

BRECKLAND COUNCIL

Report of Executive Member – Assets and Strategic Development

To: Overview and Scrutiny Commission

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Subject: Draft National Planning Policy Framework

Purpose: To advise Members of the contents of the Draft National Planning Policy Framework and to obtain the input of the Council's Overview and Scrutiny Commission in formulating the Council's response to this Government consultation.

Recommendation(s):

It is recommended that the Overview and Scrutiny Commission provide their views on the draft National Planning Policy Framework to the Executive Member for Assets and Strategic Development to supplement the proposed Officer response provided at Appendix A.

1. INTRODUCTION

1.1 Background

- 1.1.1 In December 2010, the Government announced its intention to create a National Planning Policy Framework (NPPF). The NPPF is intended to be a shorter and less bureaucratic document than the existing volumes of Planning Policy Statements, guidance Notes and associated Circulars. Both Scotland and Wales have a single national planning policy document which in both cases has been augmented by companion documents setting out further technical detail.
- 1.1.2 The Government published the draft National Planning Policy Framework (NPPF) on 25 July 2011 and it is presently subject to a 12 week consultation which closes on the 17th October 2011. The draft NPPF is a succinct document at 58 pages and has previously been circulated on the agenda for this Commission meeting. In addition to the draft NPPF the Government has produced a Regulatory Impact Assessment on the document and has also recently produced a draft NPPF "myth-buster" in response to the considerable national debate which the document has generated.
- 1.1.3 The draft NPPF is part of the Government's wider Localism agenda and must be seen in the context of the emerging Localism Bill which is programmed to be enacted in the forthcoming Parliamentary session. The Government has been unambiguous that local communities should be encouraged through Local and Neighbourhood Plans to take a proactive approach to managing development in their areas and that there should be incentives for those local authorities and communities who accommodate additional development.
- 1.1.4 This report seeks to summarise the content of the draft NPPF. Appendix A draws out the main issues relevant to Breckland and provides the starting

point of a Breckland Council response using the Government's response form.

1.2 Issues

- 1.2.1 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.
- 1.2.2 **Delivering sustainable development.** Members attention is drawn in particular to Paragraph 14 of draft NPPF and the presumption in favour of sustainable development. This is central to the Framework and sets the tone of the draft NPPF. The Government clearly intends for the planning system to pro-actively deliver sustainable development. This is not a "free-for-all" to new development but it does mean placing increased emphasis on the importance of meeting development needs through plans; on the need to approve proposals quickly where they are in line with those plans; and to use the NPPF as the basis for decisions where plans are not an adequate basis for deciding applications.
- 1.2.3 **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 preclude the production of additional development documents, but makes it clear that they should be necessary where there is particular local justification. 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".
- 1.2.4 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.
- 1.2.5 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.
- 1.2.6 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, where practical, be worked up and tested alongside the Local Plan.

- 1.2.7 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.
- 1.2.8 A challenge presented by the draft NPPF is the need for clear strategic thinking at the local and cross-border level. Previously, the regional planning process, despite its criticisms, provided a mechanism for sub-regional planning where cross-boundary issues existed. Going forward the Council will have to consider whether there is a role for the new LEP to coordinate activity or whether the Council wishes to participate in cross-boundary activity with neighbouring authorities (i.e. housing market areas and European sites).
- 1.2.9 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".
- 1.2.10 **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.
- 1.2.11 **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.
- 1.2.12 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.
- 1.2.13 **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.

1.2.14 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.

1.2.15 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.

1.2.16 **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.

1.2.17 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.

1.2 Options

1.2.1 Option A – Members provide their views on the draft National Planning Policy Framework to the Executive Member for Assets and Strategic Development to supplement the proposed Officer response provided at Appendix A

1.2.2 Option B – Members do not provide comment on the draft National Planning Policy Framework.

1.3 Reasons for recommendations

1.3.1 It is recommended that Members endorse Option A above which will allow the views of the Council's Overview and Scrutiny Commission to feed into the Council's response to the Government's consultation draft National Planning Policy Framework. This is an important national consultation which will shape national planning policy and the implementation of the Localism agenda.

2 IMPLICATIONS

2.2 Risk

2.2.1 There are no corporate risks identified as a result of responding to the draft National Planning Policy Framework.

2.3 Financial

2.3.1 This report has no financial implications for the Council.

2.4 Legal

2.4.1 This report has no direct legal implications for the Council.

2.5 Equality and Diversity

2.5.1 This report has no equality or diversity implications.

2.6 **Other** [insert statement as appropriate or delete]

3. Alignment to Council Priorities

3.1 Revisions to National Planning Policy will affect the Council priorities:

4. Wards/Communities Affected

4.1 National Planning Policy affects all Wards in the District through the preparation of local planning policy and the development management process.

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Key Decision

This is not a Key Decision as indicated on the Forward Plan.

Appendices attached to this report:

Appendix A – Proposed Response to the Draft National Planning Policy Framework