

SLOUGH BOROUGH COUNCIL

REPORT TO: Planning Committee **DATE** 19th June 2012

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WARD(S): All

PART I **FOR DECISION**

NATIONAL PLANNING POLICY FRAMEWORK: IMPLICATIONS FOR SLOUGH

1 Purpose of Report

The purpose of the report is to inform Members about the implications for Slough of the National Planning Policy Framework and the Localism Act. It is not proposed to review the existing plans at this stage but re-publish them in a “Consolidated” version. Comments would then be invited as to what extent the in the Core Strategy, Site Allocations Document and ‘saved’ Local Plan policies continue to comply with the new Framework.

Recommendation(s)/Proposed Action

1.1 The Committee is requested to resolve:

- That the implications of the National Planning Policy Framework and Localism Act be noted.
- That the appropriate parts of the Core Strategy, Site Allocations DPD, ‘saved’ Local Plan and ‘saved’ Berkshire Minerals Plan be published as a “Consolidated Version” of the Slough Local Plan.
- That the “Consolidated Version” of the Slough Local Plan be subject to a self assessment and public comment in order to establish to what extent the individual policies and proposals continue to comply with the National Planning Policy Framework.
- That the Council should actively engage in discussions with adjoining authorities on all planning matters in order to meet the new “duty to cooperate” in the Localism Act.

2 Community Strategy Priorities

2.1 The Council’s Local Planning policies are an important spatial element of the Community Strategy and will help to contribute to the following emerging priorities:

- **A Cleaner, Greener place to Live, Work and Play**

- **Prosperity for All**

3 Other Implications

(a) Risk Management

There are no specific issues directly arising from this report

(b) Human Rights Act and Other Legal Implications

It is considered that there are unlikely to be any significant implications in relation to the Human Rights Act.

(c) Equalities Impact Assessment

It is not intended to review any of the Local Planning policies at this stage and so an Equalities Impact Assessment is not necessary.

(d) Workforce

The proposed actions can be carried out within the existing work programme.

4 Supporting Information

Introduction

- 4.1 The National Planning Policy Framework (NPPF) was published in March 2012. This replaces all of the previous guidance set out in the various Planning Policy Guidance (PPG) and Planning Policy Statements (PPS).
- 4.2 Importantly the Framework, reiterates that “Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.” It also makes it clear that the new Framework is a material consideration in planning decisions. As a result it will have to be taken into account in all development control decisions.
- 4.3 At the heart of the NPPF is a “presumption in favour of sustainable development” which means:
 - Planning positively to meet the needs of an area;
 - Approving development proposals that accord with the development plan without delay; and
 - Where plans are absent, silent or out of date, granting planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits; or specific policies in the NPPF indicate development should be restricted.
- 4.4 The NPPF states that planning should:
 - Be genuinely plan led
 - Meet the housing, business and other development needs of an area
 - do everything it can to support sustainable economic growth
 - Promote competitive town centres
 - Meet an identified need for affordable housing
 - Identify a 5 and 15 year supply of housing

- Always secure high quality design
 - Promote the vitality of main urban areas,
 - Conserve the natural environment & heritage assets.
 - Promote mixed use development & use of brownfield sites
 - Protect the Green Belt and recognise the intrinsic character and beauty of the countryside
 - Support the transition to a low carbon future
 - Make fullest use of public transport, walking and cycling
 - Improve health, social and cultural well being
- 4.5 It is not considered that any of these conflicts with what we are trying to achieve in Slough but this will need to be tested as explained below.

The Need to Review Plans

- 4.6 The policies in the NPPF came into force from the date of publication in March 2012. The Implementation section of the document makes it clear that plans should not be considered out of date simply because they were adopted prior to the publication of the Framework.
- 4.7 Plans prepared under the 2004 Act, such as the Slough Core Strategy and Site Allocations DPD continue to have full weight for 12 months even if there is a limited degree of conflict with the Framework.
- 4.8 After this, they will have the same status as all other plans, such as the Local Plan for Slough, which is that they will only be given due weight according to their degree of consistency with the Framework.
- 4.9 As a result it is suggested that new plans may need to be prepared or be subjected to a partial review to make sure that they take account of the policies in the NPPF.
- 4.10 The document states that advice will be made available from a number of organisations to assist local planning authorities in considering the need to update their Local Plans and taking forward reviews. So far PAS (Planning Advisory Service) has produced guidance as to how to carry out a self assessment of plans against the NPPF but there is no further advice.
- 4.12 It is not considered necessary to carry out a complete review of the Core Strategy or Site Allocations DPD. These documents were prepared in accordance with the 2004 Act and cover the period up to 2026. The Spatial Strategy of “Concentrating development” has proved to be successful and we still have a five and 15 year housing supply. We are also in the process of successfully implementing the comprehensive regeneration schemes in the Site Allocations SPD.
- 4.13 We are still reliant upon a number of Local Plan policies which were not included in Core Strategy because they are development control rather than strategic policies. They have been assessed against the Core Strategy and were only “saved” if they still complied with it. As a result they form an important part of Slough’s suite of Development Plans.

- 4.14 The NPPF also contains a number of policies for mineral extraction. The Berkshire Minerals Plan is largely out of date. It was due to be replaced by the Berkshire Minerals and Waste Core Strategy but this is not now being taken forward. There are not many outstanding issues to be resolved in Slough because most of the minerals bearing land has been dug. There are however two small Preferred Areas which need to be retained. Waste matters are not covered in the NPPF. The Government is planning to separately deal with this subject at a future date.
- 4.15 Taking all of these factors into account it is considered that the best way forward is for us to produce a “consolidated” version of the Slough’s Development Plans. This would consist of the Core Strategy, Site Allocations, the ‘saved’ parts of the Local Plan for Slough and selected parts of the Berkshire Minerals Plan. For simplicity it is proposed to call the consolidated plans the Slough Local Plan.
- 4.16 This would have the advantage of bringing all of our policies into one document.
- 4.17 The “consolidated” plan would not be published for public consultation because we are not proposing to change the constituent adopted plans. The public and other interested parties would, however, be invited to comment upon the extent to which the policies were compliant with the new National Planning Policy Framework. In order to help this process we would publish our own self assessment of the policies.
- 4.18 Whilst most of the policies are likely to be found fully compliant with the Framework, it is inevitable that there will be some grey areas. It may be possible to resolve these by clarifying how the policy would be interpreted in the future in the consolidated plan. If there is a clear conflict between a Slough policy and the NPPF which cannot be justified for local reasons, we may have to consider deleting the conflicting part.
- 4.19 It should be made absolutely clear that the publication of the “consolidated” version of the Local Plan does not alter the legal status of the constituent parts. The date of adoption for the Local Plan would remain as 2004, the Core Strategy 2008 and the Site Allocations 2010. The proposed scrutiny of all of the policies and assessment against the NPPF should, however, ensure that the policies maintain their appropriate weight.
- 4.20 It is not clear how plans in general will be assessed against the NPPF but if a different formal process is introduced it is considered that the work that we will have carried out will provide a good starting point.

Localism Act

- 4.21 The Localism Act became Law on 15th November 2011. It covers a range of topics but the key areas affecting planning are as follows:

Abolition of Regional Plans

- 4.22 The Act allows the government to abolish the Regional Plans, including the South East Plan this means that there is no longer any formal requirement for any plan making above individual Local Authority areas. The Government recognises that there still will be a number of “larger than local” planning issues that will need to

be addressed and so has tried to fill this policy vacuum with the proposed “Duty to Co-operate”.

- 4.23 The Duty to cooperate relates to the preparation of Development Plan documents and other local development documents, and “other activities that support the planning of development”. It covers local planning authorities and “other prescribed bodies or persons” and requires them to “engage constructively, actively and on an ongoing basis” in these activities. In particular this includes a requirement to give a substantive response to consultations or other requests to assist in the undertaking of these activities.
- 4.24 As a result under the new Act, when submitting plans for examination, Local authorities will be expected to demonstrate evidence of having successfully cooperated with their neighbours, particularly where there are cross-boundary issues or impacts.
- 4.25 It should be noted that this is not a “duty to agree” and so it is not necessarily a mechanism for resolving disputes between authorities which would previously have been sorted out through the Regional planning process.
- 4.26 It will become increasingly important that we engage with adjoining authorities as they prepare their plans. This may involve bringing more reports to Planning Committee in order to get Member’s formal views.
- 4.27 In addition to working collaboratively, the NPPF encourages authorities to undertake formal joint working. Members will be aware that we previously had a Joint Strategic Planning Unit in Berkshire and that there was a Joint Planning Committee to deal with things like Minerals and waste. It is not considered practical to try to resurrect such formal arrangements at this stage but it is important that we continue to work together on evidence gathering, monitoring and exchanges of information.

Neighbourhood Planning

- 4.28 The Localism Act also introduces a number of new ways in which planning can be carried out by local people. This includes the preparation of Neighbourhood Plans, Neighbourhood Development Orders and Community Right to Build Orders.
- 4.29 Neighbourhood Plans are intended to allow communities to come together through a local parish council or neighbourhood forum and plan for where they think new houses, businesses and shops should go – and what they should look like.
- 4.30 The main requirements of these plans are that they should comply with the strategic policies in the Core Strategy, be subject to an independent examination and then be approved by a majority of residents in a referendum.
- 4.31 Neighbourhood Development Orders will grant permission for a particular development or for a class of use specified in the order. This can apply throughout the area or within specific zones. This will also be subject to independent examination, consultation and a referendum.

- 4.32 Community Right to Build Orders will give groups of local people the power to build new homes, businesses, shops, playgrounds or meeting halls. A community organisation will be able to bring forward development proposals which, providing they meet minimum criteria and can demonstrate local support through a referendum, will be able to go ahead without requiring a separate traditional planning application.
- 4.33 There has so far been no indication that there is any interest in Slough from Parish Councils or local groups to get involved in neighbourhood planning. It is important that we keep this under review and actively engage at an early stage with any groups considering producing a Neighbourhood Plan in order to explore what all the options may be.
- 4.34 There also has not been any be any interest in Neighbourhood Development Orders so far. It should be noted that we already have a SPZ for Slough Trading Estate, which has the same effect, and that SEGRO wish to renew this for a further 10 years from 2014.

6 Conclusion

- 6.1 Members' approval is being sought for the reassessment of the existing planning policies in Slough against the new NPPF by producing a "consolidated" version of the Slough Local Plan. This will not be published for public consultation but for people to comment upon the extent to which they think there is any conflict between the local and national policies.

7 Background Papers

- '1' The Local Plan for Slough (2006)
- '2' The Slough Core Strategy (2008)
- '3' Slough Site Allocations DPD (2010)
- '4' Berkshire Minerals Plan (2001)
- '5 ' National Planning Policy Framework (2012)
- '6' Localism Act (2011)