



North Yorkshire Council

Malton and Norton on Derwent Neighbourhood Plan

Planning and Compulsory Purchase Act 2004

The Neighbourhood Planning (General) Regulations 2012 (as amended)

Regulation 18 Decision Statement

1. Summary

1.1 In line with Regulation 18 of the regulations set out above North Yorkshire Council has produced this 'Decision Statement' in relation to the Malton and Norton on Derwent Neighbourhood Plan, which was submitted to North Yorkshire Council by Malton and Norton on Derwent Town Councils (as Qualifying Body) Council in August 2023.

1.2 The Malton and Norton on Derwent Neighbourhood Plan sets out a vision, objectives and a number of planning policies relating to the designated neighbourhood area. If 'made', the plan will become part of the statutory development plan and will be used to determine planning applications within the neighbourhood area, alongside other development plan policies.

1.3 Following an independent examination conducted through written representations, the Examiner was satisfied that with modifications the plan would meet the Basic Conditions of Neighbourhood Plans and could then proceed to referendum. North Yorkshire Council now confirms that it has, in conjunction with the Qualifying Body, made those modifications to the plan, as set out in Table 1 below.

1.3 The plan will then proceed to a neighbourhood planning referendum, which will take place as soon as reasonably practicable. In accordance with the examiner's recommendations, the voting area for the referendum will be the parishes of Malton and Norton on Derwent.

1.5 This Decision Statement, the independent examiner's report, the plan- as modified, and supporting documents can be inspected at:

- North Yorkshire Council, Ryedale House, Old Malton Road, Malton, YO17 7HH; and
- On the North Yorkshire Council website at:

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

2. Background

2.1 The former Ryedale District Council designated the Malton and Norton on Derwent neighbourhood area on 2018 following receipt of an application from Malton and Norton on Derwent Town councils. The neighbourhood area has the same boundaries as the parish council area.

2.2 Following designation, the Town Councils prepared a neighbourhood plan on behalf of the local community. Consultation on a draft neighbourhood plan (Regulation 14) was carried out from 27 January 2023 to 10 March 2023. Ryedale District Council, as Local Planning Authority, made representations.

2.3 On 1 April 2023 local government re-organisation in North Yorkshire took place. This resulted in a new council, North Yorkshire Council (NYC), taking on the local planning authority functions previously carried out by the former Ryedale District Council and the other former district councils in North Yorkshire.

2.4 A submission version of the plan was submitted to the local planning authority along with supporting documents in June 2023.

2.5 North Yorkshire Council consulted on the submission documents (Regulation 16) from 8 September 2023 to 20 October 2023.

2.6 An Examiner was appointed to undertake an independent examination of the plan in November 2023. The examination took place between December 2023 and February 2024 and was conducted by written representations.

2.7 The Examiner issued his final report to North Yorkshire Council on 28 February 2024 and it was duly provided to Malton and Norton on Derwent Town Councils the same day.

3. Decision and Reasons

3.1 The Examiner has concluded that, with certain modifications, the plan meets the 'basic conditions' and other relevant legal requirements.

3.2 Following the issuing of the Examiner's report, North Yorkshire Council is required to decide what action to take in response to each modification recommended by the Examiner.

3.3 North Yorkshire Council accepts all of the Examiner's recommended modifications and the reasons put forward for them. Table 1, attached to this statement, sets out each of the recommended modifications and the council's decision in respect of each of them. It is also noted that Malton and Norton on Derwent Council as Qualifying Body have accepted the recommended modifications.

3.4 North Yorkshire Council is satisfied that the modifications specified in Table 1 have been made and the Malton and Norton on Derwent Neighbourhood Plan meets the legal requirements and basic conditions, as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with the Convention Rights and complies with the provision made by or under s38A and S.38B of the Planning & Compulsory Purchase Act 2004. As such, the council is satisfied that the Plan can proceed to referendum. Agreement was sought with the Qualifying Body to delay decision making due to the pre-election period for the Combined Mayoral Authority.

3.5 To meet the requirements of the Localism Act 2011, a referendum which poses the following question: *Do you want North Yorkshire Council to use the Neighbourhood Plan for Malton and Norton on Derwent to help it decide planning applications in the neighbourhood area?* will be held as soon as reasonably practicable.

3.6 In accordance with the Examiner's recommendations, the voting area for the referendum will be the parishes of Malton and Norton on Derwent.

This decision statement is dated 16 July 2024

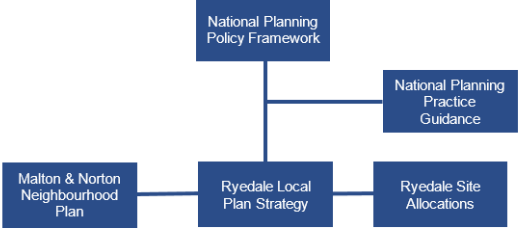
Malton and Norton on Derwent Neighbourhood Plan

Table 1: Schedule of Modifications Recommended in the Examiner’s Report

| Number | Recommended Modification | North Yorkshire Council’s response regarding Basic Conditions compliance |
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| 1A | <p>Delete Chapter 5 of the Plan together with the Project Delivery Plan from Chapter 6 and transfer the contents to a new Appendix 1 to the plan entitled “Community Actions” Renumber other appendices and amend the plan’s table of contents as necessary.</p> | <p>Agreed. Ensures Basic Conditions compliance. Created new chapter 5 monitoring review implementation</p> |
| 1B | <p>Rework the section at 1.22 on the Structure of the Plan as follows to reflect this change using the introductory paragraph from the current Community Actions Chapter:</p> <p>“1.22 The core of the Neighbourhood Plan that follows comprises 4 main chapters and a set of appendices:</p> <ul style="list-style-type: none"> • Chapter 2: Malton and Norton..... • Chapter 3: Vision and Objectives • Chapter 4: Neighbourhood Plan Policies and Proposals • Chapter 5: Monitoring, Review and Implementation – recognises that and be a standing agenda item. • The Appendices – provide detailed site-based and other information underpinning many of the planning policies. | <p>Agreed. Ensures Basic Conditions compliance.</p> <p>Change Proposals Map to Policies Map.</p> |

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| | <p><i>Neighbourhood Plans are expected to predominantly deal with matters covered by various Acts of Parliament relating to town planning. In drafting the Neighbourhood Plan, however, various matters have been raised that are not related to planning and beyond the scope of the issues which the plan might address via planning policies. The town councils are keen to respond to any such matters that influence the quality of the two towns and view the Neighbourhood Plan as an opportunity to set a framework for the use of their powers and for work with third parties in order to secure physical improvements to the area. Appendix 1 sets out Community Actions and a Project Delivery Plan designed to address issues and matters raised by the community and through the work of the steering group. Done</i></p> <p><i>1.23 In addition a Neighbourhood Plan Policies Map.....”</i></p> | |
| 1C | <p>Add new section of text at the end of Chapter 2 of the plan as follows: “2.11 The key issues for this Neighbourhood Plan to address, both in the light of the above and in response to community concerns raised during plan preparation are as follows:- •The congestion and resultant pollution in Malton Town Centre; •Riverside regeneration; •Protection of key open spaces and their connectivity;</p> | Agreed. Provides clarity. |

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| | <ul style="list-style-type: none"> •Development of key community and visitor facilities; •Protection and enhancement of the towns' rich and extensive heritage; •Ensuring new housing meets local needs; •Support for key local employment sectors; •Maintaining vibrant town centres.” | |
| 2A | Update references in paragraph 1.3 in preparing the referendum version of the plan as to the position regarding the RLP and NYLP. | <p>Agreed. Provided up to date clarification</p> <p>Provided the following wording</p> <p>1.3 The town councils acknowledge that the Ryedale Plan (the Local Plan), the extant strategic development plan, is under review as part of the preparation of the new Local Plan for North Yorkshire, which has now formally commenced, and will ultimately supersede the Ryedale Plan upon its adoption. The Ryedale Plan already recognises in Policy SP1 (General Location of Development and Settlement Hierarchy) that it will need to take account of adopted Neighbourhood Plans. As this Neighbourhood Plan will be part of the Development Plan at the same time as the emerging strategic development plan for North Yorkshire, this emerging plan will need to have regard to any local/site specific considerations which have emerged from the Neighbourhood Planning process.</p> |
| 2B | In Paragraph 1.5 delete the first sentence and replace with: “Neighbourhood Plans are land use planning documents which, once ‘made’ (i.e. adopted), become a part of the statutory Development Plan.” | Agreed. Clarification. |
| 2C | In Paragraph 1.5 delete the second sentence and replace with: “They must have regard to national policies and advice and be in general conformity with the strategic policies of the Development Plan for the area. They help to ensure that these policies are implemented in line with local needs rather than being imposed on communities”. | <p>Agreed. Clarification.</p> <p>Also amended 1.6 to read: “Plans are subject to independent examination and a referendum before they can be adopted by <u>North Yorkshire Council</u> as planning policy that is...”</p> |

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| 2D | <p>Paragraph 1.21 Line 6 – Delete the words ‘ If a majority are in favour’ and replace with the following: “If a majority of those voting are in support of the Neighbourhood Plan it will then be ‘made’....” Note that as per Recommendation 1B the text at paragraph 1.22 is also recommended to be modified.</p> | <p>Agreed. Clarification. Also removed the word ‘outcome’ and role to ‘roll’ in paragraph 1.21 as typographical amendments.</p> |
| 2E | <p>Revise graphic on page 6 (use full Titles)</p> | <p>Agreed. Clarification:</p>  <p>Figure 1: The Neighbourhood Plan in the Planning Policy Hierarchy</p> |
| 3A | <p>Reword the first paragraph of Policy TM1 to read : “Development directly affecting the Malton and Norton footpath, cycleway and bridleway network should not result in any adverse impact on the network and should contribute to its improvement.”</p> | <p>Agreed. Clarification.</p> |
| 3B | <p>Reword the third bullet of the last paragraph to Policy TM1 to read: “Providing safe, secure, clearly visible and covered cycle parking, (to promote cycling), as part of any new development which includes provision of car parking spaces particularly within Malton Town Centre”.</p> | <p>Agreed. Clarification.</p> |

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| 4A | <p>Applying the typographical correction at Appendix 2 below reword the first requirement of policy TM6 to read: “does not cause an unacceptable impact on highway safety nor any severe residual cumulative impacts on the road network (factoring in plan allocations and any extant planning permissions in Malton and Norton).”</p> <p>Create a new second requirement to read: “mitigates any congestion impacts to ensure highway safety and ease of access to the local road network, particularly within Malton and Norton Town Centres”.</p> | Agreed. Clarification. |
| 5A | <p>Delete policy TM7 with the exception of the last paragraph commencing ‘In respect of ...’ Insert in line 3 of that paragraph after the word ‘provision’ the words “set out in Building Regulations Approved Document S or a replacement document to it....”</p> | Agreed. To ensure that it is not replicating established national policy – but retain a higher standard than the minimum. |
| 5B | <p>Make consequent amendments to the supporting text as follows: Delete the first 3 sentences of paragraph 4.1.26 – Replace with the following : “The Building Regulations Approved Document S sets out in full detail the requirements for electric vehicle charging infrastructure in different classes of development and it is not necessary to repeat these standards in the Neighbourhood plan. However, in the vicinity of the Malton AQMA...”</p> <p>Insert after the word ‘encouraged’ in the penultimate line of paragraph 4.1.26 the words “in Policy TM7”</p> | Agreed. Relates to 5A |

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| 6A | Delete current paragraph 2 of Policy RC2 and replace with : “Support will be subject to: - No adverse effects on the integrity of the River Derwent SAC - No residential or other highly or more vulnerable uses.....etc” | Agreed. |
| 6B | Include reference to the sequential & exceptions test in both Policies RC1 and RC2 in the paragraphs commencing ‘The preparation of a flood risk assessment’ line 4 as follows: “(including the undertaking of sequential and exceptions test)” | Agreed, but changed it to sequential and exceptions tests. |
| 7A | Delete that part of proposed designated LGS E1.3 covering the skate park, and make consequential changes to supporting text and the Appendix at the end of the plan. | Agreed. Not a LGS – it is protection of a recreational space- covered by Policy SP11 of RPLPS. |
| 7B | Delete proposed designated LGS E1.9 High Malton and make consequential changes to supporting text and the Appendix at the end of the plan. | Agreed. Extensive tract of land contrary to NPPG and NPG |
| 7C | Delete that section of LGS E1.8 that extends outside the neighbourhood area at the southern end of the LGS on the Policies Map. | Agreed, outside Plan Area. |
| 7D | In lines 6/7 of paragraph 4.3.6 delete the words ‘as set out in NPPF paragraphs 147-151’. | Agreed, replicates policy |
| 7E | Reword Policy E2 as follows : “Proposals which would resultwill be supported. Where such proposals would involve built development on a Local Green Space very special circumstances must be demonstrated.” | Agreed. Additional clarification sought. Intention was to also delete: “This is subject to compliance with other policies in this Neighbourhood Plan or the Local Plan” Agreed. This is also subject to compliance with other policies- plan read in the round, and also to recognises the equal weight and status. |
| 8A | Reword policy E4 to read: | Agreed, provides clarity. |

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| | <p>“Development proposals within or adjacent to the following green and blue infrastructure areas identified on the neighbourhood plan proposals map must demonstrate that they will not harm the role of these areas as part of a multifunctional wildlife, amenity and recreational network and demonstrate how they will contribute to the enhancement of the Green and Blue Infrastructure network.</p> <p>The Derwent corridor” Add to the list The Wolds Corridor as referred to in Appendix 2 to the plan.</p> | Wolds Corridor added |
| 9A | Delete final sentence of paragraph 4.3.17 relating to the LGS designation. | Agreed, relates to other modifications (7B)and ensures policy compatibility. |
| 10A | Reword the final sentence of policy E6 to read: “The layout and design of any development at these locations will be subject to justification by detailed design analysis, including for ‘major developments’ a visual impact assessment.” | Agreed, provides clarity. |
| 11A | Reword the first line of policy E7 to read: “Proposals for any new development within or adjacent to the AQMA and any ‘major development’ elsewhere in the neighbourhood area should contribute towards | Agreed, provides clarity on the scope of the policy operational extent. |
| 11B | In Paragraph 4.3.27 line 3 delete the bracketed words and replace with (see the Community Actions at Appendix 1) | Agree, provides clarity |
| 12A | In policy CF1 last paragraph line 4 delete the word ‘test’ and add the words “and exceptions tests” after the word ‘sequential’. | Agree- factual clarification. |
| 13A | Add to Policy TC2 paragraph 2 line 1 after the word ‘demonstrate’ the words “that very special circumstances exist to justify development on a local green space and demonstrate a full....” | Agree- national policy compliance. |

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| 13B | Add to the last line of Policy TC2 after the word 'reached' the words "as part of the determination of the planning application." | Agreed. Deleted text "prior to commencement of any works on site". Heritage significance impacts to be established prior to determination. |
| 14A | Revise Policy TC3 to read: "Development of a new hotel to provide modern visitor accommodation will be supported within a town centre location in Malton or Norton. Where no town centre site is available such proposals will be supported, as an alternative, in a location central to the two towns or along the A64 corridor close to Malton and Norton." | Agreed. Meets Basic Condition a) and now be in conformity with the NPPF. |
| 15A | Insert in the last line of policy HRI2 after the word 'vehicles' the words "using the route network within the zone". | Agreed. Meets Basic Condition a) and now be in conformity with the NPPF. |
| 16A | Revise policy HRI3 to read: "Development which requires the use of or is directly dependent on the footpath, cycleway and bridleway network in the vicinity of racing stables, gallops or horse walking routes will be expected to demonstrate how the proposals contribute to the retention and extension of the network. Development proposals which would add to and /or improve the network, particularly in the following locations shown on the proposals map and generally and which comply with other policies of the Neighbourhood Plan or Local plan will be supported: Footpath: Park Road.....etc" | Agreed. |
| 16B | Insert references that are shown on the proposals map for each of the routes in the Policy where improvement is being sought eg HRI3-1 etc. | Agreed. |
| 16C | Expand the supporting text so it is much clearer what the intention of policy HRI3 is. | Qualifying Body provided text and Officer's modified as per insert |

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| | | <p>Horse Racing and Tourism</p> <p>4.6.8 The horse racing industry represents an important opportunity for tourism in Malton and Norton. It is considered that the geographic spread of the stables offers an opportunity to create a 'tourist trail' (see the Community Actions at Appendix 1) to connect the various facilities via enhanced or new footpaths, cycleways and bridleways. The trail could allow development of new or enhanced facilities for tourists along identified routes, which could potentially support diversification or growth of existing stables or businesses. The purpose of Policy HRI3 therefore is to protect existing routes when considering development proposals, but also bring about improvements and extensions to the footpath, cycleway and bridleway network in the vicinity of stables, gallops and horse walking routes, through any development taking place therein. In addition, there is a strong desire to see a new museum to showcase the racing industry in the area.</p> <p><small>Rectangular Sign</small> 4.6.9 In addition, there is a strong desire to see a new museum to showcase the racing industry in the area. In initial Neighbourhood Plan consultations, 69% (over 300) of 439 respondents to a question on the issue supported the idea of a racing museum.</p> |
| 17A | Replace the wording in line 4 of Policies HD 5 , HD7, HD9 and HD10 after the word 'should' to read: “...ensure no harm to the significance of the asset through sympathetic design, detailing and materials.” | Agreed. |
| 18A | Policy H1 line 2 delete the word 'mix' and replace with the word “types”. | Agreed |
| 18B | Policy H1 Reword third bullet point to read – “A predominant proportion of 2-3 bedroom properties”. | Agreed |
| 18C | Policy H1 4th bullet – replace the current wording with “a proportion of affordable rented units agreed with NYC Housing Services and reflecting needs information in the most up to date Strategic Housing Market Assessment available at the time”. | Agreed |
| 18D | Add a rider to the end of the policy to state: | Agreed |

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| | “Where recent housing needs evidence clearly demonstrates a case to provide for other specific needs these will be supported.” | |
| 18E | Update census references in the supporting text at section 4.8 to provide the Census 2021 position. | Agreed |
| 18F | Delete the last 2 sentences of paragraph 4.8.11 and replace with “A Strategic Housing Market Assessment was carried out in 2022 for Ryedale which identifies a need for affordable rented accommodation in Malton and Norton with need exceeding supply and a priority need for smaller units of accommodation principally 2 or 3 bedroom in size. Providing for these needs is the principal purpose of Policy H1”. | Agreed. |
| 18G | Delete the last sentence of paragraph 4.8.4 and amend the start of 6.8.5 to read:- “Given these constraints on new residential development together with....” Add at the end of paragraph 4.8.5 the words “up to 2027”. | Agreed |
| 19A | Replace data references in paragraph 4.9.2 with data from the Census 2021 | Agreed |
| 20A | Add new note at the end of Policy M1 to read : “Note – For the avoidance of doubt - the retention of car parking on the Wentworth Street site does not preclude the development of hotel accommodation on the eastern part of the car park in accordance with Policy TC4”. | Agreed |
| 21A | Add in paragraph 2 line 1 of Policy N1 after the word ‘location’ the words “due to flood risk”. | Agreed- amended to sequential and exception tests. |

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| | Replace the words 'the sequential test' in paragraph 2 line 5 with the words "sequential and exceptions tests". | |
| 22A | Add new paragraph 6.9 at the end of Section 6's text to read: "6.9 The Government is in the process of introducing the new Infrastructure Levy which will replace the Community Infrastructure Levy and S106 agreements and is expected to come into force during the life of this neighbourhood plan. It is expected that a proportion of revenue raised through the new levy will still be allocated to Town and Parish Councils with 'made' neighbourhood plans for them to distribute to local projects." | Agreed. |
| 22B | Consequential change - renumber whole section as section 5 to the plan once the current section 5 is relocated to an Appendix and adjust Contents page accordingly. | Agreed. |

| Table 2 - Recommendation 23A – Typographical, Grammatical & Factual Corrections | | | |
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| Page | Location | Correction | NYC response |
| All | Locations throughout the plan | Amend the paragraph references to the NPPF to reflect those of the December 2023 version. | Undertaken |
| 5 | Foreword | Remove yellow highlighted signature block | Undertaken |
| 11 | Para 2.10 Last line | Replace capital 'I' with a small 'i' in the word 'In' Reason – to make grammatical sense as this line is not a new sentence. | Undertaken |
| 12 | Vision Statement Line 8 | Remove the comma after the word 'towns' Reason - to make grammatical sense. | Undertaken |
| 19 | Policy TM6 Line 2 | Insert between the words 'that' and 'it' the word " <i>demonstrates</i> ". In line 3 delete the words 'demonstrates that it' Reason - to make grammatical sense. (The relationship between the introductory sentence and the clauses is grammatically inconsistent) | Undertaken |
| 22 | Policy RC1 | Para 2 – set all 5 recreational enhancement works as bullets In the final section of the policy setting out the additional requirements indent the requirements Reason – to ease legibility of the policy. | Undertaken |
| 23 | Policy RC2 | Indent the list of requirements Reason – to ease legibility of the policy. | Undertaken |

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| 24 | Para 4.3.3 Line 2 Para 4.3.7 Line 3 | In the second word 'towns' ' – delete the s' Delete the words 'principal town's' replace with the word " <i>Malton's</i> " Reason – to make grammatical sense. | Did not change. Should remain as it is written Malton and Norton are the Principal Town for the RPLPS |
| 25 | Policy E2 Line 2 | Delete the word 'of' before the words 'its biodiversity' Reason – to make grammatical sense. | Undertaken |
| 30 | Para 4.3.27 Line 1 | Add the policy reference " <i>E7</i> " after the words 'Neighbourhood Plan policy' Reason – for clarity | Undertaken |
| 40 | Para 4.7.1 Line 3 | Delete the word 'and' before the words 'neighbourhood level' and replace with the words " <i>at the</i> ". Reason - to make grammatical sense. | Undertaken |
| 42 | Policy HD1 Malton Old Town Line 7 | Should read " <i>Roof coverings to be of ...</i> " | Undertaken |
| 43 | Policy HD1 General 3 rd Bullet Line 1 | Insert the words " <i>should be</i> " after the word 'buildings' Reason – to make grammatical sense. | Undertaken |
| 43 | Policy HD2 5 th Bullet Line 2 | Insert the word " <i>buildings</i> " after the word ' existing' Reason – to make grammatical sense. | Undertaken |
| 45 | Policy HD4 Area 2 Line 2 | Change policy reference from 'HD8' to " <i>HD3</i> " Reason – incorrect reference supplied . | Undertaken |

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| 46 | Policy HD6 Area 2 1 st Bullet Line 2 | Replace the words ' HD8 below' with the words " <i>HD3 above</i> " Reason – incorrect reference supplied . | Undertaken |
| 48 | Para 4.7.18 Line 3 | Remove the highlighting at the end of the paragraph | Undertaken |
| 50 | Para 4.8.3 Line 1 | Delete the words 'is expected to allocate'. Replace with the word " <i>allocates</i> ". Reason - the plan referred to is already adopted. | Undertaken |
| 71 | Appendix 1 E1.1 Recreational Value Line 2 | Add the letter " <i>d</i> " to the end of the word 'use'. Reason –to make grammatical sense. | Undertaken |
| 71 | Appendix 1 E1.2 Summary Assessment Line 3 | Add full stop after the word 'resource'. Reason - to make grammatical sense. | Undertaken |
| 96 | Appendix 6 Glossary – Conservation Areas Line 2 | Delete the word 'and' and replace with the word " <i>or</i> ". Reason – to reflect the legislation. | Undertaken |
| 97 | Glossary – Neighbourhood Plan Line 1 | Insert the words " <i>town or</i> " before the word 'parish'. Reason – for clarity | Undertaken |

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| 97 | Glossary – NPPF Lines 1-4 | <p>Replace the wording as follows:</p> <p><i>“The NPPF was revised in December 2023 and sets.....revised in July 2018, updated in February 2019 and updated again in 2021”.</i></p> <p>Reason - to reflect current position.</p> | Undertaken |
| 97 | Glossary – NPPG line 2 | <p>Delete the words ‘and last updated in June 2021’. Replace with the words <i>“and updated with the NPPF in Dec 2023”</i></p> <p>Reason - to reflect current position.</p> | Undertaken |
| 97 | Glossary SSSI line 1 | <p>Delete the word ‘designed’ and replace with the word <i>“designated”</i>.</p> <p>Reason – incorrect word used.</p> | Undertaken |