

On the Planning and Infrastructure bill gaining Royal Assent

New law will 'halve' planning delays, claims Housing Secretary Steve Reed

In an interview, *The Times* asked for **Steve Reed's** response to repeated industry warnings that the government will miss its target of 1.5 million new homes by 2029. He replied: "I agree, it's challenging. It's meant to be challenging because we want to build the maximum number of homes that we can over the lifetime of this parliament. If we set an easy target that was easy for me to hit, then no one is going to be energised by that. You have to set a stretching target, but it also has to be achievable. I think that's the figure that we've got to."

Reed predicts a "hockey stick" effect as reforms ramp up the amount of homes getting built towards the end of Labour's five-year term. He claims a new default yes to homes within 800m of a train station in areas with jobs — as introduced in national planning policy last month — on its own "could get nearly a million homes built"

Here's what some of the commentators think

Sam Bensted, assistant director, British Property Federation, said:

"The Planning and Infrastructure Bill gaining Royal Assent is welcome and should pave the way for more strategic planning and streamlined decision making at the local level.

"It is crucial that more homes are delivered and at pace to meet housing need. Greater certainty in the local planning process, and the greater delegation of planning decisions to planning officers, should go some way to achieving this. A lot of the detail that will come forward through the emerging Spatial Development Strategies is still to be worked up, and it is vital that these new strategic plans also effectively plan for employment uses to generate jobs alongside new homes. The larger than local approach must be applied to industrial and logistics space, which enables goods to move efficiently around the country, boosts employment and creates economically sustainable communities. The detail around the Environmental Delivery Plans and the new Nature Restoration Fund will be crucial. We want reassurance

that the new approach will be delivered in a way that genuinely protects and restores nature in tandem with speeding up the development process."

The Town and Country Planning Association:

The bill heralds a loss of "local democratic accountability" with a risk that local people "may have no opportunity to present their case in front of elected members".

The bill gives the government powers to block all committees of locally elected politicians from deciding most planning applications. Instead, trained local planning officers will decide most cases, including for schemes of up to 49 homes under current proposals.

Catherine Williams, planning director of the Home Builders Federation (HBF):

Developers have long argued that politicians elected on an anti-development platform often block schemes that end up being approved on appeal, causing years of delay and costing hundreds of thousands of pounds per case.

Catherine Williams says: Stopping this "will speed up the process; most political decisions on planning should come earlier when councils draw up their long-term local plans."

Victoria Hills of the RTPI:

"Councils and other bodies that must be consulted about planning applications will be able to set their own fees to cover costs. This is "one of the most important measures in the bill" as "a lack of resourcing in the planning system has been undermining good development for years. For it to work, the money must be reinvested in planning, she added."

The Association of Consultant Architects responds:

To give monopolies power to set their own charges and even to allow higher charges for the most inefficient is wrong unless private agents are licenced to compete with councils in the development management business by processing applications.

Housebuilding has been decimated in swathes of the country by rules that require you to prove any new home will not add nutrient pollution to rivers, where industrial farming and water companies are largely to blame. To cut the Gordian knot, the bill creates a nature restoration fund. Developers will be able to pay standard levies to not only offset damage, but improve the environment in line with ten-year, area-based plans drawn up by Natural England, a government quango.

The CPRE says

... it has "major concerns" that Natural England lacks the resources to draw up these plans, and is "not convinced" that developers will be required "to avoid damage to our most important wildlife sites." Some wildlife campaigners have accused the government of allowing "cash to trash" nature.

Lawrence Turner, a director at Boyer:

We support the Planning and Infrastructure Act and its aim to remove blockages and speed up planning decisions, whether through the Nature Restoration Fund, CPO reform, proper strategic planning, or a national scheme of delegation and mandatory member training. The focus now must be on delivery. The regulations must be clear and workable, councils properly resourced, otherwise uncertainty and delay simply get baked back into the system.

Paul Miner of the Council for the Protection of Rural England (CPRE):

Wider new strategies will plan for housing, transport and infrastructure across economic areas that span individual council borders. This will fill a "major gap" left by the abolition of regional planning in 2010. "They will encourage the re-use of brownfield sites and regeneration of urban areas, rather than unnecessary building in the countryside,"

However, it coincides with other local government reforms in the southeast, delaying plans where the housing shortfall is at its worst, says **Edward Clarke, associate director at Lichfields.**

Tipping the scales? Can the revised presumption in a festive NPPF help unlock growth?

Rachel Clements & Matthew Spry give us a first response to the new consultation NPPF

Default "Yes" at stations,

Brownfield passports bring good cheer!

In what is now an annual Christmas tradition² (in which Government alternately publishes a version of the national planning policy framework either for consultation or adoption) a new NPPF has landed, this time for consultation with much-awaited national decision-making policies (NDMPs).

There is a significant body of proposed policy to digest and consider before one pontificates on the document as a whole, but this blog focuses on the structural architecture of the NDMPs (notably the timing of implementation and relationship with the statutory development plan) and the striking proposals to reform and strengthen the presumption in favour of sustainable development ("the Presumption").



A daunting inheritance

When the Government took office over 18 months ago, it faced a daunting inheritance: our blog – a new dawn has broken, has it not? – summarised the situation:

1 The planning system was targeting annual housing delivery of just 259,000, with 75,000 homes a year needed in locations constrained by Green Belt

2 Most areas had plans that were – or soon would be – 'out of date'

3 Residential planning permissions were well below what was needed to deliver 300,000 per annum

4 Decision making on applications is unpredictable and most projects take at least 2-3 years to pass through planning – a finding reinforced by our subsequent research for LPDF and >>>

>>> The bill strips out significant parts of the "unwieldy two-year statutory pre-consultation period" on major infrastructure such as reservoirs, pylons and data centres, he comments. How well it will work depends on secondary legislation and guidance yet to be drafted, says Clarke.

CPRE thinks it will speed things up, but not as much as halving the current four-year average time taken to decide nationally significant infrastructure projects,

Robert Bruce, planning partner at solicitors Freeths:

National planning policies are likely to be a quicker route for the changes the Country needs, with a total re-write of national planning policies published in the draft National Planning Policy Framework issued for public consultation on 18 December.

Ben Standing, planning partner in law firm Browne Jacobson

Following hot on the heels of the wide-ranging reforms to the National Planning Policy Framework (NPPF) announced last month, the passage of the Planning and Infrastructure Bill "indicates the govern-

ment is doubling down on its commitment to putting housebuilding at the centre of its economic growth mission.

"There's a clear link between the legislative and policy instruments being used by government. While the latest NPPF reforms aim to unlock small and medium-sized plots for development via a suite of changes – including a new 'medium' category for sites, exemptions for smaller sites from biodiversity net gain regulations and new benchmark land values – much of the focus of the Planning and Infrastructure Act is on large-scale developments.

"This includes streamlining consultations for nationally significant infrastructure projects (NSIPs), bolstering development corporations to deliver large-scale new towns and communities, and implementing greater compulsory purchase order powers for critical infrastructure such as houses, schools and hospitals.

"Replicating spatial development strategies that are already established in London across the English regions is designed to facilitate a joined-up approach across multiple local authorities to identify the most suitable places to build houses and associated infrastructure. To help meet its 1.5 million homes target this parliament, the government wants to simplify a

fragmented decision-making process within local authorities, embedding consistency on a national basis regarding who determines planning applications. This will make it easier for developers to understand how their applications will be handled.

"It's important, however, that government considers the impact of new housing on local communities. With the discourse often around which areas carry the 'burden' of new housing, planning reform should be complemented by a dedicated drive to meaningfully engage communities so the benefits of development are shared by everyone.

"While electricity bill discounts for communities hosting new energy infrastructure are a step in the right direction, the government should consider the establishment of citizen assemblies to ensure developments respond to community priorities, such as a lack of GP and school capacity, inadequate roads and railways, or underinvestment in leisure facilities.

"For developers, they will also want to see the government consider how to improve the viability of construction projects by tackling acute skills gaps, and rising costs of raw materials and borrowing, while addressing regulations and new taxes like the Building Safety Levy that continue to squeeze margins." ■

>>> Richborough.

This led to the conclusion that a) net additions were unlikely to significantly exceed 200,000 in the short term and will need to ramp up; and, realistically, there would not be any great boost to supply arising from Labour's proposals for strategic plans, new local plans, and new towns before 2029.

In combination, this meant that:

1 any increase in housing delivery would need to arise from immediately encouraging the submission and approval of planning applications ahead of local plan, including in areas of green belt

2 in view of the low starting point, the policy support for housing delivery to achieve this step-change would necessarily need to not only reverse the December 2023 NPPF, but go beyond the 2012 or 2018 iterations of the NPPF and be rapid in its effect.

The December 2024 NPPF and new Standard Method was a response to that agenda, and after a slow start,³ we are seeing some positive effects,⁴ notably in terms of the Standard Method and pathway for development provided by Grey Belt.

However, the core of NPPF policy - the Presumption - was little changed by last December 2024's document, despite the Labour Manifesto having included reference to it being "reformed and strengthened"⁵. In our analysis of October 2024, we looked at how approval rates for schemes determined under the Presumption were falling and highlighted the significant levels of decision making uncertainty for:

1 how a proposal performs against specific policy tests based on interpretation of technical evidence and the significance of any breach or compliance;

2 The weights given to various material considerations in balancing harms versus benefits; and

3 The overall conclusion one reaches in the planning balance.

In simple terms, in the period since 2012, effective decision making has developed a resistance to the Presumption much as bacteria has evolved to outsmart or resist antibiotics.

We made various suggestions for the next NPPF 'presumption' to achieve its objectives for housing delivery, including:

1 Be clearer on goals - hardwire the Government's objectives into the NPPF;

2 Strengthen the presumption - amend the wording to nudge presumption towards default approval;

3 Prescribe weights for benefits - for example, substantial weight to key benefits like homes;

4 Address size relativity - Confirm that housing benefits apply equally to small sites; and

5 Limit Weight on Non-Valued Landscapes - make clear that harm to ordinary countryside or non-designated landscapes should carry only limited

weight, reducing subjectivity and uncertainty.

Against these suggestions, this blog looks at how do the proposed changes to the NPPF measure up.

Further, there has been a recent debate (not rehearsed here) about whether new National Development Management Policies should be 'statutory' as per s.93 of the LURA, or can be non-statutory as per the current NPPF. The Government has settled on the idea that, at least for now, they should be non-statutory which means they operate much as per the current NPPF, within s.38(6) and the primacy of the development plan. In due course, new streamlined local plans should create a simpler decision making framework, but with these some years away, does the new NPPF include the provision necessary to achieve the goals of streamlining and simplifying decision making against existing development plans?

We turn to each of these topics in turn.

Clearer goals? The new Introduction

The introduction to the new NPPF does not set out an overarching explanation for the national context within which the documents sits nor the goals of the changes. Rather, it provides a user guide to the new format structure and context of the NPPF. There is no reference to 1.5 million homes, the housing delivery emergency we find ourselves in, or the vital importance of economic growth to national renewal, or indeed to other important goals. This is a missed opportunity to 'hardwire' the national mission into decisions which will ultimately rely on the aggregation of individual decisions on plans and applications based on judgements and weightings.

However, the draft does acknowledge at paragraph 7 that "Some of these policies indicate how much weight the government would expect a particular consideration to be given, including cases where it is appropriate to give substantial weight to certain benefits, and the limited circumstances in which it is expected that permission would be refused." This is a subtle but potentially clear steer that less judgement and more formulaic decision-making is being created through these proposed changes.

A Stronger Tilt? 'Substantial' vs 'Significantly and demonstrably'

Gone is the current NPPF paragraph 11d); now we all hail the proposed national decision-making policies S3, S4 and S5.

The wording of the proposed new presumption has been strengthened. The proposal is now that development should be approved "unless the benefits of doing so would be substantially outweighed by any adverse effects". Under the current NPPF, in applying the presumption, any adverse impacts of a development would need to "significantly and demonstrably outweigh the benefits" to be refused.

We note, firstly, that although perhaps making no practical difference, the subtle reordering of the sentence makes it more positive, i.e. the benefits would need to be outweighed, not adverse impacts having to outweigh benefits.

Secondly, the proposed wording changes the tilt from "significantly and demonstrably" to "substantially" which seems important. Clearly this may well find itself being interpreted by the courts, but on face value it looks like a strengthening: a stronger tilt towards approval.

A root through the dictionary indicates the word 'significant' equates to something that has meaning, is important or noteworthy. 'Substantial' equates to being of considerable importance, scale or value. When applied to 'weight' in the planning balance, 'substantial' sits above 'significant' in the scale. Arguably one might interpret this as nudging the planning judgment required in the presumption from something which is currently more discretionary, to something which is more quantitative.

The presumption is also proposed to widen across more circumstances (see Policy S3: Presumption in favour of sustainable development). An out-of-date plan or unmet need (via the Housing Delivery Test outcomes) or a lack of five-year housing land supply (5YHLS) is no longer determinative for the presumption to apply in many circumstances. As proposed, the presumption applies on all development proposal sites (including within settlement boundaries- see Policy S4: Principle of development within settlements), except for some circumstances for development outside settlement boundaries, as set out in Policy S5: Principle of development outside settlements.

Policy S4 Part 1, expects development proposals to be approved within settlements unless the benefits would be substantially outweighed by any adverse effects. It goes on at Part 2 to stipulate what these adverse impacts might be which is defined relatively narrowly.

Policy S5 provides a list of "certain forms of development which should be approved outside settlements". Part h) relates to development for housing and mixed-use development which would be within reasonable walking distance of a railway station (on which we have a separate blog), but the most interesting is part j) which confirms the presumption applies to the:

"j. Development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test), and where the development would:

1 be well related to an existing settlement (unless the nature of the development would make

this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure; or

2 comprise major development for storage and distribution purposes which accords with policy E3.”

This means a housing development proposed outside a settlement boundary where there is lack of 5YHLS, or failure or unmet needs via the HDT outcomes, subject to parts i) and ii) above, should be approved. The Policy goes on at part 2 to stipulate (much in the same way as Policy S4) the circumstances when such development proposals are likely to be substantially outweighed by adverse effects, these include:

“situations where the development proposal would fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.”⁶

Even more interestingly in the context of housing development, part 4 of the Policy refers to any other development proposals which do not fall within the categories a) to j) “should only be approved in exceptional circumstances, where the benefits of the proposal would substantially outweigh the adverse effects, including to the character of the countryside and in relation to promoting sustainable patterns of movement.”

No such reference is made to the character of the countryside in the context of housing and mixed-use development which would be within reasonable walking distance of a railway station nor housing where there is a lack of 5YHLS or a failure of the HDT. This does mean, that proposed residential developments outside settlements where there is a 5YHLS and no HDT failure, would only be approved in exceptional circumstances.

As a first cut, we have attempted to capture the clearer structure of the new presumption – and how it applies - within our decision tree here:⁷

<https://www.dropbox.com/s/clfjl5cbz2beuabivdupk91/Lichfields-decision-tree.png?rlkey=ydfb3dri8uwpq45chkf54ypq76-dl=0>

The fly in the ointment for those seeking an NPPF that maximises the prospect of housing delivery, is the Annex A transitional provisions which at para 3 provide protection for Local Plans adopted in the past five years and which, in those areas, for the rest of this parliament will bake in the Gove-era housing legacy that the current Government is so keen to say it has replaced. We explore this further below.

Attributing weights to benefits and harms

At present, while the Framework ascribes some specific weights to some different harms and benefits, the majority are left to the judgement of the decision maker. Meaning the Framework is not collectively guiding decision makers on the support necessary to deliver 1.5 million homes or turbo charge the economy.

As set out earlier in this blog, these proposals go further and stipulate weight the government would expect a particular consideration to be given, notably for housing delivery and business growth.

Policy HO7: Meeting the need for homes, applies substantial weight to “providing accommodation that will contribute towards meeting the evidenced needs of the local community, taking into account any up-to-date local housing need assessment, and other relevant evidence (including the extent to which there is a five-year supply of deliverable housing and traveller sites, and performance against the Housing Delivery Test).” On face value, could this mean that a disagreement on housing mix might reduce the weight to be applied to housing delivery if what is proposed differs to an local plan evidence-based document? The extent of 5YHLS shortfall is often cited as a reason under the current system which impacts the weight to be given to the delivery of housing, but in the context of the national imperative for the delivery of homes, is this appropriate?

The current NPPF 2024 at paragraph 85 requires significant weight to be placed on the need to support economic growth and productivity. In the proposed NPPF, substantial weight is ascribed in Policy E2: Meeting the need for business land and premises to:

1 “The economic benefits of proposals for commercial development which allow businesses to invest, expand and adapt; especially where this would support the economic vision and strategy for the area, the implementation of the Industrial Strategy, support improvements in freight and logistics and/or reflect proposals for Industrial Strategy Zones and AI Growth Zones;

2 Benefits for domestic food production, animal welfare and the environment which can be demonstrated through proposals for development for farm and agricultural modernisation.”

How will the new Framework sit alongside the development plan?

The Government wants the Framework and new NDMPs to apply immediately from its publication in final form (Annex A: Implementation para 1).

The Annex (para 2) includes the provisions that: Development plan policies which are in any way inconsistent with the national decision making policies in this Framework should be given very limited weight, except where they have been examined and adopted against this Framework. Other development plan policies should not be given reduced weight simply because they were adopted prior to the publication of this Framework.

This is a strong indication that, within the framework of s.38(6), the Government intends the new NPPF, once adopted, to significantly reduce the salience of policies from existing local plans, including

those that are yet to be adopted pursuant to the December 2024 NPPF transitional arrangements. This is arguably about as far as the Government might have been expected to go to within the current legal framework in pursuing the original idea behind NDMPs that originated in the 2020 White Paper and led to s.93 of the LURA.

That said, the new NDMPs clearly rely on existing settlement boundaries in existing local plans to define the circumstances in which policies S4 and S5 apply, so insofar as these are based on policies examined and adopted prior to any new Framework, these continue to attract significant weight, with development outside settlement boundaries.

In this regard, it is of some concern that Annex A para 3 is clear that where ‘unmet need’ is a precursor for developing new homes under Policy S5(1)(j), this is determined based on HDT and the five year housing land supply performance against targets in adopted plan for five years from adoption, even if this is lower than the current Standard Method. Under current wording, this applies even to local plans prepared under previous versions of the Framework, including an estimated 39 Local Plans that have been adopted or remain under examination since July 2024 many of which were advanced by those Councils specifically in order to bake in lower housing targets than would now apply under the current Standard Method – in other words to plan for fewer homes.

Our analysis is that the housing targets across these 39 Local Plans are 15,411 homes less per annum than the Standard Method for those areas, and many will also avoid addressing unmet housing need. Annex A para 3 thus has a combined opportunity cost for housing delivery of around 77,000 homes across five years. The Government seeks to address this through its provisions at Annex D Para 9 with the 20% uplift on five year land supply. But amidst the general boldness of the new NPPF proposals, this seems a curiously tentative misstep.

Summary and Conclusion

The Government’s latest NPPF proposals introduce significant reforms aimed at accelerating housing delivery and simplifying decision-making with a clearer ‘rules-based’ approach. The specifics of individual policies will need to be considered further, and its effects will depend on how it is considered in the round for different forms of development and location. However, it represents, without doubt, the clearest and most coherent formulation of national policy for decades.

Ahead of new strategic and local plans emerging, the policies for decision making will have the greatest impacts on what actually happens on the ground. In this blog we focus on the Presumption and do not address the significant body of proposed policies focused on improving the performance of preparing >>>

Major consultation on a revamped NPPF

Housing Secretary pledges to 'go further than ever before' to hit 1.5 million homes

MHCLG:

- Thousands more homes to be built faster in every region thanks to biggest rewrite of planning rules in over a decade
 - Changes include saying 'yes' to brownfield, 'yes' to building around train stations and 'yes' to building more blocks of flats, alongside cutting costs and delays for housebuilders and businesses of all sizes
 - Accelerating government ambitions to build 1.5 million high-quality homes with the right infrastructure, creating new jobs and boosting clean energy
- Hundreds of thousands of new homes will be built under the biggest housebuilding surge in a generation thanks to the most significant rewrite of planning rules in more than a decade.

Having already reversed anti-supply measures in the National Planning Policy Framework (NPPF) last year, the government is going further to make the system clearer, more predictable, and faster to build 1.5 million new homes over this Parliament.

New changes unveiled on 16th December will help optimise land use through well-designed, higher-density development, simplified biodiversity rules for smaller sites – and fast-track good housing projects that meet national standards for energy efficiency.

With families and children stuck in temporary accommodation and young people locked out of home ownership, the only way to start fixing this for good is to build thousands more good-quality homes in every region.

And today's proposals directly build on the immediate and urgent steps already taken to fix a planning system that too often has blocked rather than built. Key revisions include:

- A default 'yes' to suitable homes being built around rail stations, alongside minimum housing density rules.
- Providing the same 'yes' to new homes building upwards in towns and cities, fast-tracking development schemes that meet high standards for well-designed homes.
- Making it easier for developers – particularly SME builders – to build higher density housing, such as modern apartments and flats, on smaller sites and under-used land where appropriate.

- The new 'medium site' category for sites between 10 to 49 homes so SME builders face proportionate rules and costs for their site size – including considering a possible exemption from the Building Safety Levy.

- Streamlining standards on energy efficiency and Biodiversity Net Gain to give builders certainty on plans for new homes.

- Encouraging a more diverse mix of housing, such as rural affordable homes and accessible homes for older people and those with disabilities, providing certainty for developers to meet the housing need of every group across local communities.

- New builds to include nature-friendly features, such as installing swift bricks, to support wildlife – adding little to building costs whilst delivering a win-win for nature and housebuilding.

- Preferential treatment for developments that strengthen local economies and provide new services, including shops, leisure facilities, and food production.

These measures will pave the way for a stable, rules-based system where developments that meet clear standards can move quickly from plans to construction – the most significant rewrite of national planning policy in over a decade. The new rail and densification policies are expected to unlock a potential 1.8 million homes in the coming years and decades.

To ensure these changes make an immediate difference, the government is proposing that they effectively override conflicting policies from day one, so everyone is working from the same rule book.

This is another major step forward in the government's unrelenting focus to build 1.5 million high-quality homes, create jobs, and bolster clean, home-grown energy in every corner of the country – tackling record-high housing waiting lists and supporting the dream of homeownership for working families.

Chancellor of the Exchequer, Rachel Reeves:

"For too long our economy has been held back by a housing system that slows growth, frustrates business, and prices the next generation out of a secure home.

These reforms back the builders not the blockers, unlock investment and make it easier to build the 1.5 million new homes across every region – rebuilding the foundations of our economy and making affordable homes a reality for working people once again."

>>> and determining applications (Policies DM1 – DM7) which look to contain a number of welcome measures. There are also issues to be considered in terms of how 'unmet need' is demonstrated for economic growth in E2.

Central to the changes is a strengthened Presumption in which its structure and the tilted balance component significantly shifts from its 2012-era. Among the changes is amending "significantly and demonstrably" to "substantially outweighed," creating a clearer tilt toward approval, and applying the Presumption across more circumstances.

The draft framework also prescribes substantial weight to housing and economic growth benefits and makes clearer which factors/circumstances will make refusal more likely, reducing some of the inherent subjectivity in planning judgments.

While NDMPs will operate non-statutorily within the current legal framework, they are intended to kick in immediately on formal adoption, with limited weight applying to existing Local Plan policies that are in any way inconsistent. It creates a fighting chance of addressing some of the delays and obfuscation that has driven up delays in planning decision taking since 2014, although other factors – notably around nature recovery and utilities – remain to be addressed.

Provisionally, we can say that the impact for housing delivery should be significantly positive (at least in the medium term) but that is moderated by the Annex A transitional provisions protecting recently adopted local plans, which risks constraining delivery in at least 39 separate areas by an estimated 77,000 homes over five years. ■

FOOTNOTES

[1] Thanks to Microsoft 365 Co-Pilot

[2] Recollections vary as to when this ancient custom began, but who can fail to remember the December 2022 NPPF consultation which downgraded housing targets.

[3] See for example this BBC analysis of the lagging indicator that is permissions

[4] See this Planning Portal Analysis up to September 2025

[5] See Labour Manifesto here

[6] These policies are:

Policy TC3(4): Main Town Centre uses outside town centres failing sequential test or significant adverse impact on TC4

Policy M5(1): Proposals for the extraction of peat at new or extended sites

Policy L3(4): Do not make efficient use of land

Policy DP3(2): Not well designed

Policy HC5(1): Hot food takeaways or fast-food outlets failing a) and b)

Policies F6(1)(a) and F7(2): Flood risk

Policy N2(2): Significant harm to biodiversity

Policy N6(1)(a) and (2): affecting site of international importance or loss of irreplaceable habitats

Policy HE6(4): substantial harm to, or the total loss of, the significance of a designated heritage asset

[7] We won't have got this right, so comments welcome!

Here's what some of the commentators think

Paul Belton, partner with Carter Jonas (Cambridge) said:

"Following a raft of changes to the NPPF introduced in December, these latest proposals represent a fuller and more definitive update to national policy to support development and help create and grow good places in which to live and work. The draft NPPF is said to mark the culmination of a sustained push over the first period of parliament to overhaul the planning system. The draft seeks to hard wire a set of clear, more rules-based policies to make planning policy easier to use, underpin the development of faster and similar local plans and be more directive of decision making in support of both appropriate housing and commercial development.

From a quick review it is clear that some policies are fine tuning proposals introduced last year, whereas other proposals are more radical. It is clear that the Government is committed to overhauling the planning system, streamlining processes and providing a policy framework that is equipped to boost housing and economic growth. The idea of easing the burden on small and medium sized development will be welcomed by many while ideas such as a presumption in favour of proposals near to well-connected train stations could also open up new opportunities. Any approach to tackle issues relating to infrastructure shortfalls will also be welcome to the development industry as a whole."

Ben Standing, Partner in planning at law firm Browne Jacobson:

"It's clear that with the government putting its pledge to build 1.5 million homes at the heart of its economic growth ambitions, it's pulling on every lever it has control over by making sweeping changes to environment regulations and planning policy.

"The latest consultation on an amended NPPF – which comes just a year after publishing a revised version – brings forward significant changes to how planning decisions are made by local and national government.

"In particular, there is a targeted push to unlock small and medium-sized plots of land for development by creating a new 'medium' category for sites, exemptions for smaller sites from biodiversity net gain regulations and new benchmark land values.

"These are often regarded as the most difficult



sites to bring forward for development due to land costs and local opposition. While the government wants to introduce a permanent presumption in favour of suitable development, it must be mindful of how councils and developers engage communities early on so that valid concerns are mitigated ahead of construction work. This can ensure local people feel they are benefitting, not suffering, from national development targets.

"More broadly, there is a danger that constant planning policy flip-flopping actually holds back development rather than accelerates it. In our experience, regular significant changes to the system creates uncertainty for developers on how to cost these in, while local authority planners require sufficient guidance so they can make good decisions.

"Planning policy will only ever be one piece of the jigsaw in the government's quest to build more homes. It must address the viability problem by tackling the wider economic and skills challenges that make construction so expensive."

Planning Director at the Home Builders Federation, Catherine Williams:

"The draft NPPF reinforces Government's commitment to reforming the planning system and removing barriers to homebuilding, retaining a clear focus on sustainable development while protecting the natural environment.

Proposals to reduce the complexity should help to reduce delays, speeding up the time it takes to get permissioned sites to the point when homes can be built and giving some much-needed encouragement to a dwindling number of local SME home builders. This progressive approach is urgently required if the industry is going to reverse the trend of recent years that has seen a decline in the number of homes being consented."

Chair of Berkeley Group, Rob Perrins:

"Our country's housing supply is constrained by the layers of overlapping policies and regulations which make it impossibly slow, complex and expensive to build homes. We commend these positive reforms which, once adopted, will help to rationalise this dysfunctional system and create a more consistent and certain process that actually delivers the high-quality private and affordable homes people need at real scale and pace."

Chief Executive of Urban&Civic, Nigel Hugill:

"All experience is that establishing clear presumptions has a material impact on both the direction and the operation of our planning system. We welcome these proposals as addressing the treacle in the existing system which unnecessarily slows down decision making and delivering for our communities."

Chief Executive and Executive Chair at Vistry, Greg Fitzgerald:

"This is further evidence of this government's welcome continued commitment to modernising and streamlining the planning system. At a time when families are stuck in temporary accommodation and young people are locked out of homeownership, delivering thousands of good quality homes in every region is essential to fixing the housing crisis for good.

The new National Development Management Policies and refreshed National Planning Policy Framework will protect quality and encourage delivery at pace. Importantly the changes will provide the clarity needed to take bold decisions, support environmentally responsible new homes and enhance local services. We now need local councils to respond swiftly and grant the permissions required to unlock sustainable and thriving communities." ■