

Insights

WHAT'S NEW IN THE UPDATED NPPF?

Dec 18, 2024

SUMMARY

On 12 December 2024, the updated NPPF consulted on over the summer, came into immediate effect. The pro-development changes aim to increase housing delivery, support development generally and in particular key growth sectors whilst placing a stronger emphasis on sustainability, tackling climate change and promoting green energy.

The Government's drive for economic growth continues with the anticipated publication of the wide ranging revisions to the [NPPF](#), which is the primary document that sets out the Government's nationwide framework of planning policies. Whilst there are no radical departures from the policy changes consulted on, rather some 'refinements' have been made, the updated NPPF nonetheless introduces some hefty changes to some key policies, along with smaller, more nuanced ones, all of which feed into how local plans are prepared and how planning decision are taken across England.

Alongside the updated NPPF a number of the planning practice guidance notes were also updated, (which included a change to the local plan intervention policy criteria) and local planning authorities are asked to produce an updated plan making timetable within 12 weeks.

The most important changes to note to the NPPF are principally to:

HOUSING

A new standard method for assessing housing need (based on existing housing stock rather than demographic data as per the old method, with an affordability multiplier to focus additional growth on the least affordable areas) is confirmed. Some technical adjustments were made from the consultation version which generates higher housing numbers in the least affordable places, namely London and the South East. Overall, the new standard method increases housing need across the country with an annual target of 370,000 homes (compared to 300,000 under the old method). However, with the removal of the 'urban uplift', it also aims to be more strategic, directing

growth to a wider range of urban areas across England (rather than the 20 largest urban authorities).

In a reversal to the Sunak Government's December 2023 NPPF amendments, this method is reinstated as the mandatory basis for local planning authorities to establish housing need in local plans. However, updates to planning practice guidance provide examples of some specific circumstances when an alternative approach could be justified.

OTHER POLICY CHANGES TO SUPPORT HOUSING GROWTH

These include:

- policy support for denser residential developments in urban areas;
- reinstatement of the requirement for local planning authorities to maintain a rolling 5-year housing land supply for Local Plans to be found sound, along with additional buffers;
- a significant adjustment to the presumption in favour of development subject to existing policy safeguards around the provision of affordable housing, design quality, and sustainability of location
- an expanded definition of brownfield land, known in the NPPF as 'previously developed land' that now expressly includes large areas of fixed surface infrastructure and large areas of hardstanding which have been lawfully developed, to capture more sites, and a stronger presumption in favour of the development (strengthened from the version of the presumption consulted on).

GREEN BELT

The biggest headline change is to Green Belt policy, that is fundamentally changed for the first time in 70 years.

As discussed in [our previous insight](#), the strict and protective policy tests governing the release of Green Belt land for development remain the same.

However, through a series of other policy changes, and some refinements from the consultation draft, it will be more difficult for local authorities to avoid reviewing its Green Belt boundaries and releasing more land from the Green Belt allocation where they cannot demonstrate an ability to meet the need for their area (see below).

The new standard method for assessing housing needs will increase housing figures and in many areas these probably cannot be met by the use of non-Green Belt land, and so many authorities will find that the requirement to carry out Green Belt land reviews will be triggered, forcing such reviews and boundary alterations whether they want to do so or not. Application of a new sequential test,

considering brownfield, then 'grey belt', and then higher performing Green Belt land – with sustainability a central consideration throughout, will identify which Green Belt land should be released for development to accommodate needs.

Outside the plan making process, where there are unmet needs the new classification of 'grey belt' land (being land in the Green Belt that does not 'strongly' contribute to three of the five Green Belt purposes) will assist in identifying sites for release with policy hurdles for securing planning permission considerably lowered. This is because, through other policy revisions, applications for development on land classified as 'grey belt' are more likely to be able to bypass the test that requires approval only in 'very special circumstances' and benefit from the presumption in favour of development.

However, whilst the changes mean the tilted planning balance is more likely to apply to development on Green Belt or former Green Belt land in some cases, through the new 'golden rules', major residential development will be expected to deliver higher levels of affordable housing (which in a change from the consultation draft is set at 15% higher than existing affordable housing requirement subject to a cap of 50% until a new development plan is in place in accordance with the new NPPF) along with improvements to local or national infrastructure and accessible public green spaces.

Whilst there may be scope for viability negotiations in some cases in due course, until the PPG on viability is updated the use of site specific viability assessments is not an option.

COMMERCIAL DEVELOPMENT AND INFRASTRUCTURE

Other updates to the NPPF look to support the modern economy, requiring local planning policies to have regard to the Government's recently published '*Invest 2035: the UK's modern industrial strategy*' green paper, and particularly focus on facilitating the development of key growth sectors, identified as laboratories, gigafactories, data centres, digital infrastructure, and the facilities needed to support the wider supply chain. There is an expectation that sites to support upgraded facilities and infrastructure are identified in local plans.

Further support is also provided for the provision of public infrastructure with significant weight to be placed on new, expanded or upgraded public service infrastructure more generally, with a broader range of development with health, blue light, library, adult education, university and criminal justice facilities included under this umbrella.

SUSTAINABILITY AND CLIMATE CHANGE

Sustainability themes run through the amended NPPF as may be expected, particularly with stronger policy support for renewable and low carbon energy schemes. The Government has not gone so far as to require authorities to proactively identify sites for such development, preferring to

retain this as a discretionary choice. However, when determining applications for renewable and low carbon energy development and associated infrastructure, significant weight is to be given to the benefits of renewable and low carbon energy generation and the proposal's contribution to net zero.

Significant weight must also be given to supporting energy efficiency improvements to existing buildings (both residential and commercial properties) and to the benefits of using existing sites in the repowering and life extension of renewable energy schemes.

Alongside supporting the transition to net zero, the updates address the challenges posed by the impacts of climate change, including overheating, water scarcity, storm and flood risks. A new paragraph has been added, emphasising the importance of climate change considerations in decision-making. The assessment of developments must take into account the need to mitigate and adapt to 'all' potential climate change impacts, with the need for sustainable drainage systems also being recognised.

Further changes clarify the application of the sequential test for flood risk, such that where a site-specific risk assessment demonstrates that no new development is proposed a flood risk area, this requirement will not be triggered. This revision aims to bring proportionality to the planning application process in these situations, whilst maintaining flood protection standards.

CONCLUDING THOUGHTS

Taken as a whole, the NPPF changes aim to provide a pro-growth planning policy framework that promotes housing and economic growth, with an eye to a technologically driven greener future, including a commitment to modern industry and the development of renewable energy. The extent to which the changes deliver on its objectives will not be known for some time. However, we can be certain that however carefully the policy changes have been constructed and the clear underlying intentions, the contentious nature of development means that, in many cases, it will be robustly tested in the planning and judicial process, especially around Green Belt land releases.

And this is not the end of the story on planning reform. There is a lot more to come including a consultation in Spring 2025 on further changes to the NPPF and national policies for decision making (the NDMP), updates to the planning practice guidance on viability and the National Model Design Code, changes to planning committees which are under consideration, and changes to the CPO and compensation rules to improve land assembly on Green Belt land (along with other planning changes) in a forthcoming consultation on the Planning and Infrastructure Bill.

What we do know is that the objective of economic growth requires development, which requires land. The competing interests of housebuilders and developers of commercial assets, when taken with ever more challenging environmental constraints (e.g. flood risk) means the challenge for local authorities to find sufficient land will not get easier.

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