

CS/CD64a

Selby District Council

Part 2 NPPF Compliance Statement
Whole Core Strategy

(see Part 1 for 'The 3 Topics')

7 June 2012



Contents

	Page Numbers
1. Background	1
2. Purpose of this Statement	1
3. Next Steps	2
4. The Assessment	2
5. Issues	4
6. Summary of Key Topics	8
7. Conclusions	9

Appendices *(published separately)*

- Appendix 1 Tabular assessment of the SDCS policies (as amended) against the NPPF guidance.
- Appendix 2 Tabular assessment of the NPPF requirements against the SDCS (as amended)

1. Background

- 1.1 The Submission Draft Core Strategy (SDCS) was prepared in compliance with Regional Spatial Strategy (RSS) and in the light of at-that-time extant national policy in Planning Policy Guidance notes (PPGs) and Planning Policy Statements (PPSs).
- 1.2 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and this replaces all the previous national planning guidance in PPGs and PPSs¹.
- 1.3 The SDCS examination is in progress with most elements already dealt with at the September 2011 Examination in Public (EIP) and the 3 topics² dealt with at the April 2012 EIP.
- 1.4 The practical steps which must be taken regarding the examination of the SDCS in the light of the new NPPF are set out in The Planning Inspectorate (PINS) advice note³.
- 1.5 Therefore the Core Strategy must be subject to examination in the light of the new NPPF. The Council published an NPPF Compliance Statement (Part 1 - The 3 Topics) on 13 April 2012 (CD64) which set out the Council's assessment of the consistency between the 3 topics and the NPPF. These issues were heard at the April 2012 EIP and need not be re-consulted upon.
- 1.6 The Inspector's note of 4 April 2012 regarding the EIP arrangements is available on the Core Strategy EIP web page. The remaining topics and policies in the Core Strategy which were examined at the EIP in September 2011 will be subject to re-examination in the light of the NPPF at a further EIP starting on 5 September 2012).
- 1.7 The Inspector's second Note of 10 April 2012 sets out the arrangements for the remainder of the Examination, including that all representors were invited to submit any comments on the implications of the whole NPPF (and the other new national policies) for the Core Strategy by 11 May 2012.

2. Purpose of this Statement

- 2.1 The Council is now publishing this, Part 2 NPPF Compliance Statement in respect of the Core Strategy (other than the 3 topics).
- 2.2 This compliance statement considers whether the Core Strategy policies are sound in so far as they meet the tests of soundness set out in Paragraph 182 of the NPPF.
- 2.3 With reference to other new national policy documents, the Council takes the view that:
 1. The technical paper on flood risk which accompanies the NPPF

¹ Some Practice Notes, mainly for Development Management purposes have not been replaced by the NPPF and are still in force

² See Inspector's Notes of 10 and 14 October 2011 on council's website www.selby.gov.uk

³ http://www.planningportal.gov.uk/uploads/pins/advice_for_inspectors/nppf.pdf

retains the core principles of PPG25, and as such the SDCS and Proposed Changes have followed the appropriate steps in dealing with flooding issues. The SDCS and Proposed Changes therefore remain NPPF compliant. The Environment Agency has orally confirmed this view.

2. It is satisfied that there are no implications for the SDCS with regard to the Minerals technical guidance published with the NPPF, and so there is no compliance issue (other minerals issues contained in the NPPF main document are however covered in the assessment).
3. The Council has also assessed the SDCS against 'Planning Policy for Traveller Sites' guidance published on 23 March 2012.

3. Next Steps

- 3.1 The Council is publishing for consultation a 6th Set of Proposed Changes (CD2f) along with this statement. Any representations received during the 6 week consultation period between 7 June and 19 July 2012 will be considered by the Inspector.
- 3.2 The September 2012 EIP will only consider the SDCS in relation to the NPPF and not re-open the examination on other tests of soundness as these have already been considered. However, the Inspector will decide the agendas for the EIP

4. The Assessment

Structure

- 4.1 The Council has considered all third party responses⁴ to the Inspector's consultation on the NPPF (which finished on 11 May 2012) and taken account of the debate at the April 2012 EIP, in assessing the implications of the NPPF in relation to the policies in the Core Strategy.
- 4.2 The assessment has been undertaken from two view points in order to ensure a comprehensive analysis and the detailed assessments are provided in two appendices:
 - Appendix 1 - provides a tabular assessment of the SDCS policies (as amended) against the NPPF guidance.
 - Appendix 2 - provides a tabular assessment of the NPPF requirements with an analysis against the SDCS (as amended)
- 4.3 This statement provides a summary of the main points.

Approach

- 4.4 In undertaking the assessment the Council considers the following points should be borne in mind:

⁴ The Council's response to the representations is published separately (CD65)

- 4.5 In principle the Council takes the view that the SDCS policies were compliant with national policy as embodied in the wide ranging, lengthy and detailed guidance set out in PPGs and PPSs (and other policy/guidance notes). Given that the NPPF is based extensively on the superseded national policy documents, then it is unlikely that the SDCS policies would now fail to comply.
- 4.6 However this compliance statement does positively analyse the requirements of the NPPF in relation to the SDCS and assesses whether the approach and policies are consistent with national policy.
- 4.7 In determining whether the policies are consistent, it should be noted that it is not necessarily inconsistent if the SDCS does not exactly mirror the NPPF, for a number of reasons set out below.
- 4.8 There is no need to amend the SDCS to simply repeat national policy. Where the SDCS does not specifically refer to an element of the NPPF, there is little point in adding something to the SDCS because the SDCS is silent on a particular point. The NPPF should be read in conjunction with the SDCS.
- 4.9 One of the over-arching themes of the NPPF is that decisions should be taken locally and not imposed top-down. Various parts of the NPPF set out that policies in Local Plans should be developed in the light of evidence, including Paragraph 10 which says that “*plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas*”. Paragraph 209 says that the NPPF “*aims to strengthen local decision making and reinforce the importance of up-to-date plans*”. The SDCS is the local interpretation of national policy taking into account local circumstances and evidence and in the light of the views of the local community.
- 4.10 This statement therefore demonstrates where the SDCS policies are consistent with the NPPF, and also highlights where the policies are not exactly the same. Where there is an apparent difference, this is assessed as to whether there is:
- (a) a need for Proposed Change to the SDCS to ensure consistency with the NPPF; or
 - (b) no modification is required because:
 - The NPPF can be read alongside the SDCS or
 - It is appropriate, within the guidance set out in the NPPF that the SDCS is different because it is based on a locally derived, proportionate evidence base or
 - The NPPF requirement is more appropriately addressed in a future part of the Local Plan given that the Core Strategy is a strategic framework document and not meant to be a site specific or detailed development management policy

document⁵.

- 4.11 This statement deals with the key issues and does not pick up any consequential amendments which may be needed in the text of the SDCS for example to delete references to cancelled guidance and replace with reference to NPPF. These are dealt with separately in the 6th Set of Proposed Changes (CD2f). Further, any other consequential updates will be made by the Council as ‘additional modifications’ prior to adoption as necessary.

5. Issues

SDCS Strategic Objectives and Housing Supply

- 5.1 The Part 1 NPPF Compliance Statement (CD64) covered the over-arching Core Strategy and the 5th Set of Proposed Changes (January 2012 CD2d) approach to:
- key issues and challenges
 - vision aims and objectives
 - spatial development strategy
 - creating sustainable communities / scale and distribution of housing growth (CP2) / managing housing supply (CP3)

and their consistency with the NPPF and is not repeated here. However the Appendices to this Statement do provide the analysis in tabular form.

NPPF Presumption in favour of Sustainable Development

- 5.2 Paragraph 6 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system. Paragraph 7 of the NPPF identifies that there are three dimensions to sustainable development: economic, social and environmental. Paragraph 15 of the NPPF requires that “Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay. All plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.” Paragraph 151 of the NPPF requires that “Local Plans must be prepared with the objective of contributing to the achievement of sustainable development.”
- 5.3 The Part 1 NPPF Compliance Statement stated that because the NPPF includes the presumption in favour of development there is no necessity to include a stand alone policy explicitly repeating this in the SDCS.

⁵ It should be noted that a number of detailed development management policies are saved in the Selby District Local Plan, which forms part of the ‘Local Plan’ and will remain until replaced.

- 5.4 However, the Planning Inspectorate⁶ has issued model wording for a “presumption in favour of sustainable development” policy, which they consider will, if incorporated into a draft Local Plan submitted for examination, be an appropriate way of meeting this expectation.
- 5.5 The Council is now therefore proposing to add a new policy (LP1) to the Core Strategy based on the national model which is provided in the 6th Set of Proposed Changes (CD2f), and consider that this is consistent with the NPPF.

Deletion of ‘phasing’ of housing growth from CP2

- 5.6 The concept of phasing was introduced by the Council at Proposed Changes stage in the light of evidence from the Arup (November 2011) (CD56) study which concluded that housing market conditions are likely to be weak for the near future, and thus there could be a case for slightly lower levels of housing delivery in the first five years.
- 5.7 Representations received during the consultation objected to the phased approach as it was viewed as restricting housing growth contrary to national policy.
- 5.8 The Council remain of the view that there is likely to be slow growth but also recognise that there may well be opportunities for increased delivery.
- 5.9 The NPPF is silent on phasing. However it does clearly promote the need for LPAs to boost the supply of housing. The Council recognise that ‘phasing’ introduced in the 5th Set of Proposed Changes this could be viewed as a restrictive policy and it is also accepted that it is difficult to precisely define the level of phasing in the later parts of the plan period.
- 5.10 On this basis the Council propose to delete the phasing element and return to a flat target as contained in the submitted Core Strategy, albeit at the higher figure of 450 dwellings per annum. There are no NPPF consistency issues.

Addition of CP3 Contingency

- 5.11 Policy CP3 was proposed to be changed in the light of debate at the September 2011 EIP concerning how the Council intends to implement and manage the bringing forward of housing land for future housing growth.
- 5.12 The 5th Set of Proposed Changes provided a revised Policy CP3 which sets out a housing implementation strategy describing how the Council will maintain delivery of a five-year supply of housing land to meet the housing target, with additional mechanisms and flexibility to ensure delivery consistent with paragraph 47 to boost supply of housing and ensure plans meet objectively assessed needs, as well as Paragraph 154 of the NPPF which says that local Plans should be aspirational but realistic.

⁶ See Mr Pike’s note dated 23 April 2012 on the ‘Core Strategy EIP’ web page on the Council’s website www.selby.gov.uk

- 5.13 In the light of the evidence presented at the April 2012 EIP, the Council is now proposing to further amend Policy CP3 to introduce a contingency in the event that housing growth is not being delivered in a timely manner in Tadcaster.
- 5.14 The Proposed Changes have been subject to Sustainability Appraisal consistent with Paragraph 166 of the NPPF.
- 5.15 Although there is no specific guidance in the NPPF about monitoring of housing land, Paragraph 47 of the NPPF does require that LPAs set out a housing implementation strategy describing how the Council will maintain delivery of a five-year supply of housing land to meet the housing target. Revised Policy CP3 performs this function consistent with the NPPF.
- 5.16 The revised Policy is also broadly consistent with the intentions of Paragraph 8 of the NPPF which says that the planning system should play an active role in guiding development to sustainable solutions and paragraph 14 which says that plan making means that LPAs 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.
- 5.17 Therefore it is demonstrated that, Policy CP3 as proposed to be amended is consistent with the NPPF requirements.

Windfalls

- 5.18 Paragraph 48 of the NPPF says that Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.
- 5.19 The SDCS does not make an allowance for windfalls in the housing land requirement and it is not proposed that this approach is changed⁷. There are no consistency issues with NPPF on this point.

Amendments to the Green Belt CPXX

- 5.20 The published Proposed Change in January 2012 introduced a new strategic policy on the Green Belt. Section 9 (Paragraphs 79 – 92) of the NPPF deals with Green Belts.
- 5.21 The Council's Part 1 (3 Topics) NPPF Compliance Statement assessed the policy's consistency with the NPPF and that paper highlighted further changes to the Green Belt policy to take account of the NPPF. Therefore the 6th Set of Proposed Changes include:

⁷ See Proposed Changes to paragraph 5.28 of the SDCS which clarify the Council's approach to windfalls and the Council's Position Statement (7 June 2012 CD66) which provides further background information.

- deletion of reference to Major Developed Sites;
- incorporation of wording to refer to review of all village boundaries; and
- minor text changes to bring detailed wording more in line with that used in the NPPF.

5.22 Policy CPXX, as proposed to be amended is consistent with the NPPF.

Duty to Cooperate (DTC)

5.23 It is necessary to incorporate into the plan the evidence to demonstrate how the Core Strategy has met the policies of the National Planning Policy Framework which relate to the duty to cooperate.

5.24 It is proposed to incorporate additional text in the Core Strategy based on the evidence provided in the DTC Compliance statement submitted to the Inspector on 13 April and considered at the April EIP (CD63).

Travellers

5.25 The Government published the 'Travellers national policy' in March 2012 and therefore the NPPF does not deal with travellers. The Core Strategy must comply with all national policies.

5.26 The SDCS Policy CP7 on gypsies and travellers provided a detailed policy for consideration of allocating sites and determining planning applications as this was not covered by national policy at that time.

5.27 Because the new national policy provides a considerable level of detail it is now considered appropriate that the Core Strategy policy is amended to provide a more strategic policy by removing unnecessary detail and deferring to national policy considerations.

5.28 It is therefore proposed to delete the SDCS original text and policy (and associated previous proposed changes) and replace with new text and policy (see 6th Set of Proposed Changes CD2f)

Supporting the Rural Economy

5.29 Paragraph 28 says that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Whilst the SDCS Vision foresees a diverse economy, and objectives seek to support rural regeneration and develop the economy, and Policies CP9 and CP10 encourage rural diversification, neither entirely embrace the direction of travel of the new national policy (contained in the above paragraph and elsewhere in the NPPF). Further, Policy CP10 is relatively narrowly focussed on farm diversification rather than wider rural diversification.

5.30 It is therefore proposed that Policy CP9 (scale and distribution of economic growth) is re-formatted and expanded to take on board a more positive

approach to encouraging sustainable rural businesses and provide a wider scope for supporting the rural economy in line with the NPPF.

5.31 It is also proposed that Policy CP10 is deleted with appropriate elements of the policy and text amalgamated in the Policy CP9 proposed changes.

5.32 The Council consider that the deletion of Policy CP10 and strengthening of Policy CP9 ensures the Core Strategy is consistent with the NPPF

6. **Summary of Key Topics**

6.1 Section 5 above highlights some of the key topics, whilst the detailed analysis is contained in the Appendices. The following is a summary of some (not exhaustive) other changes proposed in the light of the NPPF:

- Introduction of new model policy for the presumption in favour of sustainable development
- Updating references to Local Plans instead of Development Plan Documents, including further definitions in line with NPPF
- Introduction of reference to neighbourhood plans and community right to build orders for example to reflect the changing planning context
- Highlighting the strategic planning across local boundaries and the Duty to Cooperate
- Removal of PDL targets from policy and transferring it to the text as an indicator (CP1 and CP3)
- Setting out the approach to market housing / rural exception sites and linking rural exceptions site to eligibility through local connections (CP6)
- Replacement travellers Policy CP7 to remove details and refer to national policy considerations
- Further references to Infrastructure requirements and to a charging schedule (e.g. Community Infrastructure Levy) (CP8)
- Adding caveats to protecting employment sites and text to refer to further evidence as well as providing greater emphasis on supporting the rural economy (CP9 and CP10)
- Change in emphasis of Policy CP12 to extend scope to promoting sustainable development not just for the purposes of tackling climate change and strengthening some of the criteria
- Additional text to consider identifying suitable areas for Renewable Energy and Low Carbon development in a future DPD (CP14)
- Add references to strengthen Objectives and policies in a number of areas including to directing development to land of least environmental quality and protecting agricultural land for example, and including references to minerals

- Including more specific references in the text and design policy CP16 to augment design considerations and refer to design review panels

7. Conclusions

- 7.1 The Council has undertaken a detailed analysis of the Core Strategy against the NPPF and taken into account the views expressed by other participants on Core Strategy / NPPF consistency which have been submitted by the 11 May deadline set by the Inspector. The analysis is illustrated in the Appendices which identify those areas of the Core Strategy which are considered consistent with the NPPF and identified those areas where further changes are required to ensure improved consistency.
- 7.2 The Council considers that there are no significant consistency issues but have identified some further changes to the wording of both text and policies in a number of circumstances in order to ensure a closer fit to the NPPF and to meet the consistency with national policy test of soundness.
- 7.3 The detailed schedules in the appendices to this compliance statement have informed the 6th set of Proposed Changes (CD2f) which ensure that the amended SDCS meets the soundness test of consistency with national policy. However, the Council considers that the changes do not cumulatively alter the overall strategy and do not represent a significant change to the Core Strategy which was submitted for examination.

Appendices (published separately)

- Appendix 1 Tabular assessment of the SDCS policies (as amended) against the NPPF guidance.
- Appendix 2 Tabular assessment of the NPPF requirements against the SDCS (as amended)