



PART A:	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	COUNCIL
DATE:	1 September 2011
REPORT OF THE:	HEAD OF PLANNING GARY HOUSDEN
TITLE OF REPORT:	IMPLICATIONS OF THE DRAFT NATIONAL PLANNING POLICY FRAMEWORK (NPPF).
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 This report outlines the implications of the draft NPPF for the Ryedale Plan and presents options as to how the District Council could proceed with the plan-making process. The draft NPPF has been released for consultation and a proposed RDC response to the document is included in this report.

2.0 RECOMMENDATION(S)

2.1 It is recommended that:

- (i) Council agree to progress the Ryedale Plan in the light of the Draft NPPF, as proposed in paragraphs 8.14; 8.20; 8.23; 8.33.
- (ii) Council agree the District Council's response to the consultation as outlined at Annex 1 and to submit to DCLG.

3.0 REASON FOR RECOMMENDATION(S)

3.1 The National Planning Policy Framework is set to replace existing Planning Policy Statements and Planning Policy Guidance notes. The draft NPPF reflects many of the legislative and policy changes that the Coalition Government intend to make to the planning system. As national policy the final version of the NPPF will influence the scope and content of Development Plans and on-going development management. However, it should be noted that even in draft form the NPPF has weight in the decision-making process. Against this context it is imperative that the Council considers the implications of the NPPF particularly for the emerging Ryedale Plan and any potential risks to the plan process. It is also appropriate that the Council provides a formal response to the consultation to Central Government.

4.0 SIGNIFICANT RISKS

- 4.1 It is clear that the Ryedale Plan will be examined under a different system to the one under which it was prepared. There is a high risk that the document will be found unsound if it is not consistent with national policy. In addition, there is a significant risk to the smooth running of the examination if the Council does not consider and address the implications of the NPPF prior to the formal publication of the Plan.
- 4.2 The report makes it clear that officers consider the risks of not progressing with the production of the Core Strategy to be significant. The weight to be attached to the NPPF will increase once it is issued and consequently, the weight to be attached to the Regional Spatial Strategy will reduce despite the fact that it will remain the Development Plan until it is finally revoked. Against this context, it is important to progress the adoption of strategic local policies.

REPORT

5.0 BACKGROUND AND INTRODUCTION

- 5.1 Members are aware that a meeting of Council was scheduled for the 1st September to consider the formal Publication version of the Plan. In view of the risks outlined above, it is appropriate that the implications of the NPPF are fully considered before the Council agrees to formally publish the Plan that is, in effect, the one it seeks to adopt.

6.0 POLICY CONTEXT

- 6.1 The NPPF is one of the key tools which the Government will introduce as part of its commitment to delivering localism through the planning system and to ensure that the planning system promotes and supports the economic growth considered necessary to rebuild the economy. The NPPF streamlines all existing Planning Policy Statements and Planning Policy Guidance Notes into a single statement and in doing so, introduces a limited number of substantive changes to national planning policy.
- 6.2 The Governments commitment to introducing changes to the planning system is not unexpected. Key components of the Localism Bill such as the NPPF, the introduction of Neighbourhood Planning, the abolition of Regional Spatial Strategies and incentive schemes to deliver development have been known since earlier in the year and a number of proposed changes originate from earlier documentation, notably Open Source Planning which formed part of the Conservative Party manifesto in the run up to the general election. Likewise, the new presumption in favour of sustainable development and the need to support economic growth have been previously trailed in the 'Planning for Growth' Ministerial Statement issued on the 23rd March 2011. A Briefing Note designed to summarise these legislative and policy changes was circulated electronically to Members on the 29th July.
- 6.3 One of the most complicated matters in relation to this changing policy context is the weight to be applied to emerging policy both in terms of the content of the Ryedale Plan but also in terms of development management. Whilst the NPPF is a consultation document and subject to potential amendment it does, as advised by the Planning Inspectorate, provide a strong indication of the Government's 'direction of travel' in terms of planning policy. Once issued, the final version will have significant

weight in the development management and plan-making processes. In many instances the final version will carry more weight than policies in existing adopted Development Plans, including in some cases, adopted Core Strategies where they are not consistent with the NPPF.

7.0 CONSULTATION

7.1 The consultation draft of the NPPF was released on the 25th July 2011 and the consultation runs until the 17th October 2011. According to the Communities and Local Government Structural Reform Plan Monthly Update for June 2011, the NPPF will be published in its final version before the end of April 2012. However, recent reports in the planning press have indicated that the final version of the NPPF could be released before the end of the year.

7.2 A suggested response to specific questions posed as part of the consultation on the NPPF are included at Annex 1 of this report.

8.0 REPORT DETAILS

8.1 The draft NPPF was distributed electronically to all Members following its release and key elements of the document were summarised in the briefing note which was distributed at the same time. It is not the intention of this report to repeat at length the content of the draft NPPF but to focus on the implications that it presents in terms of the production of the Ryedale Plan.

8.2 The draft NPPF signals changes to the planning system many of which are designed to:

- Address the complexities and difficulties in implementing the Development Plan system introduced by the previous Government
- Support local decision making, including giving local communities power to plan or guide development in their areas through Neighbourhood Plans
- Ensure plan making and development management are proactive, driven by a search for opportunities to deliver sustainable development rather than barriers. It places increased emphasis on meeting development requirements including facilitating economic growth and increasing the delivery of housing.

Plan Making Issues arising from the Draft NPPF

8.3 Crucially, the NPPF retains the principle that the planning system should be 'plan-led', recognising the certainty that the development plan provides for local communities and investors. The draft document makes it clear that plans should be put into place as soon as practicable.

8.4 The main implications for plan-making relate to:

- The nature and style of Local Plans
- The introduction of Neighbourhood Plans
- Procedural changes
- Substantive policy issues

Nature and Style of Local Plans

- 8.5 It is clear from the draft NPPF that in future the development plans produced by Local Planning Authorities will be known as 'Local Plans'. Given the complexities associated with the implementation of Local Development Frameworks that have led to significant delays in the production of plans, the change in terminology is not surprising. What is less clear however, is the extent to which the Government expects the Local Plan to operate as a suite of documents or as a single document.
- 8.6 The draft NPPF appears to favour a single document local plan containing strategic policies, land allocations, development standards and development management detail, supported by Neighbourhood Plans and Supplementary Planning Documents. It states that "additional development plan documents should only be used where they are clearly justified". This indicates that it is possible that a local plan can comprise more than one document, depending on the circumstances. Indeed, given that the Government continues to urge Local Planning Authorities to continue the production of Plans, it would appear that the Council has a choice in terms of the type of local plan it intends to produce and that the production of one document is not actually mandatory.
- 8.7 Aside from the 'style' of the Plan, the Draft NPPF sets out what a Local Plan should contain. This includes:
- Strategic policies on housing and economic development requirements, retail and leisure, infrastructure and the means of adapting to and mitigating climate change
 - Identification of broad locations for growth
 - Allocation of sites
 - Identification of areas to be protected from growth
 - A strategy for the enhancement of the environment
 - A strategic approach to plan making for at least 15 years
 - A policy/ policies on local standards
 - A framework under which neighbourhood plans can be prepared.
- 8.8 With the exception of providing a framework for the production of neighbourhood plans, there is little in the above list which indicates a dramatic change in emphasis for the content of the development plan. A more subtle change is a move away from LDF style spatial policies designed to articulate how places as a whole are managed, to a return to policies which are more designed to inform the determination of planning applications. The NPPF emphasises that the scope of policies should be focussed on providing a clear indication of how a decision maker should react to a development proposal.

Implications/ proposed way forward

- 8.9 Currently, it is the Council's intention to progress the production of the Core Strategy followed by a Site Allocation document in due course. Policies in the Core Strategy have been prepared in line with this approach and make reference to the Site Allocation document which would provide greater clarity around the location, deliverability, viability and types of sites that will be needed to address development requirements.
- 8.10 Clearly, the production of one document which embodies strategic policies and land allocations has the benefit that it is more easily understood, particularly by members of the public.

- 8.11 However, Officers are of the view that to halt the production of the Core Strategy in favour of the production of one main policy document would lead to further delay in establishing key strategic principles and policies of at least 18 months. It is considered that the risks attached to any move to produce a single document at this stage are as follows:
- The material considerations against which development decisions would be based would comprise: the Ryedale Local Plan; The Regional Spatial Strategy and the Draft and final NPPF. The NPPF itself notes that it will take precedence over out-dated plans or those not in compliance with it. It is highly likely that Ryedale would find itself in a prolonged period of 'planning by appeal' in a national policy context with a presumption in favour of development. This would result in further uncertainty for local communities and is a position which is not advisable in terms of the as yet untested decision making process. There would be significant risk in relying on the existing local plan and RSS policies in an appeal situation, particularly once the NPPF is released in its final form. Such a position is not one which could be resourced or sustained for long.
 - The lack of an up to date Plan will frustrate the Council's ability to negotiate and secure developer contributions and to develop the Community Infrastructure Levy/ Charging Schedule. Unless the Council progresses work on the CIL, the ability to secure developer contributions through Section 106 contributions post 2014 becomes considerably more limited.
 - There is a need to agree the strategic policies of the Ryedale Plan so as to facilitate and support Neighbourhood Planning. In the absence of an up to date local plan, Neighbourhood Plans must be in compliance with the NPPF. The absence of strategic local policies potentially frustrates the Neighbourhood Planning process which the Council will have a duty to support. Conversely it could result in Neighbourhood Plans which have the potential to undermine the strategic approach of the Ryedale Plan.
- 8.12 The production of 'one plan' does allow all development viability issues to be fully considered in the round and this is a clear advantage in favour of that approach. Viability work has been undertaken to support key strategic policy choices in the Core Strategy and this would be complemented by more detailed viability work that will be undertaken as land allocations are selected as part of the production of the Sites Document. On this basis, the approach to the production of the Ryedale Plan would ensure that full account is taken of viability issues.
- 8.13 Clearly there is a risk that the expectation in the NPPF is that all of this detailed work should be undertaken together and that without detailed site viability work the evidence base for the plan is incomplete. The draft NPPF has not been issued with transitional arrangements and it is difficult at this stage to attempt to anticipate how significant a risk this could prove to be. This is only likely to become apparent over time as the Planning Inspectorate considers the emerging NPPF as part of the examination process.
- 8.14 On balance, it is considered however that the risk of not progressing the Core Strategy represents a greater risk. Pursuing its adoption is critical to meet the Governments ambitions for growth, to addressing local development requirements and of establishing certainty over strategic issues which would in turn provide a

framework to support neighbourhood planning. The approach would also enable a greater engagement of local people and neighbourhoods in the site allocations stage of plan making without the complexities of agreeing strategic objectives and policies.

Neighbourhood Plans

8.15 In terms of Neighbourhood Planning, the draft NPPF states that Neighbourhood Plans could be used by parishes or neighbourhood forums to:

- Develop a shared vision for their neighbourhood
- Set planning policies for the development and use of land; and
- Give planning permission through Neighbourhood Development Orders and Community Right to Build Orders.

8.16 The document confirms that Neighbourhood Plans:

- Should be in conformity with the strategic policies of the Local Plan and plan positively to support the strategic policies established for the area which are outlined in the Local Plan
- Can be used to promote more development than is set out in the strategic policies of the Local Plan take precedence over existing policies in a local plan where matters relate to the local area
- Will be subject to an examination followed by a local referendum

8.17 The indication is that Neighbourhood Plans could take a number of forms although this is not expanded upon in any detail. It is assumed that more detailed information relating to the form in which a neighbourhood plan could take will be provided as part of the Localism Act, the final NPPF and the updated Development Plan regulations. The draft NPPF makes it clear that Neighbourhood Plans will need to be in general conformity with the strategic policies in the Local Plan. Given the emphasis in the NPPF on maintaining up to date development plans, it would be reasonable to assume that this 'chain of conformity' relates to an up to date local plan produced by the Local Planning Authority as opposed to an out of date Local Plan although this is not explicit. In any event, a Neighbourhood Plan would need to have regard to the policies in the NPPF. It should be noted that once made, a Neighbourhood Plan will take precedence over the local plan where the two documents are in conflict.

Implications/ proposed way forward

8.18 The introduction of Neighbourhood Planning and Neighbourhood Plans represents more of a challenge in terms of new ways of working to support communities in the preparation of their plans as oppose to introducing significant implications for the content or policy approach of the Ryedale Plan/ Core Strategy. The emerging Ryedale Plan was drafted as a strategic policy document and in that respect its role is unchanged in terms of the NPPF.

8.19 Currently in Ryedale, only Malton and Norton Town Councils are committed to producing a neighbourhood plan. Officers will work with the Town Councils to support this work and to help ensure that the neighbourhood plan is prepared to be in general conformity with the strategic policies of the Core Strategy.

8.20 For the most part, it is considered that textual amendments to the Core Strategy can be used to signal the Council's intent as regards Neighbourhood Planning. This

would be achieved through:

- Amendments to the text at the beginning of the document to explain the relationship of the Ryedale Plan with Neighbourhood Planning
- Clarify the nature of the Ryedale Plan policies as being strategic policies
- References to Neighbourhood Plans as a key means of delivery of Ryedale Plan policies in the implementation tables accompanying each strategic policy.
- Reference to matters which neighbourhoods may wish to address locally in the implementation tables, where appropriate
- Removing/ amending references to specific local issues which could be considered within the remit of neighbourhoods to determine

Procedural Changes

- 8.21 The draft NPPF appears to introduce few procedural changes into the plan-making process. The tests of soundness against which Plans will be assessed - namely that they are justified, effective and consistent with national policy - have been slightly clarified. An additional test has been included to ensure that local plans are 'positively prepared' in order to meet objectively assessed development needs and infrastructure requirements.
- 8.22 Additionally, the draft NPPF makes it clear that public bodies will have a duty to cooperate on planning issues which cross administrative boundaries to ensure strategic priorities are co-ordinated and reflected in local plans. Evidence of this will need to be demonstrated at the Examination in to the Local Plan.

Implications/proposed way forward

- 8.23 It is considered that the proposed procedural changes have limited implications for the production of the Ryedale Plan. In order to demonstrate that cross boundary considerations have been addressed, a mechanism could be that the North Yorkshire Spatial Planning Board consider and agree that cross-boundary issues have been taken into account in the preparation of the Ryedale Plan. In advance of this an officer level meeting of neighbouring authorities has been convened for mid September to consider and discuss how the duty to collaborate will work in practice in an on-going way in the sub region.

Key Policy Issues

- 8.24 The draft NPPF has been prepared for consultation as a stand alone document and whilst new and explicit elements of policy can be easily recognised, more detailed elements of current policy which have changed or are no longer carried forward into the NPPF are less obvious. They are included in a section (Part B) of a separate Impact Assessment document which accompanies the consultation and are also referred to in an advice note, produced by the Planning Inspectorate for use by Inspectors. For the most part, it should be stressed that the draft NPPF introduces few fundamental changes to the substantive direction of current planning policy and is in many areas consistent with existing national planning policies.
- 8.25 Undoubtedly, the the presumption in favour of sustainable development is a fundamental policy principle which is enshrined in the NPPF, although this is not entirely new. A presumption in favour of development is a long standing principle of the planning system.

- 8.26 Consistent with the Plan for Growth agenda, the NPPF makes it clear that in terms of decision making “the default answer to development proposals should be ‘yes’ except where this would compromise the key sustainable development principles set out in the framework” and that this principle is reflected in policies in Local and Neighbourhood Plans. It is this policy, in conjunction with changes which emphasise the protection of high quality landscapes rather than the longstanding national policy of protecting the countryside for its own sake, that have led to concerns being raised by a number of high profile environmental groups. The view has been expressed that the document fails to provide sufficient explicit detail to help provide a sufficient ‘counter balance’ to growth and the emphasis it places on meeting development needs.
- 8.27 It is inevitable that a document which looks to slim down and simplify existing policy will include less detail than the policy documents it is set to replace. Read as a whole, there is nothing in the NPPF to indicate that the pro-growth agenda is one to be pursued at all costs. Clearly this would be at odds with the overarching aspiration of achieving sustainable development. Nevertheless, as written the NPPF does establish a national policy position which challenges longstanding strategies and policies which have restrained development in some areas. Against this context and very little detail, it is unclear as to how authorities are to manage growth and against which circumstances, strategies which seek to manage or indeed restrain growth can be justified.
- 8.28 For an area such as Ryedale which experiences high demand for housing, has a limited number of settlements that can accommodate sustainable housing growth and which is located between two large urban areas which themselves aspire for growth, the ability to manage demand is critical. On this basis, it is considered that the NPPF does need to provide a clear indication of how growth can be managed in high demand rural areas. This is a fundamental point which it is considered that the Authority should make to the Government as part of the current consultation.
- 8.29 Turning to specific policy areas and in terms of economic development there is no fundamental difference in the approach of the NPPF to supporting economic development. Detailed changes include:
- Removing office development from the ‘town centre first’ (sequential test currently in PPS4) policy
 - Extending the time horizons for assessing the impact of unplanned retail and leisure schemes out of town centres from 5 to 10 years
- 8.30 In terms of planning for housing, the need to prepare Strategic Housing Land Availability Assessments and Strategic Housing Market Assessments remain. Critically, however changes to housing policy include:
- The need to increase the supply of housing to meet the requirements of market and affordable housing
 - The need to ensure choice and competition in the market for land by including an additional allowance within housing supply of at least 20%
 - Removal of the brownfield target for housing development
 - Removal of the national minimum site size threshold (15 Units) for affordable for requiring affordable housing to be delivered
 - Removal of the Rural Exception Sites Policy

8.31 The section of the NPPF on the natural environment, as previously outlined, changes from the emphasis of current longstanding policy which has sought to protect the countryside for its own sake and for the benefit of all, to an approach which appears more focussed on protecting only landscapes of high value. Further detailed changes in respect of environmental policies include:

- The introduction of a Local Green Space protection designation
- Clarification of how to treat possible/proposed European Habitats Directive Sites
- Allowing Councils to set decentralised energy targets without requiring authorities to set a council –wide target
- Mapping of opportunity areas for renewable and low carbon energy sources and supporting infrastructure

8.32 Further detailed policy changes that arise from the draft document include:

- Removal of maximum non-residential car parking standards for major developments
- Removal of the requirement for local councils to set criteria for the selection of sites for future peat extraction
- A less prescriptive approach to maintaining landbanks for scarcer/ non-aggregate minerals
- Encouraging a policy approach to protect all community facilities and not just those in defined centres and villages
- Minor amendments to the uses to be considered acceptable in principle in the Green Belt

Implications/ proposed way forward

8.33 It is considered that it is in relation to planning for housing that the draft NPPF has the most significant implications for the emerging Ryedale Plan. In light of the NPPF, Members will need to plan for an increase in the delivery of housing, not least to ensure that the Ryedale Plan makes provision for an additional 20% of housing land supply should this be introduced as national policy in the final version. Changes to the national rural exception site policy also have significant implications for the Plan's strategy for addressing housing needs in the smaller rural areas.

8.34 These issues are substantive and a response requires careful consideration. It is considered that options as to how to proceed in this matter should be the subject of a future meeting. This will provide officers with the opportunity to discuss these issues with neighbouring authorities and to explore how approaches to managing growth in Plans already submitted for examination are being scrutinised by the Planning Inspectorate in the context of the NPPF growth agenda.

9.0 IMPLICATIONS

9.1 The following implications have been identified:

a) Financial
No direct implications.

b) Legal
The draft NPPF is capable of being used as a material consideration in the decision making and plan making processes. The weight to be attached to the NPPF will increase dramatically once it is issued in its final form.

- c) Other
No direct implications

10.0 NEXT STEPS

- 10.1 In order to progress the Core Strategy to publication, officers will consider options as to how to proceed and respond to the NPPF in terms of planning for housing and the implications this will have for the strategy. The aim will be to prepare a report to Members as soon as possible this Autumn. In the meantime and in order to continue to make progress in the period up until the Council is in a position to publish the Core Strategy, consultation on the Site Selection methodology, which was agreed by Members earlier in the year can now be undertaken.
- 10.2 It is also considered imperative that the Council begins work on its CIL charging Schedule. The ability to demonstrate at the Core Strategy examination that this work is undertaken will be important given the additional emphasis the NPPF places on addressing development viability.

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Background Papers:

Draft National Planning Policy Framework, supporting consultation document and Impact Assessment.

Background Papers are available for inspection at:

<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework/>