

North Yorkshire Council

Thirsk and Malton Area Constituency Committee

14 June 2024

Malton and Norton on Derwent Neighbourhood Plan Decision Statement and Referendum

Report of the Corporate Director Community Development.

1.0 PURPOSE OF REPORT

- 1.1 To consider and note the draft Decision Statement for the Malton and Norton on Derwent Neighbourhood Plan.

2.0 SUMMARY

2.1 Malton and Norton on Derwent Neighbourhood Plan has reached an advanced stage where the Council decides whether it passes the Basic Conditions test or can do so with modifications, and whether it can proceed to Referendum. The recommendation is that with the identified modifications (recommended by the Examiner in Appendix 1) the Neighbourhood Plan as amended meets the Basic Conditions Tests and can proceed to referendum.

3.0 BACKGROUND

3.1 Malton and Norton on Derwent Town Councils as Qualifying Body (QB) have prepared a Neighbourhood Plan for their Parish areas (Appendix 2 and 2a). Whilst production started in 2011, it was formalised in 2018 with designation of the plan area.

3.2 The Plan was subject to a series of consultations culminating in a Regulation 14 draft plan consultation, concluded prior to vesting date, and in June 2023 was submitted to the North Yorkshire Council for submission. North Yorkshire confirmed that it met the requirements for consultation and a Consultation (Regulation 16) was undertaken. The Plan was then subject to Examination over the winter 2023-4 and the Examiners report was received on the 28 February.

3.3 The regulations set out the process on Neighbourhood Plan state that within five weeks of the Examiner's report being published, the Council should normally issue a Decision Statement on the Neighbourhood Plan this effectively confirms the Council's position on the Neighbourhood Plan and sets out:

- That the Council as Local Planning Authority is/is not in agreement with the Examiner's recommendations
- That the Neighbourhood Plan as now amended satisfies the Basic Conditions
- That the Neighbourhood Plan can proceed to referendum

3.4 However, because making a key decision on a policy matter would fall within the pre-election period, the Qualifying Body agreed in writing within the five-week period to have this considered post elections in June. For consideration first at this Thirsk and Malton Area

Constituency Committee. With the decision made at a following meeting of Executive, anticipated 16 July, to not coincide with the pre-election period for the recently called general election.

4.0 DETAILED PRESENTATION OF THE SUBSTANTIVE ISSUE

4.1 At this stage in the process the Council has very limited ability to make substantive changes to the plan- unless recommended to do so by the Examiner. In the accompanying Decision Statement (Appendix 3) a table sets out the recommended changes. These range from typographical amendments to factual updates, to re-ordering of selected sections, and culminating in select changes to policy wording and removal of selected site-specific designations.

4.2 The most significant change, in terms of modifications, is the removal of the parcel of land known as High Malton from the Local Green Space Designation. It was deemed by the Examiner to be a large tract of land and not consistent with the designation of LGS in accordance with the NPPF. The Examiner was content to allow the site to remain identified as a Visually Important Undeveloped Area (VIUA). The Local Planning Authority were not objecting to the principle of a VIUA designation but questioned whether the methodology for assessing the contribution had been followed. The Examiner felt that the QB had justified on key grounds that the site could meet at least two of the VIUA tests.

4.3 The Examiner's report (Appendix 1) was duly published and shared with the Qualifying Body. The process to make the plan is then effectively driven by the Council, but it is good practice to engage with the QB to ensure that they are content with the actions of the LPA.

4.4 At an informal meeting of the Qualify Body Steering Group and a Senior Council Officer on the 13 March it was discussed about the next steps and the principle of whether to agree to all the modifications recommended by the Examiner. Both the Qualifying Body and the Senior Officer of the Council mutually agreed that all Examiner's recommendations be taken forward.

4.5 The Qualifying Body and Officers have worked through the Plan to ensure all the recommended modifications have been undertaken. This resulted in a small selection of queries which resulted in Officers being asked to decide on the wording or confirm our agreement with the wording. These are set out below:

- Rec 1B – Interpretation regarding the presentation of the new text provided by the steering group on the structure of the plan. Officer Agreed.
- Rec 2A – suitable form of words that accurately reflect the position re the RLP and NYLP. Officer provided wording and QB agree it.
- Rec 7E – Re Policy E2 final sentence of policy was unclear as to whether it was to be removed. Officer considered it should be removed, and discussed it with the Examiner who agree as:
The text is applicable to any NP policy- but the NP supersedes the LP in respect of identifying LGS.
- Rec 13B – Re Policy TC2 – Deletion of final 9 words of original policy. Officers consider that the words 'prior to the commencement of any works on site' is to be removed. This is on the basis that LPA are considering the heritage significance implications during the consideration of the application in order to make the decision, not retrospectively.
- Rec 16C – Proposed expansion of the supporting text at 4.6.8 regarding policy for equine routes and activities. Officers we happy with the changes, but also felt that we need to reflect the protection side too- i.e. ensure that existing routes are not undermined by being truncated by development/changes of use.

4.6 The views of the Examiner were sought informally, and he was content with our interpretation of the above.

5.0 CONSULTATION UNDERTAKEN AND RESPONSES

5.1 The Neighbourhood Plan has been subject to consultation on shaping and scope of the plan, followed by a draft plan consultation (undertaken by the Qualifying Body prior to and including the Regulation 14 draft plan stage).

5.2 There was general support with some specific objections/concerns were received. Notably, the former District Council was concerned about the inclusion of a parcel of land (known as High Malton) as Local Green Space, because it considered it did not meet national plan (as a large tract of land) this was also objected to by the owner of the land.

5.3 In response the plan was modified to include the area of land as a Visually Important Undeveloped Area (VIUA) (a designation in the strategic Ryedale Plan- Local Plan Strategy).

5.4 Once submitted the plan is consulted upon by the Local Planning Authority (Regulation 16 – submission consultation). The inclusion of the land as Local Greenspace was objected to again, by the landowner, and other objections related to non-inclusion or identification of land as areas of restraint to development (including the proposed VIUA designation). Given the Council was undertaking the consultation, it did not repeat the concerns it had previously raised.

6.0 CONTRIBUTION TO COUNCIL PRIORITIES

6.1 Neighbourhood Plans are an important vehicle of planning policy for local communities to shape decisions on planning in their local areas. They have to be positively prepared and in conformity with the strategic local plan, but they can make place-specific policies that complement those of the local plan. On that basis they have the ability to impact on many external-facing objectives of the Council Plan in the themes of: 'Place and Environment, Economy, Health and Well- Being and People'.

6.2 Neighbourhood Plans attain greater weight as they progress through the formal, latter stages: Once the Council has published its Decision Statement the plan can be considered as a 'material consideration' in the determination of planning applications- but it does not have full weight as part of the Development Plan. So it would still require applications if they departed from the Local Plan on the basis of compliance with the NP to be considered/treated as a departure from the Development Plan.

6.3 They are of equal status to the Development Plan (and have significant weight) if the referendum is in majority favour of the plan being made. Once made, Neighbourhood Plans form part of the Development Plan used to assess planning applications and have full weight.

6.4 Neighbourhood Plans are a demonstration of local policy making by communities and this is welcomed and endorsed by the Council as part of its pillars of locality working in respect of local action and local empowerment.

7.0 ALTERNATIVE OPTIONS CONSIDERED

7.1 It is the prerogative of the Qualifying Body to prepare a neighbourhood Plan as part of the Localism Act, and the Council, as Local Planning Authority, has a duty to support Neighbourhood

Plan making and that process. The Plan has been subject to independent examination and the Examiner has recommended that the plan is modified before the referendum.

7.2 Given this recommendation from the independent Examiner, there is an expectation that a neighbourhood plan will be progressed with those modifications and subjected to a referendum in order to determine whether or not the Plan can be 'made' by the Council. It is therefore not advised that the plan be denied the ability to proceed to referendum, and so no alternative options are available to be considered.

8.0 IMPACT ON OTHER SERVICES/ORGANISATIONS

8.1 No direct impacts on other services or organisations. If made, the plan will be used by the Council in its capacity as the Local Planning Authority.

9.0 FINANCIAL IMPLICATIONS

9.1 The referendum costs can be recouped from Locality grant funding (via Central Government). No further financial comments raised.

10.0 LEGAL IMPLICATIONS

10.1 No legal implications have been identified with the recommendation to this committee. A legal right to challenge the making of a neighbourhood plan would only come once the plan is made/adopted. Risk of such a challenge is minimised by following the due process, and taking on board the Examiner's recommendations. No further legal implications raised.

11.0 EQUALITIES IMPLICATIONS

11.1 The Neighbourhood Plan is subject to its own EqIA assessment as part of its production and considered during the Examination. It is therefore considered there are no equalities implications as a result of seeking to issue a decision statement and proceed to referendum.

12.0 CLIMATE CHANGE IMPLICATIONS

12.1 The Plan is subject to Sustainability Appraisal and Strategic Environmental Assessment as part of its production and this is scrutinised by the Local Planning Authority, Statutory Bodies and the Examiner. The plan does not conflict with any aspirations in the Climate Change Strategy.

13.0 PERFORMANCE IMPLICATIONS

13.1 Performance will be measured through the Authority Monitoring Report (produced annually) and determining planning applications if 'made'.

14.0 POLICY IMPLICATIONS

14.1 No implications as a result of this recommendation. Subject to Executive decision, this Neighbourhood Plan will become a material planning consideration, then subject to Referendum agreeing for the plan to be adopted, it will attain the equivalent status of a Development Plan Document. Once 'made' by the Council the Plan would then be part of the Development Plan and used to assess planning applications.

15.0 RISK MANAGEMENT IMPLICATIONS

15.1 No significant risks to the recommendation. The Plan has been subject to independent external review and it is proposed to adhere to those recommendations. Risks in terms of compliance with regulations around Neighbourhood Plan production could arise if the Council

made changes which went beyond those recommended by the Examiner and agreed with the Qualifying Body.

16.0 HUMAN RESOURCES IMPLICATIONS

16.1 There are no implications. The application of the plan if made will be undertaken through the existing staffing arrangements.

17.0 ICT IMPLICATIONS

17.1 There are no significant implications. The Neighbourhood Plan and Policies Map will need to be published on the Council's website.

18.0 COMMUNITY SAFETY IMPLICATIONS

18.1 No community safety implications are identified as a result of this decision statement.

19.0 CONCLUSIONS

19.1 There are no implications identified.

20.0 REASONS FOR RECOMMENDATION

20.1 To give the relevant Area Constituency Committee the ability to give any comments to the Executive for their determination of the Decision Statement and decision to proceed to Referendum

21.0 RECOMMENDATION

- i) Note the Decision Statement to agree to modifications of the Malton and Norton Neighbourhood Plan and for that modified plan to proceed to referendum.

APPENDICES:

Appendix 1 – Examiners Report

Appendix 2 – Modified Neighbourhood Plan for referendum

Appendix 2a- Modified Neighbourhood Plan for referendum Policies Map

Appendix 3 – Regulation 18 Decision Statement

Appendix 4 - EIA

Appendix 5 – CCIA

BACKGROUND DOCUMENTS:

Documents produced by the Qualifying Body as part of the Neighbourhood Plan's preparation can be viewed at

<https://www.northyorks.gov.uk/planning-and-conservation/planning-policy/neighbourhood-planning/malton-and-norton-neighbourhood-plan>

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14 June 2024

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Presenter of Report – Rachael Balmer –Title Planning Policy and Place Manager

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

PLEASE ALSO NOTE THAT IF ANY REPORTS / APPENDICES INCLUDE SIGNATURES THESE MUST BE REMOVED / DELETED PRIOR TO SENDING REPORTS / APPENDICES TO DEMOCRATIC SERVICES. Appendices should include an Equality Impact Assessment and a Climate Impact Assessment where appropriate