

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 which 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 as 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