

# North Yorkshire Council

## Selby and Ainsty Area Constituency Committee

19 January 2024

Selby District Local Plan - Revised Regulation 19 (Publication version) draft plan for public consultation

### Report of the Corporate Director of Community Development

#### 1.0 PURPOSE OF REPORT

To set out the options which have been considered in progressing the Selby District Local Plan and set out the recommendation to undertake a further consultation on a revised Regulation 19 Publication Local Plan.

#### 2.0 SUMMARY

2.1 The report sets out four options which have been considered for progressing the Local Plan for the former Selby district area based on recent Counsel advice and makes a recommendation to undertake a six-week consultation on a revised Publication Local Plan (PLP). The revised plan removes the proposed new settlement known as Heronby, adds three further site allocations, includes revisions to policies in response to comments raised as part of the previous consultation stage and any changes required following the publication of the revised National Planning Policy Framework in December 2023. Consultation on the Revised Publication Selby Local Plan will fulfil the requirements of Regulation 19 of the Town and Country Planning (Local Planning) (England) regulations 2012 (as amended)

#### 3.0 BACKGROUND

3.1 The Development Plan for the former Selby district area currently comprises the Core Strategy adopted in 2013 and the Selby District Local plan adopted in 2005. Whilst the age of the plan means that it is considered to be out of date, some weight can still be attached to it for decision making purposes, particularly where those policies accord with the National Planning Policy Framework (NPPF).

3.2 In September 2019 Selby District Council gave approval for work to commence on the preparation of a new comprehensive Local Plan for the District. Consultation on the Preferred Options for the Local Plan took Place in early 2021, with subsequent consultations taking place on Additional Sites and Local Plan Evidence later that year. In August 2022 the Executive approved consultation on the Publication Local Plan which ended on the 28 October 2022.

3.3 The Publication Local Plan consultation document set out the proposed allocations to deliver the housing and employment growth requirements for the former district area up to 2040, alongside new local infrastructure. This included a proposal for a new settlement on land to the south of Escrick Road, near Stillingfleet known as Heronby. The document also set out a suite of new development policies which aim to deliver high quality designed homes and enhance the natural environment.

- 3.4 The consultation on the Publication Local Plan took place between 26 August and 28 October 2022. In total 409 individual responses were received to the consultation, with 202 in relation to a new settlement proposal at Heronby.
- 3.5 The majority of responses to the Heronby New Settlement proposal were objections based on adverse traffic impact on the A19 and the wider local highway network, impact on the ancient woodland, impact on climate change, the loss of agricultural land and development of greenfield land. Concerns were also raised about the lack of access to employment opportunities and assertions that new housing should be sited in the more affordable areas of the district. Of particular note for the purposes of this report:
- City of York Council (CYC) has raised concerns based on the highway modelling undertaken to inform the PLP in relation to the Heronby site, stating that the duty to cooperate (DtC) has not been fulfilled, specifically in relation to the evidence base and cross boundary strategic matters.
  - National Highways have raised concerns in relation to the A19/A64 trip rates, internalisation rates within the site and phasing of infrastructure improvements.
- 3.6 Comments from the development industry were that the Housing and Economic Development Needs Assessment has been too pessimistic about future employment growth, given recent trends and therefore the Objectively Assessed Housing Need should be increased so it is more akin to recent delivery figures of around 500 dwellings per annum. A summary of the responses received and how they have been addressed is attached at Appendix 2.

#### **4.0 OPTIONS WHICH HAVE BEEN CONSIDERED TO PROGRESS THE SELBY LOCAL PLAN**

- 4.1 In July, legal advice was sought from Counsel on the options available to the Council in relation to the Selby Local Plan in the light of objections which have been made (in particular by the City of York) to proposals for a new settlement. The four options considered were:
- Option 1: Proceed to submission of the Plan in its current form with inclusion of Heronby\_
  - Option 2: Proceed to submission of the Plan in its current form but on the basis that NYC would propose the removal of Heronby as a Main Modification\_
  - Option 3: Undertake further Consultation on an amended PLP which does not include Heronby\_
  - Option 4 Not proceed with further work on the Selby Local Plan and instead to address the need through NYC's own Local Plan.
- 4.2 Given the position with CYC the risk in relation to the Duty to Co-operate is a source of concern for the progress of the Local Plan. In particular:
- Whilst efforts have undoubtedly been made to engage with CYC, the combination of the absence of any Statement of Common Ground and the fact that there is still no agreed solution to the highway issues which have been raised (including those raised by National Highways) means that success at Examination on this point is not certain.
  - If that objection is upheld, it will be fatal to the Plan as a whole, and cannot be remedied by proposing the removal of Heronby from the plan.
- 4.3 In order to progress the Local Plan with Heronby included as an allocation we would need to have satisfactorily addressed CYC concerns on highways matters.
- 4.4 Since the consultation on the PLP Officers have had a number of meetings with National Highways, City of York Highways and the Council's own highway team and site promoters

with a view to trying to resolve matters and further information has been provided by the promoters with a view to addressing outstanding concerns. However, the views of both NYC and CYC highways are that they are unable to support the scheme based on the information that is currently available. This does not mean that issues could not be adequately addressed in the longer term, however it is the view of officers that in order to make good progress on the Selby Local Plan that this site should be deleted.

### **Land Supply**

- 4.5 In December 2023 the government published a revised NPPF which set out that where emerging local plans have been submitted for examination or where they have been subject to a Regulation 18 or 19 consultation which included both a policies map and proposed allocations towards meeting housing need, those authorities will only have to demonstrate a four-year housing land supply requirement. As the Selby Local Plan has already reached these key stages, for decision making a four-year supply will need to be demonstrated for a period of two years. A key driver for progression of the Selby Local Plan is to ensure a continued supply of housing sites. Until the new Local Plan is adopted for North Yorkshire, housing supply calculations and the housing delivery test will continue to be assessed on a former district boundary basis. Continuing with the Selby Local Plan will ensure that we continue to take positive steps to manage housing delivery within the Selby area and seek to retain a plan led approach.

### **Resources (staff or other costs) and timescales**

- 4.6 In order to continue to progress the Selby District Local Plan a number of staff, mainly from the Planning Policy and Place Team will need to be focussed on the additional Regulation 19 consultation and the delivery of the Examination in Public (EIP). A Programme Officer has already been appointed following a procurement exercise. It is also estimated that the EIP will cost approximately £180,000 (legal advice, programme officer, expert advice and PINS), which has been budgeted for. Further additional costs will also be required to undertake a further consultation on the Regulation 19 Local Plan.
- 4.7 The draft timetable for the preparation of the new North Yorkshire Local Plan indicates that initial public consultation on the Issues and Options will take place in late Autumn 2024 with adoption likely to be the end of 2028. If consultation were to take place on the revised Publication version of the Selby Local Plan and completed by end of April 2024 the plan could be submitted in early Autumn 2024. If the Selby Local plan examination in public took approximately 12 months it could be adopted by late 2025, which is more than two years in advance of the anticipated adoption for the North Yorkshire Local.
- 4.8 Re-doing the reg 19 consultation (option 3) means that there will be more overlap between preparation of the new North Yorkshire Local Plan and the Selby Local Plan than was originally envisaged when officers recommended continuation of the preparation of the Selby Local Plan back in February 2023.

### **Other Considerations**

- 4.9 The Council has already taken the decision to cease work on a number of predecessor local plans/plan reviews; the most comparable being Scarborough and more recently Ryedale. The question here is whether the circumstances are so different that we should take a different view in relation to the Selby Local Plan.
- 4.10 In the case of Ryedale, the stage of Publication had not yet been reached, although some initial consultation had taken place, preferred allocation sites had not been consulted on. Furthermore, legal opinion indicated that the proposed scope of the Ryedale Local Plan was too constrained and if it was to be pursued would need to be widened, elongating the

timescale to the extent that it became logical and efficient to deal with this via the new North Yorkshire Local Plan.

- 4.11 Consultation took place on the review of the Scarborough Local Plan in early 2023, however given the sites which are yet to be developed they remain in a very strong position in terms of supply without requiring the plan's completion, although it is acknowledged that we will also have to rely on policies that are not as up to date as we would ideally like, for example policies to address second home ownership.
- 4.12 In the case of the Selby Local Plan, given the advanced stage that it has reached, making the decision to re-do the publication consultation with Heronby removed would allow us to understand whether this would remove the City of York Duty to Co-operate objection and have something on the public record to that effect as well as allowing a number of other issues raised through the previous consultation to be addressed. A further report on the responses to the Revised Publication Selby Local Plan will be presented to Members and will be considered in any further decision to submit the plan to the Secretary of State for Examination in Public.
- 4.13 The Revised Publication Selby Local Plan will remove the proposed New Settlement at Heronby but will add the following sites in response to additional information submitted through the previous consultation which demonstrates that they are deliverable;
- Land West of White House Farm, Low Eggborough Road, Eggborough (114 dwellings)
  - White House Farm & Manor Farm, Hambleton (128 dwellings)
  - Land North of A163, North Duffield (40 dwellings)
- 4.14 The inclusion of these additional sites ensures that the Local Plan provides sufficient land to meet the housing needs of the former Selby district area up to 2040. The revised NPPF, which was published in December 2023 confirms that the standard methodology for calculating housing need is an advisory starting point for local authorities in generating housing numbers. The Revised Selby PLP housing requirement figure is based on the HEDNA 2020, updated in 2022, which uplifts the standard methodology figure from 333 dwellings to 368 dwellings to account of economic growth. A further 5% buffer is also built into the overall housing requirement figure, equating to 386 dwellings per year. The most up to date standard methodology figure is 329 dwellings per year and therefore the PLP target is considered to plan positively for the growth of the former Selby district area.
- 4.15 The Revised Publication Selby Local Plan also includes revisions to policies and site allocation requirements which address responses the previous consultation. The Revised PLP has also been updated to reflect latest evidence and guidance, including updates to the NPPF.
- 4.16 The Habitats Regulations Appraisal and Sustainability Appraisal have been updated and will be available to accompany the Executive decision. Any further amendments required to the plan as a consequence will be amended prior to consultation.

## **5.0 CONTRIBUTION TO COUNCIL PRIORITIES**

- 5.1 The Local Plan for the former Selby district area will help to deliver four of the five key themes of place and environment, economy, health and wellbeing and people in the Council's plan for this part of the geography.

## **6.0 ALTERNATIVE OPTIONS CONSIDERED**

- 6.1 The options have been considered in detail in the main body of the report.

## **7.0 IMPACT ON OTHER SERVICES/ORGANISATIONS**

7.1 There may be implications for other services to provide advice on issues relating to transport, ecology, landscape, historic environment and education as the Local Plan moves through the EIP. In addition, there will be requirements from the communications team to support engagement on the public consultation exercise.

## **8.0 FINANCIAL IMPLICATIONS**

8.1 The budget for the completion of the Selby District Local Plan was approved by the former Selby District Council and has been rolled forward into the new authority.

## **9.0 LEGAL IMPLICATIONS**

9.1 Legal advice from Counsel has been sought and informed the recommendation. Consultation on the Local Plan fulfils the statutory requirements as set out in Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

## **10.0 EQUALITIES IMPLICATIONS**

10.1 An equalities impact assessment screening has been undertaken which concludes that the Local Plan for the former Selby district area sets out positive policies that aim to deliver positive impacts and development. The consultation process will inform all stakeholders of the opportunity to be involved and comment on this stage of production. A copy of the EIA screening is at Appendix 5.

## **11.0 CLIMATE CHANGE IMPLICATIONS**

11.1 A Sustainability Appraisal has been undertaken throughout the preparation of the Local Plan and will be published alongside the Revised Publication Local Plan consultation document. A copy of the Climate Change Assessment is at Appendix 6.

## **13.0 CONCLUSIONS**

13.1 Given the changing context in relation to national policy but more importantly the commitment to begin work on preparation of a new Local Plan for North Yorkshire Council Officers recommend that consultation takes place on an Revised Publication Local Plan so that work on the Local Plan for the Selby District can progress to avoid any gaps in policy whilst the new plan is being developed.

13.2 A copy of the draft Revised Publication Local Plan has been attached at appendix 1. It is proposed that consultation will take place between 8 March and 19 April 2024.

13.3 The Revised Publication Local Plan removes the Heronby new settlement proposal and adds in 3 further site allocations in the villages of Hambleton, North Duffield and Eggborough. The additional sites are now included in response to additional technical information submitted through the 2022 consultation which demonstrate they are deliverable. In addition to these changes to site allocations a number of changes have been made to policy wording to address issues raised at the previous consultation. Comments will be sought on the whole Revised Plan.

## **14.0 REASONS FOR RECOMMENDATIONS**

14.1 Executive are asked to recommend to Full Council that consultation takes place on a revised Publication Local Plan for the former Selby district area to continue progress towards the adoption of the Local Plan.

## **15.0 RECOMMENDATIONS**

- i) To approve the Draft Revised Publication Local Plan document at Appendix 1 of this report for consultation in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) regulations 2012 (as amended); and
- ii) Delegate to officers the arrangements for the consultation to take place for six weeks between 8 March and 19 April 2024; and
- iii) Delegate to the Head of Policy and Place and Assistant Director of Planning in consultation with the Executive Member for Open to Business, any minor amendments required to the documentation for typographical, grammatical and factual or Plain English purposes and any amendments required to address issues raised in the final HRA and SA reports to the documents prior to publishing for consultation.

### **APPENDICES:**

Appendix 1 – Revised Publication Local Plan Consultation Document  
Appendix 2 - Summary of comments made to Publication Local Plan consultation 2022  
Appendix 3 – Draft Sustainability Appraisal (for Executive meeting)  
Appendix 4 – Draft Habitats Regulations Assessment (for Executive meeting)  
Appendix 5 – Equalities Impact Assessment  
Appendix 6 – Climate Change Assessment

### **BACKGROUND DOCUMENTS:**

Issues and Options Local Plan  
Preferred Options Local Plan  
Publication Local Plan August 2022

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*6 February 2024*

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