



BPF RESPONSE TO DLUHC'S CONSULTATION ON CHANGES TO PLAN-MAKING

CONSULTATION RESPONSE

PREPARED AND SUBMITTED BY

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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 and agree with the government's overall ambition to make local plans simpler, faster to prepare and more accessible. We set out a number of general comments on the proposals before turning to the consultation questions specifically.

General comments:

The new 30-month plan timeframe: We very much welcome the aspiration for local plans to be prepared and adopted within 30 months. However, it should also be noted that there is a considerable period before the 30-month timeframe is 'triggered' and as such the overall time period from 'start to finish' is likely to remain longer than 30 months. However, the aspiration to speed up the process is very much welcome and it will be crucial that local authorities get the resources they need if they are going to achieve this in reality.

Effective strategic planning would help the government achieve the policy objectives of the consultation: A key piece of feedback from our members was that across various aspects of the consultation an effective form of strategic planning would assist the government in achieving its own policy objectives and assist plan-making. For example, a shorter examination process could be achieved if strategic matters were already dealt with at the appropriate planning tier which in turn could help in hitting the 30-month deadline. Equally, on resourcing, if certain matters were already dealt with strategically this would place less of a resource burden on each local authority considering matters individually as well as the Inspectorate and Statutory Consultees.

Local Development Management Policies (LDMPs): It was noted by members that it would be easier to offer commentary on the proposals for LDMPs if the national development management policies (NDMPs) had also been published alongside the consultation document. We would therefore urge government to give the sector sight of the national development management policies as soon as possible so industry can provide feedback on their effect on plan-making and the wider planning system in the round. We support the principle of NDMPs avoiding duplication and local deviation where not justified.

The need for 'carrots and sticks' under the new plan-making system: A further key piece of feedback from members was that more work needs to be undertaken by central government policy makers on creating an effective system of incentives and repercussions/penalties to encourage and in failure, compel authorities to meet the government's new standards on plan-making, as set out in this consultation. We set out

examples of where and how an effective incentives structure could be achieved in response to the specific questions below.

Chapter 1: Plan content

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

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?

3. The BPF strongly supports the aim to make local plans simpler, faster to prepare and more accessible. As noted above, a greater focus on local issues could be achieved if we had an effective strategic planning tier which dealt with the more strategic cross-boundary issues.
4. We also received feedback from members that there should be greater emphasis on housing and commercial need in both the plan's vision and the core principles for plan content. A further point is that ultimately what is set out in both the vision and the core principles needs to be economically viable and deliverable in practice.
5. Members also raised concerns that under the proposals there could be a risk of evidence being 'retrospectively assembled' to fit with a plan's lofty vision and core principles rather than looking at evidential need locally as the key starting point with that then informing the vision and core principles. Members fed back that such a process would be the wrong way round and could lead to policy-based evidence rather than evidence based policy. As noted, a better starting point would be looking at the evidential need of what is required locally and then that informing the vision rather than coming up with a vision and then retrofitting your evidence to support it.
6. The issue of adaptability and the ability for the plan's vision and core principles to be able to embrace change over time was also raised by members. For example, shopping habits have changed significantly over recent years which has led to a new role for the high street and an acceleration in demand for logistics uses with consumers preferring to buy online. The ability of the plan's vision and core principles to respond to such changes as they emerge will be a key component of successful reform.

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

7. The BPF strongly supports the principle of NDMPs and believe they have the potential to make the plan-making process more efficient. However, as noted in our opening remarks, the content and scope of NDMPs has not yet been published. It is therefore more challenging to offer commentary on the potential benefit to plan-making and the proposed framework for LDMPs.
8. We would also note that in order for the system of NDMPs to work it will be important that LDMPs are limited to genuinely local issues so as much duplication can be avoided as possible.

9. We also received specific comments questioning why paragraph 32 in the consultation text reads 'local DM policies should, wherever possible, enable delivery of the plan's vision'. Members noted that in all instances the local DM policies should be enabling the delivery of the plan's vision not 'where possible'.

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?

10. We received feedback that one area where templates could help would be assisting policy officers with the structure of how local plan policy should be written. Such an approach could assist in creating a more consistent approach and make sure there is less repetition in local plan policy.
11. We also received comments noting that there could be a greater use of hyperlinks across all local plan policy documents in terms of linking to the other relevant evidence bases rather than writing everything down in the plan. This would help in terms of making local plans more concise documents.
12. Members also commented that the greater use of templates would assist local planning authorities in terms of wider resource challenges.

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

13. No comments.

Chapter 2: The new 30-month timeframe

Question 6: Do you agree with the proposal to set out in policy that planning authorities should adopt their plan, at the latest, 30 months after the plan preparation process begins?

14. As noted in our opening remarks, the BPF is strongly supportive of shortening the local plan-making process. The introduction of more standardised processes through the gateway checks is also very much welcome.
15. Members did note however that the 30-month period does not necessarily start immediately and a lot of preparatory work before the 30-month period begins will still need to take place. This means the overall process still could take much longer. Some comments we received drew a comparison with receiving a 'start date' through the appeals process when in reality the appellant is already very much in the process.
16. Other comments focused on creating an effective system of incentives and repercussions to incentivise local authorities to stay on the track in terms of local plan-making. For example, what would the repercussions be for a local authority who was clearly not adhering to this new more concise local plan

timeframe? Is it also acceptable for an authority who does not get a local plan in place to be able to bid for central government housing pots of money?

17. A final point to make is that it will be crucial that the proposed 'local plan advisor' and the Planning Inspectorate are joined up through the process if the ambitious timetable of 30 months is to be achieved. Members also rehearsed comments around adequate resourcing to make the timeframe achievable in practice.

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?

18. Members broadly welcomed the proposal for a Project Initiation Document, particularly in terms of communicating with the local community. We also received feedback that if this document 'bound in' other relevant public sector stakeholders (adjacent local authorities and relevant statutory consultees for example) that would be welcome.
19. Members again raised the issue of resourcing noting that the proposals will involve local authorities needing to become well versed in project management to adhere to the various milestones and the overall timeframe. Making sure local authorities have the necessary project management skills will therefore be crucial if these reforms are going to be successful.

Chapter 3: Digital plans

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

20. Housing need, commercial need and data relating to strategic issues.

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?

21. We note the consultation makes reference to the ability of digitalisation to reduce the political nature of local decision-making. To our mind, it is not entirely clear how digitalisation can assist with this particular challenge of the planning system and would welcome sight of DLUHC's thinking in this sphere.
22. Other member feedback focused on the extent to which digitisation could assist in terms of how relevant evidence bases are prepared, stored and shared.

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?

23. The BPF are broadly supportive – the visualisation of plans, policies, and spatial data has the potential to greatly increase the public's understanding of our planning system.

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?

24. Planning at a more strategic level would certainly lead to a more efficient plan-making process, including the setting of strategic targets and infrastructure investment.

25. Equally, it is hard not to return to the issue of planning resource. The BPF were supportive of the additional planning fee increase (consulted on earlier this year) being ringfenced in law so it was disappointing to see DLUHC not pursue this through the regulations. The proposals in this consultation add to the amount of work local planning authorities are already doing so it is crucial that our planning system is effectively resourced going forward to enable a more efficient system.

Chapter 4: The local plan timetable

Question 12: Do you agree with our proposals on the milestones to be reported on in the local plan timetable and minerals and waste timetable, and our proposals surrounding when timetables must be updated?

26. We are broadly supportive of the various milestones proposed to be reported on in the local plan timetable.

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?

27. A review of National policy or a fundamental change in circumstances such as a Natural England Position Statement.

Chapter 5: Evidence and the tests of soundness

Question 14: Do you think this direction of travel for national policy and guidance set out in this chapter would provide more clarity on what evidence is expected? Are there other changes you would like to see?

28. Members raised concerns that this continues the trend towards diluting the rigour in terms of plan scrutiny following the NPPF consultation earlier this year with the removal of the need for a plan to be justified.

29. The BPF is supportive of the idea of greater clarity and support for local authorities in national guidance in this sphere but it will be important that national policy clear.
30. Member also fed back that the consultation could be clearer on how these suites of changes relate to the NPPF consultation response from earlier this year.

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?

31. Standardisation of evidence would be welcome to areas of planning such as housing and employment need, viability and environmental statements.
32. The BPF would also welcome more standardisation of evidence across local authorities when calculating economic need which in turn feeds into local employment land requirements. The BPF's [response](#) to the government's planning for freight and logistics call for evidence expands on this point in more detail (Key Ask 2).

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?

33. The BPF sees the potential benefit of freezing data or evidence at certain points in the plan-making process. However, members also fed back that this could be linked to building an effective incentives structure into the new plan-making system. For example, if the plan is on track with all the various deadlines adhered too then the local authority could benefit from the ability to freeze the data.
34. On the other hand, it should also be noted that freezing data in the plan-making process could increase the risk of the data/evidence becoming out of date by time of adoption. This has been a particular challenge for the industrial and logistics sector as too often employment land provision in the relevant plan has been informed by employment land review studies which are completely out of kilter with market conditions in the present day. This is particularly the case post Covid-19 which brought about an acceleration in e-commerce and resulted in a number of local authorities estimations for logistics need across key markets becoming out of date over night. See 'Key Ask' 4' from our [response](#) to the government's planning for logistics and freight call for evidence on the challenges of out of date evidence bases for our industrial and logistics uses.

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?

35. Yes supported, including the need for plans to be justified.

Chapter 6: Gateway assessments during plan-making

Question 18: Do you agree that these should be the overarching purposes of gateway assessments? Are there other purposes we should consider alongside those set out above?

36. The BPF is supportive of the government's proposals for gateway assessments and the suggested role for the Planning Inspectorate. It will be important for government to consider the capacity within the Inspectorate if inspectors will be playing a more active role in the process.
37. We also received feedback there will need to be consistency in terms of approach from inspectors with clear deliverables set out at each gateway.

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

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?

38. We received a range of views on Q19 and Q20. Some members were of the view that it should only be qualified inspectors who can act as the 'advisor' through the local plan-making period. Others felt that this less flexible approach may create a resource challenge in itself.

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

39. Given this process will be a requirement for all planning authorities, central government should ensure local planning authorities have the resources in place to go through the process.
40. In terms of specific ideas around charging, some members suggested this could again be an opportunity to build good incentives into the process. For example, if you are on track and submit on time then you do not have to pay for your gateway assessment?

Chapter 7: Plan examination

Question 22: Do you agree with our proposals to speed up plan examinations? Are there additional changes that we should be considering to enable faster examinations?

41. The BPF supports the proposals in the consultation which aim to speed up plan examinations. It should be noted however that in many cases it is very much up to the Inspector in charge to set the 'tone' at examination in terms of intervening when there is repetition or something is not relevant. It is worth reflecting that the examination of the Greater Manchester Spatial Framework took around 5 months so the proposals outlined in the consultation in this section can be viewed as achievable in that context.

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?

42. Any need to pause should hopefully reduce if the new system is working more effectively.

Chapter 8: Community engagement and consultation

Question 24: Do you agree with our proposal that planning authorities should set out their overall approach to engagement as part of their Project Initiation Document? What should this contain?

43. Yes

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?

44. Yes this sounds sensible – local authorities should be well versed in such a process from the existing plan-making system.

45. We also received feedback stating that there should be stricter time limits for statutory consultees to respond so they do not slow down the initiation of the 30-month time period.

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

46. Members fed back that consultation on a document about how to undertake consultation is not consistent with the wider policy goal of speeding up the process.

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?

47. No specific comments.

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

48. We support the use of templates to assist local planning authorities analyse responses.

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

49. We note that both Active Travel England and National Highways are not currently on the list and should be added.
50. We also reiterate our key point on how strategic planning would make these reforms work more effectively in the round. In this particular case, the relevant statutory consultee could instead provide advice on a matter relating to a group of local authorities rather than provide advice on each local plan process separately.

Chapter 9: Requirement to assist with plan-making

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.

51. We are supportive of the approach and specifically the emphasis on statutory consultees responding earlier in the process.

Chapter 10: Monitoring of plans

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

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?

52. The BPF is supportive regarding question 31 and 32.

Chapter 11: Supplementary plans

Question 33: Do you agree with the suggested factors which could be taken into consideration when assessing whether two or more sites are 'nearby' to each other? Are there any other factors that would indicate whether two or more sites are 'nearby' to each other?

53. BPF members were broadly supportive of supplementary plans in our discussions and think they could become a useful planning tool. However, members were also of the view that SPDs should be retained as part of the system as they have their advantages in terms of being more flexible and quicker to implement. SPDs should not form part of the development plan and should not be afforded the same weight. They can however be useful in setting out a local authority's policy application and response in relation to specific matters.
54. Some members also commented that there could be more flexibility in terms of the scope/area a supplementary plan could cover.

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.

55. No specific comments.

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?

56. No specific comments.

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.

57. No specific comments.

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?

58. No specific comments.

Chapter 13: Community Land Auctions

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

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?

59. The BPF do not support the introduction of Community Land Auctions as we believe land should be allocated through our planning system based only on planning merit. The operation of Community Land Auctions may also encourage perverse behaviour from landowners which could lead to a poorer site (on planning grounds) being allocated.

60. We set out a number of principles for an effective system of developer contributions, including where forms of effective land value capture are acceptable in our [response](#) to the APPG inquiry on developer contributions earlier this Autumn. These principles are listed below for ease. We would encourage policymakers to focus on these more effective forms of land value capture through our existing system of developer contributions.

- **Flexible and responsive to local market conditions** – any system needs to be flexible enough to respond to market conditions on the ground and find solutions for our most complex urban sites. S106 can be viewed as a useful problem-solving tool in this sphere and contrary to some commentary this mechanism has actually enabled the development sector to contribute more to infrastructure and affordable housing over the years by enabling certain sites to come forward that otherwise would not have.
- **Clarity over the purpose of developer contributions** – In the BPF's view, the overall purpose of developer contributions should be to mitigate the impact of development locally. The developer contributions system can include tools to extract land value arising from public investment but only in prescribed circumstances e.g. where value is created or sites are released due to forward investment such as Crossrail and Mayoral CIL in London.
- **Linkage between payment and delivery of infrastructure** – The CIL system and to a lesser extent S106 is good at collecting developer contributions but much poorer at translating this into infrastructure delivery in a transparent way. Developer contributions should be spent solely on infrastructure to meet the needs arising from the development and should not be used to plug gaps in other areas of local authority spend or spent on other council 'priorities'.

61. In terms of further specific comments on Community Land Auctions, it was noted one risk of the proposal could be what emerges from the auction process may not be the best selection of sites in terms of spatial impact for the area.

62. We also heard from members that in a time when finances are already tough for local authorities (in terms of various authorities going bankrupt) enabling them to take on the proposed level of risk they could through the Community Land Auction process may not be sensible.

63. Despite overall reservations about Community Land Auctions, members did welcome the more careful approach of government pursuing a pilot programme to learn more about their potential operation in the first instance.

Chapter 14: Approach to roll out and transition

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

64. Members welcomed the proposed approach of ten 'front runner' local authorities to prepare these new-style local plans. Such an approach should make sure not too much resource strain is put on the Planning Inspectorate initially.

65. We also received feedback that the government's approach to roll out will need to have regard to DLUHC's digitalisation programme given much of the plan-making reforms are dependent on this being up and running.
66. Members also noted that for the ten 'front runners', it will be important that there are a variety of different authorities selected (varying geographies/parts of the country, size, urban, rural etc)

Chapter 15: Saving existing plans and planning documents

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

67. Members noted that it will be important for plans that are already well developed get on with implementing under the existing system. This avoids much needed plan-making resources from both local government and the inspectorate being wasted and helps get more plan (regardless of the style of plan-preparation) up to date.