

North Yorkshire Council

Development Plans Committee (17th January 2025) Selby & Ainsty Area Committee (17th January 2025)

Recommendation on the Future of the Selby Local Plan

Report of the Corporate Director of Community Development

1.0 PURPOSE OF REPORT

To update and consult the Development Plans Committee and Selby and Ainsty Area Constituency Committee on the recommendation to cease work on the preparation of the Selby Local Plan.

2.0 SUMMARY

- 2.1 This report sets out the current position in relation to the preparation of the Selby Local Plan, taking into account matters including feedback from the additional public consultation held earlier this year, implications of the recently published National Planning Policy Framework (NPPF), changes to legislation and updated instructions from Government to the Planning Inspectorate relating to the consideration of submitted local plans.
- 2.2 Due to the reasons explained in section 4 of this report, the council is not in a position to submit the Selby Local Plan to the Secretary of State for Examination without further significant evidence base work and public consultation.
- 2.3 This report sets out the most up to date context for the Selby Local Plan and seeks views on the recommendation to stop work on the plan and, where possible, to use the evidence base and work undertaken to date to feed into the new local plan for North Yorkshire.

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 Whilst the age of the plan means that it is considered to be out of date, some weight can still be attached to it for decision making purposes, particularly where those policies accord with the up-to-date National Planning Policy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 took place in 2021, with subsequent consultations taking place on Additional Sites and Local Plan Evidence later that year. In Autumn 2022, consultation took place on the Publication Local Plan.
- 3.3 Following consideration by North Yorkshire Council Executive on 6 February 2024 ([Link to Report](#)) the decision¹ was taken to carry out additional Regulation 19 consultation² to address issues raised during the Regulation 19 Consultation. Substantial amendments were proposed removing the Heronby new settlement proposal and adding in four site

¹ Full Council February 2024

² Regulation 19 of the Town & Country Planning (Local Planning) (England) regulations 2012 (as amended)

allocations in the villages of Hambleton, Hensall, North Duffield and Eggborough. The consultation took place from 8 March to 19 April 2024.

- 3.4 The decision on the report referred to above did not authorise proceeding to submission stage as the decision to take forward the Selby Local Plan remained a balanced one, so there is a need to take a formal report to Executive and Council with recommended next steps for the Selby Local Plan. This report sets out those recommended next steps and the reasons the proposed halting of the Selby Local Plan is considered the most appropriate option.
- 3.5 Decisions to stop work on all other legacy area plan reviews were made by Council in 2023.

4.0 OPTIONS AND IMPLICATIONS THAT HAVE BEEN CONSIDERED FOR THE SELBY LOCAL PLAN

- 4.1 There are two realistic options for the Selby Local Plan:
1. to address outstanding issues by undertaking further work on evidence base and carryout another Regulation 19 public consultation prior to Submission to the Secretary of State.
 2. to halt preparation and focus resources on delivering the North Yorkshire Local Plan.
- 4.2 The following sections explain the key context and factors to consider in coming to a view on the recommended way forward, including:
- The recently revised NPPF
 - Guidance from Government to PINS in respect of the approach to the Examination of Local Plans
 - Evidence base and feedback from the most recent public consultation on the Selby Local Plan
 - Resources and timescales
 - Site delivery
 - Draft policies in the Selby Local Plan

National Planning Policy Framework (December 2024)

- 4.3 The NPPF sets out a limited number of opportunities to continue with existing plan production under the auspices of the former NPPF and therefore the previously agreed Standard Method for calculating housing need. The Selby Local Plan does not meet these exemptions³ and must therefore be prepared in accordance with the updated NPPF and the associated nationally set housing requirement.

What does this mean?

- 4.4 The Selby Local Plan has been prepared based on locally derived evidence for housing need of 368 dwellings per annum and established a local plan target of 386⁴ dwellings per annum. The revised Standard Method amends this significantly and is based on the following formula:

$$(Housing\ Stock \times 0.8\%^5) \times (five\text{-}year\ average\ affordability\ ratio - 5) / 5 \times 0.95 + 1$$

³Whilst the local plan has been consulted on at Regulation 19 stage the requirement to update evidence as set out in this report and consult on a further Regulation 19 stage plan by 12 March 2025 is not achievable.

⁴ Which includes a 5% buffer.

⁵ 0.8% growth in housing stock per annum

- 4.5 The affordability data available for the legacy authority geographies is not able to provide a 5-yr average, however, to determine a range that the former legacy area would have to plan for officers have carried out the calculation based on the most recently available 3-year data for the Selby area and on the full 5-year North Yorkshire wide affordability data. This results in a housing requirement of between 483 and 561 dwellings per annum – between 115 to 193 more dwellings per annum than the plan target. Over a minimum plan period of 15 years from adoption this would equate to a shortfall of between 1725 and 2895 dwellings.
- 4.6 To be found sound on the basis of an adequate land supply, the plan would have to identify, consult on and allocate additional housing sites to make up the shortfall identified above plus any associated buffer.

Four- or Five-Year Land Supply

- 4.7 The previous iteration of the NPPF set out that plans at the Regulation 18 or 19 stage that included a policies map and allocations needed to demonstrate a 4-year land supply rather than a 5-year supply. The newly published NPPF has rescinded this position and reverts to a 5-year supply. Therefore, continuing with the Selby Local Plan no longer carries this benefit of having a more positive land supply position.

The Housing Requirement for North Yorkshire

- 4.8 The NPPF has significantly increased the scale of the task of preparing the new local plan for North Yorkshire. The former Standard Method applied across the legacy authorities set a requirement of 1300 dwellings per annum. Although delivery exceeded this significantly and the countywide delivery rate has averaged around 2800 and 3100 dwellings per annum over a 10 yr and 5 yr period respectively, the new NPPF increases the requirement to an annual figure of 4077 dwellings.
- 4.9 The work involved in evidencing and delivering sites to accommodate this level of housing, economic growth and associated infrastructure is far greater than anticipated in terms of budget and capacity. It is important that work on the new local plan for the whole of North Yorkshire, which covers the former Selby area, continues as quickly as possible.

Government Guidance to PINS

- 4.10 The Government provided guidance to the Planning Inspectorate in July 2024 to make clear that Inspectors should no longer devote significant time to resolving outstanding matters to ensure submitted plans are 'sound': [Government has instructed PINS](#). This means that when a plan is submitted it should be free from any substantial issues and evidence should be complete and up to date. If this is not the case the likelihood under the new instruction is that the plan would be withdrawn or found unsound.
- 4.11 The Selby Local Plan requires significant work to both address the housing shortfall that has been identified in para 4.5 because of the newly published NPPF, and to evidence other necessary updates as explained below.
- 4.12 On this basis, the option to progress to submission without substantial further work and public consultation would only delay the plan further.

Evidence Base Implications following Additional Publication Consultation

- 4.13 The plan must be based on a proportionate and sound evidence base. The Regulation 19 consultation, in addition to recent engagement with statutory consultees, has highlighted

that there remain uncertainties over the evidence base. These include the following matters, and the resolution required/proposed:

- **Gypsies and Travellers:** The Gypsy and Traveller Accommodation Assessment (GTAA) is out of date, does not reflect the latest changes in national guidance⁶ and there are known unauthorised sites within the Selby area. **Resolution** - this deficiency is best resolved through a County-wide commission on the needs of gypsies and travellers. This work is ongoing and should be finalised by June 2025.
- **Flood Risk:** The Environment Agency (EA) consider that the Strategic Flood Risk Assessment (SFRA) does not satisfactorily demonstrate that the flood risk exception tests have been met. They state that the plan may be found unsound as some areas of housing are in a high-risk flood zone. **Resolution** – a full county-wide SFRA will be commissioned in Spring 2025 and will reflect the latest flood mapping from the EA that is set to be released in early 2025.
- **Highways:** National Highways has raised concern on the highways modelling work. Additional work is required to agree trip rates prior to considering options for mitigation and costings where required. **Resolution** – work is ongoing as irrespective of a decision on the Selby Local Plan this evidence is required to ensure a consistent basis for determining planning applications for housing.
- **Tadcaster:** Although there has been significant progress, there is further work to take forward on the regeneration of Tadcaster in respect of evidencing delivery. **Resolution** – the Council is committed to continuing the positive working relationship with key stakeholders to ensure a seamless transition from the Selby Local Plan to the North Yorkshire Local Plan with the overarching aim of facilitating the regeneration of Tadcaster.

4.14 Setting aside the impacts of the revised NPPF detailed in this report, the need to update and consult upon the above evidence is a substantial time-consuming and resource intensive task.

Resources and Timetable

4.15 If a decision is taken to continue to progress the Selby Local Plan a number of officers, mainly from the Planning Policy and Place Team will need to be focussed on assessing and allocating further housing sites to meet the new Standard Method, updating evidence and carrying out a third Regulation 19 consultation prior to Submission and the resource intensive Examination in Public (EIP). This is at a time when work has begun to assess sites for the new North Yorkshire Local Plan, so there is a growing overlap of work on the respective plans covering the same geographic area.

4.16 A Programme Officer has already been appointed following a procurement exercise; however, their involvement has been paused due to the emerging uncertainties with the plan. It is also estimated that the EIP will cost approximately £180,000 (legal advice, programme officer, expert advice and Planning Inspectorate), which has been budgeted for. Further additional costs will also be required to update evidence and undertake an additional consultation at Regulation 19 stage.

4.17 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 Spring 2025 with subsequent consultations on the draft plan taking place thereafter.

4.18 The timescale for updating the identified evidence and allocating new housing sites for the Selby Local Plan would significantly affect the delivery timetable for the plan and with the

⁶ The Gypsy and Traveller definition was updated in guidance released in December 2023 and a further updated Guidance Note was released in December 2024

need to fit in a further Regulation 19 consultation, would push back submission to 2026 and adoption to 2027.

- 4.19 The period between the likely adoption dates of both plans has narrowed. The knock-on effect of extending the timetable for delivery of the Selby Local Plan is the impact on the preparation of the North Yorkshire Local Plan both in terms of creating confusion within local communities and the resources that would need to be diverted from the North Yorkshire Local Plan to manage further consultation and the Examination in Public.

Site Delivery in the former Selby area

- 4.20 Any anticipated implications have largely been overtaken by the publication of the new NPPF. A decision to stop work on the Selby Local Plan in itself does not change the housing land supply position. The 4-year supply requirement of the previous iteration of the NPPF has been rescinded by the publication of the new NPPF which reinstates the need to demonstrate a 5-year housing supply and a new housing figure for North Yorkshire, with that housing figure increasing significantly due to the new Standard Method (see para 4.4-4.8). Under all options, it is important to ensure the council is being proactive about bringing forward the most sustainable sites within the Selby area to seek to maintain land supply, using those sites identified within the draft Selby Local Plan as the starting point for discussions with site promoters and developers.

Draft Policies within the Selby Local Plan

- 4.21 One impact of halting the Selby Local Plan would be the delay in bringing forward other policies that would benefit the communities of the former district especially given the age of the existing Selby District Local Plan and Core Strategy policies. Policies on matters such as health and the control of hot food takeaways (although it is noted that the new NPPF provides policy on this aspect), enhancing the quality of design, housing standards, renewable energy, open space, blue and green infrastructure, drainage, connectivity and infrastructure provision. These policies have largely been supported and received very little objection; however, such policies would be taken forward within the North Yorkshire Local Plan where applicable.
- 4.22 In relation to decision making on planning applications, appropriate weight can continue to be applied to the emerging local plan and the policies therein until a formal decision is taken by Council to halt work on the Selby Local Plan.
- 4.23 Once a formal decision is taken to halt the plan, the council can continue to apply some weight to the most recent evidence base when making decisions on planning applications. The evidence prepared for the Selby Local Plan to date will be rolled into the preparation of the North Yorkshire Local Plan as appropriate.

5.0 CONTRIBUTION TO COUNCIL PRIORITIES

- 5.1 A decision to halt work on the Local Plan for the former Selby district area will assist in expediting progress on the wider North Yorkshire Local Plan that 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.

6.0 ALTERNATIVE OPTIONS CONSIDERED

- 6.1 The alternative options to that being proposed has been considered in the main body of the report, including the continuation of the Selby Local Plan, albeit with a significant delay to previously assumed timescales due to the additional work to identify and allocate further

housing sites and to prepare further evidence and undertake a third Regulation 19 consultation.

7.0 IMPACT ON OTHER SERVICES/ORGANISATIONS

7.1 There are no direct implications from a decision to halt work on the Selby Local Plan, as work is directed towards the North Yorkshire Local Plan. There may be implications for other services to provide advice on issues relating to transport, ecology, landscape, historic environment and education.

8.0 FINANCIAL IMPLICATIONS

8.1 A decision to halt work on the Selby Local Plan would provide budgetary savings in the short term in respect of costs associated with the procurement of further evidence on a smaller geographic scale than is required for the North Yorkshire Local Plan (duplicating work), cancelling the Objective Software licence, holding an Examination in Public and appointing a Programme Officer. These savings will be looked at in the context of the preparation of the North Yorkshire Local Plan and any additional costs as a result of the revised NPPF (such as the need to undertake a Green Belt review and increased work in relation to infrastructure delivery) and the future examination of that plan.

9.0 LEGAL IMPLICATIONS

9.1 Legal advice has been sought throughout the consideration of the options/recommendations set out within this report.

10.0 EQUALITIES IMPLICATIONS

10.1 An equalities impact assessment screening has been undertaken which concludes that as this is related to stopping the preparation of the plan there are no equality implications. Equalities will be considered fully in the preparation of the North Yorkshire Local Plan. A copy of the EIA screening is at Appendix A.

11.0 CLIMATE CHANGE IMPLICATIONS

11.1 A Climate Change Impact Assessment (CCIA) has been undertaken and concludes that as existing policies will continue to be applied that there is no impact (positive or negative) as a direct result of taking the decision to halt work on the plan. A copy of the CCIA is at Appendix B. Climate change will be a key theme within the new North Yorkshire Local Plan.

12.0 PERFORMANCE IMPLICATIONS

12.1 A decision to cease work on the Selby Local Plan is considered to have a neutral/positive effect on performance as the redirection of resources will assist with the preparation and adoption of a local plan covering the whole of North Yorkshire. Following decision at Council, the Local Development Scheme will need to be updated and published on the council's website. There is a requirement in the new NPPF that all councils provide an up-to-date LDS by March 2025 in any case.

13.0 ICT IMPLICATIONS

13.1 The Planning Policy and Place Team currently use Objective Software to assist in the preparation of the local plan(s) and other related documents. There are currently three separate iterations of this software, and the halting of this plan will enable the contract for this version, dedicated to the former Selby Local Plan, to be ended saving circa £12,000 per annum. The remaining licences are for the recently procured solution for preparing the North

Yorkshire Local Plan and the Maltkiln DPD for the former Harrogate District, the latter of which will also be removed in the short-term following adoption of the document.

14.0 CONCLUSIONS AND RECOMMENDATIONS

- 14.1 Taking into account the up-to-date context for the preparation of the Selby Local Plan, most notably the implications of the new NPPF, it is the view of officers that work on the plan should be halted.
- 14.2 Irrespective of whether the plan is halted or not, the land supply position will be challenging and there will need to be a proactive approach to the delivery of sites.
- 14.3 Any substantive comments from the Development Plan Committee and Selby and Ainsty Area Constituency Committee meetings will be reported to Executive.
- 14.4 The Executive (4th February) will be asked to recommend to Full Council (26th February) that work on the Selby Local Plan is halted and that resource is focussed on the preparation of the North Yorkshire Local Plan.

15.0 RECOMMENDATIONS

- i) To recommend to Full Council that work on the emerging Selby Local Plan is ceased.
- ii) The council works proactively to bring forward sites within the Selby area to seek to maintain land supply, using those sites identified within the draft Selby Local Plan as the starting point for discussions with site promoters/developers.
- iii) The council continues to promote the regeneration of Tadcaster, working with key stakeholders to support the delivery of sites and to bring derelict buildings back into use and work to ensure that evidence in respect of delivery is secured as we move through the preparation of the North Yorkshire Local Plan.

APPENDICES:

Appendix 1 – Equalities Impact Assessment
Appendix 2 – Climate Change Impact Assessment

BACKGROUND DOCUMENTS: None

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