

East Riding of Yorkshire Council

Examination of the East Riding Local Plan Strategy Document

Schedule of Matters and Issues for the Examination

Inspector: Simon Berkeley BA MA MRTPI

Programme Officer: Malcolm Wells
Programme Officer
Room GG9
County Hall
Beverley
HU17 9BA
01482 396285
Malcolm.Wells@eastriding.gov.uk

Draft timetable for the Hearing sessions

Date	Morning session 09.00am	Afternoon session 2pm
Day 1 Tuesday 7 October	<ul style="list-style-type: none"> Matter 1: Basis for the plan 	<ul style="list-style-type: none"> Matter 1 (cont)
Day 2 Wednesday 8 October	<ul style="list-style-type: none"> Matter 2: Spatial strategy 	<ul style="list-style-type: none"> Matter 11: The sub area approach
Day 3 Thursday 9 October	<ul style="list-style-type: none"> Matter 3: Housing 	<ul style="list-style-type: none"> Matter 3 (cont) Matter 4: Affordable housing/housing for older people
Day 4 Friday 10 October	<ul style="list-style-type: none"> Matter 6: Economic development 	<ul style="list-style-type: none"> Matter 6 (cont) Matter 8: Mineral resources
Day 5 Tuesday 14 October	<ul style="list-style-type: none"> Matter 9: Infrastructure 	<ul style="list-style-type: none"> Matter 9 (cont) Matter 7: Sustainable development and climate change Matter 5: Gypsy and Traveller Accommodation
Day 6 Wednesday 15 October	<ul style="list-style-type: none"> Matter 10: Landscape, heritage, biodiversity, flood risk and open space 	<ul style="list-style-type: none"> Reserve time
Day 7 Thursday 16 October	<ul style="list-style-type: none"> Reserve day 	

As set out in the accompanying Guidance Note, if you have any comments on this draft timetable please contact the Programme Officer by **1 August 2014**.

Every effort will be made to keep to the timetable, but late changes may be unavoidable. Priority will be given to starting the debate on each matter at the appointed time, and it may be necessary to extend the discussion in the afternoon session. The Programme Officer will inform the participants of any late changes to the timetable, but it is the responsibility of the participants to keep themselves up to date with the arrangements and programme.

The starting point for the examination is the submitted version of the Strategy Document ('the Plan'). However, the Council proposes a number of modifications to the Plan as originally submitted. These are set out in a schedule produced by the Council, which can be found in the examination library and on the Council's examination webpage. I may or may not accept these changes. The Council is consulting on these modifications separately. Comments on them insofar as they relate to the matters and issues set out below are also invited, and discussion about them will be included at the relevant hearing sessions.

Where respondents answering the following questions identify a deficiency in the Plan they should make clear how it should be changed.

Matter 1 – Overall basis for the Plan

Issues

Legal requirements and procedures, and over-arching themes

- 1.1 Overall, has the Plan been prepared in accordance with the legal requirements, including the 'duty to cooperate' imposed by Section 33A of the Planning & Compulsory Purchase Act 2004 (as amended)?
- 1.2 Does the Plan comply with the Public Sector Equality Duty?
- 1.3 Has the plan been prepared in accordance with the Council's Statement of Community Involvement and met the minimum consultation requirements in the Regulations?
- 1.4 How has the Plan been influenced by the Sustainable Community Strategy?
- 1.5 What are the strategic, cross-boundary issues of relevance to the Strategy? How does it address them?
- 1.6 Has the Plan's formulation been based on a sound process of sustainability appraisal and testing of reasonable alternatives, and is the sustainability appraisal adequate?
- 1.7 Are the Strategy Document and the sites proposed in the Allocations Document financially viable? In particular:
 - a. are the viability assessments sufficiently robust and are they based on reasonable assumptions?
 - b. do the viability assessments adequately reflect the nature and circumstances of the proposed allocations?
 - c. has the cost of the range of expected requirements on new development been taken into account, including those arising through Local Plan policies (for example, in relation to affordable housing)?
 - d. does the evidence demonstrate that such costs would not threaten the delivery of the development planned for?

This question relates to both of the documents being examined. For convenience and efficiency reasons the financial viability of both documents will

be considered together and will be discussed at the hearings for the Strategy Document.

Matter 2 – The spatial strategy

As a part of the spatial strategy, development limits are drawn around settlements and shown on the Policies Map. Consequently, this is a matter for the examination of the Strategy Document. However, for convenience and efficiency reasons, the questions relating to development limits have been identified on the Matters and Issues paper for the Allocations Document, and will be discussed at the hearings for the Allocations Document.

Issues

Focusing development

- 2.1 Policy S3 sets out a Settlement Network, which in effect is a hierarchy of settlements. What is the justification for the tiers/categories identified within the hierarchy?
- 2.2 Is the settlement hierarchy based on robust evidence and sound reasoning? In particular:
 - a. Is each settlement placed within the most appropriate tier?
 - b. What factors have been taken into account when deciding which tier each settlement should be placed in?
 - c. Will it lead to the most sustainable spatial distribution of new development?
- 2.3 Section B of Policy S3 identifies the Major Haltemprice Settlements, among others, as the main focus of growth. Does this approach cause a tension with the aim of supporting regeneration in Hull? Is there a risk that the growth planned for in the Major Haltemprice Settlements, particularly in terms of housing and B1 uses, could undermine regeneration efforts in the city?
- 2.4 Sections C to E explain, in broad terms, the types and levels of development anticipated in the various tiers of the Network. Is adequate distinction made between the Network categories to ensure that the settlements within them receive an appropriate level of new development?
- 2.5 In drawing up the spatial approach in Policy S3, how has the risk of flooding been taken onto account? In particular:
 - a. How has the sequential test influenced the settlement hierarchy?
 - b. How has the sequential test informed the specific housing figures earmarked against each settlement in Policy S5?
 - c. Can the settlements accommodate the growth envisaged, particularly in relation to housing, on land at the lowest risk of flooding (generally Flood Zone 1)? If not, what reasonable alternative distribution patterns have been considered and why have they been rejected in favour of that proposed?

The Council's response to Issue 2.5 should make specific and direct reference to Goole.

- 2.6 How have the possible effects on European wildlife sites influenced the Plan's spatial strategy/focus for development and the assessment of alternative options?

Development in villages and the countryside

- 2.7 Is the approach to development in villages and the countryside, particularly through Policy S4, sufficiently justified, effective and consistent with national policy? In particular:
- a. What is the justification for *prioritising* previously developed land?
 - b. Should any of the types of development supported in the countryside by clauses C1 to C11 be required to be 'well related' to development limits, as Policy H2 requires affordable housing 'rural exception' development to be?
 - c. Does clause C3 adequately reflect the NPPF?

Matter 3 – Housing

Issues

The overall need for housing and the level planned for

- 3.1 The Local Housing Study (January 2014) (the LHS) aims to establish the objectively assessed need for housing. This is discussed further in the Council's Housing Requirements Background Paper. Is this an adequately robust, reliable source of evidence?
- 3.2 The LHS considers three different projections. The first is demographic-led and results in a need figure of 1,069 dwellings per year. The LHS explicitly identifies this figure as the objectively assessed need for housing and refers to it as such. Technical Note 1 [examination library ref: CD202], however, identifies the objectively assessed housing need as 1,933 dwellings per year. This figure stems from Additional Scenario 2 in the LHS, corrected for an error.
- What figure best represents the objectively assessed need for housing and why?
 - I understand that the Plan is based on the 1,933 figure. Are the assumptions that underpin Additional Scenario 2 reasonable and realistic?
 - What regard has been had to the 2012-based sub-national population projections published by the ONS in June this year?
- 3.3 Policy S5 says that provision will be made for at least 23,800 (net) additional dwellings (1,400 per annum) in the East Riding between 2012 and 2029. This falls short of the objectively assessed need identified in Technical Note 1. It is proposed, in effect, that this shortfall will be met within Hull City Council's administrative area.
- Is this the most appropriate approach and what is the justification for it?
 - Is there complete and unqualified agreement with Hull City Council that this level of shortfall will be catered for in their Local Plan?
 - How would the Council deal with this shortfall if it transpired, for example through the City Council's Local Plan process, that delivery within Hull were not feasible?
- 3.4 Paragraph 5.15 indicates that should a significant over-provision of housing occur, a 'managed release' mechanism will be introduced.
- Given that the housing figures in Policy S5 are minimum figures, how is 'over-provision' possible?
 - What level of 'over-provision' will trigger the introduction of a managed release mechanism?
 - To be effective, does such a mechanism need to be in a development plan policy rather than in the Annual Monitoring Report or a Supplementary Planning Document? Are these matters capable of being included within an SPD, given the limitations of the Regulations¹?

¹ The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

The proposed spatial distribution of new housing

- 3.5 Policy S5 and Table 2 set out the distribution of housing. What is the justification for the distribution proposed? In particular:
- a. How has the apportionment/proportional split between the various tiers of the hierarchy been arrived at?
 - b. How has the apportionment/proportional split between the settlements within each tier been arrived at?
 - c. Why does the policy include no disaggregation between the Major Haltemprice settlements as it does with the other hierarchy tiers? Should it?
 - d. Why have 20% and 10% been selected as the levels of housing growth in the Rural Service Centres and Primary Villages respectively (or 170 or 85 dwellings respectively, whichever is the lower)? What is the justification for these particular percentages and the 'caps' applied?
- 3.6 What alternative spatial distribution options have been considered and why have they been rejected in favour of the distribution proposed? In this regard, how has the sustainability appraisal informed the choices made?
- 3.7 How have environmental constraints or other factors such as flood risk or infrastructure capacity influenced the proposed distribution?

The supply of land for new housing

- 3.8 Is there a supply of specific deliverable sites sufficient to provide five years worth of housing, with an additional buffer of 5% moved forward from later in the plan period to provide choice?
- 3.9 In the light of paragraph 47 of the NPPF, should the buffer be 20%? Are there sufficient deliverable sites to provide a 20% buffer?
- 3.10 Is there a supply of specific, developable sites or broad locations for growth for years 6 to 10 of the Plan and beyond?
- 3.11 Is there sufficient land available in the right places to deliver the level and spatial distribution of new homes planned for?
- 3.12 What justification is there for the approach taken to housing density in Policy H4, particularly the setting of a general minimum density of 30 dwellings per hectare? How does this reflect local circumstances? Does it take into account the potential effect of other policies on density (for example related to the provision of affordable housing and accommodation for older people)?
- 3.13 What is the justification for seeking 20% of new dwellings on previously developed land? Is this achievable and consistent with national policy?

Matter 4 – Affordable housing and housing for older people

Issues

- 4.1 What is the objectively assessed need for affordable housing?
- 4.2 Section F of Policy S5 seeks 310 new affordable homes per year. Will Policy H2 deliver this level of affordable housing?
- 4.3 Are there other sources of/mechanisms for affordable housing delivery? If so:
 - a. What are they?
 - b. What level of affordable housing is anticipated to come from these sources over the plan period? What evidence is there to suggest that this is a realistic expectation?
- 4.4 Section A of Policy H2 sets out site size thresholds which 'trigger' a contribution from residential developments to affordable housing. Figure 8 shows the geographic differentiation of the level of affordable housing contribution expected.
 - a. What is the justification for the site size thresholds?
 - b. What is the justification for the differing levels of contribution shown on Figure 8?
 - c. In practical terms, given the scale of the drawing in Figure 8, is it possible to discern the precise position of the lines demarking the different contribution zones? Is Figure 8 sufficiently effective in this regard?
- 4.5 Section C of Policy H2 allows 'rural exception sites' in certain circumstances.
 - a. Should such sites be allowed where they are 'well related to the development limits of' the Major Haltemprice Settlements, Principal Towns and Towns?
 - b. Is this policy sufficiently flexible?
- 4.6 It is clear that the East Riding has an increasingly ageing population. Paragraph 2.13 of the Plan says that this trend has an important impact on spatial planning.
 - a. Is there any evidence which quantifies the need for housing for older people?
 - b. Should the Plan set out specific targets for the delivery of older people's accommodation across the East Riding?
 - c. Should Policy H1 do more to secure housing for older people? Is it sufficiently effective in its current form?

Matter 5 – Gypsy and Traveller Accommodation

Issues

- 5.1 Is the accommodation need assessment based on a robust methodology? Has the Council engaged meaningfully with traveller communities in order to prepare and maintain an up to date understanding of need?
- 5.2 Does the Core Strategy comply with the Planning Policy for Traveller Sites with regard to the identification of a five year supply of deliverable sites, and developable sites or broad locations for growth thereafter? Are the broad locations of Cottingham to Beverley and Driffield to Bridlington illustrated on a plan and if not should they be?
- 5.3 Planning Policy for Traveller Sites requires fair, criteria based policies for judging applications for traveller sites. Is Section D of Policy H3 consistent with national policy in this regard?

Matter 6 – Economic development

Issues

Employment uses (B Use Classes)

- 6.1 Is the evidence underpinning Policy S6 sufficiently robust? In particular:
- Which of the various scenarios in the Employment Land Review is relied on and why is this considered the most appropriate?
 - What are the key assumptions made?
 - Are the key assumptions reasonable and adequately reliable?
- 6.2
- What level of growth in employment is the Plan based on and why?
 - What are the quantified needs for land or floorspace for the various types of employment development?
 - Does the Plan meet these needs?
 - Is the level of employment land identified in Section A of Policy S6 justified by the evidence?
- 6.3 Policy S3 and Figure 4 identify four Key Employment Sites. These are included in the Allocations Document and are shown on the Policies Map. Are these sites appropriate and deliverable? In particular, are they:
- confirmed by all of the landowners involved as being available for the use proposed?
 - supported by evidence to demonstrate that safe and appropriate access for vehicles and pedestrians can be provided?
 - justified and appropriate in terms of the likely impacts of the development?
 - deliverable, having regard to the provision of the necessary infrastructure and services, and any environmental or other constraints?
 - The most appropriate allocations given the reasonable alternatives?
 - For clarification, how does the 205 hectares of land at Hedon Haven for the expansion of the Port of Hull relate to the area covered by the Local Development Order and Enterprise Zone and the area for investment by Siemens/Associated British Ports?
 - If one or either of the current planning appeals in relation to Melton Park were to be allowed, what effect would this have on the strategy for economic development? Would the Strategy Document and/or the Allocations Document require significant modification?

Issue 6.3 relates to both of the documents being examined. For convenience and efficiency reasons all of the issues relating to the Key Employment Sites will be considered together and will be discussed at the hearings for the Strategy Document.

- 6.4 What is the justification for the spatial direction and areas of land given in Section A of Policy S6? Is this approach justified and why is this the most appropriate?
- 6.5 Is sufficient land available in the right places to ensure the delivery of Policy S6?
- 6.6 Is Policy EC1 fully justified? In particular, is the presumption in favour of retaining all existing employment land and premises appropriate?

Centres and main town centre uses (including retail)

- 6.7 What is the justification for the hierarchy of centres set out in Policy S7?
- 6.8 Is the evidence underpinning the retail requirements in Table 4 adequately robust? Does it adequately justify the level of floorspace earmarked for each centre?
- 6.9 What are the land or floorspace needs for the other main town centre uses? How does the Plan cater for these needs?
- 6.10 Is Policy EC3 adequately justified and effective? In particular:
 - a. What is the justification for the two thresholds in Section C?
 - b. Section F seeks to ensure that a high proportion of Primary Shopping Frontages are in retail use. Paragraph 7.36 appears to introduce percentage-based criteria. Are these criteria justified and if so should these be part of the policy?
 - c. Section J introduces a criterion relating to small-scale retail, office and leisure uses. Is this adequately justified?

The rural and visitor/tourism economies

- 6.11 Is the approach taken to the rural and visitor economies, including through Policies EC1 and EC2, appropriate and adequately effective?
- 6.12 Should the Plan do more to support the rural and visitor economies?

Matter 7 – Sustainable development and climate change

Issues

- 7.1 How does the Plan support the delivery of renewable and low carbon energy?
In particular:
- a. What strategic priorities does it set out?
 - b. Does it give adequate indication of suitable areas for renewable and low carbon energy sources?
 - c. Does it set local requirements for a building's sustainability in a way consistent with national standards?

Matter 8 – Protecting mineral resources

Issues

- 8.1 How have the Mineral Safeguarding Areas been identified? Is their delineation and extent justified?
- 8.2 Paragraph 143 of the NPPF says that Minerals Consultation Areas should also be defined. Will they be?

Matter 9 – Infrastructure

Issues

- 9.1 Is the Plan based on a sound assessment of infrastructure requirements and their deliverability, including expected sources of funding? In particular:
 - a. What are the key infrastructure requirements for the Plan's successful delivery?
 - b. What reassurances are there that these elements can and will be delivered when and where they are needed?
 - c. Has the cost of these infrastructure elements been estimated, and funding sources identified?

- 9.2 Does the Plan include strategic policies to deliver the provision of infrastructure, and plan positively for infrastructure, as required by the NPPF (notably in paragraphs 156 and 157)?

- 9.3 What does the Plan do to ensure that the borough is provided with open space of an appropriate amount, type and quality?
 - a. Is it supported by a robust and up to date assessment of the needs for open space, sports and recreation facilities as required by the NPPF (particularly paragraph 73)?
 - b. If not, is it justified and consistent with national policy?

Matter 10 – Landscape, heritage, biodiversity, flood risk, open space

Policy ENV2 introduces Key Open Areas which are shown on the Policies Map. Consequently, this is a matter for the examination of the Strategy Document. However, for convenience and efficiency reasons, the questions relating to Key Open Areas have been identified on the Matters and Issues paper for the Allocations Document, and will be discussed at the hearings for the Allocations Document.

Issues

- 10.1 What is the justification for including the Important Landscape Areas proposed? How has their specific extent been identified and is this an appropriate approach?
- 10.2 Is Policy ENV3 appropriate and consistent with the NPPF?
- 10.3 In connection with Policy ENV4, should Biodiversity Priority Areas be shown on the Policies Map?
- 10.4 Policy ENV6 (B) says that the sequential test will in the first instance be undertaken on the basis of the Environment Agency's Flood Map within appropriate search areas.
 - a. Should the Strategic Flood Risk Assessment, rather than the EA's Flood Map, be used for sequential test, as the PPG indicates?
 - b. How will appropriate areas of search be decided?
- 10.5 Is Policy C3 sufficiently specific and robustly drafted so as to secure the provision of open space needed?
 - a. Should parts of paragraph 9.29 be within the policy?
 - b. Paragraph 9.29 defers certain matters to a Supplementary Planning Document (SPD). Are these matters capable of being included within an SPD, given the limitations of the Regulations²?
 - c. What is the approach to Common Land (on which the Policies Map key points to Policy C3)?
 - d. Is Policy C3 (E) sufficiently consistent with the NPPF in relation to Local Green Space?

² The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

Matter 11 – The sub-area approach

Issues

- 11.1 Is the geographical extent of each sub-area appropriate and based on sound reasoning?
- 11.2 Are the sub-area policies justified, appropriate and effective?