

LP03- Presumption in favour of sustainable development policy

Link to draft policy and comments in full received from the draft consultation stage:

<https://west-norfolk.objective.co.uk/portal/lpr2019/lpr2019?pointId=s1542883938012#section-s1542883938012>

Recommendation:

- **The Policy remains the same as that consulted upon**

Summary & Consideration of issues:

- **The policy reflects the NPPF**
- **It was essentially required by the SADMP Inspector**
- **Serval consultees make general comments, none of which lead to a change to the policy (please table, page 3 onwards for details)**

Policy:

1. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.
2. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, the Council will grant permission unless material considerations indicate otherwise – taking into account whether:
 - a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
 - b) specific policies in that Framework indicate that development should be restricted

Supporting text:

Introduction

4.3.1 The National Planning Policy Framework (NPPF) was revised by the Government **in June 2019** ~~July 2018~~. Previously the Planning Inspectorate produced a model condition, based on the wording of one part of the NPPF, and all local planning authorities were expected to incorporate this into their local plans.

Relevant Local and National Policies

- National Planning Policy Framework: Achieving Sustainable Development
- Marine Policy Statement/East Marine Plans: climate change; support for sustainable economic growth/employment benefits/health and social wellbeing

Policy Approach

4.3.2 This policy is nationally set, and intended to ensure a positive approach to applications. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively and jointly with applicants and local representatives to find solutions that allow proposals to be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Sustainability Appraisal:

| LP03: Presumption in Favour of Sustainable Development | | | | | | | | | | | | | | | | | | | | | | |
|--|---------------|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----------------|-----------------------|
| Policy | SA Objective: | | | | | | | | | | | | | | | | | | | | Overall Effect | |
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | | + |
| LP03 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Likely Neutral Effect |
| SADMP | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Likely Neutral Effect |

Summary of Comments & Suggested Response:

| Consultee | Nature of Response | Summary | Consultee Suggested Modification | Officer Response/ Proposed Action |
|---|--------------------|---|--|--|
| Mr & Mrs Gerald Gott Associate Barton Willmore (Cambridge) | object | This policy simply reflects paragraph 11 of the NPPF and adds nothing of substance. It should be deleted. | Delete the policy and supporting text. | Policy sets out the basic approach and was specifically required by the SADMP Examination Inspector. No change. |
| Mrs Pam Shepphard Parish Clerk Castle Rising Parish Council | | <ol style="list-style-type: none"> 1. Where applications for development are at odds with constraint-based policies for heritage, transport of the environment such development should be refused. 2. While the presumption in favour of sustainable development largely reflects that of the NPPF, where applications for development are at odds with constraint-based policies for heritage, transport of the environment, such development should be refused. Hence it would be relevant and appropriate for part b) of the proposed policy to refer to 'specific policies in the Framework or this Local Plan indicate that development should be restricted'. | Part b) To refer to 'specific policies in the Framework or this Local Plan indicate that development should be restricted' | Clause 1 of the policy explains when approval can be given, with reference to the other Plan policies. No change. |
| Lord Howard Castle Rising Estate | | Where applications for development are at odds with constraint-based policies for heritage, transport of the environment such development | Part b) To refer to 'specific policies in the Framework or this Local Plan indicate that | As above |

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|---|--------------------|---|--|--|
| | | should be refused. | development should be restricted' | |
| Mr David Goddard | support | Sustainable development mentioned | | Noted |
| Koto Ltd | mixed | Downham Market At 3.1.2 it is significantly confirmed that the vision and objectives of the plan include: "a shift towards encouraging development towards Downham Market based upon the sustainable nature of the settlement and the key role the town plays within the borough, as opposed to the previous approach which sought to allow for a slower pace of growth". The point made, with which we concur, is that the town clearly needs a regeneration strategy based upon, we would submit, the development of the south each sector of the town. | | Noted. The Town Council is preparing a Neighbourhood Plan. This is an appropriate vehicle for the approach advocated. No proposed actions |
| Natural England Consultations Team Natural England | mixed | Natural England is generally supportive of this policy which is based on the presumption in favour of the sustainable development as set out on paragraph 11 of the NPPF, noting that this does not negate environmental objectives as specified in section 8c of the NPPF or the assessment of impacts to designated sites and the possible need for mitigation. | | Noted |
| Pigeon Investment Management Ltd | | Policy LP03 – Presumption in favour of sustainable development 1.13 Sustainable development should be a golden thread running | Suggested change: 1.15 No change is suggested for Policy LP03. However, the inclusion of | Noted. No change to LP03 suggested. |

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|--|--------------------|--|--|--|
| | | <p>through all policies of the Local Plan. Whilst there is merit in having a stand-alone policy there is the potential for it to be afforded limited weight when compliance with specific policies is being considered in planning decisions. 1.14 As with the comments on Policy LP02, the settlement hierarchy based on settlement size and level of services is a good starting point for directing new homes and jobs. However, it does not necessarily achieve the most sustainable form of development, as smaller settlements that form parts of functional clusters with higher order settlements are also sustainable locations for growth. Therefore, the wording of the policies of the Local Plan need to specifically reference the weight attached to the achievement of sustainable development as part of the decision-making process. Presently development that would be sustainable, like Pigeon’s site at Ingoldisthorpe, might not fully accord with the policies of the Local Plan, as it is within a Rural Village. Therefore, the opportunity to boost the supply of housing in parts of the Borough, where new residents would have good access to services, would be lost.</p> | <p>Policy LP03 strengthens the arguments being made for changes to other policies in the Local Plan to ensure that the achievement of sustainable development is a key material consideration in development management decisions.</p> | |
| <p>Mr AW Dean Emery Planning Partnership</p> | | | <p>This policy should reflect the wording set out within paragraph 11 of the 2019 NPPF. It is currently worded to reflect the 2012 NPPF.</p> | <p>NPPF 2012 Para. 14 and NPPF 2019 Para. 11 are broadly the same. No changes</p> |

