

Report of: Director of City Development

Report to: Development Plan Panel

Date: 17th April 2018

Subject: National Planning Policy Framework (NPPF) Consultation Proposals

Are specific electoral wards affected?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary of main issues

- The Ministry of Housing, Communities and Local Government (MHCLG) is revising the National Planning Policy Framework (NPPF), issued in March 2012, as part of the planning reform package set out in the February 2017 Housing White Paper (HWP), the September 2017 'Planning for the Right Homes in the Right Places' consultation and further announcements in last November's Autumn Budget.
- The proposals were launched on 5th March 2018 and subject to consultation until 10th May and include the following interrelated documents:
 - National Planning Policy Framework consultation proposals
 - National Planning Policy Framework – Draft Text for Consultation
 - Draft Planning Practice Guidance for Viability, merged as part of wider revisions to the Planning Practice Guidance
 - Housing Delivery Test – Draft Measurement Rule Book
 - Supporting Housing Delivery through developer contributions (Reforming developer contributions to affordable housing & infrastructure).
- The NPPF consultation takes the form of a series of specific questions regarding the details of the changes. The draft response to these changes is attached as Appendix 1. Comments on the supporting documents are included in Appendix 2.

Recommendation

- Development Plans Panel is asked to note and comment upon the draft response to the NPPF consultation proposals set out in this report.

1. Purpose of this report

- 1.1 Following on from the 2017 HWP, 'Planning for the right homes in the right places' and the Autumn budget, the MHCLG have issued a series of consultation proposals relating to changes to the NPPF and supporting guidance. The consultation documents are listed in Para. 2 above. The purpose of this report is to provide Development Plan Panel members with a digest of the proposals, the key issues for Leeds and a draft response to the consultation (Set out in Appendix & 2).

2. Background information

- 2.1 Launched by the Prime Minister, the MHCLG consultation proposals are described as a 'major overhaul to the NPPF', 'to deliver the homes the country needs'. At the launch the following areas were highlighted as part of the consultation:

- **Greater responsibility:** a new housing delivery test for local authorities, more accountability for developers in delivering commitments including affordable housing and infrastructure,
- **Maximising the use of land:** more freedom to local authorities to make better use of brownfield land and to increase densities. Encouraging the reuse of 'redundant land' – such as under utilised retail or industrial space for new homes,
- **Maintaining strong protections for the environment:** linked to the 25 year Environmental Plan launched in January, ensuring developments result in a net gain to the environment where possible and increasing the protection to ancient woodland,
- **Ensuring the right homes are built:** Delivering more affordable homes, including first time buyers, build to rent, for key workers and adapted homes for older people,
- **Higher quality and design:** the introduction of new quality standards, so well designed homes can be built,
- **More transparent planning process:** Greater encouragement for local authorities to work together, a standardised approach to assessing housing need, new measures to make developer contributions clearer, simpler and more robust.
- **Supporting Housing delivery through developer contributions:** Alongside the review of the NPPF, consultation proposals are also published for changes to developer contributions. These changes were first announced in last year's Budget following recommendations made by the government's Community Infrastructure Levy (CIL) review panel, which was tasked with reviewing the workings of the levy.
- The Budget said that the government would consult to ensure that where an authority has adopted CIL, section 106 pooling restrictions could be removed "in certain circumstances such as where the authority is in a low viability area or where significant development is planned on several large strategic sites". It also proposed to allow authorities to "set rates which better reflect the uplift in land values between a proposed and existing use". Other measures to be consulted on would include "speeding up the process of setting and revising CIL to make it easier to respond to changes in the market".

3 Main issues

Overview

- 3.1 As outlined above, the scope of the consultation proposals are wide ranging and whilst their overall intent can be generally supported, there are clearly issues for Leeds in how the proposals might be applied and are 'fit for purpose' in meeting the many opportunities and challenges faced across the District. As members are aware, Leeds is a large and complex Metropolitan authority and is tackling planning issues at scale and across a series of diverse communities. Consequently, the NPPF needs to be sufficiently robust but allow for local discretion to enable local planning authorities – including Leeds to plan for their areas effectively. A 'one size fits all' approach will inevitably lead to unforeseen and unintended consequences.
- 3.2 As noted above the consultation proposals are wide ranging in their scope and cover both high level strategic issues (and matters of principle) to very specific technical details. In a number of areas, the full consequences of the proposals will take time to become established in order to ascertain if they have a lasting positive benefit or are merely palliative measures. In reality, it is likely also that the policy imperatives and requirements will be tested through the public examination of development plans, sec. 78 appeals and ultimately via the Courts.

Key Issues for Leeds

- 3.3 The detailed response to the specific questions and to the related consultation material is set out in Appendix 1 and 2 attached. In terms of the key issues for Leeds, the following points can be highlighted:

Chapter 2: Achieving Sustainable Development

- 3.4 The delivery of sustainable development through the planning system is a key theme of the consultation proposals. The current NPPF has been criticised for its prioritisation of economic objectives over, environmental and social. The consultation proposals seek to rebalance this through the need to ensure that 'net' economic, environmental and social gains are achieved through planning, albeit without clarity on how this might be measures and from what baseline. The consultation NPPF retains the 'presumption in favour of sustainable development' but seeks to clarify it in referring to circumstances where there are no relevant development plan policies, or the policies most important to determining the application are out of date' and to "refusing", rather than "restricting" development. Clearly, the delivery of sustainable development issues are paramount in Leeds and are integral to the development plan (Core Strategy, Natural Resources & Waste local plan, Aire Valley Leeds Area Action Plan and Site Allocations Plan), Best Council Plan and Inclusive Growth Strategy. The introduction of the concept of 'net gains', does perhaps enable a more systematic approach to assessing the merits of development proposals, against policy requirements.

Chapter: Plan-making

- 3.5 Revisions to this section seek to clarify the role and scope of the plan-making process. Emphasis is however given to the 'strategic' policy role of Combined Authorities (where they have planning powers – the West Yorkshire Combined Authority does not) and strengthening the role of Neighbourhood Plans. Within this context the role of the local authority led – Local Plan needs to be made more explicit. No reference is directly made to Core Strategies, Area Action Plans or Allocation Plans, which are the direct development plan mechanisms in Leeds which set out

strategic planning objectives and their spatial implementation on an area and site specific basis.

Chapter 4: Decision - making

- 3.6 A key focus of this section is around the issue of viability, the consultation proposals – supported by technical revisions to the Planning Practice Guidance, are linking to have a consistent and streamlined process. A standard methodology is advocated, together with emphasis up the testing of viability at the plan-making stage. Consequently, it is likely that the City Council will receive greater challenge to viability issues via the plan-making process. Also, given the diversity of sites, locations and markets across the District, through the Development Management process, notwithstanding this emphasis the authority will continue to receive viability assessments in respect of development proposals.

Chapter 5: Delivering a wide choice of high quality homes/affordable housing

- 3.7 Following on from the HWP and the consultation proposals contained in ‘planning for the right homes in the right places’, the changes to the NPPF bring forward the ‘standardised methodology’ for calculating housing requirements and also detailed monitoring mechanisms around the Housing Delivery Test. Further detailed guidance is also provided as part of the Planning Practice Guidance, although the housing requirement for each local authority areas using the standard methodology is not reproduced. Emphasis is given to the importance of affordable housing but with changes to definitions and changes to affordable housing contributions, to reflect written Ministerial Statements. Members will be briefed further on these points at the meeting.

Chapter 6: Building a strong, competitive economy

- 3.8 Whilst being committed to supporting business growth and productivity, the approach of the consultation proposals, when compared to the current NPPF appears to be more tempered and is set at a very high level. Whilst cross references are made to ‘industrial strategies’ and the ‘rural economy’, there is no specific reference in the document to the key role of Cities, ‘settlement hierarchies’ or recognition of the dynamics (and need for connectivity) associated with wider economic geographies. Leeds is a major economic driver at the heart of the City Region and the Northern Powerhouse, yet no references are made to the spatial planning role of places.

Chapter 7: Ensuring the viability of town centres

- 3.9 The consultation proposals recognise the importance of Town Centres and the need to make allocations over a 10 (rather than 15) year period, to allow for review and flexibility, the proposals do not however go far enough in boosting the vitality and viability of Centres.

Chapter 8: Promoting healthy & safe communities

- 3.10 The consultation proposals cite the importance of school places and health facilities as part of the planning process, without giving any additional powers to planning authorities for such infrastructure and services to be secured with any certainty. The experience in Leeds is that the provision of school places and health facilities (including GP surgeries) is a major challenge, with issues around existing shortfalls, notwithstanding provision associated with additional needs linked to longer term growth. Through the Site Allocations Plan and the Aire Valley Leeds Area Action Plan, the City Council is seeking to plan for and to coordinate this infrastructure (supported by the Infrastructure Delivery Plan) and where appropriate, site requirements). However, given the uncertainties around funding mechanism and the role and responsibilities for agencies and providers remains a fundamental challenge.

Chapter 9: Promoting Sustainable Transport

- 3.11 The consultation proposals recognise the importance of aligning planning and sustainable transport in terms of assessments. The proposals however emphasis the need for mitigation proposals in terms of road safety to be ‘cost effective’.

Chapter 11: Making effective use of land

- 3.12 The consultation proposals seek to support the ‘effective use of land’ within urban areas, via opportunities to increase urban densities and the ‘presumption in favour of sustainable development’. However, the proposals do not reintroduce a sequential test i.e. a brownfield first policy and could therefore go further in unlocking the delivery of such sites. There are opportunities also to address density and deliver issues as part of the Strategic Housing Land Availability Assessment (SHLAA) to take a consistent and evidential based approach. Whilst there may be opportunities to increase urban densities on ‘underused’ land, the overall approach need to be mindful in not compromising local character and distinctiveness and the opportunities to enhance opportunities for green space provision in highly urban environments.

Chapter 13: Protecting the Green Belt

- 3.13 Overall the consultation proposals are seeking to reaffirm and consolidate Government commitments to protect the Green Belt. The proposals allow for detailed Green Belt boundaries to be set via Neighbourhood Plans, for brownfield sites to come forward for affordable housing and some provision for compensatory improvements to Green Belt arising from development –although there is a need for further clarity on each of these points. There is also a change to GB exceptions which now includes change of use applications in certain situations whereas currently all change of use proposals need to demonstrate “very special circumstances”.

Transitional arrangements and consequential changes

- 3.18 In launching the consultation proposals, the MHCLG have confirmed that local planning authorities will have six months from publication of the new NPPF (currently anticipated in the summer) to submit local plans for examination under the old framework. Transitional arrangements are proposed which will apply the current framework to the examining of plans which are submitted on or before the date which is six months after the date of the publication of the new framework.
- 3.19 The implications of the NPPF consultations proposals to the Site Allocations Plan (SAP) and Core Strategy Selective Review (CSSR) are set out in other update reports on this Development Plan Panel agenda. In broad terms however, with regard to immediate implications, the Leeds Site Allocations Plan (SAP) is at an advanced stage, with the Core Strategy Selective Review (CSSR) progressing to timetable. Because of these respective timetables, due to transitional arrangements, they will not be ‘caught’ by these new proposals. The SAP remains at examination and following the close of consultation on resubmission proposals (26th February) is due to reconvene with stage 2 Hearings (Housing) in July 2018. The CSSR is at Publication draft consultation stage, with consultation due to close on 23rd March, with submission to the Secretary of State planned for September 2018.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 The MHCLG have set a deadline of 10th May for comments to be made on the consultation proposals. The changes to the NPPF cut across the various roles and responsibilities of Planning and related services within the Council. Consequently,

key Council services have therefore been given the opportunity to contribute to the draft response. Development Plan Panel members received an initial NPPF briefing paper on the 15th March and Plans Panel Chairs received a further briefing on 19th March.

4.2 Equality and diversity / cohesion and integration

4.2.1 An Equality, Diversity, Cohesion and Integration (EDCI) screening is completed for individual development plan documents, in taking forward the issues set out in the consultation proposals.

4.3 Council policies and best council plan

4.3.1 The preparation and delivery of the Leeds Local Plan (Core Strategy, Site Allocations Plan, Aire Valley Leeds Area Action Plan, Natural Resources and Waste) and determining planning applications via the Development Management process, are integral to the implementation of the Best Council Plan (BCP). In particular, BCP priorities for Inclusive Growth, Housing delivery, public transport improvements and environmental management are all key aspects to the planning process. The NPPF consultation proposals cut across these issues and how the Council meets key priorities and needs locally.

4.4 Resources and value for money

4.4.1 The consultation proposals will have implications for resources in terms of how development plans are made and the detailed consideration of planning proposals via the Development Management process. Linked to this the proposals seek to make changes to section 106 Agreements and the Community Infrastructure Levy (CIL). This will have implications for policy implementation and infrastructure delivery.

4.4.2 In addition, the proposals introduce a series of performance management responsibilities to the City Council in relation to the 'Housing Delivery Test'. Whilst it is anticipated that the approach, as advocated may replace existing requirements and can be absorbed, it is likely additional work will be needed to establish new systems, procedures and reporting mechanisms, likely to impact on existing resources.

4.5 Legal implications, access to information, and call-in

4.5.1 The report is for information and discussion.

4.6 Risk management

4.6.1 The consultation proposals include provision for a transitional period (6 months to enable development plans currently in preparation to be adopted, following the introduction of the new framework, anticipated in summer 2018). The changes to the NPPF however introduce new policy requirements to the Council, which will impact on Council programmes and priorities. This includes the work of the Housing Growth Board, given the proposed NPPF changes to the definition of Affordable Housing. This and other consequential risks will therefore need to be managed.

5. Conclusion

- 5.1 The NPPF consultation proposals (and related documents), broadly reflect the 'direction of travel' established via the Housing White Paper, 'Planning for the right homes in the right places' and the Autumn budget (2018). Consequently, much of what is set out in the documents has previously been subject to comment by the City Council. Whilst there are a number of positive strands to the material in a number of key areas (see Appendix 1 attached) further clarification is essential, given the implications regarding interpretation and delivery. This is especially the case given the 'one size fits all' nature of the proposals and the extent to which they are sufficiently applicable, relevant and 'fit for purpose' for a district the scale and complexity of Leeds.

6. Recommendation

- 6.1 Development Plans Panel is asked to note and comment upon the draft response to the NPPF consultation proposals set out in this report.

Appendix 1

National Planning Policy Framework (NPPF) Consultation proposals – Leeds City Council Draft Response

No.	NPPF Consultation proposals - Question	LCC Response and Proposed Recommendations
Chapter 1 Introduction		
Q1.	Do you have any comments on the text of Chapter 1 ?	<p>Para. 6 refers to the recommendations of the National Infrastructure Commission (NIC), without giving any indication as to what they are. For ease of reference a brief summary or a hyperlink would be useful. These recommendations are also at a point in time and are therefore likely to be subject to change.</p> <p>In terms of the proposed cross references to national infrastructure, a further cross reference to the importance of regional, sub-regional and local strategic infrastructure is necessary, as a basis for coherent and integrated Planning.</p>
Chapter 2 Achieving Sustainable Development		
Q2	Do you agree with the changes to sustainable development objectives and the presumption in favour of sustainable development ?	<p>Yes but could be clarified further.</p> <p>Para. 7 of the consultation proposals makes the important point of acknowledging the role of the planning system in contributing to the achievement of sustainable development. This is helpful but the statement should go further in emphasising that the various agencies, bodies, developers and investors – who the planning system interacts with, also have a duty and a responsibility to deliver these longer term objectives. Whilst planning has a very positive role to play, the planning system is unable to fully deliver on these objectives in isolation.</p> <p>Para. 8 usefully makes reference to the achievement of ‘net gains’ across the three sustainable development objectives. There is no indication however as to how these gains might be measured and from what baseline. This could be usefully clarified, especially with regard to the role of the Sustainability Appraisal. There is also a need to clarify whether up to date Adopted Local Plans are considered to be sustainable, where there is not an explicit assessment of net gains.</p>

Para 9 is not supported in its current form, is considered to weaken national guidance on sustainable development and has the potential to contradict with Para 11. Para 9 suggests that the three objectives of sustainable development are no criteria against which to judge every decision and that policies in plans should guide development towards sustainable solutions. Whilst it is acknowledged that the Local Plan is the best place to consider net gains in sustainable development taking into account local circumstances, the NPPF must also serve as a high level document able to consider development proposals in all circumstances, where for example a Local Plan is out of date or in early stages of preparation. Without an up to date Local Plan the NPPF as re-drafted gives no particular weight to the achievement of net gains across all three sustainable development objectives and therefore creates uncertainty and added complication to decision making. Moreover, clarity should be given as to the similarity between a net gains approach and the requirements of Para 11d (ii) to consider adverse impacts and whether they are significantly and demonstrably outweighed by development benefits. If net gains are explicitly not to apply to decision taking how else might Para 11d (ii). The Council recommends that the phrase “they are not criteria against which every decision can or should be judged.” be removed from the NPPF.

The ‘presumption in favour of sustainable development’ in Para 11, differentiates between plan-making and decision-taking. The plan-making element cites the need for ‘flexibility & to adapt to rapid change’. At this point it would be helpful to emphasise, that this should not be at the expense of net gains in the three objectives of sustainable development described in Para. 8. Section b of Para. 11 describes the need to meet OAN but gives no indication of the approach to be adopted where these needs cannot be met, nor the unmet needs of neighbouring authorities.

Para. 11 b i) refers to footnote 7 which lists environmental designations (described as environmental assets) which are considered to be a strong reason for restricting the overall scale and distribution of development. Whilst clearly important, this approach overlooks other aspects of environmental quality in ‘non designated areas’, such as the fundamental important of managing Air Quality.

The changes to ‘decision –taking’ and the motivation behind them (i.e. previous litigation) are noted but unlikely in practice, to head off any future challenge. Cross reference is again made to footnote 7 regarding environmental assets. However, the list is not exhaustive and makes no reference to current European Designations

		(such as Special Protection Areas and Special Areas of Conservation) or their likely status post Brexit (although these are referred to in Chapter 15). It is a concern also that a very specific approach has been taken to quantifying environmental assets/natural capital, rather than the need to take into account environmental resources & services (and the potential the impact upon them through development proposals), such as Air & Water Quality - in locations beyond the cited environmental designations. Also, the spatial role of Green Belt protection (by limiting urban expansion into the countryside and the merging of settlements), is not per se about environmental quality, yet Green Belt is listed as an environmental asset.
Q3	Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the Framework ?	<p>No.</p> <p>The Core Planning principles serve a useful purpose in seeking to provide an explicit focus as to what the planning system is seeking to achieve through both plan-making and decision taking. Rather than merging these across the consultation NPPF within other themed/topic areas, it is suggested that the Core Planning Principles should be retained but in a summarised form, identifying what the positive outcomes of planning are intended to be and how they might be achieved. Through the consultation proposals, emphasis is placed upon achieving the economic, social and environmental objectives of sustainable development at the same time, yet there is a lack of clarity as to how this can be achieved consistently and systematically overtime. Consequently, the retention of the Core Principles in a summarised form, would be a basis to help provide a focus to articulate this. Furthermore, the principles should include the legal duty on local planning authorities to mitigate and adapt to Climate Change which is considered to have less primacy as currently drafted as part of a suite of strategic policies.</p>
Q4	Do you have any other comments on the text of Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances ?	<p>Yes.</p> <p>Further clarity on the role of Neighbourhood Plans in relation to housing delivery and development is welcomed. However, the current situation in Leeds is that there is little by way of housing allocations presented as part of the Neighbourhood Plans currently coming forward. Of the 35 – 40 made or in production, only one has allocations within it. For a District the size and complexity of Leeds, identifying specific local housing needs on a Neighbourhood Plan basis is a very challenging task but one that needs to relate to overall District wide targets identified via 11 Housing Market Characteristic Areas. Within this wider context, Para 14 is also</p>

		<p>silent on the approach to be adopted in circumstances where Neighbourhood Plans do not exist or do not contain allocations for housing development.</p> <p>Moreover para 14 suggests that a Neighbourhood Plan which has policies and allocations identified through a NP process will trigger the criteria, whereas a NP which has not allocated sites but elucidates other parts of the Local Plan and is in conformity with it, will not. This is a selective application of national guidance. All NPs or Neighbourhood Areas should be subject to the criteria.</p> <p>Paragraph 14 may reassure neighbourhood planning groups that their neighbourhood plans will not become out of date (in certain circumstances) but it should also introduce a mechanism for LPAs to identify to NP groups when it is relevant. NP groups cannot be expected to have the capacity to determine when there is a lack of a 5 year supply but there is a 3 year supply and delivery is at least 45% over the previous 3 years.</p>
	<p>Chapter 3 Plan-making</p>	
<p>Q5</p>	<p>Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already been consulted on ?</p>	<p>Yes.</p> <p>Para. 16 regarding the overall scope of Plans</p> <p>No.</p> <p>Whilst the changes to some extent are helpful, the status of the ‘Local Plan’ within the Plan-making section needs to be expressed more clearly. Emphasis is given to ‘strategic policies’, especially where linked to cross boundary authority issues and in respect of Combined Authorities with planning powers and also to Neighbourhood Plans at the lower tier. However, it appears that the role of Neighbourhood Plans has been elevated at the expense of wider role of Local Plans which cover local authority plan areas. Whilst recognising that these may need to reflect higher tier sub-regional plans (in city regions) and lower tier Neighbourhood Plans, there is a need to properly and fully reflect their role in dealing with local strategic issues which no single nor group of Neighbourhood Plans could address such as the statutory duty on climate change and sustainable development. Whilst the City Council is currently actively supporting the preparation of Neighbourhood Plans across the District, the consultation proposals introduce an element of over dependent and risk associated with the progression of such plans. Unless there is a sustained and</p>

comprehensive take up of Neighbourhood Plans across the entire metropolitan area – with each allocating land to meet housing needs, in practice there will be geographical and need gaps, making it impossible to effectively plan for needs and infrastructure coherently. This is especially the case given that Neighbourhood Plans are unlikely to all come forward at the same time and significantly, there may be issues in identifying allocations of the scale and in the locations required – the experience of Leeds to date is that the vast majority of NPs have not put forward any allocations.

Para. 20e (Strategic policies), makes specific reference to the need for such policies to include provision for health, without recognising the lack of planning powers to require it.

Para. 21 references ‘strategic policies’, without referencing Core Strategies. The NPPF needs to be clear that Core Strategies can form part of the Local Plan.

The need to review adopted plans every 5 years is supported but recognition is needed regarding the resources necessary to sustaining this on-going commitment. Moreover, clarity is needed (perhaps through PPG updates) that provided that local planning authorities have a programme of review in place the absence of an updated plan cannot be taken to mean that it is out of date and therefore subject of tests within Para 11.

The reference in Para. 25 to the ‘use of proportionate evidence’, is supported. For all concerned, evidence gathering is time consuming and costly.

Market signals are important but can be volatile and if a key role of planning is to deliver sustainable development, a longer term perspective is also necessary.

Para. 29 confirms the role of Statements of Common Ground, as a basis to identify agreement of ‘cross boundary’ issues. These have a positive role to play providing that they do not duplicate current Duty to Cooperate arrangements.

Para. 30. Describes the preparation of ‘Local Policies’, it would be helpful if this section could re-affirm the role of Area Action Plans.

Para.32, would benefit from further clarification, what is the definition of ‘non-strategic’ ? Certain policies may have a local authority wide/district role and could be classed as strategic. The approach advocated also presupposes that

		<p>Neighbourhood Plans will include the full range of policies, to take precedent of policies in a Local Plan. The sentence should be qualified to say, <i>‘Once a neighbourhood plan has been brought into force, where relevant policies supersede the non-strategic policies in a local plan, these will take precedent within the neighbourhood planning area’.</i></p> <p>Yes, to Para 36 b, Change to ‘Justified’ soundness test.</p> <p>The proposed changes to soundness which enable authorities to plan for strategic priorities via ‘an appropriate strategy’, is to be welcomed in allowing for local discretion. The changes to the soundness test therefore to ‘an appropriate strategy’ is also helpful in enabling potentially shorter plan examinations to adoption.</p> <p>Although the additional emphasis on neighbourhood planning being used to ensure the delivery of the right type of development in the right places is welcomed, this rests on a number of risky assumptions:</p> <ul style="list-style-type: none"> • That all neighbourhood plans will bring forward development allocations • That all areas will be covered by a neighbourhood plan (when the spatial strategy states that development will be directed to the MUA, in Leeds the city centre and inner areas, with little uptake of neighbourhood planning this would lead to inappropriate development or policy gaps given there are fewer NPs in inner / urban areas) • That those neighbourhood planning groups in high growth areas have the capacity and skills to address the level of growth being directed in their areas. • That neighbourhood planning groups will have the appetite to assess or review plans. <p>Local planning authorities have an important role to play and further emphasis could be placed on positive collaboration between local authorities and neighbourhood planning groups whilst still upholding the principles of Localism.</p> <p>Clarification that Neighbourhood Plans can also provide neighbourhood-level interpretations of strategic policies would be helpful.</p>
<p>Q6</p>	<p>Do you have any other comments on the text of Chapter 3 ?</p>	<p>Para 34 as amended in its current form seems unduly onerous particularly for a city the size of Leeds. It could be read that each site should be subject of a plan-making viability assessment and specific set of contributions. The Council recommends the replacement of “sites” with “areas” in the first sentence to aid clarity. The Council would support a strategic plan level assessment of viability, which took a variety of</p>

		<p>site characteristics into account. In expecting local authorities to evidence the viability of development it is important to clarify the parameters they should work within as regards developer profit. To help ensure that local needs, sustainable development and climate change duties are addressed may involve expecting developers to moderate their profit expectations.</p> <p>The introduction of using digital tools to present planning policies is welcomed and will provide for increased accessibility and understanding of the development plan, although this should be appropriately resourced.</p>
	Chapter 4 Decision-making	
Q7	<p>The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic ?</p>	<p>In principle this approach is supported by the City Council but it is likely that by exception, where there are issues of commercial sensitivity this may not be possible.</p> <p>Notwithstanding this point, a key issue regarding the question of viability are the underlying assumptions used. In this respect the proposed standard methodology is useful for scope and consistency. However, in the experience of the City Council, in Leeds development 'viability' is in part a product of the cost of the land acquisition and its point of purchase for development (i.e.in the economic cycle, when the market maybe strong or weak) and the business models and margins of respective developers and investors. These factors have the effect of 'squeezing viability', with pressure on the Council to support non policy compliant schemes, for the sake of achieving wider development benefits and without, in many instances margins being reduced. Consequently, the NPPF needs to be more explicit and realistic in addressing the mechanics of this issue and the role of developers/investors.</p>
Q8	<p>Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessment to accompany planning applications would be acceptable ?</p>	<p>Yes.</p> <p>The City Council supports the principle of viability being a matter on the face of the development plan and viability appraisals at this level need to be fit for purpose. Consequently, it will be difficult for such appraisals to anticipate and cover every eventuality in respect of site specific proposals. However, the need for 'supplementary' appraisals at the planning application stage need to be by exception, evidential and with clear and transparent and realistic assumptions. Under current arrangements, viability appraisals are routinely received by the Council in respect of site specific proposals, which can cause uncertainty and delay.</p>

<p>Q9</p>	<p>What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of large or multi-phased development ?</p>	<p>Yes but a proportionate approach is needed.</p> <p>Pragmatically there should be scope for this in the NPPF and to allow for some flexibility, especially in relation to major and multi-phased schemes. However, drafting a development plan policy to cover this issue would be cumbersome and difficult to specify the timing of review mechanisms, linked to economic conditions/land values, given that these are subject to change. This approach would also duplicate national guidance if it could be covered in the NPPF. In circumstances where economic conditions are in decline, potentially impacting negatively on value, this approach is likely to result in a re-negotiation process on proposals and their ability to be policy compliant, rather than capturing additional benefits.</p>
<p>Q10</p>	<p>Do you have any comments on the text of Chapter 4 ?</p>	<p>Para. 42 makes reference to the need to resolve requirements for infrastructure and affordable housing and a pre-application stage, this approach is to be generally welcomed.</p> <p>Para. 45 sets out the need for LPAs to publish a list of information requirements. Whilst useful, this places additional requirements upon the LPA to keep this under review.</p> <p>Para. 50/51 introduces a much stricter test regarding prematurity. The proposals need to be more explicit in emphasising that prematurity is a key issue when development plans are at an advanced stage (at examination) and where 'unresolved objections' are limited to a small number of sites.</p> <p>The Council is disappointed therefore that the NPPF does not take the opportunity to clarify that where plans are at advanced stages of preparation applications which are contrary to it can be deemed premature. This issue is one of the most contentious issues in Leeds in recent years as the considerable level of public engagement with the Local Plan making process (over 50,000 representations) has meant under the terms of the NPPF that there is less weight placed on emerging policies as opposed to more, which should be the case given the concerns raised by communities. The Council notes that the ministerial statement has been deleted which included phrases such as "planning has tended to exclude, rather than include, people and communities" and "people have been put off from getting involved because planning policy is elaborate...the preserve of specialist rather than people in communities" and "we are allowing people and communities back</p>

		<p>into planning”. The latest draft NPPF should clarify that plans which are submitted to the Secretary of State should have weight and that application for development contrary to that plan where that plan also provides alternatives for development to the application site should be deemed premature. Failure to do this will continue the disquiet amongst local people that they have little control despite engaging with the planning system and is contrary to the Localism Act.</p> <p>Para .56, Re. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification. When in force, sections 100ZA(4-6) of the Town and Country Planning Act 1990 will require the applicant’s written agreement to the terms of a pre-commencement condition, unless prescribed circumstances apply).</p> <p>Whilst the Council recognises the need for unnecessary delay, the consultation proposals need to recognise that there are legitimate exceptions to this approach. For example, the City Council’s Contaminated Land (CL) Team relies on pre-commencement conditions for the submission of information (in particular site investigation reports and remediation statements), to demonstrate that a site will be made safe and suitable for use. It should be noted that at CL pre-commencement conditions are excluded from the process of requiring the applicant’s written agreement to the terms of a pre-commencement condition. Requiring written agreement can introduce delays, inefficiencies to the process, unnecessary work, etc. The alternative, is to request that applicants provide all of this information upfront in support of a planning application.</p>
	<p>Chapter 5 Delivering a sufficient supply of homes</p>	
<p>Q11</p>	<p>What are you views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small for medium sized sites ?</p>	<p>Where possible.</p> <p>Local Planning Authorities can only plan with sites that are made available through the Strategic Housing Land Availability Assessment (Para. 68). Where small and medium sites are available, a suitable proportion should be required as part of plan making and update of the five year housing land supply – a figure of 20% is not unreasonable. However, sites under a 0.5ha threshold are small and often derive from patterns of enclosure, subdivision, change of use. A figure of 1.0ha or below would be more reasonable and reflective of both small <i>and</i> medium sized sites. Where these sites are not available (as identified by SHLAA) there should be no</p>

		penalty against the authority or onus for LPAs to identify sites that would otherwise properly come forward as part as windfall under an adopted allowance.
Q12	Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing requirement from 2020 ?	<p>Yes.</p> <p>Agree on the basis of that the figure for the number of homes required used for the HDT measurement is the lower of the latest adopted housing requirement figure; or the local housing need figure (projected household growth). A lower 75% marker (20% buffer) and 85% (10% buffer) test provides reasonable flexibility to take into account fluctuations in delivery as a result of market conditions and the capacity of the construction industry.</p> <p>Under Para.77 if an LPAs performance falls below 95% of the housing requirement over the previous three years then <i>“the authority should prepare an action plan in line with national planning guidance”</i> it is the Council's view that the guidance should recognise that the causes of under delivery may be beyond the control of an LPA alone and that the identification of actions to increase delivery in future years will include all stakeholders including the LPA, landowners, developers, the construction industry, mortgage finance and national policy. LPAs recognise the application of a buffer to the supply as a mechanism to improve the prospect of meeting those planned targets. In particular wider macro-economic influenced slowing of housebuilding despite local plan policies and allocations should not be used as an argument to amend the spatial strategy of a Local Plan.</p>
Q13	Do you agree with the new policy on exception sites for entry-level homes ?	<p>Yes but need to be clear on how defined.</p> <p>This is supported in principle although sites for such homes should already be met within the LPAs area in planning for a housing requirement (Para. 62). This should take into account need across all sectors providing homes in locations, and of size and tenure required identified in up-to-date Strategic Housing Market Assessment and supporting Housing Market Assessments for localities. The implications for the development of such sites also need to be considered within the context for spatial planning proposals which seek to maintain and enhance the role of settlement hierarchies as a focus for sustainable development and infrastructure provision.</p>
Q14	Do you have any other comments on the text of Chapter 5 ?	<p>Yes.</p> <p>Para. 63a changes the wording regarding re. the financial contribution in lieu of affordable housing. The consultation proposals has removed the need for the</p>

financial contribution to be “broadly equivalent” to on site provision – this is likely to cause uncertainty and will therefore slow down negotiations over what an appropriate contribution might be.

Para. 64 describes the circumstances and ‘exceptions’ where affordable housing should be sort. Leeds is a large and complex metropolitan authority with a range of housing needs across the area, including the need for affordable housing in inner and outer areas. Whilst recognising issues of viability, the City Council is concerned about this very broad brush approach and the application of the vacant building credit. This section therefore needs to be reviewed.

Whilst Para 68. fairly sets out the LPAs should identify “*specific, deliverable sites for years one to five of the plan*” the revised definition of “deliverable” sets far too high a test on LPAs for sites which do not have a detailed planning permission in place (including allocated sites that have been subject to separate examination through the plan-making process) requiring the LPA “*to provide clear evidence that housing completions will begin on site within five years*”. As to ‘deliverability’ under the NPPF and NPPG, national policy should *not* require (or even signpost any preference for) the ‘certainty’ of delivery before a site may properly be considered to be deliverable. Rather, a ‘realistic prospect of delivery’ should be disclosed by a given site. The planning process cannot deal in such certainties. The assessment of supply is to be carried out with regard to what is deliverable, which differs from expected actual delivery, which is entirely out of the control of a LPA.

A distinction needs be made between the concepts of ‘*deliverable site*’ and the ‘expected rate of delivery’ and is readily explained on the basis of what is assessed to be capable of being delivered. Placing the onus on LPAs to provide ‘*clear evidence that housing completions will begin on site within five years*’ for each site is unreasonable and, in many cases, impossible as sites with outline planning permissions, whilst deliverable subject to a conventional reserved matters application being received, will be subject to ownership transactions and revised options for delivery before a final construction programme and funding arrangements are able to be drawn up. Even at that point, it would be extremely difficult for LPAs to collate this information through the SHLAA process as it would include obtaining confidential information of individuals both commercial and financial.

This would, in effect, mean that only sites with detailed planning permissions could make up a five year supply picture and it is totally unreasonable to suggest that these are the only sites which are capable of delivery over a rolling five year forward looking period for plan making and decision taking purposes. The LPA must ensure the site is suitable, available and achievable in a viable market with no known impediments to delivery. The presence of an outline planning permission, permission in principle, allocation in the development plan or placement on a brownfield register are further strands which point to deliverability from a position of capability, to probability and then certainty. The timeframes and uncertainties are reflected in the assessment of commencement dates and build out rates as part of a SHLAA in consultation with landowners and representatives of the development industry. LPAs can boost the supply of housing through the approval of planning permissions but have little control over their delivery.

Accordingly, the city council would support proposals in Para. 78 for LPAs to have a greater control over the implementation of schemes in order to achieve delivery on site and improve the ratio between the numbers of units approved versus the number being delivered. This is in recognition that housing land supply issues often relate to a problem in the delivery rather than the approval of schemes.

Paragraphs 66 – 67 introduce an expectation for strategic plans to provide a housing requirement (or indicative) figure for designated neighbourhood areas which is welcomed and it is hoped that this will encourage more neighbourhood planning groups to bring forward allocations in those local authority areas that are absent of an advanced strategic plan. However, if too much emphasis is placed on neighbourhood planning groups to meet requirements, and this fails to materialise in practice – how would this affect the 5 year housing land supply?

It is unclear how Paragraph 67 would work in practice where sufficient housing land has been allocated through the Local Plan. For paragraphs 66 – 67 to be most effective, it appears as if there would have to be a reset of the whole plan-making process, and rests on the assumption that neighbourhood plans will be prepared at the same pace across a local authority area in line with local authority's housing requirement.

There should be further emphasis placed on local authorities to encourage uptake of neighbourhood planning (in Leeds we are fortunate that the Council is committed to supporting neighbourhood planning groups but there are many areas that are not as supportive).

		<p>Although increasing support for neighbourhood planning from Government is welcomed, and measures in the Neighbourhood Planning Act have improved the process, it is concerning that so much emphasis is being placed on the idea of neighbourhood planning as a key tool for solving the “housing crisis” without there being a fully-comprehensive national review of the whole neighbourhood planning programme. Support (financial or technical) from Government for neighbourhood planning should be contingent upon “delivery”, which would mitigate against the risks introduced by many of the assumptions being made in this document (about the majority of neighbourhood plans putting forward development allocations – they do not).</p>
<p>Chapter 6 Building a strong, competitive economy</p>		
<p>Q15</p>	<p>Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas ?</p>	<p>No, greater clarity is needed to recognise the key economic role of Cities and ‘places’ in driving inclusive growth and prosperity.</p> <p>Para.82 provides a broad overview of the role of Planning in building a strong and competitive economy, highlighting that ‘significant weight’ should be placed upon supporting economic growth and productivity. No reference is however made to the role of planning in helping to shape economic geographies (through the development plan), the roles of Cities and places as key economic drivers. These roles need to be fully recognised and supported via the NPPF.</p> <p>Whilst reference is made to ‘economic growth’, given the overall commitments of the consultation proposals to the principles of sustainable development (and in particular the net gains described in Para. 8, Para. 82, could usefully cross reference to the need for ‘<i>inclusive</i> economic growth’. Further clarity is also needed in describing the role of Planning in supporting ‘productivity’. Whilst the location and form of development may support and assist productivity, it is likely that a wide range of issues associated with ‘business productivity’ are likely to be beyond the direct remit of the planning system.</p> <p>Para. 83, sets out a series of planning policy criteria, with cross reference made to local industrial strategies’. This is useful but as with Para. 82, no reference is made to the role of places (including the role of Cities) and how these work within and across wider economic geographies.</p>

		<p>Reference is made in Para. 83 c), addressing barriers to investment, such as inadequate infrastructure but the references lack impetus and urgency. There is no reference to the importance of transport connectivity or the role of other partnerships, funding or mechanisms, in supporting planning on delivering on these priorities.</p> <p>Para. 83, d) importantly makes reference to the need for planning to be flexible in responding to economic change but should be strengthened to make reference to the need for 'economic resilience', to avoid short term and potentially ad hoc interventions.</p>
Q16	Do you have any other comments on the text of Chapter 6 ?	Given the emphasis of the current NPPF, this is a very short section in the overall document and lacks the breadth and cross references which the Council considers are needed, especially when planning for a major City which is a key economic driver within the region.
Chapter 7 Ensuring the viability of town centres		
Q17	Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses ?	<p>No.</p> <p>The revised framework has clarified that plans should allocate to meet the needs for town centre uses over a 10 year period. Whilst this clarity is welcome, when compared to the previous Framework, which set out that needs should be 'met in full', it still does not necessarily address the perilous state of some town centres are in. All evidence points to increased online and out of town sales whilst many town centres see increased vacancy. Broadly speaking, the sites and units to meet retail needs already exist within town centres. However, as a result of weak town centre protection through the inadequate sequential test, operators are opening more and more out of town floorspace, even at a time of retail stagnation. This is coming at the expense of existing town centres. Revisions to the Framework should provide greater protection to town centres by clarifying that large out of centre schemes should be subject to disaggregation through the sequential test. At present national policy is in the perverse position whereby the larger an out of town scheme is, the easier it appears to be to pass the sequential test.</p> <p>The change to the sequential test to make clear that suitable sites do not need to be available at the time of the assessment, but "within a reasonable period" is welcome. It will help authorities' direct development towards in-centre regeneration sites that are not quite ready for development but are projected to be available soon.</p>

		<p>However, the lack of definition of 'reasonable' will give rise to much uncertainty and will no doubt occupy much time in Inspector's reports at appeals. Further clarity on this point would be welcome.</p> <p>It is noted that the timeframe for the impact assessment has been changed so that schemes no longer have to project impacts on a 5 or 10 year basis. There are positives and negatives to this proposal, in that future damage to a town centre may now no longer be captured, but also existing damage cannot be massaged out through increases in population projected over 10 years, as is common now. In the absence of any further information, which the Council submits is required, it can only be assumed that the impact assessment has to be undertaken based upon the projected opening of the proposal in question, and will no longer be expected to consider future impacts over a 5 or 10 year period. Clarity in this regard should be included.</p>
Q18	Do you have any other comments on the text of Chapter 7 ?	None
Chapter 8 Promoting healthy and safe communities		
Q19	Do you have any comments on the new policies in Chapter 8 that have not already been consulted on ?	<p>It is important that these issues are reflected in the NPPF and considered at the plan-making stage and through the development management process, including consultation with statutory bodies and agencies. The challenge for public safety and security is that risks are continually evolving and it is therefore difficult for layouts and designs to be entirely future proofed against any potentially eventuality. However, based upon the intelligence and information which is currently available, as far as possible, planning needs to be able to address these concerns.</p> <p>The consultation proposals need to be clearer regarding the status of the 'Local Plan'. If health and wellbeing issues are to be addressed then detailed policy is required on a number of design issues which are unlikely to be included in 'strategic plans'.</p>
Q20	Do you have any other comments in the text of Chapter 8 ?	This Chapter covers a very wide range of complex issues, which need to be integral to the planning process. However, given the scope and extent of the issues outlined, emphasis needs to be given to the need for infrastructure and service providers to positively engage effectively with the planning process to enable a coherent and complementary approach.

In Leeds the provision of school places and health facilities is a major issue in aligning an appropriate level and delivery mechanisms to secure provision both to meet existing needs and future requirements based upon regeneration and growth aspirations. Roles and responsibilities for the provision of schools places and health facilities, in many instances, are beyond the direct control of local authorities and often subject to uncertainties around funding. Consequently, the worthy aspirations of the consultation proposals need therefore to be strengthened to reflect these roles and responsibilities beyond the planning system, to give more certainty to communities. This is especially important, given the aims of the consultation proposals (Chapter 3) to boost the role and impact of Neighbourhood Plans.

School place planning issues:

The consultation proposals should make clear the complexities and challenges involved in opening new school provision.

There has been and continues to be rising demand for school places in Leeds which must be met through expansions of existing schools, creation of new schools, and restructuring of existing schools. In addition, site allocation plan housing targets will generate significant additional demand for school places with local authorities, as providers of last choice, dependent on working with partners to commission any new provision. As the available opportunities to expand existing schools are becoming rapidly exhausted the need to open new school provision will become crucial to help meet this anticipated demand.

Where new school places are needed to meet rising demand, there are two routes available to proposers seeking to open new school provision:

- Local authorities must seek proposals to establish a free school (academy) where they have identified the need for a new school in their area (the free school presumption route). Under the presumption route the local authority is responsible for identifying a preferred sponsor to run the new school, providing and meeting the cost of acquiring a site for the new school, and meeting the associated capital build and pre-/post-opening costs. This process is subject to statutory consultation and it can take in excess of two years to conclude the process. The uncertainty about the impact of new housing in terms of pupil yield can make determining the need to begin a free school presumption process

difficult. Therefore, there is a need for the authority to have the flexibility to confirm or decline the need for identified school sites, including those located on new housing sites identified in the site allocation plan, following the approval of detailed planning applications.

- Although the local authority has a key role to play in identifying a preferred sponsor to run the new school, the final decision on all new free school proposals ultimately lies with the Secretary of State and is subject to a statutory planning process. In most cases it is no longer possible for local authorities to open new maintained schools, although the legal duty to provide school places for all children within its local authority boundary remains.

Given the context above, it is essential that, where the local authority identifies a need for new provision, it is able to find, and acquire, sufficient and affordable sites for new school provision to meet demand generated by site allocation plan housing targets. It is likely that a failure to secure affordable and well located sites when required would leave the authority with a significant gap in its ability to respond to the planned housing.

- It is also possible for proposers to apply directly to the Department for Education (DfE) in which case the Education and Skills Funding Agency would need to identify and acquire a suitable site and meet all associated capital costs. However, it is currently unclear if/when the next opportunity (wave) will open up for proposers to submit applications directly to the DfE to open a new free school. Although the local authority would not be required to meet upfront capital costs, it would receive reduced delegated grant funding to offset the per pupil costs of providing the additional places created.

From a public health perspective:

- There should be greater focus on children's health. The obesity crisis in children should be addressed in the consultation proposals by promoting children's independent mobility and informal outdoor play through safe street layouts. The Chapter goes some way to promoting 'layouts that encourage walking and cycling', but there needs to be specific mention of the need to provide safe 'doorstep play' – that is, direct access to an area close to the home for informal play. The current NPPF mentioned play in this section, but this is removed in

the consultation proposals, as has all mention of children's needs. It has also lost the phrase 'key facilities such as primary schools and shops should be located within walking distance of most properties', which is very important for children's independent mobility.

- Reference to green space (& appropriate planting) on or near a development should be emphasised. There is an argument in financially challenging times for funding to be used to enhance existing green spaces e.g. park facilities to be maintained, rather than the provision of new green/open space integral to development proposals. From a public health perspective, green space is fundamentally important for positive mental health in deprived/built up areas, social interaction older people/disabled people.
- Stronger reference should be made to ensuring/improving connectivity between homes, facilities and workplaces-encouraging active transport in addition to focus on physical activity as leisure pursuit.
- In residential areas the proposals need to promote increased physical activity and reduce traffic hazards for children, elderly and disabled.
- Promotion of Home Zones would bring together health and wellbeing and community safety objectives have good evidence of success all across the country.
- Meeting housing needs and the need for affordable housing needs to be seen as a priority - including the requirement for specific provision such as for older people.
- Collaborating with Clinical Commissioning Groups, Primary Care, Dentists etc. to assess NHS health needs and provision needs to be highlighted-but not at expense of building a future healthy generation through physical activity, access to healthy food (and disincentives to unhealthy food e.g. restricting takeaways) and decisions to promote/encourage active transport..
- Developers to learn from the examples of the Healthy New Towns initiatives-community orchards, allotments, physical activity opportunities. Shared spaces encourage interaction and improved mental as well as physical health.

Para. 94 makes reference to 'estate regeneration', without any clarity or definition as to what this means in practice and how 'planning powers' can be supported by significant funding mechanisms. Notwithstanding government initiatives (including the HIF), to promote regeneration and growth, reductions in public finance and constraints upon local authorities make it difficult to fully grasp these opportunities. Whilst, the City Council has been proactive in taking forward a range of programmes

		<p>and projects to facilitate regeneration, additional government resources are needed at scale and pace in order to help 'fix the broken housing market' in such areas, as advocated in the 2017 Housing White Paper.</p> <p>Given the consultation proposals outlined in Chapter 11 (making effective use of land), if the intention behind the reference to 'estate regeneration' is to achieve this, the links to this ambition and means for it to be achieved need to be clearly set out.</p>
Chapter 9 Promoting sustainable transport		
Q21	Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts ?	<p>Yes.</p> <p>The inclusion of a specific mention of capacity, congestion and road safety in the consideration of transport impact is welcomed, however the introduction that mitigation is 'cost effective' in terms of road safety is a questionable balance to be struck.</p>
Q22	Do you agree with the policy change that recognises the importance of general aviation facilities	<p>No, further clarity is needed.</p> <p>Para. 105 f makes reference to the need for Planning policies to recognise the national network of 'general aviation facilities'. Further clarity would be helpful to determine the scale at which such facilities need to be retained and the role of such facilities, especially at a regional sub regional level. This will enable more a effective planning at a 'strategic' and at a 'local' plan level.</p>
Q23	Do you have any other comments on the text of Chapter 9 ?	The changes to the structure of the section have improved its clarity and retain the key aspects of the policy. However the deletion of the need for 'Home zones' is a concern, given the positive role they have had.
Chapter 10 Supporting high quality communications		
Q24	Do you have any comments on the text of Chapter 10 ?	<p>This is a dynamic and fast changing area which will be subject to change as new technologies and innovations emerge. Para. 112 provides a context for the importance of communications technology for 'economic growth and social wellbeing'. Within this overall context it would be worth emphasising that as far as possible new development (broadband provision should be integral to new development).</p> <p>In terms of social wellbeing, given concerns which have been raised through planning in the past regarding new technologies and public health (such as</p>

		<p>electromagnetic radiation), it is suggested that the NPPF should cover this point to dispel any concerns.</p> <p>Para. 113 makes reference to 'smart city applications'. Whilst this is subject to different interpretations, it would be helpful if the NPPF could emphasise the potential of such technologies to manage resource flows (such as energy) more effectively, reducing the need to travel and improvements to public transport – consistent with other aspects of the NPPF (including climate change mitigation, sustainable travel and conserving and enhancing the natural environment).</p> <p>Para.113 also makes reference to the need for equipment to be 'sympathetically designed and camouflaged where appropriate'. It would be useful if the following wording could be added to the end of the sentence, <i>'in order to mitigate any detrimental impacts upon visual amenity'</i>.</p>
Chapter 11 Making effective use of land		
Q25	Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use ?	<p>Yes.</p> <p>The City Council supports the strengthening in the promotion of the development on brownfield land. Whilst residential development continues to come forward on previously developed land it is recognised that it could come forward at a greater pace with a measured amount of intervention by LPAs. The NPPF should encourage LPAs to make a clear priority to maximise the use of brownfield land in meeting the need for new homes across the district and actively engage with incentivising the bringing back into use of brownfield sites.</p>
Q26	Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs ?	<p>Yes.</p> <p>Optimum use of land is necessary in all areas of Leeds, so the proposed wording of paragraph 123 a) and b) is supported. In addition, the NPPF should note the importance of appropriate densities being considered early in the site identification process. The approach to setting density standards should be made clear as part of the SHLAA process in the calculation of capacities for sites by location/market. Particular consideration should also be given to Local Plan policies on planning obligations, design, layout, infrastructure requirements as well as in setting the Community Infrastructure Levy, to promote the delivery of sites in areas where there is a shortage of available land.</p>

Q27	Do you have any other comments on the text of Chapter 11 ?	<p>The City Council recognises that a range of tools and solutions are necessary to stimulate delivery on brownfield sites conducive to the boosting of delivery of housing on previously developed land. However, the promotion of sites for delivery needs also to be recognised in the land supply picture. Where LPAs have identifies suitable and available sites in viable markets, and then have gone beyond to identify and implement interventions to stimulate housing growth primarily on sites in areas in need of regeneration and on brownfield land including the use of brownfield land registers and permission in principle, these may properly be reflected in the assessment of deliverability in order to contribute to being considered a deliverable site.</p> <p>Para 120 as written does not allow for long term change of places which are challenging if plans are to be reviewed every 5 years. For example, regeneration areas may need a considerable amount of time to come forward and should not be subject to the provisions of para 120 simply because development fails to happen within 5 years.</p>
Chapter 12 Achieving well-designed places		
Q28	Do you have any comments on the changes of policy in Chapter 12 that have not already been consulted on ?	<p>The Chapter has lost its clear, strong opening statement: '<i>Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people</i>'. This should be reinstated.</p> <p>The advice in paragraph 128 concerning use of design tools is a positive addition to the NPPF.</p>
Q29	Do you have any other comments on the text of Chapter 12 ?	<p>There is no mention of the value of street trees and landscaping in this Chapter. In the entire consultation proposals, trees are only mentioned in the context of protecting ancient woodland. As well as protecting historic trees it is essential to promote new tree planting. Trees, hedges and landscaping have multiple benefits, e.g.to fulfil the government commitments to Health and Wellbeing, creating streets that promote sustainable travel (such as walking and cycling). Research and evidence has shown (see references below) that they also play an increasingly important role in improving air quality, and encouraging biodiversity. Although green infrastructure is mentioned in chapters 8, 14 and 15, it is not clear that this could refer to landscaping within streets, where its benefits are acutely needed. The benefits of street trees and landscaping should be cited in chapter 12 section 126 and Chapter 8 section 92, and the glossary should include a list of examples of green infrastructure.</p>

		<p>References: Green space design for health and wellbeing - www.forestry.gov.uk in conjunction with NHS https://www.forestry.gov.uk/PDF/FCPG019.pdf/\$FILE/FCPG019.pdf</p> <p>Health benefits of street trees - www.forestry.gov.uk https://www.forestry.gov.uk/fr/infd-8jcejh</p> <p>Urban Air Quality TDAG – Green Infrastructure (doc: first Steps in Urban Air Quality) http://www.tdag.org.uk/first-steps-in-urban-air-quality.html Compiles the basics built environment professionals need to know about urban air quality and how design of our urban infrastructure – including green infrastructure – determines where air pollution is produced, and how it disperses.</p>
	Chapter 13 Protecting the Green Belt	
Q30	Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for other forms of development that are ‘not inappropriate’ in the Green Belt ?	<p>Yes but with safeguards.</p> <p>Paragraph 135 provides the opportunity for neighbourhood plans to make specific amendments to the Green Belt boundary (once the need for amendment has been identified through the strategic plan). This would enable more small-scale development to be brought forward to meet neighbourhood area-level housing requirements (as introduced by Paragraphs 66 – 67) which is welcomed. This should, combined with the greater emphasis placed on neighbourhood planning in this consultation NPPF, encourage neighbourhood planning groups to maximise their opportunities to shape and direct development to suit local aspirations and needs.</p> <p>Para 137 last sentence will be difficult to implement as it relies on something outside the control of the LPA. Compensatory improvements would need to be tangible, in perpetuity and in place prior to the grant of permission on the Green Belt to be lost. This is considered to be onerous and would ultimately delay plan preparation and grant of permission.</p>

		<p>It clearly makes sense to secure the greater use of brownfield land, however brownfield land within the Green Belt has the potential to be in an isolated location with poor or inadequate infrastructure. Emphasis is made in the consultation proposals (Para. 144) for such sites to be used for affordable housing/Starter homes. Where appropriate, in meeting this need in such locations, it will be essential that such communities are supported by necessary infrastructure (schools, public transport etc). Depending on scale however, viability issues are likely arise in meeting such provision with the potential for 'market housing' to help cross subsidise, could be an unintended consequence. Because of this, the proposals need be much clearer and realistic in determining the scale and composition of such development.</p> <p>Para. 144 b includes 'changes of use' as part of the consultation proposals, there is no indication of scale or other considerations to assess the local impact (such as traffic generation or amenity) associated with such development, other than 'openness' and Green Belt purpose.</p> <p>Paragraph 145 provides the opportunity for development to come forward under a Community Right to Build Order or Neighbourhood Development Order (within certain parameters) which is welcomed as it provides the opportunity for qualifying bodies (Parish/Town Councils and Neighbourhood Forums) to focus on delivery rather than preventing or limiting development.</p>
Q31	Do you have any other comments on the text of Chapter 13?	None
Chapter 14 Meeting the challenges of climate change, flooding and coastal change		
Q32	Do you have any comments on the text of Chapter 14 ?	<p>Para 148 : Generally this paragraph seeks to strengthen the planning authority powers for action on climate change by encouraging plans to include such measures as 'providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure'. However, the most sensible solution for flood risk may not be apparent until detailed application stage and it may be that space for physical protection measures is not needed. For example, a 20 metre set back from the River Aire was proposed at the City Reach site to accommodate the Leeds Flood Alleviation Scheme Phase 2 however the detailed design of the site has resulted in a solution that involves raising the site out of the flood zone, therefore a 20 m set back is not necessary. Much more effective is the definition of the functional</p>

floodplain with the Plan – as an area which is reserved for flood storage and where development is restricted. This is one of the most useful tools for plan makers in managing flood risk and yet it is not mentioned in the NPPF. Para 153 b) refers to safeguarding areas from development but it is not clear if this sentence is referring to functional floodplain or other space for water. If it is the latter then it is not clear what the mechanism would be for the safeguarding of this space. LCC has a policy of encouraging space for water in new development but this has been very difficult to implement unless the land has been identified as functional floodplain. LCC suggests adding wording to the end of that sentence so that it states 'b) safeguarding land from development that is required for current and future flood management **as functional floodplain.**' The section on SFRA should also include a reference to the requirement for the SFRA to identify the functional floodplain, perhaps in para 155.

Para 152 supports the introduction of a 'Merton' style policy on requiring renewable or low carbon energy in new development unless it is not feasible or viable. This should specifically state '**technically** feasible or viable'. There are sometimes physical circumstances that make it technically difficult to implement such measures, for example in listed buildings where the planning authority is also mindful of heritage objectives. The NPPF should not give developers any opportunity to disregard renewable or low carbon energy measures on the basis of cost, since it has been shown that the costs of renewable and low carbon technologies are falling and in any case the developer can pass the cost on to the purchaser/ occupier.

Para 160 provides that where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the test again. This sentence should specify that this is providing that the planning application is for the same use as the allocation. If for example a site is allocated for employment use and the application is for residential use then a further sequential test should be required because the application increases the vulnerability of the development.

LCC supports footnote 43 which brings the definition of minor development for flood risk into the NPPF and is much easier to use than having to keep referring to the NPPG. Para 161 and 163 support the use of sustainable drainage systems unless there is evidence that it would be 'inappropriate'. It would be helpful if a

		definition of 'inappropriate' is added as a footnote, in the same way as has been done for the definition of minor development in footnote 43.
Q33	Does paragraph 149b need any further amendment to reflect the ambitions in the Clean Growth Strategy to reduce emissions from buildings ?	Para 149 b) states that local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards. This does not allow a local policy to be developed to suit local circumstances. It would be pointless to have a local policy if it simply reflects the national technical standards. There should be an opportunity to go beyond the national technical standards where the evidence base suggests that this is needed to ensure that future development is sustainable. In Leeds a study was carried out to forecast the carbon emissions arising from its proposed future growth and on the basis of this a carbon reduction policy had previously been adopted in the Core Strategy. Without this locally specific carbon reduction policy Leeds is unable to fulfil its legislative duties to ensure that future growth takes place in a way that mitigates and adapts to climate change. Furthermore, the carbon reduction policy was adopted in 2014 and is being successfully implemented. Para 149 b) will be a step backwards for the objectives on climate change that the NPPF states that it wants to achieve.
Chapter 15 Conserving and enhancing the natural environment		
Q34	Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environmental Plan and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees ?	<p>Yes but the wording needs further revisions.</p> <p>The general thrust of the consultation proposals, in advocating that planning policies should 'contribute to and enhance the natural and local environment' is supported. However, in practice the approach is highly differentiated in that 'great weight' should be given to the protection of designated areas' (such as National Parks and AONBs), whilst land should be allocated for development with the 'least environmental or amenity value'. In broad terms this is a logical approach, however in practice the planning challenges faced and their application to places are more complex. 'Designated areas' also need to plan for housing and economic needs (also priorities in the NPPF) which must be sensitively accommodated and in areas perceived to have the 'least environmental and amenity value', are likely to form part of wider environmental services and systems, which need to be effectively managed.</p> <p>Para. 179 makes reference to the important issue of Air Quality, these are most likely to be prevalent in highly urbanised environments, away from 'designated areas'. However, the qualitative approach of the NPPF is to suggest such locations have less environmental value. Clearly, in these locations and without careful</p>

		<p>planning, air and environmental quality in these areas is likely to deteriorate further. Consequently, it is recommended that a further clause to Para. 168 should be added as follows:</p> <p><i>'g) effectively managing environmental resources and mitigating any adverse impacts, within the urban environment, (such as Cities and Towns), as a basis to improve environmental conditions via regeneration and development proposals'.</i></p>
Q35	Do you have any other comments on the text of Chapter 15 ?	<p>Para. 180 introduces the concept that 'agents of change' should secure mitigation, in circumstances where established uses or businesses have effects that could be deemed to be a statutory nuisance. It is suggested that such issues, where they arise, should be dealt with on their individual merits and on the basis of specific circumstance, rather than a more generalised NPPF policy. There is a danger that such a generalised approach, as set out in the consultation proposals may be a deterrent to future investment and beneficial development proposals coming forward.</p>
Chapter 16 Conserving and enhancing the historic environment		
Q36	Do you have any comments on the text of Chapter 16 ?	None
Chapter 17 Facilitating the sustainable use of minerals		
Q37	Do you have any comments on the changes of policy in Chapter 17, or on any other aspects of the text in this Chapter ?	<p>It is considered that the proposed draft would, in the main, weaken the mineral planning system. The proposed changes reverse the long-held recognition that minerals are 'essential'. The proposed amendments to the policies on landbanks and stocks of permitted reserves threaten the future adequate provision of key mineral products. Approximately 3 billion tonnes of construction aggregates are required to service national demand to 2030 and beyond but the very important link between mineral supply and the Government's ambition to deliver new houses and infrastructure is not drawn out in the draft. It is critical that this relationship is made explicit in the NPPF in order for the Government to properly prioritise the sustainability or security of mineral supply.</p> <p>With reference to the safeguarding of existing, planned and potential sites for mineral transport, handling and processing, we note there to be very significant changes between the extant NPPF para. 143 and draft NPPF para. 200(e). The extant para. 143 provides much more emphasis on sustainable transport modes for the distribution of minerals. It will be more difficult for mineral planning authorities to safeguard sites for sustainable modes of bulk transport for minerals if this important</p>

		<p>text is omitted from the NPPF. The result will be increased movements of minerals by road with the resulting detrimental effects on amenity, air quality, congestion, road damage and accidents.</p> <p>Minerals often have to be transported over long distances from quarries and ports to their market. For this reason it is more sustainable for bulky minerals to be transported over distance by rail or water. This is a particularly important consideration for marine dredged material which is being distributed from the ports long-distance to cities. A larger and steady supply of marine-won aggregates into the cities would help to address the Government's concerns relating to the long-term security of supply from traditional land won sources of sand and gravel and related environmental concerns. In recent years Leeds has received several requests from mineral operators for rail-connected sites given that it is more economical for industry to move bulky minerals by rail into Leeds. The potential to transport landings of marine-won aggregate by rail into land-locked Leeds is important and is supported by the adopted Leeds development plan and underpinned by the Council's Marine Aggregate Study (2014). There is, therefore, a strong justification for the retention of the text relating to the safeguarding of rail heads and wharves and rail links to quarries, as identified in extant NPPF para. 143. It is also recommended that the draft NPPF should provide additional text to better identify the role of ports in providing wharves for the landing of marine-won aggregate and to facilitate its onward distribution.</p> <p>In contrast to the above, it is noted that the proposed draft would strengthen the planning policy position for onshore oil and gas developments, including unconventional hydrocarbons. The draft NPPF requires planning authorities to '<i>recognise the benefits</i>' of exploration and extraction when deciding applications and '<i>plan positively</i>' for them. Leeds is a PEDL Authority which currently has no local planning policy to facilitate the exploration, appraisal and production of onshore oil and gas development and therefore has not planned for conventional and unconventional hydrocarbons.</p>
<p>Q38</p>	<p>Do you think that planning policy on minerals would be better contained in a separate document ?</p>	<p>There would be no benefit in separating national mineral planning policy from other national planning policy themes contained in the NPPF, particularly given that the draft on minerals is shorter in length. It is recognised that national waste planning policy is contained separately in the National Planning Policy for Waste (2014) but for ease of reference it would be far better for both mineral and waste national planning policy to be consolidated within one document - the NPPF.</p>

		Consolidation would ensure that the objectives of sustainable development relating to national mineral and waste planning policy are properly reflected in the NPPF and read alongside other relevant parts of the NPPF.
Q39	Do you have any views on the utility of national and sub-national guidelines on future aggregate provision ?	The principle of maintaining an adequate and steady supply of minerals has been the accepted basis for strategic mineral planning in England since 1975. Having up-to-date guidelines in place is essential to the functioning of the Managed Aggregate Supply System. The Council's adopted development plan endeavours to maintain a landbank of permitted reserves of aggregate in accordance with the Sub-Regional Apportionment. However, at the national level, it is recognised that aggregate sales outstrip the amount of new reserves permitted. The national guidelines on future aggregate provision therefore needs to be reviewed and updated as soon as possible, so that they give a clear steer to Aggregate Working Parties and mineral planning authorities on what they should be planning for to support projected levels of growth after 2020, including the levels of house building needed. Without updated guidelines there is a real risk of under-provision of aggregates, which would directly undermine construction and manufacturing activity and the delivery of local and national infrastructure. It could also lead to a possible sterilisation of mineral resources in mineral resource/safeguarding areas where there is local opposition to mineral extraction and / or pressure for other development.
Transitional arrangements and consequential changes		
Q40	Do you agree with the proposed transitional arrangements ?	Yes.
Q41	Do you think that any changes should be made to the Planning Policy for Traveller Sites as a result of the proposed changes to the Framework set out in this document ? If so what changes should be made ?	No.
Q42	Do you think that any changes should be made to the Planning Policy for Waste as a result of the proposed changes to the Framework set out in this document ? If so what changes should be made ?	The National Planning Policy for Waste (2014) should be updated to take account of the requirements of draft NPPF para. 204 (c), (d) and (e), which deals with underground gas and carbon storage, disposal of colliery spoil and the use of methane from active and abandoned coal mines. In taking account of these requirements, it is also recommended that the 'Locational Criteria' contained at Appendix B of the NPPW should also be revised.

		Section 12 on design includes a reference to the need for developments to include adequate provision for waste collection and recycling. It's often an after-thought and bad design can hamper our ability to be able to recycle. This could be added as a bullet point to paragraph 126.

Appendix 2

Draft Planning Practice Guidance for Viability, merged as part of wider revisions to the Planning Practice Guidance

1. The consultation provides some clarity and clearer expectations in terms of viability. It is largely supported as it reaffirms the Council's position and assumptions in Plan - making at a strategic level. The consultation states the starting point should be the Development Plan and any departures should be robustly justified, and sets out standardised inputs to viability assessments which reinforces our approach in our Development Plan (Core Strategy Selective Review). Individual viability appraisals should be used as a last resort and any guidance which introduces this is supported.
2. The clarity is welcomed in so far as it gives developers clear and consistent guidance on the requirements and approach which they must adopt. It also introduces transparency requirements for publishing development assessments based on the premise that appraisals will not be developer specific but market general thereby obviating commercial sensitivity concerns.
3. One suggestion for improvement is that more explicit clarity should be given to stressing that viability testing in plan preparation and decision making relates to site viability rather than individual development viability, the latter of which may reflect a sub optimal commercial approach to the site and therefore not a true indication of the viability position.
4. The introduction of more flexibility is essential as currently the rigidity of the CIL Regs can affect the viability of the smaller developments in particular. There needs to be some system to ensure that there is ongoing appraisal and allowance for discretion where clear evidence suggests the CIL Regs put an unreasonable burden on the smaller developers in particular.

Housing Delivery Test – Draft Measurement Rule Book

1. These proposals are reflected in the main body of the NPPF consultation proposals – see response to Questions 11 – 14, in Appendix 1.

Supporting Housing Delivery through developer contributions (Reforming developer contributions to affordable housing & infrastructure).

1. In relation to CIL:

'Annex A; reform of the system of developer contributions' sets out assumptions and questions in relation to developer contributions and CIL. The CIL proposals set out suggestions to simplify the process for reviewing CIL charging schedules. Any proposal to simplify CIL is welcomed given the current complexities in adopting and implementing CIL. Clarity in terms of exemptions and processes and protocol are encouraged.
2. The consultation raises lifting S106 pooling restrictions, allowing CIL charging schedules to be set based on existing use of land and for setting developer contributions nationally, which would not be negotiated, are among the proposed measures, these are welcomed. In terms of indexation a move from BCIS to HPI is proposed, this is supported however further clarity is needed as to a consistent approach to avoid existing issues.

3. Providing review mechanisms within s106 Agreements is supported as these are far easier and cheaper to monitor and enforce than the CIL Regs.
4. Monitoring & Reporting of Developer Contributions – Essential for transparency. Equally as important is for communities to be able to see how they can feed into the process for spending developer contributions. Also important so to ensure we actually spend monies before their clawback date.
5. Publication – the City Council currently list s106 Agreements on data mill. The Council will look to do this on our website also for both s106 & CIL.
6. Proposals –more advanced mechanisms, for the publication of info on developer contributions, could promote the implementation of development in communities and possibly encourage more community participation in the spend etc – however, without being able to review the ‘templates under development’, it is unclear what impact this has on the LPA and what resource implications it might have – these could be modest changes or more fundamental requiring changes to publication and protocols.