NPPF December 2024 – Blog post

Introduction

The first NPPF of the new government has been published. In the broadest of strokes, it makes some significant policy changes that reflect this government's stated ambition to deliver record levels of housebuilding, significantly increase growth, and "unlock" the economic potential they consider the planning system to be holding back.

This post seeks to identify the more important changes made with regards to each policy chapter, though not all chapters have seen a revision.

Chapter 2 – Achieving sustainable development

The most significant change here is to the test for disapplying the "tilted balance", under a revised policy 11(d).

Policy 11(d)(i) has been slightly revised, so that the "clear reason for refusal" test is now a "strong" reason for refusal. On an ordinary reading, the latter seems like a slightly more demanding test than the former, which would effectively narrow the scope for disapplying the tilted balance.

Under policy 11(d)(ii), the tilted balance is still disengaged where the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of doing so, assessed against the NPPF as a whole. However, the new text requires decision-makers to pay "particular regard" to a closed list of "key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination".

In practice, it seems likely planning decision-makers will read those words as adding weight to adverse impacts or benefits that relate to them. So, ceteris paribus, a significant scheme which is not in a sustainable location (NPPF 100) would seem more likely to see a disapplication of the tilted balance than they would under the old framework.

Chapter 3 – Plan-making

The updated NPPF emphasises the continuing importance of the duty to cooperate between local authorities in plan-making. Where there are strategic relationships between authorities,

they should “make sure” that their plans “align as fully as possible” and that they take a “consistent approach” to the delivery of major infrastructure and dealing with unmet housing need from neighbouring areas.

These are strong words and impose a demanding new test in plan formation. Cooperation is king, and local authorities will have to think ever more carefully, from the outset of plan-making, as to how they can collaborate with their neighbours to achieve macro and regional policy goals.

Policy 28 also encourages inspectors to take “informed decisions” where there is uncertainty about how plans, coming forward at different times, will ultimately be made to fit together. Again, the emphasis is on achieving strategic cooperation so far as is possible, even where those determinations may pre-empt still emerging local plans.

Chapter 4 – Decision-making

No changes.

Chapter 5 – Delivering a sufficient supply of homes

The most significant change here, and among the most significant in the new NPPF as a whole, are the changes to the standard method. That is unsurprising, given the government’s stated ambition to deliver levels of housing not seen since the 1960s, and to deliver it in a way that enables growth in the North and the Midlands.

The standard method is the mechanism which identifies the minimum number of houses a local authority should plan for. Currently, the approach is to identify a baseline of housing need based on future projections, adjust that upwards (subject to various caps for non urban centres) in areas with less affordable housing, and then add another uplift of 35% for major urban centres.

The new approach aims for both higher overall delivery and to balance out delivery nationally. It starts with a different baseline of need. It looks at existing housing stock and then requires 0.8% of that stock to be delivered as a baseline. That will require substantial housing delivery everywhere, and not just places which are forecast for greater growth. It is a similar level to the 0.89% housing stock growth averaged across the country over the past ten years.

The affordability ratio now leads to a greater uplift of required housing in areas where housing is, on average, less affordable. The uplift applies where house price to earnings ratios are greater than 5:1, and for every percentage point above that figure, housing targets are to be raised by 0.95%. A worked example in the PPG helps explain the maths. Ultimately, that means more development in areas that would seem to have the most under pressure housing stock, and particularly non-urban areas.

The previous caps, which prevented uplifts from increasing the baseline need from increasing beyond 40% more than the previously identified need or the baseline, have now been removed. Requiring affected local authorities to deliver housing numbers beyond those caps is an inherently ambitious ask, and will require some bold planning on their part.

The urban uplift has also been removed, which may have the effect of shifting housing delivery away from urban centres. Again, this reflects the government's agenda to deliver more even growth across the country (an aspiration known as "levelling up", once upon a time). It means that, curiously, London will be expected to deliver around 80,000 homes, instead of around 100,000 under the old method (which was about a third of what was expected nationally at the time). Some critics may call this madness, but there is method in it. As the consultation paper notes, the current urban uplift focuses on only the top 20 urban centres, which is arguably arbitrary, particularly given it excludes Oxford and Cambridge, two centres where there is a particularly strong connection between housing delivery and economic growth.

Chapter 6 – Building a strong, competitive economy

Policies 86 and 87 have been substantially expanded. Policy 86 contains a new subcriteria which requires planning policies to "pay particular regard to facilitating development to meet the needs of a modern economy, including by identifying suitable locations for uses such as laboratories, gigafactories, data centres, digital infrastructure, freight and logistics". This adds some emphasis, and would seem to suggest greater weight be given, to the value of facilitating the digital economy. It is not a surprising change, given the government's emphasis on expanding the digital economy as part of its drive for growth, and the outcomes of recent call-in decisions (see for example the recent call-in approval for a Hyperscale data centre in Buckinghamshire).

Policy 87 expresses itself in a more granular way, but in substance says little that is new. Policy-makers and decision-takers should continue to have regard to the specific locational needs of

different sectors, including in the digital economy and for distribution.

Chapter 7 - Ensuring the vitality of town centres

Nothing new.

Chapter 8 - Promoting healthy and safe communities

There are a few interesting changes here that reflect a discrete shift in the political agenda. For example, under the new policy 97, decision-makers are directed to refuse applications for takeaways and fast food restaurants near schools or "other places where children and young people congregate" (which may lead to some interesting debates at inquiry: would a local park count?), or in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social-behaviour (some might say that a concentration of fast food restaurants will almost inevitably have an adverse impact on local health, so this strictly worded policy may be more radical in effect than it might seem).

Under policy 101, decision-makers are now required to give "significant weight" to the importance of delivering or upgrading "public service infrastructure such as health, blue light, library, adult education, university and criminal justice facilities". This would seem to be a boon to the many proposals that incorporate the delivery of these assets or make contributions to them.

Chapter 9 - Promoting sustainable transport

The main change here is the requirement that decision-makers take a "vision-led" approach to transport planning. As the government's consultation paper reflects, the idea is to move away from merely predicting peak car usage and building the necessary roads. Instead, where possible, decision-makers should seek to develop different kinds of infrastructure in the long term, by developing local areas to make them sympathetic to new and more sustainable forms of travel.

The idea of vision-led transport planning is not new. It is often remarked that building more roads simply leads to more car usage. The scheme of this policy seems to be to try to think of transport in a more holistic way, so that people are given more sustainable options, to change the kinds of transport that are actually being used.

Although the sustainability of transport already plays a very important role in planning decisions, this is an important shift, and certainly reflects an evolution at least from the previous government's rhetoric on car use.

Chapter 10 – Supporting high quality communications

No changes of note.

Chapter 11 – Making effective use of land

There has been an important amendment at paragraph 125(c), which now states:

"Planning policies and decisions should […] give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused."

This has strengthened the approach that was originally proposed in the consultation, which stated that such development would merely be acceptable *"in principle."*

The Government has also amended the policy around density. Paragraph 130 of the previous edition has been removed, which suggested that uplifts in density *"may be inappropriate if the resulting built form would be wholly out of character with the existing area".*

Further, the definition of previously developed land has been widened, now incorporating hardstanding (see Annex 2, page 77).

Chapter 12 – Achieving well-designed places

The most obvious change in this chapter is the removal of the word *"beautiful"* from the title. A relic of the Michael Gove era, and source of much philosophising in Inspectors' decision letters,[1] that term has been scrapped, but the general emphasis on high quality design remains.

The principle that development which reflects local design guidance be given significant positive weight remains (see paragraphs 139(a) and (b), as does the corollary that poorly designed development be refused (paragraph 139).

[1] See, for example, the infamous *"Slab"* development decision; https://assets.publishing.service.gov.uk/media/65c63d5d14b83c000ca71648/Called-in_decision_-_Former_London_Television_Centre__60-72_Upper_Ground__London__ref_3306162_-_9_February_2024_.pdf.

Further, paragraph 137 has been amended to make explicit the requirement that Applicants *"provide sufficient information to demonstrate how their proposals will meet the design expectations set out in local and national policy."*

Chapter 13 - Protecting Green Belt land

This Chapter, along with the changes to housing supply, arguably contains the most significant amendments to national planning policy and has been the source of much commentary.

Novel designations have been introduced, most notably the "*Grey Belt*," and the Green Belt itself, a concept originating in the 19th century, has had its most significant alteration since its introduction in 1947.

The Green Belt

Many of the fundamentals of the Green Belt remain intact. Boundaries need only be reviewed in exceptional circumstances; development may only occur on designated land in very special circumstances; and the fundamental purpose of the Green Belt remains the same.

However, there are several significant amendments. Councils should now review their Green Belt boundaries *"where an authority cannot meet its identified need for homes, commercial or other development through other means."* In such circumstances *"authorities should review Green Belt boundaries in accordance with the policies in this Framework and propose alterations to meet these needs in full, unless the review provides clear evidence that doing so would fundamentally undermine the purposes (taken together) of the remaining Green Belt, when considered across the area of the plan"* (paragraph 146).

That is to be achieved by a prescribed test set out in paragraph 148: *"plans should give priority to previously developed land, then consider grey belt which is not previously developed, and then other Green Belt locations. However, when drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should determine whether a site's location is appropriate with particular reference to paragraphs 110 and 115 of this Framework. Strategic policy-making authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary."*

There are also new prescribed scenarios in which development on the Green Belt will not be considered inappropriate (those being detailed at paragraphs 154-5). Perhaps most notably, development on the Grey Belt would not be inappropriate *"where:*

a. *The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
b. *There is a demonstrable unmet need for the type of development proposed;*
c. *The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
d. *Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157."*

The Grey Belt and the Golden Rules

The Grey Belt (somewhat confusingly not capitalised in the new NPPF unlike its verdant cousin - rectified here) is defined as *"land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development"* (Annex 2, page 73). The original consultation draft only required that land make a *"limited"* contribution, so the new NPPF should, in theory, make more land available.

Most importantly, all development on land released from the Green Belt (including Grey Belt land) will need to meet the *"Golden Rules"* set out at paragraphs 156-157. A development which complies with the Golden Rules will be given significant weight in the planning balance (paragraph 158).

Chapter 14 - Meeting the challenge of climate change, flooding and coastal change

In line with the Government's ambitious climate agenda, the net zero target has now been placed front and centre in paragraph 161. Previously, policy rather tamely only made reference to a *"low carbon future."* Further, previous restrictions on onshore wind energy have been entirely lifted.

However, somewhat less positively, the NPPF also contains details which highlight the perils the climate crisis. Paragraph 162 now states that plans should take account of the risk of drought

from rising temperatures, and a new paragraph 163 explicitly recognises the importance of climate mitigation as a consideration in the decision-making process.

Disappointingly, the proposed requirement set out in the consultation draft, that Councils must identify suitable areas for renewable and low carbon energy sources, has been removed. Policy merely requires that Councils *"consider"* identifying such areas.

Further, paragraph 168(a) states that significant weight should be given to the benefits associated with renewable and low carbon energy generation. However, paragraph 164 of the consultation draft, which stated that Councils 'should support' planning schemes for all forms of renewable and low carbon development, has been removed.

Flood Risk

A new exception has been included where a sequential test will not be required.

Paragraph 175 now states:

"The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."

Chapter 15 – conserving and enhancing the natural environment.

Minimal changes have been made to this chapter. Those of note include:

a. Paragraph 187(d): an additional reference to *"incorporating features which support priority or threatened species such as swifts, bats and hedgehogs."*
b. Paragraph 190: the previous reference to AONBs has been changed to *"National Landscapes,"* to reflect the new denomination.

Chapter 16 – conserving and enhancing the historic environment.

No changes of note.

Chapter 17 – facilitating the sustainable use of materials.

No changes of note.

Annex 1 - Implementation

For all development management decisions, the NPPF is to take immediate effect (paragraph 231). Ongoing applications and appeals will therefore need to consider the new NPPF.

In respect of plan-making (paragraph 234 onwards), 12 March 2024 is the date on which plans must consider the new NPPF. That general rule is subject to several caveats:

a. where a plan has reached Regulation 19 stage on or before 12 March 2025, and its draft housing requirement meets at least 80% of local housing need;
b. where a plan has been submitted for examination under Regulation 22 on or before 12 March 2025;
c. where a plan includes policies to deliver the level of housing and other development set out in a preceding local plan (such as a joint local plan containing strategic policies) adopted since 12 March 2020;
d. the local plan is for an area where there is an operative Spatial Development Strategy, and the local plan has reached Regulation 19 (pre-submission stage) on or before 12 March 2025; and
e. the plan deals only with minerals and/or waste matters and has reached Regulation 19 on or before 12 March 2025; or has been submitted for examination under Regulation 22 on or before 12 March 2025.

Conclusion

After over 10,000 responses to the draft consultation document, and 810 changes to the previous version, the new NPPF has finally been published.

If the Government's rhetoric is to be believed, this document represents the biggest shift in housing policy since the post-war Atlee Government. That change could not come soon enough – this year saw the record for the number of children affected by homelessness in the UK. Conceptually, the ideas are bold and inventive. Now they require practical implementation.