

# North Yorkshire Council

## Full Council

12 November 2025

### Recommendation on Adoption of the New Settlement (Maltkiln) Development Plan Document

#### Report of the Corporate Director of Community Development

#### **1.0 PURPOSE OF REPORT**

- 1.1. To consider the adoption of the New Settlement (Maltkiln) Development Plan Document (DPD) incorporating the Inspector's recommended Main Modifications and the Council's Additional Modifications.

#### **2.0 SUMMARY**

- 2.1. This report provides an update on the examination of the New Settlement (Maltkiln) Development Plan Document (DPD) following receipt of the Planning Inspector's Final Report (Appendix A). The Inspector's Report concludes that the DPD provides an appropriate basis for the planning of that area, provided that a number of Main Modifications (MMs) are made to it.
- 2.2. The Inspector's recommendation has been made following the Examination of the DPD, including Public Hearings (17<sup>th</sup> – 20<sup>th</sup> September 2024) and a six-week Public Consultation on proposed Main Modifications (10<sup>th</sup> February – 24<sup>th</sup> March 2025), the details of which are illustrated in section 3.0 of this report.
- 2.3. In line with legislation and on request by the Council, the Inspector has provided a schedule of MMs required to make the plan sound (Appendix B). The MMs can be summarised as follows:
- Revising the indicative layout and boundary as shown on the updated Policy Map and Indicative Development Framework (Appendix B, Map 1 and 2 (pages 4-5));
  - Ensuring that the masterplanning process for the development of the new settlement is clear by making changes to Policies NS1, NS2 and NS3;
  - Clarifying how the priorities set by the Climate Change Strategy will be implemented by the DPD's climate change policies (Policies NS4 to NS11);
  - Ensuring that the infrastructure necessary for the delivery of the new settlement is provided in a clear and effective way by inserting a new policy (NS38);
  - Inserting a glossary; and
  - A number of other modifications to ensure that the Plan is positively prepared, justified, effective and consistent with national policy.
- 2.4. It is proposed that the Council adopt the New Settlement (Maltkiln) Development Plan Document in line with the recommended MMs (a final draft version of the DPD is available in Appendix C). Therefore, the remainder of this report sets out an up-to-date context for the DPD and its importance, clearly identifying the reasons for rejecting the alternative option of not adopting. In addition, the Council seeks approval to make any further Additional Modifications (AMs) to the Plan, that relate exclusively to factual updates, grammatical and formatting corrections, and that they be authorised to publicise the adoption of the DPD and

to prepare and publicise a post adoption Sustainability Appraisal Statement in accordance with the relevant Regulations.

### **3.0 New Settlement (Maltkiln) Development Plan Document**

#### **What is the DPD and Why is it Important?**

- 3.1 The DPD has been progressed to implement Policy DM4 of the adopted Harrogate District Local Plan ((HDLP) Annexe 1), which identifies land in the Green Hammerton/Cattal area as a broad area for growth during the plan period and beyond. Policy DM4 also establishes the principle for a new settlement there in addition to the broad amount of housing (at least 3,000 dwellings), employment (about 5 hectares) and other development (on site education, health, retail, community and other services and facilities and a local centre) to be provided as well as setting out other requirements such as the relocation of an existing horticultural nursery business as appropriate. Consequently, the DPD was drafted and submitted in this overall context.
- 3.2 The draft version of the DPD recommended for adoption, which includes the recommended MMs and policy boundary modifications, is in Appendix C. The DPD sets a clear and ambitious thirty-year vision for Maltkiln and a policy framework to guide how it is developed. The policies and proposals in the DPD aim to create a mixed-use settlement, where people have access to homes, a range of employment types, local services and facilities, public transport and open spaces. This mix of uses is focused around the Cattal rail station and the new local centre enabling the residents to benefit from key walking, cycling and public transport corridors. Maltkiln will deliver as a minimum 3,000 homes and 5ha of employment land, plus additional employment opportunities within the local centre alongside supporting home working and flexible working, including the provision of flexible coworking space within the local centre.
- 3.3 Preparation of Development Plan Documents is governed by planning legislation and adoption of the DPD will allow the Council to give full weight to the policies and proposals within it. Adoption of the DPD will ensure that Maltkiln is developed in a comprehensive manner, ensuring that appropriate infrastructure is provided and that the vision for a zero-carbon settlement is realised.

#### **Examination of the DPD**

- 3.4 The decision to submit the Regulation 19 Pre-Submission Draft DPD was approved by Executive on 6<sup>th</sup> February 2024 and by Full Council on 21<sup>st</sup> February 2024. The decision to submit the DPD at Full Council was supported by a covering report, which included detail in relation to preparation of the DPD, community involvement and consultation prior to the examination (Annexe 2). Therefore, this section aims to provide any additional detail, particularly in relation to the examination process and relevant legislation, to consider adoption of the plan.
- 3.5 The DPD, together with a complete, proportionate evidence base and the documents required by legislation, were submitted to the Secretary of State for examination on the 27<sup>th</sup> March 2024. The Planning and Compulsory Purchase Act 2004 (PCPA), sections 20(7), (7A), (7B) & (7C), allows for three possible outcomes to the examination. One outcome being that the Inspector finds that the plan is unsound and/or legally non-compliant as submitted, but that it is possible to make it sound and legally compliant by making main modifications to it. In these circumstances the Inspector must recommend the necessary main modifications, if requested to do so by the LPA. The main modifications must relate directly to the reasons why the Inspector has found the plan unsound or legally non-compliant. At the end of the examination the Inspector produces a report for the LPA setting out recommendation(s) in line with the possible outcomes and the reasons for them. The report is not binding on the

LPA, but the LPA may not adopt an unsound plan (PCPA, section 23(4)). The National Planning Policy Framework 2023 (paragraph 35) (NPPF)<sup>1</sup> makes it clear that to be found sound, a Plan should be positively prepared, justified, effective and consistent with national policy.

- 3.6 Section 23 of the Planning and Compulsory Purchase Act 2004 states that if a Planning Inspector finds a Plan sound and concludes that it is capable of adoption, subject to Main Modifications being made, a local planning authority may adopt the Plan with both Main and Additional Modifications.
- 3.7 In relation to submission of the New Settlement (Maltkiln) DPD, Planning Inspector Clive Coyne BA (Hons) DipTP MRTPI was appointed by the MHCLG to hold the independent examination of the DPD. As part of the examination, a programme of Public Hearings were conducted by the Inspector at the Harrogate Civic Centre Council offices between Tuesday 16<sup>th</sup> September 2024 – Friday 19<sup>th</sup> September 2024. The Council appointed a Programme Officer to liaise with the Inspector regarding the hearings. Prior to the hearings taking place, the Inspector provided a set of Matters, Issues and Questions (MIQs) which were to be discussed at the hearings. Affected parties and members of the public were given the opportunity to provide responses to those MIQs, as well as request to speak at the hearings.
- 3.8 Following the hearings, the Council prepared a schedule of Main Modifications at the request of the Inspector. There were a number of MMs proposed, which included general amendments across policies for soundness and wording changes to provide greater clarity (Annexe 3). There were also amendments proposed to the indicative development framework and site boundary on the policy map to ensure deliverability, specifically proposing to increase the developable area and therefore reducing the area proposed to be designated as Strategic Green Gap (see section 3.17 – 3.21 of this report).

### **Sustainability Appraisal and Habitats Regulation Assessment**

- 3.9 In plan-making, Sustainability Appraisal (SA) is a systematic process which assesses the environmental, social, and economic impacts of a Plan. SA incorporates the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 (commonly referred to as the 'Strategic Environmental Assessment Regulations'). SA ensures that potential environmental effects are given full consideration alongside social and economic issues and can help demonstrate that the plan is justified, which is one of the key tests of soundness within the Examination.
- 3.10 Similarly, a Habitats Regulations Assessment (HRA) is a systematic process which assesses whether a Plan could have significant effects on protected habitats sites. If significant effects are likely, an Appropriate Assessment must be carried out to determine if the plan would adversely affect the integrity of the site, and the requirements are covered by relevant legislation. The benefit of HRA is that it ensures compliance with legal obligations to protect biodiversity, as well as identifies and mitigates potential environmental impacts early in the process.
- 3.11 Both the SA and HRA processes have informed and shaped the DPD throughout its preparation. This included a scoping exercise to establish the key issues for the SA along with a framework for undertaking the assessment as the plan was developed. The SA appraised a range of reasonable alternative options within the identified broad location for the new settlement which were published (including a suggested preferred option) at the Regulation 18 consultation. The SA considered impacts on air quality, biodiversity, flood risk, climate change, heritage, landscape, soil, water, housing, health and wellbeing, transport and

---

<sup>1</sup> On 12 December 2024 a revised NPPF was published. However, it includes a transitional arrangement which indicates that, for the purpose of examining this Plan, the policies in the September 2023 Framework apply. Therefore, unless stated otherwise, any references to the Framework in this report relate to the September 2023 version.

economy. SA was further used to develop, assess and refine each draft policy and monitoring indicator identified. A full SA report (prepared and published in April 2022 by AECOM on behalf of Harrogate Borough Council), which includes details of the assessments carried out at each stage of plan-making and how representations were taken into account, was published alongside the Regulation 19 Draft Plan (Annexe 4 (and within Appendix D)). In addition, the Maltkiln New Settlement Habitats Regulations Assessment, Test of Likely Significant Effects (prepared and published in April 2022 by AECOM on behalf of Harrogate Borough Council) and published alongside the Regulation 19 Draft and can be found at Annexe 5 (and within Appendix E).

- 3.12 Following the Regulation 19 publication, a number of modifications were proposed to the DPD and the documents submitted for Examination by North Yorkshire Council included an updated SA (Annexe 6) and an updated HRA (Annexe 7) which assessed the proposed modifications against the SA and HRA frameworks and took into account representations received.
- 3.13 Following the examination in public, the Council provided a further updated assessment of the proposed MMs and policy map modifications against the SA objectives. The Main Modifications Sustainability Appraisal January 2025 (Appendix D) documents the additional SA work undertaken. To summarise, it concludes that that the proposed modifications would change the overall conclusion in relation to SA objective 5 (Protect, enhance and manage the character, function and enjoyment of the historic environment) with there being likely minor negative effects on heritage assets rather than potential minor effects. That said, in reaching this revised conclusion it was noted that detailed policies within the DPD aim to conserve and enhance heritage assets, ensuring that the design of development minimises impact to their setting and significance. It was also noted that whilst the proposed modifications decrease the area designated as Strategic Green Gap, this does not lead to full coalescence or significant negative impacts on the Kirk Hammerton or Green Hammerton Conservation Areas. The assessment also concluded that the proposed modifications do not change the previous SA's conclusions in relation to any of the other original SA objectives.
- 3.14 Also following the examination in public, the Council provided a further updated assessment of the proposed MMs and policy map modifications against the HRA of April 2022 to assess whether the modifications proposed impact on European Sites either alone or in combination with other projects. As detailed on the Main Modifications HRA January 2025 (Appendix E), The original 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, still stands.
- 3.15 As found by the Inspector, the Council has met its requirements in terms of the relevant legislation. A more detailed overview of the Inspector's findings in relation to the updated SA and HRA can be found in section 3.31 of this report.
- 3.16 It is essential that in considering this report, Members have proper regard to the updated SA and HRA, which are appended to this report (Appendix D and Appendix E).

### **Delivery of Maltkiln**

- 3.17 One of the soundness tests for development plans is that they must be deliverable. In January 2023, the Council was notified that an area of land included within the proposed DPD boundary was no longer available (See Appendix F). The land which was withdrawn forms a substantial part of the proposed new settlement area (approx.128ha or 42% of the total area). Importantly, the land occupies a significant area around Cattal Rail Station which is intended to be the focal point of the settlement and provide a range of services to ensure that the settlement is an exemplar of sustainable development.

- 3.18 On 12<sup>th</sup> December 2023, Executive approved in principle that a Compulsory Purchase Order (CPO) can be pursued as a mechanism to deliver a new settlement at Maltkiln, if an agreement with landowners cannot be reached (Annexe 8). This granted an appropriate mechanism to secure delivery prior to the Council submitting the DPD for Examination.
- 3.19 During the Examination in Public (EIP), Caddick Group wrote to the Council proposing an amendment to the DPD boundary. As outlined in their letter (Appendix G), this amendment would ensure that delivery of the earlier phases of development would not be dependent on further negotiations and/or CPO and would facilitate the re-location of an existing plant nursery business (Johnsons of Whixley) within a timely manner.
- 3.20 In the light of the arguments set out in Caddicks' letter, the Council agreed during the EIP that the amendment to the eastern boundary of the settlement (along with subsequent changes to the indicative development framework) was needed in order to make the plan sound. This formed part of the proposed MMs.
- 3.21 This amendment, along with the in-principle decision that the Council is willing to use its compulsory purchase powers, if necessary, assisted in demonstrating that Maltkiln remains deliverable, and was addressed in the Inspector's Report on the examination (Appendix A, paragraph 42 – 54). This allows the Council to progress with adoption.

### **Further Public Consultation and Engagement**

- 3.22 The Council prepared a Consultation Statement (Annexe 9) which formed part of the submission documents. The document included a Statement of Community Involvement, confirming that the requirements were met during preparation of the DPD, as well as being in line with the methods of engagement set out in the SCI 2020.
- 3.23 Following the EIP, the proposed MMs, policy map modifications, and updated SA and HRA, were subject to a formal public consultation, ran by the Council on behalf of the Inspector, for a six-week period beginning 10<sup>th</sup> February 2025. Parties who requested to be updated, including relevant statutory bodies, were notified of the consultation. In addition, a Public Notice was issued by the Council whereby details in relation to the consultation, including important dates and where to access relevant documents was provided. Copies of the documents were provided on the Harrogate planning policy consultation portal here <https://consult.harrogate.gov.uk> and printed copies were available at the Harrogate Civic Centre Council offices and relevant libraries in the local area. The Council provided a Guidance Note which explained the consultation process and the tests of soundness.
- 3.24 In addition, Council officers attended a meeting with the Maltkiln Community Liaison Group on 21<sup>st</sup> February 2025, to provide advice in relation to the Main Modifications consultation procedure. Representations made during the consultation were issued to the Inspector via the Programme Officer.

### **Development Plan Committee and Selby and Ainsty Area Committee**

- 3.25 The recommendation to adopt the DPD, and ability to make further additional modifications that relate solely to factual, formatting and grammatical errors, has been consulted upon at both Development Plan Committee (4<sup>th</sup> September 2025) and Selby and Ainsty Area Committee (18<sup>th</sup> September 2025). At Development Plan Committee, the recommendations outlined in the report were proposed and seconded and a vote was taken. The motion was declared carried with 15 for and 1 abstention. At Selby and Ainsty Area Committee, the recommendations outlined in the report were proposed and seconded and a vote was taken. The motion was declared carried with 10 in favour, 1 against and 1 abstention. The minutes of these committees can be viewed by searching for the relevant meetings and dates on the Council's Democracy webpage here <https://edemocracy.northyorks.gov.uk>.

- 3.26 As recorded in the Selby and Ainsty Area Committee Draft Minutes, Councillor Arnold Warneken asked that it be noted he had concerns about the Council progressing with the proposal without fully understanding the potential impact if a Compulsory Purchase Order is unsuccessful. This related to a letter received by the council prior to both Development Plan Committee and Selby and Ainsty Area Committee. The letter was from Mr Vendy of Veritas Planning, who had highlighted that his client's land (referred to in section 3.17 of this report) remains unavailable. Specifically, the letter cited concerns that the withdrawal of this land was not considered as part of the Sustainability Appraisal, and that potential outcomes (should a Compulsory Purchase Order not being successful) were not identified within the Officer Report. The letters can be viewed at Appendix H.
- 3.27 In response to Mr Vendy's letter, the Council notes that the purpose of SA/SEA is to assess the development proposed by the plan/programme. That is what the SEA does in this case. It has been considered by the Inspector and found adequate. Mr Vendy's argument depends on the possibility that something different might come forward. However, it is the Council's view that there is a reasonable prospect that a CPO would succeed. That argument has been considered by the Inspector, who agreed. There is, therefore, no reason in principle why it should not be possible for the entire settlement to be brought forward, as proposed by the Plan.
- 3.28 In any event, the possibility to which Mr Vendy refers is one which would exist even if the whole of the land was in single ownership. It is commonly recognised that conditions cannot be imposed on planning permissions to require a developer to carry out the development in full. Despite this, there is no requirement under either the SEA or EIA regulations for the assessment to consider the possibility that only part of the development may come forward, nor would it be practical to consider every possible permutation. In the circumstances, Mr Vendy's argument is therefore not accepted.

### **Executive**

- 3.29 On 21 October 2025 Executive considered the report Recommendation on Adoption of the New Settlement (Maltkiln) Development Plan Document and recommended it to Council for approval. The report, appendices and minutes of the meeting of the Executive on 21 October are available to view at item 765 here - [Agenda for Executive on Tuesday, 21 October 2025, 11.00 am | North Yorkshire Council](#).

### **Receipt of Inspector's Report**

- 3.30 The Council received the Inspector's Final Report on 7 August 2025 (Appendix A) alongside a schedule of recommended main modifications (Appendix B). The Inspector found that the DPD provides an appropriate basis for the planning of the area, provided that a number of main modifications are made to it. In his report, the Inspector concluded that "the duty to cooperate has been met and that with the recommended main modifications set out in the Appendix [Appendix B] the New Settlement (Maltkiln) Development Plan Document (DPD) satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound." (Appendix A, paragraph 143).
- 3.31 In relation to the SA, the Inspector detailed in his report that "the Council have carried out an adequate SA of the Plan and reasonable alternatives have been considered to a sufficient degree" (Appendix A, paragraph 26). Notably, the Inspector acknowledges the land availability issue, which came to light following the assessment of the options in the SA. Nevertheless, he found that this does not result in the conclusions reached by the SA being invalid, nor was the Council wrong to choose Option 3 as their preferred. The approach was based on the evidence available at that time. Furthermore, the modification to the settlement boundary to address the availability of this land has been subject to an additional SA

assessment alongside the other proposed main modifications which have undergone public consultation, as noted previously in this report. Furthermore, the Inspector concludes that the further work undertaken on HRA in light of the modifications is satisfactory, and the DPD will not have a significant adverse impact on the integrity of the relevant European sites (Appendix A, paragraph 27).

- 3.32 It is noted that the policy map is not defined in statute as a development plan document and so the Inspector does not have the power to recommend main modifications to it. However, several of the MMs to the DPD policies require corresponding changes to be made to the policies map. For example, the revision to the settlement boundary and the development framework. These further changes to the policies map were published for consultation alongside the MMs. Should the DPD be adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the further changes published alongside the MMs.
- 3.33 The Main Modifications to the DPD include general amendments across policies for soundness and wording changes to provide greater clarity. These can be summarised as follows:
- Revising the indicative layout and boundary as shown on the updated Policy Map and Indicative Development Framework (Appendix B, Map 1 and 2 (pages 4-5));
  - Ensuring that the masterplanning process for the development of the new settlement is clear by making changes to Policies NS1, NS2 and NS3;
  - Clarifying how the priorities set by the Climate Change Strategy will be implemented by the DPD's climate change policies (Policies NS4 to NS11);
  - Ensuring that infrastructure necessary for the delivery of the new settlement is provided in a clear and effective way by inserting a new policy (NS38);
  - Inserting a glossary; and
  - A number of other modifications to ensure that the Plan is positively prepared, justified, effective and consistent with national policy.
- 3.34 Subsequently, the Council have prepared a final draft version of the DPD which includes the recommended main modifications and modified policy Map, as well as Additional Modifications that relate exclusively to factual updates, grammatical and formatting corrections (Appendix C).

### **Council Land Interests**

- 3.35 During preparation of the DPD, concerns have been raised by some members of the local community regarding the Council's land interests in Maltkiln. It is important to note that who owns land is not a relevant consideration for development plans; as outlined in national planning policy plans should be judged on whether the development is appropriate and sustainable. However, for transparency, it should be noted that the Council does have an interest in land within the adoption Draft DPD as the beneficiary of restrictive covenants on land known as New Farm, York Road, Green Hammerton (sold in 2003) and land known as Sunny Bank Farm (sold in 2000). The covenants related to future uses of the land to the extent that if the land was developed for purposes other than agriculture and included more than a single dwelling the Council could clawback a percentage uplift of the increased land value. This is not material to consideration of whether the DPD should be adopted and no regard should be had to this matter.

## **4.0 ADOPTION**

- 4.1 Section 23 of the Planning and Compulsory Purchase Act 2004 states that if a Planning Inspector recommends adoption, subject to Main Modifications being made, a local planning authority may adopt the Plan with both Main and Additional Modifications. As detailed in

Section 3.0, the Inspector has concluded that the plan is sound, legally compliant and capable of adoption subject to recommended main modifications, and it is therefore recommended that the Council adopt the plan including the modifications.

4.2 On adoption, the New Settlement (Maltkiln) DPD will form part of the statutory development plan, and from the date of adoption it will form the basis of decision making on planning applications within the policy map boundary, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004.

## **5.0 ALTERNATIVE OPTION(S) WHICH HAVE BEEN CONSIDERED AND RECOMMENDED FOR REJECTION**

5.1 The alternative option is to not confirm adoption of the New Settlement (Maltkiln) DPD. This option is rejected for the following reasons:

- The principle of a new settlement in this area has been rigorously tested through the HDLP examination process and been found sound. The development plan for that new settlement (Maltkiln), including detailed policies, proposals and an indicative development framework has been tested throughout the New Settlement examination and has been found sound (subject to modifications set out in Appendix B). There is no good reason to come to a different conclusion. Therefore, re-opening debate on the merits of a new settlement through a new plan making process would constitute unnecessary resource and delay.
- A promoter is in place to deliver the scheme. Choosing not to adopt the DPD would undermine the ability of the Council to pursue a plan-led approach to the new settlement in the event of speculative planning applications in the area.
- The Council would still be under a requirement to prepare a DPD (as per Policy DM4 of the HDLP) and would therefore have to incur significant costs and time delays in repeating much of the preparation process, including the significant expense of holding another Examination.
- The DPD is a key conduit in delivering the Council Priorities, as well as implementing Policy DM4 of the HDLP. To not adopt would compromise the Council's ability to meet its objectives, particularly in relation to promoting a strong local economy, sustainable environment and supporting communities.
- The Secretary of State has default powers to intervene in the process where it is considered that an LPA is failing to take appropriate steps to prepare, revise or adopt a DPD, and to recover any associated costs.

## **6.0 FINANCIAL IMPLICATIONS**

6.1 Adopting the DPD will incur limited short-term expenditure, including:

- The costs of resourcing officer time taken to produce and review adoption materials, including (but not limited to) the Adoption Statement and the final DPD.
- Publishing the Adoption materials.

Provision for these costs have already been made in Place Shaping and Growth service area budget.

6.2 A decision to adopt the DPD would provide budgetary savings in the long term, in respect of costs which would instead be associated with restarting the process, including the

procurement of evidentiary services, holding an examination in public and appointing an Inspector, Programme Officer and independent legal counsel.

## **7.0 LEGAL IMPLICATIONS**

7.1 Development Plans are governed by legislation, specifically The Town and Country Planning (Local Planning) (England) Regulations 2012 and the Planning and Compulsory Purchase Act 2004. The Inspector concluded in his assessment that the DPD complies with all relevant legal requirements. As detailed in the Inspector's report, this included that the DPD has been prepared in accordance with the Council's Local Development Scheme, consultation, submission and examination, as well as the requirements of SA and HRA.

7.2 The legal date of adoption of the DPD is the date it is adopted by Full Council and the Plan is thereafter afforded full weight in decision making on planning applications. Under Section 113(3) and (3B) of the Planning and Compulsory Purchase Act 2004, there is a period of six weeks beginning the day after adoption of the Plan within which any person aggrieved by the document may make an application to the High Court on the grounds that:

- The document is not within the appropriate power;
- A procedural requirement has not been complied with and in this respect the applicant has been substantially prejudiced that failure to comply

7.3 Grounds for being aggrieved do not include disagreement with policies contained within the DPD.

## **8.0 EQUALITIES IMPLICATIONS**

8.1 The DPD has been subjected to the Equality Impact Assessment process throughout (see Appendix I), and the Inspector's Report concluded that during his assessment he has "...had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included [his] consideration of several matters during the examination including the provision of accommodation to meet the needs of older people and those with disabilities" (Appendix A, paragraph 11).

8.2 An Initial Equality Impact Assessment Screening Form is appended to this report (Appendix J) which concludes that all reasonable and proportionate steps have been taken throughout the preparation of the DPD to maximise the positive equality benefits and that the plan will not lead to discrimination, harassment or victimisation but will help to eliminate such conduct.

## **9.0 CLIMATE CHANGE IMPLICATIONS**

9.1 Section 19(1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to include in their Local Plans "policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change".

9.2 The adopted Harrogate Local Plan 2014-2035 included a new settlement in its growth strategy as a way to meet housing and economic development needs in a sustainable way, with services provided that reduce the need for travel. In addition, the broad location for the new settlement was chosen in order to maximise the opportunities for sustainable travel.

9.3 The DPD has been developed with climate change mitigation and resilience at the forefront, and a Climate Change Strategy was commissioned to inform the priorities and policies in the DPD. This identifies four priority areas for action:

- Net zero carbon movement and active travel;
- Net zero carbon energy supply and use;

- Inclusive flexible living and working;
- Climate resilience.

9.4 Taken together the climate change policies in the DPD seek to ensure that each of the four climate change priorities are secured. The Inspector's report concludes that the DPD, taken as a whole, includes policies designed to secure that the development and use of land in the area contribute to the mitigation of, and adaptation to, climate change.

9.5 It is important to note that the policies in the DPD require more ambitious action than the adopted Local Plan. Therefore, the recommendation to adopt the DPD will have a positive effect on the Council's climate change aspirations by ensuring that development is carbon net zero across all phases.

9.6 An Initial Climate Change Impact Assessment is appended to this report (Appendix K) which concludes that the Council's full CCIA is not relevant or proportionate as this process is not intended to replicate more detailed statutory environmental assessments.

## **10.0 REASONS FOR RECOMMENDATIONS**

10.1 The New Settlement (Maltkiln) DPD is a key driver in meeting the Council's Priorities and ensuring a sustainable and plan-led approach to development in the area. Furthermore, it contributes to the implementation of Policy DM4 of the HDLP.

10.2 As outlined throughout this report, the DPD is considered sound and legally compliant, has been positively prepared, and has been subject to extensive community involvement, public consultation and subject to an examination in public. The independent Inspector appointed by the MHCLG has concluded that subject to recommended main modifications, the DPD satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004, and meets the criteria for soundness in the National Planning Policy Framework (2012).

10.3 As outlined throughout this report, the following matters have been considered – Financial Implications; Legal Implications; Climate Change Implications; Equality and Diversity (the Public Sector Equality Duty and impact upon people with protected characteristics). If applicable, the outcomes of any consultations, assessments, considerations and implications considered necessary during preparation of this report are detailed within the main body of the report.

10.4 The recommendation to provide a mechanism to correct any factual or typographical errors is important to ensure that the final document reflects the findings of the Examination in Public and provides a clear unambiguous framework for decision making.

## **11.0 RECOMMENDATIONS**

- 11.1 To adopt the New Settlement (Maltkiln) DPD and accompanying Policy Map, incorporating the Inspector's recommended Main Modifications and Council's Additional Modifications.
- 11.2 To approve that the Corporate Director of Community Development in consultation with the Executive Member for Open to Business, be authorised to make further additional modifications to the DPD. Those modifications may relate exclusively to factual updates, grammatical and formatting corrections.
- 11.3 To approve that that the Corporate Director of Community Development, in consultation with the Executive Member for Open to Business, be authorised to publicise the adoption of the DPD and to prepare and publicise a post adoption Sustainability Appraisal Statement in accordance with the relevant Regulations.

## **APPENDICES:**

- Appendix A Planning Inspector's Final Report on the examination of the New Settlement (Maltkiln) Development Plan Document August 2025
- Appendix B Planning Inspector's Recommended Main Modifications August 2025
- Appendix C Draft New Settlement (Maltkiln) Development Plan Document August 2025
- Appendix D North Yorkshire Council Main Modifications Sustainability Appraisal January 2025
- Appendix E North Yorkshire Council Main Modifications Habitats Regulation Assessment January 2025
- Appendix F Regulation 19 Maltkiln Policy Map Showing Unavailable Land
- Appendix G Examination Document DF01
- Appendix H Veritas Planning Letter to Development Plan Committee and Selby and Ainsty Area Committee
- Appendix I Submission Document CDNS04 – Submission Draft Equality Impact Assessment February 2024
- Appendix J NYC Initial Equality Impact Assessment Screening Form
- Appendix K NYC Initial Climate Change Impact Assessment

## **BACKGROUND DOCUMENTS:**

- Annexe 1 The Harrogate District Local Plan 2014-2035 (adopted December 2020). The Plan can be viewed on the Council's website <https://www.northyorks.gov.uk/planning-and-conservation/planning-policy/planning-policy-your-local-area/harrogate-planning-policy/harrogate-district-local-plan>
- Annexe 2 Report to the Executive Committee 6<sup>th</sup> February 2024: Maltkiln New Settlement - Submission of the New Settlement (Maltkiln) Development Plan Document. The

report can be viewed on the council's website.

<https://edemocracy.northyorks.gov.uk/>

- Annexe 3 North Yorkshire Council schedule of Proposed Main Modifications February 2025. The document can be viewed on the planning policy consultation portal <https://consult.harrogate.gov.uk>
- Annexe 4 New Settlement Development Plan Document Regulation 19 Consultation Sustainability Appraisal Report June 2022. The report can be viewed on the planning policy consultation portal <https://consult.harrogate.gov.uk>
- Annexe 5 Maltkiln New Settlement DPD Habitats Regulations Assessment Test of Likely Significant Effects Harrogate Borough Council April 2022. The report can be viewed on the planning policy consultation portal <https://consult.harrogate.gov.uk>
- Annexe 6 Document CDNS02 Submission Draft Sustainability Appraisal February 2024. The document can be viewed on the Maltkiln DPD webpage here <https://www.northyorks.gov.uk/planning-and-conservation/planning-policy/planning-policy-your-local-area/harrogate-planning-policy/new-settlement-maltkiln-development-plan-document>
- Annexe 7 Document CDNS03 Submission Draft Habitats Regulations Assessment HRA February 2024. The document can be viewed on the Maltkiln DPD webpage here <https://www.northyorks.gov.uk/planning-and-conservation/planning-policy/planning-policy-your-local-area/harrogate-planning-policy/new-settlement-maltkiln-development-plan-document>
- Annexe 8 Report to the Executive Committee 12th December 2023: Delivery of the New Settlement (Maltkiln) Development Plan Document. The report can be viewed on the council's website <https://edemocracy.northyorks.gov.uk/>
- Annexe 9 New Settlement (Maltkiln) Development Plan Document Submission Draft Consultation Statement February 2024. Report can be viewed on the Council's website: <https://www.northyorks.gov.uk/planning-and-conservation/planning-policy/planning-policy-your-local-area/harrogate-planning-policy/new-settlement-maltkiln-development-plan-document>

*Nic Harne*  
Corporate Director – *Community Development*  
County Hall  
Northallerton  
29<sup>th</sup> October 2025