

# RIBBLE VALLEY BOROUGH COUNCIL

## REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: 13 OCTOBER 2011  
title: NATIONAL PLANNING POLICY FRAMEWORK CONSULTATION  
submitted by: CHIEF EXECUTIVE  
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### 1 MATTERS FOR CONSIDERATION

1.1 The response to the government's recent consultation paper on a proposed new national planning framework.

1.2 Relevance to the Council's ambitions and priorities:

- Council Ambitions – to protect and enhance the existing environmental qualities of our area.
- Community Objectives – to strive for the highest quality environment with quality of life for all.
- Corporate Priorities – to finalise our Core Strategy.
- Other Considerations – none.

### 2 BACKGROUND

2.1 In December 2010, the government announced its intention to create a National Planning Policy Framework (NPPF). The NPPF was intended to replace the extensive National Planning Policy Guidance (some 47 existing documents), a variety of circulars, Minerals Planning Guidance and Government letters to Chief Planning Officers. Collectively, this provides essentially through Planning Policy Statement (PPS) and Planning Policy Guidance Notes (PPGs) the central government's policies for local planning authorities to take into account. The new NPPF cuts what amounts to more than 1000 pages of guidance to some 58. It is intended to be shorter, less bureaucratic and to enable more local discretion in policy formulation.

2.2 Copies of the NPPF draft can be viewed at the following website:

[www.communities.gov.uk/documents/planningandbuilding/pdf/195181.pdf](http://www.communities.gov.uk/documents/planningandbuilding/pdf/195181.pdf)

A copy, together with information from the Planning Advisory Service (PAS) and the Planning Inspectorate have also been placed in the Members Room on Level D. Copies of the above information have also been emailed to Members of the Committee for reference.

2.3 The closing date for responses to the consultation is 17 October 2011.

### 3 THE DRAFT NATIONAL PLANNING POLICY FRAMEWORK

3.1 As Members will be aware, the publication of the draft framework has generated widespread national interest with considerable press and media coverage. In some regards, this highlights the importance of the proposed changes to planning policy. However, it is important to bear in mind that whilst there are some changes to the way in which the planning system operates, and implications for much greater local input,

through for example the proposed measures within the Localism Bill, the fundamentals of the planning system will continue. The new framework emphasises further the existing role of a plan led system, continues to require planning applications to be the mechanism of detailed consideration and of course the system continues to operate within a framework prescribed by UK legislation and EU regulation. Given the fragmented, complex and sometimes over prescriptive nature of the existing national planning framework, the principle of consolidating the guidance, policy statements, circulars and so on into a single, shorter document should be generally supported. What is important however, is how the underlying policy approach alters both planning making and development management decisions by apparently removing perceived constraints on development.

3.2 The primary purpose of the NPPF is to achieve sustainable development by delivering three principles:

- Planning for prosperity – this is the use of the planning system to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation. Economic growth is a key component of the new guidance.
- Planning for people – the planning system should be used to promote strong vibrant and healthy communities by providing an increased supply of housing to meet the needs of present and future generations; and by creating a good quality built environment where local services are accessible and reflect the communities needs whilst supporting its health and wellbeing.
- Planning for places – use the planning system to protect and enhance our natural, built and historic environment, to use natural resources prudently and to mitigate and adapt to climate change, including moving to a low-carbon economy.

3.3 There are a number of key changes that underpin the Government's intended approach to planning. The primary purpose of the NPPF is to achieve sustainable development. It should be noted that in terms of the framework, sustainable means not making things worse for future generations, development means economic growth. There is an emphasis on a pro-growth approach throughout. Indeed, the premise of the policy framework is one whereby local planning authorities should plan positively for new development and approve proposals wherever possible. The framework clarifies this presumption insofar as development should be approved unless adverse impacts (where they are identified) 'would significantly and demonstrably outweigh the benefits'. Significantly the framework also promotes that where a local plan is absent, silent, indeterminate or out of date, planning permission should be granted. To a great extent much of the concern raised around the government's policy rallies around what this actually means. Certainly it signals an approach that would clearly favour development proposals in many circumstances. There are two key aspects however that should be considered. Firstly, the guidance still supports the premise that identified needs are at the core of making planning decisions and preparing plans. The shift towards locally determined requirements does not do away with the need for local planning authorities to determine what levels of development are required for the needs of the area. Secondly, the approach as mentioned, continues to rely on a plan led system. The plan making process is a vehicle through which local planning authorities will establish requirements and policy to manage development, thereby avoiding the feared development free for all once plans are in place.

3.4 However, although the plan led system remains, there continues to be a very strong emphasis on enabling development to go ahead. The critical aspect being the so called

default position of saying 'yes' to development, especially where plans are not up to date or in place. A further issue to be aware of is that the framework and the Localism Bill intend to introduce important changes including streamlining the existing system, and a return to single local plans (which many would welcome) as opposed to the collection of documents that is the basis of the current LDF system. What is vital to ensure is that suitable transitional arrangements are in place to enable work currently undertaken to be carried forward and adequate timeframes for the transition to occur. Little regard is given to this in the draft guidance, albeit it would essentially be a matter for separate regulations. The real risk for many authorities will otherwise be a need to redirect plan making, further delays in putting plans in place and inevitably much less local control on development in the interim.

- 3.5 Overall, Members may wish to express a view on the extent to which the pro-growth approach is supported. In general growth will occur in response to natural change, population and business needs for example. Similarly to support the Council's aims of supporting and encouraging a vibrant local economy, development will need to be planned for. The question of course is to what extent and how this is delivered. A concern perhaps is the manner in which the proposed guidance promotes the presumption in favour of sustainable development, in that it may, as drafted, move too far towards an approach of universal approval that is likely to be difficult for local planning authorities to balance.
- 3.6 Whilst retaining an emphasis on a plan-led system, the NPPF will introduce some important changes to plan making. It envisages a single plan approach, with less reliance on additional documents. Given that for many, the existing system of Local Development Frameworks has been nigh-on impossible for the public to understand, is seen as slow to produce and inevitably costly; these proposed changes should be generally welcomed.
- 3.7 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.
- 3.8 Development Management (essentially the process of dealing with planning applications) is given a primary objective of fostering the delivery of sustainable development, not to hinder or prevent development. Although expressed in the guidance as such it is not necessarily a reflective statement on how the system operates. As expressed, the reference sends a strong signal to Local Planning Authorities but does not perhaps indicate sufficient regard to what the planning system has to balance. In part it indicates a presumption that the customer of the system is business and the drivers of economic growth. In fact there also needs to be a reflection of the local communities aspirations as a customer of the system if the guidance is to

reflect the wider role expected from Development Management. Consideration of this needs to be reflected in the drafting of the guidance if it is to offer a more balanced approach perhaps. What is of particular concern from a Development Management viewpoint is that the guidance lacks any references to enforcement matters.

The guidance emphasises that local planning authorities need to:

- approach development management decisions positively – looking for solutions rather than problems, so that applications can be approved wherever it is practical to do so;
- attach significant weight to the benefits of economic and housing growth;
- influence development proposals to achieve high quality outcomes; and
- enable the delivery of sustainable development proposals.

3.9 The system will also need to embrace the approach of Neighbourhood Planning including the proposed Neighbourhood Development and Community Right to Build Orders which allow neighbourhoods and communities to specify classes of development that will not require further planning permission. Potentially this could introduce additional demands on resources to put them in place although there would be less casework in the longer term as a result. However monitoring would be required including potential enforcement to ensure compliance which would be unlikely to draw any direct fee income and therefore could have implications for the service. There is a risk of some conflict arising from the proposals as drafted where neighbourhood plans would have to be in conformity with local plans yet neighbourhood plan policies may take precedence. The drafting of this aspect in the framework does need to be clarified and the overall approach and intention given greater explanation. There is certainly anecdotal evidence of growing concern amongst our local communities regarding what neighbourhood planning actually means and from a parish viewpoint the resource implications for it to be put in place.

3.10 As discussed the new framework strips away a considerable amount of national policies and presents a greatly condensed series of statements reflecting the themes outlined above. In most areas there is not a great deal of difference between the policy contained in the framework and that of the previous guidance. There is simply less of it.

3.11 Within the theme of Planning for Prosperity the issues addressed relate to:

- business;
- retail and leisure;
- the rural economy;
- transport;
- community infrastructure; and
- minerals.

3.12 The most significant change relates to the removal of the sequential test in relation to office development. While this could be an issue for some authorities in terms of supporting town centre uses and regeneration aspirations, it is perhaps less of an issue for this Council.

3.13 Planning for People addresses current national policy in relation to:

- housing;
- design;
- sustainable communities; and
- greenbelt.

- 3.14 The most noteworthy changes relate to housing policies which may be a concern for this Council. Whilst there is still a requirement to meet a five-year housing requirement, the framework also requires an additional 20% should be provided for within the five-year calculation to ensure supply is maintained and choice and market competition can be provided for. It is important to note that the allowance does not mean an additional 20% over and above the overall requirement but rather it is to be set against the five-year requirement. In effect it frontloads provision across the plan period. In practice it is likely that given the way in which the development industry operates in reality to attain a true five-year supply, Local Planning Authorities would have to have in place the equivalent of six-seven years in any event and certainly in order to defend a five-year supply position robustly.
- 3.15 A further important consideration that the NPPF brings in for rural areas is that Local Planning Authorities should consider allowing some market housing to facilitate delivery of additional affordable housing to meet local needs. This moves towards a significant relaxation of the existing emphasis on exception sites. Whilst this approach is currently taken in many areas including Ribble Valley, where appropriate, it is not universally applied and will need careful policy crafting to balance the pressures for new housing, the desire to suitably distribute development and having in place a mechanism to deliver affordable housing. Another important change worth noting is the removal of density requirements (which would now be locally set) and targets for both brown field use and affordable housing. Overall the changes will provide more flexibility to respond to local circumstances, and should be welcomed.
- 3.16 The third principle promoted is that of Planning for Places. Essentially covering climate changes and flooding, the natural environment and the historic environment. As with other themes, the general thrust remains the same however there is a risk that local plans will be looked upon as a means of providing much more detailed policies, especially where the guidance is emphasising fewer planning policy documents. Care will need to be taken to ensure this does not translate in overlong or prescriptive local plans which may try and anticipate every circumstance.
- 3.14 Overall many of the changes place greater emphasis on locally evidenced and locally determined policies. The radical streamlining of national policies could provide problems when assessing future planning applications and in the period where Local Planning Authorities are putting in place new development plans, there is likely to be significant pressures for development and consequent challenges to decisions through appeals and in some instances legal challenges as the development industry seeks to establish what the policies actually mean.

#### 4 NATIONAL APPLICATION OF DRAFT OF THE NATIONAL PLANNING POLICY FRAMEWORK

- 4.1 It is important to bear in mind that the draft NPPF is a consultation document. As discussed it has attracted a lot of interest and response, and the Government has indicated recently its intention to redraft the guidance to address concerns about meaning and interpretation. However it would appear likely that the underlying intention and themes will continue which should be taken into account as the Council progresses its development plan and determines planning applications. The latter is an important issue as whilst as a point of law the saved policies of the Districtwide Local Plan and (for the present) the Regional Spatial Strategy, remain the development plan for the area and provide the starting point for determining applications, the key matter becomes one of weight to be attached in the context of whether the plans are up to date. Clearly in relation to many of the saved policies of the Districtwide Local Plan, where they refer to

detailed aspects of policy, they will remain relevant however others that relate to strategy and development scale will be increasingly less relevant.

- 4.2 Appendix 1 to this report includes the most recent guidance issued by the Planning Inspectorate in relation to the NPPF and provides advice on how Inspectors should consider the draft. What is important to note is that the NPPF is capable of being a material consideration and regard must therefore be given to what weight it has relevant to the matter being considered.
- 4.3 In preparing the Core Strategy, as it moves to the next key stage the proposals will be reviewed to establish if there are any aspects that could conflict with NPPF as currently drafted and Members will be advised accordingly. Meanwhile it is important to note the emphasis on the plan-led system as the key measure for Local Planning Authorities to manage development across their areas to address identified needs and requirements.

## 5 RISK ASSESSMENT

5.1 The approval of this report may have the following implications:

- Resources – None.
- Technical, Environmental and Legal – None.
- Political – There is significant community interest in strategic planning matters.
- Reputation – The opportunity to make a response to consultation is important.

## 6 RECOMMENDED THAT COMMITTEE

6.1 Note the contents of this report.

6.2 Advise the Chief Executive of any additional views to be expressed and that he be authorised to submit a response in line with the comments set out in Section 3 of this report, supplemented by Members' comments to the Secretary of State.

## CHIEF EXECUTIVE

### BACKGROUND PAPERS

- 1 Draft National Planning Policy Framework CLG, July 2011.
- 2 Draft Local Plan Regulations CLG, July 2011.
- 3 Localism and the National Planning Policy Framework LGG/PAS, September 2011.
- 4 Advice Note for Planning Inspectors PINS, September 2011.
- 5 General file on NPPF held in regeneration.

For further information please ask for Colin Hirst, extension 4503.