

Core Strategy for Chiltern District

Chiltern District Council - Response to the Inspector's invitation to comment on the implications on the soundness of the Core Strategy of the Draft National Planning Policy Framework

DATE: 16 Aug 2011

Final Version

The following paper sets out the Council's response to the invitation by the Inspector to comment on the implications on the soundness of the Core Strategy of the Draft National Planning Policy Framework (Draft NPPF).

The Planning Inspectorate's own guidance¹ produced for use by its Inspectors' states that the Draft NPPF "*is capable of being a material consideration, although the weight to be given to it will be a matter for the decision maker's planning judgment in each particular case. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.*"

Chiltern District Council recognises that the Draft NPPF is capable of being a material consideration but is of the view that the Core Strategy must, as a matter of law², be prepared with regard to planning policy and guidance in place at the time. **The Council therefore considers that as the NPPF is only in draft format and may be subject to significant change before coming into effect, it should carry very little, if any, weight in the determination of whether the Core Strategy for Chiltern District is sound.**

¹ http://www.planningportal.gov.uk/uploads/pins/advice_for_inspectors/nppf_consult.pdf

² Section 19 (2) (a) of the Planning and Compulsory Purchase Act 2004

Notwithstanding this, it is considered that if the Draft NPPF as currently written were to come into effect, the Core Strategy (incorporating suggested changes at June 2011) would still be in broad conformity with it.

Potential Future Implications of the Draft NPPF and the Core Strategy

Although the Council considers that the Draft NPPF (as written) should carry very little weight in determining the soundness of the Core Strategy, the opportunity has been taken at this stage to establish what implications it could have on the Core Strategy in the longer term. To this end the Council recognises that a small number of policies in the Core Strategy would be affected at the point that the Draft NPPF comes into effect. However, re-emphasising the view stated previously, it is considered that when the Draft NPPF comes into effect, the soundness of the Core Strategy would not be altered by its contents. The Council is also of the view that the policies within the Core Strategy would still be considered broadly consistent with it.

In total six policies of the Core Strategy (as proposed at June 2011³) would be affected in some way by the Draft NPPF if it were to come into effect as currently written. This is discussed in more detail below.

Policy CS7: Major Developed Site with the Green Belt allocated for housing.

The Draft NPPF does not restate the advice within PPG2: Green Belts which allows local authorities to define major developed sites within the Green Belt. Instead, the Draft NPPF makes infilling or the partial or complete redevelopment of previously developed sites (excluding temporary buildings) appropriate development within the Green Belt. Policy CS7 positively allocates 2 major developed sites within the Green Belt to be redeveloped for housing and the Council's evidence supports this use. It is therefore considered that the allocation of these two sites for housing remains consistent with the Draft NPPF.

³ Core Strategy for Chiltern District Submission Document Incorporating Proposed Post Hearing Changes June 2011 (CDN126)

Policy CS9: Rural Exceptions Housing.

The Draft NPPF does not restate the provision within PPS3: Housing to allow local authorities to set rural exceptions policies. The Draft NPPF generally expects any affordable housing in rural locations, which may include an element of enabling market housing, to come forward under Community Right to Build Orders. However, paragraph 144 of the Draft NPPF states that limited affordable housing for local community needs, under policies set out in the Local Plan, can be considered as appropriate development within the Green Belt. Given the established need for affordable housing in Chiltern District and that all of the District's countryside is Green Belt, the Council is of the view that Policy CS9 as written would therefore continue to be appropriate and consistent with the Draft NPPF if it were to come into affect as written.

Policy CS13: Major Developed Site within the Green Belt at the National Society for Epilepsy, Chalfont St Peter.

The Draft NPPF does not restate the advice within PPG2: Green Belts which allows local authorities to define major developed sites within the Green Belt. Instead, the Draft NPPF makes infilling or the partial or complete redevelopment of all previously developed sites (excluding temporary buildings) appropriate development within the Green Belt.

Policy CS16: Employment Land.

Criteria a) of the third paragraph of Policy CS16 (incorporating suggested changes at June 2011) restricts the redevelopment of small employment sites (those under 0.25ha) to areas excluded from the Green Belt. With the changes to the definition of appropriate development within the Green Belt proposed within the Draft NPPF, the change of use to residential on small employment sites would be considered appropriate development by definition. In the longer term therefore, should the Draft NPPF come into effect as currently written, it may be unnecessary to just apply this part of Policy CS16 to areas excluded from the Green Belt.

Policy CS17: Major Developed Site with the Green Belt at Chalfont Grove, Chalfont St Peter.

The Draft NPPF does not restate the advice within PPG2 which allows local authorities to define major developed sites within the Green Belt. Instead the Draft NPPF makes infilling or the partial or complete redevelopment of previously developed sites (excluding temporary buildings) appropriate development within the Green Belt.

Policy CS23: Review of the boundaries of Identified Settlements and Rows of Dwellings within the Green Belt.

The Draft NPPF does not restate the requirement within the text box for Paragraph 2.11 of PPG2: Green Belts, which allows local planning authorities to define infill boundaries of villages within the Green Belt.

Further Proposed Minor Changes to the Core Strategy:

In a number of places the Core Strategy for Chiltern District refers to specific PPSs/PPGs; all of which would be cancelled at the point the NPPF comes into effect. To improve the longevity of the Plan and reduce potential confusion in the future, the Council believes that a number of minor textual changes could be made to the Core Strategy now, without the substance or soundness of the Plan being affected. These proposed minor changes are set out in Table 1.

In most cases the Council is only proposing to delete the specific reference to an individual PPS or PPG and in its place refer to “national guidance” or “national policy”. Changes of this nature are only proposed where the Draft NPPF re-states existing national policy.

Where reference is made in the Core Strategy to parts of PPGs and PPSs which have not been re-stated in the Draft NPPF, the Council is generally proposing to delete that particular reference. However if that deletion would

substantively alter the Core Strategy or necessitate a large number of further textual changes to it, the Council is not proposing to make a change.

In Table 1 the only notable change proposed which does not relate to a specific reference to a PPS or PPG is the change to the title of Policy CS9. Instead of referring to this Policy as 'Rural Exceptions Policy', for the reasons set out earlier in this Paper, the Council suggests it should be renamed "Affordable Housing in Rural Areas". No change is proposed to the wording of the policy itself.

The Council respectfully requests that the Inspector considers the minor changes set out in Table 1 of this Paper and embeds them into the Core Strategy in his Binding Report.

Table 1: List of references to existing PPS/PPG's in Core Strategy for Chiltern District Submission Document Incorporating Proposed Post Hearing Changes June 2011 (CDN126) and proposed minor changes to improve the longevity of the Plan.

Paragraph/ section or footnote number	PPG/PPS referred to	subject	Suggested Deletion / Replacement Text in CDN126
7.3	PPS7	Prevention of major development in AONB's	In 2nd sentence delete "in PPS7" and associated footnote 29.
7.4	PPG2	National policy on Green Belt	In the 2 nd and 3 rd sentence delete "is set out in PPG2. This" and associated footnote 30
7.5	PPS1 and PPS3	Presumption in favour of new development reducing the need to travel	In 4 th sentence delete "in PPS1 and PPS3" and associated footnotes 32 and 33.
7.7	PPG2 Annex C	Major developed sites	No change proposed
8.8	PPS25	National planning policy on flood risk	In 2 nd sentence delete "set out in PPS25." 11 th sentence delete "PPS25"
Table 1 para (j)	PPS25	Sustainable drainage systems	In 1 st sentence delete "PPS25"
Table 1 Para n)	PPS23	Remediation of contaminated land	Delete "in PPS23" from the end of the sentence.
Footnote 46	PPS3	Definition of deliverable housing sites	Delete footnote in its entirety
9.1	PPS3	Deliverable housing sites	Last sentence- delete "PPS3" and replace with " <u>national planning policy</u> ".
9.2	PPG2 Annex C	Redevelopment of major developed sites	1 st sentence - delete "National planning policy set out in Planning Policy Guidance 2 (PPG2) Annex C". Delete 2 nd sentence. Delete 5 th sentence.
9.3	---	Major developed site – Amersham and Wycombe college	No change proposed
9.4	---	Major developed site – Newland park	Delete 7 th sentence
Policy CS7	PPG2	Major developed sites	First sentence delete "as defined in national policy PPG2."

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			2 nd sentence- delete "the guidelines set out in annex C of PPG2 in order" and replace with " <u>national guidance</u> ".
9.5	PPG2	Major developed sites	No change proposed
9.5	PPS3	Government density advice	5 th sentence delete the word 'new' and replace with 'latest government' and delete 'in PPS3'.
Table 2	---	Major Developed sites	4 th row 1 st column change wording to read as follows 'Identified housing sites in the Green Belt (Policy C7)'
10.1	PPS3	Importance of affordable housing	Delete 1 st and last sentences.
10.2	PPS3	National Indicative minimum site size threshold	No change proposed as, although text will be affected by the NPPF, any deletions in this paragraph will have a knock-on impact on paragraph 10.3 which would have to be substantially re-written.
Heading under para 10.6	----	Rural Exceptions	Change heading to: " <u>Affordable Housing in Rural Areas</u> "
10.7	----	National guidance on rural exceptions	Delete 3rd sentence. In 4 th sentence delete the word " <u>such</u> ".
Policy CS9	----	Rural Exceptions Policy	Change title of policy from Rural Exceptions Policy to "Affordable Housing in Rural Areas"
10.8	---	Rural Exception schemes	Amend 8 th sentence as follows: "Rural exception <u>housing schemes brought forward under this policy</u> may include a..."
11.4	PPG2 Annex C	Major developed sites NSE	No change proposed
Policy CS13	PPG2	Major developed sites	1 st sentence delete "as defined in national policy PPG2."

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			2 nd sentence- delete "the guidelines set out in annex C of PPG2 in order" and replace with " <u>national guidance</u> "..
12.6	PPS4	National policy – broad view of economic development	9 th sentence – delete "set out in PPS4 (December 2009)"
12.8	PPG2	Limited infilling helping to create jobs.	No change proposed
CS17	PPG2 Annex C	Major developed site Chalfont Grove	First sentence delete "in line with PPG2." 2 nd sentence- delete "the guidelines set out in annex C of PPG2 in order" and replace with " <u>national guidance</u> ".
12.12	PPS4	Site selection for town centre uses.	First sentence – delete "in PPS4".
12.15	PPS4	Encouragement for re-use of buildings	Delete last sentence.
13.2	PPS1 and PPS3	National policy promoting good design	4 th sentence – delete the words "set out in policy statements PPS1 and PPS3" Amend 6 th sentence as follows: When assessing how developments link with adjoining areas and communities we will apply the principles <u>below, supported by national guidance set out in PPS3, including the following:</u>
13.12	PPS5	National policy	No change proposed
13.13	PPS1 and PPS3	Local distinctiveness and character	Delete 1 st sentence Delete 2 nd sentence
14.1	PPS7	Presumption against major development in AONB's	3 rd sentence – delete the words, "in Planning Policy Statement 7, Sustainable Development in Rural Areas,"
14.4	PPG2	Government advice on Green Belt boundaries	4 th sentence – delete the words "contained in PPG2".
14.4	PPG2	Green belt national policy	10 th sentence delete the words "set out in PPG2"
Heading	----	Rural Exceptions	Change heading to read as follows: Affordable Housing in Rural Areas

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under paragraph 14.5			
14.6	PPS3	Exception to Green Belt policy	Delete 2 nd sentence. Delete the word "above" from third sentence.
14.8	PPS 5 and PPS 7	Protection of landscape	7 th sentence delete the words 'set out in PPS5 and PPS7' 9 th sentence delete the words 'In line with the advice in PPS7'.
14.9	PPS9	Up to date biodiversity information	Delete 2 nd sentence
Appendix 3	PPG/S list	National Planning Policy Guidance as at September 2010	Amend title to state September 2011.