

North Yorkshire Council's Response to Inspector's Matters, Issues and Questions

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?

Yes. The policies seek to positively meet the strategic requirements in set out in Policy DM4 of the adopted Harrogate District Local Plan (SDNS14) and set an ambitious and aspirational framework to ensure a high-quality new settlement is delivered. The policies are based upon proportionate evidence and have been shaped by engagement with communities and specialist organisations.

In a number of instances, the Council has suggested modifications to the policies. Whilst the Council does not believe these alter the overall impact of the DPD or change its direction, these seek to ensure that policies are as effective as possible. In most instances, these are not considered necessary for soundness but offer improvements to policies in response to consultation responses. The modifications are discussed in the relevant matters.

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

Yes. The adopted Harrogate District Local Plan 2014-2035 (SDNS14) established the principle of a new settlement in the Hammerton/Cattal area. Policy DM4 of the HDLP sets out the broad location for the new settlement as well as the quantum of development and guiding principles for its development. However, the Plan states that the detailed boundary and specific policies are to be determined in a separate Development Plan Document (DPD). The DPD allocates a boundary for the settlement and a clear set of policies to guide its delivery. The Council therefore considers the DPD to be 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?

The historic environment has been very much at the forefront of the Council's decision making in terms of the concept options, development framework and policy development. Further detail can be found in the Heritage Impact Assessment (HIA) SDNS09 and OD01: New Settlement Concept Framework- Stage 5b Final Concept Framework Report (2020).

The Site Context section was written with the aim of being succinct and whilst there is mention of the surrounding villages and their assets, no specific mention is made in terms of heritage.

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?

The Council does not believe any of the suggested changes in the introduction, vision or objectives are necessary for soundness. They are minor in nature and simply add further clarity in response to concerns raised at Regulation 19.

In the introduction, specific reference is included to the relevant policy of the Joint Minerals and Waste Plan for ease of reference to the decision maker.

In the vision, an amendment is proposed to reflect that Maltkiln has not to date been officially designated as part of the Garden Village programme. This does not impact on the vision itself. Whilst the Council believes the historic environment has been adequately considered and addressed within the DPD, adding an objective here helps to show that more explicitly.

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?

As detailed in the report taken to the Council's Executive in December 2023 (SDNS10), when the landowner (Mr Dent) notified the Council that their land was no longer available in January 2023 the Council paused planned submission of the DPD to consider its options, in particular whether the objectives of the DPD could be met on available land and whether the DPD boundary remained the preferred.

As detailed in the report, the Council still believes that the proposed DPD is the best option to meet the requirements of the adopted Local Plan (SDNS14) and that a compelling case can be made to use Compulsory Purchase Order (CPO) powers if necessary.

The Council subsequently made an in-principle resolution to use CPO powers if necessary. In this report, it is made clear that CPO is a last resort and the Council has and will continue to negotiate with the landowners. However, in the event that CPO is necessary, it should be noted

that there are many options available to the Council in terms of ways in which to deliver the new settlement.

It should also be noted that further to this decision, the Council has obtained capacity support from Homes England and is working with specialist consultants to explore options to deliver Maltkiln if CPO is required. Whilst this work is still at an early stage, it shows that the Council is taking proactive steps further to the in-principle resolution to use CPO powers if necessary.

The Council therefore believe that there is a reasonable prospect of delivery and that the test of soundness is met in this regard.

However, it should be noted that since submission of the Plan, Caddick have indicated to the Council that, while they consider the central concept of the settlement remains sound and deliverable, the withdrawal of the previously available land (the so-called "Dent land") raises issues in terms of timing and their ability to facilitate the relocation of the Johnsons of Whixley nursery site.

Some of these issues were raised informally during pre-application discussions regarding Caddick's revised planning application, however the position was formally set out in Caddicks' letter of 30 August 2024 ([DF01](#)). Officers have considered that letter and concluded that the core arguments are well made. In particular, the Council have engaged directly with representatives from Johnsons of Whixley throughout the preparation of the DPD and are aware of the business' position, which is consistent with Caddick's letter.

In the light of the arguments set out in Caddicks' letter, therefore, the Council now agrees that is likely to be necessary to amend the eastern boundary of the settlement in order to facilitate the relocation of Johnson's of Whixley and ensure a timely start to the scheme, and that this amendment would be needed in order to make the plan sound.

Whilst this amendment would need to be the subject of a main modification and further Strategic Environmental Appraisal work, officers already have considerable knowledge of the land involved, and (having regard to the information submitted with the Caddick letter, together with input from members of the Council's development management team who have been considering the planning application which was submitted in July) are satisfied that, although the amendment is likely lead to additional environmental impacts in some areas (i.e. impacts over and above those associated with the DPD settlement boundary), these are likely to be comparatively minor and therefore acceptable, in so far as they are necessary in order to deliver the settlement.

However, this does not mean that the Council agrees with the entirety of the amendments which Caddicks have suggested, or the mechanisms suggested to address their concerns. In particular, the Council does not consider that the proposed changes to southern and western boundaries as detailed on Caddick's submitted Plan ([DF01f](#)), are necessary. As detailed in the report to Executive in December 2023 ([SDNS10](#)), the Council believes that the full extent of

Dent land is required to achieve the vision and objectives of the DPD. The proposed boundary change that the Council considers acceptable is appended to this statement (Appendix 1).

Similarly, the Council does not support the revisions to the indicative framework detailed in Caddick's letter ([DF01d](#)). As detailed in response to Question Two of this matter below, the proposed layout has been developed over time in response to the emerging vision and master planning principles of the DPD and importantly, with involvement from communities and stakeholders. Even if the amendment to the north-eastern boundary makes other layouts possible, this does not render the DPD layout unsound. The development framework was always intended to be indicative and therefore there is scope to discuss more detailed matters of internal layout as part of the master planning exercise required in Policy NS3. The Council believe that further masterplanning should be undertaken in line with this and other proposed policies and consider phasing and viability of the whole scheme.

Additionally, the Council questions the extent to which the amendment to the settlement boundary to accommodate access north of the A59 and the link to Green Hammerton is necessary and justified, in particular whether this allows sufficient flexibility within the planning framework to explore the best options for access and links to be achieved, taking into account the relative impacts on the environment as well as achieving effectiveness/safety of that access. To be clear, the Council requires an access to the A59 (stipulated in Policy NS36) as well as safe pedestrian and cycle crossing points (Policy NS31) as well as sustainable travel links to surrounding villages (NS31). It does not stipulate an exact location, but rather stipulates that the location and form of control (e.g. traffic lights) is to be determined and agreed with the Local Highway Authority.

Caddick's proposed boundary change to accommodate access to the A59 and vehicular access to Green Hammerton village would impact upon the strategic green gap and conflict with policy NS2. If this access arrangement is truly the only option in order to ensure delivery of the first phases and satisfy the requirements for access and crossing points, the Council consider that an exemption clause to the Strategic Green Gap policy, which then could serve to require appropriate mitigation of the impact on landscape and heritage would be a better way forward. However, it is not clear at this stage what other options to achieve these aims have been considered and whether this is indeed the best option.

The Council is grateful to Caddicks for having provided advance notice of its intended position at the examination. However, given the very recent receipt of the detailed justification for and details of these proposals, the points of difference outlined above are not matters which it has been possible to discuss in detail with Caddick or any other party. Nonetheless, the Council believes that there is scope to reach a satisfactory solution. As any proposed main modification(s) would need to be the subject of further Strategic Environmental Appraisal work followed by public consultation in any event, the Council do not believe that this should prejudice the current timetabling of the examination.

Finally, it is important to note that none of the above should be taken as prejudicing the Council's position in relation to Caddicks' planning application. The Council has not made any decision on that application, and while there has been some pre-application discussions on the amended outline, along with community consultation undertaken by Caddick, the amended documents have only recently been published and the Council consider that further work and pre - application discussion is needed to progress the application.

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?

In terms of viability, as noted, the requirements of Local Plan Policy DM4 were subject to high level testing in the Whole Plan Viability Assessment (HDH, September 2016). In 2016 the site was tested as a broad area and referred to as Great Hammerton. The testing was under 2 options (2,130 units and 3,703 units) both on the basis of a 55% net developable area, 5ha of employment space and included. The details of the site have been refined since then, but the refinements are consistent with the high level modelling assumptions used in 2016. The site was further tested in the Local Plan Viability Update and CIL Viability Assessment (HDH, May 2018), when the site was referred to at Great Hammerton/ Cattal. The modelling was based on 3,000 units on the basis of a 60% net developable area (93.75 net ha / 156.25 gross ha).

The requirements set out in NS1 are normal requirements for a site of this scale and would be covered under normal site costs or under for strategic infrastructure and mitigation measures.

No value or costs were attributed to the provision of employment land. HDH advises that in undertaking high site-specific viability assessments, employment space is generally taken be cost neutral.

Land value estimates for policy appraisal 2019¹ sets out land value assumptions at Local Authority level. It includes £575,000 per ha for industrial land in the old Harrogate Borough. This amount would provide £2,875,000 (5ha x £575,000) to provide the necessary access and services to make serviced land available for development.

The indicative internal layout was based on initial concept framework developed by masterplanning consultants commissioned by the Council. As detailed in the (OD01: New Settlement Concept Framework- Stage 5b Final Concept Framework Report (2020)) an initial indicative layout was developed in accordance with the principles, constraints and opportunities identified in that report. This was published at Regulation 18 for consultation. Design principles that informed this included:

- Locating the proposed local centre and employment at the heart of the development, directly adjacent to Cattal railway station; bordering the A59 with a proposed arterial street to make this the most central and passed through space.

¹ [Land value estimates for policy appraisal 2019 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/428882/land_value_estimates_for_policy_appraisal_2019.pdf)

- Facilities and services located to heighten accessibility and take advantage of passing trade.
- Pockets of residential development, with open space and green links to provide buffers between neighbourhoods and green spaces close at hand.
- Provision for the allocation of two 420 place primary schools (one with future expansion land take allocated) as well as the commitment to the expansion of Boroughbridge High School.

The indicative layout was further refined following feedback from community and stakeholders at the Regulation 18 consultation. Revisions are detailed in Appendix 2 of the Consultation Statement (CDSN06) and include:

- Larger buffer surrounding the gas pipeline to the west.
- Inclusion of a dedicated sports hub area.
- Larger local centre (to include extra care facilities and broaden options for what this should contain).
- Relocation of employment to more central location and closer to rail in response to concern that retail close to A59 would become service station rather than serving Maltkiln.
- Different positions of primary schools to reflect concerns about proximity to the A59 and locate near secondary school land.
- Inclusion of safeguarded land for a secondary school.
- New road alignments (including southern link).
- Removal of retained farmland notation and inclusion of a green buffer or “strategic green gap”.

It is therefore considered that the indicative internal layout is appropriately evidenced, has been positively prepared in consultation with stakeholders and is viable and deliverable.

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?

No. The Council believes that adequate detail is contained within the Access and Movement Section.

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?

As detailed in the answer to Q2 above, the boundary evolved as part of the development of concept options and preferred options. This took into account known available land at the time as well as the necessary land take to accommodate the requirements of adopted Local Plan DM4 and constraints identified in the initial scoping report. The boundary has been further refined in response to consultation responses and evidence put forward throughout the DPD process.

Changes of note throughout the DPD process include the removal of retained farmland in order to provide clarity of designation, and the inclusion of a Strategic Green Gap. Amendments also included boundary extensions between the railway and Gilsthwaite lane, as well as to the south to reflect available land. Further detail of the changes made following the Regulation 18 consultation can be found in Appendix 2 of the Consultation Statement ([CDSN06](#)).

The Council therefore consider that the proposed boundary was justified and based on robust evidence, including positive engagement with stakeholders at the time of submission.

However, as detailed in the Council's response to Issue 3, Question 1 of this Matter, Caddick have raised concerns about the ability to deliver Maltkiln without a minor change to the eastern boundary. In light of this, the Council consider a modification to amend this as per the Map appended to this matter (Appendix 1) in order to facilitate the relocation of the Johnsons of Whixley nursery is appropriate.

The Council consider that this is a modification necessary to make the Plan sound as without this, it would not be possible to facilitate timely relocation of the Johnsons of Whixley nursery which is necessary to deliver the settlement as a whole.

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?

The Strategic Green Gap Background Paper ([SDNS06](#)) shows in detail how the purpose, extent and scale was determined. In summary, the purpose was developed in response to concerns raised during the Regulation 18 consultation in relation to separation from existing communities and protecting and enhancing key heritage and landscape assets.

The extent and scale were determined through a review undertaken by Council's Landscape and Conservation Officers of the land and assets around the proposed boundary. The outcomes of this analysis are detailed in the Background Paper ([SDNS06](#)). Consultation was also undertaken with Historic England, as well as with the Community Liaison Group and elected Members through the District Development Committee. Their comments informed further analysis and the evolution of the proposed boundary. The Council therefore considers the approach taken to be justified and based on sound and robust evidence.

In determining the boundary, the Council were mindful of the impact of the designation and therefore detailed reasoning and justification was needed for the areas proposed. As shown in chapter 6 of the background paper, the Council considered a larger area of land and concluded that there was no justification for this for the following reasons:

- Green belt by the back door: Proposing the strategic gap designation around the entirety of the settlement would result in a 'green belt by the back door' and would not accord with national planning policy.
- Prejudicing future expansion: Whilst there is no expansion planned for the current Local Plan period (2014-2035), the Council does not wish to prejudice potential for future expansion in the longer term by creating a buffer around the proposed settlement boundary in areas where this is not required. Landscape and heritage constraints would make the western edge the natural choice if any expansion was to occur, although any decisions would need to follow appropriate plan-making procedures and assessments.
- The Council does not consider that there are special reasons to protect land to the south of Maltkiln, i.e. between Maltkiln and Cattal and the risk of coalescence to both the south and north are low.

Q6. How has the historic environment been considered in terms of the formulation of the Master-Planning Design Principles set out in Policy NS3?

The Council believes the historic environment has been adequately considered and addressed within the DPD as a whole and specific policies are included to protect and enhance the historic environment. That said, whilst the master-planning principles include requirements to consider edge treatments, existing landform and landscape sensitivity, the Regulation 19 Draft did not include a specific requirement to respond to and protect the historic environment. The Council has therefore proposed a modification to include this.

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?

The modifications proposed to Policy NS3 and NS1 are recommended to ensure that it is clear that the masterplan should be submitted as part of a single outline application and therefore prepared by the applicant in conjunction with the local community and any other stakeholders. It is therefore clear that promoters and developers of the site will need to work together.

As well as requiring an allocation wide masterplan, the DPD requires a number of site wide studies, strategies and assessments to ensure that development is not piecemeal. Policy NS38 (Infrastructure Delivery) is also proposed to ensure that allocation wide strategies on infrastructure delivery and phasing etc are submitted as part of the single outline.

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?

As noted in Q7 above the modifications proposed to Policy NS1 and NS3 to reference the need to submit a masterplan for the whole site in a single outline application Policy NS3 and NS1 are recommended to ensure that there is a comprehensive approach to master planning and delivery.

The suggested wording and title changes to NS1 with regard to reference to the site as a strategic allocation and the boundary as a development limit are to provide clarity to the status of the site and provide clarification about how land outside the development limit will be dealt with. The modifications make no changes to the boundary itself, just to the way the site is referenced.

The amendment to NS2 is a slight amendment to the wording regarding PROW provision recommended by the PROW Team. The Council consider the DPD as whole provides positively for active travel and linkages to the existing villages and the PROW way network, and therefore this suggested amendment is for additional clarity rather than an issue with soundness.

The suggested changes to the design principles of Policy NS3 are in response to responses received and are needed to provide further clarification to aid the preparation of the allocation wide allocation masterplan.

The proposed modifications to Policy NS3 which provides the requirement for the master planning to reflect the detailed strategies and assessments required by climate change policies in the DPD is recommended to support the delivery of net carbon by 2038 and ensure that climate change is at the forefront of the master planning process.

With regard to the requirement to undertake a Health Impact Assessment, this modification is proposed to acknowledge that whilst many of the principles of the DPD contribute to public health it is helpful to ensure that all aspects of public health are considered formally.

With regard to the historic environment addition to NS3, the Council believes the historic environment has been adequately considered and addressed within the DPD as a whole and specific policies are included to protect and enhance the historic environment. That said, whilst the master-planning principles include requirements to consider edge treatments, existing landform and landscape sensitivity, the Regulation 19 Draft did not include a specific requirement to respond to and protect the historic environment. The Council has therefore proposed a modification to include this.

Appendix 1:

Proposed Maltkiln Policy Map showing revised proposed boundary.

