
DARLINGTON LOCAL PLANNING POLICY FRAMEWORK

Responsible Cabinet Member – Councillor Chris McEwan
Economy and Regeneration Portfolio

Responsible Director - Richard Alty, Director of Place

SUMMARY REPORT

Purpose of the Report

1. This report is to seek Council's agreement that planning policy contained in national planning policy statements and guidance notes (PPSs and PPGs) continue to be used as good practice to support decision making on planning applications where the statutory development plan and the Government's new National Planning Policy Framework (NPPF) are silent or provide insufficient detail on the planning matter at issue. A list of all the PPSs and PPGs whose content could be drawn on for this purpose is set out in **Appendix 1**.
2. This is being recommended as an interim measure, until work can be carried out to identify exactly which parts of the 1000+ pages of former national planning policy the Council may still wish to rely on in its decision making, and if so, which local planning policy documents the provisions could be accommodated within. These proposals will be presented to Cabinet in Autumn 2012.
3. If this action is not taken now, there may be an incomplete locally agreed planning policy framework in place to achieve the planning objectives of the LDF Core Strategy. When the Core Strategy was prepared, the Council was not allowed to repeat national planning policy in it, so national policy and the Core Strategy complemented each other, and together with the saved policies of the Local Plan, formed the policy basis of making decisions on planning applications. The new NPPF does not provide the same scope and level of detail as did the suite of PPSs and PPGs in place up until 27th March 2012, so potentially opening up gaps in the policy framework and resulting in inappropriate development.

Recommendations

4. It is recommended that :-
 - (a) Council resolve that national planning policy statements and guidance notes (PPSs and PPGs, as listed at **Appendix 1**) in force before the National Planning Policy Framework was issued continue to be used as good practice to support making decisions on planning applications, where the statutory development plan and the Government's new National Planning Policy Framework (NPPF) are silent or provide insufficient detail on the planning matter at issue.

- (b) A report be presented to Cabinet in Autumn 2012, indicating which elements of the PPSs and PPGs are useful and relevant, and which local planning policy documents the provisions could be accommodated within.

Reasons

5. The recommendations are supported by the following reason :-
- (a) As an interim measure, to maintain a comprehensive local planning policy framework to support consistent decision making on planning applications.

Richard Alty, Director of Place

Background Papers

National Planning Policy Framework, CLG, March 2012

Valerie Adams : Extension 2477

S17 Crime and Disorder	The proposed arrangements will have a neutral impact on the Council's ability to consider issues of crime and disorder.
Health and Well Being	The proposed arrangements could help to ensure that local health and well being priorities continue to be supported by decisions on planning applications.
Carbon Impact	The proposed arrangements could help to ensure that energy efficiency and renewable or low carbon energy sources are integrated or provided as part of new developments.
Diversity	The proposed arrangements will have a neutral or positive impact on diversity.
Wards Affected	All
Groups Affected	All
Budget and Policy Framework	This report does not recommend a change to the Council's budget, but seeks the integration of elements of recent national planning policy into the local policy framework, as an interim measure.
Key Decision	Yes.
Urgent Decision	Yes. To agree interim measures so that there is a comprehensive local planning policy framework in place in the short-medium term.
One Darlington: Perfectly Placed	The proposed arrangements will help to ensure the planning system locally can continue to help deliver the Local Development Framework Core Strategy, which is the spatial expression of One Darlington: Perfectly Placed.
Efficiency	The proposed arrangements will help to ensure the efficient operation of the planning system locally to help deliver the Local Development Framework Core Strategy.

MAIN REPORT

Purpose of the Report

6. This report is to seek a Council resolution that planning policy contained in national planning policy statements and guidance notes (PPSs and PPGs) continue to be used as good practice to support decision making on planning applications where the statutory development plan and the Government's new National Planning Policy Framework (NPPF) are silent or provide insufficient detail on the planning matter at issue. A list of all the PPSs and PPGs whose content could be drawn on for this purpose is set out in **Appendix 1**.

Context

7. On 27th March 2012, the Government published its National Planning Policy Framework (NPPF). This document, which runs to 59 pages, replaces a suite of theme based Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs), running to over 1000 pages. The NPPF is part of the Government's commitment under localism to have less 'top down' prescription and more 'bottom up' involvement in the planning system.
8. Until the NPPF was published, PPGs and PPSs were part of the planning policy framework which is used to make decisions on planning applications, and included a great deal of good planning policy practice. National policies complement the local policies set out in Local Development Framework and saved policies of the Local Plan, and until it is revoked, the policies of the Regional Spatial Strategy for the North East.
9. The policies in the new NPPF are now material considerations to be taken into account in making decisions on planning applications. However, under the transitional provisions included in the NPPF, until 27th March 2013, the Council can continue to give full weight to relevant policies contained in the Darlington LDF Core Strategy, even if there is a limited degree of conflict with the NPPF. Relevant saved policies of the Borough of Darlington Local Plan can only be given due weight in making decisions on planning applications according to their degree of consistency with the NPPF – the closer the plan policies are to the NPPF policies, the greater the weight that can be given.
10. However, the streamlining of planning policy into a single NPPF has resulted in a lot of good practice material that the Council may previously have relied on to make decisions on planning applications being no longer extant for that purpose, if it is not included in the NPPF. This material does not appear in local planning policy documents as Government advice was that local planning policy should not repeat national planning policy. The effective delivery of the Local Development Framework (LDF) Core Strategy relies on both the policies in the statutory development plan and those set out in national policy at the time it was adopted (last May).
11. It is a significant piece of work to go through all the PPSs and PPGs in place prior to publication of the NPPF and pick out those elements that are regularly used or are likely to be relevant in the consideration of planning applications in Darlington Borough. Even once that work is done, decisions will have to be made as to how to integrate them into local planning policy. Then, it would be several months to a couple of years before the document could be formally adopted by the Council, taking into account the need to undertake public and other consultations on the proposed policies and for the document containing them to be subject to Public Examination, as local planning regulations require (The local planning

documents that the Council is intending to prepare are set out in the Local Development Scheme 2011-14; an update to this is due to be considered by Cabinet in July).

12. The work required to identify which parts of the PPGs and PPSs the Council may wish to retain as local policy will be carried out by the planning policy and development management teams working together. That work cannot be carried out completely and immediately without adversely impacting on the Council's ability to process planning applications in a timely and well considered manner, and its progress in preparing further local planning policy documents, including a supplementary planning document on developer contributions and a site allocations and development policies development plan document, both essential to achieving agreed local planning objectives.
13. The proposal contained in this report is for the Council to agree to use material in the former national PPSs and PPGs for development management purposes, as an interim measure until such time as the material can be included in local planning policy documents or similar. It is the intention that proposals will be presented to Cabinet in Autumn 2012 indicating which elements of the PPSs and PPGs are useful and relevant, and which local planning policy documents the provisions could be accommodated within.
14. If this proposed interim action is not taken now, and the subsequent work proposed to identify exactly what would be worth including in local planning policy documents is not undertaken, then the locally agreed planning policy framework may not encompass all the matters it needs to, in order to meet the planning policy objectives of the LDF Core Strategy. The new NPPF does not provide the same scope and level of detail as did the suite of PPSs and PPGs in place up until 27th March 2012, so potentially opening up gaps in the policy framework, with the resultant risk of planning permission being granted for significant inappropriate development.

List of Planning Policy Statements, Planning Policy Guidance Notes and Circulars that have been superseded by the National Planning Policy Framework and which are relevant to Darlington Borough.

Planning Policy Statement PPS1: Delivering Sustainable Development, 2005
Planning Policy Statement, Planning and Climate Change, supplement to PPS1, 2007
Planning Policy Statement 3: Housing, revised, 2011
Planning Policy Statement 4: Planning for Sustainable Economic Growth, 2009
Planning Policy Statement 5: Planning for the Historic Environment, 2010
Planning Policy Statement 7: Sustainable Development in Rural Areas, 2004
Planning Policy Statement 9: Biodiversity and Geological Conservation, 2005
Planning Policy Statement 12: Local Spatial Planning, 2008
Planning Policy Statement 22: Renewable Energy, 2004
Planning Policy Statement 23: Planning and Pollution Control, 2004
Planning Policy Statement 25: Development and Flood Risk, 2010

Planning Policy Guidance 8: Telecommunications, 2001
Planning Policy Guidance 13: Transport, 2011
Planning Policy Guidance 14: Development on Unstable Land, 1990
Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation, 2002
Planning Policy Guidance 18: Enforcing Planning Control, 1991
Planning Policy Guidance 19: Outdoor Advertisement Control, 1992
Planning Policy Guidance 24: Planning and Noise, 1994

Circular 05/2005 Planning Obligations