

## **Appendix 2 : Review of the 2015 Local Plan against the 2023 NPPF and other recent National Planning Changes**

The East Staffordshire Borough Council Local Plan (Planning for Change) was adopted on the 15<sup>th</sup> October 2015. The National Planning Policy Framework (NPPF) was first published on 27 March 2012 (which was the version used during plan making for the 2015 Plan) and subsequently updated on 24 July 2018, 19 February 2019, 20 July 2021, September 2023 and December 2023.

The Local Plan was reviewed at an Extraordinary Council meeting on 19th October 2020. (<https://tinyurl.com/6kjh5hty>) This review was undertaken in line with police SP6 of the Local Plan and Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2017 as amended.

The recommendation that the update to the Local Plan, be delayed for a maximum of 5 years, was agreed. As such the adopted Local Plan remains in use, and forms part of the Development Plan for East Staffordshire.

**NPPF paragraph 33 requires ‘Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary.’**

These reviews should take into account changing circumstances affecting the area, or any relevant changes in national policy. NPPF paragraph 31 states that the review of all policies should be underpinned by relevant and up-to-date evidence, which should be adequate and proportionate.

**Each year, Planning Policy Officers will review changes in planning to see if a review needs to be triggered earlier.**

East Staffordshire Planning Policy Officers have reviewed changes to national policy and guidance since October 2020 and have updated the table on the following pages accordingly. **The 2023 NPPF builds on the 2021 and 2019 versions of the document, but does not make radical changes, the highlights of the changes re listed below.**

National Planning Changes and an overview of the changes to the NPPF 2023

**The Levelling Up and Regeneration Act was enacted in October 2023, (LURA).** The main elements of the Act in planning policy terms are described as:

- The introduction of National Development Management Policies which will set certain development control policies at national level
- Requiring new local plans to be updated every 5 years
- The need for each local authority to produce ‘area wide design requirements’ for planning applications
- Creation of a new Infrastructure Levy which will now incorporate affordable housing contributions
- The ability to create new ‘Supplementary Plans’ which will replace SPD’s and Design documents and are intended to allow the quick creation of policies for local areas and sites.

Only parts of the Act have currently been enacted. These relate to Compulsory Purchase Orders and enforcement measures.

### **The NPPF 2023**

The new NPPF 2023 was published in December 2023. The headlines from it are:

- i. facilitates flexibility for local authorities in relation to local housing need, clarifying that the outcome of the standard method is an advisory starting point, noting any assessment will be subject to examination as usual;
- ii. sets out that there is no requirement on a local authority to review or alter its Green Belt boundaries unless it chooses to do so;
- iii. clarifies that there may be situations where higher densities would be wholly out of character with the existing urban area, and that this could be a strong reason why significantly uplifting densities would be inappropriate – applying where character is evidenced through a design code which is adopted or will be adopted as part of the local plan;
- iv. removes the requirement for authorities to demonstrate a five-year housing land supply on an annual basis, where an up to date (less than five years old) local plan is in place
- v. removes the 5% and 10% buffers that could be applied to five-year housing land supply, and maintains the 20% buffer only for those authorities that do not have an up-to-date plan in place and score below 85% on the Housing Delivery Test;
- vi. increases the level of protection from the presumption afforded by neighbourhood plans from two to five years post adoption, provided they identify at least one housing site;
- vii. gives additional support to the delivery of self-build, custom-build and community-led housing and encourages the delivery of older people’s housing, including retirement housing, housing-with-care and care homes;
- viii. emphasises the role of beauty and placemaking in strategic policies;
- ix. gives greater protection to agricultural land through additional reference to the need to address food production, maintaining the emphasis on best and most versatile (BMV) land; and
- x. provides greater support for energy efficiency measures through requiring decisions on planning applications to place significant weight on the need to support energy efficiency improvements to existing buildings

**Other changes:**

Biodiversity Net Gain has been made mandatory this requires developers to deliver a 10% net gain in biodiversity as part of their proposed developments.. The purpose is to make sure that habitats and wildlife are left in a measurably better state than they were before. Some developments are exempt from complying and changes have been made to the validation of planning applications, conditions and decision making to accommodate this.

Relevant changes to Planning Practice Guidance (PPG) include. New guidance on securing developer contributions for education, changes to the renewable and low carbon energy chapter to address grid scale battery energy storage systems, housing supply and delivery,

There have also been changes to permitted development rights for temporary recreational camp sites, temporary film and tv production, prison fences, open prisons and solar equipment, short term lets, agricultural diversification, development on agricultural units, change of use of agricultural buildings to dwellinghouses

Changes to the NPPF, the standard methodology, NSIP are being consulted upon. Changes to the NPPF and changes to the standard methodology are proposed to be delivered by the end of 2024.

The following table sets out an NPPF compliance/checklist against the Local Plan policies to help inform the Council’s decision as to whether to prepare a new local plan. The table includes a short justification sentence to explain how each policy complies (or does not comply) with the NPPF 2023.

**The colour coding remains the same as last year, and similar conclusions can be drawn.**

The following colour coding has been added:

- Green – The policy is compliant with the current NPPF.
- Amber – A review of the evidence base is advised but an update to the policy is not currently essential.
- Red – The policy is not compliant with the current NPPF.

Local Plan Policy	Policy Title	Compliance with NPPF (2023)
<b>Principle 1</b>	<b>Presumption in Favour of Sustainable Development</b>	The presumption in favour of sustainable development remains in general compliance with the NPPF presumption in favour of sustainable development.
<b>Strategic Policies (in general)</b>		The Local Plan outlines which policies are strategic and which are detailed in accordance with NPPF21 and 28. The strategic policies address priorities for the development and use of land and sets out an overall strategy for the pattern, scale and quality of development in accordance with NPPF17 and 20. The NPPF has given a greater emphasis to designing in beauty and placemaking, a future review of the plan could include design codes which could define beauty and placemaking further.
<b>Strategic Policy 1</b>	<b>East Staffordshire Approach to Sustainable Development</b>	The sustainable development principles contained in the policy are generally worded and remain in overall compliance with corresponding policy areas in the NPPF and NPPF 8, 9 and 16.
<b>Strategic Policy 2</b>	<b>Settlement Hierarchy</b>	The policy addresses priorities for the development and use of land and set out an overall strategy for the pattern, scale and quality of development as required by NPPF17 and 20.
<b>Neighbourhood Policy 1</b>	<b>Role of Neighbourhood Plans</b>	The requirement for Neighbourhood Plans to meet basic conditions and the role of neighbourhood places has not changed and as such the policy remains consistent with NPPF37.

<b>Strategic Policy 3</b>	<b>Provision of Homes and Jobs 2012 – 2031</b>	Strategic housing policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance as a starting point. The latest standard method should be used to review the housing requirement. This is addressed in the overall covering report.
<b>Strategic Policy 4</b>	<b>Distribution of Housing Growth 2012 – 2031</b>	The policy allocates land to meet to meet the housing provision of Strategic Policy 3 and identifies the housing requirement for designated neighbourhood areas as required by NPPF67. The requirement in NPPF70 to identify land to accommodate at least 10% of the housing requirement on sites no larger than one hectare unless it can be demonstrated that there are strong reasons why the 10% target cannot be achieved, is reflected in amendments made to the Housing Choice SPD in 2019, the latest version of which is the 2023 Housing Choice SPD.
<b>Strategic Policy 5</b>	<b>Distribution of Employment Growth 2012 – 2031 (allocations)</b>	The policy complies with NPPF85 requirement to identify sites for investment and meet the needs over the plan period. The allocations also allow for a range of employment uses. However Strategic Policy 6 states that the evidence base should be reviewed and where there are significant changes to evidence on need and demand for development or within 5 years of the adoption of the plan, whichever is sooner, the Council should undertake a Local Plan Review. In particular there is a need to reflect in the Local Plan the specific locational requirements of additional sectors such as those listed in NPPF83 e.g. making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.
<b>Strategic Policy 6</b>	<b>Managing the Release of Housing and Employment Land</b>	The policy states that the evidence for housing and employment demand and need will be reviewed every 5 years. Where there are significant changes to evidence on need and demand for development or within 5 years of the adoption of the plan, whichever is sooner, the Council will undertake a Local Plan Review. A review of the evidence base is now being undertaken in accordance with the recommendations of the 2022 review.
<b>Strategic Policy 7</b>	<b>Sustainable Urban Extensions</b>	The policy for sustainable urban extensions including expectations for their development remain in general compliance with NPPF74.
<b>Strategic Policy 8</b>	<b>Development Outside Settlement Boundaries</b>	The policy for development outside the Settlement Boundary remains compliant with NPPF82-84-(Rural housing) The NPPF has extended 'local needs' to include proposals for community-led development for

		housing and NPPF88 and 89 (Supporting a prosperous rural economy).
<b>Strategic Policy 9</b>	<b>Infrastructure Delivery and Implementation</b>	The plan and associated Planning Obligations SPD and Housing Choice SPD both adopted in December 2019, set out the contributions expected from development as required by NPPF34. In accordance with NPPF58, the policy allows the Council to consider whether particular circumstances exist that threaten the viability of a proposal, subject to the submission of a financial viability appraisal.
<b>Strategic Policy 10</b>	<b>Education Infrastructure</b>	The policy allocates land for school provision and includes a positive policy for new schools and further education and therefore remains compliant with the NPPF.
<b>Strategic Policy 11</b>	<b>Bargates/Molson Coors Strategic Allocation</b>	This policy sets out development principles for a strategic land allocation which are considered compliant with the NPPF.
<b>Strategic Policy 12</b>	<b>Derby Road, Burton upon Trent, Regeneration Corridor</b>	This policy sets out development principles for a strategic land allocation which are considered compliant with the NPPF.
<b>Strategic Policy 13</b>	<b>Burton and Uttoxeter Existing Employment Land Policy</b>	This policy sets out the approach to existing employment areas and includes sufficient flexibility as required by NPPF82.
<b>Strategic Policy 14</b>	<b>Rural Economy</b>	The policy is in general compliance with national policy. The section on New Provision (together with criteria in linked Strategic Policy 8) sets out criteria for new employment development adjacent to or beyond existing settlements as required by NPPF89.
<b>Strategic Policy 15</b>	<b>Tourism, culture and leisure development</b>	The policy and criteria for tourism, culture and leisure remain in overall compliance with the various topic areas in the NPPF.
<b>Strategic Policy 16</b>	<b>Meeting Housing Needs</b>	<p>The plan and associated Planning Obligation SPD and Housing Choice SPD, set out the required mix of dwellings. The policies require consideration of the Council's latest evidence base and therefore sufficient flexibility exists in the policy to ensure that the mix of dwellings meets current need as stated by NPPF61 and 63.</p> <p>The Housing Choice SPD does not consider the needs students and service families as required by NPPF63. The need for these dwellings should be taken into account as part of a review in due course and evidence is currently being prepared in the LHNA to establish future requirements along with those who require retirement housing, housing with care and care homes. Relevant applications will be assessed as to how they meet needs for these groups.</p>

<b>Strategic Policy 17</b>	<b>Affordable Housing</b>	The threshold for affordable housing requirements is different to that required by NPPF65 however the policy allows the threshold to be revised in accordance with national policy. The process for considering viability evidence is broadly in line with current NPPF policy. The Planning Policy team updated the Housing Choice SPD in 2023 to include guidance on the development of First Homes.
<b>Strategic Policy 18</b>	<b>Residential Development on Exception Sites</b>	The policy is consistent with NPPF policy on exception sites set out in paragraph 82. Detailed guidance is also provided regarding these developments in the Revised Housing Choice Supplementary Planning Document 2023.
<b>Strategic Policy 19</b>	<b>Sites for Gypsies, Travellers and Travelling Showpeople</b>	<p>Planning Policy for Traveller Sites (2015) makes clear that local planning authorities should, in producing their Local Plan, identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets (NPPF 77, Footnote 41) The Local Plan states that further work is to be commissioned to confirm whether there is a need.</p> <p>The current Policy allows for a criteria based assessment of proposals, and is consistent with the NPPF.</p> <p>An assessment of need was concluded in 2023 and has identified that a need will arise towards the end of the current plan period which currently does not have allocated sites associated with it. The planning policy team are currently reviewing this work. Further policy work to address this need will be required as part of a new Local Plan.</p>
<b>Strategic Policy 20</b>	<b>Town and Local Centres Hierarchy</b>	The policy defines a network and hierarchy of town centres and sets out a strategy for the growth of retail across the borough including floorspace allocations for town centres in accordance with NPPF90
<b>Strategic Policy 21</b>	<b>Managing Town and Local Centres</b>	The policy sets out a range of suitable uses for Town Centres in the borough in accordance with NPPF90(b). However, the introduction of Class E in the 2020 Use Classes Regulations mean that latter parts of this policy should be reviewed as part of the subsequent plan review's retail evidence. This is to ensure the updated policy in the new plan will reflect the kinds of uses that are currently allowed in the broadened 'E' use class which many town centre units now fall into. It is also likely that shopping patterns may have changed as a result of the pandemic, and it is unclear whether these changes are temporary or amount to a permanent shift. Further retail evidence is currently being prepared to help to determine this.

<b>Strategic Policy 22</b>	<b>Supporting Communities Locally</b>	The policy plans positively for new community facilities and guards against the unnecessary loss of facilities in accordance with NPPF97
<b>Strategic Policy 23</b>	<b>Green Infrastructure</b>	The safeguarding and enhancement of strategic green infrastructure is compliant with NPPF20, NPPF96, NPPF159 and NPPF181. Enhancement of natural capital will additionally be achieved through the continued implementation of the National Forest (Strategic Policy 26) and the Central Rivers Initiative (Detailed Policy 10). The NPPF has given a greater emphasis to designing in beauty and placemaking a future review of the plan could include design codes which could define beauty and placemaking further.
<b>Strategic Policy 24</b>	<b>High Quality Design</b>	The Council's adopted policy and design guidance set our clear design expectations in accordance with NPPF131 and NPPF132, the National Design Guide 2021, and the National Model Design Code. A future review of the Plan could include design codes based on the national model for strategic sites or specific areas of the Borough.
<b>Strategic Policy 25</b>	<b>Historic Environment</b>	The policy sets out a positive strategy for conservation of the historic environment in accordance with NPPF196.
<b>Strategic Policy 26</b>	<b>National Forest</b>	The policy includes provision to upgrade the landscape and provide for recreation and wildlife as set out in NPPF151.
<b>Strategic Policy 27</b>	<b>Climate Change, Water Body Management and Flooding</b>	The policy manages all sources of flooding and includes a requirement for SUDS in accordance with NPPF173 and NPPF170. The updated wording of national planning practice guidance (2023) on this topic will be taken into account when determining applications.
<b>Strategic Policy 28</b>	<b>Renewable and Low Carbon Energy Generation</b>	<p>NPPF160 requires authorities to provide a positive strategy for energy from renewable and low carbon sources, identifying suitable areas for renewable and low carbon energy sources, and identifying opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.</p> <p>The policy states that an SPD will be prepared to identify appropriate locations for renewable technologies. While no locations have yet been identified, a climate change and sustainable development SPD was adopted in August 2022.</p> <p>The policy is in general compliance with NPPF160.</p>
<b>Strategic Policy 29</b>	<b>Biodiversity and Geodiversity</b>	The policy provides protection to European, national, and locally designated sites in accordance with NPPF181. Consideration of the availability of

		agricultural land for food production is achieved in Strategic Policy 1 (East Staffordshire Approach to Sustainable Development) ). which requires developments to safeguard the long term capability of the best and most versatile agricultural land as a resource for the future.
<b>Strategic Policy 30</b>	<b>Locally Significant Landscape</b>	The policy to protect local landscape designations is consistent with NPPF180.
<b>Strategic Policy 31</b>	<b>Green Belt and Strategic Green Gaps</b>	The policy applies national Green Belt policy to new development and therefore is consistent with the NPPF.
<b>Strategic Policy 32</b>	<b>Outdoor Sports and Open Space Policy</b>	The policy on open space is consistent with NPPF 103.
<b>Strategic Policy 33</b>	<b>Indoor sports policy</b>	The policy supports the protection and enhancement of indoor sports provision and is consistent with NPPF 103.
<b>Strategic Policy 34</b>	<b>Health and Wellbeing</b>	The policy requires development to enhance health and well-being in accordance with NPPF128 and NPPF135.
<b>Strategic Policy 35</b>	<b>Accessibility and Sustainable Transport</b>	The policy is generally in accordance with the NPPF's transport policies. However, it would be worth considering whether there is any need to update the plan to support overnight lorry parking facilities, taking into account any local shortages as required by NPPF113 and the importance of maintaining a national network of general aviation airfields as required by NPPF 110.
<b>Detailed Policy 1</b>	<b>Design of New Development</b>	The detailed policy on design together with other policies and design guidance set out clear design expectations in accordance with NPPF131 and NPPF132. The NPPF has given a greater emphasis to designing in beauty a future review of the plan could include design codes which could define beauty further.
<b>Detailed Policy 2</b>	<b>Designing in Sustainable Construction</b>	The detailed policies on sustainable design are consistent with NPPF159.
<b>Detailed Policy 3</b>	<b>Design of New Residential Development, Extensions and Curtilage Buildings</b>	The policy provides further detailed policy which together with strategic policy and design guidance, sets out clear design expectations in accordance with NPPF132 and NPPF133.
<b>Detailed Policy 4</b>	<b>Replacement Dwellings in the Countryside</b>	The policy on replacement dwellings in the countryside is in general compliance with the NPPF.
<b>Detailed Policy 5</b>	<b>Protecting the Historic Environment: All</b>	The policy sets out a positive strategy for conservation of the historic environment in accordance with NPPF196/ Chapter 16 of the Framework



	<b>Heritage Assets, Listed Buildings, Conservation Areas and archaeology</b>	
<b>Detailed Policy 6</b>	<b>Protecting the Historic Environment: Other Heritage Assets</b>	The policies for the protection of heritage assets are in line with NPPF policy on conserving and enhancing the historic environment.
<b>Detailed Policy 7</b>	<b>Pollution and Contamination</b>	The detailed policy on pollution and contamination is consistent with the NPPF191 and 192.
<b>Detailed Policy 8</b>	<b>Tree Protection</b>	The policy on trees is consistent with NPPF136
<b>Detailed Policy 9</b>	<b>Advertisements</b>	The policy on advertisements is consistent with NPPF141.
<b>Detailed Policy 10</b>	<b>Blue infrastructure and Water Recreation</b>	The policy on Blue Infrastructure and water-based recreation is consistent with NPPF policies on tourism and recreation (NPPF88 and 102). The policy is in general conformity as it requires developments to not adversely affect visual quality, the NPPF now states polices should enable beautiful new buildings. The NPPF has given a greater emphasis to designing in beauty a future review of the plan could include design codes which could define beauty further.
<b>Detailed Policy 11</b>	<b>European Sites</b>	The policy on European Sites is consistent with NPPF11 (Presumption in Favour of Sustainable Development).
<b>Detailed Policy 12</b>	<b>St George's Park</b>	The policy sets out detailed policy requirements for The National Football Centre. The policy is consistent with the relevant NPPF policies, especially paragraphs 85 and 102.