



Unlocking growth through National Development Management Policies

Discussion Paper

August 2025



Executive Summary

This discussion paper explores the transformative potential of National Development Management Policies (NDMPs) and a revised National Planning Policy Framework (NPPF) in supporting the Government's ambitions for a 'default yes' approach to certain types of housing and economic growth.

What are the key requirements from the updated NPPF / NDMPs?

We understand the Government is unlikely to enact Section 93 of the Levelling Up and Regeneration Act which means NDMPs will remain non-statutory, serving as "*material considerations*" rather than having equal weight to local plans. Without a careful response in the NPPF, this status quo risks undermining the original purpose of NDMPs as a standardised national policy framework to reduce duplication and regulatory layering, which currently slows decision-making and deters investment.

On the assumption that NDMPs are to be non-statutory, to achieve their intended effectiveness we recommend that the next NPPF:

- Requires future local plans to embed the presumption in favour of sustainable development (PFSD) directly into future local plans so it benefits from the legal starting point of the plan-led system S.38(6).
- Requires other NDMPs to be either directly incorporated or referenced in local plans without contradiction.
- Removes the impact of the current Regulation 10A five-year review mechanism for local plans, which is sometimes misused by Local Planning Authorities to manipulate housing targets.
- Restricts policy layering between national, strategic, and local levels.
- Strengthens the PFSD through codified rules and clearer decision-making criteria.
- Prevents misuse of the planning system to pick up the pieces of failures with other regulatory regimes.
- Requires statutory consultees to provide evidence for their objections to avoid unnecessary delays.

What might pro-growth NDMPs look like?

To illustrate the potential of NDMPs, the paper sets out four interrelated NDMP policies to operationalise the 'default yes' principle:

1. **PFSD (Presumption in favour of sustainable development):** Maintains the longstanding PFSD that has existed since 2012, but with an additional 'limb' that encourages approval of development that qualifies as "acceptable in principle", unless, in exceptional circumstances, there are severe, clearly evidenced adverse impacts that strongly outweigh the benefits.
2. **EDM (Effective decision making):** Promotes proportionate, timely decisions, discourages unnecessary information requests, and puts necessary limits on planning's role in solving issues properly to be addressed by other regulatory regimes.
3. **DAIP (Development acceptable in principle):** Defines 'Acceptable in Principle' across three contexts—within built-up areas, outside built-up areas, and around transport hubs—with criteria for each. It includes general standards (e.g. for design, amenity, and biodiversity) and gives substantial weight to qualifying development.
4. **NFD (Need for development):** The presence of unmet need can be relevant in triggering policy provisions but is not always straightforwardly assessed locally. This policy establishes when unmet need should be assumed for housing, economic and town centre development. It simplifies evidence requirements and supports growth sectors identified in the UK's Industrial Strategy.

Other NDMPs will clearly be needed to address other policy issues and be drafted consistent with the intent of the above requirements and policies. Together, the four illustrated policies aim to reduce uncertainty, improve planning efficiency, and secure investor confidence in bringing forward development, all the while maintaining core protections and standards.

1.0 Introduction

This paper has been prepared by the LPDF, with the assistance of Lichfields, with the aim of informing the debate about why and how National Development Management Policies (NDMPs) have so much transformative potential to help the Government achieve its ambitions for housing and economic growth.

The Government introduced welcome changes in the December 2024 NPPF, largely to reverse the December 2023 revisions and introduce the provisions for 'Grey Belt', but this was always a stepping stone towards implementing the provisions of the Levelling Up and Regeneration Act (LURA) that included NDMPs operating alongside streamlined digital local plans.

There have been subsequent Government pronouncements about intended measures whereby the default answer to development is 'yes' – including for land around commuter transport hubs¹ – and further ideas for 'brownfield passports' were consulted upon in the September 2024 working paper².

Intended to operate within the existing and longstanding legal parameters of England's planning system, NDMPs are the vehicle for giving life to these ideas.

The paper forms two parts:

1. **What are the key requirements from the updated NPPF / NDMPs?** This analysis reflects the working assumption that Government does not now intend to enact S.93 of the LURA and thus NDMPs will not be statutory, equal to the statutory development plan. Instead, the status quo means NDMPs will, as with the current NPPF, exist as a "*material consideration*," behind local plans that are often out of date and do not reflect development needs.
2. **What might pro-growth NDMPs look like?** We have prepared some NDMP drafting to be consistent with increased confidence in realising the Government's growth ambitions for a 'default yes' whilst maintaining the appropriate protections and standards for quality development. We have focused on how one might address brownfield passports, the potential of land around transport hubs, layering regulatory requirements, and promoting commercial and economic development.

¹ [HMT, Government goes further and faster on planning reform in bid for growth, January 2025](#)

² [Planning Reform Working Paper Brownfield Passport: Making the most of Urban Land: Planning Reform Working Paper, 22nd September 2024](#)

2.0 What are the key requirements from the updated NPPF / NDMPs?

Under the status quo, Local Planning Authorities (LPAs) are able to include in their local plans a policy which conflicts with national policy where they can justify it, for example, by local circumstances (see [R \(West Berkshire District Council v Secretary of State for Communities and Local Government\) \[2016\] EWCA Civ 441](#)). Had the Government elected to enact S.93 of the LURA, this would have been resolved by giving NDMPs statutory precedent over the local plan where there was a conflict. In these circumstances, plan makers would have had no reason to produce their own local variants of these policies when preparing local plans.

However, even on a non-statutory basis, the argument in favour of a standardised national policy framework for determining planning applications remains, as originally promulgated in the 2020 White Paper.

The effectiveness of the Government's ambitions to introduce a strategic planning tier (via Spatial Development Strategies [SDS]) and for local plans to be digital, streamlined and prepared more quickly, depends on not reverting to 'business as usual', in which the statutory development plan can extend to hundreds of pages, with policies that both duplicate and deviate from national policy and/or layer on variations from other regulatory regimes (e.g. building regulations). This slows plan making and creates an unpredictable and unclear environment for investors and developers.

The original idea for NDMPs was to have, in one place, a single set of policies to govern how proposals should relate to specific matters - for example, the protection of the historic environment - and not have plan making bogged down in the preparation and examination of equivalent local policy variants.

Research by Lichfields³ has shown the deterioration in average determination timescales for outline planning applications for housing, from eight months in 2014 to two years in 2024, whilst the volume of

³ [How long is a piece of string? The timescales for securing outline planning permission for housing between 2014 and 2024, May 2025](#)

applications has reduced by two thirds. Entirely against the intention of statute, it is now slower to determine applications in areas with up-to-date local plans than in areas without them.

The current nadir is in London where development is seemingly grinding to a halt⁴. This is for a range of reasons – some unrelated to planning - but is certainly not assisted by the 542 pages of an SDS (the 2021 London Plan) and 2,500 pages of SPG, LPG and Practice Notes, that together sit alongside further requirements and standards set by the local plans of the capital's constituent Boroughs.

It is essential that, in setting NDMPs and rolling out SDS's, we do not extend across the rest of the country anything close to what is contributing to the problems experienced in London.

From this starting point, for non-statutory NDMPs to fulfil at least some of their promise to speed up decision making on applications, and not make a bad situation worse (by adding in a further layer of national development management policy to sit alongside local variants in Local Plans) both they and the Plan-Making provisions of the NPPF must be formulated to reflect that they need to operate within the current "*plan-led*" decision making framework of S.38(6).

We offer the following suggestions for the new NPPF, with NDMPs:

1. The NPPF on plan making should require new Local Plans to include the presumption in favour of sustainable development (PFSD) within the local plan itself, so that its provisions would apply under the terms of S.38(6). Thus, a proposed development that should be granted under the presumption can also be said to be in accordance with the development plan as a whole. Some current Local Plans include the PFSD, but it is not universal.
2. The NPPF should either:

⁴ See [GLA Residential Starts Dashboard](#) (August 2025) in which residential commencements have reduced from 50,342 homes in 2022/23 to 25,240 in 2024/25 and are recording just 2,128 so far in 2025/26.

- a. require that NDMP policies should be copied across without deviation into future local plans (or SDS) to provide the plan-led DM policies for determining applications; or
 - b. expressly state that Local Plans should:
 - i. Provide a cross-referencing policy that refers to the applications being determined against the NDMPs; and
 - ii. Not in any way duplicate, supplement or contradict the policies of NDMPs (strengthening current NPPF para 16 (f))
3. The current provision for five-year reviews of local plans (currently under (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012) to be determinative in defining the presence of unmet need should be removed. Originally intended to allow policy-compliant plans to remain 'up-to-date' without time-consuming full plan reviews, the provision has unfortunately been misused. Once speedier digital plan making measures are in place, it will no longer be needed. Removal would address the current problem whereby:
- a. LPAs can 'mark their own homework' without any due process or external scrutiny or examination, in situations (e.g. Waverley / Reigate and Bansted) where the LPA is seeking to lock in a low housing target; and
 - b. LPAs that have agreed a higher housing target based on taking unmet need, allow their Local Plan to time expire to revert to a lower housing target without the unmet need having been re-allocated.
- Currently, in either of these situations, as an LPA approaches its five-year date of local plan, it remains uncertain what will happen to its housing requirement for 5YHLS purposes. This is a barrier to investing in planning applications where the prospect of permission is underpinned by a view on outcome against the PFSD. We make an alternative suggestion for defining unmet need when plans are beyond five years from adoption in our proposed NDMP drafting.
4. Tighten up the NPPF provisions for plan making to explicitly restrict the layering of policy provisions between national requirements, the

SDS and local plans. This should have a particular focus on establishing – for matters related to building regulations, fire safety, dual aspect, zero carbon - a single set of minimum and maximum standards (preferably outside planning) that can be required, and limiting the ability of these to be sought in planning decisions.

5. Strengthen the presumption in favour of sustainable development and produce an 'effective decision making' NDMP that address the deterioration in culture, politicisation, confidence, resourcing, and statutory consultee performance which, in combination with increased policy-load have led to a sharp reduction in LPA decision making productivity. This deterioration has increased the volume of evidence required for applications, worsened the uncertainty in decision making, and extended timescales. In combination, it undermines investor confidence and diverts scarce planning resource away from where it can do most good. Solutions should include:
 - a. More codified rules for certain types of development to increase confidence over the decision-making outcome (creating a 'default' answer), this covers both clearer definition of whether there is need for development and what represents an acceptable development.
 - b. A stronger presumption that helps officers act proportionately in the information they require and to cut to the chase when there are outstanding but not determinative issues in the context of the application; this should help drive decision making and also, in due course, reduce the scale and complexity of applications;
 - c. Rein back the 'mission creep' whereby planning (and the development sector) has become subsumed by problems it neither causes or is able to solve, becoming a patsy for the environmental impacts/failures of other regulatory regimes – notably in respect of water and agriculture. Stalled development reduces (rather than increases, as some claim) the pressure on other regulatory regimes to meet their statutory obligations.
 - d. Requires statutory consultees to justify their objections with evidence if they are to be used as the basis for withholding permission.

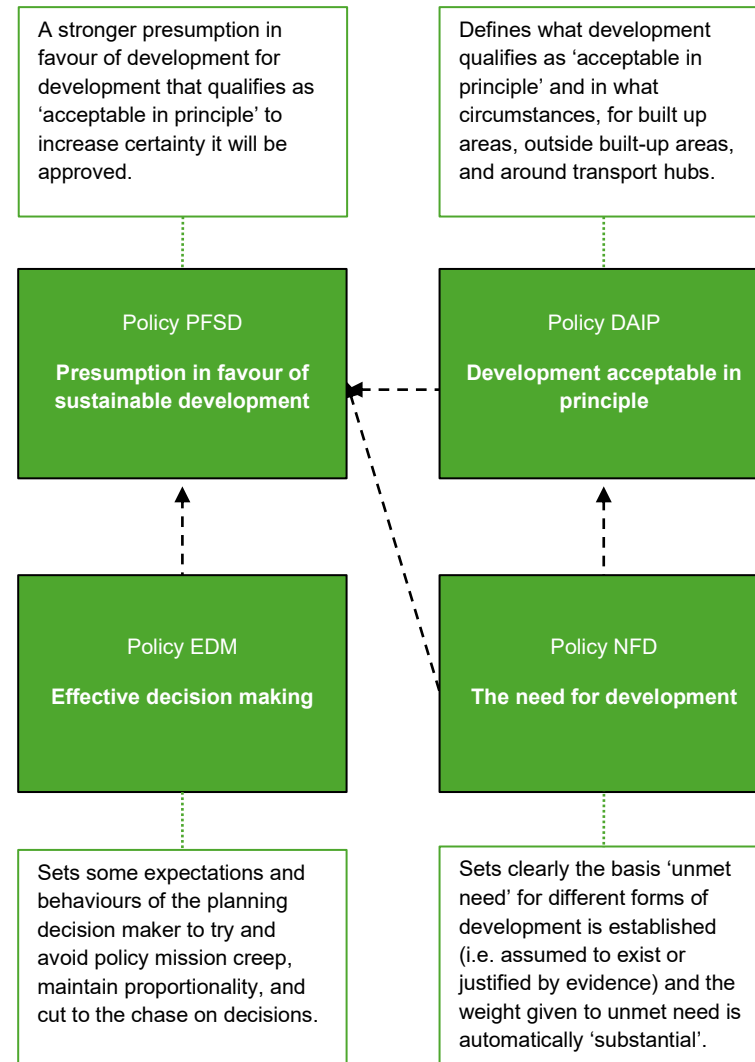
3.0 What might pro-growth NDMPs look like?

We have prepared some draft material to give an example of how policies might be created and curated to provide an in-combination set of NDMPs that achieve some of the objectives set out in Section 2.0.

In preparing these, we have reviewed the material prepared by Christopher Katkowski KC for Public First and also some notes from Tom Dobson (Quod) and Simon Ricketts (Town Legal). The latter notes refer to the idea of NDMPs being used to identify qualifying development that is 'acceptable in principle' (AIP). AIP seems to us to be a useful concept, but in order to fulfil the ambition of a 'default answer of yes', it is also important to give some effective meaning to what affect this status has when applying the planning balance (a weighing of the benefits of the development against the harms on a set of imaginary scales). This is particularly important for non-statutory NDMPs which are to be applied through S.38(6).

We have focused on four interrelated policies shown right. The text for each of these is set out on subsequent pages in italics, followed by a short commentary. They are integral to each other and mutually supportive, intended to be read and interpreted together.

The approach recognises that, however the NDMPs are formulated, even when the default answer is intended to be 'yes', a decision ultimately requires a 'planning balance'. Further, one would wish to avoid perverse outcomes so there must be an 'off ramp' for proposals that on paper meet the criteria for qualifying development but where there might be an exceptional circumstances or unforeseen impact that should be taken into account. The approach seeks to establish that the weight given to key benefits is 'substantial', that the unmet need (where this is relevant to determination) can be more straightforwardly established, and qualifying development then benefits from a 'tilted balance' genuinely intended to provide a default 'yes', with far more certainty than would apply to other schemes. Meanwhile 'an effective decision' making approach seeks to drive more effective and proportionate behaviours in the planning system.



Policy PFSD

Presumption in favour of sustainable development

Decision making on proposed development should be a creative exercise to find ways in which sustainable development can be achieved. In doing so, decision makers should take into account the urgent and critical need to build new homes, support economic growth, and improve infrastructure.

In exercising decision taking powers on applications for planning permission or other related planning decisions, this means always granting approval:

- a) *where development proposals accord with an up-to-date development plan, taken as a whole; or*
- b) *where development is deemed acceptable in principle (as defined by NDMP Policy AIP) unless:*
 - i. *there are strong reasons for refusing the development based on the application of policies in this Framework that protect areas or assets of particular importance⁷; or*
 - ii. *in exceptional circumstances, where the adverse impacts of doing so are shown by clear evidence to be severe and would strongly outweigh the benefits, when assessed against the decision taking policies in this Framework, taken as a whole.*
- c) *for all other development proposals, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, unless:*
 - i. *there are strong reasons for refusing the development based on the application of policies in this Framework that protect areas or assets of particular importance⁷; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the decision taking policies in this Framework, taken as a whole.*

⁷ Footnote 7 of the current NPPF lists the policies, such as Green Belt, national landscapes, SSSIs, heritage assets, local green space to which national-designated protection applies and where development is restricted subject to specific provisions.

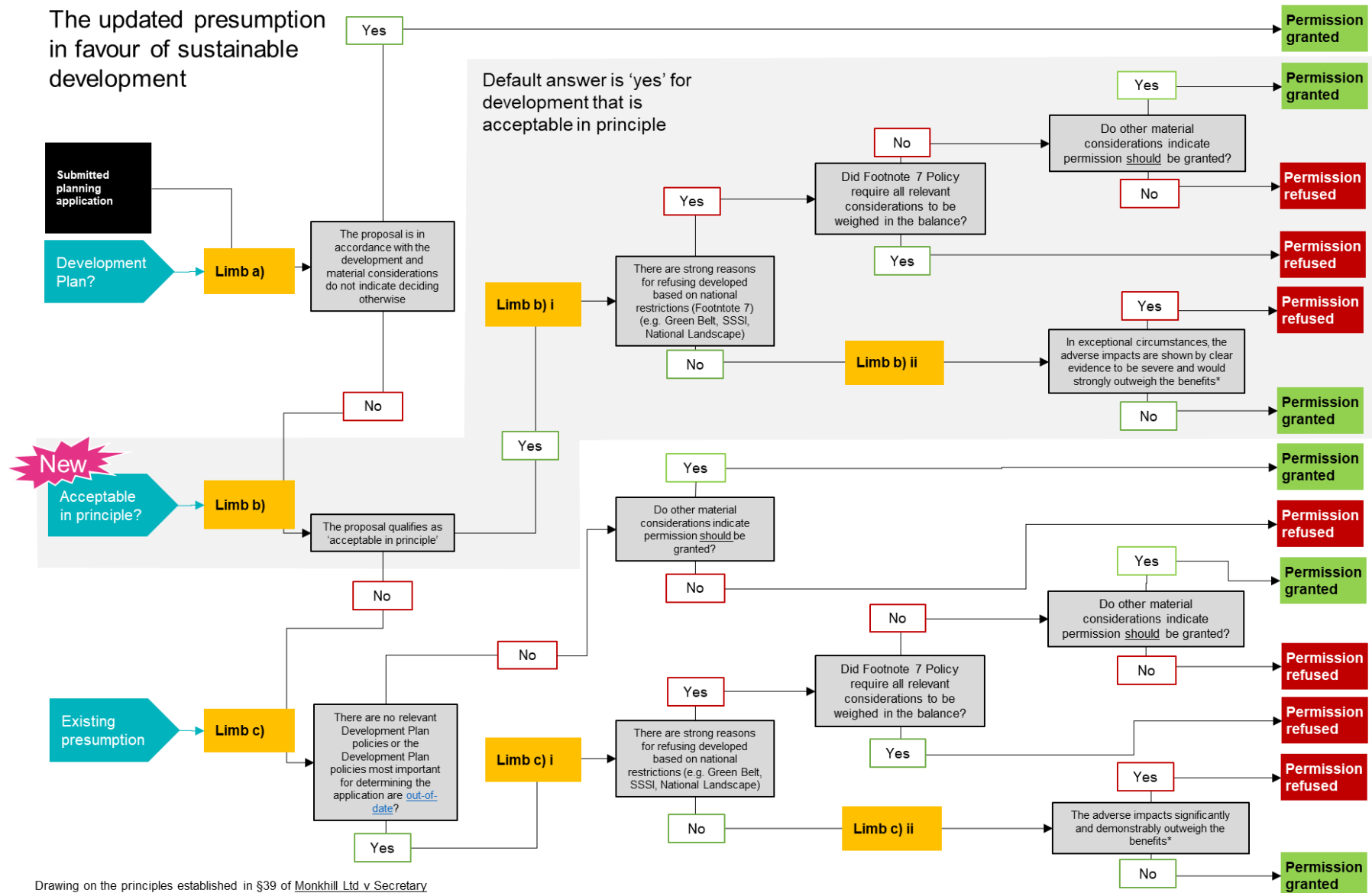
Commentary

The PFSD has applied in largely its current formulation since 2012. We propose it retains its current form, but with some adjustments: a preamble to give context for what is expected, stripping out the “*having particular regard to key policies*” reference (which should no longer be needed if NDMPs are clear) and including a reference to ‘always granting approval’ (borrowed from Circular 22/80). The main change, to give meaning to the ‘default yes’ is for development that is AIP (defined in Policy DAIP below) to benefit from a new ‘limb’ in which:

- if the qualifying development falls within/impacts a national protected area (e.g. Green Belt, National Landscape, Listed Building etc) that land/asset still benefits from the same protection (but where Grey Belt policy would also still apply) so, for example, unacceptable development in National Parks would remain restricted. We would suggest a definitional change so that small and medium size sites would not represent ‘major development’ for the purposes of National Landscapes;
- otherwise, the AIP development should always be granted approval unless, in exceptional circumstances, there are adverse impact that are demonstrably severe and strongly outweigh the benefits. This is, in essence, a tilted balance with ‘extra tilt’ so that the ability of a decision maker to refuse the development is very limited. The precise words (e.g. ‘exceptional circumstances’, ‘severe’ ‘strongly’) might be substituted with alternatives, but the critical point is that the tilted balance should be materially stronger than that currently applicable (and which would remain in place for development that is not AIP), the force of which has been eroded by policy load and behavioural change.

The resulting formulation leads to a decision tree for an application which is shown overleaf. It runs sequentially down the hierarchy:

- a) in accordance with development plan – approve without delay, as now; or
- b) Acceptable in principle: approve subject to new strengthened ‘tilt’;
- c) All other development: apply current ‘tilted balance’.



Drawing on the principles established in §39 of *Monkhill Ltd v Secretary of State for Housing, Communities And Local Government* [2019] EWHC 1993 (Admin) (24 July 2019)

*Taking account of the policies in the Development Plan and the NPPF

Policy EDM

Effective decision making

In applying the presumption in favour of sustainable development, decision takers must act in a proportionate way and seek to positively determine applications at the earliest point at which they are reasonably able to exercise planning judgement on the proposals. Approvals must not be withheld for reasons that would not be decisive in applying the presumption in favour of sustainable development or could not be lawfully addressed by means of a condition or other future regulation.

LPA's should not request – or base their decision making – on information from applicants that is not proportionate to the issues requiring determination having regard to the scale and likely impact of the development, decisions already made and the extent to which issues can be addressed subject to condition or other future regulation.

Planning decisions must be based on whether proposed development is an acceptable use of land, rather than the control of processes, emissions, or levels of building safety or standards, where these are subject to separate regulatory regimes. Planning decisions must assume that these regimes will operate effectively. Decision makers must not withhold the grant of permission or impose conditions based on an expectation or requirement that development should exceed nationally prescribed standards, unless exceeding that standard is a benefit on which the applicant relied to justify the proposal.

Advice from statutory and non-statutory consultees is a material consideration but must not be used as a reason for withholding a grant of planning permission unless it is substantiated by clear evidence and would be decisive in applying the presumption in favour of sustainable development.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations – including other NDMPs - in a particular case indicate that the plan should not be followed.

Where a decision maker or statutory consultee fails to meet these requirements, leading to an appeal where the application is subsequently approved, this will justify an award of costs against the relevant body.

Commentary

This is a 'barnacles off the boat' policy aimed at trying to drive behaviours that streamline decision making and encourage more decisive decision making by LPAs and statutory consultees and (by virtue of the word 'must' rather than 'should') reducing the incidences where planners pick up the pieces of failures of other regulatory regimes (or participants within them) in fulfilling their statutory obligations.

The policy would seek to provide a firm basis for pushing back on the requirement to submit evidence that is not relevant to the determination of the application; for example an air quality statement when the site is not in an air quality management area, a heritage statement when the proposal is not within a conservation area or in the setting of a listed building; or unnecessary ecological surveys.

It also picks up some of the principles included within the amendment to the Planning and Infrastructure proposed by Lord Banner KC ([Committee Stage - Amendment No.166](#)) to add a new clause on the principle of proportionality in planning such that the nature and extent of information and evidence required to inform the determination of any proposal shall be proportionate to the issues requiring determination.

Underpinning the proposed policy is some clear messaging that officers can use with elected members to make clear that, especially for development that is acceptable in principle, they should not rely on inconsequential matters to delay or refuse permission for otherwise acceptable development have limited discretion. It seeks to focus the minds of statutory consultees on whether their objections are justified.

Policy DAIP

Development acceptable in principle

1. Within defined built up areas

Development of land within the boundary of built-up areas, or settlement limits as defined in development plans is acceptable in principle subject to:

- a) The development would not conflict with the allocation of the land in an up-to-date development plan; or
- b) For major development, the most important policies for determining the application are out of date or there is unmet need for the use proposed; and
- c) For minor development:
 - i. it is consistent with the prevailing height and form of neighbouring properties and the overall street scene; or
 - ii. it complies with specific thresholds and guidance for intensification set within NDMP Policy [REF] or a local design guide **[IF A DETAILED URBAN INTENSIFICATION NDMP IS PREPARED]**

In applying the presumption in favour of sustainable development to any development within built up areas, substantial weight should be given to:

- a) The value of using suitable brownfield land within settlements for homes and other identified needs.
- b) The benefit of remediating previously developed land that is otherwise despoiled, degraded, derelict, contaminated or unstable.

2. Outside Built-up areas

Other than on land allocated for development in development plans and the exceptions described below, development will not be deemed acceptable in principle outside built-up areas, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services that it provides.

Development is only acceptable in principle outside built-up areas where the following applies:

- a) The land is allocated for the development proposed in the development plan; or

- b) The development and building is for agriculture and forestry; or
- c) It involves development or material changes in use for outdoor sport, outdoor recreation, cemeteries and burial grounds, allotments, mineral extraction, engineering operations, local transport infrastructure, the conversion and re-use of existing buildings; or
- d) It involves the alteration or replacement of an existing building where the development does not result in disproportionate additions over and above the size of the original building; or
- e) It involves development and diversification of agriculture, tourism, and other land-based rural businesses or to support provision of local services to a rural community; or
- f) It involves development of previously developed land; or
- g) The land meets the requirements of NDMP Policy [REF] for appropriate development on grey belt land including the 'golden rules'; and/or
- h) Where the most important policies for determining the application are out-of-date or there is unmet need for the use proposed and the development would be contiguous with an existing village, town or large urban area and the scale of development is consistent with whether or not the location is, or can be made, sustainable through limiting the need to travel and/or offering a genuine choice of transport modes, and is supported by existing and or planned infrastructure as is necessary for the development to proceed.

3. Land around transport hubs

Transport hubs provide an opportunity to focus development in places that are already in sustainable locations and take advantage of existing infrastructure, often under-utilised and with latent capacity.

Development involving the provision of housing is acceptable in principle on land around transport hubs comprising railway stations or equivalent rapid transit alternatives within or outside built-up areas, subject to the following:

- a) The transport hub provides rail or equivalent rapid transit services from which a town or city centre transport hub can be reached within 45 minutes travel time during morning peak hours; and
- b) Those occupying, working, or visiting the development will be within active travel distance (1200 metres) of the transport hub; and

- c) *The proposal does not undermine the operation of the transport hub or prejudice its realistic potential to underpin further sustainable development;*
- d) *Where the land is within a built-up area, the development optimises the density of development and makes efficient use of land, seeking a significant uplift in the average local density of residential development and, in doing so, takes a flexible approach in applying policies or guidance relating to daylight and sunlight and internal layouts of development where they would otherwise inhibit making the most efficient use of the site;*
- e) *Where the land is outside a built-up area:*
 - a. *There is an unmet need for the use proposed by the development; and*
 - b. *The proposal does not undermine the realistic potential for further development to maximise the potential of the transport hub as a focal point for further development.*

General Criteria

To be regarded as acceptable in principle under all three categories set by this Policy, any development:

- a) *Should be on land that is suitable for its proposed use, taking account of relevant NDMP policies on ground conditions and flood risk.*
- b) *Should not have an unacceptable impact on highway safety or give rise to a residual cumulative impact on the road network following mitigation that would be severe, taking into account all reasonable future scenarios and a vision-led approach to transport planning.*
- c) *Should be well designed, consistent with the National Design Guide and/or any local design guide or code that has been adopted as a supplementary planning document (where relevant to the proposal and consistent with national policy).*
- d) *Should achieve acceptable and healthy living conditions for those living, working, visiting, or neighbouring the development.*
- e) *For major development, where it involves the provision of housing, should make a contribution for affordable housing which reflects the requirement that would apply to the development, or a lower level where justified by a site-specific viability assessment.*
- f) *For main town centre uses the development is:*
 - a. *in a town centre; or*
 - b. *is incidental to an existing or proposed residential neighbourhood or economic development area and would support its vitality and sustainability; or*
 - c. *satisfies the sequential test as described in Policy [REF]*

- g) *Should not result in:*
 - iii. *net loss of land available for active recreational use;*
 - iv. *net loss of land designated as Local Green Space; or*
 - v. *a significant adverse impact on biodiversity or a designated local wildlife site that cannot be adequately mitigated or compensated for.*

Substantial weight must be placed on each of the benefits arising from the qualifying development.

Development that does not qualify as 'acceptable in principle' may still be approved where it is in accordance with the development plan or in line with limb (c) of the presumption in favour of sustainable development.

Commentary

This policy provides the basis for identifying whether development can be given a 'default yes' – identified as AIP – under the proposed new limb of the PFSD. Three categories of location are identified – within built up areas, outside built-up areas and around transport hubs – each with specific criteria on what might qualify as AIP and in what circumstances. It includes for appropriate grey belt proposals that meet the golden rules to qualify.

A more pro-development approach is taken to main town centre uses when these are incidental and will help the vitality and sustainability of existing or proposed residential neighbourhoods (e.g. local shops or a gym) or economic development areas (e.g. hotels in a business park).

A set of general criteria apply requirements to meet standards on design, provision of affordable housing, amenity, living standards, biodiversity etc. Substantial weight is given to qualifying development when it comes to the planning balance.

When areas have up-to-date local plans that meet needs, the circumstances where development not envisaged by the local plan is acceptable in principle will be more limited. However, the reality is that for the foreseeable future (and subject to our proposals for Policy NFD below) for the next 3-5 years, most areas will qualify for this policy.

A final sentence clarifies for avoidance of doubt, that development which does not qualify as AIP can still be approved either in accordance with the development plan or under the 'normal' (i.e. current) tilted balance.

Policy NFD

The need for development

Where unmet need for development is a relevant factor to be considered in applying NDMPs it must be assumed to exist where:

- a) *in the case of proposals for the supply of homes:*
 - i. *the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer);*
 - ii. *where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years;*
 - iii. *the strategic policies of the development plan are more than five years old;*
 - iv. *The adopted local plan was prepared before the December 2024 NPPF or pursuant to its transitional arrangements in - the December 2024 NPPF; or*
 - v. *the proposal would meet the evidenced unmet housing need of a different group*.*
- b) *For business and other economic development uses:*
 - i. *the proposed development is intended for occupation by new or existing businesses operating in the priority sectors for growth identified by the Industrial Strategy**. This includes, but is not limited to, laboratories, gigafactories, data centres, digital infrastructure, and film studios; or*
 - ii. *the proposed development would enable an existing business or cluster of businesses to expand, upgrade, or modernise on*

- land adjacent to, or within reasonably close proximity, to its existing operations; or*
 - iii. *the development proposal has a specific locational requirement associated with the availability of suitable land, infrastructure, and/or ability to co-locate with a business cluster or network; or*
 - iv. *the proposed development is on a larger scale site and would help the UK respond rapidly and flexibly to the opportunities for globally-mobile inward investment; or*
 - v. *the proposal would meet an evidenced local or regional under-supply of land or premises for the specific type of business or economic development proposed, considering the need for businesses to benefit from new, expanded or upgraded facilities that help them compete in the modern economy.*
- c) *In the case of main town centre uses, the proposed development is in an existing town, district or local centre, or, where it is an incidental part of a residential or economic development use, it supports the vitality and sustainability of the development proposed.*

In assessing the need for development, decision takers should not seek to restrict the forces of market competition that are necessary for economic growth, or use the presence of existing businesses to prevent the attraction of investment that can drive the competitiveness of the economy and improve living standards.

Where evidence is required to demonstrate that there is unmet need for the use proposed, it should be adequate and proportionate, recognising the inevitable uncertainties involved. Decision makers should assume the evidence underpinning the case for unmet need is sound unless it is clearly and demonstrably inadequate.

Where there is unmet need as defined above or in other cases, substantial weight must be placed on the benefits arising from the proposed development.

* Including those who require affordable housing (including Social Rent); families with children; looked after children ;older people (including those who require retirement housing, housing with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes

***These are those identified in Invest 2035: The UK's Modern Industrial Strategy: advanced manufacturing, clean energy industries, creative industries, defence industries, digital and technology businesses, financial services, life sciences and professional and business services*

Commentary

Unmet need for housing is a well understood concept based on 5YHLS, HDT or the needs of specific groups. To strengthen the circumstances in which unmet need for housing is triggered (and to address the 'gaming' by LPAs who prepared plans under December 2024 transitional arrangement to bake in lower housing targets), unmet need is assumed to exist everywhere where a plan was prepared prior to the December 2024 NPPF or under its transitional arrangements. This 'turns on' ability to bring forward housing development where it is acceptable in principle until LPAs get new local plans in place and then keep them updated every five years under the new plan making system. The establishment of unmet need when there is no up-to-date local plan is integral to preventing the 'gaming' of local plan reviews in situations where unmet need is distributed via local plans and/or where an SDS is not prepared or not kept up to date.

For economic development, to address the problem where decision makers struggle to grapple with the presence of need in new, rapidly changing, hard to predict or less well understood industries, the policy would follow the approach of National Policy Statements in the NSIP world by establishing 'unmet need' for:

- specific sectors, which we have based on the Modern Industrial Strategy. This would thus create definitional need for film studios, labs, data centres etc. without the applicant needing to prepare specific evidence;
- businesses wanting to expand in their area;
- large inward investment sites; and
- uses with a specific locational requirement.

Other activities might still require evidence of need, but the policy seeks to pin down that this should be proportionate and adequate and not accepted only if clearly inadequate.

Development in town centres of main town centre uses benefits from an assumed need. Consistent with the reference in the Policy DAIP, an addition has been included for main town centre uses when incidental to wider developments or existing neighbourhoods/areas and support their vitality and sustainability.



Land, Planning and Development Federation (LPDF)
Grosvenor House, 11 St Pauls Square, Birmingham, B3 1RB
T: 0121 232 8606 **E:** info@lpdf.co.uk **W:** www.lpdf.co.uk