

ASPECT OF PLAN COMMENTED UPON	REPRESENTOR	REPRESENTATION MADE	RESPONSE
Vision	FME/ELG Planning	<p>Firstly, FME wish to place on record that they are supportive of the general vision and objectives of the plan, taken as a whole, notwithstanding the significant objections that follow in these representations mainly in relation to the 'High Malton' site. It is however considered that the plan could go further in acknowledging and developing policies to support the vibrancy of the town, which has a high proportion of independent owner managed businesses, and its many facilities.</p>	<p>The TCs welcomes the general support. The significant objections regarding 'High Malton' are addressed in the following policy sections. The PC notes that the comment re the plan going further reiterates FME's Regulation 14 comment, in response to which the TCs maintain their own Regulation 14 position, i.e., that the number and variety of independent shops and restaurants is acknowledged as a unique strength to Malton town centre's offer - the plan text was duly strengthened post Regulation 14 to reflect this. Re policies however, it is considered that the Local Plan Strategy already includes a comprehensive policy (SP7) which NP could not strengthen and must not duplicate. Plus the NP already includes policies on key facilities such as the swimming pool, sports centre, medical centre and museums.</p>
Objectives	FME/ELG Planning	<p>Firstly, FME wish to place on record that they are supportive of the general vision and objectives of the plan, taken as a whole,</p>	<p>The TCs welcomes the general support. The significant objections</p>

		<p>notwithstanding the significant objections that follow in these representations mainly in relation to the 'High Malton' site. It is however considered that the plan could go further in acknowledging and developing policies to support the vibrancy of the town, which has a high proportion of independent owner managed businesses, and its many facilities.</p>	<p>regarding 'High Malton' are addressed in the following policy sections. The PC notes that the comment re the plan going further reiterates FME's Regulation 14 comment, in response to which the TCs maintain their own Regulation 14 position, i.e., that the number and variety of independent shops and restaurants is acknowledged as a unique strength to Malton town centre's offer - the plan text was duly strengthened post Regulation 14 to reflect this. Re policies however, it is considered that the Local Plan Strategy already includes a comprehensive policy (SP7) which NP could not strengthen and must not duplicate. Plus the NP already includes policies on key facilities such as the swimming pool, sports centre, medical centre and museums.</p>
<p>Policy TM3: Highway Improvement Schemes</p>	<p>FME/ELG Planning</p>	<p>-FME own a significant amount of land on the western edge of Malton including land where the part of the previously proposed southern by-pass – (Castle Howard Road – Beverley Road) would need to pass through. The Estate have promoted these sites (site ref: 317, 181 &amp; 181a) for residential development and employment development of an appropriate scale as part of the Ryedale Local Plan review through the call for sites consultation. -The allocation of land for residential development on the western side of Malton would not prejudice the delivery of such routes</p>	<p>The reasons for the amendments to TM3 highlighted in the comments are clearly set out in both the Regulation 14 Consultation Results Grid (relating to consultation on the 2nd Pre-Submission NP) and the 2<sup>nd</sup> pre-submission plan summary document posted to all addresses in the Neighbourhood</p>

	<p>The Mount Consultancy</p> <p>Individual</p>	<p>coming forward and, in fact, would enable the delivery of a link between Middlecave Road, Castle Howard Road and York Road as part of the development(s). The ability to deliver significant parts of such links which were aspirations of the neighbourhood plan therefore make the land to the west of Malton the most appropriate location for future housing development in the forthcoming North Yorkshire Local Plan and FME would welcome the opportunity to work with all parties to develop a masterplan that would benefit Malton.</p> <p>-It is unclear why draft Policy TM3 suggests a southern by-pass should only connect York Road and Beverley Road rather than Castle Howard Road in the previous submission version of the neighbourhood plan (December 2021). There is no justification for this change in any of the supporting documents. It is also unclear as to why the previous pre-submission version of the neighbourhood plan removed the suggested link between Castle Howard Road and Middlecave Road. Continuing a link north to Middlecave Road would further enhance journey choice in this part of Malton which in turn should help reduce congestion in the centre of Malton by providing an alternative route around the western side of the town.</p> <p>The desire for National Highways to install a grade separated junction with the A64 and B1257 is totally unrealistic and not achievable.</p> <p>I would like to see a southern bypass to alleviate town centre congestion and more safe walking/cycling routes.</p>	<p>Area. Both documents were available on the NP pages of the town councils' websites at the time of the Regulation 14 consultation and remain so. It is for the forthcoming NY Local Plan to determine new housing allocations and any new highway infrastructure relating to them, together with underpinning technical evidence. There is no obligation on the NP to promote or support either.</p> <p>No evidence is presented to substantiate this view. The TCs are content that it remains as a policy aspiration, the possibility of which, the policy seeks to safeguard.</p> <p>This aspiration is already addressed in the policy.</p>
--	--	--	---

<p>Policy TM5: New Vehicular River/Railway Crossing</p>	<p>FME/ELG Planning</p>	<p>-FME own land to the south of York Road and where the suggested route of the new road crossing is shown (TM5-1). This land is being promoted (site ref: 137) as an extension to the adjacent industrial estate for employment uses as part of the Ryedale Local Plan Review. FME have no issue in principle with the proposed crossing and would be happy to ensure that the delivery of any future link is not prejudiced by the development of their land to the south of York Road. Indeed, the development of the land for employment related uses would enable the delivery of appropriate road infrastructure to the edge of the site as part of any development.</p> <p>-In terms of the TM5-2, FME also own land which would be affected by the proposed designation at Barks Knott Terrace. This land is being promoted for residential development as part of the Ryedale Local Plan Review (site 139). FME have no issue in principle with the proposed crossing and would be happy to ensure that the delivery of any future link is not prejudiced by the development of their land. As with the land off York Road, the development of the land for residential development would enable the delivery of appropriate road infrastructure to the edge of the site as part of any development.</p>	<p>The TCs note this continuing, support as previously stated in the respondent's Regulation 14 consultation comments.</p>
<p>Policy TM6: Development on Non-Allocated Sites</p>	<p>FME/ELG Planning</p>	<p>-FME welcome the changes to the policy TM6 and bringing the transport element in line with the test set out in NPPF.</p> <p>-However, whilst FME fully acknowledge the issues around air quality in Malton and the need to ensure that developments mitigate their impacts, the wording of the proposed test in draft policy TM6 is not in line with national policy which at paragraph 174e) suggests that policies should prevent unacceptable levels of air pollution. It does not say that development should be prevented which may worsen air quality. This part of the policy therefore does not meet the basic conditions and is not acceptable.</p>	<p>The TCs maintain their Regulation 14 position, namely that there is already an unacceptable level of poor air quality in Malton and that the policy, as worded, is necessary in order to address the situation. The TCs would also note that the policy wording was developed in conjunction with former RDC officers, as members of the steering group, and to their satisfaction. It is notable that</p>

			neither RDC (at Regulation 14 stage) nor NYC (at Regulation 16 stage) have objected to/ commented on the policy wording.
Transport & Movement - General	The Mount Consultancy	1) The plan does nothing to support a reduction in traffic levels in Malton. 2) The original plan included a local link road from the B1257, across to Castle Howard Road and ideally to York Road. This aspiration should be reinstated. This would open up the possibility of future housing development to the west of Malton (referred to as High Malton on the plan). It would also take a significant amount of traffic out of the town centre, especially if linked to an all-way junction/roundabout with the A64 at the Musley Bank end of the A64 bypass.	1) On the contrary, the TCs would point to several policies within the Transport and Movement section which do just this, i.e., TM3, TM5 and TM6. 2) The reasons for the amendments to TM3 highlighted in the comments are clearly set out in both the Regulation 14 Consultation Results Grid (relating to consultation on the 2nd Pre-Submission NP) and the 2 <sup>nd</sup> pre-submission plan summary document posted to all addresses in the Neighbourhood Area. Both documents were available on the NP pages of the town councils' websites at the time of the Regulation 14 consultation and remain so.
Policy RC1: Malton & Norton River Corridor Development	FME/ELG Planning	-FME raised concerns as part of the consultation on the previous submission draft of the plan on the legibility of the proposals map. Following further discussions with Norton Town Council, it was confirmed that the area to which this policy relates is highlighted in brown and also by brown hatching on the proposals map. -It however still remains difficult to establish from the draft proposals map the boundaries of this designation against physical	Following previous concerns, the Proposals Map was checked and refined in this respect, using the Appendix A map referred to. As far as the TCs are concerned the current Proposals Map accurately reflects the Appendix A map and



		<p>Our client's site, land south of Sheepfoot Hill, is included within the 'Regeneration of Land North and South of County Bridge' designation. It is noted that the majority of this designated area falls within Flood Zone 3, however, as identified within the Government's Flood Map for Planning, there are flood defences located to the south of the site, which extend along the River. Indeed, there is existing residential development surrounding the site, which also falls within Flood Zone 3.</p> <p>Therefore, we consider that <b>Draft Policy RC2</b> is too prescriptive in ruling out any residential development at the site and we consider the first bullet point relating to this should be removed. The site, as part of 'Site 149 – Land at Sheepfoot Hill' under the ongoing Submitted Sites' consultation has been put forward for residential development and the acceptability of residential uses should be considered on a site-by-site basis in respect of flooding and other planning issues.</p>	<p>Regulations Assessment and cannot be amended. Amendment will result in a revised HRA which will rule that adverse effects on the integrity of the SAC cannot be ruled out. As such, the amended policy/plan could not progress. The presence of existing residential development, of dates unknown, but most likely under a different planning policy/flood risk regime, in no way justifies support for further such development on the site in question. The current promotion of the site for residential development as part of the Local Plan review is immaterial, given that the NDP will be examined against the adopted development plan, which includes no allocation for the site in question.</p>
<p>Policy E1: Protection of Local Green Space E1-3 Norton Road Riverside</p>	<p>FME/ELG Planning</p>	<p>-FME strongly object to the inclusion of land at Norton Road Riverside and High Malton as Local Green Space for the reasons below.</p> <p>-FME own the land identified as E1-3 Norton Road Riverside which is currently a picnic area and an adjacent area of previously developed land which is currently used as a skatepark. The two areas are identified on the plan at Appendix A.</p> <p>-The land which is the picnic area is also identified in the Ryedale Local Plan Strategy as open space under policy SP11. However, draft policy E1 introduces a very special circumstances test for the redevelopment of such sites, this is inconsistent with policy SP11</p>	<p>The TCs maintain their Regulation 14 position on this matter, namely, that the land currently used as a skateboard park meets the criteria for Local Green Space, as set out in Submission NP Appendix 1. It is acknowledged that there is a potential conflict here between policies, which hinges on the interpretation of 'general conformity'. On the one hand it</p>

		<p>of the Ryedale Local Plan which provides a series of criteria which the redevelopment of such sites would need to meet.</p> <p>-The land which is currently used as a skatepark is not identified as open space in the Ryedale Local Plan Strategy as under policy SP11. FME therefore object to its proposed designation as Local Green Space under draft policy E1 of the Neighbourhood Plan. The land is a previously developed former industrial site and does not function or have the attributes of local green space. It is clearly different from the land around it and that designated as open space through policy SP11 of the Ryedale Local Plan Strategy. For these reasons, the land which is currently occupied by the skatepark (see plan at Appendix A) should be excluded from the proposed local green space allocation under draft policy E1.</p>	<p>could be argued that as both policies seek to protect open space, there is general conformity. On the other hand, the circumstances in which development would be permitted differ between the 2 policies. It is considered on balance that the proposed LGS designation should remain and it should be noted that RDC/NYC have not objected to the proposed designation.</p>
<p>Policy E1: Protection of Local Green Space E1-9 High Malton</p>	<p>FME/ELG Planning</p>	<p>FME strongly object to the inclusion of land at Norton Road Riverside and High Malton as Local Green Space for the reasons below.</p> <p>-FME strongly object to the inclusion of land at High Malton as Local Green Space as it is entirely unjustified and unsupported by planning guidance and policy.</p> <p>-Paragraph 101 of NPPF states, <i>“the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. <b>Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.</b> Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period”</i> (Our Emphasis).</p> <p>-Notwithstanding the assessment below against the tests at paragraph 102 of NPPF, the proposed allocation of the land at High Malton as Local Green Space is clearly inconsistent with sustainable development and investment in sufficient homes, jobs</p>	<p>The TCs maintain their Regulation 14 position on this matter, namely that they stand by the conclusion of the LGS assessment of the site, as set out in Submission NP Appendix 1, namely that it meets the majority of the eligibility criteria, crucially the landscape and community significance/value criteria, and that as such it is eligible for LGS designation. The TCs would further add:</p> <p>-that in their opinion, there is no conflict with the emphasised text from NPPF para 101, as there is currently no development plan allocation for the site. The NP is examined against basic conditions ref the adopted development plan,</p>



		<p>and other essential services. The western side of Malton provides the only suitable location for further housing development in the town and potential growth in this location should not be constrained by an unjustified designation for the reasons set out below.</p> <p>-The designation of the area of land suggested as Local Green Space would clearly be contrary to paragraph 102 of NPPF which states:</p> <p><i>“The Local Green Space designation should only be used where the green space is:</i></p> <ul style="list-style-type: none"> <li><i>a) In reasonably close proximity to the community it serves;</i></li> <li><i>b) Demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquility or richness of its wildlife; and</i></li> <li><i>c) Local in character and is not an extensive tract of land.”</i></li> </ul> <p>-Paragraph 013 (reference ID: 37-013-20140306) of PPG provides guidance on what types of green area can be identified as Local Green Space. It states:</p> <p><i>“The green area will need to meet the criteria set out in paragraph 100 of the National Planning Policy Framework. Whether to designate land is a matter for local discretion. For example, green areas could include land where sports pavilions, boating lakes or structures such as war memorials are located, allotments, or urban spaces that provide a tranquil oasis”</i></p> <p>-Whilst the guidance advises that whether to designate land is a matter for local discretion the examples it provides are clearly typologies of land (green spaces) which are accessible and usable by the public. When this is read alongside criteria C of paragraph 102 of NPPF which confirms that the green space should not be an extensive tract of land, it is clear that the policy is not intended to apply to privately owned agricultural land which offers no recreational value and is not in any event green space.</p>	<p>not future development aspirations;</p> <p>-assessment of landscape significance encompasses/reflects a site’s beauty and tranquility, both of which are as much subjective as they are objective. The TCs can point to numerous examples of LGS landscape assessments in already made NPs (e.g. Otley, Haworth Cross Roads &amp; Stanbury, Horsforth, Aberford) which have never been objected to by any examiner of those plans;</p> <p>-while there is no right to a private view, the value of views where seen from locations that are freely accessible to the general public are a legitimate planning consideration – ref existing wording in already made NPs (e.g. Otley) that the TCs can point to;</p> <p>-the site’s value as LGS rests with its clear value to the local community, as set out in the LGS assessment, and as evidenced by extensive NP consultation responses in support of its designation, and against past proposed development.</p>
--	--	--	--

		<p>-Appendix 1 of the 2nd Submission Neighbourhood Plan provides the Neighbourhood Plan Groups assessment of the High Malton site against the tests set out at paragraph 102 of NPPF. The assessment is provided in Table 1 below with FME’s response to each criteria in red.</p> <p>Response to “space lies immediately to the west of the ‘Middlecave’ residential area”:  The site does lie immediately to the west of an existing residential area.</p> <p>Response to landscape significance criterion:  The site is an area of flat agricultural land on the edge of the urban area and bounded to the west by the A64 dual carriageway. The tests set out in paragraph 102 of NPPF make no reference to landscape significance and this is something totally separate from beauty and tranquility. The site is however not subject to any statutory or non-statutory landscape designations. Whether or not the site forms part of the setting of the AONB has no relevance to the consideration of whether it is suitable Local Green Space. The site cannot be considered to hold any significance in terms of tranquillity as it is located next to the noisy A64 dual carriageway and the urban edge of Malton. In terms of visual amenity, there is no right to a view in planning terms and, as such, this is not a relevant consideration.</p> <p>Response to historic significance criterion:  The site is not of any historic significance.</p> <p>Response to recreational value criterion:  The site has no recreational value and is privately owned enclosed agricultural land and it is not crossed by any public rights of way or walking routes.</p> <p>Response to wildlife richness criterion:</p>	
--	--	--	--

		<p>The site is of limited ecological value. It is predominately intensively farmed agricultural land with existing residential development on one side and the A64 on the other.</p> <p>Response to local in character/extensive tract of land criterion: The site is clearly an extensive tract of land extending to 25 hectares and therefore its identification as Local Green Space does not comply with criteria C. b. The Planning Practice Guidance (PPG) provides clear guidance on this and states: “blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a ‘back door’ way to try to achieve what would amount to a new area of Green Belt by another name”.</p> <p>The designation of 25 hectares of land adjacent to Malton as Local Green Space is clearly contrary to this clear guidance and is therefore wholly unjustified.</p> <p>Response to summary assessment/basis of recommendation: At no point in the assessment provided by the Neighbourhood Plan Group does it clearly identify why the large area of land described in the Neighbourhood Plan as High Malton (FME reference it as Land west of Malton/Castle Howard Road) provides any value as Local Green Space.</p> <p>The tests set out at paragraph 102 of NPPF make no reference to landscape significance and this is something totally separate from beauty and tranquility.</p> <p>Fundamentally it is privately owned agricultural land and is not of any historical or ecological significance. It is not of any recreational value as is not crossed by any walking routes nor does it offer any tranquility value as it is next to the A64 and one of the main routes into Malton.</p> <p>-It is abundantly clear from the guidance in NPPF and PPG that the Local Green Space designation should not be used to allocate large tracts of land and blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, the</p>	
--	--	---	--

	Individual	<p>designation should not be proposed as a 'back door' way to try to achieve what would amount to a new area of Green Belt by another name. This is precisely what the Neighbourhood Plan Group are trying to achieve with this designation, and it clearly fails to meet the requirements of NPPF and therefore the basic conditions.</p> <p>-It also should be noted that Ryedale District Council objected to the identification of 'High Malton' as local green space in their response to the pre-submission in early 2023. A summary of their response can be found at Appendix 15B of the Basic Conditions Statement Annexes submitted.</p> <p>-For the reasons outlined above, it is considered that draft E1 is not in general conformity with the strategic policies in the Ryedale Local Plan Strategy or the NPPF. Area E1 – 3 Norton Road Riverside and should be amended accordingly and E1-9 High Malton should be removed entirely for the clear reasons provided.</p> <p>I support much of this plan but I don't support the idea of blocking all housing development in the 'High Malton' area.</p>	<p>The TCs maintain their Regulation 14 position on this matter, namely that they stand by the conclusion of the LGS assessment of the site, as set out in Submission NP Appendix 1, namely that it meets the majority of the eligibility criteria, crucially the landscape and community significance/value criteria, and that as such it is eligible for LGS designation.</p>
Policy E4: Green & Blue Infrastructure	FME/ELG Planning	<p>-Whilst FME support the principle of this policy, they have concerns over the extent of the proposed designation in a number of areas.</p>	<p>The TCs maintain their Regulation 14 position on this matter, namely, that the reasons for the identification of the land in</p>

	National Grid Property/Firstplan	<p>-The extent of this designation includes large areas of the centre of Malton which are built up including FME’s land at Sheepfoot Hill (within the area designated under draft policy RC1) and an area of land off Norton Road adjacent to the proposed E1-3 local green space designation which is occupied by a garden machinery shop. Clearly these areas are not part of a multi-functional wildlife, amenity and recreational network as suggested by the policy and therefore should be moved from the designation.</p> <p>-It is also unclear why some areas of the neighbourhood plan area have been excluded from this designation when the majority of the land outside of the built-up area of Malton and Norton are included. The majority of the land identified including land under FME’s control does not contribute towards the objectives of the policy and, as such, the extent of the designation should be considered further and amended.</p> <p>Re Land at Sheepfoot Hill, Malton - The site is designated as falling within an area of ‘Green and Blue Infrastructure’ and <b>Policy E4</b> ‘Green and Blue Infrastructure’ states that to be supported, development proposals must not harm the function of the following Green and Blue Infrastructure areas identified on the Neighbourhood Plan Proposals Map, as part of a multifunctional wildlife, amenity, and recreational network. Any development within or adjacent to Green and Blue Infrastructure must, subject to viability considerations, include measures to enhance or extend it.</p> <p>The site has historically been used as a gasworks and is not itself part of a multifunctional wildlife, amenity and recreational</p>	<p>question as green and blue infrastructure is made clear in para 4.3.12 to 4.3.15 and Appendix 2 and is based on the interpretation of both previous mapping work by Natural England and existing Local Plan designations such as VIUA (Visually Important Undeveloped Area). It should be noted that identified areas of green and blue infrastructure, as identified by Natural England in the mapping work which refers and by local authorities generally (e.g. Leeds City Council/Strategic Green Infrastructure/Core Strategy), commonly cover built-up areas. It should also be noted that the relevant policy provision does not preclude development.</p> <p>The site directly abuts the river and is clearly within the Derwent River corridor. Due to its long term vacancy, the site has developed scrub and rough grassland habitats, together with some fringing mature trees. These provide useful wildlife habitat as part of the river corridor. It is not uncommon for such land in such locations to be included in green/blue infrastructure – ref made NDPs for Otley, Haworth,</p>
--	----------------------------------	--	--

		<p>network. The site has been vacant for a long time and is in need of regeneration. Even subject to viability considerations, the inclusion of the site within this strict designation may deter future development. As such, we consider that the site should be removed from this designation.</p>	<p>Cross Roads &amp; Stanbury, Aberford and the Leeds Core Strategy (ref its Strategic Green Infrastructure designation). The TCs do not dispute that the site would benefit from regeneration and the NDP's policies support this – indeed E4 in no way precludes development and is in no way a “strict designation” as asserted. Its development would offer clear opportunities for green infrastructure extension/enhancement.</p>
<p>Policy E5: High Malton Visually Important Undeveloped Area (VIUA)</p>	<p>FME/ELG Planning</p>	<p>-This draft policy has only been introduced following the consultation on the 2nd pre-submission draft in early 2023. As set out at paragraph 4.3.19 of the 2nd submission plan (July 2023), <i>“the area has previously been considered as a potential VIUA, by RDC, in response to public representations, but ultimately not taken forward to designation, on the grounds that it failed to sufficiently meet any of the qualifying criteria”</i>.</p> <p>-The Ryedale District Council assessment of the site and a wider area is set out in their Visually Important Undeveloped Areas Background Paper (October 2017) which was prepared in relation to the Local Plan Sites Document (Appendix B). It concludes:</p> <p><i>“It is noted that the West Malton Residents have sought to extend a VIUA designation beyond the original site submissions including the full extent of land to the north of York Road, and up to Broughton Road, extending to the west as far as the A64:</i></p>	<p>The TCs stand by the conclusion of the VIUA assessment of the site, set out in Appendix 3 of the Submission NP, namely that it meets 3 of the VIUA criteria and that as such it is eligible for VIUA designation. The TCs would in addition make the following points:-</p> <ul style="list-style-type: none"> <li>-Local Plan Strategy Policy SP16, to which E5 relates does not preclude development;</li> <li>-the 2017 RDC assessment related to a considerably larger area of land, albeit one which included ‘High Malton’;</li> <li>-the Appendix 3 assessment is considered comparable to former</li> </ul>

		<p><i>The land between Middlecave Road and Broughton Road is school playing fields and as such is subject to other policy designations which would seek to ensure playing pitch provision is maintained.</i></p> <p><i>California Fields- the allotments are subject to their own policy considerations, and as there is a number of structures on the site, which mean that the site is not open.</i></p> <p><i>The Council has very carefully considered the capability of the fields to the north and south of Castle Howard Road to be identified as being Visually Important Undeveloped Areas.</i></p> <p><i>The fields which form part of this suggested VIUA are attractive fields, with strong landscape intervisibility to other Landscape Character Areas. In terms of landscape character they are aligned with the Howardian Hills LCA, and contribute to the setting of the AONB.</i></p> <p><i>However, when the specific reasons and criteria are examined for the purposes of designating VIUAs. It is considered that the sites do not make a significant contribution to the purpose of the VIUA designation.</i></p> <p><i>The reasons are that:</i></p> <ul style="list-style-type: none"> <li><i>• The site does not make a significant contribution to the character or setting of the settlement; it does not influence it, and the settlement is not well-read from the fields.</i></li> <li><i>• The site provides only a limited setting for buildings- it is part of the wider Howardian Hills landscape</i></li> <li><i>• The site is not of importance in terms of the historical form and</i></li> </ul>	<p>RDC assessments of already extant VIUAs;</p> <p>-Policy E5 is considered to be in general conformity with Ryedale Local Plan policies, as set out in the Basic Conditions Statement. The respondent has offered no evidence as to why it is not in general conformity and no information re the Local Plan policy/policies to which it does not conform;</p> <p>-the TCs have been advised by professional planning consultants in respect of the VIUA assessment. The TCs would point out that professional planning opinions do differ, as a result, for example, of different interpretations of what is considered to be significant. As such, it is as common for planning consultants acting on behalf of landowners/developers to contest the views of professional local authority planning officers, when it suits them/their clients, as it is for them to concur – depending on their own interpretations and the circumstances pertaining. Planning is not a science;</p> <p>-the TCs would point out that NYC have not objected to or commented on the policy;</p>
--	--	---	--

		<ul style="list-style-type: none"> <li>• <i>character, the edge of the settlement is post war housing.</i></li> </ul> <p><i>These points are expanded below: In considering whether land could be identified as a VIUA one of the following six tests would need to be met, and the Council have assessed the site against those tests. In evaluating the evidence the following conclusions were made:</i></p> <ul style="list-style-type: none"> <li>• <i>There are no features which identify the archaeological or historic interest of the space</i></li> <li>• <i>There are no features which identify Contribution the space makes to the setting of a building or groups of buildings either listed or of historical or architectural interest</i></li> <li>• <i>Ecological matters are subject to other policy considerations.</i></li> <li>• <i>The trees do not in themselves are sufficient to warrant the VIUA designation. There are trees which are not an integral, dominating feature within the site; they are boundary features.</i></li> </ul> <p><i>In respect of the following tests:</i></p> <ul style="list-style-type: none"> <li>• <i>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</i></li> <li>• <i>Contribution the space makes to the overall form and character of the settlement</i></li> <li>• <i>Extent to which the space provides a vista/viewpoint into the</i></li> </ul> <p><i>The two large areas of open, undeveloped land are attractive and characteristic areas of landscape which form an attractive soft edge to the town. However, they do not perform a specific</i></p>	<p><i>-the TCs are content to let the examiner assess the policy as it stands and to recommend accordingly.</i></p>
--	--	---	---



		<p><i>influence on the settlement form of Malton. The town has extended up to the field boundary, and there is a regular edge with TPO'd trees. The ability to view Malton is limited, and such views are achieved to differing extents across the areas of land, a function of the site's size, changes in topography, elevation.</i></p> <p><i>In these regards they perform a similar role to most land which surrounds settlements.</i></p> <p><i>There are points within and between the areas of land in question where the level of intervisibility into the wider countryside is unparalleled in any other part of the edge of the towns, views of the North York Moors, Howardian Hills and The Wolds can be achieved via a wide panorama. This is a function of the land's elevation and position. However, this is not universally experienced across the site, only within discrete points, and particularly from the road, this is also not a factor which influences the form and character of Malton.</i></p> <p><i>Both sites are capable of being viewed at distance. The land of site 1 is sloping foot of the Howardian Hills LCA which extends across much of Malton.</i></p> <p><i>Site 1 (South) is viewable in part from York Road, but holistic views are achieved from the elevated parts of the A64 from the west, at distance.</i></p> <p><i>Site 2 (North) is high on the plateau of the Howardian Hills foot slope, which is viewable from the Howardian Hills and land to the south and west of Norton.</i></p>	
--	--	---	--

		<p><i>Development of this site has the capability to affect the setting of the AONB- but this is a landscape character consideration, under Policy SP13, rather than a form and character issue.</i></p> <p><i>The VIUA designation needs to be applied judiciously with specific criteria, to ensure that it remains of value, and provides robust policy protection to areas which are subject to particular sensitivities. Therefore, applying the designation in a more generalised approach, would result in a situation where there is a dilution and consequential devaluation of the designation, which would make it harder to resist applications for development of VIUA sites in general, when balanced against social and economic objectives. There are other policies which are more appropriate to consider the impact of development on the site, and the impact on the AONB and Malton.</i></p> <p><i>The fact that the sites were considered as option choices in 2015 has not been a factor in the consideration process of whether the sites are capable of being a VIUA. Whilst these sites have not been identified as allocations, the decision to identify land as a VIUA is based on evidence of how the site performs in relation to the specific assessment criteria. The VIUA policy approach recognises that sites may be developed, where social and economic considerations outweigh the contribution the site makes to the form and character of the settlement”.</i></p> <p>-FME fully support the conclusions made by professional officers not to identify land at ‘High Malton’ as a Visually Important Undeveloped Area for the reasons outlined in the background paper. Moreover, the assessment undertaken by RDC was conducted by professional officers and there has been no material change in circumstances, either in on the ground or in policy. To support the town councils reaching a different conclusion.</p>	
--	--	---	--

		<p>-Moreover, the assessment provided at Appendix 3 of the 2nd Submission Neighbourhood Plan does not provide a detailed robust assessment rather making vague, generalised comments on the land without drawing conclusions. In contrast, the Council's assessments and conclusions have been thorough two local plan examinations and therefore have been more rigorously examined and tested.</p> <p>-FME strongly object to the designation of 'High Malton' as a Visually Important Undeveloped Area as it clearly does not meet the criteria for such, is not in general conformity with the strategic policies in the adopted Ryedale Local Plan nor is it consistent with national policy. It therefore does not meet the basic conditions.</p>	
Policy E6: Gateways	FME/ELG Planning	<p>FME would object to policy E5 (<i>NB E6</i>) as the considerations it outlines would form the basis of any assessment of a site allocation in a strategic plan or planning application. It is not the place of a Neighbourhood Plan to consider strategic matters as clearly set out in national guidance. Further development on the edge of Malton in the locality of the proposed gateways could clearly be provided which would be in keeping and even enhance the approaches to the town.</p>	<p>The TCs maintain their Regulation 14 position on this matter, namely, that paras 4.3.21 – 4.3.23 provide the justification for this policy. The policy addresses detailed design/layout not strategic matters. The other matters raised do not preclude the inclusion of the policy within a NP.</p>
Policy TC2: Orchard Fields	FME/ELG Planning	<p>FME is wholly supportive of finding ways in which visitors can be attracted to the town but financial realities need to be considered. In the current financial climate securing funding for such projects will be challenging unless they are commercially viable. FME welcomes the changes made to this policy.</p>	<p>The TCs welcome this support. The policy puts in place a supportive planning policy context within which development-related proposals may come forward to be judged. The plan identifies a separate community action (ref P61 &amp; P67) for a project to bring forward enhancements in partnership with others.</p>

Policy TC4: Wentworth Street	Individual	A budget hotel is a priority if we are to encourage tourism. The upper part of Wentworth Street car park seems a logical place for a new hotel.	The TCs welcome the support.
Policy HD1: Development & Design – Conservation Areas	FME/ELG Planning	<p>1)-FME are concerned that the draft policy is very prescriptive and does not allow for more alternative innovative design approaches or variety. Whilst it is acknowledged that planning policies setting out broad design principles are appropriate, the level of detail proposed in draft policy HD1 goes beyond what is considered necessary and would limit the decision makers ability to consider each site and proposal on its 'own merits'. It is therefore considered that the draft policy as currently worded is not in generally conformity with NPPF and, in particular, paragraph 127 which states:</p> <p><i>“Planning policies and decisions should ensure that developments: .....are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)”</i></p> <p>2)-Moreover, FME would welcome provision within the policy (or a separate policy) to support the reuse of upper floors in the town centre. Innovative design solutions may enable new uses and greater vibrancy within the town centre which is a policy that would be supported by NPPF.</p>	<p>1) The TCs maintain their Regulation 14 position, namely, that the policy is couched in terms of developments 'having regard to' rather than 'being required to adhere to' it's provisions. It is considered that it is not 'very prescriptive' but rather offers sufficient flexibility for bespoke site solutions to be arrived at, guided by the stated principles. As such, it is considered that the policy 'has regard to national policy' (NB it is not required to be in general conformity with NPPF as asserted) in particular NPPF paras 127-129 with their increased emphasis on the role of NPs in local design, design guides and codes (NB the comment quotes from NPPF para 130 c) not as stated) and meets the basic conditions.</p> <p>2) The TCs maintain their Regulation 14 position, namely, that Local Plan Strategy Policy SP7 (Town Centres and Retailing) already addresses these issues. As such, any Neighbourhood Plan policy would be duplication. Given</p>

			also that SP7 is a strategic policy, the NP must be in general conformity so it could not include a policy which conflicts with or seeks to go beyond its provisions.
Housing: Preamble	National Grid Property/Firstplan	<p>Re Land at Sheepfoot Hill, Malton - Paragraph 4.8.5 of Chapter 4.8 'Housing' includes as follows regarding site allocations within the Neighbourhood Plan:</p> <p><b><i>“Given the lack of support for new residential development, and also as Ryedale District Council intends to allocate sufficient new homes to meet the housing requirement, then the town councils believe the Neighbourhood Plan does not need to allocate any additional land for residential development.”</i></b></p> <p>It is disappointing that the Neighbourhood Plan has not followed through with allocating appropriate sites for residential development, instead leaving this to fall to the Local Plan Review which could take some time to pass through the process to adoption.</p> <p>However, as the NGP site is specifically earmarked as a potential development opportunity and an eyesore site within the Neighbourhood Plan, it is our view that at the very least, the policy wording could be expanded to note that the site is available, suitable, and deliverable for development for residential, mixed-use, commercial or storage uses.</p> <p>We would therefore encourage the Neighbourhood Plan Steering Group to reconsider its stance on allocating sites for development. As it is noted at Paragraph 4.8.2, the Local Plan expects Malton and Norton to be the focus for future growth and to provide for approximately 1,500 new homes up to 2027. This is highly unlikely to change, as the approach of accommodating new residential uses in sustainable locations and within the development limits of towns is entirely consistent with the aims of the NPPF. It is</p>	<p>The TCs consider that the Local Plan is the appropriate vehicle for the planning of new housing provision in Malton and Norton, given that it can take a strategic rather than piecemeal view. Furthermore, NDPs are intended to be community-led/grassroots plans, and throughout the protracted NDP preparation process and its various consultations, at no time has the community indicated any appetite for the plan to allocate new sites for housing. The specific issue of residential development and flooding is addressed in the response re Policy RC2 above.</p>

		<p>therefore our view that the current approach of acknowledging that the site requires redevelopment to remove the negative contribution it makes, but not formally allocating it to allow for residential use, is an omission - failing to take the opportunity for the community to work with the landowner to agree a suitable allocation for the site prior to the Local Plan Review.</p> <p>NGP will continue to work with the Fitzwilliam (Malton) Estate to secure a suitable allocation through the Local Plan Review process and promote the site on the merits of its availability, suitability and deliverability within years 0-5 of the Neighbourhood Plan period. We therefore would encourage the Neighbourhood Plan Steering Group to reconsider the prospective allocation of the site within the Neighbourhood Plan.</p>	
Policy H1: Housing Mix	FME/ELG Planning	<p>FME are concerned by the limited evidence base which seems to support draft policy H1 and the lack of any professional assessment of housing needs. Indeed, it is considered that such matters should be dealt with by the Ryedale Local Plan (strategic plan) which will be informed by an appropriate evidence base including an up-to-date Strategic Housing Market Assessment. The Strategic Housing Market Assessment reference is from 2010 and is therefore over 10 years old. It is unlikely to be reflective of current housing needs and moreover developments need to provide a mix if housing is to meet all needs.</p>	<p>The TCs maintain their Regulation 14 position, namely that it is acknowledged that the evidence base does not include a professionally conducted local housing needs assessment. However, it fully reflects a community consultation involving over 300 local people, the findings of which reflect those of RDC's 2010 Strategic Housing Market Assessment as stated in para 4.8.11. RDC/NYC have not objected to the policy. Further, experience shows that NP examiners find such policies in line with basic conditions, particularly as they are couched in terms of support for a</p>

	<p>Vistry Group/ID Planning</p>	<p>-Policy H1 relates to housing mix and will apply to sites of 0.4 hectares or more or proposals of at least <i>(NB 10)</i> dwellings. It states that development which contributes to the provision of the following housing mix will be supported:-</p> <ul style="list-style-type: none"> <li>.Accommodation which meets the needs of the elderly, particularly bungalows and specialist provision</li> <li>.Semi-detached units</li> <li>.A predominant proportion of 2 bedroom properties with a smaller proportion of 3 bedroom units</li> <li>.Units for owner-occupation plus a proportion of affordable rented accommodation</li> </ul> <p>-The proposed mix is based on responses to the resident's survey with the greatest level of support given to the need for 2-bed properties. The supporting text at paragraph 4.8.11 references the 2010 SHMA which is now significantly out of date and whilst there is a more recent version published in 2016 given it is 7 years old, it too is arguably out of date. A specific housing needs survey has not been undertaken.</p> <p>-For market housing the 2016 SHMA identifies a need for 40% 2 bed and 42% 3 bed, with 12% 4 bed, indicating the greatest need at that time was for 3 bed properties. The prescriptive nature of the policy particularly in relation to the size of houses to be provided is not supported given the lack of up to date evidence. Whilst local residents were consulted on the issue as part of an area-wide informal policy options consultation, their responses have driven the mix proposed but these consultation responses are not comparable to the detailed work that underpins a Strategic Housing Market Assessment.</p> <p>-The adopted local plan policy relating to housing mix (SP4 Type and Mix of New Housing) is not prescriptive. It only requires that</p>	<p>particular mix rather than requiring that mix.</p> <p>It is acknowledged that the evidence base does not include a professionally conducted local housing needs assessment. It is also conceded that the housing mix supported is not in line with the later 2016 SHMA and that policy should be amended to reflect this. That said, the TCs do not consider the policy to be prescriptive, but rather aspirational as not couched in terms of a requirement. The TCs are open to the suggested flexibility if the examiner is minded to recommend suitable wording.</p>
--	---------------------------------	--	---

		<p>new developments should provide increased housing choice and contribute to the provision of a balanced housing stock. If it is intended that the policy is aspirational rather than prescriptive, this should be made clearer in the wording of the policy.</p> <p>-At the very least there should be some flexibility in the policy wording which would allow an alternative mix to be provided based upon up to date evidence otherwise there is a risk that future developments will have to provide a predominant proportion of 2 bedroom houses which doesn't reflect the identified need at the time of an application submission.</p>	
Housing: General	Individual	<p>If we are to receive substantial funds for many of the projects in the proposed plan it would require significant developer contributions. I think a reasonably large mixed housing development in west Malton could also deliver a much needed link road between Broughton Road and York Road.</p>	<p>The TCs consider that the Local Plan is the appropriate vehicle for the planning of new housing provision in Malton and Norton, given that it can take a strategic rather than piecemeal view. Furthermore, NDPs are intended to be community-led/grassroots plans, and throughout the protracted NDP preparation process and its various consultations, the community has clearly indicated its majority opposition to housing development at High Malton.</p>
Policy M1: Wentworth Street Car Park	FME/ELG Planning	<p>FME is fully supportive of policy M1 to retain Wentworth Street Car Park for this purpose as ensuring that a significant proportion of the car park continues to provide long stay public car parking is important to the functionality of the town.</p>	<p>The TCs welcome this support.</p>



Policy M2: Malton Market Place	FME/ELG Planning	FME is supportive of draft policy M2, albeit, that there should be some flexibility over the location of any compensatory parking as opportunities arise to deliver improvements in the town centre.	The TCs welcome this support but maintain their Regulation 14 position re flexibility, namely that policy wording allows for the suggested flexibility.
General	Historic England	We wrote to Malton and Norton on Derwent Town Councils on 20th February 2023, explaining that we did not wish to comment in detail upon their Pre-submission Draft Neighbourhood Plan and having considered the Submission Draft, we do not wish to comment further on the proposed Neighbourhood Plan.	The TCs note the comment.
	Coal Authority	Having reviewed your document, I confirm that we have no specific comments to make on it.	The TCs note the comment.
	Highways England	Thank you for the latest consultation on the Malton and Norton on Derwent Neighbourhood Plan. Since our last response on the same neighbourhood plan in May 2022, there are no further significant comments which the secretary of State for Transport wishes to make at this time. Having reviewed the documentation attached to the consultation email (and being mindful of the extensive Local Plan work we already undertake with Ryedale District and North Yorkshire County Council's LP team), we note some slight updates in terms of proposed dwelling numbers circa 600 units, and areas of employment interest being promoted.	The TCs note the comments.
	National Grid Property/Firstplan	Re Land at Sheepfoot Hill, Malton - I trust that the above provides clarity from NGP regarding their support for the allocation of the site for residential, mixed-use, commercial or storage uses and their concerns that the currently worded Neighbourhood Plan would significantly restrict the future redevelopment of the site.	The TC considers that the lack of policy support for residential development on the site in question hardly constitutes a "significant restriction" on the site's future development. There

	<p>The Mount Consultancy</p>	<p>1)-The revised Neighborhood Plan lacks ambition for supporting the growth and prosperity of Malton.  2)-The plan in its current form does not allocate any significant land to enable Malton to grow and develop. The land to the west of Malton (within the line of the A64 bypass) would be ideal for future housing development, being within reasonable walking distance of town centre amenities and public transport links, and accessible via a new link road. Flood risk is not an issue in this area.  3)-Malton's main shops/supermarkets are small and difficult to access owing to their congested town centre locations. As a result a great proportion of potential spend is lost to the York area. Retail development at the A169  A64 junction should be permitted.  4) -Malton/Norton is an urban area of 15,000 people (2021 census). The Neighborhood Plan reflects the village drawbridge mentality of a few elderly councillors who have influenced it's creation. Recent new, and very successful housing developments have brought renewed vitality to the town. This momentum should be reflected more in the plan.</p>	<p>are plenty of uses not vulnerable /highly vulnerable in terms of flood risk for which the site could be developed.</p> <p>1) The TCs consider that the plan's vision, objectives and policies clearly support the growth and prosperity of Malton, within the context of the adopted development plan.  2) The TCs consider that the Local Plan is the appropriate vehicle for the planning of new housing provision in Malton and Norton, given that it can take a strategic rather than piecemeal view. Furthermore, NDPs are intended to be community-led/grassroots plans, and throughout the protracted NDP preparation process and its various consultations, the community has clearly indicated its majority opposition to housing development at High Malton.  3) The TCs consider that the Local Plan is the appropriate vehicle for strategic retail planning of this nature. Furthermore, NDPs are intended to be community-led/grassroots plans, and throughout the protracted NDP</p>
--	------------------------------	--	--

	<p>Individual</p> <p>Natural England</p>	<p>There doesn't seem to be any information on the relocation of the livestock market to the Eden Business Park. I would like to see this happen soon and for the town centre site to be used as space for much needed new retail space and possibly a small public park.</p> <p>Natural England does not have any specific comments on this draft neighbourhood plan.</p>	<p>preparation process and its various consultations, at no time have the community indicated any support for retail development in this location.</p> <p>4) The TCs consider that the Local Plan is the appropriate vehicle for the planning of new housing provision in Malton and Norton, given that it can take a strategic rather than piecemeal view. Furthermore, NDPs are intended to be community-led/grassroots plans, and throughout the protracted NDP preparation process and its various consultations, at no time have the community indicated any appetite for the plan to allocate new sites for housing.</p> <p>The TCs consider that, in planning policy terms, this is already adequately addressed in both the Ryedale Local Plan Strategy and the Local Plan Sites Document (Policy RD14). The NDP cannot add to this policy stance. Further, it is not within the NDP's remit to expedite the relocation referred to.</p> <p>The TCs note the comment.</p>
--	--	--	---