



PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	COUNCIL
DATE:	16 MAY 2013
REPORT OF THE:	HEAD OF PLANNING AND HOUSING GARY HOUSDEN
TITLE OF REPORT:	THE RYEDALE PLAN: LOCAL PLAN STRATEGY EXAMINATION
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To provide Members with an update on the Local Plan Strategy examination. The report provides the opportunity for members to familiarise themselves with the changes to the plan which have been proposed as part of the examination process and with the Council's response to comments received following consultation on these changes, prior to the Council receiving the Inspectors final report.

2.0 RECOMMENDATION:

- (i) That Members receive the report for information.

3.0 REASON FOR RECOMMENDATIONS

- 3.1 To ensure that Members are aware of the changes (modifications) to the Plan which have been proposed as part of the examination process in the event that the Council receives an Inspectors report which recommends that the plan should be adopted with modifications. Members are reminded that the Inspectors report is no longer binding on the authority and that it is the Council's decision as to whether it adopts the Plan with changes recommended by the Inspector. It is considered that a report at this stage will assist Members in the future when Council is in a position to consider the Inspectors final report.

4.0 SIGNIFICANT RISKS

- 4.1 There are no significant risks associated with the report. It is considered that there would be a significant risk to the plan and examination process if Members chose to make further changes to the plan at this stage prior to the Inspector issuing his final report.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 The production of the Plan is a key Council priority. Consultation is embedded in the plan-making process and the Plan has been shaped by on-going consultation prior to its submission and it continues to be shaped by consultation undertaken as part of the formal examination process.

6.0 REPORT

Background

- 6.1 Members are aware that the Local Plan Strategy was submitted for examination in May 2012. Prior to the submission of the Plan, at its meeting on the 17 May 2012, Council delegated authority to the Head of Planning and Housing and Officer team to provide a response to all questions, issues and matters raised during the examination process.
- 6.2 At the meeting, Council also authorised officers to make a request to the Inspector appointed to conduct the examination, to recommend modifications to the plan to make it sound. The ability to make this request is as a result of changes to the plan-making process introduced through the Localism Act. The Inspectors report will only make recommendations in relation to the adoption of the plan. It is no longer binding on the authority. Officers made this formal request to the Inspector at a Pre-Hearing meeting which was held on 13 July 2012.
- 6.3 The examination hearing sessions took place in September and October 2012. As part of this process, the soundness of the submitted plan was comprehensively debated and the need for changes or 'modifications' as they are formally called, was discussed and highlighted. Following the hearing sessions, the Inspector issued his interim conclusions on the soundness of the Plan. The Interim conclusions have been previously circulated to Members. Appendix 1 of this report provides a brief summary.
- 6.4 Consistent with the notion that the Plan, even during the course of the examination remains the Council's Plan, the Inspector requested that the Council propose changes to the document to reflect the outcome of the hearing sessions and the interim conclusions and to make these available for consultation. This took place over a six week period from the 16 January 2013 – 27 February 2013. The representations received in response to this consultation are considered by the Inspector as part of the examination process. To inform the process, the Inspector has asked the Council to provide its response to the issues raised.
- 6.5 As a number of parties have requested (as is their right) to have their representations considered orally, further hearing sessions have been scheduled for the 22, 23, 24 May. The Inspector has made it clear that discussion will be confined to the proposed changes and will not be an opportunity to re-open or repeat points made during earlier hearing sessions or to raise new matters. The Inspector has also made it clear that he intends to consider the implications of the revocation of the Regional Spatial Strategy for the Plan on the basis that the RSS was revoked in February 2013, after the initial hearing sessions but clearly before the close of the examination. The Inspector issued an agenda for the resumed hearing sessions on the 2 May 2013.

- 6.6 It is anticipated that following the resumed hearing sessions, the Inspector will close the examination and subsequently issue his final report. This will indicate whether he considers that the Plan should be adopted with modifications or whether he considers that it should not be adopted.

Proposed changes (Main Modifications)

- 6.7 The schedule of proposed changes to the plan is available to view on the examination pages of the Council's web-site. The vast majority of changes have been proposed to improve the clarity and interpretation of the submitted plan or to provide factual updates to it. It is considered that only a limited number of changes represent more substantive changes to the policy approach of the submitted plan. A summary of these is as follows:

- Allowing in principle, some market housing on Rural Exception Sites where this is necessary to ensure the delivery of affordable housing in the context of reduced public subsidy
- Increased flexibility around housing supply, including the commitment to an NPPF supply 'buffer' of 20% and an increase in the local housing buffer to 25% from 20%.
- Disaggregating the level of employment land to be directed to Malton, Norton and Pickering
- Removal of the requirement for the livestock market at Malton to be relocated before the current site is redeveloped
- Removal of site specific on-site renewable energy targets and sustainable building standards, replaced with a policy approach of seeking the highest standards which are feasible and viable on a site

Consultation on Proposed Changes

- 6.8 226 representations were made by 28 organisations/ individuals in response to the proposed changes to the plan. Summaries of all of the representations received together with the Councils response are included in a Statement of Consultation which is available on the examination pages of the Councils web-site. The representations are also available to view in full on the web-site.
- 6.9 The vast majority of representations are 'objections' to the proposed changes and have been made in response to proposed changes to the housing strategy and to specific elements of the retail strategy.
- 6.10 Representations received which challenge the changes to the housing strategy have been made mainly by the house building industry. A summary of their concerns is as follows:
- The proposed changes do not ensure that the plan meets objectively assessed housing needs and the housing figure should be increased
 - The plan needs a policy commitment to review the housing figure within five years
 - The mechanism for the early release of housing sites is insufficiently clear
 - The approach to density is inappropriate
 - The revised approach to Rural Exception Sites is inadequate
 - The local 'buffer' of 25% should be mainstreamed into the overall level of housing provision
 - The release of additional supply of land advocated by the NPPF to supplement the five year supply should not be delayed until the adoption of the Helmsley Plan and Sites Document.

- 6.11 In providing the Council's response to the issues raised in respect of housing matters, Officers are of the view that the Plan together with the changes proposed, is sound.
- 6.12 The proposed changes to the Plan have also attracted further representations in terms of the retail strategy. During the earlier hearing sessions the appeal decision on the Malton Livestock Market site (LMS) application was released and subsequently, the Inspector asked the Council to prepare updated text for the plan to reflect the outcome of the decision.
- 6.13 In response to this, representations have been received from the Fitzwilliam Malton Estate (FME) and other parties which generally support the LMS scheme and the FME's position. Representations have also been received from GMI Holbeck Ltd (GMIHL), the developers with an interest in the Wentworth Street Car Park site. The principle objections from these opposing representations are that:

FME

- The proposed further changes do not fully take into account the LMS appeal decision
- The LMS site accommodates all the retail needs for Malton and therefore no additional retail requirement should be identified through the Local Plan Strategy.
- The Northern Arc should be removed from the Plan.
- The effect of the Plan would be to undermine the ability to bring forward the LMS site as the most sequentially preferable site.
- WSCP should not be considered a commitment as a result of the LMS appeal

GMIHL

- The Local Plan Strategy does not provide a clear strategy for meeting retail needs "in full" as required by the National Planning Policy Framework and ignores the qualitative requirement for an additional larger format store in Malton which can meet main food shopping requirements and provide choice and competition
 - The Plan is unsound as it relies on the LMS site which cannot meet this identified need, is not commercially viable and is therefore undeliverable
 - The Plan is not based on up to date retail evidence
 - The Plan should identify development on Wentworth Street Car Park as a catalyst for bringing forward the LMS site within the Northern Arc.
 - Wentworth Street Car Park should be recognised as a commitment in principle.
- 6.14 It is clear that retail matters will continue to form a key element of the debate at the examination and at the forthcoming hearing sessions. Broadly, in response to the issues raised the Council has made it clear that it considers that the proposed change to the Plan is a factual update to the document, reflecting the outcome of the LMS appeal. It is of the view that the LMS decision does not require more substantive policy changes to the plan which, as a strategic document provides a clear and flexible framework to seek to ensure that identified retail needs are met in full over the plan period. The Council has reiterated that it considers that the LMS site alone will not meet the full range of retail requirements and that the Northern Arc remains appropriate and that it will not undermine the ability to deliver the LMS scheme. The Council has confirmed that it considers current commitments to be schemes for which planning permission has been granted and that its evidence base is up to date.

Procedural Issues

- 6.15 Throughout the examination, officers have justified and supported the Plan which was submitted for examination and will continue to do so as the examination progresses. Members are reminded that the submission version of the Plan is the one which the Council considered to be sound and the one which it sought to adopt. Members are also reminded that the scope to make changes to the Council's Plan is very limited once it is submitted for examination and during the course of the examination.
- 6.16 It is appreciated that individual members may have some concerns with some of the changes that have been proposed during the examination process or that they may feel that further additional changes are required. Officers are confident however, that the changes proposed to the Plan are those which have been identified through the examination process as being necessary to address some issues of soundness identified by the Inspector or other parties and that it is not be appropriate to attempt to introduce further changes to the Plan at this stage. Officers are also confident that in compiling the list of proposed changes to the plan as well as providing the Council's response to representations received as part of the consultation on proposed changes that they have acted entirely within the scope of the delegated authority.
- 6.16 The examination process will ensure that the proposed changes are subject to further debate and scrutiny in the light of representations received. Furthermore, Members are aware that the Inspectors report is no longer binding on the Authority. If the Inspector concludes that the plan is capable of adoption with changes then ultimately the decision to adopt the plan will be the Council's decision to make at a later date.

7.0 IMPLICATIONS

- 7.1 The following implications have been identified:
- a) Financial
There are no direct implications associated with the report/ recommendation
 - b) Legal
There are no direct implications associated with the report/ recommendation
 - c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)
There are no direct implications associated with the report/ recommendation

8.0 NEXT STEPS

- 8.1 It is anticipated that the Council will receive the Inspectors report shortly after the resumed hearing sessions close although the Inspector has not confirmed a date for when he intends to issue his report. Once the report is received it will be reported to Members.

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Background Papers:

Proposed Further Changes:

http://extranet.ryedale.gov.uk/default.aspx?page=7158#Proposed_Further_Changes

Statement of Consultation on Proposed Further Changes:

http://extranet.ryedale.gov.uk/pdf/DDH115_Statement_of_Consultation_March13.pdf

Inspectors Interim Conclusions:

http://extranet.ryedale.gov.uk/PDF/DDH108_Inspectors_interim_conclusions.pdf

Background Papers are available for inspection at:

Ryedale House. www.ryedale.gov.uk

Annex 1 Summary of the Inspectors Interim Report.

- The plan has been prepared in compliance with legal and procedural requirements, including the new Duty to Co-operate, introduced by the Localism Act and complies with the Sustainable Community Strategy
- Context, vision and objectives are soundly based
- Spatial Strategy seems to be the most appropriate, effective and sustainable strategy for Ryedale and the proposed changes to it make the necessary updates and clarification
- Overall amount, distribution and delivery of employment land seem to be soundly based and that proposed changes provide the necessary update and clarification
- Strategy for town centres seems to be soundly based and that proposed changes provide the necessary update and clarification
- Policies seem to provide for the effective delivery of the physical infrastructure and community facilities required in Ryedale
- Policies seem to provide a soundly-based framework for protecting and enhancing the natural, built and historic environment in Ryedale
- Policies provide an appropriate, positive and soundly-based framework for managing and controlling development

The Inspector has used the interim report to confirm that he considers the housing strategy in the submitted plan to be unsound because it fails to reflect key elements of national policy in new National Planning Policy Framework (NPPF) The NPPF is key way in which the Government intends the growth agenda to be implemented and an important way to ensure that sufficient new homes are built. In particular, the Inspector has concerns that the Plan does not demonstrate how the Council has undertaken an objective assessment of housing needs; provides insufficient evidence in terms of assessing alternative levels of housing provision; provides insufficient evidence about how the scale of affordable housing needed will be met and addressed and does not explain how a sufficient supply of sites will be maintained and released.

The Inspector has indicated that proposed changes to the plan may represent a positive way forward, but at this stage he has reserved judgment on whether the proposed changes would be sufficient to ensure that the plan is sound until the results of public consultation on the proposed changes are known.