

North Yorkshire Council

Executive

6 February 2024

North Yorkshire Council Local Development Scheme

Report of the Corporate Director of Community Development

1.0 PURPOSE OF REPORT

- 1.1 To recommend to Executive the approval and publication of the council's Local Development Scheme (Appendix 1), which includes key milestones for the preparation of the new Local Plan for North Yorkshire, completion of the Maltkiln New Settlement DPD and Selby Local Plan, and the review of the Minerals and Waste Joint Plan.

2.0 SUMMARY

- 2.1 The preparation of a Local Development Scheme is a requirement of national planning legislation and sets out the timescales for preparing development plan documents including Local Plans. A Local Development Scheme has been prepared which seeks to meet the requirements to provide a new Local Plan for North Yorkshire within five years in addition to the completion of the Maltkiln New Settlement DPD, the Selby Local Plan and the review of the North Yorkshire, City of York Council and North York Moors National Park Authority Minerals and Waste Joint Plan. This report sets out the key milestones of the Local Development Scheme and seeks approval for it to be brought into effect.

3.0 BACKGROUND

- 3.1 Section 15 of the Planning & Compulsory Purchase Act 2004 (as amended) requires North Yorkshire Council to prepare and publish a Local Development Scheme. This will set out the process and time scales for the preparation of those documents that will collectively form the development plan for North Yorkshire. It will also include project management arrangements, information on the evidence required to support plan preparation and an evaluation of the risks to its preparation. It should be noted that the Levelling Up and Regeneration Act 2023 has received royal assent, and this contains a number of changes to the process for making local plans, however at this point in time the changes have not yet come into force nor is there a timetable for this.
- 3.2 The Local Development Scheme also reflects the outcomes of the decision by Council on 23 February 2023 which agreed to progress work on the Selby Local Plan and the Maltkin New Settlement Development Plan Document and further discussions on the revised timescales which are also to be discussed at this meeting.

4.0 Preparation of a North Yorkshire Local Plan

- 4.1 Central to delivering North Yorkshire Council's place making and sustainable growth agenda is the Council's new Local Plan. Our plan making will shape the future of North Yorkshire and help to deliver the council's wider vision and objectives, support our external partners to develop their programmes and use it as a basis for leveraging in external funding opportunities.

- 4.2 The Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 (as amended) requires that a single tier council adopts a local development document under section 23 of the 2004 Planning & Compulsory Purchase Act to apply to the whole of its area within a period of five years starting with the date of re-organisation. This report sets out the key timescales which must be achieved to provide us with the best opportunity to meet this requirement.
- 4.3 The Levelling Up and Regeneration Act 2023 (the Act) contains a number of measures which may impact on the preparation of a new Local Plan if they are brought into force such as the introduction of National Development Management Policies, an Infrastructure Levy and the requirement to produce Design codes. The Act also has implications in terms of how plans are prepared and assessed which we will need to comply with depending on when the provisions take effect and any transitional arrangements which are put in place.
- 4.4 The review of the Minerals and Waste Joint Plan will be dependent on the outcomes for updates to the Yorkshire and Humber Technical Assessment, Waste needs and capacity assessments and minerals resource assessment. However, given its recent adoption this is not considered to be an immediate priority. This work, which was previously undertaken jointly with City of York Council and the North York Moors National Park Authority, will not be required until approximately 2025 onwards.
- 4.5 Key to delivering a new Local Plan within five years is ensuring a sufficient level of staffing resource with the relevant expertise to prepare and deliver an ambitious local plan across the new geography. Staffing resource is being considered as part of the new structure for the Planning Service, which is currently underway.
- 4.6 It will also be crucial to be able to draw upon, and work collaboratively with, a range of expertise from across the Council. For example, officers in legal, climate change, public health, flood risk, transport, localities, education, housing, economic development, and leisure.
- 4.7 The budget for preparation of the local plan, including cost for evidence base, software, consultations, and Examination will be factored into the council's budgeting process.

5. Draft Local Development Scheme

- 5.1 The Local Development Scheme sets out the key planning policy documents we will be producing over the next five years. This document is the first Local Development Scheme to be prepared in relation to the new Local Plan for North Yorkshire Council. The Local Development Scheme also includes milestones for the completion of the Selby District Local Plan and the Maltkin New Settlement Development Plan Document.
- 5.2 In terms of content, there are particular requirements set out in the Planning and Compulsory Purchase Act 2004, Section 15(2) as amended. This specifies that the Local Development Scheme should include:
- the local development documents which are to be development plan documents
 - the subject matter and geographical area to which each development plan document is to relate
 - which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities
 - any matter or area in respect of which the authority has agreed (or propose to agree) to the constitution of a joint committee under section 29
 - the timetable for the preparation and revision of the development plan documents
 - such other matters as are prescribed.

- 5.3 The preparation of a new Local Plan within 5 years is very challenging given the scale and diversity of the geography for the new plan, the complexities of the plan making process and interrelationships with neighbouring authorities. The Local Development Scheme sets out a plan that will give us the best opportunity of adopting a new plan in five years, whilst also recognising that there are a number of risks that may arise that could impact on this timescale. Examples of the key risks to the timescale are set out in the LDS risk matrix and summarised at paragraph 14.1 below.
- 5.4 The first step in preparing a new Local Plan has been the development of a Statement of Community Involvement. The legal requirements for preparing a Statement of Community Involvement are set out by the Government in legislation. The Planning and Compulsory Purchase Act 2004 (section 18) (as amended by the Planning Act 2008, the Localism Act 2011 and the Neighbourhood Planning Act 2017) requires Local Authorities to prepare a statement setting out how it will involve those with an interest in development in the area, including how they will consult on their Local Plan. Consultation on the Statement of Community Involvement has already taken place and, subject to approval by Executive, will be adopted early in 2024.
- 5.5 The key timescales in the draft LDS are set out in the table below.

Key Milestones for Producing North Yorkshire Council Local Plan		
	Stage of Plan Making	Timescale
Regulation 18	Public consultation on Issues and Options for the Local Plan	Q4 2024
Regulation 18	Public Consultation on Draft Local Plan (Preferred Options)	Q4 2025
Regulation 19	Consultation on Pre-Submission Local Plan	Q1 2027
Regulation 22	Submission of the Local Plan to the Secretary of State	Q2 2027
Regulation 24	Examination of Local Plan	2027/28
Regulation 26	Adoption of Local Plan	Q4 2028

Key Milestones for Producing New Settlement (Maltkiln) DPD		
	Stage of Plan Making	Timescale
Regulation 18	Public consultation on Issues and Options for the Local Plan	Completed
Regulation 19	Consultation on Pre-Submission Local Plan	Completed
Regulation 22	Submission of the Local Plan to the Secretary of State	Q1 2024
Regulation 24	Examination of Local Plan	2024/25
Regulation 26	Adoption of Local Plan	Q1 2025

Key Milestones for Producing Selby Local Plan		
	Stage of Plan Making	Timescale
Regulation 18	Public consultation on Issues and Options for the Local Plan	Completed
Regulation 19	Consultation on Pre-Submission Local Plan	Completed
Revised Regulation 19	Consultation on Revised Pre-Submission Local Plan	Q1 2024
Regulation 22	Submission of the Local Plan to the Secretary of State	Q3 2024
Regulation 24	Examination of Local Plan	2024/25
Regulation 26	Adoption of Local Plan	Q4 2025

6.0 CONTRIBUTION TO COUNCIL PRIORITIES

- 6.1 The preparation of a new Local Plan will help the Council to deliver its Corporate Plan Vision to build on North Yorkshire's natural capital, strong local economy, and resilient communities, to improve the way local services are delivered and support a good quality of life. The Local

Plan will help to deliver the spatial elements of the Council's ambitions in relation to Place and Environment, Economy, Health and Wellbeing and People

7.0 ALTERNATIVE OPTIONS CONSIDERED

- 7.1 The Council has a statutory requirement to prepare a new Local Plan for North Yorkshire as set out in The Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 (as amended). The preparation of a new Local Plan must be prepared in accordance with the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). Section 15 of the Regulations requires North Yorkshire Council to prepare and publish a Local Development Scheme.
- 7.2 It is not proposed that the North Yorkshire Local Plan will be prepared jointly with any other authority however as noted in Para 4.4, the Minerals and Waste Local Plan was jointly prepared with City of York and the North York Moors National Park Authority so it is expected that a joint review will occur.

8.0 IMPACT ON OTHER SERVICES/ORGANISATIONS

- 8.1 The preparation of a Local Plan for North Yorkshire will require input from staff across the organisation as it will be the vehicle to deliver the spatial elements of the Council's vision and objectives.

9.0 FINANCIAL IMPLICATIONS

- 9.1 The budget implications for delivering the LDS will be considered through the Council's budget setting process.

10.0 LEGAL IMPLICATIONS

- 10.1 The requirement to produce a new Local Plan for North Yorkshire within five years is set out in the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 (as amended). The preparation of a Local Plan and Local Development Scheme are statutory requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).
- 10.2 There may be further changes to the Local Plan preparation if the provisions of the Act come into force.

11.0 EQUALITIES IMPLICATIONS

- 11.1 An impact screening assessment has been undertaken and this concludes that proposals are in place to ensure that as many people as possible are made aware of and are engaged with the consultation. The Local Plan will have its own Equalities Impact Assessment.

12.0 CLIMATE CHANGE IMPLICATIONS

- 12.1 There are no implications arising from the Local Development Scheme itself as it only seeks to set out the timescales for the preparation of Development Plan Documents. Sustainability Appraisals are required by legislation to support the development of all Development Plan Documents.
- 12.2 The National Planning Policy Framework (NPPF) requires that all plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-

term implications for flood risk, coastal change, water supply, biodiversity and landscapes and the risk of overheating from rising temperatures. All Development Plan Documents will be prepared in-line with the NPPF, and Sustainability Appraisals will be undertaken as part of the preparation of the DPDs to ensure that the climate change implications have been adequately assessed.

13.0 PERFORMANCE IMPLICATIONS

13.1 The preparation of a Local Development Scheme is one of the first statutory requirements for the preparation of a Local Plan and delay in bringing it into effect could impact the overall timescales for plan preparation.

14.0 RISK MANAGEMENT IMPLICATIONS

14.1 A number of risks to the timescales for preparing the Local Plan have been identified in the Local Development Scheme which are outlined below:

- Sufficient resources to enable the procurement of technical supporting evidence where required
- Staff resources to deliver the programme including the completion of Development Plan documents already underway, due to vacancies or being asked to carry out unprogrammed work. This includes wider specialist support including highways, education, and health.
- Reliance on third parties such as internal and external consultees for timely responses (e.g., site assessments)
- Political uncertainty/changes nationally and/or locally
- Introduction of new national policy, guidance, and legislation including review of NPPF and calculation of housing need
- Higher than expected consultation responses
- Further technical evidence required in order to respond to consultation responses
- Timescales for the examination stage
- Potential for legal challenge

15.0 HUMAN RESOURCES IMPLICATIONS

15.1 Sufficient staffing resources will be required to complete the preparation of the Local Plan.

16.0 ICT IMPLICATIONS

16.1 The preparation of the Local Plan is reliant on software to support public consultation, in drafting documents, GIS for mapping and a range of service specific monitoring systems.

17.0 CONCLUSIONS

17.1 The preparation of a new Local Plan for North Yorkshire is an important opportunity to set out the council's place making and sustainable growth ambitions and to seek to meet the needs of our communities. The Local Development Scheme sets out key milestones for adoption of the new Local Plan in 2028 (within five years) and for the completion of other Development Plan Documents currently at an advanced stage. It will be important to closely monitor progress and risks to local plan preparation as we move through the process.

18.0 REASONS FOR RECOMMENDATIONS

18.1 The preparation of a Local Development Scheme is a statutory requirement as set out in the Planning and Compulsory Purchase Act 2004.

19.0 RECOMMENDATION

- i. That the Executive approve that the Local Development Scheme (attached at Appendix 1) shall take effect on 7 February 2024 and be published on the Council's website.
- ii. That the Corporate Director Community Development in consultation with the Executive Member for Open to Business, be authorised to make minor amendments and graphical improvements to the Local Development Scheme prior to publication on the council's website

APPENDICES:

Appendix 1 Draft Local Development Scheme
Appendix 2 Initial Equality Impact Assessment Screening Form
Appendix 3 Initial Climate Change Impact Assessment Form

BACKGROUND DOCUMENTS: None

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Presenter of Report – Caroline Skelly, Planning Policy Manager

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