



PART B: RECOMMENDATIONS TO COUNCIL

REPORT TO: POLICY AND RESOURCES COMMITTEE

DATE: 9 FEBRUARY 2022

**REPORT OF THE: PLANNING SERVICE MANAGER
JILL THOMPSON**

**TITLE OF REPORT: RYEDALE DISTRICT COUNCIL – LOCAL DEVELOPMENT
SCHEME NOVEMBER 2022- MARCH 2023**

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 provides updates to planning policy making of Ryedale District Council, and implications as part of Local Government Reorganisation.

2.0 RECOMMENDATIONS

- 2.1 It is recommended to Council that:

(i) The Local Development Scheme is agreed for use and published.

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 by 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, and therefore are justified. The guidance on local plan reviews 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. It is important that the principles of evidence-led plan making and robust public consultation are maintained during the review of the plan.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 The current local plan (The 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 with the Policies Map. It also includes the Helmsley Plan- which is considered below. The review of the development plan is a council priority and feeds into many elements of the Council Plan's actions.
- 5.2 Since the latter part of 2020, the review of the Ryedale Plan has been partial in its scope, and was focusing on key area concerning distribution of housing, and responding to climate change. This was considered more specifically by the Local Plan Working Party (LPWP) at its meeting on the 13 June 2022 and the 13 October 2022. A report on the Local Development Scheme was previously considered by Policy and Resources on the 10 November was continuing with that partial review, with a position of Ryedale District Council agreeing the Publication content of the Ryedale Plan review on the 30 March.
- 5.3 The review of the Ryedale Plan has been conducted within the context of a series of changing circumstances, given Local Government Reform, and consultations have been conducted with:
- Members of the Local Plan Working Party;
 - Officers and Members involved in the LGR Planning Workstream;
 - Public consultations on distribution of development, key decisions and on-going sites consultation;
 - Meetings with key stakeholders and statutory consultees.
 - Seeking Counsel advice
- 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.
- 5.5 Members at Policy and Resources 10 November agreed on a 'Key Decisions' consultation which will consult on what is effectively the Council's preferred or

potential approaches, or some key options concerning the review. It will not give the precise policy wording but will certainly need to express key principles and ask questions about the proposed approach. This consultation was revised in some specific areas to respond to the matters raised in this report, and has been commenced as of 10 January for six weeks.

- 5.6 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 both the Publication of the Ryedale Plan review, and inform work on the new North Yorkshire Local Plan.
- 5.7 There is on-going site assessment work to establish which sites are potentially 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.
- 5.8 The Helmsley Plan (2015-2027) was subjected to a light touch review by both the National Park and Ryedale District Council. The continued application of the Helmsley Plan was agreed at Policy and resources on the 10 November, and resolved by Council on the 1 December 2022 to continue its operation until such time it is superseded by another Local Plan/Neighbourhood Plan.

REPORT

6.0 REPORT DETAILS

Background 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. Which focused on the distribution of housing, housing supply

and delivery, and responding to climate change up to 2038. It recognised that it would be a plan which was ultimately submitted, examined and adopted by the new North Yorkshire Council, and that work would also commence on the new Local Plan for North Yorkshire.

- 6.3 The major Planning White Paper reforms have become less of a priority for Central Government. But Local Government Reorganisation is very much a reality, and the North Yorkshire Council will come into being on the 1 April 2023. The Government also opened a consultation on the 22 December 2022, which is part of the Levelling – up and Regeneration Bill which looks at making reforms to National Planning Policy, including a series of changes to the NPPF, some of which it intends to bring in in March 2023, with other changes coming into force in 2024. These changes can be accommodated based on the work done to date, and if the review timescales continue to be progressed, the review of the Ryedale Plan would be examined, as part of the transitional arrangements, under the new refined NPPF soundness tests, amongst other requirements.
- 6.4 Work over the past six months by the Planning Policy Work Stream has been looking at options for plan making work as we transition from the seven Local Plans and Minerals and Waste Plan into a new planning policy framework for the new unitary Authority. Legal advice was sought concerning the matter of the preparation of the new Local Plan for North Yorkshire was provided in late August. The Counsel advice confirms 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). Officers considered these circumstances presented a need to explore refining the scope of the plan review further, given 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. 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.
- 6.5 Regarding the existing Development Plan’s positions, the proposed approach to date has been on ensuring that advanced plans and reviews progress, with a view to also focusing on the new Local Plan. It is acknowledged that the new council cannot invest in reviewing *all* existing plans as well as the new Local Plan. But at the same time it needs to reinforce the existing Development Plan where there are clear opportunities to do so, with locally-specific, advanced plans, and where the risks of not doing so are considered to be significant, such as the implications for land supply or other legal compliance issues. The Ryedale Plan Review is one of the plans which is to be reviewed at the writing of this report.
- 6.6 Officers viewed that this clear 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. 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.

- 6.7 Given this impetus with the production of the new Local Plan, and these complexities regarding the review of the Ryedale Plan, Officers considered whether or not there was a set of exceptional circumstances to refine the scope of the review still further. These perspectives and circumstances were brought to the consideration of Members of the Local Plan Working Party on the 13 October: To explore the approach of refining the review of the Ryedale Plan further, by Instead the review can provide additional sites to modestly extend the land supply by considering a 5-year roll-on of the Ryedale Plan. An approach which was unorthodox, and to be subject to legal advice. Members of Policy and Resources agreed to such an approach being explored at their Meeting of the 10 November 2022.
- 6.8 Counsel advice was sought on the scope and plan period for the review of the Ryedale Plan- including the proposed five year roll-on. It was received on the 17 November, and a detailed summary of its contents was provided to Members of Council on the 1 December 2022 and it is attached to this report (Appendix 1). It confirmed two significant matters that have implications for plan-making for Ryedale Council, and for the Unitary Council:
- There are significant risks to soundness if a plan is rolled-on for an additional 5 years beyond its original end date. It is without precedent, and that strategic policies should be prepared to meeting objectively assessed needs at least over a 15 year plan period; and
 - It will be a challenge to deliver a new adopted Local Plan for North Yorkshire within 5 years.
- 6.9 It is therefore considered that in relation to matters of policy soundness in reviewing the Ryedale Plan- that review needs to be comprehensive, and will need to be a 15 year period. In relation to the future plan-making environment; to rely on a new Local Plan covering North Yorkshire being in place in 2028/9 is going to leave existing development plans vulnerable as time passes, and that presents a particular risk to those plans which are older, the Ryedale Plan being such a plan.
- 6.10 The advice is clear that the review needs to be a full review, and this has resulted 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. It would be a risk for the new authority if the plan review was progressed in haste, and decision to reach Publication made too early. Publication is the formal stage of consultation on the plan which the Council intends to submit for Examination. The Local Development Scheme therefore does not commit the District Council to publishing the plan review- and provides indicative timescales if the review is progressed by North Yorkshire Council.

Scope of the Review

- 6.11 By expanding the review back to a full review, this means that whilst none of the work we have undertaken on the plan review to date is undermined, there is much more work to do. The areas of plan coverage to be looked at will include: employment land, retail policy, affordable housing targets, areas of renewable energy opportunity, and

an update to the Community Infrastructure Levy, as well as fully reviewing our thematic environmental/cultural policies. It will also result in a single plan document, as opposed to multiple development plan documents. Officers consider that the body of work to do is at least an additional 2 years in duration to reach Publication with associated and aligned public consultation. At least 6-9 months to then reach Submission and then the Examination will follow on from that- subject to any early matters and issues raised.

- 6.12 The plan review therefore cannot be considered as advanced as we previously thought, and further work is needed before the review can be formally published. It is considered only that once we have completed these additional stages of evidence collection and appraisal and consultation that the review of the Ryedale Plan can progress to Publication.
- 6.13 In this proposed Local Development Scheme, it is acknowledged that the format/approach of the continuation of the review the Ryedale Plan rests with the new North Yorkshire Council. It will need to decide whether the review is effectively subsumed into the work on the new Local Plan. Or, should it feel that it could provide a 'back-up plan' for twin-tracking the preparation of a Local Plan for North Yorkshire, and review the Ryedale Plan at the same time. Mutually informing each other in the process and provide a de-risking strategy for Ryedale's land supply faltering in 2027, and perhaps earlier.
- 6.14 The subsuming the review into the plan making for Local Plan for North Yorkshire may appear the most straightforward approach. From a resource and consultation perspective it perhaps would be so. But the critical fact remains that Ryedale's Development Plan has a weakening land supply in the next 3-4 years. If the plan for North Yorkshire falters or worse, fails, there will be an increasingly fragile land supply. Based on current national policy, the Development Plan would start to have diminished weight in the consideration of housing proposals in relation to policies on housing supply and delivery. It would still be subject to National Planning Policy and other policies within the Development Plan, so the Plan does not cease to operate. But there would be increased uncertainty about where development comes forward and at what scale. This is not in the spirit of a plan-led planning system. It can result in uncertainty for communities, restraint in investment, and planning in an ad-hoc manner by application/appeal, which is challenging for Members. This presents a significant risk.
- 6.15 There is currently an in-principle commitment to continue the Review of the Ryedale Plan beyond vesting date, but it is on the basis that the progress on the review has reached a relatively advanced stage. The legal advice, and its implications, mean that we are no longer to be considered at such an advanced state. The situation has been brought to the attention of Officers who are involved in presenting to the Executive of the new Council the proposed approach with regards to the approach to current plan-making programmes across the North Yorkshire Area, and identifying the way forward regarding emerging local plans and the new local plan. This is summarised in the table at Appendix 3.
- 6.16 Legally, given the Ryedale Plan's age, and national planning practice on plans being subject to 5 year reviews, it must be reviewed. This Local Development Scheme and its predecessor commits to such a review. But the outcome of the decision on *how* to review of the Ryedale Plan would ultimately be part of the Local Development Scheme being prepared for the new council and this will be from 2023 onwards.

- 6.17 The RDC Planning Policy Team Leader had a meeting with the Planning Advisory Service (PAS) on the 13 December. PAS is part of the Local Government Association, and in its overarching mission statement: “provides consultancy and peer support, learning events and online resources to help local authorities understand and respond to planning reform”. Three key messages were taken from the meeting:
- The Ryedale Plan should indeed be reviewed in full- and not attempt a roll-on;
 - In their experience, unitary council formation and the resulting local plan preparation is extremely likely to take well in excess of 5 years – they anticipated that the Visioning and Objectives exercise alone could take 18 months to two years.
 - That to continue on with the review of the Ryedale Plan as a twin tracking exercise alongside the preparation of the new Local Plan should be considered as the most risk-averse strategy to take and to keep working on both planning policy streams.

Actions prior to vesting date

- 6.18 Normally, a Local Development Scheme covers a three year timescale, setting out the key stages of plan preparation. In this Local Development Scheme this has not been possible due to the combination of the outcome of the legal advice and the vesting of the North Yorkshire Council in a matter of a few weeks. The Local Development Scheme is now covering a very short period of time indeed, and no policy decisions are capable of be made by the District Council. Nevertheless there is still a significant body of work which can be progressed to inform plan-making going forward. Despite these circumstances, Officers have also chosen to give an indicatory timescale as to when key stages in the plan-making process could be met if the twin-tracked review was committed to, providing it was sufficiently resourced and no major external changes to national planning policy/practice emerge.
- 6.19 The adopted 2021 Local Development Scheme already outlined that the key plan-making stages of submission, examination and adoption would rest with the new Council. This Local Development scheme which was previously considered by Policy and Resources in November recognised that there has been some slippage, and publication would be at the end of March 2023, and so the new Council would also need to agree Publication. 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. The Local Development Scheme now reports that the decision concerning the format of the review, and any key stages of preparation, rests with the new Council, as the report sets out in paragraph 6.13.
- 6.20 Officers have committed to undertaking the ‘Key Decisions’ consultation which commenced on the 10 January 2023. Whilst the matter of the five-year roll forward has been taken out, the other policy considerations, including the spatial approach, remain unchanged. It is considered important to recognise the considerable work undertaken by Members and Officers in getting to those key decisions, and to give stakeholders, statutory consultees and communities in Ryedale the opportunity to give feedback on those emerging policy approaches. This is part of ensuring that issues and concerns in Ryedale can be fed into the new Local Plan- as well as a formal review of the Ryedale Plan if it continues as a standalone project. The key decisions concerned:

- The to-plan-for-figure (which is a proposed continuation of the existing figure of 200 homes per year);
 - Spatial principles and settlement hierarchy. This also included the revisions to the designation of Service villages to expand the designation.
 - Criteria-based policy for windfall sites (small-scale sites on the edges of villages);
 - Responding to climate change through an review of Policy SP18;
 - Accessibility in new dwellings (Policy SP4); and
 - Occupancy conditions – not continuing the local needs occupancy condition but also not implementing a primary residence condition
- A link to this report is provided in the background papers.

6.21 Officers will continue to work on the site assessment work- and it is anticipated that prior to vesting date Members of the Local Plan Working Party will have the opportunity to see this work, and provide their observations, to feed into the assessment work given their familiarity with the sites. It is, however, not anticipated that this will result in a set of preferred sites for allocation, but a pool of potential sites.

6.22 There is a considerable body of statutory monitoring work which the Council is required to prepare including the following published documents:

- Authority Monitoring Report;
- Infrastructure Funding Statement

We have also been working on compiling a record of s.106 legal agreements to ensure that there is a comprehensive record of payments made and disbursed.

6.23 Officers will also be commissioning additional evidence-base work which can inform both the new Local Plan for North Yorkshire, and the review of the Ryedale Plan. 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 be incorporated and subsumed into the plan making work for the new Local Plan for North Yorkshire.

The Helmsley Plan Review

6.24 The Local Development Scheme has to set out the position of extant Development Plan Documents. The document also records that the Helmsley Plan was subject to a light touch review by both the National Park and Ryedale District Council, and that it has been agreed to continue its implementation until such time that it is superseded by an adopted Local Plan/Neighbourhood Plan.

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 in so far as the review. Budgetary provision does not exist for a full plan review- and a

decision to conduct a standalone full review is yet to be agreed by North Yorkshire Council.

(ii) Legal

Local Planning Authorities are expected to have an up-to-date Local Development Scheme, and our Local Development Scheme commits to the review of the Ryedale Plan. Legal advice has significantly informed the approach of this LDS.

(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. This work is on-going.

(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 Briefing paper on the Legal Advice of David Manley KC

Appendix 2 Draft Local Development Scheme 2023

Currently adopted Local Development Scheme

Key Decisions consultation report

Background Papers are available for inspection at:

Key Decisions consultation report

<https://democracy.ryedale.gov.uk/documents/s65919/Review%20of%20the%20Ryedale%20Plan%20-%20Key%20Decisions%20Paper%20for%20Consultation.pdf>

Current Local Development Scheme

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