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| PART B: | RECOMMENDATIONS TO COUNCIL |
| REPORT TO: | PLANNING COMMITTEE |
| DATE: | 17 DECEMBER 2013 |
| REPORT OF THE: | HEAD OF PLANNING AND HOUSING GARY HOUSDEN |
| TITLE OF REPORT: | PUBLICATION OF THE HELMSLEY PLAN |
| WARDS AFFECTED: | HELMSLEY AND ADJACENT WARDS INDIRECTLY |

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To present the outcome of recent consultation on the Draft Helmsley Plan and for Members to consider and agree changes to the Plan in response to issues raised.
- 1.2 For Members to agree to publish the Helmsley Plan for formal consultation and subsequent submission to the Secretary of State for Examination.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that Members:
- (i) Note the comments received on the Draft Helmsley Plan (Annexes 1 and 2) and agree responses to them as outlined in Annexe 2
 - (ii) Approve the Publication version of the Helmsley Plan for public consultation and subsequent submission to the Secretary of State for Examination (Annexe 3)
 - (iii) Authorise Officers to make minor amendments to the text and format of the Plan prior to publication in conjunction with Officers of the National Park Authority
 - (iv) Authorise Officers and Members of the Joint Member Working Group to prepare a schedule of proposed modifications to the Plan if this is required in order to address comments raised following the Publication of the Plan and any further issues identified during the Examination process
 - (v) Authorise the Head of Planning in consultation with the Chairman of the Planning Committee to agree modifications to the Plan which represent main

modifications, in conjunction with the Director of Planning and Chair of the Planning Committee of the National Park Authority.

- (vi) Authorise Officers to make a request to the Inspector appointed to conduct the examination of the Plan to make recommendations that he or she considers to be necessary to address any issues of soundness
- (vii) Agree to amend the milestones for the production of the Helmsley Plan included in the Ryedale Plan: Local Development Scheme, as set out in paragraph 6.7 of this report

3.0 REASON FOR RECOMMENDATIONS

- 3.1 To progress the production of the Helmsley Plan.

4.0 SIGNIFICANT RISKS

- 4.1 There are no significant risks associated with this report. Greater risks are likely to arise if progress on the Helmsley Plan is not made or if the correct process of producing the Plan is not followed. For example, it is considered that there is a greater risk that the Plan will be found unsound if it is not produced in accordance with statutory procedural requirements. Additionally, delays to the production of the document will impact upon the ability of both Local Planning Authorities to identify the site specific land allocations for Helmsley which will contribute to the planned housing land supply of the Ryedale Plan and Ryedale's five year land supply calculation.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 Members are aware that for planning purposes, Helmsley is split by the National Park Boundary and that there are also various constraints which limit growth in the part of the town falling within the District Council's planning area. For these reasons both Authorities have agreed to work together to jointly prepare the Helmsley Plan which will be the Development Plan for the Town for the next 15 years. The Plan includes policies and land allocations to manage growth and address development requirements over this period.
- 5.2 The production of the Plan supports one of the Council's key priorities which is to ensure up to date Development Plan coverage across the District.
- 5.3 In July 2011, a Joint Member Working Group was established to take forward the Helmsley Plan. This comprises 3 Members from the National Park Authority and 3 Members of the District Council. The group also includes two Members from Helmsley Town Council and North Yorkshire County Council's Member for Helmsley (although these Members do not have voting rights). It should be noted that the working group does not have delegated decision making powers. The group is constituted to make recommendations back to the District Council and National Park Authority.
- 5.4 Members will recall that at a meeting of Planning Committee in June 2013, agreement was given to consult on a Draft Helmsley Plan. This took place in summer 2013 and involved a range of consultation methods which included:
 - Inviting representations from those on the consultation database which included members of the public, local businesses and groups and statutory stakeholders

- Two public events held in the Committee Room of the National Park Authority
- A short presentation on the proposals at a Town Council meeting in June.
- Issuing of a press release was issued
- Placing the Draft Plan on both Authorities' websites

5.5 In total 40 individuals/ groups responded to the consultation on the Draft Helmsley Plan, with 241 individual comments. A summary of the comments received is attached at Annex 1.

5.6 In general, the proposed development sites (land allocations) were supported. However there was concern regarding specific issues for some of the preferred proposed development sites. Some of the developers questioned whether sufficient land was being allocated to meet objectively assessed needs, while on the other hand some local residents felt that there was no justification for building new houses on Greenfield land.

5.7 It should be noted that the level of future development proposed in Helmsley was extensively debated through the recent Ryedale Local Plan Strategy (LPS) Examination. Some of the representations from house builders reflected the (then) ongoing Examination into the LPS, particularly the housing target. However following the consultation on the Helmsley Plan, the Ryedale LPS was adopted on 5 September 2013 and full weight can now be attributed to it as it forms part of the 'development plan' for Ryedale District. Therefore the level of housing has been established through the LPS and the purpose of the Helmsley Plan is to allocate the most appropriate sites to accommodate new development as the amount of growth is already determined.. Additionally, the principle of development in Helmsley and the preparation of a specific Plan for the town is also established in the National Park Authority's adopted Core Strategy and Development Policies Documents.

5.8 The comments received in response to the Draft Plan have been considered by Officers and amendments have been made in light of the comments received. These were agreed at a meeting of the Working Party on 22 November 2013 and have been incorporated into the version of the Plan which is the subject of this report.

5.9 Annex 2 sets out the proposed response to the comments received and outlines whether any changes to the plan have been made as a consequence. In addition, since the consultation ended on the Draft Plan ongoing discussions have taken place with the relevant stakeholders including North Yorkshire Highways and the Environment Agency on the issues raised during the consultation. The outcome of these discussions has also informed the preparation of the Publication version of the Helmsley Plan.

6.0 REPORT

Publication and Submission of the Plan

6.1 Officers and Members of the Helmsley Plan Working Group consider that the Plan is now at a stage where it can be taken through the formal, final stages in its production. This involves publishing the plan for six week period of consultation and then submitting the Plan for Examination by an independent Planning Inspector.

6.2 The proposed 'publication' version of the Plan is at Annex 3 of this report. The Plan contains a total of 15 policies and sets out development briefs for each proposed site

allocation. It proposes to allocate 5 sites for housing development, which is sufficient to accommodate approximately 210 units based on 30 dwellings per hectare. It also proposes the allocation of 1.9 hectares of land for employment use to the south east of the town. Officers are confident that to date, the Plan has been prepared in accordance with the provisions of The Town and Country Planning (Local Planning) (England) Regulations 2012 and in accordance with the Statements of Community Involvement (SCI's) of each Authority.

- 6.3 The 'Publication' stage is the main formal opportunity for all interested parties to make their views on the Plan known. Representations received at this stage will be submitted alongside the Plan to the examination where the soundness of the Plan and matters of legal compliance will be fully scrutinised and considered by the appointed Inspector. It is important that Members note that the Plan which is submitted for examination should be the version that both Local Planning Authorities wish to adopt.
- 6.4 Members are reminded that to be considered sound the plan should be:-
- Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
 - Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in national policy
- 6.5 Changes introduced through the Localism Act allow Local Planning Authorities to request that an Inspector recommend any changes that he or she considers to be necessary to address issues of soundness identified during the examination process. This is an important and useful change to the examination process and as such, authority to make this request is covered by a recommendation of this report.
- 6.6 It is very likely that some changes to the Plan may be needed following its publication or in response to issues identified during the course of the examination. These will include minor changes relating to, for example, typographical errors or may involve more substantive changes. Any substantive changes to the Plan are known as 'Main Modifications' and these will need to be subject to a period of consultation before the examination is completed and the Inspector prepares his/ her report. Changes to the Plan will need to be agreed and proposed by both Authorities.

Other Procedural Matters

- 6.7 An important procedural requirement particularly at the formal stages of the preparation of a Plan is that it is taken forward in accordance with the milestones set out in the each Authority's Local Development Scheme. There has been some delay in the original timescale for the preparation of the Helmsley Plan and therefore the current milestones in the Ryedale Local Development Scheme require amendment. Officers consider the following milestones should now be substituted in place of the former milestones:

Publication – February 2014
Submission – April 2014
Adoption – October 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 Helmsley Plan and the costs of an Examination. The costs are being shared by the two Authorities

b) Legal

Preparation of the Helmsley Plan is be subject to the requirements of the Town and Country Planning (Local Planning) (England) Regulations 2012. On adoption, the Plan will become the Development Plan for this area of Ryedale and the National Park.

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

National Park Officers are leading the preparation of the Helmsley Plan with the support of Officers of the District Council. It is anticipated that a Member of staff from Ryedale will be appointed to carry out the role of Programme Officer. The Programme Officer provides administrative support to the Inspector over the duration of the examination and will need to be appointed before the Plan is submitted for examination.

The Publication version of the Helmsley Plan will be accompanied by a Sustainability Appraisal, a Habitats Regulation Assessment and a Statement of Consultation.

8.0 NEXT STEPS

8.1 Officers will complete the administrative arrangements which are required to ensure that the Plan is published in accordance with statutory requirements and in accordance with the both Statements of Community Involvement. All those individuals or organisations who have previously submitted comments on the Plan will be notified of the publication/consultation, alongside the statutory consultees listed in the Regulations. A copy of the Plan will also be made available in Helmsley Library and on the both Authority's websites.

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Background Papers:

Helmsley Plan: Publication Draft
Helmsley Plan: Habitat Regulations report
Helmsley Plan: Sustainability Appraisal report.
Report to Planning Committee: 4 June 2013

Report to Helmsley Plan Joint Member Working Group: 22 November 2013
Background Papers are available for inspection at:
Member's Room and RDC web-site.