

North Yorkshire Council

Executive Committee

12th December 2023

MALTKILN NEW SETTLEMENT – Delivery of the New Settlement (Maltkiln) Development Plan Document

Report of the Corporate Director of Community Development

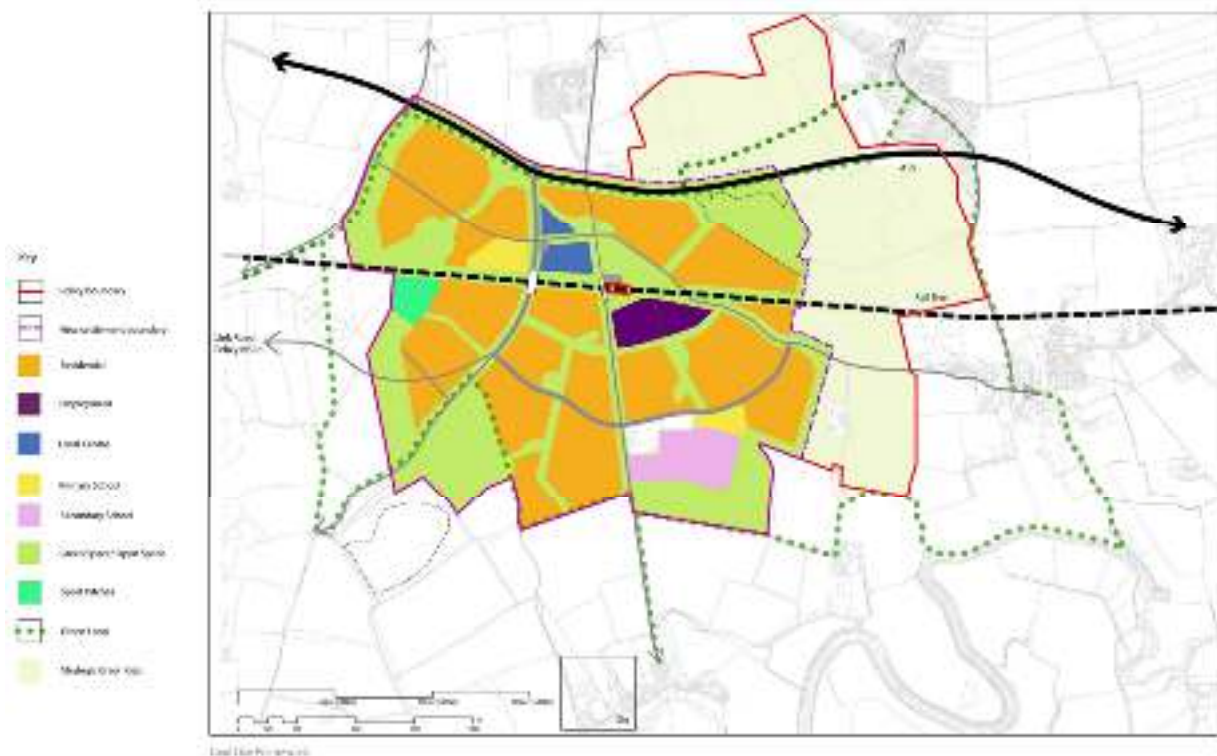
1.0 PURPOSE OF REPORT

- 1.1 To provide an update on the New Settlement (Maltkiln) Development Plan Document (DPD) following the withdrawal of previously available land within the proposed boundary and seek in principle approval to use of the Council's Compulsory Purchase Powers to support the delivery of Maltkiln if an agreement cannot be reached with the owners of the land outlined.

2.0 BACKGROUND

- 2.1 The principle of a new settlement in the Hammerton/Cattal area is established in the adopted Harrogate District Local Plan (2014-2035) ("the Local Plan") and forms part of the Plan's growth strategy to deliver homes, jobs and facilities in the most sustainable places. The Plan sets out the broad location for the new settlement as well as the quantum of development (a minimum of 3,000 homes) and guiding principles for its development. However, the Plan states that the detailed boundary and specific policies are to be determined in a separate Development Plan Document (DPD).
- 2.2 Following adoption of the Local Plan, work was undertaken which identified three possible locations for a new settlement within the 'broad location' and ultimately a preferred location which centred around Cattal Station. This preferred option was selected for a number of reasons, most importantly because it was centred on an existing rail station and provided a distinct new settlement separated from existing communities. All three options were consulted upon in October 2020 (Regulation 18 consultation). The consultation confirmed the Cattal Station focused option as the preferred option, and it was later re-named Maltkiln as the consultation responses also showed that communities wanted it to be given an identity as soon as possible.
- 2.3. Following the Regulation 18 consultation, officers and members worked with community representatives and specialist organisations to develop detailed policy requirements and a draft Development Plan was published in October 2022. Formal consultation on the draft (Regulation 19) was completed and no issues were raised that would prevent the DPD from progressing to an examination in public. It is also important to note that throughout the DPD process it was the Council's understanding (based on information going back to the Local Plan examination) that all of the land required for the preferred option and draft DPD was available.

2.4 The draft DPD sets a clear and ambitious thirty-year vision for Maltkiln and a policy framework to guide how it is developed. The policies and proposals in the draft DPD aim to create a mixed-use settlement, where people have access to homes, a range of employment types, local services and facilities, public transport and open spaces. This mix of uses is focused around the Cattal rail station and the new local centre enabling the residents to benefit from key walking, cycling and public transport corridors. Maltkiln will deliver as a minimum 3,000 homes and 5ha of employment land, plus additional employment opportunities within the local centre alongside supporting home working and flexible working, including the provision of flexible co-working space within the local centre. The broad locations of these uses are shown on the indicative Development Framework below:



2.5 The vision for Maltkiln as published in the Regulation 19 consultation draft is below:

Vision for Maltkiln

Maltkiln is a garden village with a distinctive identity where people want to live, work and spend time. Developed around convenient rail access to Harrogate, Leeds and York, the village set in an enhanced rural landscape of farmland, woodland and wetland; beyond which lies characterful historic villages and formal gardens.

The heart of the community is a vibrant new local centre, easily accessible to the community and provides convenient rail access and employment opportunities. With a range of shops, cafes, services and facilities, the local centre is an attractive place to spend time and caters for most day-to-day needs. It also provides additional services to nearby residents to complement those available in other villages.

Maltkiln is a desirable place to live, with characterful mixed neighbourhoods providing a wide range of house types and tenures along attractive village streets and tree-lined avenues. But it's also a great place to work, with workspaces and home-working supported by unrivalled connectivity.

It's a place where people are not dependent on a car. It has a network of safe and attractive walking and cycling routes which connect people, places and facilities, including nearby villages; while bus and train links enable longer journeys.

Attractive and accessible green spaces both within and around the village provide increased space for nature, as well as placing recreational opportunities close to the community and contributing to climate change resilience.

Maltkiln is a sustainable settlement designed to cope with the impacts of a changing climate where people can enjoy net zero carbon living.

- 2.6 The draft DPD was developed in consultation with community groups and specialist organisations, ensuring they are deliverable and as far as possible, reflect the aspirations of wider communities.
- 2.7 With the final stage of consultation (so-called Regulation 19 Consultation) completed in November 2022, the intention was to submit the DPD for independent examination by the Secretary of State in early 2023.
- 2.8 However, in January 2023, the Council were notified that an area of land included within the proposed boundary (See Appendix A) was no longer available as a result of one landowner deciding not to renew their agreement with the promoter (Caddick Group). The land that has been withdrawn forms a substantial part of the proposed new settlement area (approx. 128ha or 42% of the total area). Importantly, the land occupies a significant area around Cattal Rail Station which is intended to be the focal point of the settlement and provide a range of services to ensure that the settlement is an exemplar of sustainable development.
- 2.9 Following the withdrawal of the land, the Council paused submission of the DPD. One of the tests that DPDs need to meet during an examination in public is being "deliverable", i.e., that there is a reasonable prospect of the Plan being realised. Ordinarily, a Council can demonstrate this by providing evidence of willing landowners, so clearly the notification of the land withdrawal in January casts doubt

upon the Council's ability to meet this necessary test. The Council therefore paused submission of the DPD to consider the implications and look at potential ways forward.

- 2.10 The Council has had further communications with the landowner to discuss their position, however it was made clear to the Council that the entirety of the land was unavailable at present.

3.0 IMPLICATIONS AND OPTIONS FOR THE DPD

- 3.1 As outlined, the Council cannot submit the proposed DPD without a mechanism for delivery. Work has been undertaken to explore whether the objectives and policies of the proposed DPD could be met on remaining land within the proposed boundary, or other land in the broad location by amending the boundary. This work is summarised in Appendix B – New Settlement (Malkiln) DPD Options Paper.

- 3.2 The paper looks at the following options:

- Option A). Delivery of a new settlement on the remaining land within the proposed boundary;
- Option B). Extend the boundary to include the land available and additional land to the north, south, east and west;
- Option C). Deliver a new settlement on the previously discounted options (published for consultation in October 2020).
- Option D). Keep the remaining DPD boundary and use CPO powers to acquire all or some of the unavailable land.

- 3.3 The paper demonstrates that the new settlement cannot be satisfactorily delivered within the available land, even with amendments to the proposed boundary. Following the adoption of the Local Plan, Malkiln was chosen as the preferred option because it was the most sustainable way of delivering a new settlement within the area of search, and this remains the case. Neither Option A or B could deliver the key principles of the DPD relating to the sustainable travel opportunities presented by the focus around an enhanced Cattal rail station, as well as the opportunity to cluster community facilities around Cattal station as a central community hub and create enhanced connectivity for existing villages. Significant extensions to the proposed boundary are problematic for a number of reasons, including the need to cross/re-route the A59 and well as undermining the extent of the strategic green gap which was proposed in order to ensure the new settlement was a distinct place, separate from existing communities, as well as a way to protect more sensitive landscape areas as well as heritage assets. Other options which were discounted following the consultation in October 2020 remain less sustainable.

- 3.4 The new settlement at Malkiln presents an opportunity to deliver a significant number of homes in a sustainable location on an existing railway line, and in a manner that ensures that infrastructure and facilities can be provided on site. The broad location has already been scrutinized and found sound through a recently adopted Local Plan and the proposed DPD provides a clear framework for bringing

forward a comprehensively planned new settlement. National planning policy makes clear that development should be genuinely plan-led and so halting the DPD, or “going back to the drawing board” would miss an opportunity to capitalise on the work (including community consultation) undertaken so far and deliver much needed homes in the area.

- 3.5 It is therefore recommended that the Council commit to pursue delivery of the DPD Maltkiln on the basis that, if an agreement cannot be reached with the owners of the land outlined, the Council would be willing to use its Compulsory Purchase Powers (CPO) to ensure delivery of the new settlement. In this regard, it will be noted that the landowners had previously made their land available and supported the DPD, and so the possibility that they may yet change their mind cannot be entirely excluded. As national guidance makes clear, the exercise of compulsory purchase powers should be a last resort, and the Council will continue to seek to encourage the landowners to make their land available by agreement. However, a decision that the Council is willing to use its compulsory purchase powers will assist in demonstrating that Maltkiln remains deliverable, even if agreement cannot be reached. This would allow the Council to progress the proposed Maltkiln DPD through the final stages of the development plan process, with the aim of achieving an adopted Plan to guide development of the new settlement.

COMPULSORY PURCHASE POWERS

- 3.6 CPO is a legal mechanism by which certain bodies (known as ‘acquiring authorities’) can acquire land without the consent of the owner. Compulsory purchase powers can support the delivery of a range of development, regeneration and infrastructure projects in the public interest. Further information and guidance can be found on the website of the Department for Levelling Up, Housing and Communities <https://www.gov.uk/guidance/compulsory-purchase-and-compensation-guide-1-procedure>.
- 3.7 There are a number of different powers under which compulsory purchase orders can be made. Precisely which power the Council should use is a decision which would need to be addressed in the light of the circumstances as they exist at that time. However, the most likely power is s.226 of the Town and Country Planning Act 1990, under which the Council has the power of compulsory acquisition in cases where that is necessary in order to facilitate the carrying out of development/redevelopment or improvement on or in relation to land in its area, provide it thinks that development or redevelopment is likely to contribute to the achievement of the promotion of one or more of (a) the economic well-being of the area (b) social well-being of the area (c) environmental well-being of the area. Alternatively, the Council may acquire land which it thinks is required for a purpose which it is necessary to achieve in the interests of the proper planning of the area in which the land is situated.
- 3.8 National guidance makes it clear that a compulsory purchase order should only be made where there is a “compelling case in the public interest” and where any interference with human rights (such as those under Article 8 of, or Article 1 of the First Protocol to the European Convention on Human Rights) is justified. Local authorities are also required to take into account the Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010.

- 3.9 The Council have sought specialist legal advice which suggests that (for the reasons set out in section 5 below) acquisition of the land needed in order to deliver the Maltkilm new settlement would satisfy the statutory tests in s.226; and that, if agreement cannot be reached with the relevant landowners, there would be a compelling case (which was sufficient to justify any interference with human rights which might arise) that the exercise of compulsory purchase powers is justified in order to deliver sustainable development, given that a New Settlement is part of a growth strategy of a recently adopted Local Plan for the adopted Local Plan for the Harrogate District, the location for which was deemed to be the most sustainable when considered against all reasonable alternatives and subject to lengthy examination and consultation. As noted in section 9 below, issues relating to the PSED have already been considered in the adoption of the Local Plan and through the process of developing the DPD. It is unlikely that these conclusions will be materially altered by the need to use compulsory purchase powers in order to deliver the new settlement. In any event, as the PSED is a continuing duty, this is an issue which should be reviewed before any final decision is made to make a CPO.
- 3.10 The procedure to exercise compulsory purchase powers is guided by legislation and includes a number of stages, including consultation.
- 3.11 There are substantial costs involved with exercising CPO powers, including the costs to purchase the land, associated legal fees and resource to administer the process, including consultation. However, there are a variety of ways that the Council could seek to cover the costs, discussed at Section 7 of this report under “Financial Implications”. However, it is hoped that agreement can be reached with the landowners and that CPO would only be used as a last resort.

4.0 NEXT STEPS

- 4.1 If the Executive resolve to use the Council’s CPO powers if required, as recommended, this would provide clear evidence that the new settlement was deliverable notwithstanding the withdrawal of land by some of the landowners, and the Council would then be in a position to submit the DPD to Secretary of State for independent examination. Whilst a decision was taken by the former Harrogate Borough Council to submit the DPD for independent examination in September 2022, it is envisaged that a report to re-confirm this decision would be taken to Full Council in February 2024.
- 4.2 Upon submission, the Secretary of State appoints an Inspector to carry out an independent examination. This process is dealt with by the Planning Inspectorate.
- 4.3 Subject to a successful examination, i.e., an inspector is satisfied that the Plan has been prepared in accordance with legal and procedural requirements and if it is “sound”, the Council can resolve to adopt the Plan.

5.0 CONTRIBUTION TO COUNCIL PRIORITIES

5.1 Delivery of Maltkiln would make a significant contribution to a number of council priorities, specifically:

- Providing good quality, affordable and sustainable housing that meets the needs of our communities
- Creating a well-connected and planned place with good transport links and digital connectivity
- Providing economically sustainable growth that enables people and places to prosper
- Assisting new and existing businesses to thrive and grow
- People are supported to have a good quality of life and enjoy active and healthy lifestyles

6.0 ALTERNATIVE OPTIONS CONSIDERED

6.1 **Stopping progression of DPD and consider as part of the new Local Plan for North Yorkshire:**

This is not recommended as the principle of a new settlement in the Cattal area has already been rigorously tested through the local plan examination process and been found sound. Aside from the issue of land availability, there is no good reason to doubt that conclusion, or to presuppose that a later Local Plan would come to a different conclusion. As demonstrated in the Harrogate District Local Plan examination, this location represents a sustainable location on a railway line to serve demand in the housing market area. Additionally, a promoter is still in place to deliver the scheme. Therefore, re-opening debate on the merits of Maltkiln through a new Local Plan process would constitute unnecessary resource and delay. Stopping progression of the DPD would also undermine the ability of the Council to pursue a plan-led approach to the new settlement in the event of speculative planning applications in the area.

6.2 **Amend the DPD boundary to reflect available land within the Broad Location:**

As discussed in Appendix B: Options Paper, Officers are concerned that the land use and master planning principles illustrated in the DPD Development Framework plan are unachievable without the unavailable land. Other options which were discounted following the consultation in October 2020 remain less sustainable.

7.0 FINANCIAL IMPLICATIONS

7.1 In the event that using CPO becomes necessary, there would be substantial costs involved. These include the costs of any inquiry, if there are objections to the CPO (which could include paying the costs of any objector who is successful) as well as the costs of purchasing the land, associated legal fees and resource to administer the process, including consultation. However, there are a variety of ways that the Council could seek to cover the costs.

7.2 Caddick Group, the promoter of the scheme who control the majority of land within the proposed boundary, have agreed to discuss underwriting the costs of the CPO

(should the CPO become unavoidable and subject to satisfactory terms being agreed by both parties). There is also an option for the Council to pursue a more active role in development of the scheme or enter into agreement with other parties, such as Homes England, in which case the costs of the CPO would be recovered through any subsequent sale of the land. In all instances, further work and specialist advice will be needed to ensure any relevant agreements do not expose the Council to unacceptable risk and appropriate due diligence is undertaken.

- 7.3 However, these are matters which can and (in order to ensure that the decision is taken on the basis of the most up-to-date information) should be addressed at the time of the actual decision to make a CPO. At this stage, the decision sought is an in principle resolution and therefore this decision is cost neutral.

8.0 LEGAL IMPLICATIONS

- 8.1 Both Development Plans and Compulsory Purchase Powers are governed by legislation, specifically The Town and Country Planning (Local Planning) (England) Regulations 2012 and the Town and Country Planning Act 1990 (Section 226).
- 8.2 The Council has sought legal advice from its Planning Solicitor and Head of Legal Services in both the analysis of ways forward and the recommendation outlined in this report.
- 8.3 The Council has also sought independent specialist legal advice to ensure that any legal risks to the Council are minimised.

9.0 EQUALITIES IMPLICATIONS

- 9.1 Equality analysis has taken place alongside the development of the New Settlement DPD to understand the potential effects of emerging policies on people with protected characteristics and to use this information to seek to eliminate negative effects and maximise positive effects.
- 9.2 The analysis concludes that none of the policies have an overall negative effect and indeed many policies have positive effects for individuals and groups with protected characteristics, with the greatest number relating to the characteristics of age and disability. It also shows that, through a large number of policies, the DPD will advance the equality of opportunity in relation to most protected characteristics. To a lesser degree the DPD will also help to foster good relations between groups.
- 9.3 It is therefore considered that all reasonable and proportionate steps have been taken to maximise the positive equality benefits that will be realised through delivery of the DPD and that the plan will not lead to discrimination, harassment or victimisation but will help to eliminate such conduct. Implementation of the DPD will also advance the equality of opportunity for individuals and groups with protected characteristics and help to foster good relations between groups.
- 9.4 It is not considered that any of these conclusions would be altered by the use of compulsory purchase powers in order to deliver the new settlement.

10.0 CLIMATE CHANGE IMPLICATIONS

- 10.1 The adopted Harrogate Local Plan 2014-2035 included a new settlement in its growth strategy as a way to meet housing and economic development needs in a sustainable way, with services provided that reduce the need for travel. In addition, the broad location for the new settlement was chosen in order to maximise the opportunities for sustainable travel.
- 10.2 The New Settlement (Maltkiln) DPD has been developed with climate change mitigation and resilience at the forefront, and the former Harrogate Borough Council commissioned a Climate Change Strategy to explore the best ways to achieve its climate change ambitions in the DPD. This identifies four priority areas for action:
- Net zero carbon movement and active travel;
 - Net zero carbon energy supply and use;
 - Inclusive flexible living and working;
 - Climate resilience.
- 10.3 Taken together the climate change policies in the DPD seek to ensure that each of the four climate change priorities are secured.
- 10.4 It is important to note that the policies in the DPD require more ambitious action than the adopted Local Plan. Therefore, the recommendation to secure delivery and progression of the DPD will have a positive effect on the Council's climate change aspirations by ensuring that development is carbon net zero across all phases.

11.0 REASONS FOR RECOMMENDATIONS

- 11.1 To ensure that the Council can submit the proposed New Settlement (Maltkiln) Development Plan Document for examination in public and ultimately deliver sustainable development in North Yorkshire in line with the adopted Harrogate Local Plan 2014-2035.

12.0 RECOMMENDATION

- i) That the Executive Recommend to Full Council that a Compulsory Purchase Order is pursued as a mechanism to deliver a new settlement at Maltkiln if an agreement with landowners cannot be reached.

APPENDICES:

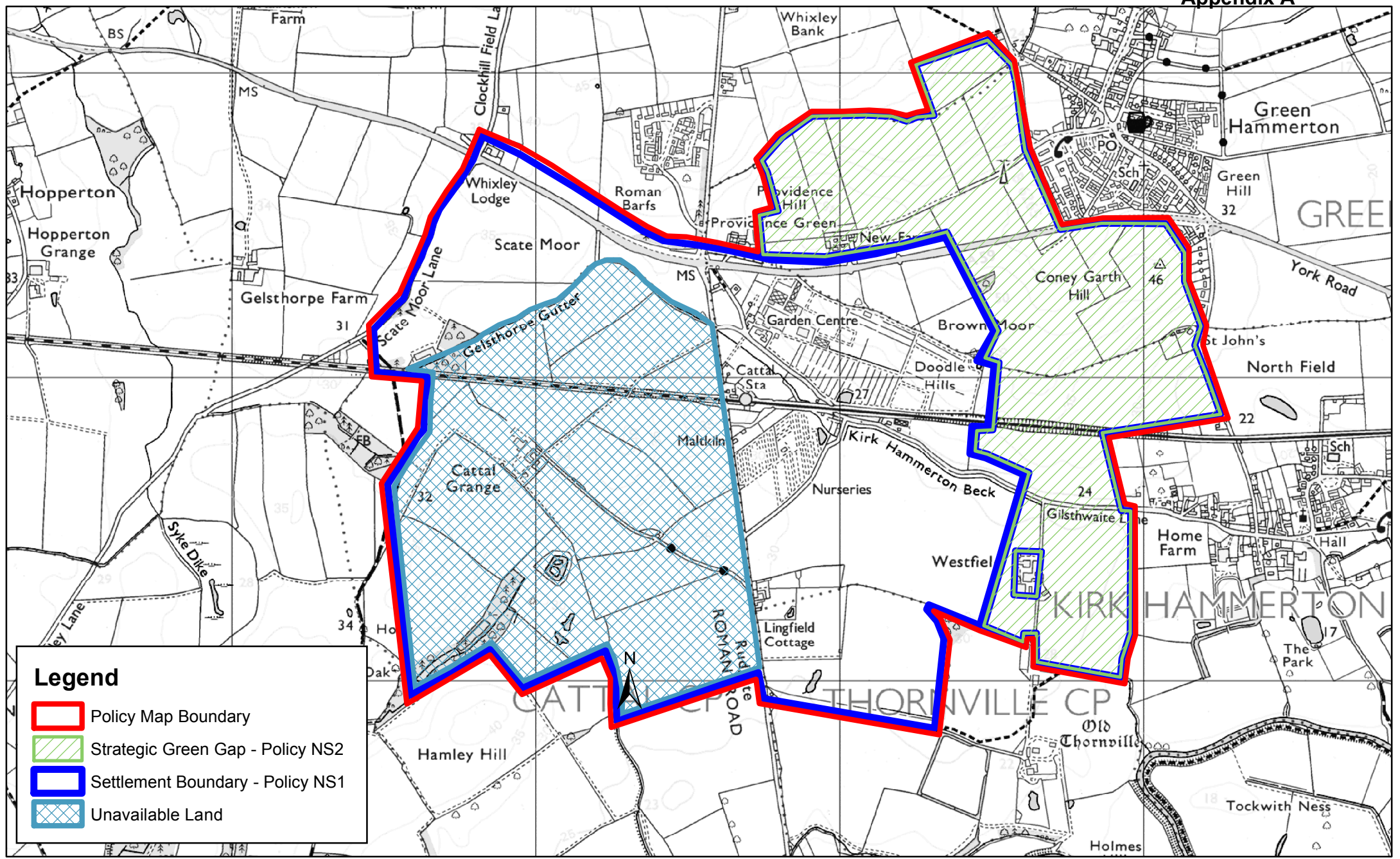
- Appendix A – Map of unavailable Land
Appendix B – New Settlement (Maltkiln) DPD Options Paper
Appendix C – Equalities Impact Assessment
Appendix D – Climate Change Impact Assessment

BACKGROUND DOCUMENTS:

New Settlement (Maltkiln) Development Plan Document: Regulation 19 Draft
<https://consult.harrogate.gov.uk/>

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County Hall
Northallerton
November 2023

Report Author – Tracey Rathmell, (Head of Infrastructure and Delivery)
Presenter of Report – Tracey Rathmell, (Head of Infrastructure and Delivery)
Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.



Legend

- Policy Map Boundary
- Strategic Green Gap - Policy NS2
- Settlement Boundary - Policy NS1
- Unavailable Land



Appendix B: New Settlement (Maltkiln) DPD Options Paper

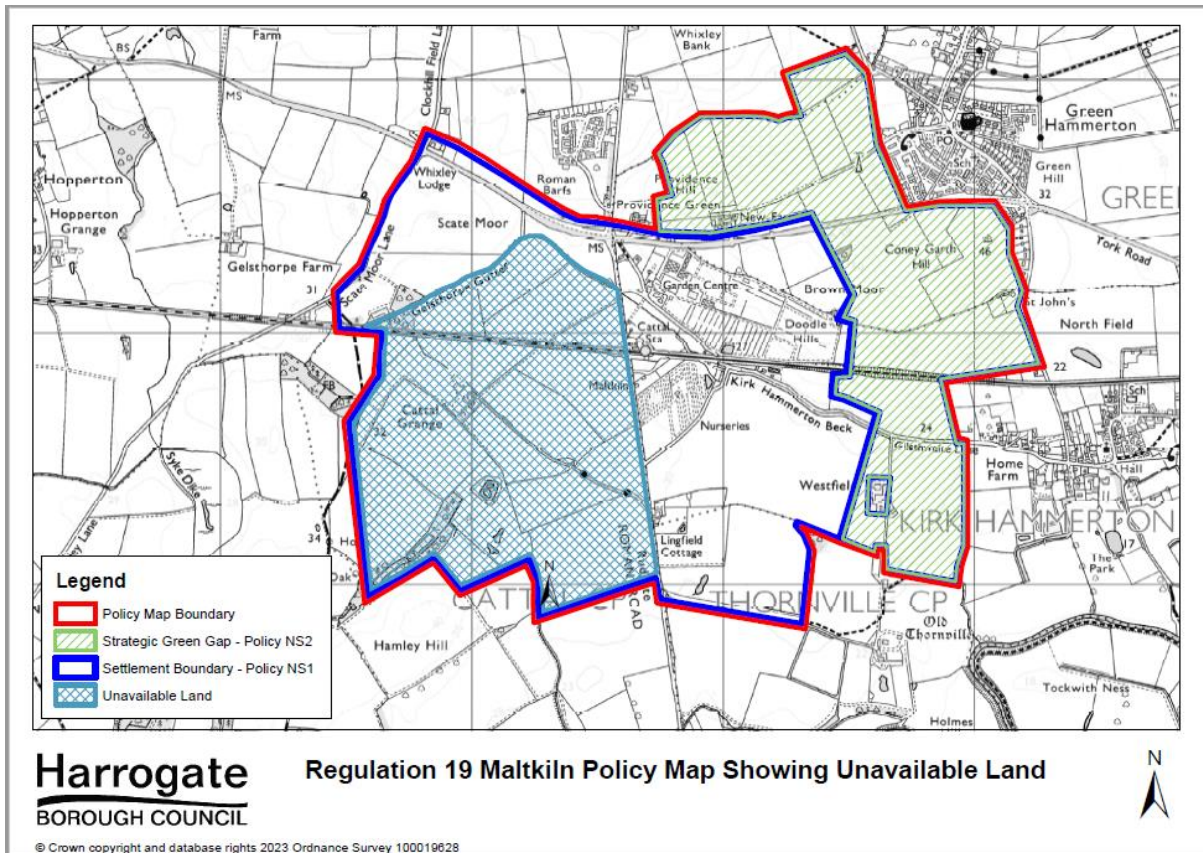
1. Introduction

- 1.1. This paper sets out the Council's analysis of options for the New Settlement (Maltkiln) Development Plan Document (DPD) following the withdrawal of previously available land within the proposed DPD boundary in January 2023. It considers to what extent the objectives of the emerging DPD can be made on available land within the broad location in the adopted Harrogate Local Plan 2014-35, including land outside of the proposed DPD boundary.

2. Background

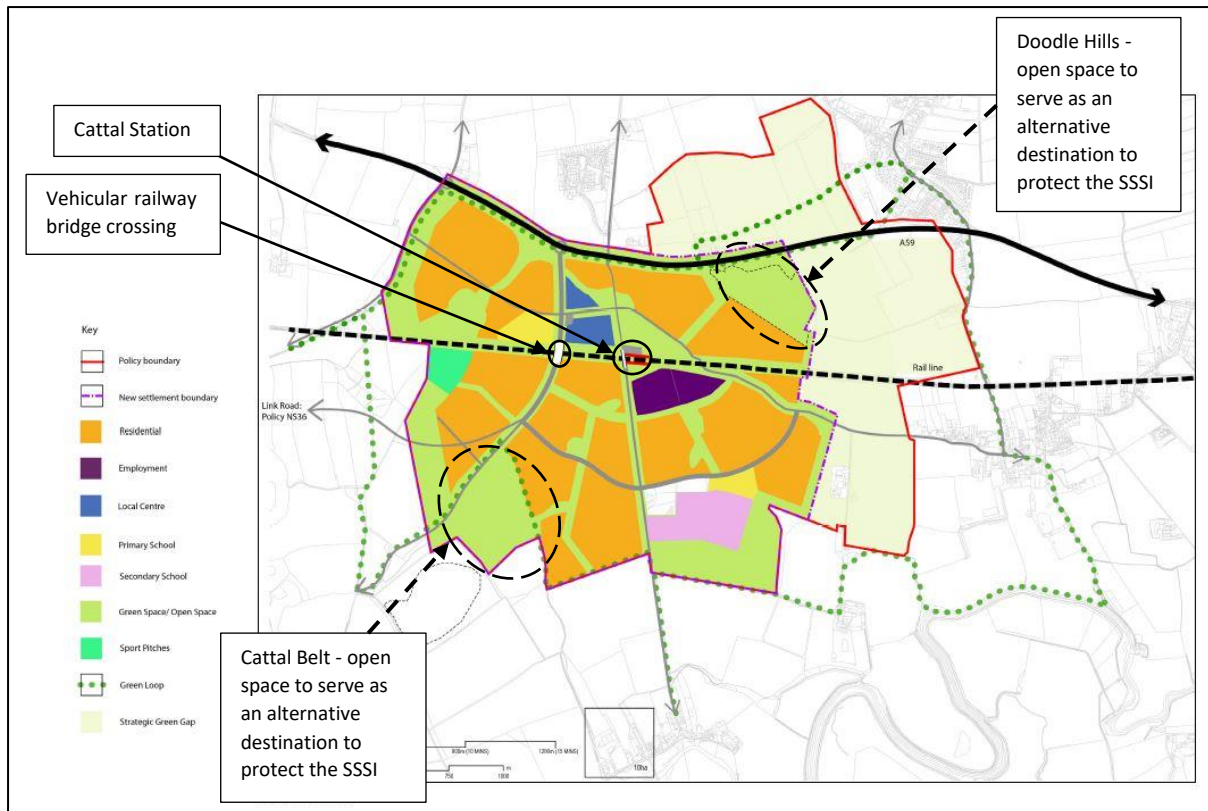
- 2.1. The Harrogate District Local Plan (adopted 2020) identifies a broad location for a new settlement in the Green Hammerton/Cattal area but stated that the boundary, form and nature of the new settlement would be established through the preparation of a New Settlement DPD.
- 2.2. Following adoption of the Local Plan, an Options Generation and Analysis report was prepared which identified three possible locations for a new settlement within the 'broad location' and ultimately a preferred location which centred around Cattal Station (later known as Maltkiln). One of the principal reasons for choosing this location for a new settlement was to maximise opportunities for sustainable travel, by placing the settlement within close proximity to the Leeds-Harrogate-York railway line; with Cattal station forming a focus for the local centre and employment purposes alongside enhancements to the station itself, including access and parking.
- 2.3. Work on the New Settlement (Maltkiln) DPD has progressed to an advanced stage and the final stage of consultation (Regulation 19 Consultation) was completed in November 2022 with the intention of submitting the Plan for independent examination by the Secretary of State soon after. The draft DPD includes an ambitious vision and objectives for Maltkiln, as well as detailed policies and requirements relating to climate change, access and movement and a local centre. These policies were developed in consultation with community groups and specialist organisations, ensuring they are deliverable and as far as possible reflect the aspirations of wider communities.
- 2.4. However, in January 2023, the Council were notified that an area of land included within the proposed boundary (See Map 1) was no longer available. The land that has been withdrawn forms a substantial part of the proposed new settlement area (approx. 128ha or 42% of the total area). Importantly, the land occupies a significant area around Cattal Rail Station which was intended to be the focal point of the settlement and provide a range of

services to ensure that the settlement is an exemplar of sustainable development.



Map 1: Regulation 19 Policy Map Showing Unavailable Land

- 2.5. The Regulation 19 DPD Development Framework below (Map 2) shows the indicative layout (as well as other important designations within the DPD) and illustrates the importance of the now unavailable land within the delivery of the new settlement.



Map 2: Annotated Regulation 19 DPD Development Framework Indicative Layout

2.6. In light of the withdrawal of the land as shown in Map 1 (the “the unavailable land”) the Council paused the submission of the DPD, whilst further work was undertaken to establish whether a scheme could be brought forward on the remaining land, that still met the vision and objectives set out in the DPD. The Council is now considering its position on the new settlement and this paper presents a number of options available.

3. The Baseline

3.1. The assessment undertaken for the Regulation 18 Options Generation and Analysis report and the accompanying Sustainability Appraisal (SA) Interim report 2020 concludes that all three site location options scored relatively closely, but the option at Cattal station presented positive factors which would create the most sustainable and attractive place. The key factors identified in support of the Cattal option were:

- The sustainable travel opportunities presented by the focus around an enhanced Cattal rail station, as opposed to a significant rerouting of the A59
- Opportunity to cluster community facilities around Cattal station as a central community hub and create enhanced connectivity for existing villages
- A sensitive arrangement of development and greenspace, minimising impact on nearby conservation area villages and the landscape setting

- In line with stakeholder emphasis on steering development away from the existing conservation area villages – as communicated in stakeholder events
- A land promoter is in place to support and progress delivery of an approach similar to this spatial option.

3.2. Whilst Harrogate District Local Plan Policy DM4 states that the boundary, nature and form of the new settlement will be established in the DPD, it does detail a number of principles and requirements with regard to the design, development and delivery of the settlement as follows:

Development

- At least 3,000 dwellings providing an appropriate mix of house types, sizes and tenures that achieves a balanced and inclusive community.
- Provision of about five hectares of employment land to provide a mix of employment uses.
- The relocation of the existing horticultural nursery as appropriate.
- The provision of on-site education, health, retail, community and other services and facilities and a local centre(s) of a suitable scale to meet residents' day to day needs.
- The creation of a connected network of green infrastructure, open spaces and informal and formal recreational facilities that respects and enhances the landscape qualities of the area and maximises opportunities to create and strengthen green infrastructure.
- The provision of supporting transport infrastructure including managing the impact of traffic on the strategic and local road network, provision of appropriate public transport (services and infrastructure) serving the new settlement including the enhancement and improvement of Cattal and Hammerton rail stations and a comprehensive network of walking and cycling routes linking residential areas to public transport and local centres, schools and employment areas and providing good connectivity with adjoining areas.

Design

- The new settlement will be an exemplar of sustainable design and resource efficiency. It will incorporate high design and layout standards. These should draw on local character, topography of the area and assets such as trees, hedgerows and streams and important features and characteristics of the area should be recognised and incorporated into the development design, ensuring protection and enhancement where necessary.
- An assessment of the potential impact of development on heritage assets within the area and an evaluation of the known and potential archaeological significance of the area. The findings of these should inform the final layout of the development which should seek to avoid any unacceptable adverse impacts.

- Appropriate measures to mitigate flood risk including the use of sustainable urban drainage systems.
- The provision of biodiversity enhancements and appropriate landscaping measures to provide a high-quality landscaped setting.

Delivery

- The phasing of development to ensure the provision of essential supporting infrastructure and facilities is provided ahead of or in tandem with the development it supports to address the impacts of the new settlement.

3.3. These DM4 policy requirements can be translated into land take estimates as follows:

Table 1: DM4 Requirements and Approx. Land Take

Requirements	Assumptions	Approx. Land Take
At least 3000 homes	30 dph average	100ha
Employment	Either adjoining or within walking distance of the Local Centre	5ha
Local Centre	Centred around Cattal Station	2ha
Education	420 place primary school 630 place primary school	2.42ha 3.51ha
Open Space	Policy HP7 requirements	48.15ha
Pitches	Based on Open Space SPD calculations	8.67ha
Surface Water attenuation	Based on Concept work	7ha
Car parking around station	Centred around Cattal Station	0.75ha
Pedestrian and vehicular bridge		0.19ha
Total		178ha

3.4. This figure however should not be taken as the amount of land needed to deliver a new settlement, but the minimum land needed to deliver certain land use requirements based on 'technical' calculations. It does not take account of land needed for essential infrastructure such as roads, green infrastructure, landscape/ heritage mitigation or indeed land to enable the master-planning and place-making principles to be met. The figure also does not take account of any of the constraints that the land presents which are summarised in the table below. A copy of the Regulation 18 Constraints map is included in Appendix 1.

Table 2: Constraints

Flooding/Drainage	<ul style="list-style-type: none"> • 7.12ha of land required for attenuation • Areas with high risk of surface water flooding • Flood zone 2 and 3 along Kirk Hammerton Beck which runs west to east across the study area • Other watercourses along Gilsthorpe Gutter and in SW part of site
Biodiversity	<ul style="list-style-type: none"> • Falls within impact zone of Aubert Ings Site of Special Scientific Interest (SSSI) • Kirk Deighton Special Area of Conservation (SAC) located 8km to the southwest • Deciduous woodland and traditional orchard priority habitats and key endangered species present within or in the vicinity (great crested newts, bats, badgers, breeding birds)
Topography	<ul style="list-style-type: none"> • Doodle Hill to the northeast of the site – an elevated and open parkland or heath in the northeast of the settlement which provides extended views over the new settlement and towards York Minster to the east.
Heritage	<p>15 Heritage assets affected either directly or their setting as follows:</p> <ul style="list-style-type: none"> • 4 Conservation Areas – Kirk Hammerton, Cattal, Green Hammerton and Whixley • Grade 1 Listed – St John the Baptist Church, Kirk Hammerton • Grade II* - Old Thornville • Grade II – St John the Baptist Church, Hunsingore, Providence House and Milepost • NDHS – Gelsthorpe Farm, Cattal Grange, Cattal Station, Westfield, Whixley Lodge • Scheduled Monument – Cattal Bridge
Highways	<ul style="list-style-type: none"> • A59 severance - A59 acts a barrier to movement • Key junctions at A59/Station Rd (Whixley), A59/Station Road (Kirk Hammerton), A59/Cattal Street, A59/Green Hammerton • Improvements required to Junction 47 of the A1(M)
Railway	<ul style="list-style-type: none"> • 4 level crossings (Scaite Moor Lane, Cattal, Kirk Hammerton, Parker Lane) act as barriers to land in the south • Number of existing pedestrian and vehicular underpasses
Utilities	<p>Existing utilities constraints:</p> <ul style="list-style-type: none"> • A National High-Pressure Gas Main bisects the westernmost portion of the study area • Several Northern Powergrid 11KV overhead cables pass through the site

	<ul style="list-style-type: none"> • A Yorkshire Water Public Water Main runs east to west across land to north of A59 • A Yorkshire Water Public Sewer (Foul) runs along Gilsthwaite Lane <p>Required infrastructure:</p> <ul style="list-style-type: none"> • Direct connections to high pressure gas mains are not possible and Maltkiln will instead be gas free, using electricity alone • Upgrades of the local foul sewerage infrastructure, including the Kirk Hammerton wastewater treatment works • Upgrades of the clean water supply infrastructure in the surrounding area • A new onsite primary substation connected to the National Grid at Boroughbridge Road in York
Landscape	Landscape impacts particularly to the East of the Settlement
Land ownership	Pockets of land not in the control of the land promoter due to existing residential/businesses properties including the land owned by Ptarmigan land. Does not affect overall DPD delivery of new settlement but may have impact if reduced area of land available.

4. Options for Delivery

- 4.1. As stated, a key consideration for the Council now is to understand whether it is possible to deliver the new settlement whilst maintaining the objectives and requirements of Policy DM4, the objectives identified in the Sustainability Appraisal work and the proposed policies within the Draft DPD.
- 4.2. The following options were identified as reasonable options to consider, i.e. using land within the Broad Location identified in the Local Plan:
- Option A: Use the remaining available land within the boundary proposed at Regulation 19.
 - Option B: Extend the proposed Regulation 19 boundary to include the available and additional land to the north, south, east and/or west.
 - Option C: Reconsider options considered at Regulation 18 which were previously discounted.
 - Option D: Pursue acquisition of some or all of the unavailable land through compulsory purchase powers, if agreement cannot be reached.

Option A - Use the remaining available land within the boundary proposed at Regulation 19

- 4.3. When assessing whether the remaining land is adequate there are three important considerations to take into account:

- Can the requirements of DM4 and the overall vision and objectives of the DPD still be achieved on this land?
 - Can the main reasons for choosing this option as per the sustainability appraisal work undertaken as part of the DPD process still be achieved on the remaining land?
 - Are there additional impacts that need to be considered?
- 4.4. Initial capacity work shows that approximately 3100 homes and 2 primary schools can be accommodated physically on the site without the unavailable land. However, officers are concerned that there is not enough land available to fully secure the remaining requirements and objectives of Policy DM4 or the DPD, in particular the remaining land is insufficient to deliver:
- any significant employment land,
 - sufficient outdoor sports facilities either in the form of a sports hub or individual pitches,
 - the full extent of the local centre and essential car parking,
 - any safeguarded land for a secondary school,
 - land needed to provide adequate landscape and heritage mitigation,
 - Appropriate site access (via a link road) to mitigate impacts on Junction 47 and Cattal Bridge,
 - flexibility to enable the master-planning and place-making principles to be adequately met, such as tree-lined streets, segregated cycleways etc.
- 4.5. Whilst the proposed development framework is indicative, key areas of open space are identified to protect the Aubert Ings SSSI to the south of the site, providing an alternative, semi-natural destination for recreational activities and dog walking in particular. Whilst these spaces could arguably be accommodated elsewhere within the site, and the open space could be potentially included within pockets of residential development, the principle of having accessible, useable and attractive open space to serve the needs of residents and mitigate impacts on the SSSI is an essential part of the development requirements and land is needed for this.



Map 3: Indicative Development Framework showing unavailable land around Cattal Station.

4.6. As shown in Map 3, under this option, only land to the northeast of Cattal station is available for the critical local centre development however there are some flooding constraints associated with a portion of this land. It would therefore be impossible to achieve the objective of developing a settlement that presents sustainable travel opportunities and is focused around an enhanced Cattal Station as a community hub.

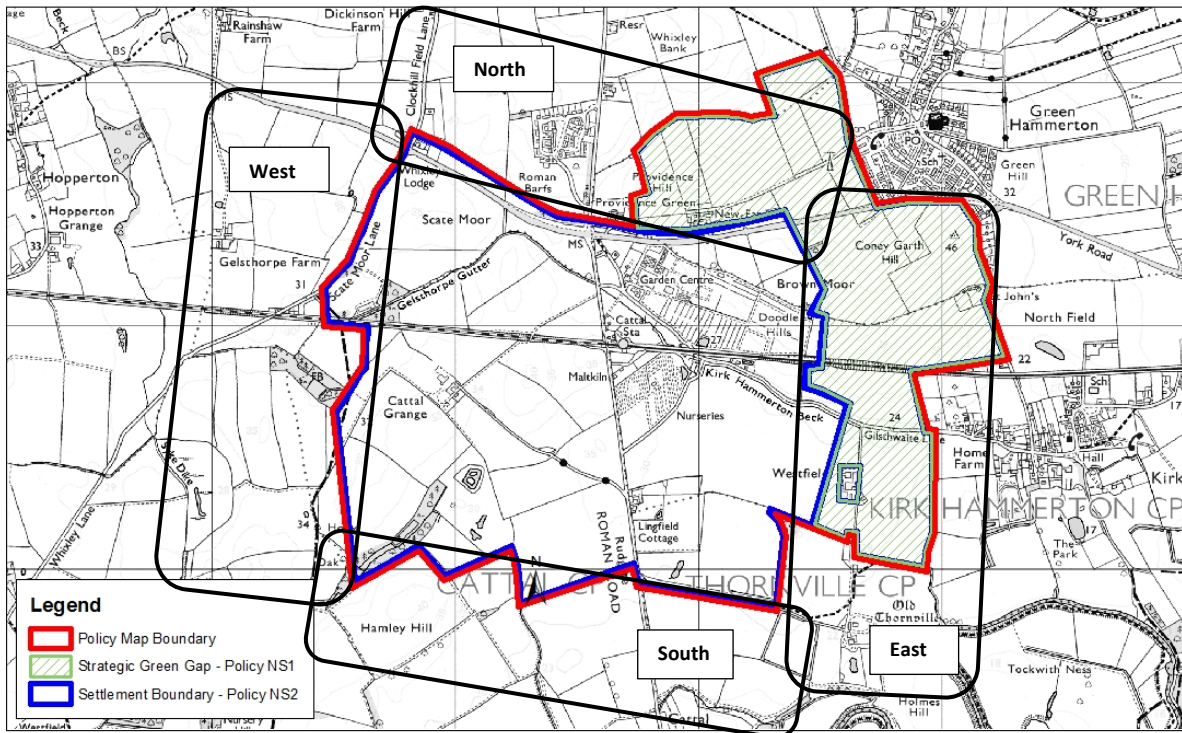
4.7. Conclusion for Option A:

It is therefore concluded that this option does not fully meet the requirements of DM4 and the overall vision and objectives of the DPD.

Option B - Extending the New Settlement Boundary

4.8. This section considers whether the requirements of Local Plan Policy DM4 and the overall vision, objectives and emerging policies of the DPD could be achieved through the extension of the proposed DPD boundary to the north, south, east and west respectively as shown in Map 4. This assessment has

been informed by specialist advice from the Council's Conservation and Landscape Officers.



Map 4: Areas of land around the existing boundary assessed for possible extension

Land to the North

4.9. This option would involve extension of the new settlement to the north of A59 towards Whixley and Green Hammerton. Built development in the form of housing or employment in this location would have the following impacts and would therefore not be considered an acceptable option.

4.10. Landscape Impact:

- an adverse impact on the Strategic Gap (outlined in draft Policy NS2) between the settlement and Green Hammerton creating encroachment and coalescence between the two which would not be in accordance with the principles of the proposed strategic gap.
- an adverse impact on views from the Public Right Of Way between Whixley and Green Hammerton which is on elevated land at Whixley Bank and with a rolling fold in the landscape before more elevated land immediately north of the A59.
- adverse visual effects likely from the adjacent Green Hammerton Sports Ground and from the edges of the Conservation Area.
- creates coalescence with Whixley Gate.

4.11. Master-planning principles:

- working against the fundamental principle of achieving a new settlement and vibrant new community within its own right which is distinct from neighbouring settlements.
- conflicts with the movement strategy as pedestrians would need to cross the A59 to access services.

4.12. Heritage Impact:

- Whixley Lodge (a Non-Designated Heritage Asset) – development would constitute encroachment of built form up to Whixley Lodge and adversely affect the rural setting of the Lodge.
- Providence House (Grade II Listed) – development would create harm to the setting of Providence House and encroach upon the grade II listed building.
- Impact on the Green Hammerton Conservation Area and proposed Strategic Green Gap (as outlined in draft Policy NS2).

Land to the South

- 4.13. The proposed Strategic Green Gap (see draft Policy NS2) does not extend to the south of the proposed Maltkiln boundary as the Council believe there to be no special landscape or heritage reasons to protect land to the south of the new settlement between Maltkiln and Cattal. Additionally, the risk of coalescence was limited by Cattal's designation as open countryside. However, extension of the proposed boundary to the south would result in an element of coalescence and likewise there are additional restrictions to the extent of any southern extension as a result of flood risk and Cattal Bridge's status as a Scheduled Ancient Monument.
- 4.14. The land to the West of the existing New Settlement boundary is significantly constrained by the presence of a Mains Gas pipeline and the associated development offset and this pipeline continues to affect land to the southwest of the settlement boundary, reducing the area of developable land.
- 4.15. Most importantly, extension of the boundary to the south / southwest (without the unavailable land) would not be logical or acceptable in place-making or permeability principles as would it involve the settlement looping round the southern edge leaving a significant 'hole' within the heart of the settlement. The important aim of creating walkable, 15-minute neighbourhoods would not be possible with easy non-car access to the station and the local centre unachievable.

Land to the West

4.16. This option involves extension of the new settlement to the west. Whilst the western edge is low-lying and less sensitive to development and therefore was not included within the Strategic Gap, there are some sensitivities. Built development in the form of housing or employment in this location would have the following impacts and would therefore not be considered an acceptable option.

4.17. Landscape Impact:

- Some potential impact on the higher and rising land to the north.
- Some impact on views along Skate Moor Lane including a view of Allerton Castle – development could have a harmful visual impact on the recreational potential of this route.

4.18. Heritage Impact:

- Potential harm to the setting of Whixley Lodge (NDHA) as development would alter the character of the surrounding farmland harm to the setting of Gilsthorpe Farm (NDHA) through the introduction of new development in close proximity.
- Potential impact on the views of Grade 1 listed Allerton Castle from Skate Moor Lane.

4.19. Other Constraints:

- the presence of the Mains Gas pipeline to the west significantly reduces the developable area available.

4.20. Importantly, the extension of the boundary to the west / southwest (without the unavailable land) would not be logical or acceptable in place-making or permeability principles as would it involve the settlement looping round the northern edge leaving a significant 'hole' within the heart of the settlement. The important aim of creating walkable, 15-minute neighbourhoods would not be possible with easy non-car access to the station and the local centre unachievable.

Land to the East

4.21. This option would involve extension of the new settlement to the east into land that is currently identified as a Strategic Green Gap (see draft Policy NS2) and therefore has an important role to play in ensuring there is no coalescence and reducing the impacts of development of the Conservation villages of Green and Kirk Hammerton. Built development in the form of housing or employment in this location would have the following impacts and would therefore not be considered an acceptable option

4.22. Landscape Impact:

- The land within the Strategic Gap provides separation between the new settlement and both Green Hammerton and Kirk Hammerton; forming part of the rural context of the existing settlements and their conservation areas.
- Land to the north and south of Gilsthwaite Lane provides a gap between the two settlements and forms part of their rural context. Land rises towards Doodle Hills to the north, which becomes visible when moving away from Kirk Hammerton to the west.

4.23. Heritage Impact:

- Impact on the setting of Kirk Hammerton Conservation Area due to development altering the existing views as described above, changing the rural setting.
- A key view is identified in the Conservation Appraisal which looks northwest from Parker Lane, over a field located to the north of the Conservation Area.
- Development on the southern part of the Strategic Green Gap (outlined in draft Policy NS2) would impact on the setting of the Old Thornville group of buildings. This would affect how the group is experienced in its rural setting, for example, when walking the footpath that leads from Gilsthwaite Lane to Old Thornville.

4.24. Conclusion for Option B:

Assessment of the various boundary extensions within Option B concludes that the principles of DM4, the objectives of the SA and the vision and objectives of the DPD cannot be achieved using substantial extensions beyond the proposed DPD boundary (without the unavailable land).

Option C: Reconsider options considered at Regulation 18 which were previously discounted

- 4.25. Initial work on the DPD showed three potential options to deliver a new settlement in the broad location. These are shown below and were consulted upon in October 2020 (Regulation 18 consultation).

Regulation 18 Option 1: Central Focus



Regulation 18 Option 2: North of Cattal Station Focus



Regulation Option 3: Cattal Station Focus



4.26. The Options assessment concluded that the three options scored relatively closely, but that the option which focussed on the existing railway station at Cattal would create the most sustainable and attractive place. The key factors identified in support of the Cattal Station Focus option were:

- Sustainable travel opportunities presented by proximity to the station;
 - Opportunity to cluster community facilities around station in a central community hub;
 - Opportunity to minimise impact on nearby conservation areas and the landscape setting;
 - Stakeholder feedback regarding impact on existing villages;
 - Land promoter in place.
- 4.27. The consultation undertaken at Regulation 18 in October 2020 confirmed Option 3 as the preferred option, and it was later re-named Maltkiln as the consultation responses showed that communities wanted it to be given an identity as soon as possible.
- 4.28. Officers have reconsidered the previously discounted options in the light of the withdrawal of land around the station and do not feel that the original assessment of the options has changed, in fact work on the DPD on the Strategic Green Gap policy, access and movement policies etc. has further confirmed that the Cattal station focus is the most favourable option to deliver sustainable development and maintain the objectives and requirements of Policy DM4, the SA and the proposed policies within the Draft DPD.
- 4.29. It is also important to note that there is no land promoter in place for Options 1 (Central Focus) and 2 (North of Cattal Station Focus) at this current time.
- 4.30. Finally, pursuing these options would contradict the consultation outcomes that stated that Option 3 (Cattal Station Focus) provided the most distinct option from existing communities.

Option D – Pursue acquisition of some or all of the unavailable land through compulsory purchase, if agreement cannot be reached

- 4.31. The work undertaken by Council officers concludes that the new settlement cannot be delivered satisfactorily without the unavailable land. Whilst the land is not under any option agreement with Caddick (the main promoter of the site) and the landowners confirmed in a meeting with the Council in January 2023 that the land was not available, another option for the Council to pursue is the acquisition of some or part of the land through other means, including further negotiation with the landowners and/or use of the Council's compulsory purchase powers if an agreement cannot be reached. In this regard, it is noted that the landowners had previously made their land available and supported the Maltkiln proposal up to this point so the possibility that they might yet change their minds cannot be entirely excluded. Compulsory purchase should be a last resort, and the Council would only exercise these powers if agreement could not be reached.

- 4.32. In order to inform if and how this option is taken forward, it is important to ascertain how much of the unavailable land is needed to deliver the key principles on which the DPD is based. The unavailable land is approx. 128 ha in area, and can usefully be divided into two parcels, to the north and south of the railway.
- 4.33. With regards to the indicative development framework, this land along with residential development and some open space is identified for the majority of the local centre and primary school provision. Capacity work undertaken shows that key residential requirements, as well as some employment, a sports hub and local centre could be met on the remaining land within the proposed boundary and the unavailable land north of the railway line. However, this would necessitate various compromises to be made such as residential development on more sensitive areas, including areas identified for open space and in order to achieve the minimum number of homes required in Local Plan Policy DM4 and make the site viable (as shown in viability work published in support of the Regulation 19 consultation).
- 4.34. Additionally, exclusion of the southern part of the unavailable land would jeopardise the following key elements of the new settlement:
- Link road access – in order to mitigate impacts on J47 and also to reduce the amount of traffic using the Cattal Bridge (a Scheduled Ancient Monument to the south of the new settlement), the DPD proposes a new link road connecting the new settlement with the A168. The unavailable land to the south of the railway is critical for achieving this important link see Map 2).¹
 - Railway crossing – as indicated on Map 2, the principal vehicular crossing of the railway is to be achieved through the provision of a new vehicular bridge within the unavailable land. Without this, access to the south-east quadrant of the site could only be achieved through the provision of an additional roundabout on the A59 and primary road access through the strategic gap.
 - Cattal Belt open space – this area of land along the settlement boundary to the Southwest is shown on Map 2 and intended to act as a destination point to protect Aubert Ings SSSI from recreational disturbance.
 - Safeguarded land for a secondary school.
- 4.35. Not only is the unavailable land critical to deliver the specific requirements required above, but the work also undertaken for the Regulation 18 and 19 consultations identified this option and the subsequent draft boundary and indicative planning framework to be the most sustainable approach to ensuring that the vision and following objectives of the DPD be achieved, namely:

¹ The precise route for the link road is not specified and the DPD requires further work to be undertaken to explore this.

- To promote high quality, locally distinctive design that creates a unique sense of place including a well-connected tree lined street network, village and linear greens and parkland.
 - To provide positive relationships with nearby villages including landscape buffers, convenient connections and services that complement the existing provision.
 - To create a community that enables a hierarchy of travel choices with walking and cycling ahead of public transport followed by private car use.
 - To create a mixed-use community with services and facilities in convenient and accessible locations
 - To respond positively to the challenges of climate change
 - To deliver a settlement that is resilient to a wide range of predicted climate change impacts, where development is not at risk of flooding now or in the future and contributes positively to the resilience of wider communities.
 - To provide a vibrant centre including shops, schools and services that forms a 'heart' for the community which is well connected to the rail station and provide services for nearby villages and parishes.
 - To create an accessible landscape framework that works with local topography, incorporates new distinctive parks and gardens, connects spaces to places and create places for nature and delivers biodiversity benefits
 - To provide a mix of homes in varied sustainable neighbourhoods that satisfy local needs and support economic growth.
 - To promote a planned and phased approach that is economically sustainable, commercially aware, engages with delivery / management bodies and involves cross sector collaboration.
 - To provide the potential to create local jobs and support skills development through traditional employment sites, finer grain opportunities in centres and home-working environments.
 - To provide long term involvement opportunities for growing local communities to guide place making and stewardship supported by effective governance.
- 4.36. The indicative land use framework (Map 2) has been developed in consultation with communities and specialist organisations to present a vision for a new settlement that achieves the aims and objectives set out in the adopted Local Plan.
- 4.37. The tables below provide a summary of the options against the Sustainability Appraisals objectives developed alongside the Draft DPD. This further concludes that the unavailable land is required in order to develop Maltkiln in the most sustainable manner.

Tables assessing the delivery options against the SA objectives of the New Settlement DPD.

Benefits Assessed from SA	Option A – Remaining Land	Option B – Extending Boundary				Option D – Pursue acquisition of Unavailable Land
		North	South	West	East	
<p>The sustainable travel opportunities presented by the focus around an enhanced Cattal rail station, as opposed to a significant rerouting of the A59</p> <p>Opportunity to cluster community facilities around Cattal station as a central community hub and create enhanced connectivity for existing villages</p>	<p>Only land to the north east of Cattal station is available. All the remaining land around the railway and Cattal Station is unavailable. This also compromises the ability to provide the required extent of land for both employment and sport.</p>	<p>Only land to the north east of Cattal station is available. All the remaining land around the railway and Cattal Station is unavailable.</p> <p>A59 causes significant barrier to pedestrian movement and access to community hub and station</p>	<p>Only land to the north east of Cattal station is available. All the remaining land around the railway and Cattal Station is unavailable.</p>	<p>Only land to the north east of Cattal station is available. All the remaining land around the railway and Cattal Station is unavailable.</p>	<p>Only land to the north east of Cattal station is available. All the remaining land around the railway and Cattal Station is unavailable.</p>	<p>Both acquisition options (land north and south of the railway) would deliver all the land needed to enable the Cattal station focus. Sufficient land would be available to provide the local centre, employment, sports hub and associated station facilities such as parking.</p>
<p>A sensitive arrangement of development and greenspace, minimising impact on nearby</p>	<p>Additional residential development would be required along the Eastern boundary in land</p>	<p>Heritage and landscape impacts on the setting of the Green Hammerton Conservation Area</p>	<p>Additional residential development would be required along the Eastern</p>	<p>Some unacceptable impacts on the landscape setting and on listed and</p>	<p>Unacceptable heritage and landscape impacts on the setting of the Green</p>	<p>This would only be achieved by the use of all of the unavailable land. This would give greater</p>

<p>conservation area villages and the landscape setting</p>	<p>required for the Strategic Gap. This will result in increased coalescence, increased impact on the landscape setting and heritage impact on the setting of the Conservation Areas of Kirk and Green Hammerton</p> <p>The reduction in the Strategic Gap would increase the impact of development on the conservation area villages and would be contrary to opinions of the local community.</p>	<p>and listed and non-designated assets. Adverse impact on the Strategic gap, including possible reduction, resulting in encroachment and coalescence impact.</p> <p>Additional residential development would be required along the Eastern boundary in land required for the Strategic Gap. This will result in increased coalescence, increased impact on the landscape setting and heritage impact on the setting of the Conservation Areas of Kirk and Green Hammerton</p>	<p>boundary in land required for the Strategic Gap. This will result in increased coalescence, increased impact on the landscape setting and heritage impact on the setting of the Conservation Areas of Kirk and Green Hammerton</p>	<p>non-designated assets.</p> <p>Additional residential development would be required along the Eastern boundary in land required for the Strategic Gap. This will result in increased coalescence, increased impact on the landscape setting and heritage impact on the setting of the Conservation Areas of Kirk and Green Hammerton</p>	<p>Hammerton and Kirk Hammerton Conservation Areas and listed and non-designated assets. Adverse impact on the Strategic gap, including possible reduction, resulting in encroachment and coalescence impact.</p> <p>The reduction in the Strategic Gap would increase the impact of development on the conservation area villages and would be contrary to opinions of the local community.</p>	<p>flexibility for the layout, density, design etc of the new settlement enabling exemplar development which minimised the impact on the nearby villages and the landscape setting and would avoid more intensive development in the more sensitive areas of the site to the east.</p> <p>The use of 'destination' points to decrease recreational disturbance on the SSSI could also be achieved by the use of all of the 'unavailable land'</p>
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<p>In line with stakeholder emphasis on steering development away from the existing conservation area villages – as communicated in stakeholder events</p>		<p>The reduction in the Strategic Gap would increase the impact of development on the conservation area villages and would be contrary to opinions of the local community.</p>				<p>This would only be achieved by the use of all of the “unavailable land’ as it would not involve encroachment into the Strategic Green Gap and would steer development away from the existing conservation area villages as supported by the local community</p>
<p>A land promoter is in place to support and progress delivery of an approach similar to this spatial option</p>	<p>Land promoter in place for this option.</p>	<p>The Council understands that some land in this extension area is potentially available to deliver this option.</p>	<p>The Council understands that some land in this extension area is potentially available to deliver this option.</p>	<p>The Council understands that some land in this extension area is potentially available to deliver this option.</p>	<p>The Council understands that some land in this extension area is potentially available to deliver this option.</p>	<p>If acquisition was achieved, there are various options available to the Council to ensure delivery.</p>

Option C

Sustainability Appraisal scoring for Regulation 18 consultation options 1 and 2

SA Objective (Reg 18 Consultation)	Option 1	Option 2
Protect, conserve and enhance air quality	Potential to affect air quality through the creation of new and/or busier road networks in a predominantly rural area. Also includes the re-routing of the A59 which may have a greater impact on air quality during the construction stage and through potential phasing	Potential to affect air quality through the creation of new and/or busier road networks in a predominantly rural area
Protect and enhance the function and connectivity of biodiversity habitats and species	Unlikely that any disturbance to protected species cannot be mitigated. Doesn't result in substantial loss of woodland and has potential to incorporate substantial amounts of new natural green space. Not likely to impact on the Kirk Deighton SAC.	
Support the resilience of the Green Hammerton/Cattal area to flood risk	Low risk of fluvial flooding and a well-designed and managed drainage system may contribute to managing flood risk downstream.	
Contribute to climate change mitigation	Likely to make a significant positive contribution towards this objective. Capable of incorporating measures to improve the efficiency of the built environment and have the potential to incorporate low carbon and renewable energy schemes.	
Protect, enhance and manage the distinctive character and appearance of the historic environment	Will impact on the setting and significance of a wide range of heritage assets. Housing and employment development to the SE of Green Hammerton and the north of the railway line which is sensitive in relation to the Conservation Areas.	Will impact on the setting and significance of a wide range of heritage assets
Ensure the development protects and complements important landscape features whilst retaining a rural character	Significant impact on local landscape character due to the area being largely rural and undeveloped. Option has the potential to create new quality landscape and townscapes and opportunity to explore ways of softening their impact.	
Minimise the avoidable loss of the most valuable soils and agricultural land	Result in a permanent loss of best and most versatile agricultural land.	

Protect and enhance the quality of watercourses ground and surface water quality	Potentially positive effects as potential for a reduction in the amount of pollutants that are washed into watercourses from agricultural land. SUDs will form an important part of the option, as well as appropriate infrastructure to manage increased demands for waste water and drainage.
Provide everyone with the opportunity to live in good quality, affordable housing which meets the needs of occupiers throughout their life	Make a significant positive contribution to the provision of housing opportunities including affordable and adaptable.
Protect and improve the health and wellbeing of residents by enhancing the quality and accessibility of open space, facilities for recreation and health	Significant positive effects are predicted for all options as they all have potential to include substantial areas of green space, sports facilities and parks which would benefit the new and existing communities.
Reduce the need to travel and support modal shift to active and sustainable modes of travel such as walking, cycling and public transport	Positive effects from being situated on the rail corridor and have potential to increase the range, availability and affordability of sustainable travel choices. Presents less concentrated approach however than option 3.
Support and maintain a strong and sustainable local economy	Significant positive effects anticipated as development has the potential to support investment in the area and provide accommodation for a growing workforce.

Appendix 1 – Constraints map from the Regulation 18 Concept Framework Assessment

3.2 KEY CONSTRAINTS

KEY	
	BROAD LOCATION FOR GROWTH BOUNDARY
	NETWORK RAIL RAILWAY TRACK
	ENVIRONMENT AGENCY FLOOD ZONE 3
	ENVIRONMENT AGENCY FLOOD ZONE 2
	AREAS WITH HIGH RISK OF SURFACE WATER FLOODING
	WATERCOURSE / TRIBUTARY
	YORKSHIRE WATER PUBLIC SEWER (FOUL)
	YORKSHIRE WATER PUBLIC WATER MAINS
	CADENT GAS LTD STRATEGIC HIGH PRESSURE GAS MAIN
	NORTHERN POWERGRID 11KV OVERHEAD ELECTRICITY CABLES - MAIN LINE SHOWN ONLY

TABLE A. SOIL DETAILS TAKEN FROM THE CRANFIELD SOIL AND AGRIFOOD INSTITUTE.	
SOILSCAPE REF	DESCRIPTION
6	FREELY DRAINING, SLIGHTLY ACID LOAMY SOILS.
8	SLIGHTLY ACID, LOAMY AND CLAYEY SOILS. IMPEDED DRAINAGE.
18	SLOWLY PERMEABLE, SEASONALLY WET, SLIGHTLY ACID BUT BASE-RICH LOAMY AND CLAYEY SOILS. IMPEDED DRAINAGE.

TABLE B. AREA SPECIFIC CONSTRAINTS.	
CONSTRAINT REFERENCE	DESCRIPTION
1	ANY DISCHARGE INTO POOL BECK WILL REQUIRE LIAISON WITH THE YORK CONSORTIUM DRAINAGE BOARD AS WELL AS LEAD LOCAL FLOOD AUTHORITY LIAISON.
2	ANY DEVELOPMENT SITE CONTAINING AREAS OF FLOOD ZONE 3 WILL NEED TO CONSIDER THESE ZONES WHEN CREATING THE MASTERPLAN.
3	THIS AREA CONTAINS AN AREA OF HIGH RISK SURFACE WATER FLOODING, PLUS IS IN CLOSE PROXIMITY OF THE RAILWAY LINE, CATTAL TRAIN STATION AND KIRK HAMMERTON BECK. THESE CONSTRAINTS MAY MAKE SETTING SITE LEVELS IN THIS AREA A CHALLENGE
4	THERE ARE SERVICES RUNNING THROUGH NETWORK RAILS TROUGHING ROUTE, IN LINE WITH THE RAILWAY TRACK. THIS CONSTRAINT IS REPRESENTED BY AN INDICATIVE 10m EASEMENT (5m EACH SIDE OF APPROXIMATE LOCATION OF TROUGHING ROUTE).
5	EXISTING STRATEGIC GAS MAIN WITHIN PART OF THE STUDY AREA. EASEMENT WIDTH UNKNOWN. EXISTING PLANS OF THE GAS MAIN SHOW A 40m CORRIDOR AROUND THE GAS MAIN WHICH MAY BE THE EASEMENT. THIS CORRIDOR IS SHOWN ON THIS DRAWING. IF THE PROPOSED DEVELOPMENT FALLS WITHIN 400m OF THE GAS MAIN, CADENT GAS MUST BE INFORMED. CONFIRMATION OF APPROXIMATE LOCATION OF GAS MAIN & CONFIRMATION OF EASEMENT WIDTH TO BE

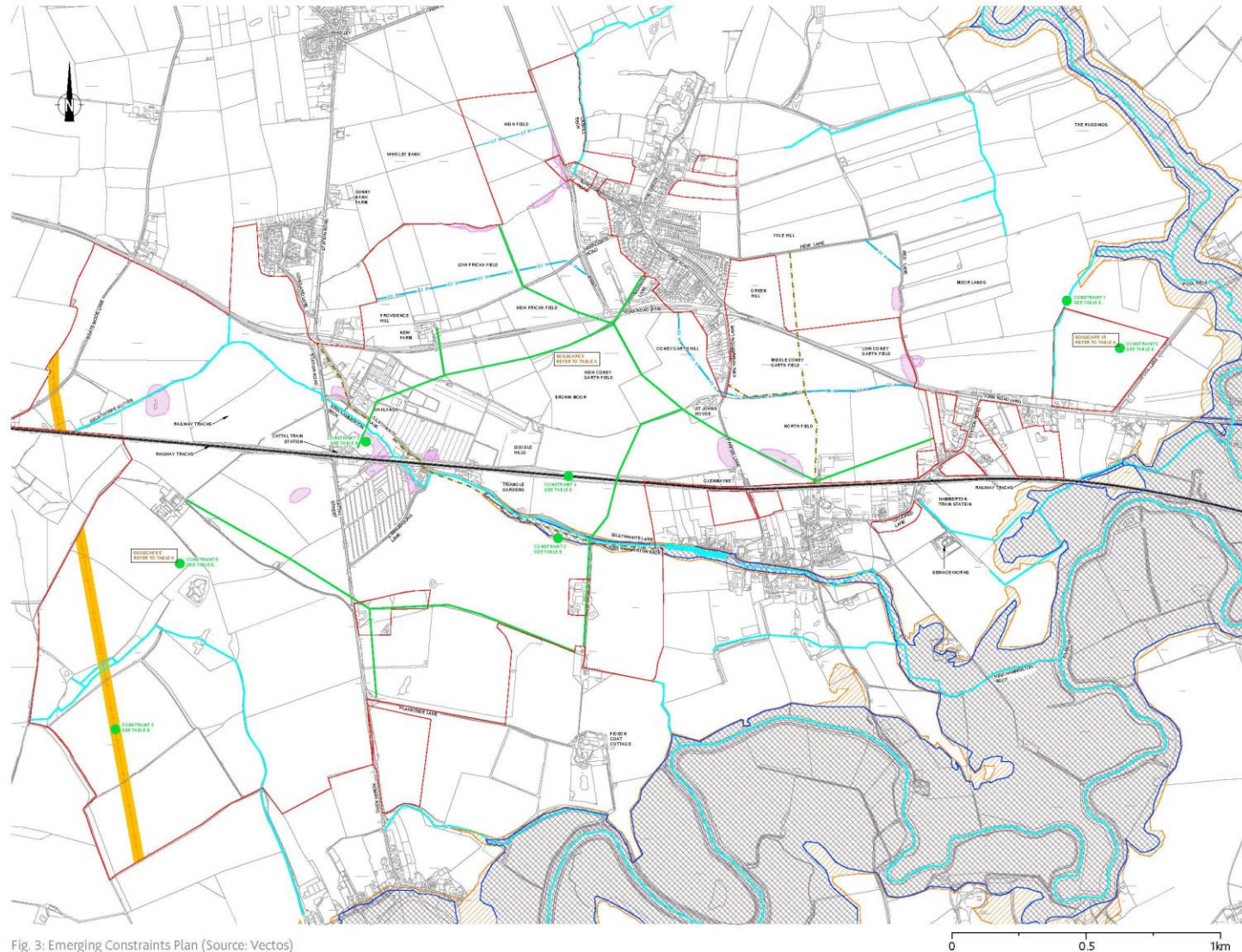


Fig. 3: Emerging Constraints Plan (Source: Vectos)

Initial equality impact assessment screening form			
This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate	Community Development		
Service area	Planning		
Proposal being screened	Delivery Options for New Settlement (Maltkiln) Development Plan Document (DPD)		
Officer(s) carrying out screening	Natasha Durham (Planning Manager, Policy)		
What are you proposing to do?	To provide an update on the New Settlement (Maltkiln) Development Plan Document (DPD) following the withdrawal of previously available land within the proposed boundary and seek "in principle" approval to use of the Council's Compulsory Purchase Powers to support the delivery of Maltkiln if an agreement cannot be reached with the owners of the land outlined		
Why are you proposing this? What are the desired outcomes?	To ensure that the Council can submit the proposed New Settlement (Maltkiln) Development Plan Document for examination in public and ultimately deliver sustainable development in North Yorkshire in line with the adopted Harrogate Local Plan 2014-2035.		
Does the proposal involve a significant commitment or removal of resources? Please give details.	The decision sought is an "in-principle" resolution and therefore is cost neutral at this stage.		
Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYC's additional agreed characteristics			
As part of this assessment, please consider the following questions:			
<ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? Does the proposal relate to functions that previous consultation has identified as important? Do different groups have different needs or experiences in the area the proposal relates to? 			
If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your Equality rep for advice if you are in any doubt.			
Protected characteristic	Potential for adverse impact		Don't know/No info available
	Yes	No	
Age		✓	
Disability		✓	
Sex		✓	
Race		✓	
Sexual orientation		✓	
Gender reassignment		✓	
Religion or belief		✓	
Pregnancy or maternity		✓	
Marriage or civil partnership		✓	
People in rural areas		✓	
People on a low income		✓	
Carer (unpaid family or friend)		✓	

Appendix C Equality Impacts Assessment

<p>Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.</p>	<p>The proposal does not relate to an area where there are known inequalities /probable impacts</p>			
<p>Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.</p>	<p>The proposal will have no effect on how other organisations operate.</p>			
<p>Decision (Please tick one option)</p>	<p>EIA not relevant or proportionate:</p>	<input checked="" type="checkbox"/>	<p>Continue to full EIA:</p>	<input type="checkbox"/>
<p>Reason for decision</p>	<p>Whilst the assessment above concludes that there is no need for an EIA for this individual decision, an Equality Impact Assessment has taken place alongside the development of the New Settlement DPD to understand the potential effects of emerging policies on people with protected characteristics and to use this information to seek to eliminate negative effects and maximise positive effects.</p> <p>The analysis concludes that none of the policies have an overall negative effect and indeed many policies have positive effects for individuals and groups with protected characteristics, with the greatest number relating to the characteristics of age and disability. It shows that through a large number of policies, the DPD will advance the equality of opportunity in relation to most protected characteristics. To a lesser degree the DPD will also help to foster good relations between groups.</p>			
<p>Signed (Assistant Director or equivalent)</p>	<p>Trevor Watson (Assistant Director Planning)</p>			
<p>Date</p>	<p>20/11/23</p>			

Appendix D Initial Climate Change Impact Assessment

The intention of this document is to help the council to gain an initial understanding of the impact of a project or decision on the environment. This document should be completed in consultation with the supporting guidance. Dependent on this initial assessment you may need to go on to complete a full Climate Change Impact Assessment. The final document will be published as part of the decision-making process.

If you have any additional queries, which are not covered by the guidance please email climatechange@northyorks.gov.uk

Title of proposal	Delivery of the New Settlement (Maltkiln) Development Plan Document
Brief description of proposal	To provide an update on the New Settlement (Maltkiln) Development Plan Document (DPD) following the withdrawal of previously available land within the proposed boundary and seek “in principle” approval to use of the Council’s Compulsory Purchase Powers to support the delivery of Maltkiln if an agreement cannot be reached with the owners of the land outlined.
Directorate	Community Development
Service area	Planning
Lead officer	Tracey Rathmell, Head of Delivery and Infrastructure
Names and roles of other people involved in carrying out the impact assessment	Rachael Hutton, Principal Policy and Delivery Officer

The chart below contains the main environmental factors to consider in your initial assessment – choose the appropriate option from the drop-down list for each one.

Remember to think about the following;

- Travel
- Construction
- Data storage
- Use of buildings
- Change of land use
- Opportunities for recycling and reuse

Environmental factor to consider	For the council	For the county	Overall
Greenhouse gas emissions	No effect on emissions	No Effect on emissions	No effect on emissions
Waste	No effect on waste	No effect on waste	No effect on waste
Water use	No effect on water usage	No effect on water usage	No effect on water usage
Pollution (air, land, water, noise, light)	No effect on pollution	No effect on pollution	No effect on pollution
Resilience to adverse weather/climate events (flooding, drought etc)	No effect on resilience	No effect on resilience	No effect on resilience
Ecological effects (biodiversity, loss of habitat etc)	Negative impact on ecology	Negative impact on ecology	No effect on ecology
Heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape	No effect on heritage and landscape

If any of these factors are likely to result in a negative or positive environmental impact then a full climate change impact assessment will be required. It is important that we capture information about both positive and negative impacts to aid the council in calculating its carbon footprint and environmental impact.

Decision (Please tick one option)	Full CCIA not relevant or proportionate:	<input checked="" type="checkbox"/>	Continue to full CCIA:	
Reason for decision	<p>Plan making presents a key opportunity to set out and deliver a county-wide approach to reduce carbon emissions and mitigate the impact of climate change. The adopted Harrogate Local Plan 2014-2035 included a new settlement in its growth strategy as a way to meet housing and economic development needs in a sustainable way, with services provided that reduce the need for travel. In addition, the broad location for the new settlement was chosen in order to maximise the opportunities for sustainable travel.</p> <p>Decisions on Plan-making in North Yorkshire have already been taken and so there are no additional impacts that require Full CCIA.</p> <p>However it is important to note that the New Settlement (Maltkiln) DPD has been developed with climate change mitigation and resilience at the forefront, and the former Harrogate Borough Council commissioned a Climate Change Strategy to explore the best ways to achieve its climate change ambitions in the DPD. This identifies four priority areas for action:</p> <ul style="list-style-type: none"> • Net zero carbon movement and active travel • Net zero carbon energy supply and use • Inclusive flexible living and working • Climate resilience <p>Taken together the climate change policies in the DPD seek to ensure that each</p>			

	<p>of the four climate change priorities are secured. These will be further examined by the secretary of state during independent examination and assessed against national planning policy for climate change.</p> <p>It is important to note that the policies in the DPD require more ambitious action than the adopted Local Plan. Therefore, the recommendation to secure delivery and progression of the DPD will have a positive effect on the Council's climate change aspirations by ensuring that development is carbon net zero across all phases.</p>
Signed (Assistant Director or equivalent)	Trevor Watson (Assistant Director Planning)
Date	20/11/2023