

WIRRAL COUNCIL

PLANNING COMMITTEE - 24 APRIL 2012

SUBJECT:	NATIONAL PLANNING POLICY FRAMEWORK
WARD/S AFFECTED:	ALL
REPORT OF:	KEVIN ADDERLEY, DIRECTOR OF REGENERATION, HOUSING & PLANNING
RESPONSIBLE PORTFOLIO HOLDER:	
KEY DECISION? <i>(Defined in paragraph 13.3 of Article 13 'Decision Making' in the Council's Constitution.)</i>	NO

1.0 EXECUTIVE SUMMARY

- 1.1 This report outlines the main headlines of the National Planning Policy Framework (NPPF) issued by the Communities and Local Government Department on March 27th Policy Framework. The NPPF comes into effect immediately and replaces the previous suite of existing national Planning Policy Statements, Planning Policy Guidance Notes and Minerals Planning Statements.

2.0 RECOMMENDATION

- 2.1 That the report be noted. This report was also reported to Cabinet for noting on 12 April 2012.

3.0 REASON FOR RECOMMENDATION

- 3.1 To brief the Planning Committee on the finalised National Planning Policy Framework

4.0 BACKGROUND AND KEY ISSUES

- 4.1 Following consultation in Summer 2011 (Cabinet 22nd September 2011 Minute 124 refers), the Coalition Government has now issued the finalised National Planning Policy Framework (NPPF) which came into effect on the day of publication (27th March 2012). A copy of the new NPPF can be viewed at <http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>
- 4.2 The NPPF replaces those Planning Policy Guidance Notes/Planning Policy Statements and Minerals Planning Guidance Notes and some circulars/advice letters to Chief Planning Officers listed in Annex 3 of the document. It should be emphasised that not all existing guidance has been replaced by the NPPF and the following planning policy guidance remains in force until such time as it is cancelled or replaced:-

- PPS10 Planning for Sustainable Waster Management (pending its replacement by the proposed National Waste Management Plan for England);

- Minerals Planning Guidance Notes 4, 8, 9 and 14 plus national and regional guidance on aggregates provision.

There is a page on the DCLG web site which lists the retained guidance:

<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/policieswasteminerals/>

- 4.3 Separate Technical Guidance has also been issued on flooding and minerals, which can be viewed at <http://www.communities.gov.uk/documents/planningandbuilding/pdf/2115548.pdf>.

It has been subsequently clarified by the Planning Advisory Service that other existing 'practice guidance' which is not listed in Annex 3 of the NPPF (such as that issued with PPS4 on need, impact and the sequential approach), is still extant and can still be used where relevant, although in the case of any conflict, the NPPF takes precedence. DCLG has indicated that all this existing guidance will be reviewed, but there is no timetable for this as yet.

- 4.4 The NPPF sets out the new simplified national policy under the following headings:

Achieving sustainable development

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
5. Supporting high quality communications infrastructure
6. Delivering a wide choice of high quality homes
7. Requiring good design
8. Promoting healthy communities
9. Protecting Green Belt land
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

A list of the main changes from the draft NPPF, as identified by the Government in their Impact Assessment, are set out in Appendix 1.

- 4.5 The **presumption in favour of sustainable development** remains as a "golden thread" running through both plan-making and decision-taking (paragraph 14). Sustainable development is now set in the context of the guiding principles in the UK Sustainable Development Strategy and recognition that sustainable development includes economic, social and environmental dimensions (paragraph 7). There is however, still no concise definition of sustainable development in the document, although pursuing sustainable development is taken to seeking environmental and quality of life improvements, including making it easier to create jobs, achieve net gains for biodiversity, secure better design, improving living conditions and choice of homes (paragraph 9). For plan-making, this is taken to mean that Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:

- 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; or
- specific policies in this Framework indicate development should be restricted

This will also apply to Neighbourhood Plans (paragraph 16).

- 4.6 These exceptions also apply in the case of **decision-taking** when the Development Plan is absent, silent or relevant policies are out of date. Development proposals which accord with the Development Plan should be approved without delay. However, relevant policies - such as those protecting the Green Belt, Sites of Special Scientific Interest, National Parks and other areas - cannot be overridden by the presumption in favour (paragraph 14). The reference in the consultation draft to the default answer to development proposals always being “Yes” has been removed.
- 4.7 Within the Core Planning Principles and Natural Environment sections, clarification is given on ‘encouraging’ the reuse of **previously developed land** (provided that it is not of high environmental value), although there is no reference to the previously expressed priority to develop brownfield land before green field sites. An objective of ‘recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it’ is included (paragraph 17) but this is not repeated within the section on policy and is therefore not one of the operational tests to determine if development is sustainable.
- 4.8 The NPPF retains the objective that the planning system should do all it can to support sustainable **economic growth** (paragraph 19) and plan proactively to meet the development needs of business and support and economy fit for the 21st Century (paragraph 20). However, it also indicates that planning policies should avoid the long-term protection of sites allocated for employment uses where there is no reasonable prospect of a site being used for that purpose (paragraph 22).
- 4.9 The “**town centres first**” approach is retained in the NPPF, along with the requirement to apply the sequential test for site selection in both plan-making and decision-taking and to assess the impact of out of centre proposals not in line with an up-to-date Local Plan. Offices and indoor bowling centres have been added to the list of main town centre uses subject to these controls, in Annex 1 to the NPPF. The main significant change is that impact assessments can only be required if the proposal is greater than 2,500 sqm floorspace unless there is a proportionately locally set threshold in the Local Plan (paragraph 26). The previous policy in PPS4 also allowed for assessments for out-of-centre applications below 2,500 sqm, even when there was no local threshold, where the scheme was likely to have a significant impact on other centres. In advance of the inclusion of a threshold within the Core Strategy there will therefore be little or scope to require impact assessments for retail and leisure applications outside existing centres. In Annex 2 of the NPPF a town centre is defined simply by its inclusion on a Local Plan Proposals Map, including primary and secondary shopping areas. The draft NPPF and previous guidance defined town, district and local centres by the nature of the activity they accommodated and then encouraged their definition on the Proposals Map. One potential interpretation of this change is that centre boundaries will have to be identified on a Proposals Map in order for the “town centre first” approach to

apply and that any simpler notation such as a symbol on a Core Strategy Proposals Map may not be a sufficient basis for future decisions.

- 4.10 In line with previous advice, local planning authorities are encouraged to support a pattern of development that facilitates the use of **sustainable transport** modes “where reasonable to do so” (paragraph 30) but there is still no reference to integration with Local Transport Plans. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are “severe” (paragraph 32).
- 4.11 In relation to **housing**, the requirement to maintain a 5-year housing land supply is less onerous compared with the draft. There is now a requirement to maintain 5 years supply plus an additional 5% brought forward from later in the plan period to allow for choice and competition. The additional 20% requirement would only apply where there is a persistent record of under-delivery (paragraph 47). A “persistent record” has not however been defined and it not stated how or by whom this will be decided. The final NPPF now clarifies that Local planning authorities may make an allowance for windfall sites (excluding residential gardens) in their five year supply, if they have compelling evidence that such sites have consistently become available in the local area and continue to provide a reliable source of supply (paragraph 48). The previous test in PPS3 that schemes that met a shortfall in the 5 year supply should be ‘considered favourably’ has not been carried forward into the NPPF. Aside from their exclusion from windfall considerations, paragraph 53 advises that local planning authorities should consider the case for setting out policies to resist inappropriate development of **residential gardens**, for example where development would cause harm to the local area.
- 4.12 As in the draft, it will be for local planning authorities to set local policies on residential densities, affordable housing and brownfield targets. A housing implementation strategy will need to be prepared alongside the Local Plan, with housing trajectories for both market and affordable housing, to be prepared and updated annually. There is a continuing requirement for **viability assessment** to underpin planning policies with an emphasis on ensuring that delivery is maintained even in difficult economic circumstances. Under the **Duty to Cooperate** there may be a need to meet shortfalls in housing requirements from neighbouring authorities. Local authorities will be expected to demonstrate evidence of having effectively co-operated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination, but there is no policy on how this should be implemented, for example, if agreement is not possible.
- 4.13 Local and neighbourhood plans should develop robust and comprehensive policies that set out the **quality of the development that will be expected** for the area, based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics (paragraph 58), although design policies should avoid unnecessary prescription and detail (paragraph 59).
- 4.14 The NPPF recognises that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities (paragraph 69). Planning policies and decisions should guard against the loss of **valued facilities and services** and ensure that established shops facilities and services are

able to develop and modernize in a way that is sustainable and retained for the benefit of the community (paragraph 70).

- 4.15 In relation to the **Green Belt**, local planning authorities should plan positively to enhance the beneficial use of the Green Belt (paragraph 81). Green belt boundaries should be established in the Local Plan and should only be altered in exceptional circumstances through the preparation or review of the Local Plan (paragraph 83). When considering planning applications, local planning authorities should ensure that “substantial weight” is given to any harm to the Green Belt (paragraph 88).
- 4.16 Local planning authorities should adopt proactive strategies to mitigate and adapt to **climate change**, taking full account of flood risk, coastal change and water supply and demand considerations (paragraph 94).
- 4.17 The NPPF indicates that the planning system should contribute to and enhance the **natural and rural environment** (paragraph 109). Policy on development affecting Sites of Special Scientific Interest, absent in the consultation draft, has now been included in the final version (paragraph 118). References to Local Nature Partnerships have been added throughout the document. In relation to **built heritage**, the provisions of PPS 5 appear to have been largely retained in the finalised NPPF.
- 4.18 Considerable interest has focused on the **transitional provisions**, which are set out in Annex 1 to the NPPF. In brief, they indicate that the policies in the NPPF will apply from the date of publication (paragraph 208); that existing Local Plan policies should not be considered “out-of-date simply because” they were adopted before the NPPF was published (paragraph 211); and that for twelve months from publication, decision makers “may” give weight to policies adopted since 2004, even if there is limited conflict with the NPPF (paragraph 214). In other cases and following the twelve month period, the weight to be given to any existing plan is dependent on their consistency with the NPPF (paragraph 215). Emerging plans can be given weight according to their consistency with the NPPF, the stage of preparation and the existence of any unresolved objections (paragraph 216).
- 4.19 The sections on plan-making and decision-taking are largely unchanged from the consultation draft.
- 4.20 Ultimately the impact of the NPPF will be established through appeal decisions, case law and Development Plan examinations. Use of words like ‘encourage’, for example, in the context of reusing brownfield land, provide scope for a range of interpretations, along with other potential ambiguities, such as the possible differences in meaning between “significant weight” “substantial weight” and “great weight” (all used within the guidance) and the definition of town centre discussed earlier.
- 4.21 In terms of the **immediate impact on Wirral**, future planning decisions will need to be based on Unitary Development Plan adopted in February 2000 (which has not been revoked by the NPPF), the Regional Spatial Strategy issued in September 2008 (until it is revoked by the Secretary of State) and the Interim Planning Policy for New Housing Development (until the Council formally resolves to remove it), alongside the additional requirements of the NPPF, as set out above. Existing policies in the UDP/RSS can be given weight according to their degree of consistency with the NPPF, under the terms of paragraph 215.

4.22 The Core Strategy for Wirral, which will form part of the Council's Local Plan and which will now need to reflect the requirements of the NPPF, will be reported to Cabinet for approval for publication and submission to public examination in July 2012.

5.0 RELEVANT RISKS

5.1 None identified – this report is for information

6.0 OTHER OPTIONS CONSIDERED

6.1 None identified

7.0 CONSULTATION

7.1 The Department for Communities and Local Government undertook consultation on the draft National Planning Policy Framework in 2011 to which the Council responded.

8.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

8.1 There are no implications arising directly out of this report, although the finalised National Planning Policy Framework may have implications for voluntary, community and faith groups which are looking to pursue development proposals.

9.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

9.1 There are no implications for the Council's finances, IT, staffing and assets arising directly out this report.

10.0 LEGAL IMPLICATIONS

10.1 The National Planning Policy Framework has legal status as a formal statement of national planning policy, to which the Council must have regard when framing future planning policies and in taking decisions under the Town and Country Planning Acts. This will also apply to decisions taken by Planning Inspectors at appeal.

11.0 EQUALITIES IMPLICATIONS

11.1 The draft National Planning Policy Framework was been subject to a national level Statutory Equality Duties Impact Test.

12.0 CARBON REDUCTION IMPLICATIONS

12.1 The promotion of carbon reduction is one of the key themes in National Planning Policy Framework.

13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

13.1 National Planning Policy Framework replaces the current suite of Planning Policy Statements (except PPS10 on waste management), most Minerals Policy Guidance/Statements (except MPGs 4, 8, 9 and 14 plus national and regional aggregates advice), older Planning Policy Guidance Notes and a number of Circulars and "Letters to Chief Planning Officers". The main planning implications are set out throughout the main body of this report.

The National Planning Policy Framework refers to the need for crime prevention under the heading of “Requiring good design” (NPPF, page 15, paragraph 58) and “Promoting healthy communities” (NPPF, page 17, paragraph 69).

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REFERENCE MATERIAL

The National Planning Policy Framework and accompanying documents can be viewed at: <http://www.communities.gov.uk/publications/planningandbuilding/nppf>

Appendices

Appendix 1: Changes listed in National Planning Policy Framework Impact assessment

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Cabinet	22nd September 2011

Changes listed in National Planning Policy Framework Impact assessment

- Introduction of presumption in favour of sustainable development.
- Removal of small scale rural office development from 'town centre first' policy.
- For major town centre schemes where full impact will not be realised within 5 years, impacts should also be assessed for a period of up to 10 years.
- Removal of the maximum non-residential car parking standards for major developments
- Removal of national brownfield target for housing development.
- Require local planning authorities to allocate and update annually a 5 year supply of housing sites with at least 5% buffer (moved forward from later in plan period) and 20% buffer (moved forward from later in plan period) where a record of persistent under delivery.
- Removal of national minimum site size threshold for requiring affordable housing to be delivered.
- Increased flexibility for delivery of rural housing to reflect local needs.
- Increased protection for community facilities.
- Minor technical changes to the detail of Green Belt policy.
- Provide more flexibility regarding manner in which local planning authorities meet local requirements for decentralised energy supply.
- Encouragement for local planning authorities to map areas for commercial scale renewable and low carbon energy development opportunity, and then to apply these criteria to other applications.
- Requirement on local planning authorities to take strategic approach in Local Plans to creation, protection, enhancement and management of networks of biodiversity and green infrastructure.
- Recognition of designation within Local Plans of locally designated sites of importance for wildlife, geodiversity or landscape character.
- Clarification of which wildlife sites should have same protection as European sites.
- Removal of requirement to set criteria and select sites for peat extraction.

