

# North York Moors National Park Authority

14 December 2020

## An Update on Progress with the Devolution Deal for York and North Yorkshire

### 1. Purpose of the Report

- 1.1 To provide an update for Members on progress with the York and North Yorkshire devolution bid to Government; to reaffirm the Authority's support for the bid and to report on progress with actions agreed at the Authority's AGM to press the case at a local and national level for statutory protection of the NPAs planning powers in the event of a Combined Authority Spatial Development Plan.

### 2. Background

- 2.1 Members may recall that the Devolution bid for York and North Yorkshire and the potential implications on the Authority's spatial planning role have been discussed in some detail at the March full Authority meeting and also the AGM held this year in July. See **Appendix 1** for the July AGM report.
- 2.2 The reports explained the detail of the Devolution bid seeking £2.4bn funding relating to transport, planning and housing, digital, skills and low carbon agendas to be devolved from central Government. They also detail the Authority's involvement in preparing the bid document which is heavily focused on the importance of the environment, biodiversity and the need to address climate change. Indeed the main headline of the bid is for the sub region to become the first carbon negative part of the country based on its Natural Capital, including large land area, quantities of deep peat, renewable energy potential and opportunities for significant woodland planting.
- 2.3 Over the last four months the Devolution bid has been caught up in the discussion on different options for local government reorganisation. Members will recall that the government has stated that a prerequisite for Devolution is a simpler form of local government i.e. the replacement of the current two tier system in North Yorkshire (which has 1 county council, 1 unitary council and 7 district or borough councils) with a unitary council model. Ministers have been explicit that unitary local government reorganisation and establishing a Mayoral Combined Authority are seen as being integral to the economic recovery and levelling up agenda. Progress on this and on efforts to resolve the potential planning concerns raised are set out below.

### 3. Concerns over Planning Arrangements in a Future Combined Authority: Progress at Local Level

- 3.1 The potential implications on the Authority's spatial planning role have already been set out in previous reports, which could occur in the event of a Mayoral Combined Authority (arising from an agreed joint working approach between the new unitary councils) with the ability to prepare its own Spatial Development Plan across a re-organised sub region. This could supersede the Local Plans in both National Parks and lead to fragmented spatial plan making as 15% of the North York Moors lies outside of North Yorkshire and nearly 30% of the Yorkshire Dales does.

3.2 In response to this, Members asked officers to engage at both local and national levels to seek to ensure the planning role of the NPA is protected. This has involved a joint approach with the Yorkshire Dales. A briefing note was prepared for this purpose setting out the Authority's position on Devolution (caveated support) and Local Government Ombudsman (no formal position) and its concern on potential future planning arrangements. This is included as an appendix to this report for Member's reference.

3.3 The NYCC proposal for a single unitary council for North Yorkshire, with the existing City of York Unitary remaining unchanged (The Case for Change) includes the following reference in relation to this issue which provides some reassurance:

*Considering the immeasurable value of our local natural assets, we understand the need to continue to work closely with the National Parks, including in their role as planning authorities, which will be protected. We recognise that membership arrangements would change, but this will be balanced appropriately so that the role of the National Parks is safeguarded within future arrangements. A clearer and simpler partnership will also enable us to better support and sustain the communities contained within the parks.*

3.4 The alternative LGO proposal put forward by the seven district and borough local authorities contains several references to both National Parks as important assets for the area and the need for joint working with the NPAs as important partners. It makes no reference to the NPAs role as local planning authorities in their own right though and refers to the two newly created unitary councils producing their own local plans, which might imply there would be total area coverage by these.

3.5 Both of these alternative proposals do acknowledge that there would be an impact on our Governance arrangements as the local authority component of our Board would be affected in terms of fewer constituent councils. The NYCC LGO option would mean the National Park would be mostly within the one large unitary council covering all of the existing North Yorkshire area, with of course the small (though important) northern part remaining unchanged within Redcar & Cleveland. In the alternative two unitary West-East split option, most of the National Park would fall within a new Eastern Unitary area, though with the Hambleton part of the Park based in the Western Unitary, so with Redcar & Cleveland we would be within three separate Unitary councils in this scenario.

3.6 Although LGO will of course mean a change in the make-up of our Membership, this in itself is not likely to impact adversely on our ability to deliver National Park purposes. The model already exists in Northumberland of a National Park within a unitary council. The NPAs existing approach of neutrality on this issue is therefore considered important to maintain.

#### **4. Concerns over Planning Arrangements in a Future Combined Authority: Progress at National Level**

4.1 The briefing note at **Appendix 2** was also sent to officials at DEFRA to inform discussions at a national level and although this relates only to the two Yorkshire National Parks at this stage, it will have implications for all English National Parks as the Devolution programme is rolled out across the country. So although NPE is aware of our discussions and concern it is not yet engaged in this at a national level.

4.2 Raising this with DEFRA and MHCLG officials has been helpful in that verbal confirmation was given that it was not the government's intention to change the sole planning authority status of National Park Authorities as legally defined in the 1995 Environment Act and that this may therefore represent an unforeseen consequence of the desire for Devolution and Mayoral Combined Authorities.

The main action arising from these discussions was for MHCLG legal advisers to check on the legal options to address this issue which were:

- i) That existing legislation in the 1995 Environment Act potentially safeguards the planning role requiring local authorities within National Parks to devolve planning powers to the NPA (so this would apply to future local authorities i.e. a combined authority);
- ii) That current Devolution legislation may have covered this issue already (the Greater Manchester deal is likely to have impacted on a small part of the Peak District for example); or
- iii) That neither of the above options provides a legal safeguard and that this is indeed an oversight which will require new legislation to correct.

We are still awaiting assurances on this and will continue to press the case

## **5. Submission of the Devolution Bid**

- 5.1 Currently the Devolution bid is supported by all local authorities except Ryedale and Hambleton, though we understand that Ryedale are set to approve it at full council in early December. Following the Local Government North Yorkshire and York meeting in early December, it is intended that the Devolution bid and both proposals for local Government reorganisation will be submitted to Government by the deadline date of 9<sup>th</sup> December. This will ensure that negotiations can take place on the deal whichever LGO option is selected. Some 'asks' of the deal have already been put forward as pipeline projects for York and North Yorkshire so there is an opportunity to access the £4bn levelling up fund recently announced by the Chancellor.
- 5.2 As advised in previous reports, the pace of this Devolution bid has increased rapidly and Local Government reorganisation is now formally progressing. Whilst we should still continue to seek formal resolution on the planning position, this should not stop us from being a positive and active participant in the Devolution process which will bring significant funding opportunities to deliver long lasting environmental as well as social and economic benefits to the area. We should therefore reaffirm the support of the Authority for the bid in principle.

## **6 Financial and Staffing Implications**

- 6.1 This is a significant issue for the Authority currently and is likely to become so for other National Parks in due course. Further officer time will be needed at a senior level to ensure a successful Devolution deal does not adversely affect the National Park Authority's strategic planning position though this is unlikely to incur additional unplanned financial resource.

## **7. Contribution to National Park Management Plan**

- 7.1 Although the subject matter of this report is not directly related to objectives in the Management Plan, clearly, a successful Devolution agreement could have significant positive impacts on the delivery of a wide range of Management Plan aims from nature recovery and natural capital improvement through to the delivery of broad-band, and affordable housing targets. Conversely, those aspects of the Management Plan that are delivered through the Authority's spatial plan making role may be adversely impacted if this function is superseded by a Combined Authority Spatial Development Strategy.

## **8. Legal Implications**

- 8.1 There are potentially significant legal implications in relation to governance and the Authority's strategic planning responsibilities arising from a devolution agreement.

**9. Recommendation**

- 9.1 That: Members confirm the support of the Authority for the York and North Yorkshire Devolution Bid, whilst continuing to support efforts to ensure that legislation fully protects the present position of the National Park Authority, Local Planning Authority for the National Park administrative area and in relation to any future strategic planning across the York and North Yorkshire area.

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**Background papers to this Report**

**File ref**

1. National Park Authority Reports – March 23 2020 and July 27 2020
2. York and North Yorkshire Devolution Deal Prospectus
3. KPGM York and North Yorkshire Local Government Reorganisation Case for Change – Sept 2020
4. A Unitary Council for North Yorkshire – The Case for Change – Oct 2020