



Creating Places ■ Delivering Communities

The Future of Plans and Plan Making

A non-technical summary

DLUHC

October 2023



Introduction

Please find below the response of the Land, Planning and Development Federation (LPDF) to the government's open consultation on the 'The Future of Plans and Plan Making' published in July 2023.

About the LPDF

The LPDF was set up in April 2018 and seeks to represent the UK's leading land promoters, home builders and commercial developers.

LPDF members support the housebuilding and commercial development sectors by promoting sites through the planning system, providing "shovel ready" land with a planning permission which can facilitate the delivery of infrastructure and serviced land parcels.

The LPDF seeks to actively engage with government on planning, housing and commercial development policy and to educate the wider public on the social, environmental and economic benefits of development through an evidenced based approach.

The LPDF encourages its members to deliver well designed, high quality, sustainable places which deliver a mix of housing types and tenures, commercial spaces and community uses that have a positive social, environmental, and economic impact.

Our key values include:

- Working in a positive and cooperative way with central and local government and key stakeholders, to deliver a planning system capable of supplying the homes and employment space we need.
- Promoting research and an evidence-led approach to policy development.
- Increasing the supply of new homes to meet demand and make home ownership a realistic possibility for all those who aspire to it.
- Ensuring that we build the affordable homes of all types and tenures that this country so desperately needs.
- Delivering new employment space to meet demand from businesses and support economic growth.
- Championing the impact of increased housing delivery on reducing intergenerational unfairness.
- Creating well designed, high quality and sustainable places to live and work.
- Educating and informing about the social, environmental and economic benefits of development.
- Supporting diversity of delivery in the market and championing SME developers.
- Promoting diversity and inclusivity within the sector.

Overview

The plan led approach, which is the cornerstone of the planning system in England, is broken. The LPDF fully supports the plan led approach, but only if local plans are prepared and kept under review by **all** Local Planning Authorities (LPAs) so that we have countrywide plan coverage that is up-to-date (i.e. less than 5 years old).

As the consultation paper sets out in its overview, local plans are there to guide and manage development in an LPAs area and they are important documents for local communities as they set out the development framework for that area. It is therefore of critical importance to the planning system, LPAs, the development industry and local communities, that the local plan system is fit for purpose,

easy to navigate, up-to-date and delivers the economic and housing growth that this country needs. At it stands today, it doesn't. Out-of-date local plans cause uncertainty for councils, communities and developers while threatening to overwhelm already struggling LPAs with unnecessary workloads caused by a lack of strategic direction.

The LPDF recently commissioned Lichfields to undertake research on current local plan coverage across England and how this may change by the end of 2025 and the results were startling (Appendix 1).

The research found that currently 67% of local plans are out-of-date (over five years old) and that this will have risen to over 75% by the end 2025. In addition, 38% of LPAs will have a local plan that is more than 10 years old by the end of 2025, with nearly two-thirds of the annual national housing need being located in local areas where plans were adopted over 7 years ago.

These findings are a clear indication that the current local plan system is no longer fit for purpose and therefore, the government's proposals for reform are welcomed and long overdue. It must be recognised that to fix the local plan system, and to turn around the decline of up-to-date local plans will take time, strong leadership at both a national and local level, and proper resourcing of LPAs to ensure that the government's vision which is set out in the consultation paper can be delivered.

The government must therefore remain committed to this reform agenda, providing sufficient resources to ensure that LPAs can implement the system, meet the deadlines for plan preparation and so that the growth which takes place across England is delivered in a planned and coordinated way.

However, it must be emphasised that any reforms to speed up and simplify the local plans system will not be effective if the plans which are prepared as a result of the new system do not deliver on their objectives. Whilst the reforms themselves are in many cases sensible, they have to be taken in the context of other changes that the government is proposing to make, particularly those proposed through the recent NPPF consultation such as removing housing targets, amending the tests of soundness to remove the need for plans to be 'justified' and amending the need to demonstrate a 5-year housing land supply.

Questions

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

Yes. The LPDF agree that plans prepared under the current system are often lengthy, overly complex, repeat national policy and are generic rather than being locally specific in what development their area requires to meet the needs of their local communities. It is welcomed that plans prepared under the new system will be shorter, more focussed and more visual, making them quicker and easier to prepare and navigate.

They should not repeat policies that will be contained in the National Development Management Policies (NDMPs) unless there is very clear evidence why a locally specific amendment is required, and this should only occur in exceptional circumstances.

Plans should focus on establishing a spatial strategy for the area, determining the amount of development that is required to meet needs and deliver the strategy, and determining where that new development should be located. This should all be backed up by clear evidence and robust justification.

The LPDF note that the employment evidence supporting current local plans is often very old, and unlike the housing evidence, and the requirement to demonstrate a five years supply of housing land, there is nothing to ensure that LPAs have up to date and effective evidence to support the employment policies in the local plan to deliver sufficient land for employment uses.

The LPDF therefore believe that there is a significant flaw in the current local plans system in the lack of focus on the freight and logistics sector, and employment more generally. As we see it, housing is always placed at the forefront of discussions and debates and the employment elements of local plans is often seen as a bit of an afterthought. National planning policy would benefit from taking a more collaborative approach to the housing and employment sectors and establishing the mutually beneficial elements of these.

A notable absence on employment is the lack of a robust methodology for calculating employment land needs. At present, in the absence of such guidance, LPAs and the Planning Inspectorate tend to rely on methods that are based on past trends which often lead to low requirements as they reflect a period in which provision/take-up was adversely affected by the 2008 economic downturn, the impact of Brexit, and the pandemic. These methods therefore do not reflect the type, size and range of floorspace that a forward-looking economy will need. This needs to be addressed through any new guidance which is issued to support the new system of local plan production.

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?

Yes. Plans should contain a vision for their area that is unique and clearly based on the areas' local characteristics and specific requirements. All too often, current local plans have generic visions containing statements which could apply to anywhere in the country. Plans under the new system need to be far more locationally specific setting out clear aims, objectives and priorities around which policies can be formulated to deliver these objectives. These should be measurable to ensure that the policies which are put in place are actually working and so that LPAs can identify if a plan review is required as the objectives of an area are not being met.

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

Yes. The LPDF consider that local Development Management (DM) policies need to be focussed on issues related to the specific local area and how the local plan will meet its objectives. Local DM policies should not repeat NDMPs in order to ensure a consistency of approach to the issues contained in NDMPs which will assist developers, particularly SMEs, to navigate the planning system without incurring unnecessary costs.

Local DM policies should be backed up by evidence and should be clearly justified showing exactly how they will meet the objectives of the plan. It is considered good practice that local DM policies should be tested through a gateway assessment to ensure that they are justified and do not run contrary to national guidance or unnecessarily include issues adequately covered by NDMPs.

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?

Yes. Templates for the preparation of local plans could be extremely helpful to LPAs to increase consistency, reduce workload and cost, and assist with the digitisation of the planning system. Plans prepared using government templates would be easier to navigate by communities, developers and all who engage with the planning system and they could make the plan preparation and examination process easier and shorter.

The government should mandate that LPAs utilise the templates for plan preparation rather than leaving it to each LPA to decide whether or not to follow this approach. This is particularly important to ensure consistency of approach which is essential for digitisation to have a meaningful impact.

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

N/A. The LPDF have no comments on this question.

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?

Yes in part. Local plans take far too long to prepare, especially as they should be reviewed at least once every 5 years. The length of the preparation process and the costs associated with undertaking this task is one of the principle reasons why up-to-date local plan coverage across the country has fallen to just **33% in 2023** (Appendix 1). It is agreed that slow plan preparation means that plans are at greater risk of being out-of-date upon adoption. The LPDF therefore strongly support the proposal to ensure that new plans are prepared and adopted within 30 months.

We recognise that this is a challenging target and LPAs will need the resources (both people and finances) and the skills and tools made available to them to enable them to achieve this target. Digitisation of the planning process, templates and the use of NDMPs will assist greatly in reducing the length and complexity of local plans, allowing them to be able to focus on purely local issues. This will reduce the numbers of policies required in local plans and will reduce the need for some of the evidence base which takes so long to prepare under the current system.

However, the LPDF do have some concerns about the timeframe proposed within the consultation paper. The first stage of the process, scoping, is the stage where an LPA undertakes its evidence gathering. This can be an extremely lengthy process, especially as the requirements for evidence to back up a local plan has increased significantly over recent years and because a number of the required surveys are time or season specific (e.g. bird surveys, ecological surveys, highways assessments etc). LPAs are also vastly under-resourced and need to budget for evidence work, often over several budget years, because of the cost. All these factors lead to the evidence gathering stage being lengthy.

As set out presently in the consultation, there is a requirement for LPAs to give a minimum of 4 months notice before they intend to commence the 30 month plan preparation period. Given the issues set out above, the LPDF consider that a 4 month notice period is too short and the pre-preparation period is likely to be far longer. However, of greater concern is that there is no maximum period specified in the consultation paper for this pre-preparation stage. Therefore, in order to ensure that plans are prepared and kept updated at least once every five years, and that LPAs are focussed during evidence gathering, a maximum period for this pre-preparation stage should be specified in the plan preparation timeframe. This should be set at **12 months**.

The ability of LPAs to stick to the 30 month preparation timeframe will also lie in the hands of other organisations who are outside of the control of the LPAs. Statutory consultees such as County Councils, Natural England, Environment Agency, Highways England, Historic England etc. will all need to play their part by actively engaging in the early stages of plan preparation and by responding promptly to requests from the LPAs when required. This will mean that those organisations will also need to be suitably resourced to ensure that these timeframes can be delivered.

It is considered that the government should clearly define the role, purpose and issue technical guidance on how gateway assessments will be implemented. This guidance should make it clear that

these assessments will be led by PINS and should set timeframes for how long they should take, when feedback from the gateway assessments will be published and what happens if timeframes for the assessments are not met.

A particular concern which is not clearly set out within the consultation paper is what happens if a gateway assessment is not passed by a LPA. Does this cause a pause in the 30 month preparation timeframe to allow the LPA to rectify the issue, or does the clock continue to run? If it is the former, timeframes need to be put in place at the gateway stage to hold the LPA to account and to set a reasonable timeframe for the issues to be rectified. This is essential to ensure that the overall plan preparation timeframe remains on-track and that no unnecessary delays occur as a result.

Finally, no guidance is given as to what the implications will be if the 30 month preparation period is not adhered to. LPAs need to be held to account for failing to deliver an up-to-date plan within the prescribed period and one simple way of achieving this is to clearly set out, within the Framework, that local plans which are older than 5 years old are considered to be out-of-date for decision making purposes.

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?

Yes. The LPDF agree that the Project Initiation Document (PID) will be a useful tool for LPAs to plan for the resources required to prepare the plan and for ensuring that the 30 month timeframe is achieved. The PID should be tested at the first gateway stage to ensure that the scope of the plan is justified, local issues have been identified and are appropriate, and the resources are sufficient to ensure the plan is delivered within the timeframe. It is important that the PID preparation process involves key stakeholders so as to ensure buy-in from all who have an interest in the outcome of the process, and so that local Members know what they are committing to.

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

The LPDF support the digitisation and standardisation of certain parts of the planning process so that the process is transparent, easy to negotiate and that the data that supports a plan is consistent across the country. This will enable easier monitoring of the effectiveness of plan policies and will allow national statistics to be collated and analysed easily. The vision that the local plan is based upon should also be measurable, and the data that underlies it should be open source data that is easily accessible. Ideally, all Councils would have a webpage showing the Vision and objectives with live-data showing progress against those objectives.

Data such as the numbers and types of planning applications received, granted and refused, development completion information, environmental and other evidence base indicators such as those related to economic, transport and infrastructure factors should all be collected through a standard approach. There is also often a mismatch between the local plan and other Council objectives set out in their Corporate Plan, Economic Development Strategy, housing strategy etc which makes transparency and consistency of approach difficult to understand. The digitisation of information should ensure that the objectives of the local plan match those of other Council strategies so that each strategy can be monitored against the same set of targets.

This digitisation process will also help considerably with planning across wider than individual authority geographies as the data which is collected across these areas will be consistent and

compatible with each constituent LPA. This may encourage more LPAs to work together on cross-boundary issues, wider strategic planning processes and potentially, on sharing constrained resources.

Finally, the data which is captured through this digitisation process should be made freely available to all who wish to access it and this should be available in an easily accessible and understandable format.

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?

Yes. The LPDF strongly support the digitisation of the planning system for the reasons set out in response to **Q8** above, especially as it would simplify a more strategic approach to planning across wider geographic areas.

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?

N/A. The LPDF have no comments to make on this question.

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?

The standardisation of data for input into plan preparation is essential in creating consistency and efficiency in the process. Therefore, this should be prioritised as part of the process, alongside the establishment of templates for local plan structure.

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?

Yes. Setting out standard reporting requirements against which LPAs must justify progress is essential to ensure LPAs keep on track, everyone can monitor progress and delays in the process, and so that issues can be identified and rectified. However, as set out in our response to **Q6** above, there is no indication of the implications for LPAs who miss key milestones. This step is critical to ensure that the 30 month preparation timetable is adhered to.

Timetables should be updated each time a milestone is reached to ensure that the timetable is as up-to-date and accurate as possible. Digitisation and standardisation of the reporting procedure will make the updating of timetables a quick and easy process. If a milestone is missed by an LPA, a clear explanation and justification of the circumstances as to why this occurred should be given by the LPA and the corrective action that the LPA has taken / will take to rectify the situation and get the local plan back on track should be clearly stated. We also agree that LPAs should not need to have to go through Full Council each time their local plan timetable is updated, but there should be some scrutiny of the timetable through a council committee process. The local plan itself should still be endorsed by Full Council before it is made available for consultation exercises or the Examination.

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?

Yes. When a gateway check is not passed or a key milestone is missed.

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?

Yes. It is important for the expediency of the plan preparation process, especially in the evidence gathering stage which can take a considerable length of time, that more clarity is given on the required forms of evidence. Proportionality of evidence should be expressly reinforced and any standardisation of evidence gathering would greatly assist this process.

Additional detailed guidance on what evidence is required, in what format, to what level of detail, and when it should be updated would significantly assist LPAs to stay on track, meet plan deadlines and provide evidence that is consistent with other local plans across the country. This standardisation will also greatly assist those authorities which chose to work together on more strategic style plans and will make discussions under the Duty to Cooperate, or its replacement, much easier.

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?

Yes. The LPDF support the standardisation of evidence base requirements on as many of the key documents as possible. It is particularly important for housing and economic needs assessments, housing and employment land availability assessments, Green Belt reviews where appropriate, Environmental Outcome Reports, transportation assessments, flood risk assessments and any evidence required to support local environmental issues not covered in NDMPs. The guidance should also set out clearly how often the evidence base should be updated and when an evidence base may be considered to be out-of-date.

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?

Yes. Freezing of the data at the point of submission of the plan for examination is supported as it would limit the need for late changes to the plan at a stage when the opportunities for consultation have passed. However, it is essential for this process to be effective, for LPAs and the government to ensure that key information such as population and household data, HDT results and LPA monitoring results are published on time so that key information is not released soon after the freeze point.

It is also agreed that the freezing of evidence should not preclude the Inspector from asking for more information as part of the Examination process. In addition, if there are any significant delays in the process post the submission of the plan, there needs to be the ability to update key evidence, if it is considered that the evidence as submitted needs updating, as this will ensure that the local plan preparation process can continue without significant delay.

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?

No. It is considered that all evidence supporting the local plan should be submitted for Examination as this allows a thorough and robust testing of the local plan through the process. It should also be ensured that all evidence that is used to support the local plan has been subject to adequate public consultation prior to submission so as to avoid the preparation of late evidence which has not been properly scrutinised.

It should be in the Inspector's gift to determine the issues which need to be tested at the Examination stage and which of the evidence base documents should be made available for discussion through this process.

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?

Yes. The purposes of the gateway assessments seem appropriate and proportionate. Gateway assessments should also test, the suitability of the PID, whether local DM policies are justified, whether any deviation from NDMP are similarly justified and that the evidence base has been prepared according to the guidelines set out by the government as suggested in the consultation document.

Gateway assessments should also test the local plan against the tests of soundness outlined in the NPPF so as to ensure consistency with the Examination process and to make sure that the local plan, once it is adopted, is robust, effective and deliverable.

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

Yes in part. However, the LPDF consider that the Planning Inspectorate should always undertake the gateway assessments at each stage as they are an independent organisation with the requisite skills and experience to undertake the role in a consistent and robust manner. The Planning Inspectorate ultimately examine the submitted plan and for the sake of a consistency of approach, they should undertake each of the gateway assessments. Wherever possible, the Inspectors who undertook the gateway assessments on the plan should be involved in the plan's Examination. This would improve consistency in the approach taken and could reduce the length of the Examination process as the Inspectors would already be experienced in dealing with the issues contained in the plan.

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?

Yes. However, see our response to **Q18** above for additional suggested considerations.

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

Yes. LPAs currently cover the cost of the Examination process and as gateway assessments should significantly reduce the length of the Examination process, covering these should not require additional funding.

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?

No. The LPDF agree that the Examination phase of plan making should take no longer than 6 months to complete. We also concur that panels of two Inspectors or more should be appointed to Examinations by default. This will significantly speed up the reporting stage of the Examination process.

However, the LPDF do not consider that the Matters, Issues and Questions (MIQs) phase should be limited to submissions by the LPA only. Frequently, issues are raised by Inspectors in their MIQs and LPAs in their response to those MIQs that raise new issues that have not been previously considered. As the process of responding to MIQs by both LPAs and representors happens simultaneously,

removing this requirement will not save any time and may reduce the robust testing of the plan as evidence goes unchallenged.

This is also likely to significantly reduce the transparency of the process as local communities will feel unfairly treated by not being able to respond to the Inspector's MIQs. This could be seen as a negative step backwards in encouraging greater engagement with the local plan process and may reduce the robust testing of the plan.

In addition, LPAs frequently rely on private landowners or developers for their inputs during the Examination as they control many of the allocations proposed in plans. Excluding them from the MIQ process could leave key gaps in the information required for the robust testing of the plan and may prevent Inspectors from testing key issues, whilst also preventing landowners and/or developers from properly representing their interests.

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?

Yes. But this should only be used in exceptional circumstances as all issues with the plan should have been addressed at the various gateway assessments. The LPDF consider that should the LPA not have resolved the issue within the 6 months timeframe, they should only be allowed to extend this period with express agreement of the Inspector.

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?

The LPDF agree that there should be an increased level of engagement which takes place during the plan making stage so as to give all stakeholders an opportunity to shape the plan. The engagement that takes place should be outlined in the PID with a focus on the quality of that engagement and the breadth of engagement, especially with hard to reach groups. The role of digital engagement can help significantly with achieving these objectives and the government should set out clearly in guidance, how LPAs should prepare their PIDs so that there is an element of consistency of approach across the country.

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?

Yes in part. However, as set out in our response to **Q6** above, the LPDF do have some concerns about the scoping stage where an LPA undertakes its evidence gathering. This can be an extremely lengthy process and LPAs are vastly under-resourced and need to budget for evidence work across a number of budget cycles. These factors can lead to the evidence gathering stage being lengthy. Although in the consultation there is a requirement for LPAs to give a minimum of 4 months notice before they intend to commence the 30 month plan preparation period, no maximum period is specified. Therefore, in order to ensure that plans are prepared and updated at least once every 5 years, and that LPAs are focussed during the evidence gathering stage, a maximum period for this stage should be specified in the plan preparation timeframe. This should be set at **12 months**.

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

N/A. The LPDF have no comments to make on this question.

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?

Yes. The clearer the guidance is from government about the purpose of the two mandatory consultation periods, the less likely it is that issues will arise as a result of those consultation processes. There have been instances under the current system where LPAs have carried out consultation exercises incorrectly, and this has led to significant delays in the preparation of plans. This risk needs to be minimised by the guidance on the two mandatory consultation periods being detailed, clear and unambiguous.

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

Yes. This will ensure a consistency of approach and will assist LPAs in analysing the responses more efficiently. However, these templates should not restrict the ability of representors to respond to all of the potential issues raised by a local plan and should not restrict responses to those questions specifically posed by the LPA.

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

Yes. Active Travel England should be included on the list of prescribed public bodies.

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.

N/A. The LPDF have no comments to make on this question.

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

Yes. Monitoring of local plan effectiveness has been poor under the current system with reporting being sporadic, inaccurate and often, non-existent. In order to ensure that the policies of a local plan are, effective in delivering the plan's objectives, accurate, detailed and prompt, reporting of key indicators is essential. This will ensure that the operation of the plan is transparent, its effectiveness can be scrutinised by all stakeholders, and LPAs can determine as early as possible, if the local plan is in need of review. There should be a consistency of approach to monitoring across the country so that relevant performance of areas can be compared with others, this will be particularly important to assist with the Duty to Cooperate or its replacement.

If it is proven by the monitoring undertaken by a LPA that a local plan is in need of review before the required 5 year review period, then the LPA should commence the review process as soon as possible. If they do not, then there should be consequences for the LPA not acting promptly such as the plan being considered to be out-of-date for decision making purposes. In these cases, the Secretary of State should also intervene to direct that the LPA updates its plan.

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?

Yes. However, the LPDF consider that some additional indicators are necessary to ensure that key government agendas are being addressed. These include:

- a. The LPA's five year housing land supply position.
- b. The LPA's affordable housing land supply position, calculated by a prescribed method to ensure consistency across the county.

- c. The number of units with planning permission but not yet built, and the number of units which are deliverable/developable but not yet consented.
- d. The LPA's employment land supply position calculated against its assessment of need from its evidence base.
- e. Net additional units of older persons housing set against the needs outlined in the evidence base.
- f. Number of planning permissions refused against officer recommendation.
- g. Number of appeals granted as a proportion of all appeal decisions.

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?

N/A. The LPDF have no comments to make on this question.

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.

The LPDF support the move away from Supplementary Planning Documents (SPDs), which are not tested through an Examination process, to Supplementary Plans (SPs) which have a more formal approach to their preparation. It is agreed that they should only be used in certain circumstances and that the main policies applicable to an LPA should be contained in the local plan.

The proposal that SPs will be subject to both a period of public consultation and a formal Examination process is welcomed, as too often under the current system LPAs have sought to introduce policies through the SPD route which should have been included in the local plan and therefore should have been properly tested at Examination.

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?

Yes. The LPDF have no specific concerns that SPs have only one formal stage of public consultation as long as the consultation process follows a very similar process to that required for local plans or goes beyond those requirements given it is just a single stage of consultation. If these documents are to have the same weight as local plans, they should be subject to the same procedures for both consultation and Examination, albeit limited to one consultation period.

However, the LPDF do not agree with the statement in para 191 of the consultation paper that given the possible diversity and flexibility of SPs, different preparation procedures may be suitable for different SPs. In order to ensure a consistency of approach, and to simplify the SP preparation process for all stakeholders, there should be a prescribed approach to SP preparation that is applicable to all SPs.

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.

No. The LPDF do not consider that there should be a choice of Examination routes available for SPs. If they are to have the same weight as local plans then they should be tested at Examination under the same regime. SPs should be submitted to the SoS and tested at Examination by the Planning Inspectorate to ensure that they are robust, and justify the weight that is to be attached to them in the decision making process. The LPDF consider that this robustness of testing can only be achieved by the Planning Inspectorate.

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?

No. See our response to **Q36** above regarding the appropriate nature of the Examination procedures for SPs.

Question 38: Are there any unique challenges facing the preparation of minerals and waste plans which we should consider in developing the approach to implement the new plan-making system?

N/A. The LPDF have no comments to make on this question.

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

The LPDF recognise that the government's proposals regarding Community Land Auctions (CLAs) are in their embryonic stages, with little detail on how they would be implemented, and with a test and learn approach to their implementation using pilot projects. Therefore, the comments we make in the bullet points below reflect the fact that many of these issues remain unknown and will need careful consideration in the designing of the process, should the government pursue such an approach.

The LPDF have some specific concerns set out below, including:

- Questioning the fact that at a time when planning resources are already spread thinly, whether LPAs will have the capacity or skills to manage what could become a very significant additional process in plan preparation, especially considering the number of potential submissions that they may have to assess and the desire to 'speed up' and 'simplify' local plan making.
- Understanding the definition of a landowner - Some land will be owned by housebuilders and developers, some will be controlled by various legal agreements with restrictions attached as a consequence. Therefore, not all land in a specific community will be owned by individuals who can participate in a CLA process.
- Recognising that the price at which a landowner may be willing to sell land could be impacted by Options Agreements or Planning Promotion Agreements with minimum land value prices specified in legal contracts between the landowner and a housebuilder, developer or strategic land promoter. This could effectively exclude them from the CLA process despite those sites

being potentially the most logical and sustainably located sites for development.

- Being aware of the fact that if the price at which the land is made available is the determining factor in the site selection process, this may lead to landowners with sites which are in less sustainable locations or with other technical issues affecting their deliverability, being promoted through the CLA process at a price that is more than Existing Use Value, but less than the price of other more suitably and sustainably located sites, just because landowners consider that this is their only chance to secure an allocation.
- Knowing that the CLA process has the potential to cause the unintended consequence of a two-tiered land market. For example, will land be allowed to come forward by way of a planning application and/or planning appeal in the settlement, if it hasn't been part of the CLA process?
- Considering whether sites / proposed allocations brought through the CLA process are assessed by a Planning Inspector without any knowledge of the price, or of any underlying 'option' in favour of the Council, so that the sites which are ultimately selected are the most logical and sustainable which can be justified in a local plan context.

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?

See our response to **Q39** above. The LPDF consider that the determining factor to any site selection process must be the suitability, availability and deliverability of the sites which are allocated so as to ensure that the government's fundamental aim of delivering sustainable development is not seriously undermined. There is a very real potential, if the price paid for land becomes a determining factor in the site selection process, that this aim will be significantly weakened.

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

The LPDF agree that the cut off date for submission of plans under the old system should be **30 June 2025** at the latest, and that this should not be extended for any circumstance in order to avoid unnecessary delays in the transition to a new system.

We also agree that where an LPA has an adopted plan which is more than 5 years old when the system goes live, and where they are not working towards submitting a review of that plan for the June 2025 deadline, there is a requirement to start preparing a new style plan immediately. We strongly consider that this requirement should also apply to those authorities that have an adopted local plan which is subject to an early review mechanism as required by an Inspector in their report of the Examination. This will ensure that plans which should have been updated as they were considered to be unsound without a commitment being made to a review are properly reviewed as quickly as possible under the new system.

However, we have to be cognisant of the fact that there is the real risk of further hiatus in plan-making if the regulations and guidance for the new system are delayed in any way. The government should be aiming to publish the additional information and guidance required to operate the new system as soon as possible. This will avoid having councils who want to start a review but can't because they'll

miss the June 2025 deadline not knowing the standardised evidence requirements for the new system in order to allow them to prepare a new style plan.

It is also considered essential that those authorities who have undertaken an assessment of their local plan under Regulation 10a of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), should be required to start work immediately on a new style plan. This is due to the fact that Regulation 10A Reviews are not subject to public scrutiny or testing and are not externally audited by the Planning Inspectorate or the Secretary of State. Councils can conclude through an internal review, that their local plan remains in conformity with national planning policy guidance and does not require modifying or updating, by providing a justification for this decision without any independent scrutiny. If the government want to ensure that all local plans are comprehensively reviewed at least once every five years, then this route for plan reviews needs to be rescinded.

Whilst it is understandable to phase the introduction of new plans to avoid issues with resourcing, particularly within the Planning Inspectorate, it is essential that the government keep the pressure up on all LPAs to get local plans in place as quickly as possible. As set out in our introduction, as at June 2023, only **33%** of LPAs had up-to-date local plans in place and this could drop to **25%** by the end of 2025 if current plan preparation rates continue (Appendix 1). This is unacceptable in a plan led system. Therefore, the government should be doing everything it can to ensure that new style local plans are put in place as expediently as possible.

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

Partially. Whilst we recognise that existing local plans and saved policies will remain in force until a new style local plan is adopted, it is considered that in order to encourage LPAs to adopt new style local plans as quickly as possible, existing local plans and saved policies which are more than 5 years old, should be considered to be out-of-date for decision making purposes.

Appendix 1

Timed Out?

**A projection of future local plan coverage in 2025
under prevailing policy conditions**

LPDF & Lichfields

July 2023

17:28 Paused

Plan Preparation

Calling at: Page 1 of 1

Revised NPPF Consultation

White Paper

Housing Delivery Test

Buffers

Standard Method

2014 Projections

Use it or lose it

Presumption

LPA

17:32 Delayed

Reg.18

Calling at: Page 1 of 1

Written Ministerial Statement

Mandatory targets

Density

LPA

17:37 Pulled

Reg.19

Calling at: Page 1 of 1

5YHLS

Up-to-Date

Neighbourhood Plan

Green Belt Review

LURB

LPA

17:41 Withdrawn

At Examination

Calling at: Page 1 of 1

Green Belt allocations review

Housing need

LDS

Over supply

Levelling up

Urban uplift

Timed Out?

A projection of future local plan coverage in 2025 under prevailing policy conditions

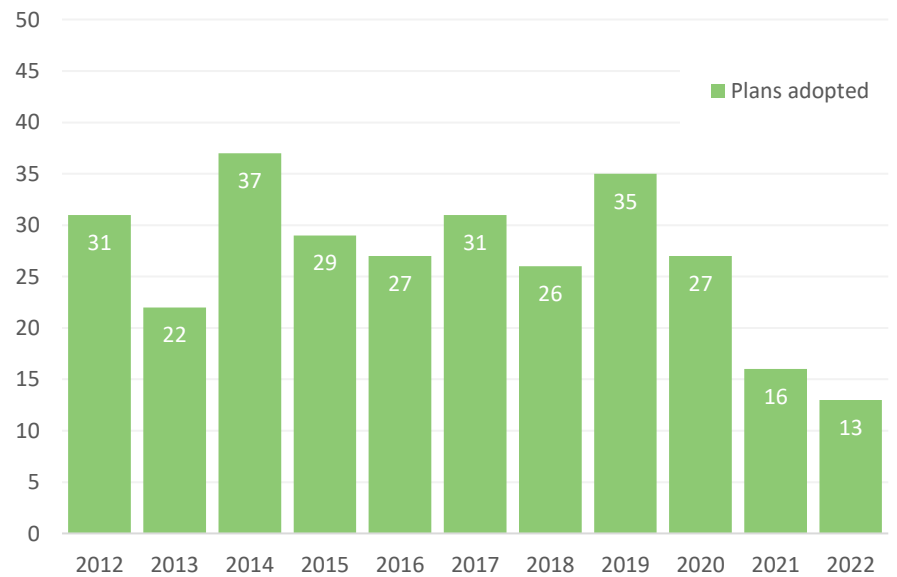
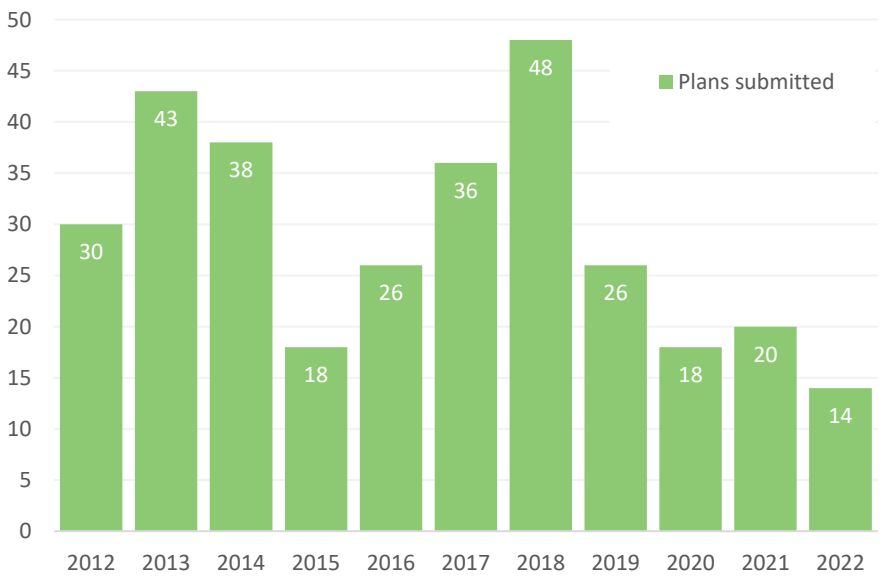
July 2023



Lichfields was asked by the Land Promoters and Developers Federation to produce a projection of local plan coverage in England as at the end of 2025 under prevailing policy conditions. This report presents the findings of the resulting analysis.

Against a backdrop of planning reform and proposed changes to the NPPF, plan preparation activity has significantly slowed. As at July 2023 around 33% of LPAs had local plans that were up-to-date and less than five years old. With current trends likely to continue, Lichfields has estimated what local plan coverage would look like at the end of 2025.

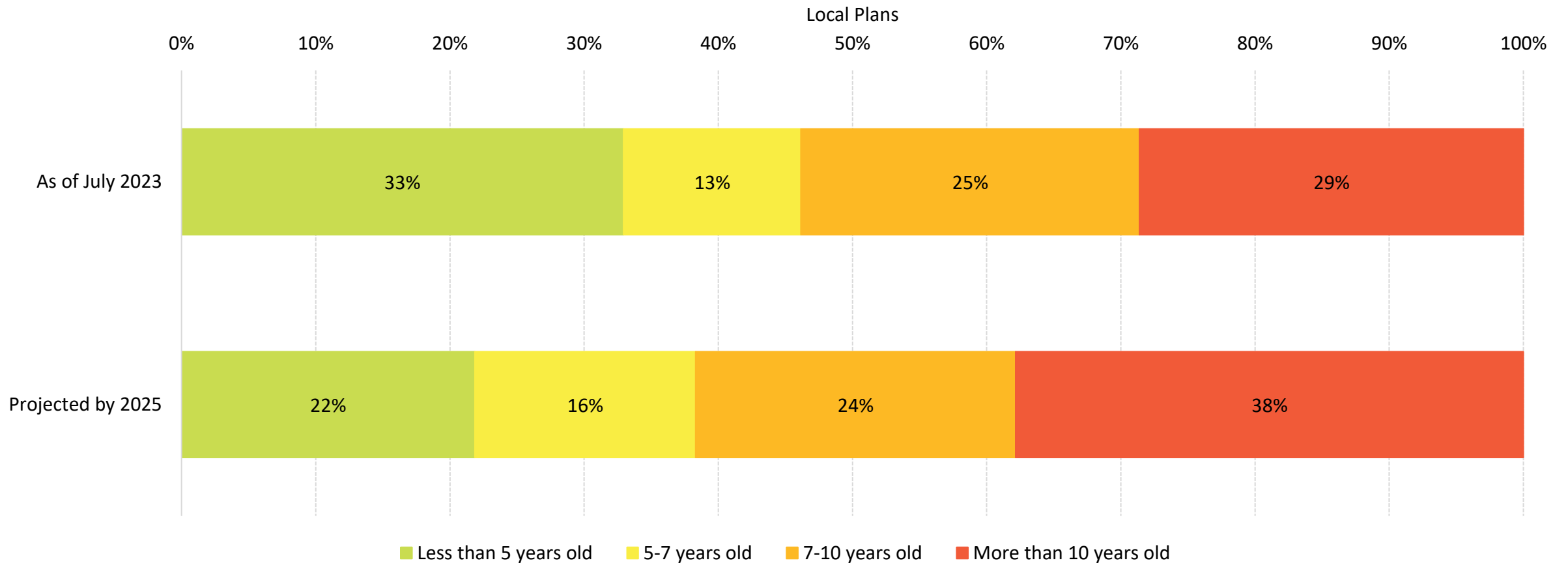
Approach: We have used local plan monitoring data from the Planning Inspectorate as a baseline, and from that projected future activity based on: the progress of current plans through the system; the average, and distribution of, timescales from local plan publication (Reg 19) stage to adoption; announced plan delays/pauses by LPAs; rates of unsoundness/withdrawal; and trends in adopted plans per year. That has given us an estimate of what the jigsaw of local plans will look like 30 months from now. 'Up-to-date' is used as a shorthand for strategic plans adopted less than five years ago and/or reviewed and found not to need updating.



The average number of local plans submitted to the Planning Inspectorate each year since 2020 (17) is roughly half what it was before the 2020 housing white paper (average of 33 from 2012-2019). For adopted plans, the position is similar; the average since 2020 is 18, whereas the average 2012-2019 is 30. Last year just 13 plans were adopted and only 14 submitted for examination, a historic low.

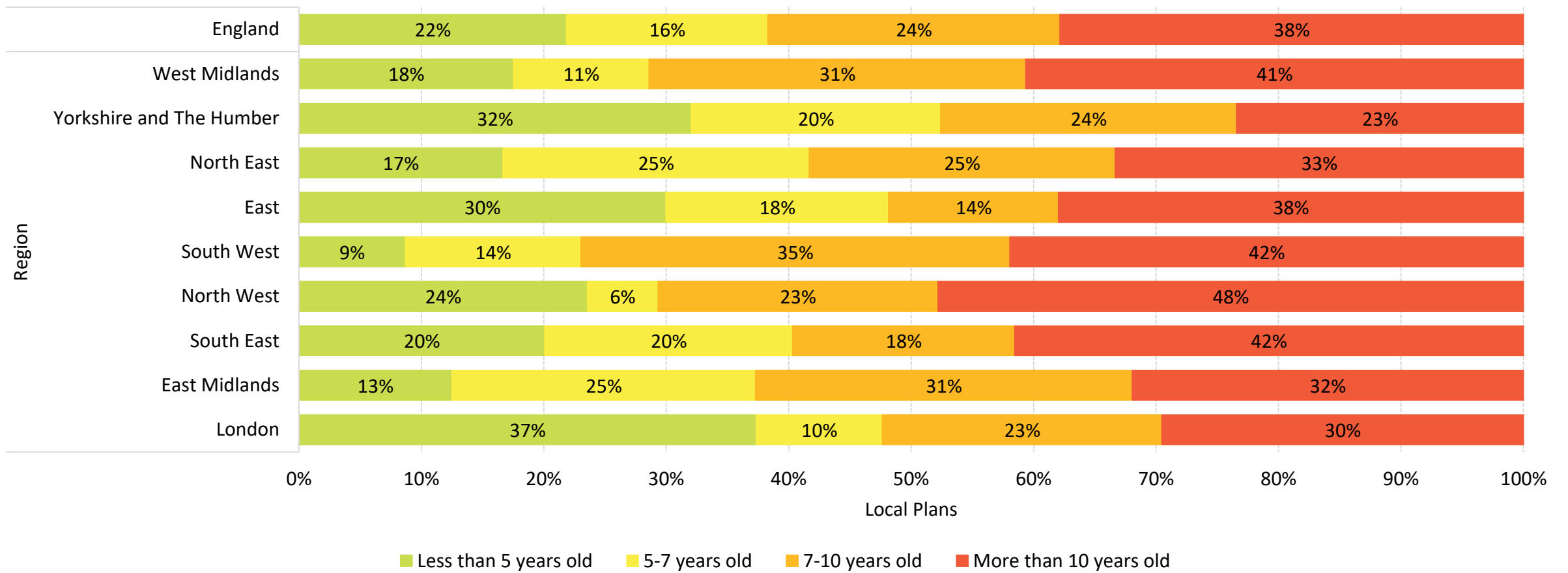
Source: Planning Inspectorate 2023. Lichfields analysis

The slow pace of plan preparation - and recent pauses in plan-making activity - will see the patchwork of Local Plans across England become increasingly out of date. Our analysis of the plan making pipeline suggests by end of 2025, just 22% will be up to date and less than five years old, compared to 33% in July 2023.



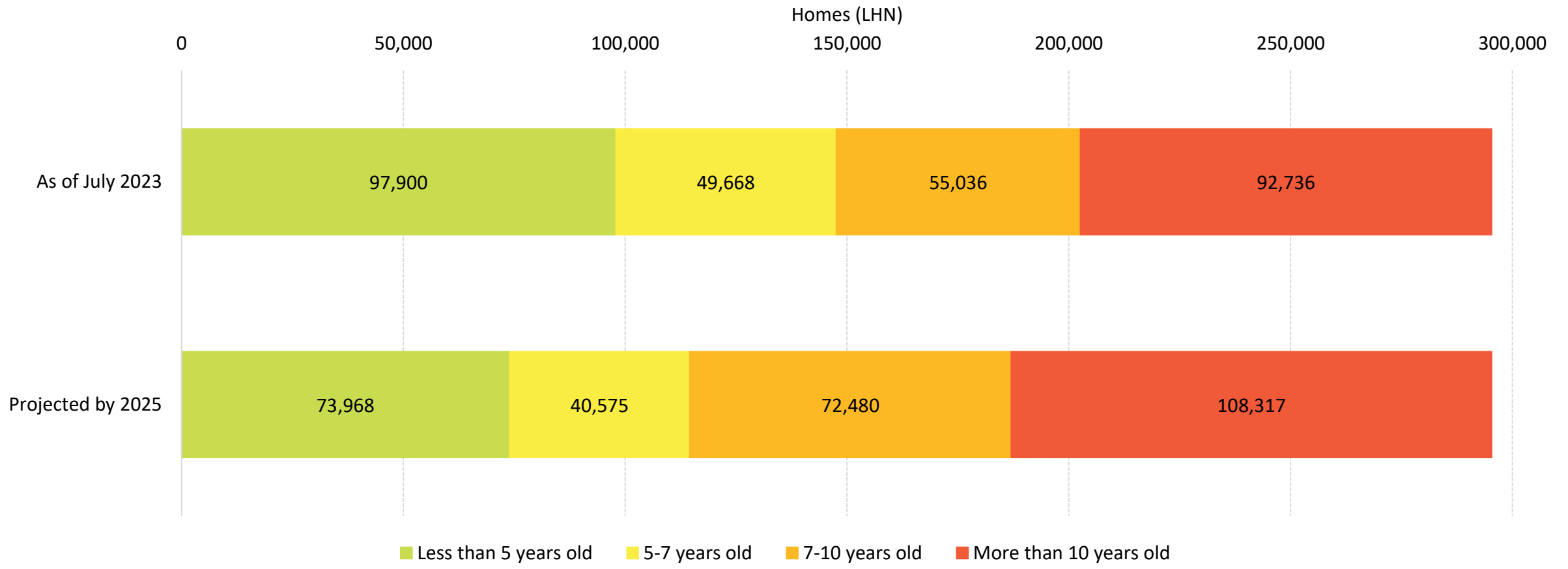
Source: Planning Inspectorate 'Local Plan: Monitoring Progress' for Plans containing strategic policies / Lichfields Analysis of trends and a projection of future progress from the Local Plan pipeline, based on: the current status of Plans; the average and distribution of timescales from Local Plan publication (Reg 19) to adoption; announced Plan delays/pauses; rates of unsoundness/withdrawal; and trends in adopted plans per year.

Coverage of 'up-to-date' local plans by the end of 2025 varies by region. 37% of local plans in London will be less than five years old, whilst in the South West just 9% will be. The North West (48%) and South East (42%) will see the greatest share of Plans more than a decade old.



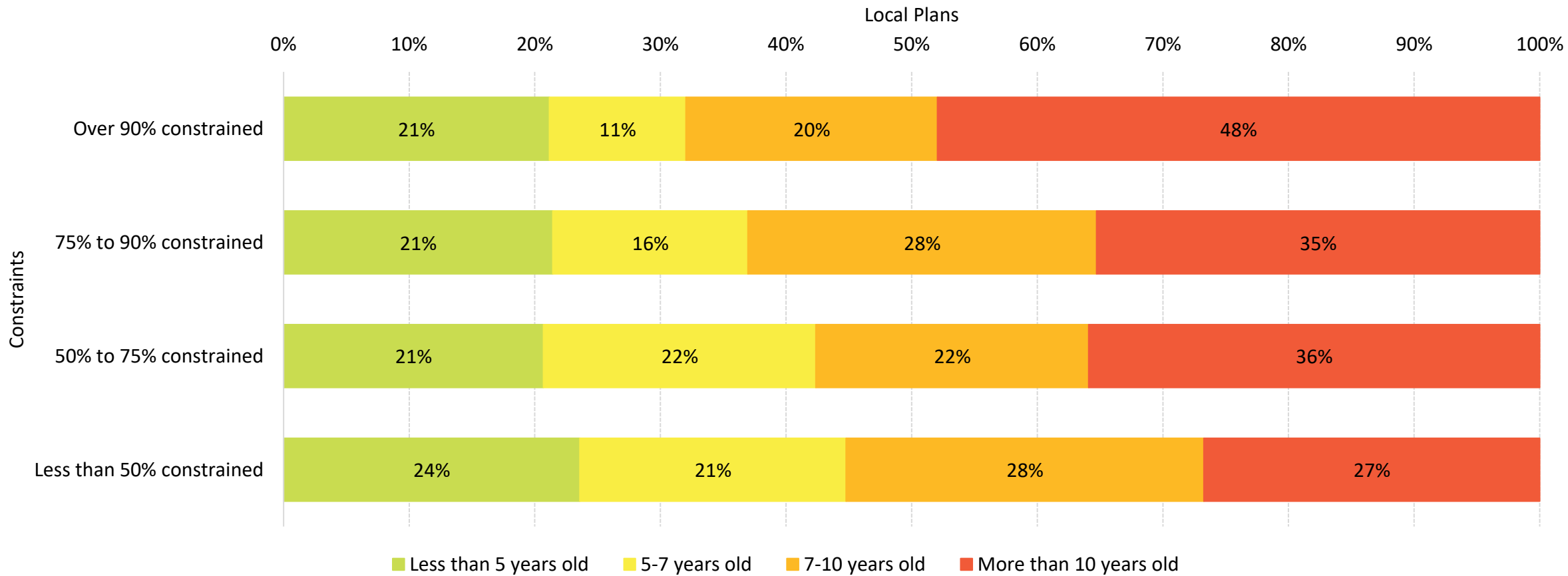
Source: Planning Inspectorate 'Local Plan: Monitoring Progress' for Plans containing strategic policies / Lichfields Analysis and Projections of Plans by Region.

By the end of 2025 just a quarter of the national total of annual local housing need will be in areas with an 'up-to-date' plan. More than one third will be in areas where plans are more than a decade old. The need for around 180,000 homes annually will be in local areas where plans were adopted more than seven years ago.



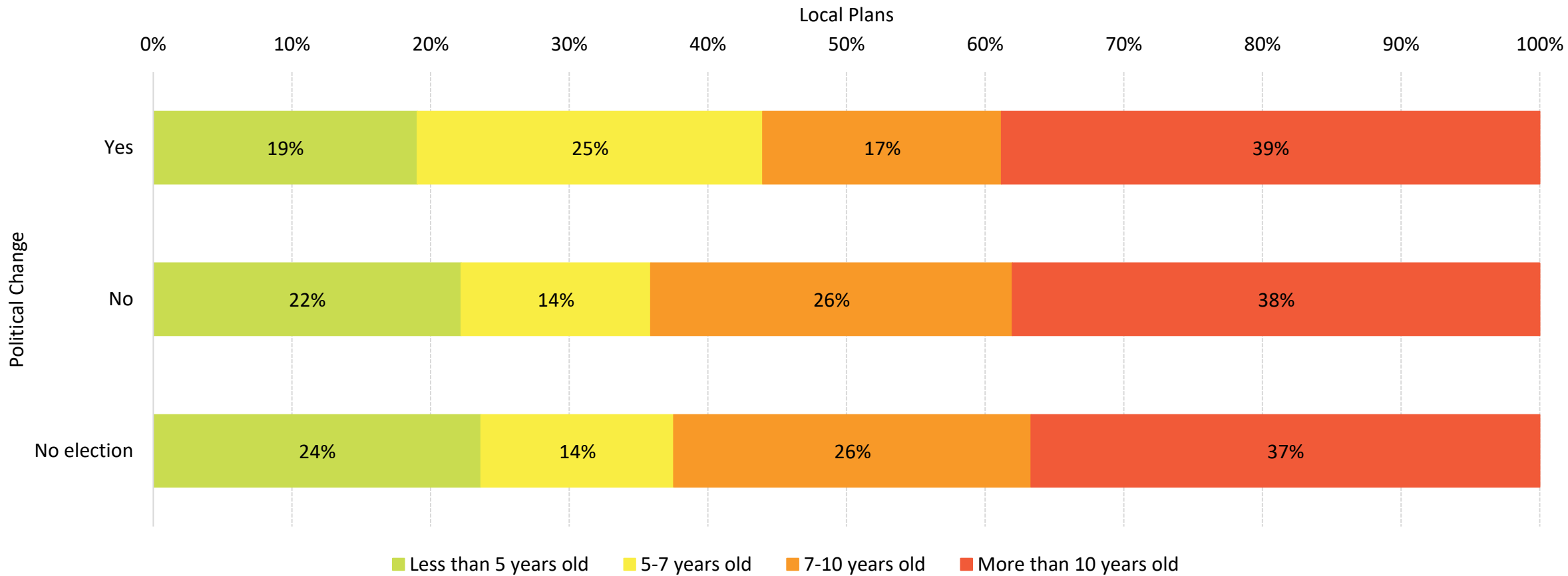
Source: Planning Inspectorate 'Local Plan: Monitoring Progress' for Plans containing strategic policies / Lichfields Analysis and Projections of Plans / Governments Standard Method for Assessing Local Housing Need.
Nb 'Local housing need' is as defined by the standard method (as calculated at July 2023)

Plan coverage will be worse in areas of greater planning constraint, where growth is most reliant on up-to-date Local Plans to identify suitable land. In LPAs where more than 90% of the land is covered by Green Belt and/or other NPPF Footnote 7 constraints, almost half will have a Plan more than 10 years old by 2025.



Source: Planning Inspectorate 'Local Plan: Monitoring Progress' for Plans containing strategic policies / Lichfields Analysis and Projections of Plans / Lichfields GIS Analysis of NPPF Footnote 7 Constraints by LPA Land Area

Councils that saw change in control in 2023's local elections are less likely to have an up-to-date plan, and more likely to have decade-old plans by 2025.



Source: Planning Inspectorate 'Local Plan: Monitoring Progress' for Plans containing strategic policies / Lichfields Analysis and Projections of Plans

LICHFIELDS



@LichfieldsUK