

9. Summary of changes to revised National Planning Policy Framework (BJT)

1. Purpose

1.1. To update members on the most recent changes (made on the 17th August) to the National Planning Policy Framework (NPPF) and summarise the significant changes for protected landscapes.

2. Context

2.1. What has changed overall?

- The government has updated the NPPF to help fast-track quality homes in well-connected areas, making better use of underdeveloped land around stations while creating jobs, unlocking investment, driving growth and connecting communities.
- The format of the NPPF is substantially different from the 2024 version of the Framework. It has been restructured to provide clearer national policies for both plan-making and decision-making, reducing reliance on subjective judgement and limiting duplication between local and national policy. More information can be found [here](#).

What has changed for Protected Landscapes?

- National policy for Protected Landscapes was previously covered in Chapter 15, 'Conserving and enhancing the natural environment'. This has been replaced in the new NPPF by Chapter 19, of the same title.
- Responding to feedback, the government has strengthened the policy compared to the December consultation draft. Text has been reinserted to make clear that major development in Protected Landscapes should be refused other than in exceptional cases.
- Where major development in a protected landscape is exceptionally permitted, additional policy has been introduced allowing consideration of compensation of significant harm where this cannot be mitigated.
- As with other national policies, language around weighting has been made more consistent. Landscape and scenic beauty considerations in Protected Landscapes now to carry 'substantial weight' (in place of 'great weight'). This remains the highest weighting in the new Framework.
- Policy NP4 is the main policy of interest to NPAs. There are some useful amendments – including:
 - the references to 'natural beauty', as opposed to 'scenic beauty' which is in-line with language of the Environment Act 1995;
 - the retention of wording on the limited scale and extent of development; and
 - development within the setting of National Parks being sensitively located and designed.
- However, the loss of the wording explicitly stating that National Parks have the 'highest status' of protection in relation to landscape is disappointing. The Government's logic is that 'substantial weight' is the highest weighting in the revised Framework, however this is a standard term across the framework, meaning that harm and benefits will require testing case by case, compared to the high "in principle" highest level of protection that was clarified previously and reflecting legislation.

- Moreover, we also note the removal of a footnote previously linked to National Park paragraphs which made a link to the National Park Circular established in 2010. This document helpfully expanded on National Park legislation as a statement of government policy for protected landscapes, including the position that National Parks are not appropriate locations for unrestricted housing and that that focus for delivery should be the pursuit of locally needed affordable homes.
- Changes to the presumption in favour of development. Protected Landscapes were previously exempted from this presumption if harm could be demonstrated to them as they were ‘an asset of particular importance’. That exemption now only applies at plan making stage.
- The presumption now applies to all development within settlements, named types of development outside settlements and any developments addressing unmet needs (including lack of five-year housing land supply), regardless of Protected Landscape status.
- Such developments should be granted planning permission “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”.
- With the removal of the footnoted reference to the National Parks Vision and Circular there is now less certainty about the exceptional nature of housing development in National Parks (i.e. previous clarity on no target and no testing against five-year housing land supply).
- It is anticipated that adverse effects will be more likely and easier to articulate in Protected Landscapes as new policy N4 talks about substantial weight being placed ‘on the importance of conserving and enhancing the natural beauty of these areas’.
- New footnote 2 – linked to paragraph 3 – helpfully references Section 11(A) of the National Parks Act 1949, which we welcome.
- Policy S1 on positive plan making continues to acknowledge the status of National Parks through footnote 24 and this is similar to the previous NPPF’s approach in paragraph 11 and footnote 7.
- PM1: Spatial development strategies. The required parts of the development plan include the spatial development strategy, produced by strategic planning authorities. This should include apportionment to local planning authorities of objectively assessed housing need.
- PM2: Local plans. Plans should include vision and objectives, a spatial strategy, developer contributions and other policies ‘*only where these support the delivery of specific allocated sites or where these address particular local issues*’ in accordance with policy PM6’. IN the context of the new NPPF it will be essential for National Park Authorities to make a clear case about the legal status of national parks as being a ‘clear and justified’ reason for including additional policies that go beyond site allocation.
- New policies S4 (Principle of development within settlements) and S5 (Principle of development outside settlements) cause concern. Although S4 (2 a ii) cross references protected landscapes and policy N4, it will be interesting to see how this is interpreted over time.
- S5 includes the potential for homes to be developed outside settlements by “limited infilling within groups of houses” and by developing within reasonable walking distance of, and be well connected to, a railway station. A well-connected station is

defined as “Railway stations and underground, tram and light rail stops located within a top 80 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 at least four trains or trams per hour overall, or at least two trains or trams per hour in any one direction.

- Officers have assessed the impact of S5 on Hope Valley stations and consider that as our stations only have 1 train an hour and the upgrades won't improve capacity to the level within the definition, they are not currently within the definition.
- New Policy HO5 enables development plans in 'designated rural areas' to set affordable housing requirements for smaller developments (i.e. less than the national 10 dwelling threshold) and this is welcomed. Several NPA Local Plans do set a site size threshold for affordable housing that is lower than 10 dwellings and the revised Framework supports this in principle.
- Policy N1 confirms that development plans should have regard to protected landscape management plans, which is helpful.
- Annex A helpfully sets out how the revised Framework will be implemented. Paragraph 1 confirms the Framework is a material consideration which must be taken into account in decision-making from the day of its publication. National Parks query what this means for applications that are due to be determined at appeal, which are now under a new Framework rather than the one that existed when the decision was made. The likelihood is that PINs will apply the new Framework for all decisions made after 17 August.

Why isn't the protected landscapes duty ('seek to further') specifically referenced in N4?

- The NPPF is not intended to cover every obligation impacting plan and decision-making.
- The Introduction to the Framework makes clear planning decisions must reflect relevant international obligations and statutory requirements, as must the preparation of development plans.
- The *seek to further* duty in Protected Landscapes is now footed as a particular example of such a requirement, with reference to Section 81(A1) of the Countryside and Rights of Way Act 2000 and section 11(1A) of the National Parks Act 1949.

3. Proposals

3.1. The National Parks' Policy and Heads of Planning Groups prepared a strong response to the consultation which was submitted as a collective document by National Parks England. Overall, there remains some concern that the changes made represent a continued watering down of the historic protections in place for National Parks (alongside continued changes to permitted development rights).

3.2. There are a range of other strong reference points to support our work, such as those in relation to design quality and in respect to nature recovery, alongside others noted above.

3.3. However, the removal of some key references only serves to reduce the strength and clarity in respect to policies for National Parks and as a result it is anticipated that there will

be greater prospect for challenge in open countryside locations which will threaten many of our special qualities (undeveloped landscapes, tranquillity, dark skies, etc).

3.4. There is an opportunity to create locally distinctive policies and supplementary design guides that will set out local characteristics (in National Parks particularly those that relate to special qualities), but National Park Authorities will need to make a strong case based on the special statutory basis that defines such protected landscapes.

3.5. There is potential for complication and challenge from this point as the Authority as local planning authority (and PINS) will have to consider the status of the following in making planning decisions:

- The current plan development plan (Core Strategy 2011 and Development Management Policies 2019);
- The new development plan based on NPPF (2024) and its emerging weight and status as it moves through the examination process;
- The new NPPF with its plan-making and decision-making policies

4. Recommendations

4.1. That members note the summary of changes.

5. Corporate Implications

a. **Legal** – The status of the NPPF remains the same and the starting point for planning decisions under the planning acts remains the development plan. Officers will monitor the outcome of the Local Plan review over the coming year to consider whether there is likely to be any inconsistency with the new NPPF which may result in less weight being applied to the Local Development Plan, in favour of the NPPF.

b. **Financial** - None

c. **National Park Management Plan and Authority Plan** – The NPPF helpfully requires that Development plans should safeguard and enhance the natural environment, and reflect the wider benefits from natural capital and ecosystem services, by using documents such as Local Nature Recovery Strategies and Protected Landscape Management Plans.

d. **Risk Management** – The Policy and Communities Team will consider the consistency of the Local Plan to the new NPPF as the plan moves through the examination stages in 2027. There remains scope for challenge in terms of both decision-making and the final status of the development when tested through examination against the new NPPF.

e. **Net Zero** – The NPPF seeks a strong response to Net Zero. Development plans should take a proactive approach to mitigating climate change and supporting the transition to net zero. In order to contribute to climate change mitigation, a range of measures are supported and encouraged when considering development proposals.

6. Background papers (not previously published)

[National Planning Policy Framework](#)

7. Appendices

Report Author, Job Title and Publication Date

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