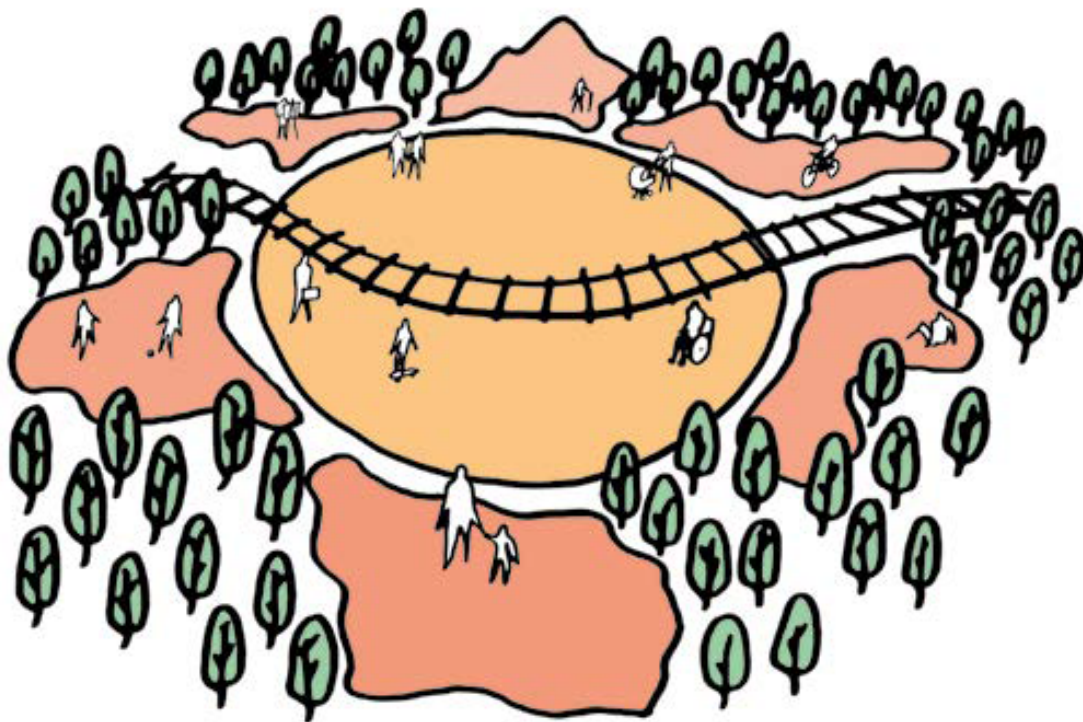


New Settlement (Maltkiln) Development Plan Document (DPD)



Submission Draft
Duty to Cooperate Paper

February 2024

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Malkiln Duty to Cooperate Paper

What is Duty to Cooperate ? 1

- 1.1** The duty to cooperate is a legal and soundness test that requires cooperation between local planning authorities and other prescribed bodies to maximise the effectiveness of policies for strategic matters in Development Plan Documents. The duty to cooperate was introduced in the Localism Act 2011 and under Section 33A of the Planning and Compulsory Purchase Act 2004 all planning authorities are required to engage constructively, actively and on an ongoing basis when preparing a local plan to maximise the effectiveness of DPD preparation in the context of strategic cross boundary matters.
- 1.2** In addition to the legal requirements set out above, the National Planning Policy Framework (NPPF) emphasises the importance of joint working and maintain effective cooperation between authorities and other prescribed bodies of cross boundary issues and issues of shared interest.
- 1.3** This statement provides an overview of how the Council has fulfilled its duty to co-operate throughout the plan making process. It should be noted that references to "the Council" refer to North Yorkshire Council from the 1st April 2023 and the former Harrogate Borough Council before this date ⁽¹⁾

1 On the 1st April 2023 Harrogate Borough Council was merged with 7 other local authorities (North Yorkshire County Council, Ryedale, Richmondshire, Selby, Craven, Hambleton and Scarborough) to become North Yorkshire Council

2 Context

2.1 In relation to the Maltkiln DPD area, the duty to cooperate bodies are:

Local Planning Authorities

- City Of York Council
- Selby District Council
- Leeds City Council
- North Yorkshire County Council⁽²⁾

Prescribed Bodies

- Environment Agency
- Historic England
- Natural England
- Civil Aviation Authority
- Homes England
- Integrated Care Board
- NHS
- Office of Rail Regulation
- National Highways

2.2 Local Enterprise Partnerships (LEPs) and Local Nature Partnerships (LNPs) are not subject to the requirements of the duty but local planning authorities must cooperate with them and have regard to their activities when preparing DPDs, provided these activities are relevant to plan making. Therefore, for the purposes of preparing the DPD the following will also be treated as duty to cooperate bodies:

LEPs

- Leeds City Region
- York and North Yorkshire

LNPs

- North Yorkshire and Yorkshire Local Nature Partnership

2.3 The duty also applies to the prescribed bodies below. However given the strategic issues identified the Council consider it would be unnecessary and not effective to actively seek co-operation with them (1 and 2), the district is not covered by such a body (3) or their area of activity is not relevant to the district (4)

1. Major of London
2. Transport of London
3. Integrated Transport Authority
4. Marine Management Organisation

2.4 In addition to the identified duty to cooperate bodies, there are a number of other bodies with whom the council needs to work to prepare the DPD particularly around the delivery of infrastructure to support the planned levels and locations of growth. Details of this engagement can be found in the Consultation Statement and the Infrastructure Delivery Plan.

² On the 1st April 2023 North Yorkshire County Council was merged with 7 other local authorities (Harrogate, Ryedale, Richmondshire, Selby, Craven, Hambleton and Scarborough) to become North Yorkshire Council

Implementing the Duty 3

- 3.1** The Council has ongoing duty to cooperate with neighbouring authorities with regard to plan making. The principle of the new settlement was established via Policy DM4 of the adopted Harrogate District local Plan. In submitting the Local Plan for examination, the Council provided a Duty to Cooperate 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. This 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, National Highways and the former North Yorkshire County Council.
- 3.2** The Council has taken a proactive and constructive approach to engagement through:
- Duty to Cooperate meetings with officers from adjoining local planning authorities
 - Meetings with former NYCC officers (now North Yorkshire Council)
 - Subject specific meetings with appropriate bodies to discuss and progress issues e.g Integrated Care Board on health and National Highways concerning traffic impacts and mitigation measures in respect of Junction 47 A1 (M)
 - Subject specific technical workshops to progress key issues raised during the Regulation 18 consultation
 - Ongoing letters, emails, meetings with neighbouring authorities and other bodies to discuss and progress strategic issues
 - Discussions with York and North Yorkshire LEP
 - Preparation of Statement of Common Grounds with Leeds City Council and City of York

Working with Duty to Cooperate Bodies

- 3.3** Under the duty to cooperate there are a number of prescribed bodies with whom the council should constructively engage in order to prepare an effective plan. Details of how and on what issues duty to cooperate bodies have been engaged during the preparation of the DPD are set out at Appendix 5 'Collaborative Working with Duty to Cooperate Bodies'. A summary of this engagement is set out below.

Civil Aviation Authority

- 3.4** There have been no strategic issues identified that have required specific engagement with the CAA. The CAA have been engaged through the consultation process at each key stage but have not responded.

Environment Agency

- 3.5** The Environment Agency is a statutory consultee in the plan making process. There has been regular and on-going contact with the Environment Agency to ensure a sound evidence base and in the development of policies with the Environment Agency responding to consultation at each Local Plan stage. Policies relating to flood risk and the natural environment have been revised or added to in response to the comments made.

Integrated Care Board/NHS

- 3.6** The ICB has been engaged in the development of the Infrastructure Delivery Plan to understand the health related implications arising from the planned level of growth in the New Settlement.

3 Implementing the Duty

National Highways

- 3.7** National Highways have been involved during the preparation of the DPD. In addition to engagement through the consultation process at each key stage of the DPD preparation, Highways England have been closely involved in advising on the impacts of the planned level of growth on the strategic road network.

Historic England

- 3.8** Historic England is a statutory consultee in the plan making process and there has been contact with Historic England with consultation responses received from them at each DPD stage. They have also been consulted separately on the Heritage Impact Assessment prepared as supporting evidence.
- 3.9** Historic England is one of the three designated environmental consultations bodies for Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA)(11) and there has been ongoing engagement with them throughout the preparation of the SA.
- 3.10** The policy wording in respect of the historic environment is proposed to be amended in line with comments raised by them during the Regulation 19 consultation stage.

Natural England

- 3.11** Natural England is a statutory consultee in the plan making process and there has been contact with Natural England with consultation responses received from them at each DPD stage.
- 3.12** Natural England is one of the three designated environmental consultations bodies for Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA)(11) and there has been ongoing engagement with them throughout the preparation of the SA and the HRA.

Office of Rail Regulation

- 3.13** The ORR was contacted at each stage of the DPD preparation: no responses have been received from the ORR. However, the council has liaised with Network Rail throughout the preparation of the DPD on strategic and local transport matters in respect of rail. Network rail played a key role in the development of the DPD policies in relation to rail infrastructure.

LEPs

- 3.14** The York & North Yorkshire Local Enterprise Partnership were consulted at key stages of plan preparation and were also engaged in the development of the Climate Change Strategy for Maltkiln.

Adjoining Planning Authorities

- 3.15** Regular discussions take place with Adjoining Planning Authorities through meetings of the Leeds City Region Development Plans Forum and the York, North Yorkshire, Hull and East Riding Development Plans Forum. These offer the opportunity to share progress on Development Plans as well as discuss cross boundary and strategic issues. Additionally, more detailed discussions took place throughout the development of the New Settlement (Maltkiln) DPD with Leeds City Council and York City Council, as well as the former North Yorkshire County Council.

Implementing the Duty 3

NYCC

- 3.16** There has been extensive and ongoing engagement with the County Council (pre April 2023). Meetings and workshops were held with Strategic Planning Team who coordinated feedback in relation to matters such as climate change, health, Public Rights Of Way, Archaeology and Ecology. Additionally, specific engagement was undertaken as part of the County Council's role as local highway and education authority which continued after the formation of North Yorkshire Council. This engagement has played a key role in developing both the policies of the DPD as well as the Infrastructure Delivery Plan.
- 3.17** As education authority they have also advised on current school capacity and the potential impacts of future development on primary and secondary schools provision. They have identified a requirement for on-site provision for primary education classroom provision required and options for delivering secondary provision through either expansion of Boroughbridge High School or through on-site provision (the DPD safeguards a site). The Infrastructure Delivery Plan details the engagement and the specific requirements.
- 3.18** Officers from the Highways Team have been engaged throughout the development of the DPD to advise on policies relating to access and movement, as well as the infrastructure delivery plan.

Conclusion

- 3.19** It is considered that the council has a positive record throughout the preparation of the DPD of constructive engagement with relevant duty to cooperate bodies.
- 3.20** The Council has undertaken ongoing engagement with infrastructure providers and other stakeholders through the Infrastructure Delivery Plan and regular discussions with neighbouring authorities on the identified strategic issues. The outcomes of this engagement has shaped and informed the development of the DPD.
- 3.21** The Council recognises that the duty to cooperate is an ongoing requirement and will continue to engage with neighbouring authorities and other bodies through the delivery of the DPD and the development of their own plans and strategies.
- 3.22** A summary of the current position regarding engagement with duty to cooperate bodies at the point of submitting the plan is provided at Appendix 1 'Collaborative Working with Duty to Cooperate Bodies'

Statement of Common Grounds with City of York and Leeds City Council

- 3.23** During preparation of the Harrogate District Local Plan, Harrogate Borough Council, North Yorkshire County Council, City of York Council and Leeds City Council engaged in ongoing dialogue and discussions regarding the New Settlement and any potential cross boundary issues in relation to the future delivery of the New Settlement.
- 3.24** As part of the preparation of the DPD, continued conversations were had and Statements of Common Ground (SoCG) were prepared to provide an updated position on key strategic matters relating to the proposals for the new settlement as set out within the DPD including the quantum of development, deliverability and build out rates and details of key infrastructure provision required to accommodate development.
- 3.25** The following SoCGs set out those matters which have been agreed between NYC and City of York Council and NYC and Leeds City Council.⁽³⁾

³ On 1 April 2023 Harrogate Borough Council became part of a new North Yorkshire Authority. This document references the former Harrogate Borough Council and former North Yorkshire County Council where appropriate.

New Settlement (Maltkiln) Development Plan Document Statement of Common Ground

Between:

The principal parties

- 1. North Yorkshire Council ('the council') – the Local Planning Authority**
 - 2. City of York Council ('City of York') – the Neighbouring Local Planning Authority**
-

1.0 Summary

This Statement of Common Ground (SoCG) has been prepared by the above parties in order to assist the forthcoming examination of the New Settlement (Maltkiln) Development Plan Document (DPD).

This SoCG relates to land identified within the New Settlement DPD as the New Settlement Boundary under Policy NS1. Policy DM4 of the adopted Harrogate District Local Plan (HDLP) identified land in the Green Hammerton/Cattal area as a broad location for growth during the plan period and beyond. The boundary of the new settlement is now established as illustrated in the plan accompanying Policy NS1 of the DPD.

During preparation of the HDLP, HBC along with NYCC and City of York Council engaged in ongoing dialogue and discussions regarding the New Settlement and any potential cross boundary issues in relation to the future delivery of the New Settlement.

On 1 April 2023 Harrogate Borough Council became part of a new North Yorkshire Authority. This document references the former Harrogate Borough Council and former North Yorkshire County Council where appropriate.

This SoCG provides an updated position on key strategic matters relating to the proposals for the new settlement as set out within the DPD including the quantum of development, deliverability and build out rates and details of key infrastructure provision required to accommodate development.

The SoCG sets out those matters which have been agreed between NYC and City of York Council.

2.0 Background and Allocation Details

The New Settlement site is situated on the York-Harrogate-Leeds railway line, with transport links to Harrogate, Knaresborough, York and Leeds. It is bounded by the A59 to the north and the A1(M) lies to the west. 3.2 The surrounding countryside is populated by villages of varying sizes, including Whixley to the north, Kirk Hammerton and Green Hammerton to the east and Cattal to the south. The land within and surrounding Maltkiln currently consists mainly of arable and pasture farmland, with the River Nidd to the south running from the south-west to the north-east.

The DPD seeks to create a mixed-use settlement. This mix of uses is focused around the Cattal rail station and the new local centre, enabling the residents to benefit from key walking, cycling and public transport corridors.

3.0 Areas of Common Ground

As set out within the National Planning Policy Framework (NPPF) (paras 24 – 27) and within the National Planning Policy Guidance (NPPG), strategic policy-making authorities are required to cooperate with each other, and other bodies, when preparing, or supporting the preparation of policies which address strategic matters. In order to document consideration of strategic cross boundary matters, this statement of Common Ground documents the matters which have been considered.

Principle

Through the development of the HDLP the parties were in broad agreement that the settlement hierarchy and distribution of growth set out within the HDLP was appropriate and that the Council's approach to delivering a new settlement in the Green Hammerton/Cattal Broad Location for Growth represented an appropriate strategy. No cross boundary concerns have been identified.

Key Infrastructure provision

The key areas of infrastructure provision where the identification of potential cross boundary matters have been considered are:

- Highways - strategic road network
- Transport
 - Public transport
 - Cycling and walking
- Education
- Provision of other employment, retail and services

The agreed understood position in relation to each of these issues set out below.

Highways

Strategic Road network

Cross-boundary impacts were considered at the examination of the HDLP and no new cross boundary issues have been identified in relation to the impacts of the new settlement on the strategic road network through work on preparation of the DPD. There are no outstanding concerns from CYC relating to the sustainable transport approach

Public Transport and cycling/walking

The planned provision of a high-quality bus service will encourage use of public transport. Enhancement of rail infrastructure at Cattal station, teamed with track and signalling improvements which have increased the frequency of trips between Leeds and York, will encourage greater use of rail services. A hierarchy of provision will create an emphasis on catering for active modes of travel.

There are no outstanding concerns from CYC relating to public transport, cycling and walking as part of the site delivery.

Provision of Employment, retail and services

The quantum of employment land within the New Settlement was agreed through preparation of the HDLP. Policy NS27 will guide the provision of an appropriate mix of uses in this location. Services and facilities of an appropriate size and range to serve the residents of the settlement will be provided. There are no cross-boundary concerns from CYC.

Education

The education authority (North Yorkshire Council) has identified the requirement for two primary schools within the new settlement. With regards to secondary provision, a financial contribution will be sought to facilitate the expansion of Boroughbridge High School on to land already allocated within the adopted HDLP. However, Policy NS28 also safeguards land within Maltkiln adjacent to one of the primary schools for future secondary provision should this be required in the future.

As set out, it is expected that all the required pre-school, primary and secondary educational needs will be met either on site or within Harrogate. As such no cross boundary concerns have been identified with regards to education provision.

5.0 Outstanding matters

There are no matters outstanding.

7.0 Conclusion

City of York supported the allocation of the New Settlement Broad Location in the HDLP and the parties agree the site is available, suitable and deliverable for housing, employment and supporting development.

Cooperation between the parties has taken place and will continue to do so in terms of the DPD examination and the submission of a revised outline planning application.

Signed

On behalf of North Yorkshire Council

Name:

Position:

Date:

On behalf of City of York Council as the neighbouring Local Authority

Name:

Position:

Date:

DRAFT

**New Settlement (Maltkiln) Development Plan Document
Statement of Common Ground**

Between:

The principal parties

- 1. North Yorkshire Council ('the council') – the Local Planning Authority**
 - 2. Leeds City Council Council – the Neighbouring Local Planning Authority**
-

1.0 Summary

This Statement of Common Ground (SoCG) has been prepared by the above parties in order to assist the forthcoming examination of the New Settlement (Maltkiln) Development Plan Document (DPD).

This SoCG relates to land identified within the New Settlement DPD as the New Settlement Boundary under Policy NS1: Development Framework. Policy DM4 of the adopted Harrogate District Local Plan (HDLP) identified land in the Green Hammerton/Cattal area as a broad location for growth during the plan period and beyond. The boundary of the new settlement allocation is now established as illustrated in the plan accompanying Policy NS1: Development Framework of the DPD.

During preparation of the HDLP, HBC along with NYCC and Leeds City Council engaged in ongoing dialogue and discussions regarding the New Settlement and any potential cross boundary issues in relation to the future delivery of the New Settlement.

On 1 April 2023 Harrogate Borough Council became part of a new North Yorkshire Authority. This document references the former Harrogate Borough Council and former North Yorkshire County Council where appropriate.

This SoCG provides an updated position on key strategic matters relating to the proposals for the new settlement as set out within the DPD including the quantum of development, deliverability and build out rates and details of key infrastructure provision required to accommodate development.

The SoCG sets out those matters which have been agreed between HBC and Leeds City Council (LCC).

2.0 Background and Allocation Details

The New Settlement site is situated on the York-Harrogate-Leeds railway line, with transport links to Harrogate, Knaresborough, York and Leeds. It is bounded by the A59 to the north and the A1(M) lies to the west. 3.2 The surrounding countryside is populated by villages of varying sizes, including Whixley to the north, Kirk Hammerton and Green Hammerton to the east and Cattal to the south. The land within and surrounding Maltkiln currently consists mainly of arable and pasture farmland, with the River Nidd to the south running from the south-west to the north-east.

The DPD, and the Development Framework, seek to create a mixed-use settlement. This mix of uses is focused around the Cattal rail station and the new local centre, enabling the residents to benefit from key walking, cycling and public transport corridors.

3.0 Areas of Common Ground

As set out within the National Planning Policy Framework (NPPF) (paras 24 – 27) and within the National Planning Policy Guidance (NPPG), strategic policy-making authorities are required to cooperate with each other, and other bodies, when preparing, or supporting the preparation of policies which address strategic matters. In order to document consideration of strategic cross boundary matters, this statement of Common Ground documents the matters which have been considered.

Principle

Through the development of the HDLP the parties were in broad agreement that the settlement hierarchy and distribution of growth set out within the HDLP was appropriate and that the Council's approach to delivering a new settlement in the Green Hammerton/Cattal Broad Location for Growth represented an appropriate strategy. No significant cross-boundary concerns have been identified.

Key Infrastructure provision

The key areas of infrastructure provision where the identification of potential cross boundary matters have been considered are:

- Highways - strategic road network (National Highways SRN and LCC strategic and distributor routes)
- Transport
 - Public transport
 - Cycling and walking
- Provision of other employment, retail and services

The agreed understood position in relation to each of these issues set out below.

Highways

Strategic Road network

Cross-boundary impacts were considered at the examination of the HDLP and no issues were raised. Cross boundary issues have continued to be considered during the development of the DPD and whilst LCC are in support of the DPD, in particular the aspirations to reduce car usage and encourage sustainable travel via the rail and bus network, they have requested further information regarding the impacts on the LCC SRN arising from the proposed development and link road. Both parties have agreed to work collaboratively on this and consider appropriate mitigation if necessary, including cumulative impact contributions

Public Transport and cycling/walking

The provision of a high-quality bus service will encourage use of public transport, this should include a service to/from Wetherby. Enhancement of rail infrastructure at Cattal station, teamed

with track and signalling improvements which have increased the frequency of trips between Leeds and York, will encourage greater use of rail services. A hierarchy of provision will create an emphasis on catering for active modes of travel.

There are no outstanding concerns from LCC relating to public transport, cycling and walking as part of the site delivery.

Provision of Employment, retail and services

The quantum of employment land within the New Settlement was agreed through preparation of the HDLP. Policy NS27 will guide the provision of an appropriate mix of uses in this location. Services and facilities of an appropriate size and range to serve the residents of the settlement will be provided. LCC consider this a particularly important objective as it will help to reduce/remove pressure from nearby alternate service centres e.g. Wetherby. There are no cross-boundary concerns from LCC in relation to provision of employment and services.

5.0 Outstanding matters

There are no significant matters outstanding.

7.0 Conclusion

Leeds City Council did not object to the allocation of the New Settlement Broad Location in the HDLP and the parties agree the site is suitable and deliverable for housing, employment and supporting development subject to detailed policy wording and site requirements.

Cooperation between the parties has taken place and will continue to do so in terms of the DPD examination and the submission of a revised outline planning application.

Signed

On behalf of North Yorkshire Council

Name:

Position:

Date:

On behalf of Leeds City Council as the neighbouring Local Authority

Name:

Position:

Date:

6 Appendix 1 Collaborative Working with Duty to Cooperate Bodies

Duty to Cooperate body	How engaged	Why engaged/ Issues covered
Leeds City Region Development Plans Forum York, North Yorkshire, Hull and East Yorkshire Development Plans Forum	<ul style="list-style-type: none"> ● One to one meetings ● Email correspondence 	Share progress on development plans and discuss cross boundary and strategic issues
Leeds City Council	<ul style="list-style-type: none"> ● One to One Meetings ● Email correspondence 	Need to take account of cross boundary issues and agree the Statement of Common Ground
City of York Council	<ul style="list-style-type: none"> ● One to One Meetings ● Meetings with Network Rail ● Email correspondence 	Need to take account of cross boundary issues and agree the Statement of Common Ground
Former NYCC	<p>Education</p> <ul style="list-style-type: none"> ● One to One Meetings ● Email Correspondence ● Technical Workshop ● Strategic Planning Meetings 	<ul style="list-style-type: none"> ● Need to take account of how the development impacts NYCC responsibilities. ● Understand the impact on existing Education provision and the need for new provision/school expansion. ● Feed into the Infrastructure Delivery Plan
	<p>Highways</p> <ul style="list-style-type: none"> ● One to One Meetings ● Email correspondence ● Technical workshop ● Strategic Planning meetings ● Infrastructure workshops 	<ul style="list-style-type: none"> ● Identify the transport constraints and opportunities. ● Consider the impact on J47 ● Advice on policies relating to access and movement and the preparation of the Infrastructure Delivery Plan
	<p>Strategic Planning Team</p> <ul style="list-style-type: none"> ● One to One meetings ● Email correspondence 	Coordinate feedback in relation to matters such as Climate Change, health, Public Rights of Way, Archaeology, Ecology
Environment Agency	<ul style="list-style-type: none"> ● One to One meetings ● Email correspondence ● Technical workshops 	Ensure the impact of the development proposed is acceptable in flooding and water quality terms.
York and North Yorkshire LEP	<ul style="list-style-type: none"> ● One to One meetings ● Email Correspondence 	Assist with the development of the Climate Change Strategy

Appendix 1 Collaborative Working with Duty to Cooperate Bodies 6

Duty to Cooperate body	How engaged	Why engaged/ Issues covered
Historic England	<ul style="list-style-type: none"> ● Technical Workshop ● One to one meetings ● Email correspondence 	<ul style="list-style-type: none"> ● Ensure the impact of the New Settlement does not result in harm to the significance of the heritage assets within the site boundary and adjacent to the site ● Specific consultee on the SA ● Involved in the preparation of the Heritage Impact Assessment
Natural England	<ul style="list-style-type: none"> ● Technical Workshop ● One to one meetings ● Email correspondence 	<ul style="list-style-type: none"> ● Ensure the impact of the development has no unacceptable impact on national and international designated sites including Aubertr Ings SSSI. ● Specific consultee for SA
National Highways	<ul style="list-style-type: none"> ● Workshop ● Meetings ● Email correspondence 	<p>To ensure that the impacts of Junction 47 can be understood and mitigated</p> <p>Identify mitigation measures through site specific requirements or other modelling requirements/studies.</p>
Integrated Care Board (ICB)	<ul style="list-style-type: none"> ● One to One meetings ● Email correspondence 	<ul style="list-style-type: none"> ● To ensure that the impacts of the development on existing health infrastructure can be understood and mitigated. ● Identify health infrastructure requirements ● Assist in preparation of the Infrastructure Delivery Plan

Table 6.1

