



The Planning Inspectorate

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# Report to East Riding of Yorkshire Council

by **Simon Berkeley BA MA MRTPI**

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

Date 13 June 2016

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION OF THE  
EAST RIDING LOCAL PLAN: ALLOCATIONS DOCUMENT**

Document submitted for examination on 28 April 2014

Examination hearings held between 4 and 18 November 2014, and on 14 and 15 July 2015

File Ref: PINS/E2001/429/15

## Abbreviations Used in this Report

DtC	Duty to Co-operate
EA	Environment Agency
HSE	Health and Safety Executive
LDS	Local Development Scheme
AM	Main Modification
NPPF	National Planning Policy Framework
SA	Sustainability Appraisal
SAM	Site Assessment Methodology
SCI	Statement of Community Involvement
SHLAA	Strategic Housing Land Availability Assessment
WWTW	Waste Water Treatment Works

## **Non-Technical Summary**

This report concludes that the East Riding Local Plan: Allocations Document provides an appropriate basis for the planning of the district providing a number of main modifications are made to the plan. The Council has specifically requested that I recommend any main modifications necessary to enable the plan to be adopted.

All except one of the main modifications were proposed by the Council. Where necessary I have amended detailed wording and I have recommended their inclusion after considering the representations from other parties.

The Main Modifications can be summarised broadly as follows:

- Clarifying policy requirements and amending wording to reflect statutory provisions and national policy;
- Amending policy requirements to ensure their effectiveness;
- Ensuring that development in Flood Zone 3a is avoided where possible, and that the significant flood hazard area is avoided;
- Withdrawing support for sites that have planning permission where they are no longer appropriate;
- Amending policies to reflect the Environment Agency's revised approach to groundwater Source Protection Zones and updated Flood Zone maps;
- Introducing new housing sites and enlarging others in response to the removal of the 'cap' in Strategy Policy S5;
- Amending policies and supporting text for consistency with the Strategy;
- Amending policies relating to retail allocations to reflect the evidence and for consistency with national policy;
- Removing from allocation land that is not deliverable;
- Replacing sites with alternatives shown through revised assessment to be more appropriate, taking account of changed circumstances; and
- Introducing a commitment to re-assessing the deliverability of Policy BRID-H, which allocates land for Gypsy and Traveller occupation, alongside the update of the needs assessment and review of Strategy Policy H3.

## Introduction

### *General*

1. This report contains my assessment of the East Riding Local Plan: Allocations Document (the plan/the Allocations Document) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). The East Riding Local Plan: Strategy Document was submitted for examination at the same time. My assessment of that document is set out in a separate report. The Strategy Document was adopted by the Council on 6 April 2016.
2. In this report I consider first whether the Allocation Document's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. I then consider whether the plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) (the NPPF) makes clear that to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
3. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the submitted draft plan dated January 2014, which is the same as the document published for consultation between 27 January and 10 March 2014.
4. My report deals with the main modifications that are needed to make the plan sound and legally compliant and they are identified in bold in the report (**AM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix.
5. The Council submitted a schedule of modifications alongside the submission draft plan. Further modifications were put forward by the Council both during and after the hearings in November 2014. A public consultation on a comprehensive schedule of the modifications advanced by the Council at that time, along with the associated Sustainability Appraisal (SA), was held for six weeks from 30 March to 11 May 2015. A number of representations were made in relation to these proposed revisions. I held further hearings concerning the proposed changes to the allocations in July 2015. Subsequently, a further modification was put forward by the Council in relation to Policy SMB-B, which I consider further below. This was accompanied by a further SA, and consultation was held between 18 January and 29 February 2016.
6. I have taken account of all the consultation responses in coming to my conclusions in this report. Indeed, some have persuaded me to either reject the revision suggested by the Council or to amend detailed wording. None of the changes I have made to the modifications undermines the participatory processes and SA that has been undertaken.
7. A significant number of other changes have also been put forward by the Council. However, these comprise minor or consequential revisions and

factual updates. Whilst helpful and to be welcomed, their inclusion in the plan is not essential for soundness. I have generally therefore not referred to them in this report or the Appendix, although for reasons of clarity I have made some exceptions to this approach.

### *Policies Map*

8. For convenience and to avoid repetition throughout this report, I address here an issue relating to the status of the Policies Map. The Council submitted a full, comprehensive version of the proposed Policies Map, including inset maps, alongside the Strategy and Allocations documents.
9. The Policies Map is not a development plan document. Rather, it is a geographical illustration or representation of the policies in the plan. Its purpose, simply put, is to show what policies apply where. The Council has put forward a number of changes to the Policies Map, which were made available for consultation alongside the proposed main modifications. I agree that the revisions advanced are needed to ensure that the associated policies are justified and effective. It is on the basis of those changes that I recommend that the policies in question are amended accordingly.
10. I should also say that this report considers the proposed Policies Map only insofar as it is pertinent to the policies of the Allocations Document. Any illustrative representations shown on it as a consequence of the Strategy Document have been considered in my report on the soundness of that document.

## **Assessment of Duty to Co-operate**

11. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A of the 2004 Act in relation to the Plan's preparation – the Duty to Co-operate (DtC).
12. Although not drawn up together precisely, the preparation of the Allocations Document has 'dovetailed' with the Strategy Document. Consequently, co-operation on the two has been undertaken in tandem, particularly during the later stages of preparation. I have already found the DtC to have been met in relation to the Strategy Document and, because of the relationship between the preparation of the two, much of what I say about the DtC in my report on that document applies equally to this plan.
13. Economic development and housing are perhaps the most significant issues with a cross-boundary dimension. Transport is also a significant issue. I have described this in some detail in my report on the Strategy Document and do not repeat that here.
14. The Council has engaged with relevant prescribed bodies in a number of ways, all of which are set out in the DtC Background Paper [CD06]. From this, it is apparent that arrangements have been in place for joint working with a number of partner organisations and that these have involved both professionals and elected Members. In particular, on-going and standing provisions have been in place for co-operation on a wide range of matters, notably including the key cross-boundary issues identified above.

15. From the evidence, it is apparent that the Council has sought to engage constructively with the bodies prescribed under section 33A at appropriate stages in the plan-making process. The Council's background paper sets out the outcomes of co-operation, albeit in quite general terms. These include joint working on a variety of other plans and projects.
16. I note that Hull City Council is not wholly satisfied with the Allocations Plan. The divergence largely relates to the non-allocation of land within the ownership of the City Council. However, the Duty under S33A does not demand agreement. Given this, and the clear evidence of constructive engagement and co-operation between the two Councils, I do not regard this to be a failing under the DtC.
17. A number of the prescribed bodies have provided to the Council a letter stating their position in relation to the DtC. Some unambiguously say they consider the DtC to have been met. Others strongly suggest this, and none raise any unequivocal objections in this regard.
18. Overall, taking the above points into account, I conclude that the DtC has been met.

## **Assessment of Soundness**

### **Main issues**

19. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified three main issues upon which the soundness of the plan depends.

### **Issue 1 – Overall basis for the plan**

#### **Whether the plan has been positively prepared and whether the approach taken justifies it when considered against the reasonable alternatives**

##### *Engagement and positive preparation*

20. The Council's Statement of Community Involvement (SCI) was originally adopted in 2007. It was revised in 2013 and updated again in January 2014. The Council confirms that the plan has been prepared in accordance with it.
21. It is clear from the evidence, notably the Consultation Statement [CD05] that the Council has involved the local community and others throughout the plan's preparation. A wide variety of engagement techniques have been used, ranging from press releases, drop-in sessions, presentations, workshops, meetings and a radio broadcast. Articles have been printed in 'Your East Riding', a leaflet delivered to every household in the district. Indeed, in my view, it is apparent that this has been an ongoing and positive process.
22. A number of criticisms have been made about the engagement undertaken and I have taken account of all of the points raised. In particular, I note the comments about the provision of hard copies of documents to Parish Councils, others about officers presenting the draft plan as a 'fait accompli', and other complaints about the user-friendliness of the Council's website. However, none of the criticisms levelled persuade me that engagement has been

inadequate. It may be that more could have been done, and possibly some elements of engagement could have been done better. But that could be said of any exercise seeking to involve the public in general – it is not a straightforward or easy task. The point here is that, in my opinion, those wishing to be involved have been given suitable opportunity and means to do so. Overall, I have reached the firm view that the level and type of engagement has been satisfactory.

*The assessment of alternative options*

23. The appraisal process is informed by two documents – the Sustainability Appraisal (the SA) [CD19 and its numerous appendices] and the Site Assessment Methodology (the SAM) [CD33]. The SA sets out 21 sustainability objectives. These are indicators of sustainability which encompass its economic, social and environmental dimensions. In my view, all of the objectives are wholly appropriate.
24. The assessment methodology provided by the SAM has been drawn up to satisfy the requirements of sustainability appraisal. It builds on the SA and, in effect, translates the SA's 21 objectives into a series of questions to consider each site against. Thirty of the SAM's questions stem directly from the SA, while the remaining three relate to deliverability.
25. The questions put by the SAM have been applied in four distinct stages. The initial assessment under the first stage includes exclusion – that is to say that some sites have been ruled out at this point. I agree that this is an appropriate approach. The questions posed at this stage of the SAM are fundamental. They relate to matters such as conformity with the settlement network established through the Strategy Document, flood risk, coastal change, the biodiversity and geological value of the site and the effect of developing it on heritage assets. As I see it, rejecting sites which do not perform satisfactorily in these respects is justified.
26. Later stages of the SAM methodology are used to rank the sites and thus identify those which are the most appropriate. Various scoring systems are used through the stages, generally of the kind commonly used in sustainability appraisals. It is clear that the questions cover the three aforementioned strands of sustainability and address a wide range of issues. Finally, Stage 4 considers factors affecting deliverability, including physical, environmental, legal and ownership constraints. It also considers when it is likely that the site will be deliverable. The outputs from the application of the SAM are set out in the appendices to the SA.
27. A range of evidence has been drawn on to apply the SAM, including the Environment Agency's (EA) flood maps, Level 1 [CD187] and Level 2 [CD188] Strategic Flood Risk Assessment, Conservation Area Appraisals [CD208] and Landscape Character Assessments [CD157, CD158 and CD159]. The SAM itself refers directly to a number of these, and others have been taken into account by those undertaking the SAM assessments. All are appropriate sources and their use in applying the SAM methodology helps to cement the credibility of the approach.
28. Moreover, during the examination, Revised Site Assessments (March 2015)

[CD360] were produced. In effect, these represent an update to the SAM outputs in CD19. They take into account the removal of the 'cap' from Policy S5 of the Strategy Document, which is explained in my report about that document, and identify additional land for housing. They also assess new sites suggested during hearing sessions, and re-consider a number of sites on the basis of fresh evidence given and/or changed circumstances.

29. While I have simplified here, the SAM represents a quite sophisticated and detailed methodology for analysing the sustainability credentials of sites for allocation. In my view, it provides a robust approach.
30. I recognise that the application of the SAM involves the making of numerous judgements. However, the SAM methodology must be seen in the context of its function and nature. It is a tool to enable a reasonably consistent and disciplined analysis of the sustainability credentials of sites and the likely impacts of development on them. It provides a clear and consistent framework for reaching conclusions. Its application, though systematic, is not automated. Nor could it be – selecting sites for allocation cannot be a wholly mechanised or scientific endeavour. As with most aspects of town and country planning, applying the SAM relies on human input and value judgements. Disagreement on the latter, it seems to me, lies at the heart of many comments. While it may be that there are some errors in the documentation produced, I can see no flaws of such a fundamental nature that they invalidate the overall assessment process or undermine its outcomes.
31. The scope and depth of some of the assessment criteria are not as detailed as some consider they ought to be. For example, public rights of way have not been fully taken into account in the Accession modelling used to inform the responses to questions six and seven. I accept that there are imperfections in the process. But I do not regard the absence of such detailed consideration to render the process invalid.
32. Indeed, in my view, both the SAM and the outputs from its application, most latterly in CD360, amount to a significant and satisfactorily robust body of evidence. The Council says that all alternative site options have been assessed. It is consequently reasonable and appropriate to rely on the outputs to inform site selection. This is what the Council has done. To my mind, this is a factor which adds significantly to the justification for the plan, in terms of both the sites chosen and those rejected.
33. Moreover, having assessed each site through the application of the SAM methodology, each of the allocations policies has then been considered directly against the 21 SA objectives. Considering the construct of the SAM, this is a 'belt-and-braces' approach. It further improves the rigour of the site selection process and the degree of confidence one can have in it.
34. At quite an early stage of the plan's formulation, the Council applied site size thresholds. In effect, it decided that housing sites below 0.17 hectares and employment sites below 0.25 hectares would not be allocated.
35. According to the Council's calculation, more than 2,000 land bids have been considered. Given this large number of land parcels suggested for allocation, including sites below the thresholds would have been likely to cause serious

practical difficulties. Appraising all of them would have been a task disproportionate to the likely advantages of including smaller sites and would, in all probability, have jeopardised the timely progress of the plan. In any case, the non-allocation of smaller sites does not necessarily prevent them from coming forward. Indeed, in relation to housing, the Local Plan relies in part on non-allocated sites to deliver the Strategy aims, and Policies S3 and S4 set out criteria for considering them. Strategy Policy EC1 sets out the circumstances in which new employment uses will be supported. There is no reason to suppose that the development of proposals which perform well against these criteria will be resisted. All in all, I regard the introduction of the site size thresholds to be pragmatic, reasonable and proportionate.

36. It is clear that flood risk has been fully considered. The Council's paper, Taking Flood Risk into Account in the Preparation of the Local Plan [CD276], explains this in detail. It is among the factors embedded in the SAM methodology.
37. In addition, it is apparent from the paper that the sequential test has been applied. I note that the area of search used has varied depending on the type of development in question. For example, the functional economic areas have been used in relation to employment allocations, while the settlement involved has been the search area for housing allocations. On the one hand, this is not consistent with the Planning Practice Guidance, which says that in the preparation of a Local Plan the sequential test should be applied to the whole local authority area. On the other, though, the fundamental role of the Allocations Document is to deliver the Strategy. Policy S5 of the Strategy clearly sets out housing delivery expectations on a settlement-by-settlement basis. As noted in my report on the Strategy Document, the level of housing assigned to each settlement in Policy S5 has already been influenced by the risk of flooding. In this specific context, it is appropriate that the area of search be confined to the settlement. The EA endorses the methodology used, and I consider the sequential test to have been applied satisfactorily.
38. For a number of sites, it has been necessary to undertake the exception test. For each site involved, a site specific flood risk assessment has been undertaken – these are set out in the appendices to CD276. As CD276 explains, the Council has considered the wider sustainability benefits of allocating the sites, drawing on both the SA and the outputs of the SAM methodology.
39. On the basis of this body evidence, including that drawn on by CD276, I am satisfied that the plan avoids inappropriate development in areas at risk of flooding but, where development is necessary, ensures that it is safe and need not increase flood risk elsewhere. The allocations have been selected in line with national policy in this respect, and in relation to flood risk matters the allocation policies are adequately justified.
40. That said, some sites in Flood Zone 3a are allocated for residential development, most notably sites in Goole but also others elsewhere. In Goole, the approach taken to allocating land has been to avoid built development in the significant and extreme hazard zones identified. I note that past flooding in Goole has in part been the result of the combination of the depth and speed of water. Where these factors would cause a significant hazard if flood

defences were breached, allocations have been avoided. In the context of this settlement I regard the approach taken to be an appropriate one, and clarifying the latter point in the plan as proposed (**AM104**) will assist. Requiring that proposals respond to evidence in the Level 2 Strategic Flood Risk Assessment (**AM103**) will also help its effectiveness.

41. Moreover, the Council has put forward modifications in relation to the policies and supporting text of all the housing allocations in Goole (**AM105, AM109, AM110, AM111, AM113 and AM115**) and to some allocations in Beverley, Elloughton-cum-Brough and Hessle (**AM25, AM94 and AM134**). In relation to GOO-C, GOO-D, GOO-G and GOO-H, the policy modifications demand that built development in the significant flood hazard area is avoided and the modifications to the supporting paragraphs require that the layout of the site is based on a sequential approach to locating development in the areas of lowest flood risk. For all of the residential allocations in Goole and others in high flood risk areas (BEV-F, ECB-C, HES-F and HES-H), the modifications specify finished floor levels, require that access and egress routes meet criteria defined by the EA and bar dwellings at basement level. All of this, and the other text changes reflecting Policy ENV6 of the Strategy Document, are all appropriate and necessary.
42. Furthermore, as submitted, a number of the allocations which are predominantly in Flood Zone 1 or 2 include some land in Flood Zone 3a to which the policies "*direct public open space towards*". It became clear at the hearings that the Council's intention in such circumstances was to avoid residential development in that part of the sites within Flood Zone 3a. Indeed, the estimated site capacities have been calculated on that basis. The Council proposes main modifications<sup>1</sup> for a series of sites which include a portion of Flood Zone 3a land, requiring explicitly that residential built development in this area must be avoided. Water compatible uses such as public open space will be allowed in these areas. Where applicable, the Council has embedded this approach into the policies for new allocations put forward by the Council during the examination. This is necessary for the effectiveness of the policies and to ensure their consistency with national policy.
43. During the examination the EA published revised Flood Zone maps and groundwater Source Protection Zone (SPZ) maps. Clearly, this has caused some difficulties. Both the Flood Zones and SPZs are factors which have influenced the allocation of sites. I have already explained how the risk of flooding has been considered. Originally, the identification of land as being within SPZ1 resulted in a triple negative score (---) in the SAM process. In effect, this bars such sites from allocation. However, with the expansion of the area covered by SPZ1, the Council and the EA agree that the possibility of mitigation measures should be given greater weight, such that a single negative score (-) is more appropriate. This more closely aligns with the stance taken by the EA from the outset – the EA has never sought to wholly prohibit housing development in SPZ1.

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<sup>1</sup> **AM6, AM15, AM18, AM28, AM50, AM67, AM76, AM142, AM161, AM163, AM164, AM167, AM208, AM209 and AM239**

44. As a consequence of all this, the Council has re-appraised sites affected by the alteration of the SPZ maps using the SAM methodology. A similar exercise has been undertaken in relation to sites affected by the Flood Zone map changes.
45. I recognise that the late stage of this site re-evaluation is not ideal. But this is not a point on which the Council should be criticised. It reacted very quickly to the occurrence of unexpected change outside of its control or foresight. In my view, the Council did all one could realistically expect in the circumstances.
46. The Council has put forward a number of main modifications as a result. Like all others, these have been the subject of consultation. Some involve the deletion of sites and their replacement with others, and I consider those below. Where an allocated site now falls within the newly delineated SPZ1, the Council has agreed with the EA that an additional criterion should be added to the policy requiring demonstration through a hydrogeological risk assessment that the development will not cause unacceptable harm to the water source. I concur that this is an appropriate, justified and effective approach. Main modifications **AM12, AM52, AM54, AM56, AM57, AM59, AM62, AM86 and AM239** are therefore necessary.
47. A Habitats Regulations Assessment (HRA) Stage 1 screening report has been produced [CD13]. This concludes that with the exception of HAV-A at Hedon Haven, none of the allocations are considered to have significant effects on the European Sites involved. It also concludes that significant effects cannot be ruled out for sites HES-H in Hessele and ECB-C in Elloughton-cum-Brough. As a consequence, a HRA Stage 2 Appropriate Assessment [CD14] (the AA) has been produced.
48. As a result of the Stage 1 report, Policy HAV-A was altered before submission to exclude an area of enhanced habitat already agreed through a Local Development Order relating to the site. The need for mitigation including the creation of enhanced habitat was also added, and the areas concerned have been shown on the submission Policies Map. With these measures, the AA concludes that site HAV-A will not have an adverse effect on the integrity of the Humber Estuary Special Protection Area/Ramsar site.
49. The AA does not assess sites HES-H or ECB-C because by the time of its production both had been granted outline planning permission. The AA notes that Stage 2 assessments accompanying both applications conclude that mitigation measures are necessary. In the case of HES-H, such measures are required through policies in the Strategy Document and in respect of ECB-B these measures have been incorporated into the submission Allocations Document and Policies Map. Overall, the AA concludes that neither site will have likely significant effects.
50. Natural England has confirmed that it is content with the HRA. However, it raised issues in relation to one further site, SMB-B. This is in Stamford Bridge and is among the additional sites put forward by the Council in response to the removal of the 'cap' from Strategy Policy S5. I consider this site-specific matter further below.

#### *Conclusion on Issue 1*

51. Considering the above, I conclude that the plan's preparation has been

satisfactorily positive and that the approach it takes is justified when considered against the reasonable alternatives. There is, therefore, a sound basis for the plan.

## **Issue 2 – Overview of the land allocations**

### **Whether the land allocations are consistent with national policy and the Strategy Document, are justified and deliverable**

#### *Housing*

52. With regard to housing, Policy S5 of the Strategy Document 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 is the plan requirement. It also sets out the proposed spatial distribution of new housing. Whether the Allocations Document allocates sufficient land in the right places to ensure that the housing requirement and distribution are delivered is the key question here.
53. Table 2 of the Housing Implementation Strategy (April 2014) [CD30] (the HIS) calculates the contribution to housing from allocated sites, in total over the plan period, to be 20,982 dwellings. While this includes housing delivery through the Bridlington Town Centre Area Action Plan (adopted January 2013), that plan accounts for only a modest portion. In short, housing to be brought forward through the Allocations Document represents a significant portion of the plan target – the 23,800 (net) set out in Policy S5 of the Strategy.
54. Moreover, from Table 2 of the HIS, the supply from development already completed, extant planning permissions and allocations combined amounts to 24,526 dwellings, which clearly exceeds the plan requirement. In this context, I have reached the firm view that the Allocations Document makes a satisfactory contribution to the delivery of new housing.
55. Furthermore, it is apparent that the spatial distribution of homes provided by the allocations reflects Policy S5 of the Strategy Document. The SHLAA Table 11 Update (March 2015) [CD10/11] shows the expected contribution from allocated sites in the first five years of the plan in each sub-area. It is clear from this that allocated sites represent the majority of the supply in most cases. In my view, they make a satisfactory contribution in respect of every sub-area, particularly when considered in the context of the other supply sources shown.
56. Moreover, the table in the Council's Settlement Site Capacities paper [CD395] illustrates the estimated number of homes from the allocations on a settlement-by-settlement basis and, for comparison, sets this alongside the expectations of Strategy Policy S5. It also shows figures for existing commitments – that is, sites with planning permission. I recognise that some commitments relate to allocation sites or part thereof, and the Council has taken care to not double-count. In some settlements the estimated allocation site capacity amounts to all or more than that set out in Policy S5 and Table 2 of the Strategy Document. In all others, the combination of the allocations and commitments matches or exceeds the Policy S5 requirement. Furthermore, the table in CD395 does not include the windfall allowance shown in the SHLAA Table 11 Update. Considering these points, it is clear to

me that the Allocations Document makes a satisfactory contribution to meeting the district's overall housing requirement and the distribution expected.

57. During the examination of the Strategy Document, the level of housing expected in Strategy Policy S5 was increased in eleven settlements as a result of the removal of a 'cap' in the policy. This is explained in my report about that document and I do not repeat that here. In response to this, the Council has put forward modifications to the Allocations Document to increase the level of housing, in some cases through the enlargement of existing sites, in others by the introduction of new allocations. The approach has been to ensure that the combination of allocations and existing commitments at least equals the provision in Strategy Policy S5, generally with some element of 'buffer', which is evident from CD395. This is a suitable path that gives reassurance that the plan does all it can to ensure the delivery of the Strategy. The 'buffer' does not represent 'over-provision' – indeed, as the overall housing requirement in Policy S5 is expressed as a minimum, over-provision is not a possible outcome. Rather, the degree of buffer recognises that the site capacities are indicative and may not be achieved, and that some sites may not come forward. This is a suitable precaution.
58. For each of the settlements involved, the Council has proposed to modify the introductory text setting out the level of new housing anticipated by Policy S5 and, where changed, the number of housing allocations. These modifications (**AM97, AM137, AM150, AM160, AM171, AM177, AM200, AM206, AM211, AM217 and AM219**) assist with the plan's effectiveness and are necessary for consistency with the Strategy.

#### *Economic development*

59. Policy S6 of the Strategy Document sets out the level of land to be provided for employment uses (B1, B2 and B8). It is clear that the Allocations Document provides the land necessary to deliver this in the locations indicated. Most notably, it makes specific allocations within each of the four Key Employment Sites identified in the Strategy – Hedon Haven, Melton, Humber Bridgehead and Capitol Park. The plan is consistent with the Strategy in this regard.
60. A number of employment sites are allocated at Melton. In effect these are the undeveloped parts of the Key Employment Site. Most controversial here is site MELT-E. This land formed part of two proposals rejected on appeal, one for housing, another for mixed residential and employment development. Both appeals have been considered through a High Court challenge<sup>2</sup>. Mr Justice Ouseley has rejected the challenge on all grounds. In my report on the Strategy Document, I have given reasons why the Key Employment Site identified is the most appropriate option. For those reasons, and taking account of the Council's site selection process, I consider that MELT-E should be allocated for employment purposes. Although I note that an appeal has been lodged with the Court of Appeal, the recent High Court judgement gives me no compelling reason to find otherwise.

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<sup>2</sup> St Modwen Developments Limited v Secretary of State for Communities and Local Government and others [2016] EWHC 968 (Admin)

61. The Council has put forward a modification requiring additional landscaping to the eastern site boundary, adjacent to Long Plantation. However, given the distance between MELT-E and existing homes, along with the intervening presence of Long Plantation, employment uses on the site should not cause residents' living conditions to be materially harmed. I consequently do not regard the proposed modification necessary for soundness. That said, much will depend on details such as the layout of the employment development and the types of use involved. My conclusion here concerning soundness does not prevent the Council from imposing a planning condition requiring additional landscaping, should it prove necessary in the light of the detailed scheme.
62. In line with Strategy Policy S6, Policy HAV-A allocates 205 hectares of land at Hedon Haven to cater for the expansion of the Port of Hull. The Council has put forward a number of modifications to Policy HAV-A and its supporting paragraphs. I agree that modifications **AM122, AM127 and AM128** are necessary for consistency with paragraph 5.33 of the Strategy. The re-wording proposed to criterion c) and paragraph 23.9 (**AM123 and AM129**) better reflects the Heritage Impact Assessment and the additional clarity given is necessary for effectiveness. Moreover, the public right of way through the site should only be diverted if it is necessary to do so (**AM124**).

### *Retail*

63. Strategy Document Policy S7, through Table 4, sets out the district's retail capacity over the plan period. It says that this will be met through the Allocations Document, among other sources. Accordingly, the plan allocates sites for retail uses.
64. During the examination of the Strategy Document, the retail capacity in Beverley was re-appraised by the Council and Table 4 was subsequently changed. **AM22** reflects the adopted Strategy, and is necessary for consistency with it.
65. As submitted, the policies and supporting paragraphs relating to retail sites are not specific about the type or amount of retail floorspace allowed. This raises questions about the plan's ability to ensure that the needs identified in Strategy Policy S7 are met. The Council considered this issue and, in putting forward main modifications, adopted a specific approach which distinguishes between sites that are within a Town Centre and those which are not.
66. For sites within a Town Centre (DRF-L, DRF-M, DRF-N, GOO-J, HOR-K, POC-L and WITH-D), the modifications (**AM78, AM81, AM83, AM118, AM144, AM197 and AM234**) introduce text to the policies' supporting paragraphs referring to the retail type and capacity in the centre. I agree that this is appropriate and consistent with national policy, and that limits should not be set in the centres concerned.
67. The modifications (**AM43, AM93 and AM239**) relating to retail sites outside of Town Centres (BRID-F, COT-J and ECB-C respectively) specify the type of retail and maximum floorspace to be delivered. I agree that such explicit control is necessary for out-of-centre sites to ensure that national policy, particularly in relation to sequential and impact testing, is met. Without these modifications, the vitality and viability of centres could be harmed.

68. Some exceptions have been made to the general approach. In Beverley, the Flemingate Shopping Centre has recently been built on BEV-O and is now open. It strikes me that this is an important development in the retail offer in Beverley. Indeed, no additional comparison floorspace is now required in Beverley until 2021. But two other sites in Beverley – BEV-N, which is inside the Town Centre and BEV-P which is outside of it – are also allocated for, or partly for, retail development. In these specific circumstances, I concur that it is necessary to amend Policies BEV-N and BEV-P as the Council proposes (**AM34 and AM37**), specifying in the policies the type and level of retail allowed, with the latter expressed as a combined total. It is also necessary to ensure that no additional floorspace is delivered before 2021. Furthermore, given their locations in relation to the Town Centre, I concur that the sequential preference of BEV-N should be reflected in Policy BEV-P. As the Council suggests (**AM37**), the plan should be clear that any proposals for the latter should demonstrate that they could not be suitably and viably delivered on the former.
69. No specific type or level of floorspace is proposed to be set for site BEV-O, the Flemingate Shopping Centre. However, as the development has now been constructed on that site, this is not a significant problem and does not undermine the soundness of the plan.
70. I note the suggestion that the modifications to Policies BEV-N and BEV-P should be altered. But I am satisfied with the wording used by the Council. It quite clearly expresses the level of floorspace as a maximum. Contrary to the comment made, it does not demand that this level of floorspace is delivered in full – rather, it is given as a maximum that can be delivered. The requirement set is adherence to delivering as a maximum the level of floorspace stated – it is not a requirement to develop to this scale.
71. I also note the suggestion that the level of comparison floorspace on site BEV-N should be altered to reflect capacity – the figures used by the Council have been 'rounded-up'. However, the difference between the two sets of figures is not significant and, in my view, the change proposed to the Council's modification is not necessary for soundness.

#### *Deliverability*

72. As noted in my report on the Strategy Document, the Strategic Housing Land Availability Assessment – Position at 1 April 2014 (the SHLAA) [CD10/05] focusses on the sites being taken forward through the Allocations Document. For the reasons given in that report, it is clear to me that with the adoption of the Allocations Document, the Council will be able to demonstrate a five year supply of deliverable land for housing.
73. As previously mentioned, Stage Four of the SAM addresses the issue of deliverability. The questions put encompass a range of issues, including whether or not the landowners involved are willing and whether there is access into the site. In relation to the latter, the Council says that all of the sites have been fully assessed by officers of the highways authority and, where relevant, of Highways England, and where necessary junction studies have been carried out. Indeed, it is clear to me that this process has in some cases led to the point of access, in general terms at least, being specified

within the allocation policies.

74. Broadly speaking, in the terms of paragraph 47 of the NPPF, I am satisfied that the allocated housing sites are either deliverable or developable. There are some uncertainties about deliverability within a five year timeframe in some cases, largely where there are land ownership issues. To illustrate, one site has or had been taken possession of by a bank as a result of the insolvency of its (previous) owner. However, such instances are limited in number, and overall I consider that the allocations should be regarded as suitable.
75. A significant number of sites have been granted planning permission for the uses for which they are proposed to be allocated. This bolsters confidence about the deliverability of the sites concerned, and strengthens my general view about the overall deliverability of the plan.
76. Indeed, those with the necessary permissions could be delivered at any time – their development cannot now be prevented. Consequently, while I note the objections to some, rejecting the allocation of sites for which development has already been permitted would be unjustified and unreasonable, where such sites are supported by the SAM outputs.

#### *The drafting of the policies*

77. For the large part, the policies allocating land for development do not include specific unit numbers or amounts of different types of floorspace to be delivered. This raises questions about the plan's effectiveness, particularly its ability to deliver the housing land required by the Strategy Document.
78. However, the number of new houses expected is expressed for each site as an indicative figure in the paragraphs supporting the policy. As a consequence, while not insistent, the plan provides a clear steer for the formulation of development proposals. This approach introduces a significant degree of flexibility while ensuring that broad expectations are unambiguously set out. That strikes me as an advantage, and is appropriate.
79. As submitted, many of the allocation policies include a requirement for a 'regional sustainable drainage system' to be provided. However, from the hearings it is clear that the Council does not intend that the sustainable drainage systems required should have any regional dimension to them. Consequently, the Council put forward a modification (**AM1**) amending the terminology. To ensure the plan's effectiveness, I agree that this is both necessary and appropriate.
80. A large number of sites are affected, one way or another and to varying degrees, by heritage assets. For example, some are adjacent to a Conservation Area while others are near to Listed Buildings. Although the submitted policies address this, the wording used is not entirely consistent with the statutory provisions and national policy. The Council has proposed numerous main modifications<sup>3</sup> to remedy this. I concur that these more

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<sup>3</sup> AM7, AM9, AM10, AM14, AM16, AM19, AM23, AM24, AM27, AM35, AM36, AM39, AM41, AM45, AM49, AM51, AM58, AM59, AM60, AM66, AM68, AM71, AM73, AM74, AM80, AM82,

closely reflect the statutory provisions and national policy, and that they are all necessary for soundness.

### *Residential commitments*

81. Policy AD1 says that sites shown on the Policies Map as existing residential commitments will continue to be supported for residential development. These are all sites which have planning permission for housing development. The Council confirms that sites with planning permission have been assessed against the policies in the Strategy Document, and the residential commitments are those for which it would be appropriate to renew that permission, taking account of the policies in the Strategy Document. In my view, that is a reasonable stance and Policy AD1 helps to provide certainty.
82. The Council has put forward two modifications relating to Policy AD1. The first alters the boundary of the commitment to the south of St Nicholas Primary School to reflect the planning permission granted. This is a factual correction and not a main modification. The second proposes to delete seven sites in Goole shown as commitments on the Policies Map (**AM5**). This is to ensure consistency with the approach taken in Goole, whereby sites in the significant and extreme hazard zones have not been allocated. This is a sound approach and adherence to it is both appropriate and necessary. I therefore concur that these Policies Map changes are needed for the soundness of Policy AD1.

### *Conclusion on Issue 2*

83. Considering the above, with the main modifications put forward by the Council, I conclude in overview that the land allocations are consistent with national policy and the Strategy Document, are justified and deliverable.
84. To summarise in broad terms my conclusions on the first two main issues, I consider the approach to selecting sites to be sufficiently robust. As this selection process has included detailed comparison of the range of sites suggested and put forward, the proposed allocations leading from it should be regarded as the most appropriate. The outcome of the selection process has led to the allocation of land which makes a sufficient contribution to meeting the needs for development in the district over the plan period as identified in the Strategy Document.
85. Issue 3 below concerns site specific issues. Many alternative sites have been promoted by others. However, considering my conclusions on the first two main issues, it has not been necessary for me to scrutinise in depth the relative merits of the alternative sites. As such, with a few exceptions, I have generally not referred to them in this report.

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**AM84, AM99, AM101, AM119, AM133, AM141, AM144, AM145, AM147, AM148, AM149, AM153, AM154, AM155, AM156, AM157, AM172, AM173, AM175, AM180, AM181, AM182, AM184, AM186, AM187, AM192, AM198, AM201, AM202, AM214, AM216, AM221, AM228, AM229, AM230, AM232 and AM239**

### Issue 3 – Site specific issues

#### Whether the individual site allocations proposed are justified, effective and consistent with national policy in relation to site specific matters

##### Beverley and Central sub area

###### *Beverley*

86. At the hearing the Council told me that the landowner of BEV-G is specifically not willing to release the land for housing development. Therefore, there seems little prospect of the allocation being delivered. I therefore agree that the site should be deleted, as the Council proposes (**AM26**).
87. I note that BEV-I is close to a chalk quarry. However, that need not prevent its allocation. The Council expects quarrying activities to cease during the plan period and Policy BEV-I requires a demonstration that the quarry will not harm the living conditions of those occupying the new homes. That is appropriate and on this basis I regard BEV-I to be suitable.
88. Concerns have been raised about the deliverability of BEV-J. There are 32 landowners and the picture is a complicated one. However, matters are being coordinated through one single agent representing most of the landowners concerned. A collaboration agreement is being drawn up, although so far as I am aware it has not yet been signed by all landowners.
89. Policy BEV-J requires that a masterplan for the whole site be submitted to the Council for approval. That is a necessary and appropriate measure. However, I see no reason why a spine road need be specified. As the Council indicates, the important point is that there is a connection through the site. **AM29** is therefore necessary to ensure that Policy BEV-J is justified.
90. I recognise the possibility that the masterplan may cause delay in bringing this site forward. Ultimately, all landowners and the Council will need to agree to its provisions. This adds to the uncertainty about the site's deliverability.
91. In the light of the written and oral evidence, it seems to me that not all of the site can be regarded as deliverable in the terms of paragraph 47 of the NPPF. But parts of it clearly are, and appear capable of being developed independently – albeit once the masterplan is approved by the Council. As for the remaining parcels, though evidently not deliverable, I consider that they should be regarded as developable, for the time being at least. This plan supports the Strategy to 2029, and I consider that within this timeframe there is a reasonable prospect of the whole site being available and viably developed.
92. That said, progress on this site should be a matter of monitoring priority for the Council. The progress made, or not, should be considered when the Council reviews the Local Plan – paragraphs 5.19 and 5.20 of the Strategy commit to such a review by 2020 at the latest.
93. None of this undermines the position concerning the five year supply of deliverable land for housing. The developable but not deliverable parcels are not of such a scale that an overall five-year supply shortfall results. Moreover,

the five-year supply requirement relates to the overall, district wide supply. National policy does not demand a five-year supply on a settlement-by-settlement basis.

94. As submitted, Policies BEV-J, K, L and R require that each site provide a sustainable drainage system linked to those of the other sites. However, the Council accepts that individual systems could be provided. I therefore agree that these policies should be modified as the Council proposes (**AM30, AM31, AM33 and AM38**). As a result of **AM33**, Policy BEV-L does not demand that a sustainable drainage system be used. This is in line with the approach taken by the Council to sites under four hectares, and is satisfactory.
95. A development brief [CD235] has been drafted in relation to BEV-K. This has been the subject of discussion with the Council. As a result, the Council proposes to reduce the level of employment development expected on the site (**AM32**), and increase the residential capacity. This also reflects changes proposed to sites BEV-N and BEV-P, through **AM34** and **AM37**. These recognise that offices are appropriate on BEV-N and support B class uses on BEV-P. Less retail is expected on these two sites as a consequence of revised turnover figures for Flemingate. In my view, this is all wholly appropriate and **AM32, AM34** and **AM37** are necessary for the effectiveness of the three policies.

#### *The Major Haltemprice Settlements*

96. As a consequence of the EA's revised Flood Zone maps, discussed above, no part of site AWK-C is any longer within Flood Zone 3a. It is therefore necessary to delete the criterion in the policy that refers to it (**AM13**).
97. I note that the paragraphs supporting Policies AWK-F and AWK-G indicate that these sites "*intrude into the open gap that separates Anlaby from Hessle*". In my opinion, the language used rather over-does it. Both extend in that direction, but neither erodes the function of the open gap to any significant degree. This is not, therefore, a factor which in itself should lead to the preference of other sites, including sites AWK8 and AWK9.
98. Flooding is an issue which affects parts of Cottingham and, indeed, some of the allocations. The plan recognises this. In particular, I note the points made about flooding in relation to sites COT-A and COT-E. However, the former is in Flood Zone 1. I understand that the flooding that has occurred here is surface water flooding, linked to drainage. Policy COT-A requires the provision of a sustainable drainage system. Moreover, Policy A1 of the adopted Strategy is clear that housing developments in Cottingham can only come forward following the completion of the Cottingham and Orchard Park Flood Alleviation Scheme or it has been demonstrated that acceptable solutions to the surface water flood risk issue can be implemented alongside the new development. In short, the combination of the Strategy and Allocations policies address the issue and ensure that housing development on the site will not cause harm. Given this, I see no good reason why COT-A should be rejected on these grounds.
99. COT-E is in Flood Zone 3a. The exception test has been applied and a flood risk assessment undertaken. On the basis of this evidence and that provided

about the wider sustainability benefits of the site, I am satisfied that the flood risk issues do not render it unsuitable for allocation. Indeed, I concur with the conclusions of the SAM outputs in this regard [CD360]. I also agree that the Listed Building on the site should be retained and re-used, as the Council now proposes (**AM59**).

100. The Council proposes to delete COT-B as a housing allocation (**AM55**) and to replace it with an alternative site, COT-M (**AM65**). COT-B has been affected by the realignment of the extent of the SPZ, and the re-appraisal work undertaken through the Revised Site Assessment [CD360] concludes that COT-M is a more suitable site as a result. Notwithstanding any opportunities that allocating COT-B may have brought in terms of access to Badger's Wood, this is appropriate. As COT-B includes playing fields, I also concur that its designation as open space is satisfactory.
101. I note the objections to COT-M. However, from the evidence of the SAM output, I regard it to be appropriate for allocation. From my site visit, I do not regard the junction of Park Lane and Northgate to be exceptionally tight, nor do I consider Park Lane an especially narrow road. While the presence of parked cars does not help, it is generally possible for two cars to pass. Even if one driver has to wait for an oncoming car or lorry from time to time, this is a common occurrence in modern life and should not thwart the development of land for housing. That the Highway Authority has raised no objections supports my view on this point. Although I also note the arguments about surface water flooding, Policy COT-M requires that built development avoids the area of the site at risk in this regard.
102. As a consequence of the aforementioned revisions to the EA's Flood Zone Maps, COT-G changed during the examination from being wholly in Flood Zone 1 to having Flood Zone 3 cutting through the centre of the site. As a result, the Council has proposed to delete the site policy (**AM238**). Some question the accuracy of the flood maps. Nevertheless, as things stand and on the available evidence, I agree that allocating this site would be inconsistent with national policy in relation to flood risk. As such, **AM238** is necessary for soundness.
103. As submitted, the plan provides for the allocation of COT-K as open space, to replace that which would be lost through the development of COT-B. The de-allocation of COT-B means that COT-K is no longer required to provide replacement sports facilities. I therefore concur that COT-K should also be deleted (**AM64**), as the Council proposes.
104. I note the points about the Council's density assumptions in relation to COT-C and those about the provision of two access routes rather than one. However, the site capacities in the plan are clearly indicative. There is no site-specific policy requirement to achieve any set number of dwellings. Indeed, it seems to me that both this issue, and that about access, are likely to be resolved through the masterplan required by the policy.
105. Policy COT-D requires that the open parkland setting of the site be retained as far as possible. In my view, the most effective and appropriate way to achieve this is by not allocating the parkland for housing development. The Council has put forward a modification (**AM57**) reducing the area of the residential

allocation and designating the parkland portion of the site as open space. It also introduces a requirement to enhance the open space. These changes are both necessary and satisfactory.

106. Site COT-L is one of two sites in the plan allocated to provide accommodation for Gypsies and Travellers. It is adjacent to an existing Gypsy and Traveller site. While I note the point that it is only half a mile from Skidby Mill, a Listed Building and tourist attraction, I do not regard this as any sort of problem. The site is not close to the windmill, and it is highly unlikely that its proposed use will have any effect on its appeal to visitors. Nor am I persuaded that the allocation will have any significant effect on Eppleworth. While a small settlement, the allocation will provide for only around 13 pitches. Even considering the 20 or so existing pitches, the site overall will not be large, and Eppleworth would not be dominated by it. Moreover, while I note the comments about the nature of Eppleworth Road and traffic speeds, the allocation need not cause a safety hazard. So far as I am aware, the existing Gypsy and Traveller site does not – visibility is good along this long, straight stretch of road.

107. I have been told that COT-L is in the Council's ownership. As such, its deliverability rests with the Council. I have no reason to suppose that, as a responsible public authority, the Council will not bring it forward in a timely fashion.

108. Most of the sites allocated in Hessle have planning permission relating to all or part of them for the uses proposed. From the evidence and my site visits I am satisfied that all of these allocations are appropriate, and the policy criteria are suitable. Although a significant part of HES-A has planning permission, it is nonetheless reasonable and appropriate that the policy should require the retention and enhancement of the landscaping belt to the east, as the Council suggests (**AM132**). Moreover, for effectiveness, Policy HES-I should be amended to reflect the area promoted by the landowner, being that to which planning permission has been given (**AM135 and AM136**).

#### *Elloughton-cum-Brough*

109. As submitted, sites ECB-B and ECB-D are adjacent to one another, the former allocated for housing and the latter for open space. The Council proposes to merge the two into one allocation for the same uses, and has put forward modifications altering Policy ECB-B (**AM91**) and deleting Policy ECB-D (**AM95**). Given the extent and location of archaeological remains across the land involved, this is appropriate. It will allow greater flexibility in relation to the location of the open space.

110. I recognise that the allocation of site ECB-E for the provision of sports facilities is dependent on the delivery of housing on ECB-B. I agree that this should be recognised in the plan, and concur that **AM96** is necessary to this end.

111. It has been argued that the horticultural business on site ECB 1 will be closing down and will become derelict if not re-developed. That may be so. But this site is somewhat on the fringe of the settlement. From the Council's site selection evidence, I am not convinced that it is preferable to the allocated sites. Considering the estimated site capacities in Elloughton-cum-Brough and

the existing commitments, shown in the Council's paper [CD395], I agree that no further sites are needed here.

### *Hedon*

112. Land at Hedon airfield is promoted for employment development. However, so far as I can see, unlike the Hedon Haven Key Employment Site, there is no particular evidence to demonstrate that further land is needed here for employment purposes. Moreover, no detailed solution to the flood risk issues has been provided. As such, I am not persuaded that such an allocation would be effective, or that it is necessary for the soundness of the plan.

### *Keyingham*

113. In response to the removal of the 'cap' from Strategy Policy S5, the Council has proposed to extend site KEY-A (**AM152**). As enlarged, the indicative capacity is given as 185 dwellings. The Council says that this allocation will enable the existing horticultural use to relocate nearby, and it is helpful for the plan to clarify this (**AM151**). Moreover, outline planning permission has been given for up to 200 homes on the site. In this context, I regard KEY-A, as enlarged, to be the most appropriate housing site in Keyingham.

### *Leven*

114. Following the removal of the 'cap' from Strategy Policy S5, the Council has put forward a modification to enlarge site LEV-A (**AM162**). This is an appropriate response, as is the enlargement proposed.

### *Cherry Burton*

115. Questions have been raised about the deliverability of CHER-A and CHER-B. However, the Council has confirmed that all landowners are willing.

116. At the hearing, strong arguments were put about the SAM output for alternative site CHER1, given in the Revised Site Assessment [CD360]. The Council concedes that the issue about hedgerows and trees can be overcome. I agree. In addition, I see no reason why the score given in relation to question 25 regarding highway network capacity is shown in red, given that the existing property here could be demolished if necessary to create an acceptable access. As a result, in my opinion there is little to choose between CHER-B and CHER1. However, that is not to say that CHER1 is more appropriate. To my mind, notwithstanding the comparable SAM assessments for the two sites, the allocation of CHER-B over CHER1 does not render the plan unsound. Moreover, considering the housing contribution that CHER-A and CHER-B are estimated to make, it is not necessary to additionally allocate CHER1.

117. Paragraph 11.4 supports Policy CHER-A and seeks the retention and conversion of the older, more traditional buildings on the site. The Council has proposed a modification to clarify that this relates to the brick and pantile buildings (**AM49**). This is necessary for effectiveness.

*Dunswell*

118. As submitted, the Policies Map does not illustrate Policy DUN-A. For the effectiveness of that policy, it is necessary to illustrate it geographically, as the Council proposes (**AM87**).

*Leconfield*

119. Site LEC-A is not distant from Leconfield Castle Moated Site, a Scheduled Monument. Policy LEC-A requires that elements which contribute to the significance of the Scheduled Monument must be safeguarded. The Council has proposed a modification (**AM159**) to clarify what those elements are and to explain that an archaeological assessment will likely be required. This is appropriate and will help with effectiveness.

*North Cave*

120. Numerous points have been raised in objection to site NCA-A. While I note the assertion that one of the six landowners is reluctant, I have also been told that all have signed a declaration that they will bring the site forward. A planning application has been submitted albeit, as I understand it, not covering all of the site, and the Council has resolved to approve it subject to the completion of a planning obligation. Overall, I consider there to be a reasonable likelihood that the site – or much of it, at least – is deliverable.

121. In the context of the adjacent playing field and cricket pitch, I see no reason why a stop-ball net would look out of place or fail to preserve the character or appearance of the Conservation Area. Nor should the possibility that some cricket balls may go over the net prevent the scheme. I doubt that this would be a particularly regular or frequent occurrence, or otherwise result in such a nuisance that housing on the site should be thwarted. Indeed, it seems to me that the relationship between houses here and the cricket pitch would be comparable to that commonly found – many local sports grounds are quite close to the homes of the community they provide for. While I note the assertions, I have been given no irrefutable, compelling reason to suppose that housing development on the site would inevitably result in the cricket club being unable to secure liability insurance, or that cricket would have to stop. Considering these factors and all the other concerns raised, on the basis of the SAM output [CD360] and my site visit, I am satisfied that site NCA-A is appropriate for allocation.

122. Some comments have been made about flooding on NCA-B. However, I understand that it is in Flood Zone 1 and the Council says that surface water will be addressed through the implementation of Strategy Policy ENV6. I consider this to be a satisfactory approach.

*North Ferriby*

123. The Council has proposed to enlarge site FER-B in response to the removal of the 'cap' from Strategy Policy S5 (**AM179**). The additional new homes catered for by this revision are necessary to ensure that the plan makes a satisfactory contribution to meeting Policy S5's expectations.

124. I recognise that the site, as enlarged, will extend this part of the settlement

eastwards into the countryside. Indeed, the initial SAM outputs [CD19/36] relevant to this site indicate that the land assessed does not perform particularly well. However, that assessment relates to a significantly larger area. The Revised Site Assessment [CD360] considers the specific area put forward for allocation. I agree with its analysis, which takes into account the grade of agricultural land involved. Moreover, given the intervening distance between the site and Hessle, there is no risk of coalescence. On the basis of the Revised Assessment and my site visits, I am not persuaded that any alternative sites in North Ferriby are more appropriate. In short, overall and in the context of the level of housing anticipated here under Strategy Policy S5, I regard site FER-B as modified by **AM179** to be adequately justified and sound.

125. That said, I agree that the development should provide outdoor sports facilities in the southern part of the site, as shown on the Policies Map. This is necessary to address the shortfall in provision in the area, and is incorporated into **AM179**. Moreover, pedestrian and cycle access between FER-B and FER-C should be provided for, to ensure that the residents of both can access local facilities with satisfactory convenience (**AM179 and AM180**).

#### *Preston*

126. While it is apparent that traffic is an issue in Preston, it is equally clear that the Council is aware of the problems. Indeed, Strategy Policy A1 gives specific support to traffic management measures in Preston. The impacts of the proposed allocations in Preston, and elsewhere, on the junction most affected by queuing have been modelled. The Council has taken this evidence into account through the site selection process. On this basis, I am satisfied that PRES-A and PRES-B will not have unacceptable effects on the highway and its users.

127. I note the proximity of site PRES-A to an abattoir. However, in my view, the distance between the two would be sufficient to avoid problems for both the abattoir and those occupying the new houses. The Council's Environmental Health department has raised no objection, and I consider the relationship to be satisfactory.

128. In response to the removal of the 'cap' in Strategy Policy S5, the Council proposes to enlarge site PRES-B (**AM203**). All landowners involved have confirmed that they are willing. I regard this modification as necessary for consistency with the Strategy and the enlargement proposed is appropriate.

#### *South Cave*

129. Objections have been raised to the allocation of SCAV-A. However, planning permission has already been granted for housing on much of the site. The Council has resolved to approve a further application for 119 dwellings covering the whole of it. In this context, and taking account of the representations, I regard SCAV-A to be appropriate for allocation. The landowner has confirmed willingness, and I consider this site deliverable.

130. The Council proposes modifications in South Cave following the removal of the 'cap' from Strategy Policy S5. **AM213** removes the requirement to retain an area of land at the eastern side of SCAV-A as amenity open space, and

consequently increases the indicative site capacity. In the circumstances, that is appropriate. **AM215** and **AM216** introduce two new housing sites, being SCAV-B and SCAV-C respectively. Planning permission has been granted in outline for site SCAV-C, with access considered. In this context there is no good reason to reject the site's allocation. These modifications are necessary to ensure that the plan makes an adequate contribution to the delivery of housing expected in Strategy Policy S5. In my view, they are appropriate and necessary for soundness.

131. I note the suggestion that site ELL10 to the southwest of South Cave should be allocated for employment use. However, I am not persuaded that further employment land is necessary for soundness. The plan already makes an adequate contribution to delivering the Strategy in this respect.

#### *Swanland*

132. In Swanland, development has already commenced on site SWA-C and site SWA-D now has outline planning permission for 14 dwellings. Access was considered through that application. Considering these circumstances, there is no good reason to resist their allocation.
133. Policy SWA-E, introducing a new site for housing, has been put forward by the Council (**AM223**) in response to the removal of the 'cap' from Strategy Policy S5. This, along with other alternatives has been considered through the Revised Site Assessment [CD360]. A number of objections have been raised. From CD360, it seems to me that SWA-E performs adequately for allocation. I note that some other sites score similarly or, arguably, better.
134. It appears that the Council has selected SWA-E on the basis that it will provide a car park for visitors to the playing fields. In effect, this factor has been given significant weight by the Council. But that is appropriate. While the SAM methodology does not include any formal weighting system, professional judgement is an integral component of its application. Indeed, I concur that the car park will be not only necessary to make the development acceptable in planning terms, to prevent it adding unacceptably to present car parking problems, but it will also be a valuable asset to those using the facilities here.
135. I recognise that the car park was previously required by Policy SWA-A. The Council has put forward a modification (**AM220**) to delete it. As Policy SWA-E now includes this requirement, I concur that it should be removed from SWA-A. Moreover, I am satisfied that this requirement should rest within Policy SWA-E. This site is better placed in relation to the playing field, the existing car park and West Leys Road. As such, including the car park on SWA-E means that the present access from West Wold, a not particularly wide residential road, can be stopped and access provided directly from West Leys Road, as the plan demands. In short, in my opinion, it is likely that SWA-E can provide the car park most satisfactorily. Overall, I concur that both **AM223** and **AM220** are necessary and appropriate.

#### *Walkington*

136. I have been told that the Department for Environment, Food and Rural Affairs pays the landowner to retain WAL-A as a permanent pasture field, and that it is an asset because of the ancient ridge and furrow features on the site and

because of the wild flowers that grow on it. Whatever the subsidy or grant arrangements may be, this in itself has no effect on the site's suitability for housing. Neither Natural England nor Historic England – the Government's advisors for the natural and historic environments respectively – have raised any objection to the allocation of the site. While this corner paddock is pleasant and many will consider it attractive, I am satisfied that all of these factors, including ecological matters, have been adequately considered through the application of the SAM. That said, I agree with the Council (**AM224 and AM225**) that Policy WAL-A and its supporting text should be modified to require enhanced landscaping on the site boundaries, to ensure that the development has a satisfactory appearance. For the same reason, enhanced landscaping should also be required on site WAL-B, as the Council suggests (**AM226 and AM227**).

137. The B1230 through Walkington is a busy road, and I note the point that people drive through as part of a route between the M62 and Beverley. East End, around the Post Office and Cost Cutter shop, is a fairly narrow stretch of the B1230, and the presence of parked cars does little to assist. It is here that the plan says access to site WAL-C is expected to be taken. On the one hand, this is less than ideal. It seems likely to me that vehicles emerging from or turning into the site would cause some delays to other drivers and add to congestion here. On the other hand, though, the existing detached house to the east of the site access is included within the site in order to provide a wider access point. Given the length of the site frontage onto East End, from my site visit, I consider that driver's visibility in either direction would be satisfactory, even taking account of parked cars to the west of the access. As such, while the development may cause inconvenience for some, it would not lead to safety problems here. Although I disagree with the Council's assessment that the site should score (+) for question 25 of the SAM, as shown in the Revised Site Assessment [CD360] – in my view, without any guarantee of additional off-street parking being provided, the score should at best be neutral (0) – this has no effect on the site's relative suitability.

#### *Woodmansey*

138. Strategy Policy S5 anticipates 50 new homes in Woodmansey. The plan does not allocate any land for housing. However, it makes clear that the necessary land is to be provided through a Neighbourhood Development Plan, and sets out the minimum number of homes to be delivered through it. That is appropriate and adequately effective.

### **Bridlington and Coastal sub area**

#### *Bridlington*

139. Site BRID-I is adjacent to a waste water treatment works (WWTW). Yorkshire Water has confirmed that it requires BRID-I for the future expansion of its operations at the WWTW, and Policy BRID-I allocates it accordingly. Though not main modifications, the changes proposed by the Council to the paragraphs supporting BRID-I explain that the site was included in the planning permission for the existing treatment works and has been used by Yorkshire Water for the storage of vehicles and sewage sludge cake.

140. Policy BRID-E allocates land for housing quite close to site BRID-I. However, paragraph 9.20 is clear that proposals for BRID-E will need to take account of the proximity of BRID-I. That is an acceptable safeguard.
141. BRID1r lies between BRID-I and BRID-E. I see no reason why additional land for housing should be allocated on it. From the table in CD395, I consider adequate contribution is already made in respect of Bridlington, and it is unnecessary to allocate further housing land through the plan. Moreover, there is the possibility that residential development on BRID1r could hamper Yorkshire Water in the undertaking of its statutory duties. I note the odour assessment referred to in the Statement of Common Ground [CD339] in support of expanding BRID-E. The Council and Yorkshire Water say that this does not reflect the types of uses that could take place here under permitted development rights. Whether correct or not, more to the point is that it does not reflect Yorkshire Water's requirements over the longer term.
142. Considering the above, I am not persuaded that BRID-E could be expanded to include BRID1r without hindering Yorkshire Water's activities on BRID-I. To my mind, it is right that the plan should do all it can to ensure that necessary infrastructure is provided, and its delivery should not be jeopardised. In any case, even if new houses could be located on BRID1r without their occupiers suffering problems from odours or noise from the WWTW, or without risk to Yorkshire Water's operations, I see no particular reason why they should be. The plan already allocates sufficient land for housing.
143. That said, the Council has put forward modifications to Policy BRID-E and its supporting paragraphs (**AM42**) which I consider wholly appropriate. In effect, this allows for open space and landscaping required to be provided off-site, on BRID1r, if an odour assessment is produced which demonstrates that the living conditions in the new homes would be satisfactory. If so, more dwellings could be delivered on BRID-E. This would lead to a more efficient use of the land. Suitable safeguards within the policy are also proposed, and I consider the modifications in **AM42** to be appropriate.
144. It is the eastern boundary of BRID-I which faces towards BRID-E and the housing beyond. As such, as the Council proposes (**AM44**), additional landscaping should be required to that boundary, rather than the western boundary facing the existing treatment works.
145. Policies CAR-A and CAR-B both allocate land for employment development. The former comprises presently unused parts of Carnaby Industrial Estate, the latter represents an extension to it. While I note the loss of employment land through the allocation of BRID-A for housing, the Council says that CAR-B more than compensates. Whatever the precise gain in employment land may be, I am not persuaded that it is necessary for the soundness of the plan to allocate employment land in addition to CAR-A and CAR-B at Carnaby Industrial Estate. I have been presented with no compelling evidence of need to contradict the conclusions of the Employment Land Review (March 2013) [CD121] and the ELR Addendum Note (April 2014), on which the level of employment allocations is based. In any case, Strategy Policy EC1 clearly supports the expansion of industrial estates. In the context of this and the evidence presented, a larger allocation is not presently necessary here.

146. Policy BRID-H allocates land for around 13 Gypsy and Traveller pitches. The landowner is not willing to release it for this use. The Council has unambiguously said that it is willing to pursue a Compulsory Purchase Order (CPO) if necessary. Equally clear is the landowner's intention to challenge any such CPO.
147. It is not for me to pre-determine the outcome of any CPO process. However, this does have a bearing on the question of the site's deliverability. Policy H3 of the Strategy says that "*the Allocations Document or Neighbourhood Development Plans will allocate sufficient land for 25 new permanent pitches, either on extensions to existing sites or new sites, to ensure a deliverable supply in the first 5 years of the plan*". It identifies broad locations for years six to 15. It is therefore apparent that this allocation, along with site COT-L, is intended for delivery in the first five years of the plan. CD360 also indicates this.
148. On this issue, both the landowner and Council point to paragraph 47 of the NPPF, and footnote 11. Considering the above, this is relevant – only deliverable sites can be in the five year supply. Footnote 11 says that "*to be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable*".
149. It seems to me that the willingness of the landowner is among the factors most pertinent to the consideration of whether a site is deliverable. Indeed, because the current owner is unwilling, the site cannot be said to be "available now" – at least, not in the sense that "now" means today, at this present moment. That said, if a CPO is successfully pursued, the site will become available, although there can be no guarantee about precisely when.
150. Turning to the question of suitability, I note the argument that BRID-H, in addition to the existing traveller site here, would result in a number of pitches that would not be conducive to a comfortable environment. This point stems from the Designing Gypsy and Traveller Sites: Good Practice Guide (2008). However, the letter of 31 August 2015 from the Government's Chief Planner to all Chief Planning Officers cancels that guidance. On the evidence presented, and from my site visit, I am not persuaded that the combined number of pitches need necessarily cause harm to living conditions, or other problems.
151. I note the assertion that residents of the existing traveller site may not wish to see it extended. Even if so, this factor is not of sufficient weight to counter the Council's evidence – from the needs and requirements set out in Policy H3 of the Strategy, to the SAM methodology and its application. In short, even if locating new pitches elsewhere would be the ideal situation for residents of the existing traveller site, this does not render Policy BRID-H unsound. Indeed, from the Council's evidence, particularly that of the SAM outputs [CD360], I regard the site to be a suitable location for the development.
152. Whether the site is achievable returns one to the question of availability, which I have already addressed above. Ownership issues aside, though, I see no reason why the site should not be achievable – if under the Council's ownership at least – no insurmountable impediment has been drawn to my

attention. Whether it can be delivered in five years is a matter likely to rest on the timeframe within which a CPO can successfully be confirmed. The landowner's intention to challenge any such CPO will inevitably prolong matters. However, even in that context, I consider that there is a reasonable prospect that the site could be delivered within five years.

153. I have been provided with little information about viability. However, it seems to me that this is not a particularly relevant point in this case. If the Council is to itself own and possibly develop the site, the venture is not likely to be pursued on a wholly commercial basis. Financial gain is unlikely to be the incentive driving the development here, and as such financial viability should not be a determining factor in the consideration of deliverability.

154. From all of this, I consider that the site cannot strictly be regarded as deliverable – it cannot be said to be “available now” and there is insufficient evidence to conclude that the site is viable. Nevertheless, I am of the firm view that a pragmatic approach should be taken. This is a suitable and appropriate site which will make a much needed contribution to meeting the requirements set out in Strategy Policy H3.

155. Although Policy BRID-H is not entirely consistent with national policy, it does not undermine the soundness of the plan overall and I consider that its inclusion in the plan is satisfactory so long as a main modification is made. Paragraph 6.32 of the Strategy commits the Council to undertaking an update by 2017 of the Gypsy and Traveller Need Assessment (November 2012) [CD130] on which Strategy Policy H3 is based. It also commits to “potentially” a review of Policy H3 to take account of the revised definitions of Gypsies and Travellers in national policy, and to ensure there is a five year supply of deliverable sites. As long as both the aforementioned update and review specifically consider the deliverability of BRID-H at that time, then its inclusion in the plan is appropriate. To this end, an explicit commitment in the plan is necessary. Although not put forward by the Council, I recommend a main modification accordingly (**AM243**).

#### *Beeford*

156. During the examination, the Council put forward a modification to introduce an additional site for housing in Beeford, site BEE-D (**AM21**). This is a small site with an indicative capacity of five dwellings. As I understand it, this was previously ruled out because of access constraints that have since been overcome through the grant of planning permission on adjacent land to the south. In the circumstances, the modification is appropriate.

#### *Flamborough*

157. Given the proximity of site FLA-A to Flamborough Castle, a Scheduled Monument, it is appropriate to require an archaeological assessment. **AM100** is therefore necessary.

158. Flamborough is a Primary Village affected by the modification in the Strategy removing the ‘cap’ on housing development. In line with its general approach, the Council has proposed a modification to increase the level of housing here, through the addition of a new site, FLA-D. In this context, **AM102** is necessary and taking account of the Revised Site Assessment (CD360) I

concur that the site is appropriate for allocation.

## **Driffield and Wolds sub area**

### *Driffield*

159. Site DRF-B has an indicative capacity of 810 dwellings. It is a large site. As submitted, Policy DRF-B requires the provision of a new primary school within it. However, the Local Education Authority has since re-considered the need for this in the light of more up-to-date projections of school capacity. The Council says that there is no longer a need for an additional primary school here and proposes to remove the requirement (**AM69**). From the available evidence, I concur that this is necessary.
160. That said, given the scale of the site and its edge-of-settlement location, I see no reason why the requirements to provide a substantial landscape buffer and significant green areas should be deleted. In my view, both are reasonable and necessary demands which will help to ensure that the site has an acceptable appearance. Moreover, requiring extra care housing on this site is consistent with Policy H1 of the Strategy Document. I see no compelling reason why the removal of this requirement is necessary for soundness.
161. A modification to Policy DRF-D is proposed by the Council to provide for access to the site between 5 and 7 Angus Drive (**AM70**). This is necessary for the effectiveness of the policy, and reflects a planning permission that has been granted. Similarly, it has put forward a modification to Policy DRF-G (**AM72**), effectively enlarging the site to reflect landownership. On the evidence, to boost the supply of land for housing, albeit by only three dwellings, this is appropriate and consistent with national policy.
162. Site DRF-I is the Alamein Barracks site which is now largely vacant, although a small part is used by the Army Reserve. It is a housing allocation, and the Council has put forward a modification to enlarge it from just under 28 hectares to a little over 31 hectares. As I understand it, most of the additional land is in Flood Zone 3a, but extensive modelling has been undertaken to demonstrate that it should not be so classified and, I am told, the EA appears to agree. I concur that modifying the plan as proposed (**AM75**) is appropriate in combination with **AM76**, also proposed by the Council, which prevents residential built development in Flood Zone 3a. This will allow facilities such as open space or sustainable drainage systems to be on the additional land and so increase the number of houses possible on the original site. In addition, I concur that the Army Reserve barracks should only be relocated if the Army Reserve agrees that this is necessary. **AM77** is therefore also appropriate.
163. Since submission, a planning permission for housing on DRF-L has lapsed. The indicative capacity figures given in the plan should be updated to reflect this (**AM79**). Given the site's location within the Town Centre, it is also appropriate that Policy DRF-L should support other town centre uses as part of a mixed use scheme.

### *Hutton Cranswick*

164. Objections have been raised in relation to the allocation of site CRA-B for

housing. Two main points are made – the effect of the development on the Conservation Area, within which the site partly lies, and on the safety of pedestrians. An argument is also made about ownership.

165. Site CRA-B is to the south of Hutton Cranswick village green, which is a registered village green. It faces onto The Green, a hard surfaced route used by pedestrians and also by some vehicles in association with the houses that take access from it. The Green immediately abuts the village green. The built form along this southern side of the village green is broadly of a linear pattern. However, the houses are loosely positioned. They are set at varying distances from The Green and differ in form and style. In short, there is no palpable degree of uniformity. Consequently, the linear arrangement is not an especially strong feature and does not contribute to the special qualities of Cranswick Conservation Area. While housing development on CRA-B will involve the creation of a space in the frontage facing The Green, through the demolition of the existing property to create an access, this need not cause the character or appearance of the Conservation Area to be eroded to any material degree.
166. I acknowledge that the development would lead to additional vehicles using this part of The Green. However, the presence of vehicles is already an inescapable feature of The Green, the village green and the wider Conservation Area. This is not a car-free zone of any sort. As such, while the allocation will almost inevitably result in more vehicles using the southern side of the village green than presently, I consider that this will not fail to preserve the character of the Conservation Area overall. Indeed, given that the site has an indicative capacity of only 14 dwellings, it is likely that the number of additional vehicle movements involved will be limited. Moreover, there is no reason why the Highway Authority's requirement that this stretch of The Green is finished to adoptable standards should harm the Conservation Area. Ensuring that such details preserve or enhance the Conservation Area will remain the Council's responsibility, and it will be in its power to reject any scheme which fails in this regard. Neither Historic England nor the Council's Conservation Officer has raised objections, and this supports my overall view on the matter.
167. As I understand it, the access will not include any widening of this stretch of The Green. Given this, and the use of the highway here by pedestrians, it is probable that vehicle speeds here will be very low – drivers will be aware of the nature of the access. Considering this, and my view about the level of traffic likely to use it, I consider that the use of The Green to access the site need not lead to safety problems for pedestrians or drivers. That the Highway Authority does not object adds weight to my view on this point.
168. Hutton Cranswick Parish Council says that it owns The Green and does not consent to its use for access to the site. However, ownership is disputed in the submissions of DWF LLP and the Council. Moreover, from this evidence, it appears that regardless of the ownership position, there is no legal impediment to the use of the stretch of The Green concerned. That is a legal question and is not for my judgement. However, on the evidence produced, I am adequately satisfied that there is a reasonable likelihood that access to the site is deliverable. As such, this issue need not prevent the site's allocation.

169. Site CRA-C is the largest allocation in Hutton Cranswick and has an indicative capacity of 67 homes. Delivery in the settlement is therefore somewhat reliant on it. I have been told, though, that it has been allocated for housing for almost thirty years, but still remains undeveloped. This raises questions about its deliverability.
170. The Council has had recent discussions with Persimmon Homes which confirmed that the site is being promoted. The fact that a house-builder is involved in itself bolsters confidence. On the Council's evidence, I am satisfied that the site should for the time being be regarded as deliverable and that it represents a satisfactory allocation.
171. That said, given the importance of this site to meeting the expectation for Hutton Cranswick set out in Policy S5 of the Strategy (through Table 2), monitoring will be key. I note from the Strategic Housing Land Availability Assessment (November 2014) Appendix B [CD10/07] that this site is included in the five year land supply. The delivery of the site against this expectation should be borne in mind by the Council when undertaking the Local Plan review it has committed to by 2020. It may be that other suitable sites in Hutton Cranswick with a greater certainty of delivery should then be regarded as more appropriate as a result – but that will be a matter for the Council's judgement at the time, in the first instance at least.
172. I note the arguments made in relation to CRA31 and CRA42. From this evidence and from my site visit, it may be that this land is suitable for housing. However, in my view CRA31 and CRA42 perform no better than CRA-C. As there is currently no need to allocate additional sites for residential development in Hutton Cranswick, the inclusion of this land is not necessary for soundness.

#### *Kilham*

173. Paragraph 31.10 says that the risk of contamination on site KIL-E should be investigated and any necessary remediation carried out. I understand that this is an error and that there is no suspicion of contamination on this site. Consequently, this reference should be removed as the Council suggests **(AM158)**.

#### *Middleton-on-the-Wolds*

174. Policy MID-A requires the safeguarding of "*those elements that contribute to the significance of the Scheduled Monument to the northeast*". Adding text to the supporting paragraph clarifying what those elements are, as the Council proposes **(AM169)**, will help the effectiveness of the policy.

#### *Nafferton*

175. Both NAF-A and NAF-B are affected by surface water flooding, which the Council says emanates from the village. Camera footage has been taken to establish this. In this context, the requirements that surface water flood risk be investigated and addressed are adequately effective and are necessary.
176. Nafferton is a Primary Village affected by the removal of the 'cap' from Strategy Policy S5. The Council has put forward a modification **(AM174)**

introducing a new site, NAF-C, which is both brownfield and close to the railway station. In my view, allocating this site for housing is necessary and appropriate, as are the detailed provisions set out in Policy NAF-C and the supporting text.

### **Goole and Humberhead Levels sub area**

#### *Goole*

177. As noted in my report on the Strategy Document and indicated above under Issue 1, much of Goole is at high risk of flooding. Most of the settlement is in Flood Zone 3a. This is reflected in the allocations, which include significant portions of land in Flood Zone 3a. However, for reasons I have already explained, the approach taken is justified and, in the absence of more appropriate alternatives, flood risk matters should not lead to the rejection of the sites affected. With the policy modifications I have discussed above, I am satisfied that the plan's allocations in Goole are consistent with national policy in relation to flood risk.
178. As I noted in my report on the Strategy Document, it is evident from the Local Plan Viability Assessment: Residential Analysis (January 2014) [CD164] (the Residential Analysis) that residential viability is marginal in many parts of the district. Goole is no exception. I recognise that Policy GOO-A includes specific requirements, such as that for the provision of a new primary school, which will have an additional cost. But that is not to say that GOO-A is therefore unviable. The Residential Analysis is based on numerous sensitive assumptions which may or may not reflect the circumstances of GOO-A. A number of viability buffers are also embedded in it, such as the assumption that schemes are wholly debt funded at 6.5% interest. In short, I am not persuaded that GOO-A should be regarded as unviable as a result of the plan's policies.
179. A modification has been proposed by the Council to extend GOO-A northwards (**AM106**). This would form a satisfactory boundary along the M62 and I agree it is appropriate. I also concur that given their relationship, the enlarged GOO-A and GOO-B should be required to provide a footpath and cycle link connecting them. In this respect, **AM106** and **AM107** are necessary for effectiveness.
180. I see no particular reason why an access to GOO-C should not be taken from an improved length of the existing track off Woodland Avenue/Charles Drive. It is therefore appropriate to allow it (**AM108**).
181. Part of GOO-F, Goole Depot, is presently occupied. The policy is clear that the existing uses must be relocated before new development can take place. This is satisfactory. I have been told that the Council owns most of the site. This adds to the likelihood of it being deliverable.
182. The Council has suggested modifications to the text supporting Policies GOO-F, GOO-G and GOO-J (**AM112, AM114 and AM120**). These will ensure that development of those sites will not have a detrimental effect on the port of Goole, and will help the plan's effectiveness.
183. Site GOO-H is partly in a Health and Safety Executive (HSE) middle

consultation zone. As proposed by the Council to be modified (**AM116**) the policy avoids built development in this area. I concur that that is appropriate.

184. I note the arguments made supporting GOO21 and the comparison drawn with the planning permission granted for additional classrooms at the adjacent school. The Council says that the area of search for the sequential test applied in respect of the classrooms was restricted because of the nature of the development concerned. Whatever approach the Council took there, I agree that the whole of Goole should form the basis for the area of search to be applied through the plan-making process to identify housing sites in Goole. As the Council's note [CD341] puts it, GOO21 is within the 'danger to most' hazard zone, and there are sufficient sites available for housing development in Goole which are at a lower risk of flooding.

#### *Howden and Gilberdyke/Newport*

185. Alternative sites have been promoted in Howden and Gilberdyke/Newport. Some argue that additional houses should be allocated in Howden in preference to Goole. Others suggest that housing should be allocated in Gilberdyke/Newport. However, Policy S5 of the Strategy sets the level of new housing expected in each settlement. It is clear from the Council's paper [CD395] that the present allocations in Howden make an adequate contribution to delivering Policy S5. It also demands no housing in Gilberdyke/Newport. As such, I consider that no further sites are necessary for soundness.

#### *Snaith*

186. Snaith is a Rural Service Centre affected by the removal of the 'cap' from Strategy Policy S5. The Council has put forward modifications to enlarge SNA-A and SNA-B (**AM208 and AM209**) and to introduce a new site, SNA-C (**AM210**). These modifications are in line with the Strategy, in that the level of additional housing land proposed is necessary for consistency with it.

187. From the correspondence [CD348] I understand that the landowner of SNA-A is now willing to release the site, as enlarged, for residential development. Given this, I am satisfied that there is no deliverability problem. To ensure that the most efficient use is made of land in Flood Zone 1, I agree that public open space should be provided off-site as the Council suggests (**AM208**).

188. Through Strategy Policies ENV2 and A4, a Key Open Area is designated to the south of SNA-B. The Key Open Areas perform the function of maintaining the physical separation of settlements and, hence, their individual identity. The proposed extension of SNA-B and introduction of SNA-C will extend Snaith further southwards into the Key Open Area. This will reduce the degree to which the two settlements are separated. On the one hand, Snaith and West Cowick would be quite close to one another. On the other, though, they are not currently separated by a considerable distance, and the degree of change involved would not be considerable. Overall, in my view, the effect on the function of the Key Open Area of enlarging SNA-B and allocating SNA-C as proposed would not be unacceptable. The undeveloped area between Snaith and West Cowick would, on balance, be adequate to ensure that their identity as individual settlements is retained. The requirement in both policies to

provide landscaping to the southern site boundaries will help to separate the built form of the settlements. In addition, the quite flat nature of the land in question would reveal the gap from many public vantage points, which would also assist.

### *Eastrington*

189. Text supporting Policy ETR-A sets out an indicative capacity of 13 dwellings for the site. However, outline planning permission has been granted for six. Taking account of the estimated contribution from site ETR-B and existing commitments, there would be a shortfall against Strategy Policy S5. Although a deficit of only four dwellings, the Council has proposed to extend ETR-A (**AM89**) so that, accounting for the outline planning permission, its estimated overall capacity is 14 dwellings. This is consistent with the Council's general approach to allocations and ensuring a 'buffer' in relation to the expectations of Strategy Policy S5. I also agree that the additions to the supporting text are appropriate.

## **Holderness and Southern Coastal sub area**

### *Hornsea*

190. Policy HOR-G says that those elements of the site which contribute to the significance of the Scheduled Monument to the west should be safeguarded. However, it will help with effectiveness to clarify in the supporting paragraph precisely what elements do contribute to its significance (**AM143**).

### *Withernsea*

191. For Withernsea, Strategy Policy S5 expects delivery of 550 new dwellings. The originally submitted allocations, along with existing commitments, would yield a greater number. However, the existing commitments comprise two rather large sites which I am told are both being developed at a less than rapid rate. Given this, I concur with the Council that extending WITH-A as proposed is the most suitable solution (**AM233**). This will help to boost annual delivery rates and, clearly, the supply of housing overall.

### *Aldbrough*

192. As submitted, Policy ALD-B requires the retention and re-use of the agricultural buildings on the North Street site frontage. However, at the hearings the Council said that evidence from planning applications demonstrates that this is not feasible. As such, I concur with the Council that this demand should be deleted from the policy (**AM8**).

### *Patrington*

193. Policy PAT-A says that the buildings on the site that make a positive contribution the Conservation Area should be retained and reused. However, it will help with effectiveness to clarify in the supporting paragraph which buildings these are (**AM182**).

### *Easington*

194. Because of the high pressure gas lines to the gas terminal to the north of Easington, the whole of the village lies within one or another HSE consultation zone. In the circumstances, and in line with HSE advice, I agree that it is appropriate to make no housing allocations in Easington.

#### *Roos*

195. To add flexibility and support delivery of the housing expected in Roos, the Council has put forward a modification to ROO-A (**AM204**), extending the site and increasing its indicative capacity by six dwellings. I concur that this is satisfactory and will add to the supply 'buffer'.

196. I recognise that ROO-B is a visually exposed site. Development on it will be clearly visible. However, the same could be said of the existing housing estate. This has a rather prominent, hard edge and, as a result, a somewhat negative appearance. Residential development on ROO-B represents an opportunity to improve matters, and the landscaping required by Policy ROO-B will help to ensure this.

#### **Vale of York sub area**

##### *Pocklington*

197. Concerns have been raised about the visual impacts of housing development on sites POC-A, POC-B and POC-C. They would, to some extent, affect views of the foot of the Wolds. However, it is clear that the Council has taken this into account. The Landscape Character Assessment Selected Settlements Update (2013) [CD158] (the LCA Update) considers the issue. While this makes judgments about the present urban edge of Pocklington, that is a necessary and appropriate approach. Moreover, from my site visits, I concur that the present northern edge of Pocklington has a somewhat 'harsh' appearance, characterised by the generally linear built form. I disagree that all urban edges are like this. Rather, some are significantly less regimented, are more gradual and better blended with the rural hinterland beyond. In short, I concur with the LCA Update on this point. Indeed, I regard its assessment of the landscape character here to be robust and appropriate.

198. Overall, it is clear from this evidence that the Council has taken full account of the landscape impacts of POC-C, including through the Revised Site Assessment [CD360] and, in so doing, nonetheless concludes that it is appropriate for allocation. Taking into consideration the LCA Update, CD360 and my visit to the site, I agree.

199. The Council has proposed a modification to POC-C (**AM191**). This aims to tighten the wording in relation to the requirement for a flood alleviation scheme. I consider this appropriate, and it will help the policy's effective implementation.

200. I note the comments about the effectiveness of the flood alleviation and its visual impact. However, the scheme need not comprise of visually prominent concrete – the Council indicates that a basin with a bund is more likely, and would have a significantly better visual impact. Whatever the details may be, the scheme will require the Council's approval, and it is highly likely that the EA would be consulted as part of that process. Indeed, I have been told that

the EA are part of an existing project team considering the issue. There is no detailed or otherwise compelling evidence to demonstrate that the scheme would fail or cause visual harm. Given the regulatory context, I am not persuaded that it would.

201. POC-J and POC-K are adjacent to one another. Policy POK-K requires that sustainable drainage be provided in conjunction with POC-J. For effectiveness, Policy POK-J should include a similar demand as the Council suggests (**AM194**).
202. POC-L is an active bus station and depot. As I understand it, the operator needs part of it to remain as a bus interchange. Consequently, it is necessary to require this as part of the policy, as the Council has proposed (**AM196**).
203. Other sites have been suggested. It may be that POC-E and POC-G could have been linked by an additional allocation. However, I consider the contribution made by the allocations to meeting Strategy Policy S5 to be adequate. Even if the indicative capacities are not realised, the Council's paper [CD395] shows that there is some buffer here. As such, no further housing land in Pocklington is necessary for soundness.
204. Comments have been raised about problems arising from sewage odours in Pocklington. However, it is the duty of the statutory undertaker to deal with this existing problem.

#### *Bubwith*

205. Policy BUB-E requires the removal of poultry farm buildings. However, for clarity, it is more appropriate to refer to them as former farm buildings as the Council proposes (**AM48**), as they are no longer in use. Moreover, given this, Policy BUB-D need not require that development should only take place after the farm has ceased operation (**AM47**).
206. I note the suggestion that BUB2r should be allocated. However, from the Council's paper [CD395], I see no need for further allocations in Bubwith.

#### *Holme on Spalding Moor*

207. As a result of the removal of the 'cap' from Strategy Policy S5, the Council has proposed to enlarge site HSM-A. The resultant site is sufficient to make an adequate contribution to meeting the requirement of Strategy Policy S5, and the modification proposed by the Council (**AM139**) is both necessary and appropriate in this regard. Part of the enlarged site and land adjacent to it is occupied by glasshouses. To ensure satisfactory living conditions, I concur that these should be removed before housing development takes place on the land affected by the glasshouses.
208. Numerous objections have been raised in relation to site HSM-A. Perhaps the main point relates to its distance from the centre of Holme on Spalding Moor and the primary school. To some extent I agree with the arguments made. It is likely that the site may result in additional trips by car to the shops and school, and may add to congestion and parking difficulties. That said, although not ideal, and whilst this may cause inconvenience for some, the resultant situation would not be uncommon and, in my opinion, would not lead

to unacceptable impacts on the highway. Indeed, the drop-off and pick-up point to be provided by HSM-C will help in this respect.

209. I note the arguments about alternative sites, and a number are closer to the centre and school. However, the Council says that there is no way of creating a direct access between High Street and alternative sites to the south of Chapel Fields, such as HSM27 and HSM28 – at least, not on available land. Consequently, while I consider that the location of these sites are preferable to HSM-A, they cannot be said to be deliverable or developable in the terms of paragraph 47 of the NPPF. While other sites to the east of the A614 are also closer to Holme on Spalding Moor's facilities, I agree with the Council that the A614 does represent something of a barrier. The Council told me that it is one of the most heavily trafficked roads in the district. In my view, it severs the land to the east from the settlement. This is a significant disadvantage. Overall, I am not persuaded that there are any more suitable, deliverable sites and I consequently consider the allocation of HSM-A to be appropriate.

210. Through **AM140** the Council has proposed to modify Policy HSM-C and its supporting paragraph. The modifications alter the site area to exclude existing garages and associated hardstandings and, as mentioned above, require space on High Street as a drop-off and pick-up point for the nearby primary school. The former is necessary as the garages are not intended for re-development. In the light of the concerns about congestion around the school, to ensure the safety of its pupils and others, I regard the latter to be appropriate.

#### *Stamford Bridge*

211. Two housing sites are allocated in Stamford Bridge. Site SMB-B is proposed by the Council in response to the removal of the 'cap' from Strategy Policy S5 (**AM242**). SMB-A has full planning permission for 200 dwellings and SMB-B has outline planning permission for roughly the number of dwellings anticipated in the plan, and access has been considered in full as part of the application. Considering this, and taking account of the Revised Site Assessment for Stamford Bridge [CD360], it is appropriate that both be allocated.

212. As previously noted, Natural England has raised a concern in respect of SMB-B and the effect of developing it on the River Derwent SAC and SSSI. Given the evidence, and Natural England's role and position on this, I am persuaded that open space to meet the needs of dog walking should be provided, along with the other measures suggested, in order to avoid likely significant effects and other negative impacts on the SAC and SSSI. The Council has incorporated these changes in **AM242**, although I have altered this slightly to more accurately reflect the Statement of Common Ground produced by the Council and Natural England [CD366].

#### *Conclusion on Issue 3*

213. In the light of the above and having regard to all of the evidence, I conclude that with the main modifications set out above, the individual site allocations proposed are justified, effective and consistent with national policy in relation to site specific matters.

## Assessment of Legal Compliance

214. My examination of the compliance of the plan with the legal requirements is summarised in the paragraphs below. I conclude that the plan meets them all.
215. The Strategy is identified within the approved Local Development Scheme (LDS) dated April 2015 which sets out an expected adoption date of October 2015. Although the plan's content is compliant with the LDS, some delays in its progress have occurred. I am satisfied that there is no fundamental conflict with the LDS.
216. The Statement of Community Involvement was adopted in 2007, revised in 2013 and again updated in January 2014. Consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed main modification changes.
217. Sustainability Appraisal has been carried out and is adequate. The Habitats Regulations Stage 2 Appropriate Assessment identifies mitigation measures necessary, and concludes that with those measures the plan will not have an adverse effect on European Sites.
218. The Strategy complies with the 2004 Act and the 2012 Regulations (as amended). It also complies with national policy except where indicated above and modifications are recommended.

## Overall Conclusion and Recommendation

219. The plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
220. The Council has requested that I recommend main modifications to make the plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the East Riding Local Plan: Allocations Document satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*Simon Berkeley*

Inspector

This report is accompanied by the Appendix containing the Main Modifications