

Response to consultation on proposed reforms to the National Planning Policy Framework (NPPF) and other changes to the planning system

10 March 2026

Summary

Many of the benefits which National Parks provide result from the additional planning protections that these areas have been afforded for decades. National Parks are, of course, living and working landscapes but the challenge is to ensure that the range of benefits that they provide is not compromised by insensitive change, unsympathetic land use or irresponsible development. It is therefore essential that national planning policy provides strong support for the protection and improvement of these areas.

Our response to this consultation focuses on ensuring that there is no weakening or undermining of key elements of the existing planning policies which are important for National Parks. In particular, we are calling for:

- Amendments to the policies on Protected Landscapes to ensure that it is clear that these areas benefit from the highest levels of protection and that great weight should be given to their conservation and enhancement.
- Reinstatement of the existing presumption of refusal for major development in Protected Landscapes.
- The inclusion of a clear reference to the LURA duty (to seek to further the statutory purposes) and the Defra guidance on this.
- Removal of the restrictions on local planning authorities adopting local policies and local standards in areas such as biodiversity net gain.

There are also a number of aspects of the changes that we welcome including the references to tranquillity and dark skies as special qualities of Protected Landscapes.

Our response to selected consultation questions is included below.

Our responses to consultation questions

2) Do you agree with the new format and structure of the draft Framework which comprises separate plan-making policies and national decision-making policies?

partly disagree

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

We recognise that it is better to have a clearer and more streamlined structure, and we welcome the attempt to make national planning policy more accessible and easier to navigate. If implemented effectively, separating plan-making and national decision-making policies could help make the document easier to use and reduce duplication. However, we are concerned that, in practice, these changes could weaken environmental protections. In particular, we are concerned there is a risk that the new national decision-making policies could prioritise “speed” and “certainty” for development at the expense of environmental considerations. We are also concerned that the emphasis on more “rules-based” and directive decision-making could reduce the weighting given to environmental priorities, which are grounded in statutory targets in primary legislation and site-based assessments. These targets and the need to take account of local circumstances must be treated as reasonable constraints within the planning system, not as secondary considerations.

3) Do you agree with the proposed set of annexes to be incorporated into the draft Framework?

partly disagree

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

We have significant concerns about several proposed annexes and the risk that, in practice, they may weaken environmental protections.

We welcome the correction and clarification of the definition of ancient and veteran trees, to ensure alignment between the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and Biodiversity Net Gain (BNG) regulations. Consistent terminology across policy and guidance is essential to avoid ambiguity in decision-making and to ensure that these irreplaceable features receive the level of protection intended in national policy. However, we are concerned the definition of irreplaceable habitats in Annex B (Glossary) is too narrow and risks excluding some of England’s most threatened habitats, particularly priority grasslands. We recommend broadening the definition to explicitly recognise ecological distinctiveness, long establishment times, and uniqueness, and to

include habitats such as upland hay meadows. These habitats are extremely rare, cover a tiny proportion of England's land area, and are legally recognised as priorities for conservation under the NERC Act and international biodiversity commitments.

We recommend this definition be changed to:

Irreplaceable habitat: Irreplaceable habitats are habitats with characteristic ecological features and processes which cannot successfully be created or restored within a reasonable timeframe (i.e take a very long time to establish and function normally). Irreplaceable habitats are difficult to recreate due to their rarity (being endangered or vulnerable to ecosystem collapse), environmental context, ecological distinctiveness and uniqueness. They have a long establishment period (time thresholds may vary), and generally support assemblages or populations of important, rare or notable species. They include, but are not limited to, ancient woodland, ancient and veteran trees, upland hay meadow, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen.

Furthermore, the Government should publish the long-awaited and promised full list of irreplaceable habitats.

Finally, we oppose the proposals in Annex C of the consultation on reforming site thresholds, as these risk creating further exemptions from key environmental safeguards, including Biodiversity Net Gain. This could significantly undermine nature recovery objectives by excluding a large proportion of development from meaningful ecological requirements.

5) Do you agree with the proposed approach to simplifying the terminology in the Framework where weight is intended to be applied?

partly disagree

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

We recognise the intention behind simplifying terminology and improving consistency in how weight is expressed in the NPPF. However, we are deeply concerned that the proposed simplification risks having unintended consequences by weakening the policies which provide additional planning protection for Protected Landscapes and other environmental considerations. We object to the proposal to change the "great weight" to be given to conserving and enhancing Protected Landscapes to "substantial weight". Whilst the intention may be for "substantial" to be equivalent to "great", the fact that the NPPF also requires "substantial weight" to be given to many other factors, means that it would be difficult for decision-makers to balance conflicting priorities, and effectively weakens the policy

emphasis on conserving and enhancing Protected Landscapes by making it easier for consideration of this to be outweighed by development pressures in decision-making.

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.

The plan-making policies should be applied in a way which is appropriate to the area which it covers. This will be important in preparation of spatial development strategies which include areas designated as Protected Landscapes and for National Park Authorities when preparing local plans for their area. The list of issues a strategic development strategy should address needs to include furthering the purposes of any Protected Landscape within them, as required under s245 of the Levelling up and Regeneration Act 2023. The list of issues should also include climate change adaptation, mitigation and resilience.

Under the current version of the NPPF (December 2024) NPPF and PPG (2a-014-20241212) there is the ability for National Park Authorities to use a “method determined locally” rather than the standard method to assess housing need. It is essential that this ability is retained as Protected Landscapes do not operate like normal housing market areas due to the fact there are high levels of second homes and short-term holiday lets in many parts of the National Parks, and there is limited potential to address affordability through an increase in housing supply because this would conflict with their statutory purposes. National policy for the whole of England should recognise that some flexibility is needed for the particular circumstances of National Parks.

Policy PM1 should be amended to require that the policies of SDSs for areas which include Protected Landscapes take account of the need to further the statutory purposes. There should also be a requirement for SDSs to align those policies with those in other relevant SDSs where a Protected Landscape is covered by more than one SDS. This is essential given that there is currently no legal requirement for NPAs to be included in the preparation of SDS.

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”.

9) Do you agree with the role, purpose and content of local plans set out in policy PM2?

Partly disagree

Policy PM2 (1) should recognise that a Protected Landscape may fall within more than one SDS. Currently there is no legal requirement for NPAs to be included in preparation of SDSs and if SDSs do not take account of the need to further the statutory purposes within these areas there would be an inherent conflict between working to achieve statutory purposes in preparing a local plan for a National Park and supporting the spatial development strategy for the area. Where a Protected Landscapes is covered by more than one SDS, there should also be a requirement for their policies to be aligned with those in other relevant SDSs This should be referenced in policy PM2 and cross-referenced with Policy PM10.

PM2 1b) National Policy applies across the whole of England to areas with vastly different circumstances. It is not appropriate to require Local Plans for National Parks to set a minimum amount of development. In terms of identification of land, this policy should cross refer to PM9.

11) Do you agree with the principles set out in policy PM6(1c), including its provisions for preventing duplication of national decision-making policies?

Partly disagree.

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

We recognise the value of avoiding unnecessary duplication of national policy as this could reduce the administrative burden on local planning authorities and improve clarity for all involved. However, it is inappropriate to have national decision-making policies which seek to adopt a 'one size fits all' approach to the whole of England. This does not allow for the differing circumstances between different types of area and risks reducing local ambition, or restricting the inclusion of policies that are particularly relevant to certain areas, such as Protected Landscapes. Avoiding duplication should not be used as a justification for preventing local planning authorities from adopting stronger policies to address local environmental challenges and opportunities.

We strongly support robust and ambitious national policies, particularly in relation to:

- Clear and enforceable protections for species, habitats and ecological networks, including priority habitats and irreplaceable habitats.
- A strengthened mitigation hierarchy, ensuring no regression in environmental protections compared with the current NPPF.
- Recognition and effective use of Local Nature Recovery Strategies.
- Stronger protections for sensitive ecosystems such as chalk streams, floodplains, estuaries and coastal habitats.
- Nature-friendly design standards, including features such as swift bricks and access to green and blue space as standard.
- Standardised carbon accounting requirements linked to national carbon budgets.

Any approach to rationalisation and avoidance of duplication must raise the bar, not lower the ceiling. National policy should set a strong minimum standard, while local plans must retain the ability to go further, demonstrate leadership, and drive innovation in environmental action and climate resilience.

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.

We strongly opposes any approach that reduces local powers or constrains local ambition in setting standards. Given the urgency of the nature and climate emergency, local planning authorities must retain the ability to set higher and more ambitious standards where justified by local evidence.

PM13, and the proposed commencement of section 43 of the Deregulation Act 2015, risks inhibiting local leadership on climate action, sustainability and environmental performance. It would constrain local planning authorities that are seeking to respond to locally agreed climate targets, carbon budgets, water stress, biodiversity priorities and community expectations – crucially even when backed by robust evidence. This runs counter to the urgent need for planning to act as a driver of climate mitigation and adaptation, rather than a brake on progress.

We recommend 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.

19) Do you agree that the tests of soundness set out in policies PM14 and PM15 will allow for a proportionate assessment of spatial development strategies, local plans and minerals and waste plans at examination?

partly disagree

a) If not, please explain how this could be improved to ensure a proportionate assessment, making it clear which type of plan you are commenting on?

The draft NPPF sets out a significant number of detailed, and in some cases, prescriptive policies given the different local circumstances which inevitably exist across England as a whole. Changes are needed in order to recognise the particular circumstances of Protected Landscapes and to ensure that the local plans for these areas further their statutory purposes. Unless there is sufficient flexibility to recognise local circumstances, development plan policies

may need to deviate from the NPPF and this should be recognised in PM151d) when examining Local Plans.

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 many 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.

36) Do you agree with the revised approach to the presumption in favour of sustainable 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 affects 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, when taking development management decisions that may adversely affect their statutory purposes.

We recommend that these concerns are addressed by the following amendments:

- 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...”

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 and does not distinguish between designated and undesignated landscapes. We are concerned that Protected Landscapes would be significantly affected by some of the proposed categories of development to be allowed outside settlements.

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”. For the most part, these are the same as in the current NPPF, but one significant exception is what is known as the major development test for Protected Landscapes in paragraph 190 of the current NPPF, and covered in revised form in N4(2). The current wording is that “permission should be refused for major development other than in exceptional circumstances”, the proposed wording is “major development within protected landscapes should only be supported in exceptional circumstances”. This change of wording is particularly 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. Inclusion of this category would create a presumption in favour of re-use, extension or replacement of these buildings, including as dwellings, resulting in significant urbanisation of the countryside and increased dependence on car use. We have successfully opposed previous attempts to extend Class Q Permitted Development Rights to Protected Landscapes because such widespread conversions of isolated barns to dwellings would have such damaging impacts on Protected landscapes. This policy would have the same effect.

S5(1e) - The dispersed settlement areas 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.

42) Do you agree with the approach to planning for climate change in policy CC1? ,

partly agree

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

We welcome the overall intent of policy CC1 and, in particular, the explicit recognition of nature-based solutions, biodiversity, and green infrastructure as central to both climate change mitigation and adaptation. However, we are concerned that the overall framing of CC1 is weakened by imprecise and non-committal language, such as “taking into account”, “consider(ed)”, and “identifying opportunities”.

43) Do you agree with the approach to mitigating climate change through planning decisions in policy CC2?

partly disagree

a) If not, what additional measures could be taken to ensure climate change mitigation is given appropriate consideration?

We welcome the overall direction of policy CC2, in particular, we strongly welcome the explicit reference to the creation or restoration of habitats which can act as carbon stores, such as woodland planting and peatland restoration, and to avoid harm to key carbon-rich habitats including peatland and saltmarsh. CC2 should also explicitly recognise wildflower meadows, ancient and long established) wood pasture and species-rich grasslands as important carbon stores, both for habitat restoration and for the avoidance of harm. However, we are concerned that much of CC2 relies on weak and permissive language

44) Do you agree with the approach to climate change adaptation through planning decisions in policy CC3?

partly agree

a) What additional measures could be taken to ensure climate change adaptation is given appropriate consideration?

45) Does the policy on wildfire adaptation clearly explain when such risks should be considered and how these risks should be mitigated?

partly agree

a) Please provide your reasons.

We welcome the inclusion of wildfire risk within policy CC3 and agree that this is an important and timely recognition of an emerging climate risk, particularly for

development located adjacent to heathland, woodland and agricultural land. However, it remains relatively high-level and risks a lack of sufficient clarity and consistency. Key terms such as “heightened risk” and “where possible” are open to interpretation, and there is limited direction on how wildfire risk should be assessed, who should undertake this assessment, and how it should be balanced against other planning considerations. As a result, there is a risk that wildfire adaptation will be applied inconsistently or treated as optional rather than essential in high-risk locations.

47) Do you have any other comments on actions that could be taken through national planning policy to address climate change?

National planning policy should play a much more central and decisive role in addressing climate change, commensurate with the scale and urgency of the challenge. There should be a clear presumption in favour of nature-based solutions, stronger restrictions on new fossil fuel extraction, and greater freedom for local authorities to set ambitious energy efficiency and environmental standards.

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

partly disagree

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

Under the current version of the NPPF (December 2024) NPPF and PPG (2a-014-20241212) there is the ability for National Park Authorities to use a “method determined locally” rather than the standard method to assess housing need. It is essential that this ability is retained as Protected Landscapes do not operate like normal housing market areas due to the fact there are high levels of second homes and short-term holiday lets in many parts of the National Parks, and there is limited potential to address affordability through an increase in housing supply because this would conflict with their statutory purposes.

It is recommended that the following words are inserted at the end of HO1(1a) “unless strategic policy-making authorities include National Park Authorities or the Broads Authority. In such areas authorities may continue to identify a housing need figure using a method determined locally”.

55) Do you agree the plan-making requirements, for both local plans and spatial development strategies, in relation to large scale residential and mixed-use development are sufficiently clear?

partly agree

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

This section needs to refer to the impact on, and setting of, Protected Landscapes.

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, no further guidance is provided in E4 about what would make such proposals acceptable outside settlements. This is a particular issue for National Parks which are significant tourist attractions, and indeed this is 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 to the principles of “regenerative tourism” to address this issue. These principles include that tourism should make a net positive contribution to National Parks by supporting development that contributes to the enhancement and regeneration of the area, reduces carbon emissions and increases nature recovery. 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.

107) Do you agree policy M4 sufficiently addresses the impacts of mineral development, noting that other national decision-making policies will also apply?

partly disagree

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

We welcome the recognition in Policy M4 that mineral development should not have unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, including cumulative effects, and that high standards of restoration and

aftercare are required. However, we do not consider that the policy is strong enough to reflect the scale of the nature and climate crisis, or the need to align decision-making with statutory environmental targets. It needs to refer to Protected Landscapes and landscape character and should place greater and more explicit emphasis on impacts on biodiversity, for example protected sites, priority habitats, ecological networks and carbon-rich soils. We also believe that the policy should be more explicit that there should be no mineral development on peat soils, given their importance for carbon storage, water regulation and biodiversity.

While restoration and aftercare are essential, greater assurance is needed that restoration proposals will deliver measurable biodiversity gains and long-term ecological resilience.

109) Do you agree with approach to coal, oil and gas in policy M5?

partly agree

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

We welcome the clear position that proposals for the extraction of peat at new or extended sites should be refused. However, we consider that the policy should go further by making explicit that development on peat soils, not only peat extraction, should be avoided.

In relation to coal, oil and gas, while the restrictive criteria are noted, we remain concerned that permitting new exploration or production within licensed areas risks undermining climate commitments and the transition to net zero. We note the support for underground gas and carbon storage where geologically feasible. Any such proposals must be subject to rigorous environmental assessment, long-term monitoring, and clear safeguards to prevent leakage, pollution or harm to groundwater and ecosystems.

110) Are there any other exceptional circumstances in which coal extraction should be permitted?

No

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

strongly disagree

129) 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. 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. 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.

150) Do you agree that policy TR1 will provide an effective basis for taking a vision-led approach and supporting sustainable transport through plan-making?

partly agree

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

We welcomes the introduction of a clear “vision-led” approach within policy TR1. Truly sustainable transport must be embedded from the earliest stages of plan-making and form a core component of spatial strategy, rather than being treated as a secondary or mitigation-focused consideration. Integrating transport with land use planning from the outset is essential to creating well-designed, inclusive and genuinely sustainable places. However, we recommend the policy should place even greater emphasis on prioritising active travel, walking, wheeling and cycling, as the foundation of sustainable movement, rather than a subset.

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.

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 but this word has been removed from TR6(3), which provides no clear direction to

the decision-maker on what they must do if the development isn't capable of addressing these issues. This change in language is particularly concerning when considered 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.

157) Do you agree with the additional policy on maintaining and improving rights of way proposed in policy TR8?

partly agree

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

The wording should more explicitly require the protection and enhancement of rights of way, not merely their maintenance. In the context of rights of way, "maintenance" typically refers to the practicalities of keeping paths open and usable, rather than securing their long-term quality, connectivity and amenity value. The policy should also recognise the importance of open access land as a vital means of providing access to green space, and the significant public benefits that flow from that access.

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

partly agree

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

We strongly support 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". However, the policy as drafted is not sufficiently precise or robust to secure the effective protection of chalk streams. Simply requiring assessment and mitigation where development could have an unacceptable adverse effect does not reflect the exceptional sensitivity and scarcity of chalk streams, nor the scale of pressures they face from abstraction, wastewater discharge, urban runoff and catchment-wide development.

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.

We strongly object 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.

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. 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 (including 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?

N1(2) – it is not clear why only certain allocated sites can have greater than 10% BNG rather than a local plan policy that covers the entire LPA area. If BNG of more than 10% can be justified and is viable, then that is a good thing and therefore policies to reflect this need to

be allowed. We consider that it is reasonable to seek more than 10% biodiversity net gain (BNG) in a wide range of circumstances, and that this should be enabled wherever supported by robust local evidence.

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 disagree

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

We welcome a number of positive elements within policy N2. In particular, we strongly welcome the explicit reference to hedgerow protection, the first time hedgerows have been clearly referenced in the NPPF, alongside recognition of Local Nature Recovery Strategies, green infrastructure, nature-based solutions and biodiversity enhancements such as integrated swift bricks. We also welcome the partial reflection of the mitigation hierarchy in paragraph 2, confirming that development should be refused where significant harm cannot be avoided, mitigated or compensated.

However, we believe the policy does not yet set sufficiently clear or robust expectations, particularly in the context of legally binding Environment Act targets and the scale of biodiversity decline. To address this, references to the mitigation hierarchy should be strengthened and made far more explicit and consideration should be given to introducing clearer, measurable requirements.

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.

We support the substitution of “natural beauty” for “landscape and scenic beauty” in N4(1) as this reflects the legislation for Protected Landscapes. However, we are deeply concerned about the removal of the phrase “which have the highest status of protection”, especially when combined with the weakening of protections in N4(2).

Protected Landscapes have been recognised as having the highest level of planning protection in the country over many iterations of the NPPF and there has been no change in legislation to justify the removal of this phrase. On the contrary, the amendments to primary legislation introduced under Section 245 of the Levelling Up and Regeneration Act are intended to be a strengthening of the requirements to protect and enhance these areas.

We are also concerned about the difference between policy N4(2) and paragraph 190 in the existing NPPF which says that “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 turns a presumption for refusal into caveated support and is particularly concerning when considered alongside S5(2), which establishes where development can be resisted, including on sites outside settlements justified on the basis of unmet needs (S5(1j)). S5 places special significance on those policies in the NPPF that use the word “refused” and N4(2) is one of only two instances where the word “refused” has been removed from a policy, (the other is TR6 on highway impacts addressed under Question 155).

Furthermore, the proposed revisions to the NPPF risk diluting the wording of this policy by treating “exceptional circumstances” and “public interest” as one requirement/test. In fact, previous legal advice has been clear that to meet the high bar for allowing major development within Protected Landscapes, proposals must demonstrate that they are both exceptional and in the public interest. These wording changes weaken the protection afforded to Protected Landscapes and may allow development that would currently be considered unacceptable. We therefore strongly object to this change and request that the paragraph 190 wording is reinstated.

Policy N4(3) 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 Protected Landscapes and is potentially

misleading for decision-makers as it does not adequately reflect the requirements of the new legal duty, and places too strong an emphasis on mitigation and compensation rather than protection and enhancement or avoiding harm.

We would remind MCHLG that this new duty applies to them as well, and that therefore they must consider the requirement to seek to further the purposes of Protected Landscapes when deciding upon any changes to the NPPF which affect these areas.

We also note that the current NPPF paragraph 189 refers in footnote 66 to the extant National Parks Circular, which provides reassurance that this Circular still constitutes Government policy. The Circular provides a wealth of information on National Parks that it would not be appropriate to include in full in the NPPF, but signposting of the Circular through the footnote is appropriate. The wording in the Circular is routinely used by National Park Authorities and others in planning decisions within National Parks and is cross-referenced within the National Planning Practice Guidance (NPPG) resource on “landscape.” 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).

We do not support the current wording of N4 and believe it should be amended as follows:

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

For further information about any aspect of this response, please contact Ruth Bradshaw, Head of Policy and Research, Campaign for National Parks (email:ruthb@cnp.org.uk).