

East Riding Local Plan Update - Examination MATTERS, ISSUES AND QUESTIONS (MIQs)

June 2023

Inspector: Katie Child B.Sc.(Hons) MA MRTPI

Programme Officer: Ian Kemp

Tel. 0772 3009166, Email: ian@localplanservices.co.uk

Address: PO Box 241, Droitwich, Worcestershire WR9 1DW

This document sets out matters, issues and questions (MIQs) on the submitted East Riding Local Plan Update. They will inform the hearing sessions which start on 31st October 2023. Please see the separate 'Hearings Programme'.

Further information on the examination process is set out in the accompanying 'Examination Guidance Note'.

The examination will focus on the submitted Local Plan Update. However, the Council has put forward a number of proposed modifications in document EXAM1C. In some cases these are referred to in the questions below.

Written statements

To ensure the hearing events are focused, representors are invited to respond to the questions in this document. Written statements should be submitted to the Programme Officer by **Friday 25th August 2023 (5pm)**, via the above email address. Late responses received after this date will not be accepted.

You may choose to respond to all or some of the questions. However, please note that there is no requirement to submit a written statement and you may wish to rely on your previous representations. All previous written comments on the submission Local Plan Update will be taken into account.

Please see the Examination Guidance Note for further details about the submission of hearing statements.

The hearing sessions

The hearing sessions are due to start on **Tuesday 31st October 2023**. It is intended to hold the sessions at County Hall in Beverley. The sessions will also be livestreamed so they can be watched online.

Speaking at or observing the sessions

Anyone can observe the hearing sessions – either by attending the event or watching online.

If you have previously submitted representations on the submission Local Plan Update and are seeking a change to the Plan, there is a right to take part in and speak at a hearing session on the relevant matter. For further details, please see the Examination Guidance Note. If you have a right to be heard and wish to speak at the hearings please contact the Programme Officer in email/writing by **Friday 18th August 2023 (5pm)**. You should indicate:

1. Which matter/question number this relates to, and
2. Who you are representing (where relevant)

If you just wish to attend the event to observe, you are requested to notify the Programme Officer by **16th October 2023** – so that adequate arrangements can be put in place.

Further information

The submitted Local Plan Update and other evidence documents can be viewed on the examination webpage at <https://www.localplanservices.co.uk/eastriding>

If you have any questions about this document or the examination process, please contact the Programme Officer.

MIQ contents

Matter 1 – Legal and procedural matters	3
Matter 2 – Vision, objectives and spatial development strategy	5
Matter 3 – Housing need and requirement	8
Matter 4 – Employment and retail/town centre strategy and policies	9
Matter 5 – Growth, infrastructure and viability	12
Matter 6 – Gypsies and Travellers and Travelling Showpeople	15
Matter 7 – Other housing needs	17
Matter 8 – Built and natural environment and environmental hazards	19
Matter 9 – Approach to site allocations	22
Matter 10 – Allocations in the Major Haltemprice settlements	24
Matter 11 – Allocations in the Principal Towns	25
Matter 12 – Allocations in the Towns	27
Matter 13 – Allocations in the Rural Service Centres and Primary Villages	30
Matter 14 – Housing supply	32

Matter 1 – Legal and procedural matters

Issue - Has the Local Plan Update been prepared in accordance with statutory procedures and Regulations?

Questions

- a) Has the Council submitted robust evidence to demonstrate that they have met the duty to cooperate? In particular:
 - i. Is there evidence to show that Hull City Council intends to/will deliver its housing requirement, including the city uplift, within their administrative boundaries?
 - ii. Are there any outstanding concerns relating to strategic matters from other Councils or duty to cooperate bodies?
- b) What is the latest position regarding the timescale for preparation of the Waste Local Plan? Does the emerging Waste Local Plan align with the Local Plan Update?
- c) How have the policies and proposals in the adopted Neighbourhood Plans for Cottingham and Allerthorpe been taken into account in preparing the Local Plan Update? Are the policies and proposals in the Local Plan Update aligned with these Neighbourhood Plans?
- d) What is the latest position regarding progress with Woodmansey Neighbourhood Plan and other Neighbourhood Plan preparation in the district? [The Council is requested to provide a list of adopted and emerging Neighbourhood Plans and confirm whether the Plans allocate/intend to allocate sites]
- e) Do the Vision and the strategic policies in the Local Plan Update cover an appropriate period of time which is consistent with paragraph 22 in the National Planning Policy Framework (NPPF)?
- f) How have issues of equality been addressed in the Local Plan Update?
- g) Has the formulation of the Local Plan Update been based on a sound process of sustainability appraisal (SA)? (also see Matter 9 below)
- h) The Statement of Common Ground between the Council and Natural England (March 2023) indicates a number of amendments are needed to the Habitats Regulations Assessment (HRA). What is the proposed timing for publication of and consultation on the updated HRA?

- i) Paragraph 5.5 of the HRA indicates that two areas of mitigation are required beyond that already embedded within the Local Plan Update. What is the nature of this mitigation and are related modifications needed to the submitted Plan?
- j) Has Yorkshire Water undertaken an Appropriate Assessment of the Drainage and Wastewater Management Plan 2024, as referred to in paragraph 4.8.9 in the HRA? Is mitigation and/or modifications to the Local Plan Update needed?
- k) Is Hornsea Mere Special Protection Area the only site which has been identified as being in unfavourable condition in terms of water quality?
- l) Subject to the HRA changes and the Council's proposed main modifications to Policy ENV4 in EXAM1C (SD/62 and SD/131) (also see Matter 8 below), will development proposed in the Local Plan Update, alone or in combination, adversely affect the integrity of any European protected sites?
- m) What is the timescale for determining whether the Yorkshire Wolds should attain the status of an Area of Outstanding Natural Beauty (AONB)? If the designation is confirmed, will this have any implications for the policies and/or proposals in the Local Plan Update and the delivery of development? Is there a need to futureproof the Plan?
- n) The Council is requested to clarify its approach to proposed modifications and how it has distinguished between 'main' and 'minor' changes, as listed in document EXAM1C. Have all changes to the supporting text been automatically classified as 'minor'?

[please note, I will aim to discuss the proposed modifications in EXAM1C at the relevant hearing sessions, as necessary]

Matter 2 – Vision, objectives and spatial development strategy

Issue - Do the vision, objectives and spatial development strategy in the Strategy Document Update present a positive framework which is consistent with national policy and will contribute to the achievement of sustainable development?

[Chapter 3 Vision and Place Statements]

[Chapter 3 Objectives]

[Policy S1 Sustainable development]

[Policy S2 Addressing climate change]

[Policy S3 Focusing development]

[Policy S4 Supporting development villages and the countryside]

[Policy S5 Managing the scale and distribution of development, part B]

[Appendix B List of villages]

Questions

Vision, objectives and climate change

- a) Are any main modifications needed to the vision, objectives and Place Statements to ensure the Local Plan Update is soundly based?
- b) How does the Local Plan Update seek to address and mitigate the effects of climate change?

Policy S3 – Focussing development

- c) Are the settlement network groupings in Policy S3 robustly based and underpinned by clear evidence? What key factors have determined the network?
- d) Is the settlement network in Policy S3 intended to be a hierarchy, with the Major Haltemprice Settlements as the focus for growth, followed by the Principal Towns etc? If not, how is it intended to operate?

Policy S4 – Supporting development in Villages and the Countryside

- e) Are the identified Villages, as listed in Appendix B in the Strategy Document Update, robustly based?

- f) How does the Council intend to respond to infill proposals within small settlements in the countryside (without settlement limits)? Should the approach be qualified in Policy S4 part D?
- g) Should Traveller sites be referenced in part D in Policy S4 as exceptions that may be permitted in the countryside?

Policy S5 – Distribution of new development

[please note, the suitability and deliverability of specific allocations are covered in Matters 10 to 13 below]

- h) What other broad reasonable alternatives to the proposed spatial distribution of growth in Policy S5 were considered? Were these options subject to sustainability appraisal testing?
- i) Policy S5 part B indicates that the majority of growth will be distributed to the Principal Towns, followed by the Towns then the Major Haltemprice Settlements. Is this consistent with the strategic approach outlined in Policy S3? What other factors have influenced the distribution of growth?
- j) Have separate housing requirements for Cottingham, Anlaby/Willerby/Kirk Ella and Hessle been identified? If so, should they be included in Policy S5?
- k) Is the proposed low level of housing growth in Goole justified and robustly based, given its status as a Principal Town? In particular:
 - i. Is the Level 2 Strategic Flood Risk Assessment (SFRA) for Goole (EXAM1H) based on a robust methodology and does it provide a reasonable analysis of flood risk? In summary, what are the key risks?
 - ii. Why was the flood risk exception test satisfied for housing allocations in Goole in 2016 but is now not met?
 - iii. How does the Council intend to regenerate Goole?
 - iv. What is the view of the Environment Agency and other key stakeholders regarding the Level 2 SFRA, flood risk in Goole and meeting the exception test for housing allocation sites in the town?
 - v. Have any site-specific Flood Risk Assessments been done for existing housing allocations and option sites in Goole? What do these show?
 - vi. What is the latest position regarding delivery and development progress for each of the proposed de-allocated housing sites in Goole?
- l) Is the proposed significant scale of housing growth in Howden justified and soundly based? In particular:
 - i. What alternative options did the Council consider for re-distributing the 'shortfall' from Goole? What are the key factors that led to the

selection of Howden in preference to sustainable locations elsewhere in the district and within the sub-area?

- ii. How was the identified 'shortfall' figure of 900 dwellings for Goole calculated? (paragraph 4.15 in S-EB01) [the Council is requested to provide exact workings]
 - iii. Why is a site for 1,865 dwellings identified in Howden, rather than 900 dwellings? What proportion of the additional growth is due to re-apportionment from other sub-areas in response to market conditions and land availability (as referred to in paragraph 4.18 in S-EB01)?
 - iv. Is the proposed overall scale of growth in Howden, over 2,140 dwellings, consistent with its Town designation and settlement sustainability? What proportional growth does it represent for the town? What effect would this level of growth have on the function, form and identity of Howden?
- m) Is the absence of housing allocations in Hedon justified? In particular:
- i. What are the main conclusions of the SFRA Level 2 for Hedon (EXAM1I)? Do some site options have a lower risk of breach flooding, and is there scope for the exception test to be met? Have any site-specific flood risk assessments been undertaken?
 - ii. What is the Environment Agency's position on housing allocations in Hedon?
 - iii. Is there an estimated 'shortfall' in dwellings in Hedon?
 - iv. Why did the Council elect not to replace the 'shortfall' in other locations within the sub-area?
- n) The settlements of Gilberdyke/Newport, Leven, Stamford Bridge, Bilton, Dunswell, Rawcliffe, Thorngumbald and Tickton are not identified for further development on the basis of flood risk. Is this approach robustly based?
- o) Was further residential development in Woodmansey rejected solely due to the scale of recent housing development (as suggested in S-EB13) or was flood risk also a factor (as suggested in S-SA03-52)? If the former, is the rejection of options at Stage 1 consistent with question 1 in the Site Assessment Methodology? How were employment options dealt with?
- p) Is the distribution of new development, as outlined in Policy S5 and Table 3, robustly based in other respects?

Matter 3 – Housing need and requirement

Issue - Is the identified housing requirement of 20,900 dwellings between 2020 and 2039 (1,100 dwellings per annum) in Policy S5 justified and consistent with national policy?

[Policy S5 part A Managing the scale and distribution of new development]

Questions

- a) Does the identified Local Housing Need (LHN) figure of 909 dwellings per annum represent an appropriate calculation of LHN? What was the LHN figure in October 2022, e.g. at the point the Local Plan Update was published for consultation?
- b) Is the proposed uplift of LHN, to a requirement figure of 1,100 dwellings per annum, justified on the basis of delivery of additional affordable housing? How was the degree of uplift/total figure selected?
- c) What is the relationship between the uplifted housing requirement and planned employment growth over the Plan period? Will labour supply be sufficient to support the higher economic growth scenario identified in the Employment Land Review Demand Update (2022) (S-EB09-03) and the level of employment development being facilitated by the Local Plan Update?
- d) Should there be a housing requirement for designated neighbourhood areas in Policy S5? (paragraph 66 in the NPPF)

Matter 4 – Employment and retail/town centre strategy and policies

Issue - Is the employment land requirement in the Plan soundly based and does the Local Plan Update provide an appropriate supply of land? Does the Strategy Document Update set out a positively prepared strategy and policies for employment and retail/town centre development which are justified, effective and consistent with national policy?

[Policy S6 Delivering employment land]

[Policy S7 Delivering Town Centre development]

[Policy EC1 Supporting the growth and diversification of the economy]

[Policy EC2 Developing and diversifying the visitor economy]

[Policy EC3 Supporting the vitality and viability of centres]

[Policy EC5 Supporting the renewable and low carbon energy sector]

[Policy EC6 Protecting mineral resources]

Questions

Employment land requirement and supply

- a) Is the identified higher growth requirement for some 208 hectares of employment land in East Riding over the Plan period (as set out in the Council's Employment Land Review Demand Update 2022 (S-EB09-03)) reasonable and robustly based? In particular:
 - i. Is the 30% margin for choice and flexibility appropriate?
 - ii. To what extent is the anticipated growth of port facilities at Hedon Haven included in the need figure?
 - iii. Does the need figure of 208 hectares incorporate reasonable assumptions regarding sectoral growth in warehousing/logistics?
- b) Is the breakdown of employment land need by sub-area, as set out in Table 12 in S-EB09-03, robustly based? Are the applied historical take-up rates appropriate and representative?
- c) Document EXAM1A identifies that the Plan makes provision for a total of some 448 hectares of new employment land over the Plan period, or 269 hectares if Hedon Haven is excluded. Is this level of provision justified and deliverable? In particular:
 - i. What proportion of the identified provision is likely to come forward within the Plan period? Does it differ from the delivery figure assumed in the need calculations (e.g. excluding the flexibility allowance)?
 - ii. What additional flexibility allowance do the supply figures represent, further to that included in the need figure of 208 hectares?

- iii. When comparing supply against need, should supply from Hedon Haven be excluded?
- iv. How does the estimated amount of employment land likely to be delivered within the Plan period compare to average take-up rates over the last decade?

Employment strategy and policies

- d) Is the proposed distribution of employment allocations justified and robust? In particular:
- i. What key factors have informed the distribution?
 - ii. Where estimated supply within the Functional Economic Area (FEA) is different to identified need, what are the reasons for this?
 - iii. Linked to the above point, does the Plan make sufficient provision for employment land in the Beverley FEA and the Goole-Selby FEA?
- e) How does the Council's economic strategy fit with the proposed Humber Freeport at Goole and Hull (areas within East Riding)? In particular:
- i. What is the latest progress in confirming the tax free zones and bringing forward these sites?
 - ii. What area do the two sites cover within the borough? How many hectares within the sites are already covered by allocations or extant permissions? [the Council is requested to provide site maps]
 - iii. If the Freeport sites come forward, will there be implications in terms of labour supply and housing need in East Riding?
 - iv. Is Policy EC1 part E1 justified in the context that suitability and deliverability of these sites is still being assessed?
 - v. Should the Freeport tax zones be identified as a specific category of allocation in the Plan and shown on the Policies Map Update?
 - vi. What is the 'review mechanism' referred to on page 44 of document S-EB11-01?
- f) How were the designated Seafront Areas identified, as referred to in Policy EC3?
- g) What does the landscape and nature conservation evidence show regarding the potential for on-shore wind development? Is there a need to take account of the potential AONB area? Is there capacity in the 'areas of potential constraint' shown in figure 10 in the Plan? Or is it the case that nearly all of the district is wholly unsuited to wind turbine development?
- h) Is the strategy of relying on Neighbourhood Plans to deliver on-shore wind development, as set out in part B of Policy EC5, likely be deliverable and capable of tackling climate change?

Retail and town centre policies

- i) How does the Council intend to address the identified needs for new retail development, as set out in Table 5 and paragraph 4.93 in the Strategy Document Update? How much will be provided through new allocations in the Plan? [the Council is requested to provide a summary table of sites]
- j) Do Policies S7 and EC3 provide appropriate information on the role and function of neighbourhood centres across the district? Are proposed modifications SD/23 and SD/45 necessary for soundness?
- k) Are proposed modifications in SD/22 needed to paragraph 4.94 to clarify that the identified retail needs for Howden do not take account of the proposed urban extension (HOW-G)? Does the Council's evidence indicate there is a need to provide a neighbourhood centre on the site?

Matter 5 – Growth, infrastructure and viability

Issue – Does the Strategy Document Update set out a robust and viable framework for the delivery of growth and infrastructure?

- [Policy S8 Connecting people and places]
- [Policy S9 Strengthening blue/green infrastructure]
- [Policy EC4 Enhancing sustainable transport]
- [Policy C1 Providing infrastructure and facilities]
- [Policy C2 Supporting community services and facilities]
- [Policy C3 Providing public open space for leisure and recreation]
- [Policy ENV4 Biodiversity sites (air quality aspects only)]
- [Policy ENV6 Managing environmental hazards (air quality aspects only)]
- [Policy A1 Beverley and Central sub area]
- [Policy A2 Bridlington Coastal sub area]
- [Policy A2A Bridlington sub area]
- [Policy A3 Driffield and Wolds sub area]
- [Policy A4 Goole and Humberhead Levels sub area]
- [Policy A5 Holderness and Southern Coastal sub area]
- [Policy A6 Vale of York sub area]

Questions

Infrastructure

[please note, in some cases further questions relating to infrastructure are included in Matters 10-13 on specific allocations]

- a) Is there evidence that waste-water treatment works in East Riding have capacity to accommodate growth?
- b) How will the identified deficits in pre-school/early years education be overcome? Is there a need to identify land for provision of such facilities, particularly alongside new primary schools?
- c) Does the Local Plan Update adequately recognise and address the effect of development on healthcare facilities and pressures arising from an ageing population? Are any modifications needed to the Plan to address concerns raised by the Humber and North Yorkshire Integrated Care Board in the Statement of Common Ground (S-DC01)?
- d) Does the Council's Infrastructure Study 2023, including the range of junction studies, provide appropriate evidence relating to the impact of the Plan on the highways network?

- e) What progress has been made in securing funding towards Strategic Road Network schemes SRN-1 to SRN-5, as identified in the Infrastructure Study? What is the scale of the funding gap? Has the potential impact of developer contributions on scheme viability been tested and are there any implications for the phasing of development in the Local Plan Update?
- f) What is the latest position regarding the need for mitigation at the additional strategic highway junctions SRN-6 to SRN-10? Is the need for monitoring and management adequately reflected in the Local Plan Update?
- g) What progress has been made to identify funding for improvements to Dunswell roundabout (scheme LRN-6)? What developer contributions may be necessary and has this been factored into viability work? Have concerns raised by Hull City Council in the Statement of Common Ground been resolved?
- h) Are there any fundamental constraints or funding gaps relating to infrastructure that would prevent delivery of growth in the Plan?

Infrastructure policies

- i) What are the reasons for identifying SD/27 as a main modification? (part B in Policy S9)
- j) Does Policy C1 part C provide sufficient clarity on the Council's approach to seeking developer contributions? Is the Council's proposed modification SD/71 necessary for soundness reasons?
- k) Were any options for Local Green Spaces proposed to the Council during preparation of the Local Plan Update?
- l) Are golf courses categorised as open space/leisure provision and covered by Policy C3? Was golf course provision assessed through either the Open Space Review (2012) or the Playing Pitch Strategy (2019)?
- m) What is the justification for a threshold of 10 dwellings for seeking developer contributions towards education, as set out in proposed modification SD/73?
- n) Are the Council's proposed modifications to identified areas of open space, as set out in SD/75, SD/76, SD/77 and SD/78, necessary for soundness?

Air quality

- o) What work has been undertaken to understand the effect of the Local Plan Update on air quality, in terms of public health and habitats/biodiversity?

- p) What does the air quality work show in terms of impacts on public health and habitats/biodiversity and the ability to secure compliance with relevant limit values and national objectives for pollutants?
- q) Do Policy ENV4 (part C5) and Policy ENV6 (part A) provide a clear and effective framework for dealing with air pollution? In particular:
- i. Does modification SD/69 to Policy ENV6 provide sufficient clarity?
 - ii. Are further mitigation measures and associated modifications needed to the Local Plan Update to address air quality matters?

Delivering growth in the sub areas

[please note that as sub areas policies A1-A6 provide an overview of requirements and allocations, some questions appear under other Matters]

- r) Do the sub area policies A1 to A6 provide a clear and effective framework for growth? In particular:
- i. Are proposed modifications SD/81, SD/88, SD/93, SD/99, SD/103 and SD/106 necessary to protect the historic environment?
 - ii. Is the proposed deletion of the requirement to provide a mix of housing, as set out in SD/80, SD/87, SD/92, SD/98, SD/102 and SD/105, necessary to make the Plan sound?
 - iii. Are proposed modifications to refer to transport contributions, in SD/83, SD/89, SD/95, SD/100 and SD/107, main or minor changes? Are changes needed to Policy A5?

Viability

- s) Is the testing in the Local Plan Viability Study 2022 based on robust assumptions and does it capture all cumulative impacts of the policies?
- t) Which set of residential appraisals in the Viability Study 2022 provide the best fit with the policy requirements in the Local Plan Update and national policy requirements likely to apply over the Plan period?
- u) The Viability Study 2022 indicates that residential and non-residential development is not viable or marginal in some areas. What is the Council's position on these findings? In the lower viability areas, what housebuilding is currently or has recently taken place, and does it include affordable homes and planning obligations? Overall, is there evidence to show that the Plan is deliverable?

Matter 6 – Gypsies and Travellers and Travelling Showpeople

Issue – Does the Local Plan Update set out a positively prepared approach to meet the accommodation needs of Gypsies and Travellers and Travelling Showpeople, which is justified, effective and consistent with national policy?

[Policy H3 Providing for the needs of gypsies and travellers]

Questions

- a) What is the Council's current position regarding the level of need and shortfall in Gypsy and Traveller pitches over the Plan period, in the context of the updated Gypsy and Traveller and Travelling Showperson Accommodation Assessment (GTAA) 2022 and taking account of the recent Court judgement in the case of Lisa Smith v SSLUHC [2022] EWCA Civ 13391? This should include details relating to:
- Five-year need/supply position and shortfall
 - Total need/supply position and shortfall
 - How turnover is applied to five-year supply and the remainder of the Plan period
 - What the pitch tenure needs are over the Plan period
 - How need and shortfall compares to the GTAA 2018 results.
- b) Taking account of the above, is the Council's current approach to meeting the accommodation needs of Gypsies and Travellers in the Local Plan Update (based on criteria-based Policy H3 and no site allocations) justified and consistent with national policy? How does the Council intend to address any shortfall in permanent pitches?
- c) Did the Council carry out a call for sites as part of the Local Plan Update preparation process and look at options for providing additional Gypsy and Traveller sites? Have the allocations in the current Plan (BRID-H and COT-L) been re-appraised for their suitability, deliverability and availability?
- d) How does the Council intend to deal with the identified need for transit pitch provision in East Riding, as set out in paragraph 6.46 in the GTAA 2022? What work has been undertaken on the development of a negotiated stopping policy?
- e) Is there a need for identified pitch/plot requirements and shortfall to be identified in a separate strategic policy, in line with paragraph 20 in the NPPF?

- f) Table 6.1 in the GTAA 2022 includes a supply figure for households planning to move from bricks and mortar to a Traveller site in the borough. How was this derived? Were any household interviews carried out with the estimated 40 households in bricks and mortar? If not, why was this the case?
- g) Is the estimated total turnover figure of 49 pitches in the GTAA 2022 robustly based? What do the official Council housing records show regarding the level of turnover on Council Traveller sites over the last 5 and 10 years?
- h) Are any amendments needed to the Traveller monitoring indicators on page 234/235 of the Strategy Document Update, in the context of new evidence on need?
- i) Do the requirements in Policy H3 and the supporting text represent a justified framework that accords with national policy? In particular:
- i. Is the 'need' aspect of the first sentence in the policy and in paragraph 5.68 fair and consistent with the approach for general market housing?
 - ii. Are modifications needed to the policy or supporting text to take account of the Lisa Smith judgement referred to above?
 - iii. Are the requirements to provide children's play areas, communal buildings and turning space for emergency vehicles and waste lorries appropriate for all sites, including small private pitches?
 - iv. What are 'inappropriate uses' as referred to in paragraph 5.69 fourth bullet?
 - v. Is the Council's proposed modification to require consideration of local amenity and inclusion of additional flood risk information (SD/38), necessary for soundness reasons?

Matter 7 – Other housing needs

Issue - Does the Strategy Document Update set out positively prepared policies to meet affordable housing needs and the housing needs of other groups, which are justified, effective and consistent with national policy?

[Policy H1 Providing a mix of housing and meeting needs]

[Policy H2 Providing affordable housing]

[Policy H4 Making the most efficient use of land]

Questions

Affordable housing

- a) Are the affordable housing percentages in Table 8 in the Strategy Document Update deliverable and robustly based? What factors have informed the percentages? [also see Matter 5 on viability]
- b) Is the target of 200 affordable homes per annum, as set out in Policy S2, robustly based and deliverable? What does monitoring evidence since 2016 show regarding the percentage of affordable homes delivered per year against the total number of homes?
- c) Paragraph 5.63 in the Strategy Document Update states that the provision of at least 10% of all homes on major development schemes as affordable home ownership exceeds the requirement for intermediate housing identified in the Council's Local Housing Needs Assessment (2022) and therefore securing this level would restrict the delivery of other tenures and fail to meet local identified needs. As such, is it the Council's position that the exemption in NPPF paragraph 65 is met and the 10% rate should not apply? Are the full workings and justification set out within the evidence base? If not, the Council is requested to provide this information.
- d) The Written Ministerial Statement 'Affordable Housing Update' (24 May 2021) states that '*where specific developments are exempted from providing affordable home ownership products under paragraph 64 of the Framework, they shall also be exempt from the requirement to deliver First Homes.*' In this context and having regard to question b) above, what is the Council's reason for seeking 25% First Homes in Policy H2 part B and the adjusted tenure split identified in the Local Housing Needs Assessment?
- e) What is the Council's justification for seeking affordable housing from sheltered housing/older person housing schemes? Is delivery viable and justified?

Other housing needs

- f) Is part B of Policy H1 relating to self/custom build plots justified and deliverable? In particular:
 - i. What evidence did the Council use to inform the percentage and the site size threshold?
 - ii. If 5% self/custom build plots are sought from all qualifying developments, approximately how many homes will this deliver over the Plan period?
 - iii. How does the above estimated supply figure compare to identified need for self/custom build plots in East Riding?
 - iv. What does the Council's viability testing show regarding the cost of providing self/custom build plots?
 - v. Will the proposed requirement for self/custom build plots affect the speed of housing delivery in East Riding?

- g) What effect will the requirement in Policy H1 for at least 30% of homes to be built to Building Regulation M4(2) accessible and adaptable dwellings have on scheme viability?

- h) What specific provision is made in the Allocations Document Update for specialist housing?

- i) What are the Council's minimum density standards for development in town centres and other locations well served by public transport? Should these be defined in Policy H4 in order to align with paragraph 125a in the NPPF?

Matter 8 – Built and natural environment and environmental hazards

Issue – Does the Strategy Document Update set out positively prepared policies relating to the built and natural environment and environmental hazards which are justified, effective and consistent with national policy?

[Policy ENV1 Integrating high quality design]

[Policy ENV2 Promoting a high quality landscape]

[Policy ENV3 Valuing our heritage]

[Policy ENV4 Sites of importance for biodiversity]

[Policy ENV5 Enhancing biodiversity and geodiversity]

[Policy ENV6 Managing environmental hazards]

Questions

[Please note that air quality matters relating to Policies ENV4 and ENV6 are covered in Matter 5 above]

Design and landscape

- a) What standard of energy efficient design is the Council seeking through part B9 in Policy ENV1?
- b) What are the Council's reasons for not seeking to implement the optional technical water efficiency standard of 110 litres per person per day?
- c) What is the Council seeking to achieve in terms of amenity? Does part B4 in Policy ENV1 provide clear and effective guidance?
- d) How were the Important Landscape Areas listed in Policy ENV2 (B1 to B4) identified? [The Council is requested to point me to the key evidence sources for each]
- e) Is the Council's approach to Key Open Areas in Policy ENV2 clearly articulated and justified? In particular:
 - i. What is the purpose of the policy? Is it necessary to have an additional layer of protection, beyond that provided for the general countryside in Policy S4?
 - ii. Does the policy approach in part A1 seek to prevent all development in order to maintain the exact current extent of physical separation between settlements? Or does it seek to retain an element of a gap?
 - iii. What evidence has been used to inform the identification of the Key Open Areas and their boundaries?

- iv. Where are the Key Open Areas located and which settlements do they adjoin? [the Council is requested to provide a summary list]
- v. Does Policy ENV2 provide sufficient detail on what will be expected and how applications will be dealt with in Key Open Areas?

Heritage

- f) Will Policy ENV3, as amended by proposed modifications SD/60 and SD/61 in EXAM1C, provide a sound basis for conserving and enhancing the historic environment? Does Historic England have any outstanding concerns relating to the policy?

Biodiversity and geodiversity

- g) The Statement of Common Ground between Natural England and the Council indicates that the Council disagrees with Natural England's proposed amendment to part C of Policy ENV4 (to say 'alone **and** in combination', rather than 'or'). Can the Council confirm that Natural England has withdrawn this objection and is content with this section as submitted?
- h) The Statement of Common Ground with Natural England outlines an agreed change to part C2 of Policy ENV4. Does the proposed change provide sufficient protection for functionally linked land as identified in the Lower Derwent Valley Supplementary Planning Document? Does the Council's proposed modification in SD/62 fully reflect the agreed wording?
- i) Does part C of Policy ENV5 provide a clear approach to biodiversity net gain? Is the Council's proposed modification to refer to additional local requirements (SD/134) necessary and justified?
- j) The Environment Agency proposes that part D1 of Policy ENV5 should be modified to require that development proposals improve the status of water bodies. What is the Council's view on this position, having regard to the Water Framework Directive regulations?

Environmental hazards

- k) How was the 'Living With Water Area' shown in Figure 14 identified? Does part D1i in Policy ENV6 require or encourage proposals in this area to make a reduction in run-off beyond greenfield rates? Are the areas shown on the Policies Map Update?
- l) Does the Environment Agency have any outstanding concerns regarding the flood risk or coastal change sections of Policy ENV6?

- m) How were the category lists of development in Table 14 determined? Why are static caravans not categorised as appropriate development on sites with a lifespan of 0-25 years?
- n) What is the difference between 'temporary development' as referred to in part F1 of Policy ENV6 and 'temporary uses' as referred to in the first row in Table 14 (relating to the 0-25 year lifespan zone).
- o) How does the Council intend to apply Table 14 to development proposals? Is it the case that only the listed types of uses within each lifespan zone will be permitted? Is there up to date information on the extent of the zones and is this publicly available? Is additional text needed in part F in Policy ENV6 to clarify the role of Table 14 and how development proposals will be dealt with in the three sub-zones?
- p) What are the 'alternative locations' referred to in part F2 of Policy ENV6?
- i. Do the alternative locations need to be outside the identified Coastal Change Management Areas? Or can proposals involving re-location/roll back also be appropriate in lower risk areas within the Coastal Change Management Areas, as defined by the epochs in Table 14?
 - ii. Why does the final sentence of F2 state that the alternative location should be a suitable coastal location? Would locations slightly away from the coast be appropriate?

Matter 9 – Approach to site allocations

Issue – Has the Council taken a robust and soundly based approach to the assessment and selection of site allocations (for housing, employment, retail and other development)? Do the allocation policies in general provide a clear and effective framework for growth?

Questions

[please note, questions relating to specific allocation sites are covered in Matters 10 to 13 below]

Site assessment

- a) How were potential site options identified as part of the Local Plan Update?
- b) How has question 1 in the Site Assessment Methodology (S-EB16) been applied for employment? Have sites only passed Stage 1 if they adjoin settlements or the four key employment sites? Has account been taken of the need for expansion of employment sites, locational requirements or the need for employment to be located away from residential areas?
- c) The Council is requested to point me to the assessment reports from Historic England/the Council that were used to determine question 4 in the Site Assessment Methodology, and to any alternative evidence on this provided by site promoters/landowners.
- d) The appraisals for questions 13 and 14 (in S-SA03) state 'intrusion into the open countryside' and 'not well related to the existing form of the settlement'. What do these statements mean and how do they relate to the site assessment criteria? Does 'significant intrusion' equal a score of (--)?
- e) For sites within Groundwater Source Protection Zones, what were the factors that determined whether sites scored (-) or (--) against question 17? Did specific comments from the Environment Agency inform scoring?
- f) The Council's evidence indicates that the site assessment work incorporates sustainability appraisal (SA). Is this approach robust and is it clear how the site options scored against the sustainability objectives in the SA?
- g) How were the site appraisal results used to select the allocations? Were sites scored/ranked in any way? Are the reasons for and the process of differentiating between suitable and deliverable sites clearly evidenced? How were the outcomes of SA work factored into the site selection process?

- h) Paragraph 9.14 in the Council's Flood Risk Background Paper (S-EB18) states that sites with less than 15% of the site with flood risk have not been considered in this element of the sequential test. Can the Council confirm which allocations this applies to?
- i) Paragraph 10.8 in S-EB18 states that the exception test is not needed for some allocation sites located within Flood Zone 3a and proposed for more vulnerable uses. Can the Council confirm which sites this relates to and the reason(s) why an exception test is not required?
- j) Have additional site options put forward by representors during and since Regulation 19 consultation on the Local Plan Update been technically appraised and subject to Sustainability Appraisal? If not, the Council is requested to provide this information.

Allocations – general

- k) Are the de-allocated sites listed in the Allocations Document Update provided just for information purposes, e.g. as a guide for people to ascertain changes from the 2016 Local Plan? Is it intended to retain these references in the adopted version of the Local Plan Update?
- l) Have any of the de-allocated sites gained planning permission since the base date of the Local Plan Update? If so, are amendments needed to the Local Plan Update and/or the supply evidence?
- m) Is the Trans Pennine Trail reasonably related to any of the allocation sites in the Local Plan Update, to justify providing links or seeking contributions?
- n) Does the Local Plan Update make suitable provision for the protection and enhancement of Public Rights of Way that cross or adjoin allocation sites?
- o) Do the site allocation policies provide a suitable framework for the protection of heritage? Are the proposed modifications in EXAM1C to the allocation policies, referring to the implementation of measures in the Heritage Impact Assessment, necessary for soundness?
- p) Do the employment allocation policies and/or supporting text provide sufficient information on the amount of undeveloped capacity on each site?
- q) Are other changes to settlement boundaries in the Local Plan Update, including those linked to completed developments, other small changes and new Villages, justified and robustly based? (as set out in the Development Limit Record of Changes report, June 2023, document EXAM2H)

Matter 10 – Allocations in the Major Haltemprice Settlements

Issue – Are the proposed housing, employment and other allocations in Anlaby/Willerby/Kirk Ella, Cottingham and Hessle justified, effective, developable/deliverable and in line with national policy?

Questions

Anlaby/Willerby/Kirk Ella

- a) What is the capacity of housing sites AWK-D and AWK-G in the 2016 Plan?
- b) Does Sport England support the Council's proposed modifications to Policy AWK-C, as set out in AD/1 and AD/2 in EXAM1C, relating to Kirk Ella cricket club?

Cottingham

- c) Does the Council's proposed modification SD/82 to Policy A1 provide sufficient clarity relating to future development of the Lawns site? Or would the site benefit from a site-specific allocation policy?
- d) Does the Heritage Impact Assessment for COT-N (Thwaite Hall) need updating if the Hall and Southlands are to be regarded as a non-designated heritage assets, in line with Historic England's representations?

Hessle [including the Humber Bridgehead Key Employment Site]

- e) What is the nature of the flood risk which means that sites HES-F and HES-H are proposed to be de-allocated? What development has gained permission on HES-F and has work commenced?
- f) What were the key deciding factors/reasons that led to the selection of new housing allocation HES-J over other site options in Hessle?
- g) Is the requirement to contribute towards highway capacity improvements at the A63/A15/A164 western interchange, as set out in criterion b in Policies HES-I and HES-K, justified? Is this likely to impact on scheme viability?

Matter 11 – Allocations in the Principal Towns

Issue – Are the proposed housing, employment and other allocations in Beverley, Bridlington, Driffield and Goole justified, effective, developable/deliverable and in line with national policy?

Questions

Beverley

- a) Is site BEV-K allocated for employment uses (as suggested in Policy BEV-K) or commercial development (as suggested in proposed modification AD/83)? If the latter, what type of commercial uses are envisaged?
- b) What were the key deciding factors/reasons that led to the selection of new housing allocation BEV-S over the other site options in Beverley?

Bridlington

- c) What were the key deciding factors that led to the selection of new housing allocations BRID-J, BRID-L and BRID-M and the extension of BRID-B, over the other site options in Bridlington?
- d) How were the boundaries of the new extension area of BRID-B chosen?
- e) What progress has been made with the delivery of current site allocation BRID-B since 2016? How much of the new extended allocation is likely to be delivered within the Plan period and how much beyond?
- f) What impact will the proposed extension of BRID-B have on landscape character and the setting of Bridlington?

Driffield

- g) How many additional houses are proposed on enlarged allocation DRIF-E? Does it involve changes to the settlement boundary?
- h) Has agreement been reached between the Council and Network Rail regarding proposed modifications to Policy DRIF-E to refer to rail crossing mitigation measures, as set out in AD/18 in EXAM1C?
- i) Why has site DRIF-Li been excluded from proposed allocation site DRIF-L?
- j) Has DRIF-N been developed or is likely to come forward for non-retail uses?

Goole [including the Key Employment Site at Junction 36 on the M62]

[please note, strategic questions relating to the scale of development in Goole are covered in Matter 2]

- k) Should the remaining part of GOO-A with extant planning permission be identified as an allocation site in the Local Plan Update? Does the site have extant permission for 800 dwellings (as suggested in Table 15 of the Submission Allocations Document and proposed modification SD/10) or 600 dwellings (as suggested in the housing trajectory in EXAM1D)? How much of the site will be delivered during the Plan period? Does the sub-division of the current allocation site present any problems in terms of overall site delivery, design, infrastructure provision or viability?
- l) Does the Local Plan Update provide clear direction on how the Council will deal with proposals that may come forward for residential development on the de-allocated sites and other brownfield windfall sites within the settlement boundary of Goole over the Plan period, and what will be expected in terms of flood risk evidence?
- m) What is the remaining capacity on the Key Employment Site at Junction 36 on the M62? Should the policy and/or supporting text provide additional information on this? (also see Matter 9 above).

Matter 12 – Allocations in the Towns

Issue – Are the proposed housing, employment and other allocations in Elloughton-cum-Brough, Hedon, Hornsea, Howden, Market Weighton, Pocklington and Withernsea justified, effective, developable/deliverable and in line with national policy?

Questions

Elloughton-cum-Brough [including the Key Employment Site at Melton]

- a) What were the key deciding factors that led to the selection of new housing allocation ECB-F over other site options in/on the edge of the town?
- b) What type of development and proportion of site ECB-C has planning permission? What has been completed and what is outstanding?
- c) Is employment development on part of site ECB-C still deliverable? If not, what alternative uses are proposed?
- d) Does Policy ECB-C provide clear direction on the mix and proportion of different uses that should be provided on the site? Are modifications needed to provide clarity?
- e) Does Policy ECB-C provide appropriate guidance on flood risk? Does proposed modification AD/22 in EXAM1C satisfy the Environment Agency's concerns regarding minimum floor levels?
- f) What is the remaining total capacity on the Melton Key Employment Site and when is take-up anticipated?

Hedon [including the Key Employment site at Hedon Haven]

[please note, strategic questions relating to the scale of development in Hedon are covered in Matter 2 above]

- g) Does the site area and amount of mitigation land in Policy HED-A reflect the planning approval? Are any modifications needed to Policy HED-A linked to the proposed area changes to the Policies Map, as set out in PM/6 and PM/21 in EXAM1C?

Hornsea

- h) Why are housing sites HOR-B and HOR-F(i) de-allocated from the Local Plan Update when they are otherwise suitable and deliverable? What is their capacity? What are the key factors for their deletion over the other housing allocation sites in the town?
- i) Is housing allocation HOR-E suitable in terms of flood risk? Is the Council's proposed modification to delete the site (AD/31) necessary for soundness?
- j) If HOR-E is deleted, would this provide scope for HOR-B and/or HOR-F(i) to be retained?

Howden

[please note, strategic questions relating to the level of housing growth in Howden are covered in Matter 2]

- k) Are the Council's proposed modifications to reduce the site area of housing allocation HOW-E and employment allocation HOW-H necessary for soundness reasons (AD/35, AD/36 and AD/40 in EXAM1C)? Are other mitigation measures necessary to prevent noise and disturbance to residents at HOW-E?
- l) What key factors determined the selection of expanded site HOW-E over the other housing site options in the town?
- m) Is proposed mixed use allocation HOW-G suitable and deliverable and does Policy HOW-G provide an appropriate framework to guide growth? In particular:
 - i. How was the boundary/site area of allocation HOW-G determined?
 - ii. What work has been done to identify infrastructure needed to support the urban extension? Does the policy provide sufficient guidance on the type/size of sports facilities, open space, transport infrastructure, medical facilities and education facilities needed, and whether this involves on-site provision or off-site contributions?
 - iii. Is there a need for early years provision in addition to a new primary school?
 - iv. What type/size of retail provision is required on the site?
 - v. Is additional parking needed at Howden rail station?
 - vi. Can the site be safely developed in terms of flood risk? What is the Environment Agency's latest position on this?
 - vii. Does the viability work show that the site is deliverable?
 - viii. Is the estimated lead-in time reasonable and does it allow scope for the delivery of about 1,400 dwellings within the Plan period?

Market Weighton

- n) What key factors determined the selection of new allocations MW-G and MW-H over the other housing site options in the town?
- o) What impact will development on MW-H have on the setting of the town and landscape character, including the designated Important Landscape Area of the Wolds to the east?
- p) What is the reason for the Council's proposed modification to reduce the site area and capacity of MW-H, as set out in AD/52 and AD/53 in EXAM1C? Are both changes necessary for the policy to be effective?

Pocklington

- q) Would development on employment allocation POC-K affect the safe operations on the adjoining Pocklington airfield? Is the Council's proposed modification to delete the site necessary for soundness (AD/66 and AD/67)?
- r) Why is current retail allocation POC-L not considered deliverable and suitable to meet retail requirements identified in the East Riding Town Centres, Retail and Leisure Study (2019)? Is the deletion of the allocation justified?

Withernsea

[No specific questions relating to the Withernsea allocations].

Matter 13 – Allocations in Rural Service Centres¹ and Primary Villages²

Issue – Are the proposed housing, employment and other allocations in the Rural Service Centres and Primary Villages justified, effective, developable/deliverable and in line with national policy?

Questions

Rural Service Centres

- a) What key factors determined the selection of new housing allocation CRA-F over the other site options in Hutton Cranswick? What is the nature of the deliverability issue at CRA-C?
- b) The Council is proposing to increase the site area and capacity of CRA-F (modifications AD/43, AD/45 and AD/47 in EXAM1C). What is the reason for the increase and is it necessary for soundness?
- c) Paragraph 33.3 states that de-allocated housing site LEV-A had planning permission at the base date. What, if any progress has been made with delivery? What is the Environment Agency's position regarding the suitability of the site for residential development?

Primary Villages

- d) Has the boundary of re-allocated housing allocation CHER-A in Cherry Burton been amended from the Local Plan 2016? If so, what is the extent of the change and the reason?
- e) What key factors determined the selection of new housing allocation ETR-C over other site options in Eastington?
- f) What key factors determined the selection of new housing allocation NAF-D over other site options in Nafferton?
- g) What key factors determined the selection of new housing allocation NCA-C over other site options in North Cave?

¹ Aldbrough, Beeford, Bubwith, Gilberdyke/Newport, Holme on Spalding Moor, Hutton Cranswick, Keyingham, Kilham, Leven, Middleton on the Wolds, Patrington, Snaith, Stamford Bridge and Wetwang.

² Bilton, Brandesburton, Cherry Burton, Dunswell, Easington, Eastington, Flamborough, Leconfield, Melbourne, Nafferton, North Cave, North Ferriby, Preston, Rawcliffe, Roos, Skirlaugh, South Cave, Swanland, Thorngumbald, Tickton, Walkington, Wawne, Wilberfoss and Woodmansey.

- h) What are the 'deliverability issues' associated with site FER-A in North Ferriby?
- i) Document S-EB13 indicates that site FER-B has been extended from the Local Plan 2016. What is the reason for this and the difference in site area? Why has the Council put forward a proposed modification to further extend the site, as set out in AD/63 in EXAM1C?
- j) What is the calculation error in the Playing Pitch Strategy which has led to the Council's proposed modification to require outdoor sports facilities on site FER-B, as set out in AD/63 and AD/64?
- k) What key factors determined the selection of new housing allocation SKG-B over the other site options in Skirlaugh?
- l) What key factors determined the selection of new housing allocation WIL-D over the other site options in Wilberfoss? Is the site capacity of 50 dwellings an appropriate figure? Is the provision of a landscaping strip outside the site close to Mill Lane, as set out in proposed modifications AD/77 and AD/78, deliverable and necessary to ensure the development is suitable?

Matter 14 – Housing supply

Issue – Does the Plan provide an appropriate supply of deliverable and developable sites to meet identified needs and align with national policy?

[Supply tables 2 to 45 in the Allocations Document Update]

[Appendix A Existing residential commitments]

[Appendix B Housing requirement and supply summary]

[Please note – current evidence on housing supply is set out in the Council’s Housing Land Supply Position Statement 2022 (S-EB21-01), Housing Trajectory 2023 (EXAM1D) and document EXAM1A. The Council is due to update its housing supply evidence shortly, to take account of new monitoring data for the year 2022/23. Respondents should check the Council’s website for the latest available data when responding to the questions below]

Questions

- a) What does the Council’s latest evidence show regarding total housing supply and five-year supply? In particular:
 - i. Does the Local Plan Update provide a sufficient total supply of homes to meet identified requirements over the Plan period?
 - ii. What is the total supply for each year of the Plan period and how does this break down in terms of supply sources?
 - iii. How many additional dwellings are anticipated to be delivered beyond the Plan period and on which sites?
 - iv. Does the Local Plan Update facilitate a minimum five-year supply of housing land from the Council’s anticipated date of Plan adoption in 2024?
 - v. Is the Council’s approach to calculating five-year housing land supply, including use of buffers and treatment of oversupply, robust and in line with national policy and guidance?
- b) Is the estimated supply from extant permissions reasonable?
- c) Are the standard lead-in times and build rates used for extant permissions and allocations justified? (as set out in Tables 5 and 6 in S-EB021-01 or successor document)
- d) Have reasonable density assumptions have been used to estimate capacity on allocation sites?
- e) Is the windfall allowance justified? Does the inclusion of non-major historical windfall sites risk double-counting with proposed allocations?

- f) Does the Local Plan Update provide appropriate and clear information regarding estimated total housing supply and five-year housing supply? Should a housing trajectory, total supply summary table and five-year supply table be included in the Plan?
- g) Do the supply tables within each settlement chapter and the commitment lists in Appendices A and B need updating to reflect the Council's latest data on housing completions and outstanding commitments?
- h) Does the Local Plan Update make provision for the delivery of at least 10% of housing on small sites, in line with paragraph 69 in the NPPF?