

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Planning Committee **DATE** 25th July 2013

**CONTACT OFFICER:** Paul Stimpson  
Head of Planning Policy & Projects  
01753 87 5820

**WARD(S):** All

### **PART I** **FOR DECISION**

#### **RESULTS OF THE NATIONAL PLANNING POLICY FRAMEWORK SELF ASSESSMENT AND APPROVAL OF THE PUBLICATION OF THE 'COMPOSITE' LOCAL PLAN FOR SLOUGH**

##### **1 Purpose of Report**

- 1.1 The purpose of this report is to seek approval of the publication of the "Composite" Plan which will bring all of Slough's current planning policies into a single document. This has been informed by the comments that have been received on the "Self Assessment" of Slough planning policies in terms of their compliance with the National Planning Policy Framework (NPPF). The outcome is that Slough planning policies are considered to be in general conformity with the NPPF and only a few minor clarifications are required as to how the policies will be interpreted. The overall result of this exercise is to confirm that there is no need to review the Local Plan for Slough at present.

##### **2 Recommendation(s)/Proposed Action**

- 2.1 The Committee is requested to resolve:
- a) That the comments received on the Council's "Self Assessment" of the conformity of Slough planning policies with the National Planning Policy Framework, as set out in the report and Appendix 1 be noted;
  - b) That the publication of the 'Composite' Local Plan for Slough be agreed, including the insertion of the statement of intent with a presumption in favour of sustainable development and the insertion of an explanatory box as to how the sequential test in Core Policy 6 (Retail, Leisure and Community facilities) will be interpreted.
  - c) Policy 10 (Outside Preferred Areas) of the Replacement Minerals Plan for Berkshire will no longer be used for development control purposes in Slough.
  - d) The existing Local Development Scheme (LDS) be withdrawn.
  - e) The need to review the Local Plan for Slough in the future be monitored through the Annual Monitoring Report.

### **3 Community Strategy Priorities**

3.1 The plans which form the Local Development Framework for Slough 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**

An Equalities Impact Assessment is not necessary as there are no new planning policies. These policy documents are already adopted and Equalities Impact Assessment undertaken.

#### **(d) Workforce**

There are no workforce issues arising from this report.

### **5 Supporting Information**

#### **Introduction**

- 5.1 Members will recall that at Planning Committee on November 29<sup>th</sup> 2012 it was resolved to seek comments from the public on the Council's "Self Assessment" of the conformity of Slough Development Plans with the National Planning Policy Framework (NPPF). The results of this exercise are set out below and in Appendix 1. This shows that there are no major conflicts with the NPPF. There are, however, a few cases where some clarification is needed as to how individual policies will be interpreted in the light of the NPPF and this will be explained later in the report.
- 5.2 This means that it is now possible to proceed with the publication of a "Composite Plan" which will be a single document containing all of the current policies which together form the Development Plan for Slough. These are the Core Strategy (2008), the Site Allocations (2010) Development Plan Documents and the saved policies from the Local Plan for Slough (2004), Replacement Minerals Plan for Berkshire (2001) and Waste Local Plan for Berkshire (1998).
- 5.3 It should be noted that this is an administrative exercise which is intended to make the plans easier to use by bringing them all together in a single document. This does not involve the introduction of any new policies.

- 5.4 The other main conclusion that can be drawn from the work that has been carried out to prepare the Composite Plan is that there is no need to carry out a review of the Local Plan at this stage.
- 5.5 The need to start work on reviewing the Plan will continue to be monitored and some background work, such as the production of an Infrastructure Plan for Slough, will take place. The Council's Local Development Scheme (2009), which sets out a timetable for the production of planning documents is now out of date and so will be withdrawn.

#### Results of Public Comment Exercise on the Self Assessment

- 5.6 The National Planning Policy Framework was published in March 2012 as a 'streamlined' document that replaces Planning Policy Statements and Guidance (PPSs and PPGs). Planning law requires that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
- 5.7 Paragraph 215 of the Framework also states that after March 2013, those plans and policies that are of limited compatibility will be at risk of not being given full weight.
- 5.8 As a result the Council has carried out a "Self Assessment" of Slough Planning Policies with the conformity of the NPPF to establish the extent to which they were consistent with the framework and so full weight could continue to be given to them.
- 5.9 The Self Assessment was published for a six week public comment exercise beginning on 14th February 2013. It was deliberately focused upon consultees and organisations that were most likely to respond rather than the general public.
- 5.10 A total of 12 representations were received. This small number of responses was expected due to the technical nature of the exercise. It was, however, encouraging to receive responses from statutory consultees including the Environment Agency, Highways Agency, English Heritage and Natural England as well as Local Authorities.
- 5.11 A summary of the comments by each respondent is set out in Appendix 1.

#### General Comments

- 5.12 The majority of the representations received were supportive or just made general comments. There were very few objections.
- 5.13 The main objections came from Goodman, the promoters of the Slough International Freight Exchange (SIFE) at Colnbrook which is the subject of an appeal. They concluded that there are some significant flaws in the self assessment, as a result of inconsistencies between the requirements of the NPPF and the existing local planning policies for Slough Borough.

- 5.14 Goodman also suggested that the exercise did not comply with the “Duty to Cooperate” set out in the NPPF but it is not considered that this is applicable since the self assessment has not involved the preparation of new policies.
- 5.15 English Heritage considers that, as it stands, the Council’s LDF is not compliant with the NPPF in respect of the policy framework for the historic environment because it doesn’t have “a positive strategy for the conservation and enjoyment of the historic environment”.
- 5.16 These and all of the other main issues raised by respondents are considered in detail below on a topic by topic basis.

The Presumption in Favour of Sustainable Development

- 5.17 One of the key issues raised by Goodman is how existing plans can incorporate the “presumption in favour of sustainable development” which was introduced by the NPPF as a ‘golden thread’ running through plan making.
- 5.18 The Core Strategy predates the publication of the National Planning Policy Framework (NPPF) as a result there is no overriding policy setting out a presumption in favour of sustainable development.
- 5.19 Goodman have pointed out that this means that assessing the consistency of the Slough plans with the NPPF is not a straight forward exercise. They do not consider that the Core Strategy and the saved policies of the Local Plan for Slough could be made consistent with the NPPF merely through the addition of the model policy developed by the Planning Inspectorate, because under the provisions of the NPPF the presumption should run right through the plan making, including through an objective assessment of needs.
- 5.20 This is not agreed because there are many examples where the model policy has been inserted into a plan at the last minute to make it sound. In Slough’s case it will not be a “policy” that is part of the Development Plan. This should not matter, however, because it is effectively a statement of intent that will be inserted into the Composite Local Plan which will commit the Council to applying the presumption in favour of sustainable development when making decisions based upon policies and other material considerations. This should ensure that planning decisions give appropriate weight to the NPPF.
- 5.21 The proposed wording for insertion in the Composite Plan is as follows:

*PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT*

*A positive approach to considering development proposals will be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Where appropriate, 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.*

*Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise<sup>9</sup>. Planning applications that accord with the policies in the development plan (including, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material*

*considerations indicate otherwise. Proposed development that conflicts with the development plan will be refused, unless other material considerations indicate otherwise.*

*Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then permission will be granted unless material considerations indicate otherwise – taking into account whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or Specific policies in that Framework indicate that development should be restricted.*

### Green Belt

- 5.22 The only policy requirement relating to green belts is set out in Core Policy 1 which contains the “very special circumstances” test which is repeated in the NPPF. There are no development control type policies in the Core Strategy or Local Plan and so there is no conflict with the policies in the NPPF.
- 5.23 Wexham Park Hospital has no comments as there are no changes to Green Belt policy which retain the Hospital as a Major Existing Developed Site.
- 5.24 Goodman have misunderstood the wording in the self assessment. This does not suggest that Green Belt policy is not applicable in the Strategic Gap and Colne Valley Park but explains that there is a higher bar to development in the Strategic Gap and Colne Valley Park than set out in Green Belt policy.
- 5.25 As a result no conflicts have been identified between existing Green Belt policies and the NPPF.

### Strategic Gap and Colne Valley Park

- 5.26 Goodman state that the NPPF makes no provision for local Strategic Gap policies or indeed for spatial policies that seek to crudely prevent development in principle. Furthermore, the local Strategic Gap policies do not align with the provision that is made within the NPPF for criteria based upon policies in response to local landscape designations.
- 5.27 They also state that the “essential to be in that location” test set out in Core Policy 2 is without basis in the NPPF and that Authorities should set criteria based policies against which development affecting landscapes and biodiversity will be judged.
- 5.28 Once again Goodman have misunderstood the Strategic Gap policy. This is not a designation based upon the landscape or biodiversity quality of the area. The Strategic Gap forms part of the Spatial Strategy for Slough and so is a “place shaping” policy for Slough. This is consistent with the core planning principles of the NPPF which state that planning should be genuinely plan-led, empowering local people to shape their surroundings, taking account of the different roles and character of different areas.
- 5.29 Since the Strategic Gap is not part of the Spatial Strategy for adjoining Boroughs it is not surprising that they should not have adopted such a high bar for development as Slough.

- 5.30 The Colne Valley Park designation is also not reliant upon the existing landscape or biological quality of individual areas of land alone but upon the contribution that it can make to the objectives of the regional park. As a result there is also no conflict with the NPPF.

### Housing

- 5.31 Bracknell Forest Council have pointed out that the NPPF requires a Local Plan to meet the full objectively assessed needs of both market housing and affordable housing in a housing market area.
- 5.32 It was made clear that we are not carrying out a review of the underlying assumptions behind the strategic policies in the Core Strategy and that the Self Assessment has not sought to reassess Slough's needs. As a result we are relying on the full objective assessment of housing need which was carried out for the South East Plan. This will be reassessed when a review of the Local Plan is carried out in the future.
- 5.33 Slough has a good record of housing delivery. It has a five year supply of housing plus the additional buffer of 5% required by the NPPF. The five year supply housing assessment which will include an up to date housing trajectory will be published in the Annual Monitoring Report 2012-13 in September.
- 5.34 The NPPF makes it clear that policies are considered up to date if the local planning authority can demonstrate a five year supply of deliverable housing sites. As a result Slough does not need to review the plan at present.
- 5.35 Bracknell have also highlighted the fact that the NPPF requires an assessment of the needs of travellers and that without this it is difficult to support the approach being taken as it does not appear to be comprehensive.
- 5.36 The Core Strategy refers to the gypsy needs survey for Berkshire but does not make an allocation for Slough. Although not considered as part of the Self Assessment, there is no conflict with the NPPF and, as explained above, we are not carrying out a review of the plans at this stage.

### Employment

- 5.37 Montague Evans claim that the part of Core Policy 5 (Employment), which states that there will be no loss of Existing Business Areas, is contrary to the NPPF and so a clause should be added which allows flexibility where there is no reasonable prospect of all or part of an Existing Business Area being used for that purpose.
- 5.38 Flexibility is built into the Core Strategy in Policy CP1 (Spatial Strategy) which allows for some relaxation of policies in selected key locations. Further flexibility has also been applied in the Site Allocations DPD. Indeed Montague Evans represents the owners of the Langley Business Park, part of which has been allocated for a supermarket even though it is an Existing Business Area.
- 5.39 Paragraph 22 of the NPPF, which Montague Evans have quoted, actually states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for

that purpose. This is aimed at allocations of new land that have remained undeveloped rather than Existing Business Areas which are fully developed.

- 5.40 Montague Evans stated that the Council should regularly review land allocations as required by Paragraph 22 of the NPPF. It is not necessary to carry out such a review as the existing employment areas are not redundant. An employment land study will be conducted when we prepare a new plan in the future.
- 5.41 As a result no changes are recommended to the interpretation of Core Policy 5 because there is sufficient flexibility in the policy particularly when this is combined with the exceptions clause in Core Policy 1. There are no other conflicts between the employment policies and the NPPF.

### Retail

- 5.42 The Self Assessment flagged up the fact that the part of Policy CP6 (Retail) which requires developers to demonstrate the need for an out of centre retail development is not fully compatible with the NPPF. The Framework does, however, require an assessment of the impact of the proposed development upon planned investment and the viability and vitality of town centres. As a result even though these assessments will not have to take into account the “need” for additional retail floorspace, they will have to take into account the “demand” it.
- 5.43 As a result It is proposed to insert an explanatory box into the Composite Plan to explain how to Policy CP6 will be interpreted in future.

*Need is no longer required by the Sequential Test in the NPPF. However this can be taken into account when establishing the overall demand for retail floorspace when assessing retail impact.*

- 5.44 Bracknell Forest Council has questioned how Policy CP6 can be afforded weight due to its conflict with the NPPF. However it is considered that the proposed recommendation above will make any decisions related to Core Policy 6 compliant with NPPF.
- 5.45 There are no other conflicts between the retail policies and the NPPF.

### Community Facilities

- 5.46 Sport England point out that the NPPF states that planning policies should be based on robust and up-to-date assessments of the need for open space, sports and recreation facilities. It acknowledges that the Council produced a Playing Field Strategy in 2010 but this has not been used to inform the planning policies that pre-date this. Sport England also suggests that the Council should undertake an assessment of the need for indoor sports facilities and update its assessment of outdoor sports facilities.
- 5.47 The Council is in the process of preparing a new Leisure Strategy but, as explained above, we are not carrying out a review of the underlying assumptions behind the strategic policies in the Core Strategy as part of the Self Assessment exercise or sought to reassess Slough’s needs.

- 5.48 Sport England states that Council should revise some of its policies concerning indoor and outdoor sport facilities to be in compliance with the NPPF. This is not the opportunity to add or revise policies.
- 5.49 Sport England have concluded that overall there are no conflicts with the NPPF.
- 5.50 Upton and Wexham Park Hospital has no comments as there are no changes to the wording of policies relating to the hospitals.
- 5.51 Slough Windsor and Maidenhead Campaign for Real Ale has pointed out that the NPPF states that planning policies should plan positively for the provision of community facilities such as public houses and guard against the unnecessary loss of such valued facilities.
- 5.52 None of Slough's policies currently make specific reference to pubs as community facilities but there is no opportunity to review the policies at this stage.

### Transport

- 5.53 The Highways Agency had no comments on the Self Assessment exercise.
- 5.54 Goodman have identified a number of paragraphs within the NPPF which make provision for policies for Strategic Rail Freight development. This includes paragraph 31 which states that Councils should work with neighbouring authorities and transport providers to develop a strategy for delivering viable infrastructure including rail freight interchanges.
- 5.55 It is considered that this reiterates the policy in the former South East Plan. The need to identify a site for SIFE was considered in the preparation of both the Core Strategy and Site Allocations DPD both of which were found to be sound without making any such designation.
- 5.56 Goodman also consider that the publication of the Strategic Rail Freight Interchange Policy Guidance (Nov 2011) is a change in policy that explicitly states that SRFI capacity needs to be provided at a wide range of locations, particularly to serve London and the South East.
- 5.57 The current Self Assessment exercise is only looking at the conformity of Slough's plans with the NPPF which was published after the interim Guidance of November 2011. Nevertheless it is not considered that there is any quantifiable change in policy for SRFIs from that set out in the regional plan.
- 5.58 Overall It is not considered that there are any conflicts between the Council's transport policies and the NPPF.

### Environment

- 5.59 The Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust agree that the policies are in general conformity with the NPPF but are concerned that there is no policy for the protection of ancient and veteran trees or Biodiversity Opportunity Areas. Although the Council have an overarching policy on the protection of trees therefore it is supported.



- 5.60 The preparation of the Composite Plan does not provide the opportunity to include new policies. This can be assessed when we review the plan in the future.
- 5.61 Natural England quoted that the Council may wish to revise the document to remove references to the South East Regional Spatial Strategy, which has now been revoked. It is not proposed to change the text of the plan but it will instead be annotated to explain the status of documents such as the Regional Plan or the PPSs that are referred to.
- 5.62 Natural England would like measures to enhance the biodiversity of sites by incorporating features into the design which are beneficial to wildlife. This is not, however, the opportunity to review the policies at this stage.
- 5.63 Environment Agency agreed that the policies remain consistent with national policy.
- 5.64 English Heritage considers that, as it stands, the Council's LDF is not compliant with the NPPF because it doesn't provide "a positive strategy for the conservation and enjoyment of the historic environment" and doesn't have "a clear strategy for enhancing the historic environment".
- 5.65 English Heritage recommend that the Council prepare a detailed a Development Management Development Planning Document to remedy this.
- 5.66 It is acknowledged that there is a gap in the planning policy framework because most of the relevant Local Plan policies were not "saved" because they were covered by the PPGs. It is not proposed to produce any new policies until we carry out a review of the Local Plan. In the mean time it is considered that the Council can rely upon a combination of the remaining policy local policies and those in the NPPF as the basis for assessing applications in relation to the historic environment.
- 5.67 As a result, although there may be some gaps in the Local Plan environmental policies, it is not considered that the existing ones conflict with the NPPF.

### Minerals

- 5.68 Although there were no comments from the public, the Self Assessment highlighted the fact that, because the Berkshire Minerals Plan is out of date, there is no current minerals allocation for Slough. This means that the plan does not fully comply with the requirements of the NPPF.
- 5.69 This is not necessarily an issue in practice because the NPPF acknowledges that minerals can only be worked where they are found. Since virtually all potential minerals sites in Slough have already been dug apart from two remaining "Preferred Areas", these effectively constitute Slough's allocation.
- 5.70 Policy 10 of the Minerals Plan sets out a presumption against minerals extraction outside of the Preferred Areas. This policy was based upon previous calculations that there was an adequate supply of minerals in Berkshire. Since it is not possible to assess whether this is still the case, it is not considered

appropriate to continue to apply this policy. As a result it is proposed that this is no longer used for development control purposes in Slough.

- 5.71 There is no conflict with any of the remaining “saved” Minerals policies and the NPPF.

#### Adjoining Boroughs

- 5.72 In addition to the comments received from Bracknell Forest Council, Royal Borough of Windsor and Maidenhead stated that it had no comments to make about the Self Assessment exercise.

#### Composite Plan for Slough

- 5.73 Members will be aware that having completed the Self Assessment exercise, it is proposed to produce a “Composite” Plan for Slough which would contain all of the remaining Local Plan policies in one document and annotate it to make it more user friendly.
- 5.74 There were no objections to the production of a Composite Plan. Goodman state that the principle of presenting four separate policy documents in a single bound volume is simply an administrative matter for SBC but it will be important not to create any confusion about the status of the four separate documents. The Composite Plan should not be regarded as an “updated” policy context for Slough or afforded any additional weight.
- 5.75 The status of the Composite Plan will be fully explained along the lines suggested by Goodman. The only changes that will be made will be the omission of some of the supporting text for the “saved “Local Plan policies where this is out of date or no longer relevant, the inclusion of some new cross referencing and the insertion of relevant footnotes.
- 5.76 The Composite Plan will also have the explanatory boxes identified above inserted into it to explain how the presumption in favour of sustainable development will be applied and how the Core Strategy retail policy will be interpreted to ensure that it is in conformity with the NPPF
- 5.77 Any policies that are no longer needed for development control purposes will be superseded through the Annual Monitoring Report in September.

#### Withdrawal of the Local Development Scheme

- 5.78 The Local Development Scheme is a timetable which shows when it is proposed to produce Development Plan Documents (DPD). The current LDS 2009-2012 was adopted in May 2009 and is completely out of date. As a result it is proposed that this should be withdrawn.
- 5.79 The Council will continue to update its evidence base beginning with the preparation of an Infrastructure Plan which could in turn feed into work on the Community Infrastructure Levy.

## **6 Conclusion**

Member approval is being sought for the publication of the 'Composite' Plan subject to the agreed changes as outlined in the recommendations. Approval is also sought for the withdrawal of the LDS and preparation of background studies to update the evidence base.

## **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)
- '6' Self assessment using the PAS NPPF Checklist- consistency of the Slough Local Development Plan with the National Planning Policy Framework (2013)

**APPENDIX 1: RESPONSES TO THE CONSULTATION ON THE SELF ASSESSMENT OF SLOUGH DEVELOPMENT PLANS CONFORMITY WITH THE NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

Respondent ID	Respondent	Summary of Respondent Response
NPPF/1	Montagu Evans on Behalf of Threadneedle Investments which asset manages the Langley Business Park, Langley	<p>Core Policy 5 (Employment) does not comply with paragraph 22 of the NPPF.</p> <p>The policy does not allow for consideration to be given to the development of Existing Business Areas for non-employment generating uses (having regard to market signals and the relative need for different land uses to support sustainable local communities) where there is no reasonable prospect of a site being used for that purpose. This is not in conformity with the guidance given in Paragraph 22 which expressly states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.</p> <p>However the absence of any flexibility in Core Policy 5 reflective of changing demand for employment sites does not constitute ‘positive planning’ required by the NPPF. It also reduces the role that genuinely redundant employment sites can play in delivering other land uses.</p> <p>Indeed in the case of Langley Business Park a significant percentage of the original Existing Business Area has recently been re-allocated for retail purposes. The Site Allocations Development Plan Document Policy SSA23 requires some 2,500sqm of A1 floorspace on part of the Business Park. The re-allocation of this land for retail purposes is reflective of changing demand for the type and nature of the employment floorspace in this location. The preparation of the Site Allocation Development Plan Document facilitated a review of employment land. However there is no certainty within SBC’s Local Development Framework that such a review will occur before a full review of the Core Strategy, which is unlikely to happen in the short or medium term given that it is relatively recently adopted.</p> <p>We consider that the most effective way of assessing if all or part of an Existing Business Area is genuinely redundant for that purpose is by requiring marketing evidence over a period of time in order to demonstrate the nature of demand, if any, for employment purposes. Such evidence prepared by an applicant should be assessed against the findings of the Council’s own regular review of land allocations, required by Paragraph 22.</p>

Respondent ID	Respondent	Summary of Respondent Response
		<p><u>Recommendations</u></p> <p>The addition of a clause to Core Policy 5 that allows the loss of all or part of an Existing Business Area where it can be demonstrated that there is no reasonable e prospect of a site being used for that purpose. , a clause should be added to Core Policy 5 which provides flexibility in cases where there is no reasonable prospect of either all or part of Existing Business Areas being used for that purpose.</p> <p>Employment floor space that forms all or part of the Existing Business Area should be protected unless:</p> <ul style="list-style-type: none"> <li>a. there is evidence that the employment floor space is no longer require having regard to the evidence of pipeline supply and the likely effects of demand</li> <li>b. floor space is no longer physically suitable; or</li> <li>c. the loss could be allowed without prejudicing the aims of the Council’s policies.</li> </ul> <p>That SBC undertakes regular reviews of its employment land allocations in accordance with the requirements of Paragraph 22 and that this is reflected in the Council’s Local Development Scheme.</p>
NPPF/2	Bracknell Forest Council	<p><u>Retail</u></p> <p>The consistency document states that Core Policy 6 (Retail, leisure and community facilities) includes a sequential test for retail uses which is broadly in line with the NPPF, and that the main difference is that the Core Strategy states that developers are required to demonstrate that there is a “need” for the development. It is noted that the NPPF does not include this as a requirement. Despite this, the conformity document sets out that “need” will remain a key consideration.</p> <p>It is difficult to see how Policy CP6 can be afforded weight die to its conflict with the NPPF.</p>
NPPF/2	Bracknell Forest Council	<p>Paragraph 47 of the NPPF requires an evidence base that ensures that a Local Plan meets the full objectively assessed needs of both market and affordable housing in a housing market area.</p>

Respondent ID	Respondent	Summary of Respondent Response
		<p>This is re-iterated in para 159 which also includes a reference to assessing the needs of travellers. The approach that you are taking is difficult to support as it does not appear to be comprehensive.</p>
NPPF/3	Sport England	<p><u>Evidence Base</u></p> <p>The National Planning Policy Framework (NPPF) requires each local planning authority to produce a Local Plan for its area. Local Plans should address the spatial implications of economic, social and environmental change. Local Plans should be based on an adequate, up-to-date and relevant evidence base. In addition, para 73 of the NPPF requires that:</p> <p><i>“Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessment should identify specific needs and quantitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.”</i></p> <p>Sport England acknowledges that a Playing Pitch Strategy (Strategic Leisure 2010) has been undertaken and this is welcome. However, has this document been formally adopted by the Council? If not, then the Council should seek to address this and use the Strategy to identify specific needs and quantitative deficits or surpluses of sports facilities in the local area. Information gained from the assessment should be used to determine what provision is required in accordance with paragraph 73.</p> <p>To underpin up-to-date policies and decision making in line with the NPPF Sport England further recommends that the Council undertakes an assessment of the need for indoor sports facilities and updates its PPG17 assessment (2005) with regard to outdoor sports facilities and uses this information to determine what further provision is required. Without an up-to-date evidence base it will be more difficult for the Council to collect developer contributions towards indoor and outdoor sports facilities.</p>

Respondent ID	Respondent	Summary of Respondent Response
NPPF/3	Sport England	<p><u>Protection of sports facilities</u></p> <p><i>Core Policy 2, 6, Local Plan OSC 1,2,3,4,5,8 &amp; 13</i></p> <p>Paragraph 74 of the NPPF states;</p> <p><i>“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:</i></p> <ul style="list-style-type: none"> <li><i>●an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or</i></li> <li><i>●the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or</i></li> </ul> <p><i>the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”</i></p> <p>Sport England recommends that the Council revises some of its policies concerning indoor and outdoor sports facilities to bring them into line with paragraph 74. For example, both policies OSC3 and OSC4 allow for playing fields/private sports facilities to be lost if the Applicant provides a financial contribution. This approach is not compliant with paragraph 74 of the NPPF.</p> <p>In addition paragraph 74 means that Slough Borough Council should have policies that protect built indoor and outdoor sports facilities from development. Policies OSC17 and Core Policy 6 give some protection to indoor sports facilities if they are a community facility. However, it does not give the level of protection afforded by paragraph 74 of the NPPF which requires Applicants to make alternative sports provision.</p> <p>Sport England therefore recommends that the Council updates its policies to provide improved protection for indoor and outdoor sports facilities in line with paragraph 74 of the NPPF. Paragraph 74 means that Slough Borough Council should have policies that protect built indoor and outdoor sport facilities from development.</p>

Respondent ID	Respondent	Summary of Respondent Response
		<p>Sport England recommends that the Council updates its policies to provide improved protections for indoor and outdoor sport facilities in line with paragraph 74 of the NPPF.</p>
<p><b>NPPF/4</b></p>	<p>Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust</p>	<p>BBOWT agree that, for the main part, the ecological policies making up the Local Development Framework are in general conformity with those in the NPPF. BBOWT particularly welcome the inclusion of BOAs as a means of planning for landscape-scale ecological networks. However, we do note that there does not appear to be a policy on the protection of ancient or veteran trees in the LDF.</p> <p><b>Protection for Ancient and Veteran Trees</b></p> <p>Paragraph 118 of the NPPF states that:</p> <p><i>“When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles;</i></p> <ul style="list-style-type: none"> <li>•<i>Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.”</i></li> </ul> <p>With the removal of the Protection of Trees policy (EN4) from the Local Plan in 2007, it is not clear if any specific protection of ancient and veteran trees remains in the Council’s LDF policies. The value of ancient and veteran trees to biodiversity is well recognised. These trees host species rich communities, particularly those associated with wood decay. They develop a wealth of microhabitats for many species of plants, animals and fungi. This is an important area and should be addressed.</p>



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NPPF/5	Highways Agency	<p>No comment.</p> <p>The HA will be concerned with proposals that have the potential to impact the safe and efficient operation of the SRN.</p>
NPPF/6	Slough Windsor and Maidenhead CAMRA (The Campaign for Real Ale)	<p>No reference to pubs in its definition of community facilities in Local Plan Policy OSC17.</p> <p>The NPPF IN Para 70 makes specific reference to community pubs and gives explicit support to retaining them.</p> <p>A more detailed policy was proposed which included:</p> <p><b>1. General policy on community facilities</b></p> <p>The council supports retention of existing community facilities such as local shops, meeting place, sport venues, cultural buildings, public houses and religious facilities.</p> <p>Before granting planning permission for a change of use or redevelopment which would result in the loss of any of these facilities, the Council will require compelling evidence that the facility is no longer needed by the local community and is no longer commercially viable. If permission is granted for a change of use or redevelopment, preference will also be given to the premises remaining in some form of community or employment use so long as this does not result in traffic, amenity, environmental or conservation problems.</p> <p><b>2. Specific Pub Policy</b></p> <p>The Council strongly supports retention of public houses and will oppose their conversion or redevelopment because they generally help promote a competitive environment, provide consumer choice, offer services of particular local value, and, in some cases, include important historic features. Applications for change of use or redevelopment will therefore be resisted unless convincing evidence can be provided to show that the public house is not economically viable and is no longer required to meet the needs of the local community.</p>

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		<p><b>3. Evidence for applications for change of use/redevelopment</b></p> <p>Viability and Marketing</p> <p>Where applications for change of use or redevelopment of a public house are received, the Council will require evidence that:</p> <p>A comprehensive sustained marketing campaign (agreed in advance by the Council) has been undertaken, offering the public house for sale as a going concern and using an agreed realistic valuation of the premises.</p> <p>The marketing campaign has run for a period of at least twelve months before the planning application is submitted.</p> <p>If marketing has been nased wholly or partly on an alternative community or employment use, there has been prior discussion with the Council on the principle of the proposal</p> <p>The public house has been offered for sale locally, and in the region, in appropriate publications and through specialised licensed trade agents.</p> <p>The CAMRA Public House Viability Test, or a similar objective evaluation method, has been employed to assess the viability of the business and the outcomes (to be shared with the Council) have demonstrated that the public house is no longer economically viable.</p> <p><b>Need</b></p> <p>Where applications for a change of use or redevelopment of a public house are received, the Council will require evidence that:</p> <p>There is no significant local support for its retention</p> <p>There are alternative licensed premises within easy walking distance of the public house.</p>

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		Any such alternative premises offer similar facilities and a similar community environment to the public house which is the subject of the application.
<b>NPPF/7</b>	Barton Willmore (Neville Surtees) on behalf of Upton and Wexham Hospital	No comment as there is no change to the wording of the planning policies relating to Wexham Park Hospital and Upton Hospital.
<b>NPPF/8</b>	Natural England	<p>The council may wish to revise the document slightly to remove references to the South East Regional Spatial Strategy, which has now been revoked.</p> <p>Natural England is pleased to see the references to Open Space and Green Infrastructure provision referenced.</p> <p>Clearer links to paragraph 118 should be made as this will strengthen the Council's policies further.</p> <p>Opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of sites from applicants.</p>
<b>NPPF/9</b>	Royal Borough Of Windsor and Maidenhead	No comment
<b>NPPF/10</b>	Simon Flisher Barton Willmore on behalf of Goodman	The representations conclude that there are some significant flaws in the self assessment, as a result of inconsistencies between the requirements of the NPPF and the existing local planning policies for Slough Borough

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		<p>NPPF paragraph 14 puts the “presumption in favour of sustainable development” at the heart of the planning system and explains that the presumption should be a ‘golden thread’ running through both plan making and decision taking.</p> <p>It is by no means inevitable that an assessment of the consistency of the Slough Local Development Plans with the NPPF is a straight forward exercise.</p> <p>It is not considered that the Core Strategy and the saved policies of the Local Plan for Slough could be made consistent with the NPPF merely through the addition of the model policy developed by the Planning Inspectorate, because under the provisions of the NPPF the presumption should run right through the plan making, including through an objective assessment of needs.</p> <p>It is surprising that Slough Borough Council appear to have reached the simple conclusion that the policies in the Slough Local Development Plan perform well against the NPPF requirements.</p> <p>In terms of Strategic Rail Freight Interchanges (SRFIs) the NPPF makes provision for policies including:</p> <ul style="list-style-type: none"> <li>• The protection and exploitation of opportunities for sustainable transport infrastructure;</li> <li>• The identification and protection of sites which could be critical in developing infrastructure to widen transport choice;</li> <li>• The location of freight movements where the need to travel will be minimised and the use of sustainable transport modes will be maximised;</li> <li>• Working with neighbouring authorities and transport providers and developing a strategy for delivery of viable infrastructure, including rail freight interchanges;</li> <li>• Joint working in respect of strategic infrastructure in the context of the new duty to co-operate.</li> </ul> <p>The Strategic Rail Freight Interchange Policy Guidance (Nov 2011) is a new policy change that explicitly states that SRFI capacity needs to be provided at a wide range of locations, particularly to serve London and the South East.</p>

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		<p>Goodman state that the principle of presenting four separate policy documents in a single bound volume is simply an administrative matter for SBC but it will be important not to create any confusion about the status of the four separate documents. The Composite Plan should not be regarded as an “updated” policy context for Slough or afforded any additional weight.</p> <p>Goodman suggested that the exercise did not comply with the “Duty to Cooperate” set out in the NPPF in that the lack of meaningful co-operation between SBC and other local planning authorities in the formulation of existing local planning policies serves to diminish the weight that can be attached to those policies.</p>
NPPF/11	Environment Agency	<p>The development plan policies as set out in your Core Strategy, Site Allocations Document and saved Local Plan policies remain consistent with national policy, as has been successfully demonstrated in the self-assessment. We therefore accept your appraisal of the situation for the policies which cover issues within our environmental remit.</p> <p>With regard to future reviews of any of your policies, we would like to work with you to update and progress those which relate to our environmental remit. For example with regard to policies relating to development and flood risk we anticipate that you will be updating your Strategic Flood Risk Assessment.</p>
NPPF/12	English Heritage	<p>The policy framework for the historic environment within the Council’s Local Development Framework is provided principally by Core Strategy Policy CP9 on the Natural and Built Environment and Saved Local Plan Policies EN17 on locally listed buildings and TC2 on Slough Old Town. These are supported by Core Strategy Policy CP8 and Saved Local Plan Policies H12 on Residential Areas of Exceptional Character and EN1 on design. (The Self-Assessment Checklist also refers to Local Plan Policy EN13 on Conservation Areas, but the “Saved Policies and Policies Still in Use at December 2010” indicates that this policy was not saved at September 2007, along with Policies EN14-EN16 on listed buildings, EN18 on Historic Parks and Gardens and EN19-EN20 on archaeology).</p> <p>I note that the Council’s Local Development Scheme anticipated a Development Control Policies DPD to be submitted in June last year, with adoption next month. However, as I cannot find this on your website and do not recall any consultation last year, I assume that this has yet to be prepared. In my view, this situation leaves the Council’s Local Development Framework inadequate in terms of the requirements of the NPPF for the historic environment policy</p>

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		<p>framework in Local Plans as summarised at the beginning of this letter.</p> <p>I accept that the Slough Core Strategy 2006-2026, adopted in 2008, does contain a strategic policy for the built environment, CP9, which requires development proposals to enhance and protect the historic environment and respect the character and distinctiveness of existing buildings and townscapes and their local designations, which is satisfactory as a very broad baseline requirement.</p> <p>However, providing “a positive strategy for the conservation and enjoyment of the historic environment” and “a clear strategy for enhancing the historic environment” requires, in our view, supporting detailed development management policies to address specific heritage assets or locations and set out the measures the Council will take to ensure the conservation and enhancement of the historic environment.</p> <p>Policies EN13 and TC2 represent such policies, but corresponding policies for other heritage assets (such as those in the Local Plan that were not saved) are also required, although these could be combined to reduce the overall number of policies.</p> <p>Little contribution to this strategy is given by the Site Allocations DPD - paragraphs 4.53-4.56 on the implementation of Policy CP9 on the Natural and Historic Environment make no mention of the historic environment. Here reference could have been made to land where development would be inappropriate because of its historic significance, although I accept that the DPD was adopted before the publication of the draft NPPF, and this constraint may not be applicable within the Borough.</p> <p>In conclusion, therefore, English Heritage considers that, as it stands, the Council’s LDF is not compliant with the NPPF in respect of the policy framework for the historic environment. More detail is required within the Council’s LDF to constitute the positive strategy required by the NPPF and to deliver the conservation and enhancement of the historic environment of the Borough. It will fall to the Development Management Policies DPD to provide this additional detail.</p> <p>This should be recognised by the Council and a commitment made to address this deficiency through the Development Management Policies DPD. English Heritage would be pleased to work</p>

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		with the Council on developing a detailed development management policy or policies for the DPD.