



**Examiner’s Clarifying Questions and Information Requests put to Malton and Norton Town Councils and North Yorkshire Council:
 Questions to North Yorkshire Council 5 January 2024
 Response 17 January 2023**

Question NYC1: What is the current updated position regarding the preparation of the North Yorks(hire) Local Plan and its timetable?

Response:

As part of the Structural Change Order which enacted the creation of North Yorkshire Council in April 2023 that commits the new the new council to prepare a Local Plan (Development Plan) within 5 years of vesting date. It is our understanding that this is separate to the potential changes that may come with plan making in due course. The Council has not yet adopted its Local Development Scheme, due to confirming the position regarding current in-production DPDs in the former local plan areas of Selby and Harrogate. The general timetable is to submit by the summer of 2027. This LDS and timetable is to be considered by the Council’s Executive next month.

Key Milestones for Producing North Yorkshire Council Local Plan		
Stage of Plan Making		Timescale
Statement of Community Involvement		Q4 2023
Regulation 18	Public consultation on Issues and Options for the Local Plan	Q4 2024
Regulation 18	Public Consultation on Draft Local Plan (Preferred Options)	Q4 2025
Regulation 19	Consultation on Pre-Submission Local Plan	Q1 2027
Regulation 22	Submission of the Local Plan to the Secretary of State	Q2 2027
Regulation 24	Examination of Local Plan	2027/28
Regulation 26	Adoption of Local Plan	Q4 2028

Question NYC2: Is the Council satisfied with the housing supply position in Malton and Norton Neighbourhood Area and that there is no need for any further release of land in the plan period up to 2027?

Supplemental: Regarding my question to NYC2 on the adequacy of the housing provision, can I ask you to clarify what is meant in the para below from the submission plan.

4.8.3 The Ryedale Sites Allocation Local Plan is expected to allocate sufficient new homes to meet the identified requirement after houses already constructed, those to be demolished and with planning permission have been taken into account. This means that despite a headline requirement of 1,500 new homes at the start of the plan period, the adopted Ryedale Site Allocation Local Plan only identifies sufficient land to accommodate 600 new homes across Malton and Norton, as at 2017.

It appears to suggest that whilst the requirement was quantified as 1500 dwellings up to 2027 only provision for 600 has been made – is this correct?

Response:

The paragraph above is not inaccurate in its contents, but it does not fully convey the land supply position for Ryedale Plan area and that of Malton and Norton.

In terms of context, the former Ryedale District area prepared its Development Plan structure prior to the 2011 Localism Act and was able to prepare a Core Strategy plan with subsequent DPDs. The Ryedale Plan Local Plan Strategy (RPLPS) was the 'Core Strategy' and set the housing requirement for the District of 3000 dwellings over the plan period (plus 20% land supply buffer- applied district wide). It also establishes the spatial principles and general proportions of the development attributed to the Settlement Hierarchy. This was in conformity with the then adopted Regional Spatial Strategy. For Malton and Norton, as the Principal Town, the RPLPS attributed 50% this requirement (1500 dwellings). It was submitted in May 2012 and adopted in September 2013.

Crucially, in advance of the RPLPS being adopted, and post the arrival of the draft NPPF in the summer of 2011, Ryedale District Council as the Local Planning Authority made interim land releases through the grant of planning permission at Malton and Norton- and indeed other settlements where they accorded with the emerging plan's spatial approach, to create a position of a 5 year land supply. This meant that housing sites in Malton and Norton were being brought forward from 2011 onwards.

The Ryedale Plan-Local Plan Sites Document is the daughter document to the Local Plan Strategy, and covers allocations and site-specific policies. It was submitted in late 2017 and adopted in July of 2019. As the Examiner will note, that is a long lag time between the adoption of the RPLPS and the Local Plan Sites Document.

As set out above, during this time a series of planning applications were approved, and these have formed a substantive contribution to the land supply, although they are for the most part now built out. They can be viewed on the adopted Policies Map. This contribution was identified as 'Existing Residential Commitments' to ensure that whilst we robustly provided for meeting of the housing requirement, we did not cause 'overheating' by allocating significantly more land than was needed to meet the housing requirement and supply buffer.

This policy principle (SD1) in the Local Plan Sites Documents expresses this: *“Residential development sites shown on the Policies Map as existing residential commitment will be treated as allocations for residential development. Residential Development should be consistent with the site’s existing permission in the event that the current permission expires”*.

“ Sites granted planning permission before 31 March 2018 will be identified as Existing Residential Commitments. Sites granted after this date will be treated as allocations until they are completed”.

This is set out in the table on the following page which is taken from the Local Plan Sites Document:

Appendix 3: Residential completions, commitments, residual requirements and proposed allocations@31/3/18

Settlement	Completions (net) 2012-2018	Commitments* + existing allocations (net)	Local Plan Housing Figure	Residual Requirement	Planned requirement + supply buffer	Residual Requirement + supply buffer	Proposed Allocations	Total
Malton and Norton	729	626	1500	145	-	-	620****	1,975
Pickering	385	74	750	291	-	-	349	808
Kirkbymoorside	23	288	300	-11	-	-	59	370
Helmsley	9**	96	150***	0	0	-	0	105
	<i>The Helmsley Plan was adopted in July 2015. It makes provision for the delivery of 190 homes to 2027, 96 of which are from land allocations within the Ryedale Local Planning Authority Area. The Local Plan Sites Document will not identify further housing land at Helmsley</i>							
Service Villages	217	167	300	-84	-	-	76	460
Total	1,363	1,251	3,000	341	3,600	941	1,104	3,718
<i>Other Villages and Wider Open Countryside</i>	<u>189</u>	<u>190</u>	<u>0</u>	<u>0</u>	-	-	<u>0</u>	<u>379</u>
<u>Total</u>	<u>1552</u>	<u>1441</u>		<u>341</u>	<u>3600</u>	<u>941</u>	<u>1104</u>	<u>4097</u>

* The completion and commitment information shown is taken from the 2018 Strategic Housing Land Availability Assessment Part 1. ** Figure for Helmsley is for the area of the town outside of the National Park.*** Provided across the area of the Helmsley Plan.**** Assumes 560 dwellings from the Norton Lodge site within the plan period.

A more up to date position is taken from the latest land supply position set out in the Authority Monitoring Report, which shows that as of 31 March 2023 1,226 dwellings have been completed in Malton and Norton:

Settlement	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	Total
	-13	-14	-15	-16	-17	-18	-19	-20	-21	-22	
Malton (incl Old Malton)	26	11	67	48	132	100	62	196	33	70	745
Norton	61	91	75	79	14	26	7	73	21	34	481

As of writing this response the 2023 AMR covering 2022-23 is being finalised.

Allocations in the Malton and Norton area include the allocation at Norton Lodge for c.600 homes- which is subject of an under consideration planning application. The other allocation is the current NYC offices at Ryedale House, which at the current time is not considered deliverable in our Strategic Housing Land Availability Assessment (SHLAA) as there is now no currently-identified strategy for service delivery. So whilst it is the case that only two allocations were ultimately made for Malton and Norton, the land supply and housing delivery show that Malton and Norton have robustly delivered significant housing delivery, and will continue to do so for at least up 2027.

This was the reason why the Local Plan Sites Document was found sound in 2019 despite having relatively few site allocations.

Question NYC3:

There is reference in para 4.3.25 to former Ryedale District Council monitoring air quality. As Ryedale no longer exists is this something that NYC continues to do?

Response:

Yes, North Yorkshire Council remains the responsible body for monitoring air quality.

Question NYC4:

Is it NYC's position that the identification of additional Visually Important Undeveloped Areas should be a strategic matter for the emerging Local Plan or does it accept this is a relevant matter for the Neighbourhood Plan?

Response:

In short, North Yorkshire Council consider that it is very much a relevant matter for a Neighbourhood Plan to explore. The rationale for this is set out below.

Neighbourhood Plans are an appropriate policy vehicle to identify land which has open and undeveloped qualities which contribute to how places are experienced by the community, and to use established site-specific policies (or create their own) to ensure that those qualities are fully considered if subsequent development proposals come forward. It is therefore considered appropriate for the Qualifying Body to identify additional Visually Important Undeveloped Areas (VIUAs), if they wish to, providing this does not conflict with the adopted Development Plan, such as in relation to allocations. But that in doing so in order to be in conformity with the strategic plan the methodology/rationale for their inclusion should conform to the methodology developed for the strategic plan. No such sites identified in the Malton and Norton Neighbourhood Plan conflict with the Development Plan in regard to allocations. As such there is no basic conditions compliance issue in that regard.

It is whether therefore the methodology for identification of VIUAs has been applied. The principle of the designation is established by the Local Plan Strategy, in Policy SP16, Design, and was a saved policy from the original Ryedale Local Plan. It is a local designation, and 'elevates the bar' when considering development proposals to respond to how the qualities of open spaces can be retained. Or, if the need for the development outweighs the site's retention, the designation does not prevent this from taking place. Its spirit and purpose is therefore not like the Local Greenspace designation, which is set out in the NPPF and is a significantly more absolute approach to development restraint.

It was the production of the Local Plan Sites Document that re-evaluated and identified new VIUAs as a result of consultation with communities undertaken as part of both the preparation of the Local Plan Strategy and the Local Plan Sites Documents. The identified areas of open space are expected to meet at least one of the six criteria for the designation of VIUAs taken from the assessment framework that originally defined VIUAs back in the Ryedale Local Plan (as set out in the Background Paper the Local Planning Authority prepared for the designation of new VIUAs).

North Yorkshire Council consider that the identification of additional VIUAs is indeed a matter for the Qualifying Body to respond to views of the local community and identify areas of importance and sensitivity to development, and it is their judgment call as to whether a site should or should not be identified as a VIUA, and sites not previously considered by the LPA could be identified as VIUAs and this would be in conformity to the strategic plan.

Only one site has been identified as a VIUA. The VIUA is not identified in the Proposals Map Key but is denoted and identified by the crosses on the plan, it is also identified as 1-9 High Malton Local Green Space. As an action in response to the then District Council's objection to the inclusion of 'High Malton' as an area of Local Green Space, the following action was identified:

ACTION - consider other policy options for the NP, including VIUA (Visually Important Undeveloped Area) mechanism to strengthen recognition of the importance of the land to the setting of this part of Malton, as a gateway to the town, and the setting of the AONB. (Pp. 339 and 240 Consultation Statement all appendices).

The Basic Conditions Statement states that *"The land in question at High Malton has been assessed as meeting VIUA criteria as laid down from the former RDC (p.15) it is not clear from the submissions how the Qualifying Body has specifically applied the framework developed to assess VIUAs other than in relation to the two aspects above 'gateway to the town' and 'setting of the AONB' (now Howardian Hills National Landscape HHNL). This is explored below:*

This single site identified as a VIUA in the Malton and Norton Neighbourhood Plan was considered, but on balance not included, as a VIUA by the Local Planning Authority. This was because it was judged that it did not meet the relevant tests and this is set out in the background paper on VIUAs in response to support for the land to the north and south of Castle Howard Road to be identified as VIUAs. The criteria were:

1. Contribution the space makes to the setting of the settlement viewed either from publicly accessible view points within the settlement or from approach roads or paths
2. Contribution the space makes to the setting of a building or groups of buildings either listed or of historical or architectural interest
3. Contribution the space makes to the overall form and character of the settlement
4. Extent to which the space provides a vista/viewpoint into the surrounding countryside
5. Extent to which trees, boundary hedges or walls contribute to the character of the space
6. The archaeological or historic interest of the space

It is noted that these criteria have not be specifically referenced by the Qualifying Body in their supporting evidence for the plan, and so it is not clear how they have been applied. The position taken by the Local Planning Authority was that whilst this site does contribute to the setting of the HHNL, and that development of this site has the capability to affect the setting of the HHNL- this is a landscape character consideration, under Policy SP13, rather than a form and character issue for Malton and therefore not a justification for the VIUA designation. The Local Planning Authority would furthermore not dispute that this is gateway into the town, but it not clear what features contribute to the setting of the settlement- and this is the key test for criteria 1. The position that the LPA took when considering whether to designate the site as a VIUA, was that it did not contribute to the setting of the town, but had localised features which were attractive. In the absence of defining how the site contributes to the setting of Malton, and with no other criteria have been met, this is a concern.

It is relevant and appropriate for the Neighbourhood Plan Body to identify VIUAs, if they consider them justified, but it is advocated that they do so on the basis of conformity in the approach to assessment that underpinned VIUA identification in the strategic plan. In this instance, that would mean they meet one or more of the six tests for VIUA. North Yorkshire Council consider that the designation of this parcel of land known as 'High Malton' does not conform the principles applied to identify VIUAs in the strategic plan, and therefore is not in conformity with the strategic plan on that basis. This would be a basic conditions compliance matter.

Going forward, in light of Local Government Reorganisation and the review of current Local Plan, the consideration of the designation of VIUAs will nevertheless become a strategic consideration for the new North Yorkshire Local Plan: The designation of VIUAs (or other similar designation) is not unique to the former Ryedale Plan area. But other former Local Planning Authorities which now make up North Yorkshire do not have such areas, or their designation has been achieved under a different methodological framework. It will be for the emerging North Yorkshire Local Plan to first consider the role (given the scale of the Plan Area) and if it is continued development of a consistent methodology for the designation of these types of spaces, within the strategic context of local plan preparation. This will be explored as part of the design component of the local plan- potentially through design codes, and also through site assessment work. But, it will need to be mindful of areas of restraint that have been identified by the Neighbourhood Plans and give regard to those designations, given they form part of the Development Plan.

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