



BPF RESPONSE TO 'LEVELLING UP AND REGENERATION BILL: REFORMS TO NATIONAL PLANNING POLICY' CONSULTATION

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British Property Federation

1. The British Property Federation (BPF) represents the real estate sector – an industry which contributed more than £116bn to the economy in 2020 and supported more than 2.4 million jobs. We promote the interests of those with a stake in the UK built environment, and our membership comprises a broad range of owners, managers and developers of real estate as well as those who support them. Their investments help drive the UK's economic success; provide essential infrastructure and create great places where people can live, work and relax.
2. We welcome the opportunity to respond to this consultation on planning reform through the Levelling Up and Regeneration Bill (LURB) and the associated changes to the National Planning Policy Framework (NPPF). Our submission has been informed by extensive consultation with our membership with four workshops arranged considering different aspects of the consultation document and through meetings of our regular BPF committee networks.
3. The rest of this submission responds to the consultation questions. However, we also list our general comments on the proposals below.

Key points

There is a fundamental tension between the government's stated ambitions on planning reform and the policy response through the consultation document.

Government list a number of laudable policy objectives for national planning reform in Chapter 2 of the consultation including delivering more development in the right places, restating the commitment to building 300,000 homes a year and enabling the planning system to better support Levelling Up. The stated principle of incentivising local authorities to have an up-to-date plan in place is also strongly supported.

However, the proposals (particularly in respect to the reforms to plan-making) actively work against these policy objectives and will result in less development activity. This is because local authorities are being provided with more tools to plan for less development locally and in many ways the suite of proposals can be viewed as a recipe for further delay to plan-making over the short to medium term. An immediate opportunity to remedy the current shortfalls in planning more effectively for employment uses which is a crucial aspect of the government's aspiration to Level Up has also been missed. However, it is welcome that this important reform area will be tackled through a separate Call for Evidence later this year as part of the wider Future of Freight Plan.

The proposals lack a strategic approach to planning which will undermine the ability to deliver fully on the Levelling Up Agenda

Planning regulates the use and development of land in the public interest. This exercise is undertaken at a variety of democratic tiers, but a key feature of any effective planning system is a strategic planning tier. Whilst building local support and engagement is a crucial part of our planning system there is also a need for a strategic framework, not least for the planning for infrastructure, homes and jobs. The Government's current approach to planning reform through this consultation is falling short in terms of any meaningful strategic planning credentials, which will in turn undermine the delivery of the Levelling Up agenda.

Proposals in the consultation document actively work against each other in places: More housing delivery is to be directed to certain urban areas in the proposals however other measures in the consultation undermine this aspiration. For example, many of the town and cities where government would like more development to take place are the very areas that are also constrained by their local green belt. At the same time, the government through this consultation are discouraging authorities from reviewing their greenbelt as part of their plan reviews and undermining the ability to build at appropriate density. The approach to setting housing requirements at the local level and abandonment of five-year housing land supply will likewise result in a lower target for Council's and no effective mechanism to address failure in supply.

Whist the reforms are housing focused, the measures will also have an important 'knock on' effects for other forms of development such as industrial and logistics. The current 'plan-led' system is already failing to cater effectively for the needs of the industrial and logistics sector with local plan cycles simply unable to respond to the pace of change in the sector over recent years. The measures in the consultation to elevate further the status of the development plan in combination with winding down of national policy mechanisms (such as the presumption in favour of sustainable development which the sector has relied on to bring forward much needed industrial and logistics schemes) is extremely concerning. There is a need for strategic planning to set the context for the effective planning of homes and jobs, and wider societal objectives, in tandem with the provision of infrastructure.

The proposals are light on measures that will actively support the development sector contributing to wider economic growth: Given the national economic context, all sectors are experiencing significant uncertainty and 'soft' market conditions at present. At a time when government are seeking to stimulate wider economic growth and the levelling up of opportunity, this consultation served as an opportunity for the property sector to play its part in that wider national ambition. However, the raft of measures, particularly on plan-making, together with the absence of strategic planning will stifle all forms of development activity in the years to come.

The UK is struggling with persistent low economic growth and our planning system should really be doing everything it can to incentivise projects and applications to progress further to stimulate wider economic growth. These proposals arguably achieve the opposite.

National planning reform is being pursued in a piecemeal way which in turn is leading to further delays to plan-making Uncertainty constrains investment, and an air of uncertainty has been hanging over our planning system since the original Planning White Paper in 2020. We have received feedback from our membership that the current approach to reform lacks coherence with further consultations on different

aspects to follow later this year, and next. All of these separate consultations will take planning stakeholders a considerable amount of time and resource to respond to. This is particularly the case for local authorities who are already under strain.

As noted, despite the Government's stated aim to speed up the local plan process, the protracted national planning reform agenda is also having the effect of slowing down the local plan process under the existing planning system. Research from Planning Resource in January 2023 has suggested that 19 local plans have delayed or withdrawn their plans over the previous four months, amid the proposed changes to national policy and the wider political uncertainty.

Q.1: Do you agree that local planning authorities should not have to continually demonstrate a deliverable 5-year housing land supply (5YHLS) for as long as the housing requirement set out in its strategic policies is less than 5 years old?

4. We do not support removing the requirement for local authorities to demonstrate a 5YHLS when the relevant local plan is less than 5 years old. The 5YHLS requirement plays an important role in our planning system to make sure that authorities and the industry can address any shortfall in housing provision without having to wait for the next plan review. The measure also serves as an effective incentive to encourage local authorities to undertake a plan review to support planned economic growth and development.
5. We would reiterate that the BPF are very supportive of the plan-led approach. Our support for the continuation of the 5YHLS requirement is therefore not about undermining the plan-led system but rather ensuring that we have national policy levers to address circumstances when plan-making has failed locally.
6. As an alternative, the Government might consider a 'grace period' where councils must continue to maintain a five-year supply of deliverable housing sites with the appropriate buffer. However, the presumption in favour of sustainable development would not apply within 2 years of adoption of an up-to-date development plan where the council cannot demonstrate a five-year supply. This would be on the basis of retaining the buffer, allocation of reserve sites, and that meaningful 'Housing Delivery Action Plans' are sought between land supply falling and replacement plans being put in place. The amendment would not preclude the approval of planning applications for sustainable development of sites that are not allocated in the development plan during the 'grace period'. This alternative proposal could help to strike a suitable balance between enabling development, and supporting the preparation of development plans, provision of a robust housing land supply, and the Government objective of significantly boosting the supply of homes.

7. It should be recognised that where a local plan, once adopted, fails to maintain housing land supply against the adopted trajectory, a five-year grace period would effectively nullify any mechanism to address in a reasonable timeframe outside of a local plan review. Local Plan reviews may well not proceed at the pace as hoped and if 5 years' grace is adopted, then allowing for determination on appeal and approval of Reserved Matters/discharge of conditions, the effect would be a delay of some 8 years plus before new homes are available to meet a shortfall (5 years plus 2 for determination on appeal, plus 1 for Reserved Matters, details and first occupations).
8. Given the national importance to delivering new homes in the right place at the right time (in a manner than is consistent with economic growth ambitions and infrastructure planning), the Government's current approach of a 5 years' grace would undermine this national policy priority.
9. A period of [2] years would provide a practical mechanism, rewarding LPAs for bringing forward positively prepared plans, but if supply fails, then in the absence of an early review, the market can respond. Maintaining housing land supply is of course a function of a positively prepared plan, evidenced and flexible. The need for a clear requirement, and supply trajectory to be evidenced should not be underestimated.

Q.2: Do you agree that buffers should not be required as part of 5YHLS calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?

10. We are not in agreement. The removal of the buffers from both the 5YHLS requirement and the Housing Delivery Test need to be thought about in combination with the above proposal to remove the 5YHLS requirement for plans less than 5 years old. This proposal to remove the buffers simply dilutes the process further and makes it easier for authorities to challenge local housing requirements even when need has been established through the relevant local plan process.
11. A further point is that if the Government are going down this path, this elevates the need for sites that get allocated in the relevant local plan to be practically deliverable. At present, the deliverability of proposed allocations is rarely properly tested and any weakening of the 5YHLS test must be accompanied by guidance to local authorities and PINS that they should be more robustly tested.
12. Whilst housing requirements are set as a minimum, the reality is that they are adopted as maxima or absolute, with little or no ambition to exceed. The aim of the 'buffer' is to introduce flexibility where supply against requirement has proved challenging. Another way of looking at this is to require the identification of reserve sites to be released in the event of shortfall in supply. If not required, these could then be released in the next phase of the plan, providing continuity in the spatial strategy.

Q.3: Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on, or is there an alternative approach that is preferable?

13. In principle, allowing for the oversupply of homes early in a plan period to be considered when calculating a 5YHLS later on, is positive as it could create incentives for local authorities to get on with consenting development without worrying that such proactivity will lead to them being 'penalised' later in the plan-period.
14. On the other hand, it should be noted that the standard methodology for housing is supposed to be considered a minimum figure in terms of housing need and includes 'over supply'. Therefore, when combined with the wider suite of plan-making reforms, allowing local authorities to factor in past oversupply will simply mean that we will further reduce our ability to meet the government's stated housing target of 300,000 homes a year.
15. The approach should be to encourage timely delivery and the allocation of additional sites. A dynamic approach to plan-making and monitoring, with a long-term spatial strategy could form the basis of a solution.

Q.4: What should any planning guidance dealing with oversupply and undersupply say?

Q.5: Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?

16. We received feedback from our membership that one shortcoming of existing neighbourhood plans is that they are almost exclusively focused on residential development with a lack of consideration for employment land.

Q.6: Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?

17. We agree. As noted in our opening remarks, the Government should also provide a strategic framework for when planning at the local level fails.

Q.7: What are your views on the implications these changes may have on plan-making and housing supply?

18. We have significant concerns about how the further elevated status of the local plan will affect the delivery of industrial and logistics development in sustainable locations. One of the challenges for this part of the property sector over recent years is how demand across certain locations has changed so rapidly which has meant that local plans have been fundamentally out of kilter with local market conditions.
19. In many cases, the significant majority of employment land allocations will be built out early on in the plan period. This has meant that a significant amount of industrial and logistics development has been

brought forward outside of the local plan process (i.e. through appeal) because this is the only viable route for achieving a consent. Indeed, Savills recently confirmed that between 2019 and 2022 over 660 hectares of employment land has been allowed at appeal, with a significant proportion within the Green Belt.

20. The issue of planning for industrial and logistics has also been compounded by the lack of joined up working across authorities in terms of allocating land for industrial and logistics use as these sorts of development schemes tend to be cross boundary. This is despite the PPG calling for local authorities to work collaboratively to identify the scale of need across relevant market geographies.
21. Given the existing plan-led system is failing to plan effectively for industrial and logistics, the Government's emphasis on the plan-led approach in isolation is extremely concerning for the industrial and logistics sector. As noted, the fundamental issue is that the local plan process has not proven versatile or agile enough to respond to the changing nature of the industrial and logistics market (such as the COVID-19 induced acceleration in the growth of e-commerce). This is why the BPF have been advocating for more 'demand orientated' policies, as set out in our Employment Land Manifesto in 2021, which would promote a more responsive and versatile planning system for the industrial and logistics sector. We expand on our Employment Land Manifesto in response to question 54.
22. A further point to consider is the interplay between housing numbers and employment land. As noted elsewhere in this consultation response, the policy effect of these raft of changes will be to stifle housing delivery over the next few years resulting in a significant reduction in supply. In turn, this will have a knock-on effect in terms of how much employment land will be planned for through the local plan process.
23. By way of an example, a northern 'pro employment land authority' had its housing numbers significantly reduced at examination which ultimately led to a halving of the employment land allocation in the final plan once it was adopted.

Q.8: Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs? Are there other issues we should consider alongside those set out above?

24. This proposal simply adds to the list of measures which will enable certain local authorities to plan for less housing locally should they wish to.
25. However, if government are wedded to this change, we are of the view that a useful exercise for DLUHC to undertake would be to specify clearly (in national guidance) what would not constitute exceptional circumstances for the use of an alternative approach. Such an approach would provide more clarity for local authorities and the development sector on the specific circumstances where it is not justifiable to use an alternative approach.

26. We would also suggest that if government are going to pursue this route, this change should first be piloted to test its application in practice. For example, any piloting process could explore how local authorities respond and what the effect would be on overall housing delivery.
27. We would also ask whether DLUHC have already undertaken an impact assessment of what this change would mean in terms of how local authorities react and any associated effect on housing delivery.

Q.9: Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out-of-character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?

28. The Green Belt policy was introduced in the context of the post war planning reforms, in tandem with supply side initiatives such as new towns. Since then, green belt designations have grown beyond the original intention, with no parallel initiatives to maintain supply of land for homes and jobs. Wholesale reform is needed.
29. We therefore do not agree that national policy should be discouraging local authorities from reviewing their green belt as part of a plan review. One key objective of our planning system should be to create sustainable patterns of development and in some circumstances releasing green belt land will be the most appropriate way to achieve this locally. If a decision on a local green belt review is not going to be taken at plan-making stage, then when would such a decision ever be taken? There is a difference between considering a green belt review as part of the relevant local plan process, and concluding that not releasing any green belt land is the most appropriate action to take, compared to considering the land sacrosanct in perpetuity.
30. There are also clear contradictions between the proposal to water down the requirements for local authorities to undertake a green belt review and the 35% urban uplift policy. It should be noted that many of the town and cities where the urban uplift will apply are the very areas that are also constrained by their local green belt. In the absence of the Duty to Cooperate or any other strategic, cross boundary planning mechanisms, what flows from the proposals is that in many areas housing need will simply go unmet.
31. The green belt proposals are also extremely concerning in terms of the implications for bringing forward industrial and logistics development in sustainable locations. It should be noted that in certain areas (such as the West Midlands and London) to bring forward a strategic employment site will necessitate some form of green belt release so what flows from the intent of these proposals is that strategic employment sites will simply not be catered for. This does not reflect the promise of a more positive approach to employment land in national policy to support the provision of jobs set out in the Levelling Up White Paper.
32. It should also be noted that operating green belt as essentially a blanket spatial policy without any nuance or qualitative assessment undermines the Government's broader sustainability agenda. For

example, there is a significant amount of green belt land located around the country's best-connected motorways, such as the M1. From a sustainability perspective, it makes sense for our planning system to guide industrial and logistics development towards locations near motorways (in and around the golden triangle) to bring about shorter journey times and increase companies' abilities to move goods from 'a to b' efficiently. This is reflected in the wording of current NPPF Paragraph 83 (proposed Paragraph 85) and in the locational requirements set out in the PPG. It is also something that the BPF provided commentary on in its response to the Planning for the Future White Paper consultation.

33. Such an approach would not only be environmentally sustainable but also bring about significant economic benefits. Savills in 2021 estimated that if only 5% of green belt land was released on the busiest motorway junctions, it could deliver 154 million sq ft of industrial and logistics floorspace and support over 170,000 jobs, with a GVA uplift of £9.6 billion per annum.
34. Wider socio-economic benefits would also be felt such as a reduction in unemployment, reduction in health spending arising from improved well-being, and more apprenticeships and training programmes delivered to local communities. These benefits could make a significant positive contribution to the communities living along the M1 corridor, especially given the high levels of deprivation found along the route, which sees around 455,000 working age people living in the country's top 10% deprived neighbourhoods.

Q.10: Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out-of-character with the existing area?

35. Members fed back that asking local authorities to consider the issue of density and the extent to which this could be out of character with the existing buildings could prove extremely burdensome in terms of resource. This policy direction also contradicts wider government aspirations around making our planning system simpler and easier to navigate.
36. We also received feedback that local authorities should be focused on safeguarding sensitive townscapes (such as conservation areas) but enable flexibility elsewhere. The focus should not be on scale, but quality of the development.
37. The wider incompatibility of this policy reform area and government's desire to deliver the majority of housing in urban areas should also be noted. On the one hand, urban areas are being asked to deliver more (which will inevitably require building at density) but on the other hand, the consultation is interrogating whether we should make it harder to do that very thing.

Q.11: Do you agree with removing the explicit requirement for plans to be 'justified', on the basis of delivering a more proportionate approach to examination?

38. No. The BPF supports the need to reform the burden of evidence, which is out of control, but there is a need for a more streamlined evidence base, e.g. economic strategy, housing strategy (needs and requirements), IDP, bio-diversity and sustainability strategy, and then site briefs and evidence provided by the promoters of the allocations.

Q.12: Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation? If no, which if any, plans should the revised tests apply to?

39. We received feedback to suggest that this proposal as currently drafted is unlikely to make much difference in terms of reigning in the amount of evidence local authorities have to look at as part of working up their local plan. One reason for this is that local authorities are understandably wary of challenge through the judicial review process.
40. A more effective approach to reform would be for DLUHC to issue detailed guidance on what evidence you need and do not need as part of the local plan evidence base.
41. More broadly, there are also tensions between these proposals and the plan-making chapter. On the one hand, the role of the local plan is being elevated further (through the reforms in this consultation and the LURB), but then the evidence base behind the local plan is being reduced. With the elevated status of the local plan through the current planning reform agenda, it makes it even more important for the plan to be accurate/robust.
42. The issue of a robust evidence base is of particular concern for our members looking to bring forward industrial and logistics development. As noted elsewhere in the response, the existing plan-led system is already failing this part of the property sector which is resulting in a greater proportion of schemes being brought forward outside the relevant plan. As set out in our [Logic of Logistics Report](#), the forecasts are not reflecting 'suppressed demand' that, in turn, harm an area's economic ambitions through a lack of land supply. Therefore, government's approach of elevating the status of the local plan whilst also reducing the scrutiny of the evidence base is extremely concerning.
43. If the relevant plan is to become more sacrosanct in the decision-making process, then there will be a need to make sure the testing associated with the process is even more robust not less. In any event, particularly for the industrial and logistics sector, we are still of the view that there is a need for mechanisms (through national policy) to enable the delivery of industrial and logistics development in appropriate locations when a plan is out of kilter with the local market.
44. We need robust plans that are evidenced and positively prepared (e.g. flexible) combined with effective and transparent monitoring.

Q.13: Do you agree that we should make a change to the Framework on the application of the urban uplift?

45. The BPF are supportive of the Government's approach to prioritise brownfield development so we very much support the principle of the urban uplift. We did receive feedback from our members that in certain areas identified for housing growth there could be challenges in delivering anything close to the housing figure once the urban uplift is applied. Whilst viability works within many of England's core cities, there could be more challenge in bringing forward this level of development in areas of lower land value.
46. As noted above, we would also reiterate the tension between the Government's proposal to discourage local authorities to undertake green belt review and the Government's ambition to concentrate most housing development in these 20 prescribed areas. In many cases, it will be these very authorities (and those adjacent) who will be the ones constrained by green belt pressure which in turn will significantly impact on their abilities to get close to the target numbers. The urban uplift alone will therefore not be enough to lead to a fundamental step change in supply.
47. It should also be noted that the urban uplift without an effective Duty to Cooperate and appropriate green belt release puts huge pressure on brownfield land to accommodate housing at the expense of other forms of sustainable development, which relies on cities accommodating business, services, infrastructure and institutions. The erosion of London's industrial land over recent years at the expense of housing is just one example of this dynamic playing out on the ground.

Q.14: What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?

48. Given that the Government have identified 20 urban areas where they would like to see housing growth concentrated, there may be merit in the Government pursuing targeted 'Duty to Cooperate' style requirements in the areas adjacent to the authorities which are being asked to take on more housing growth (through the urban uplift). Such an approach may assist both local authorities and the Government in meeting its housing targets, economic development needs, and sustainable development objectives.
49. More broadly, the above suggestion simply reinforces the need for a new measure to compel authorities to work together in the absence of the Duty to Cooperate. Any measure to compel authorities to work together effectively is one of the missing pieces of the jigsaw which is holding back our planning system from delivering all forms of development in a strategic and coherent way.

Q.15: How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city?

Q.16: Do you agree with the proposed 4-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply? If no, what approach should be taken, if any?

50. We note this proposal is likely aimed at local authorities who prepare a plan but feel that this process is undermined whilst trying to get it adopted by departures from the plan. Of course, if the relevant authority had maintained a 5YHLS and reviewed the plan in a timely manner, such an issue would not arise.

51. If there is to be a reward, then perhaps it should only be triggered on submission of the plan and run for a defined period (for example 12 months).

Q.17: Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220?

52. Yes. Defined policies and guidance would be welcome otherwise we risk examinations becoming even more protracted.

Q.18: Do you support adding an additional permissions-based test that will 'switch off' the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?

Q.19: Do you consider that the 115% 'switch-off' figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?

53. Irrespective of whether the '115% 'switch off' figure is justified or not, the more important point is that this proposal can again simply be categorised as another measure which will drive down housing completions.

54. It should be recognised that these proposals in the round across the plan-making aspects of the reforms will have a cumulative impact resulting in a stifling effect on housing delivery.

55. We also received feedback from members questioning whether 'switching off' the presumption is the most appropriate route for tackling the issue of unimplemented consents. A better approach would perhaps be to focus on the regulation of planning consents to make sure that consents that are granted are implementable in an agreeable timeframe with better use of conditions to ensure that precious planning resources are not wasted on schemes that are not delivered.

56. Making sure local planning authorities have enough resource to respond to developer queries and discharge conditions more quickly would also make build out more efficient.

Q.20: Do you have views on a robust method for counting deliverable homes permissioned for these purposes?

Q. 21: What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?

Q.22: Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions? If yes, do you have any specific suggestions on the best mechanisms for doing this?

57. We received feedback from our members that the most effective means to prescribe the mix of affordable housing locally is through the relevant Strategic Housing Market Assessment (SHMA). This evidence base (provided the process is robust) will likely provide the most accurate assessment rather than any prescription/percentage targets in national policy.

58. We would also note that it is much easier to create an evidence base of need for 'social rent' (through means like council waiting lists) than demonstrate the demand for other forms of renting (private rent, intermediate rent etc). There is perhaps a danger for national policy to focus too greatly on social rent as the only form of rental provision and that may not be what the demand is in certain locations. It may also have the unintended consequence of making the calculation of tenure mixes harder for councils particularly on smaller sites, where competing requirements can have an adverse effect.

Q.23: Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people's housing?

59. We are supportive of the changes to para 62 to support the supply of specialist older people's housing. We need local authorities and communities to better understand there is a need for all rental, affordable, family and later life forms of housing so the changes to national policy are very much welcome.

Q.24: Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?

Q.25: How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing?

60. The wider suite of reforms work against increasing the deliverability of more small site development. For example, a decent number of small sites will be in suburban locations which would necessitate building at significant higher densities. In order to make viability work, small site developers would need to build up, However, other parts of this consultation appear resistant to such an approach.

Q.26: Should the definition of “affordable housing for rent” in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?

Q.27: Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?

Q.28: Is there anything else that you think would help community groups in delivering affordable housing on exception sites?

Q.29: Is there anything else national planning policy could do to support community-led developments?

61. We received feedback that the Government should do more to facilitate private sector investors (who may or may not be For-Profit Registered Providers) ability to invest in affordable housing. At the moment, local authorities tend to follow similar well-established processes in terms of working with an exclusive list of RPs. This is holding back a lot of investment into the sector which could assist in delivering more affordable homes. Local authorities should be encouraged to allow management agreements with RPs as well as ownership by them of affordable properties, to protect tenants and secure the long-term benefit of this funding into the sector.

Q.30: Do you agree in principle that an applicant’s past behaviour should be taken into account into decision making? If yes, what past behaviour should be in scope?

Q.31: Of the 2 options above, what would be the most effective mechanism? Are there any alternative mechanisms?

62. Our members are strongly opposed to the proposals outlined in Q30 and Q31. The proposals contradict with the heart of our planning system in that it is supposed to be a permissive process. The identity of the applicant should not be relevant, but rather the merit of the scheme.

63. Typically, planning permissions are attached to land rather than individuals. We have also received feedback that the specific proposal to factor in past behaviour into the future decision making process is not workable in practice as rogue applicants would simply create a new entity or delivery vehicle to get round the measure.

64. If the issue is one of delivery and commencement, there can be a requirement for a delivery strategy to be agreed and annual monitoring. Of course, local planning authorities could also shorten the time limit of planning permissions, but this would reduce the reliance upon them as commitments for Housing Land Supply purposes.

65. As noted elsewhere in the response, another point is that it is important to make sure that local authorities have the appropriate resources so they can interact with the development sector in a timely manner over issues such as the discharging of planning conditions.

Tackling broader misconceptions on 'build out' which are informing these government proposals

66. It should be noted that Sir Oliver Letwin's [review](#) into build out rates in 2018 found no evidence to suggest it was in the interest of developers to build out more slowly than practically possible. More recently, the Home Builders Federation and Lichfields have also published an excellent [report](#) challenging the myth of slow build out rates by examining in detail the relationship between planning permissions granted and homes built, an issue regularly debated but not always well understood.
67. BPF members mainly deliver homes purpose built for rent and therefore there is a huge financial incentive to deliver development in a timely manner. If buildings take longer than planned, there is normally a sound reason which could be related to economic conditions, availability of finance, labour shortages, supply chain pressures or challenges around the new building safety regime.
68. Whilst the Government's reform agenda in this sphere is well intentioned, we would argue that it could be counter-productive, in that developers may as a result be disincentivised from applying for planning permission until they have a strong degree of certainty that they will not face intervention from the relevant local authority or the Government over a perception of slow build-out.
69. Generally, fewer planning applications translates into fewer homes being built out. We would reiterate the country is in very uncertain economic times so our planning system should be doing everything it can to incentivise projects and applications coming forward. The current Government approach to 'build out' achieves the opposite.

Q.33: Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?

70. The BPF welcomes the Government's aspiration to ensure that good quality design lies at the heart of the English planning system. This is an aspiration also shared by us and our members. Well-designed and high-quality places informed by meaningful engagement with the local community leads to the best outcomes and as such these principles should be central to development activity.
71. Members also emphasised that if the Government's broader aspiration of embedding good design in the planning process is to be achieved then it will be important that local authorities are adequately resourced and have the requisite design skills to play their full part in the production of local design codes.
72. It will be equally important that changes to national planning policy in respect to design allow for flexibility and enable a diverse range of industrial buildings to be delivered in a wider range of appropriate planning contexts.

73. A further important point is that functional buildings (i.e., industrial premises) need to be predicated on an understanding of the market. For bringing forward strategic employment sites, there could be opportunities through the preparation of supplementary plans for local authorities and developers to work together to set out practical and achievable design parameters that recognise the need for functionality whilst responding to the surrounding context.

74. Our industrial and logistics sector is also sharply focused on sustainable and low carbon design that meets the needs of modern business in a considered way which responds to local environment and makes efficient use of land.

Q.34: Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word 'beautiful' when referring to 'well-designed places' to further encourage well-designed and beautiful development?

Q.35: Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?

Q.36: Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing Framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?

Q.37: How do you think national policy on small scale nature interventions could be strengthened? For example in relation to the use of artificial grass by developers in new development?

75. We fully support the policy intention behind using the planning system to enhance biodiversity and support wildlife recovery. This is why the BPF and our members have welcomed the new biodiversity net gain (BNG) requirements and we look forward to seeing more detail setting out exactly how the new BNG regulations will work.

76. We agree that there are a range of small-scale nature interventions, such as installing beehives and bird boxes, that should be encouraged and can be delivered at low cost. It will be important, however, that we ensure that any strengthening of national policy in this area does not significantly impact on the viability of new developments.

77. We agree that the use of artificial grass should be discouraged. We would note, however, that there can be additional cost involved in managing and maintaining lawns and green spaces. Any proposal to use artificial grass should also be considered in the wider context of how the whole scheme or development supports and promotes biodiversity.

Q.38: Do you agree that this is the right approach to making sure that the food production value of high value farmland is adequately weighted in the planning process, in addition to current references in the Framework on best and most versatile agricultural land?

78. We received some comments from members that this measure could simply add to the suite of reasons for refusing a scheme locally on the basis of protecting land for food production, but a more objective assessment may come to the conclusion that development is the better option.

79. It was also noted by members that the new footnote in the NPPF on this does nothing to support local planning authorities in balancing different needs and instead adds further ambiguity.

Q.39: What method and actions could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from planning and planning decisions?

80. The BPF is calling on Government to mandate the use and disclosure of Life Cycle Assessments (LCAs) in new developments and refurbishments. This is supported by 80% of senior leaders in the real estate sector.

81. This should be introduced initially for large buildings and building projects, and then rolled out more widely. Embodied carbon reduction targets, based on appropriate benchmarks, should also be set by the Government, and then reviewed on a regular basis.

82. To ensure these new requirements are applied consistently across the country, and interpreted in the same way by planning authorities, these should be set out in building regulations and reflected in the planning system through national planning policy. The need for greater consistency is regularly highlighted by our members who report that the lack of a clear and consistent approach for handling carbon across the planning system creates additional cost, complexity, delay, and uncertainty and can ultimately deter investment.

83. The IEMA Environmental Impact Assessment has also been signposted by members as a valuable framework to support sustainable developments.

Q.40: Do you have any views on how planning policy could support climate change adaptation further, including through the use of nature-based solutions which provide multi-functional benefits?

84. It is important that the NPPF supports climate adaptation and encourages developments that are resilient to climate-related risks.

85. This could include guidance at a national level on the use of nature-based solutions, although it will be important for local planning authorities to use evidence from their local areas to inform any decisions around green infrastructure.

Q.41: Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?

Q.42: Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?

Q.43: Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework?

Q.44: Do you agree with our proposed new Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance?

86. The planning system can act as a barrier to decarbonising our homes and buildings, and our members report a wide range of challenges in securing planning permission for work to improve the energy efficiency of their properties. This is particularly the case with heritage and listed buildings. There are around 500,000 listed buildings in Great Britain and Historic England has estimated that up to 25% of our housing stock has heritage features which could constrain retrofits.

87. Therefore, we support changes to the NPPF which make it quicker and easier to retrofit existing buildings and agree with the introduction of the proposed new paragraph 161. This should apply to all buildings and not just focus on large non-domestic buildings.

88. We would, however, like to see the new emphasis reflected in Chapter 16 of the NPPF, perhaps by specifying that environmental benefits, such as cutting carbon emissions from a property, is a public benefit.

89. The current system has been described as a postcode lottery when it comes to whether or not an application gets permission, in large part due to a lack of skills and resources. To address this, we need to see additional investment in local planning authorities to improve and speed-up the decision-making process and ensure that they are better prepared for the additional work that the transition to a net zero property sector will generate. Training on specific technologies such as low carbon heat and insulation will help planning officers to handle complex planning decisions and should deliver more consistent outcomes.

90. We would also like to see more planning authorities use Local Listed Building Consent Orders to speed up the installation of measures such as solar PV or more energy efficient doors and windows.

Q.45: Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system? If no, what alternative timeline would you propose?

Q.46: Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?

Q.47: Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?

Q.48: Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?

91. There were no direct comments received on the proposed transitional arrangements, but we received feedback conveying strong support for supplementary plans. These are viewed as a useful tool in our planning system as they give greater flexibility when bringing forward a site not in the wider plan. However, they should not attract the same weight as a plan that has been examined and subject to independent scrutiny.

Q.49: Do you agree with the suggested scope and principles for guiding National Development Management Policies?

92. The BPF are strongly supportive of the principle of National Development Management Policies (NDMPs) and would welcome more detail on their scope to be published as soon as realistically possible. We look forward to informing the design and operation of the NDMPs through future consultation exercises.

93. We also received concerns over the current drafting of the LURB, and how as currently drafted the Government would be able to change the contents of the NDMPs overnight should it wish to. It was noted that such an approach could be problematic, particularly where a NDMP conflicts with a policy that has been worked up through a local plan process. Members also queried the extent to which having a set of NDMPs that can change all of a sudden, erodes any notion of 'certainty' in respect to our planning system.

94. Members would therefore welcome a clearer and more defined statutory scope for NDMPs through the LURB.

Q.50: What other principles, if any, do you believe should inform the scope of National Development Management Policies?

Q.51: Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?

Q.52: Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?

Q.53: What, if any, planning policies do you think could be included in a new framework to help achieve the 12 levelling up missions in the Levelling Up White Paper?

Q.54: How do you think that the framework could better support development that will drive economic growth and productivity in every part of the country, in support of the Levelling Up agenda?

95. A key omission from this consultation is any proposal that will bring about a more responsive and effective planning system for our employment uses. The BPF published research at the start of 2022 – [Levelling Up: The Logic of Logistics](#) – which in broad terms set out the economic, social value and environmental credentials of the industrial and logistics sector, as well as advocating for planning reform that will help the sector play its full part in the Levelling Up agenda.
96. We note that the Government are due to consult separately on 'planning for warehousing' as part of the wider Future of Freight Plan. We look forward to engaging with this consultation when it is out shortly. However, we would also make the following points in response to question 54 on industrial and logistics:

Key points from Levelling Up: The Logic of Logistics on how the industrial and logistics sector can help facilitate Levelling Up

- **70% of Industrial and Logistics demand is generated in the North and Midlands:** The industrial and logistics sector can play a pivotal role as part of the Government's levelling up agenda. In GVA terms, the South accounts for 63% of England's total GVA while the North accounts for only 37%. However, over the last five years industrial and logistics demand (net absorption) in the North has accounted for 70% of the country's total demand. Looking at a more granular level, a region such as the East Midlands that accounts for 7% of the country's GVA, has attracted 19% of the country's industrial and logistics demand in the last five years.
- **Industrial and logistics can contribute to the delivery of new homes via the funding of strategic infrastructure such as motorway junction upgrades and link roads:** Our report details the way in which the strong industrial and logistics market (through healthy uplifts in land value) serves as an enabler of associated housing development through providing the strategic infrastructure needed.
- **The industrial and logistics sector is providing high paid and diverse jobs:** The strong growth in industrial and logistics in the north over the past 5 years has equated to 117,000 jobs. The sector is providing a diverse range of jobs with higher levels of pay and GVA when compared to the 'all sector average'. The Logic of Logistics report confirms that average pay within the industrial and logistics sector is £4.9k higher than the average for all other sectors. Our report argues these jobs will be crucial to bridging the GVA and productivity gap between the north and the south.

97. As noted, our report also sets out a number of recommendations on planning reform which would help the industrial and logistics sector play an even greater role in the Levelling Up agenda. These recommendations draw heavily on the [BPF's Employment Land Manifesto](#) published in 2021. Relevant points on planning reform from our manifesto include:

- **Government should consider a national 'criteria based' presumption in favour of logistics development:**

As noted in response to previous questions, one of the fundamental challenges of our planning system for industrial and logistics is that the local plan process is too slow to respond to significant market shifts, such as the Covid-19 induced acceleration in the growth of e-commerce. This resulted in record levels of 'take-up' of logistics floorspace in 2020 and an extremely low vacancy rate. Nationally, there will be pressure to identify more employment land in suitable locations to satisfy future demand within this highly resilient growth sector. However, the issue is that it takes years for local plans to be adopted and this timescale is completely out of kilter with the pace of market changes.

Government should therefore amend the NPPF at the next opportunity.

The criteria for a logistics presumption may include:

- Easy access and proximity to the strategic highway network.
- Ability to provide effective access by non-private car to suit shift working patterns.
- Located away from residential development/where there is no unacceptable impact on residential amenity to allow for uninterrupted 24 hour working.
- Capable of accommodating large scale buildings in terms of both footprint and height.
- Sites which suit the future occupier's needs.

North West Leicestershire District Council Policy EC2 and North Northamptonshire Joint Core Strategy Policy 24 are good examples of how this can operate at a local level, and we would encourage more local authorities to adopt a similar approach.

- **Improve Cross-Boundary planning to deliver strategic employment sites:** The proposed abolition of the Duty to Cooperate is concerning given it is the only statutory arrangement for strategic planning, and the exporting of unmet local need to adjacent authorities. The BPF's report '[What Warehousing Where?](#)' highlighted the inextricable link/interdependency between housing and employment space such that if there are national housing targets, there should also be national targets for employment land to ensure new homes have access to the services they would expect. This should include a standalone logistics requirement to accord with the PPG.

The National Infrastructure Commission warned in a previous report that *'an absolute focus on delivering homes without consideration of how freight will service growth will be of detriment to both housing and freight. Without better recognition of the value of freight in planning, the freight system will encounter more pinch points, restricting its capacity to operate efficiently and deliver goods in the most sustainable way possible'*.

The BPF sees a role for Mayoral Combined Authorities and/or LEPS in delivering strategic employment site allocations through new spatial planning powers that could assist in greater co-ordination of cross-boundary issues and the imposition of such targets.

- **Logistics and Local Plans:** The requirement set out in the PPG for logistics to be assessed and planned for separately from more traditional industrial uses needs to be enforced more robustly. There is a role for Local Plan Inspectors to ensure this is complied with and a need to ensure that proposed allocations are in the right locations to respond to a broad range of market needs.

Where the intensification of existing employment sites is proposed this should be critically reviewed to ensure this is feasible and results in market-facing outcomes.

- **Modernise Employment Land Reviews:** Employment Land Reviews are the bedrock of planning for employment use. However, as currently constructed, they are too static and often out of date by the time of Local Plan adoption. There are opportunities through the government's wider planning reform agenda to allow for the utilisation of 'real time' information so that Employment Land Reviews can be kept up to date and responsive to changes in local market conditions. There is also a need for Employment Land Reviews (as part of feeding into the wider local plan adoption process) to be more detailed in terms of providing a view on what specific employment uses are needed locally.
- **Introduce an 'Employment Land Delivery Test':** An Employment Land Delivery Test, similar to the Housing Delivery Test or Five-Year Housing Land requirement, would ensure that a commensurate amount of employment land is brought forward to counterbalance housing and that any employment land lost to other uses is delivered in the right locations. If a local planning authority failed to meet the delivery test, a presumption in favour of sustainable logistics development could be engaged.