

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	PD1197
Response Date	09/03/18 13:44
Consultation Point	Map 10.61 Site PN19 (View)
Status	Processed
Submission Type	Web
Version	0.5
Files	Smeeden Foreman Landscape report (1) BWB transport assessment (1) Arrowsmith Associates Report (1) BWB transport assessment (7)

3a. Consultation document

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

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

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 PN 19

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? all

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).

Of fundamental importance is that PN19 is split by the Crimple Beck. The word "Beck" makes it sound like it's a small stream – often it is in the summer - though of more significance not only is it part of a recognised flood plain but is also splits the PN19 site in two, the eastern half (accessible only from the A61 Leeds Road) is between 3 and 5 metres higher than the land to the west which is only accessible through a narrow access point (suitable mainly for farm traffic) off the already very busy Pannal Main Street. No consideration seems to have been made about the difference in land levels and difficulties of access let alone the increases in congestion in Pannal or effects on the flood plain.

The allocation of PN19 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.
- 2 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.
- 3 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.
- 4 The HEDNA did not address the policy issue of whether it is appropriate to provide housing to facilitate a jobs forecast.
- 5 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".
- 6 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.
- 7 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.

- 8 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.

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 [sic] 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 sufficient concerns to support an argument that reliance of the HEDNA report and therefore the overall housing requirement **is unsafe**.

Arrowsmith Associates

March 2018"

The PC now refers to and reinforces some of its more pertinent comments made in 2017 on the lack of suitability for housing on PN19 which are still relevant today. Extracts below:

"Built & Natural Environment Site Assessments (New Sites 2017)

- 1 The Borough Council's own assessment shows that the site is unsuitable for development - (https://www.harrogate.gov.uk/downloads/file/2712/2017_built_and_natural_environment_site_assessments_new_sites). Specifically, in all categories (Landscape, Conservation and Design, Ecology and Land Drainage) the conclusions overwhelmingly showed a RED rating – see pages 292-298."

"Landscape Site Assessment. The Summary conclusion (on page 293) states:

- 1 "The extent of the proposed site would have a significant impact on landscape character and the special qualities of the SLA which is a highly valued landscape. The southern part of the SLA is in PN14 [should read PN19] and the development of this area [should read "area"] while detrimental to landscape character offers greater opportunities for mitigation and would maintain a significant proportion of the green infrastructure of the Crimple Beck corridor."
- 2 Despite the attempted amelioration through the wording of the second sentence, with these conclusions there should be no development on this site.

Conservation & Design Site Assessment.

- 1 Whilst providing a RED rating in the conclusion (page 295) the assessment goes on to deliver mixed messages about the viability of the site noting, for instance:
- 1) "Site boundary unacceptable as proposed, a smaller site could accommodate housing without harmful impacts. Setting of Listed Church (GILLB) and Pannal conservation area would be significantly compromised by development on the site"

Then

“3) “Harm caused by the introduction of development into this attractive rural edge to Harrogate and important landscape area. Harm caused by the proposed scale of development on this edge of settlement site.”

Ecology Site Assessment

- 1 The Assessment provides only an ORANGE rating which the PC finds strange as the conclusion provides some very mixed messages: in the third sentence (p297) it states: “Large scale development would have an adverse impact on the landscape ecology to the south of Harrogate which would be intensified by the requirement to bridge the river. If the site is developed, high quality landscaping and buffering of the River Crimple through green infrastructure [sic] provision would be required to offset harm.”
- 2 In addition to the irreparable damage to the local ecology, the PC believes that the bridging cost would be considerable and along with land drainage (next section), the site would be commercially unviable for the developer.

Land Drainage Assessment

- 1 We refer the Council first of all to the Hydrographical report that has been produced [Appendix 3 of attached document two] and it is clear that the risks of development on this land have been massively underestimated. The extract from this report is unequivocal: “The cost and scale of effective flood resilience engineering has been very substantially underestimated. This general issue has been thoroughly documented in the recent HM Government Flood Resilience Review and in EA publications and project reports. Effective mitigation for the Crimple Valley and elsewhere would require expensive civil engineering projects (“Integrated Catchment Management”) over unacceptably large land areas. The smaller SUDS (Sustainable Drainage Systems) schemes currently under consideration have very limited efficacy under flash storm conditions.”

The Council’s own assessment provides only an ORANGE rating which the PC finds very strange as the Summary of Issues (p298 of that report) paints a different picture.

In the conclusion it states: “Some adverse effects of additional surface water discharge on nearby watercourses but appropriate mitigation should enable development”. For locals who live and walk there, this statement might well be referring to a completely different place as in their experience the ground is waterlogged for many months of the year.”

Furthermore, The PC draws the Council’s attention to the submission on the 2017 plan portal from one of the residents who is well versed in matters of land drainage (ID1106329), who states:

- “1) Within active flood plain of River Crimple – significant portion within flood zone 3b. EA guidance indicates that residential properties should not be permitted within flood zone 3b.
- 2) Bridge would be required over the River Crimple creating a visual impact and destruction of riverbank habitat
- 3) EA document –‘Flood Risk Assessments – Climate Change Allowances’ indicates that there will be significant increase of flood zone 3.
- 4) EA surface water flood map indicates areas of high and medium risk
- 5) Current flood risk profile will be made worse by large areas of hardstanding
- 6) Disagree with HBC Site Assessment that SuDS could mitigate impacts of flooding

Sustainability Appraisal – Addendum July 2017. In the appraisal (<https://consult.harrogate.gov.uk/portal/pp/sa/sa17>) several key indicators are heavily flagged in RED none of which could remotely be used to favour or recommend development of this area.”

The PC then draws attention in the supporting document two to the sections on:

“7 – Education and Training. Local primary school at or near capacity and likely to require expansion.”. Comment: The school is already full and the existing housing plans for the Dunlopillo site will take up the remaining capacity when the out of town pupils move on.

Additional comments on “Biodiversity, Pollution, Prudent and efficient use of energy and natural resources with minimal production of waste, and Protect and enhance the historic environment.” - all of which are RED. Arrowsmith’s

comments are that “Poor ratings here reflect real costs” and that “The site scores poorly which suggests the allocation is not justified.”

Sustainability Appraisal Summary. Arrowsmith summarises with the view that **“on the Borough Council’s own analyses, the three sites perform so poorly that it is likely that alternative locations will meet the calculated land requirements at less cost and with greater benefit.”**

“General comments on additional housing & employment allocations.

Consistency.

- 1 The Council has shown consistency in supporting the refusal of housing developments in the SLA - specifically the refusals of the 22 and subsequently 14 houses at Rosset Green Lane, and then the two houses on Sandy Bank. None of these schemes are remotely significant when compared with the proposals for PN 19. In addition, the Planning Inspector has supported the refusal by the Council in his report on the 22 houses plan.
- 2 For the Council now to complete an about turn on this larger development demonstrates a serious flaw in its consistency of thought and can’t be allowed to go unchallenged.

Summary Statement

The PC considers that there is no reason for PN19 to be included in the Draft Local Plan. All the evidence from both the Council’s own assessments as well as the professional Consultancy engaged by the PC confirms that development on this part of the SLA would be detrimental and have an adverse impact on this as well as the Pannal Conservation Area. It would close the long established green space between Pannal and Harrogate.”

It goes on to make reference to the Rossett Green Lane applications which seem to confirm the importance of the SLA to both the Council Planners and the Inspector.

The Council has demonstrated its intent to secure the status of the SLA through a range of reviews - 2004, 2008, 2011 and 2016. The 2008 review of the Crimble Valley SLA concluded that the part of the SLA comprising PN17, PN 18 and 19 was defined as an area of very attractive landscape that provide land of ‘exceptionally high’ landscape quality and contribute ‘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 and 19) 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 Districts settlements.”

These assessments combined with the BWB traffic analysis supports rejection of the site for housing.

The PC wishes also to emphasise the following additional points:

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 Crimble 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 PN19 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.”

Landscape Assessment. The assessment carried out by Smeeden Foreman is attached at document two. It is clear in its assessment of PN19 in paragraph 4.0 where it assesses that the overall significance of the visual effects is therefore assessed as being “major adverse” for all viewpoints considered.

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 PN19 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 Associates Report \(1\)](#)

Supporting information: document two

2. Upload supporting document. [Smeeden Foreman Landscape report \(1\)](#)

Supporting information: document three

3. Upload supporting document

BWB transport assessment (7)

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 all the 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.