

Report for Resolution

Report to Cabinet
19 January 2011

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Report of Head of Planning and Regeneration

Subject Development Management Policies DPD – Regulation 25
Consultation Document

Purpose

To seek authorisation to progress with the first stage of regulation 25 public consultation on the Development Management Policies Plan.

Recommendations

1. To authorise the Regulation 25 consultation for the Development Management Plan.
2. To give delegated authority to the Director of Regeneration and Development to make minor changes required to the document following Cabinet.

Financial Consequences

The financial consequences of this report and the public consultation are covered by the LDF budget.

Risk Assessment

1. The Joint Core Strategy has not yet been adopted, with the Examination in Public having commenced on the 9th November 2010 and the inspectors' report expected in March 2011. If the plan is found unsound, a complete review of the plan making approach will be required.
2. There are risks associated with progressing plan making within a changing national legislative framework. On December 13th 2010, the government presented the Decentralisation and Localism Bill to Parliament and this is timetabled to become law in November 2011. The bill proposes amendments to the planning system including a new national planning framework that is scheduled to be introduced in April 2012. Whilst the planning process would remain "plan led", it is difficult to be precise at this very early stage about exactly how the new system will work. There is no clarity on any transitional arrangements that will enable the existing planning policy system to be encompassed in any new arrangements. Therefore all local planning authorities are facing a period of uncertainty in their plan making responsibilities but equally there is also a need to provide a clear framework for investment. Alongside the work undertaken on the joint core strategy and site allocations, development management policies will help to provide this framework. The Development Management and Site Allocation plans must be produced within the present plan making system and the government will need to bring forward proposals that allow these documents to be encompassed within the new planning policy arrangements. This will be a matter for further review as government advice is issued.

Strategic Priority and Outcome/Service Priorities

The report helps to meet the strategic priority “Strong and prosperous city – working to improve quality of life for residents, visitors and those who work in the city now and in the future” and the service priority to deliver and implement the local development framework for Norwich.

Executive Member: Councillor MacDonald

Ward: All

Contact Officers

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Background Documents

- Draft Sustainability Appraisal report (Executive summary attached as appendix 2 – full document available at http://www.norwich.gov.uk/webapps/atoz/service_page.asp?id=1726)
- Appropriate Assessment report (document available at link above)
- Proposals Maps (available at link above, in hard copy from Planning Policy and at the meeting)

Report

Development Management Policies DPD – Regulation 25 document

1. The Development Management Policies Development Plan Document (DM Policies Plan) forms part of the Local Development Framework (LDF). The draft plan is appendix 1 to this report. Once adopted it will replace the City of Norwich Replacement Local Plan (2004). It will provide locally specific policies for development management decisions for issues not already covered by national policy or the Joint Core Strategy. The document will have a working lifetime to 2026.
2. The Development Management Policies Plan is only one part of the LDF and as such it is important that this plan and its policies are not read in isolation. As part of the plan making process the policies within the Development Management Policies Plan must not repeat the Joint Core Strategy, but instead explain how they will be applied to define the circumstances in which planning permission will or will not be permitted. The Development Management policies must be consistent with the Joint Core Strategy.
3. Similarly the Development Management Policies must, at present, be in conformity to but not repeat national planning policy contained in Planning Policy Statements (PPS) and Planning Policy Guidance (PPG). As such, for completeness, references are provided for each policy which directs the user to other policies, documents and the evidence base which may need to be considered when determining applications. This element of the present draft plan may have to be amended to take account of the reduction in national policies proposed through the Decentralisation and Localism Bill.
4. Work on the Development Management Policies Plan commenced in January 2010. As part of the evidence gathering stage several workshop sessions were held with colleagues in Development Management, Design, Conservation and Landscape and other relevant services. The workshop sessions focused on the following topics:
 - Housing
 - Environment and design
 - Communities and culture
 - The economy
 - Transport
5. As the policies developed continual engagement took place with colleagues from Development Management and Design, Conservation and Landscape to identify the level of detail needed to ensure that the draft policies addressed local need whilst not repeating national policy and to ensure that the wording of the policies can be implemented in practice.
6. Comments from Members were sought through initial discussions with the LDF

working party in March 2010 and planning application committee in January 2010. Topic papers bringing together all the relevant evidence base and proposed topic areas were considered by the LDF working party on 17th June 2010. The topic papers also identified policies potentially needed to supplement the JCS.

7. More detailed comments on draft policies were made by the LDF Working Party in December 2010. Since the comments made by members did not propose any substantive change to draft policies, they will be taken account of as part of the consultation.
8. It was not considered necessary to consult more widely on issues and policy areas as the government removed the requirement for two public consultations (Issues and Options and Preferred Options) in 2008 and replaced it with one stage of public consultation (regulation 25). This is reflected in the Local Development Scheme which was published in March 2010. Although two consultations will be carried out on the Site Allocations Plan, it was not considered necessary to carry out an earlier consultation on issues for the Development Management Policies plan as the general direction of the proposed policies has already been established through the Joint Core Strategy. As part of the process of producing the Joint Core Strategy extensive consultation took place on issues and options and the preferred approach.
9. The regulation 25 Development Management Policies Plan contains 33 policies which are broadly based on the themes of the Joint Core Strategy. Supplementary text is also provided for each policy which gives further detail and clarification. There will also be a need for a policy on planning obligations; however as work is still progressing on an emerging Community Infrastructure Levy or a tariff based approach, it was not possible to draft a policy at this stage. For clarity the suggested policies are outlined below.

Policy DM1: Planning Statements

Policy DM2: Amenity

Policy DM3: Design principles

Policy DM4: Energy

Policy DM5: Water

Policy DM6: Environmental assets

Policy DM7: Trees and development

Policy DM8: Open space

Policy DM9: The historic environment

Policy DM10: Telecommunications

Policy DM11: Environmental protection

Policy DM12: Principles for all residential development

Policy DM13: Flats, buildings of multiple occupation and residential institutions

Policy DM14: Gypsies and Travellers and Travelling Showpeople

Policy DM15: Loss of residential accommodation

Policy DM16: Defined employment areas

Policy DM17: Protection of small and medium scale business sites and premises

Policy DM18: Town centre uses

Policy DM19: Offices

Policy DM20: Primary and secondary retail areas and Large District

Centres

Policy DM21: District and local retail centres

Policy DM22: Community facilities

Policy DM23: Evening, leisure and the late night economy

Policy DM24: Hot food takeaways

Policy DM25: Retail warehouses

Policy DM26: University of East Anglia

Policy DM27: Norwich airport

Policy DM28: Encouraging sustainable travel

Policy DM29: City centre public off-street car parking

Policy DM30: Access and highway safety

Policy DM31: Car parking and servicing

Policy DM32: Car free or low car housing

Policy DM33: Transport contributions

10. Each of the policies has been subject to both an Appropriate Assessment and Sustainability Appraisal.
11. Appropriate Assessment ensures that adverse effects on designated habitats of International importance are avoided. A screening exercise has been undertaken by independent consultants to ascertain whether there is a need for a full Appropriate Assessment. The conclusion is that there are no likely significant effects on any such site taking into account individual policies, the whole plan and the plan in combination with any other plan. Therefore no further work is required on Appropriate Assessment for this plan.
12. Sustainability appraisal is a systematic and iterative process to ensure that environmental, economic and social impacts are fully taken into account in plan making. The findings for the sustainability appraisal have been set out within a draft report, of which the executive summary is contained within appendix 2 of this report. The full draft Sustainability Appraisal Report is available electronically.
13. Members are asked to have regard to these documents when considering the emerging policies.

Next stages

14. The regulation 25 public consultation is programmed for 8 weeks from 27th January to 24th March 2011. The council's efforts will be focussed on making the best use of time and resources whilst also seeking a breadth and depth of public response to help make the process effective. There will be a combined consultation for the Development Management Policies Plan and Site Allocations Plan.
15. After this consultation period, all the responses will be considered, alongside the findings of the Sustainability Appraisal, when revising the plan. A summary of the consultation responses will be published and made available for viewing.
16. There are however areas of uncertainty which are set out within the Risk Assessment and below which may result in the need for an extra public consultation to those timetabled in paragraph 19 should the policies need significant redrafting. This would mean that the adoption dates would be later

than currently scheduled.

17. The amended document, along with the final Sustainability Appraisal Report, is timetabled to be published as a pre submission (regulation 27) consultation document under current planning legislation in November 2011; however comments can only be made at this next consultation stage on the soundness and legal compliance of the document i.e. whether the appropriate procedures were followed and whether all necessary issues have been taken into account.

18. At the regulation 30 stage, the draft document will be submitted to the Secretary of State for public examination. A public examination (conducted by an independent Planning Inspector) will then take place. If the document is found sound, the Council will formally adopt it as a development plan document which forms part of the Local Development Framework. This is expected to be late 2012.

19. A summary of the current timetable is as follows:

Evidence gathering and consideration of options		January – October 2010
Public consultation	Consultation on the draft policies (Regulation 25)	January – March 2011
Pre-submission consultation	Opportunity for public comments on the soundness of the proposed submission document (Regulation 27)	November – December 2011
Submission	Submission to the Secretary of State and independent public examination (Regulation 30)	Early 2012
Adoption	The council adopts the Development Management Policies Plan	Late 2012

20. There is uncertainty concerning the detail of any new planning policy arrangements arising from the localism bill and there is a risk that the proposed timetable will need to be amended to reflect new requirements. To balance the risk of change to the national planning framework with the need to have a robust and up to date local planning policy framework it is proposed that regulation 25 consultation on the development management plan should be undertaken and that careful assessment is made of the implications of the new system for plan making as more information on it is produced by government. This approach will enable the Council to engage the local community in the plan making process and, at the same time, enable the Council to respond to the emerging legislative framework on future stages of plan making for both the

Development Management Plan and the Site Allocations Plan.