SHEPWAY DISTRICT COUNCIL’S CORE STRATEGY EIP

Matters arising as a result of the National Planning Policy Framework

Additional Statement by Blue Sky Planning on behalf of Phides Limited

April 2012
Matters arising as a result of the National Planning Policy Framework in so far as they relate to the Shepway Core Strategy EIP

1. We have considered the National Planning Policy Framework (NPPF), March 2012 in relation to Shepway’s Core Strategy and our submitted representations on behalf of Phides Limited.

2. We consider that the issues of concern, and objections, which we have raised in our representations remain of concern; and we believe the conflicts we identified between the Core Strategy and national planning policy continue to be conflicts.

3. In particular we highlight the following, as set out below, from the NPPF.

A Growth Strategy

4. The NPPF clearly attaches considerable importance to pursuing a growth strategy:

‘Therefore significant weight should be placed on the need to support economic growth through the planning system’

(NPPF, para.19 – our emphasis)

5. For the reasons set out in our main representations, we consider that the District Council proposes a growth strategy in principle, but, in practice, fails to allocate sufficient housing to meet the objectively identified housing needs which are required to deliver economic growth.

Boosting Significantly the Supply of Housing

6. It is clear that one of the aims of the NPPF is to ensure that local planning authorities ‘boost significantly the supply of housing’ (NPPF, para.47). In order to do so, the NPPF states that local planning authorities should do the following:

- ‘use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs’ for housing (NPPF, para.47 – our emphasis);

- ‘provide five years worth of housing against their housing requirements, with an additional buffer of 5%.....Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%...’ (NPPF, para.47);

7. The NPPF states that local planning authorities may make an allowance for windfall sites in the five year supply ‘if they have compelling evidence that such sites have
consistently become available and will continue to provide a reliable source of supply. Any allowance should be realistic....' (NPPF, para.48 – our emphasis).

8. For the reasons set out in our main representations, we consider that the District Council fails to allocate sufficient housing to meet in full the objectively identified needs for housing in its area.

9. We also consider the additional buffer for the five year supply should be 20% rather than 5%, as there has been a clear and persistent record of under delivery over the past 6 years. As we explain in our Additional Statement (paras.13 – 16) in response to the Inspector’s Matter 2, it is estimated that during the first 6 years of the Core Strategy Plan period (2006-12) the District Council has delivered 1,577 new dwellings (including historic windfall sites), against its own Core Strategy target of 2,400 new dwellings for that period, i.e. a shortfall of 34% (the shortfall is even greater if the target we propose in our main representations, to meet objectively identified need, is adopted).

10. With regard to windfalls, we have not seen any compelling evidence from the District Council in this regard.

Flood Risk and the Sequential Test

11. With regard to flood risk, the NPPF follows the approach taken in the previous PPS25. The Sequential Test is a key component of the NPPF’s approach to flood risk and the national policy remains one of using the Sequential Test to direct development away from areas with a high probability of flooding and towards areas with a low probability of flooding:

'The aim of the sequential test is to steer new development to areas with the lowest probability of flooding.'

'Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.'

'A sequential approach should be used in areas known to be at risk from any form of flooding'.

(NPPF, para.101 our emphasis)
12. For the reasons we have explained in both our main representations (paras.33-47) and in our Additional Statement on the Inspector’s Matter 1, the District Council has failed to apply the Sequential Test, an approach which is fundamentally flawed and which is contrary to national planning policy.

13. Instead of applying the Sequential Test, the District Council has proceeded directly to apply the Exception Test to certain sites in flood zone 3. Again this is fundamentally flawed and contrary to national planning policy. The NPPF makes it clear that the Exception Test can only be considered after the Sequential Test has been applied:

‘If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate’.

(NPPF, para.102 – our emphasis)

14. The District Council has failed to carry out a Sequential Test in connection with its Core Strategy. Therefore we maintain our previous objections that the District Council’s approach to flood risk in its Core Strategy is fundamentally flawed and not in accordance with national planning policy.

Local Plan Timescale

15. The Core Strategy proposes a timescale of 20 years from 2006–26. Indeed, most of the evidence base and identified need for housing relates to this 20 year period. However, the District Council has suggested that the time period for meeting that identified need should be extended to 25 years (we have commented on this in our Additional Statement to the Inspector’s Matter 2).

16. We draw your attention to the fact that the NPPF states that the Local Plan timescale should be preferably 15 years. The NPPF states that:

‘Crucially, Local Plans should:

- Be drawn over an appropriate time scale, preferably a 15 year time horizon, take account of longer term requirements, and be kept up to date’.

(NPPF, para.157 – our emphasis)

17. In our opinion, a 20 year time horizon would seem reasonable. But our main objection remains – that it is inappropriate to identify need objectively over one period of time (20 years) and then seek to meet it over a different period of time (25 years).
Neighbourhood Plans

18. In our main representations (paras.122-125) we objected to para.4.68 of the Core Strategy, which proposes that decisions on Neighbourhood Development Plans (NDPs) are ‘at the full discretion of the local community’.

19. The NPPF makes it clear that decisions on NDPs cannot be at the full discretion of the local community. The NPPF makes it clear that decisions on NDPs must be aligned with the strategic needs of the wider area, must conform with the strategic policies of the Local Plan, cannot undermine the strategic policies of the Local Plan, and they can promote more, but not less, development than set out in the Local Plan:

‘The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area.’

‘Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan.’

‘Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies’.

(NPPF, para.184)

20. For these reasons, this part of the Core Strategy is contrary to national planning policy and we request that the reference in para.4.68 of the Core Strategy, to decisions being at the full discretion of the local community, be deleted.