

## **Matter 1 – Compliance with the Act and Regulations, the Habitats Regulations and Strategic Flood Risk Assessment**

### **Issue 1 – Duty to Cooperate**

- Q1. The *Hambleton Local Plan Consultation Statement*<sup>2</sup> refers to, amongst other things, discussions with Redcar and Cleveland Borough Council. Table 6.5 refers to concerns raised regarding the proposed housing allocations in the northern part of the District, which could have the potential to draw the working age population away from Redcar and Cleveland. Additional concerns were raised that any significant uplift in employment growth could also pull residents into Hambleton and away from Redcar and Cleveland. How were these issues considered as part of the Plan-making process?**

#### **Council's response**

Early engagement identified that the area of restraint policies contained in the current development plan, which cover parts of the district including those adjacent to Redcar and Cleveland, would not be an acceptable approach for the new local plan as it would not be compatible with the NPPF.

Early Duty to Cooperate engagement discussed the amount of development that would be required and the possible options for the spatial strategy. At that time the quantum of development that would require new land allocations was considered to be much higher than that contained in the Publication version of the plan. For example, in the Preferred Options Consultation Document (CD02), published in October 2016, it was considered that the plan would need to allocate land for development of at least 3,000 homes (see Part 1, Issue 23), whereas the Publication version allocates land for approximately 1,413 homes. Similarly early in the plan preparation process the options for the strategic approach to development were still being considered, which meant it was uncertain what quantum of development and spatial distribution might be arrived at. The Consultation Statement (PD06) identifies the concerns of Redcar and Cleveland Borough Council.

During the preparation process the approach for the spatial strategy has been clarified and the location of development decided. The Publication version of the plan contains allocations in the north eastern part of the district that total 135 homes (STK1 and GTA1) and 9.5ha for employment land (STK2 and STK3).

This has meant that through the discussions leading up to finalising the Statement of Common Ground (PD08 and PD09) these concerns had been addressed sufficiently for Redcar and Cleveland to sign the statement.

- Q2. Have the effects of new development on the North York Moors Special Protection Area and Special Area of Conservation been discussed with Natural England and the North York Moors National Park Authority prior to submission of the Local Plan? If so, what conclusions were reached and where is this set out?**

#### **Council's response**

These matters were discussed with the North York Moors National Park Authority (NYMNPA) as part of engagement on Duty to Cooperate. It was considered that these issues would be resolved through the HRA process.

Following the Inspectors Initial Questions the Council further liaised with NYMNPA to discuss the HRA findings. In an email dated 1 June 2020, the National Park Authority provided the following response:

*‘The Inspector has asked how Hambleton BC engaged with the National Park Authority and Natural England over the HRA Report. The Authority works with Hambleton DC under the Duty to Co-operate. No cross boundary issues arose with the HRA which raised no adverse impacts of the North York Moors SAC and SPA, and I understand that no objections were raised by the Natural England as a statutory consultee, hence there was no need for HDC to direct liaises with the National Park Authority on this specific issue.*

*I understand from the report (paragraph 3.19) that the approach to recreational disturbance on the North York Moors SPA and SAC was considered and agreed with Natural England. The Report states that the town of Thirsk lies within 7km of the SPA and SAC. This aspect of potential effects was then put through the Appropriate Assessment which examined the effects of proposed developments within 7km (paragraph 5.3 onwards).*

*The Report concludes that recreational pressure would not be significant due to a combination of distance of proposed developments from the SPA and the North York Moors Management Plan containing policies aimed at focussing recreational activities at existing ‘hubs.’ This is correct - the NYMNPA Management Plan has included the Policy U1 since 2012: ‘Develop a range of recreational opportunities at ‘hubs’ providing a managed focus for activities that links in with public transport and lower key access opportunities in surrounding areas’.*

*The HRA for the Management Plan also states ‘In reality, very few visitors to the National Park divert from defined routes. The National Park Authority promotes this behaviour through ensuring that the rights of way network is well managed and well signposted and the Authority produces numerous leaflets promoting specific walks which enable people to enjoy a walk using defined routes. Whilst much of the moorland is defined as open access land evidence suggests that only a small minority make use of this right, and that those who do often stick to surfaced tracks’.*

*I would conclude that the Authority has no reason or evidence to question the conclusion of no significant impact arrived at by the consultants who authored the Hambleton HRA.’*

- Q3. Paragraph 5.17 of the Statement of Common Ground -Submission<sup>3</sup> identifies that “An increase in traffic volumes as a result of development during the plan period on the strategic road network has been identified. Detailed study work is ongoing to establish whether there will be any need for capacity improvements.” How has the effect of additional growth on both the strategic and local road networks been considered as part of the preparation of the Local Plan? What cooperation has taken place with Highways England and North Yorkshire County Council, and has this cooperation led to any specific actions or policy outcomes?**

#### **Strategic Road Network (SRN)**

Work has been ongoing with Highways England (HE). Most recently work by CH2M on behalf of HE has identified modelling needed for two junctions on the SRN:

- A168 / A19 Junction – Thirsk; and
- A19 / A174 – Thornaby.

Consultants (WSP) have completed work to assess these junctions. Their report is submitted with this response as document (SD44.2). The report concludes that the LP sites identified can be provided without specific development-related mitigation. However, there would be a need for mitigation by 2035 (if not before) at the following junctions due to increases in background traffic flows (without the LP development sites):

- A174 / B1365 Junction
  - Upgrade to the A174 westbound merge taper required.
- A19 / A174 Junction – Thornaby
  - Operational works required to address capacity constraints at the interchange; and
  - Upgrade to A19 northbound merge taper and A19 southbound diverge taper required.

Any potential mitigation works to address either junction capacity constraints or slip road improvements would need to be discussed (and agreed) with North Yorkshire County Council (NYCC) Highways and HE in due course.

The report has been provide to HE. The council is preparing a SCG/MOU with Highways England that will be submitted for the examination shortly.

#### **Local Road Network**

Early discussions with North Yorkshire County Council (NYCC) Highways lead to consultants (WSP) being commissioned to complete modelling work, the specification of which was agreed with NYCC. This was completed and mitigation proposed. However, following discussion with NYCC it was decided that growth could not be accommodated with low-level solutions for some points on the network. These junctions were recognised as locations which would enable growth to be unlocked if additional capacity was added.

Leading from this, NYCC has worked with the council to undertake visual simulation modelling to understand the impacts of growth and opportunities at these points. As it was clear that this work would not be complete prior to publication of the plan it was agreed that Appendix C would be included in the plan and that the Infrastructure Delivery Plan would be revised to provide details. See LP07, section 5, particularly paragraphs 5.19 to 5.22.

Work is now underway to finalise the model, again with WSP and the council understands that this will be completed in October 2020 and work on mitigation measures will commence immediately.

- Q4. Has the Duty to Cooperate under sections 22(5)(c) and 33A of the 2004 Act and Regulation 4 of the 2012 Regulations been complied with, having regard to advice contained in the National Planning Policy Framework (the 'Framework') and the National Planning Practice Guidance (the 'PPG')?**

The council considers that the duty to cooperate has been complied with with regards to advice contained within the Framework and PPG. However, It should be recognised that relevant content of the PPG was updated at the beginning of July 2019, which was after the Publication Draft and accompanying evidence, including the Statement of Common Ground (SCG), was finalised (as it had to be completed ahead of being approved by Cabinet/ Full Council in late June/ early July 2019).

The SCG was revisited following the representations period to expand the Upper Tier Authority section.

## **Issue 2 – Public Consultation**

### **Q1. Has public consultation been carried out in accordance with the Council's *Statement of Community Involvement*, the Framework, the PPG and the requirements of the 2004 Act and 2012 Regulations?**

#### **Council's response**

Yes, consultation on the Local Plan has been carried out in accordance with the Council's Statement of Community Involvement July 2013 (SCI) (PD01), the Framework and the PPG, and the requirements of the 2004 Act and 2012 Local Planning Regulations.

The Council's SCI is made up of 3 documents adopted in July 2013. They set out the Council's approach as to how and when it will consult with the community, and key stakeholders. Information in the preparation of the Local Plan and planning applications, can be found in the third document (PD01.3). This is in line with section 18 & 19 (3) of the Planning and Compulsory Purchase Act 2004.

In accordance with The Town and Country Planning (Local Planning) (England) Regulations 2012, key consultations have been undertaken as part of the Local Plan preparation:

- Regulation 18 – Preparation of a Local Plan
- Regulation 19 – Publication of a Local Plan

The Council's Consultation Statement Publication Draft July 2019 (Ref: PD03), Introduction (page 3) sets out the purpose of the statement. The document also acknowledges the Town and Country Planning (Local Planning) (England) Regulations 2012, and the Council's 2013 Statement of Community Involvement. Table 1.1 Key Stages of Local Plan Production (page 5) recognises Regulation 18 and provides a comprehensive list of when consultation took place. Section 5 (from page 23), Section 6 (from page 55), Section 7 (from page 297) and Section 8 (from page 336) all relate to Regulation 18. With respect to Regulation 19 paragraph 4.11 Duty to Cooperate (page 22), and Section 9 (from page 341) set out how these consultations were prepared in accordance with the 2012 Regulations and the SCI.

Section 9 of the Consultation Statement was updated following the publication period, see PD06, with information about the key issues raised in representations.

The Council provided further identification of the main issues in response to the Inspectors' initial questions, see LP14.1.

### **Q2. Were adequate opportunities made available for participants to access and make comments on the Local Plan, and other relevant documents, in different locations?**

### **Council's response**

The Council considers that adequate opportunities were made for participants to access and make comments on the Local Plan, and other relevant documents, in different locations through the preparation of the plan.

Throughout each engagement/ consultation period, the Council consistently implemented a range of methods of consultation and engagement. This is set out in:

- The Statement of Community Involvement (PD01.3) - on page 6 and 7
- The Consultation Statement (PD03 and PD06)) - paragraph 1.4 (from page 3), Table 1.1 (page 5), Table 2.1 (from page 7) Table 5.1 and Table 5.2 (pages 24 & 25) Paragraph 7.4 of Section 7 (page 297) of.

Consultations were advertised and promoted on the Council's website. Consultation letters and emails were sent to all those who had registered an interest in the Local Plan. The Council maintains a consultation database which is used as the basis for all consultations related to planning policy documents. The database includes the specific consultation bodies, general consultation bodies and the details of any resident or other person who has indicated that they are interested in the production of policy documents and has provided the Council with contact details.

Press notices on forthcoming consultations were issued to the local newspapers as appropriate. Consultation documents were made available for inspection at the main Council Offices, libraries within the plan area and on the council's website. Evidence base documents were available to view on the council's website with paper copies of key documents also provided at the Council's offices and at libraries, with printed copies of other documents available upon request. Consultation meetings/ engagement workshops were organised with statutory bodies, parish and town councils and key stakeholders as appropriate.

Public exhibitions/ public drop in events/ public meetings were organised and held as appropriate.

The Council produced a Statement of the representations procedure and availability of documents (PD02) for the publication period to invite stakeholders and the wider public to make representation and advise where they could view key documents.

### **Q3. Were adequate opportunities made available for participants to comment on the Local Plan in paper, and electronic form?**

#### **Council's response**

Yes, adequate opportunities were made available for participants to comment on the local plan in paper and electronic form. Throughout each consultation stage, Issues and Options, Preferred Options, and Publication Draft there was the opportunity for stakeholders, community groups, and the wider public to make their comments and representation known to the Council. The Council's Statement of the Representations Procedure and Availability of Documents (PD02) provided details on how representation could be made by stating online portal information, an email address, and the Civic Centre address for those who wished to provide comments in paper format.

The council followed the statutory requirements of Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 legislation when deciding on the periods for comments and representation. Public Bank Holidays, and summer holidays were taken into consideration.

An approximate time period of 6 weeks or more was used in each consultation period. For the publication period additional time was added to the statutory 6 week period to take account for the summer holiday period, with the period starting on 30 July and ending on 17 September 2019.

**Q4. Were representations adequately taken into account? Where is this set out?**

**Council's response**

Yes, the Council too account of comments and representations. In the Council's Consultation Statement (PD06), Introduction (page 3), paragraph 1.4 relates to Regulation 18 and how representations have been taken into account. Section 5 Issues and Options (from page 25) sets out in a table format a summary of the main issues raised. Section 6 Preferred Options (from page 56) identifies issues raised in comments at that stage; Section 7 Alternative Sites and Local Green Space Designation (from page 297) sets out comments received for Alternative Sites and Local Green Space Designation. The statement also sets out in Section 8 Pre-Publication (from page 336) details on finalising the local plan and the comments made by stakeholders. Section 9 Publication of the Local Plan (from page 341) and provides a summary of the key issues raised in all representation made of the local plan.

**Issue 3 – Local Development Scheme**

**Q1. Has the Local Plan been prepared in accordance with the *Local Development Scheme*?<sup>5</sup>**

**Council's response**

The Local Plan has been produced in accordance with the Local Development Scheme (LDS).

The LDS has been updated several times during the preparation of the Local Plan. Most recently it was updated in December 2019 with Submission timetabled for March 2020; the Local Plan was submitted on 31 March 2020.

**Q2. In response to the *Inspectors' Initial Questions* the Council has put forward a suggested Main Modification which seeks to extend the Plan period from 2014-2035 to 2014-2036. What is the justification for this change and is it necessary in the interests of soundness?**

**Council's response**

As stated in the council's response to the Inspectors' Initial Questions at the time of publication of the plan in July 2019 it was anticipated that submission would take place in November 2019, with an anticipated adoption date of December 2020. Following the close of the representations period on 17 September 2019 it became clear that preparing for submission would take longer than previously anticipated. Consequently the December 2019 version of the Local Development Scheme (LDS) (PD04) was prepared. The new LDS included submission timetabled for March 2020. It also included a revised potential adoption date of April 2021. An adoption date in 2021 would mean that as currently written the Local Plan would not have the minimum 15 years timespan. The council therefore considers a change to the stated plan period to 2036 is necessary to comply with national requirements and as such is a matter of soundness.

**Issue 4 – Habitats Regulations Assessment ('HRA')**

- Q1. The Council's response to the *Inspectors' Initial Questions* states that the *Habitats Regulations Assessment* (dated February 2020) was published shortly before submission of the Local Plan. Have previous iterations of the HRA (dated October 2018 and April 2019) been available throughout the Plan-making process?**

**Council's response**

Previous iterations of the HRA have not been publicly available throughout the Plan-making process. Former documents (LP09.1 – April 2019 and LP09.2 – October 2018) were the earlier working drafts to the Habitat Regulations Assessment - February 2020 report (LP09). The earlier versions included changes to the site descriptions in the October 2018 report (LP09.2) and the April 2019 report (LP09.1) carried out an assessment on Policy EN2 – The Natural Environment which was later replaced by Policy E3 in the February 2020 version.

The Habitat Regulations Assessment - February 2020 report (LP09) was made available because it presented the most up to date position on the Local Plan and all recommendations from the earlier drafts were carried forward into this latest version.

- Q2. How have previous iterations of the HRA informed the policies and strategy in the submission version Local Plan?**

**Council's response**

Paragraphs 8.4, 8.5 and 8.6 in the HRA report (LP09) describes how the previous iterations of the HRA report have informed changes in the Local Plan. Paragraph 8.4 states that:

*'The following recommendations were made in an earlier iteration of HRA in relation to what was then policy EN2 (now E3) - The natural environment'. Paragraph 8.5 'It is recommended that the policy is reworded in relation to European sites as follows: "Ensuring that new development does not result in adverse effect on the integrity of a European site either alone or in combination, and where possible, enhances the designated site. Where it cannot be demonstrated that no adverse effect on the integrity will result, development will only be permitted under Imperative Reasons of Overriding Public Interest (IROPI' or similar. With paragraph 8.6 concluding, 'In addition to this this, where a proposed development site is located within 2.5km of the SPA, it is advised that the applicant provide evidence to determine the use of the land parcel and those surrounding the site by golden plover to ensure that loss of supporting habitat outside of the European site does not occur. This may require a Phase 1 habitat surveys to determine suitability of habitat and if required non breeding bird surveys to determine presence/absence of golden plover and populations present. Multiple years of data may be required to fully support the application.'*

- Q3. What affect will the policies and allocations in the Local Plan have on the integrity of the North York Moors Special Protection Area ('SPA') and Special Area of Conservation ('SAC')?**

### **Council's response**

The HRA report (LP09) concluded in paragraph 5.14 that there would be no adverse effects from the Local Plan on the North York Moors Special Protection Area and Special Area of Conservation.

Since the HRA report (LP09) was submitted in March 2020, the report has been revised to explain the findings of the Appropriate Assessment Recreational Pressure and Disturbance more explicitly. The latest version of the report (LP09.3) includes additional wording to paragraph 5.18 which is:

*'A conclusion of no adverse effect on integrity of the North York Moors SAC and SPA can also be drawn for the Hambleton Local Plan given the small number of sites, their distance from the SAC/SPA, the fact that the moorland parts of the National Park are the least accessible the casual walkers, the fact that ample recreational greenspace lies within the National Park outside the SAC/SPA in the vicinity of Stokesley and the presence of the National Park visitor management framework.'*

- Q4. Where windfall housing development is proposed, will Policy E3 be effective in ensuring that the effects of development on functionally linked land are adequately considered, where appropriate?**

### **Council's response**

Yes. Section 6 – Appropriate Assessment: Loss of Functionally Linked Land in the HRA report (LP09) concludes the following:

*'the Plan has adequate protections within its policies to ensure that there will be no adverse effects on the integrity of the North York Moors SPA and the impact pathway loss of functionally linked land alone and in combination.'*

The latest revised report (LP09.3) builds on this same conclusion. Paragraph 6.8 has been amended to include explicit wording which makes reference to windfall. The new wording is:

*'This will enable the necessary investigation work to be completed for any windfall that is proposed within 2.5km of the SPA to ensure that no loss of functionally-linked land will arise. In many cases a combination of unsuitable habitat and/or small development footprint will enable a conclusion of no adverse effect to be drawn as relatively large fields are required by golden plover to serve as functionally linked habitat.'*

- Q5. In response to the *Inspectors Initial Questions*, the Council advised that Natural England has been "...engaged as part of the HRA Scoping consultation and in May 2020 in relation to the most up to date report." What engagement has taken place with Natural England post-submission of the Local Plan, and what are the outcomes from this?**

### **Council's response**

In June 2020, Natural England provided comments on the latest version of the report (LP09). While supportive of the report findings Natural England have asked for further consideration to be given on the potential impacts from windfall development. In summary, revisions have been made to Policy E3 – The Natural Environment and Policy HG5 – Windfall Development. A statement has been prepared which sets out the proposed revisions in full, please refer to LP09.3.1 which is submitted with this statement.



**Issue 5 – Sustainability Appraisal (‘SA’)**

- Q1. As part of the Local Plan’s preparation, one growth option considered by the Council was for a new settlement. However, the *Options Assessment Report*<sup>9</sup> states that “No proposals for a new settlement have been put forward” and therefore the impacts were unknown. How were proposals for a new settlement tested as part of the Plan-making process, and where appropriate, have they been tested as part of the SA?**

**Council’s response**

Preferred Options Consultation documents (CD02) included:

- Option 5, A New Settlement - the development of a new settlement or significant expansion of an existing settlement (a new settlement would only be considered alongside one of the other options set out in the document.)

Option 5, was not a preferred option as the housing needs assessment did not identify a level of housing need which would justify a new settlement as well as development in other locations. However at that time it is considered that this may be a long term option. Where a longer term need is identified for a new settlement for the wider sub region the Council will work with adjacent authorities through the North Yorkshire Spatial Framework to consider the merits of such an option. To reflect this position (CD02.1) Preferred Options Consultation - Part 2 - Easingwold Sub Area identified the 862.88ha site New Parks Estate, Huby (ref E/070/014) as ‘Not preferred’.

The Preferred Options Sustainability Assessment (CD07) assessed Spatial Option 5 for a new settlement. The assessment was uncertain for all SA objectives. It also included assessment of E/070/014, although it too was uncertain. Full assessments included in Appendices 6 and 7, which are submitted as documents CD07.1 and CD07.2.

The main sustainability appraisal report (CD10) at paragraph 8.2.16 identifies that Option 5 for a new settlement had been discounted as it was not considered to be reasonable as the level of growth would not be sufficient to support a wholly new settlement with the associated infrastructure as well as development in other locations.

- Q2. Table 8.2 in the *Hambleton Local Plan SA Report*<sup>10</sup> summarises 3 housing growth scenarios. They range from 315 - 406 dwellings per year. How were the different growth scenarios established and what are they based on?**

**Council’s response**

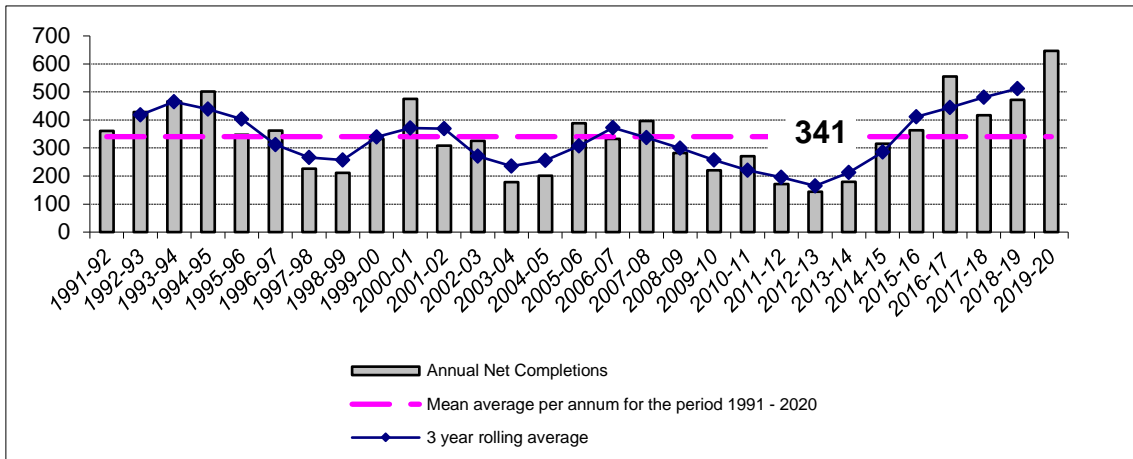
The 315 housing figure was based on the HEDNA number of dwelling required, which would be a minimum number and not result in additional growth but maintain the output of the district. The upper figure of 406 is a figure that was derived from consideration of what might be appropriate for a higher growth option, whilst also taking into account the constraints of the

preferred parcels of land, size of developable land and density of development.

**Q3. Does the higher figure of 406 dwellings per year adequately reflect a ‘market led/higher growth’ scenario when taking into account past completion rates in Hambleton?**

**Council’s response**

**Hambleton Net Completions 1991 – 2020**



*Note this is an updated version of Figure 2.4 contained in SD21-HousingAssessment Update, p.8*

The above figure shows net completions between 1991 and 2020. It shows that the annual number of completions has ranged from a low of 144 net completions in 2012/2013 to 647 net completions in 2019/2020.

The mean average net annual build is 341 dwellings per year between 1991 and 2020. Over this period the average was exceeded for 15 out of 29 of these years, including every year for the past five years.

While it is acknowledged that the last four years have seen completions above 406, it is considered that a ‘market led/higher growth’ scenario, using 406 dwellings per annum is realistic.

**In response to the *Inspectors Initial Questions*, the Council stated that the SA was used to identify reasonable alternative sites. In summary, proformas were completed for individual sites and presented in Documents CD10.2-CD10.6 and LP04.1-LP04.5. At the end of each proforma an overall conclusion is given, with the final conclusions based on a ‘traffic light’ rating system. Sites graded as ‘Green’ or ‘Amber’ were taken forward as reasonable alternatives.**

**Q4. How did the Council determine whether or not a site was ‘Red’, ‘Amber’ or ‘Green’? If a site scored ‘Red’ under one of the SA Objectives, did this result in an overall ‘Red’ score?**

**Council’s response**

Appendix 5 of the Sustainability Appraisal Preferred Options Report - November 2016 (CD07) sets out the methodology used for the assessment.

The Site Appraisal Framework is intended to objectively screen and assess each site against the 14 Sustainability Appraisal Objectives and their supporting prompt questions. Some prompt question scores were determined based on GIS data, with percentages or distances from a point set which resulted in an automatic score being awarded based on that numerical value, within an agreed threshold. Other prompt questions were assessed using officer judgement, with a score awarded accordingly and balanced where mitigation would be possible. The five area Sustainability Appraisal Site Assessments (LP04.1, LP04.2, LP04.3, LP04.4 or LP04.5) all include a commentary of which prompt questions were assessed using GIS data and which were officer assessed.

An overall red score was, generally, only awarded where all or the majority of questions within that objective scored a red (and amber) or the red score could not be overcome through mitigation. An example of this was the site being within a designated scheduled monument or a site of known and important archaeology.

**Q5. Where does the evidence consider the Local Plan allocations against the reasonable alternatives identified in the SA?**

**Council's response**

The Site Selection Methodology and Results document (SD23), in particular Appendix B sets out the main reasons why sites were discounted from the selection process.

**Q6. In response to the *Inspectors' Initial Questions*, the Council has published the *Leeming Bar Employment Sites Report*, dated March 2017. How did this Report inform the Plan's preparation?**

**Council's response**

The York, North Yorkshire and East Riding Enterprise Partnership Strategic Economic Plan (SD12.1) identifies Leeming Bar as an important location within the region's economy and transport upgrades in the area identifies this as a location suitable for growth of the existing food manufacturing and employment site. As such employment growth is centred on this location and the SA site assessment identified the preferred location for employment development in the area. This position is clearly set out in SD55 Leeming Bar Employment Sites, which informed the plan's preparation when it prioritised Leeming Bar for employment expansion in the district.

**Q7. The Council's response also confirms that the alternative employment sites *"...were missed in the Sustainability Appraisal Site Assessment – Bedale Area (July 2019) document (CD10.2) and as a result of this error they were not identified as part of the Regulation 19 consultation. The publication of the***

***Sustainability Appraisal Site Assessment - Bedale Area (March 2020) (LP04.0) has since corrected this mistake.”***

**The SA of the Bedale area sites includes a summary of each land parcel and tests them against a range of SA objectives. However, where does the evidence bring all this information together and provide the necessary justification for the scale and distribution of employment land at Leeming Bar, having regard to the reasonable alternatives available?**

**Council’s response**

Please see above for the identification of the York, North Yorkshire and East Riding Enterprise Partnership Strategic Economic Plan (SD12.1) that was the primary influence in the selection of Leeming Bar as the location for employment land allocation.

- Q8. Do the different versions of the SA adequately test the allocated housing and employment sites against all reasonable alternatives? Are the conclusions against the SA objectives reasonable, having regard to the information which is available?**

**Council’s response**

Yes, all sites have been adequately tested against all reasonable alternatives. The sustainability appraisal has been applied as an iterative process shaping and supporting the development of the Hambleton Local Plan. The fourteen sustainability objectives applied in the assessment process made use of the best and most update information available at the time.

**Issue 6 – Strategic Flood Risk Assessment (‘ SFRA ’)**

- Q1. Do any of the sites allocated for development in the Local Plan fall within Flood Zones 2 or 3? In answering this question, it would assist the examination if the Council could produce a series of tables, based on the tables in the SFRA, showing each allocated site, the land use proposed and the total area at risk of flooding (if falling in Zones 2 or 3).**

**Council’s response**

Yes, in total the Hambleton Local Plan is proposing twenty-six allocations, of which six sites fall within Flood Zone 2 and Flood Zone 3. A table (Matter 1, Issue 6, Question 1 – Food Risk Zones) provides details on the six sites and individual maps have been produced to accompany this information. The Environment Agency’s Flood Zone 2 and the SFRA Flood Zone 3 spatial data has been used to produce the site information in the table.

To summarise three of the six sites fall within Flood Zone 2 whilst the remaining three include some land in both zones. One of the three located in both zones is site allocation STK1. This allocation represents a mixed use development scheme consisting of housing and open space provision. It is considered development can be accommodated on site and positioned away from those areas of risk.

- Q2. How has the Council applied a sequential, risk-based approach to the location of proposed development, as required by paragraph 157 of the Framework?**

**Council's response**

The Level 1 – Strategic Flood Risk Assessment – Final Report (SD45) and the Site Selection Methodology and Results (SD23) applied a sequential, risk-based approach to the location of development to avoid flood risk to people and property. The site selection approach focused on bringing forward sites completely within Flood Zone 1 before sites with areas within Flood Zones 2 and 3. Where sites fall within the Zones 2 and 3 considerations was given whether certain types or locations of land should be developed before others and if the site layout could be designed to reduce the risk of flooding.

- Q3. What were the reasons for not pursuing a Level 2 SFRA? Does the approach taken by the Council accord with the guidance contained in the PPG?**

**Council's response**

The Level 1 – SFRA report (SD45) concluded that the Council should locate development away from those areas where flood risk is considered greatest, ensuring that development allocations are as safe, cost effective and sustainable as possible. The report stipulates that if this approach is adopted it seems unlikely that a Level 2 SFRA will be needed.

The Level 1 – SFRA report (SD45) assessed five hundred and fifteen sites in total and twenty six of these sites have been taken forward as proposed allocations. While six of the allocations are partially located within Flood 2 and 3, the Council considers that these sites can be carefully managed through design and engineering solutions to position development way from the most sensitive locations on each site. However when dealing with potential planning applications for these sites in particular, a site specific flood risk assessment will be required, any necessary attenuation measures and other mitigation measures will be required to be incorporated and taken into account in the overall design and layout of the site. The Council considers that its approach is in accordance with the guidance as set out the PPG.

**Issue 7 – Sustainable Development Principles – Policy S1**

- Q1. What is the justification for Policy S1? Is it justified, effective and consistent with national planning policy?**

**Council's response**

Policy S1 was developed in response to the presumption in favour of sustainable development. As part of the Preferred Options Consultation (CD02) the council set out, in Preferred Option 1, the favoured approach for how the presumption in favour of sustainable development would be interpreted locally. The response broadly supported the preferred option, but climate change, neighbourhood plans and agriculture were identified as issues that were not adequately addressed.

The council sought to address these issues through the local plan as a whole as well as in the wording of the policy in the Publication version of the plan. Neighbourhood plans are addressed through policy S4.

The council considers that the policy is justified in that it draws together a range of issues that contribute to what sustainable development is considered to be for Hambleton and together with the other policies will ensure sustainable development in Hambleton during the plan period.

### **Issue 8 – Public Sector Equality Duty ('PSED')**

- Q1. In what way does the plan seek to ensure that due regard is had to the three aims expressed in s149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic?**

#### **Council's response**

The plan seeks to ensure that due regard is had to the Public Sector Equality Duty (PSED) by following a formal process of Equality Impact Assessment. All plan policies have been subjected to individual assessment and, where necessary, adjustment, in order to better promote equality. The Hambleton Local Plan Equality Impact Assessment (PD05) sets out the full process and outcomes in detail. The assessment concludes that the plan will make positive contributions towards achieving the aims of the PSED.