

Protocol for Decision-Making in respect of the Local Plan Call for Sites where NYC is both landowner and Planning Authority

Introduction and Purpose

This Protocol establishes a framework to guide the North Yorkshire Council (the Council) in its dual role as landowner and local planning authority (LPA) when deciding whether to include land it owns, or in which it has an interest, within the Local Plan Call for Sites.

The objectives of this Protocol are to:

- Ensure compliance by Officers and Members with statutory and regulatory obligations and the Council's Constitution;
- Promote fairness and impartiality in decision-making processes whether it be by Committee or pursuant to schemes of delegation;
- Implement robust governance mechanisms that identify, manage and mitigate conflicts of interest or the perception of such;
- Promote transparency and accountability in decision-making and adherence to best practice.

Legal Framework

Currently the key legislation relevant to the preparation of Local Plans are:

- Planning and Compulsory Purchase Act 2004 (PCPA 2004)
- Town and Country Planning (Local Planning) (England) Regulations 2012 (SI 2012/767).

The Town and Country Planning (Local Planning) (England) Regulations 2012 specify the requirements for local development documents. Regulation 5(1) mandates that documents prepared by LPAs must include statements regarding the allocation of sites for specific types of development or use, as well as site allocation policies intended to guide planning decisions.

The Council also has a role as a landowner and can acquire land or dispose of land it owns subject to certain duties. The Localism Act 2011 provides the Council with a general power of competence enabling it to do anything which individuals may do, unless specifically prohibited. In submitting land as part of the Call for Sites the Council is not disposing of land but is looking to safeguard the potential that an area of land may have in supporting the future development of North Yorkshire. Inclusion of land in the Call for Sites does not provide any guarantee that such land will be allocated in the Local Plan.

North Yorkshire Local Plan Context – and the Call for Sites

The Council is in the early stages of preparing a Local Plan for North Yorkshire which will guide development through to 2045. As part of the preparation process a 'Call for Sites' commenced in April 2024 and the Council's Planning Policy and Place Team has requested that sites proposed for development are submitted by the end of November 2025. The Council in its role as landowner needs to consider whether it wishes to make submissions in relation to its own landholdings.

It is recognised by the Council that identifying sites for potential future development can be contentious and may be the subject of opposition and this can be further impacted by its dual role as LPA and landowner

Decision-making by the Council as landowner on sites to be considered for submission as part of the Call for Sites.

Pursuant to the Council's Constitution matters relating to the Council's land ownership are broadly executive functions. Executive decisions may be taken by the Council's Leader, Executive, Executive sub-committees (in line with their Terms of Reference), individual Executive Members (in line with the Executive Members' Delegation Scheme) and officers (in line with the Council's Officers' Scheme of Delegation and directorates' internal schemes of sub-delegation). Decisions taken by committees and individuals under delegated powers must be consistent with:

- statutory requirements and restrictions;
- the Council's budget and policy framework;
- the financial limits and procedures set out in the revenue or capital budgets and Financial, Contract and Property Procedure Rules;
- other Constitution provisions; and
- codes of conduct for officers and Members.

The decision on which sites owned by the Council are to be submitted as part of the Call for Sites is to be considered and determined by the Executive.

Key Decisions

The decision regarding which landholdings of the Council are to be submitted as part of the Call for Sites will be a key decision (falling under (i)(bb) below) and will need to be identified on the corporate Forward Plan:

Key decisions.

(i) A key decision means a decision made in connection with the discharge of a function which is the responsibility of the Executive and which is likely:

(aa) to result in the Council incurring expenditure, or making savings, which are significant having regard to the Council's budget for the service or function to which the decision relates; or

(bb) to be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in the area of the Council.

Prior to any decision being taken by Executive on Council landholdings to be included within the Call for Sites, individual Division Members will be notified of sites within their division. Parish and Town Councils will be advised of sites included from their areas. Parties such as tenants who may also have an interest in the land will also be notified.

Governance and Separation of Interests

The Executive

As for any decision taking Members taking part in the Executive Meeting shall have regard to their register of interests and Member 's Code of Conduct and consider whether they could have any disclosable pecuniary or other interests which would impact on them taking part in the decision.

Key Council Officers

The Corporate Director Resources, Assistant Director Property and Procurement together with the Strategic Land Manager and Estates Manager Commercial Major Projects are the key officers responsible for and leading on the identification of sites for submission as part of the Call for Sites. These Officers and their teams shall have no involvement in issues or decision-making relating to the subsequent allocation of sites as part of Local Plan process.

The Corporate Director of Community Development, Assistant Director Place Shaping and Growth, Heads of Planning and the planning teams shall have no involvement in any decision making with regard to the selection of sites the Council submits as part of the Call for Sites.

When the Corporate Property Board are discussing identification of sites for submission as part of the Call for Sites or feedback on the potential sites for submission, the Corporate Director for Community Development should consider recusing themselves from such discussion.

Legal Services Officers

The Assistant Chief Executive Legal and Democratic has overall responsibility for the Legal Service with the Head of Property, Planning and Environment having day to day management across both the Legal Property and Planning and Environment teams.

Should legal advice be required by the Corporate Director Resources, Assistant Director Property and Procurement, Strategic Land Manager and Estates Manager Commercial Major Projects in relation to the submission of landholdings identified by the Call for Sites this will be dealt with by the Property Legal Team who in this matter would report directly to the Assistant Chief Executive Legal and Democratic.

The Head of Legal Property, Planning and Environment and any member of the Legal Planning and Environment Team shall have no involvement with providing any legal advice to the Corporate Director of Resources , Assistant Director Property and Procurement, Strategic Land Manager and Estates Manager Commercial Major Projects in relation to the selection or the submission of sites as part of the Call for Sites and officers in the Property Legal team shall not be involved in providing any legal advice to the Corporate Director of Community Development, Assistant Director Place Shaping and Growth, Heads of Planning and the planning teams in respect of the Call for Sites.

Council Members who sit on Council Planning Committee/ Development Plan Committee

The notification of proposed sites to be submitted as part of the Local Plan Call for Sites by officers to Members does not, of itself, give any Member of a Council Planning Committee or the Development Plan Committee any declarable interest or prejudice their ability to take part in any Planning Committee or Development Plan Committee. Should any Member of these Committees have concerns as to their position once notified in respect of the Call for Sites please feel free to contact the Head of Legal Property, Planning and Environment or any member of their team to discuss any issues.

Approval of the Protocol

It is proposed that this Protocol be provided to the Corporate Director Resources in consultation with Corporate Director Community Development, the Executive Member for Open to Business and the Deputy Leader of the Council and Executive Member for Finance and Resource for approval.

Review

This Protocol shall be reviewed periodically to reflect any changes in the Council Constitution and evolving legislation.