

**Annex 1.
Consultation Questions**

Q. No.	Section	Consultation Question
1a	Delivering sustainable development	<p>The Framework has the right approach to establishing and defining the presumption in favour of sustainable development.</p> <p>Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree</p> <p>RDC Response : Disagree</p>
1b		<p>Do you have comments? (Please begin with relevant paragraph number)</p> <p>RDC Response: <i>A presumption in favour of sustainable development, which underpins the rationale for a planning system in England is supported in principle. Planners as decision-makers have constantly been faced with the dilemma of balancing the freedom and rights of individuals, industry and organisations with the need to reduce the risk of adverse effects to the environment, human, animal or plant health.</i></p> <p><i>Finding the correct balance so that proportionate, transparent and coherent actions can be taken, requires a structured decision-making process with detailed scientific and other objective information.</i></p> <p><i>Therefore the Draft NPPF should be very clear about the role of the three principles of sustainable development about which it is currently silent: the precautionary principle, environmental limits and sound science. In many cases it will be these principles that planners will rely on to pursue the goals of planning for prosperity, people and place and help determine the sustainability of development proposals.</i></p> <p><i>More specifically, It is unclear in reading the document as a whole how the framework will ensure that social and environmental elements of sustainable development will not be undermined by the emphasis placed on growth. Whilst this Council recognises and supports the need to address development requirements, this does need to be balanced alongside other concerns. The NPPF should provide details of the circumstances under which externally driven demand can be managed or indeed restrained if such an approach is justified in terms of environmental or social issues.</i></p> <p><i>Ryedale is a sparsely populated rural area between two areas of growth. It experiences a high demand for housing and it is essential that the NPPF provides the</i></p>

		<p>ability for this to be managed to ensure that the growth aspirations of neighbours are not undermined; to ensure that development patterns are not to the detriment of the environment or further exacerbate population imbalances. It is essential that rural authorities are able to manage demand for development and that this is explicitly recognised in the NPPF. References in the NPPF to Authorities managing growth in terms of sustainability are undermined by the very clear message that housing demand should be provided for in full. This is an inconsistent message and without clarification around the counter balance to meeting development demand, it is difficult to understand how the otherwise laudable principle of a presumption in favour of sustainable development can be interpreted and applied in practice.</p>
2a	Plan-making	<p>The Framework has clarified the tests of soundness, and introduces a useful additional test to ensure local plans are positively prepared to meet objectively assessed need and infrastructure requirements.</p> <p>Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree</p> <p>RDC Response: Disagree.</p>
		<p>Do you have comments? (Please begin with relevant paragraph number)</p> <p>RDC Response: Whilst in principle the additional test of soundness reflects the spirit of emerging national policy as a whole, the test will be difficult to implement as there is discrepancy in the language used and lack of consistent definitions. The draft NPPF refers to ‘objectively assessed development needs’ (para 14) whilst paragraph 28 on housing refers to ‘meeting demand’ and paragraph 48 refers to ‘objectively assessed development requirements’. Need, demand and requirements are distinct terms but they appear to be referred to in an inconsistent and interchangeable way in the draft NPPF, the consultation questions and in other material. Clarification and consistency is required if the test is to be met and applied with confidence.</p> <p>Notwithstanding the above, this Council considers that the NPPF misses the opportunity to abolish the tests of soundness which have been largely responsible for the slow progress in plan making and for undermining the confidence of Local Authorities and developers in the plan making process. Elements of the tests could still form part of an Examination process which provides for sensible amendments to be made to plans.</p> <p>On a wider point, the Government’s ambitions for streamlined Local Plans are supported but there is considerable value and speed in producing separate</p>

		<i>strategic and allocations documents and there should not be a need to demonstrate special circumstances where local authorities diverge from the one plan model.</i>
2c	Joint working	<p>The policies for planning strategically across local boundaries provide a clear framework and enough flexibility for councils and other bodies to work together effectively.</p> <p>Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree</p> <p><i>RDC Response: Disagree</i></p>
2d		<p>Do you have comments? (Please begin with relevant paragraph number)</p> <p><i>RDC Response: The principle of the Duty to Collaborate is supported but the Government must be mindful of the significant additional resource burdens that such a duty brings to Local Authorities. The levels of evidence, expertise and focus that can be brought to such important issues will be, at least initially, significantly lower than in the past.</i></p> <p><i>It is of concern that the draft NPPF appears to provide no flexibility should Council's be unable to successfully co-operate. The Government should provide more detail as to how disputes between Authorities will be treated at examinations.</i></p>
3a	Decision taking	<p>In the policies on development management, the level of detail is appropriate.</p> <p>Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree</p> <p><i>RDC Response : Agree</i></p>
3b		<p>Do you have comments? (Please begin with relevant paragraph number)</p> <p><i>RDC Response- The level of detail is consistent with the spirit of the broad and over-arching nature of the NPPF. The framework would not prevent individual local authorities supplementing this with more detailed policy/ guidance documents should these be considered necessary at the local level.</i></p>
4a		<p>Any guidance needed to support the new Framework should be light-touch and could be provided by organisations outside Government.</p> <p>Do you: Strongly Agree/Agree/ Neither Agree or Disagree /Disagree/Strongly Disagree</p> <p><i>RDC Response: Neither</i></p> <p><i>The scope and depth of supporting guidance should reflect the level of detail required to provide clarity and understanding. It should not be assumed that light</i></p>

		<p><i>touch guidance will always be appropriate. Further delays to the plan-making process could be incurred if local authorities have to prepare more detailed Plans in order to address lack of detail resulting from simplified NPPF which is combined with light touch guidance.</i></p> <p><i>It is important that the Government endorse any guidance prepared outside of Government in order that its status is clear and can be used with confidence in the decision making process.</i></p>
4b		<p>What should any separate guidance cover and who is best placed to provide it?</p> <p><i>RDC Response: Best practice guidance relating to any necessary assessments required to support decision/ plan making e.g. SHLAA guidance, Flood Risk Assessment etc</i></p>
5a	Business and economic development	<p>The 'planning for business' policies will encourage economic activity and give business the certainty and confidence to invest.</p> <p>Do you: Strongly Agree/Agree/Neither Agree or Disagree/ Disagree/Strongly Disagree</p> <p><i>RDC Response: Agree. There is nothing in the policy as written which would undermine this principle.</i></p>
5b		<p>Do you have comments? (Please begin with relevant paragraph number)</p> <p><i>RDC Response: Current planning policy supports business and economic activity. The NPPF would benefit from more detail/ emphasis on how the national policy position has changed.</i></p>
5c		<p>What market signals could be most useful in plan making and decisions, and how could such information be best used to inform decisions?</p> <p><i>RDC Response: Land availability, site viability and developer confidence are key elements which would indicate whether land and premises are deliverable.</i></p>
6a		<p>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.</p> <p>Do you: Strongly Agree/Agree/Neither Agree or Disagree/ Disagree/Strongly Disagree</p> <p><i>RDC Response: Agree. There is nothing in the policy as written which would undermine this principle.</i></p>
6b		<p><i>Do you have comments? (Please begin with relevant paragraph number)</i></p> <p><i>RDC Response: The policy reflects the current planning policy/ national approach which this Council is broadly supportive of. The detail in existing policy and</i></p>

		<p>supporting guidance is helpful in the decision making process and it is considered that the policy as drafted should be supported by detailed guidance to assist the development plan and planning application processes. The Council supports the longer term approach to the consideration of impact. The removal of office development from the 'town centre' first policy is supported. This reflects the practicalities of Town Centres whilst still allowing local policies to guide the location of development which in turn allows local areas to determine how competitive they wish to be.</p>
7a	Transport	<p>The policy on planning for transport takes the right approach. Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree</p> <p>RDC Response: Disagree</p>
7b		<p>Do you have comments? (Please begin with relevant paragraph number)</p> <p>RDC Response: In this area of North Yorkshire transport infrastructure is one of the greatest constraints to sustainable growth. Strategic cross boundary improvements are essential to supporting long-term sustainable growth in this sub-region. The NPPF makes it clear that local authorities should work with neighbouring authorities and transport providers to develop strategies to provide necessary viable infrastructure. This is insufficient. The NPPF needs to acknowledge the role and responsibilities of national Government and LEPs in this process. It should also indicate how local authorities are expected to respond to situations where necessary infrastructure is not viable.</p> <p>The Council supports an approach which would allow car parking standards to be established locally.</p>
8a	Communications infrastructure	<p>Policy on communications infrastructure is adequate to allow effective communications development and technological advances. Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree</p> <p>RDC Response: Agree</p>
8b		<p>Do you have comments? (Please begin with relevant paragraph number)</p> <p>RDC Response: The policy on communications infrastructure is adequate.</p>
9a	Minerals	<p>The policies on minerals planning adopt the right approach. Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree</p>

		RDC Response: Neither Agree or Disagree
9b		<p>Do you have comments? (Please begin with relevant paragraph number)</p> <p>RDC Response: RDC is not the minerals planning authority and is not best placed to respond to this issue.</p>
10a	Housing	<p>The policies on housing will enable communities to deliver a wide choice of high quality homes, in the right location, to meet local demand.</p> <p>Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree</p> <p>RDC Response; Agree and Disagree</p>
10b		<p>Do you have comments? (Please begin with relevant paragraph number)</p> <p>RDC Response;</p> <p>The policies on housing need further clarity to enable local authorities to deliver them effectively. The phrase “use an evidence base to ensure that their Local Plan meets the full requirements for market and affordable housing in the market area...” is of particular concern. This implies that both need and demand should be fully met. In a rural authority like Ryedale with a chronic affordability problem, meeting the full need for housing would require delivery of unviable levels of affordable housing and significantly more market housing to deliver the affordable housing than household projections suggests. In reality, there are other factors that determine the appropriate level of housing delivery (as was recognised by PPS3) in the local authority’s area, such as a sustainability appraisal.</p> <p>It should be clarified that the Government does not expect local authorities to fully meet household projections, but that these form the basis of an evidence base for housing provision. Communities and Local Government state that “the projections are trend-based, making assumptions about future levels of fertility, mortality and migration based on levels observed over a five-year reference period. Therefore, they give an indication of what the future population, by age and sex structure, might be if recent trends continue, and take no account of policy or development aims in local authorities”. The NPPF should be clear that local policy aims should have a bearing on the levels of housing provided.</p> <p>The NPPF should make it explicitly clear that local planning authorities have the ability to determine local</p>

		<p>housing targets based on strategic co-operation and local policy aims and that this may require some restraint on demand/ constraint of supply, particularly where this enables neighbouring authorities to deliver growth aspirations. It is important that rural authorities such as Ryedale are able to continue to exercise some restraint on housing demand if patterns of sustainable growth are to be achieved and sustainable development secured.</p> <p>The Authority consider that the identification of a further 20% of housing land supply would be beneficial providing the NPPF makes it explicit that the additional supply is provided to assist a plan, monitor and manage approach and as a supply 'buffer' . This would provide greater certainty for developers and investors.</p> <p>The removal of the national affordable housing threshold is welcomed.</p> <p>The removal of a brownfield land target is welcomed. It is unrealistic to expect rural authorities with few previously developed sites to establish meaningful PDL targets.</p> <p>The draft national policy no longer includes provisions for Rural Exception Sites. The NPPF or supporting guidance should make it clear whether the expectation is that policies which provide for 100% affordable housing are no longer supported in principle or whether there is scope for local policies to support such development according to local circumstances.</p>
11a	Planning for schools	<p>The policy on planning for schools takes the right approach. Do you: Strongly Agree/Agree/Neither Agree or Disagree/ Disagree/Strongly Disagree</p> <p>RDC Response: Neither agree or disagree</p>
11b		<p>Do you have comments? (Please begin with relevant paragraph number)</p> <p>RDC Response: The approach of the policy ensures that this is a development management issue. It should be made clear whether adverse planning impacts may also include the impact on existing school facilities.</p>
12a	Design	<p>The policy on planning and design is appropriate and useful. Do you: Strongly Agree/Agree/Neither Agree or Disagree/ Disagree/Strongly Disagree</p> <p>RDC Response: Agree</p>
12b		<p>Do you have comments or suggestions? (Please begin with relevant paragraph number)</p>

		<i>RDC Response: The general approach will need to be supplemented with locally specific or site specific design guidance which is appropriate.</i>
13a	Green Belt	The policy on planning and the Green Belt gives a strong clear message on Green Belt protection. Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree <i>RDC Response: Agree</i>
13b		Have you comments to add? (Please begin with relevant paragraph number) <i>RDC Response: The draft NPPF carries forward the green belt protection embodied in current policy.</i>
14a	Climate change flooding and coastal change	The policy relating to climate change takes the right approach. Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree <i>RDC Response: Agree</i>
14b		Do you have comments? (Please begin with relevant paragraph number) <i>RDC Response: Overall, in terms of the objectives of the policy, the approach generally reflects key elements of existing policy. Supporting practice guidance in relation to flooding is useful in the plan and decision making process and for areas which experience flood risk. It would be useful if detailed guidance documents on flooding are retained.</i>
14c		The policy on renewable energy will support the delivery of renewable and low carbon energy. Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree <i>RDC Response: Agree</i>
14d		Do you have comments? (Please begin with relevant paragraph number) <i>RDC Response: The NPPF provides authorities with the ability to establish their own decentralised energy targets where these can be demonstrated to be viable. This, coupled with the ability to rely on increased building standards, which will be introduced nationally are considered a more pragmatic and realistic approach than a requirement for a blanket district wide decentralised energy target.</i>
14e		The draft Framework sets out clear and workable proposals for plan-making and development management for renewable and low carbon energy,

		<p>including the test for developments proposed outside of opportunity areas identified by local authorities Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree</p> <p>RDC Response: Agree</p>
14f		<p>Do you have comments? (Please begin with relevant paragraph number)</p> <p>RDC Response: The suggested opportunity areas for renewable energy generation provide a positive framework for supporting different types of renewable energy generation in different areas.</p>
14g		<p>The policy on flooding and coastal change provides the right level of protection. Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree</p> <p>RDC Response: Agree</p>
14h		<p>Do you have comments? (Please begin with relevant paragraph number)</p> <p>RDC Response; The approach is generally reflective of current national policy.</p>
15a	Natural and local environment	<p>Policy relating to the natural and local environment provides the appropriate framework to protect and enhance the environment. Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree</p> <p>RDC Response: Disagree</p>
15b		<p>Do you have comments? (Please begin with relevant paragraph number)</p> <p>RDC Response: The NPPF should align more closely with the provisions in the HM Government recent White Paper: The Natural Choice: securing the value of nature. This paper states that “we must properly value the economic and social benefits of a healthy natural environment while continuing to recognise nature’s intrinsic value. The Government wants this to be the first generation to leave the natural environment of England in a better state than it inherited.” It is considered that this statement is not consistent with the removal (by the draft NPPF) of PPS7’s objective to provide “continued protection of the open countryside for the benefit of all, with the highest level of protection for our most valued landscapes and environmental resources.” Whilst the Council acknowledges that the NPPF provides continued protection to the most valued, already designated, landscapes, it is those areas of the countryside which are not in designated areas where further clarity is needed to fulfil the aims of the White</p>

		Paper and to ensure consistency in national policy.
16a	Historic environment	<p>This policy provides the right level of protection for heritage assets. Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree</p> <p>RDC Response: Agree</p>
16b		<p>Do you have comments? (Please begin with relevant paragraph number)</p> <p>RDC Response: <i>The draft NPPF carries forward the broad protection embodied in current policy. It would be useful if the Government could confirm whether the English Heritage Enabling Development Guidance will be retained as a supporting document to the NPPF which does make reference to enabling development.</i></p>
17a	Impact Assessment	<p>The Framework is also accompanied by an impact assessment. There are more detailed questions on the assessment that you may wish to answer to help us collect further evidence to inform our final assessment.</p> <p>If you do not wish to answer the detailed questions, you may provide general comments on the assessment in response to the following question: Is the impact assessment a fair and reasonable representation of the costs, benefits and impacts of introducing the Framework?</p> <p>RDC Response:</p> <p><i>Rather than answer the detailed individual questions from the Impact Assessment which in a number of cases repeat subject matter covered by the main consultation questions, the Council is responding in terms of the overall impacts of the NPPF on both the Council's plan making and development management functions.</i></p> <p><i>The following comments are made on the basis that the NPPF is amended to ensure clarity on the points identified in the consultation questions above, particularly around the presumption in favour of sustainable development.</i></p> <p>Plan making</p> <p><i>The production of the draft NPPF, will create a slight delay in the preparation of the Core Strategy which is shortly due to be formally published for consultation. This delay will allow the Council to take into account the implications and be consistent with the draft NPPF in terms of the plan-making process. However this delay allows the Examination process to progress more</i></p>

smoothly and should hopefully enable a speedier outcome. Given this position, it is unlikely that there will be a significant additional cost to the Council in producing the key parts of the Local Plan as a result of the NPPF being published.

However given the limited detail in the NPPF, the responsibility rests with the Council and communities to develop local guidance such as Supplementary Planning Documents and Neighbourhood Plans. These will need to be prepared to ensure that this level of detail is in place to appropriately guide local planning decisions. Whilst this enables policy to be determined locally as envisaged by the Coalition Government's Localism Agenda, this will inevitably involve reasonably significant human and financial resource

A factor which has not been considered through this impact assessment is the cumulative impact of those issues which are set out in current national guidance but which are now not set out in the NPPF. In short, the impact from the absence of national policy on certain issues can have as significant an impact as the presence of national policy. Some examples of this are the protection of all countryside for its own intrinsic character (set out in PPS7) and rural exception sites for 100% affordable housing (set out in PPS3). It is essential that the impact of the loss of these issues is considered and action taken where appropriate. In the case of the protection of all countryside, this is an essential part of creating the balance of social, economic and environmental factors in the attainment of sustainable development, as set out in the response to the consultation questions above.

The impact of certain changes being proposed through the draft NPPF such as the new 'green-space' designation and the suggested additional protection of community facilities are more difficult to quantify due to the lack of detail shown. Greater clarification of how these elements will need to be evidenced is needed to fully assess this.

Development Management

The impacts on development management will depend on a number of factors. Therefore the effect on the number of applications, approval rate and speed of decision making are difficult to precisely quantify. However the implementation of the draft NPPF is likely to lead to an increase in appeals and protracted negotiation with applicants/agents in the short term, until local guidance is in place.

Whilst the draft NPPF equates to substantially shortened

national guidance, it is considered the cost to applicants is unlikely to reduce in the short term. This is due to the fact that applicants will still be reliant on other legislative regimes (e.g. ecology) and guidance such as flood risk. However further changes planned to lower the supporting information required to enable effective decisions to be made on planning applications, may reduce costs over time.

The Council believes that initially extra cost and delay will be incurred through increased appeals, particularly prior to the adoption of the Council's Core Strategy. Given the substantial revisions to national policy, it is also likely to take time for new case law to be established as part of the legal planning process. Therefore it is essential that when the NPPF is finally published, it is clear on the issues identified in the consultation response above, particularly around the interpretation of the presumption of favour of sustainable development. This is also the case for those areas which have not been brought forward in the NPPF, but were previous core principles of existing national guidance (particularly protection of the countryside for its own sake - see plan making section above). If not addressed, this has the potential to have an impact on planning decisions, such as confusion and delay, in the short term prior to the adoption of the Local Plan.

In consideration of the thematic areas listed, the Council considers the changes listed under the economy and environmental sections are not likely to lead to additional resources being required in terms of development management. The issues identified in the society section are also unlikely to require significant additional resources and in some cases will simplify the current requirements (such as dropping the brown field land target)