

BRIEFING NOTE

30th July 2024

Proposed Reforms to the NPPF

In the spirit of “the work of change begins immediately” (Keir Starmer), **hgh Consulting** has set out our initial observations on the Labour government’s proposed reforms to the NPPF.

1. The presumption in favour of sustainable development has changed to encourage authorities to keep their local plans up to date (particularly where this concerns policies for the supply of land). Such policies are to be deemed out-of-date if the authority cannot demonstrate a five-year land supply (the four-year variation for neighbourhood plans has been removed) or if delivery has been substantially below requirements (i.e. less than 75%).
2. The duty to cooperate is maintained but with a much greater focus on cross-boundary problem solving to deliver infrastructure and housing requirements.
3. Housing requirements have been tightened up so that authorities are now required to meet all their housing needs (not just as much as possible). Any references to the standard method being advisory have been removed, with a new national requirement for 370,000 homes annually. The uplift in urban areas has been deleted, but densities in urban areas are to be increased. There’s now a specific focus on providing mixed-tenure sites (including affordable rent and ownership) with social rent being a key focus. All authorities are required to update their land supply positions annually. The housing delivery test remains.
4. The Green Belt section has seen some big changes:
 - i. There is still a requirement to demonstrate exceptional circumstances when amending Green Belt boundaries, but these now include instances where an authority cannot meet its development needs through other means. This triggers the need for a Green Belt review (which can still conclude that Green Belt release is not appropriate)
 - ii. The hierarchy for Green Belt release is PDL, then grey belt land in sustainable locations which is not PDL, and then other sustainable Green Belt locations
 - iii. Redevelopment of PDL can now have up to a “substantial harm” on openness (it’s not entirely clear, but it seems to suggest elsewhere in the document that 50% affordable housing would be required on PDL sites in the Green Belt)
 - iv. A new grey belt exception has been added in cases where it wouldn’t fundamentally undermine the function of the Green Belt more widely, the LPA cannot demonstrate a five year land supply or hasn’t delivered enough homes, development provides 50% affordable housing with an appropriate amount of social rent (appropriate amount is not defined), necessary improvements are made to infrastructure, and good access to green spaces is provided (whether on-site or off-site)
 - v. Grey belt is defined as land in the Green Belt comprising PDL and any other parcels and/or areas of Green Belt land that make a limited contribution to the Green Belt’s purposes but excluding areas or assets of particular importance (i.e. SSSI, AONB and National Parks)
 - vi. Guidance on assessing the viability of developments removed from the Green Belt is provided, focussing on benchmark land value.
5. Regarding economic growth, specific focus has been given to delivering laboratories, gigafactories, data centres, digital infrastructure, freight and logistics. Plans should now identify (not just consider identifying) suitable areas for renewable and low carbon energy sources; with more support given for renewable energy projects generally.
6. All references to “beauty” have been removed throughout the document. But good design is still critical, with the presumption in favour of sustainable specifically stating that adverse impacts on the location and design of development should be avoided.
7. The design of sustainable transportation now requires a “vision-led” approach (this could be taken to mean “vision and validate” as opposed to the more old school “predict and provide” approach).
8. Suitable brownfield land is now to be regarded as acceptable in principle. There’s still explicit support for upwards extensions (including mansards) but with reference to “prevailing height” removed (suggesting the potential for more height than before). We could possibly see some similar changes to PD rights to support delivery of affordable housing (?).
9. There’s no longer a need to consider agricultural land for food production when deciding if it is appropriate for development.

The above is only a summary, and it should not be relied upon in the absence of full professional advice.

