

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING AND DEVELOPMENT COMMITTEE

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Agenda Item No.

meeting date: THURSDAY, 19 JULY 2012  
title: RIBBLE VALLEY CORE STRATEGY – SUBMISSION STAGE  
submitted by: CHIEF EXECUTIVE  
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## 1 PURPOSE

1.1 To consider the outcome of the recent consultation on the Core Strategy and agree the next stages.

1.2 Relevance to the Council's ambitions and priorities:

- Council Ambitions - the Core Strategy is the central strategy of the Local Development Framework (LDF). It will help in the delivery of housing, employment and the protection and enhancement of the environment, ultimately presenting the delivery strategy for implementing the vision for the Ribble Valley for the next 20 years.
- Community Objectives – as a tool for delivering spatial policy, the Core Strategy identifies how a range of issues relating to the objectives of a sustainable economy, thriving market towns and housing provision will be addressed through the planning system.
- Corporate Priorities – the Core Strategy is the central document of the LDF and sets the overall vision and approach to future planning policy which will aid performance and consistency.
- Other Considerations – the Council has a duty to prepare spatial policy under the LDF system.

## 2 BACKGROUND

2.1 The Council has recently completed the formal 'Regulation 19' consultation stage in preparing its Core Strategy for the borough. The Core Strategy was published in accord with the regulations and the Council needs to consider its approach to taking the plan forward.

2.2 The Council is moving towards the formal stage where the Core Strategy is submitted to the Secretary of State for Examination. An Independent Inspector will be appointed to hold the examination with the purpose of confirming that the plan is sound. The Council will need to be able to satisfy the Inspector that the plan has been prepared in accord with the duty to co-operate, legal and procedural requirements and whether it is fundamentally sound. (Paragraph 182 of the National Planning Policy Framework NPPF, refers). The NPPF sets out what constitutes a sound plan and consequently to be found sound the Council will need to demonstrate how it has addressed the NPPF tests. These tests are summarised as follows:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the framework.

2.3 A number of important considerations need to be recognised. Firstly the preparation and publication of the Core Strategy coincided with the publication of the Coalition Government's final version of the NPPF. Attention to which was drawn to Members at the meeting of Planning and Development Committee on 4 April 2012, where the Core Strategy was agreed for public consultation. The publication of the NPPF has raised issues in the consultation responses that the Council will need to address as we need to ensure the plan reflects new National Policy. In addition, the emphasis in NPPF on the duty to co-operate is also an important factor to have regard to in progressing the plan. Similarly, a consequence of NPPF in terms of decision making on planning applications, is the introduction of significant material considerations that promote and support the approval of sustainable development proposals and help delivery of the Government's overarching policy of promoting economic growth. This approach further enhances the pressures for development in the borough and places as an imperative the need to put in place an up to date plan for the area.

2.4 NPPF is clear that Local Planning Authorities should submit a plan for Examination which it considers sound. Equally, there is an expectation that authorities will make progress on preparing plans without undue delay. In deciding upon a course of action, Members need to appraise and consider the relevant risks involved and be aware of the implications for the Council, information on which is set out in this report.

### 3 REGULATION 19 CONSULTATION

3.1 The Council published the Core Strategy under the provisions of Regulation 19 for a six week period of consultation. Publication date was the 4 May 2012 and the period ended at 5pm on 15 June 2012. The consultation received extensive press coverage, with articles appearing in the Clitheroe Advertiser, Lancashire Telegraph and Longridge News. The consultation was also featured on Radio Lancashire. The Council's website provided access to the publication document including the Core Strategy Regulation 19 draft, the Infrastructure Plan and Sustainability Appraisal. The website also gave access to the supporting documents and information on the Council's evidence base. Copies of the documentation were placed for reference at the Council offices, local libraries in the borough and Longridge Station Buildings. A letter containing details of the consultation was sent out to consultees included in our extensive contact list of individuals and

organisations that have asked previously to be kept informed of the process. Posters were prepared and distributed to Parish Clerks to display on their noticeboards.

- 3.2 A series of drop-in sessions which were advertised on the Council's website and in the local press, were held during the consultation period providing the opportunity for people to meet and discuss the proposals with officers. These sessions comprised two events in Clitheroe held on 22 May 2012 and 31 May 2012, and an all day event in Longridge, together with an afternoon in Slaidburn to enable the opportunity for residents to access an event from different parts of the borough.
- 3.3 In summary, there were in the order of 370 representations received. In addition a petition containing additional names to an earlier submission presented by the Clitheroe Residents' Action Group was received. In general terms the responses can be broken down into the following categories:
- Responses from individuals 267 (of which 149 from Clitheroe, 28 from Longridge, 48 from Barrow, 9 from Whalley 14 from the other villages).
  - Responses from planning agents and developers 25.
  - Responses from other organisations and groups 28.
- 3.4 The representations are currently being reviewed and an initial response prepared on the issues raised. As can be anticipated, there will continue to be those representations that raise issues where there is no common ground and therefore will form the basis of material to be considered by the Inspector and if appropriate explored further at the Examination. It is important to bear in mind that the Inspector, having considered the issues raised, will be responsible for deciding which matters are specifically examined.
- 3.5 In terms of the categories of response set out above, the second broad area of response from landowners, developers and house builders can generally be split into issues around housing requirements where there is a fundamental challenge to the Council's position, the promotion of alternative development options and representations that seek to support clients' aspirations eg to support business growth or to address clients' business interests.
- 3.6 The publication of the final version of the NPPF has given rise to representations that are seeking further clarification on how the Core Strategy meets those new provisions, which is a concern previously raised with Members as a likely response. Some of these representations are of course seeking additional policy content in order to either clarify or address new concerns. These matters are being looked at with a view to identifying any amendments that would either satisfy specific consultees or are needed to address changes as a result of the NPPF or would simply provide for a better plan through further clarification. These matters will be detailed in our subsequent report that collates the issues and identifies areas that will be proposed for change. The important consideration will be the extent to which any proposed amendments alter the fundamental basis of the strategy, and then how consultation will be undertaken as part of the process going forward.
- 3.7 More detailed analysis of all the representations will be included in the representations and issues report. Meanwhile all representations received are available at the Council Offices for reference in redacted form.

## 4 SUBMISSION STAGE

- 4.1 The Council is now moving towards submission stage in the plan-making process which triggers the start of the Examination stage. Under the provisions of NPPF, Local Planning Authorities are expected to submit a plan for examination that is sound. In terms of Ribble Valley position it has to be recognised that some changes to the published Core Strategy will be required primarily as a consequence of the final version of NPPF. Having identified and agreed those changes it would be preferable to republish the Core Strategy, undertake a further formal six week consultation stage as a re-run of the Regulation 19 publication prior to submitting the Core Strategy. In doing so it would of course be possible that further changes are required and of course the datedness of the supporting evidence base becomes further extended, which also has to be taken into account. Fundamentally however this will serve to delay the current programme that is seeking to have a Core Strategy/Local Plan in place as soon as possible.
- 4.2 As Members are all too aware, Ribble Valley is undergoing increasing pressure from development and there is a clear need to put in place an up to date plan. This is particularly so in light of the National Planning Policy Framework and national agenda which promotes and supports economic growth. This is also a reason why land interests will seek to robustly challenge the Council and its plan-making process as the longer the area is without an up to date plan the more readily the expectation is that National Planning Policy, namely the presumption in favour of sustainable development, will be applied. Bearing in mind the need to balance these considerations, advice has been sought from the Planning Inspectorate and Planning Advisory Service on options to maintain progress given Ribble Valley's circumstances.
- 4.3 Advice from PIN's supports the process of republishing before confirming a submission version as this clearly carries the lowest risk from a plan-making viewpoint yet it was acknowledged that there must be a consequent impact on delivery of an adopted plan. Planning applications will continue to be determined against National Planning Policy Framework considerations in that circumstance. Alternatives suggested by PIN's include submitting the Core Strategy, together with proposed changes that the LPA consider should be incorporated to address any soundness concerns or to respond to new circumstances and allowing this to be dealt with through the Examination process (if the Inspector accepts the approach). The important consideration here would be the extent to which any changes were seen as major changes and fundamentally whether those changes resulted in a substantially different set of proposals from those previously put forward. In any event submitting in this manner will carry a risk of delaying the Examination if the Inspector has any concerns and of course the approach may always be challenged by parties seeking to promote their own aspirations or simply seeking to delay the process. An important risk for the Council to consider would be the extent of additional costs incurred as a result of deferring the Examination and more Inspector time being required to deal with issues once the Examination process had started.
- 4.4 However the more preferable approach from a PIN's viewpoint was to submit the Core Strategy with the proposed changes but at the time of submission publish the changes for consultation. This would still be subject to an Inspector accepting the approach, but would reduce the amount of risk although could still be subject to challenge. This would enable the Inspector to use the outcome of the consultation to inform consideration of the Core Strategy. Again this would depend on giving consideration to the extent to

which changes were required and whether the plan was fundamentally unsound. There are risks in progressing the plan in this manner. The Inspector may consider the changes to be too significant and that the whole strategy should be republished under Regulation 19 in any event, there is a risk of delaying the examination if issues that are raised through the consultation need resolving or generate a need for further specific work and there is of course always a risk of challenge by third parties. However this approach would allow progress to continue.

4.5 Given the direction that is established through NPPF and the pressure to have an up to date plan in place ahead of the transitional arrangements (see Appendix 1) which will finish in March 2013, the risks set out in paragraph 4.3 – 4.4 have to be judged against the implications of introducing further stages into the preparation of the plan at this time. Subject to full consideration of the response to representations and an assessment of the extent and nature of changes that will be proposed, it is suggested that the plan is progressed (albeit at risk) on the basis of PIN's advice to submit the plan with proposed amendments and to undertake consultation on submission.

4.6 On this basis the programme of key dates would become as follows:

<b>STAGE</b>	<b>TARGET DATE</b>
<ul style="list-style-type: none"> <li>• Consideration of representations, the Council's response and agree proposed amendments, including resolution to formally submit</li> </ul>	Planning and Development Committee 16 August
<ul style="list-style-type: none"> <li>• Ratification of submission</li> </ul>	Full Council 28 August
<ul style="list-style-type: none"> <li>• Commence formal consultation on proposed changes</li> </ul>	week commencing 10 September
<ul style="list-style-type: none"> <li>• Formally submit to the Secretary of State</li> </ul>	week commencing 10 September
<ul style="list-style-type: none"> <li>• Earliest likely hearing dates</li> </ul>	Late November

## 5 IMPLICATIONS FOR DECISION MAKING, BALANCING THE RISKS AND PURSUING PROGRESS

5.1 In considering the approach to the Core Strategy, it is important to be aware of the implications of the Council's progress on the Core Strategy and the effects of the NPPF upon decision making. Without doubt, the current circumstances are, from a policy view point, complex and this complexity is increased by the extent to which strategic elements of the saved Districtwide Local Plan are out of date. In particular where policies are based on former strategic policies of the Lancashire Structure Plan for example, (which was replaced in 2008 by the Regional Strategy) they stem from a strategic policy context that no longer exists. In the case of the Districtwide Local Plan and Structure Plan, a framework that was seeking to control development to the levels considered appropriate at that time are not relevant now and cannot be considered up to date. That position becomes an important trigger which introduces policies of the NPPF as a significant material consideration. For example the approach to development, including settlement boundaries and land use allocations, were derived to reflect the intended growth patterns and strategic policies set out in the Structure Plan, these are clearly now out of date and can no longer be relied upon, consideration in NPPF will take precedence.

- 5.2 Whilst legislation continues to emphasise the plan led approach and hence the imperative to have in place an up to date local plan, the core thread of the planning system is a presumption in favour of sustainable development. NPPF sets out a clear approach to decision taking in relation to planning applications based on this presumption. NPPF states:
- “for decision taking, this means” (unless material considerations indicate otherwise);
- “approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out of date, granting permission 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 proposals should be restricted.
- 5.3 The transitional arrangements set out in Appendix 1 to this report clarify that the policies in the framework are material considerations and should be taken into account from the date of the publication of NPPF. Whilst decisions are to be determined against the development plan, the NPPF policies become material considerations by virtue of the age of the Districtwide Local Plan. Some policies of the Districtwide Local Plan however, where they are consistent with NPPF and are not date determined, will remain relevant.
- 5.4 The transitional arrangements also enable weight to be given to the emerging Core Strategy (Local Plan) but subject to a number of important considerations, namely:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that maybe given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that maybe given); and
  - the degree of consistency of the relevant policies in the emerging plan to the policies in this framework (the closer the policies in the emerging plan to the policies in the framework, the greater the weight that maybe given).
- 5.5 This becomes an increasingly important consideration to bear in mind given the stage the Council is at as even from the publication stage (our most recent stage), the policies, subject to the considerations above, can be given weight. At submission stage (our next stage) it will be important to have regard to the Core Strategy. Whilst it is anticipated that some changes will be proposed, in the main these are likely to reflect the requirements of NPPF (therefore making it more consistent). Formal adoption of the draft Core Strategy for decision making purposes would be an option. In essence, the longer the area is without an up to date plan, the longer the period in which decision making will remain very complicated, less clear and the greater the likelihood that development proposals will ultimately be resolved through the appeal process where applications are refused or applicants choose to appeal on non determination. This scenario highlights the importance of maintaining momentum on the plan, whilst

ensuring the requirements of NPPF and planning legislation are met, and supports an approach that seeks to keep momentum moving forward.

- 5.6 One issue that has emerged that the Council will need to take on board, is the recommendation by the Planning Inspectorate of a model policy that is suggested for inclusion in Core Strategies in order to reflect the requirements of national policy and the presumption in favour of sustainable development. The Policy highlights the significant change in stance that is expected of Local Planning Authorities as a result of the NPPF. The wording of the model policy that Inspectors are indicating they will expect to see in order to ensure that authorities are complying with the NPPF, is set out below.

*“When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.*

*Planning applications that accord with the policies in this Local Plan (and where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.*

*Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:*

- *any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- *planning policies in that framework indicate that development should be restricted.*

- 5.7 This clearly emphasises the direction of travel in which Local Planning Authorities are expected to move in terms of dealing with development proposals in their area and this will have an impact upon the approach to making decisions on planning applications and particularly so in those circumstances where the Local Plan is not up to date. Once again, this highlights the importance of making progress through the plan making process to ensure an up to date Local Plan can be put in place. The nature of risks highlighted earlier in this report regarding the process suggested are important factors to take into account but these have to be balanced with the clear need to have in place as soon as possible an up to date Local Plan and particularly so ahead of the close of the transitional arrangements in March 2013 whereby all decisions would fall back on the national planning framework in the absence of an up to date Local Plan.

- 5.8 The NPPF confirms that as a rule, sustainable development should be approved. It also seeks to establish the basis for considering what is sustainable development, which in essence means bringing together the three respective roles that government has identified for the planning system, namely an economic role, a social role and an environmental role. The NPPF extract at Appendix 2 sets out the policy considerations and how in applying these the judgement of whether development is sustainable or not can be met. It is intended that these issues will be specifically addressed in determining planning applications. The longer the area is without a plan, the less ability the Council

as Local Planning Authority will have to guide and manage development and the greater difficulty experienced in preventing what may be viewed as inappropriate development.

- 5.9 Additional support for Members in implementing the National Planning Policy Framework is being arranged through the Planning Advisory Services (PAS – [www.local.gov.uk](http://www.local.gov.uk) for more information) with an initial member development event scheduled for 8 August, details of which will be circulated shortly.

## 6 OTHER CONSIDERATIONS

- 6.1 In reviewing the representations and mindful of the emerging issues, it is likely in the preparation for submission and to assist the Inspector a series of topic papers will be prepared to help clarify the Council's position in relation to areas that have emerged to date either from consultation responses or in response to NPPF. At this stage these are likely to include a series of short papers dealing with the following areas:

- Housing requirements.
- Approach to open space/green infrastructure.
- The duty to co-operate.
- Settlements and distribution of development.
- Delivering sustainable development.

- 6.2 In the main, it is anticipated that these papers will provide clarification and further explanation of the Council's position in these key areas of interest rather than seeking to create new evidence. The list of papers may be added to as responses are analysed further and of course additional areas of work may be identified by the Inspector following submission.

- 6.3 Members' attention is drawn to the need to ensure that any amendments proposed in response to the Regulation 19 Consultation will need to be the subject of testing through the Sustainability Appraisal work. This will be undertaken by the Council's existing consultants, Hyder Consulting who have undertaken the appraisal work so far. This will be an additional cost to the core work already undertaken, the cost of which will be related of course to the extent of changes proposed. Members will recall that provision has been included in the Core Strategy budget to meet such potential, additional consultancy needs. A verbal update will be given at the Committee on progress with the consultants in terms of likely costs.

## 7 RISK ASSESSMENT

- 7.1 The approval of this report may have the following implications:

- Resources – Members have agreed a budget to progress the Core Strategy.
- Technical, Environmental and Legal – The Council has to follow the statutory regulations in preparing the Core Strategy.
- Political – There is significant public interest in the Core Strategy.



- Reputation – Decisions taken in connection with the Core Strategy will help demonstrate the Council’s obligations to fulfil its statutory duties and meet its objective of being a well run Council.
- Equality & Diversity – No implications identified.

**8 RECOMMENDED THAT COMMITTEE**

- 8.1 Consider the risks identified in the report and agree to progress the Core Strategy as set out in paragraph 4.6 of this report subject to the consideration of the proposed changes.

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

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## Annex 1: Implementation

208. The policies in this Framework apply from the day of publication.
209. The National Planning Policy Framework aims to strengthen local decision making and reinforce the importance of up-to-date plans.
210. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
211. For the purposes of decision-taking, the policies in the Local Plan (and the London Plan) should not be considered out-of-date simply because they were adopted prior to the publication of this Framework.
212. However, the policies contained in this Framework are material considerations which local planning authorities should take into account from the day of its publication. The Framework must also be taken into account in the preparation of plans.
213. Plans may, therefore, need to be revised to take into account the policies in this Framework. This should be progressed as quickly as possible, either through a partial review or by preparing a new plan.
214. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004<sup>39</sup> even if there is a limited degree of conflict with this Framework.
215. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)
216. From the day of publication, decision-takers may also give weight<sup>40</sup> to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
217. Advice will be available immediately and free of charge from a support service provided by the Local Government Association, the Planning

<sup>39</sup> In development plan documents adopted in accordance with the Planning and Compulsory Purchase Act 2004 or published in the London Plan

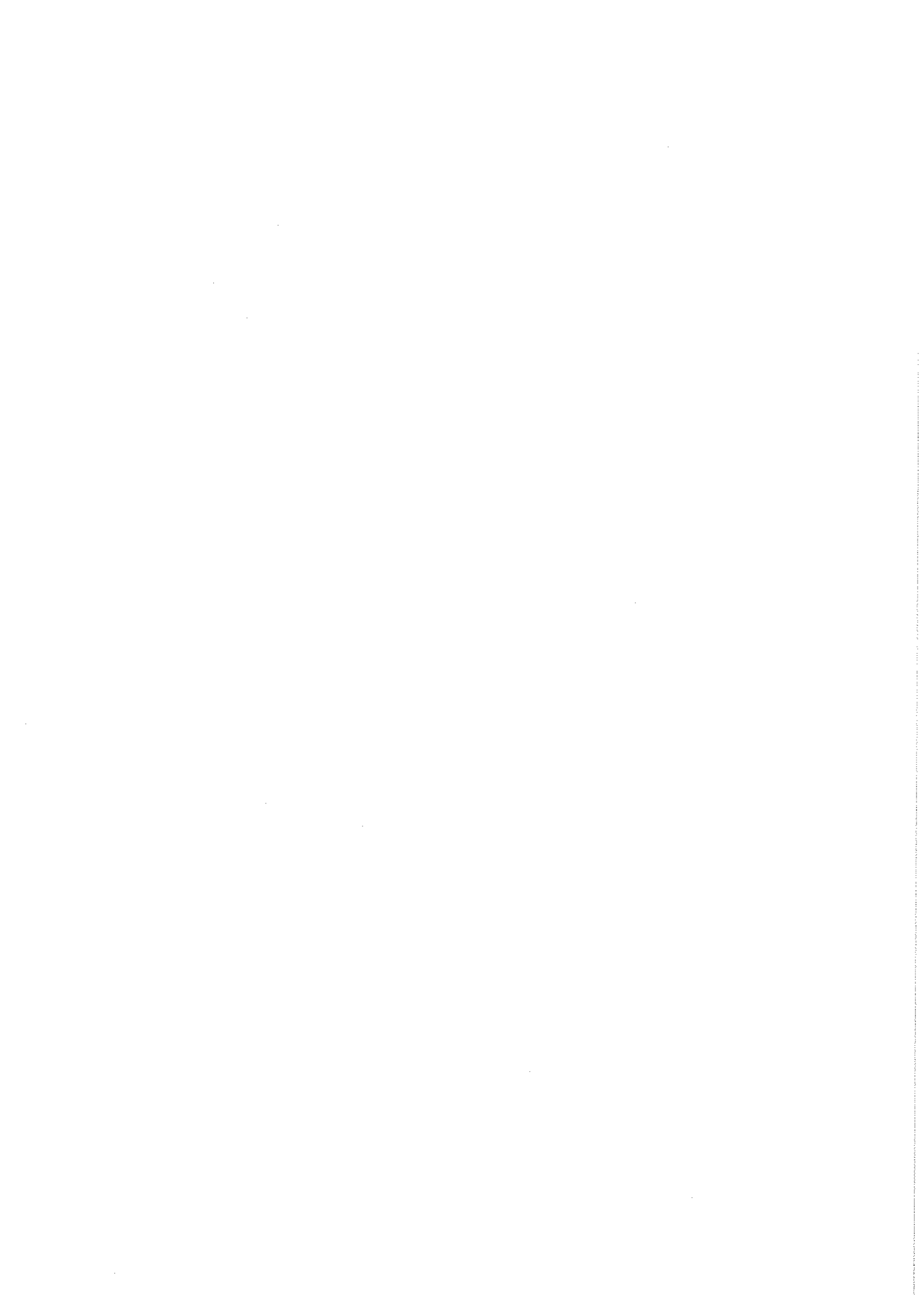
<sup>40</sup> Unless other material considerations indicate otherwise



Inspectorate and the Department for Communities and Local Government. This will assist local planning authorities in considering the need to update their Local Plan and taking forward efficient and effective reviews.

218. Where it would be appropriate and assist the process of preparing or amending Local Plans, regional strategy<sup>41</sup> policies can be reflected in Local Plans by undertaking a partial review focusing on the specific issues involved. Local planning authorities may also continue to draw on evidence that informed the preparation of regional strategies to support Local Plan policies, supplemented as needed by up-to-date, robust local evidence.
219. This Framework has been drafted to reflect the law following the implementation of the Localism Act 2011, so, where appropriate, policies will apply only when the relevant legislation is in force.

<sup>41</sup> Regional strategies remain part of the development plan until they are abolished by Order using powers taken in the Localism Act. It is the government's clear policy intention to revoke the regional strategies outside of London, subject to the outcome of the environmental assessments that are currently being undertaken



## Achieving sustainable development

International and national bodies have set out broad principles of sustainable development. Resolution 42/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The UK Sustainable Development Strategy *Securing the Future* set out five 'guiding principles' of sustainable development: living within the planet's environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.

6. The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.
7. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:
  - **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
  - **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
  - **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.



8. These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.
9. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):
  - making it easier for jobs to be created in cities, towns and villages;
  - moving from a net loss of bio-diversity to achieving net gains for nature;<sup>6</sup>
  - replacing poor design with better design;
  - improving the conditions in which people live, work, travel and take leisure; and
  - widening the choice of high quality homes.
10. Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.

## The presumption in favour of sustainable development

11. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.<sup>7</sup>
12. This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.
13. The National Planning Policy Framework constitutes guidance<sup>8</sup> for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications.

<sup>6</sup> Natural Environment White Paper, *The Natural Choice. Securing the Value of Nature*. 2011.

<sup>7</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

<sup>8</sup> A list of the documents revoked and replaced by this Framework is at Annex 3. Section 19(2)(a) of the Planning and Compulsory Purchase Act 2004 states, in relation to plan-making, that the local planning authority must have regard to national policies and advice contained in guidance issued by the Secretary of State.





14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.

For **plan-making** this means that:

- local planning authorities should positively seek opportunities to meet the development needs of their area;
- 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.<sup>9</sup>

For **decision-taking** this means:<sup>10</sup>

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission 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.<sup>9</sup>

15. Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.

16. The application of the presumption will have implications for how communities engage in neighbourhood planning. Critically, it will mean that neighbourhoods should:

- develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;

<sup>9</sup> For example, those policies relating to sites protected under the Birds and Habitats Directives (see paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion

<sup>10</sup> Unless material considerations indicate otherwise

