

Meeting:	Decision Session – Executive Member for Housing, Planning and Safer Communities.
Meeting date:	04/12/2024
Report of:	James Gilchrist – Director of Environment, Transport and Planning
Portfolio of:	Cllr Michael Pavlovic

Decision Report: Planning Protocol

Subject of Report

1. The purpose of this report is to provide the Executive Member with information with regard to a Draft Planning Protocol which has been worked up between the Planning Department and York and North Yorkshire Chamber of Commerce (YNYCC). The Draft is contained in Annex A of this report.

Benefits and Challenges

2. Benefits – the Protocol has been drafted in conjunction with YNYCC to set a commitment to work together to deliver an efficient and effective planning process. The benefits of effective and efficient planning process are far reaching and would help to achieve the ambitions set out in the Council Plan. The benefits of applications coming forward in a timely manner would assist with bringing site forward from the Local Plan.
3. Challenges – the challenges are numerous but not insurmountable. Timing of application submissions and resourcing implications within the Local Authority and the quality of planning submissions being two of the main challenges.

Policy Basis for Decision

4. Development across the city contributes to the wider objectives of the Council Plan. Many of the priority actions within the Council Plan ultimately promote growth; whether that be through promoting or enhancing skills, which require schools, colleges and training facilities. Addressing housing affordability will require the provision of new housing stock. The economic opportunities provided by devolution will bring forward development opportunities. All of these will in some shape or form require development.

Financial Strategy Implications

5. There are limited financial implications as a result of implementation of the Protocol. The Protocol outlines the need for training and development of staff which has limited financial implications.

Recommendation and Reasons

6. The Executive Member is asked to:
Agree to the principle of the Protocol and delegate authority to finalise and implement the Protocol to the Head of Planning and Development Services.
Reason: To allow the protocol to progress to a live and agreed document.

Background

7. The Planning Protocol was devised after engagement with city of York Council Chief Planner, the YNYCC and the Executive Member for Housing, Planning and Safer Communities. It was discussed how there needed to be a positive and proactive joint approach to enable the planning system in York to work as effectively as possible. It was outlined by the YNYCC that other areas locally such as Leeds have a Planning Protocol and the positive benefits that had brought forward.
8. The Protocol was devised and formulated in a collaborative way and aims to 'Work successfully together to deliver inclusive growth within the City of York Council area through the planning process.' The Protocol is intended to build on existing good practices of

engaging with communities and front loading the Planning process. It aims to provide a more proactive approach in delivering good growth and help to create jobs and attract good investment.

9. There are 3 sections within the Protocol which are:
 - 1 – Commitment to Service Improvement
 - 2 – Effective Communication and Engagement
 - 3 – Certainty and Consistency

10. *Commitment to Service Improvement.*

This section outlines how there will be a commitment from the Council to continuously improve the planning service through engagement. Engagement is something that already happens positively and it is a commitment to continue with this. Training of elected members along with members of staff is key to continue with improvement and to ensure that there is competency, skills and knowledge to all involved in the planning process. Within this section is a clear commitment from the development community that they will respect the professional opinion of officers.

11. The 'One Opportunity' process is outlined within section 1 of the protocol and needs to be highlighted as a key change which has been introduced and will continue to be built upon. At present the 'One Opportunity' process is for minor applications only. If an application has been received and the planning service consider that amendments can be made to make it acceptable in planning terms 'one opportunity' will be given to amend the proposals. The case officer will give clear guidance as to what is required to make the proposal acceptable. If the amendments are made and are acceptable a decision will be made on the application. If the amendments do not overcome the concerns or take into account, the officers advise the application will be refused with no further negotiations.

12. The 'One Opportunity' process was introduced to reduce the time consuming, inefficient and often protracted discussions over schemes which slow the whole planning process down, preventing decisions being made in a timely manner

13. *Effective Communication and Engagement*

Pre-application engagement is widely acknowledged as a way of streamlining the planning process. The Protocol encourages pre-

application discussion along with the appropriate use of Planning Performance Agreements. The aim is to provide a service that is effective from pre-application through to delivery on site.

14. Communication and engagement is expected to be a two way process based on respect and providing clear and accurate information. There is also the provision to ensure the process remains transparent and all relevant information, relating to planning applications is available online.
15. The Protocol also outlines that early engagement with communities and stakeholders is expected as part of the development process but that it should also follow through to the implementation stage to ensure that residents and relevant groups are kept involved in the process.
16. *Certainty and Consistency*
The planning process can be unpredictable and lengthy due to many factors, some of which are beyond the control of the applicant/developer and the Local Planning Authority. The purpose of the Protocol is to try and assist in making the planning process as efficient and effective as possible. It outlines the expectations of the of the Local Planning Authority in terms of the quality of submissions which is an ongoing issue which causes significant delays for both the application and discharge of condition process. It also outlines the expectations in terms of pre-application advice being taken on board along with timescales being adhered to.
17. Section 106 negotiations along with the drafting and signing of the resulting agreements, elongate the planning process and in order to try and assist with this, draft heads of terms should be submitted as part of the application process and a template section 106 agreement should be used in order to again assist speeding up the process.
18. The protocol concludes that there will be a commitment to monitoring and reviewing the implementation and effectiveness of the Protocol to ensure it is fit for purpose and working for all parties involved in the process.

Consultation Analysis

19. This report is provided to the Executive member for information and will not be a formally adopted planning document. As a result there is no consultation required within the Council or with external partners or third parties.

Options Analysis and Evidential Basis

20. The Executive member is asked to note the contents of this report.

Organisational Impact and Implications

21. The various implications of this report are summarised below:

Financial

22. This report presents some financial implications insofar as it relates to training requirements for staff.

Human Resources (HR)

23. There are no HR implications.

Legal

The protocol will not become an adopted planning document and is intended as a guide for good practice, therefore there are no legal implications.

Procurement

24. There are no specific procurement implications arising from this report.

Health and Wellbeing

25. There are no specific Health and Wellbeing implications arising from this report.

Environment and Climate Action

26. There are no specific Environment and Climate Action implications arising from this report.

Affordability

27. There are no specific Affordability implications arising from this report.

Equalities and Human Rights

28. The Council recognises, and needs to take into account its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions).
29. At the time of writing there are no equalities implications identified in respect of the matters discussed in this report. The Public Sector Equality Duty and the obligations it places upon the authority are considered as part of the assessment of a planning application.

Data Protection and Privacy

30. This report is brought to Executive for information purposes. As there is no personal data, special categories of personal data or criminal offence data being processed, there is no requirement to complete a Data Protection Impact Assessment (DPIA).

Communications

31. The Protocol if agreed will be made available on the Council's web site and communicated to the development industry and the planning team. There are limited implications in terms of communications.

Economy

32. The economic development and achieving the economic aspirations of the city are inextricably linked to physical development itself. By allowing the Planning process to be as effective and efficient as possible will allow development to come forward quicker contributing to the economic objectives of the city.

Risks and Mitigations

33. The risk for the Protocol is that it is not implemented by development industry alongside the Council. There are mitigations

for this covered in the monitoring section as this will allow the effectiveness of the protocol to be reviewed.

Wards Impacted

34. All wards

Contact details

For further information please contact the authors of this Decision Report.

Author

Name:	Becky Eades
Job Title:	Head of Planning and Development Services
Service Area:	Planning and Development Services
Telephone:	01904 551627
Report approved:	Yes
Date:	25/11/2024

Annexes

All annexes to the Decision Report must be listed.

- Annex A: Draft Planning Protocol

List of Abbreviations Used in this Report:

CYC: City of York Council

LPA: Local Planning Authority

YNYCC: York and North Yorkshire Chamber of Commerce