

What Good Plans Look Like: Scarborough

Planning Advisory Service

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Introduction

The legal framework and processes within which local plan development takes place have been regularly changed since the new system was introduced in 2004. This year saw the publication of the Housing White Paper (HWP), which contains more proposals for reform. Since the NPPF was published, the average time taken to go from formal Publication to Adoption of a plan has actually increased by approximately 9 months. Many authorities will cite the changing policy landscape and the uncertainty that creates as reasons for slowing down their plan making. On the ground, challenges come in the face of opposition to overall housing numbers and specific site selection, amongst other things.

A question we are often asked is “can you tell us what ‘good’ looks like?” There is a reluctance to label any plan as ‘good’ both from the Inspectorate, and from local authorities themselves. So what can we do? This set of small case studies takes recently adopted local plans and asks four simple questions. These questions take some of the key elements of the HWP about ensuring plans deliver and can respond to challenges:

- 1) How does the plan make best use of land?
- 2) Does the plan demonstrate a clear narrative in first identifying and then tackling the issues?
- 3) How does the plan promote a diversity of suppliers and developers?
- 4) How does the plan contribute to the delivery of strategic objectives?

We also look at a set of metrics to assess some of the other issues that can trouble us as a sector. These look at the length of the plan, how much housing is it delivering (and what percentage of the OAN is that?), how many objectives does it have and what was the level of representations received? These provide some context and, when looked at over a number of plans, patterns may start to emerge. Time will tell.

The case studies look at the adopted plan, the Inspectors’ Report, and parts of the evidence base to provide some learning. Each one starts with some simple metrics.

For each question you will see a brief summary of what the plan does with any useful principles covered at the end.

Scarborough Borough Local Plan

Metrics

Length – 158 pages plus 42 pages of appendices

Number of objectives – 9

Number of homes – 9,450, (at 450 per annum) representing 100% of identified need.

Representations on submitted plan – 742 from 222 respondents – Split between 251 Support or No Formal Objection and 491 Objections or Suggested Changes

(Source: Consultation Statement May 2016)

Time from Publication to Adoption – 420 days

Work on the local development framework started with work on a Core Strategy in 2006

Time from first formal consultation ('Draft Core Strategy') to Publication – 9 years 2 months – this includes time spent switching from a core strategy to a local plan.

The first formal consultation on the local plan was in May 2014.

(Source: Scarborough Borough Council Consultation Portal - Core Strategy DPD and Housing Allocations DPD Issues and Options)

Useful links:

Scarborough Borough Proposed Submission Local Plan

<http://uploads.scarborough.gov.uk/examination-docs/proposed-submission-documents/PSD-2A-Proposed-Submission-Local-Plan-Nov-2015.pdf>

Inspectors' Report

http://uploads.scarborough.gov.uk/localplanexamination/docs/Report_on_the_Examination_into_the_Scarborough_Borough_Local_Plan_Feb2017.pdf

Housing Land Selection Methodology and Assessments

<http://uploads.scarborough.gov.uk/examination-docs/chapter-specific-documents/CSD-6%20-%20Housing-Land-Selection-Methodology-and-Assessments.pdf>

1) How does the plan make the best use of land?

Scarborough Borough is a relatively large coastal authority with a significant rural area and many areas of archaeological interest. It also contains a part of the North York Moors National Park. Tourism makes up almost a quarter of the economy, although jobs in this sector tend to be lower paid and seasonal. Manufacturing is higher than the national average. Coastal areas often contain higher than average older populations and the Borough is no different. There is a consequently lower proportion of working age population, particularly in the 20-29 age group.

The development of a major new potash mine in the area will mean the creation of a significant number of jobs, including indirectly in the supply industry as well as directly on the site and at its head office in Scarborough. This is seen as a major opportunity to increase employment and also improve the perception of the area which can seem economically peripheral and remote.

The Local Plan has a very clear settlement hierarchy, with the wider urban area of Scarborough town set to take over 75% of all housing. Within the Scarborough urban area is a number of distinct settlements and so choices still have to be made about the distribution of sites within it.

In a Borough with such a high proportion of countryside, setting settlement boundaries is key to facilitating delivery in sustainable locations. However, the Inspector noted that there should be a little more flexibility in how development outside settlement boundaries will be treated. He put forward this modification: "Policy HC1 should be modified to include a positive approach to the consideration of housing proposals outside development limits of a scale and in locations well related to the settlement hierarchy if at any time during the plan period the Council is unable to demonstrate a five year supply of deliverable housing sites "

This modification gives the plan more rigor. In the event that housing land supply falls, there will be a readily available solution to build in sustainable locations outside settlement boundaries. This is far preferable to the alternative of 'planning by appeal' in the absence of clear policy direction for how to deal with sites outside settlement boundaries that fall in sustainable locations.

It is worth pausing here and setting out in brief a ruling, handed down on May 10th 2017, concerning the joint appeal by Suffolk Coastal District Council and Cheshire East Borough Council in the case of Suffolk Coastal DC v Hopkins Homes.

This ruling has changed the way housing supply policies are looked at. The ruling criticised the legalistic way in which councils and developers were arguing about whether a policy is a housing supply policy or not. Instead, the Supreme Court ruled that the important issue is whether the policies themselves contributed to the lack of a 5 year land supply. If they are deemed to have done so, then the weight given to them in assessing the application should be reduced.

Returning to Scarborough Borough, if the policy had not been changed, an appellant could argue that the over-restrictive settlement boundaries are a factor in the inability to

maintain a five year land supply of housing in sustainable locations. The policy would have been afforded little weight and the appeal likely allowed.

The 'Housing Land Selection Methodology and Assessments' document provides for a broad sieving of sites. This looks firstly at how the site fits with the overall strategy. This is the embodiment of the plan-led approach. If there is to be a vision, aims and objectives, it is only right that the plan should seek to deliver them. Sites should therefore fit well with the strategy. Following this, the methodology examines major constraints, (aka 'show stoppers') an analysis of the site against sustainability objectives and finally a look at deliverability. This includes how any required mitigation would impact on both viability and deliverability.

As part of the sieving process, a scoring system looks at specific factors such as distances to facilities and transport connectivity. Brownfield sites also score higher than greenfield. The methodology also considers environmental factors and the 'fit' with the existing landscape and settlement characters.

The Inspector commented that this approach was "thorough, fair and proportionate"

The plan is going for an 'ambitious but realistic' jobs growth target of 5,000. This is in part fueled by the potash mine, in particular the jobs from supply and other related industries. Given the current age profile of the population, an increase in jobs of this magnitude will necessitate working age population moving into the borough. This in turn accounts for the level of housing growth in the plan. This point demonstrates the importance of balancing jobs with housing growth. Understanding the age profile allowed Scarborough to demonstrate that some new jobs are likely to be taken up by people currently living outside the borough.

We think that for a plan to make the best use of land it has to:

Have a clear settlement hierarchy - yet be flexible in considering settlement boundaries or development limits in response to the potential for identifying additional sites to meet need in future

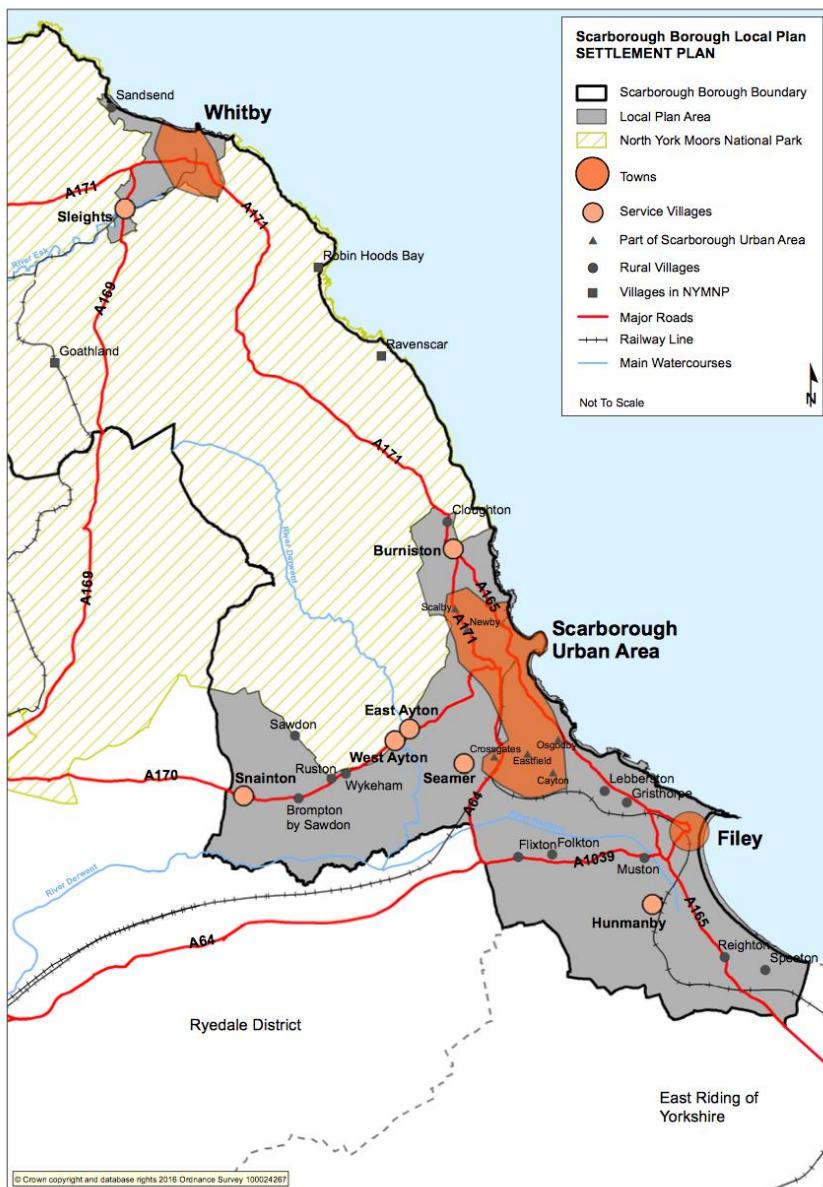
Make clear the steps taken in identifying suitable sites – consider a staged approach, looking first at how sites contribute to the broad strategy and the presence of major constraints, then how sites measure up against sustainability objectives and finally at deliverability, including how any required mitigation may impact on viability.

Clarify key issues on strategic sites – Issues such as site access and the location of essential on-site infrastructure cannot simply be deferred to a forthcoming masterplan. If the site is critical to the overall delivery of the strategy then essential details need to be provided in the plan. Even where master planning is appropriate, key details must be provided in the plan

Understand the age profile and how this matches up with proposed job growth – If you have a high level of retired people, and/or low levels of younger working age population then new jobs will require people to move into the borough to work (or an agreement with neighbouring authorities about increases in commuting).

Contain flexible policies – If new legislation is on the horizon, consider including something in the reasoned justification or policy to reflect the need to review that policy when the legislation takes effect.

2) Does the plan demonstrate a clear narrative in first identifying and then tackling the issues?



Scarborough Borough Local Plan Settlement Plan – Proposed Main Modification version

The plan sets out how Scarborough Borough functions at present. It tells how important the historic and built environment is, including the high number of archaeological sites.

The plan describes the context and challenges of the district under the following sub-headings:

- Living in the Borough
- The Changing Economy
- Education and Skills
- Accessibility and Transport
- The Special Character of Towns, Villages and the Surrounding Landscapes
- Environmental Issues and Constraints
- The Availability of Land

These sub-headings help paint the picture of how some of the key challenges are inter-related, in particular the need to sensitively grow the economy and housing offer where there are many environmental assets to consider. The vision is quite long compared with other plans, and this reflects the importance of those inter-relationships. Each element is covered in the vision which deals with economic growth, the role of different settlements, and the need to preserve and enhance the landscape and special character of the area.

This vision leads on to 10 aims, and then nine spatial objectives including:

- Economic Activity
- Community/Health
- Land Use and Development Patterns
- Environmental Protection
- Resource Use and Climate Change

The context, vision, aims and objectives are clearly set out and that helps make clear the nature of the decisions and actions required to achieve those objectives. The emphasis on the right type of growth is very important to a place like Scarborough Borough. Growth needs to attract younger people, needs to help bolster the rural economy, and needs to respect the many significant environmental assets the borough has.

Key to this balanced growth is the settlement hierarchy. As with any authority area that has some larger and many smaller settlements, the description and retention of this hierarchy is what will deliver sustainable development.

The Inspector notes that in the Local Plan the hierarchy “*has evolved from plan-making work over the last ten years and appears to have a good level of support based on the representations made. It should help to deliver sustainable development across the borough and ensure that the plan’s high level vision, aims and objectives are met, including through supporting the roles of settlements, minimising the need to travel long distances, and protecting the natural environment and character of the countryside. The sustainability appraisal confirms that it represents the most appropriate strategic approach for the plan area of those considered at the options stage.*”

Delivery is a crucial part of any plan. It is not enough simply to identify land to meet need across the whole plan, there must also be a consistent five year land supply. If the initial work does not bring about enough sites, then consider additional sites, and/or extensions to identified sites. Scarborough did this and made some difficult decisions

along the way. Does the increased requirement for school places, where land is not readily available for additional school buildings, make a proposal unacceptable? The plan is not here to create an ‘ideal’ future. The plan must help shape an acceptable one, where planning has acted as the means to understand what goes onto the balance when weighing up impacts and making decisions.

Scarborough Borough Council, in conjunction with North Yorkshire County Council (the local education authority) had to consider what would happen to a school where intake increased but physical capacity did not. In this instance, as concluded by the Inspector:

“whilst increasing the size of the school to the extent required would be likely to lead to mixed age group classes, something that is not popular amongst parents, the local education authority advises that this is not uncommon in North Yorkshire and that the available evidence indicates that this does not adversely affect educational outcomes. I am satisfied that it is likely that the school capacity could be increased in a satisfactory way, and that there is a reasonable prospect that this matter could be resolved such that it would not unduly delay development.”

This demonstrates a flexible approach to dealing with constraints and possible mitigation. It also shows the benefit of working with other agencies, and an understanding of the wider context, rather than focusing solely on each site in isolation.

We think that for a plan to create a clear narrative and identify issues it has to:

Understand the diverse nature of different settlements and clearly define their role in a settlement hierarchy

Understand that there may be tensions in different issues that the area faces such as the need for significant employment or housing growth whilst protecting the character and setting of settlements—set out clearly in the vision, aims and objectives how these issues will be addressed

Provide specific policies on issues of local importance such as how archaeological assets will be dealt with in developments – be aware of what the NPPF says on these matters

Understand the wider context when deciding on development locations – How unusual is the proposed solution to the issue? Is it common in the location, the authority, or the county? What will the impact be?

3) How does the plan promote a diversity of suppliers and developers?

Scarborough Borough, like many mostly rural areas, does not have the steady supply of brownfield sites of the scale that can perhaps be expected in predominantly urban districts. However, that's not to say that smaller brownfield sites don't exist. Many are identified in the evidence base and some are allocated in the plan. There is a broad distribution of sites across the borough, with the greatest concentration in the identified wider Scarborough urban area (76%). This area comprises Scarborough and several outlying settlements.

There is one strategic site at Cayton for 2,500 dwellings, with a further three sites between 500 and 1,000 dwellings. There are four sites of between 100-499 dwellings and the rest of the allocated sites are below 100 dwellings.

The sites all went through the housing land selection methodology previously mentioned. There is a mix of sizes and types of sites allocated in the plan and identified in the evidence base. An area such as Scarborough Borough with three distinct and different coastal towns, as well as the more rural settlements, offers plenty of opportunity for local small and medium housebuilders to get involved in delivering housing.

Given the rural nature of a large proportion of the borough, the council has included a policy on conversion of buildings in rural areas to both residential and business uses. These policies recognise the specific needs in rural areas and seek to address them. The policies look specifically at whether the building could continue in a non-residential use. However, if criteria are met, conversion to residential use will help meet need whilst having less visual impact on an area than a new building.

Another important element of supply is elderly accommodation. This can bring a different type of developer into the mix. The policy does not introduce a target but sets out how the council will work with developers on such sites to try to address the housing needs of an ageing population.

Recognising the need for construction and development-related workers, there is a specific policy aimed at 'jobs and skills and employment training'. This promotes s106 agreements with developers to include appropriate targets for employment skills and training including apprenticeships. Linking training opportunities to growth further bolsters the potential for local people to become involved in building homes.

Scarborough has an existing business park and this is identified as the main location for employment uses in the plan. However, as with housing delivery, the plan recognises the importance of development in other areas. The Inspector concludes that:
"In addition to the allocated sites and expansion land at Scarborough Business Park, policy EG3 allows the development of industrial and business uses on other land and in buildings within the settlement limits of towns and villages. This is a positive and appropriate approach..."

We think that for a plan to promote a diversity of suppliers and developers it should:

Clearly set out the site selection process and the role each settlement can be expected to play – this gives early indication to local builders what the market could deliver in the plan period

Set out how individual buildings in rural areas will be considered – Provide clear criteria and set out the process so that individuals are clear on whether the building they are considering is or could be made suitable

Include a policy on seeking training and employment opportunities from developments – This will increase local job growth as well as potentially increasing small and medium housebuilders in the future

4) How does the plan contribute to the delivery of strategic objectives?

Scarborough Borough is a relatively self-contained housing market, surrounded by generally large rural authorities. Although housing is only one strategic issue it tends to be the most complicated. Not having to work with other authorities on delivering housing across an HMA arguably reduces the complexity of cross boundary working. Transport infrastructure, whilst providing some links to the rest of the country, is more locally significant. As a result, both daily commuting and longer term residential moves into and out of the area are low.

Strategic issues here then are more related to the role Scarborough Borough plays in the overall coastal economy of this part of Yorkshire, as well as the potash mine and the job creation that it will provide. The mine is in the National Park Plan area. Scarborough Borough Council is working towards accommodating the associated growth through increased housing numbers and accommodating ancillary industry on the Borough's business parks. As a Nationally Significant Infrastructure Project, it is crucial to show how the delivery of associated infrastructure (and accommodation of additional growth) are being planned for. This provides the confidence that the project will be delivered not in isolation, but in the context of its setting.

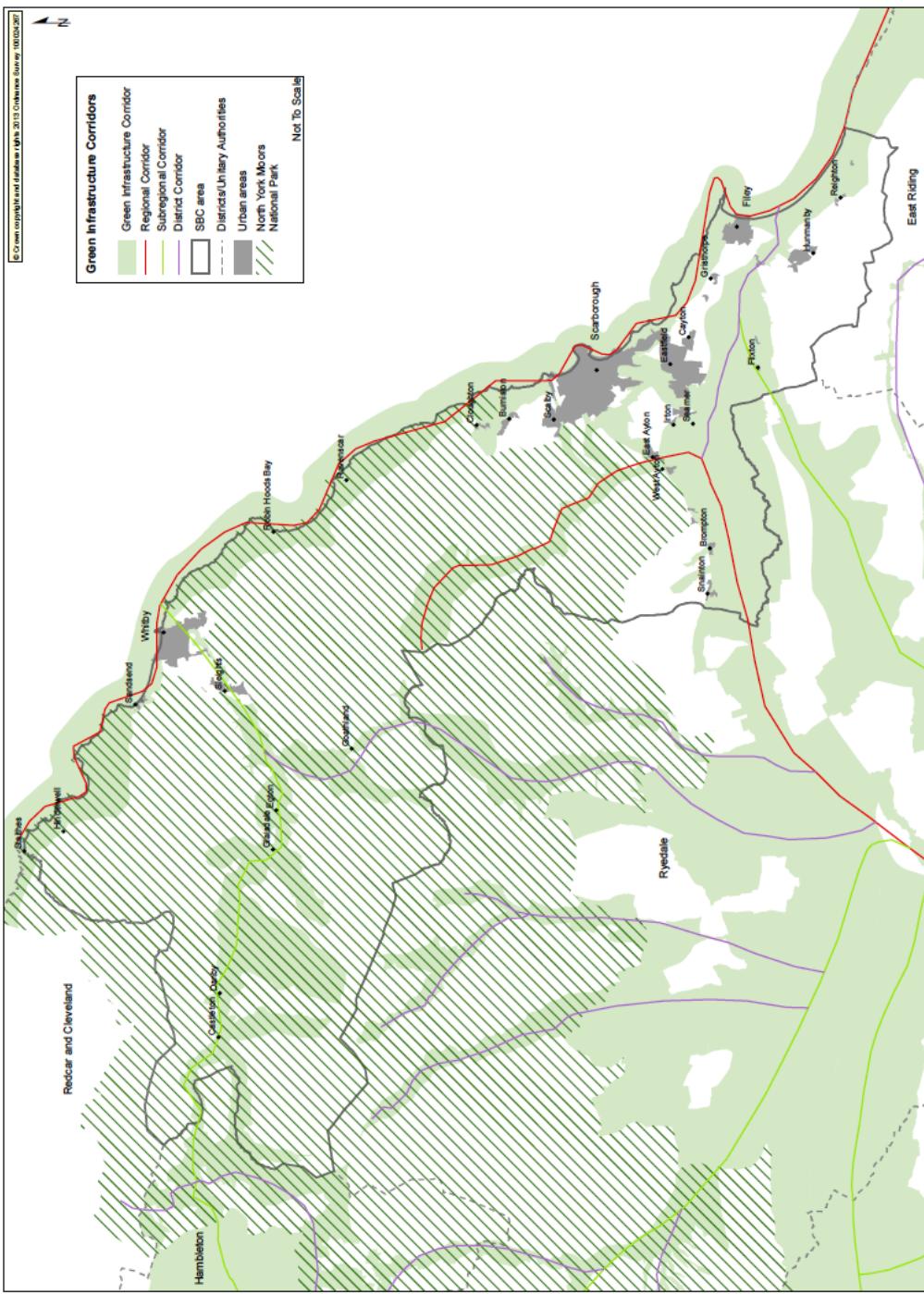
Tourism is important for the sub-region. Scarborough is the largest town not only in the borough but also on this stretch of coastline. The other two coastal towns in the borough offer something slightly different from Scarborough. The next nearest sizeable coastal town is Bridlington in East Riding. There has been no evidence to suggest the plans for Scarborough will negatively impact on settlements in East Riding, or the other neighbouring authorities (Ryedale and Redcar and Cleveland).

Connectivity inland affects Ryedale District as well as East Riding, and improved coastal connectivity impacts on East Riding and Redcar and Cleveland. The main policy on transport infrastructure clearly sets out that this requires joint working by stating: "The Borough Council will work with North Yorkshire County Council, relevant local authorities and other key partner organisations to improve accessibility within and beyond the Borough which will support economic, tourism and sustainable regeneration objectives."

Connecting this more remote part of the coast to the rest of the region and to major routes to other parts of the country is one of the key elements of the strategy, reaching back to one of the main identified issues of remoteness and peripherality.

As previously mentioned, Scarborough Borough contains part of the North York Moors National Park. This and many other natural assets, including the coastline, add to the attraction of the borough and also how it contributes to the wider economy. The plan looks at these natural assets in more detail, in particular in relation to green infrastructure.

The following diagram sets out the key green infrastructure routes and assets in the wider sub-region. There can often be a focus on housing and employment, as well as associated transport infrastructure, as possibly the only strategic issues. This plan highlights the importance of green infrastructure and natural assets, and how these can be strategically significant.



Map 8.1 Green Infrastructure Corridors

We think that for the plan to contribute to strategic objectives the council should:

Clarify all strategic issues at the outset, and how they affect the area specifically – set out how specific schemes or initiatives will help resolve key issues

Set out environmental assets that have a broader impact than just borough-wide – what are they and how do they contribute? How will they be managed in order to make the most of the opportunities, in a sustainable way?

Understand that environmental asset management will have impacts beyond the borough boundary and factor this joint working in from the start. Coasts, rivers, larger open landscape features and parks will all have wider impacts – Policies may be area-specific, but evidence should be gathered jointly

Thoughts and reflections from Scarborough Borough Council

Duty to Cooperate

It is important to ensure cooperation from the outset. This was not something new for Scarborough Borough as there were two active groups already set up which facilitated this; the North Yorkshire Development Plans Forum and the Teesside Development Plans Forum. This provided an excellent base for joint-working with more detailed discussions on the limited cross-boundary issues being discussed outside of these meetings on a one-to-one basis with the relevant authorities. Fortunately for the Borough its peripherality also meant that there were very few significant cross boundary issues to deliberate. In terms of cementing political support from outside the Borough, the York and North Yorkshire Spatial Planning Board was an important group, enabling strategic matters to be discussed and debated, and the Plans and policies of individual authorities to be considered, influenced and endorsed.

As part of a two-tier authority it is essential to engage with the County Council, across many services.. Whilst this was generally successful it is important to ensure there is a specific point of contact who is able to co-ordinate responses from, in our case, sections including Highways, Education, Archaeology, Social and Adult Care, etc. Not all parts of the County Council fully understood the planning process or implications of the plan, and as such some were more challenging to work with.

It is also important to ensure that dialogue is constant as advice can change very quickly. An example we encountered was that initially schools capacity was not considered a major issue across the Borough. This changed significantly in relation to two housing sites during the consultation on the Main Modifications. The Inspector picked up on these matters and arranged a further hearing session to specifically address these sites in further detail. This required detailed evidence to be generated at a very late stage in the process, in partnership with the local education authority.

Member Support

Taking Members along with you on the production of the Local Plan is critical. One lesson that was learnt from the production of the previous Local Plan (adopted back in 1999) was that Members did not feel like they had been involved in the process and as such felt little ownership of the Plan.. This time we ensured that the Members were involved from the outset and set up a cross-party Members Working Group (chaired by the relevant portfolio holder) that also reflected the geography of the plan area. In addition to this group, each milestone of production (draft, proposed submission, etc) was also accompanied with a full Member's Briefing Session to which all Members of the Council were invited. We enjoyed member support of the Plan throughout the process, and were able to be candid with members as and when changes to the national planning context meant that we needed to respond to matters and delay the plan (for example in the period around the publication of the NPPF, when we determined that moving to a single Local Plan document appeared to be the most pragmatic way to progress). We were fortunate in that this approach of keeping members (at cabinet, planning committee and across the Council) engaged with the wider planning environment meant the Plan

was able to develop at a manageable pace. This worked well and ensured general support for the allocations and policies, and paid dividends in ensuring cross party buy in to the Plan as and when key decisions needed to be taken. We also benefitted from the fact that the Council as a whole is generally in favour of development and investment to address some of the issues we face as a relatively remote coastal authority.

The Evidence Base

As a consequence of a couple of unsatisfactory experiences using external providers to prepare evidence, the Planning Service made a conscious effort to produce as much of the supporting documentation required to support the Plan as possible through in-house capacity, with external support only sought where key specialist input was required. This had four distinct benefits:

- It forced us to look critically at the information we were likely to need and really focus on that which was going to be essential
- It gave us control and ownership of the evidence base, with our own quality checks in place to satisfy us of the veracity of both the baseline information and analysis
- It meant that planning officers appearing at the examination in public had a genuinely detailed understanding of the evidence and were better able to articulate its meaning and demonstrate how it had influenced the Plan
- It enabled staff to develop expertise in certain areas, which will prove of use beyond the confines of the plan making process .

In respect of Scarborough Borough, the evidence prepared in-house included:

- The Objective Assessment of Housing Need (OAN);
- Employment Land Survey;
- Viability of the Local Plan;
- Sustainability Appraisal and Appropriate Assessment (except the initial scoping report);
- Updates to the Infrastructure Study;
- Add more

The OAN is a daunting piece of work but once you understand what this has to achieve, it is fairly simple to pull together the various bits of evidence and data to enable you to prepare a piece of work which will withstand the rigors of an Examination in Public. Avoid using the OAN to constrain development and aim to demonstrate how your policy-on projections will represent a minimum target for the Local Plan. In terms of Scarborough we settled on a level of housing substantially above the latest housing projections using aspirational job creation figures. When the OAN was queried by objectors who proposed even higher levels the Inspector actually commented that the Borough was already aiming high and he did not feel that further increases were justified or potentially achievable.

The authority now has in-house expertise that has enabled us to provide advice to other authorities on certain matters including viability of housing schemes and assisted on working up housing assessments, providing us with a new income stream for the future.

Housing Trajectory

It is very important to ensure that the Plan provides sufficient housing for the plan period, but don't overlook the short term issue of the five year supply. We fell foul of changes to housing delivery timescales post submission that meant that, whilst we had more than sufficient housing sites for the overall plan period, the five year supply was potentially deficient albeit only by a small number. We had to quickly propose some additional readily deliverable allocations and consult on these along with the other main modifications proposed.

It is therefore important to ensure that you have more than a five year supply as things can and do change between submission and examination. Have a reserve list of sites that perhaps fell slightly

below the '*allocation bar*' but that could be brought into the Plan quickly if the need arises. If you must do this then be prepared for the Inspector to organise additional hearing sessions to allow both local residents and the developers to appear.

Give, Take and Respond Quickly

There were certain issues within the Local Plan that the Borough was steadfast on, including the housing target, the protection of the countryside through development limits and other important matters. But it is important to be flexible and be able to give when appropriate. Do not stick with policies that you cannot fully justify no matter how well intentioned they are. We initially wanted to require extra-care provision on very large schemes but ultimately did not have the evidence to fully justify the policy. The policy was subsequently removed but its ethos remains within the commentary. So don't fight a losing battle...concentrate on those areas of policy where you have a chance, as it the process is taxing enough.

When asked to provide extra information through the EiP do so as quickly as possible without compromising the quality of your work. This will engender a good working relationship between the authority, the Inspector and other participants.

David Walker
Head of Regeneration & Planning
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