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# FREETHS

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**For the attention of James Draper**

Programme Officer  
The Ryedale Plan - Local Plan Sites Document  
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2 October 2018

Our Ref: PJB/1242/2069778/14/HBH

Dear Mr Draper

**RE: THE RYEDALE PLAN – LOCAL PLAN SITES DOCUMENT  
EXAMINATION HEARINGS – MATTER 8 – VISUALLY IMPORTANT UNDEVELOPED AREAS  
(POLICY SD16) REPRESENTATIONS ON BEHALF OF COMMERCIAL DEVELOPMENT  
PROJECTS AND FITZWILLIAM TRUST CORPORATION**

I refer to the above and in advance of the hearing session tomorrow I set out below an overview of our client's representations, in so far as they relate to the "soundness" of the emerging Local Plan Sites Document.

I have attached to this letter a short summary of the related landscape and visual case (prepared by Influence Landscape Architects) and the built heritage case (prepared by Cotswold Archaeology). The respective summaries are intended to assist the hearing session by focusing on the key elements of the information that we have submitted to date during consultation on both the Preferred Options Document in 2015 and the Publication Draft in 2017.

Put simply the 2015 representations deal with a number of issues including the proposed allocation of land at Peasey Hills East (site no. 324) for residential development and a number of technical studies were undertaken to support that including a Landscape and Visual Appraisal prepared by FPCR Landscape Architects which was appended to the submitted "Statement of Delivery". Ultimately the Preferred Options Document concluded that the site was suitable for residential development, albeit the grant of a number of planning permissions in the District had over time eroded the need for the Local Plan Sites Document to allocate further land for residential development and, as a result the Publication Draft in 2017 did not take the allocation forward.

Against the background of the above the local planning authority have performed somewhat of a volte face in respect of the land at Peasey Hills East by proposing its designation as a Visually Important Undeveloped Area (VIUA) in the 2017 Publication Draft Plan. Not only is this difficult to understand given the comments in respect of the site's potential for residential development at Preferred Options stage but the position is further confused by the fact that the land was not

proposed as a VIUA in the Identification and Review of Visually Important Undeveloped Areas in 2016. In respect of the latter the local planning authority had at that time concluded that the land at Peasey Hills East simply did not meet the necessary criteria for such designation.

For the reasons set out in our representations on the 2017 Publication Draft the designation of land at Peasey Hills East as a VIUA is not “justified” or “consistent with national policy” and, as such the Local Plan Sites Document cannot be considered to be “sound” in the context of Paragraph 182 of the National Planning Policy Framework (NPPF) 2012.

The short point as is reflected in the attached landscape and visual and built heritage notes is that the land at Peasey Hills East has limited value in landscape terms and more importantly, given that the main reason for the proposed designation appears to be heritage based, makes at best a neutral contribution to the setting of heritage assets in Old Malton and at worst a negative contribution. In any event taking account of the Historic England guidance on The Setting of Heritage Assets 2017 the designation is unfounded and should be removed from the Plan.

I trust that the above and attached is helpful and look forward to discussing further at the hearing session tomorrow.

Yours sincerely



Paul Brailsford  
Partner  
Planning and Environment Group  
Please respond by e-mail where possible



## **Landscape & Visual Hearing Statement**

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**Site 324 – Land on Westgate  
Lane, Malton**

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**Date: 02/10/2018**

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## **Introduction**

- 1.1 The purpose of this report is to present to Ryedale District Council and the Inspector, at the examination in Public, of the emerging Local Plan, the responses from a landscape and visual perspective to the proposed designation of Site 324 as a Visually Important Undeveloped Area (VIUA).

## **VIUA Methodology**

- 1.2 In the VIUA background papers in 2015 and 2017, the criteria for defining VIUAs is set out and remains consistent.
- 1.3 Key points of the methodology for defining VIUA are:
- The site must contribute to the form and character of a settlement, including its setting, because of its undeveloped nature and provide some sort of public benefit, i.e. be viewed from public vantage points.
- 1.4 It is determined that the purpose of the VIUAs, in landscape and visual terms, is to protect the character and amenity of settlements, being designated for one or more reasons including making a significant contribution to the character or setting of the settlement and of the six criteria within the following:
- the contribution of the settlement viewed either from publicly accessible view points within the settlement or from the approach roads or paths;
  - the contribution to the overall form and character of the settlement;
  - the extent to which the space provides a vista/viewpoint into the surrounding countryside and;
  - the extent to which the trees, boundary hedges or walls contribute to the character of the space.

## **Local Plan Sites Consultation 2015**

- 1.5 The Local Plan Sites Consultation 2015 goes as far as to say that Site 324 has been identified as one of only four sites, from 35 originally put forward, which has the most potential to deliver the housing. The caveats to its development focus on ensuring that the Conservation Area and the setting of Old Malton are protected. In terms of the significance of the physical landscape features relating to the Strip Fields it is concluded that they have become so degraded and fragmented that their ability as a feature is no longer evident.
- 1.6 As set out in the Residential Site Selection methodology, the site scores within the highest category for:
- Q8 (impact on protect and unprotected trees, hedgerows and ancient woodland) resulting in a positive impact due to the replacement and improvement of screening round and through the site to mitigate the loss of the Strip Field system which is much more intact to the north of Westgate Lane;

- Second highest for Q7 (capacity of the landscape to accommodate the site) resulting in a low landscape sensitivity to being developed due to the modern development adjacent, the modern rectangular fields, the loss of the treed internal field boundaries all resulting in the significance of these fields in the context of the settlement of Malton; and
- Concluding an overall Neutral impact (the proposal will not have an adverse impact on the special qualities, landscape and setting of the settlement) subject to ensuring the setting of Old Malton is retained.

### **Local Plan Sites Consultation 2017**

- 1.7 In 2017, the revised consultation document, amended the rating with respect to Q7 from low to medium sensitivity. The narrative set out in the explanation is the same as 2015 with the additional sentence referring specifically to the alleged contribution the fields make to the setting of Malton and Old Malton.
- 1.8 This addition subsequently impacts the overall conclusion of this part of the assessment, from neutral to significant impact. It seems apparent that this change is directly related to the setting of Old Malton.

### **RDC Identification & Review of VIUA (Consultation Document) 2016**

- 1.9 Within this document land to the north of Westgate Lane and south of the A64 is proposed as a new VIUA (Page 33).
- 1.10 Site 324 is not recommended as a VIUA at this stage.

### **RDC Local Plan Sites Document: Malton & Norton Background Paper**

- 1.11 The Ryedale DC Local Plan Sites Document: Malton and Norton Background Paper is updated in October 2017. Site 324 is dealt with on page 26. The key points from the Site Descriptions are:
- Planning permission has been secured on the field to the west (Site 323);
  - The fields are identified as being part of the Strip Field system, although the ability to read them has become significantly degraded;
  - Approximately 1/3<sup>rd</sup> of the site is in Flood Zone 3;
  - The site is capable of being viewed from the Conservation Area;
  - There is also the need to ensure that there is clear demarcation between Old Malton and the built extent of Malton.
- 1.12 Within the site-specific considerations (page 63) the following points are made:
- At Stage 1 of the assessment process it was confirmed that no likely significant effects would result from the development of the site, as a function of the site's features, proposed mitigation and avoidance features;

- At Stage 2 the site becomes a Group 2 instead of a Group 3 site<sup>1</sup>;
- It is further reiterated that the site is also part of the Strip Field system. However the contribution to the setting of the town has been stymied by the fact that the filed boundaries have been substantially eroded and are not capable of being clearly identified; and therefore
- It is determined that the above classification as a Group 3 site is due to the opinion that the open, undeveloped nature of the area contributes both to the setting of Old Malton Conservation Area and significantly to the significance of the Grade 1 listed St Marys Priory Church which is a dominating feature within the village of Old Malton. This is further substantiated on Page 88.

### **RDC VIUAs Background Paper October 2017**

- 1.13 By October 2017, twelve months since Site 324 was not considered as a VIUA, it is proposed to be designated. This is set out on page 51, however there is no reference to landscape and visual considerations within this proposal.
- 1.14 With respect to the consultation undertaken with regard to VIUAs, set out on page 7, excluding 2009, it was as below:
- A specific VIUA consultation was undertaken in 2016. It prompted responses primarily focused either on support of the proposed sites and support for the inclusion of further VIUAs. Those with an interest in developing the sites were not in support;
  - In response to the site assessment work undertaken, and the representations received, 2 further new VIUAs are proposed in the 2017 document (one being site 324).
- 1.15 There is no indication that these ‘site assessments’ contained landscape and visual studies and this work is not publicly evident. There is an assumption that there is a strong and continual acceptance that the landscape is not a critical component and that positive impacts can result from the development. However, it was considered that the site makes a significant contribution to the character or setting of the settlement of Old Malton, either viewed from publicly accessible viewpoints within the settlement or approach roads or paths.
- 1.16 Appendix 3 of the background paper contains representations made to the Local Plan process and the responses from RDC. Relevant are:
- In response to Sarah Oswalds (page 6, Appendix 3), RDC state ‘*that revaluation of Site 324 by Officers, including the council’s conservation Officers has been undertaken*’ however there is no document setting out this revaluation;
  - It is also stated that it is not considered that the open land contributes to the setting of Malton;
  - It is confirmed by RDC that Site 324 ‘*performed well enough in the appraisal process to be considered as an Option Choice*’;

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<sup>1</sup> Group 2 sites are defined as where it is considered that there is no reasonable prospect/unlikely that concerns identified at Stage 2 can be mitigated or sufficiently mitigated or there are compelling reasons which indicate that the site is not deliverable or developable.

- In response to West Malton Residents Association (page 17, appendix 3) it is stated that *‘the fact that the site were considered option choices in 2015 has not been a factor in the consideration process of whether sites are capable of being a VIUA’*;
- In response to R Bigg (page 18, appendix 3) it is stated that *‘All rural land surrounding a settlement plays a role in contributing to the setting of that settlement, but it does so to varying degrees. In designating VIUAs the LPA needs to identify what sets these distinctive areas of land out from the surrounding settlements, and how they contribute to influencing the settlement character and form’*;
- In response to Gladman Developments Ltd (page 75, Appendix 3) it is stated that *‘Gladman’s misunderstand the purpose of the policy. It is not the purpose of the policy to be a landscape policy and in this respect GLVIA3 Methodology is not relevant’* followed further by *‘it is not a designation which is orientated around landscape, and therefore the relevance of GLVIA3 is not relevant to the purpose of the VIUA designation’* and;
- In response to England Lyle Good Town Planning (page 83, appendix 3) it is stated by RDC *‘The VIUA designations do not encircle settlements. The LPA has received requests to undertake this, but as evaluated carefully where areas of land have a demonstrable significant contribution to the form and character of the settlements and any sensitives within them’*.

## **Conclusion**

- 1.17 The above commentary over the previous consultation periods and through the LPA written responses, leads to the conclusion that the proposed designation of Site 324 as a VIUA (and potentially all VIUA designations) is not based on landscape and visual elements and is purely in response to the alleged impact on the setting of the Old Malton Conservation Area and St Marys Church.

Kildare  
Swineherd Lane  
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4/10/2018

**Caroline Mulloy**

**Matter 3 Housing**

**Issue – Whether the proposed site allocations are justified, effective and consistent with national policy and the local plan strategy (LPS)?**

**Matter 8 Visually Important Undeveloped Areas (VIUAs)**

**Issue – Whether the VIUAs are justified, effective and consistent with national policy and the Local Plan Strategy**

Re SD7 Site 156 Kirkbymoorside

Dear Ms Mulloy,

May I thank you again for giving me the opportunity to speak at the examination of the Ryedale Plan\_ Local Plan Sites Document.

In yesterday's exchanges the disregard of the Local Plan Strategy (LPS) by the RDC was again a feature of their evidence. They did not address at any stage two of the policies of the LPS with which development of site 156 would conflict, namely:

1. 'In accommodating new development of the town (Kirbymoorside) the town retains its North/South axis and form in the landscape'
2. 'Safeguarding long distance views towards and across the town and into the moors.'

They did refer to the third policy, namely 'Avoiding coalescence between Kirkbymoorside and Keldholme/Kirkby Mills', and agreeing that developing site 156 contributed to coalescence, *'but not very much'*. Instead they focused on the issue of the hazards of the A170, and accessibility to the amenities of Kirkbymoorside neither of which issues are policies of the LPS.

They argue that despite these issues site 156 is suitable for development.

In justifying this position they say that they did not consider sites to the south of the A170, because access was too difficult. This is untrue as a quick look at Helmsley Pickering (and Kirbymoorside) would show that all of these towns have development either side of the A170.

They also use the issue of accessibility to the amenities of Kirkbymoorside as a further justification of the merits of site 156 for development. And yet they proposed site 201 (on the Northern edge of the town) for development, and have already approved site 102 on the Western edge of Kirkbymoorside for development. Accessibility does not seem to have been an issue in these decisions.

Their justification for proposing site 156 appears to depend on their view that *'its only a small field'* which *'won't make much of a contribution to the coalescence of Keldholme and Kirkbymoorside'* and its removal from the protection of VIUA status *'won't have much impact on the large VIUA'* from which they propose to remove it. In addition they apparently claim that *'the benefits of the development of site 156 significantly outweigh the loss or damage to the character of the settlement'*. There is no evidence to back up their claim, and I do not think that there would be any difference between site 156 and any other site put forward for development regarding benefits. How one chooses to measure 'the loss or damage to the character of the settlement' I am not sure. But site 156 is a highly visible site, especially from the sports field and the A170. As such I would have thought that the impact on the character of the settlement would be significant

The proposed allocation of site 156 is not consistent with the policies of the LPS.

The proposed removal of the VIUA status of site 156 is not consistent with the LPS.

Alternative sites have been put forward for development which would be more consistent with the policies of the LPS than site156.

I would therefore ask you to instruct the removal of site 156 from the development plan. I believe that as soon as the landowners and developers whose sites have been excluded become aware of the deletion, other proposals would quickly come forward.

Yours sincerely,

A W M Purser