

BARNSLEY METROPOLITAN BOROUGH COUNCIL

This matter is not a Key Decision within the council's definition and has been included in the relevant Forward Plan

**Report of the Place
Executive Director**

Revocation of Planning Advisory Note 30 (PAN30)

1. Purpose of report

- 1.1 The purpose of this report is to seek authority from Cabinet to revoke the adopted Planning Advice Note 30, Sustainable Location of Housing Sites, (PAN30) dated July 2011.
- 1.2 PAN30 was adopted as an interim advice document, to be used alongside the Core Strategy pending the adoption of the Local Development Framework Development Sites and Places Development Plan Document. It has been used to inform decisions on planning applications for housing to date.
- 1.3 The Council is now pursuing a different local development scheme and the draft publication version of a full Local Plan went out to public consultation between 24 June and 5 August 2016. The national policy context has changed since the adoption of PAN30 and it is considered necessary to revoke the document as it is not compliant with the current national planning policy context.
- 1.4 Instead we intend to produce an alternative planning tool following adoption of the Local Plan that will assist in the evaluation of planning applications.

2. Recommendations

It is recommended:

- 2.1 **That Cabinet approves the revocation of Planning Advice Note 30: Sustainable Location of Housing Sites.**
- 2.2 **That Cabinet approves the use of a simplified and updated planning tool that will assist in the consideration of relevant planning applications.**

3. Introduction

- 3.1 In July 2011 Cabinet approved a revised and updated Planning Advice Note 30. The revised PAN30 highlighted key national, regional and local policy affecting the release of land for housing at the time of its adoption, and set out a standardised checklist and associated scoring system to indicate how housing proposals met the various policy requirements. Since that time the system has changed and national policy is more liberal in terms of the delivery of housing- seeking to boost housing supply. This is demonstrated both through the introduction of National Policy Framework (NPPF) and appeals on refused planning applications, including case law.

4 Proposal & Justification

Background

- 4.1 PAN30 was originally produced because the Council considered it important for Development Control officers to have a checklist to support their work evaluating planning applications for housing. PAN30 has provided a framework for considering applications and also acted as a tool to assist in improving the quality of planning application submissions by outlining the detailed information needed to consider the application with respect to location. It followed the guidance in PPG 3 to prioritise the development of previously developed land for residential development over green field land and made the sequential test transparent. PAN30 was therefore used by applicants of larger sites to provide a variety of information relating to the location of the housing proposal.
- 4.2 PAN 30 is appended to this report but particular attention is drawn to the fact it includes a clear sequential test on housing sites location (beyond that afforded regarding flood risk) with a preference to brownfield land over green field land and edge of settlement locations. It also favours the use of employment land that is not in use for employment purposes.
- 4.3 In March 2012 the National Planning Policy Framework (NPPF) was introduced and the majority of existing planning policy was rescinded – this included PPG3. In February of 2013 the Regional Strategy was revoked which had previously set a target of a minimum of 49% of housing development to be on brownfield land in Barnsley MBC area. The Core Strategy is being replaced with a full up to date Local Plan that is expected to be adopted next year. A primary function of the planning system is now to boost significantly the supply of housing and for the reasons explained below, the criteria in PAN30 is not considered to be in conformity with the objective of significantly boosting housing or the presumption in favour of sustainable development but some of the information sought within it is still considered necessary.

5 Current Position

- 5.1 The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. In addition to

reiterating the presumption in favour of sustainable development it outlines a positive approach to enabling development to happen. It still applies that planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

- 5.2 The NPPF takes a positive approach to the supply of housing and expects local authorities to *'boost significantly the supply of housing'* (paragraph 47). It states that *"if there is no 5 year supply of housing then the relevant policies for the supply of housing should not be considered up to date"* (paragraph 49).
- 5.3 In Barnsley it is extremely unlikely we could demonstrate a deliverable 5 year housing land supply until the emerging Local Plan is adopted. This means that any policy which has the effect of constraining housing supply is considered out-of-date. Accordingly, although PAN30 is the equivalent of a supplementary planning document rather than a development plan policy, it is rendered out-of-date by the NPPF. This is particularly so in respect of the emphasis it places on previously developed land as part of the scoring system, particularly given the lack of previously developed sites within the borough. Its existence therefore potentially misleads applicants, objectors, members and other stakeholders who may be under the impression that it provides a basis to refuse planning applications on greenfield sites.
- 5.4 Whilst there is a demonstrable need to revoke PAN30, for the presumption in favour of sustainable development to apply a site has to be considered sustainable in the first place. In this regard PAN30 does include criteria that help to inform whether or not a site can be judged to be sustainable. Generally applicants cover this in their Planning Statement which we require them to submit alongside a major residential development (i.e. 10 units or more). Accordingly, it is considered that in our Local List of Validation Requirements we could introduce guidance as to what we expect to be contained in a Planning Statement in order to allow a detailed analysis of sustainability credentials.
- 5.5 Current National Planning Policy Guidance advises that local validation checklists should be published on the website and should formally be reviewed every two years. As we are due to review the local list shortly it makes sense to incorporate updated guidance of sustainability particularly given recent changes to national permitted development rights such as the change from offices to residential use and the forthcoming light industrial to residential use which re-inforce that housing is considered to be suitable in many locations.

6 Analysis

- 6.1 The NPPF applies different emphasis to the criteria and scoring in the PAN 30 in particular with respect to there no longer being a clear sequential test on housing sites location (beyond that afforded regarding flood risk). In addition, there is less resistance in the NPPF to residential development on green field land, in edge of settlement locations and on employment land that is not in use for employment purposes. PAN30 is also considered an overly complex

tool in the current environment and as a requirement on applicants can reasonably be considered an unnecessary burden.

- 6.2 These factors make the PAN30 out of date as a policy tool and therefore it should not be used as such. Indeed, in the current policy context, it would be very difficult, nigh impossible, to defend its use should an appeal arise.
- 6.3 In recent years the greatest value of the PAN30 has been to assist Development Management officers in discussing the merits of a proposal for housing development, gaining better quality information from the applicant and enabling discussion on public transport contributions relating to development. Therefore a different approach is sought to withdraw the PAN and provide a different style of checklist to help in these tasks. The Local List requires a Planning Statement, which should set out the proposals compliance with the NPPF and provide sufficient information for development management officers to assess the proposals against the presumption in favour of sustainable development which runs through the heart of NPPG. The Local List would therefore be altered to provide more clarity regarding the content of a planning statement.

7. Consideration of alternative approaches

- 7.1 To continue with the current PAN30. It is not effective in achieving its original purposes in the current national policy context.
- 7.2 To update PAN30 to reflect current policy. This is considered to be unnecessary given the current policy context and would simply constitute a repetition of soon to be outdated plan policy given the progress in production of the new local plan.
- 7.3 It is considered that neither of these approaches would deliver effective or suitable guidance for applicants and valuable help to Development Management officers whilst some waste of resource would occur in the continued use or update of PAN30.

8. Implications for Barnsley

- 8.1 Revocation of PAN30 and introduction of guidance as part of a local list of requirements will provide a clear approach to determining planning applications for housing.

9. Implications for local people / service users

A clear approach to determining planning applications for housing will benefit local people and service users.

10. Financial implications

- 10.1 There are no financial implications arising from this report.

11. Employee implications

11.1 There are no employee implications arising from this report.

12. Communications implications

12.1 There are communications implications arising from this report in that revocation of PAN30 will need to be published on the Council's website.

13. Community Strategy and the Council's Performance Management Framework

13.1 There are no implications arising from this report.

14. Promoting Equality & Diversity and Social Inclusion

14.1 There are no implications arising from this report.

15. Tackling Health Inequalities

15.1 There are no direct matters of relevance arising from this report.

16. Climate Change & Sustainable Energy Act 2006

16.1 There are no direct matters of relevance arising from this report but the emphasis of the NPPF is to promote sustainable development. Clear information as part of a local list of requirements setting out how the sustainability of proposals will be judged will assist in this regard.

17. Risk Management Issues

17.1 There are no risks arising from this proposal.

18. Conservation of Biodiversity

18.1 No direct biodiversity implications arise from this report.

19. List of Appendices

Appendix 1 PAN30 Sustainable Location of Housing Sites, July 2011

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Date: 17/11/2016

Financial Implications / Consultation



Date: 10/11/2016

Consultations have taken place with representatives of the Acting Executive Director, Finance