



The Planning Inspectorate

Report to Ryedale District Council

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an Inspector appointed by the Secretary of State for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (as amended)

SECTION 20

REPORT ON THE EXAMINATION INTO THE RYEDALE PLAN – LOCAL PLAN STRATEGY

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ABBREVIATIONS USED IN THIS REPORT

AMR	Annual Monitoring Report
AHLV	Area of High Landscape Value
CIL	Community Infrastructure Levy
DCLG	Department for Communities & Local Government
EH	English Heritage
ELR/ELRU	Employment Land Review/update
GTAA	Gypsy and Traveller Accommodation Assessment
ha	hectares
IDP	Infrastructure Delivery Plan
LDS	Local Development Scheme
LGNYY	Local Government North Yorkshire & York
LMS	Livestock Market Site
LPS	Local Plan Strategy
LPSD	Local Plan Sites Document
LTP	Local Transport Plan
MM	Main Modification
M&NNP	Malton & Norton Neighbourhood Plan
NPPF	National Planning Policy Framework
NYCC	North Yorkshire County Council
¶/para	paragraph
PFC	Proposed Further Changes
PINS	Planning Inspectorate
RDC	Ryedale District Council
RLP	Ryedale Local Plan
S106	Section 106
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SFRA	Strategic Flood Risk Assessment
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SINC	Sites of Interest to Nature Conservation
SPD	Supplementary Planning Document
SSSI	Site of Special Scientific Interest
STA	Strategic Transport Assessment
TRICS	Trip Rate Information Computer System
YHRSS	Yorkshire & The Humber Regional Spatial Strategy
YWT	Yorkshire Wildlife Trust

Non-Technical Summary

This report concludes that The Ryedale Plan – Local Plan Strategy provides an appropriate basis for the planning of the District up to 2027 providing a number of modifications are made to the plan. Ryedale District Council has specifically requested me to recommend any modifications necessary to enable the plan to be adopted. All these modifications were proposed by the Council, and I have recommended their inclusion after full consideration of the representations from other parties on these issues.

The Main Modifications can be summarised as follows:

- *Clarifying the Context and Objectives of the Plan;*
- *Clarifying the Spatial Strategy, to ensure effectiveness and consistency with national policy and other policies in the plan, including the approach to releasing new development sites and identifying other settlements suitable for development, developer contributions, settlement limits, enabling development and development in the Green Belt, and amending the Key Diagram to make the hierarchy of settlements clearer;*
- *Clarifying, amending and updating the Housing Strategy, including the delivery and distribution of new housing and the objective assessment of housing requirements, incorporating the 20% NPPF buffer and 25% local "zone of tolerance", amending the housing trajectory, including a commitment to reviewing housing needs within 5 years, and clarifying the size and scale of development sites;*
- *Clarifying the Affordable Housing strategy, including the approach to meeting affordable housing needs and Rural Exception Sites;*
- *Clarifying the level of employment land provision at the main centres and confirming the nature and extent of protected employment sites;*
- *Clarifying and updating the retail and town centre strategy to reflect the current situation, including the status of the Livestock Market site and the residual retail capacity required in the main town centres;*
- *Clarifying the approach to heritage assets, enabling development, green infrastructure and design;*
- *Clarifying, updating and amending the approach to managing air quality, land and water resources, and renewable and low-carbon energy;*
- *Including the "model" policy confirming the presumption in favour of sustainable development, in line with national policy;*
- *Clarifying the approach to general development management issues, occupancy restrictions and developer contributions;*
- *Including a list of Ryedale Local Plan policies superseded by this Local Plan, to meet the legal requirements of plan preparation.*

Introduction

1. This report contains my assessment of *The Ryedale Plan – Local Plan Strategy* (LPS) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the preparation of the plan has complied with the Duty to Co-operate, recognising that there is no scope to remedy any failure in this regard. It then considers whether the plan is sound and is compliant with the legal requirements. The National Planning Policy Framework (NPPF; ¶ 182) confirms that to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The basis for the examination is the submitted Local Plan Strategy (May 2012) (LPS) [SD1], together with the accompanying Schedule of Proposed Changes [SD2].
3. This report deals with the Main Modifications that are needed to make the Plan sound and legally compliant, as identified in bold in the report **[MM]**. In accordance with section 20(7C) of the 2004 Act, Ryedale District Council (RDC) requested me to make any modifications needed to rectify matters that make the plan unsound or not legally compliant, and thus incapable of being adopted. These Main Modifications are set out in the accompanying Appendix.
4. The Main Modifications that go to soundness all relate to matters that were discussed at the examination hearings. Following these discussions and the issue of my Interim Conclusions on the soundness of the LPS [DDH108], RDC prepared a *Schedule of Proposed Further Changes* (PFCs) [DDH109], including sustainability appraisal. This was subject to consultation over a 6-week period, and I have taken account of the representations and points made at the resumed hearing sessions in coming to my conclusions. I have also taken account of the responses to other consultations, including the implications of the revocation of the Regional Strategy, 2011-based interim household projections and the recent Ministerial statement about on-shore wind energy.
5. My approach to the Examination has been to work with RDC and other participants in a positive, pragmatic and proactive manner, with the aim of resolving any elements of unsoundness in the LPS. In so doing, I have considered all the points made in the representations, statements and at the hearing sessions. However, the purpose of this report is to assess the soundness and legal compliance of the LPS, giving reasons for my recommendations for modifications, rather than responding to the points made in the representations. References to documentary sources are provided thus [], quoting the reference number in the Examination Library.

Assessment of the Duty to Co-operate

6. Section 20(5)(c) of the 2004 Act requires me to consider whether the Council has complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan’s preparation. This requires RDC to co-operate and engage constructively, actively and on an on-going basis with neighbouring planning authorities and other prescribed bodies when preparing development plan documents with regard to a strategic matter. This duty is closely related to the requirements in the NPPF (¶ 178-181) and the soundness tests which require plans to be positively prepared and effective (NPPF; ¶ 182).

7. RDC has submitted comprehensive evidence demonstrating that the Council has a long history of working collaboratively with neighbouring authorities, both at officer and member level, not only between 2004-2008 as part of the work on the former regional strategy (YHRSS) but since then, as part of the established arrangements for sub-regional working [BP3/PSD21/PSD45/PSD48]. Since 2010, this has included working groups and committees related to Local Government North Yorkshire & York (LGNYY), including the Spatial Planning Board and the preparation of the Sub-Regional Strategy in June 2011 [TE46/PS6]. Joint evidence has also been prepared, covering spatial planning, housing, affordable housing, gypsy and traveller assessment, economic issues, renewable energy, green infrastructure, strategic flood risk and landscape. RDC has also engaged and co-operated on an ongoing basis with a range of statutory bodies, including the Highways Agency, Environment Agency, English Heritage, Natural England, Primary Health Care Trust, wildlife and other organisations.
8. RDC was closely involved in framing the former YHRSS and subsequent regional work where the overall strategy for the region and York sub-area was established, covering the role of Ryedale, including Malton and Norton. Cross-boundary issues, including links with Scarborough and York, have also been addressed. More recently, RDC has been closely involved with LGNYY, establishing the North Yorkshire & York Sub-Regional Strategy following from the York Sub-Area Study [TE2] and sub-regional Spatial Planning Assessment [TE45]. RDC has also engaged positively with neighbouring authorities and other stakeholders to address key strategic issues, such as housing, jobs, retail, leisure and other commercial development, infrastructure, minerals, energy, health, community and other local facilities, and environmental, landscape, flooding and climate change issues [BP3].
9. RDC and the neighbouring local authorities have collaborated on the production of the LPS, recognising the functional relationships between Ryedale and its neighbours, through effective and ongoing officer and member involvement. RDC confirms that Ryedale has no outstanding development requirements which need to be met in other neighbouring districts and none of the neighbouring districts require Ryedale to meet any of their strategic requirements, such as housing. There is some concern, particularly from developers, that RDC has not properly established or fully met the objective assessment of development requirements, particularly for housing, but this is a matter more appropriately addressed under the housing topic in terms of the soundness of the plan.
10. Consequently, there is conclusive evidence to show that RDC has engaged actively and constructively on an ongoing basis with a range of neighbouring local authorities and other organisations to address key strategic development and infrastructure requirements for Ryedale. The legal requirements of the Duty to Co-operate have therefore been met.

Assessment of Soundness

Preamble

11. The Local Plan Strategy (LPS) establishes the strategic planning framework for Ryedale district to 2027, setting out the issues and challenges for the district and establishing a spatial strategy and set of strategic policies to achieve its vision and key objectives. It establishes a local policy framework, consistent with national policy, as well as local issues reflecting the character, role and distinctiveness of the district and its settlements. It is accompanied by an extensive evidence base, including Background Papers, technical reports and

studies, policies and strategies, and sustainability appraisals [SD1-8; BP1-8; PD1-6w; HD1-15h; TE1-79; PS1-31]. It also forms part of a suite of subsequent development plans, including a Local Plan Sites Document (LPSD), Helmsley Plan and a Policies Map, along with other supplementary planning documents.

12. The LPS has evolved over a considerable period of time, during a process which started in 2004 with the submission of the initial Core Strategy which was found unsound in 2007 [BP1]. Extensive further work and evidence gathering followed prior to submitting the current LPS, during a period of extensive changes to the planning system, including the Localism Act and NPPF [BP2].
13. The LPS was prepared within the strategic context provided by the former York & The Humber Regional Spatial Strategy (YHRSS), with which it needed to be in general conformity. However, RDC recognised that the YHRSS would be revoked following various Government announcements, and an Order formally revoking the YHRSS came into force on 22 February 2013. At this time, comments were invited from RDC and other participants on the implications of revoking the YHRSS [PFC3/PFC5], which have been taken into account.
14. Although prepared in the context of the former YHRSS, the LPS is supported by its own evidence base, with a justified strategy which addresses local issues and ambitions. In line with guidance in the NPPF (¶ 218), it has been informed by evidence used to support the YHRSS, supplemented by up-to-date, robust local evidence. Key elements of the former YHRSS have been carried forward into the non-statutory sub-regional strategy [TE46/PS6], and its revocation has not left any strategic gaps in policy areas that are not covered by the NPPF or LPS. Key target-orientated policies of the former YHRSS have been addressed by specific assessments and evidence accompanying the LPS, including an objective assessment of housing requirements, along with assessments of affordable housing, employment land, retail capacity, renewable energy, biodiversity, heritage, landscape and other environmental issues.
15. Housing issues, particularly the overall amount of new housing to be provided in Ryedale, are central to considering the soundness of this plan, including the implications of the 2011-based interim household projections for the LPS [PFC8]. These issues are dealt with under the housing topic in this report. Retail issues, particularly relating to Malton town centre, also featured heavily in the representations and hearing discussions, partly reflecting current site-specific proposals for retail development in the town. Representations have been made on almost every policy in the LPS, many of which relate to the soundness of the plan, hence the need for a comprehensive examination of the LPS. However, since the LPS is not site specific, the assessment concentrates on strategic issues and policies rather than site-specific considerations.
16. Several local people and organisations refer to the draft Malton & Norton Neighbourhood Plan (M&NNP) [DDH2], which was subject to extensive public consultation. However, this is an interim draft plan, which has not been finalised or formally progressed under the latest neighbourhood planning regulations, and has not been examined or adopted following a referendum. The NPPF (¶ 184) confirms that neighbourhood plans have to be in general conformity with the strategic policies of the local plan, and when the LPS has been adopted, the M&NNP will have to be in general conformity with this plan. Whilst the M&NNP sets out a legitimate vision and strategy for Malton & Norton, informed by the views of the public, at this stage in the process it can only have limited weight as a material consideration in terms of influencing the LPS.

Main Issues

17. Taking account of all the representations, supporting evidence, written statements and the discussion at the examination hearings, there are eight main issues upon which the soundness of the plan depends.

CONTEXT, VISION AND OBJECTIVES

Issue 1 – Are the Context, Vision, Aims and Objectives soundly based, effective, locally distinctive and appropriate for Ryedale, reflecting the Sustainable Community Strategy and community views, and do they provide a sound basis for the overall spatial strategy and strategic policies in the Local Plan Strategy?

18. The Context section of the LPS sets the scene for the strategy and policies which follow, by identifying key social, economic and environmental issues which the plan needs to address, reflecting robust data and evidence of local issues. Much of the factual information is derived from recognised sources, including Census and other material from the County Council and other bodies. It reflects key issues identified in the Sustainable Community Strategies (SCSs) and other relevant strategies, and was influenced by earlier consultation during the preparation of the plan. Most of the factual information is reasonably up-to-date, with other technical studies updating the position. The context reflects many of the key messages in the NPPF, including the need for growth, boosting housing supply and delivering affordable housing. Many criticisms of this section have been addressed in the PFCs, including updated Census information and clarifying the role of the private car, making it effective **[MM1-2]**.
19. The Vision of the LPS sets out what the plan seeks to achieve, providing the foundation for the overall strategy and policies. It identifies how the district and its settlements are expected to change over the plan period, referring to the roles of various places and specific local issues, in line with the NPPF (¶ 17). It is positive, constructive and pro-active, seeking to manage rather than resist change. It is locally distinctive, reflecting local issues, characteristics and priorities, influenced by widespread consultation and reflecting local strategies, including the local and county SCSs. The plan period to 2027 will provide slightly less than a 15-year time horizon post-adoption, but this is not a mandatory requirement of the NPPF. This timescale is appropriate and provides a sufficient basis for planning and development in the district, since the plan will be regularly reviewed and rolled forward. In directing most new development to Malton/Norton, Pickering, Helmsley and Kirkbymoorside, it reflects the role of Ryedale’s settlements established in the former YHRSS and the supporting Settlements Study [TE1], as well as other regional and sub-regional strategies and programmes, with a reasonable balance between town and country. The Vision envisages a sustainable pattern of development within Ryedale, focusing most new development at the largest town of Malton/Norton, and protecting its character and heritage. Although aspirational, the Vision is wholly appropriate for Ryedale, and is effective, justified, realistic, deliverable and soundly based.
20. The LPS sets out 3 key aims and 12 specific objectives addressing a range of locally distinctive social, economic and environmental issues. They reflect priorities identified through plan preparation and consultation, and in other relevant strategies, including the SCSs and Parish Plans. They are compatible with the sustainability objectives of the adjoining National Park and reflect national priorities in the NPPF. The objectives are clear and strategic, and are specifically related to the vision and aims and the strategy and policies that

follow. As regards the principles and definition of sustainable development, these are clearly set out in the NPPF (¶ 7) and do not need to be refined or repeated in the LPS. The LPS also confirms the need to meet affordable housing needs, particularly in the rural area, covers health issues, and acknowledges the role of the local rural estates. None of the objectives and aims are unrealistic, inappropriate or unsound, and most criticisms have been addressed in the PFCs, including focusing development *at*, rather than *in*, settlements [MM3].

21. Consequently, with the proposed changes, the Context, Vision and Objectives of the LPS are clear, effective and appropriate for Ryedale, reflect community views and other strategies, and provide a sound, relevant and locally distinctive basis for the spatial strategy.

SPATIAL STRATEGY

Issue 2 – Does the Spatial Strategy set out the strategic priorities for the district and is it soundly based, effective, appropriate for Ryedale, supported by a robust and credible evidence base, and consistent with national policy?

22. The spatial strategy establishes the strategic framework and spatial pattern of development across the district, providing the context for the strategic policies that follow [BP4/PSD33]. It seeks to ensure that more development is delivered in Ryedale at the most sustainable places, accommodating growth within existing settlements, whilst avoiding harm to the character, landscape and heritage of the district, in line with national and former regional policy. It aims to positively promote change across Ryedale in a way which best achieves the vision, aims and objectives of the plan. It also establishes a type and level of development that best meets local needs and opportunities across the district, managing change to protect, enhance and support places, including Ryedale’s heritage and environmental assets.
23. The spatial strategy also provides a reasonable and realistic balance between the need for housing growth and economic development, whilst recognising the environmental, physical and other constraints to development. It reflects local issues and challenges related to population and local communities, the economy and the local environment, climate change, transport and accessibility, and other plans and strategies. It supports the economy of the main towns and settlements, as well as the rural area, respects the high quality of the natural and built environment and makes best use of development opportunities and existing infrastructure, whilst managing growth without fundamentally changing the character of the district and its settlements. It also recognises the role that Ryedale plays within its wider hinterland, including cross-boundary issues related to York, Scarborough and the North York Moors National Park.
24. Central to the spatial strategy is the establishment of a settlement hierarchy. This directs most new development and growth to the more sustainable places in the district, identified by a settlement hierarchy that includes the Principal Town of Malton/Norton, the market towns of Pickering, Kirkbymoorside and Helmsley, and a limited number of service villages, recognising their respective roles and ability to meet objectively assessed needs and opportunities. The settlement hierarchy is influenced by evidence used to inform the YHRSS, including the Regional Settlement Study and other local evidence [TE1/TE8-10], and was subject to sustainability appraisal. The spatial strategy is also consistent with the strategic priorities of the latest sub-regional strategy [PS6] and key elements of the NPPF, reflects other plans, and is supported by NYCC.

25. There is some concern about the criteria for selecting settlements and their position in the hierarchy, including the designation of service villages. The settlement hierarchy, including service villages, is soundly based on the Regional Settlement Study and local evidence [TE1/TE8-10], and reflects the presence of specific services and level of accessibility. Even though the YHRSS, which originally established the focus for development at Malton/Norton, has been revoked, as the largest settlement in Ryedale, with the largest population and greatest range of services, facilities and level of accessibility, this is clearly the principal town in the district with the most scope to accommodate growth. Focusing most development here will support the role of the town and help to ensure a sustainable pattern of development in the district, as well as reflecting its development needs and opportunities. Pickering is the largest of the other market towns, which along with Kirkbymoorside and Helmsley, provide most of the main services and facilities for the rest of the district. Identification of other service villages ensures the provision of a reasonable range of services and facilities over the relatively sparsely populated rural areas of Ryedale.
26. There are also some concerns about the overall scale and distribution of development, but this is dealt with in more detail later in the plan, under Policies SP2, SP6 & SP7. Although there is much support for this strategy and the sub-regional role of Ryedale, including from NYCC, some argue for different proportions of development to be allocated to some of the main settlements, whilst others promote a different strategy, with less development focused on Malton/Norton and more development dispersed to the smaller settlements, such as Great Habton. In general terms, these alternative approaches were considered at the options stage, with good reasons for their rejection, largely due to poor accessibility and sustainability. As proposed, the strategy clearly distinguishes the principal town of Malton/Norton and the main local service centres at Pickering, Kirkbymoorside and Helmsley in terms of their future roles. Further guidance on the strategy for the main towns and key settlements, as well as for the rural area, is set out in this section of the LPS, indicating the opportunities for growth and the priorities and principles for development. Specific sites will be considered in the LPSD and other subsequent plans.
27. Some argue for more or less development at some of the settlements, but there is no compelling evidence that supports major changes to the settlement hierarchy. There is some flexibility in the scale of growth to be accommodated at the main settlements, with further flexibility provided by the proposed amendments to Policy SP2 with the “zone of tolerance”. Some argue for more settlements to be grouped with neighbouring villages, but in view of the distance between them and relatively poor public transport links, such an approach would not result in a sustainable or accessible pattern of development. Some peripheral settlements (such as Pickering, Helmsley and Ampleforth) are influenced by the National Park, and the strategy gives some flexibility to enable limited and specific types of development at the smaller settlements. Some criticise the range of facilities used to designate service villages, but this is appropriate, up-to-date and reflects the pattern of development and facilities in the district. The proposed settlement hierarchy reflects the character of Ryedale’s towns and its sparsely populated rural area, the levels of accessibility and services at each settlement, and is justified, effective and soundly based.
28. The spatial strategy evolved after considering a range of alternative locational approaches, based on a more focused or dispersed pattern of development, all subject to consultation and sustainability appraisal [BP4/HD10/HD15]. The preferred strategy, focusing most new development in the largest settlement

of Malton/Norton, and to a lesser extent at Pickering, Kirkbymoorside and Helmsley, and the service villages, makes effective use of existing services, facilities and accessibility, as well as sustaining and enhancing their existing roles, in line with the NPPF. It also achieves an effective balance between the need to accommodate new development and protect Ryedale’s countryside in a way that reduces the need to travel and ensures a sustainable pattern of development, as well as countering the past trends of relatively high levels of windfall development in the smaller and less accessible settlements.

29. Policy SP1 also sets out a strategic framework for the allocation and release of sites in the forthcoming LPSD and other plans, and provides clear guidance on the types and levels of development that are appropriate in particular places to meet their needs and opportunities. It provides a framework for releasing development sites across the district, recognising that much of this will be greenfield land, using evidence on likely land availability from the SHLAA [TE25]. Further guidance on the allocation and release of development sites in the main settlements is given later in this part of the LPS, which, when read with other key policies in the plan, provides sufficient strategic guidance about the appropriate type, size, amount and broad location of development. Specific land allocations will be identified in the LPSD. However, following discussions at the hearings, RDC proposes to clarify the approach to releasing development sites, including the specific criteria **[MM11]**. A further amendment confirms the policy approach to development in the York Green Belt **[MM9]**, making the LPS effective and consistent with national policy.
30. The LPS has considered in detail the infrastructure required to deliver the spatial strategy, as set out in the Infrastructure Delivery Plan (IDP) [TE71]. Certain transport improvements are critical, but the main element, the A64/Brambling Fields junction, has recently been completed. The approach to seeking developer contributions for this scheme has been clarified in the PFCs **[MM4]** to cover the period until the CIL comes into force [DDH53]. Any contributions would have to meet the criteria in the NPPF (¶ 203-205) and the CIL Regulations. The Highways Agency has been fully involved with the preparation and assessment of the implications of the spatial strategy for Ryedale, including improvements to the main A64. Other highway improvements will be undertaken in Malton/Norton to relieve current problems and cope with the proposed amount of new development. A further amendment clarifies the sequential approach to flood risk, based on the latest national policy **[MM10]**. Infrastructure issues are considered in more detail under Policy SP10.
31. The spatial strategy provides sufficient flexibility to respond to changing circumstances, by considering market demand, providing the framework for releasing sites to give choice and competition, focusing on a number of places and mix of locations rather than on a single strategic site/location, and meeting objectively assessed needs. It recognises that the status of settlements in the hierarchy can change over the period of the plan, and provides some flexibility in the release and allocation of sites, encouraging development on suitable, available, deliverable and viable sites.
32. There is some concern about the operation of Policy SP1, particularly in terms of enabling development, the criteria for settlements and site selection, and establishing development and town centre limits for settlements. Following discussions at the hearings, RDC proposes some changes to the policy and accompanying text to clarify the application of the policy, and ensure that it is consistent with other policies and national policy **[MM5-8; 12-15]**. These

amendments clarify the detailed strategy for key settlements in the district, linked to the strategy summary, and the approach to identifying other settlements suitable for development. They also confirm the role of other plans in establishing development limits, and recognise that, in some cases, rural affordable housing may be justified in other settlements and as enabling development. Further guidance on enabling development is given in Policy SP12 [DDH54]. These amendments will ensure that the strategy provides a sound, clear and consistent framework for the strategic policies that follow. The Key Diagram is also to be amended [MM16], to ensure that it properly reflects the main spatial elements of the strategy, including the settlement hierarchy.

33. Consequently, the proposed spatial strategy, as amended, sets out the strategic and spatial priorities for the district, including the general location of development, settlement hierarchy, foci for growth and relationship with other plans, is locally distinctive and appropriate for Ryedale, and has regard to cross-boundary issues. Having considered reasonable alternatives, this seems to be the most appropriate, effective and sustainable strategy for Ryedale. It is supported by robust, credible and proportionate evidence, and effectively addresses the strategic requirements of the district and its links with surrounding areas. It provides a positive framework for the key strategic policies which follow, with sufficient strategic guidance and spatial direction about the scale, location, timing and delivery of new development, and with sufficient flexibility to deal with changing circumstances, particularly when read along with the other policies in the LPS. Overall, it establishes an effective, deliverable, positively prepared and soundly based spatial strategy for Ryedale.

HOUSING

Issue 3 – Does the Local Plan Strategy make appropriate provision for the effective delivery of the overall amount of new housing required in Ryedale, including the scale and distribution of new housing, affordable housing and provision for gypsies and travellers and other special needs, having regard to national policy, and is it soundly based, fully justified and supported by an up-to-date, credible and robust evidence base?

Housing strategy

34. The housing requirement and overall level of provision is a key element of the LPS. In essence, the LPS uses the former YHRSS as its starting point, with more recent evidence and assessments undertaken since then. RDC maintains that this provides a robust, up-to-date and objective assessment of housing requirements which the LPS aims to fully meet, in line with national policy [BP5-5c/PSD8/PSD34/PSD45/PSD68]. The LPS proposes a headline figure of 3,000 new dwellings (2012-2027), equating to 200 dwellings/year over the plan period. Most new housing (50%; 1,500 dwellings) is directed to the principal town of Malton/Norton, with the rest distributed to the other market towns of Pickering (25%), Kirkbymoorside (10%) and Helmsley (5%), and the service villages (10%), in line with the spatial strategy.
35. The Inspector’s Interim Conclusions [DDH108] found that the housing strategy of the submitted LPS was unsound, since it failed to reflect key elements of the NPPF (¶ 14, 17, 47-55 & 159), particularly in terms of:
- failing to clearly demonstrate how the Council had undertaken an objective assessment of housing requirements, including meeting the full objectively assessed needs for market and affordable housing;

- providing insufficient evidence in terms of assessing alternative levels of housing and explaining how any adverse impacts of making higher levels of provision would significantly and demonstrably outweigh the benefits of making such provision;
 - failing 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);
 - providing insufficient evidence about how the scale of affordable housing needed will be met and addressed;
 - providing insufficient guidance about the release, delivery and scale of proposed housing development.
36. However, following discussions at the hearing sessions, RDC provided further evidence on the process of undertaking its objective assessment of housing requirements, including the implications of higher levels of housing provision [DDH20/30/32/90-92/94/96/103-107]. The proposed amendments now incorporate a requirement 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. Other changes incorporate a “zone of tolerance” above planned provision levels, which would not be discounted from the overall total housing provision, enabling the number of new houses to be increased by up to 25% over the period of the plan. Further details about the delivery of affordable housing have been provided, along with the release, delivery and scale of housing sites. Other changes are proposed to the policies and accompanying text to update and clarify the application of the policies, and amend the housing trajectory.

Overall level and distribution of housing

37. The overall level of housing provision has remained fairly constant at 200 dwellings/year or 3,000 dwellings total (2012-2027) over the period of preparing the LPS. This reflected the housing provision in the former YHRSS, with which the LPS had to be in general conformity before it was revoked. The NPPF (¶ 218) confirms that authorities may continue to draw on evidence that informed the preparation of regional strategies to support Local Plan policies, supplemented as needed by up-to-date, robust local evidence. This is exactly what RDC has done. Reliance is not solely based on the former YHRSS evidence and figures, but an objective assessment of housing need was carried out in late 2011-early 2012, in line with the guidance in the NPPF.
38. In undertaking the objective assessment of housing requirements, judgements first have to be made about a wide range of housing, demographic and economic factors. In establishing the proposed housing provision level, policy elements related to the sub-regional role, characteristics, infrastructure, environment and capacity of the district have to be taken into account, in line with the NPPF. Key drivers related to housing need and demand have to be balanced alongside supply-side factors and wider policy objectives relating to sustainability, deliverability, infrastructure and environmental capacity. Proposed amendments to the text clarify the process of undertaking the objective assessment of housing requirements and its key findings **[MM17-19]**.
39. In preparing the LPS, RDC has identified the full range of housing needs and demands in the SHMAs [TE21-22], using the 2008-based household projections and key demographic (including migration), economic and housing factors, in line with the NPPF. These include the 2004/2008/2010-based population and household projections, which gave a range of 112-252 homes/year, along with an employment-led growth scenario of 335 homes/year (as corrected), and an affordable housing need of 256-270 homes/year [PSD34; BP5/5a-c]. In contrast, a figure based solely on meeting the housing needs of the existing population (natural increase, with no migration) would be only 43 dwellings/year.

40. RDC’s figure of 200 dwellings/year is mid-way between that required using the 2008 and 2010-based population and household projections. An overall figure of 200 dwellings/year or 3,000 over the plan period would seem to represent the minimum necessary to meet the needs of the existing population and provide for a reasonable level of migration into the district, in line with past trends and the objective assessment of housing needs. Although it would be unwise to base the plan on a single set of household projections, this level of provision would also more than meet the most recent 2011-based interim household projections. These suggest lower levels of population and new households in the period to 2021 than previously estimated, amounting to 129 additional households/year, almost half the number of households/year envisaged by the 2008-based projections.
41. The objective assessment of housing needs has covered a wide evidence base and reflects the fact that most of the growth is driven by in-migration; more recent household projections suggest that household growth in the district will occur at lower rates than in the past. Whilst there is the potential for economic growth in the district, this has to be balanced against housing growth, since high levels of housing could encourage more in-migration and affect house prices, changing the established role of Ryedale. Similar adverse impacts could be caused by seeking to fully meet the high levels of need for affordable housing solely through the provision of market housing. There is also the need to ensure that the proposed level of housing development is sustainable and deliverable, without harming the characteristics and environment of the district.
42. Although some criticise the approach and methodology used by RDC, when seen as a whole, the evidence addresses all the relevant factors, with reasons for the assumptions and judgements. Furthermore, RDC is not proposing for any of its housing need to be met within neighbouring areas, and none of the adjoining authorities (such as York) has asked Ryedale to accommodate any of their housing needs. NYCC also confirms that there are no cross-boundary issues related to future housing needs in the sub-region which affect Ryedale.
43. However, there is considerable pressure from developers to increase the proposed level of provision to at least 250-350, to over 550 dwellings/year, in order to fully meet the need for market and affordable housing and reflect the economic strategy. The estimated annual need for affordable housing exceeds the proposed annual level of housing provision, and it would be even higher if it were to rely solely on delivering such housing as a proportion of market housing (figures suggest annual total provision of over 550 dwellings/year to fully meet affordable housing needs solely provided as a proportion of market housing). However, this increased level of provision would be wholly unrealistic, undeliverable and unsustainable in such a small district as Ryedale, which has serious constraints in terms of its character and environmental capacity.
44. These higher levels of housing (of over 350-550 dwellings/year) would represent a very different strategy, and would be difficult to accommodate and deliver in terms of the role, character and environmental constraints of Ryedale, with increasingly negative sustainability implications, as RDC’s evidence demonstrates [DDH30/91]. Although the LPS aims to meet affordable housing needs, it would be unrealistic to expect all of this need to be met solely through the provision of market housing. Similarly, meeting the full needs suggested by the economic-led strategy could score poorly in terms of sustainability and have a negative impact on the economies of adjoining authorities in Scarborough and York. Moreover, the NPPF does not expect plans to meet the highest level of

evidenced housing need as some suggest, but requires a more balanced objective assessment of housing requirements, taking into account a wide range of factors, including local policies which aim to conserve and enhance the natural and historic environments and promote sustainable transport.

45. Conversely, there is little evidence to suggest that lower levels of housing provision would fully meet the needs of the district or particular settlements, or meet the requirements of the NPPF. Although Ryedale has regularly delivered fewer than 200 dwellings/year in the past, national policy aims to significantly boost housing supply, as well as fully meeting housing needs. A figure solely based on past levels of housing provision would not meet the terms of the NPPF. RDC also confirms that commitments, windfalls and allocated sites would contribute to the overall housing figure, but no specific allowance has been made for windfalls in the overall figure, providing further flexibility; at March 2012, commitments accounted for over 1,200 dwellings **[MM22]**. Relying on windfalls or enabling development to meet housing needs, as some suggest, is the antithesis of sound planning and would not reflect national policy.
46. Some argue that the proposed level of housing would not boost housing growth in the district, as required by national policy in the NPPF. However, since 2006, net completions of new housing in Ryedale have averaged around 155 dwellings/year, some 20% less than the previous YHRSS targets. Given previous and current land supply, past under-provision may have been due to delivery issues, including the economic down-turn, financial issues and lack of demand. However, the LPS would significantly boost housing provision in the future by not only helping to ensure that a minimum of 200 dwellings/year is provided, but also bringing forward an additional buffer of 20% into the 5-year supply, and enabling an additional 25% provision under the latest “zone of tolerance” proposal. This would also help to ensure the continuing availability of a 5-year supply of housing land, in line with the NPPF.
47. The specific recognition of the need to provide a 20% NPPF buffer **[MM20-21 /30/35]** addresses previous under-performance against the former YHRSS targets. Neither the NPPF, nor the former YHRSS specifically requires overall provision within the plan period to be increased to compensate for past under performance, and with the revocation of the YHRSS, it could be argued that the need to make specific provision for this shortfall is no longer necessary. Adding this backlog to the 20% NPPF buffer might increase the choice of housing sites, but it would increase the housing requirement in the short term to unrealistic and probably undeliverable levels, resulting in increased in-migration. Some argue that the NPPF buffer element of housing provision should come into force immediately, but until sites have been identified in the LPSD and other plans, it is not practicable to bring forward sites that have not yet been allocated.
48. The additional provision allowed for under the “zone of tolerance” would further boost housing supply if it is needed and can be delivered, in line with the NPPF (¶ 17). This locally-based approach would enable housing provision to be increased from 200 to 250 dwellings/year or from 3,000 to 3,750 dwellings over the period of the plan, which sustainability appraisal confirms would have little more adverse impact than the overall figure of 3,000 dwellings **[DDH91]**. Some argue that this 25% additional provision should be incorporated into the overall housing requirement. However, this would increase the headline figure, resulting in the need to allocate more greenfield sites and providing more housing than is required by the existing population, leading to increased levels of in-migration. Using this “zone of tolerance” as a flexible buffer of additional

housing development helps to ensure that the minimum level of housing is delivered. It also provides a positive, flexible and plan-led approach which is responsive to housing demand and delivery and helps to manage the supply of housing. Although there has been some criticism about the operation of this element of the housing strategy, the latest proposed changes [DDR10] **[MM24-25/36]** would clarify the approach and ensure that it is consistently applied. The housing trajectory has also been amended to take account of the NPPF buffer and “zone of tolerance” **[MM27-28]**.

49. Consequently, taking account of all the evidence, statements and submissions, and having examined all the elements that go into making an objective assessment of housing requirements, a total level of 3,000 dwellings or 200 dwellings/year represents a realistic, balanced, deliverable, justified and soundly based figure which would meet the objectively assessed housing needs of the district over the plan period. The LPS is not fundamentally flawed or will lead to a serious under-supply of housing, as some suggest, and further flexibility and boosting of housing supply would be enabled by providing the 20% NPPF buffer of sites and the 25% additional “zone of tolerance”. The proposed commitment to reviewing housing needs *within* 5 years, including the SHMA & SHLAA, would ensure that this key element of the plan is kept up-to-date [DDR12] **[MM31/37]**.
50. During the hearing sessions, there was much debate about the distribution of new housing to the main locations. To confirm the approach and make the LPS effective, RDC agrees to include the indicative proportions of new housing to be accommodated at the main settlements in the text of Policy SP2 **[MM32]**. More detail about the availability of potential housing sites is provided in the SHLAA [TE25;DDH20]. This concludes that a good supply of developable sites for about 3,000 dwellings is available in those settlements where the LPS intends to direct development. The LPS confirms that at March 2012 there was a slight surplus in the 5-year land supply **[MM26/30]**, but more recent figures indicate a small deficiency [DDR11]. However, this should soon be rectified when specific sites are allocated in the LPSD and other plans and when other sites are brought forward for development.
51. Strong views were put forward about the scale of development proposed for Malton/Norton, with limits of 1,000 houses and less employment land suggested, but there is no compelling or conclusive evidence that the level of development proposed in the LPS cannot be accommodated. Whilst there might be some local benefits in dispersing more development to the smaller villages, this would be at the expense of a less accessible and sustainable pattern of development across the district. The suggested alternative strategy is not dissimilar to other strategies considered at the options stage, and whilst it may have the support of many in Malton/Norton, it has not been consulted on more widely across the district as part of preparing the M&NNP or subjected to comprehensive sustainability appraisal. Although proportions of development lower than 50% for Malton/Norton were not consulted on during plan preparation, RDC has considered the suggested alternatives [DDH51].
52. Malton/Norton is clearly the largest town in the district, with the greatest range of facilities and the best accessibility; focusing most development here will support the role of the town and ensure a sustainable pattern of development. It also reflects its capacity for growth identified in the SHLAA [TE25], the capacity of the existing infrastructure [TE5-6/ TE71], the fact that it has fewer landscape and biodiversity constraints, and its links to the York economy. The town also has high levels of need for affordable housing [TE20-22; DDR14] and has the

capacity to accommodate more housing than has been delivered in the past, particularly with the recent A64 junction improvement. Detailed concerns about highways and traffic are dealt with under Policy SP10. Concerns about the possible impact of more housing resulting from the NPPF buffer and “zone of tolerance” could be addressed when specific sites/proposals are put forward.

53. Some argue for more development to be accommodated at the other market towns, including Pickering, Kirkbymoorside and Helmsley. However, these towns have fewer local services and facilities and poorer accessibility, along with important environmental, biodiversity and landscape constraints; they are also influenced by proximity to the National Park. Moreover, application of the NPPF buffer and “zone of tolerance” would provide some flexibility in the amount of housing to be delivered at these settlements. Others argue for more or less new housing to be allocated to the service villages and smaller villages, but this would not result in the most sustainable pattern of development across the district. Having considered these other suggestions, there is no compelling evidence that suggests that the distribution of housing proposed in Policy SP2 is not appropriate for Ryedale, is not fully justified or is unsound.
54. As regards other aspects of soundness, proposed amendments to Policy SP2 would clarify the approach to the conversion of rural buildings **[MM34]**, whilst amendments to the accompanying text would clarify the release, scale, type and indicative density of housing sites **[MM23/29/33]**. The definition of “infill” development is appropriate and soundly based, and the policy clearly explains how housing provision will be made in the various settlements. With the proposed amendments **[MM17-37]**, the proposed strategy covering the overall level and distribution of housing development is appropriate for Ryedale, justified, effective, deliverable and soundly based.

Affordable housing

55. There can be little dispute about the high level of need for affordable housing in Ryedale. The SHMAs [TE21-22] estimate a 5-year net shortfall of between 250-270 affordable units/year. Policy SP3 sets out the framework for delivering affordable housing as a proportion of market housing and on Rural Exception Sites. The target provision level on market housing sites of 5 dwellings/0.2ha or more ranges from 35-40%, (depending on the location within Ryedale); for smaller sites, financial contributions would be required towards the provision of affordable housing where this is viable. All requirements will be subject to negotiation, having regard to the economic viability of specific sites and schemes, with further details being provided in a subsequent SPD. The main concern is whether the LPS provides sufficient evidence about how the scale of affordable housing needed will be met and addressed, including viability issues.
56. Following discussions at the hearings, RDC has provided further information and evidence addressing affordable housing issues [DDH92/96;DDR14]. Amendments are proposed to the policy and accompanying text, which clarify the application of the policy, linking it to local affordable housing needs rather than tenure, specifying the areas where the targets apply, and amending the policy on Rural Exception Sites to allow a limited amount of market housing where it is essential to enable the delivery of affordable housing in terms of viability **[MM42-46]**. They also clarify the range of policy mechanisms available to deliver affordable housing, including provision through market housing, private and social sector initiatives, and the approach to Rural Exception Sites **[MM38-41]**. This will ensure a more effective approach to the delivery of affordable housing.

57. Some argue that the LPS should plan to meet the full need for affordable housing through the provision of market housing. However, this would mean setting unrealistic and undeliverable overall targets of more than 550 dwellings/year, representing a fundamentally different strategy for Ryedale. This would not only lead to unsustainable levels of housing development, but also fundamentally change the role and character of places in Ryedale, putting pressures on existing infrastructure and damaging the environment around the district’s settlements. The additional market housing needed to provide these high levels of affordable housing would also encourage unsustainable levels of in-migration, increasing housing demand and bringing additional disbenefits. Conversely, since the plan has to meet the need for both market and affordable housing, it would be unrealistic and contrary to national policy to restrict all new housing only to affordable units. The plan, as submitted and amended, aims to deliver as much affordable housing as it can, with no maximum provision, and there may be other ways to provide such housing via other methods not involving market housing, such as affordable rent and other initiatives.
58. The targets and thresholds for affordable housing are justified by an informed assessment of economic viability in the Affordable Housing Viability Study and associated studies [TE18-19]. Even though these targets may be ambitious, they will be subject to negotiation and viability considerations, giving flexibility and certainty for developers, in line with the NPPF (¶ 50/174). The proposed target levels have been delivered in the past, and are fully justified on the basis of the scale of identified need for affordable housing across the district.
59. There are also some concerns about the restrictions placed on Rural Exception Sites, including the providers, the provision of market housing, and the effect on viability and land values. Firstly, the approach in the submitted plan, which allowed such sites to be released solely for affordable housing, was unduly restrictive. Although such sites are only released where there is a conclusive need for affordable housing, with the changing context of delivering such housing, including public funding, the NPPF (¶ 54) now enables authorities to consider allowing limited amounts of market housing where this will assist the delivery of affordable housing. Such proposals will have to be accompanied by a financial appraisal to justify the need for the minimum amount of market housing. RDC confirms that this approach is not intended to inflate land values or result in large amounts of market housing in unsustainable locations.
60. Some argue that this approach restricts the provision of affordable housing on Rural Exception Sites solely to Registered Providers, excluding private developers. However, the amended policy reflects the fact that most affordable housing on rural sites is provided by Registered Providers, helping to ensure that land values do not rise, and is consistent with the terms used in the NPPF (¶ 54; p.55). Rather than restricting the provision of affordable housing only to Registered Providers, it only restricts the associated provision of market housing to them where it replaces public funding. RDC also confirms that Parish Councils will be involved when Rural Exception Sites are being considered.
61. The latest amendments to the policy and accompanying text [DDR13][**MM40-41/46**] will ensure that the LPS provides a sound and effective way of delivering more affordable housing in the rural areas, consistent with national policy. The subsequent SPD will help to manage the expectations of landowners and land values, as well as guiding the practices of Registered Providers when developing such sites. Local occupancy conditions and definitions of “local need” are dealt with in more detail in Policy SP20.

62. Consequently, with the proposed amendments **[MM38-46]**, Policy SP3 will help to positively address the high levels of need for affordable housing across the district, not only in the main settlements, but also in the rural area, and provide an effective, justified and soundly based framework for delivering affordable housing over the period of the plan, which is consistent with national policy.

Type and mix of new housing

63. Policy SP4 aims to provide increased choice in the type and mix of new housing, addressing imbalances and shortfalls in the existing housing stock and meeting future housing needs, reflecting evidence in the SHMA [BP5b/TE21-22]. It also sets out specific criteria for new housing, along with specialist needs. The policy does not prescribe particular sizes or mix of housing, but encourages developers to provide a range of house types which cumulatively reflects current and future needs, as well as addressing current imbalances in types of accommodation, including bungalows and elderly persons’ accommodation, in line with the NPPF (¶ 50). The policy refers to specific forms of specialist provision, including extra-care units required by NYCC, but also supports all forms of specialist accommodation where this would address identified needs and requirements, and takes account of viability. The policy also seeks to provide an appropriate level of amenity and play space in new developments, in line with Policy SP11, reflecting the Open Space Study [TE68] and NPPF (¶ 58/70-74).
64. There is some concern about the implications of meeting specific standards (such as Lifetime Homes, now incorporated into the Code for Sustainable Homes), but the policy now seeks to *support* such standards rather than *require* them [DDH60] **[MM48]**. Following discussion at the hearings, RDC proposes some other amendments to the wording of the policy and accompanying text to clarify the operation of the policy and update the specific requirements for extra-care accommodation, confirming that this provision does not form part of the overall level of housing provision **[MM47/49-50]**. As amended, Policy SP4 is soundly based, justified with relevant evidence, and effective by securing an appropriate mix of housing on new developments, providing a positive and flexible approach, without being unduly prescriptive or onerous for developers. It will also help to address housing stock imbalances and current and future demographic, market and community needs, as well as meeting identified housing and specialist needs, including for the elderly, and providing an adequate amount of amenity and play space.

Gypsies, travellers and travelling showpeople

65. Policy SP5 was substantially redrafted after the initial consultation period to bring it into line with the latest national policy on gypsies and travellers [SD2]. It identifies a specific site (Tara Park) to meet short-term needs and confirms that limited further provision will be made to fully address the identified needs. The pitch/plot targets reflect the latest sub-regional GTAAs [TE16-17] and further provision will be made to address longer-term future needs when these have been assessed. Funding is in place to make the specific provision referred to in the policy, which also includes specific criteria to guide the allocation and selection of further land to address the remaining shortfall and longer term requirements. The amended policy is soundly based and justified with evidence, is effective by delivering the required provision, and is consistent with the latest national policy on gypsies and travellers, including the recent Ministerial Statement about traveller sites in the Green Belt [DCLG; 1 July 2013].

ECONOMY

Issue 4 – Does the Local Plan Strategy set out a clear economic vision which positively and proactively encourages sustainable economic growth, and are the policies for the economy and provision of employment land, town centres and retailing, tourism and the rural economy soundly based, effective and appropriate for Ryedale, supported by robust, credible and up-to-date evidence, and consistent with national policy?

66. Section 5 of the LPS sets out the economic strategy for Ryedale, encouraging sustainable economic growth, in line with national policy. It also outlines the strategy for delivering and distributing new employment land, as well as the strategy for town centres and retailing, tourism and the rural areas. It focuses most new employment and retail development on the main market towns of Malton/Norton and Pickering, and to a lesser extent at Kirkbymoorside and Helmsley. This reflects the former YHRSS and more recent discussions and work undertaken with neighbouring authorities, including York and Scarborough and the Local Enterprise Partnerships. It is supported by an extensive evidence base [BP6/PSD22], which has analysed the strengths and weaknesses of Ryedale’s economy and its opportunities and needs.

Delivery and distribution of employment land and premises

67. Policy SP6 sets out the approach to delivering and distributing employment and industrial land and premises, indicating the types of development appropriate to specific locations, including the main market towns, service and other villages and wider countryside. It also sets the overall amount of new employment land for the district, along with the level and nature of provision at the main market towns. It aims to provide a portfolio of employment sites, meeting the needs of established sectors and higher quality sites and supporting the sub-regional economy for science-based businesses, protects existing employment sites and sets out the criteria for industrial processes in the countryside. Rather than continuing the status-quo, it represents a step-change in the provision of new employment land, concentrating additional provision in the most appropriate and sustainable locations and addressing local issues of job skills and the low wage economy in Ryedale, as well as the need to diversify the local economy.
68. The overall level of employment land provision (37ha up to 2027, with a further 8ha if required) aims to fully meet the objectively assessed needs for employment land identified in the Employment Land Review (ELR/ELRU) [TE43-44]. This reflects the options considered and has regard to previous sub-regional work undertaken for the former YHRSS. The evidence includes econometric modelling and assessments of local economic markets and needs, historic trends and forecasted land requirements, applying a range of methods and assumptions. The evidence addresses the link between housing and employment development, but recognises that it is not possible to exactly balance the distribution of housing and employment due to the supply and distribution of labour, travel to work patterns, links to adjoining areas, land availability, other economic factors and development constraints [BP6].
69. The recent ELRU [TE44] confirms that the overall level of provision reflects a reasonable and relevant level of demand to carry forward through the plan period. The initial tranche of 37ha of new employment land will be identified in the LPSD, along with a further 8ha identified in the LPSD/Helmsley Plan if there is demand, taking account of commitments [MM55]. Although some suggest that the initial tranche of employment land should be reduced, with more land

released if required, this would not reflect the evidence in the ELR/ELRU or encourage economic growth, and there is no conclusive evidence to support this alternative approach. The proposed amount of employment land is based on a robust and positively prepared assessment of forecast requirements, reflecting the strategy of the LPS, is effective by reflecting market factors and demand, and is realistic and deliverable. The approach is also consistent with national policy by ensuring a flexible supply of sufficient employment land without acting as an impediment to sustainable growth (NPPF; ¶ 19), and is soundly based.

70. There is some concern about the amount and distribution of employment land allocated to the main market towns, with some arguing for more or less development. As submitted, Policy SP6 groups together Malton/Norton & Pickering, and Kirkbymoorside & Helmsley, indicating that about 95% of employment land will be directed to the former towns and 5% to the latter. This reflects the findings of the ELR/ELRU, which confirms that most demand for new employment land/space comes from these market towns, along with land availability, accessibility and infrastructure factors. It also reflects cross-boundary economic and employment issues, including links to the key economic driver of the city of York.
71. However, in response to discussions at the hearings, RDC proposes to sub-divide the provision for Malton/Norton and Pickering, allocating about 80% (29.6-36ha) to the former town and 15% (5.55-6.75ha) to the latter **[MM51/54]**, in line with previous consultations. This would remove any uncertainty about the level of provision at these towns, clarifying the situation and providing effective strategic guidance and spatial direction for making subsequent land allocations and development decisions. Policy SP6 also includes a range of employment land provision for the main towns, giving further flexibility when making land allocations.
72. As regards the overall amount of new employment land at the various towns, Malton/Norton is the largest settlement in the district, with the greatest demand and opportunities for additional employment development, particularly with its proximity and good public transport links to York and the city’s economy. It also reflects the availability of infrastructure and labour supply and is the most sustainable option in terms of the pattern of development and relationship to new housing growth. 11ha of new employment land is already committed at Malton/Norton, and there is a commitment to provide a science and technology park at the town, which will help to diversify the local economy and strengthen the links with the York economy. There is no conclusive evidence that the town cannot accommodate the additional employment land proposed, including transport and traffic impact (which is dealt with under Policy SP10), and there is no evidence to support the lower figure of 17ha of new employment land for Malton/Norton suggested by some participants.
73. Proposed provision at Pickering reflects land availability and lower commercial demand, as well as its tourism role and the constraints of the nearby National Park. Policy SP6 also provides flexibility in supporting windfall employment development across the district, subject to specific criteria, without unduly restricting the provision of new employment development within Ryedale.
74. Altering the distribution of employment development could lead to more dispersal of new employment land to other towns and settlements, resulting in a less sustainable pattern of development and failing to reflect current and likely future demand, and availability of labour, land, infrastructure and finance. Increasing or decreasing employment land provision at the other towns and

settlements and across the rural area would have similar negative impacts. The proposed distribution has taken account of infrastructure, sustainability and transportation factors, and the detailed impact of specific development proposals and allocations at particular sites will be examined further in the LPSD. The possibility that surplus employment land might be allocated for housing would be precluded by the safeguarding element of Policy SP6.

75. Policy SP6 also aims to safeguard a core supply of existing employment sites and resist changes to alternative uses. The core supply mainly includes purpose-built industrial estates and other important existing businesses, and the policy also seeks to retain other land and buildings where they contribute to the sustainability of the local economy [BP6]. This approach is justified through the ELR/ELRU, and since it does not seek to protect all existing employment sites where there is no prospect of them being used for this purpose, is consistent with national policy (NPPF; ¶ 21-22). A proposed amendment confirms that employment sites allocated in the LPSD/Helmsley Plan will also be protected, in addition to the core supply listed in the policy **[MM53/56]**.
76. Some concerns are raised about the approach to employment development in the rural areas. However, Policy SP6 adopts a positive approach to economic development in rural areas, recognising the opportunities for such development within the policy constraints normally imposed in such areas. The policy supports rural economic development in a flexible, deliverable and effective way, not only through a criteria-based approach, but also by identifying a range of opportunities for small-scale employment, rural diversification, expansion land for existing businesses and other appropriate opportunities. The approach to major industrial processes in the countryside reflects recent development proposals and representations about this form of development, and provides a locally distinctive way of dealing with proposals. This helps to ensure that the LPS supports sustainable economic growth and expansion of businesses in the rural area, in line with national policy (NPPF; ¶ 17/28). A proposed change to the policy widens the support for rural economic activity generally, rather than just rural diversification schemes, making it effective and consistent with national policy **[MM52]**.
77. Consequently, Policy SP6, as amended, will provide an appropriate, justified, effective and soundly based approach to delivering and distributing the overall amount of employment land needed in Ryedale, consistent with the Government’s objective of promoting economic growth.

Town centres and retailing

78. Policy SP7 establishes the retail hierarchy in Ryedale, with Malton as the principal town centre and Norton, Pickering, Kirkbymoorside and Helmsley as local town centres. It also indicates the scale and type of additional retail floorspace at the centres, establishes a local floorspace threshold for impact assessments, protects retail uses within defined Primary Retail Frontages, and outlines the way in which the vitality, viability and attractiveness of Ryedale’s town centres can be achieved. The LPS is not site-specific, but identifies the broad locations for retail and town centre uses; specific sites will be allocated in the LPSD. The main concerns relate to the detailed approach of the policy, the capacity for new retail development and the need to update the plan to reflect the latest position, including the recent granting of outline planning permission on appeal for retail development at the Livestock Market Site (LMS) in Malton [DDH84] and its implications for further retail development in the town. The possibility of identifying the Wentworth Street car park site is also raised.

79. Following discussions at the hearings, RDC proposes to update and clarify the approach of the policy and the accompanying text to reflect the latest situation, including the recent LMS appeal decision and the residual retail capacity in the main centres **[MM57-65]**. These amendments will ensure that the LPS provides a sound, effective, positive and up-to-date framework for making land allocations and decisions on future retail development.
80. The general principle of focusing most new retail and town centre development in the principal town of Malton and to a lesser extent in the local centres reflects the role, function and hierarchy of the centres, is justified with evidence (including the Retail Studies [TE38-42]), is appropriate for Ryedale, consistent with national policy (NPPF; ¶ 23) and soundly based [BP6/PSD22]. The amount and type of retail provision for each of the centres is based on needs identified in the retail studies, which identify Malton as the main comparison shopping destination in Ryedale, with a reasonably-sized convenience sector with several food/grocery outlets and three supermarkets. These studies also confirm that Malton has the most physical capacity to accommodate new retail floorspace and other key town centre uses, and that major retail development would not be appropriate in the smaller market towns. Given the status, role, function and capacity of the existing centres, there are few alternative options available and there is no conclusive evidence suggesting a different hierarchy or role for the existing centres. The quantitative and qualitative need for comparison and convenience retail development has been updated regularly, and although some consider Malton may be able to accommodate more retail development, there is little conclusive evidence which sheds serious doubt on the content and conclusions of the retail capacity studies supporting the LPS.
81. In terms of the scale, distribution and type of retail development, Policy SP7 seeks to fully meet the objectively assessed retail needs of Ryedale by focusing on opportunities in Malton, reflecting the underlying strategy of the LPS. This approach is justified with evidence, is effective by concentrating new retail development in places where it can be accommodated, where there is developer interest and where it can meet the needs for comparison and convenience retailing, and is consistent with national policy (NPPF; ¶ 23). The retail strategy also addresses the cross-boundary relationship with York and Scarborough centres in terms of the pattern of retailing and expenditure. Some suggest that the “rising retention” scenarios referred to in the retail studies are not appropriate, but this aspirational approach reflects the need to “claw-back” a significant amount of trade which is currently attracted to centres outside Ryedale, particularly to York and Scarborough. Almost 70% of comparison trade and over 30% of convenience trade is currently lost from Ryedale, and this approach to return trade to Ryedale is relevant, realistic and necessary, and will help in providing a more sustainable pattern of retail expenditure.
82. There is also some concern about the outstanding capacity for new retail development in Ryedale, particularly at Malton, especially as a result of the proposed changes to Policy SP7 which indicate that current commitments account for the quantitative need for convenience food retailing to 2026. There is some capacity for new comparison retail floorspace in Malton and some of the other centres, but some of this is already taken up by existing commitments [DDR8/9]. Nevertheless, it is apparent that currently committed schemes will not fully meet all the retail needs of the district, and the LPS makes provision to meet any outstanding quantitative needs, as well as enabling qualitative needs to be addressed, reflecting the need to improve the range, diversity and quality of shops in Malton town centre.

83. Some developers consider there is more capacity for both convenience and comparison retail floorspace in Malton, questioning the original and updated retail studies, but there is no conclusive evidence that suggests that these studies are deficient or unsound. At the resumed hearing sessions, attempts were made to challenge the original retail capacity evidence, but this was resisted on the grounds that such evidence should have been submitted at earlier stages in the process, not as a result of the PFCs, which largely update the factual position rather than alter the overall retail strategy of the LPS; this latest retail evidence was only in draft form and incomplete, and related to a specific proposal. In any event, the retail studies underpinning the LPS have assessed district-wide retail capacity and, given existing commitments, the scope for additional retail floorspace is clearly limited; the studies are certainly not discredited, exaggerated or outdated, as some participants suggest.
84. Some question the viability and deliverability of the LMS scheme, but this is not a specific proposal of the LPS, which assumes that it will be delivered as a current commitment, and the developers of this site robustly defend the criticisms. The recent appeal confirmed that the LMS scheme is the sequentially preferable site which would fully meet Malton’s convenience needs up to 2021 and beyond, as well as making a significant contribution towards comparison floorspace needs [DDH84]. Concerns about the viability and deliverability of this locally supported scheme would not be assisted by suggesting other alternative sites in the LPS. However, the amended policy confirms that if any current commitments fail to come forward, any additional floorspace will be directed to Malton, in line with the retail strategy, providing flexibility, whilst amendments to the accompanying text clarify the status of current commitments [**MM58-59/62-64**]. Furthermore, Policy SP7 does not preclude or prevent individual developers promoting other sites and developments if they fall within the retail strategy and can be justified with the appropriate retail and other evidence.
85. Many of the other concerns of developers and local people relate to specific sites, but since the LPS does not make site-specific allocations, most of these points can be left to the subsequent site allocations work in the LPSD. The proposed amendments have addressed the implications of the recent LMS appeal decision, and retail proposals for the Wentworth Street car park site have not yet been finally determined and locally are very contentious. The current planning application cannot be considered as a commitment and the future of this site is more appropriately determined through the planning application or site allocation process. Moreover, there is no compelling evidence which suggests that the LPS should make explicit reference to the need for a new large foodstore to compete with the existing supermarkets or specifically identify the Wentworth Street car park site as a suitable site for such a development. Although there was much discussion at the hearings about the relative merits of the LMS scheme and the Wentworth Street car park proposal and their potential impact on Malton, these are largely outside the scope of a strategic plan, particularly since such issues could be addressed in the LPSD.
86. Some concerns have been raised about the soundness of the proposed “Northern Arc”, which identifies a broad area of underused land and buildings north of the town centre which could provide the opportunity to accommodate additional retail floorspace. Although there is limited evidence to support this concept [BP6/PSD22/TE4/TE38-42], it would provide an appropriate strategic steer to the LPSD when considering potential development opportunities on the northern side of the town centre, particularly given the limited edge-of-centre opportunities available for new retail development, including comparison

floorspace, in Malton. It would also assist in indicating where the management and future growth of the town centre will take place, without being site-specific or prejudicing the application of the sequential approach for subsequent retail developments, in line with national guidance (NPPF; ¶ 23). Amendments to the text accompanying Policy SP7 confirm the role of the LMS now that planning permission has been granted for retail development **[MM65]**, without the Northern Arc concept deflecting attention away from this site or prejudicing its viability or deliverability.

87. The requirement in the submitted LPS for the redevelopment of the LMS to include provision for the relocation of the livestock market is unduly onerous and does not reflect the status of the current lease. Its deletion from the supporting text (¶ 5.25) and clarification later under Policy SP9 **[MM66/68]** would reflect the latest situation. The local floorspace threshold reflects evidence in the retail studies [TE42], as well as local factors, and is intended to protect Ryedale’s existing town centres from significant adverse impacts of out-of-centre developments. Proposed amendments clarify the operation of this element of Policy SP7, making it effective **[MM60]**. Issues about car parking in Malton town centre are largely the responsibility of NYCC and are covered by Policy SP10.
88. Consequently, the amended and updated retail strategy as set out in Policy SP7 and the accompanying text is appropriate for Ryedale, effective, positively prepared, justified with robust and credible evidence, and consistent with national policy, and will provide a soundly based framework for meeting the full range of Ryedale’s retail needs and for making development decisions and site allocations.

Tourism

89. Policy SP8 seeks to encourage sustainable tourism which minimises the environmental impact on the district, reflecting the fact that Ryedale is a popular tourist and visitor destination, particularly due to the character and quality of its market towns and countryside and its setting adjoining the North York Moors National Park and within other areas of high quality landscape. The policy is supported with evidence [TE79] and, as submitted, it supports sustainable tourism in a sound and effective manner, which is consistent with national policy (NPPF; ¶ 28).

Land based and rural economy

90. Policy SP9 seeks to support the land-based rural economy, covering the conversion, replacement and new buildings, rural diversification, land management and local building materials. It helps to support the sustainable growth and expansion of businesses in the rural area and promote the development and diversification of agricultural and other rural businesses, including horse-racing businesses. It also recognises the important role of the local estates, without needing to refer to particular estates or master-plans. It is supported by specific evidence, is positive and effective by reflecting rural needs and opportunities, and is consistent with national policy (NPPF; ¶ 28). A proposed modification ensures that the policy on converting and constructing new rural buildings is effective and consistent with Policy SP6, recognising that some modern farmbuildings are not suitable for conversion to other uses, but supporting conversion to other appropriate economic activities **[MM67]**.

91. The existing livestock market at Malton is valued by the local farming and wider community, as reflected in previous consultations. However, now that outline planning permission has been granted for retail development on the current site [DDH84], RDC proposes to amend the policy and accompanying text to support the retention of a livestock market on a suitable and convenient site within Ryedale district **[MM66/68]**. This will ensure that the policy reflects the current situation, with the necessary supporting text and justification, as well as being flexible and effective. Potential sites can be considered through planning applications or in the LPSD.
92. Consequently, as amended, Policy SP9 provides a sound and effective approach to the land-based rural economy, consistent with national policy.

PHYSICAL INFRASTRUCTURE & COMMUNITY FACILITIES

Issue 5 – Does the Local Plan Strategy make provision for the effective delivery of the physical infrastructure and community facilities and services required in Ryedale, including sustainable transport, having regard to national policy, and is it soundly based, fully justified and supported by up-to-date, credible and robust evidence?

93. Section 6 of the LPS sets out policies for providing physical infrastructure and community facilities. Policy SP10 and the accompanying tables identify the critical infrastructure necessary to implement the strategy, with more details in the Infrastructure Delivery Plan (IDP) [TE71]. Two elements of critical infrastructure relate to the A64 Brambling Fields road junction (now completed) and associated town centre measures to maximise its benefits and take traffic out of Malton & Norton. The LPS & IDP also set out the other infrastructure requirements for each settlement in order to deliver the strategy. Proposed amendments to Tables 2 & 3 update the factual position about monitoring the impact of the Brambling Fields junction and clarify infrastructure requirements **[MM69-71]**. There is some concern about the requirement for the Brambling Fields junction to be funded entirely by developer contributions (¶ 3.19), but this is clarified in the proposed amendment **[MM4]**, in line with Policy SP21.
94. The strategy does not rely on strategic sites, which could incur significant infrastructure costs, but is largely based on an incremental approach, taking account of the existing quality, capacity and adequacy of existing infrastructure. This follows detailed discussions with infrastructure/service providers, including the Highways Agency and Environment Agency. Viability and deliverability issues have been taken into account in considering developer contributions [TE18-19], including for affordable housing, and are also addressed in Policy SP21. The infrastructure implications of proposed development in terms of highways and traffic have been assessed, and further detailed infrastructure work will be undertaken when site allocations are considered.
95. Some parties raise serious concerns about the implications of the scale of new development proposed for Malton/Norton in terms of traffic and highways, as well as criticising the transportation studies, including the assumptions, baseline and figures used. However, in attempting to discredit this work, they use outdated 1990 traffic generation figures which are no longer used by NYCC, and introduce several unsubstantiated assumptions. The Strategic Transport Assessment (STA) [TE5] evaluates the traffic impacts of various potential levels and patterns of development in Malton/Norton, testing several scenarios and groups of sites. Although some raise concerns about the validity of the data and models, the STA uses recognised traffic models and up-to-date trip rates

from the TRICS database, and sets out engineering solutions and highway improvements needed to support different levels of growth. It confirms that the likely level of traffic generated by the LPS for Malton/Norton can be accommodated with specific highway improvements, which have been included in the LPS & IDP [DAH4]. It has been validated and endorsed by the Highways Agency & NYCC [DDH65/67/73], and can be relied on as providing a broad, robust and sound basis for assessing the transport and traffic impact of the level of development proposed for Malton/Norton, without necessarily pre-empting the site selection process. Further detailed highways and traffic work, including highway modelling and junction capacity, will be undertaken in the LPSD.

96. Other suggested road improvements at Malton/Norton are not critical to the delivery of the strategy and cannot be justified. They would be very costly, are not funded and would be unlikely to be viable, but the situation will be kept under review, with further studies as development proceeds. Reference is also made to the A64 Corridor Connectivity Study [TE70], which contains several possible schemes to improve connectivity along the A64 corridor, but there is no commitment to funding many of these schemes, and there are no proposals for a Park & Ride site at Malton in the LTP or LPS. There is no compelling evidence which demonstrates serious shortcomings in the strategic transport assessments or that the LPS will not be delivered due to infrastructure requirements not being implemented. Moreover, the relevant responsible authorities (including the Highways Agency and NYCC as highway authority) are content with the strategy and the highways and traffic assessments. Consequently, the approach of Policy SP10 is justified, effective, deliverable, soundly based and consistent with national policy in the NPPF.
97. As regards the possible need for a signed roadside service area on the A64, this is neither critical nor necessary for the implementation of the LPS. Although a need for such a facility was identified in a Highways Agency report [PSD27] due to the current gap in provision, the Highways Agency supports the LPS in not referring to a specific policy/site for a service area [DDH66]. As drafted, Policy SP10 supports the provision of infrastructure and related services. Any specific proposal would largely be for the promoter to put forward at the planning application or site allocation stage, and any proposal would be considered against current national policy.
98. Policy SP11 provides a positive framework for supporting new community facilities and services, in line with the NPPF (¶ 70). The accompanying tables outline a range of necessary improvements to community facilities, with further details in the IDP. The policy also seeks to protect existing facilities, with clear criteria for establishing whether a need for the facility remains. The allocation of sites for specific facilities or protection of existing facilities could be dealt with in the LPSD, whilst focusing new development in Malton/Norton and the other market towns would help to ensure the retention of existing facilities. This approach is fully justified in the context of national policy and local expectations, is effective by supporting new facilities and protecting existing valued facilities, and helps to maintain the viability and sustainability of local communities.
99. Policy SP11 also sets out standards for open space in new developments. These are based on assessments in the Open Space, Sport & Recreation Study [TE68], which identified quantitative and qualitative deficiencies in open space in Ryedale, in line with the NPPF (¶ 73-74). These local open space standards are positively prepared, based on up-to-date evidence, justified, effective and consistent with national policy, without being unduly onerous for developers.

100. Consequently, as amended, Policies SP10 & SP11 provide for the effective delivery of the infrastructure, including transport, telecommunications and community facilities required to implement the LPS, and are soundly based and supported by up-to-date, credible and robust evidence.

ENVIRONMENT

Issue 6 – Does the Local Plan Strategy 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; creating, enhancing and managing biodiversity and green infrastructure networks; securing high quality design; using natural resources wisely; minimising pollution; and mitigating and adapting to climate change, including moving to a low carbon economy, which is fully justified and consistent with national policy?

101. Section 7 of the LPS sets out policies addressing the environment in Ryedale, including heritage, landscapes, biodiversity, green infrastructure networks, design, air quality, flooding, and renewable and low-carbon energy, and is supported by an extensive evidence base [BP7/BP8].
102. Policy SP12 aims to positively conserve and enhance historic assets by setting out local criteria to protect them and exploit their potential, in line with the NPPF (¶ 126). The most contentious issue concerns the approach to enabling development. There are several large estates in Ryedale (including Castle Howard Estate) where some enabling development may be promoted in the future, in order to secure important international, national and local heritage assets. There is concern that the policy for such development, including the specific local criteria, should reflect the latest guidance published by English Heritage (EH) [PS31], and also some concern about the amount and scale of such development which may come forward in the future.
103. However, EH (and some of the local estates) are content with the approach of the policy, which specifically refers to EH’s latest guidance note and is consistent with the NPPF (¶ 140). Since such enabling development is, by definition, contrary to national and local planning policy and could only be permitted in the specific circumstances where it meets the terms of the EH guidance, it cannot be quantified in terms of numbers or location, or form part of a specific allocation of windfall sites; much will depend on the specific needs of the heritage assets and estates. The proposed amendments [MM73-77] will ensure that the policy and accompanying text provide a sound and effective basis against which to consider such proposals, consistent with the amendments to Policy SP1. The approach to Visually Important Undeveloped Areas, carried forward from the RLP and shown on the current Proposals Map, is consistent with the NPPF (¶ 76-77). The approach to re-using redundant historic rural buildings is also broadly in line with national policy (NPPF; ¶ 55/126/134).
104. Policy SP13 aims to protect and enhance Ryedale’s diverse landscapes, including the adjoining North York Moors National Park, the Area of Outstanding Natural Beauty and locally valued landscapes. There is some concern that the policy is unduly restrictive towards the Areas of High Landscape Value (AHLV), but it does not preclude development; it merely indicates that careful consideration will be given to the effect of any new development in terms of visual impact and impact on historic landscape character. The policy carries forward the approach justified in the RLP, is supported by Landscape Character Assessments [TE59-61], and is broadly consistent with the NPPF (¶ 109/113-115/139). EH recognises

the international significance of the cultural landscape of the Vale of Pickering [TE51], and the other AHLVs have their own distinctive features. Detailed boundaries of the AHLVs, currently shown in the RLP, will be shown on the LPSD/Helmsley Plan Policies Map. Consequently, the approach of the policy is effective and soundly based.

105. Policy SP14 aims to conserve, restore and enhance biodiversity in Ryedale. The approach of the policy is supported by Natural England and YWT, is consistent with national guidance in the NPPF (¶ 109/113-114/117-118), has been informed by three Biodiversity Action Plans, and is effective and soundly based. Factual updates about the number of SSSIs and SINCs will ensure the text is up-to-date **[MM78]**. Policy SP15 provides the framework and local criteria for green infrastructure networks, and will be implemented in line with Policies SP11 & SP21. It is supported by evidence [TE62], has been discussed with Natural England & YWT, will help to deliver the Green Infrastructure Strategy, informed by the LPSD, and is effective, positively prepared and consistent with the NPPF (¶ 114). Proposed amendments to the policy and accompanying text will clarify access to open space and public rights of way, with reference to the Local Access Forum, ensuring effectiveness **[MM79-80]**.
106. Policy SP16 covers design, helping to reinforce local distinctiveness, provide a well-connected public realm, protect amenity and promote well-being. This reflects national policy in the NPPF (¶ 17/56-61) and provides a sound and effective framework to ensure high quality and inclusive design in new developments. The policy sets out criteria not only for new developments, but also for extensions and alterations to existing buildings. Densities are indicative rather than minimum figures, to ensure the effective use of land and provide flexibility. A proposed amendment to the criteria in Policy SP16 would clarify the design requirements for new development in terms of managing and minimising waste, ensuring an effective approach **[MM81]**.
107. Policy SP17 aims to manage air quality, land and water resources and address flood risk, as well as providing sewerage/water infrastructure, complementing other regulatory regimes and reflecting national policy (NPPF; ¶ 17/99-104/109/112/120-124). Further information on specific infrastructure requirements is given in the IDP. The towns in Ryedale have a history of being affected by flooding and sewerage issues, particularly in Malton/Norton and Pickering, but the regulatory authorities are fully aware of these problems. The LPS is informed by two SFRAs and Catchment Flood Management Plans, and some of the specific site allocations will be subject to the exception test as part of the preparation of the LPSD.
108. RDC has engaged with Yorkshire Water about current problems and future infrastructure requirements, and the policy contains the necessary safeguards to ensure that new infrastructure is provided in tandem with new development. The detailed wording of the policy has been discussed with the Environment Agency, and amendments to the policy and accompanying text are proposed to ensure a sound approach **[MM82-92]**, without being unduly onerous for developers. With these changes, Policy SP17 will provide an effective, deliverable, positively prepared and sound framework for considering and addressing the management of air quality, land and water resources, flood risk and the sewerage/water infrastructure requirements of new developments.
109. Policy SP18 aims to reduce greenhouse gas emissions by supporting the delivery of decentralised renewable and low-carbon energy and associated infrastructure, reflecting the current legislative framework and national guidance

in the NPPF (¶ 93-98), and supported by an extensive evidence base [BP8]. The approach to energy generation, including wind energy and biomass, is informed by evidence used for the YHRSS, updated as necessary [TE58/67]. Indicative capacity figures are included in the accompanying text, rather than as policy targets, but without necessarily restricting future provision. By seeking to reduce carbon emissions from new development and promoting sustainable and energy efficient development, the policy helps to address climate change issues. Policy SP18 also requires applicants to demonstrate how the energy hierarchy has been addressed in their proposals, with the flexibility to consider feasibility and viability and the use of “allowable solutions”, in line with the NPPF. More detailed site-specific targets may be set out in the LPSD. It is therefore a positive and flexible approach to the delivery of renewable and low-carbon energy developments in Ryedale, based on specific and robust evidence, including renewable energy capacity and landscape character assessments [TE58/67; TE54/59-61].

110. There is some concern that the policy is unduly onerous for developers and imposes requirements that go beyond current national standards, or are outdated, unjustified and unviable. RDC confirms that the policy intends to apply current national standards and Building Regulations, with the flexibility to take account of viability and feasibility. Explanation of the approach is set out in the accompanying text, which is fully justified by the supporting evidence, including viability [TE19]. Policy SP18 uses nationally derived standards, related to the scale and nature of the development, which reflect the current and expected future requirements of the Building Regulations and other codes. This is consistent with national policy (NPPF; ¶ 95) and is not unduly onerous for developers. In essence, the policy requires developers to *address* rather than *meet* these requirements, in line with this evolving area of national policy.
111. However, RDC proposes amendments to the policy and accompanying text, to provide further clarification and flexibility in the approach, including setting out the energy hierarchy and amending the criteria that need to be demonstrated to reflect the appropriate standards [MM93-114]. With these amendments, the policy will help to make a significant contribution to addressing climate change issues in a way which is clear, effective, justified, positively prepared, consistent with national policy and soundly based, without being unduly onerous or restrictive for developers.
112. The policy will also ensure that the adverse impacts from new wind farms, including individual and cumulative landscape and visual impact, are satisfactorily addressed by appropriate mitigation, in line with the latest Ministerial statement about on-shore wind developments and more recent Planning practice guidance for renewable and low carbon energy [DCLG; 6 June/29 July 2013]. This recognises the balance to be struck regarding the development of renewable/low carbon energy schemes to mitigate CO² emissions and bring social and economic benefits, whilst ensuring that their impact on the landscape, heritage assets and local communities is fully addressed in a satisfactory manner. More detailed aspects of the latest Planning practice guidance can be addressed in the LPSD.
113. Consequently, as amended, the suite of environmental policies provides an appropriate, justified, effective and soundly based framework for protecting and enhancing the natural, built and historic environment in Ryedale, including addressing heritage assets, landscape, biodiversity, natural resources and climate change issues, which is consistent with national policy.

GENERIC DEVELOPMENT MANAGEMENT POLICIES

Issue 7 – Does the Local Plan Strategy provide an appropriate, positive, effective and soundly based framework for managing and controlling development, including development management, local occupancy restrictions and developer contributions, which is fully justified and consistent with national policy?

114. Part 8 of the LPS includes specific policies relating to the development management process. In order to ensure that the LPS properly reflects the national policy in the NPPF establishing a presumption in favour of sustainable development, RDC proposes to include the “model” policy **[MM115]**. The proposed wording reflects the NPPF, and its inclusion will support the implementation of the LPS and provide an effective approach. The definition of sustainable development is clarified in the NPPF (¶ 7-10).
115. Policy SP19 sets out general criteria for new development covering character, design, amenity and safety, access, parking and servicing, closely related to the requirements of Policy SP16 and other policy requirements. It provides an appropriate framework for considering development proposals, which is justified with evidence, supports key elements, objectives and policies of the LPS, protects the amenity and quality of life of residents, and is effective in helping to ensure the successful implementation and delivery of the strategy. It is also consistent with national policy (NPPF: ¶ 32/36/58/120-125). Proposed changes to the policy will clarify the requirements to address contamination and unstable land issues **[MM116-118]** and ensure that it is sound and effective.
116. Policy SP20 sets out the approach to occupancy restrictions, including local needs, affordable housing, agricultural/forestry activities, ancillary residential accommodation, time-limited/seasonal occupation, and lifting of occupancy restrictions. The more restrictive elements of the policy are in response to previous policies in the RLP which have resulted in market housing being provided within the development limits of all settlements in the district. This has led to a dispersal of new housing, with high levels of windfall developments without much provision of affordable housing, leading to an unsustainable pattern of development in less accessible settlements. This revised approach supports the overall spatial strategy, focusing most development within the main market towns, local service centres and service villages, and reflects the particular circumstances in Ryedale.
117. Some argue that the policy is too restrictive, whilst others criticise the detailed implementation and definition of the local occupancy conditions. The local justification is based on the need to manage the delivery and location of market housing and direct development to the most accessible settlements with a reasonable range of services, meeting local housing needs and contributing to the need for affordable housing. An Affordable Housing SPD will provide more details of the approach. An important aspect of the strategy is to ensure that the limited sources of new housing in most of Ryedale’s villages are available to meet the needs of local people, rather than externally driven market demand. Economic viability of affordable housing requirements have been tested [TE18-19]. This approach is appropriate for Ryedale, justified with evidence, effective in helping to deliver the strategy and soundly based, without being inconsistent with national policy (NPPF; ¶ 50/54/55).

118. Others are concerned about the use of Rural Exception Sites to deliver affordable housing in the villages. Following discussions at the hearings, RDC proposed changes to this element of the policy to enable some limited market housing to be provided in specific circumstances, reflecting the proposed amendments to Policy SP3 [MM46]. The proposed changes to Policy SP21 merely clarify the eligibility criteria rather than establish the wider policy approach to this type of development [DDH70], which is dealt with earlier in the report. These proposed changes are necessary to clarify the implementation of the policy [MM119-121] and ensure that it is consistent and sound.
119. Policy SP21 covers developer contributions, including examples of the type of contributions expected. The policy provides a strategic steer on the type of contributions that may be required, is effective in delivering the necessary infrastructure, is justified by evidence in the IDP, and is broadly consistent with the NPPF (¶ 21/173-176). The LPS (¶ 8.10) also confirms that viability will be taken into account in securing the critical infrastructure needed to deliver the strategy, providing a reasonable balance between viability and the need to provide the necessary infrastructure.
120. However, as submitted, the policy is rather like a lengthy “shopping list” of desirable facilities, and there is some concern that this approach may go beyond the scope of the NPPF (¶ 203-205), as well as the implications of the cumulative effect on the economic viability of new developments. RDC confirms that not every development will be expected to contribute to all elements, but the list covers the types of infrastructure and facilities that may be required in some cases, helping to mitigate its impact and reflecting the IDP and emerging CIL. Following discussions at the hearing sessions, RDC has redrafted the policy to clarify its application and operation, referring to both CIL and S106 obligations, highlighting the need for negotiation with developers, and the need to consider viability [MM122-128]. These proposed changes will ensure that the approach is clear and consistent with national policy, without being unduly onerous for developers, providing a sound and effective framework for requiring developer contributions towards the infrastructure needed to deliver the strategy.

Monitoring, delivery and implementation

Issue 8 – Are the arrangements for monitoring the policies of the Local Plan Strategy adequate, effective and soundly based, including the indicators, baseline information, delivery mechanisms, phasing, timescales, critical elements of infrastructure and targets/milestones used, and do they specifically indicate the circumstances when it should be reviewed?

121. Each policy in the LPS is accompanied by a monitoring table, setting out relevant indicators, data sources, targets and milestones against which its performance will be measured, with appropriate links to the AMR and IDP [TE71]. These indicators are adequate and effective, relating to specific policies and accessible data sources. Each strategic policy is also accompanied by an implementation table, setting out the actions, mechanisms, responsibilities and timing of delivery, directly related to the IDP, providing an effective, responsive and soundly-based framework to assess the implementation of the LPS. Minor changes would update and clarify the information in the tables.
122. The policies include sufficient flexibility to take account of unexpected changes in circumstances. The LPS is strategic in nature and relies on a pattern of development sites of varying sizes in a range of locations, without relying on a few strategic sites or being unduly prescriptive. It avoids the need for additional

critical infrastructure beyond that currently being delivered and gives flexibility for development and infrastructure improvements to be managed and phased where necessary. Further flexibility is provided in the amended housing provision policy (Policy SP2), allowing adjustments to the release of sites and increasing the delivery of housing without prejudicing the overall provision level, as well as providing flexibility to release employment sites under Policy SP6. Viability issues, including for affordable housing, can be addressed on a case-by-case basis, having regard to economic and site-specific circumstances. These elements provide sufficient flexibility, in line with the sustainable development principles of the NPPF.

123. The LPS does not make explicit reference to the general need for review, but the monitoring arrangements (including the AMR & LDS) confirm that it will be reviewed if and when necessary. The LDS also indicates specific circumstances when a review of key elements of the LPS may be necessary (such as legislative or national policy changes). Moreover, housing and employment land policies specifically refer to the circumstances which would trigger a review of land supply, including a review of housing need within 5 years, and the LPS also commits to a 5-year review of the LPSD and land supply.
124. Consequently, the arrangements for monitoring, implementation and review of the LPS are responsive, proportionate, relevant and effective, and provide a sound framework for monitoring the implementation of the LPS and its policies.

Other matters

125. Other matters were raised in the representations and at the hearing sessions which do not go to the heart of the soundness of the LPS or relate to more detailed sites/matters concerning specific proposals or planning applications. In many cases, “improvements” to the plan are suggested, particularly in terms of the clarity and coherence of the strategy and policies. In response, RDC proposes several minor changes to the text of the policies and accompanying text, but these do not directly affect the overall soundness of the plan. Having considered all the other points made in the representations and at the hearing sessions, there are no further changes needed to ensure that the LPS is sound in the terms of the NPPF and associated guidance.

Assessment of Legal Compliance

126. RDC has carried out a Self-Assessment of legal compliance [PD3]. My assessment of the compliance of the LPS with the legal requirements is summarised below, and confirms that it meets all the legal requirements.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The timescale and content of the LPS is identified in the approved LDS [PD2]. Any slight delays in submission were due the need to carry out consultation arising from the publication of the final version of NPPF, and delays in adoption are due to the need to publish and consult on Main Modifications.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in 2006 [PD1]. Consultation has complied with the requirements in the SCI and Regulations during the process of preparing the LPS [SD5/SD6], including consultation on <i>Main Modifications</i> .

Sustainability Appraisal (SA)	Adequate SA has been carried out at all stages during the preparation of the LPS [SD3; HD15a-h].
Habitat Regulations Assessment (HRA)	Habitats Directive/Regulations Assessment has been undertaken satisfactorily [SD4], as confirmed by Natural England [PSD10].
National Policy	The LPS is consistent with national policy, except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the Ryedale and NYCC SCSs [PS19; PS27/28], and the LPS has aligned its key spatial planning objectives, vision and objectives with those of the SCSs.
2004 Act (as amended) and 2012 Regulations	The LPS complies with the Act and the Regulations, including the arrangements for publication and consultation [PD3; SD5/SD6]. A list of “saved” Local Plan policies superseded by LPS policies [DDH109] will be included in an appendix to the LPS, as required under the Regulations [MM129] .

Overall Conclusion and Recommendation

127. The submitted Ryedale Plan - Local Plan Strategy has a number of deficiencies in relation to soundness and legal compliance for the reasons set out above, which mean that I recommend that, as submitted, it should not be adopted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.
128. The Council has requested me to recommend Main Modifications to make the Plan sound and legally compliant and capable of adoption. I conclude that with the recommended Main Modifications set out in the Appendix, The Ryedale Plan - Local Plan Strategy satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Stephen J Pratt

Inspector

Appendix: Main Modifications required to make the plan sound and capable of adoption