

# Draft Response to Proposed reforms to the National Planning Policy Framework and other changes to the planning system

6) Do you agree with the role, purpose and content of spatial development strategies set out in policy PM1? *partly disagree.*

a) Please provide your reasons, particularly if you disagree.

Under the December 2024 NPPF and PPG (2a-014-20241212) there is the ability for National Park and the Broads Authority to use a ‘method determined locally’ rather than the standard method to assess housing need. This is essential because these protected landscapes do not operate like normal housing market areas. They often have high rates of second homes and short-term lets due to a strong visitor economy, and there is no potential to address affordability through significant increases in supply because this would conflict with their statutory purposes. This facility does not appear to be given in the draft PM1, S1 or HO1. 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”. Strategic Authorities with a high proportion of protected landscapes (such as Sussex and Hampshire) will struggle to meet the combined standard method figures for all the local authority areas within the SDS without such a locally determined housing need figure being applied to the protected landscapes.

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”.

18) Do you agree with policy PM13 on setting local standards, including the proposal to commence s.43 of the Deregulation Act 2015? *Strongly disagree.*

a) Please provide your reasons, particularly if you disagree.

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 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).

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.

34) Do you agree with the proposed approach to setting a spatial strategy in development plans? *Partly disagree.*

a) Please provide your reasons, particularly if you disagree.

Whilst most Local Plans, including the SDNPA’s adopted and emerging Local Plans, identify settlements suitable for development and settlement policy boundaries, this is not true of all LPAs. Some National Park Authorities for instance don’t do this because expected levels of development within them are so constrained by their designation and special qualities. Consideration needs to be given to whether this ‘one size fits all’ approach is appropriate for all LPAs and what happens in the interim if existing adopted Local Plans do not follow this approach.

**35) Do you agree with the proposed definition of settlements in the glossary?** *Partly disagree.*

**a) Please provide your reasons, particularly if you disagree.**

The second sentence which says ‘This includes areas defined as a settlement in the development plan’ is too weak and invites arguments about settlement areas that are not so defined. It is recommended that the definition is amended to ‘Settlements are defined as those identified in the development plan as being suitable for development by using defined settlement boundaries’. This allows a consistent approach to be taken across the country whilst respecting local choices about the most sustainable locations for development. Allocations attached to or within settlements would normally have the settlement boundary drawn around them, so would be included within this definition. But many allocations are not in such locations and could not be classed as settlements. For instance, in the SDNPA emerging Local Plan we have a number of allocations on small brownfield sites in the countryside, and/or for employment or gypsy and traveller uses, that would not be appropriate to consider as part of a settlement.

**36) Do you agree with the revised approach to the presumption in favour of development?**

*Strongly Disagree*

**a) Please provide your reasons, particularly if you disagree.**

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.

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.

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 adverse effects are said to include conflict with a national decision-making policy (NDMP) that states that development proposals should be **refused**.

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”. 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**. The word ‘refused’ is proposed to be removed from the protected landscape policy in N4. 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 circumstances<sup>70</sup> where it can be demonstrated that the development is in the public interest...”

**38) Do you agree to the proposed approach to development outside settlements?** *Partly disagree*

**a) Please provide your reasons, particularly if you disagree.**

Whilst the desire to bring more uniformity is understood, the proposed policy does not reflect the very different nature of the countryside in different parts of England. In some parts of the country there is a very nucleated settlement pattern with most development including homes concentrated in urban areas with very little in the open countryside between. But other parts of the country, such as Sussex and Hampshire, have a more dispersed settlement pattern, with many farmsteads and small groups of houses in between the larger settlements. These areas would be significantly affected by some of the proposed categories of development to be allowed outside settlements, as described in more detail under question 37.

The ‘one size fits all’ approach of S5 also does not distinguish between designated and undesignated landscapes. It is noted that S5(2) establishes where development in the categories can be resisted, placing special significance on those policies in the NPPF that use the word ‘refused’. In the main these are the same as in the current NPPF, but one significant exception is the current paragraph 190, now encapsulated in N4(2) relating to major development within protected landscapes, including National Parks. The current wording is that “permission should be refused for major development other than exceptional circumstances”, the proposed wording is “major development within protected landscapes should only be supported in exceptional circumstances”. This change of wording is concerning when considered in the light of S5(2), which suggests that the adverse effects of development proposals under S5(1j) on protected landscapes are less likely to outweigh any benefits than at present.

**39) Do you have any views on the specific categories of development which the policy would allow to take place outside settlements, and the associated criteria?** *Partly disagree*

**a) Please provide your reasons.**

S5(1c) - Some areas of countryside are characterised by many isolated field barns, remote from any settlement or day-to-day services. This category would allow all of these to have a presumption in favour of re-use, extension or replacement, including as dwellings, resulting in significant urbanisation of the countryside and increased dependence on car use. Previous attempts to extend Class Q to protected landscapes have been strongly, publically and successfully resisted by National Park Authorities and National Landscapes Boards because such widespread conversions of isolated barns to dwellings would have such a deleterious effect on the quality of designated landscapes. This policy would have the same effect.

S5(1e) – Areas such as Sussex and Hampshire that are characterised by a dispersed settlement pattern could be significantly affected by the proposal to develop small groups of houses outside settlements, leading to a substantial increase in homes in unsustainable locations resulting in increased dependence on car use.

**48) Do you agree the requirements for spatial development strategies and local plans in policy HO1 and policy HO2 are appropriate? *Strongly disagree.***

**a) Please provide your reasons, particularly if you disagree.**

As per answer to Qu 6, under the December 2024 NPPF and PPG (2a-014-20241212) there is the ability for National Park and the Broads Authority to use a 'method determined locally' rather than the standard method to assess housing need. This is essential because these protected landscapes do not operate like normal housing market areas. They often have high rates of second homes and short-term lets due to a strong visitor economy, and there is no potential to address affordability through significant increases in supply because this would conflict with their statutory purposes. This facility does not appear to be given in the draft PM1, S1 or HO1. Strategic Authorities with a high proportion of protected landscapes (such as Sussex and Hampshire) will struggle to meet the combined standard method figures for all the local authority areas within the SDS without such a locally determined housing need figure being applied to the protected landscapes.

**67) Do you agree that applicants should have discretion to deliver social and affordable housing requirements via cash payments in lieu of on-site delivery on medium sites? *Strongly disagree.***

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 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 which proposes over 6,000 new homes until 2042, 80% of the 111 allocations are on sites of less than 50 homes.

**a) If so, would it be desirable to limit the circumstances in which cash contributions in lieu of on-site delivery can be provided – for example, should it not be permitted on land released from the Green Belt where the Golden Rules apply? Please explain your answer.**

National Parks, National Landscapes and the Broads should be exempt from any requirement to accept cash contributions on small or medium sites, in the same way that they are allowed to seek affordable housing from smaller sites than other areas.

**b) If you do not believe applicants should have blanket discretion to discharge social and affordable housing requirements through commuted sums, do you think cash contributions in lieu of on-site delivery should be permitted in certain circumstances – for example where it could be evidenced that onsite delivery would prevent a scheme from being delivered? Please explain your answer.**

Most local planning authorities already use their discretion to allow cash contributions when it is not practical to provide on-site or where better outcomes can be achieved off-site. However 'rule-based' policy is there will always be material considerations that can weigh against policy, it's not necessary to cover every contingency.

**68) What risks and benefits would you expect this policy to have? Please explain your answer. The government is particularly interested in views on the potential impact on SME housing delivery, overall housing delivery, land values, build out rates, overall social and affordable housing delivery, and Registered Providers (including SME providers).**

There is a significant risk that local planning authorities, especially National Park Authorities, will be unable to spend the contribution on delivering affordable housing because they cannot secure land or development partners to build and manage the homes. This will exacerbate the existing affordability

issues because no affordable homes will be delivered on-site or off-site. Using the money to subsidise other affordable housing on larger sites (where an LPA has any) is only legal if a betterment is achieved over the amount that site is required to deliver.

**75) Do you agree the proposals provide adequate additional support for rural exception sites?**  
*Partly disagree.*

**a) Please provide your reasons, including what other changes may be needed to increase their uptake?**

The SDNPA has struggled to deliver exception sites, even though we are exempt from the current First Homes exception site policy. This is largely because of the reluctance of landowners to make their sites available. Sometimes this is about hope value, because any site that adjoins or is physically well-related to settlements as per HO10 (2a) will also be a strong candidate for market housing. The landowner therefore may not want to take a lower return for land (and certainly nowhere near £10k per plot suggested, which is unrealistically low in the south east). We have said that we would accept a proportion of market housing, but even this does not result in sites being put forward. One option we are looking at is whether landowners would be incentivised by offering them a market plot for themselves or relative to live on. This is not so much a matter of making it viable without grant funding, as suggested in HO10 (2c), but more about helping to meet landowner's aspirations for family members to be able to live within the community when they may be priced out of the local market but not be eligible for conventional affordable housing.

Planning in Principle (PiP) does not work for rural exception sites because the first stage of PiP only requires the applicant to state the location and number of dwellings that will be built, there is no requirement to state the tenure mix. This stage establishes whether a site is suitable in terms of location, land use and amount of development. By their very nature, rural exception sites are in locations not suitable for market housing, so LPAs are unlikely to grant a PiP for general housing in such locations. If they did, then this would raise the landowner's expectations about the value of the land such that it would not be available for affordable housing. It is recommended therefore that the Town and Country Planning (Permission in Principle) Order 2017 be amended to include a specific Rural Exceptions Site Permission in Principle that requires the applicant to state the location, number of dwellings and proposed tenure mix, so that it is clear at the first stage of PiP that the consent is only for affordable housing.

**77) Do you agree proposals for a benchmark land value for rural exception sites will help to bring forward more rural affordable homes?** *Strongly disagree.*

**a) If so, which approach and value as set out in the narrative for policy HO10 of the consultation document is the most beneficial for government to set out?**

It is not possible to set a numerical value that is the same for the whole country. Land values in the south east are much higher generally and green field land is not just used for agriculture but also equestrian / amenity purposes which attract much higher values.

**87) Do you agree with the approach to rural business development in policy E4?** *Partly disagree.*

**a) Please provide your reasons, particularly if you disagree.**

This policy interacts with S5 particularly in relation to agricultural diversification schemes (1a), re-use of buildings (1c) and 1b 'Development for rural businesses and services including tourism, where a location outside settlements is necessary'. However, unlike other policies linked to S5 such as HO10 for exception sites, no further guidance is provided in E4 about what would make such proposals acceptable outside settlements. National Parks are significant tourist attractions, reflected in their second statutory purpose which is to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. However, there is often a tension between providing

those opportunities through visitor accommodation and tourist attractions and damaging the very special qualities that people come to enjoy. The National Park Authorities have jointly signed up the principles of ‘regenerative tourism’ to address this issue. The 2024 ‘Regenerative Tourism in UK National Parks’ says that tourism should make a net positive contribution to National Parks, supporting development that contributes to the enhancement and regeneration of the area, reduces carbon emissions and increases nature recovery. The emerging SDNPA Local Plan reflects this approach, saying that tourism development should positively contribute to natural beauty, wildlife, cultural heritage and special qualities of the National Park. E4 either needs to include such a provision or E1 needs to make it clear that National Park Authorities can continue to have more stringent policies in their Local Plans to address these issues.

**92) Do you agree with the approach to town centre impact assessments in policy TC4? *Partly disagree.***

**a) Please provide your reasons, particularly if you disagree.**

The introduction of Class E has made it very difficult to implement a sequential approach to town centres. This is because buildings can change their use from a myriad of uses including offices / light industrial to retail without needing to apply for planning permission. This means that some retail units above the impact assessment threshold can avoid having to do a town centre impact assessment because that is only triggered by a planning application. In practice it also means that other proposed uses within Class E might be asked to carry out a town centre impact assessment on the basis that they might, at some point in the future, convert to a retail use. The solution to this is not in the NPPF but to reinstate thresholds within the Use Classes Order so that buildings above 2,500sqm, or a locally set threshold within a development plan, cannot convert to retail without express planning permission.

**128) Do you agree policy L4 provides clear high-level guidance on good design for residential extensions? *Strongly disagree.***

**a) Please provide your reasons, particularly if you disagree.**

This policy (and the consultation question) pre-supposes that design is the only issue for residential extensions. There is also the issue of housing mix and stock.

In high value rural areas, including National Parks, there is a tendency for the existing housing stock to get progressively larger over time, reducing the availability of smaller homes at the more affordable end of the open market. To manage this, many LPAs have policies restricting the size of extensions to a certain percentage of the original or existing house (in the case of the SDNPA, 30% of what it was in 2002 when the Park was designated). As L4 is the only policy in the NPPF that specifically relates to householder development, and there appears to be no overt opportunity for future Local Plans to include their own policies on this issue, this approach to retaining a balanced housing stock would be lost, making it harder for local people to afford homes in the area. This is particularly difficult for protected landscapes where the supply of new homes will be restricted by the need to meet statutory purposes to conserve and enhance the landscape.

**155) Do you agree that the amended wording proposed in policy TR6 provides a clearer basis for considering when transport assessments and travel plans will be required, and for considering impacts on the transport network? *Strongly disagree.***

**a) Please provide your reasons, particularly if you disagree.**

The SDNPA supports the vision-led approach to transport. However, there will be circumstances where the traffic generated by a development cannot be successfully reduced through design or mitigation measures to encourage modal shift and causes unacceptable impact on the highway network and safety. The current paragraph 116 provides a clear steer in these circumstances that development should be refused planning permission. This word has been removed from TR6(3), replacing it with a

woolly expectation that “All development proposals should be capable of proceeding” without such unacceptable impacts. Of course they ‘should’, but this provides no clear direction to the decision-maker on what they must do if the development isn’t capable of addressing these issues. This shift in language is particularly crucial when viewed alongside S5(2), which establishes where development can be resisted, placing special significance on those policies in the NPPF that use the word ‘refused’. TR6 is one of only two instances where the word ‘refused’ has been removed from a policy, (the other relating to major development in protected landscapes which is addressed under Question 182). The language of paragraph 116 of the current NPPF should be reinstated in TR6(3) to make it clear that this is a serious issue which can merit the refusal of a planning application.

**162) Do you agree with the proposed approach to retaining key community facilities and public service infrastructure in policy HC6? *Partly disagree.***

**a) Please provide your reasons, particularly if you disagree.**

Whilst the approach is similar to many Local and Neighbourhood Plans at present, one key difference is that the safeguarding of community facilities only applies “where the facility would be the last of its type in the area concerned” (HC6(2)). This raises two issues: i) it is very unfair on an individual operator if every other facility of the same type has been allowed to change to other uses, but they are prevented just because they were the last one left; and ii) what does ‘of its type’ mean? There may be many different types of community uses, all serving different needs. Not all of these will be in different Use Classes. SDNPA’s current and emerging Local Plan policy safeguards all community uses unless it is demonstrated that there is a lack of need for the existing use, and there are no opportunities for an equivalent or alternative community use to move into the premises; or an alternative community facility is provided of an equivalent or better quality; or it is for a partial loss which is robustly demonstrated to be necessary to support the viability of the existing facility. Where the use is commercial in character (such as a village shop or pub) a 12-month marketing campaign is also required. The provision and retention of community facilities is key to achieving sustainable communities where people can easily access what they need to stay healthy and happy. Limiting them to only one ‘type’ of community facility assumes that everyone is the same and has the same needs, which is the very opposite of creating healthy and inclusive places, which is said to be the objective of this Chapter. It is recommended that the last sentence of HC6(2) is deleted.

**167) Do you agree with the criteria set out in proposed policy P3 as a basis for securing acceptable living conditions and managing pollution? *Strongly agree***

**a) Please provide your reasons, particularly if you disagree.**

The SDNPA strongly supports this policy, especially the references in (2c) to maintaining the character of tranquil areas; in (2d) to limiting adverse impact from artificial light on intrinsically dark landscapes; and in (2e) on mitigating adverse effects on water quality, “especially where this concerns sensitive water bodies such as chalk streams”. Part 3 says “In applying this policy, it should not be assumed that other regimes for the control of pollution will necessarily eliminate emissions completely”. This is unclear and seemingly in conflict with DM7(1) which says that “decision-makers should assume, unless clear evidence to the contrary, that those separate regimes will operate effectively”; and DM7(2) which says that “Planning decisions should not seek to duplicate or extend controls imposed by separate regulatory regimes”. Clear guidance on this issue is required, particularly where it relates to water quality which is an important issue in the National Park. In September 2025 SDNPA published its “Water in the Park” report, which found that most bodies of water in the National Park are failing to meet good ecological standards, with an overall decline from 2014 to 2022. The study covers six river catchment partnerships across Sussex, Hampshire and Surrey, revealing that 90% of rivers and lakes are not achieving good status under the Water Framework Directive. This includes our precious chalk streams which are particularly vulnerable to pollution and water scarcity.

**179) Do you agree that the proposed approach to planning for the natural environment in policy N1, including the proposed approach to biodiversity net gain, strikes the right balance between consistency, viability, deliverability, and supporting nature recovery? *Strongly disagree.***

**a) Please provide your reasons, particularly if you disagree.**

SDNPA strongly objects to N1(2) which prevents development plans from setting biodiversity net gain standards in excess of statutory requirements, other than for specific site allocations where this is justified. The current Planning Practice Guidance says “Plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. To justify such policies they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development. Consideration will also need to be given to how the policy will be implemented”. (Paragraph: 006 Reference ID: 74-006-20240214). It is considered that this is sufficiently robust to prevent such policies being introduced in development plans which would adversely impact on viability or deliverability of sites, whilst maximising opportunities for nature recovery. On many sites 10% is so basic to reach, it is a wasted opportunity not to require greater provision.

Going further to prevent all non site-specific policies from exceeding 10% ignores the very cogent justification that some areas have for doing this, including Government’s ambitions that protected landscapes should lead the way in meeting its biodiversity targets (such as achieving 30% of land managed for nature by 2030) and that they have significant opportunities for providing high levels of nature recovery especially on off-setting sites.

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”.

**180) In what circumstances would it be reasonable to seek more than 10% biodiversity net gain on sites being allocated in the development plan, especially where this could support meeting biodiversity net gain obligations on other neighbouring sites in a particular area?**

Larger green field sites can provide significantly in excess of 10% biodiversity net gain without impacting on viability. In so doing they can help to combat the crisis in biodiversity loss across the country, better connect local nature recovery networks and provide a better environment for future occupants. Meeting the BNG obligations for sites that cannot reasonably achieve this on-site should be done in landscape-scale habitat banks that do not need to combine this use with recreation or residential uses to ensure that we achieve the best results for nature.

**181) Do you agree policy N2 sets sufficiently clear expectations for how development proposals should consider and enhance the existing natural characteristics of sites proposed for development? *Partly agree.***

**a) Please provide your reasons, particularly if you disagree.**

SDNPA strongly supports N2(1f) which requires features for priority or threatened species such as swifts, bats and hedgehogs. The provision of nest boxes in new development is really important, but of equal importance is the protection of existing bird and bat nesting/roosting sites. The drive to make buildings more energy efficient has led to many holes and crevices being blocked up, which has had a big impact on species such as swifts. The inclusion of N2(2) is also strongly supported, which reiterates the current paragraph 193(a) that “if significant harm to biodiversity resulting from development cannot be avoided (though locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then the development should be refused”. This is an important principle, and we are pleased to see it retained.

**182) Do you agree the policy in Policy N4 provides a sufficiently clear basis for considering development proposals affecting protected landscapes and reflecting the statutory duties which apply to them? *Strongly disagree.***

**a) Please provide your reasons, including how policy can be improved to ensure compliance.**

N4(1) The substitution of 'natural beauty' for 'landscape and scenic beauty' is supported as this reflects the legislation for protected landscapes. However, the removal of the phrase 'which have the highest status of protection' is very concerning, especially when coupled with the weakening of protections in N4(2). National Parks, National Landscapes and the Broads have been accepted as having the highest level of landscape designation in the country over many iterations of the NPPF. Nothing has changed in the legislation to merit the removal of this phrase, indeed the amendments to primary legislation introduced under Section 245 of the Levelling Up and Regeneration Act were intended to strengthen protections.

It is also noted that the current NPPF paragraph 189 references in footnote 66 to the extant National Parks Circular have been removed. The inclusion of this footnote provides reassurance that this Circular still constitutes Government policy. As this Circular has not been included in the Annex A list of Government statements that this NPPF would supersede, it is recommended that reference to it be reinstated within or as a footnote to N4(1), thus signposting and tying together key Government policy documents to guide implementation of legislation.

N4(2) The main difference between this policy and the existing NPPF is that 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 establishes where development can be resisted, including on sites outside settlements justified on the basis of unmet needs (S5(1j)). This 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, which is addressed under Question 155. This weakens the protection afforded to these landscapes and would allow major development that would currently be considered unacceptable. The SDNPA strongly objects to this change and requests that the language revert to the paragraph 190 wording.

N4(3) This is an additional provision that allows for mitigation of any adverse impacts of major development, with footnote 71 also allowing compensation. The consultation paper says this "reflects the changes we think are needed following the amended legal duty in the Levelling Up and Regeneration Act 2023 that relevant authorities should 'seek to further' the purposes of these areas in exercising their functions". Whilst mitigation and compensation are supported where harm is caused to protected landscapes, the first part of the hierarchy should be to avoid harm. By weakening N4(2), it has been made more likely that major development will be allowed to cause harm to protected landscapes which then needs mitigating and compensating for. This is contrary to the intention of the legislation to strengthen the level of protection given to National Parks, National Landscapes and the Broads.

The following amendments are recommended:

- 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 circumstances<sup>70</sup> where it can be demonstrated that the development is in the public interest...”

**184) Are there any further issues for planning policy that we need to consider as we take forward the implementation of Environmental Delivery Plans?**

N1 does not appear to provide for the interim situation before EDPs are in place where Local Plans will still need to include mitigation measures for some international habitats. Similarly, N6 at the development management stage only seems to envisage there being no harm to the integrity of a site or this harm being addressed by an EDP. Local mitigation strategies will still be required for some years to come whilst Natural England implements the EDPs, so this should be reflected in the wording of both policies.

**185) Do you agree the government should implement the additional regard duties under Section 102 of the Levelling-Up and Regeneration Act? *Strongly agree***

**Please provide your reasons.**

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.

**189) Do you agree with the approach to considering impacts on designated heritage assets in policy HE6, including the change from “great weight” to “substantial weight, and in particular the interactions between this and the statutory duties? *Partly disagree***

HE6 deals with proposals affecting designated heritage assets. 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.

**190) Do you have any other comments on the revisions to the heritage chapter?**

SDNPA supports the assumption that preservation in situ should be the first principle, and that if this is not possible, preservation by record is the requirement. However, the revised NPPF takes no steps towards addressing the significant issue this policy has created over 25 years in requiring charities or local authority services (“a local museum or other public depository”) to take on responsibility for a process that is generated by a commercial or private interest resulting in an asset that requires long term preservation at public or charitable cost. There has been a missed opportunity to look at how a small levy in addition to deposition fees could address the storage crisis in England relating to undeposited archaeological archives.

**192) Do you agree with the transitional arrangements approach to decision-making? *Strongly disagree.***

**a) Please provide your reasons, particularly if you disagree.**

SDNPA is progressing an emerging Local Plan under the current plan making system with the intention of submitting it for examination ahead of the December 2026 deadline. The proposal in Annex A (8) for such plans to be examined under the December 2024 NPPF is supported. Even if the new NPPF is finalised in the Spring it would not be possible to produce a Local Plan in accordance with it in such a short timescale.

However, Annex A (2) says that, once the new NPPF is finalised, any 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”. This means that, even if we are successful in defending our thematic policies at examination, because they accord with the December 2024 NPPF, they will immediately become unusable on adoption, to the frustration of the LPA and confusion of the public and applicants.

This could be the case even with policies that would have been successfully argued as addressing “particular local issues in accordance with PM6” if the Local Plan had been examined under the new NPPF. Given the very specific statutory purposes of National Parks, it is very likely that there will be thematic policies that go beyond the limited matters allowed under the new NPPF on the grounds that there is a “clear and justified reason for inclusion” as per PM6(1b). Yet these too could be given ‘very limited weight’ if considered to be inconsistent with the new NPPF, even if that inconsistency is justified or indeed very minor.

Government has repeatedly said that it wants Local Plans to be progressed as quickly as possible and that LPAs should not slow down or wait for the new plan making system or other planning reforms. But this cannot be a good use of public money if much of those Local Plans are ‘dead on arrival’ as soon as they are adopted. It is also likely to disincentivise many LPAs from progressing their Local Plans.

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**”.

