F.A.O Mr K Hollinrake

Member of Parliament for Malton, Thirsk and Filey.

 Friday 29th September 2017.

Surgery at the Conservative Club, Filey

Dear Mr Hollinrake.

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 I would like to raise the following observations.

There are serious questions of transparency, good governance and questionable practices undertaken by officers and members concerning planned developments in Filey. This concerns the planning permission for housing in the town, with specific reference to the proposed development of land off Church Cliff Drive (Housing Allocation Site HA23).

Scarborough Borough New Local Plan examination in public for housing and other developments in the area has been concluded. The appointed planning Inspector - Mr William Fieldhouse, has issued his final report. The Inspector’s duty was to consider whether the document complies with the legal requirements and ensure that the document is sound and complies with relevant rules and regulations.

80 residents around the proposed site objected to the proposal and the way the site was incorrectly assessed in the Housing Land Selection Methodology and Assessment (HLSMA). Residents used outside qualified professionals to compile reports and assess the HLSMA and related documents and policies and set up a website to collate information at www.siteha23filey.weebly.com

The arguments against the proposal were substantial but these have been ignored by Scarborough Council forward planning officers and the inspector. Consequently there is the prospect of 30 houses being built on the site. Other housing allocation sites within Filey have also been given permission which means that the housing stock will increase significantly.

The inspector and officers refused to recognise the following pertinent points:

1. There were significant deficiencies in the procedures for informing the community of the planned proposals. No one in the community knew about the plans. Information by officers was provided in the council offices, which no one visits. They were put in the tourist information centre, which local residents did not visit and in the local library, hidden on the back shelf at the rear of the library.

2. The council refused to accept that the increased housing stock will place excessive pressure on health and educational provision in the town. In documentation by NYCC they recognise existing strains in educational provision without the additional increase in residents. (There are more vets in the town than dentists and the vets are open at weekends!)

3. The council refused to accept that HA23 was in fact in a Flood Risk Zone (Zone 3) as stated in the Strategic Housing Employment Land Availability Assessment (SHELAA) and the North East Yorkshire - Strategic Flood Risk Assessment (SFRA) 2010 update. The SFRA even indicates that NO new development should proceed until the Filey Flood Alleviation scheme is in place.

At the Filey Town Council planning meeting held 1st September 2014. The minutes from this meeting state that the Forward Planning Officer said that the land in question (then HA21 now HA23) “was at the present time a Flood Zone 3 and until the flood alleviation scheme is in situ there could be NO development on this site until then.”

Filey Town Council submitted a statement at the proposed consultation stage that NO development should take place on this site until Flood Alleviation is completed.

4. The Council now insist the area is a standalone Flood Zone 1. However, evidence presented at the examination in public was not accepted that the area is also identified and classified in the Strategic Flood Risk Assessment (SFRA) as a Critical Ground Water and Surface Water Runoff Area and a Critical Drainage Area. Moreover, it stands within a Flood Management area.

These additional definitions of the area on top of it being in a flood zone 1 in the flood risk assessment process qualify the site to follow The Sequential and Exception Tests as recommended in the Strategic Flood Risk Assessment (SFRA), National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) for flood zones.

The Sequential and Exception test is to steer new development to areas with the lowest probability of flooding following the 'Precautionary Principles' for identified flood zones, whether they are Fluvial, Sea or Ground water/ Surface water zones. Yet the council have a legal obligation to follow these policies and clearly they are not in compliance with this obligation.

There are more favourable sites in Filey that can be used within the Local Plan Sites, 03/3. 03/4. 03/4. 03/5. 03/I and 03/J.

All these points have been ignored by council officers.

5. The council or Inspector have not included on the examination website the submitted correction statement:

Response to EX15 Mook.docx Ref: PPG supersedes PPS25, Submitted 2nd September 2016. Or the submitted statement response EX15R flooding.docx

These two important pieces of information DO NOT appear on the council’s examination in public website.

This example highlights that SBC or the Inspector have not been fully open and transparent with all the information they have received in the examination in public.

6. The council officers have modified the plans, for example the statement in main modifications MM044 is an attempt to override the principles of the NPPF by introducing vague, nebulous policies that sought to undermine the criteria in place to prevent development in flood risk areas.

7. In the responses to the plan (id868070) it shows a clear relationship between the landowner’s agents Hickling- Gray and the Filey Flood Alleviation Scheme (FFAS) and Site HA23.

8. The former Filey Town Councillor (FTC) in charge of the Filey Flood Alleviation Scheme (FFAS).

 (Cllr Cockerill) stated to residents that all proposed developments are separate and will be dealt with separately. (This is questionable after reading Hickling-Grays response id868070)

 Yet even after the construction of the FFAS and according to the data generated by the plans (Lidar map) it clearly shows that the proposed site HA23 will still be at risk of flooding. Yet SBC officers and the Inspector still feel the site is suitable for housing/residential development.

9. A planning application for a housing/residential development is expected at some stage.

The website www.siteha23filey.weebly .com contains all the information that has evolved over the Local Plan period. The residents group are seeking Legal Advice on said issues.

Residents in principle are in favour of the Filey Flood Alleviation Scheme, but NOT a housing/residential development within a flood management zone which is site HA23.

Clearly there are planning policy breaches within the National Planning Policy Framework, Planning Practice Guidance (PPG) in support of Flood Risk Zones policies 100-103 and the Strategic Flood Risk Assessment (SFRA 2010). Please note the recurrent phrase NO DEVELOPMENT is used repeatedly in all the past and present official documentation when it comes to planning proposals for the zone HA23 and yet officers and members are abrogating any responsibility either, legal or environmental in their pursuit of meeting their targets and wanting to develop HA23.

Site HA23 should be removed from the SBC Local Plan 2011- 2032 for the reasons given.

Yours Sincerely.

On behalf of the Church Cliff Farm residents group, Filey.