

# North Yorkshire Council

## Executive

4<sup>th</sup> July 2023

### Local Plan Making for North Yorkshire – recommended change to the Council’s decision in respect of continuing Development Plan Documents

Report of the Corporate Director Community Development

#### 1.0 PURPOSE OF REPORT

- 1.1 To propose a change to the resolution of the Council to continue with preparations in respect of the Ryedale Local Plan Review.

#### 2.0 BACKGROUND

- 2.1 On 13th December 2022 officers presented recommendations to the Executive in relation to the future of plan making for North Yorkshire – see report at: [North Yorkshire County Council](#). The Executive supported the recommendations and agreed for them to be taken forward for decision by Full Council. They were resolved on the 24 February (minute 86) which was agreed by Full Council on 17th May 2023. This report will be considered at the 19 July Meeting of Full Council.
- 2.2 The recommendations on the future of plan making for North Yorkshire were made following an assessment of relevant planning policy and legislation, including legislation relating to the formation of new local authorities. The report set out the stage that each authority had reached in the plan making cycle and considered associated risks and resource implications for various options. The recommendations approved by the Council are:
- i. That a single local plan is prepared and progressed as far as possible within 5 years
  - ii. That work on the new local plan should start as soon as possible
  - iii. A separate Minerals and Waste Local Plan is prepared
  - iv. The following plan reviews should be halted in order to focus resources on preparing a new Local Plan:  
Craven Local Plan  
Hambleton Local Plan  
Harrogate District Local Plan  
Richmondshire Local Plan  
Scarborough Borough Local Plan
  - v. That the following reviews should continue:  
Harrogate: Maltkiln New Settlement Development Plan Document (DPD)  
The Ryedale Plan  
Selby Local Plan  
Minerals & Waste Joint Plan

- vi. That an Interim Local Development Scheme (LDS), including key milestones and programme management arrangements, is prepared on the basis of the above recommendations
- vii. That a specific report is prepared setting out the required evidence base and associated costs/resource to support the preparation of the new plan
- viii. That formal governance arrangements should also be established to oversee plan making ahead of transformational change

2.3 Early work has started on the preparation of the new Local Plan for North Yorkshire, including drafting a Local Development Scheme, Statement of Community Involvement and the preparation of a work programme and engagement strategy.

2.4 In relation to point 5, there is a proposed change in respect of the Ryedale Local Plan, which is explained within section 3 of this report. Moving forward, it will be important to keep the preparation of the other Development Plan Documents within point 5 under review and to ensure a robust planning policy position and consistency with the emerging new local plan for North Yorkshire.

### **3.0 RYEDALE LOCAL PLAN REVIEW – PROPOSED CHANGE**

3.1 The current Ryedale Local Plan (RLP) covers the period 2012-2027 and given its age it is under formal review. The recommendation to continue with this review was made in reflection of the work undertaken to date being considered to represent a reasonably well-advanced Plan. This was coupled with the fact that a five-year supply of housing land is very unlikely to be maintained for the area covered by the RLP up to the point at which a new plan for North Yorkshire is in place.

3.2 In the context of Local Government Review, Ryedale District Council considered options to expedite the review of the Ryedale Plan, including narrowing the scope of the review and exploring the review plan period. Counsel's advice was sought and provided in mid-November to Ryedale District Council). The main conclusion is that there are significant risks to soundness if the plan is simply rolled-on for an additional 5 years beyond its original end date. The National Planning Policy Framework (NPPF) sets out the tests for whether a plan is sound and includes that it must be positively prepared and effective which involves the preparation of strategic policies which meet objectively assessed needs at least over a 15-year plan period. Advice from the Planning Advisory Service in December 2022 indicated that they concurred with the legal advice received.

3.3 The advice means that the scope of any review of the Ryedale Plan must be a full review covering a minimum 15-year plan period. Whilst significant progress has been made in relation to the development strategy and site assessment work, the work has not advanced to a point where this is sufficient in scope to meet this requirement. This includes work on updating the Community Infrastructure Levy, and the policy on affordable housing, for example. Officers advised Members of Ryedale District Council on the 1 December 2022 at a meeting of Council, that it would not be possible to formally publish the review of the Ryedale Plan before vesting day. A further report was presented to Ryedale Policy and Resources Committee and Full Council in late February 2023 setting out the options in light of the legal advice. The decision to continue the review was agreed as being one to be made by North Yorkshire Council post vesting day.

3.5 Since the initial report on the future of plan making was considered by Members of the Executive at the end of last year, Officers have begun to scope out the work involved in the preparation of a new North Yorkshire Plan. Against this context (and mindful of the legal advice to Ryedale District Council), Officers have given further thought as to whether the

Ryedale Plan review should take the form of a single, separate plan review or whether the review would be better subsumed into the preparation of the new North Yorkshire Local Plan. (The latter will supersede/review all existing plans in any event). This is a decision that needs to balance the potential implications for the former Ryedale Plan area against the need to focus resources to address the challenge of producing a new North Yorkshire Local Plan in five years, and to do so in a manner which de-risks the preparation of that plan as much as possible.

3.6 As it stands, there are two potential options as a way forward:

- Option 1: Review the Ryedale Plan (RLP) as a standalone development plan alongside the new Plan for North Yorkshire (NYP) – a twin-tracking, with the RLP being eventually superseded by the new Local Plan for North Yorkshire on its adoption; or
- Option 2: Use the preparation of the North Yorkshire Plan to review the Ryedale Local Plan, utilising existing work to date where appropriate.

3.7 The risks and opportunities of these options are considered in more detail at Appendix A.

3.8 Officers consider that Option 2 represents the best approach of committing to the new Local Plan for North Yorkshire, and utilising the work undertaken on the review of the Ryedale Plan. The main benefits of this are:

- The ability to focus staffing and financial resources on the preparation of the new Local Plan for North Yorkshire
- Avoiding confusion for communities and stakeholders
- Supports the development of a consistent, integrated policy

3.9 In taking this approach, the current housing land supply position and anticipated trajectories indicate that the Ryedale Plan area is unlikely to sustain a 5 year land supply until adoption of the new plan for North Yorkshire. The authority is likely to have to give “particular weight” to releasing sites to maintain a land supply. It should be noted that this position would also be likely to occur under option 1, due to the timescales associated with the plan making process. In such circumstances, the policies of the Ryedale plan will continue to have some weight in the decision making process. In addition, the technical work that has been undertaken to date as part of the Ryedale Plan review may also assist consideration of the release of further housing sites in the Ryedale Plan area.

3.10 Therefore, it is recommended that the review of the Ryedale Plan is not carried forward as a stand-alone project/ plan review. This is because of the risks and complexities associated with preparing two Development Plans concurrently which cover the same geography, and potential consequential impacts for the new North Yorkshire Local Plan, outweigh the housing land supply issue, which is likely to be experienced in either scenario.

#### **4.0 ALTERNATIVE OPTIONS CONSIDERED**

4.1 All relevant and realistic options are considered in Section 3 above. To progress the Ryedale Local Plan review alongside the new North Yorkshire Local Plan: this option is rejected due to the limited benefit of this approach given that the timescale for its preparation would be similar to the new Local Plan for North Yorkshire. It would be confusing to the local community seeing two local plans covering the same area being prepared concurrently and could result in some incompatibilities.

4.2 A partial review of the Ryedale Plan is not considered to be a realistic option and there is a significant risk that such an approach would not be considered ‘sound’ at Examination.

#### **5.0 FINANCIAL IMPLICATIONS**

5.1 As set out in the previous Executive report, a specific report will be prepared setting out the required evidence base and associated costs/resource to support the preparation of the new plan. Resource allocated to the Ryedale Local Plan review can now be directed towards the preparation of the new Local Plan for North Yorkshire.

## **6.0 LEGAL IMPLICATIONS**

6.1 There are no direct legal implications associated with the recommendation. The Council will produce a development plan for North Yorkshire and existing adopted plans will form the basis for decision making until they are replaced. As explained in section 3 above and in the report to the Executive dated 13 December 2023, external legal advice has been sought and considered in making the recommendations set out within this report.

## **7.0 EQUALITIES IMPLICATIONS**

7.1 All Development Plan Documents are/will be accompanied by an Equalities Impact Assessment (EIA) to ensure that planning policies do not unlawfully discriminate against any protected characteristic. An EIA to accompany this report is set out at Appendix B. There are no known impacts to report at this stage, this is because of the high level/strategic nature of the decision, which is being considered and on the basis that the Ryedale Plan was subject to EIA as part of its production.

## **8.0 CLIMATE CHANGE IMPLICATIONS**

8.1 Plan making presents a key opportunity to set out and deliver a county-wide approach to reduce carbon emissions and mitigate the impact of climate change. Those preparing the plan will need to consider how the plan can help to deliver the council's climate change ambitions. A Climate Change Impact Assessment is set out at Appendix C. There are no known impacts to report at this stage. The recommendation relates to a procedural matter and the high level/ strategic nature of the decision results in neutral climate change implications at this stage. The ability to prepare a Yorkshire-wide strategic plan does afford the ability to consider approaches to climate change mitigation and adaption in a much more holistic approach covering the whole of North Yorkshire.

## **9.0 REASONS FOR RECOMMENDATIONS**

9.1 A decision on whether to progress the Ryedale Plan is needed.

9.2 The recommendation takes into account the risks to the authority if the review is progressed as a standalone project, and the risks to the locality of the former Ryedale area (outside the National Park) if housing land supply falls below five years before the new plan for North Yorkshire is adopted.

9.3 The recommendation also acknowledges that the work undertaken to date and resources that would have been used to progress the Ryedale Plan review will instead be used to support the preparation of the new Local Plan as appropriate. Preparation of the new Local Plan is a key priority for the Council, which will, in any event, supersede all adopted local plans/ plan reviews.

## **10.0 RECOMMENDATION:**

10.1 The Executive are asked to recommend to Full Council that work on the Ryedale Local Plan review be halted and that work undertaken to date be considered, as appropriate, in the preparation of the new Local Plan for North Yorkshire

Nic Harne  
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**BACKGROUND DOCUMENTS:**

Minutes of Meeting (Executive 13<sup>th</sup> December 2022)

<https://edemocracy.northyorks.gov.uk/documents/g6505/Public%20reports%20pack%2017th-May-2023%2010.30%20Full%20Council.pdf?T=10>

**APPENDICES:**

Appendix A – Options Evaluation

Appendix B – Equalities Impact Assessment Scoping Report

Appendix C – Climate Change Impact Assessment

**Note:** Members are invited to contact the author in advance of the meeting with any detailed queries or questions.