
Supporting Statement Against Site Selection Process: Hutton Rudby Neighbourhood Development Plan



26th November 2017

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Checking:

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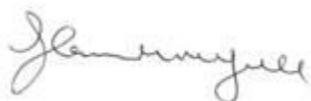
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Signed



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Enterpen Farm

1. Introduction and Purpose of the Report

- I.1 MD2 Consulting Ltd. has been appointed by the Enterpen Residents Group to contest a decision by the Hutton Rudby Neighbourhood Development Plan Steering Group to allocate a site to the rear of existing residential properties to the south of Enterpen known as “Enterpen Farm” (Ref: S/073/003) as one of three development sites in the settlement to be selected for inclusion within the emerging draft Neighbourhood Development Plan.
- I.2 This initial report has been prepared as an initial objection to the recent site selection decisions by the Project Steering Group. The Enterpen Residents Group has indicated that it may follow up this consultation with a root and branch review of the site selection process applied by the Steering Group and the associated scoring system. This appears to have concluded to date that the selected sites are the optimum sites to be included in the final plan, before it may or may not be deemed “made” in the future (with or without changes to site allocations). **We expect a detailed examination and review of the site scoring process would be welcomed by the NDP Steering Group because it will determine whether or not the plan is judged as robust enough by this exercise and will inform the Examiner if the required referendum elects to provide support for the plan to go to the examination stage.**
- I.3 The purpose of this report is to challenge the decision, such has been possible within the report timeframe, by providing evidence for consideration by the Steering Group which initially challenges the logic of the criteria that have been applied to site selection and the scores that have been allocated to the selected scoring system, particularly in the context of the “Enterpen site”.
- I.4 This report, at this stage, does not profess to be anywhere near comprehensive in terms of the NDP process adopted by the Steering Group and so it cannot form a general critique of how the whole task has been undertaken since the exercise first began. In contrast, it focusses attention upon genuine issues of concern experienced not only by local residents who have commissioned this report and other local residents who may be concerned about otherwise unaware of:
- (i) the mechanics of the decision made by the Steering Group to include the Enterpen site as a “preferred option”;

- (ii) restrictions and limitations upon site development that have not been addressed;
- (iii) the potential impact that development would have on their residential amenity;
- (iv) that the process employed does not appear robust in terms of site selection due to deficiencies in the scoring system;
- (v) that there are other concerns about the process not addressed in any details here and which we are advised will be pursued separately by the client group.

1.5 **This report demonstrates that there are underlying flaws in the logic applied to site selection and the associated scoring system which the Enterpen Group feels has skewed the process unfairly and precipitated a decision which does not appear to have selected the optimum sites.** It further questions the fairness and legitimacy of the process employed by members of the Steering Group by providing evidence we have been given about site selection in relation to individual ownership of decision takers and other interested parties.

1.6 In order to challenge the process, the group wishes to highlight these weaknesses through the democratic process, to encourage the NDP Steering Group to adopt a fairer and more rigorous system of site selection that is better for the community and therefore one that is far less likely to be challenged by those who may vote in the required referendum or by the Examiner when the process is eventually tested by the appointed Examiner, who will be provided with a copy of this report and any follow up evidence and/or reports.

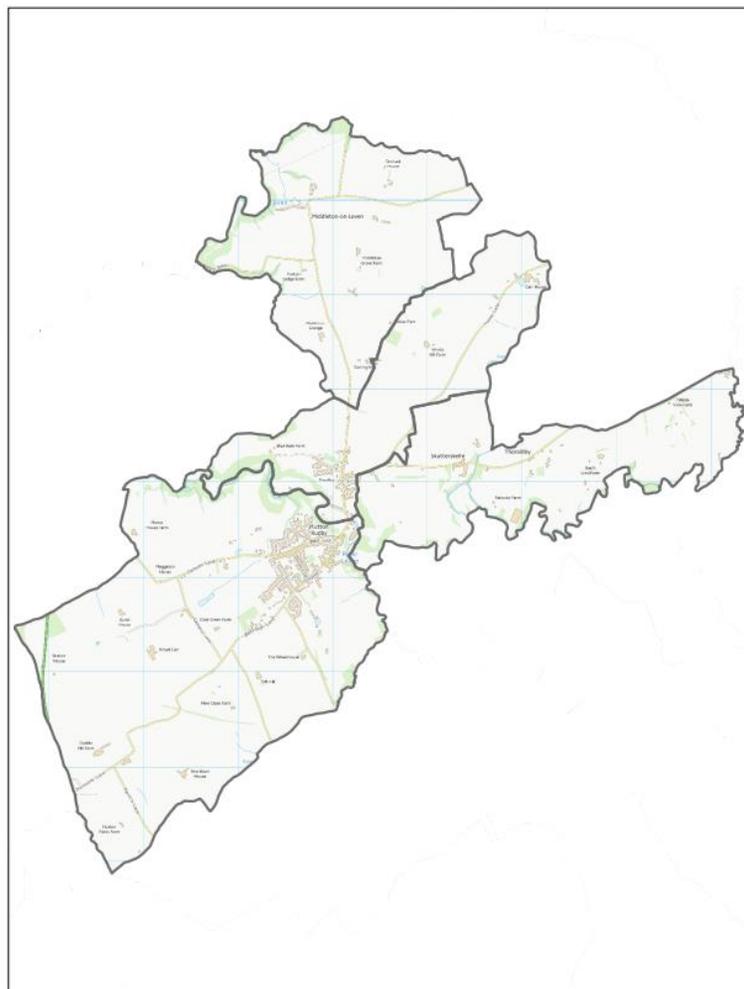
2. Background to the NDP

- 2.1 Neighbourhood Planning was introduced by the 2011 Localism Act, and improvements to the process have been introduced through the Neighbourhood Planning Act 2017, which received royal assent on 27th April 2017.
- 2.2 A Neighbourhood Plan is prepared by the community for the community through a process of consultation, evidence gathering, and policy development. The penultimate step, referred to in Section 1 above is a referendum where the community decides whether to approve the Neighbourhood Plan before an Examiner decides whether the plan should be “made” or “adopted”.
- 2.3 The Neighbourhood Development Plan exercise was commenced in May 2016 when Rudby Parish Council made an application to Hambleton District Council to designate the combined parishes of Hutton Rudby, Middleton on Leven, Rudby and Skutterskelfe as a Neighbourhood Area. See Figure 1.
- 2.4 This first step in enabling the local community to prepare a Neighbourhood Plan was approved by Hambleton District Council on 6th September 2016.
- 2.5 Inter alia, the NDP is intended to address a proposed allocation of 70 dwellings in the settlement as part of the Councils requirement to meet Government allocation for the Council to secure a ten year (plus) housing land supply.
- 2.6 The NDP website states on its dedicated website that:

“With a Neighbourhood Plan, our community has greater control over development in our parish. It will give us a say in where new development goes, what sort of development it should be, and what it should look like.....We can use a Neighbourhood Plan to create a vision for our area, establishing general planning policies for the development and use of land. This could be where new homes should be built, what types of materials should be used, where public open space or green space should be designated, and how it will be maintained”.

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- 2.7 Although the plan will be subject to a referendum in due course, at which local people will have an opportunity to vote either for or against the plan, as stated above, there will be a further stage of examination, by an independent Examiner which could result in the plan being approved, either in whole or in part, or otherwise not being adopted.
- 2.8 It is the responsibility of the Examiner to address the legitimacy and robustness of the process and if there are flaws in the site selection process or any other aspect of plan preparation, then there is a realistic prospect that the plan will not be adopted.
- 2.9 This report has been prepared to seek to try to change hearts and minds, to re-examine the site selection process. In parallel, our clients are lobbying and organising a campaign within the community to publicise the decision making processes that have taken place to date and the evidence they have been based upon, as set out in this initial report. Should the Steering Group still proceed towards the referendum stage and the plan is not adopted a statutory plan, we believe that serious questions will be asked by the community, bearing in mind the time, effort and cost of the process by a number of parties.
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Figure I (below): The Combined Parishes Comprising the NDP Area



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3. LPA Assessment of Development Sites

- 3.1 There are three stages to the site selection process employed by Hambleton District Council in the production of its new Local Plan . The first stage assesses the site against key eligibility criteria to include consideration of the scale of development and assessment against key constraints. The second stage is an assessment of sites against Local Plan Sustainability Appraisal objectives and the third stage would comprise the deliverability and viability of preferred sites.
- 3.2 The Local Planning Authority has undertaken its own assessment of the potential suitability of sites within the settlement as recently as **October 2016** as part of the evidence base for the new Hambleton Local Plan for the whole District. This piece of work is therefore recent and was published after the decision had been taken to produce a Neighbourhood Development Plan for the Hutton Rudby area, but had clearly been commissioned and prepared substantially before the NDP exercise began in earnest.
- 3.3 The exercise was presented as part of a “Preferred Options Consultation Document (Part 2) which considers where development should take place and how much development should be permitted, alongside the need for associated infrastructure such as shops, community facilities, transport, open space, sport and recreation, health and education and with a commitment to **“protect and enhance the countryside, historic buildings and the unique character of our market towns and villages”**. The assessment is under the “Stokesley Sub Area and may be accessed via the following link:
<https://democracy.hambleton.gov.uk/documents/s4614/Stokesley%20Preferred%20Options%20Consultation%20Document.pdf>
- 3.4 The Council’s assessment was based upon a **requirement of central government guidance in the National Planning Policy Framework (2012) to ensure that plan making is soundly based upon “a presumption in favour of sustainable development”**. The NPPF sets out the three dimensions of sustainable development: the economic, social and environmental roles for the planning system to deliver:

An economic role – contributing to building strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and co-ordination development requirements, including the provision of infrastructure;

A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and supports its health, social and cultural well-being; and

An environmental role – contributing to protecting and enhancing our natural, built and historic environment and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, including moving to a low-carbon economy.

In order to address the stipulated requirements of National Government policy the Council’s methodology assesses:

- a number of spatial options against sustainability objectives;
- Preferred policy options against sustainability objectives;
- Preferred site allocations against sustainability objectives.

- 3.5 The methodology employed included a “call for sites” and was based upon a robust site selection methodology “in order to set a rigorous and consistent approach to the assessment of all of the submitted sites”. The Council advises that the aim of the site selection process is to secure development which best meets the objectives of the new Local Plan. ***“It is a tool for Officers to objectively assess sites submitted to the Council to enable informed choices to be made on the selection of sites”***.
- 3.6 As part of due process, consultation took place seeking opinions about the “decisions in principle” made as part of the stage 2 exercise. The comments made both for and against the development of sites considered as part of the process may be accessed via the Council’s website.
- 3.7 The Site Assessment Methodology was also presented to the Housing Market Partnership meeting in December 2015. The partnership includes a range of developers and agents who operate in the District.
- 3.8 Stage two of the assessment has been informed by site visits, data held within the council's Geographical Information Systems (GIS), engagement with Natural England, Historic England, North Yorkshire County Council, the call for sites submission form and emerging evidence base such as Employment land Review and Strategic Flood Risk Assessment. Parish Councils were also

asked to input into the constraints mapping and identification of important features of their settlement(s). Sites have also been screened in terms of impact on designated biodiversity sites (SSSI's and SINCs). Biodiversity data impacting the proposed allocation sites will feed into stage 3 of the site selection process.

- 3.9 In stage two, the performance of sites is judged against a series of indicators which have been coded using a traffic light system where a colour coding (red/amber/green) is used to indicate the relevant impact or suitability of the site as follows:
Red: = Significant adverse effect: The site performs poorly against the relevant indicator;
Amber: = Moderate adverse effect: The site performs adequately against the relevant indicator but there are some issues that need addressing;
Green: = Non-adverse effect: The site performs well against the relevant indicator.
- 3.10 The Council document provides basic information about sites with a succinct summary about why they are being put forward as **“Preferred Sites”** or else why at stage 2 they have been discounted. Prior to the decision to pursue an NDP in Hutton Rudby, the next stage in the process would have been engagement with landowners, agents and developers on how the sites would be developed and when, which will include requests for further information to demonstrate development ***is both deliverable and viable, including the deliverability of associated supporting infrastructure.***
- 3.11 As part of the stage 2 assessment for housing sites, where information on potential dwelling yield of the site was not provided on the site submission form or where the assumed dwelling yield was presented as a range, a suggested density of 25 dwellings per hectare (dph) was applied to provide an indicative dwelling yield for the site. The process adopted however does allow flexibility and is to be firmed up further at stage 3 of the process.
- 3.12 The responses to the stage 2 consultation, further evidence base work, including the Infrastructure Plan and Plan Viability work will feed into the Council’s stage three assessment. This additional information on the “preferred” and presently “non preferred” sites will be used to inform decisions on which sites are the most suitable for allocation in the Local Plan.
- 3.13 The purpose of outlining the process that the Council is pursuing in the District is to illustrate that it is a tried and tested, robust approach used by a range of other Local Planning Authorities up and down the country with a scoring system that has resulted in preferred sites being selected and other sites, such as the Enterpen site likely being excluded at stage 2.
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- 3.14 Stage three of the assessment permits further consideration of sites that have been identified as not preferred in the Council's document and landowners/agents will also have an opportunity to provide additional information to address those aspects presented as reasons for why they have not been identified as a preferred site.
- 3.15 A full copy of the Site Assessment Methodology is attached at the end of each of the site consultation documents for each Sub Area, including Hutton Rudby. A summary of the full assessment of each of the sites against the site assessment criteria is included as an appendix to the Council's Sustainability Appraisal Document.
- 3.16 The traffic light system resulted in a site selection process for preferred options by the Council which is illustrated by Figure 2 below. This map illustrates inter alia, that based upon the Council's proven methodology, ***the Enterpen Farm site is not preferred under the Local Planning Authority approach and that there are a number of sequentially preferred sites elsewhere in the settlement.***
- 3.17 By way of follow up to the above exercise, ***Hambleton District Council conducted an "Alternative Site Consultation Exercise" in April 2017 and a "Sustainability Appraisal of Alternative Sites" in March 2017.*** However, only one small additional site was identified in the main document within Hutton Rudby and was not judged by the Council as a preferred site, which is not relevant to this particular report. Further details are available at:
- https://www.hambleton.gov.uk/localplan/downloads/file/32/alternative_sites_consultation_document_april_2017
- https://www.hambleton.gov.uk/localplan/downloads/file/33/sustainability_appraisal_report_on_alternative_sites_consultation_including_appendix_1
- 3.18 Two sites were assessed to the rear of Enterpen. These are firstly, site S/073/003, which has been chosen as a "preferred site" by the Parish Council, Neighbourhood Development Plan Steering Group, which is 2.52 hectares, with an indicative housing yield of 40 - 60 residential units. Secondly, a larger site (reference S/073/011) has been assessed which includes the site above and an extensive amount of greenfield land beyond it to the south. The latter is 39.24 hectares and has an indicative housing yield of 981 units in total.
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Figure 2: Hambleton District Council Preferred Options Plan 2016.

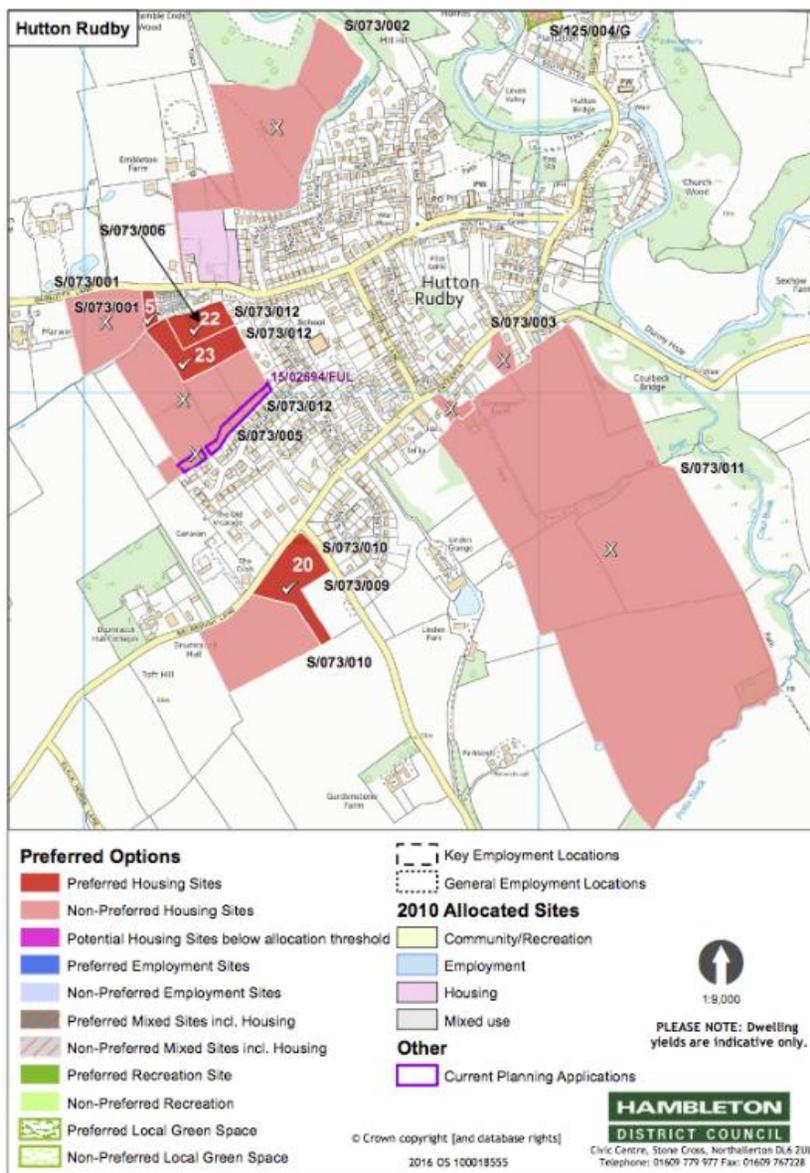


Figure 3: Site S/073/003 Selected as a “Preferred Site by the NDP Steering Group”

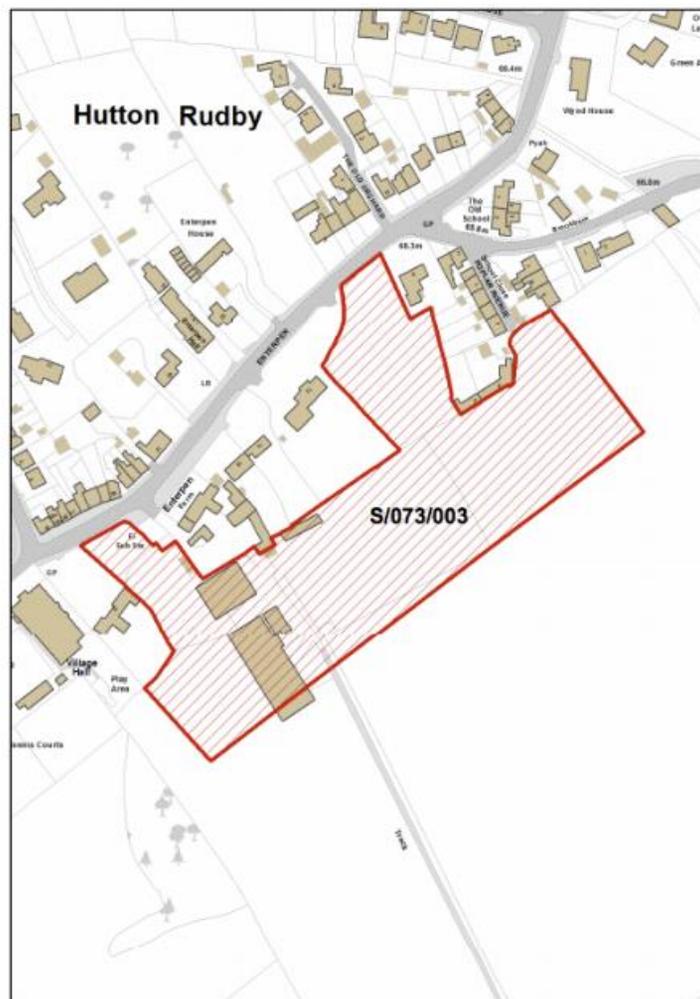


Figure 4: Site S/073/011 Not Selected as a “Preferred Site” by Hambleton District Council

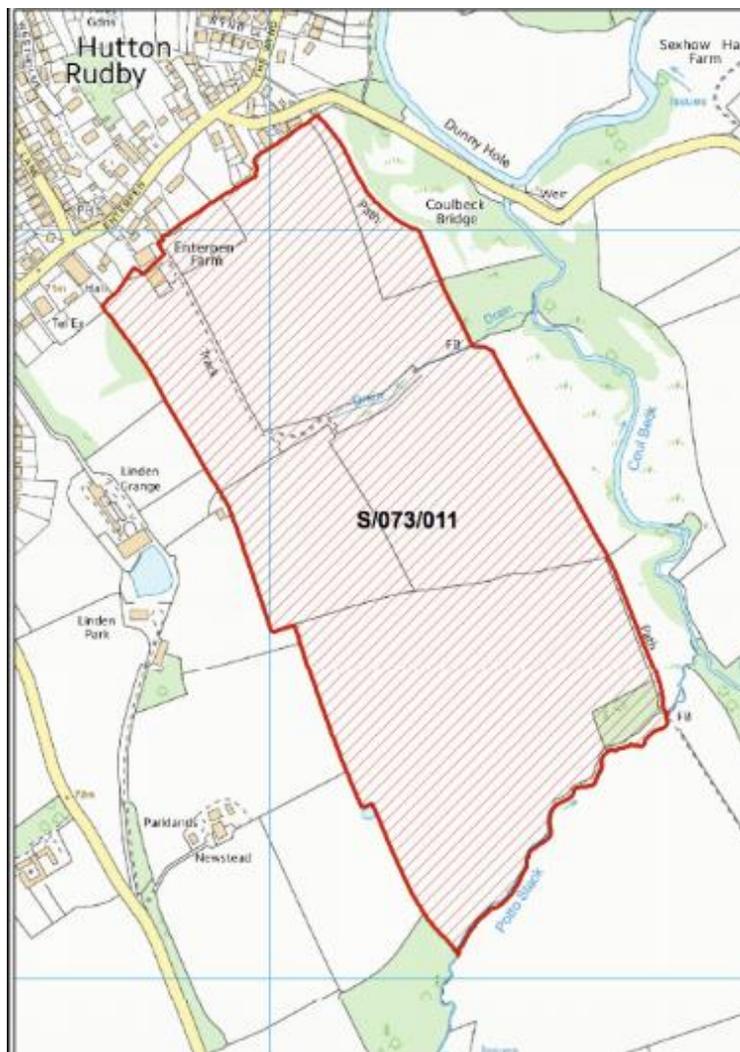


Figure 5: Enterpen Farm Site - Council Resume (Non - Preferred Site)

Site Reference	S/073/003
Parish	Hutton Rudby
Address	Land at Enterpen
Current Use	Agricultural
Proposed Use	Housing and Green space (Flagpole Field)
Area (ha)	2.52
Indicative Yield	40-60
<p>Commentary</p> <p>Environmental</p> <p>The site is within 500 m of Sexhow Meadows a Site of Interest for Nature Conservation.</p> <p>There are trees protected by Tree Preservation Order's on the edge of the site to the north western corner and south western boundary of the site.</p> <p>The site has an agricultural land classification of Grade 3 and 3a.</p> <p>The site is within the green infrastructure corridor.</p> <p>The site lies within a minerals safeguarding area for sand and gravel.</p> <p>Connectivity</p> <p>There is a Public Right Of Way to the North east of the site. There are footways to Enterpen opposite the site, with footways on the same side of the site up to the north western corner of the site, connecting the site to the local services and facilities.</p> <p>Impact on character and form</p> <p>Parts of the site are visible from Enterpen particularly by flagpole field. Views from Sexhow lane are restricted. There are limited views across the site toward Hutton Rudby from Goulton Lane.</p> <p>This area of Enterpen is characterised by the linear development. There is a rare view over to the Cleveland hills from the flag pole field. The call for sites form indicates that the flag pole field is to be retained as a green area. Development of the site further south would not relate well to the existing form and character of the settlement at this location.</p> <p>Impact on historic assets</p> <p>This site adjoins and at its northern end lies within the Hutton Rudby Conservation Area.</p> <p>Development of this site could affect the setting of Linden Grange a Grade II Listed Building.</p> <p>Flooding</p> <p>The site is susceptible to flooding where it joins Enterpen.</p> <p>Strategic Flood Risk Assessment states site is entirely in Flood Zone 1 and as the site extent exceeds 1ha, Flood Risk Assessment would be required.</p> <p>Highways</p> <p>Highways to advise</p>	
<p>Conclusion</p> <p>The site is located close to existing services and facilities however development of the whole site would not relate well to the character of the settlement at this location. The loss of the open space could harm aspects that contribute to the significance of the conservation area and the Grade II listed building at Linden Grange. Not a preferred site.</p>	

Figure 6: Larger Enterpen Site - Council Resume (Non - Preferred Site)

Site Reference	S/073/011 includes part S/073/003
Parish	Hutton Rudby
Address	Land to rear of Enterpen, Hutton Rudby
Current Use	Agriculture
Proposed Use	Housing
Area (ha)	39.24
Indicative Yield	981
<p>Commentary</p> <p>Environmental</p> <p>There are some trees protected by Tree Preservation Order's at the north western corner of the site.</p> <p>The site has an agricultural land classification of Grade 3b and 3a.</p> <p>The site is within the green infrastructure corridor.</p> <p>The site lies within a minerals safeguarding area for sand and gravel.</p> <p>Connectivity</p> <p>There is a Public Right of Way along the full extent of the eastern boundary. There is a footway along Enterpen on the opposite side of the road to the site</p> <p>Impact on character and form</p> <p>Parts of the site are visible from Enterpen Particularly by flagpole field. Views from Sexhow lane are restricted due to the extent of tree coverage. There are views into the site from Station lane. The views of the existing settlement are limited from locations along station lane due to the existing tree coverage.</p> <p>This area of Enterpen is characterised by the linear development. There is a rare view over to the Cleveland Hills from the flag pole field. Development of the site further south would not relate well to the existing form and character of the settlement at this location. The scale of the development does not reflect the present built form of the settlement and would form a significant extension to the south of the settlement.</p> <p>Impact on historic assets</p> <p>This site lies close to the boundary of the Hutton Rudby Conservation Area.</p> <p>Development of this site could affect the setting of Linden Grange a Grade II Listed Building</p> <p>Flooding</p> <p>Parts of the site are susceptible to flooding. Strategic Flood Risk Assessment states site is entirely in Flood Zone 1 and as the site extent exceeds 1ha, Flood Risk Assessment would be required.</p> <p>Highways</p> <p>Highways to advise</p>	
<p>Conclusion</p> <p>Development of the whole site would not be appropriate. The proposed scale of development would have a significant impact of the existing form of the settlement. The loss of this open area and its subsequent development could harm elements which contribute to the significance of the Conservation Area and the nearby listed buildings. Not a preferred site.</p>	

4. NDP Assessment of Sites in NDP Area

- 4.1 A site assessment methodology has been devised by the NDP Steering group as part of the NDP process. We fully appreciate and accept that this is also part of an agreed process, endorsed as part of the **Neighbourhood Development Plan and will be judged as legitimate provided that the supporting detail is also proven/deemed to be both robust and impartial**. This may be accessed via the following link:
http://plan.rudbyparishcouncil.org.uk/wp/wp-content/uploads/2017/10/Site-Assessments-Post-Consultation-Revisions-22_10_17.pdf
- 4.2 The sites examined through the NDP process are illustrated by Figure 7 below. These sites have been given the same reference numbers as the sites identified and considered by the Local Planning Authority. Over time, it appears that the sites assessed are not in all cases exactly the same as those considered by the Council. For example, sites considered unsustainable by the Council to the north of the River Leven, which are all distant from available services have been assessed by the NDP Steering Group and one of these has been selected as a “preferred site”. The boundary of the Enterpen Farm site has not changed even though it was deemed “not preferred” by the Council and “preferred” by the NDP Committee.
- 4.3 The NDP Steering Group has sought to develop its own methodology, which is also a traffic light system of scoring, with a built in weighting. This process has gone through a formal consultation process, culminating in a decision on which sites were deemed “preferred” at a meeting on 25th October 2017.
- 4.4 Decisions were based upon the following general criteria, **but not solely upon the scoring system on its own**:
- Housing;
 - Site characteristics;
 - Settlement character/ built environment;
 - Site character/natural environment;
 - Services and facilities;
 - Transport and traffic;
 - Pipeline criteria;

- Flooding criteria;
- Biodiversity/habitat;

A comment is made about the theme of “dealing with ambiguity or factors not explicitly addressed in definitions”. In addition, an explanation is provided about assessment criteria on Biodiversity and transport and traffic. Furthermore, sites which do not meet the NDP assessment criteria were excluded from consideration.

4.5 NDP site selection criteria are provided at Figure 8. Based upon these criteria, scores were allocated by the NDP Steering Group. These scores are given for the Enterpen site are given at Figure 9.

Figure 8 : Scoring of Enterpen Farm Site by NDP Steering Group

Theme	Criteria	NDP SG Comment justifying score	NDP SG Score
Housing	(1) Development should favour sites which would be viable for the delivery of all components of the preferred housing mix (which will include affordable housing, downsizing/bungalows and market homes predominantly of 2/3 bed size.	No evident constraints on viability assuming that removal of existing buildings does not involve excessive costs (e.g. due to contamination).	0
Site Characteristics	(2) Development should favour sites contained within or adjoining the village envelope.	Site has a complex shaped northern boundary which connects well with the existing settlement.	0
	(3) Development should avoid sites that avoid loss of prime agricultural land, high quality habitat, or other valued land.	Hybrid site – part Brownfield around farm buildings, part domestic garden and part Grade 3/3A arable land	1
	(4) Development should favour sites that can achieve a good access on to the adjacent road network.	There are two relatively short sections of frontage on to Enterpen (30 mph) offering some flexibility in access location	1

	(5) Development should favour sites that do not result in impairment or loss of significant views from public spaces (roads or footpaths) as identified in the Settlement Character workshops.	Site is not prominent in views towards the settlement. View across flagpole field from Enterpen was noted in the Village Design Statement and in the Settlement Character Workshops. Some further impairment of this view over and above that arising from the single dwelling approved for the flagpole field may arise.	1
Settlement Character – Built Environment	(6) Development should favour sites that will not impact detrimentally on the Conservation Area or other significant buildings (Listed Buildings or non designated heritage assets including associated grounds) or frontages as identified by the Settlement Character workshops (Note: review/advice from HDC’s Conservation Officer will be requested under this criteria)	The flagpole field and some of the farm buildings lie inside the Conservation Area. Enterpen Farm (Grade II) and Village Hall (NOHA) are adjacent to the site and Linden Grange (Grade II) is nearby.	2
Settlement Character – Natural Environment	(7) Development should favour sites which present opportunities to protect or enhance Green Spaces, improve access for the public, or improve access for those with limited mobility.	No opportunities as site is not immediately adjacent to any proposed green spaces.	1
	(8) Development should favour sites which do not result in loss of open space in the Leven Valley Character Zone as defined in the Settlement Character workshops.	Site is outside the Leven Valley Character Zone.	0
Services and Facilities	(9) Development should favour sites that offer opportunity to sustain or enhance community services or facilities.	No identified opportunities.	1

	(10) Development should favour sites that offer a viable alternative to private cars to access services or otherwise encourage reduction in vehicle traffic within the village area.	Flagpole field edge of site is 400 metres from the village centre.	0
Traffic and Transport	(11) Development should favour sites that provide opportunities to improve connectivity of footpaths.	Site lies at the edge of the settlement, so there are no opportunities to improve connectivity within the settlement.	1
	(12) Development should favour sites that offer a viable alternative to private cars	Site is large enough to allocate land for 25 homes with adequate parking.	0
Pipeline	(13) Development should favour sites where public safety is not adversely affected by the presence of the high pressure ethylene pipeline.	Pipeline is not in vicinity of site.	0
Flood Risk	(14) Development should favour sites not affected by Flood Zone 3, Flood Zone 2 or with a history of surface water flooding.	There are no Flood Zones 3 or 2 on the site. the Environment Agency flood map indicates areas at the northern end of the site) close to the highway at Enterpen) at high risk of surface water flooding and some adjacent areas with high risk of surface water flooding.	2
Habitat/Biodiversity	(15) Development should favour sites which avoid loss of biodiversity.	Site has low biodiversity value, has an adjacent TPO and is within 100 metres of a Site of Interest for Nature Conservation.	1

Totals scoring: Red x 2
Green x 6
Amber x 7

5. Preliminary Analysis of NDP Site Selection Criteria

- 5.1 The outcome of site selection process can vary considerably when one compares a chosen system with an alternative. **By way of example, it is apparent that the Council scoring system (stage 2) Steering Group, dismissed the Enterpen Farm site whereas the site was chosen by the NDP Steering Group at its meeting on 25th October. However, based upon the system developed by the NDP there is still scope to consider flaws in the process as well as the scores allocated.**
- 5.2 With regard to housing comment (1) below, we would say that the comments made are likely to apply regardless of whatever sites have been allocated. A much more important point is how the NDP process will seek to try to secure the preferred development mix through the NDP process? Developers will normally want to deliver 4 and 5 bedroomed houses wherever possible to maximise profits and will not likely consider a small development of 15 - 20 units viable, with the stipulated mix of affordable housing, bungalows or 2/3 bedrooms viable. This is especially evident when issues of development viability arise further down the line, when when developers can submit viability reports to either make the case for a larger allocation or and/or remove Hambleton District Council's stipulated requirement for affordable housing as part of the mix. In this case, the site has been given a score of "0", but we feel that this should be a "2" since there is a probably a fair section of new access to construct; there are substantial farm buildings to demolish, concrete and tarmac surfaces to remove and significant flood defence infrastructure to address near the site entrance. If there is asbestos present in the buidlings, the cost could spiral and since it is a farm site, there is likely to be contamination present that will need to be mitigated following the production of a Site Investigation Report and Preliminary Risk Assessment.

Figure 9: NDP Assessed Housing Criteria

Housing	(1) Development should favour sites which would be viable for the delivery of all components of the preferred housing mix (which will include affordable housing, downsizing/bungalows and market homes predominantly of 2/3 bed size.	No evident constaints on viability assuming that removal of existing buildings does not involve excessive costs (e.g. due to contamination).	0
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- 5.3 With regard to site characteristics (2) (3) (4) and (5) below, we believe that any sites within the settlement, or bordered by development on 2,3 or 4 sides would normally expect to attract higher scores than those adjacent to the settlement and therefore only bordered by development on only one side. All other sites that are worthy of consideration will rarely, if ever, be separated from existing development.
- 5.4 The comment that “development should avoid sites that avoid loss of prime agricultural land, high quality habitat or other valued land” is somewhat spurious and certainly debatable. Alternatively, since we do not believe any other sites are on prime agricultural land, the scoring system should be based upon the grading of agricultural land so that sites are scored according to the agricultural value of the land that may be lost.
- 5.5 The Enterpen site is mainly agricultural land and farm buildings. Contrary to the explanation given in Figure 10 below, the site has very little Brownfield land except perhaps the site entrance and access road, which presently serves the farm and associated farm buildings. **The definition of Brownfield land specifically excludes farm and forestry buildings and surrounding land buildings that are currently in use and in this case they are presently in the open countryside beyond development limits.** There is a plethora of information available on line about thjis. Accordingly, the score for criteria “3” should be “2” (red).
- 5.6 Criteria “4” states that “development should favour sites that can achieve good access on to the adjacent road network”. In this case, the access is relatively narrow and its potential needs to be assessed by the Highway Authority and/or a Transportation Engineer. It is not clear whether there is unrestricted potential to construct or modify the access so that it may be adopted, with adjacent footways. Moreover, Figure 11 below shows that cars regularly park along this stretch of highway, much to the chagrin of local homeowners. **We are advised that the highway is regularly narrowed by extensive parking not only by local residents, but visitors to the nearby community centre and sports facilities such that there is often only a single vehicle width near the access to the site.** If there is no alterntive parking provision, then site visibility could be compromised at the access, which would be intensified if planning permission was ever granted for residential use of this site. Finally, there is only a single footpath on the northern side of Enterpen, whereas the southern side of Enterpen, which is adjacent to the site, does not have a footpath and there may be little prospect of one being provided due to land ownership. On the other hand, if the land on which a footpath may be constructed on the southern side of Enterpen is vested in the Highway Authority, then this may be a further development cost which would impact upon development viability, since the cost would have to be met by the developer.

5.7 Bearing in mind all the factors outlined above, we conclude that the site score based upon the Steering Group methodology needs to be adjusted from “1” to “2” (red).

Figure 10: NDP Assessed Site Characteristics Criteria

Site Characteristics	(2) Development should favour sites contained within or adjoining the village envelope.	Site has a complex shaped northern boundary which connects well with the existing settlement.	0
	(3) Development should avoid sites that avoid loss of prime agricultural land, high quality habitat, or other valued land.	Hybrid site – part Brownfield around farm buildings, part domestic garden and part Grade 3/3A arable land.	1
	(4) Development should favour sites that can achieve a good access on to the adjacent road network.	There are two relatively short sections of frontage on to Enterpen (30 mph) offering some flexibility in access location.	1
	(5) Development should favour sites that do not result in impairment or loss of significant views from public spaces (roads or footpaths) as identified in the Settlement Character workshops.	Site is not prominent in views towards the settlement. View across flagpole field from Enterpen was noted in the Village Design Statement and in the Settlement Character Workshops. Some further impairment of this view over and above that arising from the single dwelling approved for the flagpole field may arise.	1

Figure 11: Parking Problems on Enterpen in Vicinity of Site



- 5.8 In terms of the NDP Steering Group assessed criteria relating to the built environment shown at Figure 12. The site will impact adversely upon the Conservation Area, since parts lie within this designated area, the boundary of which is shown by Figure 13.
- 5.9 As stated, the Enterpen Farm site will further impact adversely upon two Listed Buildings, which are adjacent/close by. For this reason alone, we were surprised that this site was selected as a favoured or “preferred option”. At this stage, we are aware that the NDP Steering Group has noted that it has a responsibility to consult the Conservation Officer and we also believe that a Heritage Report will be first needed which objectively assesses all material impacts upon the Conservation Area and both Listed Buildings, including consideration of whether these impacts would be so detrimental that they may result in the site being automatically excluded from the NDP site allocations process since planning permission may never be granted unless the impacts are deemed acceptable or appropriate mitigation is otherwise provided.

Figure 12: NDP Assessed Settlement Character – Built Environment

Settlement Character – Built Environment	(6) Development should favour sites that will not impact detrimentally on the Conservation Area or other significant buildings (Listed Buildings or non designated heritage assets including associated grounds) or frontages as identified by the Settlement Character workshops (Note: review/advice from HDC’s Conservation Officer will be requested under this criteria)	The flagpole field and some of the farm buildings lie inside the Conservation Area. Enterpen Farm (Grade II) and Village Hall (NOHA) are adjacent to the site and Linden Grange (Grade II) is nearby.	2
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Figure 13: Selective Image of Hutton Rudby Conservation Area Boundary Near The Enterpen Farm Site

- 5.10 With regard to the NDP Steering Group assessed criteria relating to the natural environment shown at Figure 14, there is a specified criteria about green space provision and protection. Approval of a recent planning permission granted on the flagpole site resulted in a designated “Landscape Protection Zone” being imposed (see Figure 15). Since there is a stipulated requirement to retain open views through the site, this would impact adversely upon the Enterpen Farm site and would significantly restrict its development potential. Therefore, the site should be scored as a “2” (red) under this category.
- 5.11 Criteria 8 states in Figure 14 that “development should favour sites which do not result in loss of open space in the Leven Valley Character Zone, as defined in the “Settlement Character workshops”. However, according to the Council’s analysis, the site clearly lies within the “Leven Valley Character Area in the Hambleton Landscape Character and Landscape Character Sensitivity Study” prepared by consultants in 2016 to support the evidence base for the new Local Plan and the site is within the designated “Green Corridor” (see Figure 16). **We surmise that a professionally produced consultancy document carries more weight than the “Settlement Character workshops” in which case, the site scoring should be adjusted to “2” (red).**
- 5.12 We would further point out that the site lies within a “Minerals Safeguarding Area” according to Hambleton District Council, but we could find no mention of this restrictive designation as part of the site assessment exercise.

Figure 14: NDP Assessed Settlement Character – Natural Environment

Settlement Character – Natural Environment	(7) Development should favour sites which present opportunities to protect or enhance Green Spaces, improve access for the public, or improve access for those with limited mobility.	No opportunities as site is not immediately adjacent to any proposed green spaces.	1
	(8) Development should favour sites which do not result in loss of open space in the Leven Valley Character Zone as defined in the Settlement Character workshops.	Site is outside the Leven Valley Character Zone.	0



Figure 15: Current Views of The Flagpole Field (Part of Enterpen Farm Site) to the Cleveland Hills Beyond



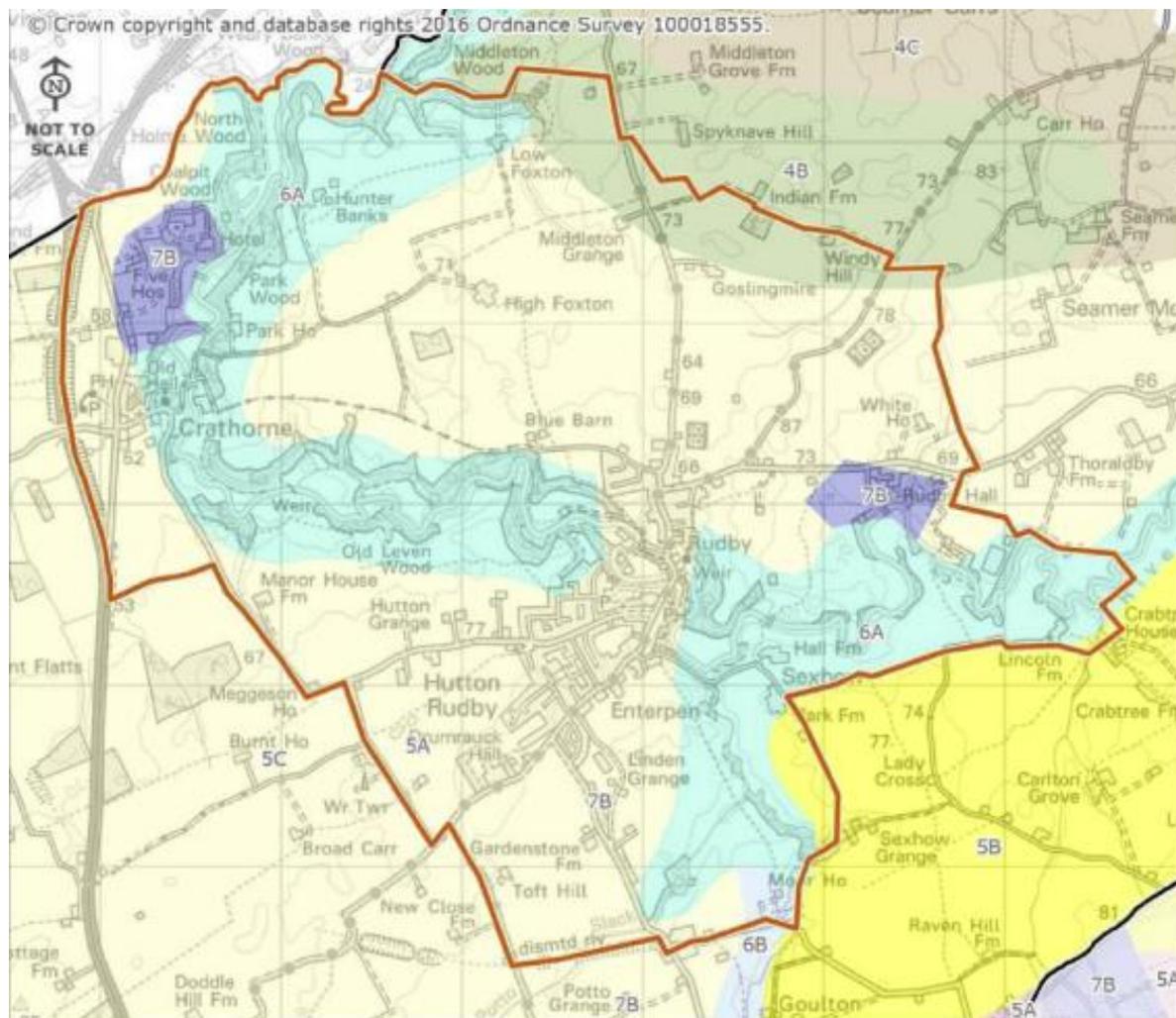


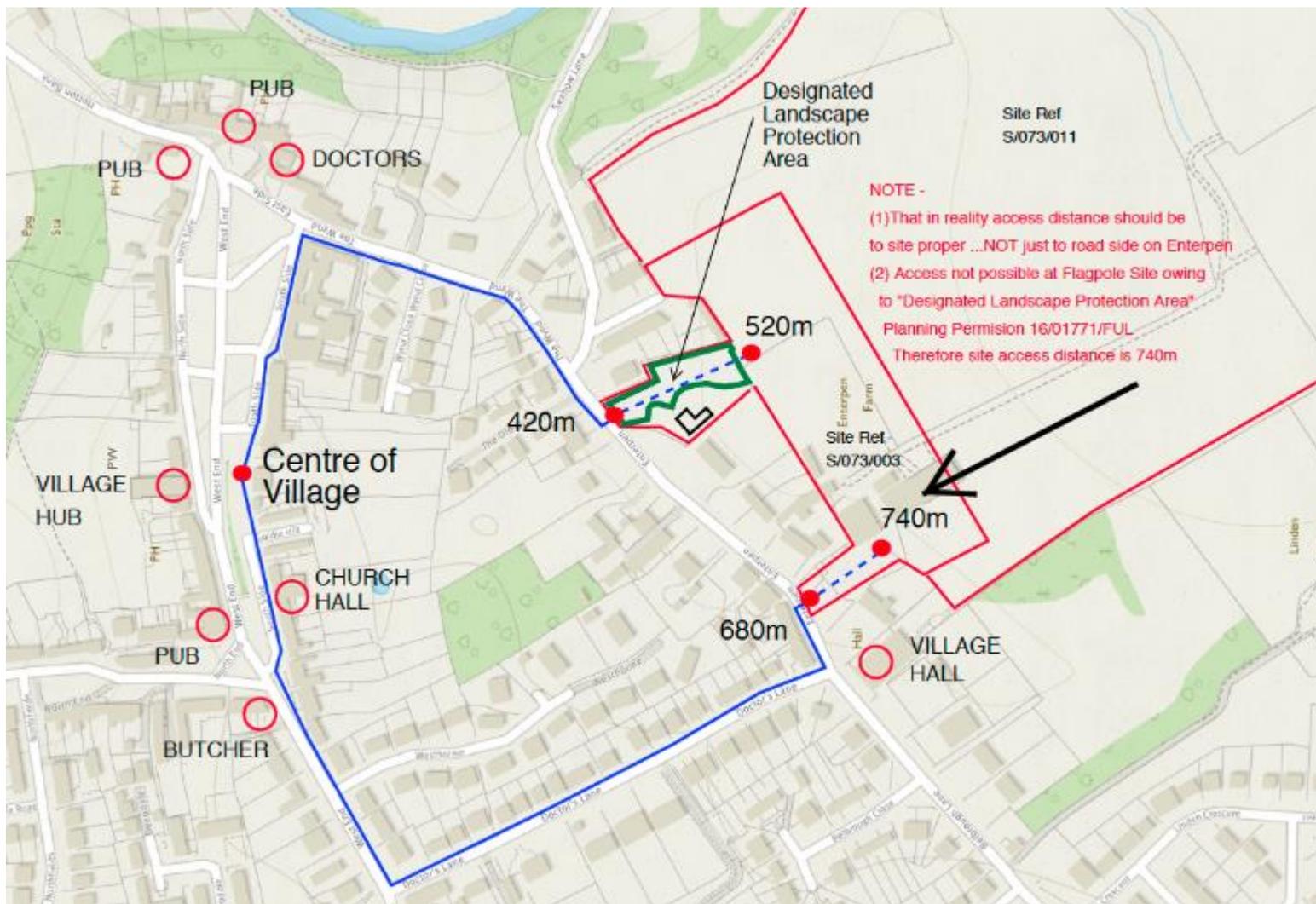
Figure 16: The Leven Valley Character Area Assessment “Green Corridor” which Directly abuts the Urban Edge of the Settlement to the East and West

- 5.13 With regard to services and facilities related to community services and facilities (see Figure 17) the only opportunities we can think of as being possible are to create a new footpath on the same side of the road as the Enterpen Farm site, which may or may not be possible due to ownership and development viability.
- 5.14 The distances measured to the site entrance are inaccurate, since they mention the flagpole field which is not a proposed site entrance and is in private ownership. We measured the distances using a GPS system, which are shown by Figure 18. **The graphic shows that the entrance to the site is 680 metres and the distance to the start of the proposed development would be 740 metres. This means that the scoring of criteria 10 should be at least a “1” as specified by the current scoring system and possibly a “2” because of the extended distance and lack of a footpath on the same side of the road as the Enterpen Farm site.**

Figure 17: NDP Assessed Settlement Character – Services and Facilities

Services and Facilities	(9) Development should favour sites that offer opportunity to sustain or enhance community services or facilities.	No identified opportunities.	1
	(10) Development should favour sites that offer a viable alternative to private cars to access services or otherwise encourage reduction in vehicle traffic within the village area.	Flagpole field edge of site is 400 metres from the village centre.	0

Figure 18: Objectively Measured Distances from Designated Village Centre to Enterpen Farm Site



5.15 As stated above, we do not believe that the potential allocation of the Enterpen Farm site will present any opportunities to improve deficient footpaths in proximity to the site (see Figure 19). Furthermore, since the site (proposed development area) is over 740 metres from the designated village centre, then it is possible that residents may use their cars to access a range of services. Accordingly, category 12 should be scored as “1” (amber) or worse when our analysis of criteria 4 above (access to the road network) is included in the assessment.

Figure 19: NDP Assessed Settlement Character – Traffic and Transport

Traffic and Transport	(11) Development should favour sites that provide opportunities to improve connectivity of footpaths.	Site lies at the edge of the settlement, so there are no opportunities to improve connectivity within the settlement.	1
	(12) Development should favour sites that offer a viable alternative to private cars	Site is large enough to allocate land for 25 homes with adequate parking.	0

5.15 We have not assessed the pipeline criteria (no 13) as it is not relevant to the site, although because of this it has attracted a positive score which we would query, since any development proposed in proximity to major services or a major services route must logically be designed to meet the regulatory standards of the relevant operator, otherwise it would be judged unacceptable by the operator, which is a detailed requirement of any successful proposal.

5.16 Criteria 14 in Figure 20 addresses flood risk and makes a logical assessment of the risk, which is reflected in the scoring system. We would reiterate that the flood risk may be expensive to address and remediate in terms of development viability, as there is potential for flooding at the single site access and therefore, this must be dealt with properly in the event that any permission is ultimately granted for this “preferred site”.

Figure 20: NDP Assessed Settlement Character – Flood Risk

Flood Risk	(14) Development should favour sites not affected by Flood Zone 3, Flood Zone 2 or with a history of surface water flooding.	There are no Flood Zones 3 or 2 on the site. the Environment Agency flood map indicates areas at the northern end of the site) close to the highway at Enterpen) at high risk of surface wtare flooding and some adjacent areas with high risk of surface water flooding.	2
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5.17 Figure 21 examines Biodiversity and gives a score of 1 (amber). We question this despite an assessment procedure which is set out in the NDP Steering Group methodology and is strongly contested or the following reasons: (i) there is a watercourse near the site entrance which is nevertheless within parts of the site and needs to be assessed as such from a biodiversity perspective; (ii) the site is very close of two Site of Sites of Nature Conservation Importance – Leven Valley Woodlands Sexhow Meadows, consideration of which has been completely omitted from the NDP Steering Group site assessment criteria; there are protected trees at the North West corner and South West boundaries of the site which may be compromised from any development in proximity to site access and construction near root zones; and (iv) the farm buildings have potential to house bats, which are a protected species and as far as we are aware, no bat survey and risk assessment has been undertaken for the Enterpen Farm site.

5.18 For all of the above reasons, we are extremely concerned that a score of “1” (amber) has been given to this category and we believe there are very strong grounds that it should be “2” (red).

Figure 21: NDP Assessed Settlement Character – Biodiversity

Habitat/Biodiversity	(15) Development should favour sites which avoid loss of biodiversity.	Site has low biodiversity value, has an adjacent TPO and is within 100 metres of a Site of Interest for Nature Conservation.	1
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5.19 When the NDP Steering group scoring is compared with our own, the results are very different, as illustrated by Figure 22.

Figure 22: Comparative Scoring System NDP Steering Group (left) and consultants preliminary indicative score (right) for Enterpen Farm

	NDP SG Score	Consultants preliminary Indicative Site Score
1	0	2
2	0	1
3	1	2
4	1	1/2
5	1	2
6	2	2
7	1	1
8	0	2
9	1	1
10	0	1/2
11	1	1
12	0	1
13	0	1
14	2	No score/not a positive score
15	1	2
	2 x red 7 x amber 6 x green	6 x red 5 x amber 2 x amber/red 0 x green 1 x no score/ not a positive score

6. Other Matters of Relevance and Concern to Client Group

- 6.1 Our clients also wish us to point out that although a great deal of pre-consultation undoubtedly took place as part of the NDP process, the actual decision was hurried and largely decided at a single meeting held on 25th October from 7pm, which we are advised was concluded at around midnight. Throughout this meeting, many people left due to its length and intensity and our clients strongly felt that such an important topic should have been resolved in a very different way; one which encouraged as many residents with an interest to attend until the site selection matter was concluded over a more appropriate timeframe (i.e. several meetings or sessions instead of a single five hour meeting).
- 6.2 Our clients also feel that the democratic process of the NDP should allow for a period of further consultation on so called “preferred sites” as it is such an important issue and many people around Enterpen/Sexhow who were unaware or who have not engaged with the process to date may now wish to make representation. After all, that is what the Local Authority would do as part of its due process and this is little different in that, if “made”, the NDP will become a statutory document.
- 6.3 A further issue of concern, which we are advised was discussed at the meeting on 25th October, was that the Enterpen Farm site was “preferred” because it was thought there was less likely to be any strong objection to the “preferred option.” **If this was discussed and raised, then this is an issue of great concern, because this was never, nor should it ever be part of the site selection process, under any circumstances.**
- 6.4 We make no apology for highlighting the above issues as requested by our client, if these are the reported facts, as the NDP process must be open and robust if it is to succeed.
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7. Resume and Conclusion

7.1 Briefly, in this report, we have critically examined and reported on the following issues:

- (i) the mechanics of the decision made by the Steering Group to include the Enterpen site as a “preferred option”;
- (ii) restrictions and limitations upon site development that have not been addressed;
- (iii) the potential impact that development would have on residential amenity if the site is eventually confirmed as selected;
- (iv) that the process employed does not appear robust in terms of site selection due to significant deficiencies in the scoring system;

7.2 We have made our assessment and drawn conclusions based upon the supply of supporting evidence and information supplied to us by our client group. We believe that:

- (i) The Council’s site scoring system is highly robust, based upon a proven system of evaluation and consultation conducted in three phases. Phase 2 “preferred options” is based upon a detailed and robust sustainability appraisal and other supporting documentation (since the planning system must be based upon “a presumption in favour of sustainable development) and which has produced a rationale set of results (for the sites initially scored, which vary from the sites assessed by the NDP Steering Group). The Enterpen Farm site was not preferred under this process.
- (ii) The process adopted, including the site scoring criteria employed as part of the legitimate Neighbourhood Development Plan process has been subject to considerable consultation, which although nowhere near as robust as the Council’s assessment methodology, has nevertheless been undertaken in association with the local community. **However, the scoring is highly selective and avoids consideration of a plethora of important issues, which had they been considered and scored, would have have significant potential deliver a very different set of results.**
- (iii) **Our clients have advised us that there are a series of issues which indicate that decisions may have been taken and issues that may have been discussed which may not always have precipitated an optimal or unbiased set of results, regardless of the selected scoring system. Should this be the case, we recommend that such matters are investigated in the interests of the robustness and integrity of the process and for the benefit of the local community.**

- (iv) **Finally, there needs to be further consultation with the community on the decision made at a single lengthy meeting held on 25th October 2017 to select “preferred sites.”**

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