

Harrogate District Local Plan 2014 – 2035 Examination of the New Settlement (Maltkiln) Development Plan Document (DPD)

Schedule of Matters, Issues and Questions for the Examination Made on Behalf of Caddick Developments Ltd

Matter 3 – Energy, Climate Change and Flooding

Issue 1 – Net Zero Carbon, Embodied Carbon, and the Circular Economy – Policies NS4, NS5, NS7 and NS8

Q1. Policy NS5 requires a car parking ratio of 1 space per home or less (unless a clear car parking strategy can be demonstrated). Is this approach reasonable and justified?

- 3.1 The requirement for a ratio of 1 space per home or less has not been justified with any sound and credible evidence that demonstrates how limiting car parking spaces to 1 per dwelling is effective in achieving the desired modal shift to active travel and public transport. The Site has access to a train station, bus provision is being incorporated, facilities and services located within walking distances of all homes and extensive cycle provision to reduce the levels of journeys by car.
- 3.2 The new settlement is allocated within the Local Plan and should therefore be subject to the same policies as all other sites, including car parking standards. No other site in the Council's Local Plan has such standards and no evidence has been provided to show why this settlement should be treated any different. For example, new housing schemes in Harrogate itself are located in close proximity of a far greater range of services and public transport provision, however they are not limited to one space per dwelling.
- 3.3 From an urban design perspective, if only one space is permitted per dwelling, this would need to go to the front of the property as the policy would effectively prohibit side parking, rear garages and integral garages therefore would not achieve a high quality design as per the requirements of other policies.
- 3.4 Likewise, the policy has not been considered from a saleability and viability perspective. By applying the policy, this effectively prevents any existing two car families from purchasing the homes. Whilst ownership levels may change in the future, the reality of car ownership now is that a four of five bedroom home is likely to have two cars, which would significantly prohibit the ability to sell the properties.
- 3.5 It is noted within policy that the new settlement will be delivered over a number of years whereby it is accepted that reliance on the private car could reduce. However, in the first phases, the access to public transport will be limited as will the range of facilities and services, therefore applying such a reduction in car ownership will have significant impacts on viability and rates of delivery in the early phases.
- 3.6 This settlement should be treated the same as all other sites under the policy framework of the Local Plan and the same standards applied. In order to ensure that later phases continue to comply with any changes in behaviour of parking standards in the upcoming North Yorkshire plan, the Policy should make contingency for this in later phases, rather than applying restrictive policies at this time.
- 3.7 There is no evidence that the Highways Authority have considered evidence on deliverability and market feasibility or design of the properties. A site specific approach contrary to all other sites and Council policies is being provided with no justification or evidence and as such is unsound and should be deleted.

Q2. How will Policy NS7 contribute to the objective of the DPD to use improving best practice to reduce embodied carbon throughout the whole life-cycle of development? How does the identified infrastructure project for new supply connections to the existing gas network at Flaxby as set out in the table at section 11 of the DPD relate to this?

- 3.8 Currently the DPD sets out the need to investigate the potential to leverage secondary heat from the Allerton Water Recovery Park. We note and support that the reference to Flaxby is deleted in the February 2024 proposed modifications version of the draft DPD. In addition, the development is targeting the installation of a District Heat Network fed by Community Heat Hubs utilising Air Source Heat Pumps, therefore will not require a connection to the gas grid; the reference to Flaxby should be deleted.

Q3. Part 4 of the energy hierarchy set out in Policy NS7 requires that the settlement-wide net zero carbon energy strategy demonstrates that systems can be integrated with telecoms and electric vehicle infrastructure to minimise peak energy demand. Is this requirement reasonable and justified? How would this be achieved?

- 3.9 This section of the Policy is not justified, and detail on how this system's integration would be achieved and demonstrated is not provided within the DPD or accompanying evidence base. Whilst it is recognised that the electrification of heating and transport systems may increase electricity demand, it will be necessary to provide additional guidance on scope and justification of Policy NS7 Part 4 to guide meaningful implementation and ensure the intended outcomes are achieved without limiting viable solutions to achieve the desired end goal. Whilst integrating telecoms and EV charging can be achieved, it should not be mandated, as this risks stifling integration and potential alternative solutions to the achievement of the policy aim to reduce greenhouse gas emissions and minimise peak energy demands.
- 3.10 The proposed modification to the draft DPD (February 2024) refer in footnote 21 to the telecoms requirements set out in Policy NS6, however it is not clear and has not been demonstrated how Policy NS6 would contribute to minimising peak energy demand.

Q4. Part 5 of the energy hierarchy set out in Policy NS7 requires applicants to implement recognised quality and monitoring regimes in relation to energy performance of dwellings and buildings and report the results. Is the policy sufficiently clear as to how this would be implemented?

- 3.11 This policy seeks to ensure that as built performance matches the calculated design performance of properties. Our Client has no objections to this in principle to ensure the homes operate as designed, however the policy goes significantly beyond that. As drafted the policy requires the applicant to assess 30% of all buildings at least every five years following occupation to ensure they are still operating at that level.
- 3.12 In practice by the completion of development Our Client as applicant would need to survey over 1250 homes every five years in perpetuity. There are a number of reasons that this is unsound as follows
- In order to survey people's homes the property deeds would need to require a third party to enter the home and carry out a survey, which is unlikely to be acceptable to home owners therefore making the requirement ineffective;
 - People could renovate, alter or change their property, which would impact on the performance (for example they could install new windows at a lower standard), therefore this would be out of the control of the applicant and unreasonable for them to survey;
 - There is no remediation requirement (this would be unreasonable if included as it could result in paying to renovate private homes), therefore the monitoring serves no purpose following an initial assessment;

- 3.13 It is clear that an in perpetuity requirement for our client to monitor privately owned homes is unnecessary, unreasonable not effective or justified and consequently unsound and should be deleted.

Q5. Is it sufficiently clear what Policies NS4, NS5, NS7 and NS8 require from decision-makers and developers? Have the requirements been adequately tested to ensure that they are viable and deliverable?

- 3.14 The policies are based upon recommendations within the Harrogate New Settlement DPD Climate Change Strategy¹ report (May 2022) within which reference is made to comparable draft and adopted Policies, notably the London Plan 2021. The Climate Change Strategy report articulates trends and rationale for policy measures using the DROP (Drivers, Revolutions, Impacts and Opportunities) framework. However, there is an absence of evidence on viability and deliverability within the draft policy wording.
- 3.15 The policies referenced above do not currently provide sufficient information on guidance, measurement frameworks and viability and deliverability.
- 3.16 Policy NS4 is an overarching policy encompassing the achievement of net zero carbon by 2038, however the scope of the net zero carbon ambition is lacking sufficient detail to be deliverable and to allow for adequate viability testing.
- 3.17 For Policy NS5 regarding net zero carbon movement and active travel, the requirements suggest that this is for the development to ensure strategic movement between the settlement and key nodes can be achieved by public transport, and to enable journeys to be made by 'net zero' means, that is by walking, wheeling or cycling. However, it is not sufficiently clear that delivering the requirements set out will achieve the desired policy outcome of 'net zero carbon movement'. Whilst the measures may provide the option for journeys to be made using more sustainable means, variables in terms of resident behaviour change and related factors will impact whether net zero movement is achieved in practice.
- 3.18 The requirements for net zero operational carbon emissions within Policy NS7 are ambiguous. There is reference to both a 'settlement-wide' net zero carbon energy strategy and concurrently to demonstrate emissions reductions in line with the 2038 net zero target. To demonstrate net zero operation and avoid ambiguity, a temporal scope should be provided – this is often expressed as a building's emissions over the course of a year.
- 3.19 For Policy NS8, the requirements for 'reduced embodied emissions' are not sufficiently clear, as discussed at Question 2.

Q6. What is the justification for the suggested changes to Policies NS4, NS5, NS7 and NS8 and their respective supporting text? Why are they necessary for soundness?

- 3.20 Justification for the change of wording from 'should' to 'required to' demonstrate the delivery of net zero carbon in Policy NS4 is not explicit within the text.
- 3.21 Policy NS8 includes a modification to 'maximise the use of biobased construction materials', a late-stage addition to the draft DPD (February 2024 version) that has not been justified through evidence, nor subject to consultation and is therefore not supported.
- 3.22 Changes to the wording in Policy NS5 are more extensive, including an adjustment of the walkable neighbourhood requirement from 15 minutes to 20 minutes (on foot), made in response to representation following consultation. This provides for adequate flexibility given the size of the

¹ Harrogate New Settlement DPD Climate Change Strategy. Available from <https://edemocracy.northyorks.gov.uk/documents/s26256/Appendix%2013%20Climate%20Change%20Strategy.pdf>

development, and the presence of the existing railway line, which impacts location and routing for walking. We support these additions and consider they are necessary to ensure soundness of Policy NS5.

- 3.23 Policy NS7 has been modified to include reference to adopted Local Plan Policy CC4, made in response to representation, which is supported and is necessary for soundness.

Issue 2 – Smart, Inclusive and Flexible Living & Working – Policies NS6 and NS9

Q1. Is the requirement set out in Policy NS6 for very high capacity (at least 1Gbps) fibre broadband systems to be made available to all buildings from first occupation appropriate and justified?

- 3.24 The requirements of Part R of the Building Regulations require the necessary infrastructure to be installed to enable high capacity broadband to be installed. The delivery would be outside the control of our client, therefore the policy as drafted is unsound and should be amended to reflect that in the Building Regulations.

Q2. Policy NS6 also requires that site-wide 5G connectivity or greater be available from first occupation across all neighbourhoods. Is this a reasonable and justified approach?

- 3.25 The provision of site-wide 5G connectivity will also be reliant upon network operators, which is outside the commercial control of developers and dependent on the business justification determined by the network operators themselves. Therefore, this requirement as drafted is not a reasonable or justified approach and therefore unsound.

Q3. Is the requirement set out in Policy NS9 for proposals to be accompanied by a settlement-wide flexible living and working strategy appropriate and justified?

- 3.26 Requirements of Policy NS9 place significant emphasis on shared workspace, without evidence on viability. The emphasis on shared workspace is not proportionate when many industries and sectors may prefer private home working spaces. We consider that provision of spaces within the home is likely to be the greater demand, as opposed to shared workspaces. Furthermore, the draft Policy NS9 does not provide justification, nor does it provide sufficient guidance on the reappraisal of demand every 5 years – in particular in terms of responsibility for carrying out the appraisal, and commercial arrangements for any resultant requirement to alter the operation of the Class B and E buildings.

Q4. Policy NS9 also requires that as a minimum all homes will meet the Nationally Described Space Standards. Is this approach justified and does it provide sufficient flexibility?

- 3.27 Prescribing alignment to the Nationally Described Space Standards (NDSS) generates a conflict in terms of providing space within dwellings specifically for home offices/work spaces as opposed to being multi-purpose. The recommendation is to allow for some flexibility is allowed for, to avoid home offices being over-sized and for new homes to allow fully for flexible working and living. In addition, Policy NS9 is not clear in terms of timescales or milestones, and therefore it is not considered that it has been demonstrated as deliverable.

Q5. What is the justification for the suggested changes to Policies NS6 and NS9 and relevant supporting text? Why are they necessary for soundness?

- 3.28 In its previous form, Policy NS6 was undeliverable. For instance, the requirement for data speeds at specific levels may not be deliverable and there is no evidence of deliverability or viability. Matters such as 5G mobile coverage are outside the control of the applicant.

- 3.29 The suggested changes go some way in addressing these concerns however as drafted the policy is still unsound for instance the requirement for a strategy to demonstrate how site-wide 5G will be delivered across all neighbourhoods which may not be deliverable. To make the policy sound, it should be re-worded to require a telecoms and data strategy to be submitted, which can be based on a deliverable and viable scheme.
- 3.30 There is no justification for the suggested changes to Policy NS9 which now state that proposals “are required to” be accompanied by a settlement-wide flexible living and working strategy, rather than the previous wording of proposals “should” be accompanied by a settlement-wide flexible living and working strategy.
- 3.31 As set out in Question 3 above, the requirements of Policy NS9 place significant emphasis on shared workspace, without evidence on viability. There is also no justification or guidance on the reappraisal of demand every 5 years, which is an unsound approach. The suggested change to require such a strategy is not sound, nor is the policy as a whole.

Issue 3 – Climate Resilience, Flood Risk and Drainage – Policies NS10 and NS11

Q1. Is the requirement set out in Policy NS10 for proposals to be accompanied by a settlement-wide climate resilience strategy appropriate and justified?

- 3.32 Our Client does not wish to comment on this matter.

Q2. Policy NS10 requires that as a minimum all dwellings will meet the tighter Building Regulations water efficiency standard and that all other development will meet the BREEAM ‘Excellent’ standard. Is this approach justified?

- 3.33 Our Client does not wish to comment on this matter.

Q3. The submitted Flood Risk Sequential Test Report highlights that the broad location for growth chosen for the new settlement included two sites that were assessed to be sequentially acceptable options. It also states at paragraph 3.10 that these sites could be delivered while ensuring that development only takes place within Flood Zone 1. What evidence is this assumption based on and does it take into account the effects of climate change and all sources of future flood risk?

- 3.34 The statement that the development sites can be delivered within Flood Zone 1 is based on the currently best available information in assessing flood risk, which is the EA published flood maps. These demonstrate that the site options consider the appropriate flood risk, including suitable allowance for climate change. Each option will allow suitable offsets from development parcels to watercourses, providing further resilience in the event of climate change exceeding the current allowances and ensuring that the development remains at acceptable risk of flooding for the entirety of its design life.
- 3.35 This is further addressed within paragraph 4.6, which reiterates the SFRA guidance to ensure that on large scale development sites, surface water flood risk is also considered, with these areas left as public open space. This allows for further climate change resilience and allows for safety margin for the future.
- 3.36 Paragraph 4.11 indicates that although some climate change allowances on existing modelling were not available, “a precautionary but pragmatic approach is taken” to ensure suitable allowances on climate change and future changes to flood risk extents.
- 3.37 Development can be delivered within the allocated site while ensuring that sufficient offsets to modelled flood extents is maintained allowing for resilience and climate change. Further consideration to flood risk is included within the Development Plan policies, which specifically

require that climate change and flood risk are suitably considered in the development of the scheme, including sufficient areas free of housing for sustainable drainage and attenuation ponds.

- 3.38 Our Client submitted an outline planning application for the new settlement in 2019. The accompanying Flood Risk Assessment shows that all areas within the Site which are not within Flood Zone 1 are in proximity to the Beck in the east of the Site.
- 3.39 The masterplan accompanying the outline application ensures that no development will occur outside of Flood Zone 1. All drainage designs have been calculated with the inclusion of appropriate climate change allowances in accordance with the latest DEFRA guidance. An Exceeding Flow Plan has also been submitted with the application which highlights overland flow paths and how they interact with dwellings.

Q4. Paragraph 5.100 of the DPD states that around 10% of the new settlement site is at high risk of river flooding as it is in Flood Zone 3a. Does this have any implications for the future delivery of development in the new settlement? Is any housing proposed in Flood Zone 3a? If so is this justified?

- 3.40 The proportion of the Site that is at higher risk of flooding from watercourses, as identified by the EA published maps is less than 10% of the Site, therefore the wording in paragraph 5.100 is incorrect. The area of land in flood zone three is only a very small percentage of the overall Site, associated with the eastern extent of Kirk Hammerton Beck and the immediately adjacent land.
- 3.41 All areas of flood risk from all sources have been considered as part of the site selection and review of the available land to provide the required volume of development. Further to this, as shown on the masterplan accompanying the outline planning application, no residential development is proposed within Flood Zone 3a.

Q5. How have the implications of the proposed new settlement on existing levels of surface water flooding in nearby settlements such as Cattal and Kirk Hammerton been considered?

- 3.42 Areas at risk of surface water flooding are localised and currently have no further impact on nearby settlements. Areas of surface water flood risk along Kirk Hammerton Beck are considered as part of the new settlement proposals constraints, and suitable areas are provided clear of development and at unchanged levels to ensure no increase of flood risk to areas in Cattal and Kirk Hammerton.
- 3.43 Furthermore, the DPD policies ensure that the new settlement shall be delivered with sustainable drainage provision following best practice and incorporate drainage infrastructure accommodates post-development flows for the 100-year storm event, plus an appropriate allowance for climate change. Peak discharge rates up to the 100 year plus climate change storms will be limited to below greenfield flow rates, having an overall reduction in peak flow rates compared to the predevelopment conditions.
- 3.44 The Flood Risk Assessment submitted with the outline application demonstrates that areas at risk of surface water flooding are localised and have no further impact on nearby settlements. All new development drainage has been designed for the 100-year storm event plus 45% climate change allowance, with site-wide levels discharging into the Beck on site.

Q6. Is it clear to decision-makers, developers and local communities what is required to mitigate the impacts of development on drainage and surface water flooding?

- 3.45 The DPD policies and the local SFRA clearly define the requirements on design parameters, discharge rates, climate change and requirements to ensure suitable drainage and surface water infrastructure is provided.

Q7. What evidence can the Council point to which suggests that the measures set out in Policies NS10 and NS11 are deliverable and that these policies are effective?

3.46 We reserve the right to comment once in receipt of the Council's response.

Q8. What is the justification for the suggested changes to Policies NS10 and NS11 and their respective supporting text? Why are they necessary for soundness?

3.47 The amended wording creates a clearer and more robust requirement to ensure that the new settlement development delivers the intend the Policies set out to achieve. There are more specific requirements on how elements will be achieved and stronger wording on what should or must be provided. The amended wording look at the requirements more holistically and considering a more long term aspirations for the new settlement.