

Our ref: 40b – Planning Conformity/Final Responses/

19 October 2007

Dave Cox
Planning and Development Control
East Riding of Yorkshire Council
County Hall
Beverley
East Riding of Yorkshire
HU17 9BA

Dear Dave,

Planning Application Number: 07/05269/STPLF

Erection of distribution depot for Class B8 Use, together with construction of service yards and car parking at Land West of Studley House, Howdendyke Road, Howden, East Riding of Yorkshire.

Thank you for consulting the Assembly on the above application and for agreeing (by e-mail on 18 September) an extension to the deadline for comments until 22 October.

The Assembly, as the Regional Planning Body, has been asked to comment on this development as its nature and location mean that it could have an effect on the implementation of the Regional Spatial Strategy (RSS). The current RSS for Yorkshire and Humber (based on the Selective Review of RPG12) was issued by the Secretary of State in December 2004. The RSS has the status of a Development Plan Document and forms part of the framework for decisions taken under section 38 of the Planning and Compulsory Purchase Act (2004), which means that decisions on all applications have to be taken in accordance with the Development Plan unless other material considerations indicate otherwise.

The Planning and Compulsory Purchase Act (2004) and Circular 08/2005 make it clear that a draft RSS submitted to the Secretary of State is a relevant regional

policy against which strategic applications can be considered. This Assembly response therefore also highlights relevant issues that arise from the Yorkshire and Humber Plan (draft RSS) December 2005 – the RSS submitted to the Secretary of State.

The Panel Report of the Examination in Public of the Yorkshire and Humber Plan was published in May 2007. The Panel Report backs the Plan's overall approach and strategy. Any points from the Panel Report that are particularly relevant to the Assembly's comments on this application are noted in this response.

Please note that the Secretary of State's Proposed Changes to Draft RSS have now been published (September 2007). Government guidance (paragraph 4.19 in PPS12) states: "Where the regional spatial strategy...has been through an Examination in Public, and the proposed changes have been published, considerable weight may be attached to that strategy because of the strong possibility that it will be published in that form by the Secretary of State".

Once the Proposed Changes are published, Assembly responses to consultations on strategic applications will therefore have to make it clear how the Proposed Changes impact on the policies quoted and to point out to local authorities that 'considerable weight' will need to be attached to them by the decision-making body and by Inspectors at Examinations of DPDs and application Inquiries. At the same time, should be noted that the Assembly itself will be making comments on proposed changes and that the final version of the new RSS is expected early in 2008.

Both the existing and draft regional spatial strategies aim to achieve a more sustainable pattern and form of development, investment and activity across the region, putting a greater emphasis on matching needs across the region with opportunities and managing the environment as a key resource. There is a particular emphasis on achieving the regeneration and renaissance of the region's city and town centres by making them the focus for housing, employment, shopping, leisure, education, health and cultural activities and facilities in the region (for example Policy P1, existing RSS, December 2004 and Policy YH5, Draft RSS, December 2005).

In seeking the implementation of these policies across the region, the Assembly therefore offers the following comments on the proposed development of a Distribution Depot at Howdendyke.

Comments

The proposed development does raise a number of issues for the implementation of RSS that need to be considered, mainly by virtue of its nature, scale and location.

Nature of the Development

Draft RSS Employment Policies seek to create a more successful and competitive regional economy, by supporting economic growth targets in locations where development will have maximum benefit and by promoting important sectors.

Draft RSS Policy E4 supports regional priority sectors in line with the Regional Economic Strategy. Proposed Changes to Draft RSS Policy E4 gives more explicit support for logistics. To that end, the Assembly welcomes in principle the proposed use as being of benefit to the Yorkshire and Humber economy.

Draft RSS provides key spatial employment messages for the Humber Districts and states that opportunities from the Humber Ports HTZ, including the port logistics cluster, should be capitalised on. Proposed Changes to Draft RSS provides more detailed guidance for East Riding and state that there is a need to review current employment allocations. It also states that there is a need to facilitate port related development and urban transformation.

Draft RSS notes broad forecast ranges for Full Time Equivalent employees in each District. Proposed Changes to Draft RSS have provided more detail and note a potential annual job growth figure for East Riding of 40 FTE per annum in Storage and Distribution (B8). East Riding Council should note that the 64 jobs (FTE unknown) created by the proposed development might exceed this forecast (contained in Table 14.7A of Draft RSS 2007).

Need for the Development

Policy E3 of Draft RSS states that local authorities should undertake a rigorous assessment of the amount of employment land that is needed. Proposed Changes to Draft RSS Policy E3B require that the pattern and scale of allocated employment land should be determined by local employment land reviews, which take account of the forecasts and spatial guidelines set out in draft RSS. Table 14.6 in Proposed Changes to Draft RSS suggest the need for a net change in employment land for B2/B8 uses of 20 ha in East Riding of Yorkshire between 2006-2021.

Proposed Changes to Draft RSS Policy E3B also states that land allocated for economic development should be reviewed during the preparation of LDFs. Sites no longer needed or those that would undermine the core approach should be considered for alternative uses. The Assembly recommends that in assessing this application the local authority ensures that the messages emerging from the Employment Land Review and Issues and Options DPD on Employment Land are not in conflict with the proposed development.

Scale and Location of Proposal

Policies P1 and E4 of current RSS and YH8 of draft RSS provide for an urban-focussed, transport-orientated approach to development. Policies P1 (b) and E4 (a)

of current RSS state that, wherever possible, development should be located within urban areas. Policy YH8A of draft RSS specifically states that the majority of new development should be concentrated within Regional and Sub Regional Centres, with sufficient development in both Principal and Local Service Centres to fulfil their respective service roles. Proposed Changes to Draft RSS maintains the overall spirit of these policies but changes the detail of the approach. To that end, Policy YH5 on Regional Cities and Sub Regional Cities and Towns specifies that these should be the prime focus for development and that, in accordance with Policy YH6, Principal Towns should be the main local focus for development. Policy YH7 notes that Local Service Centres should support the needs of people living in the surrounding rural areas and that development should be accessible to them.

Draft RSS Policy YH8 establishes a sequential approach to development, which favours firstly, previously developed land within centres; secondly, other infill opportunities in-centre and lastly, planned growth areas on the periphery or well related in public transport route terms to the centre. Proposed Changes to Draft RSS maintain this approach subject to changes to the final criteria, which refers only to extensions to the relevant town or city.

The proposed development is a Greenfield site, located outside the Principal Town of Goole and the Local Service Centre of Howden. However, the Assembly recognises that this proposed development is an extension to an established use and seeks to expand a priority sector. Given the scale of the proposed development and the relationship to the existing facility the Assembly recognises that in this instance an urban location may not be appropriate.

Draft RSS Policy YH8C notes a transport-oriented approach should ensure that proposed development makes the best of existing transport infrastructure and capacity, is focussed along existing public transport routes, maximises accessibility, and maximises the use of rail and water for uses generating large freight movements. Proposed Changes to Draft RSS retain the spirit of this approach.

Draft RSS Policy T4 states that storage/distribution development with high levels of freight and commercial traffic should be located close to intermodal freight facilities, rail freight facilities, airports, ports and wharves or roads managed as traffic distributors. Policy T4 also states that development should maximise the use of rail or water freight movements. Proposed Changes to Draft RSS maintain this approach.

Notwithstanding the fact that the proposed development forms an extension to the existing E-Buyer facility, the local authority should ensure that a transport-oriented approach to the proposed development is evident. The Assembly would wish to see the water freight facilities at Howdendyke maximised in this way. East Riding Council should ensure that Policy T4 has been addressed prior to a grant of planning permission.

Renewable Energy

Policy P6 of current RSS encourages new development to maximise energy efficiency and minimise resource demand. Policy ENV5 of Draft RSS requires that at least 10% of energy to be used in sizeable new development is to come from on-site renewable energy sources. Proposed Changes to Draft RSS removes this threshold, instead noting that greater use of local renewable energy in new development should be promoted and secured. East Riding Council should ensure that renewable energy is promoted and secured in the proposed development.

Flood Risk

The site lies just outside of the 1 in 100 year Environment Agency flood zone. The Assembly does not have concerns with regard to flood risk given the nature of the development.

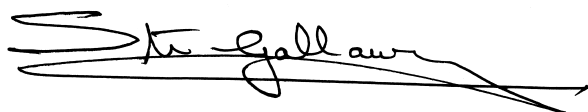
Conclusions

Given the comments set out above, the Assembly has concluded that the proposed development could raise concerns for the implementation of RSS, but that it:

- is for a key priority sector and should be welcomed in principle,
- forms an extension to an existing logistics use,
- has the potential to maximise water freight infrastructure opportunities at Howdendyke, and that this should be secured as far as practicable by East Riding Council prior to determining the application,
- should provide for a percentage of renewable energy on-site, and
- has no element of office development, which East Riding Council should seek to maintain in the future through a planning condition.

If you have any queries about these points, please do not hesitate to contact Martin Elliot on 01924 331594.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Stephen Galloway', with a long horizontal flourish extending to the right.

Stephen Galloway
Chair, Regional Planning Board
Yorkshire and Humber Assembly