



## APPENDIX 14

# NATIONAL PLANNING POLICY

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### PLANNING POLICY

The National Planning Policy Framework, or NPPF, and its accompanying 'National Planning Practice Guidance', or NPPG, (which sets out more detailed policy on matters such as flood control), set out the Government's commitment to a plan-led system of development control. The NPPF notes that where the 'Development Plan' contains relevant policies, applications for planning permission should be determined in line with the 'Development Plan' unless material considerations indicate otherwise (NPPF, paragraphs 2 & 1). One such consideration will be whether the plan policies are relevant and up to date. Paragraph 13 of the NPPF reconfirms that Government statements of planning policy are also material considerations which (if relevant) must be taken into account in decisions on planning applications. On occasions Government Policy can be a material consideration that may overtake or supplement Development Plan policies.

At the time of writing, the current '**Development Plan**' comprises the Shropshire Adopted Core Strategy of March 2011, and the few remaining 'saved' policies of the Shrewsbury & Atcham Borough Local Plan, adopted in June 2001. Also relevant will be the 'Shrewsbury South Sustainable Urban Extension Masterplan', which was adopted in November 2012, and that for 'Shrewsbury West' which was adopted in December 2013.

The draft 'Site Allocations & Management of Development Plan' ('SAMDev') was submitted to the Secretary of State in August 2014 for its Public Examination. When adopted the document may be different in form and content so we do not deal with the document in any detail, however, amongst other things the draft plan proposes two 'Sustainable Urban Extensions' (SUEs) to the West and South of Shrewsbury and consequent amendments to the scope of the town's Development Boundary. Development within the proposed SUEs should accord with the land use principles of the adopted masterplans, including the strategic employment allocation adjoining the Football Stadium (draft SAMDev Policy **S16** "*Shrewsbury Area*"). Proposals for development of "*alternative uses*" (i.e. non-Class B activities) can be acceptable on employment sites provided that it can be demonstrated that: there are "*no other suitable development sites*"; significant employment or other community benefits are provided as a consequence; and that the supply and choice of employment sites will not be adversely affected (SAMDev Policy **MD4** "*Managing Employment Development*").

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**Core Principles** - The NPPF exhorts local planning authorities (LPAs) to "apply the presumption in favour of sustainable development" and approach decision making in a positive way (NPPF, paragraphs 186, 187, 196 & 197). According to paragraph 17 of the NPPF, a number of core land-use planning principles are to underpin decision-taking, some of which are meeting the needs of business and commerce, supporting the "reuse of existing resources, including conversion of existing buildings", making "effective use" of previously developed land and encouraging the use of more sustainable modes of transport (see also NPPF, Section 4). Councils should ensure that Local Plans are "*based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area.*"

*Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals". As a result the "the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose" should be avoided and "land allocations should be regularly reviewed".*

The NPPF continues "where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities" (NPPF, paragraphs 158 & 22). Mineral deposits should be safeguarded and non-mineral related development should not normally be permitted in "mineral safeguarding areas where they might constrain potential future use for these purposes" (NPPF, paragraph 144).

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In relation to the provision of social and community facilities paragraph 69 of the NPPF states that “the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities” and, according to paragraph 70, in order “to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: plan positively for the provision and use of shared space, community facilities [including meeting places, sports venues and local services] to enhance the sustainability of communities and residential environments”; and ensure that “established facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community”. Sport and recreation are also specifically identified, at paragraph 73 of the NPPF, as making an important contribution to the “health and well-being of communities”. That same paragraph continues to say that specific needs and quantitative or qualitative deficits in the provision of recreational facilities should be identified through robust assessment and the “information gained from the assessments should be used to determine what open space, sports and recreational provision is required”.

Section 2 of the NPPF seeks to promote Town Centre Vitality and Viability. It is stated that the needs of “main town centre uses” (which includes retail, leisure and offices) should be “met in full”, but the first preference for locating such uses is the central area. Only where no suitable central area, or edge of centre (the next choice), site is available should out of centre proposals be considered and in such cases “preference should be given to accessible sites that are well connected to the town centre”. This is known as the “sequential test” and this should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. In carrying out the ‘sequential test’, “flexibility” needs to be demonstrated “on issues such as format and scale” by both applicants and LPAs (NPPF, paragraphs 24 - 27).

**Design, Amenity & Heritage** - At paragraph 56 of the NPPF the Government says that it “attaches great importance to the design of the built environment”. Nevertheless, LPAs should not be overly prescriptive regarding design and “should not attempt to impose architectural styles or particular tastes”. ‘Heritage assets’ (such as listed buildings, Registered Parks & Gardens and conservation areas) and their settings should be protected from harm. Where a proposed development could affect a site “with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment.

**Flood Control & Climate Change** – full account should be taken of flood risk in determining planning applications (various paragraphs of the NPPF such as 94 & the NPPG). “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere”. The opportunity “offered by new development to reduce the causes and impacts of flooding” should be taken (NPPF, paragraph 100).

In order to minimise the threat from flooding, the ‘Sequential Test’ (which aims to steer new development primarily to those areas with the lowest probability of flooding) and ‘Exception Test’ (which, when development is proposed to be allowed on a site that is at high risk, requires demonstration that the community benefits of the development outweigh any increased flood risk before permission can be granted) should be applied (paragraphs 101- 102). Certain activities are considered to be more vulnerable (such as residential uses) and therefore less suited to being located within flood prone areas. Uses such as leisure and recreation and shopping are categorised as “less vulnerable” by the NPPG (see Table 2 of the NPPG on “Flood Risk & Coastal Change”).

**Countryside & Natural Environment** – biodiversity should be enhanced and “planning permission should be refused for development resulting in the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss” (NPPF, paragraph 118). The “intrinsic character and beauty of the countryside” should be recognised and “where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality” NPPF, paragraphs 17 & 112). According to paragraph 74 of the NPPF, existing open space “should not be built on unless” assessment has shown the land to be surplus to requirements; or the loss would be replaced by “equivalent or better provision” elsewhere, or “the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss”.