

Examiner's Clarifying Questions and Information Requests put to Malton and Norton Town Councils and North Yorkshire Council

Questions and Information Requests to Town Councils (05 Jan 2024)

Question TC1:

Please can you confirm for the purposes of my report that both Town Councils are jointly the qualifying body which is what the documents suggest and that it is not a case of one Town Council being the qualifying body in consultation with the other.

A: The Town Councils (TCs) can confirm that they are jointly the qualifying body.

Question TC2

Given the extremely short plan period remaining to 2027 is it the Councils' intention to commence a review as soon as the North Yorks Local Plan is sufficiently advanced to do so.

A: Yes, although the TCs would not expect to do so in earnest until the North Yorks Local Plan had been submitted for examination, in order to have sufficient certainty as to the development plan context.

Question TC3

Most neighbourhood plans have a clear thread that runs from identified key issues to vision and objectives and then to policies and proposals in response. The MNNP doesn't identify early on what the key issues are although as the reader progresses through the plan it becomes clear. I will be suggesting that the Councils provide a short section of text at the end of section 2 that sets out what the key issues for the towns are today that has emerged out of the preparation and consultation process and which can then lead into the vision and objectives. It would be helpful if that could be provided before the examination completes. A bullet point summary will be sufficient.

A: The TCs have drafted the following text for section 2 as requested:-

2.11 The key issues for this Neighbourhood Plan to address, both in the light of the above and in response to community concerns raised during plan preparation are as follows:-

- *The congestion and resultant pollution in Malton Town Centre;*
- *Riverside regeneration;*
- *Protection of key open spaces and their connectivity;*
- *Development of key community and visitor facilities;*
- *Protection and enhancement of the towns' rich and extensive heritage;*
- *Ensuring new housing meets local needs;*
- *Support for key local employment sectors;*
- *Maintaining vibrant town centres.*

Question TC4

The start of Policy TM1 states development should be compatible with and contribute to the footpath, cycle and bridleway network. This is not clear – what do you actually mean? – do you mean development should provide good connections to the network and where opportunities exist improve the network?

A: The examiner's interpretation of the meaning is partially correct. The intention, additionally, through the phrase 'compatible with', is that development should not have adverse effects upon the existing network. The TCs would point out that this wording has been considered acceptable by other NP examiners, it appears, for example, in made plans for Otley, Horsforth and Haworth, Cross Roads and Stanbury.

Question TC5

Policy E2 implies that development that enhances a Local Green Space will be supported. Given that development can only be allowed on LGS in very special circumstances, is the intention that this policy relates to development outside but close to an LGS?

A: The intention is as the examiner states, but also that the policy relates to enhancing development within Local Green Spaces that is allowable within the definition of those very special circumstances.

Question TC6

Can you clarify the intention of Policy E4 which seems on the policies map to identify large tracts of land as Green and Blue infrastructure areas north of Malton and south of Norton when the policy talks specifically about 'corridors' ie presumably linear areas of protection. From the description at Appendix 2 it only seems to be the Howardian Hills that may relate to areas rather than corridors. Also although Appendix 2 refers to the Wolds Area this is not listed in Policy E4.

A: In the view of the TCs, the policy clearly relates to green and blue infrastructure – whether 'area' or 'corridor'. The fact that the policy talks specifically about 'corridors' in the case of Howardian Hills and Rye is because this is how they are described in the Natural England mapping work which underpins the policy. Natural England are clearly of the view that these are corridors – either regional or sub-regional. It's mapping work clearly considers that both areas and corridors can be part of green infrastructure. The TCs would point to the made Haworth, Cross Roads and Stanbury NP where the self-same policy approach regarding areas/corridor was considered to be acceptable. The TCs are unclear as to the examiner's concern in this matter. The omission of The Wolds Corridor (NB again, Natural England's description) from the policy is an oversight/drafting error on the part of the TCs, for which they apologise, and should be included in the policy list.

Question TC7

Policy E6 identifying and protecting gateway locations is not well supported by the Appendix. There is a need for the Appendix to be clearer as to exactly what is the essential landscape character to be protected. Some of the entries are better at this than others but it would be helpful if the Councils could provide a replacement Appendix that specifically sets out the essential character to be protected and that development must respect at each gateway.

A: The TCs would like to suggest an alternative to the policy plus appendix approach in the submitted plan. This is based on an earlier version of policy from 2018 – suggested wording as follows:-

“Development at edge of settlement ‘gateway locations’ on the main highway routes into/out of Malton and Norton, as shown on the Neighbourhood Plan Proposals Map, should respect key views, including towards nationally designated and locally valued landscapes and the towns’ conservation areas, where seen from locations that are freely accessible to members of the general public.

The layout and design of any development at these locations will be subject to justification by detailed design analysis, including a visual impact assessment.”

It is considered that this approach would enable full and detailed consideration of the visual impact of each/any development proposal at gateway locations on its merits, relative to proposals put forward.

Question TC8

Re Policy E7 – Is this intended to relate to all development in the neighbourhood Area which is what it says or should it relate to development in and adjoining the AQMA?

A: The intention was that policy relates to all development in the Neighbourhood Area; the thinking being that even development at a distance from the AQMA which results in the routing of additional traffic through the town centre or, in the case of industry, emissions from which are blown towards the town centre, can adversely impact AQMA air quality.

On reflection, the TCs can appreciate that this is too all-encompassing, e.g. in relation to minor householder development, and that the policy would benefit from reframing. An alternative approach, which the TCs would support, would be a more nuanced policy, relating to all development within and adjacent to the AQMA, but only to major development (as defined in the NPPF) and potentially impacting uses on smaller sites in use classes such as E (research and development of products or processes, residential area compatible industrial processes, clinics etc.) B2 (Industrial) and B8 (Storage or Distribution) – other use classes may also be relevant here - in the remainder of the Neighbourhood Area.

Question TC9

Regarding Policy HR13 – Is this aimed at horse related development likely to be using or dependent on footpaths and bridleways and again as per question TC4 by ‘contribute to it’ are you meaning that development should improve the network?

A: Yes, that is certainly a key intention of the policy, although any development in the areas identified that directly affects the network could also legitimately be encompassed by the policy in the TCs view. (NB the correct policy reference is HR13 not HR13).

See also response to TC4 regarding the second part of the question.

Question TC10

In the text relating to Area 2 in Policy HD6 the reference to ‘Policy HD8 below’ should presumably be ‘HD3 above’ as it relates to shopfronts?

A: Correct! The TCs apologise for the error.

Question TC11

In para 4.8.1 it quotes statistics from the 2011 Census. It would be useful to have this updated from the 2021 census. Similarly at 4.9.2 the 2001 census is quoted. Again an update would be helpful.

A: Agreed. As these are factual matters not directly pertinent to policies, presumably they can be addressed via a recommendation in the final examiner’s report and as part of post-examination amendments?

Supplementary Question

Re Policy H1 - In the last line of the policy it states “*units for owner occupation plus a proportion of affordable rented accommodation*”. In the context of this last clause I wonder if the Council’s intention is that it should be **affordable** owner occupation and affordable rented.

As this policy relates to major sites I am assuming that they will be for market housing and what the Councils are seeking is for these sites to contribute to the provision of the types of housing listed in the bullets. That being the case if the last clause is intended to be **any owner occupation** it is redundant. I just need to ensure I understand what the Councils are seeking to achieve.

A: The clause is clumsily worded, the reference to owner occupation being indeed redundant. The last clause should be reworded as follows:- a proportion of affordable rented units.

Questions to North Yorkshire Council

Question NYC1:

What is the current updated position regarding the preparation of the North Yorks Local Plan and its timetable?

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?

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?

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?

A: Although not addressed to the TCs, they would however like to point out that according to the adopted Ryedale Plan – Local Plan Strategy (Policy SP16) “further VIUAs...may be designated in...a Neighbourhood Plan”. In line with this, it was indicated to the TCs by (at that time) RDC planning officers that VIUA identification for High Malton might be something to consider. Both seem to clearly indicate that the identification of an additional VIUA is indeed a relevant matter for the Neighbourhood Plan.

Note – As I continue the examination I may have additional questions of clarification and these will be forwarded on.

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Independent Examiner 05 Jan 2024