

Harrogate - Planning
Regent House
13-15 Albert Street
Harrogate
HG1 1JX

T: 01423 523423
F: 01423 521373

Your ref:
Our ref:

G Duxbury Esq. Chair
Thorp Arch Neighbourhood Steering Group
12 Thorp Arch Park
Thorp Arch
Leeds
LS23 7AN

BY E-MAILONLY: graham.duxbury@ntlworld.com

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Dear Mr Duxbury

Thorp Arch Neighbourhood Development Plan 2016 - 2028 (TANPlan) Representation on behalf of The Hatfeild Estate

Thank you for consulting Carter Jonas LLP on behalf of The Hatfeild Estate in respect of the draft consultation document prepared by the Neighbourhood Plan Steering Group (NPSG). Please pass on my congratulations to the Steering Group including your predecessor (Peter Smart) in producing the document to this stage.

One letter has been issued from you dated 17th August covering three major landowning clients of Carter Jonas LLP. Whilst there is a degree of commonality between the issues that have been raised during various meetings with yourself (and Peter Smart) separate representation is prepared for each landowner, as their interests are different and therefore require individual explanation and likewise consideration by the Steering Group, Leeds City Council's Neighbourhood Plan team and at some time in the future the independent Examiner.

Our starting point in responding to your consultation is to make reference to the City Council's recently published Site Allocations Plan Revised Publication Consultation for Outer North East. This was subject to an Executive Board Report of 21st September 2016 and issued for formal consultation on Monday 26th September for a six week period. Leeds City Council have issued the Consultation as a consequence of failures in the earlier consultation document of Autumn 2015 following the withdrawal of the Headley Hall proposals by the landowner (the University of Leeds) which underpinned the City Council's allocations strategy for the Outer North East. For similar reasons – a reliance upon a new settlement proposal in the Green Belt, albeit this time wholly within the District on the Parlington Estate- we consider the current consultation will fail.

Notwithstanding those concerns it is appropriate that the Core Strategy and the emerging SAP document inform the Neighbourhood Plan and, for the purposes of "soundness", they are broadly consistent.

Guidance on the preparation of Neighbourhood Plans is set out in the Government's National Planning Policy Framework (the Framework) and the accompanying Planning Practice Guidance (PPG). It is worth briefly setting these out as they inform the subsequent comments.

Paragraph 16 of the Framework sets out the implications of the Presumption (in favour of Sustainable Development) in respect of engaging communities in neighbourhood planning. This suggests that communities should progress neighbourhood plans which support the strategic development needs set out in the Local Plan, including policies for housing and economic development and to plan positively to support, shape and direct development in the area that is outside the strategic elements of the Local Plan. It also

suggests identifying opportunities for Neighbourhood Development Orders (NDO) to enable development that is consistent with the neighbourhood plan to proceed.

Policy at Para 183 provides further clarity stating that the neighbourhood plan provides the opportunity to set out policies which can be used to determine decisions on planning applications and gives powers (to the community to grant planning permission through NDO's and Community Right to Build Orders for specific development. Para 184 states how the neighbourhood plan should be in general conformity with an up-to-date Local Plan and importantly suggests:

“Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies.”

Within the PPG, guidance is provided upon the matters to be contained in the neighbourhood plan ensuring that it is deliverable and identifying the weight to be attached in various circumstances, such as where the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

Turning to the draft TANPlan itself:

Introduction

Section 1 the introductory section sets out the extent and background of the Parish in particular how various historical events and land ownership have shaped patterns of development. Much of this can be taken as a matter of fact and reflects the gradual change from Estate ownership to one where many of the residential properties are now owner occupied. Other changes such as the arrival /and removal of the railway and development of the ROF and then emergence of the Trading Estate are identified as particular events. A review of the current situation reflects the Parish as an attractive area where property values are significantly higher than the City average. A number of anomalies are highlighted in the household statistics although it is revealed that the Parish population has increased by 20% between 2001 and 2011. Despite the population increase it highlights a paucity of community or other recreational facilities.

Within the commentary on consultation and engagement (Section 1.3.2) the various points are noted regarding the Steering Group's activities since 2012/3. There has been engagement with the agent as representative of the Hatfeild Estate. It would be appropriate (as set out in comments below), for the Plan to refer to any discussion with adjoining Neighbourhood Plan Steering Groups (NPSG) which are required through the Duty to Co-operate provisions and where there are cross boundary issues

Vision/ Objectives

Section 2 sets out the draft Vision and subsequent objectives. In broad terms the intentions of the Vision set out in the 2.1 are understood. However, it is important that it does not seek to be more restrictive than policy set out in the Framework and the Local Plan. This is particularly so given the purpose of neighbourhood plans as outlined in the Framework and accompanying Guidance. It may be that the final sentence of the Vision is removed as this does not add anything and in fact exceeds Government policy as it is more restrictive. Matters relating to maintaining and enhancing the Conservation Area and its setting are already set out in the planning authority's Conservation Area Assessment and Management Plan.

As a further comment the Vision appears somewhat insular. Whilst the Neighbourhood Plan area is restricted to within the Parish bounds, part of which is formed by the River Wharfe, it is not functionally or geographically self-contained. It would be appropriate for the Vision to make reference to cross boundary issues. Whilst this might, most obviously, reflect on matters such as the Trading Estate which is principally within the adjoining Walton Parish, the concern is particularly where the Vision seeks to improve connectivity “between all parts of the parish”. This could be addressed by the Vision supporting improvements to connectivity in the wider sense by adding “[parish] and neighbouring areas”.

Some six objectives are then outlined to inform and frame subsequent policies and proposals. It would be helpful for the objectives to be worded in a manner which reflects the Framework's approach to “plan positively”. This could be achieved by some simple changes on phraseology which will not change the meaning of policy but will provide a more positive intent. For example, the first objective could be improved

through removing “retain” and replacing it with “maintain and enhance”. With the second objective “protect” could be replaced by “improve”.

With regards the fourth objective this should reflect our comments regarding movement through, in, across and out of the Parish.

For the fifth objective this should read

“5. To improve and increase social and recreational amenities, and access to them.”

Objectives four and six are supported where these seek to meet and exceed the objectively assessed needs set out in the Local Plan.

Policies

Section 3 sets out a number of policies to guide development under a series of five key themes. There is logic to this division as it reflects the nature of the Parish. We deal with these as they follow in the TANPlan.

Built Environment sets out four policies, the first two of which relate to design and development inside and outside the Conservation Area. Within the justification for the policies it suggests widespread support for the policies. That may be the case, but it is not necessary for the TANPlan policies to repeat other guidance or be overly prescriptive. In our view the Policy **BE1** and **BE2** add nothing to the current policy framework set out in the Core Strategy and other supplementary guidance and could be deleted.

Policy **BE3** refers to **Local Green Space (LGS)** designations, including a list of 12 individual assets it proposes for such designation. Para 77 of the Framework sets out where the designations should be used and recognises that it is not appropriate for most green areas or open space. Three circumstances are set out where the LGS designation should be used. Appendix 4 of the TANPlan sets out the Steering Group’s interpretation of these matters. Paragraph 78 indicates that when designated the development management policies applicable to areas of LGS are akin to those operable within the Green Belt. Guidance within the PPG advises that LGS should not be designated in order to prevent development and should not be viewed as a way of designating land as Green Belt “by the back door”.

Giving consideration to the twelve areas those within the ownership of the Hatfeild Estate are at Map References C, D and F; the Cricket Pitch, the “TABS” north entrance and Middle Meadow. As a matter of principle this letter should be regarded as an objection to any proposals to designate these areas as LGS.

With regards the Cricket Pitch this is already protected by a designation imposed by Leeds City Council under Policy N6 as a protected playing field. This best reflects the status of the facility as a privately owned and operated Cricket Ground and pitch which, in the consideration of redevelopment requires appropriate replacement and upgrade of facilities. TANPSG is well aware of proposals by the Hatfeild Estate and progressed with the Cricket Club to redevelop the facilities. On the face of it the proposed LGS designation is simply seeking to restrict potential options for the Cricket Club and the landowner; this is contrary to the purposes of the designation process. Similarly the designation Area D TABS North Entrance does not have protection as Playing Pitch but is functionally linked to the Cricket Ground as its main access point; as such the mechanics of the proposed LGS designation are seen simply in the same way as those put forward for the Cricket Pitch and without merit.

Regarding “Middle Meadow” (Area F) this does have a public footpath through it which links the centre of the village to the All Saints Church which is otherwise “isolated” from the village. Initial discussions between the Estate and Steering Group investigated how the route could be “improved” to increase the physical and visual linkage. As landowner that option remains. However, there is no need to designate Middle Meadow as LGS simply to maintain the public footpath which is retained and protected under other legislation. There is no other public right of access across the meadow which can be used or inferred. As a result the proposed LGS designation is the subject of an objection.

As a general comment we would question the use of LGS designations within the draft TANPlan given that some of the areas may comprise village green and for G as a Graveyard. Of particular concern is Area K which is within the revised draft SAP Consultation as proposal HG2-227 (5300) on land to the north of HMP

Wealstun. This proposes some 142 units on 6.33has of land. At this stage, this would question/undermine the fundamental soundness of the draft TANPlan and the rationale within it

Draft Policy BE4 sets out a number of non-designated heritage features which are not covered by other statutory forms of protection. It would be helpful if the TANPlan set out why the features are of merit.

Section 3.3 sets out four policies relating to **Countryside and the Natural Environment**. To a large extent these draft policies simply replicate/duplicate other policy documents and do not add anything to the current policy framework within the City' administrative area generally or the Parish specifically. As such they can be deleted.

Section 3.4 sets out policies on housing development with two specific matters dealing with (H1) site allocation(s) and a housing type and mix policy (H2). Within the TANPlan narrative it relates to concerns that the TANPSG and the Parish Council have regarding most recent Housing Market Assessment commissioned by the City Council and published in January 2016, instead citing a report commissioned by the Steering Group based on a local survey undertaken in 2012, which generated a more modest housing number. As an observation we would question the robustness of the 2012 survey which secured a modest return, but does reflect certain emerging patterns with regard to the under occupation of existing properties and a need for units for resident to down size to. This is a matter seemingly exacerbated by the lack of new builds in the Parish and the extension of smaller properties as a lack of the former to take account of people's changing household requirements.

With the ensuing policy H1, the TANPlan seeks to allocate land on the former HMP Social Club for around 25 dwellings. Whilst the intent of the policy is supported with a focus upon reusing brownfield land, the substantive issue is whether the policy is "sound" in terms of its internal consistency and also consistency with the emerging SAP document. To explain the policy suggests that sites (plural) will be identified, and then lists one. In identifying that site the TANPlan completely disregards the SAP document which includes the Social Club in a larger allocation.

There may be timing issues regarding the production and consultation of the draft TANPlan (principally by volunteers in the local community) and the emergence of the SAP, although the SAP has been in draft for at least six months. What is concerning is that the draft TANPlan does not seek to plan positively. For instance it could have included several smaller sites around the Parish to increase the delivery of appropriate housing. Such a suggestion has been made by the agent during meetings with the NPSG.

Regarding H2, the policy should refer to the types of housing for all members of the community and those who may wish to relocate or move back to the Parish. It is difficult to understand how the policy will be implemented in seeking to put demand "from within the Parish first". Does this imply somebody born within the Parish has a greater need than somebody recently moved in, or renting property; or vice versa? This concern reflects earlier comments about the insularity of the document. It quotes the dependence of residents in Thorp Arch upon facilities within Boston Spa (for example, shops, Post Office, Secondary School) and further afield to Wetherby and then seeks to deal with Thorp Arch in isolation.

Section 3.5 then deals with retention and provision of **Community Facilities** noting such facilities have not expanded within the Parish to match household growth and needs. Whilst the intent of the draft **Policy CF1** is supported, the subsequent text appears inconsistent with that policy. Two tables set out a number of assets and facilities which are deemed important and should be "protected". Some 50% of respondents suggest that a football pitch is not important, however, this is one of the key requirements. It is considered that the survey results are "skewed" and biased given that the Hatfeild Estate was exploring a number of options with the Cricket Club, for a new playing facility, and clubhouse and to potentially include a village hall, regarded as important by 68% of the survey respondents.

Earlier discussions with the NPSG explored the potential for a village hall and indicated that it could be delivered within the plan period alongside some modest development. Additionally other facilities may be deliverable through CIL type payments, should the Parish accommodate an appropriate scale of development. Furthermore the adoption of a neighbourhood plan would enable a greater proportion of the CIL monies to be directed toward such projects.

In Section 3.6 the policies seek to **Support the Local Economy** local businesses and improve opportunities for new development. The intent of the policies is supported, although it is considered they replicate policy within the Core Strategy/Local Plan and repeat other general planning considerations.

Projects and Aspirations

Turning now to Section 4 this sets out the Projects and Aspirations, describing a list of projects but then no timescale or approach to how they would be delivered/paid for. Of particular concern to the Estate are Policies P2, P8 and P4.

In principle the Proposal P2 is supported where it improves accessibility by bicycle and makes such journeys safe for all users, of all ages and ability. It is noted that Leeds City Council is undertaking a significant amount of upgrading works to the pedestrian routes around the Parish presently along with some carriage resurfacing. These do not appear to address the issue of connectivity highlighted in the TANPlan. With regard to P2 it is not clear whether the link would be within highway land or proposed on Estate property. If highway land is to be used it is important that existing rights of access are retained as is the ability to maintain hedgerows and field boundaries. Should the proposal include for Estate land, then there has been no specific consultation with the Estate. This representation should be regarded as an objection to the proposals. However, the Estate would welcome discussion on how the scheme could be brought forward should it be justified.

Comments relating to P8 for a new footpath between the Ebor Way and the village are similar to those for the P2 cycleway proposals where it may utilise Estate land.

On Project P4, the Estate has set out its stall on a number of occasions and with the support of the Cricket Club sought to consider the long term future of the Cricket Club to meet its own aspirations. It has been made clear that the current Cricket Ground is no longer suitable for the level of Cricket to be played on the ground, either the pitch or the level and quality of facilities. Land has been put forward for a replacement Cricket Ground and community facilities/village hall, alongside a mix of housing which would include for downsizing and family homes. Such proposals were the subject of a planning application in around 2000 and the subject of a consultation during the early stages of the TANPlan. So to speak, those proposals or an alternative remain on the table. The Estate and its agent welcome the opportunity to engage with the NPSG to discuss a way forward on this matter.

On this basis the Estate objects to the suggestion that the Parish Council will seek to either secure a long term lease or ownership of the land. The Estate continues a dialogue with the Cricket Club with the view to pursuing a long term relocation of the Club and a suitable re-use of the Cricket Ground.

Conclusions

In conclusion, it is welcomed that the Steering Group has published the draft TANPlan document for consultation. Whilst a number interesting projects and aspirations are set out and comments and observations have been made, the general position is one of disappointment and the need to raise substantive objections to the document. It is considered that the document simply fails to address the basic requirements of a neighbourhood plan as set out in the Framework and the accompanying PPG. Moreover it is not consistent with the Local Plan and the emerging Site Allocations Plan, seeking to propose a fraction of the development set out in those documents.

A vision is set out which could be simplified and the supporting objectives clarified to be more positive. With regard the policies within the document, it is considered that these simply replicate policy elsewhere or otherwise is a negatively phrased variant of national policy.

Over a period of time the Estate has set out numerous proposals and is willing to work positively with the Steering Group, the Cricket Club and others. It is considered that the draft TANPlan being consulted upon is a missed opportunity, where the Steering Group could seek to work with landowners to deliver good quality development to provide the housing and facilities that the community requires and aspires to.

In the meantime, if you have any queries or require any further information in relation to any of these matters please do not hesitate to contact me.

Yours faithfully



Paul Leeming BTP MRTPI
Town Planner

E: paul.leeming@carterjonas.co.uk
T: 01423 707804
M: 07976 381195