



COUNCIL

Council Summons and Agenda

You are hereby summoned to attend an **Ordinary Meeting of Ryedale District Council** to be held in the **Council Chamber, Ryedale House, Malton** on **Thursday, 27 June 2019** at **6.30 pm** in the evening for the transaction of the following business:

Agenda

1 **Emergency Evacuation Procedure**

The Chairman to inform members of the public of the emergency evacuation procedure.

2 **Apologies for absence**

3 **Public Question Time**

4 **Minutes**

(Pages 7 - 12)

To approve as a correct record the minutes of the Ordinary Meeting of Council held on 11 April 2019.

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.

7 Announcements

To receive any announcements from the Chairman and/or the Head of Paid Service.

8 To Receive any Questions submitted by Members Pursuant to Council Procedure Rule 10.2 (Questions on Notice at Full Council)

9 Business from the Annual Council Meeting on 16 May 2019: Representation on Outside Organisations (Pages 13 - 20)

To consider the appointment or nomination of representatives to serve on outside organisations for the forthcoming municipal term 2019/2023.

10 To Receive a Statement from the Leader of the Council and to Receive Questions and Give Answers on that Statement (Pages 21 - 22)

11 To consider for Approval the Recommendations in respect of the following Part 'B' Committee Items:

Planning Committee - 18 June 2019

a Minute 22 - The Ryedale Plan: Adoption of the Local Plan Sites Document and Policies Map (Pages 23 - 106)

Report attached – minute to follow.

Licensing Committee - 18 June 2019

b Minute 8 - Licensing Act 2003 - Delegations (Pages 107 - 114)

Report attached – minute to follow.

12 Motions on Notice Submitted Pursuant to Council Procedure Rule 11

a Proposed by Councillor Paul Andrews and seconded by Councillor Burr

"In view of the increase in traffic congestion at Malton/Norton likely to be generated by the imminent increase in the number of trains using the Level Crossing at Norton and other matters and the increase and/or likely increase in congestion in Malton/Norton resulting from new development and planned new development; and

In view of the impact or potential impact of new development on the quality of air within the Air Quality Management Area on and around Butcher Corner; and

In view of the adverse impact of the Ryedale Plan on the number of sites available for development by small local builders,

An independent planning consultant be appointed by the Council Chair in consultation with the Deputy Chief Executive; and

the consultant be given immediate and urgent instructions to do all necessary

work (including public consultation and reference to any public examination) to advise on and to secure, so far as is practicable, the following:

The Ryedale Plan be revised as follows:

1. To restrict the percentage of land to be allocated in Malton and Norton for residential development to zero for the rest of the plan period, following the grant of permission for 1,800 houses for the period commencing 1st April 2012;
2. To reduce to zero the future proportion of employment land directed to Malton and Norton following the allocation of sites in the allocations document;
3. To reduce the future proportion of employment and housing land directed to other Ryedale towns following the allocation of sites in the allocations document;
4. To remove the requirement for a local occupancy condition for dwellings built or to be built in village envelopes;
5. To expand the existing village envelopes and town development limits, initially to the areas which were included in village envelopes and town development limits prior to the last Ryedale Local Plan (dated 2002);
6. In order to accommodate demand for development in excess of the numbers currently prescribed in the Ryedale Plan, to expand all village envelopes so as to accommodate at least 60% of all new development for the remainder of the plan period of the Ryedale Plan.
7. To abolish service villages;
8. The current local plans allocation document be revised to include a requirement that no land for new development shall be allocated in Malton/Norton unless it has direct access to a four-way intersection with the A64;
9. The land allocated for development at Ryedale House be de-allocated;
10. Such other modifications as may be necessary to deal with the above points and to ensure that the villages and country areas of Ryedale take their fair share of new development.”

N.B. Members will see that (with the exception of the Ryedale House site) the above proposals will not stop the allocation of sites already identified, but will protect Malton, Norton and other towns from any major developments which may come forward after the land currently identified is exhausted – as the plan now stands Malton and Norton will have to take 50% of all new development after the completion of the current district wide requirement of permissions for 3,000 houses plus 20%.

In the meantime, the liberalisation of the restrictions for development in the villages will take the pressure off Malton and Norton and other towns.

b Proposed by Councillor Garbutt Moore and seconded by Councillor Mackenzie

“The T2020 restructure programme left Ryedale without a dog warden.

This council wants to fully understand the implications of this decision on cases

of:

- *Dog fouling*
- *Cruelty against dogs*
- *Stray dogs*
- *Dangerous dogs*

and assess whether Ryedale should re-instate the position of a dedicated dog warden.

It therefore calls on the Overview and Scrutiny Committee to look into this at its next meeting.”

c Proposed by Councillor Goodrick and seconded by Councillor Graham

“Poor road connectivity is holding Ryedale back, suppressing wages and stunting economic growth. Our only strategic road, the A64, is “significantly stressed” according to Highways England.

This council therefore renews its commitment to the dualling of the A64 between York and Scarborough.

But time is of the essence. The Department for Transport will decide this Autumn on its investment priorities, meaning we have just three months to persuade the Government.

We urgently request that the Leader of Council, the Deputy Leader of Council and our officers work with local authorities, business leaders and MPs to pull together the strongest case.

Failure to do so could mean the dualling fails to progress for at least five years. This council does not want to miss out on this window of opportunity to solve the A64 bottleneck once and for all.”

d Proposed by Councillor Keal and seconded by Councillor Arnold

“That an extraordinary meeting of Council be arranged in autumn 2019 to confer the title of Honorary Alderman of Ryedale District Council upon Elizabeth Shields, Brian Maud and Robert Wainwright, pursuant to the provisions of Section 249 of the Local Government Act 1972, in recognition of the eminent service rendered by them as Councillors of the Ryedale District Council.”

e Proposed by Councillor Mason and seconded by Councillor Keal

“This Council

- 1. Notes that the ‘Special Report on Global Warming of 1.5°C’ by the Intergovernmental Panel on Climate Change in October 2018, (a) describes the enormous harm that a 2°C average rise in global temperatures is likely to cause compared with a 1.5°C rise, and (b) confirms that limiting Global Warming to 1.5°C may still be possible with ambitious action from national*

and sub-national authorities, civil society and the private sector.

2. *Notes with concern that the impacts of climate change are already causing serious damage to communities both at home and abroad.*
3. *Congratulates the government in committing the UK to legally binding targets for carbon reduction and recognises that all levels of government have a duty to act and take a lead on actions within their power.*
4. *Recognises that a growing number of local authorities have already passed 'Climate Emergency' motions.*
5. *Recognises that local plans need to be compliant with the National Planning Policy Framework (NPPF) which require local plans to “help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience...”*
6. *Recognises it will take political will, resources and policy change to tackle climate change and that strong policies to cut emissions also have associated health, wellbeing and economic benefits.*

We call on this council to

- a. *Declare a 'Climate Emergency' that requires urgent and immediate action to achieve net zero carbon emissions across Ryedale by 2030*
- b. *Establish a Climate Change and Environment Committee (CCEC) to design the policy framework and deliver a climate emergency action plan for net zero emissions by 2030.*
- c. *Establish a Climate Change Partnership Working Group by autumn 2019 involving councillors, residents, community groups, academics, businesses and other relevant parties to advise the CECC*
- d. *Recommend that the Chief Executive employs a climate change and environment officer to work with and support councillors and officers to drive forward the climate change action plan.*
- e. *Ensure that all Council committees consider, in this council term, low carbon design and construction, energy efficiency and renewable energy generation as well as the impact of climate change when reviewing council policies, plans and strategies and that all approaches are in line with a shift to zero carbon by 2030*
- f. *Take a leadership role in offering vision, direction and support to empower residents, community groups, businesses, partner organisations and other relevant stakeholders to take appropriate action to tackle climate change”*

14 **Any other business that the Chairman decides is urgent**

A handwritten signature in black ink, appearing to read 'Stacey Burlet', with a stylized, cursive flourish extending to the right.

Stacey Burlet
Chief Executive

Council

Minutes of Proceedings

At the **Ordinary Meeting of the District Council of Ryedale** held in the **Council Chamber, Ryedale House, Malton** on **Thursday 11 April 2019**

Present

Councillors Joy Andrews, Paul Andrews, Steve Arnold, Val Arnold (Vice-Chairman), Bailey, Cleary (Chairman), Cowling, Cussons MBE, Duncan, Farnell, Frank, Gardiner, Goodrick, Hope, Ives, Jainu-Deen, Jowitt, Oxley, Potter, Raper, Sanderson, Elizabeth Shields, Thornton, Wainwright and Windress

In Attendance

Beckie Bennett, Stacey Bulet, Tony Galloway, Anton Hodge, Jos Holmes, Nicki Lishman and Anthony Winship

Minutes

69 Apologies for absence

Apologies for absence were received from Councillors Acomb, Burr, Keal and Maud.

70 Public Question Time

There were no public questions.

71 Minutes

The minutes of the Ordinary Meeting of Council held on 21 February 2019 were presented.

Resolved

That the minutes of the Ordinary Meeting of Council held on 21 February 2019 be approved and signed by the Chairman as a correct record.

72 Urgent Business

There were no items of urgent business.

73 Declarations of Interest

The Chairman advised that the declarations of all members of North Yorkshire County Council would be taken as read if required.

74 Announcements

The Chairman advised that he would be making a statement later in the meeting.

- 75 To consider for Approval the Recommendations in respect of the following Part 'B' Committee Items:

POLICY AND RESOURCES COMMITTEE – 14 MARCH 2019

Minute 94 – Kerbside Recycling Service

It was moved by Councillor Ives and seconded by Councillor S Arnold that the following recommendations of the Policy and Resources Committee be approved and adopted.

That Council be recommended to approve:

- i. The procurement of one additional recycling vehicle to provide operational resilience for planned maintenance and cover and to provide additional potential capacity to enable the further development of options to increase the current recycling service offered to residents and businesses
- ii. An increase in the revenue budget of £100,000 per year to cover the lease costs and anticipated associated increased operating costs of one additional recycling vehicle including resources*
- iii. A capital budget totalling £100,000 for the procurement of 25,000 blue boxes (with 44 litre capacity) for paper and cardboard collections following a risk assessment for the kerbside collection service to ensure safe manual handling working procedures (£75,000) and for the refurbishment of all mini recycling centres (£25,000)
- iv. To revise the current household waste collection policy to provide boxes for all recycling materials, removing the use of bags for paper and cardboard to ensure safe working procedures and to provide additional boxes upon request
- v To endorse the development and delivery of a proactive campaign to raise awareness of the current kerbside recycling collection service provided to all residents and approve one-off additional expenditure of £20,000 in 19/20 through the use of reserves.
- vi. That officers continue to assess the potential impacts for Ryedale District Council of the planned changes with the new DEFRA Resources and Waste Strategy in particular the proposed introduction of food waste collection and to submit further reports to members as details become available to allow officers to undertake the necessary preparatory work for possible future delivery subject to member approval.

** this figure only covers the cost of operational resilience for planned maintenance and cover and a forecast for two additional members of staff on the basis that recycling increases as a consequence of a proactive campaign to raise awareness of what can be recycled now as part of the kerbside recycling collection service. It is possible that a further decision for additional revenue budget would be required if further additional resources were required to cover revised collection rounds to cope with increased capacity and demand once there is evidence to demonstrate a revised business case. The cost would be pro-rata in 19/20 circa £45,000.*

Councillor P Andrews proposed and Councillor Jowitt seconded the following amendment;

Add

- (vii) That officers be instructed to prepare a report on the implication of doing weekly green bin collections during the school holidays

Upon being put to the vote the amendment was lost.

Voting record

2 For

24 Against

Councillor Clark proposed and Councillor Thornton seconded the following amendment:

Amend (i) to (i) (a) and add;

- (b) Before proceeding with (a) officers are requested to investigate and report on the feasibility of using electric/hydrogen vehicles. The report to come back to Policy and Resources Committee and Full Council if appropriate.

Upon being put to the vote the amendment was lost.

Recorded vote

For

Councillors, J Andrews, Clark, Cleary, Jainu-Deen, Potter, Raper, Thornton and Windress

Against

Councillors P Andrews, S Arnold, V Arnold, Bailey, Cowling, Cussons, Duncan, Farnell, Frank, Gardiner, Goodrick, Hope, Ives, Oxley, Sanderson, Shields and Wainwright

Abstention

Councillor Jowitt

Upon being put to the vote the motion was carried.

Resolved

That Council approve:

- i. The procurement of one additional recycling vehicle to provide operational resilience for planned maintenance and cover and to provide additional potential capacity to enable the further development of options to increase the current recycling service offered to residents and businesses
- ii. An increase in the revenue budget of £100,000 per year to cover the lease costs and anticipated associated increased operating costs of one additional recycling vehicle including resources*
- iii. A capital budget totalling £100,000 for the procurement of 25,000 blue boxes (with 44 litre capacity) for paper and cardboard collections following a risk assessment for the kerbside collection service to ensure safe manual handling working procedures (£75,000) and for the refurbishment of all mini recycling centres (£25,000)

- iv. To revise the current household waste collection policy to provide boxes for all recycling materials, removing the use of bags for paper and cardboard to ensure safe working procedures and to provide additional boxes upon request
- v To endorse the development and delivery of a proactive campaign to raise awareness of the current kerbside recycling collection service provided to all residents and approve one-off additional expenditure of £20,000 in 19/20 through the use of reserves.
- vi. That officers continue to assess the potential impacts for Ryedale District Council of the planned changes with the new DEFRA Resources and Waste Strategy in particular the proposed introduction of food waste collection and to submit further reports to members as details become available to allow officers to undertake the necessary preparatory work for possible future delivery subject to member approval.

** this figure only covers the cost of operational resilience for planned maintenance and cover and a forecast for two additional members of staff on the basis that recycling increases as a consequence of a proactive campaign to raise awareness of what can be recycled now as part of the kerbside recycling collection service. It is possible that a further decision for additional revenue budget would be required if further additional resources were required to cover revised collection rounds to cope with increased capacity and demand once there is evidence to demonstrate a revised business case. The cost would be pro-rata in 19/20 circa £45,000.*

Recorded vote

For

Councillors P Andrews, S Arnold, V Arnold, Bailey, Cleary, Cowling, Cussons, Duncan, Farnell, Frank, Gardiner, Goodrick, Hope, Ives, Jainu-Deen, Jowitt, Oxley, Sanderson, Shields, Wainwright and Windress

Against

Councillors, J Andrews, Clark, Potter and Thornton.

OVERVIEW AND SCRUTINY COMMITTEE 21 MARCH 2019

Minute 103 – Scrutiny Review on Climate Change

It was moved by Councillor Clark and seconded by Councillor Oxley that the following recommendations of the Overview and Scrutiny Committee be approved and adopted.

That Council be recommended to adopt and implement the recommendations contained in the report.

Upon being put to the vote the motion was carried.

Resolved

That Council adopts and implements the recommendations contained in the report.

Voting record

Unanimous

The Chairman of Overview and Scrutiny Committee requested that his thanks to those Members who participated in the Working Party and to Jos Holmes for her work on the report be recorded.

[Councillors Bailey, Cowling, Cussons and Frank left the meeting following consideration of these items]

76 Proposed Amendment to the Timetable of Meetings at the Request of the Chairman of the Overview and Scrutiny Committee - Constitution Working Party

It was moved by Councillor and seconded by Councillor Thornton that the following amendment to the Timetable of Meetings be approved and adopted.

That Council be recommended to approve:

- i. To add to the Timetable of Meetings the following note:
“The Constitution Working Party must meet at least once per municipal year”
- ii. That a meeting of the Constitution Working Party take place on 20 June 2019

Upon being put to the vote the motion was carried.

Resolved

- i. That the following note be added to the Timetable of Meetings:
“The Constitution Working Party must meet at least once per municipal year”
- ii. That a meeting of the Constitution Working Party take place on 20 June 2019

Voting Record

14 For
7 Against
1 Abstentions

77 Any other business that the Chairman decides is urgent

The Chairman proposed and Councillor Clark seconded that thanks be given and recorded for the exemplary public service of the following Members who were not standing for re-election.

Councillors Acomb, Val Arnold, Ives, Jainu-Deen, Jowitt, Maud, Sanderson, Thornton and Wainwright.

Voting record

22 For
0 Against
0 Abstentions

There being no other items of urgent business, the meeting closed at 8.45 pm.



PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	ANNUAL COUNCIL
DATE:	16 MAY 2019
REPORT OF THE:	DEMOCRATIC SERVICES MANAGER SIMON COPLEY
TITLE OF REPORT:	REPRESENTATION ON OUTSIDE ORGANISATIONS 2019- 23
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 This report sets out information regarding the Member role of representative on outside organisations and in particular the requirement to produce a précis of meetings attended.

2.0 RECOMMENDATION(S)

2.1 That Council note the information in this report.

3.0 REASON FOR RECOMMENDATION(S)

3.1 To ensure all Members are fully aware of what the role of representative on outside organisations entails.

4.0 SIGNIFICANT RISKS

4.1 This is an information report and is provided to ensure Members are fully informed as to their roles and therefore able to carry them out effectively.

5.0 POLICY CONTEXT AND CONSULTATION

5.1 In 2013-14 a scrutiny review was undertaken on representation on outside bodies. These were considered and agreed by Full Council in March 2014.

REPORT

6.0 REPORT DETAILS

6.1 The decisions made by Full Council in March 2014, following the scrutiny review

included:

That a précis from Member representatives on outside bodies be published on the website following each meeting, subject to the approval of the outside bodies, to ensure feedback of key decisions and discussions relevant to the Council is available, and including their attendance record;

That appointments to outside bodies be for four year terms, from 2015 onwards to coincide with the District elections, subject to an annual review by the Overview and Scrutiny Committee to address any issues with attendance or publication of précis

- 6.2 A template for this précis will be provided to all Members appointed to outside bodies. A copy is annexed to this report.
- 6.3 To fulfil their role as representative on an outside organisation Members appointed will need to complete the précis to ensure that feedback is made available to all Members and that the Overview and Scrutiny Committee can carry out their annual review process.
- 6.4 Should representation be on behalf of all District Councils, there may be additional requirements for reporting. Where this is the case, this will be highlighted to the Member undertaking this role.

7.0 IMPLICATIONS

- 7.1 The following implications have been identified:
- a) Financial
None.
 - b) Legal
None.
 - c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental and Climate Change, Crime & Disorder)
None.

Simon Copley
Democratic Services Manager

Author: Simon Copley, Democratic Services Manager
Telephone No: 01653 600666 ext: 43277
E-Mail Address: simon.copley@ryedale.gov.uk

Background Papers:
Scrutiny Report on Outside Bodies and Member Champions
Minutes of Full Council in March 2014

Background Papers are available for inspection at:
www.ryedale.gov.uk



Outside Bodies – Précis of Meeting

Name of Outside Body			
Date of meeting			
Council representative(s)			
Key discussions:			
Key decisions:			
Relevance to Ryedale District Council:			
Date of submission of précis		Confirmation of clearance to publish précis	

It is the responsibility of the Member representative(s) to write this précis and then get approval from the outside body prior to submission to Democratic Services, preferably by email to democratic.services@ryedale.gov.uk or alternatively paper copy. The précis will then be placed on the Council's website. This précis is for information purposes only and it is the responsibility of the Member representatives to follow up actions.

This page is intentionally left blank

REPRESENTATION ON OUTSIDE ORGANISATIONS

ORGANISATIONREPRESENTATIVES2019 – 2023**COMMUNITY & VOLUNTARY SECTORS**

Ryedale Citizens' Advice Bureau (All Wards)	Representative: Cllr Graham Substitute: Cllr Middleton
Ryedale Community Transport – Ryecat Project (All Wards)	Representative: Cllr Docwra Substitute:
Ryedale YMCA Board of Management (All Wards)	Representative: Cllr Arnold Representative: Head of Paid Service or Nominated Representative Substitute:

LEISURE/ARTS/CULTURAL

Harrison Collection Trust (Dales Ward)	Representative: Substitute:
Malton Community Sports Centre Finance and Premises Governors (All Wards)	Representative: Cllr Middleton Substitute: Cllr ??
Milton Rooms Management Committee (Malton Ward)	Representative: Cllr Delaney Substitute: Cllr King
Ryedale Folk Museum (Dales Ward)	Representative: Cllr Frank Substitute:
Ryedale Tourism Advisory Board (All Wards)	Representative: Cllr Oxley Substitute: Cllr Cleary
Welcome to Yorkshire Annual General Meeting (All Wards)	Representative: Cllr Docwra Substitute: Cllr Windress

LOCAL GOVERNMENT

District Councils' Network (All Wards)	Representative: Leader of Council or Chairman of Policy and Resources Committee if no Leader
---	--

Local Government Association - SPARSE (All Wards)	Representative: Cllr Arnold (No substitutes permitted)
Local Government Association General Assembly (All Wards)	Representative: Chairman of Policy and Resources Committee (No substitutes permitted)
Local Government North Yorkshire & York (All Wards)	Representative: Leader of the Council or Chairman of Policy and Resources Committee if no Leader Representative: Head of Paid Service or Nominated Representative
North York Moors National Park Authority (Wards: Ampleforth, Cropton, Dales, Helmsley, Kirkbymoorside, Pickering West, Sinnington, Thornton Dale)	Representative: Cllr Bailey Representative: Cllr Frank
North Yorkshire County Council – Scrutiny of Health Committee (All Wards)	Representative: Cllr Clark Substitute: Cllr Keal
North Yorkshire, City of York and East Riding Strategic Housing Board (All Wards)	Representative: Cllr Goodrick Substitute: Cllr Windress
Yorkshire & Humber Local Authority Employers' Association (All Wards)	Representative: Cllr Duncan Substitute: Cllr Arnold
Yorkshire Leaders' Board (All Wards)	Representative: Leader of the Council or Chairman of Policy and Resources Committee if no Leader

PARTNERSHIPS/JOINT COMMITTEE

North Yorkshire Building Control Partnership (All Wards)	Representative: Cllr Goodrick Substitute: Cllr Windress
Police, Fire and Crime Panel (All Wards)	Representative: Cllr Middleton
White Rose Home Improvement Agency Partnership (All Wards)	Representative: Chairman of Policy and Resources Committee Substitute: Vice Chairman of Policy and Resources Committee

PLANNING/ECONOMY/ENVIRONMENT

Howardian Hills Area of Outstanding Natural Beauty - Joint Advisory Committee
(Wards: Amotherby, Ampleforth, Derwent, Helmsley, Hovingham, Ryedale South West, Sheriff Hutton, Sinnington)

Representative: Cllr Graham
Representative: Cllr Docwra
Substitute: Cllr Mason

Malton & Norton Area Partnership Board
(Wards: Malton, Norton East and Norton West)

Representative:
Substitute:

North Yorkshire and York Spatial Planning and Transport Board
(All Wards)

Representative:
Substitute:

Parking and Traffic Regulations outside London (PATROL)
(All Wards)

Representative: Chairman of Policy and Resources Committee

Reserve Forces & Cadet Association for Yorkshire and the Humber

Representative:
Substitute:

Vale of Pickering Internal Drainage Board
(Wards: Amotherby, Ampleforth, Cropton, Derwent, Helmsley, Hovingham, Kirkbymoorside, Malton, Norton East, Norton West, Pickering East, Pickering West, Rillington, Sherburn, Sinnington, Thornton Dale)

Representative:
Representative:
Substitute:

York, North Yorkshire and East Riding Local Enterprise Partnership:

- Infrastructure Programme Board
(All Wards)

Representative:

POLICE

Safer Ryedale Delivery Team
(All Wards)

Representative:
Representative:
Substitute:
Substitute:

Community & Police Consultation Groups:

Kirkbymoorside and Helmsley
(Wards: Ampleforth, Dales, Helmsley, Kirkbymoorside, Sinnington)

Representative:
Substitute:

Malton and Norton
(Wards: Malton, Norton East, Norton West)

Representative:
Substitute:

Malton Rural East
(Wards: Derwent, Rillington, Sherburn, Wolds)

Representative:
Substitute:

Malton Rural West
(Wards: Amotherby, Hovingham,
Ryedale South West, Sheriff Hutton)

Representative:
Substitute:

Pickering and Area
(Wards: Cropton, Pickering East, Pickering
West, Thornton Dale)

Representative:
Substitute:

Leader's Statement – 27 June 2019

This chamber looks very different following the elections in May. We've lost long-serving and experienced members, but gained others with new perspectives and new ideas.

We find ourselves yet again in no overall control. But that does not mean no overall vision and direction.

There is lots to do, but I want to focus on four key items we must all urgently take responsibility for:

- We have danced around the future of Ryedale House for too long. I recently toured this building and was shocked by its condition. It is unfit for purpose and quickly deteriorating after decades of neglect. We need to decide what its future will be before time is allowed to take an even greater toll.
- Plans to relocate Malton's livestock market are controversial and costly. There are strong views around this chamber, but we must work to find a way forward. This council has pledged to take a look at the business case around the relocation, and what role we should play. It would be premature to end that work at this critical point and without finding the answers we are seeking.
- The Milton Rooms has fantastic potential as a flagship venue in the heart of Ryedale. It should be seen by this council as an asset rather than a liability. We must continue our support, but with due consideration, of course, to ensuring value for Ryedale taxpayers.
- And finally, but most importantly, we must rebuild the trust of our workforce. Ryedale District Council can achieve nothing without its team of staff. Yet we have let them down over recent years. Now we need to demonstrate our appreciation for their hard work and dedication, and remind ourselves that this council's greatest asset of all is its people.

In order to deliver over the next four years, on these items and others, we need to also look seriously at our own conduct and behaviour. The time for tricks, games, dithering and party political point scoring is over.

I have stated many times, and will state again, that Ryedale requires a "new approach" to doing business. Greater openness and transparency, improved collaboration and goodwill will be vital as we all work together to set policies in the interests of our district.

Finally - I wish every member of this council, in every political group, good luck throughout their term in office.

This page is intentionally left blank



PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	PLANNING COMMITTEE
DATE:	18 JUNE 2019
REPORT OF THE:	HEAD OF PLANNING AND REGULATORY SERVICES GARY HOUSDEN
TITLE OF REPORT:	THE RYEDALE PLAN. ADOPTION OF THE LOCAL PLAN SITES DOCUMENT AND POLICIES MAP
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 For Members to consider the recommendations of the Inspector appointed to examine the Local Plan Sites Document and to recommend that Council adopts the document and the Local Plan Policies Map as the Development Plan.

2.0 RECOMMENDATION

- 2.1 That Council is recommended to:
- (i) Adopt the Local Plan Sites Document and Policies Map (appendix 3 and 4 of this report) as part of the development plan for Ryedale.

3.0 REASON FOR RECOMMENDATION

- 3.1 To complete the production of the development plan for the period 2012-2027.

4.0 SIGNIFICANT RISKS

- 4.1 Following the adoption of a development plan, there is a six week period in which the adoption can be challenged legally. However, it is considered that there are no specific risks associated with the adoption and use of the Plan. Indeed, it is considered that there are greater risks associated with not progressing the adoption and completion of the development plan.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 The Sites Document and Policies Map are key parts of the Ryedale Plan- the Development Plan for Ryedale District. The Sites Document contains site-specific development and protection policies which are aligned to the strategic policies in the

Local Plan Strategy. The Policies Map is designed to replace the 2002 Ryedale Local Plan Proposals Map. It is the purpose of the map to illustrate geographically the application of the policies in the development plan (the adopted policies in the Local Plan Strategy as well as the proposals in the Sites Document.)

- 5.2 The Ryedale Plan contributes to the delivery of a number of priorities in the Council Plan and Economic Action Plan. It also facilitates the delivery of the strategies of partners including, for example, the Local Economic Partnership.
- 5.3 The Local Plan Sites Document has now progressed through all of the stages of the plan making process which are necessary before the Council can consider its adoption. Once adopted the documents will form part of the Development Plan and have full weight in the decision making process relating to the determination of planning applications and other applications made under the Planning Acts.

6.0 REPORT

- 6.1 On the 12 October 2017, Council agreed to submit the Local Plan Sites Document for Examination. The Examination is a formal stage in the plan-making process. It is conducted by an independent planning inspector with the remit of assessing that the document has been produced in accordance with legal requirements and that it is 'sound' and capable of adoption. A key part of the Inspector's role is to identify any modifications (known as Main Modifications) that are considered to be necessary to ensure the plan is sound.
- 6.2 A copy of the Inspector's Report is at Appendix 1 of this report and the list of Main Modifications to the document are at Appendix 2. The main modifications (together with a number of additional modifications covering typographical errors/points of clarification have been incorporated into the Sites Document at Appendix 3 and the Policies Map Appendix 4.
- 6.3 In essence, all of the key policy proposals in the Plan remain unchanged. This includes all of the proposed housing land allocations and proposed new Visually Important Undeveloped Areas.
- 6.4 The Housing Land Allocations are:
- Land to the east of Beverley Road, Norton
 - Land to the west of Old Maltongate (Ryedale House), Malton
 - Land to the east of Whitby Road, Pickering
 - Land to the west of Malton Road, Pickering
 - Land to the south of Swineherd Lane, Kirkbymoorside
 - Land to the north of Keld Head Close, Kirkbymoorside
 - Brickworks Site, to north of Swineherd Lane, Kirkbymoorside
 - Land to the south of Amotherby Primary School, Amotherby
 - Land to the south of Aspen Way, Slingsby

6.5 The new Visually Important Undeveloped Areas (VIUA's) are:

- Land at Folliot Ward Close, Middlecave Road, Malton
- Land to the north of Peasey Hills, Malton
- Land to west of the Church of St John, Welburn
- Land to north of Slingsby Castle and west of the Lawns, Slingsby
- Land between Amotherby and Swinton south of the B1257
- Land to the north of Worsley Arms and south east of the village hall, Hovingham
- Land at Knoll Hill, Ampleforth
- Land to the south and west of St Hilda's Church, and north of Millway, Ampleforth
- Land to the rear of Ludley House, Ampleforth
- Verges, Main Street, Ampleforth
- Land west of St Benedict's School, Ampleforth
- Mickle Hill, and land to the south of Mickle Hill, Pickering
- Land between Welham Road and Langton Road, Norton
- Land north of Westgate Lane, Old Malton

6.6 On adoption, the policies map it will replace the 2002 Local Plan Proposals Map. The Policies Map has been updated to reflect the modifications that have been identified as part of the examination process.

7.0 IMPLICATIONS

7.1 The following implications have been identified:

- a) Financial
There are no financial implications associated with the recommendation
- b) Legal
On adoption, the documents will become part of the Development Plan for the District.
- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental and Climate Change, Crime & Disorder)
A range of assessments including Equalities Impact Assessment, Sustainability Appraisal and Strategic Environmental Assessment and Habitat Regulation Assessment have been undertaken to inform the preparation of the Ryedale Plan. No other implications have been identified.

8.0 NEXT STEPS

8.1 The Council must give notice of the adoption of the Ryedale Plan-Local Plan Sites Document. It is subject to a six-week period of legal challenge.

Gary Housden
Head of Planning and Regulatory Services

Author: Rachael Balmer, Senior Planning Officer
Telephone No: 01653 600666 ext: 43357
E-Mail Address: rachael.balmer@ryedale.gov.uk

List of Appendices

- 1) Inspector's Report
- 2) Schedule of Main Modifications
- 3) Ryedale Plan Local Plan Sites Document
- 4) Policies Map at <https://www.ryedaleplan.org.uk/local-plan-sites/ryedale-plan-local-plan-sites-document-main-modifications-consultation> scroll down to **Local Plan Policies Map**

Background Papers:

Ryedale Plan. Local Plan Sites Document. Examination Library

Background Papers are available for inspection at:

<https://www.ryedaleplan.org.uk/local-plan-sites/submission-and-forthcoming-examination>

<https://www.ryedaleplan.org.uk/local-plan-sites/ryedale-plan-local-plan-sites-document-main-modifications-consultation>

<https://www.ryedaleplan.org.uk/local-plan-sites/submission-and-forthcoming-examination>

Report to Ryedale District Council

by Caroline Mulloy

an Inspector appointed by the Secretary of State

Date: 04 June 2019

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Ryedale Local Plan Sites Document

The Plan was submitted for examination on 29 March 2018

The examination hearings were held between 25 September and 4 October 2018

File Ref: PINS/Y2736/429/6

Abbreviations used in this report

AA	Appropriate Assessment
DtC	Duty to Co-operate
HRA	Habitats Regulations Assessment
LDS	Local Development Scheme
LP	Local Plan
LPS	Local Plan Strategy
LPSD	Local Plan Sites Document
MHCLG	Ministry of Housing, Communities and Local Government
MM	Main Modification
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SSM	Site Selection Methodology
VIUA	Visually Important Undeveloped Areas

Non-Technical Summary

This report concludes that the Ryedale Local Plan Sites Document (LPSD) provides an appropriate basis for the planning of the District, provided that a number of main modifications [MMs] are made to it. Ryedale Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Council prepared schedules of the proposed modifications and carried out a sustainability appraisal (SA) and Habitat Regulations Assessment (HRA) of them. The MMs were subject to public consultation over a six-week period. I have taken account of consultation responses and the findings of the SA and HRA in writing this report. Following the period of consultation, I have made minor amendments to the detailed figures set out in **MM15** to address numerical errors in the figures. None of these minor amendments alter the substance or meaning of the main modifications. I have recommended the inclusion of the main MMs (including the minor amendment to **MM15**) in the Plan after considering all the representations.

The Main Modifications can be summarised as changes to policies so that they are justified, effective and consistent with national policy. In particular:

- Amendments to reflect the housing and employment land supply position at 31 March 2018;
- Delete reference to a site which may not be deliverable and which does not comply with national and local policy in relation to food retail;
- Amendments to policies to clarify that existing commitments would be treated as allocations in the future and that development should be consistent with the site's existing permission in the event that the current permission expires;
- Inclusion of an additional development principle on each housing site allocation to include the indicative yield;
- Amend the development principle relating to electric charging points on all housing site allocations to reflect the latest technology;
- Include additional development principles for relevant housing site allocation policies to address the issues of Mineral Safeguarding Areas and archaeology;
- Adjusting and clarifying the site-specific development requirements of the proposed site allocations.

Introduction

1. This report contains my assessment of the Ryedale LPSD in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (NPPF) 2012 (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The revised NPPF was published in July 2018 and a further revised version in February 2019. It includes a transitional arrangement in paragraph 214 whereby, for the purpose of examining this Plan, the policies in the 2012 Framework will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised NPPF, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the 2012 NPPF and the versions of the PPG which were extant prior to the publication of the 2018 NPPF.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The LPSD, submitted in March 2018 is the basis for my examination. It is the same document as was published for consultation in November 2017.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2**, **MM3** etc, and are set out in full in the Appendix.
5. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out a SA and HRA of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses and the findings of the SA and HRA in coming to my conclusions in this report. As set out above, I have made minor amendments to the detailed figures set out in **MM15** to address numerical errors. These amendments do not alter the substance or meaning of the main modifications.
6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as 'Policies Maps' as set out in 'Local Plan Policies Map'.
7. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, one of the published MMs (**MM18**) to the Plan's policies requires a corresponding change to be made to the Policies Map which was published for consultation alongside the MMs.

8. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include the consequential amendment as a result of the MMs set out at number 22 of the 'Policies Map Changes and Additional Modifications'.

Assessment of Duty to Co-operate

9. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
10. The strategic cross-boundary matters for the Ryedale Plan were identified and addressed as part of the preparation of the Local Plan Strategy (LPS). Engagement with other local authorities and relevant organisations during the preparation of the LPSD has been a continuation of the on-going work which informed the preparation of the LPS utilising well-established mechanisms for discussion. Evidence of this engagement is set out in the Council's Statement of Legal Compliance and Procedural Issues (PD05).
11. As a two-tier area the LPSD has implications for a number of strategic county matters including infrastructure, highways, education provision and minerals. The Council has worked closely with North Yorkshire County Council (NYCC) including their Highways, Education and Heritage teams in relation to the proposed site allocations. It is clear that other local authorities and relevant organisations have had full opportunity to engage with the Council at all key stages in the process of preparing the LPSD.
12. The LPSD provides support in principal for the expansion of the National Agri-Food Innovation Campus site, the southern boundary of which adjoins the outer boundary of the York Green Belt. The approach reflects the ambitions of the Local Enterprise Partnership and the City of York.
13. The Council has clearly taken into account the wider strategic context and the interrelationships with neighbouring areas in terms of the distribution of housing, employment and retail development which accords with the LPS. It has demonstrated constructive and on-going engagement with local authorities and other organisations on strategic matters, in particular NYCC and has sought to effectively resolve issues. Furthermore, there are no concerns before me from other authorities and prescribed bodies regarding compliance with the duty to cooperate.
14. Overall, I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the Duty to Co-operate has been met.

Assessment of Soundness

Background

15. The LPSD has been prepared as part of the Ryedale Plan which covers the period 2012-2027. The LPS was adopted September 2013 and provides the strategic planning policy framework for the District. It establishes the amount and type of new development required within the Plan period to 2027. It contains a settlement hierarchy and principles of the development and growth of different settlements which has guided the identification of specific sites within the LPSD.

16. The LPSD does not identify specific sites in Helmsley which is identified as a Local Service Centre in the LPS. Site allocations for Helmsley are identified in the Helmsley Plan which was jointly prepared by the Council and the North York Moors National Park Authority and adopted July 2015.

Main Issues

17. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified eight main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

Housing

Issue 1: Whether the scale and distribution of housing development is consistent with the LPS and the NPPF and whether the Plan is positively prepared and justified and effective with regards to housing?

Housing Supply and Delivery

18. Policy SP2 of the LPS seeks to deliver at least 3,000 (net) new homes over the period 2012-2027 equating to around 200 dwellings per annum. In addition, the LPS establishes a locally based approach which enables housing provision to be increased from 200 to 250 dwellings per annum or from 3,000 to 3,750 dwellings over the period of the Plan; effectively a plan-led supply buffer. The LPSD makes provision to meet the higher requirement incorporating the supply buffer.
19. Policy SP2 of the LPS seeks to distribute the housing requirement in accordance with the strategy and settlement hierarchy with a particular focus on the market towns to ensure a sustainable pattern of development.
20. Between 1 April 2012 and 31 March 2018 there has been a significant number of housing completions (1552 dwellings) and sites granted planning permission (1345 dwellings) as of 31 March 2018. The Council considers that 91 units of those sites with planning permission are not deliverable. A 10% non-implementation allowance for small sites (small sites = 263 units) has also been deducted resulting in a contribution of 1227 units from sites with planning permission within the plan period.
21. The deliverability of a number of sites with planning permission have been questioned in particular a large site at Kirkbymoorside for 225 units. However, it is a greenfield site with few constraints and a reserved matters application has been submitted indicating the intention to bring the site forward. There is no cogent evidence before me to undermine the Council's estimate of delivery. Furthermore, the Council has undertaken an assessment of sites with planning permission to determine whether they are developable and deliverable in conjunction with land owners and agents.
22. Further contributions to housing supply are made by a site which has been granted planning permission subject to a Section 106 Obligation (46 units). Consequently, the contribution from existing commitments to the housing supply is **2825** units (1552 + 1227 + 46 units). On this basis, the residual requirement for the Plan period against the minimum housing requirement of 3000 units would be 175 units and 925 units against the higher requirement incorporating the plan-led supply buffer of 3,750.

23. In addition, the remaining land allocation in the Helmsley Plan accounts for 50 units and the LPSD proposes to allocate 859 dwellings together with 245 units on sites which are allocated in the Plan but now have planning permission. In total the supply of housing would, therefore, be **3,979** units, some 30% above the minimum housing land requirement and some 6% above the higher requirement figure. The deliverability of some of the allocated sites has been questioned; however, the sites at Slingsby and Amotherby have developer interest and procedures are under way to compulsory purchase land at Helmsley. Consequently, I am satisfied that these sites will come forward in the Plan period.
24. The standard five-year requirement would be 1000 units (5 x 200). The LPS also establishes a 'Zone of Tolerance' (ZoT) which is in addition to the plan-led supply buffer. Essentially, the ZOT only readjusts the five-year housing land supply (5YHLS) requirement if housing exceeds 250 dwellings per annum (dpa)- effectively a 25% over-delivery tolerance. Since the base date of the Plan delivery has exceeded 250 dpa by 115 units hence the revised 5YHLS figure is 885 units or 177 dpa (1000-115 units). As housing completions have consistently exceeded the planned annual housing requirement an additional supply buffer of 5% is applicable. This would result in a 5YHLS figure of 929 units or 186 dpa or 935 units or 187 dpa if the buffer is calculated against the LPS requirement of 200 dpa.
25. The Strategic Housing Land Availability Assessment: Update 2018 (SHLAA) sets out that the supply of housing land in the five-year period would be **1054** after deducting specific non-deliverable sites and applying a non-implementation allowance for small sites with planning permission. Consequently, the Council would have a 5YHLS of 5.66 years compared to the recalibrated target and buffer of 186 dpa and a 5.63 5YHLS if the buffer is calculated against the LPS requirement of 200 dwellings. In addition, the Council has since granted planning permission for 239 dwellings at land to the East of Whitby Road, Pickering (SD5) which further bolsters the 5YHLS.
26. Furthermore, the sites have been assessed in terms of their deliverability through the SHLAA process in conjunction with landowners, land agents and housebuilders. Viability work confirms that the site allocations would be deliverable with policy compliant levels of affordable housing and other policy requirements. In summary, the LPSD provides enough flexibility to meet both the 5YHLS and the LPS requirement and is consistent with the NPPF which seeks to significantly boost the supply of housing.
27. The text in paragraph 2.8 and also the housing figures set out in Appendix 2, to be renumbered to Appendix 3 need to be updated to reflect the housing land supply position at 31 March 2018 (**MM3** and **MM23**). A Housing Trajectory is required to be included at Appendix 4 (**MM24**). These modifications are necessary to ensure that the data in the final LPSD is accurate and that monitoring of progress on housing delivery in the District will be effective.

Distribution of housing development

Site selection Methodology

28. Policy SP1 of the LPS sets out a settlement hierarchy for the District which includes the Principal Towns of Malton and Norton - the primary focus for growth. The Local Service Centres (Market Towns) of Pickering, Kirkbymoorside and Helmsley are the Secondary Focus for Growth whilst the Local Service Centres (Service Villages) are the tertiary focus for growth. In all other villages, hamlets

and in the open countryside development is restricted to that which is necessary, amongst other things, to support a sustainable rural economy and communities. A set of principles are included to guide development at the towns.

29. Policy SP2 of the LPS seeks to distribute the housing land requirement in accordance with the settlement hierarchy. Approximately 50% of the planned supply (3000 net new homes) is directed to Malton and Norton (1500 dwellings) with 25% (750 dwellings) to Pickering, 10% to Kirkbymoorside (300 dwellings), 5% to Helmsley (150) and 10% (300) to the service villages. In allocating housing land to each town or village account has been taken of sites which have been completed or are under construction and sites which have planning permission, but which have not yet started. The residual requirement is to be met from the proposed allocations.
30. The Site Selection Methodology (SSM) was developed from the objectives of the Ryedale Plan SA Scoping Report which were then overlain with local sustainability considerations. Over 300 sites were assessed in and around settlements where housing development was acceptable in principle in the LPS. The process has been an iterative one taking account of a wide range of environmental and infrastructure constraints and it has been subject to extensive consultation with technical consultees and the development industry.
31. Whilst some sites may have performed well in the appraisal process, they may not have been taken forward in the LPSD as the housing requirement for that particular settlement has already been met by way of completions or planning permissions. This approach avoids the over-allocation of land in settlements and ensures consistency with the scale and distribution of development set out in the LPS and is, therefore, justified.
32. Although some may disagree with the outcome of the SSM in relation to the assessment of individual sites; the process has been undertaken in a systematic, iterative and transparent way; assesses an appropriate range of alternative sites; and provides clear reasoning for the selection or rejection of sites. On this basis, I am satisfied that the site selection process is appropriate.

Principal towns-Malton and Norton

33. A significant proportion of the housing requirement (1500 dwellings) for Malton/Norton is accounted for by existing commitments. The residual requirement for Malton and Norton will be met through the allocation to the east of Beverley Road, Norton and a previously developed site off Malton Road. These allocations would be around 600 dwellings which would exceed the residual requirement; however, Malton/Norton are the Principal towns, and this enables the Plan to provide a supply buffer.
34. Other options for site allocations within Malton and Norton were considered through the SSM process; however, these sites were constrained in terms of flood risk; the effects on heritage assets; they made an important contribution to the setting of the settlement; or were too small to deliver the social and infrastructure benefits of a larger allocation.
35. The allocations are consistent with the principles for Malton and Norton set out in the LPS which, amongst other things seek to retain the compact and accessible Market Town 'feel'; avoid coalescence with Old Malton and; create sensitive new

edges to the towns and repairing existing edges as they abut the open countryside.

Local Service Centres (Market Towns)-Pickering

36. The LPS requirement for Pickering is 750 dwellings, a proportion of which has been met through existing commitments. The residual requirement will be met on two sites at Whitby Road and Malton Road which take into account environmental and character constraints such as the historic strip field patterns and more than meet the residual requirement for the town. The sites also conform to the development principles for the town set out in the LPS including avoiding coalescence with Middleton and controlling pressure for incremental urbanisation of the approach into Pickering along the Malton Road.
37. Strategic transport modelling assessed the impact of new development in Pickering and further assessment will be undertaken through the planning application process. Furthermore, both sites provide good access to the existing road network. The SSM considered other site options in Pickering; however, it concluded that these sites would have significant impacts on the strip fields and their setting.

Local Service Centres (Market Towns)-Kirkbymoorside

38. The housing requirement for Kirkbymoorside is 300 dwellings. Limited housing development has taken place in Kirkbymoorside since 2012 with only 15 completions up to 31 March 2017. However, planning permission has been granted for 225 dwellings to the west of the town and there are other extant permissions.
39. Kirkbymoorside has a number of environmental constraints which has limited the choice of sites including the strip field system and designated heritage assets. In addition, some omission sites were to the south of the A170 or would erode the gap between Keldholme and Kirkby Mills, contrary to the development principles for the town. In order to provide a supply buffer, the Council has allocated three sites equating to approximately 61 dwellings resulting in a slight over-provision. For the reasons set out below these sites broadly accord with the principles set out in the LPS for Kirkbymoorside.

Local Service Centres (Service Villages)-Amotherby and Slingsby

40. Policy SP2 of the LPS identifies ten Local Service Centres (Service Villages) which have some facilities as a tertiary focus for growth. Around 10% (300 dwellings) of the planned housing supply is directed to the service villages. The higher requirement incorporating the plan-led supply buffer is 360 dwellings. Existing commitments equate to 384 dwellings for the service villages. Proposed allocations in Amotherby (40 dwellings) and Slingsby (36 dwellings) would add a further 76 dwellings taking the overall supply to 460 dwellings, 100 dwellings in excess of the higher requirement.
41. The allocation of sites in the Service Villages has been significantly influenced by the level of completions and extant planning permissions. Several villages have already seen development within the Plan period or have extant permissions and so the focus was on villages which have experienced little or no development. Although the allocations would result in an over-allocation compared to the LPS requirement, those sites would meet a specific need in those villages for market and affordable housing. Alternative sites were considered through the SSM

process in those villages; however, many of those sites were constrained in terms of highways, visual or landscape constraints.

42. Overall, I consider that the scale and distribution of development is consistent with the LPS and the NPPF which seeks to significantly boost the supply of housing and encourages patterns of development which facilitate the use of sustainable modes of transport and which would maintain or enhance the vitality of rural communities.

Conclusion on Issue 1

43. *Considering the above, I conclude that subject to the modifications referred to above, the scale and distribution of housing development is consistent with the LPS and the NPPF and that the Plan is positively prepared and justified and effective with regards to housing.*

Issue 2: Whether the LPSD provides an effective framework to meet the needs for different types of housing and the needs of different groups in the community and whether it is consistent with the LPS and national policy?

44. Policy SP3 of the LPS seeks 35% of new dwellings to be affordable through on-site provision. On small sites below five dwellings or 0.2 ha a pro-rated financial contribution towards off-site provision is required. In settlements in West and South-West Ryedale 35% of new dwellings are required to be affordable through on-site provision together with an additional contribution equivalent to a further 5% of provision as part of developments of five dwellings or more. In practice, the Council has agreed to implement Policy SP3 in a way which reflects the Ministerial Statement 'Support for small scale developers, custom and self-builders'¹. Policy SP4 of the LPS seeks to increase housing choice and high-quality housing and make specialist provision for extra-care facilities and other specialist accommodation for example for the elderly.
45. A number of sites have been completed or have planning permission including for extra-care facilities, retirement village, rural exception sites and supported accommodation for vulnerable people. The plan provides a range of sites which are focussed in the market towns and larger villages where affordable housing need is greatest. The allocation of large sites supports a range of market and affordable tenure and housing to meet specialist needs in accordance with Policy SP3 and SP4 of the LPS. Furthermore, viability work indicates that greenfield sites such as those in the LPSD will be able to deliver policy compliant levels of affordable housing in accordance with Policy SP3 of the LPS.

Conclusion on Issue 2

46. *The LPSD provides an effective framework to meet the needs for different types of housing and the needs of different groups in the community and is consistent with the LPS and national policy.*

¹ House of Commons: Written Statement HCWS50 DCLG 28 November 2014

Issue 3: Whether the LPSD provides an effective framework to meet the needs of Gypsies and Travellers and whether it is consistent with the LPS and national policy.

47. Policy SP5 of the LPS commits the Council to identifying land for additional Gypsy and Traveller pitches if an updated assessment reveals a requirement. However, a Gypsy and Traveller Assessment produced in 2016 concluded that the existing Tara Park site at Malton is sufficient to meet identified needs and that consequently there was no requirement to provide additional pitches within the Plan period. Any future applications would be considered against LPS policies. The approach is, therefore, appropriate.

Conclusion on Issue 3

48. *The LPSD provides an effective framework to meet the needs of Gypsies and Travellers and it is consistent with the LPS and national policy.*

Issue 4: Whether the scale and distribution of employment development is consistent with the LPS and the NPPF and whether the Plan is positively prepared and justified and effective with regards to employment?

49. Policy SP6 of the LPS sets out a requirement of up to 37 hectares of land for employment use, with a further 8 hectares of net additional employment land to be provided in the broad location if so required. It seeks to distribute the employment land requirement to settlements in accordance with Policy SP1 of the LPS. It allocates around 30-36 hectares to Malton and Norton; 5.55 to 6.75 hectares to Pickering and around 1.85-2.25 hectares to Kirkbymoorside and Helmsley.
50. The Site Selection Methodology (SSM) helped to inform the selection of sites. Fewer sites were submitted under the 'call for sites' in comparison to housing sites. Nevertheless, the sites submitted were subject to an iterative assessment process, incorporating sustainability appraisal. Whilst some of those promoting sites may not agree with the outcome of the process, it is clear why some sites were taken forward and why others were rejected. Access to the strategic road network has been particularly influential in the site selection process.
51. Land will comprise a portfolio of sites to meet demands and aspirations for the diversification of the Ryedale economy and to support existing sectors such as advanced engineering, food and drink and manufacturing and potential growth sectors such as Knowledge/Science based activity. A significant proportion of the requirement has been released in advance of the preparation of the LPSD. Completions, commitments and Helmsley Plan allocations account for around 29.3 ha of the initial tranche of the employment land requirement (37ha). Consequently, the residual requirement is around 8.45 ha to 16.05 ha. In reaching the residual figure the modest over-supply (0.32 ha) in Kirkbymoorside/Helmsley has not been subtracted from the overall residual requirement as each settlement has their own requirement in the LPS. The LPSD identifies a site in Pickering at Thornton Road (6.6ha) in order to meet the residual requirement.
52. In terms of Malton/Norton, residual employment land at York Road and Norton Grove and a site at Eden House Road (17ha) has had outline planning permission for 10 years and is subject to reserved matters application. These sites will provide for the short to medium term quantitative and qualitative employment

needs of the towns. Nevertheless, there would be a small shortfall against the requirement equating to between 2.9ha to 9.3 ha in the longer term.

53. However, the calculations do not include land identified as a broad location for employment to the north of Malton. The broad location would meet the shortfall, including the additional 8 ha if so required in the longer term. Formal allocation of the land would result in a significant over-supply of employment land. Take-up rates of employment land have been relatively steady and furthermore, any surplus land may come under pressure for residential development. Under these circumstances, I consider that the approach of identifying a broad location is an appropriate one. It would provide a flexible and responsive supply of employment land if so required following completion of land to the west.
54. In Pickering, the existing commitments and allocations would almost meet the LPS requirement, leaving a very small residual requirement of 0.15 ha. The proposed allocation (Policy SD12) is situated to the south of the existing employment site and would form a logical extension in accordance with the development principles for Pickering identified in the LPS. At Kirkbymoorside, the commitments and the existing employment site at Kirkbymoorside Road more than meets the requirement and is situated in accordance with the development principles set out in the LPS. At Helmsley, the allocation in the Helmsley Plan meets the requirement.
55. Policy SD12 identifies both existing employment land commitments and new allocations and so it is necessary to amend the title of the Policy to reflect this dual purpose (**MM16**). Furthermore, the figures in the Policy need to be updated to reflect the employment land supply position at 31 March 2018. Following consultation on the modifications, I have made minor amendments to the employment land figures set out at **MM15** of the modifications to correct minor numerical errors. This minor amendment does not alter the substance or meaning of the modifications. These modifications (**MM15; MM16**) are necessary to ensure that the data in the final LPSD is accurate and that monitoring of progress on employment delivery in the District will be effective.
56. Policy SD13 allocates land for the expansion of existing employers if so required which would be in addition to the employment land requirement. These sites are discussed in detail below.
57. The SSM considered a number of other employment site options, including those assessed as part of the Employment Land Review; however, these were not taken forward due to site specific constraints or as they were not consistent with the LPS.
58. Overall, I consider that the LPSD identifies sufficient land to meet the requirement in the LPS in the locations identified in Policy SP6 of the LPS. Moreover, the approach is consistent with the NPPF which seeks to support sustainable economic growth and ensure that local planning authorities plan proactively to meet economic growth.

Conclusion on Issue 4

59. *Considering the above, I conclude that the scale and distribution of employment development is consistent with the LPS and the NPPF and that the Plan is positively prepared and justified and effective with regards to employment.*

Issue 5: Whether the scale and distribution of retail development is consistent with the LPS and NPPF and whether the Plan is positively prepared and justified and effective with regards to retail?

60. Policy SP7 of the LPS sets out a Town Centre Hierarchy which identifies Malton as the Principal Town Centre and Norton, Pickering, Kirkbymoorside and Helmsley as Local Town Centres. The Ryedale Retail Capacity and Impact Assessment Update 2011 identified that in order to maximise the retention of retail expenditure in the District approximately 1890 (net) square metres of additional convenience (food) floorspace and 7,706 (net) square metres of comparison (non-food) retailing floorspace would be required to 2026 and this requirement is reflected in Policy SP7.
61. The existing planning permission for the redevelopment of the Livestock Market Site in Malton accounts for the convenience retail requirement of the LPS. Directing the majority of convenience floorspace to the main town is consistent with the spatial strategy in the LPS and the NPPF which seeks to ensure the vitality of town centres. In terms of comparison retail, Policy SP7 apportions the requirement in line with the town centre hierarchy. Malton/Norton will accommodate around 70% (5,394m²) and 15% (1,156m²) will go to Pickering and 15% (1,156m²) to Kirkbymoorside and Helmsley combined.
62. The ancillary element at the Malton Agri-Business Park, the Livestock Market site and new retail space at the Kings Head Yard, Malton account for a significant proportion of the comparison retail space. Policy SD14 Retail Commitments seeks to ensure that continued support will be given for retail development on these sites in the event that existing permissions are not implemented.
63. The planning permission for mixed use development at the former Dewhirst Factory Site in Norton has now lapsed. Planning permission was refused for a petrol filling station and a convenience food shop on the site of the former Dewhirst site on the basis that it is not the most sequentially preferable site for food retail and thus the site may only be suitable for non-food retail. This would not match the aspirations of the landowner and so the deliverability of the site is in question. Moreover, the allocation of the site for convenience retail would not be in accordance the NPPF. It is, therefore, necessary to remove reference to the former Dewhirst site from Policy SD14 and supporting text and update the residual requirement in the interests of effectiveness and consistency with national policy (**MM18; MM19**).
64. As a result of the deletion of the Dewhirst site, the residual requirement for comparison goods in Malton/Norton would be 2,106m². No site-specific allocations are made in the LPSD to meet this shortfall, the consequence of which could be continued leakage of expenditure to centres such as York, Scarborough and Thirsk. The national retail industry has been subject to restructuring and high streets are competing with the increasing dominance of internet shopping. Consequently, there has been little interest in comparison goods retailing within the District from larger operators and it is unlikely that Malton/Norton or other market towns would be able to directly compete with these higher order centres.
65. Nevertheless, the overall approach of the Plan is to protect existing retail units and encourage the increase in small, independent and 'high-end' food shops/cafes in Malton and the approach of promoting Malton as a Yorkshire Food Capital has been successful. Encouraging indigenous retailers is a more sustainable approach than

relying on national multiple retailers in the current climate and will help to support the role of Malton as a Principal town.

66. Moreover, whilst no site-specific allocations are made in the LPSD to meet this shortfall, the LPS identifies the 'Northern Arc' area of opportunity which is identified to provide opportunities for the redevelopment of sites for town centre uses. Retail development within the Northern Arc would be in addition to the existing commitments and would contribute to the shortfall in the requirement.
67. The comparison goods retail requirement for the market towns of Pickering, Kirkbymoorside and Helmsley would be met through the redevelopment of land and buildings within or on the edge of the Town Centre Commercial limits and/or the expansion or intensification of existing retail uses reflecting a lack of obvious sites within these historic towns.
68. Overall, I am satisfied that the convenience goods retail requirement would be met. Furthermore, I consider that the LPSD together with Policy SP7 of the LPS provides an appropriate policy framework to respond to market opportunities as and when they arise in order to meet the comparison (non-food) retail requirement. The approach is in accordance with paragraph 23 of the NPPF which seeks to recognise town centres as the heart of communities; requires local planning authorities to define a network and hierarchy of town centres; and allocate a range of suitable sites to meet retail and town centre needs.

Conclusion on Issue 5

69. *Taking account of the above, I consider that the scale and distribution of retail development is consistent with the LPS and the NPPF and that the Plan is positively prepared and justified and effective with regards to retailing subject to modifications (MM18; MM19).*

Issue 6: Whether the proposed site allocations are appropriate, deliverable and consistent with national policy and the LPS?

Overview of the land allocations

Strategic Road Network

70. The cumulative effect of planned levels of development on the strategic and local road network was assessed as part of the preparation of the LPS. Further modelling of specific sites including emerging allocations and commitments has been undertaken to inform the site selection process at Malton/Norton and Pickering.
71. Additional junction assessments and merge/diverge assessments have been undertaken of key A64 junctions of Brambling Fields; Old Malton/Eden Camp/Musley Bank which concluded that they will continue to operate in capacity in 2027 with the additional local plan allocations. Furthermore, should any capacity issues arise in the future, if necessary, appropriate mitigation could be conditioned on future planning permissions.
72. Policy SD1 of the LPSD seeks to ensure that large housing site commitments are treated as land allocations in the event that the current permissions expire. Policy SD12 takes a similar approach in relation to sites which currently have planning permission for employment uses. However, there may have been a material change in the operation of the strategic road network from the granting of the

original planning permission to the lapsing/renewal of a permission. Consequently, modifications to both Policy SD1 (**MM4**) and SD12 (**MM16**) are necessary to clarify that such sites would be treated as allocations in the future and that development should be consistent with the site's existing permission in the event that the current permission expires. These modifications are necessary for the policy to be effective and consistent with national policy. It is also necessary to include an additional development principle to clarify that sites granted planning permission before 31 March 2018 will be identified as existing commitments and sites granted permission after this will be treated as allocations in the interests of clarity and in order to be effective (**MM4**).

73. For the reasons stated, and subject to the modifications to Policy SD1 and SD12, I am satisfied that the allocations would not have an adverse effect on the operation of the strategic road network and that the approach to supporting existing housing and employment site commitments set out Policy SD1 and SD12 is justified.

Local Road Network

74. Malton/Norton town centres suffer congestion at peak times, particularly around a junction known as Butcher Corner. The cumulative effect of the planned level of development on the local road network at Malton and Norton was assessed to support the preparation of the LPS in 2010.
75. The Malton and Norton Transport model assessed various development scenarios and concludes that the impact of sites with planning permission as well as those proposed in the Plan on key junctions in the network can be mitigated with improvements. The modelling work recognises that Butcher Corner would continue to operate at/overcapacity in peak periods. However, it demonstrates that congestion at the junction triggers the redistribution of traffic across the network which in turn prevents exponential increases in queue lengths at the junction.
76. The modelling also demonstrates that the Brambling Fields junction of the A64 is used when traffic redistributes to avoid congestion. The most significant allocation to the east of Beverley Road (Policy SD3) is situated close to the junction ensuring access to the strategic road network without having to travel through Malton/Norton town centre.
77. Moreover, the allocation at Ryedale House (SD4) is currently in employment use and the development of the site for residential would not increase the number of transport movements. On the basis of the evidence, I am satisfied that the proposed allocations would not have an adverse effect on traffic congestion in Malton/Norton.

Mineral Safeguarding Areas

78. A number of the proposed housing allocations (SD3, SD5, SD6, SD8, SD9, SD10 and SD11) together with land in proximity to the identified Malton Broad Location for Employment (SD12) and land at Amotherby BATA site (SD13) are in a safeguarding area of mineral resource. In order to ensure that a development proposal does not prevent or unduly restrict the use of the safeguarded site additional text is required in the introduction to clarify the approach to the consideration of sites within Mineral Safeguarding Areas (**MM2**) in order to be consistent with national policy. Additional development principles for each of the affected site allocations would highlight the need for a mineral resource

assessment at the planning application stage and ensure that the safeguarded mineral resource is taken into account properly as part of future development proposals in accordance with the Framework. These modifications are necessary to ensure that the approach is justified, effective and consistent with national policy. With these modifications (**MM6, MM8, MM9, MM11, MM12, MM13, MM14; MM16; MM17**), I consider that the approach to development within Mineral Safeguarding Areas is justified and effective.

Archaeology

79. The Vale of Pickering exhibits significant evidence of continuing human habitation which may be of national importance. Whilst some of the site allocations have a high likelihood of containing archaeological remains of potentially national importance they were considered the most sustainable options to deliver the housing and employment needs of the area.
80. The proposed allocations may result in the loss of a small proportion of a much larger archaeological resource. Historic England considers that it is acceptable to allocate land in these areas provided that any development proposals are informed by a robust archaeological assessment which will help further knowledge and understanding of the Vale of Pickering.
81. It is necessary to include additional wording in the introduction to the LPSD to explain the rationale behind choosing sites which have the potential to impact on the archaeology of the Vale of Pickering in the interests of effectiveness (**MM1**). An appendix is necessary which sets out the detailed approach towards archaeological assessment, investigations, evaluation and mitigation (**MM22**) in order to provide guidance to developers. Furthermore, an additional development principle is necessary for each of the relevant allocated sites (SD3-**MM6**; SD6-**MM9**; SD10-**MM13**; SD11-**MM14**; SD12-**MM16**) to ensure that archaeology is properly considered as part of a planning application. These modifications are required in order to ensure that the approach is justified, effective and consistent with national policy. I am satisfied that, with these modifications, the LPSD takes an appropriate approach to archaeology and that the Plan is sound in this regard.

Indicative Yield

82. For the purpose of clarification and effectiveness, it is necessary to include the indicative yield for each housing site allocation in the relevant policy (**MM6; MM7; MM8; MM9; MM10; MM11; MM12; MM13; MM14**).

Electric charging points

83. In order to respond to technical advances in rapid vehicle charging since submission it is necessary to amend the wording of the policies to remove reference to the provision of a 13 amp electrical socket and simply state the 'capability for electric vehicle charging'. These modifications are necessary in the interests of effectiveness (**MM6; MM7; MM8; MM9; MM10; MM11; MM12; MM13; MM14**).

Air Quality

84. The Systra Malton and Norton Air Quality Assessment (Local Plan Assessment and Air Quality Action Plan Recommendations) utilises the traffic data from the Malton and Norton Transport Model and assesses the impact of additional development and traffic in the local road network over the Plan period based on various

scenarios. It concludes that in all 2027 scenarios pollutant levels would be well below objective levels and there would be notable improvement in air quality in 2027 compared to current pollutant levels. On this basis, I am satisfied that the proposed allocations would not have an adverse effect on air quality in Malton/Norton.

Housing Allocations

Policy SD3 Land to the East of Beverley Road, Norton

85. The site is around 24 hectares, with a potential yield of 600 dwellings (560 in Plan period) and represents a sizeable urban extension. The allocation would provide a mix of market and affordable housing and deliver significant contributions towards the improvement of the town's infrastructure including a new link road, reserved land for a primary school and substantial areas of recreational open space.
86. The indicative master plan shows the proposed link road from Beverley Road to Scarborough Road (via Hugden Way) which would have the benefit of providing an alternative route, particularly for Heavy Goods Vehicle movement through the centre of Malton and Norton. An additional development principle is required to reflect the need to provide measures for safe pedestrian movements across the link road (**MM6**).
87. The site is situated to the south of the industrial estate and Karro Foods. It is necessary to modify the development principle which requires a substantive landscape, visual and noise attenuation buffer to clarify that the buffer is required between the housing development and the neighbouring industrial estate (**MM6**).
88. An additional development principle is required to ensure that the design and layout reflects the need to mitigate odour and noise associated with the factory in order to ensure that the development does not compromise the operation of the factory and to protect the living conditions of future occupiers (**MM6**). Moreover, the supporting text of paragraph 2.26 is required to clarify the approach to the development principles and the technical information which would be required with regards to the mitigation of potential impacts (**MM5**).
89. On the basis of the evidence before me, I consider that the site is available now and two volume house builders would progress the development of the site starting in 2019/20 at a rate of around 100 dwellings per annum. The above modifications are necessary in the interests of effectiveness and consistency with national policy. *Subject to these modifications, the site is appropriate and deliverable and consistent with national policy and the LPS.*

SD4-Land to the west of Old Maltongate (Ryedale House), Malton

90. The site comprises the offices of Ryedale District Council and has an indicative yield of around 60 dwellings. The site would provide a mix of market and affordable homes within walking distance of the town centre. As the site is currently in employment use as offices the development of the site would not increase the number of transport movements.
91. The Council seeks to relocate its existing offices to an integrated public service centre hub in Malton town Centre together with other agencies. The site has been subject to an assessment by an independent chartered surveyor who has identified no viability issues. It was originally anticipated that the site would become available by Spring 2021 and be developed within two years; however, I

understand that progress has now been delayed and the Council has informed Homes England that they will not be in a position to accept the Accelerated Construction Offer within the initial timescale. Nevertheless, the Council remain committed to the redevelopment of Ryedale House and the development of the public service hub and I consider that the site would be deliverable within the plan period. *In conclusion, with these modifications, the site is appropriate and deliverable and consistent with national policy and the LPS.*

Policy SD5 Land to the east of Whitby Road, Pickering

92. The LPSD indicates an approximate yield of 250 dwellings for this 8 ha site. Planning permission was granted for 239 dwellings, open space, landscaping and associated infrastructure on 5 October 2018. The development would provide a mix of market and affordable housing and housing for older persons in the form of bungalows. Sustainable drainage would be integrated into the design reflecting the Ground Source Protection Zone.
93. The proposal would contribute towards highway safety improvements at the roundabout and Whitby Road through CIL. Although within an Area of High Landscape Value, the site is relatively visually contained, and a landscape buffer is to be included on the northern and eastern edge.
94. The site is available for residential development with completions anticipated 2019 with a yield of at least 35 dwellings per annum with the site completed by 2025. On the basis of the evidence before me, I consider this to be a realistic estimate. *In conclusion, the site is appropriate and deliverable and consistent with national policy and the LPS.*

Policy SD6 Land to the west of Malton Road, Pickering

95. The site is situated in an accessible location close to the town centre. It is around 3.7 hectares and the Plan includes an indicative yield of 110 dwellings. The site would provide a mixture of market and affordable housing, a Local Equipped Area for Play (LEAP) and an important green infrastructure corridor on the western part of the site which would avoid development on land at risk of flooding.
96. Bullet point two of the development principles relating to open space/Green Infrastructure needs to be strengthened in order to ensure that the setting of the listed Vivis Mill is protected by way of a landscape buffer. This modification (**MM9**) is required in the interests of effectiveness and consistency with national policy.
97. The land owner indicates that a planning permission will be sought post allocation of the site. Development is anticipated to start within 2 years at a rate of around 25-30 per annum. On the basis of the evidence before me, I consider this to be a realistic estimate. *In conclusion, the site is appropriate and deliverable and consistent with national policy and the LPS.*

Policy SD7 Land to the South of Swineherd Lane, Kirkbymoorside

98. The site is around 1.46 ha with an indicative yield of 35 dwellings. The development of the site would bring the built edge of Kirkbymoorside closer to the villages of Keldholme and Kirkbymoorside; however, a significant expanse of fields would remain and coalescence with Keldholme would not, therefore, occur. The sports field to the south together with adjacent fields would prevent coalescence with Kirkbymoorside.

99. Whilst the site is within an existing Visually Important Undeveloped Area (VIUA), development would be seen against the backdrop of the existing modern estate development to the west and the playing fields to the south. The site is part of an extensive VIUA to the west of the town and the loss of this site would not undermine the integrity or purpose of the designation. Development principles seek to ensure that careful attention is paid to the scale of development on the eastern boundary and that a landscape buffer on the eastern boundary is provided. Taking account of: the environmental and landscape constraints of Kirkbymoorside; deliverability concerns regarding other potential housing sites; and the proposed mitigation measures, I consider that the release of the site from the VIUA is justified.
100. The developer has indicated a yield of around 45 dwellings as a mixture of market and affordable units. A planning application is likely to be submitted early 2019 and development is anticipated to commence 2019/20 and be built at a rate of 30 dwellings per annum. On the basis of the evidence before me, I consider this to be a realistic estimate. *The site is appropriate and deliverable and consistent with national policy and the LPS.*

Policy SD8 Land to the north of Keld Head Close, Kirkbymoorside

101. The site is around 0.8 hectares with an indicative yield of 18 dwellings. It is adjacent to modern estate development and would comprise a mixture of market and affordable housing.
102. Development principles seek to restrict development to two storey and retain and enhance boundary landscaping as part of the development which would help to assimilate the development into the surrounding landscape and minimise the effect on the adjacent Area of High Landscape Value.
103. There is not an identified developer for the site, however, as a small, greenfield site with few constraints there is no reason to believe that the site would not come forward for development within the plan period. The site would also contribute to the provision of small housing sites in accordance with the NPPF. *The site is appropriate and deliverable and consistent with national policy and the LPS.*

Policy SD9 Brickworks Site, to the north of Swineherd Lane, Kirkbymoorside

104. The site is a former Brickworks situated to the north east of the town. It is around 0.38 ha and has planning permission for 6 dwellings. Due to the location of the site within the VIUA, and its elevated position the development principles seek to restrict the height to two storeys and establish a strong frontage to the road. As a previously developed site it does not contribute visually to the VIUA designation.
105. It is necessary to revise the yield to reflect the planning application (**MM4a**) in the interests of effectiveness. *The site is appropriate and deliverable and consistent with national policy and the LPS.*

Policy SD10-Land to the south of Amotherby Primary School, Amotherby

106. The site is around 2.83ha with an indicative yield of 40 dwellings included in the Plan; although master planning work demonstrates capacity for around 44-45 units. The site would provide market and affordable housing, children's play space and a 'kiss and drop' facility for the adjacent primary school which will help to alleviate parking issues on Amotherby Lane.

107. Due to the depth of the site a substantial buffer can be created to reduce the potential of noise from the busy B1257 road. Development principles also seek to ensure the retention of the hedge along the main road which would help to reduce the visibility of the development when viewed from the Area of Outstanding Natural Beauty. There is no evidence to suggest that the scale of development would exceed the environmental or infrastructure capacity of the village.
108. Discussions have taken place with potential developers and master planning work undertaken. It is anticipated that the site would be built out within 5 years and on the basis of the evidence before me, I agree. *In conclusion, the site is appropriate and deliverable and consistent with national policy and the LPS.*

Policy SD11 Land to the south of Aspen Way, Slingsby

109. The site is around 1.7ha and has an indicative yield of 36 dwellings in the Plan. In order to ensure that the trees on the western edge of the site and the character and appearance of the Slingsby Conservation Area are protected it is necessary to include an additional development principle (**MM14**) to ensure that the development relates sensitively to the Conservation Area and enhances the entrance to the village. This modification is necessary in the interests of effectiveness and consistency with national policy.
110. The Council is minded to approve an outline planning permission for 38 dwellings including affordable housing subject to the signing of a Section 106 planning agreement and a reserved matters application is anticipated 2019. It is anticipated that the site would be built out in two to three years and on the basis of the evidence before me, I agree. *In conclusion, the site is appropriate and deliverable and consistent with national policy and the LPS.*

Employment Land Allocations

Land to the south of Thornton Road Industrial Estate, Pickering (B1 and B2 Uses)

111. The site is around 6.6ha and is situated to the south of the existing industrial estate to the south east of the town. The site would represent a logical extension to the existing estate and as a previously developed site avoids any damage to the strip fields system. A planning application has been granted subject to a Section 106 obligation. There is developer interest in the site and the Local Enterprise Partnership has earmarked funding to overcome abnormal costs associated with contamination, surface water management and remediation. *In conclusion, the site is appropriate and deliverable and consistent with national policy and the LPS.*

Broad location-Land to the north of the A64 and to the east of the A169, Malton (B1, B2, B8 uses).

112. Land in the vicinity of the Malton Agri-Business Park has been identified as a broad location for further employment land in the area indicated on the Local Plan Policies Map if so required in the Plan period.
113. The site is highly accessible to the strategic road network but does have some constraints including archaeology; location within a Mineral Safeguarding Area; the need for sustainable drainage systems to avoid potential contamination of the River Derwent SAC; and the need to consider the proximity to the A64 junction. These constraints are reflected in the development principles and with appropriate consideration and mitigation should not preclude the development of the site. *In*

conclusion, the broad location is appropriate and deliverable if so required in the Plan period. Moreover, the site is consistent with national policy and the LPS.

Expansion Land for Existing Employers (Policy SD13)

114. Three sites have been identified as expansion land for existing employers which have been carried forward from the previous Local Plan. The businesses in question have confirmed that the expansion land is still required. The sites are deliberately situated outside development limits in order to protect them for their intended use and relieve pressure to develop the sites for housing.
115. Part of the Sylatech site, Kirkbymoorside has been built on to provide an expansion block; however, the rest of the site remains undeveloped. Whilst there may be some pressure to develop the site for housing; housing site allocations are already proposed in Kirkbymoorside which performed better through the sustainability appraisal and residential development to the south of the A170 would be contrary the LPS.
116. Land to the south of Malton Foods (Zwanenberg), Amotherby is situated within the Area of Outstanding Natural Beauty. Any proposal would require careful consideration in terms of height and massing against the criteria in Policy SP13 (Landscapes) of the LPS.
117. The land to the north of the BATA, Amotherby lies within a Minerals Safeguarding Area and for the reasons set out at paragraph and an additional bullet development principle is included to reflect this (**MM17**). Proposals for development on these sites would be considered against policies in the LPS.
118. The approach of identifying expansion land for existing employers is consistent with the LPS and the NPPF which seeks to build a strong, competitive economy and support existing business sectors. In conclusion, the sites are appropriate and deliverable if so required for expansion land in the Plan period.

Conclusion on Issue 6: Overall, subject to the modifications set out above, the site allocations are appropriate, deliverable and consistent with national policy and the LPS.

Issue 7: Whether the proposed specific site allocations are justified, effective and consistent with national policy and the Local Plan Strategy? (Policy SD15)

119. Flamingo Land and National Agri-Food Innovation Campus (NAFIC) are both large sites situated within the open countryside. The previous Local Plan defined development limits for those sites within which additional development would be supported in principle.

Flamingo Land

120. Flamingo Land is a major tourist attraction consisting of a fun park, zoo and holiday village. The owner of Flamingo Land has identified plans for expansion which have only emerged recently. These plans include an extension to the zoo and the holiday park which would help to provide support for the local economy.
121. Additional text to Policy SD15 is, therefore, required to provide the framework for the consideration of potential expansion through the development management process with specific reference to highway safety and the potential landscape and visual effects (**MM20**). This modification is required in the interests of

effectiveness and consistency with national policy. Any proposal would need to comply with Policies SP8, SP13 and SP20 of the LPS.

National Agri-Food Innovation Campus (NAFIC)

122. The site is the base for the Government's Food and Environmental Research Agency together with other organisations based around agri-food and health. The boundaries (as opposed to development limits) of the site were defined in the previous Local Plan and have simply been carried forward into the LPSD without modification.
123. The Local Economic Partnership is keen to support science-based industry around research and bioscience activities. Any further activity is anticipated within existing buildings and site boundaries which would limit any potential visual or landscape impacts. Any development at the site would be assessed through the planning application process and subject to policies of the LPS.

Conclusion on Issue 7: On the basis of the above and subject to the modifications set out above the proposed specific site allocations are justified, effective and consistent with national policy and the LPS.

Issue 8: Whether the proposed Visually Important Undeveloped Areas (VIUA) are justified, effective and consistent with national policy and the Local Plan Strategy?

124. Policy SP16 of LPS defined VIUA's as a policy designation to protect specific open sites in or on the edge of settlements. Sites are identified as VIUA's for one or more of the following reasons: a site makes a significant contribution to the character or setting of the settlement; a site provides an attractive setting for buildings within a settlement; and/or a site makes a significant contribution to the historical form and layout of a settlement.
125. A review of the VIUA's has been carried out and the results are set out in the VIUA's Background Paper (October 2017). The methodology for the review is systematic, transparent and proportionate with sites assessed against the defined criteria and site assessment work. The reasons for the deletion or amendment of existing sites and the allocation of new sites are clearly set out. Furthermore, specific consultation was undertaken on the VIUA in 2016.
126. Some sites have been deleted as they have been the subject of a planning permission and are under construction or completed. One site at the Lodge, Middleton Road, Pickering has been removed due to a change in the character of the site and the presence of mature trees covered by a Tree Preservation Order. A number of the VIUA's have been altered to utilise physical boundary features. These deletions and alterations are both factual and logical amendments and do not alter the purpose or integrity of the VIUA designations set out in the LPS. Furthermore, many of the VIUA's have been carried forward without amendment.
127. Deletions are proposed in Kirkbymoorside to the north and south of Swineherd Lane in order to accommodate new residential allocations. These are discussed in the section on housing.
128. The LPSD must strike the balance between meeting objectively assessed needs and protecting and enhancing the natural and historic environment. I have concluded that the LPSD provides sufficient land to meet the housing and economic land requirements of the LPS and the VIUA designation would not,

therefore, be incompatible with the Framework or the presumption in favour of sustainable development.

129. Additional wording is necessary to the supporting text of Policy SD16 to clarify that proposals for development within VIUA will be considered in accordance with the requirements of Policy SP16 of the LPS in the interests of clarity and to provide certainty to developers (**MM21**) in the interests of effectiveness.

Land to north of Peasey Hills, Malton

130. Policy SP2 of the Local Plan Strategy seeks to avoid coalescence between Old Malton and Malton. The existing VIUA provides some separation between Malton and Old Malton; however, the development of the proposed VIUA would leave only a relatively narrow field between the western side of Old Malton and the estate development on the eastern edge of Malton. Development would result in visual enclosure and the sense of space would be significantly eroded. Furthermore, development would undermine the individual character and identity of the settlements.

131. St Mary's Priory Church is a Grade 1 listed building and Scheduled Monument. The church, although reduced in size, is the only surviving building of the Gilbertine Priory of St Mary and is the only church of the Gilbertine Order still in regular use. The Church has evidential, historical, aesthetic and communal value which contribute to its significance. In particular, the Church was designed to be an impressive and dominant feature in its surroundings reflecting its status and that of its founder and it dominates the relatively small settlement of Old Malton.

132. There are uninterrupted views of the Church from Westgate Lane, parts of Rainbow Lane and public rights of way and from Rainbow Lane, the profile of the church breaks the outline of the Yorkshire Wolds on the skyline. The fields form part of the rural setting of the Church and views across them allow the church to be appreciated in a rural context. Consequently, I consider that any development in the proposed VIUA would reduce the dominance and prominence of the Church within the landscape and reduce its significance.

133. The character of the Conservation Area is formed by prominent buildings and building group, including St Mary's Priory Church; a strong and legible historic village form and hierarchy of spaces, groups of farmsteads; traditional vernacular buildings and open spaces and trees along the River Derwent. Views across the proposed VIUA allow the linear nature and historical development of the village as burgage plots to be appreciated. Whilst the Flatts would remain, when viewed from Westgate Lane and Rainbow Lane, views of Old Malton Conservation would be dominated in the foreground by development.

134. For the reasons stated, I conclude that development of this piece of land would undermine the significance of both St Mary's Priory Church and Old Malton Conservation Area and reduce the separation between Malton and Old Malton. I, therefore, consider that the designation of the VIUA is justified.

Land north of Westgate Lane, Malton

135. The site lies between the above site and the A64. The mosaic patchwork of hedgerows and trees and the open nature of the space, together with the site above, provides an attractive setting for Old Malton and provides views of the Grade 1 listed church and Old Malton Conservation Area. I, therefore, consider that the designation of the VIUA is justified.

Land between Welham Road and Langton Road, Norton

136. The fields are situated to the south of Norton and to the north of Whitewall/Blazeley's Lane and in between Welham and Langton Road. The collection of fields has a more unusual, irregular pattern than surrounding fields and enable clear views to Norton and Malton beyond. It is one of the few locations where such clear views of the twin settlements can be gained. Furthermore, Whitehall/Blazeley's Lane is very well used by walkers/dog walkers going up to Scott's Hill. The fields, therefore, make an important contribution to the setting of Norton and Malton.
137. The paddock in front of the Stables has been part of the training facilities and until recently included a circular gallop which is still discernible. Whilst the fields are separated from the Stables by a lane, there is, nevertheless, a clear visual, historical and functional link between the fields and the Grade II Listed buildings. Consequently, I consider that the fields make an important contribution to the setting of the group of listed buildings.
138. I am aware the planning permission was granted at appeal for a site to the west of Langton Road and the east of Mill Beck. However, I consider that this appeal site is visually more self-contained and does not provide such extensive views to Norton/Malton as the proposed VIUA designation. I, therefore, consider that the designation of the VIUA is justified.

Land at Folliott Ward Close, Middlecave Road, Malton.

139. The two parcels of land are prominent corner sites and the trees contribute to the verdant character of the area. The site provides an attractive setting for the surrounding buildings. I, therefore, consider that the designation of the VIUA is justified.

Land at Mickle Hill, Pickering.

140. The designation relates to a collection of strip fields known as Mickle Hill and land to the south of Pickering. The fields are particularly prominent and afford views of the gently rising land of Mickle Hill. The land to the south of Mickle Hill has lateral strip fields and further contributes to this inter-visibility. The presence of Mickle Hill and the field pattern has significantly influenced the form and character of Pickering and as such the fields make a significant contribution to the character and setting of the settlement. I, therefore, consider that the designation of the VIUA is justified.

Ampleforth.

141. A number of VIUA's are identified in Ampleforth as a result of the Conservation Area Appraisal including the verges along Main Street. Land to the east of St. Benedict's School consists of a field to the south of Back Lane. The land affords open views of the valley and gently falls away from the road and it contributes to the setting of the Conservation Area. Overall, the areas provide an attractive setting for the listed/historical buildings within the village and are important in terms of the historical form and layout of the settlement. The designation of the Ampleforth VIUA's are, therefore, justified.

Amotherby.

142. An area of land is designated between Amotherby and Swinton south of the B1257. It is an area of open land which ensures that Amotherby and Swinton do not coalesce. It is, therefore, important in ensuring that the separate identities of the settlements are maintained. The VIUA is, therefore justified.

Slingsby.

143. The designation of land to the north of Slingsby Castle and west of the Lawns, is necessary in order to protect the undeveloped views to Slingsby Castle Scheduled Monument and the Listed Church. The northern-most field also contains the Mowbray Oak, an Ancient Tree and a part of a collection of trees which provide an important vista from the public footpath. The VIUA is, therefore, justified.

Hovingham.

144. The designation of an area of land to the north of the Worsley Arms and south east of the Village Hall and tennis courts as an VIUA is necessary in order to protect the setting of the listed Worsley Arms complex. The VIUA is, therefore, justified.

Welburn.

145. This area of land is situated to the west of the Church of St. John and lies within the Conservation Area. It makes a significant contribution to the setting of the grade II listed Church and the historical form and layout of the settlement. The VIUA is, therefore, justified.

Langton.

146. The existing Langton VIUA covers areas of grass verge and also a garden/paddock which lies to the north of the village. The garden/paddock is a substantial area of land which lies in a central position in the village and which enables views out from the village into the open countryside. It, therefore, makes a significant contribution to the form and character of the village. The retention of the Langton VIUA is, therefore, justified.

Conclusion on Issue 8: For the reasons stated, the proposed Visually Important Undeveloped Areas are justified, effective and consistent with national policy and the Local Plan Strategy.

Assessment of Legal Compliance

147. My examination of the legal compliance of the Plan is summarised below.
148. The Ryedale Local Plan Sites Document has been prepared in accordance with the Council's Local Development Scheme. Consultation on the Local Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement. Sustainability Appraisal has been carried out of the submitted LPSD and MMs and is adequate.
149. The Habitats Regulations Appropriate Assessment Screening Report (November 2017) concluded that an Appropriate Assessment was necessary. Consequently, a full assessment was undertaken of the relevant policies and mitigation has been secured through the LPSD.
150. The Council subsequently revised the HRA in response to a Judgement issued by the Court of Justice of the European Union². This has involved undertaking a screening exercise in respect of the policies without taking into account any measures intended to avoid or reduce the project's harmful effects on a European designated site and an Appropriate Assessment. Natural England has confirmed that it has no objections to the revised HRA.
151. The LPSD site allocation policies are designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change, in particular with regards to flood risk.
152. The LPSD complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Overall Conclusion and Recommendation

153. The LPSD has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.
154. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Ryedale Local Plan Sites Document satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Caroline Mulloy

Inspector

This report is accompanied by an Appendix containing the Main Modifications.

² *People over Wind, Peter Sweetman v Coillte Teoranta Case C-323/17*

Appendix- Schedule of Proposed Main Modifications to the Ryedale Local Plan Sites Document

Schedule of Proposed Main Modifications to Local Plan Sites Document

Change Ref	Location of change in LPSD or Policies Map	Change
Introduction		
MM1	After paragraph 1.7	<p>Inclusion of additional text as four paragraphs 1.8 to 1.11 inclusive</p> <p><u>1.8 From work undertaken in the SSM the Council has chosen the sites that it considers best represent the ability to deliver sustainable development within the strategic policy context of the Local Plan Strategy. The Local Plan Strategy was informed by a proportionate evidence base, which identified key areas of sensitivity, but did not rule out development due to the capacity for site specific choices, and the use of avoidance and mitigation. This decision is based on a holistic consideration of a range of factors: balancing growth with settlement capacity, from an infrastructural, cultural and environmental perspective. This is in particular true of sites in Malton and Norton with the presence of the River Derwent SAC, and settlements which are around the Vale of Pickering, and which make up the majority of key settlements within the District.</u></p> <p><u>1.9 The application of the SSM has sought to apply available evidence to determine the likelihood of issues. This has resulted in the allocation of sites where there are some known, and some potential, sensitivities. The evidence informing the SSM has identified that sites which have performed generally well, may have a sensitivity, and therefore may result in some harm, and whether there is the means to avoid or mitigate such harm. The capability for avoidance/mitigation has been established through discussions with technical consultees- such as Yorkshire Water and the Environment Agency in relation to development on Ground Source Protection Zones, and through the work undertaken in consultation with Natural England in the Habitats Regulation Assessment concerning the River Derwent SAC. In respect of archaeology, some of the sites have already been subjected to archaeological appraisal. Others have been informed by the Heritage Environment Record and the site’s general context, and this has not identified any archaeological features of significance which would preclude site development.</u></p>

Change Ref	Location of change in LPSD or Policies Map	Change
		<p><u>1.10 The Vale of Pickering forms part of an extensive archaeological landscape which stretches along the length of the Vale and into neighbouring Scarborough Borough. This area exhibits evidence of continuing human habitation and activity from the early Mesolithic period, through the Roman period, and up to the present day. Based upon the understanding gained during excavations and through accumulated research work across the Vale of Pickering, there is a high probability that many of the remains will be of national importance.</u></p> <p><u>1.11 Although several of the sites identified as allocations have a high likelihood that they contain archaeological remains of, potentially, national importance, it was considered that these represented the most sustainable and best options to deliver a substantial amount of housing and employment land to meet the future needs of the Local Plan area. The decision to take these areas forward was not done so lightly and was done with the understanding that they sit within this extensive archaeological landscape. These proposed allocations may result in the loss of what would be only a small proportion of a much larger archaeological resource. Historic England has therefore agreed that it is acceptable to allocate land in these areas provided that any development proposals are informed by a robust archaeological assessment which will help further knowledge and understanding of the Vale of Pickering. This framework is set out in Appendix 1.</u></p>
MM2	After new paragraphs 1.8 to 1.11 add new paragraph	<p><u>1.12 Allocations SD3, SD5, SD6, SD8, SD9, SD10, SD11 and business expansion land under SD13 (Land at Amotherby BATA site) and land in proximity to the identified Malton Broad Location for Employment Land (SD12) are in a safeguarding area of mineral resource. Where a development is proposed within a minerals resource, waste management, transport infrastructure or minerals ancillary safeguarding area identified within the Minerals and Waste Joint Plan, potential developers should include as part of the planning application an assessment of the impacts of the proposed development on the safeguarded feature. Where applicable, this would be in the form of a minerals resource assessment, otherwise it would be in the form of an assessment as to whether</u></p>

Change Ref	Location of change in LPSD or Policies Map	Change
		<u>the proposal would prevent or unduly restrict the use of the safeguarded site or require mitigation as part of the new development to avoid impact on the safeguarded site. NYCC Planning Services will advise on the scope and content of this assessment.</u>
Land for Housing		
MM3	Replace paragraph 2.8 with new text	<p>In summary, 1274 (net) dwellings have been completed across the District since 1 April 2012 and at 31/3/17, commitments (planning permissions and land allocations in the Helmsley Plan) existed for a further 1,416 (net) dwellings. Taking account recent permissions and significant minded to approve decisions (for 52 dwellings at Firthland Road, Pickering; 26 dwellings at East Hill House Farm, Thornton Le Dale; 12 dwellings at Peckets Yard, Sheriff Hutton and 87 additional dwellings on the Showfield, Malton) this rises to a committed supply of 1,593 dwellings. This figure is reduced to 1,531 to take account of the fact that one major committed site is not considered to be deliverable (the ATS site in Norton for 62 units). In total 2,475 completions and commitments are at the Market Towns and Service Villages. Appendix 2 illustrates the position.</p> <p><u>In summary, 1552 (net) dwellings have been completed across the District between 1 April 2012 and 31 March 2018. At 31 March 2018, planning permission existed for 1,345 (net) dwellings. A further 46 units from a major site were subject to a minded to approve decision pending the completion of a Section 106 agreement (46 units at Riccal Drive, Helmsley). These commitments account for a further 1,391 dwellings. The remaining land allocation in the Helmsley Plan is 50 units. Land allocations in this document (859 units) with planning permission granted on two of the allocations (239 units on SD5 and 6 units on SD9) providing a total of 1104 units. This results in an estimated supply of 4,097 new homes over the plan period, which reduces to 3,979 units when both a 10% non-implementation rate is applied to the small site supply (263 units) and when undeliverable sites with planning permission (91 units @2018) are deducted. Appendix 3 illustrates the position.</u></p>

Change Ref	Location of change in LPSD or Policies Map	Change
MM4	Revise SD1 to the following wording	Residential development sites shown on the Policies Map as existing <u>Residential Commitments</u> will continue to be <u>treated as allocations supported in principle</u> for residential development. <u>Residential development should be which is consistent with the a site's existing permission, in the event that the current permission expires.</u>
	Additional development principle	<u>Sites granted planning permission before 31 March 2018 will be identified as Existing Residential Commitments. Sites granted planning permission after this date will be treated as allocations until they are completed.</u>
MM4a	Revise yields of SD3, SD5 and SD9 to reflect planning permissions with explanatory text at end of the policy	<p>Malton and Norton Land to the east of Beverley Road 24.29 600 (5<u>6</u>40 in the plan period)</p> <p>Pickering Land to the east of Whitby Road 8.58 250-239*</p> <p>Land to the north of Swineherd Lane (The Old Brickworks) 0.38 9 6*</p> <p>The yield identified for each site is indicative and the precise number of residential units to be provided on each site will be determined at the planning application stage.</p> <p><i>*defined by applications approved since 31 March 2018</i></p>
MM5	Additional supporting text after Policy SD2 New paragraph (numbered 2.26)	<u>It should be noted that the development principles have been prepared to influence how development will take place on specific sites. These policies have not been used to detail the list of supporting information that will be required to support a planning application. The type of information required to inform the decision-making process is detailed in the Council's Local Validation List. This can range from technical information including for example, noise, odour, highway, heritage or protected species assessments and also includes a Design and Access Statement and a Statement of Community Involvement. The level and type of information required to support a planning application for the development of the allocated sites will vary according to the scale and location of sites and the nature of surrounding land uses. For example, the largest</u>

Change Ref	Location of change in LPSD or Policies Map	Change
		<u>allocation at Beverley Road in Norton, will need to be supported by technical information to inform the mitigation necessary to protect future occupants from noise and odour associated with the neighbouring industrial estate, as well as to mitigate other impacts. The measures employed to mitigate impacts associated with the neighbouring industrial site will be detailed the applicant's Design and Access Statement and the Statement of Community Involvement supporting a planning application will be expected to refer to consultation with all stakeholders, including for example, all occupants of the neighbouring industrial estate.</u>
SD3 Housing Allocation -Land to the east of Beverley Road, Norton: Development Principles		
MM6	Insert additional development principle	<ul style="list-style-type: none"> <u>An indicative yield of 600 dwellings, 560 within the Plan Period</u>
	Insert an additional development principle	<ul style="list-style-type: none"> <u>provision of measures to provide safe pedestrian movements across the link road, particularly between the neighbouring factory and its car park and within the neighbouring industrial estate.</u>
	Revise current 4 th Development principles	<ul style="list-style-type: none"> a substantive landscape, visual and noise attenuation buffer shall be provided between the housing development and the Malton Bacon Factory <u>neighbouring industrial estate.</u>
	Insert an additional development principle	<ul style="list-style-type: none"> <u>"a design and layout that responds to requirements to mitigate odour and noise associated with the adjacent food processing factory and co-located slaughterhouse.</u>
	Revise current 12 th development principle	<ul style="list-style-type: none"> Capability for electric vehicle charging through the provision of a 13-amp electrical socket for each property with a dedicated car parking space within its curtilage

Change Ref	Location of change in LPSD or Policies Map	Change
	by deletion of following text	
	Insert an additional development principle	<ul style="list-style-type: none"> • <u>“Appropriate archaeological evaluation and mitigation as detailed in Appendix 1</u>
	Insert an additional development principle	<ul style="list-style-type: none"> • <u>As a Safeguarded Site, the feasibility and viability of the extraction/utilisation of the minerals resource will be demonstrated</u>
SD4 Housing Allocation - Land to the west of Old Maltongate (Ryedale House), Malton: Development Principles		
MM7	Insert additional development principle	<ul style="list-style-type: none"> • <u>An indicative yield of 60 dwellings</u>
	Revise current 6 th development principle by deletion of following text	<ul style="list-style-type: none"> • Capability for electric vehicle charging through the provision of a 13 amp electrical socket for each property with a dedicated car parking space within its curtilage
SD5- Housing Allocation - Land to the east of Whitby Road, Pickering: Development Principles		
MM8	Insert additional development principle	<ul style="list-style-type: none"> • <u>An indicative yield of 239 dwellings</u>
	Revise current 9 th development principle by deletion of following text	<ul style="list-style-type: none"> • Capability for electric vehicle charging through the provision of a 13 amp electrical socket for each property with a dedicated car parking space within its curtilage

Change Ref	Location of change in LPSD or Policies Map	Change
	Insert an additional development principle	<ul style="list-style-type: none"> <u>As a Safeguarded Site, the feasibility and viability of the extraction/utilisation of the minerals resource will be demonstrated</u>
SD6 - Housing Allocation - Land to the west of Malton Road, Pickering: Development Principles		
MM9	Insert additional development principle	<ul style="list-style-type: none"> <u>An indicative yield of 110 dwellings</u>
	Reword second development principle:	“Open space/Green Infrastructure to the west of the site (as shown on the Policies map) is excluded from the developable area to ensure that developable area is outside area at risk of flooding <u>and to protect the setting of the Listed Building. Further landscaping will be required to minimise the degree of intervisibility between the development and the Listed Building</u> ”
	Revise current 12 th development principle by deletion of following text	<ul style="list-style-type: none"> Capability for electric vehicle charging through the provision of a 13 amp electrical socket for each property with a dedicated car parking space within its curtilage
	Insert an additional development principle	<ul style="list-style-type: none"> <u>“Appropriate archaeological evaluation and mitigation as detailed in Appendix 1”</u>

Change Ref	Location of change in LPSD or Policies Map	Change
	Insert an additional development principle	<ul style="list-style-type: none"> <u><i>As a Safeguarded Site, the feasibility and viability of the extraction/utilisation of the minerals resource will be demonstrated</i></u>
SD7- Housing Allocation - Land to the south of Swineherd Lane, Kirkbymoorside: Development Principles		
MM10	Insert additional development principle	<ul style="list-style-type: none"> <u><i>An indicative yield of 35 dwellings</i></u>
	Revise current 8 th development principle by deletion of following text	<ul style="list-style-type: none"> Capability for electric vehicle charging through the provision of a 13 amp electrical socket for each property with a dedicated car parking space within its curtilage
SD8- Housing Allocation - Land to the north of Keld Head Close, Kirkbymoorside: Development Principles		
MM11	Insert additional development principle	<ul style="list-style-type: none"> <u><i>An indicative yield of 18 dwellings</i></u>
	Revise current 6 th development principle by deletion of following text	<ul style="list-style-type: none"> Capability for electric vehicle charging through the provision of a 13 amp electrical socket for each property with a dedicated car parking space within its curtilage

Change Ref	Location of change in LPSD or Policies Map	Change
	An additional Development Principle	<ul style="list-style-type: none"> • <u>As a Safeguarded Site, the feasibility and viability of the extraction/utilisation of the minerals resource will be demonstrated</u>
SD9 - Housing Allocation - Brickworks Site, to north of Swineherd Lane, Kirkbymoorside: Development Principles		
MM12	Insert additional development principle	<ul style="list-style-type: none"> • <u>An indicative yield of 6 dwellings</u>
	Revised current 6 th development principle by deletion of following text	<ul style="list-style-type: none"> • Capability for electric vehicle charging through the provision of a 13 amp electrical socket for each property with a dedicated car parking space within its curtilage
	Insert an additional development principle	<ul style="list-style-type: none"> • <u>As a Safeguarded Site, the feasibility and viability of the extraction/utilisation of the minerals resource will be demonstrated</u>
SD10 - Housing Allocation- Land to the south of Amotherby Primary School, Amotherby: Development Principles		
MM13	Insert additional development principle	<ul style="list-style-type: none"> • <u>An indicative yield of 40 dwellings</u>
	Revise current 10 th development principle by deletion of following text	<ul style="list-style-type: none"> • Capability for electric vehicle charging through the provision of a 13 amp electrical socket for each property with a dedicated car parking space within its curtilage
	Insert an additional development principle	<ul style="list-style-type: none"> • <u>“Appropriate archaeological evaluation and mitigation as detailed in Appendix 1”</u>

Change Ref	Location of change in LPSD or Policies Map	Change
	Insert an additional development principle	<ul style="list-style-type: none"> • <u>As a Safeguarded Site, the feasibility and viability of the extraction/utilisation of the minerals resource will be demonstrated</u>
SD11 - Housing Allocation - Land to the south of Aspen Way, Slingsby: Development Principles		
MM14	Insert additional development principle	<ul style="list-style-type: none"> • <u>An indicative yield of 36 dwellings</u>
	Insert additional development principle	<ul style="list-style-type: none"> • <u>“The opportunity should be taken to enhance the entrance to the village and the scale and design of the development should relate sensitively to the Conservation Area.”</u>
	Revise current 9 th development principle by deletion of following text	<ul style="list-style-type: none"> • Capability for electric vehicle charging through the provision of a 13 amp electrical socket for each property with a dedicated car parking space within its curtilage
	Insert additional development principle	<ul style="list-style-type: none"> • <u>“Appropriate archaeological evaluation and mitigation as detailed in Appendix 1”</u>
	Insert an additional development principle	<ul style="list-style-type: none"> • <u>As a Safeguarded Site, the feasibility and viability of the extraction/utilisation of the minerals resource will be demonstrated</u>

Change Ref	Location of change in LPSD or Policies Map	Change			
MM15	Factual updates to paragraphs 3.1-3.7 to reflect updated employment land position at 31 March 2018 (completions/sites under-construction/sites with planning permission). Update table in paragraph 3.2.		Local Plan Requirement	Commitments/Completions/Helmsley Plan Allocations	Residual Requirement
		Malton and Norton	29.6-36ha	26.6 <u>26.7</u> ha	3 2.9ha-9.4 9.3ha
		Pickering	5.55ha-6.75ha	0ha	5.55-6.75ha
		Kirkbymoorside and Helmsley	1.85-2.25ha	2.57ha	0
		Total	367-45ha	29.3ha	6.7ha-8.45ha-16.05ha <u>15.7ha</u>
Policy SD12 New Employment Land Allocations					
MM16	Amend policy title	Policy SD12 New Employment Land <u>Provision</u> Allocations			
	Reflect permission	<ul style="list-style-type: none"> Land at Norton Grove, Norton <u>2.08 ha</u> 0.78 B1,B2,B8 uses 			
	Replacement text in relation to commitments	<p>Sites which currently have planning permission for employment uses will continue to be supported in principle in the event that their current permission expires.</p> <p><u>Employment development sites shown on the Policies Map as existing Employment Commitments will be treated as allocations for employment development. Employment development should be consistent with the site's existing permission, in the event that the current permission expires.</u></p>			

Change Ref	Location of change in LPSD or Policies Map	Change
	For the Broad Location: Delete the 4 th development principle and replace with new text	<ul style="list-style-type: none"> • Articulation of archaeological sensitivity through comprehensive geophysical survey and trial trenching where appropriate • <u>“Appropriate archaeological evaluation and mitigation as detailed in Appendix 1”</u>
	For the Broad Location: Insert an additional development principle	<ul style="list-style-type: none"> • <u>As a Safeguarded Site, the feasibility and viability of the extraction/utilisation of the minerals resource will be demonstrated</u>
Policy SD13 Expansion Land for Existing Employers		
MM17	In relation to Amotherby BATA site: insert in an additional development principle	<ul style="list-style-type: none"> • <u>As a Safeguarded Site, the feasibility and viability of the extraction/utilisation of the minerals resource will be demonstrated</u>
Land for Retailing		
MM18	Paragraph 4.2 remove reference to Dewhirst Site	The Livestock Market site together with other mixed use proposals at the former Dewhirst factory site in Norton, new retail space at the Kings Head Yard, Malton and the ancillary retail element of the Malton Agri-Business Park scheme account for the majority of the non-food retailing space (circa 4,500 sqm) which the LPS directs to the Principal Town.
	Paragraph 4.5 adjust the shortfall to reflect	Against this background, sites to address the limited shortfall (circa 900 2,106 m ²) in non-food retailing space at Malton and Norton have not been specifically allocated in this plan.

Change Ref	Location of change in LPSD or Policies Map	Change
	the removal of the Dewhirst site	
Policy SD14 Retail Commitments		
MM19	Policy SD14 and consequential amendment to Malton and Norton Policies Map	The Malton Livestock Market Site, Malton and the former Dewhirst Factory site, Norton will continue to be supported for retail development in principle in the event that existing permission is are not implemented
Specific Sites		
Policy SD15 Specific Sites: Flamingo Land and the National Agri-Food Innovation Campus (NAFIC)		
MM20	Insert additional text to Policy SD15 setting out a criteria-based approach to the consideration of proposals for Flamingo Land	<p><u>Proposals for the extension of the Flamingo land holiday village to the west of the development limits to enable qualitative improvements to the holiday village will be considered against the following criteria:</u></p> <ul style="list-style-type: none"> • <u>Landscape and visual impact of the proposals can be appropriately mitigated</u> • <u>Any increase in activity or numbers of holiday units would not have an unacceptable impact on highway safety or capacity</u> <p><u>Any proposal to extend Flamingo Land zoo on to land to the east of the development limits, north of the Kirby Misperton road and south of Costa Beck will be required to demonstrate that landscape and visual impact can be appropriately mitigated.</u></p> <p><u>Any proposal to extend Flamingo Land will need to comply with Policies SP8, SP13 and SP20 of the Local Plan Strategy.</u></p>

Change Ref	Location of change in LPSD or Policies Map	Change
Visually Important Undeveloped Areas		
Policy SD16 Visually Important Undeveloped Areas (VIUAs)		
MM21	Additional wording after 'Policies Map'	In addition to the existing VIUAs which are identified on the Policies Map, the following new sites are designated as VIUAs and are shown on the policies Map. <u>Proposals for development will be considered in accordance with the requirements of Policy SP16 of the Ryedale Plan- Local Plan Strategy:</u>
Appendices		
MM22	Insert a new appendix 1 with consequential numbering changes for appendices 1, 2 to become 2 and 3.	<p><u>Appendix 1 – Archaeological Informative for Sites SD3, SD6, SD10, SD11 and the Broad Location of SD12.</u></p> <p><u>This Appendix provides additional information regarding Housing Allocations made under Policies SD3, SD6, SD10, SD11 and the Employment Broad Location to the north of the A64/east of A169, Malton made under Policy SD12.</u></p> <p><u>As a result of the high probability of important archaeological remains in this area, it is considered appropriate to set out further information and advice on this specific matter.</u></p> <p><u>Background:</u></p> <p><u>These sites form part of an extensive archaeological landscape which stretches along the length of the Vale of Pickering. This area exhibits evidence of continuing human habitation and activity from the early prehistoric periods through the Roman period, and up to the present day. The buried prehistoric landscapes and continuous “ladder” settlements are an extraordinary survival of human activity on a landscape scale, preserved beneath thick sand-blown deposits across the Vale. Based upon the understanding gained during 30 years of archaeological research and excavation on adjacent sites and across the remainder of the Vale of Pickering, there is a high probability that this area will contain archaeological remains of national importance. The NPPF makes it clear that non-designated archaeological remains that are demonstrably of equivalent significance to Scheduled Monuments (such as the ones which are likely to be present in this area) should be</u></p>

Change Ref	Location of change in LPSD or Policies Map	Change
		<p><u>considered as if they were a designated heritage asset - i.e. that substantial harm or total loss should be wholly exceptional.</u></p> <p><u>It is essential that any development proposals are informed by these and by a robust archaeological assessment of this area in order to fully understand the potential implications which the development of this area might have not just upon important archaeological remains but also the associated costs that archaeological mitigation might involve.</u></p> <p><u>Implications:</u></p> <p><u>Should, as Historic England suspect, that any desk based archaeological assessments result in the requirement for more substantial investigations the following information provides the basis for successfully meeting the likely requirements of Historic England.</u></p> <p><u>a. An archaeological assessment would likely require the inclusion of:</u></p> <ul style="list-style-type: none"> <u>i. An assessment of the proposed development site in its wider historic landscape context;</u> <u>ii. Landscape characterisation and modelling including a review of available lidar data and aerial photography;</u> <u>iii. Geophysical Survey;</u> <u>iv. Trial trenching.</u> <p><u>b. An evaluation of how the proposed development is likely to impact upon the archaeology</u> <u>Subject to the outcome of the above works a mitigation strategy will most likely be required which will require agreement from the Local Planning Authority (in consultation with Historic England).</u> <u>The remit of a strategy will be determined by the outcome of the above and should include the following (unless it can be shown that these are not necessary):</u></p> <ul style="list-style-type: none"> <u>a. A framework for managing, recording, archiving and publishing the results of any archaeological evaluations and interventions;</u> <u>b. A strategy for maximising the educational potential of any archaeological interventions including the development of community archaeology projects; and</u> <u>c. A proposed access strategy for the archaeological landscape of this development site.</u>

Change Ref	Location of change in LPSP or Policies Map	Change
MM23	Appendix 2 (revised to Appendix 3)	To be updated with up to date housing position see below

Appendix 3: Residential completions, commitments, residual requirements and proposed allocations@31/3/18

<u>Settlement</u>	<u>Completions (net) 2012-2018</u>	<u>Commitments *+ existing allocations (net)</u>	<u>Local Plan Housing Figure</u>	<u>Residual Requirement</u>	<u>Planned requirement + supply buffer</u>	<u>Residual Requirement + supply buffer</u>	<u>Proposed Allocations</u>	<u>Total</u>
<u>Malton and Norton</u>	<u>729</u>	<u>626</u>	<u>1500</u>	<u>145</u>	-	-	<u>620****</u>	<u>1.975</u>
<u>Pickering</u>	<u>385</u>	<u>74</u>	<u>750</u>	<u>291</u>	-	-	<u>349</u>	<u>808</u>
<u>Kirkbymoorside</u>	<u>23</u>	<u>288</u>	<u>300</u>	<u>-11</u>	-	-	<u>59</u>	<u>370</u>
<u>Helmsley</u>	<u>9**</u>	<u>96</u>	<u>150***</u>	<u>0</u>	<u>0</u>	-	<u>0</u>	<u>105</u>
	<i>The Helmsley Plan was adopted in July 2015. It makes provision for the delivery of 190 homes to 2027, 96 of which are from land allocations within the Ryedale Local Planning Authority Area. The Local Plan Sites Document will not identify further housing land at Helmsley.</i>							
<u>Service Villages</u>	<u>217</u>	<u>167</u>	<u>300</u>	<u>-84</u>	-	-	<u>76</u>	<u>460</u>
<u>Total</u>	<u>1,363</u>	<u>1,251</u>	<u>3,000</u>	<u>341</u>	<u>3,600</u>	<u>941</u>	<u>1,104</u>	<u>3,718</u>

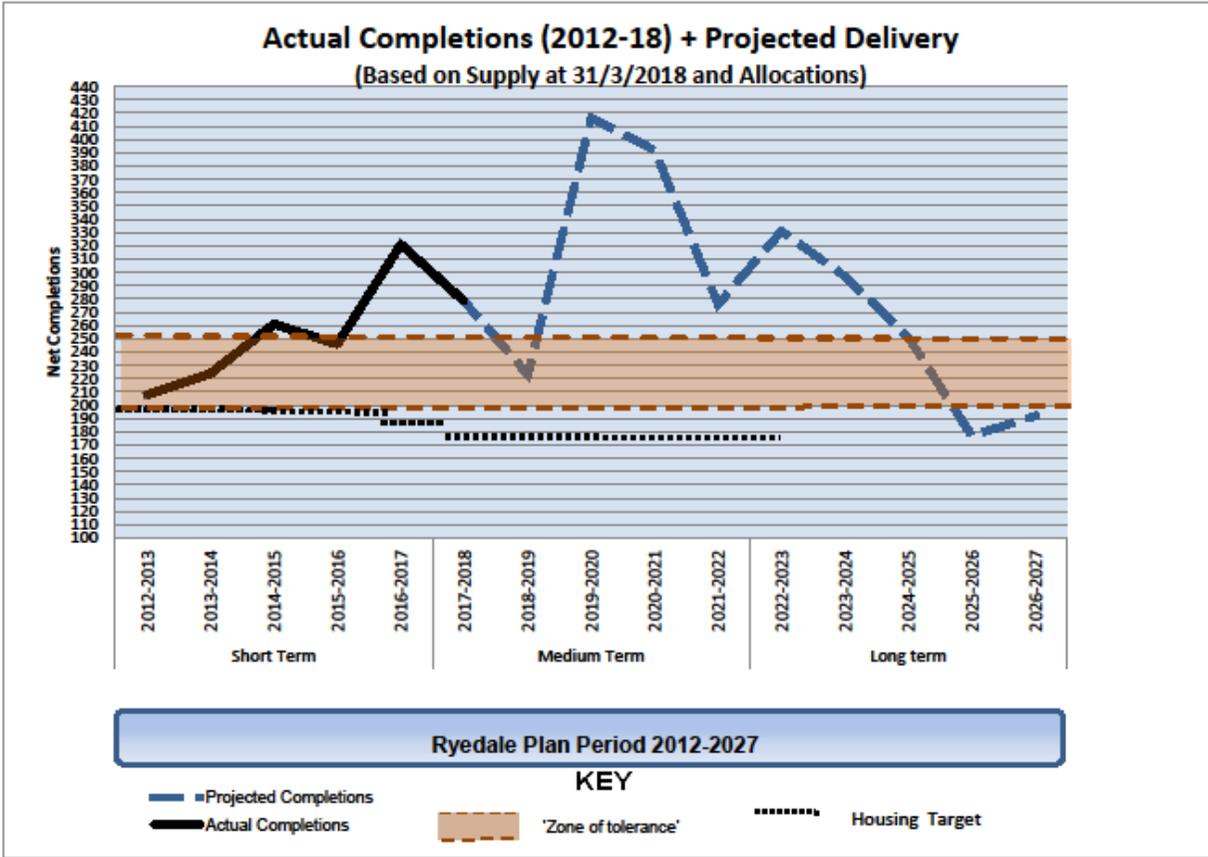
<i>Other Villages and Wider Open Countryside</i>	<u>189</u>	<u>190</u>	<u>0</u>	<u>0</u>	-	-	<u>0</u>	<u>379</u>
<i>Total</i>	<u>1552</u>	<u>1441</u>		<u>341</u>	<u>3600</u>	<u>941</u>	<u>1104</u>	<u>4097</u>

* The completion and commitment information shown is taken from the 20178 Strategic Housing Land Availability Assessment Part 1. together with additional large site permissions/minded to approve decisions. These include a further 87 dwellings at Malton (The Showfield); 52 dwellings at Pickering (Firthland Road); 12 dwellings at Pecketts Yard (Sheriff Hutton) and 26 dwellings at East Hill House. The commitment figure for Malton and Norton does not include the 62 Units at the ATS site.** Figure for Helmsley is for the area of the town outside of the National Park.*** Provided across the area of the Helmsley Plan.**** Assumes 560 dwellings from the Norton Lodge site within the plan period.

Settlement	Completions (net) 2012-2017	Commitments (net) *	Local Plan Housing Figure	Residual Requirement	Planned requirement + supply buffer	Residual Requirement + supply buffer	Proposed Allocations	Total
Malton and Norton	604	650	1500	246	-	-	600****	1,854
Pickering	334	116	750	300	-	-	360	810
Kirkbymoorside	15	292	300	-7	-	-	61	368
Helmsley	9**	97	150***	0	0	-	0	106
	<i>The Helmsley Plan was adopted in July 2015. It makes provision for the delivery of 190 homes to 2027, 97 of which are from land allocations within the Ryedale Local Planning Authority Area. The Local Plan Sites Document will not identify further housing land at Helmsley</i>							
Service Villages	159	199	300	-58	-	-	76	434
Total	<u>1,121</u>	<u>1,354</u>	3,000	481	3,600	1,081	<u>1,097</u>	<u>3,572</u>

Other Villages and Wider Open Countryside	153	177	0	0	-	-	0	-
Total	1,274	1,531	3,000	481	3,600	1,081	1,097	3,902

* The completion and commitment information shown is taken from the 2017 Strategic Housing Land Availability Assessment Part 1.** Completion figure for Helmsley is for the area of the town outside of the National Park.*** Provided across the area of the Helmsley Plan.**** Assumes 540 dwellings from the Norton Lodge site within the plan period.



For Adoption

Contents

1. Introduction

2. Land for Housing

- Policy SD 1 Existing Residential Commitments
- Policy SD2 Residential Land Allocations
- Policy SD3 Housing Allocation -Land to the east of Beverley Road, Norton: Development Principles
- Policy SD4 Housing Allocation - Land to the west of Old Maltongate (Ryedale House), Malton: Development Principles
- Policy SD5- Housing Allocation - Land to the east of Whitby Road, Pickering: Development Principles
- Policy SD6 - Housing Allocation - Land to the west of Malton Road, Pickering: Development Principles
- Policy SD7- Housing Allocation - Land to the south of Swineherd Lane, Kirkbymoorside: Development Principles
- Policy SD8- Housing Allocation - Land to the north of Keld Head Close, Kirkbymoorside: Development Principles
- Policy SD9 - Housing Allocation - Brickworks Site, to north of Swineherd Lane, Kirkbymoorside: Development Principles
- Policy SD10 - Housing Allocation- Land to the south of Amotherby Primary School, Amotherby: Development Principles
- Policy SD11 - Housing Allocation - Land to the south of Aspen Way, Slingsby: Development Principles

3. Land for Employment Uses

- Policy SD12 New Employment Land Provision
- Policy SD13 Expansion Land for Existing Employers

4. Land for Retailing

- Policy SD14 Retail Commitments

5. Specific Sites

- Policy SD15 Flamingo Land and the National Agri-Food Innovation Campus

6. Visually Important Undeveloped Areas

- Policy SD16 Visually Important Undeveloped Areas (VIUAs)

Appendices

Appendix 1 – Archaeological evaluation requirements

Appendix 2 - Saved (Ryedale Local Plan 2002) policies superseded by policies in this document

Appendix 3- Residential completions, commitments, residual requirements and proposed allocations by location

Appendix 4 -Housing Trajectory

1. Introduction

- 1.1 This document has been produced as part of the Ryedale Plan - the development plan or 'local plan' for the area which covers the period 2012-2027. It contains site specific policies for the development of land within this period for a range of land uses. It also includes a limited number of site specific protection policies.
- 1.2 Sites have been identified or allocated for development in this document in order to ensure that the amount of development that the District is committed to providing to 2027 is achieved within this period.
- 1.3 The Local Plan Strategy (LPS) was the first document to be produced and adopted as part of the Ryedale Plan. The strategy document is that part of the development plan which established the amount and type of new development required within the plan period to 2027. It provides a strategic planning policy framework, including settlement hierarchy and principles for the development and growth of different settlements to guide the identification of site specific development sites in this document. The Local Plan Strategy was adopted on 5 September 2013 following an examination process which spanned the introduction of the National Planning Policy Framework and which found it to be fully compliant with national policy. Against this background, this document has been produced to comply with and to deliver the adopted Local Plan Strategy.
- 1.4 This document does not allocate specific development sites at Helmsley. Helmsley is identified as a Local Service Centre in the Local Plan Strategy although site specific policies for the Town are included in the Helmsley Plan. The Helmsley Plan is a development plan document which has been jointly prepared by the District Council and the North York Moors National Park Authority to ensure a consistent and holistic approach to planning in the town. This is because the boundary of the National Park runs through the Town and each authority is a Local Planning Authority. The Helmsley Plan was adopted on 9 July 2015 and forms part of the Development Plan for Ryedale.
- 1.5 It is important to note that the allocation of a site for a particular use in this document is not the same as receiving planning permission for the development of the site. A land allocation is intended to provide policy support in principle for the use of the site. Planning permission will still be required for the specific use/uses for which a site is allocated.
- 1.6 A new Policies Map has been prepared in conjunction with the preparation of the Sites Document. The Policies Map illustrates geographically the policies in the Local Plan Strategy and the site specific policies and proposals in this document.

- 1.7 The Local Plan Strategy replaced the majority of the saved policies of the previous Ryedale Local Plan (2002). This document is designed to supersede the remaining saved policies. These are listed in Appendix 2.
- 1.8 From work undertaken in the SSM the Council has chosen the sites that it considers best represent the ability to deliver sustainable development within the strategic policy context of the Local Plan Strategy. The Local Plan Strategy was informed by a proportionate evidence base, which identified key areas of sensitivity, but did not rule out development due to the capacity for site specific choices, and the use of avoidance and mitigation. This decision is based on a holistic consideration of a range of factors: balancing growth with settlement capacity, from an infrastructural, cultural and environmental perspective. This is in particular true of sites in Malton and Norton with the presence of the River Derwent SAC, and settlements which are around the Vale of Pickering, and which make up the majority of key settlements within the District.
- 1.9 The application of the SSM has sought to apply available evidence to determine the likelihood of issues. This has resulted in the allocation of sites where there are some known, and some potential, sensitivities. The evidence informing the SSM has identified that sites which have performed generally well, may have a sensitivity, and therefore may result in some harm, and whether there is the means to avoid or mitigate such harm. The capability for avoidance/mitigation has been established through discussions with technical consultees- such as Yorkshire Water and the Environment Agency in relation to development on Ground Source Protection Zones, and through the work undertaken in consultation with Natural England in the Habitats Regulation Assessment concerning the River Derwent SAC. In respect of archaeology, some of the sites have already been subjected to archaeological appraisal. Others have been informed by the Heritage Environment Record and the site's general context, and this has not identified any archaeological features of significance which would preclude site development.
- 1.10 The Vale of Pickering forms part of an extensive archaeological landscape which stretches along the length of the Vale and into neighbouring Scarborough Borough. This area exhibits evidence of continuing human habitation and activity from the early Mesolithic period, through the Roman period, and up to the present day. Based upon the understanding gained during excavations and through accumulated research work across the Vale of Pickering, there is a high probability that many of the remains will be of national importance.
- 1.11 Although several of the sites identified as allocations have a high likelihood that they contain archaeological remains of, potentially, national importance, it was considered that these represented the most sustainable and best options to deliver a substantial amount of housing and employment land to meet the future needs of the Local Plan area. The decision to take these areas forward was not done so lightly and was done with the understanding that they sit within this extensive archaeological landscape. These proposed allocations may result in the loss of what would be only a small proportion of a much larger archaeological resource. Historic England has therefore agreed that it is acceptable to allocate land in

these areas provided that any development proposals are informed by a robust archaeological assessment which will help further knowledge and understanding of the Vale of Pickering. This framework is set out in Appendix 1.

- 11.12 Housing Allocations SD3, SD5, SD6, SD8, SD9, SD10 and SD11, business expansion land under SD13 (Land at Amotherby BATA site) and land in proximity to the identified Malton Broad Location for Employment Land (SD12) are in a safeguarding area of mineral resource. Where a development is proposed within a minerals resource, waste management, transport infrastructure or minerals ancillary safeguarding area identified within the Minerals and Waste Joint Plan, potential developers should include as part of the planning application an assessment of the impacts of the proposed development on the safeguarded feature. Where applicable, this would be in the form of a minerals resource assessment, otherwise it would be in the form of an assessment as to whether the proposal would prevent or unduly restrict the use of the safeguarded site or require mitigation as part of the new development to avoid impact on the safeguarded site. NYCC Planning Services will advise on the scope and content of this assessment.

2. Land for Housing

- 2.1 Policy SP2 of the Local Plan Strategy (LPS) establishes the amount of new housing to be delivered in Ryedale to 2027. It sets out how this is to be distributed across the settlement hierarchy (Policy SP1) and identifies the amount of new housing which will be provided at each of the different towns and some villages. Policy SP2 also lists the sources of new housing that will address housing requirements in different parts of the District.
- 2.2 The District Council, as Local Planning Authority is committed to ensuring the delivery of 200 homes per annum and a minimum of 3,000 new homes over the plan period. The LPS makes it clear that a sufficient and flexible supply of housing land will be identified in order to ensure these requirements are met. On this basis, the Council is committed to identifying sufficient land in full to meet housing requirements. An assumption for an amount of housing coming forward from future unanticipated or 'windfall' sources will not be used to reduce the amount of land that will need to be identified for new housing.
- 2.3 In order to deliver a positive strategy for housing growth, Policy SP2 aims to direct the housing land required to meet housing requirements to those settlements which are expected to accommodate planned growth in the settlement hierarchy. The policy also proportionally distributes the minimum housing requirement of 3,000 dwellings across these settlements.
- 2.4 Furthermore, the Council is committed to identifying a further 'supply buffer' as part of the plan making process which is the equivalent of an additional 20% of the District's planned housing requirement (600 homes). This is to build flexibility into the plan in a plan-led way. To ensure that this additional supply buffer complements the strategic approach of the plan, this additional supply is identified at those settlements in the settlement hierarchy where the Plan directs housing growth.
- 2.5 As well as the approach to housing land supply, the LPS establishes a local policy approach (The 'Zone of Tolerance') which supports the delivery of an additional 25% (750) of homes over and above the minimum 3,000 requirement. Together, the approach of the Zone of Tolerance and the plan-led supply buffer work together to:
- ensure that 200 dwellings per annum are delivered annually with consistency and certainty
 - provide a plan-led approach to supporting and managing the delivery of 3,000 homes as a minimum requirement which reflect sustainability parameters and tolerances at the main towns
 - To provide flexibility for the plan in the event that housing requirements increase or if committed housing sites fail to come forward.
 - To avoid under delivery and subsequent overly complicated arguments in appeal situations which can lead to an undermining of the development plan and a plan-led approach to managing development in Ryedale.

- 2.6 In order to establish how much land should be allocated for housing in this document to accord with the LPS , account has been taken of the number of new homes completed since the start of the plan (2012) and of housing commitments (sites with planning permission for housing and which can be under construction or not started).
- 2.7 The LPS commits to the provision of at least 150 new homes at Helmsley for the plan period. The adopted Helmsley Plan identifies land for approximately 190 new homes at the town. This is under a joint arrangement with the North York Moors National Park Authority to provide land for housing identified in the Local Plan Strategy across both planning authority areas through the Helmsley Plan. Additional sources of supply including 'windfall' development and plots with planning permission at the point the plan was adopted will also contribute to the delivery of additional homes. There is no requirement for this document to identify further housing land at Helmsley.
- 2.8 In summary, 1552 (net) dwellings have been completed across the District between 1 April 2012 and 31 March 2018. At 31 March 2018, planning permission existed for 1,345 (net) dwellings. A further 46 units from a major site were subject to a minded to approve decision pending the completion of a Section 106 agreement (46 units at Riccal Drive, Helmsley). These commitments account for a further 1,391 dwellings. The remaining land allocation in the Helmsley Plan provides 50 units. Land allocations in this document (859 units) with planning permission now granted on two of the allocations (239 units on SD5 and 6 units on SD9) providing a total of 1104 units .This results in an estimated supply of 4,097 new homes over the plan period, which reduces to 3,979 units when both a 10% non-implementation rate is applied to the small site supply (263 units) and when undeliverable sites with planning permission (91 units @2018) are deducted. Appendix 3 illustrates the position.
- 2.9 Existing commitments account for a significant proportion of the housing land supply for the plan period. All large site commitments which are either under construction or which have planning permission and are not started are identified on the Policies Map. The majority of existing large site commitments are sites that have been granted planning permission by the Local Planning Authority in advance of the completion of this document. For the most part, this has been to ensure that a sufficient supply of deliverable housing land is continually available to meet housing requirements. All of these sites have been released in locations which broadly support the delivery of the plan's spatial strategy (Policy SP1) and principles for guiding development at the Towns. In a limited number of circumstances, sites have been released on appeal, after the Local Planning Authority had made a decision to refuse planning permission.
- 2.10 Whilst many of the sites that have been granted planning permission for residential use are now under construction, the development of a limited number of sites has not started. Each of these sites have been assessed alongside other sites that have been put forward by landowners as part of the plan-making process. This has helped to inform whether the sites can continue to be relied upon as deliverable or developable sites should the current permission expire or whether alternative sites should be identified. Following this, only the current permission at the ATS in Norton for 62

units is not relied upon for calculating residual housing requirements. Policy SD1 aims to ensure that large site commitments are treated as land allocations in the event current permissions expire.

Policy SD1: Existing Residential Commitments

Residential development sites shown on the Policies Map as existing Residential Commitments will be treated as allocations for residential development. Residential Development should be consistent with the site's existing permission, in the event that the current permission expires.

Sites granted planning permission before 31 March 2018 will be identified as Existing Residential Commitments. Sites granted planning permission after this date will be treated as allocations until they are completed.

- 2.11 Housing Land Allocations are listed in Policy SD2. Each of the sites have been selected from a large number of sites that have been put forward by landowners as part of the plan-making process. Site Specific choices have been made using a range of information. This includes the use of a Site Selection Methodology which has been compiled for this purpose and by taking account of:- the aims and objectives of the Ryedale Plan and the principles for guiding development at the settlements which are established in the Local Plan Strategy; consultation responses and; residual housing requirements.
- 2.12 The Site Selection Methodology (SSM) was devised in consultation with a range of stakeholders to assess the sustainability credentials of individual sites and the deliverability and availability of individual sites. The SSM is, in effect, a sustainability appraisal framework for the assessment of sites. It uses settlement specific sustainability issues to enable comparisons of the merits/ dis-benefits of sites to be drawn. The ability of sites to address the objectives of the Ryedale Plan has also informed the selection of sites.

Policy SD2 Residential Land Allocations

The following sites are allocated for residential development and are identified on the Policies Map.

Settlement	Site	Area (Ha)	Indicative Yield
Principal Town			
Malton and Norton	Land to the east of Beverley Road	24.29	600 (560 in the plan period)
	Land at Old Maltongate (Ryedale House Site)	1.44	60
Local Service Centres(Market Towns)			
Pickering	Land to the east of Whitby Road	8.58	239*
	Land to the west of Malton Road	3.7	110
Kirkbymoorside	Land to the south of Swineherd Lane	1.46	35
	Land to the north of Keld Head Close	0.85	18
	Land to the north of Swineherd Lane (The Old Brickworks)	0.38	6*
Local Service Centres(Service Villages)			
Amotherby	Land to the south of Amotherby Primary School	2.83	40
Slingsby	Land to the south of Aspen Way	1.71	36

The yield identified for each site is indicative and the precise number of residential units to be provided on each site will be determined at the planning application stage.

*defined by applications approved since 31 March 2018

- 2.13 The allocations at Malton and Norton will contribute to the delivery of significant infrastructure improvements and, in combination, will enable a choice and mix of new homes to be provided. The Norton Lodge site will provide a link road between Scarborough Road and Beverley Road which is recognised as necessary for the delivery of the site, and also a significant strategic transport improvement for the Principal Town. Whilst the road is not a bypass, the provision of the road together with the location of the site which enables access using the Brambling Fields A64 junction helps to mitigate the impact of traffic on the central road network. The site has also been promoted on the basis that land will also be made available for educational purposes. Additional primary school capacity is necessary to address the requirements arising from the cumulative planned growth of the Principal Town. The site is also considered to be less sensitive in landscape terms than comparable alternatives.
- 2.14 The Ryedale House site complements the Norton Lodge site and existing committed sites in that in terms of design and character, the site is appropriate for the provision of some flats/apartments, which do not form a significant element of the District's existing housing stock. The redevelopment of the Ryedale House site would also have the advantage of supporting additional residential development at the Town without significant net increases in traffic given that the site is in an existing use as offices. It also provides an opportunity to develop housing on a previously developed site.
- 2.15 The combination of sites identified at Pickering reflect objectives of the Ryedale Plan, to minimise the impact of development on historic medieval field patterns which are a characteristic feature of Ryedale's northern Market Towns (and Pickering in particular) and a significant heritage asset. The sites at Whitby Road and Malton Road will ensure that further residential development can be accommodated at the Town without impacting upon the medieval strip field system. Both sites provide good access to the existing road network
- 2.16 The housing sites allocated at Kirkbymoorside reflect the limited availability of deliverable sites in locations that reflect the principles for the development at the town in the Local Plan Strategy and the fact that there is a large single site commitment at the town at Westfields.
- 2.17 The approach to the allocation of sites for residential uses at the Service Villages reflects the strategy of the plan (Paragraph 3.30 of the Local Plan Strategy) to ensure that planned housing requirements are distributed across the Service Villages and not focussed in relatively few settlements. As well as the availability of sites and suitability of sites, particularly in terms of the character of villages, account has been taken of existing commitments and any recent history of housing development in each of the service villages.
- 2.18 Where developers and landowners have supported the promotion of sites with indicative development/layout details, these have been used to inform the indicative site yields from allocated sites. For the most part this work has revealed densities at approximately 35 dwellings per hectare. For other sites, yields have been estimated using a minimum indicative density of 30 dwellings to the hectare (and applying a x 0.7 developable area factor to take account of site infrastructure). Although the Plan does not prescribe density standards, the majority of housing sites on the edge

of existing towns and villages will be built at moderate densities and on that basis, 30 -35 dwellings to the hectare is considered to be a reasonable basis for assuming indicative yields. The yields are indicative, and clearly this does not prevent sites being delivered at a higher density, if in design and character terms this would be appropriate. Overall, however, it is considered that the approach taken has not over-estimated the yield from the allocated sites but rather, it represents a relatively conservative approach.

- 2.19 Policy SD2 provides for the delivery of circa 1,157 dwellings from allocated sites, with 1,097 of these anticipated within the plan period. Taking account of completions and commitments on a District- Wide basis, this means that there is the potential for approximately 3,900 homes to be built within the plan period across the District which does not include additional homes coming forward from small site windfalls arising across the plan area or from housing built in the area of Helmsley which is within the North York Moors National Park.
- 2.20 It is anticipated that through a combination of completions, commitments and allocations, there is potential for approximately 3,572 new homes to be delivered in those locations where the plan directs new housing development. (The figure does not include the additional housing identified in the Helmsley Plan). This ensures that the proportional distribution of the housing requirement of 200 dwellings per annum is in accordance with Policy SP2 of the Local Plan Strategy. However, in allocating sites to provide for the supply buffer in addition to the residual planned housing requirement, the resulting proportional distribution does not follow precisely, the distribution established in SP2 although it continues to reflect the Plan's strategic settlement hierarchy. This is because at the time that this document is produced, a large number of housing sites have already been released in advance of the plan-making process and the choice of sites has been made against this context, changing requirements and on-going sustainability appraisal including the sensitivities and circumstances of different settlements.
- 2.21 The Local Planning Authority is mindful of the fact that not all planning permissions will result in housing completions and that a small proportion of the existing housing stock will be demolished as new homes are built. The Council's Strategic Housing Land Availability Assessment (SHLAA Part 1) takes account of these matters when the deliverable five year supply position is monitored annually. An assumption for demolitions and non-implementation have not been made as part of calculating the residual amount of housing land to be allocated. This is because an assumption for demolitions and non-implementation is more than made up for by the commitment to providing a supply buffer and because a small supply of housing also comes forward from small sites in the more rural locations where the plan does not direct growth.
- 2.22 It is considered that the housing land supply - existing commitments together with land allocations will be more than sufficient to ensure that planned rates of house building in Ryedale (200 dwellings per annum) will be delivered with confidence and that the supply is sufficient to cater for the operation of the Zone of Tolerance. Moreover, allocated sites in this plan are not phased and this, again, is designed to provide further flexibility in the maintenance of a supply of deliverable housing land.

- 2.23 The LPS recognises that extra-care facilities are required at some of Ryedale's towns to meet the needs of North Yorkshire County Council. The Helmsley Plan secures appropriate provision at Helmsley and a facility has been provided at Norton. North Yorkshire County Council (NYCC) has indicated that it is keen that land for such facilities is secured as part of allocated residential sites at Kirkbymoorside and Malton. This is unlikely to be achieved given that a significant proportion of sites are already committed. The current position does not necessarily preclude extra-care provision from being provided on the limited number of allocated sites in these locations, if NYCC are able to work with developers to secure provision in the longer term. However, the District Council will continue to work with NYCC to help secure provision in alternative ways including through the redevelopment of existing NYCC sites or through new purpose built sites. The allocation of the Ryedale House site adjacent to NYCC's existing facility at Malton may provide a key opportunity to co-ordinate the redevelopment of both sites.
- 2.24 Policy SP5 of the Local Plan Strategy commits the Local Planning Authority to identifying land for additional Gypsy and Traveller pitches if an updated assessment reveals a requirement. A recent assessment undertaken for the Council by Arc 4 has concluded that the existing Tara Park site at Malton is sufficient to meet identified needs.
- 2.25 Policies SD3-SD11 establish a number of principles for the development of the allocated housing sites. These are designed to reflect site specific circumstances and, in many cases a number of the principles reflect that basis on which sites were assessed as part of the plan-making process.
- 2.26 It should be noted that the development principles have been prepared to influence how development will take place on specific sites. These policies have not been used to detail the list of supporting information that will be required to support a planning application. The type of information required to inform the decision-making process is detailed in the Council's Local Validation List. This can range from technical information including for example, noise, odour, highway, heritage or protected species assessments and also includes a Design and Access Statement and a Statement of Community Involvement. The level and type of information required to support a planning application for the development of the allocated sites will vary according to the scale and location of sites and the nature of surrounding land uses. For example, the largest allocation at Beverley Road in Norton, will need to be supported by technical information to inform the mitigation necessary to protect future occupants from noise and odour associated with the neighbouring industrial estate, as well as to mitigate other impacts. The measures employed to mitigate impacts associated with the neighbouring industrial site will be detailed the applicant's Design and Access Statement and the Statement of Community Involvement supporting a planning application will be expected to refer to consultation with all stakeholders, including for example, all occupants of the neighbouring industrial estate.

Housing Land Allocations Development Principles

Policy SD3 Housing Allocation -Land to the east of Beverley Road, Norton: Development Principles

Detailed proposals for the development of the site shall include:

- An indicative yield of 600 dwellings, 560 within the Plan Period
- a new road linking Beverley Road to Hugden Way
- implementation of a MOVA system at the junction with Scarborough Road and Westfield Way
- provision of measures to provide safe pedestrian movements across the link road, particularly between the neighbouring factory and its car park and within the neighbouring industrial estate
- 2 ha of land for new primary school provision
- a substantive landscape, visual and noise attenuation buffer between the housing development and the neighbouring industrial estate
- Neighbourhood Area for Play (NEAP)
- integrated site and boundary landscaping to include landscape areas for play and fitness and to soften the visual impact of the scheme
- a design and layout that responds to requirements to mitigate odour and noise associated with the adjacent food processing factory and co-located slaughterhouse
- reinforcing existing connections and creating new connections to the school site and where possible , the existing built up area and the surrounding countryside
- well defined hierarchy of streets and spaces
- pedestrian and cycle only routes in and through the development to site access points, the school site and NEAP
- access from Beverley Road and the new link road
- maximise opportunities for green infrastructure, including 3 phase Sustainable Drainage Systems
- Capability for electric vehicle charging for each property with a dedicated car parking space within its curtilage
- Lighting scheme to minimise glare, reduce energy usage, and protect amenity
- Appropriate archaeological evaluation and mitigation as detailed in Appendix 1
- As a Safeguarded Site, the feasibility and viability of the extraction/utilisation of the minerals resource will be demonstrated

Policy SD4 Housing Allocation - Land to the west of Old Maltongate (Ryedale House), Malton: Development Principles

Detailed proposals for the development of the site shall include:

- An indicative yield of 60 dwellings
- larger scale development in block form to middle and front of the site (with potential for flatted development)
- smaller scale housing development to the rear of the site
- landscaped and tree lined setting to Old Maltongate to be retained
- design to a high specification, drawing on the architectural character and detailing of high status buildings on along Old Maltongate
- use of the existing access off Old Maltongate
- Capability for electric vehicle charging for each property with a dedicated car parking space within its curtilage
- Lighting scheme to minimise glare, reduce energy usage, and protect amenity

Policy SD5- Housing Allocation - Land to the east of Whitby Road, Pickering: Development Principles

Detailed proposals for the development of the site shall include:

- An indicative yield of 239 dwellings
- a built form, layout and design detailing that works with the topography and contours of the site
- integrated site and boundary landscaping to include landscape areas for play and fitness
- on-site children's play space (LEAP)
- pedestrian and cycle only routes in and through the development to the site access
- well defined hierarchy of streets and spaces
- access from Whitby Road
- scale of buildings to be limited to two storeys
- sustainable drainage system to be integrated into design which reflects the Source Protection Zone, in regards to Surface water drainage scheme and Foul water drainage scheme
- Capability for electric vehicle charging for each property with a dedicated car parking space within its curtilage
- Lighting scheme to minimise glare, reduce energy usage, and protect amenity
- As a Safeguarded Site, the feasibility and viability of the extraction/utilisation of the minerals resource will be demonstrated

Policy SD6 - Housing Allocation - Land to the west of Malton Road, Pickering: Development Principles

Detailed proposals for the development of the site shall include:

- An indicative yield of 110 dwellings
- integrated site and boundary landscaping to include landscape areas for play and fitness
- open space/Green Infrastructure to the west of the site (as shown on the Policies Map) is excluded from the developable area to ensure the developable area is outside area at risk of flooding and to protect the setting of the Listed Building. Further landscaping will be required to minimise the degree of intervisibility between the development and the Listed Building
- retention of the substantive boundary hedge to the Malton Road
- a strategic landscaping swath to the south of the site to define and reinforce the southern approach to the Town
- pedestrian and cycle only routes in and through the development to the site access
- well defined hierarchy of streets and spaces
- designed to enable views of the Spire of the Church of St Peter and St Paul from the Malton Road when approaching the town
- access from Malton Road
- pedestrian and cycle access to Haygate Lane, the open space to the rear of the swimming pool and the public footpath to the western boundary of the site
- on-site children's play space (LEAP)
- sustainable drainage system to be integrated into design
- Capability for electric vehicle charging for each property with a dedicated car parking space within its curtilage
- Lighting scheme to minimise glare, reduce energy usage, and protect amenity
- Appropriate archaeological evaluation and mitigation as detailed in Appendix 1
- As a Safeguarded Site, the feasibility and viability of the extraction/utilisation of the minerals resource will be demonstrated

Policy SD7- Housing Allocation - Land to the south of Swineherd Lane, Kirkbymoorside: Development Principles

Detailed proposals for the development of the site shall include:

- An indicative yield of 35 dwellings
- access from Swineherd Lane
- pedestrian and cycle only access to Duna Way; Stuteville Close and the recreation facilities to the south of the site
- retention of the public footpath through the site
- landscape buffer to the eastern boundary
- careful attention to the scale and mass of buildings to the eastern side of the site
- well designed street and spaces
- sustainable drainage system to be integrated into design
- Capability for electric vehicle charging for each property with a dedicated car parking space within its curtilage
- Lighting scheme to minimise glare, reduce energy usage, and protect amenity

Policy SD8- Housing Allocation - Land to the north of Keld Head Close, Kirkbymoorside: Development Principles

Detailed proposals for the development of the site shall include:

- An indicative yield of 18 dwellings
- access from Keld Head Road
- retention of mature boundary trees and landscaping scheme to enhance boundary landscaping
- scale of buildings to be limited in height to two storeys
- sustainable drainage system to be integrated into design
- Capability for electric vehicle charging for each property with a dedicated car parking space within its curtilage
- Lighting scheme to minimise glare, reduce energy usage, and protect amenity
- As a Safeguarded Site, the feasibility and viability of the extraction/utilisation of the minerals resource will be demonstrated

Policy SD9 - Housing Allocation - Brickworks Site, to north of Swineherd Lane, Kirkbymoorside: Development Principles

Detailed proposals for the development of the site shall include:

- An indicative yield of 6 dwellings
- access from Swineherd Lane
- buildings not to exceed two storeys in height
- layout and form to ensure a broken mass of buildings with a strong frontage to the road
- retention of mature boundary trees
- sustainable drainage system to be integrated into design
- Capability for electric vehicle charging for each property with a dedicated car parking space within its curtilage
- Lighting scheme to minimise glare, reduce energy usage, and protect amenity
- As a Safeguarded Site, the feasibility and viability of the extraction/utilisation of the minerals resource will be demonstrated

Policy SD10 - Housing Allocation- Land to the south of Amotherby Primary School, Amotherby: Development Principles

Detailed proposals for the development of the site shall include:

- An indicative yield of 40 dwellings
- access from the B1257
- retention of Public Right of Way through the site
- pedestrian and cycle only link to Meadowfield
- land to be provided for a kiss and drop facility for Amotherby Primary School ; public open space and children's play area within the northern quarter of the site
- retention of hedge along boundary with the B1257
- well designed streets and spaces
- landscaping belt to the western site boundary
- scale of buildings to be limited to one and two storey heights
- sustainable drainage system to be integrated into design
- Capability for electric vehicle charging for each property with a dedicated car parking space within its curtilage
- Lighting scheme to minimise glare, reduce energy usage, and protect amenity
- Appropriate archaeological evaluation and mitigation as detailed in Appendix 1
- As a Safeguarded Site, the feasibility and viability of the extraction/utilisation of the minerals resource will be demonstrated

Policy SD11 - Housing Allocation - Land to the south of Aspen Way, Slingsby: Development Principles

Detailed proposals for the development of the site shall include:

- An indicative yield of 36 dwellings
- comprehensive scheme for both fields, which could be phased
- retention of hedge to boundary with B1257
- retention of mature trees lining the Balk and suitable landscape/open space buffer along the western boundary of the site in order to ensure the protection of these trees
- vehicular access from Aspen Way to extend up the boundary with the eastern field, so as to ensure unfettered access of both fields
- pedestrian and cycle only access to the Balk and the Street
- Scale of buildings to be limited to one and two storey heights
- Well-designed streets and spaces
- sustainable drainage system to be integrated into design
- Technical capability for electric vehicle charging for each property with a dedicated car parking space within its curtilage
- Lighting scheme to minimise glare, reduce energy usage, and protect amenity
- The opportunity should be taken to enhance the entrance to the village and the scale and design of the development should relate sensitively to the Conservation Area
- Appropriate archaeological evaluation and mitigation as detailed in Appendix 1
- As a Safeguarded Site, the feasibility and viability of the extraction/utilisation of the minerals resource will be demonstrated

3. Land for Employment Uses

- 3.1 Policy SP6 of the Local Plan Strategy provides for the identification of up to 45 hectares of land for employment purposes. The policy commits to the allocation of two tranches of employment land- an initial 37 hectares followed by a further 8 hectares to be released if this is required over the plan period. The approach reflects the range in the quantum of employment land which was identified by employment land forecasts used to inform the plan. The policy establishes an approach to distributing these requirements across specific settlements, as outlined in the table below. A significant proportion of the initial 37 hectares has been released in advance of the preparation of this document and is committed, under construction or has been completed.
- 3.2 In total this accounts for approximately 31 ha (gross) of the initial 37 ha. In addition, 1.9 hectares of employment land has been allocated in the Helmsley Plan (Policy H4) and this accounts for a significant proportion of the employment land which the Local Plan Strategy distributes to Helmsley and Kirkbymoorside. The current position is outlined below. It should be noted that the completion and commitment figures relate to major employment sites/ schemes and do not include employment space that has been created through the small scale conversion of existing buildings.

	Local Plan Requirement	Commitments/Completions/Helmsley Plan Allocations	Residual Requirement
Malton and Norton	29.6-36ha	26.7 ha	2.9ha-9.3ha
Pickering	5.55ha-6.75ha	0ha	5.55-6.75ha
Kirkbymoorside and Helmsley	1.85-2.25ha	2.57ha	0
Total	37-45ha	29.3ha	8.45ha -16.05ha

- 3.3 The release of just over 17 ha of land at Eden House Road off the A64/ A169 junction at Old Malton accounts for a considerable proportion of land currently committed for employment uses as well as a significant proportion of the land to be accommodated at the Principal Town. The site is considered to be a major employment/business opportunity for the District which occupies a good location in relation to the Principal Town and strategic road network. The site has planning permission for the development of an agri-business park for B1, B2 and B8 uses; an Agricultural Business Centre and new livestock market. In 2015, the site was established as the Malton Food Enterprise Zone (FEZ), as part of the Department of Environment, Food and Rural Affairs, 'Pathfinder Food Enterprise Zone' initiative. To support the development of the FEZ; to attract new investment

and employment opportunities locally and; to assist in the delivery of the objectives of the York, North Yorkshire and East Riding Local Enterprise Partnership (LEP), a Local Development Order covers the site in order to help facilitate a focus on the agri-food sector in this location.

- 3.4 Existing commitments, including the allocation of 1.9 ha of land at Helmsley (in the Helmsley Plan) account for the planned employment land requirement for Kirkbymoorside and Helmsley.
- 3.5 At present, 6.6 ha of land to the south of Thornton Road Industrial Estate at Pickering is the subject of a 'minded to approve' decision by the Local Planning Authority for B1 and B2 uses. The proposals for the site have been progressed by an existing local employer seeking to relocation space as well as to facilitate the development of further employment space at the town. The site forms a logical extension to the existing industrial estate, performed well through the site assessment process and has been therefore allocated for employment purposes. This will confirm the principle of its suitability as an employment site into the future in the event that the current proposals are not taken forward, and may also assist in securing the public or private investment needed to undertake the remediation required to develop the site.
- 3.6 Completions, commitments and proposed allocations account for 35.7ha of land which addresses the initial tranche of land that the Authority is committed to identifying. This is however, on a District-wide basis and results in a small shortfall against the approximate distribution figures for Malton and Norton.
- 3.7 The Local Plan Strategy directs the majority of employment land requirements to Malton and Norton and land releases to date have supported this strategic approach. However, additional employment land allocations at Malton and Norton have not been made in this document. As an alternative, land in the vicinity of the Malton Agri-Business Park at the A64/A169 junction is promoted as a broad location for further employment land releases to meet identified requirements if they are needed within the plan period. This is in part driven by the limited availability of alternative, suitable and deliverable sites as well as uncertainty over the rate at which the current proposals for the Agri- Business Park/FEZ will be built out. It is considered that this reinforces the commitment to this area being a strategic employment opportunity and provides flexibility for a range of types of employment to be provided and co-ordinated, particularly if the Food Enterprise Zone and Local Development Order are successful in attracting agri-food business to the site which has already been released.

Policy SD 12 New Employment Land Provision

The following sites are allocated or committed, as indicated on the Policies Map, for the development of the employment uses specified:

Employment Land - Commitments

- | | | |
|--|---------|---------------|
| • York Road Industrial Estate, Malton | 6.8ha | B1,B2,B8 uses |
| • Land at Norton Grove, Norton | 2.08 ha | B1,B2,B8 uses |
| • Agri-Business Park and Business Technology Park, Eden House Road, Malton | 17.8ha | B1,B2,B8 uses |
| • Land to the west of Kirkby Mills Road, Kirkbymoorside | 0.49ha | B1,B2,B8 uses |

Employment development sites shown on the Policies Map as existing Employment Commitments will be treated as allocations for employment development. Employment development should be consistent with the site's existing permission, in the event that the current permission expires.

Employment Land Allocations

- Land to the south of Thornton Road Industrial Estate, Pickering 6.6 ha (B1 and B2 Uses)

The release of additional employment land to meet outstanding identified requirements over the course of the plan period will be supported in principle at the following broad location subject to it being demonstrated that material planning considerations can be satisfactorily addressed:

- Land to the north of the A64 and to the east of the A169, Malton (B1, B2, B8 Uses). Particular consideration will be required in respect of ensuring:
 - Appropriate Surface water management;
 - No adverse impacts on the safe operation of the Strategic Road Network; and
 - No adverse impacts on the water quality of the River Derwent SAC
 - Appropriate archaeological evaluation and mitigation as detailed in Appendix 1
 - As a Safeguarded Site, the feasibility and viability of the extraction/utilisation of the minerals resource will be demonstrated.

Policy SD13 Expansion Land for Existing Employers

The following sites, as indicated on the Policies Map, are allocated for the future expansion of the existing major employer:

- Land to the South of Sylatech, Kirkbymoorside
- Land to the south of Malton Foods (Zwanenberg), Amotherby
- Land to the north of BATA, Amotherby
 - As a Safeguarded Site, the feasibility and viability of the extraction/utilisation of the minerals resource will be demonstrated

In the event that these sites are not required by the respective company during the plan period, they will not be available to other business uses.

- 3.8 The previous development plan for Ryedale allocated expansion land for a small number of existing large employers who had, at the time, indicated that additional land was required to support the expansion plans of the businesses. This included land for BATA, Amotherby; Westlars (now Malton Foods), Amotherby; Micrometalsmiths (now Sylatech), Kirkbymoorside and McKechnies, Pickering. To date, the expansion land at Pickering has been utilised and an application for the extension of the Sylatech premises into the expansion land has been made. Each of these companies have confirmed that the availability of expansion land remains relevant to their businesses. Therefore the allocation of the expansion land for Sylatech, Malton Foods and BATA is carried forward into this plan period and is identified on the Policies Map. However, these sites have not been included within Development Limits (as has been the case historically) in order to ensure that they provide for and reflect only, the specific circumstances of these employers. It should be noted that the Plan (Policy SP6 of the Local Plan Strategy) is generally supportive in principle of the release of land for the expansion of all existing major employers/established businesses should this be required and the fact that a particular company does not have expansion land space identified in this plan would not prevent their expansion in principle.

4 Land for Retailing

- 4.1 Policy SP7 of the Local Plan Strategy (LPS) establishes the additional requirement for additional food and non-food retailing space. It sets out how this will be distributed at different settlements and confirms the sources of new retail space in different locations. In this respect and in view of the fact that SP7 directs the majority of the new retail space to the Principal Town, the Plan only seeks the allocation of land at Malton and Norton as a means of addressing requirements for additional retail floorspace. This is alongside the sources of new retail space that will be provided through the conversion and extension of existing buildings and the redevelopment of land within or on the edge of each of the Town Centres, including Pickering, Kirkbymoorside and Helmsley.
- 4.2 A significant proportion of the retail floorspace requirement is already committed. The existing planning permission for the redevelopment of the Malton Livestock Market site currently accounts for quantitative food retailing floorspace requirements. The Livestock Market site together with new retail space at the Kings Head Yard, Malton and the ancillary retail element of the Malton Agri-Business Park scheme account for the majority of the non-food retailing space (circa 4,500 sqm) which the LPS directs to the Principal Town.
- 4.3 The Local Plan Strategy recognises that the Livestock Market Site (LMS) provides a key development opportunity in a location which immediately abuts the existing Town Centre and within the 'Northern Arc' - the stretch of land around the Town Centre which the plan recognises as having potential to accommodate further town centre uses, including new retail space. Planning permission for the redevelopment of the Livestock Market Site has existed since 2012 and the scheme technically commenced in August 2017. As well as recent changes and restructuring in the food retailing sector, it is understood that a planning permission granted for a food-led retail scheme on an additional site - Wentworth Street Car Park has frustrated investment in the LMS site. The car park site is owned by the Council and the redevelopment scheme for the site was promoted in partnership with a development partner. In 2015 the planning permission for the car park site was quashed following a successful legal challenge to the permission by the owners of the LMS site and the planning application for the car park site is no longer being progressed.
- 4.4 In order to support the redevelopment of the LMS site and to provide some certainty for the owners of the site as well as businesses in the Town, the LMS site is identified on the Policies Map as a retail commitment and the Town Centre Commercial Limits have been adjusted to include the site within the Town Centre Commercial Limits. It is considered that this should support the timely redevelopment of the site which will, in turn provide certainty over the precise level and type of retail space to be accommodated in this location, if the configuration of retail space in the current permission needs to be adjusted to reflect current and emerging needs of the retail sector.

4.5 Against this background, sites to address the shortfall (circa 2,106 m²) in non-food retailing space at Malton and Norton have not been specifically allocated in this plan. The Local Planning Authority will work with landowners and developers to bring forward appropriate schemes within Malton and Norton Town Centres and the 'northern arc' area of opportunity which is identified in the Local Plan Strategy.

Policy SD14 Retail Commitments

The Malton Livestock Market Site, Malton will continue to be supported for retail development in principle in the event that existing permission is not implemented

5 Specific Sites: Flamingo Land and the National Agri-Food Innovation Campus (NAFIC)

- 5.1 The Plan (Policy SP1 of the Local Plan Strategy) uses Development Limits as a policy tool for managing development. Most of the Development Limits exist to manage the growth of the Market Towns and villages. However, two specific sites, Flamingo Land and the NAFIC Site have site boundaries which are defined on the Policies Map. Flamingo Land in the Vale of Pickering is a nationally renowned tourist attraction consisting of a fun park, zoo and holiday village. Development Limits for the site were established in the previous Development Plan and are carried forward into this Plan. The NAFIC site at Sand Hutton in the Vale of York was established as the then Ministry of Agriculture's Central Science Laboratory. The site is now the National Agricultural and Food Innovation Campus and is a base for the Government's Food and Environmental Research Agency together with other organisations based around agri- food and health. It is an ambition of the Local Economic Partnership that the site becomes firmly established as a national/international centre for food science, agri-tech, health and bio-renewables. The boundaries of the site were defined in the previous Development Plan and are carried forward into this plan.
- 5.2 Proposed development within the Development Limits of Flamingo Land and within the boundaries of the NAFIC site to support these uses will be supported in principle. Both sites lie within the open countryside and any additional development within the development limits/site boundaries would need to be acceptable in terms of a range of development management issues, including the impact of additional traffic as well as landscape and visual impact. The latter is a particularly relevant issue in terms of the height and mass of structures at both sites which are located in the relatively flat Vales of Pickering and York. The southern boundary of the NAFIC site also adjoins the outer boundary of the York Green Belt.

Policy SD15 Specific Sites: Flamingo Land and the National Agri-Food Innovation Campus (NAFIC)

The Development Limits for the Flamingo Land Theme Park and the site boundaries of the NAFIC site are as defined on the Policies Map. Proposals for additional development within the boundaries of these sites will be supported in principle, subject to policies within the Local Plan Strategy.

Proposals for the extension of the Flamingo land holiday village to the west of the development limits to enable qualitative improvements to the holiday village will be considered against the following criteria:

- Landscape and visual impact of the proposals can be appropriately mitigated
- Any increase in activity or numbers of holiday units would not have an unacceptable impact on highway safety or capacity

Any proposal to extend Flamingo Land zoo on to land to the east of the development limits, north of the Kirby Misperton road and south of Costa Beck will be required to demonstrate that landscape and visual impact can be appropriately mitigated.

Any proposal to extend Flamingo Land will need to comply with Policies SP8, SP13 and SP20 of the Local Plan Strategy.

6 Visually Important Undeveloped Areas

- 6.1 The previous Local Plan for Ryedale defined 'Visually Important Undeveloped Areas' (VIUA's) as a policy designation to protect specific open sites in or on the edge of settlements. Sites are identified as VIUA's for one or more of the following reasons: a site makes a significant contribution to the character or setting of the settlement; a site provides an attractive setting for buildings within a settlement and/or; a site makes an important contribution to the historical form and layout of a settlement. As such, the role of a VIUA can differ in different locations. For example, within many settlements VIUA's are often smaller spaces which are integral to the historic form and character of a place or which contribute to the setting of heritage assets within a settlement. In general, the VIUA's on the edges of the Market Towns are aimed at protecting areas which, by virtue of their open nature make a significant contribution to the setting of a Town and the role of the setting in influencing and framing the traditional form and character of the settlement. To this end, these sites tend to be larger in scale than VIUA's within settlements.
- 6.2 Existing VIUA's have been reviewed in the preparation of this document and are shown on the Policies Map. The preparation of this document has provided the opportunity to identify further VIUA sites. For example, a number of new VIUAs have been informed by more recent up to date Conservation Area Appraisals. In addition, further VIUA sites have been identified in the context of the current strategy of the plan which places a greater emphasis on the expansion of the market towns than previous development plans for Ryedale. The site selection process used to assess the sites put forward for development by landowners has considered the merits of sites in terms of their contribution to the form, character and setting of settlements. This has enabled development requirements (in particular housing requirements) to be accommodated at settlements in accordance with Local Plan Strategy alongside the identification of further VIUA sites on the edges of some of the towns. It is important to emphasise that landscape quality in itself is not a reason for the designation of a VIUA. There are many areas surrounding towns and settlements that are valuable in terms of their landscape character and aesthetic qualities and the Local Planning Authority will take account of this through the application of Policy SP13 (Landscapes) of the Local Plan Strategy.

Policy SD16 Visually Important Undeveloped Areas (VIUAs)

In addition to the existing VIUAs which are identified on the Policies Map, the following new sites are designated as VIUAs and are shown on the policies Map, and will be considered in accordance with the requirements of Policy SP16 of the Ryedale Plan- Local Plan Strategy:

- Land at Folliot Ward Close, Middlecave Road, Malton
- Land to the north of Peasey Hills, Malton
- Land to west of the Church of St John, Welburn
- Land to north of Slingsby Castle and west of the Lawns, Slingsby
- Land between Amotherby and Swinton south of the B1257
- Land to the north of Worsley Arms and south east of the village hall, Hovingham
- Land at Knoll Hill, Ampleforth
- Land to the south and west of St Hilda's Church, and north of Millway, Ampleforth
- Land to the rear of Ludley House, Ampleforth
- Verges, Main Street, Ampleforth
- Land west of St Benedict's School, Ampleforth
- Mickle Hill, and land to the south of Mickle Hill, Pickering
- Land between Welham Road and Langton Road, Norton
- Land north of Westgate Lane, Old Malton

Appendix 1 – Archaeological Informative for Sites SD3, SD6, SD10, SD11 and the Broad Location of SD12.

This Appendix provides additional information regarding Housing Allocations made under Policies SD3, SD6, SD10, SD11 and the Employment Broad Location to the north of the A64/east of A169, Malton made under Policy SD12.

As a result of the high probability of important archaeological remains in this area, it is considered appropriate to set out further information and advice on this specific matter.

Background:

These sites form part of an extensive archaeological landscape which stretches along the length of the Vale of Pickering. This area exhibits evidence of continuing human habitation and activity from the early prehistoric periods through the Roman period, and up to the present day. The buried prehistoric landscapes and continuous “ladder” settlements are an extraordinary survival of human activity on a landscape scale, preserved beneath thick sand-blown deposits across the Vale.

Based upon the understanding gained during 30 years of archaeological research and excavation on adjacent sites and across the remainder of the Vale of Pickering, there is a high probability that this area will contain archaeological remains of national importance. The NPPF makes it clear that non-designated archaeological remains that are demonstrably of equivalent significance to Scheduled Monuments (such as the ones which are likely to be present in this area) should be considered as if they were a designated heritage asset - i.e. that substantial harm or total loss should be wholly exceptional.

It is essential that any development proposals are informed by these and by a robust archaeological assessment of this area in order to fully understand the potential implications which the development of this area might have not just upon important archaeological remains but also the associated costs that archaeological mitigation might involve.

Implications:

Should, as Historic England suspect, that any desk based archaeological assessments result in the requirement for more substantial investigations the following information provides the basis for successfully meeting the likely requirements of Historic England.

- a. An archaeological assessment would likely require the inclusion of;
 - i. An assessment of the proposed development site in its wider historic landscape context;

- ii. Landscape characterisation and modelling including a review of available lidar data and aerial photography;
- iii. Geophysical Survey;
- iv. Trial trenching.

b. An evaluation of how the proposed development is likely to impact upon the archaeology

Subject to the outcome of the above works a mitigation strategy will most likely be required which will require agreement from the Local Planning Authority (in consultation with Historic England). The remit of a strategy will be determined by the outcome of the above and should include the following (unless it can be shown that these are not necessary):

- a. A framework for managing, recording, archiving and publishing the results of any archaeological evaluations and interventions;
- b. A strategy for maximising the educational potential of any archaeological interventions including the development of community archaeology projects;
and
- c. A proposed access strategy for the archaeological landscape of this development site.

Appendix 2 :Saved Local Plan policies to be superseded by the policies in this document.

Policy

- H1a Managing the release of land
- H2 Housing allocation, Scarborough Road, Norton
- H3 Housing allocation, Whitfield Avenue, Pickering
- H4 Housing allocation, Goslipgate, Pickering
- H5 Housing allocation, Feversham Drive, Kirkbymoorside
- H6 Residential allocations in the villages
- EMP2 Industrial/business development allocation, Norton Grove Industrial Estate
- EMP3 Industrial/business development allocation, East of Thornton Road Industrial Estate, Pickering
- EMP4 Industrial /business development allocation, Kirkby Mills
- EMP7 Allocations for the expansion of existing major employers
- EMP14 Central Science laboratory
- EMP15 North Yorkshire Power project, East Knapton
- TM6 Tourist Attractions

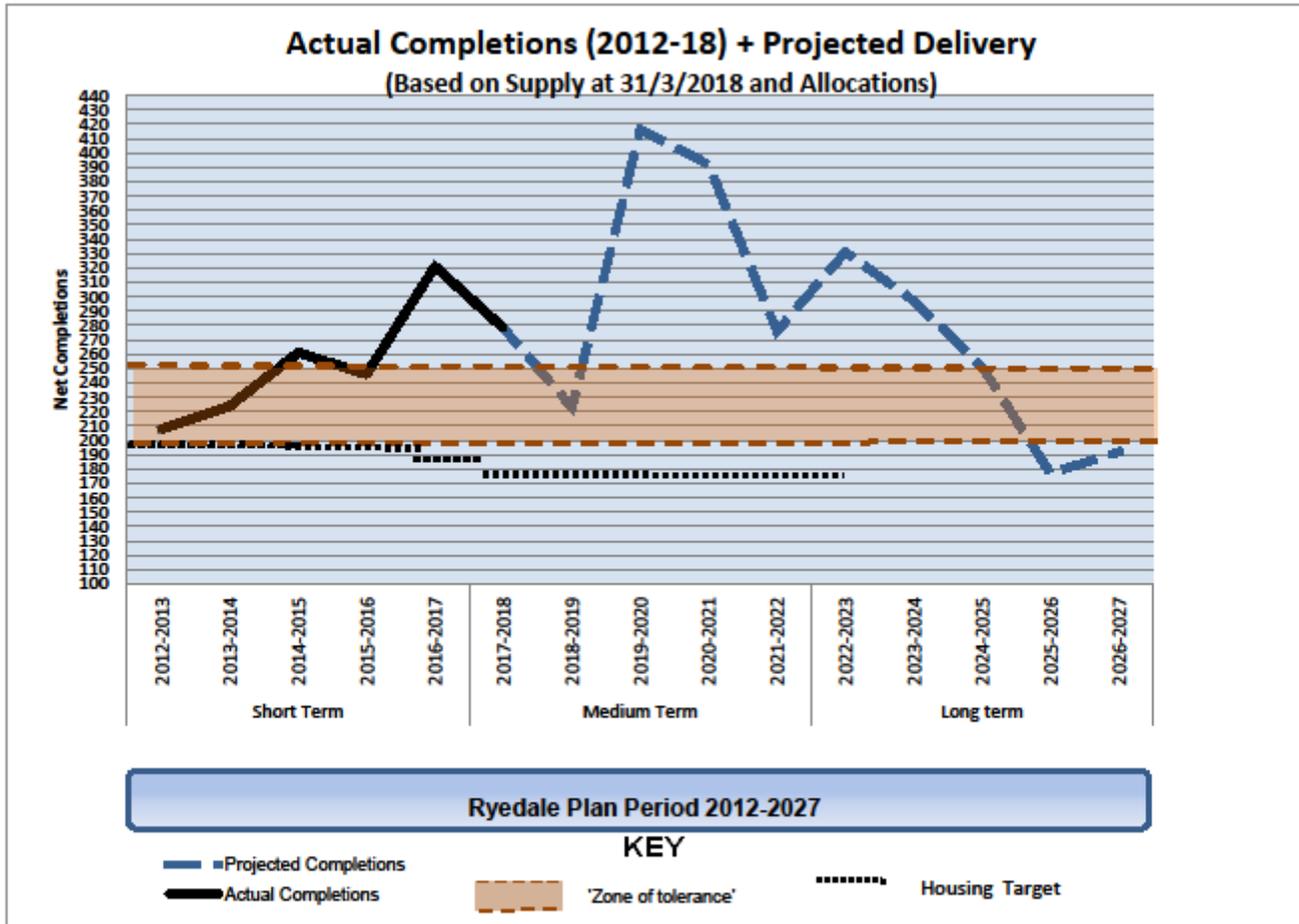
Note: The adoption of the Sites Document and Policies Map (2012-2027) will ensure that all of the saved policies of the Ryedale Local Plan (2002) are superseded.

Appendix 3: Residential completions, commitments, residual requirements and proposed allocations@31/3/18

Settlement	Completions (net) 2012-2018	Commitments *+ existing allocations (net)	Local Plan Housing Figure	Residual Requirement	Planned requirement + supply buffer	Residual Requirement + supply buffer	Proposed Allocations	Total
Malton and Norton	729	626	1500	145	-	-	620****	1.975
Pickering	385	74	750	291	-	-	349	808
Kirkbymoorside	23	288	300	-11	-	-	59	370
Helmsley	9**	96	150***	0	0	-	0	105
	<i>The Helmsley Plan was adopted in July 2015. It makes provision for the delivery of 190 homes to 2027, 96 of which are from land allocations within the Ryedale Local Planning Authority Area. The Local Plan Sites Document will not identify further housing land at Helmsley</i>							
Service Villages	217	167	300	-84	-	-	76	460
Total	1,363	1,251	3,000	341	3,600	941	1,104	3,718
<u>Other Villages and Wider Open Countryside</u>	<u>189</u>	<u>190</u>	<u>0</u>	<u>0</u>	-	-	<u>0</u>	<u>379</u>
<u>Total</u>	<u>1552</u>	<u>1441</u>		<u>341</u>	<u>3600</u>	<u>941</u>	<u>1104</u>	<u>4097</u>

* The completion and commitment information shown is taken from the 2018 Strategic Housing Land Availability Assessment Part 1. ** Figure for Helmsley is for the area of the town outside of the National Park.*** Provided across the area of the Helmsley Plan.**** Assumes 560 dwellings from the Norton Lodge site within the plan period.

Appendix 4: Housing Trajectory



This page is intentionally left blank



PART B:	MATTERS REFERRED TO COUNCIL
REPORT TO:	LICENSING COMMITTEE
DATE:	18 JUNE 2019
REPORTING OFFICER:	ENVIRONMENTAL HEALTH MANAGER ROBERT ROBINSON
SUBJECT:	LICENSING ACT 2003 – DELEGATIONS
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To update the delegation of licensing functions under the Licensing Act 2003 to the Licensing Sub-Committee and Officers.

2.0 RECOMMENDATIONS

- 2.1 The Committee approve the attached schedule of delegations under the Licensing Act 2003.
- 2.2 The Council be recommended to amend the Scheme of Delegation for Officers in the Council's constitution to reflect the delegations determined by the Licensing Committee

3.0 REASONS SUPPORTING DECISION

- 3.1 The Committee is required to determine the process by which applications, etc will be determined under the Act.

4.0 BACKGROUND

- 4.1 The Licensing Act 2003 provides that the functions of the Council as the licensing authority will be carried out by its Licensing Committee, with the exception of the statement of licensing policy. The Licensing Committee may delegate those functions to Sub-Committees or to Officers. Put simply, all delegated powers must emanate from this Committee.
- 4.2 The purpose of this report is to invite the Committee to update the delegation of functions under the Licensing Act 2003, to reflect that:

- (a) Since the last scheme of delegation of functions was completed on 11 March 2005 the Post of Principal Environmental Health Officer has been abolished

(b) To increase the number of delegated officers from the current two post holders to three post holders, thereby providing greater resilience.

4.3 A revised Schedule of Delegations is attached with the proposed changes to the existing scheme of delegation shown in bold type

5.0 INTRODUCTION

5.1 The guidance issued by the Secretary of State recommends that functions as far as possible should be delegated in the interests of speed, efficiency and cost effectiveness, especially as many decisions are administrative in nature. The Act provides that where there are no relevant representations to the grant of a premises licence or a club premises certificate or police objections to the grant of a personal licence or to a temporary events notice, those matters should be dealt with by officers to expedite the process. Where representations are made, a hearing of a licensing sub committee must be held unless the parties concerned accept that this is unnecessary.

5.2 The Secretary of State's guidance recommends that the Council's statement of licensing policy should indicate how the Council intends to approach its various functions and the statement reflects the guidance as to which functions should be dealt with by Sub-Committees and which by Officers.

5.3 The guidance also requires the Committee to receive regular reports on decisions made by officers so that they maintain an overview of the general licensing situation.

5.4 The revised schedule which is attached lists the schedule of delegations with the proposed changes in bold type.

6.0 POLICY CONTEXT

6.1 Not applicable

7.0 REPORT

7.1 The Committee is required to determine the process by which applications will be determined under the Licensing Act 2003 by approving the revision of the existing schedule of delegations to:

- Remove the Post of Principal Environmental Health Officer from the Schedule of delegations.
- Substitute that Post with the Post of Environmental Health Manager
- Authorise a third Officer namely the Environmental Health Officer employed in the Environmental Health Department to exercise the delegated functions.

8.0 RISK ASSESSMENT

8.1 The Council as a Licensing Authority must have arrangements in place to correctly discharge functions under the Licensing Act 2003. Failure to do would mean the Council was not complying with its statutory duty and leaving the Council open to legal challenge and any subsequent costs.

9.0 IMPLICATIONS

9.1 The following implications have been identified:

- a) Financial
No financial implications.
- b) Legal
The Council as a Licensing Authority must have arrangements in place to correctly discharge functions under the Licensing Act 2003
- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Climate Change and Crime & Disorder)
None

Author: Robert Robinson, Environmental Health Manager
Tel:01653 600666 ext: 43300 robert.robinson@ryedale.gov.uk

Background Papers:

Licensing Act 2003

Guidance issued under Section 182 of the Licensing Act 2003 by Secretary of State for Culture, Media and Sport – Published in April 2018

Ryedale District Council Statement of Licensing Policy March 2019

The Council's constitution

LICENSING ACT 2003 – SCHEDULE OF DELEGATIONS

Licensing Act 2003	Function	Delegation
Section 120	Determination of application for personal licence where no objection from Police Determination of application for personal licence where objection notice submitted by Police	Senior Licensing Officer (or in his absence the Environmental Health Manager or the Environmental Health Officer employed in the Environmental Health Department) Licensing Sub Committee
Section 121	Determination of application for renewal of personal licence where no objection from Police Determination of application for renewal of personal licence where objection notice submitted by Police	Senior Licensing Officer (or in his absence the Environmental Health Manager or the Environmental Health Officer employed in the Environmental Health Department) Licensing Sub Committee
Section 124	Revocation of a personal licence	Licensing Sub Committee
Section 18	Determination of application for premises licence where no relevant representations received Determination of application for premises licence where relevant representations received	Senior Licensing Officer (or in his absence the Environmental Health Manager or the Environmental Health Officer employed in the Environmental Health Department) Licensing Sub Committee
Section 31	Determination of application for provisional statement where no relevant representations received Determination of application for provisional statement where relevant representations received	Senior Licensing Officer (or in his absence the Environmental Health Manager or the Environmental Health Officer employed in the Environmental Health Department) Licensing Sub Committee
Section 35	Determination of application to vary premises licence where no relevant representations received Determination of application to vary premises licence where relevant representations received	Senior Licensing Officer (or in his absence the Environmental Health Manager or the Environmental Health Officer employed in the Environmental Health Department)

Licensing Act 2003	Function	Delegation
		Licensing Sub Committee
Section 39	Determination of application to vary premises licence in relation to the designated premises supervisor where no relevant representations received. Determination of application to vary premises licence in relation to premises supervisor where relevant representations received	Senior Licensing Officer (or in his absence the Environmental Health Manager or the Environmental Health Officer employed in the Environmental Health Department) Licensing Sub Committee
Section 44	Determination of application to transfer premises licence where no relevant representations received Determination of application to transfer premises licence where relevant representations received	Senior Licensing Officer (or in his absence the Environmental Health Manager or the Environmental Health Officer employed in the Environmental Health Department) Licensing Sub Committee
Section 48	Cancellation of interim authority notice where objection submitted by Police	Licensing Sub Committee
Section 52	Determination of application for review of premises licence	Licensing Sub Committee
Section 167	Determination of review of premises licence following closure order	Licensing Sub Committee
Section 72	Determination of application for club premises certificate where no relevant representations received Determination of application for club premises certificate where relevant representations received	Senior Licensing Officer (or in his absence the Environmental Health Manager or the Environmental Health Officer employed in the Environmental Health Department) Licensing Sub Committee
Section 85	Determination of application to vary club premises certificate where no relevant representations received Determination of application to vary club premises certificate where relevant representations received	Senior Licensing Officer (or in his absence the Environmental Health Manager or the Environmental Health Officer employed in the Environmental Health Department) Licensing Sub Committee

Licensing Act 2003	Function	Delegation
Section 88	Determination of application for review of club premises certificate	Licensing Sub Committee
Section 90	Withdrawal of club premises certificate	Licensing Sub Committee
Section 105	Issue of counter notice to temporary events notice where objection notice submitted by Police	Licensing Sub Committee
Various	Determination of applications where written agreement by all parties that a hearing is unnecessary and where representations are received and subsequently withdrawn.	Senior Licensing Officer (or in his absence the Environmental Health Manager or the Environmental Health Officer employed in the Environmental Health Department) Licensing Sub Committee
Various	Decision as to whether representation is frivolous, vexatious etc	Senior Licensing Officer (or in his absence the Environmental Health Manager or the Environmental Health Officer employed in the Environmental Health Department) Licensing Sub Committee
Various	Instigation of proceedings for contravention of the provisions of the Act	Senior Licensing Officer (or in his absence the Environmental Health Manager or the Environmental Health Officer employed in the Environmental Health Department) Licensing Sub Committee
Section 181	To respond and defend all appeals against decisions made under the Licensing Act 2003	Senior Licensing Officer and Council Solicitor
Various	To respond and defend any proceedings for judicial review or other Court proceedings in relation to any decisions made under the Licensing Act 2003	Council Solicitor and Environmental Health Manager

Licensing Act 2003	Function	Delegation
Various	To sign all decision notices, Licenses or certificates issued pursuant to the exercise of any powers delegated to the Licensing Officer under the Licensing Act 2003	Licensing Officer, Environmental Health Manager
Various	To sign all decision notices, Licenses or certificates issued pursuant to the exercise of any powers delegated to the Licensing Sub-Committee under the Licensing Act 2003	Licensing Officer, Environmental Health Manager
Various	Decision to object when local authority is a consultee and not the relevant authority considering the application	Licensing Sub-Committee
Section 13 and Various other provisions	To appoint and authorise officers to exercise statutory powers and functions under the Licensing Act 2003	Environmental Health Manager

In the absence of the Senior Licensing Officer and the Environmental Health Manager all the above delegated powers may be exercised by the Chief Executive.

This page is intentionally left blank



REPORT TO:	COUNCIL
DATE:	27 JUNE 2019
REPORT OF THE:	HEAD OF PLANNING AND REGULATORY SERVICES
TITLE OF REPORT:	NYCC CONSULTATION: HGV WEIGHT RESTRICTION ON NORTON LEVEL CROSSING
WARDS AFFECTED:	MALTON; NORTON EAST; NORTON WEST; DERWENT WARD

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 North Yorkshire County Council is consulting on the future of the HGV weight restriction at Norton Level Crossing. The consultation is seeking views on whether the restriction should be continued or if it should be lifted. The report has been prepared for Members to agree the District Council's response to the consultation.

2.0 RECOMMENDATION

2.1 It is recommended that:

- (i) The proposed response at Appendix 1 of this report is agreed as the District Council's response to the consultation.

3.0 REASON FOR RECOMMENDATION

3.1 To ensure that the District Council's views are taken into account when the Highway Authority makes a decision on the future of the HGV restriction.

4.0 SIGNIFICANT RISKS

4.1 The report covers a response to a consultation. There are no significant risks associated with the recommendation.

5.0 POLICY CONTEXT AND CONSULTATION

5.1 The current consultation period runs between the 3- 24 May 2019. NYCC has been informed that the District Council will forward comments after the consultation period. It is understood that the consultation has been brought to the attention of key

stakeholders, including local hauliers and the Town Councils and the consultation material was made available on the County Council's web-site.

- 5.2 Views are sought on whether the order, which is currently experimental, should be made permanent or whether the restriction should be lifted. It should be noted that whilst views have been sought on the future of the restriction, very little information has been provided to allow respondents to provide an informed choice. This is a concern and it is important that the level and nature of consultation comments are considered against this context and that this point is made to the County Council as it considers the future of the restriction.

6.0 REPORT

Background

- 6.1 On 18 February 2018, North Yorkshire County Council made a traffic regulation order for the prohibition of heavy commercial vehicles with an operating weight exceeding 7.5 tonnes over Norton Level Crossing. The Order was for an experimental period of eighteen months.
- 6.2 The decision to make the Order was a response to air quality issues in the Malton Air Quality Management Area (AQMA). It is understood that following the introduction of the restriction, the County Council has received a number of comments from interested parties raising concerns about the restriction. These largely relate to the re-routing of some HGV traffic to, for example, Highfield Road at Malton and through Settrington and Scagglethorpe and to concerns raised by Hauliers over the costs associated with less direct routes for example.
- 6.3 The introduction of the restriction has co-incided with monitoring which demonstrates that air quality in the AQMA is improving. For a range of reasons, it is the view of Officers that any decision to lift the restriction would be premature at the current time.
- 6.4 These reasons are set out in a proposed response to the consultation which is set out at Appendix 1.

7.0 IMPLICATIONS

- 7.1 The following implications have been identified:
- a) Financial
The report is a response to a consultation. There are no direct financial implications.
 - b) Legal
The report is a response to a consultation. There are no direct legal implications
 - c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental and Climate Change, Crime & Disorder)
The report is a response to a consultation. There are no other direct implications

8.0 NEXT STEPS

- 8.1 The District Council's response will be forwarded to North Yorkshire County Council.

Gary Housden

Head of Planning and Regulatory Services

Author: Jill Thompson, Planning and Development Manager
Telephone No: 01653 600666 ext: 43327
E-Mail Address: jill.thompson@ryedale.gov.uk

Background Papers:
NYCC Consultation

Background Papers are available for inspection at:
<https://www.northyorks.gov.uk/hgv-weight-restriction-norton-level-crossing>

Appendix 1 Response of Ryedale District Council

1. Thank you for inviting the District Council to respond to your consultation regarding the future of the HGV weight restriction at the Norton Level Crossing. The District and County Council have a strong history of joint working to address transport and air quality issues at Malton and Norton and in this respect, the District Council welcomes the opportunity to make comments on this matter.
2. In 2009, the District Council declared an Air Quality Management Area in Malton as a result of monitored levels of Nitrogen Dioxide (NO₂) above health based objective levels. Vehicle emissions are recognised as the main contributor to air pollution within the AQMA. A source apportionment study undertaken for the District Council as part of a review and assessment of air quality revealed that HGV emissions have a disproportionate impact in terms their emissions within the Malton AQMA. It found that HGV's accounted for 40% of Nitrogen Oxide emissions, whilst at the same time, comprising less than 5% of the vehicular traffic. In addition to direct emissions, the presence of HGV's within the narrow, historic streets of the central road network can slow the flow of traffic, exacerbate queuing and vehicle idling, resulting in increased emissions.
3. Following the declaration of the AQMA, the District Council is under a statutory obligation to devise and implement measures to improve air quality. To that end, the restriction of HGV's at the level crossing / Castlegate has been identified as one of a number of actions identified to improve air quality and set out in the Air Quality Action Plan since 2012. The restriction was introduced in 2018 following consultation with interested parties and the consideration of the Malton Area constituency committee via a series of reports in 2015 and 2016.
4. The District Council monitors air quality in the Malton AQMA on an annual basis and reports this in an Annual Status Report. This monitoring demonstrates a general trend of improving air quality within the AQMA since 2011. Although the 2019 Annual Status Report is yet to be published, all of the necessary data has been collated. It demonstrates that in 2018:
 - health- based objective Nitrogen Dioxide level of 40 micrograms per cubic metre was not exceeded at any monitoring location within the AQMA
 - the highest annual mean concentration of Nitrogen Dioxide in the AQMA was 33 micrograms per cubic metre at sites in Wheelgate and Yorkersgate
 - on average, concentrations of Nitrogen Dioxide have decreased by 4% across the AQMA
5. The latest monitoring data demonstrates that there have been no recorded exceedances of nitrogen dioxide levels above health based objective levels of 40 micrograms per cubic metre within the AQMA in the last 3 years.
6. The HGV restriction directly affects the movement of HGV's in Castlegate and at Butcher Corner. Between 2011- 2014, some of the highest Nitrogen Dioxide concentrations (and exceedances of health based objective levels) were recorded at these locations. Over the last three years, the annual mean nitrogen dioxide concentrations for all three monitoring sites in Castlegate and at Butcher Corner are below objective levels of 40 micrograms per cubic metre nitrogen dioxide and levels have fallen for each consecutive year 2016-2018.

7. A summary of the annual mean Nitrogen Dioxide concentrations for these locations, taken from each of the annual Air Quality Status reports is outlined below.

	2011	2012	2013	2014	2015	2016	2017	2018
Butcher Corner	42	41	39	37	36	35	33	32
Castlegate (1)	35	35	32	31	27	29	25	24
Castlegate (2)	49	48	41	40	37	38	35	32
Castlegate (3)	41	47	41	39	38	37	36	32

8. A number of factors are likely to contribute to this improving picture. Improvements have been recorded since the Brambling Fields junction has become fully operational, providing ability of traffic to avoid the central road network in order to access Norton. The change in the junction priority at Church Street- Welham Road has also improved the flow of traffic and the speed at which it can exit the AQMA. In addition, improvements in vehicle technology have resulted in cleaner vehicles travelling through the AQMA.
9. To this end, the District Council appreciates that the recorded improvements in air quality at the current time cannot be attributed to one particular factor and that the contribution made by the HGV restriction cannot be individually identified. Indeed, there is no specific evidence or data at present which provides a direct correlation between the introduction of the restriction and improving air quality, or the extent to which the restriction is contributing to improving air quality.
10. Evidence commissioned by RDC to support the Local Plan (the Systra Report) predicts that over time to 2027, the contribution of the HGV restriction to improved air quality is negligible in comparison to the improvements in air quality which will result from improvements in vehicle technology.
11. Both of our organisations are working together to develop a Local Cycling and Walking Infrastructure Plan (LCWIP) for Malton and Norton, linked to your Local Transport Plan objectives. The LCWIP will identify improvements to pedestrian and cycling routes and facilities in order to support an increase in walking and cycling. The plan is a response to the traffic congestion experienced at the twin towns and related air quality. Any interventions which encourage walking and cycling activity also provide opportunities to improve public health. Castlegate- County Bridge is the primary route connecting Malton and Norton. The presence of HGV's along this narrow and confined route creates a particularly hostile environment for both pedestrians and cyclists. The restriction of HGV movements in Castlegate does contribute to making the route more attractive to those wish to walk or cycle between the towns. Whilst this in in part tempered by the fact that exemptions are used to allow the movement of some HGV's, the restriction will help to deliver the LCWIP and may contribute to the modal shift which is recognised as being necessary by the LTP and the Air Quality Action Plan.
12. The District Council is aware of the concerns that have been raised in response to the restriction. Notably, that the restriction has led to the re-routing of HGV traffic through small villages such as Scagglethorpe as well as along Highfield Road, past the local primary schools. (It should be noted that two major housing sites are currently under construction near Highfield Road and as such higher levels of HGV traffic are experienced as a result of this current construction.) Whilst the movement of HGV's

past primary schools and in small villages is not ideal, the District Council is not aware that these roads are unsuitable for HGV traffic or that this has resulted in any deterioration in road safety in these areas. Additionally, there are no air quality issues in these wider areas.

13. The District Council appreciates that in the face of these concerns and uncertainty over the extent to which improving air quality can be attributed to the restriction itself, any continuation of the restriction will need to be carefully considered.
14. Air quality within the Malton AQMA is improving. Both of our organisations are acutely aware of the impact of poor air quality on health and of our responsibilities in terms of public health. Action to address air quality and the responsibilities on all bodies to tackle air pollution are only set to increase following the publication of the Government's 2019 Clean Air Strategy. It is vitally important that we continue to implement a range of measures to secure continuous improvements in air quality and that we are not complacent, even in the face of improving trends in Malton.
15. The forthcoming increases in rail services will result in increased periods when the level crossing is down. This will have implications for traffic congestion, the movement and distribution of traffic and vehicle emissions. In advance of the changes to the rail service, it is the District Council's view that any decision to discontinue the restriction could be premature.
16. In this respect, the District Council is of the view that the restriction should remain in place for the foreseeable future and that this is only reconsidered after air quality monitoring is undertaken post the introduction of the increased rail services.