

Harrogate District Local Plan: Publication Draft 2018

Event Name	Harrogate District Local Plan: Publication Draft 2018
Comment by	Pannal and Burn Bridge Parish Council (Mr Andrew Macdonald - 1155764)
Comment ID	PD1195
Response Date	09/03/18 13:40
Consultation Point	Site PN17 PN17: Land adjoining Spring Lane Farm, Pannal (View)
Status	Processed
Submission Type	Web
Version	0.6
Files	Arrowsmith final PDF.pdf BWB transport assessment (5) BWB transport assessment (3) BWB transport assessment Save Spring Lane Local Plan Response B6 8.3.2018.pdf BWB transport assessment (4)

3a. Consultation document

You can use this form to comment on the publication draft of the Local Plan or comment on one of its supporting documents.

To which document does your response relate? Harrogate District Local Plan: Publication Draft
Select one from the list below.

Policy reference

If your response relates to a policy, please use the drop down list to select the policy to which it relates e.g. DM1 Housing Allocations.

To which policy does your response relate? DM1: Housing Allocations

Site reference

If your response relates to a site, please use the box below to enter the site reference to which it relates e.g. BL9

Please do not enter more than one site reference.

To which site does your response relate? Enter only the site reference e.g. BL9 PN17

Paragraph/figure number

Please use the box below to indicate the part of the document your response relates e.g. paragraph number, figure number etc.

To which paragraph number etc. does your response relate? see box 6

Development Limit

If your response relates to a development limit, please use the drop down list to select the settlement's development limit to which your response relates e.g. Harrogate

To which development limit does your response refer? Pannal

Policies Map

If your response relates to a policies map, please use the drop down list to select the policies map to which it relates. (Policies maps are located at chapter 11 of the plan.)

To which policies map does your response refer? Pannal

4. Soundness / Legal Compliance

Do you consider the Local Plan is: (please tick)

4(1) Legally compliant No

4(2) Sound No

5. Tests of soundness

What makes a Local Plan "sound"?

- . **Positively Prepared** - the plan should be prepared in a way that meets the needs for housing and other development, including infrastructure and business development.
- . **Justified** - the plan should be based on evidence, and be the most appropriate strategy for the district when considered against other reasonable alternatives.
- . **Effective** - the plan should be deliverable; the housing and other development should be capable of being carried out.
- . **Consistent with national policy** - the plan should enable sustainable development and be consistent with the policies in the National Planning Policy Framework (NPPF).

If you consider the Plan to be UNSOUND, please indicate the reasons why you think it is not (tick all that apply).

- . 1. Positively Prepared
- . 2. Justified
- . 3. Effective
- . 4. Consistent with national policy

6.Reasons for your response

Please give details of why you do, or do not, consider the Harrogate District Local Plan to be legally compliant or sound. Your reason(s) should concisely cover all the information, evidence and supporting information necessary to justify your comments, as there will not normally be another opportunity to make further representations after publication stage. After this stage, further submissions will only be at the request of the Inspector, based on the matters and issues she/he identifies for examination.

Please give reasons for you answer to 4(1), 4(2) and 5, where applicable. (You may also use this box if you wish to make representations on the Sustainability Appraisal, Habitat Regulations Assessment or Equality Analysis Report.)

This response is on behalf of the residents of Pannal and Burn Bridge and is submitted by the Parish Council. It is a collective response and the names of the residents supporting this response will follow when requested.

We wish to emphasise that the responses to 2017 proposals – substantially unchanged in this version of the Local Plan – were significant in number (788 for PN17, 630 for PN18 and 746 for PN19). As far as the residents can see, no notice was taken of their views and therefore they do not consider that any proper “consultation” took place. It is a source of major disappointment and many of the residents have commented to the Parish Council that they could not see the point in commenting again. Furthermore, that little or no notice was taken of residents’ views in the previous consultation reinforces their lack of confidence and trust in the Council’s ability to plan sensibly and considerately for Harrogate’s future. For reference, the comments made by the Parish Council on behalf of residents in 2017 are attached as a separate comment on the portal under PN17 and can be viewed on the Parish Council’s website (planning page).

The allocation of PN17 for Housing.

In this submission the PC refers to the Arrowsmith Associates report where in Section 2 they provide a summary:

“2. Housing

2.1 In the case of the housing allocations our instruction does not cover challenging the planning authority’s calculations of district-wide requirements. Equally, lacking the resources to investigate all the potential sites in the district, we cannot demonstrate that those requirements could be met elsewhere in the district. We nevertheless recommend that the Parish Council make a holding objection to the planning authority’s calculation of housing requirements. Our reasoning is as follows.

- 1 The Council’s decision to put forward additional sites in the 2017 Additional Sites consultation followed the publication of the Housing and Economic Development Needs Assessment (HEDNA) prepared for the Council by G L Hearn. This report increased the annual housing requirement from 557 (in the 2016 draft plan) to 669.
- 1 The HEDNA produced two forecasts of housing requirements over the plan period. The first was based on demographic trends. It forecast an annual housing requirement of 410 dwellings. The HEDNA also produced an ‘economic’ forecast based on predicted job increases. This was for 669 dwellings per annum.
- 1 The HEDNA concluded that the housing requirement for the district should be 669 dwellings per annum because this level of provision would meet both the need based on job forecasts and that based on demographic forecasts.
- 1 The HEDNA did not address the policy issue of whether it is appropriate to provide housing to facilitate a jobs forecast.
- 1 The Government has recently published a consultation paper on ‘Planning for the right homes in the right places’. An extract from this consultation, describing the proposed approach, is produced as appendix 1. The approach is simpler than that in the HEDNA. It has a demographic basis with an adjustment factor to take account of affordability. It does not include a second ‘economic’ forecast. Paragraph 28 in the consultation does however recognise that the approach makes no specific adjustment to take account of employment growth and that “where there is a policy in place to substantially increase economic growth, local planning authorities may wish to

plan for a higher level of growth than our formula proposes”. Paragraph 46 then says “we propose to amend planning guidance so that where a plan is based on an assessment of local housing need in excess of that which the standard method would provide, Planning Inspectors are advised to work on the assumption that the approach adopted is sound unless there are compelling reasons to indicate otherwise”.

- 1 The Borough Council's proposed housing requirement can be seen as one designed to facilitate employment growth greater than that required for purely demographic reasons. We believe that this fundamental policy approach has not been adequately explained or justified. If the Parish Council wish to challenge the overall housing requirement figure it could be on this basis. The adverse impacts of allocations PN17, PN18 and PN19 would be part of the cost of adopting an employment based housing requirement.

- 1 Leeds City Council have already examined the way in which the calculation method outlined in the consultation paper would affect their housing requirement figures and have reduced the housing requirement figure in their currently emerging Sites Allocation Plan. They have however not adopted the entirely demographic based approach in the consultation paper on the grounds that it would constrain economic growth. If it chooses to object on this ground (and perhaps subsequently to give evidence at the Local Plan Examination) the Parish Council should be aware of the Government's intended advice to Inspectors as indicated in paragraph 46 of the consultation paper.

- 1 On 5 March 2018, in response to consultation on 'Planning for the right homes in the right places' the Government concluded that the approach proposed in the consultation paper was the most appropriate method of assessing local housing need. They will publish draft guidance on the proposed methodology.

2.2 We have not been instructed to appraise the HEDNA housing requirement calculation and we therefore recommend that our comments above be used with caution. We have no basis for arguing that the local plan housing requirement is wrong, merely that it is based on an approach which the Parish Council might consider has not been adequately explained or justified. This will protect the Parish Council's opportunity to give evidence on the housing requirement at the forthcoming Local Plan Examination.

Save Spring Lane SLA Defence Group (“Spring Lane Group”)

The PC now draws the Council's attention to the Spring Lane Group's submission to the portal received on 08/03/18 09:45 and the attached document submitted with it where it compares the four tests of soundness and finds them wanting. The Spring Lane Group's full report is attached to this response as document three.

The PC concurs with the Spring Lane Group's comments, and with the related comments that they and the PC submitted in 2017, and wishes to highlight and concur with these key areas made in their submission particularly emphasising where the plan for PN 17 fails the tests of soundness [PC's addition in bold]:

“Special Landscape Area (Adopted Policy C9 and Draft Policy NE4). PN17 lies within the Crimple Valley SLA and was added in to the Draft Local Plan at a late stage without proper justification as to why Policy C9 (giving long term protection) /NE4 should be overridden, in particular given the clear findings of the HBC Review of Local Landscape Designations - Updated 2016. **This fails Test 2.**”

“The Landscape and Visual Impact Assessment (LVIA). The Group does not consider that the Plan is consistent with the NPPF, in particular Paragraphs 109 (protection of valued landscapes) and 110. **This fails Test 4.**”

(para.157 , 7th bullet is also relevant)”

“For several decades Harrogate Borough Council (HBC) has designated the Crimple Valley, in which lies PN17, as a Special Landscape Area meriting protection from development. In the Review of Harrogate’s SLA’s undertaken by HBC as recently as October 2016, The Crimple Valley SLA was summarized as: ‘4.22 This Special Landscape Area is extremely attractive and provides a very strong landscape structure and preserved consistency. The area as a whole comprises exceptional quality landscape as well as being important to the setting of the town.’ In 4.23 some areas were recommended for removal from SLA designation. Spring Lane was unaffected.”

And further...

“Special Landscape Area (Adopted Policy C9 and Draft Policy NE4) Paragraph 110 of the National Planning Policy Framework (NPPF) states that ‘Local Plans should allocate land with the least environmental or amenity value, where consistent with other policies in this Framework.’

Within the adopted Local Plan, PN17 makes up part of the wider Crimple Valley Special Landscape Area (SLA), as identified within the adopted Local Plan proposals map (2001) and remains part of the wider Special Landscape Area designation within the Draft Local Plan (October 2016) under Policy NE4. The Group welcomes HBC’s intention to maintain its long held position on the long term importance of the retaining the Special Landscape Area, but considers this has been undermined by the unjustified inclusion of PN17 as a Draft Housing Allocation.

The inclusion of PN17, which lies within the Special Landscape Area, is inconsistent with Policy C9 ‘Special Landscape Areas’ of the Adopted Local Plan (February 2001), which states that “The Borough Council will give long term protection to the high quality landscape of the following special landscape areas...”

“HBC has demonstrated its intention to ensure that the Special Landscape Areas are afforded ‘long term protection’ through the 2004, 2008 , 2011 and 2016 reviews of the SLA designations. The 2008 review of the Crimple Valley SLA concluded that the part of the SLA comprising PN17 was defined as an area of very attractive landscape that provides land of ‘exceptionally high’ landscape quality and contributes ‘distinctively’ to the landscape setting of the town. The more recent review in 2011 made specific judgements about whether individual fields (such as the site of PN17) were suitable for designation, but again its findings were consistent with the 2008 review, and confirmed that the SLAs should remain as an important policy tool in protecting and enhancing the character of the District’s settlements. The history and methodology of the SLA Reviews is clearly set out in the 2016 document.”

The Spring Lane group report goes on to refer the decisions made by both the Borough Council and Planning Inspector in connection with an application across the valley from Spring Lane:

“Indeed, a similar view was shared by a Planning Inspector when considering an outline residential application at Land at Rossett Green Lane, Harrogate, HG2 9LH (Ref: APP/E2734/W/16/3164715) in April 2017. At paragraph 21 and 22 of the dismissed decision the Inspector states:

“Nevertheless, having regard to the submitted indicative layout plan, it seems to me that the development of the site for up to 22 dwellings as proposed would inevitably result in built form infilling the existing open pastoral gap at the edge of the settlement and extending southwards, beyond the existing building line of the dwellings to the south side of Rossett Green Lane, into the area of attractive open countryside which provides the rural setting to the southern edge of Harrogate and serves to separate Harrogate and Pannal. These are key objectives of the SLA.”

A reduced scheme for 14 houses on a smaller site is currently the subject of appeal. The Council has resolved (15th August) to resist the appeal.”

The PC also notes that this designation of the SLA also applies to PN18 and 19.

“Lack of Effectiveness in allocating PN17. The Group considers that HBC **has failed to test for effectiveness** in allocating this site for 72 houses as the number cannot and will not be delivered given the high number of constraints of the site.“

Sustainability Appraisal

The Spring Lane Group’s assessment of the Sustainability appraisal are well thought through and supported by the PC which highlights and supports these findings:

“The Group has reviewed the services and facilities in Pannal and confirms that with regard to PN17: there is no longer a regular bus service in Pannal as this was cancelled in April 2016 and the nearest bus stop is 1.2 miles away on Pannal Ash Road; there is no café or regular GP practice in Pannal; the village’s only Primary School is near capacity; and, the nearest secondary schools (Ashville and Rossett) are 1.3 miles away.

The Sustainability Appraisal confirms the Group’s findings and states that:

- 1 The Local Primary School is at or near capacity and may require extension.
- 2 There is some accessibility to local services, but poor accessibility to bus, rail, secondary school, shopping facilities and employment.
- 3 There is significant transport and/or accessibility/cumulative impact problems requiring substantial mitigation.
- 4 Increased public transport provision and extension of services cannot be predicted at this stage.
- 5 There is poor connectivity to cycle routes, and
- 6 Significant barriers to accessibility.

Despite PN17’s location on the edge of the Burn Bridge settlement boundaries it is relatively inaccessible and does not provide access to the provisions associated with a Primary Service Village, this reinforces how unsuitable the site is for development.”

The Spring Lane Group submission concludes as follows:

“The Core Planning Principles set out in the NPPF state that planning should ‘be genuinely plan-led, empowering local people to shape their surroundings’. **The very late inclusion of PN17 by HBC, without notice or reference to the Parish Council, would seem to be a major breach of this core principle, as would HBC’s apparent dismissal of over 500 individual objections (as well as the Group’s and the Parish Council’s objections) in the first round of consultation on PN17 in 2017.** Local people can justifiably feel that their voice is not being heard and that HBC is being cavalier in its approach to evidence and National Policy with regard to PN17.

Legal Compliance. **The Group’s principal concerns are with NPPF Tests 2 and 4.**

It does however also raise the issue of compliance with Regulation 2(b) of the Environmental Assessment of Plans and Programmes Regulations 2004: the requirement that the environmental report should identify, describe and evaluate reasonable alternatives, taking into account the objectives and the geographical scope of the plan or programme. **Given that the Authority has not been prepared to review the Green Belt boundaries to the south-west of Pannal it is questioned whether this requirement has been satisfied.”**

Landscape Assessment. The assessment carried out by Smeeden Foreman is attached at document two. It is clear in its assessment of PN17 in paragraph 2.0 where it assesses that the overall significance of the visual effects is therefore assessed as being “major adverse” for all 5 viewpoints considered.

The PC wishes also to emphasise the following additional points:

The absence of an SEA study. The PC believes that there is a legal requirement to consider cumulative impacts in the Local Plan process. It is of concern that cumulative impacts were not considered at a Primary Service Village level (which Pannal is) despite the fact that this village plays an important part of the Growth Strategy and is a key through route for traffic in transit to and from the west of Harrogate and the A61.

Strategic Infrastructure. The Infrastructure Development Plan and Infrastructure Capacity Study highlight a number of shortcomings that threaten the ability of the Local Plan to be fulfilled (well documented in the Save Crimple Valley responses authored by local resident Denis Kaye). The PC refers here to BWB’s report and the impact of not having an SIP in place.

Habitat and Wildlife. The PC’s 2017 responses made clear that the plans for PN17 were contrary to the requirements of habitat and wildlife preservation. It should be noted that the RSPB identifies 13 of 41 species of bird in this area are red-listed (41%) and 11 (22%) amber listed.

The Planning Process and SEA. The PC understands that there has been a failure to apply the SEA Directive which if upheld would contravene legal compliance. We take this from the Hampsthwaite Action Group’s submissions

“Paragraph 5.7 of the report states that work was undertaken to identify additional sites following receipt of the HEDNA report. The draft allocations are set out in Appendix 1 (section 3-4) to the report. Paragraph 5.15 then states: “Consultation on the additional sites will run for a period of 6 weeks between 14th July and 25th August 2017.” (the following day).

The decision to undertake the additional sites consultation was made by a single councillor with no opportunity for anyone outside the council or any other councillor to consider whether the evidence of housing need was sound and reasonable for the Local plan. The haste to get this report approved and for consultation on the additional sites to begin meant the decision had to be referred, in accordance with paragraph 16(b) of the Overview and Scrutiny Procedure Rules, to the Chair of the Overview and Scrutiny Commission. That report (also dated 13th July) stated “The urgency in this case is required by the need to start the consultation on 14th July as programmed in the report at paragraph 5.15.”

The concluding paragraphs of the Arrowsmith reports are telling [PC’s addition in bold]:

“6. Conclusion

6.1 Nothing that has occurred since August 2017 has changed the substance of our advice concerning the local harm that would be caused by allocations PN17, PN18 and PN19. We do however expect the Parish Council to reinforce their objection by incorporating many of the detailed arguments advanced by local residents.

6.2 The Transport and Landscape Assessments produced by BWB and Smeeden Foreman now constitute strong supporting evidence. We believe that our further consideration of the HEDNA report supports the argument that the need for additional employment land allocations does not outweigh the strong environmental, social and traffic objections to the proposals.

6.3 Whilst our brief has not extended to formally appraising the housing requirement calculations that underpin the Plan's housing allocations we have identified a policy issue that we believe has not been sufficiently explored and which the Parish Council might consider is the basis for an objection.

Arrowsmith Associates

March 2018"

All in all, the case for PN17 as a site for housing is extremely weak and highly flawed.

6a. Additional information

You can upload documents to support comments submitted to question 6. Answering 'Yes' will allow

Do you wish to upload and supporting documents? Yes

Supporting information: document one

If you wish to upload documents providing additional information to support your comments you can do so here.

1. Upload supporting document. [Arrowsmith final PDF.pdf](#)

Supporting information: document two

2. Upload supporting document. [BWB transport assessment \(5\)](#)

Supporting information: document three

3. Upload supporting document [Save Spring Lane Local Plan Response B6 8.3.2018.pdf](#)

7. Modifications

Please set out what change(s) you consider necessary to make the Harrogate District Local Plan legally compliant or sound, having regard to the test you have identified at question 5 where this relates to soundness. You will need to say why this change will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text. Please be as precise as possible.

(If you are suggesting that the plan is legally compliant or sound please write N/A)

Details of modification

We believe modifications should include:

- 1 Abandoning plans to build on any sites west of the railway line running through Pannal and the A61 as these will suffer from the same problems as at present – the two crossing points create choke points that would be very hard to overcome without major and very expensive engineering works. Anywhere near and utilising the section of the A61 between the Buttersyke roundabout and Harrogate will add further to the current congestion.
- 2 Specifically, sites should be chosen towards the A1 and A1 (M) where there is room and existing transport infrastructure to establish new "settlements or where infrastructure will be or is already in place. Such site include Flaxby North (the former golf course); the proposed but rejected new settlement between the old A1 and A1(M) north of Wetherby; the future likely availability of ex MoD sites such as Dishforth (plenty of space, and access to the main trunk roads) and the stock of ex MoD married quarters empty in places like Ripon.

- 3 Conducting a formal review of the questionable economic uplift figures. The HEDNA report is flawed as is the Jacobs traffic report. This is a fundamental point to examine and throws doubt on Harrogate's Local Plan process.