



## **POLICY AND RESOURCES COMMITTEE**

Thursday 8 December 2011 at 6.30 pm

Council Chamber, Ryedale House, Malton

### **Agenda**

**1 Emergency Evacuation Procedure**

The Chairman to inform Members of the Public of the emergency evacuation procedure.

**2 Apologies for absence**

**3 Minutes of the Meeting Held on 29 September 2011**

(Pages 1 - 8)

**4 Minutes of a Meeting of the Resources Working Party held on 22 November 2011**

(Pages 9 - 12)

**5 Urgent Business**

To receive notice of any urgent business which the Chairman considers should be dealt with at the meeting as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972.

**6 Declarations of Interest**

Members to indicate whether they will be declaring any interests under the Code of Conduct.

Members making a declaration of interest at a meeting of a Committee or Council are required to disclose the existence and nature of that interest. This requirement is not discharged by merely declaring a personal interest without further explanation.

### **PART 'A' ITEMS - MATTERS TO BE DEALT WITH UNDER DELEGATED POWERS OR MATTERS DETERMINED BY COMMITTEE**

- 7 **Delivering the Council Plan** (Pages 13 - 22)
- 8 **Treasury Management Monitoring Report** (Pages 23 - 26)
- 9 **Banking Arrangements** (Pages 27 - 30)
- 10 **Revenue Budget Monitoring** (Pages 31 - 34)

**PART 'B' ITEMS - MATTERS REFERRED TO COUNCIL**

- 11 **Fees and Charges** (Pages 35 - 46)
- 12 **Oswaldkirk Conservation Area Character Appraisal and Management Plan (CAAMP)** (Pages 47 - 114)
- 13 **Maintenance of Closed Churchyards** (Pages 115 - 122)
- 14 **Any other business that the Chairman decides is urgent.**

# Public Document Pack Agenda Item 3

## Policy and Resources Committee

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Held at Council Chamber, Ryedale House, Malton  
on Thursday 29 September 2011

### Present

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Councillors Acomb (Chairman), Bailey, Mrs Burr MBE, Mrs Goodrick, Ives, Knaggs, Mrs Knaggs, Legard (Vice-Chairman), Maud and Woodward

By Invitation of the Chairman:

Overview & Scrutiny Committee Observers: Councillors Mrs Shields and Wainwright

### In Attendance

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Trevor Anderson, Simon Copley, Paul Cresswell, Clare Slater and Anthony Winship

### Minutes

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11 **Apologies for absence**

There were no apologies for absence.

12 **Minutes of the Meeting Held on 23 June 2011**

**Resolved**

That the minutes of the meeting of the Policy and Resources Committee held on 23 June 2011 be approved and signed by the Chairman as a correct record.

13 **Minutes of a Meeting of the Resources Working Party held on 13 September 2011**

**Resolved**

That the minutes of the meeting of the Resources Working Party on 13 September 2011 be received.

14 **Urgent Business**

The Chairman reported that there were no items of urgent business to be considered at the meeting.

15 **Declarations of Interest**

There were no declarations of interest.

## **PART 'A' ITEMS - MATTERS DEALT WITH UNDER DELEGATED POWERS OR MATTERS DETERMINED BY COMMITTEE**

### **16 Annual Statement of Accounts & Annual Governance Statement**

The Head of Financial & Revenue Services submitted a report (previously circulated) which presented the Annual Statement of Accounts and Annual Governance Statement.

Councillor Knaggs moved and Councillor Mrs Knaggs seconded that the Annual Statement of Accounts and Annual Governance Statement be approved. On being put to the vote, this motion was carried.

#### **Resolved**

That the Annual Statement of Accounts and Annual Governance Statement be approved.

### **17 External Audit Report on the 2011 Audit**

The Head of Financial & Revenue Services submitted a report (previously circulated) which presented the external audit report on the 2011 audit.

The external auditors highlighted the key issues raised in the report for Members.

Councillor Acomb moved and Councillor Knaggs seconded that the external audit report on the 2011 audit be accepted. On being put to the vote, this motion was carried.

#### **Resolved**

That the external audit report on the 2011 audit be accepted.

### **18 Capital Proposal Regarding Ryedale Pool (Pickering) Gym Facility**

The Head of Environment submitted a report (previously circulated) on the capital proposal regarding Ryedale Pool Gym Facility for Members' consideration as resolved at Full Council on the 18 July 2011.

In light of correspondence from Community Leisure Limited (CLL) following this Council meeting it was not now possible to take this scheme forward.

A copy of the resolution on this matter from the meeting of the Commissioning Board on 22 September 2011 was circulated to Members.

Councillor Acomb moved and Councillor Mrs Goodrick seconded the officer recommendation in the report. On being put to the vote, this motion was carried.

**Resolved**

That the current status of the project be noted.

19 **Delivering the Council Plan**

The Head of Transformation submitted a report (previously circulated) which detailed progress with delivering the Council Plan.

The Leader of the Council provided Members with a verbal update on the meeting of the Business Forum held on 29 September 2011.

**Resolved**

That the report be noted.

20 **Localisation of Council Tax Benefit Consultation**

The Corporate Director (s151) submitted a report (previously circulated) which informed Members of the consultation 'Localising support for council tax in England' and the implications thereof.

Councillor Knaggs moved and Councillor Ives seconded the officer recommendation in the report. On being put to the vote, this motion was carried.

**Resolved**

That the Corporate Director (s151), in consultation with the Chairman of Policy and Resources Committee, submit a response to the Consultation on Localising support for council tax in England'.

**PART 'B' ITEMS - MATTERS REFERRED TO COUNCIL**

21 **New Homes Bonus**

The Corporate Director (s151) submitted a report (previously circulated) which provided details of the New Homes Bonus (NHB) Scheme and the funding which Ryedale District Council (RDC) would receive in 2011/2012. Options for the use of this funding were also presented.

Councillor Knaggs moved and Councillor Ives seconded the following motion:

"That Members recommend to Council the following allocations of the 2010/2011 New Homes Bonus:

1. £100k to restart the small business grants scheme, with a report on the

- scheme in 12 months time;
2. £114,540 to establish a Community investment fund with:
    - a. Decision making delegated to a member panel of six members, 4 of whom shall be members of the Conservative group, chaired by the Chairman of Policy and Resources Committee;
    - b. The criteria for funding to be approved by the Policy and Resources Committee, reflecting the need for proposals to be genuinely additional and to bear in mind the geographical distribution of new homes generating the bonus;
    - c. An annual report to be presented to the Policy and Resources Committee on the work of the panel.
  3. To inform future decision, the North Yorkshire Moors National Park to be invited to give a presentation on its work.”

Councillor Mrs Burr moved and Councillor Maud seconded an amendment to allocate £50k to the small business grants scheme and £164,540 to the Community investment fund. On being put to the vote, this amendment was lost.

Councillor Bailey moved and Councillor Legard seconded an amendment to remove the words “its work” from the end of point 3 of the motion and add the words “proposals to allocate grant generated by its planning decisions”. On being put to the vote, this amendment was carried.

The substantive motion was then put to the vote and carried.

### **Resolved**

That Members recommend to Council the following allocations of the 2010/2011 New Homes Bonus:

1. £100k to restart the small business grants scheme, with a report on the scheme in 12 months time;
2. £114,540 to establish a Community investment fund with:
  - a. Decision making delegated to a member panel of six members, 4 of whom shall be members of the Conservative group, chaired by the Chairman of Policy and Resources Committee;
  - b. The criteria for funding to be approved by the Policy and Resources Committee, reflecting the need for proposals to be genuinely additional and to bear in mind the geographical distribution of new homes generating the bonus;
  - c. An annual report to be presented to the Policy and Resources Committee on the work of the panel.
3. To inform future decision, the North Yorkshire Moors National Park to be invited to give a presentation on proposals to allocate grant generated by its planning decisions.

## 22 **Budget Strategy 2012/2013**

The Corporate Director (s151) submitted a report (previously circulated) which formed the basis of preparation and planning for the 2012/2013 Council budget.

Councillor Mrs Knaggs moved and Councillor Mrs Goodrick seconded the officer recommendation in the report. On being put to the vote, this motion was carried.

### **Resolved**

That Council be recommended:

That the following parameters for the preparation of the 2012/2013 budget be approved:

- (i) Proposals be brought forward for a 2.5% increase in Council tax (unless the Government provides additional specific grant to enable a nil increase);
- (ii) Increases in fees and charges to be 3.5% - 4.5% on a cost centre heading basis excluding VAT and only those charges officers recommend above or below this figure to be considered by the relevant policy committee;
- (iii) Efficiencies to be maximised;
- (iv) Options for service cuts to be provided. These proposals to be considered by the Resources Working Party and the Policy and Resources Committee.

## 23 **Community Governance Review - Malton and Norton-on-Derwent**

The Council's Solicitor submitted a report (previously circulated) which considered the outcome of the public consultation exercise on the Community Governance Review proposals for the amalgamation of Malton and Norton-on-Derwent Town Councils and considered what further action should be taken in the Community Governance Review against the background of the public consultation response.

Councillor Acomb moved and Councillors Mrs Burr seconded the officer recommendation in the report. On being put to the vote, this motion was carried.

### **Resolved**

That Council be recommended to resolve to take no further action on the Community Governance Review for Malton and Norton-on-Derwent.

## 24 **Substitute Members of Committees and Numbers of Substitutes**

The Council's Solicitor submitted a report (previously circulated) which considered the procedural arrangements for substitute Members of Committees and to increase the maximum number of substitutes in respect of each Political Group at any meetings.

Councillor Knaggs moved and Councillor Mrs Burr seconded Option B at paragraph 2.1 of the report. On being put to the vote, this motion was carried.

Councillors Knaggs moved and Councillor Mrs Knaggs seconded the officer recommendation at paragraph 2.2 of the report. On being put to the vote, this motion was carried.

### **Resolved**

That Council be recommended:

- (i) That it be maintained as a rule of the Constitution that there are no substitute Members for Overview & Scrutiny Committee by reinstating clause 28.5 in Part 4 of the Constitution –Rules of Procedure in the following terms :

#### ***“28.5 Overview and Scrutiny Committees***

*Substitute Members cannot be drawn from those Members who sit on the Policy and Resources and Community Services Committees.”*

- (ii) That a change to Council Procedure Rule 28.1 be approved such that for each Committee where substitution is applicable the maximum number of substitutes in respect of each Political Group becomes 50% of that group's membership on the relevant committee, rounded up if necessary, subject to a minimum of 2.

## 25 **Provision of Internal Audit Services**

The Corporate Director (s151) submitted a report (previously circulated) which informed Members of developments regarding the future provision of the Internal Audit service and to sought approval of the business case proposing a merger of the North Yorkshire Audit Partnership (NYAP) with Veritau (a company set up by North Yorkshire County Council and the City of York to provide their Internal Audit service), through the establishment of a new company.



Accordingly the proposal involves the Council agreeing to:

- (i) Become a founder member of the new company;
- (ii) Become a company member of the company;
- (iii) Appoint an officer as its Director of the company;
- (iv) Authorise the officer to exercise the Council's powers as a company member at general meetings of the company.

In relation to paragraph 9.1 of the report, it was confirmed that the current support services charges to the NYAP were £6,000.

Councillor Knaggs moved and Councillor Legard seconded the officer recommendations in the report. On being put to the vote, this motion was carried.

### **Resolved**

That Council be recommended:

That the following be approved:

- (i) The Business Case for the provision of an Internal Audit Service from the 1 April 2012;
- (ii) Delegated authority to the Council Solicitor to conclude the legal contract for the Council to be stakeholders in Veritau (North Yorkshire) Ltd a subsidiary of Veritau Ltd. The subsidiary company will be a regulated company under the terms of the Local Authorities (Companies) Order 1995;
- (iii) Noting that the Corporate Director (s151) will agree a service level agreement with Veritau (North Yorkshire) Ltd for the provision of Internal Audit Services for the financial year commencing April 2012; and
- (iv) Appointment of the Council's Corporate Director (s151) as the Council's Director to the Board of Veritau (North Yorkshire) Ltd.

### **26 Any other business that the Chairman decides is urgent.**

There being no items of urgent business, the meeting closed at 8.42pm.

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## Resources Working Party

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Held at Meeting Room 1, Ryedale House, Malton  
on Tuesday 22 November 2011

### Present

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Councillors Acomb (in the Chair) Mrs Cowling, Knaggs, Acomb, Mrs Goodrick,  
Mrs Knaggs and Legard

### In Attendance

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Paul Cresswell, Trevor Anderson, Phil Long, Julian Rudd and Sue Shuttleworth

### Minutes

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#### 12 Apologies for absence

There were no apologies for absence.

#### 13 Minutes of the last meeting of the Resources Working Party held on 13 September 2011

The minutes of the last meeting of the Resources Working Party held on 13 September 2011 (previously circulated) were presented.

#### Resolved

That the minutes of the last meeting of the Resources Working Party held on 13 September 2011 as submitted be approved and signed by the Chairman as a correct record.

#### 14 Urgent Business

The Chairman reported that there were no items which he considered should be dealt with as a matter of urgency by virtue of Section 100B(4)(b) of the Local Government Act 1972.

#### 15 Declarations of Interest

Councillor Acomb declared a personal interest in that part of Item 5 (Budget Strategy 2012/2013) relating to Ryecat as he is a member of the Board and in Item 6 (Maintenance of Closed Churchyards) as a local Member.

Councillors Mrs Knaggs and Mrs Goodrick declared a personal interest in Item 5 as they are both members of RVA.

16 **Budget Strategy 2012/2013**

The Corporate Director (s151) presented a report (previously circulated) which formed the basis of the preparation and planning for the 2012/2013 Council budget.

The budget prospects for 2012/2013 were broken down into the following areas, all of which were set out in detail in the report:

- Baseline Savings Projection
- Growth Items
- Efficiencies
- Cuts requirements and options

Each section of the report was discussed in detail and it was agreed that Members' views were to be incorporated in a report setting out updated options for discussion at the next meeting of the Working Party on 10 January 2012 prior to consideration by the Policy & Resources Committee on 2 February 2012.

**Resolved**

That the report be received and that:

- (i) The update to the financial position of the Council for 2012/2013 and the implications of the Council Tax Freeze grant be noted; and
- (ii) Members' comments on the growth issues and further growth proposals, together with their comments on the possible cuts identified to meet the shortfall in balancing the budget, be incorporated into a further report to be submitted to the next meeting of the Working Party.

17 **Maintenance of Closed Churchyards**

The Council Solicitor & Monitoring Officer and the Corporate Director (s151) submitted a report (previously circulated), the purpose of which was to examine the current procedure for the maintenance of closed churchyards by Ryedale District Council and to propose a new method of financing related works in the future. The report was presented in draft form prior to seeking Council's approval to consulting Parish Councils on the principles as detailed in the report.

During discussion of the report a Member expressed the view that the expense of maintaining close churchyards be spread across the whole of the District rather than individual parishes.

**Resolved**

That the report be noted and would be considered by the Policy and Resources Committee and Full Council.

**18 Ryedale Supported Accommodation Project**

The Head of Economy & Housing submitted a report (previously circulated), the purpose of which was to allocate funding and District Council owned land towards a partnership project to create a new build facility to provide supported accommodation for younger homeless people in Ryedale.

Full details of the proposal, including revenue costs and links with education, training and employment providers, were set out in the report, which was presented in draft form prior to consideration by the Commissioning Board.

**Resolved**

That the report be received and that the following recommendations to the Commissioning Board be approved

- (i) The District Council endorses the partnership with Broadacres Housing Association and the Homes and Communities Agency to create a new build facility to provide supported accommodation for homeless people in Ryedale;
- (ii) £100,000 of funding towards the project be allocated within the Council's capital programme and that this be transferred from the existing allocation for the Ryedale Mortgage Rescue Scheme; and
- (iii) A 100 year lease of the District Council-owned land for the project be granted to Broadacres Housing Association, for uses limited to supported accommodation and affordable housing, at zero cost.

**19 Evaluation of Business Grants Scheme**

The Head of Economy & Housing submitted for information a report (previously circulated) on the Evaluation of the Business Grants Scheme. It was agreed that reference to the report would be included in the Members' Bulletin.

**Resolved**

That the report be noted.

**20 Capital Programme Progress Report 2011-2015**

The Corporate Director (s151) submitted a report (previously circulated) on the Capital Progress Report 2011-15.

**Resolved**

That the report be received.

21 **EMIS Report**

The Corporate Director (s151) submitted the Executive Management Information System (EMIS) Report (previously circulated) showing graphs for the period ending 30 September 2011.

**Resolved**

That the report be received.

22 **Any other business that the Chairman decides is urgent.**

There being no urgent business, the Chairman declared the meeting closed at 4.55pm.

Council Aim	<b>Aim 1: Housing Need</b> To meet housing need in the Ryedale District Council area			
Strategic Objectives	1. To change and add to housing stock to meet the local housing needs		2. To support people to access a suitable home or remain in an existing home	
Council Aim	<b>Aim 2: Economic Success</b> To create the conditions for economic success			
Strategic Objectives	3. Place of opportunity – economic structure and supporting infrastructure		4. Opportunity for people – increasing wage and skills levels	
Council Aim	<b>Aim 3: High Quality Environment</b> To have a high quality, clean and sustainable environment.			
Strategic Objectives	5. Reducing waste and CO2 emissions		6. Planning to adapt to climate change	
			7. To maintain the quality of our local environment	
Council Aim	<b>Aim 4: Active Safe Communities</b> To help all residents to achieve a healthy weight by encouraging an active lifestyle, in communities where everyone feels welcome and safe			
Strategic Objectives	8a. Safe Villages and Towns		8b. Healthy Villages and Towns	
Council Aim	<b>Aim 5: To Transform the Council</b>			
Strategic Objectives	9. To know our communities and meet their needs		10. To develop the leadership, capacity and capability to deliver future improvements	

**Performance Narrative:**

**Aim 1 – Meeting Housing Need**

An additional 22 affordable homes have been delivered so far in 2011/12 and the expected out-turn for the year is over 90 units. The Council can now demonstrate a 5 year+ supply of available housing sites and planning permissions have been granted over the last 18 months for residential developments that include over 225 affordable homes to be built on open market housing schemes. In addition, 82 affordable homes are programmed to be delivered by Housing Associations over the next two years. There has been a reduction in long term empty properties by 59 over the past 12 months and new Empty Homes Strategy is being proposed to further reduce the number of empty homes in Ryedale.

The strong trend in 2010/11 for significantly increased numbers of households in difficulty and seeking assistance from the Council and its partners has continued into 2011/12. Homelessness increased by 17% nationally between June 2010 and June 2011 and there is increasing use of B&Bs, both in Ryedale and nationally. In Ryedale B&B use so far in 2011/12 is already equal to the total for 2010/11. A boost has been received to the project to replace the Bridge House facility with a new build supported accommodation unit. An application to the HCA for £400k has been successful and a report on the project will be considered at the January 2012 Commissioning Board.

## **Supporting Independent Living**

Over £135K has already been spent in 2011/12 on households making adaptations through the provision of a Disabled Facilities Grant enabling them to remain in their own homes. A Home Improvement Agency Partnership is being progressed to further strengthen performance and is expected to be operational in April 2012. 30 Energy Efficiency grants are currently being progressed. Continued additions are being made to the 153 new Lifeline connections (to enable independent living) that were installed in 2010/11.

## **Aim 2 – Creating Conditions for Economic Success**

### **Improving Infrastructure**

Work is expected to start on a major extension to York Road Industrial Estate that will provide opportunities for new jobs and investment at Malton. Outline planning permission has been granted for a range of business uses and preliminary discussions have been held in respect of the detailed proposals for the site. The developers have indicated their intention to start work on site and have recently submitted details to discharge conditions relating to on-site infrastructure. Details of the first new units are anticipated in the near future. Planning permission has been granted by North Yorkshire County Council for the improvement of the Brambling Fields junction on the A64 to take through traffic away from the congested centre of Malton and so improve the air quality problems at Butcher Corner. The Council has allocated £2.54m to jointly fund the £6m scheme with NYCC and the Highways Agency and work will begin in January 2012. Final approval for the scheme was decided by an extraordinary meeting of Council to be held on 7<sup>th</sup> October and the legal agreement between this Authority, NYCC and the Highways Agency was signed on 20 October 2011, with a contract to construct the scheme then let to Birse Civils.

Proposals are being prepared for use of the recently announced Growing Places fund, with the Yorkshire Enterprise Partnership (York, North and East Yorkshire LEP) having received £6.2m to allocate to projects in the Partnership area to overcome infrastructure challenges that are holding back new jobs and housing

### **Wage and Skill Levels**

The York and North Yorkshire Local Enterprise Partnership has been established to guide and encourage public and private sector investment in and maximise support for enterprise and industry in the area. This is investigating key economic priorities such as small businesses and agri-food and the Chairman met with Ryedale businesses at a very successful Ryedale Business Forum in September 2011. The Forum is an initiative which is being championed by the Leader of the Council.

The successful 2010 'Opportunity Knocks' event, to highlight to young people in Ryedale the diversity of business and employment opportunities available in the local area, was repeated in November 2011. This was a huge success, with all Ryedale secondary schools involved and even more local businesses, training agencies and career support services present.

### **Supporting those on Low Income**

During the last year, we have helped 3,782 residents pay their rent and Council Tax. The time taken for processing and maintaining all claims is now improving following the implementation of the Northgate revenues and benefits system.

## **Aim 3 –Maintaining a High Quality Environment**

### **Increasing the rate of recycling and reducing the amount of waste collected**

Performance remains high. Ryedale remains the top performer in the Yorkshire and Humber region, is 3<sup>rd</sup> in its family group regarding recycling and 8<sup>th</sup> regarding reducing residual waste to landfill. Comparative costs remain low given the sparse nature of the district. Collections of cardboard and plastic bottles from every household, as part of the kerbside recycling collection service have started following a slightly delayed start due to late delivery of the new recycling vehicles. These additional materials will complement the glass, cans, paper and garden waste already collected from all 24,500 properties across the District and help facilitate improvement regarding residents satisfaction with waste collection. Roll out of the scheme is due for completion by April 2012. Early indications are that the new service has been well received with strong support from residents, following a well publicised 'lead up



campaign' and on the ground support from Officers during the delivery stage re new boxes and bags. All recyclate will be taken to the recently opened transfer station on Showfield Lane with provision made to handle the transitional process from the old to new scheme  
Ryedale continues to lead the field in disposing of garden waste through its innovative on farm composting scheme. Changes made to the service, following procurement due to changes in legislation, have been fully implemented and embedded successfully resulting in significant financial savings for the authority.

### **Managing the risk of future flooding**

Following the Council's success in securing £127,500 from the Environment Agency for flood resistance work for Kirby Mills and Keldholme, officers have completed both the property surveys, procurement and evaluation stages of the project. A public meeting is due to be held in Kirkbymoorside on the 29 September regarding the final implementation stage. In addition to the original funding secured, Ryedale has been successful in attracting a further £85K grant funding for flood resistance measures for Pickering.

Some progress has been made regarding potential options for the Slowing the Flow project above Pickering. The Environment Agency is currently exploring the potential of building up to 4 small bunds with below ground storage plus additional channel restriction measures. These have the potential to effect a 1 in 25 year protection. Estimated costs seem reasonable though considerably more analysis and risk evaluation is required.

### **Reduction of Co2 from Council Operations**

Co2 emissions resulting from Council Operations have been significantly reduced by 10% from 2009/10 to 2010/11.

Further fuel savings should be realised following trials of Masternaut (a GPS based vehicle tracking system), an EDA system (Eco Driving Assistant) which assists the driver in fuel consumption optimised driving and round re-profiling. Though early days, initial indications are that the EDA's have potential to reduce Co2 emissions by 6.42% for each LGV, however cost savings are marginal by comparison to the purchase cost of the product. Daily utilisation of Masternaut as a management tool has also resulted in fuel savings through reducing idling times.

Significant progress has been made regarding the implementation of WM Design in order to optimize all the waste collection rounds. Background data input is complete. Test designs have been produced on the domestic rounds and officers are currently in the process of completing a new set of round designs to establish the potential for operational savings regarding reduced mileage.

### **Maintaining the quality of our environment**

The Countryside Management Advisor continues to deliver the Biodiversity Action Plan, engaging with landowners to promote the completion of management plans for sites of importance for nature conservation in Ryedale.

The work of the building conservation officer is ongoing to maintain the quality of Ryedale's built historic environment. Of particular note is the recent approval of a £3.5m refurbishment scheme for the Talbot Hotel, Malton, to provide a premier hotel facility which should support the future economic development of the town with the creation of up to 25 Jobs in 2012. Work has now commenced on this significant restoration project and it is anticipated that this will be completed in the spring of 2012.

### **Aim 4 – Active Safe Communities**

#### **Safe and Welcoming Communities**

The Safer Ryedale Partnership Plan for 2011/12 has been agreed by the Partnership Board and is being implemented. Compared to this period last year, crime rates have fallen again. Home Office funding for Safer Ryedale has again been reduced. The partnership is anticipating future changes including reductions in funding following the enactment of the Police and Social Responsibility Bill and the appointment of Police and Crime Commissioners in late 2012.

#### **Supporting Active Communities**

Surveys have been undertaken and analysed as part of the review process, officers are now in the process of triangulating this information with the results and surveys from the Active People data and Sport England segmentation data, evaluating against a SWOT analysis and preparing a draft framework for the

strategy which will also consider the recommendations from the Healthy Weight Scrutiny Review. Members felt that more information was required regarding exploration around activities targeting older people and regarding the views of young people, (few young people participated in the survey, creating potential issues regarding demographic representation). Officers are in the process of preparing for and assembling focus groups for, young people, older residents and families in order to complete information gaps, with a view to presenting a draft strategy early next year.

### **Aim 5 - Transforming the Council**

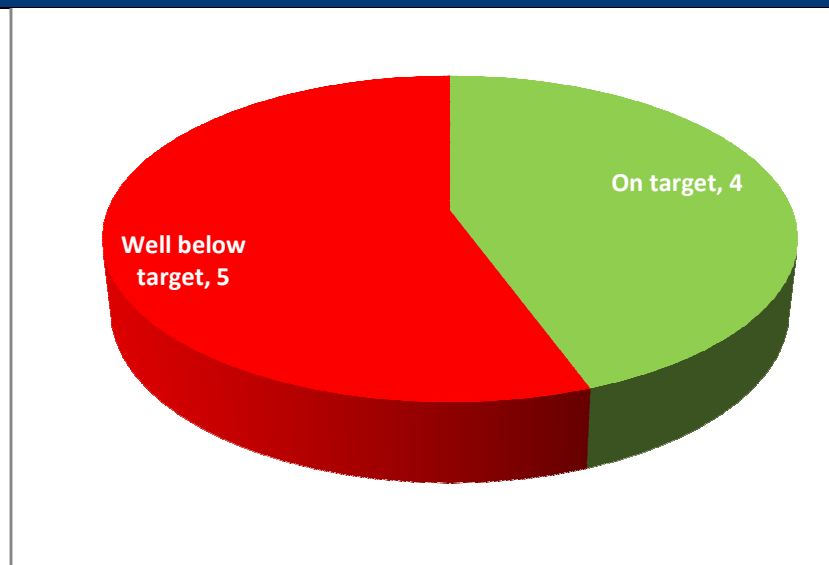
The Council set a balanced budget for 2011/12 with further savings of £700k required to balance the budget for 2012/13. Planned savings include Shared Services, Streetscene Review, Localised Planning Fees and other service efficiencies. The Council is now planning for the 2013/14 budget with a programme launched at recent staff briefings – Round 3.

A briefing on Localism and Neighbourhood planning has been delivered to parish representatives, The Localism Act came into force on 15 November 2011.

Recommendations have been made by the Scrutiny Committee to the Commissioning Board following the conclusion of the Review of Healthy Weight. It is hoped that over time these will influence the sports strategy and future operations of sport and recreation facilities in Ryedale. The Post Offices Review will conclude in November and following the research work and links developed with sub-postmasters and the Post Office Ltd, the Council has been selected by BIS to help to influence the future shape of the Post Office Network. The subject of the next scrutiny review will be 'Relationships with the Voluntary and Community Sector' and will link to the localism agenda.

## Aim 1. Housing Need – Performance Indicators

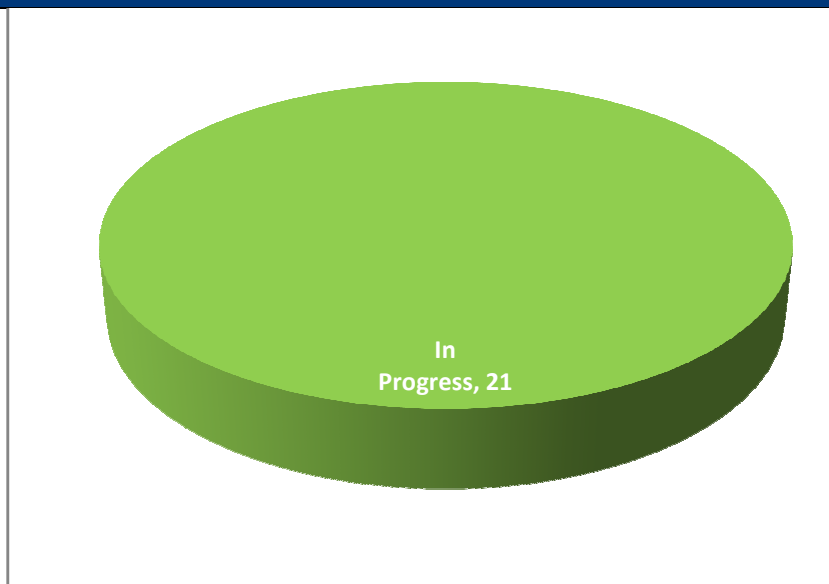
Status	Performance Indicator
✓	Percentage of vulnerable people achieving independent living
✓	The extent to which older people receive the support they need to live independently at home
✓	Number of current Lifeline users in Ryedale
✓	Number of empty properties in Ryedale
	Number of affordable homes permissions granted
	Stock Condition



Status	Performance Indicator
●	Net additional homes provided
●	Number of affordable homes delivered (gross)
●	Supply of ready to develop housing sites
●	% households in Ryedale in Fuel Poverty
●	Affordability Ratio
Status	Performance Measures
✓	Prevention of Homelessness through Advice and Proactive Intervention
✓	Improvements in energy efficiency of homes
✓	Number of affordable homes permissions granted
●	Time taken to process Housing Benefit/Council Tax Benefit new claims and change events

## Aim 1. Housing Need - Actions

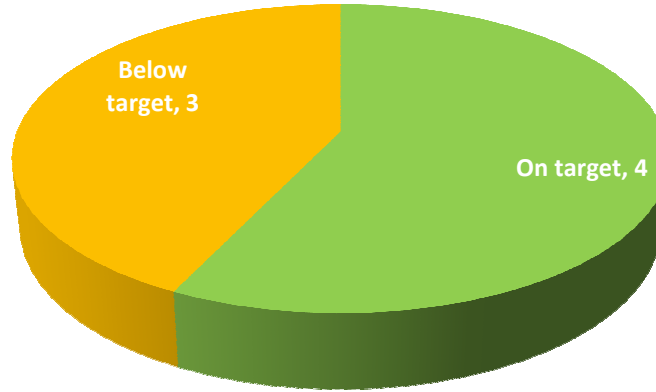
Target	Title
▶	Planning Gain
▶	Registered Social Landlord/Other Funded
▶	Provision of a Mortgage rescue scheme in partnership
▶	Homelessness - Projects & Initiatives
▶	Homelessness Strategy Action Plan
▶	Support for HCA funding to Housing associations
▶	New Homes Bonus
▶	Lifeline Service
▶	Young People – Homelessness prevention
▶	Home Appreciation Loans 2011-12
▶	Energy Efficiency Loans 2011-12



On Target	Title
▶	Disabled Facilities Grants
▶	Home Repair Loans 2011-12
▶	Decent Home Loans 2011-12
▶	Empty Property Grants 2011-12
▶	HMO Grants 2011-12
▶	Exception Sites Land Purchase
▶	Homelessness applications & acceptances
▶	Temporary Accommodation & Bridge House
▶	To deliver an LDF for Ryedale
▶	Empty Homes Strategy

## Aim 2. Economic Success – Performance Indicators

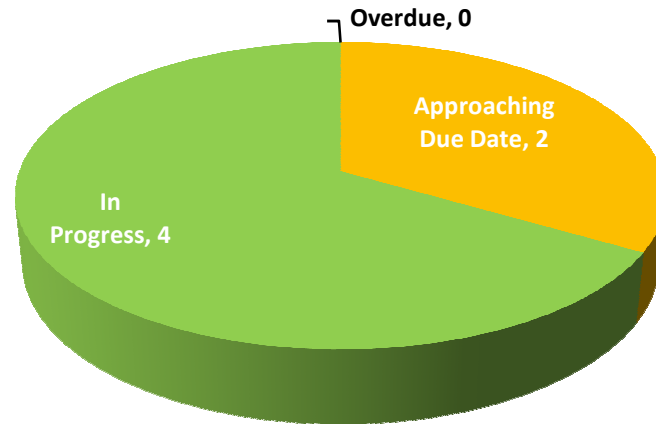
Status	Performance Indicator
✓	% Ryedale population qualified - NVQ1
✓	% Ryedale population qualified - NVQ2
✓	% Ryedale population qualified - NVQ3
✓	% Ryedale population qualified - NVQ4
	Industrial lettings vacancies
	Employment Rate
	NEETs



Status	Performance Indicator
⚠	Average household earnings in Ryedale
⚠	Gross weekly earnings by workplace
⚠	Total Job Seeker Allowance Claimants
	Number of new business start ups
	Footfall – Malton Town Centre

## Aim 2. Economic Success - Actions

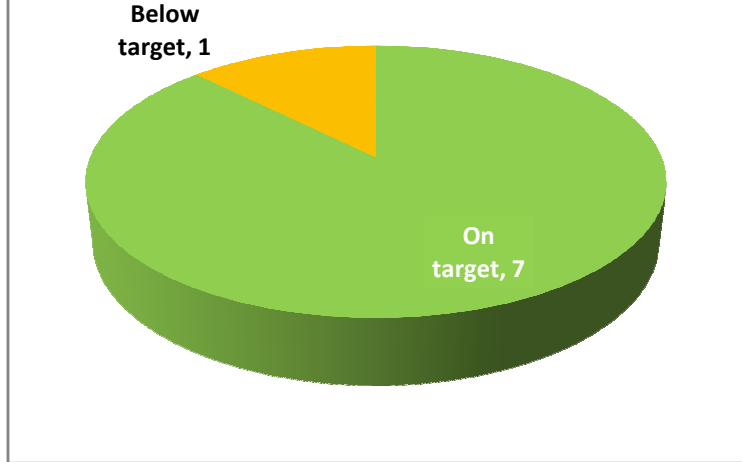
Progress	Title
▶	Enable economic activity through supporting projects
▶	Support local businesses
▶	A64 Brambling Fields Junction Upgrade



On Target	Title
▶	Improve Skills and Knowledge of the workforce
⚠	Provision in Capital Programme for Managed Workspace Facilities
⚠	To deliver an LDF for Ryedale

### Aim 3. High Quality Environment – Performance Indicators

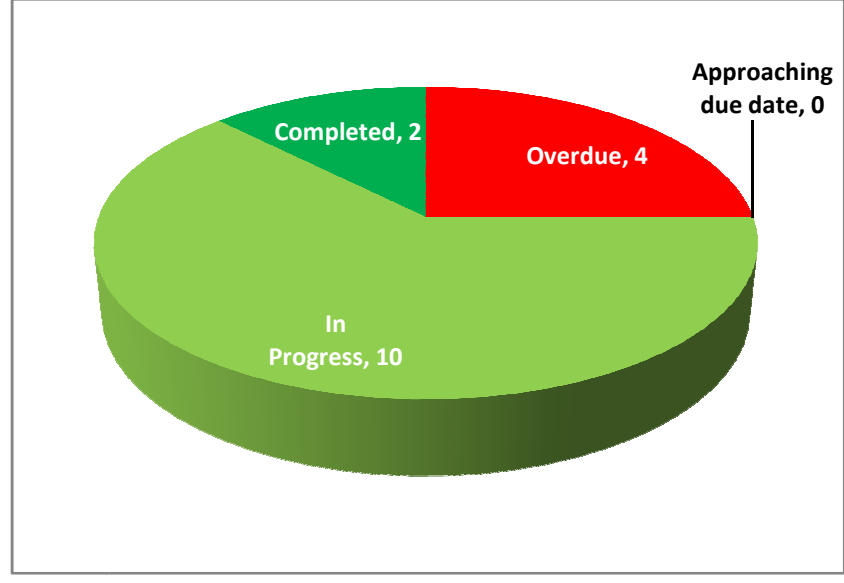
Status	Performance Indicator
✓	New homes built on previously developed land
✓	Flood and coastal erosion risk management
✓	Total number of properties flooded per year
✓	Overall/general satisfaction with local area



Status	Performance Indicator
✓	Improved Local Biodiversity
✓	CO2 reduction from Council operations
✓	% of household waste sent for reuse, recycling and composting
⚠	Residual household waste - kg per household

### Aim 3. High Quality Environment – Actions

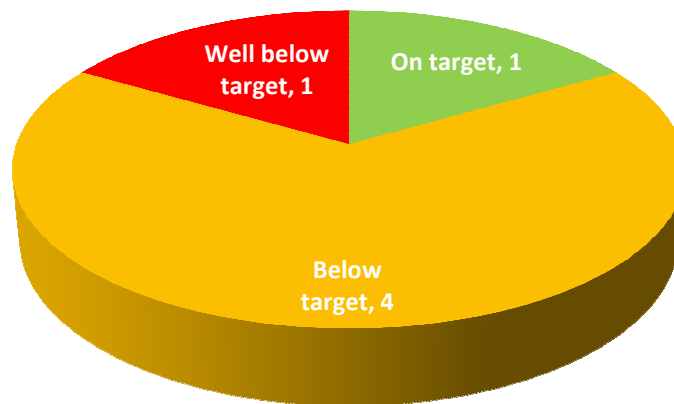
On Target	Title
✓	Prioritize flood risk areas and implement local catchment's of sandbags for immediate self help
✓	Strategic Flood Risk Assessment
▶	Maintain a current multi-agency risk plan
▶	Vale of Pickering Channel Management Pilot
▶	Householder Flood Resistance Grants Scheme
▶	Winter maintenance grant scheme
▶	Recreational Open Space Development
▶	Plastic Bottles & Cardboard Recycling Rollout



On Target	Title
▶	Develop local transfer station for recyclable materials in partnership with private sector
▶	Deliver on farm garden waste composting through partnership with local farmers
▶	Refresh climate change strategy in line with new government guidelines
●	Enhance stakeholder participation re volunteer groups
●	Develop an Air Quality Action Plan.
●	Pickering Flood scheme
●	Round review re waste management to ensure optimum efficiency

## Aim 4. Active Safe Communities – Performance Indicators

On Target	Title
✓	Crime Rate for the District
⚠	Obesity in primary school age children in Year 6
⚠	Self-reported measure of people's overall health and wellbeing
⚠	Adult participation in sport and active recreation

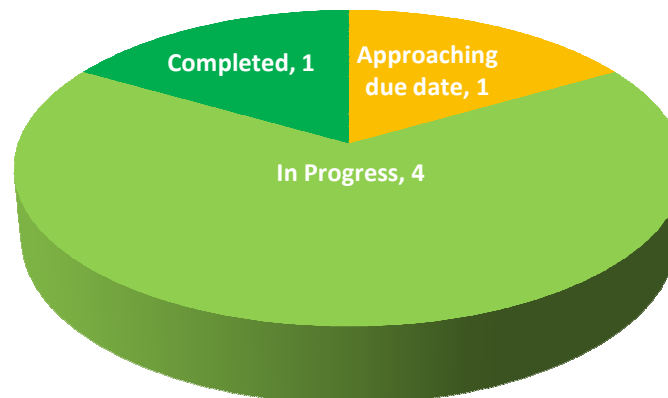


On Target	Title
⚠	Obesity in Adults
⚠	Residents satisfied with sports/leisure facilities
Status	Performance Measure
✓	% of parishes covered by a current plan
⚠	Swimming Pools & Sports centres no of visits per 1,000 population
⚠	Levels of satisfaction with Council sport and leisure facilities

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## Aim 4. Active Safe Communities – Actions

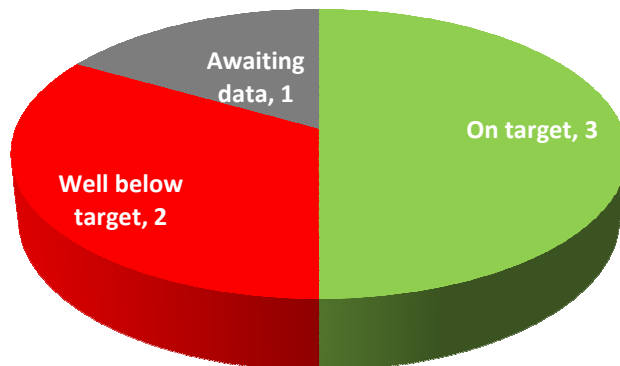
On Target	Title
✓	Grant to Malton School for dry sports centre
▶	Safer Ryedale Partnership Plan 2011-2012
▶	Investigate feasibility of a GP referral scheme in Ryedale



On Target	Title
▶	Grant for the redevelopment of existing sports facilities in Helmsley
▶	Recreational Open Space Development
⚠	Review the Sports Strategy with a vision towards 2012 Olympics

## Aim 5. To Transform the Council – Performance Indicators

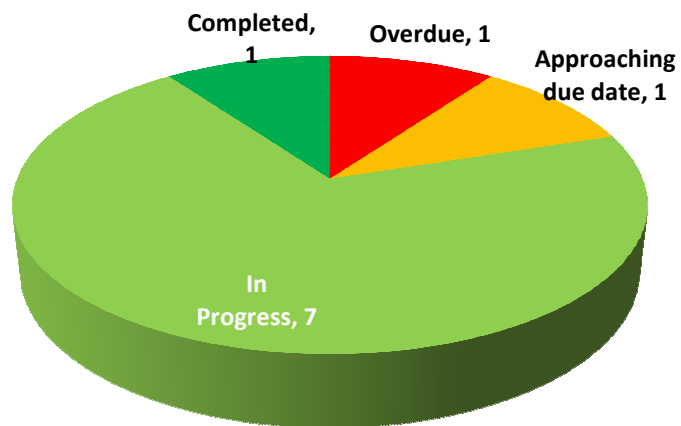
Status	Performance Indicator
✔	Civic participation in the local area
✔	Top priorities for local people
✔	Service satisfaction – customer satisfaction



Status	Performance Measure
⬮	Queries resolved at first point of contact
⬮	Overall satisfaction with the authority
	Pulse Survey - employee satisfaction

## Aim 5. To Transform the Council – Actions

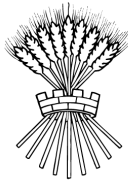
On Target	Title
✔	Deliver the NYCC by-election
▶	Formulate an action plan for maintaining IIP accreditation
▶	Going for Gold
▶	Value for Money
▶	Deliver the Police Commissioner elections
▶	Review committee structure of the Council



On Target	Title
▶	Partnership Protocol and significant partnerships
▶	Service Equality Monitoring
⚠	ICT Strategy Programme
✔	% of parishes covered by a current plan

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<b>PART A:</b>	<b>MATTERS DEALT WITH UNDER DELEGATED POWERS</b>
<b>REPORT TO:</b>	<b>POLICY AND RESOURCES COMMITTEE</b>
<b>DATE:</b>	<b>8 DECEMBER 2011</b>
<b>REPORT OF THE:</b>	<b>CORPORATE DIRECTOR (s151) PAUL CRESSWELL</b>
<b>TITLE OF REPORT:</b>	<b>TREASURY MANAGEMENT MONITORING REPORT</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 To report on treasury management activities to date for 2011/12 and to update Members on current investments in accordance with the Chartered Institute of Public Finance (CIPFA) Code of Practice on Treasury Management (the Code).

### **2.0 RECOMMENDATIONS**

- 2.1 It is recommended that:

- (i) Members receive this report; and
- (ii) The current investments and performance in 2011/2012 be noted.

### **3.0 REASON FOR RECOMMENDATIONS**

- 3.1 The Council has adopted the Code. A provision of the Code is that the Policy and Resources Committee will receive and review regular monitoring reports relating to the treasury management activities of the current year.

### **4.0 SIGNIFICANT RISKS**

- 4.1 There are no significant risks in considering this report. There are significant risks when investing public funds especially with unknown institutions. However, by the adoption of the CIPFA Code and a prudent investment policy these are minimised. The employment of Treasury Advisors also helps reduce the risk.

## **REPORT**

### **5.0 BACKGROUND AND INTRODUCTION**

- 5.1 The CIPFA Code states that Members will receive reports on the Council's Treasury

Management policies, practices, and activities at regular intervals including an annual strategy, a mid-year review of the strategy and performance, an annual outturn report and monitoring reports.

- 5.2 In compliance with the Treasury Management scheme of delegation a mid-year review report will be submitted to the December meeting of the Overview and Scrutiny Committee for scrutiny, prior to the submission to Full Council.

## 6.0 POLICY CONTEXT

- 6.1 The Council has adopted the CIPFA Code of Practice on Treasury Management in Local Authorities and this report complies with the requirements under this code.

## 7.0 CONSULTATION

- 7.1 The Council use the services of Sector Treasury Services Limited (Sector) to provide treasury management information and advice.

## 8.0 REPORT DETAILS

- 8.1 The Council aims to achieve the optimum return on investments commensurate with the proper levels of security and liquidity. In the current economic climate it is considered appropriate to keep investments short-term and only invest with highly credit rated financial institutions.

- 8.2 As at 31 October 2011 internally managed investments totalled £12,920,000 which were lent out as follows:

Period of Maturity	£
<b>Cash Equivalents:</b>	
Call Monies (SIBA)	2,420,000
Repayable within 1 month	2,000,000
<b>Fixed Term Deposits:</b>	
Repayable 1 month to 3 months	2,500,000
Repayable 3 months to 6 months	1,500,000
Repayable 6 months to 12 months	4,500,000
Repayable 12 months to 24 months	0
<b>Total</b>	<b>12,920,000</b>

- 8.3 The above investments were held with the following types of institutions:

Type of Institution	£
UK Clearing Banks	8,420,000
Foreign Banks	2,000,000
Building Societies	1,500,000
Local Authorities	1,000,000
<b>Total</b>	<b>12,920,000</b>

8.4 Listed below are the current investments with foreign banks:

Foreign Bank	Investment £	Maturity Date	Latest Credit Rating Position
DBS Bank Ltd	1,000,000	23/11/11	Credit rating of up to 3 months
DBS Bank Ltd	1,000,000	03/01/12	Credit rating of up to 3 months

DBS Bank Ltd is a bank of Singapore which has a sovereign credit rating of AAA.

8.5 This Council uses the creditworthiness service provided by Sector Treasury Services as specified in the Council's Investment Strategy approved by Full Council 21 February 2011. The service uses a sophisticated modelling approach with credit ratings from all three agencies – Fitch, Moodys and Standard & Poors, forming the core element. The modelling approach combines credit ratings, credit watches, credit outlooks and credit default swap spreads in a weighted scoring system, which indicates the relative creditworthiness of counterparties.

8.6 However, with the worsening market uncertainty there has been a temporary review of Sectors Credit Methodology which now suggests a restricted duration of a maximum limit of 3 months with the exception of UK Government and related entities such as local authorities, UK semi nationalised institutions such as Lloyds and RBS and Money Market Funds. New investments will be restricted to these limits until market circumstances begin to stabilise. This is not a formal change to the investment strategy, merely an operational restriction of that strategy.

8.7 All the above borrowers met the required credit rating at the time of investment.

8.8 The following table shows the relative performance of the external and internally managed funds with the 7-day benchmark for the period ended 31 October 2011:

	Average Investment £	Gross Rate of Return	Net Rate of Return	Benchmark Return
Cash Equivalents	1,623,987	0.60%	n/a	n/a
Fixed Term Deposits	1,092,593	1.19%	n/a	0.47%

8.9 As illustrated above the Authority has to date outperformed the benchmark. The Council's budgeted investment return for 2011/12 is £130k. The interest received from investments and loans for the seven-month period to 31 October 2011 total £84k. The return on investments therefore is slightly above the profiled budget and it is anticipated that it will meet the budget target for the financial year.

8.10 In October the policymakers at the Bank of England held interest rates at 0.5% for the 30<sup>th</sup> month in a row. Sector's latest economic forecast predicts that the first Bank Rate increase will be in the third quarter of 2013 to 0.75%, with continuing increases to eventually reach 2.5% in March 2015.

8.11 Officers can confirm that the approved limits within the Annual Investment Strategy were not breached during the period 1 April 2011 to 31 October 2011.

## 9.0 IMPLICATIONS

9.1 The following implications have been identified:

- a) Financial

The results of the investment strategy affect the funding of the Capital Programme.

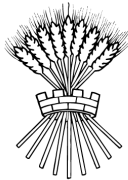
- b) Legal  
There are no legal implications regarding this report.
- c) Other  
None to report.

**Paul Cresswell  
Corporate Director (s151)**

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**Background Papers:**  
None.

**Background Papers are available for inspection at:**  
None.



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<b>PART A:</b>	<b>MATTERS DEALT WITH UNDER DELEGATED POWERS</b>
<b>REPORT TO:</b>	<b>POLICY AND RESOURCES COMMITTEE</b>
<b>DATE:</b>	<b>8 DECEMBER 2011</b>
<b>REPORT OF THE:</b>	<b>CORPORATE DIRECTOR (s151) PAUL CRESSWELL</b>
<b>TITLE OF REPORT:</b>	<b>BANKING ARRANGEMENTS</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

1.1 To present new banking terms for consideration by Members.

### **2.0 RECOMMENDATIONS**

2.1 It is recommended that:

- (i) Members receive this report; and
- (ii) Members agree to a three year renewal of the contract for the Council's banking services with Nat West.

### **3.0 REASON FOR RECOMMENDATIONS**

3.1 The Council's banking contract is due for renewal. Changing bankers has its difficulties both strategically and financially. However, this is no reason not to test the market and the Council did actually change bankers in the early 1990's following a tender exercise. Officers have been able to bench-mark bank tariffs with the help of an external advisor experienced in these matters.

### **4.0 SIGNIFICANT RISKS**

4.1 There is much less risk in opting to continue with the current banking arrangements. The Council staff are familiar with its working practices and over the years has built up good work relationships with the bank staff. If a new banker was to be appointed then the risks increase and systems would have to be reviewed, cheques and other stationery produced and possibly other cash handling procedures adopted.

## REPORT

### 5.0 BACKGROUND AND INTRODUCTION

- 5.1 The Council's constitution states that it is this Committee, which appoints the Authority's bankers. However, the detailed arrangements are delegated for approval by the Chief Finance Officer (Corporate Director s151).
- 5.2 The Council's current banking contract with the Council's bankers Nat West is scheduled to expire on 30 June 2012.

### 6.0 POLICY CONTEXT

- 6.1 This report satisfies the Council's constitution.

### 7.0 CONSULTATION

- 7.1 As stated there can be difficulties when changing banks yet it is obviously prudent to test the market from time to time. Consequently as the contract is up for review advice has been sought to carry out a bench-marking exercise.

### 8.0 REPORT DETAILS

- 8.1 The Council's current banking arrangement with the Nat West Bank is a three year extended contract that took effect from 1 July 2009.
- 8.2 Nat West was requested to provide a pricing proposal based on a continuation of the existing services provided to the Council. An offer has subsequently been presented by Nat West and is now submitted for Members consideration.
- 8.3 Officers have appointed a specialist external advisor to review the tariffs in the pricing proposal, compare them to the market and assess the potential benefit of going out to tender.
- 8.4 The advice is that if the Council were to undertake a formal tender exercise i.e. instead of extending the contract, it is possible that competitive tenders would be received from Nat West, Lloyds, Barclays and Co-op. Nat West (Royal Bank of Scotland Group) will always compete to retain local authority contracts. They currently bank 30-35% of the UK local authorities.
- 8.5 A bench mark analysis has been carried out that compares the Nat West current / proposed tariffs against the terms that are likely to be proposed by these banks at tender. Annual transaction volumes have been estimated based on recent Nat West invoices. A summary of the annual cost is provided below:

<b>Current Nat West</b>	<b>Nat West Proposal</b>	<b>Co-op Tender</b>	<b>Barclays Tender</b>	<b>Lloyds Tender</b>
£12,984	£13,116	£11,956	£12,479	£14,323

- 8.6 As indicated above, it is likely if the Council were to undertake a formal tender exercise lower pricing could be achieved, however, potential savings are relatively low at around £1,000 - £2,000.
- 8.7 It is likely that the lowest tender would be Co-op who have a limited branch network but do have arrangements which allows their customers to withdraw funds from Post

Office counters. An important issue is that Co-op does not meet the Council's minimum credit rating criteria for investments.

- 8.8 The Nat West offer is for a 3 year period taking effect from 1 April 2012. If there is an increase in the underlying Retail Price Index then this will be applied 12 months from the commencement of the contract from 1 April 2013 and annually thereafter. The offer also includes a small increase above base rate of the interest rate for the Nat West SIBA Call Account which would, based on current usage, generate additional interest receipts of over £2k per annum.
- 8.9 Given the potential savings are relatively low and taking into consideration the risks highlighted in the report associated with appointing a new banker, officers recommend that the Council look to renew with Nat West.

## **9.0 IMPLICATIONS**

- 9.1 The following implications have been identified:
- a) Financial  
The costs of the main bank contract can be met from the existing budget provision from bank charges.
  - b) Legal  
There are no legal implications regarding this report. The renewal of the contract does not contravene the Council's contract procedure rules.
  - c) Other  
None to report.

**Paul Cresswell**  
**Corporate Director (s151)**

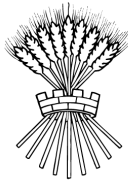
**Author:** Paul Cresswell, Corporate Director (s151)  
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**E-Mail Address:** paul.cresswell@ryedale.gov.uk

**Background Papers:**  
None.

**Background Papers are available for inspection at:**  
None.

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<b>PART A:</b>	<b>MATTERS DEALT WITH UNDER DELEGATED POWERS</b>
<b>REPORT TO:</b>	<b>POLICY AND RESOURCES COMMITTEE</b>
<b>DATE:</b>	<b>8 DECEMBER 2011</b>
<b>REPORT OF THE:</b>	<b>CORPORATE DIRECTOR (s151) PAUL CRESSWELL</b>
<b>TITLE OF REPORT:</b>	<b>REVENUE BUDGET MONITORING</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

1.1 To present to members a revenue budget monitoring report for 2011/2012.

### **2.0 RECOMMENDATION**

2.1 It is recommended that members note the content of the report.

### **3.0 REASON FOR RECOMMENDATION**

3.1 To ensure Members are kept regularly informed of the Council's financial position (in year).

### **4.0 SIGNIFICANT RISKS**

4.1 There are no significant risks in receiving this report.

## **REPORT**

### **5.0 BACKGROUND AND INTRODUCTION**

5.1 Members regularly receive in year monitoring of the Council's financial position. This is important as part of the budget monitoring process and also allows members to be aware of potential issues in setting subsequent budgets. This report provides an in year position as at the 31 October 2011.

### **6.0 POLICY CONTEXT**

6.1 This report is in line with existing policies.

## **7.0 CONSULTATION**

7.1 No further consultation has taken place on the content of this report.

## **8.0 REPORT DETAILS**

8.1 Attached at Annex A is a summary of the significant variances within the Council's revenue accounts in the current year, 2011/2012. This report is derived from the information contained within the EMIS reports plus additional significant budgets within the Authority. EMIS reports are considered at each Resources Working Party meeting.

8.2 Members will see that overall to date there is a net surplus of £148k with a projection for the full year of £91k. This favourable variance is due to the receipt of £215k government grant from the New Homes Bonus Scheme. However, the application of this grant to meet priorities would mean an estimated deficit for the year of £124k to be covered by reserves.

8.3 The following are additional comments on the Annex:

- (i) Salary savings are being achieved largely due to vacant posts and the none requirement of the 2011/12 pay award provision;
- (ii) There is a significant shortfall on the income budgets for Development Management fees and Car Park charges. Some realignment of income estimates may be required for the 2012/2013 budget;
- (iii) There are budget pressures on transport costs, particularly fuel, although the effects are being partially reduced by more efficient vehicle arrangements;
- (iv) The cost of specialised external support required for the LDF has been largely covered by salary savings in Forward Planning;
- (v) External audit fee savings of £30k were taken from the budget this year, however, the estimated outturn will only save £15k.

8.4 Other significant budgets including Housing & Council Tax Benefit costs are all expected to be within budget.

## **9.0 IMPLICATIONS**

9.1 The following implications have been identified:

- a) Financial  
There are no financial implications arising out of this report.
- b) Legal  
There are no new legal issues arising out of this report.
- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)  
There are no significant issues arising out of this report.

**Paul Cresswell**  
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**Background Papers:**None

# Agenda Item 10

## ANNEX A

### SUMMARY OF REVENUE BUDGET MOVEMENTS 2011-2012 Period 1 April - 31 October 2011

Key Subjective Headings	Profiled Budget £'000	Actual to Date £'000	Variance	
			to 31/10/11 £'000	for full year £'000
<b>Expenditure</b>				
Employee Expenses:				
Salaries	4,043.0	3,997.2	(45.8)	(70.0)
Other Employee Related Expenses	88.9	59.5	(29.4)	0.0
Other Service Expenses:				
Premises - Repairs and Maintenance	103.0	68.0	(35.0)	0.0
Transport - Fuel & Tyres	183.9	200.2	16.3	28.0
External Support - LDF	6.3	35.0	28.7	25.0
External Audit Fee	51.5	60.7	9.2	15.0
<b>Income</b>				
Government Grant:				
Homes Bonus Scheme	0.0	(215.0)	(215.0)	(215.0)
Fees, Charges & Other Service Income:				
Development Management Fees	(232.5)	(142.2)	90.3	90.0
Car Park Charges	(572.0)	(529.2)	42.8	49.0
Other main fees & charges income streams	(600.2)	(613.8)	(13.6)	(14.0)
Interest and Investment Income:				
Return on Investments	(77.6)	(84.7)	(7.1)	(10.0)
Investment Property	(85.5)	(74.8)	10.7	11.0
<b>Total Movement on Revenue Budget (surplus)/deficit</b>			<b>(147.9)</b>	<b>(91.0)</b>

Note: A negative variance (shown in brackets) represents an increase in income or a decrease in expenditure

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<b>PART B:</b>	<b>RECOMMENDATIONS TO COUNCIL</b>
<b>REPORT TO:</b>	<b>POLICY AND RESOURCES COMMITTEE</b>
<b>DATE:</b>	<b>8 DECEMBER 2011</b>
<b>REPORT OF THE:</b>	<b>HEAD OF PLANNING GARY HOUSDEN</b>
<b>TITLE OF REPORT:</b>	<b>FEES AND CHARGES</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

1.1 This report sets out the proposed fees and charges for 2012/13 for those services delivered which are recommending charges outside the parameters set by Full Council.

### **2.0 RECOMMENDATIONS**

2.1 That Council is recommended to approve the following fees and charges exceptions:

- (i) No increase in Local Land Charge fees.
- (ii) No increase in Development Management Discretionary Charges.
- (iii) No increase in Street Naming & Numbering Charges.

### **3.0 REASON FOR RECOMMENDATIONS**

3.1 The above recommendations have considered the impact of any increases in line with the Council resolution.

### **4.0 SIGNIFICANT RISKS**

4.1 It is considered that the most significant risk is that the charges do not achieve target levels which could lead to additional savings to be found in other areas. This is mitigated by considerations of the factors and demand analysis for the relevant charges.

4.2 The Risk Matrix is attached at Annex A.

## **REPORT**

### **5.0 BACKGROUND AND INTRODUCTION**

5.1 Full Council on 3 November 2011 resolved that in relation to fees and charges:

'Increases in fees and charges to be 3.5% - 4.5% on a cost centre heading basis excluding VAT and only those charges officers recommended above or below this figure to be considered by the relevant Policy Committee'.

5.2 This report considers those charges under the purview of the Policy & Resources Committee.

### **6.0 POLICY CONTEXT**

6.1 This report supports existing Council Policy and the budget strategy.

### **7.0 CONSULTATION**

7.1 Consultation on the proposals has not taken place.

### **8.0 REPORT DETAILS**

8.1 Annexes B, C and D to this report set out the proposed charges for 2012/13 for the services listed.

8.2 The following charges are not proposed to be increased in line with the parameters set by Full Council.

#### **Land Charges**

8.3 Since the setting of Land Charge fees for 2011/12, the Council's in-house service has continued to be successful in gaining business back from Personal Search companies with approximately 85% of searches being carried out in-house. Income for the current year is slightly ahead of budget predictions despite the difficulties in current market conditions. It is recommended, however, that there is no increase in the overall fees set for Land Charges in 2012/13 as there would be likely to undermine the completeness of the in-house service in relation to that provided by the Personal Search companies.

8.4 The Full Schedule of recommended Local Land Charge Fees is set out in Annex B.

#### **Development Management Discretionary Fees**

8.5 The current rates of charges for Development Enquiry forms and Pre-Application advice were set by Full Council on 10 March 2011. Members will recall that a sliding scale of fees was introduced in respect of pre-application advice from April 2011 in order to reflect the general levels of increased complexity associated with larger developments.

8.6 Since the introduction of the new fee scales in April 2011, the Development Management service has responded to 70 pre-application enquiries which have generated in excess of £11k of additional income to date. The current schedule of sliding charges has, however, only been operational for a little over 6 months and it is difficult to judge whether the demand and fees received from this service will continue at the current rate.

- 8.7 162 Development Enquiry forms have been received in the financial year to date, generating a further £3,995k of income. It is noted, however, that the number of Development Enquiry forms has fallen over previous years, reflecting the general state of the market and the number of householder commencements on site.
- 8.8 The discretionary fees for charging for Development Enquiry forms and Pre-Application advice are recommended not to exceed those set for 2011/12. This is to encourage potential applicants and developers to engage with the Local Planning Authority during a continued period of difficult market conditions.
- 8.9 The Full Schedule of recommended Development Management Discretionary Charges is set out in Annex C.

#### **Street Naming & Numbering**

- 8.10 Charges for Street Naming and Numbering were introduced in January 2011. Since that time, the Council has received £14.7k from developers or from individuals writing to re-name their property. The current level of fees was set after discussion had taken place with all North Yorkshire Districts with a view to standardising the charges across the County and the levels proposed in Annex D.
- 8.11 The budgeted full year income from these charges was set at £25k. The actual receipts are likely to be approximately £16k and is considered to again, be as a result of a continued difficult year for the development industry. It is, therefore, recommended that there is no increase to the proposed charges for 2012/13.
- 8.12 The Full Schedule of charges for Street Naming and Numbering is attached as Annex D.

### **9.0 IMPLICATIONS**

- 9.1 The following implications have been identified:
- a) Financial
    - As described in the report.
  - b) Legal
    - There are no additional legal issues arising from the report.
  - c) Other
    - There are no significant additional implications of the proposals.

#### **Gary Housden Head of Planning**

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**Background Papers:**  
None

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**PLANNING FEES AND CHARGES - RISK MATRIX - ANNEX A**

Issue/Risk	Consequences if allowed to happen	Likelihood	Impact	Mitigation	Mitigated Likelihood	Mitigated Impact
That the proposed charges could be counter productive as demand falls in excess of fee income	Failure to achieve budget targets will require additional savings to be identified	3	C	Demand and competition factors are reviewed in setting charges and where evidence shows that a negative impact could occur alternatives are recommended to members	2	B

Score	Likelihood	Score	Impact
1	Very Low	A	Low
2	Not Likely	B	Minor
3	Likely	C	Medium
4	Very Likely	D	Major
5	Almost Certain	E	Disaster

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## Local Land Charge Fees

### Fees for Official Land Charge Certificate 1 April 2012

<b>Outside the National Park</b>	£
LLC1 – Official Search in the Register	22.00
Standard Search (Residential)(Forms LLC1 & Con29(R) received manually by DX/Post/Hand	82.70
Standard Search (Residential)(Forms LLC1 & Con29(R) received electronically via the National Land Information Service (NLIS) hub	76.30
Con29(R) (Residential) Enquiries received manually by DX/Post/Hand	60.70
Con29(R) (Residential) Enquiries received electronically via the National Land Information Service (NLIS) hub	54.30
Standard Search (Non Residential)(Forms LLC1 & Con29(R) received manually by DX/Post/Hand	132.70
Standard Search (Non Residential)(Forms LLC1 & Con29(R) received electronically via the National Land Information Service (NLIS) hub	126.30
Con29(R) (Non Residential) Enquiries received manually by DX/Post/Hand	110.70
Con29(R) (Non Residential) Enquiries received electronically via the National Land Information Service (NLIS) hub	104.30
Con 29(O) “Optional” Enquiries (per enquiry)	17.00
Each additional parcel	15.00
<b>Inside the National Park</b>	
LLC1 – Official Search in the Register	22.00
Standard Search (Residential)(Forms LLC1 & Con29(R) received manually by DX/Post/Hand	98.00
Standard Search (Residential)(Forms LLC1 & Con29(R) received electronically via the National Land Information Service (NLIS) hub	91.60
Con29(R) (Residential)Enquiries received manually by DX/Post/Hand	76.00
Con29(R) (Residential)Enquiries received electronically via the National Land Information Service (NLIS) hub	69.60
Standard Search (Non Residential)(Forms LLC1 & Con29(R) received manually by DX/Post/Hand	148.00
Standard Search (Non Residential)(Forms LLC1 & Con29(R) received electronically via the National Land Information Service (NLIS) hub	141.60
Con29(R) (Non Residential)Enquiries received manually by DX/Post/Hand	126.00
Con29(R) (Non Residential)Enquiries received electronically via the National Land Information Service (NLIS) hub	119.60
Con 29(O) “Optional” Enquiries (per enquiry)	17.00
Each additional parcel	15.00
Any other additional enquiry (excluding highways)	17.00
Any other additional enquiry (including National Park planning)	17.00
Cancellation of a search	35.70
Supplying copy searches	15.00
Supplying copy agreements	15.00
Supplying copy planning decisions (per decision)	5.00

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## DEVELOPMENT MANAGEMENT

### DISCRETIONARY CHARGES FROM 1 APRIL 2012

#### Development Enquiry Forms

Fee Charged £25

#### Pre-Application Advice

##### Fees Charges

1. Householder request requiring history, investigation and opinion £50 (inc VAT)
2. Householder request as above, but also requesting site inspection £70 (inc VAT)
3. Additional Fee Categories
  - i) Category 1
    - Written Advice only £120 (inc VAT)
    - Written Advice and 1 meeting £240 (inc VAT)
  - ii) Category 2
    - Written Advice only £240 (inc VAT)
    - Written Advice and up to 3 meetings £480 (inc VAT)
  - iii) Category 3
    - Written Advice only £480 (inc VAT)
    - Written Advice and up to 3 meetings £960 (inc VAT)

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**STREET NAMING AND NUMBERING CHARGES**

**FROM 1 APRIL 2012**

Large development which include a new road name

Will be for ten properties £180.00

Additional Property £30.00

Small development new property name £70.00

Re-naming of a property £30.00

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<b>PART B:</b>	<b>RECOMMENDATIONS TO COUNCIL</b>
<b>REPORT TO:</b>	<b>POLICY AND RESOURCES COMMITTEE</b>
<b>DATE:</b>	<b>8 DECEMBER 2011</b>
<b>REPORT OF THE:</b>	<b>HEAD OF PLANNING GARY HOUSDEN</b>
<b>TITLE OF REPORT:</b>	<b>OSWALDKIRK CONSERVATION AREA CHARACTER APPRAISAL AND MANAGEMENT PLAN (CAAMP)</b>
<b>WARDS AFFECTED:</b>	<b>SINNINGTON</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 For Members to consider the appended Oswaldkirk Conservation Area Appraisal and Management Plan (Annex 1) and to approve it for adoption as a Supplementary Planning Document (SPD).

### **2.0 RECOMMENDATION**

- 2.1 That Council is recommended to approve the adoption of the Oswaldkirk Conservation Area Assessment and Management Plan as a Supplementary Planning Document.

### **3.0 REASON FOR RECOMMENDATION**

- 3.1 The document provides detailed background information about the character of the Oswaldkirk Conservation Area and provides advice on new development and management and enhancement proposals. The assessment amplifies the policies and statements contained within PPS5 Planning for the Historic Environment. The production of this assessment emphasises the importance placed upon retaining the historic built environment in Ryedale and on enhancing our villages with good quality new design, as prioritised in the Ryedale Community Plan (Landscape and Environment Theme). Adoption of the document as SPD will ensure it is given appropriate weight in the decision making process.
- 3.2 A comprehensive analysis of the special qualities that contribute to the character of the conservation area can help in better proposals for development and may result in a reduction in the amount of officer time spent in negotiations with applicants. The refusal of unsuitable applications for development also becomes more justifiable with appropriate guidance in place.

## **4.0 SIGNIFICANT RISKS**

- 4.1 It is considered that there are no significant risks in following the recommendation. The document has been produced in accordance with the regulations governing the production of SPDs. It is considered that the production of this guidance will reduce the possibility of risk of harmful effects on the environment as a consequence of development, through increasing awareness of the value of the historic character of Oswaldkirk and ensuring that development is of a high quality.

## **REPORT**

### **5.0 BACKGROUND AND INTRODUCTION**

- 5.1 Oswaldkirk Conservation Area was designated in 1984 as 'an area of special architectural or historic interest which is desirable to preserve or enhance'. When the Area was designated, following common practice at that time, a formal character assessment was not produced for the Conservation Area. Local Authorities are now advised to support existing Conservation Area designations with up to date character assessments which should define the special architectural or historic character of the area highlighting those elements that both contribute and detract from, the character of the area.
- 5.2 There are 34 Conservation Areas in Ryedale and currently three adopted Conservation Area Character Appraisals (CACA's). The production of the Oswaldkirk CAAMP document is part of a long term work plan to increase the coverage of Conservation Area Appraisals/Assessments for the Conservation Areas in Ryedale. This document forms part of a suite of three character assessments which are being produced jointly between Ryedale District Council (RDC) and the NYMNPA. CAAMPs for Helmsley and Ampleforth were adopted in 2005 and 2010 respectively. The Oswaldkirk CAAMP is the subject of this report and the NYMNPA has led the production of the document on behalf of both local planning authorities. These documents have been produced following statutory and public consultation.

### **6.0 POLICY CONTEXT**

- 6.1 Conservation Area Character Appraisals can be a stand alone document (not adopted as SPD). Government Office and English Heritage advice however, follows that if a document contains more than a descriptive narrative and includes policies for the management of the conservation area, the document should be adopted as SPD provided it is produced in accordance with prescribed regulations.
- 6.2 SPD's are not statutory development plan documents. They are designed to support Development Plan policies and are proper material considerations to take account of when determining individual applications. There is a strong emphasis on rigorous public consultation and a requirement to accord with European legislation on sustainability appraisal/strategic environmental assessment. The Ampleforth Conservation Area Character Appraisal SPD complies with the Regional Spatial Strategy, supports saved policies in the Ryedale Local Plan and emerging Local Plan policies. A Sustainability Statement will be produced and made available with the adopted document. The attached appraisal and management plan is based on guidelines issued by English Heritage, the government's advisor on the historic built environment, and satisfies the criteria laid out in PPS5.
- 6.3 The production of SPD's is recognised in government planning guidance as a way of covering detailed issues that support and supplement the policies within the Council's

Development Plan. SPD's are intended to be a useful tool for both developers and the Council alike and should increase the quality of submissions for planning approval.

## **7.0 CONSULTATION**

- 7.1 The draft document was approved for public consultation by the Policy and Resources Committee of RDC for consultation. It was also agreed by the North York Moors National Park Authority's Planning Committee in May 2010. Early public consultation which consisted of an open morning held in Oswaldkirk Village Hall in November 2007 took place prior to production of the draft document, which was subsequently subject to formal consultation held between 26 July and 6 September 2010 in accordance with both Ryedale's and the NYMNP's Statement of Community Involvement and including a press notice and press release. As a result of comments received following public consultation, the document was amended. A Consultation Statement including a table outlining the public consultation responses and how the document has been amended is attached as an appendix to this report (Annex 2).

## **8.0 REPORT DETAILS**

- 8.1 The Oswaldkirk Conservation Area Assessment and Management Plan sets out the special qualities of Oswaldkirk Conservation Area that it is desirable to preserve or enhance. It does not recommend that the boundary (drawn in 1984) is changed as it is considered that the existing boundary is appropriate and follows government guidance. The document describes the character of the settlement as being predominantly linear, bordered principally by stone houses built in a wide variety of styles including simple vernacular cottages, large classically designed and detailed houses and an interesting selection of early twentieth century houses in characteristic styles, all set within a dramatic landscape context, its elevated position affording expansive views to the south. Many large detached houses occupy sizable plots, giving the Area a strong 'garden' character. Trees are a very important aspect of the Conservation Area, forming its backdrop seen against the escarpment as well as contributing to the 'parkland' effect to the south and woven through the gardens and open spaces within the village; as are open spaces, generally large gardens, and glimpsed and framed views as well as wider views which are identified in a separate map (Appendix B, available on disc). Currently an Article 4 Direction exists in that part of the Conservation Area covered by the NYMNP and the CAAMP suggests that that consideration will be given to extending the coverage to that part of the Conservation Area managed by RDC. This would however, be subject to a separate consultation and process. Policies for the management of the Conservation Area are included and are intended to improve the design of any new development in the Conservation Area and provide advice to owners and those responsible for the Conservation Area on the maintenance and management of their properties and village environment.
- 8.2 Following consultation the document has received minor textual, mapping and pictorial alterations. The changes include correcting the representation of views from Oswaldkirk Bank and adding surviving elements of ridge and furrow; the addition of historical information; and the alteration of references to overhead wires and the potential for undergrounding them. The Parish Meeting felt that the boundary of the Conservation Area should be extended to include the full extent of the village, taking in the modern Manor View and St Oswald's Close housing developments as well as the properties bordering the B1257 road between Helmsley and Malton. This proposal has not been taken forward because the modern housing cannot be said to

have the “special architectural or historic interest” that is necessary for designation, and the older property, Bank Top Farm, is an outlying farmstead rather than a cohesive part of the historic extent of the village. However, the CAAMP does identify that it is important that development within the excluded area south of Main Street preserves the setting of the Conservation Area, particularly in terms of the views out of the Area over the rooftops of the modern houses which are lower down the escarpment, and this will therefore be a factor on evaluating development proposals outside but adjacent to the Conservation Area.

- 8.3 A report similar to this one was considered the Planning Committee of the North York Moors National Park Authority (NYMNP) and the CCAMP was adopted by that organisation on 20 October 2011.

## **9.0 IMPLICATIONS**

9.1 The following implications have been identified:

- a) Financial  
The primary costs of producing this guidance are covered within the Service Unit Budget.
- b) Legal  
The legal process of the Statutory consultation procedures have been undertaken.
- c) Other  
There are no significant other implications.

## **10.0 NEXT STEPS**

- 10.1 The CAAMP will be subject to a period of notice of intent to adopt. These documents will be made available for inspection at all the places where the draft documents were made available and also on the Authority’s website.

**Gary Housden**  
**Head of Planning**

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**E-Mail Address:** [clara.turlington@ryedale.gov.uk](mailto:clara.turlington@ryedale.gov.uk)

### **Background Papers:**

Ryedale Local Plan 1<sup>st</sup> Alteration: Adopted 2004  
Planning Policy Statement 5- Planning for the Historic Environment 2010  
English Heritage- Guidance on Conservation Area Appraisals 2006  
English Heritage- Guidance on the Management of Conservation Areas 2006

**Background Papers are available for inspection at:**  
Ryedale District Council, Planning Unit

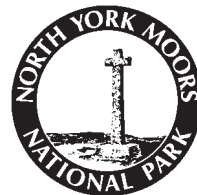
# Oswaldkirk

## Conservation Area Assessment and Management Plan

September 2011



RYEDALE  
DISTRICT  
COUNCIL



Cover photograph: David Goodman

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**Appendix 1: Map A** (Development Chronology and Listed Buildings), **Map B** (Historic O/S Maps), **Map C** (Important Green Spaces and Important Views)

**Appendix 2: Planning Policies**



1 Main Street from Oswaldkirk Bank (photograph: David Lee)

# Part 1: Conservation Area Assessment

## 1.0 Introduction

Part 1 of this document is a character assessment of the Oswaldkirk Conservation Area, which was designated in September 1984. It is based on guidelines issued by English Heritage<sup>1</sup>, the Government's adviser on the historic environment, and has been prepared by the North York Moors National Park Authority and Ryedale District Council. The aim of the assessment is to help inform decisions made by the respective local planning authorities, the Parish Meeting and local residents and the Highways Authority. The assessment is accompanied by a management plan which is Part 2 of this document.

## 2.0 What is a Conservation Area?

Under the Planning (Listed Buildings and Conservation Areas) Act 1990, a Conservation Area is defined as an area of 'special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'. Each Conservation Area has a unique character shaped by a combination of elements including layout, historical development, building materials, architectural and vernacular styles, open spaces and trees, all of which combine to create a distinctive character.

## 3.0 Planning Constraints in a Conservation Area

Designation brings some additional planning controls over changes to buildings within a Conservation Area to ensure that development preserves the special character of the area. The demolition of some buildings, including boundary walls; the pruning or felling of trees; and certain types of development such as the cladding of buildings and the installation of dormer windows will require permission from the local planning authority. Other development such as the installation of satellite dishes, installation of micro-generation equipment and the erection of ancillary buildings may require permission depending on their siting.

In 2006 the North York Moors National Park Authority made an Article 4(2) Direction affecting the part of the Oswaldkirk Conservation Area within the National Park. This means that planning permission is required for some forms of development that would otherwise be permitted under

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<sup>1</sup> *Guidance on Conservation Area Appraisals*, 2006

the General Permitted Development Order. Works that require permission under the Direction include changes to doors, windows, roofing materials, solar panels or rooflights, rainwater goods and walls on elevations fronting the highway, a footpath or an important open space.

It is strongly recommended that if your property falls within a Conservation Area you should seek advice from the local planning authority prior to carrying out any works to clarify whether permission is required.

## **4.0 What is a Conservation Area Assessment?**

A Conservation Area Assessment aims to provide a comprehensive assessment of the physical character and appearance of a Conservation Area and defines the elements of the place that are distinctive, the current issues with regard to the conservation of character and appearance within the Area, the opportunities that exist for conservation and enhancement and the elements or factors that detract from the Conservation Area.

Local planning authorities have a duty to carry out written assessments of the Conservation Areas they manage in order to identify the special qualities that make the place worthy of designation. English Heritage's "Guidance on Conservation Area Appraisals" [2006] forms the basis of the Authority's assessments. A Conservation Area Assessment also provides the evidence base for the preparation of a management scheme for managing change in the Conservation Area.

The Management Plan should set out objectives for addressing the issues and recommendations arising from the Assessment and provide for the preservation and enhancement of the Conservation Area, identifying any further more detailed work needed for their implementation. The Management Plan has been produced as a separate document to facilitate future review and updating.

### **4.1 Scope of the Assessment**

The production of a comprehensive assessment of a Conservation Area's character provides a sound basis for development control as well as for developing initiatives to improve the Area. A clear definition of those elements which contribute to the special architectural or historic interest of a place enables development of a robust policy framework for the future management of the Area. Beyond their function as a planning authority document, assessments can have a wider

function by providing information, guidance and clarity in decision-making for the local community.

#### **4.2 Purpose of the Assessment**

This document provides additional detailed guidance to the related policies contained within the North York Moors Core Strategy and Development Policies Document, and the Ryedale Local Plan.

The purpose of the Assessment is:

- To provide a brief résumé of the settlement, its history and its evolution in order to make informed judgements on its future.
- To provide an overview of the state of the Oswaldkirk Conservation Area by evaluating and recording its special interest and defining the significance of individual elements.
- To define the threats to character and opportunities for enhancement within the Area and assess how these impact on both the significance of the individual elements and of the Conservation Area as a whole.

The purpose of the Management Plan is:

- To identify the opportunities that exist to enhance the character and appearance of the Conservation Area and what actions are required to realise them.
- To provide policy guidance to ensure that the character and appearance of the Conservation Area will be maintained through the effective management of change and that opportunities to enhance character and appearance are maximised.

#### **4.3 Production of the Document**

Residents of Oswaldkirk were initially consulted during a consultation event held at the Village Hall on the 3 November 2007, which outlined the purpose and contents of the Assessment and sought information and views from residents about the Oswaldkirk Conservation Area. The information gathered at that event has been used in the preparation of the draft document.

#### **4.4 Status of the Document**

The final Conservation Area Assessment and Management Plan (CAAMP) will have the status of a Supplementary Planning Document (SPD) within the Local Development Framework of each local planning authority. The CAAMP will be a material consideration in the assessment and determination of planning applications.

## **5.0 Planning Policy Context**

This document reflects Government guidance set out in Planning Policy Statement 5 “Planning for the Historic Environment”. This advises local planning authorities to define and record the special architectural or historic interest of Conservation Areas and to develop proposals for their preservation and enhancement. It also reflects the policies contained in the Regional Spatial Strategy Yorkshire and Humber Plan (May 2008), Ryedale Local Plan (2002), and North York Moors Core Strategy and Development Policies document (November 2008). Further details of the policy context are contained in Appendix 2 of this document.

## **6.0 Location and Population**

Oswaldkirk is a small rural village situated in North Yorkshire, approximately 21 miles north of the city of York, 13 miles north-west of the market town of Malton and 4 miles south of the market town of Helmsley.

The village enjoys a sheltered but prominent position towards the foot of a south facing densely wooded escarpment rising out of the undulating limestone and sandstone hills. The elevated linear form of the village allows Oswaldkirk to enjoy extensive long distance views over the Coxwold - Gilling Gap, Stonegrave and beyond to the Howardian Hills, as well as allowing the village to be viewed across long distances over the open countryside to the south. The quality of the landscape surrounding Oswaldkirk has warranted the landscape designations of the North York Moors National Park and the Howardian Hills Area of Outstanding Natural Beauty (AONB).

The Conservation Area covers an area of 19.1 hectares (47.1 acres) and contains around one hundred buildings within its boundary.

Oswaldkirk has remained a small community of between 180-230 people since at least the early 1800s. In the 1834 census the population was about 180 adults and this had only risen to 231 in the 2001 census.

## **7.0 Geological Landscape**

The village of Oswaldkirk is situated on the north side of the Gilling Gap Rift Valley with rocks of the Late Jurassic Corallian Formation to the north of the North Gilling Fault. To the south of the village the Late Jurassic Kimmeridge Clay/Ampthill Clay Formations are faulted down against

the Corallian. There is therefore a contrast in landscape features between the Gilling Gap (underlain by the Kimmeridge/Amphill Clays overlain by Glacial deposits giving it an undulating profile), and north of the village with Corallian Formation consisting of alternating Calcareous Sandstones (Birdsall Calcareous Grit, Middle Calcareous Grit and Upper Calcareous Grit) and Limestones (Malton Oolite and Coral Rag). These form an East – West ridge with steep slopes running parallel with local fault(s).

The steep fault bounded slope is unstable and prone to fracturing and block slides along the line of the fault giving rise to Windypit topography (Windypits are fissures in the rock which emit gusts of air and steam, e.g. Ampleforth Windypit) and failure of the road from Stonegrave to Ampleforth. A dominant spring line is present along the base of the slope at the junction of the Corallian and underlying Late Jurassic Oxford Clay.<sup>2</sup>

## 8.0 Origins and Development of the Settlement

The earliest surviving evidence for settlement in the area is early Bronze Age round barrows and a Bronze Age ring ditch at Dropping Gill Plantation, north of Ampleforth Abbey. Later medieval field systems can be seen to the south of Oswaldkirk Hall, and the medieval parish boundary-bank on the Oswaldkirk-Gilling border. Although the present St Oswald's Church appears to date from the twelfth century (restored in 1886) the fabric of the building includes part of a probable Anglo-Saxon cross shaft re-used as a quoin. Additionally, a fragment of Anglo-Scandinavian hogback gravestone (suggested to date from the tenth century<sup>3</sup>) together imply that a church and graveyard existed on or near the site prior to Domesday.

The first recorded reference to the village of Oswaldkirk is in 1086 in the Domesday Book, in which it is referred to as 'Oswaldecherca' or 'Oswaldecherce'. It was recorded as a manor of one carucate owned by the Count of Mortain, one of hundreds of manors granted to him by his half brother William the Conqueror. It later passed into the ownership of the Barony of Roos of Helmsley. A succession of tenants and then owners held the manor, the longest period of ownership being by the distinguished Pickering family from the early fourteenth century until the late seventeenth century.<sup>4</sup> They were probably responsible for building a manor house in the early fifteenth century as Rushton (1986)<sup>5</sup> reports that 'fragments of a 15th century building have been found there, with Pickering family coats-of-arms from an early hall'.

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<sup>2</sup> With thanks to Richard Myerscough for geological analysis

<sup>3</sup> Collingwood, W. (1907) *Yorkshire Archaeological Journal* 19 p.380 (Illus.)

<sup>4</sup> Page, W. (Ed.) (1914) 'Parishes: Oswaldkirk', *A History of the County of York North Riding: Volume 1* <http://www.british-history.ac.uk/report.aspx?compid=64801> accessed 18/1/10

<sup>5</sup> Rushton, J. (1986) *The Ryedale Story. A Yorkshire Countryside Handbook*. 2nd. Edition, Ryedale District Council: N.Yorks, quoted in *Oswaldkirk: A Living Village* <http://oswaldkirkhistory.oswaldkirk.org/> accessed 18/1/10

The three shields of the Pickering family were re-incorporated into the retaining wall beside the road opposite the church when it was reconstructed about ten feet further north to facilitate road widening in the 1930s. In 1674 the manor was sold to William Moore who was responsible for demolishing the old manor house and building (as successive manor houses) the present Malt Shovel Inn and the Hall. Only St Oswald's Church survives from before the seventeenth century.



The three shields of the Pickering family from the former manor house

The manor was fairly extensive by the mid-sixteenth century. Written deeds available from 1566 reveal that the manor covered approximately 700 acres. This consisted of 100 acres of land (unspecified usage, presumed to be arable as meadows and pasture are listed separately), 50 acres of meadows, 150 acres of pasture, 200 acres of wood and 200 acres of heather. Plus 10 messuages (*'messuage' is defined as a dwelling-house and its adjacent land and buildings*), 20 cottages, 10 barns, 34 gardens, 10 orchards and an unspecified acreage of common.<sup>6</sup>

During the eighteenth century the manor doubled in size. The deeds to the manor of Oswaldkirk in 1811 describe it as consisting of 20 messuages, 15 cottages, 35 gardens, 35 orchards and around 1900 acres of land. The land is described as: 800 acres of land, 500 acres of meadows, 500 acres of pasture, 100 acres of wood along with unspecified acreage of common.<sup>4</sup> However, in terms of the village itself as opposed to the wider manor, it is unclear whether its boundaries expanded or the number of buildings within it increased significantly. The new building implied by the increase in the number of farms ("messuages") in the manor generally is apparent in the village today in the farmsteads such as Manor Farm that now characterise the centre of the village that were mostly built during the eighteenth century. It also appears that development spread onto the northern side of the main street during this period as there is no evidence of earlier structures surviving except the possible fifteenth-century manor house.

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<sup>6</sup> Sumner Marriner, J. (undated belonging to Col. J. M. Benson) *The Manor of Oswaldkirk and Adjoining Properties*, unpublished report (Leeds). Quoted in *Oswaldkirk: A Living Village* <http://oswaldkirkhistory.oswaldkirk.org/> accessed 18/1/10

The increase in building and settlement may have been partly a consequence of the achievements of the York-Oswaldkirk Turnpike Trust, created in 1768 to improve that route, which over the subsequent decades constructed and upgraded the mostly new turnpike road between Gilling, Oswaldkirk and Helmsley, enhancing accessibility and communications between those places.<sup>7</sup>

Building during the nineteenth and twentieth centuries changed the layout and parameters of the village considerably, as development extended along the Terrace and along and up the slope of the bank. This development marked a clear separation between the clusters of properties around the Hall to the west, and the majority of properties laying to the east.

The twentieth century and post-war development saw this separation in-filled through the development of the Manor View and St Oswald's Close dwellings which doubled the number of houses in the village within a short space of time, whilst larger gaps within the streetscape were developed in a piecemeal fashion.

Map A (Appendix 1) illustrates the age of the buildings we see today, revealing the historical development of the village. Map C, which illustrates important green spaces, also records evidence of ridge and furrow patterns, principally in fields to the south-west of the village, mostly outside of the Conservation Area. Whilst ridge and furrow can be associated with farming from the medieval period, the pattern at Oswaldkirk is fairly straight, following relatively straight field boundaries, which implies that it is likely to be post-enclosure in date. However, where boundaries and ridge and furrow are slightly curved, particularly at the ends of fields, there may be traces of medieval cultivation surviving. The very straight, narrow ridge and furrow is likely to have been created by steam ploughing in the nineteenth century.

## 9.0 General Character and Settlement Form

The Oswaldkirk Conservation Area encompasses the extent of the built form of the village prior to the mid-twentieth century. Two roads form the principal linear plan: Main Street and The Terrace, with the B1363 from Gilling bisecting them and continuing up Oswaldkirk Bank. Post-war development has extended the village southwards into Manor View and St Oswald's Close.

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<sup>7</sup> Perry, J. (1977) *Oswaldkirk Turnpike Trust 1768 – 1881* quoted in *Oswaldkirk: A Living Village* <http://oswaldkirkhistory.oswaldkirk.org/> accessed 18/1/10



This more recent development remains outside the Conservation Area but has a significant impact on its setting and on views into and out of the Area.

Views of the settlement from the south present a layered prospect of the village as a consequence of its hillside location and the recent development to the south of Main Street, but Oswaldkirk's linear form along the length of the hillside remains the dominant impression (see cover photograph).

**9.1 Main Street** has a strong built form towards its eastern and western ends, with the central part of the street in-filled by later development which has little relation to the historical built character of the village. To the eastern and western ends, the often densely built frontages of attached buildings, the close positioning of buildings to the highway and the elevated plots and high retaining walls to the north side, a consequence of the rising hillside, together create a dense streetscape form. Development to the northern side is more sporadic than on the south side due probably to the rising ground and buildings are generally detached and occupy more substantial plots, providing large open gaps in the streetscene which are well planted and allow a close visual connection with the wooded hillside.



Western end of Main Street

Where views are glimpsed between buildings (illustrated on Map C, Appendix 1) especially to the south of Main Street, or where wider views are afforded, for example over the rooftops of the Manor View/St Oswald's Close estate, they provide an important sense of relief and a connection with the surrounding landscape from within the village.

**The Terrace** occupies a quiet 'no-through' road on the east of the village. It principally comprises slightly elevated terraced properties to the north side of the road and immediately pre and post-war semi-detached properties set in large garden plots on the lower (south) side of the road. Large gaps between the twentieth-century properties where the fields come up to the road give The Terrace a more rural character than the rest of the village.



The Terrace

**Oswaldkirk Bank** is characterised by its steeply wooded topography and grouping of distinctive early twentieth-century houses, built into the Bank above the road. Due to their siting on the hillside above the historic building level they feature prominently in distant views. Overhanging trees, grassy banks and native hedges edge the road as it descends into the village, permitting glimpsed views to the south.

The crossroad between Main Street, The Terrace and Oswaldkirk Bank is bounded by an attractive junction of gardens abutting the road, with views into and over gardens to Laurel Cottage, Crag Cottage and The Bungalow, Ledbrooke House and The Red House.



Oswaldkirk Bank

## 9.2 Site Layout

Across the village the site layouts vary, but certain themes can be identified:

- The orientation of buildings is generally parallel with the road rather than at right angles to the road.
- The majority of historic buildings on Main Street have been constructed to the rear of the pavement area where levels allow.
- Larger historic buildings on Main Street have been constructed set back from the road behind boundary walls.
- Historic buildings to the north side of The Terrace are positioned along a regular building line, and are elevated with small walled or hedged front gardens.
- Twentieth century development throughout the village has ignored prevailing historic layouts, generally incorporating larger front gardens and driveways with weaker boundary delineation, often to the detriment of the character and appearance of the Conservation Area.

## 10.0 Detailed Architectural Assessment

The Conservation Area contains approximately one hundred buildings within its boundary of which around one third have been erected since the Second World War.

## 10.1 Listed Buildings

Listed Buildings are identified and illustrated on Map A (Appendix 1), and consist of:

- Oswaldkirk Hall (Grade II \*)
  - stable block (Grade II)
  - pigeon cote (Grade II)
- Church of Saint Oswald (Grade II \*)
- The Malt Shovel (Grade II)
- The Old Rectory (Grade II)

List descriptions for these buildings can be viewed online at <http://lbonline.english-heritage.org.uk> or by contacting the local planning authorities. It should be noted that list descriptions are principally for identification purposes and are not exhaustive lists of the parts of the building that are of architectural or historic importance. Any works to a Listed Building that affect its special architectural and historic interest require Listed Building Consent. Such works would include alterations, additions or significant replacement of historic fabric to the interior or exterior of the building or any buildings or walls within the curtilage of the Listed Building that were constructed prior to 1948. It is important to consult your local planning authority before carrying out any works which may require Consent.

## 10.2 Positive Buildings

The majority of the historic buildings in the Conservation Area are not listed but many nevertheless contribute positively to the architectural and historic character of the settlement, and testify to the developmental and social history of the village. Although neither the North York Moors National Park Authority nor Ryedale District Council currently maintains a “local list” of important buildings, the majority of buildings constructed prior to 1960 make a positive contribution to the architectural and historic character of the Conservation Area. Map A (Appendix 1) identifies the age of buildings across the Conservation Area.

## 10.3 Architectural Character in the Conservation Area

Buildings of varied periods occupy Main Street, The Terrace and Oswaldkirk Bank, but these areas nevertheless each have distinctive architectural characters:

**10.4 Main Street** forms the historic core of the village with historic buildings dating largely from the first half of the nineteenth century and earlier. It contains the most architecturally distinguished buildings in the village – St Oswald’s Church; Oswaldkirk Hall and outbuildings; the Malt Shovel Inn; and The Old Rectory – as well as humbler, more vernacular eighteenth-century buildings

including Abbey House, Ivy Cottage and Manor Farm. A number of former farm buildings, some converted to other uses, survive along the length and to the south of Main Street that are important reminders of the village's agricultural past, notably buildings adjacent to Manor Farm, the Malt Shovel, Albro House (garage), and Oswaldkirk Hall/Hall Farm. The ancillary buildings are characterised by generally being



Ivy Cottage, Main Street



Malt Shovel barns

ited at right angles to Main Street, in contrast to houses which generally present their principal elevation to the road. Smaller historic structures visible from public vantage points also add character to the Area, such as those at Bank Cottage, The White House and Abbey House, as well as the K6 model public telephone box,

designed by Sir Giles Gilbert Scott in 1935 to commemorate the Silver Jubilee of King George V (this example dates from between 1935 and 1955).



K6 model telephone box

Development of the twentieth century has not generally replicated the styles and designs of the historic buildings, but instead reflected the prevailing styles of their time. Some of these more recent buildings contribute positively to the continuing architectural narrative of the village by virtue of the quality of their design, materials and/or setting – for example The White House (1937) and The Old Post Office (1910) – whilst others are of more utilitarian design and construction. Large parking areas are generally negative features, particularly where extensive hard surfacing exists and boundary treatments have been removed.

The majority of post-1945 buildings fail either to accurately replicate traditional buildings or to continue the architectural narrative by displaying good quality contemporary style, and therefore they tend not to contribute positively to the architectural and historic character and appearance of the Conservation Area.

**10.5 The Terrace**, which forms the eastern third of the village, has a more cohesive architectural and historic character that can be attributed to the fact that most of the buildings on the northern side date from the second half of the nineteenth century. The principal building type is short terraces and semi-detached properties (several now amalgamated to form single dwellings). Each block is individual in detail but the regular building line, related height and scale and generally harmonious palate of materials give the north side of the Terrace a consistency that contrasts with the more organic development of the rest of the village. Especially notable in terms of quality of design and construction are the three cottages at the start of The Terrace – Laurel Cottage, Southlands and School House – which occupy the building originally built in 1854 as the village school and schoolmaster’s house. The building is likely to have been designed by an architect although his identity has not been established. The dormer windows may have been inserted when the school was converted to residential use following closure in 1908. As on Main Street, a small number of historic ancillary buildings add to the built character of the area, such as the original outbuilding to Pavilion House.



Former village school, now Southlands

On the south side a variety of houses developed during the mid-twentieth century occupy more generous plots. Set back from and at a lower level to the road, with established mature planting and boundary walls, these buildings appear subservient to the nineteenth-century development on the northern side. Wide undeveloped gaps between Sunny Holme and 4 Council Houses, and between 1 Council Houses and Broad Farm, in addition to views across the gardens and between houses, help to preserve the subservient character of the southern side. They also, importantly, provide open, far-reaching views across the Coxwold – Gilling Gap that characterise The Terrace, making it a valued place to walk and emphasising the landscape setting of the Conservation Area.

Hedges of native species and stone boundary walls along the perimeters of the road are important features that provide definition, and where these have been removed, for example to create parking areas or widen accesses, or supplemented with timber fencing without accompanying hedge planting this has contributed to the erosion of the attractive rural appearance of the lane.



The Terrace: elevated terraces to the north face wide gaps between twentieth century buildings to the south. In places, boundaries have been eroded.

**10.6 Oswaldkirk Bank** was mostly developed in the early twentieth century, with the building of Crag Cottage, Cliff House (1919) and The Bungalow (1920s), buildings that exemplify a change in the way of life from that of an exclusively agricultural community that inhabited farms and cottages to a community that attracted richer ‘incomers’ who introduced fashionable, non-vernacular building styles and constructed houses that were elevated to take advantage of views and light. Bank House (Sunnybank) is an earlier, Victorian, house that was formerly the police house, and it retains two cells which are cut into the rocky cliff side.

The building trend continued and spread through the 1930s with the construction of The White House, and, moving down the hillside, large houses in generous plots such as Ledbrooke House, Sunny Holme and Greycot. Mid-century building had reverted to a “cottage” style, with the use of rubble stonework and small-pane windows, traditional stone dressings and chimney stacks that blended with the vernacular styles. However, from the 1960s cruder building forms were employed using generic house-building designs and poorer quality materials that do not relate to the locally distinctive context. The shortcomings in design and build include: inappropriate layout on plots; inappropriate scale for the context, for example a modern bungalow between two-storey houses; use of poorly-detailed, mass-produced fixtures such as windows, doors and fascias; use of stone that is not a geological match for the area; use of stone that is not cut, dressed and laid in the vernacular tradition; and the omission or poor design of chimney stacks.

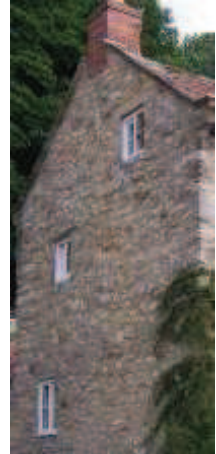
## 11.0 Local Materials and Detailing

The mixture and variety of building styles, materials and detailing contributes to the unique character of the Conservation Area. This section seeks to identify the materials and styles evident in the village in order to inform the positive management of future development.

### 11.1 Walling Materials and Details

Buildings constructed prior to the early nineteenth century are commonly built using limestone rubble dug from the Corallian limestone hills immediately surrounding the village. Rubble stone is laid either more or less to course, as on Manor Farm where it is laid in courses of varying depth; or laid randomly, as to the gable of Ivy Cottage.

The majority of later-nineteenth and twentieth-century buildings are constructed from more formal squared locally-quarried sandstone blocks. Dressings (for example cills, lintels and quoins) are most commonly of sandstone due to its workability and availability in large blocks. Historically, squared stone is always laid to course, usually employing a range of course heights to make the best use of the stone available. Common practice was to use squared stone to the front elevation and rubble to the gables and rear elevations, as at Swiss Cottages or Abbey House.



Random rubble stone gable to vernacular building



Abbey House, Main Street: coursed rubble to gable, squared stone to front

The mid-twentieth century saw a reversion to the use of limestone rubble in Oswaldkirk, making buildings such as Council Houses and The Steps fit harmoniously into the historic streetscene. More recently the use of stonework has been less successful where stone has not been laid to regular courses; where it incorporates “jumping” square stones that occupy multiple courses; or where hard limestones have been used that are

not a geological match to the local stone, and laid to overly-regular courses.





Stone/dressing that does not match the vernacular: (clockwise from top left) jumping stones; rock faced; white limestone; un-coursed random rubble

The presence of render in the village is generally a characteristic of houses of the first half of the twentieth century, where it exemplifies the period style of that time. Where render has been introduced to traditional buildings at a later date it can be a discordant feature. The use of exposed brick in the village is limited to the Victorian Red House and the late 1930s bungalows Nun Bank and South View, and although good

quality handmade brick harmonises attractively with stone it is a peripheral aspect of Oswaldkirk’s architectural character.

The type of lintel employed is indicative of the age and status of the building. Timber lintels are generally used in outbuildings and often on side and rear elevations of houses. Georgian buildings in the vernacular tradition often use voussoirs, or soldier courses, (stone cut to sit vertically to form a lintel that gives strength to a seemingly delicate arrangement). Nineteenth-century lintels are generally substantial single lengths of stone that give a solid appearance to the building.

The dressed finish of all stone requires careful consideration if it is to blend with earlier stonework. Stone was either given a formal tooled finish (forming a pattern on the stone face), or dressed to a level, but not always smooth, surface. The use during the twentieth century of untooled, rock-faced stone blocks has introduced a rugged/rustic quality to some buildings that is out of character with the traditional stone masonry in the village.

## 11.2 Roofing Materials

Pantiles are the predominant roof covering within the Conservation Area, but the use of slate is evident on higher status buildings such as Oswaldkirk Hall, The Old Rectory, the Malt Shovel Inn and the former village school. During the eighteenth and first half of the nineteenth centuries, slate would have been used on higher status buildings as the favoured roofing material for “polite” architectural styles that were replicated across the country, in contrast to the vernacular pantiles that were made locally and would have been comparatively cheap. The Red House illustrates this contrast by the use of pantiles on the rear service wing and the use of slate on the grander principal block. Natural, hand made clay pantiles survive on most of the earlier buildings, giving the roofs an attractive patina of age. Following the coming of the railways

Welsh slate became cheaper than pantiles and as a result some buildings were built and re-roofed in the later-nineteenth century using slate. Twentieth-century buildings have mostly utilised clay tiles for roofing, in styles characteristic of their age: plain clay tiles on the Edwardian Cliff House and Crag Cottage; roman pantiles on the 1920s Old Post Office and the 1930s bungalows. These clay tiles have weathered attractively to harmonise with



The Red House: Welsh slate and pantile

the older weathered pantiles, and the distinctions in style of tile should be maintained where of quality to reflect the age and style of building and roof form. Modern roof coverings such as tiles of composite materials, tiles with artificial colouring or imported slates that are not a geological match for the original versions detract from the historic character of the Area.

### 11.3 Roof Forms and Dormers



Swiss Cottages, Main Street: gabled half dormers typical of Oswaldkirk's paired Victorian cottages

Vernacular roof forms are generally of simple dual pitch construction, with only the grandest buildings having hipped roofs. In the first half of the twentieth century, hipped roofs became common, but most development since then has reverted to the simpler form. Half-dormer windows and small gables are a characteristic feature within the Conservation Area where they are original to the houses. Several paired Victorian and Edwardian cottages in Main Street and The Terrace display gabled half-

dormers, and the early twentieth-century houses on Oswaldkirk Bank employ small gables for stylistic effect. Earlier vernacular buildings do not have dormers, which would interrupt their simple roof-forms. Half-dormers (where the window sits partly in the roof and partly below the eaves in the front wall of the house) tend to have barge boards and overhanging eaves and the main roofing material continues over the dormer roof.

## 11.4 Verge and Eaves Detailing

Traditional and vernacular buildings are characterised by stone coping at the gable often with kneelers terminating at the eaves. Half-round guttering is supported by metal brackets or spikes fixed directly to the stonework without fascia boards. Victorian cottage developments and later buildings omit stone copings in favour of simple barge boarding. The rafter ends may be left exposed under overhanging eaves. Original rainwater goods are always of robust cast iron. The original style of detailing should always be respected.



Stone water-tabling, kneelers and cast iron rainwater goods

## 11.5 Chimneys



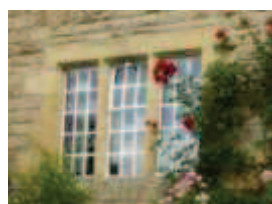
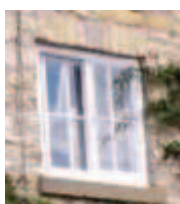
Crag Cottage, Main Street:  
central chimney stack

Chimney stacks make an important contribution to the roofscape when viewed from within and outside the Conservation Area and provide definition to the varied building forms. Their size, material, design or absence helps to delineate the function and status of the building, and they can be impressive architectural features in their own right for example in the cases of Crag Cottage and The White House, where the chimney designs are integral to their respective architectural characters. Often overlooked in modern developments, where chimneys are absent or diminutive in height and scale, the provision of stacks can help to integrate development providing close attention is paid to the detail of the design. Chimney stacks are typically of handmade brick or stone.

## 11.6 Windows & Doors

No single style of joinery is prevalent within the Conservation Area, but windows and doors that maintain the architectural style of the host building also strengthen the architectural and historic character and appearance of the wider Area.

Ivy Cottage, with local vernacular Yorkshire sliding sash windows; the former school, with Victorian metal-framed casements; and The Old Post Office, with handsome Edwardian casements are good examples of properties that retain their different but traditional window styles typical of their respective eighteenth, nineteenth and twentieth century



origins. A white painted finish is typical of domestic buildings but where alternative colours have been used, for example at Hall Farm and Swiss Cottages, it provides variety to the appearance of the streetscene, and subtlety in contrast to stark white. Modern stained windows and doors detract from the traditional architectural character of the area as stain is not a traditional finish and represents a discordant feature in the streetscape.

## 11.7 Boundary Treatments

Hedges of native species and stone boundary walls bordering the road are important features that provide definition to the village streets. Where these have been removed, for example to create parking areas or widen accesses, or supplemented with timber fencing, this has eroded



Impressive privet hedging at The Manor House

the character and appearance of the streetscene. Vehicular accesses are most attractively treated by hanging timber gates that are visually permeable in order to preserve the line and strength of the boundary whilst allowing views through. High, solidly boarded gates generally detract from the area by having a suburbanising impact, blocking attractive views and appearing unwelcoming.

The use of boundary treatments such as native hedging and cast iron rails, such as those seen at the start of The Terrace, in addition to the traditional stone wall can provide interest and privacy, and where they exist they should be preserved. In particular, the planting of native hedges is desirable in order to strengthen boundaries and help to integrate more recent development. One or two retaining walls have been constructed during the twentieth century using non-native hard gritstones and to an overwhelming height. These have a severe appearance that is not keeping with the Oswaldkirk aesthetic.



Cast iron railings along The Terrace

Some fields to the east and south of the Conservation Area have been divided up using timber post and rail fences. Such fences are visually prominent and softer and more traditional boundaries would include hawthorn hedgerows. Temporary field delineations can be achieved using post and wire fences with less visual intrusion on old field patterns and parkland-like landscapes.



Post and rail fencing can be alien to the rural character of surrounding fields and should generally be avoided except where supporting the establishment of new hedgerows

### 11.8 Pavements and Verges

Due to the proximity of development to the road, grass verges tend to be narrow or have been replaced by paving or tarmac. The northern side of Main Street has retained a small strip of grass bank that often narrows to as little as a metre, but nevertheless it contributes to the rural character and visual cohesion of the streetscene. To the south side is a mixture of wider verges and hard surfacing, sometimes for parking. Hard surfacing and kerbing has a suburbanising impact on the rural appearance of the village.

## 12.0 Key Views and Vistas

Due to its linear layout much of the village is easily viewable from Main Street and The Terrace.

From within Main Street there are several glimpsed views to the south down driveways and tracks that are important visual links to the wider landscape, as well as glimpses of important buildings behind high stone walls such as Oswaldkirk Hall and The Old Rectory. Wider views exist from The Terrace which are valued by those living and walking there, and the relative openness of the south side, with more extensive development, gives the road a more rural feel to Main Street and a more direct relationship with the countryside. The middle section of Main Street, which is principally of twentieth century build, opens out to provide extensive views over the rooftops to the south as development, has taken place following the fall of the land.



Extensive views over the Gap from the centre of Main Street over the roofs of later development

From Oswaldkirk Bank the views of Main Street are framed by overhanging tree branches and the dominant impression of the village is one of verdant foliage, hedgerows and trees, a theme continued as the B1363 continues towards Gilling between magnificent tall beech hedges forming the boundaries of The Red House, Holly Tree House, Ledbrooke House and Havoc Hall (Martins). However, it is notable that nineteenth and twentieth century photographs show less dense tree coverage, which can impede views if not actively managed.

A public right of way, the Millennium footpath, runs along the northern periphery of the Conservation Area through the Hag towards Ampleforth, allowing views through the trees, over the rooftops of the village and into the countryside beyond. A stretch of this footpath allows almost full 360° views: to the south, distant views of the Howardian Hills; to the north, the heather moorland of the North York Moors.

Views of the wooded Hag are key to the setting and feel of Oswaldkirk both from within the village and in views towards it from the south. Views of the distinctive houses of Oswaldkirk Bank, which appear to cling to its steep gradient, are a defining landmark in the village for many travellers en-route to Helmsley.

Particularly important views are illustrated on Map C (Appendix 1).

## 13.0 Green Spaces & Trees

### 13.1 Green Spaces

As there is little formal public open space, the majority of green spaces that contribute to the character of the Conservation Area are private gardens, fields or woodland. Green spaces may be valued for a range of reasons including preserving the setting of Listed Buildings and of buildings that make a positive contribution to the Area; maintaining attractive verdant spaces that provide relief and punctuation within the streetscape; allowing views out of the Area to the wider landscape; or hosting visually and ecologically important trees.

To the north of Main Street, green space consists of private front and side gardens and glimpses of back gardens that rise above the roof tops as they gently follow the contours of the bank north towards the Hag. These domestic gardens are important spaces which contrast dramatically with the rugged and natural form of the Hag.

Attractive gardens beneath the Hag



To the south of Main Street, glimpses of the surrounding countryside are seen between and over the buildings which provide important context to the village and accentuate its relationship with the countryside beyond the built up area.

The gardens to Laurel Cottage, Crag Cottage and The Bungalow, Ledbrooke House and The Red House that border the crossroad between Main Street, The Terrace and Oswaldkirk Bank form an attractive centre to the village, characterised by cottage garden plants and ornamental shrubs and trees. It is important that any development in this area is of a scale and height that preserves the open, gardened character and attractive trees.

Chestnut Bank, the Hag, the churchyard and the playground are the only publicly accessible open spaces within the Conservation Area and these are important areas for leisure, recreation and peaceful relaxation. Popular walking routes are the Hag and The Terrace, both of which enjoy elevated positions that allow long views over the surrounding countryside.

Particularly important green spaces are illustrated on Map C (Appendix 1).

## 13.2 Trees

Most trees within the Conservation Area have statutory protection. With certain exceptions, anyone proposing to fell or cut back a tree in a Conservation Area is required to give six weeks notice in writing to the local planning authority. In general all works to trees where the trunk exceeds 75mm diameter (when measured 1.5 metres above ground level) are subject to the six week notification period. This gives the local planning authority the opportunity to serve a Tree Preservation Order (TPO) if it is considered that the proposed works will be detrimental to the visual amenity of the area.

Trees make a highly important contribution to the character of the Conservation Area and its setting. The Hag is defined as Section 3 Woodland and Ancient Woodland. Section 3 Woodland is defined

in accordance with Section 3 of the Amendment to the Wildlife and Countryside Act of 1985 which required National Park Authorities to prepare a map showing areas of woodland (and other landscapes) whose natural beauty is particularly important to conserve. Ancient woodland is defined as one that has been in existence for at least 400 years.

Trees feature not only on the periphery of the village but also within private gardens, Chestnut Bank and the churchyards. These vary in species, but are mainly deciduous varieties. These woodland areas and the trees within the village are very prominent and valued elements of the landscape that change with the seasons and bring form, colour and movement to the Conservation Area. They are important in softening the presence of the village when viewed from the south against the wooded bank, and should therefore continue to be interwoven within the street and garden landscapes.

Apple trees can be seen in many of the gardens to the north of the Conservation Area, taking advantage of the south facing aspect of the village. Historic maps (Map B, Appendix 1) show that orchards were once a common feature in the gardens of the larger properties in Oswaldkirk, and are a characteristic of the area more widely which should be perpetuated where possible.



Magnificent copper beech tree provides visual punctuation in the street scene



Outside of the Conservation Area to the east, south and west, a number of mature trees in the fields of the Gilling Gap also make a positive contribution to the wider setting of the Area, fostering a parkland landscape character.

## **14.0 Issues and Pressures**

Oswaldkirk occupies a highly attractive rural setting at the junction of two nationally-designated landscapes that mitigate against a likelihood of substantial change in the built and natural environment. However, incremental changes could erode the quality of the environment if they take place without a broad understanding of the special character of the Area. A wide range of issues that may threaten the special character of the Conservation Area emerged as a result of informal consultation with residents at the Conservation Area Open Day held on the 3<sup>rd</sup> November 2007. The following sub-headings are summaries of the main issues.

### **14.1 New Development**

Oswaldkirk is positively characterised by vernacular buildings and more singular designs of quality from the pre-war period, usually sharing a palate of local stone and Welsh slate or handmade clay tiles. This character is easily eroded by poorly designed alterations and extensions and by the construction of undistinguished pattern-book house-types, using inappropriate stone. However Oswaldkirk has assimilated the architecture of different ages in a way that has added to its character and interest, and quality of design, material and construction in new development is more important than the perpetuation of a particular style.

The Conservation Area has already been subject to a considerable amount of infill development. Further development should seek to respect the character and setting of the Conservation Area by preserving remaining open spaces of aesthetic or historic value, attractive views in and out of the Area and the historic form and layout of the village.

### **14.2 Rural Character in the Conservation Area**

The village once sustained several working farms, none of which are now operating. Nevertheless the agricultural heritage of the village is evident throughout, in the survival of farmhouses, workers' cottages and farm buildings. It is important that the distinct characters of these buildings are retained in terms of scale and treatment, rather than being excessively aggrandised or enlarged beyond recognition. Careful detailing of conversion or re-use schemes for former farm buildings can preserve their non-domestic character, with consideration given to

choices such as paint colour, joinery details, landscaping and surfacing so that a functional, rustic appearance is preserved.

Suburbanising tendencies such as large parking areas, close boarded fencing and gates, and excessive external lighting detract from the rural character, whereas low-key treatments such as native hedging and discreet shielded lighting preserve it.

### **14.3 Trees and Landscaping**

The trees and hedges within and surrounding the Conservation Area enhance the Area's attraction, setting and relationship to the wider landscape. It is important that they are maintained and managed in order to perpetuate them and that new trees are planted to replace those which reach the end of their lives. The National Park Authority, Area of Outstanding Natural Beauty and Ryedale District Council have tree and landscape officers who can provide advice on tree management.

### **14.4 Views and Vistas**

Of recurring concern to residents of Oswaldkirk's Conservation Area is an appreciation of the views and vistas that can be enjoyed from nearly all properties within the boundary. Residents should be aware of overgrown foliage and trees and inappropriately placed garages or sheds that might impinge on the visual amenity enjoyed by others.

### **14.5 Protection of Green Spaces within the Conservation Area**

Chestnut Bank and the Hag are popular public spaces and need to be managed to ensure their continued attractiveness and amenity.

Many sites - gardens, woodland and field - will be important to the setting of the Conservation Area and to character and appearance within the Area (see section 13 above and Map C). It is likely that development of these sites would not preserve the special characteristics of the Area and hence would be inappropriate. Other sites may still have positive characteristics that should be retained in the event of development, but it may be possible to achieve development whilst retaining those positive elements, particularly if preconceived expectations of density, height and site layout are put aside in favour of a sensitively considered site-specific proposal.

### **14.6 Traffic Management, Car Parking and the Public Realm**

The volume and speed of traffic travelling through the Conservation Area is an issue of particular local concern. Large vehicles can cause particular disruption on Oswaldkirk Bank. On-street parking along The Terrace and Main Street was also raised as a potential hazard;

however the creation of further off-street parking has the attendant risk of eroding built and environmental character and would need consideration on a case by case basis.

#### **14.7 Article 4 Direction**

An Article 4(2) Direction was confirmed in 2006 by the North York Moors National Park Authority, covering all of the properties on the National Park side of the Conservation Area. The majority of residents felt that the Direction has had a positive affect on the Area, and some buildings outside the Article 4 coverage retain historic features that are vulnerable to unsympathetic alteration.

### **15.0 Conservation Area Boundary Review**

Several respondents believe that the boundary should be extended to incorporate the whole of the village in order to protect views into and out of the Conservation Area and to have parity in planning controls. However, properties within St Oswald's Close are relatively new and cannot be said to have the 'special architectural or historic interest' that is necessary for designation or inclusion in a Conservation Area. As a consequence, including houses at St Oswald's Close and Bank Top would dilute the special interest that justifies designation. Nevertheless, this document recognises the positive and negative attributes of these developments on the Conservation Area and the impact of any application for development of properties around the periphery of the Area should be given proper consideration by the Village Meeting and the Local Planning Authority, as the effect on the setting of the Conservation Area is a material consideration when assessing planning applications irrespective of which side of the boundary the property sits. This special consideration is especially important when assessing applications that involve the raising or alteration of the roofs of properties in St Oswald's Close and Manor View. At this stage it is proposed that there will be no change to the boundary of the Conservation Area.

## Part 2: Management Plan

### 16.0 Introduction

#### 16.1 Purpose of a Management Plan

Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to formulate and publish proposals for the preservation and enhancement of their Conservation Areas and to submit these proposals for public consideration. The purpose of preparing a Management Plan is to set out objectives for addressing the issues and recommendations for action arising from the Assessment and to provide guidance on future development for owners and their agents. The Management Plan is not intended to prevent development or change within Oswaldkirk's Conservation Area; it is produced to facilitate careful management of change so that it enhances Oswaldkirk's special architectural and historic interest. The Management Plan is based on guidance produced by English Heritage<sup>8</sup>

#### 16.2 Aims of Management Plan

The Management Plan is based on the Oswaldkirk Conservation Area Assessment. It has three aims:

1. To summarise the significance of the Conservation Area as a whole and of the individual elements which contribute to that significance, distilling the Conservation Area Assessment.
2. To identify the opportunities that exist to enhance the character and appearance of the Conservation Area and what actions are required to realise them.
3. To provide policy guidance to ensure that the character and appearance of the Conservation Area will be maintained through the effective management of change and that opportunities to enhance the character and appearance are maximised.

#### 16.3 Policy Context of the Management Plan

The national, regional and local policy context for this document may be found in Appendix 2.

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<sup>8</sup> *Guidance on the Management of Conservation Areas*, 2005

## 17.0 Summary of the Conservation Area

### 17.1 Key Characteristics

The special character of Oswaldkirk Conservation Area derives from the following features:

- Medieval linear form of the village remains strong.
- Mix of building styles representing good examples of architectural design between the late seventeenth and first half of the twentieth centuries.
- Diverse range of quality twentieth century buildings.
- Many large, domestic, detached properties in sizable plots.
- Gardens, trees and hedges prominently woven through the settlement.
- Strong landscape character to settlement and interplay with surrounding countryside as a consequence of linear form occupying hillside.
- Outstanding landscape setting on the boundary between the North York Moors National Park and the Howardian Hills Area of Outstanding Natural Beauty (AONB).
- Densely wooded escarpment provides a strong visual backdrop.
- Elevated situation providing stunning views.
- Thriving community based on a strong sense of identity and long-term residency both now and historically.

### 17.2 Buildings

The majority of buildings within the Conservation Area that date from before 1960 make a positive contribution to its architectural character (see Map C, Appendix 1 in the Conservation Area Assessment). Surviving vernacular buildings are particularly important as standing reminders of Oswaldkirk's agricultural past, but paired Victorian cottages have formed a characteristic 'Oswaldkirk' house-type and buildings of the first half of the twentieth century are now a distinctive part of the village's unique character. Buildings of the second half of the twentieth century are not generally distinctively 'Oswaldkirk'.

## 18.0 SWOT Analysis

The following strengths, weaknesses, opportunities and threats are a distillation of the findings of the Conservation Area Assessment.

### 1. Strengths

- The Hag and Bank as prominent features of the wider landscape

- The open views to the south across the Coxwold–Gilling Gap
- The village’s linear layout along the Main Street and The Terrace and layered appearance when viewed from the south
- Mature trees and gardens
- The historic buildings dating from before 1960
- Variation in housing designs with high quality detailing which represent discrete architectural styles
- Mixture of stone walling and mature hedges to boundaries
- Spaces between buildings

## **2. Weaknesses**

- Some twentieth-century development lacks identity or has entailed unsympathetic alteration to buildings of quality
- Traffic
- Signage at the foot of the Bank
- Removal of traditional boundary treatments and weak modern boundary treatments
- Creation of off-street parking spaces has diluted the highway/street boundaries

## **3. Opportunities**

- Improvements to fenestration, doors, boundaries and roofing materials through the National Park’s Conservation Area Enhancement grant scheme
- Funding opportunities for implementing hedge planting, tree planting and other public realm enhancements recommended in the Management Plan should be investigated (for example through the current LEADER project)
- Opportunity for the inclusion of high quality modern design due to the existing varied streetscene

## **4. Threats**

- Variable quality of new development within the Conservation Area
- New development outside of the Conservation Area which could have a negative impact on the Conservation Area
- Uncontrolled and incremental erosion of character as a result of detrimental alterations.
- Highways schemes
- Use of poor quality or inappropriate materials or design details
- Gradual loss of mature trees if not replaced
- Loss or insensitive conversion of characterful historic outbuildings and structures
- Loss of views if trees and scrub are not managed effectively

## 19.0 Management Guidelines

### 19.1 Development within the Conservation Area

Design Approach to Potential Development Sites: Proposals for new buildings should be sensitively designed to enhance the Conservation Area. New buildings should not necessarily imitate earlier styles but if that design approach is preferred designs should replicate existing scale, massing and detailing with sensitivity. Contemporary design should respect the site context whilst demonstrating an integrity and character of its own. Oswaldkirk's character is derived from individual styles combining to create a cohesive but architecturally diverse place. This character could be perpetuated through the use of local materials or detailing used in a contemporary way.

Development within the Conservation Area: Proposals for new development should be assessed for their impact on the wider setting and views into the Area as well as the relationship with the immediate context. Existing gardens and green spaces should be retained where they make a positive contribution to the character of the Conservation Area, and new development, including alterations and extensions to existing buildings, should not detract from the important views and vistas identified in the CAAMP.

Applicants within the National Park are advised to consult the North York Moors Design Guide SPD when formulating their proposals.

### 19.2 Building Materials

It is likely that most new development will use of the vernacular palate of materials (matching stone, clay tiles and slate) in order to harmonise with the rural character of the Conservation Area. However, other materials of quality may be considered depending on context and design in order to perpetuate the diverse architectural character of the village. All pointing to stonework should be carried out in a traditional lime mortar with a bagged/stippled or flush finish to preserve the stone and replicate the original. Pointing with hard cement can be unattractive and, over time, erode the softer building stone to the detriment of both the building and the Conservation Area. Further guidance can be found in Part 2 of the North York Moors Design Guide SPD.

Where original materials on traditional buildings have been replaced, for example with inappropriate roof tiles or rainwater goods, the original style and material should be restored

when the opportunity arises (grant assistance may be available from the Local Planning Authority to support this work).

### 19.3 Traditional Outbuildings

Owners are encouraged to retain and maintain all historic structures within the Conservation Area. The demolition or unsympathetic alteration of traditional historic outbuildings will not be permitted where Planning Permission is required. Repairs should be carried out in a low key manner that preserves typical characteristics such as wide boarded and battened doors rather than using replacements with modern domestic designs.



### 19.4 Windows and Doors



Quality traditional joinery

Where historic joinery survives, every effort should be made to repair rather than replace it, particularly with modern fittings of a different design to the original. The Building Conservation Officer may be able to suggest contractors who specialise in the restoration of traditional features such as windows and doors, as well as sources of specialist advice on more unusual fittings such as metal framed or leaded windows. The use of uPVC on buildings that make a positive contribution to the character of the Area is not appropriate due to its unsympathetic stark appearance and failure to replicate traditional joinery details.

Where features of traditional buildings have been replaced, for example with uPVC, the original style and material should be restored when the opportunity arises.

Paint colours or other finish should be chosen with care to be appropriate to the age and style of property and the material of the fixture. An off-white is often more flattering to a building than brilliant white, but where more unusual quality fixtures survive, for example oak windows or metal-framed and leaded casements, they should be retained and treated as originally intended. The replacement of painted joinery with stained should be avoided as stain is not a traditional finish. In some circumstances, for example on



Original leaded lights in metal frames



outbuildings, it may be appropriate to leave joinery untreated to weather naturally to a mellow appearance.

## 19.5 Boundaries



Verdant hedging boundaries characterise the Conservation Area

Boundary treatments should be carefully selected to maintain the rural appearance of the village. Native species hedging (such as beech) and stone walls (using local stone bedded dry or in lime mortar) are the most visually important boundary forms in the village, but additional suitable treatments include low timber picket gates and fences; cast iron fencing to match that seen on The Terrace; or simple painted steel 'estate' type fencing. Designs should generally be plain and low to ensure that the fencing does not overpower the host property, impair visual permeability or detract from the rural setting of the village. Further hedge planting could help to strengthen boundaries within the street scene. The further erosion of characteristic boundary treatments will be resisted where Planning Permission is required.

The demolition or alteration of existing boundary treatments may require Planning Permission and/or Conservation Area Consent. Further advice should be sought from the relevant local planning authority.

## 19.6 Trees and Landscape

Trees and hedges have been identified as a key contributor to the internal and wider landscape character of the Conservation Area and its setting. The preservation of these features and their potential for enhancement should be considered in the preparation of all development schemes.



Trees contribute to parkland-style setting

The National Park Authority's *Design Guide Part 3: Trees and Landscape* SPD contains detailed guidance and advice on the retention and protection of good quality trees and trees of amenity value, planting additional trees where appropriate and providing well-designed, sustainable landscape schemes. It provides lists of suitable native shrub, tree and woodland planting by character area, and guidance on hedgerow planting.

It would be highly desirable to develop a management plan for trees and hedgerows within and surrounding the Conservation Area so that a strategic approach to tree and woodland management, new planting and replanting can be developed perhaps supported by a grant scheme. Issues that should be considered by a management plan would include: whether there are old broadleaved trees coming to the end of their lives leading to a change in local and wider landscape character; whether there are areas where new trees can be established with room to develop into large trees with some of the existing landscape and amenity value; whether power lines and trees represent a conflict of management; whether there are trees in need of management which require work to maintain health or to preserve important views. Funding and specialists would be required for this work.

### **19.7 Important Green Spaces**

Green spaces that are important to the character and appearance of the Conservation Area have been identified on Map C (Appendix 1). These spaces should not be developed in any way that would reduce their positive contribution to the Area.

## 19.8 Views & Vistas

A particular attraction of the Oswaldkirk Conservation Area are the views south over the agricultural fields and beyond to the Howardian Hills. The twentieth century development of Manor View and St Oswald's Close has created a tiered effect to the roofs as buildings descend the bank, which both preserves views out of the village and preserves the dominant linear form of the village in views from south. Several key views have been identified looking over the rooftops of these developments, as well as other glimpsed views within the Conservation Area, which are identified on Map C (Appendix 1). Any development within these areas should not compromise these important views out of the village or the tiered pattern of development which keeps the modern estate visually subservient to the historic village. Small scale development such as the erection of high solid gates or of new outbuildings should not be allowed to block valued glimpses of landscape or important buildings behind high stone walls.

## 19.9 Surfacing & Footpaths

A footpath runs the length of Main Street to the southern side and continues along the western side of the Gilling road providing pedestrian access to the play area. The use of standard materials, black tarmac and concrete kerbs without a softening verge strip creates an engineered, urban appearance which contrasts with the natural edging to the north of Main Street. The extension or widening of tarmac surfaces, particularly at the expense of areas of grass verge, would be detrimental to the appearance of the Area. Additional concrete kerbing should be avoided in favour of a verge or, if essential, more rustic natural stone kerbs.



Concrete kerbing and tarmac footpaths erode rural character

## 19.10 Street and Exterior Lighting



Concrete street light in Manor Close

The absence of street lighting in most of the Conservation Area adds to the rural character of the village and minimises street clutter. The provision of further street lighting on lighting columns should be avoided in order to maintain the rural character of the Conservation Area. Any future proposals for street lighting should consider mounting lights on the existing electricity poles, which are the original metal poles donated by Colonel Benson (see 19.12); on the telephone poles; or on walls and buildings to avoid further street clutter. Lighting on new developments should be used discreetly where required to avoid lighting an unnecessarily large area. Fittings should be carefully chosen to provide the minimum light required for safe access. The use of floodlights for extensive illumination, particularly where this extends beyond property boundaries, is

inappropriate and detrimental to people's enjoyment of the wider area. Consideration should be given to ensuring that lighting schemes on new development do not contribute to light pollution. Further guidance can be found in Part 3 of the North York Moors Design Guide SPD. The use of yellow sodium lighting is sometimes considered more obtrusive than a softer white light.

### 19.11 Signage



Original cast iron road signs within the Conservation Area have now been replaced by modern signs. The proliferation of directional signs at the foot of the Bank is unattractive. The potential for rationalising signs or combining signs onto single poles in order to minimise their impact on the area should be explored in collaboration with the

Highways Authority. Possibilities may include reintroducing reproduction black and white cast iron 'fingerposts', particularly if photographs of the originals can be found. Street name signs should be fixed onto existing walls where possible rather than mounted on low poles, which are more akin to suburban cul-de-sacs.



Incremental addition of signage creates visual clutter

There are few other advertisement signs as the village has few services. Where there are signs, for example at The Malt Shovel, they are of simple painted timber design using subtle colour schemes that blend in with the traditional street scene.

### 19.12 Overhead Wires and Poles

The existing steel electricity poles were installed by Colonel Benson in the 1920s as being superior to timber, and thereby testify to the benevolence of the last Lord of the Manor. As such, they have some historic interest, noted within *Oswaldkirk A Living History*. Nevertheless, the under-grounding of overhead wires is an aspiration of the Parish Meeting, particularly along The Terrace which does not retain the metal poles and where the visual impact of overhead wires is particularly significant. Other factors to consider are that the telephone wires and poles would remain in situ as British Telecom do not undertake under-grounding works, and every property would require an unsightly new junction box to its front elevation.



### 19.13 Traffic, Highways and Parking

Oswaldkirk has avoided the road markings and highways structures associated with traffic restrictions, however parking and traffic is a concern to some village residents. Any future proposals for traffic restrictions should be sensitively designed to avoid markings, signage, barriers or lighting that would be detrimental to the rural character of the Area, and the local planning authorities would wish to be involved in discussions between parties at an early stage to seek to mitigate any negative impacts of such installations. The creation of additional off-



Loss of traditional boundaries and areas of hard standing can be detrimental to the street scene

street parking may have the positive effect of reducing on-street parking but should preserve traditional boundary treatments, and appropriate screening should be provided to preserve the attractive street scene.

### 19.14 Energy Efficiency and Renewable Energy

There are many energy efficiency measures and methods of small scale energy generation that can be achieved without any impact on the Conservation Area. These include increasing internal insulation levels; upgrading inefficient boilers; draught-proofing windows or fitting secondary glazing; installing ground source or air source heat pumps; installing solar panels where they can be discreetly located on roofs or free-standing. Other measures involving external works can often also be achieved in ways that preserve the appearance of the Area subject to careful detailing, such as installing double glazing which can often be detailed to replicate the construction, material and dimensions of historic windows (the retention and overhaul of historic windows that make a contribution to the character of the Conservation Area is however encouraged, particularly where irreplaceable handmade glass survives). Other measures such as the installation of solar panels on prominent roof slopes or the installations of wind turbines may have a more detrimental impact and be inappropriate in some circumstances. If proposals involve external works residents should always check first with the local planning authority whether Planning Permission or Listed Building Consent is required. The Building Conservation Officer may be able to advise on how individual proposals can best be achieved.

## 20.0 Planning Procedures

The local planning authority has a duty to ensure that development in a Conservation Area preserves or enhances its character or appearance. Demolitions, alterations, extensions, and other works affecting the character or appearance of properties in a Conservation Area will usually require Planning Permission and/or Listed Building or Conservation Area Consents. Maintenance and genuinely “like for like” replacement will not require consent unless to a Listed Building in which case further clarification should be sought.

Applicants may be required to submit more detail with applications for development within a Conservation Area, such as plans that show the context of the development in order to show the wider impact of new building on the streetscape. In Oswaldkirk, it is especially important that, where relevant, applications contain accurate contextual drawings or photomontages so that the impact of proposals on more distant views of the settlement from the south can be assessed. Written guidelines as to the extent of detailed information required when submitting an application are available from the respective local planning authority’s website, or alternatively by contacting the relevant planning department. It is always advisable to discuss any proposals within the Conservation Area with the local planning authority at the earliest opportunity. Applications for Planning Permission, Listed Building Consent, and Conservation Area Consent will be advertised in accordance with statutory requirements and comments may be made during a 21 day period as specified in the advert and site notice. Relevant planning policies can be found in Appendix 2 of the Assessment.

### 20.1 Householder Development

Conservation Area designation brings with it some legislative controls over and above the normal permitted development allowances to ensure that any changes respect the special character of the Area. This requirement extends to all buildings within the Conservation Area, not just the historic buildings. The demolition of some structures, including buildings and boundary walls, the lopping or felling of trees and certain types of development such as the cladding of buildings and the installation of dormer windows will require permission from the local planning authority. Other development such as the installation of satellite dishes, installation of micro-generation equipment and the erection of ancillary buildings may require permission depending on their siting.

Additionally, within the National Park an **Article 4(2) Direction** was served in 2006 which removes certain ‘permitted development’ rights on elevations that front a highway, important

open space or waterway, and therefore planning permission is required for development such as alterations to windows and doors, roofing materials and the erection of porches or other extensions on relevant elevations. Replacement of existing fabric on a strictly “like for like” basis does not require planning permission. Further details of the additional planning restrictions may be obtained from the National Park Authority.

Consideration will be given to investigate extending the Article 4(2) Direction to cover the wider Conservation Area in order to control changes to features such as windows, doors, roofs and walls in line with the management guidelines outlined in section 19 above.

**It is strongly advised that if your property falls within the Conservation Area that clarification and advice is sought from the local planning authority prior to carrying out of any works.**

## **20.2 Works to Listed Buildings**

Buildings are listed to protect them from demolition or unsympathetic alterations. The protection afforded by this legislation always applies to the whole of the interior and exterior of the Listed Building.

It is a criminal offence to carry out works to a Listed Building that affect their special architectural and historic importance without first obtaining Consent. This would include works of alteration or significant replacement of historic fabric to the interior or exterior of the building or any buildings or walls within the curtilage of the Listed Building that were constructed prior to 1948. To do so without Consent could lead to prosecution, a period of imprisonment and/or a heavy fine. The Local Planning Authority may also serve a Listed Building enforcement notice requiring the building to be restored to its former state. For advice on whether Listed Building Consent is required please contact the Building Conservation Officer.

Leaflets are available from the National Park Authority and Ryedale District Council for owners of Listed Buildings which contain further advice and information.

## **20.3 Works to Trees**

All tree owners have a duty to ensure that their trees are safe and do not put others at risk. Tree surgery can sometimes be necessary to maintain trees in a safe condition, or sometimes to simply maintain healthy growth so that trees can reach their full potential. However it is important that work is carried out sensitively and to the correct standard so it does not cause damage to the tree or spoil its amenity value. Advice and information can be given by the Authorities but most trees in the Conservation Area with a stem diameter of 75mm or over

measured 1.5m above ground level will be protected by law. Anyone wishing to fell or carry out work on such trees must give six weeks notice to the local planning authority. This period allows the Authority to decide whether or not the tree should be protected with a Tree Preservation Order, as trees can often be valuable features in their own right or contribute to the appearance or setting of the Conservation Area.

In giving notice it is necessary to specify precisely what works need to be carried out. However discussion with the local authority's Tree Officer prior to this can be helpful in agreeing what work is needed.

The Local Planning Authority has a statutory duty to protect important trees under the Town and Country Planning Act 1990. Carrying out works to trees in the Conservation Area without giving the proper notification to the local planning authority can be a criminal offence and may result in prosecution and the imposition of a heavy fine.

#### **20.4 Advertisements**

Additional planning procedures apply to the display of advertisements within a Conservation Area. Residents should contact the Local Planning Authority for more information.

#### **20.5 Monitoring and Effectiveness**

In order to assess the relevance of the Conservation Area Assessment and the usefulness of the Management Plan on the preservation and enhancement of the Conservation Area, residents, the Village Meeting and the local planning authorities should aim to use the documents whenever development is being considered and bring to the attention of the Conservation Officer any additional issues that need to be included when the documents are reviewed and any instances of decisions being taken that do not preserve and enhance the character of the Conservation Area. Monitoring by the Local Planning Authorities may include periodic photographic surveys for recording and enforcement purposes. The Conservation Area Assessment should be reviewed every five years, but the Management Plan may be reviewed more frequently if necessary.

#### **20.6 Enforcement**

Work that is carried out without any necessary planning approvals could be subject to enforcement action by the Local Planning Authority. It is therefore strongly advisable to consult the relevant authority before proceeding with any work which might affect the character or appearance of the Conservation Area.







## Appendix 2: Planning Policies

### 1.0 National Policy

Government policy for the assessment and management of Conservation Areas is contained within Planning Policy Statement 5 - "Planning for the Historic Environment" and the accompanying "Historic Environment Planning Practice Guide".

PPS5 stresses the need for local planning authorities to appraise Conservation Areas to contribute to a better understanding of the significance of the historic asset and its wider context, and to consider how the character and appearance of the Conservation Areas in their districts can be sustained and enhanced. The conservation of the historic environment helps to sustain the sense of local distinctiveness which is such an important aspect of the character and appearance of our towns, villages and countryside.

National Planning Policy Statements with a direct relevance to the Oswaldkirk CAAMP include:

- Planning Policy Statement 1 – Delivering Sustainable Development
- Planning Policy Statement 5 – Planning for the Historic Environment
- Planning Policy Guidance 17 – Open Space, Sport and Recreation

### 2.0 Regional Spatial Strategy

Regional planning guidance is set out in the '*Yorkshire and Humber Plan*', which is the Regional Spatial Strategy for Yorkshire and the Humber (RSS). This was published in May 2008 and provides policies to guide development up to year 2026. Policy ENV9 – Historic Environment within the RSS recognises the importance of safeguarding and enhancing the historic environment and maintaining local distinctiveness by promoting local styles and features.

### 3.0 Local Policy

Oswaldkirk lies on the boundary between Ryedale District Council and the North York Moors National Park Authority. The area to the north of the main street lies within the National Park and this area is subject to the policies of the North York Moors Local Development Framework, adopted in November 2008. The southern area of the village lies within the Ryedale District Council boundary and is subject to the policies of the Ryedale Local Plan, adopted in March 2002. (The Ryedale Local Plan will be replaced by the Local Development Framework in due course.)

## North York Moors Local Development Framework - Core Strategy and Development Policies Document (2008)

Oswaldkirk is identified as an “Other Village” in the North York Moors Core Strategy and Development Policies Document as the settlement has limited services and facilities. Development is therefore restricted in order to maintain the character and scale of the rural community. Any acceptable development is to be focussed on providing opportunities for new housing to meet an identified local need for persons needing to live in the parish. Permitting housing for local needs ensures that the limited opportunities for new housing meet the needs of the local community rather than external demand.

The Core Strategy and Development Policies Document sets out the planning policies against which proposals for new development within the National Park are assessed. The document is the ‘Development Plan’ for the Park (along with national policy and the Regional Spatial Strategy). Of most significance to this SPD are:

### **Core Policy G: Landscape, Design and Historic Assets**

The landscape, historic assets and cultural heritage of the North York Moors will be conserved and enhanced. High quality sustainable design will be sought which conserves or enhances the landscape setting, settlement layout and building characteristics of the landscape character areas identified in the North York Moors Landscape Character Assessment. Particular protection will be given to those elements which contribute to the character and setting of:

Conservation Areas

Listed Buildings

Historic Parks and Gardens

Scheduled Monuments and other sites of archaeological importance

The re-use of buildings of architectural and historic importance which make a positive contribution to the landscape and character of the National Park will be encouraged.

### **Development Policy 4: Conservation Areas**

Proposals for development within or immediately adjacent to a Conservation Area will only be permitted where they preserve or enhance the character and appearance or setting of the area and where:

1. Buildings and features, including open spaces, watercourses, trees, hedges, walls and railings that make a significant contribution to the character and appearance of the Conservation Area are retained and respected.
2. The scale, proportions, design detailing and materials of the development respect the existing architectural and historic context with reference to:

- a. The form, scale, proportions, design detailing and materials of traditional buildings.
  - b. Historic plot boundaries and layouts.
  - c. Traditional street patterns.
  - d. The relationship between buildings and spaces.
  - e. Views into and out of the area.
3. In cases where the demolition of a feature or building that makes a positive contribution to the character and appearance of the Conservation Area is proposed, there is an overriding justification for the proposal.

Other Core Strategy and Development Policies with a direct relevance to the Oswaldkirk CAAMP include:

- |                    |   |
|--------------------|---|
| Core Policy        | A – Delivering National Park Purposes and Sustainable Development |
| Core Policy        | B – Spatial Strategy  |
| Core Policy        | J – Housing   |
| Development Policy | 3 – Design  |
| Development Policy | 5 – Listed Buildings  |
| Development Policy | 7 – Archaeological Assets   |
| Development Policy | 19 – Householder Development                                      |
| Development Policy | 20 – Extensions to Residential Curtilages                         |
| Development Policy | 21 – Replacement Dwellings  |
| Development Policy | 23 – New Development & Transport                                  |

Design Guide Supplementary Planning Document

### **North York Moors National Park Management Plan**

The role of the Management Plan as a Supplementary Planning Document is to provide further detail and guidance to supplement the policies contained in the Core Strategy and Development Policies Document [2008]

The North York Moors was designated as a National Park in 1952. The 1995 Environment Act sets out two purposes for National Park Authorities:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; and
- To promote opportunities for the understanding and enjoyment of the special qualities of the Parks by the public.

The Act goes on to place a duty on National Park Authorities in pursuing the two purposes, *'to seek and foster the economic and social well being of local communities.* Section 62 of the 1995 Act also requires all relevant authorities to *'have regard to the statutory purposes in exercising or performing any functions in the National Park and; if it appears that there is a conflict between those two purposes, to attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area.'*

The North York Moors Management Plan recognises that the cultural heritage plays a significant part in creating the beauty and character of the National Park through its exceptionally rich archaeological and historical landscape. To this extent, all proposals for development must be consistent with, and help to achieve, the objectives set out in the Management Plan.

### **Ryedale Local Plan**

The Ryedale Local Plan was adopted in March 2002 and contains a range of planning policies that are used to make decisions on all planning applications submitted to the Council. The current Local Plan is the Development Plan for Ryedale (along with national policy and the RSS) until it is ultimately replaced by the emerging Local Development Framework. On 27 September 2007 the Secretary of State issued a direction identifying which of the Local Plan policies should remain in force (saved) for the next three years. As Ryedale District Council has not saved its policies that specifically relate to Conservation Areas it is also necessary to refer to National and Regional guidance on the historic environment.

The saved policies of most significance to this particular SPD are Ryedale Local Plan Policies:

#### **C4: Trees in Conservation Areas**

Within Conservation Areas, the District Council will not permit new development which would result in the loss of trees of high amenity value or the felling or other works to a tree which makes an important contribution to the character of the area.

The District Council will consider making Tree Preservation Orders to protect trees of high amenity value within Conservation Areas.

#### **C5: Advertisements within Conservation Area**

Within Conservation Areas, the District Council will require the design of advertisement signs to be of a high standard, therefore:

- (i) Consent will be granted only where the proposal is in scale and character with the building on which it is located and with that of surrounding buildings;

- (ii) Illuminated signs will only be permitted where the scale, colour, design and intensity of illumination would not detract from the appearance or character of the Conservation Area;  
and
- (iii) Where unacceptable advertisements already exist, the District Council will, where appropriate, take discontinuance action to secure their removal.

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RYEDALE  
DISTRICT  
COUNCIL



# Oswaldkirk Conservation Area Assessment & Management Plan

Consultation Statement  
September 2011

## 1.0 Introduction

This statement is prepared under regulation 18 (4) (b) of the Town and Country Planning (Local Development) (England) Regulations 2004. This requires that a Local Planning Authority shall not adopt a Supplementary Planning Document until they have prepared a statement setting out a summary of the main issues raised in the representations and how these main issues have been addressed in the Supplementary Planning Document which they intend to adopt.

The National Park Authority's Statement of Community Involvement states that in relation to Supplementary Planning Documents consultation will be undertaken as follows (this is consistent with Ryedale District Council's Statement of Community Involvement):

Stage	Type of Involvement
Pre-Production • Survey and evidence gathering	• Informal engagement and discussions with specific and general consultation bodies, and other consultees
Production • Preparation, and publication, of draft Supplementary Planning Document (and Sustainability Report)	• Formal public participation for a 6-week period • Exhibitions where appropriate
Revision of draft Supplementary Planning Document	• Ongoing discussions, as required
Adoption • Adoption of document	• Notification of adoption of document to all interested parties

Informal consultation was undertaken with residents of Oswaldkirk prior to the production of the draft document via an open day held in the Village Hall on 3 November 2007.

Formal consultation under regulation 17 of the Town and Country Planning (Local Development) (England) Regulations 2004 was undertaken between 26 July and 6 September 2010. The consultation documents comprised of:

- Draft Oswaldkirk Conservation Area Assessment and Management Plan Supplementary Planning Document;
- Notice of SPD Matters;
- Habitats Regulations Assessment.
- Sustainability Appraisal Report
- Pre-Production Consultation Statement

Specific consultation bodies were sent copies of the above documents and other general consultation bodies as considered relevant were informed of the consultation by letter. A list of consultees is set out below.

Advertisements were placed in the local newspaper – Malton Gazette - informing that the Draft Supplementary Planning Document was available for consultation and where it could be viewed.

All of the documents listed above, along with details of the consultation, were placed upon the Authority’s website, [www.moors.uk.net](http://www.moors.uk.net). The documents were also available to view in the Authority’s office in Helmsley. A total of 7 separate responses have been received, with the response from the Parish Meeting representing the views of many residents as expressed at the meeting.

Overleaf is a summary of each individual response and details of how these have been addressed in finalising the Supplementary Planning Document.

**List of Consultees**

- § Oswaldkirk Parish Meeting
- § English Heritage
- § NYCC Highways Area 2 Department
- § NYCC Planning and Countryside Unit
- § Environment Agency, York
- § Government Office, Yorkshire and Humber
- § Natural England, York
- § Yorkshire Forward

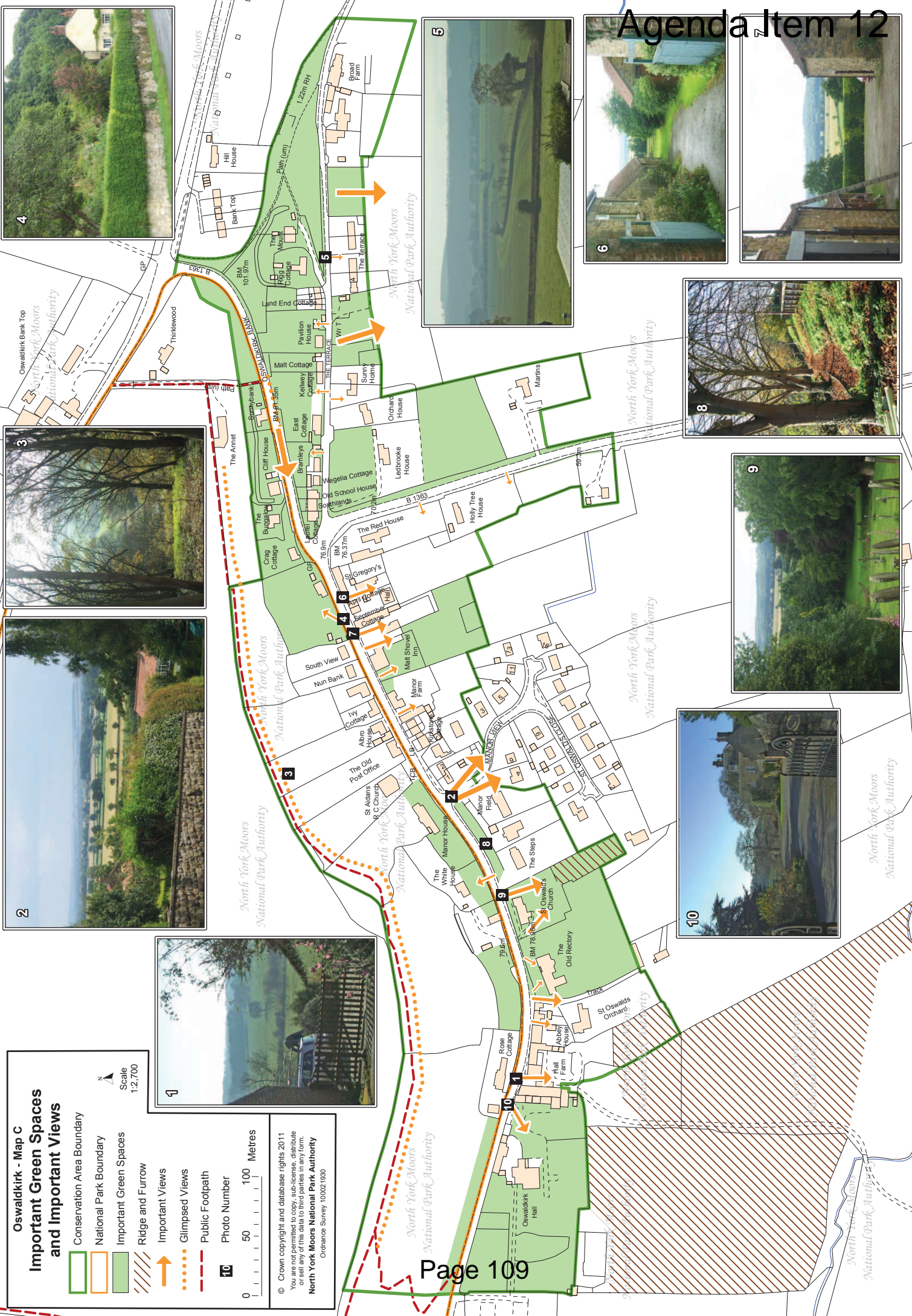
## 2.0 Issues Raised and Addressed

The following table is derived from the comments received during the formal consultation period and sets out how the comments have been addressed in the final document.

Name	Date of Comment	Comment	Endorse CAAMP	Alteration
Jonathan Kendall, Environment Agency	28/07/10	Satisfied with Habitats Regulation Assessment.		
Heather Rennie, Natural England	19/08/10	Welcomes CAAMP and endorses proposals for monitoring undertaken as part of Annual Monitoring Reports. Notes incorrect reference at 6.1 of Sustainability Appraisal Report.	Y	Correct reference at 6.1.
Alison Munday, Government Office for Yorkshire & The Humber	3/09/10	No comments.		
John Pilgrim, Yorkshire Forward	6/08/10	No comments		
Mr and Mrs D. Thompson & Mrs E. Blower	6/09/10	CAAMP is good but concerned about location of arrows on Map C and tree management in relation to Oswaldkirk Bank.		Representation of views on Map C from Oswaldkirk Bank amended.
Mr D. Goodman	6/09/10	CAAMP contains useful ideas. Population of village sustained by post-war developments. Trees and hedges require active management to maintain views. Various points of historical information provided		Comments and information noted and minor textual changes made (8; 9.1; 10.5; 10.6; 11.7, 12; 14.4; 18; 19.13). Residual ridge and furrow noted on Open Spaces map, and reference added at 8. Not possible to protect R & F via statutory designation, relies on land

		<p>and textual changes and clarifications suggested and requested.</p> <p>Evidence of ridge and furrow in fields has virtually disappeared in recent years - could be protected?</p>		<p>management.</p>
<p>Mr M. Clook, for Oswaldkirk Parish Meeting</p>	<p>6/09/10</p>	<p>Welcomes CAAMP, especially re. views and vistas, important green spaces and maintenance of boundaries and trees. Query re quinquennial review.</p> <p>Concern expressed over clarity of guidance on need for Planning Permission and what development would be permitted; use of dated photographs and need to take account of recent tidying up of street signs; road safety versus conservation; all electricity cables should be undergrounded. The CA boundary should be extended to include Manor View, St Oswald's Close and properties along the B1257 in order to protect views and vistas and ensure a consistent approach to planning. Further minor points (incorrect boundaries, post and rail fencing, reference to consultation statement).</p>		<p>Quinquennial reviews are recommended by English Heritage [2006] but in practice will only occur if required and if resources permit. The requirement for Planning Permission for works is complicated and changes whenever the General Permitted Development Order is amended (frequently). The guidance in the CAAMP is intended to identify the special character of the area and provide guidance on sympathetic development. Sometimes this will require PP, sometimes not, but this can only be determined in each case by enquiry to the Local Planning Authority. Clarification regarding maintenance added at 20.0.</p> <p>Guidance on acceptable future development must be site specific and would be offered on a case by case basis, taking into account the guidance within the CAAMP. Paragraph 19.11, Signage, has been updated, as well as photographs. Photos have not generally been updated as they are intended to illustrate points in the text and not constitute a precise record of the CA today. The LPA does not make decisions on works by Highways but it is</p>

				<p>consulted and has a duty to make the case for conservation. Paragraph 19.12, Overhead Wires &amp; Poles, has been amended. The enlargement of the CA to include Manor View, St Oswald's Close and the B1257 cannot be justified in terms of designation criteria. They do not share the key characteristics of the CA identified in 17.1, essentially not being a cohesive part of the historic built area and form of the village. Works which require PP outside the CA but where they would affect the character or setting of the CA will nevertheless be subject to the analysis and guidance contained in the CAAMP. Minor points: boundaries are provided by the Ordnance Survey and cannot be amended locally; information added at 11.7; the pre-production consultation statement includes a table of comments with how these have been addressed.</p>
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## Oswaldkirk - Map C Important Green Spaces and Important Views

Scale  
1:2,700

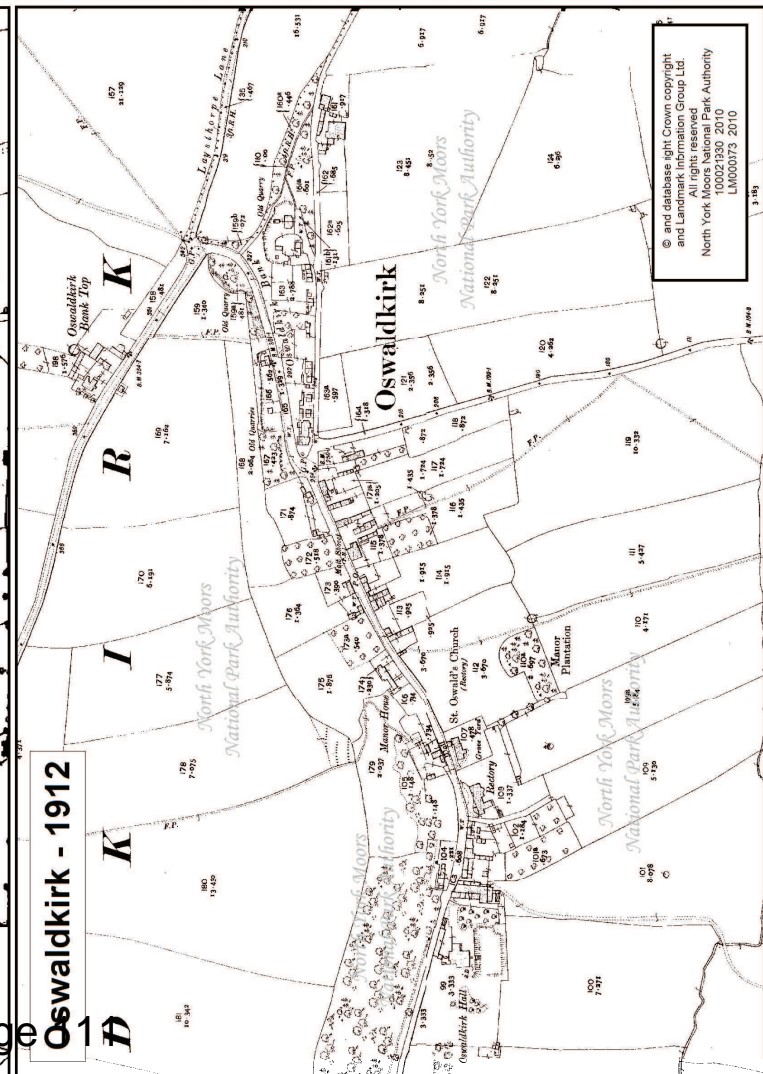
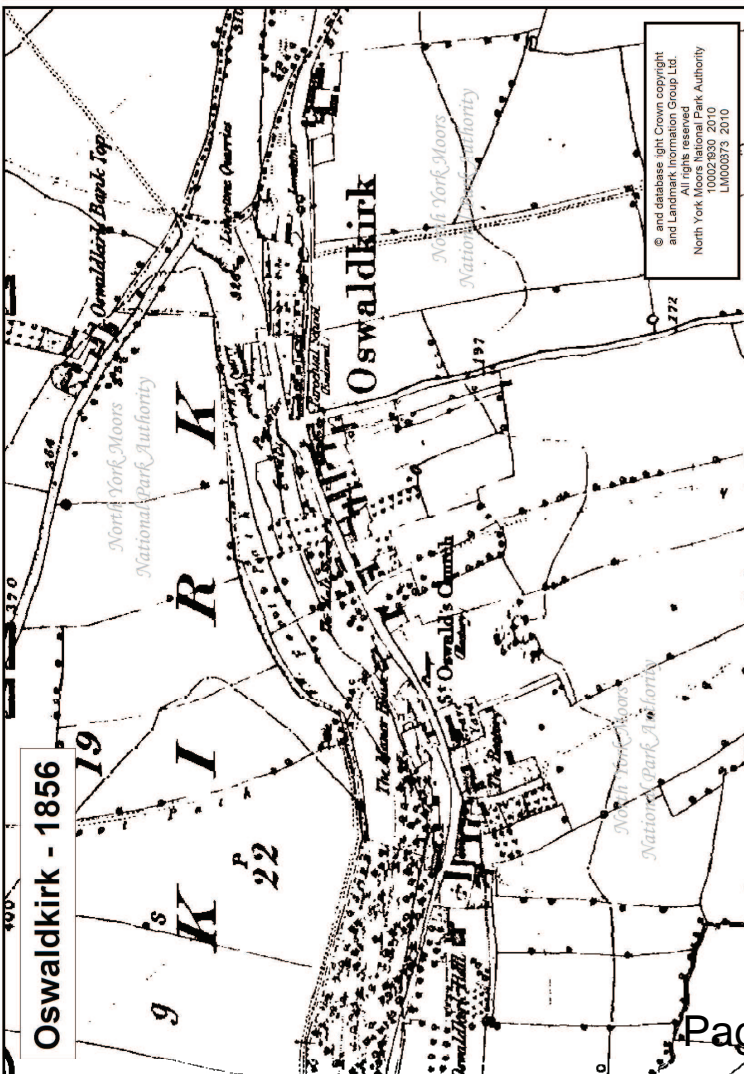
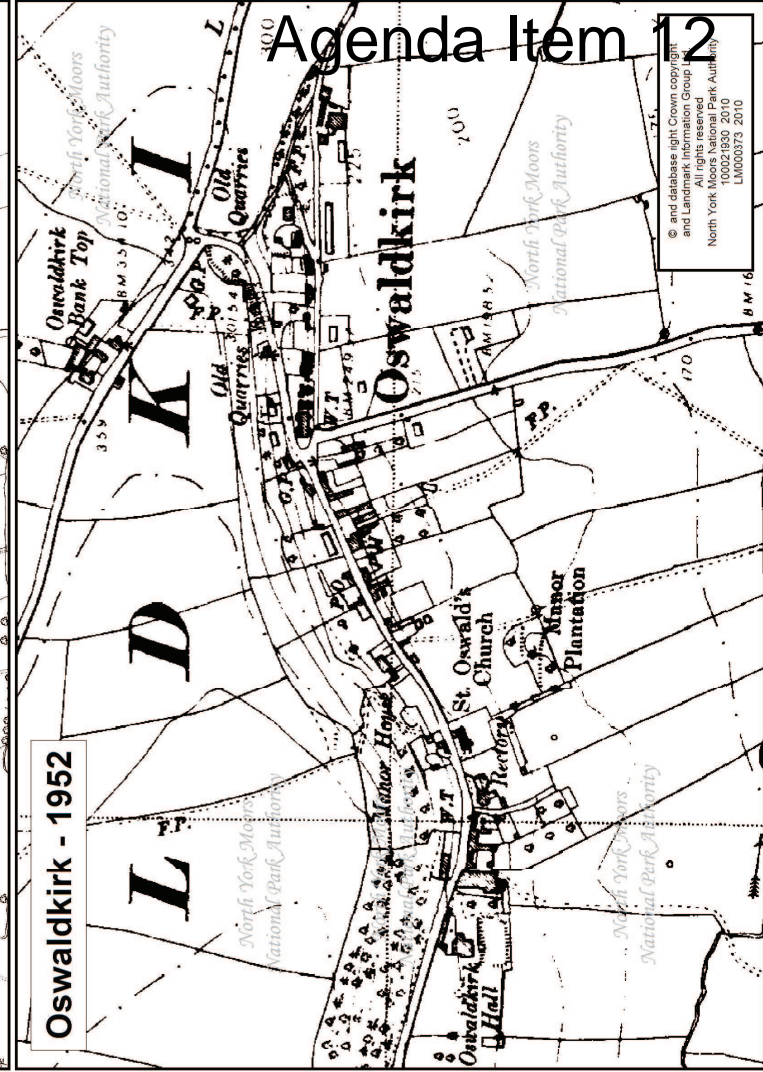
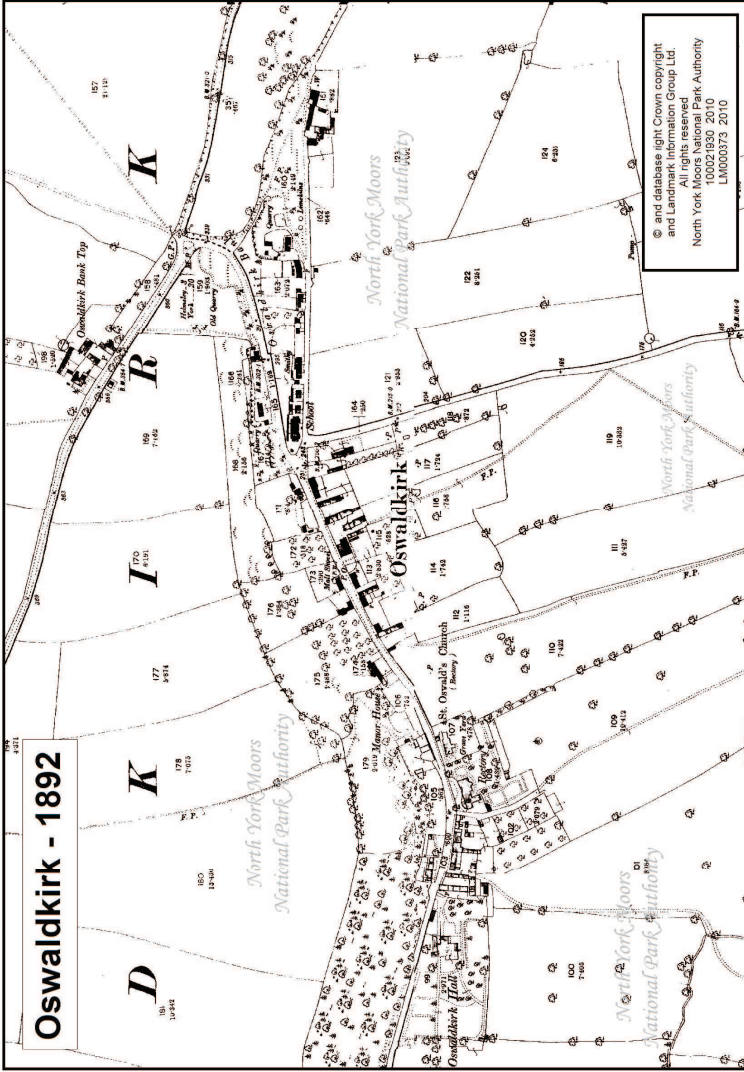
- Conservation Area Boundary
- National Park Boundary
- Important Green Spaces
- Ridge and Furrow
- Important Views
- Glimpsed Views
- Public Footpath
- Photo Number

0 50 100 Metres

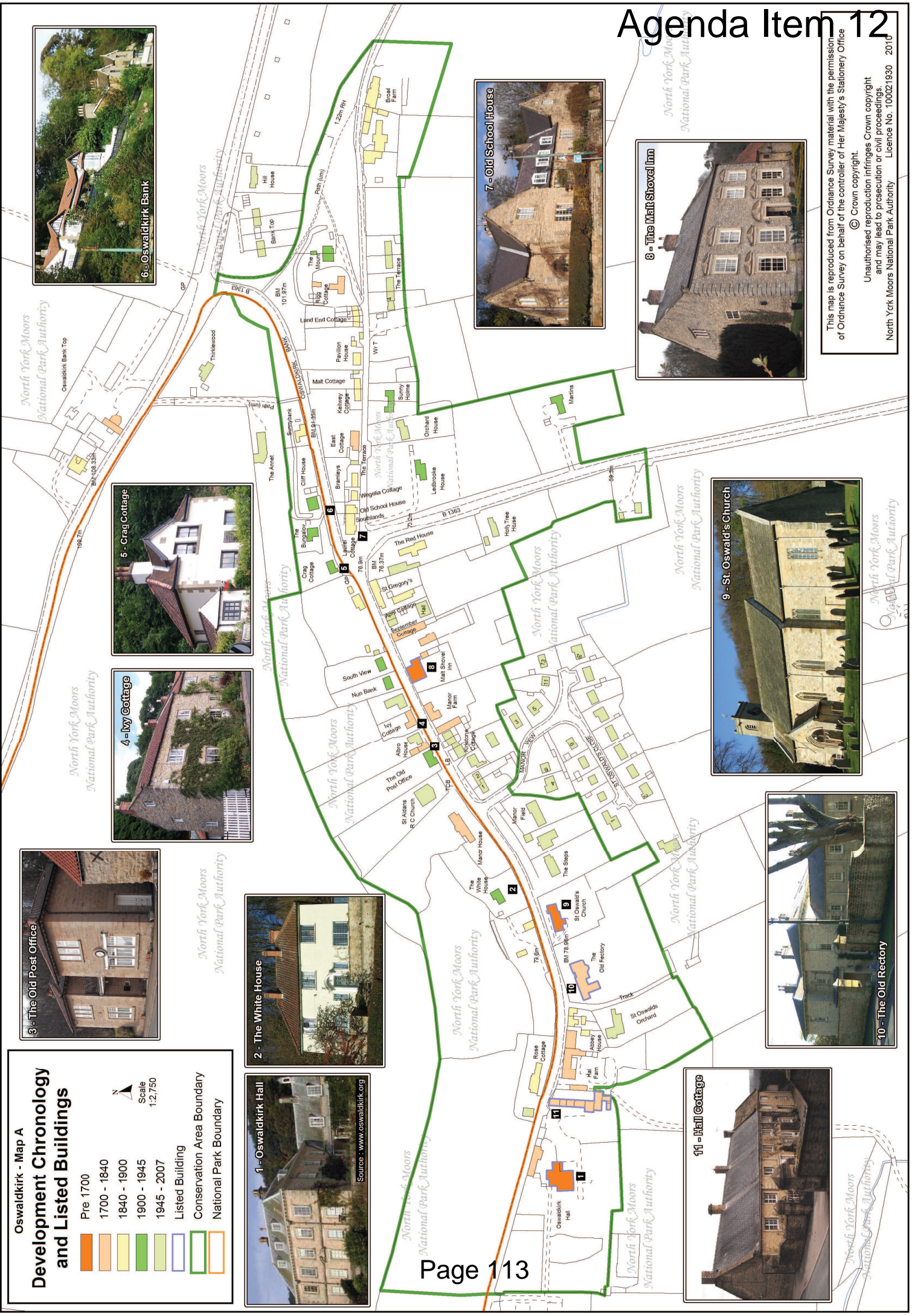
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**North York Moors National Park Authority**  
Ordnance Survey 10002 1930

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## Oswaldkirk - Map A Development Chronology and Listed Buildings

- Pre 1700
- 1700 - 1840
- 1840 - 1900
- 1900 - 1945
- 1945 - 2007
- Listed Building
- Conservation Area Boundary
- National Park Boundary



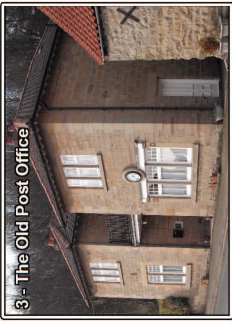
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Listed Building  
Conservation Area Boundary  
National Park Boundary

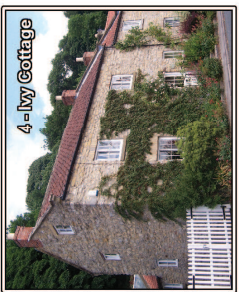


1 - Oswaldkirk Hall

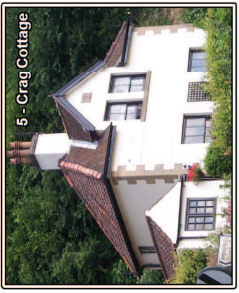
Source: www.oswaldkirk.org



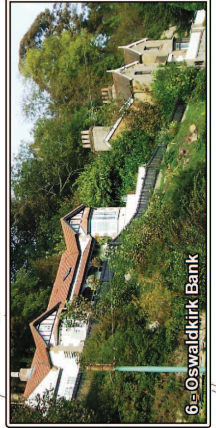
3 - The Old Post Office



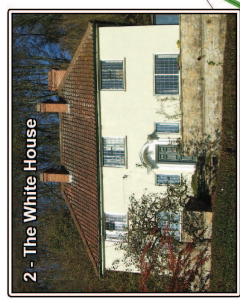
4 - Ivy Cottage



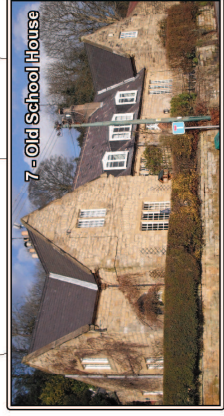
5 - Crag Cottage



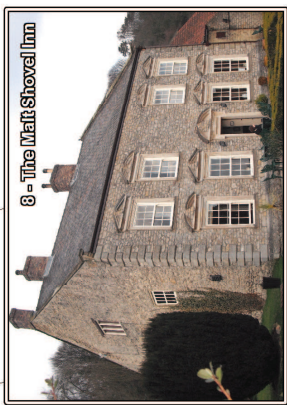
6 - Oswaldkirk Bank



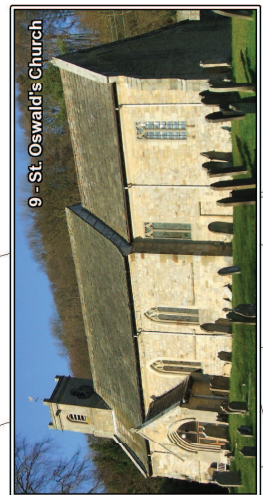
2 - The White House



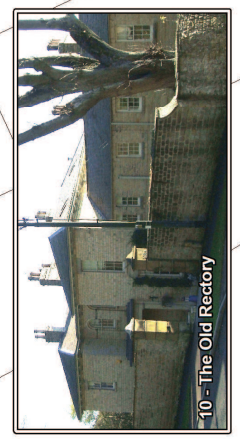
7 - Old School House



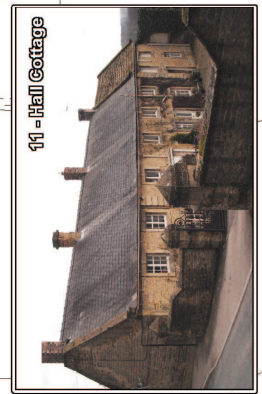
8 - The Malt Shovel Inn



9 - St. Oswald's Church



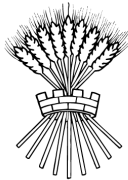
10 - The Old Rectory



11 - Hall Cottage

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<b>PART B:</b>	<b>RECOMMENDATIONS TO COUNCIL</b>
<b>REPORT TO:</b>	<b>POLICY AND RESOURCES COMMITTEE</b>
<b>DATE:</b>	<b>8 DECEMBER 2011</b>
<b>REPORT OF THE:</b>	<b>COUNCIL SOLICITOR AND MONITORING OFFICER ANTHONY WINSHIP CORPORATE DIRECTOR (s151) PAUL CRESSWELL</b>
<b>TITLE OF REPORT:</b>	<b>MAINTENANCE OF CLOSED CHURCHYARDS</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 To examine the current procedure for the maintenance of closed churchyards by Ryedale District Council and to consider consultation on a proposed new method of financing related works in the future.

### **2.0 RECOMMENDATIONS**

- 2.1 That Council is recommended to approve a consultation with Parish Councils on the following principles:-

Where Parish Councils do not wish to retain responsibility for the maintenance of closed churchyards that Council:-

- (a) Agrees that a special expense be charged to cover Ryedale District Council's annual maintenance and administration costs in the event of any parish determining that it does not wish take responsibility for maintenance of a closed churchyard in its parish and passes this to Ryedale District Council;
- (b) Agrees that a special expense charge be made to cover costs henceforth for closed churchyards which have already transferred to this Council;
- (c) Consider whether they would wish to see an upper annual limit to any special expense charge levied for closed churchyards, and if so determine at what level they would wish this to be set.

### **3.0 REASONS FOR RECOMMENDATION**

3.1 A local parish can include the on-going costs associated with maintaining closed churchyards within their precept setting process. This option should secure adequate resources to maintain the sites. If requested, Ryedale District Council could undertake the repair/rectification works under an agency agreement.

### **4.0 SIGNIFICANT RISKS**

4.1 There are no significant risks in undertaking the consultation.

## **REPORT**

### **5.0 BACKGROUND AND INTRODUCTION**

5.1 Since 1993, 554 churchyards have been closed in the United Kingdom. The District Council currently manages seven closed churchyards.

5.2 An application for closure will be successful if one of the following conditions is met:-

- The churchyard is full
- The continuing use of the churchyard for burials may constitute either a risk to public health or be contrary to decency
- The discontinuance of burials may prevent or mitigate nuisance
- If an incumbent and Parochial Church Council (PCC) wish a churchyard to be closed, an Order in Council under the Burial Act 1853 (Section 1) has to be sought from the Home Office

5.3 Closure by Order in Council does not remove the legal effects of consecration and the churchyard is still part of the freehold of the incumbent and under faculty jurisdiction (ie permission is required from the Diocese for works in the churchyard). It may still be used for the interment of ashes provided that no human remains are disturbed and, if the Order permits, it may also be possible for further burials to take place in specified areas.

5.4 Once a churchyard is closed the PCC concerned may apply to the local authority to take over its maintenance responsibilities under the Local Government Act 1972 (the 1972 Act). The application is usually made to the Parish Council and, if they decline, to the District which, under the legislation, has a legal obligation to take on the responsibility.

5.5 Where the District Council does take on the responsibility for a closed churchyard, the Parish Council gives up any control over future maintenance arrangements. The churchyard would be managed by the District Council's regular grass cutting cycle.

5.6 The 1972 Act provides a simple procedure for a PCC to request that the local authority, at three months' notice, take over the responsibility for future maintenance of the churchyard (including its boundaries). In many cases, however, three months' notice is too short and can cause budget difficulties for the local authority. A guide originally prepared by the Church Commissioners' Pastoral Division in 1993, entitled "Responsible Care for Churchyards" recommended that twelve months' informal notice should be given of the intention to serve the three months' statutory notice.

5.7 It should be noted that the 1972 Act merely provides for a local authority to take over

the maintenance of a closed churchyard at a PCC's request. Best practice suggests that the onus is on the PCC to ensure that the churchyard is "in decent order and its walls and fences in good repair" before responsibility passes to the local authority. However, there is currently no legal basis to ensure that this is the case.

5.8 Closure under the Burial Act may be the prelude to a subsequent agreement and faculty (ie permission is required for the Diocese) for a disused burial ground's conversion by the local authority into a public open space under the Open Spaces Act 1906. Transferring all or part of the PCC's maintenance and repair liability to the local authority does not mean that the churchyard itself is transferred; all other rights, powers, functions and liabilities remain under the control of the incumbent. Churchyards closed in this way may be disposed of under a pastoral or redundancy scheme.

5.9 The Local authority has an option to charge the costs of maintenance of closed churchyards as a Special Expense. The legal basis is the Local Government Finance Act 1992 (the 1992 Act) which provides for different amounts of Council Tax to be calculated for different locations, eg parished and unparished areas of the District, depending on what, if any, special items relate to those locations. A more detailed summary of the law relating to special expenses is attached as ANNEX A. Special expenses are one form of a special item. Special expenses are defined in Section 35(2) of the 1992 Act and sub-paragraph (d) states that:-

*"any expenses incurred by a billing authority in performing in part of its area a function performed elsewhere in its area by ..... a Parish or Community Council or the Chairman of a Parish Meeting are the authority's special expenses unless a resolution to the contrary effect is in force."*

5.10 Therefore, concurrent functions such as the maintenance of closed churchyards are clearly special expenses. Guidance issued by the DTLR on financial arrangements with Parish and Town Councils, specifically mentions the use of special expenses in relation to the maintenance responsibility under Section 215 of the Local Government Act and cites Cherwell District Council as an example of where this is automatically considered to be a special expense. Section 215 responsibility is not being passed back to the Parish Council, but the costs are charged locally. Special expenses cannot be charged retrospectively ie for previous years, but a subsequent charge for churchyards where maintenance responsibility has been assumed is permissible.

5.11 The responsibility for boundaries passes to the local authority as well as the annual maintenance, and this has more significant financial implications. Many of the churchyards are bordered by walls or fences and costs of repair can be very high.

## **6.0 POLICY CONTEXT**

6.1 The charging of special expenses would be a policy change and a Council decision.

## **7.0 CONSULTATION**

7.1 This report proposes consultation on this issue.

## **8.0 REPORT DETAILS**

8.1 Ryedale District Council has already assumed responsibility for the following churchyards:-

- St Helen's Churchyard, Amotherby
- Holy Cross Churchyard, Gilling East
- St Mary's Priory Churchyard, Old Malton
- St Nicholas Churchyard, Norton (this provides the access to the swimming pool)
- All Saints Churchyard, Slingsby
- All Saints Churchyard, Terrington
- St Hilda's Churchyard, Ampleforth (this is an RDC responsibility but the Parish cut the grass)

8.2 In the coming years it is expected that this trend will continue and an increasing financial burden will be placed upon Ryedale District Council.

8.3 The funding of works within closed churchyards is currently drawn from Ryedale District Council's general fund budget for the grounds maintenance.

8.4 In addition to the above, there are three further Churchyards where applications have been made for an Order in Council under Section 1 of the Burial Act 1853 these being:-

- All Saints Churchyard, Thornton-le-Dale
- St Martins Churchyard, Bulmer
- St Mary's Churchyard, Gate Helmsley

#### **Memorial Testing and Tree Management**

8.5 Maintenance of the memorials in closed churchyards is the responsibility of the PCC under the Occupier's Liability Acts, however liability for injuries caused through unsafe memorials rests with the District Council.

8.6 Ryedale District Council is responsible for the safety of operatives working on its behalf under the Health and Safety at Work Act and appropriate training must be provided.

8.7 There are trees in five of the closed churchyards. Section 214 of the Local Government Act states that the local authority has a responsibility to maintain the trees in accordance with good practice to reduce foreseeable risks and hazards.

8.8 This extends to include the 'felling, lopping and topping' where it is required as part of good arboricultural maintenance/practice. Therefore, it is considered that the Council should incorporate these activities into its maintenance programme for closed churchyards where deemed necessary during routine tree inspections.

8.9 This does not alter the position that the church authorities are still the owners of the trees and, therefore, have a duty to consider their management. Historically, minimal tree work has been undertaken and this has been funded by Ryedale District Council.

8.9 The potential for more tree work to be undertaken is likely to increase over time. Within the present arrangements the additional costs would be borne by Ryedale District Council.

#### **Future Procedure**

8.10 The future financial burden for Ryedale District Council is likely to grow considerably. Such costs will inevitably impact on other services provided by the Council or lead to an increase in Council Tax.



- 8.11 In the event that Parish Councils do not accept this responsibility, it is suggested that where Ryedale District Council receives a request to assume responsibility for a closed churchyard, that the transfer should be subject to a condition that an appropriate budget is set as a special expense to cover the ongoing maintenance costs, one off works and an administration fee.
- 8.12 It is further suggested that special expenses are also set up for those churchyards which have previously been adopted by this Council from an agreed date. Charges would not be made retrospectively.

### **Resource Implications**

- 8.13 The cost of maintaining closed churchyards by Ryedale District Council is currently met from the grounds maintenance budget within Property Services. This amounts to approximately £12,000 per annum for the regular grass cutting but excludes one-off costs such as repairs to boundaries and tree works.
- 8.14 Expenditure on wall repairs and safety measures has been approximately £7,000 for the last financial year.
- 8.15 Tree survey records indicate that works are currently outstanding. The tree maintenance costs for all of the churchyards are not currently known.
- 8.16 The cost of any more significant one-off works such as repairs to boundaries, are in addition to the annual maintenance costs. In the past such work would have been charged to capital, however, the accounting rules for capital have been tightened significantly and such expenditure is unlikely to qualify as capital in the future. Unless such costs are charged via special expenses or met directly by the parish they will present a further revenue cost burden to Ryedale District Council.
- 8.17 It is difficult to accurately quantify the potential impacts other than to highlight the number of parishes and churchyards within the district that could request a transfer.

### **Options Considered**

- 8.18 **Status Quo** – continuing to accept closed churchyards in the current manner will incur Ryedale District Council additional costs which might not be affordable in the context of budget predictions. There are also potential major costs relating to health and safety risks and need to repair boundaries, cut the grass and manage all trees.
- 8.19 **Ask Parishes to retain responsibility for their closed churchyards** – this is believed to be the most effective way forward for direct financial management and better local accountability. The estimate of cost would be added to the parish precept and would be collected as part of the Council Tax bill from each household in the parish according to their Council Tax Band. This option may result in a lower charge to residents because a special expense arrangement through Ryedale District Council will also incur an administrative overhead. This option is also preferred from an expenditure control perspective because parish spending is outside of the capping rules whereas District Council spending could be capped. The parish would also have control over how the churchyard is managed and the maintenance regime applied which would be surrendered if the District Council took on the responsibility. Parishes would be encouraged to review potential liabilities regarding repairs and maintenance that could be inherited at the time of transfer and Ryedale District Council may be able to assist in this. It would also be recommended to parishes that they review whether the working life of the churchyard could be extended subject to a review of plots in accordance with statutory guidance.

- 8.20 **Ryedale District Council to charge all such costs as special expense to the Parish concerned** – whilst this has financial equity, particularly in the cost of the major repairs, it does create additional work to establish the costs attributable, consult on those costs and then maintain individual budgets to drive the special expense charges. Creating an additional layer of council tax for a parish will be a minor complication but some parishes may resolve to retain ownership of their respective sites.
- 8.21 Charging for closed churchyards via a special expense does not increase the overall level of funding the Council could generate from council tax. This is because sums identified as special expenses are still classified as part of the overall District Council's budget and, therefore, constrained by any national limits imposed on increases in Council expenditure.
- 8.22 **Ryedale District Council to set up a mechanism for recharging major costs such as repairs to boundaries** – the inclusion of these items might cause an unacceptable increase in council tax in any one year, therefore, this would be managed through a sinking fund.
- 8.23 The Council could consider a cap at Band D alternatively charging could be spread over a period of years. The option of spreading the repayment would only be used if the charge was above the cap, in order that the Council recovers any outlay over the quickest possible timeframe.
- 8.24 Indicative annual charges for five to ten years at Council Tax Band "D" are shown in Annex B.

## 9.0 IMPLICATIONS

- 9.1 The following implications have been identified:
- a) Financial  
There are no significant new financial implications in undertaking the consultation
  - b) Legal  
The proposed consultation presents no significant legal implications.
  - c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)  
The report has no other significant implications.

**Anthony Winship  
Council Solicitor**

**Author:** Anthony Winship, Council Solicitor  
**Telephone No:** 01653 600666 Ext: 267  
**E-Mail Address:** anthony.winship@ryedale.gov.uk

## SPECIAL EXPENSES – A SUMMARY

### 1.0 FINANCIAL ARRANGEMENTS WITH PARISH COUNCILS – THE PRINCIPLES

- 1.1 Financial arrangements with Parish Councils are specifically aimed at avoiding 'double taxation' – the situation where the costs of certain services are charged twice to local taxpayers because the parish provides a service but the District Council still charges taxpayers in the parish for the equivalent services it provides elsewhere.
- 1.2 Double taxation might apply, for example, if the residents of a parish were to be charged via the Parish Council precept, for the maintenance of playing fields in the parish (a function performed only by the Parish Council in that area and paid for only by the parishioners), and for a share of the cost of maintenance of playing fields in the remainder of the district (carried out by the District Council elsewhere).
- 1.3 Guidance provided in August 2004 by the then Office of the Deputy Prime Minister suggested that there should be five principles that should govern arrangements between District Councils and Parish Councils.
1. Fairness in the provision and access to services
  2. Simplicity to keep operating costs to a minimum
  3. Transparency to help understanding
  4. Democratic control and accountability to distinguish between funding provided to a parish by the district for a service carried out by the parish and funding raised through the parish precept for services carried out by the parish
  5. Finance should follow function so that where service provision is devolved or transferred from the District to the Parish Council funding is also transferred with the about agreed between the Councils.
- 1.4 Prior to the Local Government Finance Act 1992, the Council made grants to Parish Councils where they carried out a 'concurrent' function in their area that would normally have been performed by the District Council.
- 1.5 Other arrangements (that have not been used here) could be support in goods or in kind and agency agreements under S101 of the Local Government Act 1972 or S20 of the Local Government Act 2000 where a Parish Council acts as an agent for the District in carrying out a task for which it is paid an agreed rate.
- 1.6 The Local Government Finance Act 1992 provides for different amounts of council tax to be calculated for different parts, eg parished and unparished areas, of a district, depending on what, if any, 'special items' relate to those parts.
- 1.7 A special item is an item which relates to only part of a District Council's area. A parish precept is one special item. 'Special expenses' are another special item.
- 1.8 There are five different types of special expense, but the one affecting this district is set out in Section 35(2)(d) which provides that:-

“any expenses incurred by a billing authority in performing in a part of its area a function performed elsewhere in its area by the sub-treasurer of the Inner Temple, the under-treasurer of the Middle Temple, a parish or community council or the Chairman of a Parish Meeting are the authority's special expenses unless a resolution of the authority to the contrary effect is in force.”

## ESTIMATED SPECIAL EXPENSE CHARGE AT BAND "D" : 10 YEAR BASIS FOR RECHARGING

Parish	Council Tax Base (Number of dwellings expressed as Band D) (a)	Estimated 10 year major repairs cost (b)	Estimated 10 year maintenance and trees cost (c)	Estimated 10 year total costs (d)	Estimated Annual charge (e)= (d)/10	Total estimated charge at Band "D" (f)=(e)/(a)
St Helen's Churchyard, Amotherby	152.32	£88,880	£13,730	£102,610	£10,261	£67.36
Holy Cross Churchyard, Gilling East	102.22	£34,450	£6,500	£40,950	£4,095	£40.06
St Mary's Priory Churchyard, Old Malton	1862.35	£24,330	£7,000	£31,330	£3,133	£1.68
St Nicholas Churchyard, Norton	2,459.57	£10,450	£3,500	£13,950	£1,395	£0.57
All Saints Churchyard, Slingsby	259.31	£48,220	£6,400	£54,620	£5,462	£21.06
All Saints Churchyard, Terrington	238.11	£19,455	£7,000	£26,455	£2,645	£11.11
St Hilda's Churchyard, Ampleforth	362.80	£29,400	£9,770	£39,170	£3,917	£10.80
TOTAL		£255,185	£53,900	£309,085	£30,908	