

Agenda Item 7
Report PC25/26-34

Report to	Planning Committee
Date	12 February 2026
By	Director of Placemaking
Title of Report	Consultation on the National Planning Policy Framework and Other Planning Reforms
Purpose of Report	Committee to receive and consider the draft response

Note

Recommendation: The Committee is recommended to

- 1. Receive and consider the draft consultation response and inform the final response to be delegated to the Director of Placemaking in consultation with the Chairman of Planning Committee.**
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Executive Summary

This report sets out the background to the consultation and provides an overview of the proposed changes to the National Planning Policy Framework (NPPF). It then provides a summary of the main changes under the following headings:

- Meeting Housing Need
- Changes to the presumption in favour of development
- Restricting local standards
- Affordable Housing
- The Natural Environment, including protected landscapes
- Heritage
- Transitional Arrangements

Appended to this report is the proposed response to the consultation.

1. Background

- 1.1** On 16 December 2025 Government published a consultation on a revised National Planning Policy Framework (NPPF), together with questions related to other proposed planning reforms such as energy thresholds and data centres, standardised inputs in viability assessments and reforming site thresholds. The consultation closes at 11:45pm on 10 March 2026.

2. Overview of Changes

- 2.1 The proposed new NPPF is substantially different to its predecessors in both structure and some of its content. This includes making a clear distinction between policies for plan-making and those for decision-making. The consultation says that it has three main objectives:
- Ensure national planning policy is accessible and understandable for everyone who uses it;
 - Establish a comprehensive suite of national policies on general planning matters which will apply across the country, to avoid these matters being repeated or deviated from in locally-produced plans – in so doing helping to speed up their preparation and preventing an unnecessary increase of different standards that can complicate development; and
 - Make the policy which it contains more ‘rules-based’ and certain, and so more capable of supporting timely and consistent planning – especially in those places where development is most desirable, where national policy should provide for a default “yes” to the principle of development.
- 2.2 The Levelling Up and Regeneration Act 2023 allows Government to introduce statutory National Development Management Policies that would carry full development plan status and would outweigh any local plan policies that conflicted with them. The Government is currently minded not to go down this route, and instead to introduce non-statutory national decision-making policies as part of the NPPF. The intention is the same as statutory National Development Management Policies (NDMPs) – to have national policies that do not need to be repeated in every local plan, and for them to outweigh any local plan policies that conflict with them. However, the legal basis for this is more arguable because the legislation says that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise, and the NPPF is itself only a material consideration, albeit a critically important one.
- 2.3 There are a total of 225 consultation questions, but the recommended response in Appendix I focuses on the key proposed changes for the National Park.

3. Summary of Key Issues

Meeting Housing Need

- 3.1 The draft NPPF assumes that the new plan-making system is in place, with Spatial Development Strategies (SDS) setting the wider strategic policies and distributing housing numbers between local planning authorities, Local Plans setting out how those will be achieved and Neighbourhood Plans covering more localised issues. Policy HO1(1a) says that SDS, and Local Plans where a SDS is not yet in place, should be based upon “a housing need assessment that establishes the overall number of homes needed in the area as a minimum over the plan period, using the standard method in Annex D”. There is no specific exemption for National Parks to use a different way to assess housing need. This may be because it is assumed that the SDS will take protected landscape designations into account when distributing the housing numbers. However, in areas like Sussex and Hampshire which have a large proportion of protected landscapes, this will still mean that the overall housing need figure will be very high and this will put pressure on the protected landscapes to accommodate higher levels of growth that may be incompatible with the purposes of their designation.
- 3.2 It is recommended that the following words are inserted at the end of HO1(1a) “unless strategic policy-making authorities include National Parks or the Broads Authority. In such areas authorities may continue to identify a housing need figure using a method determined locally”.

Changes to the presumption in favour of development

- 3.3 At present the presumption in favour of sustainable development is set out in paragraph 11 of the December 2024 NPPF and is split into two parts – one for plan-making and one for decision-taking. The plan-making part has been incorporated largely unchanged into S1 and still allows policies that protect areas or assets of particular importance, such as National Parks, to provide a strong reason for restricting the overall scale, type or distribution of development in a plan area.
- 3.4 However, the approach to decision-making has been changed significantly. Whilst the current NPPF 11 (c) and (d) apply the presumption where a proposal accords with the development plan or the development plan is out-of-date, 11(di) effectively disapplies the presumption where policies that protect areas or assets of particular importance, such as National Parks, provide a strong reason for refusal. This has not been included within the new draft NPPF.
- 3.5 Policy S4 sets out that all proposals within settlements should be approved “unless the benefits of doing so would be substantially outweighed by any adverse effects”. Such are said to include conflict with an allocation or safeguarding for an alternative use; conflict with other policies such as those that protect open space; flood risk; and conflict with a national decision-making policy (NDMP) that states that development proposals should be **refused**.
- 3.6 Outside of settlements policy S5 lists acceptable types of development and again gives a permanent presumption in favour of permitting them “unless the benefits of doing so would be substantially outweighed by any adverse effects”. The list includes: agricultural and forestry development, rural businesses and tourism where a location outside settlements is necessary; re-use, proportionate extension or replacement of existing buildings of permanent and substantial construction; limited infilling within groups of houses; exception sites; gypsy and traveller sites; and isolated dwellings if justified by exceptional design.
- 3.7 Crucially this list also includes development which would address an evidenced unmet need (including the lack of a five-year housing land supply) where it would be well related to an existing settlement (unless the nature of the development would make this inappropriate) and can be accommodated by existing or proposed infrastructure; or comprises major development for storage and distribution.
- 3.8 In applying S5, circumstances where benefits are likely to be substantially outweighed by adverse impacts include, but are not restricted to, conflict with a NDMP which states that development should be **refused**. This is key because the word ‘refused’ is proposed to be removed from the protected landscape policy in N4 (see below).
- 3.9 The net result of all of these changes is a downgrading of the importance of conserving and enhancing protected landscapes, including National Parks, when taking development management decisions that may adversely affect their statutory purposes. It is recommended that these concerns are addressed by amendments as follows:
- S2 (1c) “In all locations, development proposals that accord with an up-to-date development plan and also the decision-making policies in this Framework should be approved without delay, **unless policies that protect areas or assets of particular importance, such as Protected Landscapes, provide a strong reason for refusal**”;
 - S4(1) “Development proposals within settlements should be approved **unless policies that protect areas or assets of particular importance, such as Protected Landscapes, provide a strong reason for refusal, or** the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.
 - S5(1) “Only certain forms of development should be approved outside settlements, as set out in the following list. These should be approved, **unless policies that protect areas or assets of particular importance, such as Protected Landscapes,**

provide a strong reason for refusal, or the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.

- N4(2) “Proposals for major development within protected landscapes should ~~only be supported~~ **be refused other than** in exceptional circumstances⁷⁰ where it can be demonstrated that the development is in the public interest...”

Restricting local standards

- 3.10 The new PM13 policy allows local standards for design, parking, and open space. However, it restricts local standards on issues already covered by building regulations, except for triggering variants of national technical standards on accessibility and water efficiency. Local standards for construction, internal building layouts (except nationally described space standards), and energy efficiency are precluded to avoid challenges for the construction sector. It is also proposed that secondary legislation will amend the Planning & Energy Act 2008 to prevent local plans from setting higher energy efficiency standards for residential development.
- 3.11 Like many local planning authorities, the SDNPA is seeking to include a policy in its emerging Local Plan which introduces higher energy efficiency standards and measurement methods as per the National Zero Carbon Building Standard. This reflects the Authority’s ambitions to achieve net zero carbon by 2040. Within the National Park the built environment is a major source of carbon emissions, and residents’ carbon footprint significantly exceeds the national average. Removing the ability of Local Planning Authorities (LPAs) to set higher targets than in Building Regulations significantly reduces the influence that local communities can have over mitigating and adapting to climate change, even though this is purportedly one of the main objectives of the planning system (see Chapter 5 of the draft NPPF).
- 3.12 It is recommended that PM13 be deleted and the ability for local plans to set higher energy efficiency standards in the Planning and Energy Act 2008 be retained.

Affordable Housing

- 3.13 It is proposed that applicants should have discretion to deliver social and affordable housing requirements via cash payments in lieu of on-site delivery on medium sites (10-49 homes). There will be circumstances where a cash payment is acceptable in lieu of on-site delivery of affordable housing, however this should be at the discretion of the local planning authority not the applicant. Providing cash instead of on-site delivery puts the onus on the local planning authority to find and purchase land and deliver affordable housing themselves or with partners. This is problematic for most local authorities who no longer have housing stock or large land holdings, but is particularly difficult for National Park Authorities, which are not housing authorities and do not yet have a general power of competence to act other than in pursuit of their statutory purposes. They will also have a larger proportion of their sites that fall within the small or medium category. For instance, in the SDNPA’s emerging Local Plan, 80% of the III allocations are on sites of less than 50 homes. We have therefore strongly disagreed with this proposed change.

The Natural Environment, including protected landscapes

- 3.14 There are a number of changes to this chapter which relate to countryside and nature generally. One significant negative one is that development plans should only set local standards for biodiversity net gain which are in excess of the statutory 10% requirement where this is for specific site allocations, fully justified and deliverable, and development is not exempt in the regulations. There are also positive changes such as support for the inclusion of nest boxes / swift bricks in new development and a special mention of the need to protect chalk streams. It is worth expressing support for these improvements to balance any opposition from other parties.

- 3.15 The most significant elements for us are the changes to policies on protected landscapes, currently in paragraphs 189 and 190 of the NPPF. These are:
- Substantial rather than great weight (consistent with rest of NPPF);
 - ‘Natural beauty’ rather than ‘landscape and scenic beauty’ (consistent with statutory purposes);
 - ‘which have the highest status of protection’ has been removed;
 - Substantial weight also given to wildlife and cultural heritage rather than just important considerations, and the wording now excludes National Landscapes from being able to give weight to these issues;
 - Deletion of the current footnote 66 reference to the extant National Parks Circular (but not in the list of Government statements that this NPPF would supersede);
 - Clarification that the ‘tests’ for major development in N4(2) are “to inform a decision about whether exceptional circumstances exist”;
 - Specific mention of maintaining a sufficient supply of minerals in the test on the need for the development; and
 - Inclusion of a new provision that “where, exceptionally, proposals for major development are approved within protected landscapes, steps should be taken to mitigate potential adverse impacts on their special qualities and statutory purposes⁷¹, including on features such as tranquillity and dark skies”. Footnote 71: says “Where significant harm cannot be mitigated, it may be appropriate to consider whether suitable compensation would be acceptable”.
- 3.16 The biggest change, however, is in the wording around major development in protected landscapes. The existing NPPF paragraph 190 says ‘permission should be **refused** for major development other than in exceptional circumstances...’ whereas N4(2) says such proposals ‘**should only be supported** in exceptional circumstances’. This change is significant because it turns a presumption for refusal into a caveated support. This shift in language is particularly crucial when viewed alongside S5(2), which places special significance on those policies in the NPPF that use the word ‘refused’. N4(2) is one of only two instances where the word ‘refused’ has been removed from a policy, the other being TR6 on highway impacts. This would weaken the protection afforded to these landscapes and allow development that would currently be considered unacceptable.
- 3.17 The following amendments are recommended:
- N1(2) “Development plans should only set local standards for biodiversity net gain which are in excess of the statutory net gain requirement where this is ~~for specific site allocations, and is~~ fully justified and deliverable”.
 - N4 (1) “Development proposals within Protected Landscapes should be limited in scale and extent and sensitively located and designed to avoid harm to their statutory purposes and special qualities. Substantial weight should be placed on the importance of conserving and enhancing the natural beauty of these areas, **which have the highest status of protection in relation to these issues**, and to conserving and enhancing wildlife and cultural heritage **particularly** in National Parks and the Broads”.
 - Reinsert the footnote referencing the Circular on English National Parks and the Broads, and add reference to the Levelling Up and Regeneration Act amendments to primary legislation in section 245.
 - N4(2) “Proposals for major development within protected landscapes should ~~only be supported~~ **be refused other than** in exceptional circumstances⁷⁰ where it can be demonstrated that the development is in the public interest...”

Heritage

- 3.18 The introduction to this chapter in the consultation document says that “There are concerns that the current policies focus too much on addressing harm and do not provide sufficient positive support for the sustainable redevelopment of heritage assets to support growth”. HE6 reflects a more positive approach by removing the requirement for redevelopment to be for the ‘optimum viable use’ and by specifying that the public benefits which could outweigh any harm “can include securing the long-term re-use of a vacant or underused listed building and enabling energy efficiency and low carbon heating measures to be employed”. There is some concern that this change could support redevelopments to uses such as residential which would have higher value but would be more harmful to the heritage significance of buildings than alternative uses that would require less changes.
- 3.19 We have supported the implementation of the additional regard duties under Section 102 of the Levelling-Up and Regeneration Act. These would extend the protection for the setting of designated heritage assets to Scheduled Monuments, World Heritage Sites, Registered Parks and Gardens and Protected Wrecks. The setting of Scheduled Monuments is a key issue in the National Park, with many burial mounds and other prehistoric features occupying prominent locations on top of the South Downs, selected by their creators precisely because of their visibility over long distances.

Transitional Arrangements

- 3.20 Annex A explains in (8) that local plans progressing under the current plan-making system (such as the South Downs Local Plan) must be submitted for examination by 31st December 2026 and will be examined against the 2024 NPPF. However, it also says in (2) that “Development plan policies which are in any way inconsistent with the national decision-making policies in this Framework should be given very limited weight, except where they have been examined and adopted against this Framework”. Implications of these two statements on our emerging Local Plan are discussed in the report on the Regulation 19 Proposed Submission Local Plan elsewhere on this agenda.
- 3.21 However, Annex A (2) would also impact on the use of our adopted Local Plan. Whilst it is currently the case that adopted Local Plan policies are often considered ‘out-of-date’ if they conflict with a more recent NPPF or Written Ministerial Statement, the key difference here is the extent of the changes to the NPPF. By including detailed decision-making policies on matters previously left to Local Plans, any existing Local Plan policies that go beyond this (for instance by restricting the circumstances in which agricultural buildings can be converted to other uses in SD41 or restricting the percentage of house extensions in SD31) could be considered to be inconsistent with the decision-making policies of the NPPF. The words ‘in any way’ are particularly concerning because even a minor difference in approach in part of a policy could mean that very little weight could be attached to the whole policy.
- 3.22 The legal position remains the same: that planning applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. Government is not currently proposing to make NDMPs statutory, so the NPPF remains just a material consideration. However, it is clearly “one of critical importance” (as stressed in the Introduction to the new NPPF) and Inspectors at appeal are likely to give it very substantial weight.
- 3.23 It is recommended that Annex A (2) be amended as follows:
- Development plan policies which are ~~in any way~~ inconsistent with the national decision-making policies in this Framework should be given very limited weight, except where ~~they have been examined and adopted against this Framework~~ **there is a clear and justified reason for addressing particular local issues”**.

Conclusion

3.24 This is the most significant change to national planning policy since the original NPPF replaced all the previous Planning Policy Statements and Guidance in 2012. The recommended response in Appendix I addresses the main issues for this National Park. However, there are ongoing discussions with other groups, including other National Parks and National Landscapes, which may identify other potential consequences, or matters on which it would be better to show a united front in wording. For this reason, the recommendation asks for delegated powers to be given to the Director of Placemaking, in consultation with the Chairman of Planning Committee, to agree any changes to the response prior to submission.

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	No.
Does the proposal raise any Resource implications?	No.
How does the proposal represent Value for Money?	N/A.
Does the proposal seek to further National Park Purposes as required under Section 11A(2) duty of the National Parks and Access to the Countryside Act 1949 as amended by Section 245 of the Levelling Up and Regeneration Act 2023?	Yes the proposed response seeks to ensure that national planning policy reflects this legal duty.
Which PMP Outcomes/ Corporate plan objectives does this deliver against	<p>AIM 1: The South Downs National Park is a nature-rich, resilient working landscape where wildlife flourishes.</p> <p>AIM 2: The South Downs National Park is on track to become net zero by 2040 by mitigating and adapting to the impacts of climate change.</p> <p>AIM 6: Cultural Heritage is conserved, understood, valued, created and passed on for future generations.</p> <p>AIM 7: A thriving rural economy and local communities sit at the heart of South Downs National Park.</p>
Links to other projects or partner organisations	National Parks England and National Landscapes Association together with other key partner responses.
How does this decision contribute to the Authority's climate change objectives	The response contributes to the Authority's climate change objectives by raising concerns about the loss of the ability to set higher energy efficiency standards.
Are there any Social Value implications arising from the proposal?	No.

Implication	Yes*/No
Have you taken regard of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	Yes.
Are there any Human Rights implications arising from the proposal?	None.
Are there any Crime & Disorder implications arising from the proposal?	None.
Are there any Health & Safety implications arising from the proposal?	None.
Are there any Data Protection implications?	None.

3 Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
If unchanged the new NPPF could significantly impact on implementation of the adopted and emerging Local Plan	High	High	Submission of this individual consultation response, working with partners on joint responses and influencing decision-makers in Government.

TIM SLANEY

Director of Placemaking

South Downs National Park Authority

Contact Officer: Claire Tester
 Tel: 01730 819312
 Email: Claire.Tester@southdowns.gov.uk
 Appendices: I. Proposed response
 SDNPA Consultees: Head of Governance and Monitoring Officer; Legal Services
 External Consultees: None
 Background Documents: Current NPPF [National Planning Policy Framework](#)

[National Planning Policy Framework: proposed reforms and other changes to the planning system - GOV.UK](#)

