

# Local Plan Publication Stage Representation Form

## The Ryedale Plan: Local Plan Sites Document and Policies Map

For Office Use Only
Date received
Ref. No.
Acknowledged

Please return the completed form by 4.30pm on Friday 22 December 2017 to:

Jill Thompson  
Specialist Place Team  
Ryedale District Council,  
Ryedale House,  
Malton,  
North Yorkshire,  
YO17 7HH

This form can be filled in electronically and e-mailed to:  
[localplan@ryedale.gov.uk](mailto:localplan@ryedale.gov.uk)  
we have also published an online form at:  
[www.ryedaleplan.org.uk/local-plan-sites-publication](http://www.ryedaleplan.org.uk/local-plan-sites-publication)

This form has two parts:

- Part A – Personal Contact Details.
- Part B – Your representation(s). Please fill in a separate sheet for each representation.

### PART A

#### 1. Personal Details\*

\* If an agent is appointed, please complete only the Title, Name, and Organisation boxes below but complete the full contact details of the agent in 2.

#### 2. Agent's Details

(If applicable)

<b>Title</b>		MR
<b>First Name</b>		JONATHAN
<b>Last Name</b>		DUNBAVIN
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<b>E-mail address</b>		

## PART B - Please use a separate sheet for each representation

Name or Organisation BEDE HOMES LTD

3. To which part of the document or map does this representation relate?

Please tick the document and indicate the specific policy, paragraph, table or map you are commenting upon.

Policy	<input type="text" value="SD2"/>
Paragraph/Table	<input type="text"/>
Policies Map	<input type="text"/>

4. Do you consider the document is:  
Please tick as appropriate

- |   |                              |  |
|---|------------------------------|--|
| a. Legally Compliant                    | Yes <input type="checkbox"/> | No <input type="checkbox"/>            |
| b. Sound                                | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| c. Complies with the Duty to Co-operate | Yes <input type="checkbox"/> | No <input type="checkbox"/>            |

Please see next page to fill in your comments

5. Please give details of why you consider the document is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the document or its compliance with the duty to co-operate, please use this box to set out your comments.

POLICY SD2 - FORMER WOOLGROWERS SITE, PARK ROAD, NORTON  
SHOULD BE ALLOCATED FOR RESIDENTIAL DEVELOPMENT FOR CIRCA  
50 DWELLINGS  
SEE DETAILED JUSTIFICATION IN THE REPRESENTATION STATEMENT  
ATTACHED.

6. Please set out what modification(s) you consider necessary to make the document legally compliant or sound, having regard to the matter you have identified at question 5 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the document legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

ALLOCATION OF FORMER WOOLGROWERS SITE, PARK ROAD, NORTON  
SEE DETAILED REPRESENTATION STATEMENT ATTACHED

*Please Note: Your representation should cover succinctly all the information, evidence and supporting information necessary to support / justify the representation and the suggested modification as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.*

**After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he / she identifies for Examination.**

7. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the Examination?

**No**  
I do not wish to participate at the oral part of the Examination

**Yes**  
I wish to participate at the oral part of the

8. If you wish to participate at the oral part of the Examination, please outline why you consider this to be necessary:

TO SET OUT THE REASONS/EVIDENCE AS TO WHY THE SITE CONSTRAINTS CAN BE OVERCOME AND THE COUNCIL'S CONCERNS ADDRESSED.

**Please Note:**

The Inspector will determine the most appropriate procedure to adopt to hear who have indicated that they wish to participate at the oral part of the Examination.

**Signature**

If you are filling in this form electronically by typing your name in this box you are stating to the best of your knowledge all the above information is correct

**Signature**



**Date**

20/12/17

**Data Protection:**

Ryedale District Council is a registered data controller, with the Information Commissioner's Office, as defined by the Data Protection Act 1998. By submitting your details to the Council you are consenting to your information being used for the preparation of the Ryedale Plan Local Plan Sites Document and Policies Map. Please be aware that representations made at Publication Stage cannot remain anonymous. Your response, including your name and address will be made available to view on the website and as part of the examination in public. However, the Council will redact your email address, phone number and signature before your representations are made publically available. Ryedale District Council will need to share you details with the planning inspector appointed to examine the documents, however, the Council will not pass your information onto other third parties unless it has a legal obligation to do so (ie crime prevention). Please be aware that RDC officers may need to contact you as part of this consultation process and a Programme Officer assisting the Planning Inspector may need to contact you as part of the examination process. For further information or clarification on this matter please contact Jill Thompson on 01653 600 666 ext 327 .

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Dated: December 2017



**Representations to the  
Ryedale Local Plan Sites Document  
Publication Version**

On behalf of

Bede Homes Ltd

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## CONTENTS

	<b>PAGE NO</b>
1.0 Introduction and Site Description.....	1
2.0 Representations to the Local Plan Sites Document .....	3



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## 1.0 Introduction and Site Description

- 1.1 These representations are made on behalf of Bede Homes Ltd who have an option / interest in relation to the former Woolgrowers site, off Park Road in Norton (Site Ref: 121).
- 1.2 The site comprises brownfield land and lies within the settlement limits of Malton / Norton, which is identified as Ryedale's principal town and the main location for housing and employment growth as identified in Policy SP1 (General Location of Development and Settlement Hierarchy).
- 1.3 The Local Plan Sites document identifies two residential allocations within Norton and Malton:-
  - *Land to the east of Beverley Road (24.29 ha) – 600 dwellings (540 in the plan period)*
  - *Land at Old Maltongate (Ryedale House Site) (1.44 ha) – 60 dwellings*
- 1.4 The majority of the housing need for Malton / Norton is therefore proposed to be delivered on a greenfield site on the edge of Norton. The Ryedale House site comprises brownfield land but currently lies outside the settlement limits.
- 1.5 Despite the former Woolgrowers site comprising brownfield land within the settlement limits of Malton / Norton and in close proximity to Malton town centre, this site has not been identified as a proposed housing allocation as the Council consider that concerns relating to flood risk, access and contamination cannot be mitigated.
- 1.6 This representation statement seeks to support the Council in preparing a sound Local Plan and demonstrate that the identified site constraints can be mitigated such that the site can deliver housing within the proposed plan period and should therefore be duly allocated for residential development.

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## 2.0 Representations to the Local Plan Sites Document Publication Version

2.1 Paragraph 182 of the NPPF states that for a plan to be sound it should be:-

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

### Policy SD2 – Residential Land Allocations

2.2 Policy SD2 sets out the sites which are proposed to be allocated for residential development. In the Principal Town of Malton and Norton two proposed sites are identified:-

*Land to the east of Beverley Road (24.29 ha) – 600 dwellings (540 in the plan period)*

*Land at Old Maltongate (Ryedale House Site) (1.44 ha) – 60 dwellings*

2.3 Whilst we have no objection in principle to the proposed allocation of the Beverley Road site or the Ryedale House site, it is maintained the Woolgrowers site should also be allocated for residential development as a suitable brownfield site within the settlement limits of Malton / Norton.

2.4 The Council's assessment of the Woolgrowers site in the Malton / Norton Background Paper raises concerns regarding flood risk, contamination and access into the site. On this basis, the second stage of the Council's assessment of the site concludes there is no reasonable prospect / it is very unlikely that concerns identified at stage 2 of the Site Selection Methodology can be mitigated.

2.5 The Council's conclusions are not based on detailed technical reports that have been prepared specifically in relation to this site, only general constraints have been identified.

2.6 Bede Homes Ltd have commissioned technical consultants to undertake an appraisal of the site in relation to the main issues of flooding / drainage and accessibility, as well as ecology, to provide detailed evidence to determine

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whether, contrary to the Council's conclusions, the site is deliverable (available now, suitable location for development and a realistic prospect of delivery).

*Flood Risk*

- 2.7 Weetwood Services Ltd have undertaken an appraisal of Flood Risk and a Flood Risk Sequential Assessment of the site. The appraisal notes that the majority of the site lies within Flood Zone 3 based on the EA Maps and that the EA instigated a flood alleviation scheme for the town which was completed in 2002. The EA Flood Map shows the extent of flooding which is expected to occur in the absence of any flood defences. Where flood defences are known to provide a 1 in 100 standard of protection or better, the defended areas are indicated on the flood map.
- 2.8 Tabulated information provided to Weetwood by the EA suggests the Malton Flood Alleviation Scheme has a stated design standard of protection of 1 in 50, yet data from the Malton Data Improvement Study suggests the actual standard of protection is higher, approximately to a 1 in 100 level.
- 2.9 The site is located between 100 and 250 metres from the flood defences, and it is highlighted that defended areas are at risk of flooding in the event that the flood defences 'fail' given a failure or breach of defences can result in a large impact. Mitigation would be proposed to address a potential breach / failure of these defences in this instance.
- 2.10 To take into account climate change it is proposed that compensatory flood storage would ensure that flood risk is not increased elsewhere. This would be in addition to raising ground levels.
- 2.11 As the site is located within Flood Zone 3 it is necessary to address the sequential test and for the site to be acceptable, it should be demonstrated that there are no (available and deliverable) alternative sites capable of accommodating the proposed development at a lower risk of river flooding in a search area defined by the local planning authority.
- 2.12 Weetwood have undertaken a sequential assessment which concludes the Woolgrowers site is the only site within the appropriate size parameters and geographical area which meets the flood risk sequential criteria of availability and deliverability.
- 2.13 Whilst the site is at risk of flooding, the sequential test is met and mitigation measures can address this. Mitigation would be in the form of a package of measures, likely to include:-
- The provision of ground floor voids within buildings
  - First floor levels raised above the modelled 1 in 100 annual probability event plus an appropriate climate change allowance and a freeboard allowances
  - No sleeping accommodation at ground floor level
  - Flood reliance design / construction
  - The development of a Flood Management Plan

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- 2.14 In this regard the flood risk associated with the site can be mitigated and would conform with the supporting text to adopted Policy SP1 which states that the Strategy will look to locate development outside of areas at risk of flooding, but this must be balanced with a need to ensure development is located in accessible locations. The supporting text states that it is for these reasons, the re-use of central brownfield sites will be encouraged for appropriate uses and in accordance with national policy on flooding.

*Access / Highways*

- 2.15 Optima Highways have undertaken a site access appraisal of the site. The assessment confirms the site can be accessed from Park Road and taking into account existing constraints it is concluded that a development of circa 50 dwellings can be supported in highways terms. On the basis of this appraisal, it is confirmed that a suitable access solution can be achieved and therefore concerns highlighted by the Council with regard to the site access can be adequately addressed.

*Ecology*

- 2.16 An ecological appraisal has been undertaken by MAB Environment and Ecology Ltd. The appraisal confirms the site is predominantly hardstanding, surrounded by poor semi-improved grassland of low biological interest. There is a woodland area to the north west of the site, and tree line and scrub boundaries, which are generally species poor. These areas are deemed to be of high value for nesting birds, but will be retained as part of the development of the site.

*Contamination*

- 2.17 Whilst the site is expected to have some contamination, there is no evidence that the site cannot be remediated and as such this is not considered to be a constraint to development.

**Conclusion**

- 2.18 The Council's assessment of the site concludes that the concerns identified regarding flood risk, contamination and access cannot be mitigated. Bede Homes Ltd have sought professional advice on these matters and consider that these matters can be successfully mitigated. On this basis, it is concluded the site is deliverable and developable, contrary to the Council's site assessment conclusions.
- 2.19 In accordance with the balanced approach adopted in Policy SP1 of the strategy document, which seeks to prioritise the allocation of deliverable and developable brownfield land. In the aspirations and strategy for Malton / Norton at paragraph 3.16, it is noted there are brownfield sites in the town which are underused, vacant or derelict and detract from the appearance of the town. Whilst it is suggested that many of these sites are constrained for a number of reasons, in the case of the Woolgrowers site, Bede Homes Ltd have sought

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professional advice and on the basis of this advice, it is maintained the identified constraints can be overcome to deliver a scheme of circa 50 dwellings.

- 2.20 Paragraph 3.16 of the adopted strategy document states that the strategy will, in accordance with national policy, look to locate development outside of areas at risk of flooding, but that this must be balanced with a need to ensure development is located in accessible locations. Whilst the majority of the site lies within Flood Zone 3, Weetwood have confirmed that flood risk matters can be addressed and as such effective use should be made of this centrally located brownfield site.
- 2.21 In addition, the Council is relying on the majority of the housing need for Malton / Norton being met from one site. This presents a risk that the need will not be met if the site does not come forward as expected or fewer dwellings are delivered. There is only one other small site proposed to be allocated. The allocation of the Woolgrowers site will therefore provide additional choice and flexibility in the supply of housing in this area. It will also assist in ensuring the housing need for Malton / Norton is met in the event the two proposed housing allocations do not come forward as expected.

#### **Proposed Amendment to Policy SD2**

- 2.22 On the basis of the preceding assessment of the former Woolgrowers site (Site Ref: 121) it is maintained the site is deliverable and developable. The allocation of this centrally located brownfield site is therefore justified and would accord with adopted strategy policy SP1.
- 2.23 The allocation of the site would also provide flexibility and choice in the supply of housing and ensure the housing need for Malton / Norton is met. The allocation of the former Woolgrowers site will therefore ensure the plan is effective.
- 2.24 For the plan to be sound, the following amendment to Policy SD2 should be made:-
- *Land at the former Woolgrowers site, Park Road, Malton (4.5ha) – circa 50 dwellings*
- 2.25 The proposed amendment will result in a plan that is effective and justified in relation to meeting the proposed housing need for Malton / Norton and prioritising the development of brownfield land in accordance with national planning policy.