

SOUTH EAST LINCOLNSHIRE JOINT STRATEGIC PLANNING COMMITTEE (THE JOINT COMMITTEE)

Report of the Joint Policy Unit Manager

To: Joint Committee - 9 September 2011

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Subject: Consultation on the draft National Planning Policy Framework

Purpose: To outline the contents of the draft National Planning Policy Framework, and to invite the Joint Committee to make responses to the consultation exercise

Recommendations:

It is recommended that:

- a) the contents of this report are noted; and
- b) the Joint Committee responds as set out throughout the body of the report.

1.0 INTRODUCTION

- 1.1 In December 2010, the Government announced its intention to create a National Planning Policy Framework (NPPF). The NPPF was intended to be shorter and less bureaucratic than the previous framework. On 25th July 2011, a draft NPPF was published for consultation, and responses are invited by 17th October 2011. The draft Framework can be seen at the following address - <http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951811.pdf>
- 1.2 This report seeks to summarise the provisions of the draft NPPF, draw out the main changes from the previous framework that are of potential relevance to the Joint Committee's work, and suggest what response the Joint Committee might make to the consultation exercise. Recommended responses are set out throughout the report and are *highlighted thus*.

2.0 THE CONTENT OF THE DRAFT NATIONAL PLANNING POLICY FRAMEWORK

- 2.1 **Overall** - The draft NPPF runs to 58 pages, and consequently is far shorter than the 47 existing documents that it is intended to replace (which together amount to more than 1,000 pages). The documents that are to be replaced are:
 - 12 Planning Policy Statements, dating between 2004 and 2010;
 - 9 Planning Policy Guidance Notes, dating between 1990 and 2011;
 - 2 Minerals Policy Statements, dating between 2005 and 2006;
 - 7 Minerals Planning Guidance, dating between 1991 and 2000;
 - 2 Circulars, dating between 2005 and 2008; and
 - 15 letters to Chief Planning Officers, dating between 1999 and 2011.
- 2.2 *Recommended response 1 – Given the fragmented, complex and lengthy nature of the existing national planning framework, the principle of consolidating policy statements, guidance and circulars into a single, shorter document is supported.*

- 2.3 **Delivering sustainable development** - The draft NPPF begins by setting out a very strong presumption in favour of sustainable development, i.e. that development should be approved unless its adverse impacts “would significantly and demonstrably outweigh the benefits”. It also indicates that where a Local Plan is “absent, silent, indeterminate” or out-of-date, planning permission should be granted.
- 2.4 *Recommended response 2 – Whilst the desire to promote development is supported, the way the presumption in favour of sustainable development is expressed is a cause for concern, i.e. it leans too far towards a universal approval. Furthermore, the expectation that development should be approved if a Local Plan has no relevant provisions will inevitably encourage the production of Plans that seek to include policies to cover all eventualities, i.e. longer Plans that will take more time and more resources to produce.*
- 2.5 **Plan-making** - The draft NPPF envisages the production of a single Local Plan for each local authority area, in place of a Local Development Framework (a suite of documents). It does not proscribe the production of additional, supplementary development documents, but makes it clear that they should be unnecessary in most cases. Additionally, the draft NPPF indicates that “only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan”.
- 2.6 *Recommended response 3 - This reverses many of the provisions of the Planning and Compulsory Purchase Act 2004 in respect of plan-production. Given that Local Development Frameworks have not always been understood by the public and have proved slow to produce, these changes are welcome.*
- 2.7 In more detail, the draft NPPF envisages that Local Plans should:
- Set out strategic priorities for housing, economic and commercial development, infrastructure, community infrastructure, climate change, and the natural and historic environment;
 - operate on a 15 year time horizon;
 - indicate broad locations for strategic development on a key diagram, and land-use designations on a proposals map;
 - allocate sites for development, and identify areas where development should be controlled;
 - be in conformity with the NPPF; and
 - reflect a collective, community vision for the area.
- 2.8 Local Plans should be based upon adequate, up-to-date and relevant economic, social and environmental evidence. Strategic Housing Market Assessments, Strategic Housing Land Availability Assessments, Strategic Flood Risk Assessments, and retail and employment studies will remain key parts of the evidence base to underpin Local Plans.
- 2.9 The cumulative impacts of nationally required standards and local requirements (e.g. affordable housing or infrastructure contributions) upon development viability must be assessed. Community Infrastructure Levy charges should be worked up and tested alongside the Local Plan.
- 2.10 A Local Plan will be examined by an independent Inspector, who will assess whether it has been prepared in accordance with the Duty to Cooperate (to deal with cross-boundary issues) and legal and procedural requirements, and whether it is sound. As well as existing tests of soundness (consistency with national policy, effectiveness, and appropriateness), the draft NPPF also

requires that Plans should be 'positively prepared', i.e. that they should seek to meet objectively assessed development and infrastructure requirements.

- 2.11 *Recommended response 4 – The Duty to Cooperate and the requirement to be 'positively prepared' are intended to alleviate concerns that, without a 'higher level' policy context, neighbouring Local Plans might be inadequately coordinated or that some local authorities might decide not to address e.g. local housing needs. However, these provisions do not go far enough to credibly plug the gaps left by the abolition of Regional Spatial Strategies. Other measures will be required to ensure that strategic issues such as infrastructure, economic development and residential development will be managed in a co-ordinated way and properly addressed through the planning system.*
- 2.12 Parishes and neighbourhood forums can also set planning policies for the development and use of land, through the production of Neighbourhood Plans. A Neighbourhood Plan must be assessed by an independent examiner before it can go to a local referendum. The draft NPPF envisages that Neighbourhood Plans will have to conform to the strategic policies of the Local Plan, but at the same time it indicates that the policies of a Neighbourhood Plan will "take precedence over existing policies in the Local Plan, where they are in conflict".
- 2.13 *Recommended response 5 – The statements that Neighbourhood Plans must conform to the Local Plan's strategies but that their policies may take precedence are potentially contradictory, and would benefit from clarification.*
- 2.14 **Development management** - The draft NPPF confirms that the planning system will remain 'plan-led', but requires local planning authorities to apply a strong presumption in favour of sustainable development. It also introduces Neighbourhood Development and Community Right to Build Orders which allow neighbourhoods and communities to specify classes of development which will not require further planning permission from local planning authorities.
- 2.15 **Planning for prosperity** - The draft NPPF sets out a greatly condensed summary of current national policy for developments concerned with:
- business;
 - retail and leisure;
 - the rural economy;
 - transport;
 - communications infrastructure; and
 - minerals.
- 2.16 In most respects, the thrust of the new draft Framework is not greatly different from previous advice, but there is one significant change - office uses are no longer subject to the 'sequential approach'. Under current national policy, before an office use would be permitted in a location away from a town centre, it would first be necessary to demonstrate that there were no more central sites that would be available and suitable to accommodate the development. The draft NPPF removes office uses from this requirement, although it continues to apply to retail and leisure uses.
- 2.17 *Recommended response 6 – Offices are part of the mix of uses that creates vital and viable town centres, and the proposed removal of offices from the list of 'town centre uses' is therefore opposed.*

- 2.18 **Planning for people** – The draft NPPF sets out a greatly condensed summary of current national policy concerned with:
- housing;
 - design
 - sustainable communities; and
 - green belt.
- 2.19 In most respects, the thrust of the new draft Framework is not greatly different from previous advice, but there are a number of noteworthy changes within the proposed housing policies. The draft NPPF maintains the current obligation for local authorities to identify sufficient deliverable housing land to meet 5-years' housing requirements. However, it also requires that an additional allowance of at least 20% should be provided to ensure choice and competition in the market for land. It also rules out the inclusion of an allowance for windfall sites, unless there is compelling evidence of genuine local circumstances that prevent specific sites being identified.
- 2.20 *Recommended response 7 – These changes are intended to ensure that there will be no shortfalls in the supply of land required to meet local housing needs, and are welcome.*
- 2.21 In addition, the draft NPPF indicates that:
- housing density is to be a local matter; and
 - in rural areas, local planning authorities should consider allowing some market housing to facilitate the delivery of additional affordable housing to meet local needs – i.e. a relaxation of the current approach to 'exception' sites.
- 2.22 *Recommended response 8 – These provisions will allow more flexibility to respond to local circumstances, and are welcome.*
- 2.23 **Planning for places** - The draft NPPF sets out a greatly condensed summary of current national policy concerned with:
- climate change, flooding and coastal change;
 - natural environment; and
 - historic environment.
- 2.24 The only noteworthy change relates to a change to the flood risk 'exception test', which currently expresses a preference for previously developed land over 'greenfield' land. This preference no longer appears in the draft NPPF 'exception test', nor indeed anywhere else in the NPPF.
- 2.25 *Recommended response 9 - The omission of a 'brownfield' preference is regrettable, as it will reduce the likelihood that vacant, central sites can be brought back into beneficial use.*

3.0 VIEWS OF THE HEAD OF PLANNING AND STRATEGY, BOSTON BOROUGH COUNCIL AND THE PLANNING MANAGER, BRECKLAND COUNCIL AND SOUTH HOLLAND DISTRICT COUNCIL

- 3.1 The Head of Planning and Strategy for Boston Borough Council has indicated support for the report, conclusions and recommendation.
- 3.2 The Planning Manager and Monitoring Officer for Breckland Council and South Holland District Council have been consulted and have offered no views.
- 3.3 The Strategic Planning Manager, Monitoring Officer and s151 Officer for Lincolnshire County Council have been consulted and have offered no views.

4.0 REASONS FOR RECOMMENDATIONS

- 4.1 The reasons are set out with the recommended responses.

5.0 IMPLICATIONS

- 5.1 **Risk** – Because the South-East Lincolnshire Local Plan will have to conform with the provisions of the National Planning Policy Framework there is a risk that the Joint Committee’s ability to pursue locally appropriate policies could be constrained by the content of the NPPF.
- 5.2 **Financial** – The NPPF envisages a simplified plan-making regime, which should result in financial savings.
- 5.3 **Legal** – The South-East Lincolnshire Local Plan will have to be in conformity with the NPPF.
- 5.4 **Equality and Diversity** – This is a matter which will have been addressed by the Department for Communities and Local Government in producing the draft NPPF.

6.0 WARDS/COMMUNITIES AFFECTED

- 6.1 The provisions of the NPPF will affect all wards/communities.

Background papers: None

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Appendices attached to this report: None