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THE LABOUR GOVERNMENT
TWO YEARS IN
WHERE ARE WE NOW?

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Planning and Infrastructure Act 2025

“The Planning and Infrastructure Bill is central to the government’s plan to get Britain building again and deliver economic growth.

The Bill will speed up and streamline the delivery of new homes and critical infrastructure, supporting the delivery of the Government’s Plan for Change milestones of building 1.5 million safe and decent homes in England and fast tracking 150 planning decisions on major economic infrastructure projects by the end of this Parliament.

It will also support delivery of the government’s Clean Power 2030 target by ensuring that key clean energy projects are built as quickly as possible.”

Planning and Infrastructure Act 2025

- Spatial Development Strategies (“SDS”)
- National Scheme of Delegation
- Environmental Delivery Plans (“EDP”)
- Nature Restoration Fund (“NRF”)
- National Policy Statement for NSIP kept up to date
- Streamlining consultation on NSIPs
- Removal stages of the Judicial Review of NSIPs
- Electricity network connections to be reformed

Environmental Delivery Plans

- EDPs will identify and deliver strategic conservation measures that address specific environmental impacts of development on **protected sites or species**.
 - European sites: Special Protection Areas or Special Areas of Conservation
 - Site of Special Scientific Interest
 - Marine Conservation Zones
 - Ramsar sites: wetlands of international importance
- The aim is to streamline existing environmental obligations and go further than the current approach of mitigating impacts to improve environmental outcomes while speeding up housing and infrastructure development.

Environmental Delivery Plans (cont)

- When a developer chooses to use an EDP they will not need to undertake their own assessments or deliver mitigation. However this will only apply to those issues identified in the EDP. (e.g. nutrients)
- The EDP will set out a charging schedule, sufficient to cover the costs of the conservation measures.
- A developer may request to pay the levy (as set out in the charging schedule)
- If NE accepts this request for a specific development, this payment into the Nature Restoration Fund (NRF) will enable developers to meet relevant legal obligation associated with the impacts addressed by the EDP

LEGISLATION – SLOW TO IMPLEMENT

Labour still implementing provisions of previous Acts of Conservative Govt

- Levelling Up and Regeneration Act 2023 (“LURA 2023”)
 - National Development Management Policies
- Environment Act 2021 (“EA 2021”)
 - Biodiversity Net Gain (“BNG”)

National Planning Policy Framework (“NPPF”)

- Labour came to power in 5 July 2024
- Landslide victory of 412 seats
- Secretary of State for Housing and Local Govt – Angela Rayner
- Minister for Housing and Planning – Matthew Pennycook

- Draft NPPF published on 30 July (3 weeks after General Election)
- Consultation for 3 months
- New Labour version of the NPPF December 2024

Planning Policy for Housing: Labour Government

- Return to Mandatory Housing Targets
- New Higher Housing Targets (290,000 dpa => 370,000 dpa)
- Return to requirement for 5 year supply (no longer any 3 or 4 year supply)
- Return to be able to challenge 5YS in the years after adoption of local plan

HOUSING NUMBERS: STANDARD METHOD

- Nationally target increase 290,000 => 370,000
- National increase of 80,000
- Major cities reduced (removal of the 30% uplift)
- **South West increase**
 - Conservative Target 28,203
 - Labour Target 39,992
 - Difference 11,789
 - 3rd highest increase in the country
 - 42% increase

NEW HOUSING NUMBERS: CITIES OF THE WEST

	Conservative SM	Labour SM	Difference	%
• Bristol	3,378	2,986	- 392	- 12%
• BCP	1,476	3,525	+2,049	+139%
• Plymouth(WD,SH)	1,519	2,643	+1,124	+ 73%
• Torbay	599	940	+ 341	+ 56%
• Swindon	1,005	1,205	+ 200	+ 20%
• Exeter	642	800	+ 158	+ 25%
• Gloucester	633	685	+ 52	+ 8%
• Cheltenham	545	824	+ 279	+ 51%

THE RURAL AREAS BIGGEST % GAINS

	Conservative SM	Labour SM	Difference	%
• Dorset	1,631	3,219	1,588	+ 97%
• Wiltshire	1,917	3,525	1,608	+ 84%
• Cornwall	2,707	4,421	1,714	+ 63%
• Somerset	2,699	3,719	1,020	+ 38%
• BANES	717	1,471	754	+ 105%
• Cotswold	504	824	320	+ 63%
• South Gloucs	1,317	1,702	385	+ 29%
• North Somerset	1,324	1,593	269	+ 20%

Secretary of State Appeals

- Not that many Secretary of State decision – call in or recovery
- Only a few for housing appeals
- Secretary of State decisions useful to show how policy is to work
- Mostly for data centres and employment use

Secretary of State Appeals

Brighton Gasworks – 495 homes (Berkeley Group)

- CLOSING SUBMISSIONS FOR THE APPELLANT
- Nowhere are the real-world impacts of the housing crisis better demonstrated than Brighton. On the Council's best case, set out in its most recent SHLAA, it has a **1.4-year HLS**, a shortfall of 2,129 homes every year and 10,643 over the next five.
- This makes it one of the worst performing authorities in the country. This is not a new trend; **Brighton has delivered on average 530 dwellings per year since 1999.**
- This is under the **CPP1 target of 660** which applied from 2013/14 to **2017/2018** and well under the requirements now imposed by the new standard method which requires the Council to deliver **2,498 dwellings** every year.
- That is five times the average number of dwellings it has delivered each year since 1999 and the equivalent of five developments of the quantum of the appeal scheme every year.

Secretary of State Appeals Three Mile Cross, Wokingham (148 homes)

- It was in the emergency planning zone of the Atomic Weapons Establishment
- AWE is located at Burghfield Common in Berkshire
- Wates Developments
- First appeal had been allowed by an Inspector
- But quashed by the High Court
- Objections from the Ministry of Defence and Office for Nuclear Regulation
- Matthew Pennycook dismissed the appeal because it increased the population in the emergency planning zone

Labour – Disappointment start

- The Transitional Arrangements for Local Plans:
- Labour have allowed LPAs to use Conservative SM figures

	Emerging LP	SM (2024)	SM now
• Bristol	1,925	3,057	2,986
• BCP	1,600	2,962	3,525
• North Somerset	993	1,587	1,593
• Stroud	630	844	820

Disappointing Start - Effect of Transitional Plans

- Cannock - 248 dpa - Labour's SM - 518 dpa (So LP = < 50%)
- Wrong messaging and even more impossible to get to 1.5 million
- Cannock Chase will deliver a net loss of affordable housing
- Due to viability, low % targets (20% and less) and Right to Buy losses

- Government says - keen to achieve more local plan coverage
- And it will require a 6 year supply if LP figure is 80% below SM figure

Disappointing Start – Abandon Duty to Cooperate

- Abandon the Duty to Cooperate
- Several plans failed the Duty to Cooperate last year
- South Oxfordshire and Mid Sussex
- But after Govt announced DtC is to be removed
- South Oxon and Mid Sussex asked for Local Plan EIP to be reopened
- Being examined now – but Mid Sussex inspector relied on NPPF policy
- Mid Sussex plan to be effective – so 1,200 dpa – 1,300 dpa

Labour – Disappointing Start

- Housing applications received – DOWN
- Housing application determinations - DOWN
- Housing applications granted – DOWN

- Only 191,300 homes delivered (April 2025 to March 2026)
- Only 342,100 homes delivered in this Parliament (9 July 2024)
- The Government target by now should be 500,000 (in 20 months)
- But 1.5 million is a whole Parliament figure
- Need to start delivering 400,000 a year – so above national SM target

BUT ALL CHANGING NOW MAJOR SECRETARY OF STATE DECISIONS

GREY BELT APPEALS

- Croxley Green, Herts – 600 homes in the Green Belt
- Potters Bar, Herts – 900 homes in the Green Belt (Recovered)
- Tring, Herts - 1,400 homes in the Green Belt (Request Recovery)

NEIGHBOURHOOD PLAN APPEALS

- Melksham – 300 homes in an area with a new NDP

BUT NOW SOMETHING VERY EXCITING

- Minister Pennycook issued directions to Three Rivers Council
 - For last 5 years Councillors have repeatedly reduced their allocations
 - Issued a Regulation 19 plan - meeting only 55% of their need
 - In February - Minister asked them to justify why it is so low

 - Minister actually identifies 6 Green Belt sites to be added to the plan
 - The Kings Langley Estate - 1,125 dwellings
 - Land at Rousebarn Lane - 600 dwellings
 - East of Green Street - 678 dwellings
 - South of Oxhey Lane - 485 dwellings
 - East of Oxhey Lane - 381 dwellings
 - East of Watford Road - 331 dwelling
- TOTAL 3,600 ADDITIONAL HOMES

THREE RIVERS – MINISTERIAL DIRECTION

- The Council must this year
 - Submit a new LDS by 30 June
 - Consult on new plan by 31st July
 - Submit a new plan by 30 November

FAR MORE SEC OF STATE DECISIONS COMING

- Town and Country Planning (Development Management Procedure) (England) (Amendment and Transitional Provision) Order 2026
- Housing applications submitted after 11 May will be treated differently
 - All schemes of 150 homes or more
 - If to be refused by the Council
- Must be referred to the Govt for potential recovery by the Sec of State
- Especially schemes recommended for approval

NEW NPPF (due out in the summer)

- Medium Housing Site - new category of housing site – 10-49 dwellings
- NDP must be based on housing requirement in a Local Plan
- Substantial weight given to unmet need
- More emphasis on employment uses
- Policies inconsistent with the NPPF – very limited weight
- Grey Belt not excluded by footnote 7 sites



Housing Updates: Lessons Learned from Appeals

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