

Agenda Item No: **Report No:**

Report Title: **The National Planning Policy Framework – Implications for the Lewes District Local Plan**

Report To: **Cabinet** **Date:**

Lead Councillor: **Cllr Tom Jones – Lead Councillor for Planning**

Ward(s) Affected: **All**

Report By: **Director of Planning and Environmental Services**

Contact Officer(s)-

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Purpose of Report:

The Government has recently replaced the previous national planning policy and guidance with a single National Planning Policy Framework. This report identifies the implications of this, particularly on the policies that the District Council and South Downs National Park Authority utilise in determining planning applications.

Officers Recommendation(s):

- 1 To note the implications of the National Planning Policy Framework on the Lewes District Local Plan.**
- 2 To continue using Local Plan policies identified as being consistent with the NPPF, as set out in Appendix A, pending adoption of the Joint Lewes District Council/South Downs National Park Authority Core Strategy.**
- 3 To ask the Director of Planning and Environmental Services to address any gaps in planning policy, arising from the National Planning Policy Framework, in further work on the Core Strategy.**

Reason for Recommendations:

1. To ensure that Lewes District Council clarifies how the Local Plan will be utilised in determining planning applications. This will provide certainty to prospective applicants, developers, agents, town and parish councils and all other consultees and stakeholders in the planning process.

1. Background

1.1 As part of the Government's reform of the planning system, a commitment was made to review the raft of national planning policy and guidance that existed in the form of Planning Policy Statements, Planning Policy Guidance notes, Circulars and Letters to Chief Planning Officers, which had accumulated over many years. In Summer 2011 the Government published the draft National Planning Policy Framework (NPPF) for consultation. This document proposed a condensed form of national planning policy (equating to approximately 55 pages) as opposed to the in excess of 1,000 pages of policy and guidance that was in existence at the time.

1.2 Lewes District Council responded to this consultation document. In doing so, we supported the attempt to simplify and condense national planning policy and guidance. We also identified a few areas where we considered some changes and further clarity was required. A number of our suggested changes were incorporated into the final version of the NPPF, which was published on 27 March. These included:

- Transitional arrangements being put in place for existing Local Plans.
- A clearer definition of "sustainable development".
- The inclusion of encouragement being given for the development of brownfield sites.
- Advocating the use of rural exception sites as a tool for delivering affordable housing to meet local needs.
- Clarifying the relationship between policies developed in neighbourhood plans and policies in strategic planning documents, such as a Core Strategy.

At the same time the NPPF was published, the Government published its planning policy for traveller sites, which should be read in conjunction with the NPPF.

1.3 The NPPF came into effect immediately and has resulted in the majority of the previous national planning policy and guidance being deleted. Such policy and guidance was often used in determining planning applications and quoted in the reasoning for planning conditions and in some cases the refusal of applications.

1.4 It should be noted that policies set and utilised by Local Planning Authorities, in documents such as a Core Strategy or a Local Plan, need to be consistent with the principles and policies set at a national level.

1.5 This matter is brought to Cabinet as an **URGENT ITEM**. This is because the NPPF came into effect immediately, and because Lewes District Council as local planning authority and agent for the South Downs National Park Authority is making 20 – 30 decisions on planning

applications each week. Therefore, an early Cabinet resolution on the status of existing Local Plan policies is urgently required.

- 1.6 Officers of the National Park Authority have been consulted on the preparation of this report.

2. What are the implications for Lewes District Council?

- 2.1 Lewes District Council adopted its Local Plan in 2003. The Local Plan contains a large number of generic and site specific policies, which are used to determine planning applications. Under the Planning and Compulsory Purchase Act 2004, the Local Development Framework (LDF) system was introduced to replace Local Plans. This meant that for the period up until the District Council had implemented its LDF it had to seek Government approval to 'save' the Local Plan policies and continue with their use in determining planning applications against.
- 2.2 In 2007 the Government confirmed that the District Council could continue to use the majority of its Local Plan policies. These policies were subsequently 'saved' up until they had been replaced by the LDF, or a change in national planning policy deemed the policies to be out of date and not in conformity with higher level policy.
- 2.3 Regarding these 'saved' Local Plan policies, the NPPF states that "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)". This "due weight" would be given by Local Planning Authorities in making decisions on planning applications.
- 2.4 In order to determine which of the 'saved' Local Plan policies can continue to be utilised in the consideration of planning applications, officers have undertaken an assessment of these policies against the NPPF. The 'saved' Local Plan policies have been placed in one of the following categories as a result of this assessment:
 - **Fully consistent with the NPPF** – policies in this category either replicate the NPPF, add to the NPPF (whilst remaining consistent with the thrust of the document), or provide less detail/caveats than the NPPF (whilst not contradicting it). These Local Plan policies can continue to be applied alongside the NPPF.
 - **Consistent, in part, with the NPPF** – a number of the 'saved' Local Plan policies contain a significant level of detail. Parts of these policies are consistent with the NPPF, whilst certain parts are not. These policies need to be applied by judging the weight that can be applied to them, alongside the NPPF, in the specific circumstances of each individual application.

- **Not consistent with the NPPF** – policies that take a different direction and view on matters to the content of the NPPF. These policies should no longer be applied.

- 2.5 Appendix A summarises the assessment of the ‘saved’ Local Plan policies and identifies which of the above categories each policy falls within. For policies that are not considered to be consistent with the NPPF, including in part, reasoning is provided. It is not necessary to undertake a review of ‘saved’ policies concerning unimplemented allocations (predominantly housing and employment) at this stage, because the principle of such policies accords with the NPPF, particularly the delivery of “sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs” (para 17 of the NPPF). However, such policies will be reviewed through work on the Core Strategy.
- 2.6 Those policies that are consistent with the NPPF, including in part, will need to be considered alongside the NPPF itself. In day to day planning decisions made by the Planning Applications Committee, and by officers using delegated powers. Each case will need to be considered on its individual merits.
- 2.7 The changes to the national planning policy system mean that there is an even more pressing need for the District Council and National Park Authority to progress the Joint Core Strategy through to adoption as quickly as possible. It will be important to ensure that the content of the Core Strategy is consistent with the principles and policies set out in the NPPF. Officers will further consider the impact of the NPPF on the progression of the Core Strategy during the next couple of months, and it will be reflected in the Proposed Submission draft to be reported to Cabinet in July.
- 2.8 The publication of the NPPF means that a great deal of detailed technical guidance, which is useful for day to day planning decisions, has been lost (only technical guidance on flood risk and minerals policy remains in existence). Accordingly, officers will review the deleted guidance to see if any items should be recommended to Cabinet for adoption as non statutory guidance. A further report will be made to Cabinet in due course.

3 Financial Appraisal

- 3.1 The purpose of this report is to clarify application of national and local planning policies. Accordingly, there are no financial implications arising from the recommendations. Early clarification will help all users of the planning system in this area.

4 Environmental Implications

- 4.1 I have completed the Environmental Implications Questionnaire and there are positive impacts in terms of managing the environmental impact of new development, as a result of the recommendations.

5 Risk Management Implications

- 5.1 I have prepared a Risk Management Implications assessment and there are a number of risks arising from the recommendation. These are set out below with appropriate mitigation measures:

Risk	Mitigation
1. Failure to clarify the relationship between the NPPF and Local Plan policies will make the planning system less workable in Lewes District.	To clarify the relationship, as set out in the recommendation of this report.
2. Challenge to decisions made by Lewes District Council as local planning authority	To clarify the relationship between the NPPF and Local Plan, as recommended.

6 Equality Implications

- 6.1 The matters reflected in this report do not give rise to inequality issues and so an Equality Impact Assessment screening is not required.

Lindsay Frost
Director of Planning & Environmental Services

Background Papers

The National Planning Policy Framework

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

The Lewes District Local Plan <http://www.lewes.gov.uk/planning/localplan.asp>

Appendices

Appendix A – Assessment of ‘saved’ Local Plan policies against the National Planning Policy Framework

