



CRAVEN SPATIAL PLANNING SUB-COMMITTEE (Online meeting)

Tuesday, 22 September 2020 at 6.30pm

Due to Covid-19, this meeting will be held remotely and will be livestreamed here:
<https://www.youtube.com/channel/UCdfb6ZRbYnZ1-rRliLmjUwg>

Sub-Committee Members: Councillors Brockbank, Myers, Pringle, Rose, Shuttleworth, Staveley and Sutcliffe

Substitute Members: Councillors Madeley, Mulligan and Solloway

AGENDA

1. **Apologies for Absence** – To receive any apologies for absence
2. **Confirmation of Minutes** – To confirm the minutes of the meeting held on 18 August 2020.
3. **Public Participation** – In the event that any questions/statements are received or members of the public attend, the public participation session will proceed for a period of up to fifteen minutes.
4. **Declarations of Interest** – All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

(Note: Declarations should be in the form of:

a “**disclosable pecuniary interest**” under Appendix A to the Council’s Code of Conduct, or “**other interests**” under Appendix B or under Paragraph 15 where a matter arises at the meeting which relates to a financial interest of a friend, relative or close associate.

A Member of Council who has a disclosable pecuniary interest must leave the room and not take part in the discussion or vote. When declaring interests under Appendix B or Paragraph 15 of the Code, Members must move to the public seating area, not vote, and speak only if members of the public are also allowed to speak at the meeting.)

5. **Craven Local Development Scheme Update 2020** – Report of the Strategic Manager for Planning and Regeneration

Purpose of Report – To present to members an updated Local Development Scheme (LDS) 2020.
6. **Report on the MHCLG Consultation ‘Changes to the Current Planning System’ (August 2020)**– Report of the Strategic Manager for Planning and Regeneration

Purpose of Report – To seek member approval of the officer comments in the appendix to this report as the basis for the Council’s response to the Government’s consultation on proposed changes to the current planning system.

7. **Report on the MHCLG White Paper: Planning for the Future (August 2020)** – Report of the Strategic Manager for Planning and Regeneration

Purpose of Report – To seek member approval of the officer comments contained in the appendix to this report as the basis for the Council’s response to the Government’s consultation on the White Paper: Planning for the Future.

8. **Any other items** which the Chairman decides are urgent in accordance with Section 100B(4) of the Local Government Act, 1972.

9. **Date of Next Meeting** – To be agreed.

Agenda Contact Officer:

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CRAVEN SPATIAL PLANNING SUB-COMMITTEE (On-line)

18th August 2020

Present – The Chairman (Councillor Staveley) and Councillors, Brockbank, Myers, Pringle Shuttleworth, Rose.

Officers – Planning Solicitor, Economic Development Manager, Strategic Housing Manager, Planning Officer x 2 (Planning Policy Team), Democratic Services Manager and Senior Democratic Services Officer.

Also in attendance – Mr Michael Bullock, Director of Arc 4, planning and housing consultants.

An apology for absence was received from Councillor Sutcliffe.

Start: 6.35pm

Finish: 8.23pm

The minutes of the Sub-Committee's meeting held on 18th July 2019 were confirmed and signed by the Chairman as a correct record.

Minutes for Report

CSP.174

APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN

Resolved – (1) That Councillor Staveley is appointed Chairman for the current municipal year.

(2) That Councillor Myers is appointed Vice-Chairman for the current municipal year.

CSP.175

PLANNING FOR THE FUTURE – WHITE PAPER

On behalf of the Strategic Manager for Planning and Regeneration, the Planning Officer gave a verbal report on the Government's White Paper "Planning for the Future" which set out proposals for major reform of the planning system to make it simpler, faster and more predictable. There would be a new style Local Development Plan broken down into three zones of land covering small scale renewable development, growth areas for substantial developments and protected areas such as Conservation Areas, AONBs, local green space and open countryside.

Housing targets would be set by Government and each local authority would be bound by these. New design codes would be established, CILL and S.106 agreements would be merged into one single infrastructure levy. New Local Plans were expected to be visual and map based, using a standard template and environmental impact assessments would be made simpler and quicker. In terms of climate change, by 2025 the Government would be expecting new homes to produce 75 to 80 per cent lower CO2 emissions compared to current levels, these homes would be zero carbon ready so they would not need to be retro fitted. The NPPF would be updated to reflect any actual reforms.

The Planning Officer indicated to Members that more detail would be provided at the Sub-Committee's next meeting.

Resolved – That, the verbal update is noted.

CSP.176

**EVIDENCE ON THE NEED FOR, AND SUPPLY OF,
AFFORDABLE HOMES FOR FIRST TIME BUYERS AND
RENTERS IN CRAVEN DISTRICT: ENTRY LEVEL EXCEPTION
SITES**

The Strategic Manager for Planning and Regeneration submitted a report explaining to Members the introduction of the new concept of 'entry-level exception sites' as set out in the 2019 National Planning Policy Framework (NPPF) and how these compared with rural exception sites. Entry level exception sites would focus on the needs of first time buyers and renters. These sites were classed as an exception to normal planning control over market housing and subject to the demonstration of housing need they could both be allowed outside the main built up areas of local settlements on land not allocated for housing in the Local Plan.

Members were informed that the need for this type of housing was not being met by the Local Plan. From 2017 to the end of the Local Plan it was estimated that 450 dwellings were needed. Looking at the likely amount of these dwellings that would be built across Craven, taking into account past housing completions, current planning permissions, and any likely future provision on Local Plan allocations, the supply was estimated at 352, leaving a shortfall of at least 98 units.

The report sought Members' approval of an evidence base which would ensure compliance with NPPF policy and inform the Council's decisions, as local planning authority, on planning applications for entry-level exception sites and other proposals involving affordable housing. The evidence base provided details on what was considered affordable for renters and first time buyers including shared ownership properties. Regular monitoring would allow the Council to make informed decisions on the release of entry level exception sites.

Resolved – (1) That, the evidence appended to the report now submitted, as a material consideration to inform decisions made by the Council on relevant planning applications for housing development is approved.

(2), That, the appendix to the report now submitted, is published on the Council's website.

CSP.177

**AFFORDABLE HOUSING SUPPLEMENTARY PLANNING
DOCUMENT: DRAFT FOR CONSULTATION**

The Strategic Manager for Planning and Regeneration submitted a report asking Members to approve for public consultation a draft affordable housing supplementary planning document (SPD). These documents provided additional details to the policies in the development plan and provided further guidance for development on specific sites or on particular issues such as design. Supplementary planning documents were capable of being a material consideration in planning decisions but were not part of the development plan.

Legal advice had been sought on the content of the draft and that advice had informed its content. The draft was based on the Policy H2 levels of affordable housing assessed as viable before the Covid-19 pandemic which had resulted in an economic recession. It was too early to make any firm conclusions on the length of the recession and the effects on the housing industry. The Council would continue to monitor the impact and potentially review the position in due course.

Following public consultation, a consultation statement would be prepared by officers, detailing who had been consulted, a summary of the main issues raised and how those issues had been addressed in the SPD. That statement and the final SPD would be reported to this Sub-Committee for information, prior to presentation to the Policy Committee for approval. Once adopted, the Affordable Housing SPD would form a material consideration when dealing with relevant planning applications.

Resolved – (1) That, the draft Affordable Housing Supplementary Planning Document as set out in Appendix A to the report submitted, is approved for consultation.

(2) That, delegated authority is granted to the Strategic Manager for Planning and Regeneration to publish the draft Affordable Housing Supplementary Planning Document for a period of public consultation for a 6 weeks' period, running from Tuesday 1st September 2020 until Tuesday 13th October 2020.

CSP.178

CRAVEN LOCAL PLAN MONITORING DISCUSSION PAPERS

The Strategic Manager for Planning and Regeneration submitted a report asking Members to agree to officers preparing Craven Local Plan monitoring discussion papers. There was a statutory requirement to review and keep up to date Local Plans and for Craven this review had to be done by November 2024.

The Strategic Manager for Planning and Regeneration's report suggested that issuing discussion papers in a consistent format on various topics would aid discussions between the Council's Spatial Planning Team and Members of this Sub-Committee. In order to ensure the adopted Craven Local Plan was kept up-to-date, ongoing monitoring and review was essential. This on-going work would gradually build up a picture of how the Local Plan and associated evidence base would need updating in the future. It was envisaged that the conclusions of monitoring and review work would be presented as a formal review of the Craven Local Plan.

Resolved – (1) That, approval is given for a series of monitoring discussion papers relating to the adopted Craven Local Plan are prepared by the Council's Spatial Planning Team and presented to the Members of this Sub-Committee for discussion, to allow collaborative working between Members and officers on a range of issues relating to the monitoring and necessary subsequent updating of the adopted Craven Local Plan.

(2) That, the examination through the preparation of monitoring discussion papers is approved including the role the adopted Craven Local Plan policies will play (and any future policy updates, identified via monitoring) in contributing to the Council's commitment of achieving a carbon neutral Craven by 2030.

(3) That, the initial monitoring discussion papers will examine the role the adopted Craven Local Plan policies play in contributing to achieving the themes and actions identified in the Council's Climate Change Emergency Strategic Plan 2020-2030 is agreed.

CSP.179

SKIPTON TRIANGLE MASTER PLAN UPDATE

The Strategic Manager for Planning and Regeneration Submitted a report updating Members on the development of the Skipton Triangle Master Plan. The plan looked at an area that stretched from the High Street along the Leeds Liverpool Canal near Broughton Road and along Carleton Road to the by-pass. Its purpose was to explore the potential for improving the area by development that encouraged more people to live and work in the town. In particular, the focus was around Skipton Station to create an area that was attractive, vibrant and low carbon.

Expressions of interest were sought from architects and consultancy firms, followed by a shortlist being asked to submit their final application with a final presentation to a panel. Allies and Morrison were selected and would be supported by an experienced team who all had experience of masterplan projects, specifically on place, transport and rail related schemes.

There would be a series of opportunities for the 11 Member sounding board to feed into the proposals as the work progressed and reports would be presented to the Spatial Planning Sub-Committee at key decision points. Information gathering was to be undertaken as well as the public being consulted with a series of options, probably in the new year. The final proposals would be

Craven District Council

presented to Members at the end of the project in March 2020 as funding from the Growth Deal had to be spent by that time.

Resolved – That, the report is noted.

CSP.180

DATE OF NEXT MEETING

22nd September 2020, commencing at 6.30pm.

Chairman.

Craven Spatial Planning Sub Committee – 22/09/2020



Craven Local Development Scheme – Update 2020

Report of the Strategic Manager for Planning and Regeneration

Ward(s) affected: All wards wholly or partly outside the Yorkshire Dales National Park

1. **Purpose of Report** – To present to members an updated Local Development Scheme (LDS) 2020.
2. **Recommendations** – Members are recommended to:
 - 2.1 Approve the updated LDS 2020 attached at Appendix A to this report for publication on the Council’s website.
- 3 **Report**
 - 3.1 A timetable for the preparation of the Local Plan was presented to and approved by Policy Committee at a meeting held on 7th December 2017. This sets out the timetable for the production of the Craven Local Plan and a number of Supplementary Planning Documents (SPDs). As the Craven Local Plan (2012-2032) was formally adopted by the Council in November 2019, this timetable now requires updating to reflect both current and future planning policy work.
 - 3.2 Members should note that at a meeting on the 23rd June 2020, the Council’s Policy Committee agreed to revise the terms of reference for Craven Spatial Planning Sub Committee, which includes consideration and approval by the subcommittee of updates to the Local Development Scheme as they are required and prepared. Members will also note that the revised terms of reference also allows the sub committee to consider the achievement of a Net Zero Carbon Craven by 2030 and the role that the Craven Local Plan plays in achieving this. This is referred to within the section of the updated LDS, set out at Appendix A, relating to monitoring of the adopted Craven Local Plan.
 - 3.3 A Local Planning Authority is required to to prepare a Local Development Scheme (LDS) as set out under [section 15 of the Planning and Compulsory Purchase Act 2004](#) (as amended). A Local Development Scheme (LDS) must specify the development plan documents (i.e. local plans & Neighbourhood Plans) which, when prepared and adopted, comprise part of the statutory development plan for the area. A LDS identifies the key milestones in the preparation of these documents

and sets out the arrangements for their production and the evidence that will support them.

- 3.4 Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) requires the Local Development Scheme to be made publically available and kept up-to-date.
- 3.5 A LDS can also sets out a programme of other documents that relate to and support the development plan, including the Council's Statement of Community Involvement, the Authority Monitoring Report and Supplementary planning documents (SPDs). SPDs should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making.
- 3.6 The updated Craven LDS, set out at Appendix A to this report, sets out the documents that form the development plan for the area of Craven outside the Yorkshire Dales National Park together with details relating to the preparation of the following Craven Local Plan related documents:
- Supplementary Planning Documents
 - Statement of Community Involvement
 - Neighbourhood Plans
 - Monitoring of the Adopted Craven Local Plan (2012-2032) including details relating to updating the local plan evidence base
 - Authority Monitoring Report
 - Duty to Cooperate
- 3.7 Members should note that since adoption of the Craven Local Plan, the Council's Spatial Planning Team has been working closely with the Council's Development Management Team to ensure that the policies of the adopted local plan are implemented as intended, including delivery of the development principles identified within policies SP5 – SP11 for housing, employment and mixed use site allocations. This work is ongoing and is additional to the work programme set out within the updated LDS, and will form a significant amount of the Spatial Planning Team's workload going forward.
- 3.8 Members are aware that the government have recently published proposals for significant reform of the planning system in the White Paper: Planning For the Future (Aug 2020), which include proposals relating to plan making and spatial planning, including, in terms of decision making and public engagement, a shift in emphasis towards spatial planning and away from development management. Final plans for reform will be set out in legislation and policy changes brought forward by the government following public consultation and it won't be until these are brought forward when we know what implications these reforms will have for the adopted Craven Local Plan and future spatial planning work. The impact of the final reforms on the programme of spatial planning work can be reflected in subsequent updates to the LDS, once these are known.

3.9 Members of this sub committee are recommended to approve the updated LDS 2020 attached at Appendix A to this report for publication on the Council's website. Once approved the updated LDS will supersede the LDS agreed by Policy Committee on the 17th December 2017.

4 **Implications**

4.1 **Financial and Value for Money (vfm) Implications** – None arising directly from this report, however there will be resource requirements in respect of monitoring, reviewing and updating the Craven Local Plan. At this stage it is assumed such requirements can be met from within existing resources.

4.2 **Legal Implications** – To ensure compliance with legal requirements set out in Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) the Council is required to publish an up to date Local Development Scheme.

4.3 **Contribution to Council Priorities** – The adopted Craven Local Plan, its review, the preparation of any other local plan documents will contribute to all the Council's Priorities.

4.4 **Risk Management** – If the recommendation set out at 2.1 of this report is not approved the Council will fail to comply with Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended), which requires local planning authorities to publish and maintain an up to date LDS.

4.5 **Equality Impact Assessment** – No new policy or procedure is proposed in this report which would give rise to a requirement for an Equality Impact Assessment.

5. **Consultations with Others** – Legal Services, Financial Services.

6 **Access to Information : Background Documents** – None

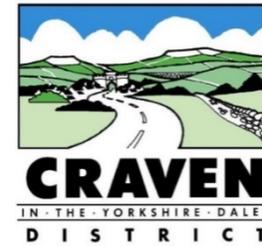
7. **Author of the Report** – Ruth Parker; telephone 01756 706232; e-mail: rparker@cravenc.gov.uk

Note : Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

8. **Appendices** –
Appendix A – Updated LDS April 2020

Local Development Scheme: 2020 Update¹

Appendix A



This Local Development Scheme (LDS) sets out a programme to produce key planning policy documents, that will form part of the development plan for Craven. It also sets out a programme of other documents that relate to and support the adopted Craven Local Plan. It will be reviewed on a regular basis to ensure that it is kept up to date. This LDS supersedes the previous version of the LDS, published in December 2017.

Development Plan for Craven Outside the Yorkshire Dales National Park (YDNP)

The following documents form the development plan for the area of Craven outside the YDNP:

Document name	Subject	Area covered	Date of Adoption/Made	Review Date
Craven Local Plan (2012-2032)	Vision, objectives, spatial strategy, policies, allocations and policies map	The district outside the Yorkshire Dales National Park	Adopted Nov 2019	Provisional date of October 2023 for publication of results of a formal review of the Craven Local Plan in order to meet the Government's requirement for a review to be completed 5 years after adopted i.e. by Nov 2024.
Gargrave Neighbourhood Plan	Sets out a vision and objectives and planning policies, which will be used alongside the Craven District Local Plan to guide new development in the designated neighbourhood area of Gargrave until 2032.	Gargrave Parish	Made July 2019	To be confirmed by Gargrave Parish Council. http://gargravepc.org.uk/
Saved policies from the Minerals Local Plan (NYCC) ²	To provide guidance for the minerals industry and to set out policies for the control of development	The County of North Yorkshire outside the Yorkshire Dales and North York Moors National Parks and the City of York Council.	Adopted Dec 1997	NYCC currently preparing a Joint Minerals & Waste Local Plan to replace saved policies. Examination currently underway (see below)

¹ This timetable (local development scheme) was brought into effect by a resolution of Craven Spatial Planning Sub Committee [\[insert link to CSPSC report Sept 2020, if approved\]](#)

² The Minerals and Waste Local Plans can be viewed at <https://www.northyorks.gov.uk/local-plans>

Saved policies from the Waste Local Plan (NYCC)	Provides detailed policies and proposals that will guide waste related development.	The County of North Yorkshire, outside the Yorkshire Dales and North York Moors National Parks, and the City of York.	Adopted 2006	NYCC currently preparing a Joint Minerals & Waste Local Plan to replace saved policies. Examination currently underway (see below)
Minerals & Waste Joint Plan	Set out new planning policies for minerals and waste developments, which will guide decisions on planning applications up to 31 December 2030.	North Yorkshire excluding Yorkshire Dales National Park.	The examination of this joint plan is currently underway. Details relating to preparation of the NYCC Minerals & Waste Joint Plan can be found at: https://www.northyorks.gov.uk/minerals-and-waste-joint-plan	To be confirmed by NYCC

Supplementary Planning Documents (SPDs)

SPDs do not form part of the development plan, however they add further detailed advice or guidance to local plan policies and are capable of being a material consideration in planning decisions. There is no longer a requirement for a LDS to include a programme for the preparation of SPDs, however as the preparation of SPDs forms a key part of future planning policy work, the table below provides details of several SPDs to be prepared. It may be necessary to prepare additional SPDs in the future, which will be reflected in subsequent updates to the LDS.

Document name	Related Adopted Local Plan Policy	Subject	Area covered	Date of Adoption
Affordable Housing SPD	H1: Specialist housing for older people, H2: Affordable housing and SP4: Spatial strategy and housing growth.	Detailed guidance on how to meet policy requirements for affordable housing contributions, including how to prepare a successful planning application and the practical aspects of affordable housing provision	The district outside the Yorkshire Dales National Park	By the end of 2020
Flood Risk SPD	ENV6: Flood Risk, ENV8: Water Resources, Water Quality and Groundwater.	Detailed guidance on dealing with flood risk in planning applications, including flood zones, vulnerability classifications, sequential tests, exception tests, flood risk assessments, layout, design and SuDS	The district outside the Yorkshire Dales National Park	By the end of 2021

Biodiversity & Green Infrastructure SPD	ENV4: Biodiversity, ENV5: Green Infrastructure	Detailed guidance on how to meet the policy requirements relating to green infrastructure and biodiversity in more detail prior to the submission of planning applications.	The district outside the Yorkshire Dales National Park	By the end of 2021
Good Design SPD	ENV3: Good Design	Detailed guidance to aid developers and decision makers in bringing forward new development proposals founded on good design principles.	The district outside the Yorkshire Dales National Park	By the end of 2021
Rural Workers' Dwellings SPD	EC3: Rural Economy SP4: Spatial strategy and housing growth.	Detailed guidance on dwellings needed to support farm, forestry or other land-based businesses, including functional and financial justification.	The district outside the Yorkshire Dales National Park	By the end of 2021
Householder Development SPD	ENV3: Good Design	Detailed practical guidance on the design of householder development.	The district outside the Yorkshire Dales National Park	By the end of 2022

Statement of Community Involvement (SCI)

The council's SCI sets out how the Council intend to involve the community and stakeholders throughout the preparation and review of the local plan and during the consideration of planning applications. The current SCI was adopted in March 2018 and is a revised version of the first SCI adopted in June 2006. The [SCI](#) can be viewed on the Council's website. Local planning authorities must review their Statements of Community Involvement every 5 years from the adoption date so that they are kept up-to-date to ensure effective community involvement at all stages of the planning process. The Council's SCI will therefore be updated during 2023 and published on the Council's website.

Neighbourhood Plans

The 2011 Localism Act introduced new rights and powers allowing communities to prepare a Neighbourhood Development Plan. In July 2019 the Gargrave Neighbourhood Plan was formally made/adopted. The Gargrave Neighbourhood Plan now forms part of the development plan. Bradley Parish Council, Cononley Parish Council and Clapham Parish Council, with support from Craven District Council, have started work on the preparation of Neighbourhood Plans for their parish. More information on the preparation of Neighbourhood Plans within Craven can be found on the [Neighbourhood Planning](#) page of the Council's webpage.

Monitoring of the Adopted Craven Local Plan (2012-2032)

To be effective, local plans need to be kept up-to-date. The National Planning Policy Framework (NPPF, 2019) states policies in local plans should be continually monitored and reviewed to take into account changing circumstances affecting the area or any relevant changes in national policy. Following adoption of a local plan, the NPPF requires this monitoring and review to be completed no later than five years from the date of adoption i.e. by 2024 for the adopted Craven Local Plan. Policies should then be updated as necessary and subject to a Sustainability Appraisal. Policies age at different rates according to local circumstances and a local plan does not become out-of-date automatically after 5 years. The Craven Local Plan may require updating in whole or in part following the monitoring of policies, and any updates should be proportionate to the issues identified.

In order to meet these Government requirements, it seems reasonable to provisionally programme publication of the conclusions of monitoring and review of the adopted Craven Local Plan alongside publication of the Council's AMR in October 2023. This would allow the Council to update its housing and employment needs evidence before then and benefit from data on the medium to longer term economic impact of the Covid19 pandemic.

EVIDENCE BASE – The monitoring of adopted local plan policies to establish whether they need updating will be informed by up to date, relevant and proportionate local plan evidence base. Therefore, a local planning authority may need to update existing or gather new evidence. The Craven Local Plan evidence base will therefore be updated where necessary during monitoring and review of the plan. Details of the Craven Local Plan evidence base is available via the [evidence and monitoring](#) web-page, which includes details of evidence relating to specific local plan policies, quarterly monitoring information relating to delivery of the Craven Local Plan housing requirement, the Council's Strategic Housing and Employment Land Availability Assessment (SHELAA), and the Council's annual Authority Monitoring Report. Updates to the local plan evidence base will be published on the Council's website.

In August 2019 the Council declared a climate emergency and pledged to make the District of Craven carbon neutral by 2030. The Council's strategy for achieving carbon neutral Craven is based on seven key themes, including achieving carbon neutral development through maximising the use of the Council's planning and development powers to ensure that the energy efficiency of development in the District is as close to carbon neutral as possible. The Craven Local Plan represents a key relevant Council plan/strategy that, via monitoring and review will need to consider how any necessary updates to local plan policies can help achieve this pledge.

Authority Monitoring Report (AMR)

The Council's AMR provides an understanding of the social, economic and environmental factors influencing the area and measures the effect that policies of the adopted Craven Local Plan are having. The Council's AMR is usually published annually each October and sets out the results of the continuous monitoring of adopted Craven Local plan policies and will help identify any policies that require updating. The current [Authority Monitoring Report](#) can be viewed on the Council's website.

Duty to Cooperate

The Council prepared a Craven Local Plan Duty to Cooperate Statement (March 2018), which sets out the main cross-boundary issues that were subject to ongoing engagement with neighbouring authorities and key stakeholders throughout preparation of the Craven Local Plan, including housing growth in settlements bisected by the Yorkshire Dales National Park boundary, the setting of the National Park, the setting of the Forest of Bowland AONB and strategic flood risk issues. The local plan inspector concluded, in his '[Report on the Examination of the Craven Local Plan \(October 2019\)](#)' that the Duty to Cooperate had been met.

In conformity with the NPPF (2019), during any necessary updates to the adopted Craven Local Plan the Council will agree statements of common ground with neighbouring authorities to demonstrate the duty to cooperate has been met through effective and on-going joint working and to document that strategic cross boundary matters have been discussed and to outline progress in cooperation to addresses these.

Keeping track of progress

This LDS will be revised, rolled forward and updated as documents progress through the cycle of adoption and review. LDS updates will be published on the [Craven Local Plan](#) webpage.

You can subscribe to planning policy consultations and our Planning Focus newsletter and email consultation service via the [subscriptions](#) web-page.

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Planning Policy Team | 01756 706472 | localplan@cravendc.gov.uk



If you would like to have this information in a way that's better for you, please telephone **01756 700600**.

Craven Spatial Planning Sub Committee – 22/09/2020



Changes to the current planning system.

Report of the Strategic Manager for Planning and Regeneration

Ward(s) affected: All wards wholly or partly outside the Yorkshire Dales National Park

1. **Purpose of Report** – To seek member approval of the officer comments in the appendix to this report as the basis for the Council’s response to the Government’s consultation on proposed changes to the current planning system.
2. **Recommendations** – Members are recommended to:
 - 2.1 Approve the officer comments contained in the appendix to this report as the basis for Craven District Council’s response to the Government’s consultation on proposed changes to the current planning system.
 - 2.2 Grant delegated authority to the Strategic Manager for Planning and Regeneration to use the officer comments in this report’s appendix, as amended by the sub-committee’s views, to respond to the detailed questions set out in the consultation document, and forward these to the Ministry of Housing, Communities and Local Government prior to the consultation deadline on 1 October 2020.
 - 2.3 Note that the officer comments contained in the appendix were presented to the Council’s Policy Committee on the 15th September and the input of this committee will also refine the Council’s response to the Government’s current consultation on proposed changes to the current planning system.
- 3 **Report**
 - 3.1 On 6 August 2020 the Government published two consultation documents on the planning system. One is a White Paper which proposes a fundamental and comprehensive reform of the planning system that will require new legislation and regulations to be introduced. These changes, if approved, will take some time to enact and become operational. A report on this White Paper follows this item on the agenda. The other Government consultation document is the subject of this report and proposes changes to national planning policy which could be introduced much quicker through amendments to the National Planning Policy Framework (NPPF), the Planning Practise Guidance (PPG) and the publication of ministerial statements.
 - 3.2 In the past, the council has responded to this type of consultation through officer comments only. However in this case with the importance of these particular

changes combined with their links with the White Paper, and in the context of a recently adopted local plan, it was felt that members would wish to discuss matters arising.

- 3.3 The appendix to this report sets out officer comments on the Government consultation document “Changes to the current planning system.”, having consulted with the Council’s Strategic Housing Team. A full copy of this consultation document can be viewed at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907215/200805_Changes_to_the_current_planning_system_FINAL_version.pdf
- 3.4 This consultation sets out proposals for measures which the Government say will improve the effectiveness of the current planning system. The four main proposals are:
- changes to the standard method for assessing local housing need
 - securing of First Homes through developer contributions in the short term until the transition to a new system.
 - supporting small and medium-sized builders by temporarily lifting the small sites threshold below which developers do not need to contribute to affordable housing
 - extending the current Permission in Principle to major development
- 3.5 For each of these proposals, the consultation document firstly describes the current situation as the Government see it, then moves onto describe the proposed approach or options for a new approach, and finally asks for responses to detailed questions about its proposals. The appendix to this report summarises in tabular format the current situation and each proposal. It is recommended that, for each proposal, members read the columns of the table from left to right. If members wish to read the detailed questions on each proposal they can do this by referring to the full consultation document (See above link).
- 3.6 Officer comments, if acceptable to the sub-committee, will be used by the Strategic Manager of Planning and Regeneration to answer the questions in the consultation document. Any changes to these comments or additional comments agreed by the sub-committee at the meeting will also be used to respond to the consultation.
- 4 **Implications**
- 4.1 **Financial and Value for Money (vfm) Implications** – No direct financial implications in responding to the consultation. The financial impact of any subsequent changes made to the planning system would be considered in due course.
- 4.2 **Legal Implications** – Responding to the consultation shall ensure that the Council has had some input into the proposals which are intended to shape the future of the planning system.

4.3 **Contribution to Council Priorities** – The Council’s response to the Government on this document will assist in making the Government aware of the Council’s priority to create sustainable communities across Craven.

4.4 **Risk Management** – None

4.5 **Equality Impact Assessment** – No new policy or procedure is proposed in this report which would give rise to a requirement for an Equality Impact Assessment.

5. **Consultations with Others** – Legal Services, Financial Services, Strategic Housing Team.

6 **Access to Information : Background Documents** – None

7. **Author of the Report** – David Sykes; e-mail: dsykes@cravenc.gov.uk or rparker@cravenc.gov.uk

Note : Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

8. **Appendices** –
Appendix – Officer comments on the Government’s consultation on ‘Changes to the current planning system’.

Officer comments on the Government’s consultation on ‘Changes to the current planning system’

Proposal: Changes to the standard method for assessing local housing need

Current position	Proposal	Officer comments <i>(to form the basis of the Council’s response to the consultation)</i>
<p>The current standard method for assessing local housing need (SM) provides the starting point for planning for housing and does not establish the housing requirement in a Local Plan.</p> <p>This method, set at national level, came into existence in 2018 through the revised NPPF to make assessing the minimum number of homes needed in an area easier, cheaper and more transparent.</p> <p><i>(The Craven Local Plan did not incorporate the SM because transitional arrangements allowed the Council to continue to examination of the plan using the 2012 NPPF. This NPPF</i></p>	<p>The proposed SM seeks to:</p> <ul style="list-style-type: none"> • ensure that the sum of each authority’s local housing need will match the Government’s commitment to plan for the delivery of 300,000 new homes a year. • focus on achieving a more appropriate distribution of homes across the country, and • target more homes into areas where they are least affordable. <p>The proposed SM would introduce a new element of existing housing stock levels, which takes into account the number of homes that are already in the area. The Government indicate that, by doing this, it should ensure that diverse housing needs in all parts of the country are taken into account. It is also argued that this should offer the stability and predictability which has been absent when solely relying on household projections. Household projections can vary quite significantly.</p> <p>Also proposed is to introduce an affordability adjustment that takes into account 1. How affordability has changed over the last 10 years of published data, in addition to the existing approach of considering the affordability at the time of the evidence gathering, and 2. Using the workplace-based median house</p>	<p>These proposed changes are likely to be applied through changes to Planning Practise Guidance (PPG) later this year or early next year. Whilst the SM will not affect the existing Craven Local Plan, it will be the revised SM that will be used to assess local housing need when the Craven Local Plan is updated. (Most likely updated as a new style plan along the lines of the White Paper ‘Planning for the Future’). Furthermore, the White Paper is proposing that the results of the revised SM should be used as a binding housing requirement for each District’s Local Plan.</p> <p>Clearly then, it is important that the Council provide the Government with a response on this matter which reflects the circumstances in Craven.</p> <p>It is therefore suggested that the Council’s response to the detailed questions raised in the consultation document cover the following messages:</p>

<p><i>required Councils to undertake, potentially in conjunction with other authorities, their own Strategic Market Housing Assessment (SHMA))</i></p> <p>The role of the SM, as a <u>minimum number</u> of homes needed in an area, is to ensure that Councils allocate at least sufficient land to meet this minimum number. However, if local circumstances allow, Councils are at liberty to conclude a higher than minimum need as the plan's housing requirement.</p> <p>The SM comprises a baseline of household projections which are then adjusted to take account of affordability and capped to limit the increase from a previous plan's housing requirement.</p>	<p>price to median earnings ratio. It is stated that this should ensure that the revised SM is more responsive to changing local circumstances, so that homes are planned for where they are least affordable. For example, where affordability has improved over time, this will be reflected by a lower need for housing being identified than if affordability was decreasing.</p> <p>The details of the proposed calculations involved in the SM are set out in the consultation document at paras 23 to 39. See https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907215/200805_Changes_to_the_current_planning_system_FINAL_version.pdf</p> <p>The Government has clearly already undertaken the work to identify what the revised SM would mean to each local planning authority. The consultation document states:</p> <ul style="list-style-type: none"> - the revised SM identifies 76% of local housing need nationally is focused in local authorities classified as urban. - 141 authorities (excluding London boroughs) have a change of over 25% when compared to the higher of what areas have most recently planned for, or the number produced by the current SM. <p>Transition arrangements are proposed for those local planning authorities who are well advanced in their plan preparation using the existing standard method. (These do not affect Craven.)</p>	<ul style="list-style-type: none"> • The Council is sympathetic to the general principles of the revised methodology of the SM whilst it remains a measurement of housing need and not a housing requirement. • However, the Council defers judgement on the details of the data inputs of the revised standard method until the Government publish the results for each District. This should be the subject of further consultation before the SM is adopted. • One of the aims of the SM is to target more homes into areas where they are least affordable and the wider policy proposal included in the White Paper for introducing a SM for setting binding housing requirements would factor in land constraints and the more effective use of land. Housing growth per se will not make more housing more affordable for local people, as that element is subject to financial viability and benchmark land values. Whilst the ability for rural districts to meet all affordable housing need is limited by existing environmental constraints and as such affordability will remain an issue in high value rural areas, such as Craven. • The relationship between the SM and affordable housing should be clarified as it is unclear as to if and how the SM methodology will relate to the
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		assessment of housing need that is currently part of the OAN.

Proposal: Delivering First Homes: 25% policy - a minimum of 25% of all affordable housing units secured through developer contributions should be First Homes

Current position	Proposal	Officer comments <i>(to form the basis of the Council's response to the consultation)</i>
<p>The Government is committed to supporting people to make the dream of home ownership a reality. The Government quotes from a poll that 87% of people would prefer to own a home given free choice. This is why they say - they are determined to ensure that First Homes for sale are built in all parts of the country.</p> <p>The NPPF states that LPAs should support the development of entry level exception sites, suitable for first time buyers or those looking to rent their first home. <i>(Members will recall this was the subject of discussion at the last</i></p>	<p>First Homes will support first time buyers by providing discounts of at least 30% on new-build properties in their area compared to market prices. First Homes will still be affordable homes (provided by the developer), but only for sale and not for rent. They will take the place of entry-level homes for sale and rent in the NPPF.</p> <p>On market housing sites that are required by planning policy to provide for affordable housing, it is proposed that the NPPF sets out that a minimum of 25% of the on-site affordable housing should be for First Homes.</p> <p>Initially, these affordable homes will be secured through section 106 planning obligations but, under the proposed reforms these would subsequently be secured through the new Infrastructure Levy proposed in the White Paper 'Planning for the future'.</p> <p>Similarly, where off-site financial contributions are required for affordable housing it is proposed that 25% of this money should go towards off site 'First Homes'.</p> <p>The Government wishes to see local planning authorities (lpa's) adopt this proposal as soon as changes to the NPPF is made and</p>	<p>The introduction of a 25% First Homes policy in the NPPF, or in primary legislation, is not objected to by officers provided the following are built into the policy:</p> <ul style="list-style-type: none"> • That First Homes can be delivered through a 'model' that is genuinely affordable locally. In Craven this 'model' would be shared ownership and should be flexible enough to increase the discount above the minimum 30%, as appropriate and justified by evidence, to ensure that First Homes are affordable to those on median and lower quartile incomes. There is concern that First Homes will not be affordable to those on lower quartile incomes and therefore the model to deliver them should ensure that the homes are genuinely affordable to all.

<p><i>meeting of the Sub-Committee. Entry-level affordable homes can be for sale or to rent.)</i></p>	<p>indicate that if a revised NPPF does not have the desired effect on planning decisions, they may well introduce primary legislation to deliver this policy across the country.</p> <p>In seeking to introduce this proposal as early as possible in Ipa's decision making, the Government propose two options of combining the new NPPF policy with the relevant policies in local plans. After 25% First Homes have been provided on a site, the first option proposed would be to use the relevant local plan policy to determine, via a standard method, the appropriate proportions of tenure for the remaining 75%. The second option given would be to negotiate with the developer on a case by case basis the tenure mix for the remaining 75% of onsite affordable units.</p> <p>Currently, the NPPF policy approach requires that, apart from limited exemptions (provision of solely Build to Rent Homes, specialist housing such as for the elderly, self-build or 100% affordable housing sites), all major development (10 or more homes or residential development on a site of 0.5 hectares or more) should provide 10% of the total site units as affordable home ownership. <i>(This was a new requirement in the 2019 NPPF which did not need to be included in the Craven Local Plan – as its Examination was based on the 2012 NPPF).</i></p> <p>The Government is considering how to implement these existing exemptions with regards to First Homes.</p>	<ul style="list-style-type: none"> • Reductions of the policy percentage would not be acceptable if 25% First Homes would have a significant adverse impact on the delivery of affordable homes in the rental sector. • Reductions of the policy percentage would not be acceptable if 25% First Homes would result in a significant adverse impact on the delivery of other types of affordable homes needed for sale. <p>Out of the two options suggested of combining the new NPPF policy with the relevant policies in local plans, the first option is preferred. First Homes will not meet the needs of first time buyers who work locally and cannot afford to access the market. Currently the Council's SHMA (2017) supports a tenure mix of approx. 75% - 85% affordable rent to 15% - 25% affordable sale. However, the plan's policy on affordable housing (Policy H2) does not tie down applications to providing this tenure split, if other more up to date evidence indicates otherwise. If the affordable sale housing is largely to be taken up by First Homes, it is imperative that the remaining 75% meets identified need in accordance with the council's evidence base and is not left to negotiation. If a minimum of 25% of all affordable housing units secured through developer contributions are to be First Homes, the Council needs to be able to</p>
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		<p>determine the affordable tenure of the remaining affordable housing provision on a site according to the evidence base.</p> <p>Clarification of how the existing exemptions set out in para 64 of the NPPF for at least 10% of homes on major developments to be available for affordable housing ownership will be requested from Government.</p> <p>In terms of additional exemptions with regards to First Homes, it is considered that age restricted, extra care and supported housing should be exempt from First Homes and any home ownership element required should be shared ownership. Also rural exception sites in both designated and non-designated rural areas should be exempt as these sites are intended to meet very localised housing need and First Homes are unlikely to be affordable for many in housing need working in rural areas.</p>
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Proposal: Delivering First Homes: Local plans and transition arrangements

Current position	Proposal	Officer comments <i>(to form the basis of the Council's response to the consultation)</i>
1) A council with an adopted local plan and no plan review and update in progress	As a consequence of the introduction of the 25% First Homes NPPF policy, the Government recognise that local authorities may wish to review the tenure mix for the remainder of the affordable housing that they are seeking to secure.	Due to the flexibility of the Craven Local Plan Policy H2 on tenure split for affordable housing as stated above, officers are not of the opinion that the Craven Local Plan needs reviewing to take account of the introduction

	Where local authorities choose to update their tenure mix to reflect this policy, they can do so through a local plan review. However, the Government believe that prioritising the replacement of home-ownership tenures by First Homes will reduce the need for this.	of this First Homes policy. However, it is likely that any increase from the proposed minimum of 30% discount for First Homes and the impact on tenure mix for the remainder of the affordable housing provided on sites would need justifying by updating the existing Craven Local Plan evidence base.
2) A council with a local or neighbourhood plan which is well advanced in the process,	Local and neighbourhood plans that are submitted for Examination within 6 months of this new policy being introduced will not need to reflect the First Homes policy requirement.	This appears to be a reasonable approach.
3) A developer has been preparing a planning application under different assumptions.	Where a significant amount work has been undertaken to progress a planning application, including where there has been significant pre-engagement with a local authority on the basis of a different tenure mix of affordable housing, the local authority should have the flexibility to accept alternative tenure mixes. However, the local authority should consider whether First Homes could be easily substituted for another tenure, either at 25% or a lower proportion.	This appears to be a reasonable approach.

Proposal: Delivering First Homes: Level of discount

Current position	Proposal	Officer comments <i>(to form the basis of the Council's response to the consultation)</i>
There is currently no 'First Homes' concept, though the NPPF does indicate that discounted market housing is a form of affordable housing when a	The minimum discount for First Homes should be 30% from market price which will be set by an independent registered valuer. The valuation should assume the home is sold as an open market dwelling without restrictions. Local authorities will have the discretion to increase the discount to 40% or 50%. This would need to be evidenced in the local plan making process.	The high house prices in Craven combined with the relatively low average household wages mean that higher discounts than 50% of the market price will be necessary to make these first homes affordable, as evidenced by the local plan evidence base, including the SHMA 2017.

<p>discount of at least 20% off market value applies.</p>	<p>Where discounts of more than 30% are applied to First Homes, the requirement for a minimum of 25% of units onsite to be First Homes will remain in place.</p>	<p>The level of discount should be at the discretion of each local authority and needs a flexible response, which can be justified through up to date evidence outside the local plan process. Without adopting this approach First Homes will not be genuinely affordable to the local community.</p> <p>The appropriate level of discount should not always need to be evidenced as part of the local plan making process. It is likely that any increase from the proposed minimum of 30% discount for First Homes would need justifying by updating the existing Craven Local Plan evidence base.</p>
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Proposal: Delivering First Homes: Exception sites.

Current position	Proposal	Officer comments <i>(to form the basis of the Council's response to the consultation)</i>
<p>The current NPPF refers to entry-level exception sites (ELES). Like rural exception sites, these are to generally accommodate 100% affordable housing on small sites outside settlements on land not allocated in a local plan for housing. ELES are to accommodate first time buyers and renters.</p>	<p>To replace entry-level exception sites with First Homes exception sites. The latter will generally only accommodate affordable homes for first time buyers. However, there will be flexibility in the new policy to allow a small proportion of other affordable homes to be delivered on these sites where there is significant identified local need; as well as allow a small proportion of market homes where this would be</p>	<p>With the ability to be flexible on these new First Home exception sites by allowing other tenures e.g for rent, there is no objection to the change from entry-level to First Homes exception sites.</p> <p>The proposal to not apply the First Homes exception site policy within designated rural areas (DRA) is supported - provided the revised policy approach to be developed for rural exception sites in DRA can be made more attractive for registered providers and landowners to bring forward. For example, by potentially allowing rural exception sites close to, but not necessarily adjacent to a settlement, Policy H2 of the Craven Local Plan seeks to make these sites less likely to generate hope value for market housing in the future.</p>

	<p>necessary to ensure the viability of the site overall.</p> <p>The policy will not apply in designated rural areas, where delivery of affordable homes on exception sites will be through the rural exception sites policy.</p> <p>It is intended to remove the NPPF threshold on site size that currently applies to entry-level exception sites, but retain the requirement that First Home exception sites should be proportionate in size to the existing settlement.</p>	<p>In finalising this policy, it is assumed that the Government will maintain the approach that these sites will be supported only if the need for such First Homes is not being met. In doing so, it is requested that the PPG is added to and provide a clear methodology on how this assessment of whether the need for such homes are or are not being met. E.g. What data is needed to identify the level of need for First Time buyer affordable homes in an area? Does the need being met mean met over a plan period or some other period?</p> <p>More importantly than such sites being proportionate to the size of a settlement is that they accord with the local plan's spatial strategy and scale of housing growth envisaged for a particular settlement.</p>

Proposal: Supporting small and medium-sized developers.

Current position	Proposal	Officer comments <i>(to form the basis of the Council's response to the consultation)</i>
<p>Small and medium sized businesses (SMEs) in the house building industry make an important contribution to overall housing supply. They have suffered from a significant amount of insolvencies both before and during the Covid-19 pandemic.</p> <p>To support SMEs in the medium term during the economic recovery from Covid-19, the Government are proposing to reduce the</p>	<p>Outside designated rural areas and for a time-limited period, the Government propose to raise the site threshold below which affordable housing contributions will not be required. This will be for an initial period of 18 months during which the impact of the raised threshold on SMEs will be</p>	<p>An assessment of the impact of the Government's proposal on the delivery of affordable homes on those Craven Local Plan allocated sites outside the plan area's designated rural areas that have not already been developed and are estimated to yield dwellings below the raised threshold of 40 or 50, suggests the following:</p> <ul style="list-style-type: none"> • In Skipton, there would be a total loss of approximately 17 affordable dwellings on 3

<p>burden of planning obligations on SME's for a time-limited period.</p>	<p>monitored, before reviewing the approach.</p> <p>It is proposed to raise the threshold from 10 dwellings up to either 40 or 50 new homes through changes to the NPPF.</p> <p>The Government see this as an appropriate balance between supporting SMEs and the need to deliver new affordable homes.</p> <p>They will set out in planning guidance how local planning authorities can secure contributions where it is apparent that a larger site is being brought forward, but a phasing of the larger site is seeking to avoid appropriate affordable housing contributions.</p>	<p>allocated housing sites that are estimated to yield less than the proposed threshold (sites SK015, SK058 & SK087).</p> <ul style="list-style-type: none"> • In Glusburn, Cross Hills there would be a total loss of approximately 7 dwellings on site allocation SC037(a) that is estimated to yield less than the proposed threshold. <p>This is a worst-case scenario in terms of affordable housing on allocated sites and assumes that all the above allocated sites will be granted permission during the 18-month period.</p> <p>This is a relatively small number of losses in the plan area, and may well bring some of these sites, on brownfield land forward in advance of the timescales currently envisaged.</p> <p>On balance then, the principle of increasing the threshold outside designated rural areas is supported, providing this reverts to a lower threshold as soon as possible.</p>
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Proposal: Supporting small and medium-sized developers: Affordable housing in rural areas.

Current position	Proposal	Officer comments <i>(to form the basis of the Council's response to the consultation)</i>
<p>In designated rural areas, local planning authorities can set a lower threshold of five or fewer in their plans.</p>	<p>No change, but the Government are seeking comments on whether it is appropriate not to change.</p>	<p>Maximising the delivery of affordable housing in Craven's designated rural areas is very important to the Council.</p> <p>This 'no change' approach to raising these lower thresholds is strongly supported.</p>

Proposal: Supporting small and medium-sized developers: Other support mechanisms

Current position	Proposal	Officer comments <i>(to form the basis of the Council's response to the consultation)</i>
Not applicable	No specific proposal, but the Government are asking whether there are any other ways that they could support SME builders to deliver new homes during the economic recovery period.	Officers have no specific proposals to put forward.

Proposal: Extension of the Permission in Principle consent regime.

Current position	Proposal	Officer comments <i>(to form the basis of the Council's response to the consultation)</i>
<p>Permission in Principle was introduced in 2017 as a new faster way of obtaining planning permission for housing led development, which reduced the need for landowners and developers to incur significant costs to establish the principle of development for housing. This has been done by giving authorities the power to grant Permission in Principle (PiP) to suitable sites allocated in Part 2 of their registers of brownfield land.</p> <p>The scope of PiP was added to in 2018 and landowners/developers can now also apply for PiP on both greenfield and brownfield land.</p> <p>Currently PiP only applies to minor development (small sites that support fewer than 10 dwellings)</p>	<p>To extend the regulations to allow PiP to apply to most major developments of 10 or more dwellings.</p> <p>This extension will change the fact that PiP will not apply to sites relating to Environmental Impact Assessment (EIA) and Habitat requirements. (Thus, in practice the PiP will not be a route to permission for many large sites of 5 hectares or more, or capable of delivering more than 150 dwellings.)</p> <p>The PiP may include other uses such as retail, offices and community spaces. However, housing must</p>	<p>Members may not be too familiar with the relatively recently devised system of PiP. The Council does have a brownfield register as required by the regulations, but none of the sites are listed as a Part 2 site. Hence none of these sites have been granted PiP.</p> <p>The Council has only received one application for PiP and this was refused.</p> <p>Commentators in the planning profession are not convinced that PiP by application is a particularly attractive option for developers and landowners and its take up has been limited.</p>

<p>The PiP route to a developer starting building on site has two stages:</p> <ul style="list-style-type: none"> • Firstly, PiP establishes whether a site is suitable in principle for development. This PiP is valid for five years and no planning conditions can be attached to it, • Secondly, technical details consent is when the detailed development proposals are assessed, and conditions can be attached. <p>The above process is the equivalent of full planning permission.</p>	<p>occupy the majority of the overall scheme and the proposed non-residential development should be compatible with the residential development.</p> <p>There are no proposals to significantly change the process for PiP by application, albeit questions are asked about limiting the height of proposals at PiP stage, extending some publicity arrangements, changes to fees, and changes to the relationship between brownfield land registers and sites granted PiP by application.</p>	<p>This limited appeal will probably apply equally to an extended PiP for major development as it applied to the current approach.</p> <p>As it is the Council that determines the granting of PiP, and will use the Craven Local Plan to inform their decision, it is not considered that it is necessary to object to these changes.</p> <p>It is considered appropriate to limit the height of development at the PiP stage.</p>
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Craven Spatial Planning Sub Committee – 22/09/2020



White Paper: Planning for the Future.

Report of the Strategic Manager for Planning and Regeneration

Ward(s) affected: All wards wholly or partly outside the Yorkshire Dales National Park

1. **Purpose of Report** – To seek member approval of the officer comments contained in the appendix to this report as the basis for the Council's response to the Government's consultation on the White Paper: Planning for the Future.
2. **Recommendations** – Members are recommended to:
 - 2.1 Approve the officer comments contained in the appendix to this report to be forwarded to the Policy Committee as the basis for the Council's response on the White Paper consultation, subject to paragraph 2.2 below.
 - 2.2 To note that the Council's proposed response on the White Paper consultation (as amended by the sub-committee's views as necessary) shall be presented to and settled by the Council's Policy Committee on the 20th October.
- 3 **Report**
 - 3.1 On 6 August 2020 the Government published a White Paper: Planning for the Future which proposes a fundamental and comprehensive reform of the planning system that will require new legislation and regulations to be introduced. These changes, if approved, will take some time to enact and become operational.
 - 3.2 Members of Policy Committee will be asked to approve the officer comments contained in the appendix to this report as the basis for Craven District Council's response to the Government's consultation on the White Paper, however given the fact that the White Paper proposes significant reform of the current planning system, particularly in respect of spatial planning, it is appropriate that members of this sub-committee have an opportunity to discuss these proposals.
 - 3.3 The appendix to this report sets out officer comments on proposals included in the White Paper, having consulted with the Councils Development Management, Strategic Housing and Legal Teams. A full copy of the White Paper: Planning for the Future can be viewed at:

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

3.4 The White Paper proposals can be summarised under the three headings as follows:

Streamlining the Planning Process

- Propose a new style, simplified local plan which will identify 3 types of zoned land (growth, renewal & protection);
- Each local planning authority to be bound by housing targets set by Government, calculated using a standard method for establishing housing requirement figures;
- Development Management policies in local plans to only relate to growth and renewal zones. Updated NPPF to be the primary source of policy for development management;
- Local Plans to be subject to a single statutory 'sustainable development' tests, replacing the tests of soundness, providing update requirements for deliverability and environment assessments, and abolish the Duty to Cooperate; and the introduction of a quicker, simpler framework for assessing environmental impacts to replace existing Strategic Environmental and Habitats Regulations Assessments;
- Local Planning Authorities (LPAs) & the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the plan making process;
- Local Plans to be based on a standard template, be visual, map-based and use digital tools to support a new civic engagement process;
- Neighbourhood Plans should be retained as an important means of community input and communities given support to make better use of digital tools;
- Decision making should be faster and more certain, with firm deadlines and make greater use of digital technology;
- A stronger emphasis on build out through planning.

Focus on Design and Sustainability

- To amend the NPPF 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;
- Facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver the Government's commitment to be net zero by 2050;

- Local Plans to be supplemented by locally prepared design guidance and codes. Government to set up a new body to support authorities to produce these codes and expect each LPA to employ a chief officer for design;
- Expect new development to be beautiful by introducing a 'fast track for beauty', which would automatically permit proposals for high quality developments where they reflect local character;
- 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;
- Conserving and enhancing our historic buildings and areas in the 21st century.

Infrastructure Delivery

- Community Infrastructure Levy (CIL) and the current system of planning obligations to be replaced by an Infrastructure Levy;
- The scope of the Infrastructure Levy could be extended to capture change of use through permitted development rights;
- Ensure that the new Infrastructure Levy allows LPAs to secure more on-site affordable housing provision;
- More freedom could be given to LPAs over how they spend the Infrastructure Levy.

3.5 For each of these proposed reforms, the White Paper firstly describes each proposal, then sets out any alternative options for the proposals and finally asks for responses to detailed questions about each proposal. The appendix to this report summarises in tabular format each proposal listed at paragraph 3.4 above, any alternative options to each proposal, followed by officer comments relating to each proposal. If members wish to read the detailed questions on each proposal they can do this by referring to the full consultation document (See web link to the White Paper above).

3.6 The officer comments included in the appendix to this report, if acceptable to the sub-committee, will be used by the Strategic Manager of Planning and Regeneration to answer the questions in the White Paper, with the final officer comments presented to the Council's Policy Committee for approval. Any changes to these officer comments or additional comments agreed by the sub-committee at the meeting will also be used to respond to the consultation.

4 Implications

4.1 **Financial and Value for Money (vfm) Implications** – No direct financial implications in responding to the consultation. The financial impact of any

subsequent changes made to the planning system would be considered in due course.

- 4.2 **Legal Implications** – Responding to the consultation shall ensure that the Council has had some input into the proposals which are intended to shape the future of the planning system.
- 4.3 **Contribution to Council Priorities** – The Council’s response to the Government on this document will assist in making the Government aware of the Council’s priority to create sustainable communities across Craven.
- 4.4 **Risk Management** – None
- 4.5 **Equality Impact Assessment** – No new policy or procedure is proposed in this report which would give rise to a requirement for an Equality Impact Assessment.
- 5. **Consultations with Others** – Legal Services, Financial Services, Strategic Housing Team and Development Management Team.
- 6 **Access to Information : Background Documents** – None
- 7. **Author of the Report** – Ruth Parker; e-mail: rparker@cravenc.gov.uk

Note : Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

- 8. **Appendices** –
Appendix – Officer comments on the Government’s White Paper: Planning for the Future (August 2020).

Officer Comments on the Spatial Planning Element of the Government’s Consultation on the ‘White Paper: Planning for the Future’

(Report to Craven Spatial Planning Sub-Committee 22 September 2020 and Policy Committee 20th October 2020)

1. STREAMLINING THE PLANNING PROCESS:

Proposal: A new style, simplified local plan which will identify 3 types of zoned land

<p>Summary of Proposal</p>	<p>Local Plans should identify three types of land. All areas of land would be put into one of the following areas/zones:</p> <p>1. Growth areas – suitable for substantial development. To include land suitable for comprehensive development including new settlements, urban extensions, areas for redevelopment. Growth areas will benefit from outline permission or Permission in Principle granted by adoption of the Local Plan. Detailed planning permission could be secured either by a reformed reserved matters process; a Local Development Order prepared by the LPA; or for proposals such as new towns the government will consider whether a Development Consent Order will be appropriate.</p> <p>In <i>growth</i> areas the White Paper states that the government will legislate to require that a masterplan and site-specific code are agreed as a condition of the permission in principle. The White Paper suggests that these codes and masterplans should be in place prior to detailed proposals coming forward and could be developed subsequent to the local plan being approved.</p> <p>2. Renewal Areas – suitable for development. This would cover existing built areas where smaller scale development is appropriate, including infill of residential areas, development in town centres and in rural areas not protected e.g., small sites within or on edge of a settlement. There would be a statutory ‘presumption in favour’ of development being granted for the uses specified as being suitable in each area. Consent would be granted by either a new permission route for pre-specified forms of development which gives automatic consent if the scheme meets certain requirements (linked to fast track to beauty proposal) or for other types of development a faster planning application process determined in line with the local plan and an updated NPPF. In <i>growth</i> and <i>renewal</i> areas a proposal could come forward which is different to the local plan, but a specific planning application would be required.</p>
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	<p>3. Areas that are Protected – ANOBs, Conservation Areas, Local Wildlife Sites, areas of significant flood risk, important green space (LGS), gardens and open countryside. Defined nationally and locally. Any development proposals in <i>protected</i> areas would come forward as now through a planning application and judged against an updated NPPF.</p> <p><i>Growth, Renewal and Protected</i> areas would be annotated and colour coded on an interactive web-based local plan map and linked to relevant policies.</p> <p>For <i>Growth</i> and <i>Renewal</i> areas the local plan key and accompanying text would set out suitable development uses as well as limitations on height and/or density. These could be specified for sub areas e.g. it may be appropriate for some areas to be identified as suitable for higher density residential development, or for high streets and town centres to be identified as distinct areas.</p> <p>For <i>Protected</i> areas, the local plan key and accompanying text would explain what is permissible by cross reference to the NPPF.</p>
<p>Alternative Options</p>	<ol style="list-style-type: none"> 1. Local Plans to identify two types of land: Combine <i>Growth</i> and <i>Renewal</i> areas into one category and extend permission in principle to all land within this category. 2. Limit permission in principle to <i>Growth areas</i> with other areas of land, as now, identified for different forms of development determined by the LPA and subject to the existing development management process.
<p>Officer comments (to form the basis of the Council's response to the consultation)</p>	<p>The White Paper states that <u>all</u> areas of land would be put into one of the three categories.</p> <p>There is concern that the concept of zoning and specifically <i>renewal</i> zones, which would cover areas not within the '<i>Protection</i>' zone and include existing built areas/settlements and sites on the edge of settlements, is not an appropriate approach in rural districts such as Craven. The current local plan policy approach provides a clearer and more certain approach to planning policy on the edge of villages and small towns. It is considered that the term <i>Renewal</i> is not a good one as it implies significant change and growth, whereas that may not be the case, especially in rural areas.</p> <p>The suggestion that design codes and masterplans relating to <i>growth</i> areas to be in place prior to proposals coming forward and developed before a local plan is adopted leaves potential for an awkward gap, delay, conflict and resulting uncertainty.</p>

It is considered that out of the three options for securing detailed planning permission within *growth* areas, the first is the most appropriate and the other two options are not suitable.

Officers are concerned that there will be pressure from local communities and groups to designate land, particularly on the edge of settlements as *Protected* rather than renewal or growth areas. It is considered that this resistance to change will be compounded in rural areas by the terminology used for these zones. Neither substantial 'growth' or 'renewal' seem appropriate for some smaller market towns and villages in rural areas. Should the 'Growth' zones be divided into 'Major Growth' or 'Urban Growth' and 'Minor Growth' or 'Rural Growth' to avoid this resistance to change in rural areas? The proposed three zone approach may not be sufficiently nuanced for rural areas. This is likely to be an issue that is debated during local plan examinations.

The categorisation of *growth*, *renewal* and *protected* areas for all land allows no scope for any 'white land', not allocated or designated for any specific use or reason, which there is presently in the Craven Local Plan. This may be an appropriate approach in rural areas. As land constraints do not respect natural boundaries there may be a need to consider leaving "white" land undesignated in between protected and renewal areas, for example as land that abuts a conservation area may not be suitable as a renewal area, given the impact that development may have on the conservation area. Development proposals on this 'white' land could come forward as a planning application and be determined and judged against an updated NPPF and local design guides/codes.

Protected areas include Conservation areas, which exist within existing settlements. This means that the central areas of many settlements will not fall into '*Growth*' or '*Renewal*' categories and instead in urban areas there will be a patchwork of designations, rather than swathes of land zoned for growth or renewal. The proposed zoning system seems to oversimplify the need for some areas to be the subject of regeneration/renewal and protection.

Dividing all land into areas implies that impacts can be neatly contained in their respective areas. The natural environment is a cross-boundary consideration that cannot sit within such a rigid and basic approach. Wildlife cannot easily be protected when it is located outside "*protected*" areas and/or migrates across spatial areas under this approach. With this framework, it is difficult to envisage how these proposals are compatible with and can deliver the Environment Bill's proposals on net gain and improvement plans.

The focus of the White Paper relates to increasing housing delivery through a simpler, faster planning system that aims to facilitate a more diverse and competitive housing industry. There seems to be no scope in the new zoning proposals for the protection of employment land. Officers are concerned that this proposed approach could lead to their loss to the detriment of employment land supply and an imbalance between housing and employment.

	<p>The White Paper contains little mention of how planning should align with local industrial strategies and how these will in turn impact on demand for housing and infrastructure.</p> <p>To be sustainable, growth zones must include substantial green infrastructure, and mixed uses including new employment land and community services. Any new strategic zoning for growth must ensure that these land uses and appropriate infrastructure, including roads, are appropriately planned for as 'sub areas' or as standards which are relevant to new population levels.</p> <p>Out of the two alternative options presented it is considered that the second option is more preferable as this would allow planning applications in areas outside <i>growth</i> areas to be determined by the LPA in line with local plan policies and where relevant an updated NPPF.</p>
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Proposal: Each local planning authority to be bound by housing targets set by Government, calculated using a standard method for establishing housing requirement figures;

<p>Summary of Proposal</p>	<p>A standard method (SM) for establishing housing requirement figures which ensures enough land is released in areas where affordability is worst, to stop land supply being a barrier to enough homes being built.</p> <p>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.</p> <p>A SM would distribute the national housebuilding target of 300,000 new homes annually and 100,000 new homes by the end of the Parliament having regard to size of existing settlements, affordability of places, existing land constraints e.g. designated areas of environmental & heritage value, opportunities to better use brownfield land, the need to make an allowance for land required for other development; and the inclusion of an appropriate buffer to account for unimplemented permissions as well as offering choice to the market.</p> <p>Using a SM for setting housing requirements would significantly reduce the time it takes to establish the amount of land release in each area, which has historically been a time consuming process.</p> <p>Use of SM would make it the responsibility of LPAs to allocate land suitable for housing to meet the requirement. LPAs would continue to have choices about how to do this e.g. brownfield development, infilling, urban extensions or new settlements.</p>
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	<p>This approach should ensure that enough land is planned for and with sufficient certainty about its availability for development, therefore this proposal removes the existing need for LPAs to demonstrate a five-year housing land supply of land.</p> <p>In order to continue to ensure that enough land in the supply is delivered the White Paper proposes to maintain the Housing Delivery Test and the presumption in favour of sustainable development.</p> <p><i>Note: The Craven Local Plan did not incorporate the SM because transitional arrangements allowed the Council to continue to examination of the plan using the 2012 NPPF. This NPPF required Council's to undertake, potentially in conjunction with other authorities, their own Strategic Market Housing Assessment (SHMA).</i></p>
<p>Alternative Options</p>	<p>No alternative options presented for this proposal.</p>
<p>Officer comments (to form the basis of the Council's response to the consultation)</p>	<p>Whilst the Council is generally sympathetic to the SM for establishing housing requirements, it is the view of officers that LPAs should be allowed to challenge these requirements. For example, this may be necessary where local constraints have been underestimated by the Government and indicate a lower requirement is appropriate or where a Council's strategy for economic growth and affordable housing indicate a higher housing requirement is appropriate</p> <p>A binding housing target calculated using a SM would significantly change the current NPPF policy of LPAs establishing a housing requirement figure for a plan area informed by a local housing needs assessment (SHMA). If the proposed SM was used it should definitely take into account the extent of existing land constraints such as flood risk and other key environmental constraints. However, there is a question of how will land constraints be factored into the SM? Are they an absolute constraint and what will be the evidential basis for balancing need vs the constraint in an area?</p> <p>The White Paper expects existing brownfield sites to be used to provide new housing before land constraints are taken into account. More rural areas have a limited amount of brownfield sites, therefore greenfield sites will continue to have a role to play in terms of future housing growth.</p> <p>In terms of making an allowance for land required for other non-residential development this method will need some form of evidential basis. What will this be based on?</p> <p>In terms of the inclusion of an appropriate buffer to account for unimplemented permissions, this is a factor that is currently considered as part of the land supply exercise, rather than in setting the housing requirement. The buffer appropriate for each area will depend on the lapse rate which can vary significantly between areas, and the</p>

type of land that is allocated. How will an appropriate buffer for an area be calculated? Clarification of this issue from the Government will be requested.

The White Paper proposes to remove the requirement to demonstrate a five-year land supply and officers would support this, especially given the fact that justifying the deliverability of sites (via land owner evidence) within a five-year period is often difficult. However, the examination of a Local Plan should ensure that there is enough land identified to come forward in the first and second five years of the plan.

without this requirement, how would LPAs show that a local plan can provide sufficient homes at least in the first five years (before it is reviewed and updated)?

Officers have the following general questions about the proposed SM:

However the SM is formulated, how transparent should the Government be in explaining how it derives the specific numbers in each area? How often would a review of housing requirement figures be carried out using the SM to ensure the calculation is up to date?

How will the standard method be resilient to legal challenge from local planning authorities or third parties?

In terms of the affordability of places and the extent of existing urban areas being appropriate indicators of the quantity of development to be accommodated, it is the view of officers that affordability in the areas of greatest demand, where house values far outstrip local incomes i.e. in more rural parts of the district, will not be addressed simply by building more homes, particularly where the supply is likely to be limited by environmental and sustainability constraints. Therefore, whilst affordability and the extent of existing urban areas are two indicators of the quantity of new housing needed, environmental and sustainability constraints must also be factored in.

Affordable housing cannot be seen in isolation and the shortfall must inform the overall housing supply. Given the environmental constraints that exist within the district, it is unlikely that enough homes will be delivered to address affordable housing need and a higher proportion of affordable homes may well be needed under a new system. Viability (and its impact on land values) is therefore another indicator, likely to limit affordable housing delivery. Any solution that relies on densification must be treated with caution. Those in affordable housing need have limited housing options and cannot easily move to a new house as household size grows. The COVID-19 pandemic has shown the necessity and value of having enough indoor and outdoor space and anecdotally, house builders report increased demand for homes with space, particularly as more people work from home. If densification means more flats and smaller family homes for those in affordable housing need, this cannot be an acceptable solution. All homes should be 'beautiful'.

	<p>It is the view of officers that care must also be taken to ensure that any affordable homes delivered are truly affordable to those who live and work locally and that enough provision of affordable rented housing is made to meet the needs of those for whom home ownership, even subsidised, is not an option.</p> <p>Officers question whether the Government will propose a standard methodology for determining the affordability of the housing requirement?</p> <p>The Government has published separate consultation on proposed changes to the standard methodology (SM) for assessing housing need, within 'Changes to the Current Planning System', which is considered within a separate report on the agenda. The future application of the changes to this SM will be considered in the context of this White Paper proposal.</p> <p>It is therefore suggested that the Council's response to the questions raised in the White Paper relating to this proposal are linked to the Council's response to proposed changes to the standard methodology set out in 'Changes to the Current Planning System'.</p>
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Proposal: Development Management policies in local plans to only relate to growth and renewal zones. Updated NPPF to be the primary source of policy for development management;

<p>Summary of Proposal</p>	<p>Development Management (DM) policies contained in a local plan would be restricted to clear and necessary site or area specific requirements, including broad height, scale and/or density limits for land included in <i>Growth and Renewal areas</i>.</p> <p>An updated NPPF would be primary source of policies for development management.</p> <p>The aim of this proposal is to turn local plans from a long list of general policies to specific design standards for the whole plan area or for smaller areas/sites included in design guides.</p> <p>Design guides and codes would provide certainty and reflect local character and preferences about the form and appearance of development, and ideally produced at the same time as a local plan, either to be included or prepared as SPDs.</p>
<p>Alternative Options</p>	<ol style="list-style-type: none"> 1. In exceptional circumstances, where a locally defined approach is justified, limit scope for LPAs to include general DM policies in local plans to specific matters and to standardise the way they are written. 2. Allow LPAs a similar level of flexibility to set DM management policies as under the current local plans system, but to not allow policies which duplicate the NPPF.

<p>Officer comments <i>(to form the basis of the Council's response to the consultation)</i></p>	<p>There needs to be scope for a local plan to contain DM policies that reflect local circumstances that are not site/area specific and that override the NPPF where necessary. The assessment of whether a local plan DM policy is justified would be done by an inspector via the local plan examination process.</p> <p>In terms of the first alternative option presented, there is concern that the inclusion of general DM policies in a local plan would be restricted to exceptional circumstances and the content of the policies would be required to be written in a standardised way, which would limit the ability of such policies being able to reflect local circumstances.</p> <p>Alternative option 2 is favoured as this reflects the current local plans system which allows for policies in plans to reflect local circumstances without repeating NPPF policy.</p>
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Proposal: Local Plans to be subject to a single statutory 'sustainable development' tests, replacing the tests of soundness, providing update requirements for deliverability and environment assessments, and abolish the Duty to Cooperate;

Proposal: Introduce a quicker, simpler framework for assessing environmental impacts to replace existing Strategic Environmental and Habitats Regulations Assessments.

<p>Summary of Proposal</p>	<p>Abolish the Sustainability Appraisal (SA) system and replace SA, SEA & EIA with a simplified framework for assessing the environmental impacts of plans, known as a single statutory 'Sustainable development test'. The existing system of SA, SEA & EIA can lead to duplication of effort and overly long reports.</p> <p>A simpler framework will need to meet the following objectives:</p> <ul style="list-style-type: none"> • Processes for environmental assessment and mitigation need to be quicker and speed up the decision making and delivery of development projects. The environmental impacts of a plan or project should be considered early in the process. • Requirements for environmental assessment and mitigation need to be simpler to understand and consolidated in one place as far as possible. • Any new system will need to ensure that environmental improvements are achieved whilst meeting domestic and international obligations for environmental protection. Note: this will be the subject of a separate consultation in the autumn. <p>Remove the Duty to Cooperate.</p> <p>Introduce a slimmed down assessment of deliverability of the plan.</p>
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	These current systems and test will be replaced by a single statutory 'sustainable development test'.
Alternative Options	Reform of the existing tests of soundness to make them easier for a suitable strategy to the found sound e.g., tests less prescriptive about the need to demonstrate deliverability. Instead LPAs would be required to identify a stock of reserve sites which could come forward if needed.
Officer comments (to form the basis of the Council's response to the consultation)	<p>Whilst it is accepted that the current SA of LP's is cumbersome and complex, this proposal would mean that there would be no formal requirement to examine alternative realistic plan options, which is a good method of embedding sustainability. This must surely be retained, along with community engagement on them. It is therefore difficult to see how realistic options would to be tested. Clarification of this issue from the Government will be requested.</p> <p>There seems to be a lack of detail provided in the White Paper on how the 'sustainable development' test will work. The detail provided seems to focus on what elements of the current local plans system will be removed/abolished rather than providing any detail about the 'sustainable development tests'. It is considered that more level of detail is required on this proposal and this will be requested.</p> <p>The SEA process is designed to support decision-making by identifying, characterising and evaluating the likely significant effect of the plan on the environment, and determining how adverse effects may be mitigated or where beneficial effects may be enhanced. There is no detail as to how the simplified process will continue to provide the same level of protection. It is most important that simplification of the current system of environmental assessment does not turn into dilution of the environmental protection afforded by the existing legal framework.</p> <p>In terms of the proposal to remove the Duty to Cooperate, para 2.19 of the White Paper states that further consideration will be given to the way in which strategic cross boundary issues can be planned for. There is a need for LPAs and other prescribed bodies including infrastructure providers etc. to continue to come together, to share best practice and discuss cross boundary issues. It is officer's view that the existing Duty to Cooperate process is a positive one which has produced local plans that have effectively identified and considered local strategic issues that cross planning boundaries.</p> <p>This process of cooperation needs to be retained. In reforming the planning system there is a good opportunity for plan preparation and cross boundary issues to be dealt with in a synchronised manner and thereby keep some form of meaningful duty to cooperate. For example, where there are/could be significant cross boundary issues there are opportunities for authorities to prepare their plans along the same timeframe.</p> <p>As there is little detail provided in the White Paper of how cross boundary issues can be planned for in the future, there is no clear indication of the direction or future of strategic planning. Without a strategic framework it is difficult to envisage how sustainable patterns of development will be arrived at.</p>

	<p>In terms of a slimmed down assessment of deliverability of the plan the current test of soundness includes 'effectiveness', requiring plans to be deliverable over the plan period and based on effective joint working on cross boundary strategic matters, and 'justified', taking into account reasonable alternatives and based on proportionate evidence. Again, there is little detail provided as to how a slimmed down assessment of deliverability will form part of the single 'sustainable development test'.</p> <p>Clarification of this issue from the Government will be requested.</p> <p>Alternative option suggests tests would be less prescriptive about the need to demonstrate deliverability. Instead LPAs would be required to identify a stock of reserve sites which could come forward if needed. This approach currently exists as a Strategic Housing & Employment Land Availability Assessment (SHELAA), which each LPA is already required to prepare and maintain.</p>
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Proposal: LPAs & the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the plan making process.

<p>Summary of Proposal</p>	<p>Statutory duty for a LPA to adopt a new local plan by either 30 months from the legislation being brought into force, or 42 months for LPAs who have adopted a local plan within the previous three years or where a local plan has been submitted to the Secretary of State for examination.</p> <p>Plan making process to include 5 key stages:</p> <p>Stage 1 (6 months) – call for suggestions for <i>Growth Renewal and Protection areas</i>.</p> <p>Stage 2 (12 months) – LPA drafts the local plan and produces any necessary evidence to justify the plan.</p> <p>Stage 3 (6 weeks) – LPA submits the local plan to the Secretary of State for Examination together with Statement of Reasons to explain why it has drawn up the plan as it has, and publicises the plan for public to comment on.</p> <p>Stage 4 (9 months) – Local Plan examined by a Planning Inspector to consider whether three categories/zones shown in the local plan meet the 'sustainable development' test. Examiner can simply state agreement with the whole or parts of the Council's Statement of Reasons, and/or comments submitted by the public.</p> <p>Stage 5 (6 weeks) – Local Plan map, key and text are finalised and come into force.</p> <p>Stages 1 & 3 should embody 'best in class' ways of ensuring public involvement.</p> <p>Continued requirement for a LPA to review a local plan at least every five years or sooner if there has been significant change in circumstances. Where a review concludes that an update is required the 30-month deadline would apply.</p>
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	LPAs that fail to get a local plan in place or keep it up to date would be at risk of government intervention e.g., issuing of directions and preparation of a plan in consultation with local people.
Alternative Options	<ol style="list-style-type: none"> 1. Existing examination process could be reformed to speed up the process e.g., removal of 'the right to be heard' so that participants are invited to appear at hearings at the discretion of the inspector. 2. Less complex/controversial local plans could be examined through written representations only. 3. Removal of the examination stage and require LPAs to undertake a process of self-assessment against a set of criteria and guidance. The Planning Inspectorate could audit a certain number of completed local plans each year to assess whether the requirements of the statutory sustainability test had been met.
Officer comments <i>(to form the basis of the Council's response to the consultation)</i>	<p>Officers have concerns that the 30-month deadline for adoption of a new local plan is unrealistic/over ambitious and question whether a local plan prepared within 30 months would be fit for purpose and whether this timetable allows for an effective democratic process.</p> <p>It seems that this proposal would involve a significant level of public consultation at an early stage of the process (stages 1 & 3), which run overs relatively short periods of time. Officers question whether the time periods set for these stages are long enough to ensure effective public engagement is carried out.</p> <p>Meaningful public engagement is a key element of current local plan preparation process and should remain so in the future. The White Paper proposals provide less opportunity for the public to engage in at the development management process (sites in Growth areas would have outline approval and in renewal areas there would be a statutory presumption in favour of development granted to certain uses) and places emphasis on public involvement at the plan preparation stage, however, as it is often difficult to effectively engage with the public/local communities during early stages of plan preparation and experience shows that the public engages more with the DM process. There is concern that this approach will disenfranchise some members of the public from the entire planning process.</p> <p>No definition is provided of what is meant by 'best in class' ways of ensuring public involvement. Clarification of this issue from the Government will be requested.</p> <p>A 12-month period to draft a local plan and produce evidence in stage 2 seems particularly unrealistic. The NPPF (2019) states that in order to be justified, local plans should be based on proportionate evidence. Whilst</p>

	<p>the evidence should be proportionate the same key pieces of evidence base documents are required to justify local plan policy in both a rural district or a large urban authority.</p> <p>The White Paper contains little evidence on how the proposed approach will speed up planning and provide flexibility, given the likely time it will take to develop new plans and design codes capable of dealing with significant complexity.</p> <p>Alternative options: In terms of option 1, there is concern that this will not allow all participants to fully engage in the examination process. This is particularly relevant given that, as a result of other White Paper proposals the public will have less opportunity to engage in the planning application process for sites that are located in <i>growth</i> and <i>renewal</i> areas. In terms of option 2, most local plans are complex in some way and are controversial. If this option is adopted the written representation process would have to be comprehensive. What criteria would be used to determine which local plan are examined in this way? There is concern that option 3 would not provide sufficient scrutiny around whether plans meet the necessary legal and policy tests.</p>
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Proposal: Local Plans to be based on a standard template, be visual, map-based and use digital tools to support a new civic engagement process;

<p>Summary of Proposal</p>	<p>Interactive, map-based Local Plan will be built upon data standards and digital principles. To support this proposal, the government will publish a guide to the new local plan system along with data standards and digital principles including clear expectations around the more limited evidence that will be expected to support 'sustainable' local plans. This guide will be accompanied by a 'model' template for local plans and subsequent updates. These guides will be provided in advance of new legislation being brought into force.</p> <p>To support open access to planning documents and improve public engagement, plans should be fully digitised and web-based rather than document based. Digital tools have the potential to transform how communities engage with local plans.</p> <p>Government to provide support for LPAs in producing local plans and in engaging with communities using digital methods, via setting up of pilots between LPAs and emerging ProTech sector.</p>
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Alternative Options	No alternative options presented for this proposal.
Officer comments <i>(to form the basis of the Council's response to the consultation)</i>	<p>There is officer support for the use of a standard template for local plans it to be visual, map based and use digital tools. The authority's adopted local plan is digitally mapped and some digital tools are currently used in public engagement, however there is scope to increase the use of such tools to improve the public engagement process. There is however, still a place for non-digital approaches to engage with the public/communities and the White Paper provides little detail on how and where non-digital approaches will improve engagement with those who lack skills, resources and confidence to use digital technology.</p> <p>The planning system is a positive force. An opportunity exists for LPAs to improve and change the way they engage with the public to ensure they effectively engage in the early stages of plan making and this should include both digital and no-digital methods to engage with the public.</p> <p>The White Paper recognises that the proposed reforms require resourcing and this is supported, however there is little detail about the specific skills gap which needs to be addressed, for example relating to digital planning, design, net zero carbon and climate resilience.</p> <p>Paragraph 2.45 of the White Paper proposes a shift in plan making processes from documents to data and that through this shift new digital civic engagement processes will be enabled. Clarification will be sought in relation to what the difference is between data driven rather than document driven local plans.</p>

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

Summary of Proposal	<p>Neighbourhood Plans should be retained in the reformed planning system but there is a need to consider whether their content should become more focused to reflect the proposals for local plans, as well as the opportunities which digital tools and data offer to support their development and improve accessibility for users. By making Neighbourhood Plans easier to develop, the White Paper encourages their continued use. The White Paper asks whether there is scope to extend and adopt the concept of Neighbourhood Plans so that very small areas e.g. individual streets can set their own rules for development.</p>
Alternative Options	No alternative options presented for this proposal.

<p>Officer comments <i>(to form the basis of the Council's response to the consultation)</i></p>	<p>Officers do not object to this proposal, however feel that the Government should ensure that all LPAs, including small rural authorities, are sufficiently resourced to support neighbourhood planning groups in preparing Neighbourhood Plans.</p> <p>The use of digital tools to assist the process of Neighbourhood Plan production is supported, however there is a need for parishes to be supported with training etc. in the use of these tools. In terms of improving accessibility for users of a Neighbourhood Plan digital tools and approaches are supported, however there is still a place for non-digital approaches to engage with the public/communities and the White Paper should acknowledge this.</p> <p>There is support for the content of Neighbourhood Plans to be focused on specific areas or issues, as the Neighbourhood Plans that have been made/currently in preparation within the district have had a wider focus on the same issues the Local Plan deals with.</p>
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Proposal: Decision making should be faster and more certain, with firm deadlines and make greater use of digital technology

<p>Summary of Proposal</p>	<p>Decision making should be faster and more certain, within firm deadlines and should make greater use of data and digital technology.</p> <p>To achieve this the White Paper proposes:</p> <ul style="list-style-type: none"> • Greater digitalisation of the application process to make it easier for applicants to have certainty when they apply and engage with LPAs. • A new, more modular, software landscape to encourage digital innovation and provide access to data. • Shorter and more standardised applications. • Data rich planning application registers will be created so that planning application information can be easily found and monitored at a national scale. • Data that underpins the planning system, including decisions and developer contributions need to be standardised and be digitally accessible. • A digital template for planning notices will be created. • Greater standardisation of technical supporting evidence e.g., flood risk, heritage and highway matters. • Clearer and more consistent planning conditions, with standard national conditions to cover common issues. • A streamlined approach to developer contributions.
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	<ul style="list-style-type: none"> • Delegation of detailed planning decisions to planning officers where the principle of development has been established. <p>There should be a clear incentive on the LPA to determine an application within the statutory time limits.</p> <p>The power to call in decisions by the Secretary of State remains together with the right for applicants to appeal against a decision by a LPA.</p>
Alternative Options	No alternative options presented for this proposal.
Officer comments <i>(to form the basis of the Council's response to the consultation)</i>	<p>This proposal for a more streamlined development management process is broadly welcomed, however there is concern as to whether the proposals to limit the number of DM policies in local plans will have an impact on the LPAs being able to make faster and more certain decisions with a reduced number of local plan policies that relate to locally specific issues.</p> <p>In terms of the delegation of detailed planning decisions to planning officers, it is not clear where this will be set out in law and whether a national scheme of delegation is considered.</p> <p>Will this proposal either mean a lesser role for traditional LPA planning committees or those Committees will scrutinise the detailed elements of a scheme even more deeply, the principle not being for consideration?</p> <p>Officers agree that the removal of considering the principle of development and, for example, whether there is a sufficient 5 Year Housing Land Supply, will free up officer time to consider the design of the scheme, however whether this will allow LPAs to determine applications within the statutory time limits without the sanctions of refunding the planning fee or automatically granting of planning permission, as proposed remains to be seen. Especially given the fact that the removal of these considerations would be replaced by the need to consider whether proposals are in line with locally prepared design codes and guides.</p> <p>The proposed standardised Infrastructure Levy promises to standardise contributions and affordable housing provision, and is intended to end the months of negotiation of Section 106 agreements and discussions around and viability. Officers have concerns that this will be achieved.</p> <p>The Government envisages that, giving greater certainty about the principle of development, few appeals are expected. Again, there is concern as to whether this will happen and that in reality appeals will still take up a significant amount of Development Management time and resource.</p>

Proposal: A stronger emphasis on build out through planning

Summary of Proposal	The updated NPPF will make it clear that masterplans and design codes for sites prepared for substantial development (<i>Growth areas</i>) should seek to include a variety of development types by different builders which allow more phases to come forward together. Government to explore future options to support faster build out as proposals for the new planning system are developed.
Alternative Options	No alternative options presented for this proposal.
Officer comments <i>(to form the basis of the Council's response to the consultation)</i>	There is little detail provided in the White Paper as to how this proposal could be implemented. Whilst there is support for <i>growth areas</i> to include a variety of development types there is concern that obtaining the commitment of different builders to ensure that more phases come forward together may be problematic. It is expected that debates on build out rates will form as significant part of future local plan examinations.

2.FOCUS ON DESIGN AND SUSTIANABILITY

Proposal: To amend the NPPF 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.

Summary of Proposal	To provide clarity about the role that local, spatially specific policies can continue to play, such as identifying important views, opportunities to improve public access or places where renewable energy or woodland and forestry creation could be accommodated. In reviewing the NPPF the government wants to ensure that it provides a clear robust basis for development management decisions more generally, so that reliance no longer needs to be placed on generic policies contained in Local Plans.
Alternative Options	No alternative options presented for this proposal.
Officer comments <i>(to form the basis of the Council's response to the consultation)</i>	As stated above there is a proposal for an updated NPPF to be the primary source of policy for development management (DM), however more detail is required on how national DM policies e.g. on energy efficient buildings, help to adapt to climate change and help achieve the government's commitment to be net zero by 2050.

	<p>There also needs to be scope for local plans to contain local DM policies that reflect local circumstances that are not necessarily site/area specific and that override the NPPF where necessary and not just in exceptional circumstances.</p> <p>There is little detail provided in the White Paper on how an updated NPPF will target areas that can most effectively play a role in mitigating and adapting to climate change and how these areas will be identified.</p> <p>It may be that further detail on this proposal will be provided via consultations on the updated NPPF, however clarification of this specific White Paper proposal from the Government will be requested.</p>
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Proposal: Facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver the Government’s commitment to be net zero by 2050.

<p>Summary of Proposal</p>	<p>The White Paper states that the planning system is only one of the tools that we need to use to mitigate and adapt to climate change.</p> <p>From 2025 the government expects new homes to produce 75-80% lower CO2 emissions compared to current levels. These homes will be ‘zero carbon ready’ with the ability to become fully zero carbon homes over time without the need for further costly retrofitting work.</p> <p>The government wants to ensure that planning standards and buildings regulations are met, for both new homes or for retrofitting old homes and will help to ensure that homes are delivered that are fit for the future and cheaper to run. The Government expects that these high standards are monitored and enforced and is committed to exploring options for the future energy efficiency standards, beyond 2025.</p>
<p>Alternative Options</p>	<p>No alternative options presented for this proposal.</p>
<p>Officer comments <i>(to form the basis of the</i></p>	<p>Many local authorities, including Craven District Council, have put forward Climate Emergency Strategic Plans in response to their climate change declarations. This proposal supports to mitigate climate change – for example requiring all new streets to be tree-lined and there are ambitious improvements in the energy efficiency standards</p>

<p><i>Council's response to the consultation)</i></p>	<p>for buildings. However, there is a noticeable lack of detail as to how existing climate change mitigation and energy efficiency requirements will be built upon in practice. There is concern that the White Paper proposals will remove local innovative responses to Climate Emergency.</p> <p>The White Paper provides little detail of how housing delivery will be complemented with a much needed national retrofit strategy to reduce energy demand. Clarification of this specific White Paper proposal will be requested.</p> <p>The White Paper recognises that the planning system is one tool to use to mitigate and adapt to climate change, however there is little recognition for local plans to be 'climate ready'. While proposals for a zonal approach to plan making makes reference to environmental constraints such as flood risk, there is no specific mention of other environmental challenges. There is also no mention of how low and zero carbon infrastructure will be treated in the different zones/areas. Nor is it clear where energy efficiency standards will be set out. Will these issues/standards be addressed in national DM policy set out in the NPPF or will they remain in Buildings Regulations? What role will local design codes and guides play in dealing with these issues. Clarification of this issue will be requested.</p>
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Proposal: Local Plans to be supplemented by locally prepared design guidance and codes. Government to set up a new body to support authorities to produce these codes and expect each LPA to employ a chief officer for design.

<p>Summary of Proposal</p>	<p>Government expects national design guidance to have a direct bearing on the design of new communities. However, to ensure that schemes reflect the diverse character of our country, as well as what is provably popular locally, it is important that local guides and codes are prepared wherever possible.</p> <p>The White Paper proposes that the existing routes for bringing forward design guides and codes remain (including those prepared by LPAs to supplement a local plan, by neighbourhood planning groups or by applicants bringing forward proposals for significant new areas of development).</p> <p>These local guides and codes will only be given weight in the planning process if they can demonstrate that they have been prepared with effective inputs from the local community, considering empirical evidence of what is popular and characteristic in the local area.</p>
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	<p>Where locally produced guides and codes are not in place it will be made clear in national policy that National Design Guide, National Model Design Code (due to be published in the autumn) and Manual for Streets should guide decisions on the form of development.</p> <p>In order to support LPAs in transitioning to the new planning system, which will require a step change in the design, prioritisation and leadership skills, the government will explore options for establishing a new expert body which can help LPAs make effective use of design guide and codes.</p> <p>The Government also proposes to bring forward proposals later this year for improving the resourcing of planning departments more broadly, however the White Paper proposes that each LPA should appoint a chief officer for design and place making, as recommended by the Building Better, Building Beautiful Commission.</p>
Alternative Options	No alternative options presented for this proposal.
Officer comments <i>(to form the basis of the Council's response to the consultation)</i>	<p>Officer support for the preparation of local design guidance and codes, however more detail is needed on the content of them and how they can be sensitively applied to different contexts. It is considered appropriate that locally prepared design codes and guides could relate to a wide range of design issues from architectural design to quality of open space etc.</p> <p>It seems that where local guides and codes are not in place proposals will be judged against the principles and standards set out in national design guidance. Officers question how appropriate these documents will be for local decision making and whether there will be any flexibility of their interpretation at the local level?</p> <p>It is the view of officers that LPAs need adequate support to deal with the step change in design skills required by LPAs to both prepare, use and assess codes and guides, therefore officers support the concept of an expert body to provide this support. Specifically, significant resourcing will be need to ensure that design codes address critical issues including climate change, decarbonisation, health & wellbeing and place making etc.</p> <p>The White Paper states that locally produced design codes and guidance will only be give weight if it can be demonstrated that they have been prepared with local community involvement and based on evidence. Will this be tested at examination to enable locally prepared design codes and guidance to have the full weight of the local plan?</p> <p>Officers are keen to see more detail relating to proposals for improving the resourcing of planning departments more broadly, expected later this year. Given the proposals for front loading of public engagement in local plan preparation, the concepts of permission in principle in <i>growth</i> areas, presumption in favour of development in</p>

	<p><i>renewal</i> areas and ‘fast track for beauty’, does this mean that the government expect there to be a shift in resources within planning departments from Development Management to Spatial Planning Teams? The appointment of a Chief Officer for Design and Place Making is broadly welcomed, however this shouldn’t place undue resource burdens on each authorities’ planning department.</p>
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Proposal: Expect new development to be beautiful by introducing a ‘fast track for beauty’, which would automatically permit proposals for high quality developments where they reflect local character.

<p>Summary of Proposal</p>	<p>The White Paper proposes to implement this proposal in three ways:</p> <ol style="list-style-type: none"> 1) Through updating the NPPF by making it clear that schemes which comply with local design codes and guides have a positive advantage and greater certainty about their prospects of swift approval. 2) Where local plans identify <i>Growth areas</i>, the government will legislate to require a masterplan and site specific-specific code are agreed as a condition of the permission in principle which is granted through adoption of the local plan. 3) To legislate to widen and change the nature of permitted development so that it enables popular and replicable forms of development to be approved easily and quickly, helping to support ‘gentle intensification’ of our towns and cities, but in accordance with important design principles. ‘Pattern books’ in the form of style guides for “popular and replicable designs” could be used for permitted developments and schemes in land designated for <i>renewal</i>.
<p>Alternative Options</p>	<p>No alternative options presented for this proposal.</p>
<p>Officer comments (to form the basis of the Council’s response to the consultation)</p>	<p>There are questions on whether the scope of the national and local design codes will really address local and site-specific environmental considerations, and how the environmental protections provided by the current EIA process will be retained in the new ‘fast track’ process. A lot of detail is lacking as to the use of national and local design codes alongside environmental assessment requirements.</p> <p>In terms of option 1, the same comment applies to this proposal that is raised above in that where local guides and codes are not in place proposals will be judged against the national design guidance. Officers question how appropriate these documents will be for local decision making and whether there be any flexibility of their interpretation at the local level?</p> <p>The White Paper is unclear as to whether areas designated as ‘<i>protect</i>’ will benefit from the fast track process. If not the fast-track route may be more limited, particularly in urban areas that are protected e.g. Conservation Areas.</p>

	The White Paper states that design codes and masterplans can either be produced in tandem with the new-style local plans or can be drafted separately at a later stage. The question raised in relation to the weight be given to these codes and masterplans for the proposal and whether they would be tested at examination set out above also applies to this proposal.
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Proposal: 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

Summary of Proposal	The Government is committed to taking a leadership role in the delivery of beautiful and well-designed homes and places. The Building Better, Building Beautiful Places Commission recommended that Homes England should attach sufficient value to design as well as price and give greater weight to design quality in its work. The White Paper proposes to engage Homes England, as part of a forthcoming spending review process, to consider how its objectives might be strengthened to give greater weight to design quality and assess how design quality and environmental standards can be more deeply embedded in all Homes England’s activities.
Alternative Options	No alternative options presented for this proposal.
Officer comments <i>(to form the basis of the Council’s response to the consultation)</i>	Broadly there is officer support for this proposal. Given the emphasis placed on achieving good design and beautiful places in the White Paper, it is hoped that further public consultation will take place on the outcome of further engagement with Homes England as part of the forthcoming Spending Review process.

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

Summary of Proposal	<p>It is envisaged that local plans will clearly identify the location of internationally, nationally and locally designated heritage assets, such as World Heritage Sites and conservation areas, as well as locally important features such as protected views.</p> <p>Ensure the historic buildings play a central part in the renewal of cities, towns and villages and many will need to be adapted to changing uses and challenges such as mitigating and adapting to climate change. Key to this will be ensuring the planning consent framework is responsive to sympathetic changes, and timely and informed decisions are made.</p>
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	In order to achieve this the NPPF will be updated for listed buildings and conservation areas to ensure their significance is conserved while allowing, where appropriate, sympathetic changes to support their continued use and address climate change.
Alternative Options	No alternative options presented for this proposal.
Officer comments (to form the basis of the Council's response to the consultation)	<p>The authority's adopted local plan already clearly identifies, on the proposals map, the location of internationally, nationally and locally designated heritage assets such as listed buildings, conservation areas, schedule ancient monuments, registered park and garden etc.</p> <p>The authority identifies locally important features such as protected views in Conservation Area Appraisals and there is the potential for these to be identified within any new local plan.</p> <p>The inclusion of designated heritage assets such as conservation areas within <i>protected</i> areas, which will exist alongside <i>renewal</i> areas in existing urban areas, is welcomed as development proposals that come forward in these areas would be subject to more stringent development controls set out in an updated NPPF. However, these stringent controls would have to be balanced against the aims of this proposal that the planning consent framework is responsive to sympathetic changes.</p>

3.INFRASTRUCTURE DELIVERY

Proposal: Community Infrastructure Levy (CIL) and the current system of planning obligations to be replaced by an Infrastructure Levy.

Summary of Proposal	<p>A fixed rate Infrastructure Levy, set nationally, would replace Section 106 and CIL. The Infrastructure Levy would address issues in the current system as it would:</p> <ul style="list-style-type: none"> • Be charged on the final market value of development based on the applicable rates at the point planning permission is granted. • Be levied at point of occupation, with prevention of occupation being a potential sanction for non-payment. • Include a value based minimum threshold below which the levy is not charged, to prevent low viability development becoming unviable, based on average build costs per square metre and allowance for land costs. • Provide greater certainty for developers about what the level of developer contributions is expected alongside new development. • Be delivered through Permitted Development.
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	<ul style="list-style-type: none"> • Allow LPAs to be able to specify the forms and tenures of on-site provision. • Allow local authorities to borrow against Infrastructure Levy revenues so that they could forward fund infrastructure.
<p>Alternative Options</p>	<ol style="list-style-type: none"> 1. The Infrastructure Levy could remain optional and would be set by individual local authorities'. However, as planning obligations (S106 agreements) would be consolidated into a single Infrastructure Levy, the government anticipates that there would be a significantly greater uptake of the infrastructure levy as opposed to CIL. 2. The national rate approach could be taken, with the aim of capturing more land value than currently to better support the delivery of infrastructure. This would ensure that the landowners who benefit from increases in value as a result of planning permission contribute to the infrastructure and affordable housing that makes the development acceptable.
<p>Officer comments <i>(to form the basis of the Council's response to the consultation)</i></p>	<p>It is considered that if this simplification of developer contributions can provide more certainty for developers and reflect the infrastructure needs of a rural district like Craven, this would be helpful and is welcomed.</p> <p>This proposal aims to raise more revenue than the current system, with land value capture also playing a greater role. However, it is the view of officers that the same amount of value overall be captured by the Infrastructure Levy to support greater investment in infrastructure, affordable housing and local communities as the viability of the adopted local plan, including consideration of these types of infrastructure has been tested at examination. However, officers would question whether a levy based on a nationally set flat rate, value based charge is appropriate for all areas and it is considered that setting of any Infrastructure Levy should be flexible enough to reflect local circumstances. Any rates should reflect the needs of the District and should at least have an element of local input.</p> <p>The White Paper states that an Infrastructure Levy would be both more effective at capturing increases in value and would be more sensitive to economic downturns. Therefore, it is considered that the incorporation of local circumstances and flexibility are vital to ensuring that the charging of a levy does not affect viability.</p> <p>There is little detail provided in the White Paper on how the minimum threshold below which the levy would not be charged, would be set to reflect local land values and build costs, and whether there would be any flexibility in applying this threshold to specific sites and areas. For example, developments that are only just viable in an uncertain market may be hindered by an unyielding levy liability, thereby undermining the actual purpose of the White Paper. Also if the Levy is based on final development value, would high quality design pay more for materials and a greater amount of Levy than a poorer quality scheme?</p>

	<p>This proposal would allow local authorities to borrow against Infrastructure Levy revenues so that they could forward fund infrastructure. This is supported as it would allow authorities to borrow against future funding streams for the Levy, to enable them to develop and plan infrastructure delivery. However, there are no detail provided of how investment will be coordinated at a strategic level and there is concern that this approach could result in financial risk, which would not necessarily guarantee delivery of the required infrastructure.</p> <p>Section 106 agreements do more than just secure payment of contributions and delivery of a specific affordable housing percentage, something which the government has not addressed in the white paper. Examples include securing affordable housing in perpetuity, securing sustainable travel methods, and obtaining mitigation which cannot be conditioned on a planning permission.</p> <p>Whether the system used to collect developer contributions is under s106 obligations or under the new Infrastructure Levy, the importance lies in the detail of the operation. The chosen mechanism should be capable of providing sufficient resources in areas which are key to delivering corporate objectives in all authorities, including Craven, based on delivering jobs, sustainable and inclusive economic growth as well as addressing key issues such as the provision of affordable housing.</p> <p>The new levy will certainly require better legislation and a less complex procedure than its predecessor in order to be effective.</p>
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Proposal: The scope of the Infrastructure Levy could be extended to capture change of use through permitted development rights

Summary of Proposal	<p>The scope of the Infrastructure Levy would be extended to better capture changes of use which require planning permission and for some permitted development rights including office to residential conversions, new demolition and rebuild. This approach would increase the levy base and would allow these developments to better contribute to infrastructure delivery and making development acceptable to the community. Self and custom-built development would be exempt from the Infrastructure Levy.</p>
Alternative Options	<p>No alternative options presented for this proposal.</p>
Officer comments <i>(to form the basis of the Council's response to the consultation)</i>	<p>It is the view of officers that the proposal to capture development carried out under some permitted development rights would be a welcome step. Although, partly a result of historic development, there is no objective justification as to why development proposals should be required to contribute differently towards infrastructure depending on whether the development is through a planning application or is permitted development.</p>

	<p>The prospect of permitted development contributing to affordable housing via the Levy is particularly welcomed, especially the extension of the Levy to include some permitted development such as office to residential conversions.</p>
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Proposal: Ensure that the new Infrastructure Levy allows LPAs to secure more on-site affordable housing provision.

<p>Summary of Proposal</p>	<p>Affordable housing provision is currently secured by local authorities via Section 106, however where an authority has adopted CIL, this levy cannot be spent on affordable housing.</p> <p>With S106 planning obligations removed, the government propose that under the Infrastructure Levy, authorities will be able to use funds raised through the levy to secure affordable housing. This could be secured through in-kind delivery on-site, which could be made mandatory where an authority has a requirement.</p> <p>Local authorities would have a means to specify the forms and tenures of the onsite provision, working with a nominated affordable housing provider who could purchase a dwelling at a discount from market rate, as now, with the discount being secured through the Infrastructure Levy rather than S106.</p> <p>Local authorities would still have control over tenure mix and any First Homes discount would also be deducted from the Levy.</p> <p>This proposal would continue to deliver on-site affordable housing at least at present levels.</p> <p>The government recognises that there is some risk for the LPA associated with this proposal and this risk can be mitigated through policy design e.g. in event of a market fall, LPAs could be allowed to ‘flip’ a proportion of affordable units back to market units which the developer can sell, if Levy liabilities are insufficient to cover the value secured through in-kind contributions. Or if the value secured through in-kind units is greater than the final levy liability, the developer would have no right to reclaim overpayments. The government could provide standardised agreements.</p> <p>There is a need to ensure developers are incentivised to deliver high build and design quality for their in-kind affordable homes. To ensure developers are not rewarded for low standard homes under the Levy, LPAs could have an option to revert back to cash contributions if no provider was willing to buy the homes.</p>
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<p>Alternative Options</p>	<p>Create further requirements around the delivery of affordable housing by creating a 'first refusal' right for LPAs or any affordable housing provider acting on their behalf to buy up to a set proportion of on-site units at a discounted price, broadly equivalent to build costs. The proportion would be set nationally in addition to a threshold, below which on-site delivery was not required and cash payment could be paid in lieu. Where on site units are purchased, these could be used for affordable housing or sold on to raise money to purchase affordable housing elsewhere.</p> <p>The LPA could use Infrastructure Levy funds, or other funds, to purchase units.</p>
<p>Officer comments <i>(to form the basis of the Council's response to the consultation)</i></p>	<p>It is officers view that the Infrastructure levy should not result in an overall reduction of affordable housing provision and it should aim to secure at least the same amount of affordable housing under the Levy and as much on-site provision as at present, as the viability of s106 contributions and transfer values has been tested at the Local Plan examination as part of its evidence base. There is no financial justification to reduce the proportion or the developer subsidy per dwelling set out in the adopted local plan.</p> <p>If this proposal really can provide more certainty for developers, without resulting in an unjustified reduction in affordable housing, then it is welcome.</p> <p>The system should maximise opportunities for on-site provision. Developer subsidy in Craven is currently high and this level of developer subsidy should be retained in order to maximise affordable housing provision. This will ideally be on-site, so offsetting provision against the Levy will be preferable, unless the site or development is unsuitable for onsite provision, in which case the requirement could be 'relocated'.</p> <p>It is not appropriate for the developer to decide which units may be sold at a discount under alternative proposals as the need for affordable homes to be well integrated with market ones is paramount in the interests of balanced and mixed communities and local authorities will work hard to achieve this. This is not a view shared by most developers, so the fear is that affordable homes and their occupiers may end up being segregated by this approach.</p> <p>A key problem with many local authorities is being able to efficiently expend small pots of monies accrued for affordable housing purposes. There will need to be mechanisms to ensure that any units offered to meet affordable housing requirements meet usual quality standards and an authority must be free to reject them if quality standards are not met.</p> <p>Whilst this proposal is broadly welcomed, there is concern that contributions to affordable housing could be offset by the requirement to grant discounts for First Homes and the proposed flexibility to spend receipts on 'improving services or reducing council tax' as set out within the proposal relating to local authorities having more freedom over how they spend the Infrastructure Levy (see below).</p>

	<p>In terms of the ability of LPAs to be able to 'flip' a proportion of affordable units back to market units, there is little detail provided in the White Paper as to how this is to be agreed, secured, delivered, varied or monitored on a site by site basis.</p>
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Proposal: More freedom could be given to LPAs over how they spend the Infrastructure Levy

<p>Summary of Proposal</p>	<p>Currently the Neighbourhood Share of the CIL ensure that up to 25% of the levy is spent on priorities in the area that development occurred, with funding transferred to parish councils. There are fewer restrictions on how this funding is spent and this provides an incentive to local communities to allow development in their area. The White Paper proposes to keep the Neighbourhood Share.</p> <p>There is scope for even more flexibility around spending. For example, local authorities could be given more flexibility, allowing them to spend receipts on their policy priorities once core infrastructure obligations have been met. In addition to the provision of local infrastructure and delivery and enhancement of community facilities, which could include improving services or reducing council tax.</p> <p>Under this approach it may be necessary for an authority to consider ring fencing a certain amount of Levy funding for affordable housing to ensure that affordable housing continues to be delivered on site at current, or higher, levels.</p>
<p>Alternative Options</p>	<p>Permitted uses of the Levy could remain focused on infrastructure and affordable housing, as they broadly are at present. LPAs would continue to identify the right balance between these to meet local needs.</p>
<p>Officer comments <i>(to form the basis of the Council's response to the consultation)</i></p>	<p>CDC has not introduced a CIL, however if an Infrastructure Levy was introduced which retained the Neighbourhood Share this is broadly welcomed.</p> <p>The proposal allowing LPAs to have more flexibility around spending Infrastructure Levy receipts and the ability to ring fence Levy funding for affordable housing is broadly welcomed.</p>