WETHERBY TOWN COUNCIL
MINUTES OF THE EXTRAORDINARY PLANNING COMMITTEE MEETING

Date: **Monday 14th July 2025**
Time: **4.30 pm**
Location: **Wetherby Methodist Church, Bank Street, Wetherby, LS22 6NQ.**

Present:
Councillor Chapman
Councillor knight
Councillor Moss
Councillor Payne (Chair)

In attendance:
Town Clerk
Assistant Clerk
Ward Councillor Harrington
Ward Councillor Stables
Councillor Smith
8 members of the public
1 representative of Kirk Deighton Parish Council

MINUTES

1. Apologies.
Local Government Act 1972, s 85 (3)
It was **RESOLVED** that apologies be received, and reasons for absence accepted, from Councillor Bradley.

2. Declarations of interest – None.
Localism Act 2011, s 31
Members' Code of Conduct, para. 13-18, 19-20

3. Public Participation.
Public bodies (Admission to Meetings) Act 1960, s 1 (3)
A representative of Kirk Deighton Parish Council spoke on a planning application for the development of 210 homes on land at Kingbarrow Farm (25/02006/OUTMAJ). It was **NOTED** that while the proposed development is being built in Kirk Deighton's parish, the Kirk Deighton Parish Council was not contacted by the developers for community engagement on the development.

4. Consultation on planning application 25/02006/OUTMAJ.
Town and Country Planning Act 1990, Sch.1, para. 8
The committee **RECEIVED** and **CONSIDERED** an application for the development of 210 homes on the land at Kingbarrow Farm, Harrogate Road. The committee **NOTED** that the development which borders on Wetherby's boundary, would likely require use of, and therefore have impact on, Wetherby's services and infrastructure as its closest town, despite the development being situated within North Yorkshire's boundary.

Ward Councillor Harrington reported that meetings are being arranged with the planning departments of the relevant local authorities to discuss the development and distribution of Section 106 funds resulting from the development. Ward Councillor Penny Stables also reported that they aim to lodge an objection on the basis that Section 106 funding will not be distributed to the areas that will be providing services to the residents of the development.

Following a discussion, it was **RESOLVED** that the committee strongly objects to the proposal, having made the following observations:

- The new application does not address concerns and issues raised by the inspector from the 2016 application on the same site, resulting in many of Wetherby Town Council's original objections remaining substantiated.
- The development would have a significant impact on Wetherby's perceived oversubscribed infrastructure. Especially when viewed in the context of other potential and permitted sites already in development within and neighbouring Wetherby.
- That there has been a significant lack of effective and appropriate public consultation at a local level within the parish where the development will be situated.
- The proposal is premature to the North Yorkshire Site Allocation Plan and does not accord with the objectives currently outlined in the proposed North Yorkshire Local Plan.
- That the development would have a significant impact on road maintenance costs and vehicular congestion in Wetherby and its surrounding areas. Plans for improving road infrastructure or increasing public transport options should be considered as part of any further development of Wetherby and its surrounding areas.
- Noting that financial contributions provided by the developer, including Section 106 funding, for the improvement of infrastructure and services would be made to North Yorkshire Council rather than Leeds City Council, despite the expected heavy use of services, provided by Leeds City Council, by residents of the new development.
- That the new development does not adhere to National Planning Policy Framework for sustainable planning, including but not limited to protection of Green Belt land which maintains a clear divide between developed settlements.
- Due to the expected impact on school housing provision, a plan for changing demographics needs to be considered as part of any resulting conversations.

5. <u>Date of next Planning Committee meeting.</u>

The next ordinary meeting of the Planning Committee will be held on *Monday 14th July 2025* at 5:00pm in Wetherby Methodist Church.

The meeting closed at 5:04pm.
These minutes were recorded and prepared by the Assistant Clerk.

WETHERBY TOWN COUNCIL
MINUTES OF THE PLANNING COMMITTEE MEETING

Date: **Monday 14th July 2025**
Time: **5.00 pm**
Location: **Wetherby Methodist Church, Bank Street, Wetherby, LS22 6NQ.**

Present:
Councillor Chapman
Councillor knight
Councillor Moss
Councillor Payne (Chair)

In attendance:
Town Clerk
Assistant Clerk
Ward Councillor Stables
Ward Councillor Harrington
Councillor Smith *(until 5:29pm)*
Councillor Mulhall *(from 5:23pm, until 5:29pm)*
14 members of the public

MINUTES

1. Apologies.
Local Government Act 1972, s 85 (3)
It was **RESOLVED** that apologies be received, and reasons for absence accepted, from Councillor Bradley.

2. Declarations of interest – None.
Localism Act 2011, s 31
Members' Code of Conduct, para. 13-18, 19-20

3. Public Participation.
Public bodies (Admission to Meetings) Act 1960, s 1 (3)
Harrogate Town Council AFC presented to the committee on a new 3G pitch development of the boundary with Wetherby. It was **NOTED** that a public pre-application consultation would follow on Thursday 17th July 2025 in Wetherby Town Hall.

Councillor Mulhall joined the meeting at 5:23pm.

A member of the public reported that development of a bin store on 1 Market Place as outlined in planning application 24/06155/FU has proceeded, despite planning permission having been denied. Ward Councillor Harrington informed the resident that this was under the authority of planning enforcement, and that Ward Councillor Lamb was in contact with Leeds City Council on the matter.

Councillor Payne requested it be recorded that she expressed her apologies to Councillor Stables for not having seen her hand raised to speak under this item.

Councillor Mulhall, Councillor Smith, and 10 members of the public departed the meeting at 5:29pm.

Due to the amount of public interest in item 9. The Committee **AGREED** to move to item 9 at 5:30pm, returning to item 4 at 5:46pm.

4. Minutes.

Local Government Act 1972, Sch 12, para. 41(1)

It was **RESOLVED** that the minutes of the Planning Committee meeting, held on *Monday 23rd June 2025*, be accepted.

4 members of the public departed the meeting at 5:48pm.

5. Consultations on planning applications.

Town and Country Planning Act 1990, Sch.1, para. 8

5.1 25/03602/FU | Removal of conservatory to rear; single storey rear extension with lantern; replacement windows; single storey side extension with relocation of front door to side and new roof lights to front | 13 Wentworth Gate Wetherby Leeds LS22 6XD

It was **RESOLVED** that there are no objections to this application subject to the proposals meeting or exceeding the requirements and guidance in the 'Building for Tomorrow Today, Sustainable Design and Construction SPD' to ensure that the highest standards of eco-efficiency are achieved.

5.2 Any other applications received for consideration since *Tuesday 8th July 2025.*

5.2.1 25/03928/FU/NE | Single storey side and rear extension at first floor; extension to gable; balcony to rear; alterations to rear and side fenestration; amendment of render to walls | 9 Swale Rise Wetherby LS22 7UH

It was **RESOLVED** that there are no objections to this application subject to the proposals meeting or exceeding the requirements and guidance in the 'Building for Tomorrow Today, Sustainable Design and Construction SPD' to ensure that the highest standards of eco-efficiency are achieved.

6. To receive other planning applications.

The below applications were **RECEIVED** and **NOTED**.

6.1 25/03641/CLP | Certificate of Proposed Lawful Development for a single storey rear extension | 23 Templar Gardens Wetherby LS22 7TG

6.2 25/03431/CLP | Certificate of Proposed Lawful Development for a single storey rear extension | 24 Barleyfields Road Wetherby LS22 6PN

7. Consultations on applications for works to trees.

Town and Country Planning (Tree Preservation) Regulations 2012

The below applications for works to trees were **RECEIVED** and **NOTED**.

7.1 25/03070/TR | T1 Cherry - to reduce the crown by 1m all round T2 Lawson cypress – Fell T3 Crab apple - Reduce the crown by 0.5m all round | 52 Westgate Wetherby LS22 6NJ

7.2 25/03532/TR | G1 2x Maples - To draw back overhanging branches from the trees overhanging from Wetherby Town Council land by 2-3 meters to allow more light into the garden and reduce bird mess on children play area | To The Rear Of 4 Hallfield Lane Wetherby LS22 6JT

8. To receive updates from planning authorities.

A list of updates and outcomes on applications received from planning authorities was **RECEIVED** and **NOTED**. Further information can also be viewed online at: https://publicaccess.leeds.gov.uk/online-applications/.

9. **<u>25/01223/FU.</u>**

The committee **NOTED** concerns raised by members of the public relating to the proliferation of multiple occupancy homes on North Street. The following points were raised:

- That there has been an increase in antisocial behaviour as a result of HMO's being established on the street.
- That there had been breech of planning legislation in that many of the sites on North Street had been operating as a HMO without prior planning permission and licencing being granted.
- That the HMO's constituted a public safety issue due to being unkept, having a lack of adequate internal lighting, regular infestation of pests, and broken glass littered in and around the properties. A member of the public expressed concern that the properties were not fit for habitation.
- That parking was not adequate at the sites of the HMO's resulting in the entrances of neighbouring resident's homes being blocked.

It was **NOTED** that the Ward Councillors are aware of the concerns around these developments and will be picking up with relevant parties at Leeds City Council.

Following a further discussion, it was **RESOLVED** to raise a special motion for the purposes of revisiting Wetherby Town Council's submitted responses to planning application 25/01776/FU and 25/01223/FU to be taken to the next meeting of the Full Council.

10. **<u>Leeds Local Plan: Issues and Options (Regulation 18) Consultation.</u>**

Due to the breadth of this item, it was **RESOLVED** to delegate this item to the next meeting of the Full Council, to be held on *Tuesday 12th August 2025.*

11. **<u>Items for information</u>** – None.

12. **<u>Date of next Planning Committee meeting.</u>**

The next meeting of the Planning Committee will be held on *Monday 4th August 2025* at 5:00pm in Wetherby Methodist Church.

The meeting closed at 5:52pm.
These minutes were recorded and prepared by the Assistant Clerk.

WETHERBY TOWN COUNCIL
MINUTES OF THE PLANNING COMMITTEE MEETING

Date: **Monday 4th August 2025**
Time: **5.00 pm**
Location: **Wetherby Methodist Church, Bank Street, Wetherby, LS22 6NQ.**

Present:
Councillor Bradley
Councillor Chapman
Councillor knight
Councillor Moss

In attendance:
Assistant Clerk
Facilities Officer
Councillor Newcombe *(from 5:30pm)*

MINUTES

*In the absence of the Chair, it was **RESOLVED** that Councillor Moss act as Chair for the duration of the meeting.*

1. Apologies.
Local Government Act 1972, s 85 (3)
It was **RESOLVED** that apologies be received, and reasons for absence accepted, from Councillor Payne.

2. Declarations of interest – None.
Localism Act 2011, s 31
Members' Code of Conduct, para. 13-18, 19-20

3. Public Participation – None.
Public bodies (Admission to Meetings) Act 1960, s 1 (3)

4. Minutes.
Local Government Act 1972, Sch 12, para. 41(1)
It was **RESOLVED** that this item be deferred to the following meeting on *Monday 18th August 2025*.

5. Consultations on planning applications.
Town and Country Planning Act 1990, Sch.1, para. 8

5.1 25/03395/LI/14 | Listed building consent for repair/refurbish sash boxes only and replace 5 no. single glazed sliding sash windows with slimline double glazed sliding sash windows | 1 Boston Road Wetherby Leeds
It was **RESOLVED** that there are no objections to this application subject to the proposals meeting or exceeding the requirements and guidance in the 'Building for Tomorrow Today, Sustainable Design and Construction SPD' to ensure that the highest standards of eco-efficiency are achieved and provided that the amendments are sensitive and complimentary to its historic context.

5.2 25/04119/FU | Demolition of carport and porch and erection of single storey side/rear extension; new boundary fence and gate | 4 Beechwood Rise Wetherby LS22 7QT
It was **RESOLVED** that there are no objections to this application subject to the proposals meeting or exceeding the requirements and guidance in the 'Building for Tomorrow Today, Sustainable Design and Construction SPD' to ensure that the highest standards of eco-efficiency are achieved.

5.3 25/03935/FU | Replace existing front windows with bifold doors | Clear View York Road Wetherby
It was **RESOLVED** that there are no objections to this application subject to the proposals meeting or exceeding the requirements and guidance in the 'Building for Tomorrow Today, Sustainable Design and Construction SPD' to ensure that the highest standards of eco-efficiency are achieved.

5.4 25/04270/FU | First floor extension to rear | 12 Meyrick Avenue Wetherby LS22 6SP
It was **RESOLVED** that there are no objections to this application subject to the proposals meeting or exceeding the requirements and guidance in the 'Building for Tomorrow Today, Sustainable Design and Construction SPD' to ensure that the highest standards of eco-efficiency are achieved.

5.5 Any other applications received for consideration since *Tuesday 29th July 2025.*

5.5.1 25/04427/LI | Listed building application for removal of existing canopy and forming of entrance vestibule, alterations including raised steps to garden | Stonedene Lodge 17 Stonedene Park Wetherby
It was **RESOLVED** that there are no objections to this application subject to the proposals meeting or exceeding the requirements and guidance in the 'Building for Tomorrow Today, Sustainable Design and Construction SPD' to ensure that the highest standards of eco-efficiency are achieved and provided that the amendments are sensitive and complimentary to its historic context.

5.5.2 25/02681/FU/10 | Demolition of existing single storey side and rear extension, erection of part two storey part single storey side and rear extension, a front porch, extension to front hardstanding, and new vehicular access with dropped kerb. | 7 Barleyfields Terrace Wetherby LS22 6PW
It was **RESOLVED** that there are no objections to this application subject to the proposals meeting or exceeding the requirements and guidance in the 'Building for Tomorrow Today, Sustainable Design and Construction SPD' to ensure that the highest standards of eco-efficiency are achieved.

6. <u>To receive other planning applications.</u>
The below applications were **RECEIVED** and **NOTED**.

6.1 25/25/03901/COND | Consent, agreement or approval required by conditions 3, 4 and 5 of Planning Application 25/00547/LI | Sant Angelo High Street Wetherby LS22 6LT

6.2 25/04008/COND | Consent, agreement or approval required by conditions 17 and 18 of Planning Application 15/07255/FU | Norton House Deighton Road Wetherby Leeds LS22 7TS

6.3 25/04023/COND | Consent agreement or approval of condition 3 of planning application 25/01093/FU | 8 Fledborough Road Wetherby Leeds LS22 6AB

6.4 25/04119/FU | Demolition of carport and porch and erection of single storey side/rear extension; new boundary fence and gate | 4 Beechwood Rise Wetherby LS22 7QT

6.5 25/04270/FU | First floor extension to rear | 12 Meyrick Avenue Wetherby LS22 6SP

6.6 25/04271/CLP | Certificate of Proposed Lawful Development for a single storey side extension | 51 Glebe Field Drive Wetherby LS22 6WF

7. **To receive updates from planning authorities.**
A list of updates and outcomes on applications received from planning authorities was **RECEIVED** and **NOTED**. Further information can also be viewed online at: https://publicaccess.leeds.gov.uk/online-applications/.

The committee noted that application 25/03514/FU relating to the development of a patrol station on Privas Way was withdrawn.

Councillor Newcombe joined the meeting at 5:30pm.

8. **Harrogate Town AFC proposed training facility.**
The committee considered a pre-application public consultation for the development of a training facility with 3G pitch. The committee **RESOLVED** to submit a response expressing favour and citing that the proposed development will provide significant benefits to the community.

9. **Items for information** – None.

10. **Date of next Planning Committee meeting.**
The next meeting of the Planning Committee will be held on *Monday 18th August 2025* at 5:00pm in Wetherby Methodist Church.

The meeting closed at 5:34pm.
These minutes were recorded and prepared by the Assistant Clerk.

		WETHERBY TC 2022				
Planning No;	**Address**	**Work being done**	**Date Recei**	**PC Mtg**	**Comments**	**Result**
22/00550/COND	Spofforth Hill Wetherby	Consent, agreement or approval required by condition 24 of Planning Application 13/03051/OT	25.01.2022 (Not received)			Approved 24.07.2025

A Result

Terms	**Terms**
No objs	Appvd
Submit Comment	Refused
Object	Appeal
Withdrawn	Wthdrawn
No Letter recd	NDR- No Decision reqd
Referred to TC	Not avb for viewing
	Not reqd

		WETHERBY TC - 2025						
Planning No;	**Address**	**Work being done**	**Date Received**	**PC Mtg**	**Comments**	**Decision/Date**	**Appealed**	**Result**
25/01383/FU	20 Deighton Road Wetherby LS22 7TE	Demolition of existing bungalow and garage; erection of three dwelings, garages and associated works	13.03.2025	17.03.2025	No Objs	Approved 18.07.2025		
25/02051/FU	41 Meyrick Avenue Wetherby LS22 6SP	Erection of part two storey part single storey at first floor level front and side extension, hip to gable roof extension, dormer to rear, new canopy to front, fenestration alteration to front, rooflight to front, and extension of raised patio/decking to rear.	06.05.2025	12.05.2025	No Objs	Approved 01.08.2025		
25/03038/CLP	1 North Grove Approach Wetherby LS22 7GA	Certificate of Proposed Lawful Development for conversion of the garage to habitable accommodation	20.05.2025	23.06.2025	Not a consultee - comms not accepted.	Approved 14.07.2025		
25/03071/CLP	7 Ullswater Rise Wetherby LS22 6YP	Certificate of Proposed Lawful Development for changes to fenestration; replacement flat roof to single storey element with rooflight; decking area to rear.	21.05.2025	23.06.2025	Not a consultee - comms not accepted.	Approved 18.07.2025		
25/02891/COND	68 And 72 North Street Wetherby LS22 6NR	Consent, agreement or approval required by conditions 4 and 5 of planning application 21/09406/FU	27.05.2025	23.06.2025	Not a consultee - comms not accepted.	Split decision 16.07.2025		
25/02459/FU	Bengal Brasserie 3 Victoria Court Wetherby	Single storey extension with glazing under existing glazed canopy	20.05.2025	02.06.2025	No Objs	Approved 18.07.2025		
25/03216/COND	Land Off Sandbeck Lane Wetherby	Consent, agreement or approval required by conditions 6, 7, 8, 9, 10, 11, 12, 13, 15 and 16 of Planning Application 21/06846/OT	29.05.2025	23.06.2025	Not a consultee - comms not accepted.	Split decision 06.08.2025		
25/03217/COND	Land Off Sandbeck Lane Wetherby	Consent, agreement or approval required by conditions 3, 5, 6 and 8 of Planning Application 24/05097/RM	29.05.2025	23.06.2025	Not a consultee - comms not accepted.	Split decision 17.07.2025		
25/03299/TR	6 Prospect Villas Wetherby LS22 6PL	T1 Beech - To reduce the crown by 3m all round T2 Turkey Oak - To reduce the crown by 3m all round	03.06.2025	23.06.2025	Not a consultee - comms not accepted.	TPO Served 15.07.2025		
25/03333/TR	14 Noble Crescent Wetherby LS22 7DU	T1 Ash - Monolithing for arboricultural reasons: Ash dieback. Seek approval to monolith to a height of 5m, to leave a habitat stem T2 Lime - Approval to reduce top canopy by 5m, making cuts at suitable unions. Pruning to reduce risk of harm. T3 Ash - Reduce the top canopy by 4m at suitable unions. Remove secondary branches <10cm diameter. Reduce lateral branch to the West by 3m to reduce the stress on the union where the large cavity is. Pruning to reduce risk of harm.	04.06.2025	23.06.2025	Not a consultee - comms not accepted.	Approved 29.07.2025		
25/03049/FU	25 Dearne Croft Wetherby Leeds	Removal of existing dormer to form first floor side extension; single storey rear extension; amended fenestration to first floor rear and to form a replacement door to side	06.06.2025	23.06.2025	No Objs	31.07.2025 Approved		
25/03381/TR	16 Noble Crescent Wetherby LS22 7DU	T1 mature Ash - Request/application is to remove the tree to ground level Reasons: severe decay, poor tree architecture which is a high risk of major failure onto houses and gardens. nearby trees approved for major reduction which will further the risk of failure due to wind exposure	06.06.2025	23.06.2025	Not a consultee - comms not accepted	Approved 31.07.2025		
25/03641/CLP	23 Templar Gardens Wetherby LS22 7TG	Certificate of Proposed Lawful Development for a single storey rear extension	18.06.2025	14.07.2025	Not a consultee - comms not accepted	Approved 08.07.2025		
25/04008/COND	Norton House Deighton Road Wetherby Leeds LS22 7TS	Consent, agreement or approval required by conditions 17 and 18 of Planning Application 15/07255/FU	04.07.2025	04.08.2025	Not a consultee - comms nt accepted	Approved 04.08.2025		
25/03928/FU	9 Swale Rise Wetherby LS22 7UH	Single storey side and rear extension at first floor; extension to gable; balcony to rear; alterations to rear and side fenestration; amendment of render to walls	08.07.2025	14.07.2025	No Objs	Approved 07.08.2025		
25/04582/COND	Land Off Sandbeck Lane Wetherby	Consent, agreement or approval required by conditions 3 (footway provision) and 6 (windows and doors) to planning application 24/05097/RM	01.08.2025	18.08.2025	Not a consultee - comms not accepted			

25/04422/COND	Sandbeck Farm Sandbeck Lane Wetherby LS22 5HF	Consent, agreement or approval required by conditions 5 5 (foul and surface water drainage scheme), 6 (Infiltration testing), 7 (tree/vegetation protection), 9 (soft landscaping), 11 (cycle/motorcycle facilities), 14 (statement of construction practice) and 17 (hard landscaping) of Planning Application 23/03134/FU	01.08.2025	18.08.2025	Not a consultee - comms not accepted			
25/03572/FU	Leconfield Court Spofforth Hill Wetherby	Replacement of communal windows at Leconfield Court	07.08.2025	18.08.2025				
25/03844/LI	43 High Street Wetherby LS22 6LR	Listed building application for replacement of existing roof tiles and associated works	12.08.2025	18.08.2025				
25/04706/FU	14 Farndale Close Wetherby LS22 6XE	Single storey side extension; rendering to match existing; replacing windows and relocation of side door to rear	12.08.2025	18.08.2025				
		Checked to W/C 12th August 2025	**Terms**		**Terms**	**Terms**	**Terms**	**Terms**
			Not received		No Objs	Approved	Yes	
					Comment	Refused	No	
					Objects	Appeal		
					Withdrawn	Wthdrawn		
					Comms not accepted	NDR- No Decision reqd	Not avb for viewing	
					No Comms	Referred to TC	Not reqd	

Planning Inspectorate

Report to North Yorkshire Council

by Clive Coyne BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Date: 7 August 2025

Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

Report on the Examination of the New Settlement (Maltkiln) Development Plan Document (DPD)

The Plan was submitted for examination on 27 March 2024

The examination hearings were held between 17 and 20 September 2024

File Ref: PINS/E2734/429/10

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Contents

Contents 2

Abbreviations used in this report 3

Non-Technical Summary 4

Introduction 5

Main Modifications 5

Policies Map 6

Context of the Plan 6

Public Sector Equality Duty 7

Assessment of Duty to Co-operate 7

Assessment of Other Aspects of Legal Compliance 8

Assessment of Soundness 11

Issue 1 – Introduction, Vision, Objectives and Site Context 11

Issue 2 – The Development Framework 12

Issue 3 – Energy, Climate Change and Flooding 18

Issue 4 – Natural and Historic Environment 27

Issue 5 – Housing, Mixed-Use Development and Employment 29

Issue 6 – Community Facilities 31

Issue 7 – Access, Travel and Transport 32

Issue 8 – Delivery and Monitoring 34

Overall Conclusion and Recommendation 36

Abbreviations used in this report

AA	Appropriate Assessment
Council	North Yorkshire Council
DPD	Development Plan Document
GBI	Green Blue Infrastructure
HEDNA	Housing and Economic Development Needs Assessment
HDLP	Harrogate District Local Plan
HRA	Habitats Regulations Assessment
IDP	Infrastructure Delivery Plan
MMs	Main Modifications
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SSSI	Site of Special Scientific Interest

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Non-Technical Summary

This report concludes that the New Settlement (Maltkiln) Development Plan Document (DPD) provides an appropriate basis for the planning of the area, provided that a number of main modifications [MMs] are made to it. North Yorkshire Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications and, where necessary, carried out sustainability appraisal (SA) and habitats regulations assessment (HRA) of them. The MMs were subject to public consultation over a six-week period. I have recommended their inclusion in the Plan after considering the SA and HRA and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Revising the indicative layout as shown on the updated Development Framework (Map 2);
- Ensuring that the masterplanning process for the development of the new settlement is clear by making changes to Policies NS1, NS2 and NS3;
- Clarifying how the priorities set by the Climate Change Strategy will be implemented by the DPD's climate change policies (Policies NS4 to NS11);
- Ensuring that infrastructure necessary for the delivery of the new settlement is provided in a clear and effective way by inserting a new policy (NS38);
- Inserting a glossary; and
- A number of other modifications to ensure that the Plan is positively prepared, justified, effective and consistent with national policy.

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Introduction

1. This report contains my assessment of the New Settlement (Maltkiln) Development Plan Document (DPD) in terms of Section 20(5) of the Planning and 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 compliant with the legal requirements and whether it is sound. The National Planning Policy Framework 2021 (paragraph 35) (NPPF) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.

2. On 12 December 2024 a revised NPPF was published. However, it includes a transitional arrangement which indicates that, for the purpose of examining this Plan, the policies in the September 2023 Framework apply. Therefore, unless stated otherwise, any references to the Framework in this report relate to the September 2023 version.

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 New Settlement (Maltkiln) DPD, submitted in March 2024, is the basis for my examination. It is the same document as was published for consultation in October 2022.

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/or not legally compliant and thus incapable of being adopted. My Report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1, MM2** etc, and are set out in full in the Appendix.

5. Following the examination hearings, the Council prepared a schedule of proposed MMs and, where necessary, 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 in coming to my conclusions in this Report and I have made some amendments to the detailed wording of the MMs and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and SA and HRA that has been undertaken. Where necessary I have highlighted these amendments in the Report.

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Policies Map

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 Figure 1 as set out in the New Settlement (Maltkiln) DPD.

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, several of the published main modifications to the Plan's policies require further corresponding changes to be made to the policies map. For example, the revision to the settlement boundary and the development framework. These further changes to the policies map were published for consultation alongside the MMs and I have not recommended any MMs to the policies map.

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 all the further changes published alongside the MMs.

Context of the Plan

9. The submitted Plan covers the period up to 2035. It implements Policy DM4 of the adopted Harrogate District Local Plan[1] (HDLP) which identifies land in the Green Hammerton/Cattal area as a broad area for growth during the plan period and beyond. Policy DM4 also establishes the principle for a new settlement there in addition to the broad amount of housing (at least 3,000 dwellings), employment (about 5 hectares) and other development (on site education, health, retail, community and other services and facilities and a local centre) to be provided as well as setting out other requirements such as the relocation of an existing horticultural nursery business as appropriate. Consequently, the DPD has been drafted and submitted in this overall context. It has also been drafted during the political re-structuring of local government arrangements in North Yorkshire with the former Harrogate Borough Council being subsumed into the new unitary North Yorkshire Council as of 1 April 2023.

10. The Maltkiln DPD covers the identified broad growth area which is situated in rural North Yorkshire between the large urban areas of York and Harrogate. There are several villages such as Kirk Hammerton, Cattal, Green Hammerton and Whixley located either within the plan area or close to it. The York/Leeds/Harrogate railway line also runs through the plan area which is largely characterised by a relatively open rural landscape. The river Nidd and

[1] Supporting Document SDNS14

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the Aubert Ings Site of Special Scientific Interest (SSSI) lie to the south of the area and historic assets within and near the area include the Grade I Listed Church of St John the Baptist in Kirk Hammerton, the Cattal Bridge Scheduled Monument and a Grade II listed milestone.

Public Sector Equality Duty

11. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination including the provision of accommodation to meet the needs of older people and those with disabilities. These matters are discussed in more detail under my assessment of soundness that follows.

Assessment of Duty to Co-operate

12. 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.

13. The Duty to Cooperate Paper[2] sets out details of all the strategic cross-boundary matters and how the Council has engaged with relevant bodies to maximise the effectiveness of the Plan. An example includes liaising with Network Rail throughout the preparation of the Plan on strategic and local rail transport matters and making attempts to engage the Office of Rail Regulation. Another example is liaising with the NHS Integrated Care Board to ensure that any potential impacts of the new settlement on existing health infrastructure could be properly understood and adequately mitigated.

14. Other instances of effective, ongoing engagement include dialogue with National Highways, Highways England and the Local Highways Authority on highways matters in relation to the impacts of the planned level of growth on the strategic road network. This is consistent with the aims and objectives of the Duty. Further examples include the ongoing engagement with adjacent local planning authorities through the Leeds City Region Development Plans Forum and the York, North Yorkshire, Hull and East Riding Development Plans Forum, which has resulted in agreed Statements of Common Ground with York City Council and Leeds City Council.

15. Before the creation of the new unitary authority of North Yorkshire Council, the local planning authority responsible for the initial preparation of the Plan was Harrogate Borough Council. At that time there was ongoing engagement with other soon to be North Yorkshire constituent authorities such as Selby District Council and North Yorkshire County Council as part of the plan preparation

[2] Supporting Document SDNS02

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process as set out in the Consultation Statement[3]. Officers also attended ongoing bi-monthly meetings of the Leeds City Region Sub Regional Planning Group[4]. In addition, the consultation statement also highlights that when submitting the adopted Harrogate District Local Plan for examination a Duty to Co-operate statement was provided that showed the steps that had been taken to fulfil the duty and that there were no outstanding issues of strategic importance at that time.

16. I am therefore satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the DPD and that the duty to co-operate has consequently been met.

Assessment of Other Aspects of Legal Compliance

17. The Plan has been prepared in accordance with the Council's Local Development Scheme which identifies submission in 2024 and adoption of the Plan in 2025.

18. Consultation on the Regulation 18 version Draft DPD took place between October 2020 and January 2021 when national coronavirus restrictions were still in place. No face-to-face events were possible. Instead, the DPD and supporting evidence were available online. There were also opportunities for people without internet access to engage in the process. Articles about the DPD consultation were also placed in the Council's residents newsletter as well as a summary leaflet being printed and delivered in the area. Parish Councils and Community groups also assisted with the consultation by using their own channels and by distributing leaflets.

19. Consultation on the Regulation 19 Draft DPD took place over nearly eight weeks starting in October 2022. By this stage, national coronavirus restrictions had been lifted. Electronic copies of the Plan and all supporting documents were again provided online, but with paper copies available. Technical workshops were also held across the district as set out in Core Document CDNS06. This consultation was carried out in accordance with the Council's Statement of Community Involvement, and I am satisfied that people could engage in the process and submit comments.

20. The Council carried out a SA of the DPD, prepared a report of the findings of the appraisal, and published the report along with the plan and other submission documents under regulation 19. The appraisal was updated to assess the main modifications.

[3] Core Document CDNS06
[4] Matter 1 Post Hearing Note NYCD02

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21. The SA[5] of the submitted Plan tested three concept options for the new settlement area showing where housing, employment, facilities and open space would be laid out within it. These included one with future development being focussed around a defined local centre (Option 1), another with all of the development being north of the railway line (Option 2) and a third with the focal point for future development being Cattal railway station (Option 3).

22. As the broad quantum of development had already been established in principle by Policy DM4 of the HDLP, the SA found that in terms of housing, health, wellbeing, climate change, landscape, soil, water and flood risk, each of the concept options was predicted to have a similar effect with the main differences between them being in relation to air quality, biodiversity, heritage and transport.

23. In terms of air quality, Option 1 was assessed as being marginally less sustainable than the other two options due to the potential re-routing of the A59 road. In terms of biodiversity, the potential for significant negative effects was considered to be higher for Option 3 in comparison to the other two options given its closer proximity to Aubert Ings SSSI. As for heritage and transport, the SA found that Option 3 would be least intrusive in terms of the character of existing settlements, less likely to lead to coalescence and increase the likelihood of rail travel thereby providing more certainty for growth around the train station. Option 3 was chosen as the Council's preferred approach due to several factors including: more sustainable travel opportunities being provided by focusing growth around the train station as opposed to re-routing a major road (A59); the concentration of facilities around the station acting as a community hub; the minimisation of impacts on nearby villages, heritage assets and the landscape; and a land promoter being in place to support and progress delivery of such an option.

24. Since the assessment of these concept options in the SA, it has come to light that a large portion of land within the plan area is no longer available for development, a matter which I will address later in this report. Even so, this does not mean that the conclusions reached by the SA are not valid or that the Council was wrong to choose Option 3 as their preferred approach as this was done based on the evidence available at that time. Furthermore, a modification to the settlement boundary to address the unavailability of this land has been subject to an additional SA assessment alongside the other proposed main modifications which have undergone public consultation.

25. This additional SA assessment[6] concluded that the proposed modifications would change the overall conclusion in relation to SA objective 5 (Protect, enhance and manage the character, function and enjoyment of the historic environment) with there being likely minor negative effects on heritage assets

[5] Core Document CDNS02
[6] SA Main Modifications January 2025

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rather than potential minor effects. That said, in reaching this revised conclusion it was noted that detailed policies within the DPD aim to conserve and enhance heritage assets, ensuring that the design of development minimises impact to their setting and significance. It was also noted that whilst the proposed modifications decrease the area designated as Strategic Green Gap, this does not lead to full coalescence or significant negative impacts on the Kirk Hammerton or Green Hammerton Conservation Areas. The assessment also concluded that the proposed modifications do not change the previous SA's conclusions in relation to any of the other original SA objectives.

26. Consequently, I find that in overall terms the SA demonstrates that the Council has identified, described, and evaluated the likely significant effects on the environment of implementing the DPD and considered reasonable alternatives taking into account its objectives and geographical scope. Whilst the conclusions and relationship to other parts of the evidence-base could have been clearer, the Council has nonetheless carried out an adequate SA of the Plan and reasonable alternatives have been considered to a sufficient degree.

27. The Habitats Regulations Appropriate Assessment, Test of Likely Significant Effects Report April 2022[7] sets out why an appropriate assessment (AA) is not necessary and concludes with a high degree of confidence that there will not be a likely significant effect from the new settlement on any European sites, either alone or in combination with other projects and plans. The further HRA of the main modifications[8] did not alter this conclusion. I therefore conclude that, the policies in the DPD will not have a significant adverse impact on the integrity of relevant European sites.

28. The DPD is also in general conformity with the adopted Harrogate District Local Plan 2014-2035 and there are no policies within the DPD that are intended to supersede any of those contained within the Local Plan. I am therefore satisfied that the Development Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area (i.e. in the former Harrogate District).

29. A New Settlement Climate Change Strategy[9] has informed the DPD's preparation with the aim of maximising opportunities that the new settlement would provide to create a low carbon climate resilient community. The DPD also contains several policies focussing on the mitigation of and adaptation to climate change. I am therefore also satisfied that the DPD, taken as a whole, includes policies designed to secure that the development and use of land in the area contribute to the mitigation of, and adaptation to, climate change.

[7] Core Document CDNS03
[8] HRA Main Modifications January 2025
[9] Supporting Document SDNS08

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30. Consequently, I conclude that the DPD complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Assessment of Soundness

Main Issues

31. 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 this plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy or policy criterion in the DPD.

Issue 1 – Whether the scope and purpose of the DPD, and its vision and objectives are positively prepared, effective and consistent with national planning policy

32. The DPD sets out non-strategic policies relevant to the delivery of the new settlement within the broad area for growth identified and established by Policy DM4 of the adopted HDLP. It also contains a set of objectives which together with the policies aim to achieve the broad vision for the new settlement which is also set out within the DPD. In doing so the DPD has been positively prepared.

33. As submitted, amongst other things the vision aims to ensure that Maltkiln is a garden village with a distinct identity where people want to live, work and spend time. It also aims for the heart of the community to be an easily accessible, vibrant new local centre that provides convenient rail access, employment opportunities and facilities and services. Another aim is that the new settlement will be a desirable place to live with characterful mixed neighbourhoods, sustainable transport options and attractive and accessible green spaces. A further aim is for the settlement to be sustainable and designed to cope with the impacts of climate change.

34. The stated objectives are varied and range from promoting high quality and locally distinctive design to providing long term community involvement opportunities in guiding placemaking and the future stewardship of the new settlement. However, as submitted the objective relating to sustainable travel is not effective as it does not include micromobility[10] as a form of sustainable transport. This is rectified by **MM1** which also ensures consistency with plan policies that refer to micromobility such as policies NS3 and NS5.

[10] The use of a range of small, lightweight vehicles or devices that are generally electric or human powered and driven by users personally, usually over short distances within urban environments.

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35. The plan area contains and is close to several heritage assets of historic significance. Such assets are protected by national planning policy with the aim of conserving and enhancing the historic environment. **MM2** adds a new objective to the DPD to ensure that it is consistent with national planning policy in this regard.

36. Chapter 3 of the submitted version of the DPD is titled 'Site Context'. However, it also contains the Policies Map at Map 1 (as modified). In the interest of clarity and effectiveness **MM3** adds reference to the Policies Map to the chapter title.

New appendix – Glossary of terms

37. In the interest of clarity and effectiveness **MM134** inserts a glossary of terms as a new appendix to the DPD.

Conclusion

38. I therefore conclude, subject to the MMs identified, that the scope and purpose of the DPD, and its vision and objectives are positively prepared, effective, and consistent with national planning policy.

Issue 2 – Whether the DPD policies relating to the Development Framework are justified, positively prepared and effective

Policy NS1: Development Framework

39. Policy NS1 outlines the minimum principles and requirements for the new settlement stating that amongst other things it must provide at least 3,000 dwellings and 5 hectares of employment land. The DPD states that the aim of this policy is to create a mixed-use settlement with people having access to homes, employment, services, facilities, public transport and open spaces.

40. As submitted Policy NS1 is entitled 'Policy NS1: Development Framework'. However, this is not effective as it does not reflect what the policy does i.e. that it allocates the new settlement. **MM4** is therefore needed for effectiveness. **MM4** clarifies that the new settlement is a strategic allocation for mixed use development and that a detailed masterplan is required in accordance with policy NS3. Likewise, **MM5,** clarifies that Policy DM4 of the HDLP outlines the principles and requirements for the design of the new settlement, that it allocates the site, and that further detail is set out in Policy NS3 as well as other policies and supporting text. This change ensures the effectiveness of the policy.

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41. **MM6** and **MM7** perform a similar function in relation to improving the lucidity of the supporting text by making it clear that the settlement boundary forms the development limit of the new settlement and that the two required primary schools should have nursery provision. These modifications also clarify that the Development Framework is indicative and that the safeguarding of land for education is not specifically tied to any one school. These changes ensure that the supporting text is effective.

Settlement Boundary

42. In January 2023 the owner of a large portion of land within the proposed new settlement boundary informed the Council that their land was no longer available. The unavailable land comprises approximately 42% of the developable area of the proposed allocation[11] which is a sizeable proportion. As a result, in December 2023, the Council resolved in principle to use its Compulsory Purchase Powers to secure the unavailable land if this was deemed necessary to deliver the new settlement[12].

43. This possible use of compulsory purchase powers means that at some point in the future this land has the potential to become available for development i.e. that it would be developable. Consequently, I consider that this unavailable land is a valid part of the overall allocation and as such its inclusion within the new settlement remains justified. That said, as originally envisaged this unavailable land was needed for the early phases of the new settlement's development. The clear implication from this is that for the new settlement to be delivered, other parcels of land under different ownerships would need to be developed first instead.

44. According to the evidence[13], one of the other developers (Caddick Developments Ltd) have control of around 86% of the other remaining parcels of land within the allocation area that would be needed to deliver the new settlement. One of these parcels of land comprises the existing Johnsons nursery site and the owners have confirmed that this land could come forward in the first development phases of the new settlement. Moreover, Policy DM4 of the HDLP states that the DPD will address several principles and requirements in the design, development and delivery of the new settlement. One of these principles/requirements is '*the relocation of the existing horticultural nursery as appropriate*'. This means that the principle of the nursery being relocated to facilitate the delivery of the new settlement has been established and that this is a clear requirement of Policy DM4.

[11] Matter 1 Hearing Statement of Mr B Dent
[12] Submission Document SDNS11
[13] Matter 2 hearing statement submitted by Caddick Developments Ltd.

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45. For this to happen, the existing Johnsons nursery business would need to relocate from its current site to a new one that would be located outside the new settlement plan area. According to the Matter 2 hearing statement submitted by Caddick Developments Ltd (Caddick), the nursery would also need to be relocated by February 2026 due to a land acquisition agreement which includes a stipulation that it should be completed by that date. The move is also due to operational business reasons i.e. being able to find a site like the one subject to the land acquisition agreement to meet their '*specific operational requirements*' (see paragraph 2.23 of the hearing statement).

46. An outline planning application was submitted for the allocation area in 2019 (Ref. 19/00017/EIAMAJ)[14]. This application was updated in July 2024 to reflect the emerging DPD. At that time revisions were also made to the proposed scheme, such as changes to the application site boundary which have been reflected in the alternative development option subsequently agreed by the Council and other landowners[15]. An updated phasing plan[16] was also submitted at this time. The delivery of the nursery site and other parcels of land in the early phases of the new settlement's development has been confirmed by the updated application phasing plan which shows that the unavailable land would not be developed until phases 9 to 12 with the Johnsons nursery site coming forward in phase 1. The updated phasing plan also shows that phases 1 to 7 can be delivered prior to the need for compulsory purchase of the unavailable land. In principle therefore, the information available demonstrates how the DPD could be modified to enable development to begin and deliver a substantial proportion of the new settlement on land which is currently available.

47. However, the relocation of the nursery and the redevelopment of the nursery site requires different access arrangements to that originally set out in the DPD and the previous phasing plan for the submitted application. The proposed new access would be via the B6265 which, according to the illustrative map[17], would cut across the proposed Strategic Green Gap (Policy NS2) and intersect with the proposed Green Loop. The updated parameter plan[18] submitted with the revised planning application shows that this new access would also link with the A59 via a roundabout thereby facilitating access to the nursery site.

48. The submitted technical note on highways access[19] also shows that several improvements to the local highways network would result from the alternative development option including addressing highway safety concerns at the junction of the A59 and B6265 and at the Gilsforth Hill/Station Road junction and providing a circulatory route within the new settlement. I am therefore satisfied that the proposed alternative development option would not

[14] Examination Document DF01a
[15] Examination Document NYCD04
[16] Matter 2 hearing statement submitted by Caddick Developments Ltd. – Appendix E
[17] Examination Document NYCD04
[18] Matter 2 hearing statement submitted by Caddick Developments Ltd. – Appendix D
[19] Matter 2 hearing statement submitted by Caddick Developments Ltd. – Appendix G

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compromise highway safety or the integrity of the local or strategic highway network.

49. This alternative development option also means mean that the settlement boundary would need to be realigned. As set out in the Strategic Green Gap Background Paper (SDNS06) the purpose of the Strategic Green Gap is to maintain a separation between the new settlement and existing nearby villages thereby protecting the rural setting of Kirk Hammerton, Green Hammerton and their respective Conservation Areas. The submitted Strategic Gap heritage technical note[20] analyses the impact that such an alternative development option would potentially have on the strategic green gap and its objectives. It states that such an option has been tested through the Landscape and Visual Impact Assessment (LVIA) process associated with the revised application and concludes that this has shown there would be no significant adverse landscape or visual effects because of a change to the eastern settlement edge to Maltkiln. As a result, and based on the evidence provided I find no reasons to disagree. I am therefore satisfied that the proposed alternative development option would not compromise the integrity of the Strategic Green Gap.

50. As set out above, this alternative development option has been proposed by the other landowners which would incorporate the necessary re-location of an existing plant nursery business (Johnsons) and the development of this land first with the unavailable land being developed during a later phase. A Statement of Common Ground (SoCG) has also been agreed with the Council to that effect as shown by Examination Document NYCD04. To facilitate this alternative development option, changes need to be made to the figure titled 'Land Use Framework' on page 12 of the submitted DPD i.e. the Development Framework. These changes include the insertion of the new link road facilitating access to the developable area of the allocation that would be closer to the existing Johnsons Nursery site and changes to the settlement boundary.

51. As highlighted previously in this report, the currently unavailable land comprises about 42% of the developable area of the allocation with the Johnsons nursery site consisting of around 14%[21]. Clearly, the development of the nursery site alone would not make up for the loss of the unavailable land in its entirety. However, circumstances can and do change. Modifying the plan as set out would enable development to commence across a significant part of what is a large, strategic allocation that is expected to come forward over several years.

52. Consequently, in the context of the above, it would be rational to conclude that the currently unavailable land would not likely remain so indefinitely meaning that it would have a reasonable prospect of being developed during the later phases of the new settlement. As a result, I consider that there is a reasonable prospect that the unavailable land would be developed at some point, and that

[20] Matter 2 hearing statement submitted by Caddick Developments Ltd. – Appendix H
[21] Examination Document NYCD07

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the whole allocation will come forward. As part of this a new phasing plan will likely be needed which would no doubt form part of the masterplanning process.

53. These matters were also discussed at length in the Matter 2 hearing session. Therefore, based on the information submitted, evidence, the written representations and discussions to date, I conclude that, in principle, the land ownership issue can be rectified by making changes to facilitate the proposed alternative development option outlined above.

54. In summary therefore, as submitted the DPD is unsound due to the unavailability of a large portion of land within the new settlement boundary. The DPD is not justified or effective. However, this is rectified by **MM4** which amends the Development Framework and boundary of the developable area to facilitate the early delivery of the remaining land parcels. As a strategic new settlement that will take several years to build-out, the MMs will enable delivery, with a reasonable prospect that the outstanding land parcels will come forward at a later point in time. Subject to the recommended MMs, I consider that the DPD is justified, developable and sound.

55. My initial findings letter[22] contained typographical errors namely the reference to Policy SG2 in paragraph 5 should have referred to Policy NS2 and the reference in paragraph 8 to the planning application being revised to reflect the suggested modifications should obviously have been the other way round i.e. that the suggested modifications reflected the updated and revised planning application. In any event these minor errors do not alter my initial findings on these matters or my final findings on these matters as set out in this Report.

Policy NS2: Strategic Green Gap

56. As highlighted above Policy NS2 designates an area of land to the east of the new settlement where development will be prohibited if it harms the open character of the landscape. This strategic green gap is required to protect the distinctive rural character of existing villages, preventing harm to local Conservation Areas, preventing coalescence between the new settlement and nearby villages, and contribute to the achievement of the vision for Maltkiln.

57. As submitted the policy is not effective as the wording is vague and unclear in stating any provision or improvements to public rights of way would be 'supported in this area'. **MM8** is needed as it clarifies that any new or improved public rights of way will only be provided if necessary. This removes any uncertainty and ensures that the policy is effective. **MM4** also proposes a change to the boundary and extent of the Strategic Green Gap. As discussed above this change is needed for effectiveness and it is justified as there would

[22] Examination Document ID05

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be no adverse impact to the Strategic Green Gap or the objectives set by Policy NS2.

Policy NS3: Master-Planning Design Principles

58. Policy NS3 requires the production of a detailed masterplan for the new settlement and sets out design principles that it should accord with. The policy also states that the masterplan should be informed by the indicative Development Framework outlined by Policy NS1.

59. Other policies in the DPD such as Policy NS5 have requirements aimed at achieving the delivery of net zero carbon in the new settlement by 2038 in accordance with the Council's Climate Change Strategy for the area[23]. As submitted Policy NS3 is ineffective as it is not clear enough how the master planning process would ensure an approach to supporting the achievement of the net zero aim that would be consistent with other related policy requirements in the DPD. **MM9** rectifies this by making it explicitly clear that Policy NS3 requires that the masterplanning reflects any relevant detailed strategies and assessments as required by other policies in the DPD. **MM9** also makes the Policy effective in this way by adding a specific reference to the 'last mile' delivery strategy required by Policy NS5 (as modified).

60. **MM9** also ensures that Policy NS3 is positively prepared by requiring the masterplan to be allocation-wide and collaboratively produced by developers/landowners in partnership with the Council, the local community and other stakeholders. In addition, for effectiveness, other changes made by **MM9** improve the clarity of the policy by stating that the Development Framework it should accord with is indicative, that biodiversity net gain should be provided, and that tree-lined streets should be provided in residential areas where appropriate.

61. For effectiveness **MM9** also makes sure that the key design principles for the masterplan clearly cross refer to other policies in the DPD where relevant such as inserting a reference to Policy NS11 when dealing with flooding as it mentions green/blue infrastructure. The modification also clarifies that a drainage strategy will be required and inserts a reference to sustainable drainage systems thereby ensuring its effectiveness in this regard.

62. **MM9** also ensures the effectiveness of Policy NS3 by inserting explicit design principles for: the provision of a clear design vision for the new settlement with the aim of creating high quality and sustainable places and buildings; the provision of a network of connected walking/cycling routes; and ensuring that the layout and design of the new settlement responds to, protects and enhances

[23] Supporting Document SDNS08

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the historic and natural environment. **MM9** also ensures that Policy NS3 is consistent with national planning policy in this regard and by inserting a specific requirement for the masterplan to be informed by a Health Impact Assessment.

63. As submitted Policy NS3 required development that delivers 15-minute walkable neighbourhoods. However, this is neither justified nor effective as it would not provide sufficient flexibility and not accord with Policy NS5 (as modified). This is rectified by **MM9**.

64. For effectiveness, **MM10** changes the supporting text of Policy NS3 to make it clear that the masterplanning approach is positively prepared in that it aims to facilitate the creation of a healthy, thriving, resilient and cohesive community in the new settlement. Similarly, **MM10** also ensures effectiveness by making it clear that this approach also includes the provision of a network of connected walking and cycling routes involving land outside the boundary of the new settlement with options for an appropriate delivery mechanism for this being explored within a partnership of relevant stakeholders.

65. **MM11** introduces new supporting text that clarifies the weight that will be given to the masterplan in relation to the development management decision-making process. This is necessary for effectiveness as it provides certainty for residents, developers and other stakeholders involved in the planning application process for the future delivery of the new settlement.

Conclusion

66. I therefore conclude, subject to the MMs identified, the DPD policies relating to the Development Framework are justified, positively prepared and effective.

Issue 3 – Whether the DPD policies relating to Energy, Climate Change and Flooding are justified, positively prepared, effective, and consistent with national planning policy

Policy NS4

67. Policy NS4 requires development proposals within the allocation to demonstrate how the new settlement supports the delivery of net zero carbon by 2038 through the preparation of detailed strategies in accordance with other climate change policies within the DPD. It is also a requirement that this achievement of net zero carbon will be done throughout all development phases of the new settlement. The policy also states that the net zero ambition includes targeting operational emissions from buildings, transport, infrastructure and business uses as well as embodied emissions throughout their life-cycle.

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68. The 2038 target date is derived from the Council's Carbon Reduction Strategy as set out in the Council's New Settlement Climate Change Strategy[24] (Climate Change Strategy). The Climate Change Strategy defines net zero as Harrogate Borough Council 'becoming carbon neutral in its own operations and promoting and supporting activity to help the district as a whole to be carbon neutral by 2038'. The strategy also explains that the 2038 date was informed by work done by the Tyndall Centre for Climate Change Research which concluded that the Leeds City region should reach zero or near zero carbon by no later than that year.

69. As set out in the Council's Matter 9 hearing statement, the costs of net zero development would add about 8% to baseline construction costs which is not much more than the Future Homes Standard option 1 that would add around 6%. Furthermore, as the Viability Assessment (Supporting Document SDNS04) points out, Policy NS4 does not require all new development to be zero carbon from the outset but instead seeks the delivery of net zero carbon development across all phases of the new settlement by 2038. As a result, I consider that the overall aim of Policy NS4 and the 2038 target are justified.

70. The Climate Change Strategy focusses on four interrelated climate change themes: net zero carbon and active travel; net zero carbon energy supply and use; flexible living and working; and climate resilience. These themes are set as priorities in the strategy. The strategy also focusses on topics that will not be addressed through regulatory regimes such as the Future Homes Standard. Instead, it seeks to secure reductions in embodied carbon, measures to reduce carbon in the wider community and the provision of infrastructure required to create zero carbon places. It also identifies potential mechanisms for the delivery of the strategic climate change priorities and links to future stewardship.

71. An associated evidence base was compiled which formed the basis for the strategy which included regional, local and other data from the Department of Transport, National Grid future energy scenarios, and the UK Government Climate Change Risk Assessment 2022, amongst other things. This work led to the formulation of draft planning policies to deliver the four identified priorities and these initial draft policies have since formed the basis for the climate change policies within the DPD. The Strategy and its draft planning policies are quite ambitious, seeking opportunities to overcome the transformational societal challenges associated with climate change by delivering the identified priorities. Likewise, the climate change policies set out in the DPD are similarly ambitious. In this context the overall collective aim of these policies is justified, positively prepared and sound.

72. As submitted Policy NS4 stipulates that proposals 'should' demonstrate how Maltkiln supports the delivery of net zero carbon by 2038. However, this is not

[24] Supporting Document SDNS08

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effective as it is ambiguous. This is rectified by **MM12** which clarifies that proposals are required to demonstrate how the new settlement supports this net zero carbon delivery. In addition, the costs of delivering net zero carbon were considered and tested as part of the Viability Assessment supporting the DPD[25].

Policy NS5

73. Policy NS5 aims to achieve the delivery of one of the priorities set out by the Climate Change Strategy, namely net zero carbon movement and active travel. To do this, as submitted, the policy stipulates that development proposals 'should' be accompanied by a settlement-wide net zero carbon movement strategy demonstrating how the new settlement will include all transport measures necessary to achieve the priority and that net zero carbon movement is enabled from first occupation.

74. This type of strategy would likely set out measures such as ensuring more journeys are made via active modes of transport like walking or cycling and via sustainable public transport, for instance by ensuring adequate opportunities to use zero emission electric buses for example. Such measures would be feasible and consistent with other policies in the DPD. However, as submitted the wording of the Policy NS5 is ineffective as it is vague and ambiguous in its intent. **MM13** therefore makes a necessary change to remedy this lack of effectiveness by clarifying that the net zero carbon movement strategy is a definitive policy requirement.

75. Policy NS5 goes on to list components which will be included within a net zero carbon movement strategy. This list is not exhaustive. As submitted, the second stipulated component requires site-wide infrastructure that recognises and supports the changing scope of mobility and demonstrates a connected 15-minute place. However, it is not clear exactly what this means so it is ineffective. **MM14** remedies this by clarifying that it relates to a walkable and connected 20-minute neighbourhood rather than places connected in 15-minutes without walking. This change also increases the flexibility of the requirement making it effective in this regard also. This is in line with the access and movement framework[26] which highlights the importance for developments to be easily and safely accessible by active travel modes to promote the principles of a 20-minute neighbourhood as set out in the Department for Transport's Decarbonisation of Transport Plan. There are consequential changes to the supporting text which are also needed for effectiveness. These are made by **MM20**.

76. Another stipulated component required by Policy NS5 is for settlement-wide and subsidiary travel plans tailored to different character areas and responding to

[25] Supporting document SDNS04
[26] Supporting Document SDNS07

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the needs of different demographic groups while demonstrating how the use of non-car infrastructure will be supported. As submitted the wording is ineffective as it is not clear why these travel plans are required. **MM15** provides clarity and makes the policy effective by explicitly stating that the travel plans are needed to meet sustainable travel targets. **MM15** also removes elements of the requirement for the travel plans to respond to the needs of different demographic groups and for them to be reviewed and updated at least every five years in perpetuity. These changes ensure that the policy is justified and effective by making the policy more flexible in its application. For effectiveness, consequential changes to the supporting text are made by **MM21**.

77. The submitted version of Policy NS5 also contains a component which requires the provision of a car parking ratio of one space per home or less, unless a clear car parking reduction strategy (including timescales) showing how the target will be met if it is not achievable on first occupation can be demonstrated. It also states that any such strategy could include higher levels of parking provision in early phases of the development which should be unallocated spaces that could be repurposed for other uses over time. This would be based on monitoring and review at least every five years in perpetuity.

78. However, this approach is too rigid and inflexible in relation to the provision of lower levels of car parking in the early phases of the new settlement's development should this be necessary. **MM16** allows for a greater degree of flexibility in this regard by allowing the provision of fewer spaces than the Highway Authority standard provided it can be demonstrated that fewer spaces would be sufficient at that time. **MM16** also changes the component so that it requires the provision of a residential parking strategy which seeks to achieve the ambition of a settlement where residential parking needs can be met by a car parking ration of one space per home (or less) rather than it being a definitive requirement. This is a more flexible approach which ensures the policy's effectiveness whilst allowing the achievement of the priorities and ambitions set out in the Climate Change Strategy. Consequential changes to the supporting text that add further detail in how the policy should be applied are made by **MM22** for effectiveness.

79. As submitted Policy NS5 stipulates that all homes 'should' include minimum 7kW smart electric vehicle charging on plot or within parking areas. However, this is ineffective as it is vague. This is rectified by **MM17** which makes it clear that this is a definitive policy requirement.

80. Another component requirement of the policy relates to last-mile deliveries within the settlement and links to the associated design principle set out in Policy NS3. As submitted this requirement referred to a distribution hub only but this is ineffective as it does not allow any flexibility for other potential options or solutions to managing last-mile deliveries in the settlement. This is rectified by **MM18** which stipulates that a distribution hub is but one potential use of land

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that could form part of the 'last-mile' strategy as part of the masterplanning process. Consequential changes are also made to the supporting text by **MM23** which also ensure the effectiveness of the policy.

81. Another paragraph of the policy stipulates that the required net zero carbon movement strategy 'should' inform masterplan considerations of landuses, densities and connectivity. However, this wording is ambiguous and ineffective. **MM19** corrects this by clarifying that the provision of such a strategy is a definitive requirement. **MM19** also inserts a clear and explicit reference to the net zero carbon movement strategy and any of its component strategies into the following paragraph. It also clarifies that planning conditions and/or section 106 agreements will be used for the provision of infrastructure and services and a reference to the strategy being required to operate effectively. These changes ensure that the policy is effective.

Policy NS6

82. Policy NS6 aims to make the new settlement a smart one by ensuring that the necessary infrastructure to support a high-capacity telecommunications and internet connectivity network is delivered. As submitted the policy requires proposals to demonstrate how very high-capacity broadband systems and site wide 5G telecommunications connectivity will be made available from first occupation. This approach is not justified or effective as the provision of such infrastructure would be via third-party operators which would be outside of an applicant's control. It would also not be consistent with national policy, in particular paragraph 114 of the NPPF.

83. This is rectified by **MM24** which also adds greater flexibility to the policy in how the future upgrading of broadband infrastructure as well as the delivery of mobile telecommunication infrastructure would be facilitated. The change also makes the policy effective in that it cross refers to Policy TI5 thereby providing greater clarity to developers, local communities and other stakeholders. For effectiveness **MM25** makes consequential changes to the supporting text of Policy NS6 providing further detail on how applications for such proposals would be dealt with. **MM25** also ensures that this supporting text is consistent with national policy, particularly paragraph 114 of the NPPF. These changes also provide greater clarity thereby ensuring the effectiveness of the policy.

Policy NS7

84. As submitted, Policy NS7 stipulates that development proposals should be accompanied by a settlement-wide net zero carbon energy strategy which would achieve the overall aim set by Policy NS4 of proposals demonstrating how they would support attaining net zero carbon development in Maltkiln by 2038. However, this is not effective as it is not clear that this is a policy

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requirement or that the strategy would take account of reasonable energy demand projections and demonstrate emissions reductions as per the 2038 target. This is remedied by **MM26** which changes the wording so that it explicitly states that such a strategy is a prerequisite of the policy.

85. Paragraph 155 of the NPPF states that to increase the use and supply of renewable and low carbon energy, plans should provide a positive strategy for energy from these sources that maximises the potential for suitable development. Policy NS7 is consistent with this requirement, but modifications are needed for effectiveness to make it clear that the Council encourages the production, storage, and use of renewable and/or other low carbon energy, (**MM27**). A reference to investigating waste heat from the Allerton Waste Recovery Park as an energy source is also added by **MM27** for clarity and effectiveness.

86. Other changes made by **MM27** include now explicitly stating that a greenhouse gas emissions reduction strategy is a definitive policy requirement and that it requires development to enable the integration of energy systems with telecommunications and electric vehicle infrastructure in accordance with Policy NS6. These changes provide certainty and clarity thereby ensuring the policy's effectiveness. Similarly, **MM27** also makes the policy more flexible and therefore effective by reducing the monitoring requirement from 30% of dwellings and other buildings to 10%.

87. The Plan is supported by the Climate Change Strategy which sets the context and background of climate change, identifies the need to reduce energy consumption and generate more renewable energy and test ways in which the priorities can be met by development plan policies. In summary, the evidence shows that greenhouse gas emissions from existing buildings in Harrogate need to reduce by around 86% to achieve a balanced pathway for carbon abatement to 2038. Because a DPD has a limited influence on retrofitting existing buildings, in order to reach both national and local targets for carbon reductions, significant reductions in the energy requirements of new buildings are needed now.

88. In this context, Policy NS7 asks applicants to consider delivering homes and buildings with carbon emission standards above the minimum standards expected to be required through Building Regulations at the time of construction. However, as submitted the policy is not effective as it is unclear whether the aim of applicants considering delivering homes and buildings in this way is a definitive policy requirement. **MM28** rectifies this and provides further clarity by specifying that the carbon emission standards relate to the built fabric thereby ensuring the effectiveness of the policy in this regard also.

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89. Furthermore, the broad approach set out in the policy in relation to delivering homes and buildings with carbon emission standards above those expected to be required through building regulations (such as the Future Homes standard) is justified because the wording encourages applicants to do this rather than making it mandatory. As a result, it does not pre-empt or interfere with energy efficiency measures being implemented via Building Regulations, nor does it conflict with the Written Ministerial Statement[27]. Moreover, the approach is justified by evidence such as the Climate Change Strategy with the costs of such approach also being tested through the Viability Assessment[28].

90. For clarity and effectiveness **MM29** inserts a new paragraph into the policy requiring development proposals to meet recognised sustainability standards for buildings as per Policy CC4 of the HDLP. **MM30, MM31, MM32, MM33, MM34, MM36, MM37, MM38, MM39, MM40** and **MM41** make consequential changes to the supporting text necessitated by the above modifications to the main policy text. These changes provide further detail on the policy's requirements and are also necessary for clarity and effectiveness.

91. **MM35** proposes a change to paragraph 5.50 of the DPD to introduce a new requirement for any proposed net zero carbon energy strategy which does not include built fabric standards better than the Future Homes and Future Buildings standards to provide a reasoned justification why it does not. However, this is neither justified nor effective because it would introduce a definitive policy requirement in the supporting text for something that is merely 'encouraged' by the policy rather than it being mandatory. Consequently, **MM35** is not recommended in the schedule appended to this Report.

Policy NS8

92. Paragraph 152 of the NPPF states that the planning system should support the transition to a low carbon future and support renewable and low carbon energy and associated infrastructure. Policy NS8 is consistent with this aim but changes are needed to make it clear that the provision of an embodied circular economy and life-cycle emission strategy is a definitive requirement. A change is also needed to clarify that such a strategy will include: the use of biobased construction materials where appropriate; an investigation of measures that would maximise their use; and include circular economy approaches based on a clear set of defined principles. These changes are made by **MM42** for effectiveness.

93. The Climate Change Strategy highlights that consideration should be given to the embodied carbon in building materials and to ensuring that buildings and infrastructure contribute to creating a circular economy by designing

[27] Planning - Local Energy Efficiency Standards Update December 2023
[28] Supporting Document SDNS04

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components to be repaired and reused[29]. The use of biobased construction materials is an effective way of decarbonising the building process by substituting them for more traditional carbon intensive construction materials. This reduces the embodied carbon within those building materials. **MM42** therefore helps to secure reductions in embodied emissions and the development of circular economies, while not requiring the use of these materials where it would be impractical. These changes also ensure the policy is justified.

94. For effectiveness, **MM43** makes consequential changes to the supporting text of Policy NS8 that provide further detail on its implementation. This change also highlights the further benefits of using locally sourced biobased construction materials, particularly in reducing any carbon emissions associated with the transportation of building materials.

95. Overall, the modifications to Policies NS7 and NS8 introduce more flexible requirements for development proposals to demonstrate how they have sought to maximise energy efficiency and minimise carbon emissions. Examples are included such as the use of high building fabric standards and measures to reduce overheating. This approach is appropriate and sound. It is consistent with national planning policy, which through paragraphs 152, 154 and 157 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate and that new development should be planned for in ways that help reduce greenhouse gas emissions and minimise energy consumption.

Policy NS9

96. As submitted Policy NS9 requires all new homes to meet the Nationally Described Space Standards as a minimum. However, this is already a requirement stipulated by Policy HS5 of the adopted HDLP. As such this requirement is unnecessary and is deleted by **MM44** for effectiveness.

97. The policy also states that proposals should be accompanied by a settlement-wide strategy demonstrating how flexible working will be enabled. This is consistent with the aim of paragraph 82 of the NPPF that planning policies should allow for new and flexible working practices. However, as submitted the policy wording is not effective as it does not make it clear that this is a specific policy requirement. **MM44** rectifies this by explicitly stating that such a strategy is required. **MM44** also clarifies that this strategy relates to inclusive living and flexible working and also cross-references the DPD's housing policies.

[29] Supporting Document SDNS08 Page 19

OFFICIAL

98. **MM44** also makes it clear that the demonstration by applicants of how the flexible co-working spaces, retail, services and community facilities will be secured from first occupation; how demand will be monitored; how space will be used flexibly and be reallocated to other non-residential uses, if necessary; long-term stewardship measures; and how proposals contribute to delivery of the strategy are definitive policy requirements. These changes also ensure that the policy is effective. Again, for effectiveness **MM45**, **MM46** and **MM48** make consequential changes to the supporting text necessitated by the above modifications to the main policy text.

99. **MM44** also proposes a change to the monitoring and review requirements of future demand for flexible co-working spaces and retail, services and community facilities in the local centre. It proposes that such demand should be reappraised 'periodically during the delivery of Maltkiln' rather than 'at least every five years' as per the submitted version of the policy. However, having considered the responses to the MM public consultation I consider that such a change would mean that the policy would lack clarity and not provide certainty to developers and other stakeholders making it ineffective. Consequently, these elements of **MM44** and **MM46** as well as the entirety of **MM47** are not recommended in the schedule appended to this Report.

Policy NS10

100. Paragraph 153 of the NPPF states that policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts. Policy NS10 is consistent with this aim but for effectiveness **MM49** is necessary to make it clear that the provision of a settlement-wide climate resilience strategy with proposals is a definitive policy requirement.

101. **MM50** is also needed to ensure consistency with national policy, particularly paragraph 131 of the NPPF that highlights the important contribution that trees can make to the character and quality of urban environments and how they can also help to mitigate and adapt to climate change. The change also ensures that Policy NS10 is consistent with national policy by reflecting the requirement set by paragraph 131 of the NPPF that planning policies should ensure that new streets are tree-lined. **MM50** also provides further detail and clarity in relation to water efficiency standards thereby ensuring the effectiveness of the policy.

102. For effectiveness **MM51** clarifies that the monitoring of a submitted climate resilience strategy is a definitive policy requirement. To ensure that the policy is effective, **MM52** and **MM53** make consequential changes to the supporting text necessitated by the above modifications.

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Policy NS11

103. As submitted, Policy NS11 aims to ensure that people and property are resilient to the impacts of flooding and that development does not increase flood risk or reduce resilience to the impacts of flooding with the design of proposals being required to be based on a site-specific flood risk assessment. These aims are broadly consistent with paragraphs 159 and 160 of the NPPF. That said, changes are necessary to make the wording clearer and make it explicit that proposals should use reasonable opportunities to reduce the causes and impacts of flooding and that resilience to flooding impacts would be over the lifetime of any development. These changes ensure that the policy is effective and consistent with national planning policy and are made by **MM54** and **MM55**.

104. In the interests of effectiveness, and to ensure consistency with national planning policy, **MM56** inserts references to the design of proposals ensuring safe access and egress routes and making improvements to green/blue and other infrastructure to reduce the causes and impacts of flooding in the new settlement.

105. Again, for effectiveness and to ensure general conformity with the HDLP, **MM57** adds text to Policy NS11 requiring compliance with Policy CC1 (or successor policies), in relation to culverts and canalised watercourses. As such, this change is justified.

106. **MM58, MM59, MM60, MM61, MM62, MM63, MM64, MM65, MM66, MM67, MM68, MM69, MM70** and **MM71** make consequential changes to the supporting text and provide additional clarity and detail in relation to the implementation of the policy. These changes ensure that the policy is justified, effective and consistent with national planning policy.

Conclusion

107. I therefore conclude, subject to the MMs identified, that the DPD policies relating to Energy, Climate Change and Flooding are justified, positively prepared, effective, and consistent with national planning policy.

Issue 4 – Whether the DPD policies relating to the Natural and Historic Environment are justified, effective, and consistent with national planning policy

Policy NS12

108. Paragraph 92 of the NPPF states that planning policies should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles

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for example through the provision of safe and accessible green infrastructure. As submitted Policy NS12 is broadly consistent with national planning policy in this regard but it is ineffective as it is not clear that the production of a Green Blue Infrastructure (GBI) strategy to inform each stage of the new settlement's development is an explicit policy requirement. This is remedied by **MM72**.

109. For effectiveness, **MM73**, **MM74** and **MM75** clarify that such a GBI strategy should: respond to the existing natural and historic environment context of the site; provide attractive walking and cycling routes for a wide range of non-motorised users and connect with the rights of way network beyond the boundary of the settlement.

110. To ensure that the Policy NS12 is effective, **MM76**, **MM77**, **MM78**, **MM79**, **MM80** and **MM81** make changes to the supporting text which provide greater detail and clarity in how it will be implemented. One such change involves adding more information regarding the Water Framework Directive, defining what it is and how it relates to the Humber river basin district river management plan[30] and the River Nidd (**MM80**).

Policy NS15

111. Policy NS15 aims to protect the Aubert Ings SSSI with reference to additional recreational impacts. It requires alternative recreational open space to be provided to mitigate any such additional impacts. As submitted the policy stipulates that this alternative recreational open space should be provided in two specific areas i.e., Doodle Hills and Cattal Belt. However, this is not effective as it restricts the provision of such open space to these two areas meaning the policy lacks flexibility in this regard. The wording of the policy is also not effective as it is not clear that the provision of this recreational open space is a definitive policy requirement. **MM84** rectifies this by making it clear that the requirement is definitive and by removing reference to the two areas specified for the location of the alternative recreational open space provision.

112. **MM85** makes consequential changes to the supporting text reflecting the changes made by **MM84**. It also adds reference to Doodle Hills and Cattal Belt as potential locations for the provision of alternative recreational open space but states that while these destination points could be used, the provision is not restricted to those two locations alone. This adds flexibility to the implementation of the policy thereby ensuring its effectiveness.

[30] Humber river basin district river management plan: updated 2022 - GOV.UK

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Policy NS16

113. Paragraph 195 of the NPPF states that when considering the impact of a proposal on a heritage asset any conflict between the proposal and the asset's conservation should be avoided or minimised. As submitted Policy NS16 is not entirely consistent with national planning policy in this regard. This is remedied by **MM86** which also adds an additional bullet point to the list of factors to be considered which provides additional clarity for effectiveness. **MM87** makes changes to the supporting text of the policy which ensure consistency with national planning policy and for effectiveness.

Policies NS17 and NS21

114. Policy NS17 relates specifically to the designated heritage asset of Cattal Bridge, a Scheduled Monument to the south of Cattal village. For effectiveness, **MM88** provides additional detail and clarity around the potential impacts posed by increased traffic on the structure and fabric of the bridge and includes a requirement to put in place an appropriate monitoring and reporting programme relating to the heritage asset's condition. Further detail on the policy's implementation is inserted into the supporting text by **MM89**, this provides further clarity in the interests of effectiveness by ensuring that the condition of the bridge and any traffic impact on it is fully assessed as well as any potential necessary mitigation measures are fully considered. **MM90** makes necessary changes to Policy NS21 for clarity and effectiveness.

Conclusion

115. I therefore conclude, subject to the MMs identified, that the DPD policies relating to the Natural and Historic Environment are justified, effective, and consistent with national planning policy.

Issue 5 – Whether the DPD policies relating to Housing, Mixed-Use Development and Employment are justified, effective, and consistent with national planning policy

Policies NS23, NS24, NS26 and NS27

116. Policy NS23 requires a percentage of affordable housing to be provided subject to viability and demonstration of need and requires that such dwellings should be accessible and adaptable homes. This is consistent with national planning policy, particularly paragraph 63 of the NPPF. The evidence for the need to provide affordable homes within the new settlement is set out within the Housing and Economic Development Needs Assessment (HEDNA) and this is

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articulated in the supporting text to Policy NS23. Policy NS23 is therefore justified. **MM91** refers to the fact that the annual supply figure will be updated as per the latest annual monitoring data. This provides greater clarity and certainty for effectiveness.

117. As submitted paragraph 8.16 states that the anticipated delivery of affordable housing will be within a range between 20% and 40%. However, this range is not based on robust evidence and is therefore not justified. This percentage range is therefore deleted by **MM92. MM92** and **MM93** also change the supporting text of Policy NS23 to clarify that future levels of affordable housing provision may vary during the different delivery phases of the new settlement and that the required information can be found within Policy NS38. These changes are needed for effectiveness.

118. Policy NS24 aims to provide specialist housing for older people and/or people with support needs. This is consistent with national planning policy particularly paragraph 65 of the NPPF and the approach is justified by evidence within the HEDNA which shows that the district has a population that is older than the national average. In the interests of effectiveness, **MM94** and **MM95** ensure greater clarity within the supporting text of Policy NS24 by stating the link between this policy and the masterplanning principles set out in Policy NS3 and that its implementation will be informed by regular independent housing needs assessments carried out by the Council's Health and Adult Services department.

119. Policy NS26 aims to deliver a single local centre within the new settlement which will be the focal point for a broad range of uses, services and facilities to serve its community. This would be in line with the Development Framework outlined by Policy NS1. This is broadly consistent with policy 84 of the NPPF, however a change is required to ensure full consistency with national planning policy by making it clear that the services and facilities within the local centre would be accessible to all, including people with disabilities. This is achieved by **MM96**. For effectiveness **MM96** also makes it clear that the local centre and the services and facilities within it would be situated next to Cattal railway station and clarifies which services should be provided there. **MM97** adds further detail to the supporting text of the policy which outlines some of the employment and community uses that would be expected to be provided. This ensures that the policy is effective.

120. The provision of employment land within the new settlement is dealt with by Policy NS27 and the quantum is specified as 5 hectares in accordance with Policy DM4 of the HDLP. The policy specifies that this land should provide a range of employment opportunities with home and flexible working being supported. As submitted the policy stipulates that this employment land should also deliver suitable shared workspaces with all the necessary infrastructure to provide ultrafast fibre to the premises. This is ineffective as it is too prescriptive

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and inflexible and in a similar fashion to changes to Policy NS6, **MM98** is needed to rectify this deficiency in soundness. For effectiveness, **MM99** improves the supporting text to Policy NS27 by making the wording more concise.

Conclusion

121. I therefore conclude, subject to the MMs identified, that the DPD policies relating to Housing, Mixed-Use Development and Employment are justified, effective, and consistent with national planning policy.

Issue 6 – Whether the DPD policies relating to Community Facilities are justified, effective, and consistent with national planning policy

Policy NS14

122. As submitted Policy NS14 is justified and consistent with national planning policy as it reflects the aim of paragraphs 92 and 93 of the NPPF to enable and support healthy lifestyles through the provision of recreational sports facilities and open space. **MM82** guarantees the effectiveness of the policy by ensuring its consistency with Policy NS10. **MM83** also ensures the effectiveness of the policy by highlighting in the supporting text that the design of any on-site open space provision will use the Provision of Open Space and Village Halls Supplementary Planning Document (or any subsequent document) as a starting point with the actual amount being established via a wider masterplanning process taking into account the latest guidance and best practice.

Policies NS28 and NS29

123. Policy NS28 relates to the provision of educational facilities for the new settlement and has several requirements including early years provision, primary schools and for financial contributions towards secondary school provision at the existing Boroughbridge High School. Evidence from the local education authority indicated that the new settlement is not likely to generate enough future demand for secondary school places to necessitate on-site provision. That said, a cautious approach has been taken by the DPD in that a portion of safeguarded land has been identified for this purpose should circumstances change in future as articulated by Policy NS28. This approach is justified and sound.

124. However, as submitted the policy is not effective as it does not include any appropriate and necessary nursery school provision for children under 5 years old. The wording is also not explicitly clear that the primary schools (including the nursery provision) should be provided on-site i.e. in an appropriate and suitable location within the new settlement. In addition, the wording around the

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required secondary school provision is too prescriptive in relation to on-site provision on the safeguarded land. These deficiencies in effectiveness are rectified by **MM100**.

125. Policy NS28 lists several criteria that will be used to evaluate the future location and design of schools to be provided. These include criterion h) which relates to the siting of building entrances/frontages and criterion n) relating to site specific issues. For effectiveness, **MM101** and **MM102** make changes to these criteria by removing unnecessary duplication, inserting a reference to heritage in site specific issues and referencing inclusive accessibility in relation to building entrances/frontages. **MM103** inserts a new criterion that covers landscaping and boundary treatment. This ensures the effectiveness of the policy.

126. **MM104**, **MM105** and **MM106** amend the last three paragraphs of Policy NS28 to include reference to recommended minimum external area requirements for schools, the provision of serviced land and the removal of a reference to Community Use Agreements. These changes provide greater clarity and are necessary for effectiveness. In the interests of effectiveness similar changes are made to the supporting text of the policy which also provide greater clarity in relation to its implementation. This is achieved by **MM107**, **MM108** and **MM109**.

127. Policy NS29 relates to the provision of social and community facilities and is consistent with the aims of paragraphs 84 and 93 of the NPPF. Nevertheless, some changes are needed to make the policy effective as for example it refers to nursery provision which is already covered by Policy NS28 (as modified) and lacks any reference to engaging with relevant stakeholders. These changes are achieved by **MM110**.

Conclusion

128. I therefore conclude, subject to the MMs identified, that the DPD policies relating to Community Facilities are justified, effective, and consistent with national planning policy.

Issue 7 – Whether the DPD policies relating to Access, Travel and Transport are justified, effective, and consistent with national planning policy

129. **MM111** makes a change to the explanatory text of the DPD's Access and Movement chapter to ensure its effectiveness by inserting a reference to the Climate Change Strategy and the associated priorities set out in Policy NS5. It also inserts a reference to the delivery of Policy NS5 and inserts a crucial reference to the delivery of Policy DM4 of the HDLP which is one of the key reasons for the DPD's existence. The overall approach outlined here is therefore justified.

OFFICIAL

Policies NS30, NS31, NS32, NS33, NS34, NS35, NS36 and NS37

130. Policy NS30 aims to achieve the priorities set out in the Climate Change Strategy and Policy NS5 by encouraging sustainable travel both within the new settlement and between it and other neighbouring communities. This is broadly consistent with the aim set out in paragraph 106 of the NPPF. Even so, some changes are needed to make sure the policy is effective such as linking it with the net zero carbon movement strategy required by Policy NS5 and providing further detail in relation to subsidiary travel plans. These changes are achieved by **MM112** and **MM113**.

131. Other changes are made to the policy's supporting text which also reflect the linkages between it and Policy NS5 particularly in relation to subsidiary travel plans but that also make sure that the terminology is consistent with other policies (as modified). These changes are necessary for effectiveness and are made by **MM114**, **MM115**, **MM116** and **MM117**.

132. The Access and Movement Background Paper[31] prepared in support of the DPD provides an analysis of active modes of transport within the new settlement boundary and states that the existing provision for walking and cycling within the area is limited. It also highlights that there is currently no formal cycling provision within the area. Policy NS31 aims to address this by ensuring that a safe, integrated and direct network of footpaths and cycleways is provided as the new settlement develops and it is therefore justified. The approach set out in the policy also aligns with paragraphs 92, 104 and 106 of the NPPF and it is therefore also consistent with national planning policy. That said, some changes are required to add more clarity in relation to micromobility being a priority and that the circular green loop would be 'multi-user'. These changes are needed for effectiveness, and are made by **MM118**, **MM119** and **MM120**.

133. Policy NS32 relates to the provision of safe and secure cycle parking as part of the development of the new settlement. As submitted the policy stated that the level of cycle parking should be provided at least to the minimum set standard. However, this is ineffective as it is too prescriptive and inflexible. Instead, **MM121** removes reference to providing at least the minimum expected standard. This modification also corrects the reference to table 7.1 which should be table 10.1.

134. **MM122** adds further clarity and detail to the supporting text making it clear that cycling is the preferred transport method for the new settlement and that the associated cycle parking will be provided even when the occupiers are unable or unwilling to cycle to future proof development in this regard bearing in mind the overall ambition of sustainability for the new settlement. **MM123** makes

[31] Supporting Document SDNS07

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changes to table 10.1 to reflect the changes to the main policy text. In the interests of effectiveness, **MM124** makes changes to Policy NS33 to clarify that inclusive accessibility should only be provided at the train station where it is practicable to do so with **MM125** amending the supporting text, again for effectiveness reasons.

135. **MM127**, **MM128** and **MM129** make necessary changes to policies NS35, NS36 and NS37 respectively to add clarity around the facilitation of access to the highway network and in relation to residential parking standards, particularly off-plot parking spaces. These changes ensure that the policies are effective. For effectiveness **MM126** and **MM130** make changes to the supporting text of policies NS34 and NS37 to provide greater clarity and detail regarding residential car parking.

Conclusion

136. I therefore conclude, subject to the MMs identified, that the DPD policies relating to Access, Travel and Transport are justified, effective, and consistent with national planning policy.

Issue 8 – Whether the Delivery and Monitoring Framework is justified, positively prepared, effective, and consistent with national planning policy

Delivery and Monitoring Framework and Policy NS38

137. As submitted, chapter 11 of the DPD entitled 'Delivery and Phasing' broadly outlines in two paragraphs why sufficient infrastructure should be provided for the development of the new settlement and that this will be done via an iterative process with information on how this would be done contained within a table (table 11.1). This table contains information such as the name of the infrastructure project, whether it is short, medium or long term, the delivery timing triggers for the project, which organisation would lead the project, delivery partners and stakeholders, the indicative cost, the delivery mechanism and source of funding. This approach however is ineffective as it does not take into account the fact that the nature, scale and need for such infrastructure projects could change over time thereby potentially rendering the table and the DPD out of date in the near future.

138. **MM131** rectifies this by removing table 11.1 from the DPD and placing it instead within the Infrastructure Delivery Plan referred to by Policy NS28. By doing so the change allows for greater flexibility in how and when any necessary, infrastructure for the new settlement will be delivered while at the same time

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ensuring that the DPD itself is not overtaken by events. This change ensures effectiveness.

139. In addition, **MM132** introduces a new infrastructure delivery policy (Policy NS38) to the DPD which requires an allocation wide infrastructure delivery strategy, a phasing strategy and a financial appraisal to be submitted with all development proposals. This new policy is needed to provide a clear strategy and requirements relating to infrastructure delivery as the plan as submitted does not include this and it is therefore justified. Policy NS38 also stipulates that the infrastructure set out in the IDP is to be implemented before or alongside development in accordance with an approved phasing strategy. Another stipulation for planning applications covering either a phase or part of the allocation area is that they be accompanied by an application-specific masterplan and infrastructure delivery statement. These requirements ensure that the policy is effective.

140. Policy NS38 therefore provides clarity and certainty in relation to the provision of the infrastructure necessary to deliver the new settlement but does this in a way that is flexible enough to account for potential future changes to the scale, nature or type of such infrastructure requirements. At each stage there would be oversight by the local planning authority, for example by the phasing strategy, financial appraisal and/or site-specific masterplan and infrastructure delivery statement being scrutinised at different stages of the planning application process. Policy NS38 is therefore positively prepared.

141. The policy also ensures general conformity with the HDLP and its strategic infrastructure requirements such as those set by Policy TI4 as well as being aligned with the masterplanning process outlined by Policy NS3 of the DPD. Consequently, in the context of the above Policy NS38 is justified, effective and sound. It is also broadly consistent with national planning policy, particularly paragraphs 16, 20, 22 and 28 of the NPPF. **MM133** inserts supporting justification text to Policy NS38, and this change is necessary for similar reasons.

Conclusion

142. I therefore conclude, subject to the MMs identified, that the Delivery and Monitoring Framework is justified, positively prepared, effective, and consistent with national planning policy.

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Overall Conclusion and Recommendation

143. The Plan 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 explained in the main issues set out above.

144. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that the duty to cooperate has been met and that with the recommended main modifications set out in the Appendix the New Settlement (Maltkiln) Development Plan Document (DPD) satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

Clive Coyne

INSPECTOR

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

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