

Ryedale Plan Review

This note summarises advice received from David Manley KC in relation to the plan review

It has implications for

- Decisions this Council is due to make this week (post the November P&R meeting) and prior to vesting day
- North Yorkshire Council once it comes into being

Background

The Ryedale Plan review process and LGR are happening at the same time. LGR means that from vesting day the North Yorkshire Council will become the plan making body with responsibility for preparing a new plan for the area and for deciding which current local plan reviews it will continue to progress. Until the new NY plan is prepared, planning decisions are made against the extant development plans of the legacy Council areas.

The Ryedale Plan review started with the intention of undertaking a full review of the plan. For a range of reasons, limited progress was made prior to the LGR announcement.

Since then, Officers and the Local Plan Working Party have sought to explore ways in which to expedite the review process, including narrowing the scope of the review to specific strategic policy areas and more latterly, through consideration of a short –term ‘roll forward’ of the current plan. This has been driven by:

- A recognition that due to the age of the current plan, insufficient housing land supply will be available to deliver Ryedale Plan housing requirements in approximately 3-4 years. Once this point is reached, the Ryedale area of north Yorkshire will be vulnerable to speculative proposals which are less easily resisted and can result in a ‘planning by appeal’ situation.
- Political desire of some politicians to amend specific policies or to address new policies – particularly environmental policies.

Current position

Reports to the 10 November Policy and Resources Committee summarise the progress and the current position.

The reports cover:

- Ryedale Local Plan – Key decisions paper for consultation (Part A)
- Review of the Helmsley Plan (Part B)
- Ryedale Local Development Scheme (Part B)

The Part A item covers substantive matters relating to the review. It highlights that Ryedale will not be in a position to agree a final version of a plan review covering a fifteen year period before vesting day – even one which is limited in scope/ coverage. The report also sought agreement on a number of key policy decisions that have emerged from the review work to date, for public consultation.

The report suggests that, subject to legal advice, a shorter review period (with consequently fewer decisions focussed on additional housing sites) may be a way in which proceed. This was proposed as a potential way forward in view of the very specific circumstances in which Ryedale finds itself – a need to review the Plan during a time of significant LGR and confirmation that the new authority is committed to preparing a new plan for its area within five years.

But the report made it clear that as an option this would be dependent on legal advice, in the context of national policy which seeks to ensure plans cover a minimum fifteen year period. It was not possible to secure the advice in advance of the meeting of Policy and Resources Meeting.

Legal Advice

In summary the advice is as follows:

- The risks of progressing a limited (5 year) roll forward of the plan are too great on the basis that it is far removed from the (15 year period) expectations of national policy. It is also without precedent.
- Any period of less than 15 years would need to be justified by reference to a clear local, overriding justification
- An update targeted at detailed policies eg new housing sites cannot be divorced from a plan's strategic policies (which need to cover a 15 year minimum period)

- A five year limited review period rests on the questionable assumption that the NY Plan can be put in place by 2028
- Risk that a five year plan would fail examination and be found unsound is very high
- The preparation of a new NY plan in 5 years is a 'daunting challenge' and adoption by 2028 cannot be assumed and is 'at best optimistic'

Counsel advises that the options are limited to:

- A review of the LDS to remove the commitment to the LPA to reviewing the plan
- Progress a 15 year plan (with full strategic policy coverage). This risks duplication of work with the NY plan preparation and is an inefficient use of resources but would permit Ryedale * to better control its own affairs until the NY plan is adopted. (*the Ryedale area of North Yorkshire).

Implications – short term

There are immediate implications for the Council meeting this week.

Members of Council will need to be informed of the advice and its implications at the meeting. How this is best raised and presented at the meeting (via officers/ chair of P&R) will need to be agreed.

Local Development Scheme

Officers are of the view that Council would need to agree to defer consideration of the Local Development Scheme report.

A full report should be prepared for the next meeting of the P&R committee to allow members to consider whether to formally agree to cease work on the plan review.

Key Decisions Consultation

In the meantime, officers take the view that RDC should continue with the forthcoming Key Decisions consultation.

The consultation, and responses to it, would continue to inform the review process if the new council decides to continue to progress it. Alternatively and in any event, it would provide information which would be fed into the new NY Plan if the preparation of that document is prioritised by the new authority.

Council would need to agree that the consultation document (approved at P&R) is amended to clarify the current position and that changes are agreed in conjunction with the Chair of the Policy and Resources committee.

Helmsley Plan

The Helmsley Plan report is not directly affected by the legal advice. The plan itself does not require immediate amendment and can continue to be implemented. However, a decision will need to be made by the new NYC and the North York Moors National Park Authority over whether a future standalone plan for Helmsley is jointly prepared or whether strategic policies covering the town are included in the new NY Plan or Ryedale Plan review (if this is progressed by the new authority). This will need to be made clear in the new Council's Local Development Scheme.

Members

The Chair of the Planning Committee is aware of the headline points in the legal advice and the implications of this for the Local Plan Review

Officers are meeting with the Chair or the Policy and Resources Committee on Tuesday morning (29/11) to brief her on the advice and the implications for Council on the 1/12.

Longer term implications

The decision to progress the Ryedale Plan review will need to be taken by the new Council.

This will need to be informed taking account of:

- the risks of not progressing the RLP review for this part of North Yorkshire
- the resources needed for the new NY plan and the complexity of 'twin tracking' the new NY plan with the review of existing Local Plans (including the RLP review which is less advanced than others)