

Examination of the Ribble Valley Core Strategy

Inspector's guidance to the Council Work during the suspension of the Examination

Further evidence – be succinct

Any further evidence should be focussed, short, to the point, and succinct. I remind the Council of the Framework policy that the evidence base should be 'proportionate'. This is very important because it will affect the time it takes for me to review the evidence – please do not bury your key points in verbiage!

Publishing any suggested modifications

The Council should publicly consult on all its suggested modifications to the CS, despite the fact that under s23(2A)(3)(b) of the 2004 Act the Council is now solely responsible at adoption for any minor 'additional modifications' to the CS. I will send separately a suggested table for setting out these modifications which can also be used during the rest of the Examination.

In any public consultation it needs to be made clear that comments are invited only on the modifications proposed at that time. The query contact point and reply point for consultations should be the Council, and not my Programme Officer. Any further evidence should be published as soon as possible on the web site – it does not need to be consulted upon because I will invite statements on it from representors once the Examination resumes. But representors do need adequate time to consider the further evidence.

The Council should follow its relevant consultation arrangements published in its Statement of Community Involvement, and also those in Regulation 19 (and its referenced Regulations) of the Town and Country Planning (Local Planning) (England) Regulations 2012. I may invite any new representors to attend the hearings.

Because once the Examination starts the power to recommend modifications rests only with the Inspector, it follows that any consultation replies are solely for me to consider. There is no need, therefore, for the Council to consider them first – they should be passed straight to me via my Programme Officer. However, I regard the Examination as a positive and pro-active process and I welcome suggestions from all parties – it is Ribble Valley's plan. Therefore, I would be pleased to consider any responses from the Council on the public consultations, but this should not hold up the progress of the Examination.

Other additional documents

The Council should make a separate list of any post-submission documents which explain its suggested modifications and new evidence, and add these as a separate section to the evidence list on its web site at the start of public consultation. Revised versions of existing documents (if any) should be produced as new documents – there is no need to show changes to previous versions, provided that the new document is clearly dated, and the old one is removed.

The Council should review its evidence base with the assistance of my Programme Officer in order to ensure that only relevant and necessary material is included that

will assist the Examination. Additional documents to those already agreed in connection with the further work should only be added with my agreement via my Programme Officer.

Progression of the Examination

The Council should contact the Programme Officer at least on a monthly basis to provide the progress updates I have requested. The Programme Officer should also be provided with electronic and paper copies of the proposed modifications to the CS, which she will send on to me. I will briefly look at these to assess whether the proposed modifications are cumulatively likely to cause concerns.

CORE STRATEGY EXAMINATION IN PUBLIC

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our ref:
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Inspector: Simon Berkeley BA MA MRTPI
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Dear Mr Hirst

Examination of the Ribble Valley Core Strategy

Thank you for your response of 29 October to my earlier letter. I welcome the positive approach you have taken in addressing some of the issues I have previously raised.

However, you will appreciate that my aim is to avoid the considerable effort and expense to the Council and others of progressing the examination to public hearings unless the Core Strategy stands a reasonable chance of being found sound. Unfortunately, I still have significant concerns in this regard.

A number of the concerns I set out previously remain, in whole or in part. It may be possible that main modifications could be made to the plan to adequately address these. That being said, I have fundamental concerns in relation to the evidence base. This letter focuses on those because the evidence base is the foundation of the plan and its soundness is dependant on it.

Housing evidence

It is imperative that the evidence base robustly identifies the borough's housing needs, demonstrates that there is an adequate supply of deliverable/developable land to meet those needs, and that the Core Strategy's policies do not render the development needed unviable. The Strategic Housing Market Assessment (SHMA) and the Strategic Housing Land Availability Assessment (SHLAA) are crucial underpinning documents in this regard.

The SHMA

The SHMA dates from December 2008. Given the passage of time since its baseline information was gathered, I am concerned that it is out of date. The *Housing Requirement Report* by NLP, dated July 2011, is helpful in that it establishes a more up to date level of overall need for housing. However, it does not set out to quantify the need for affordable housing in the borough, or the mix of housing types and range of tenures required.

You point to the Council's *Addressing Housing Need in Ribble Valley* document, dated June 2011, and the *Pennine Lancashire Housing Strategy 2009 – 2029 Refresh* of 2011. I agree that both help to set the scene and provide useful background and contextual information. But neither seeks to quantifiably estimate the mix of housing

and range of tenures that Ribble Valley's population is likely to need over the plan period. In short, they do not fill the gap in the evidence.

I note that Key Statement H2 directly refers to the SHMA. It requires applications to demonstrate that the mix of housing proposed accords with the projected future household requirements and local need across the borough as a whole as evidenced by the SHMA. The effectiveness of this approach rests on the currency of the SHMA, and amounts to a further reason for updating it.

The SHLAA

The SHLAA is dated November 2009. As I noted previously, in identifying sites, the methodology includes sites: identified by officers in the settlement audit (Oct 2006); promoted by developers/landowners as part of LDF process (Feb 2007); put forward through a call for sites (March 2008); refused planning permission in the last 3 years (which I take to mean 2007 – 2009 inclusive) on grounds of prematurity; and those put forward from discussions with Development Control officers.

Given the passage of time since this information was collated, the circumstances of some sites may have changed. Therefore it is not possible to conclude with the necessary degree of certainty that the sites identified in the SHLAA remain deliverable/developable in the terms set out in the National Planning Policy Framework.

As I also previously noted, while the SHLAA does consider economic viability, there are a number of shortcomings in this regard. It uses information about house prices and build costs in October/November 2008. The reliability of this is now highly questionable. More fundamentally, though, the viability of providing affordable housing is tested using a site threshold of 15 dwellings rather than the 10 and 5 dwelling thresholds proposed in Key Statement H3 of the Core Strategy. Whether the 30% affordable housing level sought by Key Statement H3 was that applied is also not clear. In addition, so far as I can see, the *Housing Requirement Report* by NLP does not test the viability of the affordable housing requirements of Key Statement H3.

I note that the Council has, in effect, been applying the requirements of Key Statement H3 since July 2009 in determining planning applications. However, this does not amount in itself to compelling evidence to demonstrate that the proposed thresholds and level of affordable housing is viable over the plan period. The acknowledged persistent under-delivery of housing generally lends little reassurance in this regard.

In response to point 38 of my earlier note, you suggest that as sites are not being allocated at this stage, the policy takes an approach of testing viability on a case by case basis. This rather misses the point. Key Statement H3 sets out specific thresholds and an explicit requirement in terms of the level of affordable housing to be provided. This represents positive planning of the sort envisaged by the NPPF. But to be sound, these factors must be shown to be viable. There is at present no robust evidential basis for concluding that they are.

Moreover, I must stress that the consideration of viability does not begin and end with affordable housing. Other factors are likely to have a bearing, including the need to contribute to infrastructure delivery such as open space and education, as set out in Key Statement DMI1, and to use decentralised and renewable or low carbon energy, as set out in Policy DME5. Put simply, there is no assessment of the effect of the Core Strategy's policies, the wider 'policy-on' scenario, on economic viability.

You say in response to some of the points raised in my earlier letter that viability is not viewed as a general constraint in the borough, and you refer to the nature and

desirability of the area, and high market values. That may be so. But that general perception, no matter how commonly held, does not obviate the need for up to date evidence to demonstrate its validity.

The Gypsy and Traveller Accommodation Assessment (GTAA)

The GTAA was published in 2008. It is not recent. As part of the methodology surveys were undertaken, including interviews with Gypsies and Travellers. The GTAA says that this consultation is one of the most important aspects of GTAAs. But these surveys were carried out between October 2007 and February 2008. This does not amount to up to date evidence.

Economic development evidence

The Employment Land and Retail Study (ELRS) reviews the supply of and demand for employment land and premises up to 2018. It appears to be a thorough analysis. But the ELRS was published in October 2008 and at least parts of the evidence it draws on dates from 2007. It is highly likely that the ELRS is now out of date.

The Employment Land Position Update of June 2011 brings the projection of the need for employment land and premises forward. However, as I understand it, this ultimately largely rests on the analysis of market demand undertaken by the ELRS. Business enquiry information is taken into account in the Update, as are the views of local agents. However, it is not entirely clear how these factors have influenced the Update's conclusions, and it is apparent that the Update is not as robust and detailed as the ELRS in assessing market demand.

In any event, the Update relates only to the headline employment land projection. It does not seek to provide an update in relation to the retail economy. So far as I can see, the only evidence in this regard is that in the ELRS. But paragraph 10.25 of the ELRS says that it is important to bear in mind that its conclusions regarding the retail economy reflect existing market conditions as at July 2008. It warns that should these conditions change, depending on the magnitude of the current recession, conclusions and recommendations could differ significantly.

Overall

Considering all of the above, the base of evidence underpinning the plan's strategic approach to housing and economic development is not adequately up to date. In this context, I have strong doubts about placing reliance on it. I am concerned that it will not stand up to scrutiny through the examination hearings. This is a fundamental problem.

Options for the way forward

Given the above, I must recommend that further work should be done to update the SHMA, SHLAA, viability evidence, GTAA and the ELRS before the examination can realistically proceed to hearings. It would not be appropriate to proceed to hearings now. I recognise that the Council will be disappointed with this, and I share your eagerness to progress. However, as things stand, the Council has a choice.

One option is to suspend the examination to allow the work I have recommended to be undertaken. It is my duty to point out that I have a number of strong misgivings about this course of action. The amount of work involved is considerable, and the evidence to which it relates is fundamental to the plan. The danger is that updating it, along with any necessary Sustainability Appraisal, would be likely to lead to substantial modifications to the Core Strategy. The result could well be a plan which is significantly different to the one originally submitted.

Even if this is not the case, it is highly likely that quite wide ranging further public consultation will be necessary. This will inevitably lead to both new and revised representations to be taken into account alongside the representations already made. All of this leads me to believe that if this examination is to proceed, it is likely that it will be protracted and lengthy. In short, it could be rather expensive for the Council.

In addition, from the revised Local Development Scheme, the Council's staff resource gives me cause for concern. As I understand it, the principle people engaged in work on the Core Strategy are one full time Assistant Planner and a part time Project Officer, together with you as the Head of Service (a role which I anticipate involves other responsibilities). Drawing from time to time on staff in other sections will help. Nonetheless, my worry is that given the level of work involved, even with the best of endeavours, the length of the suspension needed will be considerable.

If, notwithstanding the disadvantages, the Council wishes to pursue this course and request that the examination be suspended, I am at present willing to proceed on this basis. I should say, though, that this is dependent on the likely period of abeyance required.

The other option is to withdraw the Core Strategy, and to update the evidence before bringing the plan to examination again. This course may have disadvantages in terms of perception. However, it would ultimately allow the Council to submit the plan afresh, already incorporating modifications and accompanied by up to date evidence. The clear benefit here is that there would not be the inherent complications of examining a potentially substantially modified document and heavily altered evidence base. This could prove a significantly less problematic course of action and would give the opportunity for a more efficient and streamlined examination.

I would now ask the Council to give careful consideration to the options for progressing matters and to advise me of the chosen path at the earliest opportunity. In the spirit of assistance, I am happy to answer any questions you may have in relation to procedural issues. I will do all I can to help the Council in relation to the way forward, although you will appreciate the restricted nature of my role in this regard and that any advice given is without prejudice.

Yours sincerely,

Simon Berkeley

Inspector



RIBBLE VALLEY BOROUGH COUNCIL

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Dear Mr Berkeley

EXAMINATION OF THE RIBBLE VALLEY CORE STRATEGY

Many thanks for your considerations set out in your letter of 23 November 2012. I can advise that Members have now had opportunity to carefully consider your comments at a recent meeting of the Council's Planning and Development Committee held on 6 December. A copy of the minute is enclosed for your reference.

Members have noted your concerns regarding the need to update key parts of the evidence base and the implications for progressing the Examination. Having reviewed the options and issues raised the Council would like to seek suspension of the Examination to give time for the necessary updates to be undertaken and for the results of the updates to be considered in terms of the effects on the current strategy.

Members are keen to make progress with the development plan but would respectively request a suspension of six months to enable the necessary work to be undertaken and implications assessed. Given the Council's Christmas closure period and the usual issues of the holiday period I would like to suggest a period to the end of June as the working date for the suspension. Members are aware of the workload and the potential issues that the updates may bring and that six months does provide an ambitious schedule. However, they are keen as indicated to make progress with the Core Strategy and to make best endeavours to meet this timeframe.

The Council has resolved to put in place a focused working group to help progress the necessary work as a priority and to address resource issues to ensure the Examination can resume in a timely manner. The Council has already taken steps to commence the updates required in discussion with its consultants in order to reduce any delays in making progress.

I will contact you again with a schedule of works to address your concerns including the key milestones to enable the review to be monitored and any issues or concerns to be identified early. At this stage, I would anticipate providing you with a monthly progress report unless matters of consequence arise that you should be made aware of sooner.

In the light of your comments I propose to provide an update of the Strategic Housing Market Assessment (SHMA) which will build upon the updated housing requirement work provided by Nathaniel Litchfield and Partners (to which you refer) with account being taken of any implications of new census data as available. In addition, the Council will undertake a review and update of the Strategic Housing Land Availability Assessment (SHLAA) in accord with existing guidance and ensuring the aspects of viability you raise are addressed. We are currently in discussion with our suppliers to update the Gypsy and Traveller Accommodation Assessment as a matter of expediency.

I note in particular your comments regarding the viability assessments which as I read your concerns, raises two particular matters. Firstly, the need to evidence in a robust and reliable way

the implications of the Council's affordable housing policy and requirements. Secondly, to provide an assessment that the wider policy implications of the Core Strategy can deliver viable sites. At this stage, I would propose to undertake this assessment by way of a sample of sites from the updated SHLAA; testing against the strategic site allocation and using as case studies a sample of live sites where applications have been approved. This will provide a range of sites to test viability given that at present we have not identified specific allocations in the Core Strategy other than the strategic site.

The Employment Land and Retail Study provides a range of evidence in one source. I note your comments regarding its datedness and I am also conscious of the matters that the National Planning Policy Framework (NPPF) introduces since that evidence was prepared. With this in mind I am proposing to review the approach to this area of evidence with the need, in my view, to provide discreet updates relating to employment land and workforce forecasting (with linkages to housing requirements); retail evidence as well as broader town centre health checks and in accord with NPPF, the need to have evidence in relation to broader economic development in the borough.

I note your comments regarding the likely need for main modifications and additional public consultation. At this stage and subject to the need to review aspects of the plan in the light of the updated evidence base, I would be grateful for your view on whether any main modifications would be best undertaken ahead of resumption of the Examination and the setting of potential hearing dates. I would wish to avoid piecemeal modifications being subject to consultation at different stages and would look to address any main modifications in a consolidated period of consultation. I appreciate that it may be your preference to keep this matter under review for the time being pending progress on the evidence base update. I would be grateful however in the meantime for any indication of key areas where you feel at this stage, main modifications may be necessary.

I would like also to draw to your attention that the period of consultation on the proposed amendments to the plan has recently completed. I can advise that we have had 29 responses, which we are currently reviewing, and further information will be provided to you early in the New Year.

I hope that you will be able to give favourable consideration to this request but please do not hesitate to contact me should you wish to clarify any aspects at this stage.

Yours sincerely



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CORE STRATEGY UPDATE

The Chief Executive submitted a report updating Committee on the Core Strategy and asking them to consider the implications for progressing the Examination. Following the submission of the Council's proposed Core Strategy to the Secretary of State for Examination, the Inspector had subsequently responded expressing his view that at present his concerns regarding the extent to which the underpinning evidence base is out of date remain and consequently would not pass scrutiny in his view at Examination. Following these comments, the Inspector had indicated two principal options as a way forward to either suspend the Examination or withdraw the submitted Strategy. Either of the approaches would delay the progress of the Core Strategy and require as a starting point the evidence base to be updated. This would also have resource implications with regard to the use of consultants and staff time.

It was felt that establishing a working group would help progress the work required.

RESOLVED: That Committee

1. agree to carry out the necessary work to update the evidence base and seek the agreement of the Inspector to a suspension of the Examination for a minimum of six months;
2. establish a working group to progress the Local Development Framework; and
3. recommend to Policy and Finance Committee a request for additional resources to progress the Core Strategy in line with the proposals as set out in the report and consideration by the proposed working group.

The meeting closed at 9.02pm.

If you have any queries on these minutes please contact John Heap (414461).

