

EAST HERTS COUNCIL

DISTRICT PLANNING EXECUTIVE PANEL – 21 FEBRUARY 2013
EXECUTIVE – 5 MARCH 2013

REPORT BY EXECUTIVE MEMBER
FOR STRATEGIC PLANNING AND TRANSPORT

EAST HERTS LOCAL PLAN SECOND REVIEW (APRIL 2007) -
NATIONAL PLANNING POLICY FRAMEWORK (NPPF)
COMPATIBILITY SELF ASSESSMENT CHECKLIST

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- This report presents to Members an assessment of how well the current East Herts Local Plan Second Review (April 2007) reflects the National Planning Policy Framework (NPPF) and accompanying 'Planning policy for traveller sites'.
- The assessment demonstrates that the overall aims and policies of the current Local Plan fit well with the NPPF.
- There are, however, areas where the Local Plan is not fully in conformity with the NPPF, in particular, the Council cannot demonstrate a 5 year supply of deliverable housing sites.

RECOMMENDATIONS FOR DISTRICT PLANNING EXECUTIVE PANEL AND EXECUTIVE: That:

(A)	the NPPF Compatibility Self Assessment Checklist at Essential Reference Paper 'B' be noted; and

(B)	the policies in the East Herts Local Plan Second Review (April 2007) continue to be given due weight in accordance with paragraph 215 of the National Planning Policy Framework (NPPF).

RECOMMENDATIONS FOR COUNCIL: That:

(A)	the NPPF Compatibility Self Assessment Checklist at Essential Reference Paper 'B' be noted; and

(B)	the policies in the East Herts Local Plan Second Review
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	(April 2007) continue to be given due weight in accordance with paragraph 215 of the National Planning Policy Framework (NPPF).

1.0 Background

- 1.1 The National Planning Policy Framework (NPPF) was published on the 27 March 2012. In addition, 'Planning policy for traveller sites' was published on the 23 March 2012 and this also came into effect on the 27 March 2012.
- 1.2 The NPPF sets out transition arrangements giving authorities with an adopted plan a year to get their policies 'up to date' (paragraph 214). Following this 12-month period, paragraph 215 states that due weight will continue to be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that they may be given).
- 1.3 To assist local planning authorities demonstrate the degree of consistency that their adopted local plan has with the NPPF, the Planning Advisory Service (PAS) has devised a checklist. The checklist also includes a section on 'Planning policy for traveller sites'.
- 1.4 The checklist is designed to help local authorities to get up-to-date plans in place. It helps a local planning authority to:
- assess their local plan against national policy
 - identify gaps
 - understand risks
 - start to plan how to manage those risks
- 1.5 It is also designed to help local planning authorities to:
- respond proactively and speedily to the NPPF
 - prepare for an examination
 - make robust planning decisions
 - implement policies
- 1.6 East Herts Council Officers have used the checklist to undertake a preliminary assessment of the conformity of the East Herts Local Plan (2007) with the NPPF. This assessment is set out in the schedule at **Essential Reference Paper 'B'**.

2.0 Report

2.1 The checklist demonstrates that the overall aims of the current Local Plan fit well with the NPPF. In addition the majority of the individual policies are in general conformity with the NPPF. Consequently the expiration of the transition period is unlikely to have a significant impact on how Council decisions are made.

2.2 There are areas, however, where the current Local Plan is not fully in conformity with the NPPF. These include:

- The demonstration of a 5 year supply of deliverable housing sites.
- Absence of a policy setting out an approach to housing density which reflects local circumstances.
- Absence of the model policy that sets out the presumption in favour of sustainable development (as required by the Planning Inspectorate, but not by the NPPF).
- Absence of a policy to ensure that the construction of new buildings or other structures do not cause interference with broadcast and telecommunications services.
- Absence of identified town centre boundaries.
- Absence of a policy that promotes community-identified Local Green Spaces.
- Absence of a policy seeking to minimise the loss of higher quality agricultural land.
- Absence of a policy setting pitch targets for Gypsies and Travellers and plot targets for Travelling Showpeople.

Housing delivery and the 5 year housing land supply

2.3 The Council is currently unable to demonstrate a 5 year supply of deliverable housing sites. Agenda Item 11: Annual Monitoring Report 2011/12 explains that East Herts has a housing land supply of between 3.6 years and 4.5 years (dependent on target). Work to identify 5 years worth of deliverable sites is ongoing through the Strategic Land Availability Assessment (SLAA) and District Plan preparation.

Housing density

2.4 The NPPF requires local planning authorities to set out their own approach to housing density to reflect local circumstances. The Local Plan does not have a specific policy on density. At the time the Plan was written, the Council supported the advice in Planning

Policy Statement 3: Housing which encouraged the efficient use of land i.e. between 30 and 50 dwellings per hectare. Proposals are currently considered on a case-by-case basis taking into account local circumstances. The District Plan will need to set out an approach to housing density taking into account viability.

Presumption in favour of sustainable development

2.5 The NPPF says, in summary, that where the current local plan is absent, silent or relevant policies are out-of-date, the presumption in favour of sustainable development (the presumption), applies and permission should be granted unless the adverse impacts would “significantly and demonstrably outweigh the benefits” when assessed against the NPPF as a whole (paragraph 14). The absence of the model policy will have little additional impact on development in the district for the following reasons:

- Even where some element of the current Local Plan is not in full conformity with the NPPF, applications will continue to be assessed against conforming policies within the current Local Plan and the NPPF.
- The aims and objectives of the current Local Plan are closely aligned to those of the NPPF. The Local Plan promotes sustainable development. As a result good quality schemes in the right location will continue to be delivered and poor quality schemes should be refused.

Supporting high quality communications infrastructure

2.6 The NPPF states that local planning authorities should ensure that they consider whether the construction of new buildings or other structures cause interference with broadcast and telecommunications services. The Local Plan is silent in this respect and so the provisions of the NPPF (paragraph 44) will apply.

Town Centre Boundaries

2.7 Town centre boundaries were recommended in the 2008 Retail and Town Centres technical study. It is anticipated that this work will be updated in the context of the NPPF to inform the District Plan.

Local Green Spaces

- 2.8 The requirement to have a policy which would enable the protection of community-identified Local Green Spaces is a new responsibility arising from the NPPF. Whilst there is no specific policy that promotes this in the Local Plan, the Plan does seek to protect open spaces (Policy LRC1). Local Green Spaces should only be designed when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period (NPPF paragraph 76).

Loss of higher quality agricultural land

- 2.9 Policy GBC12 – Agricultural Land is not a ‘saved’ policy. The policy was ‘deleted’ from the plan as it repeated the requirements set out in Planning Policy Statement 7: Sustainable Development in Rural Areas (August 2004). The policies in the NPPF will therefore need to be applied if any proposals on higher quality agricultural land come forward.

‘Planning policy for traveller sites’

- 2.10 The Local Plan is not fully in conformity with the new policy in so far as a revised Accommodation Assessment is required to establish the needs of the Gypsy and Traveller and Travelling Showpeople communities. Once this is prepared the Council can assess the future need for additional pitches/plots in order to demonstrate a five year housing land supply. Deliverable pitches have been identified to cover both the first 5 years and years 6-10 for Gypsy and Traveller provision.

Conclusion

- 2.11 The NPPF Checklist demonstrates that the aims and objectives of the current Local Plan are closely aligned to those of the NPPF. Even where the current Local Plan is not in full conformity with the NPPF, applications should continue to be assessed against conforming policies within the Local Plan, taking into account the NPPF where appropriate.

3.0 Implications/Consultations

- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper ‘A’**.

Background Papers

East Herts Local Plan Second Review (April 2007)

<http://www.eastherts.gov.uk/localplan>

National Planning Policy Framework (March 2012)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

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