

Report of: Director of City Development

Report to: Executive Board

Date: 12th October 2011

Subject: Draft National Planning Policy Framework – Consultation Response

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No All Wards
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

1. The government published the Draft National Planning Policy Framework (NPPF) and associated documents on 25 July for consultation (closing on 17 October). This report sets out the City Council's proposed response (included within Section 3 and Appendix 1).
2. The focus of the NPPF is to help simplify and streamline the planning system. Whilst the principle of this is to be broadly welcomed, the draft document fails to adequately grasp and provide a coherent framework for the planning, regeneration and growth issues particular to Leeds and is unacceptably weighted in favour of development, to the detriment of social and environmental issues. In relation to the planning opportunities and challenges across the city, the draft framework :
 - fails to give explicit support to urban regeneration (and the implications of population growth within such areas of Leeds) as a priority and a stimulus to economic growth,

- gives no direct support or set any positive target to make effective use of previously developed / brownfield land within urban areas (for which Leeds has demonstrated considerable success),
 - excludes 'windfall' development and student housing, as a component of housing land supply calculations (despite strong historical performance in Leeds and also past acceptance by the Planning Inspectorate that student housing can be included as a component of housing land supply calculations), placing emphasis upon the need to demonstrate a '5 year rolling supply' of deliverable sites, *plus an additional 20%*. The fundamental consequence of this at a local Leeds level with major pressures for housing growth (compounded by the lack of priority afforded to regeneration and the exclusion of 'windfall' and student housing from the housing land supply calculations – which could amount to a figure in excess of 465ha over a 15 year plan period), is to create an 'over provision' of housing land supply creating immediate pressure for greenfield and green belt release, at a time when the City Council is seeking to take forward long standing regeneration priorities and to plan for local needs, whilst developing a strategy for longer term growth,
 - there is no reference to 'garden grabbing' in the document (despite more recent amendments to PPS 3),
 - there is no reference in the document to planning enforcement,
 - fails to define "Sustainable Development" and promotes a 'Presumption in Favour' of Sustainable Development to an extent that the framework is unacceptably weighted (through a default position) in favour of development, to an extent that this is likely to have an adverse impact upon local communities and environmental quality (including local environmental designations such as Conservation Areas and Special Landscape Areas), acting as a further detriment to the retention and attraction of new investment,
3. Through a range of initiatives, the City Council, with its partners, is seeking to proactively and responsibly, deliver economic recovery and growth, achieve regeneration objectives, protect and enhance the environment, for the benefit of communities now and in the future. Within this context, the City Council is also taking the matter of housing growth very seriously, through a process of consultation (with the development industry and community groups) and also

through an extensive Scrutiny Board Inquiry into the issue. It is regrettable therefore, that the Draft NPPF as currently drafted, not only lacks sufficient focus, clarity and alignment, in tackling planning issues across the District but more fundamentally, fails to provide the necessary policy framework, recognition or support to enable Leeds to meet current commitments and longer term aspirations. Consequently, the NPPF as currently written, compromises the city's ability to plan for its own future, consistent with agreed local priorities.

Recommendations

Executive Board is recommended to:

- i) consider the response to the draft National Planning Policy Framework as set out in the report,
- ii) to endorse this submission, as the City Council's formal response to the national consultation, on an all party basis,
- iii) approve the responses set out in the consultation questionnaire at Appendix 1,
- iv) approve the draft letter, at Appendix 2, for MPs and relevant parties,
- v) forward a copy of the report to the Secretary of State (Communities & Local Government), shadow party spokesmen, Leeds MPs and other relevant organisations including the Local Government Association.

1 Purpose of this report

- 1.1 Following consideration by the Development Plan Panel, the purpose of this report is for Executive Board members to consider the City Council's response to the Draft National Planning Policy Framework (NPPF), which was published on 25 July. The attached response summarises the key issues from a Leeds perspective, arising from the consultation document and the proposed response (included in section 3 and Appendix 1).

2 Background information

- 2.1 The government published the Draft NPPF and associated documents on 25 July for consultation, with the consultation period closing on 17 October. The document aims to reduce and simplify planning guidance (Planning Policy Statements / Planning Policy Guidance etc) and has reduced more than 1000 pages of guidance to little more than 50. It covers virtually all existing planning guidance, except waste (it should be noted that existing *supporting* planning guidance, is also to be reviewed). The NPPF, forms part of the government's wider agenda to streamline and reform the planning system. The document is structured around several key sections including: "Delivering Sustainable Development", "Plan-Making", "Development Management", "Planning for Prosperity", "Planning for People" and "Planning for Places". It is emphasised that the stated purpose of planning is to achieve sustainable development and within this context, the Foreword defines "Sustainable" as, 'ensuring that better lives for ourselves don't mean worse lives for future generations', with "Development" being equated to growth.
- 2.2 Whilst the intent of the document to simplify extensive planning guidance and to reaffirm national commitments to sustainable development is to be broadly welcomed, especially where this responds positively to local business needs, the NPPF as currently written, shifts the balance from sustainable to potentially less sustainable development, to a level which is unacceptable. From a Leeds perspective this raises long term strategic and immediate short term concerns, which combine to frustrate the ability to plan locally and effectively, within the context of local evidence. In seeking to stimulate economic recovery and growth, the NPPF places emphasis upon a market led approach and 'presumption in favour of sustainable development'. Such an approach fails to acknowledge the complexities and realities in planning in Leeds and the dynamics of the regeneration process. Within this context also, it is disappointing to note that much of the evidence base which has been developed both nationally (including 'Towards an Urban Renaissance', published by the Urban Task Force Urban Policy in the late 1990's) and locally (through the subsequent Leeds Renaissance programme), underlining the key role of cities as major centres of population and wealth creation is not referred to or cross referenced in anyway. A market led approach, focused primarily upon strong 'market signals', dramatically moves away from locally developed methods 'place making' and 'place shaping', resulting in uncertain outcomes, to the detriment of greenfield/green belt protection and inner city regeneration.
- 2.3 From a Leeds perspective, the NPPF raises a series of fundamental concerns regarding its failure to grasp the complexities of the planning issues in Leeds and

the need to respond to these with purposeful and effective policy approaches. The key issues include:

- a failure to recognise “regeneration” (and the consequences of population growth within such areas) as a strategic priority and opportunity for economic growth,
- the exclusion of ‘windfall’ and student housing from housing land supply calculations,
- in supporting housing growth, placing emphasis upon the need to demonstrate a ‘5 year rolling supply’ of deliverable sites, *plus an additional 20%*. The consequence and operation of this within Leeds (compounded by the lack of priority afforded to regeneration and the exclusion of ‘windfall’ and student housing from the housing land supply calculations), is to ‘over supply’ an additional quantum of housing development creating immediate pressure for immediate greenfield and green belt release, at a time when the City Council is seeking to take forward long standing commitments to regeneration priorities, whilst developing a strategy for longer term growth,
- the potential adverse impacts of the NPPF, as currently drafted, upon local environmental character and distinctiveness.

2.4 It should be emphasised also that the draft is proving to be extremely controversial nationally with considerable media coverage, generally being welcomed by the development industry and subject to considerable concerns and criticisms by others. For example, despite the current economic uncertainties and challenges, observers from within the planning profession have commented that the NPPF should clearly state that while financial considerations may be material to planning decisions, ‘they should never breach the fundamental principle that planning permission should not be bought and sold’.

3 Main issues

3.1 As noted above, there are a number of key issues arising from the consultation document, these combine to have adverse implications for Leeds.

1. Sustainable Development

City Council Recommendation 1: The definition of “Sustainable Development” needs to be clearer and give equal weight to economic, social and environmental considerations.

- There is a presumption in favour of sustainable development to be applied to plan making and individual development proposals. In this regard judgements are to be made about whether adverse impacts outweigh benefits (primarily economic and market considerations) when assessed against the policies in the Framework as a whole. Without a clearer definition of sustainable development, this provides considerable scope for disagreement, with the prospect of increased decisions by appeal. The approach to sustainable development seems to have overlooked the 5 principles introduced in the most recent national sustainable development strategy (Securing the Future), and in particular the importance of recognising environmental limits. Some commentators have

suggested that it will make it difficult, if not impossible, to demonstrate that proposals are unacceptable. Consequently, a more balanced and integrated approach which puts greater emphasis on social and environmental considerations in achieving sustainable development needs to be adopted. Greater clarity is therefore needed in specifying how sustainable development should be applied and the means of reconciling inherent tensions, such as achieving growth and financial viability whilst securing environmental protection (& enhancement), achieving social objectives, infrastructure provision and the use of natural resources within acceptable environmental limits.

- Whilst Development Plans must be based on this presumption, the NPPF also says that all plans should have clear policies to show how this would be applied locally. This again provides significant scope for uncertainty and differing interpretation concerning what is acceptable. This provides a challenge also in providing consistent planning advice, within the context of an overall policy framework.
- The guidance is clear that the system should be plan-led but it not clear how decisions are to be taken where an otherwise “sustainable” development is in conflict with the plan.

2. Presumption in favour of Sustainable Development

City Council Recommendation 2: *The “presumption in favour” of sustainable development should be dropped, unless clearly defined to give equal weight to social, environmental and economic issues and their local impact.*

- It is not clear how there can be any certainty for investors and local communities if the default answer to development proposals is to be “yes”. Whilst it is accepted that economic recovery and local investment are important, the extent to which this should outweigh other key considerations (such as environmental and social/community) is a major concern. Consequently, without greater clarity, this approach is likely to have an adverse impact at a Leeds level in the delivery of development proposals at the expense of important local considerations.
- The presumption in favour of sustainable development in the NPPF is to some extent at odds with the concept of localism because it has the potential to impose potentially unacceptable development upon local communities at a time when they are being encouraged to take more of a role in development proposals at a local level through neighbourhood planning.

3. Regeneration & Previously Developed Land

City Council Recommendation 3: *The NPPF should be redrafted to specify an explicit commitment (underpinned by an appropriate policy framework) to urban regeneration and its strategic importance within major cities. This should specify the role of planning in helping to deliver positive solutions and in stimulating economic growth, incorporating a specific commitment to brownfield / previously developed land opportunities (and targets) as a priority*

- Within Leeds there are long standing programmes in place, to secure the positive regeneration of significant areas of the city including the lower Aire Valley and East Leeds. Whilst progress has been made, there are major challenges ahead to ensure that these areas realise their full potential as vibrant and sustainable communities, which is integral to the success of the District

overall. It is a fundamental concern therefore, that the NPPF makes little or no reference to: -

- regeneration and the scale of such challenges in a city the size and complexity of Leeds (including inner city areas of population growth, multiple deprivation and reduced life expectancy);
 - the key role of planning in seeking to facilitate positive solutions in regenerating such areas and in co-ordinating resources;
 - the desire to bring previously developed land back into use to encourage growth and as a means of minimising development pressure on greenfield sites and the need to consider Green Belt release.
- The NPPF removes any national requirement for previously developed land/brownfield delivery and has therefore taken away a key imperative for such sites to come forward, in favour of a more overtly market led approach (see Recognising 'Market Signals' below). However, it is understood that at a recent British Property Federation event the Minister (Greg Clark) has stated that the reference to areas of 'lesser environmental value' (see 8 below) in the NPPF is intended to incorporate brownfield/previously developed land and therefore the priority for such land to be brought forward remains. This clarification is helpful but if this does reflect the government's intentions, it needs to be specifically referenced and explained in the NPPF. Whilst the need to stimulate economic growth is understood, removing national commitments to regenerating previously developed land, in this way does not aid recovery but undermines it, contrary to local priorities and commitments. If the NPPF is seeking to express an emphatic commitment to sustainable development, lack of reference to these issues is a serious omission. Regeneration needs to be recognised as a priority if we are to achieve sustainable development in Leeds and in demonstrating the effectiveness of planning decisions in 'planning for prosperity', 'planning for people' and in 'planning for places'.

4. Recognising 'Market Signals'

City Council Recommendation 4: The terminology "market signals" should be dropped from the NPPF and replaced a section which recognises the need to plan for economic prosperity, in different market conditions and local circumstances.

- In fostering 'sustainable economic growth', the document emphasises the need for planning to recognise 'market signals'. This can be taken to describe circumstances, where the market is 'strong' or may be 'weak'. It is not evident from the consultation document what this might mean in terms of supporting regeneration proposals, especially when viability is an issue. It is also not clear to what extent market capacity enhanced by new starts and mortgage availability, is a 'market signal' that should be used to inform the local housing target. This is a fundamental issue for Leeds, where there are long standing commitments to regeneration and renaissance and the need for previously developed/brownfield land to be brought forward in such areas as a strategic priority. Equally support for 'strong markets' could put pressure on locations, which do not have the capacity or suitability to sustain extensive levels of growth, such as environmentally sensitive locations. In describing 'market signals' as a policy approach, the NPPF fails to grasp the complexity and interconnectedness of markets in relation to spatial planning and the development management process. For example, Leeds (as with other major

cities) can be characterised as a place where both 'strong' and 'weak' markets coexist. As part of an integrated approach at a local level, these areas require an appropriate planning response to consider development proposals and the necessary interventions to manage them. Within this context, the inclusion within the NPPF on how such tensions might be tackled, such as opportunities for the sensitive phasing of greenfield development and the ability to cross subsidise development opportunities within regeneration priority areas, would be welcomed.

5. Housing Provision

City Council Recommendation 5: The NPPF should be redrafted to enable local planning authorities, in appropriate circumstances, to include windfall and student housing within housing land and defined supply calculations. Within this context, the NPPF should state that regeneration areas are a priority for economic and housing growth (as a basis to minimise development impacts upon greenfield and green belt land) and clarify the criteria for the inclusion of sites within the 5 year housing land supply calculations and to use the term "capable" in favour of "available". Within this context, the proposal to add a margin for choice and flexibility of at least 20%, to the 5 year land supply should be abandoned.

- The City Council accepts the need for housing growth and has recently undertaken a series of informal consultation events (involving the house building industry and community organisations) to help inform a housing requirement as part of the emerging Core Strategy. This has been a challenging exercise, with a wide range of views expressed, including the need for the regeneration of previously developed land and longer term housing growth to meet a range of needs. It is fundamentally important that such needs are met appropriately at a local level, based on available evidence, rather than a market led approach to growth, which may be less sensitive to local circumstances and housing need, especially in deprived communities. Within this context, the NPPF position in not acknowledging the key role of 'windfall' *and* student housing – the latter previously supported by Planning Inspectors, in contributing to housing land supply, (as components of the 5 year housing land supply calculations), will have adverse implications in planning for housing growth in Leeds. This is a major omission and has fundamental implications for Leeds in achieving local sustainability and regeneration, as without their inclusion urban regeneration is undermined due to further pressure being placed upon greenfield and green belt land. For example, in 2009/10 approximately 900 windfall units were delivered in Leeds. At a minimum build of 30 units/hectare, this equates to 31 additional ha (77 acres) of land that would have needed to be allocated for that period. The cumulative impact of this on future greenfield / green belt release could be in the order of 465ha (1155 acres) over a 15 year plan period (excluding student housing),
- The preparation of the NPPF therefore provides an ideal opportunity to support the principle of including windfall (thereby helping to meet concerns about protecting the Green Belt), in not only reflecting the reality of the development process in major city's such as Leeds but also to support sustainable development principles in planning for 'people' and 'places' within regeneration areas. Within this context also, the emerging document needs to have regard to

recent debates in Parliament (see Hansard, House of Commons debate 'Housing Leeds' 5 September 2011, response from the Parliamentary Under-Secretary of State for Communities & Local Government Andrew Stunell) recognising that, ***'it is...proper for local planning authorities to take into account windfall sites but it is also necessary for every planning authority to ensure that it has sound evidence based proposals for housing'***. From the information provided above, Leeds is able to evidence that windfall is a key and historic and continuing source of housing land supply,

- The NPPF states that planning for housing is to be based on an up to date evidence base (including a Strategic Housing Market Assessment & Strategic Housing Land Availability Assessment). The NPPF reflects current planning guidance (PPS3) in specifying that planning authorities need to be able to demonstrate a '5 year rolling supply' of deliverable sites. In addition, it is advised that authorities should make provision for an extra 20% above identified housing allocations to provide for 'choice and competition'. It is understood that in practice this means an additional 20% in the first 5 years of a plan period (approximating to a 6 year quantum of supply). However, if development were to exceed the actual target, there will be insufficient land to meet the requirement to meet the 20% requirement in the next 5 year period.
- Within this context, it would be helpful if the NPPF could specifically clarify what constitutes the '5 year land supply' and the criteria used to determine this. In the light of current circumstances and the City Council's concerns, the term "capable" should be incorporated to describe the availability of sites for development and what is likely to be built in the next 5 years. The NPPF as written (and the term "available"), takes no account of market conditions and impossibility of meeting targets. "Available" should be therefore replaced by the term "capable", regarding sites being delivered in the next 5 year period. If land is available, it is up to the market how much actually comes forward. The consultation document as drafted therefore, does not support the City Council's overall strategy to support regeneration and growth (as part of the emerging Core Strategy). From a local Leeds perspective, this compounds the already challenging position. Whilst it is recognised that housing needs should be addressed, pursuing a numerical target, without regard to local character, distinctiveness and the need to support regeneration objectives is not an appropriate or sustainable strategy. The pro development and growth message of the NPPF coupled with a lack of recognition for local environmental designations, will mean that it is very challenging to meet housing requirements and needs across a District the size and complexity of Leeds. It is considered therefore that the NPPF needs to be more sensitive and realistic in recognising local circumstances in the interests of longer term regeneration and sustainable development,

6. Green Belt

City Council Recommendation 6: The NPPF should be redrafted to present the role of green belts in a broader context and in particular its regeneration within urban areas as a priority.

- Government statements have indicated support for green belt protection but the NPPF merely repeats the current position. Furthermore, the NPPF advocates the potential to review green belt boundaries in order to meet development requirements and to provide for safeguarded land to meet needs beyond the

current plan period. In seeking to reconcile the NPPF commitments to 'sustainable economic growth', housing provision and sustainable development, it would be helpful if statements reaffirming commitments to green belt designation could be more explicitly aligned to local circumstances in promoting regeneration within urban areas as well as the need to manage longer term growth. Within the context of the 'Housing Provision' issues outlined above, the NPPF's approach to housing growth, is likely to have an adverse impact upon existing green belt designations in District's such as Leeds, where there is pressure to achieve housing growth requirements and when this cannot be offset by the contribution of windfall and student housing to the housing land supply calculations and no priority attached to previously developed land.

7. Sustainable Communities

City Council Recommendation 7: The NPPF needs to be redrafted to give a clearer steer to local communities on the mechanisms to deliver necessary facilities and how this should be managed within the context of viability.

City Council Recommendation 8: The NPPF needs to be redrafted to clarify the context for the protection and enhancement of local greenspace, within the context of aspirations for regeneration and growth.

- Local authorities are expected to deliver the facilities needed for 'healthy and vibrant communities'. It is unclear what this means in practice when resources are scarce and requirements of the private sector need to have regard to viability. The choice may be between development with no or inadequate facilities or refusal and no development. The NPPF therefore needs to clarify this position, especially given the linkages to localism and neighbourhood planning.
- The NPPF recognises that there may be occasions when open space and recreation facilities can be redeveloped, such as when open space is surplus to requirements. The document could however usefully describe circumstances or criteria, which would enable opportunities to improve the quality of greenspace provision within urban areas, whilst allowing for redevelopment opportunities to support regeneration where this forms part of an agreed strategy. However, it then goes on to say that sites can be designated in neighbourhood plans as "Local Green Space". Once designated, the land is protected as though it were green belt, i.e. development will only occur in very special circumstances. Without further clarity, on how "surplus" and "deficiency" are determined there is a danger of inconsistency and conflicting policy objectives at a local level. Within the context of the NPPF paragraphs. describing 'open space', there is no reference to the issue of 'garden grabbing'. This is surprising, given more recent amendments to PPS 3, which seeks to resist this and for which there has been widespread all political party support. Again on this point and wider issues relating to open space provision there is a lack of appreciation of the challenges facing a major city such as Leeds and how for example greenspace and green infrastructure can help combat the implications of climate change in urban areas,

8. The Environment

City Council Recommendation 9: The NPPF needs to be redrafted to formally recognise the role of local designations and their important contribution to local distinctiveness and sustainable development (for example Special Landscape Areas within Leeds)

- The Framework emphasises the protection of environmental and heritage assets. However, it says that “*where practical and consistent with other objectives allocations of land for development should prefer land of lesser environmental value.*” Environmental protection therefore seems to be subservient to need for development. This could be seen as being at odds with the view that sustainability seeks to balance economic, environmental and social considerations. Linked to this point also, the NPPF gives primacy to the role of national environmental designations rather than the importance of local Special Landscape Areas or Green Infrastructure in helping to maintain local character and distinctiveness.

9. Sustainable Economic Growth

City Council Recommendation 10: The NPPF needs to be redrafted to recognise that longer term growth and prosperity is dependent upon social and environmental objectives also being achieved. Within this context, the NPPF needs to emphasise the key role of partnership and joint working across agencies and private sector representatives, to deliver agreed priorities.

- The City Council accepts the need for economic and housing growth as a basis for future prosperity. However, it is felt that the NPPF shifts the balance too far, to the detriment of protecting environmental quality. This is a major issue for Leeds. Over the last 20 or so years, the city has supported a strong and diverse economy. A central component of this success has been the protection and enhancement of the city’s many heritage assets, greenspace, green corridors and wider setting of the main urban area, towns and villages by extensive open countryside. It is a fundamental concern therefore, that the shift of balance and priorities advocated by the NPPF could potentially erode these unique attributes to the detriment of current and future communities,
- Emphasis is given in the document to the desire for ‘sustainable economic growth’ and the need for ‘significant weight’ to be placed on supporting economic growth through the planning system. Whilst growth is important, this emphasis is contrary to other statements made in the consultation document aimed at delivering ‘multiple goals’ of sustainable development (social, environmental and economic objectives), at the same time.
- As key mechanisms to facilitate sustainable economic growth, the government is vigorously promoting the role of Local Enterprise Partnerships (LEPs) and Enterprise Zones as a basis to stimulate development and investment. It would be useful therefore if the document could make more explicit links to these initiatives and how they might be supported through the planning process. For example, more explicit reference to city regions (and their importance to the economy) and joint working arrangements (such as those established within the Leeds City Region, as a basis to facilitate joint working in exercising the duty to cooperate, through the planning process).

- Within this context also, it is important that the private sector is able to participate in a timely and responsible manner in the delivery of major development projects.

10. 'Core Planning Principles'

City Council Recommendation 11: The Core Planning Principles need to be redrafted to give a clearer intent of planning outcomes linked to sustainable development. These need to be underpinned by clear and targeted supporting guidance for Development Plan production and Development Management, to allow for consistency.

The introduction to the document covers the broad scope of the NPPF, whilst Section 2 deals with 'Delivering Sustainable Development' and a series of Core planning principles are included in paragraph 19. These are useful but lack focus and clarity regarding the desired outcomes of the planning system and their alignment to the principles of sustainable development (which in turn should reflect a clear definition of sustainable development - as set out in the above comments). Comments on the Local Plan and Development Management sections are as follows.

The Local Plan:

- This is the term used for the district-wide plan rather than the Local Development Framework (LDF). The Local Plan must be strategic but para 24 states that "crucially" it must include land use designations on a proposals map and site allocations providing detail on form, scale, access and quantum of development. This would seem necessary and appropriate, as it would otherwise be impossible for a local authority to demonstrate that it was making adequate provision for growth. It is however at odds with the view that neighbourhoods will determine the location of development through neighbourhood plans. In addition, the reference to 'site allocations', needs to recognise the need for flexibility in recognising the regeneration process (especially given current market circumstances), as part of the delivery of an overall vision for an area,
- The draft NPPF notes that Plans must be deliverable and must not impose such a scale of obligations and standards that viability is threatened. Concurrent with this, is the acceptance that there must be a reasonable prospect that planned infrastructure is deliverable in a timely fashion. In practice, unless appropriately balanced and clarified within the NPPF, these requirements are likely to be at odds,
- In terms of the 'plan -led' approach, it is not clear from the document what the process is of local planning authorities receiving a certificate of conformity with the NPPF for their plans, the status of Development Plan policies which are currently saved and also existing supporting planning guidance to help interpret current Planning Policy Statements / existing Planning Policy Guidance.
- The 'slimmed down' policies in the NPPF mean that there are a number of policy areas where there will no longer be a national steer (these include detailed matters relating to flood risk). Consequently, the NPPF needs to ensure that there is a consistency of approach in such circumstances and particularly regarding 'cross boundary;' issues with neighbouring authorities,
- The NPPF once adopted will impact on existing Core Strategies, which are not in conformity with the policies in the NPPF and also on Core Strategies in preparation (such as Leeds), to enable its consequences to be fully addressed.

Within this context, transitional arrangements therefore need to be put in place, to allow authorities sufficient time to amend plans or draft plans to ensure that they are in conformity with the NPPF,

Development Management:

City Council Recommendation 1: The NPPF should be redrafted to incorporate explicit reference to the issue of 'garden grabbing (to reflect recent PPS 3 advice), the responsibility of developers in working co-operatively with local authorities and communities and the need for detailed advice on planning enforcement issues.

- The primary objective is stated as being “to foster the delivery of sustainable development, not to hinder or prevent development”. The approach to be adopted in taking planning decisions should therefore be positive and look for solutions to approve applications wherever practical to do so giving significant weight to the benefits of economic and housing growth. The emphasis on achieving quality outcomes, early engagement in the pre application process by all parties including consultees is welcome. Within this context, it should be noted that through the Localism Bill, it has been recommended that the threshold for pre-application consultation should be 250 dwellings. From a City Council perspective, it is felt that this threshold is too high, given that development of a much smaller scale can impact on local communities and service provision. Consequently, the City Council would advocate a threshold of 50 dwellings which is the current threshold for major (residential) development within Leeds. Planning performance agreements are mentioned but it is disappointing that stronger encouragement is not given to the need and responsibility of developers to change their culture in order to work more co-operatively with LPAs and local communities throughout the process.
- The draft NPPF makes it clear that the planning system is plan led and the Local Plan (and any neighbourhood plans) is the starting point for determination. In assessing and determining proposals LPAs should apply the presumption in favour of sustainable development - this is the “golden thread” running through both plan making and decision taking. For development management, that means that development proposals which accord with statutory plans should be approved without delay and where the plan is absent, silent, indeterminate or policies are out of date then permission should be granted. A potential implication of this is that Leeds will have to accept development proposals which are inappropriate or of poor quality. The default position is therefore very strong and raises significant issues about the content and timeliness of Local Plans and the role localism will play in the future of decision making. It would appear that the framework is seeking to substitute the NPPF as the default plan for a local authority. If this is the case, this creates a tension with the wording of the Planning & Compulsory Purchase Act (2004, section 38 (6)), regarding the requirement for determination to be made in accordance with the Development Plan unless material considerations indicate otherwise. Although the NPPF is capable of constituting another material consideration, the decision maker should be entitled to have regards to all other material considerations, to allocate weight accordingly in the light of particular circumstances. In addition, if the NPPF is intended to act as ‘default plan’, it falls within the ambit of the Strategic Environmental Assessment Directive (SEA) and consequently should be subject to this assessment.

- The section on determining applications is very short, should be expanded and should draw together relevant parts of guidance from elsewhere in the document. E.g. sections in the ‘presumption in favour (subject to the definition of “Sustainable Development” being amended to be consistent with the City Council’s recommendations) such as *“all of these policies should apply unless the adverse impacts of allowing development would significantly and demonstrable outweigh the benefits, when assessed against the policies in this Framework as a whole”*. The balancing of material considerations is a well tried and tested mechanism used in development management which decision makers are used to and comfortable with.
- Whilst there is some limited coverage of on ‘design’, ‘protection’ and ‘enhancement of environmental and heritage assets’, ‘reuse of existing appropriate location’, ‘effective use of land’, ‘promotion of mixed uses’ and ‘vibrant resources’, ‘use of public transport’ and ‘sustainable locations for significant development’, ‘good standards of amenity and support for health for all’ is welcome, there is a lack of emphasis on ‘place making’, ‘regeneration’ and the promotion of ‘environmental quality’, which in Leeds are key aspects in considering future development and receiving investment,
- The NPPF seeks to remove the national minimum size threshold for requiring affordable housing to be delivered and removing the maximum non residential car parking standards for major development, this is helpful in enabling local planning authorities to develop more appropriate local policy approaches,
- The Framework contains reference to Local Development Orders, Article 4 Directions, Neighbourhood Development Orders, Community Right to Build Orders, permitted development rights, planning conditions and obligations and does not add new information to the present position and guidance,
- There is nothing in the Framework about the role of enforcement in maintaining the integrity of the system and this is a major omission and detailed guidance is therefore required. PPG18 is 20 years old and unless it is to be specifically replaced, then there should be a section on the importance of enforcement, especially the local implications of enforcement issues.

11. Neighbourhood Plans

- The NPPF adds little to the material published with the Localism Bill and does not make any references to the considerable financial costs associated with the preparation of Neighbourhood Plans (including local referendums), especially for a city the scale and complexity of Leeds. Reference is made to the policies of the neighbourhood plan taking precedence over policies in the Local Plan where any conflict exists. However, the neighbourhood plan must be in conformity with the strategic policies of the local plan, which includes the matters set out above. There will be scope for different interpretations of the term “strategic” in this context and how this relates to the neighbourhood planning process.

12. Town Centres

City Council Recommendation 12: In supporting the protection and enhancement of town centres and regeneration priorities, the NPPF needs to be redrafted to include the requirement for proposals for office development to be subject to the sequential test.

- The NPPF supports the role of Town Centres (‘the centres first approach’) as a focus for development. The City Council supports this position as a basis to

support the viability of Leeds City Centre and local centres. However, the document appears weaker than in current guidance (PPS4) and the City Council is therefore concerned that this will have an adverse effect on Leeds. Offices are not specifically referred to, although the NPPF refers to centres 'accommodating commercial uses' and the glossary definition includes business use. However, offices no longer appear to have to go through a sequential test. Given that the NPPF is concerned to deliver sustainable economic development and that centres are generally the most sustainable location for offices, this lack of clarity could create difficulties, especially where market conditions drive much needed investment away from vulnerable centres and regeneration areas, where it is much needed.

13. Transport

City Council Recommendation 13: *The NPPF needs to be strengthened to give more explicit support to the role of necessary transport infrastructure to support regeneration and growth and the role of such infrastructure in supporting social and environmental objectives linked to sustainable development.*

- There is support for 'transport solutions which will reduce greenhouse gas emissions and congestion and for patterns of development that facilitate the use of sustainable modes', but only where it is practical and reasonable to do so. In addition, the document states that 'development should not be prevented or refused on transport grounds unless the residual impacts of development are severe', although even this is subject to a caveat that the delivery of homes and economic development should be 'taken into account'. Overall therefore, it is felt that the NPPF dilutes the intent of current PPG 13 (Transport). This is a major issue for Leeds, given the longer term commitments expressed through the city's Transport Strategy. Without these strategic issues being resolved, it is likely that at a local level the balance between sustainability objectives and the default answer of "yes" to growth, will be a matter of judgement to be reviewed (potentially also through the appeal process). Consequently, given the NPPF's stated ambitions for sustainable development, this needs to be underpinned by a much more explicit commitment to facilitate and deliver necessary transport solutions. As necessary, the NPPF could 'signpost' to delivery bodies and mechanisms to help achieve this (including Local Strategic Partnerships and Local Enterprise Partnerships),
- The need to ensure that significant developments (in transport terms) are in locations that will minimise travel and maximise the use of sustainable modes is welcomed, along with support for Travel Plans and balanced land uses. However, the lack of any benchmarking to define accessibility and parking standards is of concern as it puts more onus on local authorities to justify their own standards individually and may therefore be more open to challenge.

14. Planning for places

City Council Recommendation 14 *Cities such as Leeds have demonstrated that regeneration and renaissance can be underpinned by the promotion of local distinctiveness and environmental quality, the NPPF therefore needs to be redrafted to give emphasis to the positive role of design in helping to achieve this.*

- The NPPF advises that well-designed buildings or infrastructure demonstrating high levels of sustainability should not be refused because of impacts on the existing townscape. This seems to limit the scope of design guidance in neighbourhood plans. Consequently, the NPPF needs to recognise more fully the importance of good quality design to local character and distinctiveness.

15. Natural Environment

City Council Recommendation 15 *The achievement of longer term economic growth and prosperity, within acceptable environmental limits, is a fundamental consideration both nationally and locally. The NPPF therefore needs to be redrafted to reflect this, in achieving its stated ambition of sustainable development.*

- The objective is to protect valued landscapes and biodiversity and to allocate land with least environmental and amenity value. However, the NPPF reminds us to plan to meet development needs unless adverse impacts significantly and demonstrably outweigh the benefits. At a local level, it is likely that different groups will take differing positions on where the balance of interest lies and appropriate policy approaches will need to be determined. As noted above, it is essential that the NPPF recognises the role of planning in environmental management and in planning within existing environmental limits, irrespective of landscape quality in isolation.
- In respect of Flood Risk, the NPPF retains the requirement to pass the Sequential Test for developments in flood risk areas but the flood zone descriptions and vulnerability classification have gone and therefore it is not clear how the Sequential Test should be applied (there is no recognition that some forms of development are more vulnerable to flood risk than others and this should be worked into the Sequential Test). Additionally the NPPF says that the Exceptions Test can be applied if required - this is too vague and guidance should be clear about when the Exceptions Test is required. It also states that safe access and escape routes should be applied in flood risk areas where required, there should not be any doubt about the fact that these are always required.
- In terms of Minerals, Paragraph 102 seeks to secure sufficient reserves outside National Parks, Areas of Outstanding Natural Beauty and World Heritage sites, as far as practicable. Whilst the desire to protect such areas is understood, the paragraph grossly simplifies a more complex position. In practice, minerals can only be worked where they exist and it is not always possible for 'better quality' minerals in a National Park to be substituted for by lower grade minerals elsewhere.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The draft NPPF has been subject to national public consultation since 25 July and a local consultation event was delivered on 8th September.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 The reform of the national planning system via the NPPF has major implications for Equality & Diversity, Cohesion & Integration. Social issues are covered in a very superficial manner and the policy implications of the proposals are not sufficiently explained or worked through. It is understood however that the NPPF has been subject to an Equality Impact Assessment screening, incorporated within the Impact Assessment issued with the consultation document. In preparing this report, due regard has been given to equality, diversity, cohesion & integration issues and a screening assessment has been completed.
- 4.2.2 Within the context of major cities such as Leeds, with large ethnic populations and significant areas of multiple deprivation (which in some cases overlap), the City Council is concerned that the balance of the NPPF upon economic and housing growth (with little or no reference to regeneration), could adversely effect communities in such areas.

4.3 Council Policies and City Priorities

- 4.3.1 The draft NPPF is wide ranging in its coverage and broadly reflects Council Policies and City Priorities. However, as outlined in this report, the draft NPPF lacks sensitivity and specificity in recognising the local circumstances to which it will need to be applied.

4.4 Resources and Value for Money

- 4.4.1 The intent of the draft NPPF is to simplify and streamline a vast range of national planning statements and guidance. In principle this should lead to more resource efficiency and effectiveness. However, without necessary further clarity, it will be difficult to apply the guidance consistently to reflect local priorities and circumstances. Without such clarity also, it is likely that the planning system and policy judgements, will continue to be the subject of challenge through the appeal process and through the High Court and therefore lead to delay and costs.
- 4.4.2 Whilst the reduction in planning guidance may lead to some efficiency savings overtime, the NPPF in promoting wider aspects of planning reform through localism, will result in likely substantial but unknown costs to the City Council. Supporting the Neighbourhood Planning process in Leeds (including associated capacity building, referenda and public examination of documents), with 31 Parish & Town Councils and other potential interested neighbourhoods, will lead to cost pressures.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 Once adopted the NPPF will largely replace current national planning policy statements and guidance. Further clarity is however required regarding current advice and good practice notes in respect of aspects of the planning process referred to in the document. For example, reference is made to the preparation of Strategic Housing Market Assessments and Strategic Housing Land Availability Assessments. These are currently very technical requirements of the development plan making process and the evidence base. To ensure consistency and robustness, such studies are currently informed by 'good practice guides', which

help to provide further clarity and detail. It is felt that without being too prescriptive, such background guidance, where useful and good practice, should be retained (or reviewed for consistency with the NPPF).

4.6 Risk Management

- 4.6.1 Once adopted, planning policies and the delivery of the planning service in Leeds, will need to reflect the principles and priorities set out in the NPPF. Whilst there may be scope for interpretation (based on local circumstances and the evidence base), it is likely that without the necessary clarity outlined in this report, the Council's position may be subject to challenge.

5 Conclusions

- 5.1 The National Planning Policy Framework is a significant document, which sets the national direction for planning policy, which will have major implications at a local level. The desire to simplify and streamline the planning process is broadly welcomed but it is considered that the overall balance of the document and interpretation of sustainable development, is unacceptably weighted towards economic and market considerations, at the expense of social progress and impact upon environmental quality and character (including greenspace, greenfield and green belt land) and to the detriment of the city. The draft document is strident in its support for economic development and sees the existing planning process as an impediment in achieving these ambitions. However, the framework's stated commitment to sustainable development (which requires the achievement of economic, environmental and social objectives at the same time) is at odds with the focus upon 'planning for prosperity'. Consequently, the document needs to be more explicit in the positive role planning (and related activities) plays in seeking to managing these demands at a local level, especially in giving weight to environmental protection, social progress *and* economic considerations.
- 5.2 As emphasised in this response, the document fails to adequately recognise and respond to the challenges and opportunities of planning for cities of the scale and complexity of Leeds. As a consequence, the omissions and emphasis outlined in this report, is likely to result in adverse implications for the city. Without major redrafting and clarity, the NPPF will not provide the robust or coherent planning framework that is required. A fundamental omission from the document, is a lack of recognition of the opportunities and challenges associated with regeneration and especially urban renewal and renaissance. It is accepted that current prevailing economic circumstances (including the availability of finance and public sector resources) can make current regeneration priorities even more demanding to achieve and that aspirations need to be moderated with an appreciation of reality. The City Council also recognises the need for economic and housing growth but there is a need for regeneration, growth and environmental quality, to form an integral part of a wider strategy and not one exclusively driven by demands for accelerated land release in strong market areas to meet numerical housing requirements. The NPPF needs therefore to take a longer term view. 'Planning for prosperity', 'planning for people' and 'planning for places' requires a broader perspective involving not just the development industry but crucially communities and other key agencies. The NPPF therefore needs to more explicitly reflect this, as a basis to achieve sustainable development and longer term economic recovery

and stability, including the delivery of previously developed land / brownfield sites and an acceptance of windfall as a component of housing land supply calculations.

6 Recommendations

6.1 Executive Board is recommended to:

- i) consider the response to the draft National Planning Policy Framework as set out in this report,
- ii) to endorse this submission, as the City Council's formal response to the national consultation, on an all party basis
- iii) approve the responses set out in the consultation questionnaire at Appendix 1,
- iv) approve the draft letter, at Appendix 2, for MPs and relevant parties,
- v) forward a copy of the report to the Secretary of State (Communities & Local Government), shadow party spokesmen, Leeds MPs and other relevant organisations including the Local Government Association.

7 Background documents

7.1 Draft National Planning Policy Framework

Appendix 1

National Planning Policy Framework

Consultation questions

We are seeking your views on the following questions on the Government's proposal for a new National Planning Policy Framework.¹

Email responses to: planningframework@communities.gsi.gov.uk

Written responses to:

Alan C Scott

National Planning Policy Framework

Department for Communities and Local Government

Zone 1/H6, Eland House,

Bressenden Place

London

SW1E 5DU

(a) About you

(i) Your details

Name:	David Feeney
Position:	Head of Forward Planning & Implementation, City Development
Name of organisation (if applicable):	Leeds City Council
Address:	City Development, The Leonardo Building, 2 Rossington Street, Leeds LS2 8HD
Email Address:	David.Feeney@leeds.gov.uk
Telephone number:	0113 2474539

(ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response

Personal views

(iii) Are your views expressed on this consultation in connection with your

¹ (see: <http://www.communities.gov.uk/publications/planningandbuilding/draftframeworkconsultation>)

membership or support of any group? If yes please state name of group.

Yes

No

Name of group:

(iv) Please tick the *one* box which best describes you or your organisation:

Private developer or house builder

Housing association or RSL

Land owner

Voluntary sector or charitable organisation

Business, consultant, professional advisor

National representative body

Professional body

Parish council

Local government (i.e. district, borough, county, unitary, etc.)

Other public body (please state)

Other (please state)

(v) Would you be happy for us to contact you again in relation to this consultation?

Yes

No

DCLG will process any personal information that you provide us with in accordance with the data protection principles in the Data Protection Act 1998. In particular, we shall protect all responses containing personal information by means of all appropriate technical security measures and ensure that they are only accessible to those with an operational need to see them. You should, however, be aware that as a public body, the Department is subject to the requirements of the Freedom of Information Act 2000, and may receive requests for all responses to this consultation. If such requests are received we shall take all steps to anonymise responses that we disclose, by stripping them of the specifically personal data - name and e-mail address - you supply in responding to this consultation. If, however, you consider that any of the responses that you provide to this survey would be likely to identify you irrespective of the removal of your overt personal data, then we should be grateful if you would indicate that, and the likely reasons, in your response, for example in the comments box.

(b) Consultation questions

Delivering Sustainable Development

The Framework has the right approach to establishing and defining the presumption in favour of sustainable development.

1(a) – Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input checked="" type="checkbox"/> |

1(b) Do you have comments? (please begin with relevant paragraph number)

See attached section. 1 & 2 of attached Executive Board Report (12/10)

Plan-making

The Framework has clarified the tests of soundness, and introduces a useful additional test to ensure local plans are positively prepared to meet objectively assessed need and infrastructure requirements.

2(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree or Disagree | <input type="checkbox"/> |
| Disagree | <input checked="" type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

2(b) Do you have comments? (please begin with relevant paragraph number)

Para. 48 of NPPF – soundness requires consistency with national policy. This is a concern within the context of the draft NPPF. The City Council is concerned with a number of key aspects of the consultation document (see 12/10 Executive Board Report) and the extent to which the NPPF is not ‘fit for purpose’ in effectively tackling planning

challenges and opportunities in Leeds

The policies for planning strategically across local boundaries provide a clear framework and enough flexibility for councils and other bodies to work together effectively.

2(c) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input checked="" type="checkbox"/> |
| Neither agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

2(d) Do you have comments? (please begin with relevant paragraph number)

Through membership of the statutory Local Enterprise Partnership & as a Leeds City Region authority, Leeds City Council is an active advocate of 'cross boundary' working. However, the effectiveness of this in practice will be influenced by the stage individual local authorities are at in their respective plan making cycles. The role of city region planning should however be recognised in the document.

Decision taking

In the policies on development management, the level of detail is appropriate.

3(a) Do you agree

- | | |
|---------------------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input checked="" type="checkbox"/> |

3(b) Do you have comments? (please begin with relevant paragraph number)

Paras. 53 – 70, Please see section 10 in the City Council's 12/10 Executive Board Report

Any guidance needed to support the new Framework should be light-touch and could be provided by organisations outside Government.

4(a) Do you agree

- | | |
|---------------------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input checked="" type="checkbox"/> |

4(b) What should any separate guidance cover and who is best placed to provide it?

A balance needs to be struck to ensure that the NPPF is supported by succinct guidance notes (informed by best practice, local circumstances and applicable to major cities such as Leeds) and unacceptable levels of prescription with no regard to local issues. Providing guidance has been subject to transparent consultation, governance arrangements and covers topics covered there may be scope of non government organisations to provide guidance. However, the guidance needs to be produced in the public interest and be balanced, rather than promoting the agenda of the organisation or groups producing the guidance.

Business and economic development

The 'planning for business policies' will encourage economic activity and give business the certainty and confidence to invest.

5(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree or Disagree | <input type="checkbox"/> |
| Disagree | <input checked="" type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

5(b) Do you have comments? (please begin with relevant paragraph number)

Please see section 9. in the attached Executive Board Report (12/10). In addition, it should be emphasised that economic activity and the confidence of investors to invest is governed by a whole host of considerations, not just the role of planning. The availability of finance, currency values and the uncertainty of the market (on a global scale) are also fundamental drivers influencing the economy. Within this context, planning should not be perceived as an impediment to growth and reduced in its scope (to the detriment of local communities and environmental quality), as a consequence of short term expediencies. Planning is a key component in seeking to provide certainty and environmental quality – key factors in securing and retaining investment.

5(c) What market signals could be most useful in plan making and decisions, and how could such information be best used to inform decisions?

Please see section 4 of the Executive Board Report (12/10)

The town centre policies will enable communities to encourage retail, business and leisure development in the right locations and protect the vitality and viability of town centres.

6(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither agree or Disagree | <input type="checkbox"/> |
| Disagree | <input checked="" type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

6(b) Do you have comments? (please begin with relevant paragraph number)

See section 12 of the Executive Board Report (12/10). The 'centres first approach' is to be welcomed but proposals for office development should be subject to the sequential test.

Transport

The policy on planning for transport takes the right approach.

7(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input checked="" type="checkbox"/> |

7(b) Do you have comments? (please begin with relevant paragraph number)

See section 13 of the Executive Board Report (12/10). The NPPF dilutes the effectiveness of current PPG 13 (Transport) and gives no immediate certainty or practical support for major transport infrastructure projects needed in Leeds.

Communications infrastructure

Policy on communications infrastructure is adequate to allow effective communications development and technological advances.

8(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input checked="" type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

8(b) Do you have comments? (please begin with relevant paragraph number)

Pras. 95 – 99, the statements in the NPPF at a very high level and need to be more applicable to local circumstances, underpinned with supporting guidance and subject to regular review within the context of emerging technologies.

Minerals

The policies on minerals planning adopt the right approach.

9(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input checked="" type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

9(b) Do you have comments? (please begin with relevant paragraph number)

See section 15. of the attached Executive Board Report (12/10)

Housing

The policies on housing will enable communities to deliver a wide choice of high quality homes, in the right location, to meet local demand.

10(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input checked="" type="checkbox"/> |

10(b) Do you have comments? (please begin with relevant paragraph number)

Para. 107 – 113, this is a fundamental concern for the City Council (see the attached Executive Board Report, 12/10). The NPPF is not fit for purpose in tackling housing challenges and opportunities in Leeds and will lead to a significant pressure upon greenfield & greenbelt land, undermining priorities to promote regeneration in inner city/brownfield locations.

Planning for schools

The policy on planning for schools takes the right approach.

11(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input checked="" type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

11(b) Do you have comments? (please begin with relevant paragraph number)

Para. 127. The guidance is too high level and vague to be of any practical use locally. There is no link between school provision and housing growth, making it difficult to plan a coherent strategy locally which gives certainty to local communities and the development industry.

Design

The policy on planning and design is appropriate and useful.

12(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input checked="" type="checkbox"/> |

12(b) Do you have comments? (please begin with relevant paragraph number)

Para 14. see section 14 of the attached Executive Board Report (12/10). There is a lack of balance in the document and inadequate regard is made to place making.

Green Belt

The policy on planning and the Green Belt gives a strong clear message on Green Belt protection.

13(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input checked="" type="checkbox"/> |

13(b) Do you have comments? (please begin with relevant paragraph number)

See paras. 133 – 147. See attached Executive Board Report (12/10), re. the impact of the NPPF upon housing growth issues in Leeds & the subsequent impact upon greenfield and green belt locations.

Climate change, flooding and coastal change

The policy relating to climate change takes the right approach.

14(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input checked="" type="checkbox"/> |

14(b) Do you have comments? (please begin with relevant paragraph number)

Paras. 148 – 162. See attached Executive Board report (12/10) section 15. A fundamental dichotomy in the consultation is that economic growth & environmental protection are not reconciled. The definition of sustainable development in the NPPF affords greatest weight to economic growth over social and environmental objectives. There is no reference to the need to achieve longer term economic prosperity within acceptable

environmental limits. This is a major omission.

The policy on renewable energy will support the delivery of renewable and low carbon energy.

14(c) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input checked="" type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

14(d) Do you have comments? (please begin with relevant paragraph number)

Para 152 – 153. The statements are at a very high level and offer only vague guidance. The NPPF also needs to acknowledge that this is a very specialised and emerging field and therefore needs to be underpinned by further guidance and resources to support local authorities in delivering these objectives.

The draft Framework sets out clear and workable proposals for plan-making and development management for renewable and low carbon energy, including the test for developments proposed outside of opportunity areas identified by local authorities.

14(e) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input checked="" type="checkbox"/> |

14(f) Do you have comments? (please begin with relevant paragraph number)

See response to 14 d above and the need for these initiatives to be underpinned with the necessary resources for local authorities.

The policy on flooding and coastal change provides the right level of protection.

14(g) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input checked="" type="checkbox"/> |
| Strongly Disagree | <input type="checkbox"/> |

14(h) Do you have comments? (please begin with relevant paragraph number)

Paras 154 – 158. Please see section 15 of the attached Executive Board report (12/10).

Natural and local Environment

Policy relating to the natural and local environment provides the appropriate framework to protect and enhance the environment.

15(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input checked="" type="checkbox"/> |

15(b) Do you have comments? (please begin with relevant paragraph number)

Paras 163 – 175. Given the overall emphasis of the document (see response to 14 b above), environmental matters are given less weight and there are therefore concerns in maintaining and enhancing environmental quality at a local level.

Historic Environment

This policy provides the right level of protection for heritage assets.

16(a) Do you agree?

- | | |
|---------------------------|-------------------------------------|
| Strongly Agree | <input type="checkbox"/> |
| Agree | <input type="checkbox"/> |
| Neither Agree or Disagree | <input type="checkbox"/> |
| Disagree | <input type="checkbox"/> |
| Strongly Disagree | <input checked="" type="checkbox"/> |

16(b) Do you have comments? (please begin with relevant paragraph number)

Paras. 176 – 191. See response to 15 b above.

Impact assessment

The Framework is also accompanied by an impact assessment. There are more detailed questions on the assessment that you may wish to answer to help us collect further evidence to inform our final assessment. If you do not wish to answer the detailed questions, you may provide general comments on the assessment in response to the following question:

17a. Is the impact assessment a fair and reasonable representation of the costs, benefits and impacts of introducing the Framework?

The impact assessment does not comprehensively address the social and environmental consequences of the preferential weight afforded to economic growth. This is a major issue in cities such as Leeds with extensive areas of multiple deprivation and reduced life expectancy. As emphasised in the attached Executive Board report, the NPPF does not acknowledge regeneration as a major issue and is not fit for purposes in enabling a positive planning response to the prevailing issues in Leeds.

Planning for Travellers

18 Do you have views on the consistency of the draft Framework with the draft planning policy for traveller sites, or any other comments about the Government's plans to incorporate planning policy on traveller sites into the final National Planning Policy Framework?

Planning for Travellers needs to be incorporated as part of the overall approach to planning for a range of housing needs.

Specific questions on the impact assessment

QA1: We welcome views on this Impact Assessment and the assumptions/estimates contained within it about the impact of the National Planning Policy Framework on economic, environmental and social outcomes. More detailed questions follow throughout the document.

See response to 17 a above.

QA2: Are there any broad categories of costs or benefits that have not been included here and which may arise from the consolidation brought about by the National Planning Policy Framework?

QA3: Are the assumptions and estimates regarding wage rates and time spent familiarising with the National Planning Policy Framework reasonable? Can you provide evidence of the number of agents affected?

QA4: Can you provide further evidence to inform our assumptions regarding wage rates and likely time savings from consolidated national policy?

There are significant additional costs that are likely to occur through appeals, high court challenges, supporting the preparation of Neighbourhood Plans (& associated capacity building) and administering referenda.

QA5: What behavioural impact do you expect on the number of applications and appeals?

It is felt that the lack of specificity in the NPPF and the interpretations that are likely to be promoted as to what does and doesn't constitute "sustainable development", will lead to 'planning by appeal' – which will put decisions out of the hands of local communities, contrary to the government's stated commitments to localism.

QA6: What do you think the impact will be on the above costs to applicants?

QA7: Do you have views on any other risks or wider benefits of the proposal to consolidate national policy?

QB1.1: What impact do you think the presumption will have on:

- (i) the number of planning applications;
- (ii) the approval rate; and
- (iii) the speed of decision-making?

A culture change is required amongst private sector applicants who too often cause uncertainty (e.g. food store operators), and are themselves responsible for significant delays in the determination of planning applications (e.g. through delays in signing section 106 agreements or accepting s106 aspects of other operators).

QB1.2: What impact, if any, do you think the presumption will have on:

- (i) the overall costs of plan production incurred by local planning authorities?
- (ii) engagement by business?
- (iii) the number and type of neighbourhood plans produced?

For a city the size and complexity of Leeds, the costs associated with supporting neighbourhood plans (including capacity building, responding positively to high levels of interest in their production, referenda and examinations) is likely to be very high.

QB1.3: What impact do you think the presumption in favour of sustainable development will have on the balance between economic, environmental and social outcomes?

As emphasised above, the NPPF gives, in the view of the City Council, an unacceptable level of weight to the delivery of economic objectives, at the expense of economic and social objectives. There is therefore a fundamental lack of balance in the document.

QB1.4: What impact, if any, do you think the presumption will have on the number of planning appeals?

These will increase significantly (see QA 5 above) as will legal challenges aggrieved third parties.

QB2.1: Do you think the impact assessment presents a fair representation of the costs and benefits of the policy change?

The cost benefit analysis is at a superficial level and it will be the application of the NPPF in practice which will determine specific costs and benefits. It does not take account of the costs to local planning authorities, communities and in capacity building.

QB2.2: Is 10 years the right time horizon for assessing impacts?

Do you think the impact assessment presents a fair representation of the costs and benefits of the policy change?

It is suggested that a more appropriate timescale is used (5 years). This would enable consideration to be made of the potential impact of planned schemes, as well a operational ones.

QB2.3: How much resource would it cost to develop an evidence base and adopt a local parking standards policy?

The City Council current has existing local standards as part of the UDP & these are being reviewed as part of the LDF process.

In terms of their comprehensive review and monitoring, it is difficult to put a precise figure on this but is likely to be costly for a District the scale and complexity of Leeds. This is a consequence of a range of different areas and circumstances where differential parking standards may need to apply.

QB2.4: As a local council, at what level will you set your local parking standards, compared

with the current national standards?

Do you think the impact assessment presents a fair representation of the costs and benefits of the policy change?

QB2.5: Do you think the impact assessment presents a fair representation of the costs and benefits of the policy changes on minerals?

The statements made make no reference to the quality of minerals that are extracted. This is a key issue when minerals of a higher quality in one location cannot be substituted by minerals of a lower quality in a different location.

QB3.1: What impact do you think removing the national target for brownfield development will have on the housing land supply in your area? Are you minded to change your approach?

The City Council has fundamental concerns about this and considers that this needs to be reinstated see attached Executive Board Report (12/10). It should be noted, that local planning authorities are still required to be in general conformity with the current RSS, which suggests a local target higher than the previous national figure.

QB3.2: Will the requirement to identify 20% additional land for housing be achievable? And what additional resources will be incurred to identify it? Will this requirement help the delivery of homes?

The City Council has fundamental concerns about this and the ability for this to be delivered given local circumstances see attached Executive Board Report (12/10). It will trigger the early release of greenfield and greenbelt land in Leeds and be detrimental to brownfield regeneration and in seeking to meet the housing needs of inner city communities.

QB3.3: Will you change your local affordable housing threshold in the light of the changes proposed? How?

The City Council is developing its approach to provision based upon local evidence and revised in early 2011.

QB3.4: Will you change your approach to the delivery of affordable housing in rural areas in light of the proposed changes?

See above a realistic and practical threshold in rural areas (to reflect the scale of development) should be adopted.

QB3.5: How much resource would it cost local councils to develop an evidence base and adopt a community facilities policy?

This is likely to be costly for a District the size and complexity of Leeds.

QB3.6: How much resource would it cost developers to develop an evidence base to justify loss of the building or development previously used by community facilities?

Difficult to say, it would depend on the circumstances.

QB3.7: Do you think the impact assessment presents a fair representation of the costs and benefits of the Green Belt policies set out in the Framework?

The City Council, as set out in the Executive Board report (12/10), has fundamental concerns about this approach and its impact upon Leeds.

QB4.1: What are the resource implications of the new approach to green infrastructure?

This will depend on the individual circumstances but costs will be associated with the on going maintenance and enhancement of GI (and who should cover these) and opportunities for enhancement via development proposals and how these should be balance with other planning requirements arising from such proposals.

QB4.2: What impact will the Local Green Space designation policy have, and is the policy's intention sufficiently clearly defined?

The responsibilities for maintenance (and associated liabilities for communities) needs to be more clearly defined. Within this context, the use of surplus green space for housing or other development could be undermined by local designations.

QB4.3: Are there resource implications from the clarification that wildlife sites should be given the same protection as European sites?

It needs to be made explicit what the implications of this might be in practice for longer term maintenance and protection.

QB4.4: How will your approach to decentralised energy change as a result of this policy change?

The City Council is supporting and developing this approach through a range of local initiatives.

QB4.5 Will your approach to renewable energy change as a result of this policy?

See above

QB4.6: Will your approach to monitoring the impact of planning and development on the historic environment change as a result of the removal of this policy?

Environmental quality and the value of the historic environment are key attributes in Leeds. Given the size of the district and extent of Conservation Areas and Listed Buildings, on going monitoring is a challenge and will remain the case with or without the policy.

APPENDIX 2

Draft Letter re NPPF Consultation

Dear,

DRAFT NATIONAL PLANNING POLICY FRAMEWORK CONSULTATION RESPONSE BY LEEDS CITY COUNCIL

The Draft NPPF is an attempt to simplify and consolidate national planning policy guidance. Whilst this objective is laudable in principle this must not be at the expense of clarity.

It is well known that Leeds faces a very significant growth agenda, particularly for housing. We are actively trying to make progress through a series of consultation workshops with the housing industry and community representatives. Separately, but in parallel, we have undertaken a scrutiny inquiry on the issue of housing growth which has again taken evidence from a range of interests. This is all designed to feed into the development of our Core Strategy which we plan to publish in its final form this winter. In taking a pro-active approach and moving the growth agenda forward the City needs a clear and supportive national policy framework. Leeds is pro-development and growth provided this can be delivered in a planned way which properly reflects local as well as national priorities and which is not development at any price.

We are concerned that as currently drafted the NPPF lacks the necessary clarity. There is a fundamental tension between a default answer of “yes” to development and a local agenda expressed through local and neighbourhood plans. Some of the difficulties that Leeds has experienced in recent months in responding to housing applications will be made more difficult should the NPPF go through unchanged.

As examples, the reluctance to allow for windfall development would result in around another 500 ha of land needing to be allocated over the life of the Core Strategy. In the last 10 years windfall has accounted for 86% of all new planning permissions for housing. There is no good reason to believe that windfall will not continue to be a very significant source of housing land supply. Similarly, the additional 20% to be added to the 5yr land supply represents something like an extra 130 ha in any 5yr period. This will inevitably put pressure on the green belt, other sources of housing land supply having already been exhausted, contrary to the government’s stated intention to protect the green belt and clearly at odds with the localism agenda.

We are encouraged by recent statements by Greg Clark, Minister for Decentralisation and Cities. He has clearly indicated that the government is willing to provide greater clarity and has confirmed the importance of bringing brownfield land back into use, “as sites of the lowest environmental value should be brought forward for development first”. He has also acknowledged that sustainable development is about balancing, economic, social and environmental issues.

Having recognised some of the flaws in the Draft and indicated a willingness to respond to public concerns it is important that these promises are effectively carried through into the final version. Set out below are some of the key concerns to this Council. We are also providing a copy of the Council’s full and detailed response. We hope this may be of

interest and that you will be able to support us in pressing for change to what is currently an unsatisfactory and potentially damaging document.

Among the key concerns are:

- The presumption in favour of sustainable development and the balance of pros and cons in terms of impacts needs further clarity. Without further advice on what this means in practice decisions will be made through appeals and the courts;
- The concept of a plan-led system is supported. But the efforts of this Council and local communities in neighbourhood planning could be undermined by the “yes” to “sustainable” development default position;
- The opportunity should be taken to review and clarify the basis on which the 5yr land supply is assessed. The current system has no regard for market conditions and whether the industry can deliver the number required. The requirement that there should be a realistic prospect that sites will be developed in the 5yr period should be deleted. It could be replaced by a judgement on whether a site is capable of being developed within the next 5yrs. The Council can have little or no control over whether building actually takes place, that is a matter for the market. Without this there is every prospect that brownfield sites and regeneration areas will be by-passed as lack of a 5yr supply is used as an argument to advance greenfield sites;
- The proposal to add a margin for choice and flexibility of at least 20% to the 5yr land supply requirement simply compounds existing difficulties and should be abandoned. It should be noted that we currently have sites with planning permission for just over 20,000 dwellings. Securing planning permission for housing is clearly not a barrier to housing growth in Leeds;
- The NPPF repeats existing guidance that a windfall allowance can be included in the land supply where this can be locally justified by evidence. This should be clarified and examples of the sorts of circumstance under which a windfall allowance could be acceptable should be provided. Leeds (and other large cities) have ample historic evidence of the importance of windfall to the land supply and there is no reason why this recycling of land within the urban area will not continue. Not allowing windfall will inevitably create pressure for more Greenfield release. Provision for students should be similarly included (this as previously been accepted by inspectors at appeal).
- There should be some recognition of the priority attached to regeneration and the re-use of brownfield (previously developed) land. This was previously part of PPS3 and should be re-instated. Without this there will be little or no leverage through the planning system to deliver regeneration priorities or to secure any balance between greenfield and brownfield development; and
- The NPPF currently emphasises the importance of national environmental designation. The lack of any clear protection for areas that are locally important is unacceptable and hardly compatible with localism. In Leeds the need to protect important areas of landscape value, to preserve the distinctive settlement pattern

and to provide access to the countryside for a large mainly urban population are fundamentally important, whether or not such areas are subject to national designations.

- We would also like to draw your attention to the omission of policies to prevent “garden grabbing” on infill housing sites and the almost total omission of reference to Planning Enforcement, where there are no references to the importance of the enforcement process or the indication that current inadequacies of these processes are to be addressed.

We trust that the points highlighted above clearly illustrate the significant concerns the City Council has with the National Planning Policy Framework. The views expressed in this letter have the full support of all political groups in the Council and we hope that you will give them your full consideration and support.

If you require any further information on the above points or those in the Council’s full submission then please feel free to contact Steve Speak, Deputy Chief Planning Officer (0113 2478086). We hope we can count on your support.

Yours sincerely

Cllr Keith Wakefield – Leader of the Council
Cllr Andrew Carter – Leader Conservative Group
Cllr Stewart Golton – Leader Liberal Democrats
Cllr Robert Finnigan – Leader Morley Independents
Cllr Anne Blackburn - Leader Green Party