



COUNCIL

Council Summons and Agenda

You are hereby summoned to attend an **Ordinary Meeting of Ryedale District Council** to be held in the **Council Chamber, Ryedale House, Malton** on **Thursday, 15 May 2014** at **6.30 pm** in the evening for the transaction of the following business:

Agenda

1 Emergency Evacuation Procedure

The Chairman to inform Members of the Public of the emergency evacuation procedure.

2 Apologies for absence

3 Staff Celebration Awards Presentation

4 Public Question Time

5 Minutes of the ordinary Meeting of the Council held on 6 March 2014 (Pages 5 - 12)

To approve as a correct record the minutes of the Ordinary Meeting of Council held on 6 March 2014.

6 Urgent Business

To receive notice of any urgent business which the Chairman considers should be dealt with at the meeting as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972.

7 Declarations of Interest

Members to indicate whether they will be declaring any interests under the Code of Conduct.

Members making a declaration of interest at a meeting of a Committee or Council are required to disclose the existence and nature of that interest. This requirement is not discharged by merely declaring a personal interest without further explanation.

8 Announcements

To receive any announcements from the Chairman and/or the Head of Paid Service.

9 To Receive any Questions submitted by Members Pursuant to Council Procedure Rule 10.2 (Questions on Notice at Full Council)

10 To Receive a Statement from the Leader of the Council and to Receive Questions and Give Answers on that Statement

11 To consider for Approval the Recommendations in respect of the following Part 'B' Committee Items: (Pages 13 - 212)

Planning Committee – 11 February 2014

Minute 150 – Revisions to Helmsley Conservation Area and Article 4

Planning Committee – 7 May 2014

Publication of the Community Infrastructure Levy (CIL) draft charging schedule (minute to follow)

Policy and Resources Committee – 3 April 2014

Minute 71 - Policy on Retail Rate Relief for Business Rates

Minute 72 - Ryedale Development Fund – remaining major projects

Minute 73 - Derwent Training Association expansion

Minute 74 - Local Enterprise Partnership funding

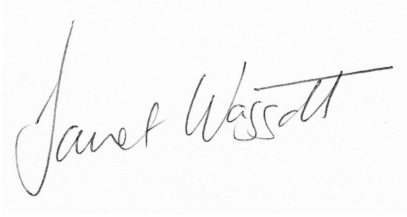
Minute 75 - Exempt Information

Minute 76 - Milton Rooms option appraisal

Reports of Officers of the Council

12 Sale of Ryedale Indoor Bowls Club (Pages 213 - 222)

13 Any other business that the Chairman decides is urgent.

A handwritten signature in black ink on a light-colored background. The signature reads "Janet Waggott" in a cursive script. The first letter 'J' is large and loops back. The name is written in a fluid, connected style.

Janet Waggott
Chief Executive

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Council

Minutes of Proceedings

At the **Ordinary Meeting of the District Council of Ryedale** held in the **Council Chamber, Ryedale House, Malton** on **Thursday 6 March 2014**

Present

Councillors Acomb
 J Andrews
 P J Andrews
 Arnold
 Bailey
 Mrs Burr MBE
 Clark
 Mrs Cowling
 Cussons
 Mrs Frank (Chairman)
 Fraser
 Mrs Goodrick
 Hawkins
 Hicks
 Mrs Hopkinson (Vice-Chairman)
 Ives
 Mrs Keal
 Legard
 Maud
 Raper
 Richardson
 Mrs Sanderson
 Mrs Shields
 Wainwright
 Walker
 Windress
 Woodward

In Attendance

Jill Baldwin
Simon Copley
Paul Cresswell
Peter Johnson
Phil Long
Jill Thompson
Janet Waggott
Anthony Winship

Minutes

104 **Apologies for absence**

Apologies for absence were received from Councillors Collinson, Hope and Ward.

105 **Public Question Time**

There were no public questions.

106 **Minutes**

The minutes of the Ordinary Meeting of Council held on 9 January 2014 were presented.

Resolved

That the minutes of the Ordinary Meeting of Council held on 9 January 2014 be approved and signed by the Chairman as a correct record.

The minutes of the Budget Meeting of Council held on 25 February 2014 were presented.

Resolved

That the minutes of the Budget Meeting of Council held on 25 February 2014 be approved and signed by the Chairman as a correct record.

107 **Urgent Business**

There were no items of urgent business which the Chairman considered should be dealt with as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972 (as amended).

108 **Declarations of Interest**

The following interests were declared:

Councillor Paul Andrews declared a personal non-pecuniary but not prejudicial interest in agenda item 11 (Notices of Motion) as a supporter of local businesses in Malton and Norton.

Councillor Bailey declared a personal non-pecuniary but not prejudicial interest in agenda item 14 (Howardian Hills Area of Outstanding Natural Beauty: Management Plan) as a member of the North York Moors National Park Authority where this had already been discussed.

Councillor Mrs Frank declared a personal non-pecuniary but not prejudicial interest in agenda item 14 (Howardian Hills Area of Outstanding Natural Beauty:

Management Plan) as a member of the North York Moors National Park Authority where this had already been discussed.

Councillor Fraser declared a personal non-pecuniary but not prejudicial interest in agenda item 11 (Notices of Motion) as a supporter of local businesses in Malton and Norton.

Councillor Mrs Hopkinson declared a personal non-pecuniary but not prejudicial interest in agenda item 11 (Notices of Motion) as a supporter of local businesses in Malton and Norton.

Councillor Ives declared a personal non-pecuniary but not prejudicial interest in agenda item 10 minute 64 (Hardship Relief) as he knew people employed by the applicant and in agenda item 11 (Notices of Motion) as he had been lobbied.

Councillor Legard declared a personal non-pecuniary but not prejudicial interest in agenda item 10 minute 62 (A64 Memorandum of Understanding) owing to the location of Scampston in relation to the A64, and took no part in the discussion and vote thereon, and in agenda item 11 (Notices of Motion) as a supporter of local businesses in Malton and Norton.

Councillor Wainwright declared a personal non-pecuniary but not prejudicial interest in agenda item 10 minute 64 (Hardship Relief).

109 **Announcements**

There were no announcements.

110 **To Receive any Questions submitted by Members Pursuant to Council Procedure Rule 10.2 (Questions on Notice at Full Council)**

1. Councillor Clark submitted the following question:

To Councillor Raper, Chairman of the Planning Committee:

“Have you re-considered your position as Chair of the Planning Committee?”

The Chairman of the Planning Committee, Councillor Raper replied

“My first response would have been to say no comment but as Chairman of the Planning Committee I have encouraged Member training on planning matters in the past. We have another one on Monday 10th and I hope some of the Liberal Members might be attending that. I’m Chairman until May 14th this year and it will be Annual Council and Members at that time to determine whether I continue or not. I’m staying where I am at the moment, I see no reason not to.”

Councillor Clark asked the following supplementary question:

“Does the Chair of Planning consider that he’s got the confidence of his fellow councillors, that’s one, and two, has he got the confidence of the general public?”

Councillor Raper replied

"I couldn't possibly comment on the second one and I'm certain I have got a great deal of confidence from my own group."

111 **To Receive a Statement from the Leader of the Council and to Receive Questions and Give Answers on that Statement**

Councillor Mrs Cowling, the Leader of the Council, presented the following statement:

"I have a brief statement to make today as we have only just had Budget Council and have had an opportunity to debate at length matters relating to Ryedale District Council.

Item 15 on the agenda, Local Enterprise Partnership, has been deferred. The meeting of Local Government North Yorkshire & York meets tomorrow where the proposals will be reported which may require contributions from Councils. This will then be reported to Policy and Resources Committee on 3 April 2014.

As this is Paul Cresswell's last Council meeting as Leader of the Council I would like to take this opportunity to thank Paul for all his hard work and to wish him well for the future. Ryedale's loss is North Yorkshire County Council's gain."

112 **To consider for Approval the Recommendations in respect of the following Part 'B' Committee Items:**

Licensing Committee – 23 January 2014

Minute 26 – Licensing Act 2003 – Results of Consultation on Review of Licensing Policy

It was moved by Councillor Windress and seconded by Councillor Mrs Cowling that the following recommendations of the Licensing Committee be approved and adopted.

That the Licensing Policy is referred to Council in March for final adoption.

Councillor Clark moved and Councillor Woodward seconded an amendment to defer until Full Council on 15 May 2014.

Upon being put to the vote, the amendment was lost.

Upon being put to the vote the motion was then carried.

Resolved

That Council adopt the Licensing Policy.

Policy and Resources Committee – 13 February 2014

Minute 62 – A64 Memorandum of Understanding

It was moved by Councillor Mrs Cowling and seconded by Councillor Acomb that the following recommendations of the Policy and Resources Committee be approved and adopted.

That Council be recommended to approve:

The Ryedale District Council commitment to and participation in the Memorandum of Understanding on the A64 trunk road improvement strategy.

Upon being put to the vote the motion was carried.

Resolved

That Council approve:

The Ryedale District Council commitment to and participation in the Memorandum of Understanding on the A64 trunk road improvement strategy.

Minute 63 – Exempt Information

It was moved by Councillor Mrs Cowling and seconded by Councillor Raper that the meeting move into exempt session.

Upon being put to the vote the motion was carried.

Resolved

That under Section 100(A)(4) of the Local Government Act 1972 that the public be excluded from the meeting for the following item as there will be a likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act as the information provided relates to individuals.

Minute 64 – Hardship Relief

It was moved by Councillor Mrs Goodrick and seconded by Councillor Raper that the following recommendations of the Policy and Resources Committee be approved and adopted.

That non-domestic rates hardship relief for 2013/14 for the application referred to in the report, financed through the Business Rates Retention Scheme, be approved.

Upon being put to the vote the motion was carried.

Resolved

That Council approve:

Non-domestic rates hardship relief for 2013/14 for the application referred to in the report, financed through the Business Rates Retention Scheme.

113 Notices on Motion Submitted Pursuant to Council Procedure Rule 11

1. It was moved by Councillor Paul Andrews and seconded by Councillor Mrs Burr

The Council recognises that:

- The whole Council has a vested financial interest in the outcome of Application No. 11/00927/FUL and related applications in regard to the proposed superstore on Wentworth Street Car Park; and
- These applications represent the most critical decisions for the community of Malton and Norton for a generation; and
- Council members for Malton and Norton are under-represented on the Planning Committee, and therefore the debate on this matter may not clearly reflect community opinion;

And the Council therefore resolves to consider these applications in full Council and to suspend all standing orders or requirements of the Constitution which might prevent this.

Upon being put to the vote, the motion was lost.

114 Final Report- Scrutiny Review of Member Roles on Outside Bodies and as Member Champions

The Overview and Scrutiny Committee submitted a report (previously circulated) which set out their findings and recommendations arising from their review of Member Roles on Outside Bodies and as Member Champions.

Councillor Wainwright moved and Councillor Mrs Shields seconded each of the recommendations in the report.

Upon being put to the vote, recommendations (i)-(vii) were carried.

Upon being put to the vote, recommendation (viii) was lost.

Resolved

- (i) That the following outside bodies be removed from the list: Supporting People NY Joint Committee (agreed at Annual Council on 16 May 2013), Endowment Governors Charity called Malton School, LG Yorkshire & Humber Elected Members Cohesion Group (agreed at Annual Council on 16 May 2013), Rural Action Yorkshire (formerly YRCC);
- (ii) That substitute representatives be appointed for outside bodies, where their governance arrangements permit, and that it be the nominated representatives responsibility to notify the substitute if they are unable to attend a meeting of the outside body;
- (iii) That a précis from Member representatives on outside bodies be published on the website following each meeting, subject to the approval of the outside bodies, to ensure feedback of key decisions and discussions relevant to the Council is available, and including their attendance record;
- (iv) That appointments to outside bodies be for four year terms, from 2015 onwards to coincide with the District elections, subject to an annual review by the Overview and Scrutiny Committee to address any issues with attendance or publication of précis;
- (v) That nominations of representatives to outside bodies should be made by Council based on their skills and expertise, in addition to attendance records, and that Members be asked to provide an oral statement of this upon nomination.
- (vi) That the Independent Remuneration Panel be requested to review allowances payable to representatives on outside bodies, where a payment is currently made;
- (vii) (a) That subject to the exceptions in sub paragraph (b) below , all Members note that any representative on an outside body cannot be involved in any financial or regulatory decision taken by the Council that relates to that body. They can make representations, either through the public speaking opportunity for a relevant application at Planning Committee, or for other committees and Full Council by addressing the meeting at the chairman's discretion;
- (b) The exceptions where Members may participate and vote are the setting of council tax or a precept under the Local Government Finance Act 1992 or where a dispensation has been granted.

The Council Solicitor submitted a report (previously circulated) which set out the review of polling districts, polling places and polling stations carried out in accordance with the Council's statutory obligations as prescribed by the Electoral Registration and Administration Act 2013.

Councillor Raper moved and Councillor Cussons seconded the recommendations in the report.

Resolved

That Council approve the relocation of polling places and polling stations as set out in Annex 1.

116 Howardian Hills Area of Outstanding Natural Beauty: Management Plan (2014-2019)

The Head of Planning and Housing submitted a report (previously circulated) which presented the new Management Plan for the Howardian Hills Area of Outstanding Natural Beauty (AONB) for 2014-2019 for formal adoption.

Councillor Raper moved and Councillor Wainwright seconded the recommendations in the report.

Resolved

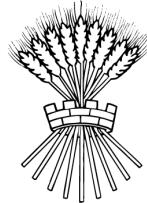
That Council adopts the Howardian Hills AONB Management Plan (2014-2019).

117 Local Enterprise Partnership (to follow)

This item was withdrawn from the agenda for the meeting as detailed in the Leader's Statement.

118 Any other business that the Chairman decides is urgent.

There being no other business, the meeting closed at 8.55pm.



REPORT TO: FULL COUNCIL

DATE: 15 MAY 2014

SUBJECT: PART 'B' REFERRALS FROM PLANNING COMMITTEE ON 11 FEBRUARY 2014

159 Revisions to Helmsley Conservation Area and Article 4

Recommendation to the Council

That the following recommendations be approved:

- (i) Note the response to the consultation on proposed amendments to the Conservation Area in Helmsley.
- (ii) Approve the revision of the Helmsley Conservation Area in line with the plan contained in Annex 2 of the report.
- (iii) Approve the revision to the area covered by the Helmsley Article 4 direction to match the revised Helmsley Conservation Area.
- (iv) Approve a 12 month delay in bringing the amended Article 4 direction into effect.

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PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	PLANNING COMMITTEE
DATE:	11 FEBRUARY 2014
REPORT OF THE:	HEAD OF PLANNING AND HOUSING GARY HOUSDEN
TITLE OF REPORT:	REVISIONS TO HELMSLEY CONSERVATION AREA AND ARTICLE 4 DIRECTION AREA
WARDS AFFECTED:	HELMSLEY WARD

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To seek approval for revision of the Helmsley Conservation Area which has arisen as a consequence of the preparation of the Helmsley Plan.
- 1.2 To agree consequential changes to the Article 4 Direction in Helmsley.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that Members:
 - (i) Note the response to the consultation on proposed amendments to the Conservation Area in Helmsley.
 - (ii) Approve the revision of the Helmsley Conservation Area in line with the plan contained in Annex 1
 - (iii) Approve the revision to the area covered by the Helmsley Article 4 direction to match the revised Helmsley Conservation area.
 - (iv) Approve a 12 month delay in bringing the amended Article 4 direction into effect

3.0 REASON FOR RECOMMENDATIONS

- 3.1 To update and correct minor anomalies within the Ryedale planning jurisdiction of Helmsley in conjunction with the revisions that North York Moors National Park are also taking forward.

4.0 SIGNIFICANT RISKS

- 4.1 There are no significant risks associated with this report. However there is a potential risk of compensation with the revision of the Article 4 boundary, as it restricts the normal rights of people to make changes to their property without needing planning permission. However it is considered that the area of change is small and that the risk can be adequately mitigated by a 12 month delay in bringing the revised Article 4 Direction into effect.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 The original designation of the Helmsley Conservation Area was made in 1973. A conservation area appraisal was last undertaken in 2005 and whilst not recommending changes to the area covered by the Conservation Area, did recommend the serving of an Article 4 direction to preserve Helmsley Conservation Area from erosion by unsympathetic features such as UPVC windows. The Article 4 direction came into effect in March 2007.
- 5.2 Members are aware that the Council together with the North York Moors National Park Authority Authorities have agreed to work together to jointly prepare the Helmsley Plan. This has now reached a formal stage and Members will be aware that the Helmsley Plan is currently out to consultation on the 'Publication Draft' until March 7 2014.
- 5.3 During preparation of the Helmsley Plan Policies Map, Officers found that there were several anomalies with the existing Conservation Area boundary, particularly in the area near Bells Court and at the new houses adjacent the Feversham Arms where the boundary ran straight through the middle of properties. Officers considered that the preparation of the Helmsley Plan represented an opportunity to make amendments. These were presented to the Helmsley Plan Joint Member Working Group in May. At the Meeting Members of the Working Group suggested a number of further areas for Officers to consider for inclusion within the Conservation Area. Principally these were Elmslac Road and The Orchard. To that end it was requested that an appraisal was carried out by Building Conservation Officers on the merits of these areas. Officers subsequently identified Helmsley Walled Garden as a potential further addition. All of these additional changes fall with the National Park boundary.
- 5.3 It is important to note that the preparation of the Helmsley Plan is a separate but related process to the identification and designation Conservation Area boundaries. This is due to the legislation concerning Conservation Areas and Article 4 Directions being separate from the plan making process and legislation. However a proposals map to a development plan must reflect the latest statutory designations including Conservation Areas.
- 5.4 The consultation on the proposed changes to the Conservation Area was carried out at the same time as the consultation on the Draft Helmsley Plan, with a letter setting out the proposed changes being sent to all those directly impacted by the proposals and all those on the Helmsley Plan database. Information about the proposed changes was also displayed at the Draft Helmsley Plan public consultation events. A copy of the appraisal is attached at Annex 1.
- 5.5 A boundary review of the Conservation Area was duly carried out by the Conservation Officers of Ryedale District Council and the North York Moors National Park Authority.

Under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 both Authorities consulted on proposed changes to the Conservation Area which affected the following areas:-

1. Pottergate/Bells Court (Ryedale District area)
 2. Elmslac Road (National Park area)
 3. The Orchard/Stone Garth (National Park area)
 4. Canons' Garth Lane/Stone Garth Triangle (National Park area)
 5. Helmsley Walled Garden (National Park area)
- 5.6 Please note the areas of the Conservation Area (2-5) that fall within the National Park have been separately considered by the National Park's Planning Committee on 12 December 2014 – see Background Papers. A total of 7 responses were received as part of the consultation which made reference to the proposed changes to the Conservation Area, 4 of which were in support of the proposals and 3 objecting. All of the comments received related to proposed changes in the National Park part of the Conservation Area, with no comments being received for the changes being proposed in the Ryedale District part of the Conservation Area. The National Park Planning Committee has considered and approved the proposed amendments to the Conservation Area with the Park boundary at its 12 December 2013 meeting. The full extent of the proposed amended Conservation Area is shown in Annex 2.

6.0 REPORT

Helmsley Conservation Area

- 6.1 As detailed in Section 5 above, the substantive changes to the Conservation Area fall within the National Park area. The changes to the area that fall within the Ryedale District jurisdiction amount to clarification of the boundary.
- 6.2 Therefore the amendments to the Conservation Area to be considered by Members in this report relate solely to the Pottergate and Bells Court area of Helmsley. These are relatively minor changes and actually result in a small reduction in the size of the Conservation Area.
- 6.5 The Conversation Area Appraisal sets out the justifications for all the proposed alterations to the Conservation Area in Helmsley (Annex 1). However due to the fact that the changes within the Ryedale District planning area are minor, it briefly describes the reasons for the amendments. The proposed changes east of Pottergate are very minor and seek to realign the boundary to follow walls and pathways instead of arbitrarily cutting through gardens to properties. Bells Court is more significant as it is a cul-de-sac development which superseded the designation of the original Conservation Area boundary. Consequently the boundary is now at odds with the form of development at Bells Court. It is therefore proposed to exclude some of the more modern development and to follow historic walls and tangible features. Where modern buildings have been built within the garths of historic buildings the Conservation line has been retained but conversely where the historic landscape has been lost through modern development, it has been excluded from the Conservation Area.

Article 4 Direction Area

- 6.7 The existing Conservation Area is covered by an Article 4(1) Direction which removes all permitted development rights. If Members resolve to revise the Conservation Area, the Council in conjunction with National Park Authority will need to revise the Article 4 Direction to follow the boundary of the revised Conservation Area. The National Park has already resolved to amend the Article 4 direction within their area to reflect the additions to the Conservation Areas (Areas 2-5 set out in 5.5 above). Similar to the proposals for the Conservation Area, the only amendments being considered within the Ryedale District jurisdiction relate to the Bells Court and Pottergate area. However the current Article 4 direction already is an "Exclusion Area" for the Bells Court area and permitted developments have not been removed in that area. Therefore the change to exclude Bells Court from the Conservation Area will have no impact on this part of the Article 4 direction area. The minor changes to the Pottergate part of the Conservation Area as described in 5.5 above will have the result of the consequential reduction in the Article 4 direction area.
- 6.8 Local Planning Authorities may be liable to pay compensation to those whose permitted development rights have been affected. Normally this is where a new or additional areas of Article 4 Directions are being proposed, which is the case in the National Park. However in this case there is a small reduction in Article 4 Direction area for the Ryedale District planning area. The Authority could still be liable for compensation in this case if limiting conditions on planning permissions or refusal to permissions had been imposed due to the presence of the Article 4 Direction. However Officers are of the opinion that because the Bells Court area was already the subject of an "Exclusion Area" where the Article 4 Direction was not imposed and the other changes at Pottergate are of a minor nature, that the risk of compensation is limited. In any event, compensation may only be claimed if an application for planning permission is submitted within 12 months following the effective date of the direction. Therefore even given the low risk of compensation, Officers still consider a prudent approach would be to bring the revised Article 4 Direction into force 12 months after the notice is served.

7.0 IMPLICATIONS

- 7.1 The following implications have been identified:
- a) Financial
The costs of making the amendments - including meeting the procedural requirements - will be shared with the North York Moors National Park and will be covered by the existing Forward Planning budget.
 - b) Legal
The proposed changes will be carried out in accordance with the provisions set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. The Article 4 Direction must follow the procedure set out in the Department for Communities and Local Government Replacement Appendix D to the Department of the Environment Circular 9/95 and General Development Consolidation Order 1995 (978 0117531024) November 2010.
 - c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)
National Park Officers are leading on the administrative matters involved in implementing the changes to the Conservation area and Article 4 area. This will be carried in accordance with the requirements of the respective legislation.

8.0 NEXT STEPS

8.1 Officers will jointly undertake the procedural requirements involved in amending the Helmsley Conservation Area and revising the Article 4 Direction area as described in this report.

Gary Housden
Head of Planning and Housing

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Background Papers:

Helmsley Conservation Area Report to North York Moors NPA Planning Committee 12 December 2013:

http://www.northyorkmoors.org.uk/_data/assets/pdf_file/0011/396803/Item-6-Plan-Dec-2013.pdf

Background Papers are available for inspection at:

North York Moors NPA web-site.

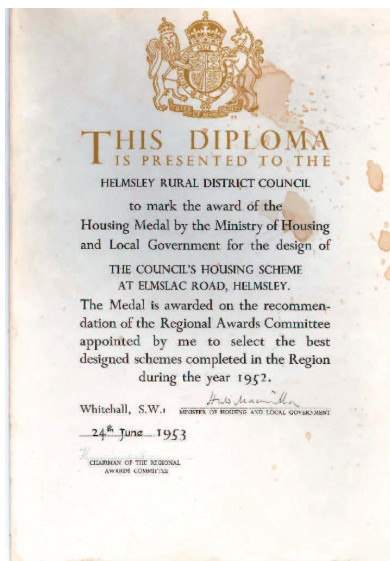
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Annex 1

Appraisal of proposed alterations to the boundary of Helmsley Conservation Area

Elmslac Road: Elmslac Road was constructed in the early 1950s in two or three stages by the Helmsley Rural District Council. The development represented the beginning of housing development to the north of Carlton Lane, formerly a back lane bounded to the north by fields. The Council had been involved in the development of new local authority housing in the 1940s to the east of Pottergate, building comfortable houses with private gardens but using the pattern-book style common to the period and the utilitarian materials - red brick with concrete dressings under pantile – that were available in the immediate post-war period when buildings materials were a scarce resource.

However, the design, layout and construction of Elmslac Road represented a departure from the utilitarian buildings that had been constructed hitherto. The scheme was designed by CWC Needham of the architecture and planning consultants Needham, Thorp and White of York, and it gained national recognition in 1953 when Helmsley Rural District Council received the Ministry of Housing and Local Government's Housing Medal for the Elmslac Road scheme from Harold Macmillan, then Housing and Local Government Minister, at a ceremony at the RIBA in London.



Above: Award of 1952 Housing Medal for Elmslac Road housing

Thoughtfully laid out and incorporating generous verges and gardens, the houses were principally distinguished from the typical local authority housing of the period by their traditional sandy limestone rubble construction, which is Helmsley's vernacular building material. The design of the houses forming Elmslac Road varies between the several housing blocks, but other distinctive aspects of the design and construction include stone and timber porches; bay windows; key-stone lintels; lime mortar; high garden walls linking the blocks and masking service buildings; and low stone boundary walls demarcating the front gardens. The most striking aspect of the layout of the development was the creation of a vista to the northern end providing a visual link with the countryside beyond. This was achieved by the angling of the flanking houses at 45 degrees to the road to focus the eye on the horizon, a view enhanced and framed by a pair of pyramidal-roofed single storey "pavilions". The effect of the angle of construction and diminishing scale of the pavilions is to create an illusion of distance and a sharper framing of the landscape than would otherwise have been achieved.



Above: Looking up Elmslac Road to countryside beyond

Most of the houses have undergone alterations to their original windows and doors, but their public-facing elevations are otherwise largely as designed, as is their garden setting.

The reasons for considering inclusion in the conservation area include:

- Award-winning 1950s housing scheme
- Layout with “framed” landscape vista
- Quality of building materials
- 1950s era “cottage” design details
- Generous garden character
- Surviving cohesive design, materials palette and layout
- Close historical relationship and similarities with Elmslac Close which is included in the conservation area

The Orchard/Stone Garth: The Orchard was designed by the noted local architect Sir Martyn Beckett for the Nicholson family in 1976. It is chiefly characterised by its unusual curved plan-form. The inclusion of The Orchard would also mitigate towards the inclusion of Stone Garth, a pleasant, 1950s-era development of stone semi-detached and detached houses which share some of the characteristics of the Elmslac Road houses, although the layout lacks the particular interest of that development.

The reasons for considering inclusion in the conservation area include:

- The Orchard’s distinctive curved design
- Its association with noted architect Sir Martyn Beckett
- Its attractive extensive garden setting
- Stone Garth’s materials palette and design complements the conservation area and similar era developments

Canons Garth Lane/Stone Garth triangle: The current conservation area boundary bisects the triangle of land bordered by the back of the Feversham Arms Hotel, Canons Garth Lane and Stone Garth, excluding the majority of this area. This land formerly consisted of tennis courts and car parks associated with the Feversham Arms Hotel, but now includes the

recent developments of the Feversham Arms Verbena Spa facility and a terrace of five houses facing Canons Garth Lane, with gardens, parking and garaging behind. A flat parking and grass area accessed at higher level from Stone Garth is also included in this triangle.



Above: New development on Canons' Garth Lane

The site lies at the centre of what is believed to be the original settlement at Helmsley. During archaeological excavations of the development sites many remains of the medieval period were found, including pottery sherds of the thirteenth and fourteenth centuries, animal bone fragments and flat clay roofing tiles. Limestone footings of a large building measuring around 16 by 9 metres were discovered, believed to have supported a timber frame structure, which is likely to date from the late medieval period and to have been abandoned by the beginning of the eighteenth century, when nearby housing fronting High Street was constructed. The buildings discovered were aligned with All Saints Church rather than with the High Street.

The new developments have been designed to respect the scale, vernacular and palette of materials of the surrounding historic townscape, and the site constitutes part of the setting of some of the most architecturally and historically important buildings in the town, including Canons' Garth and All Saints' Church, as well as occupying the "backland" of the east side of High Street. The land bordering Stone Garth forms the backdrop of the site and affords open views over the town towards the Castle and Duncombe Park.

The reasons for considering inclusion in the conservation area include:

- The significance of the site as the probable nucleus of the town of Helmsley
- The role of the site as part of the setting of adjacent listed buildings and the churchyard
- The views across the site towards the town and Duncombe Park
- The arbitrary line of the existing boundary is unresolved

Helmsley Walled Garden: Duncombe Park's Walled Garden was built in its current location by Thomas Duncombe in 1759, following the destruction of its predecessor which had been built close the River Rye but had been washed away in the great flood of that year. Located

on the edge of Helmsley Castle's medieval deer park, it occupies a sheltered position with the Castle rising to its east and the rising parkland adjoining its boundaries, it forms part of the grade I listed registered park and garden of Duncombe Park. Built to supply the needs of the great house, it is known to have employed twenty gardeners during the nineteenth century, but following the Great War it fell into disuse and disrepair. Its renaissance brought about by the Helmsley Walled Garden charity since the 1990s has made it a highly valued, accessible resource for the town and surrounding area.

The reasons for considering inclusion in the conservation area include:

- Its historical and architectural significance
- Its close physical relationship with the town
- Its prominence in views from the west in Duncombe Park towards the Castle
- The existing conservation area boundary abuts the eastern wall of the garden but currently excludes it
- It is now widely appreciated and accessible as a valued part the town



Above: Helmsley Walled Garden nestles between Duncombe Park and Helmsley Castle

Pottergate/Bells Court: The proposed alterations to the boundary east of Pottergate realign the boundary to follow walls and pathways instead of, for example, arbitrarily cutting through a property. The most significant change is in the Bell's Court area. Here the cul-de-sac development superseded the conservation area designation and the boundary became an ill-defined feature in light of this development. It is now proposed to exclude some of the more modern development and follow historic walls and tangible surviving features that can be identified on the ground, retaining more modern buildings where they are built within the garths of historic buildings but excluding them where the form of the historic landscape has been lost.



Above: Historic boundary walls near Bell's Court are proposed as the new Conservation Area b



PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	PLANNING COMMITTEE
DATE:	7 MAY 2014
REPORT OF THE:	HEAD OF PLANNING AND HOUSING GARY HOUSDEN
TITLE OF REPORT:	PUBLICATION OF THE COMMUNITY INFRASTRUCTURE LEVY (CIL) DRAFT CHARGING SCHEDULE
WARDS AFFECTED:	ALL EXCLUDING THE AREA OF WARDS FALLING WITHIN THE NORTH YORK MOORS NATIONAL PARK.

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To present the outcome of recent consultation on the Community Infrastructure Levy Preliminary Draft Charging Schedule (PDCS) and for Members to consider and agree changes to the Charging Schedule in response to issues raised.
- 1.2 For Members to agree to publish the Draft Charging Schedule (DCS) for formal consultation and subsequent submission to the Secretary of State for Examination in order to progress the introduction of the Community Infrastructure Levy.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that Members:
- (i) Note the comments received on the Preliminary Draft Charging Schedule and to agree responses to them as outlined in Appendix 1
 - (ii) Approve the Draft Charging Schedule at Appendix 2 for formal public consultation and subsequent submission to the Secretary of State for Examination
 - (iii) Agree in principle, the Draft Regulation 123 list (to follow) as Appendix 3.

3.0 REASON FOR RECOMMENDATIONS

- 3.1 To progress the production of the Draft Charging Schedule and the introduction of the Community Infrastructure Levy (CIL).

4.0 SIGNIFICANT RISKS

- 4.1 There are no significant risks associated with the report. It is considered that greater risks to the delivery of necessary infrastructure are likely to arise if the Community Infrastructure Levy is not progressed to adoption or if the correct process of producing the Draft Charging Schedule is not followed. Delays to the adoption of the levy also present a risk on the basis that from April 2015, additional limitations on the use of Section 106 contributions will come into force which will restrict the Council's ability to collect contributions from developers towards necessary infrastructure, should CIL not be operative in advance of the April 2015 deadline.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 Members are aware that the Community Infrastructure Levy is designed to be the main funding source for Ryedale to be able to deliver the strategic infrastructure required to support planned growth established through the Ryedale Plan. The Ryedale Infrastructure Delivery Plan (January 2012), produced to support the Plan sets out the infrastructure requirements that will help to deliver the Plan objectives. This document enabled a funding gap to be calculated, which currently stands at circa. £64 million. The ability to identify an infrastructure funding gap is necessary in order to justify a CIL charge. The Community Infrastructure Levy Regulations 2010 (as amended) set out the regulatory framework which needs to be followed by the Council (the 'charging authority') as it prepares to implement the CIL charge.
- 5.2 CIL charges are outlined in a Charging Schedule and the Regulations establish the procedural requirements for producing this. Following consultation on a Preliminary Draft Charging Schedule, a charging authority is required to produce a Draft Charging Schedule. The latter is the version of the charging schedule which is formally published for consultation and comments received on the Draft Charging Schedule are those that are considered at the CIL Examination.
- 5.3 Regulation 14 of the Regulations provides a central theme that needs be followed when producing a charging schedule. Crucially, it sets out the need to strike a balance between the need to fund infrastructure through the levy whilst also considering the effects the levy may have on constraining development. To this end a charging schedule must have direct regard to the economic viability of development that is likely to take place in Ryedale. Indeed, the viability assessments that are undertaken to support the levy should have regard to all of the policy requirements set out in the Development Plan. This includes developments achieving policy levels of affordable housing.
- 5.4 The Council prepared its Preliminary Draft Charging Schedule in 2013. The document was informed by an economic viability assessment, undertaken by Peter Brett Associates which set out the sources of information and assumptions used to inform the proposed charges. The Preliminary Draft Charging Schedule proposed the following charges:

Use	Proposed CIL charge (per sq.m)
Private market houses:	
<i>Lower Charging Zones</i>	£55
<i>All Other Areas</i>	£70
Supermarkets	£120
Retail Warehouses	£60
Public/Institutional Facilities as follows: education, health, community and emergency services	£0
All other chargeable development	£0

5.5 Members of this Committee agreed the Preliminary Draft Charging Schedule in August 2013 and following subsequent ratification by Council, the Preliminary Draft Charging Schedule and the economic viability study were subject to public consultation in accordance with the regulations. This process concluded on 15 November 2013, during which a total of 16 responses were received. A summary of the comments received together with responses to these are at Appendix 1 of this report.

5.6 In summary the main issues raised are as follows:

Residential

- Queries in relation to the evidential basis for the land value assumptions;
- The assumed sales rates are considered optimistic;
- Underestimation of uplift in costs to achieve Code for Sustainable Homes levels;
- Assumptions used for discounts and affordable housing values are too optimistic;
- External works and contingency percentages should be revised; and
- Specific assessments to cater for retirement accommodation should be undertaken.

Non-Residential

- Land value assumptions used are not clear;
- Conflicting opinions were received regarding rent and yield assumptions. Some Consultees agreed with the assumptions made, others felt they were too optimistic for the market;
- Build cost data should be reviewed;
- Lack of transparency with some of the viability modelling;
- Retail definitions lack clarity and disagree with the fundamental issue of retail differentiation; and
- Opposition to the level of rate suggested for retail development.

6.0 REPORT

The Draft Charging Schedule

- 6.1 A detailed review of the comments made and evidence provided as part of the consultation process has been undertaken. As a result, it has been necessary to make some minor revisions to some assumptions and to the viability modelling. These changes include:
- A revised approach to calculating developer's profit for residential uses so that profit is calculated as a percentage of the scheme's value, rather than its cost. This results in slightly higher assumed profit levels and commensurately reduces development viability and therefore the scope for CIL;
 - Revision to allowances made for 'residual' Section 106 costs that reflect the restrictions on Section 106 once CIL is in place;
 - Revised threshold land values, reflecting additional research undertaken; and
 - Updates to construction costs to reflect the latest data available.
- 6.2 In addition to the above, some representations sought additional clarity on the types of development tested and the detail of the assumptions applied. To address these comments, the revised assessments apply a newer and more refined model.
- 6.3 The revised viability assessments, along with all of the assumptions which underpin them, are set out in an Addendum Report that will be published as part of the DCS consultation. The effect of some of the changes made was to reduce viability and therefore the scope for CIL, whilst others had a beneficial impact on viability. Taken together however, the changes have a relatively small impact on viability for each use.
- 6.4 In recommending charge rates based on the evidence, the starting point is a calculation of the maximum possible charge for each use that is consistent with maintaining viability. It is then necessary to draw down from these maxima to ensure that the vast majority of development will remain viable. The Council's consultants recommend charges are set at 50% - 75% of the maximum to achieve this, and balance the need to maintain viability, with the need to fund the infrastructure that is required to enable growth. Whilst the maximum rates have changed in respect of many of the uses tested, the rates proposed in the PDOS continue to be within the 50% - 75% range shown by the revised viability assessments. As such, no changes to the rates are proposed within the DCS.
- 6.5 Officers consider that the charges reflect the need to strike the necessary balance required in the regulations in relation viability and that they are fully supported by robust evidence. The Draft Charging Schedule is at Appendix 2.
- 6.6 It is considered that the Council is now at the stage where the Draft Charging can be taken through the final formal stages of production. This process involves an additional six week consultation period, following which, any additional comments will be reviewed. Subject to the outcomes of this consultation, the Draft Charging Schedule will then be submitted for Examination along with all of the representations received.

- 6.7 The Regulations prescribe the procedural requirements for the formal publication and submission of the Draft Charging Schedule.
- 6.8 All of the evidence used to support the proposed charge and the evidence used to justify an infrastructure funding gap will be submitted to the examination. This will also include a draft 'Regulation 123' list as required by recent changes to the Regulations. The regulation 123 list is the list of infrastructure projects that CIL will be used to fund over time. The current draft version of this list will form Appendix 3 to this report. It will be included in a table form and circulated with the late papers. Members are asked to agree this list in principle as part of this report, bearing in mind that it is a list that the Council can review and update over time as necessary.

Other Procedural Matters

- 6.8 An important procedural requirement particularly at the formal stages of the preparation of a DCS is that it is taken forward in accordance with a timeframe achievable for adoption. Officers consider the following milestones should now be used for the next stages of the process:

Publication – June 2014
Submission – August 2014
Adoption – December 2014

7.0 IMPLICATIONS

- 7.1 The following implications have been identified:
- a) Financial
A budget has been set aside for the preparation of the Draft Charging Schedule and the costs of an Examination. Once CIL is in place, it will generate revenue to the Council, although this revenue is ring-fenced for spending on a list of infrastructure items that the Council must produce to accompany the charging schedule and update regularly.
 - b) Legal
Preparation of the charging schedule is be subject to the requirements of the The Community Infrastructure Regulations 2010 (as amended). On adoption, CIL will become a mandatory charge for development listed in the charging schedule.

8.0 NEXT STEPS

- 8.1 Officers will complete the administrative arrangements which are required to ensure that the draft charging schedule is published in accordance with statutory requirements. All those individuals or organisations who have previously submitted comments on the charging schedule will be notified, alongside the statutory consultees listed in the Regulations. A copy of the charging schedule will also be made available at Ryedale House and on the Council's web-site.

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Background Papers:

RDC CIL Preliminary Draft Charging Schedule. Consultation Document. September 2013

Ryedale Community Infrastructure Levy Viability Assessment. August 2013

Background Papers are available for inspection at:

www.ryedale.gov.uk

Ryedale Community Infrastructure Levy : Viability Assessment

	Person/Organisation	Comment	Response
General	Malton Town Council	<p>The Town Council raises no objection to either the proposed charging rates or the relative proportions for development type or the proposal in respect of differential zoning.</p> <p>The principal concerns of the Town Council relate to infrastructure needs and deficiencies and the need for formal and ongoing consultation with Local Communities/Councils on infrastructure issues as CIL is operated. It is essential that monies raised are directed to the most needed areas.</p>	<p>Noted.</p> <p>The Regulation 123 list will outline where the money generated through CIL will be spent.</p>
	Homes and Communities Agency	Support the proposals being put forward but have no specific comments to make at this stage.	Noted.
	Gladman Developments (via GL Hearn)	Overall the report lacks sufficient detail and the residential appraisals should be revisited to take account of the issues we raise. The proposed levy is too high and will adversely affect housing delivery rates.	Further work has been undertaken with further analysis and revised modelling.
	Helmsley Town Council	No comment to make on the specific level of charges proposed but concerned about the impact of CIL on	CIL has been calculated assuming full affordable housing requirements are developed on the scenarios

		<p>future affordable housing provision in the Town and Developers subject to CIL may argue for a lower affordable housing contribution. Additionally if CIL proceeds are not spent directly in the Town this will be a double loss for the town.</p> <p>The Town Council would be grateful if the position in relation to 'Neighbourhood funds' could be clarified. It would appear that the town could not qualify to receive 25% of CIL receipts.</p>	<p>tested.</p> <p>Town council will be eligible for 15% of the locally generated CIL revenues. If there is an adopted neighbourhood plan in place, this proportion rises to 25%.</p>
	Natural England	<p>No comment on the draft charges but Natural England would welcome a discussion on the types of infrastructure which CIL is intended to fund. If funding for Green Infrastructure cannot be provided through other sources, CIL funding should be identified.</p>	<p>Noted. Green Infrastructure items are included on the Regulation 123 list which remains a 'live' document.</p>
	Sainsbury's Supermarket Limited (SSL)	<p>SSL supports the principle of CIL but it is important to strike the right balance between securing the funding of infrastructure and the effect on development viability/ deliverability.</p>	<p>Noted. Viability modelling has been undertaken which is considered to strike the right balance as required by Regulation 14.</p>
	North Yorkshire County Council (NYCC)	<p>NYCC welcomes the fact that RDC has embarked upon the establishment of a CIL charging mechanism.</p> <p>The principle of a funding gap within Ryedale is established and accepted.</p>	<p>Noted.</p> <p>Noted.</p>

	M Punchard	CIL in combination with other contributions and building standards will adversely affect the viability of smaller residential schemes which help to support a significant number of small building firms in Ryedale and wider associated trade.	CIL is being introduced so that the majority of developments will contribute towards meeting future infrastructure needs. The viability evidence shows that the vast majority of developments would be able to afford CIL.
	Habton Parish Council	The Parish Council has reacted in favour of the CIL proposal.	Noted.
	G Winn Darley	New houses only balance the trend of a reducing population in villages. It is difficult to see a justification for charging a levy as new dwellings will not result in any further net demand on infrastructure. CIL would effectively be a tax on people trying to live in rural areas for the benefit of these who are significantly increasing the amount of housing and population in the Market Towns.	CIL is being introduced so that the majority of developments will contribute towards meeting future infrastructure needs. The viability evidence shows that the vast majority of developments would be able to afford CIL.
	Kirkbymoorside Town Council	A substantial majority of funds should be applied to the area that generates it and justification should be made as to when/why costs are not centralised. It is imperative that genuine consultation be undertaken within the area to discern actual spending priorities.	The Regulation 123 list identifies the pieces of infrastructure that will be contributed towards via CIL revenues. Priorities will be determined by the Council following further consultation. This will also include the Regulation 123 list.
	Fitzwilliam Trust Corporation and	The importance of viability and deliverability cannot be underestimated. Fundamental to viability testing	Viability modelling has been undertaken for various development scenarios that highlight those

	Fitzwilliam Trust Estate (via GVA)	is the ability of a developer to obtain a market-risk adjusted return for their efforts. If this falls below what would be deemed acceptable by the market the development would be deemed unviable and may not proceed.	developments that can attract a charge and those that cannot. Charges are proposed in accordance with this evidence.
	Fitzwilliam Trust Corporation and Fitzwilliam Trust Estate (via GVA)	Of equal importance is the ability of a land owner to obtain a competitive return to ensure land is willingly released. Where a site value reduced to a level deemed to be below market expectations (regardless of percentage uplift) as a result of CIL or other obligations there is a serious risk that land will not be released.	Additional analysis has been undertaken to understand benchmark land values within Ryedale. These represent a competitive return to the land owner.
	McCarthy and Stone Retirement Lifestyles Ltd and Churchill Retirement Living Ltd (via the Planning Bureau Ltd)	The effect of CIL on specialist accommodation for the elderly should be properly considered and accurately assessed so as not to put the developers of the Development Plan at risk. CIL should not prohibit the development of specialist accommodation.	A retirement style apartment development appraisal has been undertaken and the findings published in the addendum report.
Section 2	WM Morrison Supermarkets plc	(Legal Requirements) – Concur with the summary.	Noted.
Section 4 Para 4.12	WM Morrison Supermarkets plc	It is not clear how site specific s.106 contributions have been calculated in the context of retail development typologies.	Liaison with the Council has identified the likely amount that would be charged as a residual S106 once CIL is in place.
	Sainsbury's	SSL welcomes the early draft Regulation 123 list and	Noted.

	Supermarket Limited (SSL)	is pleased that a refined draft will be published for consultation alongside the Draft Charging Schedule. It is requested that it incorporates a timetable/target timescale to provide clarity and reassurance.	
	North Yorkshire County Council (NYCC)	NYCC would welcome further clarification on the Reg 123 list (table 4) ahead of consultation on the Draft Charging Schedule. NYCC welcomes the statement at paragraph 4.23	The Regulation 123 list will be further developed as the project progresses.
Table 4.1	English Heritage	Consideration should be given to including public realm improvements to other areas, not just Malton.	Noted. The emerging Regulations 123 list is a live document and the Council will take account of comments received in preparation for the examination.
Table 4.1	English Heritage	The list should include repairs, improvements and maintenance of heritage assets where they are on infrastructure item as defined by the Planning Act 2008, such as cultural or recreational facilities.	Noted.
Table 4.1	English Heritage	Could include maintenance and on-going costs relevant for a range of heritage assets (eg. Bridges – transport infrastructure and parks and gardens – social infrastructure. The transfer of an ‘at risk’ building could represent an in kind payment	Noted. However, CIL is required to be used for infrastructure to enable the delivery of planned growth outlined in the development plan. It cannot be used to fund existing shortfalls/deficits.

<p>Section 5 Para 5.14</p>	<p>WM Morrison Supermarkets plc</p>	<p>It is not clear in para 5.14 what land value for commercial development typologies have been carried into the appraisal. Different sized retail developments will require different sized sites.</p>	<p>Land value assumptions for commercial developments have been reviewed and clarified in the addendum report.</p>
	<p>Fitzwilliam Trust Corporation and Fitzwilliam Trust Estate (via GVA)</p>	<p>Concerned that the limited number of development typologies may undermine the robustness of the viability exercise. A 2.5ha and a 8ha site should be assessed to ensure that a suitably comprehensive range of typologies are assessed.</p> <p>The limited number of density typologies may undermine the robustness of the viability exercise. Additional sensitivity testing should be undertaken using a wider set of density assumptions to align with broad references in the Local Plan Strategy.</p>	<p>Scenarios of 0.25ha, 1ha and 5ha cover the likely format in which developments will come forward. Larger sites will more than likely be parcelled off as smaller chunks to be developed in a phased manner.</p> <p>Additional appraisal to cover higher densities has been undertaken.</p>
<p>Para 5.23</p>	<p>Fitzwilliam Trust Corporation and Fitzwilliam Trust Estate (via GVA)</p>	<p>5.23 Unit Sales Values: We do not challenge the assumptions made.</p>	<p>Noted.</p>
<p>Paras 5.26-5.38</p>	<p>Gladman Developments (via GL Hearn)</p>	<p>The analysis of current residential values (paras 5.26-5.38) appears to be based on little actual market evidence. The value of residential land in the viability appraisals is assessed by reference to an uplift to industrial land values and not by reference to the actual residential values reported. Figures are inconsistent with the Councils affordable housing viability study</p>	<p>Page 29 of the Harman Report 'Viability Testing Local Plans' cautions against reliance on transactional data. In line with this guidance, transactional evidence forms just part of our evidence base in respect of land values, which also includes reference to existing and alternative use value with appropriate uplift factors and findings of consultations with locally active agents and developers. In any case, by definition, reported values would be historical and not necessarily</p>

		<p>There is no explanation of how residential values have been carried out. The 30% uplift on industrial values is too simplistic on approach and is not evidence of residential land values. The agricultural multiple is not realistic in the context of the NPPF and the strong development potential of sites.</p> <p>Actual market evidence of recent land transactions should be included/used.</p>	<p>representative of the current and likely future market conditions.</p> <p>No evidence is provided to support assertion. Assumptions made are based on a range of appropriate available evidence including a small number of comparable transactions, consideration of existing use values and uplifts/multipliers and the feedback received from developers and agents.</p>
Paras 5.26- 5.38	Fitzwilliam Trust Corporation and Fitzwilliam Trust Estate (via GVA)	<p>Sales rates: A more realistic sales rate is 2-3 sales per month. A conservative rather than a bullish rate will be prudent and will ensure that land value and profit level are not artificially increased.</p>	<p>The sales rates assumed in the revised viability assessments in the Addendum Report are in line with those suggested. That said, our intelligence suggests that sales rates at some recent developments have far exceeded these rates.</p>
	Gladman Developments (via GL Hearn)	<p>Development period – the assumed sales rates are too optimistic and will lead to an under estimation of interest costs.</p>	<p>The sales rates assumed in the revised viability assessments in the Addendum Report are informed by market evidence and in line with those suggested by other consultees. That said, our intelligence suggests that sales rates at some recent developments have far exceeded these rates.</p>
Para 5.24	Gladman Developments (via GL Hearn)	<p>Build costs (Para 5.24) – BCIS data provides a range of cost and clarification and what has been applied is requested. BCIS data will under estimate current build costs given how and when it is compiled.</p>	<p>Clarification is provided in the addendum report. BCIS averages (indexed for Ryedale) applying the median average for ‘Estate Housing Generally’. It is important to note that many developers, particularly larger ones, will be able to develop at costs that are significantly below BCIS level, which tend to more closely reflect the costs of smaller house-builders and Registered Providers.</p>

Para 5.24	Gladman Developments (via GL Hearn)	Cost research by developers would suggest that the extra over cost from current building regulations to achieve Code level 4 is in the range of £4k-£6k per dwelling.	BCIS assumptions used are based on figures that cover the costs of building to current Building Regs requirements. The latest research shows that the 'extra over' of Code Level 3 is minimal and that for CSH 4 is c£2,000 per unit. In any case, CSH 4 is not a policy requirement.
Para 5.24	Fitzwilliam Trust Corporation and Fitzwilliam Trust Estate (via GVA)	Concerned that the assumptions used to build to code level 4 are under estimated and are too low which artificially increases the surplus available for CIL and undermines the robustness at the viability exercise.	BCIS assumptions used are based on figures that cover the costs of building to current Building Regs requirements. The latest research shows that the 'extra over' of Code Level 3 is minimal and that for CSH 4 is c£2,000 per unit. In any case, CSH 4 is not a policy requirement.
Para 5.32	Fitzwilliam Trust Corporation and Fitzwilliam Trust Estate (via GVA)	Land Values: Concerned that the viability assessment includes very limited actual transactional evidence which may have led to an over-generalised assessment of land values. Our clients are of the view that hypothetical residential land values are in the region of £1,000.00 per ha. Reliance on uplift is not supported by RICS as in reality property does not transact on an Existing Use Value basis. An assessment based on market values should be adopted.	Page 29 of the Harman Report 'Viability Testing Local Plans' cautions against reliance on transactional data. In line with this guidance, transactional evidence forms just part of our evidence base in respect of land values, which also includes reference to existing and alternative use value with appropriate uplift factors and findings of consultations with locally active agents and developers. In any case, by definition, reported values would be historical and not necessarily representative of the current and likely future market conditions.
Para 5.36	Taylor Wimpey Fitzwilliam Trust	The viability assessments assume brownfield sites are cleared and greenfield sites are serviced. These are significant costs which are not accounted for. In not making an allowance for preliminary works/ clearance of brownfield sites and servicing of	Where significant demolition or remediation is required and not undertaken by the landowner prior to disposal, it is expected that the cost of such works would be reflected in the price a developer would pay for the site.

	Corporation and Fitzwilliam Trust Estate (via GVA)	greenfield sites the appraisal is artificially low on costs. The surplus potentially made available for CIL will be over estimated. If competitive returns are not generated land will not be willingly released and this could lead to a negative impact on housing supply.	The land value assumptions made reflect this position, in that they are considered to reflect the values likely to be attributable to land that is readily developable.
Para 5.41	Gladman Developments (via GL Hearn)	Discount from marketing prices (para 5.41) – The total value of such sales inducements will average in the region of 10% of gross asking price (not 5%) and needs to be reflected in the sales revenue applied	No evidence provided to support assertion. Sales value assumptions are based on a number of sources, including marketing prices allowing for deductions of 5-10%; Land Registry achieved sales prices and feedback from developers and agents.
Para 5.47	Gladman Developments (via GL Hearn)	Affordable Housing (para 5.47) – 70% of OMV for shared ownership is not realistic. 60 % - 65% is a better guide to the value likely to be achievable in current conditions.	No evidence provided to support assertion. 70% of OMV has been tested and found sound elsewhere and has been agreed with by a number of developers.
Paras 5.50-5.57	Gladman Developments (via GL Hearn)	External Works: (Para 5.50) – This is normally adopted at 20% of the base construction cost when using BCIS cost date as a base cost, the 10% adopted in the appraisals is too low.	A 10% allowance for external works has been widely accepted elsewhere and no evidence is provided to support an alternative assumption.
	Fitzwilliam Trust Corporation and Fitzwilliam Trust Estate (via GVA)	Para 5.53 External works. We consider that the application of an all encompassing allowance for external works at 15-20% of base build costs is a more prudent approach. This would increase consistency across	A 10% allowance for external works has been widely accepted elsewhere and no evidence is provided to support an alternative assumption.

		the development typologies.	
Paras 5.50-5.57	Gladman Developments (via GL Hearn)	Contingency: The 5% contingency has only been applied to the basic build costs which is incorrect. It should also apply to policy costs and professional fees and also to the other on-site infrastructure costs.	Contingency is been charged against basic build cost, external works and professional fees in the revised assessments.
	Fitzwilliam Trust Corporation and Fitzwilliam Trust Estate (via GVA)	Contingency: The rate of 5% should be sensitively tested at 7.5% and 10% to reflect a scenario of developing on a brownfield site which had greater uncertainty and increased risk.	5% contingency has been tested and found sound at numerous examinations.
	Gladman Developments (via GL Hearn)	Marketing and Disposal costs (para 5.56) – At 3% is to low and should not be applied to open market units only. A minimum cost would be 4% of total gross development value.	Whilst no evidence has been submitted to support the assertions made, the revised modelling has calculated marketing differently to previous. Sales agent fee has been assumed at 1.25%, legal fees at £600 per unit and marketing at £100 per unit.
Paras 5.50-5.57	Fitzwilliam Trust Corporation and Fitzwilliam Trust Estate (via GVA)	We are keen to ensure that build cost variations are based on the application of lower or higher BCIS cost estimates rather than an arbitrary adjustment.	This methodology has been tested and found sound at examination.
Paras 5.50-5.57	Gladman Developments (via GL Hearn)	Bank funding costs – the rate suggested would appear appropriate	Noted.
Paras 5.50-5.57	Gladman Developments (via GL Hearn)	There are additional costs that need to be included in all appraisals which include funders arrangement	Whilst it is good practice to factor in finance costs to viability assessments of this nature, many

		fees, monthly management fees and exit fees at 1%, £1k per month and 1% of GDV respectively.	developments will not be debt funded, or will be only partly debt funded. We have assumed that schemes are 100% debt funded (with no credit interest) at a rate that is higher than those available to many developers. We consider this approach to be robust and conservative and that the additional costs identified (which are not common to all development borrowing in any case) would have a lesser impact on viability than if our assumptions were based on, say, only 60% debt finance and interest at base rate +4% (as is more common) with the additional costs identified allowed for on top.
	Fitzwilliam Trust Corporation and Fitzwilliam Trust Estate (via GVA)	Professional fees. We are keen to ensure that this is applied to the base build costs and external works.	We confirm that this is the case.
	Gladman Developments (via GL Hearn)	Development margin – Development margin requirements should be assessed against the gross development value of a scheme and not against total development costs. The current appraisals are flawed as the profit margin is currently expressed as a percentage of cost and not revenue and the returns referred to will be further eroded when realistic levels of developer costs are included.	Revised modelling tests against the value of the scheme at 20% on GDV for market units, 6% on GDV for affordable units.
	Taylor Wimpey	The work needs to be revisited to reflect the fact that volume house building works on profit on revenue.	Revised modelling tests against the value of the scheme. 20% on GDV for market units, 6% on GDV for affordable units.
	McCarthy and Stone	A viability assessment for a specialist	A viability model has been produced for retirement

	<p>Retirement Lifestyles Ltd and Churchill Retirement Living Ltd (via the Planning Bureau Ltd)</p>	<p>accommodation for the elderly scheme should be undertaken and assessed against both likely site values and potential alternative (competitive) uses. Our concern is that CIL could prejudice the delivery of retirement housing.</p> <p>A viability assessment for a specialist accommodation for the elderly scheme should provide a development scenario for a typical flatted retirement housing scheme located on a previously developed site within 0.4 miles of a Town Centre. To assist we have provided a joint position paper with recommendations for testing the viability of specialist accommodation for the elderly for CIL and a paper produced by Three Dragons consultants.</p> <p>A viability assessment for a specialist accommodation for the elderly scheme will demand inputs which are specific to retirement housing. These include:</p> <ul style="list-style-type: none"> • Additional costs associated with the provision of commercial areas. Provides of specialist accommodation for the elderly are at a disadvantage in land acquisition as the ratio of CIL rate to net saleable area would be disproportionately high. • Typical sales and marketing fees are often closer to 6% of GDV • Costs associated with empty properties which are covered by developer until the development is fully occupied. • Build costs specific to flatted sheltered 	<p>accommodation, results are included in the Addendum Report.</p>
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		housing	
Section 7 Para 7.7	Fitzwilliam Trust Corporation and Fitzwilliam Trust Estate (via GVA)	Would like to see greater clarity around the definition of larger and smaller format stores. Recommend a sensible threshold would be 2,500 sq.m GIA.	A revised definition for retail developments has been produced following recent examination reports. One indicator of how the buildings are used differently is a trading area threshold of 500 sq. m.
Para 7.8	WM Morrison Supermarkets Plc	There are no development density assumptions for supermarket schemes. Table 7.2 refers to a cost per square metre but without knowing the scheme size and density this cannot be translated into a site cost. This needs to be transparent.	Revised modelling is based on development typologies, the detail of which are provided in the Addendum Report and appendices.
Para 7.13	WM Morrison Supermarkets Plc	Land values for retail (£ per hectare) is not quoted and it is not clear from the appraisal summaries what actual threshold land value has been used.	Land value assumptions are made clear in the Addendum Report.
Para 7.13	WM Morrison Supermarkets Plc	VOA data is from July 2009 and (partial data) from January 2011 which is out of date. The weight given to such historic information must be reduced. It would be appropriate to set out what the opinions of local agents and developers were and if these are opinions of value (hypothetical) or based on local transactions (actual). In the case of retail developments landowners are likely to hold out for the highest value and are unlikely to accept a reduction in their land value for CIL	Land value assumptions are made clear in the Addendum Report.
Para 7.13	Fitzwilliam Trust	An allowance for purchasers costs should be	Purchaser's costs are itemised separately in the

	Corporation and Fitzwilliam Trust Estate (via GVA)	incorporated in the viability appraisal of commercial development. We have not seen any reference as to how these costs have been incorporated. 5.8% of the GDV would be prudent	revised viability assessments included in the Addendum Report.
Para 7.15	Fitzwilliam Trust Corporation and Fitzwilliam Trust Estate (via GVA)	For supermarkets, the rent and yield assumptions appear broadly acceptable, however we are of the opinion that the build cost assumption is low. BCIS data reveals that these are in excess of £1,000 per sq.m. An under estimated build cost will artificially increase land value or profit.	BCIS data at the time of the appraisals gave the figures used in the appraisals. The build cost data has been updated for the revised modelling used in the addendum report.
Para 7.15	Fitzwilliam Trust Corporation and Fitzwilliam Trust Estate (via GVA)	For retail warehousing, rent, yield and build cost assumptions appear broadly acceptable although would question whether such uses are likely to contribute significantly to development activity and whether applying a charge is very pragmatic.	Whilst there may not be a significant level of development anticipated, it is important to capture funds from the viable development typologies to contribute towards the growing infrastructure needs.
Table 7.1 and para 7.16	WM Morrison Supermarkets Plc	(Key Retail Assumptions) Rents and Yields - The yield is too strong (low) even for supermarket retail due to the rural location and scale of catchment. No evidence is presented to support rent assumptions	We have an evidence base of rent and yield comparibles that have informed rent and yield assumptions. The assumptions are also supported by other representations.
Table 7.1 and para 7.16	WM Morrison Supermarkets Plc	(Key Retail Assumptions) Build Costs. The construction costs need to be revised. The latest BICS cost database, rebased for North Yorkshire shows costs (£1,017 psm) substantially above the	The data used for the initial assessments was as shown in the BCIS database, rebased for Ryedale and not North Yorkshire. The data has been updated in the assessments included in the Addendum Report

		level used (£990 psm).	
Table 7.1 and para 7.16	WM Morrison Supermarkets Plc	Key Retail Assumptions - Professional Fees. It is not clear which % has been used. We suggest 12%.	Professional fees are included at 10% of build costs and external works.
Table 7.1 and para 7.16	WM Morrison Supermarkets Plc	Key Retail Assumptions. (Table 7.1 and para 7.16) - Section 106. The report does not specify what quantum has been allowed for S.106 contributions. In our experience such costs could be in the order of £0.5m for S.106 and £0.5m for S278. The appraisals should be reworked to reflect these costs.	The S106 figure is based on analysis of recent S106 schemes and equates to £100 per sq. m for supermarkets. It should be noted that the tighter restrictions S106 as a function of the Reg 122 tests will mean that such costs are likely to be significantly lower than have been the case previously, once CIL is adopted. The assumption reflects levels found through research into S106 costs for retail developments.
Table 7.1 and para 7.16	WM Morrison Supermarkets Plc	Key Retail Assumptions - Interest. It is not clear how this has been calculated. 18 months is inappropriately optimistic for supermarket developments. An appropriate cash flow period would be in the order of 30-36 months	We do not agree that a supermarket would take approximately 3 years to complete. No evidence is provided to support assertions made. Our evidence suggests that supermarkets typically have a 9 month construction period, although we have conservatively allowed for a 12 month construction period.
Table 7.1 and para 7.16	WM Morrison Supermarkets Plc	Key Retail Assumptions - Developers margin/profit - Suggest that the developers profit level for supermarkets be increased to 25% on cost.	No evidence provided to support assertions. 20% on cost assumption has been tested and found sound at numerous examinations.
Table 7.2	WM Morrison Supermarkets Plc	Viability Assessment Retail - The report does not present the appraisal results for the hypothetical retail typologies, rather retail viability result per square metre. This is unusual as proportions could	Revised modelling has is based on hypothetical retail development typologies that are clearly set out in the Addendum Report.

		change for stores of different sites. Also without the appraisals the report is a 'black box' which is not transparent and against guidance. For example on terms of land and purchase costs it is impossible to establish what threshold land value per hectare, £500 per square metre equates to.	
Table 7.2	WM Morrison Supermarkets Plc	Viability Assessment Retail- The figure of £50 psm for S.106 / S.278 is low and query why it is half the rate used for Hambleton.	The S106 figure is based on analysis of recent S106 schemes and equates to £100 per sq. m for supermarkets. It should be noted that the tighter restrictions S106 as a function of the Reg 122 tests will mean that such costs are likely to be significantly lower than have been the case previously, once CIL is adopted. The assumption reflects levels found through research into S106 costs for retail developments.
Section 9	WM Morrison Supermarkets plc	<p>Maximum Charge Rate Assessment (Table 9.3) - There is no evidence to suggest how this would translate to a real scheme. Simply multiplying up the per metre appraisal is too simplistic as the variables will alter relative to each other depending on the size of the scheme.</p> <p>Non residential maximum and recommended rate of CIL charges. Query why the top end of the range has been used. We would recommend a charge rate of 50% of the typical theoretical maximum.</p>	<p>Revised modelling has been used that basis appraisals on a hypothetical development scheme, rather than on a per sq. m basis.</p> <p>Charges rates are set at between 50% - 75% of the theoretical maximum rates. This demonstrates that the Council has drawn down substantially from the 'ceiling' of viability and demonstrates that the balance required by Regulation 14 has been achieved.</p>
Table 9.1	North Yorkshire County	The ranges in table 9.1 would appear to be rather	This approach to rate setting has been found sound

	Council (NYCC)	conservative as regards to the suggested theoretical maximum. Suggest that it is raised to sit at a medium point within the Governments suggested range. (60-65%).	and commended by several examiners as a means of achieving the balance required by Regulation 14 between maintaining development viability and funding the infrastructure required to enable growth.
Table 9.1	North Yorkshire County Council (NYCC)	Tables 9.2 and 3.1. By the time a CIL charge is adopted the potential revenue is likely to be reduced as a result of schemes coming forward before the levy is in place, widening the gap between CIL and recognising infrastructure.	Noted. However, the CIL charge has to follow prescribed steps. In the meantime, S106 will remain the mechanism by which developer contributions are sought.

Preliminary Draft Charging Schedule

Person/Organisation	Comment	Response
Helmsley Town Council	It is unclear by what is meant (para 33) of a cap of £100 per dwelling in each financial year.	The cap per dwelling is set out in the regulations issued by Central Government.
Sainsbury's Supermarket Limited (SSL)	SSL. Objects to the proposed differential rate applied to 'supermarkets' and 'retail warehouses'. The proposed definitions fail to meet the requirements of Regulation 13 of the 2010 CIL regulations and CIL guidance.	CIL charge differentiation for retail uses as proposed in Ryedale has been tested and found sound in numerous recent examinations and therefore demonstrably meets the requirements of Regulation 13.
Sainsbury's Supermarket Limited	SSL does not agree that there is a justifiable and evidenced material difference in the intended and	CIL charge differentiation for retail uses as proposed in Ryedale has been tested and found sound in

(SSL)	identified uses of development between supermarkets, retail warehouses and other forms of retail development within Ryedale. The approach is also inequitable.	numerous recent examinations and therefore demonstrably meets the requirements of Regulation 13.
Sainsbury's Supermarket Limited (SSL)	<p>The clear and fine gained viability evidence required to distinguish between and justify differential uses is absent from the evidence base. No detail is x as to the scale of the developments appraised, the threshold chosen of the impact of this on viability.</p> <p>Assumes that the single appraisal for each retail 'use' is representative of the market across the District</p>	<p>Refined modelling has been used that works through hypothetical development scenarios.</p> <p>The assumptions and assessments reflect the market data gathered and the rents and yields likely to be achieved in the locations where development is expected to come forward. It neither necessary nor feasible to test every conceivable type and location of development and a degree of generalisation is acknowledged to be acceptable for the purposes of CIL. Nonetheless, rates are set substantially below the identified maxima in order to ensure that they are applicable to the range of conditions likely to be found in the district.</p>
Sainsbury's Supermarket Limited (SSL)	The evidence does not take the reality of delivery schemes in Ryedale into account. The use of appropriate and 'readily available evidence' must seriously include details and data x from locally representative developments within and near to Ryedale.	The evidence has been gathered from a number of sources and is robust for the purposes of high level viability assessments to inform CIL charge setting. No alternative evidence that would give cause to make different assumptions is provided as part of the representation.
Sainsbury's Supermarket Limited	There should be a single CIL rate for all retail development within Ryedale.	Our evidence suggests there is scope for differentiation as they vary significantly between

(SSL)		development types.
Sainsbury's Supermarket Limited (SSL)	SSL is pleased that it is proposed to change a nil CIL rate an 'all other chargeable development'.	Noted.
Sainsbury's Supermarket Limited (SSL)	There is no evidence in the state aid consequences of charging differential rates for retail developments.	Charges can vary for use/scale or zone which it is demonstrated by the viability evidence. Where such an approach is supported by the evidence, then there are no state aid issues.
Sainsbury's Supermarket Limited (SSL)	SSL is pleased that the Council intends to introduce an instalments policy which is important for development cash flow. It is requested that this is produced alongside the Draft Charging Schedule for consultation.	Noted.
Sainsbury's Supermarket Limited (SSL)	SSL is pleased that the Council proposes to introduce a policy to enable discretionary relief for exceptional circumstances and requests this is made available alongside the Draft Charging Schedule. It should include a mechanism by which the viability of schemes with considerable challenges can be taken into account.	Noted.
Sainsbury's Supermarket Limited	The Council will be required to reflect the CLG response to the Proposed Further Reforms to be CIL	Noted. This has been taken on board.

(SSL)	Regulations in the Draft Charging Schedule.	
WM Morrison Supermarkets plc	Object to the proposed CIL rates for retail development. It is significantly higher than those proposed by other LPA's and at this level is likely to have a significant adverse impact on the overall viability of future large scale retail developments particularly when taking into account other costs (eg, typical S.106 agreements). It will place undue risk on the delivery of food retail proposals and will be an unrealistic financial burden which will threaten new investments and job creation.	Charge rates reflect the viability assessments and are broadly in line with the almost all regional and sub-regional comparators, reflecting the similarities in market conditions across these areas. The charges proposed for supermarkets are highly unlikely to constrain viability given that it remains by far the best performing development sector in the UK and the CIL liability is lower than the S106 costs offered as part of many supermarket developments.
WM Morrison Supermarkets plc	The definition of a supermarket is 'grey' by reference to basket or trolley shopping	Retail differentiation, applying the definitions proposed, has been found sound at various examinations and is adequately clear.
North Yorkshire County Council (NYCC)	The position of having a differential CIL as expressed for residential development seems appropriate.	Noted.
North Yorkshire County Council (NYCC)	It is appropriate that supermarkets and retail warehousing are proposed for charging.	Noted.
North Yorkshire County Council (NYCC)	NYCC welcomes and supports the proposal to levy a nil charge rate upon public and industrial uses including community facilities. This should apply to extra care facilities development by a not-for-profit	Noted.

	social landlord in partnership with NYCC.	
North Yorkshire County Council (NYCC)	NYCC would be concerned if the payment of CIL by instalments delayed the receipt of funds as this could result in higher borrowing costs and risks for NYCC at a time of significant budgetary pressures. It could even result in it not being possible to deliver vital infrastructure and prevent development from commencing.	An instalments policy is necessary to allow some flexibility in development that faces substantial up-front costs. Investments by NYCC should only be made where funding is secured and it is acknowledged that this may, regrettably, result in some delays.
North Yorkshire County Council (NYCC)	Para 26 – land in lieu of CIL. This could have implications for NYCC and we urge that dialogue takes place before any such agreement is reached.	Regulations state that CIL can be paid by land or through the delivery of infrastructure by a developer instead of paying the rate.
McCarthy and Stone Retirement Lifestyles Ltd and Churchill Retirement Living Ltd (via the Planning Bureau Ltd)	The present wording is misleading. Reference is made to ‘private market houses’ when it is understood this is intended to include private x schemes.	Further viability assessments have been undertaken specific to retirement accommodation. The findings are set out in the Addendum Report.
McCarthy and Stone Retirement Lifestyles Ltd and Churchill Retirement Living Ltd (via the Planning Bureau Ltd)	The PDCS provides uniform levy rates for all forms of residential development and does not differentiate between houses, flats and specialist accommodation for the elderly. It fails to recognise the very specific viability issues associated with specialist accommodation for the elderly. This is recognised in the draft National Planning Practice Guidance and a specific viability assessment covering such a	Further viability assessments have been undertaken specific to retirement accommodation. The findings are set out in the Addendum Report.

	development scenario should be undertaken.	
Taylor Wimpey	Should be revisited to ensure that the residential approach results in a competitive land owner return as endorsed in Shinfield or CIL charges will not be viable/deliverable	The Shinfield decision is one decision, relating to a specific site being considered as part of the Development Management process. It is, therefore, of limited relevance for the purposes of CIL for which separate guidance and good practice exists.
Fitzwilliam Trust Corporation and Fitzwilliam Trust Estate (via GVA)	GVA on behalf of FME and FTL has undertaken a high level viability assessment of its own and consider that a charge of £43 per sq.m in lower value areas and £45 per sq.m in higher value areas would be more viable.	Our assessments undertaken using our evidenced assumptions suggest the published rates to be acceptable.
Fitzwilliam Trust Corporation and Fitzwilliam Trust Estate (via GVA)	GVA on behalf of FME and FTC has undertaken a high level viability assessment of its own and consider that a charge of £90 per sq.m for supermarkets would be more viable.	Our assessments undertaken using our evidenced assumptions suggest the published rates to be acceptable.
Fitzwilliam Trust Corporation and Fitzwilliam Trust Estate (via GVA)	GVA on behalf of FME and FTC has undertaken a high level viability assessment of its own and consider that a charge of £30 per sq.m for retail warehouse development would be more viable.	Our assessments undertaken using our evidenced assumptions suggest the published rates to be acceptable.
Fitzwilliam Trust Corporation and Fitzwilliam Trust Estate (via GVA)	FME and FTC strongly support the principle of a CIL instalments policy (paragraph 25)	Noted.

Ampleforth Parish Council	The PC supports the proposals but is concerned about the £100 maximum CIL payment per dwelling to the PC where there is no development plan.	Noted. This limitation relates to those areas without a Neighbourhood Plan. The limitation is, however, prescribed by Central Government.
North York Moors National Park Authority	The proposed higher rate zone adjoins the National Park boundary and the rate proposed is consistent with what is being suggested for residential development in the National Park.	Noted.
	It is important that there is consistency between the assessments of both authorities.	Noted.
English Heritage	Paragraph 8: Support the intention to allow relief to be offered in exceptional circumstances. It should be offered where the requirement to pay CIL would have a harmful impact on the viability of developments which involve heritage assets, particularly these which are at risk.	Noted.
Country Land and Business Association	Pleased that Ryedale has chosen to set a nil levy for 'all other development'.	Noted.
Country Land and Business Association	In terms of residential development, CIL should not be applied to new dwellings which are required to accommodate those employed in agriculture, horticulture, forestry and other rural business. Such properties are not sold for development gain and are usually restricted by an occupancy condition. The charge is likely to render such projects unviable.	It is not possible to differentiate between a dwelling and an agricultural workers dwelling as they are not used differently, nor do they represent a different zone or scale of development. A residential rate would apply for all new dwellings built in Ryedale.

RYEDALE
DISTRICT
COUNCIL



Ryedale District Council

Community Infrastructure Levy Draft Charging Schedule

Published June 2014

The Charging Authority

This Community Infrastructure Levy (CIL) Draft Charging Schedule has been published by Ryedale District Council. The Council will be both a Charging Authority and a Collecting Authority.

Statutory Compliance

The Draft Charging Schedule has been approved for publication at a meeting of the Council held on 15 May 2014. It is published in accordance with Part 11 of the Planning Act 2008 (as amended), and the Community Infrastructure Levy Regulations 2010 (as amended).

In setting its CIL rates in accordance with Regulation 14(1) of the Community Infrastructure Levy Regulations 2010, Ryedale District Council has aimed to strike what is believed by the council to be an appropriate balance between:

- The desirability of funding from CIL (in whole or part) the estimated total cost of infrastructure required to support the development of the District, taking into account other actual and expected sources of funding; and
- The potential effect (taken as a whole) of the imposition of CIL on the economic viability of development across the District.

Justifying the Introduction of CIL

At the time of publishing (June 2014), the Council has identified an infrastructure funding gap of **£63,870,000**.

As a part of the economic viability study that supports the charging schedule, a revenue projection has been produced to identify the potential revenue from the proposed CIL rates over the life of the development plan. This figure is estimated at £14,599,950, approximately £973,330 per annum.

Scope of CIL

The following development types will be liable to CIL:

- Development comprising 100m² or more of new build floorspace;
- Development of less than 100m² of new build floorspace that results in the creation of one or more dwellings, but excluding self-build properties; and
- The conversion of a building that has been abandoned.

CIL Exemptions and Relief

The CIL regulations provide for certain types of development to be exempt or eligible for relief from CIL, as set out below:

Development exempt from CIL

- The conversion of any building previously used as a dwelling house to two or more dwellings
- Development of less than 100m² of new build floorspace, provided that it does not result in the creation of a new dwelling
- The conversion of a building in lawful use, or the creation of additional floor-space within the existing structure of a building in lawful use
- Development of buildings and structures into which people do not normally go (eg, pylons, wind turbines, electricity sub stations)

Development entitled to Mandatory Relief from CIL

- Development by registered charities for the delivery of their charitable purposes, as set out in Regulation 43 of the Community Infrastructure Levy Regulations 2010
- Those parts of a development which are to be used as social housing, as set out in Regulation 49 of the Community Infrastructure Levy Regulations 2010

Where planning permission is granted for a new development that involves the extension or demolition of a building in lawful use, the level of CIL payable will be calculated based on the net additional floorspace. This means that the existing floorspace contained in the building to be extended or demolished will be deducted from the total floorspace of the new development, when calculating the CIL liability.

The definition of lawful use is contained in Regulation 6 (11(ii)) of the Community Infrastructure Levy Regulations 2010 (as amended), which states the following:

“contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development”

CIL Rates

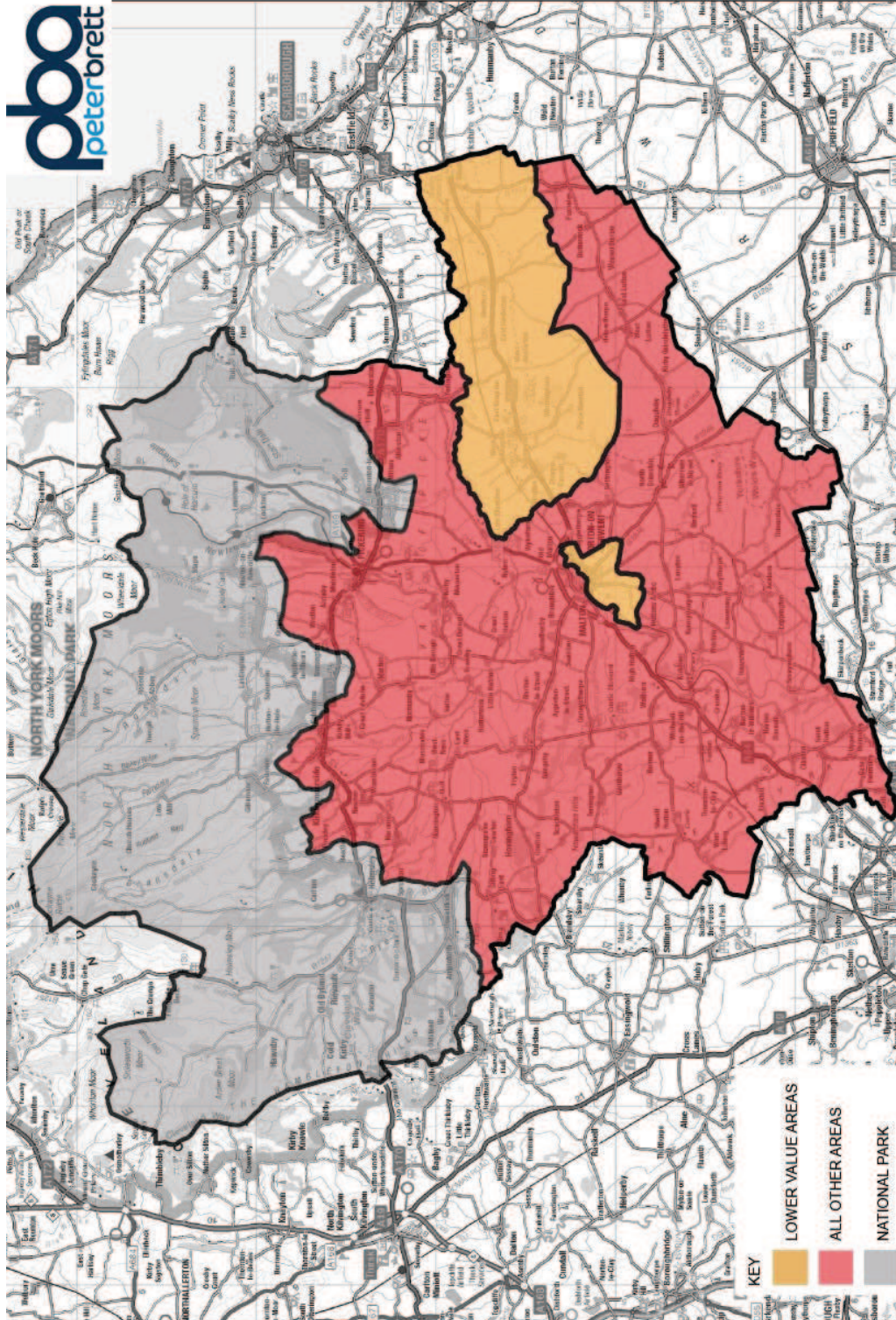
The economic viability study, undertaken by Peter Brett Associates (formerly Roger Tym and Partners), informs the CIL rates proposed for Ryedale District Council. The proposed charging schedule is as follows:

Use	CIL Charge per sq. m
Private market houses (excl. apartments)	
Low value areas	£55
All other areas	£70
Supermarkets	£120
Retail Warehouse	£60
Public/Institutional facilities as follows: education, health, community and emergency services	£0
All other chargeable development (incl. apartments)	£0

The definitions of the Supermarkets and Retail Warehouse are as follows:

- Supermarkets – Supermarkets are large convenience-led stores where the majority of custom is from people doing their main weekly food shop. As such, they provide a very wide range of convenience goods, often along with some element of comparison goods. In addition to this, the key characteristics of the way a supermarket is used include:
 - The area used for the sale of goods will generally be above 500 sq. m.
 - The majority of customers will use a trolley to gather a large number of products;
 - The majority of customers will access the store by car, using the large adjacent car parks provided; and
 - Servicing is undertaken via a dedicated service area, rather than from the street.
- Retail Warehouses – Retail warehouses are usually large stores specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of goods. They can be stand-alone units, but are also often developed as part of retail parks. In either case, they are usually located outside of existing town centres and cater mainly for car-borne customers. As such, they usually have large adjacent, dedicated surface parking.

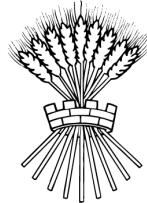
The charge zone areas are shown on map shown overleaf.



Supporting Information and Evidence Base

The documents listed below support this CIL Draft Charging Schedule. All documents are available on the Council's website, or can be viewed at the District Council Offices, Ryedale House, in Malton.

- Ryedale Local Plan Strategy (adopted September 2013)
- Ryedale Infrastructure Delivery Plan (January 2012)
- Ryedale Community Infrastructure Levy Viability Assessment (August 2013)
- Ryedale Community Infrastructure Levy Addendum Report (January 2014)
- Draft Regulation 123 List



REPORT TO: FULL COUNCIL
DATE: 15 MAY 2014
SUBJECT: PART 'B' REFERRALS FROM POLICY AND RESOURCES COMMITTEE ON 3 APRIL 2014

71 Policy on Retail Relief for Business Rates

Considered the report of the Corporate Director (s151).

Recommendation to Council

That Council is recommended to approve:

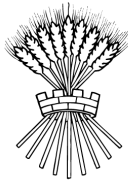
(I) A Discretionary Business Rates Policy to award retail relief in accordance with Department for Communities and Local Government (DCLG) guidelines with the following additional provisions:

- (a) All ratepayers in England & Wales will be eligible for the reoccupation relief. However, any ratepayer that occupies 50 or more premises will not be eligible to receive the £1,000 retail relief;
- (b) Charity shops in receipt of 80% Mandatory Business Rates Relief shall not be granted discretionary relief.

(II) That Discretionary Retail Relief be awarded as follows:

- (a) Via delegated authority to Council Officers for 2014/15 and 2015/16 only;
- (b) That an application process is not a mandatory requirement, but that Officers reserve the right to request information in order to apply any award of relief.

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PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	3 APRIL 2014
REPORT OF THE:	CORPORATE DIRECTOR (s151) PAUL CRESSWELL
TITLE OF REPORT:	POLICY ON RETAIL RELIEF FOR BUSINESS RATES
WARDS AFFECTED:	ALL WARDS

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To submit for members' consideration a policy for the determination of the allocation of Discretionary Business Rate Relief to retail business premises.

2.0 RECOMMENDATIONS

- 2.1 That Council is recommended to approve:
- (i) a Discretionary Business Rates Policy to award retail relief in accordance with Department for Communities and Local Government (DCLG) guidelines with the following additional provisions:
 - (a) Any ratepayer that occupies 50 or more premises in England & Wales will not be eligible to receive the relief;
 - (b) Charity shops in receipt of 80% Mandatory Business Rates Relief shall not be granted discretionary retail relief.
 - (ii) That Discretionary Retail Relief be awarded as follows:
 - (a) Via delegated authority to Council officers for 2014/15 and 2015/16 only;
 - (b) That an application process is not a mandatory requirement, but that officers reserve the right to request information in order to apply any award of relief.

3.0 REASON FOR RECOMMENDATIONS

- 3.1 The Chancellors' 2013 autumn statement announced that retail premises with rateable values of less than £50,000 would be eligible for a reduction of £1,000 on their business rates bill from 1 April 2014. DCLG announced that the award of this reduction is to be on a discretionary basis by the billing authority. It is therefore prudent for the Council to have a policy for the award of this reduction that ensures

business growth and sustainability of local businesses.

4.0 SIGNIFICANT RISKS

- 4.1 Without formulating a policy, there is the risk that application of the reduction to any business could breach state aid limitations.
- 4.2 If a policy is not formulated, relief can be applied to businesses that do not necessarily boost the local economy.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 The provision of relief is mandated through legislation.
- 5.2 The announcements made and late provision of guidance have meant that consultation has not been possible on these proposals.

REPORT

6.0 REPORT DETAILS

- 6.1 As this is a measure for 2014-15 and 2015-16 only, the Government is not changing the legislation around the reliefs available to properties. Instead the Government will, in line with the eligibility criteria set out in this guidance, reimburse local authorities that use their discretionary relief powers, introduced by the Localism Act (under section 47 of the Local Government Finance Act 1988, as amended) to grant relief. It will be for individual local billing authorities to adopt a local scheme and decide in each individual case when to grant relief under section 47. Central government will fully reimburse local authorities for the local share of the discretionary relief (using a grant under section 31 of the Local Government Act 2003). The Government expects local government to grant relief to qualifying ratepayers.
- 6.2 Properties that will benefit from the relief will be occupied hereditaments with a rateable value of £50,000 or less, that are wholly or mainly being used as shops, restaurants, cafes and drinking establishments.
- 6.3 DCLG guidance considers shops, restaurants, cafes and drinking establishments to mean:
- i. Hereditaments that are being used for the sale of goods to visiting members of the public:
 - Shops (such as: florist, bakers, butchers, grocers, greengrocers, jewellers, stationers, off licence, chemists, newsagents, hardware stores, supermarkets, etc)
 - Charity shops
 - Opticians
 - Post offices
 - Furnishing shops/ display rooms (such as: carpet shops, double glazing, garage doors)
 - Car/ caravan show rooms
 - Second hand car lots
 - Markets
 - Petrol stations
 - Garden centres
 - Art galleries (where art is for sale/hire)

ii. Hereditaments that are being used for the provision of the following services to visiting members of the public:

- Hair and beauty services (such as: hair dressers, nail bars, beauty salons, tanning shops, etc)
- Shoe repairs/ key cutting
- Travel agents
- Ticket offices e.g. for theatre
- Dry cleaners
- Launderettes
- PC/ TV/ domestic appliance repair
- Funeral directors
- Photo processing
- DVD/ video rentals
- Tool hire
- Car hire

iii. Hereditaments that are being used for the sale of food and/ or drink to visiting members of the public:

- Restaurants
- Takeaways
- Sandwich shops
- Coffee shops
- Pubs
- Bars

6.4 To qualify for the relief the hereditament should be wholly or mainly being used as a shop, restaurant, cafe or drinking establishment. In a similar way to other reliefs (such as charity relief), this is a test on use rather than occupation. Therefore, hereditaments which are occupied but not wholly or mainly used for the qualifying purpose will not qualify for the relief.

Properties that do not benefit from the granting of this relief

6.5 The list below sets out the types of uses that government does not consider to be retail use for the purpose of this relief. Again, it is for local authorities to determine for themselves whether particular properties are broadly similar in nature to those below and, if so, to consider them not eligible for the relief under their local scheme.

i. Hereditaments that are being used for the provision of the following services to visiting members of the public:

- Financial services (e.g. banks, building societies, cash points, bureau de change, payday lenders, betting shops, pawn brokers)
- Other services (e.g. estate agents, letting agents, employment agencies)
- Medical services (e.g. vets, dentists, doctors, osteopaths, chiropractors)
- Professional services (e.g. solicitors, accountants, insurance agents/financial advisers, tutors)
- Post office sorting office

ii. Hereditaments that are not reasonably accessible to visiting members of the public.

6.6 It is estimated that the value of relief that will be applied in accordance with the proposed policy will be in the region of £350k for the 2014/15 financial year and be applicable to approximately 370 business premises in the district.

6.7 The relief can be applied in conjunction with other reductions from business rates such as small business rate relief.

6.8 Businesses who are eligible for the relief, but whose liability is less than £1,000 will

receive relief amounting to their net annual liability.

- 6.9 In granting the relief the Council must consider State Aid implications. State Aid is the means by which the EU regulates state funded support to businesses. Providing discretionary relief to ratepayers is likely to amount to state aid. Retail relief will be compliant where it is awarded within De Minimis rules. To administer De Minimis it is necessary for each local authority to establish that the award of aid will not result in the business having received more than 200,000 euros of State Aid in a three year period (consisting of the current and preceding two years).
- 6.10 It is for the state aid reason that the first criteria has been introduced as a high street chain operating from small premises could breach this limit is operating in a number of authorities areas. Without such an exclusion significant administrative costs and processes may need to be introduced to ensure state aid provisions were not breached.
- 6.11 Shops that are occupied by registered charities currently receive 80% mandatory relief and are required to pay the remaining 20% of their charge. It is proposed to exclude charity shops from being granted retail relief in order to cap relief advantages charities have over other high street businesses.

7.0 IMPLICATIONS

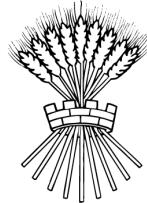
- 7.1 The following implications have been identified:
- a) Financial
There is no financial implication as award of the relief is reimbursed through Section 31 grant. This is then managed through the rate retention system and the business rates pool.
 - b) Legal
There are no significant legal implications in considering this report.
 - c) Other
There are no significant other implications in considering this report.

Paul Cresswell
Corporate Director (s151)

Author: Alan McCarten, Senior Revenues Officer
Telephone No: 01653 600666 ext: 377
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Background Papers:
DCLG Business Rates Retail Relief Guidance

Background Papers available for inspection:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/275589/Business_Rates_Retail_Relief_guidance.pdf
Revenues Section, Ryedale House.



REPORT TO: FULL COUNCIL

DATE: 15 MAY 2014

SUBJECT: PART 'B' REFERRALS FROM POLICY AND RESOURCES
COMMITTEE ON 3 APRIL 2014

72 Ryedale Development Fund- Remaining Major Projects

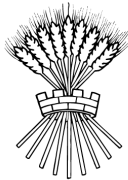
Considered – Report of the Head of Economy and Infrastructure

Recommendation to Council

That Council is recommended to approve funding from the RDF budget to each of the following initiatives:

- (i) £20,000 towards the progression of targeted A64 Improvements: and
- (ii) £3,000 towards the progression of the Malton to Pickering Cycle Route.

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PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	3 APRIL 2014
REPORT OF THE:	HEAD OF ECONOMY AND INFRASTRUCTURE JULIAN RUDD
TITLE OF REPORT:	RYEDALE DEVELOPMENT FUND – REMAINING MAJOR PROJECTS
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To seek the allocation of the remaining £25,000 of Ryedale Development Fund (RDF) towards the cost of investigatory work and project development to advance major capital projects (with employment and economic benefits) to the point of construction.

2.0 RECOMMENDATIONS

- 2.1 That Council is recommended to approve funding from the RDF budget to each of the following initiatives:
- (i) £20,000 towards the progression of targeted A64 Improvements; and
 - (ii) £3,000 towards the progression of the Malton to Pickering Cycle Route.

3.0 REASON FOR RECOMMENDATIONS

- 3.1 The Major Projects element of the RDF was established to bring projects forward with necessary investigatory work and project development to advance major capital projects to the point of construction. £100K was earmarked for this fund, utilising New Homes Bonus (March 2013 Minute 220 refers). Of this, £75K has been previously approved by Council (June 2013 Minute 9 refers).

4.0 SIGNIFICANT RISKS

- 4.1 As the RDF is intended for investigatory works and project development, it is difficult to identify all the risks prior to technical studies being undertaken. However, the risks can be mitigated on the basis of the investigatory works planned and they do not therefore present an obstacle to project delivery.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 The Council has a corporate aim of creating the conditions for economic success. This is detailed in the Ryedale Economic Action Plan 2012 – 2015. [http://www.ryedale.gov.uk/pdf/Ryedale Economic Action Plan Final web.pdf](http://www.ryedale.gov.uk/pdf/Ryedale_Economic_Action_Plan_Final_web.pdf). There are two objectives, of which the first is most relevant to this report: 'To have economic structures and supporting infrastructure in place'.
- 5.2 The York, North Yorkshire and East Riding Local Enterprise Partnership (LEP) has developed the Strategic Economic Plan. This document outlines the strategic priorities for the LEP area. <http://www.businessinspiredgrowth.com/media/143056/Strategy-Final-Draft-December-19.pdf>. There are 5 priorities, of which the fifth is the most relevant to this report: A well connected economy.

REPORT

6.0 REPORT DETAILS

- 6.1 The RDF Major Projects Fund is intended to provide necessary investigatory work and project development to advance major capital projects. This will enable RDC, working in partnership with other public and private sector organisations, to develop the projects with technical studies such as site investigation works, feasibility studies, transport and highways studies and design work for examples. 11 projects were presented to Members for RDF Major Projects funding in June 2013.
- 6.2 3 projects were approved for funding at this meeting; Milton Rooms Improvement, Malton Livestock Market and FERA's Applied Innovation Campus.
- 6.3 3 projects were not recommended to be investigated further: Malton and Norton Transport Interchange, Malton Public Realm Improvements and Derwent Park.
- 6.4 5 projects were deferred for further information.
- Employment Land at Pickering – This project is still out for market testing, to ascertain demand in the project.
 - Investigation into Kirkbymoorside Engineering Park – Discussions have been held with the major employers on site and the NYCC Highways. It is anticipated that this project will form part of the 'Rural Employment Sites' application to the Local Economic Partnership 'Single Local Growth Fund' bid.
 - High Speed Broadband to Rural Business Parks – NYCC has recently announced additional funding of over £8million will be available to extend the 'fibre to the cabinet' scheme to more premises in North Yorkshire. Once this second phase of the project is complete, 'Superfast North Yorkshire' (the delivery arm for high speed broadband projects) will be in a position to ascertain where the remaining gaps are.
 - Expansion of Derwent Training – The project will be the subject of a separate report to the Policy and Resources Committee.
 - Targeted A64 Improvements – Discussions between the A64 Authorities and the Highways Agency have lead to a phased approach to upgrading the A64, including the potential for improvements between the Hopgrove roundabout and junction improvements required for the expansion of the FERA site at Sand Hutton.

- 6.5 An additional project is also now proposed: Malton to Pickering Cycle route.
- 6.6 The LEP is currently developing the 'bidding document' to Government for major funding to deliver the Strategic Economic Plan. The capital element is the 'Single Local Growth Fund bid' (SLGF). RDC has submitted projects for inclusion in the bid (including some of those listed in 6.4 above). These comprise of short term detailed projects for 2015/16 delivery and funding requested for longer term projects up to 2021. Design and investigatory projects have not been accepted as part of this process, so this essential early phase in project development must be funded from RDC and partner resources.
- 6.7 Malton and Norton are presented in the Strategic Economic Plan as the key growth towns for the area between York and Scarborough. The SEP highlights improvements to East-West transport connections (including the A64 between York and Scarborough) as the headline transport priority for the LEP.

Further A64 Improvements

- 6.8 In summary, the A64 Authorities are working together, in partnership with the Highways Agency to identify route improvements and bring forward construction-ready schemes for the York to Scarborough section.
- 6.9 As part of a package of wider scheme development studies across Yorkshire and the North East, the Highways Agency is now planning to take forward a feasibility study of options for upgrading the length of the A64 between Hopgrove Roundabout and the dual carriageway near the Jinnah Restaurant. The study will consider upgrading this section to dual carriageway standard and options for junctions from Hopgrove to the FERA site at Sand Hutton, which is to become the National Agri Food Innovation Campus and is (subject to appropriate highway improvements) a focus for growth with this sector. The Highways Agency study is currently expected to be undertaken between July 2014 and May 2015.
- 6.10 Officers from Ryedale, Scarborough and North Yorkshire Councils propose that a similar (but less detailed) study be undertaken of those remaining sections of the A64 to the east where dualling has not been undertaken:
- Crambeck to Musley Bank junction. south west of Malton
 - Brambling Fields to Staxton Roundabout, east of Norton
- 6.11 The Highways Agency would support the Study through information provision. The Study would:
- identify schemes for inclusion in potential future funding bids. Construction is not likely ahead of 2021 due to funding and / or scheme delivery issues
 - cost in excess of £50k based on experience of the costs of previous works
 - identify options considering:
 - § Contribution towards economic growth from journey time savings and improved journey time reliability
 - § Road safety benefits.
 - Options are likely to include a review of Rillington Bypass and identification of potential routes for a bypass of Sherburn.
 - Options east of Malton and Norton are likely to be single carriageway as traffic flows are unlikely to justify dual carriageway. For Crambeck to Musley Bank it is anticipated that the commission will identify an indicative alignment for upgrading to dual carriageway.
 - identify specific route options together with a robust cost estimate and BCR for each option.

- include an initial assessment of environmental constraints (based on existing data)
- 6.12 This Study is the next step in the 'normal' development of any major transport scheme and should identify a number of feasible improvement options. The following step in the process will be to identify 'preferred routes' for each option. This would require more detailed design work and a much more detailed environmental assessment and public consultation. This is outside of the scope (or affordability) of this current commission.
- 6.13 NYCC has identified funding of up to £20,000 subject to funding from other sources and initial indications are positive from Scarborough Council. On this basis, the report recommends that £20K be allocated by this Council towards this work, utilising the Major Projects fund of the RDF.

Malton to Pickering Cycle Route

- 6.14 The project aims to connect the market towns of Norton, Malton and Pickering with a safe cycle route, predominantly off the A169 and linking significant employment sites between the towns; Flamingo Land and the Ryedale Exhibition and Leisure Village and maximising linkages to potential employment development sites in the future. RDF funding of £3K is sought to commission the necessary studies to progress this project. The total project cost is estimated at £22K.
- 6.15 This project was originally identified in 2013 in a collaborative bid to Government to support cycling infrastructure. The bid was led by the North York Moors National Park Authority and included a cycle route from Malton to join the Sustrans national cycle network and to link significant employment sites. This bid to the DfT was not successful but elements are now being taken forward to other funding schemes with a view to delivery. The project was also highlighted by the 'Raising Cycling in Ryedale Group' and the 'Ryedale Market Towns Promotion' group to develop a safe cycle link between the 5 market towns, contributing to the visitor economy and the growth in cycle touring.

7.0 IMPLICATIONS

- 7.1 The following implications have been identified:
- a) Financial
This proposal implements the decision by Council on 7 March 2013 to allocate £100K of New Homes Bonus funding to progress major projects, as part of the Ryedale Development Fund.
 - b) Legal
Allocations will need to be in accordance with state aid regulations. An 'offer letter' detailing the terms and conditions of the investment will be made to the lead partner.
 - c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)
These initiatives seek to enhance economic activity in Ryedale to the benefit of both Ryedale residents and businesses.

8.0 NEXT STEPS

- 8.1 The importance of getting projects through the development phase has been

highlighted during the LEP 'Plan for Growth' submission process. Projects which are ready for development (with risks identified and mitigated and permissions in place) and can deliver timely outputs (in terms of economic growth) have clear priority in the Plan for Growth and the LEP's bid for competitive Government funding. Consequently, it is likely that further allocation of resource to the Ryedale Development Fund will be necessary to ensure projects in Ryedale are investment ready.

Julian Rudd
Head of Economy and Infrastructure

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Background Papers:
None.

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Ryedale Development Fund – Remaining Major Projects Summary – ANNEX A

Project Name / Description	Potential Benefits of the Project	RDC Role / Input Required	Current Status	Next Steps/ Tasks	Indicative Timescales	Indicative Cost Estimates	Other Partners/ Contributions	Major Risks
Further A64 Improvements to junctions/safety/journey time (Crambeck to Musley Bank and Brambling Fields to Scarborough)								
Targeted A64 improvement interventions to address: a. road safety b. traffic flow and vehicle grouping c. connectivity to developments d. management of visitor traffic and seasonal variations in traffic volumes	<ul style="list-style-type: none"> Improvements to highway safety leading to <ul style="list-style-type: none"> Reduced numbers of accidents Reduced numbers of casualties Reduced road closure incidents Reduce congestion and delays resulting from above Increase <i>reliability</i> of travel times Maximise connectivity between York, Malton and Scarborough and provide additional capacity to facilitate expected housing and employment growth, with associated economic activity. 	Partnership working alongside the Highways Agency and other affected Local Authorities RDC role: Input into prioritisation of interventions. Progression of key projects through building of a business case and environmental assessment for each. Lobbying of LEP (to ensure inclusion in 'Plan for Growth' and other potential funders and supporters; RDC would need to collect CIL contributions to the infrastructure and be a partner in applications for funding from sources including LEP.	Jacobs (commissioned by NYCC) produced the "A64 Connectivity Study Final Report" in Feb 2011 which set out a range of potential short, medium and long term improvements and traffic management measures. The first of these, Provision of an enhanced Brambling Fields junction, was completed in Sept 2012. The affected local authorities (RDC, NYCC, CofY and SBC) are using the production of a new A64 route strategy by the Highways Agency to seek to progress a number of the improvement interventions on the A64 route corridor. These will include targeted highways improvements (eg to specific junctions or to provide sections of widened carriageway), road safety and traffic management measures and public transport improvements etc <i>JR to update?</i>	<ul style="list-style-type: none"> Establish partnership steering group to take forward project Partnership discussion and agree approach to prioritisation of measures Further design and assessment work to provide more detail on configuration, costs and impacts of prioritised measures Develop funding proposals for selected schemes Detailed design work and cost estimates Procurement Commence delivery / construction of local sustainable transport opportunities and A64 enhancements / traffic management measures Implement Package of Short-Term Interventions Implement Package of Medium-Term Interventions Implement Package of Long-Term Interventions 	<ul style="list-style-type: none"> Mid 2013 Late 2013 Early - Mid 2014 2014 - 2016 2014 – 2016 2014 – 2016 Up to 2018 2018-21 Beyond 2021 	<ul style="list-style-type: none"> - - Up to £500K - Up to £15m - £44.5m* £104.7m* £152.5m* 	<ul style="list-style-type: none"> Highways Agency North Yorkshire County Council City of York Council Scarborough Borough Council Network Rail / Rail and public transport operators 	<ul style="list-style-type: none"> Failure to agree prioritisation of interventions between local authority partners and / or a shared funding mechanism Failure to attract significant levels of mainstream funding Level of funding and CIL contributions required to fund improvements are unobtainable Competing demands for use of developer contributions (e.g. for affordable housing, local services & amenities and - in the case of Malton/Norton - a potential new river/rail link) Limitations to funding mean that limited progress can be made in implementing interventions in the medium term. Survey and analysis undertaken for individual schemes discover major obstacles or costs with implementation. Delays on A64 during construction
Recommendation: <ul style="list-style-type: none"> Investment of £20,000 from the Ryedale Development Fund (e.g. to progress initial surveys, investigations and outline design work) . Officer time to develop this project with partners. 								

NB All Potential Timescales and Cost Estimates are *initial assessments only* at this stage as the scope and scale of proposed projects is not yet known.

Project Name / Description	Potential Benefits of the Project	RDC Role / Input Required	Current Status	Next Steps/ Tasks	Indicative Timescales	Indicative Cost Estimates	Other Partners/ Contributions	Major Risks
Malton to Pickering cycle route								

Project Name / Description	Potential Benefits of the Project	RDC Role / Input Required	Current Status	Next Steps/ Tasks	Indicative Timescales	Indicative Cost Estimates	Other Partners/ Contributions	Major Risks
To develop a safe cycle route linking Norton and Malton with Pickering.	<ul style="list-style-type: none"> Improved access to employment sites on the A169 for employees from the towns of Norton, Malton and Pickering. Link Norton, Malton and Pickering into the national Sustrans route Improve visitor economy infrastructure for cycle tourism. (Particularly from the Hull ports to the North York Moors National Park and from the Vale of Pickering tourism infrastructure to the market towns.) 	<ul style="list-style-type: none"> RDC to lead partnership working with community group and private sector employees along the route. Involvement of NYCC in design and adoption of cycle route RDC likely to be lead partner in application to LEP for this project to be implemented 	<p>Project is worked up to initial phase as was originally part of the NYMNPA bid. Estimated cost £15K</p> <p>Community support expressed by local cycling support group, market towns and visitor economy sectors.</p> <p>Feasibility study is next step to ascertain way forward, likelihood of private sector match funding and involve the correct project team.</p>	<p>Establish a project team to take the project forward. Including Sustrans, MTC, NTC, PTC and NYCC.</p>	May 2014	<p>Feasibility study £3K + VAT.</p> <p>Estimated total cost £15K</p>	<p>Partner contributions will be sought from the Town Councils, NYCC, private sector and the LEP. The feasibility study will identify potential funders and likelihood of attracting LEP investment.</p>	<ul style="list-style-type: none"> Ongoing adoption and maintenance of the cycle route, once delivered. Involvement of NYCC Highways at early stage and private sector will indicate willingness to support ongoing maintenance of the route. Lack of direct outputs may reduce access to LEP funding. Outputs based on other cycle bids (such as NYMNPA) will be used, giving proxy information. Sustainable transport specific funding will be targeted. (Outputs tend to be towards non economic outputs (eg jobs) rather than conversion from car transport. Lack of investment by private sector. Private sector will be engaged from beginning. However, it is likely that this will be viewed as a public sector project.
				<p>Feasibility study to identify route, including land ownership, capital requirements, adoption and maintenance issues.</p> <p>Bid to LEP for sustainable transport funding towards implementation.</p>	<p>Commission study and report result back to project group.</p> <p>September 2014.</p>			

Recommendation:

- Investment of £3,000 from the Ryedale Development Fund (e.g. to progress feasibility study and outline design work / costings) . Officer time to develop this project with partners.

NB All Potential Timescales and Cost Estimates are *initial assessments only* at this stage as the scope and scale of proposed projects is not yet known.



REPORT TO: FULL COUNCIL

DATE: 15 MAY 2014

SUBJECT: PART 'B' REFERRALS FROM POLICY AND RESOURCES
COMMITTEE ON 3 APRIL 2014

73 Derwent Training Association Expansion

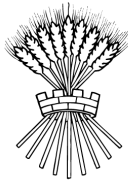
Considered – Report of the Head of Economy and Infrastructure

Recommendations to Council

As follows:

- a. That Council is recommended to approve £30,000 investment in the DTA expansion project utilising funding from the New Homes Bonus Reserve.
- b. The Head of Paid Service is directed to work with local schools and businesses to raise awareness of apprenticeship opportunities available within Ryedale. This is then to be reported in the annual report to Council.

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EXEMPT PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	3 APRIL 2014
REPORT OF THE:	HEAD OF ECONOMY AND INFRASTRUCTURE JULIAN RUDD
TITLE OF REPORT:	DERWENT TRAINING ASSOCIATION EXPANSION
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To request financial investment into the Derwent Training Association expansion project.

2.0 RECOMMENDATION

- 2.1 That Council is recommended to approve £30,000 investment in the DTA expansion project utilising funding from the New Homes Bonus Reserve.

3.0 REASON FOR RECOMMENDATION

- 3.1 To support the development of the training facility, aimed at high technology engineering; a priority of the Ryedale Economic Action Plan. The project will create additional capacity at the training facility for apprenticeships and trainers to support both local businesses and young people.

4.0 SIGNIFICANT RISKS

- 4.1 The major risks are highlighted in Annex A.
- 4.2 The investment would be subject to a grant agreement, which mitigates the major risks.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 The Council has a corporate aim of creating the conditions for economic success. This is detailed in the Ryedale Economic Action Plan 2012 – 2015. http://www.ryedale.gov.uk/pdf/Ryedale_Economic_Action_Plan_Final_web.pdf. There are two objectives of which the second is most relevant to this report: Opportunity for people and businesses; ensuring Ryedale businesses are at the

centre of economic development and local people are equipped with the skills required by our businesses. Objective B5 highlights the need for sector specific support for the high technology engineering sector.

- 5.2 The York, North Yorkshire and East Riding Local Enterprise Partnership (LEP) has developed the Strategic Economic Plan. This document outlines the strategic priorities for the LEP area.
<http://www.businessinspiregrowth.com/media/143056/Strategy-Final-Draft-December-19.pdf>
There are 5 priorities, of which the third is the most relevant to this report: Inspired People.

REPORT

6.0 REPORT DETAILS

- 6.1 Derwent Training Association is an employer lead training facility and registered charity, based at York Road Industrial Estate, in Malton, providing high quality training in the high technology engineering and manufacturing field. It was founded in 1988 and is managed by local industry leaders. It is a 'not for private profit' organisation and has a programme of continuous reinvestment in its facilities and equipment. Further details are available on the DTA website.
<http://www.derwenttraining.co.uk/>
- 6.2 As an industry lead organisation, DTA strives to keep pace with technological advances required by business. This requires both capital investment in training machines and revenue investment in quality teaching staff with updated skill sets. DTA are anticipating taking on an additional trainer and increasing the non contact time with students (to improve quality of teaching and training time.) The average class size is 8 which enables bespoke courses tailored for business requirements. However, it does increase the cost of provision, compared with an urban training facility.
- 6.3 DTA engage well with partner organisations. They have chaired the Ryedale Work and Skills Partnership, are members of the Ryedale Business Forum, are key exhibitors at the annual 'Opportunity Knocks' careers event, and work closely with North Yorkshire Business Education Partnership to create opportunities for engagement of engineering businesses in schools. They are hosting a 'Girls into Science' evening with Malton School and FERA in March. A radio and press publicity campaign is currently underway to encourage young people to take up apprenticeship vacancies which DTA manage on behalf of client companies.
- 6.4 Members will recall the expansion of DTA onto a new site was one of 11 projects considered for Ryedale Development Fund investment to provide technical studies to bring forward projects to the point of construction. (Policy and Resources June 2013 minute 9 refers). The project was deferred for more information. The project seeking funding now is to expand on the current site at York Road Industrial Estate and involves construction as opposed to funding for technical background studies. Drawn plans and quantity surveyor cost estimates have already been completed. The anticipated cost is £72,600 including VAT. As DTA is not VAT exempt, this cannot be reclaimed
- 6.5 A change of management at DTA has lead to a review of the plans to develop off-site and a proposal to expand on the current site has been prepared. The project is planned for completion by September, to be ready for the new intake. Through a

small side extension, mezzanine floor and reconfigured class rooms, this will create

- 27% increase in student intake capacity (from 55 p.a. in 2013 to 70 p.a. estimated).
- Focus on expanding area of 'clean' technology and electronics
- Improved non-contact time for trainers
- Improved facilities for students and staff. This includes an expanded locker room and kitchen facilities. Separate toilet facilities for staff which is a requirement for safeguarding when younger students are present will also be created.
- Additional workshop / classroom.

6.6 DTA have approached the LEP to seek funding for this proposal. There are two key funding streams; Skills capital and Regional Growth Fund (RGF) 4.

- Skills Capital Fund is for colleges refurbishment and expansion of their estates. The funding for this scheme is not available until 2015. As this project is relatively small and due for completion by September 2014, this scheme is not appropriate.
- RGF4 is a business grant programme which provides capital grants of between £5,000 and £1million up to 20% of the capital investment. This is to create new jobs and business growth. It is not possible to 'match' public sector investment with RGF4. Consequently, DTA have applied to the LEP for RGF4 funding for the new equipment required to fit out the expansion, rather than the expansion itself.

6.7 A review of 2013 Accounts (available as background papers) demonstrates that DTA is operating within its reserves policy. Undertaking an expansion of this size independently would take DTA outwith its reserves policy and could place the organisation at risk. The investment requested here will enable the project to proceed in a timely and expedient manner, to meet anticipated growth in demand for training provision for this sector.

6.8 DTA were successful in an application to The Ryedale Apprenticeship Project in September 2013. £16,500 was awarded for the purchase of equipment including a hydraulics bench and associated IT equipment.

6.9 The need for a quality, local, engineering training facilities is anticipated to grow substantially in the next few years. Ryedale has a number of successful engineering companies that do experience difficulties recruiting skilled employees due to locational factors (including high house prices). 'Growing their own' skilled workforce is therefore an alternative that many businesses choose. Employment opportunities in engineering are likely to increase due to the investment by York Potash and the offshore wind industry. Although this presents an opportunity for local businesses in the supply chain, there is also a risk of loss of skilled workforce to these new opportunities.

7.0 IMPLICATIONS

7.1 The following implications have been identified:

a) Financial

There is currently no provision for this project in the capital programme. The investment is being requested from the New Homes Bonus Reserve. There is presently £956k in the NHB Reserve.

b) Legal

A grant agreement will be drawn up. This will ensure that DTA are responsible for ensuring planning requirements are met and state aid regulations are adhered to.

- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)

The expansion will provide additional facilities for young people entering a career in engineering and support business growth.

Julian Rudd
Head of Economy and Infrastructure

Author: Jos Holmes, Economy and Community Manager
Telephone No: 01653 600666 ext: 240
E-Mail Address: jos.holmes@ryedale.gov.uk

Background Papers:

DTA Accounts

Background Papers are available for inspection at:

Ryedale House / Charity Commission website

DERWENT TRAINING ASSOCIATION – RISK MATRIX – ANNEX A

Issue/Risk	Consequences if allowed to happen	Likelihood	Impact	Mitigation	Mitigated Likelihood	Mitigated Impact
Planning permission will be required	If planning permission is not granted, the project will not proceed.	3	D	DTA have consulted Building Control regarding regulations for internal adjustments. Grant offer letter will be subject to planning permission.	2	B
State Aid regulations could be breached	If the public sector funding is exceeded, the recipient could have the aid reclaimed from them.	3	D	DTA will be asked to confirm that the grant will not result in them exceeding state aid regulations.	1	A
Cost of construction could exceed available funding	The project would not go ahead	3	D	The QS study has been undertaken itemising the project costs.	2	B
Disruption of DTA activity during expansion project	Students would not be able to access the training facility	4	D	This smaller scale expansion can be undertaken in phases and during the quieter holiday period. Classes would be adjusted to take account of the building works.	3	B
Double counting of outputs from previous Ryedale Apprenticeship Project Grant	Value for Money for the scheme in terms of outputs is diminished	3	C	The grant offer letter will ensure that outputs are not counted 'twice' with the RAP funding. This project enables an additional 20 places p.a in perpetuity.	1	A

Score	Likelihood	Score	Impact
1	Very Low	A	Low
2	Not Likely	B	Minor
3	Likely	C	Medium
4	Very Likely	D	Major
5	Almost Certain	E	Disaster

**RYEDALE
DISTRICT
COUNCIL**



REPORT TO: FULL COUNCIL

DATE: 15 MAY 2014

**SUBJECT: PART 'B' REFERRALS FROM POLICY AND RESOURCES
COMMITTEE ON 3 APRIL 2014**

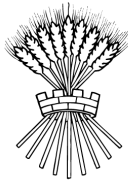
74 Local Enterprise Partnership Funding

Considered – Report of the Corporate Director (s151).

Recommendation to Council

That Council is recommended to approve a £20,250 contribution to the LEP towards the development of the Local Growth Team financed from the NHB Reserve.

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PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	POLICY AND RESOURCES
DATE:	3 APRIL 2014
REPORT OF THE:	CORPORATE DIRECTOR (s151) PAUL CRESSWELL
TITLE OF REPORT:	LOCAL ENTERPRISE PARTNERSHIP FUNDING PROPOSAL
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To request financial contribution to the future funding of the York, North Yorkshire and East Riding Local Enterprise Partnership. (LEP)

2.0 RECOMMENDATION

- 2.1 That Council is recommended to approve a £20,250 contribution to the LEP towards the development of the Local Growth Team financed from the NHB Reserve.

3.0 REASON FOR RECOMMENDATION

- 3.1 To ensure the LEP operates effectively and is enabled to deliver the Strategic Economic Plan. (SEP)

4.0 SIGNIFICANT RISKS

- 4.1 Significant risks are highlighted in Annex A.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 The Council has a corporate aim of creating the conditions for economic success. This is detailed in the Ryedale Economic Action Plan 2012 – 2015. [http://www.ryedale.gov.uk/pdf/Ryedale Economic Action Plan Final web.pdf](http://www.ryedale.gov.uk/pdf/Ryedale_Economic_Action_Plan_Final_web.pdf).

There are two objectives:

- To have economic structure and supporting infrastructure in place
- Opportunity for people and businesses; ensuring Ryedale businesses are at the centre of economic development and local people are equipped with the skills required by our businesses.

- 5.2 The York, North Yorkshire and East Riding Local Enterprise Partnership (LEP) has developed the Strategic Economic Plan. This document outlines the strategic priorities for the LEP area.

<http://www.businessinspiredgrowth.com/media/143056/Strategy-Final-Draft-December-19.pdf>

There are 5 key priorities;

- Profitable and ambitious small and micro businesses
- A global leader in food manufacturing, agri – tech and biorenewables
- Inspired people
- Successful and distinctive places
- A well connected economy

REPORT

6.0 REPORT DETAILS

- 6.1 A proposal for funding the LEP in 2014/15)and then reviewed annually over the next 7 years up to 2021), to deliver the Strategic Economic Plan has been presented to Local Authority Leaders and Chief Executives. This is appended in Annex B. It includes detail on delivery structures and costs.
- 6.2 Each partner is asked to contribute to the annual operational costs of the proposed structure required to deliver the Strategic Economic Plan (SEP) and the Plan for Growth. Each North Yorkshire District Council is asked to contribute £20,250 in 2014/15. NYCC is asked to contribute £243,000 and City of York and East Riding of Yorkshire Council are also contributing. (Their contribution has been reduced proportionally on the basis that they are in more that on LEP and the transport infrastructure is dealt with separately.)
- 6.3 A presentation by the LEP summarising ambitions and priorities of the SEP is available on RDC website. To deliver the SEP there are two major funding streams; the EU Structural and Investment Plan (which concerns EU funding up to 2021) and the Single Local Growth Fund, which is the competitive bid to Government, starting in 2015/16 for 6 years, up to 2021.

7.0 IMPLICATIONS

- 7.1 The following implications have been identified:
- a) Financial
£20,250 for 2014/15 is sought from the New Homes Bonus reserve, with a further in principle sum for future years, until the end of the programme in 2021. This assumes that the Government's competitive approach to funding remains
 - b) Legal
Ryedale District Council will have equal voting rights with the other Districts, as the contributions have been worked out on that basis.
 - c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)
Additional activity will be undertaken by RDC staff to develop projects for submission to the Single Local Growth Fund and EU Structural and Investment Plan. This may involve staff and financial resource, from the Ryedale Development Fund.

Paul Cresswell
Corporate Director (s151)

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Background Papers:
None.

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LEP FUNDING-- RISK MATRIX – ANNEX A

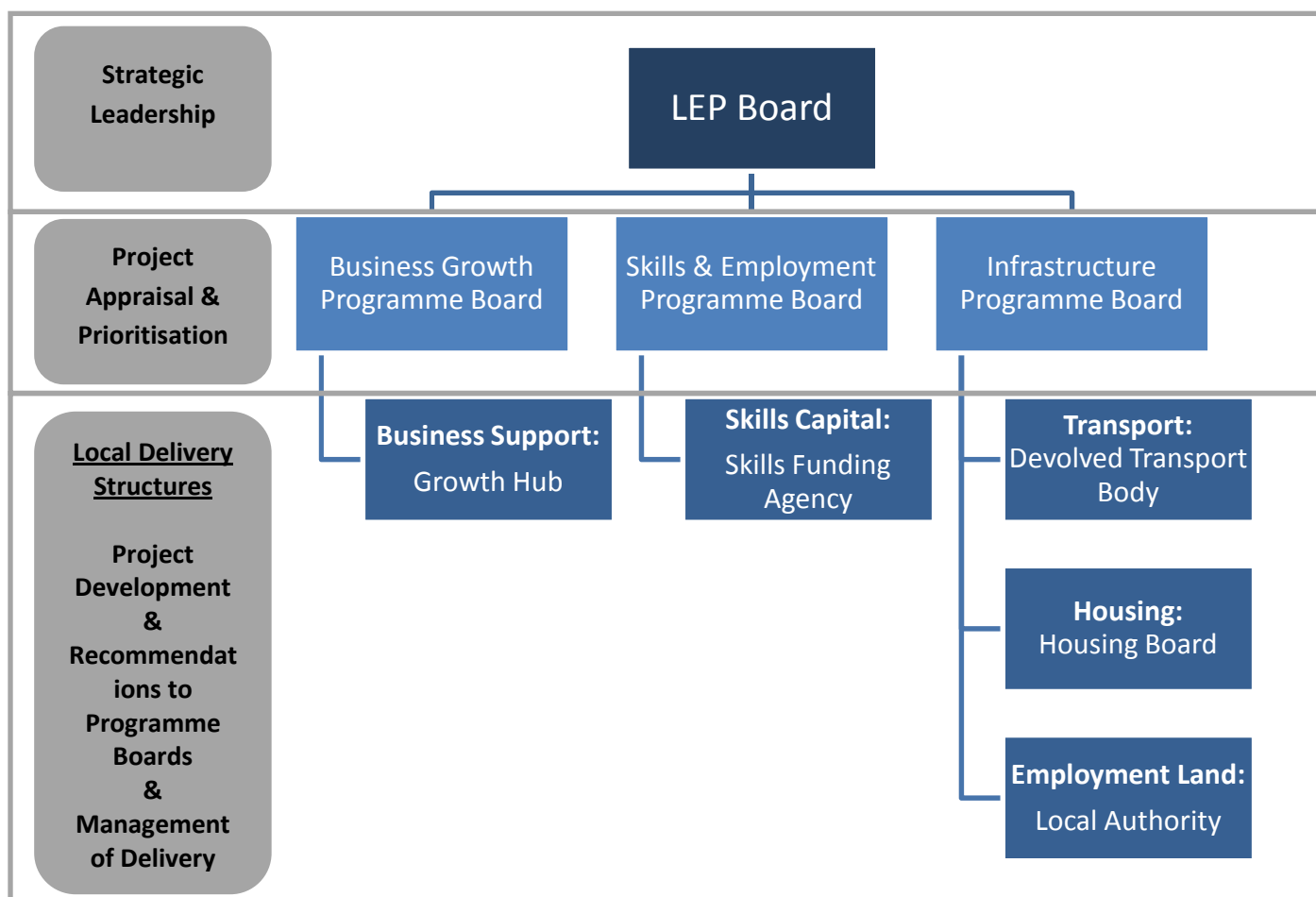
Issue/Risk	Consequences if allowed to happen	Likelihood	Impact	Mitigation	Mitigated Likelihood	Mitigated Impact
Lack of involvement of Ryedale District Council in decision making.	Potential for Ryedale projects to be overlooked.	4	C	Involvement of Council Leader on Infrastructure Board and Officers as part of Local Growth Team, will ensure Ryedale priorities remain on agenda.	2	B
Failure to deliver SEP.	No progress with strategic economic development issues across the spectrum; skills, infrastructure, housing etc.	4	D	LEP must engage with Government and competitively bid for Local Growth Fund for capital projects on an annual basis.	2	B
Failure to deliver Ryedale projects as part of SEP	No progress with Ryedale's economic and housing priorities.	4	D	Ensure Ryedale has well developed projects ready for bidding process. Ensure Ryedale projects are in the bidding documents.	2	B
Failure of Ryedale to engage with LEP activity, including cross administrative boundary issues such as A64.	Ryedale does not have access to Government funding for strategic projects; this is only through the LEP structures and processes	5	D	Ensure Members and Officers are engaged with LEP processes at appropriate levels.	1	A
Ryedale projects are not prioritised by the LEP	No progress with Ryedale's economic and housing priorities.	4	C	Ryedale must provide evidence for and develop quality projects appropriate for LEP funding. Annual funding of LEP with additional in kind support for SEP activity will ensure that Ryedale has a seat at the table.	2	B

Score	Likelihood	Score	Impact
1	Very Low	A	Low
2	Not Likely	B	Minor
3	Likely	C	Medium
4	Very Likely	D	Major
5	Almost Certain	E	Disaster

York, North Yorkshire & East Riding LEP Funding Proposal

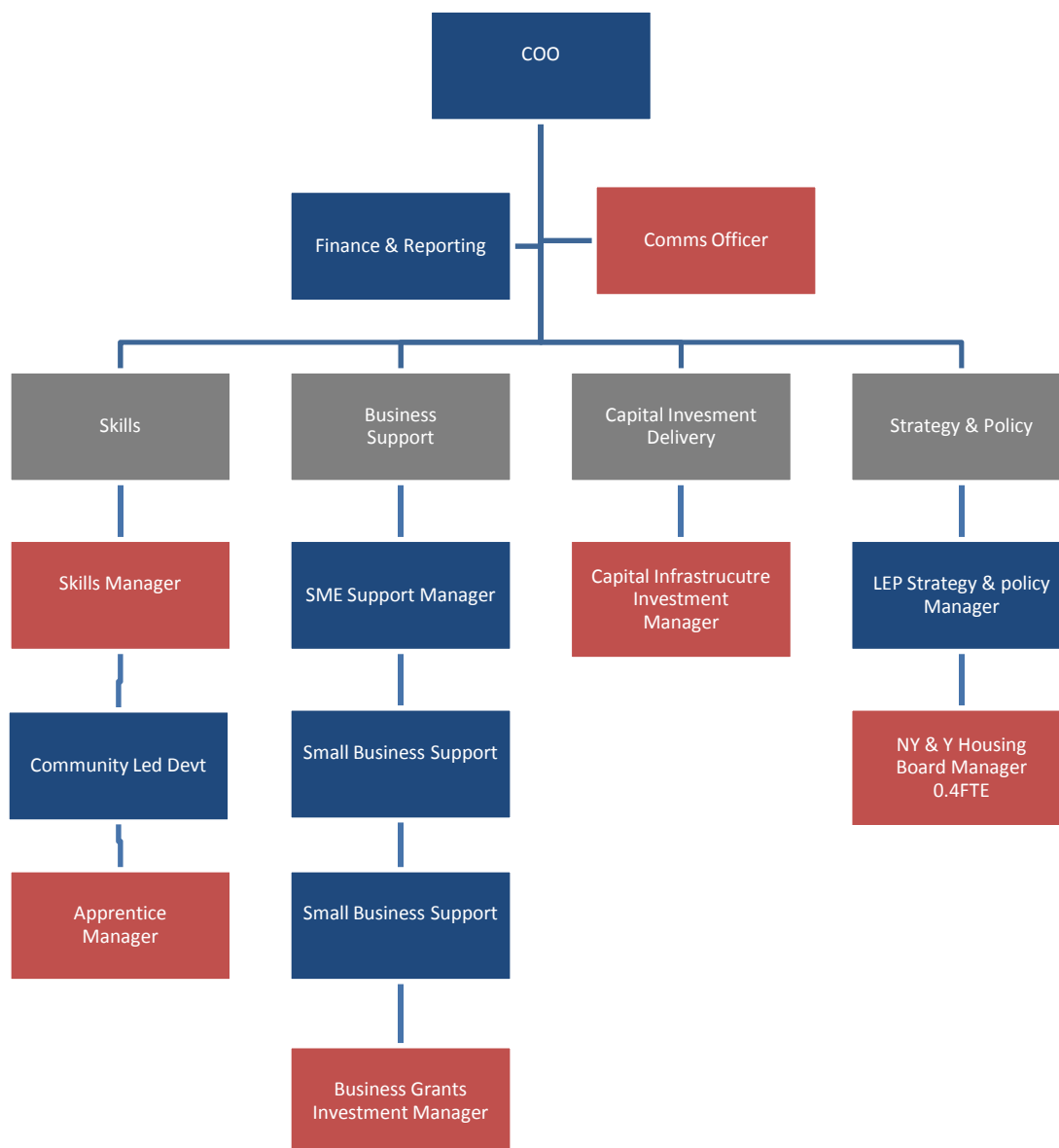
- 1 This paper sets out a proposal on how the York, North Yorkshire & East Riding LEP could be funded. The two drivers in developing this model are;
 1. Ensure delivery of its Strategic Economic Plan,
 2. to maximise the investment into the LEP area from the Single Local Growth Fund and other competitive sources.
- 2 To give some context, the governance structure below outlines how the LEP will work with the existing structures which operate across the LEP area.
3. To support the LEP Programme Boards a Local Growth Team will be created. The Local Growth Team will consist of the LEP Secretariat and key local delivery partners. This will include Senior Local Authority Economic Development Officers, together with the Managing Officers of established local delivery structures, such as the York and North Yorkshire Housing Board and the Devolved Local Transport Body, where there is experience of managing multi-million pound funding programmes.
- 4 The principle driving this model is to benefit from the existing expertise in the region and to capitalise on the resources currently in place.

York, North Yorkshire & East Riding LEP Funding Proposal



5 The current LEP Secretariat structure is detailed below. The blue boxes are funded by existing Local Authority contributions, the red boxes by external funding sources (Grants etc)

York, North Yorkshire & East Riding LEP Funding Proposal



- 6 In addition a short term secondment from Ryedale has been supporting the development of the LEP Strategic Economic Plan.
- 7 If the LEP is to be successful in delivering its Strategic Economic Plan and in maximising the funding it secures into the region, it needs to ensure the Local Growth Team it creates, has the right skills, knowledge and capacity.
- 8 To date NYCC has disproportionately funded the LEP secretariat costs. The role of the LEP has significantly evolved whereby the Strategic Economic Plan will attract far greater financial investment in to all Local Authorities growth plans. Therefore a more equitable allocation of costs is required.

York, North Yorkshire & East Riding LEP Funding Proposal

9 There are two clear sets of roles required to create an effective Local Growth Team.

1. **Strategic Leads** to operate across the LEP geography, engage with key local partners along with regional and national bodies to identify and secure investment opportunities. They would also take responsibility and be directly accountability to the Programme Boards for delivery of key investments. It is estimated each of these posts would be 0.5 FTE and expertise is required in -
Transport, Housing, Coastal & Rural/Environmental

It is proposed that these posts are funded via a cash contribution into the LEP

2. **Project development/delivery** capacity. These posts are to ensure that LEP investments are delivered on the ground and that future priority projects are developed in to a high quality, investment ready position to support future bids for funding.

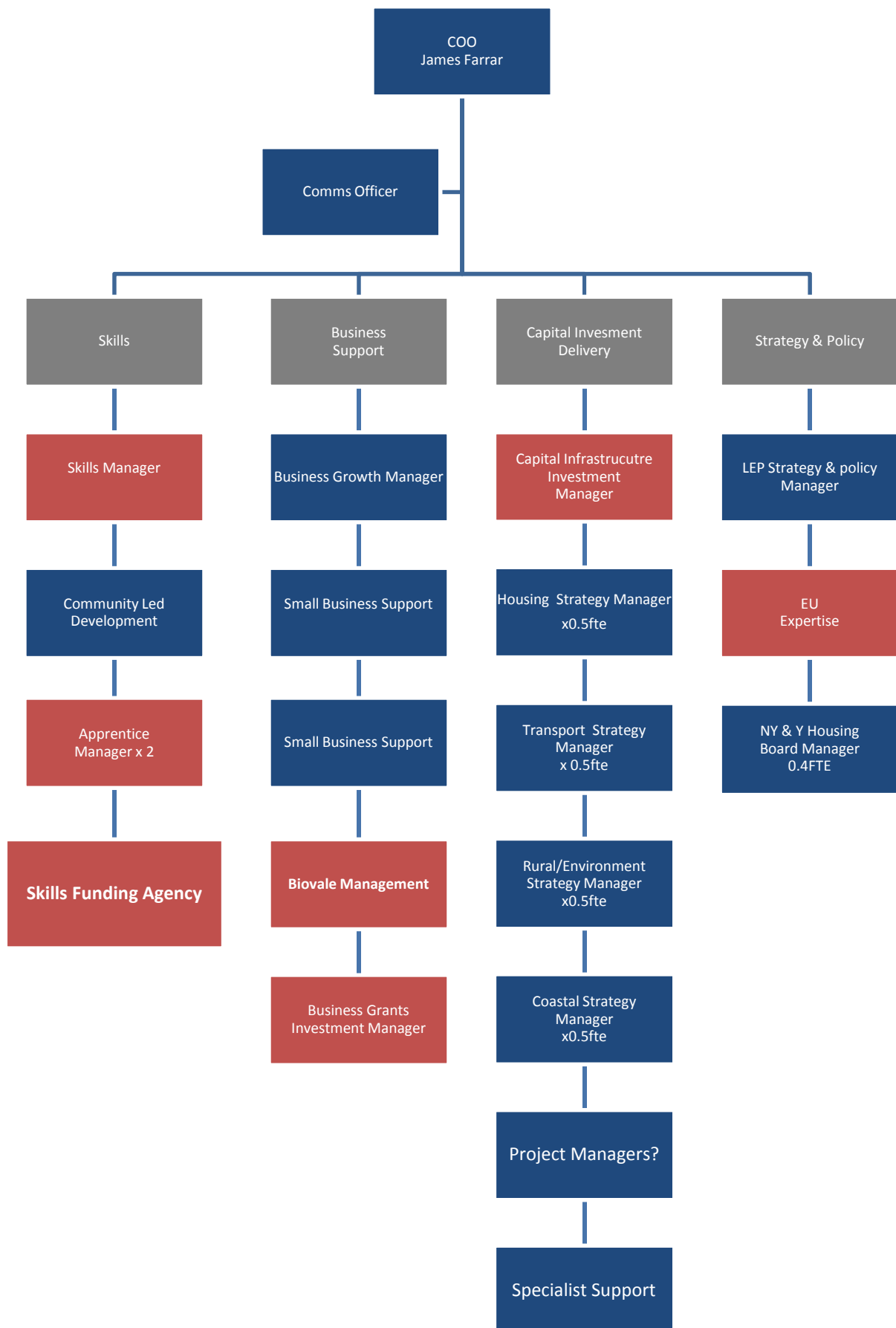
Reflecting different resources and needs within each Local Authority, it is proposed that these contributions are made through a mix of cash contributions, in kind delivery and secondment

10 The LEP also has a requirements for additional Business Support and Skills capacity. **All funding** for these posts will be secured from external sources.

11 The organisation structure below summarises the proposed Local Growth Team which is required to maximise investment and growth across the LEP area.

Please note: The **blue boxes** are to be funded by Local Authority contributions, the **red boxes** are funded by external funding sources (Grants etc) at no cost to Local Authorities.

York, North Yorkshire & East Riding LEP Funding Proposal



York, North Yorkshire & East Riding LEP Funding Proposal

York, North Yorkshire & East Riding LEP Funding Proposal

Posts & Costs required to deliver the LEP SEP / LEP Capacity Funds (£250k)

Costs	LA Funding	LEP Capacity Funding	LEP Successful Bids
Existing Posts Chief Operating Officer Senior Managerx2 (1xSME & 1xStrategy Manager) Enterprise Partnership Officersx3 Research Officer New Posts Housing Strategy Manager Coastal Strategy Manager Transport Strategy Manager Environment/Rural Strategy Manager	329,000		
Funded Via LEP Capacity Funds Comms Officer Skills Manager NY & Y Housing Board Manager 0.4fte		105,000	
Funded via successful LEP Bids/EU Funding Regional Growth Fund Manager Growing Places Infrastructure Manager Apprentice Managersx2			180,000
Non Staff Costs Premises Travel, Stationery, etc	30,000	30,000	
Total Costs to be funded through cash contributions	£473,000		
ADDITIONAL CAPACITY which would deliver increased regional efficiency and cost savings Potential activity could include: Project delivery Feasibility work Future business cases Project development Transport support Consultation Masterplanning	170,000 To be determined at Local Authority level funded through a mix of cash, in kind, secondment	145,000	
Total Budget	643,000	250,000	180,000
Current LA Cash Contributions Total £389k	NYCC £314,000 (82%) Other LA £75,000 (18%) These costs exclude Accountable Body, finance, legal and admin support provided to the LEP secretariat at no cost by NYCC.		

York, North Yorkshire & East Riding LEP Funding Proposal

<p>Proposed Cash Contributions Total requirements £486k</p>	
<p>If the full cost of the LEP (£486,000) was split in accordance with the LEP voting rights, the contribution would be £20,250 per vote. NYCC £141,750 East Riding £121,500 City of York £81,000 Districts £20,250 each</p>	
<p>Proposed allocation City of York and East Riding get 50% reduction based on their transport being 100% in another LEP City of York - £40,500 East Riding - £60,750 NYCC – £243,000 7x Districts - £20,250</p>	

Key Points:

- The LEP would not retain any of the funding for the new posts required. This is about
 1. Better utilisation of expertise within Local Authorities; and
 2. Ensuring those Local Authorities whose employees take a regional role are compensated; and
 3. Developing a future pipeline of good quality investments and ensuring successful delivery of existing approvals.
- The aim is to utilise our best talent on a regional basis, allowing all Local Authorities to benefit from the expertise and creating better quality investment project moving forward.
- It assumes government will continue with their existing strategy of backing projects which are 'Shovel Ready' and high quality.
- Project development is therefore done at risk and we need to maximise the quality of proposals and the potential for investment.
- The LEP Governance proposes to utilise the existing governance structures to manage delivery (Housing Board, Devolved Local Transport Body etc), this provides support to those structures to ensure they have the capacity to deliver the investments.

**RYEDALE
DISTRICT
COUNCIL**



REPORT TO: FULL COUNCIL

DATE: 15 MAY 2014

**SUBJECT: PART 'B' REFERRALS FROM POLICY AND RESOURCES
COMMITTEE ON 3 APRIL 2014**

75 Exempt Information

Resolved

That under Section 100(A)(4) of the Local Government Act 1972 that the public be excluded from the meeting for the following items as there will be a likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act as the information provided relates to the financial or business affairs of any particular person (including the authority holding that information).

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REPORT TO: FULL COUNCIL

DATE: 15 MAY 2014

SUBJECT: PART 'B' REFERRALS FROM POLICY AND RESOURCES
COMMITTEE ON 3 APRIL 2014

76 Milton Rooms Options Appraisal

Considered – Report of the Head of Economy and Infrastructure

Recommendation to Council

(i) Council is recommended to support in principal the development of the Milton Rooms, accepting that the Council is almost certain to have to make a capital financial contribution and annual revenue contribution in the future.

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Agenda Item 11

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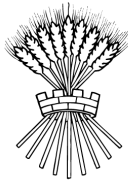
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REPORT TO: COUNCIL

DATE: 15 MAY 2014

REPORT OF THE: CHIEF EXECUTIVE
JANET WAGGOTT

TITLE OF REPORT: SALE OF RYEDALE BOWLS CLUB

WARDS AFFECTED: ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 This report considers the offers received for the sale of the council asset known as Ryedale Bowls Club.

2.0 RECOMMENDATIONS

2.1 That Council is recommended to approve the sale of the Ryedale Bowls Club to the Ryedale Community and Leisure Club with the following financial implications:

- (i) an immediate capital receipt of £230k;
- (ii) £10k per year for 12 years with interest (this receipt to be subject to a second legal charge on the building in the Council's name); and
- (iii) that the £50k shortfall on the overall receipt currently assumed at £400k included within the capital programme is taken from unallocated capital resources and the delayed capital receipt in (ii) above is managed through Council reserves.

3.0 REASON FOR RECOMMENDATIONS

3.1 The recommendation enacts the Council resolution to sell the site, delivers a capital receipt to the authority from a site which was not achieving a market rent and creates a sustainable community facility which includes the continued provision of indoor bowls.

4.0 SIGNIFICANT RISKS

4.1 The significant risk is that the new facility is unable to meet the annual payments to the Council. This risk is mitigated by extensive discussions with the RCLC, review of their business plan and assumptions and the Council taking a second charge on the property (after the mortgage). In addition the Council has a lien (charge) over the fixtures and fittings, will retain the income from the solar panels until the debt is full

paid off, will receive interest at 1.5% above base rate on the outstanding sum and in the event the site is sold at some point in the future for alternate use the Council will receive a share of the uplift in value.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 This decision is in line with Council resolution.
- 5.2 Members have been involved extensively in the proposed sale, community asset listing and licence to occupy since the decision to sell.

REPORT

6.0 REPORT DETAILS

- 6.1 At Council on the 6 September 2012 Members resolved:

That Council authorise Officers to negotiate with the Ryedale Indoor Bowls Club to facilitate the sale of the building with vacant possession.

- 6.2 This took place and vacant possession was secured at the conclusion of the 2012/2013 Bowling Season in April 2013. The Council placed the property on the open market and interest was received from a number of parties.

- 6.3 At the extraordinary meeting of Council on the 9 May 2013 it was resolved by Council:

This Council recognises the desire for a full size Indoor Bowls facility within Ryedale. Norton on Derwent town council has today submitted a nomination to register the Ryedale Indoor Bowls Club as an Asset of Community Value under the Localism Bill 2011.

In view of this action Full Council agrees to:

- a) Delay the proposed sale of the site whilst the application for registration of the Club is determined in line with the requirements of the Localism Bill 2011; and*
- b) Should the nomination to register be successful, work with a steering group made up of users of the club and an appropriately qualified expert to develop a business plan which will lead to a sustainable future for the facility.*

- 6.4 The Bowls Centre was registered as a Community Asset on the 26 June 2013. An expression of interest to bid for the asset was received from a Community Interest Group and as a result the Council cannot now sell the asset until the 26 December 2013. This moratorium on the sale allows the Community group time to work on their proposal to purchase. Members should be aware that the Community Interest Group do not receive any preferential status in purchasing the asset, just the right to bid and time to prepare their bid.

- 6.5 A licence to occupy the site was approved by Council on the 5 September 2013 for the Ryedale Community and Leisure Centre. This has been extended on a month by month basis.

- 6.6 Following the ending of the moratorium the site has been marketed and the agents report on that exercise is attached at Annex A to this report.

7.0 IMPLICATIONS

7.1 The following implications have been identified:

a) Financial

The Council's capital programme as approved with the budget in February 2014 by Council includes the assumption of a £400k capital receipt for the sale of the site. The proposals within the report manage the shortfall and delay in receiving the capital sums. Should members not want to use reserves to manage the delayed payment alternative funding for the capital programme would need to be identified.

b) Legal

There are no significant new legal issues in considering the recommendations.

c) Other

There are no significant new other issues in considering the recommendations.

Janet Waggott
Chief Executive

Author: Paul Cresswell, Corporate Director (s151)
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Background Papers:

None

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Brownill Vickers

Commercial • Licensed • Leisure

MJN/jkw
27th April 2014

Mr R Barnsley
Asset Management Surveyor
Ryedale District Council
Ryedale House
Old Malton Road
Malton
North Yorkshire
YO17 7HH

Dear Roger

Re: **Ryedale Community and Leisure Centre**

I refer to our recent telephone conversation and my marketing update presented to you on the 17 February and our subsequent meetings and discussions. As you will be aware, my practice has been marketing the above premises for several months now and has advertised the premises locally and nationally. In the national sense, the property has now been advertised in the Estates Gazette on two separate occasions. In addition we have circulated particulars to parties, who we consider may be interested in the property, also a "for sale" board was on the premises (which has subsequently been removed).

After our efforts started, we did initially get a reasonable level of enquiry, but over the later part of 2013 these enquiries, whilst serviced, did not proceed further. The majority of parties who showed initial interest in this property, were developers wanting to completely demolish the existing building and develop the land. You will, of course, be aware that the property is situated adjacent to a recognised flood plain and therefore it was always seen as difficult to get planning.

You and I are, of course, aware that there has been a level of interest from the Norton Bowls Club who from the time of my initial inspection, now approaching twelve months ago, have always made it quite clear that they want to stay there and continue to operate from the venue themselves. It is now my clear understanding that the resulting Community Group have made an offer for the property which I will discuss later. In addition I am also in receipt of an offer, subject to contract and planning, from a Mr Christopher Fox who works for Mark Brearley, a firm of Chartered Surveyors in Leeds and who has made an offer for the property in the sum of Three hundred and sixty thousand pounds (£360,000). Their intended use for the site is 35 to 37 affordable homes. This offer, of course, would be subject to planning and as already stated the planning department of Ryedale Council ideally do not want to see

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housing on this site due to the proximity of the adjacent flood plain. Therefore, if this offer was to proceed and depending on the particular merits of the application, it may be that the Council would have to be prepared for the matter to be taken to appeal. I have already mentioned that the majority of interest we have obtained for the site was from people wanting to use the land, rather than the existing buildings. Invariably, all these parties would have wanted the land for residential use.

I believe that accepting this offer from Mr Fox would be one solution to our problem, but I do foresee the matter 'rolling on' for a considerable length of time and I could see it taking in excess of twelve months to reach a conclusion. I reiterate once again, that the planners have been opposed to residential usage on this site, but with the exception of the existing or similar use, then my personal opinion is that such a use is a satisfactory use for this land; on the basis that proper planning was put in place to alleviate any potential flooding issues.

Moving on now to the offer that has been received from the Ryedale Community and Leisure Centre (RCLC), and my understanding of this is that the agreed price will be similar - three hundred and fifty thousands pounds (£350,000) and the basis of the deal is as follows:

Upon completion a payment of £100,000 is made, a second payment is made shortly thereafter, envisaged July to September 2014. This second tranche instalment of £130,000, once made would give a total of £230,000 down at the start or close to the start of the deal proceeding. Then, the outstanding £120,000, would be paid by instalments over a ten year period, with an interest rate of 2% being applied to this figure.

The RCLC will then manage the property and secure local tenants themselves, to assist in providing a community facility, used by as much as the local community as possible. It is planned that RCLC will then have within the building the following tenants;

- Dance Expression who will pay £16,000 per annum
- Brooklyn Nursery who will pay £10,000 per annum
- The Function Suite who will pay £10,000 per annum which I understand will rise to £12,000 per annum after one year.
- Ryedale Bowling Club and its membership who will pay £12,000 per annum;

and therefore initially the rental income will be £48,000.

Clearly, there would have to be further clarification sought with regard to the offer from RCLC before acceptance was given but in principal I cannot see any reason why a go ahead could not be given. I have now spoken to the main people involved in the Bid from RCLC and had a meeting at the Council offices with them on the 23rd April. I understand from Mr John



Harrison that funding is in place subject to a valuation and further understand that such a valuation is now commissioned. I do not anticipate any issues with the valuation .

I therefore recommend a sale to RCLC and I will explain my reasoning further.

Therefore, at this point in time we have offers from two different parties where the bids are very similar. Christopher Fox of Mark Brearley on behalf of his clients have made an offer £360,000 and RCLC have made a bid of £350,000. It is true to say that both these bids have issues attached to them, which could prolong the deal completing and obviously with RCLC there would be, to all intents and purposes, a 'vendor loan' in place for the next ten years. However, getting the Christopher Fox offer through to drawings being prepared and submitted and then planning and possibly then onto appeal could take at least 12 months and perhaps as long as 24 months. The offer from Christopher Fox does not include any payments or deposit being given to the Council until planning is secured.

By contrast the offer from RCLC includes a substantial sum of money put down immediately and again a substantial second tranche of money becoming available within a few short weeks thereafter, once all the tenants are in occupation and paying rent. Therefore, it strikes me as being perfectly sensible to anticipate that from the date of this letter perhaps within a three month period i.e. say by September 2014, Ryedale Council could have received in total £230,000 paid down by RCLC, which to my mind makes complete sense to do. It would be nice to have a party who could put down the purchase price monies immediately, but as stated, with the exception of the RCLC other parties will want planning and planning will take many months and possibly years to achieve, if achieved at all.

In this very poor market place which is likely to remain "sluggish" for the next two to three years, the deal with RCLC seems sensible to me for a variety of reasons;

- a. Ryedale Council will in a few short months receive a significant down payment of £230,000 and then the remainder of the money will be paid "on the drip" over the next years, but interest will be levied onto the outstanding debt, which will self finance it to a certain degree and I as a result of the meeting have negotiated via a flexible interest rate a 'Hedge' against inflation. It is perfectly normal for vendors to offer what I call colloquially a "vendor loan" whereby the selling party retains part ownership due to the lack of banking finance. In this instance Ryedale Council on a purchase price of £350,000 would get £230,000 within a relatively short period of time, leaving £120,000, by way of a second charge, which would be paid by instalments over ten years plus interest. This makes sense to me and replicates what is happening in the true market place at this time.



- b. The deal to RCLC would be concluded within an estimated three month period from the date of this letter, whereas the sale to the developer would take many months. It should be firmly noted that this should play out well with the Council, with the members of RCLC and local politicians as it is, as far as I can see, a win : win scenario i.e. (1) the Council lose the responsibility of the property, (2) the Council lose the potential security costs over a fairly long period of time should we decide to go the development route, (3) the Council receive a substantial tranche of money within a twelve week period, (4) politics are easier because, in my opinion, there would be an issue if the Council decided to go with a developer rather than their own local residents and constituents who form the RCLC.

- c. If the group do not perform then we can always revert back to the developer, as I say a win: win all round.

Therefore, I would recommend that we pursue the interest from the Ryedale Community and Leisure Centre group with immediate effect and look to draw up agreements and effect the sale in early course. We need to make further checks that the money is there in principal after the valuation exercise and that the parties who are going to lease are there in principal too, but as soon as it looks likely that we can have the surety of receiving £100,000 and then £130,000 shortly thereafter, I think we can proceed and effect a sale.

For extra security I have negotiated and agreed with the trustees of RCLC that (i) the council will retain a levy on the trade fittings and fittings, (ii) the Solar panels on the roof of this building and the modest income derived from the panels stays with Ryedale Council, until the final payment is received which may be in ten years time, (iii) the interest rate on the outstanding loan will be at 1.5% above the Bank of England's base rate, and (iv) the sale will provide for a restriction on a sale for alternative uses.

I have mentioned it above, but if the RCLC do not proceed and therefore we look to sell the property to the clients that Christopher Fox represents then we would have security costs, rates etc for a good length of time until planning was achieved.



I therefore, without hesitation I recommend that Ryedale District Council accept the negotiated offer on the table from RCLC subject to them performing to a strict timetable.

Yours sincerely
BROWNILL VICKERS

Martin J Nicholson, MRICS

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