



Notice of a public

Decision Session - Executive Member for Economy and Strategic Planning

To: Councillor Waller (Executive Member)

Date: Tuesday, 1 September 2020

Time: 10.30 am

Venue: Remote Meeting

AGENDA

Notice to Members – Post Decision Calling In:

Members are reminded that, should they wish to call in any item on this agenda, notice must be given to Democratic Services by **4:00 pm on Thursday 3 September 2020.**

*With the exception of matters that have been subject of a previous call in, require Full Council approval or are urgent which are not subject to the call-in provisions. Any called in items will be considered by the Customer and Corporate Services Scrutiny Management Committee.

Written representations in respect of item on this agenda should be submitted to Democratic Services by **5.00pm on Thursday 27 August 2020.**

1. **Declarations of Interest**

At this point in the meeting, the Executive Member are asked to declare:

- any personal interests not included on the Register of Interests

- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Minutes (Pages 1 - 4)

To approve and sign the minutes of the meeting held on 16 March 2020.

3. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at remote meetings. The deadline for registering at this meeting is **5:00pm on Thursday 27 August 2020.**

To register to speak please contact Democratic Services, on the details at the foot of the agenda. You will then be advised on the procedures for dialling into the remote meeting.

Webcasting of Remote Public Meetings

Please note that, subject to available resources, this remote public meeting will be webcast including any registered public speakers who have given their permission. The remote public meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. The Business and Planning Act 2020 – (Pages 5 - 42) consequences and implementation

The report first outlines the two planning consultations that have recently been released by the Government, Planning For Future (White paper) and Changes To The Current Planning System, along with the questions that form part of the consultation. The second part outlines the recent changes to Planning and

Licensing legislation and the associated impacts/implications.

5. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Christopher Elliott

Tel: 01904 553631

Email: christopher.elliott@york.gov.uk

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی میا کی جاسکتی ہیں۔ (Urdu)

 **(01904) 551550**

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting

- Registering to speak
- Written Representations
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above

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City of York Council

Committee Minutes

| | |
|-----------|---|
| Meeting | Decision Session - Executive Member for Finance and Performance |
| Date | 16 March 2020 |
| Present | Councillor Ayre |
| Apologies | Councillor Craghill |

10. Declarations of Interest

The Executive Member was asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests that he might have in respect of business on the agenda. None were declared.

11. Minutes

Resolved: That the minutes of the Decision Session on 9 March be approved at the next meeting.

12. Public Participation

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

13. Approval of Financial Inclusion Innovation Fund Awards

The Executive Member considered a report that sought approval of the recommended award of £100,000 of grants to fund six projects to deliver financial inclusion activities in the city. The approval of the grants for the schemes followed a round of competitive bids and a selection panel process.

The Assistant Director Customer and Digital Services and the Strategic Manager Corporate Strategy and City Partnerships were in attendance to present the report. The Assistant Director Customer and Digital gave an overview of the report.

In response to questions raised by the Executive Member and Executive Member for Housing and Safer Communities, Officers confirmed that:

- The themes outlined in paragraphs 3 – 6 of the report would be included as an addendum to future reports
- In relation to the award of 50% funding for two bids, feedback on the outcome of the bids would be communicated to all bidders.
- The council was waiting for further information on the £10million fund to help people in receipt of universal credit to move away from it. This could be explored with York CVS and discussions with the Joseph Rowntree Foundation on this were already taking place.
- In order to continue to get the level of innovation, there was the challenge long term in terms of the mainstreaming of CAY funding. There would be a review on the outcomes of the exercise and the council would like to work with more partners.

The Executive Member then;

Resolved: That approval be given to the award of £100,000 of grants to fund the following six projects to deliver financial inclusion activities in the city:

- 1. 5,500 to the Older Citizens Advocacy York (OCAY) Benefits Advocacy project to provide advocacy support to help with applications, assessments and appeals**
- 2. £13,000* to the Citizens' Advice York Financial Inclusion at GP surgeries project to continue to develop co-ordinated advice work located in GP practices**
- 3. £30,026 to Citizens' Advice York Advice, Information & Budgeting in community settings project to continue to provide and develop community settings for advice**
- 4. £23,426 to the Peasholme Charity My Money, My Life project to continue delivery if its financial capability pathway service**
- 5. £12,898 to the Welfare Benefits Unit Universal Credit Focus project to continue to provide second tier in depth support to advisers**
- 6. £15,150* Changing Lives Financial & Social Inclusion Worker project to support vulnerable and hard to reach residents to gain financial independence.**

*** Note: two bids were partially funded**

Reason: To ensure that funds set aside to support the delivery of financial inclusion activity are allocated appropriately.

, Chair

[The meeting started at 2.00 pm and finished at 2.08 pm].

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**Decision Session - Executive
Member for Economy and Strategic
Planning**

1 September 2020

Report of the Corporate Director, Economy and Place

**Recent and Proposed changes to Planning and Licensing –
including the Business and Planning Act 2020**

Summary

By Autumn 2020 there will have been a number of significant permanent and temporary changes to planning and licensing legislation and proposals for further planning reforms, which have recently been published by Government for consultation. The purpose of this report is to provide the Executive Member with an update on these changes and when/how they will come into force, and to advise on the scope and content of the recent Government consultation on reforms to the national planning system.

The proposed changes would have a significant impact on all councillors in their representative role, and amend/delete many of the features that the public have come to expect in terms of being able to comment and challenge planning applications.

The report is split into two sections; the first outlines the two planning consultations that have recently been released by the Government, Planning For Future (White paper) and Changes To The Current Planning System, along with the questions that form part of the consultation. The second part outlines the recent changes to Planning and Licensing legislation and the associated impacts/implications.

Recommendations

1. The Executive Member refer part one of the report along with the Council's draft response to the Customer and Corporate Services Scrutiny Management Committee (CSMC) for consideration and recommendations.

2. That the Assistant Director for Planning and Public Protection having regard to the views and recommendations of CSMC be delegated responsibility to submit the Council's response to the consultations referred to in part 1 of this report in consultation with the Executive Member for Finance and Performance and Executive Member for Economy and Strategic Planning
3. The Executive Member to note part two of the report and confirm the Council's is required to give significant weight to the ministerial statement in terms of Construction Hours and has limited alternatives to the process that has been taken.

PART 1 – Planning Consultations

- Planning for the Future
- Changes to the current planning system

Planning for the Future

The Government published the White Paper on 6 August 2020 and is out to consultation until 11:45pm on 29 October 2020. The Government has outlined that:

The Planning for the future consultation proposes reforms of the planning system to streamline and modernise the planning process, bring a new focus to design and sustainability, improve the system of developer contributions to infrastructure, and ensure more land is available for development where it is needed.

The consultation is seeking views on each part of the proposal which covers a package of reforms of the Planning System covering plan-making, development management, development contributions and other related policy proposals.

The Government has stated in the supporting information with the paper outlining the following:

The reforms will mean:

- *Local communities will be consulted from the very beginning of the planning process. By harnessing the latest technology through online maps and data, the whole system will be made more accessible*
- *Valued green spaces will be protected for future generations by allowing for more building on brownfield land and all new streets to be tree lined*
- *Much-needed homes will be built quicker by ensuring local housing plans are developed and agreed in 30 months – down from the current 7 years*
- *Every area to have a local plan in place – currently only 50% of local areas has a plan to build more homes*
- *The planning process to be overhauled and replaced with a clearer, rules-based system. Currently around a third of planning cases that go to appeal are overturned at appeal*

- *A new simpler national levy to replace the current system of developer contributions which often causes delay*
- *The creation of a fast-track system for beautiful buildings and establishing local design guidance for developers to build and preserve beautiful communities*
- *All new homes to be 'zero carbon ready', with no new homes delivered under the new system needed to be retrofitted as we achieve our commitment to net zero carbon emissions by 2050*

Categorisation of land

Under the 3 categories:

- *Land suitable for growth will be approved for development at the same time that plans are prepared, meaning new homes, schools, shops and business space can be built quickly and efficiently, as long as local design standards are met.*
- *Renewal areas will enable much quicker development where it is well-designed in a way which reflects community preferences.*
- *Development on Green Belt land will continue to be restricted as it is now with policy remaining a decision for Local Authorities as they prepare their plans.*

Clearly the points raised above are wide reaching and comprehensive. The consultation outlines 27 questions that are included in Annex 1 of this report.

Officers in consultation with the relevant Executive members will formulate answers to these questions.

[Changes to the current planning system](#)

The consultation sets out 4 main proposals which the Government considers are measures to improve the effectiveness of the current planning system. The consultation opened on 6 August 2020 and is out to consultation until 1 October 2020.

The supporting information outlines:

- *The standard method for assessing housing for local plans: Proposals to revise the standard method to increase the overall*

number of homes being planned for, and achieve a more appropriate distribution.

- *Delivering First Homes: Following a consultation on the First Homes proposals in February 2020, we have published the Government's response and are now consulting on the detail of the planning proposals. This includes setting a requirement that 25% of all affordable housing secured through developer contributions should be First Homes. We are consulting on options for the remaining 75% of affordable housing secured through developer contributions, and seeking views on transitional arrangements, level of discount, interaction with the Community Infrastructure Levy and how we propose First Homes would be delivered through exception sites.*
- *S106 and small sites: Proposals to temporarily raise the threshold below which developers do not need to contribute to affordable housing, to up to 40 or 50 units for an 18-month period. In designated rural areas, the consultation proposes to maintain the current threshold. It also seeks views on whether there are any other barriers for SMEs to access and progress sites.*
- *Permission in Principle: Proposals to increase the threshold for Permission in Principle by application, to cover sites suitable for major housing-led development, rather than being restricted to just minor housing development.*

The 4 points outlined are complex and have far reaching implications for the City of York. The consultation is accompanied with 35 questions which are attached in Annex 2 of this report.

Officers in consultation with the relevant Executive members will formulate answers to these questions.

PART 2 - RECENT AND PROPOSED CHANGES TO PLANNING AND LICENSING

Background

Since March 2020, due to the coronavirus pandemic, there has been the need to change and adapt a number of elements of the planning and licensing system to react to the change in circumstances that the pandemic has brought about. The Business and Planning Bill had its first reading on 26 June 2020, and less than one month later – on 22 July – it had become the Business and Planning Act 2020. It was concerned with a number of things which are not relevant to this particular paper including ‘Bounce back loans’ and Heavy Goods Vehicle licences. This section of the report focuses on the aspects concerned with:

- Planning
- Pavement Café Licences
- Sale of alcohol

Changes to Planning Legislation

The changes that have taken place have been done via a number of routes, including changes to national planning guidance, issuing national planning updates for amendments to permitted development rights, implementation of the Business and Planning Act 2020 and changes to the Use Classes Order.

Temporarily allow restaurants and cafés to provide take away food

Due the closure of restaurants, the relaxation was allowed until 23 March 2021.

Emergency development by Local Authority or Health Service Body

A new time limited emergency permitted development right came into force from 9 April 2020 until 31 December 2020. The right supports health service bodies’ and Local Authorities’ immediate response to coronavirus. The right is wide ranging, allowing for development by, or on behalf of, a local authority or health authority body for the purposes of preventing an emergency; reducing, controlling or mitigating the effects of an emergency; and taking other action in connection with an emergency.

The right enables development including, but not limited to, change of use for existing buildings and new temporary modular buildings. The rights could be suitable to provide permission for a range of uses, including use as hospitals, health facilities, testing centres, coroner facilities, mortuaries, additional residential accommodation and storage and distribution, including for community food hubs.

Flexibility to use more than one planning appeal procedure

The Business and Planning Act amends the Town and Country Planning Act 1990 (determination of procedure for certain proceedings) to provide the Planning Inspectorate with the flexibility to use more than one procedure type when dealing with a planning appeal (local inquiry, hearing, or written representations), enabling appeals to progress at a faster pace.

Came into force on 22 July 2020.

Temporary pavement licences

The new licences will provide deemed planning permission for anything done by the licence-holder which would previously have required planning permission under Part 3 of the Town and Country Planning Act 1990. This provision is in place until 30 September 2021.

Extension to construction hours

A written ministerial statement was issued on 13 May 2020 which outlined the expectation of how Local Planning Authorities were expected to consider extensions to working hours until March 2021. The Statement was clear that local authorities should not refuse requests to extend working hours until 9pm, Monday to Saturday without very compelling reasons for rejection.

This was subsequently followed by the Business and Planning Act, which introduced a new route for developers to vary planning conditions dealing with construction site working hours to temporarily allow extended working hours for a set period of time. This is to ensure that planning conditions are not a barrier to allowing developers the flexibility necessary to facilitate the safe operation of construction sites during the COVID-19 pandemic. This provision is in place until 1 April 2021.

There is no fee for the application, and decisions must be made within 14 days, starting the day after the application is sent to the local authority. There is no provision for public consultation as part of this process. If no decision is made within that time, the application will be deemed to have been approved.

Any extension to working hours would remain in place until 1 April 2021 at the latest. After this date, the original conditions relating to construction hours would resume.

CYC Planning Department have to date received 14 enquires of which 11 requests that would fall within the remit outline of the statement. (The other 3 were not with regard to construction work).

Requests to work between the hours of 0700 and 19:30 were considered to be acceptable. Some requests sought consent to work longer hours. (Start time of 06:00 and finish time of 2100) However these hours were resisted by officers due to the additional potential for disturbance to neighbours during the early morning and evening periods.

The Ministerial Statement gave the Local Planning Authority the scope to allow extensions to working hours until the 13th May 2021, upon responding to developers it has been advised that all time extensions are for a period of 3 months only. This was considered to allow for an assessment of the wider impact of the small changes to working hours that have been permitted.

Developers were also advised that the works within these hours should adhere to the following measures which were intended to mitigate the impacts of any additional working hours:

- The noise associated with any works should not be audible beyond the perimeter of the site.
- There should be no heavy plant movements during these extended hours.
- The extended hours should only allow trades working on and within plots.
- There should be no excessive noise, dust or vibration caused during this period

Finally developers were requested to ensure that changes to the original working hours are communicated to neighbouring properties in a proportionate manner.

Given clear guidance from the Ministerial Statement and the Act it is considered that the approach outlined above is a reasonable as it allows the construction industry to continue whilst also protecting existing residents. It should be noted that each request is considered on a case by case basis.

Extension of permission which would have expired in lockdown (if not implemented)

Temporarily modifies the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 to enable certain planning permissions and listed building consents in England which have expired, or are set to expire, between the beginning of lockdown period and the end of this year, to be extended to 1 May 2021 - only expired permissions would follow an approval process. This measure comes into effect on 20 August 2020. This is in recognition of the effect coronavirus has had on the planning system and the construction sector, and in particular the delays it has caused to the commencement of new development. This extension will allow the commencement of the planning permissions and listed building consents without the need for a new application.

Extensions to flats (subject to prior approval)

The Permitted Development Rights will apply to purpose-built, detached blocks of flats, built on or after 1 July 1948 and on or before 5 March 2018. The Order expressly excludes buildings converted to residential via certain Permitted Development Rights, but 'purpose-built' is defined – so buildings converted from the use for which they were built, whether with planning permission or not, do not benefit.

New Part 20 Class A grants planning permission for self-contained flats to be constructed on top of certain existing, purpose-built blocks of flats, together with limited associated works, subject to conditions, limitations and restrictions.

The existing flats must not be or form part of a Listed Building or scheduled monument or land within its curtilage, and they must not lie in a conservation area.

Buildings must be at least three storeys measured from ground level, and the finished extended building must not be more than 30 metres high (not

including plant). New storeys, measured internally, must be no higher than any of the existing storeys, and in any circumstance no higher than three metres.

The following eight prior approval matters will be applicable:

- a) transport and highways impacts of the development;
- b) air traffic and defence asset impacts of the development;
- c) contamination risks in relation to the building;
- d) flooding risks in relation to the building;
- e) the external appearance of the building;
- f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
- g) impact on the amenity of the existing building and neighbouring premises, including overlooking, privacy and the loss of light
- h) whether because of the siting of the building, the development will impact on a protected view

Came into force on 1 August 2020.

Householder's extensions up to 2 storeys

Expected September 2020

The full details of this element are yet to be released, but it is anticipated that it will form part of a prior approval process similar to that of the existing larger extensions approvals.

Changes to use classes

From 1, September 2020

The following use classes will be subsumed into a new single Use Class F2 (Local community):

- Shops (A1) shop not more than 280sqm, mostly selling essential goods, including food, and at least 1km from another similar shop
- Hall or meeting place for the principal use of the local community (D2)
- Indoor/outdoor swimming pools, skating rinks and outdoor sports or recreating (D2)

The following will be subsumed into a new single Use Class E (Commercial, business and service):

- Shops (A1)
- Financial/professional services (A2)
- Cafés/restaurants (A3)
- Indoor sports/fitness (D2 part)
- Medical health facilities (D1 part)
- Crèche/nurseries and office/business uses (B1)

Class F.1 (Learning and non-residential institutions) changes from D1

The use class of a dwelling house remain the same.

The changes will allow uses within the same use to change without the need for planning permission. The new use class E is significant as it will allow retail to change to offices, or vice versa, without the need for planning permission.

As outline above the changes to the Use Class Order will also now allow for the change of use from retail to office use without the requirement for planning permission. Existing legislation allows for permitted development rights to be used which facilitate the conversion of existing offices to residential units, however the legislation is clear that one of the conditions of this is that the building use as an office must predate 29th May 2013.

As an example of this a retail site under the new Use Class Order will be able to change to an Office use without requiring planning permission however it would not be possible to use permitted development rights to then convert the office to residential.

The above changes raise a potential risks to fee income for the planning department. Based on the applications submitted to CYC during 2019 and which were categorised as a change of use planning application type a total of 164 applications were received (it should be noted this is not exhaustive as others may have been received and not specifically categorised).

Of these a total of 21 based upon their development descriptions may not in future be required under the new use classes order to submit a planning application. Based on these 21 cases, assuming each were liable for the full application fee (£462) would mean a loss of £9702 in fees.

Written ministerial statement - preventing loss of cultural venues and planning conditions for holiday parks

14 July 2020

Outlines that Local Planning Authorities should have due regard to the current circumstances when considering whether to grant planning permission for a change of use or demolition of a theatre, concert hall or live music performance venue that has been made temporarily vacant by Covid-19 business disruption.

The statement also outlines that Local Planning Authorities should not seek to undertake planning enforcement action which would unnecessarily restrict the ability of caravan, campsites and holiday parks to extend their open season. It goes on to state that where Local Planning Authorities consider it appropriate to require an application to vary relevant planning conditions (where for instance there is a risk of flooding or where parks are situated close to protected sites) they should prioritise the application and make an early decision to provide certainty to caravan, campsites and holiday park operators. In doing so, they should consider the benefits of longer opening season times to the local economy as it recovers from the impact of Covid-19.

In place until 31 December 2022.

Changes to licensing legislation

Pavement Café Licences

The Act helps businesses selling food and drink such as cafés, pubs and restaurants, by introducing a fast-track process for the placement of furniture such as tables and chairs on the pavement outside their premises. This enables businesses to create more space and ensure social distancing can be observed. The Act also slashed the cost to a maximum of £100 (the Council previously charged over £600) and reduced the time to determine the applications down to 14 days - there was previously a 28 day consultation period alone. Furthermore, there is no longer planning permission as part of the process. The licence must be granted for at least 3 months and can run up to 30 September 2021. If the application has not been determined within the time frame, the licence is deemed to be granted for one year or until 30 September 2021, whichever is the earlier.

The Council has set up a new process to deal with these applications, and, whilst each application is considered on its merits, a set of 'standard

conditions' have been devised and which will be applied if it is appropriate, necessary and proportionate to do so. These include that only approved street furniture is allowed and that patio heaters and music are not. Additional specific conditions can be applied if necessary.

The new café licence provisions will not be available to every business as the pavement must be sufficiently wide enough to enable people to pass by safely i.e. up to 3 meters in areas of high foot fall. The Council is receiving a number of applications, including in the newly extended pedestrian zone.

A pavement café licence is either granted, part granted or refused.

There is no appeal/complaint by the Applicant after determination. There is no appeal process, instead dissatisfied applicants are directed to the CYC Complaints Team.

Sale of Alcohol

The Act modified provisions in the Licensing Act 2003 to provide automatic extensions to the terms of on-sales alcohol licences to allow for off-sales (up to 11pm at night). The provisions mean that people can take their drink away to consume elsewhere. The Act also automatically extends on-licences to include deliveries, so that pubs etc can deliver drinks to customers wherever they are around the city. This is all aimed at helping businesses keep social distancing measures in place inside their premises.

The Act also allows the sale of alcohol in open containers, and any restriction in an existing licence that only enables sales in sealed containers is lifted. There is guidance accompanying the Act which states that the glasses should be made of reusable plastic and that Licensees should make provision for litter and toilets (if they are open for customers drinking inside the premises).

All other aspects of the Act remain in place, therefore the premises are required to comply with their opening hours, keep CCTV and security where necessary, prevent nuisance and ensure that measures are in place to prevent underage sales and serving drunks.

The provisions remove the need for any application to be made, therefore no fee will need to be paid. It also reduces the burden on Local Authorities and the police, as we do not need to scrutinise any applications for licence variations from the premises affected by these

measures. Again, this is a temporary measure up to the end of September 2021. If a Licensee wishes to change any of the other aspects of their licence such as opening hours, etc which are not covered by the Act, there is then a need to apply for a variation.

Again, it is not for everyone. There are exemptions for Licensees who have had an application for an off-sales permission refused or had their off-sales permission excluded by. Any licensee who wished to open for longer hours could apply for a licence variation. Furthermore, many businesses already have licences which enable off sales to take place.

If there are problems of crime and disorder, public nuisance, public safety or the protection of children arising from how the premises operate using the new permission, any responsible authority, including the police or environmental health, could apply for a review of the licence in this respect. It is possible for a licence to be reviewed if the problems are being caused away from the premises, however there may be challenges in evidencing that anti-social problems or other issues are being caused as a result of the alcohol being purchased from the premises being considered for review. This is a new provision, previously only the police could apply for an emergency review on the grounds that the premises were undermining the Licensing Act's objective against crime and disorder.

The Council has issued 'Let's be York' guidance for the hospitality sector in York, which gives details on how to reopen safely and make use of the provisions on this Act, which can be found at <https://www.york.gov.uk/LetsBeYork>.

It should be noted that the Council's has an ongoing commitment to "Purple Flag" in order to provide an excellent standard for managing the evening and night time economy along with providing a family friendly city centre.

Conclusion

As can be seen illustrated above, there are ongoing changes to the Planning system which will have significant implications to all forms of development and the City.

Council Plan

The following Council priorities are relevant:

- Good health and wellbeing
- A greener and cleaner city
- An open and effective Council

Implications

- **Financial** – changes to planning applications may result in changes to income, however this will need to be reviewed.

- **Equalities** There are no equalities implications.

- **Legal.**

The Business and Planning Act 2020

All of the planning provisions in the Business and Planning Act 2020 are temporary save for a permanent provision which gives the Secretary of State discretion to determine which planning procedure should be adopted in a planning appeal.

The Authority should be mindful when considering applications, that the changes to legislation (including changes to the Use Classes Order 1987 and permitted development), come into force (and end, where applicable) on varying dates as set out in the report.

Planning Consultations

Any responses must be submitted within the relevant deadlines to guarantee comments will be considered.

Pavement Licences

The Authority is required to decide on an appropriate fee to charge subject to a cap of £100. The Authority can decide how long the license should last for or leave it open ended, in which case it will expire at the end of September 2021.

The Equality Act 2010

Section 149 of the Equality Act 2010 requires the Authority to have due regard to the need to: eliminate discrimination, harassment and victimisation and other prohibited conduct; advance equality of opportunity between those sharing a relevant protected characteristic such as age, sex, disability, and sexual orientation, and those who do not; foster good relations between those sharing a protected characteristic and those who do not. This requires the Authority, have regard to the need to remove or minimise disadvantages suffered by persons sharing a protected characteristic that are connected to that characteristic, to take steps to meet the needs of those sharing protected characteristics which are different to those who do not share it, and to encourage those sharing a protected characteristic to participate in public life or such other activity where the participation by such persons is disproportionately low.

The Pavement Café Licence guidance (Para 1.10) states:

Local authorities will also need to have regard to the Public Sector Equality Duty, under the Equality Act 2010 when devising and implementing the new licensing regime, which includes the need to have due regard to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act. Any businesses which apply for a pavement licence will also need to have regard to their own duties under the Equality Act 2010, such as their duty under s.29 of the Act not to discriminate in providing their service.

The Business and Planning Act 2020 (Para 4.1) states:

Where a local authority is considering for any purpose of this group of sections whether furniture put on a relevant highway by a licence-holder pursuant to a pavement licence has or would have the effect referred to in subsection (6)(a), the authority must have regard in particular to—

(a) the needs of disabled people, and

(b) the recommended distances required for access by disabled people as set out in guidance issued by the Secretary of State.

The Act requires consultation by the Local Authority with “such other persons as the Local Authority considers appropriate”.

Consideration should therefore be given to consulting with disability groups (or other persons) where appropriate.

- **Crime and Disorder** implications outlined above
- **Human Resources (HR)** There are no HR implications.

- **Information Technology (IT)** There are no IT implications.
- **Property** There are no property implications.
- **Other** There are no other implications.

Risk Management

There are no known risks.

Contact Details

Author:

Author's name
Becky Eades
Head of Development
Services
Tel: 01904 552814

Chief Officer Responsible for the report:

Neil Ferris
Corporate Director of Economy and Place

Report **Date 21/08/2020**
Approved

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

Annex 1 White Paper: Planning for the Future

Annex 2 Changes to the current planning system

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Ministry of Housing,
Communities &
Local Government

White Paper: Planning for the Future

August 2020 Ministry of Housing, Communities and
Local Government

OGL

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Pillar One – Planning for development

Overview

- 2.1. The starting point for an effective planning system is to establish a clear and predictable basis for the pattern and form of development in an area. The current system of land use planning in England is principally based on local plans, brought forward by local planning authorities on behalf of their communities. But in contrast to planning systems in places like Japan, the Netherlands and Germany, where plans give greater certainty that development is permitted in principle upfront, plans in England are policy-based, with a separate process required to secure permission on the sites that it designates for development.
- 2.2. Local Plans are a good foundation on which to base reform, as they provide a route for local requirements to be identified and assessed, a forum for political debate and for different views on the future of areas to be heard. The National Planning Policy Framework provides a clear basis for those matters that are best set in national policy.
- 2.3. However, change is needed. Layers of assessment, guidance and policy have broadened the scope of Local Plans, requiring a disproportionate burden of evidence to support them. As a result, Local Plans take increasingly long to produce, on average over seven years; have become lengthier documents of increasing complexity, in some cases stretching to nearly 500 pages; are underpinned by vast swathes of evidence base documents, often totalling at least ten times the length of the plan itself, and none of which are clearly linked, standardised, or produced in accessible formats; and include much unnecessary repetition of national policy.
- 2.4. It is difficult for users of the planning system to find the information they need, and when they do, it is difficult to understand. Few people read the array of evidence base documents which accompany plans and these assessments do not sufficiently aid decision-making. Much of this evidence becomes dated very quickly, and production times often render policies out of date as soon as they are adopted. Furthermore, even when the plan is in place, it cannot be relied on as the definitive statement of how development proposals should be handled.
- 2.5. Local Plans should instead be focused on where they can add real value: allocating enough land for development in the right places, giving certainty about what can be developed on that land, making the process for getting permission for development as simple as possible, and providing local communities a genuine opportunity to shape those decisions. To this end, Local Plans should:
 - be based on transparent, clear requirements for local authorities to identify appropriate levels of, and locations for, development that provide certainty and that applicants and communities can easily understand;
 - communicate key information clearly and visually so that plans are accessible and easily understandable, and communities can engage meaningfully in the process of developing them;

- be published as standardised data to enable a strategic national map of planning to be created;
- be developed using a clear, efficient and standard process;
- benefit from a radically and profoundly re-invented engagement with local communities so that more democracy takes place effectively at the plan-making stage; and
- set clear expectations on what is required on land that is identified for development, so that plans give confidence in the future growth of areas and facilitate the delivery of beautiful and sustainable places.

Questions

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

2. Do you get involved with planning decisions in your local area?

[Yes / No]

2(a). If no, why not?

[Don't know how to / It takes too long / It's too complicated / I don't care / Other – please specify]

3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future?

[Social media / Online news / Newspaper / By post / Other – please specify]

4. What are your top three priorities for planning in your local area?

[Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]

A NEW APPROACH TO PLAN-MAKING

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

Question

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

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

Question

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

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

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

Questions

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

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

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

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

Questions

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

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

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

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

A STREAMLINED DEVELOPMENT MANAGEMENT PROCESS WITH AUTOMATIC PLANNING PERMISSION FOR SCHEMES IN LINE WITH PLANS

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

Questions

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

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

9(b). Do you agree with our proposals above for the consent arrangements for *Renewal* and *Protected* areas?

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

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

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

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

Question

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

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

A NEW INTERACTIVE, WEB-BASED MAP STANDARD FOR PLANNING DOCUMENTS

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

Question

11. Do you agree with our proposals for accessible, web-based Local Plans? *[Yes /*

No / Not sure. Please provide supporting statement.]

A STREAMLINED, MORE ENGAGING PLAN-MAKING PROCESS

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

Question

12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?

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

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

Questions

13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

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

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

SPEEDING UP THE DELIVERY OF DEVELOPMENT

Proposal 10: A stronger emphasis on build out through planning

Question

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

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

Pillar Two – Planning for beautiful and sustainable places

Overview

- 3.1. We have set out how a simpler planning process could improve certainty about what can be built where, as well as offering greater flexibility in the use of land to meet our changing economic and social needs. But improving the process of planning is only the starting point – we want to ensure that we have a system in place that enables the creation of beautiful places that will stand the test of time, protects and enhances our precious environment, and supports our efforts to combat climate change and bring greenhouse gas emissions to net-zero by 2050. Recent research from the Royal Town Planning Institute has set out the vital contribution that planning can make to a sustainable and inclusive recovery.¹
- 3.2. To do this, planning should be a powerful tool for creating visions of how places can be, engaging communities in that process and fostering high quality development: not just beautiful buildings, but the gardens, parks and other green spaces in between, as well as the facilities which are essential for building a real sense of

¹ RTPi (2020) “Plan the world we need: The contribution of planning to a sustainable, resilient and inclusive recovery”, available at: <https://www.rtpi.org.uk/research/2020/june/plan-the-world-we-need/>.

community. It should generate net gains for the quality of our built and natural environments - not just 'no net harm'.

- 3.3. As the report of the Building Better, Building Beautiful Commission has shown, all too often that potential has fallen short. Too many places built during recent decades fail to reflect what is special about their local area or create a high quality environment of which local people can be proud. The Commission has played an invaluable role not just in highlighting the deficiencies, but in setting out a wide range of recommendations for addressing them. We will respond fully to the Commission's report in the autumn, but there are important aspects that we want to highlight now, as being integral to our proposals for what a revised planning system can achieve.

Questions

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

[Not sure or indifferent / Beautiful and/or well-designed / Ugly and/or poorly-designed / There hasn't been any / Other – please specify]

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

[Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify]

Proposals

CREATING FRAMEWORKS FOR QUALITY

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

Question

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

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

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

Question

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

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

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

Question

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

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

A FAST-TRACK FOR BEAUTY

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

Question

20. Do you agree with our proposals for implementing a fast-track for beauty?

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

EFFECTIVE STEWARDSHIP AND ENHANCEMENT OF OUR NATURAL AND HISTORIC ENVIRONMENT

Proposal 15: We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.

Proposal 16: We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.

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

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

Pillar Three – Planning for infrastructure and connected places

Overview

- 4.1. New development brings with it new demand for public services and infrastructure. Mitigating these impacts – by securing contributions from developers and capturing more land value uplift generated by planning decisions to deliver new infrastructure provision – is key for both new and existing communities. It is also central to our vision for renewal of the planning system.
- 4.2. At present, there are two broad routes for local planning authorities to secure developer contributions, both of which are discretionary for authorities: planning obligations and the Community Infrastructure Levy. Planning obligations – through Section 106 agreements – are negotiated with developers, and in 2018/19 were worth a total of £7bn, of which £4.7bn was in the form of affordable housing contributions – supporting delivery of 30,000 affordable homes. In contrast, the Community Infrastructure Levy is a fixed charge, levied on the area (floorspace) of new development, and secures infrastructure that addresses the cumulative impact of development in an area. The Community Infrastructure Levy is not mandatory for local planning authorities, and around half of authorities currently charge it. Levy rates are discretionary, established by assessments of infrastructure need and viability.
- 4.3. There are several problems with this system. Planning obligations are broadly considered to be uncertain and opaque, as they are subject to negotiation and renegotiation based in part on the developer's assessment of viability. This creates uncertainty for communities about the level of affordable housing and infrastructure that development will bring. In turn, this brings cost, delay and inconsistency into the process. Over 80 per cent of local authorities agree that such negotiations create delay, despite the planning application being acceptable in principle.² This acts as a barrier to entry to the market, and major developers are better placed to devote the legal and valuation resource needed to negotiate successfully. This unevenness is a problem too for local authorities, with significant variation in skill and negotiation in negotiating viability across authorities.
- 4.4. The Community Infrastructure Levy addresses many of these problems as it is a flat-rate and non-negotiable tariff, and developers and local authorities have, in general, welcomed the certainty it brings. However, as payment is set at the point planning permission is granted, and payment due once development commences, it is inflexible in the face of changing market conditions. Payment before a single home has been built increases the developer's risk and cost of finance, creating cashflow challenges which are more acute for smaller developers. And despite early payment, many local authorities have been slow to spend Community Infrastructure Levy revenue on early infrastructure delivery, reflecting factors

² MHCLG (2019) *The Value and Incidence of Developer Contributions in England 2018/19*

including indecision, competing spending priorities, and uncertainty over other infrastructure funding streams.

- 4.5. Securing necessary infrastructure and affordable housing alongside new development is central to our vision for the planning system. We want to bring forward reforms to make sure that developer contributions are:
- responsive to local needs, to ensure a fairer contribution from developers for local communities so that the right infrastructure and affordable housing is delivered;
 - transparent, so it is clear to existing and new residents what new infrastructure will accompany development;
 - consistent and simplified, to remove unnecessary delay and support competition in the housebuilding industry;
 - buoyant, so that when prices go up the benefits are shared fairly between developers and the local community, and when prices go down there is no need to re-negotiate agreements.
- 4.6. The Government could also seek to use developer contributions to capture a greater proportion of the land value uplift that occurs through the grant of planning permission, and use this to enhance infrastructure delivery. There are a range of estimates for the amount of land value uplift currently captured, from 25 to 50 per cent. The value captured will depend on a range of factors including the development value, the existing use value of the land, and the relevant tax structure – for instance, whether capital gains tax applies to the land sale. Increasing value capture could be an important source of infrastructure funding but would need to be balanced against risks to development viability.

Question

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

[More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]

A CONSOLIDATED INFRASTRUCTURE LEVY

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

Questions

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

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

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

[Nationally at a single rate / Nationally at an area-specific rate / Locally]

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

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

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

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

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

Question

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

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

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

Questions

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

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

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

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

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

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

25(d). If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?

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

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

Question

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

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

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

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

Delivering change

Proposal 23: As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms. In doing so, we propose this strategy will be developed including the following key elements:

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

5.29. We will review and strengthen the existing planning enforcement powers and

What happens next

Equalities Impacts

Question

27. Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?



Ministry of Housing,
Communities &
Local Government

Changes to the current planning system

Consultation on changes to planning policy and regulations

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The standard method for assessing housing numbers in strategic plans

Step 1 – Setting the baseline – providing stability and certainty by incorporating a blend of household projections and stock

Q1: Do you agree that planning practice guidance should be amended to specify that the appropriate baseline for the standard method is *whichever is the higher of* the level of 0.5% of housing stock in each local authority area OR the latest household projections averaged over a 10-year period?

Q2: In the stock element of the baseline, do you agree that 0.5% of existing stock for the standard method is appropriate? If not, please explain why.

Step 2 Adjusting for market signals – maintaining price signals using the current affordability ratio and the change in affordability over the last 10 years

Q3: Do you agree that using the workplace-based median house price to median earnings ratio from the most recent year for which data is available to adjust the standard method's baseline is appropriate? If not, please explain why.

Q4: Do you agree that incorporating an adjustment for the change of affordability over 10 years is a positive way to look at whether affordability has improved? If not, please explain why.

Q5: Do you agree that affordability is given an appropriate weighting within the standard method? If not, please explain why.

Transition

Do you agree that authorities should be planning having regard to their revised standard method need figure, from the publication date of the revised guidance, with the exception of:

Q6: Authorities which are already at the second stage of the strategic plan consultation process (Regulation 19), which should be given 6 months to submit their plan to the Planning Inspectorate for examination?

Q7: Authorities close to publishing their second stage consultation (Regulation 19), which should be given 3 months from the publication date of the revised guidance to publish their Regulation 19 plan, and a further 6 months to submit their plan to the Planning Inspectorate?

If not, please explain why. Are there particular circumstances which need to be catered for?

Please see question 35 for any comments relating to the Public Sector Equality Duty and the standard method.

Delivering First Homes

Percentage of affordable housing secured through developer contributions

Q8: The Government is proposing policy compliant planning applications will deliver a minimum of 25% of onsite affordable housing as First Homes, and a minimum of 25% of offsite contributions towards First Homes where appropriate. Which do you think is the most appropriate option for the remaining 75% of affordable housing secured through developer contributions? Please provide reasons and / or evidence for your views (if possible):

- i) Prioritising the replacement of affordable home ownership tenures, and delivering rental tenures in the ratio set out in the local plan policy.**
- ii) Negotiation between a local authority and developer.**
- iii) Other (please specify)**

With regards to current exemptions from delivery of affordable home ownership products:

Q9: Should the existing exemptions from the requirement for affordable home ownership products (e.g. for build to rent) also apply to apply to this First Homes requirement?

Q10: Are any existing exemptions not required? If not, please set out which exemptions and why.

Q11: Are any other exemptions needed? If so, please provide reasons and /or evidence for your views.

Local plans and transitional arrangements

Q12: Do you agree with the proposed approach to transitional arrangements set out above?

Level of discount

Q13: Do you agree with the proposed approach to different levels of discount?

Exception sites and rural exception sites

Q14: Do you agree with the approach of allowing a small proportion of market housing on First Homes exception sites, in order to ensure site viability?

Q15: Do you agree with the removal of the site size threshold set out in the National Planning Policy Framework?

Q16: Do you agree that the First Homes exception sites policy should not apply in designated rural areas?

Please see question 35 for any comments relating to the Public Sector Equality Duty and the delivery of First Homes.

Supporting small and medium-sized developers

Extending Small sites planning policy - developer contributions and economic recovery

For each of these questions, please provide reasons and / or evidence for your views (if possible):

Q17: Do you agree with the proposed approach to raise the small sites threshold for a time-limited period?

(see question 18 for comments on level of threshold)

Q18: What is the appropriate level of small sites threshold?

i) Up to 40 homes ii) Up to 50 homes iii) Other (please specify)

Q19: Do you agree with the proposed approach to the site size threshold?

Q20: Do you agree with linking the time-limited period to economic recovery and raising the threshold for an initial period of 18 months?

Q21: Do you agree with the proposed approach to minimising threshold effects?

Affordable housing in rural areas

Q22: Do you agree with the Government's proposed approach to setting thresholds in rural areas?

Supporting SMEs

Q23: Are there any other ways in which the Government can support SME builders to deliver new homes during the economic recovery period?

Please see question 35 for any comments relating to the Public Sector Equality Duty and the small sites proposals.

Extension of the Permission in Principle consent regime

Extending Permission in Principle to cover major development

Q24: Do you agree that the new Permission in Principle should remove the restriction on major development?

Information requirements

Q26: Do you agree with our proposal that information requirements for Permission in Principle by application for major development should broadly remain unchanged? If you disagree, what changes would you suggest and why?

Q27: Should there be an additional height parameter for Permission in Principle? Please provide comments in support of your views.

Publicity arrangements

Q28: Do you agree that publicity arrangements for Permission in Principle by application should be extended for large developments? If so, should local planning authorities be:

i) required to publish a notice in a local newspaper? ii) subject to a general requirement to publicise the application or iii) both? iv) disagree

If you disagree, please state your reasons.

Revised fee structure to incentive Permission in Principle by application

Q29: Do you agree with our proposal for a banded fee structure based on a flat fee per hectare, with a maximum fee cap?

Q30: What level of flat fee do you consider appropriate, and why?

Brownfield Land Registers and Permission in Principle

Q31: Do you agree that any brownfield site that is granted Permission in Principle through the application process should be included in Part 2 of the Brownfield Land Register? If you disagree, please state why.

Additional guidance to support implementation

Q32: What guidance would help support applicants and local planning authorities to make decisions about Permission in Principle? Where possible, please set out any areas of guidance you consider are currently lacking and would assist stakeholders.

Regulatory Impact Assessment

Q33: What costs and benefits do you envisage the proposed scheme would cause? Where you have identified drawbacks, how might these be overcome?

Q34: To what extent do you consider landowners and developers are likely to use the proposed measure? Please provide evidence where possible.

Public Sector Equality Duty

Q35: In light of the proposals set out in this consultation, are there any direct or indirect impacts in terms of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations on people who share characteristics protected under the Public Sector Equality Duty?

If so, please specify the proposal and explain the impact. If there is an impact – are there any actions which the department could take to mitigate that impact?

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