



To: Executive Councillor for Planning and Sustainable Transport
Report by: Head of Planning Services
Relevant scrutiny committee: Environment Scrutiny Committee 26/06/2012
Wards affected: All Wards

CAMBRIDGE PLANNING POLICY COMPLIANCE WITH THE NATIONAL PLANNING POLICY FRAMEWORK

Key Decision

1.0 Executive summary

- 1.1 The Cambridge Local Plan 2006 is the principal development plan document guiding development in the City. The Plan was prepared in the context of a national planning regime that has now been superseded by the Localism Act 2011 and the National Planning Policy Framework (NPPF) (2012). In the absence of up to date Local Plans the NPPF will become increasingly important in determining local planning decisions.
- 1.2 Whilst the review of the Local Plan is well underway, the Cambridge Local Plan, two Area Action Plans and six Supplementary Planning Documents have been reviewed to establish the extent to which they are compliant with the NPPF. The results show that there is significant overall compliance with the NPPF. Appendix A provides a written statement and accompanying appendix to demonstrate this position.

2.0 Recommendations

- 2.1 This report is being submitted to the Environment Scrutiny Committee for prior consideration and comment before decision by the Executive Councillor for Planning and Sustainable Transport.
- 2.2 The Executive Councillor is recommended:
- a) To approve Appendix A which demonstrates Local Planning Policy Compliance with the National Planning Policy Framework (NPPF)

- b) To agree that this is made available on the Council's website as the City Council's position in relation to the National Planning Policy Framework.
- c) To note this position for decision making purposes.

3.0 Background

Cambridge Local Plan

- 3.1 The Cambridge Local Plan was adopted in July 2006 (under the transitional arrangements, which accompanied the 2004 Planning and Compulsory Purchase Act). It is the main consideration in the determination of planning applications and forms part of the development plan for Cambridge. It sets out a vision, policies and proposals for future development and land use in Cambridge to 2016 and beyond. Following the introduction of the Local Development Framework system in 2004, both existing Local Plans and those in preparation were given a limited shelf life. However, on 2nd July 2009, the Secretary of State issued a formal direction, saving the majority of the policies in the Cambridge Local Plan 2006. The Local Plan is currently the principal statutory Development Plan Document against guiding planning decision making in Cambridge. The East of England Plan (Regional Spatial Strategy) is about to be formally abolished as part of the development plan system so should be offered little weight in decision making.
- 3.2 A review of the Local Plan is now under way to take the policy framework up to 2031. On 29th May 2012 the Development Plan Scrutiny Sub Committee approved an Issues and Options Report on the new Plan for consultation between 15th June and 27th July 2012.

The National Planning Policy Framework

- 3.3 Over the past two years the Government has undertaken a major review of the planning system and its statutory changes are embodied in the Localism Act 2011, principally in Part 6 Sections 106-144. This will provide the statutory framework for planning, working with existing legislation which remains largely unchanged, e.g. the 2004 and 2008 Acts.
- 3.4 In July 2011 the Government published its Draft National Planning Policy Framework for consultation. Following a robust national debate the final NPPF was published in March 2012. It sets out national planning policy in 219 paragraphs over 47 pages. It replaces 47 previous documents, including all Planning Policy Statements, Planning

Policy Guidance, Minerals Planning Guidance, some planning circulars and a range of advice letters issues to Chief Planning Officers (a detailed list is included as Annexe 3 to the NPPF). Traveller sites, minerals and nationally important infrastructure projects are covered by separate guidance.

3.5 It is not the purpose of this report to spell out the detailed policy requirements of the NPPF, however, it is important to be clear about its status and what it means for the City Council. The NPPF says:

‘It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.’ (para. 1)

- ‘The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.’ (para. 2)
- ‘This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.’ (para. 12)
- ‘For decision taking this means’ ‘where the development plan is absent, silent or relevant policies are out of date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.’ (para 14)
- Annex 1 to the NPPF sets out the transitional arrangements in implementing the NPPF. In summary these say: policies in Local Plans predating the NPPF are not automatically out-of-date (para. 211); the NPPF is a material consideration from its date of publication. (para 212); in order to take the NPPF into account plan reviews should be progressed as quickly as possible(para. 213); ‘For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework’ (para 214); ‘In other cases and following this 12

month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)' (para 215); and 'From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given)'
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given' (para 2.16)

3.6 In summary, it is clear that:

- the NPPF is now a major consideration in plan making and development management;
- the Cambridge Local Plan 2006 can remain the principal guide for decision making until March 2013, even if there is a limited of conflict with the NPPF;
- Where more than a limited degree of conflict exists, and following the 12 month transitional period (beyond March 2013), the weight given to policies in the existing Local Plans will depend on their conformity with the NPPF. This report assesses the degree of consistency of the current plan for period to 2014 when it will be replaced by a new Local Plan.
- making progress with the review of the Local Plan is a high priority, as weight will also be given to relevant policies in emerging plans (the more advanced the preparation, the greater the weight may be given). The current Local Plan Review timetable indicates that a draft Plan will be prepared by March 2013.

Existing Plans and the NPPF

- 3.7 In view of the foregoing, especially paragraph 14 of the NPPF, it is important to understand the relationship between existing local policy documents and the NPPF. In order to establish this an analysis of the compliance with the NPPF was carried out on the following documents:
- the Cambridge Local Plan 2006;
 - the Cambridge East Area Action Plan 2008 And the North West Cambridge Area Action Plan 2009; and
 - six supplementary planning documents - Sustainable Design and Construction (2007), Affordable Housing (2008), Old Press/Mill Lane (2010), Planning Obligations Strategy (2010), Public Art Strategy (2010) and Eastern Gate (2011).
- 3.8 The main aim of the analysis was to establish where the policy documents are compliant with the NPPF and where they are silent or possibly in conflict with it. Appendix A provides a written statement and accompanying appendix, which shows that overall, the Local Plan is significantly compliant with the NPPF.
- 3.9 Given the direct link between the Local Plan (2006) and the Area Action Plans, and Supplementary Planning Documents, it has been concluded that these are also compliant with the NPPF.

Conclusions

- 3.10 The NPPF is an important milestone in the approach to national planning policy. It is important that the City Council is able sustain its balanced approach to development in the City over the next two years pending adoption of the Local Plan Review. The analysis of the existing policy documents suggest that it is in a strong position to do so, because the policy documents are strongly compliant with the thrust of the NPPF. This in large part arises from the positive approach to sustainable development and growth that the Council has taken over long period of time, an approach which chimes with the spirit on the NPPF. Where there are differences:
- the NPPF is introducing new matters that came after or were not relevant when the 2006 plan was prepared; and
 - these are matters that are being addressed by the Local Plan Review.

Next Steps

- 3.11 Following agreement by the Executive Councillor for Planning and Sustainable Transport, Appendix A will be circulated to all relevant Officers and Councillors as well as being made available on the Council's website. This will clarify the weight to be given to the constituent parts of the current policy framework over the next two years.

4.0 Implications

Financial/Procurement

- 4.1 There are no direct financial implications arising from this report.

Staffing

- 4.2 There are no direct staffing implications arising from this report.

Equal Opportunities

- 4.3 There are no direct equal opportunities arising from this report.

Environmental

- 4.4 There are no direct environmental implications arising from this report. The new Development Plan for Cambridge will assist in the delivery of high quality and sustainable new developments along with protecting and enhancing the built and natural environments in the City. This will include measures to help Cambridge adapt to the changing climate as well as measures to reduce carbon emissions from new development. Overall there should be a positive climate change impact.

Consultation

- 4.5 There are no direct implications for consultation arising from this report.

Community Safety

- 4.6 There are no direct community safety implications arising from this report.

5.0 Background papers

These background papers were used in the preparation of this report:

Localism Act 2011

National Planning Policy Framework 2012

6.0 Appendices

Appendix A: Planning Policy Compliance with the National Planning Policy Framework

7.0 Inspection of papers

To inspect the background papers or if you have a query on the report please contact:

Author's Name: Sara Saunders

Author's Phone Number: 01223 457186

Author's Email: sara.saunders@cambridge.gov.uk