

## Report to Cabinet

**Subject:** National Planning Policy Framework

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### **Purpose**

This report explains the purpose and content of the National Planning Policy Framework and how this could affect Gedling Borough.

### **Introduction**

The National Planning Policy Framework (NPPF) sets the Government's planning policies and explains how they should be applied. It provides a framework within which development plans should be prepared and decisions on planning applications taken. It was introduced on the 27<sup>th</sup> March 2012 and replaces the Planning Policy Statements and Planning Policy Guidance notes which set out policies previously. It also replaces a number of 'Chief Planners Letters'. A copy of the NPPF is available on request from the Planning Policy team or via this link:

<http://www.communities.gov.uk/publications/planningandbuilding/nppf>

The NPPF includes transitional arrangements to cover the period between the NPPF coming into effect and the adoption of Local Plans which take account of the NPPF. These arrangements mean that 'due weight' can be given to the Policies in the Replacement Local Plan (Certain Policies Saved 2008), when determining planning applications, depending on how closely they accord with the NPPF. Weight can also be given to emerging plans, and the Publication Draft of the Aligned Core Strategy will be given weight when determining planning applications.

An assessment of the consistency of the policies in the Replacement Local Plan to the NPPF is being prepared to assist the determination of planning applications. The Publication Draft of the Aligned Core Strategy has been drafted to take into account the NPPF.

## **Core Principles**

The NPPF includes 12 'Core Planning Principles' which underpin plan-making and decision-taking. These are:

- Be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
- Not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- Proactively drive and support economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- Support the transition to a low carbon future in a changing climate, taking account of flood risk and coastal change, and encourage the reuse of existing resources, including the conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- Contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in the NPPF;

- Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- Promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, and recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable;
- Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

### **Presumption in Favour of Sustainable Development**

One of the key elements of the NPPF which has received widespread attention is the 'presumption in favour of sustainable development' (referred to in this report as 'the Presumption'). The Presumption is seen as a 'Golden Thread' running through the NPPF and applies to both plan-making and decision-taking.

The term 'sustainable development' is a difficult concept to define but has a wider meaning than renewable energy or environmentally friendly developments. The NPPF refers to UN Resolution 42/187 which is based on the Report of the World Commission on Environment and Development (also known as the Brundtland Commission). This defines sustainable development as "meeting the needs of the present without compromising the ability of future generations to meet their own needs". This has been incorporated into the UK Sustainable Development Strategy 'Securing the Future' which sets out five guiding principles:

- Living within the planet's environmental limits
- Ensuring a strong healthy and just society
- Achieving a sustainable economy
- Promoting good governance
- Using sound science responsibly.

The NPPF sets out that there are three elements to sustainable development: economic, social and environmental. It also sets out that these elements should not be considered in isolation and that the planning system should look to achieve simultaneous gains in the three elements. Therefore achieving 'sustainable development' could mean achieving a balance between the

economic, social and environmental elements. The weight to be given to the individual elements is likely to be a matter for the decision maker, having regard to the individual circumstances of the matter at hand. Therefore, what is considered 'sustainable' will differ between local authorities depending on local circumstances.

For plan-making the Presumption means that Gedling Borough Council should:

- Positively seek opportunities to meet the development needs of their area; and
- 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 NPPF as a whole; or
  - Specific policies in the NPPF indicate development should be restricted.

This reinforces the need for Local Plans to be based on a robust evidence base including assessments of housing and employment needs and also a Sustainability Appraisal which assesses the impacts of alternative ways of delivering these. The wording of the Presumption indicates that it is expected that the level of growth identified by the evidence will usually be accommodated.

For decision-taking the Presumption means that when determining planning applications the Borough Council should:

- Approve development proposals that accord with the development plan without delay; and
- Grant planning permission where the development plan is absent, silent or relevant policies are out-of-date, unless:
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole; or
  - Specific policies in the NPPF indicate development should be restricted.

It should be noted that S36 of the Planning and Compulsory Purchase Act 2004 remains in force. This requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. This means that where a proposal accords with up to date policies in a development plan it can be seen as sustainable. An assessment of whether the Policies in the Replacement Local Plan are 'up-to-date' is being prepared.

Where the proposal is not covered by a policy or the relevant policies in the Replacement Local Plan have been assessed as out of date, the determination of the planning application should focus on an assessment of the sustainability of the proposal and how closely it accords with the NPPF.

## **Plan Making**

The NPPF requires that each local planning authority, including Gedling Borough Council, produce a Local Plan for its area which preferably covers 15 years and is based on “adequate, up-to-date and relevant evidence” (paragraph 158). The term ‘Local Plans’ replaces the term ‘Local Development Frameworks’ but does not automatically mean a return to a single document. Local Plans can be made up of a number of different documents if further development plan documents are clearly justified. Supplementary Planning Documents should be used where they can help applicants make successful applications and should not be used to add unnecessary financial burdens.

The Local Plan should set out the strategic priorities for the area and deliver (paragraph 156):

- The homes and jobs needed in the area;
- The provision of retail, leisure and other commercial development;
- The provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- The provision of health, security, community and cultural infrastructure and other local facilities; and
- Climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

Local Plans must be prepared with the objective of delivering sustainable development as it is expressed in the NPPF and should seek to achieve each of the economic, social and environmental dimensions of sustainable development. They should be aspirational but realistic, address the spatial implications of economic, social and environmental change and be based on early and meaningful engagement and collaboration.

Where there is the potential for significant adverse impacts, a sequential approach should be taken as follows (Paragraph 152):

- Alternative options which reduce or eliminate the impacts should be pursued;
- Where adverse impacts are unavoidable measures to mitigate the impact should be considered;
- If mitigation is not possible, compensatory measures may be appropriate

The Duty to Co-operate has been introduced to address cross boundary and strategic issues, especially those related to the strategic priorities identified above. The Duty requires cooperation between local planning authorities, neighbouring authorities and other bodies which are named in the regulations (including Nottinghamshire County Council, the Environment Agency, and Natural England). Co-operation is seen in the NPPF as a continuous process and covers initial thinking through to implementation. Evidence is required of

effective co-operation and this could take the form of jointly prepared plans or policies, or memorandum of understanding. The purpose of co-operation is to deliver the land and infrastructure necessary to support current and future levels of development. In preparing the Aligned Core Strategy, Gedling Borough Council has worked closely with the neighbouring authorities to assess development needs, prepare policies and assess and address any impacts of meeting development needs. This is an ongoing process.

### **Decision Taking**

There should be a seamless link between the Local Plan and the taking of decisions on planning proposals. As noted above, S36 of the Planning and Compulsory Purchase Act 2004 remains in force. This requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. Therefore the policies in the Development Plan (where up to date and relevant) remain the starting point for determining planning applications.

Development proposals should be approached in a positive way with the Borough Council working with the applicants to look for solutions and deliver development that improves the area. Proposals should be approved wherever possible.

The NPPF encourages all parties (local planning authorities, developers and other consultees) to work together before the application is formally submitted to identify and address any issues that may arise as far as possible. This includes encouraging developers to engage with the local community at an early stage.

### **Topic Based Policies**

The NPPF includes policies on a number of different topics that the Government believe will assist delivery of 'sustainable development'. These topic areas are listed below together with a number of key points from each.

#### **Building a strong, competitive economy (paragraphs 18-22)**

- Planning should do everything it can to support sustainable economic growth
- Significant weight should be given to the need to support economic growth
- Business should not be overburdened by the combined requirements of planning policy expectations
- Local Plans should set out a clear economic vision and strategy
- Land allocations should be reviewed annually and the long term rolling forward of sites with no prospect of being used for employment purposes should be avoided

#### **Ensuring the vitality of town centres (paragraphs 23-27)**

- Town centres are at the heart of the community; their vitality and viability should be supported

- Main town centre uses are defined as
  - Retail;
  - Leisure, entertainment facilities and the more intensive sports and recreation uses;
  - Offices; and
  - Arts, culture and tourism development.
- A sequential test should be applied when a main town centre use is proposed outside of a town centre and is not in accordance with an up to date local plan. Small scale rural development is excluded from the sequential test
- An impact assessment is required for retail, leisure and office development outside of a town centre and not in accordance with an up to date local plan if it is above a locally set threshold (or 2500sqm if no threshold is set).
- Where an application fails to satisfy the sequential test or is likely to have significant adverse impacts on planned investment or town centre vitality and viability, it should be refused.

#### Promoting sustainable transport (paragraphs 29-41)

- Transport is important in facilitating sustainable development and contributing to wider sustainability and health objectives
- Local Plans should support a pattern of growth that facilitates the use of sustainable modes of transport
- A transport statement or assessment and a travel plan is required for development which will generate significant amounts of movements
- The need to travel and journey times should be minimised while use of sustainable transport modes maximised. Key to this is promoting mixed use developments
- In setting local parking standards account should be taken of:
  - The accessibility of the development;
  - The type, mix and use of the development;
  - The availability of and opportunities for public transport;
  - Local car ownership levels; and
  - An overall need to reduce the use of high-emission vehicles.

#### Support for high quality infrastructure (paragraphs 42-46)

- The expansion of electronic communication networks should be supported whilst keeping the number of masts to a minimum to allow efficient operation of networks
- Blanket bans of minimum separation distances should not be imposed.

#### Delivering a wide choice of homes (paragraphs 47-55)

- Aim to significantly boost the supply of housing and ensure a mix of housing based on current and future demographic trends

- A five year supply of specific deliverable sites should be provided. A buffer of 5% should be included in the figures. Where there is a record of persistent under delivery this buffer should be increased to 20%
- The approach to density should be set by Local Planning Authorities to reflect local circumstances
- If a five year supply (including the buffer) can't be demonstrated planning applications should be considered in the context of the presumption in favour of sustainable development
- Applications for the change of use from commercial to residential development should normally be approved in areas of housing need unless there are strong economic reasons why the proposal is inappropriate
- Local Planning Authorities should consider the case for setting local policies to resist garden development
- Isolated rural homes should be avoided unless special circumstances apply.

#### Requiring Good Design (paragraphs 56-68)

- Great importance is attached to good design and it is important to plan positively for the achievement of high quality and inclusive design for all developments
- Local Plans should include robust and comprehensive policies based on a understanding and evaluation of the defining characteristics of the area
- Policies should avoid unnecessary prescription and not impose architectural styles or particular tastes
- Great weight should be given to outstanding or innovative designs while buildings or infrastructure which promote high levels of sustainability should not be refused because of concerns about incompatibility with an existing townscape
- Permission should be refused for development that fails to take opportunities to improve the character and quality of an area and the way it functions
- Proposals where the applicant can show they have involved the community in evolving the design should be treated favourably

#### Promoting healthy communities (paragraphs 69-78)

- Planning has important role in facilitating social interaction and creating healthy, inclusive communities
- Local Planning Authorities should create a shared vision by involving all sections of the community in the planning system and aim to achieve places which promote:
  - Opportunities for meetings between the community through mixed use developments, strong neighbourhood centres and active street frontages
  - Areas which are safe and accessible



- Policies for open space, sport and recreation should be based on a robust and up to date assessment. Existing open space, sport and recreation buildings and land should not be built on unless:
  - The assessment clearly shows it is surplus to requirements; or
  - An equivalent or better replacement will be provided; or
  - The development is for alternative sports or recreation provision the need for which outweighs the loss.
- Through local or neighbourhoods plans local communities can identify green areas of particular importance to them as 'Local Green Spaces'. These should be consistent with planning for sustainable development and complement investment in housing. The designation should only be used where:
  - The land is reasonably close to the community it serves;
  - It is demonstrably special and holds particular significance;
  - It is local in character and not an extensive tract of land

#### Protecting Green Belt Land (paragraphs 79-92)

- The fundamental aim of Green Belts is to prevent urban sprawl by keeping land permanently open. Green Belts serve five purposes:
  - Check the unrestricted sprawl of built up areas;
  - Prevent neighbouring towns from merging into one another
  - Assist in safeguarding the countryside from encroachment
  - Preserving the setting and special character of historic towns
  - Assist in urban regeneration by encouraging the reuse of derelict and other urban land
- Green Belt boundaries should only be altered through reviews of Local Plans or in exceptional circumstances
- When defining Green Belt boundaries, local planning authorities should:
  - Take account of the need to promote sustainable development
  - Ensure consistency with the strategy in the Local Plan
  - Only include land it is necessary to keep open
  - Identify safeguarded land to meet longer term development needs where necessary
  - Define boundaries using physical features
- Only include villages in the Green Belt if their openness is an important part of their character
- Inappropriate development is harmful to the Green Belt and should only be approved if very special circumstances outweigh the harm caused. The construction of new buildings is inappropriate except in limited circumstances.

#### Meeting the challenge of climate change, flooding and coastal change (paragraphs 93-108)

- Planning has a key role in reducing greenhouse emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy

- Local planning authorities should;
  - Plan for new development in locations and ways which reduces greenhouse gas emissions
  - Actively support energy efficiency improvements
  - Set local requirements in a way consistent with Government Policy and national standards
- Help increase the use and supply of renewable and low carbon energy and recognise the responsibility on all communities to contribute to energy generation
- Inappropriate development in areas at risk of flooding should be avoided. The sequential and exceptions tests should be applied to Local Plans and planning applications
- Technical Guidance has been produced to set out how the policies in the NPPF relating to flooding should be implemented

#### Conserving and enhancing the natural environment (paragraphs 109-125)

- Valued landscapes, geological conservation interests and soils should be protected and enhanced
- Impacts on biodiversity should be minimised and net gains provided where possible
- Minimise pollution and other adverse effects on the local and natural environment
- Land of least environmental or amenity value should be used where consistent with policies in the NPPF. The use of previously developed land should be encouraged unless it is of high environmental value
- A strategic approach should be taken with criteria based policies, against which proposals affecting protected wildlife, geodiversity sites or landscape areas can be assessed.
- Biodiversity should be planned at the landscape scale based on the hierarchy of international, national and locally designated sites
- Where proposals will result in significant harm alternatives which do not result in harm should be considered before mitigation measures. Compensation should only be used as a last resort. Opportunities to incorporate biodiversity in and around developments should be encouraged
- To prevent unacceptable risks from pollution and land instability, policies should ensure that new development is appropriate for its location

#### Conserving and enhancing the historic environment (paragraphs 126-141)

- Local Plans should include a positive strategy for the conservation and enjoyment of the historic environment.
- Great weight should be given to the conservation of designated assets. Substantial harm or loss should be wholly exceptional unless the harm or loss is outweighed by substantial public benefits or other avenues for conservation have been exhausted. If the harm is less than substantial the harm should be weighed against the public benefit

Facilitating the sustainable use of minerals (paragraphs 142-149)

- Minerals are essential to support sustainable economic growth. Best use should be made of these finite resources which can only be worked where they are found.

**Recommendation**

It is recommended that Members note the content of this report.