

Wolverhampton City Council

OPEN INFORMATION ITEMCommittee / Panel **PLANNING COMMITTEE**Date: 24th April 2012Originating
Service Group **EDUCATION AND ENTERPRISE**Contact Officer **Morgan Jones**Telephone Number **555637**Title: **The National Planning Policy Framework (2012) & Localism Act
2011 - An Introduction**

Recommendation

That Planning Committee note the contents of this report.

The National Planning Policy Framework (2012) & Localism Act 2011

- An Introduction

1.0 Purpose of the Report

- 1.1. The purpose of this report is to inform the Planning Committee of recent changes to the planning system through the publication of the National Planning Policy Framework (NPPF) (2012) and the Localism Act 2011.

2.0 Background

- 2.1 The NPPF was published on the 27th March 2012. This is a key part of Government reforms to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth.
- 2.2 The new framework streamlines national planning policy into a consolidated set of priorities to consider when planning for and deciding on new development. The document, which is 59 pages long, replaces over 1,300 pages across 44 documents (a list of the policies that have been replaced can be found at annex 3 of the NPPF).
- 2.3 The framework sets national priorities and rules only where it is necessary to do so. Its purpose is to ensure that planning decisions reflect genuine national objectives, such as the need to safeguard the natural environment, combat climate change, and to support sustainable local growth, while allowing for local authorities and communities to produce their own plans, reflecting the distinctive needs and priorities of different parts of the country.
- 2.4 The Localism Act was published on the 15th November 2011 and contains provisions to make the planning system clearer, more democratic, and more effective. The legislation aims to shift power from central Government back into the hands of individuals, communities and councils.

3.0 Legal Implications

- 3.1 The NPPF is effective immediately but does not change the Planning and Compulsory Purchase Act 2004 or the Town and Country Planning Act 1990 (the 1990 Act), which require that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 3.2 The Black Country Core Strategy (BCCS) (2011) and the Wolverhampton Unitary Development Plan (UDP) (2006) therefore remain as the starting point for decision making. However the NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.
- 3.3 The Localism Bill was introduced to Parliament on 13 December 2010, and was given Royal Assent on 15 November 2011, becoming an Act. (ref: LD/11042012/N)

4.0 Key Issues

National Planning Policy Framework

4.1 The key implications of the Framework, particularly in the context of the adopted 'Local Plan' is summarised below:

- The framework makes explicit that a **presumption in favour of sustainable development** is at the heart of the planning system. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The presumption in favour of sustainable development is supported by 12 core principles, for instance on the role of positive planning, improving places, driving sustainable economic development and supporting the transition to a low carbon future. The NPPF emphasises the need for development proposals to be viable and deliverable, and expects the level of planning obligations and policy burdens placed on allocated development sites not to undermine competitive returns for landowners and developers.
- Despite the presumption in favour of sustainable development, the NPPF makes it clear that policies such as those protecting the historic environment, the Green Belt, Sites of Special Scientific Interest and other areas, cannot be overridden by the presumption. The framework also includes an explicit reference to prioritising brownfield land for development provided it is not of 'high environmental value'. The policy approach set out in PPS5 (Planning for the Historic Environment) and PPS9 (Biodiversity and Geological Conservation) which form the basis for the saved UDP Policies and BCCS has been largely carried forward into the framework. These elements of the 'Local Plan' therefore remain up to date.
- In relation to the **Green Belt** the framework confirms its important role in preventing urban sprawl by keeping land permanently open. While the broad approach to Green Belts set out in the former PPG2 has been retained, there are a number of changes introduced by the framework that supersede elements of the saved UDP. In particular, the framework has introduced additional forms of development that can now be considered 'appropriate'. For example, some of the exceptions which only applied previously to dwellings now apply to buildings generally, which adds additional scope for the extension or replacement of existing buildings in the Green Belt. 'Major developed Sites' are no longer referred to, and the framework refers to 'appropriate' rather than 'essential' facilities for outdoor sport, outdoor recreation and cemeteries. The NPPF allows local communities to designate green areas of particular importance to them as "Local Green Spaces", with the same level of protection as Green Belt.
- The Government is committed to ensuring that the planning system does everything it can to support sustainable **economic growth**. The NPPF therefore specifies that "significant weight should be placed on the need to support economic growth through the planning system". The framework emphasises the importance of planning policies and land allocations for employment uses being realistic so that sites are not protected for such uses where there is no prospect of the site being used for that purpose. The evidence based approach set out in the BCCS and emerging Area Action Plans is consistent with this element of the framework.
- The NPPF emphasises the importance of maintaining a 5 year supply of deliverable **housing** land, expecting authorities to provide a 5% buffer of housing

sites. Housing windfalls can be taken into account in the 5 year supply. Gardens, however, should be excluded from this windfall allowance, and the NPPF expects local authorities to consider policies to resist inappropriate development of gardens. The NPPF expects applications for change of use from commercial (B use classes) to housing to be approved unless there are strong economic reasons why this would be inappropriate. Evidence produced to support the BCCS and emerging Wolverhampton Area Action Plans should provide sufficiently strong economic reasons to protect key areas of employment land in Wolverhampton from incremental housing development, and therefore safeguard jobs. Gypsy and traveller issues are covered in a separate document, "Planning Policy for Traveller Sites".

- The NPPF underlines the importance of **town centres**. The framework reaffirms that the planning system should promote competitive town centre environments, and maintains the impact and sequential tests for out of centre developments set out in the former PPS4 (Planning for Sustainable Economic Growth). For these reasons, the policy approach set out in the adopted Core Strategy remains up to date.
- The **transport system** needs to be balanced in favour of sustainable transport modes. Developments are expected to be located and designed where practicable to have access to high quality public transport, give priority to pedestrian and cycle movements and create safe and secure layouts which minimise conflicts. However, the NPPF expressly states that developments that generate significant amounts of movement "should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".
- **Good design** is a key aspect of sustainable development and the Government attaches great importance to the design of the built environment. The NPPF makes it clear that good design is indivisible from good planning, and should contribute positively to making places better for people.
- PPS10 'Planning for **Sustainable Waste Management**' has not been replaced by the NPPF, and will be reviewed as part of the National Waste Management Plan (anticipated 2013).

The Localism Act 2011

- 4.2 As well as abolishing regional strategies and the Infrastructure Planning Commission, the Localism Act results in a new tier of land use planning as it introduces a right for communities to draw up a neighbourhood plan.
- 4.3 The Act changes the Community Infrastructure Levy (CIL) to make it more flexible. It allows some of the money raised to be spent on things other than infrastructure. It gives local authorities greater freedom in setting the rate that developers should pay and gives the Government the power to require that some of the money raised from the levy go directly to the neighbourhoods where development takes place.
- 4.4 The concept of a local finance consideration is introduced within the Act. It is made clear that a local finance consideration (such as grants, New Homes Bonus and CIL payments) is a material consideration when deciding applications for planning permission.
- 4.5 The Act has strengthened some of the provisions for Planning Enforcement. New powers include;

- Enforcement Orders, which can be obtained from the Magistrates Courts after the usual time period for enforcement has expired. This power is specifically to deal with purposeful concealment of breaches and is strictly time limited.
- Power to decline to determine planning applications where an enforcement notice has been served. This prevents people from extending the time period for compliance through the submission of a planning application which is unlikely to succeed.
- The penalties for breaching certain types of notices have been elevated to the next scale (scale 4) and powers relating to the removal of advertisements and supporting structures have also been extended.

4.6 The Act has also provided the ability to assure parties that they will not be prosecuted. This may be helpful in cases where there are multiple owners and the breach relates to the behaviour / actions of one and not the other.

5.0 Summary

5.1 In essence the NPPF sets out the Governments planning policies for England and how they should be applied. The framework must be taken into account in the preparation of Local and Neighbourhood Plans and is a material consideration in planning decisions, particularly where the adopted Local Plan is out of date.

5.2 At the heart of the NPPF is a presumption in favour of sustainable development which is about positive growth – making economic, environmental and social progress for this and future generations.

5.3 The Localism Act aims to shift power from central Government back into the hands of individuals, communities and councils and to make the planning system more democratic and effective.

6.0 Financial, Environmental and Equalities Implications

6.1 There are no financial, environmental or equalities implications to this information report.