

Local Plan Publication Stage Representation Form

The Ryedale Plan: Local Plan Sites Document and Policies Map

For Office Use Only

Date received

Ref. No.

Acknowledged

Please return the completed form by 4.30pm on Friday 22 December 2017 to:

Jill Thompson
Specialist Place Team
Ryedale District Council,
Ryedale House,
Malton,
North Yorkshire,
YO17 7HH

This form can be filled in electronically and e-mailed to:
localplan@ryedale.gov.uk
we have also published an online form at:
www.ryedaleplan.org.uk/local-plan-sites-publication

This form has two parts:

- Part A – Personal Contact Details.
- Part B – Your representation(s). Please fill in a separate sheet for each representation.

PART A

1. Personal Details*

* If an agent is appointed, please complete only the Title, Name, and Organisation boxes below but complete the full contact details of the agent in 2.

2. Agent's Details

(if applicable)

Title	MR.	
First Name	CRAIG	
Last Name	WOOLMER	
Job Title (If relevant)	DEVELOPMENT PLANNER	
Organisation (If relevant)	PERSIMMON HOMES (YORKSHIRE).	
Address – line 1	Persimmon House	
Address – line 2	FULFORD	
Address – line 3	YORK	
Address – line 4		
Postcode	YO19 7FE	
Telephone		

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PART B - Please use a separate sheet for each representation

Name or Organisation Persimmon Homes (Yorkshire)

3. To which part of the document or map does this representation relate?

Please tick the document and indicate the specific policy, paragraph, table or map you are commenting upon.

Policy Policy 13

Paragraph/Table 2.12 ; 2.15

Policies
Map

4. Do you consider the document is:
Please tick as appropriate

- | | | | | |
|--|-----|--------------------------|----|-------------------------------------|
| a. Legally Compliant | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |
| b. Sound | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |
| c. Complies with the
Duty to Co-operate | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |

Please see next page to fill in your comments

5. Please give details of why you consider the document is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the document or its compliance with the duty to co-operate, please use this box to set out your comments.

PLEASE REFER TO THE ATTACHED DOCUMENT.

6. Please set out what modification(s) you consider necessary to make the document legally compliant or sound, having regard to the matter you have identified at question 5 above where this relates to soundness. (NB Please note that any non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why this modification will make the document legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

PLEASE REFER TO THE ATTACHED DOCUMENT.

Please Note: Your representation should cover succinctly all the information, evidence and supporting information necessary to support / justify the representation and the suggested modification as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he / she identifies for Examination.

7. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the Examination?

No
I do not wish to participate at the oral part of the Examination

Yes
I wish to participate at the oral part of the

8. If you wish to participate at the oral part of the Examination, please outline why you consider this to be necessary:

To Allow us to Present our concerns regarding legal compliance and soundness.

Please Note:

The Inspector will determine the most appropriate procedure to adopt to hear who have indicated that they wish to participate at the oral part of the Examination.

Signature

If you are filling in this form electronically by typing your name in this box you are stating to the best of your knowledge all the above information is correct

Signature

Date

Data Protection:

Ryedale District Council is a registered data controller, with the Information Commissioner's Office, as defined by the Data Protection Act 1998. By submitting your details to the Council you are consenting to your information being used for the preparation of the Ryedale Plan Local Plan Sites Document and Policies Map. Please be aware that representations made at Publication Stage cannot remain anonymous. Your response, including your name and address will be made available to view on the website and as part of the examination in public. However, the Council will redact your email address, phone number and signature before your representations are made publically available. Ryedale District Council will need to share you details with the planning inspector appointed to examine the documents, however, the Council will not pass your information onto other third parties unless it has a legal obligation to do so (ie crime prevention). Please be aware that RDC officers may need to contact you as part of this consultation process and a Programme Officer assisting the Planning Inspector may need to contact you as part of the examination process. For further information or clarification on this matter please contact Jill Thompson on 01653 600 666 ext 327 .



PERSIMMON

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19th December, 2017

Dear Jill,

Publication of the Ryedale Plan: Local Plan Sites Document and Policies Map

I write on behalf of Persimmon Homes Yorkshire in respect of your consultation on the Publication Local Plan Sites Document and the accompanying policies map. Thank you for inviting us to comment on this document. Please find enclosed a short document outlining our representations.

I would be grateful if you would notify Persimmon Homes on the submission of the local plan documents for independent examination, the publication of the recommendations of the person appointed to carry out the independent examination, and the adoption of the plan.

Should you wish to discuss the above or if you require further information please do not hesitate to contact me.

Yours sincerely,



Craig Woolmer MRTPI
Development Planner

The Ryedale Plan – Local Plan Sites Proposed Submission Document (October 2017)

**Persimmon Homes (Yorkshire)
December 2017**

Ryedale District Council adopted the Ryedale Plan – Local Plan Strategy (the ‘RP-LPS’) in September 2013. This document outlines strategic policies and development management policies for the district, while reserving allocations for a separate development plan document (DPD) – the ‘Local Plan Sites Proposed Submission Document’ which is now at publication (Regulation 19) stage.

Where an authority follows the route of preparing separate core strategy and sites allocations plans, the policies in a site allocations plan must be consistent with the adopted development plan, unless a policy in the sites allocations plan is intended to supersede another policy. This is a legal requirement set out at Section 8(4) of *The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)* (‘the Regulations’).

Further to this, there must be a reasoned justification of the policies contained within a development plan document, and this is a legal requirement as set out at Section 8(2) of the Regulations.

The Publication Plan states, at paragraph 2.12, that: ‘the ability of sites to address the objectives of the Ryedale Plan has also informed the selection of sites’ and this is continued at paragraph 2.15 (page 9), which adds: “The combination of sites identified at Pickering reflect objectives of the Ryedale Plan, to minimise the impact of development on historic medieval field patterns which are a characteristic feature of Ryedale’s northern Market Towns (and Pickering in particular) and a significant heritage asset’. It continues: ‘The sites at Whitby Road and Malton Road will ensure that further residential development can be accommodate at the Town without impacting upon the medieval strip field system. Both sites provide existing access to the existing road network’.

It is contended that the plan is not legally compliant. The first is that the policies in the Publication Plan are not consistent with the RP-LPS which form the adopted development plan. The second is that a reasoned justification has not been provided for the policies in the Publication Plan.

The selection of the two sites for residential allocations at Pickering does not conform to the principles outlined for the selection of sites which were set in the RP-LPS. Only one of these principles is referred to in the reasoned justification. However, for Pickering, a series of key principles for the allocation of sites were set at Policy SP1 (General Location of Development and Settlement Hierarchy) and in the supporting text (the reasoned justification) for this policy.

Policy SP1 states that in allocating sites in the locations identified (which includes Pickering which is recognised as a Local Service Centre) development will be guided to brownfield land first (though the plan acknowledges that there is insufficient supply of brownfield land to meet the need for housing), and that development will be guided to the areas with lowest flood risk.

The policy goes onto state that in the site selection process regard will be had to the ability of sites to deliver against the objectives, policies and standards set in the RP-LPS; and, Community Infrastructure Levy (CIL) requirements. Sites will also need to be compatible with neighbouring land uses; avoid adverse impacts of interests of acknowledged importance; be accommodated without detriment to the character of the settlements and its setting; and, satisfactory address highway capacity and safety.

Following this policy, the supporting text includes a section titled ‘Guiding Development at the Towns’ and this sets six principles for growth in Pickering:

- Retaining the compact and accessible Market Town feel;
- Preservation of surrounding historic strip field patterns;
- Safeguarding of views towards and across the town and into the Moors ;
- Ensure development is sensitive and responsive to the historic character and form of the town and its setting in the wider landscape;

- Avoid coalescence with Middleton; and,
- Controlling pressure for incremental urbanisation of the approach into Pickering along the Malton Road.

The justification provided in the Publication Plan at paragraph 2.15 refers to only one of these six principles and omits the remaining five principles. The justification is therefore not sufficiently reasoned in the selection of the proposed sites because it does not refer to all of the relevant considerations necessary to make a reasoned judgment formed logically.

The Publication Plan is not consistent with the adopted development plan as it is required to be because Policy SD2 (Residential Land Allocations) selects sites (referenced previously as Site 200 and Site 347) which do not accord with the principles outlined in the RP-LPS.

Site 347 is located to the north east of Pickering. This site affects a historic strip field pattern which is shown on the OS County Series map of Yorkshire from 1854 and on maps produced since this date. At this location, the patterns runs in an east-to-west direction, though the site affects part of a north-south running field at the north-eastern extent of the site. The development of this site therefore affects strip field patterns to the north of Pickering, which the regression of maps indicates has seen very little change.

When considered against the criteria listed above it is clear that the site will affect historic strip field patterns, which run east to west through the site and, in part, a north to south running field. The site is located within an area identified as an 'Area of High Landscape Value' (AHLV), designated under Policy SP13 of the RP-LPS. This therefore conflicts with a further two objectives which seek to ensure that development is sensitive to the landscape setting of the town and the safeguarding of the setting and views of the North York Moors National Park.

The RP-LPS notes that there are longstanding local landscape designations in the district including the AHLV covering the 'Fringe of the Moors'. This designation was made in recognition of the natural beauty and scenic qualities of the area. In designating sites through Policy 13, the Council seeks to ensure the retention of areas with high landscape value and to reinforce local landscape quality and recognise the local value attached to these landscapes. The policy seeks also to protect the setting of the North York Moors National Park.

The Fringe of the Moors is identified as a locally valued landscape. The fringe has a particular visual sensitivity given the topography of the moors and the resulting long distance skyline views within Ryedale and the area has a particular landscape character which is sensitive to change.

Site 200 is located directly to the east, and accessed from, Malton Road. The plan states that in allocating sites the Council will avoid the incremental urbanisation of Malton Road, yet this site is proposed for allocation which would urbanise this road in a southerly direction. This would affect views towards the town which currently benefits from relatively open aspects on this approach. Part of this site is located within Flood Zone 2 and 3.

The Council discounted an alternative site located south of Firthland Road and west of Greenlands Road (referenced Site 205/387). The site complies with the criteria that the Council have outlined for site releases in the town. It is in an area at low risk of flooding, the scale of the site is such that it will retain the compact and accessible market town feel, and the site does not affect views across the town and into the North York Moors National Park. The site is enveloped by existing development to the north, south and east and would not extend Pickering further west towards Middleton, therefore avoiding coalescence. The site is also not located in a position where it would result in the encroachment of the town along Malton Road.

The last criterion regards the preservation of surrounding historic strip field patterns. The site features a strip field pattern though these have been altered over the years and therefore their significance has declined as a result of this.

Map regression shows that the strip field system remained almost intact from that shown on early maps (such as the 1839 Township of Pickering map) until at least the 1930s. Following this date, mapping

has indicated that strip field boundaries have been lost as fields have been amalgamated through the removal of a north-south running strip field and several east-west running strip fields.

The Council's emerging sites allocations document proposed a number of 'visually important undeveloped areas' (VIUA) in which some strip field patterns around Pickering have been identified for allocation. The strip field pattern in the location of this proposed development has not been identified for designation as a VIUA.

Site 205/387 should be selected for allocation because it accords with the objectives and policies of the RP-LPS. The site will provide the opportunity to bring additional benefits to the town of Pickering. Land in the north west of the site has been reserved for a primary school to meet future educational needs in the town. Furthermore, the site is deliverable and will make a significant contribution to providing affordable homes, and a legal agreement is in place with a Registered Provider allowing them to acquire and manage affordable homes on the site. This demonstrates a clear commitment to delivery. The proposal will also over-provide publicly accessible open space and provide an area for ecological enhancement.

The plan is therefore not sufficiently justified because it does not present the most appropriate allocations strategy to best meet the needs of the town of Pickering, and the plan therefore fails a test of soundness outlined at paragraph 182 of the National Planning Policy Framework (NPPF). The plan is not legally compliant because the Publication Document policies are not consistent with the adopted development plan, and the proposed allocation policy is not supported by a reasoned justification.