

## **Independent Examination of the Ryedale Plan – Local Plan Sites Document**

### **Statement by Adam Purser in response to the Inspector's MIQs Matter 8 – VIUAs**

Specifically the removal of the status of VIUA from sites to the east of Kirkbymoorside

In response to the Inspector's question 8.3 it can be shown that “the site selection process for including land within VIUAs” has not “been based on a sound process” when the area to the east of Kirkbymoorside is considered.

The Consultation document produced for the “Identification and Review of Visually Important Undeveloped Areas” dated October 2016 does not mention Kirkbymoorside at all in the list of contents, despite having sections headed “Review of Existing VIUAs”, “VIUAs to be removed from the Policies Map” and “Amendments to Existing VIUAs” where all the other VIUAs to be removed or amended are listed. This omission itself should render this Consultation with regard to the area to the east of Kirkbymoorside invalid.

The first mention of Kirkbymoorside is on page 7 of this Consultation document. Under the heading “VIUAs to be removed from the Policies Map” there is a table showing the locations to be removed from the Policies Map and the reasons they are to be removed; Kirkbymoorside is not included. However, the following statement is made;

“Regarding the Kirkbymoorside small site on the edge of the Kirkbymoorside VIUA was included as a potential development site in the sites consultation which was undertaken at the end of 2015. If the decision is made to allocate this land for development then the site would not be included as a VIUA on the Proposals Map.”

The key information within this statement is simply not true, and the false information given is extremely misleading. In the 2015 consultation two sites were included from within the VIUA not one as stated, site 156 (SD7) and site 265 (SD9) and between them it was hoped to cover 70% of the residual housing requirements for the town. Suggesting that there is only a single small site, not two sites producing 43 houses, is extremely misleading and raises some serious questions. No reasons are given for removing this “small site” except its possible inclusion as part of the Plan. Perhaps most significant is the fact that the “small site” is not identified, and no information within the document identifies this one small site. This situation alone clearly demonstrates that the Consultation process is not sound. Please note that at this stage 13 sites were still being put forward for consideration to be included in the Plan that were also in the VIUA to the east of Kirkbymoorside. It is not stated how anyone was supposed to know which of the 13 sites was being referred to. However, one small site, number 265 (SD9), is the only one within the VIUA that was in Outcome Grouping 3 of the site selection process, so it may have been reasonable to assume that this was the site to be removed from the VIUA. Site 156 (SD7) cannot be described as small, so obviously no-one would have anticipated its removal from the protection of being a VIUA, so effectively site 156 (SD7) was not actually presented for consultation.

There is no further reference to Kirkbymoorside in the body of the Consultation document.

The next reference to Kirkbymoorside is in Appendix 1, Existing VIUAs, pages 40 & 41. The detailed description of the boundaries for the Kirkbymoorside VIUA shows that all the original area is encompassed including what is now SD7 and SD9. It is followed by a highlighted “Review” where it is stated “Kirkbymoorside is subject to one of the most extensive VIUA designations in the District. Its role was multi-fold. To protect the eastern edge of Kirkbymoorside to the north to preserve the setting of Vivers Hill Scheduled Monument, the Church and Conservation Area. The mid section includes the strip field systems and mosaic of field patterns contribute to the setting of the town and provide separation between Kirkbymoorside and Keldholme, it also included land

which could be subject to development pressure along Swineherd Lane. To the south, the VIUA extends to open land between Kirby Mills and Kirkbymoorside on the the A170 to protect from coalescence. As such the broad extent of the VIUA continues to contribute to designation criteria 1,2,3,4,5 and 6.” There is absolutely nothing in this Review to indicate that anything is likely to change. In fact to the contrary. All the relevant reasons are given to show just why this VIUA should remain unchanged, and development pressure along Swineherd Lane should be resisted.

The first mention of the two sites to be removed from the Kirkbymoorside VIUA is not until page 72 of this 72 page document. In Appendix 2; New, Amended, and Discounted VIUAs, under the heading “VIUAs to be Removed from the VIUA Designation on the Policies/Proposals Map” it is stated that sites 265 (SD9) and 156 (SD7) would not be included as VIUAs on the Proposals Map, but only if the sites are allocated for development. The clear implication is that both these sites will continue to be protected by inclusion in the Kirkbymoorside VIUA if they are not allocated for development, indicating that they both still meet all the relevant criteria. No arguments are put forward showing how “the benefits of the development(s) proposed significantly outweigh the loss or damage to the character of the settlement” despite this being a basic requirement of Policy SP16 of the Local Plan Strategy as detailed on page 148 of the LPS. My separate Statement concerning SD7's failure to meet three of the five Principles set out on page 38 of the Local Plan Strategy shows that the development of SD7 does materially damage the historic setting and character of Kirkbymoorside as defined by the Council in these five Principles, and much more explanation should have been given for its proposed development.

In the circumstances the public could be forgiven for missing the proposed changes to the Kirkbymoorside VIUA. The Consultation process prompted only two representations, both from parties trying to remove sites from the Kirkbymoorside VIUA. This information is given in “VIUAs – Background Paper, The Ryedale Plan – Local Plan Sites Document and Policies Map” produced in October 2017. In this, Appendix 3 Consultation Statement – Representation and Response, shows that S Helme made a representation on sites 40 and 158 (page 63), and Bell Snoxell Building Consultants Ltd obo Mr and Mrs Collier made a representation on sites 87, 162 and 265 (page67). Examination of the latter representation shows that, not only had Mr and Mrs Collier missed the point that their site 265 was going to have its VIUA Designation automatically removed, so had their professional consultants. This clearly shows that the Consultation process concerning the review of VIUAs did not communicate to anyone, not even interested parties that were going to benefit, just what the plans really were for the Kirkbymoorside VIUA.

According to Policy SD16 VIUAs, “In addition to the existing VIUAs which are identified on the Policies Map, the following sites are designated as VIUAs and are shown on the policies Map”. However, the Policies Map referred to does not show the existing VIUA to the east of Kirkbymoorside as it exists, which is surely the meaning of the word existing, it shows it already amended with sites 265 and 156 removed. Consequently Policy SD16 should have been worded in a way that reflected this, rather than give the false impression that sites 156 and 265 had never been within the VIUA.

In view of all the above, it is respectfully submitted that the “Identification and Review of Visually Important Undeveloped Areas; Consultation as part of the production of the Ryedale Plan – Local Plan Sites Document” for the area to the east of Kirkbymoorside was not based on a sound process:

The area concerned is not mentioned in the contents pages of the Consultation document when the other areas to be amended are clearly listed.

The “small site” that will not be included included on the Proposals Map cannot possibly be identified from the information provided.

The same “small site” becomes two sites, and there is no indication of when, how or why this change took place.

The Policy Map that is referenced in SD16 supposedly showing the area to the east of Kirkbymoorside as it exists does not show it as it exists.

Not even professional consultants could understand the Council's underlying intentions supposedly expressed in the Consultation document despite the fact that their client was going to benefit from those intentions.

In response to the Inspector's over-riding "Issue" of whether the VIUAs are effective, in the case of the area to the east of Kirkbymoorside it is obvious that no, they are not.

As indicated earlier, one of the main reasons given for the creation of the VIUA to the east of Kirkbymoorside was to resist "development pressure along Swineherd Lane". Quite clearly this objective has not been met. Policy SD7 and SD9 together account for 70% of the new houses proposed to cover the residual housing requirements for Kirkbymoorside. The fact that both these sites were in a VIUA seems to have had zero effect in protecting these sites from development despite the fact that, by the Council's own admission, the whole of the original extent of that VIUA still meets all six identifying criteria used to assess VIUAs, and this should have given the highest degree of protection. In fact quite the opposite has occurred. The Council have acted as though removing the sites from the VIUA also automatically removed any discussion about their obvious visual impact on "the long distance views towards and across the town and into the Moors" (the fifth Principle laid down for Kirkbymoorside on page 38 of the LPS). Discussions would have had to have taken place for any other site, consequently the presence of sites originally in a VIUA has actually given them less protection than if they had never been in a VIUA. The conclusion can only be that the areas concerned would have been better protected within the due process and scrutiny of the normal planning process when any planning application has to be considered with reference to the Local Plan Strategy. My Statement for Matter 3 shows that site 156 (SD7) should have failed this normal scrutiny.

In view of all the above issues concerning SD7, it is respectfully requested that the area has to retain its VIUA status, and the original objectives stated for the creation of the VIUA to the east of Kirkbymoorside should be more vigorously defended to ensure that the whole system of VIUA designation really is effective in the future.