

# Hambleton District Council Local Development Scheme

November 2018



Hambleton...a place to grow





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# 1 Introduction

- 1.1 A Local Development Scheme (LDS) is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). The LDS sets out the timetable for the production of the Local Development Documents (LDDs) that will make up the Council's Local Plan. The LDS must give details for certain types of LDDs, namely Development Plan Documents (DPDs) and the Statement of Community Involvement (SCI). The LDS must be made available publically and up to date information about whether the timetable is being met must be made available on the council's website.

## National Planning Policy Framework

- 1.2 The [National Planning Policy Framework](#) (NPPF) was revised in July 2018. The NPPF requires local planning authorities to produce plans that are shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees.

## National Planning Practice Guidance

- 1.3 The [National Planning Practice Guidance](#) (NPPG) is a national resource setting out guidance on all aspects of the planning process including plan making. It provides guidance for local planning authorities on the steps to be taken at different stages of the production of development plans.

## Regulations

- 1.4 The legal requirements for plan making are set out in the [Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#), referred to as the Local Plan Regulations 2012, with the particular requirements of producing local plans contained within regulations 17 to 26.

## Background

- 1.5 In October 2013 Council Members agreed the scope of a partial review of the Local Development Framework, called the Local Plan Focused Review (LPFR). Evidence base work was commissioned and published on affordable housing viability, objectively assessed housing need, and economic development (including an Employment Land Review) and on retail and town centre uses.
- 1.6 A key issue raised through the scoping of issues was that new development in smaller settlements was being constrained and that this did not accord with the NPPF. In 2014, the Council prepared the Interim Policy Guidance Note (IPGN) to address this inconsistency between LDF Core Strategy Policy CP4 and the NPPF. The IPGN was adopted by the Council in April 2015 for development management purposes. Subsequently, in April 2015 the Council agreed to proceed with a full local plan review.

## 2 Planning making process

**2.1** The process of preparing and adopting development plans is set out in the Town and Country Planning (Local Planning) (England) Regulations 2012 which came into force on 6 April 2012. These regulations prescribe the form and content of a Local Plan and Policies Map and set out procedural arrangements for preparing Local Plans.

**2.2** The NPPG sets out the process for producing development plans:

Stage	Steps
Initial evidence gathering	<ul style="list-style-type: none"> <li>Formulate initial aims and objectives for Local Plan</li> <li>Begin evidence gathering process</li> <li>Identify relevant environmental, economic and social objectives to inform the Sustainability Appraisal</li> </ul>
Initial consultation and continued work on evidence gathering	<ul style="list-style-type: none"> <li>Engage with local communities, businesses and other interested parties in line with <a href="#">Regulation 18</a> of Local Plan Regulations 2012</li> <li>Take into account representations received from consultation process in line with Regulations 18(3) of Local Plan Regulations 2012</li> <li>Engage with duty to cooperate partners</li> <li>Ensure compliance with local planning authority's Statement of Community Involvement</li> <li>Continue evidence gathering</li> <li>Test emerging options through Sustainability Appraisal</li> </ul>
Publication and submission	<ul style="list-style-type: none"> <li>Draft plan published for representations for a minimum of 6 weeks in line with <a href="#">Regulations 17</a> and <a href="#">19</a> of Local Plan Regulations 2012</li> <li>Plan submitted for examination, along with Sustainability Appraisal, evidence base and a statement of representations and main issues in line with <a href="#">Regulation 22</a> of Local Plan Regulations 2012</li> </ul>
Examination of submitted plan	<ul style="list-style-type: none"> <li>Independent Inspector assesses plan to determine whether it has been prepared in line with the duty to cooperate, other legal requirements, and whether it is sound in line with section 20 of the Planning and Compulsory Purchase Act 2004 and <a href="#">Regulations 23 – 24</a> of the Local Plan Regulations 2012</li> <li>Local planning authority can ask Inspector to recommend main modifications to make plan sound or comply with other legal requirements.</li> <li>Inspector issues report at end of examination</li> <li>Exceptionally, the Inspector will recommend the draft plan is withdrawn if it has not been prepared in accordance with the duty to cooperate or it is likely to be found unsound</li> </ul>

Stage	Steps
Adoption	<ul style="list-style-type: none"> <li>• Draft plan formally adopted by the local planning authority in line with section 32 the Planning and Compulsory Purchase Act 2004</li> <li>• Monitoring of implementation of Local Plan policies required in line with <a href="#">Regulation 34</a> of the Local Plan Regulations 2012</li> </ul>

## Public participation

**2.3** Community involvement is a key component in shaping the content of development plan documents. It should be an iterative process potentially involving several major rounds of engagement in addition to ongoing discussions with interested parties and is carried out in the context set by Regulation 18. The scale and nature of community involvement will vary according to the stage of document production. Public participation will be guided by the Council's Statement of Community Involvement.

## Statement of Community Involvement

**2.4** The Council's [Statement of Community Involvement](#) (SCI) was adopted in July 2013. It sets out how people and organisations can get involved in planning. Part three of the SCI, titled '[Influencing the Local Plan and Planning Policy](#)', sets out how and when the Council will engage with people and communities as part of the preparation of plans and policies. Throughout the preparation of the Local Plan the Council will consult with individuals, local communities, interest groups, businesses and statutory bodies. The responses to these consultations will be reviewed by the Council and considered in full, informing the local plan as necessary.

## Publication

**2.5** On completion of the public participation stages the local planning authority will prepare the plan for formal publication under [Regulation 19](#). At this stage the plan should be ready for examination. Once published there is a period for people to comment on the plan. Comments can only be made in relation to issues of soundness and legal compliance and are known as 'representations'. The period for representations must be at least six weeks, but can be longer. As it is a formal period there can be no extensions of time or exceptions made for any reason. Before the plan is published guidance will be produced to help people make representations that can be accepted.

## Soundness

**2.6** Local plans are 'sound' if they are:

- **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

- **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework.

## Legal compliance

2.7 Local plans are legally compliant if:

- i. they have been prepared in accordance with the Local Development Scheme, in compliance with the Statement of Community Involvement and the Regulations;
- ii. they have been subject to sustainability appraisal/ strategic environmental assessment and Habitats Regulations Assessment;
- iii. there is evidence demonstrating cooperation with statutory bodies (the Duty to Cooperate) and is accompanied by a Statement of Common Ground; and
- iv. they have been produced in accordance with all other applicable laws and statutory requirements.

## Submission

2.8 Following consideration of all representations received the local planning authority can propose limited, minor amendments to the published document. It is then formally submitted (under [Regulation 22](#)) to the Secretary of State and the Planning Inspectorate for examination. The Local Plan is accompanied by a schedule of any changes proposed, the representations received at publication stage and a summary of the main issues arising from those representations, along with the sustainability appraisal, habitats regulations assessment, statement of consultation and the supporting evidence documents.

## Sustainability Appraisal and Strategic Environmental Assessment

2.9 To assess the potential impact of the Local Plan it must be subjected to thorough sustainability appraisal. In order to fully comply with the European SEA Directive and the UK SEA Regulations and to provide a robust evidence base the Council will adopt an integrated approach towards meeting the requirements for both sustainability appraisal and strategic environmental assessment of the Local Plan. The appraisals are a systematic, iterative process to try to ensure that the Local Plan proposes a sustainable pattern of future development possible. Their purpose is to assess the extent to which emerging policies and proposals will help achieve relevant environmental, social and economic objectives.

## Habitats Regulations Assessment

**2.10** An Appropriate Assessment under Article 6(3) and (4) of the Habitats Directive 92/43/EEC being required for all plans likely to have a significant effect on a European site. Habitats Regulations Assessments, including Appropriate Assessment as necessary, will be undertaken prior to formal publication of the local plan.

## Duty to cooperate

**2.11** The Localism Act 2011 placed a duty on local planning authorities, requiring them to work with neighbouring authorities and other public bodies to address strategic cross-boundary issues. This is known as the Duty to Cooperate. Cooperation should be seen as a key collaborative thread running through the entire plan making process. Hambleton will continue to fulfil its duty in the following ways:

- It will consult with adjoining planning authorities on the preparation of its plans and policies from the initial stages and on studies which will form the evidence base that will underpin those plans;
- It will respond to consultations from other adjoining planning authorities and North Yorkshire County Council on the preparation of their policy documentation and evidence base;
- It will continue to work in a collaborative way with other local planning authorities and statutory bodies; and
- It will continue to engage with other Local Planning Authorities and statutory bodies through participation of the following strategic planning forums:
  - Tees Valley Development Plan Officer's Forum
  - North Yorkshire and York Spatial Planning and Transport Board
  - The York, North Yorkshire, East Riding and Hull Development Plans Forum (previously known as the North Yorkshire Development Plans Forum)
  - North Yorkshire and East Riding Directors of Development
  - North Yorkshire Heads of Development
  - York, North Yorkshire and East Riding Local Enterprise Partnership
  - The Tees Valley Combined Authority

## 3 Production programme

- 3.1 The Local Development Scheme and especially this production programme will be kept under review and will be modified and re-published as and when necessary. Please refer to the Council's [website](#) for the latest version and interim updates.

Hambleton Local Plan	
<b>Lead section:</b>	Planning Policy
<b>Scope:</b>	District wide with the exception of that part of Hambleton covered by the North York Moors National Park
<b>Conformity:</b>	With National Planning Policy Framework (as revised July 2018)
<b>Role and subject:</b>	To provide a comprehensive development strategy up to 2035 for the whole district, with the exception of that part covered by the North York Moors National Park. The local plan will replace all current adopted parts of the development plan, specifically the Core Strategy, adopted in April 2007; the Development Policies, adopted in February 2008, and the Allocations, adopted in December 2010. The plan will allocate development sites to meet identified needs and set out detailed development management policies. The Council does not intend to prepare any other development plan documents.

Local Plan timetable: Key Stages completed or in progress	
Stage	Date
Local plan production started	April 2015
Scoping of key issues	Summer 2015
<a href="#">Issues and options consultation</a> , including the <a href="#">sustainability appraisal scoping report</a>	January to February 2016
<a href="#">Preferred options consultation</a>	October 2016 to January 2017
<a href="#">Alternative sites and local green space designation consultation</a>	April to June 2017
Finalisation of evidence base - including Housing and Economic Development Needs Assessment (HEDNA), Transport Modelling and Impact Assessment, Viability Assessment, Infrastructure Delivery Plan, Sustainability Appraisal and Strategic Environmental Assessment, and Habitats Regulations Assessment	Started Summer 2015
Finalisation of Publication draft local plan	Started July 2017



Local Plan timetable: Key stages to be completed	
Stage:	Date:
Publication of the plan ( <a href="#">Regulation 19</a> )	June 2019
Statutory representations period (minimum 6 weeks) for the Publication draft Consultation on the draft final sustainability appraisal report Consultation on the draft infrastructure delivery plan	June to July 2019
Submission to the Secretary of State ( <a href="#">Regulation 22</a> )	November 2019
Estimated examination period <sup>(1)</sup>	November 2019 to October 2020
Receipt of inspector's report	November 2020
Estimated date of adoption	December 2020

1. Once the plan has been submitted for examination the timetable is managed by the planning inspector. As such all dates following submission of the plan are estimated.

## 4 Resources, monitoring and review

- 4.1 The Council's Planning Policy team will take the lead in preparing the local plan, as well as any supporting evidence and other planning policy documents, such as supplementary planning documents. Specialist skills available elsewhere in the Council will also be involved where relevant, in particular involving Development Management, Business and Economic and Housing Strategy.
- 4.2 Advice will also be sought from North Yorkshire County Council Council in relation to socio-economic research, transportation, countryside, biodiversity and archaeology. Expertise and information is also sought where relevant from other partners such as the Environment Agency or consultants may be employed to conduct specialist research. The budget for Planning Policy makes allowance for anticipated costs of development plan production and funding for specialist consultancy work. Examination costs are predominantly determined by the Planning Inspectorate and will depend on the scale and complexity of issues to be examined.
- 4.3 Preparation and progress with production of the local plan will continue to be reported through the Annual Monitoring Report which will consider progress against the key dates set out in this document. Regular monitoring of the effectiveness of development plan policies will also be undertaken and published on the Council's website.

# Glossary

## **Adoption**

The point at which the final agreed version of a document comes into use.

## **Annual Monitoring Report (AMR)**

Document produced at least annually to report on progress in Local Plan production and implementation of policies.

## **Development Plan**

The documents which together provide the policies for consideration of planning proposals. These will include the local plan, Minerals and Waste DPDs produced by North Yorkshire County Council and any neighbourhood plans that have successfully passed referendum and been adopted by the Council.

## **Development Plan Document (DPD)**

A document containing local planning policies or proposals which forms part of the Development Plan, and which has been subject to independent examination.

## **Examination**

Independent inquiry into the soundness of a draft Local Plan chaired by an Inspector appointed by the Secretary of State.

## **Local Development Scheme (LDS)**

Sets out the Council's programme for preparing and reviewing statutory planning documents.

## **Local Plan**

The document containing local planning policies and proposals for Hambleton, with the exception of the part within the North York Moors National Park.

## **Policies Map**

A map that shows the spatial extent of the planning policies and proposals of the adopted development plan (formerly known as the proposals map).

## **Publication**

Point at which a draft Local Plan is issued for representations prior to its submission to the Secretary of State for examination.

## **Scoping Report**

Report produced as the first stage of Sustainability Appraisal. It examines existing environmental, social and economic conditions in the district, and identifies appropriate objectives to appraise policies against.

## **Statement of Community Involvement (SCI)**

Document setting out the Council's approach to involving the community in preparing planning documents and making significant development management decisions.

## **Strategic Environmental Assessment (SEA)**

Process undertaken during plan production, to assess the potential environmental effects of emerging policies and proposals. It is incorporated within Sustainability Appraisal.

**Submission**

Following the publication and representations period the point at which a draft Local Plan is submitted to the Secretary of State along with representations the received for examination.

**Supplementary Planning Document (SPD)**

Provides additional guidance on the interpretation or application of adopted policies and proposals.

**Sustainability Appraisal**

Process undertaken during plan production, to assess the extent to which emerging policies and proposals will help to achieve environmental, social and economic objectives. It incorporates Strategic Environmental Assessment.

## Document information

### For further information please contact:

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### Links to Websites

The Local Development Scheme includes links to websites providing supporting information, data or guidance. Every effort has been made to ensure that these links are up to date. As websites change these links can become invalid. In circumstances where links have become invalid please use a suitable search term for an internet search. Alternatively please contact Planning Policy at the email address above for assistance.





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[hambleton.gov.uk/localplan](http://hambleton.gov.uk/localplan)



This information is available in alternative formats and languages