


'A' ITEM

	<p align="center">REPORT TO PLANNING AND DEVELOPMENT COMMITTEE TO BE HELD ON 19 OCTOBER 2009</p> <p align="center">AND TO CABINET TO BE HELD ON 20 OCTOBER 2009</p>	
	Key Decision	YES or NO
Corporate Priority	Forward Plan Ref No	Insert here or put N/A
	Cabinet Portfolio Holder	Cllr D Bastiman

**REPORT OF THE HEAD OF REGENERATION AND PLANNING –
09/577**

WARDS AFFECTED: ALL

**SUBJECT: SCARBOROUGH BOROUGH LOCAL DEVELOPMENT
FRAMEWORK – CONSULTATION DRAFT CORE STRATEGY AND
HOUSING ALLOCATIONS DEVELOPMENT PLAN DOCUMENTS**

RECOMMENDATION (S):

1. That Members agree to the publication of the following documents (and the supporting documentation referred to in this report) for public consultation:
 - (a) Core Strategy
 - (b) Housing Allocations

2. That any substantive changes to the documents arising from Members discussions be subsequently cleared with the Leader of the Council and Chair of Planning and Development Committee prior to publication.

REASON FOR RECOMMENDATION (S):

The Planning and Compulsory Purchase Act (2004) requires local planning authorities to prepare a Local Development Framework, a portfolio of documents that will, over time, form part of the statutory development plan, and the basis for land use decisions and the determination of planning applications. A key requirement of the detailed processes involved in document preparation is

widespread public and stakeholder consultation. Further to previous stages of consultation, it is recommended that 2 key documents – the Core Strategy and the Housing Allocations Development Plan Documents are published for consultation. The results of the consultation process will subsequently be reported back to Members prior to finalisation of the documents in question.

HIGHLIGHTED RISKS:

In July 2009 Planning and Development Committee and Cabinet considered Report 09/396, which set out proposals for a revised work programme in respect of the Local Development Framework. That report highlighted the significant problems that the Local Development Framework process has encountered nationally, and has seen just 12% of local planning authorities successfully navigate the procedures involved and adopt any kind of development plan document. There are many different reasons that have seen documents either found ‘unsound’ by Planning Inspectors following costly ‘examinations-in-public’, or withdrawn on the advice of Inspectors prior to the examination process even beginning, ranging from inadequate evidence bases to a lack of locally distinctive policies. The need to provide both the public and other key stakeholders with clear opportunities to shape and inform documents – thereby doing all possible to reduce the number of ‘fundamental’ objections to documents, and reach as much consensus and agreement as can be realistically achieved – is extremely important. At the same time, the longer key documents take to be formally adopted, the greater the risks of planning decisions being taken without fully up to date policies, and in the case of housing development, the greater the prospects for developers to use ‘loopholes’ in national planning guidance to push through proposals in advance of the Local Development Framework, potentially producing less coherent, ‘ad hoc’ patterns of development.

The report proposes the publication of both a draft Core Strategy and draft ‘preferred’ housing allocations, and whilst, in their own right these documents do not have any status in terms of planning decisions they will provide all interested parties with an opportunity to assess the proposed direction and content of the documents and enable further informed deliberation of the contents prior to their finalisation in light of the comments received.

1. INTRODUCTION

- 1.1 Members will be aware from a number of reports in recent years of the system of development plan preparation that was introduced in the Planning and Compulsory Purchase Act 2004, which requires Local Plans to be replaced, over time, by a portfolio of planning policy documents known collectively as the Local Development Framework (LDF). LDFs differ significantly from Local Plans in comprising a number of separate documents (‘development plan documents’ and ‘supplementary planning documents’), and in the processes under which they are developed and ‘examined’.
- 1.2 Members will recall that two key LDF documents have been prioritised – the Core Strategy and Housing Allocations Development Plan Documents.

2. CORPORATE AIMS/PRIORITIES AND THE COMMUNITY PLAN

- 2.1 The LDF will be central to the delivery of the emerging Sustainable Community Strategy, and the two documents are closely aligned in terms of process and content.

3. BACKGROUND AND ISSUES

- 3.1 The issues for Members consideration are:

- The draft Core Strategy – appended to this report.
- The draft ‘preferred’ Housing Allocations – text and map documents appended to this report

4. CONSULTATION

- 4.1 Both documents have been prepared in light of significant consultation within the Borough Council, with external partners and stakeholders, and with regard to previous consultation with the wider public. Detailed Member involvement has been facilitated through the Local Development Framework Members Working Group which has met on a number of occasions to discuss matters of policy and site selection. Briefing Sessions open to all Members have also been held.

5. ASSESSMENT

5.1 The Core Strategy

- 5.1.1 Members will be aware that the Core Strategy is the central element of the LDF, in that it sets out the long term vision and high level approach towards the scale, type and distribution of development that is planned for across a local planning authority area.
- 5.1.2 Members will also recall that following initial consultation in late 2005, the Borough Council published a Core Strategy ‘preferred options’ document for consultation in September 2006. This coincided with the issue of the Planning Inspectors’ reports into the first two Core Strategies that had been subject to ‘examinations-in-public’. Both documents were found ‘unsound’ (for a range of reasons), and the implications of these decisions – and those of others across the country over the following months – led officers to the conclusion that there was a need to develop a much more comprehensive evidence base to support the Core Strategy and the LDF in general.
- 5.1.3 A series of technical documents have therefore been assembled – or are in preparation - to provide baseline information from which issues and policy responses can be derived. These documents (some of which have been undertaken in house and some commissioned from specialist consultancies) include:

- Strategic Flood Risk Assessment
- Employment Land Review
- Housing Market Assessment
- Retail Study
- Strategic Housing Land Availability Assessment
- Open Space Study
- 'Green Infrastructure' Study
- Infrastructure Implementation Study
- Affordable Housing Viability Study

5.1.4 One of the major changes in expectations in terms of the content of Core Strategies is the move towards more detail on the distribution of development across the plan area, in particular housing, and the changes from the initial requirement that the Core Strategy be non-site specific, to the stage where they should indicate areas of proposed significant change and development, effectively showing 'strategic allocations'.

5.1.5 This has necessitated bringing forward site specific assessment work to ensure that a realistic and deliverable distribution of housing can be set out within the Core Strategy, and to determine whether the amount of new housing development that the LDF has to plan for necessitates the identification of one or more 'strategic' allocations.

5.1.6 Officers are of the view that the Core Strategy has reached the stage where it would be beneficial to facilitate a period of consultation to enable all interested parties to assess the revised scope and detail within it. It is stressed that the document and its supporting evidence is not complete or 'set in stone', and members will have every opportunity to re-consider the contents in full further to the consultation results. The revised Core Strategy forms Appendix 1 of this report.

5.1.7 The version of the Core Strategy being considered by Members at this time does not differ in terms of fundamental strategy from the version produced in late 2006. The core principles that were set out within the 2006 Core Strategy were in general terms supported through the associated consultation process.

5.1.8 Where the documents does differ from its predecessor is the level of detail provided, in terms of the implementation of the key principles. This reflects the changing expectations of Core Strategies generally revealed through various examinations in public held across the country whereby a key aspect increasingly is the need for the Core Strategy to be the conduit for important strategic decisions to be made.

5.1.9 Members are strongly urged to read the document in full, and to set the scene the structure of the document is as follows:

- **Chapter 1 – Introduction** – outlines what the LDF is, what the Core Strategy is, what the ‘narrative’ of its development is, and what the purpose of this phase of consultation is.
- **Chapter 2 – Background and Context** – includes a profile of the Borough, identifying important issues that the LDF should address
- **Chapter 3 – Scarborough Borough in 2026** – an important ‘scene-setter’ for the LDF as a whole – what changes does the LDF want to bring about over the plan period. It is important we get this right, and that it reflects adequately key issues and aspirations across the Borough. Work on the Community Strategy will inform this section further, prior to the submission stage being reached.
- **Chapter 4 – Spatial Strategy** – includes settlement hierarchy, with overall approaches for the towns and villages around the Borough – again, it is important that the right ‘tone’ is set in this section, and that the policies later in the document can be shown to deliver that which is proposed. In short the approach is:
 - ‘Grow’ Scarborough, increasing its importance as the ‘coastal capital’, acting as the focus for most of the Borough’s housing and economic development.
 - Consolidate Whitby’s role as a Principal town serving the northern part of the Borough, but with limited outward expansion in light of the quality of it’s landscape setting.
 - Maintain and enhance the distinct character of Filey and Hunmanby and their roles in serving the southern part of the Borough.
 - Support economic prospects and the provision of facilities in the ‘service villages’ of Burniston, East & West Ayton, Seamer, Sleights and Snainton whilst restricting housing development to meeting local needs.
 - Restrict development in the non-service villages to maintain the character of the rural villages and countryside. New housing development will be restricted to development that meets identified local needs only.
- **Chapter 5 – Detailed Strategy Summary** – contains a table that briefly outlines the content of the remainder of the Core Strategy document and the spatial objectives which are most relevant to each chapter.
- **Chapter 6 – The need for a Strategic Growth Area** – addresses the case for a significant degree of growth to be focussed on a key area, assesses options that exist, and proposes a preferred strategic growth area.

- **Chapter 7 – Protecting and Enhancing the Special Character of Scarborough Borough** – this two-part chapter comprises the preferred policy approach to protecting the distinctive character of the Borough’s countryside and coastal landscape and the built character of the settlements.
- **Chapter 8 – Meeting Housing Needs in the Borough** – This chapter sets out the preferred approach for housing in the Borough, encompassing the distribution of the amount of new housing set for the Borough in the Regional Spatial Strategy. This chapter also addresses the phasing of housing land release, housing mix and affordable housing requirements as well as the needs of the gypsy and traveller community.
- **Chapter 9 – Sustaining the Economy** – This chapter deals with the approach to providing sufficient and well located employment land to develop and expand the economy and range of jobs in the Borough. Notwithstanding the current uncertain economic climate, this chapter plans for the longer term to 2026.

Given the important role of tourism within the local economy, this chapter contains a section that sets out the proposed approach for the development of tourist accommodation and facilities across the Borough in order to sustain the key role of the tourism market within the local economy.

This chapter also considers the role of retail, leisure and cultural development in sustaining and enhancing the Borough’s town and village centres.

- **Chapter 10 – Sustainability and the Environment** – This chapter is divided into 3 sections. The first is the proposed policy approach to the sustainable use of resources in addressing climate change. The core strategy has a role in helping to reduce CO2 emissions in the Borough by guiding the location and design of new development and influencing the use of finite natural resources at all stages of the development process.

This chapter follows on from chapter 5 in outlining a policy approach to protecting the biodiversity of the special character of the Borough’s countryside and coast.

Finally the chapter considers the potential local impacts of climate change and the changing impacts of the forces of nature including flood risk and coastal erosion.

- **Chapter 11 – Accessibility and Infrastructure** – sets out a preferred approach to influencing improved transport infrastructure and

accessibility by modes of transport other than the private car. This includes protecting land or routes identified in the local Transport Plan.

Following on from this is a preferred approach to ensuring that development meets other community needs, in particular local facilities, public open space and safe environments

This chapter also proposes an approach to requiring developments to contribute to Planning Obligations and a Community Infrastructure Levy. It is important to ensure that sufficient infrastructure, services and facilities are available to serve the needs of new and existing development.

- **Appendices** – includes a summary of how relevant strategies and plans at the Borough and regional level influence the Core Strategy.

5.1.10 Stylistically, the document is deliberately set out as a ‘work in progress’ highlighting aspects where either base information is weak or missing, and in terms of policy areas highlighting ‘new’ to the Core Strategy with an explanation as to why certain policy choices have been selected together with ‘open’ questions.

5.1.11 Efforts have also been made to show the results of previous stages of consultation, and demonstrate how these have been taken into account in shaping the Core Strategy. It should be noted that, in effect, ‘consultation’ has been continuous since the inception of the Core Strategy process, and officers have worked hard to generate internal input from across the Borough Council and from other external agencies. In the case of the latter numerous meetings and discussions have been held with a wide range of bodies, such as Natural England, the Environment Agency, Highways Agency, Education Authority and local development industry and tourism providers.

5.1.12 Members should also note that the draft Core Strategy also reflects the emerging work in respect of the Sustainable Community Strategy, and the finalised version will fully relate to the completed SCS, and will take into account the consultation outputs of that document.

5.1.13 A significant addition to the draft Core Strategy is the inclusion of a ‘strategic growth area’ to the south of Cayton, capable of accommodating in the region of 2500-3000 new homes (see chapter 3). Members will recall that the Core Strategy and Housing Allocations Consultation in 2007 highlighted a number of potential growth areas where a concentration of new development could take place. Further detailed assessment of all housing sites across the Borough has led to the following conclusions:

- i. If Scarborough is to act as the focus for a significant amount of total housing provision then a strategically significant amount will need to be concentrated in a particular area, and

- ii. at this stage, land to the south of Cayton represents the area with the greatest potential to accommodate a significant amount of new housing.

5.1.14 It should be stressed that this does not mean that the other areas that had been identified will not be required to make a contribution towards housing delivery. The inclusion of a specific Core Strategy policy relating to this area is in recognition of the wider 'strategic' potential it presents, and the fact that if that area were not to make a substantial contribution in terms of housing delivery, the degree to which the greater Scarborough area could act as the focus for development would be significantly compromised. Put simply, if the land to the South of Cayton is not able to make a significant contribution of housing numbers, it is very difficult to make good this deficit elsewhere around the town with the implication that development may have to be dispersed around the Borough to a much greater extent. This would be a less sustainable strategy, and one which may prove less in accordance with the provisions of national and regional policy, and thus more open to challenge by a Planning Inspector at the examination in public.

5.1.15 In summary, Members are reminded that subject to endorsement at Planning & Development Committee and Cabinet, the Core Strategy will be published for consultation. This is not the final opportunity that Members will have to discuss and debate the Core Strategy, and Members will be able to revisit the document in full, and in light of the consultation responses received, prior to formally submitting the Core Strategy for examination in 2010. It is important that there is clarity in terms of what this stage of consultation is about:

- (a) It provides an opportunity for interested groups and individuals to comment on what is a more detailed policy framework within this Core Strategy when compared to the version produced in 2006 (although most of the core principles/objectives remain the same).
- (b) It enables feedback on whether the expanded scope of the Core Strategy is pitched at the right level (in terms of what is intended to be a more locally distinctive and tighter set of policies).
- (c) It enables transparency in terms of LDF processes by ensuring consultees can respond to 'new' policy areas before we reach submission stage.
- (d) Publication alongside the Housing Allocations work means that both the public and stakeholders can see the potential implications of the spatial strategy/approach towards housing distribution. This should crystallise the views of key stakeholders and in particular infrastructure providers and ensure that they engage as the strategy is further refined and moves towards formal submission.

5.2 Housing Allocations

- 5.2.1 Members will recall that this element of the LDF was prioritised to ensure that sufficient evidence exists to underpin the overall direction of the Core Strategy in terms of the pattern and scale of residential development it sets out. Members will also be aware that the complexity of this issue has been somewhat exacerbated by changes to national planning policy guidance (which removes the ability of local planning authorities to make assumptions on the contribution that 'windfall' sites - i.e. unallocated generally small scale redevelopment opportunities - will make to the overall supply of housing). In addition increases in the Borough's housing allocation made late in the Regional Spatial Strategy preparation process have resulted in the situation where the LDF will be charting a much greater level of growth, in particular through the potential use of 'greenfield' sites, than was envisaged back in 2006.
- 5.2.2 Following a 'call for sites' and the identification of other potential development sites, somewhere in the region of 300 individual sites have been assessed for development suitability. A standardised methodology has been established to provide a consistent basis – this forms Appendix 2 of this report.
- 5.2.3 Significant public interest and participation has been engendered, primarily through a high profile consultation exercise undertaken in late 2007/early 2008, which resulted in close to 2000 people attending a range of exhibitions around the Borough. In addition the scale of development to be accommodated, and the procedural requirement to be able to demonstrate the deliverability of sites, has necessitated a great deal of wider stakeholder engagement, with a range of bodies (e.g. Education Authority, Highways Agency, Environment Agency) all involved to a greater or lesser degree in informing the site selection process. Unfortunately, as a result of the wider economic situation, it is fair to say that the level of evidence from the development industry in support of most potential sites has been slight, placing the onus on the Forward Planning Team to pull information together in order to generate sufficient evidence to 'test' sites appropriately.
- 5.2.4 Nevertheless it is considered that this work has reached the stage where a potential pattern of development has emerged, that finds an appropriate balance between meeting national and regional policy objectives whilst recognising localised opportunities and constraints.
- 5.2.5 Members should note that the sites identified provide a pattern of development that reflects the distribution figures set out in Chapter 6 of the draft Core Strategy. Again, it is stressed that the identification of sites as being 'preferred' allocations at this stage does not alter their formal status in planning terms, and Members will be able to re-evaluate sites in light of the consultation responses received prior to finalising the list of sites that would subsequently be submitted to Government, triggering the beginning of the 'examination in public' process.

5.3 The Consultation Process

5.3.1 Subject to Member approval, both the Core Strategy and Housing Allocations will be published for consultation as soon as is practicably possible, to run until the end of the year. Documents will be available on line (with the opportunity for interested parties to make representation via the 'Limehouse' consultation system), in cd format, and in paper form. Copies will be available at all Council Offices and local libraries, and will be provided to all Parish Councils. All contacts logged with the LDF mailing list will be informed of the consultation, and a press release will be issued.

5.3.2 To publicise the process further a programme of exhibitions is proposed to take place across the Borough, similar to that which accompanied the Housing Sites consultation in 2007. These will be in the form of 'drop in sessions' with officers present to answer any questions. Copies of the documentation will also be available for people to take away with them. These events will be advertised in the local press and through posters displayed around the Borough.

5.3.3 It should be noted that in addition to the 2 main documents, sustainability appraisals of each have been produced. In the interests of brevity these have not been included in the appendices to these reports, but copies has been placed in the Members Room, and can be made available on request. In addition all the housing site assessments are also available in the Members Room. These documents will also be available as part of the consultation documentation, which means that in full, the published material will comprise:

- Draft Core Strategy Document
- Draft Core Strategy – Sustainability Appraisal
- Draft Core Strategy – Response Form
- Draft Preferred Housing Allocations - Text Document
- Draft Preferred Housing Allocations – Location Plans
- Draft Preferred Housing Allocations – Response Form
- Housing Site Assessments – Preferred and Discarded sites
- Draft Preferred Housing Allocations – Sustainability Appraisal

6. IMPLICATIONS

(a) Policy

6.1 The issues in this report provide a mechanism for subsequently updating the Borough Council's planning policies.

(b) Financial

6.2 The Forward Planning budget takes into account the commitments and resource implications of the implementing these parts of the LDF.

(c) Legal

- 6.3 The Town & Country Planning Act places a duty on local planning authorities to produce and adopt an LDF as replacement to the current Borough Local Plan.

(d) Staffing

- 6.4 In light of the role of the LDF in both updating the planning policy framework in the Borough, and in terms of providing a means by which Government can assess the Council's performance, it is important that the preparation of the LDF be an agreed priority. The planned programme of document preparation is based upon existing staff resources. Staff retention remains as issue within planning generally, and in recent years the Forward Planning team has seen a relatively significant turnover in staff, and prolonged periods operating at reduced capacity. Any future reductions in capacity could affect the delivery of certain elements of the LDF.

(e) Others

- 6.5 The LDF itself has direct implications on the following.

Environmental and Sustainable Development – by promoting development of a type and location compatible with the principles of sustainable development.

Crime and Disorder Act 1998 – by addressing issues in respect designing out crime.

Co-operation with Health Authorities – consultation with relevant bodies has been, and will continue to be, a central element of LDF work.

Equality Implications – policies within the LDF seek to promote equitable patterns and forms of development.

Health and Safety Issues – no direct implications.

7. ACTION PLAN

- 7.1 October – Any changes to documents as a result of members deliberations discussed and agreed with Leader, relevant Portfolio holders and Chair of Planning and Development Committee.
- 7.2 October/November – Publication of draft Core Strategy and Draft 'Preferred' Housing Allocations for consultation
- 7.3 November/December – Exhibitions and meetings across the Borough in conjunction with the consultation process.

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Background Papers:
None.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT David Walker ON 01723 383504 e-mail david.walker@scarborough.gov.uk

Risk Matrix

Risk Ref	Date	Risk	Consequences	Mitigation	Current Risk Score	Target Score	Service Unit Manager/ Responsible Officer	Action Plan
1		Council does not consult thoroughly on Core Strategy and Housing Allocations DPD prior to formal submission.	DPDs may be found unsound by Planning Inspector if issues of concern emerge late in the day. This would require the Council to begin the LDF process again, and would lengthen the period of transition between the Local Plan and LDF, leading to continued reliance on ageing policies and leaving the Council vulnerable to planning applications for sizeable developments outwith the adopted Plan.	Publish draft document for consultation, and take full account of consultation responses prior to finalisation of documents.	D4	B4		None

Glossary of Terms

Risk	An event which may prevent the Council achieving its objectives
Consequences	The outcome if the risk materialised
Mitigation	The processes and procedures that are in place to reduce the risk
Current Risk Score	The likelihood and impact score with the current mitigation measures in place
Corporate Objectives	An assessment of the Corporate Objectives that are affected by the risk identified.
Target Risk Score	The likelihood and impact score that the Council is aiming to achieve
Service Unit Manager	The Service Unit or Officer responsible for managing the risk
Action Plan	The proposed actions to be implemented in order to reduce the risk to the target score

Risk Scoring

Impact	5					
	4					
	3					
	2					
	1					
		A	B	C	D	E
	Likelihood					

Likelihood:

A = Very Low
 B = Not Likely
 C = Likely
 D = Very Likely
 E = Almost Certain

Impact

1 = Low
 2 = Minor
 3 = Medium
 4 = Major
 5 = Disaster