

**Ministry of Housing, Communities and Local Government**

**Planning Reform Working Paper: Streamlining Infrastructure Planning**

**Response from Propertymark**

**February 2025**

**Background**

1. Propertymark is the UK's leading professional body of property agents, with over 18,000 members representing over 12,500 branches. We are member-led with a Board which is made up of practicing agents and we work closely with our members to set professional standards through regulation, accredited and recognised qualifications, an industry-leading training programme and mandatory Continuing Professional Development.

**Consultation – summary**

2. The Ministry of Housing, Communities and Local Government (MHCLG) has launched an informal consultation which builds on its wider proposals for planning reform. This consultation focuses on a range of proposals that would help to streamline the development of critical infrastructure in England, Scotland and Wales which would lead to greater economic growth. In particular, MHCLG is looking to:
  - Review National Policy Statements (NPSs) on a more regular basis.
  - Make the consenting process less burdensome.
  - Clarifying guidance to speed up post-consent changes to applications.
  - Allowing for greater flexibility in the planning process for projects.
  - Strengthening statutory guidance to improve clarity over what is and what is not required for Nationally Significant Infrastructure Project planning procedures.
3. The objective of streamlining infrastructure planning is to increase the capacity that England has to approve infrastructure projects, so that more and better projects can be approved.

**Propertymark response**

4. Propertymark welcomes the opportunity to respond to MHCLG's proposals on streamlining infrastructure planning. In principle, Propertymark fully supports efforts to increase the number

of infrastructure projects that can be approved and completed on time. Infrastructure is vital to ensure that the 1.5 million new homes that the UK Government is planning to deliver during this parliament, have the wider community amenities and good transport links that would make them desirable places to live. Our underlying priority is for more homes to be built that people want to live in, which will necessitate a faster project approval process that has less potential for project delays.

5. Overall, we are supportive of the measures proposed in order to streamline the Nationally Significant Infrastructure Project (NSIP) system. While we agree in theory with the proposals, we have three main comments to make that would further improve the planning process to ensure that NSIPs can be approved quicker and face fewer delays:

- **Base the level of consultation requirements on public support for projects** – projects with large public support should be accelerated while those with less public support indicates the need for more extensive consultation to work out potential issues and changes needed to reduce the negative impact of projects. This should also prevent issues where a minority of voices lead to substantial delays or cancellations of projects.
- **Local priorities must be considered alongside nationally or regionally important projects** – considering the importance that has been levied on Local Plans for local authorities, any strategic infrastructure project that does not align with or undermines a Local Plan will face delays and potential cancellations. Any NSIP should be required to help local authorities achieve their Local Plans.
- **Flexibility is welcome, but rules on when flexibility can be used will be essential** – we encourage avoiding one-size-fits-all approaches as the range of projects will necessitate different approaches. However, we are concerned that the use of a different approach could lead to delays from those who do not support the project, appealing that the project is not going through the typical process. In order to address this, clear rules and guidance on when flexibility is required and encouraged should be written.

Questions

**Question 1: Would the package of measures being proposed in this paper support a more streamlined and modernised process? Are there any risks with this package taken as a whole or further legislative measures the government should consider?**

6. We agree with the proposals laid out by MHCLG, that updating National Policy Statements and taking steps to ensure faster decisions are made under the NSIP system will support a more streamlined and modernised process. We do have four suggestions however that will be essential to ensure that NSIPs can be approved faster, can better align with local priorities and can avoid delays due to objections from impacted communities:
7. Firstly, National Policy Statements must include a requirement for projects to be aligned with the interests of the communities they impact. This can be achieved through alignment to a Local Authority's Local Plan. This would have two clear benefits. Firstly, this coincides with proposals from MHCLG to accelerate the planning process when applications align with Local Plans. Secondly, projects that prevent local authorities from achieving their Local Plans or are not in the interests of local communities would be more likely to be rejected or face potential delays or cancellations after being approved, due to widescale backlash. Ensuring that projects meet Local Plans prevents these issues and would help to accelerate projects during the planning process.
8. Secondly, we agree that reducing the time taken through consultation is positive. One additional way that could help reduce the time needed for NSIPs to be consulted on would be an explicit requirement to gather public support in the pre-application process. This would indicate the time needed for consultation based on the level of support. Additionally, the level of public support should be required to play a significant factor in the approval process. This would have four major benefits. Firstly, this only would this set a requirement for NSIP applications to have high levels of public support, which would improve the quality of applications. Secondly, having the level of public support play an explicit factor in the approval process can help accelerate popular projects. Thirdly, it would help prevent situations where popular beneficial projects are delayed or cancelled due to a minority of dissenting voices. Fourthly, it would reduce the length of the consultation process, enabling project managers to focus on understanding the issues raised by those with concerns.

9. Our last two comments related to the alternative consenting routes. We are supportive of the need to create a more flexible approval process where an alternative route will enable projects to be approved more quickly. However, we have two concerns that need to be addressed. Firstly, an alternative consenting route should be avoided for projects that cannot demonstrate public approval. There is potential for projects that deliver poor outcomes to be approved in this way. By ensuring that only popular projects can be approved this way, projects that produce poor outcomes can be avoided. Secondly, there should be clear guidance as to when flexibility is needed and should be considered, otherwise projects run the risk of disputes holding up the planning process by individuals or organisations who believe that an alternative approach was considered to avoid sufficient public scrutiny. If there are clear rules, these can be clearly highlighted to show that consideration was made to the alternative approach and the decision was based on a factor that was written up in regulations.

**Question 2: Are the proposed changes to NPSs the right approach and will this support greater policy certainty?**

10. We agree that being able to update NPSs to better align with current national and local needs is a positive change. We do however reiterate that NSIPs need to demonstrate public support and adherence to Local Plans. This should be included within NPSs as part of their update. By doing so, we can ensure that projects are more locally focussed and better designed, which are more likely to be approved and successfully developed.

**Question 3: Do you think the proposals on consultation strike the right balance between a proportionate process and appropriate engagement with communities?**

11. We agree that the proposals laid out on consultation, including:
- Amending the Act to change the application acceptance requirements in a way that supports taking more outcomes-based judgements.
  - Introducing a new duty on all parties to identify and narrow down any areas of disagreement during the pre-application stage.
  - Revising requirements around the contents of consultation reports so that they can report on the themes and issues raised across consultation responses.

12. As with our position on NPSs, a more effective pre-application process and higher quality requirements for projects will help improve the speed in which projects are approved and lead to more positive outcomes. This is the reason we are recommending that evidencing public approval should explicitly play a greater role in the planning process. This would help prevent the need for extensive consultation, leading to a faster approval for projects that can demonstrate public support.

**Question 4: Do you agree with the proposal to create a new duty to narrow down areas of disagreement before applications are submitted? How should this duty be designed so as to align the incentives of different actors without delaying the process?**

13. Yes, we agree with the proposal to create a new duty to narrow down areas of disagreement before applications are submitted, for many of the same reasons we have laid out in our answer to question 3. To prevent extensive delays to the process, we would recommend setting requirements to understand where disagreements are and meeting with representatives of these groups. We would also recommend setting a maximum number of times where project managers meet with these groups and present changes to proposals. If disagreements remain, this should be considered in relation to wider public support and the beneficial outcomes of the project.

**Question 5: Do you support the changes proposed to Category 3 persons?**

14. We disagree with the proposed changes to meet Category 3 persons until after the application has been accepted. Without being able to demonstrate wider public support, delaying any meeting with wider community groups would lead to potential delays further on in the application process. This has the potential to cancel or considerably delay projects after the approval stage, rather than during the pre-application process. Propertymark believes in a more proactive approach to application approval. The benefit of securing community support before and during the pre-application stage is that projects can be improved and changed before the start of the process, rather than during a later stage where making changes would lead to further delays. This prevents applications that would face delays due to community concerns from making it to this stage, increasing the speed in which projects are approved.

**Question 6: With respect to improvements post-consent, have we identified the right areas to speed up delivery of infrastructure after planning consent is granted?**

15. We have no comments to make regarding the changes to improvements post-consent.

**Question 7: What are the best ways to improve take-up of section 150 of the Planning Act? Do you think the approach of section 149A has the potential to be applied to other licences and consents more generally?**

16. We see merit in expanding section 149A to cover additional projects outside of maritime licences. We do however urge that there should be strict controls over when Deemed Consent Orders are granted in order to prevent projects from being altered significantly once planning has been approved and development begins. Any changes must be demonstrated to be absolutely necessary in order to maintain the outcomes that the public expressed their support for, and planning approval was based on.

**Question 8: With respect to providing for additional flexibility, do you support the introduction of a power to enable Secretaries of State to direct projects out of the NSIP regime? Are there broader consequences for the planning system or safeguards we should consider?**

17. We have covered our response to this in question 1, paragraph 9.

**Question 9: Do you believe there is a need for the consenting process to be modified or adapted to reflect the characteristics of a particular project or projects? Have we identified the main issues with existing projects and those likely to come forward in the near future? Can we address these challenges appropriately through secondary legislation and guidance; or is there a case for a broad power to enable variations in general? What scope should such a power have and what safeguards should accompany it? If a general process modification power is not necessary, what further targeted changes to the current regime would help ensure it can adequately deal with the complexity and volume of projects expected over the coming years?**

18. As mentioned in our response to question 7, while we understand the need for variation in projects, the planning system needs to balance the need for variations against any negative change in project outcomes. It is vitally important that projects deliver on the proposals that they received permission for, otherwise situations will arise where project developers overpromise what they

can deliver and the outcomes they will achieve, with the understanding that they can make alterations in the future.

19. With this in mind, we have three safeguards that we would recommend. Firstly, there should be clear guidance over what alterations should be considered. This will allow quicker decisions to be made and make it clear what applications for changes will be considered. Secondly, any alteration that would impact local authority's ability to meet their Local Plan should be disregarded. This will prevent wider negative consequences for local authorities and give more precedence to applications which meet local demand and desires. Thirdly, any considerable alterations should come with financial penalties for the project developer. This will disincentivise overpromising during applications and making late-stage amendments which affect the viability of an application.