

**The Ryedale Plan: Local Plan Sites Document and Policies Map
Statement of Legal Compliance and Procedural Issues**

Overview

The Local Plan Sites Document (LPSD) and Policies Map are Development Plan Documents which have been prepared to complete, for the most part, the development plan for Ryedale (the Ryedale Plan), for the period 2012-2027. This follows the adoption of the Local Plan Strategy (LPS) in 2013 and the adoption of the Helmsley Plan in 2015.

The Local Plan Strategy (LPS) has been in place for over four years at the time the LPSD and Policies Map were submitted for examination. The Local Planning Authority has taken the view that it will continue to complete the production of the documents which will constitute the Ryedale Plan rather than undertake a full review of the development plan and to replace it with a composite local plan at this stage. The LPS remains compliant with the national Planning Policy Framework. The adoption of the LPS has supported the release of land to meet development requirements in advance of the completion of the LPSD and in this respect the plan is working as intended and is up to date. Furthermore, as part of the statutory duty to keep development plan documents under review, the LPA reviewed its Strategic Housing Market Assessment in 2016. This confirmed that the LPS housing requirement remains appropriate. The completion of the LPSD will enable a planned supply of land to meet residual development requirements. This will provide a continuity of supply into the future which will enable the LPA to begin a full review of the plan within the next two years.

The LPSD and Policies Map have been produced in accordance with relevant legislation. As individual DPD's, the Local Planning Authority considers both documents to be legally and procedurally compliant. It is important to note that early consultation work on the production of the Ryedale Plan has been used to inform the production of all of the DPD's that form the development plan and inevitably this has led to some overlap in the production procedures for the Ryedale Plan as a whole.

This paper has been prepared to demonstrate that legislative requirements have been met in the preparation of the Sites Document and Policies Map. It covers the following:

1. The scope and content of the documents
2. Procedural requirements
3. Duty to Co-Operate statement

1. Scope and content of the Local Plan Sites Document (LPSD) and Policies Map

Key legislative requirements relating to the scope and content of the documents are outlined in s19 of the Planning and Compulsory Purchase Act 2004 and Regulations 5,6,8 and 9 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Local Development Scheme

Section 19(1) of the 2004 Act makes it clear that Development Plan Documents must be prepared in accordance with the Local Development Scheme. The current Ryedale Local Development Scheme includes both of these documents and summarises the scope and content of each of them. The scope and content of both documents is consistent with the descriptions of each in the Local Development Scheme. These are copied at Appendix 1 to this document. The inclusion/description of these specific documents within the LDS is in accordance with Regulation 5 of the 2012 Regulations

Regard to other documents adopted by the Authority and consistency with the adopted development plan

A key role of the LPSD is to identify/propose site allocations to address development requirements established in the Local Plan Strategy. The scope of the document is aligned to the strategic policies in the Local Plan Strategy and designed to give effect to policies in that document. The scope of the LPSD also reflects the adoption of the Helmsley Plan by the Local Planning Authority and the North York Moors National Park Authority in 2015.

The Slingsby, South Holme and Fryton Village Design Statement and the Ampleforth Conservation Area Appraisal (CAA) and Management Plan have been adopted by the Council as Supplementary Planning Documents and regard has been had to these documents in the preparation of the Sites Document. For example, significant spaces at Ampleforth identified in the CAA are proposed as Visually Important Undeveloped Areas in the Sites Document. The SPD's have also informed the site selection assessment process.

In this respect, the LPSD has been prepared with regard to 'any other document' which has been adopted by the Local Planning Authority as required under Section 19(2)(h) of the Planning and Compulsory Purchase Act 2004.

Regulation 8 (4) makes it clear that policies in a local plan must be consistent with the adopted development plan (this is subject to any elements of the development plan that are under review). The adopted development plan for Ryedale currently consists of the following documents:

- The Ryedale Plan – Local Plan Strategy (2013)
- The Helmsley Plan (2015)

- The Yorkshire and Humber Plan (Regional Spatial Strategy):- York Green Belt Policies (YH9 and Y1)
- Saved policies of the Ryedale Local Plan (2002) and the 2002 Proposals Map
- Saved policies of the North Yorkshire Minerals Local Plan(1997)

The LPSD has been prepared to supersede the remaining saved policies of the Ryedale Local Plan (2002) and the policies to be superseded are included in the LPSD as required under Regulation 8(5) of the 2012 Regulations. The Policies Map has been prepared to replace the 2002 Proposals Map.

Policies in the LPSD to address development requirements, including the proposed allocation of land for development are consistent, in particular, with the following policies of the Local Plan Strategy: Policy SP1 (General location of development and settlement hierarchy); Policy SP2 (Delivery and Distribution of New Housing); Policy SP6 (Delivery and Distribution of Employment Land and Premises); Policy SP7 (Town Centres and Retailing). The process of selecting the proposed development sites and sites proposed as Visually Important Undeveloped Areas, has also taken account of: the vision, aims and objectives of the Ryedale Plan which are embodied in the Local Plan Strategy; its strategy for growing the Towns and, other strategic policies aimed at protecting environmental and heritage assets. These are embodied in the Site Selection Methodology/Sustainability Appraisal process which is the process which has informed site choices in the context of a range of sustainability issues and objectives.

North Yorkshire County Council, the City of York Council and the North York Moors National Park Authority are currently preparing a Minerals and Waste Joint Plan which was submitted for examination in January 2018. The relationship between the Ryedale Plan and LPSD and the policies and proposals of the emerging joint minerals and waste plan is covered later in this paper (Duty to Co-Operate)

Regard to the Regional Spatial Strategy (RSS)

The Act (s19 (2)(b)) requires the Local Planning Authority to have regard to the Regional Strategy for the area in which the authority is situated. The Yorkshire and Humber Plan was partially revoked by the Secretary of State in February 2013. Policies YH9 (Green Belts) and Y1 (York Sub-Area policy) remain, together with the key diagram of the RSS in so far as it illustrates RSS York Green Belt policies and the general extent of the Green Belt around the City of York. Policies YH9 and Y1 are at Appendix 1.

The LPSD does not contain policies or proposals for land which is designated as part of the York Green Belt. The Policies Map defines the extent of the York Green Belt in Ryedale (which includes part of the outer boundary). This was carried forward from earlier development plans into the Ryedale Plan via the adoption of the Local Plan Strategy. In this respect, it is considered that the documents have been prepared with regard to the remaining policies of the regional strategy.

Regard to national policies and guidance

The LPSD has been prepared with regard to the National Planning Policy Framework (NPPF) and national Planning Practice Guidance (PPG). This is outlined in more detail in the self-assessment of soundness that has been prepared to accompany the submission of the LPSD and Policies Map.

Regard to Sustainable Community Strategies (SCS)

The 2015 Deregulation Act led to amendments to S19(2) of the 2004 Planning Act so that it was no longer a legal requirement for a Local Planning Authority to have regard to its sustainable community strategy or to a SCS produced by another authority for the area.

Whilst this is no longer a legal requirement, it was over the course of the preparing the documents. For this reason two Sustainable Community Strategies have influenced the development plan as a whole. Imagine Ryedale was produced by the Ryedale Local Strategic Partnership for the period to 2010. The priorities of the strategy were aligned to the development of the sustainability appraisal framework for the Ryedale Plan and the objectives of the Local Plan Strategy.

The North Yorkshire Community Plan is produced by Local Government North Yorkshire and York and has been regularly refreshed. The last update to the Plan was undertaken in 2014 to cover the period 2014-2017. The priorities for that period were developed to respond to opportunities and challenges and in particular, the on-going challenges presented by the national economic situation. The priorities for the period 2014-2017 are:

- Facilitate the development of key housing and employment sites across North Yorkshire by delivering necessary infrastructure investments through partnership
- Supporting and enabling North Yorkshire communities to have greater capacity to shape and deliver the services they need and to enhance their resilience in a changing world
- Reduce health inequalities across North Yorkshire

The first priority is directly linked to the preparation of development plans and planning decisions. It should be noted however, that a key element of the critical infrastructure necessary to support the implementation of the LPS and the LPSD is the Brambling Field junction improvement at Norton, which was implemented in 2012. The process of selecting new development sites as part of the preparation of the LPSD has also taken into account the infrastructure required to support their delivery. It is important to note that whilst the partnership recognise the need to support the delivery of infrastructure to support housing and economic growth, particularly given the national policy context and the Strategic Economic Plan of the LEP, this is within the context of national austerity and continued pressure on public sector budgets. This background has directly influenced the choices of sites (in comparison to alternative choices) in the LPSD by taking account of the infrastructure demands which would arise as a result of specific sites or specific combinations of sites. This is discussed further below.

Regard to resources likely to be available for implementing proposals

The implementation of the proposed development land allocations will be developer/landowner – led, although the proposed employment land allocation at Pickering may require public sector assistance. This is currently being considered by the Council and the Local Economic Partnership. The Council is conscious that the proposed allocated housing site at Norton will incur specific development costs associated with the provision of a link road and off site transport improvements which are necessary to mitigate the impact of the traffic associated with the scheme. The developer is confident that the scheme is viable and that it will be affordable housing policy compliant. Given the size of the site and its location in the area of the District that has the highest concentration of affordable housing, the Council has made the Local Economic Partnership and Homes and Communities Agency aware of the site. The Council will approach the HCA to assist the funding of affordable housing on-site if this is found to be necessary at any point in the future.

The Local Plan Strategy established strategic levels of growth for Ryedale for the plan period and was informed by the Council's Infrastructure Delivery Plan. Infrastructure which was identified as critical to the delivery/implementation of the Plan as a whole is identified in the LPS as the additional slip road at the A64 Brambling Fields junction in Norton; internal junction improvements in Malton and Norton and a package of town centre measures to facilitate use of the Brambling Fields junction. The junction improvement has been delivered by the District Council, North Yorkshire County Council and Highways England. A number of internal junction improvements have been secured through development sites released to date. Further improvements will be implemented through the use of Community Infrastructure Levy and North Yorkshire County Council's capital programme – aligned to the Local Transport Plan.

The Council brought the Community Infrastructure Levy into effect in Ryedale in 2016 and the levy will form the main source of funding for the further off-site infrastructure that is required to support planned levels of growth. The Council is mindful that estimated amounts of CIL income from the residual housing requirement will be limited and an infrastructure funding 'gap' will continue to exist and that this is at a time where the budgets of public authorities are under significant pressure.

The choice of development sites, in particular new housing sites has been informed by the limited funding available to address the infrastructure requirements necessary to support their delivery and implementation. For example, the focus of providing the residual housing requirement at one of the Districts towns has meant that one primary school will need to be delivered at Norton, as opposed to a new primary school at both Malton and Norton. Similarly, the combination and quantum of sites proposed at Pickering reflects updated school roll information provided by North Yorkshire County Council and avoids triggering the need to provide a new primary school at Pickering for the plan period.

The ability for development proposals to be acceptable in planning terms is in part a function of the ability of infrastructure to cope with additional development. Against the context of limited CIL income and continued austerity in public sector finances, it

is appropriate that this has been taken into account in the site selection process/LPSD proposals.

Detailed matters

The LPSD clearly states that it is a Development Plan Document, a local plan and that it has been produced to form part of the development plan for Ryedale. (Cover and introductory paragraphs.) This complies with Regulation 8(1) (b) of the 2012 Regulations.

In accordance with Regulation 8(2), policies in the LPSD are accompanied by a reasoned justification.

The Policies Map has been reproduced from an Ordnance Survey base and includes a key to explain each notation. This is to ensure that when the Local Planning Authority is in a position to adopt the document it will comply with Regulation 9.

2. Procedural requirements

Prepared in accordance with the Local Development Scheme (LDS)

The current Local Development Scheme was agreed by the Planning Committee in October 2017. Relevant milestones for the production of the LPSD and Policies Map are as follows:

- Publication: November 2017
- Submission: March 2018

Both documents were published for consultation on xxx November 2017 and have been submitted for examination in March 2018 in accordance with the LDS and s19 (1) of the 2004 Act.

Prepared in compliance with the Statement of Community Involvement (SCI)

The LPSD has been prepared to comply with the SCI which was adopted in 2006 at the outset of the process of preparing the Ryedale Plan. Although the SCI has been in existence for over ten years, the consultation commitments included within the SCI remain relevant.

The SCI identifies the range of different groups or stakeholders that are relevant to the plan-making process and from the outset of the process of preparing the Ryedale Plan and the LPSD, representatives of each of these groups have been contacted and invited to engage in the process. Over time a number of organisations /individuals have been removed or added to the consultation database where this has been requested.

Prepared in accordance with consultation requirements set out in the Regulations

Reg 18

SA/HRA

S 19 (5) (a) must carry out an SA of the proposals in the plan

S19 (5) (b) prepare an SA report

S13 (1) LPA must keep under review the matters which may be expected to affect the development of its area or the planning of its development

D- to C

S110 Localism Act

S33A 2004 Act

P+LB Act and others....

Duty to Co-Operate Statement

Legislation places a specific duty on a range of bodies to co-operate in the preparation of development plans. It requires constructive, active and on-going engagement in the process and to have regard to the activities of prescribed bodies. The duty is in so far as it relates to a strategic matter, which includes a significant impact on at least two planning areas or a county matter.

The Council has worked with a range of partners in preparing the plan. This has been a continuation of the on-going work which informed the preparation of the Local Plan Strategy. All of the relevant Duty-to Co-Operate bodies/partners are familiar with the strategic policies of the adopted development plan and area aware of the scope and role of the Sites Document. The strategic issues and implications

S19(1) Must be prepared in accordance with the LDS

LPA must have regard to:

S19(2) (a) national Policies and guidance

S19(2) (b) the RSS for the region in which the area of the authority is situated

S19 (2) (h) any other local development document which has been adopted by the authority

S19 (2) (i) the resources likely to be available for implementing the proposals in the document

S13 (1) LPA must keep under review the matters which may be expected to affect the development of its area or the planning of its development

S (17) – LDD's as a whole must set out the LPA's policies relating to the development and user of land

S (17) must keep LDD'S under review

S (17) regs under this section may prescribe...form and content....

S33A Duty to Co-Op: any person who is lpa, County Council, prescribed must co-op with every person in maximising the effectiveness with which activities within subsection 3 are undertaken (preparation of DPD's/ activities to prepare the way for these/support activities which relate to these), so far as relating to a strategic matter (sustainable development or use of land that has or would have a significant impact on at least two planning areas and sustainable development or use of land in a two-tier area if the development or use is a county matter or has/would have a significant impact on a county matter.

S37 (3) a DPD is a LDD which is specified as a DPD in the LDS

S38 (3) – the development plan is:

- **The Regional Strategy**
- **DPD's taken as a whole which have been adopted in relation to that area**
- **Any neighbourhood devel plans that have been made in relation to that area**

Regs – lists docs that must be specified as LDD's in the LDS (includes allocations documents/ devel and use of land which the LPA wish to encourage during any specified period/DM and site allocation policies that are intended to guide the determination of applications for planning permission/ any environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land mentioned in par (the devel and use of land that the lpa wish to encourage during any specified period) Reg 5

Reg 6 a local plan is any document of the description in the regs -

5(1)(a) (i) Devel and use of land which the lpa wish to encourage during any specified period

5(1) (a) (ii) The allocation of sites for a particular type of development or use

5(1) (a) (iv) DM and site allocation policies which are intended to guide the determination of applications for planning permission

Or

5(2)(a) relates only to part of the area of the lpa/ identifies that area as an area of sigif change or special conservation/ contains the lpa's policies in relation to the area

5(2)(b) any other document which includes a site allocation policy

Reg 8 Form and content of Local pLans:

8(1) (b) indicate whether the document is a local plan or spd

8(2) must contain a reasoned justification for the policies within it

8(4) policies in a local plan must be consistent with the adopted development plan (subject to (5) below)

8(5) where a local plan contains a policy intended to supercede another policy in the adopted development plan, it must state that and identify the superceded policy

9 The adopted pols map must be reproduced from OS base/include explanation of any symbol or notation/illustrate geographically the application of pols in the adopted dp.

Reg 18 – production process.....

Appendix 1: Extracts from the Ryedale Local Development Scheme and Policies YH9 and Y1 of the Regional Spatial Strategy.

Ryedale Local Development Scheme

“Local Plan Sites Document (LPSD) -is document will identify site specific land allocations to ensure a supply of land for a range of land uses and site specific protection policies. It will be prepared within the context of the strategic policies and principles established in the Local Plan Strategy.”

“Policies Map—a new Policies Map will be prepared in parallel with the production of the Local Plan Sites document. It provides a geographical illustration of the policies of the Local Plan Strategy and the proposals within the Sites Document. The map does not cover Helmsley as the Helmsley Plan is accompanied by its own Policies Map.”

York Green Belt Policies

POLICY YH9: Green belts

C The detailed inner boundaries of the Green Belt around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city.

POLICY Y1: York sub area policy

Plans, strategies, investment decisions and programmes for the York sub area should:

C Environment

1. In the City of York LDF, define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary in line with policy YH9C.

2. Protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.