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| PART A: | MATTERS DEALT WITH UNDER DELEGATED POWERS |
| REPORT TO: | PLANNING COMMITTEE |
| DATE: | 30 JULY 2014 |
| REPORT OF THE: | HEAD OF PLANNING AND HOUSING GARY HOUSDEN |
| TITLE OF REPORT: | SCARBOROUGH BOROUGH COUNCIL DRAFT LOCAL PLAN |
| WARDS AFFECTED: | NONE DIRECTLY |

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To provide a response from the District Council to Scarborough Borough Council's Draft Local Plan in terms of the exercising of the Duty to Cooperate, and general policy approach.

2.0 RECOMMENDATION(S)

- 2.1 It is recommended that:
- (i) Ryedale District Council confirms that Scarborough Borough Council has exercised its duty within respect of the Duty to Co-operate (Section 33A of the Planning and Compulsory Purchase Act (2004) (Local Development)) in the preparation of its Draft Local Plan.
 - (ii) The response to the consultation (as set out in section 6.2-6.5 of this report) is provided to Scarborough Borough Council.

3.0 REASON FOR RECOMMENDATIONS

- 3.1 Although this is not a formal stage of consultation, it is important that Ryedale District Council supports an adjacent authority in the provisions of the formation of their Local Plan. It is also important to ensure that the Council are satisfied that the objectives of the Ryedale Plan particularly the Local Plan Strategy, are not inadvertently compromised.

4.0 SIGNIFICANT RISKS

- 4.1 There are no significant risks associated with this report. However, it is important that Members are aware of the emerging Local Plans of adjoining authorities and failure to engage could mean that District Council's ability to engage in later consultation stages is compromised. It would also acknowledge the on-going involvement under the requirements of the Duty to Co-operate.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 Scarborough Borough Council commenced the current consultation on its draft Local Plan on the 30 May 2014. The consultation period is to run until the 8 August. The consultation is not a formal stage, but it is the precursor to the formal publication of the Plan (the formal Publication stage). The consultation taking place is a general consultation, but Scarborough Borough Council has explicitly asked that a response to the Draft Plan is provided by this Council, to demonstrate that Scarborough Borough Council is fulfilling the requirements of the Duty to Co-operate.
- 5.2 The "Duty to Co-operate in relation to planning of sustainable development" was introduced in 2013, through the Localism Act of 2011, and inserted as Section 33A of the Planning and Compulsory Purchase Act (2004) (Local Development). In summary, it places a duty on Local Planning Authorities, to engage with each other, and relevant statutory bodies, in a constructive, active and on an on-going basis in terms of, amongst other matters, the preparation of Development Plan Documents, and activities of a strategic nature which support the delivery of such documents. The Examination of Development Plan Documents will assess whether the authority has complied with this duty, and failure to demonstrate that the duty has been complied with will render the Plan unsound.
- 5.3 Both Scarborough Borough Council and Ryedale District Council have had Officer-level discussions concerning cross-boundary matters, and the general Plan approach. As the document progresses towards its formal publication it is considered that it would be timely for the District Council to provide a formal response to the current consultation.

REPORT

6.0 REPORT DETAILS

- 6.1 Scarborough Borough Council is preparing a Local Plan, which will manage and guide development in the Borough outside of the National Park to 2030. It will contain both strategic policies, and land allocations. The Council has provided a covering letter which outlines that Scarborough Borough Council, in discussions with adjacent authorities, has identified that, owing to the Borough's relative isolation, cross-boundary issues are limited in nature, but consideration must be had to:
- The strategic road network, with particular relevance to the A64;
 - The impact of the proposed Potash Mine on the wider area
 - The delivery of the objective[ly] assessed housing need for Scarborough Borough; and
 - The shared landscapes of the Borough with East Riding District Council; Ryedale District Council and the North York Moors National Park Authority.

Duty to Co-operate

- 6.2 Officers have been engaged with Scarborough Borough Council concerning the preparation, examination and adoption of a series of Development Plan Documents, recently, i.e. The Whitby Business Park Area Action Plan, and The Ryedale Plan-Local Plan Strategy. It is considered that Scarborough Borough Council, in their preparation of this Development Plan are meeting the requirements of the Duty to Co-operate through on-going engagement with this Council.

Cross-boundary Issues

- 6.3 It is considered that the above cross-boundary issues as set out in paragraph 6.1 of this report are indeed important and that this list is accurate. It is considered that within the draft Local Plan they are given due recognition. The Council will continue to work with Scarborough Borough Council in respect of these matters. In particular, it is recognised in the 2011 North Yorkshire Strategic Housing Market Assessment, and through a range of other evidence documents, that the housing markets of Scarborough and Ryedale do overlap. Policy HC1 of the draft Plan for Scarborough Borough seeks to deliver around 9200 dwellings over the Plan Period, primarily through the proposed allocations within the Borough. It is considered that Scarborough Borough Council is demonstrably meeting its objectively assessed housing needs, and it does not suggest that Ryedale District should be accommodating any unmet housing need.
- 6.4 It is also considered that there a small number of further matters which could be referred to within the context of the landscape. These relate to the identification of green infrastructure and the consideration of heritage aspects, but it is recognised that paragraph 8.61 of the draft Local Plan does indeed acknowledge the relationship with adjoining Local Authorities concerning the identification and provision of Green Infrastructure.
- 6.4 It is also noted that Scarborough Borough Council is not considering implementation of a Local Needs Occupancy Condition. Whether to include the application of such a condition within their Development Plan is a matter for the Borough Council. However, it is considered that within the accompanying text of the housing section it could be appropriate to make reference to the fact that Ryedale District Council does operate Local Needs Occupancy condition, which is applied to certain forms of residential development within the lower tiers of the Settlement Hierarchy. This is because the requirements of the condition are applicable to individuals (or their dependents) who are living in an adjacent parish (which could be outside of the District, and therefore be from a Scarborough Borough Parish).

Allocations and relationship to any cross-boundary matters

- 6.5 The Scarborough Borough Local Plan is to contain a series of allocations of land for residential and employment (B use classes). Of the allocations, there is one site which is close to Ryedale District. This is a Strategic Growth Area at South Cayton; covering 112ha of land, and providing around 2400 homes, community facilities and services, and providing links to the Scarborough Business Park, as well as associated infrastructure. It will also involve improvements to the wider road network, and links into the A64. It is considered that whilst it is a sizable site, it represents the best opportunity to meet Scarborough Borough's housing needs in a coordinated manner whilst providing commensurate facilities and services.

6.6 In conclusion, Ryedale District Council considers that the Spatial Strategy, Policies and allocations of the Scarborough Borough Draft Local Plan, would not be in conflict with the provisions of The Ryedale Plan- Local Plan Strategy. There is consistency of approach in terms of cross-boundary issues, and such matters that would not undermine our Plan.

7.0 IMPLICATIONS

7.1 The following implications have been identified:

- a) Financial
No financial implications.
- b) Legal
No legal implications.
- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)
No other implications

8.0 NEXT STEPS

8.1 The agreed response will be provided to Scarborough Borough Council prior to the consultation deadline. Scarborough Borough Council is aiming to Publish the Plan in the last quarter of 2014. At this point the District Council will be required to provide a formal response to the consultation, which will be answered as part of the Examination into the Plan, and importantly to evidence that Scarborough Borough Council can demonstrate legal compliance with the Duty to Co-operate.

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Background Papers:
Draft Scarborough Borough Local Plan

Background Papers are available for inspection at:

<http://scarborough.objective.co.uk/portal>