

This Report will be made public on 10 October 2023

Report Number **C/23/41**

To: Cabinet
Date: 18 October 2023
Status: Non key
Responsible Officer: Adrian Tofts, Strategy, Policy & Performance Lead Specialist
Cabinet Member: Councillor Jim Martin, Leader of the Council and Cabinet Member for Otterpool Park and Planning Policy

SUBJECT: **LEVELLING-UP AND REGENERATION BILL – CONSULTATION BY DLUHC ON PLAN-MAKING REFORMS**

SUMMARY: This report outlines reforms to the local plan-making system that will be brought into force when the Levelling-up and Regeneration Bill receives Royal Assent; these will be the most far-reaching reforms to the local plan-making system for 20 years. The Bill is expected to gain Royal Assent within the next few weeks. The current consultation, 'Consultation on implementation of plan-making reforms', sets out how the reforms will be put into practice. The consultation is being conducted by the Department for Levelling-up, Housing and Communities (DLUHC) and will close on 18 October 2023.

REASONS FOR RECOMMENDATIONS:

For Folkestone & Hythe District Council to influence the implementation of the planning reforms, as far as is possible through the current consultation.

RECOMMENDATIONS:

1. To receive and note report C/23/41.
2. To approve, with any necessary amendments, the draft consultation responses set out in Appendix 1 for submission to DLUHC.
3. To express the council's interest in becoming a 'front runner' authority through the consultation response (Appendix 1, Question 41)

1. INTRODUCTION

- 1.1. The Department for Levelling Up, Housing & Communities (DLUHC) is consulting on: [‘Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms’](#). The consultation sets out how the local plan-making reforms in the Levelling-up and Regeneration Bill will be put into practice. These are the most far-reaching reforms of the local plan-making system since the 2004 Planning and Compulsory Purchas Act.
- 1.2. The reforms have significant implications for the council, particularly with the mandatory deadline for local plan production (see Section 3 below). There will be greater testing of the emerging plan by the Planning Inspectorate throughout the process. Authorities will be sanctioned where they do not meet deadlines. There will be a requirement for increased digital preparation and engagement (Section 4). The government will exercise greater control of local plan preparation and content through the introduction of standard templates. Other reforms will introduce new monitoring requirements (Section 7), and scrap supplementary planning documents (SPDs) and introduce new supplementary plans (Section 8). The government wants local authorities with newly adopted plans to pilot the new local plan system as ‘front runner’ authorities (Section 9). There are also proposals to create new Community Land Auctions as pilot schemes for securing infrastructure funding (Section 10).
- 1.3. This report summarises the reforms and sets out draft comments (in **Appendix 1**) as the council’s response.
- 1.4. Section 15F(1) of the Levelling-up and Regeneration Bill will introduce a requirement for local authorities to produce an authority-wide design code for their areas; this is outlined in a separate report to Cabinet.
- 1.5. Previous consultations on the government’s planning reforms were taken to Cabinet on 21 October 2020 (ref: C/20/40) and 22 February 2023 (ref: C/22/85). The 2023 consultation included proposals for making the government’s housing targets ‘an advisory starting point’ when preparing new local plans. It was also proposed that authorities with an up-to-date local plan should not need to demonstrate a five-year housing supply. At the time of writing this report the government has still not published its response to the 2023 consultation and the proposals have not been implemented.

2. LOCAL PLAN STATUS AND CONTENT

- 2.1. Local plans will have increased status under the new planning system: the Levelling-up and Regeneration Bill will require decisions to be made in accordance with the development plan unless material considerations strongly indicate otherwise.
- 2.2. The current consultation highlights that local plans are often lengthy, text based and only available in PDF or printed formats. The government’s ambition is for local plans to be shorter, visual, digital and interactive.

- 2.3. The consultation puts forward core principles to govern the content of local plans. Local plans should: set out a locally distinct vision; have sustainable development as a 'golden thread'; contain ambitious, locally distinctive policies; foster beautiful places, linking to design codes; and set out a detailed approach to monitoring and review.
- 2.4. The consultation states that local plan visions are often generic, high-level and do not sufficiently capture the uniqueness of the area they are planning for. Regulations will require local authorities to include a vision within their local plan, shaped by consultation with the community and other stakeholders. The government will develop a digital template to shape what the vision should contain.
- 2.5. The government will create a set of National Development Management Policies that will have increased status for local plan-making and deciding planning applications. Local plan policies should not repeat national policies but focus on local matters.
- 2.6. The consultation criticises the variation in approach of local plans in terms of their structure, terminology, mapping systems, legends and symbols. The Bill will introduce a requirement for local plans to meet national data standards. The government will prepare digital templates that will set out a standard approach.

Commentary

- 2.7. Most of the core principles set out in the consultation are covered in the council's Core Strategy Review and would be part of any new plan, however, the focus on design and links to design codes is new.
- 2.8. The relationship between national and local development management policies is unclear (whether, for example, local planning authorities will have scope to require higher environmental standards in new developments than would be allowed for under national policy). The focus on digital solutions runs throughout the consultation and is outlined in section four below. There is also a focus on digital templates, with the government exercising greater control over local plan content.

3. PLAN TIMEFRAME

- 3.1 The consultation states that it takes an average of seven years to produce a local plan and only about a third of local planning authorities have an up-to-date local plan (adopted in the last five years). Slow progress creates uncertainty for local communities and holds back development. The consultation proposes a maximum of 30 months for the preparation of a local plan (see **Appendix 2**).

Local plan timetable

- 3.2 Regulations will require authorities to maintain a local plan timetable in a standard digital format, which must be revised at least once every six months or earlier upon reaching a key milestone. Authorities will be required to put in place governance and delegation arrangements to enable prompt sign-off.

Scoping and early participation

- 3.3 There will be a four-month preparation period before formal commencement. Local authorities must prepare a Project Initiation Document (PID) to a digital template provided by government. The PID must set out the local authority's resources, define the scope of the plan, governance arrangements, risks to delivery and the approach to community and stakeholder engagement.

Local plan preparation

- 3.4 Following formal commencement, local authorities will prepare their local plan; this stage will last no more than 23 months.
- 3.5 There will be three 'gateway assessments' which will be conducted by planning Inspectors. The assessments will last four weeks (up to six weeks in exceptional cases). The planning authority will be required to prepare a report in the form of a digital template for the Inspectors. The first two assessments will be advisory, although the authority will be required to 'have regard' to the Inspectors' advice. The Inspectors will issue their findings in a report, which the authority must publish. At the third assessment the Inspectors will decide whether the local plan can proceed to public examination.
- 3.6 There will be two public consultations during plan preparation: the first will be an eight-week consultation on the local plan vision and spatial options; the second will be a six-week consultation on the draft local plan. The second consultation is also intended to allow time for outstanding issues to be resolved with statutory consultees and stakeholders.

Examination-in-public

- 3.7 The consultation states that the examination of a local plan by an independent Inspector is crucial for effective scrutiny and to give communities a right to be heard, and this will remain part of the new system.
- 3.8 The examination should take no longer than six months. Local plans will be examined by panels of two or more Inspectors by default. Inspectors' Matters, Issues and Questions (MIQs) will be directed at the local authority only and third parties will no longer be able to use this stage to expand on comment made during the consultation period.
- 3.9 If proposed modifications to the plan are needed, this should add no more than three months to the process. The government is working with the Planning Inspectorate (PINS) to ensure that these timeframes are adhered to.
- 3.10 If the Inspectors find that the plan can be made 'sound' with modifications, consultation on the proposed modifications will take place. This stage of consultation will be reduced from six-weeks to three weeks; this will only be longer where "*particularly significant or contentious changes*" are proposed.
- 3.11 The Inspectors will be able to pause the examination for a maximum of six months if a significant issue is identified that could only be resolved through

additional work. If the issue cannot be resolved, the Inspectors will be required to write to the authority instructed them to withdraw the plan.

Commentary

- 3.12 The 30-month local plan timetable will be a significant challenge and there is a high risk of failure.
- 3.13 It took the council 49 months to complete the Core Strategy Review, from the first public consultation to adoption; the council will therefore have to reduce the time it takes to produce the new local plan by more than a year-and-a-half to meet the deadline (a comparison of timelines is set out in **Appendix 3**). The 2020 Planning White Paper stated that local authorities will be subject to government intervention where they do not meet the new timetable.
- 3.14 Under the current system there are two mandatory consultation stages before the authority submits its local plan to the Secretary of State; the new system will also have two consultation stages, although the first 'visioning' consultation will be for eight weeks rather than six. For the Core Strategy Review, however, three consultations were required before submission, as the housing target changed three times during the process. This will also be a problem under the new system unless the housing requirement is fixed at the start.
- 3.15 Gateway assessments have the potential to improve the process. Currently local authorities only find out whether the local plan is 'sound' at the end of the process. However, there is no indication that the same Inspectors will assess the plan at each gateway assessment and at examination, and the risk is that different Inspectors highlight different issues at each stage.
- 3.16 The proposal that local plan examinations should last no longer than six months is welcomed. The examination of the Core Strategy Review lasted just under 24 months, from submission of the plan to the Secretary of State in March 2020 to receipt of the Inspectors' report in February 2022. There was a delay of several months due to the Covid pandemic when public hearings had to be rescheduled. Natural England raised the issue of nutrient neutrality after the plan was submitted for examination, which required officers to undertake additional work. The longest delay, of around eight months, was caused by Highways England, which required significant additional work to be undertaken. The maximum pause of six months could result in local plans failing where issues cannot be resolved within this period. That said, some authorities become caught in intractable disagreements with Inspectors lasting years, so some cut-off point may be useful.
- 3.17 The Core Strategy Review was examined by a panel of two Inspectors and so the proposal for this to become the default position is unlikely to speed up the process. The proposal that modifications to the plan should be consulted on for three weeks rather than six is welcomed; these consultations take place at the end of the process and usually generate few comments, other than objectors repeating earlier objections.

- 3.18 The gateway assessments will be mandatory stages that local authorities will be required to fund, which will be an additional cost. However, if they reduce the time spent at examination, then it is possible that this element of the reforms could be cost-neutral.

4. DIGITAL PLANS

- 4.1. The consultation focuses on digital transformation, building on proposals in the 2020 Planning White Paper and 2022 Levelling Up White Paper. This is intended to provide faster, more accessible local plans and policies, shaped more actively by communities, and informed by up-to-date data. The government sees digital technology as providing a 'kit of parts' that local authorities and other stakeholders can use to prepare local plans, engage with communities and interrogate data.
- 4.2. Clauses 79 to 81 of the Bill allow the government to set standards for the provision, processing and public accessibility of data for local plan preparation.

Commentary

- 4.3. The council has an online consultation platform (Objective/Keystone), but this is text-based and falls short of the interactive digital system required by government. Officers have been reviewing available products and discussing the issue with other Kent councils. The most promising systems on the market can do much of what the government requires, and new modules are being developed and added. However, this is a fast-developing area, and the council will need to keep up to date with changing requirements. This is particularly important as compliance with digital standards will be tested by the Inspectors, and the local plan will fail if these tests are not met.

5. EVIDENCE

- 5.1. The consultation states that supporting evidence takes a significant amount of time and resources to produce and can feel disproportionate. However, the consultation adds that *“a strong evidence base will still be expected to inform and support plans.”*
- 5.2. The government will review the National Planning Policy Framework (NPPF) to set clearer expectations on what evidence is required. The government will require authorities to complete a template 'statement of compliance with legislation and national policy' and will standardise evidence requirements through digital processes and tools.
- 5.3. The government is exploring whether the evidence can be 'frozen' at certain points in the process, however, the consultation states that *“Inspectors at examination would still be able to request up-to-date evidence if needed to properly assess soundness.”* Gateway assessments will be used to review the evidence, although the consultation states that *“gateway assessments cannot act as quasi-inquiries and so will not 'examine' or sign off evidence”.*

Commentary

- 5.4. The key factor will be how Inspectors interpret the revised evidence requirements. The NPPF already states that evidence should be *“adequate and proportionate, focused tightly on supporting and justifying the policies concerned.”* For the Core Strategy Review examination the Inspectors took a cautious approach and instructed the council to produce additional evidence on several topics.
- 5.5. The proposal to ‘freeze’ the evidence will be beneficial if it is done at the first gateway assessment. The key area will be housing need. The housing need figure changed three times during the preparation of the Core Strategy Review which meant that officers had to revise the plan and reconsult each time.
- 5.6. The ‘statement of compliance’ is unlikely to make a significant difference. An optional compliance checklist is currently available from the Planning Advisory Service that authorities can use; the council used this for both the Places & Policies Local Plan and Core Strategy Review examinations.

6. COMMUNITY ENGAGEMENT AND CONSULTATION

- 6.1. The consultation states that local plan consultations can feel too technical and difficult to engage with. People *“who may benefit most from new development are often the quietest in the planning process.”*
- 6.2. The government has grouped its proposals around four themes:
 - *The role of digital* – Digital engagement tools can improve understanding of community views. The consultation refers to a digital pilot scheme undertaken by Epsom & Ewell Borough Council in which 55 per cent of people who responded said that they had not taken part in a planning consultation before.
 - *Planning and monitoring the engagement approach* – The consultation states that many authorities’ Statements of Community Involvement (SCIs) are out of date and go no further than reiterating basic legal requirements. The Bill will remove the requirement to produce an SCI. Instead, local authorities must outline what digital engagement tools they will be using in the PID and demonstrate how they will connect with groups that have shown low levels of engagement.
 - *Focus on early participation* – Regulations will require authorities to notify stakeholders and invite early participation in matters that shape the plan at the scoping stage.
 - *Standardised approach to consultation* – Authorities must carry out two consultations before submission. Regulations will define the purpose of these consultations and will enable submissions to be made through a machine-readable digital template.
- 6.3. Section 103 of the Bill sets out a ‘Requirement to assist with certain plan making’. This will give authorities the power to require ‘prescribed public bodies’ to assist the development of the local plan. The government will set out a list of which organisations fall within this definition; this will *“include important infrastructure providers, even if they are private utility companies,*

as well as other bodies of a public nature.” A draft list of 31 bodies is given in the consultation. The aim is to avoid late provision of information or issues being raised late in the process.

Commentary

- 6.4. Local plan consultations tend to attract comments from residents who are directly affected by proposed development sites and object to the allocation of a site. Any proposals to reach a wider audience are welcomed, providing the reforms do not exclude those who do not have access to digital platforms.
- 6.5. While the council encourages people to submit comments through Objective/Keystone it cannot enforce this, and where comments have been submitted by other means officers will have to copy across or type in the comments themselves. Planning agents may submit supporting PDF evidence running to hundreds of pages. It is not clear whether local authorities will be able to refuse to accept representations which have not been made through the digital template.
- 6.6. The council produced a new Statement of Community Involvement (SCI) in December 2022 (Cabinet Ref: C/22/65). It may be more appropriate to set out the approach to community engagement on a project-by-project basis through a PID, rather than a generic SCI. However, the SCI also covers the council’s approach to public engagement on planning applications and planning enforcement; it is not clear if authorities will need to set out this information elsewhere when the requirement to produce an SCI is removed.
- 6.7. Engagement with statutory bodies is a particularly problematic issue. For the Core Strategy Review, officers had to deal with the issue of nutrient neutrality, which was raised by Natural England after the plan had been submitted for examination. The most significant impact on the timetable was in securing agreement with Highways England (now National Highways). The consultation does not state what the next steps would be if a local authority serves notice on an organisation under the ‘Requirement to assist’, and what, if any, sanctions would follow if the organisation does not respond. National Highways has been omitted from the list of ‘prescribed public bodies’ in the consultation document, although Natural England is included.

7. MONITORING OF PLANS

- 7.1. The consultation states that local authorities adopt varying approaches to monitoring local plans. The Bill will require planning authorities to provide information on the implementation of local plan policies and environmental effects. Regulations will set out a standard set of metrics that local authorities must report on.
- 7.2. The new monitoring system will have two elements:
 - *A ‘light touch’ annual return* – This will include progress against the local plan timetable and nationally prescribed metrics.
 - *A detailed return to inform local plan reviews* – Four years after adopting their local plan, at the latest, local authorities must publish a

fuller analysis of how the local plan is being implemented and the extent to which it is meeting the vision.

- 7.3. Local authorities will be required to use a digital template. The annual return must be published on the local authority's website. The detailed return must be submitted to the Secretary of State and published on the local authority's website.

Commentary

- 7.4. Local authorities currently submit annual returns to government on the construction of new homes through the DELTA portal. The consultation provides a list of proposed metrics which includes a far wider range of indicators than authorities currently submit (including employment, biodiversity, open space, carbon emissions and other environmental metrics).
- 7.5. Local authorities publish Authority Monitoring Reports (AMRs) every year which set out information on housing, self-built plots, the five-year housing land supply, employment, retail, environmental, neighbourhood planning and other indicators. There is a requirement to report annually on Community Infrastructure Levy receipts and spending. The council also provides annual development data to Kent County Council (KCC) to assist the county council in its service planning, such as for school places.
- 7.6. In producing the AMR, the council has some flexibility regarding the indicators it reports on. The national metrics will introduce new requirements that may be difficult to evidence. The council records information in a way that makes it simpler for KCC to extract the data it needs; if a national template is introduced, it may mean that the district council has to maintain records in multiple formats.
- 7.7. Deadlines for publication will be crucial. Annual monitoring is a significant task for the Strategy team: officers begin after 31 March each year, collating information from planning permissions, council tax and building control records and visiting hundreds of development sites across the district. The council will not be able to meet publication deadlines if they are set too early in the monitoring year.

8. SUPPLEMENTARY PLANS

- 8.1. The reforms will remove scope for local authorities to prepare Supplementary Planning Documents (SPDs) and Area Action Plans (AAPs).
- 8.2. Local authorities will be able to produce new supplementary plans where an unexpected regeneration opportunity arises, or to introduce site-specific policies in relation to design, infrastructure or affordable housing. Supplementary plans will allow authorities to discharge the new duty to produce an authority-wide design code (see separate Cabinet report).
- 8.3. Supplementary plans will have the same weight as the local plan and will be subject to consultation and an independent examination. The Bill places limits on the scope of supplementary plans so that they do not subvert the

role of the local plan. Their focus must relate to a specific site, or two or more sites close to each other, although design-related supplementary plans can be area-wide.

- 8.4. Regulations will set out a minimum requirement of one formal consultation stage. Depending on the scope and significance of the supplementary plan, an authority may submit its plan to the Secretary of State or engage an independent examiner (as used for Neighbourhood Plan examinations). Examinations will be held through written representations rather than public hearings, although a public hearing may be triggered if the Inspector or examiner considers it necessary to ensure proper scrutiny.
- 8.5. Existing SPDs and AAPs will remain in force until the planning authority adopts a new local plan, after which they will cease to have effect.

Commentary

- 8.6. These proposals will remove the ability of the council to prepare SPDs on specific design topics, such as house extensions or parking provision, but these areas can be covered by design codes.
- 8.7. The council has adopted the Sandgate Design Guide, produced by Sandgate Parish Council, as an SPD, as well as guidance produced by the Kent Downs Area of Outstanding Natural Beauty (AONB) Unit. It is not clear what status the Kent Downs Management Plan will have under the new system; the plan is adopted by local authorities across the Kent Downs as a material consideration in the planning process. There are similar questions around Conservation Area Appraisals and Management Plans.
- 8.8. The council does not have any AAPs in place, although the Core Strategy Review allows for AAPs to be prepared for the redevelopment of the Dungeness nuclear power station and Lydd airport sites; if necessary, proposals for these sites could come forward through new supplementary plans.

9. IMPLEMENTATION OF THE REFORMS

- 9.1. The Levelling-up and Regeneration Bill is expected to receive Royal Assent before the King's Speech on 7 November 2023. The consultation sets out how the reforms in the Bill will be implemented, including transition arrangements for local plans being prepared under the 2004 Act. The consultation states that arrangements for Neighbourhood Plans will be set out in due course.
- 9.2. Regulations, policy and guidance will be put in place in 2024 to enable the preparation of the first new local plans. Concerns were raised in the 2022 consultation about a large number of authorities preparing local plans at the same time and a lack of professional capacity in the system to support this. The government is therefore considering a phased approach to local plan preparation, with a cohort of 'front runner' authorities to prepare the first plans.

- 9.3. The consultation recognises that *“many local planning authorities are facing significant capacity and capability challenges, including challenges in recruiting and retaining planning professionals and other technical experts with the right skills and experience.”* The consultation refers to a forthcoming graduate programme and bursary scheme, and to the Planning Skills Delivery Fund. A national survey of local authority skills and resources has also been launched.

Commentary

- 9.4. Officers will need to monitor proposals for Neighbourhood Plans; the council is assisting Lyminge Parish Council in producing a neighbourhood plan for the parish, and it is possible that this could be impacted by the reforms.
- 9.5. The requirement for new local plans produced to such an ambitious timescale has significant implications for the council. Many of the reforms (particularly the digital planning and design code elements) are new burdens on local authorities and could be supported by new burdens funding, although this is not referred to in the consultation.
- 9.6. The consultation states that the ‘front runner’ authorities will be provided with *“expert plan-making support”* and *“an enhanced support package”*. The consultation states that *“We will confirm details of who can apply and how in due course, but it is likely that priority will be given to authorities with the most up to date plans. We intend to take this approach to help incentivise those with a recent record of plan-making to come forward and drive successful plan delivery in the first cohort.”* While two-thirds of authorities do not have an up-to-date local plan, this council has adopted three district-wide development plan documents since 2020 (the Places and Policies Local Plan, Core Strategy Review and Community Infrastructure Levy Charging Schedule) and so should be well-placed to be a front runner authority. It is therefore proposed that the council indicates its initial interest in becoming a front runner authority through the current consultation (Appendix 1, Question 41).

10. COMMUNITY LAND AUCTIONS

- 10.1 Part 5 of the Bill provides for authorities to pilot Community Land Auctions (CLAs). The pilots will expire ten years after the first regulations are made.
- 10.2 This proposal is intended to capture the uplift in land value that arises when sites are allocated in a local plan and granted planning permission. Local authorities will collect options on development sites allocated in the local plan and sell the options or exercise the options themselves, to generate funding for infrastructure.
- 10.3 The government expects that a small number of local planning authorities will put themselves forward to participate in the CLA pilot. Detailed arrangements will be set out in CLA regulations.
- 10.4 Within the areas of pilot authorities, landowners will ‘bid’ to have their land selected for allocation in the local plan by stating the price at which they will

sell their land for development. Once an option agreement is in place with the authority, the offer from the landowner will become legally binding.

- 10.5 The pilot authorities will then decide which sites to allocate in their plans. In addition to other considerations that apply in assessing sites, the authorities *“will also be able to consider the financial benefits that are likely to accrue from each site.”*
- 10.6 The pilot authorities will follow the same process for local plan preparation as is set out elsewhere in this report. However, at the examination the Inspectors will *“also be permitted to take into account any financial benefits that the piloting authority has, will or could derive from a CLA option when deciding whether or not the plan is sound.”*
- 10.7 If the local plan is found ‘sound’, the pilot authority can then sell the option, exercise the option or develop the site itself.
- 10.8 Section 148(4) of the Bill provides a non-exhaustive definition of ‘infrastructure’ that CLA receipts can be spent on. This includes transport, flood defences, education, health, sports and recreation, open space, affordable housing, emergency services and natural spaces. The consultation predicts that: *“Community Land Auction arrangements will become a significant source of land value capture in areas where they are piloted.”*

Commentary

- 10.9 This proposal is designed to fix infrastructure contributions at the start of the process, rather than at the point when a site is developed. The consultation argues that this will avoid situations where developers overbid for sites and then try to reduce infrastructure contributions, such as affordable housing, after securing planning permission.
- 10.10 There is doubt, however, about how the system will work in practice. The consultation envisages that *“The competitive nature of CLAs will encourage landowners to reveal the true price at which they would willingly part with their land: if they choose to offer a higher price, they risk another site being allocated for development, in which case they will secure no value uplift at all through the CLA arrangement.”* For the Places & Policies Local Plan the council assessed more than 500 submitted sites. However, the great majority of these were not suitable for development and around 50 sites were allocated in the plan. In Folkestone & Hythe district, with landscape, flood risk and other constraints, there are relatively few sites that could be allocated; it seems unlikely that there will be a ‘bidding war’ that will drive down land prices and increase the uplift for infrastructure contributions. The scheme may make landowners in CLA pilot areas more inclined to submit a planning application bypassing the local plan, particularly where the housing land supply is marginal, if securing a local plan allocation would mean that they have to ‘bid’ against competitor sites. In addition, the time-limited nature of the CLA pilot may mean that some landowners simply hold out for the next local plan review, when the pilot will be nearing expiry, to secure more favourable returns on their land.

- 10.11 CLA proposals also risk increasing public distrust in the system. The 2020 Planning White Paper quoted a 2019 YouGov poll which found widespread public distrust in the process of securing developer contributions, and the planning reforms were intended in part to restore trust in the system. The proposal to take financial contributions into account when deciding whether to allocate a site in a local plan and for this to be a consideration for Inspectors seems likely to increase distrust.
- 10.12 Given the above, it is considered that the best approach would be to monitor the implementation of the CLA pilots and wait to see if the pilots are successful and the scheme is rolled out further.

11. RISK MANAGEMENT ISSUES

- 11.1 A summary of the perceived risks follows:

Perceived risk	Seriousness	Likelihood	Preventative action
That government does not take account of the council's comments	Medium	Medium	That the council uses what means it has, including working collectively with other authorities, to influence government policy.
That the council cannot meet the requirements introduced by the Levelling-up and Regeneration Bill when it becomes law, and any resulting Regulations.	High	High	That the council uses what means it has, including working collectively with other authorities, to influence government policy. That the council works on its own and collectively with other authorities to try to secure additional resources through government funding streams. That the council applies for 'front runner' authority status to try to secure additional support.

12. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

7.1 Legal Officer's Comments (NM)

There are no legal implications arising directly from this report. However, the Council will need to comply with the Levelling Up and Regeneration Bill once

this becomes law and the implications for non-compliance are set out in the report.

7.2 Finance Officer's Comments (RH)

The current annual base budget for Local Plan expenses and professional advice and fees is £107,880. Work on the plan is expected over 3 financial years (24/25, 25/26, 26/27). Based on the estimated costs there will be a significant shortfall (approx. £400k) in the dedicated Planning Policy revenue budget. It is feasible that various grants and New Burdens funds will be available over the course of the financial years, however at this time, there is no indication of amounts. Potential costs have been highlighted in the current MTFs discussions.

7.3 Diversities and Equalities Implications (GE)

There are no equality and diversity implications directly arising from this report, however public consultations on future local plans should be made available in both digital and non-digital formats to enable all local residents to have their say to ensure that no one with a protected characteristic is discriminated against.

7.4 Climate Change Implications (AT)

There are no climate change implications in responding to the consultation. The Levelling-up and Regeneration Bill will establish a requirement for local plans to contribute to the mitigation of, and adaptation to, climate change among other requirements.

13. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting:

Adrian Tofts, Strategy, Policy & Performance Lead Specialist
Telephone: 01303 853438
Email: adrian.tofts@folkestone-hythe.gov.uk

Appendices:

Appendix 1: Implementation of Plan-making Reforms – Consultation Questions and Proposed District Council Responses

Appendix 2: Extract from Consultation Document – New 30-month Local Plan Timeframe

Appendix 3: Comparison of Timelines for Core Strategy Review and New Local Plan Preparation

APPENDIX 1: IMPLEMENTATION OF PLAN-MAKING REFORMS – CONSULTATION QUESTIONS AND PROPOSED DISTRICT COUNCIL RESPONSES

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

Proposed Folkestone & Hythe District Council response

The core principles must include a strategy for reaching net zero greenhouse gas emissions. While sustainable development is referred to as a ‘golden thread’ running through the local plan, the need to reduce greenhouse gas emissions is not directly referenced, other than in general terms of contributing to the mitigation of, and adaptation to, climate change. The National Planning Policy Framework currently states that the planning system should “shape places in ways that contribute to radical reductions in greenhouse gas emissions”.

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?

Proposed Folkestone & Hythe District Council response

There seems to be a contradiction with this proposal: the consultation criticises the generic nature of local plan visions and states that they “do not sufficiently capture the uniqueness of the places they describe or the views of the communities that they serve”, but the proposed solution is to introduce a national template to prepare the vision which will have to meet national core principles. There must be sufficient flexibility in the template so that local communities and other stakeholders can identify the core principles that are most important to them.

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

Proposed Folkestone & Hythe District Council response

The two principles listed, that local development management policies should be justified and help to deliver the local plan vision, are supported.

Local authorities should have scope to press for standards in their local policies that go beyond what might be required by national development management policies. The consultation ‘Reforms to national planning policy’ of December 2022 stated, “we are minded to retain the scope for optional technical standards to be set locally through plans, where these remain appropriate, so that local planning authorities can go above certain minima set through building standards.” Local authorities have been at the forefront of securing higher standards of new developments through their local plans, for example in sustainability and water usage, and this scope should be carried forward into the new system.

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?

Proposed Folkestone & Hythe District Council response

There may be some value in producing local plans to a standard template, provided there is sufficient flexibility to adapt the local plan to local circumstances.

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

Proposed Folkestone & Hythe District Council response

No comments.

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?

Proposed Folkestone & Hythe District Council response

This will be a highly challenging timeframe and is an additional burden on local authorities, which needs to be supported with additional funding. Funding streams mentioned in the consultation focus on attracting people into the planning profession or are competitive bids for time-limited funds, neither of which will provide local authorities with the core resources they need to deliver new local plans to time.

The timeframe will only be achievable if national bodies and other key organisations participate fully and constructively in the process in a spirit of problem-solving.

Another essential requirement will be to 'fix' the evidence at the first gateway assessment, particularly housing targets, so that authorities are not forced to update the evidence base every time there is a new publication of data by ONS or a change in national policy.

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?

Proposed Folkestone & Hythe District Council response

Yes, this could be a useful tool in the plan-making process.

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

Proposed Folkestone & Hythe District Council response

There could be value in the standardisation of data, particularly for issues which have cross-border impacts, such as transport modelling, housing markets and employment markets and town centre impacts, so that neighbouring authorities are working with common data and approaches.

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?

Proposed Folkestone & Hythe District Council response

Regulations need to specify clearly what will qualify as a 'duly made' representation under the new Act. While the aim to encourage a wider range of people, particularly young people, to engage with the plan is strongly supported, local authorities will need to be clear what can be accepted as a comment. Digital platforms allow people to comment on virtual 3D models, fly-through animations or maps of an area highlighting particular issues; other comments may be made on social media platforms. However, the consultation states that regulations will "enable the submissions of representations in a form which maintains and strengthens accessibility for communities, but makes it easier for planning authorities to process" which implies that comments can only be made through a digital template. The system must avoid the need for planning teams to have to copy across comments from one format to another.

Evidence is dealt with from the point of view of the authority preparing the local plan, but third parties will also prepare evidence that the authority will have to assess and the Inspectors will have to consider at examination. This may take the form of reports from landowners supporting the allocation of a site or from local residents who have undertaken their own surveys or rely on published evidence to support their position. It is not clear whether third parties will have to provide evidence to a specified format or on a digital template and what will happen to supporting evidence submitted in other formats.

Local authorities will face significant additional costs in setting up the digital toolkits set out in the consultation - this will need to be supported by increased funding from government. Funding streams mentioned in the consultation focus on attracting people into the planning profession or are competitive bids for time-limited funds, neither of which will provide local authorities with the core resources they need to deliver the government's digital vision.

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?

Proposed Folkestone & Hythe District Council response

Digital innovation needs to consider the needs of people with limiting health conditions or those whose main language is not English. There is potential for digitisation to increase accessibility for marginalised groups if these needs are considered from the beginning.

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?

Proposed Folkestone & Hythe District Council response

Currently local planning authorities summarise comments and group them under key issues or policy areas for Inspectors on submission of the plan to the Secretary of State. This can take considerable time where many hundreds or thousands of comments may have been made about a policy or site allocation. There may be ways to shorten this process through digital means.

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?

Proposed Folkestone & Hythe District Council response

The frequency of reporting on the local plan timetable, at least every six months, is an additional requirement on local authorities. This additional burden must be properly resourced.

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?

Proposed Folkestone & Hythe District Council response

No, the requirement for six monthly updates is sufficient, and no more triggers should be specified.

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?

Proposed Folkestone & Hythe District Council response

The key test will be how planning Inspectors interpret revised policy and guidance. The National Planning Policy Framework already states that evidence should be “adequate and proportionate, focused tightly on supporting and justifying the policies concerned” but in the district council’s experience Inspectors tend to take a cautious approach and ask local authorities to produce additional evidence.

As set out in response to questions 9 and 17, the consultation only considers evidence produced by the local authority preparing the plan. Third parties will submit evidence in support of their objections or to support the inclusion of a site in the plan. This may include consultants’ reports running to hundreds of pages or supporting evidence prepared by residents and campaign groups. It is not clear whether third parties will have to provide evidence to a specified format or through a digital template, and whether authorities or Inspectors can disregard evidence if it is not submitted in the correct way.

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?

Proposed Folkestone & Hythe District Council response

There could be value in the standardisation of evidence, particularly for issues which have cross-border impacts, such as transport modelling, housing markets and employment markets and town centre impacts, so that neighbouring authorities are working with common evidence and approaches. Where local plan-making timetables permit, local authorities commission joint evidence whenever they can (for example, working on joint Strategic Housing Market Assessments where housing market areas cross administrative boundaries).

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?

Proposed Folkestone & Hythe District Council response

A key category of evidence will be housing need and housing targets. During the preparation of the district council's Core Strategy Review there were three changes in housing requirements, occasioned by the introduction of the national housing methodology for determining housing requirements, the changing of the national methodology a year later and the update to the figure a year after that. This necessitated three public consultations before submission. Local authorities will not be able to produce local plans within 30 months if housing targets change annually, as each change will require a new consultation and may necessitate an update in related evidence, such as employment, retail and transport evidence. All evidence should be fixed at the point of the first gateway assessment, so that local authorities can plan the rest of the process with confidence.

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?

Proposed Folkestone & Hythe District Council response

Yes, if this evidence can be clearly defined. Other participants will introduce their own evidence, or refer to evidence produced by other bodies, and it needs to be clear what status this other evidence will have.

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?

Proposed Folkestone & Hythe District Council response

The purposes seem suitable. Gateway assessments must be manageable for local authorities if the 30-month timeframe is to be met. Any lack of engagement or cooperation by key organisations could be noted at the gateway assessments, so that the examining Inspectors can take this into account at examination, particularly where a 'pause period' may be called for (see also response to question 23).

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

Proposed Folkestone & Hythe District Council response

The council supports the proposals for gateway assessments and believes that they have the potential to improve the process, highlighting any problems early on, avoiding the situation where local plans may be found unsound after many years' work due to a problem which arose much earlier in the process.

However, if each gateway assessment is undertaken by a different panel of Inspectors, and different Inspectors then examine the local plan, there is a danger of inconsistency and Inspectors highlighting issues later in the process that should have been raised in an earlier assessment. If there is not continuity of Inspectorate personnel throughout, new Inspectors should not be able to revisit an issue that was satisfactorily addressed at a previous gateway assessment or raise a new issue that should have been raised in an earlier assessment, so that local authorities have confidence that they can progress to the next stage of plan preparation.

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?

Proposed Folkestone & Hythe District Council response

The council supports the proposals for gateway assessments and believes that they have the potential to improve the process, highlighting any problems early on, avoiding the situation where local plans may be found unsound after many years' work due to a problem which arose much earlier in the process. However, there must be a consistent approach by Inspectors throughout the gateway assessments and examination, with continuity of Inspectorate personnel throughout. If Inspectors identify deficiencies, they must provide clear guidance and a timeline as to the work that needs to be completed.

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

Proposed Folkestone & Hythe District Council response

This will be an additional burden on local planning authorities and must be financially supported by government. The Planning Inspectorate's fees are a significant part of the cost of producing a local plan and this is likely to add further cost pressures to local authorities. It is not clear whether local authorities will have to commission the services of a Programme Officer for the gateway assessments; if so, this will add further to local authorities' costs.

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?

Proposed Folkestone & Hythe District Council response

The consultation does not mention the current Duty to Cooperate or its proposed replacement, the 'alignment policy'. The Duty to Cooperate is a key part of the current local plan process and is a reason why many local plans have been failed by Inspectors at examinations.

Local authorities seek to demonstrate their cooperation with national agencies, county councils, neighbouring authorities and others through Statements of Common Ground. It is not clear whether these will remain part of the new system and, if so, at what point in the process they will need to be produced.

The new system will require much faster examinations and a continuous cycle of reviewing and updating local plans. Regulations and guidance need to specify what evidence will be required to support unchanged policies that are carried forward into a new version of the local plan alongside new policies. With much more frequent local plan reviews this will be a common feature of the new system, and local authorities need to know how much evidence is required to support unchanged policies within a revised local plan. Guidance needs to consider issues such as environmental impacts, cumulative impacts with other plans and policies, affordable housing requirements and viability testing. It will be particularly important for large allocations which will be built out over several local plan reviews, where different phases of the development may be at different stages of allocation, planning permission, construction or completion.

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?

Proposed Folkestone & Hythe District Council response

There should be scope for the Inspectors to extend this pause period where circumstances justify it. The success of the system will depend to a large extent on the prompt participation of national agencies, statutory bodies and other key organisations, and at present it is not clear what powers local authorities will have to force them to participate in a positive and timely way (see response to Question 30).

At the very least, the serving of notice under the 'Requirement to assist' should be enough to trigger a pause in the plan preparation process, if an organisation does not respond fully and within a specified period.

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?

Proposed Folkestone & Hythe District Council response

There is merit in setting out an authority's approach to public engagement on a case-by-case basis in the Project Initiation Document (PID) rather than a generic Statement of Community Involvement (SCI), provided that the information requirements are proportionate. The engagement approach for a limited review of a local plan, where only a few policies are amended, would be different from the engagement approach for a completely new plan. The requirement for a PID would presumably apply to supplementary plans and local plans alike. However, SCIs cover public engagement across the range of an authority's planning functions, including planning applications and planning enforcement, and it is not clear what will happen to this information if the requirement to produce an SCI is removed.

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?

Proposed Folkestone & Hythe District Council response

This seems a necessary requirement to notify organisations that the local planning authority will need them to participate in a new local plan to a fixed timescale.

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

Proposed Folkestone & Hythe District Council response

If the PID is primarily focused on resourcing arrangements, project management, governance, risks to delivery, evidence requirements and other issues, these are matters for the local authority itself, and there is limited value in consulting on these elements with communities, statutory bodies and neighbouring authorities. It would be beneficial to separate out those elements that could benefit from targeted consultation, such as community and stakeholder engagement and issues relevant to plan preparation.

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?

Proposed Folkestone & Hythe District Council response

Yes, this would be beneficial. One of the aims of the planning reforms was to create a process whereby local plans are continuously reviewed on a regular five-year cycle; this means that in future there will be fewer completely new local plans being produced, as local authorities decide to review some policies in their plan while leaving others unaltered where they continue to be relevant. Regulations and guidance will need to accommodate mechanisms for partial local plan reviews as well as the production of new plans.

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

Proposed Folkestone & Hythe District Council response

Yes, the use of a standard template may help in the processing, compilation and summarising of representations. However, as noted in the response to question 9, local authorities will need to be clear what can be accepted as a comment. Digital platforms allow people to comment on virtual 3D models, fly-through animations or maps of an area highlighting particular issues; other comments may be made on social media platforms. The system must avoid the need for planning teams to have to copy across comments from one format to another.

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

Proposed Folkestone & Hythe District Council response

National Highways must be included on the list - constraints on the strategic road network will be major issues for local plans across the country. UK Power Networks and the Ministry of Defence should be included; the MoD may be a significant landowner in many authorities' administrative areas.

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.

Proposed Folkestone & Hythe District Council response

Yes, delays in responding to requests or a lack of co-operation are often significant factors in the length of local plan examinations and the failure of plans. While the 'Requirement to assist with certain plan-making' could be a useful tool in dealing with national, statutory and other key bodies it is not clear what, if anything, will follow when an authority serves notice on an organisation, and whether there are any sanctions that could be imposed on organisations which do not co-operate. The requirement needs to impel the organisation to respond with information or action by a specified date if local authorities are to deliver new local plans within the 30-month deadline.

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

Proposed Folkestone & Hythe District Council response

Local authorities already submit annual returns to government through the DELTA system; these returns focus on housing metrics. It is not clear if the proposed annual report is instead of the DELTA return or in addition to it. Local authorities in two-tier areas also undertake annual monitoring to help county councils plan their services. The amended monitoring regime needs to be the minimum necessary and avoid the need for local authorities to maintain data in multiple formats for returns to different organisations; local authorities have few resources for this and the requirement to produce local plans within a 30-month timeframe, as well as authority-wide design codes, will be significant additional burdens.

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?

Proposed Folkestone & Hythe District Council response

The proposed metrics add additional areas to the data that local authorities currently submit to government (which focus on housing development) and include employment, open space, biodiversity and carbon emissions data. These are additional burdens on local authorities to collect and report; local authorities have few resources for this and the requirement to produce local plans within a 30-month timeframe as well as authority-wide design codes, will be significant additional burdens on local authorities.

Local authorities will design local plan monitoring indicators for their AMRs around metrics they know are freely available and easily accessed or are feasible for officers to collect themselves. The imposition of a national set of metrics may

mean that local authorities have to commission others to undertake the data-gathering work or buy access to new datasets, leading to additional costs.

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?

Proposed Folkestone & Hythe District Council response

The concern that supplementary plans could subvert the role of the local plan if their scope of operation is drawn too widely seems exaggerated. For most local authorities, the requirement to produce local plans to a 30-month timetable, and to review these on a regular cycle, will be a significant additional demand on resources. It is unlikely that authorities will divert resources to producing supplementary plans if they know that they could be sanctioned for failing to get a new local plan finalised within the deadline.

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?

Proposed Folkestone & Hythe District Council response

It would not be helpful to prescribe preparation procedures in any detail. A general design-focused supplementary plan might require a different approach from a site-specific supplementary plan.

The consultation does not mention other types of document that local authorities adopt as material considerations in the planning process. The district council has adopted design guidance produced by the Kent Downs Area of Outstanding Natural Beauty (AONB) Unit as a material consideration in decision-making. Authorities across the AONB adopt the Kent Downs Management Plan, and this is regularly reviewed and updated. Conservation area appraisals and management plans may also be adopted as material considerations in the process. It is not clear if there will still be scope to adopt these types of documents under the new system; they could not be adopted as Supplementary Planning Documents, as the option to produce SPDs will be removed, and it would be disproportionate to take these documents through the process envisaged for supplementary plans.

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?

Proposed Folkestone & Hythe District Council response

There should be scope for a single formal consultation stage for design-related supplementary plans, but supplementary plans that are allocating sites for development or proposing new infrastructure schemes may require two consultation stages.

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.

Proposed Folkestone & Hythe District Council response

Specifying triggers for determining whether a supplementary plan would be examined by an independent examiner of the authority's choosing or a planning Inspector appointed by the Secretary of State would be helpful. Aggrieved parties may legally challenge a council's decision to adopt a supplementary plan if they believe that their site or issue has not been given adequate consideration in the process.

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?

Proposed Folkestone & Hythe District Council response

The general criteria for assessing supplementary plans seem appropriate.

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?

Proposed Folkestone & Hythe District Council response

No comments.

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

Proposed Folkestone & Hythe District Council response

It will be important to trial the CLA process in a limited number of areas and see how it works in practice. The concern is that many areas are highly constrained and local authorities do not have a large pool of suitable sites to select from to allocate in their local plans. Planning agents will know this and will advise their clients accordingly, so it may not lead to the competition among landowners that the consultation anticipates. The CLA process may encourage landowners to secure development through submitting a planning application without first pursuing a local plan allocation, if they think that they will be competing against bids by other landowners pursuing allocations; this could undermine the local plan process. The time-limited nature of the trial may lead landowners to delay bringing their sites forward if they think that they can secure more favourable returns on their land at the next local plan review, when the CLA pilots will be nearing expiry.

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?

Proposed Folkestone & Hythe District Council response

This proposal needs to be considered very carefully. The 2020 Planning White Paper 'Planning for the Future' highlighted that the process of negotiating complex agreements between authorities and developers to secure development contributions has diminished trust in the planning system, and the White Paper's planning reforms were intended in part to restore public confidence in the system. The CLA proposals could be seen by the public as a landowner 'buying' an allocation in the local plan, which is likely to increase people's distrust.

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

Proposed Folkestone & Hythe District Council response

Regarding the implementation of the reforms, the district council would like to express its interest in becoming a 'front runner' authority for the new system. Since 2020 the district council has adopted a local plan, the Places and Policies Local Plan, the Core Strategy Review (which includes an allocation for a new garden town), and a new Community Infrastructure Levy Charging Schedule. This highly successful record of delivery means that the council would be very well placed to deliver a local plan under the new system.

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

Proposed Folkestone & Hythe District Council response

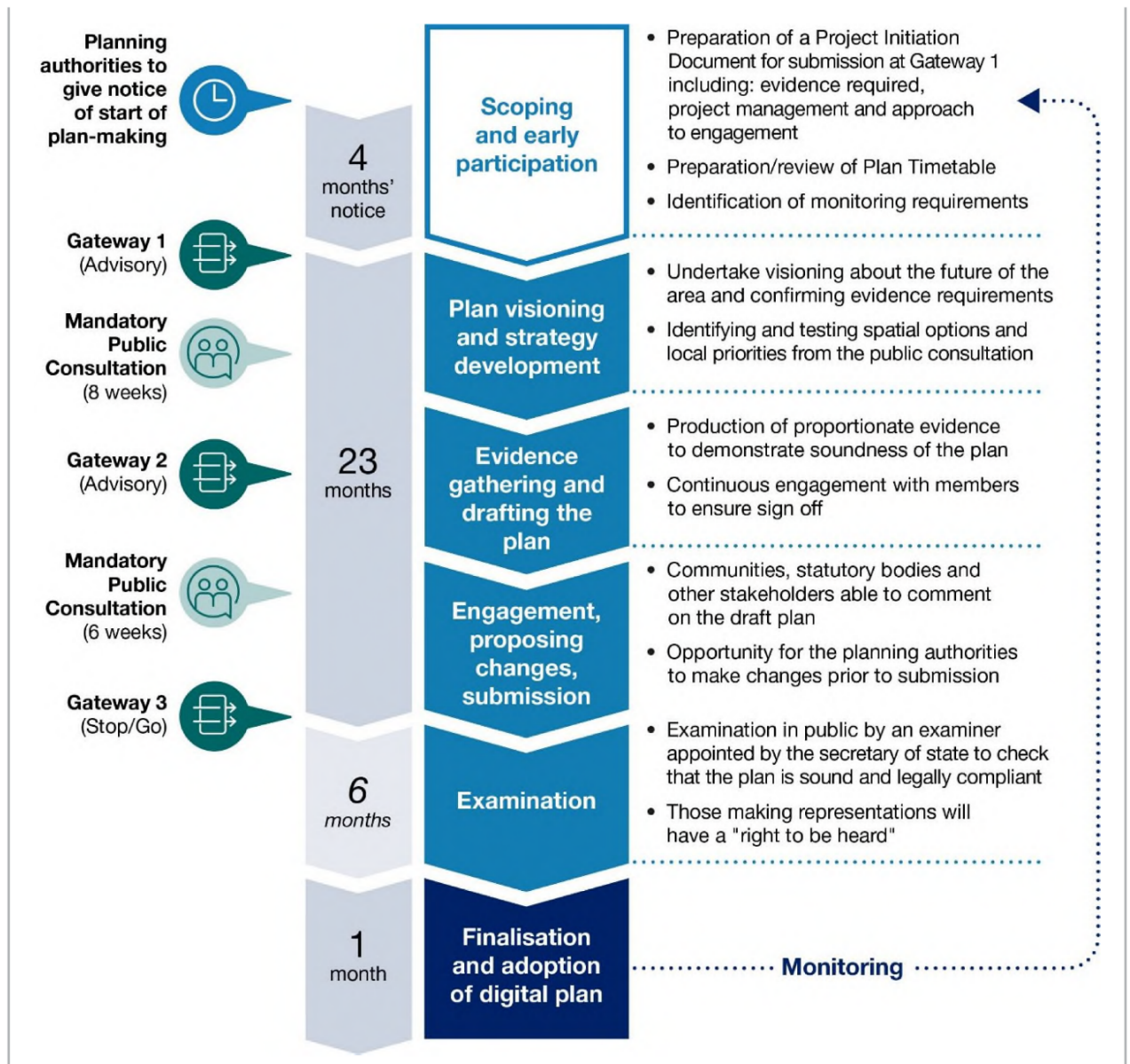
As set out in answer to question 34, there are other types of document used in the planning process that are not referenced in the consultation. There needs to be clear provision for these in the new system.

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?

Proposed Folkestone & Hythe District Council response

While the focus on digital planning may lead to increased participation in the local plan process, it is likely that there will continue to be a proportion of residents who do not have access to digital means of engagement due to cost, or who struggle with technology due to health conditions. There must be other routes for people to engage with the planning process alongside digital templates and other technological innovations.

APPENDIX 2: EXTRACT FROM CONSULTATION DOCUMENT – NEW 30-MONTH LOCAL PLAN TIMEFRAME



**APPENDIX 3: COMPARISON OF TIMELINES FOR CORE STRATEGY
REVIEW AND NEW LOCAL PLAN PREPARATION**

APPENDIX 3: COMPARISON OF TIMELINES FOR CORE STRATEGY REVIEW AND NEW LOCAL PLAN PREPARATION

