

Local Plan Review

	Conformity	Policy Count 20/02/12- 20/02/13	Observations of Mark Beard and EFDC Planning Officers	Additional Comments	
Green Belt					
GB9A	Residential Conversions	<u>NOT COMPLIANT</u>	15	Not compliant with Green Belt section of the final NPPF. The NPPF does not treat residential re-use any differently to re-use of buildings for any other purpose. There is some support for the policy in paragraph 55 on the basis that new isolated homes in the countryside should be avoided. Possible tension with paragraph 51 of NPPF that requires LPAs to identify and bring back into use empty buildings in line with local housing and empty homes strategies. Design element of this policy is compliant with paragraph 58.	Members may still want to be satisfied that the scheme is a conversion and not a complete rebuild. They may also want to consider the history of the building. Recent Ministerial statement (on 9 May) is emphasising the importance of finding new uses for empty buildings.
Nature Conservation					
NC2	County Wildlife Sites	<u>NOT COMPLIANT</u>	2	The revised Policy NC1 addresses County wildlife Sites, question need for separate policy. Paragraph 166 of the <u>draft</u> NPPF required LPAs to set criteria based policies against which proposals for development on or affecting protected wildlife sites will be judged. It also required that LPAs make distinctions between hierarchy of international, national and locally designated sites and the requirements within the first bullet point of paragraph 167 and paragraph 168 of the <u>draft</u> NPPF.	Use Policy NC1 and any relevant points from paragraphs 69 to 77, 81 and section 11 of the final NPPF
NC3	Replacement of lost habitat	<u>NOT COMPLIANT</u>	0	The revised Policy NC1 addresses the issue of replacement of lost habitat, it is therefore not considered necessary to have NC3 as a separate policy. The requirement for replacement of lost habitat should be included in a criteria-based policy consistent with paragraph 166 of the <u>draft</u> NPPF.	Use Policy NC1 and any relevant points from paragraphs 69 to 77, 81 and section 11 of the final NPPF

NC4	Protection of established habitat	<u>NOT COMPLIANT</u>	13	<p>Chapter 7 of the current Local Plan is now significantly out of date as it relies upon guidance in PPG9, which was superseded in August 2005 by PPS9- Planning for Biodiversity and the Good Practice Guide that accompanies PPS9. The <u>draft</u> NPPF expressly references (at footnote 12 paragraph 166) Circular 06/2005, which indicates that this Circular is likely to be retained.</p> <p>Specifically, the new Local Plan must be consistent with the objectives and policies within paragraphs 163 to 170 of the <u>draft</u> NPPF as well as 114 and 117 of the final NPPF which requires Local Plans to “set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure”.</p> <p>Although Chapter 7 of the current Local Plan identifies important nature conservation sites and notes the distinction between the hierarchy of international, national and locally designated sites, that distinction is not currently reflected in the criteria-based development control policies, which also must refer to the presumption in favour of sustainable development.</p> <p>Having regard to the policy approach in the <u>draft</u> NPPF, which combines wildlife, lar</p>	Use Policy NC1 and any relevant points from paragraphs 69 to 77, 81 and section 11 of the final NPPF
NC5	Promotion of nature conservation schemes	<u>NOT COMPLIANT</u>	5	<p>Similar to the observations made for policy NC4, policy NC5 is well intended but only partially addresses paragraph 114 and 117 of the final NPPF, but the way it is worded fails the test of the last sentence of para 154 (this latter point also applies to policy LL1)</p>	Use Policy NC1 and any relevant points from paragraphs 69 to 77, 81 and section 11 of the final NPPF
Employment					

E1	Employment Areas	<u>NOT COMPLIANT</u>	3	Inasmuch as Policy E1 safeguards employment land and excludes changes of use to non-employment uses it is inconsistent with the thrust of policy in paragraphs 71 to 74 and directly contradicts paragraph 75 of the <u>draft</u> NPPF. Furthermore, paragraphs 20, 22 and 51 of the final NPPF makes this policy too restrictive.	For the foreseeable future changes of use and redevelopment of existing employment land to provide new employment is most likely to be seen favourably as a means of achieving economic growth. Unless there were clear evidence that the particular scheme would produce many fewer jobs, or jobs of a much lower skill level, then the previous resistance to the loss of particular types of employment land, or indeed the total loss of employment land to retail or non employment use may have to be accepted until a different evidence base and policies are agreed. Work continues on that evidence base.
E2	Redevelopment/ extension of premises for business and general industrial uses	<u>NOT COMPLIANT</u>	0	The first sentence of Policy E2 is generally compliant with the thrust of the <u>draft</u> NPPF and promotes growth, however, the second sentence directly contradicts paragraph 75 of the draft NPPF and is too restrictive.	For the foreseeable future changes of use and redevelopment of existing employment land to provide new employment is most likely to be seen favourably as a means of achieving economic growth. Unless there were clear evidence that the particular scheme would produce many fewer jobs, or jobs of a much lower skill level, then the previous resistance to the loss of particular types of employment land, or indeed the total loss of employment land to retail or non employment use may have to be accepted until a different evidence base and policies are agreed. Work continues on that evidence base.

E3	Warehousing (in respect of E2)	<u>NOT COMPLIANT</u>	0	In general terms, the policies in Chapter 10 of the current Local Plan that seek to safeguard employment land on a long-term basis are not compliant with the objectives and policies of the NPPF, which require Local Plans to include a clear economic vision and strategy for the area, which positively and proactively encourages sustainable economic growth. Moreover, the Policies must be flexible enough to accommodate requirements not anticipated in the plan and to allow a rapid response to changes in economic circumstances. Policy E3 is therefore considered too restrictive in absence of evidence- based justification.	For the foreseeable future changes of use and redevelopment of existing employment land to provide new employment is most likely to be seen favourably as a means of achieving economic growth. Unless there were clear evidence that the particular scheme would produce many fewer jobs, or jobs of a much lower skill level, then the previous resistance to the loss of particular types of employment land, or indeed the total loss of employment land to retail or non employment use may have to be accepted until a different evidence base and policies are agreed. Work continues on that evidence base.
E4A	Protection of Employment Sites	<u>NOT COMPLIANT</u>	15	Inasmuch as Policy E4A favours housing on redundant employment land, it is generally compliant with the policy in the <u>draft</u> NPPF that seeks to balance the needs for economic growth, including support for economic development, and priority to boost the supply of housing. However, the concept of safeguarding employment land does not generally find favour in the <u>draft</u> NPPF (see e.g., paragraph 75). The requirements of paragraph 30 of the <u>draft</u> NPPF also 9 should be noted, specifically, "Reviews of land available for economic development should be undertaken at the same time as, or combined with, strategic housing land availability assessments and should include a reappraisal of the suitability of previously allocated land". It is therefore considered too restrictive in the absence evidence- based justification.	For the foreseeable future changes of use and redevelopment of existing employment land to provide new employment is most likely to be seen favourably as a means of achieving economic growth. Unless there were clear evidence that the particular scheme would produce many fewer jobs, or jobs of a much lower skill level, then the previous resistance to the loss of particular types of employment land, or indeed the total loss of employment land to retail or non employment use may have to be accepted until a different evidence base and policies are agreed. Work continues on that evidence base.
E4B	Alternative Uses for Employment Sites	<u>NOT COMPLIANT</u>	8	Policy E4B is not consistent with the priority given to economic growth and housing in the <u>draft</u> NPPF. This policy also contradicts paragraph 49 and 51 of the final NPPF that allow change of use to residential.	The Ministerial statement of 9 May, and the changes to permitted development rights are noteworthy.

E5	Effect of nearby developments	<u>NOT COMPLIANT</u>	2	In general terms, the policies in Chapter 10 of the current Local Plan that seek to safeguard employment land on a long-term basis are not compliant with the objectives and policies of the NPPF, which require Local Plans to include a clear economic vision and strategy for the area, which positively and proactively encourages sustainable economic growth. Moreover, the Policies must be flexible enough to accommodate requirements not anticipated in the plan and to allow a rapid response to changes in economic circumstances. Any criteria-based policies must also include reference to the presumption in favour of sustainable development. Policy E5 is generally compliant with the final NPPF, specifically paragraph 17.4 seeking good amenity standards.	For the foreseeable future changes of use and redevelopment of existing employment land to provide new employment is most likely to be seen favourably as a means of achieving economic growth. Unless there were clear evidence that the particular scheme would produce many fewer jobs, or jobs of a much lower skill level, then the previous resistance to the loss of particular types of employment land, or indeed the total loss of employment land to retail or non employment use may have to be accepted until a different evidence base and policies are agreed. Work continues on that evidence base.
E6	Sites for business/ industry/ warehousing	<u>NOT COMPLIANT</u>	0	Policy E6 is a site-specific policy requiring evidence- based justification.	For the foreseeable future changes of use and redevelopment of existing employment land to provide new employment is most likely to be seen favourably as a means of achieving economic growth. Unless there were clear evidence that the particular scheme would produce many fewer jobs, or jobs of a much lower skill level, then the previous resistance to the loss of particular types of employment land, or indeed the total loss of employment land to retail or non employment use may have to be accepted until a different evidence base and policies are agreed. Work continues on that evidence base.

E7	Sites for business/ industry	<u>NOT COMPLIANT</u>	1	Policy E7 is a site-specific policy requiring evidence- based justification.	For the foreseeable future changes of use and redevelopment of existing employment land to provide new employment is most likely to be seen favourably as a means of achieving economic growth. Unless there were clear evidence that the particular scheme would produce many fewer jobs, or jobs of a much lower skill level, then the previous resistance to the loss of particular types of employment land, or indeed the total loss of employment land to retail or non employment use may have to be accepted until a different evidence base and policies are agreed. Work continues on that evidence base.
E8	Sites for small business/ industry workshops	<u>NOT COMPLIANT</u>	0	Policy E8 is a site-specific policy requiring evidence- based justification.	For the foreseeable future changes of use and redevelopment of existing employment land to provide new employment is most likely to be seen favourably as a means of achieving economic growth. Unless there were clear evidence that the particular scheme would produce many fewer jobs, or jobs of a much lower skill level, then the previous resistance to the loss of particular types of employment land, or indeed the total loss of employment land to retail or non employment use may have to be accepted until a different evidence base and policies are agreed. Work continues on that evidence base.

E11	Employment uses elsewhere	<u>NOT COMPLIANT</u>	2	<p>In general terms, the policies in Chapter 10 of the current Local Plan that seek to safeguard employment land on a long-term basis are not compliant with the objectives and policies of the NPPF, which require Local Plans to include a clear economic vision and strategy for the area, which positively and proactively encourages sustainable economic growth. Moreover, the Policies must be flexible enough to accommodate requirements not anticipated in the plan and to allow a rapid response to changes in economic circumstances. Any criteria-based policies must also include reference to the presumption in favour of sustainable development. Contrary to paragraph 21.3 which seeks flexibility to respond to change.</p>	<p>For the foreseeable future changes of use and redevelopment of existing employment land to provide new employment is most likely to be seen favourably as a means of achieving economic growth. Unless there were clear evidence that the particular scheme would produce many fewer jobs, or jobs of a much lower skill level, then the previous resistance to the loss of particular types of employment land, or indeed the total loss of employment land to retail or non employment use may have to be accepted until a different evidence base and policies are agreed. Work continues on that evidence base.</p>
E12	Small scale business/ working from home	<u>NOT COMPLIANT</u>	2	<p>In general terms, the policies in Chapter 10 of the current Local Plan that seek to safeguard employment land on a long-term basis are not compliant with the objectives and policies of the NPPF, which require Local Plans to include a clear economic vision and strategy for the area, which positively and proactively encourages sustainable economic growth. Moreover, the Policies must be flexible enough to accommodate requirements not anticipated in the plan and to allow a rapid response to changes in economic circumstances. Any criteria-based policies must also include reference to the presumption in favour of sustainable development.</p> <p>Please note that reference to "outside the Green belt" is too restrictive and the second part relating to working from home (ii) and (iii) are too restrictive. No policy in the final NPPF prevents COU of residential to business use.</p>	<p>For the foreseeable future changes of use and redevelopment of existing employment land to provide new employment is most likely to be seen favourably as a means of achieving economic growth. Unless there were clear evidence that the particular scheme would produce many fewer jobs, or jobs of a much lower skill level, then the previous resistance to the loss of particular types of employment land, or indeed the total loss of employment land to retail or non employment use may have to be accepted until a different evidence base and policies are agreed. Work continues on that evidence base.</p>
E12A	Farm Diversification	<u>NOT COMPLIANT</u>	6	<p>Subject to ensuring that the wording of Policy E12A being amended to ensure that the policy takes a positive approach to new development in rural areas (see paragraph 81 of the <u>draft</u> NPPF), it is generally compliant with the <u>draft</u> NPPF. Paragraph 28 of the final NPPF makes this too restrictive.</p>	<p>The Ministerial statement of 9 May, and the changes to permitted development rights are noteworthy.</p>

E13A	New and Replacement Glasshouses	<u>NOT COMPLIANT</u>	1	Policy E13A complies with the Green belt paragraphs 79, 80 and 89 of the final NPPF while supporting growth in planned way. Please note, it is a area- specific policy requiring evidence- based justification.	The E13 policies are important to protect a good number of sites where such uses have clustered together in the past. The importance of this employment is clear in the evidence base (in particular the Laurence Gould report); however, large scale replacement glasshouses have been resisted at appeal because of the adverse impacts upon the openness of the Green Belt (Valley Grown Salads appeal decision)
E13B	Protection of Glasshouse Areas	<u>NOT COMPLIANT</u>	3	Policy E13B is a area- specific policy requiring up to date evidence- based justification.	The E13 policies are important to protect a good number of sites where such uses have clustered together in the past. The importance of this employment is clear in the evidence base (in particular the Laurence Gould report); however, large scale replacement glasshouses have been resisted at appeal because of the adverse impacts upon the openness of the Green Belt (Valley Grown Salads appeal decision)
E13C	Prevention of Dereliction of New Glasshouse Sites	<u>NOT COMPLIANT</u>	3	Policy E13C is a area- specific policy requiring up to date evidence- based justification. It should also be decided whether requiring the removal of a building is "sustainable".	The E13 policies are important to protect a good number of sites where such uses have clustered together in the past. The importance of this employment is clear in the evidence base (in particular the Laurence Gould report); however, large scale replacement glasshouses have been resisted at appeal because of the adverse impacts upon the openness of the Green Belt (Valley Grown Salads appeal decision)

E14	Seek relocation/ discontinuance	<u>NOT</u> <u>COMPLIANT</u>	0	<p>In general terms, the policies in Chapter 10 of the current Local Plan that seek to safeguard employment land on a long-term basis are not compliant with the objectives and policies of the NPPF, which require Local Plans to include a clear economic vision and strategy for the area, which positively and proactively encourages sustainable economic growth. Moreover, the Policies must be flexible enough to accommodate requirements not anticipated in the plan and to allow a rapid response to changes in economic circumstances. Any criteria-based policies must also include reference to the presumption in favour of sustainable development. Paragraphs 9 and 17.4 are generally compliant with the final NPPF.</p>	<p>For the foreseeable future changes of use and redevelopment of existing employment land to provide new employment is most likely to be seen favourably as a means of achieving economic growth. Unless there were clear evidence that the particular scheme would produce many fewer jobs, or jobs of a much lower skill level, then the previous resistance to the loss of particular types of employment land, or indeed the total loss of employment land to retail or non employment use may have to be accepted until a different evidence base and policies are agreed. Work continues on that evidence base.</p>
E15	Resist consolidation	<u>NOT</u> <u>COMPLIANT</u>	1	<p>In general terms, the policies in Chapter 10 of the current Local Plan that seek to safeguard employment land on a long-term basis are not compliant with the objectives and policies of the NPPF, which require Local Plans to include a clear economic vision and strategy for the area, which positively and proactively encourages sustainable economic growth. Moreover, the Policies must be flexible enough to accommodate requirements not anticipated in the plan and to allow a rapid response to changes in economic circumstances. Any criteria-based policies must also include reference to the presumption in favour of sustainable development.</p> <p>Please note that paragraph 123.3 of the final NPPF suggests where existing commercial uses pre date adjoining sensitive uses their further development should not be resisted just because of noise.</p>	<p>For the foreseeable future changes of use and redevelopment of existing employment land to provide new employment is most likely to be seen favourably as a means of achieving economic growth. Unless there were clear evidence that the particular scheme would produce many fewer jobs, or jobs of a much lower skill level, then the previous resistance to the loss of particular types of employment land, or indeed the total loss of employment land to retail or non employment use may have to be accepted until a different evidence base and policies are agreed. Work continues on that evidence base.</p>
Implementation					
I1A	Planning Obligations	<u>NOT</u> <u>COMPLIANT</u>	3	<p>Policy I1A needs to be replaced by a policy that addresses the Community Infrastructure Levy (CIL) and the circumstances in which, notwithstanding the application of the CIL, planning obligations may be negotiated.</p>	<p>Use existing section 106 negotiations for the immediate future.</p>