81 Wooldale Drive,
Filey,
North Yorkshire,
YO14 9ER

7th March

Dear Sir,

**PROPOSED ALLOCATION OF SITES HA23 AND OS10 IN THE SUBMISSION VERSION OF THE SCARBOROUGH BOROUGH LOCAL PLAN AND THE LINK WITH THE FILEY FLOOD ALLEVIATION SCHEME**

Thank you for your letter dated 11th January and for taking the time to meet with me to discuss my concerns regarding the proposed allocation of sites HA23 and OS10 in the ‘Submission’ version of the Scarborough Borough Local Plan, and the likely link with the Filey flood Alleviation Scheme.

As promised, I provide, in this letter, a summary of these concerns. I apologise for the length, however there are many issues which remain unresolved.

**Summary of Representations Made on the Scarborough Borough Local Plan**

The Scarborough Borough Local Plan was published in ‘Draft’ form in May 2014 for consultation, including public comments and representations.

At this time, the only proposed allocation adjacent Wooldalew Drive was for site HA23 (at the time, called site HA21). The allocation of this site would require that the development limits of Filey were enlarged and redefined to include the site.

As part of the consultation, a public meeting was held at Filey Town Hall. Whilst the public were encouraged to attend and participate, in reality large numbers were turned away due to the lack of space to accommodate everyone with an interest.

The overwhelming feeling from this public meeting was that there was no support from local people for the proposed allocation of site HA23, and that their concerns were being dismissed and ignored.

Further to the public meeting, written representations were submitted objecting to the proposed allocation of site HA23, and also indicating significant deficiencies in assessment process used.

Subsequently, the Scarborough Borough Local Plan was published in ‘Proposed Submission’ form in November 2015 for consultation. At this time, the allocations were for both sites HA23 and OS10. Once again, the allocations of these sites would require a much greater extension of the 'development limits' of Filey.

Material released at this stage, with regards to the written representations made at the ‘Draft’ stage showed that little, if any, recognition was given to the significant local objection and concerns regarding the soundness of the Local Plan. Essentially, it appeared that all public comments and representations were ignored, thus making the process of public involvement little more than a ‘box ticking’ exercise, and a thoroughly inconvenient and meaningless process – not at all what the Government intended when encouraging greater involvement of local people in the decision making process!

In terms of consultation at 'Submission' stage, public comments and representations were required to be limited to the technical aspects of the Local Plan. Once again, the significant deficiencies in the assessment process remained.

These are summarised below, with further and detailed information provided in the attached documents “Objection to the Inclusion of Site HA23 (Land off Church Cliff Drive, Filey) as an allocated site for New Housing Delivery” and “Objection to the Inclusion of Site OS10 (Land north of Church Cliff Drive, Filey) as an allocated Open Space site”:

* There has been inconsistent and inaccurate assessment of Site HA23. I believe that this has led to the incorrect allocation of the site, and demonstrates a clear lack of care and attention which should be given to important issues.
* The comments made by the members of the public in response to the ‘Draft’ stage Local Plan have not been effectively addressed and many questions remain unanswered. I believe that this has confused, frustrated and alienated the residents and local people.
* With specific reference to site HA23:
* There remains confusion over the need to allocate more sites for housing within Filey. The Local Plan states a need to “accommodate a minimum of 5130 dwellings up to 2032” within the Scarborough Borough Area, and that 5 per cent should be allocated within Filey. This equates to approximately 257 houses. However, the Mill Meadows Housing Development, which is still under construction, comprises 300 houses. Is there a need for 550 more houses in Filey? To me, this number represents a vastly unrealistic growth expectation for Filey!
* Scarborough Borough Council has failed to acknowledge the relevant planning history of the site, and give sufficient weight to this planning history. Indeed, Site HA23 has previously been considered as a site for new housing delivery and both Scarborough Borough Council and The Planning Inspectorate have determined that the site is inappropriate. Furthermore, there have been no subsequent material changes to the site or surrounding area, and therefore would be rational and appropriate to assume that the reasons for refusal would still be valid should a future application be submitted.
* The assessments of site HA23 are flawed, and the Local Plan is unsound in regards to potential impacts on / due to: existing ornithological and geological features; flood risk (the site is located in a flood zone); landscape; suitability of existing utilities (e.g. water, sewage); and, compatibility with surrounding areas.
* With specific reference to site OS10:
* Although cited as **an essential part of allocation of site HA23**, this proposed allocation was not included in the ‘Draft’ form of the Local Plan or deemed necessary as part of the assessment process.
* The need to allocate more open space within Filey has not been identified as part of overall assessment process. Indeed, the ‘Green Space Audit’ (Scarborough Borough Council, May 2014) shows that there is currently a greater than 300% **over provision**!
* This raises a number of suspicious and worrying issues. In particular:
* The manner in which this has suddenly appeared in Local Plan, without any consultation, assessment or justification;
* There is a ‘convenient’ re-definition of the development limits with no reference to any assessment having been undertaken to examine if redefinition of the development limits is warranted or can be justified;
* The associated absence of any information or reasoning why the allocation is necessary;
* The absence of what proposals could be brought forward on the site; and,
* The complete lack of public involvement or consultation undertaken on the allocation.
* Therefore, it is the view of many local residents that this is a suspicious, deceptive and secretive way to allocate sites without the majority of residents being aware.
* Furthermore, under proposed Policy ENV5 of the Local Plan, 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 earlier, both Scarborough Borough Council and the Planning Inspectorate have deemed that the site is inappropriate for development. Furthermore, both sites HA23 and OS10 are outside the current defined development limits.

Following on from the above – although Scarborough Borough Council has not divulged the reason for the allocation of OS10 – this was revealed, perhaps inadvertently, in a representation on the ‘Proposed Submission’ form of the Local Plan by Hickling Grey Associates (Patrick Grey) who is the Agent for the land owner of both sites HA23 and OS10. Without doubt, this Agent, the land owners and Local Councillors have been collaborating on the contents of the Local Plan for some time. It is also no coincidence that the same parties are deeply involved with the Filey Flood Alleviation Scheme, a scheme which Scarborough Borough Council (in particular scheme representative Councillor Mike Cockerill) have always confirmed is **separate** to the proposed allocations of sites HA23 and OS10. Despite this, within this representation, numerous references are made to a link between the development of site HA23, site OS10 and the Filey Flood Alleviation Scheme. Selected statements from the representation by Hickling Grey Associates are provided below, along with my comments:

* “*We consider that the intention to allocate open space to the north of the town will form a fundamental part of bringing forward infrastructure that is vital to town, namely the Filey Flood Alleviation Scheme (FAS)*”.

Comment: The proposed allocation of site OS10 is specifically linked to the proposed allocation of site HA23 (see Local Plan, Appendix H). It is not an allocation in its own right (that is, would not be brought forward without the allocation / development of site HA23). Therefore, it does not (or rather should not) form a fundamental part of the Filey Flood Alleviation Scheme, or indeed any other scheme.

* “*The allocation of the land under OS10 may not have been shown at the draft local plan stage. That is largely due to the fact that the final proposals for the FAS had not been prepared*”.

Comment: The proposed allocation of site OS 10 is specifically linked to the proposed allocation of Site HA23 (see Local Plan, Appendix H). The proposed allocations of both sites HA23 and OS10 are not (and should not) be linked to the Flood Alleviation Scheme. Indeed, in an e-mail to a local resident, Councillor Mike Cockerill has confirmed that the proposed allocations and the Filey Flood Alleviation Scheme are “*separate matters*”.

* “*During discussions with landowners about the FAS it became clear that the details of the scheme would almost certainly result in the existing agricultural land immediately to the north of the town, as well as to the west and other locations around the area, becoming unusable as productive land*”.

Comment: All consultation on the Filey Flood Alleviation Scheme to date has indicated that the land will continue to be used for agriculture. In addition, it is unclear how the land would become unusable as all the consultation materials (including those used on the Exhibition Boards for the Filey Flood Alleviation Scheme) show examples of similar Flood Alleviation Schemes in agricultural settings. Furthermore, the proposals on the Exhibition Boards for the Filey Flood Alleviation Scheme show that the swales / bunds would be located on existing field boundaries, therefore minimising the impact of the Flood Alleviation Scheme on agricultural land. This indicates that additional information is available, but has not been released.

* “*Not only is the land necessary to provide the FAS but a suitable use has to be found for it beyond its present productive agricultural use. The intention to allocate the land as informal recreational open space is therefore an appropriate way of addressing the future of the land, the ownership of which will form part of the proposed progression and implementation of the FAS*”.

Comment: The proposed allocation of site OS 10 is specifically linked to the proposed allocation of site HA23 (see Local Plan, Appendix H). The proposed allocations of both sites HA23 and OS10 are not (and should not) be linked to the Flood Alleviation Scheme. Indeed, in an e-mail to a local resident, Councillor Mike Cockerill has confirmed that the proposed allocations and the Filey Flood Alleviation Scheme are “*separate matters*”.

* “*The fact that the open space allocation has been tied to the intended HA23 housing land allocation is as a result of the FAS not as a consequence of the proposed residential allocation*”.
* Comment: Why is the Agent linking the development of the Filey Flood Alleviation Scheme to the allocation (and allowable development) of sites HA23 and OS10? Surely this raises a question of legal compliance?
* “*It is a matter of fact that in new residential development there will be a public open space requirement*” and “*It will allow for local public open space that would otherwise have to be found elsewhere around Filey*”.
* Comment: It is not a “*matter of fact*”. No open space requirement was recommended in the Green Space Audit 2014 (Scarborough Borough Council, May 2014). Indeed, in Filey, there is over three times the recommended amount of ‘natural and semi-natural’ green space. Furthermore, if it was a “*matter of fact*”, the open space requirement would have been identified through the assessment of site HA23. No requirement has been identified or recorded in any assessment.
* “*In the event that the OS allocation was not to proceed following the current LP consultation it would have significant implications for delivery of the FAS which is vital to the town*”.

Comment: Again, why is the Agent linking the development of the Filey Flood Alleviation Scheme to the allocation (and allowable development) of sites HA23 and OS10? Surely this raises a question of legal compliance?

Furthermore, in their representation, Hickling Grey Associates confirmed that lengthy discussions have taken place between the land owner and the Scarborough Borough Council. Therefore, whilst Scarborough Borough Council (in particular scheme representative Councillor Mike Cockerill) have confirmed that the Filey Flood Alleviation Scheme is **separate** to the proposed allocations of sites HA23 and OS10, clearly this is not the case.

Due to this, there is now justified speculation among the local community that the implementation of the Filey Flood Alleviation Scheme may be dependent, in part, to the allocation (and allowable development) of site HA23. Indeed, this would explain the persistence of the Scarborough Borough Council (including Local Councillors and Planning Officers) promoting the allocation of site HA23, despite all of the overwhelming evidence and local resistance.

Any assistance you could give in obtaining clarity on the above through representations to the Local Council on behalf of myself and the people of Filey would be very much appreciated.

Yours sincerely,

Robert Agus.