

The background of the slide features a silhouette of construction workers on a building site. The workers are positioned on a structure with vertical rebar, set against a dramatic sky at sunset or sunrise, with warm orange and yellow light on the right side and a darker blue on the left. The overall scene conveys a sense of active development and industry.

HOW NATIONAL DEVELOPMENT MANAGEMENT POLICIES CAN BOOST ECONOMIC GROWTH

CHRIS KATKOWSKI CBE KC

WITH PUBLIC FIRST INTRODUCTION

 PUBLICFIRST



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ABOUT PUBLIC FIRST

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INTRODUCTION BY PUBLIC FIRST

The Chancellor has described economic growth as “the number one mission of [the] Government.”¹ She has made clear that planning reform is one of the key ways growth will be achieved, to allow homes and infrastructure to be built at the scale and pace required by the wider economy.

While a number of positive changes have already been made to the planning system by the Government, for example, the revised National Planning Policy Framework (NPPF), and more are scheduled to be made, for example, measures in the Planning and Infrastructure Bill, the truth is the Government needs to go further if it is to achieve its growth ambitions, particularly by using its existing powers more effectively. Reforms that unlock development over the next few years are especially important.

In this regard, the first iteration of National Development Management Policies (NDMPs) is an opportunity for Ministers. They were legislated for by the previous administration and will be a set of policies that set clear national rules on certain areas of development. Ministers must now decide what those rules should be.

It is the contention of this report that the first NDMPs should be explicitly pro-growth. They provide the Government a golden chance to cut through the ever-growing thicket of planning policies that, while generally well-intentioned, have cumulatively made it much too hard and complex to build desperately needed new homes and workplaces. The creation of NDMPs will also reduce the number of policies that local authorities need to make in their local plans, freeing them up to spend more time on issues that are specific to their area.



1 [The Rt Hon Rachel Reeves MP, speech, Chancellor vows to go further and faster to kickstart economic growth, 29 January 2025](#)



This report, written by the leading planning barrister Christopher Katkowski CBE KC, therefore puts forward four proposals for pro-growth NDMPs to:



Unlock more development near commuter transport hubs, allowing more people to live closer to their job, family and friends.



Increase the supply of small sites, helping to reverse the well-documented decline of SME housebuilders.²



Allow more brownfield regeneration schemes, complementing the reforms already made by the Government to Green Belt and Grey Belt.



Tilt the scales in favour of the permitting of new homes more generally.

Each proposed NDMP can be dialled up or down according to Ministers' ambitions, and optionality is provided in this report to that end.



WHAT IS A NATIONAL DEVELOPMENT MANAGEMENT POLICY?

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A national development management policy (NDMP) is a planning policy which the Secretary of State (HCLG) designates by direction as an NDMP.³ In simple terms, an NDMP is any planning policy the Secretary of State decides to call an NDMP.

So, in other words, if the Secretary of State wanted to do so, she could designate the National Planning Policy Framework (NPPF) or a streamlined version of it, in whole or in part, an NDMP. Thus, by way of example, the by now well-understood passages in the NPPF which concern the protection of heritage could be left where they are, perhaps in a cut-back version of the Framework, or if it was thought beneficial to give them greater status they could be lifted, with or without editing, into a NDMP.

Alternatively, or in addition, and of fundamental importance, the Secretary of State could publish bespoke, new, pro-growth planning policies which she could designate as NDMP.

The only statutory limitations are that in preparing an NDMP the Secretary of State must have regard to the need to mitigate, and adapt to, climate change⁴ and, with limited exceptions⁵, there must be prior public consultation.⁶

In contrast to revising the NPPF,⁷ it would appear to be the case that NDMPs would need to be the subject of strategic environmental assessment (SEA).⁸ Avoiding what might be seen as the time-consuming process of an SEA could be argued to favour simply revising the NPPF instead of introducing NDMP. However, **local plans have been subject to SEA requirements for decades and so there are tried and tested methodologies for carrying out such assessments.**

In short, the process involved in designating NDMP, and subsequently designating revised NDMP, is straightforward. There is no requirement for Parliamentary approval.

3 Section 38ZA(1) of the Planning and Compulsory Purchase Act 2004 as inserted by section 94 of the Levelling-up and Regeneration Act 2023, brought into force on 31.1.2024.

4 Section 38ZA(3)

5 Section 38ZA(5)

6 Section 38ZA(4)

7 See Friends of the Earth Limited v Secretary of State for HCLG [2019] EWHC 518 (Admin)

8 Pursuant to the Environmental Assessment of Plans and Programmes Regulations 2004

WHAT'S THE MAGIC IN DESIGNATING NATIONAL PLANNING POLICY AS NDMP?

Currently, a decision on a planning application must be made in accordance with the development plan for the area in question, unless material considerations indicate otherwise.⁹ The important point is that, at the moment, the NPPF only has the legal status of a material consideration and so does not take the benefit of the statutory presumption in favour of the development plan.

All this would change, and radically so, were there to be an NDMP, because:

- A** The NDMP would be put on the same statutory footing as the development plan so that planning decisions would have to be made in accordance with both the development plan and NDMP, meaning that national planning policy would no longer simply be a material consideration;
- B** The only way of going against the development plan and NDMP would be where material considerations “strongly” indicate otherwise, making it much more difficult to face down national planning policy;
- C** And here’s the rub; in a case of conflict between the development plan and NDMP, the conflict must be resolved in favour of the NDMP, **meaning that national planning policy will trump a development plan policy which is inconsistent with it.**¹⁰

⁹ Section 38(6) of the PCPA 2004

¹⁰ See section 93 of the LuRA 2023 (not in force as at the date of writing) which will add variously section 38(5A), (5B), (5C) to the PCPA 2004, and Schedule 6 paragraphs 1, 3 of the 2023 Act (also not in force as at the date of writing).





WHAT'S THE MAGIC IN DESIGNATING NATIONAL PLANNING POLICY AS NDMP?

Simply revising the NPPF and/or the Government's online Planning Practice Guidance¹¹ as the means of trying to put a pro-growth agenda in place would miss the opportunity to back the Government's agenda with by far and away the most effective means available to it to do so.

It seems hard to believe that a set of pro-growth NDMPs - which by law would prevail over inconsistent development plan policies and which in turn could only be departed from where there is, in effect, a strong reason for doing so - could do anything other than drive substantial changes in approach on the part of planning decision-makers whether local councils or planning inspectors.

NDMPs provide the clearest possible way of signalling that the Government means business in terms of its pro-growth agenda.

¹¹ Which is also just a material consideration, albeit of equal status to the NPPF. Mead Realisations Limited v Secretary of State for HCLG [2025] EWCA Civ 32



HOW IS THIS ALL MEANT TO WORK?

NDMPs originated as a means of simplifying the role of development plans, allowing them to focus on allocating sites for development and designating areas where development should be limited, or not developed at all, rather than setting out reams of development management policies.¹² A typical development plan will contain a large number of planning policies, which add complexity to both the preparation of the plan and, importantly, to the task of trying to get planning permission for a proposed development. It would make a great deal of sense for development management policies on commonly encountered issues to be set out in one place, and definitively so, in NDMPs, rather than every development plan dealing with these issues with wording which varies from plan to plan. It surely isn't sensible for every development plan to have a go at re-inventing the policy wheel.

Setting development management policies nationally in NDMPs, which prevail over inconsistent development plan policies, would give the Government a powerful means by which to deliver its pro-growth agenda.

12 MHCLG, Planning White Paper, 4 August 2020

HOW TO WRITE A PRO-GROWTH NDMP

The rest of this paper will give four examples of how pro-growth NDMPs could be written. Two are examples of bespoke new policies, while two are examples of how to streamline policies currently set out in the NPPF.

Key to success is to write in simple and clear terms, so as to leave no room for different “interpretations” to be put forward. Given that the meaning and effect of a policy is a matter of law, and thus ultimately for the courts to pronounce upon, there is a huge premium on writing in black-and-white terms as any grey areas provide opportunities for misinterpretation.

Nor is there any need to hedge every policy with ifs, buts and maybes – the statute allows for exceptions to be made where material considerations strongly indicate they should be. Thus, if, for example, national policies concerning design were left in a revamped version of the NPPF (that is, rather than being put, perhaps in an edited form, in a NDMP) they would continue to constitute a material consideration.





COMMUTER TRANSPORT HUBS

The Government wishes to encourage building homes near commuter transport hubs.¹³ An NDMP, written as below, would help to deliver the Government's aims:



"PLANNING APPLICATIONS WHICH COMPRISE OR INCLUDE HOMES ON BROWNFIELD LAND, WHERE THE CLOSEST BOUNDARY OF THE SITE IS 800 METRES OR LESS FROM A TRAIN STATION FROM WHICH A TOWN OR CITY CENTRE CAN BE REACHED IN NO MORE THAN 30 MINUTES' TRAIN TRAVELLING TIME ARE TO BE APPROVED."

¹³ Statement issued jointly by the Chancellor and the Secretary of State 26th January 2025

OPTIONS:

- The policy says “comprise or include homes” in order to include mixed-use schemes within its remit. It could say instead, for example, *“which comprise homes or include at least half of the proposed floorspace (GIA) in a mixed-use development as homes”*.
- The policy confines itself to “brownfield land”, but it needn’t do so, as it might be thought that the locational requirement (within a specified distance of a commuter train station) provides sufficient control. To deliver a simpler policy, one would delete *“on brownfield land”*.
- The policy sets the locational criterion to “the closest boundary of the site”, but this could be reworded to say instead, for example, *“where at least half of the area of the site on which homes are proposed is 800 metres or less”*.
- The policy refers to 800 metres which is used as a proxy for about a 10-minute walk. This could be increased or decreased. For example, 1200 metres is about a 15 minute walk, and 400 metres about 5 minutes.
- The policy refers to a 30 minute commute from station to town or city centre. This could refer instead, for example, to *“no more than 45 minutes”*.
- The policy is a simple “are to be approved”. If one wanted to tone this down, one could say after these words, for example, *“unless the proposal would cause [significant] [substantial] [severe] harm.”*

IMPACT:

The impact of an NDMP written in this way, whether with or without one or other of the optional edits, would be to create an extremely straightforward way to ensure that planning applications at or near to commuter transport hubs would be approved. Given the statutory status of NDMPs (as discussed earlier), writing an NDMP in this way would trump any conflicting development plan policies which might stand in the way of delivering the Government’s desired outcome.



SMALL SITES

If one wished to encourage bringing forward small sites for residential development, the definition of “major development” in the NPPF could be used as a jumping-off point. It states: that “Major development: For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.” Accordingly, an NDMP that helped to release more small sites could be:



“PLANNING APPLICATIONS FOR HOMES ON A BROWNFIELD SITE OF LESS THAN 0.5 HECTARES ARE TO BE APPROVED.”

OPTIONS:

- The site size could be increased or reduced, or could simply be *“on a site of 0.5 hectares or less”*.
- Instead of a site size, the policy could refer to the number of homes, for example, *“Planning applications for between 1 and 9 homes...”* or *“...for 10 homes or less...”* The number of homes could be increased or decreased.
- The policy confines itself to brownfield land; it could be extended to include, for example, *“or Grey Belt land”*.
- The policy is a simple *“are to be approved”*. If one wanted to tone this down, one could say after these words, for example, *“unless the proposal would cause [significant] [substantial] [severe] harm.”*

IMPACT:

The impact of an NDMP written in this way, whether with or without one or other of the optional edits, would be to create a clear and simple path for smaller housing sites to be approved. Given the statutory status of NDMPs (as discussed earlier) writing an NDMP in this way would prevail over any conflicting development plan policies.



BROWNFIELD LAND

While it has made positive reforms to Green Belt policy especially, with the introduction of 'Grey Belt' to the planning system, the Government remains committed to a brownfield first approach to housebuilding.¹⁴ A general encouragement of development on brownfield land could easily be achieved by lifting the relevant part of paragraph 125 c) of the NPPF and making it an NDMP:



"PLANNING APPLICATIONS USING SUITABLE BROWNFIELD LAND WITHIN SETTLEMENTS FOR HOMES AND/OR OTHER IDENTIFIED NEEDS SHOULD BE APPROVED UNLESS, SUBSTANTIAL HARM WOULD BE CAUSED."

¹⁴ [MHCLG, Thousands of new homes to be built as government unlocks brownfield sites, 15 October 2024](#)

OPTIONS:

- The policy is a straight lift from the NPPF, save for “and” being changed for clarity to “and/or”. It presupposes that the development in question is to meet an identified need. It could be liberalised so as to read, for example, “*for homes and/or commercial development.*”
- The policy says “should be approved”, whereas “are to be approved” might be clearer.
- The policy contains an exception where “substantial harm would be caused”. This could either be deleted (that is, delete “unless substantial harm would be caused”) or the exception could be more limited by referring instead to “*severe harm*”.
- The policy would cover **estate regeneration schemes**, as they are by definition brownfield.

IMPACT:

As this NDMP is taken from the NPPF, its impact, whether with or without one or other of the optional edits, would elevate the status of this national planning policy by virtue of the statutory status of NDMPs (as discussed earlier), so as to overcome any conflicting development plan policies. The net effect would be to give far greater clout to the Government’s objective to facilitate the redevelopment of brownfield land.¹⁵

15 The analysis in section 4 of the London Plan Review Report of Expert Advisers 15th January 2024, which recommended that a brownfield land presumption should be introduced into the London Plan, explains the positive effect of making presumptions like this more than just a material consideration.



PRESUMPTIONS

The presumption in favour of sustainable development has been an important feature of the NPPF since its inception in 2012. Its wording has been revised since then, most recently in December 2024. The presumption has played a pivotal role in increasing the supply of permissions since first introduced and could play an even more pronounced role in NDMPs.

Currently the “presumption in favour of sustainable development” in paragraph 11 of the NPPF reads:

“For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date [footnote 8] , granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance [footnote 7] provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination [footnote 9] .

Footnote 7: The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 189) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.

Footnote 8: This includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or 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. See also paragraph 227.

Footnote 9 :The policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12.”

A punchier, more overtly pro-growth NDMP could read, for example:

“Planning applications, which comprise or include homes, are to be approved unless either (a) a policy in the NDMP or other national planning policy which restricts the development of the site provides a strong reason for refusing the development proposed, or (b) any harm which the proposed development would cause would significantly and demonstrably outweigh its benefits.”

OPTIONS:

- The policy concerns planning applications for homes and mixed-use schemes which include homes. It could be limited to applications for homes only, in which case one would delete “which comprise or include homes” and say instead “for homes”.
- Alternatively, the policy could be extended to cover other uses, for example, by inserting “or commercial uses” after “homes”.
- Unlike the current presumption, the policy does not limit itself to circumstances in which there is a housing land supply or delivery shortfall. If one wanted to limit it, then after “homes” the policy could say, for example, “where there is a housing land supply or delivery shortfall [see footnote X]”, and “footnote [x]” would be worded in a similar fashion to Footnote 8 in the NPPF (see above), amended as necessary depending on whether the paragraphs in the NPPF which are referred to are incorporated elsewhere in NDMP and/or, for example, if it was thought that the Housing Delivery Test delivery threshold should be “less than 100%”, rather than the current “less than 75%”. If the policy brings in uses other than homes, it could say, for example, “or other identified needs”.
- Exception (a) in the policy is a streamlined version of the current NPPF paragraph 11 d) i. and footnote 7. The drafting assumes there would be some Government planning policies which are given the elevated status of NDMP, and others that would remain in the NPPF without that status, for example, if parts of the NPPF were reworded as NDMP, but the rest of it was left as a re-worked NPPF. The wording of the policy would need to reflect whatever the final structure becomes.
- If one wanted to make exception (a) more elaborate, then one would utilise a suitably amended version of the current footnote 7.
- Exception (b) in the policy is a streamlined version of the current NPPF paragraph 11 d) ii. and footnote 9 (the “tilted balance”), and seeks to focus in a straightforward manner on whether any harm would significantly and demonstrably outweigh the benefits. If one wanted to make it more elaborate then one would utilise more of the current wording in the NPPF.
- The tilt in the wording “significantly and demonstrably outweigh” is now long-established. If one wanted a more pro-growth tilt one could change the wording so as to read, for example, “[unless] any harm which the development would cause would strongly outweigh its benefits.”

IMPACT

The simplified, more focused approach in this NDMP, even with one or other of the optional edits, would create a more straightforward and powerful way to ensure that planning applications for homes – or whatever form of development the Government wishes to encourage – are permitted. Again, by virtue of the statutory status of NDMPs (as discussed earlier), expressing the presumption in this way in an NDMP would prevail over conflicting development plan policies and should make the presumption markedly more effective.





OTHER PARTS OF THE NPPF

The NPPF runs to 83 pages. Large parts of it concern what development plan policies should deal with and cater for. Apart from the presumption in paragraph 11 d), there is remarkably little in the Framework which one could legitimately characterise as pro-growth. In several instances, seemingly encouraging statements are then heavily caveated. One certainly couldn't simply re-name the NPPF the "National Pro-growth Policy Framework".

In other words, save for instances like those discussed above, there are few other passages in the NPPF which could be converted into pro-growth NDMPs, and it might well be thought better to start with a clear idea of what the desired outcome is and write a bespoke NDMP to suit. For example, writing a bespoke NDMP could simplify the process of obtaining planning permission to build homes at or near to commuter transport hubs.

CONCLUSION

The most straightforward way to take the full benefit of the statutory status of NDMPs to facilitate a pro-growth agenda would be to utilise a combination of:

- A** Bespoke policies which, as unreservedly as considered appropriate, back certain types of development – see the examples set out earlier with regards commuter transport hubs, small sites, brownfield land, and
- B** A focussed presumption in favour of development – see the example set out above.

In each case, options are set out to show how the policy could be wider or narrower in scope. The draft policies mainly concern facilitating the grant of planning permission for new homes, but could easily be worded to cover other types of development as well.









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