

**SOUTH PLANNING COMMITTEE - UPDATE SHEET****27 JULY 2021****General Update – NPPF**

On 20 July 2021, an updated version of the National Planning Policy Framework (NPPF) was published. It can be accessed via [National Planning Policy Framework - GOV.UK \(www.gov.uk\)](https://www.gov.uk/national-planning-policy-framework)

In addition to the content changes outlined below, the paragraphs, from 54 onwards have been renumbered, so key paragraphs are now numbered differently e.g. the paragraph relating to conditions was previously paragraph 55 (in the 2019 version) is now paragraph 56.

The key updates from the 2019 version of the NPPF, which are relevant to East Suffolk Council as Local Planning Authority are:

- Strengthening of the wording relating to achieving sustainable development including
  - Paragraph 7 – Additional sentence added explaining that the UK has agreed to pursue the 17 Global Goals for sustainable development in the period to 2030.
  - Revisions to the wording of the environmental objective in paragraph 8 (the three objectives of sustainable development), for development to “protect and enhance our natural, built and historic environment...”, rather than just “contribute to protecting and enhancing our natural, built and historic environment..” which was the previous wording.
- Throughout the document, greater emphasis is placed upon creating well-designed beautiful and safe spaces, including in
  - paragraph 8 (the three objectives of sustainable development)
  - Paragraph 73 (previously 72), bullet point c) has been amended to refer to ‘places to be created’ rather than development and that appropriate tools such as masterplans and design codes are used to secure a variety of well designed and beautiful homes.
  - Paragraph 110 (previously 110) has an additional sub paragraph, explaining that “...in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that”:

LEGAL ADDRESS East Suffolk House, Station Road, Melton, Woodbridge IP12 1RT  
DX: 41400 Woodbridge

POSTAL ADDRESS Riverside, 4 Canning Road, Lowestoft NR33 0EQ  
DX: 41220 Lowestoft

*“c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 46;”*

- Paragraph 125 (previously 123) additional sentence added stating:
 

*“Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places....”*
  - Paragraph 126 (previously 124) additional reference added to the creation of ‘beautiful and sustainable’ buildings and places.
  - Paragraph 128 (previously paragraph 126) amended to explain that Local Planning Authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code and which reflect local character, which provide a local framework for creating beautiful and distinctive places, whilst being tailored to the scale of change and allow for variety.
  - A new Paragraph (no 129) has been added explaining that Design guides and codes can be prepared a variety of geographical scales and in order to carry great weight in decision making they should be produced as either part of a plan or as a supplementary planning document. It also explains that landowners and developers can contribute to these by they may wish to prepare design codes in support of a planning application for sites they wish to develop. It is also explained that all guides and codes should be based on effective community engagement and reflect local aspirations, taking into account the National Design Guide and the National Model Design Code. It is also stated that these documents should be used to guide decisions on applications in the absence of locally produced design guides.
  - A new Paragraph (no 131) has been added, relating to trees in urban environments. It explains that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. It states that new streets should be tree-lined, that trees should also be incorporated elsewhere in developments, their long term maintenance should be secured and existing trees should be retained wherever possible. It also explains that in order to ensure that the right trees are planted in the right places and solutions that are compatible with highway standards and the needs of different users, developers and local planning authorities should work with highways officers.
  - Paragraph 134 (Previously 130 and 131) in relation to the refusal of poorly designed schemes has been largely rewritten, placing a larger emphasis on refusing such schemes on the basis of local design policies, government guidance on design, local design guidance and supplementary planning documents such as design guides and codes. It also places a significant weight on development which reflects local design policies/documents and outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, provided that they fit in with the overall form and layout of their surroundings.
  - Annex 2 ( Glossary), has a definition of ‘Design Guide’ added.
- Affordable Housing:

- Additional wording added to paragraph 65 (previously 64) clarifying the 10% of homes to be affordable home ownership is based upon the total number of homes.
- Infrastructure:
  - Transport:
    - Paragraph 73 (previously 72) has been amended to explain that the ‘necessary infrastructure and facilities to support new homes includes a genuine choice of transport modes.
    - Within Annex 2 ( Glossary), the definition of ‘Sustainable transport modes’ has been amended to refer to ultra low and zero emission vehicles.
  - Public Service Infrastructure:
    - A new paragraph has been inserted (paragraph 96) stating:
 

*“To ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted.”*
  - Open spaces and Green Infrastructure:
    - Paragraph 98 (previously 96), additional wording explaining that access to a network of high quality open spaces “...can deliver wider benefits for nature and support efforts to address climate change.”
    - Within Annex 2 ( Glossary), the definition of ‘green Infrastructure’ has been amended to also refer to blue spaces and other natural features, and the benefits have been expanded to also include economic, health, wellbeing, benefits for nature, climate, local and wider communities and prosperity.
  - Pedestrian and cycle paths/connectivity:
    - Paragraph 92 (previously 91) part b) the wording relating to routes has been amended to refer to “...attractive, well-designed, clear and legible pedestrian and cycle routes...”
    - Paragraph 106 (previously 104), part d) has been amended to refer to the provision of walking and cycling networks as needing to be ‘attractive and well-designed’ and cycle parking to be ‘secure’.
- Housing in the Countryside:
  - Paragraph 80 (previously 79), part d) has been amended to refer to the subdivision of an existing residential building, instead of a residential dwelling,
  - Paragraph 80 (previously 79) part e) have been amended to remove the requirement to be innovative for dwellings of exceptional quality.
- Flooding:
  - Paragraph 161 (previously 157), has been amended to require that all sources of flood risk are taken into account, and bullet point c) of this paragraph has been amended to explain that any residual risk should be managed by improvements in green and other infrastructure, and making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management.

- Paragraph 162 (previously 158) has been amended to require that all sources of flood risk are taken into account as part of the sequential test.
  - Paragraph 163 (previously 159) flood zones are now referred to as flood areas, and the previous reference to Flood Risk Vulnerability Classification which was previously set out in national planning guidance has now been added as Annex 3 to the NPPF.
  - Paragraph 167 (previously 163) part b) which relates to flood resistance and resilience has been amended to explain that this means that in the event of a flood, it could quickly be brought back in to use without significant refurbishment.
  - A new Annex relating to Flood Risk Vulnerability Classification has been added.
- Landscape:
    - Paragraph 177 (previously 176) has been amended to include reference to the need for consideration of the setting of designated landscapes (the Broads and the AONB), and that development within their setting should be “...sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”
    - Paragraph 178 (previously 177), additional text has been added referring to National Parks, the Broads and Areas of Outstanding Natural Beauty. This appears to be added for clarity in terms of resisting major development within these areas.
- Ecology:
    - Paragraph 180 (previously 175) part c), which relates to developments whose primary objective is to conserve or enhance biodiversity, has been amended to require them to improve biodiversity as an integrated part of their design, “... especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”
- Heritage:
    - New Paragraph 198 stating:
 

*“In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.”*
- The Local Plan making process:
    - Strengthening of the wording of paragraph 11 a) in relation to securing sustainable development as part of the plan making process.
    - Additional sentence added to paragraph 22, in relation to strategies that include larger scale developments or significant extensions to existing villages and towns, needing to be set within a longer term vision for the area (at least 30 years).
    - Various Paragraphs within Annex 1 (implementation) have been amended, explaining how the 2021 version of the NPPF affect Local Plans in production/ yet to be adopted, and clarification on the application Housing Delivery Test prior to the new results being published.
- Matters relating to the Neighbourhood Plan Process:
    - Paragraph 70 (previously 69) requires Neighbourhood Plans to “..give particular consideration to the opportunities for allocating small and medium-sized sites....”,

rather than just consider doing so, as previously written.

- Paragraph 127 (previously 125), amended to explain that  
*“Neighbourhood planning grounds can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.”*

and

- Article 4 Directions:
  - Paragraph 53, revised to limit/tighten the creation of Article 4 directions to remove Permitted Development Rights.
  - Annex 2 ( Glossary), has a definition of Article 4 direction added.

**Item 5 – DC/20/3890/OUT – Outline Application (With Some Matters Reserved) - Residential development for up to 75 dwellings, with associated open space, including community orchards and allotments, along with play space and integrated public rights of way at Land At Redwald Road Rendlesham Suffolk IP12 2TZ**

1.1 The NPPF revisions above have been considered and do not affect the recommendation in the report. The design currently presented and capable of being proposed under reserved matters could achieve the heightened design expectations of the 2021 NPPF.

1.2

Recommended conditions have been received from the Lead Local Flood Authority, below:

1. Concurrent with the first reserved matters application(s) a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority (LPA). The scheme shall be in accordance with the approved FRA and include:
  - a. Dimensioned plans and drawings of the surface water drainage scheme;
  - b. Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;
  - c. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to Qbar or 2l/s/ha for all events up to the critical 1 in 100 year rainfall events including climate change as specified in the FRA;
  - d. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
  - e. Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year rainfall event including climate change, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;

- f. Topographical plans depicting all exceedance flow paths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;
- g. Details of the maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority.
- h. Details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include: Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-
  - i. Temporary drainage systems
  - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
  - iii. Measures for managing any on or offsite flood risk associated with construction

The scheme shall be fully implemented as approved.

*Reasons: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development. To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater. To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.*

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/guidance-on-development-and-flood-risk/construction-surface-water-management-plan/>

2. Within 28 days of practical completion of the last dwelling or unit, a Sustainable Drainage System (SuDS) verification report shall be submitted to the LPA, detailing that the SuDS have been inspected, have been built and function in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks have been submitted, in an approved form, to and approved in writing by the LPA for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure that the surface water drainage system has been built in accordance with the approved drawings and is fit to be put into operation and to ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as required under s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk within the county of Suffolk

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-asset-register/>

1.3 Recommended conditions have been received from the Council's ecologist, below:

1. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the (Preliminary Ecological Appraisal (PEA) report (Cotswold Wildlife Surveys, September 2020); Nocturnal Bat Survey Report (Cotswold Wildlife Surveys, September 2020) and the Great Crested Newt Survey Report (Cotswold Wildlife Surveys, September 2020)) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that ecological receptors are adequately protected and enhanced as part of the development.

2. No removal of hedgerows, trees, shrubs or habitats suitable for ground nesting birds shall take place between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that nesting birds are protected.

3. Commensurate with the first Reserved Matters application, a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:
  - a. identify those areas/features on site that are particularly sensitive for biodiversity likely to be impacted by lighting and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure that impacts on ecological receptors from external lighting are prevented.

4. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
  - a. Risk assessment of potentially damaging construction activities.
  - b. Identification of “biodiversity protection zones”.
  - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d. The location and timing of sensitive works to avoid harm to biodiversity features.
  - e. The times during construction when specialist ecologists need to be present on site to oversee works.
  - f. Responsible persons and lines of communication.
  - g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that ecological receptors are adequately protected as part of the development.

5. Commensurate with the first Reserved Matters application, a landscape and ecological management plan (LEMP) for the site (including the areas of woodland to the north and north-east) shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP shall include the following:
  - a. Description and evaluation of features to be managed.
  - b. Ecological trends and constraints on site that might influence management.
  - c. Aims and objectives of management.
  - d. Appropriate management options for achieving aims and objectives.
  - e. Prescriptions for management actions.



- f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g. Details of the body or organisation responsible for implementation of the plan.
- h. Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure that the long-term ecological value of the site is maintained and enhanced.

- 6. The development (including relevant vegetation clearance) shall not in any circumstances commence unless the local planning authority has been provided with either:
  - a. a licence issued by Natural England pursuant to The Conservation of Habitats and Species Regulations (2017) (as amended) authorising the specified development to go ahead or demonstration that the appropriate Natural England Class Licence is in place to allow works to commence; or
  - b. a statement in writing from the relevant licensing body to the effect that it does not consider that the specified development will require a licence.

Reason: To ensure that the legislation relating to protected species has been adequately addressed as part of the implementation of the development.

- 7. Commensurate with the first Reserved Matters application, an Ecological Enhancement Strategy, addressing how ecological enhancements will be achieved on site, will be submitted to and approved in writing by the local planning authority. Ecological enhancement measures will be delivered and retained in accordance with the approved Strategy.

Reason: To ensure that the development delivers ecological enhancements.

- 8. Commensurate with the first Reserved Matters application, details of the provision of compensation skylark nesting plots should be submitted to and approved in writing by the local planning authority. Details should include design, location and duration of the plots. Plots will be implemented and maintained in accordance with the approved details.

Implementation will occur prior to any clearance of suitable skylark nesting habitat on the site.

Reason: To ensure that impacts on UK Priority species (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)) are adequately addressed.

9. If the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 3 years from the date of the planning consent, the approved ecological measures secured through Conditions XX (ADD CONDITION NUMBERS FOR THOSE LISTED ABOVE WHEN AVAILABLE) shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to i) establish if there have been any changes in the presence and/or abundance of protected and/or UK Priority species present on the site and ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the local planning authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To ensure that ecological receptors are adequately protected as part of the development.

**Item 6 – DC/20/5278/FUL – A phased development of 75 dwellings, car parking, public open space, hard and soft landscaping, and associated infrastructure and access at Land To The North And West Of Garden Square And Gardenia Close Rendlesham**

2.1 The NPPF revisions above have been considered and do not affect the recommendation in the report. The design proposed achieves the heightened design expectations of the 2021 NPPF, including the expectation for tree lined streets.

2.2 A revised Flood Risk Assessment and Layout Plan have been received to address previous Highway Authority and Lead Local Flood Authority comments. These will be presented in the committee presentation.

The following feedback on the Flood Risk Assessment has been received from the Lead Local Flood Authority, including recommended conditions below:

There are a few minor design tweaks I'd still like to see and supporting details such as sections through swales and basins, but this detail can be conditioned. As such, please see below recommended conditions.

1. No development shall commence until details of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority (LPA).

*Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained*

2. No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the LPA. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

*Reason: To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.*

3. Within 28 days of practical completion of the last dwelling or unit, surface water drainage verification report shall be submitted to the Local Planning Authority, detailing and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks, in an agreed form, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

*Reason: To ensure that the surface water drainage system has been built in accordance with the approved drawings and is fit to be put into operation and to ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as required under s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk*

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/flood-risk-asset-register/>

4. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the LPA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include:

Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-

- i. Temporary drainage systems
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
- iii. Measures for managing any on or offsite flood risk associated with construction

*Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater*

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/guidance-on-development-and-flood-risk/construction-surface-water-management-plan/>

**Item 3 – XX/XX/XXXX/FUL – Description at XXX**

1.1 XXXXXXXXXXXXXXXXXXXX

**Item 4 – XX/XX/XXXX/FUL – Description at XXX**

1.1 XXXXXXXXXXXXXXXXXXXX