
PART A:	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	LOCAL PLAN WORKING PARTY
DATE:	13 JUNE 2022
REPORT OF THE:	PLANNING SERVICES MANAGER
TITLE OF REPORT:	LOCAL PLAN REVIEW- SCOPE
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 For the members of the Working Party to give their recommendation on the scope and timescales for the review of the Ryedale Plan.

2.0 RECOMMENDATION

- 2.1 It is recommended that the Working Party consider the report and:
- (i) Note and confirm the key timescales for the review of the Ryedale Plan as set out in paragraph 6.5;
 - (ii) Agree the scope in principle of the review of the Ryedale Plan to the elements identified in paragraph 6.11;
 - (iii) Agree the areas to be scoped out of the Plan review in 6.13 and 6.14

3.0 REASON FOR RECOMMENDATION

- 3.1 To confirm a way forward regarding timescales that Officers are working to on the review of the Ryedale Plan and to confirm the principles of the scope of the plan review. Decisions will support progress on the review of the development plan during a period of significant uncertainty with LGR. The consideration of spatial principles will assist Members and Officers at the forthcoming LPWP on choices around the distribution of development.

4.0 SIGNIFICANT RISKS

- 4.1 There are no significant risks associated with the recommendations. It is important that the Council has an up to date Local Development Scheme (LDS) which reflects work programmes. Our LDS is currently up to date, but will need to be updated over the summer. There are no significant risks associated with the recommendations although the decision not to review specific policies in the existing development plan will need to be fully justified as part of the review process.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 The Ryedale Plan (Local Plan Strategy and Local Plan Sites Document) runs to 2027. The Local Plan Strategy was adopted in 2013 and the Sites Document was adopted in 2019. The Plan requires review due to its age, but not currently due to its land supply.
- 5.2 In early 2021 Members agreed a partial review of the Ryedale Plan, work on review commenced in earnest. With adoption of the Statement of Community Involvement (which sets out the key process and stages for consultation) a call for sites in May-July 2021. 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.
- 5.3 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 a 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>
- 5.4 At the time of writing the report the website is in the process of being updated to:
- compartmentalise the work areas to make it clearer to find specific projects;
 - make it clearer in terms of our broad objectives; and
 - to also publish all the supporting documentation we have received with the site submissions- and at various points confirming these are no planning applications.

We will be emailing or writing to any parties who are on our local plan circulation list to let them know that this information is now available to view, and that they can make additional comments if they wish to.

6.0 REPORT

Current and Proposed Plan Timescales (Local Development Scheme)

- 6.1 The review of the Ryedale Plan is a priority for the Council. A formal timetable (known as the Local Development Scheme (or LDS)) for the review of the Plan was presented and considered by the members of Policy and Resources in February 2021. The timetable covered a three year period from early 2021 to 2023 – to coincide with the potential Local Government Reform time frame. It was agreed at that point that in order to review the plan prior to a point of submission prior to the vesting date for the new North Yorkshire Council the review would need to be pragmatic in its scope, and therefore partial and focused on key areas of work. Officers continue to work within the context of the review being partial.

6.2 Officers remain of the view that it is possible to progress the review of the plan to reach the point that members can agree the publication and intended submission of plan review prior to April 2023. Although it relies on:

- the LGR process allowing the review of the Ryedale Plan to continue;
- no major shifts in government policy;
- no major changes to the scope of the review: i.e. changing affordable housing policy /CIL charge;
- not committing to pieces of work which would in themselves take longer than the time we have before vesting date; which would distract officers from the key work areas to deliver the review; and
- the smooth examination of the Malton and Norton Neighbourhood Plan and outcomes from that process

6.3 Local Development Schemes (LDSs) are a statutory requirement to demonstrate the broad scope and timescales for plan making. They tend not to go into specific detail about the various consultations undertaken to inform plan making as they can quickly become out of date if they do. However, they are expected to identify key milestones in plan-preparation, and indeed it is a legal requirement that a Plan's Publication and Submission to align with the LDS. Publication is formally known as Regulation 19 and is a key milestone as it is the point at which the Council consults on the Plan that it intends to submit for Examination.

6.4 The current LDS identifies that Publication would be in September 2022/autumn of 2022. Members of the LPWP will appreciate that key elements of the evidence base are outstanding, consultants are to be appointed (see later in the report), and Members are yet to make decisions on the choices regarding distribution of development which is a key step to steering site choices and site assessment work. Prior to publication we also need to do further public consultation, and that will need to take place outside of the summer holidays to maximise the ability of people to respond. This means we are not able to achieve Publication in autumn of 2022.

6.5 What can be achieved instead is that we look to produce a **key decisions paper for Members to consider in the early autumn of 2022** and ensuing consultation would be for 6 weeks. The key decisions paper would cover:

- Chosen approach to the distribution of development;
- Identification of option or proposed site allocations;
- Options for policy choices around sustainable building and accessible buildings
- Approaches to embedding Climate Change

The outcomes of this consultation would then inform the Publication of the Plan Review. A report to Policy and Resources Committee will be accompanied by the Publication Plan, Sustainability Appraisal, Consultation Statement and other supporting documents, with a recommendation to be considered by Council on the **23 February 2023 to agree Publication and Submission.**

6.6 Publication consultation is a prescribed 6-week long consultation. The responses from the resulting consultation are considered and responded to by the Council as part of the Submission of the Plan in a Statement of Consultation. Representations made are

considered in full by the Examiner appointed, who looks at the responses and identifies what they consider to be the matters and issues to explore during the hearing sessions.

- 6.7 Submission would be expected to take place after vesting date- having already obtained RDC Full Council agreement to this. However, Officers also consider that the submission of the Plan Review to the Inspectorate would, crucially, also require the sign off from the Shadow Authority prior to vesting date or the North Yorkshire Council post vesting as the Examination would be funded and the Plan adopted by them.
- 6.8 In terms of overall plan coverage, it is very unlikely that the new council would have a new plan/s in place before 2027, as Government directs that such plans should be prepared within 5 years. Work is on-going to establish the legislative and legal scope of the structure and timing of the New North Yorkshire Council developing its own Development Plan and understanding what form this will take. Counsel has been sought to give advice, and this is awaited.
- 6.9 Work is being undertaken by the various LGR work streams around the process and timing on this taking place for Ryedale and other authorities working on plan reviews. Existing plans would be considered out of date if they are not reviewed, and this could lead to a situation whereby some areas are vulnerable to unplanned development and speculative proposals, particularly for housing development. For example, whilst Ryedale can currently demonstrate a healthy supply of housing land, this is unlikely to be sustained across the medium (5 year) term.
- 6.10 The new executive of the Council is appointed, and later this year it is expected that we will get a direction of which plans will be reviewed and which plans will be left to allow staff to start to work on the new planning policy for the new council.

Plan Review Scope, Evidence Base Work and Update on Appointment of Consultants

- 6.11 The following areas of the plan are currently under review and these areas have been scoped by the work of Members and Officers through our Local Plan working party meetings which:

The principal focus is to extend the land supply of the Ryedale Plan by:

- Spatial distribution principles, with links to the Settlement Hierarchy; and
- Land supply for housing, with allocations, and potentially additional employment land
- Policy updates in relation to the NPPF

But discussions with Members and Officers also identified that these aspects would also need to be explored:

- Looking at responding to climate change through the plan in key policies
- Build standards- both in relation to accessibility and energy demand

- 6.12 Officers are collating a range of evidence based documents together to assist Members for making key decisions in the autumn. We will also still need to justify and evidence why some elements of the plan are not being reviewed at this time so this is factored into the work programme.

- 6.13 This means that the following aspects of the plan are not under review:
- Establishing future development requirements for retail space (due to the contraction of the high street and the extension of the town Centre Commercial Limits as part of the Ryedale Plan- Local Plan Sites Document.
 - Review of Community Infrastructure Levy Charging Schedule
 - Review of affordable housing policy
 - The preparation of one document and the review/ standardisation of the style of all policies and supporting text
 - Whole-scale review of Development Limits
- 6.14 Discussions during the LPWP meetings have been taking place around the whole-scale review of Development Limits, or adjusting the development limits in all settlements. Members have been previously advised that this is a project which cannot be resourced within the plan review process timeframe and such an approach would also be aligned to a very much more dispersed treatment of the housing requirement. Such an approach would also not deliver on the key objective of the plan which is to identify a robust deliverable and developable set of site allocations which can ensure the sustaining of Ryedale's housing land supply and deliver on wider plan objectives such as the delivery of affordable housing, and have the capacity to respond to changes in planning policy around sustainable building. Development Limits will be naturally reviewed and updated in response to making allocations.
- 6.15 Officers have noted in the preceding Working Party Meetings that Members were keen to explore how some small-scale development could be delivered outside of the Development Limits. Officers would be happy to explore with Members at the forthcoming meeting of the Local Plan Working Party in early July the development of a criteria-based policy in which Members could explore what they see as being important factors to be avoided when looking at small sites and how sites would be expected to be delivered.
- 6.16 Key elements of the evidence base are reaching their conclusion. It is hoped that by the time of this Local Plan Working Party on the 13 June the Strategic Housing Market Assessment (SHMA) will be finalised and can be presented to Members as part of the meeting. This is a very important document as it evidences what the Local Plan Housing Requirement should be, accepting the fact that we are expected by Government to deliver a level of housing which at least meets the housing land supply figure calculated by the Standard Method which is currently 186 dwellings a year. Which is close to the Ryedale Plan's figure of 200 dwellings per year. It is expected that the SHMA will give the Council a clear steer on what the Local Housing Requirement should be.
- 6.17 It is important that the Local Plan Housing Requirement is carefully calibrated to deliver national policy requirements, and support wider plan aspirations (such as around affordable housing). Whilst also being capable of being realistically delivered in the plan period, based on past rates of delivery and any strategic-level infrastructure capacity and requirements at settlements. This is also within the context of natural resources implications, landscape setting and heritage considerations of places. All these aspects are considered within the overarching context of a pragmatic partial review. In short, it is to not seek such high levels of housing delivery that it becomes difficult to deliver, and challenging to evidence, the level of housing sought.
- 6.18 Site assessment work is well underway with site visits being conducted. Officers are employing the Site Selection Methodology to set out site considerations. Sites are

being evaluated against the Strategic Flood Risk Assessment Level 1 and other policy and landscape designations. The Strategic Housing Land Availability Assessment (Part 2) which assess sites that are available for the Local Planning authority to consider for housing is well underway.

- 6.19 Members of the LPWP are aware that we were recently unsuccessful in securing a single consultancy to provide Officers and Members with support in relation to:
- 'Critical friend' role concerning the approach to the distribution of development;
 - Responding to Climate change and sustainable build policies and viability considerations;
 - Technical evidence including the Habitats Regulations Assessment and any highway modelling and air quality modelling.

In response, Officers split the briefs up into these specific areas and the deadline for receiving bids is Monday 6 June at mid-day. This report has been updated to reflect the single bid. At the time of writing this report we have had one bid to work on the Habitat Regulations Assessment. We have had no quotes for the other areas of work.

- 6.20 On that basis we will not be able to commission consultancy support for the critical friend role. This is disappointing, but it is hoped that through the collation of evidence, and the forthcoming local plan working parties Members can start to make recommendations to inform and shape the key decisions consultation, and this will then be considered by Policy and Resources Committee later in 2022.
- 6.21 We have also not attracted any bids regarding our approach to responding to climate change, and the viability work associated with that. In response to this Officers will seek to look at other recently adopted and emerging plans to see how they are responding, and emerging best practise and may seek to commission specific plan viability assessment work in due course to assess options. Thereby disaggregating policy scoping and choices and the financial viability of this into broadly two areas which can be assessed separately, and then the outcomes assessed by Members. A report to a future Local Plan Working Party will be prepared.
- 6.22 We have had just one invitation for the production of a Habitats Regulations Assessment (HRA), and this needs to be subject to our procurement appraisal framework. As a statutory requirement, a HRA is a piece of work which must inform and be informed by spatial options, and site selection and policy choices. Ryedale has a number of internationally designated sites of biodiversity which it needs to scope into the HRA study, but particularly the River Derwent Special Area of Conservation (SAC) which runs through Malton and Norton and the North York Moors Special Protection Area (SPA) and SAC. This has become an increasingly technical and indeed potentially contentious piece of work which requires specialist input. It will also need to be in alignment with the Sustainability Appraisal work which we are undertaking in-house. This is therefore a piece of work which will be in-going and undertaken in tandem with the plan review.
- 6.23 Officers therefore are anticipating that a preliminary in-house scoping HRA report brief may need to be prepared, which will be informed by the distribution of development evidence work and forthcoming work on the site assessment process. We have also already commissioned and actioned bird surveys which are being undertaken in the correct season. Such surveys will be important to ascertain whether sites could impact on breeding birds which are part of the justification for the designation of the North York Moors SPA. This will give more substance to the new brief when it is produced-

and this may assist in consultancy's having a clearer specification of the work.

7.0 IMPLICATIONS

7.1 The following implications have been identified:

- a) Financial
A budget has been allocated to the review of the Plan
- b) Legal
The legislation does not prevent partial reviews of plans from being undertaken. Counsel has been sought in relation to the content of the new spatial/local plan for the new authority.
- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental and Climate Change, Crime & Disorder)
No direct implications

8.0 NEXT STEPS

- 8.1 The next meeting of the Local Plan Working Party will consider specific housing policies including treatment of Development Limits through the potential for a criteria based policy, and the application of occupancy conditions. Papers will be prepared for Members to consider these areas.
- 8.2 A further meeting of the Local Plan Working Party to consider the plan review's response to climate change.
- 8.3 After the meetings in July there will be a short break in meetings over the summer for Officers to collate the evidence base together to advise members on the relative merits and issues identified with the option choices for the spatial approach in the early Autumn.
- 8.4 Officers will look to bring an updated Local Development Scheme to Policies and Resources Committee in the early autumn. We will place updates on our website in the interim.

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Background Papers: None

