

Examination of Ribble Valley Core Strategy

Note to Ribble Valley Borough Council Initial questions, comments and concerns 15 October 2012

Legal Compliance

Duty to Co-operate

1. Amended section 20(7B) of the 2004 Act establishes that the duty to co-operate imposed by amended section 33A is incapable of modification by me at this Examination. Therefore, this is one of the first things that I have to examine because if this legal requirement is not fulfilled then I have no choice other than to recommend non-adoption of the Core Strategy (CS).
2. I request that the Council produces a supporting paper on how it has satisfied the legal duty to co-operate during the preparation of the CS. I will consider this before making any judgement on this matter.
3. The paper should show, in relation to the s33A Duty test, who was involved, what that body was asked about, when it was asked, and how it was asked (e.g. meeting, letter, email), and explain the outcomes of that cooperation. This should not be over-complicated or minutely detailed or too long. Meeting minutes and other evidence could usefully be included in an appendix.
4. Other Councils have grappled with this and produced papers of this sort for their examinations. Three such are Eastbourne's, Bournemouth's, and Hartlepool's which can be seen on the web links below. I mention this in the spirit of assistance, and these are given solely as possible examples. They are not being held up as suitable templates or acceptable documents which should be slavishly followed:

<http://www.eastbourne.gov.uk/EasysiteWeb/getresource.axd?AssetID=175653&type=full&serVICetype=Inline>

<http://www.bournemouth.gov.uk/PlanningBuildings/Planning/Policy/Local/CoreStrategy/CoreStrategyFiles/ExaminationFiles/H8CoreStrategyDutytoCo-operate.pdf>

http://www.hartlepool.gov.uk/download/8641/cd8-duty_to_co-operate_paper

Local development scheme

5. It is a requirement of the 2004 Act that the CS be prepared in accordance with the Local Development Scheme (LDS). It is also a requirement of the Act that the LDS must specify the subject matter of each Development Plan Document (DPD).
6. The updated LDS, dated February 2011, is a table showing the timeline for the CS and a Housing and Economic Development DPD. It is clear that there has been some delay to the CS, such that the timeframe needs to be updated.
7. Moreover, so far as I can see, the LDS gives no specification of the subject matter to be covered in the Housing and Economic Development DPD. I

cannot tell with any certainty what the Council intends this document to include. Consequently, it is difficult to clearly envisage the relationship between the CS and this DPD, and to judge whether the deferment of some matters from the former to the latter is appropriate. Even if this is not a legal issue for the CS itself, it does lead to questions about the approach of the development plan as a whole and the role of the CS within that Local Plan framework.

8. A revision to the LDS which specifies the subject matter of the Housing and Economic Development DPD in some detail would clarify all of this. I recommend that this now be done expediently, so that the CS examination can progress as efficiently as possible.

Soundness

General

9. The CS contains a number of 'Key Statements'. Is there any particular reason why they are not referred to as Policies, as is common practice? This is not necessarily a problem, but I do need to be clear about their status. Does the Council intend that they should be treated as strategic development plan policies?

Spatial strategy

10. Clarification: As I understand it, the spatial strategy is based on a two-tier hierarchy. This comprises (i) the key service centres of Clitheroe, Longridge and Whalley, and (ii) elsewhere. Is that right?
11. Within the hierarchy, which settlements are in the lower tier? Does the CS list them? Are there other settlements (small villages or hamlets, perhaps) to which the CS directs no development at all (ie is there really a third tier in the hierarchy)? On this point, I note the rural settlements without development boundaries in the Districtwide Local Plan listed in Section 5 of the Settlement Hierarchy document. Does the CS explain all of this explicitly enough so as to be effective?
12. The Settlement Hierarchy document, adopted by the Council in December 2008, assesses the services present in each settlement. It identifies Clitheroe, Longridge and Whalley as the three key centres. However, in relation to the large group of settlements of an 'intermediate' type, it says that it is difficult to definitely distinguish, using the methodology employed, those settlements which could act as more local service centres in terms of future planning policy. It says it is possible that more detailed analysis may show which are best to act as local service centres. Has such detailed analysis been undertaken? Is the justification for the proposed settlement hierarchy sufficiently robust?
13. How does the spatial strategy take account of the Green Belt, Area of Outstanding Natural Beauty, and the flood risk sequential test? How does the CS steer the approach to allocating sites in relation to these factors?

Key Diagram

14. On the last page, the Key Diagram is given a very low profile in the CS. It would be much better to have it earlier on. Perhaps it should be within the development strategy section?

15. The Key Diagram reveals very little about the CS intentions for growth. It notably omits all of the settlements other than the three key service centres. It gives no clear indication of where new housing and employment development is planned, save for showing the location of the site at Standen, Barrow Business Park and Samlesbury Enterprise Zone. While these are the most strategic sites, the Diagram does not help to explain what level of growth is anticipated either in them or around the wider borough.

Housing

Evidence base

16. The CS appears to be underpinned by the Strategic Housing Market Assessment (SHMA) of December 2008 and the Strategic Housing Land Availability Assessment (SHLAA) of November 2009. Neither is particularly recent.
17. As I understand it, the Housing Requirement Report by NLP, dated July 2011, effectively updates the SHMA in relation to the overall level of need for housing from 2008 to 2028. It concludes that this should be in the range of between 190 and 220 dwellings per annum.
18. However, paragraph 159 of the NPPF says that SHMAs should cover more than just the overall scale of housing required. In particular, the mix of housing and the range of tenures likely to be needed should be identified, and the need for affordable housing should be addressed. Does the Housing Requirement Report by NLP provide robust evidence in these respects, or are there gaps in up to date evidence? I am concerned that the latter may be the case.
19. The SHLAA identifies 138ha of deliverable land for housing, which it says equates to 5441 dwellings. It concludes (against the RS¹ annual average) that there is 34 years worth of deliverable land for housing. But the AMR 2011 says there is only a 2.9 year supply. Which is it?
20. From the AMR 2011, it is clear that housing completions have been significantly below the RS target since its adoption in 2008. Indeed, neither the RS target, nor the 'adjusted figures' shown on Graph 7 of the AMR, have been met since 2005-2006. In terms of paragraph 47 of the NPPF, does this amount to 'persistent under delivery'?
21. As I understand it, in identifying sites, the SHLAA methodology includes sites: identified by officers in the settlement audit (Oct 2006); promoted by developers/landowners as part of LDF process (Feb 2007); put forward through a call for sites (March 2008); refused planning permission in the last 3 years (which I take to mean 2007 – 2009 inclusive) on grounds of prematurity; and those put forward from discussions with Development Control officers. The passage of time since some of this evidence was gathered is a concern.
22. For clarification: Does the SHLAA include sites which have an unimplemented planning permission?
23. The SHLAA considers economic viability under the 'achievability' heading. It uses information about house prices and build costs in October/November 2008. I am concerned that this may no longer be reliable.

¹ North West of England Plan Regional Spatial Strategy to 2021, September 2008

24. In addition, in considering development costs, the viability assessment takes account of the cost of providing affordable housing on sites over 15 dwellings, as that was the national threshold at the time. But I am not clear what level of affordable housing provision was assumed. In any event, Key Statement H3 of the CS seeks 30% affordable housing on sites of 10 or more in Clitheroe and Longridge, and on sites of 5 or more elsewhere. It also seeks an element of market housing for elderly groups, which may affect viability.
25. Has the effect of the policies proposed in the CS (the 'policy on' scenario) been taken into account in considering the viability of sites in the SHLAA? Does the SHMA test viability with the CS thresholds?

Spatial distribution of housing

26. Of the 4,000 houses planned for over the plan period, the strategic site at Standen, close to the edge of Clitheroe, would accommodate 1,040. A further 126 homes would be accommodated within Clitheroe itself. Why has this concentrated approach been taken? Do the sustainability credentials of Clitheroe, compared to the other two key service centres, warrant it? Has the Council considered a more even spread between the three key service centres?
27. The table at paragraph 4.11 of the CS indicates that 583 of the 4,000 additional homes would be in 'other settlements'. Does this mean all other settlements? If not, which are to be excluded?
28. The level of new housing development at each of the 'other settlements' is unclear to me. I note the formula at paragraph 15.1. Is it the case that:
 - a. an average of 35 dwellings per settlement has been settled on; and
 - b. that the total arrived at from this average (being 1,120) would be distributed proportionately between the 'other settlements' based on their present population size?

If so, why has the 35 dwelling figure been chosen? Why has current population size been a decisive factor in determining the spatial distribution between the 'other settlements'? Has their relative sustainability credentials been taken into account? In short, what is the justification for the approach taken here?

29. As things stand at present, I am concerned that the spatial distribution among the 'other settlements' may not be sufficiently clear so as to be effective. It is difficult to see how the CS gives adequate steer to the allocation of sites for housing.

Housing types and mix

30. Key Statement H2 relies on the SHMA to determine the mix of housing. Why does it not specifically set out the mix of housing types anticipated over the plan period? Is relying on the SHMA in this way effective, especially given that it was produced some time ago?
31. This Key Statement relates to determining planning applications. How does the CS provide a steer concerning the mix of housing to come forward through site allocations?

The Standen site

32. The site at Standen is central to the delivery of the CS. It would accommodate roughly one third of the housing planned for, B1 uses, community and open space/recreational uses, among other things.

33. Does the Council know whether a primary school will be needed on the site? This seems rather fundamental to me. If one will be needed, the CS should plan for its delivery. This is also likely to have implications for the level of housing and employment development the site can accommodate. In the absence of certainty about the need or otherwise for a school, how robust are the housing figures given for the site?
34. Have any constraints been identified in relation to this site? What mitigation is likely to be needed? What level of employment use is anticipated? What types and scale of open space and community uses are envisaged? What infrastructure is necessary? Has the viability of the site been assessed, taking into account these factors, the possibility of a need for a new school, and affordable housing provision, along with any other policy requirements? Who will deliver the development, and when? Are delivery mechanisms in place? How would the delivery be phased?
35. Overall, what evidence is there which lends certainty that this key element of the CS is viable and will be delivered in the plan period?

Affordable housing

36. One of the Strategic Objectives at paragraph 3.12 of the CS aims to match the supply of affordable and decent homes with identified housing need. To my mind, this strongly suggests that it will meet the need. But the SHMA identifies a clear shortage of good quality affordable housing, especially for social rent. It says that housing need analysis suggests a shortfall of 264 affordable rented units per year. Unless I am missing something, it is clear that the CS will not meet even this specific need alone. If it is the case that the CS will inevitably fail to deliver this Strategic Objective, I suggest that its wording should be reconsidered.
37. The SHMA says that affordable units should be prioritised in places such as Whalley, Waddington and Bowland, with more market than affordable units in St Mary's, Read and Simonstone, Primrose and Sabden. Is this still the case? If so, does the CS reflect this?
38. What evidence is there to demonstrate that the site size thresholds and the proportion of affordable housing sought in Key Statement H3 are viable? Has an Affordable Housing Viability Study been undertaken?

Housing for the elderly

39. Is it intended that the requirement to provide housing for the elderly would apply to all housing developments, as Key Statement H3 suggests?
40. What evidence is there to demonstrate that the proportion of housing for the elderly sought would be viable? Has a Viability Study been undertaken?

Gypsy and Traveller Accommodation

41. Policy B of *Planning for Traveller Sites* says that local planning authorities should set pitch targets for gypsies and travellers and plot targets for travelling showpeople which address the likely permanent and transit site accommodation needs in their area, working collaboratively with neighbouring local planning authorities. It also says that in producing their Local Plan, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets.
42. It is therefore incumbent on the CS to properly address this, ideally by setting out the number of pitches and plots actually planned for. Paragraph 6.9 notes

the figures from the GTAA. However, as things stand, Key Statement H4 does not set any explicit targets. Why not? Why is this issue effectively deferred to the Housing and Economic Development DPD?

43. The GTAA was published in 2007 and only considers need up to 2021. In short, it is not particularly up-to-date and does not provide evidence for the whole plan period. I am concerned that any pitch and plot figures put forward for inclusion in the CS on the basis of this GTAA alone would not be founded on sufficiently robust evidence.

Economic development

Evidence base

44. The CS appears to be underpinned by the Employment Land and Retail Study (ELRS) of October 2008. This is not especially recent.
45. The Employment Land Position Update of June 2011 updates the employment land aspect of the ELRS. I note that it applies Methodology 1 of the ELRS. Paragraph 1.5 of the Update notes that it is not as comprehensive as the original ELRS. In what way? Is it as reliable and robust as the ELRS was when first produced?
46. Given that the ELRS is not recent, it is important that the Update is sufficiently robust to stand up to scrutiny through the examination process. Is the Council confident that it is?
47. Paragraph 161 of the NPPF says that the evidence base should be used to assess the needs for land or floorspace over the plan period. As the CS runs to 2028, neither the ELRS nor the Update do this. Why not? This could be a fundamental problem, and I am concerned about it.
48. Clarification: The original ELRS recommended that an additional 6ha of employment land should be identified to provide for the next ten years (up to 2018). The Update reaches the same conclusion in relation to the period 2010 to 2020. However, while I note paragraph 4.1 of the Update, I am not entirely clear about this 6ha figure. Does it include within it the land identified by the original ELRS to 2018? In short, is the 6ha figure given in the Update fully comprehensive?

Level, location and type

49. Key Statement EC1 says that the Council will aim to allocate an additional 9ha of land for employment purposes in appropriate and sustainable locations, giving priority to previously developed land. What is the justification for the 9ha level quoted? How has this been arrived at from the figures given in the ELRS and the Update?
50. Does the 9ha include land at the BAe Samlesbury site and/or Barrow Enterprise Park, or are these strategic sites discounted from this figure?
51. Where will this 9ha be allocated, broadly speaking? Unless I am missing something, there is no tangible spatial indication in the CS of how much of this 9ha will go where. I am concerned that the CS may not give a sufficiently clear strategic steer to the future allocation of land for employment.
52. What types of economic activity are anticipated over the plan period, and what are the quantitative and qualitative needs for each (paragraph 161 of the NPPF)?

53. Overall, I am concerned that the CS may not be as robust and effective as it should be in addressing the economic development needs of businesses.

Town centres and retail development

54. Is there more up to date evidence about the quantitative and qualitative need for retail development than that in the ELRS?
55. The ELRS identifies a need for just short of 15,000 sqm of retail floorspace in the borough up to 2018 for it to retain its existing market. The CS does not make any obvious attempt to directly address this. Why not?
56. The ELRS says that Clitheroe Town Centre is showing signs of decline. Paragraph 7.13 says that the Clitheroe Town Centre Masterplan, which I understand was adopted by the Council in June 2010, will inform the preparation of more detailed policies. What policies does this refer to? Are they in the CS? If not, why not? Has the Masterplan been produced in evidence for the CS examination – I do not appear to have been provided with a copy. I am concerned that the CS neither reflects any existing Masterplan for Clitheroe even in the broadest, most strategic terms nor seeks to positively tackle the identified decline of Clitheroe town centre.
57. The ELRS says that Longridge is not doing as well as it could be. Again, the CS appears to do little to address this problem.
58. Overall, I am concerned that the CS may not be sufficiently proactive, or do enough to deliver retail and town centre uses and tackle the identified issues in Clitheroe and Longridge.

Sustainable development and climate change

59. Paragraphs 93 and 97 of the NPPF explain the key role of planning in tackling climate change and what action local planning authorities should take. What are the Council's strategic priorities for renewable and low carbon energy? How does the CS provide a positive strategy to promote energy from renewable and low carbon sources?
60. Has the Council considered identifying suitable areas for renewable and low carbon energy sources?
61. Specifically in relation to plan making, the NPPF says that local planning authorities should work with other authorities and providers to assess the quality and capacity of infrastructure for energy, including heat, and take account of the need for such infrastructure. Has this been done? If so, what evidence is there to demonstrate this?
62. Policy EM17 of the RS sets specific targets for the electricity to be provided from renewable energy sources up to 2020. It also says that local authorities should work with stakeholders to prepare sub regional studies of renewable energy sources, to form the basis for establishing local strategies and targets for renewable energy resources. It appears that the CS provides no such strategy or targets. Why not? Is it in general conformity with the RS in this regard?
63. Key Statement EN3, as I understand it, relates to sustainable design and construction. However, it does not include any specific standards to be met. In this absence, how will it be effective?

64. Policy EM18 of the RS says that DPDs should set out: targets for the energy to be used in new development to come from decentralised and renewable or low-carbon energy sources, based on appropriate evidence and viability assessments; and the type and size of development to which the target will be applied. Key Statement EN3 does not do this. Why not? Is the CS in general conformity with the RS in this respect?
65. Have any thresholds and specific standards been considered by the Council? Is there any evidence of viability in relation to the application of specific standards?
66. Overall, I am concerned that the CS takes a passive/reactive approach to renewable and low carbon energy, rather than adopting the proactive strategy expected by the NPPF. I am also concerned about the effectiveness of the measures the CS does include.

Green Belt

67. Paragraph 5.1 says that some minor changes to the Green Belt will be considered in response to the findings of the evidence base, and will be dealt with through other DPDs. What evidence base findings justify this? Please explain the CS intentions in relation to the Green Belt boundary.

SB

15 October 2012