

SLOUGH BOROUGH COUNCIL

REPORT TO: Planning Committee **DATE** 29th November 2012

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WARD(S): All

PART I **FOR DECISION**

CONSOLIDATED LOCAL PLAN: SELF ASSESSMENT OF POLICIES COMPARED TO THE NATIONAL PLANNING POLICY FRAMEWORK

1 Purpose of Report

The next stage towards producing a “Consolidated” Local Plan for Slough is to carry out a self assessment of how all of the policies that make up Slough’s Development Plan comply with the new National Planning Policy Framework. The purpose of this report is therefore to seek Members’ approval for the publication of a “Self Assessment” of Slough’s policies for public comment.

2 Recommendation

That a “Self Assessment” of Slough’s planning policies in terms of their compliance with the National Planning Policy Framework be published for public comment.

3 Community Strategy Priorities

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**

4 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.

5 Supporting Information

Introduction

- 5.1 There are currently a number of plans which together form the adopted “Development Plan” for Slough. These are the Core Strategy (2008) and Site Allocations development Plan Documents (DPD) (2010) plus the “saved” policies from the Local Plan for Slough (2004), Replacement Minerals Plan for Berkshire (2001) and Waste Local Plan for Berkshire (1998).
- 5.2 Members will recall that at the meeting on 17 October 2012 it was decided that it was not necessary to carry out a full scale review of these plans at this stage. The Core Strategy covers the period up to 2026 and its Spatial Strategy of “concentrating development” has proved to be robust 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 DPD.
- 5.3 As a result it was decided that instead of reviewing all of the various plans they should all be republished in a single “consolidated” Local Plan for Slough.
- 5.4 Before doing so, it is necessary to establish that the policies still comply with the National Planning Policy Framework (NPPF) because in future plans will only be given due weight according to their degree of consistency with the new Framework. There is also the opportunity at this stage, to see if we need to continue to keep all of the “saved” Local Plan policies.
- 5.5 As a result we have carried out a “Self Assessment” of all of the current planning policies in Slough based upon the methodology devised by the Planning Advisory Service (PAS), which is particularly useful because it identifies the main areas where the NPPF has changed policy and identifies the key issues that have to be considered.
- 5.6 The initial conclusions from this exercise, which are set out below, suggest that with one or two exceptions the policies in the Slough Plans perform well when compared with the NPPF. In order to test this it is proposed to make this “Self Assessment” available for public comment in the new year so that the Council can then make a more informed decision about how to proceed with the “consolidated version” of the Slough Local Plan.
- 5.7 The full “Self Assessment” document is included as Appendix 1 to this report but the key points are summarised below.

Presumption in Favour of Sustainable Development

- 5.8 At the heart of the National Planning Policy Framework (paragraph 14) is a “presumption in favour of sustainable development” which should be seen as a golden thread running through both plan making and decision taking.
- 5.9 In practice, to demonstrate this commitment to deliver this “presumption”, all new plans that have been approved since the NPPF came in to force have a “model policy” inserted at the beginning which states that the Council will work proactively with

applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

- 5.10 Whilst none of the plans that cover Slough currently have such a model policy, this does not necessarily mean that they do not comply with the NPPF. The policy is effectively a statement of intent and so it would be possible for the Council to agree to this without it being part of adopted planning policy.
- 5.11 The other key points for plan making in the NPPF (14) are that:
- Local planning authorities should positively seek opportunities to meet the development needs of their area and
 - Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change.
- 5.12 All of Slough's strategic policies which deal with needs are set out in the Core Strategy which is in compliance with the allocations in the South East Plan. Whilst the Council continues to monitor development and update its evidence base, it is not considered necessary to carry out a review of the underlying assumptions behind the strategic policies in the Core Strategy.
- 5.13 As a result the "Self Assessment" has not sought to reassess Slough's needs. The main focus of the exercise is therefore to identify how the policies can be applied with sufficient flexibility to adapt to any identified changes in circumstances.
- 5.14 At the same time, as explained above, it is not considered necessary to review the existing Spatial Strategy of "concentrating development in the town centre".
- 5.15 In order to implement this spatial strategy it is necessary to have some strategic "place shaping" policies which seek to direct development to appropriate locations. Whilst some of these policies may not appear to comply with the NPPF they are in accordance with one of the core planning principles in the Framework (17) which states that we should have a plan led system which empowers local people to shape their surroundings.
- 5.16 Having set out the general principles as to how the "Self Assessment" should work, each of the various topics areas are considered in detail below.

Housing

- 5.17 The NPPF (49) makes it clear that policies should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 5.18 Slough has a good record of housing delivery. The latest Housing Trajectory in the Annual Monitoring Report shows that we have a five and fifteen year supply of housing in Slough. This takes account of the need for an additional buffer of 5% as required by the NPPF (47).

- 5.19 The housing supply figures are based upon the requirement set out in the South East Plan which represents the latest objective assessment of housing need for the area which is consistent with the policies in the Framework.
- 5.20 The Core Strategy also complies with the NPPF (50) in that it has identified that affordable housing is needed in Slough and set out a policy for meeting this need. Core Policy 4 requires between 30 and 40% of housing to be affordable on sites with 15 units or more. The NPPF allows this minimum threshold to be reduced but it is not intended to review this at this stage.
- 5.21 A recent assessment of housing needs shows the scale of demand for affordable units is still very high in Slough. The Council will take into account viability when deciding upon the proportion of affordable housing that should be provided, but only on a site by site basis.
- 5.22 Several developments have been approved since the start of the economic down turn that include a substantial amount of affordable housing which indicates that the existing policy, as currently applied, is workable in many cases. As a result it is not considered that the affordable housing policies need to be reviewed in order to comply with the NPPF.
- 5.23 The Core Strategy also complies with the NPPF (50) in that it has identified the type of housing that is required in particular locations but directing flats to the town centre and only allowing predominantly family housing elsewhere.

Retail and Town Centres

- 5.24 The key thrust of the NPPF (23) is that planning policies should positively promote competitive town centre environments as well as a hierarchy of other centres. The spatial strategy of concentrating development in the town centre which is set out in the Core Strategy and implemented through the Site Allocations DPD is entirely consistent with the Framework. The “saved” Local Plan policies set out the development control type policies that the NPPF requires.
- 5.25 The main policy tool for promoting town centres set out in the NPPF (24) is the application of the sequential test for main town centre uses. Core Policy 6 sets out a sequential test for retail uses which is broadly in line with the NPPF. The main difference is that the Core Strategy states that developers will be required to demonstrate that there is a “need” for the development. The Framework does not include this as a requirement but states that the “impact” of the proposed development on existing or proposed investment in the centre needs to be assessed. In Slough these assessments cannot be carried out without establishing what the overall demand for retail floor space will be. As a result, although it will no longer be treated as a policy requirement, the question of need will remain as a key consideration in the quantification of retail impact.
- 5.26 The NPPF (23) requires plans to allocate sites to meet the scale and type of retail, leisure, commercial, cultural, community and residential development needed in town centres. This has been done through the Site Allocations DPD which has allocated sites in Slough town centre, the Farnham Road and at Langley. There are no restrictions on the amount of development that can take place.

Business and Employment

- 5.27 The NPPF (19) makes it clear that the Government is committed to ensuring that the planning system does everything that it can to support sustainable economic growth and that authorities should plan proactively to meet the development needs of business and support the economy (20).
- 5.28 The Core Strategy sets out a clear economic vision and strategy for Slough in accordance with the NPPF (20). There are no restrictions upon the amount of development that can take place.
- 5.29 The Core Strategy “saved” Local Plan policies control the location of where different types of employment should go in accordance with the Spatial Strategy. They identify areas for economic regeneration, strategic employment sites, infrastructure provision and environmental enhancement in accordance with the Framework (21).
- 5.30 The Site Allocations DPD expanded the Town Centre boundary where business uses would be suitable (22).

Green Belt

- 5.31 The NPPF has not introduced any significant changes to Green Belt policy and retains the presumption against inappropriate development unless there are “very special circumstances”.

Minerals

- 5.32 It is recognised that the strategy within the Replacement Minerals Plan for Berkshire (2001) is completely out of date. As a result the only policies that have been “saved” for continued use are the development control type policies that the NPPF (143) states are required.
- 5.33 As a result there is no allocation for Slough and no policy to ensure that there is sufficient supply of material to meet needs. The NPPF (142) acknowledges, however, that minerals can only be worked where they are found. The position in Slough is that virtually all available mineral resources have been dug. The Minerals Plan identifies two “Preferred Areas” for mineral extraction which effectively constitute Slough’s entire potential supply.
- 5.34 Whilst it is acknowledged that there is a strategic policy gap as far as minerals planning in Slough are concerned, it is considered that the “saved” policies in the Minerals Local Plan continue to provide the necessary development control policies that are needed. The only one which may not comply with the presumption in favour of sustainable development in the NPPF is Policy 10 which sets out a presumption against minerals extraction outside of the Preferred Areas. As a result this may have to be deleted. This would not, however, make any difference in practice because, as explained above, there is little scope for minerals extraction outside of these areas.

Promoting Healthy Communities

- 5.35 The NPPF uses this term as an umbrella for the role planning has in facilitating community cohesion and wellbeing. It states that planning policies and decisions should
- aim to achieve places which promote safe and accessible environments and developments which address crime and the fear of crime (69).
 - deliver the social, recreational and cultural facilities and services the community needs. This includes guarding against the unnecessary loss of valued facilities including schools, local shops, sports venues, cultural buildings and places of worship (70).
 - protect existing open spaces, playing fields, public rights of way and access (74,75).
- 5.36 While these issues are not grouped together in one policy in the Core Strategy and Local Plan, there are policies which cover and are fully compatible with the NPPF objectives to deliver healthy, inclusive communities. These include Core Policy 2 (Green Belt and Open Spaces); Core Policy 10 (Infrastructure), Core Policy 11 (Social Cohesiveness), Core Policy 12 (Community Safety) and EN5 (Design and Crime Prevention); Core Policy 6 (retail, leisure and community facilities).

Transport

- 5.37 The Council's existing policies are in general conformity with the NPPF. The new Framework has removed the requirement to have maximum car parking standards but it is considered that Core Policies parking cap for commercial development should be retained because it is an integral part of the Council's transport strategy and a key tool for ensuring Spatial Strategy of concentrating development in the town centre. It is also consistent with the NPPF policy of support a pattern of development that facilitates the use of sustainable modes of transport.

Natural and Built Environment

- 5.38 It is considered that the Council's policies for the built environment, natural and historic environment, including design, biodiversity and measures to adapting to climate change, conform with the NPPF.
- 5.39 The Council has an up to date flood risk management strategy, and is working on measures to address flooding across the borough. Supplementary guidance can deal with the NPPF policy that seeks a policy to support energy efficiency in existing buildings that is not covered by building control.

Other Topics

- 5.40 The NPPF does not cover Waste issues and Gypsies and Travellers are subject to separate exercise. As a result these have not been included in the Self Assessment.

Next Stages

- 5.41 It is proposed to write or send an email to all of the people and organisations on the planning policy Local Development Framework database asking them for comments on the Council's "Self Assessment". It is recognised that this is a very technical exercise and so the main audience will be adjoining authorities, the DCLG and other statutory consultees such as the Environment and Highways Agencies.
- 5.42 Whilst we would not expect many comments from members of the public, any that we do receive will obviously be taken into account.
- 5.43 It is envisaged that the exercise will take place in the new year. The results will then be reported back to Committee with a recommendation as to how to proceed with the publication of the Consolidated Plan.
- 5.44 A decision can also be made at this stage as to what other supplementary planning policies may need to be produced to fill in any identified gaps, or if some of the "saved" Local Plan policies no longer need to be used for development control purposes.
- 5.45 The overall effect of this process should be to ensure that the Council's suite of planning policies continue to be fit for purpose for the foreseeable future.

6 Conclusion

Members' approval is being sought for the publication of a "Self Assessment" of the extent to which the Council's existing Plans comply with the National Planning Policy framework. Comments upon this will be sought in the New Year so as to inform the way in which a new "Consolidated" version of the Local Plan will be published.

7 Background Papers

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