



PART A:	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	PLANNING COMMITTEE
DATE:	1 DECEMBER 2015
REPORT OF THE:	HEAD OF PLANNING AND HOUSING GARY HOUSDEN
TITLE OF REPORT:	THE RYEDALE LOCAL DEVELOPMENT SCHEME
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 For Members to agree production milestones for the completion of the Ryedale Plan to be included in a revised Local Development Scheme (LDS). This is to reflect the following matters:
- The Inspector's sound verdict on the draft Community Infrastructure Levy Charging Schedule;
 - Make modest changes to the schedule for production of the Local Plan Sites Document; and
 - Production of a new Development Plan Document entitled "Sustainable Energy and Building".

2.0 RECOMMENDATION

2.1 It is recommended that:

- (i) The Ryedale Local Development Scheme be updated to reflect the timetable for the production of the remaining Development Plan Document (paragraph 6.5), the approval of the CIL Charging Schedule (paragraph 6.7), and the preparation of a new Sustainable Energy and Building DPD as outlined in paragraphs 6.9 to 6.13 (inclusive) of this report.

3.0 REASON FOR RECOMMENDATION

- 3.1 To progress the production of the Ryedale Plan and associated documents, and ensure statutory consultation requirements are met.

4.0 SIGNIFICANT RISKS

- 4.1 There are no significant risks associated with this report. Risks to the delivery of the Plan in accordance with the timetable included in the Local Development Scheme (LDS) are outlined in the LDS.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 It is a statutory requirement for a Local Planning Authority to have in place an up to date Local Development Scheme. The LDS sets out the documents that a Local Planning Authority will produce as part of its Development Plan and establishes a timetable for doing so. It provides information on the adopted documents which constitute the Development Plan and provides information on the status of other supporting documents.
- 5.2 One of the key legal compliance tests at an examination of a Development Plan Document is that the document is produced in accordance with the Local Development Scheme.

REPORT

6.0 REPORT DETAILS

- 6.1 Members are aware that since the adoption of the Helmsley Plan there were two outstanding Development Plan Documents referred to in the current LDS which the authority is committed to preparing to be completed to make the Ryedale Plan. These are: the Local Plan Sites Document and the Policies Map.
- 6.2 The Council's existing LDS was last revised in July 2015 following the Adoption of the Helmsley Plan and submission of CIL Charging Schedule. This report seeks approval to update the LDS to reflect the following:

Local Plan Sites Document and Policies Map

- 6.3 The current LDS schedules the formal publication of these documents in February 2016 and with submission in August of 2016. Whilst a key priority for the team, the delays preparation of the Local Plan Sites Document has been as a result of the overrun of the Helmsley Plan Examination and the Examination of the CIL Charging Schedule.
- 6.4 The production of the Local Plan Sites Document remains a priority for the authority and will be the core area of work for the Forward Planning Team over the next two years. The Policies Map will also be prepared in tandem with the LPSD. Pre-publication informal consultation on the sites has been undertaken in November into mid December, which will then be followed by consultation on site-specific protection policies and further consultation around the refinement of the option choices for the Market Towns.
- 6.5 Revised milestones for the production of the Local Plan Sites Document and Policies Map are proposed as follows:

Publication: May 2016

Submission for Examination: November 2016

Adoption: November 2017

Community Infrastructure Levy (CIL) Charging Schedule

6.6 Submission of the CIL Charging Schedule was undertaken on the 10 July 2015. It was examined on the 22 September. The Inspector's report was published on the 14 October 2015. It concluded that the charge was both legally compliant, and that the appropriate and available evidence had been used to provide an appropriate basis for the collection of the Levy in Ryedale, without compromising the ability to deliver planned levels of development. Officers are engaged in the implementation and administration of the charge. In order for the charge to be applied a resolution to approve the charge is required by Council. It is anticipated that this will be considered by Council on the 10 December 2015.

6.7 The milestones for the production of the CIL charging schedule are:

Submission: July 2015

Approval (adoption): December 2015 for a date to be specified in the report to Council

Sustainable Energy and Building

6.8 On the 18 June 2015 the Secretary of State of Communities and Local Government made a Ministerial Statement that requires Local Planning Authorities, in the case of one or more wind turbines that they:

"Should only grant permission if:

The development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and

Following consultation it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing."

The statement acknowledges that in the interim, whilst such areas are identified, the following transitional arrangement should be applied:

"Local Authorities can find a proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by local communities and therefore has their backing."

The resulting planning guidance also states that:

"Whether the proposal has the backing of the affected local community is a planning judgement for the local planning authority."

6.9 The scope of the Ministerial Statement means that such areas cannot be defined in a document which is any less in planning status than a Development Plan. The Ryedale Plan is Ryedale's Local Plan, and its constituent parts include the Local Plan Strategy, the Helmsley Plan (both now adopted) and the in-preparation 'Local Plan Sites Document' (LPSD). Officers have considered the implications of retrofitting the Local Plan Sites Document to include allocations for, in the first instance, wind turbines. However, the following reasons outlined below it is considered that it would be significantly more preferable to prepare a separate Development Plan Document would need to be prepared to complement the existing policy framework:

- The Local Plan Sites Document's production will in effect be placed on hold until such sites are identified at a preliminary stage. This would significantly delay the ability of the Council to reach a stage where the housing land supply position is clarified through allocation of land; and Officers are of the view that progress on the LPSD should not be delayed if this can be avoided.
- The transitional arrangement which is currently in place will not last indefinitely, and the Council has a relatively recently adopted, NPPF compliant, Development Plan. The production of a new DPD would allow the existing components to remain as adopted;
- Wind turbine applications are often contentious, and the production of a document covering their development would also attract a significant level of interest. However, the DPD presents an opportunity for proactive community consultation and engagement around where best to site these structures, as opposed to the speculative, and reactive planning application process; and
- Whilst the Ministerial Statement has full weight in the decision making and plan making processes, the Council must also be mindful of the statutory obligations as required by the Climate Change Act of 2008. This has a legally binding target to lower Green House Gas Emissions (UK wide) by 80% from 1990 levels.

6.10 The preparation of a DPD on Sustainable Energy and Building could also allow the opportunity to consider other energy generation technologies for which there is a degree of developer interest, for example solar power. Other technologies (which are not common in the district) would still be considered against the criteria-based policy SP18 of the Local Plan Strategy. It would need to be sufficiently flexible to consider the technological changes that occur in the Renewable Energy Industry, and could support identification of sites/areas where combined heat and power schemes may be implemented.

6.11 Officers are also aware that in terms of Sustainable Building, the Code for Sustainable Homes has been rescinded by the Government. As a replacement there are new National Technical Standards, which Local Planning Authorities can apply, through their Local Plans. These cover:

- Water efficiency
- Access standards
- Space standards

The preparation of the proposed DPD would allow these standards to be considered and taken forward if appropriate.

6.12 The key stages of work that have been identified with the production of this document are as follows:

- A 'Call for Sites' would be undertaken and this would require that those in the Renewable Energy Sector submitting sites that in the first instance are technically/operationally sound for wind or solar power.
- A Site Appraisal Framework would be prepared, to assess the planning merits of the sites, including Sustainability Appraisal.
- Any sites which were performing better through the site appraisal framework would be subjected to Habitats Regulations Assessment*, and a Landscape and Visual Impact Assessment* would be undertaken.
- The best performing sites would be identified accordingly. The Council would also be informed by the findings of the 2011 Aecom Study on the District's capacity for Renewable and Low Carbon Energy.
- Assessment of the proposed preferred sites for allocation for residential development, and the application of the water efficiency standard will be viability tested* in conjunction with the CIL Charge, and other Developer Contributions.
- As a DPD the document will be subject to both informal and formal stages of consultation, culminating in Examination in Public.

* denotes external support to Officers.

6.13 Officers will be able to progress some of the initial work concurrently with the production of the Local Plan Sites Document, the bulk of the DPD, particularly formal consultation will need to be progressed after Examination into the Local Plan Sites Document, from mid 2017 onwards.

Publication July 2017

Submission February 2018

Adoption* September 2018

* the timetabling of Examination of DPDs is subject to agreement with the Planning Inspectorate.

7.0 IMPLICATIONS

7.1 The following implications have been identified:

- a) Financial
the costs producing the Ryedale Plan and supporting documents are included in existing budgetary provisions.

- b) Legal
there is a legal requirement to keep an up to date Local Development Scheme, and respond accordingly to updates to National Planning Guidance.
- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)
no other direct implications have been identified.

8.0 NEXT STEPS

- 8.1 The Local Development Scheme will be revised and made available on the Council's website.

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Background Papers:
The Ryedale Local Development Scheme July 2015

Background Papers are available for inspection at:
<http://www.ryedaleplan.org.uk/other-documents/local-development-scheme>