



ALLERTHORPE PARISH COUNCIL

Allerthorpe Parish Council
Neighbourhood Plan
Response to Initial Comments and Points for Clarification
Raised by Mr Ashcroft, the Independent Examiner

Dear Mr Ashcroft,

Thank you for your initial comments on the Allerthorpe Neighbourhood Plan (the Plan) and the points for clarification you have raised. We are pleased to respond below using self-explanatory sub-headings.

Initial Comments

Thank you for your positive comments on the layout, presentation and detail contained in the Plan. It is a welcome recognition of the energy and endeavours of the local community, which has embraced the rights enshrined in the Localism Act 2011 to shape development in their parish.

Points for Clarification

Policy ANP03

This policy builds on the East Riding Local Plan 2012 - 2029 Strategy Document Adopted April 2016 (the Local Plan). In appendix C (page 24) of the SEA HRA Screening Opinion, the Environmental Agency made positive comments on the Allerthorpe Neighbourhood Plan Pre-Submission Draft and suggested an alteration to the wording of Policy ANP03. The suggestion was incorporated in the submitted Plan. The Parish Council was aware that, despite the national policy, developments in the parish had been permitted historically in very close proximity to flood zone 2 and zone 3 (with access through them) and wished to ensure that the Plan was clear in addressing local issues of flooding. As noted above, this policy is supported by the Environmental Agency.

Whilst recognising the overlap with national policy, as set out in Section 14 of the National Planning Policy Framework (February 2019), the Parish Council considers that the policy gives appropriate added emphasis to an important local issue. The Parish Council would welcome any recommendations from the Examiner in respect of refinements to give the policy a stronger local emphasis.

Policy ANP07

Link to Policy E2 of the Local Plan and approach to ANP07 policy formulation

The Parish Council do not believe that this policy is unduly more restrictive than that of Policy EC2 of the Local Plan, but rather shapes and adds further detail in the light of local evidence and circumstances. This is in accordance with paragraph 29 of the National Planning Policy Framework (February 2019). Policy ANP07 is a necessary and proportionate response to a particular local issue of recognised significance to those living in the area of the NDP. In particular, the criteria based Policy ANP07 links directly to the fundamental test set out in Policy EC2B which states that "*...tourism development will be supported where their scale and cumulative impact is appropriate for the location*". The six ANP07 criteria simply provide the necessary parish specific further detailed test, informed by evidence, local circumstances and community wishes.

The Parish Council has developed the Plan over a considerable period of time and through a number of consultations with local residents, businesses, statutory consultees and of course the East Riding of Yorkshire Council. The formulation of Policy ANP07 is a culmination of that methodical, evidence based and community led process. The product of that process represents, and clearly articulates, how the local community wishes to see the parish develop, whilst still being aligned with the strategic direction laid out by the East Riding Council. It does not promote less development than set out in the strategic policies for the area, nor does it undermine those strategic policies.

Section 5.5 of the Plan provides evidence and reasoning in support of Policy ANP07 and it also factually records (at paragraph 2.1.3) the small size of the existing resident community i.e. 70 dwellings in the village and a parish population of 220.

In respect of criterion (iii), the Parish Council makes the following responses to the specific questions:

ANP07 (iii) Purpose

The purpose of the criterion is to provide a mechanism to control development to support the objective of maintaining a sustainable community within the parish. This links directly to the Plan's vision as set out in 4.1.1 which is focused on fostering a thriving community in Allertorpe Parish. Such a purpose is a Planning matter (see next response) and it is fundamental to the success of this Plan to the parish community, as confirmed by the evidence.

A planning policy mechanism to manage the balance of a community and protect its social fabric and general well-being is soundly based. Some parallels can be drawn with other neighbourhood plans which have successfully sought to control the balance of resident and tourist / second home populations. Most notably this has related to Cornwall. The St Ives Area NDP's restrictions on second homes were based on safeguarding the sustainability of the local community, where a quarter of homes had become occupied by non-residents; it passed the scrutiny of examination, the courts, including justification under Article 8 of the Human Rights Act and the policy was found to be a necessary and proportionate response to a particular local issue of some significance to those living in the area of the NDP.

The Parish Council is careful in not seeking to draw direct comparability with Cornish NDPs and issues, nor to present such examples as precedent cases. However, they do illustrate that the policy purpose of seeking to place some control on the socio-economic balance of resident and non-resident populations is soundly based. It is about the socio-economic effects and a need to strike a balance between promoting tourism and its benefits, with the needs and wishes of the local resident community.

Does criterion (iii) relate to a planning matter?

Yes. As explained above, it is a Planning matter and links directly to the social component of sustainable development, as set out in paragraph 8 of the National Planning Policy Framework (Feb 2019), which supports strong, vibrant and healthy communities. For Allerthorpe Parish, its community's health, social and cultural well-being are central to this Plan's vision, objectives and planning policies.

How would criterion (iii) be applied by decision makers

The Parish Council recognises that the application of criterion (iii) does require a planning judgment, based on fact and degree and the particular circumstances in any case. However, this is not a weakness, but a product of a number of important factors, which are explained below.

First, the policy and criterion is carefully worded to avoid any arbitrary limit and ensure conformity with the Local Plan and the NPPF. Second, the full effects of large scale tourist accommodation, as a result of the golf course development, can only be assessed with precision once it is implemented i.e. later in the plan period. Third, the key criterion tests of 'character' and 'role' are recognised and understood planning matters and can be assessed through professional planning judgments based on the particular facts and circumstances of any particular case. Fourth, the policy gives a sound platform for both proponents of, and objectors to, such developments to make focused representations for consideration by decision makers i.e. to the East Riding of Yorkshire Council's Planning Committee.

The Parish Council considers that criterion (iii) is extremely important to achieving the planning purpose of the policy.

Policy ANP08

Allerthorpe Parish is small in scale, dominated by agriculture, with a single village and isolated hamlets accessed by a single 'C' class road. The Parish Council is fully supportive of local desires, those of East Riding and of the Government to address the issues of traffic. In particular, it seeks to promote steps to decrease volumes, lessen impacts on the environment and improve road safety.

Delivering physical improvements to cycle and pedestrian routes is therefore important and desirable. Policy ANP08 is designed to both encourage improvements to existing pedestrian and cycle routes and to promote new routes which link leisure facilities in the Parish. Currently there is a pedestrian and cycle route which links Pocklington to the village of Allerthorpe and onward to Allerthorpe Common. However, there is no dedicated pedestrian or cycle route to link the village to Pocklington Canal or to other leisure destinations in the Parish.

Whilst there is no certainty that local landowners will make land available for such routes, the Parish Council would support any opportunities that arose. Policy ANP08 would provide formal support for any such opportunities in the Plan period.

The Parish Council can clarify that the policy objective relates specifically to support for enhancements of cycle and pedestrian access to existing leisure points and destinations in the Parish. It is not intended to promote unspecified general developments that might offer such improvements, unless, of course, they are developments that conform to all other relevant policies in the Plan and, most notably, Policy ANP02. The Parish Council would welcome any recommended refinements to the policy wording from the Examiner to address any concerns about clarity on this point.

Policy ANP09

Allerthorpe Parish has few community facilities (church, small village hall, single public house and no shops or safe areas for children or the vulnerable). Policy ANP09 is designed to support both proposals for development of new facilities and for modification / extension of existing facilities. As facilities are already limited, proposals which resulted in diminution will not be supported.

The Inspector's comments are helpful in highlighting the word 'generally'. It was included in the drafting to give a little flexibility in unforeseen special circumstances. However, the Parish Council does accept that its inclusion could give rise to some ambiguity. The Parish Council would be happy to agree to a recommendation that the word 'generally' be deleted. Any 'special circumstances' proposal that may emerge would then be treated on their individual merits, although such eventualities are not considered to be likely in the Plan period.

Policy ANP11

In respect of the Design Guides, as you correctly observe, these are contained in paragraphs 6.1 and 6.2.

Question for East Riding of Yorkshire Council

We have noted the response of the East Riding of Yorkshire Council dated 9 July 2019. We hope that your report on our Plan is published, and available to inform decision makers, prior to 'late summer'.

Representations

Thank you for the opportunity to comment on the representations made to the Plan.

General

We note that, with the exception of just two representations, the remainder are supportive of the Plan. We consider this to be an endorsement of the evidence based and community led process that we have followed in preparing the Plan. We have taken into account the valuable feedback from public consultation and community engagement stages and used this to refine and enrich the Plan.

Park Leisure

No other business in the Parish has raised any concern over Policy ANP07. Park Leisure chose not to partake in the consultations or open days and declined opportunities to meet with the Parish Council, except through its written submissions by its agent.

The Allerthorpe Parish Council Consultation Statement sets out, in section 5, how it addressed the concerns raised by Park Leisure.

Park Leisure is a company new to the parish. The previous owners raised no concerns about the Neighbourhood Plan preparation. We would draw the Examiner's attention to East Riding of Yorkshire Planning Application 15/03678/STPLF for change of use of the golf course to house 150 holiday lodges (this was a re-submission of planning application 14/03238/STPLF for 225 lodges which was refused). The application was refused, but went to appeal. On appeal, the application was approved, but subject to a number of conditions. The Parish Council and local community submitted a significant amount of information in response to claims made by the developer. This information is available on the council's website.

In Park Leisure's written response to the consultation, and again in its latest representation, its agent has repeated information from its appeal case. As may be expected, it has sought to interpret the Appeal Inspector's comments in a way that supports its contentions and future commercial ambitions. The Parish Council does not agree with those interpretations and an Inspector's decision on one proposal does not determine future decisions. Moreover, it does not fetter decision makers, who will make sound planning decisions on current and future proposals based on planning merits and the prevailing policies, which we hope will soon include our made Neighbourhood Plan.

We do not believe it would be of benefit to rehearse again the detail of the concerns and representations made by the Parish Council, the community and East Riding of Yorkshire Council. These are matters of record and are summarised in the Plan (see 5.5.4 and 5.5.5). As noted above it does, in particular, link directly to and supports Local Plan Policy EC2B, which establishes that in the countryside, support for tourism development is contingent on 'scale', 'cumulative impact' and generally being 'appropriate for the location'.

Importantly, as explained above on our comments on Policy ANP07, the Parish Council has addressed and articulated a policy is a necessary and proportionate response to a particular local issue of recognised significance to those living in the area of the NDP, whilst also being in general conformity with the strategic direction of, and policies contained within, the Local Plan.

The Parish Council has reviewed Park Leisure's suggested amendment to Policy ANP07 and taken advice from a Planning expert. The modifications they suggest are, in essence, seeking to delete and / or dilute the soundly based and reasonable key Planning criteria, such that the policy would be rendered ineffective. If such modifications were made, either in whole or in part, the policy would no longer serve its Planning purpose and could not contribute to achieving its objectives, including that of maintaining a sustainable community within the parish, which links directly to the plan's vision, as set out in 4.1.1, focused on fostering a thriving community.

Accordingly, the Parish Council would not be supportive of Park Leisure's suggested amendments. The Plan simply seeks to properly control (not ban) commercial tourism developments and its policy is based on clear planning purposes.

As we are sure you will have noted through your examination, this is the single most important issue for the Plan and the parish community. We do hope that you will endorse the policy.

York Diocesan Board of Finance

The Parish Council notes that the submission is not directly from the Diocese but from their agent and is, in general, supportive of the Plan. However, the submission appears to be seeking to use the Neighbourhood Planning process to undertake the promotion of a somewhat random field, in the open countryside, for unplanned industrial development.

The submission refers to an area i.e. the Pocklington Industrial Estate, which is outside of the Parish limits and beyond the scope of this Plan. The Parish Council is not seeking to extend or reduce the existing boundaries of the parish or the coverage of the Plan.

As indicated in the Plan, the open agricultural land between the A1079 (York Road) and the village provides a clear break between the parishes of Pocklington and Allerthorpe. The expansion of the Pocklington Industrial Estate, leapfrogging the A1079, and intruding into the open countryside would have profound adverse impacts and would be wholly at odds with the Plan's vision, which is founded on retaining the parish's rural character.

Such a development would not be regarded as an extension of an existing employment site, nor would it meet the criteria set out in Policy ANP05. Moreover, there is nothing contained within the Local Plan or the Framework to support the type of uncoordinated industrial development in the open countryside that appears to be suggested by the agent acting for the Diocese.

The Parish Council contends that its Plan is fully supportive of increased employment in the parish. Policy ANP05 provides a sound and proportionate approach which recognises and responds to local constraints and opportunities. Constraints include limited access, environmental, landscape and amenity considerations and the essentially rural character, role and context of the parish. Opportunities include vacant or underused buildings and through appropriate extensions of existing employment sites, where the scale is appropriate to the surroundings and subject to a range of environmental considerations. We offer the following comments on the specific paragraphs referred to in the conclusion of the agent's letter:-

Para 4.1.2 – The Plan does not seek to address issues which are already covered in the Local Plan or fall under the remit of other parishes. The Parish Council does not consider that any amendment to paragraph 4.1.2 is required. Furthermore, paragraph 4.1.3(g) promotes local employment requirements and Policy ANP05 sets an appropriate and positive basis for new employment commensurate with the environmental limits of this essentially rural parish.

Para 5.4.2 & 5.4.4 – Pocklington Industrial Estate is outside the Plan area and therefore not included in the Plan policies. As indicated above, the Parish Council is not seeking to change the Plan area.

Para 6.2.1 – The Parish Council believes the current wording is fully reflective of the vision of the Plan and no alterations are necessary.

Protocol for Responses

As requested, the Parish Council is submitting this response through the East Riding of Yorkshire. We would be grateful if receipt could be acknowledged by the Council and confirmation given that this submission has been forwarded to the Examiner.

Overall

The Parish Council hopes that the responses set out above are helpful and provide further evidence to support the Plan's content, approach and policies. However, if there is any other matter requiring clarification, the Parish Council will be very happy to respond further.



Allerthorpe Parish Council – 11 July 2019