



*An informal alliance of community groups, campaigns and concerned independent organisations – aiming to improve public participation in planning, ensuring policy is fairer towards communities, in a system dominated by the interests of developers*

**10 March 2026**

Dear Sir/ Madam

<b>RE NPPF CONSULTATION</b>
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This is a response to the consultation on the proposed changes published in Dec 2025 to the NPPF from Just Space.

JUST SPACE is a network of grass-roots organisations and campaigns engaging with planning and development across London. We share information and resources among community groups and research work with UCL and other academics. Our aim is to ensure public debate on crucial issues of social justice and economic and environmental sustainability. We are active at neighbourhood, borough and London-wide levels. Over 20 years the Just Space network has brought together and nurtured a huge amount of experience and know-how from London's diverse community organisations.

Firstly, this consultation is profoundly unreasonable. It asks 225 questions. This is beyond being merely off-putting: it is either an act of sabotage, incompetence, or an expression of utter contempt of the views of the public, regarding one of the most front-facing areas of public policy which engages thousands of citizens every day. The consultation document announces in its objectives on page 10 that the first objective is "to ensure national planning policy is accessible and understandable to everyone who uses it"

Secondly, by appearing to destroy the core mechanisms at the heart of planning since 1947, it is an intensely disturbing document that seems contemptuous of planning itself. It certainly goes far further even than the previous Tory government in its utter determination to wreck the cornerstone of the planning system, local decision-making.

We strongly object to the centralization and over-reach expressed in the objectives: "to establish a comprehensive suite of national policies in on general planning matters which will apply across the country, to avoid these matters being repeated or deviated from in locally-produced plans". This is expressly set out in PM6, which replaces the permissive guidance provided in paragraph 16 of the

current NPPF. The current guidance says “Plans should be prepared positively, in a way that is aspirational but deliverable”. PM6 on the other hand requires development plans to “not duplicate, substantively restate or modify the content of national decision-making policies unless directed by other policies in this Framework”. When this is read in the light of Annex A(2) – that development plan policies “which are in any way inconsistent with NDMPs” are to be given “very little weight”, even after they have been acknowledged as sound by a govt Inspector, presumably, it effectively announces the end of the local plan, local knowledge of need and local decision-making. Unlike local planning authority proposals, or Mayoral proposals in the London Plan, which are scrutinized by government Inspectors for soundness, this NPPF is scrutinized by nobody, neither by a planning Inspector nor parliament nor any other body – and it becomes, effectively, the development plan for the entire country.

This is bizarre overreach, not least because it creates a legally incoherent position. Planning Acts since 1947 have made local plans the statutory development plans for the purposes of planning: development plan policies are the statutory starting point for determining a planning application; the NPPF is a material consideration, but the NPPF and its NDMPs remain non-statutory. And yet it demands primacy? This creates a contradictory position and effectively positions itself against the legal framework. It would appear that the government is seeking for its policies in the NPPF to gain primacy through the backdoor. This will only lead to utter confusion, delay and litigation.

It is also undemocratic and undermines the important role of local councillors and local government (and regional govt) to create policy relevant to their communities and neighbourhoods. The principle since 1947 is that local politicians and communities are better placed to respond to their area’s needs. The NPPF and PPGs before provide guidance which carries great weight, but neither the currently permissive para 16 of the extant NPPF nor its predecessors sought to over-ride any and all policies which are not rigorously consistent with the proposed NPPF.

Finally, the planning system thrives on the capacity of development plan policy to go further, as required by local circumstances. The NPPF is inherently broad-brush, setting out only a baseline that works across the country. LPAs need the power to add requirements that reflect their area’s particular needs, especially around affordable housing, family housing (e.g. limiting PBSA) and environmental protections. Preventing this will make the system insufficiently precise to local need and encourage speculation, and thereby be ineffective (as well as undemocratic). For example, recent strengthening of environmental policy and the Circular Economy in some development plans, including the London Plan, is a hugely positive step in the struggle against climate change. Planning has always made progress this way, developing policy and new technologies. This approach should be encouraged through the NPPF, rather than brutally closed down.

### **Definition of sustainable development**

A presumption in favour of development is inherently not sustainable. The fourth objective set out in the consultation document – “national policy should provide for a default ‘yes’ to the principle of development” – runs completely counter to any concept of sustainable development. There should be greater emphasis on the meaning of sustainable development: “*meeting the needs of the present without compromising the ability of future generations to meet their own needs*”. This two-limb test

should mean actively preventing development that does not meet an evidenced need, which uses up scarce land, exacerbates social inequalities, and comes at a huge climate impact.

The current system is failing to meaningfully apply this test, particularly in urban areas: there is a proliferation of private housing that does not come close to meeting the needs of local communities, especially in terms of affordability and unit size. There is also over-delivery of Purpose Built Student Accommodation (PBSA) and co-living based on spurious evidence of market housing need, in reality driven by short-term profit.

The government's foolish focus on increased housing targets and greater delivery/density at all costs props this up, by emphasizing quantity above *quality* and *need*. This approach becomes self-defeating, only driving up land values and affordability, and strengthening developers' hand for negotiations. There is no point in delivering housing that plainly does not meet need - apart from other things, it is simply not sustainable.

### **Presumption in favour of sustainable development (Policy S4 – Principle of development within settlements)**

We strongly object to presumption that *“Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework”*:

The planning balance should remain even (and the previous presumption on brownfield land should be undone). There is already strong positive weighting given to development within settlements (and brownfield) under other policies. This test serves as a double-counting of those policies. For example, substantial weighting is already given to development that meets evidenced local housing need. Therefore, adverse impacts will need to be substantial to outweigh this for the scheme to be refused. Adding a further requirement that the adverse impacts need to substantially outweigh the (already substantial) benefits creates confusion and an impossibly high bar.

This presumption explicitly supports development where the adverse effects outweigh (but don't substantially outweigh) the benefits as determined by the NPPF itself – surely that is nonsensical, and cannot be said to be sustainable development.

In practice this presumption serves to incentivise developers to cut corners and test quite how much they can 'get away' with. It creates another layer of discretion / subjectivity, which leads to more uncertainty and in turn litigation and delay, thereby undermining the aim of speeding up delivery.

It would be much better to have no presumption and an even balance. If a presumption is maintained, it should at least include reference to adverse impacts when assessed against development plan policies and the NPPF as a whole (just NDMPs).

It is currently unclear which NDMPs “state that development proposals should be refused in specific circumstances” – this should be rendered more explicit (perhaps with a specific defined term, or list confirming which policies this intends to cover). The following should also be included as examples:

- There is no evidence that the proposed development meets an evidenced need, having particular regard to local need, and the development also delivers adverse impacts;

- There is evidence that the proposed development will displace existing communities (including local businesses), either directly or indirectly through adverse impacts on affordability or loss of key community or cultural facilities.

### **Density (Policy L3 – Achieving appropriate densities (as referenced by policy S4(2(b)))**

Whilst seeking higher densities in appropriate locations is supportable, where it can be shown to be sustainable – i.e. meet existing evidenced (local) need without creating an unacceptable adverse impact on the environment, heritage etc. An increase in density should not be supported per se.

We object to the expectation of increased density and inclusion of minimum but not maximum densities. In highly urban areas (e.g. London) there needs to be density maximums as well as minimums in order to prevent driving the remorseless rise in land values through speculation as to the increasingly fantastical amounts of development which could be piled up on a site. Rising land values result in higher house prices and rents, contributing to the housing affordability crisis. Furthermore, taller development and tall buildings bring higher densities at a huge carbon cost, with embodied energy of tall buildings increasing exponentially the higher a building goes, as well as higher energy costs generated to create suitable internal environmental conditions at higher levels.

### **Definition of ‘Brownfield land’**

This should be distinguished from ‘Previously developed land’. Brownfield land should exclude housing currently in use, especially council estates. We are seeing developers use the existing NPPF paragraph 125(c) to push for otherwise unacceptable redevelopment of existing housing estates. This was surely not the intention. On a natural reading, brownfield land should not include land in full and efficient use, but rather previously developed land either not in use or substantially under-utilised.

### **Housing Policy HO7 – Meeting the need for homes**

Strongly support framing: “substantial weight should be given to the benefits of providing accommodation that will contribute towards meeting the evidenced needs of the local community, taking into account any up-to-date local housing need assessment, and other relevant evidence ...”. But there should be express reference that ‘*evidenced needs*’ includes affordability and unit size.

Viability cannot be allowed to override the central question of whether development meets the evidenced needs of the local community (see further discussion on viability below). There should be express statement that housing that does not meet an evidenced need – including disproportionate levels of private market housing, studios and 1-bed units, student housing and co-living – should carry no weight. Developers intentionally move away from more detailed assessments of need and focus on the ‘benefits’ of housing delivery per se, in order to justify delivery of housing that does not meet local need.

### **Policy HO9(c) – Purpose Built Student Accommodation and large-scale shared living:**

There should be an express requirement that this should only be delivered where there is strong evidence of market demand for this type of housing, and that it will not compromise on delivery of

affordable and family housing. It should be clarified that market demand is different to the number of students, and any support from a higher education provider. There should be a requirement that these schemes should still deliver on-site social rent housing.

### **Definition of 'Affordable housing'**

A rent discounted by 20% of the market rate is not affordable in London, where market rents are not affordable to the incomes of 90% of households: including this and similar in the definition of 'affordable housing' has undermined the effectiveness and legitimacy of this term. 'Affordable housing' is an unhelpful and overly broad umbrella term. It allows developers to obfuscate by claiming to deliver 'affordable housing', but in reality delivering the least affordable tenures within the range. The level of what is affordable is different regionally and should be based on average incomes in a region.

There should be a clear emphasis on social rent, and better yet council housing, as the most appropriate form of affordable housing. Shared ownership should no longer be supported. There should be greater regulation on how service charge, ground rent and other charges are levied against affordable properties.

### **Development Viability (DM5)**

Policy DM5(2) appears to extend the ability to use viability assessments to justify non-compliance with policy beyond affordable housing. This would be a huge change in policy position and must be avoided and the wording clarified. Viability to justify non-compliance should only be in "limited circumstances", but these are not defined: non-viability is currently the claim in all major planning applications in London to the point that the Mayor has provided a 'fast track' route allowing proposals with only 35% affordable housing to not even provide a viability assessment (in a region where need is demonstrated to be in excess of 50% affordable housing) ; and new 'special measures' have been proposed to reduce this to 20% affordable housing. Clearly raising viability has become the default for housebuilders in London, which is actively working against the housing needs of Londoners. At the very least there should be clarity about the precise limitations of those 'limited circumstances'.

### **Viability reviews (DM5)**

These are vital in ensuring that any land value uplift generated after the grant of planning consent is shared between returns to developers and providing public benefits through developer contributions. Where the baseline level of affordable housing does not meet affordable housing policy requirements due to viability constraints at application stage, but the viability of a scheme improves during the course of the development, any 'super profit' should be used to provide additional affordable housing to ensure a balance between commercial returns and the delivery of policy requirements through the development of land. National policy should clearly set out the principles of viability reviews including explaining that the developer is permitted to retain their agreed financial return before any further affordable housing is provided but the super profit should be prioritised for meeting policy requirements. This is particularly important when economic conditions are more challenging and reductions in public benefits have been accepted to enable

development to proceed. This is so that any improvement in viability is appropriately captured to recoup the initial loss of public benefits through planning contributions.

### **Community facilities (Policy HC6 - Retention of key community facilities and public service infrastructure)**

Support policy that “Development proposals should not result in the loss of key community facilities and public service infrastructure”. But disagree with definition requirement that “The policy applies only where the facility would be the last of its type in the area concerned”. This fails to understand that a community might need multiple of the same service, and also the potential for that specific facility / infrastructure to offer something unique – particularly relating to a specific cultural group or protected characteristic. Suggest that this is qualified to say “... or where the facility provides a culturally specific offering, having particular regard to the needs of groups with protected characteristics”. The reference to an equivalent / better replacement should require that the replacement responds to the specific needs of the community that the existing community facility / infrastructure provides.

### **Businesses (Policy E2 – Meeting the need for business land and premises)**

Support wording about allowing businesses to “invest, expand and adapt”. But this needs to include the corollary: development should not lead to the displacement of existing businesses, particularly small local / independent businesses and shops.

### **Markets (Policy TC2 – Development in town centres)**

While we strongly support substantial weight given to benefits of “Improving or retaining access to local shops and other facilities which provide day-to-day services for the local community” in Policy TC2, we note there is no reference to traditional street markets. This is effectively a deletion of that in the current NPPF, where markets are specifically identified for protection and enhancement at 90(c) “retain and enhance existing markets and, where appropriate, re-introduce or create new ones”. Why is there is no reference to markets at all in the draft NPPF. This must be rectified. Traditional street markets in London are a key source of good quality fresh affordable food and contribute greatly to food justice and food security, as well as contributing to social and communal health.

### **Climate change: · CC1 – Planning for climate change:**

While we support the principle of encouraging development plans to propose development patterns that “can help contribute to radical reductions in greenhouse gas emissions”, it must be acknowledged that development is inherently carbon intensive and cannot actually reduce emissions. Rather, we need to seek less intensive forms of development, or development that contributes to a radical relative reduction in emissions. Specifically we urgently need to create a Circular Economy (not mentioned in the draft NPPF, but needs to be included) and prevent the demolition of structurally sound buildings, prioritising retention, retrofit, reuse. There must be stronger requirements to consider refurbishment over demolition, and stronger assessments of the

carbon impact of proposed development typologies against reasonable alternatives (including mid-rise buildings). There is support for requirement to “Use design approaches which conserve energy and other resources” and “Take advantage of opportunities to re-use existing structures and materials” (CC2) but the status quo allows developers to decide on development type and footprint, and only then seek to reduce impact within that footprint. There must be an initial requirement to test energy efficiency / climate impact against alternatives. This is essential to truly uphold the overarching aim of sustainable development. There needs to be a corresponding negative requirement that development will be refused where it fails to “take advantage of opportunities to re-use existing structures and materials”.

#### **Climate change: CC2 – Mitigation of climate change:**

The status quo allows developers to decide on development type and footprint, and only then seek to reduce impact within that footprint. There must be an initial requirement to test energy efficiency / climate impact against alternatives. This is essential to truly uphold the overarching aim of sustainable development. There needs to be a corresponding negative requirement that development will be refused (or at least given substantial negative weighting) where it fails to “take advantage of opportunities to re-use existing structures and materials”. This must be backed up by a more robust and clearly defined regime of providing evidence and framework against which that evidence must be tested.

#### **Environment N2 – Improving the natural environment:**

Support the proposed policies, however they should go further: there needs to be a corresponding negative requirement against developments that actively harm important habitats and species. There also needs to be a clear distinction between overarching environmental mitigation (under the mitigation hierarchy) and biodiversity net gain: an unfortunate consequence of the latter is that developers increasingly use BNG metrics to measure broader environmental value and impact. However, BNG metrics describe themselves as inappropriate for that task, and only a crude system that should be limited to the BNG regime only. Developers are gaming the system and understate negative impacts and overstate the value of proposed mitigation.

#### **Heritage HE5 – Assessing effects on heritage assets & HE6 – Proposals affecting designated heritage assets**

*“Substantial harm would occur where the development proposal would serious affect a key element of the asset’s significance”* – we note this echoes NPPG wording. The sector has acknowledged a potential tension between this wording and the seemingly higher bar set under case law. In practice, developers seek to set the bar for substantial heritage harm very high. This opportunity should be used to clarify the threshold to be relatively lower.

The need to weigh the harm against “public benefits” should be clarified so that (1) the delivery of private housing is not considered a public benefit and (2) public benefits required as part of compliance with other policies is not in itself sufficient to meet this further test – clearly an additional level of public benefit is required. Developers increasingly use benefits below policy

compliance levels (including delivery of private housing, even where it does not meet size mix requirements) to justify heritage harm.

**Community engagement DM1 – Preparing development proposals:**

Strong support for the requirement for “early engagement with neighbours and the local community” – but this is simply a reiteration of the status quo, where in fact there is no weight given to early engagement. More detail is required to make this measurable and meaningful. Policy must ensure early engagement actually provides potential for substantive change to an application, and is not simply a tick-box exercise, or only superficial changes. In practice we see a deep unwillingness for developers to alter proposals, and a carelessness about this from many planning authorities. The legitimacy of the entire process is thereby undermined. There is also a risk that the limitations on development plans under PM6 will undermine this requirement, by limiting the ability of local plans (and potentially other LPA documents, such as Statements of Community Involvement) to prescribed specific additional consultation requirements.

Please reconsider these proposals

Yours sincerely

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