

Hambleton District Council

Report To: Cabinet

Date: 8 February 2022

Subject: **Hambleton Local Plan Adoption**

Portfolio Holder: Planning
Councillor D A Webster

Wards Affected: All Wards

1.0 Purpose and Background

- 1.1 The purpose of this report is to present the 'Report on the Examination of the Hambleton Local Plan' by the Planning Inspectorate, which includes recommended Main Modifications, and to seek a Cabinet and in turn a Council resolution to adopt the Hambleton Local Plan, incorporating the recommended Main Modifications, Additional Modifications and the accompanying Policies Map.
- 1.2 The Hambleton Local Plan (the Plan) sets out the spatial planning policy framework and vision for Hambleton, outside the North York Moors National Park, up to 2036, including a minimum of 6,930 homes (315 per year) and approximately 79ha of land for economic development, as well as the allocation of development sites to achieve this growth. The Plan will also be used to deliver the priorities and key projects set out in the Council Plan as decisions are made on future planning applications.
- 1.3 The preparation of the Plan has met a number of key milestones during the process. This has included formal consultation on issues and options; preferred options; alternative sites; and local green space designation. The Plan was published for statutory representations in July 2019 and was submitted to the Secretary of State for examination on 31st March 2020. The Examination in Public hearings were held between 20th October and 18th November 2020, then post hearing consultation was carried out between April and June 2021 and an additional hearing took place on 1st June 2021.
- 1.4 Following the Examination in Public hearings the Inspectors (Matthew Birkenshaw BA Hons MSc MRTPI and Steven Lee BA Hons MA MRTPI) identified the need for a number of Main Modifications to the Plan to ensure, soundness, clarity and effectiveness across a range of policies, supporting text and the policies map. Members will recall that Council approved these modifications in September 2021 and they were subsequently made available for public comments between 28 September 2021 and 9 November 2021.
- 1.5 The Council received the 'Report on the Examination of the Hambleton Local Plan' from the Planning Inspectorate on 12th January 2022 for fact checking. The Council completed the fact checking and received the final version of the Inspectors' report on 19th January 2022 – it concludes overall that:

“The Hambleton Local Plan provides an appropriate basis for the planning of Hambleton District, provided that a number of Main Modifications (‘MMs’) are made to it...With the recommended modifications set out in the accompanying Appendix the Plan satisfies the requirements of Section 20(5)of the 2004 Act and meets the criteria for soundness in the (National Planning Policy) Framework”.

- 1.6 The ‘Report on the Examination of the Hambleton Local Plan’ is attached to this report at Annex 1 and is publicly available on the Council’s website at www.hambleton.gov.uk in the Local Plan Examination Library.
- 1.7 The Inspectors’ Report includes a Non-Technical Summary, which provides a useful summary of their conclusions and the Main Modifications they recommend. For convenience, the Non-Technical Summary is appended at Annex 2.
- 1.8 Section 23 of the Planning and Compulsory Purchase Act 2004 states that if a Local Plan is found sound and capable of adoption, subject to Main Modifications being made, a local planning authority may adopt the Local Plan with both Main and Additional Modifications. The Council is not permitted to adopt the Plan without making the recommended Main Modifications.
- 1.9 The ‘Report on the Examination of the Hambleton Local Plan’ concludes that, subject to Main Modifications, the Plan is sound, legally compliant and is capable of adoption. A key Main Modification identified by the Inspectors as being necessary to ensure the Plan will be justified, effective and positively prepared is to require the Council to “carry out an urgent review of this Local Plan within 6 months of adoption. This will identify a supply of specific, deliverable sites to meet the identified needs for Gypsies and Travellers and Travelling Showpeople. The updated Local Plan will be submitted within 14 months of the adoption of this Plan”. Should the recommendations in this report be approved then a separate report will be prepared for the Senior Management Team to consider how this review work is to be resourced and to set out the programme to be taken forward.
- 1.10 Section 38(6) of the Planning and Compulsory Act 2004 requires an application for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan will therefore be used to make decisions on future planning applications. The National Planning Policy Framework (NPPF) is a material consideration in planning decisions.
- 1.11 Once adopted the Plan will replace all extant parts of the development plan previously produced and adopted by Hambleton District Council as follows:
 - All parts and policies of the Core Strategy Development Plan Document (DPD), adopted April 2007;
 - All parts and policies of the Development Policies DPD, adopted February 2008; and
 - All parts and policies of the Allocations DPD, adopted December 2010.

1.12 Also to be replaced are the Council's Interim Policy Guidance Notes, adopted by the Council in 2015 to be used for Development Management purposes in the determination of applications for small-scale housing development. The documents which will cease to be applicable are the:

- Interim Policy Guidance Note 2015; and
- Interim Policy Guidance Note Settlement Hierarchy 2014.

Adoption of the plan does not affect the status of any 'made' neighbourhood development plans.

Sustainability Appraisal (SA)/Strategic Environmental Assessment (SEA)

1.13 The Sustainability Appraisal (SA) process is an essential mechanism for considering the likely social, environmental and economic effects of an emerging plan, whilst putting forward and allowing consideration of reasonable alternatives, with the overall objective of achieving sustainable development.

1.14 The 'Report on the Examination of the Hambleton Local Plan' concludes that "the various iterations of the SA demonstrate that the Council has identified, described and evaluated the likely significant effects on the environment of implementing the Plan, and considered reasonable alternatives taking into account the objectives and geographical scope of the Plan. The Council has carried out an adequate SA of the Plan and reasonable alternatives have been considered to a sufficient degree".

1.15 The conclusion of the SA process is to be followed by the production of the SA Adoption Statement. The purpose of the Adoption Statement is to summarise how environmental considerations have been integrated into the Plan. It also sets out how the consultation responses to the SA report have been taken into account, together with the reasons for proposing the Plan as adopted, in light of the reasonable alternatives. The Adoption Statement is being prepared and it will be included in the Local Plan Examination Library, subject to the approval of the recommendations in this report.

Habitats Regulations Assessment (HRA)

1.16 The need for Habitats Regulations Assessment is set out within the Conservation of Habitats and Species Regulations 2017 (as amended). The Regulations apply the precautionary principle to European sites. Plans and projects can only be permitted having ascertained that there will be no adverse effect on the integrity of the site(s) in question.

1.17 The 'Report on the Examination of the Hambleton Local Plan' concludes that "the policies and allocations in the Plan will not have a significant adverse impact on the integrity of the North York Moors Special Area of Conservation (SAC) and Special Protection Area (SPA), the North Pennine Moors SAC or the Strensall Common SAC".

Duty to Cooperate (DtC)

- 1.18 The National Planning Policy Framework requires that strategic policy-making authorities, such as Hambleton District Council, should produce, maintain and update one or more statement(s) of common ground throughout the plan-making process.
- 1.19 The statement of common ground for the Plan has been signed by all neighbouring plan making authorities, including the North York Moors National Park Authority as well as North Yorkshire County Council and National Highways (Highways England at the time of signing).
- 1.20 The 'Report on the Examination of the Hambleton Local Plan' concludes that "the Council has engaged constructively, actively and on an on-going basis with relevant local planning authorities, the County Council and prescribed bodies. The DtC has therefore been met".

Final Steps

- 1.21 In order to meet the required regulations (Regulations 26 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)), the Council is required to complete the following procedures as soon as reasonably practicable after adopting the Hambleton Local Plan:
- The adopted Hambleton Local Plan, the Adoption Statement and the Sustainability Appraisal Adoption Statement are to be made available during normal office hours at the Council's offices and at local libraries as indicated in the Adoption Statement.
 - The documents referred to above are to be published on the Council's website.
 - A copy of the Adoption Statement is to be sent to those individuals and organisations who have asked to be kept informed of the production of the Hambleton Local Plan.
 - A copy of the Adoption Statement is to be sent to the Secretary of State.
- 1.22 Under Section 113(3) and (3B) of the Planning and Compulsory Purchase Act 2004, there is a period of six weeks beginning the day after the adoption of the Plan within which any person aggrieved by it may make an application to the High Court on the grounds that:
- The Hambleton Local Plan is not within the powers conferred by Part 2 of the Planning and Compulsory Purchase Act 2004; or
 - A procedural requirement has not been complied with.
- 1.23 Grounds for being aggrieved do not include disagreement with policies contained within the Plan.

2.0 Link to Council Priorities

- 2.1 The adoption of a new Local Plan is a priority project for the Council and will deliver the Council Plan vision of Hambleton as 'A Place to Grow'.

- 2.2 Policies and proposals contained within the Plan support the wider Council priorities of Driving Economic Vitality; Enhancing Health and Well-Being; Caring for the Environment; and Providing a Special Place to Live.
- 2.3 This new Local Plan will enable Hambleton to continue to attract and keep good and stable employers, encourage new businesses and generate commercial opportunities by providing clear strategic planning direction and vision. It will also facilitate the provision of high quality housing throughout the district and the delivery of an additional 315 new homes per year which will secure a minimum five year supply of deliverable housing site across the five market towns and the villages. The Plan has been shaped by the views of local people and it will be at the heart of how communities continue to develop.
- 2.4 A new up-to-date Local Plan is the fundamental cornerstone of a Best in Class Planning Service and it will enable Officers and Members to make efficient and effective decisions for the benefit of the district in line with robust policies.

3.0 Risk Assessment

3.1 The key risk is in not approving the recommendations as shown below:-

Risk	Implication	Gross Prob	Gross Imp	Gross Total	Preventative action	Net Prob	Net Imp	Net Total
The Council does not have an up-to-date Development Plan that reflects Government policy	The Council's ability to manage future development in the district is reduced. The Council is at risk from Central Government intervention to produce a Plan. There is an increased potential for the Council to lose planning appeals.	5	5	25	Approve the recommendations included in this report.	1	5	5

Prob = Probability, Imp = Impact, Score range is Low = 1, High = 5

3.2 Overall, the risk of agreeing with the recommendations outweighs the risks of not agreeing them. The recommendations are therefore considered to be acceptable.

4.0 Financial Implications

4.1 The majority of the costs associated with preparation of the Plan have previously been met by the Council. The additional costs associated with adoption and final steps as outlined above are minimal and can be financed by the Local Plan Reserve.

5.0 Legal Implications

5.1 The preparation of the Local Plan is a statutory obligation under the provisions of the Planning and Compulsory Purchase Act 2004. Legal requirements for plan making are set out in the Town and Country Planning (Local Planning) (England) Regulations 2012. The sections relating to the adoption of development plans are numbered 26 and 35.

6.0 Equality/Diversity Issues

6.1 Equality and Diversity Issues have been considered through the preparation of the Plan. Assessments were made as follows:

- Equalities Impact Assessment July 2019
- Equality Impact Assessment Publication Draft February 2020

6.2 The Equalities Impact Assessment July 2019 was prepared alongside the finalisation of the Publication Draft version of the Plan and was published with other documents for the representations period. The assessment used the Council's own template for equality impact assessment and considered the overall impact of the Plan in a two-stage process. The assessment concluded that overall the Plan would have a positive impact.

6.3 The Equality Impact Assessment Publication Draft February 2020 was prepared following the representations period and was published prior to submission of the Plan for examination. The assessment considered the impact of the Plan's Vision, Outcomes and Policies to determine whether the Plan would have potential implications in relation to: Age, Disability, Race, Religion or Belief, Sex, Sexual Orientation, Marriage and Civil Partnerships, Gender Reassignment, and Pregnancy and Maternity.

6.4 The assessment considered the impacts to be broadly neutral with some potential for positive impacts. There were potential negative impacts identified for Race for Romany Gypsies and Irish travellers. However, this was mitigated through policy HG6. As is detailed in paragraph 1.9 of this report and in the recommendations below the Council is required to carry out an urgent review of the Plan to meet the accommodation needs of Gypsies and Travellers and Travelling Showpeople.

7.0 Recommendations

7.1 That Cabinet approves and recommends to Council:

- (1) the conclusions of the Inspectors that, with the recommended modifications, the Plan satisfies the requirements of Section 20 (5) of the Planning and Compulsory Purchase Act (as amended) and meets the criteria for soundness in the National Planning Policy Framework are noted;
- (2) the conclusions of the Inspectors that the Duty to Co-operate (DtC) has been met are noted;

- (3) the conclusions of the Inspectors that the Council has carried out an adequate Sustainability Appraisal (SA) of the Plan, and reasonable alternatives have been considered to a sufficient degree, are noted;
- (4) the conclusions of the Inspectors that the Plan meets the relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations, are noted;
- (5) the requirement of the Inspectors for the Council to carry out an urgent review of this Local Plan within 6 months of adoption, and for the updated Local Plan to be submitted within 14 months of adoption, particularly in terms of the accommodation needs of Gypsies and Travellers and Travelling Showpeople, is noted; and
- (6) the Hambleton Local Plan, incorporating all modifications (Main and Additional) and the accompanying Policies Map, is adopted as the development plan for Hambleton District Council, outside of the North York Moors National Park.

Mick Jewitt
Deputy Chief Executive

Background papers: Equality Impact Assessment Publication Draft February 2020
Schedule of Additional Modifications
Schedule of Modifications to the Policies Map
Statement of Common Ground March 2020

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