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Dear Mr Duxbury

## **Thorp Arch Neighbourhood Development Plan 2016 - 2028 (TANPlan) Representation on behalf of The Lady Elizabeth Hastings' Estate Charity**

Thank you for consulting Carter Jonas LLP on behalf of The Lady Elizabeth Hastings' Estate Charity in respect of the draft consultation document prepared by the Neighbourhood Plan Steering Group (NPSG). Please pass on my congratulations to the Steering Group in producing the document to this stage.

One letter has been issued from you dated 17<sup>th</sup> 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 21<sup>st</sup> September 2016 and issued for formal consultation on Monday 26<sup>th</sup> 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 Lady Elizabeth Hastings' Estate Charity. 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”.

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.

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.

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.

### **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. 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



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