

**Report of:** Joint Policy Unit Manager

**To:** Joint Committee – 27 April 2012

**(Author:** Chris Holliday, Deputy Manager of Joint Policy Unit)

**Subject:** Publication of the National Planning Policy Framework (NPPF)

**Purpose:** To outline the contents of the draft Policy Framework

**Recommendation:**

**To note the report and issues arising from the NPPF.**

**1. INTRODUCTION**

1.1 On March 27<sup>th</sup> the Government published the National Planning Policy Framework. Members will recall a report brought to this Committee in September 2011 when the draft NPPF was issued for consultation. The publication marks the ascendancy of the Framework to national policy status.

**2. REPORT**

2.1 The NPPF runs to approximately 50 pages, and consequently is far shorter than the 47 existing documents and 1000 or so pages of policy that it replaces.

2.2 On the whole the replacement of all previous documents with one Planning Framework is welcomed and the essence and intent of previous policy expectations seem to have been incorporated. It is widely reported that the main detractors from the proposals in the consultation draft (who anticipated a pro economic growth stance at the expense of wider environmental concerns) are generally satisfied that safeguards are now provided.

2.3 The pivotal expectation of the NPPF is that there will be a presumption in favour of sustainable development. Whereas the consultation draft of the NPPF seemed to put undue emphasis on economic gain being an overriding measure of sustainable development, the published Framework stresses that in delivering sustainable development the planning system must balance economic delivery with social and environmental priorities.

2.4 The NPPF reemphasizes that in planning law the Development Plan (e.g. our existing Local Plans and forthcoming policy documents) take the lead role and that applications must be determined in accordance with these plans unless material considerations (i.e. new factors not considered to be significant when the policy plans were approved) indicate otherwise. In this respect Local Planning Authorities will need to ensure that adopted policy is properly reflective of the principles of sustainable development.

2.5 Another particular point of emphasis with regard to sustainable development is the expectation that local circumstances and local community needs and ambitions set the context for what sustainable development means for the plan area. In this respect, as we are building our forthcoming Strategy and Policies

Planning Document up from our Sustainability Appraisal, we will have good evidence that the SEL Local Plan properly reflects the spirit and purpose of the NPPF.

- 2.6 On plan-making itself, the NPPF sets Local Planning Authorities a target to revise existing policies (that do not have general conformity with the NPPF) or replace them with a new Local Plan within 12 months. The plan-making legislation is still governed by the 2004 Planning and Compulsory Purchase Act. Again, the approach we are taking with the SEL Local Plan seems both timely and reflective of changes to the planning system.
- 2.7 In more detail, the NPPF envisages that Local Plans should:
- reflect a collective, community vision for the area;
  - 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; and
  - be in conformity with the NPPF.
- 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.
- 2.11 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 NPPF envisages that Neighbourhood Plans will have to conform to the strategic policies of the Local Plan.

### **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 Planning Manager, Breckland and South Holland District Councils has stated that 'the publication of the National Planning Policy Framework (NPPF) is welcomed by South Holland District Council. The timely release of the final NPPF now provides the certainty against which to advance the South East Lincolnshire Local Plan. The Council notes paragraphs 150-185 of the NPPF on Plan-Making and observes that the content relating to plan preparation

remains largely similar to that put forward in the draft document last summer. A number of changes have been incorporated in the NPPF (definition of sustainability; priority for re-use of brownfield sites; and recognition of the intrinsic value of the countryside) and these should be welcomed both by plan-makers and planning decision-takers. In particular, the transitional 12-month window available to prepare an NPPF-compliant Local Plan means that it is imperative that the Joint Committee oversees the preparation of a succinct and focussed Local Plan document. The document must ensure that the policies and proposals are viable and deliverable including consideration of taking forward a Community Infrastructure Levy (CIL) as part of the delivery strategy. The expedient preparation of a clear Local Plan document, containing strategic sites, will ensure that appropriate controls are in place in a timely manner for Local Planning Authorities to manage development across South East Lincolnshire.'

#### **4.0 VIEWS OF OTHER CONSULTTEES**

- 4.1 The Monitoring Officer representative for Boston Borough Council and Lincolnshire County Council has indicated that she has no comments to make.
- 4.2 The s151 Officer for Breckland and South Holland District Councils has indicated that he has no comments to make.

#### **5.0 REASONS FOR RECOMMENDATIONS**

- 5.1 This is a report for information purposes only

#### **6.0 IMPLICATIONS**

- 5.1 **Risk** – The timetable for providing amended planning policy in general conformity with the NPPF is relatively short (given the statutory requirements and need to provide a sound well-evidenced plan that is proven to fulfil proper community engagement). Our timetable is challenging given that SEL is a new strategic policy planning area. It is therefore vital that timely plan preparation and decision making is adhered to.
- 5.2 **Financial** – The NPPF envisages a simplified plan-making regime, which should result in financial savings. The joint approach being taken by both Boston Borough and South Holland District Councils is similarly focussed on making the best use of resources.
- 5.3 **Legal** – The South East Lincolnshire Local Plan will have to be in conformity with the NPPF.
- 5.4 **Equality and Diversity** – The Local Plan will need to demonstrate that it conforms to the expectation of the legislation.

#### **6.0 Wards/Communities Affected**

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

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**Appendices attached to this report:**

None