

# Forest Heath District Council

(This report is not a key decision. This report has been subject to appropriate notice of publication under the Council's Access to Information Rules)

## Report of the Cabinet Member for Planning, Housing and Transport

**LOCAL PLAN  
WORKING GROUP**

**8 MAY 2014**

**LOP14/018**

### **LAUNCH OF THE PLANNING PRACTICE GUIDANCE (NATIONAL PLANNING POLICY FRAMEWORK)**

#### **1. Summary and reasons for recommendation(s)**

- 1.1 The Government launched a new suite of online 'Planning Practice Guidance', (PPG), to elucidate on sections of generic policy contained within the National Planning Policy Framework, on 6 March 2014. This report considers the pertinent facets of the new PPG.

#### **2. Recommendation(s)**

- 2.1 That Members note the content of this report and the recently launched Planning Practice Guidance, (PPG).**

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### 3. Strategic priorities

- 3.1 The provisions of the NPPF and PPG will assist the Authority in addressing all three of its Strategic priorities.

Priority 1: The NPPF and PPG emphasise the Government's commitment to securing economic growth in order to create jobs and prosperity.

Priority 2: The NPPF and PPG identify how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.

Priority 3: One of the intentions of the NPPF and PPG is to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.

### 4. Key issues

- 4.1 The Government launched a new suite of online 'Planning Practice Guidance', (e-PPG), to elucidate on sections of generic policy contained within the National Planning Policy Framework, (NPPF), on 6<sup>th</sup> March 2014.
- 4.2 The online PPG has superseded or partly superseded 155 guidance documents and circulars, (see Appendix B), a number of which were declared by Lord Taylor of Goss Moor as 'unfit for purpose' within the context of his '*External Review of Government Planning Practice Guidance*' commissioned by DCLG, (December 2012). Many of these documents have been in 'limbo' since the publication of the NPPF in March 2012 and the intention is that their deletion should lead to more clarity in Government policy and consequently 'local' decision-making.
- 4.3 It is impossible, within the confines of this report, to comprehensively review all 41 categories contained within the new PPG which range from 'Advertisements' to 'Water supply'. Consequently, Officers have extrapolated on the 'headlines' as emphasised by Nick Boles MP, (Parliamentary Under Secretary of State for Planning), in his written ministerial statement of 6<sup>th</sup> March 2014, for Members consideration below. A concise summary by category is provided at Appendix A.
- 4.4 Somewhat unsurprisingly, given recent weather conditions, the PPG contains robust guidance on **flood risk**, making it crystal clear that councils need to consider the strict tests set out in national policy, and where these are not met, new development on flood risk sites should not be allowed.
- 4.5 The PPG re-affirms **Green Belt** protection, noting that unmet housing need is, in isolation, unlikely to outweigh harm to the green Belt and other harm to constitute very special circumstances justifying inappropriate development. In other words, a shortfall in housing supply doesn't on its own trump Green Belt when dealing with planning applications.
- 4.6 The PPG makes clear that local plans can pass the **test of soundness** where authorities have not been able to identify land for growth in years 11 to 15 of their local plan, which often can be the most challenging part for a local authority.

- 4.7 The PPG makes it clear that **windfalls** can be counted over the whole local plan period.
- 4.8 The PPG explains how student housing, housing for older people and the re-use of empty homes can be included when assessing housing need.
- 4.9 The PPG emphasises the need to ensure that adequate **infrastructure** is provided to support new development and notes how infrastructure constraints should be considered when assessing the suitability of individual sites. The Local Plan should, for at least the first five years, make clear what infrastructure is required, who is going to fund and provide it, and how it relates to the anticipated rate and phasing of development.
- 4.10 The PPG stresses the importance of bringing **brownfield** land into use and makes clear that authorities do not have to allocate sites on the basis of providing the maximum possible return for landowners and developers.
- 4.11 The PPG identifies that councils should also be able to consider the delivery record, (or lack of), of developers or landowners, including a history of **unimplemented permissions**. It is intended that this will serve to encourage developers to deliver on their planning permissions.
- 4.12 The PPG incorporates the guidance on **renewable energy**, (including heritage and amenity), published during last summer and making it clearer, in relation to solar farms, that visual impact is a particular factor for consideration.
- 4.13 The PPG allows consideration of **past over-supply** of housing to be taken into account when assessing housing needs.
- 4.14 In terms of the **5 year supply** of deliverable housing sites, the PPG confirms that assessments are not automatically outdated by new household projections. Further, the PPG may bring to an end the 'Sedgefield' vs 'Liverpool' argument once and for all. It states that 'local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible', (siding with the Sedgefield approach and therefore with the weight of recent appeal decisions).
- 4.15 The PPG clarifies when councils can consider refusing permission on the grounds of **prematurity** in relation to draft plans. The guidance confirms that prematurity arguments are unlikely to justify the refusal of planning permission unless it is clear that the adverse impact of granting permission would significantly outweigh any benefits – taking account of the policies of the NPPF.
- 4.16 The PPG encourages joint working between local authorities, but asserts that the **duty to co-operate** is not a duty to accept. The PPG reaffirms that authorities are not obliged to accept the unmet needs of other planning authorities if they have robust evidence that this would be inconsistent with the policies set out in the NPPF. However, the PPG makes clear that Local Planning Authorities should make every effort to secure the necessary co-operation on strategic cross boundary matters before submitting their Local Plans for examination.

4.17 In summary, it is clear that in many areas of planning the PPG takes national policy a step further and the clarity offered by the guidance is welcomed. Ultimately, however, the efficacy of the guidance and whether it has achieved its stated aim, to simplify the planning system, will only become clear as it begins to be applied.

4.18 The PPG will be updated as needed and users are able to sign-up for email alerts on any changes, or view these revisions directly on the website. The online resource can be found, in its entirety, at the following address: [www.planningguidance.planningportal.gov.uk](http://www.planningguidance.planningportal.gov.uk).

## **5. Other options considered**

5.1 None. The provisions of the NPPF and PPG must be taken into account in the preparation of local and neighbourhood plans, and are both a material consideration in planning decisions.

## **6. Community impact**

6.1 The NPPF and PPG is intended to provide a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

## **7. Consultation** *(what consultation has been undertaken, and what were the outcomes?)*

7.1 None associated with this report.

## **8. Financial and resource implications** *(including asset management implications)*

8.1 None associated with this report.

## **9. Risk/opportunity assessment** *(potential hazards or opportunities affecting corporate, service or project objectives)*

9.1 Failure to adhere to the provisions of the NPPF and/or PPG will leave the Authority with an incomplete development plan, leaving it at risk of appeal(s) and legal challenge(s).

## **10. Legal and policy implications**

10.1 The provisions of the NPPF and PPG must be taken into account in the preparation of local and neighbourhood plans and are both a material consideration in planning decisions.

## **11. Ward(s) affected**

11.1 All Wards are affected by the provisions of the NPPF and/or PPG.

## **12. Background papers**

12.1 None.

### **13. Documents attached**

13.1 Appendix A – PPG Summary by Category

13.2 Appendix B – List of guidance documents cancelled, (or partially cancelled), by the Planning Practice Guidance 'suite'.