



PART A:	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	PLANNING COMMITTEE
DATE:	28 FEBRUARY 2023
REPORT OF THE:	PLANNING SERVICE MANAGER JILL THOMPSON
TITLE OF REPORT:	MALTON AND NORTON NEIGHBOURHOOD PLAN CONSULTATION
WARDS AFFECTED:	NORTON EAST, NORTON WEST, MALTON

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

1.1 To agree a response to the current consultation on the draft Neighbourhood Plan.

2.0 RECOMMENDATION

2.1 It is recommended that:

- (i) The proposed response from paragraph 6.6 -6.15 of this report is agreed and that any further revisions are included by the Planning Services Manager and agreed in consultation with the Chairman of the Policy and Resources Committee and Planning Committee.

3.0 REASON FOR RECOMMENDATION

3.1 To ensure that the views of the District Council are considered in the Neighbourhood Planning process. This report would normally have been taken to Policy and Resources Committee, but since there is no further committees and the response needs to be made within the consultation window it is for decision at Planning Committee.

4.0 SIGNIFICANT RISKS

4.1 There are no significant risks to the District Council arising from the recommendation. The report covers a response to a consultation document.

5.0 POLICY CONTEXT AND CONSULTATION

5.1 Members are aware that local councils have the right to prepare Neighbourhood Plans

for their areas. Neighbourhood Plans are planning policy documents that become part of the development plan for an area, if they proceed through the statutory process.

- 5.2 Malton and Norton Town Councils have been committed to producing a Neighbourhood Plan for a number of years. The Neighbourhood Plan did reach the point of Examination in the summer of 2022, but was withdrawn before the Examination, to revisit some policy areas. These are set out in Appendix 1. The Town Councils have now prepared an updated submission draft of their Neighbourhood Plan and are consulting on its policies and proposals during the period 27 January- 10 March 2023. The document is accompanied by a Proposals Map, Habitat Regulations Assessment and Strategic Environmental Assessment report. A summary document is prepared, and is appendix 2.
- 5.3 The Local Councils are expected to take any comments received during this consultation into account before they finalise their Neighbourhood Plan. Once the Town Councils finalise the Plan they will then submit it to the Local Planning Authority (LPA) for the LPA to arrange a formal examination of the Plan. The extent to which a plan then progresses to become 'made' as part of the development plan is then dependent on the extent to which it is considered to meet a set of 'basic conditions' in relation to its production and is subsequently supported with a majority vote in a local referendum.
- 5.4 The basic conditions that Neighbourhood Plans are required to satisfy are that they;
- Have regard to national policy;
 - Contribute to the achievement of sustainable development
 - Are in general conformity with strategic policies of the development plan
 - Do not breach / are compatible with EU/legal obligations
 - Meet prescribed conditions

Further details of the Neighbourhood Plan process can be found at :

<https://www.gov.uk/guidance/neighbourhood-planning--2>

- 5.5 In terms of policy content, the Town Councils are not obliged to prepare a plan which contains policies addressing all types of development. However, it is clear in national guidance that policies in Neighbourhood Plans should be based on proportionate and robust evidence and that they should be drafted to be clear and unambiguous.
- 5.6 Local Planning Authorities are expected to support local councils in the production of Neighbourhood Plans. Officers are represented on the Neighbourhood Plan Steering Group and have sought to provide constructive advice on the emerging plan over the course of its production, including the accompanying Habitat Regulation Assessment. This has meant that the Town Councils have taken into account some specific issues prior to the preparation of the consultation draft. This is entirely consistent with the principle of front-loading and on-going consultation and engagement in the plan-making process.

6.0 REPORT DETAILS

- 6.1 The consultation draft of the Neighbourhood Plan can be read in full at

<https://www.ryedale.gov.uk/information/planning/planning-policy/neighbourhood/malton-and-norton-neighbourhood-plan/>

Appendix 1 to this report provides a summary of key proposals in the document and a brief officer commentary, in order to assist members in agreeing a response to the draft plan as part of the consultation.

6.2 The Plan is designed to cover the period to 2027 and to align with the plan period of the strategic Ryedale Plan. The Neighbourhood Plan does not propose to allocate sites for specific types or quantum's of development. Members will be aware that it is within the gift of local councils to allocate land for development in a Neighbourhood Plan. Prior to the District Council preparing the Local Plan Sites Document, the Town Councils were asked if they wanted to include land allocations in the Neighbourhood Plan but they resolved not to do so. For the most part, the Plan includes:

- A range of topic based policies and proposals, many of which are aspirational or which seek to provide support in principle for specific matters.
- A suite of very specific heritage policies aimed at the conservation and enhancement of the conservation areas within the Plan area
- Proposals for the designation of a number of areas of Local Greenspace, which is a significant protection based policy
- An implementation section which provides a steer for local communities over how the Town Councils will use the portion of Community Infrastructure Levy receipts that will be available to them.

6.3 It is important that Members recognise that the Neighbourhood Plan is the Town Councils' Plan. The District Council's role as a consultee in the process is to help ensure that the policies in the plan are planning policies; that they are in general conformity with the development plan and to advise in terms of legal requirements. It is not the role of the District Council to seek to otherwise change or impose a policy steer on the document.

6.4 This iteration of the Neighbourhood Plan has made a collection of changes to the Neighbourhood Plan which was previously considered by this Council it is therefore proposed that the consultation response reflects this and focuses on the proposed changes from the plan that was entering the Examination when it was withdrawn.

6.5 The response previously provided is on the attached link

<https://democracy.ryedale.gov.uk/ieListDocuments.aspx?CId=119&MId=3280&Ver=4>
(Item 51)

Proposed RDC Response.

6.6 *Thank you for consulting the District Council on the Pre-Submission draft of the Malton and Norton Neighbourhood Plan.*

6.7 *Page 6- new paragraph 1.3 – It is noted by the District Council the planning context in which this neighbourhood plan will operate. A decision is yet to be made as to whether there will be a formal review of the Ryedale Plan continued, or is subsuming into the new local plan for North Yorkshire Council. That being said, the strategic development will need to have regard to the Neighbourhood Plan with regard to any local/site specific considerations.*

- 6.8 Page 8- new paragraphs 1.19 and 1.20. The Local Planning Authority acknowledges that when a Neighbourhood Plan is 'made' it forms part of the Development Plan, but it does not become the 'starting point' for the deciding of planning applications. Both the Local Plan and the neighbourhood plan are read concurrently, on the basis that the neighbourhood plan, in order to meet the 'basic conditions' requirements of being in accordance with the strategic policies of the Development Plan.
- 6.9 Page 14- insertion of new paragraph. The District Council acknowledges the need to support the delivery of active travel, the inserted paragraph acknowledges the practical issues of this but does not offer solutions or sites which would be seen to be capable and deliverable in addressing such an issue, and the Neighbourhood Plan is an ideal vehicle to identify such sites (subject to their delivery).
- 6.10 Page 15- Policy TM1- (TM1-8) concerning the removal of footpath within the grounds of Malton School. This raised safeguarding issues during the consultation on the previous plan, and its removal is justified.
- 6.11 Page 15- TM1 Policy TM1 Replace with "Providing an appropriate amount of safe, secure and covered cycle parking to promote cycling, particularly as part of all new development which includes provision of parking spaces". Is this in relation to non-housing developments, and it is necessary to specifically refer to sites with provision of parking spaces?
- 6.12 Pages 16 and 17-
- Additional paragraph 4.1.13 concerning "potentially linking to a southern bypass connecting York Road, Welham Road, Beverley Road and Scarborough Road, although this has yet to be examined through a technical feasibility study".
 - Para 4.1.14 Amend to "As such, Neighbourhood Plan policy aims to encourage traffic that does not need to 3 bypass. In order to do this, the plan aspires to selected A64 junction improvements, in order to increase junction capacity at Broughton Road, by creating four-way junctions instead of two way slip roads and creating a new junction with the A64 at Castle Howard Road/Braygate Street." pass through the towns, out onto the A64 bypass. In order to do this, the plan aspires to selected A64 junction improvements, by creating a new junction with the A64 at Broughton Road (B1257) and exploring the potential for other improvements including a 4 way junction at Musley Bank."
 - Policy TM3, delete "A64/Braygate Street Junction" and delete "TM3-4 Southern Bypass Castle Howard Road – Beverley Road"
 - insert text "The potential provision of a Southern Bypass, connecting York Road with Welham Road, Beverley Road and Scarborough Road, in order to further relieve congestion, is also supported, subject to further technical assessment."

The District Council made comments on the previous plan iteration about the references to strategic infrastructure proposals which are not formally planned for.

"Traffic and transport matters have a high profile in the document and the District Council understands the desire for road infrastructure improvements that will help to

alleviate traffic congestion in the central road network. Whilst some of the improvements referred to will help to alleviate road congestion, they are not required to support planned growth at the towns to 2027. The adopted development plan and the evidence base supporting the plan is clear on the strategic transport improvements that are necessary to support planned growth. To avoid any confusion or ambiguity, this should be made clearer in the supporting text. Furthermore, a number of the improvements referred to have not previously been evidenced as being highway improvements which would reduce congestion. An A64/Castle Howard road junction and a Castle Howard Road- Broughton Road link road are examples. Without evidence that these further improvements would result in network improvements these should not be referred to in the plan, even in an aspirational sense.”

It is noted that instead of being identified as a policy consideration, the provision of a southern bypass is now a policy aspiration is supported subject to technical assessment. The comments made previously are therefore still relevant.

6.13 Page 25- Policy E1 add ‘High Malton’ to a list of Local Green Spaces E1-9. The justification of this commences on Page 72 and continues onto 73.

E1.9 High Malton	
Location	Western edge of Malton, bounded by Castle Howard Road to the south; Castle Howard Drive residential area to the east; Middlecave Road to the north; and the A64 to the west.
Size	25ha
Proximity to community served (ref NPPF 100a))	Space lies immediately to the west of the ‘Middlecave’ residential area.
Local in character/extensive tract of land? (ref NPPF 100c))	The space is an extensive tract of land, but is very much viewed as a valuable local asset and resource by the Middlecave community. This was clearly evidenced in Neighbourhood Plan consultation and in 2014/15 planning application responses to plans affecting the site, which included a 500+ signatory petition and some 100 individual respondents.
Landscape significance, e.g. beauty, tranquillity (ref NPPF 100b))	Yes – although a flat area of agricultural land hay meadows and paddocks divided/bordered by hedgerows with some bordering and scattered mature trees.it links visually with the AONB to the west. It also provides some visual amenity to bordering properties on Castle Howard Drive as well as the foreground to the AONB beyond. It forms an attractive rural approach to Malton and makes a key contribution to the setting of the Howardian Hills Area of Outstanding Natural Beauty (AONB) to the west. The south-east corner of the site, at which Castle Howard Road meets the built-up area of Malton, is identified as a ‘gateway’ location in this Neighbourhood Plan (ref Policy E5) with the key views which it affords identified and detailed in Appendix 3. The site also provides cherished visual amenity to bordering properties along its eastern edge, which back onto the space ¹ .

¹ Ryedale District Council Officers Report on planning application (ref 14/00678/MOUTE) for development in this area cited as one of the reasons for refusal that, ‘the site provides a transition between the western side of Malton and the nationally protected landscape

Historic significance (ref NPPF 100b))	None known
Recreational value (ref NPPF 100b))	Limited – no public rights of way through the space and no other recreational use, however public paths do run along its boundary edges. Public footpaths run along both the northern and southern edges of the site, with a bridleway running west from the mid-point of its northern boundary over the A64 via a footbridge and on into countryside, the AONB and the network of Public Rights of Way therein. These paths are used extensively for walking, dog walking, running and cycling, individually and by family groups, particularly at weekends. They are used by locals and by the wider Malton community for their recreation. They form part of a popular circular route taking in Outgang Lane, Broughton and The Plantation. The huge appeal of the bordering paths rests with the attractive and far-reaching views across the open High Malton site, west to the AONB and north towards the North York Moors.
Wildlife richness (ref NPPF 100b))	No. While neither the site nor its constituents' habitats are formally recognised as having significant wildlife value, local observation clearly shows that it has local value and richness with records of species such as hare, deer, bat, barn owl and buzzard as well as more common garden birds and mammals. The opportunity to view such wildlife on the doorstep contributes greatly to the visual appeal, attractiveness and value of the site to local people. The A64 in cutting forms the site's western boundary – "Malton Bypass Cuttings" is a designated Site of Importance for Nature Conservation (SINC). Its close association with the High Malton site enhances its wildlife value through species migration.
Summary Assessment/Basis for Recommendation	The site is in close proximity to a residential community on the western edge of Malton and demonstrates particular and enormous significance to that community. It provides valued visual amenity for bordering properties to the east on Castle Howard Drive and walkers for a variety of recreational users – local and non-local – along its boundaries, who also enjoy its interesting wildlife populations. linked to the AONB to the west. In wider landscape terms, it provides an acknowledged important setting to the AONB to the west. While it is also must be conceded to be an extensive tract of land, it is considered that in this case, this is outweighed by its other clearly evidenced attributes and, most significantly, the particular significance and importance that it has for local people.
Recommendation	Designate as Local Green Space

Local Green Space is defined in National Planning Policy within the section on Open Space and Recreation as:

101. *The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.*
102. *The Local Green Space designation should only be used where the green space is:*
 - a) *in reasonably close proximity to the community it serves;*
 - b) *demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
 - c) *local in character and is not an extensive tract of land.*
103. *Policies for managing development within a Local Green Space should be consistent with those for Green Belts.*

The District Council has significant concerns with the inclusion of the land identified as High Malton as an area of Local Green Space. The land identified as High Malton is land to the North of Castle Howard Road, which was the subject of planning application which named the site 'High Malton'. The analysis which has been undertaken to justify

the inclusion of the site does not provide a clear documented evidence that the land meets the definition of Local Green Space within National Planning Policy definition as set out above.

The above table does not demonstrate that the site is capable of being designated a Local Green Space for the following reasons:

- It is acknowledged to be an 'extensive tract of land'.*
- The land is in private ownership with no means of public access across the site. The existing routes and pathways are either next to the site along established roads or footpath to the north and south or on the other side of the A64 and distanced from the site. The site itself is not used or accessed.*
- There is no identified heritage consideration.*
- The trees are a key feature of the setting of this part of the entrance to the town. Some of the trees are protected by Tree Preservation Order.*
- It does contribute to the setting of the AONB.*
- The land itself is used for growing crops and pasture and as such has no demonstrable ecological significance which is different to that of other tree lined fields in the locality; There is a local SINC site, but it is outside of the field boundaries and is the cutting of the A64.*

- Being "demonstrably special" to the local community a crucial justification. The justification provided in the assessment specifically refers to "cherished visual amenity to bordering properties along its eastern edge, which back onto the space". This is seeking the protection of a private view, which is not a material planning consideration, and therefore cannot be judged as a justification for the identification of Local Green Space. Reference is also made to the extensive responses to the planning application. These are not demonstrably reflecting the justification of the Local Green Space designation, because they have not resulted from the neighbourhood plan consultation process. Instead, they represented the strength of feeling in the locality towards a planning application which was for 500 homes. They are not, in the view of the Council, interchangeable forms of evidence.*

There is open farmland of similar use and appearance around the settlements of Malton and Norton, and would bring similar amenity values to the local residents; it is (appropriately) not identified as Local Green Space.

Further to this, there is land to the south of Castle Howard Road, which is publically accessible by means of a public right of way, provides allotments and is used by the local community as a recreational resource for walking as it affords sweeping views of the Wolds and south eastern Howardian Hills AONB. This is not mentioned or identified in the document at all, as a proposed Local Green Space or indeed why it was discounted. Why is this land, where it has a greater recreational value, not been considered for such a designation?

The footnote¹ is also not correctly attributed to the relevant consideration (proximity to the AONB).

The District Council supports the delivery of the neighbourhood plan, and recognises that there are spaces of significant importance to the local community, and that a neighbourhood plan is a natural place to identify such areas of open space. But the inclusion of this land 'High Malton' as a Local Green Space, in the view of the Local

Planning Authority does not meet national policy and as such would fail the basic conditions test.

It is very much recognised by the District Council that this parcel of land has acknowledged sensitivities- which were identified during the course of the planning application's consideration. It contributes to the Castle Howard Road gateway into the town, and has strong landscape intervisibility due to its elevation relative to other landscapes. It contributes to the setting of the adjacent AONB, providing a transitional landscape setting, but these are not in themselves justification to include land as Local Green Space. The District Council would seek, as an alternative approach, that the landscape sensitivity context of this land should be strengthened through other policies in the Neighbourhood Plan to recognise the importance of the land to the setting of this part of Malton, as a gateway to the town, and the setting of the AONB.

6.14 *Page 29- revisions to Policy E6:*

Revised Policy E6

"Proposals for any new development within the Neighbourhood Area should contribute towards and sustain compliance with relevant limit values or national objectives for pollutants within the Malton AQMA, as shown on the Neighbourhood Plan Proposals Map.

Developers promoting development which would result in an impact on air quality will be required to take into account cumulative impacts and demonstrate that the impact is acceptable and that mechanisms are in place to mitigate any adverse impacts. Such mechanisms could include the provision of green infrastructure."

The District Council welcome the reference to the provision of green infrastructure, but notes that this will be challenging in some parts of the built up areas to deliver. But from November 2023 it will be mandatory to demonstrate quantifiable net gain in biodiversity, and green Infrastructure will be an integral part of delivery of that requirement.

6.15 *Officers have reviewed the technical reports of the Strategic Environment Assessment (SEA) and the Habitats Regulations assessment (HRA). In relation to the HRA Officers agree with the conclusions that the revisions do not result in changes to the screening assessment, and according the appropriate assessment. Concerning the SEA, Officers note the updated baseline information, which demonstrates a robust approach to the consideration of the evidence base. Officers also note that the policies which have been updated were previously screened out of the SEA/HRA and officers would agree that the proposed changes have not resulted in these revised policies being now capable of being screened into the SEA/HRA assessment.*

6.16 *Officers are happy to continue to work with the Town Councils, now and into the future, as the plan is refined in response to comments made as part of the current consultation and prior to the formal submission of the plan.*

7.0 IMPLICATIONS

7.1 The following implications have been identified:

a) Financial

The District Council is required to cover the cost of the examination of the Neighbourhood Plan and the local referendum. Experience elsewhere indicates

that the cost of a Neighbourhood Plan examination ranges between 5-10K. Updated costs of a referendum for Malton and Norton are that it will cost approximately 25K. New burdens funding of 20K is available to Local Authorities to assist with these costs.

- b) Legal
A Neighbourhood Plan can become part of the development plan for the area if it progresses through an examination and is supported by a majority vote in a local referendum.
- c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental and Climate Change, Crime & Disorder)
No specific implications identified.

8.0 NEXT STEPS

8.1 The Town Councils have a project plan for the production of the Neighbourhood Plan which is generally summarised as follows:

- Submission of Plan to LPA (NYC) – Summer 2023
- Examination – Autumn 2023
- Referendum- Winter 2023
- Plan ‘made’ (the term used to bring the plan into effect as part of the development plan adopted by the Local Planning Authority) – Early 2024

8.2 It should be noted that from submission, all of the necessary consultation and publicity requirements and the examination arrangements are the responsibility of the Local Planning Authority. Best endeavours will be used to align with the indicative project plan although the precise timing of the formal stages in the process will be dependent on the timely submission of the document; the scheduling of the formal examination and the ability to progress this work in tandem with existing workloads. This work will be progressed under North Yorkshire Council.

8.3 The Ryedale Plan will continue to be part of the Development Plan until it is superseded by the new Local Plan for North Yorkshire, unless material considerations outweigh its application during the course of considering specific applications. Members may wish to note that existing, made neighbourhood plans similarly will be part of the Development Plan until such time that they are either superseded by a new Neighbourhood Plan, or material considerations outweigh the application of the Development Plan.

Jill Thompson
Planning Service Manager

Author: Rachael Balmer, Team Leader –Planning Policy
Telephone No: 01653 600666 ext: 43357
E-Mail Address: rachael.balmer@ryedale.gov.uk

Background Papers:

Malton and Norton Neighbourhood Plan Pre-Submission Draft; Proposals Map; Habitat Regulations Assessment; Environmental Assessment

Background Papers are available for inspection at:

<https://www.malton-tc.gov.uk/webedit/uploaded-files/All%20Files/Neighbourhood%20P/NP%20Submission%20Final%20V6.pdf>

<https://www.malton-tc.gov.uk/malton-norton-neighbourhood-plan/>

Appendix 1: Summary of the Malton and Norton Neighbourhood Plan (Pre-Submission Draft)

The draft document is comprised of 6 chapters which are summarised below. A brief commentary is provided on each of the sections of the draft plan and the supporting documentation.

Vision and Objectives

The vision for the Towns to 2027 is supported by the following objectives:

- To protect and improve the local environment and particularly the ecological quality of the River
- To cut congestion and improve air quality
- To improve connectivity between Malton and Norton

- To improve access to the river for the community
- To build on local distinctiveness in order to enhance the visual quality and appearance of the towns
- To protect heritage assets
- To encourage the regeneration and redevelopment of vacant plots
- To capitalise on the history and culture of Malton and Norton and to develop the tourist industry
- To build on the economic strengths of the towns and address deficiencies in the economy
- To protect and improve community services and facilities
- To encourage housing provision that meets local needs

Commentary

The proposed vision and objectives of the plan are not inconsistent with the vision, aims, objectives and strategy of the Ryedale Plan in so far as these relate to Malton and Norton.

Transport and Movement

The section includes six proposed policies:

TM1 Protection and Enhancement of Pedestrian, Cycle and Bridleway network – looks to protect the network and to support improvements at the following locations (Disused railway tracks, Broughton Manor Estate, Showfield Site, Broughton Road, Norton Grove-Beverley Road, Langton Horse Walk and Welham Road).

TM2 New Pedestrian and Cycle River/ Railway Crossing – aims to ensure that development which would prevent a crossing at any of the following locations would not be supported (Dismantled railway line to the north east of Orchard Fields; Land at Woolgrowers /rear of Lidl to the station; land near the station and county bridge

TM3 New Vehicular River/ Rail Crossing – seeks to ensure that development which would prevent the creation of a new road crossing at the following locations would not be supported (land to the north east of York Road Industrial Estate and land to the south of Norton Road)

TM4 Highway Improvement Schemes – states that development which would prevent the provision of the following improvement schemes would not be supported,(A64/B1257 Broughton Road; A64/B1248 Castle Howard Road; Link Road between Scarborough Road and Beverley Road; southern Norton Bypass; Link road between A64 Castle Howard Road and A64 B1257 Broughton Road)

TM5 County Bridge Level Crossing- provides support for development which would provide the following highway improvements (Traffic light control; revised road priorities; clear signage and road markings; zebra or pedestrian crossing; refuge areas for pedestrians and cyclists)

TM6 Traffic Management Plans – supports the provision of traffic management plans.

Commentary

Policies TM1 and TM5 provide support in principle for the measures/ improvements referred to and in the absence of committed deliverable schemes, it is considered that

this is as far as the plan can go in terms of policy support for the proposed improvements. As currently drafted it is unclear which revised road priorities would be supported as part of the policy or how this is supported by evidence. Given the location of this junction in the network and in relation to the Air Quality Management Area, it is considered that this element of the policy needs to be less ambiguous and policy support tempered/clarified to ensure that support is provided where it can be demonstrated that the improvements can be achieved without detrimental impacts on air quality, safety and congestion.

Policies TM2, TM3 and TM4

Supporting Documents