



PART A:	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	4 APRIL 2012
REPORT OF THE:	HEAD OF PLANNING AND HOUSING GARY HOUSDEN
TITLE OF REPORT:	NATIONAL PLANNING POLICY FRAMEWORK (NPPF)
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To inform Members of the Policy and Resources Committee that the Planning Inspectorate has advised the Council that a period of public consultation is required to help ensure that the Ryedale Plan: Local Plan Strategy is legally compliant with new policies and sound when assessed against them. The Government has recently published two pieces of new national policy: the National Planning Policy Framework and Planning Policy for Traveller Sites.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that Members approve:

- (i) consultation with the public and key bodies for a period of six weeks specifically on the issue of compliance with the recently published National Planning Policy Framework and Planning Policy for Traveller Sites is undertaken; and
- (ii) the schedule of compliance (Annex A) between the Ryedale Plan: Local Plan Strategy and new national policy in the National Planning Policy Framework and Planning Policy for Traveller Sites as a basis for public consultation.

3.0 REASON FOR RECOMMENDATIONS

- 3.1 To ensure legal compliance in the production of the Ryedale Plan.

4.0 SIGNIFICANT RISKS

- 4.1 There will be significant delay in the examination process if this consultation is not undertaken at this stage.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 The Government published its National Planning Policy Framework (NPPF) on 27 March 2012 and it is effective immediately. The NPPF indicates a significant shift in the style and delivery of national planning and moves from a suite of Planning Policy Statements, Planning Policy Guidance Notes and Planning Circulars to a succinct policy statement covering all national policies. The NPPF has been subject of much national debate and the proceedings of a parliamentary select committee since it was first published in draft form in July 2011. Members discussed the implications of the NPPF as they appeared in the draft version and agreed a response to the national consultation on 1 September 2011.
- 5.2 Some changes were made to the Draft Local Plan Strategy (LPS) in light of the Draft NPPF. These concerned: the style of the document and its policies, implications of the Localism Act including Neighbourhood Planning and loss of Regional Strategies, reference to sustainable growth, an objective assessment of housing requirements, provision for flexibility of housing supply and further detail in the environment policies to reflect the loss of national policy messages.
- 5.3 At a meeting on the 14 December 2011 the Council agreed the final version of the LPS and this was published for consultation on 25 January 2012. The intention was to submit the plan to the Secretary of State for independent examination at the end of April 2012.
- 5.4 At the same time as the NPPF was published in March, the Government released new policy on Gypsies and Travellers that also came into effect immediately.

REPORT

6.0 REPORT DETAILS

- 6.1 The Planning Inspectorate (PINS) has offered the following advice to the Council prior to submission:
- i. the Council is advised to consult the public on the legal compliance of the LPS with the NPPF. This is to determine whether the LPS has been prepared in accordance with the legal framework as set out in the Localism Act. It is purely a legal and procedural requirement which PINS will need to be satisfied of before examination of the LPS can commence.
 - ii the Council is also advised to ensure that the planning policies in the LPS are consistent with new national policy and that the plan's outcomes enable the delivery of sustainable development in accordance with the policies in the NPPF. This is a soundness test, one which relates to the consistency with national policy in Ryedale and which will be explored through the examination process.
- 6.2 Whilst the Ryedale Plan: LPS Publication Stage representation form did include reference to the proposed additional test of soundness on plans being "positively prepared", it would not have been appropriate to invite consultees to provide a view on alignment with draft national policy because the Government confirmed at the time that the Draft NPPF had limited weight. It was also not known at the time of the LPS Publication when the NPPF would be finalised and the Government were advising local authorities to continue with their plan preparation.
- 6.3 Clearly the LPS has not been consulted on in the context of new national policy so to

progress it at this point would risk an Inspector finding the document legally non-compliant. However, most of the shifts in national policy were considered and taken into account in the Publication LPS and officers consider that the LPS is broadly a sound document when considered against the new policy and tests of soundness.

6.4 There are only three relatively minor matters where officers consider the opportunity may be taken to bring the LPS more explicitly in line with new national policy. These are:

- i. consideration of Planning Policy for Traveller Sites - this condensed policy places responsibility for provision of sites for Gypsies and Travellers on local authorities rather than regional bodies. In advance of this, the local authorities and the County within North Yorkshire worked together to provide an up to date Gypsy and Traveller assessment in 2010, which replaced and lowered those targets in the Regional Spatial Strategy. As a result the need for 13 pitches in Ryedale has been progressed through the LPS process. However, the new policy requires more clarity around delivery and states that "Traveller sites (temporary or permanent) in the Green Belt are inappropriate development". Policy SP5: Sites for Gypsies and Travellers and Travelling Showpeople could therefore be recast to explicitly address these issues.
- ii. reflection of the use of the phrase "protection in relation to landscape and *scenic* beauty" in the NPPF as it applies to the conservation of Areas of Outstanding Natural Beauty. This has implications for Policy SP13: Landscape.
- iii. consideration of the approach in the NPPF that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

6.5 It is important to note that requested changes that have arisen as a result of the Publication consultation will be forwarded to the Inspector at the beginning of the Examination for consideration through that process. It should also be stressed that the proposed consultation is not to seek views on the interpretation of new national policy. That again would be a matter for debate at the Examination

6.6 This consultation will specifically be around providing the opportunity for the public to identify any further changes respondents wished to see when considered against new national policy, including those specific matters where the Council considers further explicit alignment between the LPS and the NPPF may be necessary.

7.0 NEXT STEPS

7.1 Annex A contains a schedule which examines the compliance of the individual policies of the LPS with the new national policy and is intended to help guide responses to the consultation.

7.2 PINS encouraged the Council to undertake a swift period of consultation and it is proposed that consultation start on 5th April for a period of six weeks.

7.3 A letter will be sent to each of the consultees on the Council's consultation database. This will specify that comments are only being sought around issues of compliance between the LPS and new national policy and will direct consultees to the schedule of compliance in Annex A.

7.4 Any other comments that do not relate to the issues set out above should have been submitted as part of the Publication consultation and will be disregarded.

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Background Papers:
National Planning Policy Framework.

Background Papers are available for inspection at:
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>