
**NEW SCARBOROUGH BOROUGH LOCAL PLAN
'PROPOSED SUBMISSION' VERSION**

**OBJECTION TO THE INCLUSION OF SITE HA 23 (LAND OFF
CHURCH CLIFF DRIVE, FILEY) AS AN ALLOCATED SITE FOR NEW
HOUSING DELIVERY**

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SUMMARY OF OBJECTIONS

The new Scarborough Borough Local Plan has progressed to the 'Proposed Submission' stage (the Local Plan), and has been published for representations.

Under Policy HC 2, the Local Plan proposes to include Site HA 23 (Land Off Church Cliff Drive, Filey) (previously Site HA 21 in the draft Local Plan) as an allocated site for new housing delivery.

This Document presents a number of key issues, and associated objections, relating to the inclusion of Site HA 23 as an allocated site for new housing delivery. This Document sets out:

- The inconsistent and inaccurate assessment of Site HA 23 supporting the Local Plan; and,
- Comments on the responses by Scarborough Borough Council officers in the 'Report on the Draft Local Plan (2014) – Comments and Recommendations' which pay 'lip-service' to the majority of objections raised at the draft Local Plan stage which do not effectively address all the concerns held by residents.

This Document is a revised version of that prepared as a representation at the draft Local Plan stage (the Original Document). Key revisions to the Original Document, based on additional information and responses by Scarborough Borough Council officers, are noted in [blue text](#).

Based on the information provided in this Document, it is not considered appropriate to include Site HA 23 as an allocated site for new housing delivery under Policy HC 2 of the Local Plan.

1 BACKGROUND

1.1 New Scarborough Borough Local Plan

The new Scarborough Borough Local Plan¹ has progressed to the 'Proposed Submission' stage (the Local Plan), and has been published for representations.

In terms of the proposed location of housing, under Policy HC 2 (New Housing Delivery), the Local Plan states that: *"housing will be delivered across the Local Plan area through the use of allocated sites and the development of development of sites and re-use of existing buildings within the development limits of the Borough's towns and villages"*. In addition: *"Proposals for housing submitted on the allocated sites [...] will be permitted if the scheme is in accordance with other relevant policies set out in the Local Plan and satisfactorily addresses any issues or requirements set out in Appendix A: Housing Allocations Statements"*.

Under Policy HC 2, the Local Plan proposes to include Site HA 23 (Land Off Church Cliff Drive, Filey) (previously Site HA 21 in the draft Local Plan) as an allocated site for new housing delivery.

Figure 1 shows the location of Site HA 23.

FIGURE 1: LOCATION OF SITE HA 23



Appendix A (Housing Allocation Statements) of the Local Plan: *"sets out the main issues and requirements associated with the housing sites allocated"*. It further states that: *"The lists included under each site are not exhaustive"*.

In terms of Site HA 23, Appendix A states that: *"the site lies at the north-eastern edge of Filey along the approach to the Country Park and adjacent to residential development at Wooldale Drive and has been allocated for residential development with an indicative yield of 30 dwellings, based on the location of the site and the likely form of development"*.

In terms of the main issues and constraints for Site HA 23, Appendix A notes the following:

1. In terms of traffic, the main or sole access to the site will be taken from Church Cliff Drive. If an access is taken from Wooldale Drive this should serve only a small number of properties in the form of a cul-de-sac due to the restricted width of the existing access road.

¹ Available at: <http://www.scarborough.gov.uk/home/planning/planning-policy/local-plan/new-local-plan>

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2. In terms of flood risk, any proposal should be accompanied by a Flood Risk Assessment containing a surface water drainage strategy. Consultation should also take place with the relevant body or bodies into whether this development could contribute to or assist in facilitating the proposed flood alleviation measures for Filey.
 3. In terms of amenity and conversation areas, the development should be designed to respect the entrance to Filey Country Park and the Listed Buildings opposite at Church Cliff Farm with the inclusion of appropriate boundary treatment along Church Cliff.
 4. Also in terms of amenity, land to the north of the site should be provided as an area of natural and semi-natural green space that link to Parish Wood to the west and the Filey Country Park to the east, and a landscape buffer will be required to the east of the site between the edge of the site and Filey Country Park.

1.2 Purpose of this Document

This Document presents a number of key issues, and associated objections, relating to the inclusion of Site HA 23 as an allocated site for new housing delivery. This Document sets out:

- The inconsistent and inaccurate assessment of Site HA 23 supporting the Local Plan; and,
- Comments on the responses by Scarborough Borough Council officers in the 'Report on the Draft Local Plan (2014) – Comments and Recommendations' which pay 'lip-service' to the majority of objections raised at the draft Local Plan stage which do not effectively address all the concerns held by residents.

This Document is a revised version of that prepared as a representation at the draft Local Plan stage (the Original Document). Key revisions to the Original Document, based on additional information and responses by Scarborough Borough Council officers, are noted in [blue text](#).

To present this information, this Document contains the following Sections:

- **Section 1:** This brief introduction.
- **Section 2:** A summary of the planning history of Site HA 23.
- **Section 3:** A summary of the previous assessments of Site HA 23.
- **Section 4:** Summary of additional information.

For ease of reference, supporting information is provided in the Appendices.

2 PLANNING HISTORY OF SITE HA 23

2.1 Overview

This Section sets out the previous planning history of Site HA 23.

2.2 Previous Refusal of Outline Application for Residential Development by Scarborough Borough Council and the Planning Inspectorate

An "outline application for residential development to the north of Church Cliff Drive (part O.S. 7640), Filey" was previously submitted by Messrs. Taylor Megginson Estates on 29 August 1990 to Scarborough Borough Council.

Having considered the outline application, under Decision Number 4/3/674/PA, Scarborough Borough Council refused permission for the proposed development. This document is provided in Appendix A. Scarborough Borough Council stated that the reasons for the refusal were:

- 1) The proposal would be located outside the development limits of Filey (that is: *"is contrary to Policy E.1 of the draft Filey Local Plan"*);
- 2) The proposal would contribute to an over-provision of housing (that is: *"is contrary to Policy H.1 in the draft Filey Local Plan"*); and,
- 3) The proposal *"is likely to have a detrimental effect on the adjacent Country Park and Filey Brigg due to the reduction of the openness and remoteness at present experienced"* (that is: *"is contrary to Policy L.10 in the draft Filey Local Plan"*).

Messrs. Taylor Megginson Estates submitted an appeal against the refusal to the Planning Inspectorate.

Having considered the appeal, under Reference Number T/APP/H2733/A/91/180817/P8, the Planning Inspectorate agreed with the decision of Scarborough Borough Council and the appeal was dismissed. In agreeing with the decision of Scarborough Borough Council, the Planning Inspectorate stated:

- *"I am of the opinion that the main issue in this appeal is the effect of the proposed development upon the Filey Country Park"*;
- *"When I visited Filey I formed the impression that the appeal site performs a valuable role in providing physical and visual separation of the Country Park from the urban area of Filey"*;
- *"It is my opinion that if the appeal site were developed, and even if the buildings were restricted to a single storey [...] they would visually intrude into the Filey Country Park. I am sure this would diminish its rural character which is so attractive to visitors"*;
- *"I consider that your client's scheme would result in the Country Park being contiguous with the urban area, and this would be detrimental to the enjoyment of the Filey Country Park by visitors"*; and,
- *"The interests of permanent residents and holidaymakers may not always coincide. This I can see an advantage to both parties in maintaining a physical separation between the Filey Country Park and the urban area"*.

2.3 Consideration of Previous Planning History within the Local Plan

Both the March 2014 Strategic Housing and Employment Land Availability Assessment (SHELAA) (supporting the draft Local Plan) and the September 2015 SHELAA (supporting the proposed submission Local Plan) state, under 'Description of the Site', that: *"The site has no recent relevant planning history"*.

However, as noted above, the site does have a relevant planning history which must be considered. Furthermore, as there have been no subsequent material changes to Site HA 23, and surrounding area, it is considered rational and appropriate that the reasons for refusal would still be valid should a future application be submitted.

2.4 Consideration of the Response by Scarborough Borough Council Officers on the Original Document

The information presented in this Section was previously included in the Original Document. The response by officers stated (in ID DLP224) (under '12 – Comments regarding Previous Refusals') that: *"Whilst it is recognised that the site has been refused for various forms of housing development in the past, the context in which we are planning has changed dramatically"*.

This acknowledges the relevant planning history of the site, which is contrary to the information in the March 2014 SHELAA and September 2015 SHELAA. Therefore, this represents a key omission from the documentation supporting the Local Plan.

Furthermore, the response stated that only the *"context"* of planning has changed. Therefore, the issues and constraints related to planning remain unchanged. Therefore, it is considered rational and appropriate that the reasons for refusal would still be valid should a future application be submitted.

The response by officers further stated that: *"The current National Planning Policy Framework (NPPF) is underpinned by a "presumption in favour of sustainable development" which in essence states that Local Plans should meet objectively assessed need (for development) unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits"*. Again, it is considered rational and appropriate that the reasons for refusal would still be valid should a future application be submitted.

2.5 Summary and Conclusion

Based on the above information, it is clear that Site HA 23 has previously been considered as a site for new housing delivery. However, both Scarborough Borough Council and the Planning Inspectorate have determined that the site is not appropriate.

Furthermore, as there have been no subsequent material changes to Site HA 23, and surrounding area, it is considered rational and appropriate that the reasons for refusal would still be valid should a future application be submitted.

3 PREVIOUS ASSESSMENTS OF SITE HA 23

3.1 Introduction

This Section examines the previous assessments of Site HA 23, and associated interpretations, supporting the Local Plan.

3.2 Description of the Assessment Methodology

Following identification of sites for new housing delivery through the various SHELAA's (including the March 2014 SHELAA and September 2015 SHELAA), more 'detailed' assessment was undertaken through a Housing Land Selection Assessment (HLSA).

The 'Housing Land Selection Methodology and Assessment Background Paper' (November 2015) states that the: *"methodology is used to provide the foundation from which the assessment and comparing of sites will take place in preparation for identification of land that will be allocated for housing in the Local Plan. Each site will be assessed in detail in order to establish the constraints, delivery potential and how it accords with the settlement hierarchy"*.

Furthermore: *"the methodology proposes a 3 stage assessment of potential housing sites as follows:*

- *Stage A: Conformity with Settlement Strategy and determination of Major Constraints;*
- *Stage B: First Route Scoring: A preliminary test of the suitability of the site in achieving sustainable goals; and,*
- *Stage C: Detailed Site Implications: A test of the deliverability of a site including the identification of constraining factors that may prevent the feasibility or economic viability of development, and the capability of existing or required infrastructure to incorporate such development"*.

It is also noted that: *"where any constraint or issue may be deemed significant enough to render a site undevelopable, the site could be dismissed at any stage during the process"*.

Under the Section titled 'Explanation of Site Assessment Methodology', it is also noted that: *"the robust and responsive requirement for this assessment provides scope for ensuring each proposed site is tested in terms of its suitability for development, is deliverable and economically viable for developers and is economically, socially and environmentally sustainable"*.

3.2.1 Suitability of Assessment Methodology for Allocating Sites for New Housing Delivery

Using the assessment methodology, assessments of sites for new housing delivery have been undertaken but are only at a strategic or high level. Therefore, critical issues and constraints are unlikely to be fully understood before an allocation is made.

Yet, once a site is allocated it is essentially deemed 'appropriate' for development. Therefore, it would seem appropriate that where there remains uncertainty on critical issues and constraints, further assessment should be undertaken prior to allocation to prevent incorrect allocation.

However, this is not the case with Site HA 23 and a number of critical issues and constraints (such as those outlined below) are instead referred to the stage when a future application is made where it is thought that these issues and constraints can be mitigated by *"detailed design"*.

Therefore, it is considered that this represents the unsuitability of the assessment methodology for certain issues and constraints. This renders the assessment methodology somewhat unsound.

This is demonstrated in this Section via consideration of the above Assessments, but also through consideration of the response by officers which fail to recognise the limitations of the Assessments which, if fully further assessed, could conclude that an allocation should not be made.

3.3 Examination of the Previous Assessments of Site HA 23

The previous assessments of Site HA 23 are available in the following documents:

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- 'Draft Housing Allocations DPD (Preferred Options): Supporting Information – Site Assessments'² (November 2009) (hereafter, Assessment A);
 - 'The Housing Land Assessment – Appendix C'³ (May 2014) (hereafter, Assessment B); and,
 - 'The Housing Land Assessment – Appendix C'⁴ (November 2015) (hereafter Assessment C).

These are three inconsistent and inaccurate assessments which have not only led to the incorrect proposed allocation of Site HA 23, but have also confused, frustrated and alienated residents with regards to the apparent lack of care and attention taken on such an important issue.

The following sub-Sections consider these inconsistencies and inaccuracies. It should be noted that the assessment questions quoted here are from Assessment C. Whilst the wording has changed, the subject of the assessment questions is materially the same.

3.3.1 Assessment under Stage A: Conformity with Settlement Strategy and determination of Major Constraints

Question 3a: Is the site within the prescribed distance of any national or international site of biodiversity of geological value (e.g. RAMSAR, SSSI, SAC, SPA, National Nature Reserve)?

Question 3b: If Yes, would the development have a negative impact on the associated area of protection?

Consideration of Assessment

To Question 3a, Assessment A states: "No". However, Assessments B and C state: "Yes".

Furthermore, Assessment B states that: *"the site lies within 5 km of the Flamborough Head SAC and SPA, and the Flamborough and Filey Coast pSPA. However it is of such a scale and that it would only have a negligible impact on these protected habitat designations"*. Assessment C states that: *"The site lies within 10 km of the Flamborough Head, however, it is of such a scale that would accommodate less than 50 dwellings and any impact from increased recreational pressure is therefore considered to be minor"*.

It is understood that the inconsistency between Assessment A and Assessments B and C is due to the changing boundary of the designation between the timings of the assessments. Furthermore, it is understood that the change in the reference distance (i.e. from 5 km to 10 km) is due to the potentially affected area for Flamborough Head being increased. However, it should be noted that Site HA 23 remains within 5 km of the internationally designated site.

In addition, information taken from www.magic.gov.uk notes that Site HA 23 is located less than 750 m from Filey Brigg SSSI. Filey Brigg SSSI was designated in 1985⁵ for both ornithological and geological interest. Indeed, the information from Natural England notes that: *"this is a new site identified as of national importance in the Geological Conservation Review"*.

However, despite its earlier designation and the requirements of Question 3, Filey Brigg SSSI has not been considered in any assessment. This is an error in the assessment of Site HA 23.

In terms of potential impacts, the 'Housing Land Selection Methodology and Assessment' (November 2015) states (in terms of assessment of internationally designated sites) that these include: *"increased recreational pressure, particularly if the site is within 5 km [or 10 km for Flamborough Head] of a protection designation area. This includes walking / trampling which causes soil compaction and erosion. Walkers with dogs contribute to pressure on sites through nutrient enrichment via dog fouling and also have potential to cause greater disturbance"*. This

² Available at: <http://www.scarborough.gov.uk/pdf/draft-housing-allocations-DPD-site-assessments-web.pdf>

³ Available at: <http://scarborough.objective.co.uk/portal/planning/lp/dlp2014?tab=files>

⁴ Available at: <http://scarborough.objective.co.uk/portal/planning/lp/pslp?tab=files>

⁵ The reasons for the designation are given in: http://www.sssi.naturalengland.org.uk/citation/citation_photo/1002497.pdf

potential impact is also considered to be relevant to the assessment of nationally designated sites (and therefore Filey Brigg SSSI).

In addition, a report by Natural England titled: 'Flamborough and Filey Coast pSPA: Heritage Coast Extension'⁶ (SPA EU Code UK9006101) is now at the consultation stage. This could alter the assessment of Site HA 23 against the assessment criteria, yet has not been taken into account.

Consideration of the Response by Scarborough Borough Council Officers on the Original Document

The response by officers states (in ID DLP1141) that: *"The site is located approximately 700 metres from Filey Brigg SSSI in addition to its proximity to the Flamborough and Filey Coast pSPA. The assessment considers the impact to the later and will be amended to fully consider the former".*

This acknowledges the error in the assessment of Site HA 23 but Assessment C has not been amended indicating the 'lip-service' paid to the objections. .

Summary and Conclusions

Without proper consideration of Filey Brigg SSSI (as promised in the response by officers) and the proposed Heritage Coast Extension, including establishing the value of the existing ornithological and geological features, it is deemed highly inappropriate that a conclusion can be drawn on the significance of any potential impact (or indeed the success of any associated mitigation measures). Indeed, it is considered that the development of the site may have a negative impact on the area of protection, and examination of Site HA 23 via Google Maps shows that there are already numerous walking route to the Filey Brigg SSSI which development could exacerbate through increased walking / trampling.

As such, despite this being raised at the draft Local Plan stage, it is considered that the assessment of Site HA 23 remains unsound.

Question 4: Does the site lie within an area considered to be unsuitable due to its position within a flood risk zone?

Consideration of Assessment – Location in a Flood Zone

All Assessments state: *"No"*.

However, there is a considerable amount of existing information relating to flood risk both on Site HA 23 and in the surrounding area that needs further consideration.

Indeed, the latest Strategic Flood Risk Assessment⁷ states (at paragraph 11.5.3.1 (Floodplain Delineation)) that: *"The majority of Filey is classed as a Flood Zone 1, however [...], a significant amount of flooding has occurred within the settlement. Historic and hydraulically modelled flood extents have been included in Figures 11.11. For the purposes of land use planning and development control these flood extents should be accorded the same status as Flood Zone 3. All currently developed sites within this zone may be accorded 3a(i) status, while other areas within Zone 3 should be accorded Zone 3 b status".*

The relevant extracts from the SFRA are provided in Appendix B. The relevant section of Figure 11.11 from the SFRA is also provided in Appendix B.

Consideration of the Response by Scarborough Borough Council Officers on the Original Document – Location in a Flood Zone

The response by officers states (in ID DLP1141) that: *"The SFRA Update (Feb 2010) shows in its Figure 11.11 that the site is outwith areas of Flood Zone 2 and 3 and outwith, although in close proximity to, areas identified as being affected by flooding in 2007. The SFRA states sites within those areas should be considered as being in Flood Zone 3. As this site is not directly within Flood Zone 3 it has been assessed as being within Flood Zone 1".*

⁶ 'Flamborough and Filey Coast Potential SPA: Heritage Coast Extension'. Natural England, January 2014.

⁷ Available at: <http://www.scarborough.gov.uk/sites/default/files/files/Strategic-Flood-Risk-Assessment-Feb-2010.pdf>

Here it should be noted that that the indicative areas of flooding on Figure 11.11 (from 1985 – 2004, and from July 2007) are only based on “*properties affected by each event*” (the data provided for 1985 – 2004 from the Filey Town Flood Investigation Report) and “*where surface water may impact upon properties*” (the data provided for July 2007 from Scarborough Borough Council) within the settlement. The relevant section of the Filey Town Flood Investigation Report (Drawing Number 5002531/WA/FO17, Atkins, 2004) is also provided in Appendix B.

However, at the time of writing the SFRA, the proposed site was not included within the settlement (i.e. development) limits of Filey, and therefore whilst there may not have been any reason to report / document flooding at the proposed site, this does not mean that the same classification should not be applied to the Site HA 23.

Indeed, historical photographic evidence collected over a number of years at the location of the proposed site show that the site is regularly the subject of flooding. The historical photographic evidence, along with an associated newspaper article about the flooding, is also provided in Appendix B.

More recently, in May 2015 there was minor flooding on Church Cliff Drive when the drainage system was block due to the Caravan Site at the adjacent Country Park. Drainage companies attended Church Cliff Drive for drainage issues on: 12 March 2015 (Drains UK 2000); 15 June (JWL Drain Solutions); and, 23 June 2015 (First Choice Drains).

Furthermore, the proposed site (then Site HA21, now Site HA23) was also confirmed to be in a Flood Zone 3 by Scarborough Borough Council Forward Planning Officer Mr Hand during a Filey Town Council Planning Meeting held on 1 September 2014. The relevant extract from the minutes of this meeting is also provided in Appendix B. This is in direct conflict to the response by officers and again highlighting the inconsistent and inaccurate assessment of Site HA 23.

Summary and Conclusions – Location in a Flood Zone

Site HA 23 has been incorrectly assessed as a Flood Zone 1, and should be re-assessed as a Flood Zone 3. Flood Zone 3 is ‘high risk’ and, according to the methodology and assessment criteria used, the proposed site should be dismissed.

As such, the assessment of Site HA 23 remains unsound.

Consideration of Assessment – Ground Water and Surface Water Flooding

In addition to its location within a Flood Zone 3, the latest SFRA shows that Filey lies in an area at risk of ground water and surface water flooding (Filey lies in Zone B: Burniston to Filey). Based on this allocation, Figure 11.12 from the SFRA also shows that Filey lies in a Critical Drainage Area. The relevant section of Figure 11.12 from the SFRA is also provided in Appendix B.

Critical Drainage Areas occur in a number of locations across the latest SFRA Study Area where: “*an increase in the volume or rate of run-off from a site may increase the degree of flood risk elsewhere in the catchment. Such areas will be sensitive to the drainage system implemented within a particular development site, as the drainage system design will determine site run-of rates*”.

It does not appear that the assessment has given any consideration to the location of Site HA 23 within a Critical Drainage Area.

Summary and Conclusions – Ground Water and Surface Water Flooding

Site HA 23 has been incorrectly assessed. The assessment of Site HA 23 remains unsound.

Question 7: Where one of the above questions may have answered yes, does the constraint prohibit development of the entire site with no possibility of amending the site area?

If Yes, the site is dismissed and if, as a result of amending the site boundaries, a site can no longer yield 10 dwellings or more, it will be dismissed.

Site HA 23 has been incorrectly assessed under Stage A is not correct. Based on the information provided above, it is considered that Site HA 23 should be dismissed as a site for new housing delivery.

The remainder of the discussion is provided for completeness.

3.3.2 Assessment under Stage B: First Round Screening

N / A

3.3.3 Assessment under Stage C: Detailed Site Implications

Question 15: What is the impact on the landscape and does the landscape of the site have the ability to satisfactorily accommodate development?

Consideration of Assessment

All Assessments provide a score of 1, which is stated to be: *"Site can be developed without significantly impacting on the landscape"*. In addition, Assessment A notes that the *"site is raised up toward the rear although still of little real landscape value. Site [is] relatively hidden from main urban fabric of Filey and would do little to detract from its setting"*.

However, this does not appear to be backed up by any evidence / assessment. Indeed, the Landscape Character Assessment (prepared to support the Local Plan) (LUC, February 2013) indicates that Site HA 23 is located in Landscape Character Area D4 (Lebberston and Filey). The Landscape Character Assessment stated that the:

- Landscape sensitivities of this area include:
 - *"The area's sense of openness and coastal influence"*.
- Visual sensitivities of this area are:
 - *"The visual relationship with the coastline"*.

Based on this, the proposed strategy and high level objectives for the area are to: *"conserve the sense of openness and important visual relationships with the coast, as well as to check future growth which could impact on these"*.

This is in agreement with the conclusion of Scarborough Borough Council and the Planning Inspectorate on a previous outline application for residential development on the proposed site (see Section 2). Furthermore, the Planning Inspectorate Appeal Ref: T/APP/H2733/A/91/180817/P8 (provided in Appendix B) stated that:

- *"When I visited Filey I formed the impression that the appeal site performs a valuable role in providing physical and visual separation of the Country Park from the urban area of Filey";*
- *"It is my opinion that if the appeal site were developed, and even if the buildings were restricted to a single storey [...] they would visually intrude into the Filey Country Park. I am sure this would diminish its rural character which is so attractive to visitors";*
- *"I consider that your client's scheme would result in the Country Park being contiguous with the urban area, and this would be detrimental to the enjoyment of the Filey Country Park by visitors";*

Summary and Conclusions

The development of Site HA 23 would be in direct conflict with the conclusions of previous outline planning applications and against the proposed strategy and high level objectives for the area recommended by the Landscape Character Assessment.

The assessment of Site HA 23 is unsound.

Question 16: Is the proposal within an area of flooding? [Noting that: *"sites deemed at a high risk of flood are likely to have been dismissed at Stage 1 of the Assessment Process"*].

Consideration of Assessment

All Assessments provide a score of 3, which is stated to be: *"low probability of flooding. Development is appropriate"*.

However, there is a considerable amount of existing information relating to flood risk both on Site HA 23 and in the surrounding area that needs further consideration.

Summary and Conclusions

Site HA 23 has been incorrectly assessed as a Flood Zone 1, and should be re-assessed as a Flood Zone 3. Flood Zone 3 is 'high risk' and, according to the methodology and assessment criteria used, the proposed site should be dismissed.

The assessment of Site HA 23 is unsound.

Question 21: What is the capacity of existing utilities (Water, Sewage, etc) to cope with the development?

Consideration of Assessment

All Assessments provide a score of 2, which is understood from Assessment A to be: *"sufficient capacity or constraints can be overcome through, for example, planned growth of housing with investment from utilities provider. Housing development may have to be delayed until the installation of relevant services"*.

In addition, Assessment A states that there are: *"significant waste water treatment works capacity constraints associated with Filey. However, individually the number of dwellings associated with this development would not push the [Waste Water Treatment Works] over capacity. The cumulative impact and any restrictions on total development in Filey will have to be considered separately"*.

However, this is in direct conflict a response to the 'Housing Allocations Development Plan Document (DPD) – Preferred Options'⁸ by Matthew Gibson (Yorkshire Water Services Limited (Land, Property and Planning)) who stated that whilst: *"there is adequate capacity in the public foul sewer network to take foul water flows equal to the existing discharge rate from the proposal site, [...] the local public sewer network may not have capacity to accept any additional discharge of surface water from the proposed site."*

Consideration of the Response by Scarborough Borough Council Officers on the Original Document

The response by officers stated (in ID DLP1141) that: *"The Borough has sought an update on the current position from Yorkshire Water regarding the capacity of Waste Water Treatment Works. We are assured that the current WWTW can cope with the levels proposed"*.

Accordingly, September 2015 SHELAA removes consideration of the capacity of existing utilities from their recommendations. Based on this, Assessment C states that the: *"number of dwellings associated with this development would not push the [Waste Water Treatment Works] over capacity"*.

However, evidence of such assurance should surely have to be provided for the conclusions to stand, especially considering the uncertainty that has been fed into the previous assessments!

Therefore, in light of the constraints listed in the Assessments and the limitations set down by Mr Gibson, it is still considered that the additional cumulative effect of the development of Site and other sites within Filey would place an enormous strain, and potentially unachievable requirements, on the existing utilities.

Summary and Conclusions

Site HA 23 has been incorrectly assessed. The assessment of Site HA 23 remains unsound.

⁸ Previously available at / now removed from:

http://scarborough.objective.co.uk/portal/planning/hadpd/housing_allocations?pointId=1251465064929#section-1251465064929

Question 24: Would the development of the site be compatible with adjoining land uses (now or in the future) or are there any conflicts / amenity issues?

Consideration of Assessment

All Assessments provide a score of 2, which is understood from Assessment A to be: *"with mitigation, development would be compatible"*.

In addition, Assessment A states that the: *"development could be integrated with existing dwellings to the west [and] caravan park adjacent to the east. However, this is screened by vegetation and could be compatible"*.

This is in direct conflict with both the conclusions of Scarborough Borough Council and the Planning Inspectorate on a previous outline application for residential development on the proposed site (see Section 2).

Furthermore, this is also against the proposed strategy and high level objectives for the area recommended by the Landscape Character Assessment.

In addition, this is also in direct conflict with a response to the 'Housing Allocations Development Plan Document (DPD) – Preferred Options'⁹ by Matthew Gibson (Yorkshire Water Services Limited (Land, Property and Planning) who noted that: *"there is sewerage infrastructure crossing the site [and, therefore] stand off distances for each sewer will apply and so affect the layout of future development"*.

Furthermore, this is also in direct conflict with a response to the draft Local Plan by Stephanie Waldon (Yorkshire Water) who noted that: *"there are two 350mm rising mains laid within the site boundary and their presence must be taken into account in any future site layout (it may not be possible to divert them). Failure to protect the mains or prevent YW from being able to properly repair and maintain them, could jeopardise the public sewer network"*.

Moreover, absolutely no consideration has been given to the existing residents of the surrounding area, in particular those on Wooldale Drive which are adjacent to the western boundary of the proposed site.

When combined with proposed allocations HA22 and HA23 these would place enormous stress on already under provided service provisions for the community, notably: health; dental; and, educational provision.

In particular, for education provision, the contradictory and poor management these local resources is highlighted by Pete Dwyer, Corporate Director, Children and Young People's Service who states: *"Underlying pupil numbers are steady in the Filey area. Some housing is being developed in the area but, on the whole, there is sufficient capacity [at present] on schools to accommodate any expected rise in numbers. The number on roll at Filey CE VC Infant School is being monitored closely as forecasts indicate a small risk of pupil numbers exceeding capacity. The draft Local Plan includes 140 dwellings in the Filey area. Development will be monitored closely as there is a risk that there may be insufficient capacity in the long term"*¹⁰.

The actual number of houses since this report is now 460 in total. This total includes: Mill Meadows (300 dwellings); Southdene (40 dwellings); Silver Birches (30 dwellings); Scarborough Road (60 dwellings); and, Church Cliff Drive (30 dwellings). Therefore, the risk that there may be insufficiency capacity has increased and will continue to increase dramatically. This has not been factored into the assessment for the Local Plan.

Summary and Conclusions

Without a full understanding of the current situation and the associated restrictions on the final site size and available area for development / layout restrictions, it is clearly highly inappropriate

⁹ Previously available at / now removed from:

http://scarborough.objective.co.uk/portal/planning/hadpd/housing_allocations?pointId=1251465064929#section-1251465064929

¹⁰ 'School Place Planning and School Organisation Issues in the Yorkshire Coast and Moors Area Report'. North Yorkshire County Council, Yorkshire Coast and Moors County Area Committee. 2 July, 2014.

to draw a conclusion that the "*development would be compatible*", particularly when the opposite conclusion has been drawn in the past.

Indeed, without any understanding of the current situation no conclusion can be drawn on the significance of any potential impact (or indeed the success of any associated mitigation measures).

The assessment of Site HA 23 remains unsound.

3.4 Summary

Based on the information contained within this Section on the previous assessments and associated interpretations of Site HA 23, it is obvious that further and more detailed assessment is required.

It is considered that until this re-assessment has taken place it is not appropriate to include Site HA 23 as an allocated site under Policy HC 2 of the Local Plan as the assessment may deem it to be inappropriate for new housing development.

4 SUMMARY OF ADDITIONAL INFORMATION

4.1 Development Outside the Development Limits

Under proposed Policy ENV 5 it is stated that: *"the character of the open countryside will be protected, maintained and where possible enhanced. Outside the defined development limits, new developments will be limited to those for which a countryside location is essential"*.

As noted previously in Section 2, both the Scarborough Borough Council and the Planning Inspectorate have deemed that the use of Site HA 23 for residential development would be outside the defined development limits. Indeed, this was one of the key reasons for the refusal.

Furthermore, both the March 2014 SHELAA and the September 2015 SHELAA state, under 'Other Constraints', that the: *"site is located outside Development Limits"*.

Figure 2, extracted from the existing Local Plan Proposals Map from 1999, shows the existing defined development limits (the green dashed line, shown to run to the south and west of Site HA 23). Figure 2 clearly indicates that Site HA 23 is not included within the existing defined development limits.

FIGURE 2: LOCATION OF EXISTING DEFINED DEVELOPMENT LIMITS

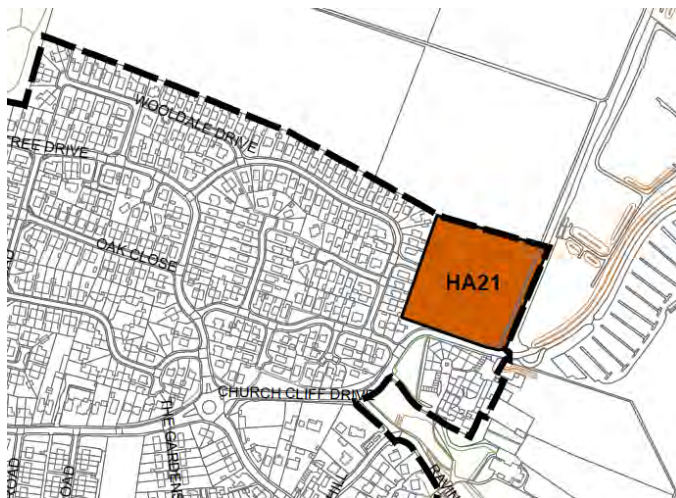


Defined development limits enable a different approach to be taken between the towns / villages and the countryside. Therefore, in planning terms, the defined development limits provide a clear distinction between those parts of the settlement where development is acceptable, in principle, and those parts of the settlement which should be treated as open countryside where development should be restricted. Through reducing the outward expansion into the countryside, development limits help to retain the character of the area and assist in more sustainable development.

In terms of the existing defined development limits, as noted in Section 2, it has been determined that Site HA 23: *"performs a valuable role in providing physical and visual separation of the Country Park from the urban area of Filey"*. Therefore, this is a key reason why the existing defined development limits do not include Site HA 23.

However, Figure 3, extracted from the draft Local Plan Proposals Map, shows re-defined development limits specifically to include Site HA 23 (then Site HA 21).

FIGURE 3: PROPOSED LOCATION OF RE-DEFINED DEVELOPMENT LIMITS IN DRAFT LOCAL PLAN



In addition, Figure 4, extracted from the Proposed Submission Local Plan Proposals Map, shows different re-defined development limits specifically to include Site HA 23 and a designation for Open Space.

FIGURE 4: PROPOSED LOCATION OF RE-DEFINED DEVELOPMENT LIMITS IN PROPOSED SUBMISSION LOCAL PLAN



This re-definition of the defined development limits is particularly alarming, especially when there is no reference to any assessment which has been undertaken to confirm whether the re-definition is appropriate.

Indeed, this re-definition is in complete conflict to the previous position of both Scarborough Borough Council and the Planning Inspectorate on Site HA 23 which reinforced its position outside the defined development limits. Indeed, if this re-definition has been based on the previous assessment and associated interpretations of Site HA 23 it is previously been concluded that this is significantly flawed, and is full of inconsistencies and errors.

Therefore, it is considered that the re-definition of the development limits needs further transparent and consistent assessment, with an appropriate consultation process.

APPENDIX A

Decision No. 4/3/674/PA

TOWN AND COUNTRY PLANNING ACT, 1971

SCARBOROUGH BOROUGH COUNCIL

NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT

To Messrs. Taylor Megginson Estates,
Eastburn,
DRIFFIELD.

The above-named Council being the Planning Authority for the purposes of your application dated the 29th August, 1990 in respect of proposed Development for the purposes of outline application for residential development to the north of Church Cliff Drive, (part O.S. 7640), Filey,

have considered your said application and have refused permission for the proposed Development for the following reasons:

1. The proposal is contrary to Policy E.1 in the Draft Filey Local Plan which states that, inter alia :-

"Within the defined "Rural Landscape Area" (i.e. areas of open country largely outside the built-up areas and villages) development will not normally be permitted unless :-

- (a) in the case of residential development it can be shown that it is essential to the needs of agriculture or forestry or that there are exceptional circumstances which would warrant the granting of planning permission".

It is not considered that there are any exceptional circumstances which would justify a departure from this policy.

2. The proposal is contrary to Policy H.1 in the Draft Filey Local Plan which states that :-

"Sufficient land will be made available through existing or new planning permissions and the allocation of new housing sites to accommodate about 950 dwellings in the plan area over the period 1981-1996".

The proposal, if approved, would contribute to an over-provision of housing in the plan area.

Continued/...

Date 5th October, 1990.


Director of Technical Services

NOTE:

No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed Development is situated; or of obtaining approval under any other byelaws, local acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.

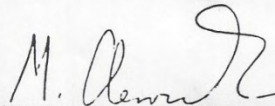
TOWN AND COUNTRY PLANNING ACT 1971

Continuation of Decision No. 4/3/674/PA

Dated 5th October, 1990.

3. The proposal is likely to have a detrimental effect on the adjacent Country Park and Filey Brigg due to the reduction of the openness and remoteness at present experienced and, therefore, be contrary to Policy L.10 in the Draft Filey Local Plan which states that :-

"The area of the Country Park and Filey Brigg will be improved as a visitor destination and developed as an informal recreation area".



.....
Director of Technical Services



Planning Inspectorate

Department of the Environment

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Your Reference
PJF/JF
Our Reference
T/APP/H2733/A/91/180817/P8
Date

20 AUG 91

Gentlemen

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY TAYLOR MEGGINSON ESTATES
APPLICATION NO: 4/3/674/PA

1. I have been appointed by the Secretary of State for the Environment to determine the above mentioned appeal. This appeal is against the decision of the Scarborough Borough Council to refuse outline planning permission for residential development to the north of Church Cliff Drive (part OS 7640), Filey, North Yorkshire. I have considered the written representations made by you, by the Borough Council, and also those made by Filey Town Council, by Filey District Civic Society and by interested persons. I have also considered those representations made directly by Filey District Civic Society and by interested persons to the Council which have been forwarded to me. I inspected the site on 19 June 1991. Since my visit to Filey, I have received from the Borough Council a copy of the report of the Inspector on the inquiry into the Filey Local Plan, and also your letter dated 26 July 1991 commenting on that report.

2. Filey is a coastal town about 11 km to the south-east of Scarborough. The appeal site is on the northern side of the town.

3. From my inspection of the site, its surroundings and the written representations made, I am of the opinion that the main issue in this appeal is the effect of the proposed development upon the Filey Country Park.

4. The Filey Country Park lies to the east of the appeal site, separated from it by a green lane. Church Cliff Drive runs along the southern side of the appeal site, and there are bungalows on Wooldale Drive to the west. The northern boundary of the appeal site is undefined; at the time of my visit, the appeal site and the land to the north were carrying a crop of cereals.

5. The Country Park is open to the public. Cars can be parked in this area, and the Country Park provides access to the cliffs and to the promontory of Filey Brigg. Much of the Country Park appears to be laid out for use by holiday caravans; toilet blocks have been erected and there is a shop. When I visited the Filey Country Park there were several caravans on this area, some of them were located on that part which is nearest to the appeal site.

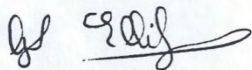


6. In the Grounds of Appeal you say that the backs of the properties fronting Wooldale Drive only serve to display a very distinct, stark urban appearance. Your clients contend that this impression could be offset by allowing development of the appeal site, which would enable the visual amenities of the area to be improved by the incorporation of suitable landscape measures. These would serve to soften the approach and create a more appropriate transition between the Country Park and the urban area of Filey. You claim that the Country Park is already relatively separated from adjoining areas due to the existence of a tree belt along its western side; and when standing in the park area one would not be more aware of the close proximity to the site of residential development as a result of the current proposals than is now experienced.
7. When I visited Filey I formed the impression that the appeal site performs a valuable role in providing physical and visual separation of the Country Park from the urban area of Filey. As you have pointed out, there is a degree of tree screening on the western side of the Country Park and along the green lane; although I noted that in this location close to the coast, trees tend to be somewhat stunted in growth. It is my opinion that if the appeal site were developed, and even if the buildings were restricted to a single storey as your clients propose, they would visually intrude into the Filey Country Park. I am sure that this would diminish its rural character which is so attractive to visitors.
8. Whilst I do not dissent from your opinion of the appearance of the rear of the dwellings on Wooldale Drive, this aspect is mellowed somewhat by its distance from the Country Park. I do not accept your contention that extending the development across the appeal site would improve the position, even if, as your clients propose, more landscaping were provided than on the present residential area. I consider that your clients' scheme would result in the Country Park being contiguous with the urban area, and this would be detrimental to the enjoyment of the Filey Country Park by visitors.
9. The interests of permanent residents and holidaymakers may not always coincide. Thus I can see an advantage to both parties in maintaining a physical separation between the Filey Country Park and the urban area.
10. You have referred to the development for residential purposes of the former Church Cliff Farm, which lies to the south of Church Cliff Drive and the appeal site. I took note of this development when I visited the area, but I consider that this work will not impinge on the Country Park to the extent that your clients' proposal would.
11. The Local Planning Authority argue that sufficient land will be made available for residential development in the draft Local Plan, and the proposal, if permitted, would contribute to an overprovision of housing land in the Plan area. In the Grounds of Appeal you have suggested that designated housing sites in the Filey area might not become available, leading to a shortfall in the supply of housing land. On the evidence before me, I consider that the need to develop the appeal site for housing purposes is not sufficiently strong to override the desirability of preserving the environment of the Filey Country Park.

12. I have considered all the other matters raised in the representations, but I am of the opinion that they are outweighed by the factors leading to my decision.

13. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

I am Gentlemen
Your obedient Servant



G S Elliff MSc CEng MICE MCIT MIHT
Inspector

APPENDIX B

Relevant Extract from the Strategic Flood Risk Assessment (Arup, 2010)

11.5 Filey

11.5.1 Description of the Settlement

Filey is a coastal settlement situated approximately 10 km to the south-east of Scarborough. Apart from the sea front, most of Filey is located a significant height above sea level.

In total, four significant watercourses are present within the Filey area. Filey Beck and Long Plantation Watercourse flow through Filey. Martin's Ravine flows into the sea to the south of Filey, and Dam's Goit rises in the Dams area, to the west of Filey. This final watercourse has been diverted into the public surface water sewers at Pasture's Crescent, with only a small overflow pipe to allow some flow to continue along the original channel.

11.5.2 Previous Flood Events and their Extents

According to the Filey Town Flood Investigation Report⁶⁷, Filey has been subjected to flooding incidents in the summer and autumn months every year since 1999, and also for many years prior to this date. This report also provides the dates of historical flood events since 1985, and the properties affected by each event. Figure 11.11 shows a generalised representation of these flood locations within the settlement⁶⁸.

Recent consultation with Scarborough BC has indicated that the flood risk may have increased further since the original SFRA report. Flooding has continued to occur on an annual, or sub-annual, basis and the town was particularly badly flooded during 2007. Areas impacted in 2007 include the areas around the Wharfedale Estate, Cawthorne Crescent, Linton Close and Muston Road.

The Filey Town Flood Investigation Report attributes the flood events in Filey to a number of interacting problems, some relating to the watercourses and drainage systems, and others to the sewer system. The report suggests that the common factor in the majority of the flood problems is that the existing drainage systems are under capacity to deal with the flood events.

The Long Plantation Watercourse Flood Alleviation Scheme Report⁶⁹ also provides details of several recent flood events, with particular impact upon the western side of Filey. The number and general location of properties affected are included. This report attributes the flooding to insufficient channel capacity along sections of Long Plantation Watercourse.

Estimated flood extents for differing return period flow events are included in the report. The flood outline for the 1% event along Long Plantation Watercourse has been included in Figure 11.11.

Surface runoff flooding incidents have also been reported in the north and west of the settlement where surface water may impact upon properties from the surrounding, higher land. These reported events have been plotted on Figure 11.11 which also shows areas in which surface water flooding incidents were reported the during the 2007 event⁷⁰.

⁶⁷ 'Filey Town Flooding Investigation', Atkins (2004).

⁶⁸ For indicative purposes only. Figure adapted from drawing number 5002531/WA/F017 (Revision A) from the 'Filey Town Flooding Investigation'.

⁶⁹ 'Long Plantation Watercourse, Filey – Flood Alleviation Scheme, Phase 2', Atkins (2004).

⁷⁰ 'Filey Flood 18 July 2007', Scarborough Borough Council (February 2008)

11.5.3 Flood Zones in and around the Settlement

Figure 11.11, which displays the existing flood risk situation within Filey, shows that a number of properties close to the coast fall within the predicted extent of Flood Zones 2 and 3. The figure also shows that other areas of Filey have experienced either surface runoff flooding or sewer flooding in the past but are located within Flood Zone 1 of the Environment Agency maps.

The settlement lies within a zone of potential groundwater and surface runoff flood risk (Zone B, see Section 6.4).

11.5.3.1 Floodplain Delineation

Flood Zones 1, 2 and 3 are all present within the settlement.

The majority of Filey is classified as Flood Zone 1, however as explained above, a significant amount of flooding has occurred within the settlement. Historic and hydraulically modelled flood extents have been included in Figures 11.11. For the purposes of land use planning and development control these flood extents should be accorded the same status as Flood Zone 3. All currently developed sites within this zone may be accorded 3a(i) status, while all other areas within Zone 3 should be accorded Zone 3b status.

11.5.4 Potential Flood Risk Management Measures

A number of flood alleviation measures were proposed for the settlement of Filey within the Filey Town Flood Investigation Report, which also discusses the relative merits of each of the proposals in financial terms.

The report identifies surface water attenuation measures as the optimum solutions for the problems associated with Filey Beck and the Muston Road area of the settlement. For Filey Beck, the proposed solution is the construction of an embankment to retain flood water in the fields to the north of the settlement. At Muston Road, the preferred solution is the construction of an offline tank sewer. Other mitigation measures within the settlement include sewer capacity upsizing in the Wharfedale Estate, and drain replacement and tree root cutting in the vicinity of Filey Senior School.

Flood management proposals have recently been further developed as part of a collaborative study⁷¹ evaluating flood risk management and environmental benefits. These proposed measures are shown on Figure 11.11.

The mitigation measures proposed for the Long Plantation Watercourse are detailed in the Flood Alleviation Scheme Report. In summary, three possible solutions were proposed, comprising a flood embankment; a flood storage area; or channel widening and re-profiling works. The latter option has been recommended as the most viable solution but has not yet been taken forward.

11.5.5 Sensitivity to Climate Change

Based on Defra recommendations (Section 3.7) sea levels can be expected to rise by around 850 mm over the next 100 years. This will not significantly affect the extent of flooding from the sea in this area, although some properties and sites along the foreshore will become more vulnerable.

A climate change sensitivity analysis was carried out within the Long Plantation Watercourse Flood Alleviation Scheme Report. Assuming a 20% increase in the 1% flow, a maximum increase in water levels of 70 mm upstream of the Dams area could be expected, with an average increase of 20 mm along the remainder of the watercourse.

No detailed climate change sensitivity analysis was carried out within the Filey Town Flooding Investigation.

⁷¹ Study partners include Scarborough Borough Council, Environment Agency, Natural England, North Yorkshire County Council, Yorkshire Water and Filey Town Council. Consultants are Mouchel.

11.5.6 Critical Drainage Catchments

As explained in the sections above, much of the flood risk within Filey is due to issues surrounding the capacity of the existing drainage systems. Any increase in the amount of water entering these drainage systems may increase the degree of flood risk elsewhere in the settlement. These Critical Drainage Catchments may be particularly sensitive to potential climate change impacts.

The entire area which may drain into the existing systems within Filey, including both the rural and urban areas, is displayed in Figure 11.12. Refer to Section 9.

11.5.7 Existing Recommendations Regarding New Development

It is recommended within the Filey Town Flooding Investigation Report that no further new developments take place in the areas identified as being at risk of flooding, or that have been subject to previous flooding, until alleviatory measures have taken place. These areas can be identified by the generalised flood risk areas in Figure 11.11, or the 'Location Incidents'⁷² figure in the Flooding Investigation Report.

11.5.8 Guidance on Land Use Planning and Flood Risk

Flood Zones present in Filey have been identified above. **The following Forward Planning (Section 7) and Development Control (Section 8) Flood Risk Zone Policies/Guidance should be applied within the settlement: 1, 2, 3a(i), and 3b.**

Other flood mechanisms reported within the settlement are surface water flooding and sewer flooding. Refer to FP/DC Policy Recommendation/Guidance A. It is recommended in this report that, following the suggestion of the Filey Town Flooding Investigation that no further development take place in the areas identified at risk of flooding until alleviatory measures are put in place, consultation should be undertaken with the appropriate drainage engineers at Scarborough BC at an early planning stage regarding the acceptability of proposed developments.

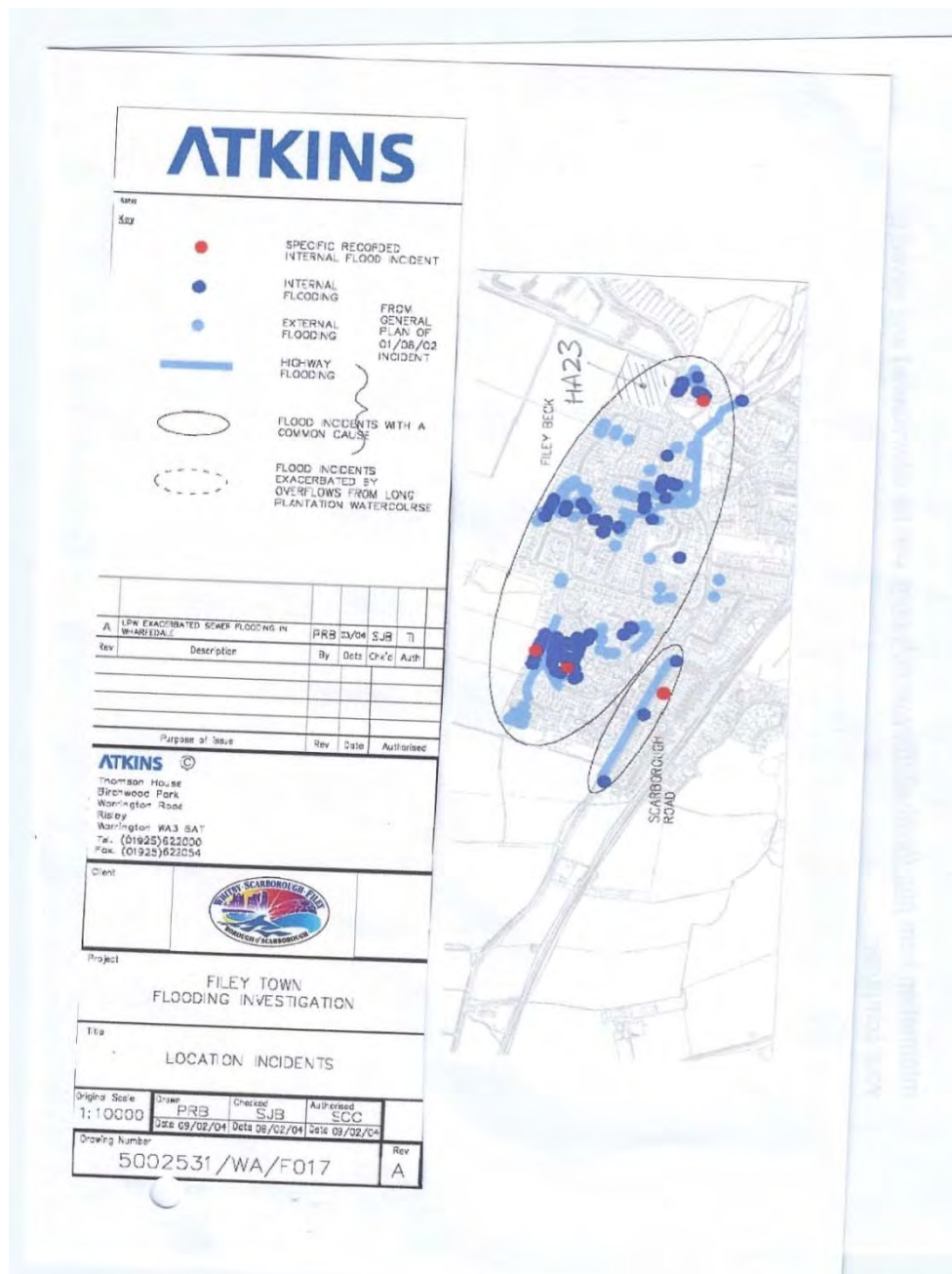
Development on the potential sites for flood storage areas upstream of Filey should be avoided, in order to ensure that potential for future flood alleviation works is not compromised.

Relevant Section of Figure 11.11 from the Strategic Flood Risk Assessment (Arup, 2010)



Proposed Site HA 23 is shown outlined in red.

Relevant Section of the Filey Town Flood Investigation Report (Atkins, 2004)



Photograph of Flooding at the South of Site HA23

Photograph taken on 14/03/2008.

Church Cliff Drive and Church Cliff Farm can be seen on the left.



Photograph taken on 27/04/2012.

Church Cliff Drive and Church Cliff Farm can be seen on the left.



Photograph taken on 25/11/2012.
Church Cliff Farm can be seen on the left.



Newspaper Article

The Filey and Hunmanby Mercury (14/12/2009)

Flood risk on site for 34 new homes

by **Steven Hugill**
steven.hugill@yrnld.co.uk

CONTROVERSIAL plans to build homes on land in Filey which is prone to flooding must be reconsidered, according to one worried resident.

Ian Fenby, of Arndale Way, said the decision by Scarborough Council to earmark Church Cliff Drive as a potential site for 34 new homes should be investigated further because the field has flooded in the past and caused damage to properties and brought misery to residents.

Mr Fenby, 72, who has lived at his property since 1977, said it appeared the council had made its decision to build on the land opposite Filey Fields Farm and added there seemed little scope for change.

He said: "I went to the meeting in the Evron Centre



to look at the plans and it seems to be already taken that this is one of the sites that is going to be used.

"It looks like the other sites have been more or less discounted, with Church Cliff Drive one of the favourites.

"The field carries a lot of water which runs off and I remember when we had the

flooding of properties in Church Cliff Drive and Arndale Way."

The plans also revealed two further sites for new homes, which have been identified as "preferred options" for development, including 40 new properties on Southdene tennis courts and 20 houses on Scarborough Road.

Mr Fenby said he was surprised the plot was now subject to development after it was previously declared it would not be built on. He added: "I know the houses have to be built somewhere and the council is dictated to by the government but I would have thought there were more suitable sites.

"When I bought my house I was told nothing would be built because it was arable land and 10 years ago when it was proposed that it would be sold, I was again told it was greenfield land and nothing would be built.

"Hopefully, there will be a public meeting to discuss the plans. I'm not a 'Not In My Back Yard' person by any stretch, but I am also really surprised about the proposal because adjacent to the field is Filey Brigg Caravan Park and that can get quite busy during the summer too."

Relevant Extract from Filey Town Council Planning Meeting 1 September 2014

Planning Meeting held 1 September 2014

BOROUGH LOCAL PLAN (cont)

Cllr Walker then invited questions from the public who commented on the lack of school places, only one dentist practice as well as an over stretched doctors surgery. Boro Cllr Cockerill informed the members of the public about the history of why this site off Wooldale Drive had been chosen for proposed future development following land-owners submitting several areas of land which had been duly evaluated and reduced to the 4 sites in Filey being :

- HA20 - Land to north of Scarborough Road, Filey
- HA21 - Land off Church Cliff Drive, Filey (Wooldale Drive)
- HA22 - Filey Tennis Courts, Southdene, Filey
- HA23 - Silver Birches, Station Avenue, Filey

Members of the public raised questions on Section 106; site drainage and future flooding and also queried why the access to the proposed site would be from Wooldale Drive as the existing Church Cliff Drive entrance would be preferable. Mr Hand replied to all the questions and stated that the land in question at HA21 was at the present time a flood risk 3 and therefore until the flood alleviation scheme was in situ there could be no development on this site until then.

Mr Hand went on to state that he would extend the deadline for comments on this site for a further 14 days following which this consultation would be closed however further comments could be submitted at the next stage and suggested that those who wished to comment further contact the Borough Council so that they could be placed on a database which would ensure that they were contacted immediately any further consultation was available.

Further questions were raised regarding the failure in community involvement; the Conservation Area boundary, other priorities for Sports and Leisure and whether Social Housing would be included on this site should future development take place. Mr Hand replied that there would be 30% Social Housing included. The Town Clerk asked if the priorities in the Filey Town Plan would be included and was informed that this document would sit alongside the Borough Local Plan.

Members of the public also requested that at any future meeting a qualified Highway Engineer be requested to attend especially with regard to the proposed access, Mr Hand stated that he would request this but could not guarantee that they would attend as they would be North Yorkshire County Council employees and not the Borough Council.

Cllr Haddington informed those present that he sat on the Borough Council's Planning Committee and had taken on board the comments of the residents and would bear these in mind when the Draft Borough Local Plan was discussed. Cllr Haddington also suggested that a further meeting be held, possibly at the Evron Centre, when other members of the public could attend especially as approx. 20 persons had not been allowed into the meeting as a result of health and safety regulations.

At this point Cllr Walker thanked the members of the public for attending and they subsequently left the meeting at 8.50pm.

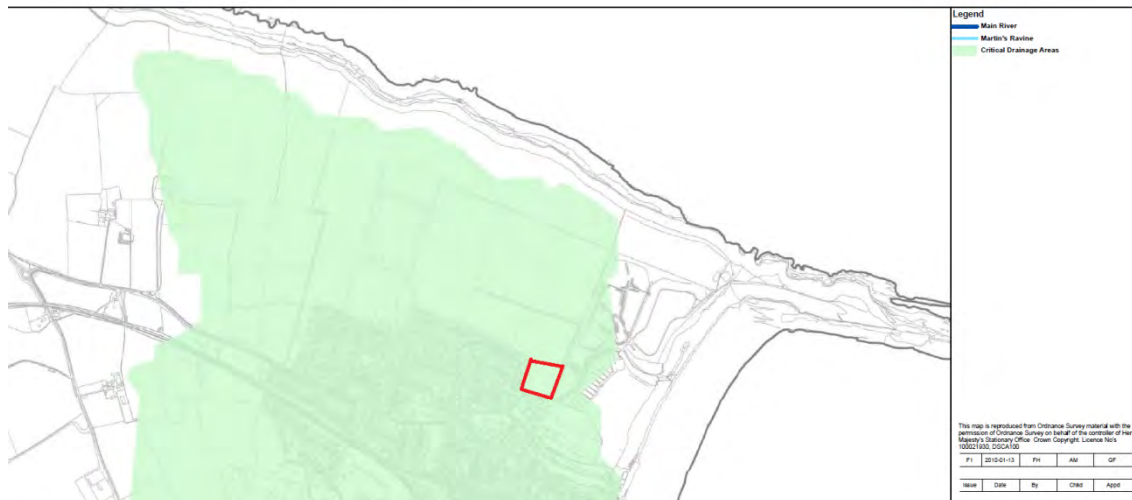
RESOLVED : That Mr Hand and Mr Harrap be thanked for their informative presentation and a further meeting be awaited as soon as possible. 632/014

Draft Green Space – Supplementary Planning Document

Members had previously been circulated with a copy of the above documents and received a presentation from Mr Matt Lickes of SBC's Forward Planning team who explained that the original "Negotiation of Play, Greenspace & Sports Facilities in Association with New Housing Developments" Supplementary Planning Document was first published in 2007 and was updated on an annual basis however the information on which this document was based is now out of date and the new Green Space SPD will subsequently replace this. A Green Space Audit had taken place and identified that in terms of green space per head of population Filey had a very high percentage mainly due to Glen Gardens, Filey Country Park etc.

continued overleaf

Relevant Section of Figure 11.12 from the Strategic Flood Risk Assessment (Arup, 2010)



Proposed Site HA 23 is shown outlined in red.
