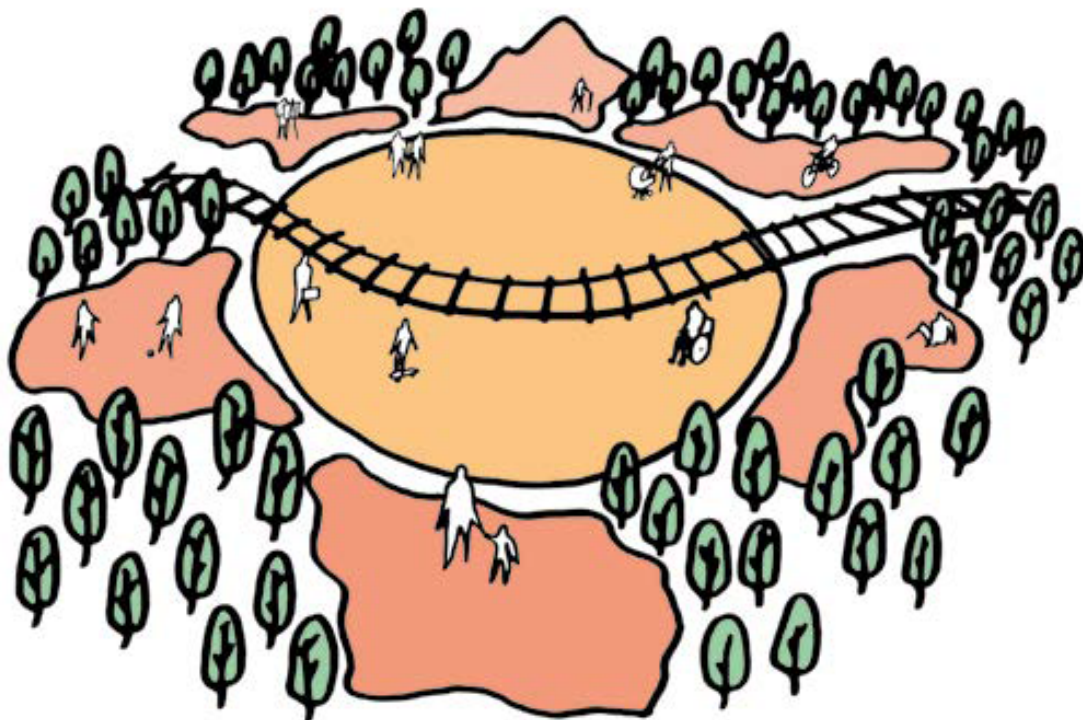


# New Settlement (Maltkiln) Development Plan Document (DPD)

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## Submission Draft Soundness Assessment and Legal Compliance Checklist

February 2024

## **New Settlement (Maltkiln) DPD: Self-Assessment of Tests of Soundness and Legal Compliance**

### **Self-Assessment of Tests of Soundness**

This self-assessment provides an overview of how the draft North Yorkshire Council Maltkiln (New Settlement) Development Plan Document (DPD) has met the tests of soundness. The Council has used the checklist produced by the Planning Advisory Service in order to demonstrate that the New Settlement (Maltkiln) DPD meets the tests of soundness.

Section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) (the Act) prescribes that the local planning authority must submit every development plan document to the Secretary of State for Independent Examination, but the authority must not submit such a document unless they have complied with all relevant requirements contained in Regulations and they think the document is ready for Independent Examination.

Paragraph 35 of the National Planning Policy Framework (NPPF) clarifies this by highlighting that local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. The Council believes that it has met all the relevant requirements in preparing the Maltkiln DPD, and is satisfied that the DPD is ready to be submitted.

The NPPF defines what a sound plan is. Plans are sound if they are:

1. **Positively Prepared:** providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs, and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
2. **Justified:** an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
3. **Effective:** deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been with rather than deferred, as evidenced by the Statement of Common Ground;
4. **Consistent with national policy:** enabling the delivery of sustainable development in accordance with policies in the National Planning Policy Framework.

Paragraph 36 of the NPPF stresses that the tests of soundness will be applied to non-strategic policies in a proportionate way, taking into account the extent to which they are consistent with the relevant strategic policies for the area. The former Harrogate District Council geography has an up-to-date Local Plan that was adopted in March 2020. Following adoption, a legal challenge was raised against the new settlement policies in the High Court and a judgement was issued on 26 November 2020. In line with the court order accompanying the judgement the whole of the local plan was remitted to the council to consider whether or not to accept the Inspector's recommendations in so far as they related to the new settlement policies and whether or not to adopt the local plan with those policies, taking into account the full Sustainability Appraisal (SA) documentation and consultation responses. The council adopted the local plan with the new settlement policies

on 9 December 2020. The Local Plan therefore provides an up-to-date strategic planning policy context for the preparation of the Maltkiln (New Settlement) DPD.

Paragraph 20 of the NPPF advises on matters to be addressed by strategic policies. This includes setting out the overall strategy for the pattern, scale and quality of development and making provision for housing, employment, retail, leisure, infrastructure, community facilities and conservation and enhancement of the natural, built and historic environment.

The HDLP sets out an OAN for Harrogate District (Policy GS1). Policy GS2 sets the Growth Strategy to 2035, setting out where new homes and jobs should be located, in line with a defined Settlement hierarchy. Development limits for places in the settlement hierarchy are identified under the provisions of policy GS3. Policy DM4 identifies land in the Green Hammerton/Cattal as a broad location for growth, with the boundary, nature and form of a new settlement to be established in this separate Development Plan Document (DPD). Policy DM4 sets out the issues to be covered by the DPD, including the need for the DPD to address the phasing of development to ensure the provision of essential supporting social, physical and environmental infrastructure.

The matters referred to in paragraph 20 of the NPPF have been already addressed in the Local Plan as strategic policies, and as such, this self-assessment is undertaken within the context of the main purpose of the Maltkiln (New Settlement) DPD, to allocate land, to deliver those strategic priorities.

This self-assessment has been carried out using the Planning Advisory Service soundness toolkit. As highlighted above, not all of the content of the toolkit is relevant to the preparation of this DPD. References have been made to a number of evidence base studies used to inform the preparation of the DPD. Where relevant, links to the documents are provided. The following table sets out the requirements associated with the tests of soundness and the evidence to demonstrate that the Council has met them where relevant. The examples provided in the Table are not the full list of evidence but examples to demonstrate how the requirements have been met.

	KEY QUESTIONS	ASSESSMENT				
	<b>Growth Strategy</b>					
<b>A</b>	<b>In no more than 100 words (excluding any referencing) summarise your strategy for delivering growth and development in your area</b>	The remit of New Settlement (Maltkiln) DPD, is to implement the Harrogate District Local Plan in relation to the delivery of a new settlement. The adopted Harrogate District Local Plan (HDLP) 2014 – 2035 sets out the district’s growth strategy which includes a new settlement in the Green Hammerton/Cattal area. Policy DM4 of the HDLP identified a requirement to deliver at least 3000 homes and 5ha of employment land at Maltkiln. The DPD sets out the more detailed vision, objectives and policies to guide the development of Maltkiln and includes a clear boundary and indicative spatial framework to guide its delivery.				
<b>B</b>	<b>In no more than 100 words (excluding any referencing) identify the key factors which informed the distribution of development in the local plan</b>	N/A – as explained above, the remit of Maltkiln (New Settlement) development plan document (DPD), is to implement the Harrogate District Local Plan in relation to the delivery of a new settlement. The principle, broad location and quantum of development has been established within the adopted HDLP.				
<b>C</b>	<b>List each of the main growth areas and strategic sites and the key infrastructure needed to support delivery</b>	N/A – as above.				
<b>1.</b>	<b>Overall does the local plan policies update clearly articulate the strategy for <u>where</u> and <u>how</u> sustainable development will be delivered and that this is ‘an appropriate</b>	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score:</b> N/A – as above.				

	<b>KEY QUESTIONS</b>	<b>ASSESSMENT</b>				
	strategy' within the context of paragraph 35 of the NPPF?	<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<b>Reviewer Comments:</b>				
2.	Is it clear how the amount of development identified for any growth areas or major site allocations has been determined – and that the level proposed is deliverable and justified?	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score:</b> N/A – as above				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<b>Reviewer Comments:</b>				
3.	Is it clear that the local plan policies update provides for the most appropriate level of housing growth using the standard methodology as a starting point? Can you clearly articulate why planned growth levels should not be higher or lower?  If you are proposing any material change away from the level of housing indicated by the standard method, can you clearly justify this through evidence?  Does the level of housing provide for an appropriate and justified buffer?	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score:</b> N/A – as above.				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<b>Reviewer Comments:</b>				

	<b>KEY QUESTIONS</b>	<b>ASSESSMENT</b>				
4.	Is the distribution of development justified in respect of the need for, and approach to, Green Belt release and can you demonstrate that alternatives to Green Belt release have been fully considered? Can you demonstrate that exceptional circumstances exist to justify green belt release?	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score:</b> N/A – as above.				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<b>Reviewer Comments:</b>				
5.	Is it clear how sites have been selected and have site allocations been made on a consistent basis having regard to the evidence base, including housing and employment land availability assessments, the Sustainability Appraisal and viability assessment? If not, can you justify why?	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score:</b> +2				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<b>Reviewer Comments:</b> The adopted HDLP identifies the broad location for growth. The Sustainability Appraisal (SA) of the HDLP assessed alternative location options for the broad location of a new settlement within Harrogate district. As part of the preparation of the DPD, the SA scoping report (August 2018), the SA interim report (October 2020) and the Regulation 19 SA Report (October 2022) considered all the options for the specific location of the new settlement site allocation within the Green Hammerton/Cattal broad location. The SA was informed by scoping work undertaken at pre-regulation 18 stage which provided an evidence base on which to determine and evaluate distinct spatial options and prepare indicative masterplan proposals.				
6.	Does the local plan policies update identify a housing requirement for designated neighbourhood areas?	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets	Yes, we are likely to meet this requirement	Yes, we are confident our plan

KEY QUESTIONS		ASSESSMENT				
				this requirement or not		will meet this requirement
		<b>Reason for score:</b> N/A – as above				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<b>Reviewer Comments:</b>				
7.	Do site allocations include sufficient detail on the mix and quantum of development, including, where appropriate any necessary supporting infrastructure?	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score:</b> +2				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<b>Reviewer Comments:</b> Policy DM4 sets out the minimum requirements for the quantum and mix of development within the new settlement. The policies of the HDLP and the New Settlement DPD include a range of requirements which set out more specific site requirements for the allocation. This includes a policy relating to delivery, which is supported by a new settlement infrastructure delivery plan. The new settlement Infrastructure Delivery Plan (IDP) has been prepared to add additional detail to the IDP which supported the development of the HDLP, identifying the key infrastructure necessary to facilitate and support the development of the new settlement in a timely, co-ordinated and sustainable way.				
D	<p><b>What targets have you set for non-residential floorspace or employment land and, if relevant, the number of jobs to be created over the plan period?</b></p> <p>List these targets and the evidence source for this ‘need’ target?</p>	<p>As set out above, the HDLP establishes the strategic policy targets for the new settlement. Policy NS1 of the DPD requires a minimum of 5ha of employment land – this figure is directly in alignment with the figure required within the adopted HDLP.</p> <p>Policy NS26 requires a Local Centre to be provided, which will be 3ha in size and will provide a broad range of uses, facilities and services. This figure is directly in alignment with the figure required within the adopted HDLP.</p>				



KEY QUESTIONS		ASSESSMENT				
8.	Where and how are the targets referred to above to be delivered? Do the sites and indicative capacities that you have identified demonstrate that these targets are achievable? If you are not allocating sites to meet needs identified, can you justify and explain how those needs will be met?	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score: +2</b>				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<p><b>Reviewer Comments:</b> Policy NS1 sets out the required mix and quantum of development to be delivered by the site allocation. The Concept Framework prepared by external design consultants and referred to within Policy NS1 of the DPD, provides an indicative layout for the new settlement, which tests the physical capacity of the site allocation to accommodate the above uses. Policy NS3 requires submission of a comprehensive masterplan for the whole of the new settlement, which will demonstrate in further detail how the land uses will be accommodated.</p> <p>The costs associated with the delivery of the mix of development required have been identified within the Infrastructure Delivery Plan and associated viability assessment.</p> <p>Policy NS38 requires development proposals to provide more detailed strategies relating to phasing and viability at each phase of the development management process to further demonstrate deliverability.</p>				
9.	Does the local plan policies update: (i) identify infrastructure that is necessary to support planned growth; and (ii) enable provision of this infrastructure?	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score: +2</b>				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<p><b>Reviewer Comments:</b> Policy NS1 sets out the required mix and quantum of development to be delivered by the site allocation. An Infrastructure Delivery Plan (IDP) has been prepared to identify the</p>				



	<b>KEY QUESTIONS</b>	<b>ASSESSMENT</b>				
		<p>key infrastructure necessary to facilitate and support the development of the new settlement in a timely, co-ordinated and sustainable way.</p> <p>Local planning authorities should ensure that there is a reasonable prospect that planned infrastructure is deliverable in a timely fashion. The HDLP was accompanied by an Infrastructure Delivery Plan which set out Infrastructure requirements for the development of a new settlement at a high level, informed by an assessment of infrastructure requirements/capacity. The New Settlement IDP updates and builds upon the information contained within the HDLP IDP.</p> <p>The New Settlement Development Plan Document includes a specific policy relating to delivery of development (NS38). The policy requires developers to prepare a Strategic Allocation-wide Infrastructure Delivery Strategy, a Phasing Strategy and a Financial Appraisal for approval as part of the planning application. These documents are required to ensure that the development of the Maltkiln New Settlement Strategic Allocation will deliver, in a timely manner, sufficient infrastructure to cater for the needs of the Strategic Allocation as a whole and also mitigate to an acceptable level the effects of the whole development upon the surrounding area and community.</p>				
10.	<p><b>Can you demonstrate that the transport and other infrastructure needed to support <u>each</u> growth area or strategic site identified in the local plan policies update: (i) can be funded and delivered; and (ii) is supported by the relevant providers/ delivery agents in terms of funding and timescales indicated?</b></p> <p><b>Have you identified the extent of any funding gap? If so, are you able to explain why you are confident that any gap can be addressed?</b></p>	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score:</b> N/A – as above				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<p><b>Reviewer Comments:</b>                      An Infrastructure Delivery Plan (IDP) has been prepared to identify the key infrastructure necessary to facilitate and support the development of the new settlement in a timely, co-ordinated and sustainable way, including transport Infrastructure. The IDP includes a cost schedule, which sets out the source of funding for each item of infrastructure. The information within the IDP has been prepared in consultation with infrastructure providers and the site promoter and has informed an assessment of viability. The consultation statement includes details of the stakeholders engaged with and the site promoter has agreed to the preparation of a Statement of Common Ground.</p>				

	<b>KEY QUESTIONS</b>	<b>ASSESSMENT</b>
	<b>Process and Outcomes (see also Toolkit Parts 2 and 3)</b>	
<b>E</b>	<b>What are the cross boundary strategic matters affecting your local plan policies update? List these.</b>	<p>No significant cross-boundary issues have been identified during the preparation of the Maltkiln (New settlement) DPD.</p> <p>The Council has an ongoing Duty to Co-operate with neighbouring authorities in regard to plan-making. The principle of a new settlement was established via policy DM4 of the adopted Harrogate District Local Plan. In submitting the Plan for examination, the Council provided a Duty to Co-operate statement that set out the steps that had been taken to fulfill its duty and concluded that there were no outstanding issues of strategic importance. The statement highlighted those bodies where on-going dialogue would be needed as the New Settlement DPD was being prepared, including City of York Council, Leeds City Council, Network Rail, Highways, England (National Highways) and North Yorkshire County Council.</p> <p>Specific meetings have been held with York City Council and Leeds City Council during the preparation of the DPD.</p> <p>In addition to separate meetings with individual organisations, the long-established North Yorkshire Development Plans Forum has provided a further opportunity to discuss plan-making issues with neighbouring authorities.</p> <p>The Council has also worked closely with the former North Yorkshire County Council on the development of policies, in particular those relating to education and transport.</p> <p>On the 1 April 2023 North Yorkshire Council was formed which assumed responsibility for administrating the area previously administered by North Yorkshire County Council and the district councils of Harrogate, Craven, Hambleton, Richmondshire, Ryedale, Scarborough and Selby. The Regulation 19 consultation was held prior to the formation of North Yorkshire Council.</p> <p>In addition, there has been continued dialogue and meetings with key organisations such Network Rail, National Highways, Environment Agency and Historic England.</p>

	KEY QUESTIONS	ASSESSMENT				
		Details of these discussions are detailed in the Maltkiln DPD Consultation Statement and Duty to Cooperate Report. This includes reference to specific Statements of Common Ground being prepared with Leeds City Council and City of York Council.				
11.	Does your Duty to Cooperate Statement(s) of Common Ground: (i) identify these issues; (ii) identify the bodies you have engaged with or continue to engage with; and (iii) clearly set out not just the process, but the outcomes of this engagement highlighting areas of agreement and of difference?	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score:</b> +2 Yes, we are confident our plan will meet this requirement				
		<b>Implications of taking no further action:</b> continued engagement is important to ensure that any cross-boundary issues which emerge are identified and mitigated appropriately.				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b> NA				
<b>Reviewer Comments:</b> Sufficient engagement has been undertaken to support development of the DPD and engagement is ongoing to further develop the IDP and support the Development Management process. Evidence to support this is provided within the Maltkiln DPD consultation Statement 2024 and accompanying Statements of Common Ground.						
F	Are there any aspects of the local plan policies update not in conformity with national policy (or where you will be relying on transitional provisions)? Please set these out and provide justification with reference to evidence for these. Are you satisfied you can robustly defend this on the basis of local evidence?  <i>For instance, are you seeking to require affordable housing on sites which are below the threshold of major</i>	The DPD is in compliance with National Policy.				

	KEY QUESTIONS	ASSESSMENT				
	<i>development as defined by national planning policy?</i>					
12.	<b>Are there any specific policies in the local plan policies update where there are differences to any policy approach set out in a relevant strategic planning framework (e.g. the London Plan, or a plan produced by a Combined Authority or through voluntary agreement).</b>	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score: +2, the DPD is in Compliance with the HDLP.</b>				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<b>Reviewer Comments:</b>				
13.	<b>Is the local plan policies update:</b> <ul style="list-style-type: none"> <li>• in conformity with any 'higher level' plans prepared by the Council; and</li> <li>• properly reflecting provisions of any made neighbourhood plan?</li> </ul>	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score: +2, the DPD is in Compliance with the HDLP.</b>				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<b>Reviewer Comments:</b>				
		-2	-1	0	+1	+2

KEY QUESTIONS		ASSESSMENT				
14.	<p><b>Does your Consultation Statement demonstrate how you have complied with the specific requirements of the Town and Country Planning (Local Plan) (England) Regulations 2012 and the Council’s adopted Statement of Community Involvement to date [you should revisit and update this following the publication of your Regulation 19 local plan policies update]?</b></p>	No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score:</b> +2, the Consultation Statement demonstrates how the Council has met the requirements of the SCI.				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<b>Reviewer Comments:</b>				
15.	<p><b>Has the Sustainability Appraisal – incorporating the requirements of the Strategic Environmental Assessment legislation - evaluated all reasonable alternatives? Is it clear why alternatives have not been selected?</b></p>	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score:</b> +2, all reasonable alternatives were evaluated, and the SA was updated in advance of the Regulation 19 consultation.				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
<b>Reviewer Comments:</b> The Sustainability Appraisal (SA) of the HDLP assessed alternative location options for the broad location of a new settlement within Harrogate district. As part of the preparation of the DPD, the SA scoping report (August 2018), the SA interim report (October 2020) and the Regulation 19 SA Report (October 2022) considered all the options for the specific location of the new settlement site allocation within the Green Hammerton/Cattal broad location.						
16.	<p><b>Does the Sustainability Appraisal adequately assess the likely significant effects of policies and proposals?</b></p>	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement

KEY QUESTIONS		ASSESSMENT				
		<b>Reason for score:</b> +2, the SA includes a full assessment of the DPD policies.				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<b>Reviewer Comments:</b>				
17.	Is it clear how the Sustainability Appraisal has influenced the local plan policies update including how any policies or site allocations have been amended as a result and does it show (and conclude) that the local plan policies update is an appropriate strategy?	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score:</b> +2				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<b>Reviewer Comments:</b> The SA documents prepared at each stage of the DPD show the development of the document has been assessed and how the results of the SA work have influenced its preparation.				
18.	Is it clear how an Equalities Impact Assessment has influenced the local plan policies update?	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score:</b> +2				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<b>Reviewer Comments:</b> An EIA has been undertaken at the Reg 19 and submission update stage of the preparation of the DPD, which has informed its development.				
		-2	-1	0	+1	+2

KEY QUESTIONS		ASSESSMENT				
19.	Does the Habitats Regulations Assessment consider the local plan policies update in combination with other plans and projects?	No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score:</b> +2,				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<p><b>Reviewer Comments:</b>                      The Maltkiln New Settlement Habitats Regulations Assessment, Test of Likely Significant Effects, was prepared and published in April 2022 by AECOM on behalf of Harrogate Borough Council.</p> <p>On the 1 April 2023 North Yorkshire Council was formed which assumed responsibility for administering the area previously administered by North Yorkshire County Council and the district councils of Harrogate, Craven, Hambleton, Richmondshire, Ryedale, Scarborough and Selby. The Regulation 19 consultation was held prior to the formation of North Yorkshire Council.</p> <p>The Modifications as set out in the Maltkiln (New Settlement) DPD Proposed Modifications Schedule following Regulation 19 consultation have been assessed against the Habitats Regulation Assessment April 2022. None of the proposed modifications have led to changes to the Habitat Regulations Assessment (HRA).</p> <p>The HRA April 2022 conclusion that there is a high degree of confidence there will not be a likely significant effect from the proposal on any European sites, either alone or in combination with other projects. This conclusion still stands and is set out within the new Settlement (Maltkiln) DPD Habitats Regulations Assessment 2024.</p>				
20.	If the Habitats Regulations Assessment has identified, through 'Appropriate Assessment' that mitigation measures are required, does the local plan policies update adequately identify the measures required and the	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score:</b> +2, N/A				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				



	KEY QUESTIONS	ASSESSMENT				
	mechanisms for delivering them?	<b>Reviewer Comments:</b> No mitigation required.				
21.	Is it clear how the outcomes and conclusions of the Habitats Regulations Assessment have influenced the local plan policies update?	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score: +2</b>				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
<b>Reviewer Comments:</b> No mitigation required.						
<b>Housing Strategy</b>						
22.	Can you demonstrate that the policies and proposed allocations in your local plan policies update meet your housing requirement in full and that this can be achieved as a minimum? If not [ <i>for instance, because another local authority has agreed to plan for your unmet need</i> ], can you explain and robustly justify why?	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score: +2</b>				
		<b>Implications of taking no further action for local plan soundness and/or effectiveness: N/A</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
<b>Reviewer Comments:</b> The Maltkiln (New Settlement) DPD is a subsidiary local plan document to the HDLP, the remit of which is to implement the Harrogate District Local Plan in relation to the delivery of a new settlement site allocation.  The strategy for delivering growth and development in the former Harrogate District has been established within the adopted Harrogate District Local Plan (HDLP) 2014 – 2035, which sets out the level of growth to be accommodated across the former Harrogate District during the plan period. The HDLP sets out an OAN for Harrogate District of 13,377 homes in the period 2014 – 2035 (Policy GS1). Policy GS2: Growth Strategy to 2035 sets out where new homes and jobs should be located, in						

	KEY QUESTIONS	ASSESSMENT				
		<p>line with a defined Settlement hierarchy. The need for new homes and jobs will be met by focussing growth within the district’s main settlements, settlements on key public transport corridors and a new settlement in the Green Hammerton/Cattal Area.</p> <p>Development limits for places in the settlement hierarchy are identified under the provisions of policy GS3. The Local Plan does not identify a development limit for the new settlement. Instead, a broad location for growth is identified in the Green Hammerton/Cattal area, as shown on the key diagram within the local plan. Policy GS2 states that within this area a site for a new settlement will be allocated through the adoption of a separate Development Plan Document (DPD) and that the DPD will be brought forward in accordance with the development principles outlined in policy DM4 of the Local Plan.</p> <p>The Maltkiln (New Settlement) DPD has been prepared in line with the growth strategy in the adopted HDLP. The DPD allocates the new settlement site and contains more detailed policies relating to the delivery of the New Settlement Allocation.</p> <p>The HDLP identified a requirement to deliver at least 3000 homes and 5ha of employment land at Maltkiln. Correspondingly, the Maltkiln (New Settlement) DPD requires the site allocation to deliver a minimum of 3000 dwellings and 5ha of employment land.</p>				
<b>G</b>	<i>Is there any unmet need in neighbouring areas that you have been formally asked to accommodate? If yes, then list the amount by each local authority area.</i>	N/A				
<b>23.</b>	<b>Does your local plan policies update accommodate any of this unmet need where you can sustainably to do so?</b>	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score: +2, N/A</b>				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<b>Reviewer Comments:</b>				

	KEY QUESTIONS	ASSESSMENT				
24.	<p>Is there a housing trajectory which illustrates the expected rate of housing delivery and ensures the maintenance of a 5-year supply during the plan period?</p> <p>Is your strategy for delivery and implementation clearly articulated and justified to support the trajectory?</p>	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score: +2</b> , The Local Plan includes a housing trajectory and the Council publishes a 5Y housing land supply (5YHLS) position annually.				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
25.	<p>Can you confirm: (i) that the local plan policies update will provide for a 5-year supply of specific deliverable sites on adoption; and (ii) that beyond this 5 year period sites are developable and (iii) if relevant, you have included a 5 or 20 percent buffer to deal with under-delivery.</p>	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score: +2</b>				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
<b>Reviewer Comments:</b> As set out above						
		-2	-1	0	+1	+2

	KEY QUESTIONS	ASSESSMENT				
26.	Does the level of supply provide any 'head room' (that is additional supply above that required) to enable you to react quickly to any unforeseen changes in circumstances and to ensure that the full requirement will be met during the plan period?	No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score:</b> +2, N/A				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<b>Reviewer Comments:</b> The strategy for delivering growth and development in the former Harrogate District has been established within the adopted Harrogate District Local Plan (HDLP) 2014 – 2035, which sets out the level of growth to be accommodated across the former Harrogate District during the plan period. The HDLP identifies sufficient sites, taken with anticipated windfall delivery to demonstrate that the OAN will be delivered. This issue is not addressed by the DPD.				
27.	Is the Council reliant on the delivery of any 'windfall' sites (sites not specifically identified in the development plan) during the plan period and if so, how many and when? Is there compelling evidence to confirm that such sites will continue to come forward?	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score:</b> +2, N/A				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b> <b>Reviewer Comments:</b> This issue was established through the HDLP. The strategy for delivering growth and development in the former Harrogate District has been established within the adopted Harrogate District Local Plan (HDLP) 2014 – 2035, which sets out the level of growth to be accommodated across the former Harrogate District during the plan period.				
28.	Does the local plan policies update make it clear what size, type and tenure of housing is required?	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score:</b> +2				
		<b>Implications of taking no further action:</b>				

	KEY QUESTIONS	ASSESSMENT				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<b>Reviewer Comments:</b> The DPD contains a Housing mix policy and an affordable housing policy. Both policies are in alignment with the housing mix and affordable housing policies within the adopted HDLP.				
29.	Does the local plan policies update specifically address the needs of different groups in the community?	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score: +2</b>				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<b>Reviewer Comments:</b> A range of policies within the plan address the needs of different groups within the community. The Equalities Impact Assessment which accompanies the submission document considers the specific groups which exist within the district and the ways in which the various policies of the plan relate to equality. Policies such as NS22 housing mix, NS23 Affordable Housing and NS24 Specialist housing are examples of policies which seek to address specific needs of different groups within the community.				
30.	Can your affordable housing requirements, including any geographical variations, be justified?  Does the local plan policies update provide for the delivery of the full need for affordable housing? If not, can you explain and justify why?	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score: +2, N/A</b>				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<b>Reviewer Comments:</b> The DPD contains an Affordable Housing policy which is alignment with the Affordable Housing in the adopted HDLP.				
		-2	-1	0	+1	+2

	<b>KEY QUESTIONS</b>	<b>ASSESSMENT</b>				
31.	<p><b>Have the needs for travellers and travelling showpeople been adequately assessed in accordance with national policy and have they been based on robust evidence?</b></p> <p><b>Does the local plan policies update make adequate provision for the identified needs?</b></p>	No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score:</b> +2, N/A				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<b>Reviewer Comments:</b> This issue is addressed through the adopted HDLP.				
32.	<p><b>Will the local plan policies update provide for a 5-year supply of deliverable travellers and travelling showpeople pitches to meet identified needs?</b></p>	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score:</b> +2, N/A				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<b>Reviewer Comments:</b>				
H	<p><b>List any travellers and travelling showpeople sites identified to meet need and the timescales for their delivery</b></p>	N/A				
<b>Justified approaches to plan policy and content</b>						
33.	<p><b>Where thresholds are set in policies which trigger specific policy requirements, are these thresholds justified by</b></p>	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement

	KEY QUESTIONS	ASSESSMENT				
	evidence and is this clear in the supporting text?  [You may wish to check each policy setting a threshold]	Reason for score: +2, N/A				
		Implications of taking no further action:				
		Mitigation / Action required (if necessary) to move scale to right:				
		Reviewer Comments: no thresholds set				
		-2	-1	0	+1	+2
34.	Does the local plan policies update avoid deferring details on strategic matters to other documents? If it does, is it clear <i>why</i> matters will be covered in other Development Plan Documents or Supplementary Planning Documents and why this is appropriate?	No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		Reason for score: +2, N/A				
		Implications of taking no further action:				
		Mitigation / Action required (if necessary) to move scale to right:				
		Reviewer Comments: Strategic matters are covered within the HDLP, which this DPD is in alignment with.				
		-2	-1	0	+1	+2
35.	Where the local plan policies update defines a hierarchy do policies throughout the Plan consistently: (i) reflect this hierarchical approach; (ii) make clear the level of protection afforded to designations depending on their status within the hierarchy; and (iii) is the approach consistent with National Policy?  [For example, hierarchies could relate to nature conservation, heritage assets,	No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		Reason for score: +2, N/A				
		Implications of taking no further action:				
		Mitigation / Action required (if necessary) to move scale to right:				
		Reviewer Comments: The HDLP defines the spatial hierarchy for Harrogate district and the DPD is in alignment with this.				



	KEY QUESTIONS	ASSESSMENT				
	town centres/retail, settlements.]					
36.	<p>Where policies seek to limit certain uses, is this justified by evidence and is the rationale clear in the supporting text to the policy and in the evidence.</p> <p>[For example, policies relating to town centres, employment or retail may seek to limit certain uses.]</p>	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score:</b> +2, N/A				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<p><b>Reviewer Comments:</b>                      Policy NS2 designates a strategic green gap. The policy restricts development within the green gap in order to protect the rural setting of neighbouring villages.</p> <p>The justification for the designation of a green gap is contained within the Strategic Green Gap Background paper.</p>				
37.	<p>Is it clear that any standards proposed for development are justified and deliverable, taking into account the scale of the development? Where relevant, are they consistent with the principles set out in the National Design Code and National Model Design Code?</p> <p>[For example, onsite provision of open space, optional technical standards, internal and external space standards.]</p>	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score:</b>				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<p><b>Reviewer Comments:</b>                      Where standards have been proposed within the DPD we consider them to be justified and deliverable. All of the policy requirements within the DPD have been considered in terms of their financial cost and an assessment of overall impacts on viability has been made.</p>				
<b>Deliverability</b>						
		-2	-1	0	+1	+2

	KEY QUESTIONS	ASSESSMENT				
38.	Has the viability of the local plan policies update been suitably tested and does this testing cover all requirements including in respect of any required standards, affordable housing provision and transport and other infrastructure needs and if relevant the implications of CIL?	No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score: +2</b>				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<b>Reviewer Comments:</b> The HDLP was the subject of whole-plan viability testing, in order to demonstrate that the scale of obligations and policy burdens would not render development unviable. This work included a high-level assessment of potential costs and values of Strategic Sites, including the new settlement. It was recommended that the Council continue to engage with the new settlement site promoters, to further assess strategic infrastructure and mitigation requirements and produce updated viability information. Further viability work was undertaken following this to inform the development of the Council's Community Infrastructure Levy (the Green Hammerton / Cattal site is zero rated for CIL). To support the development of the new settlement DPD, the Council has prepared an Infrastructure Delivery Plan (IDP) which sets out the key strategic infrastructure requirements for the development. In preparing the DPD and the accompanying IDP, the Council has continued working with the promoter of the new settlement site, who has shared information regarding masterplan preparation and development costs. A viability note has been prepared to provide an updated position statement in relation to the deliverability of the new settlement. The note considers how changes in costs and values, and changes in national policy, may impact on viability and the delivery of this site in the context of the DPD and concludes that the new settlement remains deliverable.				
39.	Does the local plan policies update reflect the conclusions and recommendations of your viability evidence?  Is it clear the viability and delivery of development will not be put at risk by the	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score: +2</b>				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
<b>Reviewer Comments:</b> as above						

	KEY QUESTIONS	ASSESSMENT				
	requirements in the local plan policies update?					
40.	Does the monitoring framework clearly set out what matters will be monitored, and the indicators used? Are these measurable and can the data be readily secured/captured?	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score: +1</b>				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<b>Reviewer Comments:</b> The monitoring framework sets out which matters will be monitored and appropriate indicators. In some cases further detail will be required when triggers have been hit but on the whole the monitoring framework presents a clear measurable framework.				
41.	Does the local plan policies update and monitoring framework identify a clear framework for <u>plan review</u> ?  Where triggers for plan review and/or update are identified are they justified and proportionate?	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score: +1</b>				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<b>Reviewer Comments:</b> The DPD will be reviewed in line with the requirements of national policy and associated guidance. NPPF 2023 states that Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every 5 years, and should then be updated as necessary. Reviews should be completed no later than 5 years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. The review will be informed by the ongoing monitoring undertaken in line with the monitoring framework set out within the DPD. It is noted that due to the nature of the DPD (detailed policies to inform the determination of a single allocation with strategic policy set within the HDLP), the scope for updated policies to influence detailed				

KEY QUESTIONS		ASSESSMENT				
		applications may be limited. Updated development management policies are being developed as part of the preparation of the new NYC Local Plan. The need for these policies to replace DPD policies will be considered as part of this work.				
<b>Plan effectiveness (and associated policy clarity)</b>						
42.	<p>Does the local plan policies update clearly set out the timeframe that it covers? Is it clear which policies are strategic? Will the strategic policies provide for a minimum of 15 years from adoption? Does the evidence relied on to support those policies correspond/cover this whole period? Where larger scale developments are proposed as part of the strategy, does the vision look further ahead (at least 30 years)?</p>	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score: +2</b>				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<p><b>Reviewer Comments:</b>                      Paragraph 36 of the NPPF stresses that the tests of soundness will be applied to non-strategic policies in a proportionate way, taking into account the extent to which they are consistent with the relevant strategic policies for the area. The former Harrogate District Council geography has an up-to-date Local Plan that was adopted in March 2020. The Local Plan therefore provides an up-to-date strategic planning policy context for the preparation of the Maltkiln (New Settlement) DPD.</p> <p>The HDLP sets strategic policy, stating that new homes and jobs will be focussed within the district's main settlements, settlements on key public transport corridors and a new settlement in the Green Hammerton/Cattal area. The Maltkiln (New Settlement) DPD has been prepared in line with the growth strategy in the adopted HDLP. The DPD allocates the new settlement site and contains more detailed policies relating to the delivery of the New Settlement Allocation.</p>				
43.	<p>Does the local plan policies update clearly set out which adopted Development Plan policies it supersedes?</p>	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score: NA</b>				
		<b>Implications of taking no further action:</b>				

	KEY QUESTIONS	ASSESSMENT				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<b>Reviewer Comments:</b>				
44.	Are the objectives the policies are trying to achieve clear, and can the policies be easily used and understood for decision making?	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score: +2</b>				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<b>Reviewer Comments:</b> The DPD sets out a strong vision and clear objectives. These translate into the policies contained within the DPD. The policies have refined in response to consultation with stakeholders, to ensure that they are clear and effective.				
45.	For each policy area you have designated or defined in the Plan: (i) are these clearly referenced and explained in the Plan; <u>and</u> (ii) clearly defined on the Policies Map?  Where you have included maps or graphics within the local plan policies update are these legible and is it clear if and how they are to be used in decision making?	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score:+2</b>				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<b>Reviewer Comments:</b> The plans and maps within the plan have been reviewed to ensure that they are clear, legible, and accurate. An updated map has been produced following the Regulation 19 consultation which shows the boundary on a more detailed map base for clarity.				
46.	Does each local plan policies update policy: (i) make clear the type of development it will promote; (ii) use positive rather than negative wording?	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score: +2, policies are clear in the type of development they aim to promote, and are worded positively</b>				

	KEY QUESTIONS	ASSESSMENT				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<b>Reviewer Comments:</b>				
47.	<p>Do policies make clear where they are intended to be applied differently for the purposes of decision-making dependent on (i) scale; (ii) use; or (iii) location of development proposed.</p> <p>[Note: If you have said ‘all development’ this implies equal application irrespective of the development scale/use/location and this may not be either justified or deliverable]</p>	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<b>Reason for score: +2</b> The policies within the DPD apply to the allocation as a whole.				
		<b>Implications of taking no further action:</b>				
		<b>Mitigation / Action required (if necessary) to move scale to right:</b>				
		<b>Reviewer Comments:</b> The policies within the DPD apply to the allocation as a whole. We have also proposed a number of modifications to draft policies to clarify that the requirements apply allocation-wide.				
I	<p><i>State how many policies are in your local plan update?</i></p> <p><i>Can you list any policies within the local plan update that: (i) repeat parts of other policies within the plan; (ii) replicate or repeat paragraphs in the NPPF (iii) cross reference other policies.</i></p>	There are 38 policies within the DPD.				
48.	Based on the above, have you tried to avoid unnecessary repetition (of the NPPF or other policies within the local plan	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement

	KEY QUESTIONS	ASSESSMENT				
	<p>policies update) and cross referencing in policies?</p> <p>If you find duplication or repetition you may want to take minute to consider whether this is appropriate.</p>	<p><b>Reason for score:</b> +2, cross references between policies are appropriate, e.g. housing mix and affordable housing policies, open space policy</p> <p><b>Implications of taking no further action:</b></p> <p><b>Mitigation / Action required (if necessary) to move scale to right:</b></p> <p><b>Reviewer Comments:</b></p>				
49.	<p>Do policies avoid duplicating other regulatory requirements (for example, building regulations)?</p>	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<p><b>Reason for score:</b> +2, yes.</p> <p><b>Implications of taking no further action:</b></p> <p><b>Mitigation / Action required (if necessary) to move scale to right:</b></p> <p><b>Reviewer Comments:</b></p>				
50.	<p>Does the wording of plan policies avoid ambiguity? Are requirements clear to the decision-maker?</p> <p>[For instance, policies should avoid using overly subjective terms such as “to the Council’s satisfaction”, “considered necessary by the Council” or “appropriate” without associated clarification.]</p>	-2	-1	0	+1	+2
		No, we do not meet this requirement	No, we may not fully meet this requirement	Unclear whether our plan meets this requirement or not	Yes, we are likely to meet this requirement	Yes, we are confident our plan will meet this requirement
		<p><b>Reason for score:</b> +1</p> <p><b>Implications of taking no further action:</b></p> <p><b>Mitigation / Action required (if necessary) to move scale to right:</b></p> <p><b>Reviewer Comments:</b>                      Representations received at Regulation 19 highlighted some instances of the term “should”. The Council has reviewed that DPD and made some suggested amendments where appropriate. The Council consider the DPD to be clear.</p>				





## New Settlement (Maltkiln) DPD Legal Compliance Checklist (February 2024)

North Yorkshire Council has completed the legal compliance checklist produced by the Planning Advisory Service in order to demonstrate that the New Settlement (Maltkiln) DPD meets the requirements of the relevant legislation

### Stage one: The early stages

In terms of legal compliance, the main issues for the early stage are in relation to:

- planning for community engagement
- planning the sustainability appraisal (including consultation with the statutory environment consultation bodies)
- identifying significant cross boundary and inter-authority issues
- ensuring that the plan rests on a credible evidence base, including meeting the Act's requirement for keeping matters affecting the development of the area under review.

Regulation 17 notes that a statement setting out which bodies and people the council invited to make representations under Regulation 18 is one of the proposed submission documents. In this table, the term 'consultation statement' is used to describe this statement.

Section 33A of the Act (introduced by the Localism Act 2011) introduces a duty to cooperate as a mechanism to ensure that local planning authorities and other bodies engage with each other on issues which are likely to have a significant effect on more than one planning area. This pervades every stage of the plan preparation. A plan may be found unsound if a council cannot show that it has taken reasonable steps to comply with the duty.

## Stage one: The beginning

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
1. Is the DPD identified in the adopted LDS? Have you recorded the timetable for its production?	The Act section 15(2) and section 19(1)	NPPF 2012 para 153 NPPF 2019 and 2023 section 3		<p>The New Settlement (Malkiln) DPD is identified and timetabled in accordance with the <a href="#">Adopted LDS December 2021</a></p> <p>It was first identified in the LDS which took effect in January 2018 This was updated in August 2020 and then December 2021 to ensure it reflected changes to timetable.</p>
2. How will community engagement be programmed into the preparation of the DPD?	The Act section 19(3)  Regulation 18	NPPF 2012 paras 150, 155 and 157 NPPF 2019 and 2023 section 3	If the SCI is up-to-date, use that. If not set out any changes to community engagement as a result of changes in legislation.	<p>The LDS identified the stages of formal public consultation for the preparation of the DPD. The approved <a href="#">SCI (August 2020)</a> sets out how the Council will engage with the community at each of these stages. This updates the previous 2014 version.</p> <p>The Submission Consultation Statement (Feb 2024) sets out details of the consultation undertaken at all stages in the preparation of the DPD including key issues raised and the council's response.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>3. Have you considered the appropriate bodies you should consult?</p>	<p>Regulation 18</p>	<p>NPPF paras 4.25 -4.26</p>	<p>Regulation 2 defines the general and specific consultation bodies.</p> <p>The possible evidence may duplicate each other. Only use what you need to.</p>	<p>The appropriate bodies are set out in the <a href="#">SCI (August 2020)</a></p> <p>The Council maintains an extensive database of groups and individuals that are consulted on a regular basis on plan making. The database includes both specific and general consultees as set out in the SCI.</p>
<p>4. How you will co-operate with other local planning authorities, including counties, and prescribed bodies, to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?</p>	<p>The Act section 33A(1)(a) and (b), section 33A(3)(d) (e) &amp; (4)</p> <p>The Act Section 20(5)(c)</p> <p>Regulation 4</p>	<p>NPPF paras 178 to 181 (which comprise the guidance referred to in the Act section 33A(7))</p> <p>Under NPPF 2012 Para 182, to be 'Effective' a plan should be based on effective joint working on cross-boundary strategic priorities.</p> <p>Strategic priorities are listed at NPPF Para 156</p> <p>NPPF 2019 and 2023 section 3</p>	<p>Section 33A(4) defines a "strategic matter".</p> <p>Under section 33A(6) the required engagement includes considering joint approaches to the plan making activities (including the preparatory activities) and considering whether to agree joint local development documents under section 28.</p> <p>The bodies prescribed by section 33A(1)(c) are set out at Regulation 4(1).</p>	<p>The DPD Duty to Cooperate Paper and Statements of Common Ground identifies the strategic issues on which the Council has engaged with duty to cooperate bodies.</p> <p>The DPD Consultation Statement outline the discussions and engagement that has taken place between the Council and relevant duty to cooperate bodies, the nature of that engagement and the outcome of this.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>5. How you will co-operate with any local enterprise partnerships (LEP) or local nature partnerships (LNP) to identify and address any issues or strategic priorities that will have a significant impact on at least two planning areas?</p>	<p>The Act section 33A(1)(c) and section 33A(9), section 33A(3)(d) and (e)</p> <p>The Act section 20(5)(c).</p> <p>Regulation 4</p>	<p>NPPF paras 178 to 181</p> <p>NPPF 2019 and 2023 section 3</p>	<p>Section 33A(4) defines a "strategic matter".</p> <p>Strategic priorities are listed at NPPF Para 156.</p> <p>Regulation 4(2) prescribes LEPs and LNPs for the purposes of section 33A(9).</p> <p>Under section 33A(6) the required engagement includes consulting on joint approaches to relevant activities.</p>	<p>The Council has ongoing engagement with the Leeds City Region (LCR) and York, North Yorkshire and East Riding (YNYER) LEPs. The specific duty to cooperate engagement with the LEPs and the outcome of this, is contained in the Consultation Statement.</p>
<p>6. Is baseline information being collected and evidence being gathered to keep the matters which affect the development of the area under review?</p>	<p>The Act section 13</p>	<p>NPPF 2012 paras 158 – 177</p> <p>NPPF 2019 and 2023 section 3</p>		<p>The Council has developed an extensive evidence base to support the Local Plan Policy DM4, which has been updated, as required, on a regular basis throughout the preparation of the DPD.</p>
<p>7. Is baseline information being collected and evidence being gathered to set the framework for the sustainability appraisal?</p>	<p>The Act section 19(5)</p>	<p>NPPF 2012 paras 165 and 167</p> <p>NPPF 2019 and 2023 section 3</p>		<p>The <a href="#">SA Scoping Report August 2018</a> was published in August 2018. This reviews existing plans, identifies characteristics of the area and sets out relevant baseline information in relation to the social, environmental and economic issues of the area and establishes key sustainability issues. This led to the</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
		Strategic Environmental Assessment Guide, chapter 5		development of an appraisal framework including objectives. The baseline data has been reviewed and updated during the preparation of the Local Plan.
8. Have you consulted the statutory environment consultation bodies for five weeks on the scope and level of detail of the environmental information to be included in the sustainability appraisal report?	Regulations 9 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633.	NPPF 2012 paras 165 and 167  NPPF 2019 and 2023 section 3  SEA Guide chapter 3	The Strategic Environmental Assessment consultation bodies are also amongst the 'specific consultation bodies' which are defined in Regulation 2).	The three statutory environmental consultation bodies (Natural England, Historic England and Environment Agency) were consulted on the <a href="#">SA Scoping Report August 2018</a> together with a number of other consultation bodies including adjacent Local Planning Authorities.  Responses were received from two of the three environment consultation bodies. A summary of the responses received with how the SA was updated to take account of the comments made can be found in Appendix 1 of the <a href="#">SA Interim Report October 2020</a> .

**Stage two: Plan preparation - frontloading phase**

- Information assembled during this phase contributes to:
- showing that the procedures have been complied with

- demonstrating cooperation with statutory cooperation bodies
- developing alternatives and options and appraising them through sustainability appraisal and against evidence.

The council should record actions taken during this phase as they will be needed to show that the plan meets the legal requirements. They will also show that a realistic and reasonable approach has been taken to plan preparation.



Stage two: Plan preparation

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>1. Have you notified:</p> <ul style="list-style-type: none"> <li>• the specific consultation bodies?</li> <li>• the general consultation bodies that have an interest in the subject of the DPD and invited them to make representations about its contents?</li> </ul>	<p>Regulation 18(1) and (2)(a) (b)</p>	<p>NPPF paras 159 – 173</p> <p>NPPF 2019 and 2023 section 3</p>	<p>Specific and general consultation bodies are defined in Regulation 2.</p>	<p>All specific and relevant consultation bodies were consulted at the different stages of developing the DPD under Regulation 18.</p> <p>The details of the consultation are set out in the Consultation Statement which includes a summary of the responses received and the Council’s response.</p> <p>All the Regulation 18 consultation documents can be viewed at <a href="https://www.harrogate.gov.uk/new-settlement-dpd-reg-18-consultation-october-2020-details-keystone">New Settlement DPD: Reg 18 Consultation October 2020 - Details - Keystone (harrogate.gov.uk)</a></p>
<p>2. Are you inviting representations from people resident or carrying out business in your area about the content of the DPD?</p>	<p>Regulation 18(1) and (2)(c)</p>	<p>NPPF paras 159 – 173</p> <p>NPPF 2019 and 2023 section 3</p>		<p>The Council maintains an extensive database of groups and individuals that are consulted on a regular basis on plan making in the area. This includes residents as well as businesses in the district.</p> <p>The Consultation Statement includes information about the ways in which comments were invited during the preparation of the DPD and how this was publicised.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
3. Are you engaging with stakeholders responsible for delivery of the strategy?	Regulation 18	NPPF 2012 para 155  NPPF 2019 and 2023 section 3	NPPF paras 160-171 4.29 give examples of relevant bodies which should be consulted.	The Council has engaged with stakeholders responsible for delivery throughout the preparation of the DPD. Stakeholders have also been engaged in the preparation of the Infrastructure Delivery Plan (IDP). The IDP details how these stakeholders were engaged.
4. Are you taking into account representations made?	Regulation 18(3)	NPPF 2012 para 155  NPPF 2019 and 2023 section 3	Evidence from participation is part of the justification. Show how you have taken representations into account.	The Consultation Statement provides a summary of the representations made in response to the consultation under Regulation 18 alongside details of how they have been considered and taken into account as the DPD has evolved.  The <a href="#">SA Interim Report October 2020</a> (Appendix 1) provides a summary of the responses received to the <a href="#">SA Scoping Report August 2018</a> together with how the SA was updated to take account of the comments made.
5. Does the consultation contribute to the development and sustainability appraisal of alternatives?	The Act section 19(5)  Regulations 12 and 13 of The Environmental	NPPF paras 165 – 168  SEA Guide, chapter 3		The development of the DPD has been subject to sustainability appraisal throughout with SA report published at each key stage for comment.

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
	Assessment of Plans and Programmes Regulations 2004 No 1633			<p>A <a href="#">SA Interim Report October 2020</a> was carried out to support Regulation 18 Issues and Options consultation. The SA considered options and alternatives in terms of the location of the New Settlement within the Green Hammerton/Cattal broad location.</p> <p>The <a href="#">SA Report October 2022</a> was prepared to accompany the Regulation 19 consultation. This updated the interim SA report to appraise the further development of the DPD.</p> <p>The SA objectives were reassessed to address issues raised at Regulation 19 consultation and subsequent proposed modifications and published to accompany the submission of the DPD.</p> <p>Each Sustainability report contains a summary of the consultation responses to the previous SA iteration and set out how these have been addressed in developing the DPD.</p>
<p>6. Is the participation:</p> <ul style="list-style-type: none"> <li>• following the principles set out in your SCI?</li> </ul>	The Act section19(3)	NPPF 2012 para 155		Consultation throughout has been guided by the principles set out in the SCI. The Consultation

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<ul style="list-style-type: none"> <li>integrating involvement with the sustainable community strategy?</li> <li>proportionate to the scale of issues involved in the DPD?</li> </ul>		<p>NPPF 2019 and 2023 section 3</p>		<p>Statements set out how the SCI requirements have been met.</p> <p>There is no sustainable community strategy but Section 2 of the Local Plan sets out the strategic context and links to the Councils Corporate Plan and Housing Economic Strategies.</p> <p>Recognising the scale and impacts of the proposals contained within the Local Plan, the Council has sought to engage in a proportionate way as the DPD has been prepared, as set out in the SCI.</p>
<p>7. Are you keeping a record of:</p> <ul style="list-style-type: none"> <li>the individuals or bodies invited to make representations?</li> <li>how this was done?</li> <li>the main issues raised?</li> </ul>	<p>The Act section20(3)</p> <p>Regulation 17</p>	<p>NPPF 2012 paras 158 – 171</p> <p>NPPF 2019 and 2023 section 3</p>	<p>You will need to submit a statement of representations under Regulation 22 (1) (c): see Submission stage below.</p> <p>Regulation 35 deals with the availability of documents and the time of their removal.</p>	<p>The Consultation Statements provide details of those consulted at each stage. Copies of all representations made during consultation on the DPD are held by the Council and can be viewed on the Council's online planning policy consultation page.</p> <p>An analysis of the responses received at each consultation stage and the main issues raised can be found in the Consultation Statements alongside the Council's response</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>8. Are you inviting representations on issues that would have significant impacts on both your areas from another local planning authority? Or county issues from an affected county council that is not a planning authority? Or significant cross-boundary issues and strategic priorities of a body prescribed under Section 33A(1)(c)?</p>	<p>The Act section 33A(1)(a) (b) and (c), section 33A(3)(d) &amp; (e) section 33A(4) section 33A(9)</p> <p>The Act section 20 (5)(c)</p>	<p>NPPF 2012 paras 178 to 181</p> <p>NPPF 2019 ad 2023 section 3</p>	<p>Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation.</p> <p>Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.</p>	<p>Representations have been invited at each stage from the previous North Yorkshire County Council, neighbouring authorities and those in the wider Leeds City and North Yorkshire region.</p> <p>Engagement with the Duty to Cooperate partners is detailed in the Duty to Cooperate Statement and the Submission Consultation Statement (Regulation 22 (1) (c))</p>
<p>9. Are you inviting representations on cross-boundary issues and strategic priorities from a local enterprise partnership (LEP) or a local nature partnership (LNP)?</p>	<p>The Act section 33A(1)(c) and Section 33A(9).</p> <p>The Act section 20(5) (c).</p> <p>Regulation 4</p>	<p>NPPF 2012 paras 178 to 181</p> <p>NPPF 2019 and 2023 section 3</p>	<p>Section 33A(3)(d) and (e) requires cooperation on significant cross-boundary issues before and during plan preparation.</p> <p>Section 33A(2) requires you to engage constructively, actively and on an ongoing basis.</p>	<p>Yes. Both the LCR and YNYER LEPs and the LNP have been consulted on the DPD</p>
<p>10. Are you developing a framework for monitoring the effects of the DPD?</p>	<p>The Act section 35</p> <p>Regulation 34</p> <p>Regulation 17 of The Environmental</p>	<p>NPPF 2012 paras 165 – 1687</p> <p>NPPF 2019 and 2023 section 3</p> <p>SEA Guide, Chapter 5</p>	<p>It is a matter for each council to decide what to include in their monitoring reports while ensuring they are prepared in accordance with relevant UK and EU legislation” Chief Planning Officer letter 30 March 2011</p>	<p>Section 12 of the DPD includes a monitoring framework which identifies for each DPD Policy indicators and targets. This is also supported by the Infrastructure Delivery Plan.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
	Assessment of Plans and Programmes Regulations 2004 No1363		withdrawing ODPM guidance.	<p>The SA Report contains indicators to assess the sustainability effects of implementing the DPD.</p> <p>Monitoring will be undertaken on an annual basis and reported through the Annual Monitoring Report.</p>

### **Stage three: Plan preparation - formulation phase**

This stage has many legal matters, for process and content, to address. The council should be beginning to formulate the preferred strategy for the local plan or supplementary planning document with which the council chooses to address Regulation 18 requirements, using the information gathered and previous collaborative work with stakeholders.

Para 182 of the NPPF makes it clear that explicit consideration of alternatives is a key part of the plan making process.

You should evaluate the reasonable alternatives identified in 'stage two: frontloading phase – plan preparation' phase against the:

- completed body of information from evidence gathering
- results of sustainability appraisal
- findings from community participation
- findings from engagement with statutory cooperation bodies.

This may be written up as a preferred strategy report. The results of participation on the preferred strategy and an accompanying sustainability report will enable the council to gauge the community's response and receive additional evidence about the options. The council can then decide whether, and how, the preferred strategy and policies should be changed for publishing the finished DPD.

Alternatives developed from the evidence and engagement during the frontloading stage need to be appraised to decide on the preferred strategy. Participation will also need to be carried out on it.

These matters need to be considered, and dealt with, in good time, and not left until publication. Supporting documents will assist in providing evidence that decisions on alternatives and strategy are soundly based. These documents will, in due course, become part of the proposed submission documents in stage four.

The council should tell all parties that this is the main participation opportunity on the emerging plan. The publication stage is a formal opportunity for anyone to comment on an aspect of the DPD's soundness, and to propose a change to the plan accordingly. The more effectively this message is put across, the lower the chance of late changes being brought forward following publication.



Stage three: Plan preparation – writing the plan

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>1. Are you preparing reasonable alternatives for evaluation during the preparation of the DPD?</p>	<p>Regulation 12 (2) of The Environmental Assessment of Plans and Programmes Regulations 2004 No. 1633</p>	<p>NPPF 2012 paras 152 – 182</p> <p>NPPF 2019 and 2023 section 3</p> <p>SEA Guide, Chapter 5</p>	<p>The sustainability appraisal report and supporting documents relevant to the preparation of the DPD are part of the proposed submission documents (see Regulation 17).</p>	<p>The <a href="#">SA Interim Report October 2020</a> evaluated options and reasonable alternatives to terms of the actual location of the New Settlement within the Green Hammerton/Cattal area. This was used to inform the development of the preferred location. The consultation responses to this were the used to inform the development of the preferred location option and associated policies within the <a href="#">Regulation 19 SPD (October 2022)</a>.</p>
<p>2. Have you assessed alternatives against:</p> <ul style="list-style-type: none"> <li>• consistency with national policy?</li> <li>• general conformity with the regional spatial strategy where still in force?</li> </ul>	<p>The Act section 19 (2), section 24</p>	<p>NPPF 2012 para 151</p> <p>NPPF 2019 and 2023 section 3</p>	<p>For London boroughs and local authorities where regional strategies are still in force general conformity is tested formally later but you need to consider it during preparation of the DPD.</p>	<p>The Council considers that there is no conflict with the NPPF, as detailed in the Soundness Checklist.</p> <p>The Yorkshire and Humber RSS was revoked in January 2013.</p>
<p>3. Are you having regard to (where relevant):</p> <ul style="list-style-type: none"> <li>• adjoining regional spatial strategies?</li> <li>• the spatial development strategy for London?</li> </ul>	<p>The Act sections 19 (2) and 24 (1) and (4)</p> <p>Regulation 10 and 21</p>		<p>Where the regional strategy has been revoked you should record that fact.</p>	<p>The RSS have been revoked and none of the other documents listed have any direct impact on the New Settlement (Maltkiln) DPD.</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<ul style="list-style-type: none"> <li>• Planning Policy for Wales?</li> <li>• the National Planning Framework for Scotland?</li> </ul>				
<p>4. Are you co-operating with other local planning authorities including counties, to address significant cross boundary issues? Have you discussed doing joint local development documents?</p>	<p>The Act section 33A(2)(a)</p> <p>Section 33A(6)(a)(b)</p> <p>Section 20(5) (c)</p>	<p>NPPF 2012 paras 181 and 185</p> <p>NPPF 2019 and 2023 section 3</p>	.	<p>The Council has consulted and co-operated with all neighbouring local authorities and the previous North Yorkshire County Council throughout the preparation of the DPD, as detailed in the Submission Consultation Statement (Regulation 22 (1) (c)) and the Duty to Cooperate Paper. Statement of Common Grounds have also been prepared and signed with Leeds City Council and York City Council</p> <p>It is not considered necessary or appropriate to undertake a joint LDD.</p>
<p>5. Are you cooperating with a person prescribed for the purposes of Regulation 33A(1)(c) to address significant cross boundary issues including preparing joint approaches?</p>	<p>The Act section 33A(2)(a), section 33A(6)(a)</p> <p>The Act section 20 (5) (c)</p> <p>Regulation 4</p>	<p>NPPF 2012 paras 181 and 182</p> <p>NPPF 2019 and 2023 section 3</p>	<p>The bodies prescribed by The Act section 33A(1)(c) are set out at Regulation 4 (1).</p>	<p>The Council has engaged with the duty to cooperate bodies. The Submission Consultation Statement (Regulation 22 (1) (c)) outlines the discussions and engagement that has taken place between the Council and the relevant duty to cooperate bodies, the nature of that engagement and the outcome of this.</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>6. Are you cooperating with having regard to the activities of the LEP and LNP?</p>	<p>The Act section 33A(2)(b) and section 33A(9). Regulation 4 (2)</p>	<p>NPPF 2012 para 181 and 182  NPPF 2019 and 2023 section 3</p>		<p>The Council has ongoing engagement with the Leeds City Region (LCR) and York and North Yorkshire (YNY) LEPs through the officer and member groups of each LEP.  The LNP was invited to make representations on the DPD.</p>
<p>7. Are you having regard to:</p> <ul style="list-style-type: none"> <li>• your sustainable community strategy or of other authorities whose area comprises part of the area of the council?</li> <li>• any other local development documents adopted by the council?</li> </ul>	<p>The Act section 19(2)</p>			<p>The DPD when adopted will sit alongside the Harrogate District Local Plan and the <a href="#">North Yorkshire Minerals and Waste Joint Local Plan</a></p>
<p>8. Do you have regard to other matters and relevant strategies relating to:</p> <ul style="list-style-type: none"> <li>• resources</li> <li>• the local/regional economy</li> <li>• the local transport plan and transport facilities and services</li> <li>• waste strategies</li> <li>• hazardous substances</li> </ul>	<p>The Act section 19(2)  Regulation 10</p>		<p>As well as the matters and strategies listed in the Act and Regulations there are likely to be other matters identified in planning policy statements, regional and local strategies that you will need to have regard to in preparing the DPD.</p>	

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
9. Are you having regard to the need to include policies on mitigating and adapting to climate change?	The Act section 19(1A)	NPPF 2012 paras 93 - 108  NPPF 2019 and 2023 section 14		One of the overall objectives of the DPD is to respond positively to the challenges of climate change. This is carried through in a number of policies relating to climate change mitigation and adaptation <a href="#">Section 5 of the Regulation 19 DPD</a>
10. Have you undertaken the sustainability appraisal of alternatives, including consultation on the sustainability appraisal report?	The Act section 19(5)  Regulation 12 and 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF 2012 para 182  NPPF 2019 and 2023 section 3  SEA Guide, Chapter 5	Regulation 13 of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633 sets out the consultation procedures.	The <a href="#">SA Interim Report October 2020</a> evaluated options and reasonable alternatives to terms of the actual location of the New Settlement within the Green Hammerton/Cattal area.  The SA Interim report was consulted on between 19th October 2020 and Friday 22nd January 2021
11. Are you setting out reasons for any preferences between alternatives?	Regulation 8(2)	NPPF 2012 para 182  NPPF 2019 and 2023 section 3	This will include Information from the sustainability appraisal.	The reasons are set out in the <a href="#">SA Report October 2022</a> .
12. Have you taken into account any representations made on	Regulations 17, 18(3) and 22 (1) (c) (iv)	NPPF 2012 paras 150, 155, 157 and 159-171	Records on the sustainability appraisal should also include recording any assessment	The representations received to the contents of the DPD under Regulation 18 can be found in the

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>the content of the DPD and the sustainability appraisal? Are you keeping a record?</p>	<p>Regulation 13(4) of The Environmental Assessment of Plans and Programmes Regulations 2004 No 1633</p>	<p>NPPF 2019 and 2023 section 3</p>	<p>made under the Habitats Directive.</p>	<p><a href="#">Regulation 19 Consultation Statement (October 2022)</a> and the Submission Consultation Statement (Regulation 22 (1) (c)). These contain a summary of all the key issues raised and the Council's response.</p> <p>The <a href="#">SA Interim Report October 2020</a> provides a summary of the representations to the contents of the SA Scoping Report and the <a href="#">SA Report October 2022</a> a summary of the representations to the SA Interim Report.</p>
<p>13. Where sites are to be identified or areas for the application of policy in the DPD, are you preparing sufficient illustrative material to:</p> <ul style="list-style-type: none"> <li>• enable you to amend the currently adopted policies map?</li> <li>• inform the community about the location of proposals?</li> </ul>	<p>Regulations 5 (1)(b) and 9</p>	<p>NPPF 2012 para 157  NPPF 2019 and 2023 section 3</p>	<p>Regulation 2 defines the terms 'submission' and 'adopted' proposals map.</p> <p>A map showing changes to the adopted policies map is part of the proposed submission documents defined in Regulation 17.</p>	<p>The <a href="#">Regulation 19 DPD (Oct 2022)</a> contains a Policy Map which illustrates the area to be covered by the policies within the DPD.</p>
<p>14. Are the participation arrangements compliant with the SCI?</p>	<p>The Act, section 19(3)  Regulation 18</p>	<p>NPPF 2012 paras 150 and 155  NPPF 2019 and 2023 section 3</p>		<p>As set out in the Submission Consultation Statement (Regulation 22 (1) (c)) public consultation was undertaken in</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				accordance with the Councils <a href="#">SCI (August 2020)</a>

## Stage four: Publication

Under Regulation 20, the period for formal representations takes place **before** the DPD is submitted for examination in accordance with a timetable set out in the statement of the representations procedure which is made available at the council's office and published on its website.

When moving towards publication stage, the council should consider the results of participation on the preferred strategy and sustainability appraisal report and decide whether to make any change to the preferred strategy. In the event that changes are required, the council will need to choose either to:

- do so and progress directly to publication

OR

- produce and consult on a revised preferred strategy.

The latter may be appropriate where the changes to the DPD bring in changed policy or proposals not previously covered in community participation and the sustainability appraisal. It avoids having to treat publication as if it were a consultation, which it is not. It also provides insurance in relation to compliance with the Strategic Environmental Assessment Regulations. Legally, during any participation on a revised preferred strategy, you should:

- comply with the requirements of the SCI
- update the sustainability appraisal report.

The council should then produce the DPD in the form in which it will be published. This includes removing material dealing with the evaluation of alternatives and the finalisation of the text. The council should be happy to adopt the DPD in this form, and satisfied that it is sound and fit for examination.

The six weeks publication period is the opportunity for those dissatisfied (or satisfied) with the DPD to make formal representations to the inspector about its soundness. Only people proposing a change to the plan can expect to be heard at examination.

The possibility of change under certain circumstances (which should be exceptional) is allowed for in the new procedures, and is described in 'stage five: submission'.

## Stage four: Publication (Regulation 19 Consultation)

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
1. Have you prepared the sustainability appraisal report?	The Act section 19(5)  Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004 No 1633	NPPF paras 165 – 168  SEA Guide Chapter 5		The <a href="#">SA Report (Oct 2022)</a> was consulted on between 3 October 2022 and 25 November 2022
2. Have you made clear where and within what period representations must be made?	Regulation 17, 19, 20 and 35		The period must not be less than 6 weeks from when you publish under Regulations 19 and 35 (see below).	These were made clear in the consultation letter and email notifications, on the Council's website, the statement of representation procedure, social media, press releases and the Council's on-line consultation portal.  See the Submission Consultation Statement (Regulation 22 (1) (c))
3. Have you made copies of the following available for inspection: <ul style="list-style-type: none"><li>the proposed submission documents?</li><li>the statement of the representations procedure?</li></ul>	Regulation 19(a)		Regulation 17 gives definitions.	Printed copies of the Regulation 19 DPD, SA, Habitat Regulations Assessment and Equality Analysis Report were made available for public inspection at: <ul style="list-style-type: none"><li>Civic Centre, Harrogate</li></ul>



Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
				<ul style="list-style-type: none"> <li>Public Libraries at Harrogate, Ripon, Knaresborough, Boroughbridge, Poppleton</li> </ul> <p>All the documents were also available on the Councils website. Copies were also supplied to the Parish Councils in the area to enable inspection locally.</p> <p>The Statement of Representations Procedure and a response form was made available in printed form at the above locations as well as online.</p>
<p>4. Have you published on your website:</p> <ul style="list-style-type: none"> <li>the proposed submission documents?</li> <li>the statement of the representations procedure?</li> <li>statement and details of where and when documents can be inspected?</li> </ul>	<p>Regulations 19 and 35</p>		<p>Regulations 2 and 17 give definitions.</p>	<p>All the proposed submission documents including information on where documents could be inspected were published on the Council's website and on-line consultation portal.</p> <p>See the Submission Consultation Statement (Regulation 22 (1) (c))</p>

Activity	Statutory requirement	Guidance reference	Additional notes	Possible evidence
<p>5. Have you sent to each of the specific consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> <li>• A copy of each of the proposed submission documents</li> <li>• The statement of the representations procedure?</li> </ul>	Regulation 19(b)		Regulations 2 and 17 give definitions.	<p>The consultation letter/email notification sent to the specific consultation bodies contained information on where and when documents could be inspected.</p> <p>See the Submission Consultation Statement (Regulation 22 (1) (c))</p>
<p>6. Have you sent to each of the general consultation bodies invited to make representations under Regulation 18(1):</p> <ul style="list-style-type: none"> <li>• the statement of the representations procedure?</li> <li>• where and when the documents can be inspected?</li> </ul>	Regulation 19(b)		Regulations 2 and 17 give definitions.	<p>The consultation letter /email notifications sent to the general consultation bodies contained information on where and when documents could be inspected.</p> <p>See the Submission Consultation Statement (Regulation 22 (1) (c))</p>
<p>7. Have you requested the opinion of the Mayor of London (if a London Borough or Mayoral DC) on the general conformity of the DPD spatial development strategy?</p>	<p>The Act section 24</p> <p>Regulation 21</p>		The request must be made on the day you publish the documents under Regulation 19(a) and a response must be made within six weeks from the request (Regulation 21).	N/A

### **Stage five: Submission (Regulation 22)**

At the submission stage, the council should receive and collate any representations made at publication stage. You don't have to report these representations to councillors but there may be requirements deriving from other legislation, Standing Orders or council procedures that must be considered. Or you might just think it is a good idea to report on it anyway.

If they are reported it should be on the facts of the representations made, not the results of a consultation process by the council. They should not be treated as a consultation or an opportunity to make changes or answer representations. NB: under the 2012 Regulations there is no longer any requirement to give notice by local advertisement.

You should ensure you are in legal compliance with the SCI, the Habitats Directive and the Strategic Environmental Assessment Directive in any additional work. Any formal publication of additional or changed matters would need to allow at least a six-week period for representations to be made.

There are different approaches that could be taken to changes. You should be satisfied that you remain fully compliant with the legal requirements if any changes are made (and any consequential effects on the DPD as a whole).

Apart from notification of the examination, this tool does not deal with the legal requirements that need to be followed after submission.

## Stage five: Submission

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
1. Has the DPD been prepared in accordance with the LDS? Does the DPD's listing and description in the LDS match the document? Have the timescales set out in the LDS been met?	The Act section 19(1)		The Act section 15(2) sets out the matters specified in the LDS. As at January 2013, no further matters are prescribed in the Regulations.	The DPD has been prepared in accordance with the LDS. This has been updated during plan preparation to reflect changes to the timetable.
2. Has the DPD had regard to any sustainable community strategy for its area (like a county and district)?	The Act section 19(2)	NPPF para 182  NPPF 2019 and 2023 section 3		There is no sustainable community strategy for the area.
3. Is the DPD in compliance with the SCI (where one exists)? Has the council carried out consultation as described in the SCI?	The Act section 19(3)  Regulation 22(1)(c)		Before the SCI is formally amended to take into account the changes in the regulations, you may need to set out how the community engagement that you carried out met the regulations (as amended).	Consultation has been carried out in accordance with the adopted <a href="#">SCI (August 2020)</a>  See the Submission Consultation Statement (Regulation 22 (1) (c))
4. Have you identified and addressed any issues which are likely to have a significant impact on at least two planning areas. In doing so, have you co-operated with other local planning	The Act section 33A(1) and section 20(5)	NPPF paras 181 and 182  NPPF 2019 and 2023 section 3	Under NPPF para 182, the plan should be based on effective joint working on cross-boundary strategic priorities to be found 'Effective'.	The Submission Consultation Statement and the Submission Duty to Co-operate Paper identifies the issues on which the Council has engaged with the duty to cooperate bodies. The documents outline the

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>authorities, county councils where they are not a planning authority, LEPs, LNPs and the prescribed bodies in identifying and addressing any strategic cross-boundary issues</p> <p>If you have not agreed on the approach is there a justification?</p>				<p>discussions and engagement that has taken place between the Council and relevant duty to cooperate bodies and the outcome of this engagement.</p> <p>Statements of Common Ground have also been drafted between the Council and Leeds City Council and City of York Council and will form part of the Duty to Cooperate Paper.</p>
<p>5. Has the DPD been subject to sustainability appraisal? Has the council provided a final report of the findings of the appraisal?</p>	<p>The Act section 19(5)</p> <p>Regulation 22(1)(a)</p>	<p>NPPF para 165</p> <p>NPPF 2019 and 2023 section 3</p> <p>SEA Practical Guide, chapter 5</p>		<p>The development of the DPD has been subject to sustainability appraisal throughout with SA reports published at each key stage for comment.</p> <p>The Submission Sustainability Appraisal (Feb 2024) draws together and updates all previous SA reports. It has also been updated to reflect representations to the Regulation 19 consultation and SA report.</p>
<p>6. Is the DPD to be submitted consistent with national policy?</p>	<p>The Act section 19(2) and Schedule 8</p>	<p>NPPF para 151</p> <p>NPPF 2019 and 2023 section 3</p>		<p>The Council considers that there is no conflict with the NPPF as detailed in the Soundness Assessment.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>7. Does the DPD contain any policies or proposals that are not in general conformity with the regional strategy where it still exists? If yes, is there local justification?</p> <p>If the LPA is a London borough or a mayoral development corporation has it requested an opinion from the Mayor of London on the general conformity of the plan with the spatial development strategy?</p>	<p>The Act section 24(1)(a) and 24(4)</p> <p>Regulation 21</p>	<p>NPPF para 218 footnote 41</p>	<p>In London the requirement is for general conformity with the spatial development strategy (The London Plan).</p>	<p>Not applicable</p> <p>The Yorkshire and Humber RSS was revoked in 2013</p>
<p>8. Has the council published the prescribed documents, and made them available at their principal offices and their website?</p> <p>Has the council notified the relevant statutory and non-statutory bodies, and all persons invited to make representations on the plan?</p> <p>Does the DPD contain a list of superseded saved policies?</p>	<p>The Act section 20(2), 20(3) and 20(5)(b)</p> <p>Regulations 8 and 19</p>	<p>NPPF para 182</p> <p>NPPF 2019 and 2023 section 3</p>	<p>Requirements relating to publication of the prescribed documents are listed later in this table.</p>	<p>Subject to the Full Council decision on the 21 February 2024, a copy of the Submission DPD and supporting documents will be made available at:</p> <ul style="list-style-type: none"> <li>• Civic Offices, Harrogate</li> <li>• Poppleton Public Library</li> </ul> <p>The full suite of supporting and evidence base documents will be made available on the council's website, unless already online elsewhere. A Submission Document List will be made available on the website providing</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
				<p>web links to each of the documents.</p> <p>The Council will notify by letter or email all the relevant statutory and non-statutory bodies and all persons invited to make representations.</p> <p>The DPD does not supersede any policies.</p>
<p>9. Are there any policies applying to sites or areas by reference to an Ordnance Survey map or to amend an adopted policies map?</p> <p>If yes, have you prepared a submission policies map?</p>	<p>Regulations 5(1) (b), 9 (1), 17 &amp; 22(1)</p>			<p>The Submission DPD contains a Policies map.</p>
<p>10. Is the DPD consistent with any other adopted DPDs for the area? If the DPD is intended to supersede any adopted development plan policies, does it state that fact and identify the superseded policies?</p>	<p>Regulation 8(3) and (4)</p> <p>Regulation 8(5)</p>		<p>Development Plan is defined in Section 38 of the Act.</p>	<p>The New Settlement (Maltkiln) DPD is consistent with the adopted Harrogate District Local Plan. Both documents along with the North Yorkshire Minerals and Waste Joint Local Plan will form the development plan for the New Settlement area.</p> <p>The DPD will not supersede any adopted development plan policies.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>11. Have you prepared a statement setting out:</p> <ul style="list-style-type: none"> <li>• Which bodies and persons were invited to make representations under Regulation 18?</li> <li>• How they were invited?</li> <li>• A summary of the main issues raised?</li> <li>• How the representations have been taken into account?</li> </ul>	<p>The Act section 20 (3)</p> <p>Regulation 22(1)(c)</p>		<p>This will bring forward material from the Consultation statement (see Stage 2 above).</p>	<p>The representations received to the contents of the DPD under Regulation 18 can be found in the <a href="#">Regulation 19 Consultation Statement</a> and the Submission Draft Consultations Statement. These contain a summary of all the key issues raised and the Council's response.</p>
<p>12. Have you prepared a statement giving:</p> <ul style="list-style-type: none"> <li>• the number of representations made under Regulation 22?</li> <li>• a summary of the main issues raised?</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• that no representations were made?</li> </ul>	<p>The Act section 20(3)</p> <p>Regulation 22(1)(c)</p>			<p>The Submission Draft Consultation Statement sets out the number of representations made. The main issues and council response to them are summarised in the document.</p>
<p>13. Have you collected together all the representations made under Regulation 28?</p>	<p>The Act section 20(3)</p> <p>Regulation 22(1)(e)</p>			<p>Copies of all representations made will be available to view on the Councils <a href="#">on-line planning policy consultation page</a></p>
<p>14. Have you assembled the relevant supporting documents?</p>	<p>The Act section 20(3)</p>			<p>A list of core documents including all the submission, supporting and evidence base documents has been prepared. These documents</p>



Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
	Regulation 22(1)(g)			will be available to view on the Council's website.
15. Has your council approved the DPD for submission?			Check the LPA's constitution/standing orders for the authorisation process appropriate for the type of DPD.	Decision to submit must be made by Full Council and the decision will be taken on the 21 <sup>st</sup> of Feb. In line with the Council's constitution the report will be considered by: <ul style="list-style-type: none"> <li>• Development Plan Committee</li> <li>• Selby and Ainsty Area Constituency Committee</li> <li>• Executive</li> </ul>
16. Have you sent the Secretary of State (the Planning Inspectorate) both a paper copy and an email of the following: <ul style="list-style-type: none"> <li>• the DPD?</li> <li>• the submission policies map (unless there are no site allocation policies)?</li> <li>• the documents prescribed in Regulation 22(1)?</li> </ul>	The Act section 20(1) and 20(3)  Regulations 22(1) and 22(2)		Regulation 35 deals with the availability of documents and the time of their removal.  Electronic copies of some of the representations and supporting documents may not be practicable.  Regulation 35 deals with the availability of documents and the time of their removal.	The Submission and Examination requirements will be completed at the appropriate time subject to the Full Council decision on 21 February 2024.
17. Have you made the following available at the same places where the proposed submission documents were to be seen: <ul style="list-style-type: none"> <li>• The DPD?</li> <li>• The documents prescribed in Regulation 22(1)?</li> </ul>	Regulation 22(3)		You should do this as soon as reasonably practicable after submission.	The Submission and Examination requirements will be completed at the appropriate time subject to the Full Council decision on 21 February 2024.

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
<p>18. On your website, have you published the:</p> <ul style="list-style-type: none"> <li>• DPD?</li> <li>• submission policies map?</li> <li>• sustainability appraisal report?</li> <li>• Regulation 22(1)(c) statement?</li> <li>• supporting documents (where practicable) ?</li> <li>• representations made under Regulation 20 (where practicable) ?</li> <li>• statement as to where and when the DPD and the documents are available?</li> </ul>	<p>Regulation 22(3) and 35(1)(b)</p>		<p>You should do this as soon as reasonably practicable after submission.</p>	<p>The Submission and Examination requirements will be completed at the appropriate time subject to the Full Council decision on 21 February 2024.</p>
<p>19. For each general consultation body invited to make representations under Regulation 18(1), have you sent:</p> <ul style="list-style-type: none"> <li>• notification that the documents prescribed in Regulation 22(3)(a)(i)-(iii) are available for inspection</li> <li>• where and when they can be inspected?</li> </ul>	<p>Regulation 22(3)(b)</p>		<p>You should do this as soon as reasonably practicable after submitting to the Secretary of State.</p>	<p>The Submission and Examination requirements will be completed at the appropriate time subject to the Full Council decision on 21 February 2024.</p>

Activity	Legal requirement	Guidance reference	Additional notes	Possible evidence
20. Have you given notice to persons who have requested to be notified that submission has taken place?	Regulation 22(3)(c)		You should do this as soon as reasonably practicable after submitting to the Secretary of State.	The Submission and Examination requirements will be completed at the appropriate time subject to the Full Council decision on 21 February 2024.
21. If an examination is being held, at least six weeks before its opening has the Programme Officer: <ul style="list-style-type: none"> <li>• published the time and place of the examination and the name of the person appointed to carry out the examination on your website?</li> <li>• notified those who have made representations on the published DPD which have not been withdrawn of these details?</li> </ul>	The Act section 20  Regulations 24 and 35			Examination hearing session dates have yet to be confirmed.  The Council will ensure the requirements under the Regulations are carried out.