

**Local Development Framework Working
Group**

3rd October 2011

Report of the Director of City Strategy

**City of York Council: Comments on the draft National
Planning Policy Framework**

Summary

1. National planning policy, in the form of Planning Policy Statements (PPSs) and their predecessors the Planning Policy Guidance Notes (PPG) is extensive. It is proposed that this will be replaced by a single, succinct document the National Planning Policy Framework (NPPF). Consultation on the draft framework began on the 25th July 2011 and will end on 17th October 2011.
2. The purpose of this report is to inform Members of the content of the draft framework and ask them to consider a potential response to the consultation from the Council. Given the significance of this document, a copy of the National Planning Policy Framework is included as Annex A to this report. A draft response from Officers is attached as Annex C.

Background

3. The incoming Coalition Government in 2010 indicated early its intention to reform planning. It stated that localism and community were to be at the heart of its plans and it has demonstrated this through its approach to the regional planning framework and the expressed intention of the creation of a neighbourhood level of plan making through the Localism Bill. It also expressed its intent to streamline and simplify national planning policy.
4. National guidance currently includes 11 Planning Policy Statements (plus various appendices and supplementary documents), 9 Planning Policy Guidance Notes plus specialist policy and guidance on minerals and waste planning and various good practice notes and other guidance. This amounts to over 1,400

pages of policy and 5,700 pages of advice. It varies from very detailed guidance (for example in PPS25: Development and Flood Risk) to the very generic guidance set out in PPS1: Delivering Sustainable Development. It is of varying ages, with PPG2: Green Belts published in January 1995 under the previous Conservative Government. The NPPF itself will replace much of this advice in a document of less than sixty pages (excluding glossary). Some policy areas are not covered by the Framework, these include advice relating to Waste Management and Eco-towns.

5. In addition the Government's consultation on new draft planning policy for traveller sites 'Planning for Traveller Sites, April 2011' ended on 3 August, with the intention that a new Planning Policy Statement for traveller sites would be published as soon as possible, following due consideration of the consultation responses. However, it is now planned to incorporate this new planning policy on traveller sites into the final National Planning Policy Framework. Annex B sets out the Council's response to consultation questions posed in relation to 'Planning for Traveller Sites, April 2011', and will be submitted alongside the Council's response to the NPPF.

NPPF Summary

Key Aim

6. The objectives of the NPPF are set out succinctly in the Foreword to the document, where it is clear that the Coalition Government considers that the planning system can do better in terms of outcome as well as speed. It is clear from the outset that the objective for the planning system should be to promote growth and the document states that the basis for every plan should be a presumption in favour of sustainable development. The concern that Planning has constrained development in the past is not necessarily accepted. At City of York, over the past five years, over 70% of applications have been determined within the target date and nearly 80% of these have been approved.

The NPPF – Plan making

7. The NPPF identifies three levels of plan making: National planning policies as set out in the NPPF; Local Plans prepared by Councils in consultation and association with the community; and Neighbourhood plans prepared by communities themselves.

The Local Plan

8. The Local Plans should set out the strategic priorities for the area, namely housing and economic development requirements, the provision of retail, leisure and other commercial development, the provision of infrastructure and other local facilities. Housing requirements should be supported by Strategic Housing Market Assessments and Strategic Housing Land Availability Assessments, whilst business needs should be established in co-operation with neighbouring authorities and Local Enterprise Partnerships. The NPPF is clear that Local Plans should plan positively for development and should allocate and identify sites to promote development and flexible use of land; where restrictions are proposed these should be justified. The Local Plan should also address climate change mitigation and adaptation and protect and enhance the natural and historic environment. It states that the Local Plan should:

“...identify land which it is genuinely important to protect from development, for instance because of its environmental or historic value ...” (Para 24)

9. It also advises that:

“Local planning authorities should have up-to-date evidence about the historic environment in their area and use it to assess the significance of heritage assets and the contribution they make to their environment.” (Para 37)

10. The NPPF sets out requirements relating to viability and deliverability, indicating that development should not be subject to such a scale of planning obligations that their ability to be developed is compromised. It does not provide specific guidance on the acceptable level of contribution, but advises that when devising these the Local Plan should ensure that:

“when taking account of the normal cost of development and on-site mitigation, (a scheme should) provide acceptable returns to a willing landowner and willing developer to enable the development to be deliverable.” (Para 39).

The removal of the level of guidance included in previous national advice clearly leaves terms such as ‘acceptable returns’ open to interpretation. This is a common problem throughout the guidance

and may ultimately cause problems for Development Management.

11. In developing Local Plans, the NPPF indicates that the Local Planning Authority (LPA) should work closely and collaboratively with neighbouring authorities to ensure that strategic priorities across boundaries are properly co-ordinated and clearly identified and evidence of such cross-boundary working will need to be demonstrated when Local Plans are presented for examination.
12. The framework reference to Local Plans rather than LDFs could represent a fundamental change. Although it isn't completely clear if these plans would incorporate allocations and some development management policies as well the overall strategic approach and vision i.e. would potentially combine elements of our emerging Core Strategy, Allocations DPD and some elements of SPDs. Further clarification is needed to explain what form will be taken by proposed Local Plans. A transitional period would clearly be expected but no information is provided.
13. The NPPF highlights that SPDs must not be used to add to the financial burden on development. The general approach would also seem to limit the use of SPDs. Given the role of SPDs in the Development Management process and in securing planning gain this would represent a significant change.
14. In terms of the duty to work with neighbouring authorities this was previously obviously covered through the need to be in conformity with the Regional Plan. This also therefore represents a fundamental change but with little advice or detail about the extent of this work or how potential conflicts will be resolved.

The Neighbourhood Plan

15. The NPPF identifies the opportunity provided for local communities to prepare a statutory Neighbourhood Plan. It advises that the Neighbourhood Plan is a tool whereby communities can promote and encourage development. The Neighbourhood Plan should be in conformity with the strategic policies of the Local Plan, and may promote more development than set out in the Local Plan. It will be subject to independent examination to ensure compliance with the NPPF and general conformity with the Local Plan and will be subject to a local referendum prior to adoption. Following adoption it would become the precedent plan where there is conflict with the Local Plan. It is noted that given the requirement to be in general

conformity with the Local Plan, any conflict can be over matters of detail only.

16. As in the case of the Local Plan the introduction of Neighbourhood Plans also represents a key change to the planning system. Although further information on the form they would take and therefore their extent is required to evaluate their likely effect on decision making.

The NPPF – Development Management

17. The NPPF makes it clear that the primary objective of the development management process is to foster the delivery of sustainable development; it must not hinder or prevent development. The benefits of economic and housing growth must be given significant weight in decision making. Whilst the NPPF advises that the system remains plan-led, there is a presumption in favour of sustainable development. An LPA should seek to approve proposals wherever possible. Where a Plan is absent, silent, indeterminate or out-of-date in respect of any particular proposal, the LPA should grant planning permission. This is an example of a more positive approach to development that underpins the whole document and appears to represent a movement away from the current balanced approach that exists in guidance.
18. The guidance gives no information on the transitional arrangements including how long LPAs will have to get Local Plans in place. Clarification of this is important given the role of the NPPF if a plan is absent.
19. In seeking to achieve high quality outcomes and prompt decision making, emphasis is given to the value of pre-application advice and engagement and this is encouraged. The role and importance of statutory consultees and stakeholders in the pre-application process is recognised and the need for their early involvement highlighted.
20. The NPPF highlights the role of existing legal mechanisms for either increasing or reducing control over development locally such as Article 4 Directions. It also outlines the new provision of Neighbourhood Development Orders which can grant planning permission, and Community Right to Build Orders, which similarly promote development. These were previously announced in the

draft Localism Bill in December 2010. Further information is provided in Annex D.

Sustainable Development

21. Sustainable development is identified as having three components:
- An economic role – planning for prosperity
 - A social role – planning for people
 - An environmental role – planning for places

The document states that these three components should be pursued in an integrated way and that there is no necessary contradiction between increased levels of development and protecting and enhancing the environment.

Planning for Prosperity

22. The emphasis in the NPPF in respect of the economic component of sustainable development is on securing sustainable economic growth. Through Local Plans, LPAs are required to set out a clear economic vision, identify sites for inward investment and priority areas for economic regeneration, support existing business sectors and positively plan for expansion of more modern industrial sectors. LPAs are advised against adopting policies which seek the long-term protection of employment land, but instead to be flexible. Current guidance is far less flexible seeking to effectively ensure employment sites are kept for that use. This has been seen as important in places like York where there can be substantially differing land values between different end uses. In addition this may compromise the ability to deliver concentration of certain types of development to deliver sustainable transport outcomes.
23. Town centres are identified as being at the heart of communities and their vitality and viability is to be supported, including through town centre expansion, although edge of centre sites must be identified where there is insufficient town centre land available for expansion. The contribution of residential development to vitality in town centres is recognised and LPAs are to encourage such development. A sequential approach is to be taken to applications for retail and leisure uses but appears to be removed for office development. This is a clear departure from current guidance that seeks to direct offices to town centres. This has been seen as important to ensure that offices are located in areas well served by

public transport and services thus reducing congestion and helping to achieve wider sustainability objectives.

24. In terms of the rural economy, the NPPF indicates planning policies should support sustainable economic growth, including promoting the development and diversification of agricultural businesses, along with appropriate sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and which respect the character of the countryside.
25. Transport policies are identified as having a key role to play in facilitating development and whilst there is reference made to the need to favour sustainable transport modes overall. The NPPF takes a strategic rather than local approach. In taking this approach, it also recognises that different policies and measures will be required in different communities and between urban and rural areas. The emphasis remains on supporting economic growth and it advises:

“... development should not be prevented or refused on transport grounds unless the residual impacts of development are severe, and the need to encourage increased delivery of homes and sustainable economic development should be taken into account.”
(Para 86).

26. As the NPPF stands, with its emphasis on economic growth rather than broader sustainability objectives, it deviates considerably from the current PPG13 guidance.
27. Minerals development should, as far as practicable, ensure that sufficient reserves are available from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites.

Planning for People

28. The key issue identified in respect of the social component of sustainable development relates to the provision of housing and the NPPF sets out that the Government's key housing objective is to increase significantly the delivery of new homes. It states:

“Everyone should have the opportunity to live in high quality, well designed homes, which they can afford, in a community where they want to live. This means:

- *Increasing the supply of housing;*
- *delivering a wider choice of high quality homes that people want and need;*
- *widening opportunities for home ownership; and*
- *creating sustainable, inclusive, mixed communities, including through the regeneration and renewal of areas of poor housing.” (Para 107)*

Current guidance gives considerable emphasis to affordable housing and it is noted that this isn't picked up in the objectives highlighted above.

29. LPAs through their Local Plans must ensure that they can meet the full requirements for market and affordable housing in their area over the Plan period through the provision of a five years supply of housing land, plus a 20% additional allowance to provide choice and competition. They must also identify sites or locations for growth for years 6 -11 and, where possible, years 11 – 15. This should comprise a mix of housing types and tenures to meet existing and future needs. In terms of affordable housing the NPPF indicates:

‘where they have identified affordable housing is required, set policies for meeting this need on site, unless off-site provision or financial contribution of broadly equivalent value can be robustly justified ...and the agreed approach contributes to the objective of creating mixed and balanced communities’ (Para111)

30. Again, the removal of the level of guidance included in current national guidance clearly leaves much of the terminology used open to interpretation. This may ultimately cause problems for Development Management.
31. In terms of design, the NPPF is supportive of policies which seek to promote good design, but cautions against an overly prescriptive approach or the imposition of particular architectural styles or particular tastes.
32. The role of planning in the creation and retention of strong communities through a good quality built environment with a range of local services is acknowledged and supported. The NPPF confirms the need for policies to safeguard against the loss of facilities and services which support communities. It outlines that through the Local Plan or the Neighbourhood Plan process communities should be able to identify areas of open space which

are important to them and for these to be designated Local Green Space which will then be protected from development unless in exceptional cases. There are criteria to be met to qualify for designation, including that the green space is in reasonably close proximity to a centre of population and is demonstrably special to a local community and holds a particular significance due to its beauty, historic importance, recreational value, tranquillity or richness of its wildlife, and where the green area concerned is local in character and is not an extensive tract of land.

33. The NPPF places great emphasis on Green Belt policy and proposes to retain the existing policy approach although it states that it should not be necessary to designate additional Green Belts, it sets out the criteria which would need to be met in order to justify such a designation.

Planning for Places

34. The key issue identified in respect of the environmental component of sustainable development is that:

“planning should fully support the transition to a low carbon economy in a changing climate, taking full account of flood risk and coastal change”. (Para 148)

The removal of the level of guidance included in previous national advice clearly leaves terms such as ‘taking full account of flood risk’ open to interpretation.

35. To achieve this objective the NPPF outlines a number of key aims of the planning system, including that it should:

“...secure, consistent with the Government’s published objectives, radical reductions in greenhouse gas emissions, thorough the appropriate location and layout of new development, and active support for energy efficiency improvements to existing buildings and the delivery of renewable and low-carbon energy infrastructure ... avoid inappropriate development in areas at risk of flooding by directing development away from areas at highest risk or where development is necessary, making it safe without increasing flood risk elsewhere.” (Para 148)

36. The NPPF identifies the primary means of achieving these objectives as being through the location of new development and the use of sustainability standards for new buildings.

37. In terms of renewable and low-carbon energy, LPAs are required to develop a positive strategy to promote energy from such sources, to design policies to maximise such development and to consider identifying areas suitable for such development.

38. With regard to development and flood risk, the NPPF broadly maintains the sequential, risk-based approach set out currently in PPS25: Development and Flood Risk which seeks to locate development in areas of the lowest risk of flooding, but in one respect goes further and states that:

“where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations.”
(Para 156)

39. In terms of protection of the natural environment, the NPPF advises that:

“The Government’s objective is that planning should help deliver a healthy natural environment for the benefit of everyone and safe places which promote wellbeing.

To achieve this objective, the planning system should aim to conserve and enhance the natural and local environment by:

- *protecting valued landscapes*
- *minimising impacts on bio-diversity and providing net gains in bio-diversity, where possible; and*
- *preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of land, air, water or noise pollution or land instability”* (Paras 163 and 164).

40. In order to meet these aims, Local Plans should set out a strategic approach to planning positively for bio-diversity, taking into account the economic and other benefits of the best and most versatile agricultural land and giving great weight to the protection of landscape and scenic beauty in National Parks, the Broads, and Areas of Outstanding Natural Beauty. It also states that the conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight

in National Parks and the Broads. It advises that planning permission should be refused in such areas for major development, other than in exceptional circumstances, where such development can be demonstrated as being in the public interest.

41. With respect to bio-diversity and geo-diversity, it advises that planning policies should plan for bio-diversity at a landscape scale across local authority boundaries, identify and map components of the local ecological network, promote preservation, restoration and re-creation of priority habitats, networks and species linked to local and national targets and aim to prevent harm to geological conservation interests.
42. In terms of preventing unacceptable risks from pollution and land stability, the NPPF advises taking a planning-based approach and considering only the acceptability of the location in principle, having regard to, for example, the effects of pollution on health, the natural environment or general amenity, but assuming that the complementary permitting regimes of other regulators will operate effectively. How this will work from the point of view air quality uses linked to transport isn't however defined. Concurrently, policies should seek through reduction and mitigation to prevent noise from new development having a significant adverse impact on health and quality of life. There is also provision to identify and protect areas of tranquillity which are prized for their recreational and amenity value for this reason.
43. With regard to the historic environment, the NPF advises that:

“The Government’s objective is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

To achieve this, the Government’s objectives for planning for the historic environment are to:

- *Conserve heritage assets in a manner appropriate to their significance; and*
- *Contribute to our knowledge and understanding of our past by capturing evidence from the historic environment and making this publicly available, particularly where a heritage asset is to be lost.” (Paras 176 and 177)*

44. In order to achieve the above, the NPPF advises that LPAs should set out a strategy for the conservation and enjoyment of the historic environment, including assets at risk, and taking into account factors including the desirability of new development making a positive contribution to local character and distinctiveness. Guidance is given on the treatment of applications which affect a heritage asset, including the level of information which should be provided, and it advises that:

“.. considerable importance and weight should be given to its (the assets) conservation. The more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens and World Heritage Sites, should be wholly exceptional” (Para 183).*

45. Conservation Areas are themselves treated as heritage assets, therefore non-listed buildings in Conservation Areas which make a positive contribution to the Conservation Area are themselves treated as sensitive; a similar approach is taken to non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments. The NPPF also advises that opportunities should be sought to enhance Conservation Areas and World Heritage Sites.
46. Finally, guidance is provided on the treatment of applications for enabling development – i.e where an otherwise unacceptable development is proposed as a mechanism to generate revenue to conserve a heritage asset. The LPA is advised to consider whether the benefits to the heritage asset would outweigh the harm of departing from established policies.

National Reaction to the Draft National Planning Policy Framework

47. Reaction to the Draft National Planning Policy Framework (NPPF) has been mixed across the planning, development and business industry and environmental and countryside groups.

48. The Royal Town Planning Institute consider the NPPF to be a 'missed opportunity and there is concern that it will not secure balanced economic and housing growth across the country.' Although the Government's framework seeks to simplify and streamline planning policy it is considered by the Town and Country Planning Association that in doing so there is a vagueness around some of the key concepts, such as the presumption in favour of sustainable development, which may need to be subject to clarification through the courts. Whilst the Association shares the Government's ambition of making planning more accessible to communities it is suggested that making something shorter does not automatically make it clearer. Planning has to deal with complex problems and sometimes needs detailed policy responses.
49. In contrast, those in the business and development industry have welcomed the draft NPPF, with the Home Builders Federation calling the framework 'the most important planning document since the Town and Country Planning Act of 1947'. There is strong support across the industry for the draft framework being a significant step forward in unlocking the planning system to deliver the growth required by the UK. It is suggested by the British Chambers of Commerce that businesses will welcome the concept of shorter, simpler planning rules, but will need to see more than just a new policy document to regain confidence in the planning system. They indicate that a pro-growth approach must fast become reality on the ground, with local councils saying 'yes' to business growth and expansion far more than they do at present.
50. The draft NPPF has been criticised widely by environmental and countryside groups for placing too much emphasis on economic growth over environmental concerns. Many have signalled that they will be calling for major changes to the framework. The Campaign to Protect Rural England have said the draft NPPF would put rural areas under increasing threat through the loss of the national brownfield target, excessively long housing supply pipelines, removal of offices from the town centre sequential test, weaker advertising controls and changes in Green Belt policy. Friends of the Earth have suggested that the draft Framework 'puts the interests of business ahead of people and the environment'.

Consultation

51. Internal consultation has been undertaken with colleagues from relevant professional disciplines to allow the compilation of a draft response. This is attached as Annex C to this report. It is also briefly summarised below.

Commentary

Delivering Sustainable Development

52. The Council welcomes in principle the commitment to Sustainable Development but in terms of the definition used have some concerns. Whilst the Council understand and support that planning has a key role in encouraging economic growth in applying 'significant weight' to the need to support economic growth through the planning system the NPPF does not allow for a balanced assessment of whether development is genuinely sustainable. This could lead to economic growth at the expense of local social and/or environmental objectives.
53. There is also concern that a general presumption in favour of sustainable development 'wherever possible' could undermine plan preparation. The development plan produced for an area should be the definition of what is sustainable development for that area based on a local evidential approach and an understanding of local economic, social and environmental issues.
54. The Council therefore disagrees that the current draft of the NPPF has the balance right in establishing and defining sustainable development. The Council believe that the starting point for defining sustainable development be the principles and priorities set out in the UK Sustainable Development Strategy – Securing the Future (2005):

Principles:

- Living within environmental limits.
- Ensuring a strong, healthy and just society.
- Achieving a sustainable economy.
- Promoting good governance.
- Using sound science responsibly.

Priorities:

- Sustainable production and consumption.
- Climate change and energy.

- Natural resource protection and environmental enhancement.
- Creating sustainable communities.

These principles and priorities should then be developed through a local development plan.

Plan Making

55. With regard to 'Plan Making' it is considered to be of key importance that transitional arrangements are established to ensure that the gap between the new NPPF being in place and the adoption of Local Plans does not result in damaging or inappropriate developments being approved. It is not doubted that it is the Government's intention to put transitional arrangements in place but no information is provided.
56. The issue of transition is also important from the point of view of SPDs. They have an important role in York in the Development Management process and in securing planning gain for example for renewable energy and in sustainable design and construction. The proposed approach in the NPPF could prevent the use of SPDs in this way.
57. It is also considered that further clarification is required on the additional test for local plans to meet objectively assessed development and infrastructure requirements and in relation to meeting unmet requirements from neighbouring authorities.
58. It will also be difficult for Local Authorities to accurately assess infrastructure and requirements for the whole plan period and it is suggested that a flexible approach to infrastructure be adopted.
59. Whilst the requirement for Local Authorities to work collaboratively is welcomed, the Council **disagree** that the NPPF provides a clear framework for planning strategically across local boundaries. Further guidance on how to undertake joint working when neighbouring Local Authorities are at different stages (particularly where there are authorities where a plan is already adopted) would be helpful.

Development Management

60. The Council **disagree** that the level of detail in the policies on development management is appropriate. Given the scope of the draft NPPF, without further guidance, the lack of clarity will lead to more appeals, and determination by the courts which will lead to delay and increased costs.
61. The Council consider further guidance to be needed, given the level of detail in the NPPF. Also if prepared by the government it would have a balanced approach. As such, the Council **disagree** that any guidance needed to support the new framework should be light-touch and could be provided by organisations outside Government.

Planning for Prosperity

Business and Economic Development

62. The Council **neither agree or disagree** that the 'planning for business' policies will encourage economic activity and give business the certainty and confidence to invest. For economic growth to be truly sustainable, it must be a medium/long term process to ensure that the right type of growth occurs in the right locations. This needs to be made clear in the NPPF. It is considered that the role of the Employment Land Reviews/Retail Studies in plan and decision making are recognised. They allow Local Authorities to balance market conditions against other sustainability factors.
63. The Council **disagree** that the town centres policies will enable communities to encourage retail, business and leisure development in the right locations and protect the vitality and viability of town centres. The removal of the sequential test for office development is of particular concern and could lead to such development in inappropriate locations that aren't well served by public transport and services.

Transport

64. The Council strongly disagrees that the policy for transport takes the right approach. Sustainability is achieved through a balanced consideration of economic, social and environmental aspects that comprise sustainability. Placing a presumption on one – in this case 'Economy & Growth' and planning a transport system to realise this without giving due consideration to the other aspects

could lead to development that is unsustainable. This is particularly relevant for edge of centre or out of centre development, which, in the past, has proven to be difficult to access by the more sustainable forms of transport such as walking cycling and public transport. Linked to the point made in paragraph 63 regarding the need to control office development.

65. The framework, as it stands, will seriously dilute the ability of the Council to realise sustainable transport objectives through the planning process. The NPPF needs to reinstate the objectives in PPG13, give more practical guidance, such as a 'policy toolkit', be more compelling and give more guidance as to who is responsible for establishing 'local criteria'.

Minerals

66. The Council **disagree** that the policies on minerals planning adopt the right approach. It is considered that minerals planning should be assessed at the regional and sub regional level. There is no reference to prudence, conservation of supplies or limits of the environment, all of which are critical for sustainable development.

Planning for People

Housing

67. The Council **agree** that the policies on housing will enable communities to deliver a wide choice of high quality homes in the right locations, to meet local demand. However, the position taken on windfall sites and the need for an additional 20% to be added to the five year supply is considered to be overly prescriptive. It is considered that this decision should be left to Local Authorities to take a local approach to reflect local circumstances

Sustainable Communities

68. The Council **neither agree or disagree** that the policy on planning for schools takes the right approach. Although feel it is essential that adequate protection is given to recreational land such as school playing fields.

Design

69. The Council **agree** that the policy on planning and design is appropriate and useful, albeit the subjective approach to advert control is not supported. However, given the lack of detail in the draft guidance it is difficult to understand how Local Plan and Neighbourhood plans will fit together on this issue. It is clearly important that neighbourhood plans don't undermine the strategic

approach of Local Plans, but it is all important that local distinctiveness is recognised.

Green Belt

70. The Council **agree** that the policy on planning and the Green Belt gives a strong clear message on Green Belt protection. The more positive view towards enhancing the beneficial uses of Green Belt supports the Council's approach to Green Infrastructure which recognises that the Green Belt should be viewed as more than a planning constraint. The importance of recognising the principle of York's Green Belt given the abolition of RSS is highlighted in the response.

Local Green Space

71. There is a concern that the introduction of a Local Green Space designation will not provide complete protection from development and could also prevent their registration as a Town and Village Greens. Further clarification is needed, given the recent consultation by Defra on changes to Town and Village Green registration. The Council feels that Local Green Space should be given adequate protection recognising their values to local communities.

Planning for Places

Climate Change, Flooding and Coastal Change

72. The Council **strongly disagree** that the policy relating to climate change takes the right approach, as cutting carbon emissions as it appears to be a secondary goal to facilitating economic growth. The Council feel that the framework should advocate sustainable economic growth which recognises the importance of economic prosperity alongside the critical importance of combating climate change. Also whilst the Council supports a local led approach to renewable energy it is considered that Development Management will find it difficult to enforce local targets with no national backing.
73. Whilst the key principles on flood risk remain unchanged from PPS25 there is little in the way of guidance and as such the Council **disagree** that the policy on flooding and coastal change provides the right level of protection.

Natural Environment

74. The NPPF lacks strength from a nature conservation perspective and will provide little support for wildlife/biodiversity protection policies at the local level. As such, the Council **strongly disagree**

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

Historic Environment

75. The draft generally encompasses the spirit of current national guidance which the Council supports. The balance however is hugely in favour of nationally designated assets. In York locally designated assets are of considerable importance and this should be recognised. There is also a need to recognise the relationship between the historic character and setting of a place such as York and economic success. In addition as elsewhere in the document some of the terminology requires further definition. The Council therefore **disagrees** that this policy provides the right level of protection for heritage assets.

Options

76. There are two options identified in relation to this report.

Option 1: To recommend to Cabinet to approve the response to the consultation statement attached as Annex C for submission to Department of Communities and Local Government.

Option 2: To recommend to Cabinet to request that amendments be made to the consultation statement attached as Annex C prior to submission Department of Communities and Local Government.

Corporate Priorities

77. The option outlined above accords with the following Corporate Priorities

- Sustainable City
- Thriving City
- Safer City
- Learning City
- Inclusive City
- City of Culture
- Healthy City

Implications

78. The following implications have been assessed:

- **Financial** – None
- **Human Resources (HR)** - None
- **Equalities** - None
- **Legal** - None
- **Crime and Disorder** - None
- **Information Technology (IT)** - None
- **Property** - None
- **Other** – None

Risk Management

79. In compliance with the Council’s Risk Management Strategy, there are no risks associated with the recommendations of this report.

Recommendations

66. That Members recommend Cabinet to:

- i) approve the attached response to the consultation on the NPPF for submission to Department of Communities and Local Government; and
- ii) delegate to the Director of City Strategy in consultation with the Cabinet Member City Strategy the making of any changes to the submission that are necessary as a result of the recommendations of the LDF Working Group.

Reason: So that representation can be made in an appropriate timescale on the NPPF.

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**Report
Approved**



Date 23/09/2011

Specialist Implications Officer(s)

N/A

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

Annex A: Draft National Planning Policy Framework (2011).

Annex B: Response to consultation questions posed in relation to 'Planning for Traveller Sites, April 2011.

Annex C: City of York's Council Response on the NPPF.

Annex D: Definitions of Planning Orders.