

Rudby Parish Neighbourhood Plan Steering Group

Response to:

**“Supporting Statement Against Site Selection Process: Hutton Rudby
Neighbourhood Development Plan”.**

1 Introduction

At a public meeting on 25th October 2017 the Rudby Parish Neighbourhood Plan Steering Group selected a number of preferred sites, including part of S/073/003 at Enterpen, from a large pool of candidates. As discussed below, while selection of preferred sites is an important step within the process, it is not a final or binding decision, and ongoing site investigation and assessment may generate evidence which results in a currently preferred site being eliminated.

Subsequent to the Site Selection meeting a group of residents near the Enterpen site commissioned a report from a planning consultant to contest the decision of the Steering Group. This document is the response of the Steering Group to the consultant's report.

2 Origins and Source of "Supporting Statement"

The Supporting Statement was prepared on behalf of the "Enterpen Group" by MD2. A summary was verbally presented by its author (Glenn McGill of MD2) at the Steering Group Meeting of 27th November 2017, and a printed PowerPoint summary was handed to Steering Group members present at the meeting. The Steering Group confirmed they would respond to the report.

The status and membership of the "Enterpen Group" is not identified, but the Steering Group understand it to be an informal arrangement amongst some neighbours of the Enterpen site.

The full Supporting Statement was submitted to the Neighbourhood Plan Steering Group by a member of the Enterpen Group on Friday 1st December 2017, with a covering email which stated that this version included "changes from the draft which was used at the meeting". The Steering Group are responding to this version and full consideration of it did not commence until 1st Dec.

3 Approach Taken in the Steering Group Response.

The opening paragraph of the Supporting Statement states "*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...*"

Consequently the Steering Group response is structured as an examination of the impact of the information and opinions presented in the document with reference to the specific form of the decision made at Site Selection meeting of 25th October 2017 i.e. to test the decision actually made against the evidence and arguments presented in the report.

The Steering Group have considered all the information presented, but have not limited their review to just considering the validity of the arguments presented. Some of the issues raised have helped identify potential benefits of development at the site, and the impact of these opportunities on the site assessment are also given consideration.

The Steering Group note that their decision is being contested after the event, and after an extensive period of structured consultation on criteria, traffic light definitions and the draft assessments themselves. These criteria have been developed and agreed through a consultation process in which all residents had equal opportunity to participate. The Steering Group do not believe that it is reasonable to expect that suggestions for alternative methodologies, or alternative criteria definitions for site selection should be given the same weight at this stage of the process as they would have been given if they had been submitted within the appropriate consultation phase.

However, the Steering Group do view challenges to the validity of evidence and the way in which it has been interpreted as being legitimate at any stage of the process. Consequently, the main focus of the Steering Group response is on the evidence used in the assessments, on whether it has been interpreted correctly in accordance with the criteria definitions, and whether for the Enterpen site the criteria have been applied consistently with interpretations made for other sites.

In considering points raised by MD2 in relation to site assessment scoring, the Steering Group assume throughout that development of the site will be carried out in a manner consistent with the key features and constraints contemplated by the Steering Group at the time of their decision in the Site Selection meeting. Other patterns of development at this site are possible, and could result in a better or worse site assessment. The site assessment published prior to the Site Selection meeting was not subject to any of the constraints which formed part of the preferred sites decision.

4 The Site Selection Decision of 25th October

The stated purpose of the Supporting Statement is to contest the decision of 25th October, and the Steering Group response and reassessment is based upon the specific form of that decision (i.e. for a partial development of the site). This response is informed by the details of the decision as recorded in the minutes of 25th October which includes both the formal motion and the associated discussion as set out below.

This decision as set out in the minutes states that S/073/003 was:

*“Provisionally allocated for 15-20 homes.
Key issues for site design brief – heritage impacts and retention of views.”*

Associated discussion on S/073/003 recorded in the minutes states that:

“It was agreed that partial development of the Western end of the site would be most favoured as development would be concealed behind existing buildings, would utilise the brownfield portion, and provide separation from the SINC. HDC’s indicative yield of 40 to 60 for the full site would need to be scaled back to around 15 to 20 due to the proposed reduction in area.”

5 Significance of Preferred Site Status

Extracts from the PowerPoint presentations used by Katie Atkinson (KVA Planning Consultancy) and Allan Mortimer (Steering Group Chair), below show that it was clearly stated at the Site Selection meeting that sites allocated by the Neighbourhood Plan would ultimately have to satisfy all of the requirements of the National Planning Practice Guidance (i.e. be Suitable, Available and Achievable).

It was also made clear that the main focus of the Site Selection meeting was on Suitability, that further work would be required to develop evidence to establish whether the selected sites satisfied the other NPPG criteria, and that the final choice of sites may change as a result.

NPPG Criteria Slide

National Planning Practice Guidance states that sites should be:

1. **Suitable** – is the site suitable for the type of development proposed? *i.e. if there is no insurmountable physical or environmental factor that would restrict development;*
2. **Available** – is the site available for development? *i.e. if there is evidence that a landowner is willing to sell/develop the site at some point in the future plan period;*
3. **Achievable (viable)** – is the site economically viable? *i.e. if there is evidence that it is economically viable and a reasonable prospect that the development will be brought forward at a point in time.*

All sites **must** be assessed against these three criteria – focussed on ‘**suitability**’ this evening

Meeting Objective Slide

- To decide which of the candidate sites are most the most suitable for development, and how to distribute 70 homes across them.
- All eligible sites are in sustainable locations, but – some are more suitable than others.
- Most suitable means the sites which perform best against the selection criteria you have chosen through consultation.
- The preferred sites selected need to be fully tested for viability and deliverability – this may change the final choice.

6 Neighbourhood Plan Process Context

The Neighbourhood Plan process leading up to the Site Selection meeting included the following elements with extensive consultation throughout:

- The quantification of community opinion on various issues including spatial distribution of development through a questionnaire which was distributed to every address in the Parish in November 2016, and to which 399 responses were received. Over 700 comments were submitted via the questionnaire, including suggestions of potential development sites. The questionnaire results, the submitted comments and the Steering Group responses to them have been published on the Neighbourhood Plan website.
- The development of a consensus on interpretation of questionnaire results through community workshops held in the spring of 2017. These were the origin of the multi-site / distributed development strategy with a recommended range of 3 to 6 sites. As with all consultation events, these workshops were publicised through various means including the Neighbourhood Plan email list which has 350 subscribers and includes several residents from the Enterpen area, and the workshop outcomes were published on the website.
- The development of the criteria and the traffic light definitions used within the site selection process over an extended period with extensive consultation in which all residents had equal opportunity to participate. Four drop in consultation events were held over a six week period from 1st July to 9th August during the development of the criteria and traffic light definitions. These events were publicised in the usual way, and consultation results were published on the Neighbourhood Plan website and reported to the Parish Council at their meeting of 13th August and 11th September.

- The publication of a consultation draft of the assessments one month before the Site Selection meeting. Two consultation events were organised to encourage review and challenge by the community. These events were publicised in the usual way, and again all residents had equal opportunity to review, comment, and challenge. The consultation results were reported to the Parish Council at their 9th October meeting.
- The publication of updated assessments based on the consultation submissions from residents and site promoters 3 days before the Site Selection meeting. Any submissions received after this, including information submitted at the meeting itself, were addressed within the Site Selection meeting.

7 Steering Group Commentary on MD2 Supporting Statement

MD2 Para Reference	SG Comments / Response
1.1	The Neighbourhood Plan is at the “preferred sites” stage which is a provisional allocation based primarily on Suitability, and is subject to further investigations to establish whether these sites perform satisfactorily against all three NPPG criteria (Suitable, Available, & Achievable).
1.2	The “preferred sites” perform well against the Neighbourhood Plan selection criteria based on objective assessment of the evidence available and considered at 25 th October 2018. The Steering Group makes no claims of optimality. Additional evidence (including the opinions presented in the statement submitted by MD2 on behalf of Enterpen residents) will be evaluated as and when it emerges, and such evidence may lead to changes in site selection. Assessment of viability and technical investigations form part of the next phase of work.
1.3	<p>The site selection criteria have been developed through community consultation work in which all residents have had equal opportunity to participate. The Steering Group do not see any justification for proposing changes to the criteria or traffic light definitions at this or later stages of the process.</p> <p>However, the Steering Group welcome the submission of any evidence that may indicate sites have been incorrectly or inconsistently assessed against the criteria so that it can be considered at the earliest possible stage of the process, and appropriate action taken.</p>
1.4	Noted.
1.5	The Steering Group acknowledge that some Enterpen residents have concerns, but do not accept that the process is skewed, unfair or lacking legitimacy. The process has been conducted in an open, transparent and participatory manner with support from a MRTPI qualified consultant who has attested that <i>“the vast amount of work undertaken by the Steering Group to date on behalf of the Parish Council in producing the Rudby Neighbourhood Plan has been undertaken in a fair, transparent and balanced approach.”</i>
1.6	See response to para 1.3 and 1.5.
2.1 – 2.4	Noted.
2.5	It is understood that in the light of potential changes to national policy on assessment of housing need that HDC may revise their district wide housing target. Should they do so, this could have consequential impact on the Neighbourhood Plan target (upward or downward revision).

MD2 Para Reference	SG Comments / Response
	The 70 dwellings is the best estimate at this point in time of housing delivery that would be in conformity with the emerging Local Plan.
2.6-2.8	Noted.
2.9	<p>As stated in the response to para 1.1 the Neighbourhood Plan is at “preferred sites” stage. A considerable amount of work has still to be carried out to achieve a draft plan after which further consultation steps must be carried out. These include consultation with the community, with the LPA and with statutory consultees which could result in changes to the Preferred Sites</p> <p>The comments on lobbying, campaigning and changing hearts are noted. The Steering Group’s understanding, and the basis on which it operates, is that Site Selection must be an evidence based objective process. It is not, and cannot be, a popularity contest.</p>
3.1 – 3.18	<p>The extensive description of the Local Plan site selection process is noted, and is not disputed.</p> <p>However, the Steering Group question the relevance of section 3 of the Supporting Statement as it has no bearing on the stated purpose in para 1.1. It is a basic tenet of Neighbourhood Plans that they can make independent choices from Local Plans.</p> <p>Neighbourhood Plan choices (providing they are soundly based) should take precedence over the Local Plan. The advice of our MRTPI consultant is that our site selection process is ‘fit for purpose’, and the principle of precedence is affirmed by HDC within emerging Local Plan documents and within this letter sent to RPC in 2016. http://plan.rudbyparishcouncil.org.uk/wp/wp-content/uploads/2016/11/Preferred-Options-letter.pdf</p>
4.1	Noted
4.2	<p>Noted. The source of Figure 7 is unknown, but it is incomplete. It does not include all sites reviewed by the Neighbourhood Plan, and for some unknown reason part of the already developed area of Levensdale/Hundale is outlined in blue.</p> <p>Contrary to what is stated in para 4.2, “... sites considered unsustainable by the Council to the north of the River Leven ...”, sites to the North of the Leven are viewed as being in sustainable locations by HDC. This is evidenced by the selection of S/125/006 as preferred site by HDC in the Local Plan, and further evidenced by the HDC officer report on planning application 17/01351/OUT (permission was refused but not on the grounds that the location is unsustainable).</p>
4.3	<p>It is stated that there is “a built in weighting” to the Neighbourhood Plan Site Selection methodology. However, this is a misconception. The decision process is set out in section 4.2.2 of the minutes of the 25th October 2017 Site Selection meeting and is described as follows:</p> <p>“While it had been agreed that there would be no formal weighting between the criteria, a basic scoring scheme using equal weighting for all criteria (2 points for RED, 1 for AMBER, and 0 for GREEN), and counts of the numbers of RED, AMBER and GREEN for each site were used as aids to decision making. This mechanistic approach was given most emphasis in the early stages.</p>

MD2 Para Reference	SG Comments / Response
	<p>As the number of sites in consideration reduced, the focus increasingly moved to relative performance on the criteria which differentiated between the remaining sites, and the relative importance of these criteria.”</p>
4.4	Noted.
4.5	<p>The statement “scores were allocated by the NDP steering group” is an incomplete and somewhat misleading description of a participatory consultation process.</p> <p>Draft site assessments were prepared by the Steering Group and published on the Neighbourhood Plan website on 24th September 2017. Notifications were sent to the 350 contacts on the Neighbourhood Plan email distribution list inviting residents to participate in either of two consultation events held in the village hall on 27th September and 1st October. Members of the community were encouraged to attend and review and challenge the draft assessments. Site promoters were also invited to submit their comments.</p> <p>All comments submitted through the consultation were reviewed by the Steering Group, and the assessments amended where appropriate. Updated assessments were then published on the website in advance of the Site Selection meeting, with a further opportunity to challenge the assessments provided within the opening phase of the Site Selection meeting itself.</p>
5.1	Different outcomes do not per se indicate flaws in either process.
5.2	<p>Having reviewed comparative scoring with the assessments for other sites (in particular for S/125/006) it is agreed that the potential costs of demolition of storage buildings should be given more weight in the reassessment of site S/073/003 in the light of the proposed pattern of development (utilisation of the Western End / “brownfield” portion).</p> <p>While various patterns of development could have been contemplated involving partial or even no site clearance, these would not be consistent with the Site Selection meeting decision. Potentially GREEN (e.g. partial development not involving demolition), AMBER (e.g. development of most of site involving partial demolition of farm/storage buildings), or RED (scenarios similar to the proposed allocation) assessment could have been argued for the original assessment depending on the assumptions made about the extent of site clearance.</p> <p>The most relevant comparator for the reassessment, given the proposed form of development, is S/125/006 where demolition of a house would be required to create access. That site was scored as RED for viability primarily because of concerns over demolition costs and destruction of value. While the removal of storage buildings may not involve as much destruction of value as the demolition of a large house, site clearance and decontamination costs may be higher, and these impacts would need to be carried by a relatively small scale development.</p> <p>The Steering Group view is that a RED assessment is now appropriate given the context of the decision on 25th October. However, it is also noted that a RED assessment does not mean there is quantified evidence that the site is not viable. It only means that significant risks to viability have been identified.</p>

MD2 Para Reference	SG Comments / Response
	<p>It is noted that the Supporting Statement makes reference to several other factors which in the opinion of its author may adversely affect viability. These are noted and have been considered when rescoring criteria 1 as RED.</p>
5.3	<p>The argument presented in this paragraph is unclear, and the author's opinion on the scoring on this criteria is not stated. The site is not a simple rectangular shape and has a complex shaped Northern boundary which "plugs in" to the existing settlement. Around half of the site perimeter connects directly to the existing built form. The Steering Group are satisfied that an assessment of GREEN is appropriate and consistent with the criteria definitions.</p>
5.4	<p>Site selection criteria have been developed through a well-publicised consultation process involving many members of the community. All members of the community have had equal opportunity to participate.</p> <p>The Steering Group are satisfied that all criteria definitions are logical, appropriate, and that adequate consultation took place prior to their adoption. The Steering Group see no justification for contemplating changes to criteria at this advanced stage of the process.</p> <p>In a sound process, the criteria should be developed and agreed before assessments take place, and this is what has occurred.</p> <p>By way of explanation only, this particular criteria addresses the potential impacts of change from the current land use to a residential development by considering three distinct aspects: productivity for food production, recreational use, and biodiversity.</p> <p>For the food production aspect, the criteria follows the hierarchy of the Agricultural Land Use classification which ranks best and most versatile arable land at the top, and grazing land in the middle. This is consistent with para 112 of the NPPF which states "Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."</p> <p>For the biodiversity aspect, the assessment ranks grazing land above arable, but also makes reference to 'biodiversity potential' scoring to identify sites where there is likely to be greater biodiversity than is evident from the general land use classification. Additional aspects of biodiversity are considered within Criteria 15.</p>
5.5	<p>The technical definitions of "brownfield" are not disputed. However, it is clear that the site is a hybrid of various land types so the use of a "blended" score is considered appropriate.</p> <p>The treatment for the agricultural part is explicitly set out in the criteria definitions and would be assessed as RED, while any developed land around the farm buildings that meets the technical definition for brownfield would be GREEN. It is noted that it appears to be a point of agreement that there is some brownfield land on the site, although the precise extent of this is not quantified.</p>

MD2 Para Reference	SG Comments / Response
	<p>The treatment for those parts of the farm yard and buildings which do not meet the brownfield definition is not explicitly stated in the criteria definitions, so the “ambiguity procedure” must be invoked, and would result in AMBER for these parts.</p> <p>The site is a hybrid of RED, AMBER and GREEN so an overall assessment of AMBER is appropriate.</p>
5.6	<p>Concerns relating to parking and congestion and associated impact on sightlines at the farm entrance are noted, as is the existence of the Landscape Character Protection Area at the flagpole field which could make use of this route undesirable (potentially unacceptable) from a settlement character perspective.</p> <p>The planning application which created the LCPA was known to and considered by the Steering Group as shown by the explicit reference to it within the assessment narrative against criteria #5. While Highways approval of access for a single dwelling at this location does not necessarily mean that a compliant access could be achieved for up to 20 dwellings, it does suggest the absence of fundamental problems.</p> <p>The Steering Group position is that there are two sections of frontage which potentially could be used as access, whereas the Supporting Statement appears to consider only the existing farm access option.</p> <p>When considered against the criteria definitions the site has two direct sections of frontage onto (30mph) Enterpen, both offering potential access to the site subject to meeting necessary standards so has been correctly assessed as AMBER.</p> <p>During the development of the site design brief, the preferred entrance would be identified and, at the appropriate stage of the process, the access arrangements would be subject to review and approval by NYCC Highways who are a Statutory Consultee. Should a satisfactory access be unachievable the site would not/could not be allocated.</p> <p>Footpath issues are considered under Criteria 11, and are not relevant to the assessment under Criteria 4, although the Steering Group agree that there may be an opportunity to make some modest improvements on the South side of Enterpen.</p> <p>The Supporting Statement comment “If there is no alternative parking provision ...” has prompted the Steering Group to consider whether development of this site could deliver parking provision in addition to meeting internal site needs. This is discussed in the response to para 5.13 in relation to the assessment of Criteria 9.</p>
5.7	<p>This paragraph is assumed to refer to Criteria 4. For the reasons set out in the response to 5.6, the Steering Group consider this criteria to have been correctly assessed as AMBER.</p>
Figure 10	<p>It is noted that no comment is made in respect of Criteria 5.</p> <p>However, the Steering Group wish to point out that their site selection decision shows a clear intent to retain views over the Flagpole field and locate development where it would be screened by existing buildings.</p>

MD2 Para Reference	SG Comments / Response
	Within the context of the proposed allocation the correct assessment for Criteria 5 is now GREEN.
5.8	Agreed. The site was accordingly scored RED.
5.9	<p>The nearby listed buildings are noted in the assessment narrative. The approval of planning application 16/01771/FUL for a dwelling on the “Flagpole Field” is considered by the Steering Group to be evidence that sensitively designed development can have an acceptable impact on this part of the conservation area.</p> <p>Consequently the Steering Group consider that it was reasonable to select this as a preferred site pending the findings of a Heritage Impact Assessment by a suitable independent specialist. As this is a potential go/no go issue, the procurement of an HIA should be expedited in the interest of resource efficiency and project schedule.</p>
5.10	<p>At present the Flagpole field is private land with no public access and was not proposed as a Local Green Space through either the Local Plan or Neighbourhood Plan consultation work. The public benefit from the view over the site which is regarded as a community asset, and was included on the marked up map of important views developed through workshops. The Steering Group decision shows a clear intent to retain the view and restrict the site development potential in order to achieve this. A score of RED is not consistent with the criteria definitions, and is therefore not appropriate.</p> <p>Development of the site could potentially open up this area to the public with a footpath connecting the Northeast corner of the Flagpole field to the Southern part of the site, making it more suitable for Green Space designation. The Steering Group current view is that, subject to the proposed layout constraints, the site could arguably be reassessed as GREEN for criteria 7. However, scoring as GREEN would not be consistent with the criteria definition and interpretation used for the assessments of other sites since the Flagpole Field is not on the ‘definitive list’ of potential Local Green Spaces. The score of AMBER should, therefore, be retained.</p>
5.11	<p>The Leven Valley Character Zone as used within the site assessment process is derived from a baseline of HDC’s professionally produced Settlement Character Assessment (referred to as Levenside within that document). It incorporates a proposed extension of this zone in both directions along the Leven Valley to the edge of the settlement, giving better alignment with the boundaries of the Green Corridor.</p> <p>This criteria relates to settlement character rather than landscape character, although it is noted that the site also lies entirely outside the Green Corridor referenced by the Supporting Statement.</p> <p>The site was assessed correctly in accordance with the criteria definitions, and it is noted that the proposed pattern of development provides separation from both the Leven Valley Character Zone and the Green Corridor. An assessment of GREEN for criteria 8 remains appropriate.</p>
5.12	Noted. This does not form part of the Neighbourhood Plan criteria.
5.13	Noted. The opportunity to make marginal improvements to pavements / footpaths would be investigated during the site design brief phase. The Steering Group agree that this would not deliver sufficient benefit to justify positively scoring the site on criteria 9.

MD2 Para Reference	SG Comments / Response
	<p>However, the observation in para 5.6 “If there is no alternative parking provision ...” has prompted the Steering Group to consider whether development of this site could deliver additional parking provision to that needed for on-site requirements.</p> <p>A suggestion of delivering additional parking capacity at the recreation area linked to development of S/073/009 (&10) was made by the promoter of that site. Although the principle was sound, having considered the consultation response, the Steering Group took the view that there was insufficient evidence of need for additional parking at that location to positively score that site.</p> <p>The situation at Enterpen is different since there is both opportunity and evidence of need. Not only is this highlighted in the Supporting Statement, but there is further supporting evidence of need set out in a section of the Village Hall website on considerate parking.</p> <p>An area for off-street parking near the existing farm entrance could be utilised both by Enterpen residents and as overspill from the village hall. Clearly this would have viability implications, but might be a project which could be eligible for support from CIL payments.</p> <p>Further investigation would be required in the Site Design Brief stage, but the Steering Group are of the opinion that the Supporting Statement has identified a significant opportunity which justifies a GREEN assessment in accordance with the definitions for Criteria 9.</p>
5.14	<p>This criteria is defined in terms of walking distance along public roads/pavements to the nearest point of the site. This definition eliminates the need for subjective judgements of an arbitrary point of origin within a given site.</p> <p>The measurements given in the supporting statement are not consistent with the criteria definitions. Specifically, the point of entry to the Flagpole field shown appears to be around 20m west of the nearest point of the site to the village centre, and the points chosen within the site are entirely arbitrary.</p> <p>It is noted that pavements extend to the eastern boundary of the Flagpole field and there is a field gate very close to this boundary so the Steering Group is satisfied that safe pedestrian access to the nearest point is not in question. It is further noted that both the Village Hall and School are within the GREEN distance of the site. Of the principle locations outside the village centre the SPAR is the furthest from the site, but is still within the AMBER zone.</p> <p>The site is assessed as GREEN in accordance with the criteria definitions.</p>
5.15	<p>The site offers several possibilities, but these are either minor benefits, or require utilisation of land outside site boundaries or are just for access to the site itself.</p> <p>The opportunities identified are: a footpath across the flagpole field as a pedestrian access to the site, a link from the site to the footpath along the Eastern edge of S/073/011, and minor improvements to pavements / footpaths on South side of Enterpen.</p>

MD2 Para Reference	SG Comments / Response
	<p>Although of interest and of some benefit, consistency with the assessments on other sites means that none of these should be treated as sufficient benefit to justify a positive score on criteria 11.</p> <p>Criteria 12 has been scored correctly in accordance with the criteria definition. The definition shown in Figure 19 for Criteria 12 is incorrect (it is part of the definition for criteria 10), and the comment in para 5.15 is unrelated to the actual criteria.</p>
5.15 (para number repeated)	<p>The pipeline criteria is part of the agreed set. The argument that it is not relevant for this site, so should not be considered is flawed logic. The purpose of selection criteria are to compare attributes of sites in order to differentiate between them.</p> <p>This criteria does not prevent allocation of a site which contains the pipeline buffer zones, but in accordance with community preferences expressed in the questionnaire ensures that all other things being equal a site outside the pipeline buffer zones would be favoured over one within the zones.</p> <p>The site has been correctly assessed as GREEN.</p>
5.16	<p>In common with other eligible sites, the site lies entirely within zone 1. Only limited parts of the site are affected by surface water flooding, and most of the eligible sites are affected to a similar extent.</p> <p>The site has been correctly assessed as RED in line with the criteria definition.</p> <p>As a site in excess of 1 Ha, the standard flood assessments will be required.</p>
5.17	<p>There is no open watercourse with continuous water present.</p> <p>The proximity to a SINC is mentioned in the narrative and was taken into account within the biodiversity assessment.</p> <p>It is agreed that there are TPOs near the North West boundary, but they are not within the site. There are no TPOs near the South West boundary shown on mapping sourced from HDC.</p> <p>Although the farm buildings are not derelict (per the description used for the habitat types check list), it is accepted that these buildings could potentially be roosting sites. Treating these as a potential bat habitat would increase the biodiversity score from 2 to 3 which would still be classified as low.</p> <p>The site does not meet any of the requirements for a RED definition (Site is wholly or partly in an SSSI or SINC, or there are TPOs on site, or site has high biodiversity value), and has been correctly assessed as AMBER.</p>
5.18	See response to para 5.17
5.19	<p>It is noted that the colour coding in Figure 22 is not consistent with the commentary. The figure appears to suggest that criteria 14 (flooding – a mandatory element) should not be scored, whereas para 5.16 indicates agreements with the SG assessment for flooding while para 5.15 argues the site should not be scored on criteria 13 (pipeline).</p>

MD2 Para Reference	SG Comments / Response
6.1	<p>The Site Selection meeting was the focal point for many months of work which involved a great deal of preparation, consultation, and consideration of consultation responses. The Steering Group consider that the format of the meeting was appropriate, and that sufficient time was allocated for a thorough debate on the issues. The decision was made in public and witnessed throughout. The public participation part of the meeting was complete before 8:30 pm.</p>
6.2	<p>The author appears to have misconceptions about the structure of a Neighbourhood Plan process and/or be unaware of the current status of our Neighbourhood Plan.</p> <p>During the preparation phase the amount of consultation is optional, but from draft plan stage onwards it is strictly defined by statute. In addition to any further optional consultation arranged by the Steering Group, there must be:</p> <ul style="list-style-type: none"> • 6 week statutory consultation on the publication version of the draft plan within the community. • Review by the LPA and Statutory Consultees • 6 week publicity (when representations can be made to the LPA) • External examination (when representations can be made to the examiner) • Referendum
6.3	<p>Observations about the level of consultation response were made on several sites as the Steering Group consider the consultation response to be an indicator of the extent to which the initial draft assessment had been challenged and tested. Ideally every site would have had a strong consultation response from both supporters and opponents within the assigned consultation period.</p> <p>The Steering Group agree that sites must be selected on merit, and not on the level of anticipated objection.</p>
6.4	<p>The advice of the planning consultant engaged to support the Steering Group is that our process is both open and robust.</p>
7.1	<p>Noted but not accepted.</p>
7.2 (i)	<p>As already discussed the outcomes of the HDC site selection process are not relevant.</p>
(ii)	<p>The Steering Group do not accept that “the scoring is highly selective and avoids consideration of a plethora of important issues”.</p>
(iii)	<p>These allegations are not substantiated in the “Supporting Statement” and therefore no comment is made on them within this response.</p>
(iv)	<p>The Steering Group intend to carry out further community consultation activity during the plan drafting period. These are in addition to the minimum statutory requirements which are outlined in the response to para 6.2.</p>

8 Summary & Conclusions

8.1 Comparison of Assessments

The Table below shows three variants of the site assessment:

1. The Neighbourhood Plan assessment against the defined criteria and with a whole site context as was used to prepare the assessment considered at the Site Selection meeting.
2. The Neighbourhood Plan assessment against the defined criteria after consideration of the points raised by MD2, and with a partial development context as proposed within the preferred sites decision.
3. The MD2 assessment which scores the site adversely, but which for many criteria the scoring is inconsistent with the criteria definitions.

Criteria	NP 25 th Oct Assessment	NP Rescored Assessment	MD2 Assessment
(1)	..0..	..2..	..2..
(2)	..0..	..0..	..1..
(3)	..1..	..1..	..2..
(4)	..1..	..1..	..2..
(5)	..1..	..0..	..2..
(6)	..2..	..2..	..2..
(7)	..1..	..1..	..2..
(8)	..0..	..0..	..2..
(9)	..1..	..0..	..1..
(10)	..0..	..0..	..1..
(11)	..1..	..1..	..1..
(12)	..0..	..0..	..1..
(13)	..0..	..0..	
(14)	..2..	..2..	..2..
(15)	..1..	..1..	..2..
Weighted Score	11	11	23
No Of Reds	2	3	9

The main drivers of the difference between the two Neighbourhood Plan assessments are:

- The change from a whole of site context (the 25th October assessment) to a specific partial site development context (the rescored assessment). The part site context arises directly from the form of the Site Selection meeting decision which stated “partial development of the Western end of the site would be most favoured”.
- Consideration of viability arguments presented by MD2.
- Identification of opportunities for community benefits arising from parking, footpaths and Local Green Space identified following full consideration of issues raised by MD2.

The Steering Group do not believe it is possible to construct with absolute certainty an alternative assessment that would have been used on 25th October had a similar submission been made within consultation phase for the following reasons:

- The Supporting Statement was written to contest a decision that had been made. It is unlikely to have been put forward in exactly the same form as a consultation response.
- The response to the points made in the Supporting Statement are made within the context of the particular development pattern proposed at the Site Selection meeting. Had similar points been made during the consultation period these would have been considered within a whole of site context, with a range of potential impacts (e.g. on views) depending on the development pattern envisaged.

8.2 Conclusions

The Steering Group draw the following conclusions:

- The Supporting Statement prepared on behalf of residents living closest to the site in question does not adhere to the criteria definitions in its proposed alternative site assessment, and hence any comparison of Enterpen with other sites based on that alternative assessment are not valid as they are not like-for-like.
- It is likely, but not certain, that a broadly similar site assessment would have been made by the Steering Group had a report similar in content to the Supporting Statement been submitted during the site assessment consultation period. Hence it is very likely, but not certain that the same outcome would have arisen on the 25th October had the evidence and arguments presented in the report been submitted in advance of the meeting.
- The identification of potential benefits and the reduction in uncertainty over the anticipated development pattern results in limited net change in the overall site assessment, but it is agreed that there are significant viability risks associated with this development pattern. Therefore, the decision of a partial allocation as a preferred site appears to be justified.
- Heritage remains a key concern, and access arrangements are unproven. Investigation of these issues and assessment of viability need to be progressed. The site will either be retained or eliminated as a preferred option, subject to the evidence gathered in the next stage of the process.