Harrogate

BOROUGH COUNCIL

Harrogate District Local Plan

Publication Draft 2018

consultation response form

26 January – 9 March 2018

**REF OFFICE USE ONLY:** Representor number: Representation number: Plan reference:

Tests of soundness:



This form has two parts: **Part A** Personal Details and **Part B** Your Representation

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has issued this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the public examination. Using the form to submit your comments also means that you can register your interest in speaking at the examination.

Please read the guidance notes carefully before completing the form.

Please fill in a separate part B for each issue/representation you wish to make.

Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A

(Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

|  |  |  |
| --- | --- | --- |
| 1. Personal Details | | 2. Agent’s Details (if applicable) |
| Title | Mr. |  |
| First Name | David |  |
| Last Name | Oswin |  |
| Organisation  (where relevant) | Resident & Parish Councilor |  |
| Job title  (where relevant) | Engineering Sales Consultant |  |
| Address – line 1 | Thorndyke |  |
| Address – line 2 | 25 Westminster Drive |  |
| Address – line 3 | Burn bridge |  |
| Address – line 4 | Harrogate |  |
| Address – line 5 | North Yorkshire |  |
| Postcode | HG3 1NW |  |
| E-mail Address | Oswin25@gmail.com |  |
| Telephone Number | 00(44)1423 871905 |  |

Guidance note

**What can I make comments on?**

You can make representations on any part of the publication draft of the Local Plan and its supporting documents, which include: Sustainability Appraisal; Habitat Regulations Assessment and the Equality Analysis Report. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and ‘sound’.

**Do I have to use the response form?**

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible. You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of,

or during the Public Examination. Additional response forms can be collected from the main council offices and the district’s libraries, or you can download it from the council’s website a[t www.harrogate.gov.uk/loc](http://www.harrogate.gov.uk/localplan)alplan . However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response.

**Can I submit representations on behalf of a group or neighbourhood?**

Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would

Be very helpful for that group to send a single representation that represents that view, rather than for a large number of

individuals to send in separate representations that repeat the same points. In such cases the group should indicate how

many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g.

via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this

standard form with the information attached.

**Question 4(1) – What does ‘legally compliant’ mean?**

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found a[t www.harrogate.gov.uk/info/20101/planning\_policy\_and\_the\_local\_plan/556/local\_plan\_-\_evidence\_base](http://www.harrogate.gov.uk/info/20101/planning_policy_and_the_local_plan/556/local_plan_-_evidence_base)

**Question 4(2) – What does ‘soundness’ mean?**

Soundness may be considered in this context within its ordinary meaning of ‘fit for purpose’ and ‘showing good judgement’. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework’s four ‘test of soundness’ as listed at question five. The scope of the Public Examination will be set by taking into consideration the key issues raised by responses received and other matters the Inspector considers to be relevant.

**Question 8 – Do I need to attend the Public Examination?**

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

Part B (please use a separate Part B form for **each** representation)

David Oswin – Resident & Parish Councillor Pannal & Burnbridge PC

**Name/Organisation:**

**3a. To which document does your response relate?** (Please tick one)

Harrogate District Local Plan Publication Draft ✓ Habitat Regulations Assessment ☐

Sustainability Appraisal ☐ Equality Analysis Report ☐

**3b. If you are making comments, to which part of the document do they relate?**

(Complete any that apply)

All

Page no. Paragraph no. Policy Ref.

Pannal

Spring Lane Pannal

PN 17

Development Limit

Site Ref.

(put name of settlement) Policies Map

**4. Do you consider the Plan is:**

**4. (1) Legally compliant** Yes ☐ No ✓ **4.(2) Sound** Yes ☐ No ☒

→ If you have selected **No** to Question 4.(2), please continue to Question 5

→ In all other circumstances please go to Question 6

**5. If you consider the Development Plan is UNSOUND, do you consider this to be**

**because it is NOT:** (tick all that apply)

|  |  |  |  |
| --- | --- | --- | --- |
| **Positively prepared** | ✓ | **Justified** | ✓ |
| **Effective** | ✓ | **Consistent with national policy** | ✓ |

**What makes a Local Plan “sound”?**

**Positively prepared** - the plan should be prepared in a way that meets the need 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).

Please give details of why you consider the Harrogate District Local Plan to be not 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.

6. 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. You can attach additional information but please make sure it is securely attached and clearly referenced.)

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| PN 17 is situated to the south of Harrogate, west of the A61 and immediately north of Spring Lane in the village of Burn Bridge.  It forms part of a pastoral landscape that separates the northern edge of Burn Bridge and Pannal with the southern urban edge of Harrogate. The pastoral landscape includes dispersed settlements of farms/cottages within surrounding farmland.  The allocation site consists of a broad ribbon of land approximately 100m wide, with an area of c.3.2ha, extending from Spring Lane Farm in the west to Clark Beck in the east. It comprises pastoral land, sub-divided into two fields bounded by hedgerows and occasional hedgerow trees.  Spring Lane and the residential development of Burn Bridge bound the site to the south, the Clark Beck bounds the site to the east. There is no development within the site.  Landscape character is defined as a distinct and recognisable pattern of elements that occur consistently in a particular type of landscape.  Patterns in the landscape including vegetation cover, land use, connectivity, heritage and cultural associations, activity or tranquillity, and which combine together to create landscape character.  During the site visit, the landscape of the site and wider study area were appraised in relation to the established Local (District) Landscape Character Areas.  **The proposed allocation of PN 17 is neither legally compliant nor sound for the following reasons.**  **DISTRICT CHARACTER AREA (DCA)**  The site and wider study area lies wholly within District Landscape Character Area 60: *Upper Crimple Valley* as defined by Harrogate Borough Council [7b].  Key Characteristics of **Character Area 60**, of relevance to the application site, are as follows:  *A small scale valley landform with gently rolling valley sides incised by small tributaries of the River Crimple;*  *The area includes small blocks of woodland and trees fringing water courses;*  *An irregular pattern of fields exist, much of which is grassland; and*  *A complex network of public footpaths and bridleways offer easy access to the landscape.*  The Character Area Assessment records the following:  ***“Sensitivities & Pressures***  *This area is important to both the rural setting of Harrogate and is important in preventing the coalescence of Pannal with Harrogate.*  *This rural, pastoral landscape is sensitive to the changes due to new development extending the urban edge.*  *The area contains a large amount of scattered settlement, and as such the landscape has limited capacity to accept additional development without adverse change to its character.*  ***Guidelines***  ***Aim:  To protect the character of the area and its role in separating Harrogate from Pannal and provision of a rural setting to the urban edge.***  *Distance between the extents of the two settlements must be maintained and development proposals must fully assess the predicted impact on landscape character of the valley and its role in providing a rural setting to Harrogate and Pannal and maintaining the separation between the two.*  *The impact on views in the area must also be considered.”*  **The site proposals in relation to District Character Areas 60: Upper Crimple Valley**  The site conforms to the identified qualities of the District Character Area: 60 and forms part of a rural landscape, the extent of which is defined to the southern edge by Spring Lane.  To the south of Spring Lane, adjacent to the site, the built edge of Burn Bridge marks a well-defined boundary between the settlement and the surrounding pastoral landscape.  This distinction is clearly discernible for travellers along Spring Lane and in views from the public rights of way within the countryside to the north.  **Effects on landscape character ( SEE SEPARATE SHEET FOR CONTINUATION )**  The magnitude of change brought about by the proposal is measured against the District Character Area *60: Upper Crimple Valley* and against site assessment.  A particular and valuable landscape quality of the proposed allocation site is the contribution it makes to a well-defined boundary to the adjacent built edge of Burn Bridge. The built edge faces Spring Lane, and associated domestic paraphernalia is screened within rear gardens away from the road.  Spring Lane separates the allocation site (PN17) from the edge of the settlement and this boundary is reinforced by the roadside hedgerow. The clear definition of the rural landscape character of the site from the existing settlement is appreciated from both Spring Lane, in its approach to the village, to those parts of the village within the Conservation Area, and also in views from the public rights of way within the wider landscape and those on the edge of the village.  The allocation and development of this landscape would not only reduce the extent of the key features of the Character Area 60, but would diminish the landscape setting of the village and the perception of a distinct and rural landscape on the  edge of the village.  This change of perception would be appreciated from the settlement, from roads on the edge of the settlement and within the wider SLA, and also from dwellings in the wider area and for users of the extensive network of recreational footpaths in the local area.  The sensitivity of the above landscape character areas, and the magnitude of change they will experience as a result of the proposed development are summarised below:  *Significance of Effects on Landscape Character*   |  |  |  |  | | --- | --- | --- | --- | | **Receptor** | **Sensitivity of**  **Receptor** | **Magnitude**  **of change** | **Significance of Effects on Landscape Character** | | District Character Area *60: Upper Crimple Valley (including Special Landscape Area* | HIGH | HIGH | MAJOR ADVERSE |   The potential effects of this proposed allocation on landscape character have also been assessed by landscape architects from HBC and recorded within the *Built and Natural Environment Site Assessments: New Sites 2017*.  The authors found the landscape character of the proposed allocation site consistent with the wider SLA of which it is a part and the conclusion of their assessment is reproduced in full below.  https://lh3.googleusercontent.com/L41xKv26b8WDLVzlnCADT4hY-0lMxKBLesyvkbBJ9qE7byvRSr43BtO5Lp4zVIOq7weZuUuZELFd7V2molB6GPbYteM-suNmnjT0RwbcPsh7GvUu0vKosnJF8GW4vvE5A9Ndajzg  This conclusion accords with our own assessment in that there would not be landscape capacity to accommodate the proposed allocation and that impacts would not be capable of mitigation.  **RELATIONSHIP OF PROPOSED ALLOCATION PN17 WITH EMERGING POLICY AND NPPF**.  **The Special Landscape Area**  Proposed Policy NE4 : Landscape Character, identifies this area as part of the Crimple Valley Special Landscape Area (SLA).  The proposed allocation PN17 would be within the SLA as the emerging local plan does not contain any proposal to remove this area from the SLA, neither does the emerging policy GS3: Development Limits include any proposal to include the proposed allocation within the development limits of the adjacent built-up area.  Policy NE4 records:  *The Special Landscape Areas are valued locally for their high quality landscape and their importance to the settings of Harrogate, Knaresborough and Ripon.  The designation reinforces the importance of these landscapes and their high sensitivity to inappropriate development which would adversely impact on the quality of the area designated.  Development proposals within these areas are required to meet the following criteria:*  *F. Avoid significant loss of key characteristics that contribute to the Special Landscape Area and the setting of Harrogate, Knaresborough and Ripon.*  *G. Ensure that development proposals are linked to existing settlements and are designed to integrate the urban edge with the countryside and where appropriate to enhance the appearance of the urban fringe.*  The allocation of PN17 would conflict with both F. and G. in that the allocation would result in the direct loss of part of the SLA and impact adversely upon the landscape character of those areas of the SLA beyond the allocation and upon the perception of the SLA from the adjacent settlements.  The existing edge of the SLA to Burn Bridge along Spring Lane is strongly and clearly defined and there is no potential therefore for enhancement.  The Special Landscape Area (SLA) designation currently applicable (Draft Policy NE4: Landscape character) identifies the significance of this area as “…..*valued locally for their high quality landscapes and their importance to the settings of Harrogate, Knaresborough and Ripon….* ”. The Local Planning Authority (LPA) reviewed the SLA designation in 2011, updated in 2016 and confirmed the designation in this area.  No revised assessment of the SLA, or of those parts that would remain were these designations to be confirmed, has been presented to allow any scrutiny of the process by which the SLA could be redefined.  The SLA is also to be considered a valued landscape in terms of the National Planning Policy Framework (NPPF 109).  In a recent appeal decision of 6th September 2017 (Appeal ref APP/E2734/W/16/3160792, Cornwall Road, Harrogate) the inspector noted in his decision (Para.36) “….*the simple fact of SLA designation is evidence of value having been placed on its qualities in a formal, documented and spatially defined sense.”* Paragraph 109 of the NPPF states that *“the planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes, geological conservation interests and soils;….”.* An allocation of PN17 would not only have a direct effect on the area allocated, but would importantly change the contribution of these areas to the wider designated landscape, and would diminish the quality of the landscape character of those remaining parts of the Special landscape Area and be in conflict with the NPPF.  **Development Limits and Heritage Assets**  Proposed policy GS3: Development Limits, identifies criteria where development outside development limits could be supported, and include the following.  *C. It would not result in coalescence with a neighbouring settlement.*  *D. It would not have a significant adverse impact on the character and appearance of the surrounding countryside or heritage assets.*  The exceptions to the presumption against development beyond proposed development limits as expressed in this policy would apply to PN17.  Coalescence can be a direct physical effect of built form joining across a previous undeveloped area and removing any gap that had previously distinguished the pattern of built form into discernible areas, or settlements.  It is also the case that coalescence is perceived to occur when the effect of development is to diminish the apparent effectiveness of landscape gaps between settlements for people using or viewing the landscape areas.  In such cases the loss of opportunity to appreciate the extent of open country between settlements will result in the diminution of perception of such a gap and an impression that development is in closer proximity to other developed areas such that they can be thought to coalesce.  The SLA forms an open area of countryside between Burn Bridge and the outskirts of Harrogate and can be experienced as such for the total length of the proposed PN17 allocation from its boundary with Spring Lane.  The allocation would prevent any effective appreciation of the relationship of the SLA with the edge of Burn Bridge from the public road and would reduce the perception of the gap between this settlement and Harrogate to the North.  The allocation proposed would reduce the effectiveness of the SLA in preventing the perception of coalescence of built form.  Part D of proposed Policy GS3 reflects the objectives of Policy NE4 with respect to landscape character and visual amenity and also references heritage assets.  In so far as the policy would not support the allocation with respect to harm to landscape character and visual amenity the assessment made with respect to conflict with Policy NE4, would also apply in this case.  This policy, which seeks to protect the character and appearance of a Conservation Area, includes in the justification (at 6.24) reference to the importance of the setting of a conservation area. The need to consider the contribution of the setting of heritage assets is referenced by paragraph 128 of the National Planning Policy Framework.  The proposed allocation site does not directly abut the Pannal Conservation Area, however it is viewed from that part of the Conservation Area that includes Woodcock Hill, from where a ‘key view’ is identified in the Conservation Area Character Appraisal. The appraisal also identifies Strategic Pedestrian Routes, both at Woodcock Hill and also close to the crossing of Clark Beck by Spring Lane. The impact of development of an allocation from views in these locations Smeeden Foreman have assessed as ‘major adverse’.  The adverse impacts upon views from the Conservation Area, and adverse impacts on the landscape character, will impact on the perception of the setting of the Conservation Area for residents and all those entering or leaving the Conservation Area on Spring Lane, or approaching on any of the Public Rights of Way in the Clark Beck Valley.  This assessment is supported by the conservation officer’s assessment from HBC and recorded within the Built and Natural Environment Site Assessments: New Sites 2017; the conclusion of their assessment is reproduced in full below.  https://lh3.googleusercontent.com/ex968v5qxRN22K0f5FlCBZ6r1doQKY2AOSwdCZQCqgzjqX1uSBr14Hyw1X3Wp2zfo4EIo7-QqqCXG0oO1D6hvIUbE-QmuElKl1-2jINFn1PqGiT9TYUTOvMlG26WSVUQ0lEh3jA9  Draft policy HP2 Heritage Assets of the emerging local plan and Paragraph 17 and 129 of the NPPF recognises the importance of the setting of heritage assets and planning authorities are required by Para. 129 of the NPPF to consider the setting of a heritage asset in considering the significance of any asset that may be affected by a proposal.  Para. 17 of the NPPF deals with Core Planning Principles and includes *“conserve heritage assets in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life for this and future generations.”*   The allocation of PN17 has been identified as having the potential to adversely affect the landscape setting of the Pannal Conservation Area and would be in conflict with both emerging HBC policies and with the NPPF. |

7. 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)

N/A

**8. If your representation is seeking a change, do you consider it necessary to participate at the hearing sessions of the Public Examination?** (tick one box only)

**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.**

**No,** I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

**Yes**, I wish to appear at the examination

Yes

If you have selected **No,** your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

**9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:**

As Planning Chair of the Local Parish Council I would wish to vocalize both my own opinions and those of the recently elected Parish Council – we are in the throws of our own emerging Neighborhood plan as a PC and this objection is raised on not only PN17 but will be relevant to PN18,19 & 20 – all of which ignore the wishes of the Community I represent and the contents are at odds with our own drafting on many levels .I would invite the Examiner to look at the sheer numbers of objections to PN17 et al It is TOTALLY contrary in terms of consultation to local democracy which I stood for in recent elections

**Please note:** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

Signature Date

Please return the completed form by **no later than 4.30pm on Friday 9 March 2018** to: Planning Policy Team, Harrogate Borough Council, PO Box 787, Harrogate, HG1 9RW

[or email: planningpolicy@harrogate.gov.uk](mailto:planningpolicy@harrogate.gov.uk)

(Electronic copies of this form are available to download a[t www.harrogate.gov.uk/loc](http://www.harrogate.gov.uk/localplan)alplan )

**Data Protection**

The information you provide on the form will be stored on a database used solely in connection with the Local Plan.

**Representations will be available to view on the council’s website, but address, signature and contact details will**

**not be included. However, as copies of representations must be made available for public inspection, they cannot be**

**treated as confidential and will be available for inspection in full. Copies of all representations will also be provided to**

**the Planning Inspectorate as part of the submission of the Harrogate District Local Plan.**

**Equalities information**

**About you**

Harrogate Borough Council is committed to ensuring that our work meets the needs of all sections of the community. The information you provide helps us to monitor the fairness and effectiveness of our services and policies. **It is not compulsory to provide this information but you will be helping us to meet these commitments and tailor our services and policies to the needs of the community.**

The categories included have been informed by the National Census 2011 and characteristics protected by legislation.

**If you do not wish to answer any specific question, then please leave it blank.**

**Gender**

**What is your gender?** (please select one answer)

Male ☒

Female ☐

Prefer not to say ☐

**Age**

**Which age category are you in?** (please select one answer)

0 to 15 ☐

16 to 19 ☐

20 to 29 ☐

30 to 44 ☐

45 to 64 ☐

65 to 74 ☒

75 to 84 ☐

85+ ☐

Prefer not to say ☐

**Disability**

[The definition of disability according to the act is: A physical or mental impairment which has a substantial and long-term adverse effect on a person’s ability to carry out normal day-to-day activities. Long-term means more than 12 months. This definition includes long-term illnesses such as cancer, HIV and mental health.]

**Do you consider yourself to be a disabled person or have a long term limiting condition?**

(please select one answer)

Yes ☐

No ☒

Prefer not to say ☐

**Ethnicity**

**What is your race or ethnicity?** (please select one answer)

|  |  |  |  |
| --- | --- | --- | --- |
| White (English/Welsh/Scottish/ Northern Irish) | ☒ | Asian or Asian British: Bangladeshi | ☐ |
| White (Irish) | ☐ | Asian or Asian British: Chinese | ☐ |
| White (Gypsy/Irish Traveller) | ☐ | Asian or Asian British: Other Asian | ☐ |
| Mixed White and Black Caribbean | ☐ | Black or Black British: Caribbean | ☐ |
| Mixed White and Black African | ☐ | Black or Black British: African | ☐ |
| Mixed White and Asian | ☐ | Black or Black British: Other Black | ☐ |
| Mixed Other Mixed | ☐ | Other Ethnic Group: Arab | ☐ |
| Asian or Asian British: Indian | ☐ | Other Ethnic Group: Other | ☐ |
| Asian or Asian British: Pakistani | ☐ | Prefer not to say | ☐ |

**Sexual orientation**

**Which of the following best describes how you think of yourself?** (please select one answer)

|  |  |  |  |
| --- | --- | --- | --- |
| Heterosexual/Straight | ☒ | Bisexual | ☐ |
| Gay man | ☐ | Other | ☐ |
| Gay woman/Lesbian | ☐ | Prefer not to say | ☐ |

**Religion/beliefs**

**What is your religion/belief?** (please select one answer)

|  |  |
| --- | --- |
| No religion | ☐ |
| Christian (including Church of England, Catholic, Protestant, and other Christian denominations) | ☒ |
| Muslim | ☐ |
| Buddhist | ☐ |
| Jewish | ☐ |
| Hindu | ☐ |
| Sikh | ☐ |
| Other religion | ☐ |
| Prefer not to say | ☐ |

**Pregnancy**

**Are you pregnant or have you given birth within the last 26 weeks?** (please select one answer)

No ☒

Yes ☐

Prefer not to say ☐