



All I want for Christmas...

...is a new NPPF

Revised national planning policy, in the form of a new iteration of the National Planning Policy Framework (NPPF) has arrived, just in time for Christmas. Published at the end of last week, it is promoted as a key part of the Government's initiatives to get the country building, following a consultation draft earlier in the year.

At a high level, the final version maintains the general themes set out in the consultation draft – (in most cases) raising housing delivery targets, alongside measures to increase housing land supply. Beyond this, there is also a focus on delivering commercial development, particularly that deemed to “support the needs of a modern economy”, although there is less detail on this. There are also some of the most extensive changes to Green Belt policy in many decades, although as ever time will tell in terms of how much of a difference it makes in practice.

In terms of some of the most notable changes:

Brownfield land first

Notwithstanding the changes to Green Belt policy, the Government is unsurprisingly retaining this principle, confirming that development on brownfield land should be ‘approved unless substantial harm would

be caused', this is presumably intended to be a very high bar, accompanied by tweaks to the definition of previously developed (i.e. brownfield) land.

Green Belt

In plan making, the new NPPF requires Councils to undertake Green Belt reviews where they cannot meet their identified needs for housing, commercial and other development needs in full by other means. In such reviews, Councils should first consider brownfield land, then low quality Green Belt (Grey Belt – see next bullet), then other land. However, curiously it is not explicitly confirmed where land on the edge of existing settlements, and outside the Green Belt, falls in this sequential approach – many local authorities have non-urban land which is both in and out of the Green Belt.

Grey Belt

This has been one of the Government's biggest talking points, and has been promoted largely as previously developed land in the Green Belt. In reality it goes beyond this and includes undeveloped land which does not strongly contribute to the (long-standing) policy purposes for including land in the Green Belt. A definitional change since the consultation is – when assessing whether land is Grey Belt or not – its contribution towards safeguarding the countryside from encroachment has been removed (although considerations in relation to preventing urban sprawl, and neighbouring towns merging, is still relevant).

Development in Grey Belt, is not inappropriate development where it ticks various boxes, in particular:

- The presence of a demonstratable unmet need for the type of development proposed, and
- Other criteria including the "Golden Rules", which seeks a higher level of affordable housing on Grey Belt (and sites released from the Green Belt through policy), up to 50% (although this is subject to viability).

Previously developed land in the Green Belt

It has been a long established exception to inappropriate development in the Green Belt, with

the caveat (for most development) that it should not have a greater impact than the existing development. Now all development falls into this exception unless it would "cause substantial harm to the openness of the Green Belt", which is presumably intended – by the Government – to allow for increased levels of development on these types of site, in parallel to the introduction of the Grey Belt.

Housing need and supply

In order to direct development to where housing pressures are deemed to be highest and housing least affordable (i.e. mainly, but far from restricted to, the South East), an amended "standard method" for calculating housing need has been formally adopted, which takes into account housing stock (rather than demographics), and is more weighted towards affordability, increasing local need targets in areas where housing is least affordable. In practical terms, although the pattern of housing numbers are broadly similar to those the Government consulted upon (London gets a 10% increase), the changes represent a substantial increase for many authorities.

This increase in need is paired up with stronger consequences in the event that local authorities cannot (or will not) meet their targets, and are accompanied by a return to the imposition of buffers in respect of those Councils "under-achieving" on housing delivery.

Commercial/alternatives development

In addition to housing, there is a greater focus towards identifying suitable locations for uses which meet the "needs of a modern economy", this explicitly includes laboratories, gigafactories, data centres, digital infrastructure, freight and logistics. This is to be welcomed, however at this stage there is little in the way of detail as to how this is to be addressed in practice.



Many developers, and other businesses who need to work within the planning system, will get some Christmas cheer from the positive tone the Government is giving on the need to make the planning system easier and more predictable. However, there are still significant areas which require subjective judgement, and measures such as the introduction of the Grey Belt are far from a 'free pass' – there are still a range of boxes to tick.

Further, this is only one of a range of measures that the Government is pursuing in the interests of simplifying the town planning system. Also, the Government has indicated that this version will not be around for very long – a new "slimmed-down"

version addressing policy and other strategic matters is expected next year, alongside a new document containing more detailed national development management policies.

In the immediate term though, the changes will very likely bring significant opportunities for developers, housebuilders and landowners, and will make development possible on a range of sites. In terms of planning applications, the new NPPF is part of the statutory policy framework now. As for policy, as expected there will be a more staged lead-in, particularly in cases where plans are already at a relatively advanced stage.

If you would like to discuss the potential opportunities arising from the proposed changes, or would like to have your say in the consultation process, please get in touch with a member of our nationwide planning team.



Robert Clarke
07767 381986
robert.clarke@rapleys.com



Jason Lowes
07899 963524
jason.lowes@rapleys.com

