

Examination of the Ryedale Plan- Local Plan Sites Document

Hearing Statement – Ryedale District Council

Statement 5 – Matter 5- Land for Employment Uses

Employment land requirement and provision

5.1 What is the evidence in relation to employment land and employment related development? What does it show?

The evidence for the employment land supply both in terms of quantum and general distribution was produced for the Local Plan Strategy (LPS). As the adopted Strategic Development Plan, it is this document to which the Local Plan Sites Document (LPSD) has been aligned.

5.2 What approach has been taken to employment land and employment related development? Is this approach justified?

The approach to employment land and employment related development in the LPSD reflects the approach set out in the LPS. The provision of employment land, both in the identification of commitments; the proposed allocation at Pickering and the identification of a broad location is a reflection of the LPS requirements overlain by the context of significant permissions granted, and the very modest residual requirement. It is considered that this approach to identify, at Malton and Norton, a broad location for future employment land is an approach which is wholly justified as:

- To allocate more land than the residual requirement would be exceeding the tolerances of the LPS;
- Based on current roll-out of sites, large areas of land identified for employment purposes could become vulnerable to applications for speculative residential development;
- The allocation of further land in excess of plan requirements could be raise conflicts with the Sustainability Appraisal findings and HRA appropriate assessment.
- The identification of a broad location provides the opportunity, in the later Plan Period to bring forward further employment land on a demand-led basis.

5.3 What is the situation regarding existing commitments and any identified residual need?

Please refer to the Council's response to the initial questions, with the following updates:

- A new application is submitted and is under consideration at Malton Enterprise Park, York Road, Malton (18/00400/FUL);
- The application which was under consideration at Malton Enterprise Park, York Road, Malton, at the time of the initial questions, has been approved (18/00303/FUL);
- The application at Norton Grove, Westfield Way (18/00286/MFUL) remains not determined;
- Eden House Road Agri-business park and technology park – a reserved matters application is approved for two buildings comprising six units (18/00243/MREM), and

separate application for an electricity sub-station (18/00496/FUL); and there were applications for the formation of the revised roundabout (16/00412/FUL) retention pond and site infrastructure (16/00251/MREM)

- The Proposed Allocation at Pickering SD12 is a site which has developer interest (Lindum Developments). Lindum hope to purchase and service the site, and are currently progressing further detailed studies. They are aware that the site is not commercially viable without grant assistance and are developing the business case for submission to the LEP in the coming months. The LEP are already aware of the site: and there is an initial allocation of up to £1m set aside to cover abnormal development costs. The Council is aware that there is still work to be done on the detailed business plan, due diligence, detailed state aid advice, amongst other matters.

There remains, however, a healthy supply of land for employment land. The principal commitment at Edenhouse Road, has outline planning approval for 10 years from the date of approval (24 March 2015), to allow a phased roll out of delivery.

There have been no further windfall applications at Malton and Norton which would 'mop up' the residual requirement.

5.4 Does the Plan provide sufficient land to meet identified employment need in the broad locations identified in Policy SP6 of the LPS?

The LPS identifies the quantum and distribution. The LPSD does provide sufficient land to meet that, on the basis of the following matters:

- The Helmsley Plan and the development at Kirby Mills have accounted for the requirement at Helmsley and Kirkbymoorside;
- The proposed allocation at Pickering (at 6.66ha) would be close to meeting in full the employment land requirement of a maximum of 6.75ha at Pickering – this has developer interest together with LEP awareness and support;
- At Malton and Norton the outstanding commitments leave a small shortfall;
- The role of identification of the Broad Location is to provide a strategic steer, rather than commit the Council to identifying an area of land which is likely to result in the planning permission for a larger site than the residual requirement, and which can come forward, later in the plan period. This would provide an employment land supply going forward.
- The LPS provides the policy framework for considering employment sites which come forward for specific business requirements.

5.5 Do the commitments and allocations provide sufficient flexibility to help deliver the spatial strategy in the LPS?

The proposed approach of commitments and allocations does provide sufficient flexibility to help deliver the spatial strategy set out in the adopted LPS. There is also the general strategic approach in SP1 and provisions of the LPS in Policy SP6 to provide a framework for considering specific proposals. The role of the Broad Location is to provide further flexibility at Malton and Norton.

5.6 How is the release of employment land to be phased?

There is no phasing on the employment land in the LPSD. It is to be brought forward as the market requires. There is also no phasing requirement in the adopted LPS. There is serviced land at York Road, and Reserved Matters applications are coming in on the Eden House Road scheme, with Outline Permission for 10 years. The identification of the Broad Location, by its nature, will provide an element of demand-led phasing. At Pickering the single site would meet the employment land requirement of the LPS by providing a serviced site to meet need.

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?

The Council has set out in detail the rationale for the proposed allocation at Pickering and the Broad Location at Malton. It has considered a range of sites submitted, and the documents SD03 (Sustainability Appraisal of Sites Assessment and Policies), with the SSM tables for Pickering, and Malton and Norton Residential and Other uses. The Background Papers (TE02) for Pickering and Malton/Norton provide the narrative of how the proposed sites have been identified, and why other sites have not performed well-enough to be identified within the context of the sites which have already obtained planning permission, and the spatial approach of the LPS.

Applying the evidence outlined in brief above, the Council does not agree with Respondent 1090's assertions regarding spatial approach and the consideration of the site submissions. The site submissions of 665 a-c and 184a-h creating 660a-c have been considered in a both a holistic (as strategic sites) and compartmentalised (broken into smaller sites as denoted by the letters) within the SSM tables. The last submission (660) was, at 105ha, a strategic site in scale, which is simply not compatible with the spatial approach and development quantum as set out in the LPS. A range of site specific issues were identified with the individual components of the site and there are evidenced reasons why the sites were not taken forward set out in the relevant SSMs, background papers and Sustainability Appraisal report.

The LPSD has applied the contextual evidence of planning permissions granted and under construction, within the Plan-period. It should be noted that these sites were in the past submitted through the plan-making process and performed well through the application of the SSM. The sustainability appraisal process led to the identification of better performing sites which relate more favourably to future development requirements. It was therefore not appropriate to identify the sites referenced above.

5.8 Is the methodology appropriate? Was an appropriate selection of potential sites assessed?

It is considered that the Council has made sustainable and appropriate choices on the site selection for employment land, and has provided comprehensive information to justify this approach. The suit of sites was naturally less in range than that submitted for housing, but the adoption of the LPS provided a steer and impetus for landowners at the settlements where employment land allocations would be made. The methodology was the same as that used to appraise the sites considered as part of the Helmsley Plan, and was refined in so far

as considering sites for employment or residential or mixed use, depending on the site submission information. The SSM reflected that for employment land, accessibility would be key. It should be noted that the commitments which have planning permission were also assessed through the SSM, and they performed well. They have been granted planning permission within the context of the application of the LPS. The employment sites which have not been taken forward have in the whole constraints associated with them which make their delivery either contrary to the objectives of the LPS, or the NPPF. The Council would refer parties to the Background Papers, the SSM tables and the SA report which explains in detail why these sites have not been taken forward.

5.9 How were the site areas and capacities determined? Are the assumptions justified and based on available evidence?

See SD03 and TE02 re sites at Malton, Norton and Pickering. The proposed allocation at Pickering has been refined since submission to exclude an area of land, a separate field to the east, which was identified to have specific constraints associated with it concerning flood risk and landscape sensitivity. A development factor (to account for infrastructure) for employment land site areas has not identified. This is because this will vary significantly depending on the proposed uses (B1-B8) in influencing the layout, car parking, and general infrastructure. This is also one of the reasons why the broad location was so identified. It is a site which has overhead power lines and a need to consider surface water management to ensure no adverse impacts on the integrity of the River Derwent. As such a comprehensive, coordinated development would be expected on this site, rather than simply allocating the residual requirement with no consideration to the overall developability of the site.

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? [Application references](#)

Please see the Council's response to the initial questions. The following updates are that:

- A new application is submitted and is under consideration at Malton Enterprise Park, York Road, Malton.
- The application which was under consideration for development at Malton Enterprise Park, York Road, Malton, at the time of the initial questions, has been approved.
- The application at Norton Grove, Westfield Way remains not determined.
- The Proposed Allocation at Pickering SD12 is a site which has both developer interest and is subject to LEP support to assist in bringing the site forward.
- Eden House Road Agri-business park and technology park – the reserved matters applications are approved for a building, and an electricity sub-station.

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?

The Council chose to identify them as commitments, for the following reasons:

There is a near 6-year lag time from the LPS plan-period commencement to the submission of the Sites Document. This has resulted in:

- A series of significant planning permissions in place, and which are being built out.
- The Helmsley Plan sites are allocated.
- There has been development completed at Kirkbymoorside which meets the residual requirement at that settlement in the LPS.
- Pickering employment land is identified as an allocation because the planning permission with a decision in principle was not secured due to the applicant's change in business strategy, so the s.106 remains unsigned. A new developer is interested in the site, and through the planning application the LEP has identified a need to support the servicing of the site due to the abnormal costs of dealing with the contamination and surface water management.

For those sites which are identified as commitments, Policy SP6, of the LPS, aligned with other relevant policies of the LPS, would be applied in the event of alternative uses, as the majority of the sites (save for the small site in Norton at Westfield Way) are being built out.

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?

- Land to the south of Thornton Road Industrial Estate came later in the site assessment process (although prior to the Sites Consultation of 2015). It represented a key opportunity as the land is contaminated and it is a brown field site which had not retained its strip fields. It is also directly to the south of the established Thornton Road Industrial Estate. Land submitted for employment land had been relatively low at Pickering. Those that had been submitted were part of the strip field system or close to residential development. With some modification of the site extent, this area was supported by a range of consultees, and performed very well through the sustainability appraisal process.
- Broad location: Land to the north of the A64 and to the east of the A169, Malton. The sites to which this area broadly relates were sites 578 and 579, and they were consulted upon in the 2015 Sites Consultation as the preferred sites for employment land- noting that permission had been granted earlier that year for the Eden House Road Agri- Business Park. They are the two sites closest to the A169, thus relating well to the adjacent under construction agri-business park, and are within the same ownership as the land on which the agri-business park is being undertaken. The site submitter has provided some key technical evidence around the site's deliverability and developability. There are, however, some outstanding areas of sensitivity, which have been reflected in Representor 1028's representation concerning the potential for archaeology; the submission of detailed information about the surface water drainage, and the implications for the River Derwent SAC; the specific details of accessing the A169 and need to consider the proximity of the A64 junction.

There were also no alternatives which provided a parcel of suitably well-related land to existing employment land. The land to the west of York Road Industrial Estate has been identified as being unable to come forward due to lack of acceptable access.

This is set out in the SSM (Malton and Norton Other) SD03 and Background Paper for Malton and Norton (TE02).

b. What is the current planning status of the site in terms of planning applications, planning permissions and completions/construction?

- Land to the south of Thornton Road Industrial Estate:
This site remains subject to a minded to approve application. The s.106 currently remains unsigned.
- Broad Location: Land to the north of the A64 and to the east of the A169, Malton
No planning application has been submitted on the site. The site submitters are focusing on the delivery of the existing planning permission to the west of the A169, notwithstanding their representations made by representor 1068.

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?

- Land to the south of Thornton Road Industrial Estate:
The capacity is not defined due to the range of uses on employment land. The site area reflects the available area. The site extent was refined to remove an additional field which had constraints identified with it (such as higher flood risk, strip field, landscape setting and setting of the National Park). The site has the capability to feed into the existing industrial estate, and has not raised capacity issues with junctions on the A170. There are no constraints which would impact on the land-take of the site.
- Broad location: Land to the north of the A64 and to the east of the A169, Malton:
The representor 1068 has sought to define the site extent of the broad location to that which references the two site extents of 578 and 579. They consider it would be a “relatively simple revision prior to submission”. However, the Council is of the view that based on the residual requirement, and outstanding matters regarding the delivery of a development on the site, the identification of the broad location provides a steer for future employment land requirements. A future planning application would be made in full cognisance of the site specific matters which the site is subjected to such as the position of the access road, the electricity pylons, the need for surface water management, and those matters which relate to wider plan objectives. These matters are discussed below.

d. What are the potential adverse impacts of the allocation and how could these be mitigated?

- Land to the south of Thornton Road Industrial Estate:
The site provided habitat for Great Crested Newts. The planning application proposes a series of mitigation and avoidance measures to satisfactorily address this. There were no other matters which were identified through the sustainability appraisal that needed active intervention- although the allocation reflects the revised site extent, which removed the ‘eastern limb’ a single strip field to the east, which had

a number of constraints associated with it, which would have had consequential impacts.

- Broad Location: Land to the north of the A64 and to the east of the A169, Malton

There are some outstanding areas of sensitivity and therefore potential impacts, which have been reflected in Representor 1028's representation concerning the potential for archaeology. Although archaeology is not considered to represent an absolute constraint, it nevertheless requires a considered approach to ensuring that any potential archaeology is considered accordingly. The Council has been in discussions with Historic England regarding this matter. The Council have no objections to the inclusion of an appendix which provides a specific framework for the consideration of any archaeology which may be identified on the site. The HRA Appropriate Assessment concluded that there would need to be detailed information about the surface water drainage approach which ensured no adverse implications for the River Derwent SAC, and the specific details of accessing the A169 and need to consider the proximity of the A64 junction.

e. What are the infrastructure requirements/costs and are there physical or other constraints to development? How could these be addressed?

Land to the south of Thornton Road Industrial Estate

There are two key abnormal costs. Due to prior uses the site is subjected to contamination. The remediation of this contamination is a significant cost. The Council is also aware that there is significant infrastructure required concerning surface water management. There is developer interest in the site, and the site has been identified by the LEP to provide support to overcome the abnormal costs.

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

- There are the overhead electricity Pylons, which will require consideration and which could influence layout;
- Archaeological sensitivity- as referenced in representor 1028. Although no archaeology of significance has been identified through the HER, archaeological evaluation of the site will be required;
- Surface water- this is in relation to ensuring that surface water is managed accordingly and in doing so, is undertaken in a manner which does not adversely affect the River Derwent SAC through contamination or alteration of run off rates.

f. Is the development proposed viable and deliverable within the Plan period?

- Land to the south of Thornton Road Industrial Estate

This site is subject to developer interest. This is with knowledge of the site's requirements in terms of developability as a result of the planning application on the site.

There are two key abnormal costs. Due to prior uses the site is subjected to contamination. The remediation of this contamination is a significant cost. The Council is also aware that there is significant infrastructure required concerning surface water management. The site has been identified by the LEP to provide support to overcome these identified abnormal costs.

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

There is a broad location identified, and as such a proposal which comes forward in that area will be made within the context of the development of the land to the west which has outline planning permission, and the policy context of the LPS and the LPSD. The Council is not aware of any identified features which would be capable of significantly harming viability. The site is a Greenfield site, and whilst there will be some site specific considerations, there is no evidence to suggest that they represent barriers to land coming forward in the future.

g. What is the expected timescale and rate of development and is this realistic?

- 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

Concerning both sites, there is no expected timescale. Regarding the land south of Thornton Road Industrial Estate work is on-going to establish the scope of the LEP's support. The Broad Location is providing a strategic steer, should the land be required during the plan period.

h. Against which criteria would an application for employment development or alternative development be assessed?

- 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

Both sites would be considered against policy SD12 in the LPSD and any other relevant policy in the LPSD. Other key policies would be SP1 and SP6 of the LPS, alongside any relevant policies based on the proposed alternative development, and the range of criteria-based policies to assess the impacts on the development on wider plan objectives including, not exclusively: heritage, landscape, ecology and natural resources and generic development issues.

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?

Respondent 1068 has indicated the relative ease of indicating the site extent, and the justification is to provide certainty for investment decisions. As discussed above, there are site-specific and policy context reasons why the Council has chosen to not identify the site

extent, and instead chosen to provide a Broad Location, which it is considered would still provide a clear steer for a future application.

b. Are the criteria effective, justified and consistent with national policy?

The specific criteria were included on the following basis:

First and Third Criteria: The site is Flood Zone1, as such in sequential test terms the site is acceptable. However, Old Malton, a settlement close to the site is subject to incidents of flooding, and as such the impact of surface water runoff would be a particularly important consideration, given also the connection into the River Derwent, and the need to ensure that there is no adverse impacts on the water quality (as identified in the Appropriate Assessment).

The second criterion was added to ensure due regard concerning the positioning of the access point in relation to the A64 junction, and the junctions with Edenhouse Road (for Eden Camp) and roundabout junction which serve the Business Park and Livestock Market and the current Wise House Lane. The modelling work on the A64 junction capacity has identified that the quantum of land in the plan period raise no capacity issues for the A64 in terms of impacts on junctions and through traffic. It is noted that Highways England have accepted the Council's evidence, but have sought to have the PM peak established. This is subject of a separate paper concerning a Statement of Common Ground between the Council and the Highways England.

The fourth criterion: Historic England in their representation (1028) have raised soundness issues concerning the principle of the broad location identified in SD12. This in relation to the site's location within the Vale of Pickering, and area of Archaeological Sensitivity. Whilst there were no identified sensitivities based on the HER and discussions with NYCC Heritage Unit, it was considered nevertheless prudent through the Sustainability Appraisal to make an applicant aware of the potential for archaeological sensitivity. It is however, proposed, that in accordance with the advice of Historic England, that a more detailed framework of evaluation is established at this stage to ensure that any potential harm to any archaeology is minimised. The Council has already indicated in the response to the initial questions that the appendix suggested by Historic England is included as an Appendix 1, and that in connection with this broad location, specific reference in the Development Principles is made to the requirements of that appendix.

Expansion land for Existing Employers (Policy SD13)

5.14 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

a. What is the background to the identification of the site for expansion land? How was it identified and which options were considered?

The three sites referenced above were identified in the 2002 Ryedale Local Plan along with a site in Pickering. The latter has now been built out. Their identification was to support, in principle, expansion, whilst still be in accordance with the wider policies of the Local Plan

and detailed policies accompanied the sites. In 2016 The Council wrote to the businesses concerned and asked if the land continued to be part of the business' long-standing business plans. The companies confirmed that they would indeed be important for those plans, and that their continued identification would be welcomed.

In the 2002 Ryedale Local Plan the sites were identified within Development Limits. It was decided through the Sustainability Appraisal that this would, in policy terms, reduce the capacity to restrict the development to that which is the purpose of the policy, and may raise concerns in the longer term – such as promotions of the sites for housing development.

The wording of the policy also now places reliance on the policies of the LPS to provide a policy framework to consider proposals.

This approach has, perhaps not surprisingly, not been supported by the Landowner (Representor 1083 (SD13)) who seeks to have a greater level of flexibility concerning the use of the site. However, such an approach would be incompatible with providing certainty within the Development Plan. By removing the Development Limits the site/application is considered on a policy-specific basis of the LPSD (within the context of the LPS).

The residential use is not taken forward on the basis that there are better performing sites to meet the residual requirement. The general location of the site (south of the A170) is in general terms contrary to the provisions of Policy SP2 of the LPS which identified preferred general locations for housing in Kirkbymoorside.

b. What is the current planning status of the site in terms of planning applications, planning permissions and completions/construction?

- Land to the south of Sylatech, Kirkbymoorside. Part of the site (eastern extent) has been built on to provide an expansion block to the existing building built in autumn 2017. The rest of the site remains undeveloped.
- Land to the south of Malton Foods (Zwanenberg), Amotherby: No planning applications have been made.
- Land to the north of BATA, Amotherby: No planning applications have been made

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?

The site areas were based on the site extents identified in the 2002 Ryedale Local Plan. The site would be for employment land, and for the businesses referred to. As no specific proposals are identified, it is expected that the operator/owners would require the infrastructure to link into existing provision. These are Greenfield sites. Compliance with the Policies contained LPS would still be expected.

d. What are the potential adverse impacts of the allocation and how could these be mitigated?

Through the Sustainability Appraisal it was identified that the most significant potential adverse impact was in relation to the AONB at Amotherby for the Malton Foods site. The land is within the AONB. However, the site is still subject to the policies of the LPS, including Policy SP13. Great weight is given to ensuring that the special qualities of the AONB are protected. Proposals would be expected to reflect that in the consideration of any planning application made.

e. What are the infrastructure requirements/costs and are there physical or other constraints to development? How could these be addressed?

There are no specific proposals to consider in respect of these matters. These sites are not part of the employment land supply.

f. Is the development proposed viable and deliverable within the Plan period?

These sites are not part of the employment land supply. Any proposals will be made within the context of the operator/owner's business requirements.

g. What is the expected timescale and rate of development and is this realistic?

These sites are not part of the employment land supply. Any proposals will be made within the context of the operator/owner's business requirements.

h. Against which criteria would an application for expansion be considered against?

Any planning application would be subject to LPSD Policy SD13, and Policies SP1 Spatial Strategy and SP6 Employment land of the LPS, and SP9 Land-based economy. Then policies of SP12 (Heritage), SP13 (Landscapes), SP14 (Biodiversity), SP15 (Green Infrastructure), SP16 (Design), SP17 (Natural Resources), SP18 (Renewable and Low Carbon Energy), SP19 (Presumption in favour of sustainable development), SP20 (Generic Development Management Issues) and SP22 (Developer contributions and obligations) would also be considered.

i. Against which criteria would an application for other employment development or alternative development be assessed?

The proposed policy makes clear that it is specifically for the named business. If that changes then Policy SD13 would cease to operate. It would then be solely subject to the above-referenced policies.

Malton Foods, Amotherby

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

The sensitivity of the AONB is a significant consideration, as identified by the Representor 1029. The policy would operate in conjunction with the policies of the adopted LPS, and this would include SP13 (Landscapes). Therefore any proposal which comes forward on the basis of SD13 would need to demonstrate that it was of a height and massing which was sensitive to the landscape context (para 10.28 of the SD03 page 158).