

East Riding Local Plan Update Examination

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Dear Mr. Bannister,

East Riding Local Plan Update examination - initial post hearings letter from the Inspector

Thank you for the Council's contributions and assistance at the hearing sessions held between 31st October and 16th November 2023. Following the completion of the sessions I am writing to set out my views on the way forward for the examination and the next steps.

This is an initial post hearings letter as during the course of the hearings I identified a few areas where further evidence/information is required to support the policies and proposals in the submitted Plan. My view, based on the evidence and representations before me, is that this work is necessary to underpin the Council's approach and to demonstrate the Plan meets the tests of soundness and is legally compliant. As discussed at the hearings, it will be necessary to publish the new evidence documents, in order to allow interested parties an opportunity to comment.

Details of the work and other potential main modifications that were discussed are set out in the Council's Running List of Main Modifications and Actions (document EXAM25) and as such are not re-rehearsed in this letter. The list reflects the areas of work discussed at the hearing sessions. The Council is requested to liaise with me, via the Programme Officer, on the timing of evidence production and planned consultation.

At the hearing sessions I indicated that I would reflect on a number of discrete matters and write to the Council after the close of the hearings. On some matters, the further evidence work and consultation process is necessary to allow me to reach a view on soundness/legal compliance. However, I have been able to reach a view on a small number of matters where additional evidence has not been sought. My comments and further potential modifications and actions are set out in Appendix 1 below and are in addition to those covered in EXAM25. All comments in Appendix 1 are provided without prejudice to the conclusions in my final report, pending the completion of further work and consultation.

Once consultation has taken place on the additional documents I will reflect on all the evidence/representations and will write to the Council again to confirm the way forward for the examination. Wherever possible I would aim to deal with these matters via written correspondence. If it is necessary to hold additional hearing sessions, to examine the new evidence or hear representors, I will advise the Council as soon as possible.

I will issue my final post hearings letter once these stages have been completed. If I consider the Plan is potentially capable of being found sound and legally compliant, the Council would then be invited to publish proposed main modifications to the Plan for consultation. My final report will be published in due course and will set out detailed conclusions on the main issues discussed at the hearing sessions.

It would be appreciated if your team could arrange for a copy of this letter to be placed in the Examination Library and made available on request.

Thank you for your assistance and the work of your team to date. If the Council has any questions or queries regarding this letter, please do not hesitate to contact me via the Programme Officer.

Katie Child

INSPECTOR

Appendix 1

1. Approved schemes adjoining development limits

- 1.1 At the hearing the Council agreed that site LEV-A and part of site GOO-A should be included within amended settlement boundaries for Leven and Goole, on the basis that they have extant planning permission for residential development (as identified in M11.15 and the row before M13.6 in EXAM24).
- 1.2 The Plan should take a consistent approach on this issue and the Council is therefore requested to identify whether other changes are necessary to the Policies Map. For example, Appendix E in the Council's Matter 8 Hearing Statement lists a number of sites on the edge of settlements which are proposed to be de-allocated but where planning permission has recently been granted. A recent planning permission on site BDN-7 in Brandesburton was also highlighted. There may be other residential schemes approved since April 2020 on the edge of other settlements, which were not discussed at the hearing sessions. Such changes to the Policies Map will ensure the settlement boundaries are up to date and robust and that Policies S3 and S4 can be effectively applied.

2. Sustainability Appraisal of strategic site options

- 2.1 The Council appraised a number of site-specific strategic options for the delivery of growth in the Goole and Humberhead Levels sub-area, as set out in the Sustainability Appraisal (S-SA01) (2022). It includes two sites in Howden, land to the west and to the east of Station Road. The latter site is identified as the Council's preferred option and allocated in the Plan as site HOW-G.
- 2.2 An alternative option has been put forward by the site promotor of land to the west of Station Road, comprising a mix of some land to the west and some land to the east. The Council confirmed at the hearing session that this 'mixed option' was not subject to sustainability appraisal as it was not considered to be a reasonable alternative. The promoted scheme includes provision of a full relief road between Thorpe Road and Selby Road and the Council highlighted concerns regarding the effect of this on overall scheme viability. The Council's reasoning is detailed in paragraph 8.9.2 in the Sustainability Appraisal (SA) Main Report (S-SA01) (2022):

'This option has not been assessed against the SA objectives as it is not judged to be a reasonable alternative. The relief road would be in the order of 3km. The preferred option of HOW-G incorporates a relief road of approximately

1.7km, supported by the provision of 1,865 dwellings and some commercial development. The approach taken in Policy HOW-G, in response to local community feedback and for traffic management purposes, is to have the road delivered in the early stages of development, preferable before. It is highly improbable that to forward fund a further 1.3km of relief road would be viable from a further 135 dwellings.'

- 2.3 The Council's high level viability appraisal of HOW-G, which includes part of the relief road, shows marginal viability for the allocated site. The provision of a full relief road would logically create an additional burden and worsen viability. However, having reflected on the matter, I have some concerns about the Council's decision to omit the mixed option from the Sustainability Appraisal process. Firstly, there is no specific viability evidence before me regarding the mixed option. Secondly, at the hearing session the Council confirmed that the full relief road linking to Selby Road is not required in highway terms and did not form any of the highway options appraised for Howden. However, if a full relief road is not necessary, and the western side could be accessed via estate roads from Station Road (or other local roads), this could aid scheme viability and raises questions about whether a mixed option could be feasible.
- 2.4 The Council is therefore requested to re-assess whether a mixed option, comprising some land to the west and the east which is only served by a relief road between Station Road and Thorpe Road, would form a reasonable alternative option. Any further sustainability appraisal work would need to be published for a six-week period of consultation and due regard had to the outcome of the work and any responses received.

3. Site capacity figures and settlement summary tables

- 3.1 The residential site capacity figures and commitments data in the Allocations Document Update are based on data from April 2020. This includes capacity figures in the allocation policies, and capacity/commitments data in the Allocations and Commitments summary tables in each settlement chapter and Appendices A and B. At the Matter 14 hearing session, the Council indicated that the approach ensures alignment with the Local Plan evidence base and links to the housing requirements for each settlement in Policies S3 and S5.
- 3.2 However, as discussed at the hearing, in some cases site capacities have changed, due to planning permissions being granted or further technical work being undertaken. There is also more up to date commitments data available. As such, as expressed at the hearing, I have some concerns regarding the use of 2020 figures. The site allocation policies and summary tables should be justified and effective. They should provide a clear framework to guide development and clarity for local

people on what is likely to be happen. The figures should be capable of delivery. If the figures are inaccurate or misleading, then these soundness tests are not met. In addition, the Council's accepts that the housing trajectory and supply work in the Strategy Document Update should be based on 2023 data. Therefore the Allocations Document Update and the Strategy Document Update use different data sets and do not align in this regard. Given the extensive references to supply figures in the Allocations Document Update, I am concerned that it could cause confusion and undermine the effectiveness of the Plan.

- 3.3 My considered view is that the allocation policies, Allocations and Commitments summary tables and Appendices A and B should be updated to reflect the most recent data and represent a best estimate assessment of what is likely to be deliverable. They should align with the Council's housing trajectory and use the same data. These changes to the Allocations Document Update are necessary to ensure the Plan is justified and effective.
- 3.4 The work will be informed by the Council's updated housing trajectory and supply tables, as recorded under Matter 14 in EXAM24. The updated trajectory graph, background supply tables and overall supply table are due to be published for consultation in early 2024. The Council is also requested to include an update of Appendix B from the Allocations Document Update within this consultation. The updated Appendix B will need to include completions data for 2020-23 to ensure the whole Plan period is covered. Appendix B sets out the total supply figures for each settlement and enables comparison with the settlement requirement figures in Policies S3 and S5. At the time of the hearing sessions the Council had not updated the housing trajectory with 2023 data and therefore the position was not clear. I will reflect on the distribution of development as part of my deliberations on the soundness of the spatial strategy.

4. Representation of housing supply in the Strategy Document Update

- 4.1 At the Matter 14 hearing session the Council agreed that a trajectory graph and overall supply table (showing capacity from each source) should be inserted into the Plan. I can confirm that I am content for details relating to five-year supply to be set out within a separate document which is updated annually - in this case, the Council's Housing Land Supply Position Statement.

5. Sub-area policies and infrastructure criteria

- 5.1 At the Matter 5 hearing session the issue of further changes to transport infrastructure requirements listed in Policies A1 to A6 was discussed. I indicated that the Council's transport infrastructure-related proposed changes, as set out in EXAM1C, were necessary for soundness reasons in order for the Plan to be effective and should be main modifications.
- 5.2 A number of these changes are recorded in the Council's Running List in EXAM24. However, the Council has identified that a small number are not specifically listed, namely SD/84, SD/86, SD/90, SD/94 and SD/109. The matter was covered at the hearing session. Therefore, for the reasons above I can confirm that the omitted proposed changes should also be main modifications to the Plan.