

North Yorkshire County Council

Business and Environmental Services

Executive Members

23 October 2020

Planning for the Future – White Paper

Report of the Assistant Director – Growth, Planning & Trading Standards

1.0 Purpose Of Report

- 1.1 To inform Members of the Government’s ‘Planning for the Future’ White Paper, and to confirm the authority’s response to the associated consultation proposals.

2.0 Background

- 2.1 Over the past decade, successive Governments have consulted on a range of amendments to the planning system and incrementally introduced new legislation and regulations. Rather than streamlining and simplifying the system, this has tended to create a more complex and often challenging environment within which growth and development processes operate.
- 2.2 The new White Paper seeks to undertake a more comprehensive overhaul of the planning system. It sets out the Government’s proposals for a contemporary planning system that is fit for purpose in the 21st century.

3.0 White Paper – Planning for the Future

- 3.1 **Scope**
The White Paper covers a package of proposals for reform of the planning system in England, covering plan-making, development management, development contributions, and other related policy proposals.
- 3.2 It seeks to streamline and modernise the planning process, improve outcomes on design and sustainability, reform developer contributions and ensure more land is available for development where it is needed.
- 3.3 **Assumptions**
The White Paper starts from the assumption that the planning system is outdated, ineffective and does not work.
- 3.4 **Aims**
A simpler, clearer, quicker, more predictable, efficient, effective and equitable system that encourages sustainable, beautiful, safe and useful development, and gives a greater say over what happens where in local communities.
- 3.5 To provide a focus on housing and home ownership, including a more diverse and competitive housing industry that pays a fair share of costs for infrastructure and affordable housing.

- 3.6 Cutting red tape not standards. Re-establishing links between identity and place, with a high regard for quality, design and local vernacular.
- 3.7 More engaged residents through enhanced digital services driven by data not documents.
- 3.8 Good growth will help to level up economic and social opportunities for communities.
- 3.9 Pillars
The White Papers' proposals are structure under three main pillars:
1. Planning & Development
 2. Planning for Beautiful and Sustainable Places
 3. Planning for Infrastructure and Connected Places
- 3.10 The proposed approach seeks to:
1. Streamline planning processes with a focus on more effective engagement at the plan making stage
 2. Digital first approach to modernising the planning process
 3. Focus on design and sustainability
 4. Improve infrastructure delivery, reforming developer contributions
 5. Ensure more land is available for homes and development, and support the renewal of town and city centres.
- 3.11 Engagement
This is a national consultation open to everyone. The closing date for submissions is 29 October 2020.

4.0 Issues

- 4.1 It is widely recognised that the incremental evolution of planning legislation has created a complex web of regulation and policy that can be difficult to understand, and burdensome to administer. Reform that simplifies and streamlines the system, improving clarity and certainty, and producing timely and high quality outcomes within a plan led framework is therefore welcome.
- 4.2 The White Paper sets out a range of intriguing ideas, but is short on detail. It does not address all aspects of planning, choosing instead to focus heavily on processes related to housing, speed and efficiency. It will be important to ensure that all relevant planning matters, including Minerals and Waste, are addressed in any reforms.
- 4.3 It is worth noting that the current planning system is not completely broken. In recent years, North Yorkshire Local Planning Authorities have had a good track record in consenting new homes in line with plan targets, and good progress has been made on working towards comprehensive up to date Local Plan coverage.
- 4.4 As an upper tier authority one of the key issues for North Yorkshire County Council with regards to planning is managing the delivery of necessary infrastructure to support the needs of the community, in particular highways/transport and education. The proposals for changing the Developer Contribution system are important as this can impact on our ability to deliver statutory functions. Previous levy systems such as the Community Infrastructure Levy (CIL) have proved problematic, and overall the County Council has preferred to utilise Section 106 planning agreements to secure necessary contributions.

- 4.5 Although the White Paper touches on environmental and heritage issues, it provides little detail and does not actively seek feedback on these matters. This is a serious omission. It fails to fully recognise the intrinsic value of these aspect, which form such an important part of the character and identity of North Yorkshire. Furthermore, it does not address how it is intended to effectively integrated these matters, including measure related to managing climate change and flood risk, with growth and development management.
- 4.6 Measures to update consultation and community engagement processes are broadly welcome. However, a move to digital formats will require better universal access to broadband and mobile communication networks. There is also some concern with regard to proposals to front load engagement in plan making stage whilst reducing the ability to engage at the time when more detailed schemes come forward. This may create a disconnect between communities and developers, reducing the opportunity to promote high quality outcomes together with appropriate mitigation for the local context.
- 4.7 Whilst the proposals may create a range of benefits, radical change also generates risk and will have implications for resourcing the transition to a new planning system and the long-term administration of this at the local level.
- 4.8 This consultation provides an opportunity for the County Council to help influence and shape the national planning system.
- 4.9 The proposed response to the questionnaire that accompanies the White Paper is set out in Appendix 1. All relevant NYCC services have been engaged in preparing the response.

5.0 Equalities

- 5.1 The White Paper is an open public consultation. The consultation questionnaire addresses protected characteristics. The proposed response identifies the need to ensure that the whole community, including the elderly, can participate in the planning process. As NYCC is not the decision maker for the White Paper it does not have ultimate responsibility for ensuring equality matters are appropriately addressed. Any new legislation will need to comply with the relevant provisions of the Equalities Act 2010.

6.0 Finance

- 6.1 The White Paper acknowledges there will be resourcing issues that need to be addressed. There are proposals for reforming Developer Contributions and the introduction of a new national infrastructure levy. At this stage there is insufficient detail to establish specific financial implications for NYCC. However, there are no direct financial implications from responding to this consultation.

7.0 Legal

- 7.1 The proposals, if followed through, would result in changes to primary legislation, regulations and national policy. This would have implications for the County Council. However, this would be subject to separate processes, for which NYCC is not the responsible body.

8.0 Climate Change

- 8.1 The White Paper includes consideration of how the planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits. This includes a consolidated test of “sustainable development”. It is unclear what the overall impacts of new legislation and policies would be on climate change, but these would need to comply with the relevant legislative assessment requirements. This consultation response will have no direct impact on climate change.

9.0 Recommendation(S)

- 9.1 That the Business and Environmental Service Executive Members:
- i. Note the Government’s proposals set out in the Planning for the Future White Paper, and;
 - ii. Endorse the County Council’s response on the Planning for the Future White Paper.

MATT O’NEILL

Assistant Director - Growth, Planning & Trading Standards

Author of Report: Mark Rushworth – Senior Policy Officer

Background Documents:

[Planning for the Future White Paper](#)

Proposed Response:

North Yorkshire County Council welcomes the consultation on the *Planning for the Future* White Paper. As the upper tier authority for England's largest county we have a particular interest in planning for the sustainable growth of our communities, including the delivery of key services and infrastructure, and the efficient and effective management of our environmental resources. This response covers our role as a Local Planning Authority, Local Highways and Transport Authority and Local Education Authority.

It is recognised that the incremental evolution of planning legislation has created a complex web of regulation and policy that can be difficult to understand, and burdensome to administer. Reform that simplifies and streamlines the system, improving clarity and certainty, and producing timely and high quality outcomes within a plan led framework is welcome.

Whilst there are accepted difficulties with how the current planning system operates, it is important to recognise that it is not completely broken. Within North Yorkshire we have, in recent years, granted planning permission for double the number of dwellings compared to what the market has been able to deliver, and good progress has been made on working towards comprehensive up to date plan coverage.

The White Paper sets out a range of intriguing ideas, but is short on detail and does not address all aspects of planning, choosing instead to focus heavily on processes related to housing, speed and efficiency.

In undertaking fundamental reform, it is important to have a clear understanding of the purpose of planning. The planning system is much more than the regulatory administration of development proposals. It is about developing a positive vision and framework for creating and maintaining sustainable places where communities can thrive, where their individual needs and aspirations are understood and their well-being is provided for, where local character and identity is preserved or enhanced, where the economy and services can prosper, and where the value of natural capital is recognised and effectively utilised and appropriately safeguarded. It should enable effective community and stakeholder engagement and give confidence to investment, harnessing the energy of market forces to achieve positive outcomes for the public good. It should provide clarity and certainty over how change will be managed, and facilitate good growth that contributes to economic well-being and environmental imperatives such as making a positive response to climate change and biodiversity. To achieve this, it needs to be holistic and integrated.

Securing adequate infrastructure and services to support new development and growth is a key issues for the planning system to address. Developer contributions have been critical to the County Council's ability to deliver its statutory functions. Our experience indicates that we typically achieve the best outcomes where we can negotiate directly with developers based on the circumstances of individual schemes. We recognise this is not necessarily fool proof, easy or quick, but it is equitable and generally delivers good outcomes for the community.

The section of the White Paper on 'Effective Stewardship and Enhancement of our Natural and Historic Environment' raises important issues such as climate change and maximising environmental benefits, but poses no questions. We believe this is a significant omission. Much more detail is needed to understand how these matters will be effectively integrated into a streamlined planning system, including the relationship with the Environment Bill. There is currently an apparent disconnect between laudable ambition and the envisaged 'fast track' for Local Plans and consents.

The identified national work stream on planning policies and processes for managing flood risk and development of a framework of green infrastructure standards is a very important.

This needs to be in place before major changes to the planning system are implemented or else we risk creating major problems in the future if inappropriate land allocations are made in the rush to deliver housing targets.

There are some other notable omissions from the White Paper, including planning for economic growth and Minerals and Waste. It's difficult to see how fulfilling our roles of ensuring a steady supply of mineral to market and providing the infrastructure to deal with waste can be accommodated in the proposed new local plan system. These matters may need to be retained as separate and distinct parts of the forward planning system. Mineral Planning Authorities will need guidance on how these matters are to be dealt with.

Local input and accountability are central to our vision for the planning system. However, we recognise that higher level national policies can help relieve some of the local burden where a consistent and standardised approach is appropriate. The former system of Planning Policy Guidance (PPG) is an example of how this can be achieved, leaving Local Plans to focus on specific local issues. There is also a role for strategic sub regional planning to address longer term and cross boundary issues.

Pitching planning at the right level will be a key determinant of public engagement. Too high or top down and it will seem remote, with little ability to influence, too local and it can become introspective, or the community may not have the capacity to fully engage. It is noteworthy that the public preference is to engage at the point when specific proposals are clearly identified and they can understand the local impacts on their community. We are keen to ensure that local democracy continues to play an active role in local planning decisions.

Transitional arrangements will be required to ensure a smooth progression to a new system. Plans and proposals that are at an advanced stage, including our Minerals and Waste Joint Plan, should not be compromised by procedural changes. Provision of adequate resourcing is required for local government to successfully roll out and administer new planning processes.

Finally, it is important to recognise the impact that the churn of incremental changes to the planning system causes. This constant state of flux has caused significant disruption to all interested parties. It increases complexity, uncertainty, cost and delay. Any reform should therefore be comprehensive and definitive. It should establish a settled and stable platform on which all those engaged in the system can rely. It is critical that the planning system provides confidence for both long term investment decisions and meeting shorter term needs.

The County Council's response to the consultation questionnaire is attached. This has been endorsed by the Business and Environmental Services Executive Members. We trust you will find this of assistance.

We welcome the opportunity to continue discussions with Government on how together we can reform the planning system to better deliver sustainable development for the county and the country.

Questionnaire:**Pillar One – Planning for development****1. What three words do you associate most with the planning system in England?**

Response:

Complex, Burdensome, Fair

2. Do you get involved with planning decisions in your local area? [Yes / No] 2(a). If no, why not? [Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]

Response:

Yes, as an Upper Tier Local Authority

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

Response:

Direct digital communications eg email.

However, transitional arrangements would be required to enable those currently without digital connections, or who chose to use conventional media (such as the elderly), to be able to continue to participate.

4. 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 existing heritage buildings or areas / Other – please specify]

Response:

- i) Securing adequate quantities of affordable & sustainable homes for families, key workers and the elderly, including the necessary social infrastructure to support the well-being of residents
- ii) Enabling a [Greener, Fairer & Stronger Economy](#) including the delivery of strategic infrastructure such as digital connectivity and transport needed to support growth
- iii) Preserving and enhancing the environment – landscape, biodiversity & heritage. These are fundamental aspects that support the character and identity of North Yorkshire, and help to underpin its economy.

Proposal 1: The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – Growth areas suitable for substantial development, Renewal areas suitable for development, and areas that are Protected.

5. Do you agree that Local Plans should be simplified in line with our proposals? [Yes / No / Not sure. Please provide supporting statement.]

Response:

It is agreed that Local Plans should, as far as possible, be simple, have a strategic focus and provide clarity and certainty. They need to take an integrated approach and ensure sustainable and high quality outcomes. There is a risk that the proposed approach is too simplistic and will lack the ability to be local responsive.

It is unclear how a simple three zone approach will be able to deliver the necessary framework to achieve local growth and regeneration strategies. Within a large County such as North Yorkshire it is likely that there would be a complex patchwork of the three zones.

A zone based approach will not provide the same degree of certainty over the nature of development that will occur. This will inhibit more detailed engagement in the development process for communities, infrastructure and service providers and decision makers.

Removing the Duty to Co-operate, with no clear and consistent alternative process for strategic planning would create a significant gap. This would fail to enable a co-ordinated approach to long term strategic growth and infrastructure planning.

The White Paper does not address more specialist forms of Local Plan such as Minerals and Waste. It is therefore unclear what the intention is for these important county matters or how they will be integrated with other land uses.

There is a concern that simplifying Local Plans and prioritising more frontloaded community engagement may not achieve the level of engagement or responsiveness that communities wish to have in the planning system. For example within North Yorkshire there are 731 parishes, however, less than 30 have made progress with a Neighbourhood Plan (<5%), potentially indicating a preference to engage closer to the time of development when more detail is available, for example via planning applications.

Proposal 2: Development management policies established at national scale and an altered role for Local Plans

6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally? [Yes / No / Not sure. Please provide supporting statement.]

Response:

Some standardisation, through the use of national policy (as was previously provided in Planning Policy Guidance), would assist in streamlining plans. This would help to avoid unnecessary repetition of policies and provide greater consistency between areas. It would also help to reduce the need for evidence gathering and justification.

However, there is a need to recognise local characteristics can necessitate a more bespoke local response such as defining the type of housing needed within local market areas.

It will also be important to retain the ability to establish and use local standards, where appropriate, for example highway design that reflects the local topography and heritage of the area.

Effective and enforceable policies are key to ensuring high quality outcomes, especially in terms of sustainability. At the moment measures such as solar / heat pumps are all on the nice to have list. They need to move to must do. If local design standards such as our design and ethos guide for [Extra Care](#) could have enforceable weight across the sector that would allow us to shape the market rather than allowing others to – similar to the statutory duty that Health and Adult Services have to shape the care market.

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

7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which

would include consideration of environmental impact? [Yes / No / Not sure. Please provide supporting statement.]

Response:

Current SEA/SAs are complex, time consuming and expensive to prepare and administer. However, they provide considerable levels of detail that give reassurance as to the likely effects of development, and help to inform effective mitigation strategies. It will be important to ensure that any new streamlined system is robust, focused and fit for purpose. The devil will be in the detail and this is not yet available for review.

In terms of development of new homes, the sustainability test could include broadband network connectivity as a basic requirement when implementing new homes to promote more sustainable ways of living and improve accessibility and independence.

Whilst there is a focus on improving timescales for environmental assessment, it is important to appreciate that certain surveys are time sensitive, e.g. bat surveys need to be undertaken when bats are active and not in hibernation. This may cause an inevitable delay in the process, but one that is necessary.

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

Response:

Whilst the current 'duty to cooperate' has not always worked as well as it should, there is recognition that strategic cross boundary matters need to be co-ordinated across plans. Many key issues simply do not follow local authority boundaries.

Strategic cross boundary planning requires effective engagement with the affected authorities and other key stakeholders, as well as the community. Within North Yorkshire we have led a non-statutory sub regional planning exercise with our constituent and neighbouring authorities to develop a [Spatial Framework](#).

Where Mayoral Combined Authorities exist this would be an appropriate scale and framework within which strategic planning can be undertaken. Other indicators of an appropriate strategic geography are the areas covered by Local Enterprise Partnerships.

Proposal 4: A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.

8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced? [Yes / No / Not sure. Please provide supporting statement.]

Response:

In principle there is some merit in a standard approach to calculating housing need. This can make the process simpler and more consistent – which is welcome. Ensuring a consistent methodology will help improve infrastructure and service delivery planning.

The proposed new standard methodology appears to generate outputs for North Yorkshire districts that generally sit close to current Local Plan requirements and recent 3 year average delivery totals. On average across the county the output of the new methodology is 180% higher than the previous methodology.

However, care is needed with the selection of the baseline data sets in order to avoid perpetuating historic trends (that have not always been sufficient to meet real needs). It is important that the methodology provides a robust and reliable basis for positively planning for future housing needs and growth of local areas.

It is unclear how this 'binding' target can be delivered in a way that is consistent with ensuring key environmental concerns are addressed and biodiversity etc is not compromised.

We would like to see the necessity of supported accommodation being recognised with greater weight through the planning system. Areas with a defined and articulated need for accommodation for particular groups, such as older people, should be given the freedom to develop solutions so that we don't end up in some of the more 'petty' disputes over planning that hold up schemes.

It would also be beneficial for a differentiation to be made between social accommodation and the high end private sector such as McCarthy and Stone. Whilst what both do is termed 'Extra Care' the actual model and social impact is very different.

8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated? [Yes / No / Not sure. Please provide supporting statement.]

Response:

Affordability and the current quantity of housing stock can provide inputs to calculating housing need, but they do not provide the full picture. Care is, therefore, needed in how this data is used.

It is important that the standard methodology reflects local affordability and recognises the relationship between incomes levels and house prices for those working within the plan area. In particular, it needs to ensure that key workers such as carers, teachers and health care professionals can afford to live close to where they work.

Where the affordability component of the methodology results in an increased baseline housing requirement, this will not necessarily mean that the supply of additional housing will guarantee that it will be affordable to those in need of housing in the local area.

The volume of existing housing stock only provides a crude indicator of the housing situation within a district. It does not address issues such as stock condition, the size or tenure of dwellings, affordability, vacancy rates and the level of second home ownership. Furthermore, it does not correlate with the demographic situation or future growth/regeneration strategies.

Proposal 5: Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.

9(a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent? [Yes / No / Not sure. Please provide supporting statement.]

Response:

Where specific sites are allocated in Local Plans these will have been through an appropriate assessment and independent examination. As such, it would be appropriate for the principle of development to be established through this type of allocation. This could help to simplify and speed up development processes. There will still be a need to assess detailed aspects of the development before full consent is granted.

However, the proposed approach to zones is quite different. It is doubtful whether sufficiently detailed analysis, for what could be extensive Growth zones with potentially complex and challenging conditions, could be undertaken within the intended 30 month timeframe to justify establishing the principle of development for a variety of uses across the zone as a whole.

Major developments can have a considerable range of effects on the environment, community and infrastructure of a locality. It will be important that a full and thorough consideration of the critical impacts is undertaken before the principle of development is established, in order to avoid unintended consequences and poor outcomes. It is doubtful that a simple zoning approach could provide sufficient detail and certainty to enable meaningful upfront engagement.

There is also a concern that circumstances will change over the duration of the plan period and this may mean that the upfront analysis becomes out of date but the principle, with similar status to a site allocations or an outline planning permission, would remain. Once the principle is established it may not be possible to retro fit mitigation to manage adverse effects.

It is unclear how the delivery of development could be accurately forecast and secured for Growth zones without specific provisions (allocations) for certain uses such as housing, commerce, industry.

Within a predominantly rural county like North Yorkshire, the scope for Growth zones is likely to be relatively localised and limited.

9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas? [Yes / No / Not sure. Please provide supporting statement.]

Response:

As recognised in the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. For Plan purposes this needs to be informed by a locally appropriate growth strategy which will influence zoning decisions, site allocations, policies and consents.

There are concerns that a simplified and fast tracked plan preparation and consenting process would not afford sufficient opportunity for detailed analysis of development implications to be undertaken across extensive and varied Renewal and Protection zones.

A zoning approach, particularly across extensive areas, would not provide certainty as to the amount, distribution or mix of development. Consequently, it is unclear what the outcome of a presumption in favour of development would be. This may result in developments that have adverse effects on communities, the environment and infrastructure. A consenting process for proposed development would be appropriate to ensure the necessary level of scrutiny is undertaken to enable effective decision making and sustainable outcome to be achieved.

There is likely to be considerable local debate regarding the zoning status of communities. In particular, whether they should be located in Renewal or Protection zones. This reflects the tension between the desire for limited carefully managed growth and preserving historic character and identity. Typically, where local communities have commenced work on Neighbourhood Plans few actively promote growth and development opportunities, instead focusing on safeguarding services and the appearance of the area. This would seem to suggest a desire to be in Protection Zones rather than Renewal. If this were followed through it would be difficult to achieve the necessary growth levels for the area.

The reference to 'gentle densification' is unclear.

The concept of a Protection Zone may not be as clear as it is intended or needed. It will be important to recognise that certain types of development will be necessary in such areas to ensure the economic and social well being of the area. It is likely that protected landscapes can provide opportunity to help deliver carbon capture and flood management, and that some development may be required to help facilitate this critical environmental objective.

It is unclear how applications in Protection zones could be effectively assessed using national policy alone. These areas by their nature will have their own unique character and will require detailed policies that are reflective of the areas special qualities.

9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime? [Yes / No / Not sure. Please provide supporting statement.]

Response:

Major strategic developments including new settlements need to be plan led to ensure effective integration of land use and infrastructure planning. Free standing NSIPs for new settlements can cause conflict and inappropriate demands on resources and services. Strategic and Local Plans remain the best mechanism to determine the need for and distribution of new settlements. However, once the principle is established, other mechanisms for consenting such as NSIPs or Development Corporations could assist efficient decision making.

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

10. Do you agree with our proposals to make decision-making faster and more certain? [Yes / No / Not sure. Please provide supporting statement.]

Response:

In principle, speeding up and simplifying the decision making process is welcome. This can help to reduce timescales, risks and costs.

Greater use of digital technology can provide improvements for both efficiency and accessibility. However, this will rely on a robust and reliable standardised platform, which is currently not available. Local Authorities would need to be provided with sufficient resources to deploy the technology and train staff. Consideration also needs to be given to the accessibility of digital services across geographic areas and to all sectors of society. Currently some areas are still poorly served, and it will be necessary to ensure that the baseline infrastructure is in place prior to roll out of a new digitised system.

A standardised digital approach should seek to integrate elements across the whole process to assist data management. This includes capturing key data for automated monitoring and reporting processes.

The format of digital technology needs to be compatible with the full range of users, and interface with their hardware and operating systems.

There is insufficient detail available to assess whether reducing the amount of supporting information would be appropriate. Where more certainty can be provided through Plan provisions this may reduce the need for subsequent assessment. However, as the intention is for Plans to be streamlined and strategic, and the intended suite of national policies has not yet been established, it is unclear what level of supporting information would be necessary to ensure compliance with a standards based and codified approach. There will still be a need to provide a proportionate level of information to demonstrate that development proposals are appropriate to the local context.

Care is needed in using a codified approach to reach decisions. This may work in terms of compliance with specific standards, but other aspects of decision making are not so binary and require a degree of judgement and experience. The Royal Town Planning Institute charter recognises that planning is both a science and an art.

It is not considered appropriate for there to be automatic refunds of the planning fee for applications where they fail to determine within the time limit. Applications, particularly for major complex schemes, can take longer than the prescribed timelines for a variety of reasons. Whilst it is important to expedite processes, there is still a need for it to be robust and for the cost of the process to be met by the applicant. Similarly, it is inappropriate for some types of applications to be deemed to have been granted planning permission simply due to decision time limits not being met. Important site specific issues may not be considered fairly if this is the case. This could result in either inappropriate development taking place, or applications that may have been able to be consented being declined solely to meet a processing target. Neither is a good outcome.

We agree with the desire to ensure that the facilities and infrastructure that communities value, such as schools, hospitals and GP surgeries, are delivered quickly through the planning system.

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

11. Do you agree with our proposals for accessible, web-based Local Plans? [Yes / No / Not sure. Please provide supporting statement.]

Response:

A move towards a digital platform for Local Plans is generally considered positive.

Any new system needs to be inclusive.

Consideration needs to be given to ensuring there is adequate availability of digital services, including broadband connectivity and speed, as well as mobile communications in all parts of the country to enable all those who want to access new digital platforms to be able to do so. At present, many rural areas suffer from poor accessibility to digital services.

The software (including GIS) needs to be standardised and compatible for the full range of users, seamlessly interfacing with their hardware and operating systems.

Local Authorities would need to be provided with adequate resources to deploy the technology and train staff.

Proposal 8: Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.

12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans? [Yes / No / Not sure. Please provide supporting statement.]

Response:

The proposed new approach is likely to result in more 'front-loading' of technical work and consultation, including flood risk assessments and environmental surveys. It is unclear how the proposed timeframes are intended to align with the work required to produce Local Nature Recovery Strategies and other studies that will contribute to achieving sustainable development and protection of important natural and cultural assets.

It is doubtful whether the 30 month timeframe would be sufficient to enable the necessary research, analysis, engagement and examination to take place for a zone and standards based approach, especially for larger authorities.

As the intention is to front load the planning system, and establish the principle of development via plans, it is critical that sufficient time is provided to ensure that plans are robust and provide the confidence required by the community, investors and other stakeholders. This is even more necessary should subsequent scrutiny via the development management process be reduced or removed.

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

13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system? [Yes / No / Not sure. Please provide supporting statement.]

Response:

Should Local Plans be streamlined to focus on strategic matters, and National Policy be used for the basis of Development Management, there will be a need for some form of more localised planning to respond to the specific needs and circumstances of individual communities.

Whilst Neighbourhood Plans provide an opportunity for the local community to directly influence local planning, there is evidence of a lack of uptake meaning that not all areas are covered. Additionally, there is a focus on safeguarding and protecting features and facilities, with little appetite for proactively addressing growth needs.

Within North Yorkshire there are 731 parishes, however, less than 30 have made progress with a Neighbourhood Plan (<5%). This indicates many communities are missing out on the opportunity for engaging in more localised planning under the current Neighbourhood Planning system.

13(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?

Response:

One of the issues that holds back progress on Neighbourhood Plans is the capacity within local communities to undertake the technical planning research and policy development needed to establish a formal planning document. Additional resource is needed to enable communities to make better progress.

Within remoter rural areas there are problems with communities having full access to digital services, both broadband and mobile communications. More universal access to digital services and infrastructure is required to support the transition to a digital planning environment.

Consideration should be given to the demographic make up of local communities. Many within North Yorkshire have an aging cohort. This may influence their preference for the format of plans and the means of engagement. It may also have an impact on whether plans are forward looking or more focused on the existing circumstances.

Proposal 10: A stronger emphasis on build out through planning

14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support? [Yes / No / Not sure. Please provide supporting statement.]

Response:

Improving the build out rate will not only enhance housing delivery, but improve certainty over the provision of necessary supporting infrastructure. Currently developers can use infrastructure delivery thresholds as a basis to pause delivery to avoid making developer contributions. This can cause problems for infrastructure planning and service delivery, and be a source of irritation for local communities.

Within North Yorkshire the Local Planning Authorities have been granting planning permissions, through the existing system, for approximately double the amount of dwellings compared to completions. The issue with delivery is not one related to the planning system.

Pillar Two – Planning for beautiful and sustainable places

15. What do you think about the design of new development that has happened recently in your area? [Not sure or indifferent / Beautiful and/or well-designed / Ugly and/or poorly-designed / There hasn't been any / Other – please specify]

Response:

Too often there is insufficient attention paid to detail. This includes safeguarding amenity of residents, and integration with the character and identity of the locality. Larger scale developments tend to be generic in design rather than reflecting the local vernacular and character. The design and layout seldom achieve best practice or deliver innovation.

16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area? [Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]

Response:

Sustainability is about achieving the appropriate balance between social, environmental and economic needs of the community. The balance will vary between different sites and locations. All three of these aspects are important and should not be considered as something that can be traded away.

Reducing carbon emissions is a critical environmental issue that should be embedded into sustainable development principles. Within North Yorkshire the County Council has established an aspiration for carbon neutrality by, or as close as possible to, 2030.

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

17. Do you agree with our proposals for improving the production and use of design guides and codes? [Yes / No / Not sure. Please provide supporting statement.]

Response:

Better use of design guides and, where appropriate, codes is welcome. These can help to identify broad principles of good design and addresses specific development needs that ultimately support inclusive development. However, this needs to be applied at the right scale and level of detail to be effective. Multiple guides/codes may be required across large and diverse areas such as North Yorkshire to ensure a sensitive response to local characteristics.

Design guides need to recognise that there is unlikely to be just one acceptable design solution, and should not inhibit appropriate innovation.

Whilst the principles of good design can be identified in guidance, successful execution is much more granular and needs to be considered in the local context. It will be difficult to achieve a sensitive codified approach.

Design Guides and Codes will need to integrate effectively with other standards, such as Highway Design, to ensure that a joined up solution is achieved.

Proposal 12: To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.

18. 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 / No / Not sure. Please provide supporting statement.]

Response:

Design and place making are an integral part of planning. It is important to promote best practice both locally and nationally. At the national level the Commission for Architecture and the Built Environment (CABE) previously performed this function.

It is unclear whether a separate new role is required within Local Planning Authorities, however, greater recognition should be given to ensuring quality design and place making is achieved in the planning and decision making processes.

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

19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England? [Yes / No / Not sure. Please provide supporting statement.]

Response:

Yes. Recently the focus has been too heavily weighted towards delivering the quantity of new homes without sufficient attention to quality and detail of the development. There is an opportunity to lead by example and drive forward exemplar designs for well designed development that respects communities and the environment and promotes innovation and sustainability.

Proposal 14: We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.

20. Do you agree with our proposals for implementing a fast-track for beauty? [Yes / No / Not sure. Please provide supporting statement.]

Response:

Incentivising good design should be encouraged. However, design quality is not necessarily something that can be easily codified for all situations. Good design takes account of the specific spatial context and may need individual assessment to ensure proposals are suitable for a given local situation. The use of Master Plans can be of value for major schemes.

The development of design codes and the assessment of schemes against them can take time and, as some aspects of design are subjective, it is likely to be controversial. Design codes may neither simplify nor speed up the planning process.

Care is needed to ensure design codes are locally relevant, and do not promote a simple compliance approach with generic provisions that reproduce bland cookie cutter responses and homogenised urban forms. It is unclear how the system will operate in situations where local design guides/codes have not been established.

Whilst design quality is to be encouraged, this is just one aspect of development. Proposals need to be considered holistically. The design and appearance of development needs to be an integral part of the overall assessment and consenting process in order to ensure that schemes are balanced and potential adverse effects are avoided or mitigated. Looking good is not sufficient justification for a consent if the scheme does not perform well against other key criteria.

Proposal 15: We intend to amend the National Planning Policy Framework 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: We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.

Proposal 17: Conserving and enhancing our historic buildings and areas in the 21st century

Proposal 18: To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.

Pillar Three – Planning for infrastructure and connected places

21. When new development happens in your area, what is your priority for what comes with it? [More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]

Response:

Within two tier areas there can be split priorities between the two levels of Local Government. For the County Council our priority is securing necessary infrastructure, particularly Highways/Transport and Education, both of which are necessary to enable the development and communities to function effectively. However, we also understand the need for Affordable Housing, particularly where this can enable key workers to live within the communities they serve. We have identified quality place making as one of the enablers for good growth in our [plan to deliver economic growth](#), this is also important to support the well being of our communities.

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

22(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? [Yes / No / Not sure. Please provide supporting statement.]

Response:

Securing adequate infrastructure and services to support new development and growth is a key issues for the planning system to address.

Developer contributions have been critical to the County Council's ability to deliver its statutory functions.

The White Paper does not provide sufficient detail to assess fully the implications of a new National Levy system.

It is unclear how the revised process would work in relation to ensuring specific developments are acceptable in planning terms, or how multi year obligations eg 5yrs revenue contributions for public transport, would be secured.

The infrastructure requirements of each area and site are different and the headroom that developers have to make financial contributions varies dependant on their specific financial circumstances, the strength of the market and the specific needs generated by the development. Our experience indicates that we typically achieve the best outcomes where we can negotiate directly with developers based on the circumstances of individual schemes, ie using Section 106 contributions. Although we note that negotiations can be lengthy and frequently unsatisfactory. Agreements and understandings achieved with the upper tier authority are not necessarily translated into formal obligations by the Local Planning Authority. Nevertheless, whilst Section 106 is not necessarily fool proof, easy or quick, when it works it is equitable and generally delivers good outcomes for the community.

A national levy system may be easy to calculate and transparent, but it is unclear how it would work in practice. Levy systems such as CIL have proved problematic, both in terms of securing appropriate levels of contribution and distribution of funds within two tier areas. However, a base level of levy contribution from all development that can be further topped up where necessary through individual Section 106 agreements may provide a more equitable approach to funding essential infrastructure and services.

Where the infrastructure levy is applied we would not want to see this applying to supported accommodation which is in and of itself a social good. The risk to our Extra Care programme would be significant

Reform of Section 106 needs to ensure that the ability to secure local connection provisions for certain types of housing, which we use to ensure supported housing is allocated to local residents first, is not lost.

Providing scope for the infrastructure levy to be paid in kind through allocating land or capacity for supported accommodation would be very beneficial.

The timely provision of education infrastructure to support new housing is essential in meeting the objectives to secure high quality school places when and where they are needed. The Government provides funding to local authorities for the provision of new school places, based on forecast shortfalls in school capacity. There is also a central programme for the delivery of new free schools. Funding for new school places is reduced, however, to take account of developer contributions. If planning reform results in funding no longer being available for education from planning obligations, government funding for the provision of new school places will need to be increased, or local authorities will be unable to deliver the additional places required.

The existing system has challenges in two-tier areas such as ours. For example, the County Council has recently updated its policy on developer contributions for education but it is for

each Local Planning Authority to determine the level of contribution that is required to make a development acceptable in planning terms and what weight to give to the County Council policy. We are particularly concerned about how CIL is collected and governed where the authorities collecting and controlling the money are not having to fund and deliver major infrastructure associated with new housing such as school places. To date, the County Council has not received any contributions from CIL for education infrastructure in North Yorkshire from those authorities who have implemented CIL.

There may be some value in a new consolidated Infrastructure Levy if rates can be set at a level where contributions for education infrastructure are enhanced. This should be to a level at least equivalent to developer contributions collected for primary and secondary education contributions based on DfE's preferred cost per place, developer contributions collected for Special Educational Needs and Disabilities and Early Years, and where appropriate, land for new school sites, as set out in recent Department for Education guidance.

22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally? [Nationally at a single rate / Nationally at an area-specific rate / Locally]

Response:

The value of development, cost of construction (including abnormal costs) and the infrastructure needs of areas will vary considerably across the country and from site to site. As such, it would be difficult to set a realistic and meaningful levy at the national level.

Infrastructure Levy rates, if adopted, should be set locally. This would enable the local authorities to have a role, including identifying the needs and cost of infrastructure. The upper tier authority delivers many of the essential infrastructure requirements (highways, education), and it would be important to ensure that they are fully engaged in the process.

Consideration could be given to establishing a national methodology that would enable Local Authorities to apply a consistent approach whilst using locally relevant data.

22(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? [Same amount overall / More value / Less value / Not sure. Please provide supporting statement.]

Response:

It is considered appropriate that land owners and developers that benefit from an uplift in value through the planning system should make proportionate contributions to the cost of the infrastructure needed to support the development and use of their land. It is unreasonable for these costs to be borne by the local community.

Within North Yorkshire there is a sizable funding gap for infrastructure. For example, one CIL charging authority in the county has an infrastructure funding gap within its Local Plan of just under £70M. Where possible and appropriate Developer Contributions, including through a National Levy system, should increase to bridge this gap and support greater investment in infrastructure, affordable housing and local communities.

22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area? [Yes / No / Not sure. Please provide supporting statement.]

Response:

The timing of Levy payments will impact on Local Authorities finances. Where contributions are received on occupation it is likely that the Local Authority will have had to incur expenditure in advance of this in order to fund infrastructure so that it is available when needed. The

developers should meet any finance costs associated with forward funding infrastructure, whether part of the levy or other financial contribution.

The opportunity to raise advance funding through borrowing appears to be positive and could provide more flexibility for up front financing of infrastructure, but it will expose the authority to risk. This should not create wider implications for Local Government finance, and borrowing for this purpose should be additional to existing arrangements. Where necessary, and in order to progress the Government's objective to promote more housing development, the Government should underwrite the risk.

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

23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights? [Yes / No / Not sure. Please provide supporting statement.]

Response:

Yes. It is appropriate that all forms of development that increase demand for infrastructure and services address the cost associated with the impacts of their development. This is particularly relevant given the broader range of permitted changes of use that now apply as these can fundamentally alter how existing buildings are used.

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

24(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 / No / Not sure. Please provide supporting statement.]

Response:

Under the current system Affordable Housing delivery often falls short of the levels identified in Local Plans. Any new system should seek to ensure delivery in accordance with plan requirements, but this should not be at the expense of other essential infrastructure that is delivered through Developer Contributions.

24(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? [Yes / No / Not sure. Please provide supporting statement.]

Response:

There is a range of needs for Affordable Housing including discounted, shared ownership, rented and social. Local Plans should be able to establish the appropriate mechanisms to meet their identified needs.

24(c). If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk? [Yes / No / Not sure. Please provide supporting statement.]

Response:

It would be important to ensure that the benefits in kind are proportionate to the identified need, and that a fair deal is achieved for Local Authorities.

It would be important to ensure there is a clear system to establish the value of 'in kind' payments.

24(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality? [Yes / No / Not sure. Please provide supporting statement.]

Response:

Yes. Appropriate standards should be established to ensure the any land or buildings provided as a benefit in kind meets the local needs of both housing managers and occupiers, this includes: the size, format and specification of buildings, and the location, topography and serviceability of land.

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

25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy? [Yes / No / Not sure. Please provide supporting statement.]

Response:

Developer Contributions should be targeted at the identified infrastructure needs that have been evidenced through the Local Plan process, such as in the Infrastructure Delivery Plan, or are identified at the time of development.

Where there is a pooling of Developer Contributions funding, there should be some flexibility for Local Authorities to prioritise expenditure against the identified infrastructure needed to facilitate planned growth.

25(a). If yes, should an affordable housing 'ring-fence' be developed? [Yes / No / Not sure. Please provide supporting statement.]

Response:

Whilst Affordable Housing is important, other essential infrastructure may be a higher priority and necessary to ensure that the development as a whole can proceed and achieve a sustainable outcome. Therefore, it is not clear that there is a case for ring fencing affordable housing contributions where this could come at the expense of other necessary infrastructure.

Proposal 23: As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms.

Proposal 24: We will seek to strengthen enforcement powers and sanctions

26. 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?

Response:

The planning system will have an impact (whether direct or indirect) on all of society. It is therefore important that it should be inclusive.

One area of the White Paper's proposals that may have implications for people with protected characteristics is the move to a digital system. Not everyone has access to or the ability to use technology, this includes sections of the elderly population. The planning system must be accessible to all in a form that they are able to use and understand. In order to avoid any potential discrimination against protected characteristics, more traditional methods of engagement and participation may need to be retained alongside the roll out of new digital technology, at least through a transition phase.