

RYEDALE DISTRICT COUNCIL
EXAMINATION OF THE RYEDALE PLAN – LOCAL PLAN STRATEGY
INSPECTOR’S INTERIM CONCLUSIONS

1. The Inspector has now completed his initial assessment of the submitted Local Plan Strategy (LPS) in terms of compliance with the legal requirements and soundness, as set out in the National Planning Policy Framework (NPPF) (¶ 182). Having considered the plan and supporting evidence, along with the main issues raised in the representations, discussions, statements and responses made at the hearing sessions and in writing, he reaches the following interim conclusions:

a. Legal and Procedural Requirements

The preparation of the plan has complied with the statutory legal and procedural requirements, including compliance with the Local Development Scheme and Local Development Regulations, consultation undertaken and Statement of Community Involvement, Sustainability Appraisal, general conformity with the Regional Strategy, Sustainable Community Strategy and the Duty to Co-operate.

b. Context, Vision & Objectives

The Context, Vision & Objectives of the plan are locally distinctive, appropriate for Ryedale, reflect the Sustainable Community Strategy and are soundly based. The Proposed Further Changes¹ update and clarify the context and objectives of the plan, ensuring that it provides an effective basis for the LPS.

c. Spatial Strategy

i. The Spatial Strategy, including the general location of development, settlement hierarchy, foci for growth and relationship with neighbourhood plans, sets out the strategic priorities for the district, is locally distinctive and appropriate for Ryedale, is robust, effective and justified with evidence, has regard to cross-boundary issues and seems soundly based. Having considered reasonable alternatives, this seems to be the most appropriate, effective and sustainable strategy for Ryedale.

ii. The Proposed Further Changes would update and clarify Policy SP1, including the identification of settlements and release of sites, development limits, development in the Green Belt, flooding, relationship with settlements partly within the North York Moors National Park and, in the Spatial Summary, deleting the reference to enabling development in Other Villages. The changes would also clarify the Key Diagram, and ensure that the strategy provides sufficient strategic guidance and spatial direction for subsequent Development Plan Documents and development decisions, as well as providing an effective basis for the policies of the plan.

d. Housing

i. The housing strategy in the submitted plan is unsound, since it fails to reflect key elements of national guidance in the NPPF (¶ 14, 17, 47-55 & 159), in particular:

- it does not clearly demonstrate how the Council has undertaken an objective assessment of housing needs, including meeting the full objectively assessed needs for market and affordable housing;
- it provides insufficient evidence in terms of assessing alternative levels of housing provision and explaining how any adverse impacts of making higher levels of provision would significantly and demonstrably outweigh the benefits of making such provision;
- it fails to explain how an additional buffer of 5/20% of housing sites will be provided in the first 5 years of the plan period (depending on whether there has been a persistent under-delivery of housing in the past);
- it provides insufficient evidence about how the scale of affordable housing needed will be met and addressed;
- it gives insufficient guidance about the release, delivery and scale of proposed housing development.

¹ Proposed Further Changes (Version 4; 14.11.12) [DDH98]

- ii. Following discussions at the hearing sessions, the Council has provided further evidence² on the process of undertaking its objective assessment of housing requirements, including the implications of higher levels of housing provision. The Proposed Further Changes now incorporate a requirement for the plan to provide an additional 20% buffer of housing provision for the first 5 years of the plan, to reflect this specific requirement of the NPPF and help to address previous under-delivery of housing. Further details about the delivery of affordable housing have been provided, along with the release, delivery and scale of housing sites. Other changes are suggested to the policies and accompanying text to update and clarify the application of the policies. These suggested changes would seem to go a long way towards overcoming the shortcomings of the submitted plan in terms of consistency with national policy and soundness.
- iii. However, the Inspector continues to have concerns about the overall level of housing provision proposed in the submitted plan, which at 3000 dwellings; 200 dwellings/year (2012-2027) does not seem to fully meet the housing needs of the district when assessed against the latest (2008-based) household projections (which estimate 240-252 new houses/year, depending which figures are used).
- iv. One solution might be to increase the overall and annual level of housing provision to meet this minimum figure. However, the Council points out³ that, whilst the sustainability implications of this increased level of provision may be similar to the submitted plan, this approach could lead to increased in-migration and the allocation of new greenfield land which may not be delivered. There is also some evidence to suggest that the 2008-based household projections may have over-stated the projected housing needs for Ryedale, particularly in view of more recent 2010-based population projections and 2011 Census information.
- v. Other higher levels of housing provision (ranging from 300, 350 & 551 houses/year) would seem to have increasingly significant negative implications for the sustainability, role, character and environment of Ryedale and deliverability of the strategy. Although there may be some benefits in providing more affordable housing, there would be apparent disbenefits, constraints and issues related to the spatial strategy and the role of Ryedale. In particular, the highest figure would seem to fundamentally affect the overall scale and distribution of housing development and the sub-regional role of Ryedale, raise serious infrastructure issues and represent a very different strategy. It also relies on a partial assessment of need, focused on affordable housing, which the Council believes would be unrealistically high, leading to unsustainable and undeliverable levels of development, which cannot be fully justified.
- vi. The Council's suggested approach is to retain the minimum level of housing provision at 3000 dwellings (200/year), but to retain the original "local buffer" approach in the submitted plan. This would enable additional housing provision to be made, up to a level of 20-25% (or 240-250 houses/year), without affecting the overall housing provision level. It would also help to manage the cumulative housing provision as a minimum figure over the plan period, but give flexibility to identify, propose and bring forward additional housing land if it is needed and can be delivered.
- vii. The Inspector considers that, if the Council is definitely not prepared to increase the overall housing provision in the plan to a level that would reflect the minimum housing needs identified in the 2008-based household projections, the suggested approach (at a 25% level) might be a way forward. However, the application of this local buffer would need to be clearly explained in the plan, incorporated into the housing policy and subject to regular monitoring⁴. Due to the current uncertainty about future household projections, the plan should also include a policy commitment to review housing needs within 5 years.

² Council's Homework on the Housing Strategy [DDH20, DDH30, DDH32, DDH90-92, DDH94; DDH96; DDH103-105]

³ Homework arising from the 9-10 October Hearing sessions [DDH90-92]

⁴ As suggested in Examination Document DDH96

- viii. In addition, the 20% (NPPF) buffer would need to be clearly explained and incorporated into the housing policy, confirming that it relates to a supply of specific deliverable sites to be allocated in the Local Plan Sites Document, as suggested⁵. As a consequence, the housing trajectory may need to be amended to reflect the operation of this buffer, showing how bringing forward sites might affect the delivery of housing. The housing policy (Policy SP2) should also include the approximate percentage of overall housing provision expected in the settlement hierarchy, to be consistent with Policies SP1 & SP6 (as the Council agreed in earlier statements⁶). Further clarification about the policy on Rural Exception Sites⁷ and further detail about the delivery of affordable housing⁸ should also be added to Policy SP3 and the accompanying text.
- ix. The Inspector considers that these amendments to the plan may represent a positive way forward, but he reserves judgement on whether they would ensure the plan is consistent with national policy and is sound until the results of public consultation on the changes are known.

e. Economy

- i. The LPS sets out a clear economic vision for Ryedale, encouraging sustainable economic growth, in line with national policy. The overall amount, distribution and delivery of employment land seems to be effective, appropriate for Ryedale, justified by evidence, consistent with the Government's objective of promoting economic growth and soundly based. The focus of new employment development on the main market towns of Malton/Norton and Pickering, and to a lesser extent Kirkbymoorside and Helmsley, and the strategy for the rural area and for safeguarding existing employment sites, seems to be soundly based, deliverable, consistent with the Regional Strategy and justified with evidence. The Proposed Changes would update and clarify the policy and ensure that it provides sufficient strategic guidance and spatial direction for subsequent DPDs and development decisions, as well as a sound and effective basis for the plan.
- ii. The strategy for town centres and retailing, in terms of focusing most new retail and town centre development in the principal town centre of Malton and to a lesser extent in the local centres, seems to be appropriate for Ryedale, effective, justified with evidence, consistent with national/regional policy and soundly based. The Proposed Changes update and clarify the policy, ensuring that it is effective and sound. As suggested, Policy SP7 and the accompanying text need to be updated to reflect the latest position, particularly the recent granting of retail development at the Livestock Market Site at Malton on appeal⁹, including the role of this site and the capacity for new retail floorspace. Policy SP9 and the accompanying text should also be updated, along with clarification of the policy for the livestock market and for existing and new buildings in rural areas. These amendments¹⁰ would ensure that the policies are up-to-date, effective, deliverable and soundly based.
- iii. Some concerns have been raised about the soundness of the proposed "Northern Arc". Although there is limited evidence to support this concept, it would provide an appropriate strategic steer to the Local Plan Sites Document when considering potential development opportunities on the northern side of the town centre (including the Wentworth Street car park site), in line with national guidance (NPPF; ¶ 14 & 23).

f. Physical Infrastructure & Community Facilities

The policies seem to provide for the effective delivery of the physical infrastructure and community facilities and services required in Ryedale. The plan also sets out the critical infrastructure improvements and requirements, reflecting the Infrastructure Delivery Plan. The Proposed Changes would update and clarify the position, and ensure that the policies provide an up-to-date, effective and consistent approach to the provision of such infrastructure

⁵ Examination Document DDH96

⁶ Examination Document PSD34; ¶ 4.3.2

⁷ As suggested in Examination Document DDH92

⁸ As suggested in Document DDH96

⁹ APP/Y2736/A/12/2174677 (29 October 2012)

¹⁰ As set out in Examination Document DDH98

and facilities. Some concern has been raised about the adequacy of the Strategic Transport Assessment undertaken for the plan, particularly for Malton/Norton. However, this study examined various options and levels of development, used an appropriate traffic model and baseline, is technically sound and its conclusions have been endorsed by the responsible authorities (Highways Agency & North Yorkshire County Council).

g. Environment

The policies seem to provide an appropriate, effective and soundly-based framework for protecting and enhancing the natural, built and historic environment in Ryedale, including heritage assets and landscapes, biodiversity and green infrastructure networks, high quality design, natural resources, pollution and climate change, which is justified and consistent with national policy. The Proposed Changes would update, correct and clarify the policies, including flooding, design and renewable/low carbon energy, ensuring that the policies are effective, reasonable and soundly based. The Inspector is also satisfied that, with the Proposed Change, the approach to enabling development is consistent with national policy and English Heritage guidance.

h. Managing Development

The policies seem to provide an appropriate, positive, effective and soundly based framework for managing and controlling development. The Proposed Changes would incorporate the recommended "model" policy confirming the presumption in favour of sustainable development. They would also clarify the approach to occupancy restrictions and developer contributions, ensuring that the approach is not unduly onerous for developers and is consistent with national policy. The inclusion of a list of "saved" policies in the Ryedale Local Plan superseded by policies in the LPS would ensure that the plan meets the statutory legal requirements in this regard.

2. Consequently, the Inspector requests the Council to consider his interim conclusions and put forward the necessary amendments to the policies and accompanying text in a comprehensive Schedule of Proposed Further Changes, identifying those changes which are necessary to ensure the soundness of the plan ("*Main Modifications*"). Careful checking and proof-reading of the Schedule of Proposed Further Changes, including any implications of the changes for other policies and text in the plan, will also be needed. These Proposed Further Changes can then be published and be subject to a 6-week formal period of public consultation. If any further Sustainability Appraisal is needed, it should be undertaken before public consultation and published at the same time.
3. The Inspector confirms that these are his interim conclusions, without prejudice, on the soundness of the Local Plan Strategy. Before reaching his final conclusions and preparing his report to the Council, he will consider any representations and responses on the Schedule of Proposed Further Changes, along with those made during earlier stages of the examination process.
4. This note sets out the Inspector's interim conclusions on the soundness of the plan, but does not cover all the matters and issues identified for examination. The full reasoning for his final conclusions will be included in his report to the Council. Apart from requesting the Council to consider the amendments needed to the plan, this note is made available to other participants for information only. Participants will be able to make any further representations on the Schedule of Proposed Further Changes, when published.