

Appendix 1

National Planning Policy Framework (NPPF, March 27 2012) Summary

General points

- Establishes a more balanced concept of sustainable development. Not only about economic growth but balanced with seeking improvements to social and natural environments (see para.7-9, page 3 of NPPF)
- A presumption in favour of sustainable development should be the basis for every plan and planning decision but clarifies where development should be restricted.

Plan-making:

- Local Planning Authorities (LPAs) should positively seek opportunities to meet the development needs of their area.
- Local plans should meet objectively assessed needs unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework as a whole.
- Planning should involve local people in plan-making and be less about 'scrutiny' and more about 'collective enterprise' with local people and communities.
- Plans should be based on a 'proportionate evidence base' – but requirements are comprehensive and fairly specific.
- Plans should be deliverable and based on effective joint working on cross-boundary strategic priorities.
- Duty to Cooperate on cross boundary issues (eg. meeting housing requirements across housing market areas) now part of 'soundness' tests at Examination.

Decision-making:

- NPPF does not change statutory status of development plan as starting point for decision making.
- Development/proposals should be approved if in accordance with the development plan.
- Where a plan is absent, silent or out of date, permission should be granted unless adverse impacts of doing so outweigh the benefits, when assessed against policies in the framework as a whole.
- For 12 months, full weight can be given to policies in local plans adopted since 2004. After that, due weight will depend upon degree of consistency with NPPF.
- Emerging plans will also have weight according to stage of preparation – the more advanced the plan, the greater the weight.
- Guidance emphasises the important role of pre-application engagement to resolve issues and improve development outcomes.
- Acknowledges that right information is crucial to good decision taking

Housing

- Local authorities should plan to meet in full their assessed needs for market and affordable housing, so far as is consistent with policies set out in the framework.
- They must identify, and update annually, a five year supply of specific deliverable sites to provide 5 years worth of housing against requirements with an additional buffer of 5%. Where there is persistent under-delivery, then buffer should be 20%.
- Identify sites or broad locations for growth, for years 6-10 and, where possible for years 11-15.
- Set out a Housing Implementation Strategy to manage housing delivery over plan period.
- Local Authorities should set out their own approach to housing density to reflect local circumstances.
- Plan for a mix of housing based on current and future demographic trends, market trends and the housing needs of different community groups.
- Affordable housing policies should be sufficiently flexible to take account of changing market conditions over time.
- Encourages the effective use of previously developed land (brownfield sites) but is not a 'brownfield first' policy.
- Allow changes of use from B uses to residential if there is a need in area and provided no strong economic reasons why any such development would be inappropriate.

Economy

- LPA should be pro-active in driving forward sustainable economic development and set out a clear economic vision and strategy for their area.
- Set criteria or identify strategic sites to meet anticipated needs over plan period
- Avoid long term protection of employment sites where there is no reasonable prospect of a site being used for that purposes.
- Promote mixed use development
- Strengthens the 'town centre first' policy and now includes offices as a town centre use
- LPAs to allocate sites to meet retail, leisure, office, commercial, cultural and community needs in town centres.
- Identify priority areas for economic regeneration

Transport

- Strong focus on sustainable transport.
- Patterns of development should support and facilitate the use of sustainable modes of transport.
- Work with neighbouring authorities to ensure sustainable travel and transport infrastructure (ties in with Duty to Co-operate approach)
- Promote mixed use development on large scale residential sites to encourage day-to-day activities on the one site by providing key facilities such as schools, employment and local shops.

- Plans should promote the sustainable movement of goods and people. Strong emphasis on infrastructure e.g. electric vehicle charging points
- Defines the factors that will need to be taken into account when setting local parking standards for residential and non-residential development.

Countryside, Open Space and Natural Environment

- Recognises the 'intrinsic character and beauty' of the countryside but no longer requires the 'protection of the countryside for all'.
- Existing open space, sports and recreational buildings and land should not be built on unless surplus to requirements; to be replaced or for alternative recreational provision where need outweighs the loss.
- Plans should set out a strategic approach for the creation, protection and enhancement of networks of biodiversity and green infrastructure.
- Plan for bio-diversity at a landscape-scale across local authority boundaries and map local ecological networks reflecting a hierarchy of designations and areas for habitat creation/ restoration.
- Introduces Local Green Space and Nature Improvement Area designations.

Heritage and design

- A better balance between local context and innovation in design
- Prominence given to heritage assets as an irreplaceable resource
- Acknowledges the contribution that design makes to sustainable communities
- Emphasis on finding viable new uses for vacant or neglected heritage assets
- Where proposals would lead to some harm to a heritage asset, then harm to be weighed against public benefits of the proposal, including securing its optimum viable use.

Sustainability

- Supports the move towards a low carbon future
- Plans to identify development areas or sites which can deliver enhanced levels of renewables and energy infrastructure
- Adopt nationally described standards for buildings sustainability.
- Food production is recognised as one of the multiple benefits of mixed use development.
- Evidence should be gathered which assesses the needs of the food production industry and planning should attempt to address any barriers to investment.

Travellers (separate new National Policy Guidance)

- LPAs to assess the accommodation needs for both permanent and transit site provision over the lifespan of the plan.
- Requirement to identify a five year supply of sites to meet identified needs and also to identify sites to meet needs over the first 10 years of the plan.

Brighton and Hove Local Plan – National Planning Policy Framework compatibility assessment

On 27th March 2012 the Government published the National Planning Policy Framework (NPPF). The City Council has reviewed the 'saved' Brighton and Hove Local Plan policies to determine whether they are consistent with the NPPF. The tables below summarise the consistency of the policies and indicate how the City Council will use them in determining planning applications.

The table is colour coded, with green indicating full or partial consistency, black showing a neutral impact or indicating policies that have not been assessed and red showing policies that are not consistent. Where policies may not be fully consistent, a brief explanation of the City Council's views is included.

Nine Local Plan policies were not saved by the Secretary of State in 2008. In addition, four policies relate to site specific development that has been completed. These policies have not been assessed for consistency with the NPPF.

Chapter I – Making the connection between land use and transport

Local Plan Policy	Policy title	Consistency with the NPPF
TR1	Development and the demand for travel	Fully consistent
TR2	Public transport accessibility and parking	Partially consistent – The supporting text refers to a supplementary planning document identifying the accessibility of different parts of the city. This has not been produced and, in its absence, limited weight may be given to the policy. That said, in principle, the issues raised in the policy do not conflict with the NPPF.
TR3	Development in areas of low public transport accessibility	Partially consistent – The policy seeks to positively address sustainable transport on less accessible sites. Whilst this accords with the NPPF, the lack of an assessment of overall accessibility assessment presents some difficulties in implementation. In principle, there is no conflict with the NPPF, but limited weight may be accorded to the policy given the lack of supporting evidence.
TR4	Travel Plans	Fully consistent
TR5	Sustainable transport corridors and bus priority routes	Fully consistent
TR6	Park and Ride	Fully consistent

TR7	Safe development	Fully consistent
TR8	Pedestrian routes	Fully consistent
TR9	Pedestrian priority routes	Fully consistent
TR10	Traffic calming	Fully consistent
TR11	Safe routes to school and school safety zones	Fully consistent
TR12	Helping the independent movement of children	Fully consistent
TR13	Pedestrian network	Fully consistent
TR14	Cycle access and parking	Fully consistent
TR15	Cycle network	Fully consistent
TR16	Potential rail freight depot	Fully consistent
TR17	Shopmobility	Fully consistent
TR18	Parking for people with a mobility related disability	Partially consistent – The policy seeks to provide parking spaces for people with disabilities close to the access to a development. This accords fully with the NPPF. See TR19 for significant concerns about the wider parking standards. Parking provision for people with disabilities is less likely to be a problem in that respect since some provision would be sought regardless of accessibility.
TR19	Parking standards	Partially consistent – The adopted parking standards are dated and take limited account of accessibility. Availability of public transport options, local car ownership levels and consideration of high emission vehicles are not reflected in the policy or the parking standards. Paragraph 39 of the NPPF sets out factors for consideration in drafting parking standards.
TR20	Coach parking	Fully consistent
TR21	Long term coach and overnight lorry park	Fully consistent

Chapter 2 – Energy, water, pollution and waste

Local Plan Policy	Policy title	Consistency with the NPPF
SU1	Environmental impact assessment	Policy not saved
SU2	Efficiency of development in the use of energy, water and materials	Fully consistent
SU3	Water resources and their quality	Generally consistent – The NPPF states that policies should avoid, as is already standard practice, duplication of other pollution control regimes.

SU4	Surface water run-off and flood risk	Fully consistent – The council produced a Strategic Flood Risk Assessment in 2008. The NPPF states that policies should avoid, as is already standard practice, duplication of other pollution control regimes.
SU5	Surface water and foul sewage disposal infrastructure	Fully consistent
SU6	Coastal defences	Generally consistent – The NPPF focuses heavily on coastal change and its management. The council has a shoreline management plan setting out how coastal defences will be managed. Despite Brighton and Hove not having an adopted Coastal Change Management Plan, the policy generally accords with the NPPF.
SU7	Development within the coastal zone	Generally consistent – The council has no Coastal Change Management Plan, but the Coastal Zone is shown on the Local Plan Proposals Map. The issues raised by policy SU7 and the NPPF closely align and both address safety and adequacy of protection, design and character of the coast, sustainability and support public access to and along the coast.
SU8	Unstable land	Fully consistent
SU9	Pollution and nuisance control	Fully consistent
SU10	Noise nuisance	Fully consistent
SU11	Polluted land and buildings	Fully consistent
SU12	Hazardous substances	Generally consistent – The NPPF does not give specific guidance on storage/use of hazardous substances, but the issues of potential hazard or pollution are supported more generally. The NPPF states that policies should avoid, as is already standard practice, duplication of other pollution control regimes.
SU13	Minimisation and re-use of construction industry waste	Generally consistent – The NPPF contains little on waste. Policy SU13 is consistent with minimisation of waste and using resources effectively. For larger developments, the policy duplicates the Site Waste Management Plans Regulations 2008.
SU14	Waste management	Fully consistent
SU15	Infrastructure	Generally consistent – The NPPF supports the need to provide infrastructure in relation to new development where necessary. Policy SU15 requires the provision of services and/or infrastructure or a contribution towards them. A clear and up to date assessment of the city’s infrastructure needs will support the policy. Where seeking infrastructure as part of a development, regard should be had to NPPF guidance on conditions and obligations.

SUI6	Production of renewable energy	Fully consistent
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Chapter 3 – Design, safety and the quality of development

Local Plan Policy	Policy title	Consistency with the NPPF
QD1	Design – quality of development and design statements	Fully consistent
QD2	Design – key principles for neighbourhoods	Generally consistent – Policy QD2 is wholly consistent with the NPPF philosophy of local neighbourhood planning and the need for development to respond to local character and identity. Paragraph 65 of the NPPF raises some inconsistency in supporting buildings of high design and sustainability standards, even where there are townscape conflicts.
QD3	Design – efficient and effective use of sites	Generally consistent – Policy QD3 and the NPPF seek to reuse derelict or vacant land or buildings and to achieve densities of development appropriate to the locality. Whilst supportive of increased densities, QD3, unlike the NPPF, does not express support for buildings of high design and sustainability standards, even where there are townscape conflicts.
QD4	Design – strategic impact	Generally consistent – Policy QD4 and the NPPF both seek high quality design that takes account of the wider context of development including townscape, landscape and historic context. Paragraph 65 of the NPPF raises some inconsistency in supporting buildings of high design and sustainability standards, even where there are townscape conflicts.
QD5	Design – street frontages	Fully consistent
QD6	Public art	Fully consistent
QD7	Crime prevention through environmental design	Fully consistent
QD8	Shop shutters	Fully consistent
QD9	Boarding up of flats, shops and business premises	Fully consistent
QD10	Shopfronts	Fully consistent
QD11	Blinds	Fully consistent
QD12	Advertisements and signs	Fully consistent
QD13	Advertisement hoardings	Generally consistent – Whilst the policy identifies key issues of amenity and public safety, the exclusion of specific areas, such as conservation areas, is less consistent with the NPPF.
QD14	Extensions and alterations	Fully consistent

QD15	Landscape design	Fully consistent
QD16	Trees and hedgerows	Fully consistent
QD17	Protection and integration of nature conservation features	Fully consistent
QD18	Species protection	Fully consistent
QD19	Greenways	Generally consistent – Greenways can be valuable in helping to create the ‘ecological networks’ sought by the NPPF, although the policy itself is not specific about this role.
QD20	Urban open space	Generally consistent – The policy will be supported by up to date information on current and future open space needs.
QD21	Allotments	Fully consistent
QD22	Satellite dish aerials	Fully consistent
QD23	Telecommunications apparatus (general)	Generally consistent – The NPPF states that local planning authorities should not question the need for the telecommunications system.
QD24	Telecommunications apparatus affecting important areas	Not consistent – Paragraph 44 of the NPPF states that local planning authorities should not ban telecommunications development in certain areas. Whilst QD24 does not represent a complete ban in “important” areas, it may be perceived as going further than the NPPF. Elsewhere, the NPPF is generally protective of these “important areas” and, in practice, this conflict is unlikely to be significant.
QD25	External lighting	Fully consistent
QD26	Floodlighting	Fully consistent
QD27	Protection of amenity	Fully consistent
QD28	Planning obligations	Generally consistent – Policy QD28 identifies five tests for planning obligations in accordance with the now defunct Circular 05/2005. Two of these tests have been deleted by the Community Infrastructure Levy Regulations 2010 and paragraph 204 of the NPPF. The policy lists clear aims for which obligations will be sought. The council has adopted temporary recession relief measures, showing flexibility in relation to changes in market conditions and enabling development to proceed.

Chapter 4 – Access to a decent home and community facilities

Local Plan Policy	Policy title	Consistency with the NPPF
HOI	Housing sites and mixed use sites with an element of housing	Partially consistent – Both Policy HOI and the NPPF seek the

		<p>provision of housing supply to meet the city's requirements over a five year period and beyond. The NPPF now requires additional 5% beyond an identified five year supply.</p> <p>In practice, given that HO1 is based on 2003 figures and a superseded housing target (HO1 was based on Structure Plan target), it is likely to carry little weight with inspectors, who will be keen to see a current five year supply (plus 5%) demonstrated.</p>
HO2	Affordable housing – 'windfall sites'	Fully consistent
HO3	Dwelling type and size	Generally consistent – The policy will be supported by up to date information on current and future housing needs/demand.
HO4	Dwelling densities	Fully consistent
HO5	Provision of private amenity space in residential development	Fully consistent
HO6	Provision of outdoor recreation space in housing schemes	Generally consistent – The policy will be supported by up to date information on current and future open space needs.
HO7	Car free housing	Fully consistent
HO8	Retaining housing	Fully consistent
HO9	Residential conversions and the retention of smaller dwellings	Generally consistent – Policy HO9 demonstrates flexibility and supports efficient and effective use of existing sites and housing stock. The policy will be supported by up to date information on current and future needs for family housing and smaller, converted units.
HO10	Accommodation for homeless people	Generally consistent – The policy will be supported by up to date information on current and future housing needs/demand.
HO11	Residential care and nursing homes	Generally consistent – The policy will be supported by up to date information on current and future housing needs/demand.
HO12	Sheltered and managed housing for older people	Generally consistent – Policy HO12 supports provision of specialist housing for older people. The required proximity to amenities and transport accords with wider NPPF objectives. The policy will be supported by up to date information on current and future housing needs/demand.
HO13	Accessible housing and lifetime homes	Fully consistent
HO14	Houses in multiple occupation (HMOs)	Generally consistent – The policy will be supported by up to date information on current and future housing needs/demand.
HO15	Housing for people with special needs	Generally consistent – The policy will be supported by up to date information on current and future housing needs/demand.
HO16	Safeguarding existing Gypsy and/or Travellers Sites	Fully consistent – See also the Government's planning policy for traveller sites

		http://www.communities.gov.uk/documents/planningandbuilding/pdf/2113371.pdf
HO17	Sites for Gypsies and/or Travellers	Partially consistent – HO17 is broadly consistent but does not set out what the assessed requirement for sites over the plan period is. The Government’s planning policy for traveller sites and the NPPF require planning authorities to address local needs and plan positively to meet those needs over the plan period and this includes having a five year supply of sites to meet assessed needs. The policy will be supported by up-to-date information on local needs.
HO18	Sites for Travelling Showpeople	Neutral - There is no assessed need for Travelling Showpeople sites.
HO19	New community facilities	Fully consistent
HO20	Retention of community facilities	Fully consistent
HO21	Provision of community facilities in residential and mixed use schemes	Fully consistent
HO22	Community centre at Coldean	Policy not saved
HO23	Community centre in Woodingdean	Fully consistent
HO24	Community centre at St Andrew’s Church, Portslade	Policy not saved
HO25	Not relevant	Community centre approved as part of BH2010/01054
HO26	Day nurseries and child care facilities	Fully consistent

Chapter 5 – Supporting the local economy and getting people into work

Local Plan Policy	NPPF text (paragraph numbers in brackets)	Consistency with the NPPF
EMI	Identified employment sites (industry and business)	Generally consistent – This policy positively identifies sites for a range of employment uses, forming the “clear strategy” sought by the NPPF to meet economic needs. There is flexibility within the acceptable uses, although the policy is restrictive of B8. The NPPF states that planning should not hold back economic development or unnecessarily protect sites. Policy EMI does not directly conflict with the NPPF in that respect and will be supported by up to date information on local economic needs. Policy EMI includes some out of centre sites. Office development out of

		town centres would be subject to the sequential approach and an impact assessment for sites larger than 2500 sq m. Some EMI allocated office sites may not conform to NPPF.
EM2	Sites identified for high-tech and office uses	<p>Generally consistent – Policy EM2 promotes high-tech and general office uses on identified sites. This forms an element of the positive strategy to identify and support sustainable economic growth. In that sense, the policy is fully consistent.</p> <p>Any inconsistency with the NPPF arises from its lack of flexibility to allow other uses. The policy will be supported by up to date information on local economic needs.</p>
EM3	Retaining the best sites for industry	<p>Generally consistent – EM3 is protective of existing employment sites in order to create and maintain jobs. The policy sets out clear criteria by which suitability for modern employment needs can be assessed and will be supported by up to date information on local economic needs.</p> <p>The need for alternative live/work units and affordable housing will be demonstrated by up-to-date evidence, in compliance with the NPPF.</p>
EM4	New business and industrial uses on unidentified sites	<p>Generally consistent – The first criterion of EM4 seeks demonstration of need for the proposed commercial use. Whilst the NPPF highlights the need for LPAs to identify economic needs, inspectors may view the criterion as impeding sustainable growth.</p> <p>The other criteria within the policy pick up sustainable development issues highlighted in the NPPF, such as housing need, nature conservation and reducing the need to travel.</p>
EM5	Release of redundant office floorspace and conversions to other uses	<p>Generally consistent – The policy seeks to retain office floorspace unless it is “genuinely redundant.” The NPPF states that policies should avoid long term protection of sites where there is “no reasonable prospect” of them being used. The policy sets out tests to demonstrate redundancy and broadly accords with the NPPF.</p> <p>The need for alternative employment generating uses and affordable housing will be demonstrated by up-to-date evidence, in compliance with the NPPF.</p>
EM6	Small industrial, business units and warehouse units	<p>Generally consistent – See comments on EM5 above. This policy also addresses other issues, such as potential disturbance and heritage concerns, that are reflected in the NPPF.</p>

EM7	Warehouses (B8)	Neutral - The policy is restrictive of warehouse development in order to maximise job creation locally and to reflect the physical characteristics of the city. Whilst reflecting local issues, in accordance with core principles of the NPPF, the policy could be viewed as restricting sustainable economic growth.
EM8	Live-work units on redundant industrial and business and warehouse sites	Fully consistent
EM9	Mixed uses and key mixed use sites	Fully consistent
EM10	North Laine Area – mixed uses	Generally consistent – The policy will be supported by up to date information on employment needs.
EM11	Mews – mixed uses	Generally consistent – The policy will be supported by up to date information on employment needs.
EM12	Shoreham Harbour – mixed uses	Generally consistent – The policy supports port related expansion, which accords with NPPF economic and transport objectives. The policy addresses infrastructure requirements and amenity issues. The policy promotes other uses, including some defined as “main town centre uses” by the NPPF. As a result, sequential tests and impact assessments may be required in line with the NPPF.
EM13	Brighton Station – mixed uses	Fully consistent
EM14	Air Street/North Street quadrant-mixed uses	Policy not saved
EM15	Jubilee Street – mixed uses	Jubilee Street development complete
EM16	West Street/Boyces Street/Middle Street – mixed uses	Policy not saved
EM17	Preston Barracks	Fully consistent
EM18	University of Brighton	Fully consistent
EM19	University of Sussex	Fully consistent
EM20	Village Way North	Community Stadium development complete

Chapter 6 – Shopping, recreation and leisure – maintaining vitality and viability

Local Plan Policy	NPPF text (paragraph numbers in brackets)	Consistency with the NPPF
SRI	New retail development within or on the edge of existing defined shopping centres	Not consistent – Policy SRI deals with new retail development within or on the edge of centres. Whilst it does not identify specific sites, it

		<p>does adopt a sequential approach in line with the NPPF.</p> <p>Within town centres, the NPPF does not require an impact assessment. Policy SR1 (a) requires applications to demonstrate no detriment to vitality and viability of existing centres and is not consistent in that respect. For edge of centre sites, SR1 seeks demonstration of a need for the development, whilst the NPPF requires assessment of the impact.</p> <p>The policy addresses other concerns of the NPPF, including accessibility for all and sustainable transport.</p>
SR2	New retail development beyond the edge of existing established shopping centres	Not consistent – Policy SR2 sets out a sequential approach in accordance with the NPPF. However, it seeks a needs assessment, rather than the impact assessment set out in the NPPF.
SR3	Retail warehouses	Not consistent – The NPPF makes no specific reference to retail warehouses, bulky goods or subdivision of units. Generally, the comments under SR2 above will apply. The issues relating to bulky goods and unit size/layout may be relevant depending on the details of any impact assessment for an out of centre proposal.
SR4	Regional shopping centre	Fully consistent
SR5	Town and district shopping centres	Fully consistent
SR6	Local centres	<p>Generally consistent – This policy defines local centres as part of the city’s shopping hierarchy and gives clear guidance on acceptable uses and thresholds. It accords with NPPF aims to create healthy and inclusive communities and meet day-to-day needs.</p> <p>Policy SR6 introduces a redundancy test for changes of use from retail. Whilst the clear intention is to retain vitality and viability, this test may be viewed as inconsistent with the NPPF in potentially restricting economic growth.</p>
SR7	Local parades	<p>Generally consistent – This policy defines local parades as part of the city’s shopping hierarchy and gives clear guidance on acceptable uses and thresholds. It accords with NPPF aims to create healthy and inclusive communities and meet day-to-day needs.</p> <p>Policy SR7 includes a redundancy test for changes of use from retail. Whilst the clear intention is to retain vitality and viability, this test may be viewed as inconsistent with the NPPF in potentially restricting economic growth.</p>

SR8	Individual shops	<p>Generally consistent – Policy SR8 offers protection for individual retail units and aims to meet day-to-day shopping needs.</p> <p>Policy SR8 includes a redundancy test for changes of use from retail. Whilst the clear intention is to protect local shops, this test may be viewed as inconsistent with the NPPF in potentially restricting economic growth.</p>
SR9	Brighton Post Office, 51 Ship Street	Fully consistent
SR10	Amusement arcades/centres	Fully consistent
SR11	Markets and car boot sales	Fully consistent
SR12	Large Use Class A3 (food and drink) venues and Use Class A4	Fully consistent
SR13	Nightclubs	Fully consistent
SR14	New hotel and guest accommodation	<p>Not consistent – The NPPF defines tourism as a “main town centre use” and introduces a sequential test. Policy SR14 guides new tourism accommodation towards a hotel core area defined in the Local Plan, but has no sequential test.</p> <p>The policy, whilst seeking to locate new tourist accommodation in relatively central areas, does not comply with the NPPF in terms of the sequential test, a defined town centre area or, potentially, flexibility on the use of industrial/business land.</p>
SR15	Protection of hotels/guest houses	Not consistent – The policy is protective of tourist accommodation within the defined core area. The principle of protection in the interests of the local economy and meeting the community’s needs accords with the NPPF, although the use of a core area rather than an identified town centre raises inconsistency.
SR16	Major sporting and recreational facilities	Fully consistent
SR17	Smaller scale sporting and recreational facilities	Fully consistent
SR18	Seafront recreation	Fully consistent
SR19	Black Rock site	<p>Not consistent – This policy allocates a vacant seafront site for recreation/leisure uses. It positively addresses NPPF aims on issues such as recreation, tourism, coastal, nature conservation, transport and sustainability issues.</p> <p>However, the NPPF identifies leisure, tourism, cultural, and community uses as “main town centre uses” and requires a sequential test where they are outside an existing centre and not in accordance with an up-to-date Local Plan. The NPPF also requires, where development is over the</p>

		appropriate threshold, an impact assessment to be carried out. The policy does not require a sequential test or impact assessment and, in these respects, the NPPF would take precedence.
SR20	Protection of public and private outdoor recreation space	Generally consistent – Policy SR20 and the NPPF recognise the benefits of recreation spaces for healthy communities. The policy will be supported by up to date information on outdoor recreation needs.
SR21	Loss of indoor recreation facilities	Generally consistent – Policy SR21 and the NPPF recognise the benefits of recreation spaces for healthy communities. The policy will be supported by up to date information on outdoor recreation needs.
SR22	Major sporting venues	Fully consistent
SR23	Community Stadium	Community Stadium complete
SR24	King Alfred/RNR site	Fully consistent
SR25	Hollingbury Park sports pavilion	Fully consistent
SR26	Hangleton Bottom	Generally consistent – This policy seeks to provide recycling and community/recreational facilities. Both accord with aims of the NPPF to reduce use of resources and enable healthy communities. The policy will be supported by up to date information on outdoor recreation needs. The site was not included in the South Downs National Park.

Chapter 7 – An integrated approach to nature conservation and the countryside

Local Plan Policy	Policy title	Consistency with the NPPF
NC1	Sites of international and/or European importance for nature conservation	Policy not saved
NC2	Sites of national importance for nature conservation	Fully consistent
NC3	Local Nature Reserves (LNRs)	Fully consistent
NC4	Sites of Nature Conservation Importance (SNCIs) and Regionally Important Geological Sites (RIGS)	Fully consistent
NC5	Urban fringe	Fully consistent
NC6	Development in the countryside/downland	Fully consistent
NC7	Sussex Downs Area of Outstanding Natural Beauty	Fully consistent
NC8	Setting of the Sussex Downs Area of Outstanding Natural Beauty	Neutral – No specific mention of the setting of National Parks in the NPPF, although it is strongly protective of National Parks.
NC9	Benfield Valley	Fully consistent

NC10	Benfield Barn	Fully consistent
NC11	Land and buildings in the vicinity of Benfield Barn	Fully consistent
NC12	High grade agricultural land	Policy not saved

Chapter 8 - Managing change within an historic environment

Local Plan Policy	Policy title	Consistency with the NPPF
HE1	Listed buildings	Fully consistent
HE2	Demolition of a listed building	Fully consistent
HE3	Development affecting the setting of a listed building	Fully consistent
HE4	Reinstatement of original features on listed buildings	Fully consistent
HE5	West Pier	Policy not saved
HE6	Development within or affecting the setting of conservation areas	Fully consistent
HE7	Land adjoining Pavilion Street, Princes Street and 3-4 Old Steine	Policy not saved
HE8	Demolition in conservation areas	Fully consistent
HE9	Advertisements and signs within conservation areas and on, or in the vicinity of a listed building	Fully consistent
HE10	Buildings of local interest	Fully consistent
HE11	Historic parks and gardens	Fully consistent
HE12	Scheduled ancient monuments and other important archaeological sites	Fully consistent

Appendix 3

Assessment of consistency of 'saved' Waste Local Plan policies (2006) with the National Planning Policy Framework (2012)

To determine which of the Waste Local Plan policies can continue to be used in the consideration of planning applications, an assessment of these policies against the NPPF has been undertaken. The Local Plan policies have been placed in one of the following categories as a result of this assessment:

- **Fully consistent with the NPPF** – policies in this category either replicate the NPPF, add to the NPPF (whilst remaining consistent with the thrust of the document), or provide less detail/caveats than the NPPF (whilst not contradicting it). These Local Plan policies can continue to be applied alongside the NPPF.
- **Consistent, in part, with the NPPF** – a number of the 'saved' Local Plan policies contain a significant level of detail. Parts of these policies are consistent with the NPPF, whilst certain parts are not. These policies need to be applied by judging the weight that can be applied to them, alongside the NPPF, in the specific circumstances of each individual application.
- **Inconsistent with the NPPF** – policies that take a different direction and view on matters to the content of the NPPF. These policies should no longer be applied.
- **Not covered by the NPPF** - This Framework does not contain specific waste policies, since national waste planning policy will be published as part of the National Waste Management Plan for England. A number of policies therefore are not covered by it.

Policy Number	Policy Title	Consistency with NPPF
WLP1	The Plan's Strategy	Parts a) to e) are not covered by the NPPF. Part f) is partially consistent with the NPPF: Paragraphs 117 and 118 support the policy's level of protection for protected environments, however paragraph 118 allows for adverse effects on the special features of SSSIs where the benefits of the development clearly outweigh the impacts. Paragraphs 132 and 133 further allow for substantial harm to or total loss of the significance of a designated heritage asset where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 134 requires any harm to a heritage asset this harm to be weighed against the public benefits of the proposal, including securing its optimum viable use.
WLP2	Transport Strategy	Fully consistent with the NPPF paragraph 30.
WLP3	Areas of Outstanding Natural Beauty	Fully consistent with the NPPF paragraph 116.
WLP4	Road to Rail or Water Transfer	Fully consistent with the NPPF paragraph 30.
WLP5	Safeguarding Sites	Not covered by the NPPF.
WLP6	Expansions or Alterations to Existing Facilities	Not covered by the NPPF.
WLP7	Site Specific Allocation for Road to Rail Transfer Facilities	Site specific policy not covered by the NPPF but principle of location is consistent.
WLP8	Site Specific Allocations for Materials Recovery Facilities / Waste Transfer Stations	Site specific policy not covered by the NPPF but principle of location is consistent.
WLP9	Site Specific Allocation for Energy from Waste	Site specific policy not covered by the NPPF but principle of location is consistent.

Policy Number	Policy Title	Consistency with NPPF
	and Material Recovery Facilities	
WLP10	Site Specific Allocations for Waste Disposal to Land	Not covered by the NPPF.
WLP11	Reduction, Reuse and Recycling during Demolition and Design, and Construction of New Developments	Not covered by the NPPF.
WLP12	Recycling as Part of Major Development	Not covered by the NPPF
WLP13	Recycling, Transfer and Materials Recovery Facilities	Partially complies. Policy restricts development to brownfield sites whereas NPPF is more flexible as it only 'encourages' the reuse of brownfield land. (Para. 111).
WLP14	Recycling and Recovery Facilities for Construction and Demolition Waste	Partially complies. Policy restricts development to brownfield sites whereas NPPF is more flexible as it only 'encourages' the reuse of brownfield land. (Para. 111).
WLP15	Small Scale Recycling Collection Facilities	Not covered by the NPPF
WLP16	New Household Waste Sites	Partially complies. Policy restricts development to brownfield sites whereas NPPF is more flexible as it only 'encourages' the reuse of brownfield land. (Para. 111).
WLP17	Reprocessing Industries	Not covered by the NPPF
WLP18	Composting Facilities	Fully consistent with the NPPF as the policy allows for development in rural areas.
WLP19	Energy from Waste Facilities	Partially complies. Policy restricts development to brownfield sites whereas NPPF is more flexible as it only 'encourages' the reuse of brownfield land. (Para. 111).
WLP20	Landfilling – Non-Inert	Not covered by the NPPF

Policy Number	Policy Title	Consistency with NPPF
	Waste	
WLP21	Landraising – Non-Inert Waste	Not covered by the NPPF
WLP22	Landfill Gas	Not covered by the NPPF
WLP23	Landfilling – Inert Waste	Not covered by the NPPF
WLP24	Landraising/Improvement with Inert Waste	Not covered by the NPPF
WLP25	Landfill Mining	Not covered by the NPPF
WLP26	Mineral Waste	Not covered by the NPPF
WLP27	Special and Difficult Wastes	Not covered by the NPPF
WLP28	On Site Clinical Waste Facilities	Not covered by the NPPF
WLP29	Independent Clinical Waste Facilities	Not covered by the NPPF
WLP30	Wastewater and Sewage Sludge	Not covered by the NPPF
WLP30a	Wastewater and Sewage Sludge (Brighton & Hove / Peacehaven Catchment)	Not covered by the NPPF
WLP31	Disposal of Liquid Waste and Dredgings on Land for its Improvement	Not covered by the NPPF
WLP32	Liquid Waste Facilities	Not covered by the NPPF
WLP33	Agricultural and Stable Waste	Part a) complies with NPPF guidance on design. Parts b) and c) are not covered.

Policy Number	Policy Title	Consistency with NPPF
WLP34	Animal Carcass Waste	Not covered by the NPPF
WLP35	General Amenity Considerations	Parts a) to d) are fully consistent with the NPPF. Part e) is partially consistent with the NPPF: Paragraphs 117 and 118 support the policy's level of protection for protected environments, however paragraph 118 allows for adverse effects on the special features of SSSIs where the benefits of the development clearly outweigh the impacts. Paragraphs 132 and 133 further allow for substantial harm to or total loss of the significance of a designated heritage asset where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 134 requires any harm to a heritage asset this harm to be weighed against the public benefits of the proposal, including securing its optimum viable use.
WLP36	Transport Considerations	Fully consistent with the NPPF para. 35
WLP37	Flood Defences, Flood Plains and Surface Water Runoff	Fully consistent with the NPPF para. 103
WLP38	Surface and Groundwater	Not covered in the NPPF except in the context of mineral development.
WLP39	Design Considerations	The policy does not contradict the NPPF but Part 7 of the NPPF goes further than the existing policy by providing extensive guidance on what constitutes good design.
WLP40	Environmental Improvements and Other Benefits	Not covered by the NPPF

Appendix 4

Assessment of consistency of 'saved' Minerals Local Plan policies (1999) with the National Planning Policy Framework (2012)

To determine which of the Minerals Local Plan policies can continue to be used in the consideration of planning applications, an assessment of these policies against the NPPF has been undertaken. The Local Plan policies have been placed in one of the following categories as a result of this assessment:

- **Fully consistent with the NPPF** – policies in this category either replicate the NPPF, add to the NPPF (whilst remaining consistent with the thrust of the document), or provide less detail/caveats than the NPPF (whilst not contradicting it). These Local Plan policies can continue to be applied alongside the NPPF.
- **Consistent, in part, with the NPPF** – a number of the 'saved' Local Plan policies contain a significant level of detail. Parts of these policies are consistent with the NPPF, whilst certain parts are not. These policies need to be applied by judging the weight that can be applied to them, alongside the NPPF, in the specific circumstances of each individual application.
- **Inconsistent with the NPPF** – policies that take a different direction and view on matters to the content of the NPPF. These policies should no longer be applied.
- **Not covered by the NPPF** – policies which address issues not specifically covered by the NPPF although they may fall under other legislation or non- cancelled guidance e.g. MPG14

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Policy No.	MLP policy title	Consistency with NPPF
1	General Approach	Consistent, in part, with the NPPF The NPPF does not refer to the extension of existing/permitted non-aggregate sites, or the location of mineral processing and manufacturing plant which is covered in this policy.
2	Future Provision of Aggregates	Fully consistent with the NPPF References to SERPLAN now out of date
3	Sites for the provision of sand and gravel extraction	Fully consistent with the NPPF
4	Preferred Areas and Areas of Search	Fully consistent with the NPPF
5	Outside the Areas of Search and Preferred Areas	Consistent, in part, with the NPPF NPPF states provision should be in form of specific sites, preferred areas, AoS and locational criteria. The “special circumstances” in the policy could therefore be considered to be such criteria.
6	Extraction of aggregates at Broomhill North, Scotney Court extension and Wall farm	Fully consistent with the NPPF
7	Rye Harbour	Not covered by the NPPF –Not specifically covered by the NPPF although falls under other legislation or guidance e.g. MPG14
8	Shoreham Port	Fully consistent with the NPPF
9	Newhaven Port	Fully consistent with the NPPF
10	Rail transport from Newhaven Port	Fully consistent with the NPPF
11	Rye Port	Fully consistent with the NPPF
12	Mountfield Coated Roadstone Plant	Fully consistent with the NPPF

13	Rail Depots	Consistent, in part, with the NPPF The NPPF does not specifically refer to the location of rail depots which is covered in this policy.
14	Recycling Material	Consistent, in part, with the NPPF The NPPF does not specifically refer to the location of recycling facilities which is covered in this policy.
15	Existing Clay Sites	Consistent, in part, with the NPPF The NPPF does not specifically refer to the location of manufacturing plants or new clay workings distant from their plant which is covered in this policy.
16	New Clay sites	Consistent, in part, with the NPPF The NPPF does not specifically refer to the location of new manufacturing plants or new clay workings which is covered in this policy.
17	Future Clay Reserves	Fully consistent with the NPPF
18	Clay working in the AONB	Consistent, in part, with the NPPF Policy 18 does not rule out an AoNB location for new clay working/activities. The NPPF states that as far as practical landbanks of non-energy minerals should be from outside AONBs.
19	Ashdown Brickworks (clay extraction)	Consistent, in part, with the NPPF. Policy is largely out of date. The NPPF does not specifically refer to the location of new clay workings distant from their plant.
20	Chalk	Consistent, in part, with the NPPF Policy is largely out of date The NPPF does not specifically refer to the demand for or location of chalk for non-cement uses.
21	Tarring Neville	Consistent, in part, with the NPPF Policy is largely out of date. The NPPF does not specifically refer to the demand for or location of chalk for non-cement uses
22	Filching Quarry restoration	Consistent, in part, with the NPPF The NPPF does not specifically refer to the location of chalk for non-cement uses. However restoration at the earliest opportunity is sought.

23	Meeching Quarry	Consistent, in part, with the NPPF The NPPF does not specifically refer to the location of chalk for non-cement uses.
24	Cement Manufacture	Consistent, in part, with the NPPF. Policy 24 resists cement manufacturing. NPPF requires MPAs to provide 15 years permitted reserves for existing cement plants. There are however no plants in the Plan area.
25	Chalk for construction fill	Fully consistent with the NPPF
26	Gypsum	Consistent, in part, with the NPPF Policy 26 does not rule out an AoNB location as the current activities are already in such a designation. The NPPF states that as far as practical landbanks of non-energy minerals should be from outside AONBs.
27	Restoration and management around Robertsbridge and the Brightling Mine	Fully consistent with the NPPF. The detail of this policy is not covered by the NPPF but high standard restoration and aftercare is.
28	Retention of rail link at Robertsbridge	Fully consistent with the NPPF
29	Plasterboard Manufacturing and recycling	Consistent, in part, with the NPPF Policy 29 is largely out of date. The detail of this policy is not covered by the NPPF but encouragement for recycling is.
30	Hydrocarbons	Consistent, in part, with the NPPF Policy 30 only sets out development criteria for hydrocarbon operations which meet the requirements of (former) Structure Plan policy. The NPPF also requires MPAs to distinguish between the 3 different phases of development. This would have been covered in the Structure Plan policy.
31	Development Control- Environmental Assessment	Consistent, in part, with the NPPF Policy 31 covers many environmental criteria some details are not covered by the NPPF. However, it does not cover impact on human health, tip and quarry slope stability, differential settlement of quarry back fill, mining subsistence, migration of contamination and cumulative effects.

32	Safeguarding	Consistent, in part, with the NPPF Policy 32 safeguards many of the types of site identified in the NPPF, but in a way that is based on actual locations rather than potential sites for specify uses.
33	Breaches of planning control	Not covered by the NPPF
34	Restoration	Consistent, in part, with the NPPF Policy reflects the requirements of the NPPF but does not refer to aviation safety.
35	After-use	Consistent, in part, with the NPPF Some but not all of the afteruses set out in the NPPF are included in policy 35. The policy also refers to landfilling and built development which are not covered by the NPPF.
36	Review of sites	Not covered by the NPPF