

Winchester City Council's suggested changes to the Regulations and guidance

Key issue:

The current legislative framework and regulations (S28 of Planning and Compulsory Purchase Act 2004) provide the legal mechanism for the preparation of a single statutory Local Plan across multiple local planning authority areas. However, this does not address the specific scenario of preparing a Joint Local Plan in advance of LGR unification and how the Joint Plan then is progressed to a Local Plan for the new unitary and on a different geography, with existing local planning authorities (including National Parks) to be in more than one new unitary.

Furthermore, while the 2004 Act provides powers for joint plan-making, these provisions are not clearly reflected within the Government's published [Create or update a local plan using the new system](#) guidance or the [Town and Country Planning \(Local Planning\) \(England\) Regulations 2026](#), published in March 2026. This creates a degree of uncertainty regarding the procedural and transitional arrangements that should apply in such circumstances as the two system have not been joined together.

As a result, local planning authorities pursuing plan-making alongside LGR face additional complexity and risk. Without clear guidance on how joint plans should progress through the new 30 month plan-making system and transition to the successor unitary authority, authorities in a similar position to us are left with significant uncertainty around the procedural compliance and examination requirements.

Issue	Suggested Approach / How This Could Be Addressed
Should authorities continue to prepare a Local Plan based on its existing administrative boundary, notwithstanding that a significant number of parishes are proposed to transfer to a different successor	The Regulations currently make no provision for Local Government Reorganisation (LGR) and associated boundary changes. Regulation 19(b) requires the Notice of Intention to Commence to identify "the geographical area to which the local plan is to relate" but does not allow LPAs to later amend

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authority and the current district will not be the Local Planning Authority (LPA) for that area at adoption?	the Notice to reflect confirmed LGR boundary changes. To address this, Regulation 19(b) could be amended to state: “the geographical area to which the local plan is to relate, including any boundary changes resulting from Local Government Reorganisation.” An amendment to this end would enable LPAs to continue plan-making without having to restart the process where administrative boundaries change before plan adoption. It would also provide greater legal certainty and reduce the risk of any future legal challenge. The updated guidance could allow any proposed changes to boundaries as a result of LGR, to be indicated on a map as a hatched area’. The guidance could allow LPAs to prepare evidence bases both with and without the boundary changes. This would ensure successor authorities to utilise the evidence relevant to areas they inherit through LGR. Guidance should also encourage evidence bases to be prepared in a way that allows information to be disaggregated and transferred between successor authorities, thereby maximising their continued usefulness following LGR.

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	This approach builds on the advice from KC which has indicated that by the time the new local plan is adopted, the Newlands parish will no longer fall within the administrative area of WCC as replaced by Mid Hampshire Council and none of the policies in that local plan will, therefore, apply to Newlands parish. In those circumstances, given that the statutory requirement is to “<i>set out the geographical area to which the local plan is to relate</i>”, it is in their view inescapable that the proper approach is that the council should set out the area excluding Newlands parish. This is simply because that is the geographical area to which the local plan will relate, and in respect of which all assessments etc will need to be undertaken.
Should an authority prepare a Joint Plan or two Joint Plans for its planning area, given that different parts of its area will become parts of two different unitary authorities following LGR? If only one set of future partner authorities express an interest in preparing a Joint Plan, should EHDC begin to prepare a separate (individual) Local Plan for the remaining part of its planning area that would not be covered by a Joint Plan?	Transitional guidance could make clear a preference for Joint Plan preparation in split geography areas, whilst transitional regulations could establish that individual LPAs may prepare both Joint Plans and individual Local Plans for parts of their planning areas where these would become parts of different successor authority areas. Guidance and Regulations would also need to explain how the deadlines for notices to commence and Gateway 1 self-assessments are to be amended and/or interpreted in these circumstances (NB: the Schedule to the 2026 Regs currently embeds the 31st December 2026 and 30 April 2027 deadlines when this may

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	be very difficult to meet where more than one plan would need to be prepared). See also below for more detailed ideas in relation to transitional arrangements for the issue: 'How should Joint Local Plans be progressed through the transition period and into successor authorities?'
Notice of Intention to Commence: How should material changes be handled after a notice has been published?	The Regulations and guidance are currently silent on the process for revoking, amending, or replacing a Notice of Intention to Commence where there is a material change in circumstances on the back of LGR. This is particularly relevant where an authority initially commences a standalone Local Plan but may subsequently wish to pursue a Joint Local Plan. Transitional arrangements should include a clear mechanism allowing LPAs to amend or withdraw a Notice of Intention without requiring the entire plan-making process to restart. This would provide certainty and flexibility during periods of structural change.
If Government does not expect current authorities Winchester to prepare a plan covering those parishes	Neither the Regulations nor accompanying guidance currently addresses planning responsibilities for areas affected by LGR

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which transfer to other successor unitary authorities , what arrangements should be put in place to ensure that area is appropriately planned for during the transition to successor authorities?	boundary changes during the transition period. A clear road map is required to enable LPA's to navigate the preparation of Local Plans when boundary changes are proposed through LGR. It must be clear who has responsibility prior to LGR and the responsibility following LGR. A new provision could be added under Regulation 18 requiring LPAs to work jointly with successor unitary authorities and guidance could indicate that LPAs work constructively and collaboratively with successor unitary authorities where boundary changes arise through LGR. Including this requirement within the Regulations, rather than only in guidance, would provide better direction for LPAs progressing Local Plans during reorganisation and ensure continuity of planning coverage for affected areas.
Can a successor authority be required to continue preparation of a Local Plan commenced by a predecessor authority? If so, what weight should be given to previous evidence and strategic decisions?	The Regulations are currently silent on the back of LGR on the requirements for successor authorities in relation to Local Plans underway at the point of LGR. 'Regulation 19 of the Local Government (Structural Changes) (Transitional Arrangements) (No2) Regulations 2008 expressly permits the single tier council to revise, replace or

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	adopt local plans for parts of its area, pending adoption of a plan for the whole area...This Regulation is still in force. The transitional regulations should incorporate this. Transitional arrangements should provide that where a Local Plan has reached an advanced stage, an assumption could be included in the guidance that if an LPA has reached the Regulation 27 stage, a successor authority should continue preparation of that Local Plan unless there are significant and demonstrable reasons not to do so. The Regulations (and detailed in guidance) should also confirm that evidence bases, consultation outcomes, and Development Strategy undertaken by predecessor authorities remain valid and should be afforded substantial weight, unless superseded by new evidence or changed circumstances. Linked to the above point, there needs to be greater clarity within the Regulations and accompanying guidance regarding the weight that should be afforded to Local Plans inherited by a new unitary authority following LGR. Once a successor authority has been established (post LGR), there is currently insufficient guidance on the status and weight of adopted Local Plans that were prepared by former local planning

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	authorities, particularly during the period before work has commenced on a new unitary-wide Local Plan. This is a significant issue, as existing local planning authorities will not be able to prepare and adopt a new-style Local Plan ahead of LGR. The Regulations and guidance should therefore make clear that adopted Local Plans continue to carry full development plan weight post LGR until they are formally replaced by a unitary Local Plan. It would be helpful if the guidance set out how decision-makers should apply the policies for these Local Plans during the transition and subsequent adoption of a new unitary Local Plan. This is an issue affecting all authorities experiencing boundary change as part of LGR. A response would provide greater clarity for all LPAs to continue with work now on their Local Plans in advance of LGR.
Will Government provide transitional flexibilities, exemptions, or modified Gateway requirements for authorities affected by LGR?	Clarification is required in the guidance on transitional flexibilities and modified requirements in relation to authorities affected by local government reorganisation. Such guidance would help ensure that plan preparation is not unnecessarily delayed and that public resources are used efficiently during the LGR transition period.

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	This should include consideration of flexibility to the 30-month plan-making timetable where authorities are simultaneously implementing Local Government Reorganisation.
Would Government support alternative plan-making approaches during the transition period, including Joint Local Plans, coordinated plan-making arrangements, or shared evidence bases capable of being adopted by successor authorities?	The Regulations currently contain no specific provisions addressing Joint Local Plans within the context of LGR. Existing guidance predates both the proposed 30-month plan-making process and current LGR proposals. Transitional arrangements should explicitly encourage authorities affected by LGR to work collaboratively through Joint Local Plans, coordinated plan-making arrangements, or shared evidence bases where appropriate. This would reduce duplication of effort and make the most efficient use of public resources.
How should Joint Local Plans be progressed through the transition period and into successor authorities?	The Regulations and guidance should include clear provision explaining how Joint Local Plans initiated prior to reorganisation can continue under successor authorities. This should include arrangements for governance, decision-

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	making responsibilities, evidence sharing, examination, and adoption. Clarification on S.15C of the PCPA 2004 - where each LPA must prepare a local plan and only one may have effect at any one time - which seems to be: to ensure full coverage by Local Plans is required.
How should a Notice of Intention to Commence be published for a Joint Local Plan?	Additional guidance is needed to clarify the procedure for publishing a Notice of Intention where a Joint Local Plan is being prepared. Specifically, the Regulations should clarify how the geographical area should be defined and mapped where multiple authority areas are involved and the situation where LGR-related boundary changes may have occurred.
Scoping consultation requirements for a Joint Local Plan	The Regulations and guidance should provide clarity on the scope, content, and procedural requirements for scoping consultations relating to Joint Local Plans. This should include requirements for subsequent consultations and engagement across all participating authorities.

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	Clarification in the guidance should also be provided on how a LPA should publicise a Joint Local Plan.
Gateway assessments	Clarification is needed in terms of Gateway 1 assessment in the case of a Joint Local Plan – one would assume that there is a single agreed 'self-assessment summary' but clarity is required in the guidance on this aspect. Gateway 2 and Gateway 3 – Regulation 26 and Regulation 31 both refer to a 'local authority' and it does not refer to local authorities which would be the case if you are preparing a Joint Local Plan?
Role of Spatial Development Strategies (SDSs)	The Regulations should clearly define the relationship between Spatial Development Strategies and Local Plans. Guidance should emphasise that Local Plan preparation should not be delayed pending the preparation, adoption, or review of an SDS dependent on the stage that the Local Plan has reached. This would provide certainty to authorities and support continued progress with plan-making.

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	Should address the relationship between an emerging SDS and Local Plans that have reached an advanced stage of preparation. Looking to avoid delay/aborted work with issues of housing numbers/distribution, and spatial strategy that may arise between the two plans.
Regulation 25 – Map of proposed local plan policies	Clarification should be provided in the Regulations about what should happen in terms of a Joint Local Plan and the map of proposed local plan. The guidance should clarify that in these situations, there should be a single online map rather than each LPA hosting a map on different platforms.
There is currently no guidance on preparing Supplementary Plans and very little evidence online of any being started (only one). Supplementary Plans require an examination process, and those starting work on them do not know how they are going to be assessed.	Publication of guidance on preparing Supplementary Plans, along with examples of Supplementary Plans already underway

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Is there going to be any guidance on constitutional changes – all authorities will be in the same position, and constitutions will not speak to the new system?	Publication of guidance on constitutional changes. It will allow a more streamline approach, especially as everyone needs to change them imminently for the national scheme of delegation.
How can Government ensure continuity of plan-making coverage and avoid 'plan deserts' during the transition to successor authorities?	Guidance should clearly set out how planning responsibilities transfer from existing authorities to successor authorities and provide assurance that all affected geographies will continue to be covered by active plan-making processes throughout the transition period. This would provide certainty for communities, developers and decision-makers and minimise the risk of areas being disadvantaged by administrative boundary changes.
How should Local Plan programmes align with the preparation of Spatial Development Strategies (SDSs)?	Government should provide greater certainty regarding SDS preparation timetables, including consideration of requiring Strategic Planning Authorities to publish indicative programmes for SDS preparation. This would assist

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	authorities in aligning Local Plan programmes and reduce the risk of abortive work arising from uncertainty regarding future strategic planning requirements.

Other comments:

The Project Initiation Document (PID) requires Local Planning Authorities (LPAs) to set out governance arrangements for plan preparation.

It would be helpful if the PID guidance was amended to include specific provisions for Joint Local Plans. This should set out the governance arrangements that participating authorities are expected to establish, including decision-making structures, delegated responsibilities, member oversight arrangements, dispute resolution mechanisms, and accountability for key milestones throughout the plan-making process.

In the context of Local Government Reorganisation (LGR), the guidance on the PID should also clarify how governance arrangements should be managed where successor authorities are expected to inherit responsibility for a Joint Local Plan. Providing this clarity at the outset would help ensure continuity in plan preparation, avoid delays during transition, and give confidence that the plan can continue to progress through examination and adoption.