

YORK ENVIRONMENT FORUM

RESPONSE TO THE NATIONAL PLANNING POLICY FRAMEWORK CONSULTATION

Introduction

The Forum was established in 2003, and is made up of individuals and representatives from organisations with particular interest in and concern for environmental issues. It prepares reports and makes representations on topics which it considers to be important in relation to the future development of York, whether these are of national, regional or local significance. It considers sustainability and climate change to be of particular relevance.

This response to the consultation relates essentially to issues within the Local Authority boundary, although they may have wider regional and national implications. There appears to be a conflict between the Government's Localism agenda and national policy as expressed in this Framework, leading to numerous costly appeals which delay the very process which the Framework is attempting to expedite. Local Authorities may opt to approve proposals which may not be in the community's best interest in order to avoid appeal costs which could fall on council taxpayers. We are concerned that the lack of specific guidance on many issues will leave many Local Authorities, developers and the general public uncertain as to how they should deal with proposals.

The consultation indicates levels of agreement/disagreement :- strongly agree: agree: neither agree or disagree: disagree: strongly disagree. Only one of these is included in each response.

RESPONSE TO QUESTIONNAIRE

DELIVERING SUSTAINABLE DEVELOPMENT

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

1(a)- disagree

1(b)- comments-

(paras 4,5)- "local aspirations....needs and priorities of their communities" could well be in conflict with central Government policy. How will this be resolved?

(para 9)- this definition of sustainability is now considered inadequate, as it does not sufficiently recognise the importance of the natural environment within which all other activity takes place.

(para 10)- nowhere in the Framework is there a definition of "growth" and its social and environmental consequences. It is not clear if Local Authorities will be able to

determine what type of growth is appropriate for their constituents, if they are to ensure a resilient local economy. "Value added" should not be the sole basis for policy making, when for much of the population low-level skill opportunities are vital. **"Growth"** does not necessarily mean increasing land take for employment.

(para.11)- there could well be a contradiction, when short-term proposals are put forward as "easy wins", where longer-term solutions should be the preferred option.

(para.13)- query definition of "growth" as above.

(para. 14)- delete **"and approve.....possible"**. LPA's already make decisions on the merits of each case, and do not need further instruction.

(para.16)- why is this limited exception included here? It confirms the view that other ecological and bio-diversity issues are given insufficient weight in the Framework.

(paras.17,18)- there could be a dangerous conflict between proposals put forward at community level and the higher level strategies in the Local Plan, particularly if these are supported by national incentives and **relevant (unspecified) local charges**, which could fall on council-taxpayers. There is a real risk of short -term parochial decision making which could be difficult to resist. Again, costs of determination and delay could be significant., with the extension of unnecessary bureaucracy.

(para.19)- the **" key sustainable development principles"** should be clearly set out in detail at the very beginning of the Framework, as the whole document is predicated on their acceptability. **Market signals** are short term indicators, and should be ignored. Planning proposals should be based on sound policies and not be driven by speculative market forces. Change **"prefer land of less environmental value"** to **"prioritise the use of previously developed (Brownfield) land"**.

PLAN-MAKING

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

2(a)- disagree

2(b)- comments-

(para.21)- SPD's should be retained as they assist in formulating acceptable proposals. Undue "acceleration" in the planning process can lead to unsatisfactory outcomes. If they imply reasonable developer contributions which affect profit margins so be it.

(para.23)- does "community infrastructure" include schools, health centres etc.? If so the entry should be expanded.

(para. 24)- **"flexible use of land"** would make it difficult to plan in the long term for infrastructure, both physical, environmental and social. "Either/or" allocations do not give the certainty which a Local Plan attempts to promote, particularly as a guide to investors.

(para.26)- what is the procedure for seeking a "certificate of conformity"?

(para.27)- land prices should not be used to determine planning policies.

(para.28)- what is the mechanism for working with neighbouring authorities? They may have very different interests, not least financially, in determining their responses to housing need. How will differences be resolved?

(para.30)- why is retail and leisure development featured, when ,for example, manufacturing is not?

*(para.39)- the Framework does not recognise the difficulty of providing **affordable housing** using private finance, with an "acceptable return" for developers, whatever that may be. Until the question of over-priced development land is addressed this will remain an intractable problem.*

(para.42)- what is "proportionate" evidence? Delete this para.

(para.43)- "district-wide development costs" should not influence planned infrastructure proposals, although they may influence the phasing on the ground. If only part of a proposal were to be delivered "in a timely fashion", this would be better than emasculating a vision for the sake of short-term implementation.

*(paras.44-48)- what mechanisms are in place to ensure that cross-boundary co-operation is effective? How are "**unmet requirements from neighbouring authorities**" to be dealt with? Who finances them? An authority may not wish to take responsibility for decisions made elsewhere.*

(para.49-52)- this appears to be establishing a new tier of highly expensive bureaucracy, requiring additional expertise, public funding, and unprecedented powers to grant planning consents. It also calls into question the role of the LPA. It is difficult to see how this will speed up decision making. It may even lead to greater delay, through the preparation, consultation and examination process.

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

2(c)-disagree

2(c)- comments-

see comments above under 2(b)

DECISION TAKING

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

3(a)-disagree

3(b)- comments

*(para.54)- omit "**wherever it is practical to do so**".*

(paras.56-61) - where are the resources to come from to implement these pre-application discussions? LPA's are already stretched to provide services, and this will only mean significantly increased application fees which applicants may find unacceptable.

(para.60)- planning performance agreements could lead to trade-offs between speed of result and lower levels of scrutiny. This option should be deleted, as being open to abuse.

*(para.62)- surely **all** neighbourhood plans are relevant?*

(paras. 65-66)- the status of the Neighbourhood Development Orders and the Community Right to Build Orders vis-a-vis the LPA, and the rights of the public to object to them, is not clear. It is doubtful if they will save either time or expense. Communities already have ample opportunity to make their views known to the Local Authority on potential for development in their areas through normal democratic processes. They could exacerbate divisions within communities. This could be some of the unintended consequences of the Localism agenda already commented on. Definitions should be included in the Glossary.

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

4(a)- disagree

4(b)- comments-

With so little prescriptive guidance LPA's run the risk of making decisions which can be challenged on appeal, leading to many more public inquiries, costs and delays which can only benefit the legal community. It does not specify which outside bodies could provide objective and expert support, and if they would need formal accreditation. Presumably this does not include statutory agencies. Until matters are clarified under case law under the appeals system it seems unlikely that guidance on interpretation can be provided with any confidence. This would appear to negate the whole purpose of the Framework.

BUSINESS AND ECONOMIC DEVELOPMENT

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

5(a)-agree

5(b)-comments-

*(para.73)- there appears to be a conflict between the need to identify strategic sites and yet to accommodate requirements **not anticipated** in the Plan. It would be interesting to know how this can be achieved.*

The emphasis on creative and high-tech. industries appears to preclude consideration of medium or low tech. operations, which may require lower skill levels but may generate far more employment opportunities.

(para.75)- land should be safeguarded for employment, with essential future infrastructure requirements allowed for.

*(paras.76-80)- there is no guidance on the provision of manufacturing space in town centres, when a mix of compatible uses can add to the vitality of the centre. The instruction to meet retail needs **in full** begs the question of who is to determine the **need**. It is common knowledge that retail consultants emphasise an increased capacity for retail floor space as a means of utilising estimated disposable income, while disregarding the preferences of the population. Delete" **It is important that retail and leisure needs are met in full.....site availability**".*

(para.79)- the default threshold is too high. The risk of a series of applications for small units being submitted with an adverse cumulative effect has not been recognised.

(para.81)- that development must not be at the expense of the natural environment, and its effect on the Green Belt ,should be emphasised here.

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

5(c)-comments-

market signals are generally short -term and are not relevant in the planning process. Longer term predictions of population change may be helpful.

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

6(a)- neither agree nor disagree

6(b)- comments-

*delete " **retail, business and leisure development**" in the above heading and add " **a mix of uses appropriate to town centres**".*

TRANSPORT

The policy on transport takes the right approach.

7(a)- disagree

7(b)- comments-

(paras.82-84)- there is insufficient emphasis on reducing the need to travel, particularly by private car, and the development of strategies to promote alternative modes.

*(para.83)- delete "**where reasonable to do so**".*

(paras. 85,87)- airport growth should not be supported on environmental grounds. Additional roadside facilities should be discouraged. There is no mention of passenger rail or tram systems.

*(para.86)- "**residual impacts**" must include adverse effects on trading patterns elsewhere. Cost effective mitigation measures must not carry excessive weight.*

(para.90)- local criteria must be robust enough to withstand appeal.

COMMUNICATIONS INFRASTRUCTURE

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

8(a)- disagree

8(b)- comments-

(para.96,97)- LPS's do not have sufficient powers to influence the siting and design of equipment. This needs to change.

*(para.98)- **self-certification** provides inadequate safeguards*

MINERALS

The policies on minerals planning adopt the right approach.

9(a)-neither agree nor disagree

9(b)- comments-

no comments

HOUSING

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

10(a)- disagree

10(b)- comments-

*(para.108)- the planning system **cannot** deliver housing. All it can do is identify possible housing sites. Actual delivery depends on central government financial policies, and LPA's must not be penalised if the market is unwilling to fulfill its hoped-for role.*

*(para.109)- it is acknowledged nationally that there is a housing shortage, and this will continue well beyond the full plan period. The expectation that LPA's can **meet the full requirements for market and affordable housing**, make no allowance for windfalls, and allow an additional contingency 20% land take is unreasonable. This policy appears to contradict the policy on safeguarding land for employment, which is proscribed. It is not clear what the position of the LPA will be if , for economic reasons, the allocated land under each five year rolling programme is not taken up. This is already happening.*

The LPA's freedom to establish sensible local housing density criteria, taking into account important environmental and social issues, could well be challenged, and won on appeal, by developer proposals for high densities, seeking short -term profit over longer-term solutions advocated by the LPA.

Suggesting that properties be acquired by compulsory purpose begs the question as to where the funds to do this will come from, other than through local taxation.

*(para.111)- to avoid confusion there should be a definition of "**affordable housing**"*

(para.112)- there appears to be no understanding of the difficulty LPA's face in ensuring that an adequate supply of "affordable housing" be brought forward without prejudice to the wider environmental and social issues already mentioned. It would appear that they will have even less powers than at present to enforce targets in this area.

PLANNING FOR SCHOOLS

The policy on planning for schools takes the right approach.

11(a)- disagree

11(b)- comments-

(para.127)- the current new schools policy is highly controversial and can well be changed by future administrations. Attaching "significant weight" to this issue for the duration of the Local Plan places an unreasonable obligation on the LPA's. This should be deleted.

(para.128)- it is not clear if locally derived standards will supersede national guidelines, and if so that they will be upheld on appeal.

Deliver open space,sports and recreational facilities

(paras.130,131)- it is not clear if Local Green Spaces can include a number of interlinked spaces such as green wildlife corridors. The fact that the space or spaces are already within the Green Belt should not preclude identification outlining their importance.

DESIGN

The policy on planning and design is appropriate and useful.

12(a)- *neither agree nor disagree*

12(b)- **comments-**

none

GREEN BELT

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

13(a)- *strongly disagree*

13(b)- **comments-**

*(para.134)- note that this reference to the development of previous developed (brownfield) land does **still** not imply a positive sequential policy in land allocation.*

(para. 140)- there is confusion over the need to designate "safeguarded" land, when this is not countenanced for employment use.

(paras.143,146)- it is not clear if the presumption in favour of development, no doubt reinforced by the "very special circumstances" argument, will supersede other considerations. If this is the case then this implies unacceptable massive appeal costs and delays. This is one of the most contentious elements in the Framework, and requires clarification.

(para.144,145)- it is not clear how "limited" development in villages is to be defined. There could be conflict between aims in the Local Plan and those of the local community under the proposed new Right to Build and Neighbourhood Development Orders.

*(para.146)- reword as" **elements of many energy projects, including energy transmission and distribution facilities**, will comprise inappropriate development.".....".....increased production of energy from **conventional and renewable** sources". LPA's do not have sufficient powers to influence the siting and design of transmission equipment.*

CLIMATE CHANGE, FLOODING AND COASTAL CHANGE

The policy relating to climate change takes the right approach.

14(a)-*disagree*

14(b)- comments-

(all paras.)- Actions are not obligatory, and indicate a lack of commitment by Government. All references to "should" to be replaced by the obligation "must". As many of the issues rely on central funding for their resolution, LPA's must not be penalised if objectives cannot be attained.

(para.148)- there is no mention of transport impacts.

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

14(c)- agree

14(d)- comments-

none

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

14(e)- agree

14(f)-comments-

none

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

14(g)- neither agree nor disagree

14(h)- comments-

(para.158)- how will "minor development" be defined?

NATURAL AND LOCAL ENVIRONMENT

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

15(a)- disagree

15(b)- comments-

(para.163)- reword to read " **.....planning should promote respect for the natural environment and encourage bio-diversity as a fundamental setting for all human activity**".

(para. 165)- reword to read ".....environmental or amenity value, **including previously developed (brownfield) land, on a sequential basis....**".

(para. 167)- there should be much greater emphasis on protecting undesignated landscapes, which may be of great local significance. In particular every opportunity must be taken to protect and enhance settings and views in a wide landscape context.

HISTORIC ENVIRONMENT

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

16(a)- disagree

16(b)- comments-

(para.176)- reword as "**.....conserved and interpreted to raise awareness and appreciation of the past, and confirm its importance as a foundation for present and future activity**".

(para.185)- non-designated heritage assets should be the subject of **Local Listing**, and measures must be introduced so that such assets can be protected.

(para.189)- this should include evidence of former farming practice, which could be at risk from modern farming methods.

IMPACT ASSESSMENT

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

17(a) comments-- neither agree nor disagree

PLANNING FOR TRAVELLERS

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

18-- comments- no views expressed

SPECIFIC QUESTIONS ON THE IMPACT ASSESSMENT

comments

QA5- *the number of appeals will rise dramatically*

QA6- *the costs to applicants will rise unless LPA's are given more resources*

QB1.3- *environmental and social issues may be sidelined unless LPA's are given greater guidance*

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