



PART A:	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	24 SEPTEMBER 2020
REPORT OF THE:	HEAD OF PLANNING AND REGULATORY SERVICES GARY HOUSDEN
TITLE OF REPORT:	WHITE PAPER CONSULTATION - PLANNING FOR THE FUTURE.
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To consider the proposals included in the White Paper and to agree this Council's response to the consultation.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that:
- (i) The proposed responses to the White Paper at Appendix 1 are agreed in principle.
 - (ii) Authority is delegated to the Head of Planning in consultation with the Chairman of the Policy and Resources Committee to finalise any further detailed changes in line with member feedback.

3.0 REASON FOR RECOMMENDATIONS

- 3.1 To ensure that this Council's views are forwarded to Government and taken into account as reforms to the planning system are finalised.

4.0 SIGNIFICANT RISKS

- 4.1 The report covers a consultation response. There are no significant risks associated with the recommendations.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 The White Paper was issued by the Ministry of Housing, Communities and Local Government on the 6 August 2020 for a twelve week period of consultation ending on 29 October 2020.

- 5.2 The White Paper proposes significant reforms to the planning system which are directly relevant to this Council's role as Local Planning Authority and its corporate priorities: a sustainable, safe and clean place to live; strong, inclusive and attractive communities; harnessing Ryedale's unique economy to deliver growth, homes and jobs.
- 5.3 A further consultation paper, proposing changes to the current planning system has also been issued for consultation. This is the subject of a separate report on this agenda.
- 5.4 The members of the Local Plan Working Party considered the proposals in the White Paper at a meeting on 15 September 2020.
- 5.5 Officers have alerted Town and Parish Council's to the consultation and have suggested that they forward any views that they would like the District Council to consider as it frames its response. Any comments received from the local councils will be reported verbally at the Local Plan Working Party meeting. Clearly, the Local Council's may wish to respond directly and in their own right to the consultation or via the Local Council's Association which usually co-ordinates a response to government consultations on behalf of its members. Officers have also alerted all of the local estates to the consultation.

REPORT

6.0 Planning For the Future - Overview

- 6.1 The paper proposes radical reform of the planning system and the proposals represent one of the most significant set of changes to the system since its inception. This includes a new style of Local Plan, with consequential changes for the development management process. Members are advised that the White Paper can be read in full using the following links

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907647/MHCLG-Planning-Consultation.pdf

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907956/Planning_for_the_Future_web_accessible_version.pdf

- 6.2 The Government has made it clear that it considers reforms to the planning system to be necessary and has confirmed that the proposals are designed to:
- Address delay and speed up development; reduce risk for developers; address complexity and political argument
 - Improve public trust and engagement
 - Improve design and build quality
- 6.3 In particular they seek to:
- Streamline the planning process and replacing the 'entire corpus of plan-making law' – moving to a rules based decision making system rather than the current discretionary, case by case system (Emphasis on proactive place-making)

- Introduce a radical, digital first approach to modernise the planning process – driven by data rather than documents
- Bring increased focus on design, sustainability and proactive place-making
- Improve infrastructure delivery through reform of developer contributions
- Ensure more land is available for homes and development and to support renewal of town and city centres

The White Paper is an eighty page document. It includes 24 proposals which are accompanied by a set of twenty six detailed and specific questions. A detailed list of the proposals and a proposed response to the questions posed as part of the consultation (which are of particular relevance to the Council) is at Appendix 1.

Summary of Proposals

6.4 The proposed changes are based on 3 ‘pillars’ :

- Planning for development
- Planning for beautiful and sustainable places
- Planning for infrastructure and connected places

Planning for development

6.5 A new approach to plan-making is central to the proposed reforms. The role and content of plans and the process of production will be simplified with plans identifying three categories of land (across the whole plan area) on a colour coded digital interactive web-based map. :

Growth Areas: areas designated as suitable for substantial development (new settlements, urban extensions, major redevelopment sites).

Renewal Areas: areas which are suitable for development and covering existing built areas. This will include urban and brownfield sites, infill development and small sites on the edges of villages. The phrase ‘gentle densification’ is used in relation to these areas in the White Paper.

Protected Areas; areas where development would be generally and which are on a range of spatial scales, including Green Belt, Nationally Protected Landscapes, Open Countryside, Gardens areas at risk of flooding.

6.6 In Growth and Renewal areas, the plan will be expected to list suitable uses and establish design parameters (eg height and density) – established locally but informed by permitted development flexibilities and National Model Design Code. Sub- area categories can be used in Growth and Renewal areas and Growth Areas will be expected to include sub-areas to promote self and custom build and community-led housing. For Protected Areas, the plan will explain what is permitted by cross reference to the National Planning Policy Framework (NPPF)

6.7 To accompany the new style of plan a streamlined and more engaging plan-making process will be introduced, covering five stages:

Stage1 6 Months	Stage 2 12 Months	Stage 3 6 Weeks	Stage 4 9 Months	Stage 5 6 Weeks
LPA calls for suggestions for areas for the 3 categories Public engagement	LPA draws up Plan and produces evidence	Plan submitted for Examination and published for the public to comment on	Inspector considers whether the three categories are sustainable All parties right to be heard Inspectors changes binding	Local Plan map, key and text finalised and come into force

6.8 In addition, to support development, accelerate plan-making and decision making, the package of proposed reforms also propose:

- That development management policies will be established nationally and included in national policy to allow for shorter local plans
- The emphasis of plans will be development parameters/standards – informed by design codes that will ‘twin track’ plan production. If local design codes are not in place, the national design code (expected Autumn 2020) will take precedence
- That plans will be more visual with an ability to be digitally ‘screened’
- A simplified Sustainability Appraisal process
- That the tests of soundness to be replaced with one sustainable development test
- The removal of the Duty to Co-Operate
- A statutory duty to adopt a new Local Plan – no more than 30 months from legislation coming into force or 42 months for those that have adopted a plan in the previous three years
- That Neighbourhood Plans are retained but with content to reflect national proposals for Local Plans (an emphasis on local design requirements)
- That larger development sites to be developed by multiple developers to improve build out rates

6.9 Significantly, the Government is also proposing the re-introduction of ‘top down’ housing requirements in order to distribute the national housing target of 300,000 new homes annually. This will be a binding requirement using a new methodology for calculating need. The methodology will be based on the number of existing homes in an area, projected rises in households and changes in affordability. It is made clear that requirements will be focussed in areas where affordability pressure is highest in order to prevent land being a barrier to new homes being built. It is stated that the methodology will take into account land constraints, such as Green Belt or protected landscapes although it is not clear how this will be achieved.

6.10 The paper indicates that the requirement to maintain a deliverable five year supply of housing may be removed but that the Housing Delivery Test will be retained in order to ensure that housing requirements are delivered.

6.11 To align with reforms to plan-making, a number of changes are proposed which are aimed at streamlining the development management process. These are summarised as follows:

Growth Areas	Renewal Areas	Protected Areas
<p>Automatically given outline permission on adoption of the plan</p> <p>Requirement for a master-plan and site specific design code to be agreed for inclusion in the category.</p> <p>Full permission would then be achieved through one of three streamlined consent routes:</p> <p>a reformed reserved matters process (with decisions potentially delegated automatically to officers);</p> <p>Local Development Order (which could be linked to master plans and design codes);</p> <p>Development Consent Order under Nationally Significant Infrastructure regime (in the case of exceptionally large schemes such as New Towns)</p>	<p>A presumption in favour of development with consent granted in one of three different ways:</p> <p>For pre-specified forms of development set out in a local plan, a new permission route giving automatic consent if design and prior approval requirements are met</p> <p>Faster planning application process for other types of development</p> <p>Use of Local or Neighbourhood Development Orders</p>	<p>Planning Applications as at present (unless permitted development rights are utilised) and assessed against national policies in the NPPF.</p>

6.12 Any proposal in a growth or renewal area which is different to the Local Plan would require a planning application but the Government emphasises that this would be very much the exception to the ‘zoning’, design code, rule-based approach.

6.13 In addition, the White Paper proposes:

- Greater digitalisation of the application process, including case management software to automate routine processes; standardisation of technical information, applications and conditions
- Planning data to be open and digitally accessible
- 8-13 week determination period to be a firm deadline with extensions of time discouraged
- Automatic delegation of decisions to officers where the principle of development is established
- Automatic refund of fees is applications are not determined within time limits and deemed approval if there has not been a timely determination
- Rebate of fees if applicants are successful on appeal
- New approaches to consulting on applications (site notices and neighbour letters seemingly abolished) to better use technology and digital templates. Emphasis given to engagement in plan making and design code preparation)

Planning for beautiful and sustainable places

- 6.14 The headline objective is that Planning should create beautiful and sustainable places. To augment this in decision taking, Local Planning Authorities will be expected to set out detailed design parameters and specific standards for their areas. A national model design code will be produced which will set out how this is to be achieved and will include parameters for development in different types of location. Local Design Codes will be expected to inform plan making and development proposals, providing effective input from local communities can be demonstrated.
- 6.15 A new 'fast-track' for beauty process will be established whereby proposals that comply with pre-established design codes are expedited. In growth areas, master-plan and site specific codes will required as a condition of permission in principle granted through a local plan. In Renewal areas, the scope of permitted development will be widened and potentially include the replication of local styles of development – much the same as the 'pattern books' of old.
- 6.16 A range of proposals relate to the stewardship and enhancement of the Environment and include:
- Mandatory net gains for biodiversity
 - All new streets tree lined
 - National framework of green infrastructure standards
 - Revisions to Environmental Assessment process
 - Review of planning framework for Heritage Assets to support continued use of listed buildings and to address climate change
 - Improvements in energy efficiency standards with an ambition that all new homes built under the new planning system will not need retro-fitting in the future

Planning for infrastructure and connected places

- 6.17 Under the proposals, the current system of planning obligations would be consolidated under a reformed new 'Infrastructure Levy' Existing Community Infrastructure Levy and Section 106 arrangements would be abolished. The new Levy would:
- Be a flat rate, value based charge set nationally at a single rate or area specific rate
 - Be based on the principle of capturing land value uplift to fund infrastructure and affordable housing
 - Enable on-site affordable housing to be provided in lieu of levy payments (in kind delivery)
 - Be charged on final value of development
 - Be charged on occupation
 - Include a value based minimum threshold where no charge would apply
 - Ensure that revenue is collected and spent locally
 - Be extended in scope to cover change of use
 - Ensure a neighbourhood share is retained

Commentary/Issues

- 6.18 In operating the current planning system, Ryedale has proactively supported growth and sustainable development in the District. In this respect, a number of concerns that the Government has in relation to the operation of the system are simply not borne out

by outcomes in this District. Notwithstanding this, it is very difficult to dispute the fact that that under the current system, local plans do take too long to prepare; national housing requirements are not being met and that greater attention should be paid to achieving well designed, 'beautiful' places.

- 6.19 The proposals in the White Paper are schematic and are not accompanied by details. In this respect, it should be noted that the extent to which any changes to the system are successful in the long term will depend on the details that are subsequently established in legislation and the subsequent operation and implementation. There have been numerous changes to the system which have been designed to accelerate and simplify the process and increase engagement which have not been achieved as requirements and practice are established over time.
- 6.20 Appendix 1 lists the questions posed as part of the consultation. In many respects, it is difficult to argue against the principles of what is being proposed without a more detailed understanding of how the new system will work in practice or evolve over time. The proposed responses at Appendix 1 are framed against this context and draw on some of the issues, challenges and opportunities that the proposals present.
- 6.21 Before these are considered in detail below, it should be noted that a theme running through the document is an inherent tension between a centralising tendency of some of the proposals and localism. This is largely driven by the need to increase speed in the system and to provide more certainty. For example, under the proposals housing requirements will be 'top' down and set by Government, development management policies will be established nationally and the use of different consent regimes can all restrict local influence and engagement in the process. It is also notable that the proposed reforms focus very much on perceived failings of the planning system. There is nothing in the package of proposals to encourage broader involvement to support housebuilding or to ensure that developers build the development that they secure permission for.

Plan-making and decision taking

- 6.22 The proposed change in style of local plans should result in a simpler document which is more readily understood and the inclusion of generic development management policies in national policy should not be problematic. However, it is less clear on how local objectives or circumstances can influence development in each of the identified categories or zones. Local Design codes will address these in part. However, unless these are wide enough in scope to cover specific local ambitions for places or unless specific local policies can be included within the plan across all three local plan zones, the role of the plan in successful place-making could be limited. The way in which a place functions is as equally important as how it looks if it is to be successful. It is also important that any increased use of the permitted development/prior approval process applied in renewal or protected areas does not undermine local place-making ambitions.
- 6.23 The Government has made it clear that protected areas can be identified as sub-areas within renewal areas. It is not clear how some areas which require protection can be easily mapped. The settings of heritage assets are an example. The appreciation of an asset varies across a place and is a matter of judgment. National or local policies will need to be in place to ensure this is capable of being considered alongside the binary category/zonal approach.
- 6.24 The most significant problem with local plans in their current form is undoubtedly the time in which it takes to produce them. The proposed statutory timetable for the plan-

production appears optimistic in the absence of any details of the work that will no longer be required to support and evidence plan preparation. The reduction in the number of tests of soundness will only make a difference if the evidence required under the new sustainable development test is rationalised accordingly. There is no explanation in the document of how the new system will, if at all, result in a reduced evidence base to support a plan.

- 6.25 The proposed reforms to the plan making process do not focus on the examination which is resource intensive and time consuming. A move to a more rule based approach provides an opportunity to fundamentally rethink the examination/scrutiny process.
- 6.26 The reforms as a whole front load public engagement in planning to the plan-making process. From experience, much engagement in planning takes place as planning applications come forward. Under the new system, unless local people are actively engaged in the preparation of the plan (and design codes) and understand the implication of the different consent regimes which will operate alongside it, the opportunity to influence development at the point at which it does come forward will be limited.

Housing

- 6.27 The introduction of a binding, nationally set housing requirement is a significant element in the proposals. Whilst this is will be a matter of principle for many authorities, it is evident that in many areas, authorities have failed to plan for and meet housing requirements – often with implications for neighbouring authorities.
- 6.28 The national method aims to ensure more homes are built in areas where affordability is most acute and demand is high. It confirms that constraints will be taken into account in establishing the figure but there is no explanation of how this is intended to work in practice and there is a danger that this is applied in too simple terms. The growth of the City of York is constrained by the York Green Belt. That constraint also impacts upon this district, with household projections reflecting past trends in the movement of displaced households. The cross boundary impacts of constraints should be a factor in any methodology. Household projections and affordability ratios for Ryedale are also presented for the District as a whole despite the fact that over a third of the land area of the District is covered by nationally protected landscapes.
- 6.29 The approach is predicated on the assumption that the market will deliver a step increase in numbers and that this will in turn improve the affordability of housing in high demand areas. It is unclear whether evidence exists to support this broad proposition.
- 6.30 The implications for the delivery of affordable housing through the Infrastructure Levy are not immediately clear or specific. Under current Section 106 arrangements provision is secured by a legal agreement and it is unclear how the certainty which comes with the legal agreement can be replicated. It is also unclear whether the level of affordable housing to be provided in kind on sites is to be established through a national or local standard. The ability for local authorities to work with a nominated affordable housing provider is to be welcomed as is the ability for local authorities to spend Infrastructure levy receipts on the provision of additional affordable housing.

Technology and Equality

- 6.31 The emphasis on the use and application of data rather than documents is not fully

explained in the paper. In terms of plan making, data requires collation, analysis and interpretation which results in documents. Whilst the increased use of data in the administration of the process is more easily envisaged, this element of the proposals is not clear and further explanation of what this is intended to mean in practice would be helpful.

- 6.32 The proposed increases in the use of technology is positive although the extent to which radical change in the use of technology can be introduced quickly will be a challenge. For some areas of the country the ability to optimise the use of new technology remains limited. In addition, engagement in the planning system through technology will always present a challenge to some members of the community. Data, information and participation will need to be in a range of formats if everyone in a community is to be provided with the opportunity of engaging in the process.

Design

- 6.33 The emphasis placed upon design is notable and welcome. It is essential however, that the rhetoric is met with reality as the new system is implemented. The Government recognises that local design codes are integral to the new reforms. It recognises that these will take time to prepare, in part due to resource and skills constraints. There is a danger that local character and preferences would be over ridden by the National Model Design Code and a revised manual for streets. This would have the opposite of the Government's intention and would risk the creation of standardised places.
- 6.34 For the system to work as a proposed rule based approach it is imperative that developers are required to adhere to them and that national policy does not provide for departures from established and agreed local design codes.
- 6.35 In addition, if the Government is committed to building beautiful places it should reflect upon the outcomes of changes to permitted development rights which have resulted in less than attractive changes of use and extensions to many buildings. The ambition to create beautiful places is undermined by the increased use of permitted development rights. For the package of proposals to be successful as a whole, this is a tension and a contradiction which should be addressed.

Environmental Protection

- 6.36 Proposed reforms in relation to the environment are very limited. There are few substantive details in relation to the Government's 'net zero commitment' by 2050. It is unclear whether low/zero carbon build standard will be set nationally (which would align with the rules based approach that the Government is seeking to establish) or, if authorities will have the option of introducing standards via local design codes.
- 6.37 Whilst there is some scope to simplify the environmental assessment and sustainability appraisal process, in some cases it is not clear how this links to other proposals. For example, by omitting the outline planning permission stage, it is unclear how environmental impacts will be screened, scoped and assessed for schemes coming forward in 'growth' areas. The level of detail in relation to land use and development quantum will need to be established in detail at the plan making stage, but this does raise the issue of how flexible the plan could be in responding to changing requirements within its identified growth areas. This is a potential inflexibility of the rules based/ zonal approach which will make it less responsive to the changing requirements of local communities or developers.

Developer Contributions/Infrastructure

- 6.38 In primarily seeking financial contributions, the proposals appear to be seeking to move delivery responsibilities from developers to local authorities. The Infrastructure Levy would be due on occupation of development, which raises issues over the funding of necessary infrastructure. The proposals seek to address this by allowing Local Authorities to borrow against future levy receipts in order to front fund infrastructure.

It is not clear whether contributions secured under highway legislation will continue in their current form.

- 6.39 In principle, the securing of contributions from land value uplift should work well in high value areas. It is not clear how infrastructure is to be funded in areas where land values are low and which would be below the minimum levy threshold. There is a danger in this respect that the approach would perpetuate regional economic disparity unless alternative funding to support growth and renewal is provided. In any area, there is a risk that if development values fall, levy contributions will reduce and this would present a significant risk to Local Authorities and communities in terms of infrastructure and affordable housing provision.

7.0 IMPLICATIONS

- 7.1 The following implications have been identified:

a) Financial

The proposals place significant emphasis on the use new technology. There is an expectation that digital and geospatial capability and capacity will be created with technology to support public engagement, interactive mapping and digital application services. This will require significant financial investment. The proposed changes to the planning consent regimes may also result in reduced planning application fee income.

b) Legal

The reforms will result in changes to existing primary and secondary planning legislation.

c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental and Climate Change, Crime & Disorder)

The proposed reforms have direct implications for the review of the Local Plan. There will be a need for some additional training for planning staff in terms of IT and design skills. The increased reliance on technology in the operation of a reformed planning system will have implications under the Public Sector Equalities Duty.

8.0 NEXT STEPS

- 8.1 A timeline for implementing reform is not specific in the White Paper although it does indicate that the expectation is that new Local Plans will be in place before the end of the current Parliament.

Name of Head of Service: Gary Housden

Job Title: Head of Planning and Regulatory Services

Author: Jill Thompson, Planning and Development Manager

Telephone No: 01653 600666 ext: 43327
E-Mail Address: jill.thompson@ryedale.gov.uk

Background Papers:

White Paper: Planning for the Future. MHCLG August 2020

Background Papers are available for inspection at;

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907956/Planning_for_the_Future_web_accessible_version.pdf

Appendix 1 Planning For the Future. List of proposals, Questions and proposed RDC response

Pillar One – Planning for Development

Overview

Q1 What three words do you associate most with the planning system in England?

Q2(a) Do you get involved in planning decisions in your local area?

Q2(b) If no, why not? (Don't know how to/It takes too long/It's too complicated/ I don't care/Other – please specify)

Q3 Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out more about plans and planning proposals in the future? (Social media/Online news/Newspaper/By post/Other – please specify)

Q4 What are your top three priorities for planning in your local area? (Building homes for young people/ building homes for the homeless/Protection of green spaces/the environment, biodiversity and action on climate change/Increasing the affordability of housing/The design of new homes and places/ Supporting the High Street/Supporting the local economy/more or better local infrastructure/protection of heritage buildings or areas/Other – please specify)

A new approach to plan-making.

Proposal 1: The role of land use plans should be simplified

Q5 Do you agree that local plans should be simplified in line with our proposals?
Yes. In part. There is a need to simplify local plans although not in line with the package proposed as a whole. In general, the move to a more visual map-based plan supported by design guides and codes is welcomed. However, there must be some opportunity for a local plan to include policies to reflect local ambitions and circumstances which are more than visual design and appearance. The use of masterplans for growth areas will help although this needs to be accompanied with the ability for a Local Planning Authority to articulate ambitions for renewal areas and the countryside which should not be overridden by an ever expanding suite of permitted development rights or generic national policy. It is unclear where local policy and the local narrative sit if the plan itself is just a map.

A map based plan would not be simplified if a numerous sub-area categories are required in the proposed renewal areas. The mapping exercise could prove overly

complicated. A criteria based national policy could easily and quickly be used to define some categories of protected areas without the need for these to be mapped (eg garden land). There are other constraints which cannot be easily defined on a map, including the settings of heritage assets, for example.

Proposal 2: Development management policies to be established at a national scale with an altered role for Local Plans

Q6 Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?

Yes. In part. There is scope to reduce the repetition of general/generic development management policies in local plans and to include these in national policy. However, the proposals are not clear on the extent to which local policies can be used to address local circumstances and objectives which are wider in scope than matters of design and appearance. This needs to be addressed in the 'standardised' approach which is proposed.

Proposal 3: Local Plans should be subject to a single statutory sustainable development test, replacing the existing tests of soundness

Q7(a) Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test for 'sustainable development', which would include consideration of environmental impact?

Any rationalisation in the soundness tests and the evidence used to demonstrate soundness is welcomed. However, in the absence of any detail of the evidence which would no longer be required to support a local plan, there can be no certainty that a consolidated test would result quicker and less complicated plan preparation. It would help if a definitive list of required evidence and the scope of that evidence was provided in national guidance.

Q7(b) How could strategic cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

The options are limited. Either Local Authorities come together at the point of decision or a national structure is introduced providing a co-ordinated planning framework across regions.

Proposal 4: A standard national method for calculating housing requirements

Q8(a) Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?

A standard method does have the advantage that it would be consistently applied and it should reduce the time spent in plan-making and decision –taking on argument and debate over housing requirements. Despite the principle of the requirement being binding, there is an advantage to the use of a standard method in terms of reducing delay. However, the way the figure is calculated needs to be transparent. The method should reflect constraints in an area and should also address the implications that constraints in some areas have had and continue to have on household projections/ trends in other areas. There should be no need for Local Authorities to demonstrate a deliverable 5 year supply of land. The use of the

Housing Delivery Test is sufficient to ensure that housing requirements are being met.

Q8(b) Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?

No. The approach is based on the assumption that by simply increasing the number homes, housing will become more affordable. There is no evidence to suggest that in areas of high house prices and high demand that this will be the case or that the development industry will significantly increase the number of new homes it builds. It is disappointing that the proposed changes focus on perceived problems with land supply releases and the planning system. The opportunity to look at ways in which there could be greater involvement in increasing the type and tenure of housebuilding, including by the public sector has not been explored.

Streamlined Development Management Process with automatic planning permission for schemes in line with plans

Proposal 5: Areas identified as Growth areas would automatically be granted outline planning permission with automatic approvals available for pre-established development types in other areas suitable for building

Q9(a) Do you agree that there should be automatic outline permission for areas of substantial development (Growth areas) with faster routes for detailed consent?

No. The inclusion of land within a growth area would establish the principle of development. An automatic outline permission, without time limits would provide no incentive for developers and land owners to bring land forward. It is also unclear how environmental impacts will be screened, scoped and assessed for schemes coming forward in growth areas over a plan period under this proposal.

Q9(b) Do you agree with our proposals for the consent arrangements for Renewal and protected areas?

No. The proposals do not allay concerns that this would involve a further roll out of increased permitted development rights which have the potential to undermine good place making.

Q9(c) Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?

No. New settlements should be brought forward by Local Authorities or combinations of authorities to ensure local accountability. The Government needs to ensure that it will co-ordinate support from all of the necessary delivery partners including Homes England and Infrastructure companies to ensure schemes come forward.

Proposal 6: Decision making should be faster and more certain with firm deadlines and make greater use of digital technology

Q10 Do you agree with our proposals to make decision-making faster and more certain?

Yes. Care does need to be taken to ensure that some members of the community are not disadvantaged in engaging in the planning process through the use of digital technology. Extensions of time are often used to support applicants in making revisions to schemes or to provide required information. Schemes which don't meet

design codes or do not provide the required information can be promptly dealt with but this may not provide the approval that applicants/ customers are seeking and would be a less customer friendly, positive and proactive approach. In addition, digital technology needs to be tried, tested and reliable. This Council would question whether sufficient progress has been made in terms technology to fully enable digital and automated planning services at the current time.

A new interactive web-based map standard for all planning documents

Proposal 7: Local Plans should be visual and map based, standardised, based on the latest digital technology and supported by a new template

Q11 Do you agree with our proposals for accessible, web-based local plans?

Yes

A streamlined and more engaging plan-making process

Proposal 8: Legal requirement to meet a statutory timetable for key stages of plan production

Alternative options are also presented for comment. These include:

- Reform of the examination process to remove the right to be heard
- Removal of the Examination stage and replacement with self-assessment

Q 12 Do you agree with our proposals for a 30 month statutory timescale for the production of local plans?

Yes. Any process which is designed to simplify and expedite plan production is welcome in principle. However, the actual time needs to needs to be realistic and based on the experience of Local Authority practitioners. If the Government is serious about radical reform of the system, the examination process or need for an examination does need to be addressed. In the context of legislation, sanctions for under delivery and binding housing requirements, the self- assessment route would be sufficient. Local Authorities are accountable to their electorates on choices made. Sanctions exist to ensure that sites are deliverable. Assuming housing targets are met there is no requirement for examination time and public money to be spent on the choices made in relation to one developer's site over another.

Proposal 9: Neighbourhood Plans should be retained as an important means of community input and we will support communities to make better use of digital tools

Q13 Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

Yes. In the context of the proposed reforms there is the potential for Neighbourhood plans to make a significant contribution to the masterplan's and design codes that will operate in an area.

Q13(b) How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?

Additional support for Neighbourhood Plan production. Design code templates for places may help provide a focus for Neighbourhood Planning.

Speeding up the delivery of development

Proposal 10: A stronger emphasis on build out through planning

Q14 Do you agree that there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?

Yes. Fiscal sanctions or incentives could be employed to encourage build out. The proposal for automatic outline permission in growth areas does not provide an incentive to bring sites forward.

Pillar Two – Planning for Beautiful and Sustainable Places

Q15 What do you think about the design of new development that has happened recently in your area?

The standard of design varies depending on the developer. Local landed estates and householders and self-builders with a long term interest in the place generally pay considerable attention to matters of design quality and local character. There is room for improvement in the standard of design achieved on sites developed by national housebuilders. If the proposed reforms are aimed at improving both design and increased housebuilding, this needs to be taken seriously by the volume build sector.

Q16 Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?

Energy efficiency, use and generation

Creating Frameworks for Beauty

Proposal 11: To make design expectations more visual and predicable, we will expect design guides and codes to be prepared locally with community involvement and ensure that codes are more binding on decisions about development

Q17 Do you agree with our proposals for improving the production and use of design guides and codes?

Yes. However, the proposals need to be more specific about the role of design codes. These need to be more than sets of rules which steer the appearance of development/an area but also need to include ambitions for how places function and how uses interact. Masterplans should not be limited to growth areas. They also need to be in place to ensure that local objectives and ambitions are achieved in renewal areas. Change in existing built up areas must be sensitive to the place and cannot be left to standardised national policy and permitted development legislation.

Proposal 12: Expert body to be established and propose that each authority should have a chief officer for design and place-making

Q18 Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?

Yes. Investment in the skills required to develop and roll out best practice would be welcomed.

Proposal 13: To further embed national leadership on delivering better places, we will consider how Homes England's strategic objectives can give greater emphasis for delivering beautiful places

Q19 Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?

Yes.

Fast-Track for Beauty

Proposal 14: Changes to national policy and legislation to incentivise and accelerate high quality development which reflects local character and preferences

Q20 Do you agree with our proposal for implementing a fast-track for beauty?

No. The emphasis on design and the use of design guides and codes provides a significant opportunity to improve the standard of design through the planning system. However, there is an inherent conflict between this and the increased use of permitted rights which have the potential to undermine local character and the quality and appearance of places. The increased use of permitted development rights is not supported and are not considered to be necessary if comprehensive local design codes are to be prepared. There is concern that reliance on the national model design code may result in a standardisation of approach as local design codes are in preparation, which would undermine local character.

Stewardship and Enhancement of the Environment

Proposal 15: Amend national policy to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits

Proposal 16: Simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitat and species

Proposal 17: Conserving and enhancing our historic buildings and areas

Proposal 18: Facilitate ambitious improvements in energy efficiency standards for buildings to help deliver our world-leading commitment to net –zero by 2050

Pillar Three – Planning for Infrastructure and well connected places

Consolidated Infrastructure Levy

Proposal 19: The Community Infrastructure Levy should be reformed and charged as a fixed proportion of the development value above a threshold, with a mandatory nationally set rate and the current system of planning obligations abolished

Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights

Proposal 21: The reformed Infrastructure Levy should deliver affordable housing provision

Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy

Q21 When new development happens in your area, what is your priority for what comes with it?

(more affordable housing/more or better infrastructure/design of new buildings/more shops and/or employment space/Green space)

More and better infrastructure and Affordable Housing

Q22(a) Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

No. In principle, an approach which aims to capture uplift in value is attractive. However, this cannot be a one size fits all and alternative mechanisms to support infrastructure delivery in areas with low land values do need to be in place if regional disparities are to be addressed.

The proposals are however, vague and the implications and intentions are not clearly discussed or easily understood. Any proposal which would jeopardise the delivery of affordable housing and the timely provision of necessary infrastructure is not supported. It would appear that under the proposals, the responsibility for ensuring necessary infrastructure is in place lies with the public sector rather than the developer, if levy receipts are received on occupation. Viability issues will come to the fore after a development is built and as values are calculated. If understood correctly, the process would present unacceptable risk for authorities and local communities, particularly if an authority has had to borrow money to front fund infrastructure. It will only be once a development is built that it will be known with certainty that there is sufficient funds to repay infrastructure costs or deliver affordable housing.

Q22(b) Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally

The implications of a nationally set rate need to be better articulated in order for an informed view to be given

Q22(c) Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?

It should aim to capture more value. At present CIL in Ryedale is set at a 'cautious' level to avoid viability impacts.

Q22(d) Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?

The proposed changes, including the payment of the levy on occupation will require local authorities to front fund infrastructure requirements. In the absence of an ability to borrow against levy receipts, it is unclear how this could be achieved. This is an element of the proposals which presents a significant risk to local authorities if development values fluctuate over time. Any approach needs to build in a way in which this risk can be avoided.

Q23 Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?

Yes

Q24(a) Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy and as much on-site affordable provision as at present?

Yes. At least the same level of provision should be secured. However, at present, a legal agreement secures negotiated levels of affordable housing. There is nothing in the proposal that would legally secure provision and this is a concern which presents a risk to authorities and local communities.

Q24(b) Should affordable housing be secured as in-kind payment towards the Infrastructure Levy or as a 'right to purchase' at discounted rates for local authorities?

Of the choices provided, a mandatory in kind payment would appear to be the only way in which communities would benefit from affordable housing provision with any form of certainty.

Q24(c) If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?

The consultation is not clear what the overpayment risk is or how it would be incurred but developers should not have the right to reclaim levy payments if the end value of affordable units exceeds the final levy liability

Q24(d) if an in-kind delivery approach is taken are there any additional steps that would need to be taken to support affordable housing quality?

Space standards and design specification should be established and adhered to by developers and providers.

Q25 Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

Local Authorities should have the discretion to spend Levy receipts as they see fit and are best placed to identify priorities for expenditure in their areas. It is considered that it is important that this should relate to the development and growth of places if local communities are to see tangible improvements in their areas. Without this, development and growth become harder for communities to accept.

Q25(a) If yes, should an affordable housing 'ring-fence' be developed.

Whilst this should not be necessary if affordable housing is a priority for an area, it would ensure resources are not diverted away from affordable housing provision.

Delivering Change

Proposal 23: Development of a resources and skills strategy for the planning sector which will be developed to include:

Proposal 24: Strengthen enforcement powers and sanctions

Q26 Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the

Equality Act 2010

The reliance on technology may impact upon the ability of some people, particularly the elderly to engage in the planning process.