

Charnwood Borough Council Local Plan 2021-37

National Planning Policy Framework Update Topic Paper

November 2021

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Version History

Version Number	Date	Description
1.0	3rd December 2021	First published version

1. Introduction

- 1.1 The purpose of this topic paper is to determine whether changes to Charnwood Local Plan are required as a result of the revisions National Planning Policy Framework (the Framework) published 20th July 2021. The Charnwood Local Plan Pre-Submission Draft was published for consultation 12th July and has mainly been prepared with reference to the version of the Framework published in February 2019.
- 1.2 In order to be found sound at examination local plans must be consistent with national planning policy. The Framework is the main way in which the Government sets out its planning policies for England. The Framework is based on a fundamental aim to secure sustainable development through balancing economic, social and environmental objectives.

2. Revisions to the National Planning Policy Framework (July 2021)

- 2.1 The majority of the changes made to the Framework relate to design. These form part of the Government's response to the Building Better, Building Beautiful Commission which published its final report 'Living with Beauty' in January 2021. The changes to the Framework in relation to design were accompanied by the publication of the National Model Design Code and the announcement of the establishment of the Office for Place.
- 2.2 Other changes to the Framework were also made relating to the definition of sustainable development, the timescale for and examination of local plans, the use of Article 4 Directions, the provision of infrastructure to support development, flood risk and heritage.

3. Design – Putting Beauty at the Heart of the Planning System

- 3.1 The most extensive changes to the Framework relate to the provisions on design and form part of the Government's aim to improve design and place a greater emphasis on the creation of beautiful places as an inherent part of sustainable development.
- 3.2 The revised Framework includes a requirement for all local planning authorities to prepare design guidance, particularly in the form of design guides and codes based on the approach set out in the National Design Guide and the National Model Design Code. The National Design Guide sets out the Government's approach to good design and is a material consideration in planning decisions. The main purpose of the National Model Design Code is to provide a manual for the preparation of locally specific design codes. The Framework sets out that design guides and codes can be prepared at a variety of different spatial scales and that they should be prepared with community involvement, with further detail provided in the National Model Design Code. The Framework includes options for developers to be involved in the preparation of guides and codes by local planning authorities and to prepare their own to support planning applications.

CHARNWOOD BOROUGH COUNCIL RESPONSE: Policy DS5 (High Quality Design) sets out a series of requirements to ensure high quality design. Paragraph 2.150 sets out the Council's approach to design codes as follows: We will be preparing our own

design codes for the Borough. We also encourage their use by applicants, alongside other tools such as masterplanning and development briefs, as an effective way of developing and communicating the design ideas for proposed developments. Appendix 4 to the plan sets out design guidance in relation to a number of matters including house extensions, amenity, car parking and crime prevention.

ACTION REQUIRED: None

- 3.3 A key aspect of the approach set out in the revised Framework is that the design coding process should provide greater clarity about what is required from development proposals in terms of design. As a result, the revisions make clear that significant weight should be given to the fact that proposed developments meet those requirements.

CHARNWOOD BOROUGH COUNCIL RESPONSE: This addition relates to the decision-making process and it is not necessary to replicate it in the Local Plan.

ACTION REQUIRED: None

- 3.4 There are a number of revisions to the Framework which emphasise that good design can enable development to achieve multiple objectives. For example, attractive pedestrian and cycle routes are more likely to be used, open spaces can provide benefits for the natural environment and addressing climate change as well as for amenity and recreation.

CHARNWOOD BOROUGH COUNCIL RESPONSE: This is an approach that has been incorporated in the preparation of the Local Plan as a whole and is specifically referenced in paragraph 2.130.

ACTION REQUIRED: None

- 3.5 One specific aspect of design that it is addressed in the changes is the importance of trees, and in particular street trees, in enhancing the character and quality of urban environments, and contributing to the mitigation of, and adaptation to, the effects of climate change. As a result, the Framework requires plan policies to ensure that streets are tree-lined, other opportunities for tree planting as part of development are taken, long-term maintenance of newly planted trees is secured and existing trees are retained wherever possible.

CHARNWOOD BOROUGH COUNCIL RESPONSE: The Local Plan includes a policy on tree planting (EV7) which seeks to increase the number of trees in Charnwood. This policy supports development that, among other things:

- retains existing trees where appropriate and
- provides new tree planting on site, including replacing any removed non-woodland tree with at least three new trees.

The Policy also includes an expectation that the planting of new trees will take proper consideration of long-term management and maintenance including impact on highways and sewerage network.

Policy DS5 (High Quality Design) requires developments to (among other things):

- provide well-defined, legible and multifunctional streets and spaces that support all users and encourage social interaction; and
- reduce their impacts upon, and be resilient to, the effects of climate change in accordance with Policy CC4.

The Local Plan's policies in relation to tree planting and high quality design are consistent with the additions to the Framework.

ACTION REQUIRED: None

4 Other Changes to the Framework

Sustainable Development

- 4.1 The Framework is based on the aim of achieving sustainable development. In defining sustainable development the Framework now makes specific reference to the 17 Global Goals for Sustainable Development agreed by members of the United Nations.

CHARNWOOD BOROUGH COUNCIL RESPONSE: Noted

ACTION REQUIRED: None

- 4.2 Sustainable development seeks to balance economic, social and environmental objectives. In the revised Framework the definition of the environmental objective has been strengthened by changing the wording used from 'contribute to protecting' the environment and 'helping to improve' biodiversity to 'protect' and 'improve'.

CHARNWOOD BOROUGH COUNCIL RESPONSE: Noted

ACTION REQUIRED: None

- 4.3 Revised wording has also been introduced to set out how local plans should seek to achieve sustainable development. The revised wording is clearer than that in the previous version of the Framework.

"11. Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects."

CHARNWOOD BOROUGH COUNCIL RESPONSE: It is considered that the Local Plan achieves the updated objectives for sustainable development.

ACTION REQUIRED: None

Timescale for and Examination of Local Plans

- 4.4 A new requirement has been introduced into the Framework for local plans that include 'larger scale developments such as new settlements or significant extensions to

existing villages and towns'. The vision for those plans should cover an extended period of 30 years to take into account the time required to deliver such developments.

CHARNWOOD BOROUGH COUNCIL RESPONSE: The Local Plan is covered by the transitional arrangements for this provision. The provision does not apply to plans that reached Regulation 19 consultation stage prior to the publication of the revised Framework on 20th July 2021. The Local Plan reached this stage on 13th July 2021.
ACTION REQUIRED: None

- 4.5 The Framework has been amended to clarify that the fourth limb of the soundness of local plans, consistency with national policy, includes other statements of Government policy as well as the Framework itself.

CHARNWOOD BOROUGH COUNCIL RESPONSE: Noted
ACTION REQUIRED: None

Article 4 Directions

- 4.6 Revisions to the Framework have placed greater restrictions on the use of Article 4 Directions to remove permitted development rights. The use of Article 4 Directions in relation to permitted development rights for changes of use from non-residential to residential use should be limited to avoiding wholly unacceptable adverse impacts. In all cases Article 4 Directions should only be used where there is a robust evidence base to support this and be applied to the smallest possible geographical area.

CHARNWOOD BOROUGH COUNCIL RESPONSE: It is considered that the Article 4 Direction that requires planning permission to be sought from C3 to C4 use meets the requirement of having a robust evidence base and by being limited to Loughborough. Policy H7 of the Local Plan relies to a large extent on the Article 4 Direction being in place.
ACTION REQUIRED: None

Infrastructure Provision

- 4.7 The Framework previously required local planning authorities to work with statutory bodies, other partners and developers to identify and resolve key planning issues related to the delivery of new and expanded schools to meet the needs of communities. The revised Framework extends this requirement to other public service infrastructure and specifically refers to further education colleges, hospitals and criminal justice accommodation.

CHARNWOOD BOROUGH COUNCIL RESPONSE: The Council has worked proactively with infrastructure providers and site promoters in relation to the infrastructure required to support the development proposed in the Local Plan. In addition to schools, this has included issues in relation to transport, health services, power, water supply and waste water. There is no evidence to suggest that there are needs in relation to the specific examples referred to in the Framework (further education colleges, hospitals and criminal justice accommodation) that the Local Plan needs to address.
ACTION REQUIRED: None

Flood Risk

- 4.8 The Framework has been amended to clarify that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source, with the words 'from any source' being added.

CHARNWOOD BOROUGH COUNCIL RESPONSE: The sequential test was carried out as part of the site selection process using the results of a level 1 strategic flood risk assessment (SFRA) relating to the river flooding risk zones that the sites were located in rather than flood risk from any source. As part of the process for undertaking the level 2 SFRA all sites being considered for allocation were assessed against a full range of flood risks and those with a greater risk were subject to further analysis to determine what mitigation was required to enable the sites to meet the exception test. ACTION REQUIRED: Review the results of the site selection process to determine the effect that considering flooding from any source as part of the sequential test would have.

OUTCOME: The results of this work are set out in an addendum to the Development Strategy and Site Selection Topic Paper¹. This confirms that no additional sites were identified as not meeting the sequential test as a result of also considering data in relation to surface water flooding, groundwater flooding and from historic flooding records.

Heritage

- 4.9 Following a number of high profile cases, a new paragraph has been included in the Framework in relation to applications to remove or alter historic statues and other monuments. This requires decision makers to have regard to the benefits of such objects remaining in situ.

CHARNWOOD BOROUGH COUNCIL RESPONSE: This addition relates to the decision-making process and it is not necessary to replicate it in the Local Plan.

ACTION REQUIRED: None

5. Conclusion

- 5.1 Having considered the changes made to the Framework in July 2021, the only action identified was to review the site selection process to ensure that the sequential test for flood risk took into account the risk of flooding from all sources.
- 5.2 Having undertaken this check the conclusion is that the Local Plan remains consistent with national policy.

¹ TP/2 Development Strategy and Site Selection Topic Paper, July 2021 (updated December 2021)