

	<b>REPORT TO PLANNING &amp; DEVELOPMENT COMMITTEE TO BE HELD ON 8 OCTOBER 2015 AND CABINET ON 20 OCTOBER 2015 AND FULL COUNCIL ON 2 NOVEMBER 2015</b>
	<b>Key Decision</b> <b>YES</b>  <b>Forward Plan Ref No</b> <b>SP&amp;T3</b>
<b>Corporate Priority: The Local Plan is relevant to and affects all aims contained within the Corporate Plan.</b>	<b>Cabinet Portfolio</b> <b>Cllr J Plant</b> <b>Holder</b>

**REPORT OF DIRECTOR (TW) – 15/238**

**WARDS AFFECTED: ALL**

**SUBJECT: THE PUBLICATION OF THE PROPOSED SUBMISSION SCARBOROUGH BOROUGH LOCAL PLAN AND, SUBJECT TO ANY MINOR AMENDMENTS RESULTING FROM THE REPRESENTATIONS RECEIVED, ITS SUBMISSION TO THE SECRETARY OF STATE FOR INDEPENDENT EXAMINATION.**

**RECOMMENDATION (S):**

That Members agree:

- (a) to the publication of the Proposed Submission Scarborough Borough Local Plan for the six week representation stage under Regulation 19 of The Town & Country Planning (Local Planning) (England) Regulations 2012;
- (b) that subject to any minor amendments agreed by the Chair/Vice Chair of Planning & Development Committee and the Planning Portfolio Holder, the Scarborough Borough Local Plan be submitted to the Secretary of State in accordance with Regulation 22 of The Town & Country Planning (Local Planning) (England) Regulations 2012;
- (c) that the Borough Council formally request that the appointed Planning Inspector make any modifications to the Local Plan considered necessary to make the Local Plan sound, under Section 20(7c) of the Planning and Compulsory Purchase Act 2004 (as amended);

- (d) subject to any modifications made under (c) by the Planning Inspector, that officers are granted delegated authority to consult on such modifications;
- (e) that following the receipt of the Inspectors Report upon conclusion of the Independent Examination (Regulation 24 of The Town & Country Planning (Local Planning) (England) Regulations 2012) the Local Plan be brought back to Members for formal adoption; and
- (f) to the drawing down of circa £100,000 from the budget set aside for the Local Plan Examination in Public at the required time as requested by the Planning Inspectorate (2016/17).

## **REASON FOR RECOMMENDATION (S):**

The Planning and Compulsory Purchase Act (2004) and the National Planning Policy Framework (NPPF) require local planning authorities to prepare local plan (formerly local development framework) documents that form part of the statutory development plan and are the basis for land use decisions, allocations and the determination of planning applications.

A fundamental requirement (Regulation 18 of the Town & Country Planning (Local Planning) (England) Regulations 2012) of the overall local plan preparation process is widespread community and stakeholder engagement. Consequently over recent years the Council has sought to engage widely on the Local Plan to inform and shape its direction and contents. This report recommends that the Plan progress to the Proposed Submission Stage (Regulation 19 of the Town & Country Planning (Local Planning) (England) Regulations 2012) and be published for a period of 6 weeks for formal representations to be made, the results of which will be reported back to Members prior to the document being submitted to the Secretary of State under Regulation 22 of the Town & Country Planning (Local Planning) (England) Regulations 2012).

## **HIGHLIGHTED RISKS:**

The main risk relates to the failure to progress the Plan towards adoption.

This failure to adopt a new local plan and the reliance on an out of date plan makes the Borough Council less able to focus development in areas that meet wider strategic objectives, and more susceptible to speculative planning applications potentially at locations that are not considered to be appropriate and/or the best options for development. The lack of an adopted plan makes it more difficult to resist such proposals and could result in development taking place in an unstructured and uncoordinated manner.

Furthermore, the Government has recently announced that they are setting a 'cut-off' point for the production of Local Plans. The recent publication, 'Fixing the Foundations: creating a more prosperous nation' (10 July 2015) set out that where Local Plan progress is not considered acceptable and a Plan is not in place by a set deadline, the Secretary of State for Communities and Local Government will intervene to arrange for local plans to be written, in consultation with local people. An

indicative 'cut-off' date of early 2017 was announced.

## 1. INTRODUCTION

- 1.1 Members will be aware that the Local Plan has been under preparation for a number of years and has had to evolve as a result of on-going and significant changes to the Planning System. From 2004 onwards the requirement was to replace the existing Borough Local Plan (1999) with a suite of documents under the umbrella title of the 'Local Development Framework'. Comprehensive work including community engagement and consultation took place on a number of documents; individually titled the Core Strategy, Housing Allocations Development Plan Document and the Community, Environment and Economy Development Plan Document. These reached varying stages of production when the Government changed the national planning system with the introduction of the Localism Act, the National Planning Policy Framework and the abolition of Regional Spatial Strategies and Planning Policy Statements.
- 1.2 This resulted in a fundamental change to the production of local planning documents. Previously specific targets (including those for house building) and associated policies were set at the regional level. For the Borough Council this meant that the Local Plan had to accord with the requirements of the Yorkshire and Humber Regional Plan. The abolition of the Regional Plan resulted in substantial further work having to be carried out at the local level. Most significantly this involved the Borough Council having to determine locally derived housing needs which in turn influences the number and scale of housing allocations required within the Local Plan.
- 1.3 The National Planning Policy Framework (and the online Planning Practice Guidance) sets out the requirement for Local Plan documents and must be adhered to when preparing both planning policy documents and making planning decisions. The Planning Practice Guidance website suggests that Local Plans should be '*focused, concise and accessible. They should concentrate on critical issues facing the area..... in drafting policies the local planning authority should avoid undue repetition, for example by using generic policies to set out principles that may be common to different types of development. There should be no need to reiterate policies already set out in the National Planning Policy Framework.*'
- 1.4 For this reason, the new style of Local Plan is significantly different from those produced previously and tends to be more succinct in nature. They must be positively prepared and avoid simply becoming Development Management tools with excessive policies covering every eventuality.
- 1.5 This report provides an overview of the main components of the Local Plan and its structure; however, it does not cover every policy contained within the document. A comprehensive presentation on the Local Plan was held on 24 September 2015 to which all Members of the Borough Council were invited. All Members are encouraged to read the Draft Local Plan (which is appended to this report) in full to appreciate the breadth of the issues covered and the

extent of the allocations proposed, in addition to the detailed wording of policies.

- 1.6 The report also refers to the evidence that has been used to support the Plan and the Proposed Submission Plan's status and relative weight in determining planning applications.

## **2. CORPORATE OBJECTIVES AND THE COMMUNITY PLAN**

- 2.1 The Local Plan covers a wide range of issues. It is one of the primary documents that will assist in realising the vision, aims and objectives of the Corporate Plan and the Sustainable Community Strategy. As such it is closely aligned with these documents.

## **3. BACKGROUND AND ISSUES**

- 3.1 The issue for Members consideration is the Proposed Submission Local Plan and the publication of the document for public consideration under Regulation 19 of The Town & Country Planning (Local Planning) (England) Regulations 2012.

## **4. CONSULTATION**

- 4.1 The document has been prepared in light of substantial stakeholder consultation and involvement in previous Local Plan documents and associated consultation. Whilst the name has changed from Local Development Framework to Local Plan, documents previously consulted upon and the comments received at various stages of consultation remain relevant and have been drawn on in shaping the Proposed Submission of the Local Plan.
- 4.2 Member involvement in policy formulation has continued since the publication of the draft Local Plan in summer 2014 through the Local Plan Members Working Group which meets regularly to discuss evolving policy, allocations and the overall content of the plan. A briefing session to which all Members were invited was held on 24 September 2015. Members in attendance were supportive of the content of the Plan for publication and raised no substantive concerns over the policies or allocations contained within the document.
- 4.3 Subject to the document being approved, it will be published to allow for formal representations to be made. This period will run from 6 November 2015 to 5pm on 18 December 2015. This will be a formal cut off point, and responses received after the deadline will not be accepted. In light of previous consultations it has been noted that Town and Parish Councils often struggle to meet the set period allocated for responding as this does not always accord with meeting schedules. Your officers have therefore written to all Town and Parish Councils in August to notify them of the upcoming consultation providing them with over two months to schedule meetings accordingly.

- 4.4 The current stage in the process involves the publication of the Plan that the Borough Council proposes to submit to the Secretary of State and ultimately adopt. This stage is akin to a legal process whereby representations must be made in an 'approved' format and comments based on the legal compliance or 'soundness' of the Plan.
- 4.5 Consultees must therefore make representations in line with this format and any objections must relate to whether the Plan has not been produced legally or, in relation to specific objections, how it has failed to meet the tests of soundness. The following is a brief explanation of the manner in which representations must be made.

#### Legal Compliance

- 4.6 If an objector wishes to object to the legal compliance of the Local Plan, it must be demonstrated that the Local Plan
- has not been developed in accordance with the Local Development Scheme (the Plan timetable);
  - does not accord with the Statement of Community Involvement and allowed for appropriate and meaningful community involvement;
  - is not supported by a Sustainability Appraisal Report and Habitat Regulations Assessment; and
  - has not been prepared with the engagement of adjoining authorities (i.e. it does not meet the Duty to Cooperate).
- 4.7 In respect of the above and in the opinion of your officers, the production of the Local Plan has successfully met all the tests of legal compliance.

#### Soundness

- 4.8 In addition to the legal tests, a Local Plan must be found sound. There are four tests of soundness against which an objector can make representations. These are as follows:
- **Positively prepared** - This means that the plan should be prepared based on a strategy which seeks to meet 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** - This means that the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
  - **Effective** - This means that the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
  - **Consistent with national policy** - This means that the plan should enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework.

- 4.9 Any representations in objection must set out the reasons why the Local Plan (in full or in part) is not legally compliant or is 'unsound'. Further information is also required to establish the means by which an objector would propose to make the Plan either legally compliant or sound. This will normally relate to amendments to text, policies or revised allocations of land.
- 4.10 Clearly this method of making representations is very dissimilar to previous stages of consultation. Therefore it is not proposed to hold the usual series of exhibitions across the Borough that has accompanied previous stages of the Plan. Notwithstanding this, officers appreciate the complexity involved with making sound representations at this stage of the process and the difficulty that individuals may experience in responding in the correct manner. It is therefore proposed to hold three drop-in sessions (details will be released on the Council's website, through twitter and through a formal press release), where officers will be available to provide guidance to attendees. It is stressed that this will focus on the procedure and format of representations rather than debate and discussion on the merits or otherwise of aspects of the Plan.
- 4.11 The documentation will be made available electronically on the Borough Council's website or by e-mail with paper copies available to view at Council Offices (Town Hall, Whitby TIC and Filey Evron Centre) and local libraries. Paper Copies of the Local Plan and Policies Map Document can be provided, however, the costs of producing the documents will be recouped from the person or group requesting copies.

## **5. ASSESSMENT**

### **Plan Area**

- 5.1 The Local Plan covers those parts of the Borough outside the North York Moors National Park. Whitby Business Park has been the subject of a separate 'Area Action Plan', prepared jointly with the National Park Authority, and as such, policies and allocations relating to that specific area do not form part of this Local Plan.

### **What stage is this?**

- 5.2 As referred to in the Introduction, the replacement of the Local Plan has had a lengthy history and has undergone a number of changes, ultimately moving from a Local Development Framework to the more recognisable form of a Local Plan.
- 5.3 The current stage is the Proposed Submission Local Plan. Previous stages of consultation on the evolving document have consulted on 'issues and options', 'preferred options', including housing allocations and most recently the draft Local Plan (May 2014). The previous draft Local Plan provided the opportunity to seek views on potential policies and allocations. This stage sets out the Local Plan in the form that the Borough Council proposes to adopt (Regulation 19) and has taken full account of the responses submitted at the draft Local Plan stage, subsequent changes to national planning policy and/or

guidance and the submission of further evidence by site promoters. Future stages of production are covered later in the report.

### **Evidencing the Local Plan**

- 5.4 The Local Plan must be based on up to date and robust evidence. Over recent months and following the revocation of the Regional Spatial Strategy this has become more evident with many Local Plans around the country being found 'unsound' or not even reaching the examination stage due to concern by appointed Planning Inspectors. This concern is often related to housing numbers which must now be based on locally derived assessments of housing need and markets.
- 5.5 Members will recall considering the 'Objective Assessment of Housing Need' in April 2013. This assessment has subsequently been refreshed with updated Census and employment data, and identifies a need to make provision for around 9681 homes over the Plan period (2011-2032). To briefly sum up the reasons for this housing figure, it was established by assessing demographic changes, the potential growth of the economy, including through the emergence of new sectors such as off-shore wind and potash, and the need to provide affordable housing. This locally derived figure equates to approximately 461 dwellings per annum.
- 5.6 In addition to this critical piece of evidence on housing need, the content of the Local Plan and the policies contained therein take account of the following local evidential documents:
- Employment Land Review (Updated 2015)
  - Landscape Study (2013)
  - Retail Study (2012)
  - Affordable Housing Viability Study (2011)
  - Infrastructure Study and Delivery Plan (Updated 2015)
  - Strategic Housing Market Assessment (2015)
  - Strategic Housing & Employment Land Availability Assessment (2015)
  - Gypsy and Traveller Study (2013)
  - Green Space Audit (2014)
  - Playing Pitch Strategy (2013)

### **The Local Plan Content**

- 5.7 It is not intended to re-state the full content of the Plan as this is appended to the report, however, it is considered relevant to set out the key elements of the document. These are shown in topic or section areas below and accord with the Local Plan sections.

#### Overall Strategy and Settlement Hierarchy

- 5.8 The Local Plan accords with the overall vision and objectives as set out in both the Borough Council's Corporate Plan and Sustainable Community

Strategy. Following criticism that the proposed vision was overly simplistic and not locally specific, this has been re-drafted for this version of the Local Plan.

- 5.9 The broad distribution of development within the Local Plan is proposed to be in accordance with a hierarchy of settlements that recognises their individual function. Scarborough Urban Area will be main focus for growth. Whitby is the focus for growth in the northern part of the Borough within the context of respecting the environmental quality and historic character of the town and its setting. Filey, in conjunction with Hunmanby, will be the focus for development in the southern part of the Borough.
- 5.10 Further down the hierarchy are the service villages of Burniston, East and West Ayton, Seamer, Sleights and Snainton, each of which provides a range of functions for the surrounding rural areas. These settlements are considered to be appropriate for limited levels of development. Additional work has been carried out in relation to the identification of the service villages following comments that Briggswath should be separate to Sleights. This work has concluded that whilst both Briggswath and Eskdaleside have separate identities to Sleights, they do, as a whole, function as a service village. Likewise, Irton has been incorporated into the service village of Seamer.
- 5.11 This is not an indication that housing will be appropriate in these locations; it is simply an appreciation that they are closely related to the service villages. In fact, no housing allocations are proposed in Briggswath, Eskdaleside or Irton.
- 5.12 Below that level in the hierarchy lie what are termed 'rural villages'. These are generally small settlements with only limited services for the immediate community. It is not proposed to direct development towards these settlements or propose any outward expansion, thereby limiting development only to either infill or that which serves identified local needs (rural exception sites).

#### Design and Construction

- 5.13 This section of the Local Plan sets policy on ensuring good sustainable design, the efficient use of land and the protection of amenity, in addition to policy that will be used to determine proposals affecting the historic and built environment.
- 5.14 Following the publication of the draft Local Plan, additional policies on Electric Vehicle Charging Points and Archaeology have been included. This latter policy has been prepared with the full involvement and advice of Historic England (formerly English Heritage) and responds to issues raised in relation to the likely archaeological significance of sites adjacent to Middle Deepdale and Cayton.



## Housing and Communities (Policy and Allocations)

- 5.15 Taking into account the evidence referred to under Para 5.5, the Plan makes provision to deliver a minimum of 9681 dwellings over the Plan period which runs to 2032. This will be delivered from a number of sources including completions from 2011 to date; extant planning permissions, known sources of housing (including current applications) and housing allocations. The latter of these is covered in more detail in the following paragraphs. It is important to note that the Plan has set a threshold of 10 dwelling units for allocations. Within development limits across all settlements small scale development sites below this threshold (and in some cases above) will continue to come forward over the course of the Plan period. Such 'windfall' housing delivery will continue to play a significant role in meeting the overall scale of housing identified within the Plan but has not been taken into account in planning to meet the housing target.
- 5.16 Housing Allocations - The Plan allocates land for housing across the Borough (excluding the North York Moors National Park area) with the majority of provision (over 75%) being allocated in Scarborough Urban Area; defined as Scarborough town, Newby, Scalby, Osgodby, Eastfield, Cayton and Crossgates. As Members will appreciate, development in this area is heavily constrained by the National Park to the north-west and the North Sea to the east. This limits options for outward expansion, other than to the north and the south of the town. The land proposed for allocation within the Local Plan to the north and east of Scalby could deliver an indicative total of 900 dwellings (in addition to the 500 dwellings under construction at High Mill Farm). Land to the south of the town could deliver around 4000 homes (in addition to the 1350 dwellings under construction at Middle Deepdale). The strategic growth area referred to as 'South of Cayton' is covered separately later in this report.
- 5.17 A site in the Scarborough Urban Area that is recommended for inclusion within the Local Plan but did not appear in previous drafts is the site of Yorkshire Coast College. This is included following the announcement of the college relating to their intention to relocate and the subsequent submission of this site.
- 5.18 Taking into account existing commitments, the Local Plan makes provision to deliver around 1100 dwellings at Whitby, which represents just over 11% of total supply. There are seven proposed allocations within the Whitby area with the largest development site being proposed on land opposite the Business Park and to the south of the new Eskdale Park (Barratt) development. This may be utilised for the Potash Construction Village in the short term but could later deliver approximately 320 dwellings.
- 5.19 New sites in Whitby include land to the south of Upper Bauldbyes and a small section of Whitby Golf Club. The former of these lies within the existing development limits of the town and recent submissions suggest this could now come forward in the Plan period. The latter involves a parcel of land to the eastern edge of the golf course. The proposal is to develop residential on this land, re-configure the existing golf course to retain its 18 hole status and

assist in the long term retention of a golf facility in the northern part of the Borough.

- 5.20 Filey is heavily constrained by drainage issues and has only limited capacity for further development without significant investment in the Waste Water Treatment Plants serving the town. For this reason the sites proposed for Filey are relatively limited in scale and number. The site to the edge of the town off Scarborough Road has been expanded to allow a larger development. This is a result of the now known scale and layout of the proposed Filey Flood Alleviation Scheme which allows this amendment to the site off Scarborough Road.
- 5.21 Further to the three main towns there are a number of smaller allocations proposed in the service villages of Hunmanby, Ayton, Burniston and Seamer. No wholly new sites have been added to these villages since the previous stage of the Plan, although the sites within East Ayton have been extended following the submission of adjoining land to allow better access in respect of the site to the eastern edge of the village and a larger development along Racecourse Road. The site from Sleights (Briggswath) has been removed due to issues relating to highways.

Main Amendments and Alterations to Housing Sites:

- 5.22 As referenced above, some sites included in the Local Plan have changed since the draft version. This is due to a number of reasons as set out below and involves the addition and deletion of sites and an amendment to the boundaries of others.

Site	Addition, Deletion or Amendment	Information/Reasons for Change
Ha1 – Land off Springhill Lane, Scarborough	Amendment to extend limits.	Yorkshire Water proposed to include the reservoir site in addition to original submission.
Ha4 - Land at Yorkshire Coast College, Scalby Road, Scarborough	Addition	Newly submitted site following announcement that YCC is seeking to relocate to a new site and release this site for housing. The site is within development limits in the adopted Local Plan. Subject to the retention of an appropriate buffer of open space to Scalby Road this is considered an suitable site for residential development.
Ha13 - Land to south of Cayton	See Para 5.43 to 5.47	See Para 5.43 to 5.47
Ha14 - Land off Rimington Way, Osgodby	Amendment to extend limits	Rounding off of Osgodby resulting from a proposed extension of the limits southwards and indicative masterplans with a substantial buffer of open space is considered to represent an appropriate extension to Osgodby.
Ha17 – Land opposite Whitby Business Park and to the south of Eskdale	Amendment to reduce limits	This reduction was proposed to clarify the extent of development whilst taking account of the 'odour exclusion zone' of

Park, Whitby		the nearby treatment plant.
Former Ha17 – Land west of High Stakesby Road, Whitby	Deletion	Site has been granted planning consent (subject to finalising of s106 agreement)
Ha20 – Land to the south of Upper Bauldbyes, Prospect Hill, Whitby	Addition	This site was previously within the development limits and therefore was considered appropriate in principle. The uncertainty over its deliverability has been addressed by recent discussions with the Conservation Officer and there has been renewed interest in bringing this site forward. As such it is considered appropriate to include the site as an allocation.
Ha21 – Land at Whitby Golf Club (East)	Addition	This site was submitted for consideration after the previous draft Plan was consulted upon. This is related to securing the long term future of the golf club and will involve the re-configuration of a small number of holes to retain its 18 hole status. The assessment is, however, based on the planning issues and bears no consequence to the financial status of the club. The site is considered as a suitable location for housing development and one that could serve to improve the visual entrance to Whitby along this section of road.
Ha22 – Land to north of Scarborough Road, Filey	Amendment to extend limits	This site has been extended following the progression of the plans for the Filey Flood Alleviation Scheme. The site now has distinct boundaries to work within and the extension of the limits to allow further housing to the west (adjacent to the proposed attenuation pond) and north allows an obvious rounding off of this part of Filey.
Former Ha22 – Filey Tennis Courts, Southdene, Filey	Deletion	This site is now subject to a planning application and its determination will supersede the Local Plan.
Ha29 – Land to the north and east of The Nurseries, East Ayton	Amendment to extend limits	The site has been extended to allow an access road to be installed either from The Nurseries or Racecourse Road. This will allow a small increase in housing adjacent to the access road with landscaping / buffer zone to the east providing a softer edge to this part of the village.
Ha30 – Land to south of Racecourse Road, East Ayton	Amendment to extend limits	This site has been extended following the submission of additional land adjacent to the originally submitted site. This extended site has been assessed and is considered an appropriate site for residential development.
Former Ha34 – Land to the north of Ridge Lane, Briggswath	Deletion	The site has been removed due to concerns raised by County Highways
Former Ha35 – Former TT	Deletion	Site has been granted planning

Electronics site, Filey Road, Gristhorpe		consent.
Former Ha36 – Land at Town Farm, Cloughton	Deletion	Site has been granted planning consent (subject to finalising of s106 agreement)

- 5.23 In addition to the allocation of sites, the Plan also sets out policy on issues including affordable housing delivery, rural exceptions sites, gypsy and traveller provision and community facilities. On this latter issue the Plan allocates land for the future expansion of GP Surgeries serving both Newby/Scalby and Filey. Additionally, it allocates land for sports provision and public open space. These policies remain largely unchanged.
- 5.24 Policy HC3 sets out affordable housing standards and is based on evidence gathered through the Affordable Housing Economic Viability Assessment. Although it was initially proposed to amend this policy in line with Government proposed changes to affordable thresholds announced in late 2014, this has since been quashed by a High Court judgement. Consequently, the affordable thresholds remain as they were proposed in the draft Local Plan. Should the Government propose further changes potentially through primary legislation then this will have to be addressed at that time with any necessary updates made to the Affordable Housing Supplementary Planning Document.
- 5.25 The significant change has been to Policy HC5. This policy on providing a balanced housing market has been split into two and covers the general requirements under Policy HC5 and specifically addresses the needs of the older population in Policy HC6. It seeks to encourage housing for the older population and suggests that such developments should be well located close to essential services, open space and good public transport routes.
- 5.26 It should also be noted that at the previous stage of the Plan substantial objections were raised in relation to HC5 on a single issue; Houses in Multiple Occupation (HMO). A significant body of response on this issue suggested that further policy or policy changes were required to address the supposed proliferation of HMOs, further heightened by the problems associated with The Breece (a now closed HMO). In order to address this matter in a more timely manner, the Borough Council has prepared a Supplementary Planning Document on this subject. This will be adopted later this year following public consultation and therefore negates the need to address this in the Local Plan.
- 5.27 Further policies have been added relating to cemeteries and Whitby Hospital.
- 5.28 The first of these relates to the addition of a policy on the provision of cemeteries (Policy HC10). This is due to feedback on the consultation, specifically in relation to Whitby, where a shortfall in available space was identified. It was initially proposed to seek to identify sites across the Borough and allocate them; however, due to the current progress and timescales for taking this forward with other sections of the Borough Council, it is proposed to adopt a criterion based policy for considering future proposals for burial grounds.

- 5.29 The policy on Whitby Hospital has arisen following meetings with the Clinical Commissioning Group (CCG) and the future of Whitby Hospital. Current plans would suggest that the hospital is to be retained but in a smaller form due to the large amounts of space that are currently unused. The policy sets out that support will be given for schemes that retain the hospital function and provide other supporting uses such as extra-care and specialist accommodation.

#### Employment and Allocations

- 5.30 The Plan makes provision for the delivery of 49.1 hectares of employment land (including land allocated within the Whitby Business Park Area Action Plan). The majority of the land identified is at the Scarborough Business Park, comprising a number of small allocations and two adjacent commitments. The committed sites comprise:
- The area of land that has an extant planning consent and has been fully serviced and opened up ready for development; and
  - The land to the south of Plaxton Park.
- 5.31 The Plan also takes a longer term view and recognises the strategic importance of land to the south of Scarborough Business Park. The Plan seeks to protect this land from other forms of development, reserving it for the future expansion of the Business Park. Notwithstanding this, employment development will be permitted on this site during the plan period if it cannot be accommodated on the existing Business Park for size or amenity grounds or for other technical or operational requirements.
- 5.32 A further policy has been added to this section that relates to the encouragement of major employers to participate in local skills and training initiatives when, through new proposals, they will generate substantial jobs in construction and operation.

#### Retail

- 5.33 There have been limited changes to this chapter of the Plan. The retail section continues to recognise the hierarchy of centres with Scarborough, Whitby and Filey being designated as town centres, Eastfield and Falsgrave as district centres and Hunmanby, Newby, Newlands and Ramshill as neighbourhood centres.
- 5.34 The Plan sets out that town centre uses will be determined on a sequential basis whereby the preferred location will be within the defined town centre. Only when such locations are unavailable should sites at the edge or outside of the town centre be considered. Due to the lack of available sites in the town centre (the North Street Car park site has been removed from the draft) an additional site on the edge of the town centre has been added as a regeneration site option. This is the site of the former St Mary's Hospital on Dean Road

## Tourism

- 5.35 Members may recall that proposed policy on tourism was amended substantially from the current Local Plan (1999) to allow for an approach more in tune with the NPPF to be taken when considering proposals for visitor accommodation. This was supported through the draft consultation and remains central to the updated Plan.
- 5.36 The only addition to this chapter is a specific policy for the North Bay Leisure Parks area. The current adopted Local Plan (1999) included a policy on this site that encouraged tourism and leisure uses. This was later deleted due to the progress on the site with the Open Air Theatre and apartments along with proposals for the remainder of this site. In hindsight, this policy was prematurely deleted as the plans proposed at that time have not progressed as expected. As such, it is proposed to re-instate a similar policy that supports proposals for tourism and leisure uses within this area.

## Renewables and the Environment

- 5.37 This section of the Local Plan has been amended since the consultation on the draft Local Plan, though these are not substantial in nature.
- 5.38 The first alteration is the additional of a new policy on wind energy. This is a direct result of the recent Ministerial Statement (June 2015) that requires that wind farms would have to be allocated in a Local Plan and have the support of the local community. The advice within the statement was that without the above, planning applications for such schemes should be refused.
- 5.39 Whilst acknowledging the statement, there are some concerns over what would be, in effect, a blanket ban on further wind turbines across the Local Plan area. The statement does not distinguish between small turbines and the larger wind farm developments and would preclude the development of turbines where the primary purpose is to meet the operational needs of a farmstead or other rural business. It could be argued that it is unreasonable that small schemes should be dismissed out of hand simply as they are not allocated within the Plan. It is also impractical for a full comprehensive assessment to be carried out analysing all sites across the Borough that could satisfactorily accommodate small turbines.
- 5.40 Therefore, notwithstanding the content of the ministerial statement, the proposed policy suggests that the Council will support the development of small scale wind turbines where they are deemed to comply with the requirements of policy ENV1 (Low Carbon and Renewable Energy) and the further criteria set out in this new policy. What constitutes a small scale turbine is to be determined on a case-by-case basis, although it is suggested that a turbine up to 25 metres high would generally be of a scale sufficient to meet the energy requirements of a farmstead or local business.

- 5.41 The draft policy relating to development affecting the countryside has been split into two parts and now covers Policy ENV6 (Development Affecting the Countryside) and Policy ENV7 (Landscape Protection and Sensitivity).

#### Transport and Infrastructure

- 5.42 This section contains broad policy on transport and the encouragement of improvements to the connectivity of the Borough to the wider region and country, whilst also promoting greater options for travel internally through sustainable modes of transport.
- 5.43 The policies proposed within the draft Local Plan have not changed significantly; however, two further policies have been added. The first of these is to protect a parcel of land to allow a future junction mitigation scheme at Dunslow Road roundabout. The second of these is a policy to provide greater information for the consideration of any proposals for telecommunications related development.

#### South of Cayton Strategic Allocation

- 5.44 As Members may recall, a strategic growth site has been proposed to the south of Cayton through previous stages of plan production. This area has seen a parcel of land developed for housing (off West Garth) and is almost complete. The allocation proposed within the Local Plan is for a much larger development between the southern boundary of Cayton up to the railway line and between Station Road and the edge of the Business Park.
- 5.45 Since the publication of the draft Local Plan, further parcels of land have been submitted including land to the immediate east of the Business Park (allowing an access to Cayton Low Road) and the previously omitted Carr House Farm to the south western corner. To the east of the site, further land between Station Road and the B1261 has been submitted which will allow the link road to be developed between the B1261 and Cayton Approach (at the Business Park). This includes the site of the existing Cayton Playing Fields Association. The development of this site would be subject to a suitable replacement of this recreational facility, in full, prior to the development of the current site.
- 5.46 It is considered that this area continues to offer the best opportunity for delivering a significant number of dwellings in accordance with the overall spatial strategy within the Local Plan. The site as proposed would deliver circa 2500 dwellings, with supporting infrastructure including one or more primary schools, the aforementioned link road (to provide alternative routes from the B12621 to the A64), a 'community hub', sports provision and a park(s). As referenced previously, the sports provision may include the relocation of the current Cayton Playing Fields Association facilities to allow for expanded and improved facilities.
- 5.47 With reference to the housing itself, there would be an opportunity to deliver a good mix of house types and tenures with market housing of varying sizes, affordable housing and specialist forms of accommodation such as extra-care.

5.48 There remain some hurdles to overcome in respect of this site, however, the availability of the additional land referred to above assists in the delivery of a link road. Furthermore, a housing developer is now on-board and is in the process of preparing background evidence and early masterplans. The Government funded body ATLAS (Advisory Team for Large Applications) has worked with both your officers and the various landowners and remains willing to assist if and when the need arises. There remains the specific need for the site promoters to address issues including drainage and sewerage constraints, hydro-geology and the Source Protection Zones, access and road links, archaeological implications along with other pertinent issues.

### **The weight the Proposed Submission Local Plan carries when making decisions**

5.49 The previous stage of production of the Local Plan, the Draft Local Plan had no formal weight when making planning decisions. The Local Plan does, however, gain more weight as it progresses to the current stage; referred to as the proposed submission stage under Regulation 19 under the Town and Country Planning (Local Planning) (England) Regulations. Resolving to move to this stage in the process stage would mean that, the Plan is, effectively, in the form that the Council would wish to formally adopt. The Government's online Planning Practice Guidance confirms that 'decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and their degree of consistency with policies in the National Planning Policy Framework.

5.50 However, it should be noted that the Borough Council has been pragmatic when considering proposals for development over recent years and has approved a number of schemes, generally for residential development, outwith the development limits set in the adopted Local Plan (1999). Such schemes that come forward will continue to be assessed on the same basis; considering each proposal on its own merits and taking into account up to date planning guidance as contained within the National Planning Policy Framework. Emerging policies do now have more weight and the refusal of consent for proposals submitted prior to the Local Plans adoption simply on the basis of prematurity will not normally be an appropriate course of action.

### **What happens next?**

5.51 If Members agree to the Proposed Submission Local Plan being published for formal representations, it will be released for a period of six weeks, the mechanics of which will adhere to the principles set out within the Borough Council's Statement of Community Involvement. This will involve:

- Notifying (by emailing and letter) the 2000 plus consultees on the Local Plan Consultation Database;
- Holding a limited number of 'drop-in' public events (venues in Filey, Scarborough and Whitby) to provide advice to interested parties;



- Attendance at Parish and Town Council meetings as requested; and
  - Attendance, as requested, at other fora including the Local Enterprise Partnership, Town Team and the Public Services Executive Board.
- 5.52 Following this six week period the comments received will be assessed with any final minor amendments considered necessary made to the Plan. Such minor amendments will have to be agreed by the Chair/Vice Chair of Planning and Development Committee and the Planning Portfolio Holder.
- 5.53 The Local Plan will then be submitted to the Secretary of State who will appoint an Inspector to hold an Examination in Public (EiP) to determine if the Local Plan is sound. Submission is most likely to be in the Spring of 2016 with an EiP likely to take place in late July or August.
- 5.54 At the time of submission, the Borough Council will formally request that the appointed Planning Inspector make any modifications to the Local Plan considered necessary to make the Local Plan sound. On conclusion of the EiP, such modifications as directed by the Inspector will be subject to further public consultation. This report seeks delegated authority for Officers to carry out any such additional public consultation as directed by the Planning Inspector without the requirement to take a report back through the Committee process. Following the conclusion of any such consultation exercise the Inspector will issue a formal report into the soundness of the Plan recommending any modifications considered necessary to make the Plan sound. Members will then be asked to consider formally adopting the Local Plan including any modifications proposed by the Inspector.

## **6. IMPLICATIONS**

### **(a) Policy**

- 6.1 The issues in this report provide a mechanism for updating the Borough Council's planning policies, strategies and development allocations. Resolving to submit the Local Plan to Government will, subject to the nature of representations received, result in policies that will have greater weight in the determination of planning applications, until such time as the new Local Plan is adopted.

### **(b) Financial**

- 6.2 The Forward Planning budget takes into account the production of, and consultation on, the Local Plan. There are, however, resource implications for the Examination in Public to be held in mid-2016. The examination process is presided over by the Planning Inspectorate and the cost of this will depend on the duration of the Examination in Public and the allocated time for the Inspector to make his or her reasoned decision on the soundness of the Plan. The previous decision to combine the separate Local Development Framework documents into a single Local Plan (with the exception of the Whitby Business Park Area Action Plan) will reduce the number of examinations required and the subsequent cost, however, the Local Plan

Examination in Public is likely to take up to 6 weeks and cost upwards of £100,000. A budget is set aside for the costs associated with the Examination in Public of the Local Plan and other planning policy documents. This currently stands at circa £200,000 and is sufficient to cover the costs associated with the Local Plan.

**(c) Legal**

- 6.3 The Town & Country Planning Act places a duty on local planning authorities to produce and adopt a Local Plan. The Plan will ultimately replace the current Borough Local Plan adopted in 1999.

**(d) Planning Implications**

- 6.4 As per (a) this will, on adoption, update the Borough Council's planning policy framework which is the basis for determining planning applications across the Borough (excluding the National Park area), with the potential for elements of the draft plan to have greater weight in the short term, subject to the nature of representations received as a result of the formal six weeks consultation period.

**(e) Staffing Implications**

- 6.5 The work carried out and planned for is to be carried out within existing staffing budgets.

**(f) Environmental Implications**

- 6.6 The Local Plan is subject to sustainability appraisal, strategic environment assessment and appropriate assessment to ensure the plan is both environmentally, socially and economically sustainable. The Plan is also couched on the principle enshrined within the National Planning Policy Framework of the 'general presumption in favour of sustainable development'.

**(g) Crime and Disorder**

- 6.7 The Local Plan and planning in general works closely with the relevant bodies to ensure the Local Plan and planning decisions address issues in respect of designing out crime.

**(h) Co-operation with Health Authorities**

- 6.8 Through the evolution of the Local Plan there has been engagement across the health sector. Parts of the Plan refer to health and specifically GP Surgeries. There has been early engagement with the relevant surgeries and the local health bodies (CCGs).
- 6.9 I have considered whether the following implications arise from this report and am satisfied that no identified implications will arise from this decision in

relation to Health and Safety implications, Equality implications or the Human Rights Act.

## 7. ACTION PLAN

7.1 Arising for the consideration of the issues, the following action plan is proposed:

<b>Objective</b>	<b>Target</b>
Representation Stage on Proposed Submission Local Plan	Nov/Dec 2015
Consideration of comments and any appropriate changes to the Plan	Jan/Feb 2016
Submission of Local Plan to Secretary of State	Spring 2016
Examination in Public	Summer 2015
Adoption of Local Plan	Late 2016/Early 2017



**Trevor Watson**  
**Director of Service Delivery**

### **Author:**

Steve Wilson, Forward Planning Manager, Planning Services

Telephone No: 01723 383510

E-mail address: [steve.wilson@scarborough.gov.uk](mailto:steve.wilson@scarborough.gov.uk)

### **Background Papers:**

Please give details of all publicly accessible (non private) background papers applicable to the report:

Objective Assessment of Housing Need

Employment Land Review

Landscape Study

Retail Study

Affordable Housing Economic Viability Assessment

Strategic Housing Market Assessment

Strategic Housing & Employment Land Availability Assessment

Gypsy and Traveller Study

Green Space Audit

Playing Pitch Strategy

Strategic Flood Risk Assessment

Statement of Community Involvement  
National Planning Policy Framework  
Online Planning Practice Guidance  
All previous Core Strategy, Housing Allocations and Community, Environment and  
Economy Development Plan Documents

## RISK MATRIX

Risk Ref	Date	Risk	Consequences	Mitigation	Current Risk Score	Target Score	Service Unit Manager/Responsible Officer	Action Plan
1	Oct 2015	Council does not consult adequately on the Local Plan prior to formal adoption	Local Plan may be found unsound by Planning Inspectorate if issues of concern emerge late in day due to inadequate engagement. This would require the Council to begin the Local Plan process again, lengthening the process and leaving the Council vulnerable to speculative planning applications and an outdated policy base for their determination.	Publish Proposed Submission Local Plan and take account of consultation responses prior to Submission of Local Plan.	D4	B4	Mr D Walker / Mr S Wilson	None
2	Oct 2015	Council does not progress with replacement Local Plan prior to early 2017	If the Plan is not satisfactorily progressed by early 2017 the Governments latest announcement suggests they may intervene in Plan, take over its production with the involvement of the local community.	Publish Proposed Submission and aim to submit to SoS by Spring 2016 and progress to EiP thereafter.	D4	B4	Mr D Walker / Mr S Wilson	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