

Malton and Norton Neighbourhood Development Plan

Regulation 16 Consultation Response Form

Please complete sections 1-5 of the response form including your contact details.
 Please complete individual forms to cover each part of the document.
 Please do not add any personal details/information into your response.

Please provide your name

We will need to publish your name (initial and surname) as well as your response in full.
Your contact details will not be published

Initial of First Name	S
Last Name	Harper
Organisation	Firstplan on behalf of National Grid Property

1. Please indicate to which part of the Submission draft Malton and Norton Neighbourhood Plan your comments relate:

Is your comment regarding one of the supporting documents?

No

Yes

Section

Page

Paragraph

Policy

Map

Appendix

If it is regarding one of the supporting documents, please state which one:

Comments relate to various parts of the Malton and Norton Neighbourhood Plan

2. Please indicate whether your comment is in support of, in objection to, or is a general comment on the Neighbourhood Plan.

Support

Object

General comment

3. Please check here if you would like to attend any hearing sessions which may take place should they be required (Please note that this is decided by the Examiner)

Please set out your reason(s) for your response to question 2, setting out any changes you think are needed to be made to the Neighbourhood Development Plan:

Please see attached representations prepared by Firstplan on behalf of National Grid Property

4. Please check if you would like to be notified of the local planning authority's decision under Regulation 19 in relation to the neighbourhood development plan, to make (or adopt) the plan under section 38A(6) of the 2004 Act.

Thank you for providing your comments on the submission draft Malton and Norton Neighbourhood Development Plan. All comments received by Friday 20th October 2023 will be considered by an Independent Inspector at an Examination. For details about the Neighbourhood Planning process please see <https://www.northyorks.gov.uk/planning-and-conservation/planning-policy/planning-policy-your-local-area/ryedale-planning-policy/neighbourhood-planning>

Our Ref: 22276/SH/cw
Email: sharper@firstplan.co.uk
Date: 17 November 2023

Malton Town Council
The Wesley Centre
12 Saville Street
Malton
North Yorkshire
YO17 7LL

By email only

Dear Sir/Madam,

**MALTON AND NORTON NEIGHBOURHOOD PLAN (REGULATION 16 CONSULTATION)
REPRESENTATION ON BEHALF OF NATIONAL GRID PROPERTY, LAND AT SHEEPFOOT HILL,
MALTON, NORTH YORKSHIRE**

Introduction

We are instructed by our client, National Grid Property (NGP), to submit the enclosed representations to Malton Town Council relating to the former gasworks site, Sheepfoot Lane, Malton, as part of the second Malton and Norton Neighbourhood Plan Submission Consultation (Regulation 16).

Firstplan submitted representations to the first Malton and Norton Neighbourhood Plan on behalf of NGP in July 2022. A second publication of the Malton and Norton Neighbourhood Plan has been created following the withdrawal of the first Malton and Norton Neighbourhood Plan in 2022. However, having reviewed the submission version, it is disappointing that the contents of the representations – which sought to promote the site at Sheepfoot Hill for residential use or an alternative commercial / mixed-use – have not been taken into account.

As set out further below, it is considered that the site could be compatible for residential, mixed-use, commercial or storage uses. We trust that these representations will be accounted for within the final version of the Malton and Norton Neighbourhood Plan.

Site Background and Description

The freehold of the National Grid site is owned by the Fitzwilliam (Malton) Estate and NGP has the benefit of a 2000-year lease with over 1850 years left to run. The site falls within a wider land ownership by the Fitzwilliam Estate, which is depicted in further detail later in this submission.

The NGP site is a brownfield site and comprises previously developed land, being part of a former gasworks. The gasworks was closed in the 1960's and more recently the gas holders were demolished in 1998. Since then, the site has remained vacant and undeveloped. It is located approximately 250m to the east of the Malton town centre boundary and it is approximately 0.3 hectares (0.75 acres) in area. The site occupies an irregular shaped piece of flat land which is made up of unmade ground. The principal access point to the site

is via Sheepfoot Hill (via B1428). The site is secured by a mixture of fencing and walls, together with gated access. The location plan at Image 1, below, provides an approximate red line boundary of the site.



Image 1. Approximate site boundary

Surrounding Area

The site is situated centrally on the south side of Sheepfoot Hill, approximately 75 metres to the east of its junction with Castlegate, which leads directly to the north-west into Malton town centre. The site is of an irregular shape and is adjoined to the east and west by varying industrial/commercial uses. To the north, on the opposite side of Sheepfoot Hill is Malton Fire Station, comprising of the main building and associated car park. To the north-east, beyond the adjacent commercial uses is a terrace of residential dwellings. Kings Mill, listed Grade II, is situated 20 metres to the east of the site and has been converted to provide apartments. The site's southernmost boundary is formed by the River Derwent, with a dense bank of foliage defining the boundary. There is a residential property adjacent to the site's north-western boundary, with further residential dwellings further north-west on the opposite side of Sheepfoot Hill at Roman Garth.

With the above in mind, it is clear that although the site is situated within a mixed-use area, the number of residential dwellings and proximity to Malton town centre renders the site an appropriate location for residential, mixed-use, commercial or storage uses.

Suggested Use

The site is available (it is vacant), deliverable, and suitable for development, in our view, and as detailed below, the site could be compatible for residential, mixed-use, commercial or storage uses. The first step to delivering this valuable brownfield site for alternative use is securing an allocation. This could then lead to the site coming forward for development in the short term (years 0-5 of the plan).

Owing to the historic use of the site as a gasworks, NGP has undertaken some environmental improvement works. Further site investigation and remediation is likely to be required depending on the proposed end use and prior to redevelopment. Thus, whilst the site has many attributes which make it ideal for redevelopment, it also has significant costs associated with its preparation for alternative redevelopment purposes. This should be reflected in future policy/site allocation references.

Relevant Policy Context

The site is situated within the Malton Conservation Area. There are no listed buildings within the site, the closest being Kings Mill (Grade II) to the east. The site is situated within Flood Zone 3, in an area benefitting from flood defences. There are no other planning designations.

In April 2023, the unitary North Yorkshire Council became the planning authority for eight previous planning authorities, which included Ryedale District Council, which was the authority covering Malton.

North Yorkshire Council is required to prepare and adopt a new local plan by April 2028, however, in the meantime, the existing plans and policies listed in the consolidated planning framework will apply.

Prior to being consolidated with North Yorkshire Council, Ryedale District Council was in the process of reviewing its Local Plan. A decision will be made by North Yorkshire Council regarding whether it reviews the Ryedale Plan alongside the creation of the new Local Plan for North Yorkshire or whether it incorporates the reviewed Ryedale Local Plan into the new North Yorkshire Local Plan. In the meantime, work on the review of the Ryedale Plan will continue.

The current statutory development plan comprises:

- **Ryedale Plan - Local Plan Sites Document (LPSD)** identifies site-specific land allocations to ensure a supply of land for a range of land uses, and site-specific protection policies for the plan period 2012-2027. It was adopted in July 2019 with the Policies Map. The site is not allocated for development in this document.
- **The Saved Policies of the Regional Spatial Strategy** which relate to the extent and operation of the York Green Belt, also form part of the Development Plan for the area. Part of the York Green Belt is in southern Ryedale.
- **Ryedale Plan: Local Plan Strategy.** The LPS was adopted by the District Council in September 2013. It was subject to a light touch review in 2016 which concluded no changes were necessary.

As discussed above, the Ryedale Local Plan Strategy is currently under review and there is an ongoing 'Submitted Sites' consultation. As part of this, *Site 149 – Land at Sheepfoot Hill*, shown in Image 2, below, has been promoted for residential development.

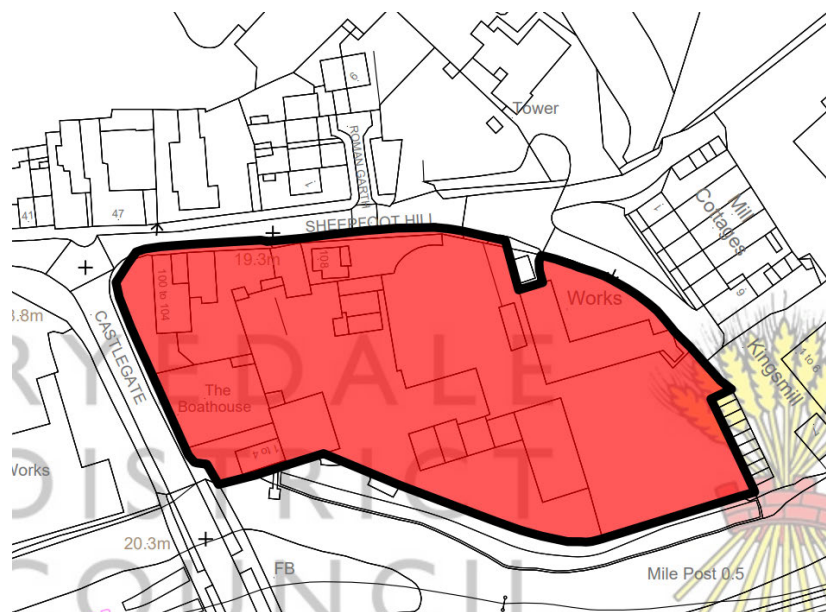


Image 2. An extract of Site 149 – Land at Sheepfoot Hill

Ryedale Plan: Local Plan Strategy

Section 3 – Aspirations and Strategy discusses ‘Guiding Development at the Towns’ and sets out the following in relation to Malton and Norton:

Opportunities for Growth: Redevelopment of underused town centre/edge of centre sites and rail/river corridor sites subject to flood risk, providing the opportunity to repair and improve the built fabric of the towns.

Reinforcing a Sense of Place: Redevelopment of town centre and edge of centre sites and rail/river corridor sites to repair the built fabric, address under use and improve the appearance and contribution to the towns, including areas in and around Sheepfoot Hill. (Our underlining).

Principles:

- Retaining the compact and accessible traditional Market Town ‘feel’;
- Replicating and retaining historical street patterns and routes through the ‘Northern Arc’ redevelopment area;
- Avoid coalescence with Old Malton to ensure the village remains legible as a settlement in its own right;
- Ensure development is sensitive and responsive to different historic character areas;
- Higher density development in and to the Town Centres with lower density family housing in less central locations;
- Creating sensitive new edges to the towns and repairing existing edges as they abut open countryside.

Policy SP2 ‘Delivery and Distribution of New Housing’ sets out that the delivery of at least 3,000 (net) homes will be managed over the period 2012-2027. The sources of new housing that will contribute to the supply of new homes in Malton and Norton are as follows:

Malton and Norton	<ul style="list-style-type: none"> • Housing Land Allocations in and adjacent to the built up area • Conversion and redevelopment of Previously Developed Land and buildings within Development Limits • Replacement dwellings • Sub-division of existing dwellings • Infill development (small open sites in an otherwise continually built up frontage) • 100% Rural Exception Sites outside of and on the edge of Development Limits in line with Policy SP3 • Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate
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Malton and Norton Neighbourhood Plan Draft Designations and Policies

Malton and Norton Neighbourhood Plan Draft Designations

The site is designated as falling within:

- The Malton Town Centre Conservation Area Enhancement (Policy HD4);
- Land North and South of County Bridge Regeneration (Policy RC2);
- Green and Blue Infrastructure (Policy E4)

Immediately to the south of the site is the Malton and Norton River Corridor (Policy RC1)

Malton and Norton Neighbourhood Plan Draft Policies

Policy HD4 ‘Malton Town Centre Conservation Area – Enhancement’ states that development which would result in the enhancement of the following sites, in keeping with the character of the identified character areas, as shown on the Neighbourhood Plan Proposals Map, and which complies with other policies in the Neighbourhood Plan or the Local Plan, will be encouraged and supported:

Area 3

- Sheepfoot Hill Old Gas Works – re-development to remove eyesore site.

Proposals throughout the conservation area for the redevelopment of vacant plots, including landscaping, along otherwise developed frontages will be encouraged and supported. The acceptability of any such development is subject to there being no adverse effects on the integrity of the River Derwent Special Area of Conservation.

Policy RC2 ‘Regeneration of Land North and South of County Bridge’ states that development-related regeneration on land to the North and South of County Bridge, as shown on the Neighbourhood Plan Proposals Map, will be supported.

In the event that the principle of any such development on this site is accepted via the Local Plan or otherwise, and subject to any adverse effects on the integrity of the River Derwent Special Area of Conservation being ruled out, development of this site will be supported, subject to criteria including, but not limited to:

- No residential or other highly or more vulnerable uses (in terms of flood risk) coming forward on this land.

Policy E4 ‘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:

- The Derwent Corridor
- The Howardian Hills
- The Rye Corridor -The Mill Beck Corridor
- Driffield-Thirsk Disused Railway Line
- Westfield Way/Priorpot Beck

Any development within or adjacent to Green and Blue Infrastructure must, subject to viability considerations, include measures to enhance or extend it.

Chapter 4.8 ‘Housing’ sets out, inter alia, at Paragraph 4.8.5

“Given the lack of support for new residential development, together with the Local Plan’s allocation of 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”.

Representations

The consultation seeks comments on the submission draft of the second Malton and Norton Neighbourhood Plan. We are aware that previous rounds of consultation have already taken place (Regulations 14 and 15), but given the potential significant contribution of the site, we understand that our comments will be taken into account at this stage.

Land Use of the Site

Notably, the NGP site was submitted to the Ryedale District Council 'Call for Sites' last year by ELG Planning on behalf of Fitzwilliam (Malton) Estate, forming part of the wider parcel of land owned by the Estate extending to 0.89 hectares spanning from Castlegate to the West, along Sheepfoot Hill to the North and extending to the boundary with Kings Mill to the east. The River Derwent forms the southern boundary. The site was submitted as a prospective residential allocation (Site No. 149 – Land East of County Bridge Malton'. Image 2 overleaf shows the site boundary of the Call for Sites submission.

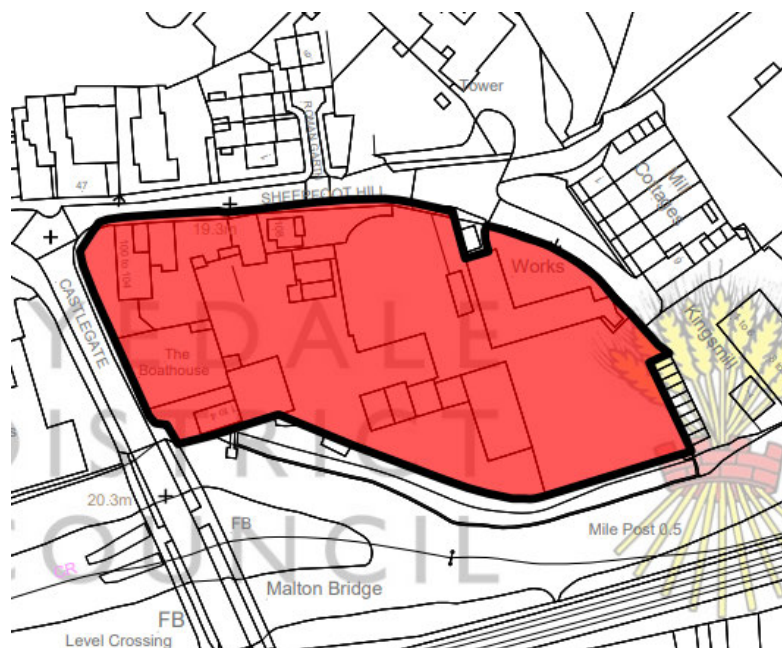


Image 2. Submission Site Boundary

The landowner indicated in the Call for Site's submission that the strong preference for the development of the Fitzwilliam (Malton) Estate land in question was to provide residential use. This is consistent with the highly sustainable location of the site, being within 10 minutes' walk of both Malton Railway Station and Malton Town Centre.

As detailed above, there is an ongoing 'Submitted Sites' consultation, and as part of this, *Site 149 – Land at Sheepfoot Hill*, has been put forward for residential development.

However, despite the site's clear availability and suitability (given its highly sustainable location) for residential development and that **Draft Policy HD4** notes that the site should be redeveloped to enhance the conservation area, it is disappointing that **Draft Policy RC2** 'Regeneration of Land North and South of County Bridge' does not allow residential or other highly or more vulnerable uses (in terms of flood risk) coming forward on this land.

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.

Therefore, we consider that **Draft Policy RC2** 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.

Paragraph 4.8.5 of Chapter 4.8 'Housing' includes as follows regarding site allocations within the Neighbourhood Plan:

“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.”

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.

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.

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 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.

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.

Green and Blue Infrastructure

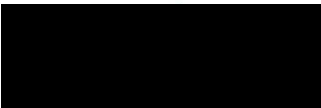
The site is designated as falling within an area of 'Green and Blue Infrastructure' and **Policy E4** 'Green and Blue Infrastructure' states that to be supported, development proposals must not harm the function of the following Green and Blue Infrastructure areas identified on the Neighbourhood Plan 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.

The site has historically been used as a gasworks and is not itself part of a multifunctional wildlife, amenity and recreational 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.

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.

We look forward to further engagement with the process in due course.

Yours sincerely,



SAM HARPER
Director

Enc.

cc. Jim Moore - National Grid