

# **Examination of the New Settlement (Maltkiln) Development Plan Document (DPD)**

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## **Matters, Issues and Questions**

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## Introduction

Prior to the forthcoming hearing sessions, responses are invited from participants on the following Matters, Issues and Questions ('MIQs') for Examination. The MIQs are based on the Main Issues identified by the Council and other relevant issues raised by representors.

Participants should only respond to the questions which directly relate to their previously submitted written representations on the plan. Please clearly indicate in your statement(s) the question(s) you are answering.

Further statements should be proportionate in length to the number of questions being answered and should not, in total, exceed 3,000 words per Matter.

The plan is being examined as submitted by the Council. The principle of the new settlement has been established through the adopted **Harrogate District Local Plan 2014 – 2035**. Therefore, it is not necessary to consider the merits of the proposed new settlement in principle.

The questions concerning soundness are primarily focussed on the DPD's policies. Insofar as other elements of the DPD, including the supporting text, relate to its soundness, these will be considered as part of the discussion of the relevant policies.

Further information about the examination, hearings and format of written statements is provided in the accompanying *Examination Guidance Note*, which should be read alongside the MIQs.

As set out in the Examination Guidance Note, the deadline for providing hearing statements is **6 September 2024**.

## **Matter 1 – Legal Compliance**

### **Issue 1 – Duty to Cooperate**

- Q1. What evidence can the Council point to which demonstrates that it has engaged constructively, actively and on an ongoing basis in relation to the known cross-boundary issues?
- Q2. Are the remaining issues to resolve (such as transport, healthcare, and education) matters of soundness or legal compliance?
- Q3. Has the Duty to Cooperate under sections 22(5)(c) and 33A of the 2004 Act and Regulation 4 of the 2012 Regulations been complied with, having regard to the advice contained in the National Planning Policy Framework ('the Framework') and the Planning Practice Guidance ('the PPG')?

### **Issue 2 – Public Consultation**

- Q1. Has public consultation been carried out in accordance with the Council's Statement of Community Involvement, the Framework, the PPG and the requirements of the 2004 Act and 2012 Regulations? If not, what were the reasons why?
- Q2. Were adequate opportunities made available for participants to access the Plan, and other relevant documents, in different locations and in different formats (such as in paper, at face-to-face meetings/events and online)?
- Q3. Were adequate opportunities made available for participants to submit and make representations, having particular regard to the length of public consultation and the process for making comments?

### **Issue 3 – Sustainability Appraisal**

- Q1. What are the 'concept options' in the Sustainability Appraisal ('SA')<sup>1</sup> based on? How have they been determined, and do they adequately reflect a reasonable range of alternatives? If not, what should the SA have considered at this stage?
- Q2. Are there any other reasonable spatial options that should have been tested by the Council through the SA, and if so, why?

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<sup>1</sup> Core Document CDNS02 Options 1-3

Q3. Do each of the concept options propose the same amount of growth? How has the potential loss of any best and most versatile agricultural land been considered?

Q4. The preferred option (Option 3) is predicted to have likely significant negative effects in terms of biodiversity and potential significant negative effects in terms of landscape including retaining the area's rural character. How will these negative effects be addressed by the DPD?

#### **Issue 4 – Climate Change**

Q1. Does the Plan (taken as a whole) include policies designed to secure that the development and use of land in the area contributes to the mitigation of, and adaptation to, climate change? If so, how?

#### **Issue 5 – Public Sector Equality Duty**

Q1. In what ways does the DPD seek to ensure that due regard is had to the three aims expressed in s149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic?

#### **Issue 6 – Habitats Regulations Assessment**

Q1. Have the requirements for appropriate assessment under the Habitats Regulations been met? Have the results of the Habitats Regulations Assessment been carried forward in the DPD?

Q2. What measures will the DPD put in place to ensure that likely significant effects would be avoided?

### **Matter 2 – Vision, Objectives and General Principles**

#### **Issue 1 – General Principles**

Q1. Are the policies in the DPD positively prepared, justified, effective and consistent with national policy?

Q2. Is the DPD in general conformity with the adopted Harrogate District Local Plan?

## **Issue 2 – Introduction, Vision, Objectives and Site Context**

- Q1. How has the historic environment been considered in relation to the site context?
- Q2. What is the justification for the suggested changes to the introduction, vision, objectives, and site context sections of the DPD? Why are they necessary for soundness?

## **Issue 3 - Development Framework – Policies NS1, NS2 and NS3**

- Q1. The owner of a large area of land within the proposed new settlement boundary has withdrawn their support for the DPD and now states that this land is no longer available for development. Does this change in circumstances cause any soundness issues for the DPD? If so, how can they be rectified?
- Q2. What evidence has been produced to demonstrate that the proposed mix of uses set out in Policy NS1 are viable and deliverable? What evidence is the indicative internal layout shown in Figure 2 based on?
- Q3. Should Policy NS1 and/or its supporting text include more detail in relation to the appropriate minimum levels of public transport and the comprehensive walking/cycling route network that the new settlement must provide?
- Q4. How was the settlement boundary shown in Figure 1 established? Is it justified and based on sound and robust evidence? Were any other reasonable alternatives considered? If not, why not?
- Q5. How has the extent, scale and purpose of the proposed Strategic Green Gap been determined? Is this approach justified and based on sound and robust evidence? Should the proposed Strategic Green Gap cover a larger area around the proposed settlement boundary?
- Q6. How has the historic environment been considered in terms of the formulation of the Master-Planning Design Principles set out in Policy NS3?
- Q7. Is it sufficiently clear as to who would have responsibility for formulating the detailed masterplan required by Policy NS3? How would Policy NS1 and the master planning process ensure that piecemeal development of the new settlement will be avoided?

Q8. What is the justification for the suggested changes to Policies NS1, NS2 and NS3 and their respective supporting text? Why are they necessary for soundness?

### **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?

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?

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?

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?

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?

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?

#### **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?

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

### **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?
- 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?
- Q3. The submitted Flood Risk Sequential Test Report<sup>2</sup> 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?
- 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?
- 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?

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<sup>2</sup> Supporting Document SDNS05



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?

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?

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?

## **Matter 4 – Natural Environment**

### **Issue 1 – Green and Blue Infrastructure - Policy NS12**

Q1. What is the justification for the suggested changes to Policy NS12 and its supporting text? Why are they necessary for soundness?

### **Issue 2 – Biodiversity – Policies NS13 and NS15**

Q1. How will the required settlement wide Biodiversity Net Gain Strategy set out in Policy NS13 ensure that a net gain of at least 10% is delivered in each phase of development?

Q2. What is the justification for the specific percentage targets for the provision of bat and swift bricks in new dwellings?

Q3. What is the justification for the suggested changes to the supporting text of Policy NS13? Why are they necessary for soundness?

Q4. Policy NS15 requires that recreational open space should be designed to mitigate additional recreational impact on Aubert Ings SSSI and that the Development Framework identifies two areas of open space which should serve as alternative, semi-natural destination points to the SSSI. What evidence can the Council point to which suggests these areas of open space would be deliverable and that they would adequately mitigate any impact?

Q5. What is the justification for the suggested changes to paragraph 6.21? Why is it necessary for soundness?

## **Matter 5 – Historic Environment**

### **Issue 1 – Heritage Assets – Policies NS16, NS17, NS18, NS19 and NS21**

- Q1. How have the effects of the new settlement on the setting of Whixley Conservation Area been considered?
- Q2. How have the effects of development on the settings of Providence House and the Kirk Hammerton Conservation Area been considered having regard to the proximity of the settlement boundary to these heritage assets?
- Q3. Why have Whixley Gate and Rudgate not been included in Policy NS21?
- Q4. What is the justification for the suggested changes to Policies NS16, NS17 and NS21 and relevant supporting text? Why are they necessary for soundness?

### **Issue 2 – Archaeology – Policy NS20**

- Q1. Is the approach of Policy NS20 reasonable, justified, and effective and is it soundly based on robust evidence?

## **Matter 6 – Housing, Mixed-Use and Employment**

### **Issue 1 – Housing Mix and Density – Policy NS22**

- Q1. Is it clear what the 'latest evidence base' relates to for the second paragraph of Policy NS22, and what 'sufficient evidence' means for the third paragraph of the policy? Is the policy sufficiently clear enough to be effective?
- Q2. Has any allowance been made for the possibility of windfall housing being brought forward within the settlement to meet the needs of Gypsies and Travellers?
- Q3. What is the justification for the suggested change to the supporting text of Policy NS22? Why is it necessary for soundness?

### **Issue 2 – Affordable, Specialist and Self/Custom Build Housing – Policies NS23, NS24 and NS25**

- Q1. Based on the requirements for qualifying developments, how many affordable homes is the DPD expected to deliver? How does this compare to the identified need? If needs will not be met, what alternative options has the Council considered?

- Q2. What implications, if any, does the latest evidence in the IDP have on the viability of residential development and the ability to deliver affordable housing?
- Q3. How will affordable housing be delivered in the new settlement as a result of Policy NS23? Is the provision of between 20% and 40% affordable housing viable and deliverable? Is this range based on robust evidence?
- Q4. Is it clear what the 'evidenced need of the client group' relates to in the first paragraph of Policy NS24? Is the policy sufficiently clear enough to be effective?
- Q5. What is the justification for the suggested changes to the supporting text of Policies NS23 and NS24? Why are they necessary for soundness?

### **Issue 3 – Local Centre – Policy NS26**

- Q1. What is the justification for the suggested changes to Policy NS26 and its supporting text? Why are they necessary for soundness?

### **Issue 4 – Employment – Policy NS27**

- Q1. Is the requirement set out in Policy NS27 for the identified employment land to provide suitable shared space, with all necessary infrastructure to enable the provision of Ultrafast Fibre to the Premises (FttP) broadband reasonable and justified?

## **Matter 7 – Community Facilities**

### **Issue 1 – Open Space and Sport – Policy NS14**

- Q1. Should Policy NS14 include reference to indoor sports provision such as a swimming pool or leisure centre?
- Q2. Is Policy NS14 effective and justified by including references to supplementary planning documents and guidance?
- Q3. What is the justification for the suggested changes to Policy NS14 and its supporting text? Why are they necessary for soundness?

### **Issue 2 – Education – Policy NS28**

- Q1. How would the proposed settlement affect the provision of secondary school places at Boroughbridge High School and capacity within the wider area?

Q2. Does the safeguarding of land for the potential future provision of a secondary school have any implications for the viability and delivery of housing or other proposed development in the settlement? Is the policy sufficiently flexible in this regard to be effective?

Q3. What is the justification for the suggested changes to Policy NS28 and its supporting text? Why are they necessary for soundness?

### **Issue 3 – Social and Community Facilities – Policy NS29**

Q1. How have the potential impacts of the new settlement on the capacities of local health services such as GP surgeries been considered?

Q2. What is the justification for the suggested changes to Policy NS29 and its supporting text? Why are they necessary for soundness?

## **Matter 8 – Access, Travel and Transport**

### **Issue 1 – Connectivity, Walking and Cycling – Policies NS30, NS31 and NS32**

Q1. What is the justification for the suggested changes to paragraph 10.4, Policies NS30 and NS31 and their respective supporting text? Why are they necessary for soundness?

### **Issue 2 – Public Transport – Policies NS33 and NS34**

Q1. How will policy NS34 ensure that the new settlement is adequately served by bus routes particularly given the funding issues highlighted by the Access and Movement Background Paper<sup>3</sup>?

Q2. What is the justification for the suggested changes to Policy NS33 and the supporting text of Policy NS34? Why are they necessary for soundness?

### **Issue 3 – Street Hierarchy, Mitigation and Car Usage – Policies NS35, NS36 and NS37**

Q1. How have the effects of development on the non-strategic (local) highway network been assessed as part of the plan-making process? Where highway mitigation is required, where is this set out and how will it be achieved?

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<sup>3</sup> Supporting Document SDNS07

- Q2. Does the DPD make adequate provision for overnight lorry parking facilities in accordance with paragraph 113 of the Framework?
- Q3. How have the effects of measures to mitigate and improve the highway network, such as the junction improvement at Whixley crossroads, on heritage assets been considered?
- Q4. Is the requirement set out in Policy NS37 for development proposals to be delivered within a vehicle trip budget reasonable and justified?
- Q5. What is the justification for the suggested changes to Policy NS37 and its supporting text? Why are they necessary for soundness?

## **Matter 9 – Delivery and Monitoring**

### **Issue 1 – Delivery and Phasing**

- Q1. Are the assumptions regarding infrastructure projects, delivery mechanisms and funding sources outlined in the table within Chapter 11 of the DPD still broadly accurate taking into account the latest version of the IDP?<sup>4</sup>
- Q2. What implications, if any, does the latest evidence in the IDP have on the viability of development and the ability to deliver it?
- Q3. What is the justification for the suggested changes to Chapter 11, including the insertion of new Policy NS38 and its supporting text? Why are they necessary for soundness?

### **Issue 2 - Monitoring Framework**

- Q1. Will the Council's monitoring and review processes for the DPD be effective in assessing the success or failure of delivery and what alternatives might reasonably be provided if necessary?

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<sup>4</sup> Supporting Document ref. SDNS03