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# **Representations to Ryedale District Council's Local Plan Sites Document and Policies Map (Publication Draft)**

Prepared on Behalf of The Church Commissioners for England

December 2017

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## **Contents**

## **Page**

1.0	Introduction	1
2.0	Background and Context	2
3.0	Comments on the Local Plan Sites Document and Policies Map	5
4.0	Summary and Conclusions	9

## **Appendices**

A.	Land at Claxton
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## **1.0 INTRODUCTION**

- 1.1 Barton Willmore is instructed by the Church Commissioners for England (“the Commissioners”) to submit representations to Ryedale District Council’s (“the Council’s”) Local Plan Sites Document and Policies Map (Publication Draft). This follows on from the Local Plan Strategy Document which was adopted in September 2013 and sets out the overall quantum and approach to growth in the district up to 2027.
- 1.2 Once adopted, the Local Plan Sites Document and Policies Map will sit alongside the Local Plan Strategy document and provide the relevant allocations and designations to assist in delivering development in Ryedale over the plan period.
- 1.3 The Commissioners are a notable landholder within Ryedale and are therefore keen to continue to positively engage in the plan-making process. We therefore welcome the opportunity to comment on this document.

## 2.0 BACKGROUND AND CONTEXT

2.1 The Commissioners own land within the south west of the district around a number of settlements including Claxton, Sand Hutton and Bossall.

2.2 Within the adopted Local Plan Strategy Document these settlements are all classed as 'Other Villages'. The overall approach set out in the document for Other Villages is:

- Housing to address local housing requirements and affordable housing needs and restricted by a Local Needs Occupancy Condition unless it is:
  - A Community Right to Build scheme;
  - Protecting and enhancing local community facilities; and
  - Support the delivery of projects identified within local Parish Plans.

2.3 However, the document continues in Policy SP1 to outline that development will be restricted in Other Villages to that:

- Which is necessary to support a sustainable, vibrant and healthy rural economy and communities, or
- Which can be justified in order to secure significant improvements to the environment or conservation of significant heritage assets in accordance with the National Enabling Development Policy and Policy SP12 of this Plan, or
- Which is justified through the Neighbourhood Planning process.

2.4 The Local Plan Strategy document therefore seemingly allows some (limited) growth with Other Villages under certain circumstances. This would then contribute towards the plan requirement of 3,000 (net) new homes over the plan period (2012 – 2027) (or 200 units per annum).

2.5 The Local Plan Sites Document and Policies Map uses this approach. It calculates the residual requirement to be 545 dwellings (taking into account completions and commitments since the start of the plan period). It then allocates this requirement (plus a buffer) over 9 sites which predominantly focus on Malton and Norton (Principal Town), Pickering and Kirbymoorside (Local Service Centres) as well as the Local Service Villages of Amotherby and Slingsby. Whilst the Local Plan Sites Document does provide settlement boundaries to the smaller villages within the District, it does not allocate land for housing within these settlements.

2.6 Taking this into account, the next section of this report comments on the soundness of the policies contained in the Local Plan Sites Document. In this respect we have framed these in

the context of the 'tests of soundness' found in Paragraph 182 of the National Planning Policy Framework ("NPPF"); that is to say that the document should be:

- Positively Prepared – The plan should be prepared based on a strategy which seeks to meet the objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- Justified – The plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective – The plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Consistent with national policy – The plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

2.7 Whilst the Commissioners wish to see an up to date development plan in place in Ryedale to help provide a strategy and allocations for growth over the district in the coming years, it has strong concerns with the approach currently being undertaken by the Council. We highlight this in the next section of this document.

### **3.0 COMMENTS ON THE LOCAL PLAN SITES DOCUMENT AND POLICIES MAP**

#### **Overall Approach to the Local Plan**

- 3.1 As outlined in the previous section of this document, the Local Plan Sites Document and Policies Map has been prepared pursuant to the Local Plan Strategy document, which was examined in Autumn 2012 and Spring 2013 and then adopted in September 2013. The Strategy Document sets the overall approach to growth within the district up to 2027 (principally through policies SP1 and SP2). This is enshrined Policies SD1 and SD2 of the Local Plan Sites Document (dealing with housing commitments and allocations respectively).
- 3.2 Whilst this process is understood, for the Commissioners it is questionable whether it is now appropriate to go forward with the Local Plan Sites Document and Policies Map considering that the plan period runs from 2012 – 2027. This means that a third of the plan period has already expired and it is likely that by the time the document has been through the necessary examination process, there will be less than 10 years left of the plan period. Paragraph 157 of the NPPF notes that Local Plans should be drawn up over an appropriate timescale and that this should preferably be a 15 year time horizon and that it is important that Local Plans are kept up to the date.
- 3.3 Given the delays that have occurred in coming forward with allocations, this plan period has now become truncated and it is now necessary that the Council should be allocating land for development beyond 2027. This issue is compounded by the fact that there appears to have been little analysis undertaken to ensure that the approach in the Local Plan Strategy document is still the most appropriate strategy for growth in the district and that the evidence which underpins the Local Plan is still up to date and robust. For instance, there appears to have been no further work to test whether housing needs have remained constant (taking into account economic development aspirations for the district) or further work undertaken on the needs of rural areas in the district and whether the current approach is still sound and robust.
- 3.4 Indeed, it is the Commissioners' view that it is highly likely in any event that upon adoption of the Local Plan Sites Document and Policies Map, that the Council will immediately have to commence work a new Local Plan/Local Plan review in order to ensure there is an up to date strategy in place which covers the relevant time period. This therefore puts into doubt whether undertaking the Local Plan Site Document and Policies Map is appropriate and whether in fact in order to save time and resources, a new Local Plan is instead prepared.
- 3.5 This is brought into focus ever more by the likelihood of changes to the NPPF which will be brought forward next year and the further emphasis of boosting housing delivery being put

forward by the Government in its Housing White Paper. The Housing White Paper itself emphasises that more small and medium sized sites should be made available to allow rural communities to grow. This is clearly at odds with the current approach in the Local Plan.

3.6 For this reason it is the Commissioners' view that Policies SD1 and SD2 of the Local Plan Sites Document are both unsound and object to them on the basis of being not positively planned, ineffective and inconsistent with national planning policy.

3.7 To remedy this, we believe the Council should either:

- Cease work on the Local Plan Sites Document and Policies Map and instead concentrate on a new Local Plan with an up to date evidence and which seek to plan for at least the next 15 years (ie.at least to 2032); or
- Seek to extend the plan period of the Local Plan Sites Document and Policies Map so that it identifies sites beyond 2027 and bases this on up to date evidence on housing requirements; taking into account the needs of the rural areas within the district.

3.8 Under either option, the Commissioners believe that the Local Plan as a whole needs to be reconsidered and planned over an appropriate time table.

### **Approach to Smaller Settlements**

3.9 As outlined in Section 2.0 of this document, whilst the adopted Local Plan Strategy Document does not assume growth through new allocations in 'Other Villages' within the settlement hierarchy it does allow for growth which is necessary to support a sustainable, vibrant and health rural economy and communities.

3.10 This would indicate appropriate housing development in sustainable rural locations to allow for the continued viability of these settlements. This is something echoed within the aforementioned Housing White Paper (which suggests identifying small and medium sites for such purposes) and paragraph 55 of the NPPF which states:

**"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby."**

3.11 However, such an approach is not applied through the Council's Local Plan and further strengthens the Commissioners' view that the Local Plan, as a whole, should be reviewed. Again, on this basis object to Policies SD1 and SD2 and deem them to be unsound for not being positively planned, being ineffective and inconsistent with national policy.

3.12 However, irrespective of whether the Local Plan as a whole is revisited, the Local Plan Sites Document and Policies Map should seek to facilitate such rural development by allowing alterations to development limits within villages to accommodate some growth over the plan period. Currently it is the Commissioners' view that the settlement boundaries are drawn too tightly which restricts growth options in these settlements and will not allow development to secure their future viability. As such we deem the Policies Maps to also be unsound on the basis of not being positively planned, ineffective and contrary to national policy.

3.13 As an example, the Commissioners own land around the village of Claxton. This village, along with neighbouring settlements such as Sand Hutton, can be regarded as a sustainable hub of villages with the necessary facilities which can support further growth in line with paragraph 55 of the NPPF and which have good access to both Malton and York. We have annotated the Commissioners' ownership on the plan in **Appendix A** of this document. This represents land which could be used to accommodate future growth within Claxton on the basis of amended settlement boundaries. We believe this site is suitable to come forward for development given that:

- Access to the site would be achievable from Whinny Lane;
- The land lies in an area of low flood risk (zone 1);
- The site is not located within an ecologically sensitive area;
- The land has not been identified through the emerging Local Plan as 'A Visually Important Undeveloped Area' and it is considered that development is capable of being accommodated on the site with minimal visual impact by utilising existing planting and through the provision of additional planting;
- There are no known ground conditions which would prevent development on the site;
- The site is capable of accommodating a design which is sympathetic to the character of the area and that would have minimal heritage impact; and
- The site could form a logical extension to the village and would not represent intrusive development in the countryside. Instead it could be seen as being consistent with the built form of housing to the south of Whinny Lane (most notably Green Hills).

3.14 As a result of this, the Commissioners believe there are no overriding technical reasons which would prevent the land coming forward for development, and the revisiting of the village's development boundaries would allow this to take place. In fact, allowing such sites to come forward would assist in ensuring such villages remain viable settlements and that the district's rural economy is supported (as required by the NPPF).

3.15 The land at Claxton can therefore be assessed as:

- Available – The land is wholly owned by The Commissioners and so would be readily deliverable.
- Suitable – Our initial analysis of the land is that it is capable of being brought forward without insurmountable technical constraints.
- Achievable – The Commissioners have the resources and commitment to ensure that development on the land is achievable.

3.16 The approach of revisiting development limits to villages to allow future growth becomes ever more important given that there are so few housing allocations being put forward through the Local Plan Sites Document and Policies Map. This means that delays in the delivery of some of these allocations may have a material effect on the Council being able to fulfil its Local Plan target of 3,000 new homes over the plan period; especially if a number of the larger allocations start experiencing delivery problems. The approach of appropriately widening development limits within smaller villages could therefore help maintain housing supply and ensure it is distributed to a wider variety of settlements. It is the Commissioners' view that such flexibility should be included in the plan. This requirement is clearly outlined in paragraph 14 of the NPPF which outlines that Local Plans should be flexible enough to respond to rapid change. This would ensure the soundness of Policies SD1 and SD2.

#### **Comments on Other Policies**

3.17 The Commissioners also own land around the National Agricultural and Food Innovation Campus ("NAFIC") outside of Sand Hutton; including land both within and outside of the York Green Belt. It is noted that Policy SD15 accepts development in principle for land within the defined boundaries of the NAFIC, however these are drawn tightly to the existing built form of the campus.

3.18 The future growth of the NAFIC is supported by the Local Enterprise Partnership ("LEP") who see the opportunity to establish the area as an international centre for food science. In this case the Commissioners would argue that additional land beyond the campus' current development limits should be identified which could accommodate future growth (if required).

This is important so as to allow flexibility in the approach to the future vision for the NAFIC over the next decade and beyond.

- 3.19 As such we deem the current approach on Policy SD15 and the corresponding Policies Map, which is simply to roll forward the current development boundaries, to be unsound and object to it on the basis of not being positively planned, not being justified, being ineffective and contrary to national policy.
- 3.20 As such, there is clearly an opportunity to identify land neighbouring the NAFIC (but not within the Green Belt) to allow for future expansion. This will ensure the soundness of Policy SD15.

## 4.0 SUMMARY AND CONCLUSIONS

- 4.1 These representations have been prepared on behalf of the Church Commissioners for England (“the Commissioners”) and relate to the Publication Draft of Ryedale District Council’s Local Plan Sites Document and Policies Map. Once adopted, this will sit alongside the adopted Local Plan Strategy Document and guide future growth in the district up to 2027.
- 4.2 Whilst the Commissioners do not object to the need for Ryedale to have an up to date Local Plan in place, they have concerns that the time taken to get the Local Plan Sites Document and Policies Map to this stage means that by the time the document is adopted the Council will be over a third into the overall plan meaning that the allocations contained within the document would cover a period of less than 10 years.
- 4.3 Against this background the Commissioners have concerns regarding the soundness of planning for future growth in this way and have put forward that a new Local Plan should be undertaken or the plan period of the existing Local Plan should be extended to take into account the time it has taken to reach this stage.
- 4.4 Related to this is how the Local Plan Sites Document and Policies Map accommodate growth within smaller settlements (identified as “Other Villages” in the adopted Local Plan Strategy Document). Currently there are no allocations for growth in such villages and tightly drawn settlement boundaries leave little opportunity for future development; despite the Local Plan Strategy Document outlining that such development may be needed to support a sustainable, vibrant and healthy rural economy and communities. This point is echoed in the NPPF and is put forward amongst the proposals outlined in the Government’s Housing White Paper. As such, we advocate that development limits of ‘Other Villages’ should be revisited so as to allow growth over the plan period. In particular the Commissioners’ land around Claxton is clearly a suitable candidate to facilitate growth and would represent development which is sustainable.
- 4.5 This approach to accommodate growth in ‘Other Villages’ would also ensure that if delivery stalls on some of the allocated sites within the Local Plan, that additional opportunities for growth are presented.
- 4.6 This need for flexibility can equally be applied when examining the NAFIC near Sand Hutton where the Council should consider identifying land for the campus to grow in the future given that it has been identified by the LEP as a business which it is seeking to put forward as a national/international centre in the industry.
- 4.7 We trust our comments above will be duly considered by the Council and forwarded on to the Planning Inspector. In the meantime, the Commissioners are keen undertake dialogue with the Council regarding the issues raised.

# **APPENDIX A**

Land at Claxton

