

THE NEW NATIONAL PLANNING POLICY FRAMEWORK: WHAT DOES IT SAY AND WHAT DOES IT MEAN?

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Thomas Hill KC
Peter Village KC
Celina Colquhoun
James Burton
Victoria Hutton

NPPF – DECEMBER 2024: PARA 11 & PLAN MAKING

16 DECEMBER 2024

CELINA COLQUHOUN

PARA 11 – APPLYING PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

- **DEC 2023 VERSION:**

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies which are most important for determining the application are out-of-date⁹, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for

refusing the development proposed⁷ ; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

- **CONSULTATION VERSION**

“d) where there are no relevant development plan policies, or the policies for the supply of land⁸ which are most important for determining the application are out-of-date⁹, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for

refusing the development proposed⁷ ; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, in particular those for the location and design of development (as set out in chapters 9 and 12) and for securing affordable homes.

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PARA 11 DECEMBER 2024

11. Plans and decisions should apply a presumption in favour of sustainable development.

....

*For **decision-taking** this means*

c) approving development proposals that accord with an up-to-date development plan without delay; or

*d) where there are no relevant development plan policies, or the policies **which are most important for determining** the application are out-of-date⁸, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance⁷ provides **a strong reason** for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework **taken as a whole, having particular regard to 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**⁹.*

- [emphasis added]

PARA 11 FOOTNOTES – DEC 2024 – FOOTNOTE 8

“policies which are most important for determining the application are out-of-date”

Fn 8 – *“This includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. See also paragraph 227.*

FN 8 2023 version [see below FN 9 for consult]

This includes, for applications involving the provision of housing, situations where: (a) the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with a buffer as set out in paragraph 77 and does not benefit from the provisions of paragraph 76; or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years.

FN 8 consult version Policies for the supply of land

Policies for the supply of land are those which set an overall requirement and/or make allocations and allowances for windfall sites for the area and type of development concerned.

PARA 11 FOOTNOTES – DEC 2024 FOOTNOTE 7

policies in this Framework that protect areas or assets of particular importance

Fn7 [UNCHANGED FROM 2023 VERSION OTHER THAN NEW PARA REFS] [NB 'strong reason' not 'clear']

- *The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 189) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change*

PARA 11 FOOTNOTES DEC 2024 – FOOTNOTE 9

- 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.

FN 9 - The policies referred to are those in paragraphs 66 and 84 of chapter 5 [re housing delivery]; 91 of chapter 7 [Ensuring the vitality of town centres]; 110 and 115 of chapter 9 [Promoting sustainable transport]; 129 of chapter 11 [Making effective use of land]; and 135 and 139 of chapter 12 [Achieving well-designed places].

- Consult version: [see FN8 for Dec 23 version]

FN 9 - This includes, for applications involving the provision of housing, situations where: (a) the local planning authority cannot demonstrate a five year supply (or a four year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with the appropriate a buffer, if applicable, as set out in paragraph 7677) and does not benefit from the provisions of paragraph 76; or (b) where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

ISSUES:

- Approach to differences between versions

Paul Newman [2021] EWCA Civ 15 - *not helpful to consider language of earlier NPPFs - deliberately and materially different*

Redhill Aerodrome Ltd [2015] PTSR 274 – (see *Gladman*) where Govt intends to make a significant change to a policy in NPPF “it would be expected to make a clear statement to that effect”.

- “clear” v “strong” reason for refusal – limb (i)
- *Monkhill Ltd v SSHCLG* [2019] EWHC 1993 (Admin) – ‘provides a clear reason’ = “the application of the policy in question yielded a clear reason for refusal in the decision-maker’s view, as a matter of planning judgement”
- Strong = ‘weighty’? ‘weighted’? Depends upon specific circumstances not simply designation?
- Reasons for change in Govt “Response to Consultation”- “when assessing whether areas or assets of particular importance provide a reason for refusal....reflects views...about opportunities to strengthen the presumption’s wording, in the context of the government’s commitment to increasing the supply of homes, but still enables these key protections to be fully considered and enforced where it is appropriate to do so.”
- NB Grey Belt definition excludes land which meet FN 7 “strong reason”

ISSUES

- policies in the “Framework taken as a whole” v “as whole, having particular regard to key policies” – limb (ii)
- Gladman [2020] EWHC 518 (Admin); [2021] EWCA Civ 104: ie a variety of policies interacting with or depending upon the policies of the development plan, or requiring the plan to set a pattern of development or establish a locational strategy in a particular way, or to make allocations or designations of one kind or another, or set in place policies of protection or promotion, consistent with the Government's own priorities.
- NB as per Gladman – limb (ii) includes Development Plan policies
- ?

PLAN MAKING: DUTY TO COOPERATE

- No change to para 11 re plan making
- Changes to Section 3 (other than removing ref to 'beauty and place making' aim for strategic pols) are to maintaining "effective strategic planning across local planning authority boundaries" [24-28]
- As per consult version addition to start of NPPF [24]
- Effective strategic planning across local planning authority boundaries will play a vital and increasing role in how sustainable growth is delivered, by addressing key spatial issues including meeting housing needs, delivering strategic infrastructure and building economic and climate resilience.

PLAN MAKING – DTC

- New para – [27] (as per consult version) :

“Once the matters which require collaboration have been identified, strategic policy-making authorities should make sure that their plan policies align as fully as possible with those of other bodies where a strategic relationship exists on these matters, and take into account the relevant investment plans of infrastructure providers, unless there is a clear justification to the contrary. In particular their plans should ensure that:

- *a consistent approach is taken to planning the delivery of major infrastructure, such as major transport services/projects, utilities, waste, minerals, environmental improvement and resilience; and strategic health, education and other social infrastructure (such as hospitals, neighbourhood health facilities, universities, schools, major sports facilities and criminal justice accommodation);*
- *unmet development needs from neighbouring areas are provided for in accordance with paragraph 11b; and*
- *any allocation or designation which cuts across the boundary of plan areas, or has significant implications for neighbouring areas, is appropriately managed by all relevant authorities. “[emphasis added]*

PLAN MAKING – DTC

- Para 28 December 2024:
- *Plans come forward at different times, and there may be a degree of uncertainty about the future direction of relevant development plans or the plans of infrastructure providers. In such circumstances plan making authorities and Inspectors will need to come to an informed decision on the basis of available information, rather than waiting for a full set of evidence from other authorities.*
- Cf Pennycook letter to PINs July 2024:
- Pragmatism “gone too far... *should be used only where it is likely a plan is capable of being found sound with limited additional work to address soundness issues... should not be used to address fundamental issues with the soundness of a plan, which would be likely to require pausing or delaying the examination process for more than six months overall..*”

ANNEX I – IMPLEMENTATION – TRANSITIONALS FOR PLANS

234 For the purpose of preparing local plans, the policies in this version of the Framework will **apply from 12 March 2025 other than where one or more of the following apply:**

- a. the plan has reached Regulation 1982 (pre-submission stage) on or before 12 March 2025, and its draft housing requirement meets at least 80% of local housing need [FN 83];
- **b, the plan has been submitted for examination under Regulation 2284 on or before 12 March 2025;**
- c. the 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; or
- 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.

235 Where paragraph 234a, b, c, d or e apply, the plan will be examined under **the relevant previous version of the Framework.**

236 Where paragraph **234b applies**, if the housing requirement in the plan to be adopted meets less than 80% of local housing need **[FN85]** the local planning authority will be expected to begin work on a new plan, under the revised plan-making system provided for under the Levelling Up and Regeneration Act 2023 (as soon as the relevant provisions are brought into force in 2025), in order to address the shortfall in housing need **[FN86].**

237 Those local plans **that reach Regulation 19** (pre-submission stage) **on or before 12 March 2025** and whose draft housing requirement **[FN 87]** meets **less than 80% of local housing need [FN 85]** should proceed to examination **within a maximum of 18 months from 12 December 2024, or 24 months of that date** if the plan has to return to the Regulation 18 stage **[FN 88].**

FOOTNOTES:

- FN85 [236 – *less than 80% LHN*] Calculated using the standard method in national planning practice guidance, published on 12 December 2024.
- FN 86 [236 & 237] This paragraph does not apply in relation to local plans for areas where there is an operative Spatial Development Strategy (SDS) which provides the housing requirement for relevant local areas. In these circumstances the SDS will continue to provide the housing requirement for the relevant emerging local plans.
- FN 87 [237] Set out in the most recent Regulation 19 (pre-submission stage) consultation.
- FN 88 [237] This paragraph does not apply in relation to local plans for areas where there is an operative Spatial Development Strategy (SDS) which provides the housing requirement for relevant local areas. In these circumstances the SDS will continue to provide the housing requirement for the relevant emerging local plans. 89 In this context “reaching consultation” refers to when parts (a) to (c) of section 335(2) have been complied with (i.e. when a draft Spatial Development Strategy has been prepared and copies have been made available at any prescribed places and sent to the prescribed bodies and persons).

238. For Spatial Development Strategies, the policies in this Framework will apply to strategies that reach consultation⁸⁹ under section 335(2) of the Greater London Authority Act 1999 after 12 March 2025. Strategies that reach this stage on or before this date will be examined under the relevant previous version of the Framework.

239. For **neighbourhood plans**, the policies in this Framework will apply for the purpose of **preparing neighbourhood plans from 12 March 2025** unless a neighbourhood plan proposal has **been submitted** to the local planning authority under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) **on or before the 12 March 2025**.

240. For the purposes of the policy Planning (Local Planning) (England) Regulations 2012 (pre -submission) stage at the point the version of this Framework was published on 20 July 2021 (for Spatial Development Strategies this would refer to consultation under section 335(2) of the Greater London Authority Act 1999).

241. The policies in the original National Planning Policy **Framework published in March 2012** will continue to apply for the purpose of examining plans, where those plans were **submitted on or before 24 January 2019**.

242. Where plans or strategies are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan or strategy produced for the area concerned.

243. The Government will continue to explore with individual areas the potential for planning freedoms and flexibilities, for example where this would facilitate an increase in the amount of housing that can be delivered.

HOUSING AND THE NEW NPPF

15 December 2024

Victoria Hutton

THE DOCUMENTS

- Revised NPPF, in particular chapter 5 'Delivering a sufficient supply of homes'
- Revised PPG chapters, especially:
 - Housing and economic needs assessment
 - Housing supply and delivery
- Government response to the proposed reforms to the NPPF and other changes to the planning system consultation
- 'Building the homes we need' Statement of Matthew Pennycook
- Outcome of the new standard method
- Housing delivery test measurement rulebook

KEY MESSAGING

- **From the Government consultation response:**
 - ‘This government has committed to rebuilding Britain, delivering 1.5m new homes along with the critical infrastructure that underpins economic growth’
 - ‘pro-growth National Planning Policy Framework’
 - ‘commitment to radically boosting the supply of housing’
 - ‘The imperative of rapidly driving up planning consents in the context of a system with inadequate local plan coverage will increase the number of permissions secured outside of plan allocations...’

KEY CHANGES

- New standard method formula – numbers significantly increased
- Standard method no longer an 'advisory starting point' (para.62)
- Four-year supply policy protection for some plans is gone
- Removal of protection which recently adopted plans had against five-year supply challenges
- Urban uplift gone
- 5% or 20% buffers are back (para.78)
- Focus on Social Rent

THE STANDARD METHOD

- New standard method uses housing stock to set the baseline figure as opposed to housing projections.
- Uses 0.8% of the existing stock as the baseline
- Baseline then adjusted for affordability – this multiplier has been amended.
- NB this does not include a rent-related adjustment due to a lack of robust data.
- PPG 'Housing and economic development needs assessments'
 - 'The standard method should be used to assess housing needs. However, it is recognised that there are some specific circumstances in which an alternative approach could be justified, for example as explained at paragraph 14 below'
 - Paragraph 14 – where strategic policy-making authorities do not align with local authority boundaries

THE RESULTS

- Short summary, all areas of the country's numbers have increased over the previous standard method, save for London.
- However, London's numbers are still over and above that which is included in the London Plan.

PARA 78 AND BUFFERS

- '....Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period)...':
- Minimum of 5% buffer to ensure choice and competition (para 78(a))
- 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply (measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement) (para 78(b))
- Or....

LESS REPRIEVE FOR PLANS ADOPTED UNDER OLD NPPFS

- **Government Consultation Response:**
 - ‘In addition, there are many authorities whose local housing need figures will be substantially larger than their adopted or emerging local plan housing requirement figures, indicating a significant unmet demand for new homes in these areas. To help close the gap, we are introducing a new requirement that authorities with plans adopted under the old standard method must provide an extra year’s worth of homes in their 5-year housing pipeline.’
- **Paragraph 78(c):**
 - ‘...The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:
 - (c) From 1 July 2026, for the purposes of decision-making only, 20% where a local planning authority has a housing requirement adopted in the last five years examined against a previous version of this Framework, and whose annual average housing requirement is 80% or less of the most up to date local housing need figure calculated using the standard method set out in national planning practice guidance. ‘

AFFORDABLE HOUSING

- Para 63 – assessment of need of different groups in society. These groups should include ‘those who require affordable housing (including Social Rent)...looked after children...’
- Requirement for the mix of affordable housing should meet identified local needs across Social Rent, other affordable housing for rent and affordable home ownership tenures (para.66)
- Affordable housing requirement for major development on green belt land. This should be higher than would ordinarily apply to non-green belt land and require at least 50% affordable unless it would make the development of the sites unviable. Ay be set as a single rate or at differential rates. (67 and 68)

WHAT ABOUT THE ECONOMY?

- Chapter 6 'Building a strong, competitive economy'
 - Para 84(b) policies should 'set criteria and identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period. Appropriate sites for commercial development which meet the needs of a modern economy should be identified, including suitable locations for uses such as laboratories, gigafactories, data centres, digital infrastructure, freight and logistics.'
 - Para 85 – strengthening of policies and decisions to recognise locational requirements of certain sectors.

HOT OFF THE PRESS....

- **Sunday's publication:**
 - **Planning Reform Working Paper, Development and Nature Recovery from MHCLG and DEFRA**
 - 'The paper proposes a new approach which uses funding from development to deliver environmental improvements, and moves more responsibility for these improvements onto the state rather than developers. The aim of this approach is to free up and accelerate development while ensuring better environmental outcomes.'

HOUSING AND THE NEW NPPF

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NEW NPPF GREEN BELT POLICY: SHADES OF GREY, OR BLACK AND WHITE?

16 December 2024

James Burton

HEADLINES & TOPICS

- Significant changes, led by “grey belt” and “golden rules”.
- But not all about that i.e. development on PDL gets a boost whether or not grey belt - & in context of still greater emphasis on brownfield redevelopment (cf old §124(c) with new §125(c)).
- The changes affect both plan-making and decision-taking.
- Some definitions are open to a range of responses in their application. We are promised guidance in the PPG in early 2025.
- These slides outline the changes to plan-making and to decision-taking (“decision-making” in the NPPF), and pick up specific issues.
- They also explain what has not changed (in outline).

PLAN-MAKING: WHAT HAS NOT CHANGED (OUTLINE)

- The fundamental aim of GB policy: *'to prevent urban sprawl by keeping land permanently open'*.
- The GB purposes (nb of particular relevance for identifying "grey belt").
- Restrictive policy regarding new Green Belt (old §144 = new §144), cf relaxation re. alteration of GB boundaries to release GB.
- Need to demonstrate full examination of all other reasonable options for meeting identified need for development, before concluding exceptional circumstances exist (old §146 = new §147).
- Approach to definition of GB boundaries (old §148 = new §149).
- Wash over of villages with character that contributes to GB openness.
- Policy re. development in GB National Forest and Community Forests.

PLAN-MAKING: THE CHANGES (OUTLINE)

- Reverses discouragement of GB boundary review (old §145).
- At new §146 gives examples of “exceptional circumstances”, e.g. *‘authority cannot meet its identified need for homes, commercial or other development through other means’* and provides that if so, LPAs should review GB boundaries and propose alterations *‘to meet these needs in full’*, unless would “fundamentally undermine” the purposes (taken together) of the remaining GB across the plan area. PPG promised.
- Where GB release necessary, sets new priority order: PDL, then “grey belt” that is not PDL, then other GB, albeit the need to promote sustainable patterns of development *‘should determine whether a site’s location is appropriate’* with reference to NPPF §§110&115.
- The new §156 “golden rules” “should apply” to GB released for dev.

PLAN-MAKING: SOME POINTS OF DETAIL/APPLICATION

- The change from old §145 to new §§145-146 means an authority will have to (a) review GB and (b) release it to meet identified need provided demonstrably the case it has examined all other reasonable options for meeting the need and unless *'doing so would fundamentally undermine the purposes (taken together) of the remaining Green Belt, when considered across the area of the plan'*. Inconceivable this will not lead to GB release nationwide, esp. given the implications of the new standard method for unmet need.
- Providing (new sentence to end §151, which was §150) that where GB land is released for development through plan preparation or review, the contributions "golden rules" at §156 "should apply", perhaps gives rise to a point of interpretation: do they apply if GB land not released for major housing development? Albeit I consider §156 clear they only apply in that

DECISION-TAKING: WHAT HAS NOT CHANGED (OUTLINE)

- The general approach to “inappropriate development” and “very special circumstances” (but cf not inappropriate PDL or grey belt development).
- The definition of “very special circumstances” (harm “clearly outweighed”).
- Old sub-paragraphs 154(a)-(f) and old 155 setting out not-inappropriate development, but fused into one, with a tweak to the stem (replacing “new buildings” with “development”) and with old 155 becoming 154(h), but cf old 154(g) regarding PDL, which is changed by new 154(g).
- Policy regarding renewable energy projects (already altered).

DECISION-TAKING: THE CHANGES (OUTLINE)

- Limited infilling/redevelopment of PDL boosted by new §154(g), removing the requirement to meet an identified need for affordable housing to engage the test of “not cause substantial harm” to show not inappropriate:
limited infilling or the partial or complete redevelopment of (PDL) (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
- Change to Annex 2 definition of PDL, inc. addition ‘land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed.’ (but not expressly glasshouses – consult. resp.)
- Brand new type of not inappropriate development on “grey belt” (§155) (broader than new §154(g)), which if major development for housing is subject to §§156-157 contributions “golden rules”

DECISION-TAKING: SOME POINTS OF DETAIL/APPLICATION#1

- Cf old §152 & §153 first sentence with new §153 first half + footnote:

old 152. *Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

153. *When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.*

new 153 *When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness⁵⁵. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

55 Other than in the case of development on previously developed land or grey belt land, where development is not inappropriate.

- This creates a special incentive for not inappropriate PDL or grey belt dev.

39 Essex

Even if it causes GB harm, there is no direction to give that substantial weight.

#2: WHEN IS “GREY BELT” DEVELOPMENT NOT INAPPROPRIATE?

- §155 dev. of ‘homes, commercial and other development’ (i.e. all dev...) in the GB not inappropriate where:
 - a. would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining GB across the plan area;
 - b. there is a demonstrable unmet need for the type of dev. proposed⁵⁶;
 - c. would be in a sustainable location, with particular ref. to 110 & 115⁵⁷;&
 - d. where applicable, meets the contributions “golden rules” §§156-157.
- Footnote 56 defines “demonstrable unmet need” for housing & traveller apps: *in the case of applications involving the provision of housing, means the lack of a five year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Tests was below 75% of the housing requirement over the previous three years; and in the case of traveller sites means the lack of a five year supply of deliverable traveller sites assessed in line with*
Planning Policy for Traveller sites.

WHAT IS “GREY BELT”?

- Annex 2 (glossary):

Grey belt: For the purposes of plan-making and decision-making, ‘grey belt’ 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.

- So could have some PDL, plus some other land, or simply other land, so long as does not “strongly contribute” to any of purposes (a), (b) or (d) and there is no strong non-GB reason for refusing/restricting under footnote 7. Does “either case” allow salami-slicing? (doubtful but arguable?). PPG promised.
- nb purpose (a) check unrestricted sprawl of large built-up areas, (b) prevent neighbouring towns merging and (d) preserve the setting and special character of historic towns.

WHAT ARE THE “GOLDEN RULES” AND HOW/WHEN DO THEY APPLY? #1

- Subject to transitional provisions, the “golden rules” apply where major development involving the provision of housing is proposed on land released from GB through plan preparation/review⁵⁸, or on GB sites subject to a planning application⁵⁹. If so, these contributions *‘should be made’*:
 - a. affordable housing which reflects either: (i) development plan policies produced in accordance with §§67-68; or (ii) until such policies are in place, the policy set out in §157;
 - b. necessary improvements to local or national infrastructure; and
 - c. the provision of new, or improvements to existing, green spaces that are accessible to the public & note: *‘New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces’*.
- Q: do the “golden rules” apply only to “grey belt”? Not on the policy wording.

#2 (AFFORDABLE HOUSING RE. GOLDEN RULES)

- Affordable housing reqs. where no §§67-68 dev. plan policies in place - §157:

Before development plan policies for affordable housing are updated in line with paragraphs 67-68 of this Framework, the affordable housing contribution required to satisfy the Golden Rules is 15 percentage points above the highest existing affordable housing requirement which would otherwise apply to the development, subject to a cap of 50%. In the absence of a pre-existing requirement for affordable housing, a 50% affordable housing contribution should apply by default. The use of site-specific viability assessment for land within or released from the Green Belt should be subject to the approach set out in national planning practice guidance on viability.

- By footnote 60, the 50% cap does not apply to rural exception sites or community-led development exception sites, or if the LPA has a relevant existing policy which would apply to the development which is above 50%.

- nb Gov. intends to review Viability Guidance re. whether there are circs. in which site-specific viability assessment may be taken into account, eg

#3

- Green space requirements §159 (nb, more re. nature recovery than draft):

The improvements to green spaces required as part of the Golden Rules should contribute positively to the landscape setting of the development, support nature recovery and meet local standards for green space provision where these exist in the development plan. Where no locally specific standards exist, development proposals should meet national standards relevant to the development (these include Natural England standards on accessible green space and urban greening factor and Green Flag criteria). Where land has been identified as having particular potential for habitat creation or nature recovery within Local Nature Recovery Strategies, proposals should contribute towards these outcomes.

- If comply with “golden rules”, then §158:

A development which complies with the Golden Rules should be given significant weight in favour of the grant of permission.

#4 (TRANSITIONAL PROVISIONS FOR GOLDEN RULES)

- Transitional provisions are explained by footnote 58:

58 The Golden Rules do not apply to: (i) developments brought forward on land released from the Green Belt through plans that were adopted prior to the publication of this Framework; and (ii) developments that were granted planning permission on Green Belt land prior to the publication of this Framework.

- Also, the effect of footnote 59 excludes “variations” made to existing permissions that were not subject to the “golden rules” (s.96A and s.73/B?):

59 Including where there are variations made to existing permissions (where the existing permission involved development that was subject to the Golden Rules).

FINAL THOUGHTS

- Gov. response to consultation states that guidance on GB review, including identification of “grey belt”, should be with us in January 2025. Can we hope for a clear steer re. “strongly contribute” to GB purposes (a), (b) or (d) when identifying “grey belt”?
- Will local policies for affordable housing throw up material variations plan area to plan area re. whether the “golden rules” can be met?
- Re. consultation Q37 (should Gov. set indicative benchmark land values for land released from/developed in the GB, to inform LPA policy development), Gov. response is it believes there is merit in this, but further work required. However, in this context (benchmarking) Gov. response to Q39 includes:

‘it is important to restrict access to viability assessment, to ensure that the viability system is not used to subvert gov. policy intent. The gov. will update planning practice viability guidance. Prior to new viability guidance being published, site specific viability assessment should not be used....’

THANK YOU FOR LISTENING

james.burton@39essex.com

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