

DRAFT RYEDALE DISTRICT PLAN
COMMENTS ON INSPECTOR'S INTERIM
CONCLUSIONS

COUNCILLOR PAUL ANDREWS

1. I am asked to comment on the Inspector's Interim Conclusions and the Council's proposed amendments which purport to satisfy these.

2. General

- 2.1. I am disappointed with the Inspector's interim conclusions. I believe they are contrary to national policy. Further, if I am wrong about this, the Council's proposed amendments do not satisfy his comments or comply with national policy. My view is that if the plan is adopted with the Council's proposed amendments, the plan will be unlawful and capable of being set aside.
- 2.2. Further, the plan if adopted in this form is clearly not the right plan for Malton/Norton, and I will support all reasonable efforts to get the plan set aside, whether formal, informal or through the legal process.
- 2.3. There are a number of preliminary points which require explanation:
 - The Council's retail policy was considered at the Cattle Market Appeal (APP/Y/2736/A/12/2174677/NWF), The decision of inspector Wildsmith in that appeal has never been reported to the Council or any Council committee. The officers did obtain the Council's authority to put forward amendments as the matter proceeded, but this was in the context of the hearing before the inspector, and one would have thought that the Council should have been asked to review its retail policy in the light of the Cattle Market decision before responding to the inspector's interim conclusions, but this has not been done. One would also have expected the inspector's interim conclusions to be reported to a meeting of a Council committee and the Council itself. Instead, the Council officers have simply submitted amendments for public consultation under delegated powers. It will be seen how these amendments, instead of taking Inspector Wildsmith's views into account, are deliberately designed to undermine his decision.
 - At a meeting between the clerk and mayor of Malton Town Council and the Chief Executive of Ryedale and Mrs. Thompson on 7 February 2013, the Council's Chief Executive was advised that Malton would be seeking the deletion of the "Northern Arc" (see below on retail) from the draft district plan. However, her view was that if Ryedale voluntarily removed the Northern Arc, this could be challenged legally. This is not accepted. A decision has been made by an inspector in an appeal ("the Cattle Market case" referred to above) under departmental reference (APP/Y/2736/A/12/2174677/NWF), after

- Inspector Pratt’s interim conclusions do not even mention the Malton/Norton Neighbourhood plan. The inspector treats this in a cavalier fashion: even the Council gave it “little” weight, whereas by ignoring it altogether he has given it no weight at all. This is surprising, bearing in mind that the Neighbourhood Plan represents the views of one quarter of the population of Ryedale. Inspector Wildsmith gave the Neighbourhood Plan “limited” weight in his report on the Cattle Market case. It is most unusual for inspectors not to follow decisions of previous inspectors. If Inspector Pratt considers he should give the Neighbourhood Plan (or parts of it) less weight than Inspector Wildsmith, he should provide an explanation. The fact that he has failed to do so suggests that he cannot provide a satisfactory explanation.
- The Secretary of State has awarded £20,000 to assist in the development of the Malton/Norton Neighbourhood Plan. It is my understanding that it is the policy of the Secretary of State, where there is a neighbourhood plan, to deal with land allocation in the neighbourhood plans, so as to give towns and neighbourhoods a full opportunity to become fully involved in land allocation. This policy is embodied in para. 185 of the NPPF, which states that outside the strategic elements of the draft district plan, neighbourhood plans would be able to shape and direct sustainable development in their area. Ryedale and Inspector Pratt would seem to have taken no account of this. Instead, Inspector Pratt has gone along with the district council’s allocation of a “northern arc” in Malton Town Centre and on 14th February the Council’s Policy and Resources Committee approved a site selection methodology which seems to assume that Malton and Norton Town Councils will have no say whatsoever in regard to land allocation for housing, employment or other purposes. This important strategy document, which will have a significant impact on land allocation was approved at a meeting of Policy and Resources Committee dated 14th February 2013 under delegated powers, so that it cannot be discussed at a full council meeting. In other words, Ryedale are restricting not only public involvement in the plan process in a way which does not accord with national policy, but also the involvement of any member of the community who is not a member of that committee.
- From a personal point of view, Inspector Pratt seems to have ignored each and every representation which I made. I take exception to this, bearing in mind the amount of time and effort I spent on the matter. He may not agree with my views, but at least he should have had the courtesy to comment on them and explain the reason for his disagreement, however briefly. This is particularly important, bearing in mind that most of my work was designed to support the

- Inspector Pratt seems to have taken the view that, (except in regard to the matter of housing numbers) provided the Council has presented views which are supported by consultants, and which would seem to have gone through the appropriate processes, and ticked the necessary boxes, the council's evidence could be accepted at its face value. He has failed to take account of the fact that the officers and consultants have clearly been instructed to make the best possible case to suit the political and financial agenda of the Council's ruling group in relation to corporate self-interest. The evidence for this can be found in Inspector Wildsmith's costs decision in the Cattle market Case, where he says that the Council's decision was "inexcusable". I produce exhibit 1 (EX1). These are the written answers to written questions I put to the January 2013 Council meeting. To summarise my questions, I was asking how the respective officers and consultants had come to give the Council advice which Inspector Wildsmith considered to be "inexcusable". The answers I got can be briefly summarised that the Council had gone through all the necessary hoops and "the interpretation and application of retail planning policy is undoubtedly one of the most complex and complicated areas in planning." However, this conflicts with Inspector Wildsmith's conclusion that the Council had no excuse for the wrong advice they were given. In other words, either the officers are incompetent or they were influenced by matters which are not material planning considerations. I for one am not accusing the officers of being incompetent. So, if the officers and consultants were competent, then their judgement must have been influenced by inappropriate political and financial considerations in relation to corporate self-interest. If this is correct, it must follow that there is at least a risk that all other officer and consultant reports in regard to matters in the draft plan which do not concern retail, may also have been influenced by inappropriate political and financial considerations. In these circumstances, I would have thought it would have been the duty of Inspector Pratt to examine carefully the reports which were being challenged, and to provide a written explanation of his views, however briefly. His supine acceptance of, for example, the Malton/Norton Strategic Transport Assessment is an outrage, particularly bearing in mind the A64 Connectivity Study which suggests that Malton, will need a park and ride system before 2016.
 - all my previous submissions.
- 2.4. I set out below the main issues which concern me, and after this, short comments on the proposed modifications which give most concern.

3. As regards Retail

- 3.1. There are a number of points which relate, inter alia, to the retention of the "Northern Arc".

- 3.2. Firstly, the general approach of the draft Ryedale Plan purports to be to leave land allocations to a “Local Plan Sites Document.” The proposed “Northern Arc” is as far as I can see, the only overt land allocation made in the draft Ryedale Plan. One has to ask: “Why?” If this allocation is included, why should not all other land allocations for all purposes have also been included in the draft plan? If no other land allocations are overtly included, why is the “Northern Arc” included? Further, my understanding is that, where there is a Neighbourhood Plan, all land allocations should be made through the Neighbourhood Plan. In such circumstances, the inclusion of a “Northern Arc” in the draft plan is contrary to national policy
- 3.3. Further, the Secretary of State has awarded £20,000 to assist in the development of the Malton/Norton Neighbourhood Plan. It is my understanding that it is the policy of the Secretary of State, where there is a neighbourhood plan, to deal with land allocation in the neighbourhood plans, so as to give towns and neighbourhoods a full opportunity to become fully involved in land allocation. This policy is embodied in para. 185 of the NPPF, which states that outside the strategic elements of the draft district plan, neighbourhood plans would be able to shape and direct sustainable development in their area. The “northern Arc” cannot be described as a “strategic element”, as inspector Pratt himself states that there is only limited evidence to support it. The “Northern Arc” is in fact a land allocation, which should not have been included in the draft Ryedale Plan, but should be considered through the Neighbourhood Plan.
- 3.4. Secondly, in all the representations I have made on this matter, I have argued that the “rising retention” scenario (as defined by the now discredited reports of RTP) is not the appropriate scenario for assessing quantitative need for convenience retail, and that the “Overall Catchment Area” used by RTP is too wide. My argument has always been that there is already an overprovision of convenience retail in Ryedale, but that Malton town centre needs an anchor to support it, and that is why I have supported the Cattle Market Scheme. These arguments are summarised in the joint report of myself and Paul Beanland which is attached as exhibit 2 (EX2), and are also set out in detail in my original Folder 2.
- 3.5. These arguments have not been tested at either the Cattle Market enquiry or the local plans hearing. The reason for this is that the Appellants in the Cattle Market Appeal chose not to argue that point, but to rest their main argument on the sequential test.
- 3.6. I have never abandoned my arguments, and I maintain them still. This is important, as if they are accepted, the second sentence of Amendment 59 of the main modifications should be deleted, together with all other proposed amendments which suggest that if any current convenience retail commitment should fail to come forward, there will be an additional requirement for convenience floorspace.
- 3.7. Thirdly, the remaining comments on retail set out below are made without prejudice to these arguments:

- 3.7.1. In his report on the Cattle Market Appeal, (APP/Y2736/A/12/2174677/NWF) Inspector Wildsmith concluded that the Cattle Market Site was sequentially preferable to WWSCP. He said the Council's advice was not only wrong but that there could be no excuse for it. In fact, the Council's consultants had been compelled to admit under cross-examination that it would have been unlawful for the Council to issue planning consent in regard to WWSCP until and unless the matter was brought back to committee.
- 3.7.2. Notwithstanding this, the Local Plans Inspector, inspector Pratt, has recommended that: "although there is limited evidence to support the concept of a "northern arc", it would provide an appropriate strategic steer to the Local Plan document when considering development opportunities on the northern side of the town centre (including the Wentworth Street Car park site) in line with National Guidance (NPPF paras 14 & 23)".
- 3.7.3. It is extraordinary that "limited weight" should have been attached to the "Northern Arc" concept when this had never featured in any consultant's report, after the evidence of the Council's retail consultants and officers had been completely discredited at the Cattle Market Enquiry.
- 3.7.4. At law there is a hierarchy in regard to the weight that can be attached to the decisions of different bodies. The greatest weight is given to admissions which are made under rigorous cross-examination; lesser weight is given to decisions made by a competent judge, arbitrator or inspector, after rigorous cross-examination. Where no cross-examination is allowed, even less weight is given to the decision. In the case of the Local Plans Enquiry, the procedure used was inquisitorial, and rigorous cross-examination was not allowed by any party other than the inspector. It follows that, in the eyes of a court of law, inspector Pratt's views will weigh considerably less than the decision of Inspector Wildsmith or the important admissions which were made by the Council's consultant under cross-examination.
- 3.7.5. The Council have proposed amendments to the Local Plan which they say take into account Inspector Wildsmith's decision. As will be seen below, this they fail to do, but Inspector Pratt would nevertheless seem to support them.
- 3.7.6. Para. 32 of Inspector Wildsmith's decision letter says:
- 3.7.7. " However, whilst it is **common ground** that the grant of planning permission for a larger store on the WSCP site would make it more difficult for an operator to be found for the appeal proposal, this underscores the need and purpose of the sequential approach in seeking to promote and strengthen town centres. Despite the officers' conclusion in the LM Committee Report, the submitted evidence as a whole , leads

- 3.7.8. At the local plans hearing, the appellant of the Cattle Market case, the Town Council, and myself all requested the deletion of the “Northern Arc.” This was largely because it contains WSCP, and while that site remains available for food retail, it will as all parties have agreed, be difficult to find an operator for the Cattle Market proposal. The question is: could potential operators of a major food retail outlet on the Cattle Market be discouraged if they know that there is a possibility that at some time in the future, a much bigger superstore could be built on WSCP?
- 3.7.9. The “Northern Arc” issue was duly debated at the hearing into the draft district plan, and Inspector Pratt asked the Council to bring forward proposals for modifying the draft plan which would take Inspector Wildsmith’s decision in the Cattle Market case into account.
- 3.7.10. The Council accordingly produced a set of proposed amendments dated 14th November 2012, but these do not go far enough to accommodate Inspector Wildsmith’s decision. Instead, the Council acknowledges that the Cattle Market site proposals will take up all the available spare food retail capacity, but then goes on to say that if any further capacity is found or an existing commitment fails to materialise, the new food retail will be directed to Malton. Once so directed, it will of course be directed to the “Northern Arc”. Bearing in mind the way the Council’s consultants have repeatedly found arguments to justify a greater quantitative need for food retail than would seem appropriate, as new developments have come on stream (eg. by constantly updating their quantitative need assessments since their October 2008 report without making sufficient allowances for recent permissions for new convenience retail floorspace for the new Lidl at Norton, the Morrison’s extension, the conversion of the new Asda store from a deep discount store, the permission granted for a new Tesco at Kirby Moorside etc. – as set out in full in previous representations), this should give the Cattle market appellants and any operator they might like to introduce to their site, grounds for caution.
- 3.7.11. Amendment 49 of the document dated 14th November 2012 leaves in place the “Northern Arc” with the WSCP site included and substitutes from the sixth sentence of para.5.25 of the draft plan, the following words:
- 3.7.12. “It” (ie the Cattle Market Site) “provides a key opportunity to accommodate a mix of uses and in particular, to provide much needed space for additional non-food retailing. Whilst it currently occupies a location which abuts the existing town centre, it has the ability – once developed – to form a logical extension to the Town Centre. Currently outline planning consent has been granted for a mixed convenience and comparison retail scheme on the site”.

- 3.7.13. The words underlined make it clear that, in spite of Inspector Wildsmith's findings in regard to the sequential test and the admissions made by the Council's consultant at the Cattle Market enquiry, the Council have not changed their position, and still see the Cattle Market as appropriate for mainly non-food retailing, leaving WSCP available for food retailing. This clearly undermines inspector Wildsmith's decision.
- 3.7.14. Inspector Pratt would have had these proposed amendments when he prepared his interim conclusions report. Notwithstanding this, in para. E.(iii) of his interim conclusions he says "Although there is limited evidence to support this concept" (ie The Northern Arc), "it would provide an appropriate strategic steer to the Local Plans Document when considering potential development opportunities on the northern side of the town centre (including Wentworth Street Car Park)....."
- 3.7.15. This paragraph of his report would seem to endorse the Council's approach, and if so, it clearly undermines Inspector Wildsmith's findings and decision, which – I repeat – were made on the basis of admissions made by the Council's own expert witness.
- 3.7.16. This is clearly how the Council have understood Inspector Pratt, because in their latest set of modifications dated 7th January 2013 (which has not been put before any meeting of Council or Council committee) item 65 of this document simply repeats Amendment 49 of the document dated 14th November 2012.
- 3.7.17. This is unacceptable and undermines the credibility of the inspectorate. It is most unusual for one inspector to undermine the decision of another, particularly after the evidence has been thoroughly tested in cross-examination.
- 3.8. To summarise, what the Council have proposed is not good enough, because it will be difficult to obtain a suitable top range supermarket operator for the Cattle Market Site while there is a "Northern Arc" in the draft District Plan. It follows that, if this is right, inspector Pratt's views expressed in his interim report will in effect undermine the decision of Inspector Wildsmith, and the proposals for the Cattle Market will become difficult to achieve. In these circumstances, it will be possible for the Council to argue that, in the absence of progress on the Cattle Market Site, WWSCP should be given permission on the basis that they will say it is the next most sequentially preferable site. If this is correct, it must follow that Inspector Pratt's views are contrary to national policy in that he has failed to uphold the sequential test, and therefore unlawful, and any final report that he issues and any decision made by the Council which relies on his final report will also be unlawful and challengeable by judicial review.
- 3.9. In other words, Inspector Pratt is required by national policy to ensure that the draft district plan upholds the principles of, inter alia, the national sequential test. If his decision makes it unlikely or difficult to implement the sequential

- 3.10. To summarise, at the local plans hearing, overwhelming evidence was provided to show that many of the Council's proposals were contrary to national policy, as set out in the NPPF. In particular, Malton Town Council, myself and the appellants in the Cattle Market case provided overwhelming evidence to show that "the Northern Arc" was contrary to national policy. These arguments were reinforced by Inspector Wildsmith's decision letter which was made available to Inspector Pratt at the hearing into the draft district plan. Inspector Pratt himself accepted that there was only "limited evidence to support the concept", but then went on to endorse it. It is difficult to see how this can be justified in logic or in law.
- 3.11. There would seem to be a complete breakdown of due process. The NPPF went through a process of formal consultation to produce a document which would command wide public support. However, there is also a view that any kind of interference with a local planning authority's decisions should be avoided – however wrong, perverse, contrary to policy or unlawful these may be. This is not due process, and in my view, is unlawful. Councils and inspectors do have a legal obligation to follow national planning policy when making any planning decision, including a decision whether or not to endorse or adopt a district plan..

4. As regards housing – numbers and distribution

- 4.1. Firstly, I repeat all my previous representations.
- 4.2. Secondly, it is noted that the Council's proposed modifications are for a target of 3,000 houses, together with a 25% "buffer". This brings the total number to 3,750. However, the "buffer" is not stated as a commitment – but as an amount which will not be deducted from the housing target. It is not clear if this satisfies the requirements of Inspector Pratt's interim conclusions.
- 4.3. This number does not include windfall sites, which will be added on. I would repeat that over the last 10 years or more 82% of houses came from "unanticipated "windfall" sites (para. 4.11 of the draft plan). It is therefore clear that the Council does have compelling evidence that windfall sites have consistently become available and that they will continue to provide a reliable source of supply. Amendments 17 and 20 should therefore be amended accordingly – otherwise the anticipated number of windfalls should be added to the grand total of 3,750.
- 4.4. It has been suggested that "heritage enabling houses" are unlikely to come forward in any substantial numbers, because this policy has not been made much use of in the past. However, when the big estates see that the only policy which will enable them to build market houses in the villages is the heritage enabling policy, they will realise that it will be in their interest to

- 4.5. My understanding from the hearing was that not only would a “buffer” be added, but also there would be added a figure representing the “backlog” of houses where Ryedale has not met its RSS targets. I can find no reference to this backlog in the Council’s list of modifications. It needs to be added on to the grand total. My recollection is that it exceeds 600 houses.
- 4.6. So, to summarise, the total number of houses which can be built under the plan is likely to be exceeded considerably, by the building of heritage enabling houses, windfall sites, the 25% “buffer”, the backlog, rural exception sites etc. Regrettably no satisfactory assessment of the excess is given, so that the total number of houses is unclear.
- 4.7. Throughout this exercise, I have become aware that a limit has been set for the number of new houses which can be built at Malton and Norton. This limit is the 2,165 new houses allowed under “Scenario 4A” of the STA. I have demonstrated that this document is flawed and I have explained why. The figure is false, but it has been used by the Council and accepted by Inspector Pratt. I maintain the argument that Malton/Norton cannot accommodate the number of houses which is imposed on them by the plan.
- 4.8. However, if it is not agreed that the STA is flawed, and it is accepted that 2,165 houses is the acceptable limit, regard has to be had to the requirement that Malton/Norton should take 50% of all new houses.
- 4.9. Amendment 32 of the main modifications requires Malton/Norton to accept 50% of all new houses. It should be clarified how this 50% will apply. Is it 50% of the original 1,500 houses, or does it also include 50% of the “buffer”, the “backlog”, the “windfalls”, the rural exception units, and/or the “heritage enabling houses” – which are all additional to the 3,000 number?
- 4.10. If this question is not answered, and it is not made clear just how many new houses are to be built in Malton/Norton under the plan, it will not be possible to determine whether or not the 2,165 figure in the STA will be exceeded. So clarification is required.
- 4.11. If it turns out that by taking 50% of all new houses, Malton/Norton will end up with more than 2,165 new homes, the entire housing strategy of the plan should be revised to ensure that Malton/Norton take no more than the limit prescribed in the STA. I would stress that this is without prejudice to my contention that the figure of 2,165 new houses set out in Scenario 4A of the STA is excessive and unrealistic.

5. The Eden Road Site

- 5.1. This applies to the proposals for allocation of this site for employment development and housing development.
- 5.2. Proposed modification 8 is to the effect that the draft district plan will not specify development limits, but that this will emerge from the Sites Allocation document which will follow adoption of the plan.
- 5.3. Para 185 of the NPPF states that outside the strategic elements of the local plan, neighbourhood plans will be able to shape and direct sustainable development in their area. I understand this to mean that once the amount and distribution of new development has been determined, the Neighbourhood Plan should be used to allocate the land for the number of houses, employment or other development which has previously been determined by the District Plan. However, there is no provision in the draft district plan for a neighbourhood plan to take on this function. There is therefore a very real and fully justified concern that, as in so many other aspects of the local planning process, local opinion in Malton and Norton is simply going to be over-ridden.
- 5.4. There is particularly concern in regard to the land on the undeveloped side of the A64 in the vicinity of the Eden Camp museum. There is considerable concern about any development being built on this land for reasons related to highways and drainage, and I have previously raised this issue in relation to the Councils proposals in regard to the allocation of land for employment purposes.
- 5.5. In this respect, I have drawn attention to the proposal for a new science and technology business park at the end of the last para of page 71 of the draft plan, and shown how this relates to paras 5.9 and 5.10 of the draft plan. Para. 5.9 refers to the ELR and the ELRU which superseded it. However, the proposals for a science and technology business park were in the ELR, but not in the ELRU which superseded it. I therefore concluded that there was no longer expert evidence to support a new science and technology business park at Malton/Norton.
- 5.6. However, the requirement for a new science and technology business park has nevertheless been included in the draft plan, and the superseded ELR specifically recommends that this should be built in the Eden Camp Area. Inspector Pratt has ignored all representations in this respect, and clearly supports the Council, regardless of the absence of evidence.
- 5.7. However, since the local plans hearing, there have been proposals to build a “mixed” development on this land, including new houses. Discussions with officers suggest that the principle of housing development on this area is receiving favourable consideration. This is in spite of the table on page 48 (as amended by proposed modification 33) which prescribes: “small-medium-large extension sites around the towns **and within the A64 boundary** at Malton”.

5.8. In this state of uncertainty which has been induced by the absence of proposals for development limits in the plan, or any assurance about land allocation in Malton/Norton being dealt with through the Neighbourhood Plan, and Inspector Pratt's ready endorsement of a new technology and business park, it is therefore necessary to state my concerns at this stage in full.

5.9. The proposals the Council has received are from the Fitzwilliam Trust Corporation. These are proposals for land allocation and are exhibited as EX3. There are over 180 acres made up as follows:

5.10.	Plot	Acres
	588	15.81
	572	16.69
	573	9.04
	578	34.42
	579	40.67
	323	5.88
	324	29.38
	581	29.26
	Total	181.15 acres

5.11. This comprises a "mixed" development, intended to comprise a new agricultural centre, houses and other development. If 10 acres are taken by the agricultural centre, and Ryedale allows houses on the rest at a rate of 13 houses to the acre, there will be room for a total of 2,224 houses or an equivalent quantity of employment development or a mixture of both.

5.12. All of these sites are highly controversial because of their impact on the local highways network, and also because of land drainage and flooding implications. There is also the risk of a development in the Eden Camp area (on the undeveloped side of the A64) spreading ribbon-like towards Pickering, when the A 64 might have formed a sound hard edge of a development limit.

5.13. Old Malton is very susceptible to flooding. A brook and the surface water from the A 64 meet before they reach the pump at the top of Lascelles Lane. The water course there discharges into the Derwent. There is a culvert under the A 64 which takes the water from the Eden Camp area to the pump at Lascelles Lane, Old Malton. It is therefore important to consider the performance of the discharge of all of this water from Lascelles Lane.

5.14. In 2000 there was a massive flood in Old Malton. The flooding came from the river bursting its banks and from the water flowing into it from the discharge point at Lascelles Lane.

5.15. Subsequently, a flood bank was built, and this effectively keeps the Derwent out of Old Malton. However, as well as stopping water flowing out

5.16. There has been some extreme weather recently, and in November 2012 there was some flooding at Old Malton. I visited the village myself and saw the state of the water at Lascelles Lane. The open land in front of the Royal Oak was flooded right up to the houses and the pub, and water was welling out of Lascelles Lane at a very fast rate – so fast that it was spouting several feet above the surrounding water. There were at least five (perhaps as many as seven) heavy duty fire-engine mobile pumps down there and these were only able to maintain the flood water at the same level. The water level was not going down when I saw it.

5.17. Now imagine how many more pumps would be required to deal with the increased surface water run off from 180 acres of newly hard surface land (whether houses, factories, warehouses or an agricultural centre). I say 180 acres, because I understand that the Lascelles Lane outlet not only takes the water from the Eden Road area, but also surface water from the land on the currently developed side of the A 64, including the Broughton Road land which was given permission a few years ago, but has not yet been built on and the Showfield.

5.18. It may be suggested that the development of this land would provide the money to achieve a permanent engineering solution. However, as I understand, the Environment Agency and the Water companies have no power to block a planning approval – they can only advise.

5.19. Previous experience does not help to give confidence. In 2007, the Council wanted to give permission for a new industrial estate on this land, including managed workshops. The developers were asked to provide comprehensive drainage and highways works, but said that to do so would make the development unviable. The Council and the other authorities began to back down and for a time it seemed as though they were going to accept an inferior scheme.

5.20. We all know that developers will always seek the solution which is cheapest for them.

5.21. In the circumstances, it would seem sensible to deal with development limits as part of the present plan, so that there may be no mistake in the minds of the public in regard to what is proposed or alternatively to leave the Malton/Norton Neighbourhood Plan to determine this.

6. Comments on the Council's specific proposed modifications (dated 7th January 2013):

Modification Number	Comments
8	The Council's amendment is unsatisfactory. Development

	<p>limits should be included in the plan or, where there is a neighbourhood plan, they should be included in the Neighbourhood Plan, as determined by the town councils concerned. I would suggest the following wording instead:</p> <p>“Development Limits for settlements define the boundary within which development in principle will be generally acceptable. These were originally defined in the Ryedale Local Plan 2002 and are carried forward to this plan. They will be reviewed, where appropriate, as part of the process of preparing the Local Plan Sites Document <u>and the Malton and Norton Neighbourhood Plan</u> and will be redefined to incorporate new land allocations identified as part of that process. The Ryedale Local Plan (2002) also identified Town Centre Commercial Limits as a policy tool to guide new retail and commercial development to the towns. These are also carried forward and will also be reviewed <u>to take into account recent decisions, such as the appeal decision on the Malton Cattle Market case</u> and where appropriate, redefined as part of the process of preparing the Local Plan Sites Document <u>and the Malton and Norton Neighbourhood Plan.</u>”</p> <p>NB.If the Council’s proposed modifications are not amended so as to give the Malton/Norton Neighbourhood Plan a significant role in land allocation, the entire draft plan will not conform with Para. 185 of the NPPF.</p>
12 &13	I maintain all previous objections to the policy of concentrating all new development in the market towns and a few “service villages”. The “other” villages should take their share, otherwise their “objectively assessed needs” will not have been met.
15	Helmsley should take its fair share of new development – otherwise its “objectively assessed needs” are not being met. The same applies to the “other” villages.
17	Not understood why “windfalls” should not be deducted, bearing in mind that the record is that 82% of houses built in last 10 years are “windfall” sites – see above, and para. 4.11 of the draft plan.
18	Please see previous comments on in-migrants and older people.
19	It is not understood how the figure of 3,000 can remain when one has to add: windfalls, heritage enabling houses, the buffer, rural exception sites, the “backlog” etc. As stated in the text, clarification is required.
24 & 25	See above. In effect Ryedale is being required to build another 750 houses. I cannot see how this can be consistent with having a housing target of 3,000 houses

32	<p>A specific number of houses should be allocated to Malton/Norton – not a percentage. This is because the impact on the 50% percentage of adding windfalls, heritage enabling houses, the buffer, rural exception sites, the “backlog” etc. means that the number of new houses to be built in Malton/Norton will be constantly revised upwards. There is nothing in the plan to indicate that, when calculating the percentage due for the market towns, these extra units should not be taken into account.</p> <p>I also reiterate my support for the Neighbourhood Plan target of 1,000 houses for Malton/Norton – no more.</p>
33	<p>The reference to “extension” pre-empt the next stage of the plan process. Either the word “extension” should be removed or the development limits of the town should be set out in the current draft plan, so that everybody can see them, know where they stand, and comment on them – instead of being taken by surprise when Stage 2 comes out and we are all told that there is nothing we can do to stop unwelcome development – as I am sure is the Council’s intention.</p> <p>Alternatively, any extension of the town should be dealt with through the Neighbourhood Plan, so that local people can feel they have some control over the outcome.</p> <p>I would add that I don’t see 2,000 new houses in malton/Norton as an “extension” of the settlement: it is more in the nature of an “expansion”.</p>
41	<p>This is a welcome addition to the rural exceptions policy. My only concerns are that it might be applied in a restrictive manner, and that villages should not have such housing imposed on them on locations they don’t like. Could you please consider amending the second new para to read: <u>“Proposals for exception sites which include an element of market housing should as far as possible accommodate local needs and the siting should be locally acceptable. The application should be accompanied by a detailed financial appraisal to justify the need for market housing and to demonstrate that the number of market homes proposed is the optimum required to deliver an appropriate mix of affordable homes whilst ensuring viability of the scheme, together with a needs assessment and a letter of support from the local parish council.”</u></p> <p>I feel that the above amendments would make exception housing very much more popular with parishes as well as with developers. This would remove much fear and prejudice to the principle of having new affordable units in the villages.</p>
46	<p><u>Delete the words “by a registered provider” in bullet point 1 and substitute the word “optimum” for “minimum” in bullet point 2.</u></p> <p>Appreciated that most rural exception housing will be provided by registered providers, but this can depend on funding, and if there is a need, why can’t the need be satisfied</p>

	privately – so long as the permission is backed by a Section 106 agreement which the Council or a registered provider can control?
51	I repeat my objections to 80% of all new employment land being provided in Malton/Norton. I stand on the position set out in the Neighbourhood Plan.
53	All “employment” land should be protected – otherwise it shouldn’t be allocated. So please delete the word “core” – unless this is covered in 56. If it is covered in 56, the sites which are not to be protected should be specified – for reasons of transparency.
54	See 51 above.
59	<p>Delete and substitute. <u>“ No further convenience retail will be permitted in the plan period unless they have a net sales area of less than 500 sq.m.</u></p> <p><u>“There will be a local floorspace threshold of 750 sq.m net sales area in respect of comparison only schemes and a threshold of 1000 sq.m. (of which not more than 500sq.m. should be allocated to convenience retail) where a scheme involves a mix of comparison and convenience retail”</u></p> <p>This follows my contention set out in EX2 (attached) that the “rising retention” figures in the relevant discredited RTP reports are exaggerated and that the convenience retail requirement for the next 15 years has already been met and/or the conclusions of Inspector Wildsmith in the Cattle Market Appeal.</p> <p>Further, a restriction on convenience retail, as suggested, should help expedite the redevelopment of the Cattle Market site.</p> <p>I am not sure why there should be any threshold limit on comparison retail, and have therefore suggested an increase. No doubt the reason for the comparison threshold could be explained?</p>
60	See comments on 59
62	Delete from “Notwithstanding” and substitute: <u>“Notwithstanding this, there is unlikely to be an appreciable need for further convenience retail during the plan period. However, there is a considerable shortfall of comparison shops, and favourable consideration will be given to new applications for comparison only retail in town centre locations”</u>
63	This para should be deleted in its entirety. It is not needed, if one accepts that there is already an oversupply of food retail in the district, as set out in EX3 or as has to be concluded from Inspector Wildsmith’s decision.
64	Delete this amendment. It is unnecessary, and does nothing

	except undermine the Cattle Market decision.
65	This has been dealt with in depth in the text above. The whole paragraph 5.25 (and the “northern arc” plan) should be deleted – including the Council’s proposed amendment. You might consider substituting for the entire paragraph: <u>“Following the decision to grant planning permission for the redevelopment of the Cattle Market site, the commercial limits of Malton town centre will be extended to include this area and, perhaps, some of the land surrounding it. Further extensions to the existing town centre may be considered to accommodate comparison-only schemes.”</u>

The above table covers my main concerns as district councillor, and the text preceding the table explains some of these comments in more depth. I cannot be sure that further alteration may be necessary to make the document consistent with the views expressed, and suspect further consequential amendments may be necessary.

COUNCILLOR PAUL ANDREWS
Malton Ward

11th February 2013

