Planning reform & the NPPF

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NPPF consultation proposals

The Government believes the current planning system is too slow, uncertain and inconsistent to deliver the homes, infrastructure and economic growth England needs.

12 key policy changes, including:

- In principle support for building homes around stations
- Driving urban and suburban densification
- Securing a diverse mix of homes, including **stronger support for rural social and affordable housing**
- Supporting small and medium sites, **including exploring further the potential benefits and drawbacks of enabling developers to discharge social and affordable housing requirements through cash contributions in lieu of direct delivery.**

- Consultation ended March 2026
- Expecting a Government update in Summer 2026

‘SO WHAT HAS CHANGED? WELL, QUITE A LOT AND NOT THAT MUCH’ (TURLEY)

NPPF & affordable housing

Changes intended to '**go further in ensuring social and affordable housing is delivered in line with local needs – including in rural areas**'

On-site affordable housing remains the expectation for decision-taking, however also consulted on potential for off-site contributions for medium development (11-49 homes)

Proposed NPPF policies relating to affordable housing:

Plan-making policies:

HO1 – assessing needs for housing
HO5 – meeting the needs of different groups
HO6 – planning for a diverse mix of sites

Decision making policies:

HO7 – meeting the need for homes
HO8 – providing affordable homes
HO9 – specialist forms of accommodation
HO10 – exception sites

Local policies are still expected to identify need and set out levels and tenure requirements.

NPPF & affordable housing

- **Stronger support for rural social and affordable housing**, including allowing affordable housing contributions on minor development in certain areas (through changed to definition of designated rural areas)
- New policy for **accessible housing**, requiring a proportion of new homes to meet M4(2) and M4(3) standards
- **Specialist accommodation** policy to provide clearer national requirements to help support this need
- Requirement for a **broader mix of tenures on larger sites,** with clearer expectations around delivery
- Increased emphasis on **Social Rent,** with consultation on a minimum 10% requirement on major developments
- **Temporary accommodation** affordable housing products – seeks views on whether there's enough flexibility
- More flexibility on **market housing** mix, where affordable housing local requirements are fully met
- **First Homes** policies to be removed, including the 25% minimum
- Recognition of **SME viability** challenges, with consultation proposal to allow affordable housing cash contributions

OFF SITE AFFORDABLE DELIVERY SHOULD BE AT LOCAL AUTHORITY'S DISCRETION, NOT DEVELOPER'S

Viability

(Annex B of NPPF consultation & Policy DM5. Updated National Planning Policy Guidance on Viability also published)

The NPPF consultation looks to make decision-stage flexibility more exceptional:

- Presumption policy-complaint schemes are viable (application stage viability arguments in exceptional circumstances)
- Tighter on when site-specific viability can be used (unforeseen abnormals, demonstratable market change)
- Standardised national inputs to viability appraisal – benchmark developer return, land value, growth & risk assumptions

The consultation asked for views on viability inputs, including specific figures for developer return, and how it can simplify the process for varying section 106 agreements.

Affordable housing expectations remain explicitly reinforced. Requirements should be priced into land transactions.

FOCUS DIRECTED TO IMPROVING DELIVERY OF AFFORDABLE HOMES AND VIABILITY ARGUMENTS (BY ENSURING ACCURATE POLICY COSTS IN LAND VALUE ASSUMPTIONS)

SUPPORT INTENTION TO SHIFT NEGOTIATION RISK TO LAND ACQUISITION AND PLAN-MAKING (THOUGH SHOULD HAPPEN ANYWAY & UNCERTAIN IT WILL MAKE MUCH DIFFERENCE IN PRACTICE)

Site thresholds

(Annex C of NPPF consultation)

Introducing a new medium size category of between 10 and 49 homes on sites up to 2.5 hectares to make the planning process faster and more reliable for medium-size builders:

- A cash payment in lieu of delivering affordable housing
- Exemption from Biodiversity Net Gain
- Exemption from Building Safety Levy
- Fewer information requirements – need to be proportionate
- Template section 106
- Policy requirement to meet at least 10% housing need on smaller sites
- Safety Levy to include medium development sits

MEASURES MAY HELP SME DELIVERY OF SITES
IMPLICATIONS OF REMOVING ON-SITE AFFORDABLE HOUSING

Changes to Biodiversity Net Gain for small sites

Defra did a consultation on BNG and small sites earlier last year. Matthew Pennycook confirmed:

- Government will exempt smaller developments (up to 0.2 hectares) from BNG;
- It will introduce other simplified requirements to improve the implementation of BNG on small and medium sites that are not exempted

Defra's consultation responses (last week):

- Secondary legislation to the Environment Act will set out how BNG operates in practice for minor, medium and brownfield development. It will start from 31 July 2026.

Defra consultation: Biodiversity Net Gain – considering a targeted exemption for residential brownfield development (closes 10 June 2026).
Seeks views on:

- The definition of brownfield residential development
- Potential thresholds for an exemption
- Identifying measures to ensure any exemption remains environmentally robust

Affordable Housing Roadmap

(National Policy Statement, January 2026)

MCHLG published The Roadmap to help reset the s.106 system and unlock stalled sites. It's a material consideration in decision making and negotiations.

- LPAs expected to renegotiate s106 affordable housing where RP take-up has failed and units are on the Homes England Clearing Service
- Applies mainly to built / near-completion homes due by 1 Dec 2027; alternative affordable tenures preferred before market sale or commuted sums
- Stronger emphasis on viability at plan-making, with much tighter limits on site-specific viability at application stage
- Move towards standard templates and earlier pre-app agreement to reduce delay and negotiation risk
- An update expected Spring 2026

Focuses on legacy problem of existing unsold and uncontracted S106 units
For Dover, we're already flexible on tenure mix etc. However, potentially relevant to other districts/ boroughs.

The 30-month Local Plan system

(Secondary legislation through Levelling up and Regeneration Act provisions)

As of 25 March 2026, the new Local Plan making started…

It introduces faster, time-limited plan making (30-month statutory timetable), setting out:

- Formal start to the new plan-making system
- Mandatory stages, gateways and content
- Transitional provisions - quite complicated

The National Development Management Policies (NDMPs) are set out in the NPPF consultation.

The Duty to Cooperate has been removed.

Unprecedented timescales – how will this work in practice?
Not really 30 months as a lot of prep work needs to be done before you can start

Spatial Development Strategies

(LURA 2023 and Planning and Infrastructure Act 2025)

Introduces a strategic and spatial tier to the planning system to address cross-boundary issues, and will include a plan for the distribution of housing need, coordination strategic infrastructure provision, climate resilience , economic patters etc

- Local Plans will need to be in ‘general conformity’ with the Spatial Development Strategy
- A recent consultation (ended March 2026) identified Kent and Medway as the area for a Spatial Development Strategy
- Awaiting regulations to commence and operationalise, including formal duty on strategic authorities and detailed procedure. Expected Summer- Autumn 2026

PRINCIPLE OF INTRODUCING OF STRATEGIC LEVEL OF PLANNING FOR GROWTH WELCOMED

New Planning Appeal Procedures

(Regs laid February 2026)

Guidance for applications submitted after 1 April 2026:

- A new streamlined procedure to apply to most written reps appeals
- Determination based on information before the LPA at the time of determination
- No opportunity for third party representations
- Late/ or additional documentation not permitted other than in exceptional circumstances
- Still needs an executed and certified s106 with appeal

APPELLENTS WON'T KNOW THE APPEAL ROUTE SO WON'T KNOW HOW MUCH TO PREPARE AT APPLICATION STAGE.

Planning Committees: national scheme of delegation

(Planning & Infrastructure Act 2025. Draft regulations 2026 published, not yet in force)

- This is being introduced to speed up planning decisions
- Draft regulations expected to come into effect on 30 September 2026

Schedule 1 applications must be delegated to officers and will include householder, minor residential, minor commercial, most reserved matters

Schedule 2 applications (broadly major developments, phased reserved matters, some section 73 applications) may only go to committee if a gateway test is met.

THIS SHOULD REDUCE UNCERTAINTY AND SPEED UP DECISIONS FOR POLICY COMPLIANT HOUSING SCHEMES

Planning fees

A current consultation is looking to undertake an overhaul of planning application fee system. It covers proposals to:

- Introduce a “National Default Schedule” for England – set at approximately 90% of the actual cost of processing an application. The Schedule would cover most types of planning application
- Allow LPAs to vary the planning fees that apply in their area, subject to public consultation and sufficient evidence being available to justify the changes. Cannot be used to exceed the actual cost of processing an application
- Significantly scale back the role of PPAs in funding core planning services moving forward.

Discussion / Q&A

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