

A large flock of birds, possibly terns, is captured in flight against a vibrant sunset sky. The sun is low on the horizon, creating a bright, golden glow that reflects on the water below. The birds are silhouetted against the bright light, creating a dynamic pattern of dark shapes against the orange and yellow sky. The overall mood is serene and natural.

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Real Estate UK Horizon Scanner

Spring 2025

Consultations

The following consultations are currently in progress, or have recently closed

Consultation	Detail	Closing Date	HL articles
Consultation on contractual controls on land	This consultation considers the government's plans to provide a more transparent picture of controls on land through the creation of a freely accessible dataset. Part 11 of the Levelling Up and Regeneration Act (LURA) gives the government the power to collect and publish information about "contractual control agreements" – meaning option agreements, pre-emption agreements, conditional contracts, and promotion agreements (but excluding overage and clawback agreements) – which are <i>"used to control land short of outright ownership"</i> . The proposed regulations would require the grantee of a "contractual control agreement" which subsists for more than 12 months entered into from 6 April 2021 onwards to provide information digitally about the agreement.	Consultation closed on 20 March 2024 and its findings are awaited.	
Consultation on transparency of land ownership involving trusts	The consultation seeks views on the government's aim of increasing transparency of land ownership involving trusts, including widening access to trust information held on the Register of Overseas Entities. To help inform decisions on balancing the making of information available and legitimate concerns in sharing that information publicly, the consultation seeks views on what data would be most useful and why.	Consultation closed on 21 February 2024 and its findings are awaited	
Law Commission consultation on Landlord and Tenant Act 1954	The government has commissioned a Law Commission review of the Landlord and Tenant Act 1954, and security of tenure provisions for business leases.	<p>The Law Commission's first Consultation Paper was published on 19 November 2024 setting out possible models for security of tenure and changing the scope of the 1954 Act.</p> <p>The consultation, and an accompanying survey, are open until 19 February 2025.</p> <p>The Law Commission will then publish a second Consultation Paper once it has reviewed the responses to the first. .</p>	UK Landlord and Tenant Act 1954: what might reform look like? - Hogan Lovells Engage

Consultation	Detail	Closing Date	HL articles
ESG: Consultation on the Community Infrastructure Levy	The consultation considered how to reform the Community Infrastructure Levy, the existing system of developer contributions.	The government has now said that it is not taking this forward.	
EU Commission call for evidence on Commercial Real Estate Statistics	The call for evidence proposes a new Regulation which the Commission states would fill a significant gap in the availability of statistical information on commercial real estate, as there are currently few official sources of such statistics. The Regulation aims to provide a framework for developing, producing and publishing statistics on commercial real estate. The statistics to be covered would include as a minimum indices on prices, rents and on construction starts and completions. They could be used in particular to monitor financial stability, for fiscal, monetary and macro-prudential policymaking, and for research on real estate markets.	Consultation closed on 25 December 2023. Adoption was planned for 2024 but has not yet progressed.	
Consultation on the EPC regime	A consultation on reforms to the EPC regime was launched on 4 December, which is open until 26 February 2025. This does not consider new minimum ratings by 2030 but focuses on how energy efficiency and environmental impact are assessed, how long EPCs should be valid for, proposes that an EPC must be in place throughout the term of a lease, not just at commencement, and removal of the exemption for heritage buildings.	The consultation closes on 26 February 2025.	
Consultation on improving the energy performance of privately rented homes	<p>On 7 February 2025 the government published a consultation on requiring all privately rented homes to achieve a minimum EPC rating of C by 2030 (and, for new lettings, by 2028). The current required EPC rating is E.</p> <p>The consultation considers a number of ancillary provisions, including a £15,000 cap on the cost of improvements, and a potential exemption for landlords that have reached that cap. The consultation also considers the inclusion of short term lets (such as holiday rentals) within the scope of the minimum EPC rating.</p>	The consultation closes on 2 May 2025	
Consultation on reforming the process for consenting Nationally Significant Infrastructure Projects	<p>On 26 January 2025, the government published 'Streamlining Infrastructure Planning'. The working paper invites views on action the government could take to streamline the development of critical infrastructure, in particular NSIPs.</p> <p>The paper proposes various options, including:</p> <ul style="list-style-type: none"> • Reviewing national policy statements (NPSs) on a more regular basis and making them easier to update in the interim. • Making the role of consultation in the consenting process less burdensome. • Allowing for appropriate flexibility in the process to be applied to projects where merited. 		

Consultation	Detail	Closing Date	HL articles
English Devolution White Paper	<p>The government's White Paper on devolution includes a number of provisions which could impact on planning and development, including:</p> <ol style="list-style-type: none"> 1. The government will create a new concept of "strategic authorities" and ensure the whole of England is covered by them; 2. All areas of England will have to produce "high level" strategic spatial plans by the end of this parliament; 3. The government will give strategic authorities environmental planning powers; and 4. Elected mayors across England will get new development management powers. 		
Modernising planning committees	<p>On 9 December 2024, the Ministry of Housing, Communities and Local Government (MHCLG) published a working paper on modernising planning committees. This paper looks at how planning committees in England could be modernised and suggests the changes including:</p> <ul style="list-style-type: none"> • the introduction of a national scheme of delegation to provide a standardised and consistent approach to delegation of decisions. Three options and a hybrid option are set out for consideration. • dedicated committees for strategic development. • mandatory training for councillors before they can form part of a planning committee. 	N/A	
Compulsory purchase reforms	<p>On 20 December 2024, the Law Commission published its latest consultation on compulsory purchase reforms. The Law Commission considers that the law of compulsory purchase in England and Wales is fragmented, hard to access and in need of modernisation. The consultation therefore seeks views on ways in which to simplify, consolidate and modernise the law. It also looks at technical changes that may be needed to make the law work better.</p>	31 March 2025	

New and pending legislation and crucial cases

This covers future legislation where: a Bill has been drafted and is passing through parliament; a forthcoming change in law; and recent changes that have come into effect as well as key cases.

Legislation	Detail	Date	HL articles
Renters' Rights Bill	The Renters' 'Rights Bill has passed through the House of Commons and is currently being debated in the House of Lords. The government aims for the provisions in the Bill to come into force in Spring 2025.	N/A	UK private rented sector: white paper published – Hogan Lovells Engage UK Renters Reform Bill – big changes afoot in the private rented sector - Hogan Lovells Engage UK-renters-reform-bill-update UK Renters Reform Bill: delayed subject to court reforms - Hogan Lovells Engage The Renters' Rights Bill – What's new?
Leasehold and Freehold Reform Act	<p>The Leasehold and Freehold Reform Act (LAFRA) was passed on 24 May 2024, and makes changes including banning the sale of new leasehold houses (but not flats), increasing the standard lease extension terms, and removing the two year requirement to extend a lease/purchase the freehold.</p> <p>Various changes to the Building Safety Act were also introduced through LAFRA, which came into force in July and October 2024.</p> <p>Regulations removing the 2 year rule will come into force on 31 January 2025 under the Leasehold and Freehold Reform Act 2024 (Commencement No. 2 and Transitional Provision) Regulations 2025.</p> <p>The government has indicated changes to right to manage provisions will be implemented in Spring 2025 and changes to service charge provisions in early 2025.</p> <p>The government intends to consult on the valuation rates used to calculate the cost of enfranchisement premiums in Summer 2025, and on implementing consumer protections against unfair charges in 2025.</p> <p>In a Ministerial Statement on 21 November, the Minister for Housing and Planning indicated a new Leasehold and Commonhold Reform Bill will be published in the second half of 2025, including provisions banning new leasehold flats, changes to ground rents, removing forfeiture, and converting all existing leases to commonhold as the default tenure.</p>	<p>Passed on 24 May 2024.</p> <p>Removal of the two year rule comes into force on 31 January 2025.</p> <p>Further secondary legislation and consultations awaited to bring it into force, and to set out further detail.</p> <p>Leasehold and Commonhold Reform Bill expected in second half of 2025.</p>	<p>The Leasehold and Freehold Reform Bill – the “effective destruction of the leasehold system”? - Hogan Lovells Engage</p> <p>The Renters' Rights Bill – What's new?</p> <p>UK landlord and tenant: what does the upcoming election mean for leasehold reform? - Hogan Lovells Engage</p> <p>The politics of housing: Changes to UK residential property law - beware the law of unintended consequences</p>

Legislation	Detail	Date	HL articles
Levelling-Up and Regeneration Act	Please see attached links for concise detail on key aspects of the Levelling-Up and Regeneration Act. This Act introduces wide-ranging reforms in a number of areas, including planning, environmental protection, local democracy and regeneration.	<p>Received Royal Assent on 26 October 2023, but many provisions are not yet in force and are subject to further regulations.</p> <p>The content of those regulations is subject to a government consultation, see Engage link for details of the current government proposals.</p> <p>The latest regulations were made on 18 March 2024 to bring a number of provisions in LURA 2023 into force on specified dates.</p>	<p><u>Levelling-up and Regeneration Act 2023: UK government planning and environment reforms become law - Hogan Lovells Engage</u></p> <p><u>UK Levelling-up and Regeneration Bill – compulsory purchase power and the best of the rest – Hogan Lovells Engage</u></p> <p><u>UK Levelling-up and Regeneration Bill – environmental outcome reports and heritage reforms – Hogan Lovells Engage</u></p> <p><u>UK Levelling-up and Regeneration Bill – when things don't quite go to plan – Hogan Lovells Engage</u></p> <p><u>UK Levelling-up and Regeneration Bill: IL, CIL and our old friend Section 106 – Hogan Lovells Engage</u></p> <p><u>Levelling-up and regenerating the English planning system – planning policy and "material" considerations – Hogan Lovells Engage</u></p> <p><u>UK Environmental outcomes reports: evolution or revolution? - Hogan Lovells Engage</u></p> <p><u>Going, going, gone! UK High Street Rental Auctions introduced - Hogan Lovells Engage</u></p> <p><u>UK: Compulsory purchase: a compensation masterclass -</u></p>

Legislation	Detail	Date	HL articles
ESG: Environmental Act 2021	<ul style="list-style-type: none"> Introduces a new mandatory 10% Biodiversity Net Gain requirement for new developments. New pre-commencement planning condition. The regime came into effect in February 2024 Conservation covenants came into force on 30 September 2022. 	All Biodiversity Net Gain requirements are now in force.	UK Real Estate Horizons: how does the new Biodiversity Net Gain regime affect you? - Hogan Lovells Engage What does ESG mean for UK Real Estate? - Hogan Lovells Engage Biodiversity net gain: future of sales and investment trends – Hogan Lovells Engage UK: What does nutrient neutrality mean for developers? – Hogan Lovells Engage UK: Earth Day: Investing in our Planet – real estate and planning UK-esg-conservation-covenants-what-are-they-and-how-will-they-be-used Nutrient neutrality in a nutshell - Hogan Lovells Engage
Amendments to the National Planning Policy Framework (“NPPF”)	<p>The government has published a new version of the NPPF, making significant changes, with a view to unlocking growth, including:</p> <ul style="list-style-type: none"> making housing targets mandatory again and revising the methodology for calculating them; introducing strict deadline for adopting up to date local plans; requiring councils to take a brown field-first approach, review their green-belt boundaries to meet the mandatory housing targets, and identify and prioritise low quality ‘grey-belt’ land; and introducing ‘golden rules’ for any development on green-belt land, requiring developers to provide necessary infrastructure as well as a premium level of social and affordable housing. 	12 December 2024	

Legislation	Detail	Date	HL articles
High street rental auctions	<p>Part 10 of the Levelling Up and Regeneration Act 2023 – which gives local authorities the power to carry out high street rental auctions - came into force on 31 March 2024.</p> <p>Regulations setting out the details of the scheme came into force on 2 December 2024 (The Local Authorities (Rental Auctions etc.) (England) and Town and Country Planning (General Permitted Development) (Amendment) Regulations 2024).</p> <p>Non statutory guidance was published on 2 December 2024.</p>	<p>31 March 2024</p> <p>Came into force on 2 December 2024.</p>	<p><u>UK government's rental auction plans will bulldoze normal letting processes – Hogan Lovells Engage</u></p> <p><u>Going, going, gone! UK High Street Rental Auctions introduced – Hogan Lovells Engage</u></p> <p><u>UK High Street Rental Auctions: what can we expect from the new regulations? - Hogan Lovells Engage</u></p>
Terrorism (Protection of Premises) Bill	<p>The Terrorism (Protection of Premises) Bill has passed through the House of Commons and is currently at the committee stage in the House of Lords.</p> <p>The Bill requires those with control over certain premises or events to take steps to reduce the vulnerability of the premises or event, and the risk of harm to individuals from acts of terrorism.</p>		<p><u>Protect-duty-what-does-this-new-duty-mean-for-owners-and-operators</u></p>

Legislation	Detail	Date	HL articles
Long-Term Asset Fund (LTAF)	<ul style="list-style-type: none"> ▪ The LTAF is a relatively recent and distinct category of authorised open-ended fund, specifically designed with the intention of investing efficiently in long-term and especially illiquid assets. Funds that have themselves been authorised by the FCA (as distinct from only their managers being authorised) can be offered to a wider range of investors, but in return they are generally subject to additional rules, for instance on pricing and redemption, that make it more difficult for these funds to invest in illiquid assets such as real estate. The LTAF is designed to attract particular types of retail investors and pension schemes who can bear the risks associated with an investment in illiquid assets, but it is still an authorised fund and subject to its own set of rules to provide a degree of protection to them. As such, the introduction of the LTAF is one part of a wider plan to encourage greater investment by defined contribution pension schemes and retail investors in illiquid assets such as real estate. ▪ An LTAF could be established as an investment company with variable capital, an authorised unit trust or an authorised contractual scheme but in each case its manager needs to apply to the FCA. An LTAF needs to be constituted and operated in accordance with the requirements of Chapter 15 of the COLL Sourcebook in the FCA's Handbook of Rules and Guidance. These rules (inter alia) set out prescribed content for the fund documents and impose requirements for e.g. the preparation of accounts and reports and meetings of investors. They apply limits to investment and borrowing powers, but afford more flexibility than other existing forms of authorised fund. The FCA expects the investment strategy of an LTAF to be to invest at least 50% of fund property in assets that are illiquid and need to be held over the longer term. ▪ There have been some developments in the rules that apply to LTAFs since they were introduced: firstly, the classes of investors and pension schemes who can invest in an LTAF have been widened. More recently, the FCA had proposed that the LTAF should be excluded from the scope of the Financial Services Compensation Scheme (FSCS), which would have meant it would be treated differently from other authorised funds in the UK. After industry feedback which raised concerns over whether that would deter retail investors from investing in LTAFs, the FCA decided in October 2023 that the LTAF would not be excluded from the scope of the FSCS (at this time). 		

Legislation	Detail	Date	HL articles
Changes at permission stage for Nationally Significant Infrastructure Project judicial reviews	<p>On 23 January 2025, the government announced that it intends to review the process at the permission stage for judicial review of NSIPs. The government intends to remove the paper permission stage for such challenges, meaning permission applications will go straight to an oral hearing. Where the judge at an oral hearing deems the case to be "totally without merit", there will be no right of appeal.</p> <p>The government also intends to introduce non-mandatory case management conferences to NSIP judicial reviews, formally designate NSIP judicial reviews as "significant planning court claims" and work with the judiciary to introduce target timescales for NSIP judicial reviews in the Court of Appeal and the Supreme Court.</p>	Awaiting legislation	

Case	Detail	Dates	HL articles
M&S, Oxford Street	<p>The redevelopment by M&S of its flagship store in London was refused by the Secretary of State (against the recommendation of his appointed Inspector). M&S wanted to demolish the existing building and build a new ten floor retail and office space. The decision relates to heritage harm and the importance of assessing embodied carbon when considering proposals for full demolition rather than retrofitting existing buildings.</p> <p>The High Court agreed with Marks & Spencer that the Secretary of State for Levelling Up, Housing and Communities ("SoS") had "misinterpreted and wrongly applied planning policy" by blocking the scheme.</p> <p>Having been remitted to the SOS, Angela Raynor finally granted planning permission in December 2024.</p>	<p>The High Court decision was issued on 1 March 2024.</p> <p>Secretary of State decision on 5 December 2024.</p>	<p><u>To demolish or not to demolish, that is the question - Hogan Lovells Engage</u></p> <p><u>Dividing opinion: UK Secretary of State refuses M&S Oxford Street scheme against Inspector's advice - Hogan Lovells Engage</u></p>
Test Valley BC v Fiske	<p>This Court of Appeal decision relates to the scope of s73 permissions, and the changes which can be made to planning permissions using that process. It reiterated that a planning permission is made up of both the description of development (the operative part) and the conditions attached to it. You cannot therefore grant a consent which would result in a conflict between the two. In the context of a s73 permission, this means that you cannot make a change to the conditions which would not be compatible with the description of development.</p> <p>Crucially, though, it held that, beyond this, provided both the operative part and conditions to the new consents were consistent with the operative part of the original consent, there is no other restriction on the nature of changes which can be made to the conditions, merely because they make a fundamental or substantial alteration of the development permitted.</p>	10 December 2024	
Building Safety Act Cases	<p>The Hippersley Point appeal relating to operation of Schedule 8 of the BSA (qualifying leaseholder protections against service charge costs) will be heard by the Court of Appeal on 17-18 March 2025</p> <p>The Triathlon homes appeal relating to remediation contribution orders will be heard by the same court/panel on 19-21 March 2025.</p>	<p>March 2025</p> <p>27 January 2025</p>	<p><u>UK First Tier Tribunal: Pre-Building Safety Act costs recoverable under Remediation Contribution Orders</u></p>
Brown v Ridley and another	<p>The Supreme Court will consider when a person applying to be registered as the owner of land must hold the 10 year period of belief that they are the owner of that Land.</p>	<p>The hearing took place on 21 and 22 January 2025.</p> <p>Judgment awaited.</p>	
Cooper v Ludgate House Limited Powell v Ludgate House Limited	<p>Flat owners seeking injunctions to demolish/alter a building which has already been built and let.</p>	<p>Hearing taking place in March 2025.</p>	

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