

# Exploring the new NPPF draft

Monday 12 January 2026

# Your speakers for today



**Rupert Warren KC**  
Barrister  
Landmark Chambers



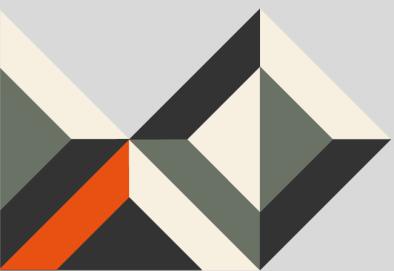
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# Draft NPPF December 2025

## Streamlining, clarity and the new presumptions

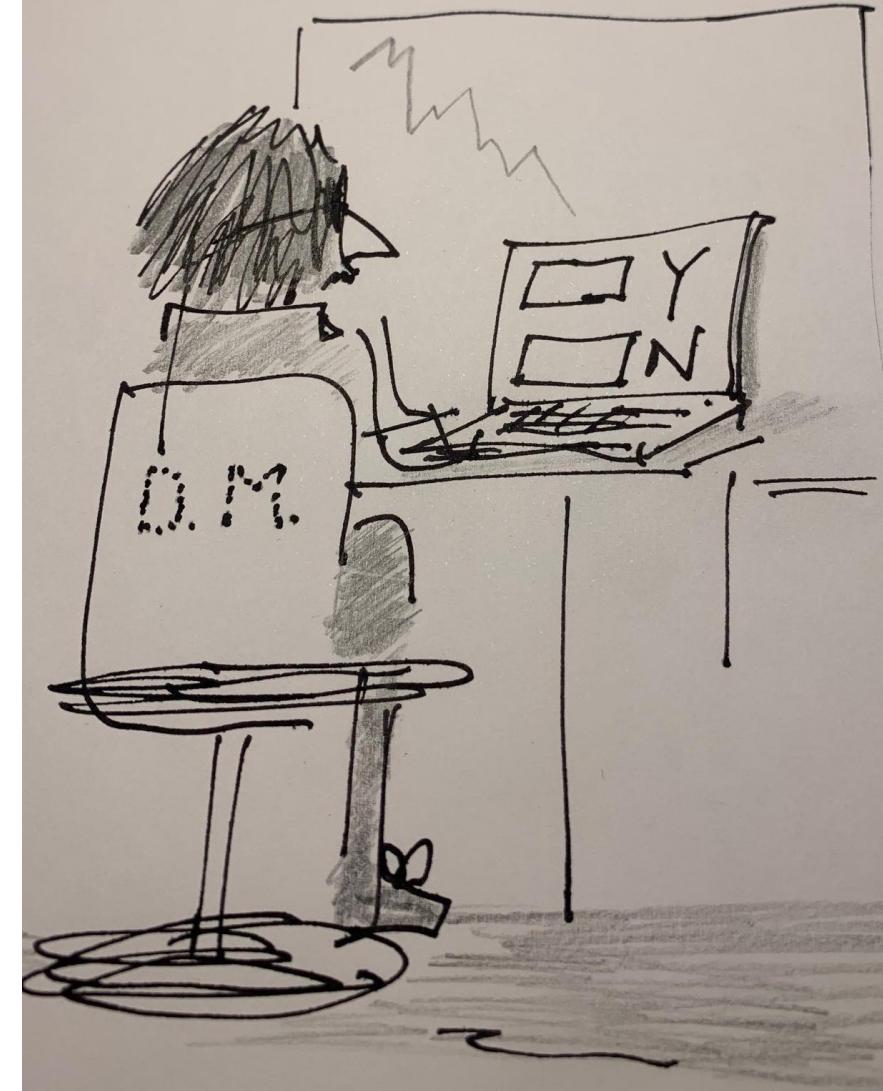


Rupert Warren KC  
Barrister, Landmark Chambers



## Overall context and intention

... hard-wire a set of clear, more rules-based policies into the Framework. Changes which are designed to make planning policy easier to use, underpin the development of faster and simpler local plans, and be more directive of decision-making in support of both appropriate housing and commercial development ...



# Stability in planning policy after NPPF 2026

But while necessary, reform alone is not sufficient. If we are to achieve our goals, the system we have moved so rapidly to regear must enter a period of stability over the second half of this Parliament and beyond. One in which every actor – from government to local authorities to applicants – must seize the benefits of change by bringing a laser like focus to delivery.



# Streamlining development plans

## PM6: General principles for plan-making

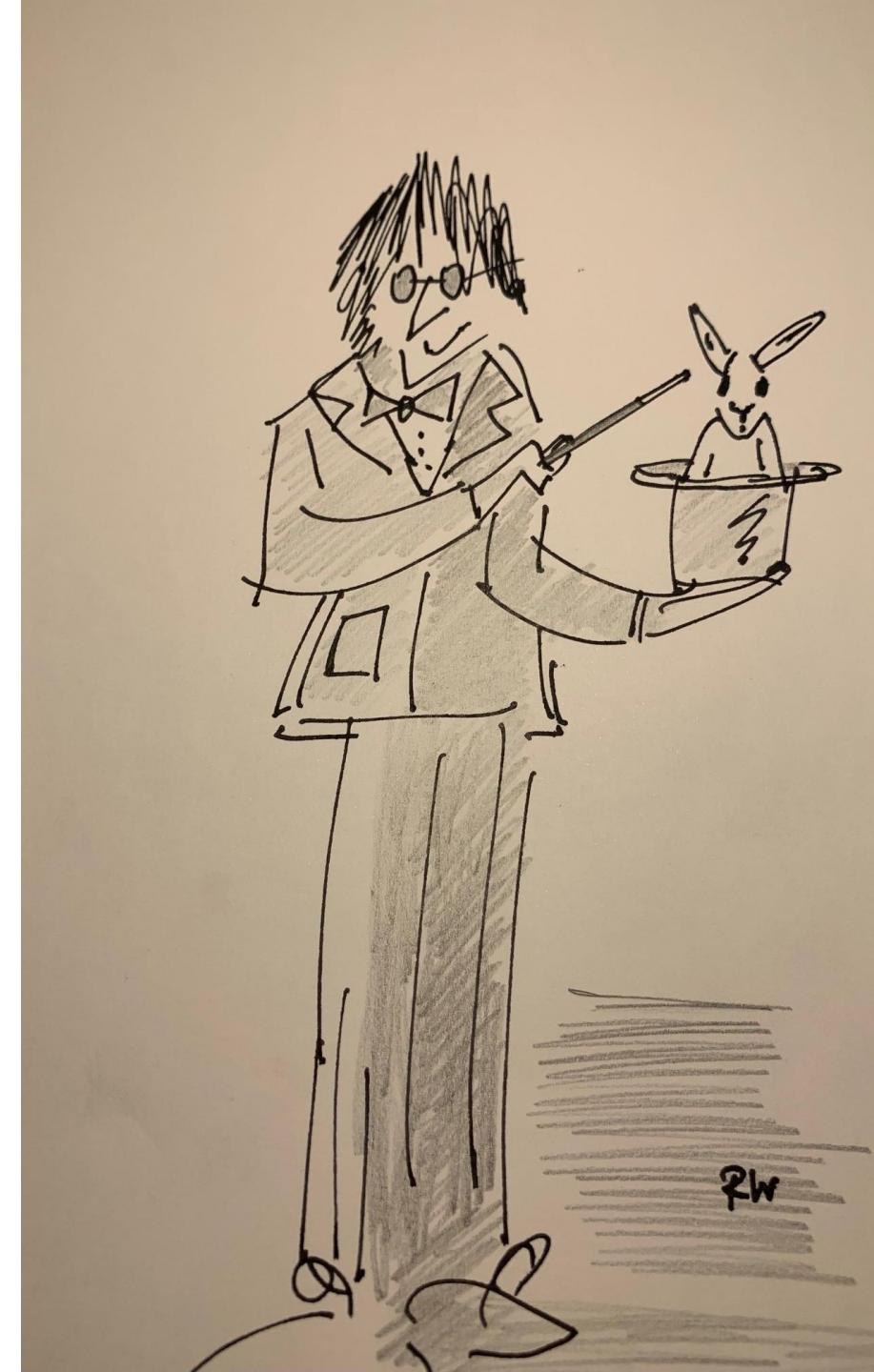
1. All plan-makers should, in preparing plans:
  - a. Only address matters, and include policies, that are necessary and relevant to the plan being prepared, and which avoid unnecessary duplication of other parts of the development plan;
  - b. Only include policies which extend beyond site or location-specific requirements where these are necessary and where plan makers consider there is a clear and justified reason for inclusion;
  - c. Not duplicate, substantively restate or modify the content of national decision-making policies unless directed by other policies in this Framework;



# Ambit of local plans

**PM2: Local plans 1.** Local plans should set out a positive vision and spatial strategy, which supports the delivery of the spatial development strategy for their area, and should set out specific proposals for accommodating development needs and improving the environment at a local level. They should do this by:

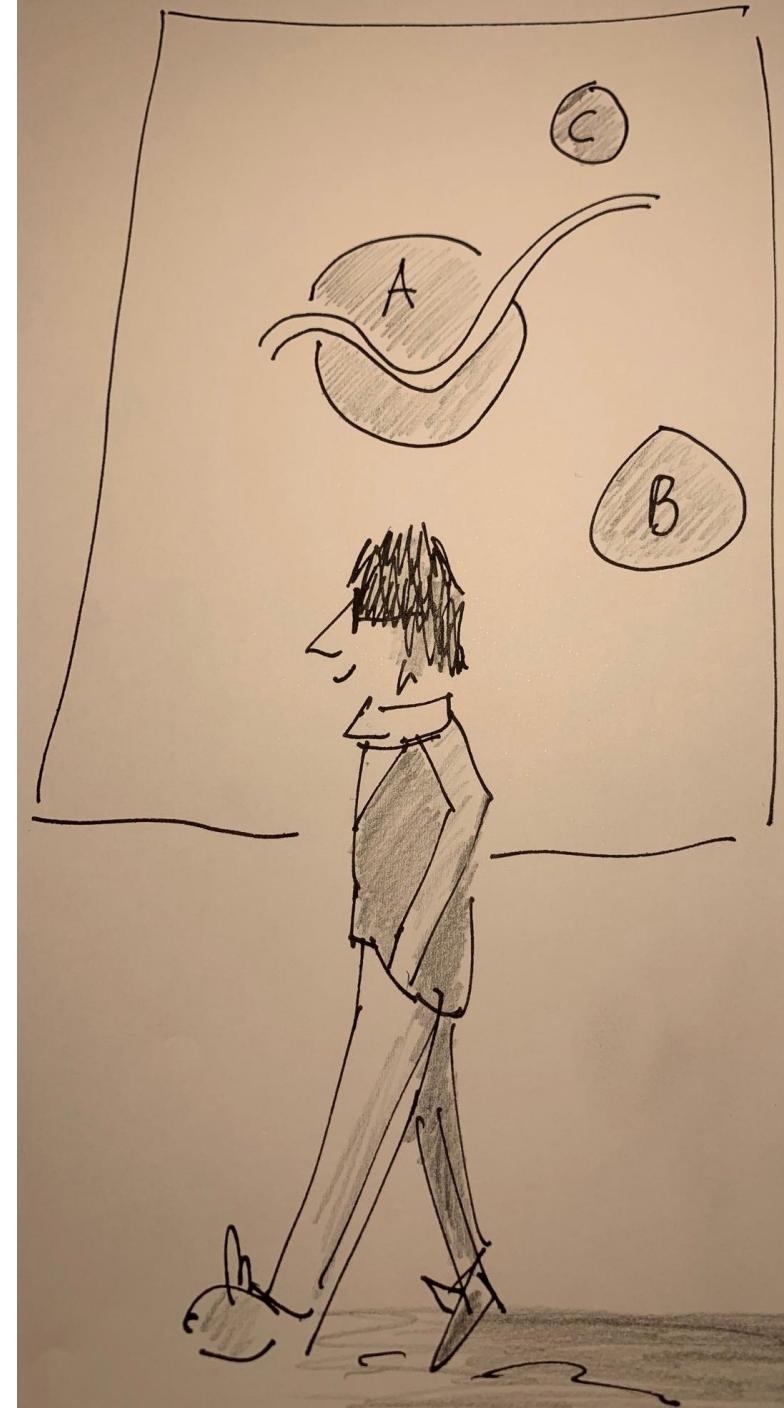
- a.** Setting out a vision for the plan area, supported by no more than ten measurable outcomes, which: i. ii. articulates how the area should change over the plan period; sets aspirational aims and objectives underpinned by a realistic appreciation of what the plan's policies can genuinely shape and deliver; iii. reflects longer term expectations extending beyond the plan period where appropriate, including for large scale development proposals; and iv. has particular regard to meeting the identified development needs of the area in a sustainable manner in accordance with policy S1.
- b.** Setting out a spatial strategy, policies for the minimum amount of development to be provided, land allocations<sup>7</sup> and broad locations for growth, and designations in accordance with policy S2, for a period of no less than 15 years from the point of adoption of the plan;
- c.** Identifying the contributions expected from development towards meeting affordable housing requirements and on-and off-site infrastructure necessary to support delivery of the plan in accordance with policy PM12; and,
- d.** Setting out other policies, accompanied by concise explanatory text as necessary to aid interpretation, only where these support the delivery of specific allocated sites (to set clear expectations of what is required in terms of layout, infrastructure and design); or where these address particular local issues in accordance with policy PM6.



# Cutting out NDMPs

## PM6: General principles for plan-making

1. All plan-makers should, in preparing plans:
  - a. Only address matters, and include policies, that are necessary and relevant to the plan being prepared, and which avoid unnecessary duplication of other parts of the development plan;
  - b. Only include policies which extend beyond site or location-specific requirements where these are necessary and where plan makers consider there is a clear and justified reason for inclusion;
  - c. Not duplicate, substantively restate or modify the content of national decision-making policies unless directed by other policies in this Framework;



# Local detail...

## PM4 Supplementary Plans

Supplementary plans may be used by relevant plan-making authorities<sup>10</sup> to address specific issues, where these are not already covered in other parts of the development plan for the area or the policies in this Framework. They should be limited to: a. Setting out locally-specific design standards to provide clear design expectations that support the delivery of development; or b. Situations where a supplementary plan would allow the authority to respond positively and quickly to unanticipated changes in their area, between plan-making cycles, where it is important to put in place policies to shape and direct development for a site or group of sites which the authority considers to be nearby to each other.

Supplementary plans should not be used to subvert the role of local plans and minerals and waste plans, including the vision or spatial strategy set out within them. Their preparation should not be used to delay the implementation of sites allocated for development in those plans.



# **'Out of date'; transition and effect on 2024 NPPF plans**

## **Annex A**

**2. 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.**

**8. Any other plans being prepared should be produced in accordance with the version of this Framework published in December 2024, unless any of the transitional arrangements in Annex 1 to that Framework apply (in which case those transitional arrangements continue to apply).**

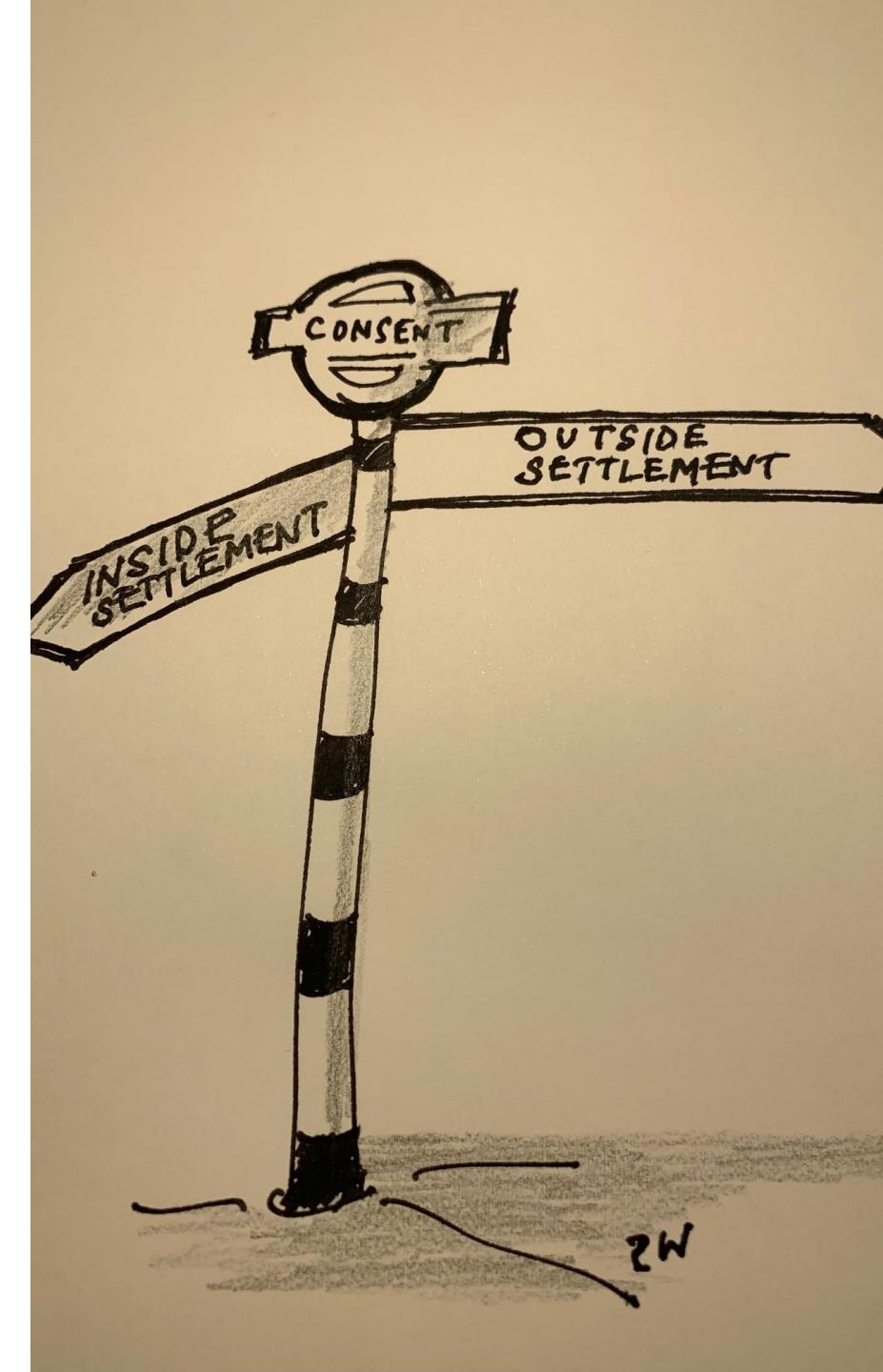


# Decision-taking gateways

- Section 38(6) unchanged
- How the consultation document describes the thrust of the “material consideration” consisting of the NPPF:

“A permanent presumption in favour of suitably located development.

We want to make clear what forms of development are acceptable in principle in different locations as part of creating a more rules-based approach to development. For urban land, this approach takes forward parts of our ‘brownfield passports’ work and builds on the December 2024 Framework update, by making development of suitable land in urban areas acceptable by default. As part of this change, we are also proposing a revised presumption in favour of sustainable development, underpinning the way the new policies direct different forms of development to the most appropriate locations – in effect applying a permanent presumption in favour of suitably located development.”



# Settlements

2. 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.

## S4: Principle of development within settlements

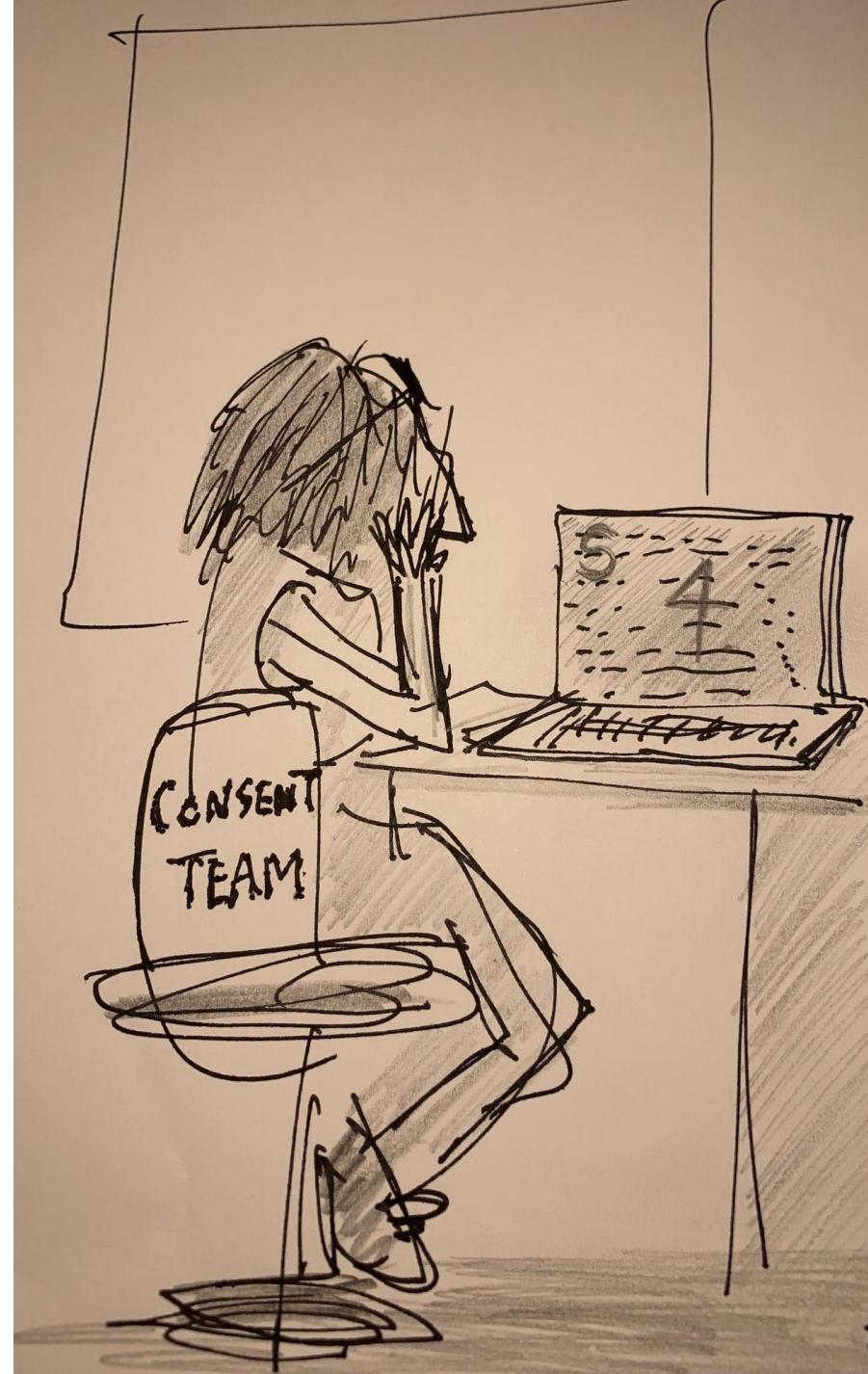
1. Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.



# Is the S4 presumption clear?

2. In applying policy S4, the circumstances in which the benefits of approving development are likely to be substantially outweighed by adverse effects include (but are not restricted to) situations where the development proposal would:

- Have an unacceptable impact in relation to:
- i. the allocation or safeguarding of land for particular uses in the development plan, unless there is no reasonable prospect of an application coming forward for the allocated use, or there is evidence that the safeguarding is no longer appropriate; or the application of the policies in this Framework for safeguarding existing open space, sport and recreation facilities (HC7), Local Green Space (HC8), designated wildlife habitats (N6) and for managing development within residential curtilages (L2); or
- b. Involve the whole or partial loss of undeveloped land which is used for a cemetery or burial ground; or for water storage and/or flood risk management (unless suitable compensatory provision is made which does not increase the risk of flooding either on or off-site); or
- c. Fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.



# Outside settlements

## S5: Principle of development outside settlements

**1. Only certain forms of development should be approved outside settlements, as set out in the following list. These should be approved, unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework:**



# The centrality of need

S5 j. Development which would address an evidenced unmet need (including, but not limited to, development proposals involving the provision

...

of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites or scores below 75% in the most recent Housing Delivery Test, and where the development would: i. ii. be well related to an existing settlement(unless the nature of the development would make this inappropriate) and be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure; or comprise major development for storage and distribution purposes which accords with policy E3.



## Key consultation points

- Has the draft text streamlined the NDMPs sufficiently to make them effective against a kaleidoscopic local plan and emerging local plan context?
- Does the draft strike the right balance between limiting local plan content, other LPA content (ie supplementary plans, SPD, guidance, design codes etc) and the degree of local control perceived as necessary for local democratic control?
- Does the S4 and S5 permanent tilt mean more consents? How does it affect all adopted or emerging local plan policies and the weight to be attached to them?





# Nick Grant



Barrister, Landmark Chambers



# Stations

Inside settlements: S4

Outside settlements: S5(1)(h) (non Green Belt); GB7(1)(h) +S5(5) (Green Belt).

- h. Development for housing and mixed-use development which would:
  - i. be within reasonable walking distance of a railway station capable of providing a high level of connectivity to services and employment<sup>52</sup>;
  - ii. be physically well-related to a railway station or a settlement within which the station is located;
  - iii. be of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure;
  - iv. not prejudice any proposals for long-term comprehensive development in the same location;
  - v. in the case of major development, comply with policy GB8.



# Stations

<sup>52</sup> Well-connected rail stations and underground, tram and light rail stops are those in a top 60 Travel to Work Area located partially or fully within England by Gross Value Added (GVA) and which, in the normal weekday timetable, are served (or have a reasonable prospect of being served due to planned upgrades or through agreement with the rail operator) throughout the daytime by four trains or trams per hour overall, or two trains per hour in any one direction.



## L3: Achieving appropriate densities

1. Development proposals should make efficient use of land, taking into account the identified need for different types of housing and other development, local market conditions, the availability of infrastructure (including sustainable transport options) and its scope for improvement, a site's connectivity and the importance of securing well-designed, attractive and healthy places.
2. Within this context development proposals for residential and mixed-use development within settlements should contribute to an increase in the density of the area in which they are situated. The existing character of an area should be taken into account, in accordance with policy DP3, but should not preclude development which makes the most of an area's potential.
3. Minimum densities for residential development proposals are appropriate in locations which provide high levels of connectivity to jobs and services. Where development proposals for housing or mixed-use schemes are within reasonable walking distance of a railway station<sup>44</sup>, a density of at least 40 dwellings per hectare should be achieved within the net developable area of the site, or 50 dwellings per hectare where the station or stop is defined as 'well-connected'<sup>45</sup>.
4. Development proposals that do not make efficient use of land in accordance with this policy should be refused.



## L1: Planning for an effective use of land

1. To support the effective and efficient use of land the development plan should, at the most appropriate level:
  - a. Identify ways of accommodating as much as possible of the development required in the area on previously developed land, including by:
    - iii. setting minimum residential density standards for town centres and for locations that have a high level of connectivity, where this can support more effective land use and extend beyond the requirements of policy L3; and
    - iv. identifying whether minimum density standards should be set for other parts of the plan area, especially where there are opportunities for intensification. It may be appropriate to set out a range of densities that reflect the identified need for different types of housing, local market conditions, the availability of infrastructure and its scope for improvement, the importance of securing well-designed, attractive and healthy places, and the desirability of maintaining an area's prevailing character or of promoting regeneration and change.



# Retail & Town Centres

Return of disaggregation?

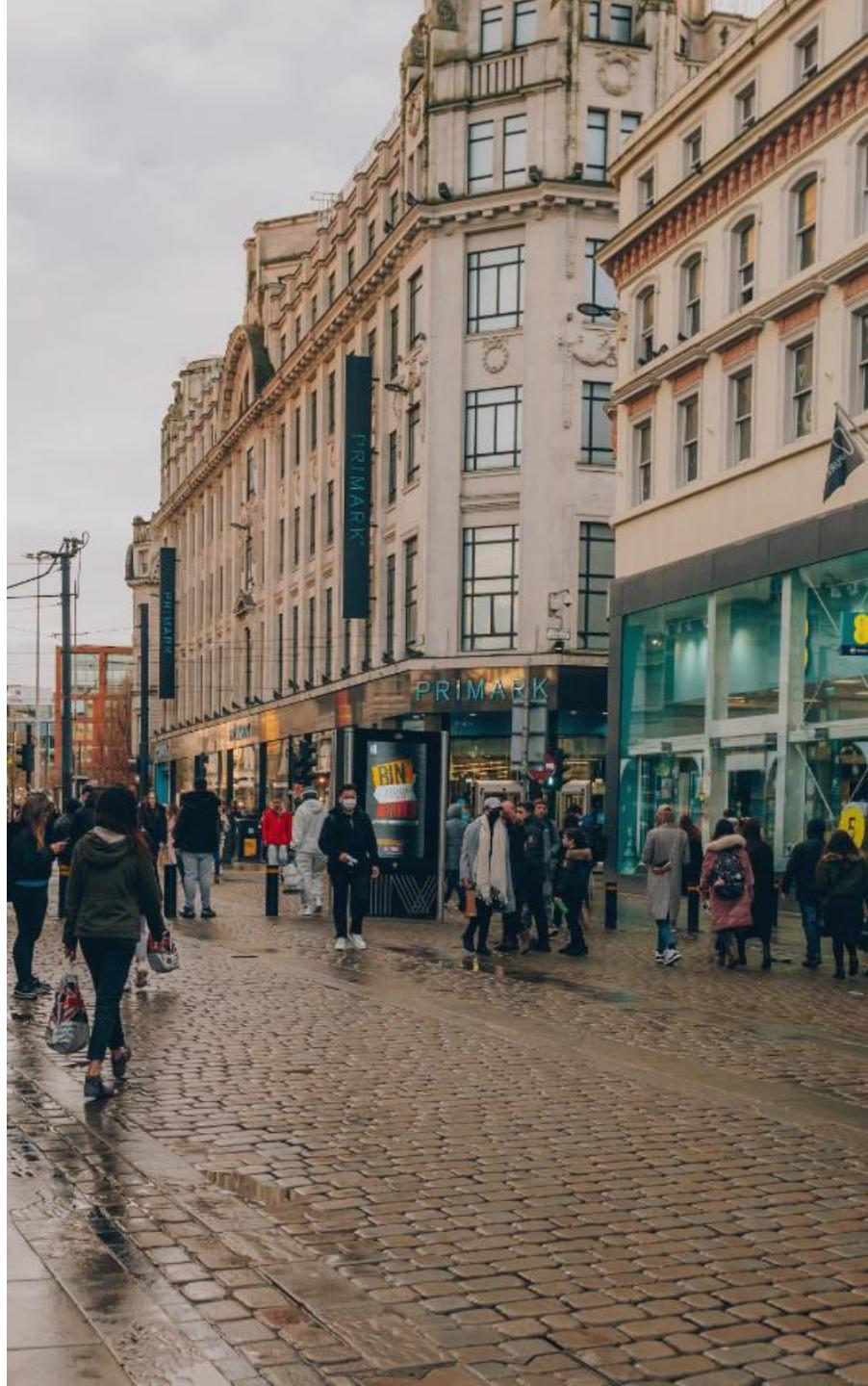
## TC3: Main town centre uses outside town centres

3. Applicants and local planning authorities should exercise flexibility when considering issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored. In doing so it is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development proposed, and it should be considered whether the type of development proposed could be accommodated across multiple sites.

The death of the sequential test?

**91) Do you believe the sequential test in policy TC3 should be retained? Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.**

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



## Coastal Changes

### F3: Managing Coastal Change

This policy consolidates and adds to paragraphs 183 and 184 of the current Framework. It requires development plans to designate Coastal Change Management Areas likely to be affected by coastal change and to plan for risk reduction through measures such as limiting development and safeguarding land for management interventions. New requirements include:

- Taking account of Shoreline Management Plans and the National Coastal Erosion Risk Map;
- Extending Coastal Change Management Areas to include estuaries and tidal rivers; and
- Considering risk over a 100-year timeframe.



# Flood Risk

## Sequential Test

### F5: The sequential test

1. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Where the test applies, development proposals should not be located in areas at risk of flooding where alternative sites, appropriate for the development, are reasonably available in areas with a lower risk of flooding. The area to which the test is applied should not be greater than the anticipated catchment of the development in terms of its likely occupiers or users.



185) Do you agree the government should implement the additional regard duties under Section 102 of the Levelling-Up and Regeneration Act? *Strongly agree, partly agree, neither agree nor disagree, partly disagree, strongly disagree.*

a) Please provide your reasons.



## HE5: Assessing effects on heritage assets

1. Development proposals affecting heritage assets should be accompanied by an assessment of the significance of the assets affected (including any contribution made by their setting) and of the potential effect of the proposal on their significance. The level of detail should be proportionate to the assets' importance and no more than is necessary to understand the potential effect of the proposal on their significance. The relevant historic environment record should be consulted as a minimum, and appropriate expertise employed where necessary.
2. Assessments of the potential effects of development proposals on heritage assets and their setting should identify whether proposals would be likely to:
  - a. Have a positive effect, which is where a heritage asset would be enhanced, or its significance better revealed; or
  - b. Have no effect on the significance of the asset; or
  - c. Result in harm to the significance of the heritage asset, either from work affecting the asset itself or from development within its setting. The degree of harm should be identified: substantial harm would occur where the development proposal would seriously affect a key element of the asset's significance; or
  - d. Cause the total loss of the significance of the heritage asset.



# NPPF – CONSULTATION 2025 / 2026

**Kathryn Ventham – Senior Director**

Twenty5



# Transitional Arrangements

## Annex A: Implementation

### For the purposes of decision-making

2. 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. Other development plan policies<sup>77</sup> should not be given reduced weight simply because they were adopted prior to the publication of this Framework.

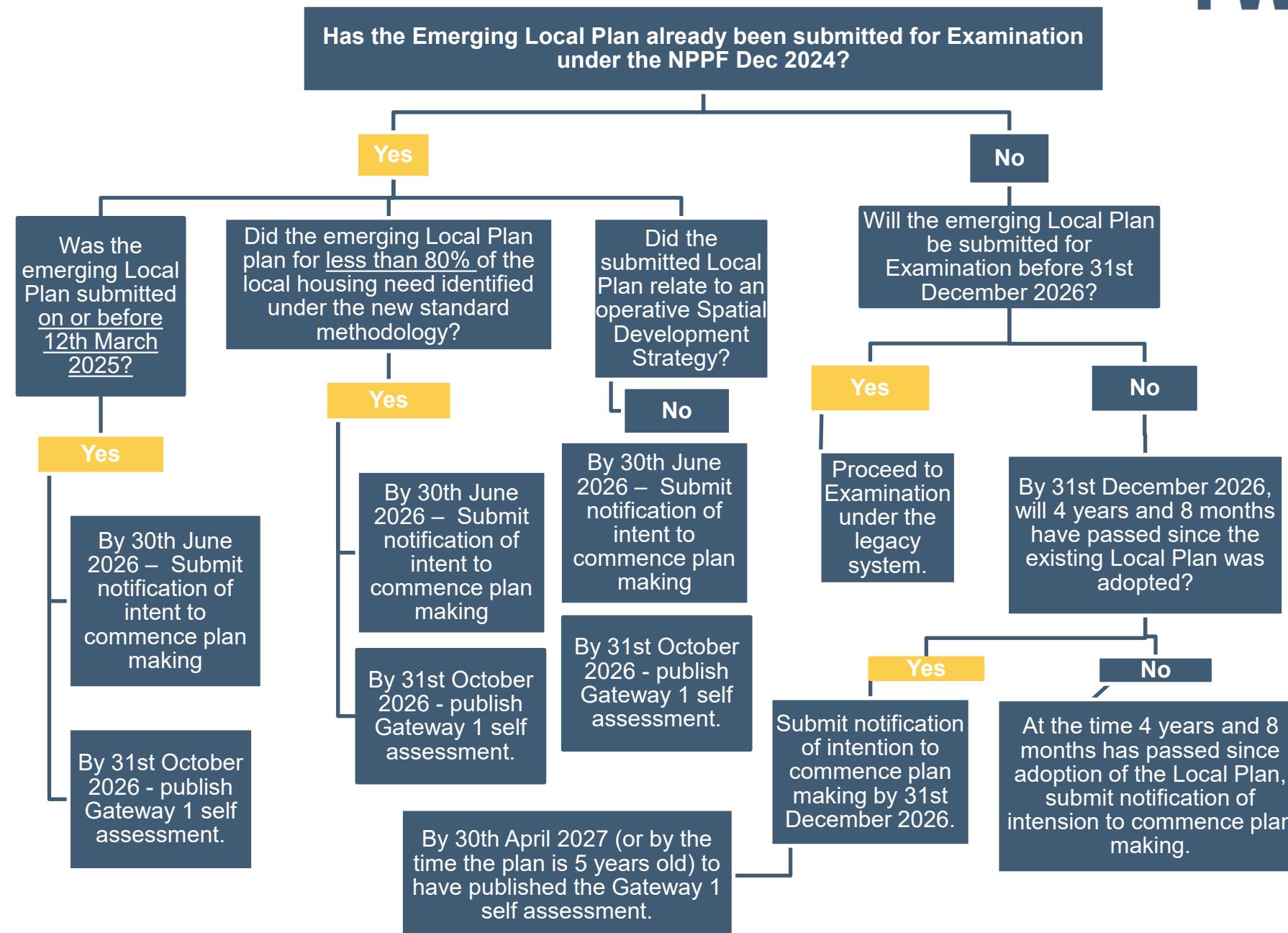
### For the purposes of plan-making |

8. Any other plans being prepared should be produced in accordance with the version of this Framework published in December 2024, unless any of the transitional arrangements in Annex 1 to that Framework apply (in which case those transitional arrangements continue to apply).



# Transitional Arrangements

TWENTY5



# Employment – its not all about housing!

## **E1: Providing the conditions for long term economic growth**

1. To support business investment and employment, development plans should, at the most appropriate level:
  - a. Set out a clear economic vision and strategy, which takes a positive, proactive and realistic approach to encouraging sustainable economic growth in both urban and rural areas, having regard to the Industrial Strategy<sup>33</sup> and any relevant strategic and local strategies for economic development and regeneration. In doing so they should take into account both local business needs and wider opportunities for economic growth, including priority places for investment in key sectors set out in the Industrial Strategy, and the location of Industrial Strategy Zones<sup>34</sup> and AI Growth Zones;
  - b. Seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and
  - c. Allocate sites to implement the economic vision and strategy and meet existing and anticipated needs over the plan period, paying particular regard to facilitating development to meet the needs of a modern economy (including sites and premises which are flexible and adaptable) and the specific locational requirements of different sectors. This includes, where a need exists or is anticipated, making provision for:



# Employment – its not all about housing!

- i. clusters, networks and sites for knowledge and data-driven, creative or high technology industries; and for new, expanded or upgraded facilities and infrastructure to support the growth of these industries (including laboratories, campus facilities, data centres and associated generating capacity, and grid connections);
- ii. storage and distribution operations at a variety of scales and in suitably accessible locations that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain (including 'last mile' deliveries), transport innovation and decarbonisation; and
- iii. the expansion or modernisation of other businesses of local, regional or national importance to support economic growth and resilience (including industries such as leisure and tourism which may be of particular importance in certain areas).

2. Given changing commercial property requirements, development plans should not be overly prescriptive about the types of uses that would be acceptable on particular sites (other than where there is a clear and justified rationale for being specific about acceptable uses at the plan-making stage).



# Employment – its not all about housing!

## E2: Meeting the need for business land and premises

1. To support business growth, substantial weight should be given to:
  - a. The economic benefits of proposals for commercial development which allow businesses to invest, expand and adapt; especially where this would support the economic vision and strategy for the area, the implementation of the Industrial Strategy<sup>35</sup>, support improvements in freight and logistics and/or reflect proposals for Industrial Strategy Zones and AI Growth Zones;
2. Where a development proposal is required to demonstrate whether an unmet need exists (including to demonstrate compliance with policy S5) consideration should be given to whether:
  - a. Market signals indicate an undersupply of specific types of land or premises, taking into account the anticipated catchment area for the type of development proposed, the changing needs of different sectors and the availability of existing land and buildings; or
  - b. A development proposal's specific locational requirements are met by existing allocations in the development plan. This includes, but is not limited to, situations where:
    - i. existing businesses plan to expand or improve their premises, or clusters or networks of businesses need to grow (such as clusters of knowledge and data-driven, creative or high technology industries and associated facilities and infrastructure); or
    - ii. the availability of infrastructure (such as adequate grid connections or water and wastewater capacity) makes certain locations particularly important, including opportunities to co-locate large-scale generators and users of power (such as data centres); or



# Employment – its not all about housing!

## E3: Freight and logistics

1. To support the effective and efficient movement of goods, development proposals for freight and logistics uses and associated infrastructure should:
  - a. Have good access to transport networks (including via sustainable transport modes where possible) appropriate to the type of development;
  - b. Be sited and designed to limit environmental impacts (such as through the co-location or intensification of facilities to limit vehicle movements, and sensitive building design and landscaping). The impact on local residents or other neighbouring uses should be acceptable, taking into account proposed mitigation, especially where night-time activity will be required; and
  - c. Provide sufficient and secure parking for lorries or other vehicles to cater for the anticipated use.



# 10 points

## 1. EARLY DELAY?

## 2. NO MORE BASKETS

## 3. VIABILITY

2. There may be limited circumstances in which it would not be possible for development to proceed on a policy compliant basis, and a viability assessment to inform decision-making is justified to ensure that a proposed development makes the maximum possible contribution to affordable housing and other infrastructure. Such circumstances may include situations where:
  - a. The development is significantly different from any typology assumed in the development plan viability assessment;
  - b. Site characteristics differ substantially from the assumptions used to assess viability when the relevant development plan policies were prepared;
  - c. The development is demonstrably burdened by costs which were unforeseeable when the development plan was prepared; and/or
  - d. Site or economic circumstances have changed significantly since the development plan was prepared.



## 10 points

### 4. GREY BELT

### 5. WEIGHTING



### 6. SITE SIZE THRESHOLDS

**Medium development:** For housing, development where 10-49 homes (inclusive) will be provided, and the site has an area of up to 2.5 hectares.



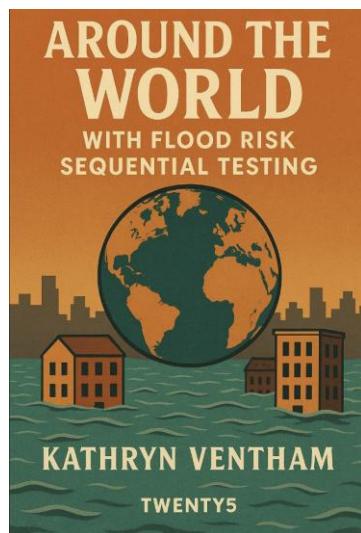
# 10 points

## 7. OTHER REGULATORY REGIMES

### **DM3: Determining development proposals**

- d. Consult statutory or internal consultees only where it is necessary to do so. Decisions on development proposals should not be delayed in order to secure advice from a statutory or internal consultee beyond their statutory deadlines unless there is insufficient information to make the decision or more detailed advice may enable an approval rather than a refusal;

## 8. FLOOD RISK SEQUENTIAL TEST



# 10 points

## 9. VETERAN TREES

**Ancient or veteran tree:** A tree which, because of its age, size or condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage.

## 10. SUBMISSION AND DESIGN

2. Local validation lists should only include additional information requirements if there is a policy in the development plan requiring a specific further assessment. Any such additional information requirements should not be applied equally to all applications but should be proportionate to the scale of development and its potential impact. Where appropriate, the requirements should clearly distinguish between what is required for major, medium and other types of development proposal.





# Sam Stafford



Managing Director, LPDF



# Q & A



# Thank you for joining!

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