Southern Housing consultation response

Department for Levelling Up, Housing and Communities: consultation on implementation of plan-making reforms

Introduction

Southern Housing is one of the largest housing providers in the UK with over 77,000 homes across London, the South East, the Isle of Wight and the Midlands. We are pleased to respond to the Department for Levelling Up, Housing and Communities' consultation on implementing plan-making reforms.

Uncertainty has caused significant delays for plan preparation and decision making, and this has ultimately led to a slow-down in decisions being issued and an increase in planning appeals. Accordingly, in principle we have a fairly positive response to the proposals. However, given the lack of detail provided, we believe that responses to the consultation will be less useful at this stage than if the guidance was provided to comment on too.

In our submission, we respond to the individual questions posed and outline several recommendations for Government to make plans simpler, faster to prepare and more accessible. In general these are to ensure local control is not lost and suggestions to make the plans more practical. Greater emphasis needs to be given to resourcing plan making

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?

Southern Housing supports the core principles for plan content. While these are core principles, stakeholders including registered providers like Southern Housing will need to see the guidance in detail before we give fuller reaction.

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 a vision is necessary for setting a clear goal for the local plan. In addition to the principles set out above, we suggest adding the need for the vision to be positively prepared to ensure that it meets the social, environmental, and economic needs of the community (as determined by the early-stage consultations).

The consultation suggests that Local Plans typically cover the next 10 or 15 years but does not explicitly specify the time period. The current National Policy Framework (NPPF) states at Paragraph 22 that strategic policies should be prepared for a

minimum 15-year period from adoption to anticipate and respond to long-term requirements and opportunities, such as infrastructure improvements. Reviewing Local Plans every five years is beneficial for keeping plans relevant but planning over a 15-year period is essential for LPAs to plan for strategic growth and the necessary infrastructure. Our recommendation is that the guidance recommends a minimum 15-year timeframe.

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

Southern Housing agrees with the proposed framework for local development management policies to some extent. We previously commented on this matter in our response to the *Levelling-up and Regeneration Bill: Reforms to National Planning Policy* consultation. Whilst some references were made to the Green Belt and heritage assets in the previous consultation document (Chapter 10, paragraph 9), it's currently unclear exactly which topics will be covered by the National Development Management Policies (NDMP).

We believe it is also important that local control isn't lost. For example, some areas may have heritage assets they are aiming to enhance, or types of use they wish to encourage (please also see our response to question 50). Any loss of local control would also be at odds with the broad aim of the current set of amendments, i.e., to ensure local communities have a say in development. To ensure local control is not lost in certain situations, consideration could be given to NDMPs only applying within designated parts of the local area. For example, if national policies for town centre uses are introduced, it may be appropriate that they only apply where the Local Planning Authority (LPA) has a designated town centre boundary.

There is also a risk that the NDMP document could become a long and complex document. Part of the aim of introducing the NPPF in 2012 was to simplify and reduce the level of national guidance. Rather than introducing a separate document, consideration could be given to altering the status of the current NPPF, for instance, so that it forms part of the development plan for decision-making purposes. This may be a far more straightforward way of achieving a similar result.

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?

Southern Housing agrees – to some extent – that templates make it easier for local planning authorities to prepare local plans. Standardisation of the sections and order of local plans will help to make them more user-friendly documents that are easier to navigate. This will ensure that everyone with an interest in planning (including, for example, developers and those wishing to extend their home) are more likely to read

and make use of local plans as tools for guiding development. In our response to question 43 we provide comments on accessibility.

Consideration should also be given to capping the length of local plans and ensuring that the key requirements are set out in the policy wording and not the supporting text. For example, where a policy deals with garden size, the standards should be clearly set out in the policy or a supporting table, rather than within the text either side of the policy. This will help improve usability and ease of finding key information.

However, it is important that some flexibility is retained (e.g. through provision of graphics, how data is presented, etc.) to allow local authorities to create a distinctive local plan that aligns with the character of their area.

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

Southern Housing has no comments to make in response to this question.

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?

We support this timeframe in principle as the need for up-to-date local plans is essential to delivering quality development in a timely manner. However, it is important that the timeframe allows sufficient opportunity for the local community and other interested parties to engage with and influence the plan making process.

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?

Yes, subject to sufficient guidance regarding the scope of the document, we support the principle of a Project Initiation Document.

We also note the intentions for the other stages at paragraphs 54-65 of the consultation document. As above, it is important that clear guidance is provided to ensure that Local Planning Authorities are well placed to start preparing the new style local plans. The requirement to review every five years at paragraph 65 is also welcomed. Consideration should be given to introducing penalties for LPA that fail to commence a review within 5 years. For example, the presumption in favour of sustainable development could apply. This will ensure that LPAs remain focused on keeping their local plan up to date.

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?

Presentation of documents, supporting studies and evidence
Document libraries for local plan inquiries are often complicated and contain a large number of documents. The presentation format varies greatly between local planning authorities (LPAs). Standardisation of the library would help to help ensure that the public, developers, and other interested parties are able to engage fully in the process. Main modifications should also be presented as a track changes version of the main document, to ensure that the changes are easy to follow for all interested parties.

Consideration should be given to setting a limit for how old a supporting study can be. Whilst some studies, such as landscape character assessments, are unlikely to materially change in the short term, others will include information that can change quite rapidly. For example, some LPAs are currently relying on land availability assessments which were prepared several years ago. The 'Call for Sites' exercise should be more of a rolling process, with the assessments being updated regularly. This will help to maximise the opportunity for identifying and bringing deliverable and available sites forward.

The latest version of each study should also be clearly indicated within each document library. It is quite often the case that different versions of studies and assessments are made available alongside each other. This can cause confusion, particularly for the public, when reviewing local plan evidence.

Digital Mapping
Local Policies Maps are useful tools when the data is well presented, and digital versions are easily accessed. Rather than a blanket standardisation, these may benefit from setting the minimum requirements that have to be met. For example, the scale viewable on the digital version, as often the scale is at too small a scale meaning precise boundaries and locations aren't clear. This could also be linked to the national map of planning data.

All designations should be clearly mapped. For example, protected shopping frontages and/or parades. Whist most LPAs include these, some will provide a list of the premises included in the frontage and/or parade as an appendix rather than a mapped layer. Including this information will avoid confusion and ensure that the map is of most benefit.

Digital policies maps should also be combined with other constraints mapping where possible. For example, maps showing 'Article 4 Directions and Tree Preservation Orders' should also be included on digital maps. At present, some LPAs include these on their mapping systems, whilst others save them in separate locations, or not at all.

Sites considered as part of the LPA land availability assessments should be mapped on a digital mapping system. This information is an important part of a site's planning history and will help speed up the ability to identify deliverable sites for all types of development.

Terminology and data to be published
Terminology and acronyms should be standardised across all levels of plan making and guidance. This will help ensure that the public are able to engage in plan making and avoids confusion.

Except for internal correspondence, all studies, data, and representations that inform a local plan should be published. This is considered necessary in the interest of transparency and to ensure that all interested parties can engage in full.

Monitoring information regarding the delivery of new development should also be standardised. The information gathered should also be linked directly to local policies. For example, policies on housing will often set a target mix which identifies the size and tenure of housing the LPA aims to deliver. This requirement needs to be updated to reflect actual delivery from sites.

At present, information regarding delivery is often published inconsistently in LPA monitoring reports. This means that current delivery or need isn't always accurately reflected by the policy. Rather than the policy remaining static for a five-year period, the systems for recording the data should be linked to the policy. This will make it possible to update the housing mix requirement more regularly and ensure a more responsive system.

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?

Yes, we agree that the challenges listed at paragraph 71 would benefit from digitisation. Please also see our answer to Question 8. With specific regard to the fifth bullet points (re: "plans are static…"), whilst it is important to ensure that plans remain current by being updated more regularly, this shouldn't be at the expense of usability. In our experience, plans which comprise a single document are amongst the easiest to use. If digitisation involves more online based plans, it's important that they remain easily accessible with a single location (e.g. web page) to access the information. This will reduce the need to cross reference between multiple documents and web pages.

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. However, it is essential that LPAs are sufficiently resourced to deliver the new approach and that human contact is not lost. Planning departments will need to have sufficient levels of staff and expertise to manage the new systems and to provide support to users of the new digital plans. Planners should also be available to answer general questions regarding the local plan.

Where an LPA starts to use a new technology or system, it is important that they commit to always making it available, and that it is fully accessible. Otherwise, provision of the new system could lead to greater frustration among the public and other stakeholders trying to access planning information. Providing LPAs are sufficiently resourced, a combination of human contact and digitisation should help make the planning system more accessible.

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?

To maximise clarity and usability, we consider the priorities to be:
- Standardisation of local plan formats
- Standardisation of terminology
- Clear policies maps to ensure that local plans remain visual and easy to use
- Monitoring information to be standardised
- Policies updated regularly to reflect delivery.

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?

We support the proposals and timetables in principle. For this to be a success, it will be necessary to provide clear guidance and ensure that LPAs are well resourced to comply with the timetable requirements. Given the benefits of reporting on progress, consideration should be given to the introduction of penalties for LPA to ensure that they commit to meeting the reporting milestones.

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?

For the new approach to be successful, we consider that a review should take place on completion of each milestone. Paragraph 82 indicates that this may be the intention, but it is not clear, and we would welcome clarification in future drafts. The reference to "if deemed appropriate" is also ambiguous. Clear guidance will be required to help LPAs determine when best to review the timetable.

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?

It is important to ensure that the main aim of simplifying the plan making process is not lost because of the proposed changes. Further detail is required, and we note the intention at paragraph 89 that the changes will be brought forward through a future review of the NPPF.

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 principle of standardisation of evidence requirements. This should include the evidence required to support the types of issues commonly facing LPA areas. For example, evidence for determining local housing need (mix of affordable and open market sale), levels of employment, levels of open space, approaches to land availability assessments etc. Please see also our response to question eight.

However, it is important to ensure that LPAs are still able to create plans that meet the bespoke needs of their area. Where an LPA has a particular local issue that needs to be addressed, it may not be possible to standardise the information required.

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?

Whilst a data freeze is recognised as important to ensure timely progress, it is important that the data being used is up to date. For example, relying on a housing market study that is 10 years old shouldn't be appropriate simply because there isn't enough time to prepare a new study. Consideration should be given to setting a limit for how old a supporting study can be. Please also see our response to question eight.

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?

The approach has the potential to work well. However, we note the second bullet point at paragraph 89 which states that a distinction will be set *"between evidence produced and submitted to demonstrate that the plan is sound and legally compliant, and information gathering, assessment and other plan-making activities which are used to inform the plan but are not related to soundness or legal compliance."*

Recognising the distinction between the two is considered important to ensure that examination sessions are focused as required. Other supporting documents will still be necessary where an LPA has a particular local issue that needs to be addressed. Whilst we also note that LPAs will still be able to prepare wider materials (paragraph 100), it is important that LPAs are still able to plan effectively for their area. Clear guidance is therefore required. Please see also our response to question 15.

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?

We support the purposes as listed at paragraph 103. It is important that, when assessing resourcing, guidance is provided regarding the range of tools available to digitise local plans.

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

As with other aspects of the consultation, we agree with the broad principle of the approach, but additional detail and clear guidance is required. For example, paragraph 110 refers to a 'gatekeeper' organisation. No detail has been provided about the type of organisation or its role in the process.

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?

Paragraph 112 indicates that there needs to be flexibility and requires reports at certain points of the process. Whilst the need for flexibility is recognised, it is important that the reporting process isn't too onerous. Otherwise there is a risk that the process will counter the benefits of the streamlined approach set out in previous chapters. The reports may therefore also benefit from standardisation.

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

If gateway assessments are to be mandatory, it is important that LPAs are sufficiently resourced to pay for the assessments. If a charge is introduced, there also needs to be a commitment from the Planning Inspectorate to provide a good quality service. If the assessments are not sufficiently resourced, there is a risk that they will lead to delays and poor-quality plans.

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?

We are supportive of the proposals in principle. In addition to those listed, consideration should also be given to the format of document libraries and documents such as the main modifications. The aim being to reduce the volume of information managed by all parties, including the programme officer.

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?

On the basis that the intention is to introduce mandatory reviews at gateways, the six month (maximum) pause period can be considered adequate. However, we note that paragraph 124 indicates that an Inspector may still recommend withdrawal of a plan at the end of this period. Given the review gateways, guidance should be prepared to ensure that withdrawal is only recommended in the most extreme circumstances. There should also be penalties for LPA that abandon/pause plan making inappropriately without sufficient justification. Mechanisms should be put in place to ensure that the LPA provide the reasons why a plan is being withdrawn.

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?

We agree with this in principle. However, it is important that the scope of the Project Initiation Document is clearly defined. Otherwise, some of the problems which this consultation seeks to address will be repeated. There's a risk that the section covering community involvement will continue to result in the same issues identified at paragraphs 136-138 relating to Statements of Community Involvement (SCI).

A template approach to the document and the section on community involvement should therefore be considered. This should help ensure that the document remains concise whilst including the information required. Regarding content, the section covering community involvement should be concise and set out:

- the ways in which the LPA intends to engage with the public
- the timescale
- the groups least likely to engage
- ways to encourage them to engage

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?

We support the proposal in principle. This stage may be suitable for testing some of the new approaches identified by the PropTech Fund and for identifying which groups are least likely to engage. The responses may then be useful for helping to determine the approach to consultation at the formal stage.

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. Please see our response above to Question 25.

Question 27: Do you agree with our proposal to define more clearly what the role and purpose of the two mandatory consultation windows should be?

Yes, clear guidance will help avoid the inconsistency seen amongst LPA at the present time and make the process easier to understand. Please see also our responses to questions 24 and 25.

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

Whilst the aim of templates is noted, from previous experience, the public are likely to submit representations in multiple formats including free text responses. The preparation of templates may therefore result in a great deal of work but fail to meet its aims.

Chapter 9: Requirement to assist with certain plan-making

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

We would anticipate the government is expecting to include the local authority housing department on the list of prescribed public bodies and would certainly support this given the affordable housing need. In addition to the bodies listed, we suggest including the Police as a main consultee. The Statutory Harbour Authorities and the Ministry of Defence should be included on the "where relevant" list.

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.

We support the approach in principle. The public bodies included on the list should be provided with guidance and made aware (formally) that they need to respond to the consultations.

Chapter 10: Monitoring of plans

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

Whilst we support the general approach, it is important to ensure that LPAs publish the data regularly. Any delays in reporting the data will potentially make the plan less responsive and slow down the delivery of developments that meet local need. LPAs should be adequately resourced to ensure they can monitor and report on the plan. This resourcing should be set out in either the Project Initiation Document and or as part of the "gateway" process described in chapter six. Penalties should also be considered for LPAs that fail to adequately monitor and issue data regularly.

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?

In addition, to the points listed at Table three, we suggest that the housing metric includes the mix and type of housing being approved. This will help determine whether policies aimed at meeting local need are effective and allow LPAs and/ or developers to respond as necessary. Please see also our responses to question eight.

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?

Whilst in principle we agree with the list of factors, clearer guidance is required. For example, specifying the distance between "nearby" sites or replacing the term "nearby" with "adjoining" or "adjacent" to make the criteria less ambiguous.

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.

We consider that supplementary plans should be subject to at least three rounds of public consultation. This ideally should include an initial consultation stage to gather information and to determine what the communities' visions are for the site or subject matter. The second consultation should be used to respond to the feedback received and present options. The third consultation should be formal and set out the preferred approaches (based on feedback received at the second consultation). Ideally, the first and second consultation stages should involve workshops and masterplan events to ensure they are of most benefit to the public.

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?

We consider that a single stage consultation is only likely to work well if supported by informal stages to gather information and present options (please see also our response to Question 34 above). Otherwise there's a risk that a single formal consultation will leave the public feeling that they've not had sufficient opportunity to influence the supplementary plan.

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.

We support the imposition of thresholds for setting the examination process. The reason being that it will ensure suitable expertise for the most contentious of sites or subjects. In addition to the thresholds identified in the question above (land use and

spatial coverage, etc) consideration should be given to matters that relate to cross boundary issues.

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?

Point f. deals primarily with guidance but also refers to "the extent of evidence required". It may be appropriate to include the need to have regard to evidence as a separate point to guidance. All supplementary plans should be based on adequate evidence relating to the subject matter.

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?

Southern Housing has no comments to make in response to this question.

Chapter 13: Community Land Auctions

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

Whilst we support the general approach, we consider it important that Community land Auctions (CLA) run alongside the conventional process for allocating land. The reason being that, if uptake in CLAs is limited in a particular area, there may be a need for LPAs to allocate additional land to meet identified need. There may also be occasions where developers have option agreements on sites already that are well suited to allocation. Provision needs to be made to ensure that these sites can still come forward for allocation and development.

Figure 7 indicates that any funds raised through CLAs would need to be spent 'in line with CLA regulations'. There are no details on these regulations, and we understand that these would be subject to a later public consultation. The funds raised through the CLA mechanism could be ringfenced for affordable housing given the level of national need.

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?

Providing the profit generated is ring-fenced for infrastructure or provision of Council services, we consider it acceptable for financial contributions to be considered.

For the process to be fair and transparent, we suggest introducing a scoring system when assessing sites for allocation. Financial contributions will then be scored in the same way as other factors. This will ensure that they are considered, but not prioritised above other key factors. The scoring system could be similar to that used when preparing sustainability appraisals or similar. This may make it necessary to set scoring objectives for key topics. The objectives could consist of nationally and locally set objectives. The LPA will then be able to tailor the assessment to suit local circumstances.

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 are generally supportive of the proposed approach at paragraphs 243-246. The chronological approach is considered appropriate as it ensures that LPA currently in the process of preparing a local plan will still have a period where their plan remains up to date.

Notwithstanding the above, we suggest that consideration is given to the same approach but on a region-by-region basis. For example, all authorities in the South East are ranked chronologically and grouped as required. This may provide the opportunity for evidence sharing between authorities in the same region which are likely to share physical, social, and environmental characteristics.

Consideration should be given to shortening the 30-month duration to encourage LPAs to create up-to-date plans and prevent an increase in unmet housing need. Worsening under-delivery could make it difficult for LPAs to meet housing need at the start of the next plan period.

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?

Yes, we support the proposed approach. We consider it to be the most straightforward way of delivering the new system.

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? Please provide a free text response to explain your answer where necessary. Is there anything that could be done to mitigate any impacts identified?

Southern Housing does not have substantive 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 as we feel that mostly they have no significant impact, either positive or negative.

However, one area that could have a positive impact is the standardisation of the order of, and sections in local plans. Easier to navigate, user friendly documents will help most document users, but could particularly benefit those who require accessible documents. The standardisation that comes from templates could include requirements to ensure that local plans are able to work well with assistive technologies like screen readers. We believe that ensuring local plans are written and published in accordance with the [accessible guidance published by the Government Digital Service](#) would mean that local plans are accessible for a wider number of document users, in the public, local and central government or wider stakeholders.