



REPORT TO: COUNCIL

DATE: 5 SEPTEMBER 2013

REPORT OF THE: HEAD OF PLANNING AND HOUSING
GARY HOUSDEN

TITLE OF REPORT: ADOPTION OF THE RYEDALE PLAN – LOCAL PLAN
STRATEGY

WARDS AFFECTED: ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 For Council to formally adopt the Ryedale Plan - Local Plan Strategy (LPS) as the Development Plan for the District. The document is at Annex 1 to this report.

2.0 RECOMMENDATIONS

2.1 It is recommended that:

- (i) The Council accepts the Report of the Inspector received on 14 August 2013 following the Examination in Public of the Local Plan Strategy;
- (ii) Council agrees to adopt the Ryedale Plan – Local Plan Strategy as the Development Plan for Ryedale as set out in Annex 1 to this report and that formal notices be published to complete the process of statutory adoption; and
- (ii) Authority be delegated to the Head of Planning and Housing to finalise the presentation of the document, including for example, page layouts, font detailing and the positioning of photographs and tables.

3.0 REASON FOR RECOMMENDATIONS

3.1 Following the receipt of the Inspectors report, the Council is now in a position to adopt the Plan. Once adopted, the document will be afforded full weight in the decision taking/ planning application process. The certainty which comes with the Development Plan cannot be under estimated and the adoption of the Plan will ensure that an up to date and appropriate local policy framework is in place covering key strategic policy matters. Adoption of the Plan will also allow progress to be made on the second element of the Ryedale Plan – the Local Plan Sites Document and will help those local communities that are intending to produce Neighbourhood Plans to progress their documents.

4.0 SIGNIFICANT RISKS

- 4.1 Once a Council has agreed to adopt a Plan it must give notice of adoption. Any party can mount a legal challenge against the decision to adopt the Plan within a prescribed period and at this stage in the process, a successful legal challenge represents the most significant risk to the Plan.
- 4.2 On a wider note, it is considered that there would be significant risks associated with any decision not to agree the recommendation. The Council will incur significant further financial costs associated with the preparation of an alternative Plan. Additionally, it would undoubtedly risk its reputation. This is not only because of the time and resources that have been directed to the production of the Plan to date but also in terms of the fact that Ryedale is one of only a few Councils' nationally that has progressed a plan through an examination following the revocation of the Regional Spatial Strategy and to have demonstrated consistency with the new National Planning Policy Framework (NPPF).
- 4.3 More specifically, any decision not to adopt the document would significantly extend the amount of time that the District would be without an up to date Development Plan. Planning decisions would need to be taken in accordance with the NPPF which is a relatively 'blunt' policy tool in comparison to sound local policies and objectives and such a situation is likely to result in the submission of more speculative planning applications which have the potential to undermine the strategy and objectives of the Plan. Against this context, any decision not to adopt the Plan will have significant implications for local communities and businesses across the District.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 The production of the Plan is a key council priority and is one of the most significant policy documents that the organisation is required to produce. An up to date Development Plan is necessary to justify the use of a Community Infrastructure Levy and will help to support the delivery of the emerging Strategic Economic Plan produced by the Local Economic Partnership and Neighbourhood Plans produced by local communities.
- 5.2 Consultation has been an integral part of the plan-making process.

REPORT

6.0 REPORT DETAILS

- 6.1 Members are aware that a Local Planning Authority cannot adopt a Plan until it has progressed through the statutory process and the Planning Inspector appointed to examine the Plan has concluded in his/ her report that the document is capable of adoption. Members will also recall that an Inspectors report is no longer binding on a Local Planning Authority. In effect, the Inspector uses the report to recommend that a plan can be adopted as submitted with or with changes (called 'Main Modifications').
- 6.2 The Council received the Inspector's report into the examination of the Plan on the 14 August 2013 (Annex 2).The receipt of the report marked, in effect, the end of the examination process. The report has been distributed to all Members and has been published in accordance with the statutory regulations. All of those individuals and organisations who have engaged in the process have been notified of the receipt of the Inspector's report and the fact that it is available to view.

- 6.3 The Inspector has concluded that the LPS is capable of adoption, providing a number of Main Modifications are made to the Plan to rectify matters of soundness or legal compliance. These are summarised in the non-technical summary of the Inspector's report and are outlined in detail in a schedule appended to the report.
- 6.4 All of the Main Modifications recommended by the Inspector were considered during the examination. Members will recall that in May 2013, a report to Council provided an update on the examination in order to make Members aware of the nature of the changes (modifications) to the Plan that were emerging as part of examination process. That report summarised all of the changes which were considered to represent the more substantive changes to the policy approach of the submitted plan. It is emphasised that the Inspector has not recommended any Main Modifications to the Plan which were not considered as part of the examination or covered by the report to Council in May.
- 6.5 The Local Plan Strategy at Annex 1 incorporates all of the Main Modifications recommended by the Inspector as well very minor changes to the submitted Plan which address typographical and grammatical matters (known as 'Additional Modifications'). It is the text of the Plan at Annex 1 which is the subject of the recommendation and it should be noted that the document must be adopted in whole and not in part. At present, the Plan is in a word version format, without photographic images. If Members agree to adopt the Plan, the presentation of the document, including page layout and the position of photographic images will be subsequently finalised using a desk top publishing package. It is intended that the photographs used in Plan will be the same as those that were included in the publication version of the Plan, unless specific technical or copyright issues prevent their inclusion.

7.0 IMPLICATIONS

7.1 The following implications have been identified:

a) Financial

The costs of producing the Plan have been covered by the service unit budget. There are no further financial implications associated with the adoption of the Plan unless the Council is required to defend the plan in the event of a legal challenge. The costs associated with a legal challenge will be significant and would be particularly substantial if such a challenge was lost.

b) Legal

In accordance with section 23(3) of the Planning and Compulsory Purchase Act 2004 (the Act) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (the Regulations), the Council may now adopt the Core Strategy, as modified.

On adoption, the Plan will become the Development Plan for the District and full weight can be applied to its use with immediate effect. Upon adoption it is incumbent on the Council and the Planning Inspectorate to implement policies within the Plan for the purpose of any determination under the Planning Acts. It should be noted that the majority of the saved policies of the Ryedale Local Plan will be replaced by the Local Plan Strategy.

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

No further implications have been identified.

8.0 NEXT STEPS

- 8.1 A Local Planning Authority is required to give notice of the adoption of a Plan and statutory regulations are in place to cover this stage in the process. This informs anyone with an interest in the Plan that the document has been adopted and alerts them to modifications that have been made. The process also allows for any person aggrieved by the Plan to mount a legal challenge to its adoption and to make an application to the High Court on the grounds that the Plan is not within the appropriate power and/ or that a procedural requirement has not been complied with. Any application to the High Court must be made within a six week period from the date of adoption.

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Background Papers:
Report to Council: 16 May 2013
Schedule of Additional Modifications

Background Papers are available for inspection at:
www.ryedale.gov.uk
ldf.ryedale.gov.uk