

Rudby Parish Neighbourhood Plan Steering Group

Clarification Request on Embleton Farm Site Promotion

1 Introduction

1.1 Background

Rudby Parish Neighbourhood Plan Steering Group was provided with one paper copy of the 'Planning Support Statement for Promotion of Residential Development at Embleton Farm East, Hutton Rudby' during the Any Other Business agenda item at its meeting on 6th May 2019. A pdf copy was received by email a few days later and this was duly circulated to all members of the Steering Group and Parish Council.

The stated purpose of the Support Statement is "to promote a site within Hutton Rudby as a strong, plausible, housing development option within the settlement, such that it may be included within the emerging draft Neighbourhood Development Plan (sic)".

This was an unsolicited submission which is out of phase with our process, as we are not conducting a call for sites (having done so at an earlier stage when a similar site was submitted), nor are we seeking design proposals for non-preferred sites. In 2017, a similar site at Embleton Farm East site was submitted during the site assessment process, but it was not selected as a preferred site. However, it was not, and has not been eliminated due to being undevelopable or unavailable or any other fundamental reason.

1.2 Preliminary Observations

Substantial parts of the Support Statement do not relate to the stated purpose, particularly sections 4 and 5 which are commentary on the Local Plan process which is entirely outside the control of the Neighbourhood Plan. When we respond in full, we will only respond to those parts of the submission which relate to the Neighbourhood Plan.

The thrust of many arguments in the Support Statement relating to site scoring appear to misunderstand the purpose of our site selection criteria which is to rank sites on these criteria to support decision making within an allocation process. A Red score does not mean that a site is undevelopable. A Red score simply means that a site performs more poorly on that criteria than a site which scores Amber or Green. Mitigation measures are a consideration for a later stage of the process, principally during the development of the site design brief.

1.3 Status of our Site Selection Process

Our process includes the following stages:

1. Call for sites / identification of sites
2. Development of site selection criteria
3. Assessment of sites.
4. Selection of preferred site(s)
5. Development of site design brief(s) for preferred site(s)
6. Incorporation of agreed site design brief into draft plan.

Our main work process is on step 5 for our preferred site. We do not intend to actively support the development of site design briefs for non-preferred sites as this would require additional resources and adversely impact on costs and schedule of preparing the Neighbourhood Plan. Site promoters are free to prepare and present these if they wish, and these will be given consideration appropriate to the stage when they are received.

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In the case of late site promotion submissions such as this, we will review any evidence put forward which relates to the site assessment and consider whether such evidence has a material impact on the ranking of the site relative to the preferred site(s).

1.4 Previous Correspondence & Analysis

There is some similarity in the points raised in section 7 and 8 of this Support Statement to those raised by a previous promoter of part of this site shortly before the site selection meeting.

<http://plan.rudbyparishcouncil.org.uk/wp/wp-content/uploads/2017/10/Steering-Group-Minutes-Addendum-25-Oct-2017.pdf>

When preparing our response to this Support Statement, we will draw upon this earlier analysis which reviewed whether there might have been a different outcome to the site selection process if the site had been scored using the most favourable interpretation (for the promoter) of the arguments and evidence presented by the promoter. The conclusion was that it would not have been selected, and this conclusion formed part of the context for the decision at the Steering Group meeting of 1/4/19 not to reassess the site based upon the outline development proposal received from the site promoter by email shortly before that meeting.

There is also similarity in the arguments on site scoring made in this Support Statement to those made by the same planning consultant in another report submitted to the Steering Group in relation to the Enterpen site. We will also draw upon that analysis when preparing our response.

<http://plan.rudbyparishcouncil.org.uk/wp/wp-content/uploads/2018/02/SG-Response-To-McGill-Report.pdf>

1.5 How we will Respond

The Steering Group will in due course prepare a full response, but in order to do so we require some clarifications and additional information as set out in section 2 below. Our focus is primarily on site characteristics as they relate to the site selection criteria, but we also seek clarification on some aspects of the development proposal so that if the site were to become preferred that we would not need a further round of clarifications before assessing the development proposal.

Our full response will focus mainly on our analysis of the evidence and arguments presented in section 8 of the site Statement document as they impact upon site scoring. We will not be able to complete this analysis until we receive your response to our clarification and information requests.

2 Clarification & Information Requests

2.1 Site Boundaries

The red lines in Figures 1 and 2, are not consistent with those in Figure 4 and Figure 5 or the one in the promotional brochure distributed around the village.

The parcel of land shaded red in Figure 3 (site refused as planning application 18/00768/OUT) was not included in the previous submission which was also entitled Embleton Farm East.

Please provide update the document so that the redlines are consistently defined in all figures, and to avoid confusion we would suggest this submission should be given a different title or reference.

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2.2 Ethylene Pipeline

Site selection criteria #13 is concerned with the relationship between the site and the pipeline.

Please update the document to include a figure indicating your understanding of the location of the 3 protection zones relative to the proposed development layout.

2.3 Footpaths

The Steering Group have been copied in correspondence between the site promoter and the neighbouring landowner about an error in the brochure and several figures in the document which show the proposed new footpath crossing the neighbouring landowner's property. We understand this is a drafting error which has been amicably resolved.

Please update the relevant figures to indicate the revised route all of which is on land under the site promoter's control.

Please confirm that the proposed diversion of the PRoW around the site will not result in the loss of PRoW status for diverted section.

Please advise on the nature of the proposed new path e.g. will it have an all-weather surface, will it be suitable for use by those with mobility issues (this would require upgrading of the bridge over Hundale Gill)?

Please also advise on the path width and boundary treatments where the rerouted ProW would pass between Levendale and the proposed development.

What arrangements are proposed for funding the maintenance of the path and associated bridge?

Would the landowner support the creation of an enduring right of passage (i.e. a PRoW) rather than a permissive path for which rights could be withdrawn?

2.4 Allotments

We note the proposal to provide additional allotments, however, there appears to be little or no parking provision for allotment users in the indicative site layout, and the evidence of demand for allotments is not included in the report.

Please update your report to provide an indicative site layout showing how parking provision will be made for allotment users.

Please provide evidence of unmet demand for additional allotments and confirm the number (20?) of allotments proposed.

Please advise whether allowance has been made for the traffic generated by allotment users in your traffic consultant's analysis.

Please clarify the intended legal status of the land on which the allotments would be sited i.e. would it be gifted in perpetuity, would it be leased, or is some other arrangement envisaged.

2.5 Site Access & Roadways

Please confirm that all the land required to upgrade the access road to allow unobstructed two-way passage of traffic and construct splays at the connection to the public highway at Garbutts Lane is under the site promoter's control.

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Please confirm that the traffic consultant's analysis includes allowance for HGV deliveries and collections from the farm which will share the access road.

Please confirm that street lighting will be provided for the access road and associated footway.

Would agricultural traffic need to use the estate roads to access the fields to the North of the proposed development?

Please confirm that all internal roads proposed within the development are of sufficient width for two way traffic, and that the marked bays are for parking not passing places..

2.6 Refusal of Planning Application 18/0768/OUT

Planning application 18/0768/OUT for four self-build dwellings on the western part of the site was refused at planning committee on 4/4/19 on the grounds that “the proposal is considered to be harmful to the character and form of the settlement”. The indicative layout for the relevant part of the site appears to be essentially the same as in the refused planning application.

The current site promotion essentially reverts to the initial submission made by the site owner to the Neighbourhood Plan, which was later sub-divided into Embleton West (the self builds which were taken forward as a planning application outside of the Neighbourhood Plan), and Embleton East (the rest of the site) which was considered at the site selection meeting.

Please advise what modification to the site design (if any) you propose to address the concerns about harm to character and form of the settlement set out in the planning officer's report.

It is noted that a planning application at Stokesley Road (18/01602/OUT) which was granted on 25/10/2018 provides five self-build plots. Only two of these have progressed to the full planning permission stage.

Please advise what evidence of local demand for further self-build plots you have used to develop your proposed housing mix.

2.7 Green Space

The site promoter regularly attends Steering Group meetings and has witnessed and participated in discussions on potential Local Green Space designations at Hundale Gill and elsewhere. It is our understanding that the site promoter does not support a designation at Hundale Gill, and the Steering Group position is that Hundale Gill does not satisfy the criteria in the NPPF.

Our impression is that the landscaped areas in the site being promoted are not being proposed as Local Green Space, however, this point is not explicitly made.

For the avoidance of doubt, please clarify whether any parts of the site are now being proposed for Local Green Space designation. If any are proposed, please provide a map identifying the location of these areas, and please identify any conditionality attached to the Landowner support.

3 Other Observations on Site Promotion Document

These observations arise from our preliminary review, but we may comment further and have additional observations after receiving the clarifications and additional information we have requested. We do not require any response to these observations but will consider any comments made in response to the observations.

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3.1 Section 1.4 (ii)

The provision of allotments could be included within the site design brief for any site.

3.2 Section 1.6 / 1.7

Consideration of any new evidence and review of interpretation of evidence previously considered is appropriate, but the selection criteria themselves are now fixed.

HDC's process fall outside the remit of the Neighbourhood Plan.

3.3 Section 1.8

The brochure distributed seeks positive feedback only. The Steering Group would quite rightly be criticised if any of our consultation work was conducted on this basis.

3.4 Section 2.3

The Steering Group do not agree with the statement "The land is generally flat, sloping very gently to the North..."

3.5 Section 2.5

As yet there is no significant progress on the site approved under 16/01836/FUL some 20 months after the issue of the decision notice. While our assumption is that this site will proceed, should this not turn out to be the case, the Western end of the promoted site would extend significantly beyond the established building line into the open countryside.

Refusal of 18/00768/OUT which is a material change in the site planning history is not mentioned.

3.6 Section 2.8

Upgrading to adoptable standards with appropriate lighting to ensure safe use of the footway would create an illuminated edge to village. If 16/01836/FUL does not proceed, this would have the appearance of an illuminated highway in the open countryside.

3.7 Section 3.1 (ii) & (iv)

Any site allocated through the Neighbourhood Plan will be required to supply the preferred housing mix, deal with surface water, and provide appropriate landscaping.

3.8 Section 3.1 (v), (vi), (vii)

Betterment is given low weight at the site selection stage unless it is an opportunity which is unique to the particular site and capable of being mostly delivered within the site. For example, only site S/073/010 can deliver a footpath to Drumrauck Hall so this opportunity was given some weight in the assessment of that site, but it was not given weight in the assessment S/073/009 which could only contribute around half the route.

3.9 Section 3.3

If it was not possible to construct a safe access the site would be eliminated from any further consideration as the site would not be deliverable.

3.10 Sections 4 & 5

These relate to the LPA process over which the Neighbourhood Plan has no control. We, therefore, have no comment to make on these sections, but absence of comment should not be interpreted as our agreement to the accuracy or relevance of any evidence or assertions made in these sections.

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3.11 Sections 6.1 to 6.10 and 6.12 to 6.14

This is essentially background and contextual information, and we accept in good faith that it has been diligently and accurately reproduced. However, we again note LPA work and Local Plan process requirements fall outside of the remit of the Neighbourhood Plan.

3.12 Section 6.11

The origins of the provisional target of 25 homes is set out in the minutes of the Steering Group meeting of 4/2/19. In brief it is based on a housing needs assessment for the parish conducted in late 2018, and subsequent advice from the Rural Housing Enabler on an appropriate response to the results of that survey.

It is not a formal target set within the emerging Local Plan process, which will be agreed in due course. It is possible that this provisional target may need to be revised in either direction.

3.13 Section 7.2, Figure 15

This figure does not include all of the sites that have been considered and includes SH05 which was already allocated in current Local Plan. The purpose of the dark red shaded block is unknown.

3.14 Section 7.6

The decision process is documented in the minutes of the site selection meeting.

<http://plan.rudbyparishcouncil.org.uk/wp/wp-content/uploads/2016/10/Steering-Group-Minutes-25-Oct-2017.pdf>

3.15 Section 7.7

While the development proposal has evolved, it appears the only material change to the site is that it recombines Embleton East and West into a single site. This makes it the same, or very similar to the footprint of the site considered in the draft assessment reproduced in Figure 16.

The difference between the draft and rev 1 site assessments arise both from the sub-division by the promoter which occurred between the publication of the two versions, and in response to comments made during the consultation. These changes are explained in the assessment narrative which has been reproduced in the promotion with further explanation in the comment responses which have not been reproduced.

http://plan.rudbyparishcouncil.org.uk/wp/wp-content/uploads/2017/10/Site-Assessments-Post-Consultation-Revisions-22_10_17.pdf

The Steering Group have previously acknowledged in correspondence that an error was made in scoring criteria 2 when the site was sub-divided and that it should not have been scored as Red.

3.16 Sections 8 & 9

The Steering Group will respond to these sections when we receive responses to our clarification and information requests. We note that the colour coding in the table presented as Figure 17 in Section 8.28 and the counts of red, amber and green attributed to the Neighbourhood Plan assessment are incorrect.