



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:	REVIEW OF THE HELMSLEY PLAN
WARDS AFFECTED:	HELMSLEY

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To advise Members that officers at this Authority and the North York Moors National Park have reviewed the Helmsley Plan to assess whether it continues to be fit for purpose.
- 1.2 To seek member agreement that the Helmsley Plan does not need amending and should continue to be used as the basis for decision making on planning applications for the town of Helmsley.

2.0 RECOMMENDATION

- 2.1 It is recommended to Council that:
 - (i) Members agree that the Helmsley Plan remains fit for purpose and should continue to be used as a part of the Development Plan to be applied in decision making on planning applications for the town. This is unless all the allocated sites have been built out, or it is superseded by the adoption of a North Yorkshire Local Plan or a Neighbourhood Plan.

3.0 REASONS FOR RECOMMENDATION

- 3.1 The Helmsley Plan is a Local Plan which is focused on Helmsley. It is due for review due to its age (being over five years since its adoption). For Ryedale it is the daughter document to the Ryedale Plan Local Plan Strategy and a sister document to

the Ryedale Plan- Local Plan Sites Document. It provides site specific policies and allocations.

- 3.2 As this is a separately adopted Local Plan that sets out site-specific policies for Helmsley it is important that there is a continuation of locally- derived policy for the settlement.

4.0 SIGNIFICANT RISKS

- 4.1 There are no significant risks to this decision. The Helmsley Plan is an established development plan for Helmsley, and it is important that it is reviewed proportionately. It is important that there is a site-specific policy framework for the town. Greater risks would result if the Council decided not to continue to implement the Helmsley Plan as there would be a loss of allocations and a site-specific policy vacuum. The National Park have agreed to continue to implement the plan in the National Park- and so it is considered as a jointly-prepared document it should continue to be recognised as part of the Development Plan.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 Helmsley straddles the local planning authority areas of both the North York Moors National Park Authority and Ryedale District Council (RDC), with around half the built area of the town within each authority, although the boundary broadly follows the route of the A170, and so all of the north of Helmsley is in the National Park, as is the area to the west which includes the Castle. The Market Place and land to the south and east is in Ryedale DC planning jurisdiction. Given this split, to help develop a coherent development strategy for the town, in 2009 a joint decision was made to produce a joint plan between the two authorities, recognising its role as an important local service centre for the wider rural hinterland.
- 5.2 The Helmsley Plan is a locally- defined Local Plan which helps to articulate specific aspects of planning policy for Helmsley- such as the identification of housing and employment land, the identification of important areas of open space. Because it is part of the development plan it is, in relation to Helmsley, a key document for the implementation of the Council Plan in relation to provision of affordable housing, providing land for business, protecting and conserving the important heritage and cultural character of Helmsley- and responding to the settlement's split planning jurisdiction, being close to being three-quarters in area within the National Park.
- 5.3 There is a statutory mandate to review development plans five years from adoption, and the Helmsley Plan has passed that milestone. However, the scope and content of the review is expected to be proportional, and based on an analysis of the performance of the Plan to date, and anticipated performance going forward. Please see Appendix 1.
- 5.4 Officers of the North York Moors National Park and Ryedale District Council have had meetings in 2021 and in early 2022 to discuss and explore whether the Helmsley Plan remained fit for purpose. It was concluded that there is no strategic planning policy circumstances which would drive strategic changes to the Helmsley Plan now.

Both Strategic Local Plans- The recently adopted Local Plan of North York Moors National Park (2020) and the Ryedale Plan- Local Plan strategy (2013) are worded such that they are aligned or defer to the Helmsley Plan. The on-going partial review of the Ryedale Plan would not need to extend to Helmsley. Please see Appendix 1.

- 5.5 The Helmsley Plan's plan period extends to 2027. It is expected that the role of the Helmsley Plan as a Development Plan would be considered as part of the development of a new North Yorkshire Local Plan as part of the forthcoming formation of the new North Yorkshire Council. An action it is required to achieve within five years of vesting date. It is likely that the plan would be superseded/subsumed into that work, and this is something that the National Park and the LGR Planning work streams are aware of.
- 5.6 Members of the Local Plan Working Party on the 13 October 2022 were asked to give a view on the retention of the Helmsley Plan. They would prefer to see Helmsley incorporated as part of the Ryedale Plan review - but recognise that in the timeframes for LGR, the planning constraints around Helmsley, and the conclusion of the National Park Authority, the Helmsley Plan should be retained. But this is until the Helmsley Plan is superseded by the North Yorkshire Local Plan and Helmsley has been considered, in conjunction with the National Park, through that process.

REPORT

6.0 REPORT DETAILS

- 6.1 Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) requires that Local Authorities review their local plans at least every five years from adoption to ensure policies remain relevant and effective. As the Helmsley Local Plan was adopted in 2015 it is overdue for review.
- 6.2 In effect, the Authority can (jointly with the National Park) either:
- withdraw the Plan (on the basis that it has achieved its objectives and no longer remains relevant); or
 - review and amend the Plan on the basis that it is not achieving its objectives and needs changing based on changing circumstances; or
 - review the Plan and conclude that it remains relevant, has yet to achieve all of its objectives and therefore needs to be left in place 'as is' to continue to be implemented.
- 6.3 The Helmsley Local Plan was adopted by Ryedale District council on the 19 July 2015, and the National Park on the 23 July 2015. In 2020 the Local Plan for the whole National Park area was adopted and also covers the part of Helmsley within the National Park. The 2020 Local Plan was written in a way that either repeats or defers to the Helmsley Local Plan and policies in both apply.

- 6.4 Officers in each authority have reviewed the extent to which each of the Plan's policies have been implemented. This is a light-touch assessment and is provided at Appendix 1.
- 6.5 The Helmsley Local Plan contains several land allocations for housing and employment. Those within the National Park area are for housing (land to the rear of the Black Swan, land north of Swanland Road, and land north of Elmslac Road) and these developments are now complete. For that reason, the Plan could be said to have achieved its purpose for the National Park area. However, not all sites in the Ryedale area have started: these include two employment sites and a further housing site, which are yet to secure planning consent. One of the housing allocations has been delivered as a 100% affordable housing scheme by Yorkshire Housing. It is completed. The Plan also has an end date of 2027 so effectively has some years to run.
- 6.6 Ryedale District Council undertook a call for sites in the summer of 2021. Over 300 sites submissions have resulted from that event, but no sites have been submitted in Helmsley. The work undertaken to identify the allocations, identified that outside of the national- level landscape designation of the National Park, the land in Ryedale's planning jurisdiction is constrained by high fluvial flood risk, and the presence of a Scheduled Monument in the form of a series of round barrow sites. These are very significant constraints which would preclude further development.
- 6.7 The strategic planning framework is not in conflict with or conflicted by the Helmsley Plan. The Helmsley Plan remains an appropriate locally-specific development plan document for setting out the strategy and policies for Helmsley town and is still being actively implemented in bringing forward good quality development.
- 6.8 There is therefore no strategic policy/local circumstances which would direct the Authorities to commence a formal review of the Helmsley Plan, it is recommended that the Plan be 'rolled forward' for continued use for the next five years- taking the plan to its intended life-span of 2027.
- 6.9 Nevertheless, Officers will continue to monitor the implementation of the Helmsley Plan regarding completions in the existing allocations. A completion of existing allocations is likely to necessitate a review, although the plan will continue to operate (concerning non-housing policies) until it is formally reviewed and or it is superseded by the adoption of a North Yorkshire Local Plan.
- 6.10 The National Park Authority have considered the sustaining of the Helmsley Plan at their meeting of Planning Committee on the 14 July 2022. They agreed to continue to use the Plan in any decision making.

7.0 IMPLICATIONS

- 7.1 The following implications have been identified:
- (i) Financial

Work on this light touch review has been undertaken within existing budgets. No additional resources would be identified, as the recommendation is to continue with the existing plan.

(ii) Legal

No legal implications identified. Reviews of Development Plans are expected to be proportionate to the status and circumstances around the plan itself. As no changes are proposed there are no significant effects arising from any policy changes that would trigger the need for additional Sustainability Appraisal /Strategic Environmental Assessment or Habitats Regulation Assessment work to be carried out.

(iii) Environmental, Ecological, and Climate Change and Carbon

The Helmsley Plan's retention as it currently operates would not result in additional impacts. Each proposal would still be considered through the planning application process which would ensure that environmental/ecological and climate change and carbon emissions are considered through that process. The Helmsley Plan has an existing policy on responding to climate change:

Policy H10 – Renewable Energy and Sustainable Building Proposals for new residential development should demonstrate that they have been designed to reduce the need for energy consumption and that the buildings utilise energy more efficiently. Proposals that generate renewable energy and/or low carbon sources of energy will be supported where they do not harm the character of Helmsley. All proposals for non-residential development above 1000sq metres must demonstrate that it meets the highest BREEAM standard (or its successor that is feasible and viable on site).

The Helmsley Plan also refers to the application of policy SP18 of the Ryedale Plan. This policy is being reviewed as part of the Ryedale Plan and if found sound would, as a more recently adopted policy, technically supersede Policy H10 and reduce its weight in the decision-making process. However, the proposed approach of SP18 as part of the Review of the Ryedale Plan is more aligned to the current policy H10.

The Climate Change Officer is aware of the plans to review Policy SP18 of the Ryedale Plan, and is broadly happy with its intended approach.

(iv) Equalities

The Helmsley Plan was subject to EqIA as part of its submission for Examination. The recommendation is to roll-forward the implementation of an existing adopted plan which was previously subjected to EqIA. The content of this report has been assessed under the Council's Equality Impact Assessment process and it was determined that an EqIA was not required on the basis that it is continuing a policy already subjected to EqIA.

(v) Staffing

No additional staffing or resources are required with this recommendation.

(vi) Planning

The Helmsley Plan remains an important, locally-specific development plan. There are existing allocations to be rolled out and there is no conflict with in place strategic spatial plans. The decision to review the plan more formally is not considered necessary, and would bring significant resource pressures, and divert Officer's attention from the review of the other constituents of the Ryedale Plan- the Local Plan Strategy and Local Plan Sites Document, which are a priority for the Council.

(vii) Health and Safety

No health and safety implications identified with the sustained implementation of this plan.

(viii) Crime & Disorder

No crime and disorder implications identified.

(ix) Data Privacy

No data privacy implications identified.

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Background Papers:
The Helmsley Plan

Background Papers are available for inspection at:

The Helmsley Plan

<https://www.ryedale.gov.uk/information/planning/planning-policy/policies/helmsley-plan/>

Appendix 1: Review of the Helmsley Local Plan policies

The Helmsley Local Plan contains fifteen policies and a Policies Map showing the various policy designations within and around Helmsley and individual plans showing the proposed

locations for development for both employment and housing uses, with additional development principles concerning the roll out of the sites.

Policy SD1 – Presumption in favour of Sustainable Development

This policy remains valid. The NPPF as revised still enshrines sustainable development (and the presumption in favour) into the heart of planning. No revisions are required.

Policy H1 - New Residential Development

The delivery of at least 150 new homes over the plan period on allocated land as shown on the proposals map. The Plan set a target of 100 units to be completed by 2022 and at least 150 by 2027. At the time of writing the Plan, two sites had current commitments (land to rear of the Black Swan and land on Linkfoot Lane) and a further four were allocated (two in the National Park and two in Ryedale). Progress on these sites is below:

1. NYMNP Land to rear of the Black Swan. 21 units. **Completed.**
2. NYMNP Land to south of Swanland Road (Linkfoot Lane). 20 units. **Completed.**
3. NYMNP NYMH1 Land to north of Swanland Road. 61 units. **Completed.**
4. NYMNP NYMH3 Land to north of Elmslac Road. 99 units (incl. 64 extra care). **Completed.**
5. RDC 183 Land to east of Riccal Drive. 50 units. **Scheme approved for 46 units Completed as of March 2022.**
6. RDC 174 Land to south of Riccal Drive. 45 units. **Not yet permissioned.**

Permissions

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	Total
North York Moors	21	125	0	6	1 (outline)	0	1	154
Ryedale	0	0	0	46	1	1	-2	46
Total	21	125	0	52	2	1	-1	200

Completions:

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	Total
North York Moors	13	22	9	87	56	13	2	202
Ryedale	4	0	0	0	13	18	17	52
Total	17	22	9	87	69	31	19	254

The Ryedale Plan did not identify Helmsley as a significant centre for growth and housing delivery. No factors have emerged which would indicate that a different approach is now needed. The emerging Strategic housing Market Assessment has identified that housing delivery should be around the standard method figure of currently 186 dwellings per annum. The Ryedale Plan currently has a housing requirement of 200 dwellings per annum.

Policy H2 - Windfall Development

A further six residential units have been approved in the National Park with an additional unit granted at outline permission. The policy is still delivering so officers conclude no need for review. Two dwellings have been approved in Ryedale under Policy SP2.

Policy H3 – Affordable Housing Delivery

This policy seeks a 40% affordable housing contribution on sites of 6 or more units or 0.2ha or more. For the National Park area, affordable housing contributions were sought on all four sites in the National Park. In Ryedale a 100% affordable scheme has been delivered on its site

1. Land to rear of the Black Swan – delivered **24%** (4/17)
2. Linkfoot Lane – delivered **25%** (5/20)
3. Swanland Road – delivered **40%** (24/37)
4. Elmslac Road – delivered **44%** (44/99)
5. Land to east of Riccal Drive – **delivered 35% on-site 5% commuted sum**

Policy H4 – Employment Land

Employment land completions

	2015-16	2016-17	2017-18	2018-19	2020-21	2021-22	Total
Ryedale	0	0	0	0	0	0	0

There were two sites allocated for employment use, both within Ryedale District. These are:

- Site EMP1, Land to the West of Riccal Drive – Up to 1.3ha
- Site EMP2, Land to the South of Riccal Drive – Up to 0.6ha

Neither of the sites have come forward for development to date. The policy also allows for non-allocated sites to come forward, but none have come forward in the National Park and there have been only reconfiguration of existing buildings and the established industrial estate within the Ryedale area.

Policy H5 – New Main Town Centre Uses

This policy seeks to support proposals which enhance the viability and vitality of the town centre.

Although the town centre has lost two banks within the timescale of the Plan (NatWest and Barclays), this represents the national trend for the contraction of high-street banking presence, which as an action is not within the realms of planning control. Within the National Park the NatWest building has retained a retail/commercial use. Listed Building Consent has been sought and approved for the removal of the cash point and reinstatement of a sliding sash window. No application has been received for a change of use. New restaurant uses have emerged which has added to the night-time offer and would be viewed as contributing to the vitality and viability of the town centre.

Several units remain vacant in Ryedale area- and this is a result of the difficult last two years for retail, coupled with the rise in online shopping and represents the decisions of

landowners and tenants to not commit. However, officers consider that the policy remains valid, and in line with the NPPF, as it promotes proposals which support the viability and vitality of the town centre, and so no changes are needed.

Policy H6 – Protection of Retail Uses

This policy seeks to resist the loss of retail floorspace unless lack of viability can be demonstrated.

Two applications have been approved which sought to change the use of existing commercial uses to residential (1 Bondgate and 9 Bondgate) however evidence was submitted to demonstrate that the business was no longer viable or lack of interest in a commercial use of the site via a period of marketing.

Despite these applications, which met the policy tests, officers consider that the town centre remains vibrant and as such the policy remains valid and in line with the NPPF.

Policy H7 – Loss of Community Facilities

The policy sought to retain the existing community, cultural and recreational facilities (including the Town Hall, Arts Centre and Recreational Fields).

As part of the Plan, the extra care facility forming part of the allocated site NYMH3, was to utilise the overflow sports field at Braxton's Lane, and as such an appropriate replacement was secured as part of the granting of permission to off-set this loss.

All other community facilities are in use, and none have been lost. As such the policy remains valid and in line with the NPPF.

Policy H8 – Important Open Views and Spaces

These were identified on the Policies Map. Spaces and views have been maintained. This policy works in conjunction with the following policy:

Policy H9 – Design

Design is at the heart of all decisions and opportunities for enhancement have been taken. These Policies provides a locally- distinctive framework for the consideration of design implications on planning applications.

Policy H10 – Renewable Energy and Sustainable Building

All the National Park developments were designed to reduce the need for energy consumption and utilise energy more efficiently. Such measures, as detailed in the planning application details include the provision of combined heat and power, airtightness; water efficient appliances; fabric first approach to construction and insulation; plot orientation; smart metering; local sourcing of materials; avoidance of materials that embody high energy use or carbon emissions; sustainable drainage measures; and sustainable management of waste.

In the scheme in Ryedale which is close to being completed it was Policy H10 which was applied over Policy SP18 in the Local Plan Strategy as it was more recent. It explored renewable energy sources but none were used on the scheme. However, the scheme did employ a fabric first approach to reducing energy consumption, which identified both energy

saving and CO₂ emission reduction; sustainable drainage measures; and sustainable management of waste.

Policy SP18 is under review within the Ryedale Plan Review. Officers are working with the Climate Change Officer and will be looking to enhance the opportunities to better respond to the impacts of our changing climate, and to look at reducing the environmental impact of new buildings. We will also be considering the viability considerations around this, to ensure that existing and proposed allocations are viable.

Policy H11 – Green Infrastructure

The policy requires improved biodiversity and green infrastructure. For the allocated sites development briefs were prepared which outlined the opportunities.

- NYMH1 (land north of Swanland Road)*
- NYMH3 (land north of Elmslac Road)*
- Site 174 (Land South of Riccal Drive)
- Site 183 (Land East of Riccal Drive)
- Site EMP1 (Land South of Storey Close)
- Site EMP2 (Land South of Riccal Drive)

* National Park Sites

Green Infrastructure Corridors have been enhanced on site 183.

Policy H12 – Developer Contributions

Developer contributions were sought in connection with the developments in the National Park. These contributions are reported in the Authority's annual Infrastructure Funding Statement. For more information on this, the latest 2020-21 Statement can be viewed here:

<https://www.northyorkmoors.org.uk/planning/framework/monitoring>

Ryedale District Council is a Community Infrastructure Levy charging and collecting authority.

CIL collection to date and disbursement is set out in our Infrastructure Funding Statements. These are due to be published soon.

Site 183 – Land East of Riccal Drive in the Helmsley Plan, subject of planning application 17/01238/MFUL has fully paid its CIL contribution:

Four instalments of £57,566.25, totalling £230,265.00

The whole allocated 15% is with Town Council (£34,539.75), and was paid in full by March 2021.

S.106 agreements are sought in line with the Helmsley Plan and in conjunction with advice from Ryedale Housing Services regarding affordable housing delivery and any commuted sums.

Policy H13 – Open Space Requirements

In relation to sites in the National Park, the Policy has been complied with and development contributions sought were appropriate. In relation to sites in the Ryedale Area the policy was complied with in respect of on-site public open space.

Policy H14 – Telecommunications Installations

In total three notifications have been approved for telecommunications development focussing development at the existing telephone exchange within the National Park Area. Approval has also been granted for the erection of a 12m mast, but this was outside of the town. All the proposals were to facilitate a Smart Metre Network.

Ryedale District Council did refuse the siting of a telecommunications mast which was on the eastern entrance to the town, in a highly prominent location. It was a decision which was supported by the National Park Authority.