

ECONOMIC DEVELOPMENT & CULTURE COMMITTEE

Agenda Item 9

Brighton & Hove City Council

Subject:	Implications of the National Planning Policy Framework for Decision Making in Planning		
Date of Meeting:	21 June 2012		
Report of:	Strategic Director, Place		
Contact Officer:	Name:	Liz Hobden	Tel: 29-2504
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Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

1.1 The Government published the National Planning Policy Framework on 27 March 2012 which replaces previous national guidance. This report identifies the implications of this on the policies in the Brighton & Hove Local Plan, East Sussex and Brighton & Hove Waste Local Plan and East Sussex and Brighton & Hove Minerals Local Plan in determining planning applications.

2. RECOMMENDATIONS:

2.1 That the Committee notes the implications of the National Planning Policy Framework on the Brighton & Hove Local Plan, Waste Local Plan, Minerals Local Plan and for the emerging City Plan Part 1.

2.2 That the Committee agrees the policies in the adopted Plans, as assessed against the NPPF in the tables set out in Appendices 2, 3 and 4 to this report, should continue to be given weight as material planning considerations in decision making under the planning Acts until such policies are superseded by emerging and adopted policies in the City Plan and Waste & Minerals Plan.

3. RELEVANT BACKGROUND INFORMATION:

- 3.1 The Government has undertaken a review of national planning policy guidance as a key part of its reforms to make the planning system less complex, more accessible, and to promote sustainable growth. The National Planning Policy Framework (NPPF) is intended to replace, shorten and consolidate all Planning Policy Statements/Guidance (excluding those relating to Waste and some Mineral guidance), two Planning Circulars and a number of Letters to Chief Planning Officers. It consolidates over 1,000 pages of national planning policy guidance into one 59 page document.
- 3.2 The Draft NPPF was published in July 2011. The response from the city council supported the aims of the Government to consolidate national planning policy guidance and to promote economic growth and additional homes. However, there were a number of significant concerns raised including the references to sustainable development which appeared to place an emphasis on economic factors over environment and social factors. Additionally, there was a lack of detail on certain policy areas, no transitional arrangements and concerns were raised that the draft NPPF would be contrary to the stated aims of localism.
- 3.3 The final version of the NPPF was published on 27 March 2012. The government responded to comments made by the city council and other consultees. The main changes to the document include:
- a more balanced definition of sustainable development
 - transitional arrangements for Local Plans
 - encouraging the development of brownfield sites first.
 - confirmed that Neighbourhood Plans need to comply with policies in city wide planning documents.
- See appendix 1 for a key points summary of National Planning Policy Framework.
- 3.4 The NPPF came into effect immediately and therefore the majority of the previous national planning policy and guidance has now been superseded, though some supporting guidance remains in place. As a result, the NPPF replaces former national policy in determining planning applications and in plan making and will be cited in the reasoning for planning conditions and in some cases the refusal of applications.
- 3.5 All planning policy documents are required to comply with the policies and guidance set out in the National Planning Policy Framework. In terms of Brighton & Hove, changes to national policy have already led to a number of amendments to the City

Plan Part 1 which was agreed for consultation at Cabinet on 10 May.

Status of the Brighton & Hove Local Plan

- 3.6 Annex 1 of the NPPF provides guidance on implementation of the NPPF. Paragraph 214 of annex 1 allows decision-takers to continue, for a period of 12 months from the publication of the NPPF, to give full weight to relevant policies adopted since 2004 where the development plan was prepared and adopted in accordance with the Planning and Compulsory Purchase Act 2004. Whilst the Brighton & Hove Local Plan was adopted in 2005 it was prepared and adopted in accordance with the Town and Country Act 1990.
- 3.7 For this reason the 'saved' policies in the Local Plan must be considered in terms of their consistency with policies in the NPPF as required by paragraph 215 of the NPPF. Therefore the closer the policies in the Local Plan are to the policies in the NPPF, the greater weight they may be given. Where there is inconsistency between the NPPF and the saved policies in the adopted Local Plan, the NPPF attracts greater weight.
- 3.8 To meet these requirements Officers have undertaken a consistency assessment of the saved policies against the NPPF and this is set out in the table in Appendix 2. The table demonstrates that the majority of policies in the Local Plan will continue to carry significant weight. It is recommended that this table is used to inform planning decisions until the Local Plan is replaced by policies in the City Plan parts 1 and 2.
- 3.9 In addition, the NPPF allows weight to be given to emerging plans, such as the City Plan, with greater weight being accorded as such plans progress towards adoption. Emerging plans will also attract greater weight the greater the degree of consistency between the plan and the NPPF. The City Plan may be given full weight once adopted.

Status of the East Sussex and Brighton & Hove Waste and Minerals Local Plans

- 3.10 The Waste Local Plan was adopted in 2006, but was also prepared and adopted in accordance with the Town and Country Act 1990. The Minerals Local Plan was adopted in 1999. The 'saved' policies in both Plans must therefore also be considered in terms of their consistency with policies in the NPPF as required by paragraph 215 of the NPPF.

3.11 Consistency assessments of the saved policies in these Plans against the NPPF are set out in Appendices 3 and 4. The tables demonstrate that the majority of policies in the Waste and Minerals Plans will continue to carry significant weight. It is recommended that these tables are used to inform planning decisions until the Plans are replaced by policies in the new Waste & Minerals Plan.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1 Consultation has not been undertaken in relation to this report.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 Any costs associated with this report have been met from within existing Planning Strategy & Projects revenue budgets, and consist mainly of officer time.

*Finance Officer Consulted: Karen Brookshaw
17/05/2012*

Date:

Legal Implications:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides, in relation to a determination, that where the various planning Acts require that regard is to be had to the development plan that determination must be made in accordance with the development plan unless material considerations indicate otherwise. As regards the determination of planning applications s70 (2) of the Town and Country Planning Act 1990 provides that the planning authority must have regard to the development plan, so far as material to the application, and to any other material considerations.

The policies in the NPPF are material considerations which the Council, as local planning authority, must take into account in relevant determinations as from the date of the publication of the NPPF. That being so, and as pointed out in the body of the Report, the weight to be given to policies in the Brighton and Hove Local Plan depends on their degree of consistency with the NPPF, and also in relation to the weight that can be accorded to emerging policies in the City Plan as it progresses towards adoption.

It is not considered that any adverse human rights implications arise from the report.

5.2

Lawyer Consulted: *Name Hilary Woodward* *Date:*
21/5/2012

Equalities Implications:

Equalities issues are tackled through the planning system. Saved policies in the Local Plan will continue to carry weight.

5.3

Sustainability Implications

Sustainable development is a golden thread running through the published NPPF and is central to saved policies in the Local Plan and the emerging City Plan.

5.4

Crime & Disorder Implications:

5.5 None identified.

Risk and Opportunity Management Implications:

The assessment of Local Plan policies against the NPPF is necessary as a result of the publication of the NPPF and the transitional arrangements set out within it. Risk and opportunity management will be addressed through emerging and future planning policy documents.

5.6

Public Health Implications:

None. Public health will continue to be addressed through emerging and future planning policy documents.

5.7

Corporate / Citywide Implications:

. The status of policies in the adopted Local Plan the implications of the NPPF for emerging and future planning policy documents (including the introduction of Neighbourhood Plans) are significant. It will affect development, regeneration and future planning decisions in the city.

SUPPORTING DOCUMENTATION

Appendices:

1. Key Points Summary of National Planning Policy Framework
2. Table setting out the consistency of policies in the Brighton & Hove Local Plan with the NPPF
3. Table setting out the consistency of policies in the East Sussex and Brighton & Hove Waste Local Plan with the NPPF
4. Table setting out the consistency of policies in the East Sussex and Brighton & Hove Minerals Local Plan with the NPPF

Documents in Members' Rooms

1. None

Background Documents

1. Brighton & Hove Local Plan
2. National Planning Policy Framework
3. East Sussex and Brighton & Hove Waste Local Plan
4. East Sussex and Brighton & Hove Minerals Local Plan