

Wiltshire Council

Council

08 November 2011

Officer Response to Notice of Motion No. 25 – The Future of Local Planning

The Council has provided a response to the Government's consultation regarding the draft National Planning Policy Framework (NPPF) that addresses many of the points raised (see attached paper). The Council is currently preparing a response to the Neighbourhood Planning Regulations consultation (closing date 5 January 2011) and will develop an appropriate framework for Neighbourhood Planning in Wiltshire as the legislative framework becomes clearer.

A detailed response to the points raised in the motion is provided below.

Point 1

Paragraphs 2.1 to 2.4 of the Council's response to the draft NPPF addresses this point and seeks a more balanced approach to 'sustainable development' giving equal weight to environmental, economic and social criteria.

Paragraph 2.2 of the response states that "The emphasis in paragraph 13 on '*economic growth*' and the '*significant weight*' that should be attached to it undermines the integrated approach to sustainable development which considers environmental, economic and social issues to all be important, as set out in paragraphs 10 and 11". The response goes on to state that "It should be a matter for local authorities through their plan making to determine how sustainable development should be interpreted for their area through the local plan and the weight to be given to particular priorities consistent with local objectives" (paragraph 2.4).

Parliament recently made an amendment to the Localism Bill to add a new consideration to make "any local finance considerations" material to an application. The amendment is intended to ease concerns that the inclusion of "financial incentives" would effectively result in permission being bought. The Government has stated that the weight to be given to this consideration is a matter for the decision maker. In this case Wiltshire Council through the determination of planning applications.

Points 2

Paragraphs 3.1 to 3.4 of the Council's response emphasises the importance of the planned system and the need for transitional arrangements to be in place so that the 'presumption in favour of sustainable development' is determined by the Local Plan (i.e.

the Core Strategy) rather than a default position of 'yes'. The response to point 1 is also relevant.

Wiltshire Council's response to the draft NPPF highlights a number of areas of concern arising from the requirement that permission should be granted "*where the plan is absent, silent, indeterminate or where relevant policies are out of date*". Concerns raised include the need for transitional arrangements for both the Core Strategy and Neighbourhood Plans (where they are positively planning for development); impacts of the presumption in favour and lack of transitional arrangements on the ability to use Community Infrastructure Levy (CIL); and the inclusion of the word 'silent' implying that plans will need to cover every eventuality of where development should not take place (paragraphs 3.2-3.4). See response to point 3 also.

Point 3

See response to point 2.

Paragraph 3.2 of the Council's response states that "Transitional arrangements are ... required to ensure the plan-led system will not be undermined and weight can be given to an emerging plan. Given the expectations behind Neighbourhood Plans, transitional arrangements should also apply to these plans where they are positively planning for development so that they are not undermined by speculative developments seeking to subvert the process". Wiltshire Council's response also highlights potential impacts of the presumption in favour and lack of transitional arrangements on the ability to use the CIL as a mechanism to mitigate the impact of growth (paragraph 3.3). The response also questions the inclusion of the term 'silent', stating that this is "a considerable step away from the existing planning system and is unnecessary" (paragraph 3.4).

Point 4

The priority for the Council is to achieve a sound Core Strategy with a positive policy framework for growth which also provides a clear steer for where and what development would be acceptable or unacceptable for each community area. Neighbourhood Plans can be prepared in conformity with the Core Strategy to add detailed policies at the local level, where appropriate. The emerging Core Strategy does allow for local communities to become involved in shaping their area, for example, through being involved in the master planning of strategic allocations and identifying where and how non strategic new housing and employment sites could come forward. There is no obligation on communities to take forward Neighbourhood Plans and Neighbourhood Plans may not necessarily be the right 'tool' to address the local issues in an area.

Point 5

The definition of 'qualifying bodies' is included within the draft NPPF and Localism Bill, and the term used within the recently published Neighbourhood Planning Regulations consultation. In parished areas, these indicate that it will be the parish/town council(s) that lead the process.

A response will be provided to the consultation to ensure that Wiltshire's interests are represented. This will take into consideration the need for further clarification on 'qualifying bodies' including developers and organisations other than Wiltshire residents, town and parish councils.

Point 6

In addition to the Council's advisory role, there are a number of parts of the process that involve decisions by the local planning authority, these can be summarised as follows:

- A 'qualifying body' will need to apply to Wiltshire Council, as the Local Planning Authority (LPA), for a Neighbourhood Area to be designated. In Wiltshire, the Area Boards could have a key role in approving the appropriateness of the area proposed.
- Wiltshire Council will need to consider whether to accept the application. Within Wiltshire, the Area Boards could have a key role in determining whether applications should be accepted.
- Wiltshire Council will be required to 'make the Plan' (bring it into force) using appropriate committee arrangements.

Decisions on neighbourhood plans by the Council will need to be made in accordance with the final legislation when it is produced and the Council's constitution updated as appropriate.

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