecessary evidence production.
- 15.3. Data standardisation for evidence documents prepared at a local level has the potential to achieve resource and time benefits; support the achievement of methodology consistency across Local Planning Authorities; aid in clarity of understanding both within Local Planning Authorities and other parties; and help to minimise potential challenges at examination. However, this is only achievable where the approach to data standardisation achieves consensus and the associated methodologies are sufficiently responsive to local circumstances and consistently maintained.
- 15.4. A good example of the importance of these issues in the existing standard methodology for calculating housing need. Shropshire Council is supportive of both the principles (providing a clear and transparent process for all; utilising publicly available data; and ensuring the assessment is realistic and reflects the actual need) and specifics of this methodology, but is aware that uncertainty regarding it has resulted in significant delays to plan making across other parts of the country. Shropshire Council is concerned that similar attempts to achieve standardisation on other issues has the potential to result in similar delays.
- 15.5. With regard to the need to be responsive to local circumstances, it is important to recognise the diversity of Local Planning Authorities when establishing data standardisation and standard methodologies for assessment work. They must be sufficiently flexible to recognise that each Local Planning Authority area is different and furthermore there is significant diversity within Local Planning Authority areas themselves.

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?

Shropshire Council Response:

- 16.1. Shropshire Council agrees that setting clear expectations for when evidence should be updated and similarly when it does not require updating during plan-making would be beneficial, providing clarity for all those involved in the plan making process, reducing delays, and making more efficient use of resources. This will also complement the proposals for greater clarity on what evidence is and is not required to inform the plan making process.
- 16.2. It is noted however that Planning Inspectors examining Local Plans will have discretion to request additional evidence / updated evidence and this requirement can be reflected by a pause in the examination. Whilst the necessity of this is recognised, Shropshire Council is concerned that this could undermine the intention of providing clarity of what evidence is and is not required and similarly when evidence can be 'frozen' – specifically focusing resources, focusing discussion at examination and making effective use of time both during the plan making and examination processes. As such further clarity on this issue is essential for all parties, including the Planning

Inspectors, regarding the extent to which additional / updated evidence can be requested and the specific circumstances in which this can arise.

- 16.3. It should also be recognised that in addition to the timescale implications, the preparation of new / updated evidence may have implications for fundamental elements of the Local Plan and the approach taken and may need to be reflected in modifications which will take time to develop. In any case where additional evidence is presented, additional consultation is likely to be required, as this will be information that was not previously available to participants in the process.

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?

Shropshire Council Response:

- 17.1. Whilst Shropshire Council is generally supportive of a reduction in evidence and supporting document submission requirements, as this could improve engagement by reducing complexity and bring resource efficiency benefits, the principles set out in the comments above in relation to the 'freezing' of data are equally relevant.
- 17.2. That is, whilst paragraph 100 of the consultation specifies less evidence may be required to be submitted it does *'not preclude the Inspector from requesting additional evidence at examination if they felt it was necessary'*. Shropshire Council is very much concerned that this could potentially delay the examination process, undermining the ability to complete Local Plans within the expected timeframe.
- 17.3. It is noted that there is recognition of this in paragraph 121 of the consultation, which proposes a mechanism for Planning Inspectors to pause local plan examinations for a period of no longer than 6 months to prepare additional evidence. Comments on this matter are provided in response to Question 23 of this consultation.
- 17.4. Furthermore, as referenced in response to Question 16 of this consultation, there is also the issue of engagement with other parties on any new evidence to consider.
- 17.5. Unless clear guidance on this matter is provided, there is a risk Local Planning Authorities will need to continue to produce and submit copious amounts of evidence that is not considered 'mandatory' simply to manage risk of delays / need to withdraw the plan and causing significant abortive work.

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?

Shropshire Council Response:

- 18.1. Shropshire Council is generally supportive of the principle and overarching purpose of the proposed 'gateway assessments'. These principles appear to address the main issues that would require consideration at the relevant stages in the process.

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

Shropshire Council Response:

- 19.1. Shropshire Council generally supports the frequency and timing of proposed 'gateway assessments' within the overall plan making process. However, it is important to recognise that proposed 'gateway assessments' represent a significant component (around 10%) of the total plan making process.
- 19.2. It is noted that the consultation suggests that the preparation of the plan can continue whilst these 'gateway assessments' are ongoing. However, this fails to recognise two key issues:
 - a. Preparing for and informing the 'gateway assessments' will represent a resource burden on Local Planning Authorities, thereby reducing time available for other work on the plan in the lead-up and during the 'gateway assessments'.
 - b. Subsequent plan making work will need to be informed by the conclusions of the 'gateway assessments' – if it is not, then these assessments would be of no purpose. Therefore, there is a very serious risk to Local Planning Authorities of abortive work and costs if this approach is actually taken.
- 19.3. This expectation therefore increases Shropshire Council's concerns regarding the proposed 30 month plan making timeframe, as documented in the response to Question 6 of this consultation.
- 19.4. Furthermore, paragraph 109 of the consultation explains the 4 week / 6 week timescale for 'gateway assessments' will not be specified in regulations. Whilst the need to provide flexibility on this process is recognised, Shropshire Council is very much concerned that delays at this stage could have significant implications on the wider plan making process. Despite this, it is only the Local Planning Authority, which has no control over timescales for 'gateway assessments', which will be held accountable if the wider 30 month timeframe is not achieved.
- 19.5. Shropshire Council is very much concerned that 'gateway assessments' and 'examinations' will take longer than envisaged. This is particularly likely in circumstances where resources / other commitments impact on capacity at the Planning Inspectorate.

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?

Shropshire Council Response:

- 20.1. See the response to Question 19 of this consultation.

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

Shropshire Council Response:

- 21.1. Shropshire Council does not support the proposal to charge Local Planning Authorities for gateway assessments. As is recognised within the consultation material, currently discretionary guidance provided to Local Planning Authorities during the plan making

process is free of charge. It is now proposed that this service would be removed and replaced by mandatory paid for assessments. Whilst the Council is supportive of the principle of 'gateway assessments' it is considered that this process should remain one that does not entail a cost to the Local Planning Authority.

- 21.2. The plan making process, whilst of critical importance to local communities, represents a significant financial cost to Local Planning Authorities and this proposal risks increasing the financial burden further. Shropshire Council is very much concerned that Local Planning Authorities may not pursue the preparation of Local Plans, simply because of the costs entailed in the process.
- 21.3. If Government is minded to introduce a cost for 'gateway assessments', Shropshire Council would very strongly encourage identification of a maximum total cost for the 'gateway assessments' and examination processes. It is considered that this would have the dual benefits of providing certainty to Local Planning Authorities and communities about the total cost of 'gateway assessments' and examination thereby increasing transparency for all, whilst also incentivising the Planning Inspectorate to undertake proportionate and timely consideration of Local Plan's during the 'gateway checks' and examination.
- 21.4. If Government is minded not to introduce a cost for 'gateway assessments', Shropshire Council would still advocate the introduction of a maximum total cost for the examination of Local Plans, again to provide certainty, transparency and to incentivise proportionate and timely consideration of Local Plan's during examination.

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?

Shropshire Council Response:

- 22.1. Shropshire Council agrees that a 'speedier' examination process would be beneficial, assisting both the Local Planning Authority and development industry in planning for delivery and creating certainty for communities.
- 22.2. However as indicated earlier in this response, Shropshire is a large and varied Unitary Authority. Given this significant geography; likely volume of participants in the examination process; the need to consider strategic matters relating to a large number of neighbouring areas; recent experience of the complexity of issues considered at examination and the need for additional work and hearing sessions, it is considered that achieving a 6 or even 9 month examination would be extremely challenging, despite the identified procedural changes. This issue is not unique to Shropshire and emphasises concerns highlighted in response to Question 6 of this consultation.
- 22.3. It is encouraging that it is proposed Matters Issues and Question's will be more focused and that there will be an opportunity for hearing '*written representations*' to be used although, as suggested, these would need to be limited to short submissions to avoid significant additional work in considering these. Proposals to streamline the main modifications stage are generally supported subject to clear guidance on what constitutes a main modification.

- 22.4. It is also positive that reforms would seek to ensure Planning Inspectors are appointed during plan preparation (at the third 'gateway assessment') and that engagement with the Planning Inspectorate is ongoing, as they have key role in achieving a timely examination.
- 22.5. Whilst Shropshire Council supports the principle of allocating additional Planning Inspectorate resource to 'speed up' examination, it should be recognised that this principle will result in additional cost implications for Local Planning Authorities – Shropshire Council's experience is whilst Planning Inspectors may seek to 'divide' issues amongst them, there is an inevitable overlap which results in increased costs. This therefore emphasises the importance of the points made in response to Question 21 of this consultation regarding the financial burden of plan making and the need for cost thresholds to provide certainty and transparency.
- 22.6. Furthermore, whilst this principle may 'speed up' examinations, it also represents a further resource burden for the Planning Inspectorate which needs to be carefully considered, particularly in a large group of Local Planning Authorities submit their Local Plans at the same time (it is acknowledged that the proposed 'waves' seek to control this, but Local Planning Authorities may choose to commence working earlier than their 'wave' allocation envisions).

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?

Shropshire Council Response:

- 23.1. Shropshire Council recognises the importance of Planning Inspectors being able to pause examinations in order to solve issues by requesting additional evidence or requiring further work, in order to seek to address soundness issues or other significant concerns – this principle is well established. However, the factors requiring such pauses can vary considerably, as implied by paragraph 122 of the consultation.
- 23.2. As such, the timescales for a 'pause period' is dependent on the additional evidence or requiring further work. In the Council's experience, evidence requirements can vary considerably, some requiring mainly in-house work and analysis of existing information that is available, whilst other evidence requirements involve new research and/or the engagement of specialist consultants who have their own work commitments which impact on their capacity to deliver within tight timelines. Some requirements could also necessitate information and feedback from other organisations or statutory bodies, timescales for their input are also beyond the Local Planning Authority's or Planning Inspectorate's control.
- 23.3. There is also likely to be a need for decisions to be made through a Local Planning Authorities own democratic processes, particularly where the additional evidence results in proposals to make main modifications to issues such as the level and distribution of development and/or the location of specific site allocations.

- 23.4. Irrespective of the outlined changes to evidence requirements and procedure, six months is therefore likely to present a challenging timescale which cannot always be achieved – but it would be unfortunate to simply conclude that where this is the case the Local Plan should be withdrawn, which has significant implications for abortive time and work.
- 23.5. As such, Shropshire Council would suggest that there is recognition that whilst this pause should ordinarily be for no more than 6 months, Planning Inspectors are provided some discretion on this matter in order to allow a level of pragmatism.
- 23.6. In addition to the matters raised in the response to Question 16 of this consultation, there is also concern that the mechanism permits only one pause, which does not cater for circumstances where second or more requests for further information are issued by the Planning Inspector. Given these uncertainties it is strongly considered that there should a more flexible approach, rather than one set pause period of 6 months.

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?

Shropshire Council Response:

- 24.1. Shropshire Council supports the principle of the approach to consultation during the plan making process being established as part of the Project Initiation Document.
- 24.2. However, the Council is concerned that either the perceived issue with Statements of Community Involvement (SCI) remain – Local Planning Authorities will limit methods of consultation to those which are required to comply with legislation in order to avoid the risk of over-promising; or if Local Planning Authorities are more aspirational but ultimately find a particular mechanism inappropriate, unsuitable, or unachievable for the consultation, that objectors will use this as a means of undermining the plan making process.
- 24.3. As such, Shropshire Council would suggest that Project Initiation Documents identifies basic consultation mechanisms that will be utilised and potential consultation mechanisms which will be considered to complement the basic consultation mechanisms dependent on the issues/purpose of the consultation and feasibility of the various mechanisms. It would however need to be made clear in legislation that a failure to utilise a specific consultation mechanism does not mean that the entire consultation is invalid, provided the other mechanisms utilised resulted in an appropriate consultation.
- 24.4. With specific regard to forms of engagement, whilst the Council is of the view that 'digital' forms of engagement clearly have the potential to increase the 'reach' of consultations, these forms of engagement will need to be complementary of rather than instead of other more traditional forms of engagement, otherwise there is a very real risk that many interested in the plan making process who do not use digital technologies will be excluded from the process.

24.5. Additionally, as addressed in response to Question 6 of this consultation, whilst the Council is very much supportive of seeking to increase the volume of consultation responses in order to increase the understanding of views on key issues, this does have implications for timescales for analysing responses. These issues further highlight the Council's concerns regarding deliverability of the 30 month plan making timescale.

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?

Shropshire Council Response:

- 25.1. Shropshire Council is supportive of the principle of notifying relevant persons and/or bodies that the plan making process will be commencing. However, if this is to effectively ensure statutory bodies engage from the outset, it must be complemented by ensuring sufficient resources are available and clear expectations are placed upon such bodies. Shropshire Council's experience is that due to resource availability, statutory bodies are often difficult to engage with during the plan making process which can lead to delays in the process and disagreement in later stages of plan making and the subsequent examination.
- 25.2. Shropshire Council is also very much supportive of the principle of early engagement as part of the plan making process. However, greater clarity is required on the purpose and format of this proposal in order to understand its value and feasibility.
- 25.3. Firstly, whilst the Council welcomes this engagement being outside the commencement of the 30 month period from a logistical perspective - as it is considered that the period allowed for plan making is insufficient (as documented in response to Question 6 of this consultation), the Council is concerned this could cause confusion amongst communities and other parties. What is the purpose and value of engagement on plan making, before the plan making process commences and potentially before the notification of the intention to commence the plan making process is even issued (as suggested in paragraph 145 of the consultation).
- 25.4. Secondly, it is important to recognise that undertaking early engagement whilst potentially very valuable in setting the 'direction' of the plan, can also be challenging as there is less focus for discussion/response in the early stages of the plan making process. As such, guidance on the structure and outputs of such engagement would be essential.

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

Shropshire Council Response:

- 26.1. Shropshire Council considers there is value in early participation informing the content of the Project Initiation Document.
- 26.2. However, it is important to note that the mechanisms used for effective consultation will depend on the subject. Furthermore, there are of course resource and time implications for consultation and this can significantly increase dependent on the mechanisms utilised. Therefore, whilst Shropshire Council welcomes the views of our

communities and other parties in shaping the Local Plan and on how to effectively engage during the plan marking process, there is a very real risk that this could unreasonably increase expectations.

- 26.3. A good example of this is timescales for engagement/consultation. Many communities would prefer to allow for longer consultations to provide greater opportunities for engagement activities and allow longer to respond. However, this is contrary to the expectations of the plan-making reforms, which specify in the opinion of Shropshire Council, very challenging timescales for plan making, even with consultations limited to new proposed minimums timescales.
- 26.4. Whilst the consultation specifies that an 8 week consultation and 6 week consultation (14 weeks total) exceed current statutory minimums, it is important to note that most Local Planning Authorities currently consult for significantly longer than the statutory minimums and indeed are often criticised/challenged if this is not the case. For example, Shropshire Council consulted for more than 50 weeks in total when preparing the draft Shropshire Local Plan that is currently the subject of examination. Despite this, we are aware that some felt the consultation period were insufficient.
- 26.5. Therefore, greater clarity on how early engagement, statutory requirements and the expectations of guidance on the plan making process interplay in informing the engagement processes outlined within the Project Initiation Document is required.

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?

Shropshire Council Response:

- 27.1. Yes, Shropshire Council is supportive of clarity being provided on the role and purpose of the two mandatory consultation windows. This will allow a common understanding of what is expected at each of these stages.
- 27.2. However, as described the Council is concerned about the significant 'leap' from the first to the second consultation. In effect:
- a. The first consultation appears equivalent to a more developed Issues and Options Consultation; and
 - b. The second is equivalent to the Pre-Submission Consultation.
- 27.3. Inevitably the issues which garner the greatest interest amongst communities and other interested parties are the levels, distribution and specific locations for development. As currently structured the details of many of these proposals would only be available at the second stage of consultation (otherwise they would have to be determined before much of the detailed evidence gathering and drafting of the plan occurs).
- 27.4. This is late in the process for such significant issues to be first consulted upon and provides little opportunity for Local Planning Authorities to make any necessary amendments without either failing to comply with the 30 month plan making timescales

by undertaking a further stage of consultation; or being required to introduce new proposals post final stage of consultation – which may have legal and/or soundness implications. These issues require further consideration and subsequently clear guidance should be provided on them.

- 27.5. On reflection, Shropshire Council would suggest that it may be better for the first stage of consultation to occur later in the process, once further evidence is available and proposals are more developed. This would also allow for clear development of the plan between the informal engagement undertaken before the process formally commences and the first formal stage of consultation.

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

Shropshire Council Response:

- 28.1. Shropshire Council is generally supportive of the principle of providing templates to guide the preparation of consultation response forms.
- 28.2. However, these templates need to be sufficiently flexible to respond to the diverse nature of Local Planning Authorities and the diverse vision, objectives and strategies of their Local Plans.
- 28.3. Furthermore, it should be noted that a significant proportion of respondents to consultations choose to not use respondent forms when responding. This issue should be recognised when preparing any such templates, so that they are sufficiently flexible to allow analysis of responses within them alongside responses provided in other formats. This of course also has implications for timescales when analysing consultation responses.

Chapter 9: Requirement to Assist With Certain Plan-Making

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

Shropshire Council Response:

- 29.1. Shropshire Council is generally supportive of public bodies proposed to be identified as being subject to this requirement. However, as a Local Planning Authority on the border with Wales, the Council considers that it would be beneficial for equivalent Welsh public bodies to also be subject to this requirement. If this is not the case, then Local Planning Authorities such as Shropshire Council would remain in a situation where there is no specific mechanism for 'levering in' assistance from relevant Welsh public bodies during the plan making process. A similar situation would of course exist for those Local Planning Authorities on the Scottish border.
- 29.2. The Council considers that it is best for the list of prescribed public bodies to be as comprehensive as possible, to cover all potential circumstances where public bodies may need to be involved in plan making.
- 29.3. There should also be provision for successors of relevant responsibilities to 'inherit' this requirement, in circumstances where responsibilities are transferred to a new/alternative public body or a public body is re-branded. Finally, there should also be provision to add additional public bodies in circumstances where new public bodies are formed and their responsibilities are relevant to plan making.

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.

Shropshire Council Response:

- 30.1. Yes, Shropshire Council is very much supportive of the principle of introducing a 'requirements to assist' with plan making on relevant prescribed public bodies. It would provide a much needed mechanism to allow Local Planning Authorities to 'lever' in 'assistance' from these prescribed public bodies which is required in order to facilitate resolution of issues facing the plan making process and allow the progression/completion of plan making.
- 30.2. The Council would note that there are numerous examples within the current system of significant delays to plan making as a result of difficulties in securing the input of relevant public bodies on matters which cannot be fully established/resolved without this input.
- 30.3. Perhaps more alarmingly, there are also numerous examples of circumstances where public bodies fail to engage in plan making, despite the best efforts of Local Planning Authorities, until the later stages of the process, which can result in unforeseen issues arising which have significant implications for timescales for production of a Local Plan, the soundness of a Local Plan, or both.
- 30.4. Currently there are instances where Local Planning Authorities are 'charged' for 'assistance' (including for responses to consultations), by certain public bodies. Clarification on whether public bodies should be charging for their 'assistance' and if so which components of their 'assistance' would therefore be extremely beneficial, creating certainty, transparency, and streamlining any discussions on this matter.
- 30.5. There is also the issue of the resources available to prescribed public bodies to ensure that they are able to provide a timely response, which may conflict with this requirement and as such needs to be duly considered.
- 30.6. Currently the NPPF encourages collaborative working between neighbouring Local Planning Authorities. However, scope for joint working in particular in relation to evidence base preparation is already limited by resources and mismatches in local plan timetables and this difficulty is likely to increase with the proposed condensed timeline for plan production and potentially due to the approach to determining when Local Planning Authorities commence plan making under the new system. As such, this matter would benefit from further consideration.
- 30.7. There appears to be a provision proposed for a 'requirement to assist in the initiation period' of plan making. If so, this would be helpful in identifying issues and ensuring that relevant requirements can be addressed early in the plan making process. However, the wording of paragraph 162 of the consultation document is unclear on this matter. Shropshire Council would be grateful for clarification in respect of the provisions proposed on this matter.
- 30.8. It is currently considered that despite provision for early assistance, that this would not preclude a change in position by the public body later in the plan making process, which could result in unexpected critical soundness issues which would undermine the ability of plan making to proceed in a timely manner. Further clarification on this matter would be welcomed.

Chapter 10: Monitoring of Plans

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

Shropshire Council Response:

- 31.1. Shropshire Council is generally supportive of the principle of undertaking 'light touch' monitoring for the first 3 years following adoption of a Local Plan, proceeding to more 'detailed' monitoring in years 4 onwards following adoption of a Local Plan.
- 31.2. However, as currently proposed the timing of this return would not be regularised across Local Planning Authorities or linked to annual data collection exercises undertaken, rather it is proposed to be linked to the date of adoption of a Local Plan. As such, to allow for effective comparison of data across different Local Planning Authorities and to reflect monitoring processes already undertaken (e.g. for making housing flow reconciliation returns to Government), it is considered that the publication of monitoring reports should be linked to a specific month (ideally December) following the full first year of adoption of a Local Plan.
- 31.3. Shropshire Council is also generally supportive of the principle of providing a template for the 'light touch' monitoring, provided this is sufficiently flexible to respond to the diverse nature of Local Planning Authorities; the diverse vision, objectives and strategies of their Local Plans; and the diverse local metrics that may be identified. A similar flexible template for the 'detailed' monitoring is provided to achieve the same benefits as for the 'light touch' monitoring.
- 31.4. The recognition that the vision may address long-term matters the effects of which may not be identifiable in the shorter term is welcome, however this recognition should be extended to other aspects of the Local Plan. It should also be recognised that 4 years is not long-term, as seems to be implied within the consultation. Whilst there is value in refreshing Local Plan's regularly, they are still intended to 'look ahead' over a 15 year period or more. The positive effects of proposals are therefore often intended to address issues over this longer period or beyond. This needs to be appropriately recognised within any guidance on monitoring.

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?

Shropshire Council Response:

- 32.1. Shropshire Council is generally supportive of the parameters identified, which address many of the key thematic issues/topics addressed within Local Plans. However, greater clarity is required with regard to the metrics identified under the environment and open space.
- 32.2. The metric related to net change in designated habitats implies it relates to circumstances where there is an actual change in the amount of either designated habitat or the number of designated sites, is this the intention or is it related to development that detrimentally occurs within/affecting such areas?

- 32.3. The metric related to progress towards net zero emissions from buildings needs careful consideration. Shropshire Council has declared a climate emergency and strongly supports the need for new development to progress towards net zero emissions, with the Local Plan one mechanism for supporting this transition. However, Government has made it clear that Building Regulations are the key mechanism for imposing specific build standards on new development. This therefore needs to be duly considered when establishing this metric.
- 32.4. With regard to waste, Local Planning Authorities generally have very good data on municipal waste, but are reliant on Environment Agency data for commercial waste. This needs to be recognised when establishing metrics on this issue.

Chapter 11: Supplementary Plans

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?

Shropshire Council Response:

- 33.1. Shropshire Council has encountered significant difficulties in the past in seeking to define spatial concepts such as 'nearby' and 'close to' in relation to sites and settlements, due to the diversity of the geography of the county and varied settlement scale and form (for example, settlements range from small very dispersed settlements with no obvious centre to small but more tightly knit settlements and larger market towns and urban areas). It is suggested therefore that the concepts of 'nearby' and 'close to' will need to allow reflection of scale and variety of development forms and functional relationship of sites within a location.

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.

Shropshire Council Response:

- 34.1. It is noted the proposals suggest Supplementary Plans will not have a defined preparation timeframe (like the 30 month period proposed for Local Plans and Minerals and Waste Plans), but will rather be subject to an expectation that they are prepared swiftly to provide a planning framework to address site-specific requirements / capture opportunities. Shropshire Council is supportive of this proposed approach, which emphasises the fundamental principle that they should be prepared swiftly, but provides discretion to Local Planning Authorities to establish appropriate timescales, informed by consideration of the relevant topic, scope of the document, intended processes for plan making and available resource. The Council would strongly advocate a similar approach being taken to Local Plans and Minerals and Waste Plans.
- 34.2. With regard to procedures for preparation of Supplementary Plans, as the consultation material recognises, due to the potential diversity of these documents there needs to

be sufficient flexibility regarding their structure and the processes required for their development. Overly prescriptive procedures may not be sufficiently flexible to respond to this diversity and could stifle innovation. However, conversely if they are not sufficiently clear, this could lead to disagreements around suitable processes, delaying adoption and increasing the risk of challenge.

34.3. In terms of opportunities for positive procedures:

- a. For Supplementary Plans that are specific to a site or cluster of sites, as with current masterplanning for such sites, there may be significant scope for joint working between the site promoter/developer and the Local Planning Authority and early community engagement to evolve proposals. Therefore, the procedures could identify the opportunities for preliminary engagement at the outset of the plan making process, similar to that proposed for Local Plans and Minerals and Waste Plans.
- b. Since Supplementary Plans are to be subject to consultation and an independent examination, it would be extremely beneficial to provide clear expectations on the timescales and minimum requirements of consultation, evidence base requirements, and also the grounds for objection during the examination process. Comments set out in responding to other questions within this consultation, in respect of evidence and consultation requirements during the plan making and examination processes, similarly apply to Supplementary Plans.
- c. A preliminary conformity check by the Planning Inspectorate / Examiner, prior to formal submission of Supplementary Plans would also be helpful in avoiding challenge on the basis of lack of conformity with the adopted Local Plan or national policy and would allow revision prior to examination.

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?

Shropshire Council Response:

- 35.1. Given the more targeted scope of Supplementary Plans compared with Local Plans; the need for them to be prepared rapidly in order to respond to emerging circumstances/opportunities; the fact that they are 'building on' the content of Local Plans (providing more specific content on sites or design requirements); evidence and supporting documentation is likely to be more limited/focused; and the fact that they would be reviewed on a regular cycle alongside reviews of Local Plans, a single stage of formal consultation seems appropriate.
- 35.2. Additional consultation stages would have additional time and resource implications that could be counterproductive to the aims of the Supplementary Plan process.
- 35.3. However, as documented in the Council's response to Question 34 of this consultation, where appropriate this could be complemented by early informal engagement in a manner similar to that proposed for Local Plans / currently utilised for masterplanning.

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.

Shropshire Council Response:

- 36.1. As preceding responses to the consultation have commented there is likely to be significant diversity in the nature and type of supplementary plans (and this is acknowledged in the consultation itself) and also in the localities to which they relate. Therefore, it would be extremely difficult to set out criteria which would be clear and relevant to all situations and not add unnecessary, additional procedural complexity and issues of interpretation for Local Planning Authorities.
- 36.2. As there is already significant expertise within Local Planning Authorities of examination processes related to preparing Local Plans and supporting the development of Neighbourhood Plans, Shropshire Council would suggest that this local expertise should be drawn upon in determining the most appropriate approach to examination. Therefore, Shropshire Council's preference would be for the relevant Local Planning Authority to determine the most appropriate route. A Secretary of State 'call in' power could be used in exceptional circumstances where the Local Planning Authority is minded to utilise an independent examiner.

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?

Shropshire Council Response:

- 37.1. Shropshire Council considers that, subject to the comments made earlier in response to Question 33 regarding the difficulties of defining 'nearby', the procedural requirements and criteria set out in paragraphs 200 and 201 of the consultation document are appropriate in principle.
- 37.2. The requirement to prepare and submit a statement establishing how Local Planning Authorities consider a draft Supplementary Plan addresses relevant criteria is considered helpful and could usefully provide a structure for examination and avoid the need for extensive Matters, Issues and Questions or similar such submissions.
- 37.3. On this basis it may also be useful for the Local Planning Authority to as part of this submission, differentiate between evidence supporting the wider Local Plan and that specifically prepared to support Supplementary Plan preparation. It is assumed Supplementary Plans would benefit from the wider reforms proposed within this consultation regarding evidence base - this principle is supported, subject to the reservations previously expressed by Shropshire Council.
- 37.4. Additionally, Shropshire Council supports transitional provisions (proposed by the previous consultation on reforms to the National Planning Policy Framework and identified in paragraphs 203 of this consultation) which allow existing Supplementary Planning Documents to remain in force until a new local plan is adopted.
- 37.5. It is noted that the consultation suggests that there is a review of existing Supplementary Planning Documents to establish those which need to be incorporated into Local Plans and those which can be identified as 'guidance', aiding interpretation of policy. It is assumed such 'guidance' would constitute a material consideration in the planning process.

- 37.6. As such status is very similar to that of existing Supplementary Planning Documents, Shropshire Council would strongly encourage this principle to be 'formalised' to provide greater clarity on the policy framework for an area and also assisting in 'streamlining' content of Local Plans. These resultant documents could be termed 'accompanying guidance'.

Chapter 12: Minerals and Waste Plans

Question 38: Are there any unique challenges facing the preparation of minerals and waste plans which we should consider in developing the approach to implement the new plan-making system?

Shropshire Council Response:

- 38.1. Planning for minerals and waste entails a distinctly different process to planning for other forms of development. Minerals are essential raw materials which can only be worked where they are found, but the relationship of mineral working to existing communities and built form is very different to that for other development. A similar issue exists for some waste management facilities. As such, the approach to achieving meaningful and effective public engagement; undertaking effective site assessments; and the presentation of the strategy, local development management policies, and site guidelines for these issues, are also different to that for other forms of development.
- 38.2. A key challenge in planning for aggregate minerals is that often significant quantities of mineral resource are extracted for needs beyond the Mineral Planning Authority area (and the communities within it) from which they are derived. This is particularly the case for crushed rock. Appropriate guidance and data on these issues, produced or collated at a national level would significantly aid Mineral Planning Authorities in undertaking robust assessments of need and robustly planning for mineral provision.
- 38.3. Similarly, it is important to recognise that waste streams inevitably cross Waste Planning Authority boundaries. A key driver for this is the fact that certain waste streams are relatively small and/or require specialist processing, as such they are drawn from a wider area to a single facility in order for their treatment to be commercially viable. This also positively responds to the principles of sustainable development and efficient use of land. Waste management is also a commercial process, so there is competition within the market for the treatment of waste.
- 38.4. As such, guidance and legislation needs to be very clear that Waste Planning Authorities are not expected to manage the entirety of the waste that is generated within their administrative area – which is not feasible. Rather guidance and legislation should require that Waste Planning Authorities plan to make provision for equivalent waste management capacity to the amount of waste generated within their area, albeit this may be for different waste streams and for reasons of commerciality in the market, the entirety of this capacity may or may not be utilised.
- 38.5. Furthermore, the role of Aggregate Working Parties and Resource Technical Advisory Boards in assisting with the process of achieving meaningful engagement between Mineral and Waste Planning Authorities and with the relevant industries also needs to be explicitly recognised.

Chapter 13: Community Land Auctions

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

Shropshire Council Response:

- 39.1. Shropshire Council recognises the intention of this mechanism of capturing more of the land value uplift for infrastructure provision, associated with securing a planning allocation and subsequent planning permission. However, the Council is concerned with a number of components of this proposal, including:
- a. How the financial implications of Community Land Auctions would be balanced with the wider factors considered as part of the site assessment process and the principle of sustainable development.
 - b. Potential reluctance of landowners and developers to make available commercial information and associated risk (actual or perception) of site promotions being 'disenfranchised' from the process if they fail to make this information available or engage in the Community Land Auction process.
 - c. How Community Land Auctions would interplay with the principle of 'brownfield' first. Such sites may be cheaper to purchase but are often more expensive to develop.
 - d. How Community Land Auctions would effectively interplay with other forms of developer contributions.
 - e. Implications on reality/perception of the objectivity of the site assessment process amongst landowners, developers and communities.
 - f. How the site assessment process, integrating Community Land Auctions, would be appropriately considered during the examination process.
 - g. Resource and time implications – undertaking more complex site assessments; the need for greater resource/expertise in the field of land valuations; and the potential legal resources required to support this process.
 - h. Implications for Community Land Auction 'options' if sites are ultimately not allocated within the plan as a result of examination. Plus the associated risk of the added complexity/timescale implications of identifying alternative site allocations in these circumstances.
 - i. Increased risk of legal challenges of plan making.
 - j. Risks once sites are allocated – approach to activating/transferring the 'option'; risk of discussions 'breaking down' / failure to transfer the 'option' due to increased land values as a result of allocation; and risk of changes to schemes in an attempt to ensure viability / maximising profit in changing markets.
- 39.2. It is noted that the consultation indicates further information will be forthcoming on the specific approach to Community Land Auctions. This detail may alleviate some or all of these concerns.

Question 40: To what extent should financial considerations be taken into account by local planning authorities in Community Land Auction pilots, when deciding to allocate sites in the local plan, and how should this be balanced against other factors?

Shropshire Council Response:

- 40.1. Please see response to Question 39 of this consultation.
- 40.2. If Community Land Auctions are to be introduced it must be very clear and transparent regarding the amount of weight attributed to the associated financial considerations and implications if site promoters fail to engage in the process.
- 40.3. Irrespective of the level of transparency, Shropshire Council is concerned that there will remain a perception that the process is no longer objective and the associated risks that this entails.
- 40.4. Ultimately it will be important to ensure that any guidance on the process of considering Community Land Auctions within the site assessment process is aligned with consideration during examination.

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?

Shropshire Council Response:

- 41.1. Shropshire Council is very much supportive of the intention to establish ‘front runner’ Local Planning Authorities to pilot the new plan making process and establish a strong foundation of learning and best practice for other Local Planning Authorities to draw upon. For the same reasons, the Council would encourage this principle to be similarly applied to Mineral and Waste Planning Authorities.
- 41.2. Shropshire Council also supports the principle of identifying ‘waves’ of around 25 Local Planning Authorities, to commence plan making, as this will assist in ensuring the availability of professional capacity in the sector – particularly that of the Planning Inspectorate.
- 41.3. In terms of how cohorts of Local Planning Authorities for each ‘wave’ are identified, there are clear advantages of grouping Local Planning Authorities by geography as this would support joint working on evidence, increase the ability to effectively engage and increase the ability to achieve complementary strategies. It is also important to note that the order established at this stage, will of course be repeated at each future cycle. However, this also needs to be tempered by the principle of prioritising Local Planning Authorities with older Local Plans. As such, a hybrid of these two considerations may be best.

Chapter 15: Saving Existing Plans and Planning Documents

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

Shropshire Council Response:

42.1. Shropshire Council supports the proposed approach to 'saving' existing plans and planning documents. It ensures that there is no 'vacuum' between the operation of these existing plans and planning documents and the introduction of a Local Plan under the new system.

42.2. It is also sufficiently flexible to respond to the transition period over which Local Plans under the new system will be brought forward.

Equalities Impacts

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?

Shropshire Council Response:

43.1. There may be a need to consider the implications of changes to the approach and timescales for public consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010, particularly those that are less able or engaged in digital technology.