

Members' Briefing Note

National Planning Policy Framework (August 2026): what has changed, and what it means for the Broadclyst Neighbourhood Plan

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Prepared by Angie Hurren, Clerk to Broadclyst Parish Council

For Planning Committee Members

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1. Purpose of this note

The Government published a new National Planning Policy Framework in August 2026. It replaces the December 2024 version entirely.

This is the largest rewrite of national planning policy since the Framework was first introduced in 2012. The document has been restructured from beginning to end, the way applications are judged has changed, and the rules about what a neighbourhood plan is allowed to contain have tightened considerably.

This note explains the changes in plain terms, sets out where the Broadclyst Neighbourhood Plan (NP) stands, and recommends what the Council should do next. Appendix 1 is a first-pass review of every NP policy against the new Framework. Appendix 2 is a navigation table for the policies we use most, and Appendix 3 sets out a paragraph-by-paragraph comparison with the December 2024 Framework, which has been checked against the published text of both documents.

2. Summary for Members

Six things matter most:

a. Policies now have codes, not paragraph numbers. Every policy is separately numbered and labelled: PM (plan-making), DM (decision-making), and then thematic codes such as HO (housing), TR (transport), N (natural environment), HE (historic environment). Our representations will need to change accordingly.

b. The old “presumption in favour” (paragraph 11) has gone. It is replaced by a system that turns on whether a site is inside or outside a settlement boundary. Inside a settlement, development should be approved unless the benefits are *substantially outweighed* by adverse effects. Outside, only listed categories of development are acceptable in principle; however, that list is longer than it looks.

c. Our Neighbourhood Plan still carries weight, but not all of it. Any NP policy that is *materially inconsistent* with the new national decision-making policies is now to be given **very limited weight** by East Devon District Council. Several of our policies are affected. Two in particular, the 21 dwellings-per-hectare density approach and the 10% biodiversity net gain requirement in Policy NE5, seem to be the most at risk.

d. The five-year protection for our NP runs to July 2028 but that is not guaranteed. Where a proposal for housing conflicts with a neighbourhood plan, the new policy S6 says the harm is *likely* to outweigh the benefits, but only if the plan was made within the last five years **and** contains allocations to meet its identified housing requirement. Our plan was made in July 2023, so the first element is satisfied until July 2028. The second element is arguable and is discussed at section 6 below.

e. Design policy has been strengthened, and that helps us. Applications must now be refused if they conflict with explicit design standards in the development plan, and *substantial weight* is given to compliance with local design policies. The Broadclyst Parish Design Code becomes a much more powerful tool than it was.

f. The NP review must now be prepared against this new Framework. Because council has not yet submitted a revised plan, and will not do so until the new Local Plan is made, the August 2026 Framework now governs the review. This changes what the review needs to do; it is likely to make the plan shorter, not longer.

3. What has changed structurally

The Framework is now organised into two streams that run through every chapter:

- **Plan-making policies (PM1–PM17 and the thematic equivalents).** These apply to the preparation of development plans, including neighbourhood plans. They must **not** be used to decide planning applications.
- **National decision-making policies (DM1–DM10 and the thematic equivalents).** These apply to determining applications.

Six Appendixes now form part of national policy in their own right: Implementation (A), Glossary (B), Information requirements (C), Housing calculations and supply (D), Green Belt assessments (E) and Flood risk (F). The housing need formula, which used to sit in Planning Practice Guidance, is now inside the Framework at Appendix D.

A legal point worth Members understanding. The new “national decision-making policies” are *not* statutory national development management policies of the kind Parliament provided for in the Levelling-up and Regeneration Act 2023. The Framework describes them as a material consideration (paragraph 3). The development plan therefore retains its statutory primacy under section 38(6) of the Planning and Compulsory Purchase Act 2004. However, Appendix A achieves much of the same practical effect by reducing the weight given to inconsistent local and neighbourhood plan policies.

Timing. The decision-making policies are a material consideration from the day of publication, so they apply to every application East Devon determines from now on, including applications already submitted. For plan-making, the Framework applied from **17 August 2026**.

4. The new presumption: inside and outside settlements

This is the most significant change for our parish. S3 (Presumption in favour of sustainable development) directs proposals to S4 within settlements and S5 outside settlements.

The interactive map on the EDDC website includes our settlement boundaries:

<https://eastdevon.gov.uk/planning/planning-policy/local-plan-2013-2031/>

The emerging plan also includes a Westclyst boundary :

<https://eastdevon.gov.uk/planning/planning-policy/emerging-local-plan-2020-2042/second-regulation-19-local-plan-consultation-nov-2025-to-jan-2026/>

For Broadclyst, the Neighbourhood Plan also includes a Broadclyst Built Up Area Boundary.

Within settlements (policy S4): development should be approved unless the benefits would be *substantially outweighed* by adverse effects. The Framework gives examples of when that bar is met, including substantial harm to land allocated or safeguarded for another use, harm to Local Green Space or protected recreational land, and failure to comply with any policy that requires refusal.

Outside settlements (policy S5): only certain categories should be approved. They include agriculture and forestry; outdoor sport and recreation; engineering operations and infrastructure (transport, energy, water, telecommunications); rural businesses where a countryside location is necessary; reuse, extension or replacement of existing buildings; redevelopment of previously developed land; **limited infilling within groups of houses**; rural exception sites; development on allocated land; housing near a “well-connected station” (see section 7); and development addressing an **evidenced unmet need**, including housing where the authority cannot demonstrate a five-year land supply or scores below 75% on the Housing Delivery Test.

What Members should take from this: the phrase “substantially outweighed” is a high bar. It is not the old planning balance. To resist an application we now need to point to a specific national policy that requires refusal, or to an adverse effect serious enough to clear that bar. The policies that require refusal in defined circumstances are:

- **DP3(3)** conflict with design principles or with explicit design standards in the development plan
- **TR6(4)** severe adverse impact on the transport network (including cumulative impacts) or unacceptable impact on highway safety
- **L3(4)** failure to make efficient use of land
- **F6(1)(a)** and **F7(2)** incompatible use in a flood risk area, or development that is not safe from flooding
- **N2(2)** significant harm to biodiversity that cannot be avoided, mitigated or compensated

- **N6** harm to internationally, nationally or locally designated sites, and loss of irreplaceable habitats
- **HE6(5)** substantial harm to, or total loss of, a designated heritage asset
- **N4(2)** major development in a Protected Landscape
- **HC5** hot food takeaways near schools

Representations should be framed around these where the evidence supports it, rather than around general objection.

One consequence that works in developers' favour locally. The glossary now defines a "settlement" to include land which is allocated or has permission for development and which will form part of the built-up area once complete. Land within the Cranbrook Plan CB2 (Bluehayes) allocation therefore falls to be treated as *within a settlement*, so policy S4 applies, not S5. That reinforces the position Members are already familiar with in the recent application at Broadclyst Station: council cannot object to the principle of residential development within CB2. Its role remains to secure policy compliance, infrastructure delivery and proper mitigation.

Two things that have disappeared.

Members should be aware that:

- The December 2024 Framework contained an express statement (at its paragraph 12) that where an application conflicts with an up-to-date development plan, expressly including neighbourhood plans, permission "should not usually be granted". **There is no equivalent provision in the new Framework.** The statutory position under section 38(6) is unchanged, so this does not alter the law. But we have lost a useful and frequently cited sentence, and representations that relied on it will need to be reframed around section 38(6) itself.
- The old density policy required decision-makers to take into account "the desirability of maintaining an area's prevailing character and setting (including residential gardens)". That consideration has **gone**. Policy L3(2)(a) now says existing character should be taken into account but "should not preclude development which makes the most of an area's potential". Character-based arguments about density are correspondingly weaker.

5. Where the Neighbourhood Plan now stands

Appendix A of the new Framework sets the rule. Development plan policies that are **materially inconsistent** with the national decision-making policies are to be given **very limited weight**. The only exception is for plans examined and adopted or made against this Framework, which ours was not, having been made in July 2023 against the 2021 Framework.

Appendix A also confirms the converse: our policies must **not** be given reduced weight simply because they pre-date the new Framework. Consistency, not age, is the test.

In practice this means each NP policy has to be assessed individually. Appendix 1 to this note does that. The headline findings:

At serious risk (very limited weight likely):

- **The 21 dwellings-per-hectare density approach** running through the housing chapter and the site allocations. Policy L3 now requires development within settlements to *increase* density, requires development outside settlements to make best use of a site's potential, and requires refusal where a proposal does not make efficient use of land. A cap of 21 dwellings per hectare, set deliberately below the 30 and 40 dwellings per hectare applying at Westclyst and Cranbrook, is in my view materially inconsistent with L3.
- **Policy NE5(d) the 10% biodiversity net gain requirement on all development.** Policy N2(3) states in terms that decision-makers should **not** give weight to development plan policies requiring biodiversity gains that go beyond the statutory framework, *including where a policy requires gains for development that is exempt*. NE5(d) applies to all development subject only to narrow exemptions for extensions and alterations, and adds a woodland canopy cover requirement on top. It is caught. Statutory biodiversity net gain continues to apply; it is the *policy* requirement that loses weight.
- **Policy T3's electric vehicle charging percentages** (20% of public spaces, 50% of staff spaces). Policy PM13 says plan standards should not cover matters already addressed by Building Regulations. EV charging provision now is.

Needing revision, but salvageable:

- **Policy H4 (affordable housing)** the tenure split is drafted around the 2021 Framework and the First Homes Written Ministerial Statement, which the new Framework lists as superseded. The 50% affordable requirement itself is not the problem; the internal breakdown is stale, and the new emphasis is on a minimum proportion of **Social Rent** set through the development plan.
- **Policy H5** cross-refers to East Devon Local Plan Strategy 35 for exception sites. National policy HO10 now sets its own exception site rules (adjoining or well-related to a settlement, no more than one hectare or 5% of the settlement, market housing only where essential to deliver the affordable units). The interaction needs checking.
- **Policy NE6 (Local Green Spaces)** the designations stand. Policy HC8 now says proposals affecting Local Green Space are determined consistently with Green Belt decision policy (excluding the grey belt and previously developed land provisions), which preserves the "very special circumstances" test. The policy wording largely

restates national policy, which is a problem for the review (see section 8) but not for its weight today.

Strengthened by the new Framework:

- **Policy D1 and the Broadclyst Parish Design Code.** Policy DP3(3) requires refusal where a proposal conflicts, without clear justification, with explicit design standards in the development plan, and gives *substantial weight* to compliance with local design policies. This is the single biggest gain for the Council in the new Framework.
- **Policies CF1 and CF2 (community and sports facilities).** Policy HC4 gives *substantial weight* to the benefits of new or improved community facilities and to development making a demonstrable contribution to health and social interaction. Policy HC7 protects existing recreational land, and HC3(3) requires conditions or obligations to secure facilities so that they are available when the development, or an agreed proportion of it, is first occupied.
- **Policies T1, T2 and T4 (walking, cycling and rights of way).** Policy TR8 requires proposals to protect and enhance public rights of way and to take opportunities to link and improve routes. This supports our long-standing case on the Cranbrook–Exeter route and on safe pedestrian and cycle connections generally.
- **Policy DH1 and heritage generally.** Policy HE6 now gives *substantial weight* to the conservation of designated heritage assets (previously “great weight”), and states that any harm is a matter of considerable importance and weight. Substantial harm to a Grade II* registered park or garden such as Killerton must be “wholly exceptional”. The graded “less than substantial harm” language has gone; assessments must now identify whether the effect is positive, neutral, harmful or a total loss.

6. Does policy S6 protect us?

Policy S6 is the successor to the old neighbourhood plan protection. It says that for housing proposals, the adverse effects are likely to substantially outweigh the benefits where the proposal conflicts with a neighbourhood plan, **provided** that:

- the plan became part of the development plan five years or less before the decision date; **and**
- the plan contains allocations to meet its **identified housing requirement**, cross-referring to policy HO2.

The first element is satisfied until July 2028.

One change here is in our favour. Under the December 2024 Framework, the equivalent protection (its paragraph 14) applied only “in situations where the presumption at

paragraph 11d applies”, that is, only where the plan policies were out of date or the authority could not demonstrate a five-year supply. Policy S6 contains no such gateway. It applies to any housing proposal that conflicts with a qualifying neighbourhood plan. The old provision also required the plan to contain “policies **and** allocations”; S6 requires allocations only.

However, the second element is less certain and Members should not assume it. Policy HO2(5) contemplates the *local planning authority* setting a housing requirement figure for a designated neighbourhood area through the local plan. Our allocations of 44 dwellings across H1, H2 and H3 were derived from our own 2017 Housing Needs Survey and the site selection process, not from a requirement figure set by East Devon. A decision-maker could read “its identified housing requirement” as the figure the plan itself identifies, in which case we satisfy the second element; or as a figure set under HO2(5), in which case we may not.

I would advise pitching this as a point in our favour where relevant, but not overstating it, and not relying on it as the primary basis for an objection.

I asked East Devon if it will, or intends to, set a housing requirement figure for the Broadclyst neighbourhood area through the emerging Local Plan. That would put the point beyond argument on review. It also cuts the other way in that a figure set by the District could be higher than 44, so Members should consider this with open eyes. EDDC has responded to clarify that “The housing need in the Neighbourhood Plan is given full weight as it’s up to date; however, as the district does not have a 5-year land supply, decisions will need to weigh up the conflict with the up to date NP and the benefits of housing.”

7. Two live local issues that need checking

a. “Well-connected stations.” The new Framework introduces a category of land where residential development is acceptable in principle even outside settlements: land within *reasonable walking distance* (around 800 metres) of a *well-connected station*, physically well-related to the station or its settlement, of a scale the infrastructure can take, and not prejudicing comprehensive development. Policy L3 then requires at least 35 dwellings per hectare on such land, and at least 45 where service frequency is double the qualifying threshold.

A “well-connected station” is defined as one within a top-80 Travel to Work Area by Gross Value Added, served throughout the daytime on a normal weekday by at least four trains per hour overall, **or at least two trains per hour in any one direction.**

This needs establishing on the evidence for Cranbrook, Whimble and Pinhoe stations. If any of them qualifies, then land within roughly 800 metres (which in Cranbrook’s case may extend into open countryside within or adjoining our parish) becomes *acceptable in*

principle for housing at a minimum of 35 dwellings per hectare. That would be a material change to the development pressure on the parish, and it would also confirm the point made at section 5 about our 21 dwellings-per-hectare approach.

Recommendation: that the Council obtains the timetable evidence and the Travel to Work Area data.

b. East Devon's housing land supply position. The adopted East Devon Local Plan runs to 2031 but was adopted in 2016. Under Appendix D, where the development plan housing requirement is more than five years old, five-year supply is assessed against **local housing need calculated by the standard method**, rather than against the adopted plan figure. The standard method itself is unchanged in substance from December 2024 (0.8% of dwelling stock, with an affordability adjustment of 0.95 for each 1% the ratio exceeds five, no cap), but it has been moved into the Framework at Appendix D.

If/as/when East Devon cannot demonstrate a five-year supply, policy S5(1)(j) treats that as evidenced unmet need, which makes housing outside settlements acceptable in principle wherever the site is physically well-related to an existing settlement and of a scale the infrastructure can accommodate. Members should expect more countryside applications on this basis, and should expect them to be harder to resist than they were.

8. What this means for the Neighbourhood Plan review

Appendix A(6) is clear: neighbourhood plans submitted to the local planning authority under Regulation 15 on or before the date of publication continue under the December 2024 Framework. **Any plan not yet submitted must comply with the new Framework.** Our review falls into the second category.

Three requirements will shape the review:

a. No duplication of national policy. Policy PM6(1)(c) states that plans should not include policies which duplicate, substantively restate or are inconsistent with the content of national decision-making policies. Policy PM17(2) confirms that the basic conditions examination will test this. This is a significant change of approach. A number of our policies, including parts of NE1 to NE6, DC3 and DC4, set out matters that national policy now covers directly. They will need to be deleted or rewritten to say only what is genuinely local.

The practical consequence is that the revised plan will be **substantially shorter**. Members should be prepared for that. A shorter plan is not a weaker plan; under the new system it is a more defensible one.

b. A narrower but sharper role. Policy PM5 says neighbourhood plans should allocate land to meet the development needs of their area where appropriate, and set policies

addressing particular local issues such as site-specific matters, or, where appropriate, infrastructure, community facilities, regeneration, design requirements including design codes, local environmental improvements, and conservation of local heritage assets. PM5(2) adds that a neighbourhood plan must not result in less development than other parts of the development plan provide for.

Design codes are singled out. Given the strengthened effect of DP3(3), the strongest thing the review can do is bring the Broadclyst Parish Design Code into the plan as a formal design code, with clear, explicit and measurable standards.

c. Standards must be justified and must not duplicate Building Regulations. Policy PM13 restricts quantitative standards on infrastructure, affordable housing, parking, density and design. Standards may not cover matters already in Building Regulations except for accessibility (M4(2)/M4(3)), water efficiency, and energy efficiency where there is a clear and robustly costed rationale. Our EV charging and storage requirements will need to be revisited on this basis.

There are also two practical requirements Members should be aware of because they carry a resource implication: plans must make use of the online tools and templates published by the Secretary of State, and must be published in a **searchable digital format** complying with defined data standards.

On biodiversity specifically: policy N1(2) permits local biodiversity net gain standards above the statutory requirement **only** for specific site allocations, only where fully justified and deliverable, and never for categories of development exempt from statutory net gain. This changes the approach we took to Policy CF1 earlier this year. CF1 is a site allocation, so an above-statutory requirement remains possible there; however, it must be fully justified and demonstrably deliverable, and the drafting must not extend to exempt development. Policy NE5(d), which applies parish-wide, cannot be retained in its present form.

9. Recommended actions

1. **Note the changes** and agree that representations from this point onwards will cite the new policy codes.
2. **Instruct the Clerk to complete the policy-by-policy review** at Appendix 1 into a formal working document for the NP review programme.
3. **Obtain the evidence on “well-connected stations”** for Cranbrook, Whimble and Pinhoe stations timetable data and Travel to Work Area rankings, and report back.
4. **Write to East Devon District Council** asking (a) which version of the Framework the emerging Local Plan is being prepared under, and (b) whether it intends to set a housing requirement figure for the Broadclyst neighbourhood area under policy HO2(5). (B has been done)

5. **Re-scope the NP review** on the basis that the revised plan will be shorter, will not restate national policy, and will lead on design coding, site allocations and locally specific matters.
6. **Revisit the CF1 biodiversity amendments** in light of policies N1(2) and N2(3), and prepare a replacement for NE5(d).
7. **Take no action on live applications** on the assumption that existing NP policies carry full weight. Each policy relied on should be checked against Appendix 1 before it is cited.

This concludes my report.

Angie Hurren, Broadclyst Clerk & RFO.

Appendix 1: First-pass review of Neighbourhood Plan policies

Key:

Red — materially inconsistent, very limited weight likely.

Amber — needs revision or checking.

Green — consistent, and in several cases strengthened.

NP policy	Relevant new policy	Assessment	Action
CF1 Community Sports Hub	HC1, HC4, N1(2)	Amber: allocation and community benefit strongly supported by HC4; the biodiversity net gain amendment needs re-testing against N1(2)	Revisit BNG wording; retain allocation
CF2 New and enhanced facilities	HC3, HC4, HC7	Green: supported and strengthened	Check for restatement of national policy on review
D1 High Quality Design	DP3, DP1(1)(c)	Green: substantially strengthened by DP3(3)	Elevate Design Code into plan as a formal design code
DH1 Historic Character	HE5, HE6, HE9	Green	Minor consistency check
DH2 Conservation Area buildings	HE6, HE9	Amber: largely restates national policy	Rewrite to local specifics only
DH3 Historic Restoration	HE4, HE7	Green	Retain
DC1 Energy Efficient New Buildings	PM13(1)(b)(iii), CC2	Amber: supportive wording rather than a standard, so probably survives	Confirm no implied standard
DC2 Energy Efficiency of Existing Buildings	CC2(2)	Green: CC2(2) gives substantial weight to energy efficiency improvements	Retain
DC3 Sustainable Drainage	F8	Amber: F8 now covers this directly	Rewrite to local specifics or delete

NP policy	Relevant new policy	Assessment	Action
DC4 Residential Storage	PM13(2), DP3	Amber: external storage design is defensible; anything touching internal layout is not	Rewrite as design requirement
DC5 District Heating	CC2(1)(e), W2	Green	Retain
DC6 Community Led Renewable Energy	W3(1)(c)	Green W3 gives substantial weight to community-led schemes	Retain
EC1 Beare Farm / EC2 Winter Gardens	E1, E2, E4, S5(1)(c)–(d)	Green: allocations remain effective	Retain
EW1 Work Hubs	E4, HO7	Green	Retain
ET1–ET3 Tourism / holiday / camping	E4, S5(1)(b)	Green	Retain
H1 Blackhorse Gardens	S4/S5, L3	Amber: allocation stands; storey and unit limits need testing against L3	Review numbers
H2 Broadclyst Station	S4/S5, L3, HO8	Amber: allocation stands; 24 dwellings at low density is vulnerable to L3	Review density
H3 Heathfield	S4/S5, L3	Amber: as above	Review density
H4 Social and Affordable Housing	HO5, HO8	Amber: 50% requirement defensible; tenure breakdown is stale	Redraft around Social Rent minimum
H5 New Housing in the Parish	HO10, S5, HO7	Amber: cross-reference to Strategy 35 needs checking against HO10	Redraft
H6 Self-Build	HO5(1)(c)(iii)	Green	Retain
H7 Live-Work Units	E4, HO7	Green	Retain
21 dwellings per hectare density approach	L3(2), L3(4)	Red: materially inconsistent	Remove or wholly rejustify
T1 New pedestrian and	TR4, TR8	Green: strengthened	Retain

NP policy	Relevant new policy	Assessment	Action
cycle routes			
T2 Cycle bridge over railway	TR1(1)(d), TR8	Green	Retain
T3 Parking Provision	TR2, PM13(1)(b)	Red in part: EV charging percentages caught by PM13	Redraft
T4 Active Travel Infrastructure	TR4, TR8	Green: strengthened	Retain
T5 Low Carbon Travel	CC2(1)(a), TR4	Amber: overlaps national policy	Rewrite to local specifics
NE1 Protecting Woodland	N2(1)(d), N6(2)	Amber: partly restates national policy	Rewrite
NE2 Green Corridors	N1(1)(b), N2(1)(c)	Green: locally specific, retain	Retain
NE3 Tree Replacement	N3	Amber: N3 now covers trees directly	Rewrite to local specifics
NE4 Hedgerows	N2(1)(d)	Amber	Rewrite to local specifics
NE5(d) 10% biodiversity net gain	N2(3), N1(2)	Red: N2(3) directs decision-makers not to give it weight	Replace
NE5(a)–(c),(e) Landscape	N1, N2(1)(a)	Green: landscape character content is locally specific and defensible	Retain
NE6 Local Green Spaces	HC2, HC8	Green on designations; amber on wording	Retain designations; trim wording
NE7 Flood Management	F7, F8	Amber: largely restates national policy	Rewrite to local specifics

Appendix 2: Navigation table — old paragraph numbers to new policy codes

Paragraph numbers below are those of the December 2024 Framework and are given so that Members and officers can find the successor policy quickly. They should no longer be cited in representations.

Topic	Dec 2024	Aug 2026
Presumption in favour of sustainable development	11	S3, with S4 (inside settlements) and S5 (outside)
Conflict with an up-to-date development plan	12	<i>No equivalent</i>
Role of neighbourhood plans	13	PM5
Neighbourhood plan protection for housing proposals	14	S6
Neighbourhood plan basic conditions and examination	38	PM17
Information required with an application	45	DM1, DM2, Appendix C
Weight to emerging plans	49	DM4(1)
Prematurity	50–51	DM4(2)–(3)
Development orders	52–53	DM9
Article 4 directions	54	DM10
Planning conditions	55, 57	DM6(1)–(3)
Planning obligations	56, 58	DM6(4)
Viability	59	DM5
Enforcement and intentional unauthorised development	60	DM8
Assessing housing need / standard method	61–62	HO1, Appendix D
Size, type and tenure; affordable housing	63–68	HO5 (plans), HO8 (decisions)
Housing requirement figures for neighbourhood areas	69–70	HO2(5)
Mixed tenure sites	71	HO5(1)(d)
Rural exception sites	76	HO10
Large scale development	77	HO4
Five year supply, buffers, Housing	78	Appendix D

Topic	Dec 2024	Aug 2026
Delivery Test		
Rural housing and isolated homes	83	S5, HO11
Economy and rural business	85–88	E1–E4
Town centres	89–95	TC1–TC4
Healthy and safe communities	96	HC1
Hot food takeaways	97	HC5
Community facilities and services	98–101	HC1, HC3, HC4, HC6
Open space, sport and recreation	103–104	HC1(1)(d), HC3(2), HC7
Public rights of way	105	TR8
Local Green Space	106–108	HC2 (designation), HC8 (decisions)
Sustainable transport	109–118	TR1–TR6
Communications infrastructure	119–123	CO1–CO2
Effective use of land and density	124–130	L1, L2, L3
Design	131–140	DP1–DP4
Green Belt and the Golden Rules	142–159	GB1–GB8, Appendix E
Climate change	161–164	CC1–CC3
Renewable and low carbon energy	165–169	W1–W3
Flood risk	170–182	F1–F8, Appendix F
Coastal change	183–185	F3, F9, N5
Natural environment and Protected Landscapes	187–191	N1, N2, N4, N5
Biodiversity, habitats and designated sites	192–195	N6
Ground conditions and pollution	196–199	P2, P3
Historic environment	202–221	HE1–HE10
Minerals	222 onwards	M1–M6
Implementation and transitional arrangements	Appendix 1	Appendix A
Glossary	Appendix 2	Appendix B
Flood risk vulnerability classification	Appendix 3	Appendix F

Appendix 3: Changes of substance, checked against the December 2024 text

The following are changes in wording that alter, or may alter, the outcome of a decision. They are the ones most likely to affect our representations.

Heritage: the test has been rewritten. The December 2024 Framework gave “great weight” to the conservation of a designated heritage asset (paragraph 212); policy HE6(1) now gives **substantial weight**. The requirement that any harm to a designated asset “should require clear and convincing justification” (paragraph 213) has **gone**; HE6(3) instead provides that any harm is “a matter of considerable importance and weight”. The graded categories of “substantial” and “less than substantial” harm have been replaced by a four-way classification at HE5(2):

- positive effect,
- no effect,
- harm (with substantial harm defined as seriously affecting a key element of significance),
- or total loss.

Assessments must now state which applies, and HE5(4) requires the decision-maker to be satisfied that the assessment is accurate. For Killerton, the protection for Grade II* registered parks and gardens is carried across unchanged: substantial harm or total loss should be wholly exceptional.

Density: the duty to refuse is now unconditional. The old paragraph 130(c) required refusal of applications failing to make efficient use of land, but only “where there is an existing or anticipated shortage of land for meeting identified housing needs”. Policy L3(4) contains no such precondition. Combined with the new minimum densities near well-connected stations and the loss of the “prevailing character” consideration, this is a material tightening.

Viability: tighter, and in our favour. The old paragraph 59 left it to the applicant to demonstrate that circumstances justified a viability assessment at application stage. Policy DM5(2) now sets out the specific circumstances in which one may be justified: a materially different development type, materially different site characteristics, demonstrable costs not taken into account at plan stage, or significantly changed site or economic circumstances (with “changed significantly” defined as a recession or similar). DM5(4) requires the assessment to refer back to and explain any departure from the plan-stage viability evidence, and to be made publicly available. This is useful where affordable housing is proposed below policy.

Conditions: two new prohibitions. DM6(2) provides that conditions should not be used to require payments of money, or to require that land is formally given up to another party

such as highways to the highway authority. Requests of that kind must now be made through a planning obligation. This should be reflected in how the Council frames its asks.

Planning obligations: the statutory tests are no longer restated. The three tests at the old paragraph 58 (necessary; directly related; fairly and reasonably related in scale and kind) do not appear in DM6. They remain law under regulation 122 of the Community Infrastructure Levy Regulations 2010, which is where they should now be cited from.

Hot food takeaways: “walking distance” now has a figure. The old paragraph 97 referred simply to “walking distance” of schools; HC5 uses “reasonable walking distance”, which the glossary fixes at around 400 metres or five minutes’ walk for this policy.

Housing land supply: the deferred buffer is now live. The 20% decision-making buffer for authorities with a recently adopted requirement examined against an earlier Framework and set at 80% or less of standard method need was expressed in December 2024 to apply “from 1 July 2026”. It now appears at Appendix D(9)(c) without that qualification.

Biodiversity: a genuinely new provision. The December 2024 Framework said nothing about the weight to be given to plan policies requiring biodiversity gains above the statutory minimum. Policy N2(3) now directs decision-makers not to give weight to such policies except where they relate to specific site allocations, and expressly not where a policy applies to development exempt from statutory net gain. This provision has no predecessor, which is why Policy NE5(d) was unobjectionable when the plan was made and is not now.
