



PART B: RECOMMENDATIONS TO COUNCIL

REPORT TO: POLICY AND RESOURCES COMMITTEE

DATE: 10 FEBRUARY 2011

**REPORT OF THE: HEAD OF PLANNING
GARY HOUSDEN**

**TITLE OF REPORT: RYEDALE PLAN – POLICY APPROACH TO
CONSERVATION DEFICIT**

WARDS AFFECTED: ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 For Members to consider comments submitted in response to consultation on this issue and to agree the approach to conservation deficit in the Ryedale Plan.

2.0 RECOMMENDATIONS

2.1 That Council is recommended:

- (i) Not to agree to the inclusion of a policy approach in the Ryedale Plan to allocate development to fund conservation deficits of local, national and regional importance;
- (ii) To agree that the Ryedale Plan makes reference to the national enabling development policy as an appropriate mechanism to address the conservation deficits associated with historic assets of national, regional or local significance and that the Plan includes reference to the criteria against which, enabling development proposals will be considered, including any locally relevant criteria;
- (iii) With regard to the Castle Howard Estate, the principle of a detailed criteria-based policy on the basis of that outlined in the report, is agreed for inclusion in the Ryedale Plan subject to the independent verification of income information, further detailed information relating to the estate's wider repair and restoration programme and to confirmation that a mechanism to secure affordable housing contributions can be agreed.

3.0 REASON FOR RECOMMENDATIONS

3.1 National policy (PPS5 – Planning for the Historic Environment) requires Local

Development Frameworks (LDF's) to set out a positive and proactive strategy for the conservation and enjoyment of the historic environment of their area. This report considers how one specific element of such a strategy – the issue of conservation deficit, could be addressed in the LDF.

4.0 SIGNIFICANT RISKS

- 4.1 The report considers policy options and consultation responses. It is considered that there are no significant direct risks associated with the report. Greater procedural risks would be incurred if Members did not fully consider this issue having undertaken specific consultation on this matter.

REPORT

5.0 BACKGROUND AND INTRODUCTION

- 5.1 At the Extraordinary Meeting of Council on the 9th February 2010, Members agreed to consult on the issue of using a local policy approach in the Ryedale Plan to support the repair and restoration of historic assets which face a 'conservation deficit' and require funds to secure a sustainable future.
- 5.2 The officer recommendation related specifically to consultation being undertaken on the principle of including the Castle Howard Estate villages in the Service Village category in order to assist in addressing the conservation deficit facing the estate. This arose as a specific issue/ option through a combination of the following:
- Resolution of Council on the 15th December 2009 that reconsideration is given to replacing the distinction between Service and other villages by a criteria based policy
 - Liaison and consultation with the Castle Howard Estate and involvement in the preparation of the Castle Howard Conservation Management Plan
 - Consultation with English Heritage.
- 5.3 At the meeting, the officer recommendation was amended. Council resolved that there should be further consultation on the principle of allocating development to fund conservation deficits of local, national and regional importance. The amendment arose following concerns in the debate that the issue and the officer recommendation were specifically linked to one landowner and one specific historic asset.
- 5.4 On the 2nd August 2010, the reconvened extraordinary meeting of (the 29th July) Council agreed the consultation draft of the Ryedale Plan. This included specific questions relating to the principles of releasing development land to support the maintenance and repair of historic assets.

6.0 POLICY CONTEXT

- 6.1 As part of a strategy for the conservation and enjoyment of the historic environment required by PPS5, national policy also requires that in preparing Development Plans consideration is given as to how best conserve individual, groups or types of heritage assets that are at most risk of loss.
- 6.2 The concept of Enabling Development has been a long standing planning tool which has been used to help generate funds for the repair of significant heritage assets. Enabling Development is defined as 'Development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it

being carried out and which could not otherwise be achieved' (Enabling Development and the Conservation of Significant Places, English Heritage, 2008). Enabling Development was included as national policy when it was embodied in PPS5 which was issued in 2010.

6.3 A number of tests are included in the national policy and supporting guidance to help assess enabling development proposals. They include for example, confirmation that there is no alternative source of funding available, that work is necessary to secure the future of a heritage asset and mechanisms are in place to ensure that benefits/funds are secured for use as intended.

6.4 By definition, enabling development is development which is contrary to the Development Plan. The recent consultation aimed to explore whether, in addition, it would be appropriate to include within the LDF, a local plan-led policy to address conservation deficit.

7.0 CONSULTATION

7.1 As part of the consultation, views were sought on the principle of releasing land to support the maintenance and repair of heritage assets of national, regional or local importance. The consultation suggested policy options/mechanisms which included:

- A general criteria-based policy which could list the various factors that could be used to determine proposals for development. This would in effect, be a policy that would support the release of land under certain specific circumstances, across Ryedale.
- The explicit identification of locations or settlements where new development sites could be released. This could be through the specific allocation of sites or through a criterion- based policy applicable to specific areas.

In addition, the consultation made it clear that rather than a local policy approach, the issue of conservation deficit could still be addressed using the national Enabling Development policy included within PPS 5.

7.2 The consultation provided the opportunity for the owners of historic assets supporting the option of identifying specific locations/ settlements, to provide full details of the conservation deficit which they face.

7.3 It should be noted that the draft Plan consulted on the potential policy options to address the maintenance and repair of heritage assets of national, regional or local significance, as opposed to assets of national, regional and local significance as resolved by Council in February 2010. Although the precise wording of the resolution was not included in the consultation draft plan in error, it is considered that this has not in any way undermined the spirit or purpose of the consultation.

7.4 Similarly, the (February 2010) Council resolution made specific reference to undertaking consultation on the principle of allocating sites as a means of address conservation deficits. The consultation broadened this to include criteria based policy mechanisms. This was appropriate given that the testing of options is an integral element of plan/ policy making.

7.5 Comments received in response to the consultation are summarised in Annex A.

7.6 The majority of responses have been received in relation to suggested policy options or to the scope of any approach – the extent to which any potential policy approach

should relate to assets of varying significance. Indeed, it is interesting to note that only a very limited number of responses disagree with the principle of using development to support the maintenance and repair of historic assets per se.

7.7 The majority of those who have objected have done so in relation to the two options which represent a local policy approach, with particular concerns arising in relation to suggestions of land allocations or the identification of specific locations. Consistent concerns that have been cited include:

- Conflict with/ contrary to national policy (PPS5) and English Heritage guidance on enabling development, particularly in respect of the allocation of sites
- Conflict with/ contrary to national policy aimed at ensuring the sustainable location/ distribution of housing development
- Conflict with the strategy and key objectives of the Core Strategy
- The extent to which the necessary robust evidence of conservation deficit is available to justify a local, plan-led policy position (including evidence of how funding could not be raised by other means)
- The national Enabling Development policy is more robust and appropriate.

7.8 The majority of responses objecting to the suggested approaches are from residents of villages where the Castle Howard Estate own land. As well as the key concerns outlined above, residents have the following concerns:

- The capacity of villages to accommodate new development in terms of their infrastructure
- General opposition to new housing development
- Potential scale of new development required to meaningfully address the Castle Howard conservation deficit resulting in an inappropriate scale of development with implications for the AONB and setting of the Listed Building and establishing a precedent which would become difficult to 'reign in' in the future
- Lack of specific and robust evidence relating to the scale of the Castle Howard conservation deficit.

7.9 In total 58 individuals or organisations have been recorded as having submitted comments which disagree that the District Council should include a local policy in the Ryedale Plan to support the release of sites to help sustain the long term future of historic assets. As well as local residents, 8 Parish Councils; the Howardian Hills AONB and North Yorkshire County have also expressed concerns.

7.10 A limited number of individuals/ organisations have expressed general support for the principle of establishing a local policy response to this issue. The majority of supportive comments are qualified on the basis of specific issues or are in support of one specific policy option. For the most part, these have been submitted by landowners/landed estates. It should be noted that a number people who have supported a particular policy option have simultaneously provided reasons why they disagree with an alternative option. These are grouped within the qualified support section of Annex A. Whilst this does lead to some repetition with those comments recorded as disagreeing with the introduction of any form of local policy, it ensures that these views are clearly distinguished from those of people who disagree entirely with any form of local policy.

8.0 REPORT DETAILS

8.1 The strategy for the distribution and accommodation of development in the emerging

Ryedale Plan looks to accommodate the majority of new development in the most accessible settlements in Ryedale as a key way of delivering sustainable patterns of development. Members are aware that the emerging plan also supports in principle, a number of types of development, in particular employment, land based and tourist development across the wider rural area. This strategy was supported by the Inspector who considered the previous version of the Core Strategy and Members have continued to agree the strategy and settlement hierarchy as the new Core Strategy has evolved. Clearly therefore, any policy mechanism aimed at supporting the release of development sites in locations outside of this framework, would need to be clearly justified on the basis of good planning reasons.

- 8.2 It is perhaps not surprising that most of the support for a criteria based policy, applicable in scope to heritage assets of all levels of significance has generated support from the majority of landowners who have responded to the consultation. However, very little information has been provided to help justify why such an approach is necessary over and above the national enabling development policy. Ryedale has a wealth of heritage assets that range in significance. It is considered that such an approach has the potential to lead to a dispersal of development across the District and as a result, any policy would require a rigorous set of criteria against which proposals would need to be assessed. Officers are of the view that in reality such criteria or policy tests are unlikely to be significantly different to those which are embodied in the national enabling development policy.
- 8.3 In view of the above, it is considered that the national enabling development policy remains the most appropriate mechanism to address instances of conservation deficit and to help to sustain the long term future of heritage assets in Ryedale. However, Members are aware that the current coalition government is committed to replacing the existing national planning policy statements with a single national planning framework. Therefore, in order to 'future proof' the Ryedale Plan, it is considered appropriate that the criteria which will be used to assess proposals coming forward via an enabling development route are included in the Plan. This would also provide the opportunity to include particularly locally specific criteria to help inform the development management process.
- 8.4 Officers are of the view that any local plan-led policy to address this issue could only be justified in particularly exceptional circumstances. It is for this reason that officers are of the view that further consideration needs be given to the use of a local policy to assist in addressing the conservation deficit of the Castle Howard Estate.
- 8.5 English Heritage is of the view that Castle Howard is the most significant of Ryedale's Country houses and estates as well as being of particular national importance. Indeed, officers of English Heritage consider that Castle Howard, alongside Highclere Castle (Downton Abbey in the recent television programme), Blenheim Palace and Chatsworth House represent the most significant examples of Country Houses/ Estates in this country. In addition, Castle Howard provides some of the most iconic images of Ryedale. It is an integral part of the area's tourist economy and is one of Ryedale's key businesses.
- 8.6 The Estate, through the Conservation Management Plan (CMP) has detailed the projects and costs of the maintenance and repair work that is required to secure a long term sustainable future for the key heritage assets. The CMP indicates that there is insufficient income to undertake many of the projects required, resulting in a 'conservation deficit'. It is understood that the disposal of some assets together with the restoration and repair of others is one of the main ways in which the estate can generate additional income.

- 8.7 The release of land for new residential development would contribute to this. However, Slingsby is the only location where this would be supported in principle through the emerging Core Strategy. Other land holdings which are adjacent to settlements are adjacent to settlements that fall outside of the service village category in the Core Strategy such as Welburn, Terrington, Bulmer and Coneysthorpe. To progress residential development schemes in these areas, the Estate would need to rely on the national enabling development policy.
- 8.8 Clearly that is a policy option which is open to them and this is acknowledged in the CMP. Alternatively, officers are of the view that a plan-led policy approach is, in principle, justifiable given the national significance of Castle Howard. The main difference between relying on the national enabling development policy and having a local policy would be that development proposals coming forward as enabling development would be contrary to policy and the Council's position would be reactive. A local policy – a plan-led approach - would establish the principle of the release of sites as policy, in effect, a proactive approach to this issue.
- 8.9 This could take the form of the direct allocation of sites, or alternatively, a criteria-based policy specific to the estate villages. English Heritage are of the view that the former would not represent the most appropriate option on the basis that if circumstances change, sites could remain allocated, resulting in pressure for their release even if the reason or justification for their allocation no longer exists. Whilst it is considered that the plan itself could accompany allocations with policy mechanisms to control their release, clearly, if English Heritage is concerned about the extent to which this could provide the necessary level of control, then this would not be an appropriate option to pursue.
- 8.10 Alternatively, a plan-led policy approach could be in the form of a criteria-based policy which supports in principle the release of development sites at specified villages subject to a range of criteria. In effect, to reflect the levels of control and principles used to justify schemes under the national Enabling Development policy – for example, that the conservation deficit exists at the point an application is made and that mechanisms are in place to secure how funds are spent and the like. It would also be important and relevant for any policy to provide the necessary control to ensure that the scale of development and the individual and cumulative effects of proposals would not have a significant adverse impact of the character and setting of individual settlements or the wider Area of Outstanding Natural Beauty (AONB).
- 8.11 Understandably, one of the greatest concerns raised by local residents is the concern and fear that any local policy approach would, in effect, simply promote unacceptable levels of development in their localities. There is concern that the scale of development required to address the conservation deficit would be so great that this would inevitably be the case. Residents are also concerned that over time, a precedent would be established which would in effect, establish the principle that the conservation deficit becomes the paramount and over riding consideration.
- 8.12 It should be made clear explicitly clear that officers are of the view that it would be entirely inappropriate to introduce any policy which aimed to facilitate a level of development that would lead to significant adverse landscape impact. Whilst Castle Howard is of national significance as a heritage asset, the estate sits within a nationally protected landscape – the AONB. As such, any policy response to the conservation deficit could needs to be balanced with the need to ensure that objectives of the national landscape designation are not undermined.
- 8.13 It is important therefore, that it is understood that it is not the intention of any plan-led

policy to facilitate a level of development which would satisfy the conservation deficit in its entirety. At most any policy could only aim to facilitate a level of development, appropriate to the scale and character of settlements and the wider landscape, which would help generate funds to contribute to a reduction in the conservation deficit and to target priority projects with extrapolating repair costs. For the reasons outlined, it is considered that on balance, this approach is one which would be suitable for inclusion in the Plan.

- 8.14 Officers are aware that this is a sensitive and contentious issue. The approach suggested and outlined above would provide the necessary control and implementation criteria that would be as robust as those embodied within the national enabling development policy. The main advantage of a plan led policy is that it would provide developers working with the estate with a degree of confidence to bring schemes forward. It would also provide a clear message that as a Local Planning Authority, the Council is committed, in principle to assisting in securing the long term future for this important business and unique asset.
- 8.15 If Members were minded to agree to the inclusion of such a policy, it is recommended that at this stage this would be in principle. Financial information provided by the estate would need to be subject to independent verification. Officers are also keen to see further detailed evidence of the repair and restoration programme for existing building within the estates ownership. In addition, officers are keen to ensure that options for affordable housing contributions are fully explored with the estate before final decision are taken on this matter.

9.0 IMPLICATIONS

- 9.1 The following implications have been identified:
- a) Financial
No direct financial implications
 - b) Legal
No direct legal implications
 - c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)
Non Identified.

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Background Papers:

Ryedale Plan – 2010 Consultation comments
Extraordinary Meeting of Council : 9 February 2010
Extraordinary Meeting of Council : 29 July 2010
PPS 5 Planning for the Historic Environment
Enabling Development and the Conservation of Significant Places: English Heritage, 2008
Castle Howard Conservation Management Plan. December 2008

Background Papers are available for inspection at:
Ryedale House