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「
LANDMARK
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」

Living Sector Breakfast Seminar

2 June 2025

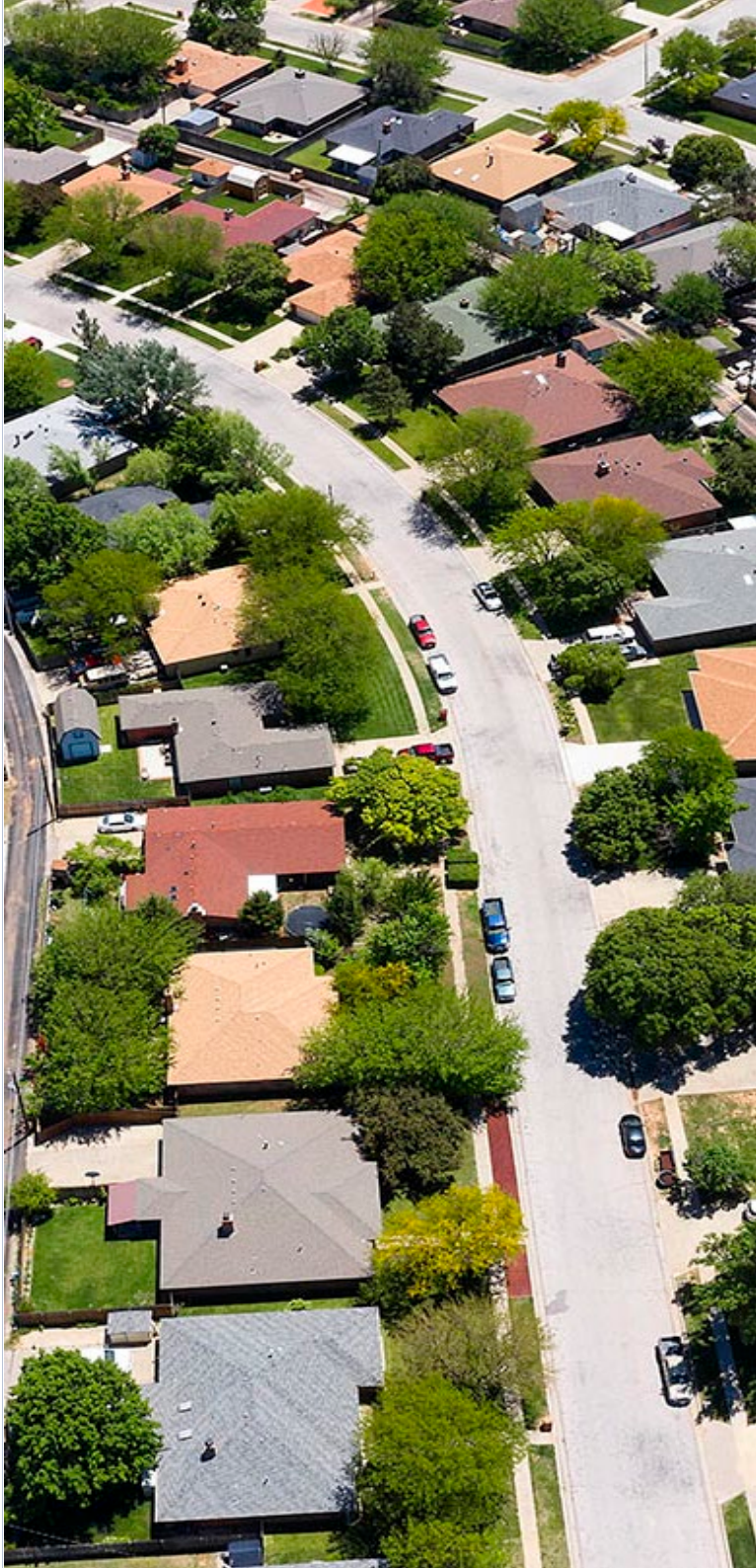
Matthew White, Managing Partner Real Estate, Herbert Smith Freehills Kramer (Chair)

Zack Simons KC, Landmark Chambers

Dr Ashley Bowes, Landmark Chambers

Joanne Holbrook, Of Counsel, Herbert Smith Freehills Kramer

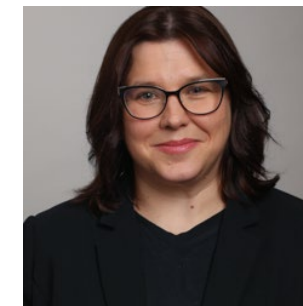
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Metropolitan Green
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**Zack Simons KC,
Landmark Chambers**

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**Dr Ashley Bowes,
Landmark Chambers
Joanne Holbrook, Herbert
Smith Freehills Kramer**

Development
corporations, CPO,
fees and committees
Consultations and
Look Ahead
Towards a New
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**Fiona Sawyer, Herbert
Smith Freehills Kramer**

Q&A



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Zack Simons KC
Landmark Chambers

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Strategic planning – Chapter 2,
Part 2 of the Planning and
Infrastructure Bill

Grey belt in practice

Metropolitan Green Belt review



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Dr Ashley Bowes
Landmark Chambers



Joanne Holbrook
Of Counsel,
Environment,
Herbert Smith Freehills
Kramer

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Environmental Delivery Plans (EDPs) and the Nature Recovery Framework (NRF)

Planning & Infrastructure Bill

Part 3 -Development & Nature Recovery



Dr Ashley Bowes



Developers pay
the Nature
Restoration Levy

Used to fund
Environmental
Delivery Plans

Which in turn
discharges a range
of environmental
obligations



What is an EDP? Cl.52-56



What must be in an EDP? Cl.52-56

Environmental features likely to be affected by given development (sites or species)

Conservation measures taken to protect those features (why and alternatives rejected)

Amount of Nature Restoration Levy payable to cover the cost (in accordance with Regulations)

The environmental obligations that are discharged/disapplied/modified by payment



What must be in an EDP? Cl.52-56

The development to which it applies

A map (with reasons for boundaries and exclusions)

The date on which it comes into force and expires.

Describe the conservation status of the environmental feature at the EDP start date.



What must be in an EDP? Cl.52-56

Terms of any species license
treated as being met

Incorporate terms which
would have been in a license

List strategies to which NE
had regard

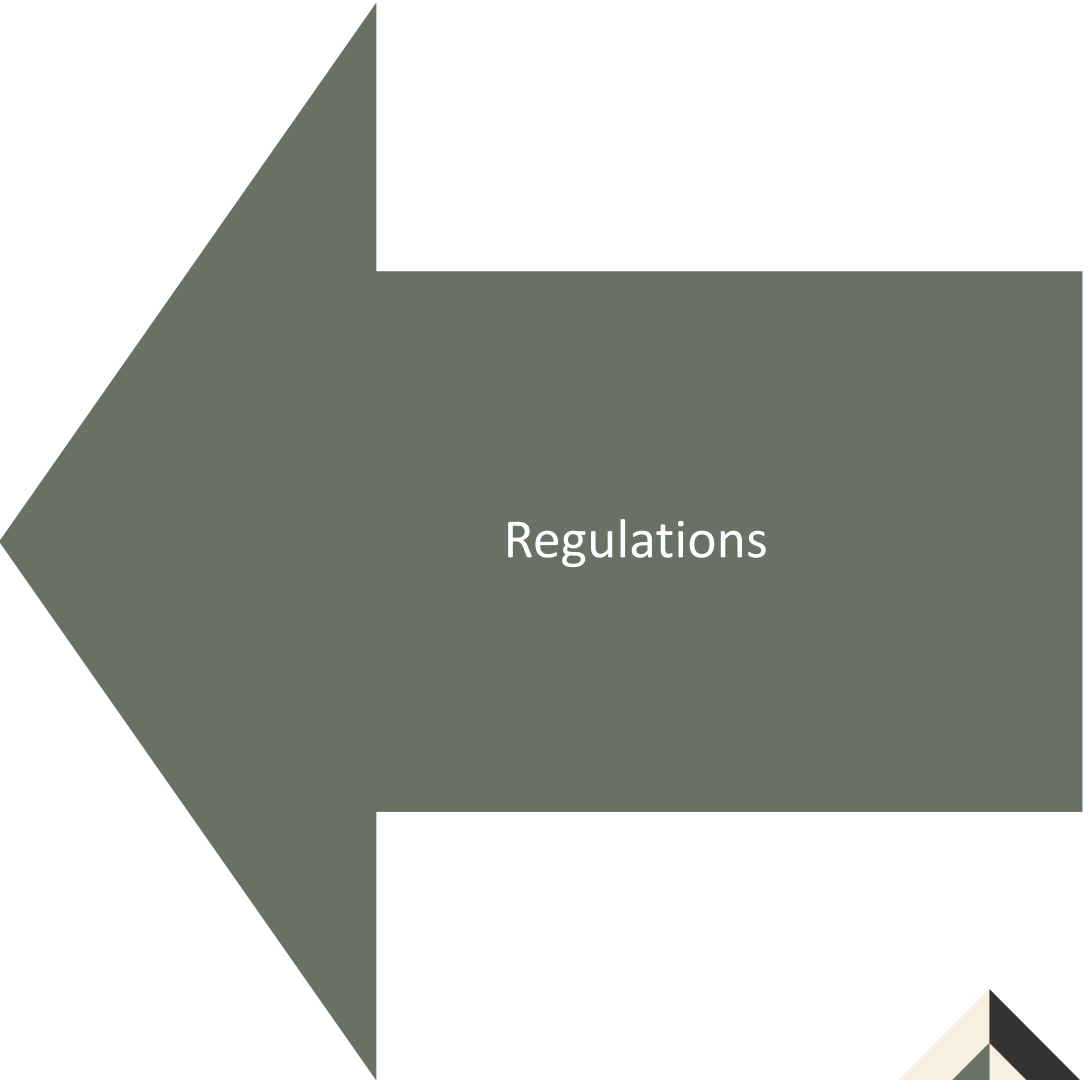
Monitoring



Anything more detail?



Guidance



Regulations

Preparation and making Cl.59-60 (have regard to)



Development
plan



Current
Environment
Improvement Plan



Any
Environment
Act Strategies



Any other strategies
and plans NE
consider relevant



Preparation and making Cl.59-60 (consult with)



City of Westminster

MAYOR OF LONDON



Marine
Management
Organisation



Preparation and making Cl.59-60 (SofS)



Passes overall improvement test



At end of EDP, conservation measures likely to outweigh negative effect of development on protected feature



Refusal must be accompanied with reasons



Published within 28 days of beng made



Monitoring Cl.61



NE must publish a report at the midpoint



NE must publish a report at the endpoint



NE must publish a report up to revocation date



NE *may* publish other reports



NE report must include Cl.61(5)



NE must have regard to guidance



Amendment or revocation Cl.62-63



SofS may amend of own initiative



NE may request amendment



SofS may direct NE to consult on amendment



SofS must apply overall improvement test



SofS may revoke of own initiative



NE may request revocation



SofS *must* revoke if EDP no longer passes test



Legal Challenge Cl.64



Decision to make EDP



Decision not to make EDP



Decision to amend



Decision not to amend



Decision to revoke



Decision not to revoke



All within six weeks of relevant date



Nature Recovery Levy and Consequences Cl.65 & Sch.14



Generally voluntary



Offer made to NE any time before development begins



If NE accept – developer liable to pay



An EDP may prescribe payment is mandatory



If mandatory, demonstrating compliance with existing environment rules, will not excuse requirement to pay



Schedule 4

Environmental feature identified in EDP; and

Developer committed to pay nature restoration levy



Consequences for Part 6 Habitats Regulations 2017

- Environmental impact of development on protected feature is to be disregarded for purposes of Part 6 Habitat Regulations
- So, no AA or, if necessary, AA can exclude consideration on that feature



Consequences for SSSIs

- Disregarded when deciding whether to give (modify or revoke) consent under s.28E W&CA 1981
- Disregarded in determining an appeal under s.28F
- Disregarded for statutory undertakers carrying out or authorizing works under s.28H & I
- Disregarded in application of criminal offences under s.28P

Consequences for Protected Species



- License treated as having been granted under Part 5 Habitat Regulations



- License treated as having been granted under s.16(3)(j) W&CA 1981



- On terms set out in EDP



Consequences for badgers

- 
- A license under s.10 Protection of Badgers Act 1992
 - Treated as being granted by Natural England



Pros	Cons
An answer to nutrient/water neutrality stalemate	Legal challenges to EDPs
An answer to some location specific species issues	Modification/revocation of EDPs part way through multi-stage consent
	Legal challenge to PP reliant on EDPs
	Disruption caused by EU objection





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Planning & Infrastructure Bill Part 3 – Development & Nature Recovery The Environmental Controversy

Joanne Holbrook, Of Counsel, UK Environment Lead, Herbert Smith Freehills Kramer





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Why is Part 3 so controversial?

Criticisms of Part 3

Level of Environmental Protection – Is it reduced / a regression?

- Challenge of statement made/required by Section 20(3) Environment Act 2021.
- Article 391(2) Trade and Cooperation Agreement – commitment to non-regression in environmental protection (as in place at the end of the transition period).
- “Disregarded” impact v current operation of Habitats Regulations (Reg 63(5)).
 - Removal of certainty/lack of harm beyond reasonable scientific doubt both at the time of making the EDP and in respect of the development.

The SoS must instead determine that the conservation measures in the EDP are “*likely to be sufficient to outweigh the negative effects*” of envisaged development (clause 55(4)) on the conservation status of each identified environmental feature (clause 55(4)).

- Removal of licence applications & potentially based on outdated information .
- Strict precautionary approach (Note: SoS referenced in CG Fry and Son Ltd v SSHCLG).
- Significant or permanent loss at one protected site so long as compensated for on a different protected site (clause 50(4)) v IROPI + EC Guidance on compensation locations.
- Offset by compensatory measures in the future (Clause 50(3)) v secured compensation as part of derogation.



Criticisms of Part 3 (cont)

Others:

- Uncertainty and reliance on future regulations.
- Drafting/language around EDPs not strong/confident enough.
- Comparisons with the Community Infrastructure Levy.
- Potential reduction in site-specific assessments and reports.
- Clause 64(1)(b) economic viability of development v cost of offset/environmental harm.
- Well-understood Habitats Regs process v less robust new position with 3 different approaches depending on if development is outside an EDP, inside a mandatory EDP, inside a non-mandatory EDP.
- Timing of EDPs.
- Funding and resources of Natural England.
- Movement away from precautionary principle (Section 17(5) Environment Act 2021 and Environmental Principles Policy Statement) .
- Habitats hierarchy of avoid, mitigate, compensate v levy where scheme may not be in place yet.
- Clause 60 timeframe for challenge.
- Movement from DEFRA to MHCLG.
- Levy rates must be set at a proportionate level.
- Potential risk-averse approach of Natural England in implementation.



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Resolution

Many critics have also emphasised the principle that strategic/area-level approach could be designed in such a way that does not result in regression.

But what would this actually look like?

Ideas at present include:

- A different marker/criteria for EDP acceptability.
- Stricter standards of evidence for EDPs – science/evidence led – including new protected features where clear scientific evidence support the use of a strategic approach.
- Duty to avoid harm wherever possible even if EDP or otherwise some priority of avoidance (some still suggest using overriding public interest)
- Upfront mitigation/benefits
- Measurable improvements rather than just probable improvements
- Greater safeguards from SoS amendment.
- Call to delay Part 3.

Presenter thoughts:

- Publish draft Regulations and draft guidance promptly.
- Suggest start with a generic nutrient neutrality EDP.
- Suggest all EDPs are initially non-mandatory - gives developers a choice of approach.
- A stronger improvement marker and safeguards from amendments for EDPs isn't manifestly unreasonable and give greater certainty.

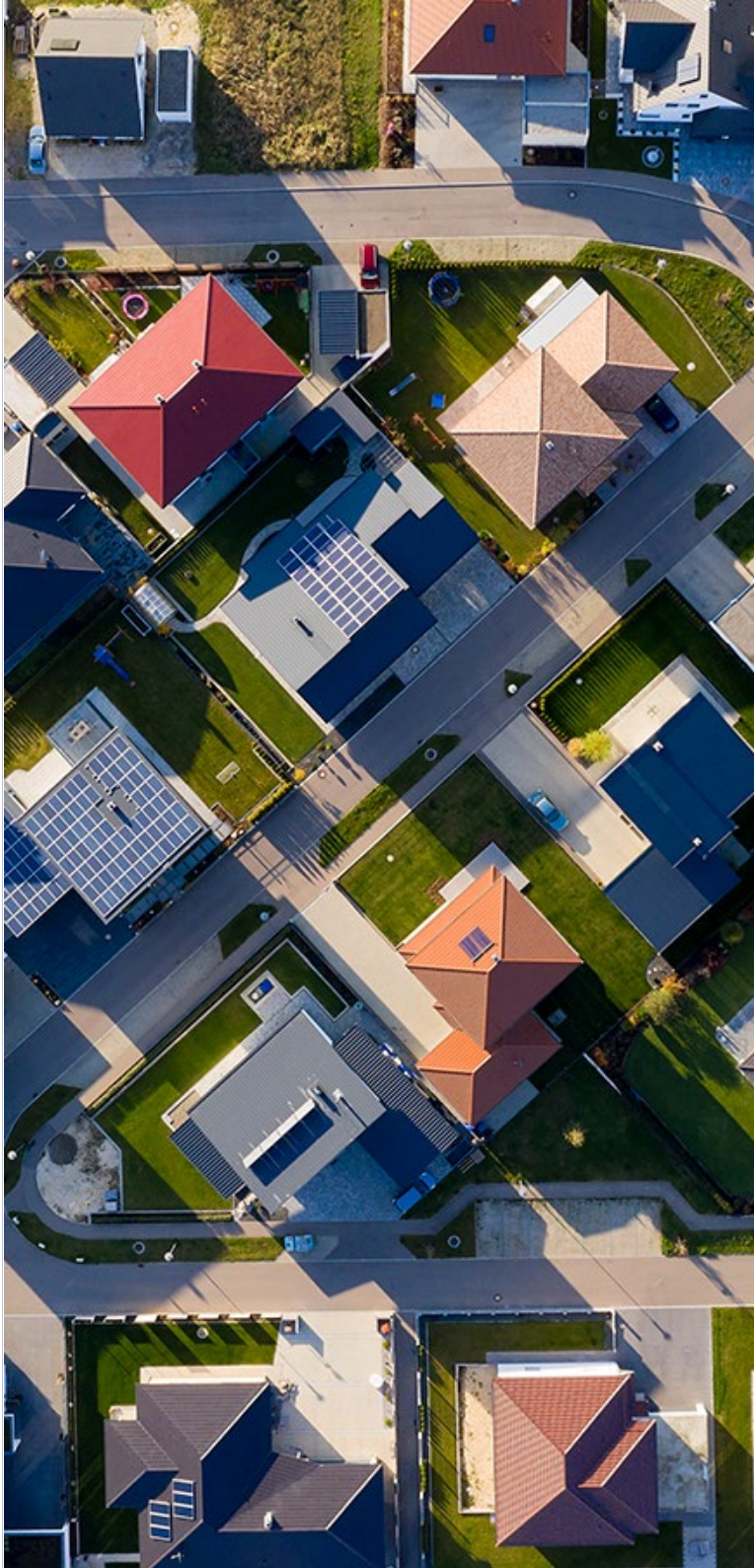


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Development corporations, CPO,
fees and committees

Consultations and Look Ahead
Towards a New London Plan



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Planning and Infrastructure Bill

Part 4 – Development Corporations



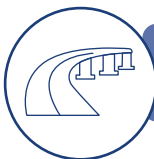
CI 92 (was 79) – Areas for development and remit

- Enables any development corporation in England to deliver large-scale development – including new settlements and urban extensions, and brownfield and greenfield sites.
- Applies to New Town Development Corporations (NTDCs), Locally-led New Town Development Corporations (LNTDCs), Urban Development Corporations (UDCs), Locally-led Urban Development Corporations (LUDCs) and Mayoral Development Corporations (MDCs).



CI 93 (was 80) – Duties to have regard to sustainable development & climate change

- Standardises objectives of sustainable development, climate change and good design central to delivery.



CI 94 (was 81) – Powers in relation to infrastructure

- Uniform list of infrastructure that all development corporations can provide.



CI 95 (was 82) – Exercise of transport functions

- Transport authorities must have regard to and cooperate with development corporations' plans.



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Planning and Infrastructure Bill

Part 5 – Compulsory purchase (1)

CI 96 (was 83) –
**Electronic service of
notices**

- Statutory notices can be served electronically by email or on a website

CI 97 (was 84) – **Required
content of newspaper
notices**

- Simplified requirements for newspaper notices – shorter, therefore cheaper

CI 98 (was 85) –
**Confirmation by
acquiring authority:
orders with modifications**

- Acquiring authorities can confirm their own CPOs with modifications to correct an error or add or remove land
- Notice required, but not consent where no interest in land affected

CI 99 (was 86) – **General
vesting declarations:
expedited procedure**

- Reduced timeframe for taking possession of land under general vesting procedure (GVD) – reduced to six weeks after completion of service of notices after execution where owner not known and property is vacant and unfit for use

CI 100 (was 87) - **General
vesting declarations:
advancement of vesting
by agreement**

- New procedure enabling agreement that acquiring authority will take possession six weeks after notice published confirming CPO



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Planning and Infrastructure Bill

Part 5 – Compulsory purchase (2)

Clause 101 (was 88) –
**Adjustment of basic and
occupier's loss payments**

- Basic loss payments reduced, occupier's loss payments increased

Clause 102 (was 89) –
**Home loss payments:
exclusions**

- Right to home loss payment excluded in certain circumstances

Clause 103 (was 90) –
**Temporary possession of
land under the
Neighbourhood Planning Act
2017**

- Section 18 of the Neighbourhood Planning Act 2017 will grant those with a power to acquire land by agreement or compulsorily the power to take temporary possession. When in force, the power cannot be exercised where other statutes, development consent orders or Transport and Works Act orders provide power to take temporary possession

Clause 104 (was 91) –
**Changes to applications of
hope value**

- Allows authorities (rather than SoS) in certain circumstances (eg no objections) to confirm own CPOs where hope value is removed
- CPOs for benefit of parish/community councils may remove hope value where CPO powers are being used to deliver affordable/social housing development
- Section 14 directions in confirmed CPOs can remove hope value from assessment of loss payments as well as assessment of market value of land

Clause 105 (was 92) –
**Power to appoint an
inspector**

- Confirming authority can appoint an inspector to confirm a CPO under the New Towns Act 1981 and determine an application for a direction for additional compensation



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Planning and Infrastructure Bill

Chapter 1, Part 2 – Planning (1)



CI 47 (was 44) – Localisation of planning fees

- SoS power to make regulations authorising LPAs (including Mayor of London) to set own fees for development management services. If no local fees, national default fee applies.
- Local fees must not exceed costs of processing and deciding applications – SoS can direct LPA to review or amend, excess fee or charge to be reimbursed.
- Income to be applied towards processing planning applications, listed building consents, certificates of lawful development and certificates of appropriate alternative development.
 - NOT “functions in connection with applications made in legal proceedings.”



CI 48 (new) – Statutory consultee surcharge

- New power for SoS to make regulations imposing surcharge on planning application fees to be applied towards costs incurred by statutory consultees.



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Planning and Infrastructure Bill

Chapter 1, Part 2 – Planning (2)



CI 49 (was 45) – Training for local planning authorities

- New power for SoS to introduce mandatory training for planning committees and sub-committees, including those performing mayoral functions.
- Local authority members must hold valid certificate of completion to exercise relevant planning functions or sit on committees.



CI 50 (was 46) – Delegation of planning decisions

- “National scheme of delegation” – December 2024 Planning Reform Working Paper: Planning Committees.
- SoS power to direct which planning decisions should be made by committee and which by planning officers.
- SoS power to limit size of planning committees.
- **Reform of planning committees: technical consultation** – closes 23 July 2025.



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Planning and Infrastructure Bill – next steps

Bill published

- 11 March 2025

House of Commons Committee stage completed

- 22 May 2025

House of Commons Report Stage

- 9 and 10 June 2025
- Potential for further amendments

House of Commons Third Reading, then to House of Lords

Royal Assent?

- Likely this Parliamentary session





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Current consultations



Build out

- **Planning Reform Working Paper: Speeding Up Build Out**
- **Technical consultation on improving measures to improve Build Out transparency**
- 25 May – 7 July 2025



Site thresholds

- **Planning Reform Working Paper: Reforming Site Thresholds**
- 28 May – 9 July 2025



Planning committees

- **Reform of planning committees: technical consultation**
- 28 May – 23 July 2025



BNG

- **Improving the implementation of Biodiversity Net Gain for minor, medium and brownfield development**
- **Biodiversity net gain for NSIPs**
- 28 May – 24 July 2025



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Planning committees



Reform of planning committees: technical consultation

- Technical consultation on detail of regs under P&I Bill.
- Relates only to development management functions, not plan-making.
- **Delegation of planning functions:**
 - **Tier A planning applications** – must always be delegated to planning officer. **Includes** technical applications eg RMAs, s96A, approval of conditions, approval of BNG plan, etc. Also householder and minor development.
 - **Tier B planning applications** – must be delegated *unless* Committee Chair and Chief Planning Officer agree should go to Committee (“gateway test”). **Includes** applications not in Tier A, including all significant new housing and commercial developments, and section 73 applications. Gateway criteria – could include economic, social or environmental significance of application or where significant planning matter raised.
 - Asks – special control applications (eg TPOs and listed building consents) in Tier A or B,? Mechanism to bring a Tier A application to Committee in exceptional circumstances?
- Section 106 decisions to follow the planning application.
- **Size and composition of committees** – propose statutory max 11 committee members. Query minimum?
- **Mandatory training** – Preference for national certification scheme.
- **Decision-making performance** – threshold for decisions overturned at appeal to reduce from 10% to 5%.



Build out (1)

Technical consultation on improving measures to improve Build Out transparency

- Pursuant to LURA 2023. To come into effect on date to be set out in regulations (not retrospective):
 - **Build out statements** – **planning application stage, with outline application (not RMA) and section 73 applications if development not begun.** Information includes build out projection, site constraints, diversification and tenure mix, and known risks/issues. Planning condition will require notification of changes.
 - **Commencement notices** – **post-permission stage.** Information includes which permission commenced, expected date first RMA and expected date substantial completion.
 - **Development progress reports** – **annually during build-out.** Information includes progress made and predicted over later reporting periods. ? reasons for delay, tenure breakdown, potential risks.
- Eligible residential development only: houses and flats, inc mixed use (? specialist housing); 50+ dwellings (? higher threshold for development progress reports and power to decline planning applications).
- Sites with multiple developers – potential joint submission.
- Electronic submission, placed on planning register.
- **Power to decline to determine planning applications** – where any person, or connected person, who fails to build out development authorised by an earlier planning permission in the LPA's area *at a reasonable rate* (as judged by the LPA) makes a new application for development.



Build out (2)

Planning Reform Working Paper: Speeding Up Build Out

- Options to promote faster build out models of development by overcoming absorption constraints and strengthening LPA toolkit to unblock stalled and stuck sites.
- **Five-part strategy** – 1. Planning reform; 2. Mortgage Guarantee Scheme; 3. Supporting SME developers building small sites; 4. Encouraging large, strategic sites with greater tenure diversity; and 5. Increasing role for strategic master-planning).
- **Transparency and accountability** – see build-out reporting framework in LURA 2023.
- **Mixed Tenure Thresholds** – options for site size above which sites must deliver mixed tenure include from 500 units upwards.
- **CPO** – implementing LURA 2023 conditional confirmation of CPOs to de-risk use on stalled sites.
- **New Delayed Homes Penalty (DHP)** – “last resort measure” which “[the government] hope not to have to implement, but may be needed if industry does not sufficiently adapt and fulfil their commitment to deliver homes more quickly”:
 - For (1) sites over a threshold size where (2) evidence that developer is falling “substantially” behind pre-agreed build out schedule under build-out reporting framework. “Substantial” = to 90% or less of agreed delivery.
 - Developer must justify slower build out rate to LPA. If not caused by “external factors” (to be set out in national guidance, eg unusually severe weather, unexpected site issues), developer could be liable for the DHP.
 - DHP to be charged for each home behind pre-agreed build out schedule. Could be % of house price or with reference to local Council Tax rates.



Site thresholds

Planning Reform Working Paper: Reforming Site Thresholds

- Proposes:
 - simplified planning requirements for smallest sites; and
 - new “medium” site threshold:
 - “**Minor residential development**” = <10 homes/up to 0.5 hectare (including “**Very small sites**” = <0.1 hectares);
 - “**Medium residential development**” = 10-49 homes/up to 1.0 hectare; and
 - “**Major residential development**” = 50+ homes/1+ hectare
- Within **medium** residential development threshold, proposals include: simpler BNG requirements; potential exemption from Building Safety Levy; exemption from build out transparency proposals. Also seeking to streamline section 106 negotiations, eg standardised templates, changing off-site provision rules.
- Government asks whether the new medium threshold should also apply to **commercial and other non-residential development** and how **mixed-uses** should be reflected.
- For **major** residential development, notes potential 500-unit threshold for mixed tenure requirements proposed in Speeding Up Build Out Planning Working Paper.



BNG for minor, medium and brownfield development

Improving the implementation of BNG for minor, medium and brownfield development

- Government remains committed to BNG – it will be retained.
- Main metric tool is being digitised.
- Potential changes to BNG regulations, Small Sites Metric (SSM) and guidance. Main focus is minor development but elements relevant to all development:
 - **Exemptions** – reform existing, including increasing de minimis threshold. Potentially include: (1) parks, public gardens and playing fields development; (2) development whose primary objective is to conserve or enhance biodiversity; and (3) temporary planning permissions (short term – 5 years or less).
 - **SSM** – potentially expand to medium development (rename “low impact metric). Simplify by amending trading rules and fixed habitat conditions, also merging habitat types.
 - **Minor development** – amend watercourse metric for minor development; relax biodiversity gain hierarchy, disapply spatial risk multiplier. Allow certain biodiverse features in vegetated gardens to count towards BNG.
 - **Assessment of spatial risk (all development)** – use Local Nature Recovery Strategy (LRNS) areas rather than LPA or National Character Area (NCA) boundaries.
 - **Brownfield development with open mosaic habitat (OMH) (all)** – update OMH metric to better help identify OMH and to allow compensation with alternative habitat mosaic with similar ecological benefits.



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Look ahead – what are we expecting?

Consultation on
National Development
Management Policies
(NDMPs)* and revised
NPPF (later in 2025)

Implementation of
changes to local plan-
making process (later
in 2025)

Consultation on
statutory consultees

Long Term Housing
Strategy (summer
2025)

Industrial Strategy
(summer 2025)

Land Use Framework
for England (summer
2025)
(and response to Land
Use consultation)

Updated PPG on
Viability, Transport
planning, Carbon
emissions and Flood
risk.

Updates to National
Design Guide and
National Model Design
Code

Response to
consultation on
compulsory purchase
and compensation
reforms

Environmental
Outcomes Reports
(EORs)



* May also includes news on brownfield passports and development near transport interchanges.



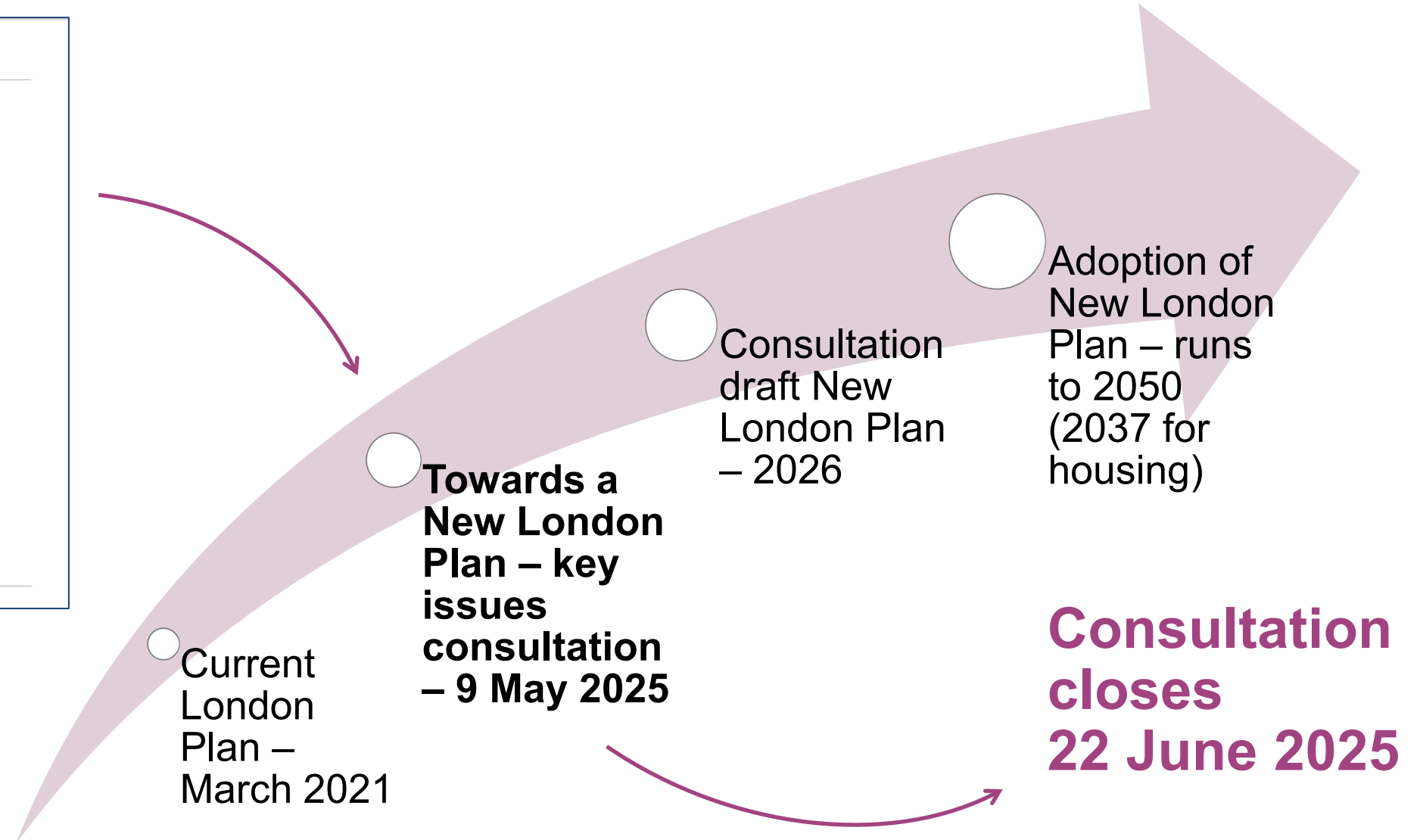
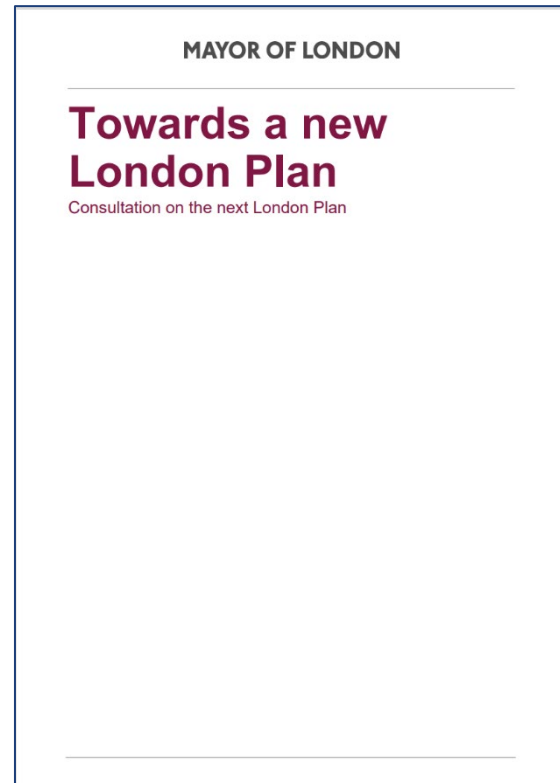
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Towards a New London Plan – timeline





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Towards a New London Plan – Section 2: Increasing housing supply

88,000 homes per year for 10 years

- **Brownfield first** – LAND4LDN; Opportunity Areas (OAs); Central Activities Zones (CAZ); town centres and high streets; industrial sites; other urban and suburban.
- **Green Belt review** commissioned – to identify grey belt across London, and sites for large urban extensions (10,000+ homes)
- **Metropolitan Open Land** – assess for release from MOL. (Note – new LP to distinguish between MOL and Green Belt to protect MOL from Green Belt reviews.)

Affordable housing and BTR

- Support increased build out rates.
- **Affordable housing:**
 - Review threshold requirements.
 - Green Belt release golden rules – likely adopt highest (50%) threshold.
 - Emphasis on Social Rent and Key Worker Living Rent.
- **BTR:**
 - Expand definition to include more diverse types of development
 - Review thresholds (currently 50 units)
 - Explore additional models

Other housing

- Increased range of choice improves delivery.
- **Specialist and supported, and older people's housing:**
 - Should locational decisions be strategic (in the LP) or left to borough local plans?
- **PBSA and shared housing:**
 - Strategic or local locational decisions?
 - Considering changes to “nomination” arrangements – restrict use for market provision to affordable student accommodation.
 - Could contribute to wider affordable housing provision.



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Towards a New London Plan – Section 3: Growing London's economy

Current LP does not reflect Use Class E or PD right Class MA

- New policy approach needed to reflect national changes.

Town centres and high streets

- Require Boroughs to set clear plans for key town centres to accommodate growth which could include housing?
- Be clearer about circumstances when town centre boundaries are redefined to release poorly performing areas, and how housing can come forward in released areas and in designated town centres?
- Encourage use of Article 4 directions to remove PD rights to encourage more housing via planning permission?



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Towards a New London Plan – Section 4: London's capacity for growth and design quality (1)

Building height and scale

- Set out building heights which should in principle be acceptable in all locations across London that share certain characteristics?
- Set minimum height benchmark?

Tall buildings

- Take more active role in identifying and defining tall building clusters?
- Current benchmark = 7 storeys/21 metres. Adopt new thresholds?
 - Current threshold for referral to Mayor, ie 10 storeys/30 metres (or 8 storeys/25 metres by River Thames); or
 - 20 storeys/60 metres?
- Improve clarity about how planning applications for tall buildings should be assessed outside defined clusters?
- Remove requirement for boroughs to identify locations for tall buildings?

Overheating and ventilation

- Rely on national building regulations and remove bespoke policies?
- BUT active design solutions required to meet building regulations contribute to Urban Heat Island (UHI) – continue more rigorous approach, prioritising passive design and ventilation measures via cooling hierarchy for new homes?



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Towards a New London Plan – Section 4: London’s capacity for growth and design quality (2)

Homes for families

- Currently family housing requirements left to boroughs’ local plans.
- Include specific requirements for homes suitable for children and young people, including size or number of bedrooms?
- Alternatively, London Plan to take strategic approach to *loss* of family housing (eg replacement homes)?

Accessible housing

- Currently requirement for 10% homes as wheelchair accessible/adaptable, with highest standard (M4(3)(b)) required for only social rent and London Affordable Rent.
- Require M4(3)(b) standards for homes in different tenures, eg private housing for sale?
- Require accessible housing to be marketed to disabled users first?
- Revisit proportion of wheelchair accessible/adaptable rooms for non-self contained housing, eg co-living and PBSA?

Space standards and other requirements

- Continue as current, ie national standards with higher minimum ceiling heights and private outside space.

Designing for everyone

- Larger applications to demonstrate how “meaningfully informed by a range of lived experience”, eg review panels?
- Embed 24-hour city test in appropriate locations?



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Towards a New London Plan – Section 5: London's infrastructure, climate change and resilience (1)

Energy efficiency standards

- Use national standards; or retain current approach (beyond national standards); or use national standards; or (i) increase proportion carbon savings onsite; (ii) move to different energy standards for buildings and change thresholds for smaller buildings.

Heat networks (HNs)

- Remove duplication with new national requirements to connect new and existing buildings to HNs.

Whole life-cycle carbon (WLC) and circular economy (CE)

- Continue current ambitious approach? Provide framework for assessing different retention/demolition options for a site? Include WLC/CE benchmarks to help clarify when development proposal has adequately addressed these matters?



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Towards a New London Plan – Section 5: London’s infrastructure, climate change and resilience (2)

Green and open spaces

- Aim to increase access to green space and tree cover across London. Developing LNRS for London and a London Green Infrastructure Network (LGIF) including new MOL designations.

London’s open spaces

- Take smaller green areas and linear spaces into account, eg publicly accessible open spaces in larger schemes – designate in local plans?
- Address management, access and inclusiveness of open spaces?
- Distinguish between MOL and Green Belt and protect MOL from Green Belt reviews.

Green infrastructure and biodiversity

- Explore clarifying and improving the tool to set greening targets for developments in London (the Urban Greening Factor (UGF)).

Flood risk management

- Require new development to achieve Greenfield Runoff Rates (GRR) (as opposed to “aim to”).
- Where not met onsite, require off-site provision?
- Require use of permeable surfaces?



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Towards a New London Plan – Section 5: London’s infrastructure, climate change and resilience (3)

Car parking, cycle parking and deliveries

- Expand current approach to minimise car parking provision for new developments and update parking policies to reflect eg EVs.
- Review current cycle-parking standards (too onerous?)

Fire safety

- Remove policies which overlap with building regs.
- Specifically apply policy requirements to all major developments where people sleep on the premises?

Air quality

- New ambitious but achievable benchmarks to clarify when Air Quality Positive requirements for larger proposals have been met.
- Wider range of pollution sources – potentially require certain construction sites to connect to mains rather than generators?

Heat risk

- Further promote design measures (eg materials and use of greening) to tackle overheating and UHI.

Healthy communities

- Review requirements for health and care facilities and other community spaces?



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Questions and discussion



Zack Simons KC, Landmark Chambers

Zack was appointed as King's Counsel in March 2025, having been the top-rated junior planning barrister in the country for several years (Planning Magazine Legal Surveys 2021, 2022, 2023 and 2024, and before that the top-rated junior under 35). Zack's practice focuses on housing, infrastructure, commercial development, and compulsory purchase work. He appears regularly in planning appeals at inquiries and hearings local plan examinations, compulsory purchase order inquiries and court hearings in the High Court, Court of Appeal and Supreme Court.



Dr Ashley Bowes, Landmark Chambers

Dr Ashley Bowes is a specialist in all aspects of the development and use of land, including planning, environmental and real estate law. He acts for developers, land promoters, and investors from the planning application stage, through public inquiries and on to litigation in the courts. As a member of the Attorney General's Panel, he has particular expertise in High Court and Court of Appeal advocacy and has represented claimants and government departments in EIA, SEA and Habitats cases up to the Supreme Court, including the recent CG Fry 'nutrient neutrality' case. Ashley is consistently ranked as a leading junior in the Directories and Planning Magazine's Legal Survey.



Joanne Holbrook, Of Counsel, Herbert Smith Freehills Kramer

Jo leads the UK Environment Team and Co-leads our Global Environmental Network. She is best known for her strategic environmental planning and pragmatism with regulators, which has led her to support the development and implementation of several industry firsts. Joanne's experience is varied across a range of sectors. She has a notable expertise in biodiversity and nature-based solutions, water resources and asset resilience. Recognised in legal directories for both Environment and Water, Jo was described in Legal 500 UK (2024) as "Stellar – modern, incredibly bright and client facing" and in Chambers UK (2024) as "a future leader in environmental law" who "slots straight into a team and can disseminate complex regulatory requirements to non-experts with ease".

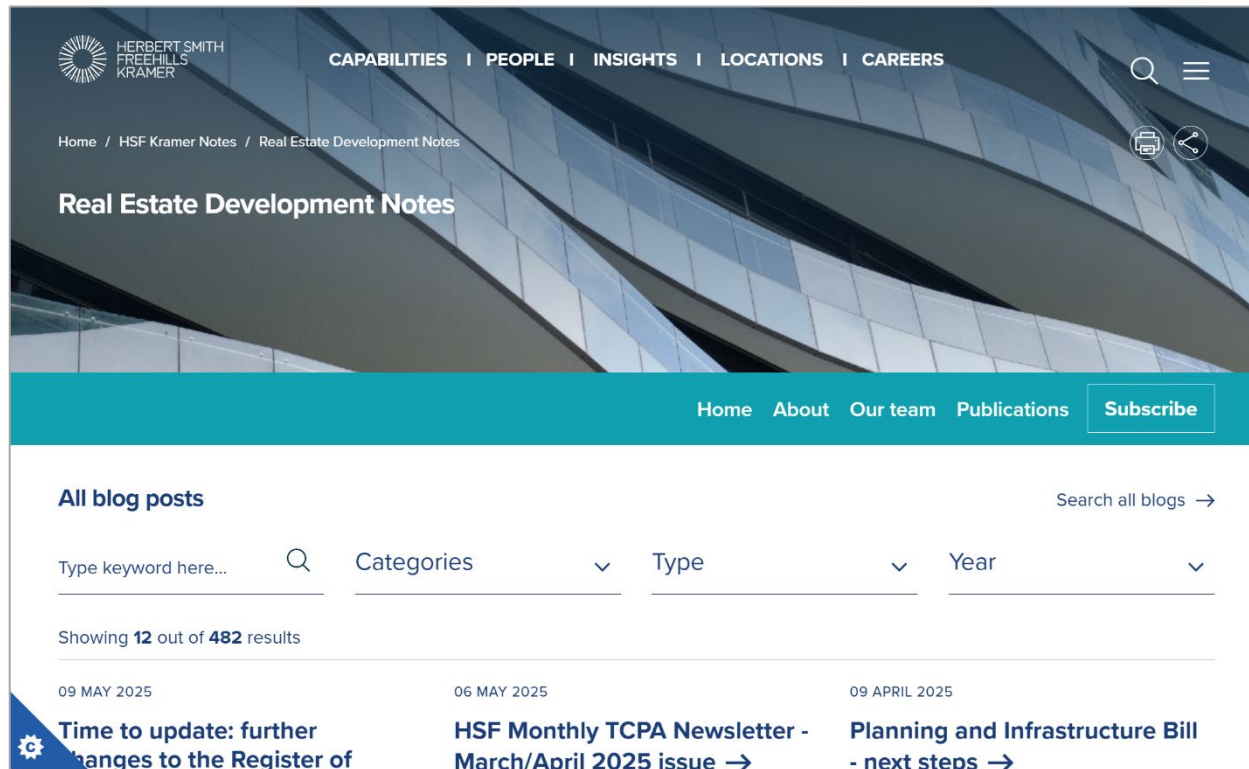


Fiona Sawyer, Knowledge Lawyer, Herbert Smith Freehills

Fiona is the Knowledge Lawyer for the London planning and environment team. She is responsible for keeping the planning and real estate teams updated on key developments in planning law, including changes to legislation, policy, guidance and case law. She prepares and delivers training and legal know-how materials, both within the firm and to clients.

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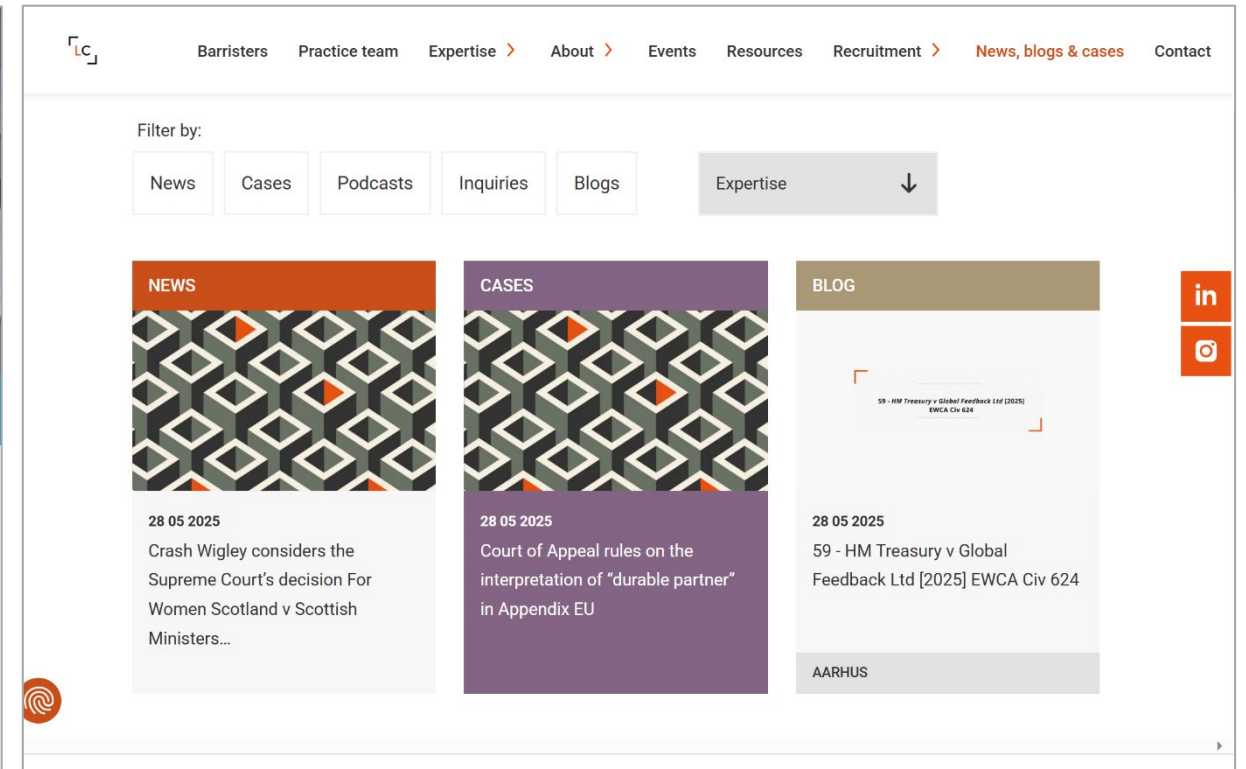
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