

Place Directorate



C/O Annette Feeney, Programme Officer
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Please ask for: Stephen Andrews
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Your reference:
Our reference: CSFR
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6th July 2012

FAO Julia Gregory – Planning Inspector

Dear Mrs Gregory

RE : Modifications

Further to the CSFR hearing, please find attached updated version of the standard Main Modifications document (Appendix A.) This includes all our proposed modifications. The main modifications are separated from the minor modifications. No doubt you will advise if you consider any of the proposed minor modifications to be main modifications.

With regard to the main modifications you have made it clear that the incorporation of the model policy on sustainability must be regarded as a main modification and consulted upon. I have therefore regarded other proposed changes as main modifications on the basis that further consultation is inevitable.

However, the Council believes that none of the main modifications materially affect the policies as set out in the Focus Review (January 2012). Furthermore, a number of the modifications merely seek to incorporate provisions of the NPPF into the document. You will appreciate that there is an obligation upon the CSFR to be consistent with the NPPF and hence there can be little or no objection to their inclusion. In addition I draw to your attention that in reality other main modifications merely provide clarity.

The Council would therefore like to suggest that (whilst accepting that further consultation is required in the interest of fairness and to avoid any possible legal challenges) consultation can be relatively limited for the various reasons that I have set out above.

It does not appear that there are any specific requirements under the 2012 Regulations relating to publicity or consultation on main modifications. Whilst regulation 19 contains mandatory provisions and this coupled with Regulation 17 requires publicity/consultation for a minimum period of 6 weeks, this is only applicable prior to submission. I believe therefore that there is some flexibility and that the period for consultation given the nature of the proposed modifications can be significantly reduced. The Taunton and Dean example attached offered just over three weeks and the Thetford example four weeks in order to help expedite the process. (Please see Appendices B and C).

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Acting Strategic Director (Place): Mike Hammond
Head of Economy: Peter Burrows, Head of Environment: Chris Fry

Bearing in mind that the Council only received 13 objections to the CSFR in the first instance and that realistically new objections appear unlikely, we would like to suggest that as regards the main modifications the Council takes the following action, namely:-

- (i) All the proposed modifications (i.e. main and minor) are placed on the Council's website.
- (ii) Again a copy of both is made available for inspection at the Council offices.
- (iii) An e-mail is sent to all those on the Council's LDF consultation list – this runs to some 2,000 people.

This will ensure that everybody becomes aware of the proposed modifications and when giving notice I appreciate we must also invite any representations within a specified time. As you are aware the council wish to progress the CSFR to adoption as quickly as possible. While we wish to ensure adequate consultation and to ensure that the Council acts fairly I do not see the need for a six week period. The Council would like to suggest that representations are invited within 21 days from the date of publication. I hope you will find this acceptable and look forward to hearing from you.

Yours sincerely,

Stephen Andrews

Stephen Andrews
Planning Policy Lead Officer

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Appendix A

Main Modifications

The modifications below are expressed either in the conventional form of ~~strike through~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modification
MM1	8	Chapter Heading	Insert the word: Mid Suffolk's Approach to <i>Delivering</i> Sustainable Development
MM2	10	After 3.10	<p>Insert new paragraph 3.11 as follows</p> <p>The national framework underpins this approach to sustainable development and this focused review includes the model policy FC1 below.</p> <p>Then insert new Policy FC1 as follows:-</p> <p>Policy FC1</p> <p>Presumption in favour of sustainable development</p> <p>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 with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.</p> <p>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.</p> <p>Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:</p> <p>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</p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>whole; or</p> <p>Specific policies in that Framework indicate that development should be restricted.</p>
MM2	10-11	3.11-3.13 incl.	<p>Delete paras 3.11 – 3.13 and insert</p> <p><u>3.12</u> The second paragraph of Policy FC1 puts the policies of the <u>district's Local Development Framework /Local Plan at the heart of the local considerations that will apply in integrating the components of sustainable development, balancing the interests of an appropriate level of growth and the characteristics of Mid Suffolk as we know it. The Mid Suffolk Local Development Framework /Local Plan will be extended in the future to include the SAAP (when adopted) plus any other plans and policies that may be adopted either singly or jointly with Babergh. This includes plans and policies that may follow the commencement of the National Planning Policy Framework and the Localism Act (e.g. Neighbourhood Plans), or through the introduction of a local Community Infrastructure Levy.</u></p> <p><u>3.13</u> The council notes that in many cases the balance between the elements of sustainable development will be achieved through the timely integration of any necessary social and environmental infrastructure into development proposals. The council recognises the value of a master plan / development brief approach to delivering complex development in the most sustainable way and with the necessary local participation in decision making. Policy FC 1.1 below supports this approach and will contribute to delivering the objectives of revised SO3 and SO6 as set out in Chapter 2 of this document.</p> <p><u>3.14</u> Policy FC1.1 will help to ensure that the Core Strategy and the SAAP are in conformity, will facilitate the delivery of sustainable development in Mid Suffolk and contribute to the seamless relationship between decision taking and plan-making required in NPPF 186 that will be further developed in subsequent plans.</p>
MM3	11	FC1	<p>Delete Policy FC1 and insert new Policy after para 3.14.as follows: (*includes mim to replace word “respect” with “<u>conserve and enhance</u>”)</p> <p><u>Policy FC 1.1:</u></p> <p><u>Mid Suffolk approach to delivering Sustainable Development</u> <u>In line with policy FC 1, development proposals will be required to demonstrate the principles of sustainable development and will be assessed against the presumption in favour of sustainable development as interpreted and applied locally to the Mid Suffolk context through the policies and proposals of the Mid Suffolk Local Development Framework /Local Plan.</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>Proposals for development must *conserve and enhance the local character of the different parts of the district. They should demonstrate how the proposal addresses the context and key issues of the district and contributes to meeting the objectives and the policies of the Mid Suffolk Core Strategy and other relevant documents.</u></p> <p><u>The District Council encourages pre-application discussions and/or the use of development briefs and masterplans to address these matters prior to submitting planning applications and in relation to bringing forward proposed allocations. This approach is particularly relevant to the integration of the necessary physical, social and environmental infrastructure within development plans and proposals.</u></p> <p><u>The Council will facilitate the delivery of integrated sustainable development through a variety of means, including the appropriate use of planning conditions and obligations, planning performance agreements, local and neighbourhood plans and orders, the introduction of CIL and supplementary planning documents.</u></p>
MM4	29	Policy FC3 in Table 6c	Row 7 (Mill Lane Phase 2) Col 6 (Availability):- Delete “ Long Term ” and Insert “Medium Term”

Minor Modifications – those not requiring the Inspector’s instruction

mim1	2	Para 1.4- 1.5 incl.	Replace “Background” text with updated material on consultation process to adoption.
mim2	2	Para 1.6 to 1.8	Delete “Consultation” text in favour of updated material in Background.
mim3	3	Para1.10	Renumber to 1.7 and add new dates once confirmed.
mim4	14	Statement 1	Delete reference to Focused Change 4 Insert <u>Focused Change 2</u>
mim5	15	Policy FC2	End of first paragraph delete “ date of adoption ”: Insert after ...”15 year period from the”... <u>1st April 2012</u>
mim6	29	Policy FC3	<p>To clarify meaning of Short Medium Long term in the Table 6c add a note below the table, to read:-</p> <p>Note: Short term means in the first five years of the plan period; Medium term means years 6 to 10 and Long term means year 11 to 15. Assumed starting date from 1st April 2012</p>

Taunton Deane Core Strategy Examination

Inspector
John R Mattocks BSc DipTP MRTPI FRGS
27 April 2012

Mr Roger Mitchinson
Strategy Lead
Taunton Deane Borough Council

Dear Mr Mitchinson,

Model policy on the presumption in favour of sustainable development

I wish to draw your attention to the model policy on the presumption in favour of sustainable development which derives from guidance in paragraph 15 of the National Planning Policy Framework (the NPPF). The model policy has been placed in the Local Plans section of the Planning Portal with an explanation as to the background. A copy of this is appended to this letter for ease of reference.

The advice is that in order to be regarded as fully up-to-date and consistent with the NPPF a local plan should include a policy along the lines set out in the model. Unless there is such a policy the plan will not be sound. I am, therefore, of a mind to recommend the model policy as a “main modification” in addition to those upon which consultation has recently closed.

I am anxious not to delay the examination process any longer than necessary. Bearing in mind that there is already a general consultation on the implications of the NPPF underway I request that a consultation on the model policy be initiated at the earliest opportunity with a closing date for representations of 1 June 2012. I will ask the Programme Officer to contact all representors and to arrange for a copy of the model policy to be placed on the examination web site. Any additional publicity which the Council may be able to give, including placing copies at the deposit points used for the (former) Regulation 27 consultation, would be much appreciated. Any statutory consultees who have not otherwise made representation on the plan should also be notified.

I will take all representations on the model policy into account before including a recommendation in my report on the examination. This applies equally to any views the Council may hold, including any alternative wording. I will arrange for these to be placed on the examination web site as soon as they are received.

Yours sincerely,

John R Mattocks

Inspector

Presumption in favour of sustainable development and development plans

Following the publication of the National Planning Policy Framework ('the Framework') planning authorities with adopted plans or plans in preparation will need to consider which, if any, parts of those plans need updating.

The Framework states that Local Plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally (paragraph 15).

The Planning Inspectorate considers that this [model wording](#) will, if incorporated into a draft Local Plan submitted for examination, be an appropriate way of meeting this expectation.

Planning authorities will of course also need to consider what other aspects of their plans may need to be revised in order to reflect the approach of the presumption, to meet the development needs of the area.

Model Policy

National Planning Policy Framework - Presumption in favour of sustainable development

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 with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

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.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- 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
- Specific policies in that Framework indicate that development should be restricted.