



COUNCIL

IMPORTANT:

Please stay at home if you are unwell, take a test if you have COVID-19 symptoms and if you test positive stay at home and avoid contact with other people.

Recording is allowed at Council, committee and sub-committee meetings which are open to the public, subject to: (i) the recording being conducted with the full knowledge of the Chairman of the meeting; and (ii) compliance with the Council's protocol on the filming and recording of Ryedale District Council meeting, a copy of which is available on request or at ryedale.gov.uk. Anyone wishing to record must contact Democratic Services using the details above, three days prior to the meeting. Any recording must be conducted openly and not in secret.

Please note that proceedings at this meeting will be filmed for subsequent broadcast via the Council's website. If you choose to attend, you will be deemed to have consented to being recorded and/or filmed and to the use of those images and sound recordings on the broadcast.

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, 1 December 2022 at 6.30 pm** in the evening for the transaction of the following business:

Agenda

1 **Emergency Evacuation Procedure**

The Chair to inform members of the public of the emergency evacuation procedure.

2 **Apologies for absence**

3 **Public Question Time**

4 **Minutes**

(Pages 5 - 16)

To approve as a correct record the minutes of the Extraordinary Meeting of Council held on 6 October 2022.

5 **Urgent Business**

To receive notice of any urgent business which the Chair 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.

6 **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.

7 **Announcements**

To receive any announcements from the Chair, the Leader and/or the Head of Paid Service.

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

Councillor Duncan submitted the following question:

- a. Can you please share with all elected councillors a copy of recent legal advice obtained by the council relating to the Community Infrastructure Levy (CIL) Grant Scheme?
- b. Can you please confirm who provided this advice and the total cost of this advice?
- c. Can you please confirm details and costs of recent staffing changes to accommodate the CIL Grant Scheme application process?
- d. Now stage one of the application process has closed, can you please inform councillors how many applications have been received?
- e. Can you please confirm the names of the organisations who have applied, a brief summary of the project and the amount of CIL funding that has been requested?

9 **Amendment to the Terms of Reference of the Grants Working Party (Pages 17 - 20)**

10 **Hungate Centre, Pickering - Use of Residual Grant Funding by CAVCA (To Follow)**

11 **Local Government Reorganisation - Head of Paid Service and Chief Executive**

To seek approval to enter into a redundancy settlement agreement with Stacey Bulet, the Council's Head of Paid Service and Chief Executive (HoPS) in the context of Ryedale District Council being dissolved as a result of local government re-organisation and the post of the Council's HoPS ceasing to exist as of 1 April 2023.

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

- a **Revenue and Capital Budget Monitoring Q1 2022/23** (Pages 21 - 32)
- b **Delivering the Council Plan - Q1 2022/23** (Pages 33 - 60)

Policy and Resources Committee - 10 November 2022

- c **Revenue and Capital Budget Monitoring Q2 2022/23** (Pages 61 - 72)
- d **Ryedale Swim and Fitness Centre Boiler Replacement** (Pages 73 - 82)
- e **Review of the Helmsley Plan** (Pages 83 - 96)
- f **Ryedale District Council - Local Development Scheme November 2022-March 2023** (Pages 97 - 118)

g EXEMPT INFORMATION

To exclude the press and public from the meeting during consideration of the following item 17 (Works Required to Stabilise the Wall at St Leonards Close, Malton) as provided by paragraph 3 of Schedule 12A of Section 100A of the Local Government Act 1972, as the information relates to the financial or business affairs of any particular person (including the authority holding that information).

The public interest test has been considered and, in all the circumstances of the case, the public interest in maintaining the exemption is considered to outweigh the public interest in disclosing the information.

- h **Works Required to Stabilise the Wall at St Leonards Close, Malton**(Pages 119 - 126)

13 Motions on Notice Submitted Pursuant to Council Procedure Rule 11

a Proposed by Councillor Duncan and seconded by Councillor Potter

That an extraordinary meeting of Council be arranged in spring 2023 (on a date decided by the chairman) to confer the title of Honorary Alderman of Ryedale District Council upon Councillors Paul Andrews, Stephen Arnold, Lindsay Burr, David Cussons, Janet Frank, Eric Hope, Dinah Keal and John Windress, pursuant to the provisions of Section 249 of the Local Government Act 1972, in recognition of the eminent service rendered by them as Councillors of the Ryedale District Council.

14 Any other business that the Chair decides is urgent



Stacey Burlet
Chief Executive

This page is intentionally left blank

Council

Minutes of Proceedings

At the **Extraordinary Council Meeting of the District Council of Ryedale** held in the **Council Chamber - Ryedale House, Malton, North Yorkshire YO17 7HH on Thursday, 6 October 2022**

Present

Councillors Joy Andrews, Paul Andrews, Clark, Cleary, Cussons MBE, Docwra, Duncan, Frank (Vice-Chair), Keal, MacKenzie, Mason, Middleton, Oxley, Potter and Wass (Chair)

In Attendance

Stacey Bulet, Lily Hamilton, Elizabeth Heath, Anton Hodge, Nicki Lishman, Harry Rashid, Faye Snowden, Phillip Spurr, Amy Thomas and Howard Wallis

Minutes

26 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Burr, Hope, Graham, Goodrick, King, Raine, Riby, Thackray and Windress.

27 **MINUTES**

The minutes of the Ordinary Meeting of Council held on 29 June 2022 were presented.

Resolved

That the minutes of the Ordinary Meeting of Council held on 29 June 2022 be approved and signed by the Chair as a correct record.

28 **URGENT BUSINESS**

There were no items of urgent business.

29 **DECLARATIONS OF INTEREST**

Councillors J Andrews, Duncan and Mason declared a personal non-prejudicial and non pecuniary interest as members of North Yorkshire County Council.

Councillor Mason declared a pecuniary interest in Item 11B as he was the owner of a company with contracts in the sustainable energy industry.

30 **ANNOUNCEMENTS**

There were no announcements.

31 **TO RECEIVE ANY QUESTIONS SUBMITTED BY MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE 10.2 (QUESTIONS ON NOTICE AT FULL COUNCIL)**

There were no questions on notice.

ALLOCATION OF SEATS ON COMMITTEES BETWEEN POLITICAL GROUPS AND THE APPOINTMENT OF MEMBERS TO COMMITTEES

It was moved by Councillor Wass and seconded by Councillor Oxley that recommendations i – iii be approved and that by a Motion without Notice that;

“No further reports on the Allocation of Seats on Committees between Political Groups and the Appointment of Members to Committees be brought to Council, should there be further changes in the membership of the Council.”

Voting record

15 For
1 Abstention

It was moved by Councillor Middleton and seconded by Councillor Docwra that Councillor Oxley be elected as Vice Chair of the Overview and Scrutiny Committee.

Voting record

Carried by general affirmation

It was moved by Councillor Wass and seconded by Councillor Keal that recommendation vi be approved.

Voting record

Unanimous

Resolved

- i. That the size of the Committees is that specified in Annex A of the report
- ii. That the Council divides Committee seats between political groups in accordance with the allocation shown at Annex A of the report
- iii. Membership of the Committees shown at Annex B be amended to reflect that shown at Annex A of the report
- iv. No further reports on the Allocation of Seats on Committees between Political Groups and the Appointment of Members to Committees be brought to Council, should there be further changes in the membership of the Council.
- v. That Councillor Oxley be elected the Vice-Chair of the Overview and Scrutiny Committee
- vi. That the Chief Executive in consultation with the Head of Corporate Governance and Monitoring Officer be authorised to make consequential amendments to the Constitution arising from the changes referred to above

MEMBERSHIP OF COMMITTEES ATTACHED TO THE MINUTES

DEVOLUTION DEAL FOR YORK AND NORTH YORKSHIRE

It was moved by Councillor Arnold and seconded by Councillor Docwra that:

Council be recommended to note and support the steps being taken by the City of York Council and North Yorkshire County Council (the two Constituent Councils) towards the

creation of a Combined Authority for York and North Yorkshire as set out in the report and in particular to note:

- a) the 'minded' to Devolution Deal at Appendix 1; and
- b) the Governance Review at Appendix 2; and
- c) the Scheme which has been prepared for consultation at Appendix 3

Councillor P Andrews proposed and Councillor Clark seconded an amendment to delete the words "*and support*" from the recommendation as follows;

Council be recommended to note the steps being taken by the City of York Council and North Yorkshire County Council ...

Upon being put to the vote the amendment was lost.

Voting record

6 For
9 Against
1 Abstention

Recorded vote

For: Councillors J Andrews, P Andrews, Clark, Cussons, Potter and Wass

Against: Councillors Arnold, Cleary, Docwra, Duncan, Frank, Keal, Mackenzie, Middleton and Oxley

Abstention: Councillor Mason

Upon being put to the vote the motion was carried.

Resolved

Council notes and supports the steps being taken by the City of York Council and North Yorkshire County Council (the two Constituent Councils) towards the creation of a Combined Authority for York and North Yorkshire as set out in the report and in particular to note:

- a) the 'minded' to Devolution Deal at Appendix 1; and
- b) the Governance Review at Appendix 2; and
- c) the Scheme which has been prepared for consultation at Appendix 3

Voting record

11 For
2 Against
3 Abstentions

34 TO CONSIDER FOR APPROVAL THE RECOMMENDATIONS IN RESPECT OF THE FOLLOWING PART 'B' COMMITTEE ITEMS:

34a Allocation of Community Infrastructure Levy funds

It was moved by Councillor Keal and seconded by Councillor Middleton that the following recommendation be approved (Minute 34 Policy and Resources Committee 25 August 2022);

- i. Council approves the preference for allocation of CIL funding through a new scheme with a broader eligibility framework that would cover a range of community infrastructure schemes such as those identified in the appendices to the report.
- ii. Members approve the development of CIL Funding Protocol (including an Expression of Interest stage, scheme eligibility / criteria and final application process) for

determining eligible CIL funded schemes and the allocation of these funds in line with the proposal set out at s6.8 to 6.15, with delegated authority given to the Director of Place and Resources, the S151 officer and Chair of Policy & Resources to approve the protocol.

- iii. The CIL funding available to be allocated as a result of this paper should not exceed the current CIL funds received to date with any existing commitments upheld and the total amount available for allocating reduced accordingly. Any CIL funds received after this time will be subject to further agreement by Members; and
- iv. Delegated authority is given to the Director of Place and Resources in consultation with the S151 officer and Chair of Policy & Resources to approve CIL funding applications following consultation with a CIL focussed grants working party. Further information be provided to Council regarding the CIL focussed grants working party.

The Chair explained that an email had been sent to the Chief Executive and the Chair of Policy and Resources Committee from Richard Flinton, Chief Executive of North Yorkshire County Council and Councillor Les, Leader of North Yorkshire County Council regarding this matter. This had been shared with him and Group Leaders in advance of the meeting. The email, attached to these minutes, was subsequently distributed at the meeting with time given for all councillors present to consider the content. The email outlined North Yorkshire County Council's concerns regarding the proposed procedure and qualifying criteria for applications for CIL funding.

Upon being put to the vote the motion was carried.

Resolved

That Council approves;

- (i) The preference for allocation of CIL funding through a new scheme with a broader eligibility framework that would cover a range of community infrastructure schemes such as those identified in the appendices to the report.
- (ii) Members approved the development of CIL Funding Protocol (including an Expression of Interest stage, scheme eligibility / criteria and final application process) for determining eligible CIL funded schemes and the allocation of these funds in line with the proposal set out at s6.8 to 6.15, with delegated authority given to the Director of Place and Resources, the S151 officer and Chair of Policy & Resources to approve the protocol.
- (iii) The CIL funding available to be allocated as a result of this paper should not exceed the current CIL funds received to date with any existing commitments upheld and the total amount available for allocating reduced accordingly. Any CIL funds received after this time will be subject to further agreement by Members; and
- (iv) Delegated authority be given to the Director of Place and Resources in consultation with the S151 officer and Chair of Policy & Resources to approve CIL funding applications following consultation with a CIL focussed grants working party.

Voting record

12 For

3 Against

1 Abstention

Recorded vote

For: Councillors J Andrews, P Andrews, Arnold, Clark, Cussons, Frank, Keal, Mason, Middleton, Oxley, Potter and Wass

Against: Councillors Docwra, Duncan and Mackenzie
Abstention: Councillor Cleary

**EMAIL FROM R FLINTON, CHIEF EXECUTIVE NORTH YORKSHIRE COUNTY COUNCIL
AND COUNCILLOR LES, LEADER OF NORTH YORKSHIRE COUNTY COUNCIL
ATTACHED TO THE MINUTES**

34b EXEMPT INFORMATION

It was proposed by Councillor Frank and seconded by Councillor P Andrews that the following recommendation be approved (Minute 37 Policy and Resources Committee 25 August 2022);

To exclude the press and public from the meeting for discussion of the following item 17 (Proposal for Light Industrial Starter Units) as provided by paragraph 3 of Schedule 12A of Section 100A of the Local Government Act 1972, as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).

Resolved

To exclude the press and public from the meeting for discussion of the following item 17 (Proposal for Light Industrial Starter Units) as provided by paragraph 3 of Schedule 12A of Section 100A of the Local Government Act 1972, as it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).

The public interest test was considered and, in all the circumstances of the case, the public interest in maintaining the exemption was considered to outweigh the public interest in disclosing the information.

Voting Record

Carried by general affirmation

34c PICKERING STARTER UNITS - ALTERNATIVE CARBON MITIGATION PROPOSALS

It was moved by Councillor Keal and seconded by Councillor Clark that that the following recommendation be approved (Minute 38 Policy and Resources Committee 25 August 2022);

- i. The funding allocation previously approved for investment in light industrial starter units at Pickering is increased to £EXEMPT;
- ii. A waiver of Contract Standing Order is granted to enable a direct award to the Developer, via an appropriate Framework Contract, for the acquisition of Starter Units all as set out in this report;
- iii. Delegated approval is confirmed for the Programme Director for Place and Resources, in consultation with the S.151 Officer and the Chair of the Policy and Resources Committee to
 - a) Negotiate and agree terms for the acquisition of Starter Units, as set out in the report
 - b) Enter into a contract (or contracts) with the Developer for the acquisition of the Starter Units on the terms agreed.

Councillor J Andrews moved and Councillor Cleary seconded the following amendment;

“As a fallback position in case the project budget approved by Council is not supported by the Section 24 process, the following further recommendations be approved by Council:

- iv. Delegated approval is confirmed for the Programme Director for Place and Resources, in consultation with the S.151 Officer and the Chair of the Policy and Resources Committee to:
 1. Negotiate and agree terms for the acquisition of a scaled back Starter Unit scheme for a suitably reduced budget
 2. Undertake the necessary financial assessments and request the necessary Section 24 approval
 3. Enter into a contract or contracts with the developer for the acquisition of the Starter Units on the terms agreed”

Upon being put to the vote the amendment was carried by general affirmation.

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

Resolved

- i. The funding allocation previously approved for investment in light industrial starter units at Pickering be increased to £EXEMPT;
- ii. A waiver of Contract Standing Order be granted to enable a direct award to the Developer, via an appropriate Framework Contract, for the acquisition of Starter Units all as set out in the report;
- iii. Delegated approval be confirmed for the Programme Director for Place and Resources, in consultation with the S.151 Officer and the Chair of the Policy and Resources Committee to
 - a) Negotiate and agree terms for the acquisition of Starter Units, as set out in the report
 - b) Enter into a contract (or contracts) with the Developer for the acquisition of the Starter Units on the terms agreed.
- iv. As a fallback position, in case the project budget approved by Council is not supported by the Section 24 process, the following further recommendations be approved by Council:
 - a) Delegated approval be confirmed for the Programme Director for Place and Resources, in consultation with the S.151 Officer and the Chair of the Policy and Resources Committee to:
 1. Negotiate and agree terms for the acquisition of a scaled back Starter Unit scheme for a suitably reduced budget
 2. Undertake the necessary financial assessments and request the necessary Section 24 approval
 3. Enter into a contract or contracts with the developer for the acquisition of the Starter Units on the terms agreed

Voting record

Unanimous

35 MOTIONS ON NOTICE SUBMITTED PURSUANT TO COUNCIL PROCEDURE RULE 11

35a Proposed by Councillor P Andrews and seconded by Councillor Burr

Councillor P Andrews proposed and Councillor Burr seconded the following Motion;

That Council enter into negotiations with Fitzwilliam Malton Estate (FME) to sell Wentworth Street Car Park to FME, subject to the use being restricted to car parking only and the sale price to be approved by the District Valuer.

Resolved

That the Motion be referred to the next available meeting of the Policy and Resources Committee as instructed by the Constitution.

35b Proposed by Councillor J Andrews and seconded by Councillor Clark

Councillor J Andrews proposed and Councillor Clark seconded the following Motion;

Given the clear evidence that climate change is real, man made, largely created by the exploiting and burning of fossil fuels and adversely impacting the world right now, this Council resolves to actively oppose the creation of any new source of fossil fuels in the district. This to include drilling and hydraulic fracturing (fracking) for oil or gas.

This Motion would ordinarily be referred to the next available meeting of the Policy and Resources Committee but, as permitted in the Constitution, Councillor Potter proposed and Councillor P Andrews seconded that the Motion be debated at this meeting.

Resolved

That the Motion be debated at this Extraordinary Council meeting.

Voting record

7 For

7 Against

Chair's casting vote – For

Upon being put to the vote the motion was carried.

Resolved

Given the clear evidence that climate change is real, man made, largely created by the exploiting and burning of fossil fuels and adversely impacting the world right now, this Council resolves to actively oppose the creation of any new source of fossil fuels in the district. This to include drilling and hydraulic fracturing (fracking) for oil or gas.

Voting record

9 For

1 Against

4 Abstentions

Recorded vote

For: Councillors J Andrews, P Andrews, Clark, Cussons, Docwra, Frank, Keal, Potter and Wass

Against: Councillor Middleton

Abstentions: Councillors Arnold, Cleary, Duncan and Mackenzie

36 THE USE OF URGENCY POWERS

This item on the Use of Urgency Powers was included at the request of Councillor Duncan. There was no report or decision required for this Item.

The Monitoring Officer advised that the use of Urgency Powers was in accordance with the Constitution and had the full support of five of the Group Leaders who consult their Groups prior to their agreement being given, although this was not strictly necessary in accordance with the Delegated Powers of the Chief Executive.

37 TO RECEIVE AND NOTE COUNCIL LEVEL DECISIONS MADE UNDER URGENCY POWERS, AS REQUIRED BY THE CONSTITUTION

37a Cleveland Way Car Park, Helmsley - Overnight Parking

The decision made under urgency powers was received and the Constitutional requirement was met.

37b Amendment to CARF Policy

The decision made under urgency powers was received and the Constitutional requirement was met.

37c Request to Proceed to Install Rapid Electric Vehicle Charging Points in Ryedale District Council Car Parks

The decision made under urgency powers was received and the Constitutional requirement was met.

37d Appointment of Senior Information Risk Owner (SIRO)

The decision made under urgency powers was received and the Constitutional requirement was met.

37e Works required to repair the roofs of Ryedale District Council's industrial units 1 to 8 at Westgate Carr Industrial Estate, Pickering

The decision made under urgency powers was received and the Constitutional requirement was met.

38 ANY OTHER BUSINESS THAT THE CHAIR DECIDES IS URGENT

There being no items of urgent business, the meeting closed at 10.15pm.

Minute Annex K

RYEDALE DISTRICT COUNCIL APPOINTMENT OF MEMBERS TO COMMITTEES 2022 – 2023

POLICY & RESOURCES COMMITTEE

Conservative	Liberal	Independent	Ryedale First Independent	Independent for Ryedale	Lib Dem & Independent	Ungrouped
K C Duncan C Docwra	J Andrews A Clark	L M Burr A R Riby (VC)	S Arnold	J Frank	D E Keal (C)	
Substitutes	Substitutes	Substitutes	Substitutes	Substitutes	Substitutes	Substitutes
S M Graham J Mackenzie	M Potter	PJ Andrews S N R Thackray	J A Windress	E Hope D E Cussons	S P Mason	

OVERVIEW & SCRUTINY COMMITTEE¹

Conservative	Liberal	Independent	Ryedale First Independent	Independent for Ryedale	Lib Dem & Independent	Ungrouped
S M Graham R King	C Wass	A E Raine		D E Cussons	T Middleton (C)	WRFH Oxley (VC)

PLANNING COMMITTEE

Conservative	Liberal	Independent	Ryedale First Independent	Independent for Ryedale	Lib Dem & Independent	Ungrouped
M J T Cleary (VC) J Mackenzie	M Potter (C)	P J Andrews S N R Thackray	J A Windress	E Hope	S P Mason	C Goodrick
Substitutes	Substitutes	Substitutes	Substitutes	Substitutes	Substitutes	Substitutes
C Docwra S M Graham	J Andrews	L M Burr A R Riby	S Arnold	J Frank D E Cussons	T Middleton	

LICENSING COMMITTEE

Conservative	Liberal	Independent	Ryedale First Independent	Independent for Ryedale	Lib Dem & Independent	Ungrouped
M J T Cleary (C) J Mackenzie	M Potter (VC)	P J Andrews S N R Thackray	J A Windress	E Hope	S P Mason	C Goodrick

¹ In accordance with the Council's Constitution, where a Member of Overview and Scrutiny Committee has acted as a named substitute at any Policy Committee they may not subsequently scrutinise any decision in which they have been involved.

This page is intentionally left blank

From: Cllr. Carl Les [<mailto:Cllr.Carl.Les@northyorks.gov.uk>]
Sent: 04 October 2022 16:06
To: Cllr Dinah Keal <cldr.dinah.keal@ryedale.gov.uk>; Stacey Burlet <stacey.burlet@ryedale.gov.uk>
Cc: Richard Flinton <Richard.Flinton@northyorks.gov.uk>
Subject: Letter to Chair of Policy & Resources and CEO of Ryedale District Council

Dear Di and Stacey,

Firstly thanks for attending the meeting on capital on Tuesday 27 September 2022 and for the subsequent request to meet with us. We understand arrangements are being made to organise that meeting but we thought it may be helpful to set out an issue in advance of the meeting. We can then explore the issue in more depth when we meet if that is helpful.

We understand that Ryedale DC has been considering a process by where it invites community organisations to express an interest in applying for funds that have been collected as Community Infrastructure Levy. We felt it important to set out the position of NYCC acting as the s24 consenting authority in the interests of the new unitary council from 1 April 2023. The process of obtaining Section 24 consents is designed to ensure that decisions for the new authority are made in the best interests of the residents in the long term and not to encourage councils to make quick decisions that may not go through the usual due diligence process of ensuring that public money is spent in the most appropriate way.

Whilst the process of calling for expressions of interest is a matter for Ryedale District Council, there are three specific points that we feel it is important to register:-

1. CIL money has been highlighted as required for school funding to serve the Norton Lodge development which is a pending planning application currently with yourselves. Should this development go ahead then it is essential that funding is protected as these are precisely the kinds of infrastructure that CIL is supposed to address. We note that the report to Policy & Resources Committee on 25 August 2022 recognises this point. We ask you to further note that the appropriate sum that would be applicable for authorities using s.106 agreements for large scale developments would be £2.34m. This is based on the prevailing NYCC policy on developer contributions and the associated calculation methodology at the time of the Norton Lodge application.
2. The approach set out in the report to your Policy & Resources Committee on 25 August 2022 and was subsequently agreed envisages a wider application process to invite bids rather than the council determining what infrastructure needs exist within Ryedale. Given developments such as Malton Station and the uncertainty of inflation and the overall adequacy of funding for projects of this nature, it seems to us that the approach taken will result in sub-optimal prioritisation taking place. It is surely better to holdback funds for key strategic priorities that benefit in the longer term rather than organising a bidding process?
3. Finally we are of the view that any decision to allocate funding that is not for infrastructure which would deliver the Development Plan would potentially be unlawful and challengeable. The approach to be taken is set out in the National Planning Policy Guidance. There is a concern that the approach proposed would be in breach of this as far any funding decision which does not deliver the Development Plan. The CIL scheme is not designed to be used as a community grant scheme but for the Council to set out the infrastructure needs that CIL can be used for as per the Guidance.

We feel it appropriate to advise you that we would have concerns in granting section 24 consent for the approach as was subsequently approved by Policy & Resources Committee.

Without fettering our discretion, we would be minded to refuse such consents unless there was clear evidence to show how the approach would best serve the residents in the long term. We believe that the current financial challenges are such that any “spare” funding should be held back rather than jeopardise significant capital projects and valuable services in Ryedale and across the rest of North Yorkshire. We would urge you to reconsider such an approach as it is highly likely that any approach will result in wasted effort and potentially disappointment for local community organisations having been encouraged to apply for funding when it is unlikely that consent will be granted on behalf of the new council for North Yorkshire on the basis of the limited information in the report.

We would like both councils to work collaboratively in reviewing how best to spend the identified CIL money – the suggested meeting can perhaps explore that approach.

Many thanks,

Carl and Richard

County Councillor Carl Les, Leader of NYCC
Richard Flinton, Chief Executive, NYCC



REPORT TO:	FULL COUNCIL
DATE:	1 DECEMBER 2022
REPORT OF THE:	HEAD OF CORPORATE GOVERNANCE AND MONITORING OFFICER, ELIZABETH HEATH
TITLE OF REPORT:	AMENDMENT OF THE TERMS OF REFERENCE OF THE GRANTS WORKING PARTY
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To amend the Terms of Reference of the Grants Working Party to enable members to give consideration to business cases of individual schemes requesting Community Infrastructure Levy Funding (CIL).

2.0 RECOMMENDATION(S)

- 2.1 It is recommended that:

- (i) The draft Terms of Reference shown at Appendix 1 be agreed.

3.0 REASON FOR RECOMMENDATION(S)

- 3.1 The recommendation in this report extends the Terms of Reference of the Grants Working Party in order that members may give consideration to Applications received from individuals who have requested CIL funding.

4.0 SIGNIFICANT RISKS

- 4.1 There are no significant risks associated with the recommendation in this report other than to ensure that no award of CIL monies is made which is in contravention of the criteria for funding.

5.0 IMPLICATIONS

- 7.1 The following implications have been identified:

a) Financial

There are direct financial implications in the awarding of CIL monies.

b) Legal

Any awarding of CIL monies must comply strictly with the criteria for the use of

CIL. S24 Consent from North Yorkshire County Council will be obtained when it is appropriate to do so. No award of CIL will be made which is ultra vires.

- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental and Climate Change, Crime & Disorder)
Staff resource will be required from the relevant service areas involved.

Holding the Grants Working Party will have a small climate change impact in terms of paper use, and, where there is a physical element to the meeting, additional journeys, heating and lighting.

There are no other implications.

Elizabeth Heath

Head of Corporate Governance and Monitoring Officer

Author: Elizabeth Heath, Head of Corporate Governance and Monitoring Officer
Telephone No: 07590 444880
E-Mail Address: elizabeth.heath@ryedale.gov.uk

Background Papers:

Appendix 1 – Draft Terms of Reference

CIL Grants Working Party

Draft Terms of Reference

Membership:

The size and makeup of the CIL Grants Working Party will remain the same as the existing Grants Working Party with the exception of the inclusion of the Vice Chair of Policy and Resources.

Chair to be agreed by Members at first meeting of the CIL Grants Working Party.

This will be supplemented with Officers attendance to present the findings of the appraisal of each business case along with outline recommendations.

Function:

1. To review and consider Officer recommendations on Stage One Application Forms eligible to proceed, and, submit a Stage Two Application Form for final consideration (as outlined in point 2 below).
2. To consider the business case of individual schemes requesting Community Infrastructure Levy funding against the established scheme criteria, and make recommendations for decisions by the Director of Place and Resources, in consultation with the S151 Officer and Chair of Policy and Resources by:
 - i. The consideration of individual applications for funding alongside a detailed business case and Officers appraisal report;
 - ii. Ensuring that successful projects meet the agreed scheme criteria;
 - iii. Collectively ensuring that tangible benefits will be delivered for Ryedale communities;
 - iv. Considering individual projects in their own merits and their ability to deliver as per points i - iii above, regardless of geographical location;
 - v. Making recommendations for decisions and conditions of grant for final approval by the Director of Place and Resources, in consultation with the S151 Officer and Chair of Policy and Resources; and
 - vi. Ensuring that cumulative expenditure does not exceed the amount of **£3,179,495.68** which was the available balance of CIL funding as of 15 September 2022 when Council agreed to proceed with the allocation of funds.
3. Meetings of the Working Party will take place both in-person and online on an ad hoc basis to ensure a timely decision making process for applicants.

Delegation of Functions:

All matters referred to above are delegated to the Officers as specified.

This page is intentionally left blank



REPORT TO: FULL COUNCIL

DATE: 1 DECEMBER 2022

SUBJECT: PART 'B' REFERRALS FROM POLICY AND RESOURCES COMMITTEE ON 29 SEPTEMBER 2022

46 Revenue and Capital Budget Monitoring Q1 2022/23

Recommendation

That Council be recommended to:

- (i) Note the financial position as set out in this paper and that any over or underspend in revenue and capital will have an impact on reserves.
- (ii) Agree that additional funding for the pay award is drawn from reserves.

Voting Record

Carried by general affirmation.

This page is intentionally left blank



PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	29 SEPTEMBER 2022
REPORT OF THE:	CHIEF FINANCE OFFICER (s151) ANTON HODGE
TITLE OF REPORT:	REVENUE AND CAPITAL BUDGET MONITORING – Quarter 1 2022-23
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 The revenue budget for 2022/23 was approved by Council on 17 February 2022. This report and associated appendices present the financial performance against the budget as at 30th June 2022.

2.0 RECOMMENDATION

2.1 It is recommended that:

- i) Members note the financial position as set out in this paper and that any over or underspend in revenue and capital will have an impact on reserves.
- ii) Agree that additional funding for the pay award is drawn from reserves.

3.0 REASON FOR RECOMMENDATION(S)

3.1 To ensure that budget exceptions are brought to the attention of the Council in order to approve remedial action where necessary

4.0 POLICY CONTEXT AND CONSULTATION

4.1 The financial position and performance against budget is fundamental to delivery of the Council's Plan, achieving value for money and ensuring financial stability.

5.0 REPORT DETAILS

5.1 Summary

General Fund (see also Appendix A)

Based on estimates at the end of quarter 1, the revenue forecasts a deficit of £262k. Planned savings and efficiencies of £82k for the year, identified as part of the 2022-23 budget setting process were built into the base budgets and are reflected in the numbers below and appendix A.

Capital

As at the end of quarter 1, capital budgets are forecasting expenditure of £4,119k against a budget of £9,317. It is expected that the bulk of the underspend relates to programme slippage, which will therefore be required to carry forward to ensure projects can be delivered in 2023-34 and beyond. Budgets include carry forwards of £7,564k from the previous year.

5.2 Revenue

The table below sets out the summary position, with details of forecast variances included in **Appendix A**. These figures do not at this stage show any draw from reserves to support costs of the pay award.

General Fund Account – Q1 2022/23	Budget	Forecast	Variance
	£000's	£000's	£000's
Net Revenue Budget	9,564	9,826	262
Settlement Funding RSG/NDR	(4,952)	(4,952)	0
Amount to be met from Council Tax	4,612	4,873	262
Council Tax	(4,571)	(4,571)	0
Collection Fund Deficit	(41)	(41)	0
Net Revenue Budget (Surplus) / Deficit	0	262	262

The main variances are:

Expenditure

- **All Employee-related costs £628k overspend.** Expected pay award £350k above estimated 3%. In addition £137k forecast overspend in Waste and Environmental Services and £143k in Planning. It is proposed that additional funding is drawn from reserves to cover the £350k unplanned cost of the pay award.
- **Supplies and Services £45k underspend.** Across services there is a number of smaller variances, with many showing underspends on items such as printing, stationary stock items for the waste service.

- **Vehicles and Transport £29k underspend.** Savings on tyre repairs and of hire of vehicles due to new refuse vehicles.
- **Premises related £17k overspend.** Estimated budget pressures arising from gas and electricity supplies in housing temporary accommodation and the travellers' site.
- **Grants and Contributions £18k overspend.** Grants paid out to community and sporting organisations

Income

- **Waste Collection & Recycling £160k surplus.** Kerbside recycling income is above the budgeted levels predicted by £120k. Green waste subscription /reimbursement is £20k above budgeted income and commercial waste income is exceeding targets.
- **Fees and Charges £43k shortfall.** Railway Tavern - only 50% of income budget achieved as started operating half way through the year (down by £24k). Catering sales down by £15k.
- **Investment Income £207k surplus.** As a result of rising inflation, the Monetary Policy Committee (MPC) has responded by increasing the Bank of England base rate. The average rate of interest earned on Council investments is therefore exceeding budgeted estimates.

Local Government Reorganisation (LGR)

- 5.3 Within the 2022/23 Financial Strategy, a £500k provision was created to support the Council's capacity to deliver LGR, recognising there was likely to be a significant strain on capacity across the authority. An approvals process is in place for services to access the funding, the table below summarises allocations of £238k made to date:

Original LGR Contingency Budget (£)	500,000
Balance Remaining (£)	261,560
Summary	Amount Requested (£)
Back fill food inspection duties	5,000
Economic Development	33,215
LGR communications support	29,950
Planning Support	74,765
Backfill water risk assessments	10,000
Communities support	34,520
HR Support	25,000
Cemetery headstone safety inspections	10,000
Street Scene support	16,290
Total Requested	238,440

Inflation Pressures

5.4 As the UK cost of living surges, the risk of inflationary pressures increasing the cost of delivering Council services becomes more significant. A number of areas have been highlighted as particularly susceptible due to the price rises seen to date. These will be kept under review throughout the year as it is not yet clear when the impact of price inflation will materialise due to timing of contract terms.

5.5 The table below presents an indication of future risk, which will be assessed in more detail in quarter 2 and the remainder of the year:

Service / Budget Description	2022/23 Annual Budget (£)	Inflation included in budget (%)	Additional Inflation Risk (%)	Est / Actual?	Value of risk identified (£)	Narrative
Expenditure:						
Pay Award	9,238,748	3%	3.5% approx	Act	350,000	Impact of £1925 pay award above budgeted 3%
Electricity	183,600	38%	50%	Est	91,800	Estimated as a risk area, however exact increases are not yet known
Gas	57,220	53%	50%	Est	28,610	Actuals TD compared to Budget TD show an average of 25% increase on budget, with further increases expected later in the year
IT Contracts	315,580	3%	6%	Est	18,935	Based on an average actual inflation of 9% applied to 22/23 invoices. Some invoices have not increased at all while one has increased by nearly 15%.
Diesel	281,430	21%	10%	Est	28,143	Estimated as a risk area, however exact increases are not yet known
Income:						

Sale of Recyclates	-234,730	58%	100%	Est	-234,730	The upward trend has been increasing since March '21, however prices are extremely volatile and with therefore be kept under review
Investment Income	-80,000	0.5%	0.9%	Act	-206,650	Base rate has increased beyond initial predictions, with further increases likely throughout the year.
Net Position	9,761,848				76,108	

Capital Programme

- 5.6 The current approved programme for 2022-23 is £9.317m.
- 5.7 Within the capital programme, the main variances are shown below.
- 5.8 Forecast expenditure for the year is £4.119m, with estimated slippage of £5.198m.
- 5.9 The main variances relate to the following areas:
- (i) Industrial Units development (£2.3m) which is expected to slip into 23-24
 - (ii) Affordable Housing, with £0.951m to slip into 23/24
 - (iii) Vehicle Replacement – slippage of £697k primarily due to reprofiling the purchase of Waste Collection service vehicles pending LGR and outcome of Government Policy.

CAPITAL SCHEME	BUDGET 2022/23	BM FORECAST Q1 2022/23	VARIANCE
	£'000	£'000	£'000
Vehicle Replacement Programme	1,022	325	-697
Trade Waste Equipment	29	15	-14
Replacement of Garage Inspection pit	160	29	-131
Property Condition Survey: Investment Operation Assets	32	76	44
Property Condition Survey: Milton Rooms	212	212	-0
Property Condition Survey: Car Parks	30	30	0
Property Condition Survey: Streetlights	60	0	-60
Property Condition Survey: St Leonard's Wall	80	80	0
Property Condition Survey: Former Transfer Waste Site	12	23	11
Property Condition Survey: Leisure Facilities	0	0	0
Property Condition Survey: Public Conveniences	0	0	0
Property Condition Survey: Riverside View Play Area	0	0	0
Property Condition Survey: Unallocated	23	85	62
Car Park Action Plan	100	70	-30
Industrial Units - New Development	2,290	0	-2,290
Milton Rooms - Ring-fenced for business case	32	32	0
Ryedale House - COVID safe adjustments	8	8	0

CAPITAL SCHEME	BUDGET 2022/23	BM FORECAST Q1 2022/23	VARIANCE
	£'000	£'000	£'000
Livestock Market	280	130	-150
Community Facilities in Pickering	200	205	5
Malton and Norton Infrastructure	350	166	-184
Malton to Pickering Cycle Route	198	268	70
Skatepark	50	50	0
IT Infrastructure Strategy	256	210	-46
Animal Welfare	45	32	-13
Cleaner Streets	60	60	0
Aff HSG Init: Exception Sites Land Purchases	100	0	-100
Aff HSG Init: Railway Tavern	104	321	217
Aff HSG Init: Extended Programme Delivery	2,012	1,130	-882
Aff HSG Init: Property Improvement Loans	136	0	-136
Aff HSG Init: Landlord Improvement Loans/Grants	50	0	-50
Privates Sector Energy Efficiency Grants	10	50	40
Private Sector Renewal - Disabled Facility Grants	653	311	-342
Community Housing Fund	289	0	-289
Mortgage Rescue Scheme	21	0	-21
Flooding Contingency	252	200	-52
Projects in Ryedale's Rural Communities	160	0	-160
TOTAL	9,317	4,119	-5,198

5.10 A number of programme variations are currently in the process of approvals, such as additional costs in relation to the Industrial Units development. These will be added to the programme subject to Council approval and any necessary S24 approvals if additional funding is required.

Reserves

5.11 Opening useable reserve balances for the financial year were £14.978m (subject to completion of the Final Accounts audit), with an approved net use of £6.528m agreed as part of the 2022-23 Budget. Taking into account capital programme slippage, and latest revenue budget estimates, the forecast reserve position at the end of the financial year is as follows:

	Actual 31.03.22	Estimated 31.03.23	change	Notes
	£'000	£'000	£'000	
General Reserve	3,517	3,517	0	
Capital Fund	4,329	2,214	-2,115	1
Carry Forward Reserve	549	0	-549	2
Collection Fund Reserve	648	412	-236	3
New Homes Bonus Reserve	3,582	3,582	0	
Strategic Reserve	1,530	-655	-2,185	4
Election Reserve	37	-53	-90	5
Council Tax Hardship Fund	49	49	0	
Pension Reserve	306	679	373	6
Grants Reserve	431	431	0	
	14,978	10,176	-4,802	

Notes:

1. Reflects spend within Capital Programme
2. It is expected budgets carried forward will be utilised in the following year
3. Planned use of reserve to support revenue budget
4. Planned use of reserve to support revenue budget
5. Fund created to set aside costs of future elections
6. Savings from Pension rate reduction set aside to mitigate against future increases.

5.11 The expected use of these reserves in year will be reviewed as the capital programme progresses and forecast estimates of the revenue budgets supported by reserves a reviewed. It should be noted that slippage in the capital programme will require adequate reserve balances in 22-23 and beyond to support expenditure, currently estimated at £2.876m.

6.0 IMPLICATIONS

6.1 The following implications have been identified:

- a) Financial
Included in the body of the report
- b) Legal
There are no legal implications identified as part of this report
- c) Other
None to report, although in any report to Committee and Council, it will be noted that any proposals which may impact on Equalities, Staffing, Planning, Health & Safety, Climate Change, Environmental, Crime & Disorder will be assessed as part of the budget process.

Anton Hodge

Chief Finance Officer (s151)

Author: Michelle Oates
Telephone No: 01609 534196
E-Mail Address: michelle.oates@ryedale.gov.uk

Background Papers:

None

Background Papers are available for inspection at:

N/A

Management Accounts 2022/23

Results as at Quarter 1 - 2022/23

	Prior Year	Latest Approved	Year to Date		Full Year	Variances		COMMENTS
	Actual	Budget	Actual 4 Months	Budget 4 Months	Q1 Forecast	Year to Date	Forecast Variance	
INCOME								
Fees & Charges	(2,931)	(3,033)	(868)	(1,026)	(2,991)	159	43	Railway Tavern only 50% of income budget achieved as started operating half way through the year down by £24k. Catering sales down by £15k
Government Grants	(1,469)	(335)	(287)	(112)	(335)	(175)	0	
Grants & Contributions Inc	(257)	(133)	(50)	(45)	(133)	(6)	0	
Housing Benefits	(7,129)	(6,815)	0	(25)	(6,815)	25	0	
Investment Income	(55)	(80)	5	(28)	(287)	34	(207)	As a result of rising inflation, the MPC have responded by increasing the bank of england base rate, The average rate of interest earned on Council investments is therefore exceeding budgeted estimates.
Waste Collection & Recycling Inc	(2,119)	(2,085)	(1,419)	(1,552)	(2,245)	133	(160)	Kerbside recycling prices are above the budgeted levels predicted by £120k. Green waste subscription/reimbursement is £20k above budgeted income and Commercial Waste income is exceeding targets.
Recharges	137	(130)	(0)	(1,617)	(133)	1,617	(3)	
TOTAL SERVICE INCOME	(13,821)	(12,611)	(2,619)	(4,406)	(12,938)	1,787	(327)	
Salaries & Employee Costs	9,597	10,094	2,986	3,478	10,722	(492)	628	Expected pay award £350k above estimated 3%. £137k forecast overspend in WES and £143k in Planning.
Supplies & Services	2,545	3,609	1,279	1,162	3,563	117	(45)	Various underspends on printing/stationary, wheeled bins and underspends of £20k in consultancy fees for car parking
Vehicles & Transport	866	820	69	243	790	(174)	(29)	Savings on tyre repairs and of hire of vehicles due to new refuse vehicles purchased by WES
Premises	1,658	840	304	424	857	(120)	17	Estimated budget pressures arising from gas and electricity supplies in Housing temporary accomodation and the travellers site
Drainage Board Levies	104	107	54	53	107	1	0	
Grants & Contributions	963	1,800	3,488	233	1,818	3,255	18	£14k Community grants paid out to sporting organisations and £4k CCTV Camera payment Malton Town Council
Housing Benefit Payments	7,291	6,863	2,220	2,289	6,863	(70)	0	
Additional Capacity & Provisions	21	(51)	0	(174)	(51)	174	0	
Interest Payable	52	55	6	28	55	(21)	0	
Capital A/c	(105)	159	(1)	(165)	159	164	0	
TOTAL SERVICE EXPENDITURE	22,992	24,295	10,405	7,572	24,884	2,833	589	

Page 3

APPENDIX A

Management Accounts 2022/23

Results as at Quarter 1 - 2022/23

	Prior Year	Latest Approved	Year to Date		Full Year	Variances		COMMENTS
	Actual	Budget	Actual 4 Months	Budget 4 Months	Q1 Forecast	Year to Date	Forecast Variance	
FINANCING & RESERVES								
Collection Fund (Surplus) / Deficit	(39)	(41)	0	0	(41)	0	0	
Council Tax	(4,483)	(4,571)	567	0	(4,571)	567	0	
NDR	(1,639)	(2,318)	1,142	0	(2,318)	1,142	0	
General Government Grant	(2,381)	(2,634)	(504)	(442)	(2,634)	(62)	0	
Transfers to / from Reserves	(628)	(2,120)	0	0	(2,120)	0	0	
TOTAL FINANCING & RESERVES	(9,171)	(11,684)	1,205	(442)	(11,684)	1,647	0	
GF (SURPLUS) / DEFICIT	(0)	0	8,992	2,724	262	6,267	262	

APPENDIX A

**RYEDALE
DISTRICT
COUNCIL**



REPORT TO: FULL COUNCIL

DATE: 1 DECEMBER 2022

SUBJECT: PART 'B' REFERRALS FROM POLICY AND RESOURCES
COMMITTEE ON 10 NOVEMBER 2022

47 Delivering the Council Plan Q1 2022/23

Recommendation

That Council be recommended to:

- (i) Note the progress report

Voting Record

Carried by general affirmation

This page is intentionally left blank



PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	29 SEPTEMBER 2022
REPORT OF THE:	PROGRAMME DIRECTOR PEOPLE AND RESOURCES MARGARET WALLACE
TITLE OF REPORT:	DELIVERING THE COUNCIL PLAN – Q1 2022/23
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 This report details the quarter 1 performance across the Council and provides an update on the delivery of the identified Council Plan priorities including narrative of what has been started, completed and superseded.

2.0 RECOMMENDATION

- 2.1 It is recommended to Council that:

- (i) The progress report is noted.

3.0 REASONS FOR RECOMMENDATION

- 3.1 The Q1 report details the performance of the council against its targets. The results for this quarter suggest that the Council is performing well in many areas with 80% of indicators meeting or exceeding target.
- 3.2 The report also highlights the areas for improvement and includes narrative that details what steps are in place to help meet target; alongside an explanation of why the performance is currently not meeting target.
- 3.3 There are also several data only measures that are included. These are used to help track information and performance but don't have targets attached to them.

4.0 SIGNIFICANT RISKS

- 4.1 Failure to manage performance effectively could lead to a significant deterioration in service standards or risk the council failing to meet its statutory requirements. The Q1 performance report highlights areas where performance is below target and what remedial measures are underway to address any indicators that are outside of target. By reporting on performance on a quarterly basis it is anticipated that any progress can be reported alongside early identification of possible areas of concern.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 The Q1 report links in with the delivery of the council plan and is a fundamental component of the Councils performance framework.
- 5.2 The report has been redesigned for 2022/23 to allow for a much greater degree of analysis; including starting to look at trends over time. Managers from across the business have been involved in the development of the report via the service planning process.

REPORT

6.0 REPORT DETAILS

- 6.1 The Q1 report highlights some significant achievements that have been delivered across the Council in the first months of 2022/23.
- 6.2 Graph 1 shows Ryedale performance in processing new HB claims in comparison to other NY councils which suggests that RDC continue to excel in this area (as reported throughout 2021/22). By including the benchmarking data it is hoped that the extent of how good this level of performance is can be recognised.
- 6.3 Recognition should also be given to the Planning Team for the income generated from searches which is 162% over target (generating £57,503 of income over the quarter). This is largely driven by Yorkshire Housing developments however does represent a substantial achievement for the team.
- 6.4 In terms of data only indicators the following should be considered. The number of ASB cases currently handled by the Council has increased massively with 107 cases currently recorded. Whilst there is much improved reporting and management alongside seasonal spikes there is a potential impact in terms of the council being able to manage such a large volume of cases over a sustained period. This should be kept under review with consideration made to any support that could be available to the team to enable them to manage such a large case load.
- 6.5 Whilst the number of complaints received has increased the ability of the council to respond in target times remains largely positive; especially for stage 2 complaints being closed within the target of 20 days. One quarter of the complaints received over this period relate to waste services. It should also be noted that the council received 20 compliments over the period; which is four more than the same period in 2021/22.

- 6.6 There are three indicators that need to be tracked where performance is currently not at target, these are:
- Prevention of homelessness through advice and proactive intervention
 - No. of empty homes brought back in to use
 - Standard searches completed in 5 working days

In all cases staffing and workload pressures have been identified as a primary issue for the indicator not meeting target.

- 6.7 It is also noted that the service managers in all cases are aware of the challenges in this area and have plans in place to address the performance, which includes recruitment, or in the case of 'empty homes' engagement with owners to assess what support the council can provide. In addition, in the case of 'empty homes' despite the council not being involved in as many cases the actual number of homes vacant for 6 months or longer has dropped to 360 from 388 in the previous quarter.

7.0 IMPLICATIONS

- 7.1 The following implications have been identified:

- (i) Financial
With regards to the performance report there are no direct financial implications; however, in order to remedy the areas of concern there will be likely increased expenditure on staffing resources.
- (ii) Legal
There are no legal concerns related to the performance report. As a result of this monitoring the Council is confident that it remains compliant with all relevant legislation and regulation and its data is accurate for submission to any external parties as required.
- (iii) Environmental, Ecological, Climate Change and Carbon
N/A
- (iv) Equalities
The content of this report has been assessed under the Council's Equality Impact Assessment process and it was determined that an EqIA was not required.
- (v) Staffing
As identified some of the challenges witnessed over Q1 relate to staffing shortages and the Council recruiting to vacancies. It is anticipated that these measures will help address the issues identified.

- (vi) Planning
N/A
- (vii) Health and Safety
N/A
- (viii) Crime & Disorder
N/A.
- (ix) Data Privacy
N/A

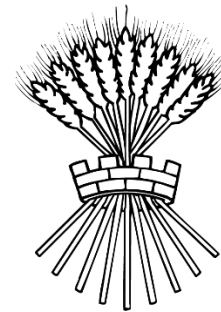
Margaret Wallace
Programme Director – People and Resources

Author: Richard Mair, Corporate Resources Manager - People
Telephone No: 07435934954
E-Mail Address: richard.mair@ryedale.gov.uk

Background Papers:
Appendix A: Quarter One Performance Report

Background Papers are available for inspection at:
Location or web address

RYEDALE DISTRICT COUNCIL



DELIVERING THE COUNCIL PLAN: QUARTERLY PERFORMANCE REPORT APRIL – JUNE 2022

This report provides a summary of the council's performance over the period 01 April – 30 June 2022; whilst also showing progress towards key activities highlighted to deliver the council plan.

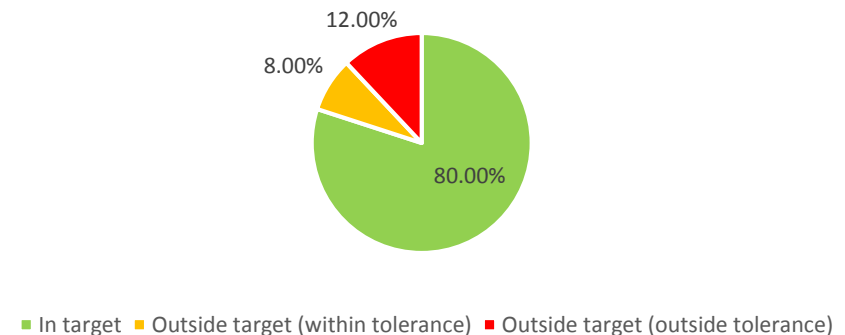
SUMMARY OF PERFORMANCE

As part of an exercise to provide greater links between the council plan and the key performance indicators used by the council, a new two-tier dashboard has been created. Tier one comprises statutory returns and performance items linked to the council plan and key strategies, whilst tier two covers items needed by SMB to evaluate operational performance in more detail. Where concerns exist concerning tier two performance indicators, they will be flagged in these quarterly performance reports alongside any plans for addressing these concerns. Tier one indicators comprise the following:

- Quarterly KPIs
- Annual KPIs
- Data-only indicators

This report focusses on ongoing quarterly performance alongside tracking progress made towards the key priorities identified within the council plan. Current performance shows just four quarterly indicators are outside of target with a further four flagged as amber, meaning that performance is slightly outside target but within an acceptable level of tolerance (tolerance levels vary depending on each indicator). Each indicator highlighted as red or amber

Performance Overview (Quarterly KPIs)



will be discussed in the narrative to emphasise what steps will be taken to help return them to green; whilst there will also be narrative attached to positive areas of performance highlighting notable successes and any steps or plans that are underway to help maintain performance. Where possible additional information will also be provided via graphs and charts to help explain trends and improve the Councils knowledge about its performance.

KEY TO TERMS

Trend

N/A - No trend data exists (typically used for new indicators or data only measures where there may not be a target to compare performance against).



– Performance is improving compared to the previous quarter



– Performance has deteriorated compared to the previous quarter



– Performance has remained static

RAG Indicators:



Data only – This refers to an indicator that tracks performance but is not a KPI or statutory return; therefore, it is included for information only.



In target – Performance that is ahead of target or has been delivered within the agreed parameters.



Outside target but within tolerance – This refers to indicators that are just outside of target but within a set tolerance level. These are indicators that need to be watched and have agreed actions to manage.



Outside of target – These indicators are out of target. Plans to address performance will be highlighted in the relevant narrative section.






Council Plan Progress

Whilst many KPIs link back to the council plan priorities it is also acknowledged that each area of the plan details a number of projects, initiatives or activities that are not measured via clear performance indicators. Each section also contains a summary of any work completed in these areas over the previous quarter.

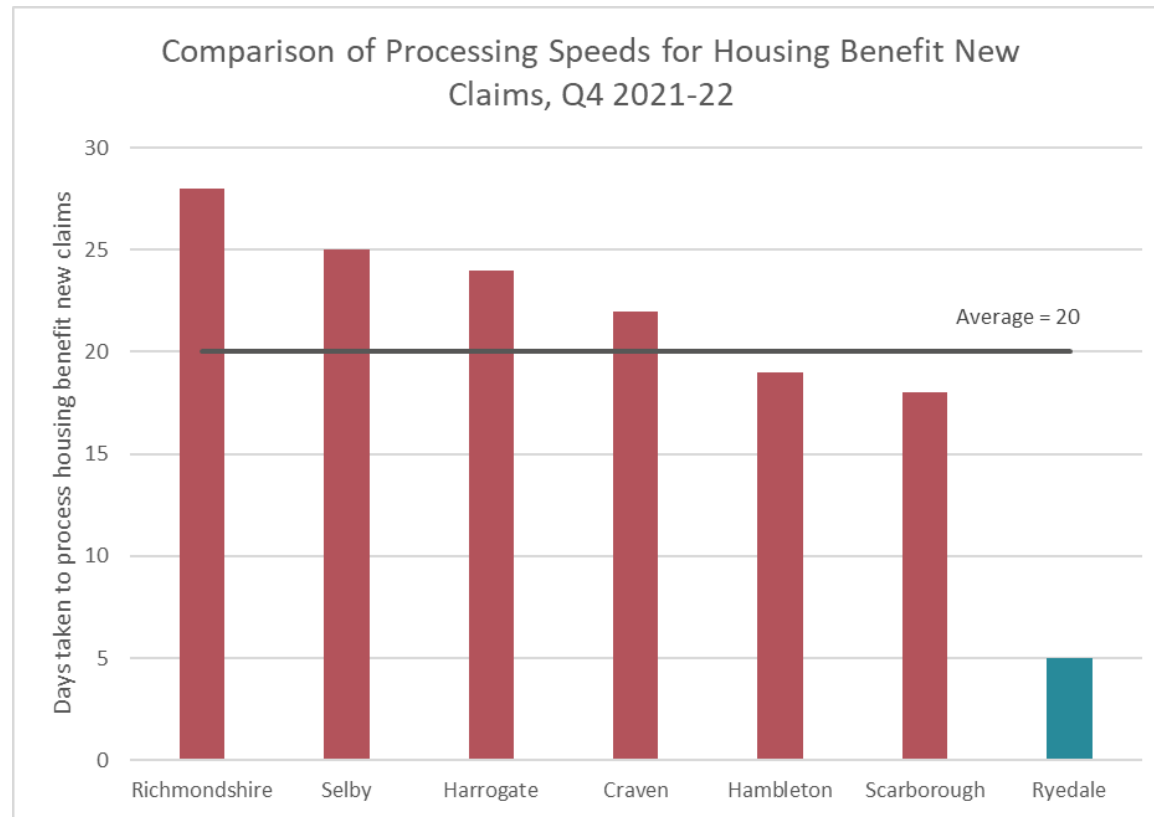
COMMUNITIES: STRONG, INCLUSIVE AND ATTRACTIVE

KPIs

Description	Target	Q1 Performance	Trend	RAG Status	Narrative
Community development grants	Data only	£5000	N/A		Requests for grants have started to arrive for the 2022-23 fiscal year; updates will be available in Q2 and Q3.
Number of Ryecare customers	Data only	515	N/A		The number of customers has increased compared to the previous quarter. Ryecare service has the aim of increasing the number of live connections and installation, however, this indicator will always be subject to customers moving into residential care or sadly, passing away.
Speed of processing Council Tax Support change events	<12 days	1.3 days			Improvement this quarter comes on top of continuous high performance. Average processing speeds have fluctuated between 1.6 and 1.2 days for the last three years, with no clear seasonal trend.
Speed of processing - changes of circumstances for Housing Benefit / Council Tax Support claims	<12 days	1.8 days			Although this quarter 1 performance shows no change in the performance trend from the previous quarter, it is important to note that performance continues to be significantly higher than target.
Time taken to process Housing Benefit/Council Tax Benefit new claims and change events - Accumulative	<10 days	2.3 days			Although this quarter 1 performance shows no change in the performance trend from the previous quarter, it is important to note that performance continues to be significantly higher than target.
Speed of processing new Housing Benefit claims	<21 days	8.9 days	N/A		Although this quarter shows a slight increase in processing times compared to the last quarter of 2021/22, the Council remains the best-performing local authority in North Yorkshire for processing Housing Benefit new claims (see graph 1).

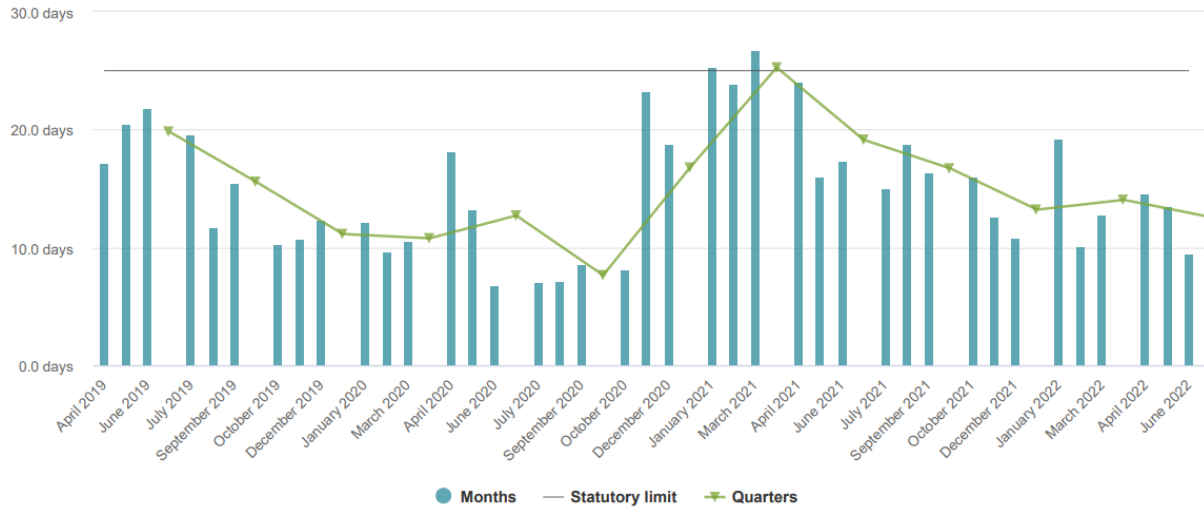
Speed of processing new claims for Council Tax Support	<25 days	12.6 days			Time taken to process new applications continues to improve after peaking in Q4 2020-21 (see Graph 2). Ryedale's processing time has not exceeded the national recommendation of 25 days since March 2021, with COVID-19 driving an influx of new requests for help.
Speed of processing Housing Benefit change events	<12 days	2.3 days	N/A		Although this quarter 1 performance data shows a decline in performance, this reflects an increase in processing times from 1.3 days in quarter 4 2021/22 to 2.3 days in this quarter. It is important to note that performance continues to be significantly higher than target.
Prevention of Homelessness through Advice and Proactive Intervention	39 households	32 households			This has been impacted by a heavy case load. Two new officers have started this quarter, filling vacant posts, so are undertaking intensive training currently. It is anticipated that this additional resource will start to contribute to improvements in performance from Q2.

Graph 1 – Council comparisons of new HB claims processing speed



Although Q1 figures for neighbouring areas have yet to be published, Ryedale’s processing time for new housing benefit claims was a third of the next fastest district at the end of last year (January-March 2022). Q1’s time of 8.9 days would still be at least as twice as fast as the neighbouring authorities previous reported performance for the 2021/22 year.

Graph 2 - Speed of processing new claims for Council Tax Support, April 2019 – June 2022



Graph 2 highlights both the seasonality in council tax support performance and its ongoing good performance over time which has shown considerable improvement. Also mapped are the quarterly return performance figures which emphasise that there has been a consistent downward trajectory in the number of days taken to process claims since the high of Q4 2020/21 which coincided with a significant amount of Covid support.

Council Plan Progress











To support those in extreme hardship the Council has a Council Tax Hardship Fund which was created in the 2021/22 financial year. The Council has carried over £49k in funding to this year in order to provide this support. Access to the funds is via an application and in the first quarter of the year £6k was issued to 9 households.



The week beginning 24 June 2022 marked North Yorkshire, City of York & East Riding Safeguarding Week. An extensive programme of learning events, seminars and interactive sessions were organised, all underpinning this year’s theme of ‘Safeguarding is everybody’s business.’ Working with partners in the Safeguarding arena RDC was able to provide guidance, advice and information to support children and young people impacted by Domestic Abuse, signs of

radicalisation and keeping children safe online whilst also delivering sessions focussed on other items linked to safeguarding such fraud awareness, and the power of the bystander.

ECONOMY: HARNESSING RYEDALE'S UNIQUE ECONOMY TO DELIVER GROWTH, HOMES AND JOBS

KPIs

Description	Target	Q1 Performance	Trend	RAG Status	Narrative
Processing of planning applications: Major applications (13 weeks)	>70.00%	100.00%			100% of applications were dealt with in a timely manner during April, May and June 2022. Processing times have improved across all areas of the service, and it exceeds target in all areas following a winter where processing times were largely static.
Processing of planning applications: Minor applications (8 weeks)	>80.00%	80.00%			Compared to the previous quarter when this indicator was at an amber status, performance has improved to target.
Processing of planning applications: Other applications (8 weeks)	>90.00%	90.00%			Compared to the previous quarter when this indicator was at an amber status performance has improved and is now at target.
New affordable houses	>18.75	49			In June, the Council reported that construction was well underway on the development of 20 new energy efficient homes at Outgang Lane in Pickering. On completion, the new homes will be available for both Affordable Rent and Shared Ownership. It is too early to confirm whether this shows seasonal variation, as recording in the current format only began in 2021-22. It is expected that more homes will be completed during the fourth and first quarters, because the spring months offer favourable building conditions.
Energy efficiency interventions	>2.5	11			Improvement this quarter comes on top of continuous levels of high performance and there has been an increase in this quarter compared to the figure of 8 in Q4 2021/22.

Houses back in use	>1.5 (6 per annum)	1			There are currently 360 properties empty for 6 months or longer, a decrease from 388 in the previous quarter. During the quarter there has been ongoing consolidation of information and liaison with owners. 34 Empty Property initial letters have been sent and 2 Empty Property follow up letters. 1 property is now occupied following visits letters to address disrepair. The Housing team are working hard to ensure that the annual target of 6 is met, and work will continue into the remaining three quarters to ensure this target, is at least met if not surpassed.
--------------------	--------------------	---	--	---	--

Council Plan Progress

In April 2022, Ryedale District Council was successful in winning an award at the Energy Management Project of the Year Awards. Its fuel poverty alleviation project saw 19 citizens across Ryedale receive a fully funded A-rated central heating in addition to insulation in some cases. This award saw the Council recognised as good practice and saw the Council beat other local authorities and progress to a national competition.

Ryedale Job Fair in Malton, hosted jointly by Ryedale District Council and the Job Centre took place on 11 May 2022 at the Milton Rooms in Malton. Those in Ryedale looking for a job or a career change were invited to find out about local vacancies across a variety of industries. This is part of ongoing work the Council is undertaking with the Job Centre to connect employers to the right candidates. Employers attending the job fair represented sectors from engineering to health and social care and manufacturing and covered a range of working patterns and styles.








At the end of May, consultation with citizens began on the Malton and Norton Neighbourhood Plan. Neighbourhood Plans are written by local communities to ensure that their towns or villages get the right type of development in the right places. If adopted, Neighbourhood Plans become part of the Development Plan and are used to assess planning applications in the area covered.

Communities in Ryedale came together to celebrate the Queen's Platinum Jubilee weekend throughout the bank holiday weekend from Thursday 02 June to Sunday 05 June, with a range of events taking place across the district to mark The Queens 70 years of service. A further national event was hosted in North Yorkshire with Ryedale District Council contributing to the sponsorship of National Armed Forces Day which was hosted by Scarborough on 25 June 2022. Locally, the Council arranged for a small photo shoot and news article about Councillors who are former veterans; and this led to positive engagement across social media in particular.

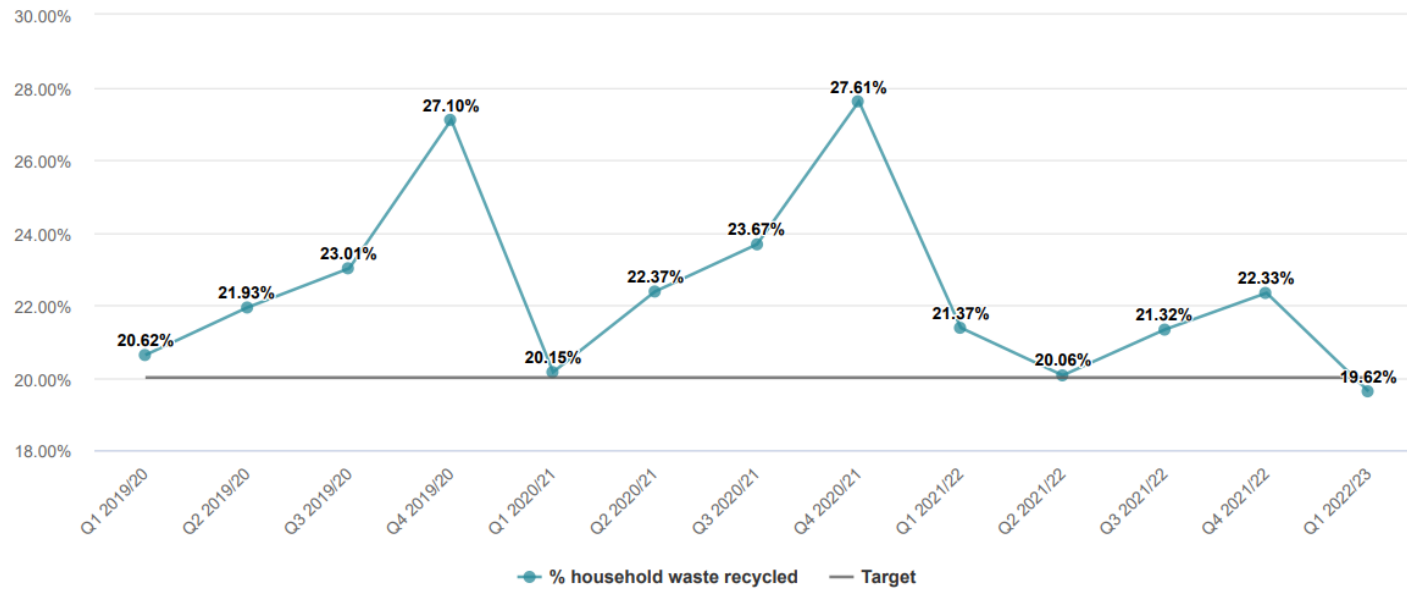
ENVIRONMENT: A SUSTAINABLE, SAFE AND CLEAN PLACE

KPIs

Description	Target	Q1 Performance	Trend	RAG Status	Narrative
Number of anti-social behaviour cases	Data only	107	N/A		The number of anti-social behaviour cases has significantly increased throughout Q1. The reasons for this are thought to include an increase in training and development of officers, leading to a higher level of skilled reporting, more community operations to increase awareness and highlight reporting channels and regular press/publicity releases.
% Of Animal Licensed Premises in the area broadly compliant at inspection	>90%	100%	N/A		46 out of 46 premises are broadly compliant. 3 inspections were undertaken in Q1.
Fly tipping Incidents	<100	74	N/A		While the Q1 figure is high, there is an increased accuracy in reporting as there are now two trained Community Civil Enforcement officers who work directly with Streetscene to enable a clear reporting process. Additionally, the volume of incidents has increased across Ryedale, coinciding with an increase in patrolling. The increased visibility of these patrols has encouraged community engagement in reporting all incidents directly to Ryedale council.
% Of Household Waste Composted	>30.00%	31.22%			The percentage of household waste for composting or anaerobic digestion is highest during summer months as gardening activity rises. The figure this spring is higher than the same quarter last year. This year will also be the first time comparisons on data across the whole year will be possible meaning there will be greater opportunities to establish trends.

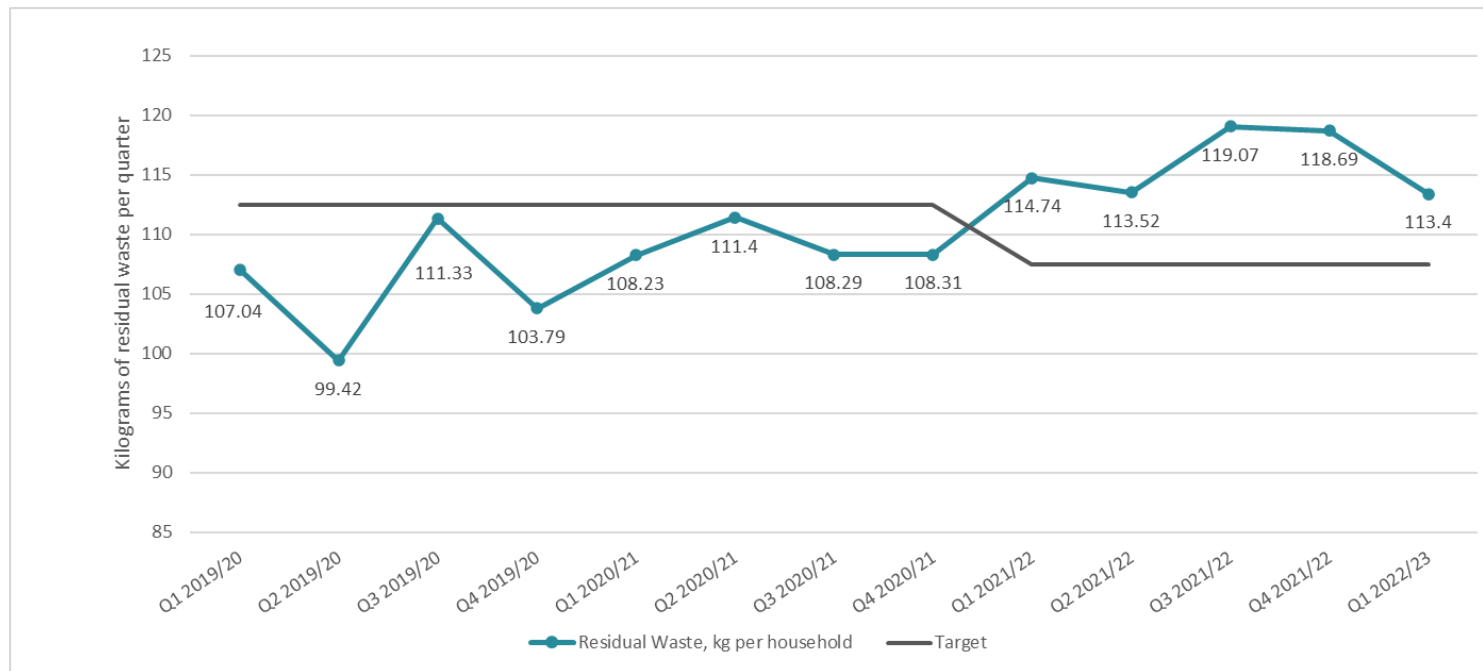
% Of Household Waste sent for reuse, recycling and composting	>50.00%	50.84%			Since April 2021, the target has been to send at least 50% of household waste for reuse, recycling or composting. The Council saw the expected seasonal increase in Q1. Notably, seasonal variation has reduced during the pandemic: 2017-19 varied between 35% and 55%; 2020-2022 has a peak of 51% and a winter low of 46%.
Licence applications determined within statutory time limit under the Licensing Act	100%	100%	N/A		The percentage of licence applications determined within the statutory time limit under the Licensing Act 2003 and the 100% result in quarter 1 is based on 18 out of 18 determinations.
% Of Household Waste Recycled	>20.00%	19.62%			The proportion of waste recycled is markedly seasonal; Q1 typically marks the low point of the year, after which it increases to peak in Q4 (see Graph 3). As such, it is expected that the trend will be reversed and the target to be met next quarter.
Residual household waste - kg per household	<107.50kg/hh	113.40kg/hh			While still below target, Q1 22/23 is the lowest level of residual household waste since Q1 20/21 (see Graph 4), and this KPI has gone from red RAG status in Q1 21/22, to amber status in this quarter. The Waste and Environment Team are committed to continue this improvement and meet targets by the end of this fiscal year.

Graph 3 - % Of Household Waste Recycled, April 2019 – June 2022



Graph 3 not only highlights the traditional seasonality of household waste recycling but also suggests there has been a significant reduction in recycling rates post lockdown. Whilst now performing just under target this remains an area that should be tracked in order to prevent further slippage; especially in light of the Q4 peak being some way off that evidenced across the previous two years.

Graph 4 - Residual Household Waste, kg per household, April 2019 – June 2022



As indicated in graph 3 recycling rates have dropped and inevitably this appears to be leading to an increase in residual household waste which is operating slightly outside of target. This may be an area worth investigating in order to establish if recycling rates are falling as more people are putting recyclable items in their residual waste bins.

Council Plan Progress

Ryedale's Great British Spring Clean litter-pick ended on 10 April 2022. Keep Britain Tidy launched the Great British Spring Clean communities to come together to collect litter as part of a viral social media campaign called the #BigBagChallenge. Communities recorded how many bags of litter they filled from their picking pursuits and informed Keep Britain Tidy to see how much has been collected across the country.

At the beginning of May 2022, Ryedale District Council's new 12-mile cycling route which connecting Malton and Pickering opened to cyclists. This was funded by a grant of £628,000 from the European Agricultural Fund for Rural Development to develop the cycle route and fills a missing link between the existing Yorkshire Wolds National Cycle network and routes through the North York Moors National Park. The cycle route provides additional opportunities

for active tourism and outdoor activities by offering residents and cycle tourists visiting Ryedale a choice of routes: south to the Yorkshire Wolds or north to the North York Moors, Dalby Forest and the Yorkshire Coast.

The start of May also saw Ryedale District Council reopening a scheme which had previously proved to be successful that supported the development of electric vehicle charging points throughout the district. The authority allocated £10,500 to a rolling grant scheme for community groups and organisations to use towards the cost of purchasing and installing EV charging points. As such a rural district, it is essential that a good charging infrastructure is in place and buildings in the centre of rural communities such as village halls make them ideal places for charging points.








Ryedale launched a 'Your Waste, Your Responsibility' campaign at several events across the weekend of May 21 – 22. Having seen an increase in fly tipping in 2022 the campaign served to educate citizens about the importance of disposing of their waste legally. At the events (which included the Castle Howard Dog Show and Yorkshire Game and Country Fair at Scampston) staff were on hand to talk to residents about their waste responsibility; effective disposal of items and answering any queries residents had about waste and recycling.








Working with Arch Communications and Third Energy the Council has been evaluating the potential for geothermal energy in Ryedale. The initial stages of consultation and community engagement took place in Q1 and included attendance at public events, direct engagement with key stakeholders and a citizen survey. The results of the engagement exercises will be known in Q2 and features in the next quarterly performance report.







In June 2022, Ryedale District Council offered catering and food-handling premises in the district free access to food hygiene training from online training provider High Speed Training. By law, all food handlers must understand the principles of food hygiene and know how to work safely so as to protect the food they serve from contamination. The course was suitable for anyone who handled, prepared or served food in the catering industry and covered legal responsibilities, best practice in regard to controlling food safety hazards, controlling temperatures, food storage, food preparation, personal hygiene and premises cleaning.

ORGANISATION: AN INNOVATIVE, ENTERPRISING COUNCIL

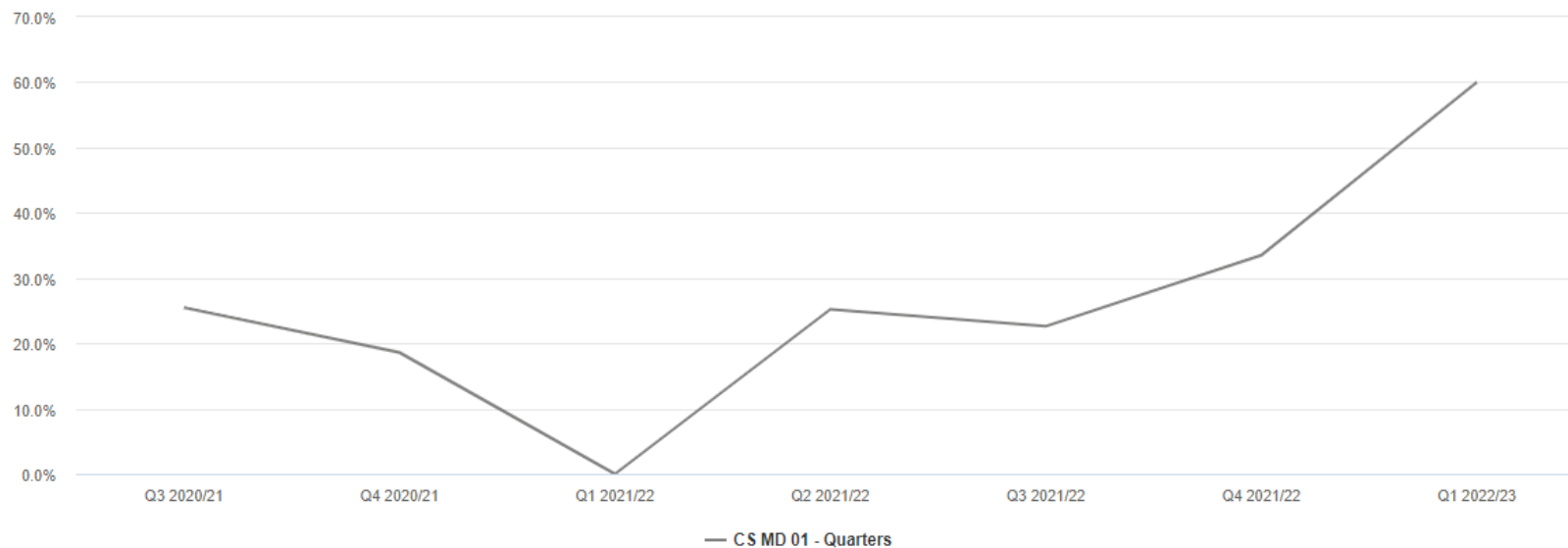
KPIs

Description	Target	Q1 Performance	Trend	RAG Status	Narrative
Income from searches	>£21,876	£57,503			During this quarter an external company undertook a substantial amount of work for a large developer. As a result, 224 searches were submitted to Ryedale during quarter 1. This number was in addition to the searches received on an ongoing basis, which is an average of around 50 per month. At £166 per search fee, quarter 1 represents a huge achievement in this area.
Debt age: 1-2 months	Data only	£77,823.73	N/A		The ageing profile of invoices outstanding will fluctuate at difference points of the year, depending on service activity and the types of debt being raised. It is normal to expect a spread of debt up to 1 year as a large number of invoices will be collected on an agreed instalment plan, such as commercial waste.
Debt age: 2-3 months	Data only	£40,942.55	N/A		
Debt age: 3-4 months	Data only	£432,537.69	N/A		Debt is usually expected to peak in the 3-4 month range as some customers take longer to process payments.
Debt age: 4+ months	Data only	£91,845.77	N/A		As mentioned above, some invoices are collected by regular direct debit instalments, without any concern around risk of non-payment. Within this balance there is one invoice for £52k with an on-going dispute which is being addressed by Officers.
Number of complaints received	Data only	19	N/A		19 complaints represents a significant deviation from the average, albeit with limited legacy data to work from. Last year's annual total of 36 complaints is about 40% lower than 2018-19 and 2019-20. Complaints increased significantly over time, with four in April, six in May, and nine in June.

% Of stage 1 complaints closed within target of <10 days	Data only	84.21%	N/A		*See Complaints, Compliments and Freedom of Information Requests section below
% Of stage 2 complaints closed within target of <20 days	Data only	100%	N/A		*See Complaints, Compliments and Freedom of Information Requests section below
Staff turnover	Data only	4.8%	N/A		This information provides a snapshot of the organisation's turnover rate and would not be used to predict annual trends. This will be supported with analysis of annual turnover and retention rates within the yearly workforce report. The labour market is extremely challenging at the moment, and continued challenges in this area are not unique to the Council. Despite this, the Q1 figure represents an improvement from 5.3% in Q4 2021/22. The Q1 figure of 4.8% includes 90% voluntary leavers, and in comparison, to Q1 2022/23, there has been an increase of 9%.
Average days lost per employee to sickness	Data only	0.97	N/A		Reflecting an improvement from 1.65 in Q4 2021/22, Ryedale's absence rates continue to be some of the lowest in the County and various wellbeing initiatives and support mechanisms open to staff continue on a regular basis. The most common absence reasons noted for Q1 include Covid-19, infections, stress, depression, anxiety and related absence.
Lost time rate	Data only	1.64%	N/A		This KPI measures the percentage of total time available that has been lost to sickness during the noted time period. Performance has improved from 3.21% in the previous quarter to 1.64% this quarter.
% FOI Requests responded to within 20 working days	>90%	95.08%			Out of 183 FOI's received in quarter 1, 174 received a response within the target time of 20 working days. All FOIs this quarter have been accepted (none were identified as being refused or exempt).

Standard searches carried out in 10 working days	>90.0%	100.0%			This KPI has gradually been increasing over the course of last year and has improved from an amber status in quarter 4 2021/22 to a green status, exceeding target, in this quarter.
Income from Street Naming and Numbering	>£300	£1,695			New data for the quarter 1 2022/23 report and performing well above target, with no concerns.
Standard searches completed in 5 working days	>90.0%	60.0%			While this KPI has had a red RAG status since Q2 20/21, the latest figure is the highest since Q1 20/21, and has been gradually increasing since Q2 21/22 (see Graph 5). A very large number of searches were received from a company which tripled the teams workload and had a significant impact on delivery, when coupled with sickness, holiday and other staffing factors. The Land charge register is currently migrating over to the Land Registry, which is a big piece of work due by 31 st March 2023. Given the increases in work that are being experienced additional resources are being brought into the team to address this issue and help ensure performance hits target.

Graph 5 - Standard searches completed in 5 working days, October 2020 to June 2022



The performance of standard searches completed in 5 working days is showing considerable and consistent improvement over time. Whilst the team have acknowledged that there have been challenges in hitting this target it is clear they are making positive progress and the proposed measures will again help continue to push this towards the target of 90%.

Council Plan Progress

On Thursday 05 May 2022, the election for Ryedale's division for North Yorkshire County Council took place. Councillors elected to North Yorkshire County Council will serve for its final ten months until 31 March 2023. They will then be the voice of the public for the first four years of the new over-arching single authority - North Yorkshire Council, which launches on 01 April 2023.

The Council launched a brand-new employee benefits scheme on 23 May 2022, giving staff access to an exciting range of employee benefits, designed to improve physical, financial and mental health.

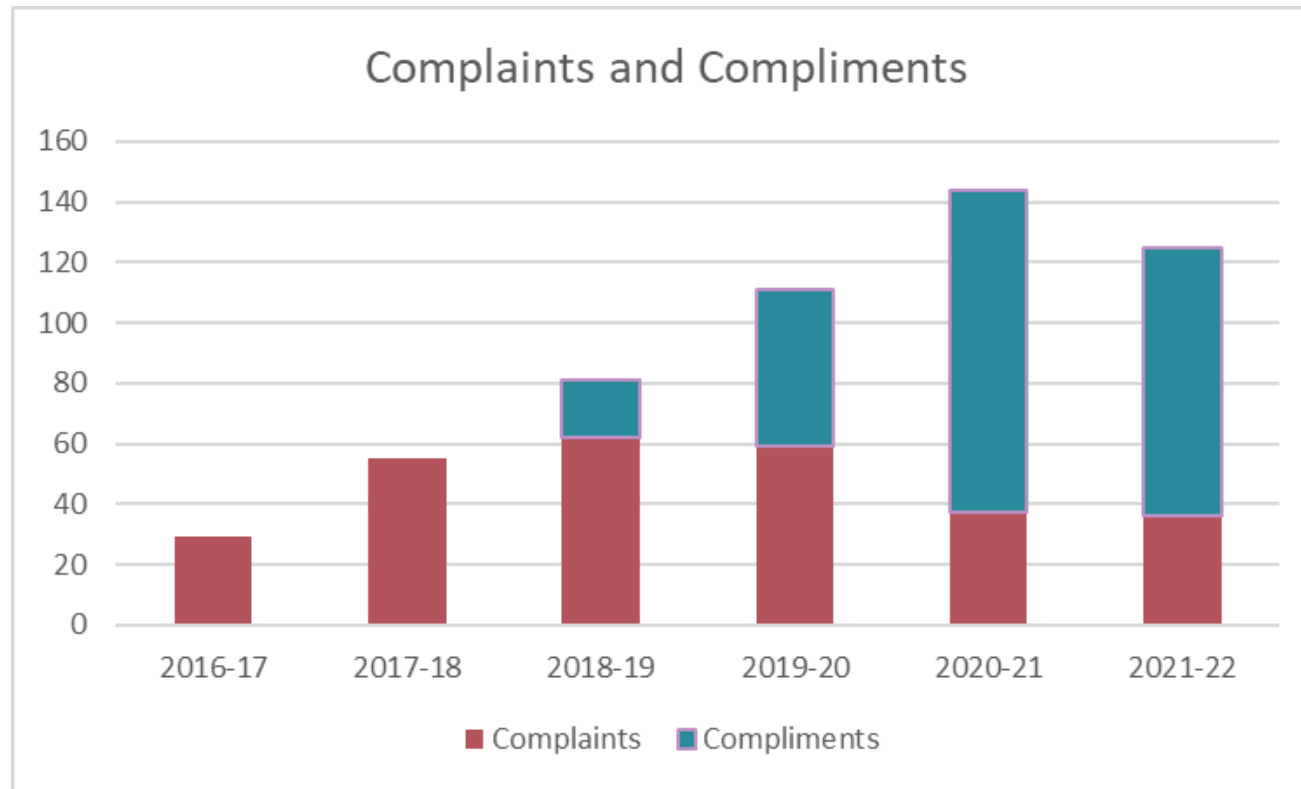
Complaints, Compliments and Freedom of Information Requests:

A quarter of the complaints received between April and June related to waste collection. This could be linked to garden waste collections, which resume in April, meaning the Council has more contact with residents as they renew their subscriptions and check schedules. Ryedale District Council apologised for an error in processing a renewal and revised the subscription process to prevent the issue reoccurring.

Planning and Housing were the topic of four complaints each. The Council has committed to keeping customers better informed regarding queries outside established processes, shared additional information about how it makes decisions, and reviewed standard letters with an eye to improving clarity.

Notably, the Council also received 20 compliments in Q1; four more than the same period last year. The figure of 20 compliments falls well within the range of quarterly scores for 2021-22. Customer Services, Economic Development and Planning received the most compliments.

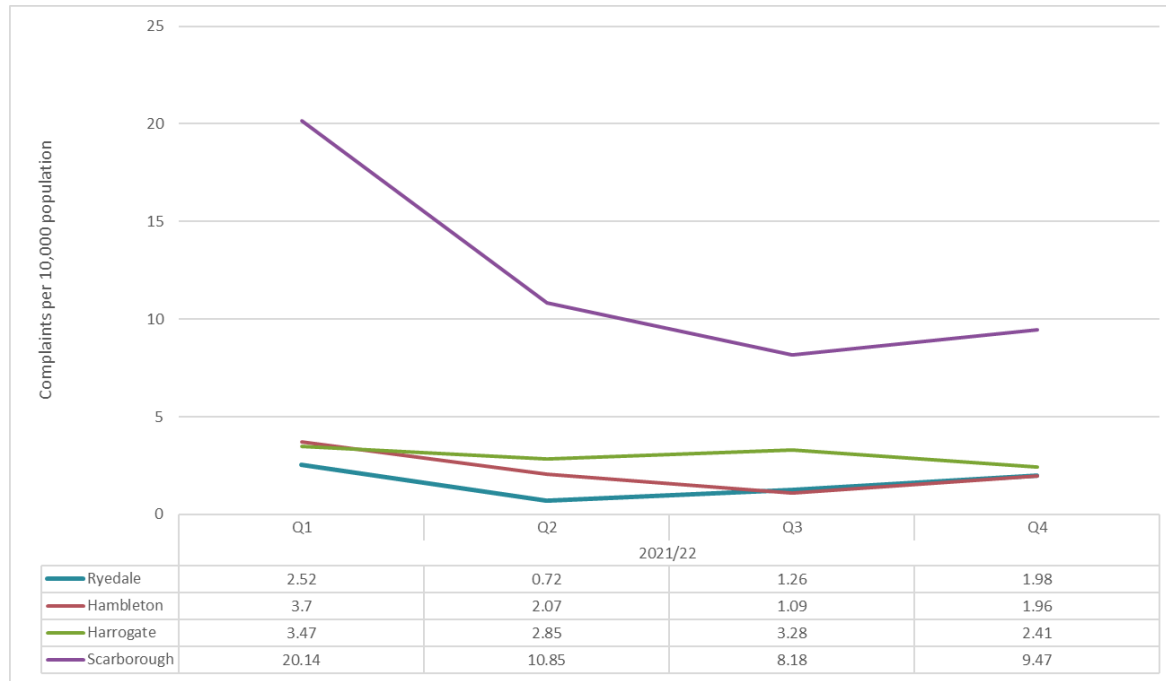
Graph 6 – Complaints and Compliments received by Ryedale District Council, 2016/17 - 2021/22



Like other districts in the area, Ryedale is returning to levels of customer feedback seen before the pandemic: quarter one was most like the same period in 2019/20 for complaints, and Freedom of Information requests were back up to 2018/19 volumes (180 FOI requests received Q1 2018/19; 183 this year). However, since then we have improved our compliment recording and begun tracking service requests, with the result that we are collecting about twice as much feedback from customers as we did in 2018-19.

In comparative terms, the Q1 count of 19 complaints equates to 3.42 for every 10,000 residents, a level last reached in Q2 2019-20. This should not be cause for concern: Ryedale remains similar to Hambleton and Harrogate, and comfortably outperforms Scarborough.

Graph 7 – Complaints per 10,000 population, local district councils, 2021/22¹



¹ Note on Graph 7: The standard metric for geographical comparisons is ‘Number of complaints per 10,000 population.’ Figures for Q1 are not yet available for other councils.

The complaints per 10,000 population is a standard measure and whilst figures are not yet known for Q1 across all districts its inclusion helps demonstrate the good performance Ryedale is achieving in this area, even despite increases being reported through the tail end of the 2021/22 financial year. Whilst Q1 figures suggest there has been an increase in the number of complaints it is expected that Ryedale will be still performing well in comparison to its peer group.

This page is intentionally left blank



REPORT TO: FULL COUNCIL

DATE: 1 DECEMBER 2022

**SUBJECT: PART 'B' REFERRALS FROM POLICY AND RESOURCES
COMMITTEE ON 10 NOVEMBER 2022**

63 Revenue and Capital Budget Monitoring Q2 2022/23

Recommendation

It is recommended that Council note the financial position as set out in this paper and that any over or underspend in revenue and capital will have an impact on reserves.

This page is intentionally left blank



PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	10 NOVEMBER 2022
REPORT OF THE:	CHIEF FINANCE OFFICER (s151) ANTON HODGE
TITLE OF REPORT:	REVENUE AND CAPITAL BUDGET MONITORING – Quarter 2 2022-23
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 The revenue budget for 2022/23 was approved by Council on 17 February 2022. This report and associated appendices present the financial performance against the budget as at 30th September 2022.

2.0 RECOMMENDATION

2.1 It is recommended that:

- i) Members note the financial position as set out in this paper and that any over or underspend in revenue and capital will have an impact on reserves.

3.0 REASON FOR RECOMMENDATION(S)

3.1 To ensure that budget exceptions are brought to the attention of the Council in order to approve remedial action where necessary

4.0 POLICY CONTEXT AND CONSULTATION

4.1 The financial position and performance against budget is fundamental to delivery of the Council's Plan, achieving value for money and ensuring financial stability.

5.0 REPORT DETAILS

5.1 Summary

General Fund (see also Appendix A)

Based on estimates at the end of quarter 2, the revenue forecasts a surplus of £9k. Planned savings and efficiencies of £82k for the year, identified as part of the 2022-23 budget setting process were built into the base budgets and are reflected in the numbers below and appendix A.

Capital

As at the end of quarter 2, capital budgets are forecasting expenditure of £3,076k against a budget of £9,470k. It is expected that the bulk of the underspend relates to programme slippage, which will therefore be required to carry forward to ensure projects can be delivered in 2023-34 and beyond. Budgets include carry forwards of £7,564k from the previous year.

5.2 Revenue

The table below sets out the summary position, with details of forecast variances included in **Appendix A**. These figures do not at this stage show any draw from reserves to support costs of the pay award.

General Fund Account – Q1 2022/23	Budget	Forecast	Variance
	£000's	£000's	£000's
Net Revenue Budget	9,564	9,555	(9)
Settlement Funding RSG/NDR	(4,952)	(4,952)	0
Amount to be met from Council Tax	4,612	4,975	(9)
Council Tax	(4,571)	(4,571)	0
Collection Fund Deficit	(41)	(41)	0
Net Revenue Budget (Surplus) / Deficit	0	(9)	(9)

The main variances are:

Expenditure

- **All Employee-related costs £361k overspend.** This is the figure after the £350k from reserves has been applied, as agreed by Elected Members at Q1, to fund the additional nationally agreed pay award. The largest single area of overspend remains Waste and Environmental Services (£200k). There is also an overspend in Planning Services, as a consequence of income targets not yet being achieved. .
- **Supplies and Services £13k underspend.** Main areas identified with expected variances are a £96k saving in relation to insurance premiums (one-off benefit due to timing of payments), offset by £32k increase in Public Conveniences cleaning contract, £23k overspend in waste disposal charges (offset by increases

in income), and £20k in relation to the LEP contribution. There is a number of other smaller variances identified such as audit costs and printing.

- **Vehicles and Transport £29k overspend.** Revised increase of £15k in diesel costs from Q1 and increase in parts/materials of £16k, however this is being offset by the sale of scrap materials. This is reflected within the waste & recycling Income.
- **Premises related £179k overspend.** Additional repair/maintenance costs of £93k for Public Conveniences, Travellers Site, Malton Depot and Ryedale House. Additional £78k in gas/electricity costs due to an increase in prices for Ryedale House, the Depot and the Travellers site.

Income

- **Waste Collection & Recycling £272k surplus.** Kerbside recycling prices are above the budgeted levels predicted by £165k and Commercial Waste income is exceeding targets by £125k. This is due to work carried out to identify holiday lets as well as building on/retaining existing client contracts.
- **Fees and Charges £129k shortfall.** Income expectations have declined in Q2 due to the Planning income not received as expected.
- **Investment Income £420k surplus.** Recent economic events have resulted in further base rate increases, with more expected before the end of the calendar year. A conservative average rate of 2% has therefore been applied until more is known.

Local Government Reorganisation (LGR)

- 5.3 Within the 2022/23 Financial Strategy, a £500k provision was created to support the Council's capacity to deliver LGR, recognising there was likely to be a significant strain on capacity across the authority. An approvals process is in place for services to access the funding, the table below summarises allocations of £263k made to date:

Original LGR Contingency Budget (£)	500,000
Balance Remaining (£)	236,743
Summary	Amount Requested (£)
Back fill food inspection duties	5,000
Economic Development	33,215
LGR communications support	29,950
Planning support	74,765
Backfill water risk assessments	10,000
Communities / engagement support	34,520
HR Support	25,000
Cemetery headstone safety inspections	10,000
Street Scene support	16,290
Revenue and Benefits support	24,817
Total Requested	263,257

Inflation Pressures

- 5.4 As the UK cost of living surges, the risk of inflationary pressures increasing the cost of delivering Council services becomes more significant. A number of areas have been highlighted as particularly susceptible due to the price rises seen to date. These will be kept under review throughout the year as it is not yet clear when the impact of price inflation will materialise due to timing of contract terms.
- 5.5 The table below presents an indication of future risk, which will be assessed in more detail in quarter 2 and the remainder of the year:

Service / Budget Description	2022/23 Annual Budget (£)	Inflation included in budget (%)	Additional Inflation Risk (%)	Est / Actual?	Value of risk identified (£)	Narrative
Expenditure:						
Pay Award	9,238,748	3%	3.5% approx	Act	350,000	Impact of £1925 pay award above budgeted 3%
Electricity	183,600	38%	50%	Est	57,390	Estimated part year impact of prices increases at Q2
Gas	57,220	53%	50%	Est	27,820	Estimated part year impact of price increases at Q2
IT Contracts	315,580	3%	6%	Est	18,935	Based on an average actual inflation of 9% applied to 22/23 invoices. Some invoices have not increased at all while one has increased by nearly 15%.
Diesel	281,430	21%	10%	Est	25,225	Based on estimates at Q2
Income:						

Service / Budget Description	2022/23 Annual Budget (£)	Inflation included in budget (%)	Additional Inflation Risk (%)	Est / Actual?	Value of risk identified (£)	Narrative
Sale of Recyclates	-234,730	58%	50%	Est	-165,000	Given the current economic uncertainties, forecast estimates remain cautious at Q2
Investment Income	-80,000	0.5%	1.5%	Act	-420,000	Forecast revised at Q2 based on latest investment activity.
Net Position	9,761,848				-105,530	

Capital Programme

5.6 The current approved programme for 2022-23 is £9.470m.

5.7 Within the capital programme, the main variances are shown below.

5.8 Forecast expenditure for the year is £3,067m, with estimated slippage of £6,403m.

5.9 The main variances relate to the following areas:

- (i) Industrial Units development (£2.25m) which is expected to slip into 2023-24
- (ii) Affordable Housing, with (£2.04m) to slip into 2023/24
- (iii) Vehicle Replacement – slippage of £697k primarily due to reprofiling the purchase of Waste Collection service vehicles pending LGR and outcome of Government Policy.

CAPITAL SCHEME	BUDGET 2022/23	BM FORECAST Q2 2022/23	VARIANCE
	£'000	£'000	£'000
Vehicle Replacement Programme	1,022	328	-694
Trade Waste Equipment	29	15	-14
Replacement of Garage Inspection pit	160	0	-160
Property Condition Survey: Investment Operation Assets	32	20	-12
Property Condition Survey: Milton Rooms	212	135	-77
Property Condition Survey: Car Parks	30	0	-30
Property Condition Survey: Streetlights	60	168	108
Property Condition Survey: St Leonard's Wall	80	132	52
Property Condition Survey: Former Transfer Waste Site	12	0	-12
Property Condition Survey: Leisure Facilities	0	0	0
Property Condition Survey: Public Conveniences	0	0	0
Property Condition Survey: Riverside View Play Area	0	0	0
Property Condition Survey: Unallocated	23	92	69
Car Park Action Plan	100	100	0
Industrial Units - New Development	2,290	34	-2,256

CAPITAL SCHEME	BUDGET 2022/23	BM FORECAST Q2 2022/23	VARIANCE
	£'000	£'000	£'000
Milton Rooms - Ring-fenced for business case	32	32	0
Ryedale House - COVID safe adjustments	8	3	-5
Livestock Market	280	130	-150
Community Facilities in Pickering	200	30	-170
Malton and Norton Infrastructure	350	166	-184
Malton to Pickering Cycle Route	198	163	-35
Skatepark	50	50	0
IT Infrastructure Strategy	256	210	-46
Animal Welfare	45	32	-13
Cleaner Streets	60	60	0
Aff HSG Init: Exception Sites Land Purchases	100	0	-100
Aff HSG Init: Railway Tavern	257	404	147
Aff HSG Init: Extended Programme Delivery	2,012	0	-2,012
Aff HSG Init: Property Improvement Loans	136	96	-40
Aff HSG Init: Landlord Improvement Loans/Grants	50	20	-30
Privates Sector Energy Efficiency Grants	10	50	40
Private Sector Renewal - Disabled Facility Grants	653	437	-216
Community Housing Fund	289	0	-289
Mortgage Rescue Scheme	21	0	-21
Flooding Contingency	252	0	-252
Projects in Ryedale's Rural Communities	160	160	0
TOTAL	9,470	3,067	-6,403

5.10 A number of programme variations are currently in the process of approvals, such as additional costs in relation to the Industrial Units development. These will be added to the programme subject to Council approval and any necessary S24 approvals if additional funding is required. There may also be increased call on capital reserves due to increased costs in the market and where facilities may require additional investment.

Reserves

5.11 Opening useable reserve balances for the financial year were £14.978m (subject to completion of the Final Accounts audit), with an approved net use of £6.528m agreed as part of the 2022-23 Budget. Taking into account capital programme slippage, and latest revenue budget estimates, the forecast reserve position at the end of the financial year is as follows:

	Actual 31.03.22	Estimated 31.03.23	change	Notes
	£'000	£'000	£'000	
General Reserve	3,517	3,517	0	
Capital Fund	4,329	2,760	-1,569	1
Carry Forward Reserve	549	0	-549	2
Collection Fund Reserve	648	412	-236	3
New Homes Bonus Reserve	3,582	3,582	0	
Strategic Reserve	1,530	-1,005	-2,535	4
Election Reserve	37	-53	-90	5
Council Tax Hardship Fund	49	49	0	
Pension Reserve	306	679	373	6
Grants Reserve	431	431	0	
	14,978	10,372	-4,606	

Notes:

1. Reflects spend within Capital Programme
2. It is expected budgets carried forward will be utilised in the following year
3. Planned use of reserve to support revenue budget
4. Planned use of reserve to support revenue budget
5. Fund created to set aside costs of future elections
6. Savings from Pension rate reduction set aside to mitigate against future increases.

5.11 The expected use of these reserves in year will be reviewed as the capital programme progresses along with forecast estimates of revenue budgets supported by reserves. It should be noted that slippage in the capital programme will require adequate reserve balances in 22-23 and beyond to support expenditure, currently estimated at £3,575m.

6.0 IMPLICATIONS

6.1 The following implications have been identified:

- a) Financial
Included in the body of the report
- b) Legal
There are no legal implications identified as part of this report
- c) Other
None to report, although in any report to Committee and Council, it will be noted that any proposals which may impact on Equalities, Staffing, Planning, Health & Safety, Climate Change, Environmental, Crime & Disorder will be assessed as part of the budget process.

Anton Hodge

Chief Finance Officer (s151)

Author: Michelle Oates
Telephone No: 01609 534196
E-Mail Address: michelle.oates@ryedale.gov.uk

Background Papers:

None

Background Papers are available for inspection at:

N/A

Management Accounts 2022/23

Results as at Quarter 2 - 2022/23

Page 71

	Prior Year	Latest Approved	Year to Date		Full Year	Variances		COMMENTS
	Actual	Budget	Actual 6 Months	Budget 6 Months	Q2 Forecast	Year to Date	Forecast Variance	
INCOME								
Fees & Charges	(2,931)	(3,033)	(1,300)	(1,503)	(2,904)	203	129	Income achievement in Q2 is below target due to a reduction in receipts for large developments.
Government Grants	(1,469)	(335)	(422)	(167)	(350)	(255)	(15)	Additional grant income including Verify Earnings & Pensions (VEP) income due from DWP.
Grants & Contributions Inc	(257)	(133)	(134)	(67)	(117)	(67)	16	Reduction in grant to Ryecare
Housing Benefits	(7,129)	(6,815)	0	(38)	(6,815)	38	0	
Investment Income	(55)	(80)	(3)	(43)	(500)	40	(420)	Recent economic events have resulted in further base rate increases, with more expected before the end of the calendar year. A conservative average rate of 2% has there fore been applied until more is known.
Waste Collection & Recycling Inc	(2,119)	(2,085)	(1,851)	(1,686)	(2,357)	(165)	(272)	Kerbside recycling prices are above the budgeted levels predicted by £165k and Commercial Waste income is exceeding targets by £125k, this is due to to work carried out to identify holiday lets as well as building on/retaining existing client
Recharges	137	(130)	(1)	(2,425)	(132)	2,424	(2)	
TOTAL SERVICE INCOME	(13,821)	(12,611)	(3,710)	(5,927)	(13,175)	2,218	(564)	
Salaries & Employee Costs	9,597	10,517	3,772	5,217	10,878	(1,445)	361	Figure takes into account £350k from reserves to fund pay award, which was agreed by Full Council. Forecasted £200k overspend in Waste and Environment Services.
Supplies & Services	2,545	3,881	1,736	1,720	3,868	16	(13)	Savings in insurance premiums of £96k due to 6 month insurance renewal. £32k increase in New Public Conveniences contract based on twice daily cleans
Vehicles & Transport	866	820	242	364	848	(122)	29	Revised increase of £15k in diesel costs from Q1 and increase in parts/materials of £16k, however this is being offset by the sale of scrap materials. This is reflected within the Waste & Recycling Income
Premises	1,658	892	406	533	1,071	(127)	179	Additional repair/maintenance costs of £93k for the Public Conveniences, Travellers Site, Malton Depot & Ryedale House. Additional £78k in gas/electricity costs due to an increase in prices for Ryedale House, the Depot & Travellers site
Drainage Board Levies	104	107	54	53	107	1	0	
Grants & Contributions	963	2,114	3,775	310	2,113	3,466	(1)	
Housing Benefit Payments	7,291	6,863	3,808	3,433	6,863	375	0	
Additional Capacity & Provisions	21	(51)	0	(130)	(51)	130	0	
Interest Payable	52	55	6	28	55	(21)	0	
Capital A/c	(105)	159	9	(248)	159	257	0	
TOTAL SERVICE EXPENDITURE	22,992	25,357	13,809	11,279	25,911	2,530	554	
FINANCING & RESERVES								

	Prior Year	Latest Approved	Year to Date		Full Year	Variances		COMMENTS
	Actual	Budget	Actual 6 Months	Budget 6 Months	Q2 Forecast	Year to Date	Forecast Variance	
Collection Fund (Surplus) / Deficit	(39)	(41)	0	0	(41)	0	0	
Council Tax	(4,483)	(4,571)	1,135	0	(4,571)	1,135	0	
NNDR	(1,639)	(2,318)	1,598	0	(2,318)	1,598	0	
RSG	0	0	0	0	0	0	0	
General Government Grant	(2,381)	(2,634)	(632)	(662)	(2,634)	30	0	
Transfers to / from Reserves	(628)	(3,182)	(350)	0	(3,182)	(350)	0	
TOTAL FINANCING & RESERVES	(9,171)	(12,745)	1,751	(662)	(12,745)	2,413	0	
GF (SURPLUS) / DEFICIT	(0)	0	11,850	4,689	(9)	7,161	(9)	



REPORT TO: FULL COUNCIL

DATE: 1 DECEMBER 2022

SUBJECT: PART 'B' REFERRALS FROM POLICY AND RESOURCES COMMITTEE ON 10 NOVEMBER 2022

64 Pickering Pool Boiler Replacement

Recommendation

That Council be recommended to:

- (i) Approve £90,000 be allocated from Reserves to fund the replacement of the two boilers at Ryedale Swim and Fitness Centre with equivalent gas boilers, using the procurement process already completed as the basis for this work.
- (ii) Agree that any unforeseen costs including inflated costs beyond the contingency included in 2.1(i) above, to a maximum of £25,000, to be agreed and authorised by the Chair of Policy and Resources, the Programme Director - Place and Resources and the S151 Officer prior to expenditure taking place

Voting Record

6 For
2 Abstentions

This page is intentionally left blank



PART B:	RECOMMENDATION TO COUNCIL
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	10 NOVEMBER 2022
REPORT OF THE:	PROGRAMME DIRECTOR - PLACE AND RESOURCES PHILLIP SPURR
TITLE OF REPORT:	RYEDALE SWIM AND FITNESS CENTRE BOILER REPLACEMENT
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To seek approval for the replacement of the boilers at Ryedale Swim and Fitness Centre in Pickering and to ensure that this work can be delivered in a planned and timely manner to reduce the risk of unplanned disruption to the service offered.

2.0 RECOMMENDATION

- 2.1 It is recommended that:

- (i) £90,000 is allocated from Reserves to fund the replacement of the two boilers at Ryedale Swim and Fitness Centre with equivalent gas boilers, using the procurement process already completed as the basis for this work.
- (ii) Any unforeseen costs including inflated costs beyond the contingency included in 2.1(i) above, to a maximum of £25,000, to be agreed and authorised by the Chair of Policy and Resources, the Programme Director - Place and Resources and the S151 Officer prior to expenditure taking place.

3.0 REASONS FOR RECOMMENDATION

- 3.1 The uncertainty around the lifespan of the current boiler system and the potential impacts on customer experience and the financial liabilities any complete failure could bring to RDC has prompted the conclusion that replacement gas boilers are the most viable solution at this time.
- 3.2 Whilst alternative, low carbon technologies have been considered, the level of detailed feasibility and planning work required will mean a substantial time delay prior to replacement and significant additional capital costs.

- 3.3 A range of schemes including construction and engineering based projects are struggling with fluctuating costs and availability of materials / components at this time. This could mean there are additional and unexpected costs to be considered.

4.0 SIGNIFICANT RISKS

- 4.1 The most significant risk presented is the unknown lifespan of the existing boilers. Repairs have been made frequently over the last 15 months and two different heating engineers have assessed the boilers as being at the end of their lifespan with further repairs/ maintenance largely unviable in the longer term and have therefore recommended a full replacement is required.
- 4.2 Should one or more of the current boiler modules fail this means that there would likely be significant disruption to the operation of the site and the facilities / services that would be available. Should even one module fail, this could result in the closure of the pool. Subsequently, there would likely be a negative impact on footfall, user numbers, income, and customer satisfaction.
- 4.3 Should the site become inoperable or partially inoperable as a direct result of a boiler failure and Everyone Active (EA) are therefore unable to deliver the service our contract requires of them and they suffer from loss of income and / or additional expense, RDC will likely be liable for compensation.
- 4.4 Given the uncertainty over the lifespan of the current boilers, selecting a solution at this time will allow Officers to plan in detail the implementation of any scheme. This will mean that we can be proactive and communicate clearly with the public well in advance regarding any potential closures or reduced provision, rather than at a later date being reactive and needing to manage undesirable communications messages which would likely lead to dissatisfaction and complaints.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 The Ryedale District Council, Council Plan Healthy and Happy Communities priority states the following:
'We will promote health and wellbeing for all by offering leisure facilities and access to physical activity. We will work with our leisure provider and other partners to expand access to these opportunities and identify funding streams that will support our aims'.
- 5.2 Encouraging and supporting 'more people to become more active, more often' is the focus of the Ryedale Sport and Active Lives Strategy 2013 – 2023. An increase in participation levels and promoting, maintaining and developing quality indoor and outdoor facilities are two of the highlighted objectives and activities to be achieved.

REPORT

6.0 REPORT DETAILS

- 6.1 Ryedale Swim and Fitness Centre is managed by Everyone Active under a contract with RDC until March 2025. Under the terms of our current contract, EA as the contractor has responsibility to cover asset replacement of up to £5,000 but whole boiler replacement is the sole responsibility of RDC.
- 6.2 The current heating configuration on site consists of two 311KW boilers each with two modules, a small 65KW (heat) and 35KW (electricity) Combined Heat and Power

(CHP) Unit installed in 2011, and 42 solar panels on the roof of the main pool hall which were installed in 2013 by RDC.

- 6.3 In simple terms, the two boilers plus the CHP Unit both burn gas to generate heat and electrical energy. Due to the size of each of these elements, the boilers do the main proportion of energy generation, with the CHP providing a small additional boost.
- 6.4 The site has experienced ongoing issues with the boilers over the last 15 months. Issues are in relation to boilers misfiring and then failing to 'reflame' and restart. Repairs, replacements and modifications have been put in place to reduce the risk of further misfiring, but issues continue to occur, and currently are every 3-4 weeks. This requires engineers to strip the unit and manually restart.
- 6.5 Individual repair and maintenance requirements under £5,000, including work required to the boilers, is the responsibility of EA and since January 2022, over £6,800 has been spent by EA on repairs, replacement parts, and engineers.
- 6.6 Currently the site is operating on 3 of the 4 boiler modules – 1 has already failed. Should another fail and only 2 modules between the two boilers are functioning, it could be difficult to maintain heating systems in the longer term. EA have confirmed that they are currently heavily dependent on the CHP unit for primary heat generation but this unit has exceeded its 2,000 hours predicted run time, and has also had to have numerous repairs to maintain this. In an effort to reduce stress on the system EA have dropped down to using one of the two hot water storage tanks (HWST), however due to the risk of lower temperatures and legionella risk around the centre EA are also paying for monthly legionella sampling as a precaution. The solar panels do provide some support but as we enter shorter days these becomes less effective and the dependence on the gas boilers increases again.
- 6.7 The latest repair removed the BMS control (Building Management System – software that controls the heating amongst other things) which stops the boilers having to restart and then risk failure. Consequently, this means all three boiler modules are currently running 24/7 to remove a risk of them not restarting overnight. Due to the repairs and modifications that have been required, functionality of the boilers is now limited. For example, EA have limited control over the pool temperature at present and whilst electronically asking the boiler to heat the pool to 31 degrees, with it only be able to achieve 27-28 degrees daily. Based on the following current energy consumption data provided by EA we can see the impact of this in gas consumption rates. Both Ryedale Swim and Fitness and Derwent Swim and Fitness should have broadly similar rates of consumption, but it can be seen that Ryedale Pool's consumption is currently approximately twice that of the Derwent centre:

Gas (kWh per hour)	October 2022
Derwent Pool	37,659
Ryedale Pool	82,711

It should be noted that separate to this issue, Officers have recently received an approach from EA seeking support for increased energy costs. This is currently being looked at but it should be considered that the higher the consumption figures, the greater this financial ask will be,

- 6.8 The solar panels along with a heat exchange system were installed retrospectively in 2013 and are intended to provide the initial energy provision to heat the water, with the boilers providing the subsequent energy needed. It should be noted that solar energy alone would be unable to heat and maintain this building, including the pool water, and an additional energy source is essential.
- 6.9 Following a series of failures and required repairs over the last 15 months which were undertaken by EA's national contractor, EA reported earlier this year that engineers were beginning to express concern about the future of the boilers. Following this RDC commissioned Align Property Partners to undertake an independent inspection of the boilers and associated components so the current position was clear and what, if any, action was required.
- 6.10 The report from Align Property Partners stated that the flue system was in poor condition and a warning notice was issued for this to be replaced. It was also noted by the engineer that the boilers are on all the time and in constant demand which means the associated pumps for each circuit are all running at maximum speed/pressure and there is evidence of some leaks. The clear advice received was that replacement of the equipment as a whole, given the condition and the reported reliability issues, should be investigated.
- 6.11 Align Property Partners provided subsequent support to RDC to prepare a specification for a replacement boiler system to match the current set-up. A tender process was then held by Align with two potential contractors returning quotes. Both quotes met the specification but based on cost, we have an indicative figure of £74,979. It should be noted by Members that due to the period of time between the quotes being received and a decision being made, this is likely to need to be reviewed and may change but does give a strong indication of total cost. The recommendation at 2.1 therefore requests a figure of £90,000 to allow for an increase in costs and / or contingency funds for any unforeseen work which may be required.
- 6.12 It is estimated that for the implementation of new gas boilers there will be a lead in time of around 6-8 weeks, and then 3-4 weeks on site for implementation.
- 6.13 Whilst it is unlikely that the remaining three modules would fail at the same time, based on the advice of our heating engineers and given the current operation of the boilers, continuing to operate the site using two modules is not desirable. The demand placed on the remaining modules to continue to fully operate the centre is unlikely to result in further but timeframes for this cannot be given
- 6.14 Should another of the boiler modules fail EA have confirmed that it would be unlikely that they could sustain full provision of service for any length of time. As stated above, achieving acceptable water temperatures would be difficult and the pool would in all likelihood need to be closed. EA have suggested that in this situation they would aim to continue to provide access to the fitness facilities but this is likely to result in membership cancellations and refund requests, along with lost income generated from the pool including casual swimming and swim lessons.
- 6.15 As we cannot determine how long these boilers now may last for based on their recent history of required repairs, the worst-case scenario of this situation is the site could be wholly or partially closed with little to no notice for users prompting serious criticism and dissatisfaction, from which user numbers may struggle to recover

following a repair / replacement programme, and RDC will be liable for a compensation claim from EA. Under the terms of the current contract between RDC and EA compensation could be sought by EA if a functioning boiler is not provided by RDC (as per our obligations within the contract) and EA is therefore unable to comply with its obligations and / or incurring costs or lost revenue.

- 6.16 The option of installing a temporary boiler should one of both of the existing boilers fail has been investigated and initial figures suggest a cost of £15,000 per boiler for 4 weeks.
- 6.17 Alternative options other than gas boilers including further solar panels, air source heat pumps (ASHP), ground source heat pumps (GSHP) and geothermal systems have been considered by Officers. All the systems identified would substantially reduce the carbon dioxide (CO₂) emissions generated by the asset's heating system however there would be significant cost implications to implementing any of these systems. For reference and based on our understanding of similar schemes in other locations, the capital cost for an ASHP or a GSHP to mirror the current two gas boilers would likely be significantly in excess of £500,000, with further, additional costs possibly including items such as a new grid connection, labour and complexities around integrating any new system with the existing solar panels which are now around 10 years old. Solar PV is not considered to be suitable as the primary technology for decarbonising a heating system; it would be used to either support electricity generation or, as it's currently being used on the roof for partial water heating.
- 6.18 ASHP and GSHP systems have been installed at other sites and costs have been in the region of £800,000 to in excess of £1million depending on the type of technology, additional costs to support to installation eg: new grid connections and the individual location, but the securing of substantial levels of central government support for example through the Public Sector Decarbonisation Fund has been critical to such schemes.
- 6.19 If an alternative technology solution was to be implemented, before one was selected a full Decarbonisation Plan would be required which would complete the required due diligence on each option considering amongst other things the scale needed, compatibility with existing infrastructure and operational costs.
- 6.20 The completion of a Decarbonisation Plan, the preparation of a specification for a specifically designed system and the associated procurement process would take an estimated 3-4 months and result in a scheme substantially more expensive than the proposed gas boiler system.
- 6.21 Members may also wish to consider the longer-term future of leisure provision in Ryedale. The Ryedale Sport and Active Lives Strategy identifies a need to, during the lifetime of the plan, consider the longer-term future of sites in Ryedale. Whilst this is not something at RDC will be seeking to pursue prior to vesting day, development of sites and capital expenditure is something that will be reviewed. Should provision in Ryedale be improved in the medium to longer term, work required to install a low carbon energy system can be included in this and the shorter term, more financially viable model is replacement with gas boilers.

7.0 IMPLICATIONS

- 7.1 The following implications have been identified:

- (i) **Financial**
Based on quotes received undertaken during a recent procurement exercise, the tender which offered best value for money to RDC was £74,979. It should be noted that all tenders quoted against the same specification which was prepared by Align Property Partners. As per the recommendation at 2.1 and explanatory text at 6.11, £90,000 is requested to allow for an increase in costs and / or contingency funds for any unforeseen work which may be required. It is envisaged that funds will need to be sought from Reserves.
- (ii) **Legal**
Schedule 1 Appendix 1 of the contract between EA and RDC is clear that whole boiler replacement in the responsibility of RDC.
- (iii) **Environmental, Ecological, Climate Change and Carbon**
It is acknowledged that gas boilers offer the least opportunity for decarbonisation (although this will be achieved to some degree as new boilers will be more energy efficient), however given the stated need to replace these boilers in the near future, installing a solution which can be delivered relatively quickly and which will mitigate some of the risks outline in Section 4 above, gas boilers are considered to be the best solution at this time.
- (iv) **Equalities**
Not applicable.
- (v) **Staffing**
Any scheme to replace the boilers will initially be overseen by colleagues at Align Property Partners but with support from Officers within the Facilities, Economic Development and Communications teams.
- (vi) **Planning**
There are no Planning implications as a result of the proposed scheme. All works completed will be within the footprint of the existing building.
- (vii) **Health and Safety**
Contractor health and safety whilst on site will be overseen by Align Property Partners as the contract manager.
- (viii) **Crime & Disorder**
There are no direct crime and disorder implications for RDC as a result of this scheme.
- (ix) **Data Privacy**
There are no immediate data privacy issues for RDC through this report.

Phillip Spurr
Programme Director – Place and Resources

Author: Amy Thomas, Economic Development Service Manager
Telephone No: 07425 533658
E-Mail Address: amy.thomas@ryedale.gov.uk

Background Papers:
N/A

Background Papers are available for inspection at:
N/A

This page is intentionally left blank



REPORT TO: FULL COUNCIL

DATE: 1 DECEMBER 2022

SUBJECT: PART 'B' REFERRALS FROM POLICY AND RESOURCES COMMITTEE ON 10 NOVEMBER 2022

65 Review of the Helmsley Plan

Recommendation

It is recommended that the Council agree the Helmsley Plan remains fit for purpose and should continue to be used as a part of the Development Plan to be applied in decision making on planning applications for the town. This is unless all the allocated sites have been built out, or it is superseded by the adoption of a North Yorkshire Local Plan or a Neighbourhood Plan.

Voting Record

Unanimous

This page is intentionally left blank



PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	10 NOVEMBER 2022
REPORT OF THE:	PLANNING SERVICE MANAGER JILL THOMPSON
TITLE OF REPORT:	REVIEW OF THE HELMSLEY PLAN
WARDS AFFECTED:	HELMSLEY

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To advise Members that officers at this Authority and the North York Moors National Park have reviewed the Helmsley Plan to assess whether it continues to be fit for purpose.
- 1.2 To seek member agreement that the Helmsley Plan does not need amending and should continue to be used as the basis for decision making on planning applications for the town of Helmsley.

2.0 RECOMMENDATION

- 2.1 It is recommended to Council that:
- (i) Members agree that the Helmsley Plan remains fit for purpose and should continue to be used as a part of the Development Plan to be applied in decision making on planning applications for the town. This is unless all the allocated sites have been built out, or it is superseded by the adoption of a North Yorkshire Local Plan or a Neighbourhood Plan.

3.0 REASONS FOR RECOMMENDATION

- 3.1 The Helmsley Plan is a Local Plan which is focused on Helmsley. It is due for review due to its age (being over five years since its adoption). For Ryedale it is the daughter document to the Ryedale Plan Local Plan Strategy and a sister document to the Ryedale Plan- Local Plan Sites Document. It provides site specific policies and allocations.

3.2 As this is a separately adopted Local Plan that sets out site-specific policies for Helmsley it is important that there is a continuation of locally- derived policy for the settlement.

4.0 SIGNIFICANT RISKS

4.1 There are no significant risks to this decision. The Helmsley Plan is an established development plan for Helmsley, and it is important that it is reviewed proportionately. It is important that there is a site-specific policy framework for the town. Greater risks would result if the Council decided not to continue to implement the Helmsley Plan as there would be a loss of allocations and a site-specific policy vacuum. The National Park have agreed to continue to implement the plan in the National Park- and so it is considered as a jointly-prepared document it should continue to be recognised as part of the Development Plan.

5.0 POLICY CONTEXT AND CONSULTATION

5.1 Helmsley straddles the local planning authority areas of both the North York Moors National Park Authority and Ryedale District Council (RDC), with around half the built area of the town within each authority, although the boundary broadly follows the route of the A170, and so all of the north of Helmsley is in the National Park, as is the area to the west which includes the Castle. The Market Place and land to the south and east is in Ryedale DC planning jurisdiction. Given this split, to help develop a coherent development strategy for the town, in 2009 a joint decision was made to produce a joint plan between the two authorities, recognising its role as an important local service centre for the wider rural hinterland.

5.2 The Helmsley Plan is a locally- defined Local Plan which helps to articulate specific aspects of planning policy for Helmsley- such as the identification of housing and employment land, the identification of important areas of open space. Because it is part of the development plan it is, in relation to Helmsley, a key document for the implementation of the Council Plan in relation to provision of affordable housing, providing land for business, protecting and conserving the important heritage and cultural character of Helmsley- and responding to the settlement's split planning jurisdiction, being close to being three-quarters in area within the National Park.

5.3 There is a statutory mandate to review development plans five years from adoption, and the Helmsley Plan has passed that milestone. However, the scope and content of the review is expected to be proportional, and based on an analysis of the performance of the Plan to date, and anticipated performance going forward. Please see Appendix 1.

5.4 Officers of the North York Moors National Park and Ryedale District Council have had meetings in 2021 and in early 2022 to discuss and explore whether the Helmsley Plan remained fit for purpose. It was concluded that there is no strategic planning policy circumstances which would drive strategic changes to the Helmsley Plan now. Both Strategic Local Plans- The recently adopted Local Plan of North York Moors National Park (2020) and the Ryedale Plan- Local Plan strategy (2013) are worded such that they are aligned or defer to the Helmsley Plan. The on-going partial review of the Ryedale Plan would not need to extend to Helmsley. Please see Appendix 1.

- 5.5 The Helmsley Plan's plan period extends to 2027. It is expected that the role of the Helmsley Plan as a Development Plan would be considered as part of the development of a new North Yorkshire Local Plan as part of the forthcoming formation of the new North Yorkshire Council. An action it is required to achieve within five years of vesting date. It is likely that the plan would be superseded/subsumed into that work, and this is something that the National Park and the LGR Planning work streams are aware of.
- 5.6 Members of the Local Plan Working Party on the 13 October 2022 were asked to give a view on the retention of the Helmsley Plan. They would prefer to see Helmsley incorporated as part of the Ryedale Plan review - but recognise that in the timeframes for LGR, the planning constraints around Helmsley, and the conclusion of the National Park Authority, the Helmsley Plan should be retained. But this is until the Helmsley Plan is superseded by the North Yorkshire Local Plan and Helmsley has been considered, in conjunction with the National Park, through that process.

REPORT

6.0 REPORT DETAILS

- 6.1 Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires that Local Authorities review their local plans at least every five years from adoption to ensure policies remain relevant and effective. As the Helmsley Local Plan was adopted in 2015 it is overdue for review.
- 6.2 In effect, the Authority can (jointly with the National Park) either:
- withdraw the Plan (on the basis that it has achieved its objectives and no longer remains relevant); or
 - review and amend the Plan on the basis that it is not achieving its objectives and needs changing based on changing circumstances; or
 - review the Plan and conclude that it remains relevant, has yet to achieve all of its objectives and therefore needs to be left in place 'as is' to continue to be implemented.
- 6.3 The Helmsley Local Plan was adopted by Ryedale District council on the 19 July 2015, and the National Park on the 23 July 2015. In 2020 the Local Plan for the whole National Park area was adopted and also covers the part of Helmsley within the National Park. The 2020 Local Plan was written in a way that either repeats or defers to the Helmsley Local Plan and policies in both apply.
- 6.4 Officers in each authority have reviewed the extent to which each of the Plan's policies have been implemented. This is a light-touch assessment and is provided at Appendix 1.
- 6.5 The Helmsley Local Plan contains several land allocations for housing and employment. Those within the National Park area are for housing (land to the rear of

the Black Swan, land north of Swanland Road, and land north of Elmslac Road) and these developments are now complete. For that reason, the Plan could be said to have achieved its purpose for the National Park area. However, not all sites in the Ryedale area have started: these include two employment sites and a further housing site, which are yet to secure planning consent. One of the housing allocations has been delivered as a 100% affordable housing scheme by Yorkshire Housing. It is completed. The Plan also has an end date of 2027 so effectively has some years to run.

- 6.6 Ryedale District Council undertook a call for sites in the summer of 2021. Over 300 sites submissions have resulted from that event, but no sites have been submitted in Helmsley. The work undertaken to identify the allocations, identified that outside of the national- level landscape designation of the National Park, the land in Ryedale’s planning jurisdiction is constrained by high fluvial flood risk, and the presence of a Scheduled Monument in the form of a series of round barrow sites. These are very significant constraints which would preclude further development.
- 6.7 The strategic planning framework is not in conflict with or conflicted by the Helmsley Plan. The Helmsley Plan remains an appropriate locally-specific development plan document for setting out the strategy and policies for Helmsley town and is still being actively implemented in bringing forward good quality development.
- 6.8 There is therefore no strategic policy/local circumstances which would direct the Authorities to commence a formal review of the Helmsley Plan, it is recommended that the Plan be ‘rolled forward’ for continued use for the next five years- taking the plan to its intended life-span of 2027.
- 6.9 Nevertheless, Officers will continue to monitor the implementation of the Helmsley Plan regarding completions in the existing allocations. A completion of existing allocations is likely to necessitate a review, although the plan will continue to operate (concerning non-housing policies) until it is formally reviewed and or it is superseded by the adoption of a North Yorkshire Local Plan.
- 6.10 The National Park Authority have considered the sustaining of the Helmsley Plan at their meeting of Planning Committee on the 14 July 2022. They agreed to continue to use the Plan in any decision making.

7.0 IMPLICATIONS

- 7.1 The following implications have been identified:

- (i) Financial

Work on this light touch review has been undertaken within existing budgets. No additional resources would be identified, as the recommendation is to continue with the existing plan.

- (ii) Legal

No legal implications identified. Reviews of Development Plans are expected to be proportionate to the status and circumstances around the plan itself. As no changes are proposed there are no significant effects arising from any policy changes that would trigger the need for additional Sustainability Appraisal /Strategic Environmental Assessment or Habitats Regulation Assessment work to be carried out.

(iii) Environmental, Ecological, and Climate Change and Carbon

The Helmsley Plan's retention as it currently operates would not result in additional impacts. Each proposal would still be considered through the planning application process which would ensure that environmental/ecological and climate change and carbon emissions are considered through that process. The Helmsley Plan has an existing policy on responding to climate change:

Policy H10 – Renewable Energy and Sustainable Building Proposals for new residential development should demonstrate that they have been designed to reduce the need for energy consumption and that the buildings utilise energy more efficiently. Proposals that generate renewable energy and/or low carbon sources of energy will be supported where they do not harm the character of Helmsley. All proposals for non-residential development above 1000sq metres must demonstrate that it meets the highest BREEAM standard (or its successor that is feasible and viable on site).

The Helmsley Plan also refers to the application of policy SP18 of the Ryedale Plan. This policy is being reviewed as part of the Ryedale Plan and if found sound would, as a more recently adopted policy, technically supersede Policy H10 and reduce its weight in the decision-making process. However, the proposed approach of SP18 as part of the Review of the Ryedale Plan is more aligned to the current policy H10.

The Climate Change Officer is aware of the plans to review Policy SP18 of the Ryedale Plan, and is broadly happy with its intended approach.

(iv) Equalities

The Helmsley Plan was subject to EqIA as part of its submission for Examination. The recommendation is to roll-forward the implementation of an existing adopted plan which was previously subjected to EqIA. The content of this report has been assessed under the Council's Equality Impact Assessment process and it was determined that an EqIA was not required on the basis that it is continuing a policy already subjected to EqIA.

(v) Staffing

No additional staffing or resources are required with this recommendation.

(vi) Planning

The Helmsley Plan remains an important, locally-specific development plan. There are existing allocations to be rolled out and there is no conflict with in place strategic spatial plans. The decision to review the plan more formally is not considered necessary, and would bring significant resource pressures, and divert Officer's

attention from the review of the other constituents of the Ryedale Plan- the Local Plan Strategy and Local Plan Sites Document, which are a priority for the Council.

(vii) Health and Safety

No health and safety implications identified with the sustained implementation of this plan.

(viii) Crime & Disorder

No crime and disorder implications identified.

(ix) Data Privacy

No data privacy implications identified.

Jill Thompson
Planning Services Manager

Author: Rachael Balmer, Team Leader: Planning Policy and Conservation
Telephone No: 01653 600666 ext: 43357
E-Mail Address: rachael.balmer@ryedale.gov.uk

Background Papers:

The Helmsley Plan

Background Papers are available for inspection at:

The Helmsley Plan

<https://www.ryedale.gov.uk/information/planning/planning-policy/policies/helmsley-plan/>

Appendix 1: Review of the Helmsley Local Plan policies

The Helmsley Local Plan contains fifteen policies and a Policies Map showing the various policy designations within and around Helmsley and individual plans showing the proposed locations for development for both employment and housing uses, with additional development principles concerning the roll out of the sites.

Policy SD1 – Presumption in favour of Sustainable Development

This policy remains valid. The NPPF as revised still enshrines sustainable development (and the presumption in favour) into the heart of planning. No revisions are required.

Policy H1 - New Residential Development

The delivery of at least 150 new homes over the plan period on allocated land as shown on the proposals map. The Plan set a target of 100 units to be completed by 2022 and at least 150 by 2027. At the time of writing the Plan, two sites had current commitments (land to rear of the Black Swan and land on Linkfoot Lane) and a further four were allocated (two in the National Park and two in Ryedale). Progress on these sites is below:

1. NYMNP Land to rear of the Black Swan. 21 units. **Completed.**
2. NYMNP Land to south of Swanland Road (Linkfoot Lane). 20 units. **Completed.**
3. NYMNP NYMH1 Land to north of Swanland Road. 61 units. **Completed.**
4. NYMNP NYMH3 Land to north of Elmslac Road. 99 units (incl. 64 extra care). **Completed.**
5. RDC 183 Land to east of Riccal Drive. 50 units. **Scheme approved for 46 units Completed as of March 2022.**
6. RDC 174 Land to south of Riccal Drive. 45 units. **Not yet permissioned.**

Permissions

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	Total
North York Moors	21	125	0	6	1 (outline)	0	1	154
Ryedale	0	0	0	46	1	1	-2	46
Total	21	125	0	52	2	1	-1	200

Completions:

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	Total
North York Moors	13	22	9	87	56	13	2	202
Ryedale	4	0	0	0	13	18	17	52
Total	17	22	9	87	69	31	19	254

The Ryedale Plan did not identify Helmsley as a significant centre for growth and housing delivery. No factors have emerged which would indicate that a different approach is now needed. The emerging Strategic housing Market Assessment has identified that housing

delivery should be around the standard method figure of currently 186 dwellings per annum. The Ryedale Plan currently has a housing requirement of 200 dwellings per annum.

Policy H2 - Windfall Development

A further six residential units have been approved in the National Park with an additional unit granted at outline permission. The policy is still delivering so officers conclude no need for review. Two dwellings have been approved in Ryedale under Policy SP2.

Policy H3 – Affordable Housing Delivery

This policy seeks a 40% affordable housing contribution on sites of 6 or more units or 0.2ha or more. For the National Park area, affordable housing contributions were sought on all four sites in the National Park. In Ryedale a 100% affordable scheme has been delivered on its site

1. Land to rear of the Black Swan – delivered **24%** (4/17)
2. Linkfoot Lane – delivered **25%** (5/20)
3. Swanland Road – delivered **40%** (24/37)
4. Elmslac Road – delivered **44%** (44/99)
5. Land to east of Riccal Drive – **delivered 35% on-site 5% commuted sum**

Policy H4 – Employment Land

Employment land completions

	2015-16	2016-17	2017-18	2018-19	2020-21	2021-22	Total
Ryedale	0	0	0	0	0	0	0

There were two sites allocated for employment use, both within Ryedale District. These are:

- Site EMP1, Land to the West of Riccal Drive – Up to 1.3ha
- Site EMP2, Land to the South of Riccal Drive – Up to 0.6ha

Neither of the sites have come forward for development to date. The policy also allows for non-allocated sites to come forward, but none have come forward in the National Park and there have been only reconfiguration of existing buildings and the established industrial estate within the Ryedale area.

Policy H5 – New Main Town Centre Uses

This policy seeks to support proposals which enhance the viability and vitality of the town centre.

Although the town centre has lost two banks within the timescale of the Plan (NatWest and Barclays), this represents the national trend for the contraction of high-street banking presence, which as an action is not within the realms of planning control. Within the National Park the NatWest building has retained a retail/commercial use. Listed Building Consent has been sought and approved for the removal of the cash point and reinstatement of a sliding sash window. No application has been received for a change of use. New restaurant uses have emerged which has added to the night-time offer and would be viewed as contributing to the vitality and viability of the town centre.

Several units remain vacant in Ryedale area- and this is a result of the difficult last two years for retail, coupled with the rise in online shopping and represents the decisions of landowners and tenants to not commit. However, officers consider that the policy remains valid, and in line with the NPPF, as it promotes proposals which support the viability and vitality of the town centre, and so no changes are needed.

Policy H6 – Protection of Retail Uses

This policy seeks to resist the loss of retail floorspace unless lack of viability can be demonstrated.

Two applications have been approved which sought to change the use of existing commercial uses to residential (1 Bondgate and 9 Bondgate) however evidence was submitted to demonstrate that the business was no longer viable or lack of interest in a commercial use of the site via a period of marketing.

Despite these applications, which met the policy tests, officers consider that the town centre remains vibrant and as such the policy remains valid and in line with the NPPF.

Policy H7 – Loss of Community Facilities

The policy sought to retain the existing community, cultural and recreational facilities (including the Town Hall, Arts Centre and Recreational Fields).

As part of the Plan, the extra care facility forming part of the allocated site NYMH3, was to utilise the overflow sports field at Braxton's Lane, and as such an appropriate replacement was secured as part of the granting of permission to off-set this loss.

All other community facilities are in use, and none have been lost. As such the policy remains valid and in line with the NPPF.

Policy H8 – Important Open Views and Spaces

These were identified on the Policies Map. Spaces and views have been maintained. This policy works in conjunction with the following policy:

Policy H9 – Design

Design is at the heart of all decisions and opportunities for enhancement have been taken. These Policies provides a locally- distinctive framework for the consideration of design implications on planning applications.

Policy H10 – Renewable Energy and Sustainable Building

All the National Park developments were designed to reduce the need for energy consumption and utilise energy more efficiently. Such measures, as detailed in the planning application details include the provision of combined heat and power, airtightness; water efficient appliances; fabric first approach to construction and insulation; plot orientation; smart metering; local sourcing of materials; avoidance of materials that embody high energy use or carbon emissions; sustainable drainage measures; and sustainable management of waste.

In the scheme in Ryedale which is close to being completed it was Policy H10 which was applied over Policy SP18 in the Local Plan Strategy as it was more recent. It explored renewable energy sources but none were used on the scheme. However, the scheme did

employ a fabric first approach to reducing energy consumption, which identified both energy saving and CO₂ emission reduction; sustainable drainage measures; and sustainable management of waste.

Policy SP18 is under review within the Ryedale Plan Review. Officers are working with the Climate Change Officer and will be looking to enhance the opportunities to better respond to the impacts of our changing climate, and to look at reducing the environmental impact of new buildings. We will also be considering the viability considerations around this, to ensure that existing and proposed allocations are viable.

Policy H11 – Green Infrastructure

The policy requires improved biodiversity and green infrastructure. For the allocated sites development briefs were prepared which outlined the opportunities.

- NYMH1 (land north of Swanland Road)*
- NYMH3 (land north of Elmslac Road)*
- Site 174 (Land South of Riccal Drive)
- Site 183 (Land East of Riccal Drive)
- Site EMP1 (Land South of Storey Close)
- Site EMP2 (Land South of Riccal Drive)

* National Park Sites

Green Infrastructure Corridors have been enhanced on site 183.

Policy H12 – Developer Contributions

Developer contributions were sought in connection with the developments in the National Park. These contributions are reported in the Authority's annual Infrastructure Funding Statement. For more information on this, the latest 2020-21 Statement can be viewed here:

<https://www.northyorkmoors.org.uk/planning/framework/monitoring>

Ryedale District Council is a Community Infrastructure Levy charging and collecting authority.

CIL collection to date and disbursement is set out in our Infrastructure Funding Statements. These are due to be published soon.

Site 183 – Land East of Riccal Drive in the Helmsley Plan, subject of planning application 17/01238/MFUL has fully paid its CIL contribution:

Four instalments of £57,566.25, totalling £230,265.00

The whole allocated 15% is with Town Council (£34,539.75), and was paid in full by March 2021.

S.106 agreements are sought in line with the Helmsley Plan and in conjunction with advice from Ryedale Housing Services regarding affordable housing delivery and any commuted sums.

Policy H13 – Open Space Requirements

In relation to sites in the National Park, the Policy has been complied with and development contributions sought were appropriate. In relation to sites in the Ryedale Area the policy was complied with in respect of on-site public open space.

Policy H14 – Telecommunications Installations

In total three notifications have been approved for telecommunications development focussing development at the existing telephone exchange within the National Park Area. Approval has also been granted for the erection of a 12m mast, but this was outside of the town. All the proposals were to facilitate a Smart Metre Network.

Ryedale District Council did refuse the siting of a telecommunications mast which was on the eastern entrance to the town, in a highly prominent location. It was a decision which was supported by the National Park Authority.

This page is intentionally left blank



REPORT TO: FULL COUNCIL

DATE: 1 DECEMBER 2022

SUBJECT: PART 'B' REFERRALS FROM POLICY AND RESOURCES COMMITTEE ON 10 NOVEMBER 2022

66 Ryedale District Council – Local Development Scheme November 2022-March 2023

Recommendation

It is recommended that the Local Development Scheme is agreed for use and published. It is also recommended that Council agree the principle of an Extraordinary Meeting of Policy and Resources Committee in March, to allow Members more time to consider the publication of the Plan review.

Voting Record

7 For

1 Abstention

This page is intentionally left blank



PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	POLICY AND RESOURCES COMMITTEE
DATE:	10 NOVEMBER 2022
REPORT OF THE:	PLANNING SERVICE MANAGER JILL THOMPSON
TITLE OF REPORT:	RYEDALE DISTRICT COUNCIL – LOCAL DEVELOPMENT SCHEME
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To agree the Local Development Scheme for the review of the Ryedale Plan and updates to planning policy of Ryedale District Council

2.0 RECOMMENDATIONS

- 2.1 It is recommended to Council that

- (i) The Local Development Scheme is agreed for use and published.
- (ii) to agree the principle of an extraordinary meeting of Policy and Resources in March to allow Members more time to consider the Publication of the Plan review.

3.0 REASONS FOR RECOMMENDATION

- 3.1 To provide the timescales for the plan review, to update the scope of the review of the Ryedale Plan and to update wider planning policy status in relation to the Helmsley Plan.
- 3.2 To progress the review of the Ryedale Plan (Local Plan) in light of Local Government Reorganisation and the preparation of a new Local Plan for North Yorkshire.

4.0 SIGNIFICANT RISKS

- 4.1 There is no significant risks with the recommendation. It is necessary for the Council to have an up to date Local Development Scheme- to facilitate stakeholder awareness in the plan-making process. It is also a formal document which sets out

the planning policy coverage of the Ryedale Local Planning Authority and it is a statutory obligation to have a Local Development Scheme which aligns with the publishing and submission of the Ryedale Plan Review. Therefore the risks are associated with not updating the LDS to reflect plan-making timelines and decision stages.

- 4.2 Although not a risk associated with the recommendation, it is important that through the plan-making process there is an iterative process of policy development through the action of Members providing scope for policy choices, and ensuring that any choices are assessed and tested within a context of evidence and consultation. The guidance on local plans is clear that any decision to not to update policies in an adopted plan should be justified on the basis of proportionate, relevant and up to date evidence. The Consultation on key decisions will also need to set out why elements of the plan are not being updated. This is critical to ensure that a plan meets the tests of soundness required by the Examination of Development Plans.
- 4.3 There are additional risks to the timescales, particularly if Members cannot make decisions regarding policy choices, such as the key principles around scope and site choices. This would affect timescales for the development and consideration of the evidence base, particularly given the need for additional consultation prior to the Publication of the Plan Review.
- 4.4 It is important that the principles of evidence-led plan making and robust public consultation are maintained during the review of the Plan. This could result in a situation where it will no longer be possible for the District Council to make a decision on the Publication of the Review prior to the vesting date of the North Yorkshire Council in April 2023. Members of the Local Plan Working Party and those members involved in the planning work as part of Local Government Reform aware that there is an in-principle commitment to continue the Review of the Ryedale Plan beyond vesting date.
- 4.5 This would mean that the new council would need to make a decision on Publication of the Plan, although this would need to happen in any event as the current Local Development Scheme identifies that Submission and Examination of the Ryedale Plan Review would still need to be agreed by the new North Yorkshire Council, and Publication is the formal consultation stage where the Council agrees the plan that it intends to submit for Examination.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 The current local plan (Ryedale Plan) covers the period 2012-2027 and includes the Local Plan Strategy adopted in 2013 and the Local Plan Sites Document which was adopted in 2019. It also includes the Helmsley Plan adopted in 2015 jointly with the National Park (subject of a separate report). The review of the development plan is a council priority and feeds into many elements of the Council Plan's actions. The proposed approach to the review is detailed in the report below and has been initially considered by the Local Plan Working Party (LPWP) at its meeting on the 13 June 2022 and the 13 October 2022. Both reports are appended, and the outcome of the meeting of October is set out in the report.
- 5.2 The LPWP report in October also identifies that there is a more fundamental decision to make around the review of the Ryedale Plan, and this has come from the recent legal advice given in relation to plan-making for the new Local Plan for North

Yorkshire, and in light of this advice whether or not the plan period for the review should be refined. There are pros and cons to making such a refinement, and Members will need to decide in which direction they wish to go with the plan period.

- 5.3 The work commissioned to date on the formation of a new local plan for North Yorkshire has confirmed through Counsel that the new authority will need to commence work on its new local plan in earnest, and is expected to have adopted its new Local Plan within or close to 5 years of vesting date (2028). It therefore cannot invest in reviewing multiple existing plans- although the Ryedale Plan Review is not one of the plans which is not to be reviewed. Preliminary work has already started in relation to the preparation of an interim Local Development Scheme, and resources and capacity investigations are underway. Members and officers will need to be able to input into this emerging work, and influence the development of that new Local Plan.
- 5.4 At the end of 2021 and running until March 2022 Members may recall the Council undertook a consultation which principally explored the different approaches we could take to the distribution of development. Members have previously been provided with compiled details of the distribution of development consultation. They are part of the LPWP agenda 29 March 2022:
- <https://democracy.ryedale.gov.uk/documents/s61404/Appendix%20to%20Report%20-%20All%20Consultation%20Responses.pdf>
- 5.5 Prior to publication, it is considered necessary to undertake a further ‘Key Decisions’ consultation which will consult on what is effectively the Council’s preferred or potential approaches, or some key options concerning the review. This is the subject of a report to Members at this meeting of Policy Resources. It will not give the precise policy wording but will certainly need to express key principles and ask questions about the proposed approach. These key decisions will also need to be subject to key technical assessment in relation compliance with Habitats Regulations Assessment and Sustainability Appraisal and Strategic Environmental Assessment. There will also need to be viability assessment work undertaken to ensure that any standards or thresholds are not set so high as to undermine planned growth or other local plan policy aspirations. Work in these areas is being undertaken/commissioned to inform the Key Decisions consultation. This will inform the Publication of the Ryedale Plan review.
- 5.6 The ‘Key Decisions’ consultation will not establish the chosen sites, but it will nevertheless give an indication of the settlements in principle which could be considered for allocations- but it does not mean that the sites submitted in those settlements will come forward as allocations. There is on-going site assessment work to establish which sites are the most appropriate to bring forward. This is part of subjecting sites to a formal Sustainability Appraisal process. On-going consultation is taking place on the sites, and this started in November 2021. As Members are aware, the Castle Howard Estate site submissions were received in late March and were published on the website in April. This has generated a significant amount of public interest which is welcomed. We have also had more recent site submissions which we cannot decline to accept as to do so would be prejudging their suitability- although the later the submission the less opportunity to undertake key appraisal and evidence work, and it will not have been subjected to public consultation. Only after the publication of the plan will the District Council decline to consider additional sites through the Review of the Plan.

- 5.5 It is expected that post the Key Decisions Consultation, early in 2023 we will be seeking views from the Local Plan Working Party on a collection of sites for potential allocation. It is at this point that once those potential allocation sites are chosen we undertake specific public consultation on those sites, which would involve site notices.
- 5.6 It is only considered that once we have completed these stages of consultation and evidence collection and appraisal that the review of the Ryedale Plan can progress to Publication. Publication is the formal stage of consultation on the plan which the Council intends to submit for Examination.

REPORT

6.0 REPORT DETAILS

Context

- 6.1 A report to the Local Plan Working Party on the 18 June 2020 identified that the Ryedale Plan would be subject of a 'whole plan' review and the process was estimated to cover a five/six year period to the adoption of a new plan. By 2021, two matters resulted in this approach being stopped: the Planning White Paper in August 2020 and the potential for local government re-organisation across North Yorkshire as set out in the Secretary of State's letter of the 9 October 2020.
- 6.2 It was recognised by both members and Officers that these matters have significant implications for the future of planning in North Yorkshire and the council needed to reconsider the scope of the Local Plan review. It ultimately resulted in a pragmatic partial review of the plan as scoped in the currently adopted Local Development Scheme 2021-2023.
- 6.3 The Planning White Paper reforms have become less of a priority for Central Government. But Local Government Reorganisation is very much a reality, and the new Council for North Yorkshire will come into being on the 1 April 2023.
- 6.4 Since the June LPWP (and later meetings), there have been recent developments in the early autumn concerning the matter of the preparation of the new Local Plan for North Yorkshire, and Officers consider these circumstances present a need to explore refining the scope of the plan review further.
- 6.5 There is now a clear commitment and impetus to prepare a new local plan for North Yorkshire which would have a plan period of at least 15 years from when it is adopted. Work on that plan has now effectively begun with work commenced on an interim Local Development Scheme.
- 6.6 The commitment of new plan preparation means that once adopted the Ryedale Plan's lifespan will only be a matter of a handful of years- at the most. It will be effectively subsumed/superseded by the new North Yorkshire Plan, accepting that its allocations will likely be rolled forward. There is a need to ensure that the review does not present areas of incompatibility to the emerging new North Yorkshire Local Plan, such as around the consideration and treatment of growth points and investment in aligned infrastructure to deliver those growth aspirations- particularly in light of the Devolution deal with North Yorkshire and York.

- 6.7 There is going to be additional consultation on both the new Local Plan for North Yorkshire and the review of the Ryedale Plan. The presence of the two plans, and their similar timelines, could cause confusion for local communities, and also potential conflicts depending on the chosen approach. There is no need to plan out a 15 year land supply from 2023/4 from adoption to 2038. Instead the review can provide additional sites to modestly extend the land supply.
- 6.8 Given this impetus with the production of the new Local Plan, regarding the review of the Ryedale Plan, it is considered that the Council needs to consider whether or not it needs to refine the scope of the review still further.
- 6.9 These perspectives and circumstances were brought to the consideration of Members of the recent Local Plan Working Party on the 13 October.

Scope

- 6.10 The current Local Development Scheme sought a partial, targeted review of key policy areas with a view to adoption in 2023 – either by the council or the new authority. This would:
- Address key planning policy issues for Ryedale. Primarily, this will be a need to increase the planned housing land supply to 2038 and to address conformity with national policy on housing policy matters.
 - It also was proposed that the plan review would respond to embedding a greater response to Climate Change.
- 6.11 The key areas of focus for Members were:
- a) to provide an additional land supply to ensure the plan had full weight in decision making; and
- b) to review policies which they considered were no longer relevant or appropriate.
- It was established that existing policies that are currently functioning as intended or that are in less urgent need of review would not fall in the scope of the review. This includes most of the suite of thematic protection policies in the Plan (subject to a light touch review); most existing policy targets and standards (such as affordable housing) and the Community Infrastructure Levy.
- 6.12 Key elements of the plan that will be included in the review will be: updated development requirements; review of the settlement hierarchy and distribution of development beyond 2027; and the identification of new land allocations for development. Revisions to housing policies to reflect national policy requirements will also be undertaken. That has also incorporated reviews on the implementation of our local needs occupancy condition (and whether to use a primary residency condition), and build standards in relation to accessibility and sustainability. Decisions on these elements have been sought from the Local Plan Working Party, which sat on the 13 October 2022, and they are the subject of a further report to this meeting of Policy and Resources.
- 6.13 The Local Development Scheme does not go into the substance of policy choices, but it does give an indication of the scope of the review of Planning Policy. The areas of the plan review which members have been asked to give a position on at the recent meeting of the LPWP were agreed:
- Criteria-based policy for windfall sites;

- Responding to climate change through an review of Policy SP18;
- Accessibility in new dwellings (Policy SP4); and
- Occupancy conditions

Alongside the overarching matters of:

- The to plan-for figure;
- The plan period;
- Spatial principles and settlement hierarchy. This also included the revisions to the designation of Service villages.

6.14 Of particular note to Members for the purposes of the Local Development Scheme is the exploration of whether the Ryedale Plan review could be reduced in its timeline of operation (known as plan period), from currently a 15 year plan period from adoption (as set out in the Local Development Scheme), and allowing it to be a limited roll forward in light of this position- for up to 5 years post 2027. Members of the Local Plan Working Party were happy to consider this as an option. Legal advice is in the process of been sought and this advice will be reported to Members of Policy and Resources.

6.15 Officers are keen to explore with Members a limited roll forward of the plan review period of 2027-2032, which would mean an additional housing land supply of 600-1000 dwellings to allocate. We will also take wider advice from Planning Advisory Service (PAS) and legal advice in undertaking such an approach which is hoped will be available to be provided to Members of Policy and Resources Committee in November, as this is not an established route for a plan review to normally take. Although the National Planning Policy Framework and Planning Practice Guidance does not require full detailed allocations in years 11-15 of a plan. Officers consider that there are exceptional circumstances with the current land supply of the Ryedale Plan coupled with the clear mandate to prepare a new local plan for North Yorkshire, and the evidence base and land supply will be key determinants in the approach ultimately taken. Ryedale's land supply which was ultimately defined in the Local Plan Sites Document with the formal identification of allocations and commitments provided an extremely robust land supply, and this is helpful in relation to the review of the plan, as most of these can be relied upon to come forward.

6.16 It is proposed that the Helmsley Plan, having being subjected to a light-touch review, is retained, and this was agreed by the members of the Local Plan Working Party on the meeting of the 13 October 2022. This is the subject of a further report to this meeting of Policy and Resources. Subject to the outcomes of that report, the Local Development Scheme will be updated to reflect that the Helmsley Plan has been subject of a light-touch review.

Timescales

6.17 The broad timetable for the plan review, based on the proposed partial review approach as set out in the current Local Development Scheme, aims to formally publish and submit revisions to the Ryedale Plan at the end of 2022, with the examination process in 2023. Members can see that the date of Publishing the plan of September of 2022 has not been achieved, this was in part due to the issues with being able to commission key pieces of evidence, and Members seeking to consider in detail the nature of the site submissions made to the Council, and matters around

occupancy conditions, and the role of Development Limits.

- 6.18 The revised timelines for plan preparation were outlined and explored by the LPWP in June 2022. It identified that publication in September 2022 would not be possible, but that a Key Decisions Consultation Document on the review of the Ryedale Plan would be published in November, subject to Members being in a position to make their decisions. As of the writing of this report. It is the Key Decisions consultation which is subject of a report on the agenda of this meeting.
- 6.19 It was reported in June that the publication of the Plan review would be a Council decision and it would be considered by the 23 February 2023 meeting of Council. As stated in section 5 of this report, Officers consider that additional public consultation will be needed on the sites choices. So this date is just too tight for Members, and Officers are seeking to get approval from SMB for an extraordinary meeting of Policy and Resources in early March 2023 to focus on **a decision to be made at the 30 March 2023 – the last Full Ryedale District Council – to Publish the Plan Review for public consultation.**
- 6.20 The 2021 Local Development Scheme recognised that it would be likely that even if the Submission of the Ryedale Plan review was made under Ryedale District Council, the decision to physically Submit for Examination would ultimately be a decision for the new authority, as they would need to authorise this expenditure, and this would then, naturally, include whether to adopt the plan post Examination. However, if Publication is delayed beyond this date, this means the most difficult decision, which is the decision to Publish the Ryedale Plan Review, will rest with the newly formed Council. This has been raised with the LGR plan making board, and they accept that this could be undertaken.
- 6.21 In that scenario, where publication is agreed by the New Council, it is still considered by officers that key decisions on the content and scope of the review and a selective panel of potential site allocations are nevertheless agreed by Members of Ryedale District Council, and this will give a helpful steer to the new Council- although it will have ultimate decision making capability.
- 6.22 As the review of the Ryedale Plan is expected to continue post LGR into the new authority. Work is currently underway to prepare an interim Local Development Scheme for plan-making work responsibilities of the new North Yorkshire Council. The review of the Ryedale Plan is expected be part of the Local Development Scheme being prepared and this will be from 2023 onwards.
- 6.23 Officers will be continuing to work on the review alongside our existing statutory monitoring of planning policy, housing delivery and s.106/CIL monitoring, and inputting into the emerging work on the new North Yorkshire Local Plan. Officers have advised that it is important for Members and indeed wider stakeholders to note that the site assessment work, site submissions, and evidence base commissioned as part of the review of the plan will need to be incorporated and subsumed into the plan making work for the new Local Plan for North Yorkshire.

7.0 IMPLICATIONS

7.1 The following implications have been identified:

- (i) Financial

The budgetary provision for a partial review is in place and reflects the timeframes for the preparation of the plan and its scope.

(ii) Legal

The review process will need to be undertaken in accordance with existing statutory procedures. Legal advice is being sought around the scope of the plan period for review and treating it as role forward. This may be at a level of Counsel advice.

(iii) Environmental, Ecological, Climate Change and Carbon

The Local Development Scheme is a high level work programme. The Climate Change Officer has been involved in the scoping and work on the plan review. The Policies of the plan and site are subject to Sustainability Appraisal and Strategic Environmental Assessment.

(iv) Equalities

EqIA is not required for a high level work programme. The policy making process is subject to Equalities Impact Assessment and Our Statement of Community Involvement. The policy content is also subject to Equalities Impact Assessment and Health Impact Assessment

(v) Staffing

No additional resources are required concerning the implementation of the LDS.

(vi) Planning

The Local Development Scheme is a key procedural document for the making of planning policy

(vii) Health and Safety

There are no Health and Safety implications.

(viii) Crime & Disorder

There are no crime and disorder implications for the publishing of the Local Development Scheme.

(ix) Data Privacy

There are no data protection issues. The Local Development Scheme does not involve the storage/use of personal data.

Jill Thompson

Planning Services Manager

Author: Rachael Balmer, Team Leader Planning Policy and Conservation
Telephone No: 01653 600666 ext: 43357
E-Mail Address: rachael.balmer@ryedale.gov.uk

Background Papers:

Appendix 1 Draft Local Development Scheme 2022-23

Report to the Local Plan Working Party on the 13 June- Scope of the Review

Report to the Local Plan Working Party on the 13 October- Key decisions

Currently adopted Local Development Scheme

**Background Papers are available for inspection at:
LPWP Local Plan review Scope 13 June**

https://democracy.ryedale.gov.uk/documents/s63023/LPWP_130622_local%20plan%20review%20scope%20timing.pdf

LPWP key decisions 13 October

<https://democracy.ryedale.gov.uk/documents/s65421/KEY%20DECISIONS%20final.pdf>

Current Local Development Scheme

https://www.ryedale.gov.uk/content/uploads/2021/07/Local_Development_Scheme_2021-2023-ACC.pdf

This page is intentionally left blank

CONTENTS

Section of Document	Page
Introduction	2
Ryedale's Current Planning Framework	2
Review of the Local Plan	5
Risks, Project Management and Monitoring	7
Stages in the Review Process	9

Planning Services
Ryedale District Council
Ryedale House
Malton
YO17 7HH
01653 600666

localplan@ryedale.gov.uk

For existing planning policy

<https://www.ryedale.gov.uk/information/planning/planning-policy/>

For consultations and emerging policy

<https://www.ryedale.gov.uk/information/review-of-the-local-plan/>

INTRODUCTION

In Ryedale, the District Council is responsible for providing planning policy for the area of the District outside of the North York Moors National Park.

The Local Development Scheme (LDS) is a rolling program for the production and review of Planning Policy documents. It is the starting point for anyone who wants to find out about planning policies for Ryedale. Normally Local Development schemes are normally a rolling three-year programme. It is because the plan-making functions will be taken on by the North Yorkshire Council in 2023 it is not a LDS from 2022-25. A new Local Development Scheme for the North Yorkshire Council is in its early stages of preparation.

In particular, this LDS -

- Sets out what are our existing planning policies
- Sets out what supporting documents are produced to help implement policies
- Identifies the key elements of the review of the Ryedale Plan which is our Local Plan which will be produced over the coming years (2022-2023)
- Establishes timescales for the production of revisions to the Plan
- Identifies consultation 'milestones' to inform the community and other stakeholders of opportunities to influence the preparation of the Plan
- Provides information on the preparation of Neighbourhood Plans.

RYEDALE'S CURRENT PLANNING FRAMEWORK

The Ryedale Plan is the Local Plan for the area to 2027 and it is currently made up of three documents, accompanied by a Policies Map (adopted 2019) which shows on a map where different planning policies apply. These documents, described below, form part of the 'the Development Plan'. They have full weight in the decision-taking process as 'the Development Plan'. This means that planning decisions will be made in accordance with these documents unless material considerations indicate otherwise.

Ryedale Plan- Local Plan Strategy (LPS)

Provides the planning strategy for the District from 2012 to 2027. It outlines the aims and objectives of the Plan and includes key policies to support the delivery of new development in the District and to manage development, growth and the protection of the environment. The LPS establishes the level of new housing and employment development for Ryedale for the life of the Plan and distributes this across the District.

The LPS was adopted by the District Council in September 2013. It was subject to a light touch review in 2016 which concluded no changes were necessary. The Plan is now considered to be in a position to be reviewed given:

- The statutory requirement to review plans every 5 years;
- Updates to elements of national planning policy;
- The need to provide a sufficient supply of land to meet development requirements, particularly of housing land; and
- The need to respond the Climate Change Emergency Declaration in 2019.

Ryedale Plan- Local Plan Sites Document (LPSD)

Identifies site-specific land allocations to ensure a supply of land for a range of land uses, and site-specific protection policies for the plan period 2012-2027. It was adopted in July 2019 with the Policies Map. It will be part of the review of the Ryedale Plan.

The Helmsley Plan

Includes site specific land allocations and policies for the town. The Helmsley Plan has been produced jointly with the North York Moors National Park Authority in order to ensure a holistic and planned approach to managing the growth of the town and addressing development requirements. It has its own Policies Map. It is important to note that as part of the Ryedale Plan, the supply of land for housing that arises within the area of the Town falling within the National Park will contribute towards Ryedale's housing land supply position and the District's Housing requirements. The Plan was adopted by Council in July 2015 and covers the period to 2027. The Helmsley Plan has been the subject of a light touch review by Officers of the North York Moors National Park (NYMNP) and Ryedale District Council, and it has been agreed to be retained by the NYMNP in July 2022 for a period of 5 years and is being considered by Members of the District Council in November 2022 with a recommendation to be retained for up to 2027 or when it is superseded by the new Local Plan for North Yorkshire.

The Saved Policies of the Regional Spatial Strategy

Which relate to the extent and operation of the York Green Belt, also form part of the Development Plan for the area. Part of the York Green Belt is in southern Ryedale.

Minerals and Waste Planning is undertaken, in Ryedale, by the North Yorkshire County Council (NYCC) (and the North York Moors National Park), and they deal with applications that relate to minerals and waste. Existing policies in the Minerals Local Plan (1997) and Waste Local Plan (2006) have been 'saved' until they are replaced with the emerging Joint Minerals and Waste Local Plan. The emerging policies have been subject to Examination, and have moderate weight at the current time. Adopted Minerals and Waste policies form part of the Development Plan for Ryedale although these are applied by the relevant Minerals and Waste Authority.

See [Our Development Plan Policies](#)

Future Planning Policy

Neighbourhood Plans

Provisions in the Localism Act (2011) allow local communities to prepare Neighbourhood Plans for their local areas. Neighbourhood Plans will form part of the Development Plan for the areas that they cover once they are formally 'made' by the Local Planning Authority. To date in Ryedale, Malton and Norton Town Councils are committed to producing a Neighbourhood Plan for the twin towns, and they have designated their area and are working on their draft plan for the Towns.

[Neighbourhood planning including Malton and Norton Neighbourhood Plan](#)

Supporting Documents

The Plan is also supported by a range of other documents:

Statement of Community Involvement

Outlines the Council's commitment to consultation and involvement in the planning process. This is under review and will be updated spring 2021, prior to commencing any formal planning policy consultations.

[Statement of community involvement 2021](#)

Monitoring Report

Is produced annually to monitor the implementation of the Ryedale Plan and progress towards its completion. The scope of recent monitoring reports has been limited to reporting key national requirements and local information.

[Authority Monitoring Reports](#)

Malton Food Enterprise Zone Local Development Order and Design Code

Adopted: February 2017

Coverage: Malton Food Enterprise Zone area.

Local Development Orders are a planning tool, which grant planning permission for particular classes of development specified in the order. In this case

Businesses and organisations whose primary activities involve:

- The production, processing and manufacturing of food or drink;
- Associated bioscience and agricultural technology; and
- The supply of goods, equipment or services (including education and training) to the agricultural and food/drink manufacturing sectors.

They operate like a planning decision notice – setting out the level and types of uses of development and identify those conditions which are to be discharged (approved) prior to development taking place. Proposals which do not conform to the LDO require planning permission is the usual way.

[Malton Food Enterprise Zone](#)

Supplementary Planning Documents (SPD)

Provide further guidance to support the implementation of planning policies.

Existing SPD's cover (date is date of adoption):

- Shopfront Design and Signs (Plan wide) (2005)
- Helmsley Conservation Area Appraisal (2005)
- Ampleforth Conservation Area Appraisal (2010)
- Oswaldkirk Conservation Area Appraisal (2012)
- Settrington (Parish) Village Design Statement (2013)
- Slingsby, South Holme and Fryton (Parish) Village Design Statement (2016)

[Supplementary Planning Documents](#)

Over the period of this LDS, the Council will be prioritising the review of the Local Plan and is not intending to produce new SPD's or revise existing documents during this time.

Community Infrastructure Levy (CIL) Charging Schedule

The Council has brought its CIL Charging Schedule into effect in March 2016.

It is also required to prepare an Infrastructure Funding Statement and this is annually prepared in December. [Community Infrastructure Levy](#)

REVIEW OF THE LOCAL PLAN

Planning policy is subject to regular, periodic review to ensure that it remains the most appropriate strategy for guiding new developments in a place - in light of national planning policy and local circumstances.

There is a statutory requirement to review a Local Plan every 5 years- which may or may not result in a need to review some parts, or all, of a plan to be reviewed.

Given the age and style of the current Local Plan, the Council originally intended to undertake a full, whole plan review of the Ryedale Plan. Whilst many of the policies are working as intended, and remain compliant with national policy, there is a need to review the plan to update and roll forward development requirements and land supply policies and to update the plan to address some limited compliance with national policy in terms of housing policies. A 'whole' plan review also provided the opportunity for the Council to produce a new plan as one document, rather than a series of documents.

However, in the summer of 2020, the Government proposed significant changes to the planning system in a Planning White Paper and in October 2020, the Secretary of State invited proposals for local government re-organisation across North Yorkshire. Both of these matters have significant implications for plan-making across North Yorkshire and the plan review process. In response to the current uncertainty associated with both of these matters, the Council will undertake a partial review of its local plan in order to address and update policies that require revision as a priority and to maintain a sufficient supply of development land into the future. This is considered to be a pragmatic response in the face of current uncertainty.

The proposed changes to the planning system are yet to be implemented. The new Council for North Yorkshire will come into being at the start of April 2023.

In particular, the review was originally proposed to cover:

- Necessary changes to address conformity with national policy
- Update future development requirements and roll forward the plan period (to cover a minimum 15 year period from the proposed adoption of revisions. This is anticipated to cover the period 2023-2038)
- The spatial approach and distribution of new development sites

As of November 2022 it will cover:

- Necessary changes to address conformity with national policy
- Update future development requirements and roll forward the plan period (to cover a minimum 5 year period from 2027-2032. This is anticipated to cover the period 2023-2038)
- The to-plan-for figure;
- Spatial principles and settlement hierarchy. This also included the revisions to the designation of Service villages;
- Criteria-based policy for small-scale windfall sites;

- Responding to climate change through a review of Policy SP18;
- Accessibility in new dwellings (Policy SP4); and
- Occupancy conditions

The revisions have come about because of mandate to the new Council for North Yorkshire to prepare a local plan within 5 years of vesting date, and so to support this work, and to not create confusion or misaligned strategies- this review is proposed to be a short term review to extend the land supply, and not to be a 15 year plan period. This is subject to legal advice.

Other, more specific, areas of the review of the plan have come from public consultation and discussions with Members through the Local Plan Working Party, a group of Members who discuss with Officers planning policy matters, making recommendations prior to decisions being made by committee.

The Council is confident that a number of existing policies will not require change as a priority. As part of the review process, the Council will provide evidence (which will be updated as work evolves) to justify any decision not to update any existing adopted policies.

The Review will also be subject to Sustainability Appraisal/Strategic Environmental Assessment and a Habitats Regulations Assessment. It will also be subject to Equalities Impact Assessment.

The same consultation and engagement will occur as part of the proposed review and the process will be subject to the requirements of the Duty to Cooperate.

The proposed approach aims to ensure that in the face of uncertainty the development plan remains up to date and that full weight can be afforded to the plan in the decision making process until such time that a new Local Plan for North Yorkshire is adopted. The proposed approach will reduce unplanned development in the interim.

RISKS, PROJECT MANAGEMENT AND MONITORING

Development of planning policy involves a series of prescribed stages and can take some years to reach a point where it can be adopted. The work on the review commenced in earnest in 2021, and it is expected that the review will be completed, and adopted in late 2023 early 2024. The aim in 2021 was to undertake a focussed review within the next 2-3 years, and that remains the case.

It should be noted that consultation with a range of stakeholders and evidence gathering is undertaken in advance of the formal Publication of a revised plan. Please consult the web-site

[Review of the Ryedale Plan](#)

For more details about the work on the review and the consultations we are running to support that work. We will look to keep the website up to date with where we are in the review of the Local Plan – as well as updating this document- with any key milestones.

The Council is required to monitor annually how effective its planning policies and proposals are in meeting the strategy, aims and objectives of its Local Plan. A Monitoring Report is produced in December of each year, covering the period April (preceding year) to end of March of that year. The

report focuses on planning permissions granted, completed and refused over different types of development, to see what development is coming forward and where. It also monitors infrastructure delivery and the progress of the production of planning policy outlined in this Local Development Scheme.

[Authority Monitoring Reports](#)

The Council is keen to ensure the timely delivery of the review of the Ryedale Plan, although there are however a number of potential risks to progress, some of which can be beyond its ability to control. Potential risks include, for example:

-
- Changes to national policy and legislation Local Government Reorganisation and Devolution
 - Capacity of other organisations/agencies to inform and engage in the process
 - Larger volumes of representations are received than anticipated
 - Legal challenges to the adoption of documents
 - Fluctuations in staffing capacity

The progress of the review will be monitored both against delivery key milestones, and recorded annually (in the Authority Monitoring Report). Whilst we will robustly prepare for the review process, and the involvement of stakeholders in that review, we may need to respond to some of these issues, as they arise, and we will provide updates and information on the website.

STAGES IN THE REVIEW PROCESS

Stage 1: Pre-Production consultation and evidence gathering to inform the Review (Regulation 18)

This includes development of evidence base, consulting with statutory consultees and Duty to Cooperate Bodies and non-decision making consultation with Members. It also involves a call for sites and public consultation (usually taking place for 6 weeks) for 'Issues and Options' which in essence sets out what are issues the Local Plan Review needs to address and what are the options for achieving this. This is a partial review, Members need to agree this document and its general scope (areas to explore). Key areas are identified below.

- Necessary changes to address conformity with national policy
- Update future development requirements and roll forward the plan period (to cover a minimum 5 year period from the current end of the Ryedale Plan period (2027). This is anticipated to cover the period from the date adopted 2023-2032)
- The spatial approach and allocation of new development sites
- Responding to climate change

This will also set out the areas which the District Council does not propose to review and the reasons/evidence why.

Undertaken and Proposed Consultations:

- Preparation of LDS covering 2021-2023 and Statement of Community Involvement adopted February 2021
- A call for sites was undertaken in May/July 2021
- Consultation on Distribution of Development Options consultation undertaken in November 2021-to March 2022
- On-going consultation on site submissions – from November 2021 until Publication of the review of the plan
- Key Decisions Consultation- November-January 2023 consultation on Key decisions on the specific content of the review and what parts of the plan are not included in the review and why
- Consultation on potential site allocations date February/March

Stage 2: Publication of the Local Plan Review (Regulation 19)

Publication is a key stage when the Council publishes its Local Plan Review that it wants to have taken through Examination. Comments on the policies and proposals in the document which is intended to be submitted are invited over a six week period. Any representations made at this stage are those that will be considered at the independent examination. The policies which are unchanged by the review will not be consulted upon.

- The Policies Map will be updated and also subject to Publication at this time
- Ryedale District Council to agree Publication at Council late March 2023
- Public Consultation on Publication April/May 2023
- As of April 2023 the new North Yorkshire Council will also need to approve the Publication of the review of the Ryedale Plan so Publication could be re-confirmed in April 2023 subject to committee scheduling

Stage 3: Submission for Examination (Regulation 22)

The Plan and all relevant evidence and supporting material is submitted to the Secretary of State for examination as required by Regulation 20. An independent Planning Inspector from the Planning Inspectorate is then appointed to conduct the Examination.

Submission (a notification process) September 2023

Stage 4: Examination

The examination process is designed to scrutinise the Plan to ensure that it is legally compliant and sound. Legal requirements cover the production of the Plan and also include compliance with the duty to co-operate which came into force in 2011. To be sound, the Inspector needs to be satisfied that the Plan is positively prepared, justified, effective and consistent with national policy.

The Planning Inspectorate estimates that the examination process will cover a period of 24-29 weeks depending on the complexity of the document and the level of examination participants. The examination process will include Hearing Sessions to consider matters and issues and may include consultation on Main Modifications to the Plan. The timetabling of the Examination of Development Plan Documents will be subject to agreement with the Planning Inspectorate and may be subject to change.

Stage 5. Inspector's Report

The examination of the Plan concludes when the Inspector's report is issued to the Local Planning Authority. The report will include recommendations as to whether the plan should be adopted with or without main modifications or that it should not be adopted. It should be noted that the Inspector's report is no longer binding on a Local Planning Authority and there is no statutory requirement for an Authority to adopt the Plan following the examination.

Stage 6: Adoption of the Plan (Regulation 26)

A Plan is formally adopted by a Local Planning Authority if it is adopted by resolution of the Authority. A Local Planning Authority is required to make an adoption statement available and notify anyone wishing to be notified of the adoption of the plan. Any person aggrieved by the decision to adopt the Plan has six weeks from the date of its adoption to apply to the High Court to have the plan quashed in whole or in part.

Anticipated early 2024 but could be subject to change depending on the outcome of the Examination.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank