

Housing and Planning Scrutiny Select Committee

03 February 2026

Part 1 - Public

Matters for Cabinet - Non-key Decision



Cabinet Member	Cllr Mike Taylor – Cabinet Member for Planning
Responsible Officer	Eleanor Hoyle - Director of Planning, Housing and Regulatory Services
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National Planning Policy Framework: proposed reforms and other changes to the planning system

1 Summary and Purpose of Report

- 1.1 Members will be aware that the Government has committed to the fundamental reform of the plan-making system with the legislative framework introduced through the Levelling Up and Regeneration Act (LURA) 2023. As part of these reforms the Government has published a consultation that is seeking views on a revised version of the National Planning Policy Framework (NPPF) and a set of related planning system reforms. The Government is also seeking views on data centres and on-site energy generation, standardised inputs in viability assessments and reforming site thresholds.
- 1.2 The consultation comprises 225 questions and the consultation runs from 16th December 2025 to 11.45pm on 10th March 2026. The Government have confirmed that they will respond to the consultation once the consultation has concluded and will publish an update once the analysis of responses is completed, which is anticipated to be Summer 2026.
- 1.3 Officers from both the Planning Policy and Development Management teams have drafted a response to the consultation, which is presented in **Annex 1**.

2 Corporate Strategy Priority Area

- 2.1 The report will contribute to the following corporate priorities:
 - Efficient services for all our residents, maintaining an effective council.
 - Sustaining a borough which cares for the environment.

- Improving housing options for local people whilst protecting our outdoor areas of importance.
- Investing in our local economy.

2.2 The NPPF sets out the Government's planning policies for England and how these should be applied. The NPPF must be taken into account in preparing the development plan and is a material consideration in planning decisions. Once a new NPPF is published, it will be relevant to Local Plans submitted after 31st December 2026. However, for decision-making purposes, a new NPPF will take effect as soon as it is published.

3 Recommendations

3.1 Housing and Planning Scrutiny Select Committee is asked to:

- NOTE the contents of this report;
- APPROVE the Tonbridge and Malling response to the Government's National Planning Policy Framework: proposed reforms and other changes to the planning system.
- APPROVE delegated authority for the Director of Planning, Housing and Regulatory Services to make any necessary minor changes to the Tonbridge and Malling response to the National Planning Policy Framework: proposed reforms and other changes to the planning system consultation prior to submitting the response in consultation with the Leader of the Council and the Cabinet Member for Planning.

4 Consultation overview

4.1 The Government published its consultation on National Planning Policy Framework: proposed reforms and other changes to the planning system on 16th December 2025. The Government is also seeking views on data centres and on-site energy generation, standardised inputs in viability assessments and reforming site thresholds. The consultation closes at 11.45pm on 10th March 2026. The consultation consists of a consultation document and draft NPPF text for consultation.

4.2 Following the publication of a new NPPF in December 2024, the revisions proposed as part of this consultation seek to progress significant structural improvements to the Framework, introducing a clear set of separate policies for both plan-making and decision-making. The aim is to achieve three objectives

- To ensure that national policy is accessible and understandable for everyone who uses it;

- Establish a comprehensive suite of national policies on general planning matters which will apply across the country; and
- Make the policy which it contains more ‘rules-based’ and certain.

4.3 In addition to the NPPF structural changes, the Government are proposing several substantive reforms ‘to unlock more homes in the right places, and further support commercial development needed to drive growth’. The government are also proposing some important changes to policies on planning procedures to support the introduction of the new plan-making system provided for in the Levelling Up and Regeneration Act 2023 as well as revisions to policies for decision-making to reinforce the importance of taking a positive, proportionate and timely approach to dealing with applications.

4.4 The consultation document is 123 pages long. The document is split into chapters that generally align to the chapters provided in the draft NPPF, setting out the scope of each chapter and the changes proposed. Questions are asked throughout the consultation document on the changes set out in the Draft NPPF. The format of the questions is generally set with an option to either ‘*strongly agree, partly agree, neither agree or disagree, partly disagree, strongly disagree*’. In more cases than not there is then a question to provide your reasons, particularly if you disagree. The link to the consultation including the Consultation document, the Draft NPPF and questions is provided under background papers but can also be accessed here: <https://www.gov.uk/government/consultations/national-planning-policy-framework-proposed-reforms-and-other-changes-to-the-planning-system>. Members are requested to note these documents and read them. However, a brief summary of the main headlines of what is being proposed is provided below.

National Development Management Policies

4.5 The Government have considered the powers provided by the Levelling Up and Regeneration Act 2023 to provide powers for the Secretary of State to introduce ‘National Development Management Policies’ on a statutory basis. The Government have concluded that the core aims of statutory National Development Management Policies (NDMPs) can be secured within the current legal framework by separating plan-making and decision-making policies, making it explicit that decision-making policies should not be repeated in development plans and providing that where there is inconsistency between the NPPF and local policies, that local policies are immediately given very limited weight. Whilst the decision to introduce statutory national policies will be kept under review, the Government is not currently looking to progress NDMPs, therefore national policy changes are proposed to be taken forward through the NPPF.

A restructured NPPF

- 4.6 The Draft NPPF provides a revised structure with numbered policies for plan-making and decision-making and separating out the policies relating to each, with the latter forming a set of national decision-making policies. The purpose is to improve clarity, usability and consistency as well as to ensure that every part of each policy can be referred to clearly. Additional Annexes are also proposed relating to: information requirements; housing calculations and supply; Green Belt assessments and managing flood risk and coastal change including additional flood zone and flood risk vulnerability tables. Views are being sought on the new structure and the inclusion of the Annexes.

Plan-making Policies

- 4.7 On the back of the Planning and Infrastructure Act (December 2025), the Draft NPPF in chapter 2 gives effect to Strategic Planning Authorities, which are required to prepare a Spatial Development Strategy (SDS). Policy PM1 sets out the role and purpose of SDSs and PM14 sets out four tests for SDSs, which must be positive, appropriate, effective, and consistent with national policy. Policy PM2 sets out the role and purpose of Local Plans. Other policies set out the role and purpose of Minerals Plans, Supplementary Plans and Neighbourhood Plans. Chapter 2 also provides Policies for Plan-preparation which will be relevant to the new plan-making system. This includes the use of more standardised evidence. *It is worth noting that the Local Plan currently being prepared would continue to align with the current December 2024 NPPF.* This chapter will therefore apply to Plans being prepared that will be submitted after 31st December 2026.
- 4.8 In summary, chapter 2 by way of its structure and content emphasises the firm line between plan-making and decision-making. The main implications are that Local Plans being prepared under the new planning system must be distinctly prepared under the new policy format and separate to development management considerations. The other main implication is that SDSs may override or reshape traditional local plan geographies with the sub-regional strategic tier influencing housing distribution, employment land and infrastructure planning.

Implementation and transition

- 4.9 For decision-making, it is proposed for the NPPF to be a material consideration from the day it is published. For plan-making, the new NPPF will apply to new style local plans that will be produced through the 'new system' under the Planning and Infrastructure Act, that is being progressed currently.
- 4.10 The consultation notes that inconsistencies with development plans will fall away over time as new development plans are adopted that do not duplicate, replicate or modify NPPF policies.

- 4.11 For decision-making, due weight should be given to development plan policies in relation to their consistency with the Framework. Where these are inconsistent little weight should be afforded, except where a Plan has been examined against the new Framework.

Expanded presumption in favour of sustainable development

- 4.12 On page 15 – 17 of the consultation document the twelve key policy changes / reforms are summarised. Of note is the ‘expanded’ presumption in favour of sustainable development where through National Development Management Policies S4 and S5 the presumption becomes a more proactive mechanism for accelerating housing delivery in sustainable locations and locations with a transport link and in under performing authorities.
- 4.13 In summary Policy S4 applies the ‘presumption’ to all proposals within settlements, unless harms substantially outweigh the benefits and Policy S5 applies the presumption in new situations including areas lacking a five-year housing land supply, areas failing Housing Delivery Test thresholds and a new category, sites within a reasonable walking distance of train stations, even in the Green Belt, if ‘Golden Rules’ are met. Developments not falling within S5 categories should be refused by default, unless exceptional circumstances apply. The approach is therefore a major structural shift creating a two tier decision making system, which no longer targets just ‘out of date’ plans but should it be an adopted approach, it will apply to more situations, which will make an up-to-date Local Plan and a five year housing land supply important elements to avoid being overridden by national policy.

Green Belt

- 4.14 The proposed changes in the NPPF have a number of planning implications for the Green Belt. Whilst the Draft NPPF does not remove Green Belt protections it does introduce greater flexibility and therefore a requirement for pragmatic and strategic decision in relation to ‘Grey Belt’. This Draft NPPF includes:
- The selective expansion of development opportunities within the Green Belt (as mentioned under the ‘presumption’ section above, where Grey Belt sites will play a greater role in supporting growth, with a focus on sustainable locations and transport connected sites;
 - The introduction and reinforcement of the ‘Grey Belt’ concept where the differentiation between high-performing Green Belt, which should continue to be protected and lower performing areas, where development may be appropriate;
 - The removal of footnote 7 to reduce legal ambiguity. Footnote 7 previously required decision makers to consider whether certain NPPF policies protecting areas or assets of particular importance provided a ‘strong

reason' for refusing or restricting development. The impetus will now be on a more evidence based approach;

- Under the Golden rules there is now scope for site specific viability assessments in limited circumstances.
- A stronger role for evidence-based Green Belt reviews making them a mainstream evidence expectation for Local Plans and a push for Green Belt policy to be integrated more clearly into spatial strategies;
- The potential for Green Belt decisions may shift to a wider-than-local level with the introduction of SDSs.

Other changes proposed

4.15 It is not possible in this report to detail each change proposed in the Draft NPPF, however other key areas of the consultation include:

- The provision of 'substantial weight' throughout the NPPF to tell decision-makers how to weigh matters;
- There is a push on plan-makers to find locations for 'large scale development', such as new settlements, new urban quarters or significant extensions to existing settlements';
- Measures to support SME developers, where a new medium development category is introduced for 10-49 homes on sites up to 2.5 hectares;
- A push to increase the density of developments with minimum densities set of at least 40 dwellings per hectare within walking distance of a train station / 50 dph if the station is defined to be well-connected;
- Changes to protected sites and landscapes, where the impact of Part 3 of the Planning and Infrastructure Act 2025 is reflected in Policy N6, where Environmental Delivery Plans and payments into the nature restoration levy are addressed as alternatives to appropriate assessment in relation to the protection of Habitats sites;
- The NPPF also removes the term / concept of 'valued landscapes';
- There is a change to the approach to heritage assets where the question of harm is proposed to be split into three categories (harm, substantial harm and total loss), alongside a new definition of 'substantial harm', which is 'where the development proposal would seriously affect a key element of the asset's significance';

- Draft Policy DM5 on development viability, seeks to reduce cases of site-specific viability assessments and an Annex is proposed to be added into the NPPF that will set standardised viability assessment inputs;
- Policy DM7 clarifies how other regulatory regimes, such as Building Regulations and those relating to water quality should interact where it should be assumed that Regulatory systems operate effectively;
- Policy PM13 clarifies that quantitative standards should be limited to certain areas and should not cover matters already addressed by Building Regulations.

Tonbridge and Malling Consultation response and next steps

- 4.16 Officers from the Planning Policy and Development Management teams have drafted a response to the Government's consultation. The Draft response is provided at **Annex 1**. Once approved the response will be submitted via the Government's online consultation platform by the closing date.

5 Other Options

- 5.1 The Council is currently progressing a Local Plan, which if approved by Members and submitted by 31st December 2026 will be examined under the December 2024 NPPF. An alternative option does exist, in that the Council could progress a Local Plan under a new Planning system and in accordance with a new NPPF once this is published later this year. However, the risk here is intervention, which will seek to progress plan-making in any case. If the Council progresses a plan, rather than intervention, then the Council will have full control of the plan-making process meeting current national policy requirements and delivering a local plan that meets the Council's Corporate Objectives and aspirations for the future of the borough.
- 5.2 The Government have provided guidance in relation to progressing a plan under the current 'legacy' plan-making system and the 'new plan-making system'. It is clear in this guidance that you are not able to carry out a Regulation 18 statutory consultation under the existing system and move directly to publishing a Gateway 1 self-assessment under the new system. The process must be followed for whichever system you are progressing a Local Plan under. Further details of this can be found here: <https://www.gov.uk/government/collections/create-or-update-a-local-plan-using-the-new-system>

6 Financial and Value for Money Considerations

- 6.1 There are financial and value for money considerations associated with the new NPPF in that, whilst the current NPPF will apply to progressing a Local Plan for submission in December 2026, it will be important to ensure that as far as possible that the Plan is future proofed so that its policies carry weight against the backdrop of a new NPPF. Whilst we have not yet had the space to understand

this in full, it may mean that we need to consider certain planning elements slightly differently to that which we have already. Some aspects may require changes to the work programme of the planning policy team and the preparation of the Local Plan. Therefore, financial implications are associated with staffing resources and ensuring that our evidence will be robust in relation to the current NPPF and will remain robust with the introduction of a new NPPF, alongside our emerging Local Plan policies. The Local Plan budget was agreed by Cabinet in March 2025. We will be considering the Local Plan budget shortly in relation to spend on the Local Plan against the previous estimated budget and to consider the budget in relation to moving towards Regulation 19, submission and examination.

- 6.2 The Government has announced funding to support 'legacy plans and 'new plans' to help Council's meet the Governments December 2026 deadline for submission. The funding is to support plan production where certain criteria is met. The Council has applied for this funding which is estimated to be in the region of £35k. Successful Local Authorities will hear as to whether this has been awarded by 6th March 2026 with payments made by 28th March 2026.

7 Risk Assessment

- 7.1 The preparation of the new local plan will provide the council with an up-to-date Local Plan on adoption. This will alleviate the current risks associated with not having an up-to-date development plan in place. There is a requirement to meet current National Planning Policy in delivering a new Local Plan and this will be tested at examination. The Government have been clear that it is unacceptable for LPAs to not make a local plan and the intervention criteria has been updated. The Government are also clear that plans should continue to be progressed under the existing planning system without delay and have provided transitional arrangements to achieve this where all plans will need to be submitted no later than 31st December 2026.
- 7.2 The main risk of progressing a Local Plan under the current NPPF is that once adopted certain policies in the Plan may have limited to no weight, where these are superseded by a new NPPF. This could affect appeals where developers may argue that the plan is out of date or conflicts with a new NPPF. To reduce the risk, whilst noting the current Local Plan timetable versus the likely publication of a new NPPF it will be important as far as possible to align the emerging Local Plan with an emerging new NPPF. The areas of plan-making that this will likely be most relevant to is Green Belt, transport, densities, the presumption in favour of sustainable development and National Development Management Policies.
- 7.3 The Risk assessment has been updated and is provided at **Annex 2**.

8 Legal Implications

- 8.1 Local Planning Authorities are required to prepare and keep an up-to-date development plan for their area. The Planning and Compulsory Purchase 2004

(as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) set out the requirements and the statutory process for the preparation of a Local Plan.

9 Consultation and Communications

- 9.1 Local Plan consultation will be delivered in accordance with the Council's adopted Statement of Community Involvement (SCI) and also the Local Plan Engagement Strategy.

10 Implementation

- 10.1 The Local Plan is on-going work and will be implemented in accordance with the Council's Local Development Scheme once adopted.

11 Cross Cutting Issues

11.1 Climate Change and Biodiversity

- 11.1.1 Limited or low impact on emissions and environment.

- 11.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report.

- 11.1.3 This report considers the Government's consultation and whilst the NPPF addresses climate change matters, this report itself will not impact climate change matters. The Local Plan will embed climate change into its policies which will be considered at a later stage.

11.2 Equalities and Diversity

- 11.2.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

11.3 Other If Relevant

- None

Background Papers	NPPF Consultation papers National Planning Policy Framework: proposed reforms and other changes to the planning system - GOV.UK Create or update a local plan using the new system Guidance https://www.gov.uk/government/collections/create-or-update-a-local-plan-using-the-new-system
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Annexes	Annex 1: TMBC Consultation response Annex 2: Risk assessment
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