

Babergh Development Framework

Core Strategy (2011- 2031) Submission Draft

(Part 1 of Babergh's New Local Plan)

Technical Background Document 1: Conformity

Version 1.1 (10 October 2011)

1. Content of Paper

- 1.1 This Technical Background Document supports the (Submission Draft) Core Strategy (2011 – 2031) - Part 1 of Babergh's Local Plan. This paper provides the following:
- Legislative Changes
 - Policy Framework Context
 - Regional Spatial Strategy (RSS) Conformity
 - Sustainability Appraisal (and related assessments)
 - Evidence
 - Transitional Arrangements
 - Soundness Requirements
 - Local Distinctiveness

2. Legislation and Regulations

- 2.1 The Core Strategy has been prepared in line with the extant primary planning legislation of the time, including:
- The Town and Country Planning Act 1990;
 - The Planning and Compulsory Purchase Act 2004;
 - The Planning Act 2008; and
 - Local Democracy, Economic Development and Construction Act 2009
- 2.2 In turn, these find expression within the:
- Town & Country Planning (Local Development) (England) Regulations 2004
 - Town & Country Planning (Local Development) (England) (Amendment) Regulations 2008
 - Town & Country Planning (Local Development) (England) (Amendment) Regulations 2009

3. Current Changes and Developments and Regional Plan

- 3.1 During preparation of this Core Strategy, the prospect of significant further changes to the planning system has been under consideration. These further changes are contained within the Localism Bill (see link below) with its passage through Parliament during 2011 (when the Core Strategy Submission Draft document was prepared). The Core Strategy Submission Draft document has sought to have regard to the direction of changes contained within the current Bill, in respect of major issues including:
- Proposed revocation of RSS
 - Emphasis on local control over major issues including growth
 - Proposed Neighbourhood Plans (and related provisions)

(Link: <http://www.communities.gov.uk/localgovernment/decentralisation/localismbill/>)

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- 3.2 Whilst mindful of these proposed changes, the adopted RSS - the East of England Plan (2008) (see link below) remains a statutory part of the Development Plan covering the Babergh area. Accordingly, the Core Strategy is required to be in general conformity with this adopted RSS. This is a legal requirement and recent case law reconfirms this. The Core Strategy (Submission Draft) document is considered to be in general conformity with the adopted RSS.

(Link: <http://www.eera.gov.uk/What-we-do/developing-regional-strategies/east-of-england-plan/>)

4. National Planning Policy: PPGs, PPSs, NPPF

- 4.1 In mid 2011, a raft of Planning Policy Guidance (Notes) and Planning Policy Statements, Circulars (plus associated ministerial statements and other guidance, etc.) remained in place representing material planning considerations to which the local planning authority needs to have regard. Although many of these have substantial implications for the Core Strategy (and wider BDF), [Planning Policy Statement 1: Delivering Sustainable Development](#), [Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1](#), [Draft Planning Policy Statement: Planning for a Natural and Healthy Environment](#) (all iterations of PPS1), and [Planning Policy Statement 12: Local Spatial Planning](#) (PPS12) are deemed most directly relevant to the preparation of Development Plans.

- 4.2 Another feature of the Localism Bill is the planned replacement of the above raft of national planning policy by a new National Planning Policy Framework. Accordingly, all of these documents mentioned above are expected to be incorporated into the new National Planning Policy Framework (NPPF). The emerging NPPF (see:

<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework/>)

is a very important change, to which the Council must have regard. Although only issued (in consultation draft form) on 25 July 2011, an analysis of this against the draft document was carried out to ensure that the Core Strategy meets its requirements since these are relatively exacting in relation to its main provisions and overall direction. The NPPF may yet change since it has been the subject of considerable public debate. The Council will monitor these developments closely to ensure that any changes in response to these are understood and incorporated as necessary.

5. Sustainability Appraisal (SA) (and related areas, including Strategic Environmental Assessment and Habitats Regulations Assessment or Appropriate Assessment)

- 5.1 The Core Strategy Submission Draft document was prepared following production of an initial overall BDF SA Scoping Document and has been subject to SA (and related checks) and subsequent review at each stage of its development. This can be viewed at:

<http://www.babergh.gov.uk/Babergh/Home/Planning+and+Building+Control/Local+Development+Framework/Core+Strategy+%282011+-+2031%29+Submission+Draft.htm>

- 5.2 This work has followed the relevant requirements stemming from both UK and EU legislation, directives, policy and guidance, as follows:

The EU Strategic Environmental Assessment Directive ('SEA' including UK regulations and guidance)

The EU Habitats Directive (and as transposed into the UK Habitats regulations)

- 5.3 Although it is deemed best to combine the SEA work with the wider SA work, this has been done according to a standardised methodology employed by all the Suffolk local planning authorities, since 2000. This represents a tried and trusted approach towards methodology. Later stages of all SA/SEA/HRA work have been carried out externally by

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planning consultants using their own methodology with reference to standard prevailing good practice guidance.

6. Role of Evidence

- 6.1 The Submission Draft Core Strategy needs to be based on sound and proportionate evidence. This requirement has received particular attention and the preparation and interpretation of a comprehensive evidence base was the dominant activity of the early part of Core Strategy preparation. Work on the evidence base has continued throughout the preparation process, with relevant studies and research updated as necessary. The role of evidence is recognised in the Core Strategy (see section 3.6.1) as essential for ensuring that planning matters are made on a rational, consistent, transparent and informed basis.

7. Transitional Arrangements

- 7.1 The Core Strategy and rest of the BDF will, over time, replace the adopted Babergh Local Plan (2nd Alteration) from 2006. Most of the policies of this Local Plan were saved under a direction from the Secretary of State (see: <http://www.babergh.gov.uk/Babergh/Home/Planning+and+Building+Control/Local+Plan/List+of+Saved+Policies.htm>). These policies may be kept in place, until such time as the BDF is completed to provide full, up-to-date local planning policy coverage, although the final provisions of the Localism Bill, NPPF and regulations to be developed for these cannot be known yet. In the meantime, it appears possible that the Coalition Government via Department for Communities and Local Government may provide for transitional arrangements to allow for local policy continuity and for Babergh, this would need to allow the retention of the saved Local Plan policies until the BDF is in place.
- 7.2 The Core Strategy does not alter existing allocated sites from the adopted Local Plan (other than allowing for an increase in the number of new homes for the Chilton Woods development, Sudbury), since it was adopted relatively recently and there are no identifiable changes in circumstances of such a nature that render such changes necessary. Another factor is the need to ensure a continuous land supply for economic development / new jobs and for delivery of new homes. If it proves necessary over time to change any adopted site allocations, this would be done at the time of producing the Development Plan Document (DPD) for site specific allocations.
- 7.3 Although the NPPF continues the overall trend towards streamlined planning policy in less volume and complexity, it would not be appropriate at this time to produce a single, new Local Plan for Babergh. This is due to the advanced stage that the Core Strategy has reached and the pressing need to ensuring maximum continuity of local planning policy coverage (and land supply). Every effort will be made, however, to combine all ensuing documents as far as it proves expedient to do so. Accordingly, a combined DPD to provide new development management policies (which is already at the early [production stage] and site specific allocations appears likely. With moves towards integration of services and staff for Babergh and Mid Suffolk District Councils well advanced, decisions will also be necessary on the extent of joint and / or co-ordinated planning documents for the future.

8. Soundness

- 8.1 PPS12 (Local Spatial Planning) provides current policy / guidance on the preparation of Development Plans at the local level (<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/pps12/>). The current requirements on soundness as set out in PPS12 have been focused on and the guidance of the DCLG Plan Making Manual followed. Requirements on soundness are as follows:

“Soundness

To be “sound” a core strategy should be JUSTIFIED, EFFECTIVE and consistent with NATIONAL POLICY.

- “Justified” means that the document must be:
- founded on a robust and credible evidence base
- the most appropriate strategy when considered against the reasonable alternatives

“Effective” means that the document must be:

- deliverable
- flexible
- able to be monitored

The concepts of justification and effectiveness are expanded at paragraphs 4.36 - 4.38 and 4.44 - 4.47.”

[Source: PPS12 Local Spatial Planning, DCLG, 2008]

- 8.2 These requirements have been reviewed in the emerging NPPF, which adds an extra requirement in respect of Plans needing to be positively prepared, as follows:

“Examining Local Plans

48. The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “sound” - namely that it is:

- **Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is practical to do so consistently with the presumption in favour of sustainable development
- **Justified** - the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence
- **Effective** - the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** - the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.”

[Source: Draft NPPF, DCLG, 2011]

- 8.3 The Submission Draft Core Strategy has been revised to reflect the work done in respect of the new Duty to Co-operate (see Section 2.6 of the document) and to demonstrate the fact that it has been positively prepared. In this way, the focus of the draft Core Strategy is much more about the scale, form and nature of change proposed than what will not change.

9. Local Distinctiveness

- 9.1 Whilst meeting legislative and regulatory requirements is essential, it is recognised nationally that local planning authorities should press ahead with putting their Local Plans (in their local form) in place as soon as possible. The Council supports this view and approach strongly. The adopted Development Plan remains the starting point for planning decisions (under Section 38(6) of The Planning and Compulsory Purchase Act 2004). In such ways the critical feature of the Babergh Development Framework will be its role in providing local control over planning matters and shaping the district’s future. Both the approach to the Core Strategy and its content have accordingly been tailored to the district’s own characteristics.