



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.

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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