

Agenda item:

Decision maker: Cabinet Member for Planning, Regeneration and Economic Development, 19 November 2012

Subject: Compliance with the National Planning Policy Framework

Report by: Assistant Head of Planning Services

Wards affected: All

Key decision (over £250k): No

1. Purpose of this report

- 1.1 To consider whether Portsmouth's current planning policy framework complies with the new National Planning Policy Framework and what updates are needed.

2. Recommendations

It is recommended

- 2.1 that it is agreed that the Portsmouth Plan is in conformity with the National Planning Policy Framework; and
- 2.2 that the suggested actions set out in the Compatibility Self Assessment at Appendix 1 are agreed.

3. Background

- 3.1 On 27 March 2012, the government published the National Planning Policy Framework (NPPF), which must now be taken into account in the preparation of local plans, and is a material consideration in planning decisions. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It replaces the former suite of Planning Policy Guidance notes and Planning Policy Statements.
- 3.2 Plans prepared before the publication of the NPPF (such as the recently adopted Portsmouth Plan) are not automatically considered to be out of date just because they were adopted before the national policy was published. Policies have full weight for 12 months (until 26 March 2013), even where there is limited conflict with the NPPF. Local plans not in conformity with the NPPF will be considered out of date after that date, and the provisions of the NPPF will then take precedence over local policies. It is therefore timely to undertake a review of the Portsmouth Plan and proposed future planning policy documents against the NPPF in order to remedy any conflicts during this transition period. It should be noted that during the examination into the Portsmouth Plan all participants were asked by the Inspector

whether they considered that the plan conformed with the draft NPPF. No significant issues were raised and the Inspector found the plan generally compliant with national policy at that time.

- 3.3 The Local Government Association's Planning Advisory Service (PAS) has published a checklist to help authorities review the compatibility of their existing policies with the NPPF.
- 3.4 The assessment of the Portsmouth Plan using the PAS checklist indicates that in general tone and approach the plan is in line with the NPPF, being pro-development, planning for objectively assessed needs and reflecting the planning principles in the NPPF.
- 3.5 There are, however, a few points of detail required by the NPPF, which will need to be considered in reviewing the local policy framework to ensure it is fully compliant. These are shown in full in the completed assessment appended to this report. The key ones, along with a suggested way of addressing them, or reasons for local variation, are highlighted below:
 - a. A **model sustainable development policy** is now to be included in all plans. This does not formally form part of the NPPF but is being requested by all planning inspectors. This policy will need to be included in the Portsmouth Plan.
 - b. The NPPF is clear that the **protection of employment land** must be robustly justified, and suggests joint Employment Land and Housing Assessments. Both of these points will be addressed in the site allocations work.
 - c. The NPPF has a strong focus on transport – it is suggested that a Supplementary Planning Document (SPD) is produced to cover **transport and parking**, including criteria for transport assessments and local parking standards for all types of development
 - d. The NPPF seeks to create healthy communities with good access to **local facilities** – the Portsmouth Plan supports this principle, and the upcoming site allocations work will review the need for the protection of existing facilities and the need for new ones.
 - e. The NPPF requires us to identify and maintain a rolling **supply of deliverable sites for housing development**, plus a buffer. Following a few years of close to target and over delivery, in 2010/11 delivery was very significantly below the target figure, mainly due to the continuing recession. The SHLAA identifies sufficient sites to meet the plan target for the whole plan period, but shows fewer sites than needed will be delivered in the early part of the plan period, and therefore the housing supply is not fully in line with the NPPF. We will continue to monitor our supply and identify sites where possible, but it should be noted that sites cannot always be brought forward to earlier years, as they are not deliverable sooner. The issue is about the timing of development and that the development industry is not progressing these sites due to difficulties in securing investment funding and potential purchasers securing mortgages, rather than a lack of available land.

As Portsmouth is a very tightly constrained city with few available development sites, it is also unlikely to be possible to identify alternative sites to fill this gap.

- f. The NPPF suggests that local authorities should consider the case for a policy to resist **inappropriate development on residential gardens**. There are few properties in the city with gardens large enough to develop. It is therefore not a significant issue that needs addressing through a policy in the city. If proposals come forward, we will be able to refuse inappropriate development using other policies in the Portsmouth Plan and it is therefore suggested that no specific policy is needed.
- g. In order to meet the NPPF requirement to prevent unacceptable risks from pollution including from previous uses of land, a **development management policy for contaminated land** will be developed.

3.6 In addition to the NPPF itself, a national policy for **traveller sites** was published, which requires needs assessments and pitch allocations. An assessment in recent years has shown limited need in SE Hampshire, and given limited resources, it is suggested that this assessment should not be updated at this time. While the local policy framework does not include any pitch allocations, it should be noted that a criteria based policy has been included in the Portsmouth Plan, against which any applications for sites could be assessed, should they come forward.

4. Conclusions

4.1 The self assessment has shown that the Portsmouth Plan in itself is in conformity with the NPPF, but that additional policies are needed to bring the local policy framework into full conformity. It is suggested that this should be achieved through additional planning policies and supplementary planning documents.

5. Reasons for recommendations

5.1 Local plans are expected to be consistent with the principles and policies in the NPPF. If our local plan is not brought into conformity by the end of the transition period (by 26 March 2013), it will be considered out of date, and the provisions of the NPPF will then take precedence over our local policies. As the NPPF's main focus is to bring forward sustainable development, this could mean allowing development that might not be considered acceptable locally. The council has to be able to demonstrate that it has considered the provisions of the NPPF, while also taking into account local circumstances. Bringing the plan up to date by making it NPPF compliant but locally distinctive will allow a greater degree of local control.

6. Equality impact assessment (EIA)

6.1 An EIA is not required for this report as it is mostly providing information. The report does recommend actions and where these are progressed, EIAs will be done on the detailed proposals.

7. Head of legal services' comments

7.1 In due course the Council will have to ensure that it follows the appropriate route to adoption of any additional policies brought forward in response to the assessment. For the time being, the report should be noted

8. Head of finance’s comments

8.1 There will be no financial implications as a result of the implementation of the recommendations contained in this report.

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Signed by:

Appendices:

NPPF Self Assessment Table

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
National Planning Policy Framework	http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework
Inspector’s Report – Portsmouth Plan	http://www.portsmouth.gov.uk/media/Inspectors_report_-_combined.pdf

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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Signed by: