

Review of the 2015 Local Plan against the 2021 NPPF and other recent National Planning Changes

The East Staffordshire Borough Council Local Plan (Planning for Change) was adopted on the 15th 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 and 20 July 2021.

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 2021 NPPF builds on the 2019 version of the document, but does not make radical changes. Much of the colour coding remains the same as last year, and similar conclusions can be drawn.**

Since October 2020, outside of the NPPF, the Government has introduced the levelling up bill, drawing on its earlier planning white paper.

The Bill is in its early stages, and it remains to be seen how it changes in its progress through parliament, especially given that there will be a new prime minister and cabinet who will inherit the legislation in the new parliamentary session.

The Levelling Up and Regeneration Bill was introduced to Parliament on 11 May 2022. The main elements of the Bill 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.

If the new administration carries on with the Bill in its present form, then it will take some time (likely until early 2024) for some of these reforms to take place, as they require secondary legislation and the set of National Development Management Policies has not yet been written or consulted on. (Which would normally be the case before they were introduced)

During 2020/ '21 the government produced new guidance including a new form of affordable housing 'First Homes' (a reduced cost home ownership product) which could in future amount to 25% of all affordable homes built in the Borough. ESBC are currently consulting on an SPD which gives further guidance on First Homes. The government also introduced a national design guide and model design code. These help to bolster the Borough's existing Supplementary Planning Documents on Design.

During 2022 there have been fewer relevant changes, with minor wording changes to PPG and changes to CIL that do not directly impact authorities such as ESBC who did not adopt the levy.

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 2021.

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.

Local Plan Policy	Policy Title	Compliance with NPPF (2021)
Principle 1	Presumption in Favour of Sustainable Development	The presumption in favour of sustainable development remains in general compliance with the NPPF presumption in favour of sustainable development.
Strategic Policies (in general)		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.
Strategic Policy 1	East Staffordshire Approach to Sustainable Development	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.
Strategic Policy 2	Settlement Hierarchy	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.

Neighbourhood Policy 1	Role of Neighbourhood Plans	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.
Strategic Policy 3	Provision of Homes and Jobs 2012 – 2031	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.
Strategic Policy 4	Distribution of Housing Growth 2012 – 2031	<p>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 NPPF66.</p> <p>The requirement in NPPF69 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.</p>
Strategic Policy 5	Distribution of Employment Growth 2012 – 2031 (allocations)	<p>The policy complies with NPPF82 requirement to identify sites for investment and meet the needs over the plan period. The allocations also allow for a range of employment uses.</p> <p>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.</p>
Strategic Policy 6	Managing the Release of Housing and Employment Land	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 should therefore be undertaken on an ongoing basis in line with the resolution of Council in October 2020.

Strategic Policy 7	Sustainable Urban Extensions	The policy for sustainable urban extensions including expectations for their development remain in general compliance with NPPF73.
Strategic Policy 8	Development Outside Settlement Boundaries	The policy for development outside the Settlement Boundary remains compliant with NPPF78-80 (Rural housing) and NPPF84 and 85 (Supporting a prosperous rural economy).
Strategic Policy 9	Infrastructure Delivery and Implementation	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.
Strategic Policy 10	Education Infrastructure	The policy allocates land for school provision and includes a positive policy for new schools and further education and therefore remains complaint with the NPPF.
Strategic Policy 11	Bargates/Molson Coors Strategic Allocation	This policy sets out development principles for a strategic land allocation which are considered compliant with the NPPF.
Strategic Policy 12	Derby Road, Burton upon Trent, Regeneration Corridor	This policy sets out development principles for a strategic land allocation which are considered compliant with the NPPF.
Strategic Policy 13	Burton and Uttoxeter Existing Employment Land Policy	This policy sets out a strategic employment land allocation and includes sufficient flexibility as required by NPPF82.
Strategic Policy 14	Rural Economy	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 NPPF85.
Strategic Policy 15	Tourism, culture and leisure development	The policy and criteria for tourism, culture and leisure remain in overall compliance with the various topic areas in the NPPF.
Strategic Policy 16	Meeting Housing Needs	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 62. The Housing Choice SPD does not consider the needs students and service families as required by NPPF62. The need for these dwellings should be taken into account as part of a review in due course. Relevant

		applications will be assessed as to how they meet needs for these groups.
Strategic Policy 17	Affordable Housing	The threshold for affordable housing requirements is different to that required by NPPF64 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 are consulting on an updated Draft Housing Choice SPD to specifically align with the updated NPPF provisions in paragraph 64 and provide guidance for the development of First Homes.
Strategic Policy 18	Residential Development on Exception Sites	The policy is consistent with NPPF policy on exception sites set out in paragraph 78. Detailed guidance is also provided regarding these developments in the Revised Housing Choice Supplementary Planning Document 2019, and further updated in the consultation version of the 2022 Housing Choice Draft SPD.
Strategic Policy 19	Sites for Gypsies, Travellers and Travelling Showpeople	<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 74) 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 up-to-date assessment of need was carried out in early 2022 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. Further policy work to address this need will be required as part of a new Local Plan.</p>
Strategic Policy 20	Town and Local Centres Hierarchy	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 NPPF86
Strategic Policy 21	Managing Town and Local Centres	The policy sets out a range of suitable uses for Town Centres in the borough in accordance with NPPF86(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 should be undertaken to help to determine this.
Strategic Policy 22	Supporting Communities Locally	The policy plans positively for new community facilities and guards against the unnecessary loss of facilities in accordance with NPPF93
Strategic Policy 23	Green Infrastructure	The safeguarding and enhancement of strategic green infrastructure is compliant with NPPF20, NPPF92, NPPF154 and NPPF175. 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).
Strategic Policy 24	High Quality Design	The Council's adopted policy and design guidance set our clear design expectations in accordance with NPPF126 and NPPF127, 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.
Strategic Policy 25	Historic Environment	The policy sets out a positive strategy for conservation of the historic environment in accordance with NPPF190.
Strategic Policy 26	National Forest	The policy includes provision to upgrade the landscape and provide for recreation and wildlife as set out in NPPF146.
Strategic Policy 27	Climate Change, Water Body Management and Flooding	The policy manages all sources of flooding and includes a requirement for SUDS in accordance with NPPF167 and NPPF169.
Strategic Policy 28	Renewable and Low Carbon Energy Generation	NPPF155 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. The policy states that an SPD will be prepared to identify appropriate locations for renewable technologies. The policy is in general compliance with NPPF155.
Strategic Policy 29	Biodiversity and Geodiversity	The policy provides protection to European, national, and locally designated sites in accordance with NPPF175.
Strategic Policy 30	Locally Significant Landscape	The policy to protect local landscape designations is consistent with NPPF174.

Strategic Policy 31	Green Belt and Strategic Green Gaps	The policy applies national Green Belt policy to new development and therefore is consistent with the NPPF.
Strategic Policy 32	Outdoor Sports and Open Space Policy	The policy on open space is consistent with NPPF 99.
Strategic Policy 33	Indoor sports policy	The policy supports the protection and enhancement of indoor sports provision and is consistent with NPPF 99.
Strategic Policy 34	Health and Wellbeing	The policy requires development to enhance health and well-being in accordance with NPPF124 and NPPF130.
Strategic Policy 35	Accessibility and Sustainable Transport	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 NPPF109 and the importance of maintaining a national network of general aviation airfields as required by NPPF 106.
Detailed Policy 1	Design of New Development	The detailed policy on design together with other policies and design guidance set out clear design expectations in accordance with NPPF126 and NPPF127
Detailed Policy 2	Designing in Sustainable Construction	The detailed policies on sustainable design are consistent with NPPF154.
Detailed Policy 3	Design of New Residential Development, Extensions and Curtilage Buildings	The policy provides further detailed policy which together with strategic policy and design guidance, sets out clear design expectations in accordance with NPPF127 and NPPF128.
Detailed Policy 4	Replacement Dwellings in the Countryside	The policy on replacement dwellings in the countryside is in general compliance with the NPPF.
Detailed Policy 5	Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and archaeology	The policy sets out a positive strategy for conservation of the historic environment in accordance with NPPF190/ Chapter 16 of the Framework
Detailed Policy 6	Protecting the Historic Environment: Other Heritage Assets	The policies for the protection of heritage assets are in line with NPPF policy on conserving and enhancing the historic environment.
Detailed Policy 7	Pollution and Contamination	The detailed policy on pollution and contamination is consistent with the NPPF185 and 186.

Detailed Policy 8	Tree Protection	The policy on trees is consistent with NPPF131
Detailed Policy 9	Advertisements	The policy on advertisements is consistent with NPPF136.
Detailed Policy 10	Blue infrastructure and Water Recreation	The policy on Blue Infrastructure and water-based recreation is consistent with NPPF policies on tourism and recreation (NPPF84 and 98).
Detailed Policy 11	European Sites	The policy on European Sites is consistent with NPPF11 (Presumption in Favour of Sustainable Development).
Detailed Policy 12	St George's Park	The policy sets out detailed policy requirements for The National Football Centre. The policy is consistent with the relevant NPPF policies, especially paragraphs 81 and 98.

- Red – The policy is not compliant with the current NPPF.