

Councils are alarmed at proposals to phase out supplementary planning documents

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One of the least well understood parts of the government's consultation on reforms to national planning policy, which closed this week, regards its potentially far-reaching implications for local authorities' suites of supplementary planning documents (SPDs). These SPDs, which can cover everything from shop front designs and conservation area appraisals to affordable housing strategies and major area-based development plans, are to be scrapped, the consultation makes clear, in favour of new "supplementary plans" (SPs), which are being brought in by the Levelling Up and Regeneration Bill (LURB).

However, in recent weeks local authorities have started to raise serious concerns about the time and resource implications of the shift from SPDs to SPs described in the transitional arrangements in the consultation.

Explanatory notes to the LURB state that SPs will "replace" SPDs without providing a clear justification as to why, beyond saying that SPDs "do not have the weight of the development plan" and therefore their "status can, in practice, be uncertain". Richard Blyth, head of policy practice and research at the Royal Town Planning Institute (RTPI), said there had been some industry concern that the creation of SPDs, which, while requiring consultation, required "no external verification" and could therefore possibly be "abused" by local authorities.

Mike Kiely, chairman of local authority body the Planning Officers Society said the proposed SPs were being brought in to address legal concerns about councils creating informal guidance that fell foul of [regulation 5 of The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#) – which requires that any document prepared by a council regarding land, development and site allocation should be regarded as a development plan document.

What is clear is that SPs will be given the same weight as local plans, and will require independent examination under a process set out in section 15DB of schedule 7 of the LURB, setting a much higher bar for their adoption. The transitional arrangements set out in the NPPF consultation are complex, but make clear that existing SPDs will only remain in force for the period until any individual local planning authority is required to adopt a new-style plan. In other words, they will last for 30 months - or five years - after they commence plan preparation under the new system.

This means the exact cut-off date will differ for each authority. For those that adopt a new plan under the existing system before the cut off deadline for submission in June 2025, and therefore don't need to start a new plan until much later, their SPDs could last as long as mid-2034. However, for those authorities with pre-2020 plans that don't

manage to submit a new plan between now and June 2025, the expiry date for all their SPDs will be December 2027.

And it is not just their existing SPDs that local authorities will have to worry about turning into SPs. The consultation also makes clear that the design codes that the LURB makes mandatory on each area are expected to be ultimately adopted either within the local plan or as SPs. This is despite the fact many authorities are currently drawing up design codes and guides – as per current government advice – as SPDs.

RTPI policy manager Daniel Slade said the move to SPs was a “major cause of concern” for the body, given the “significant” cost in both time and money of producing “completely new” supplementary plans.

It’s not hard to see why. Rebecca Coley, head of planning at Trafford Council, said her authority has a total of 65 SPDs, following previous decisions to adopt all its conservation area appraisals and management plans as SPDs. A recent experience of converting just one of these – the Civic Quarter Area Action Plan – to a full development plan document, gives a sense of the scale of the task facing the authority.

Coley said this took three and a half years to finish, including 14 months from submission to the Planning Inspectorate in November 2021 to adoption, during which Trafford had one officer working on the project full time. During examination, she said, this increased to six officers, while also requiring spending on viability consultants and a barrister.

“It’s a really significant task in terms of time and resource. In any authority that has lots of these SPDs, it’s going to be an impossible task to convert all these documents,” she said, estimating from her experience at other councils that an average of around 20 SPDs per local authority was broadly typical. Paul Barnard, chair of the planning working group at the Association of Directors of Environment, Planning and Transport, said that “a lot of resource needs to be put in place for this,” and described the transitional arrangements described in the consultation as a “mess”.

Coley added it was “very frustrating” that her authority, a designated design code “pathfinder”, was being told by one part of the levelling up and housing department to draw up its design code as an SPD, but would seemingly have to immediately transform it into an SP as soon as it was produced. The RTPI’s Blyth said this wasting of effort was “just not practical” at a time when resources were so short. “It’s such a cavalier use of resource,” he added.

POS’s Kiely said it would be “madness” of the government to enforce a full inspection process on SPs as it would cause the system to “grind to a halt”. However, he said he was optimistic that a “light touch” inspection process could be found, in which examiners only looked to resolve outstanding objections to supplementary plan proposals, rather than scrutinise the documents to the same level as local plans. “The

detail of how this will work will be held in the regulations and if it's a slimline process we might not have too many worries," he said.

In addition, Richard Crawley, programme manager at the Local Government Association's Planning Advisory Service, said that with local plans being quicker to produce under the new system, the kind of issues dealt with previously through SPDs might just be picked up in local plans in future. "I'd caution against anyone automatically assuming that every current SPD should become a supplementary plan. Partly because they should roll them in with the local plan, and partly perhaps because they will be replaced by [the government's proposed] [national development management policies](#)," he said.

However, Coley said that even a "light touch" process "won't solve the fundamental problem of thousands of supplementary plans having to go through the inspectorate at the same time".

However, it is not just the time and money involved in transforming SPDs into SPs that is concerning practitioners, but also the loss of the SPD as a useful vehicle for local guidance. Adept's Barnard, also service director for strategic planning and infrastructure at Plymouth Council, said SPDs were very helpful tools to "amplify and illustrate" council policies that, crucially, "could be provided and adopted, subject to consultation, quickly and flexibly to meet emerging needs".

He said: "The government is proposing to sweep this entire system away and replace it with something that, yes, has more legal status, but takes more time and resources to produce. SPDs emerged to aid decision makers and applicants dealing with emerging issues. The danger with the new system is it won't be flexible", adding that this was likely to result in less certainty for applicants.

The result, Blyth said, is likely to be the loss of many existing SPDs that councils will not have the capacity to convert, as well as potentially the greater use of informal "guidance" documents of uncertain legal status – because of their ease of production – that would appear to be the exact opposite of the outcome the reform is intended to produce. "I've heard authorities threaten to bring forward informal guidance documents in response to this. But I also think places will tear things up and not replace them," Blyth said. "It's just a waste of work."

Likewise, Barnard said: "Many authorities will say 'we haven't got the resource' and these policies will fall away."

Blyth added: "It seems like it's the bureaucratic tail wagging the dog here. To say that the local plans on which SPDs were based are no longer in existence so they have to be got rid of may be legally true but it's very pedantic. Are we in a position to do that? The situation of LPAs is so crisis-driven, the last thing we should do is create more work."