

Local Development Scheme 2023



RYEDALE
DISTRICT
COUNCIL



February 2023

Ryedale District Council
Local Development Scheme 2023

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For existing planning policy

<https://www.ryedale.gov.uk/information/planning/planning-policy/>

For consultations and emerging policy

<https://www.ryedale.gov.uk/information/review-of-the-local-plan/>

INTRODUCTION

The Local Development Scheme (LDS) is a rolling program for the production and review of Planning Policy documents. It is the starting point for anyone who wants to find out about planning policies for Ryedale. Normally Local Development schemes are normally a rolling three-year programme.

In Ryedale, the District Council is responsible for providing planning policy for the area of the District outside of the North York Moors National Park. This will change from April 2023 when the new North Yorkshire Council is formed in 2023.

It is because the plan-making functions will be taken on by the North Yorkshire Council in 2023 it is not a LDS which covers a short timeframe- covering 2023.

A new Local Development Scheme for the North Yorkshire Council is in its early stages of preparation.

In particular, this LDS -

- Sets out what are our existing planning policies
- Sets out what supporting documents are produced to help implement policies
- Identifies the key elements of the review of the Ryedale Plan which is our Local Plan which have been produced (2023)
- Identifies consultation 'milestones' to inform the community and other stakeholders of opportunities to influence the preparation of the Plan
- Provides information on the preparation of Neighbourhood Plans.

These elements are very much framed by the circumstances that in a matter of months there will be a new plan-making body and they will be making a new Local Plan for North Yorkshire as a priority.

RYEDALE'S CURRENT PLANNING FRAMEWORK

The Ryedale Plan is the Local Plan for the area to 2027 and it is currently made up of three documents, accompanied by a Policies Map (adopted 2019) which shows on a map where different planning policies apply. These documents, described below, form part of the 'the Development Plan'. They have full weight in the decision-taking process as 'the Development Plan'. This means that planning decisions will be made in accordance with these documents unless material considerations indicate otherwise.

Ryedale Plan- Local Plan Strategy (LPS)

Provides the planning strategy for the District from 2012 to 2027. It outlines the aims and objectives of the Plan and includes key policies to support the delivery of new development in the District and to manage development, growth and the protection of the environment. The LPS establishes the level of new housing and employment development for Ryedale for the life of the Plan and distributes this across the District.

The LPS was adopted by the District Council in September 2013. It was subject to a light touch review in 2016 which concluded no changes were necessary.

In 2021 we formally commenced a review of the Ryedale Plan, the Plan is now considered to be in a position to be reviewed given:

- The statutory requirement to review plans every 5 years;
- Updates to elements of national planning policy;
- The need to provide a sufficient supply of land to meet development requirements, particularly of housing land; and
- The need to respond to the Climate Change Emergency Declaration in 2019.

This review was to be a partial, pragmatic, review in light of the forthcoming LGR, and that it would focus on key aspects.

Through seeking legal advice on this approach, it has concluded that a partial review for a plan of this age is not sufficient to meet objectively assessed needs in a local plan – which should be for at least 15 years; and

That the production of the new Local Plan for North Yorkshire will take much longer than 5 years, meaning that in any event a short term partial review would not contribute to providing a robust –up-to-date development plan for this part of the North Yorkshire area.

Ryedale Plan- Local Plan Sites Document (LPSD)

Identifies site-specific land allocations to ensure a supply of land for a range of land uses, and site-specific protection policies for the plan period 2012-2027. It was adopted in July 2019 with the Policies Map. It will be part of the review of the Ryedale Plan.

The Helmsley Plan

Includes site specific land allocations and policies for the town. The Helmsley Plan has been produced jointly with the North York Moors National Park Authority in order to ensure a holistic and planned approach to managing the growth of the town and addressing development requirements. It has its own Policies Map. It is important to note that as part of the Ryedale Plan, the supply of land for housing that arises within the area of the Town falling within the National Park will contribute towards Ryedale's housing land supply position and the District's Housing requirements. The Plan was adopted by Council in July 2015 and covers the period to 2027. The Helmsley Plan has been the subject of a light touch review by Officers of the North York Moors National Park (NYMNP) and Ryedale District Council, and it has been agreed to be retained by the NYMNP in July 2022 for a period of 5 years. It was considered by Members of the District Council in December 2022 with a recommendation to be retained for up to 2027, or when it is superseded by a new local plan or a neighbourhood plan, this was agreed.

The Saved Policies of the Regional Spatial Strategy

Which relate to the extent and operation of the York Green Belt, also form part of the Development Plan for the area. Part of the York Green Belt is in southern Ryedale.

Minerals and Waste Planning is undertaken, in Ryedale, by the North Yorkshire County Council (NYCC) (and the North York Moors National Park), and they deal with applications that relate to minerals and waste. Existing policies in the Minerals Local Plan (1997) and Waste Local Plan (2006) have now been superseded by the adoption of the Joint Minerals and Waste Local Plan in February 2022. Adopted Minerals and Waste policies form part of the Development Plan for Ryedale although these are applied by the relevant Minerals and Waste Authority.

See [Our Development Plan Policies](#)

Future Planning Policy

Neighbourhood Plans

Provisions in the Localism Act (2011) allow local communities to prepare Neighbourhood Plans for their local areas. Neighbourhood Plans will form part of the Development Plan for the areas that they cover once they are formally 'made' by the Local Planning Authority. To date in Ryedale, Malton and Norton Town Councils are committed to producing a Neighbourhood Plan for the twin towns, and they have designated their area and are working on their draft plan for the Towns. The Plan had reached submission and an Examination was to be conducted in September 2022. Over the summer, the Qualifying Body has decided to revisit the content of the plan, and it is to be subject to a Regulation 14 consultation in 2023.

[Neighbourhood planning including Malton and Norton Neighbourhood Plan](#)

Supporting Documents

The Plan is also supported by a range of other documents:

Statement of Community Involvement

Outlines the Council's commitment to consultation and involvement in the planning process. This is under review and will be updated spring 2021, prior to commencing any formal planning policy consultations.

[Statement of community involvement 2021](#)

Monitoring Report

Is produced annually to monitor the implementation of the Ryedale Plan and progress towards its completion. The scope of recent monitoring reports has been limited to reporting key national requirements and local information.

[Authority Monitoring Reports](#)

Malton Food Enterprise Zone Local Development Order and Design Code

Adopted: February 2017

Coverage: Malton Food Enterprise Zone area.

Local Development Orders are a planning tool, which grant planning permission for particular classes of development specified in the order. In this case

Businesses and organisations whose primary activities involve:

- The production, processing and manufacturing of food or drink;
- Associated bioscience and agricultural technology; and
- The supply of goods, equipment or services (including education and training) to the agricultural and food/drink manufacturing sectors.

They operate like a planning decision notice – setting out the level and types of uses of development and identify those conditions which are to be discharged (approved) prior to development taking place. Proposals which do not conform to the LDO require planning permission is the usual way.

[Malton Food Enterprise Zone](#)

Supplementary Planning Documents (SPD)

Provide further guidance to support the implementation of planning policies.

Existing SPD's cover (date is date of adoption):

- Shopfront Design and Signs (Plan wide) (2005)
- Helmsley Conservation Area Appraisal (2005)
- Ampleforth Conservation Area Appraisal (2010)
- Oswaldkirk Conservation Area Appraisal (2012)
- Settrington (Parish) Village Design Statement (2013)
- Slingsby, South Holme and Fryton (Parish) Village Design Statement (2016)

[Supplementary Planning Documents](#)

Over the period of this LDS, the Council will be prioritising the review of the Local Plan and is not intending to produce new SPD's or revise existing documents during this time.

Community Infrastructure Levy (CIL) Charging Schedule

The Council has brought its CIL Charging Schedule into effect in March 2016.

It is also required to prepare an Infrastructure Funding Statement and this is annually prepared in December. [Community Infrastructure Levy](#)

REVIEW OF THE LOCAL PLAN

Planning policy is subject to regular, periodic review to ensure that it remains the most appropriate strategy for guiding new developments in a place - in light of national planning policy and local circumstances.

There is a statutory requirement to a review a Local Plan every 5 years- which may or may not result in a need to review some parts, or all, of a plan to be reviewed.

Given the age and style of the current Local Plan prior to 2020 the Council originally intended to undertake a full, whole plan review of the Ryedale Plan. Whilst many of the policies are working as intended, and remain compliant with national policy, there is a need to review the plan to update and roll forward development requirements and land supply policies and to update the plan to address some limited compliance with national policy in terms of housing policies. A 'whole' plan review also provided the opportunity for the Council to produce a new plan as one document, rather than a series of documents.

However, in the summer of 2020, the Government proposed significant changes to the planning system in a Planning White Paper and in October 2020, the Secretary of State invited proposals for local government re-organisation across North Yorkshire. Both of these matters have significant implications for plan –making across North Yorkshire and the plan review process. In response to the current uncertainty associated with both of these matters, the Council chose to undertake a partial review of its local plan in order to address and update policies that require revision as a priority and to maintain a sufficient supply of development land into the future. This was considered to be a pragmatic response in the face of current uncertainty.

The proposed changes to the planning system are yet to be implemented. The new Council for North Yorkshire will come into being at the start of April 2023.

In particular, the review was originally proposed to cover:

- Necessary changes to address conformity with national policy
- Update future development requirements and roll forward the plan period (to cover a minimum 15 year period from the proposed adoption of revisions. This is anticipated to cover the period 2023-2038)
- The spatial approach and distribution of new development sites

Other, more specific, areas of the review of the plan have come from public consultation and discussions with Members through the Local Plan Working Party, a group of Members who discuss with Officers planning policy matters, making recommendations prior to decisions being made by committee.

As of November 2022 the plan review was proposed to cover:

- Necessary changes to address conformity with national policy
- We explored a partial roll-on of the Ryedale Plan- for a period of 5 years (2032)
- The to-plan-for figure;

- Spatial principles and settlement hierarchy. This also included the revisions to the designation of Service villages;
- Criteria-based policy for small-scale windfall sites;
- Responding to climate change through a review of Policy SP18;
- Accessibility in new dwellings (Policy SP4); and
- Occupancy conditions

Our consideration concerning the plan scope and plan-period for the review, were as a result of the mandate to the new Council for North Yorkshire to prepare a local plan within 5 years of vesting date, and so to support this work, and to not create confusion or misaligned strategies- this review is proposed to be a short term review to extend the land supply, and not to be a 15 year plan period.

This was subject to legal advice, and that advice advised that

- a) The review of the plan must meet objectively assessed needs over a 15 year period; and
- b) The preparation of the plan for North Yorkshire will take longer than 5 years

Therefore a short-term, limited scope review is a high risk strategy for it will be unable to demonstrate meeting needs, and may not provide a sufficient land supply. This would ultimately undermine the principal aim which is to ensure that the development plan remains up to date and that full weight can be afforded to the plan in the decision making process until such time that a new Local Plan for North Yorkshire is adopted.

Therefore the advice confirms that the Ryedale Plan should be reviewed in full- given its age. The Review will also be subject to Sustainability Appraisal/Strategic Environmental Assessment and a Habitats Regulations Assessment. It will also be subject to Equalities Impact Assessment.

The same consultation and engagement will occur as part of the proposed review and the process will be subject to the requirements of the Duty to Cooperate.

This means that at the adoption of this Local development Scheme in February 2023, there is an acknowledged impetus to review the Ryedale Plan given its age and statutory obligations, but the plan review we have undertaken since 2021 is not as advanced as we previously considered, and to progress the plan review on a partial basis would be a significant risk to the new authority. There is at least another two years work before submission could be reached.

However, that review will be the responsibility of the new North Yorkshire Council. It will need to determine how the review is proceed:

It has effectively two options to take with regards to the review of the Ryedale Plan:

a) Subsume the review of the Ryedale Plan fully into the preparation of the new plan for North Yorkshire so the review morphs into preparation of the new Local Plan;

b) Twin-track the stand-alone review of the Ryedale Plan alongside its preparation of the new Local Plan for North Yorkshire.

This is a decision for the new Council to make, and one which it has not yet made, and there are risks with either approach. These are set out in the following section.

RISKS, PROJECT MANAGEMENT AND MONITORING

Development of planning policy involves a series of prescribed stages and can take some years to reach a point where it can be adopted. The plan-making process can be complex, and subject to a range of external circumstances and political complexities which can result in the plan-making process taking a considerable period of time.

The work on the review commenced in earnest in 2021. The aim in 2021 was to undertake a focussed review within the next 2-3 years, and it was expected that as a partial review it would be completed, and adopted in late 2023 early 2024.

As set out above, this no longer remains the case as a partial review presents a significant risk- and it should not be pursued for a plan the age of the Ryedale Plan.

With either option regarding the review of the Ryedale Plan comes risks: If the review of the Ryedale Plan is subsumed into the new Local Plan for North Yorkshire, the biggest risk concerns the increasing vulnerability of the housing land supply. The mandate to prepare the new local plan for North Yorkshire is clear, but external factors could result in slippage of its production. To subsume the review of the Ryedale Plan fully into the preparation of the Local Plan for North Yorkshire would potentially leave the land supply for Ryedale to become diminished. If there was significant slippage, and, as a material consideration of significant weight, this would mean that in relation to housing delivery and distribution policies, the Ryedale Plan would have less weight. Although all other policies of the plan would still remain of full weight, and national policy and planning practice guidance would still be of significant weight. It would result in a situation whereby the former Ryedale Plan area would be 'planning by planning application' which provides uncertainty for local communities and other stakeholders, and can leave the authority vulnerable to significant speculative applications, and appeals.

The alternative route, which involves twin-tracking the plans could provide the New Council with a backup plan for dealing with the above scenario. Under transitional arrangements current housing requirements are still to be calculated based on the former Local planning Authority Areas. But there is a risk to this approach in that depending on strategic decisions around growth points and investment, the delivery of the housing could result in a need to explore whether or not some authorities met unmet need from other authorities. This could have implications for a 'stand-alone' plan and its ability to be aligned with a strategic development plan.

The risks regarding the decision to twin-track the review of the Ryedale Plan alongside the preparation of the new Local Plan are considered to be as follows:

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- Inefficient use of resources- as staff would be split between the Ryedale Plan review and the new local plan;
 - Confusion and greater risk for errors in consultation as the two plans would be being consulted upon at the same time;
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- The relationship of the Ryedale Plan to the new Local Plan- and the ability of the standalone plan to be in conformity and have full cognisance of the new North Yorkshire Plan.
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But is considered that these risks are more easily mitigated for with clear planning, and officers being involved in mutual preparation of both plans.

We have progressed a consultation with a range of stakeholders, which we have called a 'key decisions consultation' and evidence gathering is continuing to be undertaken to inform both the review of the Ryedale Plan, and the preparation of the new planning framework for North Yorkshire. Please consult the web-site:

[Review of the Ryedale Plan](#)

For more details about the work on the review and the consultations we are running to support that work. We will look to keep the website up to date with where we are in the review of the Local Plan.

The Council is required to monitor annually how effective it's planning policies and proposals are in meeting the strategy, aims and objectives of its Local Plan. A Monitoring Report is produced in December of each year, covering the period April (preceding year) to end of March of that year. The report focuses on planning permissions granted, completed and refused over different types of development, to see what development is coming forward and where. It also monitors infrastructure delivery and the progress of the production of planning policy outlined in this Local Development Scheme.

[Authority Monitoring Reports](#)

The Council is keen to ensure the timely delivery of the review of the Ryedale Plan, although there are however a number of potential risks to progress, some of which can be beyond its ability to control. Potential risks include, for example:

- Changes to national policy and legislation Local Government Reorganisation and Devolution
- Capacity of other organisations/agencies to inform and engage in the process
- Larger volumes of representations are received than anticipated
- Legal challenges to the adoption of documents
- Fluctuations in staffing capacity

It is established protocol to monitor the progress of the review against delivery key milestones, and recorded annually (in the Authority Monitoring Report). Whilst we will robustly prepare for the review process, and the involvement of stakeholders in that review, we may need to respond to some of these issues, as they arise, and we will provide updates and information on the website. Since the principle of the approach of the review rests with North Yorkshire Council. It is not possible to set any prescribed timescales regarding the review of the Ryedale Plan in this Local Development Scheme. However, it is considered that it is helpful for members to understand if the Ryedale Plan was reviewed in full, the likely timescales the full review would take.

STAGES IN THE REVIEW PROCESS

Stage 1: Pre-Production consultation and evidence gathering to inform the Review (Regulation 18)

This includes development of evidence base, consulting with statutory consultees and Duty to Cooperate Bodies and non-decision making consultation with Members. It also involves a call for sites and public consultation (usually taking place for 6 weeks) for 'Issues and Options' which in essence sets out what are the issues the Local Plan Review needs to address and what are the options for achieving this. This is a partial review, Members need to agree this document and its general scope (areas to explore). Key areas are identified below the Ryedale Plan review has explored to date.

- Necessary changes to address conformity with national policy
- Update future development requirements (housing) exploration of a roll-on of 5 years,
- The spatial approach and allocation of new development sites
- Responding to climate change

This will also set out the areas which the District Council does not propose to review and the reasons/evidence why.

Undertaken Consultations:

- Preparation of previous LDS covering 2021-2023 and Statement of Community Involvement adopted February 2021
- A call for sites was undertaken in May/July 2021
- Consultation on Distribution of Development Options consultation undertaken in November 2021-to March 2022
- On-going consultation on site submissions – from November 2021 until a decision is made on the Publication of the review of the plan/plan for North Yorkshire
- Key Decisions Consultation- January- February 2023 consultation on Key decisions on the specific content of the review based on work and discussion to date

Stage 2: Publication of the Local Plan Review (Regulation 19)

Publication is a key stage when the Council publishes its Local Plan Review that it wants to have taken through Examination. Comments on the policies and proposals in the document which is intended to be submitted are invited over a six week period. Any representations made at this stage are those that will be considered at the independent examination. The policies which are unchanged by the review will not be consulted upon.

- The Policies Map will be updated and also subject to Publication at this time
- North Yorkshire Council to agree Publication at Strategic Planning Committee then full Council February 2025
- Public Consultation on Publication March –April 2025

Stage 3: Submission for Examination (Regulation 22)

The Plan and all relevant evidence and supporting material is submitted to the Secretary of State for examination as required by Regulation 20. An independent Planning Inspector from the Planning Inspectorate is then appointed to conduct the Examination.

Submission (a notification process) December 2025

Submission also of the CIL Charging Schedule to coincide with the review

Stage 4: Examination

The examination process is designed to scrutinise the Plan to ensure that it is legally compliant and sound. Legal requirements cover the production of the Plan and also include compliance with the duty to co-operate which came into force in 2011. To be sound, the Inspector needs to be satisfied that the Plan is positively prepared, justified, effective and consistent with national policy.

The Planning Inspectorate estimates that the examination process will cover a period of 24-29 weeks depending on the complexity of the document and the level of examination participants. The examination process will include Hearing Sessions to consider matters and issues and may include consultation on Main Modifications to the Plan. The timetabling of the Examination of Development Plan Documents will be subject to agreement with the Planning Inspectorate and may be subject to change.

Examination would be in 2026 for both the Review of the Ryedale Plan and the review of the Community Infrastructure Levy

Stage 5. Inspector's Report

The examination of the Plan concludes when the Inspector's report is issued to the Local Planning Authority. The report will include recommendations as to whether the plan should be adopted with or without main modifications or that it should not be adopted. It should be noted that the Inspector's report is no longer binding on a Local Planning Authority and there is no statutory requirement for an Authority to adopt the Plan following the examination.

Stage 6: Adoption of the Plan (Regulation 26)

A Plan is formally adopted by a Local Planning Authority if it is adopted by resolution of the Authority. A Local Planning Authority is required to make an adoption statement available and notify anyone wishing to be notified of the adoption of the plan. Any person aggrieved by the decision to adopt the Plan has six weeks from the date of its adoption to apply to the High Court to have the plan quashed in whole or in part.

Anticipated early 2027 but would be subject to change depending on the matters and issues raised in the Examination and its overall outcome.