

Item B1

Planning Policy Guidance and the Development Plan Changes

A report by Head of Planning Applications Group to the Planning Applications Committee on 13 March 2013

Summary: Planning policy guidance and Development Plan changes

Recommendation: To note changes to Development Plan and policy guidance

Local Member: N/A

Purpose of the Report

1. This report draws attention to changes to the Development Plan and policy guidance that have implications for the determination of planning applications. These changes relate to the South East Plan and the National Planning Policy Framework.
2. Members will be aware that Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Planning applications also need to be considered in the context of government guidance, including the National Planning Policy Framework (NPPF) and other material planning considerations arising from consultation and publicity.

South East Plan

3. The South East Plan, 2009 is currently part of the Development Plan. The Government has stated its intention to revoke the Plan and that this intention to revoke the Regional Spatial Strategies (the South East Plan in Kent) is a material consideration to be taken into account in the determination of planning applications. Members will also be aware that the weight to be accorded to this is a matter for the decision maker.
4. In February 2013, the Local Government Secretary Eric Pickles announced that the South East had taken a further step towards revocation. In doing so he confirmed that the abolition of the Regional Spatial Strategy will reinforce the importance of the Local Plan and where they exist neighbourhood plans as the keystone of the planning system. An Order to effect revocation with the exception of policy NRM6 and Policy H2 of the Oxfordshire Structure Plan was laid before Parliament on 28th February 2013 and will come into force on 25th March. Neither of the 2 saved policies are relevant to Kent. Policy NRM6 relates to the Thames Basin Heaths Special Protection Area and the Oxfordshire policy relates to the Upper Heyford RAF base. No other

policies are saved. In determining applications, Members will need to take this recent change into account, although the weight to be placed is still a matter for the decision maker.

National Planning Policy Framework (NPPF)

5. The NPPF was published on the 27th March 2012. It set out the government's planning policy guidance for England and as government guidance is a material consideration for the determination of planning applications. The Framework replaced the majority of the Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs). Transition arrangements were included in the guidance to provide advice on policy interpretation in Local Plans where there was limited conflict with the guidance in the NPPF. These transition arrangements were for a 12 month period. These arrangements were set out in Annex 1 of the NPPF. Paragraphs 214 -215 of the NPPF states

' (214) For 12 months from the date 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 the NPPF.

(215) In other cases and following the 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).'

6. Members will need to take this recent change into account in their determination of planning applications taken on or after 27th March 2013. They should also note that the above does not change the statutory status of the development plan which remains the starting point for decision making.

Recommendation

7. I RECOMMEND that Members NOTE the contents of this report and take into consideration in the determination of planning applications.

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Background Documents : Statutory Instrument 2013 No 427 - Town and Country Planning, England - The Regional Strategy for the South East (Partial Revocation) Order 2013; Explanatory Memorandum to the Regional Strategy for the South East (Partial Revocation) Order 2013; Written Ministerial Statement on Regional Planning and the National Planning Policy Framework 2012
