

## 1 Response To Specific Points Raised in Email of 25<sup>th</sup> October

Site Promoter's Submission	Steering Group Response
<p>Further to our correspondence and the issue of the updated site assessments on Sun 22 Oct.</p> <p>I have now had the opportunity to assess the comments and observations accompanying the revised assessments.</p> <p>It is most disappointing to read some of the conclusions regarding the Embleton Farm East site (sub division S/073/023). We believe that some of your criteria assessments are simply just wrong and in other cases your scoring is far too blunt and unsophisticated.</p> <p>Please note our further comments regarding the assessment criteria as per your numbering ;</p>	<p>We have reviewed the points made in this email within the context of the site selection meeting held on 25<sup>th</sup> October 2017 and assessed whether a different outcome might have occurred.</p> <p>It is noted that the email was received only one hour before the meeting started, and that although it was given consideration at the meeting, it was not possible to carry out a full analysis at the time. The fact that there was some uncertainty over the assessment on criteria 2 was taken into account at the time.</p> <p>It is also noted that the subdivision into Embleton Farm East and West occurred after publication of the draft assessments.</p>
<p>(1) Viability –</p> <ul style="list-style-type: none"> <li>• Regarding the access costs – It may well be that a longer access road has costs associated with it but if this is decreases the land value to the owner but if he is prepared to bear this then viability is unaffected.</li> <li>• You have not taken into account the shorter access route into the site which could be taken by means of our arrangement with an adjoining land owner. Note comment above regarding costs of access and land value.</li> <li>• Regarding your newly inserted opinion re costs occasioned by the proximity of the pipeline. We have satisfied ourselves that there are no costs of any consequence to the development as a result of the pipeline.</li> </ul>	<p>A longer access road will increase costs.</p> <p>Adverse cost impacts, even when known at the time of allocation, are not always fully reflected in the price of land. The recent officer report on a planning approval (16/01836/FUL) for a site adjacent to Embleton Farm West illustrates that land values do not always reflect expected costs and the conditions of allocation.</p> <p>The submissions made indicated the potential for an alternative access but clearly indicated that the intended access was onto Garbutts Lane. This is reaffirmed by the photograph provided in connection with criteria 4. It was assumed that the site promoter would have a good reason for favouring this route.</p> <p>The criteria was scored as RED in the draft assessment due to the length of access road, and before the intention to route the access over the pipeline inner zone was known. The observation that there might be additional cost did not result in a change in the assessment, and the statement that it will not incur any extra cost is noted and accepted.</p> <p>The assessment of RED is in accordance with the criteria and is considered appropriate.</p>

<p>(2) Sites adjoining village envelope -</p> <ul style="list-style-type: none"> <li>You state that the site is separated from Levendale / Hundale by Hundale Gill. This is incorrect as site evidence shows that the Gill has been encompassed into the gardens of the properties adjoining the proposed site and in one long section has been diverted into a pipe and covered over by gardens. I believe you / the committee were given an opportunity by the land owner to make a site visit and see the actual situation but have not done so. The reality is that an assessment by examination of maps has given you the wrong information. Please see the map and photos sent by separate email. There is no Gill to speak of over a large section and the rest is contained within domestic gardens. As such the development site proposed can only be assessed as being one which adjoins the village envelope.</li> </ul>	<p>There is a complex boundary situation between the site and Levendale / Hundale. Legal boundaries, development boundaries, and physical boundaries are not consistently aligned. This, therefore, leaves opportunity for different interpretations.</p> <p>The original assessment was based on the development limits which lie on the South/East side of the Gill, although the fence lines are generally to the North or West of the Gill.</p> <p>Our current understanding is that the legal boundary of 17 Levendale and of both 17 and 19 Hundale lie on the North/West side of the Gill, but that the all other legal boundaries are to the South/East of the Gill. Ownership of the North/West bank has been asserted by Mr Bell within the last 5 years.</p> <p>All sites have been visited, but this site was not revisited when the site boundaries were adjusted. When reassessing after the most recent subdivision, (as an oversight) no consideration was given to the significance of the culverted section.</p> <p>Having considered the points raised, our opinion is now that there is a reasonable case to view the boundaries with 17 Levendale and both 17 and 19 Hundale as forming direct connections with the site in two distinct locations. An assessment of RED is therefore not appropriate, but either AMBER or GREEN could be argued.</p> <p>Given the ambiguity in the boundary definition, it is proposed to test the soundness of the decision process of 25<sup>th</sup> October on the basis of the most favourable interpretation for the site promoter i.e. a GREEN assessment.</p>
<p>(3) Avoiding loss of Bio Diversity</p> <ul style="list-style-type: none"> <li>Please note the information in (2) above. There will be no difference to the current situation with regard to the margins of Hundale Gill. As such there will be no loss of bio diversity. As per previous email there is no loss of prime agricultural land or other valued land.</li> </ul>	<p>The site was assessed as AMBER. It could only be revised to GREEN if it were brownfield land, which it is not.</p> <p>The assessment of AMBER is, therefore, in accordance with the criteria definitions.</p>

<p>(4) Good access</p> <ul style="list-style-type: none"> <li>Please note that there is adequate frontage for visibility splays. See photo attached to separate email.</li> </ul>	<p>A RED assessment is consistent with the criteria definition of “Only a narrow frontage onto adopted highway is available to construct site access, or access would be onto road with 60 mph speed limit, or access would be onto a single track road”. As is illustrated in the photographs submitted the frontage is indeed narrow. This does not preclude there being sufficient frontage for splays.</p> <p>An AMBER assessment would require that “frontage onto adopted highway offers some flexibility in location of access point”, and as the supplied photographs show, there is insufficient frontage to offer this flexibility.</p>
<p>(5) Impairment or loss of significant views</p> <ul style="list-style-type: none"> <li>HDC site assessment states that the development proposed “would be prominent in views towards the settlement from the existing Public Right of Way” On the basis of this you have now reclassified the site as Red. Your interpretation is incomplete. The HDC site assessment was looking at the originally proposed larger site. Analysis of the actual views as evidenced on the ground are that the views towards the settlement are ones of modern residential housing. See photo attached to separate email. The proposed development would be of residential housing also BUT these would now be screened by the tree belt which would be planted. The reality then is that the views towards the settlement from the PROW would be enhanced.</li> </ul>	<p>Views across the site from public spaces were identified in settlement character workshops, and are included within the definitive list. There is no uncertainty on this element of the criteria definition.</p> <p>The Steering Group has made use of the HDC assessments where one is available to determine prominence rather than using their own subjective judgement.</p> <p>It is accepted that reliance cannot be placed on HDC’s assessment of the larger site S/073/002 to determine prominence for the reduced site. The prominence of the reduced site is, therefore, currently undetermined.</p> <p>Should it be determined that reduced site is also prominent in views from the PROW, the assessment would remain as RED.</p> <p>However, for the purposes of testing the soundness of the decision process on 25<sup>th</sup> October, it will be assumed that the site is not prominent i.e. the decision will be tested against an assumed AMBER assessment.</p>
<p>(7) Protect or enhance Green Spaces.</p> <ul style="list-style-type: none"> <li>This criteria has no relevance to this site and the earlier comments / discussions regarding access to the Gill have now all been superseded and negated by the actual situation on the ground. See (2) above. The gill is unavailable to the public as it has been</li> </ul>	<p>The situation with regards to boundaries and ownership has been discussed above in relation to criteria 2.</p> <p>For criteria 7, the site has been correctly assessed as AMBER in accordance with the definition “Development of the site would have no impact on access to or size of Green</p>

<p>fenced off and incorporated into the gardens of Hundale Rd and Levendale and even piped over to the rear of 17 and 19 Hundale Road.</p>	<p>Spaces.” This is consistent with the information supplied by the site promoter.</p>
<p>(14) History of surface water flooding</p> <ul style="list-style-type: none"> <li>• There is no history of surface water flooding. As previously pointed out the very small area in the extreme SE of the proposed site has flooded once in the last 25 years and then for only a few hours in a small corner of the field.</li> <li>• If your criteria assessment is so crude as to allocate this site and possibly others as red because of a small area of surface water flooding risk then it needs reassessing.</li> </ul>	<p>The site has been assessed in accordance with the criteria definitions, as have all other sites. There are areas at high risk of surface water flooding within the ‘redline’ marked on the map supplied by the promoter.</p> <p>It is noted that all eligible sites are in flood zone 1, and this criteria was given limited weight during the latter stages of the decision process on 25<sup>th</sup> October, as evidenced by the fact that most of the preferred sites include small areas at high risk of surface water flooding.</p> <p>The criteria is considered to be appropriate since its effect is that all other things being equal, a site with no risk of surface water flooding would be preferred to one with a risk of surface water flooding. HDC’s assessment process includes a similar criteria.</p>
<p>I believe that the methodology used needs some refinement and further thought as to its effectiveness in determining the best sites available. The use of map based study only is not sufficient and the actual realities of site specific evidence gives a more accurate picture as illustrated in my observations above. The flood criteria being used is too blunt to accurately assess this risk. I have not spent much time looking at the scoring of other sites but have noted to my surprise that it appears that the site ref 073-010 scores more favourably overall than site 073-009 despite being further out and more disconnected from the village and if so this reflects on the methodology being used.</p> <p>I trust that you will take note of my specific observations above re criteria 1, 2, 3, 4, 5, 7 and 14 when assessing the Embleton Farm East site proposal.</p>	<p>All assessments have been prepared through a combination of desktop / map based studies, physical inspection, and local knowledge. The draft assessments were offered for comment to both the community and site promoters.</p> <p>The criteria used have been developed through community consultation are considered to be fit for purpose for selecting the most suitable sites based on community priorities.</p> <p>Site S/073/009 is a subdivision of S/073/010 and the larger site offers connectivity benefits which cannot be realised on the sub-division, and has achieves a better performance against one of the criteria as a result.</p>

## 2 Soundness of Decision Process on 25<sup>th</sup> October

### 2.1 Assessment As At 25<sup>th</sup> October

Embleton Farm East was considered within the decision process on the basis of an assessment consisting of:

RED	5
AMBER	7
GREEN	3

Weighted score 17

On the basis of this assessment, the site was put in the bottom group during the 'quick sort' stage of discussions along with three other sites, and received no further consideration.

### 2.2 Alternate Assessment

It is considered that although there may be a case for amending the assessment of criteria 2 and criteria 5, there is no case for any other amendments. In reviewing the evidence for criteria 2 and 5, a presumption in favour of the promoter's case has been made wherever there is any ambiguity.

This alternate assessment will be used to test the soundness of the decision on 25<sup>th</sup> October on the assumption that the site would have been considered during the meeting with criteria (2) amended from RED to GREEN, and criteria (5) from RED to AMBER. This is considered to be the best possible case for the promoter, and which is consistent with the criteria definitions only if favourable assumptions are made.

The alternate assessment is, therefore:

RED	3
AMBER	8
GREEN	4

Weighted score 14

### 2.3 Potential Impact of Alternate Assessment on Decision

Had the alternate assessment been used on 25<sup>th</sup> October, the structure of the decision process would not have changed as this was agreed before consideration of any site assessments. However, different outcomes could potentially have occurred at various stages up to and including the choice of preferred sites. The following points are considered:

1. Would Embleton Farm East have been allocated to the bottom group in the quick sort stage?
2. Would Embleton Farm East have been promoted from the middle group?
3. Would Embleton Farm East have been selected as a preferred site from the top group?

### 2.3.1 Would Embleton Farm East have been allocated to the bottom group in the 'quick sort' stage?

Two main pieces of evidence were considered during this stage, the weighted score and the number of REDs. On the original assessment, Embleton Farm was the second poorest performer within this group, but on the alternate assessment it would have been the best of these four.

The 'quick sort' aimed to split the 16 eligible sites into 3 roughly equal sized groups, so the expected outcome was a bottom group of around 5 sites.

It is considered that there are two main possibilities arising from the alternate assessment a) Embleton Farm East would have initially been put into the middle group, or b) additional sites similarly performing sites would have been added to the bottom group.

Possibility a) is considered to be the more likely outcome, as the alternate assessment is closer to the assessment of sites S/125/002, NP11 and NP12 than to the other members of the bottom group.

However, either a) or b) would have led to a more detailed discussion on Embleton Farm East and how it performed against at least some of the middle group of sites.

### 2.3.2 Q2: Would Embleton Farm East have been 'promoted' from the middle group?

The 'promoted' sites were:

- S/073/001            Weighted score = 12,    REDs = 3
- S/073/003            Weighted score = 11,    REDs = 2
- S/073/010            Weighted score = 11,    REDs = 4
- S/125/003            Weighted score = 11,    REDs = 3

The 'non-promoted' sites were:

- S/073/009            Weighted score = 12,    REDs = 4
- S/125/002            Weighted score = 14,    REDs = 3
- NP11                    Weighted score = 13,    REDs = 3
- NP12                    Weighted score = 13,    REDs = 3

With a weighted score of 14 and 3 REDs on the alternate assessment, Embleton Farm East appears to fit best within the non-promoted group. It is considered that by far the most likely outcome is that Embleton Farm East would have remained within the middle group at this stage.

The next most likely outcome is that some of the poorest performers from the 'promoted' group (S/073/001 and/or S/073/010) would have been retained in the middle group.

It is considered very unlikely that as many as 5 sites (i.e. the 4 actually promoted plus Embleton Farm East) would have been moved up to create a top group of 9 sites.

It is considered possible, but very unlikely that Embleton Farm East would have progressed beyond this stage.

2.3.3 Would Embleton Farm East have been selected as a preferred site from the top group?

In the unlikely event that Embleton Farm East had been moved into the top group, even on the alternate assessment it performs poorly in comparison with all of the sites actually selected, and therefore, it would not have been selected as a preferred site.

### 3 Conclusion

The most favourable interpretation of the evidence, while still remaining consistent with the criteria definitions, would not have resulted in Embleton Farm East being selected as a preferred site.

On the most favourable interpretation of the evidence, the site would probably have been left in the 'non-promoted' part of the middle group.