

# RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No. 4

meeting date: THURSDAY, 6 APRIL 2017  
title: HOUSING AND ECONOMIC DEVELOPMENT DPD - REGULATION 19  
CONSULTATION STAGE  
submitted by: CHIEF EXECUTIVE  
principal author: COLIN HIRST, HEAD OF REGENERATION AND HOUSING

## 1 PURPOSE

1.1 To consider the proposed policies and allocations and agree consultation for the Regulation 19, Publication stage on the Housing and Economic Development - Development Plan Document (HED DPD) and on the draft proposals Map.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – The HED DPD is a key part of the Local Plan for Ribble Valley and will help in the delivery of housing employment and the protection and enhancement of the environment. The HED DPD is used to deliver the Development Strategy for the borough, as set out in the adopted Core Strategy, up to 2028.
- Corporate Priorities – The Core Strategy forms a central part of the Ribble Valley Local Plan and assist in the delivery of the overall vision and Development Strategy for the borough, ensuring Sustainable Development.
- Other Considerations – The Council has a duty to prepare spatial policy under the Local Development planning system and make consultation responses available for public viewing.

## 2 BACKGROUND

2.1 The current approach to Development Plans introduced by the Planning and Compulsory Purchase Act 2004 (as amended) requires the Council to produce a Local Plan. The Core Strategy, the central part of this plan, sets the overall spatial Development Strategy for the Ribble Valley. The HED DPD sits alongside the Core Strategy and will detail where development will be allocated and provides the opportunity to put in place an up to date Proposals Map that includes new allocations, commitments and policy designations.

2.2 Consultation on the Regulation 18 stage document took place between 26 August and 7 October 2016. This consultation represented the Issues and Options stage of the legislative regulations. The level of response to this consultation was encouraging with 114 responses submitted into the consultation process.

2.3 A 'Summary of Representations' document has been produced which was considered by this Committee at its meeting on the 15 December 2016, minute 426 refers. The document is available on the Council's web site and can be viewed using the following link:

[https://www.ribblevalley.gov.uk/download/meetings/id/5806/agenda\\_item\\_8\\_-\\_local\\_development\\_framework\\_-\\_housing\\_and\\_economic\\_development\\_dpd](https://www.ribblevalley.gov.uk/download/meetings/id/5806/agenda_item_8_-_local_development_framework_-_housing_and_economic_development_dpd)

This document provides an overview of the consultation outcomes and sets out the main issues raised. It also provides feedback on views received on the proposed potential housing and employment land allocations.

2. The overall aim of the Regulation 18 stage is to identify which, if any, of the potential housing and employment land allocations identified by the Council was seen as the preferred allocation sites to deliver the remaining requirement. It also provided an opportunity for alternative sites to be put forward. The Regulation 19 stage requires the preferred version of the plan to be developed from the information submitted in response to the issues and options stage and is subject to Sustainability testing as part of the plan making process. This Regulation 19 stage represents the Council's preferred option and is a statement of the form the plan is likely to be when it is submitted for Examination to the Secretary of State.
- 2.5 As Members will recall the Core Strategy establishes the principle planning policy for the area, this DPD was identified early in its process as providing an opportunity to update the proposals map to reflect the provisions of the Core Strategy and to be a vehicle with which to identify those locations where there was a need to identify land to meet the development proposed in the Core Strategy. It is not a fundamental review of the existing planning framework for the area. The role and nature of the DPD has been the subject of detailed discussions through the Development Plan Working Group which has steered the direction of the plan.
- 2.6 The Regulation 19 Publication version of the plan is a key stage in the statutory process. If agreed the draft plan is published for a 6 week period of statutory consultation, the responses from which form the basis of the representations to be considered by an Inspector appointed to Examine the plan once formally submitted to the Secretary of State.

### 3 ISSUES

- 3.1 The draft DPD is attached as Appendix 1 to this report. It represents the draft proposals intended to form the publication version and has been subject to an SA process. A separate supporting report entitled, "Approach to Plan Preparation February 2017" provides further information on the formulation of the plan proposals presented here. This document, together with the associated SA and HRA Non-Technical Summaries are available to view on the Council's website using the following link:

[https://www.ribblevalley.gov.uk/info/200364/planning\\_policies/1674/housing\\_and\\_economic\\_development\\_dpd\\_hed\\_dpd](https://www.ribblevalley.gov.uk/info/200364/planning_policies/1674/housing_and_economic_development_dpd_hed_dpd)

- 3.2 The DPD and the accompanying Proposals Map sets out the proposed allocations necessary to address the remaining identified housing requirements for Wilshire and Mellor and identifies proposed employment land allocations to meet the proposals of the Core Strategy. The plan also sets out those areas where new or revised policy designations are required to reflect the planning policies set out in the Core Strategy, for example, Settlement Boundaries, Open Spaces, Main centre boundaries and proposals such as the site area of the Clitheroe Market Redevelopment Area.
- 3.3 The proposals map that accompanies the DPD (and Core Strategy) was published at the Reg 18 Issues and Options Stage. Where changes to that draft plan are identified these are shown in the accompanying document "Resultant changes to Draft Proposals Map - Feb 2017". A copy of the document has been provided to Members

of the Committee. This document is also available to view on the Council's website by using the following link:

[https://www.ribblevalley.gov.uk/info/200364/planning\\_policies/1674/housing\\_and\\_economic\\_development\\_dpd\\_hed\\_dpd](https://www.ribblevalley.gov.uk/info/200364/planning_policies/1674/housing_and_economic_development_dpd_hed_dpd)

- 3.4 As Members will recall a key issue that was identified through the Issues and Options stage by a number of respondents was the promotion of a range of sites to address a shortfall on housing delivery, providing additional sites to enable more housing to be delivered to boost housing supply and to deliver against the Council's Affordable Housing targets. This also included the concept of identifying both reserve sites and including an additional 20% buffer to the housing requirement to ensure that adequate housing land was being brought forward. The additional 20% buffer had formed part of the recommendations to government by the Local Plan Experts Group who were appointed to advise the government on the local plan process.
- 3.5 Whilst the group submitted and published its recommendations, the recommendation on the additional 20% buffer has not been carried through to the Government's Housing White paper. The Regulation 19 plan has been prepared to reflect the identified requirements of the Core Strategy and therefore does not seek to overprovide against the planned development. Reserve sites will be considered as part of a wider, whole review of the local plan when the wider implications can be comprehensively reviewed.
- 3.6 One issue that is important to address in the context of the representations made is the Council's approach to monitoring housing delivery and supply. The Council monitors housing land and publishes a report twice a year. This is a key part of understanding the Council's 5 year supply position and consequently the approach to determining planning applications. A review of the Council's methodology has been carried out following representations and has identified a need to amend the Council's methodology. This issue revolves around the calculation of the 5 year requirement and in particular the point at which the backlog of undersupply is added and the subsequent application of the existing NPPF buffer (in our case currently 20% of overall requirement brought forward from future years).
- 3.7 The Council's current approach is as follows:

Annual requirement + buffer + Backlog = Requirement to address.

The revised approach, which reflects accepted practice is to add the backlog in before the buffer namely:

Annual requirement + backlog +buffer = Requirement to address.

The Council's methodology was the approach applied to the Core Strategy and was accepted at that time (2014) by the Inspector without any query and has been applied subsequently in undertaking our monitoring. This has been researched further and it is clear from the review Officers have undertaken that practice has changed over the course of 2016. An initial view on best practice was expressed by the Planning Advisory Service (PAS) in March 2016. A review of plans that have been found sound in 2016 (28) of which 22 had gone on to Adoption found, that in all cases (apart from 2, one had no backlog and for the other, the issue wasn't relevant) either the Inspector in a statement or as put forward by the Council in their evidence, the approach was to add the backlog to the requirement and then apply the buffer. It is clear therefore that the Council needs to amend its approach to its methodology if it is to be consistent with accepted practice and avoid challenge.

- 3.8 Based on the Council's most recent monitoring information which gave the position as at 1 October 2016, the Council can demonstrate a 5.3 year supply. The revised calculation would take the Council just below the 5 year threshold at 4.99 when measured against the October supply information.
- 3.9 Since the October Housing Land Availability report the Council has resolved to approve additional land for housing. The most significant of which is the recent resolution to approve a site at Longridge of some 275 dwellings. As a consequence the Council will be in a position to demonstrate a five year supply. In its simplest form, the approval at Grimbaldeston (subject to the details of the full housing land review process) would be anticipated to add some 81 dwellings to the five year supply calculation.
- 3.10 Based upon the existing published data this would provide a supply position of at least 5.1 years. The key factor here is that the Council is in a position to demonstrate that it has a five year supply and in doing so the trigger of the presumption in favour of housing development is not enacted although the presumption in favour of sustainable development continues to be relevant.
- 3.11 Members will be familiar with the presumption in favour of housing development set out in Government Policy, Paragraph 49 of NPPF that is triggered where a five year supply cannot be demonstrated. Whilst this issue is critical for determining planning applications, it is also a critical threshold for the plan-making process. A plan that is submitted without a five year supply of land identified will not be capable of being found sound at Examination and this of course goes to the heart of some of the representations made by landowners and development interests in relation to our Regulation 18 Consultation.
- 3.12 Members are also alive to the fact that the five year supply position is dynamic and is influenced by the ability to demonstrate sites are delivering and that new permissions will add to the supply. The Council's basis on which to establish this is through its housing land availability monitoring and reporting.
- 3.13 This raises an important consideration for the plan making process and in particular the issues outlined in paragraphs 3.4 and 3.5 above, and whether the plan should address the position at this stage. In effect, is there a case for increasing supply by allocations to ensure a 5 year supply? The important consideration is that if through monitoring the Council cannot demonstrate a 5 year supply the provisions of The NPPF apply and there is a mechanism in place to enable the Council to address the position by bringing forward land for housing. This is reflected in the proposed text of the DPD in relation to housing allocations.
- 3.14 In considering proposals the Council will be able to measure any proposals against the provisions of the Core Strategy to determine if there is demonstrable harm that would outweigh the provisions of The NPPF. The next full monitoring report for housing land availability will update the position to the end of March 2017, this will enable the Council to consider the position again ahead of any Submission stage of the plan.
- 3.15 The Council has taken into account the representations made at the Regulation 18 stage which are reflected in the proposals being put forward for consideration. These include recommendations on site allocations, proposed amendments to detailed settlement boundaries and changes to some of the information shown on the proposals map.

- 3.16 As Members will note from the accompanying reports in addition to proposals seeking the allocation of housing and employment land, other specific representations seeking designation of sites has not been taken forward, for example the introduction of a specific designation at Stonyhurst College being sought to reflect the importance of the heritage asset and the economic contribution it makes to the area including extending the settlement boundary; the designation of the former Clitheroe Hospital site as a site for Health, Social Care and associated residential uses or the introduction of a landscape protection policy for land at Hammond Ground, Read.
- 3.17 In response to representations regarding Traveller sites and in order to meet national policy guidance a criteria based policy has been introduced in the plan to use in the determination of planning applications. The Council's evidence base has identified that it is not necessary to make specific land allocations for sites, therefore it is important to ensure the plan provides an approach to guide the determination of applications when submitted.

## 4 NEXT STEPS

- 4.1 Following agreement of the draft regulation 19 Publication version, it will be necessary to publish the plan for a six week period of consultation. The consultation arrangements will follow the provisions of the Council's Statement of Community Involvement (SCI) and will involve a wide range of publicity and promotion of the plan inviting representations. If Members endorse the proposals the subject of this report, the SA process reports will be published alongside the draft plan, together with the associated supporting documents.
- 4.2 The representations received will be reported to Members and taken into consideration in finalising a Submission version of the plan, which will need to be approved by Full Council before it can be formally submitted to the Secretary of State. A report on arrangements that will need to be made in relation to Public Examination of the plan will be submitted to Members for further consideration in due course having reviewed the detailed matters with the Development Plan Working Group as the consultation period makes progress.

## 5 RISK ASSESSMENT

- 5.1 The approval of this report may have the following implications:
- Resources - An approved budget is in place to undertake the work that arises as a consequence of this report. Consultancy resources have also been included within the budget to provide additional support.
  - Technical, Environmental and Legal - Up to date, timely and relevant planning policies are important in maintaining and improving the environment of the borough, and a duty to put in place a comprehensive development plan for the borough.
  - Political - There are no direct implications.
  - Reputation - Matters dealt with in this report support the Council's aim to be a well-managed authority.
  - Equality & Diversity - No issues identified in relation to this report.

**6 RECOMMENDED THAT COMMITTEE**

- 6.1 Agree the publication of the Regulation 19 Housing and Economic DPD for a 6 week period of consultation and authorise the Chief Executive to prepare the necessary publication materials, including undertaking any amendments necessary to ensure technical accuracy or to assist interpretation, subject to their being no change in the intent of policy proposals.
- 6.2 Note the change to the methodology of calculating the 5 year supply detailed in paragraph 3.6 to 3.9 of the report and agree to adopt the revised methodology for the purposes of monitoring, and that a detailed report reviewing housing land availability is brought back to this Committee following completion of the March survey.

COLIN HIRST  
HEAD OF REGENERATION AND HOUSING

MARSHAL SCOTT  
CHIEF EXECUTIVE

For further information please ask for Colin Hirst, extension 4503.