



The Planning Inspectorate

Independent Examination of The Ryedale Plan-Local Plan Sites Document

**Inspector's Matters, Issues and Questions for
Examination**

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Matter 1-Procedural/legal requirements

Issue-Whether the Council has complied with the relevant procedural and legal requirements

Plan preparation

- 1.1 Has the Plan been prepared in accordance with the Local Development Scheme in terms of its form, scope and timing?
- 1.2 Have requirements been met in terms of the preparation of the Local Plan, notification, consultation and publication and submission of documents?
- 1.3 Has the preparation of the Local Plan Sites Document (LPSD) complied with the Statement of Community Involvement?

Sustainability Appraisal

- 1.4 How has the Sustainability Appraisal (SA) informed the preparation of the Local Plan at each stage and how were options considered?
- 1.5 How has the SA been reported?
- 1.6 Has the methodology for the SA been appropriate? What concerns have been raised and what is the Council's response to these? Have the requirements for Strategic Environmental Assessment been met?

Habitat Regulations Assessment

- 1.7 How was the Habitats Regulations Assessment (HRA) carried out and was the methodology appropriate?
- 1.8 Was the approach in accordance with recent judgement of the Court of Justice of the European Union (12 April 2018-Case C-323/17) which ruled that it is not appropriate to take account of measures intended to avoid or reduce the harmful effects of a plan or project on a European site at the screening stage as part of the Habitat Regulations Assessment (HRA)?
- 1.9 What were the relevant designated sites considered?
- 1.10 What potential impacts of the Plan were considered? What were the conclusions of the HRA and how has it informed the preparation of the Plan?
- 1.11 What concerns have been raised and what is the Council's response to these? Specifically what is Natural England's position and the Council's response?

Other matters

- 1.12 Has the Council had regard to the specific matters set out in S19 of the 2004 Act (as amended) and Regulation 10?
- 1.13 Does the Plan include policies in relation to the mitigation of and adaptation to climate change? Which?
- 1.14 How have issues of equality been addressed in the Plan?

Matter 2-Duty to Co-operate

Issue-Whether the Council has complied with the duty to co-operate in the preparation of the Local Plan?

General

- 2.1 What strategic, cross-border matters have arisen through the preparation of the Plan?

Housing

- 2.2 Who has the Council engaged with in terms of the overall scale and distribution of housing and what form has this taken?
- 2.3 Does the scale and distribution of housing have any implications for other authorities? If so, what are they and how are these being addressed?
- 2.4 What is the position of neighbouring authorities and elsewhere in terms of the planned scale and distribution of housing in Ryedale?
- 2.5 In overall terms, has the Council engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the Plan? What has been the outcome of co-operation and how has this addressed the issue of housing provision?

Transport Infrastructure

- 2.6 What are the strategic matters and particular issues?
- 2.7 Who has the Council engaged with? When did this engagement begin, has it been active and ongoing and what form has it taken?
- 2.8 What discussions have taken place with Highways England regarding the potential effect of the Plan in terms of the strategic road network? Are there any outstanding concerns and if so, how is it intended to resolve them?
- 2.9 In overall terms, has the Council engaged constructively? What has been the outcome of co-operation and how has this addressed the issue?

Other strategic matters

- 2.10 What are the other strategic matters and particular issues?
- 2.11 Who has the Council engaged with? When did this engagement begin, has it been active and ongoing and what form has it taken?
- 2.12 In overall terms has the Council engaged constructively? What has been the outcome of co-operation and how has this addressed the issue?

Matter 3-Housing

Issue-Whether the proposed site allocations are justified, effective and consistent with national policy and the Local Plan Strategy (LPS)?

Relevant policies: SD1-SD11

N.B In responding to the questions on site allocations the Council should identify and address specific key concerns raised in the representations e.g. in terms of adverse impacts, delivery etc.

Existing residential commitments-Policy SD1

- 3.1 What is the rationale for including existing commitments in Policy SD1? What is the justification for including the sites in Policy SD1 as opposed to allocating them?
- 3.2 How did the Council decide which residential commitments to include in Policy SD1? Are the sites shown on the Policies map as existing residential commitments up-to-date?
- 3.3 If a planning permission expires, is it still allocated for residential development for the remainder of the plan period?
- 3.4 How would the Council assess a proposal for a revised or alternative development?
- 3.5 Are all of the sites developable within the Plan period?

Site selection process

- 3.6 Has the site selection process for housing allocations been based on a sound process of sustainability appraisal and the testing of reasonable alternatives?
- 3.7 Is the methodology appropriate? Was an appropriate selection of potential sites assessed?
- 3.8 Are the reasons for selecting the preferred sites and rejecting others clear and justified?
- 3.9 Is the approach of allocating housing sites within Mineral Safeguarding Areas set out in the Minerals and Waste Joint Plan (Publication Draft) justified, effective and consistent with national policy?
- 3.10 What criteria would be used to assess an application for a proposal for housing in a proposed Mineral Safeguarding Area?
- 3.11 Are all sites viable? How has viability been considered as part of the preparation of the Plan?
- 3.12 How was the spatial distribution of housing allocations determined? Is the spatial distribution consistent with Policies SP1 and SP2 of the LPS?

Residential Land Allocations in Malton and Norton-Policies SD2/SD3/SD4

- 3.13 The following questions apply to each of the housing sites in the Malton/Norton (SD2/SD3/SD4).
 - a. What is the background to the site allocation? How was it identified and which options were considered?

- b. What is the scale and type/mix of uses proposed?
- c. What is the basis for this and is it justified?
- d. How were the site areas and dwelling capacities determined? Are the assumptions justified and based on available evidence having regard to any constraints and the provision of necessary infrastructure?
- e. What is the current planning status of the site in terms of planning applications, planning permissions and completions/construction?
- f. What are the benefits that the proposed development would bring?
- g. What are the potential adverse impacts of developing the site? How could they be mitigated?
- h. How is the site affected by flood risk? How has this been taken into account in allocating the site? How have the sequential and, if necessary, exception tests been applied?
- i. What are the infrastructure requirements/costs and are there physical or other constraints to development? How would these be addressed?
- j. How have the effects of the allocations been considered on the strategic and local road network?
- k. Is the development proposed viable and deliverable within the plan period?
- l. Are the development principles effective, justified and consistent with national policy?

Policy SD3 Land to the east of Beverley Road, Norton

- 3.14 Is there evidence to demonstrate that the provision of the link road is deliverable?
- 3.15 Is the requirement for a MOVA system at the junction of Scarborough Road and Westfield Way justified?

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

- 3.16 Have plans been put in place for the relocation of the Council offices? What are the timescales for relocation? Is an alternative site(s) secured?

Residential Land allocations in Local Service Centres (Market Towns)(Pickering, Kirkbymoorside) (SD2/SD5/SD6/SD7/SD8/SD9)

- 3.17 The following questions apply to each of the housing sites in the Local service centres (market towns) (Pickering) (SD2/SD5/SD6/SD7/SD8/SD9).
 - a. What is the background to the site allocation? How was it identified and which options were considered?
 - b. What is the scale and type/mix of uses proposed?
 - c. What is the basis for this and is it justified?
 - d. How were the site areas and dwelling capacities determined? Are the assumptions justified and based on available evidence having regard to any constraints and the provision of necessary infrastructure?
 - e. What is the current planning status of the site in terms of planning applications, planning permissions and completions/construction?
 - f. What are the benefits that the proposed development would bring?
 - g. What are the potential adverse impacts of developing the site? How could they be mitigated?

- h. How is the site affected by flood risk? How has this been taken into account in allocating the site? How have the sequential and, if necessary, exception tests been applied?
- i. What are the infrastructure requirements/costs and are there physical or other constraints to development? How would these be addressed?
- j. How have the effects of the allocations been considered on the strategic and local road network?
- k. Is the development proposed viable and deliverable within the plan period?
- l. Are the development principles effective, justified and consistent with national policy?

Residential Land allocations in Local Service Centres (Service Villages) (Amotherby, Slingsby)(Policies SD10/SD11)

- 3.18 The following questions apply to each of the housing sites in the Local service centres (Service Villages) (Amotherby; Slingsby) (SD10/SD11).
- a. What is the background to the site allocation? How was it identified and which options were considered?
 - b. What is the scale and type/mix of uses proposed?
 - c. What is the basis for this and is it justified?
 - d. How were the site areas and dwelling capacities determined? Are the assumptions justified and based on available evidence having regard to any constraints and the provision of necessary infrastructure?
 - e. What is the current planning status of the site in terms of planning applications, planning permissions and completions/construction?
 - f. What are the benefits that the proposed development would bring?
 - g. What are the potential adverse impacts of developing the site? How could they be mitigated?
 - h. How is the site affected by flood risk? How has this been taken into account in allocating the site? How have the sequential and, if necessary, exception tests been applied?
 - i. What are the infrastructure requirements/costs and are there physical or other constraints to development? How would these be addressed?
 - j. How have the effects of the allocations been considered on the strategic and local road network?
 - k. Is the development proposed viable and deliverable within the plan period?
 - l. Are the development principles effective, justified and consistent with national policy?

Matter 4-Housing Supply and Delivery

Issue: Whether the approach towards the supply and delivery of housing is justified, effective and consistent with national policy?

Relevant policies: SD1-SD11

Housing supply and delivery

- 4.1 What is the estimated total supply of new housing in the plan period 2012-2027 and how does this compare with the planned level of provision.
- 4.2 What is the estimated total supply in the plan period from:
 - a) completions since 2012
 - b) existing planning permissions
 - c) other commitments e.g. sites subject to S106
 - d) proposed site allocations
 - e) Other sources i.e. windfalls?
- 4.3 What are the assumptions about the scale and timing of supply and annual rates of delivery from these various sources? Are these realistic? How do they compare to previous rates?
- 4.4 How has flexibility been provided in terms of the supply of housing? Are there other potential sources of supply not specifically identified? Can this be quantified?
- 4.5 Has there been a persistent under delivery of housing since 2012? In terms of a buffer for a five year supply of housing sites, should this be 5% or 20% in relation to paragraph 47 of the NPPF?
- 4.6 How would any shortfall since 2012 be dealt with?
- 4.7 What would the requirement be for a five year supply including a buffer and accommodating any shortfall since 2012?
- 4.8 In overall terms would the Plan realistically deliver the number of houses required over the plan period?

Mix of housing

- 4.9 Does the LPSD address the need for different types of housing and the needs of different groups in the community as required by Policy SP4 (Type and Mix of New Housing) and Policy SP3 (Affordable Housing) of the LPS?

Gypsies and travellers

- 4.10 Policy SP5 of the Local Plan Strategy commits the Council to identifying land for additional Gypsy and Traveller pitches if an updated assessment reveals a requirement. Is the existing site at Tara Park sufficient to meet identified need? How would the Council deal with an application to meet any additional need arising over the Plan period?

Matter 5-Land for Employment Uses

Issue: Whether the Plan is justified, effective and consistent with national policy and the LPS in relation to the supply and distribution of employment land?

Relevant Policies: SD 12, SD 13.

NB In responding to the questions on site allocations the Council should identify and address specific key concerns raised in representations e.g. in terms of adverse impacts, delivery etc

Employment land requirement and provision

- 5.1 What is the evidence in relation to employment land and employment related development? What does it show?
- 5.2 What approach has been taken to employment land and employment related development? Is this approach justified?
- 5.3 What is the situation regarding existing commitments and any identified residual need?
- 5.4 Does the Plan provide sufficient land to meet identified employment need in the broad locations identified in Policy SP6 of the LPS?
- 5.5 Do the commitments and allocations provide sufficient flexibility to help deliver the spatial strategy in the LPS?
- 5.6 How is the release of employment land to be phased?

Site Selection Process

- 5.7 Has the site selection process for employment allocations been based on a sound process of sustainability appraisal and the testing of reasonable alternatives?
- 5.8 Is the methodology appropriate? Was an appropriate selection of potential sites assessed?
- 5.9 How were the site areas and capacities determined? Are the assumptions justified and based on available evidence?

Existing Employment Commitments (Policy SD 12)

- 5.10 What is the current status of the sites in terms of planning applications, planning permissions and completions/construction?
- 5.11 What is the justification for including existing commitments in Policy SD12 as opposed to just allocating them? Against which criteria would a revised or alternative proposed development be considered?

New Employment Land Allocations (Policy SD 12)

- 5.12 The following questions apply to each of the employment sites:
 - Land to the south of Thornton Road Industrial Estate
 - Broad location: Land to the north of the A64 and to the east of the A169, Malton
 - a. What is the background to the allocation? How was it identified and which options were considered?
 - b. What is the current planning status of the site in terms of planning applications, planning permissions and completions/construction?
 - c. How was the site area and capacity determined? Are the assumptions

- justified and based on available evidence having regard to any constraints and the provision of necessary infrastructure?
- d. What are the potential adverse impacts of the allocation and how could these be mitigated?
 - e. What are the infrastructure requirements/costs and are there physical or other constraints to development? How could these be addressed?
 - f. Is the development proposed viable and deliverable within the Plan period?
 - g. What is the expected timescale and rate of development and is this realistic?
 - h. Against which criteria would an application for employment development or alternative development be assessed?

5.13 **Broad location: Land to the north of the A64 and to the east of the A169, Malton**

- a. Is the identification of a broad location justified as opposed to detailed site boundaries?
- b. Are the criteria effective, justified and consistent with national policy?

Expansion land for Existing Employers (Policy SD13)

Relevant Policy SD13

The following questions apply to each of the sites:

- Land to the south of Sylatech, Kirkbymoorside
- Land to the south of Malton Foods (Zwanenberg), Amotherby
- Land to the north of BATA, Amotherby

5.14

- a. What is the background to the identification of the site for expansion land? How was it identified and which options were considered?
- b. What is the current planning status of the site in terms of planning applications, planning permissions and completions/construction?
- c. How was the site area and capacity determined? Are the assumptions justified and based on available evidence having regard to any constraints and the provision of necessary infrastructure?
- d. What are the potential adverse impacts of the allocation and how could these be mitigated?
- e. What are the infrastructure requirements/costs and are there physical or other constraints to development? How could these be addressed?
- f. Is the development proposed viable and deliverable within the Plan period?
- g. What is the expected timescale and rate of development and is this realistic?
- h. Against which criteria would an application for expansion be considered against?
- i. Against which criteria would an application for other employment development or alternative development be assessed?

Malton Foods, Amotherby

- a. How has the effect of the allocation on the Area of Outstanding Natural Beauty been considered?

Matter 6-Land for Retailing

Issue: Whether the Plan is justified, effective and consistent with national policy and the LPS in relation to the provision of land for retailing?

Relevant Policy SD14

Existing Retail Commitments (Policy SD14)

- 6.1 Is the approach set out in Policy SD14 of supporting existing commitments effective, justified and consistent with national policy?
- 6.2 What is the justification for including existing commitments in Policy SD14 as opposed to allocating them? Against which criteria would a revised or alternative proposed development be considered?
- 6.3 What is the situation regarding existing commitments and any identified residual need?
- 6.4 What is the current planning status of the sites?
- 6.5 Are the sites suitable, available, justified, sustainable, developable, deliverable and viable?
- 6.6 What is the background to the identification of the broad location of the Northern Arc? Is the approach of identifying a broad location as opposed to detailed site boundaries effective, justified and consistent with national policy?
- 6.7 How is it envisaged that the sites will be brought forward within the Northern Arc?
- 6.8 Overall, does the LPSD provide sufficient land to meet the identified quantitative and qualitative need for retail in the broad locations identified in Policy SP7 of the LPS?
- 6.9 If not, what are the implications of not meeting the quantitative and qualitative need for retail?

Matter 7-Specific Sites: Flamingo Land/National Agri-Food Innovation Campus (NAFIC) (Policy SD15)

Issue-Whether the proposed specific site allocations are justified, effective and consistent with national policy and the Local Plan strategy?

Relevant policy SD15

NB In responding to the questions on site allocations the Council should identify and address specific key concerns raised in representations e.g. in terms of adverse impacts, delivery etc

The following questions apply to each of the sites:

- Flamingo Land
- National Agri-Food Innovation Campus (NAFIC)

- 7.1 a. What is the background to the site allocations? How were they identified and which options were considered?
b. What is the current planning status of the site in terms of planning applications, planning permissions and completions/construction?
c. How were the site areas and capacities determined? Are the assumptions justified and based on available evidence having regard to any constraints and the provision of necessary infrastructure?
d. What are the potential adverse impacts of the allocation and how could these be mitigated?
e. What are the infrastructure requirements/costs and are there physical or other constraints to development? How could these be addressed?
f. Against which criteria would a proposal for expansion of an existing employer be assessed?
g. How would a proposal for an alternative use be considered?
h. Is the development proposed viable and deliverable within the Plan period?

Matter 8-Visually Important Undeveloped Areas (VIUAs) (Policy SD16)

Issue- Whether the Visually Important Undeveloped Areas (VIUA) are justified, effective and consistent with national policy and the Local Plan strategy?

Relevant Policy: SD16

NB In responding to the questions on VIUAs the Council should identify and address specific key concerns raised in representations.

- 8.1 What is the background to the designation of VIUAs?
8.2 What is the role/purpose of the VIUAs?
8.3 Has the site selection process for including land within VIUAs been based on a sound process and the testing of reasonable alternatives?
8.4 What were the key factors taken into account when deciding to include or exclude land from the VIUAs?
8.5 How were the detailed site boundaries determined?
8.6 Against which criteria would a proposal within a VIUA be assessed?

