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# Report to Richmondshire District Council

by **Simon Berkeley BA MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 20<sup>th</sup> October 2014

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

**REPORT ON THE EXAMINATION INTO THE  
RICHMONDSHIRE LOCAL PLAN: CORE STRATEGY**

Document submitted for examination on 25 February 2013

Examination hearings held between 11 and 13 February 2014

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## **Abbreviations Used in this Report**

AA	Appropriate Assessment
CS	Core Strategy
CfSH	Code for Sustainable Homes
DCLG	Department for Communities and Local Government
DDP	Delivering Development Plan
LDS	Local Development Scheme
MM	Main Modification
MoD	Ministry of Defence
ONS	Office for National Statistics
REM	Regional Econometric Model
RS	Regional Strategy for Yorkshire and the Humber
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SuDS	Sustainable Drainage Systems
WWTW	Waste Water Treatment Works

## **Non-Technical Summary**

This report concludes that the Richmondshire Local Plan: Core Strategy provides an appropriate basis for the planning of the District providing a number of modifications are made to the plan. Richmondshire District Council has specifically requested me to recommend any modifications necessary to enable the plan to be adopted.

All of the modifications to address this were proposed by the Council and I have recommended their inclusion after considering the representations from other parties on these issues.

The Main Modifications can be summarised as follows:

- Listing in full to policies in the 2001 Local Plan which will be superseded;
- Clarifying the Council's intentions for allocating land;
- Setting out clearly the approach to flood risk;
- Clarifying the approach to development in settlements with no defined development limit;
- Ensuring that the approach to development in the Catterick Garrison strategic development growth area, and the countryside in the vicinity, is clear and effective;
- Slightly extending the Catterick Garrison strategic development growth area;
- Securing sustainable development in relation to waste management, mineral extraction, contamination and the effective use of land;
- Clarifying that the housing requirement is not a ceiling;
- Reducing the number of military homes required;
- Committing to reviewing the CS every five years, in line with the strategic defence review cycle;
- Clarifying the affordable housing policy;
- Aligning the requirement relating to the Code for Sustainable Homes and BREEAM standards with the viability evidence;
- Clarifying the position in relation to accommodation for gypsies and travellers and setting out criteria for determining applications;
- Emphasising the benefits of the A1 upgrade for economic development;
- Ensuring that commercial developments in Richmond and Catterick Garrison addresses the consequences on the centre of the other;
- Committing to setting up a Town Centres Forum and regularly undertaking town centre health checks;
- Delineating Richmond, Catterick Garrison and Leyburn town centres and primary and secondary frontages;
- Clarifying the position in relation to water infrastructure;
- Ensuring that impacts on cultural assets are properly considered;
- Maximising opportunities identified for renewable electricity generation;
- Ensuring that any adverse landscape and visual effects of energy generation schemes are considered in line with national policy and guidance;
- Preventing the deterioration of water bodies;
- Distinguishing between the types of biodiversity and geodiversity assets;
- Setting out a requirement for design statements; and
- Updating monitoring indicators and targets for effectiveness.

## Introduction

1. This report contains my assessment of the Richmondshire Local Plan: Core Strategy (the CS/the Plan) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. Paragraph 182 of the National Planning Policy Framework (the Framework) makes clear that to be sound a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the submitted draft plan dated August 2012.
3. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the Appendix. Numerous other changes have also been put forward by the Council. However, these comprise minor or consequential revisions, and factual updates. Whilst generally helpful and to be welcomed, their inclusion in the Plan is not necessary for soundness and I have therefore generally not referred to them in this report.
4. The main modifications that are necessary for soundness and/or legal compliance all relate to matters that were discussed at the Examination hearings. Following these discussions, the Council prepared a schedule of proposed main modifications and this schedule has been subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report.
5. An Order to partially revoke the Regional Strategy for Yorkshire and the Humber (RS) [PS005] came into force on 22 February 2013, a few days before the CS was submitted for examination. Shortly after submission, the Government published a statistical release setting out household interim projections for 2011 to 2021. The Council prepared a Development Target Review paper [PSD001] setting out its view of the implications of all this on the CS. Public consultation on this was held during August and September 2013.

## Assessment of Duty to Co-operate

6. Section s20(5)(c) of the 2004 Act (as amended) requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation.
7. The Council's Local Strategic Issues and the Duty to Cooperate statement [SD006] sets out numerous forums through which joint working has been undertaken, both professional and political. This includes bodies in Yorkshire and also Tees Valley authorities. In general terms, from this evidence, it is clear that the Council has sought to engage constructively with the bodies

prescribed through Section 33A of the 2004 Act at appropriate stages in the Plan making process.

8. More specifically, the statement identifies three main strategic issues where cooperation is pivotal. These are the A1/A6136 link, meeting defence requirements and rural housing needs. The principal parties involved have been cooperating in relation to these aspects. In various respects, the Council, North Yorkshire County Council, the Highways Agency, the Ministry of Defence (MoD), and North Yorkshire Local Enterprise Partnership have all had a hand in work assessing strategic highway capacity and possible improvements. Ultimately, these efforts have led to the A6136 link scheme currently being brought forward.
9. Cooperation between the Council and the MoD in relation to military requirements has been undertaken in the context of changing national defence plans. This has clearly not been a straightforward task, particularly in relation to planning for housing for military personnel and their families. However, it is clear that there are standing arrangements in place, particularly through the Catterick Garrison Liaison Group, and that proper dialogue has shaped the CS. Indeed, it strikes me that this has been a factor underpinning the proposed creation of a new town centre to serve the garrison and surrounding area.
10. Moreover, joint working between the Council, the MoD and the Department for Communities and Local Government (DCLG) has resulted in Richmondshire being one of three Land Auction Model pilot areas. This primarily involves the Council using funds from DCLG to make planning applications for development on MoD land in connection with the growth proposed at Catterick Garrison. The purpose here is to reduce developer risk and so help to bring development sites forward, particularly for housing for military families. In my opinion, this represents precisely the kind of cooperation sought by the duty and by the Government more generally.
11. In terms of rural housing needs, much has been done on a North Yorkshire basis. The North Yorkshire Housing Partnership, which includes all North Yorkshire District Councils, commissioned the North Yorkshire Strategic Housing Market Assessment [TE009] which underpins the CS on this issue. It was this work which revealed problems with population projections from the Office for National Statistics (ONS), discussed later in this report.
12. In addition, the Council's approach to housing and its objective assessment of housing need is deliberately based on district-wide figures. As such, the swathe of the Yorkshire Dales National Park which is within Richmondshire district is considered in the approach and is included in assessing need. Furthermore, the CS recognises the role of Leyburn in serving a wide hinterland in the National Park area, and responds accordingly. Again, this is considered later in this report. For present purposes it is sufficient to record this factor as a positive outcome of cooperation between the two planning authorities.
13. Correspondence has been provided [C013] by relevant prescribed bodies confirming that they consider the Council to have worked with them in accordance with the duty. None have suggested that the duty has not been met. In the light of all this, I conclude that it has been.

## Assessment of Soundness

### Main Issues

14. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified six main issues upon which the soundness of the Plan depends.

### Issue 1 – The basis for the Plan

#### Whether the Plan has been positively prepared and whether the approach taken justifies it

##### *General*

15. The Council's Local Development Scheme (July 2014) (LDS) shows that the CS is one of two Local Plan documents intended by the Council. The other is the Delivering Development Plan (DDP) which will include land allocations, designations and the identification of settlement Development Limits. However, neither the LDS nor the CS is wholly explicit about the uses for which land will be allocated and designated. One is left guessing, and this raises questions about the effectiveness of the CS.
16. Modifications (**MM1, MM49 and MM55**) have been put forward by the Council which unambiguously explain the intentions for allocating land in the DDP. It also sets out the Supplementary Planning Documents envisaged. I concur that this revision is necessary and provides satisfactory remedy.
17. Annex 1 of the Plan lists the policies in the 2001 Local Plan which will be superseded by policies in the CS. The Council proposes to add to this list as a result of other modifications and for completeness. I agree that **MM69** is needed for legal compliance.

##### *Engagement*

18. The Council confirms that public involvement in the Plan's preparation has been in line with the Statement of Community Involvement of July 2006 [PP018]. From the evidence, it is apparent that the Council has sought to engage with a wide range of people, from local communities to statutory bodies.
19. In particular, engagement with local schools has been undertaken. Class workshops have been held with primary school children, focussing on what life is like in the district's villages. Secondary school pupils have taken part in debating exercises considering issues relevant to the CS. This was also extended to the district's Youth Council. More conventionally, public meetings have been held in various venues around the district. Council officers have held meetings with interest groups, for example the Campaign to Protect Rural England, and with Parish Councils to consider the possible impacts of the Plan in detail.
20. Not everyone has been entirely satisfied by the engagement undertaken by the Council. However, one must remember that positive preparation and involving people properly is not the same thing as agreeing on the most

appropriate proposals. While it is always possible to do more to engage people in the process, it is clear to me that the level of involvement and the methods used have been appropriate and proportionate. Indeed, in my opinion, some of the measures deployed, notably those relating to young people, have been especially commendable.

### *Assessment of options*

21. The evaluation of reasonable alternative options is a fundamental part of plan making. It is necessary for soundness, and a Plan can only be justified when it has been formulated on such a basis. On the whole it is the sustainability appraisal process which performs this function.
22. It is evident that sustainability appraisal has been carried out at relevant stages and that the appraisal has iteratively informed and influenced the CS. The Sustainability Appraisal document (June 2012) [SD002] (the SA) submitted with the Plan identifies 16 objectives, or indicators of sustainability. The Plan's Spatial Principles, Sub-Area Strategies and Core Policies, and a number of alternative options for each of these, are all evaluated against the sustainability indicators using a scoring system. This is of the sort commonly employed in sustainability appraisals. It effectively rates each option on a four point scale depending on the degree to which it does or does not support each appraisal objective.
23. All of the sustainability objectives used in the SA are entirely appropriate. The indicators are sufficient in scope to ensure that the options are adequately tested. Similarly, while other options may in some cases have also been appraised, I consider that enough has been done to ensure a satisfactorily robust evaluation of the CS against the reasonable alternatives.
24. The Habitats Regulations Assessment Screening Assessment (June 2012) [SD003], which includes an Appropriate Assessment within its covers, has a bearing here. This concludes that while the Plan's Spatial Principles, Sub-Area Strategies and Core Policies are not likely to have a significant impact on any of the relevant European Wildlife Sites identified, some of the Principles, Strategies and Policies have the potential to have some negative effect on one or more of the sites.
25. In order to mitigate such effects, text was agreed with Natural England before being added to the Plan. Natural England is content with the approach, and I agree that this is appropriate.
26. It is clear that the Plan is underpinned by considerations of the risk of flooding. A Strategic Flood Risk Assessment Update (the SFRA) [TE006] was produced in 2010 and has been drawn on through the Plan's preparation. The SFRA shows that while most of the settlements identified for growth include some areas of flood risk, all also include land in Flood Zone 1 where there is the lowest risk of flooding.
27. According to the Council, the strategic development growth areas identified in Catterick Garrison and Leyburn, which I consider in greater detail later, incorporate more land than is necessary to deliver the level of housing anticipated in each of these settlements. That is an advantage. In addition, the SFRA takes into account sites identified in the Strategic Housing and

Employment Land Availability Assessment 2010 [TE015]. While not the most up-to-date position, this is nonetheless appropriate. From this, the Council unequivocally states that there is sufficient land in Flood Zone 1 to accommodate the level and distribution of development set out in the CS. On the evidence produced, that appears to be the case.

28. Given this, I am satisfied that the Plan's assessment of options is founded on adequate consideration of flood risk. The broad thrust of the strategy is justified in this regard. Much more will be decided through the DDP. As things presently stand, on the Council's evidence, there is no reason why land outside Flood Zone 1 should be brought forward for housing development. Whatever the DDP ultimately proposes, it remains incumbent on the Council to ensure that the sequential approach to flood risk underpins the choice of sites proposed. Indeed, the site selection process should clearly accord with Core Policy CP1 and its supporting text, as proposed to be amended by **MM23** and **MM24**, which I consider under Issue 6 below.

### **Conclusion on Issue 1**

29. Considering the above, I conclude that the Plan has been positively prepared and that, with the main modifications put forward by the Council, the approach taken justifies it when considered against the reasonable alternatives. There is, therefore, a sound basis for the Plan.

## **Issue 2 – The strategy**

### **Whether the strategy for growth is justified, effective and consistent with national policy**

#### *The strategic spatial approach*

30. Spatial Principle SP1 divides the district into three sub-areas and articulates in general terms the level of growth planned for in each. Further detail is given in the sub-area spatial strategies. There is good reason for the three-way division.
31. The Central Richmondshire sub-area is more densely developed than the North Richmondshire and Lower Wensleydale sub-areas to the north and south respectively. Moreover, and perhaps more importantly, the identification of Central Richmondshire as a sub-area gives tangible spatial expression to the area of greatest planned growth. The demarcation of the Lower Wensleydale sub-area indicates the hinterland within the district for which Leyburn plays an influential role. The more rural, more sparsely populated nature of North Richmondshire is quite distinct from much of the adjacent Central sub-area. Differentiating it from Central Richmondshire patently reflects present characteristics and the Plan's intentions for growth. All of this lends clarity to the strategy and I am of the firm view that this approach is the most appropriate.
32. A second strand to the spatial strategy comes through Spatial Principle SP2, which sets out the proposed settlement hierarchy. Richmond and Catterick Garrison are identified as the district's two Principal Towns, to be the main



focus for housing, employment, shopping, leisure, education, health and cultural activities. Leyburn is identified as the district's sole Local Service Centre, forming the second tier in the hierarchy. Primary and Secondary Service Villages are also identified.

33. The positioning of each settlement within the hierarchy has been directly informed by the Settlement Facilities Study (2011) [TE014], which assesses the services and facilities present in each of the district's settlements. As such, the hierarchy's formulation is effectively based on the relative sustainability credentials of the settlements.
34. There can be little genuine doubt that Richmond is presently the district's primary settlement. It is, and will remain, a Principal Town. The proportionately small level of housing growth planned for it, which I discuss under Issue 3 below, does not alter matters in this respect. Conversely, Catterick Garrison's categorisation is largely a reflection of the housing growth identified there and the Council's complimentary aspiration of providing the area with a town centre. If the Plan is successfully delivered, it will be a Principal Town with a function complimentary to that of Richmond.
35. Some argue that Leyburn should be a Principal Town, others that it should be a Primary Village. However, from the evidence and my visits around the district, I consider the classification given to be the most appropriate. Looking at this issue in the context of this district, there is no doubt in my mind that the role of Richmond and Catterick Garrison is different to that of Leyburn. Richmond is a significantly larger settlement. Catterick Garrison is planned to be. Both will fulfill district-wide needs. Leyburn is a smaller, more rural settlement. It does undoubtedly serve as a centre for those living in the villages of Lower Wensleydale, including in the National Park beyond the Council's planning boundaries. But viewed in the Richmondshire-wide perspective, that is a comparatively secondary function. In short, the term "Local Service Centre" describes Leyburn's role accurately and succinctly – it is a local centre which provides local services.
36. Indeed, it is for this very reason that the Primary Service Village categorisation is also less fitting. Spatial Principle SP2 says that Primary Service Villages are those which supplement the key services in the towns to help meet the needs of the dispersed rural communities. In my view, to describe Leyburn thus would be to underplay its local importance. It performs a 'market town' function on a localised, Lower Wensleydale basis. This justifies Leyburn's unique position in the hierarchy.
37. A number of arguments have been made seeking additions and changes to the settlements listed in the Primary and Secondary Service Village tiers. The Council's evidence supporting the hierarchy, though, is more persuasive. The Settlement Facilities Study is robust in its scope and straightforward approach. Even though some services and facilities may have changed since its production, there is nothing to suggest that this is sufficient to undermine its overall analysis. It remains adequate for the intended purpose.
38. In addition, the SA considers three different options in relation to the hierarchy: changing the roles within it; changing the tiers; and changing the settlements in each of the tiers or roles. Whilst in necessarily broad terms,

the SA clearly addresses this matter. The proposed hierarchy performs better than the other options considered across all 16 sustainability indicators – it is not a close run thing. This points strongly in its favour and significantly bolsters the justification for it.

39. Moreover, the Council's Matters and Issues paper [C014] responds directly to representations on this issue. I have been given no compelling reason to suppose that the points put here are invalid, and I generally concur with them. Overall, nothing I have seen, read or heard convinces me that changes to the hierarchy are necessary to render the Plan sound.
40. Core Policy CP3 aims to bolster the settlement hierarchy by supporting development of a scale and nature appropriate to the settlement's hierarchy classification and role, both as defined in Spatial Principle SP2. It supports new development within or adjacent to each settlement's defined Development Limits. This is a suitably flexible approach which aims to support development whilst also avoiding encroachment into the open countryside.
41. However, the Council proposes to delete this policy and its supporting text (**MM31**) and instead to embed its principles in a re-draft of Core Policy CP4 and its associated text (**MM32** and **MM33**). As these changes better explain the position and cover settlements which presently have no defined Development Limits, I concur that they are necessary for the Plan's effectiveness. With these changes, the revised Core Policy CP4 provides an appropriate platform to support schemes which accord with the hierarchy and to reject those which do not.
42. For the Catterick Garrison area, and for Leyburn, the Plan indicates 'strategic development growth areas'. These are illustrated on plans and to some extent add a third strand to the spatial strategy. A number of representations have been made about the growth areas shown and I have taken account of all the points raised. However, it is clear that the various options for growth have been considered through the SA process. Moreover, it seems to me that the Plan is more flexible than some may have thought – or at least the Council intends it to be.
43. As submitted, the Central Richmondshire Spatial Strategy supports housing and employment development within the Catterick Garrison growth area. The Council now proposes to alter this. **MM8** explains that the strategic growth area "*indicates the general direction of growth*" and is not definitive. It provides "*guidance*" for the identification of strategic development sites in the DDP. The DDP ultimately may not allocate all the land inside the growth area, and could allocate land outside of them. The Plan does not explicitly rule this out – it simply gives a broad strategic steer, which is an appropriate response. Indeed, **MM12** aims to ensure that until the DDP is adopted, new housing should be "*well related to the strategic direction of growth*", rather than within it. I consider that with the addition of the text in **MM8** and **MM12** the Plan gives adequate guidance to the DDP whilst remaining suitably flexible and provides a fitting and necessary interim policy approach.
44. The Council has proposed some alterations to Figure 8 (**MM9**) in relation to the growth area at Catterick Garrison. The line of Colburn Lane has been added, which helps with the clarity of the illustration. In addition, a correction

has been made to better reflect the existing settlement's built extent, which the growth area generally follows in the vicinity involved. The upshot of this is that Figure 8 now includes an area of disused recreation ground within the growth area that the submitted document at least gave the impression was outside it. On this point, some concerns have been raised. However, in the context of the Plan's flexible approach, the role of the DDP in setting development limits and allocating sites, and given the reasons for the changes, I am satisfied that the revisions to Figure 8 are appropriate.

45. Proposed modification **MM56** also relates to the text supporting Core Policy CP12. This explains that the countryside between Colburn, Colburn Village and Hipswell contributes to the overall openness of Catterick Garrison and acts as a buffer between the old village of Colburn and landscape assets to the north of the River Swale. It commits to formally defining the extent of this area in the DDP, and says that until then "*the Council will consider development proposals that are well related to the strategic site search area illustrated in Figure 8*". The effect of this, in combination with **MM8** and **MM12**, is to steer development towards the strategic growth area and not this countryside swathe. This is a justified stance and the revision suggested is adequately effective.
46. Turning to the Leyburn strategic development growth area, the Lower Wensleydale Spatial Strategy is already framed more flexibly. It does not require development to be within the growth area. Rather, it says that the strategic growth area is the preferred direction of growth. Given the significantly lower level of development envisaged here, and as the DDP will allocate the land necessary for it, this is an appropriately flexible strategic approach for Leyburn.

#### *Sustainable development*

47. Just as the spatial strategy aims to deliver growth in the most sustainable places, so the Plan also aims to deliver sustainable development in other ways. This is an issue which encompasses many aspects of development. Core Policy CP0 reflects the presumption in favour of sustainable development set by the Framework. This is appropriate. Core Policy CP1 represents the Plan's direct response to climate change, and I deal with this later under Issue 6.
48. Core Policy CP2 explicitly concerns achieving sustainable development. It supports a wide range of measures such as the efficient use of land, the conservation of scarce resources and reduction of their use in development, and the use and re-use of sustainable resources. All of this is justified.
49. However, the Council has put forward some modifications to the policy which I agree are necessary. The first (**MM28**) concerns the reduction of waste, the promotion of recycling and the provision of sites which manage waste sustainably. Tackling contamination from past uses as required by **MM30** is essential and, as also required by **MM30**, it is appropriate that schemes in Mineral Safeguarding Areas consider the extraction of the mineral before the development takes place.
50. **MM29** is needed to more accurately reflect the Framework's stance in relation

to encouraging the re-use or adaptation of buildings and encouraging the re-use of previously developed land that is not of high environmental value. For the latter reason the modifications to the Central Richmondshire Spatial Strategy (**MM11** and **MM13**) are also needed. While these changes retain a preference for brownfield sites over greenfield land, that is appropriate. The wording used in these modifications does not go significantly further than the Framework and is sufficiently consistent with its aims in this regard.

51. The Coal Authority and the County Council rightly point out that their responsibilities in relation to mineral safeguarding have been inaccurately reflected in the Plan. These are factual errors and while I encourage such corrections, as they would be helpful, they are not essential for soundness.

### **Conclusion on Issue 2**

52. Considering the above, I conclude that, with the proposed main modifications put forward by the Council, the strategy for growth is justified, effective and consistent with national policy.

### **Issue 3 – Housing**

#### **Whether the Plan's approach to housing is justified, effective and consistent with national policy**

##### *Need and requirement*

53. The CS aims to deliver 3,060 new homes between 2011 and 2028, which equates to an annual average of 180 dwellings. This is not directly based on ONS projections. Rather, it stems from the Richmondshire Scrutiny of Population Estimates and Projections (2012) by Edge Analytics Ltd ('the scrutiny report') [TE012]. Whether this provides a sufficiently robust, objective assessment of need is the central question here.
54. Previous ONS projections, notably those given in the 2008-based sub-national projections, have indicated higher population growth rates than that catered for in the CS. The scrutiny report examines these ONS projections in some forensic detail, particularly the inputs. It analyses the population projections provided by the ONS from 2001 through to the 2011 mid-year estimate. It concludes that the level of growth associated with international migration identified by the ONS is incorrect, and that the importance given to this factor in the ONS mid-year estimates has led to a significant over-estimation of population growth in Richmondshire.
55. It appears that the ONS recognises this problem. The scrutiny report points out that the ONS has made available revised figures based on an amended methodology using a revised immigration estimate. For Richmondshire, this indicates a reduction in population growth from 12.5% to 6.6% between 2001 and 2010. This is a considerable difference. Matters such as headship rates and household formation aside, this is a factor which, on the face of it, quite clearly indicates a lower housing need than some ONS projections suggest.
56. In addition, the scrutiny report details the difficulties relating to the military

population. The ONS assumes a static military population but includes armed forces children and other dependants as part of the general population. In reality, the level of service people and their dependants has fluctuated considerably over time. Put simply, because of its scale and continuous change, the military population in Richmondshire significantly complicates matters. It makes the already challenging task of projecting population and household growth still more difficult.

57. In effect, the scrutiny report sets out to provide more reliable population and household growth estimates than those available from the ONS. It does this by assessing three different scenarios. A benchmark scenario replicating the ONS 2008-based sub-national population projections is used. A 'migration-led revision' retains the ONS 2008 assumptions about mortality and fertility. While it reflects the 2006 to 2010 period, it uses migration assumptions based on the revised mid-year estimates released by the ONS in November 2011 – the revised immigration estimate mentioned above. A third 'dwelling-led' scenario is also considered. This effectively tests the now revoked Policy H1 of the former RS, which required an annual average of 200 dwellings, and assesses the effect of this in respect of population growth.
58. For each scenario, population growth has been 'converted' to headship rates using DCLG's 2008-based household model. From this, and taking account of vacancy rates, an annual average dwelling requirement for each scenario is reached. The scrutiny report does not explicitly recommend the adoption of any of the three dwelling requirement outputs for forward planning purposes. However, it is clear that the authors consider the 'migration-led revision' to be the best estimate, based as it is on the new methodology adopted by the ONS for estimating international migration. The annual average of 178 dwellings emerging from this scenario has been rounded up to 180 and taken forward in the CS.
59. The scrutiny report does not fully resolve the conundrum arising in respect of the military population. According to the report, this would require scrutiny of GP's registrations. It strikes me that such investigation would need to be extremely detailed. In my opinion, demanding forensic analysis of this sort would be disproportionate for the intended purpose and unreasonable.
60. Instead, the assessment consciously embeds the ONS assumptions about the military population within each of the scenarios considered. Although known to be inaccurate, it seems to me that this solution offers a 'level playing field' for comparison purposes. Moreover, while the actual population and household figures arrived at are, in themselves, rendered questionable by the artificial isolation of the military population, the CS deals with this by treating them as a separate entity and setting a housing figure specific to military homes.
61. Following the hearing sessions, the Council commissioned further work from Edge Analytics Ltd. The Employment-Led Demographic Forecasts document (March 2014) [PSD013] (the subsequent study) effectively extends the analysis of the scrutiny report. It considers the effects of three job growth forecasts on the need for housing. For consistency, and to allow comparison with the scenarios in the original scrutiny report, each scenario uses the same data and assumptions applied to the scenarios previously tested.

62. The high job growth forecast indicates a need for 294 new homes per year on average. The same figure for the low jobs forecast is 188. The jobs-led central projection forecasts housing need of 251 dwellings per year. The latter projection is based on the results of the Regional Econometric Model (REM) which informed the Employment Land Review Update (2012) [TE005] (the ELR Update). Because of this, there is a question as to whether it, rather than the migration-led revision, represents the most reliable assessment of housing need.
63. I agree with the Council's general position on this. The figure derived from the jobs-led central model is very close to the 254 dwellings per year flowing from the ONS 2008-based sub-national population projections discussed above. It is reasonable to conclude that if this forecast is an over-estimation, then so is the jobs-led central model. Indeed, given the evidence on this, that is my firm view. In addition, as the Council says, it is likely that data underpinning the REM and ELR inflates employment growth, particularly through the inclusion of military households and reliance on uncorrected 2008-based population forecasts. Consequently, I consider the jobs-led central projection to be less dependable than the migration-led revision.
64. Overall, six scenarios of population change and household growth have been considered and analysed. These are not based purely on demographics. Factors which have affected past demographic modelling and others which may affect future housing needs, including economic factors, have been considered. Additionally, and crucially, the analysis has not taken account of constraints or other policy considerations – figures have been arrived at without manipulation or tarnish of this kind. In short, I consider the scrutiny report and the subsequent study to amount to a satisfactory, objective assessment of housing need.
65. Moreover, the Council's reasons for selecting the migration-led revision model as the most trustworthy assessment appear well founded. As I mentioned earlier, it is apparent that the ONS recognises the problem with its figures, and the dwelling-led revision only reflects a pre-determined level of housing growth. The Council's Employment-led Demographic Forecasts paper [PSD014] explores the likelihood of the three employment scenarios occurring. The reasoning in this paper, particularly in relation to economic, workforce and development trends, and the realisation of economic impacts from the A1 upgrade and delivery of Catterick Garrison Town Centre, is persuasive.
66. Given all this, on the evidence produced, I agree that the migration-led revision provides the most dependable assessment. Though its accuracy cannot be assured, particularly given the situation in relation to military homes, forecasting of this sort can never give guarantees. I see no compelling reason to suppose that the margin for error here is significantly out of the ordinary.
67. Through Spatial Principle SP4, the CS aims to deliver the number of new homes indicated by the migration-led revision. That is to say that it squarely sets out a housing requirement which matches objectively assessed needs. In this regard, it is sound. That being said, I agree that the Plan should be modified to clarify that the 180 dwellings per year figure is not a ceiling, as the Council suggests under **MM2**. There is no strong evidence or other good

reason to impose a cap, and to do so in this context would run counter to the Government's broad aim of boosting significantly the supply of housing.

68. I note that the statistical release published by the Government setting out household interim projections for 2011 to 2021 indicates a lower annual target of 80 homes a year. However, it is a widely held view that these projections should be regarded with caution. I concur. These are interim, 10 year forecasts based on past short-term trends coinciding with a period of recession. Requiring reliance on them would be inappropriate. In addition, it is clear that the Council wishes to pursue the considerably higher level of housing delivery indicated by the 'migration-led revision' scenario. This strikes a harmonious chord with the Government's general aim for housing.
69. In May 2014, the ONS published 2012-based sub-national population projections. However, much detailed work is necessary to derive household projections and housing need figures from population projections. Requiring the Council to undertake such work would result in significant delay to the Plan and undermine its progress. At such a late stage in the plan making process, that would be unreasonable. The Council is in any case under a statutory duty to keep matters under review. From **MM58**, which I discuss below, it is clear that the Council intends to do just that.
70. Some suggest that following the migration-led revision for housing and relying on the REM and ELR in relation to economic development causes a 'mismatch' between the level of housing planned for and the number of jobs anticipated, such that the former should be increased. I recognise that housing need has been assessed on the basis of lower economic growth than that underpinning the approach to economic development. But I am not persuaded that this should mean demanding more housing here.
71. Firstly, introducing new jobs represents an opportunity for the local population. Many positions may well be taken by people already living in the district. In addition, accepting that there would be jobs filled by people living elsewhere, some portion may well not wish to relocate to the district. Large scale in-migration is not a certain outcome. In-commuting for work may rise, at least to some limited degree. But the commute to work is a fact of contemporary life and is something people frequently choose to accept rather than to relocate. This in itself is a strong argument for not providing housing sufficient for the whole workforce anticipated. Plans must be based in reality.
72. Furthermore, it seems to me that much will depend on the national economic climate. While one may wish to be hopeful, the possibility that Richmondshire's economic ambitions might not be fully realised cannot be ruled out. I consider that the level of housing proposed in the Plan strikes a reasonable balance between the Council's aspirational approach to economic growth and the reality of an economy emerging from recession. This is a reasonable and justified position to take. For the time being, additional housing to 'dovetail' with economic development is not necessary for soundness.

### *Spatial distribution*

73. Spatial Principle SP4 and Table 3 supporting it set out the distribution of new

housing in terms of both the sub-areas and the settlements. Lower Wensleydale and North Richmondshire are apportioned 12% and 9% respectively. However, 79% is planned for Central Richmondshire. That is a strong concentration. What is more, 62% of all new homes in the district are anticipated to be in Catterick Garrison. From this, Catterick Garrison is the Plan's unequivocal focus for new housing. This is a distinct approach which, to my mind, is entirely justified.

74. The Catterick Garrison area comprises the three villages of Scotton, Colburn and Hipswell, along with the garrison site itself. These areas have developed over time and have, to a large degree, effectively coalesced. The CS says that a new town centre is emerging. Planning permission has recently been granted for a mixed use scheme including retail units, a hotel, cinema and restaurant space which would expand existing facilities significantly. Indeed, I understand that this development has now commenced. As I see it, the provision of the level of new housing proposed will compliment this. It will help to ensure the success of the new commercial heart planned for.
75. At least as importantly, this scale of housing presents a good opportunity to plan holistically for this quarter, to introduce a strong sense of place with neighbourhoods connected to a proper, well defined and coherent centre. With the level of new homes proposed, real cohesion could be achieved where it is presently largely absent. That is a distinct benefit of focussing housing growth on the garrison area.
76. Only 250 dwellings are expected to be delivered in Richmond. On one hand, that is few given its Principal Town status. On the other hand, though, it is clear that there are significant constraints to growth in Richmond. Four options are effectively ruled out by the Habitats Regulations Assessment Screening Assessment (June 2012) [SD003], because of the possibility of effects on the North Pennine Dales Meadow Special Area of Conservation. Heritage constraints are also a factor here. While heritage assets need not necessarily prevent development, the presence of numerous such assets in and around Richmond strongly suggests that concentrating new housing here is not the most appropriate option. Given the advantages of centring house building around Catterick Garrison, I am of the firm view that it is not.
77. Leyburn is the focus for new housing in the Lower Wensleydale sub-area, and is earmarked under Table 3 of the Plan for 215 new homes. This apportionment is generally consistent with Leyburn's position in the hierarchy, the facilities and services present and its function.
78. In North Richmondshire, greater reliance is placed on the Primary and Secondary Service Villages than in the other sub-areas. Something of a scattered distribution is proposed. Given the absence of any settlement in a higher tier, that is an appropriate response.
79. The Primary and Secondary Service Villages for all three sub-areas are given a collective rather than individual figure. I consider this appropriate, and support the Council's intention that the precise distribution between them be left to the site allocations in the forthcoming DDP.
80. I recognise that the figures in Spatial Principle SP4 and Table 3 have not been



arrived at in an especially scientific way. The evidence does not explicitly justify the precise apportionment between the towns and villages, or between the sub-areas. However, there is no robust evidential basis to support any other specific numerical split. From what the Council has told me, I understand that the figures have emerged somewhat organically through the Plan's formulation, influenced by engagement with stakeholders, and have been altered and developed through the plan making process. The approach has its roots in the Plan's positive preparation, a factor which lends support to it.

81. Moreover, the distribution is consistent with the settlement hierarchy and will help to ensure that the towns and villages concerned fulfil the role intended for them. This is an important point. Even if alternative figures may be equally justifiable, I am not persuaded, on the evidence, that any are more appropriate or that modifications are essential for soundness.

#### *Land supply*

82. Turning to matters of land supply, the Council's Strategic Housing Land Availability Assessment Update (December 2013) [PSD010] ('the SHLAA Update') sets out the most up-to-date position. It lists sites that have come forward through a 'call for sites' and other means. For each it estimates the number of homes built annually over the 15 year period 2013/14 to 2027/28. A number of assumptions are relied on. Where possible, densities have been tailored specifically to the site concerned. However, where this has not been possible, 30 dwellings per hectare has been assumed. Also, annual delivery of 30 dwellings per outlet has been used, and no attempt has been made to incorporate phasing. In reality, the development of these sites will depend on site specific circumstances, the wishes of the developer and numerous other detailed factors. These will only be known once schemes are brought forward and acceptable development solutions found. In this context, the SHLAA Update is as detailed as one could realistically expect. The assumptions are reasonable and representative of some schemes, and I consider them appropriate for their intended purposes.
83. The SHLAA Update concludes that the sites listed could provide land for a total of 3,877 new homes. This represents 144% of the CS annual average target for that period, being 2,700. I consider this a significant factor. It allows for a generous margin of error in relation to the assumptions made, particularly those about density, and bolsters confidence that the Plan is founded on a deliverable supply of land for housing.
84. I acknowledge that it has been some time since land owners were invited to put sites forward for inclusion in the SHLAA. Other sites have been drawn to my attention that are now available but were not previously indicated. The Council intends a further 'call for sites' as part of the formulation of the DDP. That is an appropriate way to deal with this issue. The choice of sites from the SHLAA Update to be allocated for development will be a matter for the Council and for the examination of that document.
85. The SHLAA Update analyses housing land supply in relation to the Plan's spatial strategy and distribution of housing. It shows that in respect of both the sub-area approach and the settlement hierarchy there is, by and large,

land to deliver more than the number of homes sought by the CS over the 15 year period.

86. There are two exceptions to this. The estimated supply for Richmond falls short by five dwellings. In context, this is a minimal shortfall and not one of concern. The supply identified 'elsewhere' – those villages not included in the hierarchy – is only 15 dwellings. The CS target is 135. But this is only 11% of the CS target overall. As in Richmond, the Council's expectation is that conversions and small sites will 'take up the slack'. Core Policy CP8 actively encourages small scale housing developments in or adjacent to smaller villages and conversion schemes. Given this, and that the absolute figures involved here are not large, this factor is not one which undermines the strategy.
87. The Council suggested a modification defining 'small scale development' in Richmond and Catterick Garrison. On the one hand, this would improve certainty. On the other, though, it would reduce the flexibility of the CS as submitted. Given the lack of larger development opportunities in Richmond, this proposed change could inhibit otherwise acceptable sites coming forward. That would not be appropriate, given that the Plan's housing figures are not a ceiling. Consequently, it is not necessary for soundness, and the submitted Plan is adequate in this regard.
88. Where there has been a record of persistent under delivery of housing, it is necessary for planning authorities to add an additional 20% buffer to the supply of land for housing identified for the first five years, moved forward from later in the plan period. While refuting the necessity, the Council nonetheless has aimed to achieve this. Accounting for a 20% buffer, 1,080 homes will be needed in the first five years. The SHLAA Update indicates that land to provide 1,102 is deliverable. I consequently concur that in this regard the expectations of the Framework are met.
89. Taking into account homes already built, sites with planning permission and sites in the land availability evidence, the Council estimates that over the Plan period just over 700 homes will be on previously developed land. This amounts to around 23% of the 3,060 planned for. Considering the rural nature of the district I regard this to be an appropriate level. Along with the policy approach in Core Policy CP2, it lends confidence that the Plan does all it realistically could to encourage the effective use of land by re-using land that has been previously developed.

#### *Homes for military service personnel*

90. As originally submitted, in addition to the aforementioned 180 dwellings a year, the Plan also proposed to provide 1,440 new homes for service families. That figure was founded on the Catterick Garrison Long Term Development Plan 2008. However, the MoD published an Army Basing Plan in 2013. This makes it clear that the MoD now anticipates a much reduced need. Consequently, the Council has put forward main modifications (**MM3** and **MM5**) explaining the change in circumstances and proposing up to 500 dwellings for military service personal. In the circumstances, and as the MoD appears content, I concur that this is an appropriate figure to select.

91. The Council has also suggested a revision (**MM58**) which commits to reviewing the Plan, in whole or in part, every five years. As the text proposed indicates, development in the district is affected by successive national defence and security reviews. Obviously, such reviews are largely beyond the Council's influence and future outcomes of MoD policy reviews cannot be second-guessed. In the light of the possibility of change in this respect, I concur that the proposed commitment to reviewing the Plan in alignment with the five year strategic defence review cycle is a sensible contingency. I regard it as necessary for this reason only, and the soundness of the Plan more generally is not reliant on this pledge.

#### *Affordable housing*

92. Core Policy CP6 aims to secure a contribution to affordable housing from all developments which result in a net gain in dwellings. In the North Richmondshire sub-area, a 30% target is set. The target is 40% in the other two sub-areas.
93. The justification for this approach stems from an Economic Viability Study (September 2011) [TE004] (the Viability Study) produced for the Council. I consider this in greater detail below, and it is sufficient to note here that I find it to be adequate. On the basis of the appraisals undertaken, the Viability Study puts forward four policy options for affordable housing. The CS adopts none of them precisely. From the most similar alternative, it differs in that the Viability Study suggests that the 30% target should apply to the Central sub-area as well as North Richmondshire.
94. However, I consider this divergence is justified. Much of the reasoning behind the 30% recommendation for the Central sub-area rests on the lower viability levels around Catterick Garrison. It is clear from the Viability Study's fourth suggested solution that Richmond, the second greatest focus for housing growth over the Plan period, can support the 40% target. Critically, though, is the deliberately flexible wording of Core Policy CP6. The two percentages are given as targets "*subject to economic viability assessment*". This adds an appropriate degree of latitude to the policy approach, such that it need not lead to financial viability problems for schemes in the Central sub-area or elsewhere in the district.
95. Concerns have been raised about the absence of any threshold for the application of Core Policy CP6 – it applies to all developments which yield a new dwelling. Thresholds are quite commonly included in such policies. However, the need for affordable housing in Richmondshire is in little doubt. From the Council's figures, which put the need at 249 affordable homes over a five year period, it is evidently quite pressing. In addition, from the Viability Study's analysis, it appears, if anything, that smaller sites result in a proportionately greater residual value. There is no more compelling evidence to indicate otherwise. Furthermore, my point about the flexibility of Core Policy CP6, borne from its inclusion of economic viability considerations, applies equally here. All of these things considered, seeking an affordable housing contribution from all new dwellings at the levels proposed is justified. Indeed, it seems to me that through Core Policy CP6 the Plan does all it realistically can to ensure that the need for affordable housing is met.

96. Paragraphs 4.6.1 to 4.6.15 of the CS provide background to Core Policy CP6 and also help to explain its practical operation. However, much is left to an intended Supplementary Planning Document (SPD). The Council has put forward a modification (**MM37**) which re-drafts those paragraphs significantly, in order to give greater detail in the Local Plan. To this end, revisions are also suggested to Core Policy CP6 itself (**MM38**). Although some issues remain to be devolved to the SPD, I consider the approach appropriate and the modifications necessary for effectiveness.

### *Viability*

97. The financial viability of building new homes is a key aspect of their delivery. The Framework is clear that the sites and the scale of development identified should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. Taking account of the normal cost of development and mitigation, the costs of requirements likely to be applied to developments should ensure that a willing landowner and willing developer still receive competitive returns.
98. The Viability Study uses a residual valuation method. It assesses financial viability in relation to residential uses through the modelling of nine actual developments granted permission across the three sub-areas. Assumptions are made in relation to a number of key factors influencing the residual value, including development values and costs. Information has been used from sources such as the Land Registry and the RICS Building Costs Information Service.
99. A workshop was held with members of a local authority steering group, which includes some housing developers and providers active in the district, and discussions took place with the District Valuer. These conversations were used to audit and inform some of the assumptions.
100. The factors having the greatest effect on residual value are considered in the Viability Study. Though unavoidably 'high level' in nature, the focus of the analysis on actual developments in the district is reassuring. It gives one the sense that reality has been kept at the forefront of this theoretical exercise. The information sources drawn on are all appropriate and it appears that local data has been used where available. Input from the workshop is a valuable aspect in this regard. Crucially, the appraisal takes account of the provision of affordable housing. Indeed, the level at which affordable housing contributions could be viably set is a focus of the Viability Study and has informed the formulation of Policy CP6, which is discussed above. Moreover, the Viability Study assumes that the schemes analysed are wholly debt funded at 7% interest. Not all schemes rely entirely on borrowing. As such, it seems to me that a cautious approach has been taken which can be regarded as adding to the 'buffer'.
101. I am told that the appraisals assume the dwellings will meet Level 3 of the Code for Sustainable Homes (CfSH). However, as submitted, Core Policy CP1 expects CfSH Level 4 to be met. The Council has put forward modifications (**MM19** and **MM20**) to that policy. I discuss these in more detail under Issue 6 below.

102. I note from Table 5.1 of the Viability Study that with the levels of affordable housing given in Core Policy CP6, three of the nine schemes tested are not viable. This clearly demonstrates the importance of the flexible wording in that policy.
103. Overall, I consider that the Viability Study represents sufficiently robust evidence on this point. It amounts to a reasonably reliable demonstration that the Plan's policies need not render unviable schemes that would otherwise be a viable prospect.

#### *Accommodation for gypsies and travellers*

104. When submitted, the CS was supported by a Gypsy and Traveller Accommodation Assessment (GTAA) undertaken in 2007 and 2008, and which only considered additional need until 2015. In short, the Plan was founded on out-dated and insufficient evidence, and could not be regarded as sound.
105. However, the Council produced an updated GTAA in October 2013 [PSD006] to address these problems. Though a slender document, the assessment itself appears to have been undertaken following an appropriate methodology, in line with the national Planning Policy for Traveller Sites. The assessment found a high degree of under-occupancy on existing sites and no evidence of any need for further sites in the Plan period. Given this, I agree that the CS need not commit to allocating new land for such sites.
106. The Council has put forward modifications (**MM4, MM5, MM35 and MM36**) which explain the position and set out policy criteria for determining applications for new sites. I concur that these changes are necessary for effectiveness and for consistency with national policy.

### **Conclusion on Issue 3**

107. Considering the above, I conclude that, with the proposed main modifications put forward by the Council, the Plan's approach to housing is justified, effective and consistent with national policy. In short, it is sound in this regard.

### **Issue 4 – Economic development and town centres**

#### **Whether the Plan's approach to economic development and town centres is justified, effective and consistent with national policy**

##### *Economic development*

108. Using the REM, the ELR Update provides a projection of employment growth between 2011 and 2026, with disaggregated figures to enable comparison between sectors. It uses a number of assumptions about relevant factors such as employment densities, floor space and land requirements to estimate the residual employment land requirement.
109. As with any exercise of this kind, there are numerous sensitivities. Marginal alterations to some of the assumed values could result in significantly different

conclusions. But on the face of it this work appears to have been undertaken using reasonable sources of evidence and an adequate methodology. In my opinion, it is sufficiently robust for the intended purpose.

110. The ELR Update concludes that, over the period considered, 1.84 hectares of land is needed for 'traditional' employment uses (in Use Classes B1, B2 and B8), and that retailing and wholesaling could require around 5 hectares. In terms of the B1, B2 and B8 uses, it is clear that significant 'commitments' exist. Notably, 7 hectares at Scotch Corner is subject to an extant planning permission for B1 and B8 uses. With regard to retailing, I am told that planning permissions for Catterick Garrison town centre amount to at least 4.2 hectares.
111. Spatial Principle SP5 aims to ensure that 12 hectares of land is brought forward for employment development in the period to 2028. I understand that this figure derives from a rounding-up of the 11.2 hectares of committed land. Consequently, as the Council does not intend to allocate new land for employment, it seems to me that the Plan places some reliance on the Scotch Corner site. While this is a long-standing commitment which has not been taken up, I concur with the Council's point that the A1 upgrade represents a good opportunity for a change in the site's fortunes. To support this, the modifications suggested by the Council (**MM6** and **MM7**) are needed.
112. Moreover, it is clear that the Plan does not rely wholly on Scotch Corner – not all eggs are entrusted to that basket. Major employment development is encouraged in the Colburn area. Clear support is also given to development consolidating and improving a number of existing employment areas. Additionally, I accept the point that small scale 'windfall' employment development is likely. That is a common occurrence in rural districts such as this. Indeed, taken together, Spatial Principle SP5 and Core Policy CP7 set out the circumstances in which such schemes will be supported.
113. As well as benefitting the Scotch Corner site and the district's economy more generally through improved access, the A1 upgrade also offers some direct economic development potential. Main modifications **MM14** and **MM15** clarify the Council's position and the Plan's priorities in this regard, and are necessary for effectiveness. This adds to the sources of delivery and will lend support to Richmond's rural economy.
114. In relation to retail development, any divergence between need and committed land amounts at most to only a very small shortfall. In this context, it seems likely to me that this difference will be made up by retail development in centres, which Spatial Principle SP5 and Core Policy CP9 both actively encourage and support.
115. I have noted in relation to the need and requirement for housing the likelihood that the data underpinning the REM inflates employment growth. Even if that is so, and is an inaccuracy carried into the ELR Update, such that this document overestimates employment growth, I do not regard that to be a serious problem. If the Plan consequently provides an 'oversupply' of land for economic development, that is not necessarily a significant drawback. On the contrary, it would introduce an appropriate measure of flexibility and choice to the market. In the context of the quite modest areas of land concerned here,

any such oversupply does not render the CS unsound.

#### *Town centres*

116. Broadly speaking, the Plan aims to deliver growth in line with the settlement hierarchy which is, in turn, based on the services and facilities present. As a consequence, most new development will occur in the places with the most shops and other services. This approach will help to ensure the vitality and viability of the district's town and village centres, which adds to the justification for it.
117. With regard to centres, perhaps the greatest challenge facing the Council and the successful delivery of the Plan relates to the relationship between Richmond and Catterick Garrison. There is a risk that the growth planned at the latter could threaten the vitality and viability of the former.
118. It is clear that the Council is alive to the issues here, and the CS sets out to tackle them. However, it is necessary to amend paragraph 3.2.10 as suggested by the Council (**MM10**), to ensure that all types of commercial development in either of the two settlements addresses the consequences on the centre of the other.
119. I was told at the hearing session that action is being taken to coordinate existing groups, such as the Local Business Forum, to consider the future of Richmond in holistic terms. A modification (**MM39**) has been suggested committing the Council to setting up a Town Centres Forum as a platform from which local businesses and organisations can work together to promote the centres' vitality and viability. It also commits to the regular undertaking of town centre health checks and another (**MM44**) says that these will be incorporated into the annual monitoring process.
120. It seems to me that successfully delivering the complimentary relationship intended between Richmond and Catterick Garrison will demand careful management. It is right that the Local Plan should be at the heart of this process and to this end I regard these changes put forward by the Council to be necessary.
121. Furthermore, the Council has suggested a modification (**MM41**) introducing plans of the centres of Richmond, Catterick Garrison and Leyburn with the extent of each Town Centre delineated, along with Primary and Secondary Frontages. Alterations to Core Policy CP9 and its supporting text (**MM40**, **MM42** and **MM43**) are also proposed by the Council, essentially using these plans as policy tools to focus development and particularly to resist the loss of retail uses in the Primary Frontages. Both the Town Centre boundaries and the Primary and Secondary Frontages are based on survey work undertaken in July 2013. This is appropriate and, in my view, these modifications are required for consistency with the Framework.

#### **Conclusion on Issue 4**

122. Considering the above, I conclude that, with the proposed main modifications put forward by the Council, the Plan's approach to economic development and town centres is justified, effective and consistent with national policy.

## Issue 5 – Infrastructure

### Whether the Plan is based on a sound assessment of infrastructure requirements and their deliverability

123. One section of the CS deals specifically with implementation and delivery. It sets out an infrastructure delivery plan and Table 6 lists numerous projects, their cost, funding source and delivery agencies, and the timescales associated with each.
124. The Council considers the A6136 improvements to be a key element of the Plan's delivery. I have been told that a grant has been awarded through the Local Growth Fund, administered by the Local Enterprise Partnership, covering the cost of these improvements. Given this, and as I have not been made aware of any insurmountable impediment, there seems to me a clear prospect of the improvements needed being delivered in a timely fashion.
125. From what I have read and heard, it seems to me that the A1 upgrade, improvements to the Colburn waste water treatment works (WWTW) and the provision of new school places are also particularly important. The A1 upgrade and financing for it was announced in the 2012 Autumn Statement. I understand that this project is progressing and is currently programmed to be completed by summer 2017. In short, there is confidence that it will come forward during the plan period.
126. I am told that Colburn WWTW does still have capacity to accommodate the new development planned over the next five years. Improvements to it are necessary for growth beyond that period. I understand from **MM59**, which I agree is necessary for clarity, that investment in water infrastructure, possibly resulting in a completely new WWTW to serve Richmond and Catterick Garrison, may also be needed. Responsibility for this lies with Yorkshire Water, and Yorkshire Water's Asset Management Plan 6 (2015 to 2020) is identified as the delivery mechanism. The Council has indicated that necessary details are already in the draft Asset Management Plan, which has been provided to the Water Services Regulation Authority (Ofwat).
127. Table 6 of the CS identifies the expansion of a number of schools to provide the additional school places necessary over the plan period. This has been informed by the Local Education Authority. At the hearing, the Council confirmed that each of the schools concerned has the physical capacity to provide the new places required. I was also told that although not explicit in Table 6, at least one new primary school will be needed in the Catterick Garrison area and that it is the Council's intention to allocate land for that purpose in the forthcoming DDP. Given the scale of change proposed in the garrison area and the Plan's facilitating provisions, I find it highly likely that suitable land for it could be found.
128. The Council has suggested numerous changes across the Plan in relation to these infrastructure projects. However, these are largely updates and minor clarifications. In my view, while helpful and to be encouraged, they do not amount to main modifications necessary for soundness and their inclusion is a matter for the Council's discretion.
129. Core Policy CP11 supports proposals that help to create, protect, retain or



enhance recreational assets, including all types of open space of public value. It sets out circumstances where the loss of such spaces or their alternative development may be supported. Generally speaking, this is appropriate.

130. However, the Framework is clear that planning policies should be based on robust and up-to-date assessments which identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. While there is some evidence in this regard, the Council concedes that qualitative assessments have not been done. This falls short of the Government's expectations.

131. To address this, the Council has put forward modifications to paragraphs supporting Core Policy CP11 (**MM46** and **MM48**). These commit to allocating areas for open space, sports and recreation facilities in the forthcoming DDP based on an updated quantitative and qualitative assessment. I agree that these are all necessary to ensure that the CS is adequately consistent with the Framework.

132. The Council also proposes other changes to Core Policy CP11 and its supporting paragraphs (**MM45** and **MM47**) to ensure that cultural assets are properly considered. This is appropriate.

### **Conclusion on Issue 5**

133. Considering the above, I conclude that, with the proposed main modifications put forward by the Council, the Plan is based on a sound assessment of infrastructure requirements and their deliverability.

### **Issue 6 – Climate change and sustainable design**

#### **Whether the policy about climate change and sustainable design is justified, effective and consistent with national policy**

134. In general, Core Policy CP1 aims to support and encourage renewable and low carbon energy generation schemes and to tackle climate change through building design, including in terms of minimising flood risk. Its underlying principles are broadly consistent with national policy and are appropriate.

135. However, a number of changes have been put forward by the Council. With regard to energy generation, text supporting Core Policy CP1 says that "*the district should seek to exceed the national 30% target for renewable electricity generation by 2020, equating to 74GWh locally*". The Council wishes to delete this. While not essential for soundness, neither will this deletion render the Plan unsound. Consequently, this is a matter for the Council. New text is proposed which introduces a commitment that the Plan will seek to maximise the development of the opportunities identified for renewable electricity generation. This part of **MM25** is necessary for consistency with the aims of the Framework and the National Planning Practice Guidance.

136. As submitted, Core Policy CP1 demands that energy generation projects have no significant adverse effects on visual receptors or landscape character. This appears more onerous than national policy. The wording of modification

**MM16** requires that adverse landscape and visual impacts be satisfactorily addressed. This brings possible mitigation measures more firmly into the balance. Moreover, **MM26** seeks to ensure that proposals take account of the planning considerations identified in the National Planning Practice Guidance. In my opinion, these changes are appropriate and necessary.

137. Asking that residential extensions secure "*reasonable improvements to the energy performance of the dwelling*" in addition to requirements under the Building Regulations is, in my view, too vague to be effective and is not justified. Expecting new residential development to achieve the highest level of the Code for Sustainable Homes (CfSH) or equivalent standards required nationally where feasible and viable is more appropriate. While the Viability Study is based on meeting CfSH Level 3, the policy, as revised, does not demand exceeding this level and is sufficiently flexible. Modifications to Core Policy CP1 under **MM17** and **MM19**, and associated revisions under **MM18**, **MM20** and **MM22**, are therefore necessary. The requirement relating to BREEAM standards should also be deleted as proposed (**MM21**), as there is no supporting viability evidence in this regard.

138. A revision (**MM27**) has been suggested by the Council to clarify that the requirement for schemes to consider contributing to a district heating network applies to areas "*well related to*" the strategic direction of growth for Catterick Garrison and Leyburn. Given the approach to development in these areas, which I have previously discussed, this is a suitable stance.

139. Section 3 of Core Policy CP1 concerns climate change adaptation. Modifications proposed by the Council in relation to parts a and b through **MM23** add to the effectiveness of the policy. The resulting text is more appropriate than that originally submitted. Parts c and d ask that developers have regard to minimising flood risk on-site and downstream of the development and to the incorporation of sustainable drainage systems (SuDS). Modifications under **MM23** and **MM24** seek to steer development away from flood risk areas by following the sequential approach and clearly require the inclusion of SuDS where possible. They also aim to allow watercourses to remain open rather than culverted and minimise waste production. All of these changes are appropriate and necessary for soundness.

### **Conclusion on Issue 6**

140. Considering the above, I conclude that, with the proposed main modifications put forward by the Council, the policy about climate change and sustainable design is justified, effective and consistent with national policy.

### **Other matters**

141. Other modifications have been suggested by the Council, largely as a result of representations. While these have not been at the heart of the main issues in the examination I nonetheless, on balance, regard them as soundness matters and address them here.

142. Following comments from the Environment Agency, the Council proposes to add text to Core Policy CP4 to ensure that developments do not cause

deterioration to water bodies (**MM34**). This is appropriate.

143. Primarily in response to comments from Natural England, English Heritage, Yorkshire Wildlife Trust and the Environment Agency, the Council has put forward a number of alterations to Core Policy CP12 and its supporting paragraphs (**MM50** to **MM54** inclusive). I agree that these are necessary for clarity and the Plan's effectiveness. However, considering the final comments from Natural England and the Council's response, I agree that consideration of the impacts of development on Natura 2000 sites should not be limited to sites up to 20 kilometres outside the Plan area.
144. The Council proposes to require design statements for development proposals through **MM57**. In my view, this is an appropriate demand which accords with the general thrust of the Framework to raise design quality. Such statements can take many forms, and meeting this requirement need not be unnecessarily burdensome.
145. For the large part, the revisions proposed to Table 7 (**MM60** to **MM68** inclusive), which relates to monitoring indicators and targets, arise consequentially from other modifications. Nonetheless, I have considered each and regard them as appropriate and necessary for effectiveness.
146. Numerous other matters have also been raised including in relation to planning applications, their handling by the Council and the effects of developments and other physical changes that have occurred in the district. I have taken account of all the evidence insofar as it relates to the soundness of the CS. However, none of the other matters brought to my attention persuades me that the Plan is unsound in any other respect, or that other modifications are needed for soundness.

## Assessment of Legal Compliance

147. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that with the main modifications recommended the Plan meets them all.

<b>LEGAL REQUIREMENTS</b>	
Local Development Scheme (LDS)	The Core Strategy is identified within the approved LDS of July 2014 which sets out an expected adoption date of February 2015. The Core Strategy's content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in July 2006 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes ( <b>MM</b> ).
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Appropriate Assessment (AA)	AA has been carried out and is adequate.
National Policy	The Core Strategy complies with national policy except where indicated and modifications are

	recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
Public Sector Equality Duty (PSED)	The Core Strategy complies with the Duty.
2004 Act (as amended) and 2012 Regulations.	The Core Strategy complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

148. The Plan has a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.

149. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Richmondshire Local Plan: Core Strategy satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*Simon Berkeley*

Inspector

This report is accompanied by the Appendix containing the Main Modifications.