

# North Yorkshire Council

## Executive

18 March 2025

### 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 revised 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 the review of the Minerals and Waste Joint Plan.

#### 2.0 SUMMARY

- 2.1 The preparation of a Local Development Scheme (LDS) is a requirement of national planning legislation and sets out the timescales for preparing development plan documents including Local Plans. The current LDS was approved by Executive on 6 February 2024 however in light of the changes to the National Planning Policy Framework (NPPF) in December 2024, the Deputy Prime Minister has asked all local planning authorities to produce an updated LDS within 12 weeks of the publication of the NPPF (by no later than 6<sup>th</sup> March 2025).
- 2.2 An updated LDS has therefore been prepared which details the timescales for preparing the new local plan for North Yorkshire, the completion of the Maltkiln New Settlement Development Plan Document (DPD) and the review of the North Yorkshire, City of York Council and North York Moors National Park Authority Minerals and Waste Joint Plan. It also reflects the recent decision by Executive on the 4<sup>th</sup> February and Full Council on the 26<sup>th</sup> February 2025 to halt the preparation of the Selby Local Plan.
- 2.3 This report sets out the updated key milestones of the LDS and seeks approval for it to be brought into effect, superseding the current LDS.
- 2.4 It should be noted that the LDS (as set out at Appendix A) has been submitted to the MHCLG in draft form in order to meet the 6<sup>th</sup> March deadline, with the caveat that any changes made by Executive will be notified to MHCLG after the decision is taken.

#### 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 LDS. The current LDS was approved by Executive on 6 February 2024, however in light of recent changes to the NPPF, the Deputy Prime Minister has asked that all local planning authorities produce an updated LDS within 12 weeks of the publication of the NPPF (by 6<sup>th</sup> March 2025). The LDS is expected to set out clear, realistic, and specific dates for consultation and submission of the local plan and documents that will collectively form the development plan for North Yorkshire. It should also include project management arrangements, information on the evidence required to support plan preparation and an evaluation of the risks to its preparation.

3.2 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. These changes are anticipated to come into force in summer/autumn 2025 however more detail and specific regulations are required to fully understand the impact on the timescales for the preparation of the Local Plan (see para 4.5/6 below).

#### **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) required 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. The current LDS sets out the key timescales to meet this requirement however these have been reviewed and revised to ensure the Local Plan reaches the final stage of plan preparation (Examination) within 5 years.

4.3 The current LDS identified risks associated with local plan delivery, including political changes nationally and the introduction of new national policy, guidance and legislation including the review of the NPPF and calculation of housing need. Following the change in government in July 2024 and the subsequent NPPF consultation, which identified significant changes to the calculation of housing needs, it was necessary to delay the Issues and Options consultation, originally planned for Q4 2024, until the government had published the new version of the NPPF on 12<sup>th</sup> December 2024. The NPPF introduced a number of new requirements including:

- the introduction of a new 'Standard Methodology' for calculating housing needs, resulting in a new housing need figure of 4077 which is significantly higher than the combined housing targets of our extant local plans (2315pa) and our delivery rate over the last five years (3145pa).
- the expectation that every effort will be made to meet this higher housing need figure, including, where all other reasonable options for meeting identified needs have been exhausted, exploring exceptional potential development opportunities in the Green Belt.

4.4 The impact of this delay and the requirements on plan-making timescales in North Yorkshire have been reviewed and reflected in the revised LDS (Appendix A). Most notably, the additional site assessment and infrastructure work as a result of the substantial increase in housing need figure that has been set for North Yorkshire. This together with the potential need to undertake a Green Belt review, has increased the time needed for Regulation 18 consultation.

4.5 The Levelling Up and Regeneration Act 2023 (LURA) which received royal assent in October 2023 contained a number of measures which will also impact on the preparation of the new Local Plan. Measures such as the introduction of National Development Management Policies, an Infrastructure Levy and the requirement to produce Design Codes are proposed as well as changing regulations to require LPAs to produce local plans within 30 months and update them every five years. Within that 30 month timeframe, it is proposed that local plans would undergo:

- two rounds of consultation to allow the local community and certain public bodies to participate in the plan-making process.
- three 'gateway' checks (of four to six weeks each) where technical specialists or planning inspectors would help LPAs resolve issues.

- examination which should take place during the 30-month timeframe and last “no more than six months”.

- 4.6 Whilst it remains unclear what the finalised requirements and any transitional arrangements will be, as further regulations are required, the new plan-making system is scheduled to be implemented in summer/autumn 2025<sup>1</sup>. This will clearly have implications for the process of preparing the North Yorkshire Local Plan. As the preparation of the local plan has commenced under the current system, with Issues and Options consultation planned for Q2 2025, the revised LDS provides timescales in line with the current system. However, it will need to be reviewed once the full extent of the new plan-making proposals is known.
- 4.7 A significant amount of evidence base work and targeted engagement has already taken place on the new North Yorkshire Local Plan and it is important to keep up momentum and so that we can have a new plan in place for the whole area as soon as possible. Therefore, we cannot wait for the new plan making system to be introduced before we launch the first major stage of consultation; the Issues and Options Consultation. However, it is intended that the consultation takes place over eight weeks instead of six and that it includes vision, aims and objectives in order to comply with the ‘plan visioning and strategy development’ stage of the proposed new system. Subject to final regulations and transitional arrangements, this could potentially result in not having to undertake the first mandatory consultation window again, thus saving time for the later stages of plan preparation.
- 4.8 The preparation of the local plan will need 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. Effective cross council working will be needed to support the proposed timescales.
- 4.9 The budget for preparation of the local plan, including cost for evidence base, software, consultations and Examination has been factored into the council’s budgeting process.

## **5. Draft Local Development Scheme**

- 5.1 The revised LDS (second LDS) sets out the key planning policy documents the council will be producing which will form the development plan for North Yorkshire. As noted earlier, this document is the second LDS to be prepared in relation to the new Local Plan for North Yorkshire Council and also includes milestones for the completion of the Maltkin New Settlement DPD.
- 5.2 Milestones for the preparation of the Selby local Plan have been removed from the LDS to reflect the recent decision by Executive on the 4<sup>th</sup> February and Full Council on the 26<sup>th</sup> February 2025 to halt its preparation.
- 5.3 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 mid-2025 onwards, when the review and associated timescales will be scoped out.
- 5.4 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 LDS should include:
- the local development documents which are to be DPDs;

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<sup>1</sup> Written Ministerial Statement of 12 December 2024, and the ‘Government response to the proposed reforms to the National Planning Policy Framework and other changes to the planning system consultation’ (the Response) (of 12 December 2024)

- the subject matter and geographical area to which each DPD 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 DPDs;
- such other matters as are prescribed.

5.5 The adoption of a new Local Plan within 5 years was always going to be very challenging given the scale and diversity of the geography for the new plan, the complexities of the plan making process, interrelationships with neighbouring authorities and now also the introduction of the new NPPF in 2024, and forthcoming changes to plan-making. The revised LDS sets out a plan that will give us the best opportunity of advancing a new plan, whilst also recognising that there are a number of risks that may arise that still 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.

5.6 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. The Statement of Community Involvement was adopted by the council in July 2023.

5.7 The key timescales in the revised 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	Q2 2025
Regulation 18	Public Consultation on Draft Local Plan (Preferred Options)	Q4 2026
Regulation 19	Consultation on Pre-Submission Local Plan	Q4 2027
Regulation 22	Submission of the Local Plan to the Secretary of State	Q3 2028
Regulation 24	Examination of Local Plan	2028/29
Regulation 26	Adoption of Local Plan	2029

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	Completed
Regulation 24	Examination of Local Plan	In progress
Regulation 26	Adoption of Local Plan	Q3 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 within 5 years 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 5.3 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 Plan and its vision and objectives and other relevant plans and strategies.

## 9.0 FINANCIAL IMPLICATIONS

- 9.1 The additional resources for delivering the LDS have been factored into the Council's budget. The 24/25 budget included a significant investment to establish a Local Plan and associated documents. This contribution will continue into 25/26 and the subsequent years.

## **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 LDS 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 will be further changes to the Local Plan preparation if the provisions of the LURA 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 LDS itself as it only seeks to set out the timescales for the preparation of DPDs. Sustainability Appraisals are required by legislation to support the development of all DPDs.
- 12.2 The 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 DPDs 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 an up-to-date LDS is one of the statutory requirements for the submission of a Local Plan and a requirement since the introduction of the new NPPF. Any delay in updating it 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
  - Sufficient staff resources to deliver the programme including the completion of DPDs 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)
  - Uncertainty surrounding the plan making reforms and the Levelling Up and Regeneration Act 2023



- Political uncertainly/changes nationally and/or locally
- Introduction of new national policy, guidance and legislation particularly those associated with the Levelling Up and Regeneration Act 2023Introduction 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 revised LDS sets out key milestones for the new Local Plan to be at a very advanced stage within 5 years of the creation of North Yorkshire Council and adoption in 2029 as well as for the completion of other DPDs 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, particularly in response to the new plan making requirements through the Levelling Up and Regeneration Act 2023.

## **18.0 REASONS FOR RECOMMENDATIONS**

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

## **19.0 RECOMMENDATIONS**

- i. That the Executive approve that the updated LDS (attached at Appendix 1) shall take effect on 18 March 2025 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 LDS prior to publication on the council's website
- iii. That the Corporate Director Community Development in consultation with the Executive Member for Open to Business be authorised to review and amend the timescales of local plan preparation in the LDS or equivalent when the requirements of the LURA 2023 plan-making reforms are known.

## **APPENDICES:**

Appendix 1 Draft LDS

Appendix 2 Initial Equality Impact Assessment Screening Form  
Appendix 3 Initial Climate Change Impact Assessment Form

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