



# The Planning Inspectorate

## Examination of the Ryedale Plan Local Plan Sites Document

Inspector: Caroline Mulloy BSc (Hons) DipTP MRTPI

Programme Officer: James Draper

[James.draper@ryedale.gcsx.gov.uk](mailto:James.draper@ryedale.gcsx.gov.uk)

Jill Thompson  
Specialist (Place) Team  
Ryedale House  
Old Malton Road  
Malton  
North Yorkshire  
YO17 7HH

16 May 2018

Dear Ms Thompson,

### **1. Initial Questions for Examination**

1.1 I have been appointed by the Secretary of State to conduct the Examination of The Ryedale Plan Local Plan Sites Document (LPSD). I have commenced my preparation and have a number of initial questions which are set out below. The response to these matters will help to inform me how the Examination should proceed and to better focus my Matters, Issues and Questions. As my preparation develops I may have further initial questions of this nature.

### **2. Plan period**

2.1 Can you confirm whether the plan period for the LPSD is the same as for the Local Plan Strategy (LPS) i.e. 2012-2027?

### **3. Suggested modifications**

3.1 I understand that there may be a list of modifications forthcoming relating to typographical errors and factual corrections. It would be useful if this is submitted as soon as it becomes available. The schedule should include a column explaining why the Council considers each modification to be necessary.

## **4 Habitats Regulations**

- 4.1 You may be aware of a recent judgment–Judgment of the Court (Seventh Chamber) of 12 April 2018 People Over Wind and Peter Sweetman v Coillte Teoranta<sup>1</sup> which ruled that Article 6(3) of the Habitats Directive<sup>2</sup> must be interpreted as meaning mitigation measures (referred to in the judgment as measures which are intended to avoid or reduce effects) should be assessed within the framework of an appropriate assessment (AA) and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site at the screening stage.
- 4.2 Prior to this judgment, case law in England and Wales had established that avoidance or reduction measures that form part of a proposal could be taken into account when considering whether the plan or project would be likely to have a significant effect on a European site.
- 4.3 Can the Council confirm the extent to which they consider the Habitats Regulation report is legally compliant in light of the judgment, reviewing the screening assessment where necessary. In particular, can consideration be given to where the screening assessment makes reference to the '*positive in-combination effects with other plans*' (paragraph 4.1; employment site 650 and NYM SAC/SPA).

## **5 Housing**

- 5.1 Has the housing trajectory set out in the LPS been updated for the LPSD reflecting development which has come forward since the adoption of the LPS? Can the Council confirm the current status of housing sites allocated in the LPSD?
- 5.2 Policy SD1 Existing Residential Commitments states that residential development sites shown on the Policies map as existing residential commitments will continue to be supported in principle. Can a list of the sites be provided together with a plan showing their location? Against which criteria would applications for renewal, future residential development and alternative uses be considered?
- 5.3 Appendix 2 of the LPSD shows the housing land supply position at 31 March 2017. Is it intended to undertake a factual update to this table at 31 March 2018 and if so, when is this likely to be made available?
- 5.4 Has the master plan relating to land to the west of Malton Road, Pickering (Policy SD6) been completed and if so can a copy be provided?

---

<sup>1</sup> ECLI identifier: ECLI:EU:C:2018:244

<sup>2</sup> Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora

## **6 Employment**

- 6.1 Policy SD 12 of the LPSD sets out existing employment land commitments and proposes new allocations. Can the Council confirm the current planning status of those sites? Against which criteria would a revised or alternative development be considered on existing employment land?
- 6.2 The LPSD identifies a broad location for employment at land to the east of the A169, Malton. Does this contribute to the employment land requirement set out in Policy SP6 of the LPS or is it additional?
- 6.3 Policy SD 13 identifies expansion land for existing major employers. Does this land contribute to the employment land requirement set out in Policy SP6 of the LPS or is it additional? Against which criteria would a proposal for expansion of an existing employer be assessed?

## **7 Mineral Safeguarding Areas**

- 7.1 A number of proposed allocations are situated within Mineral Safeguarding Areas identified in the emerging Minerals and Waste joint Plan. Against which criteria would an application for a proposal within a Minerals Safeguarding Area be judged?

## **8 Highways**

- 8.1 How has the cumulative effect of existing commitments and allocations been assessed on the strategic and local road network? Reference is made in the Statement of Legal Compliance and Procedural Issues to a joint study commissioned to identify a range of measures aimed at reducing congestion on the Central Road Network. Can you please confirm whether this has been completed? Furthermore, has Highways England made a formal response to the document and if so, can a copy be provided? Have any further discussions with Highways England taken place and, if so what is the outcome?

## **9 Retail**

- 9.1 Policy SD14 states that existing retail commitments will continue to be supported. Against which criteria would a proposal for a revised or alternative proposal on existing sites be assessed? Against which criteria would a proposal for a retail development within the Northern Arc be assessed?

## **10 Infrastructure**

- 10.1 The Statement of Compliance makes reference to an area based Infrastructure Delivery Statement which the Council and North Yorkshire County Council are working to produce which will outline how infrastructure requirements will be delivered and prioritised. Has this been completed and if so can a copy be provided?

## **11 Heritage**

- 11.1 The Statement of Compliance makes reference to a detailed paper which is being prepared to provide further explanation of the reasons why the sites proposed are considered to be acceptable in terms of their relationship with heritage assets. Has this document been produced and has Historic England had the opportunity to comment and if so what is their response?
- 11.2 Reference is also made to guidance to developers of sites which lie in the Vale of Pickering which is similar to that prepared for the Scarborough Local Plan. I believe that it was intended to be included as an appendix to the publication version, but was omitted in error. Can a copy of this document be provided please?

## **12 Potential timescales for the hearings**

- 12.1 I am seeking the Council's views on potential hearing dates commencing the weeks beginning 24<sup>th</sup> September 2018 and 1<sup>st</sup> October 2018. Taking into account the scope of the plan and number of objections it is envisaged that the hearing sessions will last around six days, sitting Tuesday to Thursdays for a period of two weeks.

## **13 Next steps**

- 13.1 It would be appreciated if you could provide me with a response to the questions by 6 June 2018. If more time is required for more involved matters, please let me know and a timetable can be agreed.
- 13.2 I will circulate a draft Matters, Issues and Questions paper in due course and a draft Hearing Programme and Guidance Notes once more details are known. Please note that the Council will need to give at least 6 weeks' notice before the start of the first hearing.

If you have any questions or queries, please do not hesitate to contact me via the programme officer.

*Caroline Mulloy*

Inspector