

BRIEFING NOTE ON THE CORE STRATEGY AND CONSIDERATION OF PLANNING APPLICATIONS IN LIGHT OF NPPF AND SUSPENSION OF CORE STRATEGY EXAMINATION

SUMMARY

The publication of the NPPF in March 2012 has had significant implications for the housing development in B&NES in respect of plan-making and the determination of planning applications.

Plan-making

The Core Strategy examination has been suspended to enable the preparation of a NPPF-compliant housing needs assessment. This is likely to lead to an increase in the housing land requirement and the need for the Core Strategy to identify options to increase housing land supply which may include the identification of additional strategic development locations. An update to the Strategic Housing Land Availability Assessment will assist in the assessment of housing supply from all sources as well as the identification of locational options. These strategic locations will be determined through the Core Strategy process which will also identify high level development principles to ensure quality development. Detailed boundaries and more refined master planning type work will take place through the Placemaking Plan with the involvement of local communities.

The Placemaking Plan will also entail the identification of smaller development sites, again to be identified through joint local community working. The Placemaking Plan therefore provides a vehicle for the Council to work in partnership with local communities to address the national growth agenda in a mutually efficient and effective manner. It is important that the PMP proceeds swiftly in order that sites that are expected to contribute to future 5 year land supply are not unduly delayed.

Decision-taking during the revision of the Core Strategy

The NPPF takes precedence over the Council's adopted Local Plan and the emerging Core Strategy. In particular, the lack of an adopted Core Strategy means the Council cannot demonstrate that it has a 5 year land supply which means that there is a presumption in favour of sustainable housing proposals. The NPPF requires that permission for development must be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits.

The effect of this is that pending the revision of Core Strategy, the Council may need to permit planning applications for residential development outside Housing Development Boundaries unless there is significant harm that would outweigh the benefits of development. Once the Core Strategy is amended to include a revised housing delivery strategy, this position will be reviewed.

1.0 Background

1.1 Bath & North East Somerset (B&NES) Council is in the process of preparing a Core Strategy which will replace the spatial strategy in the adopted Local Plan. Publication of the National Planning Policy Framework (NPPF) during the course of the Core Strategy examination has resulted in lack of clarity in the policy to be applied in the determination of planning applications for residential development. The purpose of this detailed section of this note is to outline the current position in B&NES in respect of the NPPF and the main Development Plans and provide information on the issues to be taken into account in considering planning applications or requests for pre-application advice.

2.0 National Planning Policy Framework (NPPF)

2.1 The NPPF was published by the Department for Communities and Local Government in March 2012. It sets out the Government's planning policies for England and how these are expected to be applied.

2.2 Central to the NPPF is the presumption in favour of sustainable development. Paragraph 14 of the NPPF makes it clear that for decision-making this means *"approving development proposals that accord with the development plan without delay"* and where relevant policies in the development plan are out of date granting permission for development unless *"any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework (NPPF) taken as a whole"*.

2.3 In respect of planning applications for housing, paragraph 49 of the NPPF reiterates that they should be considered in the context of the presumption in favour of sustainable development and that *"relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites"*. Furthermore, in order to boost the supply of housing, paragraph 47 makes it clear that, where there has been a record of persistent under-delivery, an additional buffer of 20% to this supply of deliverable sites should be identified to ensure choice and competition in the market for land.

3.0 Development Plans in B&NES

3.1 Whilst planning applications must be determined in accordance with the Development Plan, publication of the NPPF has an impact on the weight to be applied to B&NES' adopted and emerging planning policies. The overall statutory Development Plan in B&NES currently comprises:

- (RPG10 for the South West, until abolished)
- Saved policies from the [Joint Replacement Structure Plan](#)
- Saved policies from the [B&NES Local Plan](#), adopted 2007
- Adopted Joint Waste Core Strategy

3.2 The adopted B&NES Local Plan sets out the key planning policies for determining planning applications for housing development. The B&NES Local Plan will be replaced by policies in the **Core Strategy** and the **Placemaking Plan** when

adopted. Local Plan Policies HG.4 and HG.6 define Housing Development Boundaries (HDBs) within which the principle of residential development is generally acceptable, subject to other policies in the Local Plan. However if there are any policy conflicts between the Local Plan and the NPPF, then the latter takes precedence (paragraph 215 of the NPPF).

4.0 Core Strategy Examination

4.1 Following the Core Strategy examination hearings early in 2012, the Inspector issued his preliminary conclusions (ref. [ID/28](#) and ID/30). In ID/28 the Inspector concluded that the NPPF has changed the methodology for assessing and planning for housing need since the Council prepared its Core Strategy. In addition he concluded that the Core Strategy needs to make up the shortfall of housing delivery during the Local Plan period and that there was a lack of flexibility in the Core Strategy in case sites did not come forward as expected. The overall level of housing need may be affected by the need to boost affordable housing provision. Finally, he is also of the view that, in accordance with the NPPF, the Council needs to add a 20% buffer to the 5 year housing land supply because of persistent under-delivery.

4.2 In light of the Inspector's preliminary conclusions the examination has been suspended for about 12 months to enable the Council to do further work to address his concerns.

5.0 Five Year Housing Land Supply

5.1 Given the Inspector's concern over the Council's methodology in deriving the overall housing requirement (due to its non-compliance with the NPPF) the Council does not have a confirmed strategic requirement and therefore cannot demonstrate a 5 year supply of housing land.

5.2 This means that planning applications for housing development cannot be refused on the grounds of having a sufficient identified suitable and deliverable supply of housing land elsewhere in the District. Furthermore, it means that, as set out in paragraph 49 of the NPPF, the Council's planning policies relating to housing land supply are qualified by the presumption in favour of sustainable development.

6.0 Core Strategy Next Steps

6.1 The main areas of work that need to be undertaken on the Core Strategy are the re-assessment of the housing requirement via a NPPF-compliant Strategic Housing Market Assessment (SHMA), a review of the SHLAA, a Green Belt Review and the identification of options to increase the housing land supply (see 12th September the Council's Cabinet [report](#)).

6.2 To have a plan in place as soon as possible and pre-empt applications outside Housing Development Boundaries, a fast-track process is unavoidable. The broad process and programme is:

- Evidence base/assessment work – to January 2013.

- Prepare any necessary changes to the submission Core Strategy – to February 2013.
- Agree Core Strategy changes at Council – February/March 2013.
- Public consultation on Core Strategy changes – April/May 2013.
- Examination hearings resume – June/July 2013.
- Receive Inspector’s Report and adopt Core Strategy – autumn/winter 2013.

7.0 Placemaking Plan

7.1 In parallel to progressing the Core Strategy, work will continue on the Placemaking Plan. Whilst the Core Strategy sets the broad approach to the level and location of new development, the Placemaking Plan provides more detail on how to move forward with the development of strategic locations identified in the Core Strategy and on other smaller sites. It will provide the opportunity to work with local communities to review Housing Development Boundaries and allocate sites for development.

7.2 The programme for the Placemaking Plan entails an Issues and Options consultation in spring 2013. The Council attaches significant importance to working with local communities in the process of considering how and where new housing should be provided in the ways envisaged by the Localism Act. It is important to recognise that a key aspect of the Localism Act is to enable communities to be involved in decision about enabling development. It was not designed to enable communities to resist development.

8.0 Planning Applications and Pre-Application Advice

8.1 Planning applications for, and requests for pre-application advice relating to, housing development proposals will be considered having regard to the policy framework set by the B&NES Local Plan, the emerging Core Strategy and the NPPF. However, if there is any conflict between these policies, the NPPF takes precedence. The NPPF reflects the strong national pro-growth agenda.

8.2 The policies of the B&NES Local Plan relating to housing supply include Policies HG.4 and HG.6 and the associated Housing Development Boundaries. However, it should be noted that these policies and the Housing Development Boundaries also address other issues including protecting the countryside surrounding villages and helping to sustain balanced communities by enabling areas to be retained for other uses e.g. employment or recreation. These issues will still be relevant in balancing the adverse impacts of a proposal against its benefits. However, other policies in the plan such as NE.1 and NE.3 will need to form the backbone of decision making while awaiting the adoption of the Core Strategy, not HG.4 and HG.6.

8.3 In line with the plan-led system, the Council is seeking to ensure that the consideration of the most appropriate location for additional housing development takes place through the Development Plan process (the Core Strategy and Placemaking Plan). In relation to the rural areas the Core Strategy currently seeks to direct development to the most sustainable villages by allowing for development of around 30 dwellings to come forward at villages that meet the criteria of Policy RA1. Policy RA1 (as proposed to be changed in February 2012) allows for residential

development within the Housing Development Boundaries and outlines the process by which sites will be allocated to provide the specified scale of development (around 30 dwellings). The Housing Development Boundaries need to be reviewed, with input from local communities, through the Placemaking Plan to facilitate this process. This may lead to a review of the proposed level of development being planned for in the rural areas.

8.4 As the Council cannot at the moment demonstrate a 5-year housing land supply, the Council will need to assess proposals in light of the presumption in favour of sustainable development set out in paragraph 14 of the NPPF. This is specifically about whether adverse impacts significantly and demonstrably outweigh the benefits of providing additional housing. This requires an assessment of the circumstances specific to each individual scheme.

8.5 B&NES officers have reviewed recent appeal decisions material to the consideration of housing proposals. This has highlighted that the Secretary of State has been giving greater weight to the NPPF and allowing development on sites where Local Authorities cannot demonstrate a 5 year housing land supply and where extant policies are considered out of date (as is the case with B&NES). This means that Officer recommendations will now give more weight to the presumption in favour of sustainable development when assessing this against other material considerations. This may result in more positive recommendations in locations where the officer recommendation would previously have been to refuse permission. This assessment will continue to be made on a case-by-case basis having regard to the specific characteristics of the site and proposals in question.

8.6 Weight will be given to policies in the Local Plan according to their degree of consistency with the NPPF. The starting point in planning decisions will still be the Development Plan. If there is a conflict between the Local Plan and the NPPF, the latter should take precedence but should be read as a whole and in context.

8.7 This is not, however, the case for planning applications in the Green Belt because existing Green Belt controls have been re-iterated in the NPPF. Applicants will still need to demonstrate very special circumstances in order to justify inappropriate development. The Council will monitor appeal decisions nationally to identify trends in the weight given to Green Belt policy against 5 year housing land supply.

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