

From: [REDACTED]
To: [Local Dev. Framework](#)
Cc: [REDACTED] [REDACTED]
Subject: Representation to Publication Draft Local Plan
Date: 09 February 2018 11:17:10
Attachments: [GA025 Final Representations to Publication Draft Local Plan 09.02.18.pdf](#)

Dear Local Plan Team,

Please find attached representation to the Publication draft Local Plan submitted on behalf of KCS Development Ltd.

I would be grateful if you could please acknowledge receipt of the attached documentation and keep us informed of progress of the Local Plan.

Many thanks in advance.

Kind regards,

[REDACTED]

[REDACTED] **MRTPI**
Associate Director

Johnson Mowat
Planning & Development Consultants

Coronet House, Queen Street, Leeds, LS1 2TW

T: [REDACTED] **W:** www.johnsonmowat.co.uk

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Johnson Mowat, Coronet House, Queen Street, Leeds, West Yorkshire LS1 2TW
Registered in England Nos: OC407525

Craven Local Plan 2012-2032 (outside the Yorkshire Dales National Park)

Publication Stage Representation Form

Publication draft Craven Local Plan public representations period runs from Tuesday 2nd January 2018 – Tuesday 13th February 2018.

Regulation 19-Town and Country Planning (Local Planning) (England) Regulations 2012

Representations must be received no later than 5pm on Tuesday 13th February 2018

Please return completed forms to:

Planning Policy, Craven District Council, 1 Belle Vue Mills, Broughton Road, Skipton, North Yorkshire, BD23 1FJ

Or by email to: localplan@cravencd.gov.uk

For further information please contact the Council's Planning Policy Team via email at the address set out above or telephone 01756 706472

This form has 2 parts: Part A for personal details and Part B for your representation(s). **Please fill in a separate form for each representation you wish to make.**

Please note each representation must be signed and dated

Part A

Section 1: Personal Details

Title :	■
First Name:	■■■■■
Last Name:	■■■■■
Job Title (where relevant):	
Organisation (where relevant):	KCS Development Limited
Address 1:	c/o Agent
Address 2:	
Address 3:	

Address 4:	
Postcode:	
Telephone:	
Email:	

Section 2: Agent Details

Please supply the name, address, telephone number and e-mail of any planning agent you have working on your behalf.

Agent name:	██████████ Johnson Mowat
Address:	Johnson Mowat Coronet House Queen Street LS1 2TW
Telephone number:	██████████
Email:	████████████████████

Part B

Please fill in a separate form for each representation

The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the legal and procedural requirements, and whether it is sound.

Section 3

Name or Organisation:	KCS Development Ltd
To which part of the Local Plan does this representation relate?	
Section and Paragraph	Section: Plan Period (paragraph 1.8)
Policy	Policies SP1, SP4 and SP10
Policies Map	

Section 4: Legal Compliance & Duty to Cooperate

Do you consider the Local Plan is: (tick as appropriate)		
	Yes	No
1. Legally Compliant		✓
2. Sound		✓
3. In Compliance with the Duty to Cooperate		

Please refer to the Council's representation guidance notes at <http://www.cravenc.gov.uk/newlocalplan>

Section 5: Details of Representation

Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the Duty to Cooperate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the Duty to Cooperate, please also use this box to set out your comments.

Please see supporting statement for details.

Section 6: Proposed Modifications to the local plan

Please set out what modification(s) you consider necessary to make the Local Plan legally compliant or sound, having regard to the test you have identified above where this relates to soundness. (NB Please note that any non-compliance with the Duty to Cooperate is incapable of modification at examination) You will need to say why this modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

Please see supporting statement for details.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not be a subsequent opportunity to make further representations based on the original representation at publication stage.

After the representations period of the Publication Craven Local Plan has closed, further submissions will only be at the request of the Inspector, based on the matters and issues debated at the examination.

Section 7: Participation at the Examination

If your representation is seeking a modification, do you consider it necessary to participate at the oral part of the examination? (please select one answer with a tick)	
Yes, I wish to participate at the oral examination	✓
No, I do not wish to participate at the oral examination	
If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:	
In order to demonstrate our case for the allocation of GA025, Land off Skipton Road	

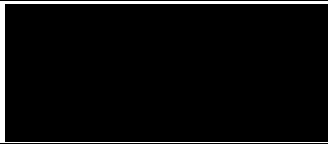
Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Section 8: Being Kept Informed

Would you like to be kept informed of the progress of the Craven Local Plan through to adoption? (please select one answer with a tick)	
Yes, I want to be informed	✓
No, I don't want to be informed	

Please note that if you do not wish to be kept informed of the progress of the Craven Local Plan through to adoption, you will not receive any subsequent updates relating to the Local Plan examination etc.

Section 9: Signature & Date of Representation

Please sign and date below:	
Signature	
Date	9th February 2018

After the end of the representation period the Council will submit all individual representations received to the Secretary of State, together with a summary of the main issues raised during the representations period.

Information that you provide in your representation, including personal information, may be published or disclosed in accordance with the Environmental Information Regulations 2004 (EIR), or the Freedom of Information Act (FoIA). If you want the information that you provide to be treated as confidential, please tell us, but be aware that under the EIR and FoIA, we cannot guarantee confidentiality.

However, if you are submitting representations as an individual, the Council will process your personal data in accordance with the Data Protection Act 1998, and this means that if you request confidentiality, your personal information will not be disclosed to third parties.

If you wish your personal details to be treated in confidence and not published please tick the box below:	
I wish to request that the personal details submitted with this representation are treated in confidence and not published.	<input type="checkbox"/>
Please explain below, why you have made this request:	

Craven District Council | 1 Belle Vue Square | Skipton | BD23 1FJ |
www.cravenc.gov.uk

Planning Policy Team | 01756 706472 | localplan@cravenc.gov.uk



If you would like to have this information in a way that's better for you, please telephone 01756 700600.



CRAVEN LOCAL PLAN PUBLICATION DRAFT – February 2018

Introduction

- 1.1 This representation has been written by Johnson Mowat on behalf of KCS Development in relation to the Publication draft Craven Local Plan and their land interest at Skipton Road, Gargrave (site ref GA025).
- 1.2 Johnson Mowat has made representations to the Craven Local Plan at various stages both in relation to the general policies and the site specific selection process. It should also be noted that representations have also been made to the Gargrave Neighbourhood Plan process at every opportunity.
- 1.3 A planning application is currently pending consideration with the Council in relation to site GA025 for the residential development of 44 dwellings.
- 1.4 We take this opportunity to raise **concerns in relation to the soundness of the Local Plan** as currently drafted and in particular bring attention to significant failures on the Council's behalf in relation to the preparation of the Local Plan and the site selection process. As a result of these shortcomings our Client is considering taking legal action against the Council should the Local Plan proceed as drafted.
- 1.5 Setting out our concerns below we first address the general policies of the Local Plan and then the site specific elements.
- 1.6 Paragraph 157 of the Framework states that plans should be drawn up over an appropriate time scale, preferably a 15-year time horizon, take account of longer term requirements, and be kept up to date". We note that the Plan end date is 2032. Given the current slippage in the Plan preparation timescales it is considered appropriate that the plan period should be extended to account for at least 15 years post adoption.

Policy SP1: Meeting Housing Needs

- 2.1 JM have previously made representations seeking a higher housing requirement within the Local Plan. At this time it is not clear whether the Council's Local Plan housing requirement seeks to meet the full OAN for the District including the need of the Yorkshire Dales National Park that sits within the District.
- 2.2 It is once again reiterated that the current low housing requirement sought by the Council does not achieve the aims of the National Planning Policy Framework to significantly boost the supply of housing within the District.
- 2.3 We are aware that these concerns are raised by other interested parties including the House Builders Federation (HBF) and ask the Council to refer to that submission for detailed justification.



- 2.4 It is our view that a higher housing requirement would also assist the Council in dealing with the increased need in affordable housing. This is considered a more prevalent issue now that the District's affordable housing provision target has reduced to 30% on major sites and quite often no affordable provision on smaller site submissions.

Policy SP4: Spatial Strategy and Housing Growth

- 3.1 This policy is not considered to be sound as it is not considered to be positively prepared or effective.
- 3.2 We once again support the inclusion of Gargrave within the settlement hierarchy as a Local Service Centre.
- 3.3 It is suggested that the policy is amended to clearly identify that the housing provision and requirement figure is a "**minimum**" figure rather than ceiling to ensure that appropriate and sustainable developments are delivered.

Policy SP10: Strategy for Gargrave

- 4.1 The housing allocations, particularly those relating to the Village of Gargrave, Policy SP10: Strategy for Gargrave, are unsound because they are not positively prepared or justified. The evidence base used in relation to the site selection process is flawed and as such we stated that the Local Plan is not prepared using a proportionate evidence base.
- 4.2 It is noted that three sites are allocated for housing for Gargrave village, including two major sites at Land off Eshton Road, north of Canal (GA009) and Lane to the west of Walton Close, Gargrave (GA031). The overall total yield of new housing in Gargrave across the plan period of circa 118 dwellings is welcomed however the identified sites are disputed given the flawed evidence base.
- 4.3 The site Land off Skipton Road (GA025) has wrongly been omitted from the Council's site selection process at every step of the way. The Council have stated that the justification for not selecting this site is due to Flood Risk.
- 4.4 On multiple occasions Johnson Mowat and KCS Development have submitted to both the Local Plan team and the Development Control team (as part of pending application 30/2017/17787) evidence to demonstrate that the site was situated in Flood Zone 1. This includes at the following stages:
- Craven Pre-publication draft Local Plan – October 2014
 - Craven Local Plan Second draft (pre-publication) – May 2016
 - Preferred Sites for Housing – August 2016



JohnsonMowat
Planning & Development Consultants

- Submission of Planning Application 30/2017/17787 on 6th February 2017
- Pre-publication draft Local Plan – July 2017

- 4.5 This evidence which included extensive flood modelling work, the scope of which was agreed with the Environment Agency, has demonstrated that the Flood Risk as set out on the Environment Agency mapping is no longer accurate, it is overstated, and the site falls within Flood Zone 1. The Council have chosen to progress the Local Plan on a flawed evidence base, ignoring the most up to date and reliable information. It is therefore unsound as it has not been prepared using a proportionate evidence base.
- 4.6 We are disappointed to learn that, as part of the application process, the Environment Agency provided written confirmation, on two separate occasions, in March 2017 confirming the Flood Zone 1 status of the application site and raised no objection to the principle of development. Please see attached letters dated 8th March and 28th March 2017. This confirmation unfortunately remained undisclosed to ourselves and KCS Development Ltd until October later in the year. It has also come to light that this correspondence has remained undisclosed from the Local Plan Team, effecting the positive consideration of this site within the site selection process.
- 4.7 Upon demonstrating that the site was located within Flood Zone 1 the Council should have subjected the site to the same sustainability testing as other potential sites. Disappointingly this was not the case and the site was not appraised or put forward for public consultation as a potential housing allocation. In doing so the Council have failed to follow an appropriate site selection process.
- 4.8 The application site is a highly sustainable site and scores well under sustainability testing. We consider it a more favourable housing site than the proposed GA009 and GA031 sites currently put forward by the plan. In this respect the housing allocations set out in this policy are not positively prepared or justified.
- 4.9 It should be noted that the site was included within the Craven Pre-publication draft Local Plan (October 2014) as a preferred housing allocation and was then removed from the plan.
- 4.10 We consider that application site (GA025) offers a preferable alternative to the housing allocations sites identified in the Local Plan for Gargrave, particularly GA009.
- 4.11 The Gargrave Neighbourhood Plan was submitted to the Council in June 2016 for formal consultation prior to examination by an Inspector. The Neighbourhood Plan was put on hold and a revised document was issued re reconsultation on October 2017 including a further additional housing site. We await further details regarding submission and examination of the Neighbourhood Plan.



- 4.12 The Neighbourhood Plan sets out a number of housing allocations, including sites with consents approvals and some new housing sites. Proposed Local Plan housing allocation GA009 was rejected at very early stages of the Neighbourhood Plan making process by the Working Group as a suitable option.
- 4.13 Site GA009 has performed poorly at every stage of consultation both in the Local Plan and Neighbourhood Plan processes. The May 2015 NP assessment of the site concluded:
- i. "Open, undulating pasture in the open countryside, adjacent to the Yorkshire Dales National Park. Generally poor accessibility to services and to the existing road network. Some policy constraints – identified as Special Landscape Area in the adopted Development Plan and part of the site is at risk of flooding. Not well related to village and considered to be important to the setting of Gargrave and to views of the National Park from the village and key amenity corridors, notably the Leeds Liverpool Canal. **Final Assessment – Inappropriate** (emphasis added)."*
- 4.14 It is our view that the proposed allocation of site GA009 is inappropriate. The proposed development represents a poor fit with the existing built form of the village and is an illogical extension. In this area of the village the built form is linear in nature, situated along the road frontage. The proposed allocation for a circa 60 unit extra care facility departs from this character and results in a detached development poorly related to the existing properties.
- 4.15 In our representations to the Preferred Housing Options Local Plan consultation in August 2016, Johnson Mowat made representation regarding the accessibility and sustainability of the preferred housing sites GA009 and GA031. It is considered our comments remain appropriate.
- 4.16 Whilst site GA009 is in proximity to bus stops on Eshton Road, these serve the infrequent bus services 75, 210, 211, 873 and 884. Only four buses operate Monday to Saturday to Skipton and Malham; it should also be noted that two of these buses are in close proximity to one another 10.00am (no. 210/211) and 10.01am (no. 75) further reducing choice of travel times. Sunday services are also limited along this route with three buses to Malham throughout the day, one bus to Easingwold and two buses to Malham.
- 4.17 GA031 is not situated on a bus line at all with the nearest bus stop 750m away situated in the heart of the village. This bus stop serves all those services listed above and the more frequent hourly 580 service between Skipton and Settle which utilises the A65.
- 4.18 Site GA025 is located on this higher frequency bus route with the nearest bus stop within 400m.
- 4.19 All in all the analysis has demonstrated that site GA031 has poor accessibility to public transport, 750m away from the nearest bus stop. Whilst GA009 is in proximity to bus stops these are only serviced by infrequent services of no more than 4 buses to Malham and 4 buses to Skipton. The frequency is further reduced as these times are in close proximity to one another.



- 4.20 Site GA025 provides the best accessibility to the public transport network located on the A65 upon which the hourly service between Skipton and Settle operates. These bus stops also benefit from the other services which run through Gargrave and are described above.

Conclusion

- 5.1 We take this opportunity to object to the Craven Publication Draft Local Plan. For the reasons set out above we find it unsound as currently drafted.
- 5.2 Significant concerns have been raised in relation to the site selection methodology, in particular the fair and proper treatment/ consideration of site GA025 in the Local Plan process. In omitting this site from the site selection process the Council have erred in law and should be brought to account.
- 5.3 Should the Council be minded to progress the Local Plan without appropriate consideration for site GA025 through the site selection process, the Council are likely to attract a legal challenge on this issue. Written confirmation of the site's flood zone status was provided by the Environment Agency in March 2017 through the currently pending application. The fact that this information was not shared either with the Applicant nor the Council's Policy colleagues is a failure beyond reason and has resulted in the mistreatment of the site in the Local Plan process. With the EA response brought to light at the end of 2017 it is disappointing that the Council have not sought to rectify the error and assessed the site appropriately.
- 5.4 Our Client has taken legal advice from [REDACTED], Walton & Co, on the matter and is resolved to expose the inadequacies of the Council and the Local Plan process through legal challenge.
- 5.5 I trust that the Council will find these comments useful as it continues through the Local Plan process and we look forward to hearing confirmation that the current issues have been addressed including appropriate consideration of site GA025.
- 5.6 Should the Council wish to discuss any of the matters raised we would be happy to engage. Johnson Mowat would like to be kept informed of all forthcoming consultations of the Local Plan.



**APPENDIX 1 – Environment Agency letter to
Craven Council dated 8th March 2017**

[REDACTED]
Craven District Council
Development Management
Council Offices Granville Street
Skipton
North Yorkshire
BD23 1PS

Our ref: RA/2017/136323/01-L01
Your ref: 30/2017/17787
Date: 08 March 2017

Dear [REDACTED]

OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 45 DWELLINGS AND ASSOCIATED WORKS, WITH MEANS OF ACCESS FROM SKIPTON ROAD, GARGRAVE (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RESERVED) LAND OFF SKIPTON ROAD, GARGRAVE, SKIPTON

Thank you for consulting us on the above application.

Provided that the proposed development is built in accordance with the submitted Flood Risk Assessment (FRA) then we have no objections.

This position is based on the level information provided within the FRA and the in-depth modelling undertaken on likely flood flow routes, mechanisms and flood levels. The site levels from the topographic survey and the road levels suggest that the site would not flood during a 1% flood event from the River Aire. The more detailed modelling and resulting flow routes for the overland flows from Eshton Beck also suggests that the site would not be impacted from flooding from the North, as these flows would be intercepted by the canal and discharge via the canals overflows downstream.

We are aware that the applicant currently has a formal flood map challenge being undertaken.

If you have any further questions, please do not hesitate to contact me.

Yours sincerely

[REDACTED]
Planning Advisor

Direct dial [REDACTED]
Team dial [REDACTED]
e-mail [REDACTED]

Environment Agency
Lateral 8 City Walk, LEEDS, LS11 9AT.
Customer services line: [REDACTED]
www.gov.uk/environment-agency
End



**APPENDIX 2 – Environment Agency letter to
Craven Council dated 28th March 2017**

[REDACTED]
Craven District Council
Development Management
Council Offices Granville Street
Skipton
North Yorkshire
BD23 1PS

Our ref: RA/2017/136323/02-L01
Your ref: 30/2017/17787
Date: 28 March 2017

Dear [REDACTED]

AMENDED PLANS (FRA). OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 45 DWELLINGS AND ASSOCIATED WORKS, WITH MEANS OF ACCESS FROM SKIPTON ROAD, GARGRAVE (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RESERVED) LAND OFF SKIPTON ROAD, GARGRAVE, SKIPTON

Thank you for consulting us on the above application.

Provided that the proposed development is built in accordance with the submitted Flood Risk Assessment (FRA) then we have no objections. Surface water drainage must be agreed with NYCC in their role as LLFA, and also with the IDB.

Our previous response dated 08/03/17 still remains valid. I have attached this below for your reference.

This position is based on the level information provided within the FRA and the in-depth modelling undertaken on likely flood flow routes, mechanisms and flood levels. The site levels from the topographic survey and the road levels suggest that the site would not flood during a 1% flood event from the River Aire. The more detailed modelling and resulting flow routes for the overland flows from Eshton Beck also suggests that the site would not be impacted from flooding from the North, as these flows would be intercepted by the canal and discharge via the canals overflows downstream.

We are aware that the applicant currently has a formal flood map challenge being undertaken.

If you have any further questions, please do not hesitate to contact me.

Yours sincerely

Environment Agency
Lateral 8 City Walk, LEEDS, LS11 9AT.
Customer services line: [REDACTED]
www.gov.uk/environment-agency
Cont/d..

[REDACTED]
Planning Advisor

Direct dial [REDACTED]
Team dial [REDACTED]
e-mail [REDACTED]