

Examination of the Ryedale Plan- Local Plan Sites Document

Hearing Statement – Ryedale District Council

Statement 8 – Matter 8 – Visually Important Undeveloped Areas (VIUAs) (Policy SD16)

8.1 What is the background to the designation of VIUAs?

The designation of VIUA is a locally-derived response to identifying areas of distinctive open character which contribute to settlement setting, character and form. They may also have a contribution to the setting of Listed Buildings or their significance. Their role is to ensure that the Development Plan gives due recognition to these important contextual elements.

As such, they are not a designation which is concerned with landscape character- although clearly there is some interrelationships with elements of landscape character within some of the larger VIUAs as features which may form elements of landscape character (such as Strip Fields around Pickering). This is perhaps one of the reasons why representations both in support of the proposed VIUAs and those against them have made many references around landscape character assessment- which is not relevant for the purposes of identification of VIUAs. They have their own, locally defined criteria.

The Policy application of VIUAs is set out in Policy SP16 of the LPS, which was adopted post NPPF in 2013 and is the adopted Strategic Development Plan. The VIUAs were predominantly developed as part of the Ryedale Local Plan 2002, but in 2009 the Council asked local communities to identify areas which they felt were important to the character of their settlements and a number of those have been taken forward. This has resulted in a number of new sites being identified as being capable of meeting the VIUA criteria. The VIUA is also not to replace, nor be seen as a mirror, of the Green Space designation which is set out in the NPPF, and which have the same status as Green Belt in respect of development considerations. VIUAs are defined from the basis of physical boundaries to provide an extent. They have been continued from the 2002 Ryedale Local Plan with some notable updates. A number of the revised VIUAs from the 2002 Ryedale Local Plan were amended to utilise physical boundary features as some of the sites were mapped incorrectly or relied on the extent of the relevant inset map. See the VIUA Background Paper for the specific sites.

8.2 What is the role/purpose of the VIUAs?

VIUAs are to complement the design policy in the LPS (SP16), to acknowledge that areas of open space have the capacity to make a significant contribution to the character and setting or settlement, or important- listed landmark buildings, and to identify them in the Policies Map, so that their contribution can be recognised and evaluated against any development proposal made. Proposals will only be permitted where on balance the need for the development significantly outweighs any harm (which would be expected to be minimised).

The VIUA policy has operated on the basis that under some circumstances development of a VIUA in whole, or in part could be justified because the identified economic or social

benefits of the proposal would significantly outweigh the loss of the open-undeveloped quality, or take a form of development that would not have a material effect on the qualities of the VIUA.

8.3 Has the site selection process for including land within VIUAs been based on a sound process and the testing of reasonable alternatives?

The purpose of the VIUA designation is to identify that there are particular, demonstrable features regarding the open nature of the site, which contribute to meeting one or more of the identified criteria, and as such it is not capable of being tested against alternatives, but considered through an appraisal framework. The application of the six VIUA criteria as set out in page 7 of the VIUA background Paper (TE03) have been applied to each suggested and proposed VIUA. This was undertaken for sites identified in the 2009 consultation. They have also been applied to those VIUAs which were already identified in the 2002 Local Plan, through a light-touch revaluation determine whether there had been any changes to the situation of these sites to ensure consistency.

Applying the appraisal framework did result in some sites not being identified as VIUAs; when there had been a local desire for their designation as a result of the 2009 consultation and the 2015 Sites Consultation. A number of suggested designations were naturally those which were being viewed as being subject to development pressure, and therefore it was important to be clear about the role and purpose of VIUAs- and that it is not to be seen as a tool with which to block development for which the Development Plan intends to provide.

The 2016 VIUA consultation set out how the Council had considered the suggestions of VIUAs in 2009, and explained the rationale for the decisions in appendix 2 of the VIUA Background Paper.

The VIUA background paper (2017) also explains the rationale for the inclusion and non-inclusion of specific sites which were proposed as VIUAs as a result of findings of the VIUA consultation (2016) and other evaluation undertaken. This is discussed in more detail below:

8.4 What were the key factors taken into account when deciding to include or exclude land from the VIUAs?

In assessing potential VIUAs the six criteria which were applied to the identified site; if one of the criteria was met, then the site was proposed as VIUA in the 2016 Consultation, or in the case of a site in Pickering proposed to be no longer identified as a VIUA, and for two sites further identified as part of the Publication of the LPSD and Policies Map. The following scenarios are the means by which the sites came to the attention of the Council, and which led to those so proposed VIUA designations, and those being discounted:

- Whether the site had been identified through consultation:

Land at Folliot Ward Close was identified by a respondent as a potential VIUA in the 2016 VIUA consultation. When the Council undertook an appraisal of the site which involves open, yet treed land on a staggered cross-roads. It was considered that it merited being identified as a VIUA. Sites at Norton, Welburn, Slingsby, Amotherby/Swinton, Hovingham and some of the VIUAs at Ampleforth have been proposed as VIUAs as a result of responses in the 2009 Consultation, overlain by site assessment, and assessment against the VIUA criteria.

- Through Site Assessment work and Conservation Area Appraisal

A number of sites in Ampleforth were identified as a result of the findings of the Conservation Area Appraisal.

The site assessment work identified the importance of the strip fields at Mickle Hill in Pickering in terms of their contribution to the setting of Pickering.

The land between Langton and Welham roads is proposed as a VIUA. It is distinctive in its less regular field boundaries, with gentle undulations and the Mill Beck, providing views of Norton and Malton beyond. It also contributes to the setting of Whitewall, a Grade II Listed House and Racing stables. The land to the front of the property plays an important role in the setting of the property. Ensuring its position as a residence of status within the wider landscape is upheld. Whilst this has been disputed by Representor (1093) the Council maintains that the land to the north of Whitewall makes a fundamental contribution to the significance of the Listed Property, and that development would undermine the building being read within the surrounding countryside, at considerable distance. Whilst respondents (1020 and 1081) are in support of the designation and those against (1093) have referred to landscape character (as discussed earlier this designation is not about landscape character), and therefore a landscape and visual impact assessment is not necessary nor appropriate. Representor (1093) has sought to state that the identification of the VIUA undermines sustainable development, but it has been demonstrated through the application of the SSM that more sustainable sites have been proposed as allocations to meet identified need.

- Whether any changes in site circumstances warranted a re-evaluation:

The land at Peasey Hills was identified as a potential option choice in 2015. Representations on the Sites Consultation led to the Council undertaking a more detailed evaluation of the role of the open nature of the site makes to the significance and setting of the Grade 1 Listed St. Mary's Priory Church, and the setting of the Old Malton Conservation Area. It concluded that the open nature of the site did indeed contribute to the significance of the Priory Church by allowing the status of the building, within the wider area, to be appreciated. It also ensured that it remained possible to appreciate Old Malton as a separate settlement, and contributed to the setting of the Conservation Area. Whilst Representor 1068 is clearly unhappy with the designation and the change in the site's status, this is not a soundness issue but a reflection of the need for the Council to explore options for meeting its development requirements. If evidence comes forward which warrants very careful consideration: St. Mary's Priory is a Grade I Listed Building, and there are statutory provisions around consideration of development in Conservation Areas and which affects their setting. The Council has a duty to give this due weight in law. It should be noted that the field's contribution to significance is not related to any ownership or physical relationship/connection to the priory church as identified in the representation made by Representor 1068, and this is made clear in the background paper.

- Whether there was any reasonable approach to protect amenity: which would provide a suitable, specific means to important elements of character:

This was the case of a pre-existing VIUA in Pickering, which was actually quite narrow in frontage and had a large dwelling (former hotel) on the site. It was the trees which contributed to the character and appearance of the area – and setting of the Conservation Area. The trees were subject to TPOs, and it was considered that this was a more appropriate means of protecting the contributing feature.

- Where the sites were suggested through Consultation but did not meet the VIUA criteria:

A number of respondents wanted the areas around the village of Welburn to be within a VIUA, however, the Council pointed out that the land surrounding the village is the AONB, and a blanket designation would not meet any of the specific criteria. One new VIUA was identified at Welburn, which did meet the VIUA criteria.

Respondents 1020 and 1081 have sought for the expansion of the VIUA at Norton, to encompass much of the land to the south of the settlement, but this would not be meeting the criteria for VIUAs as there is no specific features which set the majority of the land apart from general countryside.

A number of responses as a result of the 2016 VIUA consultation sought the identification of the land to the north and south of Castle Howard Road, Malton as a VIUA. This was in part a reaction to the land in question being the subject of a planning application for residential development which was refused, and as they had been identified as sites as a potential option choices in the 2015 sites consultation. The sites were assessed against the VIUA criteria, and it was considered that whilst the fields are attractive, they do not make a specific contribution to the setting and form of Malton in respect of meeting any of the six criteria used to assess VIUAs. This is set out in the Background Paper Appendix 3.

Respondent 1111 (SD16) has sought to include two further VIUAs at Weaverthorpe. However, these were not received prior to Publication, and have not been subjected to consultation (nor the owner notified), and no evaluation. It is noted that the sites are unlikely to experience any development pressure based on their situation and size, and will be considered against Policy SP16.

- Whether there was any overriding social or economic reason for the site/area to be no longer identified as a VIUA- in accordance with Policy SP16 and the LPS as a whole.

During the operation of the LPS, two sites for residential development have come forward on previously identified VIUAs in the 2002 Local Plan. These were identified in the 2016 VIUA consultation, and their revised status acknowledged. Site SD7 and SD9 were part of the VIUA on the eastern extent of Kirkbymoorside. This was identified through the SSM and was publicised as part of the Sites Consultation in 2015 and the VIUA Consultation in 2016. The rationale for the sites de-designation is set out in the Background Papers and SSM, but in summary SD9, the Brickworks site, is on the lower, flatter elevation, is a brownfield site with areas of hardstanding. Concerning SD7, (Representor 1004) it was considered that on balance the modest incursion into the VIUA by one field, which would still be fronted by the sports field, and was already adjacent to modern estate development which performed well in terms of the Sustainability Appraisal of site submissions in terms of its accessibility to the town centre, would outweigh/mitigate the loss of this field from the VIUA, and would still allow the VIUA to meet a number of the VIUA assessment criteria.

8.5 How were the detailed site boundaries determined?

The boundaries were identified by looking at the features of the site and physical boundary features. In the case of verges, where the verge extended to in relation to the settlement extent. Also for larger sites it was necessary to understand what level of 'visual connectivity/relationship' would the land have in relation to the settlement, to ensure that the larger areas of land adjacent to settlements, still had a strong context to the settlement. The land between Langton and Welham Roads has changed from the extent the Council originally consulted upon in 2016. This was due to a change in the planning status of the site, which was granted outline planning permission on appeal. The reserved matters have also been approved.

8.6 Against which criteria would a proposal within a VIUA be assessed?

Policy SP16 (Design) of the LPS is the strategic policy from which VIUAs are considered in the decision making process:

"To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings including:

The character and appearance of open space and green spaces including existing Visually Important Undeveloped Areas (VIUAs) or further VIUAs which may be designated in the LPSD or in a Neighbourhood Plan. Development proposals on land designated as a VIUA will only be permitted where the benefits of the development proposed significantly outweigh the loss or damage to the character of the settlement."

Therefore, the LPS expects development proposals to pay due regard to the contribution of these open spaces, but where development benefits outweigh significantly the harm, then planning permission would be granted, subject to compliance with other LPS Policies.

Aligned to the benefits of the proposal significantly outweighing the harm, it would also be expected that the scheme would be compliant in all other respects with the LPS, and the LPSD.