

Harrogate District Local Plan Publication Draft 2018, consultation response form 26 January – 9 March 2018: additional comments

The Harrogate Borough Council (HBC) Draft Local Plan (the Plan) is not legally compliant and is not sound due to its inclusion of the DM4 proposal for a new settlement near Green Hammerton. The process under which the location of the proposed settlement was selected was flawed and the evidence supporting that selection is weak. Such a settlement does not address housing needs near the district's major centres of population; there is no evidence of planning for employment opportunities; it is unsustainable and harms existing, important, historic communities and there are better alternatives.

DM4 is not legally compliant because the duty to cooperate under S20(5)(c) of the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011 has not been met. There has been no consultation on the Broad Location for Growth near Green Hammerton. The consultation on the new settlement proposal in mid-2017 only related to land at GH11 and GH12. DM4 is for an, as yet, undefined area demarcated by 20 grid squares of the relevant 1:50,000 Ordnance Survey map. This area includes the land at CA4 and CA5 which was previously ruled out in the 2017 New Settlement Report. Residents, other public bodies and private and voluntary organisations have not been consulted on this vague but much larger area. The definition of the boundaries is expected to take place as part of further planning over the coming years. That is not democratic or fair and does not meet the duty to cooperate.

DM4 is further not legally compliant because the required sustainability appraisal cannot have been carried out. That is axiomatic given that the boundaries have not been defined: you cannot appraise an undefined area.

The Plan is also unsound. The four tests of soundness - positively prepared, justified, effective and consistent with national policy - have not been met:

Positively prepared. Plans should be prepared with the presumption of sustainable development according to the National Planning Policy Framework (NPPF) paras 6-17 and 151). Sustainable development cannot be achieved in the Plan with the inclusion of draft policy DM4 which is demonstrably not sustainable. Furthermore, the inclusion of DM4 in the Plan, and the process of its site selection, breach many of the principles set out in NPPF paras 150 – 185. The following are some, not all, of the key failings in regard to unsound Plan Making, in particular, lack of sustainable development.

HBC has overstated the value of the railway corridor in supporting a new settlement near Green Hammerton and has failed to acknowledge the amount of work required to upgrade the railway. There is a lack of evidence of plans and budget to undertake those works.

HBC outlines a string of highways improvements that would be required to support the choice of Green Hammerton for a major new settlement. However, there is no accompanying analysis of the costs, no evidence of a budget for these works and no clarity on who is responsible for funding them.

There is no evidence of planning for the creation of opportunities for significant employment at this location.

There is no intention to provide a secondary school: the estimated 375 secondary school children will be bussed to Boroughbridge. That is eight 50-seater coaches making a 20 mile round trip each day.

There will be the destruction of large swathes of prime agricultural land.

The Broad Location for Growth harms a historic environment including the three Conservation Areas, in Green Hammerton, Kirk Hammerton and Whixley. The new settlement is bound to adversely impact the setting of these Conservation Areas.

Justified. The Plan follows an inappropriate strategy in its reason for the allocation of DM4 which can be summarised as: “only a new settlement can meet the district’s housing needs”. That is not true. Other more reasonable alternatives include: a green belt review to consider housing allocations closer to the existing centres of population; looking more creatively for brownfield sites; exploiting the large volume of undeveloped sites that already have permissions. If a new settlement is deemed to be the only solution to the housing requirement, then land at FX3 is a more sustainable alternative.

HBC’s analysis also greatly inflates potential contributions from developers towards the required new infrastructure for Green Hammerton compared with Flaxby. This “headroom” discrepancy is explained by the use of inappropriately low house valuations for Flaxby.

Effective. HBC believes that DM4 is key to meeting the housing needs of the district. However only a third of the dwellings are expected to be completed in the plan period. And deliverability is jeopardised by the likelihood of arguments over the cost and responsibility for provision of infrastructure and facilities; the impact of a 40% affordable homes requirement on developer-led economic considerations and the reliance on favourable policy decisions in future local plans which cannot be guaranteed.

Furthermore, the HBC new settlement Background Paper reports the findings of the “Whole Plan Viability” (WPV) Assessment and at its Paragraph 5.67 it records the conclusion that: “it was premature [November 2017] to provide definitive advice as to the deliverability of these sites [Green Hammerton and Flaxby]”. This statement alone must make the Plan with its inclusion of DM4 unsound. In short, HBC’s own consultants cannot state that the site near Green Hammerton is viable.

Consistent with national policy: At the heart of national planning policy is a presumption in favour of sustainable development. Draft policy DM4 is not sustainable as noted above. And the need for a new settlement is unproven. HBC’s stated requirement of 669 dwellings per annum is greatly in excess of the government's new indicative figure of 395. Nor does it respect the general reduction in figures throughout the North of England

To conclude. The HBC draft local Plan, through its inclusion of policy DM4, is not legally compliant and not sound for multiple reasons. DM4 should be removed; there should be proper consultation on the Broad Location for Growth; there are more appropriate development strategies than a new settlement, DM4 does not represent sustainable development and there are serious questions about the deliverability and viability of DM4.