

# **BROMSGROVE DISTRICT COUNCIL**

## Draft National Planning Policy Framework

Cabinet

5<sup>th</sup> October 2011

### **Draft National Planning Policy Framework (NPPF)**

Relevant Portfolio Holder	Councillor Kit Taylor
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford
Wards Affected	<b>All</b>
Ward Councillor Consulted	N/A
Non-Key Decision	

#### **1. SUMMARY OF PROPOSALS**

- 1.1 The draft National Planning Policy Framework (NPPF) has been published for consultation; it proposes a simplified planning system with a presumption in favour of sustainable development as its focal point. The purpose of the presumption is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that planning is proactive and creates opportunities to deliver sustainable development, rather than placing barriers in the way.
- 1.2 The NPPF places the onus on Local Planning Authorities to have an up to date and sufficiently detailed local plan to guide all forms of development, otherwise unless the policies in the NPPF apply the default position to development proposals should be "Yes." The following report highlights the key content and issues for the Council contained within the NPPF, and appendix A details the Council's formal response to the consultation.

#### **2. RECOMMENDATIONS**

- 2.1 That the members note the contents of this report and the implications of the Draft National Planning Policy Framework
- 2.2 That appendix A is submitted to the Department for Communities and Local Government (CLG) as Bromsgrove District Council's formal response to the consultation.

#### **3. KEY ISSUES**

##### **Financial Implications**

- 3.1 There are no direct financial implications associated with the recommendations contained within this report, although the ability of the district to benefit fully from development that takes place will be

## **BROMSGROVE DISTRICT COUNCIL**

### Draft National Planning Policy Framework

**Cabinet**

**5<sup>th</sup> October 2011**

affected by the contents of the draft NPPF, the Local Plan the Council prepares in accordance with it, and the Community Infrastructure Levy.

#### **Legal Implications**

- 3.2 Once adopted the NPPF will replace the significant amount of planning guidance that currently exists and deliver a number of the reforms outlined in the Localism Bill although, as with current regime the NPPF will not actually become legally binding and will remain as guidance only. The draft NPPF is already deemed to be a material consideration in determining planning applications, and as such the planning inspectorate have issued guidance to inspectors on how it should be applied. It will be important for Council committees to consider the NPPF when making decisions on all aspects of planning although, whilst the NPPF remains in draft form, the weight that can be associated to it will likely remain limited.

#### **Service / Operational Implications**

- 3.3 The Department for Communities and Local Government (DCLG) published the consultation draft of the National Planning Policy Framework (NPPF), together with its associated consultation document, Impact Assessment and media summary on 25 July 2011. The NPPF is intended to replace the existing series of Planning Policy Statements, Planning Policy Guidance Notes and some planning Circulars into a single consolidated document. The framework has been published in the context of the Localism Bill, which seeks to devolve greater powers to Councils and neighbourhoods and give local communities greater influence over development in their area.
- 3.4 Under the NPPF the planning system against which decisions are made will continue to be plan led. It will consist of national policies (contained within the NPPF), the Local plan for the area and any Neighbourhood plans. It is the responsibility of Local Planning Authorities to prepare and complete Local Plans in accordance with the NPPF. The emerging Core Strategy (or Local Plan as the NPPF suggests it can be called) would need to reflect the requirements of the NPPF. Simply using the existing Local Plan in the long term is unlikely to be acceptable, as it will need to comply with the emerging national guidance. The Council will need to seek a certificate of conformity with the framework; it is not clear at the moment if this only applies to newly produced plans, or if they can be sought for plans produced under difference circumstances. Whilst the draft NPPF is a consultation document and therefore subject to potential amendment, it nevertheless gives a clear indication of the Government's 'direction of travel' for planning. The draft NPPF is therefore capable of being a material consideration in planning decision making, as born out by

# **BROMSGROVE DISTRICT COUNCIL**

## Draft National Planning Policy Framework

**Cabinet**

**5<sup>th</sup> October 2011**

recent inspectors asking for information of how appeals could be affected by the NPPF.

- 3.5 The NPPF is split in 6 main sections titled
- Delivering Sustainable Development
  - Plan Making
  - Development Management
  - Planning for Prosperity
  - Planning for People
  - Planning for Places

The remainder of the report will attempt to summarise the key elements of each section, and also identify the key issues which the council faces as a result of the new policies. Appendix A contains more detailed comments on many issues which once approved will be sent to CLG as the Council's formal response to the consultation.

- 3.6 The most obvious point which is relevant to all sections of the NPPF is the lack of detail. The intention is to simplify the planning system, which is something to be supported although the NPPF contains only 58 pages, not all of which contains actual policy and as stated above it replaces the existing guidance which currently runs to over 1000 pages, with an additional 6000 pages of supporting information. This slimmed down policy document reduces the amount of guidance which will need to be considered in planning work, it could be argued it is slimmed down so far that too much decision making is now left to interpretation of vague policies. Consistency in policy formulation and decision making might be difficult to achieve nationally, and a huge burden is placed on local authorities to introduce considerable amounts of local policies. The document is intended to be interpreted as a whole although due to the way it is structured and the language used there does appear to be some significant contradictions within the document. This is nothing new in planning, and was always the case when comparing PPGs and PPSs which on the face of it were trying to achieve conflicting goals. The concern now is that the inclusion of contradictions within a single document, which is supposed to be read as a whole, again may lead to more confusion and debate rather than the simplified system the government is aiming for.

- 3.7 Delivering Sustainable Communities  
This section of the NPPF sets out the Government's intentions for the planning system along with a set of 10 core planning principles, whilst most of the elements contained in this section are already well established in the existing UK planning system, there is one fundamental change which could have far reaching impacts across the

## **BROMSGROVE DISTRICT COUNCIL**

### Draft National Planning Policy Framework

Cabinet

5<sup>th</sup> October 2011

country. The NPPF introduces a **presumption in favour of sustainable development**, which in itself isn't that radical as the planning system already operates a presumption in favour of development, the key difference is that the NPPF attempts to define specific circumstances whereby this presumption should be applied, it states (NPPF page 4, para 14) that;

*Local planning authorities should plan positively for new development, and approve all individual proposals wherever possible. Local planning authorities should:*

- *prepare Local Plans on the basis that objectively assessed development needs should be met, and with sufficient flexibility to respond to rapid shifts in demand or other economic changes*
- *approve development proposals that accord with statutory plans without delay; and*
- *grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date.*

*All of these policies should apply unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

As can be seen the level of interpretation to be applied to policies in the NPPF is significant, particularly when trying to agree on whether a plan is absent silent or indeterminate or out of date on an issue. In simple terms the NPPF and the presumption in favour of sustainable development places a more positive obligation on local councils to be proactive in identifying and addressing development needs. the council will be required to prepare a plan which allows these needs to be met, and enable development proposals to go ahead unless they would clearly conflict with the key sustainable development principles set out in national policy. This means it is essential that the Council have an up to date plan in place, with sufficient policy coverage as soon as practicably possible, in order to ensure that the presumption in favour of sustainable development isn't used to try and force otherwise unacceptable development through.

- 3.8 The pro growth stance is further backed up throughout the 10 core planning principles and in particular with the following statement (NPPF page 5, para 19) '*Planning should proactively drive and support the development that this country needs. Every effort should be made to identify and meet the housing, business, and other development needs of an area, and respond positively to wider opportunities for growth. Decision-takers at every level should assume that the default answer to development proposals is "yes", except where this would compromise the key sustainable development principles set out in this Framework.*'

# **BROMSGROVE DISTRICT COUNCIL**

## Draft National Planning Policy Framework

Cabinet

5<sup>th</sup> October 2011

### 3.9 Plan-making

Much has been made of the Governments intention to abolish the Regional Spatial Strategies which is again mentioned in the ministerial statement at the beginning of the NPPF. The section on plan making suggests further reforms to the plan making processes and in particular that of Local Development Frameworks (LDF). Whilst it doesn't appear to dismantle the legal apparatus which has been set up to support LDFs, there is no specific references to LDFs or Core Strategies, simply referring to local authorities preparing a Local Plan for their area, that additional development plan documents need to be clearly justified, and supplementary planning documents should only be necessary where their production can help to bring forward sustainable development at an accelerated rate. As part of the Councils formal response it is suggested that more guidance is provided on what is a suitable approach to preparing a local plan and/or other development plan documents, particularly those which are part way through the Core Strategy process, which encouraged the use of other documents rather than one single plan.

3.10 The process of preparing a plan based on evidence is not changed by the NPPF, and this section begins to demonstrate what evidence is likely to be needed for key areas such and housing and business, infrastructure, environmental assessment and delivery and viability. The process of examining plans is also likely to be similar, with only an additional element included within the tests of soundness by which the plans have to be judged against. This addition is significant for Bromsgrove though as it now means that the plan will be judged against the requirements of the localism bill, and the duty to cooperate with neighbouring authorities.

3.11 The NPPF contains specific guidance on planning strategically across local boundaries, inline with the duty to cooperate as mentioned above. Many of the decisions which previously would have been determined at the regional level through the RSS have now been transferred to local planning authorities to determine. This is a big challenge for the Council as many of the decisions that will need to be made could be controversial and on the face of it be directly opposed to the governments localism agenda.

3.12 *'Joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the objectives, principles and policies of this Framework'* (NPPF page 12, para 47).

As can be seen above Councils are expected to be able to demonstrate evidence of successfully cooperating on planning where cross boundary issues are present. The previous conclusions of the

## **BROMSGROVE DISTRICT COUNCIL**

### Draft National Planning Policy Framework

**Cabinet**

**5<sup>th</sup> October 2011**

RSS that Bromsgrove District should provide land for some of the development needs of Redditch is a significant issue for both authorities, and without any resolution it potentially leaves the authorities vulnerable to the presumption in favour of sustainable development.

- 3.13 Within the plan making section, guidance on Neighbourhood plans is introduced (NPPF page 13, paras 49-50):

*Parishes and neighbourhood forums can use neighbourhood plans to:*

- *develop a shared vision for their neighbourhood*
- *set planning policies for the development and use of land; and*
- *give planning permission through Neighbourhood Development Orders and Community Right to Build Orders.*

*This provides a powerful set of tools for local people to ensure that they get the right types of development for their community. However, the ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area.*

Neighbourhood planning can undoubtedly be a powerful tool, but it is very important to reiterate that any neighbourhood plans need to be in conformity with the plan set at the district level, and cannot promote levels of growth below levels identified in that local plan. Throughout the recent consultation on the Draft Core Strategy there was considerable confusion from communities with regards to what neighbourhood planning can achieve. It is envisaged this will be an ongoing issue as the NPPF progresses and one which will need to be handled sensitively in order to manage the expectations of local communities.

- 3.14 Development Management

The Planning Inspectorate has advised that the draft NPPF guidance is 'capable of being a material consideration' in planning decisions and will form part of the planning officers consideration in current and future planning assessments. The actual guidance for Development Management in the NPPF is very limited. In general terms it backs up the position of saying 'yes' to development, and making sure authorities do everything they can to support a smooth and transparent development management process. Of considerable concern is the complete lack of any mention/guidance for planning enforcement.

- 3.15 There are potentially serious implications for Development Management if a local plan is not in place quickly and with sufficient policy coverage. This will leave many difficult decisions at planning committee being made without full local policy advice, and requiring the

# **BROMSGROVE DISTRICT COUNCIL**

## Draft National Planning Policy Framework

Cabinet

5<sup>th</sup> October 2011

fallback position of the NPPF being the determining factor. Refusals at planning committee where there is no Local policy in place could result in an increasing number of appeals being contested, costing the council both financially and in reputation, with no certainty for both developers and residents about what is or isn't suitable development in the district.

### 3.16 Planning for Prosperity

In most respects this chapter streamlines the previous advice of PPS4 'Planning for Sustainable Economic Growth,' with an added emphasis on the importance of increased levels of economic growth across the country. Within this part of the framework many of the existing economic development planning principles remain, such as the need to ensure the vitality and viability of town centres, the importance of different types of centres, and the need to be flexible to the requirements of existing and emerging business sectors. Within this though there appears to be two significant contradictions. The NPPF allows for office development to be located outside of town centres, without having to prove a need for locating in these areas, and a softening for the long term protection of employment land allowing other uses to locate in these areas. Whilst the need for increased flexibility in providing for economic development and jobs is important, it also needs to be balanced against the need to ensure centres remain viable in an increasingly competitive retail/leisure sector. The potential for large offices to locate away from established centres could have major impacts on the numbers of people using these centres, as well as promoting unsustainable travel patterns. In areas such as Bromsgrove where motorway connections are good developers may be tempted to locate new office development on out of centre/ Greenfield sites which take advantage of these links, rather than in the town centre and other established employment areas. This is in direct opposition to what the council is trying to achieve as part of its town centre regeneration program.

### 3.17 Planning for People

The planning for people section of the NPPF contains new guidance on planning for housing. As with the planning for prosperity section much of the guidance remains unchanged, albeit in a much reduced form and with a few notable inclusions and omissions in the new guidance. The stated objective is '*to increase significantly the delivery of new homes.*' The ways in which this is to be achieved appears to be simple, Local authorities must plan to meet the full requirements for affordable and market housing over the period of the plan, and also need to have more sites available as part of a rolling supply of housing, at least 6 years worth rather than the current 5 years.

## **BROMSGROVE DISTRICT COUNCIL**

### Draft National Planning Policy Framework

**Cabinet**

**5<sup>th</sup> October 2011**

- 3.18 One of the most striking aspects of the guidance on housing delivery is the interchangeable way the words need and demand are used throughout the NPPF. In some instances only local needs are suggested as having to be met, whereas in other areas of the NPPF market demand and migration pressures from other areas are identified as needing to be met. It is essential that clarity on this issue is sought as it plays a fundamental role in setting the housing target to be contained in the Local Plan.
- 3.19 The 15-unit minimum site size national threshold requiring affordable housing to be delivered has been removed which gives complete control to planning authorities to set targets. This will allow greater flexibility for the council to seek the optimum solution, although in the short term with a significant amount of the country not having up to date plans overall affordable housing delivery could suffer, as developers take advantage of the presumption in favour of sustainable development and the current market conditions, which make affordable housing difficult to deliver on schemes where financial viability is an issue.
- 3.20 The previous rural exception site policy has been removed. Whilst this will give the council greater flexibility in delivering housing in rural areas, including allowing some market housing, where it would facilitate the provision of affordable housing, it (alongside the presumption in favour of sustainable development) could lead to further pressure on the green belt for additional housing in high value areas.
- 3.21 The NPPF contains a proposal to remove the brownfield target for housing development reflecting the Government desire to move away from a prescriptive designation of brownfield land towards a concept of “developable” land. Although the amount of brownfield land in the district remains low, the removal of the principle of brownfield first could put further pressure on Greenfield sites provided they can be demonstrated as sustainable.
- 3.22 Also within the planning for people section of the NPPF is revised guidance on the green belt, whilst much of the previous green belt policy remains intact, including the ability to change long term boundaries to allow for wider development needs to be met, there are a number of subtle differences. These are (NPPF page 40, para 144):
- the allowance of proportionate extensions to **all** types of buildings in the green belt, current guidance only allows extensions to dwellings,
  - the replacement of **any** building providing it is not materially larger than the one it replaces, current guidance is restricted to the replacement of dwellings only.



## **BROMSGROVE DISTRICT COUNCIL**

### Draft National Planning Policy Framework

**Cabinet**

**5<sup>th</sup> October 2011**

- Infilling or redevelopment of **any** previously developed site, current guidance is restricted to major developed sites.
- 3.23 Whilst the green belt changes highlighted above may have an impact, perhaps the most significant risk to the long term protection of the green belt is how the relationship is viewed between green belt polices and the presumption in favour of sustainable development, and the increased need for housing and economic development, particularly where green belt development proposes significant economic benefits in line with the general stance of the NPPF.
- 3.24 Further limited guidance within the planning for people section focuses on design and sustainable communities, detailed comments on these sections have been included in appendix A.
- 3.25 Planning for places
- The final section of the NPPF 'Planning for Places,' contains guidance on the natural and historic environment. Whilst the general principles outlined in this section are to be supported, there again does remain a concern about the amount of detailed guidance lost, particularly with regard to development and flood risk, and development and the historic environment.
- 3.26 The Historic Environment sections of the NPPF has replaced 14 pages of detailed policies with 2 and half pages of guidance, resulting in the weakening of the protection with whole sections of the previous guidance being deleted. In addition in the document as a whole 'public benefit' is stressed but this is not defined in the context of the historic environment . Previously 'public benefit' meant large infrastructure projects or other large projects such as major regeneration schemes with an obvious overwhelming public benefit. The NPPF would appear to define 'public benefit' as any sustainable economic growth. This may result in the justification of the demolition of heritage assets which previous guidance would protect.
- 3.27 Although it has been stated that the NPPF will replace previous guidance, it is unclear whether the Historic Environment Planning Practice Guide, published in 2010, is also to be replaced or whether it will continue to be used, and if so how much weight should be attached to it.

#### **Customer / Equalities and Diversity Implications**

- 3.28 The Parish Councils in Bromsgrove have been written to making them aware of the NPPF and the consultation period, also a training session has taken place at the Parish Councils forum on the 28<sup>th</sup> September.

# **BROMSGROVE DISTRICT COUNCIL**

## Draft National Planning Policy Framework

**Cabinet**

**5<sup>th</sup> October 2011**

Reaching the non parished areas of the district is more difficult although the forthcoming Together Bromsgrove magazine will make reference to the NPPF.

- 3.29 The consultation response to the core strategy demonstrated considerable opposition to development from all parts of the district, with many references to localism meaning that communities shouldn't have to accommodate new development. Whilst the localism bill does contain more opportunities for communities to get involved in planning at a local level, the provisions of the NPPF are very clear that the governments direction of travel with regards to planning is a system which allows for more development to take place more quickly. This is a difficult message to convey and one which will need to be handled carefully.

#### **4. RISK MANAGEMENT**

- 4.1 The most significant risk is without an up to date and sufficiently detailed plan, development across the district will take place in an ad hoc and unplanned way which could cause resentment from local communities, and undermine the solid planning principles the Council has with the current local plan and is developing in the production of the Core Strategy.

#### **5. APPENDICES**

Appendix A - Draft consultation response on NPPF

#### **6. BACKGROUND PAPERS**

Draft National Planning Policy Framework document

NPPF Consultation Document

NPPF Impact Assessment documents.

#### **AUTHOR OF REPORT**

Name: Mike Dunphy

E Mail: [m.dunphy@bromsgrove.gov.uk](mailto:m.dunphy@bromsgrove.gov.uk)

Tel: 01527 881325