

## **Report to Hambleton District Council**

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Inspectors appointed by the Secretary of State

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## **Report on the Examination of the Hambleton Local Plan**

The Plan was submitted for examination on 31 March 2020

The examination hearings were held between 20 October and 18 November 2020 and on 1 June 2021.

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## Abbreviations used in this report

AA	Appropriate Assessment
AONB	Area of Outstanding Natural Beauty
CE	Cambridge Econometrics
ELR	Employment Land Review
DPD	Development Plan Document
DPA	Dwellings per Annum
DtC	Duty to Cooperate
HEDNA	Housing and Economic Needs Assessment
GTAA	Gypsy and Traveller Accommodation Assessment
GVA	Gross Value Added
HRA	Habitats Regulations Assessment
IDP	Infrastructure Delivery Plan
LDS	Local Development Scheme
MMs	Main Modifications
MWJP	Minerals and Waste Joint Plan
NDSS	Nationally Described Space Standard
NYCC	North Yorkshire County Council
OAN	Objectively Assessed Need
OBR	Office for Budget Responsibility
OE	Oxford Economics
ONS	Office for National Statistics
PPG	Planning Practice Guidance
REM	Regional Econometric Model
RSPB	Royal Society for the Protection of Birds
SSSI	Sites of Special Scientific Interest
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SEP	Strategic Economic Plan
SHMA	Strategic Housing Market Assessment
SCI	Statement of Community Involvement
SPA	Special Protection Area
SPD	Supplementary Planning Document

## Non-Technical Summary

This report concludes that the Hambleton Local Plan provides an appropriate basis for the planning of Hambleton District, provided that a number of main modifications ('MMs') are made to it. Hambleton District Council has specifically requested that we recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared a schedule of the proposed modifications and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MMs were subject to public consultation over a six-week period. We have recommended their inclusion in the Plan after considering all the representations made. In summary they:

- Extend the plan period by 1 year, to run from 2014 to 2036;
- Increase the housing requirement to reflect the extended plan period, rising from 6,615 to a minimum of 6,930 dwellings;
- Modify Policy S3 to clarify that the development strategy for the area is to focus growth towards the two main towns of Northallerton and Thirsk and the remaining Market Towns of Bedale, Easingwold and Stokesley;
- Modify Policies S5 and HG5 in relation to windfall housing sites;
- Introduce a requirement to carry out an early review and update of the Plan in order to meet the needs of gypsies and travellers and travelling showpeople;
- Modify Policy HG2 to remove the requirement for new homes to meet Building Regulation M4(2) standards, whilst clarifying precisely what is required in respect of wheelchair adaptable and wheelchair accessible homes;
- Identify the Sowerby Gateway Business Park as a Key Employment Location;
- Delete the safeguarded land at Leeming Bar and modify Policy LEB3 to provide clear and effective policy requirements concerning the provision of new employment development;
- Clarify the access arrangements for the proposed expansion of the Dalton Industrial Estate;
- Delete the Bedale Gateway Car and Coach Park;
- Identify a landscape buffer and land for primary school playing fields as part of site allocation EAS1;
- Delete site allocation GTA1;
- Introduce a Housing Trajectory;
- Delete Policy RM6 relating to Minerals and Waste; and
- Modify Policy EG4 to provide a more flexible approach to the management of Primary Shopping Areas.

Other MMs are also recommended to ensure that the Plan is positively prepared, justified, effective and consistent with national planning policy.

## Introduction

1. This report contains our assessment of the Hambleton Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate ('DtC'). It then considers whether the Plan is compliant with the legal requirements and whether it is sound. Paragraph 35 of the National Planning Policy Framework 2021 ('the Framework') makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Hambleton Local Plan, submitted for examination in March 2020, is the basis for our examination. It is the same document published for consultation in July 2019.

## Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that we should recommend any MMs necessary to rectify matters that make the Plan unsound, and thus incapable of being adopted. Our report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc. and are set out in **Appendix 1**.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out a Sustainability Appraisal ('SA') of them where relevant. The MM schedule was subject to public consultation for six weeks. We have taken account of the consultation responses in coming to our conclusions in this report and have made minor amendments to the detailed wording where necessary. The changes are highlighted in the report and do not significantly alter the modifications or undermine the participatory process.

## Policies Map

5. The Council must maintain an adopted Policies Map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission Policies Map showing the changes to the adopted Policies Map that would result from the proposals in the submitted local plan. In this case, the submission Policies Map comprises Maps 1-5.<sup>1</sup>

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<sup>1</sup> Core Documents LP02-LP02.4

6. The Policies Map is not defined in statute as a development plan document and so we do not have the power to recommend MMs to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the Policies Map. In addition, there are some instances where the geographic illustration of policies on the submission Policies Map is not justified and changes are needed to ensure that the relevant policies are effective.
7. These further changes to the Policies Map were published for consultation alongside the MMs. When the Plan is 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 proposed changes.

## **Context of the Plan**

8. The Plan will replace the Hambleton Core Strategy (2007), the Hambleton Development Policies Development Plan Document ('DPD') (2008) and the Hambleton Allocations DPD (2010). It will also replace the Interim Policy Guidance Note (2015) and the Interim Policy Guidance Note 'Settlement Hierarchy' (2014).
9. Hambleton borders York to the south and the Tees Valley urban area to the north. The A19 and A1(M) run north-south, and along with the East Coast Mainline, provide the main transport routes through the district. The North York Moors National Park is to the east of Hambleton, with the Yorkshire Dales National Park further west. In 2017, the population of Hambleton was 90,700, with approximately 46% of the district's population living in the five market towns of Northallerton, Thirsk, Easingwold, Bedale and Stokesley.

## **Public Sector Equality Duty**

10. In examining the Plan, we have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included our consideration of several matters including the provision of accommodation to meet the needs of gypsies and travellers and travelling showpeople, the needs of older people and those with disabilities. These matters are discussed in more detail under our assessment of soundness that follows.

## **Assessment of Duty to Co-operate**

11. Section 20(5)(c) of the 2004 Act requires that we consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.

12. The Consultation Statement<sup>2</sup> sets out the different ways in which the Council has engaged with neighbouring planning authorities, North Yorkshire County Council ('NYCC') and prescribed bodies such as National Highways (previously Highways England). This is complemented by the signed Statement of Common Ground<sup>3</sup> and Statement of Common Ground Addendum<sup>4</sup>. These documents set out the strategic matters that have arisen during the preparation of the plan, such as housing and employment development needs and the relationship with the adjacent North York Moors National Park. Although the documents could have included more detail, combined they demonstrate effective and on-going joint working on strategic cross-boundary matters. This effective cooperation has not identified any unmet needs to be accommodated in Hambleton District.
13. As part of the Plan's preparation, Redcar and Cleveland Borough Council initially raised some concerns at the Preferred Options stage regarding the amount of housing and employment land proposed in the northern part of the district. This was due to the potential for significant new development to draw residents of a working age away from Redcar and Cleveland and undermine their own growth strategy. However, for the reasons set out below, only around 135 new homes and 9.5 hectares of employment land is proposed in the northern part of the district in the submission version Local Plan. No objections have been raised by Redcar and Cleveland Borough Council to the submission version Local Plan and the neighbouring authority are signatories to the Statement of Common Ground.
14. We therefore conclude that the Council has engaged constructively, actively and on an on-going basis with relevant local planning authorities, the County Council and prescribed bodies. The DtC has therefore been met.

## **Assessment of Other Aspects of Legal Compliance**

### **Sustainability Appraisal**

15. The Environmental Assessment of Plans and Programmes Regulations (2004) requires environmental reports to identify, describe and evaluate the likely significant effects on the environment of implementing the plan and reasonable alternatives taking into account its objectives and geographical scope. In order to be sound, paragraph 35 of the Framework also requires Local Plans to represent an appropriate strategy taking into account reasonable alternatives.

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<sup>2</sup> Core Document PD03

<sup>3</sup> Core Documents PD08 and PD09

<sup>4</sup> Core Document PD08.1

16. The starting point for considering growth in Hambleton was the Issues and Options Consultation (2016)<sup>5</sup>. It identified five options. They included directing growth to Northallerton and Thirsk, the central transport corridors, the five main towns, the five main towns and smaller villages and new settlements. The Sustainability Appraisal ('SA') of the Preferred Options Report<sup>6</sup> (2016) included an assessment of the five options against a range of sustainability objectives. SA Objective 3 included climate change and accessibility.
17. The next stage was the Preferred Options Consultation - Part 1<sup>7</sup> (2016). It introduced a 'hybrid' approach and sought to focus development towards market towns (option 1), the transport corridor (option 2) and have some development in rural villages (option 3). Justification for this approach is provided in the Options Assessment Report<sup>8</sup>, which draws upon the conclusions from the 2016 SA and from consultation responses.
18. Due to the number of dwellings that had been completed and/or granted planning permission since the start of the plan period (2014), the residual number of new homes needed to be allocated in the Plan reduced. In turn, this led the Council to reduce the scale of development proposed in the villages between the Preferred Options and Publication Version Local Plans. This decision, which was based on Planning Officer's professional judgement, was reasonable and justified. It sought to locate the majority of new development in locations which are accessible and have the greatest number of services.
19. The SA of the Publication Version Local Plan (SA Main Report – 2019<sup>9</sup>) tested alternative levels of housing delivery and reasonable alternatives for the distribution of new housing. In summary, the three options for housing growth were 6,615 dwellings (the objectively assessed need for housing), 7,482 dwellings (the objectively assessed need for housing with additional allocations for flexibility) and 8,530 dwellings (market-led / higher growth scenario based on 406 dwellings per year).
20. It is argued that the final option does not reflect the 'highest' level of housing growth witnessed in Hambleton, with net completions exceeding 406 dwellings per year for the last four reporting years. But prior to this, completions were less than 200 dwellings per year between 2011/12 and 2013/14. The Council's Matter 1 Hearing Statement also shows several peaks and troughs between 1991 and 2020, reflecting the cyclical nature of the housing market. The 'higher growth' option is therefore reasonable.

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<sup>5</sup> Core Document CD01

<sup>6</sup> Core Document CD07

<sup>7</sup> Core Document CD02

<sup>8</sup> Core Document CD04

<sup>9</sup> Core Document CD10

21. For the distribution of housing, it was considered that the hybrid approach of concentrating housing development in the market towns, focusing on Northallerton and Thirsk, but also allowing for some housing in the villages performed favourably when compared to other options under 'Scenario B' (objectively assessed need + additional allocations for flexibility). The various iterations of the SA have therefore adequately tested reasonable alternative strategies for both the scale and distribution of housing growth.
22. The SA has been criticised for considering Service and Secondary Villages together, and, for not testing different levels of growth between individual villages. However, the approach is not unreasonable for a rural district such as Hambleton, where at a strategic level, many of the Service and Secondary Villages share similar characteristics. The options tested have enabled the Council to appropriately consider the likely significant effects of focusing development towards urban and/or rural locations. Having concluded that some, limited growth, should be directed towards villages it was not necessary to test different distributions between individual settlements. Furthermore, this does not reflect the scope of the Plan, as for the reasons that follow, it does not direct a predetermined amount of growth to each village or category in the settlement hierarchy.
23. Where individual sites are concerned, SA Site Assessments<sup>10</sup> have been used. In some cases, the scoring mechanism used is difficult to judge. For example, how distances were measured between a proposed development site and local services. However, the SA is a high-level document focusing on the likely significant effects of the Plan. On the whole, it adequately considers a range of sustainability indicators, including accessibility. We are also mindful that the site selection process involves judgement on which sites to allocate. The SA is part of this process. It is not used in isolation to determine which sites are the most appropriate allocations.
24. In response to discussions at the examination hearings sessions, a further iteration of the SA<sup>11</sup> has been produced and consulted on which specifically considers the economic strategy. The Second Addendum to the SA Report reiterates that at the Preferred Options stage, the spatial strategy was based on the hybrid approach of directing development towards the market towns, the transport corridors and the villages.
25. Between the Preferred Options and Publication stages of the Plan, the need for employment land was updated in the 2018 Housing and Economic Development Needs Assessment ('HEDNA'). It set out an increased need of between 66 and 82 hectares of land. A consequence of this change was the identification of additional land for development at Leeming Bar (Site LEB3).

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<sup>10</sup> Core Documents LP04.1-LP04.5.1

<sup>11</sup> Sustainability Appraisal – Second Addendum to the SA Report – Examination Document L023

26. Leeming Bar is already a key employment hub specialising in food and drink manufacture adjacent to the A1(M). In locational terms, it reflects the Plan's strategy, and the options tested in the SA which included development along the transport corridors.
27. Different reasonable alternatives for the distribution of employment growth have been tested. However, the majority of growth proposed in the market towns consists of existing allocations or extensions to existing employment areas. As these sites are existing, and could come forward, it was not a reasonable option to omit them. The other option would have been not to include any growth at Leeming Bar. But this would fail to take into account the objectives and geographical scope of the Plan, which seeks to focus new growth along the transport corridors.
28. At a site-specific level, several reasonable alternatives to site LEB3 have been considered through the SA. In summary, parcels of land were identified to the west of the A1(M) which could have supported growth and would have used lower grade agricultural land. However, because the sites are on the opposite side of the motorway to the main built-up area, the SA concluded that their allocation would be harmful to the settlement form and character of the area. For similar reasons, it also raised concerns regarding the accessibility of the sites, with the majority of services and facilities in Leeming Bar to the east of the A1(M).
29. Considering factors such as settlement form and character and appearance are subjective. As a result, there will inevitably be differences of opinion on the scale of potential impacts. However, the SA is a high-level analysis which has helped inform planning judgements. As identified above, the SA is not used to determine precisely which sites to allocate.
30. For the reasons set out below, the amount of employment land proposed in the Plan is justified. A lower amount has been considered, reflecting the range in the HEDNA. However, the likely significant effects on the environment would not be substantially different between the lower end of the range (66 hectares) and the amount proposed in the Plan (77 hectares).
31. In conclusion therefore, the various iterations of the SA demonstrate that the Council has identified, described and evaluated the likely significant effects on the environment of implementing the plan, and considered reasonable alternatives taking into account the objectives and geographical scope of the Plan. The Council has carried out an adequate SA of the Plan and reasonable alternatives have been considered to a sufficient degree.

## **Habitats Regulations**

32. The North York Moors Special Area of Conservation ('SAC') and Special Protection Area ('SPA') is predominantly within the North York Moors

National Park. It contains the largest continuous tract of upland heather moorland in England. Qualifying features of the SAC include Northern Atlantic wet heaths, European dry heaths and blanket bogs which are used by Golden Plover and Merlin during the breeding season.

33. The Habitats Regulations Assessment<sup>12</sup> ('HRA') (February 2020) includes an Appropriate Assessment ('AA') which considers the likely significant effects of the Plan on recreational pressure and disturbance, the loss of functionally linked land and changes from atmospheric pollution. It confirms that the SPA is sensitive to the effects of recreational disturbance and new housing developments within 7km of the designation could have the potential to disturb bird feeding and breeding behaviour. Two allocations in the submitted plan are within 7km of the SPA; Policy STK1 at Stokesley and Policy GTA1 at Great Ayton.
34. However, the SAC and SPA are part of the North York Moors National Park, which is managed for tourism. The National Park has a Management Plan for the area and Hambleton District Council is one of the stakeholders, which include Natural England, the Forestry Commission and the RSPB. In summary, the Management Plan recognises that increased recreational pressure could have adverse effects on the European site, but states that the National Park has the capacity to accommodate more visitors based on the principle of 'wise growth'. This includes managing visitors by directing them to 'hub sites' away from sensitive areas, managing Public Rights of Way and using interpretation boards to encourage appropriate behaviours. For these reasons, the HRA concludes that there would be no adverse effects either alone, or in combination, as a result of development proposed in the Plan.
35. Prior to the hearings, the HRA was updated.<sup>13</sup> It suggested that financial contributions would be required from windfall housing developments within 7km of the North York Moors SAC and SPA in order to contribute towards 'greenspace projects'. But no justification was provided to indicate why this would be necessary in light of earlier conclusions. Further clarification has been provided through a signed Position Statement between Hambleton District Council and Natural England. It confirms that subject to modifying the Plan to clarify the position regarding green infrastructure provision, a conclusion of no adverse effect would apply to all development.<sup>14</sup>
36. None of the sites proposed for development in the Plan are within 2.5km of the SAC and SPA, which is the threshold used by the HRA to consider impacts arising from the loss of functionally linked land. In the event that

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<sup>12</sup> Core Document LP09

<sup>13</sup> HRA Update (September 2020), appended to the Council's Matter 1 Hearing Statement

<sup>14</sup> Examination Document L021

windfall proposals come forward within 2.5km, Policy E3 would apply and provides sufficient safeguards to prevent the loss of habitat.

37. With regard to atmospheric pollution, the AA confirms that air quality specialists have calculated the likely impacts of Local Plan growth on the B1257, which runs between Stokesley and Helmsley. In summary, it concludes that due to the distance between the road and the SAC, combined with its rural context and the likely increase in traffic expected over the plan period, any changes in atmospheric pollution would not result in any adverse effects. Similar conclusions are reached in respect of impacts on the North Pennine Moors SAC and Strensall Common SAC which are both beyond 7km away from any proposed allocations.
38. We therefore conclude that the policies and allocations in the Plan will not have a significant adverse impact on the integrity of the North York Moors SAC and SPA, the North Pennine Moors SAC or the Strensall Common SAC.

## **Climate Change**

39. Climate change is identified as one of the Key Issues for the Plan in Chapter 2. Adapting to and mitigating against climate change is also one of the Objectives which support the Plan's Vision.
40. The spatial strategy seeks to focus significant development in locations which are, or can be made, sustainable. Policy E1 also supports development that seeks to mitigate the impacts of climate change by improving active travel and making the efficient use of land. In addition, Policy E4 recognises the importance that green infrastructure plays in adapting to climate change, Policy RM1 requires all new homes to limit water consumption, Policy RM2 directs new development away from areas at risk of flooding and Policy RM7 supports renewable and low carbon technology. We are therefore satisfied that when read as a whole, the Plan includes policies designed to secure that the development and use of land in the area contributes to the mitigation of, and adaptation to, climate change.

## **Other Matters**

41. The Consultation Statement<sup>15</sup> (March 2020) sets out the process of consultation as part of the Plan's preparation. It also includes details of how representations were taken into account and how they shaped the strategy. At publication stage, all consultees, anyone who had made comments during the previous stages of consultation, as well as anyone who had requested to be kept informed were notified of the consultation. The SA, Infrastructure Delivery Plan and the Local Green Space Assessment were published alongside the Publication Draft Local Plan. Documents were

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<sup>15</sup> Core Document PD06

available to view at libraries across the district, at the Council's offices and online. Consultation on the MMs has been carried out in the same way.

42. During the course of the examination hearing sessions, it became apparent that not all the representors had been added to the Council's database and notified of hearings. This was rectified by issuing a standalone notification to the relevant parties inviting them to provide written statements and attend an additional session in June 2021. We have taken these representations into account in reaching our conclusions.
43. The Council also confirmed that when the Bedale area sites were assessed in the SA, the findings were omitted from the Regulation 19 version in error. This was rectified upon submission of Core Document LP04.1. However, for completeness, and in the interests of fairness, the site appraisals were republished for consultation alongside the Second Addendum to the SA Report in December 2020.<sup>16</sup>
44. Finally, the Plan conforms to the subject matter set out in the Local Development Scheme ('LDS').<sup>17</sup> It was submitted for examination in accordance with the timescale given of March 2020. The Plan area is logical given the administrative boundary of the Hambleton District.

## **Conclusion**

45. In summary, we conclude that the Plan complies with all relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

## **Assessment of Soundness**

### **Main Issues**

46. Taking account of all the representations, the written evidence and the discussions at the examination hearings, we have identified 12 main issues upon which the soundness of the Plan depends. The following sections of the report deal with the main issues and focus on matters of soundness, rather than responding to every point raised by representors.

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<sup>16</sup> Examination Document L023

<sup>17</sup> Core Document PD04

## **Issue 1 – Whether the Plan is informed by a robust, objective assessment of housing need and whether the housing requirement is justified and positively prepared to meet that need**

### **Methodology for Calculating Housing Need**

47. To determine the minimum number of new homes required, paragraph 61 of the Framework states that strategic policies should be informed by a local housing need assessment, conducted using the standard method in the PPG unless exceptional circumstances justify an alternative approach. If calculated using the standard method, **196** new homes per year would be required in Hambleton. In contrast, Policy S2 sets the housing requirement at **6,615** new homes over the plan period, or **315** dwellings per year.
48. The PPG<sup>18</sup> confirms that the Government is committed to ensuring that more homes are built and supports ambitious authorities who want to plan for growth. It sets out circumstances where it is appropriate to consider whether actual housing need is higher than the standard method. This includes situations where previous levels of housing delivery, or previous assessments of need (such as a recently produced Strategic Housing Market Assessment 'SHMA') are significantly greater than the standard method.
49. In this case, the Council published its HEDNA in June 2018, very shortly before the revised Framework and PPG were released in July 2018. Because it represented a recently completed housing market assessment, and with a significantly greater outcome than the standard method, the Council continued to rely on the HEDNA for the purposes of plan-making in Hambleton. In principle, this is justified and consistent with the PPG and paragraphs 60 and 61 of the Framework.

### **Demographic Starting Point**

50. The demographic starting point in the HEDNA is derived from the 2014-based household projections. It forecasts that 153 dwellings per year will be required over the plan period to accommodate projected household growth. Re-basing the projections on mid-year estimates for 2016 increases the figure slightly to 166 dwellings per year.
51. The HEDNA then assesses migration over a longer, 15-year period than is used by the 2014-based projections. In doing so, it avoids forecasting future needs based on short-term trends, which for Hambleton, identified a general reduction in migration and population growth in the 2014-based

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<sup>18</sup> Paragraph: 010 Reference ID: 2a-010-20190220

projections. It provides a more robust assessment of likely future growth and identifies a greater need for 220 dwellings per year.

52. A further adjustment has been made using alternative household representative rates for young adults. In summary, the rate of household formation has been adjusted by returning household formation rates to 2001 levels for the 25-34 age group. Although we find the evidence in this regard largely inconclusive, applying the uplift only makes a modest increase to overall housing need, rising to 235 dwellings per annum.
53. Based on these reasoned adjustments, the HEDNA concludes that between 2014 and 2035 some **4,935** dwellings (or 235 dwellings per year) will be required to accommodate the projected household increase in Hambleton.

### **Future Jobs**

54. A further uplift is then applied to account for future economic growth. In principle, this uplift is justified to ensure that the labour force supply is broadly aligned with the projected increase in jobs. A lack of labour force supply could lead to unsustainable commuting patterns and/or act as a barrier to investment for local businesses looking to establish and expand.
55. Three separate forecasts of jobs growth have been used to inform the uplift. They include Cambridge Econometrics ('CE'), Oxford Economics ('OE') and the Regional Econometric Model ('REM') produced by Experian. In summary, OE forecast jobs to decline (-90 per year) at roughly the same rate as CE expects jobs to grow (+100 per year). The REM forecasts also predict an increase in jobs, albeit at a lower rate of 20 jobs per year.
56. The HEDNA has used a bespoke approach to predicting future employment trends and concludes that a higher annual figure of 165 jobs will be created over the same period. This is because the baseline forecasts provided by CE and OE disaggregate regional and national trends to a local authority level. As such, they do not reflect the specific growth which has taken place in Hambleton or the local initiatives aimed at supporting these industries. For example, the A19/A1 corridor has been identified by the Council for growth, with sectors such as food manufacturing continuing to expand and mitigating some of the public sector cuts in Northallerton. Industries such as food manufacturing, agri-tech and bio-renewables were all identified as growth sectors in this area, which is also reflected in the SEP Update<sup>19</sup> and in the recent take-up of land at Leeming Bar and Dalton.
57. The bespoke adjustments made in the HEDNA are therefore justified based on the evidence of recent growth and projected investments in the area. Taking into account double-jobbing, commuting patterns and economic

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<sup>19</sup> Core Document SD12.6

activity rates, the HEDNA estimates that 315 dwellings per annum would be required to support projected future job growth. Over the plan period, as submitted, this equates to **6,615** dwellings. It represents an appropriate local assessment of the objectively assessed need for housing in Hambleton.

58. In assessing the link between job growth and the need for housing, the HEDNA did not use economic activity rates produced by the Office of Budget Responsibility ('OBR'). The HEDNA discounted the OBR rates because, at the time, they were considered pessimistic and not directly linked to economic forecasts. If the 2017 OBR rates had been used, then the Council accepts that the need for housing would be higher, at around 355 dwellings per year.
59. Further justification has been provided in Examination Document L010. In summary, it confirms that whilst the OBR rates could have been used, this should be based on the latest 2018 rates. Applying the 2018 OBR rates to the projections developed for the HEDNA results in a housing need of 322 dwellings per year. This broadly reflects the figure in the submitted Plan.

### **Previous Levels of Housing Delivery**

60. In addition to recently completed SHMAs, the PPG advises that levels of housing delivery may also indicate greater need than the standard method suggests. Recent provision in Hambleton has been strong. On average, 420 dwellings per year (net) have been delivered since 2014/15.
61. However, looking at net housing completions over a longer period of time shows a much more varied picture. Between 2009/10 and 2013/14 net annual delivery was under 300 dwellings per year. Assessing completions since 2001/02 shows that the average number of new homes built in Hambleton has been 340 per year. This figure, which represents a much longer-term average, is broadly consistent with the housing requirement.
62. It is also pertinent to consider that Hambleton has not had the benefit of an up-to-date Local Plan. The Core Strategy was adopted in 2007 and is based on housing figures in The Yorkshire and Humber Regional Spatial Strategy. Since 2015, the Council has been relying on an Interim Planning Guidance Note, which does not form part of the development plan for the area. Furthermore, the housing requirement in the Plan is a minimum requirement, and not a ceiling which cannot be exceeded. When taking these factors into account, the fact that housing delivery over the past 5 or 6 years has exceeded 400 dwellings per year does not, alone, justify a higher housing requirement over the entire plan period.

## Latest Available Data

63. In 2020, the latest (2018-based) household projections were published. Examination Document L010 has considered the implications of this latest demographic data.
64. The 2018-based projections are derived from internal (domestic) migration statistics over a 2-year period. Using the same jobs growth rate (165 jobs per year) would result in a need for around **326** dwellings per year. This does not represent a meaningful change in the housing situation and broadly reflects the findings in the HEDNA (**315** dwellings per year).
65. An alternative method has been used which looks at domestic migration over a 5-year period. This results in a slightly higher figure of **336** dwellings per year. However, using 10-year trends, which, for the reasons given above are considered to represent a more robust assessment of migration, results in a lower annual requirement of **312** dwellings. On balance therefore, the additional assessments do not demonstrate that the figure in the HEDNA is out-of-date. It continues to represent a robust, justified projection of future housing needs in Hambleton.

## Plan Period

66. Paragraph 22 of the Framework states that strategic policies should look ahead over a minimum 15-year period from adoption. As submitted, the Plan period runs from 2014 to 2035. The primary reason for this is due to the use of the HEDNA and the 2014-based household projections.
67. To allow for 15 years from adoption and ensure consistency with the Framework, MMs were identified as necessary during the examination hearing sessions. They sought to extend the plan period by a further year to 2036. As a result, the housing requirement also increases to **6,930** dwellings. (**MM01, MM04, MM06, MM07, MM08, MM40** and **MM82**)
68. Due to the need for further work to be carried out mid-examination, the Plan will likely be adopted in early 2022. Although the plan period will now fall marginally short of the 15 years recommended by the Framework, this does not render it unsound. Further delays to adoption of the Plan to add a single, additional year to the plan period would be more likely to frustrate, rather than accelerate the delivery of new housing in Hambleton.

## Conclusion

69. In preparing the Plan, the Council has based the housing requirement on the findings of the HEDNA and concluded that it is appropriate to plan for a higher level of housing than the standard method suggests. The housing requirement of 315 dwellings per year is significantly higher than the

number of new homes that would be required under the standard method (which at the time the HEDNA was produced, was 226 dwellings per year). The Plan is therefore consistent with the Government's objective of significantly boosting the supply of housing, as expressed in paragraph 59 of the Framework.

70. Alternative evidence submitted as part of the examination suggests that the methodology used to calculate the housing requirement is flawed, and that 315 dwellings per year will not align the housing strategy with the Council's positive employment aspirations, especially if all the employment allocations in the Plan come forward as expected. However, where local authorities use a different method for calculating housing needs, and where it adequately reflects current and future demographic trends and market signals, the PPG confirms that such an approach will be considered sound as it will have exceeded the minimum starting point.
71. Furthermore, the future jobs uplift in the HEDNA is based on the assumption that Hambleton will continue to see positive overall growth in employment. This is not guaranteed. Although the Council suggests that several business sectors will be largely unaffected by the COVID-19 pandemic, others will not. For example, hospitality, entertainment and the visitor economy have all faced significant restrictions over the past 2 years. The socio-economic impacts of these closures are not reflected in the HEDNA's assumptions.
72. Establishing the precise level of uplift is not an exact science, especially given the uncertainties surrounding future jobs growth as a result of the COVID-19 pandemic. The Council's approach to assessing housing need is based on an exercise of reasoned judgments, which through the examination process, has considered the most up-to-date evidence. In our opinion, the Plan is therefore informed by a robust, objective assessment of housing need and is positively prepared in identifying a housing requirement to ensure that those needs will be met.

## **Issue 2 – Whether the settlement hierarchy and spatial distribution of housing is justified, positively prepared and consistent with national planning policy**

### **Settlement Hierarchy – Policy S3**

73. Northallerton, Thirsk, Bedale, Easingwold and Stokesley are all Market Towns which serve their surrounding rural hinterland. The towns are the main focus for employment, have a range of shops, services and facilities (including education) and are all accessible by public transport. They are different to Service Villages, which have a far more localised catchment and largely meet the day-to-day needs of the surrounding rural community. Categorising Market Towns above Service Villages is justified.

74. The classification of each village is derived from the existing Core Strategy. In March 2017, the Council produced an Audit<sup>20</sup> of settlements to inform the Plan and determine the need for any changes from the existing hierarchy. It was an update of a similar exercise carried out in 2014.
75. In summary, each settlement was scored based on a review of existing services, with more points awarded for services such as a doctor's surgery or primary school. Settlements with a score of 28 or more were identified as Service Villages, whereas Secondary Villages scored between 14 and 27. Anything below 14 was defined as a Village. In principle, the methodology used is appropriate. It ensures that settlements with key services are adequately ranked and categorised on a broadly consistent basis.
76. Great Broughton is defined as a Service Village. The Parish Council states that during the Plan's preparation, shops and the post office have closed, resulting in a lower score of 18 points which only equates to a 'Secondary Village'. However, there will inevitably be a cut-off date when using a points-based methodology such as this one, after which time services on the ground may change. Although some shops and the post office have closed, other facilities may open to the benefit of local residents during the plan period. In this case, the village continues to benefit from a primary school which is within walking distance of existing housing, a playgroup/nursery, a pub, a sports ground, a public hall and a limited bus service. Its size and range of services therefore remains commensurate with its role and function as a Service Village.
77. South Otterington is smaller than Great Broughton, but still benefits from a primary school, a village pub and a limited bus service. Based on the Council's Audit of services it is therefore justified as a Secondary Village, which also reflects its position in the adopted Core Strategy.
78. Below Service Villages are the Small Villages. In the 2017 Audit, these settlements were defined as 'Other Villages'. However, this incorrectly infers that it includes every other settlement in Hambleton. That is not the case. For the purposes of the Local Plan, settlements which contain no services or facilities, such as small hamlets, fall within the countryside.
79. In summary therefore, we note that the methodology is open to interpretation, especially where the thresholds for different categories have been set. Changes may also have occurred since the last Audit. However, on the whole the Council's process was appropriate and the settlement hierarchy set out in Policy S3 is justified.

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<sup>20</sup> Examination Documents L011a – L011c

## Distribution of Housing – Policy S3

80. The spatial strategy focusses the majority of new housing development towards Northallerton and Thirsk, then the remaining Market Towns of Bedale, Easingwold and Stokesley and the Service and Secondary villages. Strategic employment uses are directed to the central A1(M)/A19 corridor on sites at Leeming Bar, Sowerby Gateway and Dalton Airfield.
81. Differentiating between Northallerton and Thirsk and the remaining Market Towns of Bedale, Easingwold and Stokesley is justified as it reflects the geography of the area. Northallerton is the largest settlement in Hambleton and the County Town for North Yorkshire. Thirsk has now merged with Sowerby to create a single urban area and benefits from access to the East Coast Mainline. It also has a popular racecourse and provides services for tourists visiting the North York Moors National Park. The remaining Market Towns of Bedale, Easingwold and Stokesley are smaller with fewer services and facilities.
82. As submitted, Policy S3 refers to 'large villages'. This is confusing as the villages in the settlement hierarchy are categorised as either Service Villages, Secondary Villages or Small Villages. For effectiveness, the position is clarified by **MM12**.
83. Northallerton will receive the highest proportion of all new housing growth over the plan period (24.8%), followed by Thirsk (22.5%).<sup>21</sup> Roughly half the total number of new homes provided will therefore be in the two principal Market Towns. The distribution of growth towards Northallerton and Thirsk is therefore consistent with the settlement hierarchy and reflects their size, role and function as the main settlements in Hambleton.
84. As submitted, a further 28% of new housing expected over the plan period will be in the remaining Market Towns; with 9.2% in Bedale, 10.3% in Easingwold and 8.4% in Stokesley. Cumulatively, the Market Towns will therefore account for approximately 75% of all new housing. In this regard, the distribution of housing growth is consistent with paragraph 105 of the Framework, which states that the planning system should actively manage patterns of growth and focus significant development in locations which are or can be made sustainable. It is also generally the case that larger towns will usually be able to absorb proportionately more development than smaller ones without compromising their character or local services.
85. The exact level of growth attributed to each of the Market Towns is not based on a predetermined fixed amount. Nor is it based on the population of each settlement. Instead, the distribution of housing has been influenced by the site selection process, existing commitments and planning

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<sup>21</sup> Examination Document L001a, including commitments and completions during the plan period

judgement on which sites to allocate. As a result, some Market Towns will have more housing growth than others. Nevertheless, Bedale, Easingwold and Stokesley are all still attributed a level of growth which is commensurate with their role and function as Market Towns in a rural district.<sup>22</sup>

86. The remaining balance (around 25%) is directed towards Service Villages and Secondary Villages. No allocations are proposed in the Smaller Villages. Concentrating development in the Market Towns, particularly Northallerton and Thirsk, but also making some provision within the villages is supported by the SA. It also reflects the consultation process and representations which identified the need for planned growth within the villages. In this regard the strategy is consistent with paragraph 79 of the Framework, which seeks to promote sustainable development in rural areas where it will enhance or maintain the vitality of rural communities. In our view, the balance of new growth between the urban and rural areas is reasonable. The strategy is an appropriate one for Hambleton District.
87. Not all Service and Secondary Villages have allocations. A greater number of houses are also proposed through allocations in the Secondary Villages than the, typically larger, Service Villages. There are four main reasons for this.
88. Firstly, as with the Market Towns, the Council has not sought to allocate a predetermined amount of housing to each tier in the settlement hierarchy. Instead, the distribution is influenced by the site selection process, which includes planning judgments on the suitability of sites, the availability of land, supporting infrastructure and committed developments.
89. Secondly, if the Council had sought to allocate housing land in every village, this would have altered the focus of the strategy away from the Market Towns. As identified earlier in this Report, the 'hybrid' strategy is supported by the SA, which found that it would strike an appropriate balance between focussing development towards existing urban areas whilst allowing for some, more limited development in villages to help sustain local services.
90. Thirdly, a fundamental part of the Plan's strategy is to support economic development at Leeming Bar. In order to provide housing close to where new jobs are planned, the Council has allocated two sites for housing in this Secondary Village. In principle, this approach is sound. Although not every potential occupant will work at Leeming Bar, increasing the supply of housing close to the main employment areas will provide greater potential for more sustainable forms of development. In this regard the strategy is justified, positively prepared and consistent with paragraph 106 of the Framework which states that planning policies should support an

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<sup>22</sup> Inspectors' Note: The implications of deleting site GTA1 on the spatial strategy are discussed below

appropriate mix of uses across an area to minimise the number and length of journeys needed.

91. One of the main criticisms of the strategy is that due to the number of commitments, combined with the scale of development focussed on the Market Towns, the amount of planned growth remaining in the villages will be too small to have any meaningful impact on their long-term sustainability. We have carefully considered these concerns, which are in part, due to the number of windfall sites which have gained planning permission since the start of the plan period in 2014. However, in this particular case, the Plan does not just seek to deliver new housing growth through allocations. Instead, Policies S5 and HG5 are intended to provide a flexible, positively prepared strategy which removes settlement boundaries and allows suitable windfall sites to come forward within, and, on the edge of villages. The Plan therefore seeks to adopt a positive approach to windfall development in the rural areas, rather than drawing settlement boundaries and allocating specific sites. For the reasons set out above, we consider that this is a sound and justified strategy. It will provide a positive policy framework which is permissive of new, small-scale housing developments in the rural areas.

## **Conclusion**

92. Subject to the recommended MMs we conclude that the settlement hierarchy and spatial distribution of development is justified, positively prepared and consistent with national planning policy. The submitted Plan is an appropriate strategy for Hambleton.

## **Issue 3 – Whether Policies S5 and HG5 will be effective for decision-making purposes in achieving the proposed housing strategy**

93. The Plan does not define settlement boundaries. Instead, new residential development is permitted on housing allocations and on windfall sites through the application of Policies S5 and HG5.

## **Development within Settlements**

94. Policy HG5 supports new residential development within the 'main built form' of a settlement. As submitted, the main built form is defined by Policy S5 as the buildings of the main part of the settlement and land closely associated with them.
95. In order to assist with the implementation of Policy S5, additional guidance is provided within the supporting text. It includes a series of examples of what the main built form does and does not include. However, by seeking to list every possible outcome there is a risk that the tables in the

supporting text become used as a checklist, when actually the policy requires a more nuanced consideration on a site-by-site basis. For effectiveness, the key considerations and exclusions are therefore inserted into Policy S5 by **MM15** and the tables deleted by **MM16**.

96. As submitted, the Plan is also unclear how a decision-maker would react to a proposal for the redevelopment of vacant or underutilised land within an urban area. Although the supporting text to Policy S5 includes reference to infilling, this is defined as individual plots and minor scale development, which would unduly restrict proposals seeking to reuse land in some of the larger settlements. It is therefore deleted by **MM16**.
97. Subject to these changes, we are satisfied that Policy S5 will provide an adequate policy framework to consider applications for planning permission. Although it will require planning judgement, the policy as modified will include sufficiently clear criteria in order for it to be effective.

### **Development Adjacent to Settlements**

98. Where land falls outside the main built form of a settlement, it is defined by Policy S5 as 'countryside'. This is sufficiently clear to be effective.
99. In the countryside, new housing is only permitted where it is specifically allowed by other policies in the Plan. Amongst others, this includes Policy HG5, which permits new housing on sites adjacent to a Service, Secondary or Small Village provided that certain criteria are met.
100. The reason for supporting residential development adjacent to villages, but not the Market Towns, is due to the Plan's strategy. As identified above, approximately 75% of all new housing from completions, commitments and allocations during the plan period will be delivered in Northallerton, Thirsk, Bedale, Easingwold and Stokesley. Policy HG5 therefore supports residential development around the edges of larger villages to ensure that new housing is delivered in sustainable rural locations. Considering that Hambleton is a predominantly rural district, this approach is reasonable. Moreover, the Market Towns are typically larger settlements with greater opportunities for windfall housing sites to come forward. Only supporting new housing on the edges of villages is therefore appropriate and justified. In the event that the strategy does not deliver new housing as expected, then it will be for the Council to review and update the Plan as required (discussed below).
101. Where new housing is proposed adjacent to the built form of a village, developments must be minor in scale and meet criteria a) to f). We fully appreciate the Council's rationale for the size limit in seeking to protect the rural character of Hambleton's villages. But limited evidence has been provided to justify a standard threshold across all settlements, especially

when considering the significant variation in size and level of amenities between Service Villages and Small Villages. Furthermore, there may be instances where a particular site, or set of circumstances, justify a slightly higher number of dwellings. Where appearance is concerned, other criteria also require an assessment of the impacts on rural character and would preclude harmful or disproportionate additions to villages. **MM49** and **MM50** are therefore necessary to provide additional flexibility in the interests of effectiveness.

102. Criterion a) requires a sequential approach to site selection and seeks to ensure that brownfield land is brought forward for development before greenfield sites on the edges of villages. Although the Framework does not include a sequential test of this type, it does not preclude one either. Paragraph 117 also states that planning policies should promote an effective use of land, and, set out a clear strategy for accommodating needs in a way that makes as much use as possible of brownfield sites. The policy is therefore justified. However, for effectiveness, **MM49** introduces a requirement which allows applicants and decision-makers to consider the suitability, viability and availability of sequentially preferable land. This is not expected to result in extensive viability assessments of alternative sites.
103. As submitted, criterion b) requires applicants to demonstrate that proposals will provide a 'reliable source of supply' and submit evidence of a site's deliverability. Paragraph 5.70 goes further and states that applicants will have to provide evidence of past performance on housing delivery. However, it is unclear what will be expected of applicants and/or how this will be considered by decision-makers. Planning applications may also be submitted by landowners or individuals with no development experience. The requirement is therefore unjustified, ineffective and deleted by **MM49**.
104. Criterion c. is justified and appropriate in order to ensure that the size, type and tenure of housing proposed meets identified needs. The final criteria (d-f) apply to all proposals, whether within or adjacent to settlements. With regard to criterion d), it is unclear how a proposed development would represent 'organic' growth. As explained at the examination hearing sessions, the Council's key concern is to ensure that developments are commensurate to the size, scale and character of the village. This is reflected through **MM49** and **MM50**, which are necessary for clarity and thus effectiveness.
105. Criterion e) is justified in principle and seeks to avoid development causing unacceptable harm to open spaces which contribute positively to the historic character, form and layout of villages. However, in the absence of any specific definition, reference to 'important social and community space' lacks sufficient precision to be effective. **MM49** is therefore required to confirm what is expected of applications for planning permission and ensure that the policy is justified. This change also ensures consistency with **MM63**.

106. As consulted upon, **MM50** amended the supporting text to state that the Council would consider data on housing completions and a proposal may not be supported if there are already a number of permitted schemes in the village. The purpose of the MM was to consider cumulative impacts on local character and services. However, we appreciate that such a clause could be misinterpreted to mean that the Council will refuse schemes simply because others have been granted planning permission nearby, which was not the intention. We have therefore amended **MM50** in the schedule of MMs at **Appendix 1**. It now clarifies that if a proposal is considered to be of such a scale in its own right, or cumulatively, that it would cause harm to character and appearance or overwhelm services then it will not be supported. This more accurately reflects the wording in Policy HG5, which refers to the impacts of proposals both individually, and cumulatively.
107. The removal of settlement boundaries and approach to development adjacent to villages is a new strategy for Hambleton. Whilst the Council states that it has been operating a similar policy for several years, it has been used as guidance and does not form part of the development plan for the area. To ensure that the Plan is effective, **MM50** introduces a commitment to carefully monitor the application of Policy HG5 to ensure that it can adequately meet development needs. In the event that the policy is not providing an effective mechanism, **MM50** commits the Council to taking appropriate action. This may involve an early review and update of the Plan.
108. Finally, **MM49** deletes reference to the Housing Supplementary Planning Document ('SPD'). The change is necessary for effectiveness as the SPD has not yet been produced. Its content and relationship to Policy HG5 is therefore uncertain at this stage. For the same reasons **MM47** also removes the reference from Policy HG3.

## Development in the Countryside

109. Policy S5 states that the Council will seek to protect and enhance the intrinsic beauty, character and distinctiveness of the countryside. For consistency with paragraph 174 of the Framework, **MM15** is necessary to state that new development should recognise the intrinsic character and beauty of the countryside. The protection referred to in paragraph 174 relates only to valued landscapes, sites of biodiversity/geological value and soils.
110. Further changes are also required by **MM15** and **MM17**. Notably, Policy S5(b) does not differentiate between the size of development proposals when considering the loss of agricultural land. This is in conflict with Footnote 58 of the Framework, which refers to situations where significant development of agricultural land is concerned. The change is therefore necessary for consistency with national planning policy.

111. The remainder of **MM15** retains text found within the submission version of Policy S5. Particular concern has been raised with the sentence which states that where the benefits of a scheme justify the loss of agricultural land, the lowest grade of land must be used unless it is outweighed by other sustainability considerations. Objectors to the Plan suggest that it should prevent new development taking place on best and most versatile land where lower quality land is available. However, paragraph 175 of the Framework states that Plans should allocate land with the least environmental or amenity value 'where consistent with other policies in the Framework'. Moreover, Footnote 58 only gives 'preference' to using areas of poorer quality land. It does not prevent the use of best and most versatile agricultural land. The policy is therefore justified in requiring decision-makers to take into account wider sustainability considerations in reaching a balanced judgement on the suitability of a proposal, especially in a rural area such as Hambleton where competing demands will pull in different directions.
112. Policy S5 also relates to replacement buildings in the countryside. Because this may include dwellings, it should be made clear for effectiveness. As submitted, Policy S5 would only permit replacement buildings if they were redundant or disused. This is unduly onerous and there may be other reasons for redeveloping an existing building. The necessary change, which is made by **MM15** for effectiveness, retains the requirement that buildings must be of a permanent and substantial construction, which is justified in the interests of the character and appearance of the area. For the same reasons, the ambiguous reference to a 'modest' increase in floorspace is replaced with limited increases in floorspace where proposals remain proportionate to the buildings that they replace.
113. As consulted upon, **MM15** also proposed the deletion of text relating to the siting of replacement buildings. This is not necessary for soundness and is therefore not recommended in the schedule of MMs at **Appendix 1**.

## Conclusion

114. Subject to the recommended MMs, we conclude that Policies S5 and HG5 will be capable of providing an effective basis for decision-making purposes and in achieving the proposed housing strategy.

## **Issue 4 – Whether the process for selecting residential allocations was robust and whether they are justified, effective and consistent with national planning policy**

## Methodology

115. The general process of site selection is set out in the Site Selection Methodology and Results document<sup>23</sup>. It is also summarised in the Housing Topic Paper<sup>24</sup> and the Council's response to our initial questions<sup>25</sup>.
116. The starting point was a 'call for sites' in 2015. Following this, there were a number of separate stages to the process, but it was a fluid and iterative exercise where each stage was revisited when additional sites were submitted for consideration.
117. The methodology was revised in 2018 to reflect the large number of sites that had been put to the Council and the need for a more finely grained filter. This was mainly in response to the number of potential sites identified at the Preferred Options stage significantly exceeding the housing requirement. This resulted in some sites not being carried forward into the submission version Local Plan.
118. In total, the Council considered over 400 potential housing sites. These were either identified through the call for sites, consultation on Issues and Options, the Strategic Housing Land Availability Assessment ('SHLAA') or a review of existing allocations. Additional sites were also submitted at the Preferred Options stage and were subject to the same assessments.
119. The initial sift imposed a size and capacity threshold and rejected sites with significant physical or policy constraints. The updated 2018 methodology included additional sifting criteria, including consideration of flooding and flood risk, noise, whether sites were well related to an existing settlement or whether they were existing commitments. The volume of sites submitted meant that it was necessary to be stringent in the initial sift and the Council's approach was appropriate.
120. Qualifying sites were then assessed through the SA. This considered the effect of development against a range of SA objectives and criteria. It was never intended that the process would be the determinative factor in allocating sites. Rather, it was used to highlight issues and/or any necessary mitigation. The process resulted in the identification of 'preferred sites' in the Preferred Options document.
121. As noted above, because more sites were identified than were necessary, a more refined selection mechanism was required. This was the final stage in the process and looked primarily at developments of 10 dwellings or more that were well related to strategic employment locations, Market Towns and

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<sup>23</sup> Core Document: SD23

<sup>24</sup> Core Document: SD20

<sup>25</sup> Examination Document: L001a

Service and Secondary villages. The Council also introduced locational criteria at this stage, with priority given to sites that were within 1km of the strategic road network and a town centre or within 400 metres of a primary school. Where sites met at least one of these criteria, they were considered in more detail. The Council then applied findings of the evidence base as a whole. This inevitably included elements of planning judgement relating to the suitability and delivery of a site, as well determining which of multiple sites in any particular area should go forward.

122. This part of the site selection methodology has been criticised for placing too much weight on the availability of a primary school over other facilities. However, it is legitimate for the Council to have sought to narrow down the selection criteria, especially where many of the sites were likely to be quite similar in terms of scale and location on the edge of towns and villages. Moreover, being within walking distance of a primary school is a perfectly reasonable selection criteria in planning for the distribution of new housing. Whilst the Council could have adopted alternative approaches, or prioritised different factors, the criteria selected are consistent with the overall strategy of focussing development towards locations which are, or can be made, sustainable.
123. At Huby, allocated site HUB1 is over 400m away from the primary school. However, Huby is a long, linear village with the primary school situated at one end. As a result, even though site HUB1 is located reasonably centrally within the village, it is over 400m away from the school. The priority given to sites within 400m of a primary school was therefore considered in the context of the existing form and layout of the village, with the school at one end. Moreover, Huby is a Service Village which contains a range of services and facilities. Development here is therefore in a sustainable location consistent with the overall strategy. The site is also developable and reasonable alternatives have been considered as part of the allocation and SA process. In conclusion therefore, as the site is only a short distance above the threshold, and given the particular characteristics of the village, it is not considered that this undermines the robustness of the site selection process.
124. It is also important to recognise that owing to the number and nature of the sites put to the Council, judgements between sites will have been very finely balanced. This is particularly the case where there were multiple opportunities in or around individual villages. Apart from Leeming Bar, where a strategic decision was taken to deliver a higher number of dwellings to support employment growth, the Council decided to limit development in Service and Secondary villages to one site allocation only. The justification for this was to ensure that housing was more evenly spread across the district. Again, this is a reasonable approach in the context of overall housing requirement and number of options available.

125. In conclusion therefore, whilst the process could have been more clearly expressed in the evidence base, including the rationale behind it, we are satisfied that the Council's methodology and the broad judgments used to allocate sites were appropriate and justified.

### **Allocated Sites – General**

126. Each allocation in the Plan is accompanied by a set of 'development requirements'. As submitted, these requirements were not intended to act as formal policy. But without policy status, there would be no guarantee that necessary requirements would be met. This is particularly important for sites where the Council is seeking specific mitigation measures, layout principles or infrastructure requirements. The Plan is therefore not effective, and MMs are necessary to alter the status of the requirements to make them development plan policy.

127. In some instances, there has been no need to alter any of the requirements as part of the examination process. They are, however, repeated in the MM schedule to reflect their change in status. In other cases, changes are needed to the heading box to contain more information about what the site is allocated for. This applies to all allocations in the Plan, including those for employment, sports uses or open spaces.

128. As submitted, the Plan allocates a fixed number of dwellings for each site. This would unduly restrict a developer's ability to provide slightly more or less housing, even if it could be delivered in an acceptable way. To provide greater flexibility, and for effectiveness, the capacity of each site should therefore be referred to as an approximate value.

129. Where sites are bounded by mature hedgerows, modifications are also required to state that they should be retained, unless required for the formation of new access points. The changes, which apply to several sites, are necessary in the interests of character and appearance and to ensure that the Plan is justified and effective. Similarly, several allocations (including those for employment uses) specify that 'early consultation' is required with statutory undertakers. However, any necessary consultation would be required as part of the planning application process. To avoid any abortive or duplicate work, and in the interests of effectiveness, the allocations are therefore modified to encourage early engagement, the scope of which is likely to vary depending on the size, type and location of development proposed.

130. The necessary changes referred to above are made by **MM44, MM83, MM84, MM85, MM86, MM87, MM89, MM90, MM91, MM92, MM93, MM94, MM95, MM96, MM97, MM99, MM100, MM101, MM102, MM103, MM104, MM105, MM106, MM107, MM108, MM109, MM110** and **MM111**.

131. The housing allocations in the Plan are predominantly greenfield sites on the edges of existing settlements. As a result, there will be an inevitable degree of encroachment into the countryside and an urbanisation of existing open and undeveloped land. However, given the rural nature of Hambleton and its settlements, and taking into account the availability of land, this is unavoidable in seeking to meet housing needs. Such allocations are therefore not unsound on this basis and there is no presumption against the development of greenfield land in the Framework. Furthermore, where necessary, the Plan contains measures which seek to minimise the impact of development on local character, such as controls over layout and landscaping.
132. We have already concluded that the spatial distribution of development is justified and supported by the SA. Whilst recognising that potential future occupants will have to travel to higher order settlements for some services, this does not mean that supporting some proportionate growth in the rural areas is unsound. Paragraph 79 of the Framework recognises that development in one village might help support the vitality and viability of other nearby villages. Some travel between settlements is therefore expected and paragraph 105 of the Framework recognises that sustainable transport options will vary between urban and rural areas.
133. Where new facilities are necessary, the Plan contains policies to ensure that appropriate supporting infrastructure is provided and/or upgraded as part of new developments. These issues have been identified as part of the site selection process and are fully acknowledged in the development requirements for each relevant site. No allocation has been ruled out on the basis of individual or cumulative impacts on the safe and efficient operation of the highway network. Where there are local issues, the Plan provides appropriate mitigation measures. The overall cumulative impact of growth on the highway network has been robustly assessed and, again, any matters arising are addressed in the relevant allocations.
134. Other than in relation to Site GTA1, and subject to recommended MMs, we are satisfied that there are no physical, environmental or viability constraints that would restrict the ability to develop the allocated sites over the plan period.

### **Northallerton and Thirsk – Sites NOR1, TIS1 and TIS2**

135. Site NOR1 (Winton Road, Northallerton) is a large strategic allocation located on the edge of Northallerton. As submitted, it is allocated for 840 homes, land for a primary school and open space.
136. The scale of development proposed in the plan is an error and is not justified. **MM44** and **MM83** are therefore required to correct the mistake and include a more realistic expectation of delivery. As for the primary

school land, NYCC have updated their forecasts of need for additional spaces and concluded that a two-form entry school is no longer necessary. Requiring land for a one-form entry school is, however, currently necessary having regard to the scale of development proposed and the likely future needs of the area. The requisite changes are made by **MM44** and **MM83**.

137. As submitted, the development requirements state that proposals may include neighbourhood facilities. There is no clear evidence to demonstrate that a neighbourhood centre is a necessity in this location. However, the support for such proposals is justified in the interests of providing a sustainable mix of uses and minimising the need to travel for everyday goods and services. In the interests of effectiveness, Policy NOR1 is therefore modified by **MM83** to specify that a new neighbourhood centre will be supported, but is not a requirement.

138. To ensure that retail uses are small in scale and aimed at providing typical day-to-day provision, the 200 square metre threshold is appropriate and justified. However, for effectiveness, and in the interests of protecting existing centres, the **MM83** also makes it clear that proposals should be of a scale that would not undermine the vitality and viability of other centres, that a retail impact assessment may be required and that access and connectivity should be considered in the final design. Deleting the requirement in favour of a maximum threshold would undermine the purpose of the policy which is to promote smaller, everyday shops and services which are typically accessed by local people on foot. It is not needed for soundness reasons.

139. The main access points to the site will be from Stokesley Road and Bullamoor Road. An internal through route is required which seeks to provide a north Northallerton link road and redistribute traffic away from junctions at the northern end of the town, particularly around Friarage Street. The development requirement is therefore justified, and we find no persuasive evidence to suggest that a larger site area is needed to deliver it. No changes to the site area are therefore required for soundness.

140. Further information regarding the highways impact of the development is provided in Examination Document L012. It concludes that NYCC has an ambition to deliver a wider, holistic approach to mitigating the impacts of Local Plan growth in Northallerton. The intention would be for further, detailed modelling to be carried out at the planning application stage through a Transport Assessment. The scope would need to be agreed with NYCC first and would determine the full extent of mitigation required. Whilst this modelling has yet to be carried out, the Council and NYCC both agree that the level of likely highway works could be achieved without affecting the deliverability of the allocation. Based on the information provided, we find no reasons to disagree, or to suggest that residual cumulative impacts will be severe. For effectiveness, **MM83** therefore

clarifies what is required of applications for planning permission and states that both on and off-site improvements must be addressed.

141. As consulted on, only one of the bullet points referring to the need for highways modelling to be carried out at the planning application stage was modified by **MM83**. In error, the final bullet point still refers to traffic modelling done by NYCC. To ensure consistency and avoid internal conflict, we have therefore amended the final bullet point in the schedule of MMs at **Appendix 1**.
142. As submitted, the Plan listed a series of junctions where improvements were likely to be required. Because this will be determined by the modelling work and Transport Assessment, **MM83** makes the relevant distinction for effectiveness. For the same reasons, it also clarifies precisely which junctions require consideration.
143. Finally, the development requirements, including the need for a design code, will ensure a form of development can be delivered which would not have an unacceptable impact on local and landscape character, biodiversity, drainage, open space, recreation and highways. We are therefore satisfied that any constraints associated with the site, including areas of flood risk, can be adequately addressed through appropriate site layout.
144. Site TIS1 (Station Road, Thirsk) is allocated for around 110 dwellings. The allocation is consistent with the strategy of delivering growth in the main towns. Any proposals that come forward will need to pay attention to the proximity of industrial uses to the west of the site, but otherwise there are no constraints that make development inappropriate in principle or undeliverable. The potential for contamination is noted, but this can be appropriately mitigated as part of the final design, as required by Policy TIS1. For effectiveness, **MM89** is necessary to highlight the presence of the pumping station in the northwest of the site.
145. Site TIS2 (Back Lane, Sowerby) is allocated for 50 dwellings. Sowerby has a physical, functional and visual relationship with Thirsk and several of the shops, services and facilities are accessible by sustainable modes of transport. It is thus a suitable and sustainable location for growth.
146. During consultation on the MMs, full planning permission was granted for 64 dwellings on the site (and adjoining land). The principle of development, its impact on the street scene, heritage assets and the Sowerby Conservation Area, mature trees and hedgerows and highway safety have therefore all been assessed and found to be acceptable. Based on the evidence provided, we find no reasons to disagree, and the allocation is justified.

147. That being the case, in the event that alternative or revised schemes are progressed, it is necessary to have a robust and effective policy framework to consider proposals for new development against. **MM90** is therefore required to make it clear that pedestrian access must be provided to the neighbouring public right of way, that biodiversity and landscape features are to be retained where possible and that the final design should include properties fronting onto the street. These changes are needed in order to promote pedestrian connectivity and in the interests of the character and appearance of the area.
148. The medieval strip fields are referred to in the Heritage Background Paper<sup>26</sup>. As submitted, the development requirements refer to their existence, but provides no specific guidance on how decision makers should consider them. **MM90** therefore includes the evidence of strip fields as a feature that is to be retained, along with hedgerows and mature trees. This will ensure clarity and effectiveness regarding this heritage and landscape asset.

### **Bedale, Easingwold and Stokesley – Sites AIB1, AIB2, EAS1 and STK1**

149. Planning permission has been granted for 85 dwellings on Site AIB1 (Northeast of Ashgrove, Aiskew). The principle of residential development has therefore already been established and the allocation is justified. We are also satisfied the site area is justified and there is no need for any changes to address soundness issues. For effectiveness, **MM96** clarifies that the site has archaeological potential and specifies what is expected of applications for planning permission should revised schemes come forward.
150. Site AIB2 (South of Lyngarth Farm, Bedale) is allocated for approximately 60 dwellings. The location of development is consistent with the spatial strategy and the site is well related to existing housing, including a recently built development to the north. The scale of housing proposed is also appropriate given the nature of the site and the density of neighbouring development. In the event that proposals for a significantly greater number of dwellings are proposed, they would be considered on their merits taking into account relevant planning policies at such a time.
151. Site EAS1 (Northeast of Easingwold Community School, Easingwold) is allocated for 125 homes and land for school playing fields. This is a sustainable location well related to existing facilities. The allocation is consistent with the spatial strategy and is therefore justified in principle. Based on the evidence provided, there are no constraints to development that cannot be adequately addressed or mitigated, including in relation to access, pedestrian safety and the effect on the local highway network. **MM105** is, however, necessary to make it clear that any new footway

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<sup>26</sup> Core Document SD24

should extend along the entire site frontage. This will remove any ambiguity and is needed for effectiveness and to promote connectivity.

152. Although the proposed development will encroach into the surrounding countryside, there will be no harmful impact on important or valued landscape features, with new housing viewed in the same context as similar development on the edge of Easingwold. To mitigate the visual impact of the proposal, and to soften its appearance, features such as new landscaping should be provided along the northern site boundary. This is achieved by **MM105**. Subject to this requirement, and a carefully considered layout and design, we are satisfied that development would not cause any significant harm to the character and appearance of the area.
153. Likewise, to the south are heritage assets close to the site boundary. Nevertheless, the expectation is that a wide landscape buffer would be provided. With care, we are satisfied that the site could be developed in a way that would preserve the setting of the Grade II\* listed St John the Baptist and All Saints Church and the character of the Easingwold Conservation Area. For effectiveness, the indicative extent of the heritage buffer should be illustrated in the Plan by **MM105**.
154. The Council confirms that the current school playing fields are inadequate to meet existing needs and without expansion, could limit the potential of the school to expand. As such, requiring the provision of new playing fields is necessary and justified. To ensure that the playing fields are associated with the adjacent school, and for effectiveness, their indicative location should also be shown in the Plan by **MM105**.
155. Further detailed MMs are necessary to Policy EAS1 to ensure that the Plan is justified and effective. They include in relation to access, biodiversity, heritage protection and highway improvements and are achieved by **MM105**. The same modification also includes details on how the land for the school playing fields will be delivered, which is necessary for effectiveness. Subject to the revised development requirements, the Plan will provide an appropriate policy framework for delivering the site.
156. Site STK1 (North of the Stripe, Stokesley) is allocated for around 205 dwellings and open space. Of this total, 100 dwellings are subject to a resolution to approve planning permission.
157. The development would wrap around, and act as a natural extension to the relatively modern housing to the south and east of the site. It would also provide a connection with new development currently under construction to the southwest along Apple Tree Road. The allocation is consistent with the spatial strategy and proportionate to the size, role and function of the town.

158. As submitted, the Plan states that access is intended to be taken from Westlands, with a secondary/emergency access from Hebron Road/The Stripe. However, reference to Westlands is misleading because access to the site would be taken from Apple Tree Road, which connects to Westlands further south. A secondary access from The Stripe would also be convoluted and not acceptable for a development of this scale, a point accepted by the Council at the examination hearing sessions. The necessary changes are made by **MM109**, thus ensuring that the Plan is justified and effective. Further to this, **MM109** provides additional clarity about the expectations for new pedestrian and cycle routes through the site. At the hearings, the Council also confirmed that contributions towards the Stokesley/Great Ayton Cycleway are not justified because the allocation is not well related to the cycleway and would not meet the tests for planning obligations. **MM109** therefore removes this requirement.
159. The allocation is required to provide more open space than would otherwise be needed for a development of this scale under Policy CI3. This is because Policy STK1 includes an area of land identified for open space in connection with the neighbouring development at Evergreen Avenue. The requirement is therefore justified on the basis that it forms part of a coherent strategy for the delivery of open space across the two sites. For effectiveness, and to provide additional flexibility, **MM109** removes the specific requirement for the developer to provide the open space alongside the developers of the White House Farm scheme, which is already under construction. For the same reasons, and in the interests of the landscape character of the area, **MM109** specifies that proposals should provide a substantial hedgerow with trees along the open north and western site boundaries.
160. There are a number of constraints associated with the site, including part of it being within Flood Zone 2, the presence of a public sewer and pumping station and the proximity of a poultry farm. However, we are satisfied that development can take place without encroaching into the Flood Zone and other constraints can be adequately mitigated through the design and layout. Issues relating to biodiversity and landscaping can also be addressed as part of the masterplanning process.

### **Service and Secondary Villages – Sites GTA1, BRO1, CAM1, CRK1, HUB1, STI1, WST1, BUR1, LEB1, LEB2 and SOT1**

161. Site GTA1 (Skottowe Crescent, Great Ayton) is allocated for 30 dwellings. It comprises agricultural land to the northwest of the village. To the south and southwest of the site are several designated heritage assets including the Grade I listed Church of All Saints, the Grade II\* listed Ayton Hall, the Grade II listed farm buildings north of Ayton Hall, the Grade II listed Christ Church and the Great Ayton Conservation Area.

162. A heritage appraisal was carried out on behalf of the Council in Examination Document SD24.<sup>27</sup> It states that the conservation area boundary delineates the oldest part of Great Ayton, which is a typical rural North Yorkshire linear village. It also states that the landscape surrounding Great Ayton reflects the history of milling, mining and farming, with historic strip fields still present along the southeast and northwest boundaries of the village.
163. Site GTA1 forms part of the historic strip fields on the edge of the village. Despite being altered over time, the historic land use pattern is still evident, and, along with the site's current use and rural appearance, contributes positively to the landscape character and setting of the village. The agricultural landscape around this part of Great Ayton also has a visual relationship with the historic core of the village and forms part of the setting of the Grade I listed Church of All Saints, the Grade II\* listed Ayton Hall and Grade II listed farm buildings. The rural landscape in this part of the village is important to the historic context of the area and to the significance of designated heritage assets.
164. The development of approximately 30 houses would erode part of this important rural landscape and introduce residential development into the setting of the Grade I listed Church, the Grade II\* listed Hall and associated buildings and the Great Ayton Conservation Area. It would be clearly visible from the public footpath which passes through the churchyard and continues north along the site boundary. In our opinion, the encroachment of built development, the subsequent loss of openness and inevitable urbanisation of the site would be harmful to the landscape character of the area and to the setting of the neighbouring listed buildings and the Conservation Area. Although the harm caused to the significance of the designated heritage assets would be less than substantial, it would nonetheless still be material. Similar concerns have been expressed in representations made by Historic England.
165. In reaching our conclusions on the soundness of site GTA1, we have carefully considered the evidence presented in support of the allocation, including the proposed smaller site area with a new, more clearly defined strip field pattern, additional landscaping and a buffer to the heritage assets. We also note that the Heritage Background Paper concluded that any negative effect upon the setting of the conservation area and listed buildings could be mitigated by the design. Amongst other things, this included limiting the scale of development to 30 dwellings to allow glimpses of the countryside beyond, reinstating historic strip field patterns, introducing hedgerow and tree planting and using sympathetic materials.
166. However, even based on the revised site boundary, the submitted information illustrates a new residential development on a site of over 2 hectares, extending north from Church Drive to Skottowe Crescent. In this

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<sup>27</sup> Heritage Background Paper, Addendum January 2020

location, the siting of approximately 30 dwellings and associated domestic appearance of the development would harmfully change the rural landscape and historic context of an important part of the village. Additional planting would take time to establish, and we are not convinced that it would be sufficient to mitigate the visual impact of residential development in this location, which would still be visible from parts of the conservation area, the churchyard, neighbouring listed buildings and the public footpath network.

167. Paragraph 202 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. We have therefore taken into account the socio-economic benefits of the allocation, having particular regard to the market and affordable housing needs for the area as demonstrated by representations. The precise nature of the public benefits would not be known until the planning application stage once the specific details of the scheme have been finalised, but in principle, it is accepted that the allocation would deliver much needed market and affordable homes.

168. Nevertheless, paragraph 199 of the Framework is clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset, the greater the weight). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In this particular case, the development of site GTA1 would cause material harm to the rural landscape setting of the village and thus to the significance of Grade I and Grade II\* listed buildings – assets of the highest significance. Based on the evidence provided, we are not persuaded that this harm, combined with the harm identified to other assets identified above, would be capable of being outweighed by the public benefits of 30 houses, even if 50% were affordable. In our view, the weight attributed to the public benefits, even in the context of local needs, would not be sufficient to justify the allocation.

169. In summary therefore, the allocation is not justified and should be deleted from the Plan by **MM21, MM44, MM112 and MM113**.

170. The consequence of the site's deletion is that there would be no allocations, and thus, no planned housing growth in Great Ayton. But the spatial strategy, as set out in Policy S3, is clear that the majority of housing development will be located at Northallerton and Thirsk, as well as the other Market Towns of Bedale, Stokesley and Easingwold where there is good access to employment, public transport, education, shopping and leisure facilities and where housing will contribute to their vibrancy. Limited development is directed to the Service Villages and Secondary Villages to help maintain the sustainability of rural communities. The removal of a site for 30 houses is not sufficient to undermine the effectiveness of the strategy

or the Plan as a whole. Furthermore, subject to meeting certain criteria, Policies S5 and HG5 permit new residential development within or on the edges of Service Villages such as Great Ayton, Great Broughton and Hutton Rudby. These policies are a fundamental part of the Plan's strategy to allow housing growth in the rural areas, and in doing so, help address affordability issues. Adoption of the Plan will therefore create opportunities to deliver new housing in Service Villages such as Great Ayton.

171. Land at Danes Crest, Brompton (site BRO1) is almost entirely built-out. As there is no further land available for development, the committed scheme serves no purpose as an allocation and is no longer justified. As such, it is deleted by **MM21**, **MM44** and **MM88**.
172. Site CAM1 (Ripon Way, Carlton Miniott) is allocated for around 55 dwellings. The site is well related to the existing urban area and is within walking distance of the services and facilities along the A61. It is also within walking and cycling distance of Thirsk railway station. Growth in this location is therefore consistent with the spatial strategy. The Plan makes reference to the need for proposals to have regard to cumulative impact on highways with site TIS1. However, there is no evidence to suggest that this would be a constraint to development or that any necessary mitigation could not be secured through the planning application process.
173. Although the site has some recreational value in terms of the footpaths which cross it, it does not include any features which make a particularly positive contribution to the character and appearance of the area. Bounded by a caravan park to the west, an industrial site to the north and existing housing to the south, we are satisfied that the allocation can be developed in a way that protects wider landscape character and the living conditions of neighbouring residents. Likewise, although there is potential for noise from neighbouring uses, no firm evidence has been presented to suggest that a satisfactory layout could not be achieved. The allocation is therefore justified, subject to **MM93** which states that biodiversity and landscape features should be retained where possible and that a design statement should be provided to show how the final design will integrate with the surrounding area. The changes are necessary for effectiveness.
174. Site CRK1 (North of Crakehall Water Mill, Little Crakehall) is allocated for 18 dwellings. Situated on the edge of the village, the allocation is consistent with the overall spatial strategy and there are no constraints that would preclude its development. However, the requirement for development to provide a connection to the existing public right of way should be deleted as this is not currently deliverable. Whilst the link may be desirable, it is not necessary to make development acceptable. In addition, the supporting text refers to the retention of a protected tree which has already been felled and thus not justified. Both requirements are deleted by **MM99**.

175. The Crakehall Corn Mill is a Grade II listed building located to the south of the site. Provided that a landscape buffer is provided along the existing boundary, we are satisfied that the degree of separation will be sufficient to preserve the setting of the building. This is also achieved by **MM99**.
176. Site HUB1 (South of Stillington Road, Huby) is allocated for 28 houses. For the reasons given above, allocation of the site is justified. Moreover, there are no constraints identified which suggest that the relatively modest site could not be developed in an appropriate manner. This includes the presence of protected trees on Stillington Road and the setting of the Grade II listed Huby Old Hall, which is situated beyond the site to the southwest accessed from Gracious Street. However, for effectiveness and clarity to users of the Plan, **MM107** is necessary to include a specific reference to the protected trees on Stillington Road and any archaeological significance associated with Huby Old Hall which should be taken into account in the final layout and design. The MM is also necessary to ensure internal consistency regarding the treatment of boundary features.
177. As submitted, the Plan required a flood risk assessment for site HUB1, but there are no site-specific reasons to justify this requirement and it is deleted by **MM107**. Finally, in the interests of achieving high quality design and ensuring a good standard of amenity for existing occupants, a design statement is needed to address the relationship with properties on Gracious Street and state that the height, massing and density of the scheme should avoid any overbearing impacts (**MM107**).
178. Site STI1 (North of Stillington Social Club, Stillington) is allocated for 35 dwellings. The site is within a Service Village with access to a small range of services and facilities, including a primary school. The location and scale of growth is therefore consistent with the spatial strategy. Comprising open fields between recently built housing and the Stillington Social Club, development of the site would also be a natural extension of the main built-up area without significant or harmful encroachment into the countryside. The allocation is therefore justified. However, **MM108** is necessary for precision and effectiveness by referring to properties to the north of the site and requiring a consideration of density.
179. West Tanfield is a Service Village containing some services and facilities. Site WST1 (Bridge View, Back Lane, West Tanfield) is allocated for around 11 dwellings. The modest growth proposed is therefore commensurate with the size of the village and is consistent with the spatial strategy. Moreover, the allocation would not extend beyond the development under construction to the north and would represent a logical 'rounding-off' of the village. Back Lane will need to be widened, but the land required is in control of the landowner and this would not prejudice delivery. **MM100** is necessary for effectiveness to make it clear that this is a requirement of development.

180. The site forms part of the setting of the West Tanfield Conservation Area and the Grade II listed Old Wesleyan Chapel. However, it is separated from the Conservation Area by Back Lane. As such, we are satisfied that a sensitively designed scheme would not cause any harm. Examination Document SD24 assessed the impact on the Chapel and concluded that because it is already surrounded by intervening modern development, including a site under construction to the north, the allocation would not affect the significance or alter the appreciation of its significance. Based on the information provided, we agree. Whilst these assets would still require careful consideration in the design and layout of the site, there is no reason in principle why development should be precluded.
181. Site BUR1 (St Lamberts Drive, Burneston) is an open field allocated for around 25 dwellings. Burneston is a Secondary Village with a primary school and links to Bedale. The site therefore benefits from reasonable access to facilities and the scale of development proposed is both justified and consistent with the spatial strategy.
182. The allocation would extend the built form of Burneston into the countryside to the northeast. However, it would be contained by the existing field boundaries which are clearly defined. It would also not project any further to the east than existing housing on Church Wind. We are therefore satisfied that the allocation can be delivered without causing any significant harm to the character and appearance of the area. The same conclusions apply in respect of the Burneston Conservation Area and the Grade II listed Burneston Hall, which is located to the south within a mature landscaped plot. That being the case, **MM101** makes it clear that any potential impacts should be considered through a heritage statement. The MM is necessary for effectiveness, as is the requirement to delete the ambiguous reference to green corridors.
183. The principle of allocating sites for new residential development, and the scale of development proposed in Leeming Bar, has already been justified above. Site LEB1 (Harkness Drive) is allocated for around 85 homes. We recognise that the allocation will result in the urbanisation of the site, which is currently open grassland and verdant in appearance. However, the site does not hold any wider landscape value, is bounded on two sides by existing housing and is relatively well contained by landscaping. Likewise, there is nothing to suggest that the site contains protected species which could not be either avoided or impacts mitigated against during the design, layout and construction stages.
184. The site is partially within the 70dB Noise Insulation Area for RAF Leeming. But this has not precluded development elsewhere in the village and any issues relating to noise and the design and orientation of dwellings will be adequately controlled through Policy E2. Other potential constraints, including potential flood risk on part of the site, archaeological remains and the presence of a sewage pumping station adjacent to the site can also be

addressed through appropriate layout and design. The allocation is therefore justified and, subject to **MM102**, which recognises that the site has mature trees and boundary hedgerows, will be effective.

185. Site LEB2 (Foundry Way, Leeming Bar) is allocated for 80 dwellings. Planning permission has now been granted for part of the site and thus, the principle of development and its impact on the character and appearance of the area has been partially established. The capacity refers to 65 dwellings (80 gross). This was to reflect the planning history of the site but is potentially misleading. **MM103** solves this by setting out the full capacity of the site.
186. For effectiveness, it is necessary to clarify that the eastern boundary abuts the RAF Leeming Bar Noise Restriction Area (75dB) and that the remainder of the site lies within the Noise Insulation Area (70dB), thus requiring mitigation as necessary (**MM103**). We are satisfied that the site boundary is justified in relation to the extent of the Noise Restriction and Insulation areas, and thus no modifications are necessary to address soundness matters.
187. Site SOT1 (Beechfield, South Otterington) is allocated for 40 dwellings. South Otterington is classified as a Secondary Village and contains a primary school, pub and benefits from some public transport provision. The scale of growth is therefore consistent with the spatial strategy and commensurate with the size and scale of the village. The allocation is also bounded on three sides by existing residential development, and as a result, would be physically and visually contained within the footprint of the village.
188. In considering the allocation we note the presence of ridge and furrow field patterns. However, there is no strong evidence to suggest that this is of such importance, either locally or across Hambleton, to justify deleting the allocation. The Council have had regard to this feature in selecting the site and the policy recognises its existence and the need to provide a suitable design. Similarly, the Plan recognises the presence of other constraints, including issues relating to flooding and archaeological remains. These matters can be considered through the planning application process.
189. As submitted, Policy SOT1 requires vehicle, cycle and pedestrian access to be taken from Mayfield Road and/or Beechfield Road. But this would require the main point of access to be taken through existing residential streets when a more direct access to the site could be achieved from Stainthorpe road (A167). For effectiveness, and in the interests of the more efficient and effective operation of the highway network, **MM95** makes the necessary changes. For the same reasons, and in the interests of good design, it also requires the provision of a design statement to show how the development will integrate with the surrounding area.

## Conclusion

190. We therefore conclude that the process of identifying the allocations was robust, and subject to the recommended MMs, they are justified, effective and consistent with national planning policy.

### **Issue 5 – Whether there is a reasonable prospect of a five-year supply of deliverable housing sites on adoption, and whether the policies and allocations in the Plan will be effective in ensuring that the housing requirement will be met**

#### **Five Year Supply on Adoption**

191. Paragraph 74 of the Framework states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirement. The supply of specific deliverable sites should include a buffer of 5% to ensure choice and competition in the market for land, or 20% where there has been significant under delivery over the previous three years.

192. Completions in Hambleton have exceeded the minimum housing requirement over the past three years. A 5% buffer therefore applies at present. Taking this into account, the five-year housing land requirement is **1,654** dwellings ( $315 \times 5 + 5\%$ ).

193. Following the examination hearing sessions, the Council produced an updated Housing Land Supply schedule.<sup>28</sup> In summary, the schedule demonstrates that there will be sites sufficient to provide in the region of **3,375** dwellings in the first five years from adoption of the Plan. The figure has been further updated to take into account actual completions for the year ending March 2021<sup>29</sup>. It identifies a supply of **3,259** dwellings.

194. Annex 2 of the Framework states that sites with detailed planning permission should be considered deliverable until that permission expires unless there is clear evidence that the homes will not be delivered within five years. Where a site has outline planning permission for major development, or comprises an allocation within a Local Plan, it should only be considered deliverable where there is clear evidence that housing completions will begin within five years.

195. The updated Housing Land Supply schedule identifies around 1,250 dwellings coming forward within the first five years from sites with full

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<sup>28</sup> Examination Document L019

<sup>29</sup> Inspectors' Note – As set out in MM06

planning permission, or, where development has already started. It represents almost 75% of the five-year housing land requirement.

196. Where allocated sites are concerned, the Council has critically assessed each one individually; contacting site promoters and agents to ascertain likely timescales for their development. Further adjustments have been made in Examination Document L019 to reflect the most up-to-date positions wherever possible and to take account of our comments at the hearing session. This approach is robust and ensures that expected rates of delivery have been adequately tested. There is clear evidence supporting the examination that housing completions will begin on allocated sites within five years.
197. In some cases, the Council has used standard lead-in times and build-out rates. For sites with full planning permission, and where there is developer activity such as discharging conditions or appointing a Building Inspector, it is anticipated that development will commence the year after permission is granted. An additional year is added for sites with only outline approval. Thereafter it is expected that for large sites over 50 dwellings, up to 10 units will be delivered in the first year with 30 units per annum from year 2. On the whole, the Council's assumptions are reasonable and realistic when taking into account past performance in Hambleton.
198. In summary therefore, the number of dwellings expected to come forward in the first five years from adoption of the Plan (3,259) comfortably exceeds the five-year housing land requirement (1,654). It is possible that some sites may stall or take longer to start delivering new housing, especially when taking into account uncertainties surrounding the longer-term impacts of Brexit and Covid-19. However, sufficient flexibility exists to ensure that the deliverable supply would still exceed the five-year housing requirement. We are satisfied that there will be an up-to-date supply of specific, deliverable sites sufficient to provide five-years' worth of housing land against the requirement in Policy S2 upon adoption.

### **Will the housing requirement be met?**

199. The Council's Matter 5 Hearing Statement identifies a total supply of **7,587** dwellings which are expected to be delivered over the plan period. Using up-to-date monitoring data for the year ending March 2021 results in a slightly higher figure of **7,716** dwellings. The total supply therefore also exceeds the housing requirement (as modified) of **6,930**. The surplus, or buffer over and above the housing requirement is reasonable and justified. It provides additional flexibility to account for changing circumstances.
200. For effectiveness, the anticipated supply of housing should be identified in the Plan by **MM06**. A housing trajectory is also required by **MM114** and **MM06**. Both modifications ensure consistency with paragraph 74 of the

Framework, which requires strategic policies to include a trajectory illustrating the expected rate of housing delivery over the plan period. **MM10**, **MM21** and **MM41** are necessary to update other supporting text and expected delivery for consistency and effectiveness.

201. In accordance with paragraph 68 of the Framework, the Plan identifies a supply of specific, deliverable sites for years 1-5 of the plan period and developable sites for years 6-10. Beyond 2026/27, the supply of housing is anticipated to fall below the housing requirement. This is partly due to the fact that housing delivery has been so strong in the early years of the plan period, a trend which is expected to continue in the years immediately post-adoption. We have therefore carefully considered whether the Council has identified sufficient housing for the latter years of the plan period.
202. There are three main reasons why, in this particular case, the Plan is justified. Firstly, for the reasons set out above, the Council is seeking to adopt a minimum housing requirement which is above the housing need for the area as calculated using the standard method. Whilst this is entirely appropriate, it is based on an economic strategy and assumptions about future job growth which pre-date the Covid-19 pandemic. It will therefore be for the Council to monitor economic and housing growth following adoption of the Plan and take into account any changing circumstances going forward.
203. Secondly, Policies S5 and HG5 introduce a new strategy aimed at providing a more flexible and responsive approach to housing development in the rural areas. Again, whilst appropriate and justified, it is nonetheless a new strategy for Hambleton and has not previously formed part of the adopted development plan for the area. It will therefore be another factor for the Council to monitor in the years immediately after adoption.
204. Thirdly, as modified, the Plan will include a mechanism within Policy S2 whereby in the event that housing delivery falls below 95% of the annual requirement for three consecutive years, specific remedial actions will be required. Amongst other things, this includes undertaking a review of the Plan. This modification (**MM06**), is necessary for effectiveness and to ensure that the Plan is positively prepared. Consequential changes are made to the supporting text by **MM11**. For these reasons, additional land allocations are not required at this moment in time.

## Conclusion

205. We therefore conclude that there is a reasonable prospect of a five-year supply of deliverable housing sites on adoption and that the policies and allocations in the Plan will be effective in ensuring that the housing requirement will be met.

## **Issue 6 – Whether the policies relating to the type and mix of housing are justified, effective and consistent with national planning policy**

### **Delivering the Right Types of Homes – Policy HG2**

206. Policy HG2 states that new housing will be supported where a range of house types and sizes are provided that reflect and respond to needs identified in the SHMA or successor documents (such as the HEDNA), and where consideration is given to the ability of the site to accommodate the agreed mix. It will ensure that the right types of homes are provided.
207. Criterion c) supports specialist accommodation for older, vulnerable and disabled residents in the Market Towns and Service Villages. This implies that such uses would not be acceptable elsewhere. Subject to meeting all other requirements, there is no justification for such a restriction. It also conflicts with Policy HG5 which is supportive of housing in all tiers of the settlement hierarchy. Similarly, as implied by criterion d), there is no clear justification for shared accommodation for single people being limited to the Market Towns. To ensure that the Plan is justified and effective, both requirements are deleted by **MM45**. In the event that specialist accommodation of a significant size and scale was proposed in a smaller village, the Plan contains adequate policies to consider matters such as character and appearance, accessibility and highway safety.
208. Footnote 49 of the Framework states that policies may make use of the Nationally Described Space Standard ('NDSS') where the need for an internal space standard can be justified. Although not exhaustive, the PPG<sup>30</sup> provides an overview of the type of evidence that might be used to demonstrate the justification for use of the NDSS. This includes evidence on the size and type of dwellings currently being built in the area.
209. Evidence provided in Examination Document L024 includes an assessment of major housing schemes completed in Hambleton. In summary, it shows that whilst 100% of homes have recently met the NDSS, in 2017-18 only 65% of new homes met the standards. The policy requirement is therefore justified in seeking to ensure that developments create places which promote health and well-being, with a high standard of amenity for existing and future users in accordance with paragraph 130 of the Framework.
210. Footnote 49 of the Framework also states that planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need. In response, Policy HG2 requires all new homes to meet Building Regulations M4(2) standards (accessible and adaptable dwellings), with 'a

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<sup>30</sup> Paragraph 020 Reference ID: 56-020-20150327

proportion' of homes on large-scale developments also meeting M4(3) standards (wheelchair adaptable dwellings).

211. Examination Document L025 seeks to provide the necessary justification for all new homes to meet Building Regulation M4(2) standards. This includes reference to the ageing population in Hambleton, the number of adults of a working age with disabilities and the estimated level of work to make dwellings fully 'visitable' by tenure. Whilst the evidence points to a need for more adaptable dwellings in the future, it falls short of justifying a need for all new homes to meet M4(2) requirements. The conclusion of Examination Document L025 that a 'very high proportion' of new homes should meet the standard also lacks sufficient precision to be effective. To ensure that the Plan is justified and effective it is therefore necessary to delete the 100% requirement to meet M4(2) standards by **MM45** and **MM46**. In the absence of any further justification, as part of a review of the Plan, the Council should consider whether specific local evidence exists to support a requirement for using M4(2) standards in the future.
212. Where M4(3) requirements are concerned, requiring a 'proportion' of new homes to meet the optional technical standards is ambiguous and ineffective. The Council's further evidence contained in Examination Document L025 provides adequate evidence to justify the inclusion of a requirement for 9% of market housing to provide wheelchair adaptable housing, and 30% of affordable dwellings to provide wheelchair accessible housing. Including the requirements in the policy, rather than supporting text is therefore necessary for effectiveness (**MM45** and **MM46**). The principle of requiring some new homes to be wheelchair adaptable is consistent with paragraph 62 of the Framework, which states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including people with disabilities). It is also an important part of providing high quality, fit for purpose housing.
213. As submitted, Policy HG2 stated that M4(3) housing would be required as part of 'large-scale' proposals, which are defined by Annex 2 of the Plan as developments of 50 dwellings or more. This was also carried forward into **MM45** and **MM46**. However, the evidence supporting the Plan, notably Examination Document L025 and the Whole Plan Viability Assessment, both clearly state that for developments to remain viable, and thus deliverable, the threshold for M4(3) housing should be 'large-scale major development', defined as sites of 200 dwellings or more. To ensure that the Plan is justified and effective, it is therefore necessary to amend **MM45** and **MM46** in the schedule of MMs at **Appendix 1** by reference to large scale major development. Although this change has not been consulted on, it corrects a factual error and ensures that the Plan reflects the evidence base, which throughout the examination, has been prepared on the basis that the policy would apply to sites of 200 dwellings or more. When also taking into account that the change would remove the requirement from smaller sites,

making the change would not prejudice the interests of any party. As with all forms of housing, it will be necessary for the Council to monitor delivery going forward. In the event that insufficient housing is being delivered to M4(3) standards, then it will be necessary to update the Plan accordingly, having regard to appropriate viability testing.

214. The final requirement of Policy HG2 is that at least 10% of dwellings on major developments should be 2-bedroom bungalows. The SHMA<sup>31</sup> references stakeholder workshops which identified a shortage of bungalows, which typically allow older people to downsize and free-up family accommodation. Whilst we appreciate the need for more bungalows to be built in Hambleton, the evidence also falls short of justifying a 10% requirement across all sites over 200 dwellings. The requirement is therefore deleted by **MM45**. Policy HG2 already requires a range of house types to be provided based on the SHMA or other relevant successor documents. This provides an adequate and appropriate mechanism for ensuring a mix of house types, including bungalows, are provided.

### **Affordable Housing – Policy HG3**

215. The HEDNA identifies a net need for 55 affordable homes per year in Hambleton over the period 2016-2035, equating to a total of **1,048** dwellings. Examination document L010<sup>32</sup> provided an update which suggested that changes in the data might point to a greater need. But it also identified that the data is sensitive to assumptions and did not recommend any need for a change in approach or policy. For effectiveness, the new data is referred to in the Plan by **MM42**, which also confirms that it is a minimum figure and deletes out-of-date information on completions.

216. In response to the identified need, Policy HG3 requires developments of 10 dwellings or more or over 1,000 square metres to provide 30% affordable housing. The threshold is based on the recommendations in the HEDNA and reflects the findings in the Whole Plan & Community Infrastructure Levy Viability Assessment.<sup>33</sup> It is also consistent with national planning policy as expressed in paragraph 64 of the Framework.

217. Based on a threshold of 30%, and taking into account committed schemes, the Council's Matter 6 Hearing Statement estimates that around 1,400 affordable dwellings will be delivered by the end of the Plan period. Thus, there is a reasonable prospect that affordable housing needs can be met.

218. The Whole Plan Viability Assessment identifies that in some circumstances, the redevelopment of brownfield sites in Market Towns will not be viable based on 30% affordable housing. However, Policy HG3 allows an

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<sup>31</sup> Core Document SD18

<sup>32</sup> Note on HEDNA

<sup>33</sup> Core Document SD01

alternative tenure mix and lower level of provision where it can be demonstrated that schemes are unviable. When also taking into account that Hambleton is a predominantly rural authority without large areas of vacant brownfield land in the Market Towns, on the whole the threshold is appropriate and justified.

219. In cases where less than 30% affordable housing is approved, the supporting text states that the Council may reappraise affordability on later phases of large schemes or where the implementation is delayed and prices have risen. This is justified and appropriate in seeking to maximise the delivery of affordable housing across larger developments when considered as a whole. Likewise, in some, limited cases, significant delays or scheme revisions might mean that circumstances change and it would be appropriate to revisit affordable housing assumptions. For effectiveness, these important considerations should be included in the policy and not just the supporting text by **MM47**. The additional requirements only apply to schemes where a lower level of affordable housing is agreed. The wording also makes it clear that the Council will only reappraise viability on later phases of larger schemes and 'may' require developers to consider future increases. We are therefore satisfied that this will not lead to the reappraisal of viability for the vast majority of schemes.
220. As submitted, Policy HG3 requires affordable housing to be dispersed in small clusters across major developments. But the policy also applies to smaller developments of 5 or more dwellings in designated rural areas. For effectiveness, **MM47** therefore deletes the word 'major' from the policy.
221. The supporting text to Policy HG3 states that the Council views transfer prices for affordable housing as critical for ensuring that homes are affordable. The Whole Plan Viability Assessment has also assessed the Plan on the basis that the Council will continue to apply transfer prices to affordable dwellings delivered as part of new developments. For effectiveness, **MM47** clarifies the position by including the wording within the policy, not just supporting text.

### **Housing Exception Schemes – Policy HG4**

222. The Plan's approach to entry-level exception schemes is broadly consistent with paragraph 72 of the Framework, which states that local planning authorities should support sites suitable for first time buyers (or those looking to rent their first home), unless the need for such homes is being met elsewhere. To be effective, **MM48** is needed to allow a degree of flexibility about the type of evidence required to satisfy criterion a) and its scope. The MM is also required to ensure consistency with paragraph 72 of the Framework, which refers to occupants looking to rent their first home and whether needs are being met in the local authority area. For the same reasons, **MM48** clarifies the size limit for entry-level exception schemes, consistent with Footnote 35 of the Framework.

223. Where rural exception sites are concerned, paragraph 78 of the Framework states that local planning authorities should support opportunities to bring forward sites to meet identified local needs and consider whether allowing some market housing would help facilitate proposals. For consistency with the Framework, **MM48** therefore makes it clear that some market housing will be permitted where it would facilitate the delivery of rural exception schemes. For effectiveness, and in the interests of promoting sustainable patterns of development, **MM48** also introduces a requirement that rural exception sites must be adjacent to the built form of a settlement. As submitted, this is only referred to in the supporting text.
224. In considering this change, we have taken into account that the location of rural exception sites is not prescribed in the Framework. Moreover, national planning policy defines rural exception sites as small sites used for affordable housing where they would not normally be used for housing. In this case, Policies S5 and HG5 permit residential development on the edges of settlements. However, rural exception applications would not be considered against the same tests as open market housing in Policies S5 and HG5 – they would be 'exception schemes'. In addition, paragraph 79 of the Framework states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the viability of rural communities. Paragraph 80 also makes it clear that planning policies should avoid isolated homes in the countryside. The principle of requiring rural exception sites to be on the edges of settlements is therefore appropriate.
225. Criterion f) relates to the impacts of new housing on the character and appearance of an area. As submitted, the policy infers that the issue does not apply to entry-level exception schemes. For clarity to users of the Plan, and thus effectiveness, **MM48** makes the necessary alterations.
226. The final three exceptions relate to replacement dwellings in the countryside, exceptional design quality and maintaining accommodation that meets specific rural needs. To ensure consistency with paragraph 80 of the Framework, **MM48** also includes proposals that would represent the optimal viable use of a heritage asset or would be appropriate enabling development, represents the subdivision of an existing residential property or represents exceptional design quality. Moreover, for effectiveness, the MM deletes the ambiguous requirement for the Council to 'consider' the desirability of maintaining accommodation where replacement homes are proposed and the removal of permitted development rights.

## Conclusion

227. Subject to the recommended MMs we conclude that the policies relating to the type and mix of housing are justified, effective and consistent with national planning policy.

## **Issue 7 – Whether the Plan is informed by a robust, objective assessment of needs for Gypsy and Traveller and Travelling Showpeople accommodation and whether it is justified, effective and positively prepared to meet those needs**

### **Need for Gypsy and Traveller and Travelling Showpeople Accommodation**

228. Core Document SD15.1<sup>34</sup> acknowledged that the Council's evidence underpinning the need for Gypsy and Traveller and Travelling Showpeople accommodation was out-of-date. Following submission of the Plan, the Council subsequently produced a new Gypsy and Traveller Accommodation Assessment ('GTAA') and associated Pitch Deliverability Assessment.<sup>35</sup> Both documents have been subject to public consultation.
229. The latest GTAA concluded that there is a need for 65 pitches for gypsy and traveller households up to 2035 that meet the planning definition. An additional pitch was identified for an undetermined household, with a further 9 pitches for gypsy and traveller households who did not meet the planning definition. The need for Travelling Showpeople amounts to 5 plots up to 2035.
230. In summary therefore, the latest evidence demonstrates a significant need for pitches which the submitted Plan fails to make any dedicated provision for. In this regard, the Plan is not positively prepared and is not consistent with paragraph 62 of the Framework which requires plans to make provision for different groups in the community.
231. Addressing this soundness issue could be resolved by either suspending the examination and finding specific sites to allocate, requiring the Council to update the Plan within a prescribed timescale post-adoption or requiring the Council to prepare a separate Gypsy and Traveller and Travelling Showpeople Development Plan Document. Examination Document LP23 sets out the Council's preference for carrying out an urgent review and partial update of the Plan.
232. Modifying the Plan to allocate specific sites could have been an effective way of meeting identified needs. However, the process would have required the suspension of the examination in order to find more sites. Further SA and sifting work would then be required to establish sustainable options before the Council consulted on suggested allocations. Thereafter additional

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<sup>34</sup> Gypsy and Traveller Accommodation Assessment – Addendum to 2016 Update

<sup>35</sup> Examination Documents L016 and L017

hearing sessions would be needed. The process would take a significant period of time to complete.

233. When considering potential ways to rectify this soundness issue, it is pertinent to consider three important factors. Firstly, the Plan is based on a positive housing requirement which exceeds the standard methodology and seeks to capitalise on ambitious economic growth targets. Adopting the Plan will ensure that housing and economic growth strategies are aligned. This is important when considering that the plan period started in 2014.
234. Secondly, the Hambleton Core Strategy only covered the period up to 2021 and is based on the, now revoked, Yorkshire and Humber Regional Spatial Strategy. Since 2015, the Council has been considering planning applications for new housing beyond settlement boundaries against an Interim Guidance Note. The Plan, as submitted, seeks to remove settlement boundaries in favour of a new, positive approach to permitting residential development adjacent to villages, subject to meeting certain criteria. A further suspension would therefore delay the adoption of sites allocated to meet housing and economic needs and leave the Council without up-to-date strategic policies to determine planning applications.
235. Thirdly, and finally, is how the Council intends to meet the identified needs. The Pitch Deliverability Assessment identifies existing sites where potential capacity exists to accommodate more pitches. However, in several cases, further investigations are required to determine the feasibility of expansions and/or intensification. This will be an important next step in identifying sites to meet existing demand, and as yet, has not been tested in detail.
236. On balance therefore, requiring the Council to carry out an urgent review and update of the Plan within a specified timescale is the most appropriate and effective way of ensuring that identified needs are met. This is achieved by **MM09**, **MM43**, **MM51** and **MM52**. The MMs allow the Plan to be adopted, but include measures to ensure that upon review, the development plan will meet the needs of people from protected groups as required by the Public Sector Equality Duty.
237. Based on the pressing need for sites, and until the review and update of the Plan is complete, it is necessary to protect existing plots and pitches from redevelopment. This is achieved by **MM51**, which only permits alternative uses if it can be demonstrated that plots are no longer required or where alternative provision has been made. To ensure that the Plan is positively prepared and effective, **MM12**, **MM51** and **MM52** also define under what circumstances windfall proposals will be permitted. The changes clarify that Policy HG6 refers to proposals for new, expanded or intensified sites and recognise that existing sites may not always be located in or adjacent to existing settlements. For effectiveness, **MM51** also specifically requires proposals to comply with the flood risk principles in Policy RM2.

## Conclusion

238. We therefore conclude that following the preparation of additional evidence, the Plan is informed by a robust, objective assessment of needs for Gypsy and Traveller and Travelling Showpeople accommodation. Subject to the recommended MMs, the Plan will be justified, effective and positively prepared in seeking to meet those needs within a defined timescale.

## Issue 8 – Whether the strategy for job growth and employment is justified and consistent with national planning policy

### Employment Land Requirement – Policies S2 and EG1

239. The HEDNA considered the need for employment land by assessing labour demand, labour supply and past take-up. The methodology used is consistent with advice contained within the PPG.<sup>36</sup>

240. A range of possible employment land requirements are presented in Table 64 of the HEDNA. Based on the labour supply scenario (amended to reflect the adjusted economic forecasts) there would be a need for 34.7 hectares of land. When calculated using past trends, the need would range from 54.6 to 81.4 hectares depending on whether schemes for open storage at Dalton are taken into account.

241. In seeking to provide the most accurate projection of future needs, Table 65 of the HEDNA breaks down the land requirement by use type. For office and research and development uses, it suggests that the labour demand scenario is the most robust estimation of future needs. This is because there has been a net loss of office space in the district. Projecting forward negative requirements would limit the availability of land and could represent a barrier to future investment, contrary to paragraph 81 of the Framework. The approach to office and research and development uses is therefore justified and results in a projected need for 8.9 hectares of land.

242. For light industrial and general industrial uses, Table 65 of the HEDNA uses past trends. Whilst there has been an overall decline in manufacturing jobs, the evidence suggests that in Hambleton there has been an increase in gross value added ('GVA'). As the HEDNA demonstrates, there is a correlation between the increase in GVA (and productivity) and the demand for additional floorspace. When also taking into account the recent growth of food manufacturing uses around Leeming Bar, and the continued demand

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<sup>36</sup> Paragraph: 027 Reference ID: 2a-027-20190220

witnessed by the Council, projecting forward past trends is justified. This results in a need for 21.9 hectares of industrial land.

243. Two projections are presented in the HEDNA for storage and distribution uses based on past trends. The first (33.5 hectares) excludes schemes that have come forward for open storage at Dalton. The second (60.3 hectares) includes all completions between 2008/09 and 2016/17. Table 65 uses the lower trend-based data for storage and distribution uses (33.5 hectares). In summary, this results in a projected land requirement of **64.3 hectares**.

### **Meeting Employment Needs – Policies LEB3, DAI1 and TIS3**

244. In meeting the employment land requirement, the Plan allocates three strategic employment sites at Leeming Bar (Policy LEB3), the Dalton Industrial Estate (Policy DAI1) and at Sowerby Gateway (Policy TIS3). To support the role and function of the market towns, smaller, non-strategic allocations are also allocated at Easingwold, Northallerton and Stokesley. Combined, they will provide **77.8 hectares** of land for employment uses. The figure is confirmed by **MM06** and **MM22**, which ensure that the Plan is justified and correct an error in the submission version which referred to the amount of employment land as 77.6 hectares.

245. The amount of employment land proposed therefore exceeds the estimated requirement in Table 65 of the HEDNA. However, the HEDNA does not suggest that 64.3 hectares is an upper limit which must not be exceeded. Instead, it states that should the Council wish to provide additional land for open storage "*...or to provide responsive land for inward investment opportunities, then 81.4 hectares could be seen as the absolute maximum development need within the district.*" The provision of 77.8 hectares is therefore justified and ensures that the Plan will provide an adequate supply of land for businesses to invest, expand and adapt as required by paragraph 81 of the Framework.

246. In reaching this conclusion we have taken into account concerns regarding the use of plot ratios. For office and research and development uses, a plot ratio of 0.25 has been used. Although this is low, it is supported by evidence in Examination Document L010 which includes reference to local circumstances. It also clarifies that the figure of 75% is a typographical error in paragraph 10.19 of the HEDNA.

247. All three strategic employment sites are located along the A1/A19 transport corridor. Distributing strategic employment sites along the transport corridor reflects the March 2014 Strategic Economic Plan ('SEP').<sup>37</sup> It identified the A1/A19 as the economic spine of the area and sought to focus economic growth along the corridor because of the excellent north-south

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<sup>37</sup> Core Document SD12.1

connections. In particular, the SEP identified the importance of food manufacturing at Leeming Bar. The Council's Inward Investment Strategy and Action Plan 2017-2022<sup>38</sup> also recognises that Leeming Bar and Dalton are both existing 'brands', known locally as established employment locations. Along with development potential at Sowerby Gateway, the Action Plan identifies both as key sites for future investment.

248. In principle therefore, directing new employment growth towards Leeming Bar, Dalton and Sowerby Gateway is justified. In doing so, the Plan aligns with the Council's economic strategy, which aims to focus employment growth along the economic 'spine' of the district. It also seeks to consolidate and expand upon the existing businesses and infrastructure which are already in place in these locations. In addition, it reflects and builds upon the adopted Core Strategy for Hambleton which specifically encourages employment development to locate in Leeming Bar, reflecting the strategic accessibility of the location adjacent to the A1(M).

249. One of the main objectives of the housing strategy has been to focus the majority of new development in the Market Towns, especially Northallerton and Thirsk. The employment strategy differs insofar as Leeming Bar is defined in the settlement hierarchy as a Secondary Village. However, its categorisation in the hierarchy is based on its current size and level of services as defined in the Council's Audit. The employment strategy takes a different approach and seeks to direct new economic development towards Leeming Bar. For the reasons set out above, this is a reasonable and justified economic strategy.

### **Leeming Bar – Policy LEB3**

250. Policies EG1 and LEB3 allocate 20.65 hectares of land at Leeming Bar for research and development, industrial processes, general industry and storage and distribution uses. The allocation does not allow for office development, other than ancillary accommodation. For effectiveness, this is made clear by **MM23** and **MM104**. For the same reasons, the precise floorspace figure of 45,300 square metres is also deleted by **MM104**. The exact mix of uses and size of buildings will be determined by the masterplanning process.

251. We have already concluded above that at a strategic level, the identification of Leeming Bar as a location for continued economic development is justified. At a site-specific level, the Council considered several alternative locations in and around Leeming Bar as part of the Plan's preparation. Examination Document SD55 includes an assessment of alternative sites and identifies issues such as landscape character, topography, heritage assets and access. A further appraisal of alternative sites was carried out through the SA in Examination Document L023. It included an assessment

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<sup>38</sup> Core Document SD14

against 14 sustainability indicators including the use of best and most versatile land and accessibility to jobs, services and public transport. As discussed above, the SA is intended to screen different options and assess likely significant impacts. It is used to guide and inform decisions about which land to allocate, rather than give specific outputs about which sites perform 'the best'.

252. In summary therefore, the Council has considered reasonable alternatives to the allocation of site LEB3 that would also meet the objectives of the Plan in supporting economic growth at Leeming Bar. Sites were identified, tested and LEB3 was chosen based on judgements about landscape impact and settlement form. Whilst we fully understand residents' concerns, and recognise that focussing development to the west of the motorway would have its own benefits, the judgements reached in allocating site LEB3 are reasonable, justified and sound.

253. The proposed allocation would result in the loss of up to 20.65 hectares of Grade 2 agricultural land. The best and most versatile land is defined as Grades 1, 2 and 3a. Footnote 58 of the Framework states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to that of a higher quality. With this in mind, alternative sites to the west of the A1(M) would result in the use of lower, Grade 3 land.

254. However, whether or not the loss of agricultural land at Leeming Bar would be significant<sup>39</sup>, the Framework does not preclude the use of best and most versatile land for alternative uses. Instead, paragraph 175 states that Plans should allocate land with the least environmental or amenity value where consistent with other policies in the Framework. The PPG also advises that planning policies should take account of the economic and other benefits of the best and most versatile agricultural land and use the Agricultural Land Classification to enable informed choices to be made about its future.<sup>40</sup> This is what the Council has done in the allocation of the site. Whilst recognising that the scheme would result in the loss of high-grade agricultural land, the relatively small loss of land (around 20 hectares) compared with that remaining in the district, combined with the benefits of providing new strategic employment land, in a location consistent with wider economic strategies, justified the allocation. This conclusion is reasonable and sound.

255. Similarly, it is acknowledged through the SA process<sup>41</sup> that the site has limited links to footpaths, cycle routes and public transport. However, due to the amount of land available, the SA finds that some mitigation could be provided through improved transport connections. This would also be a

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<sup>39</sup> Inspectors' Note – Not all of the 20.65 hectares may come forward for development owing to design and amenity requirements

<sup>40</sup> Paragraph: 001 Reference ID: 8-001-20190721

<sup>41</sup> Examination Document LP04.1

requirement of other development plan policies (for example Policies CI1 and CI2). When taking into account the strategic location of the site at Leeming Bar, the contribution that it would make towards jobs and the local economy, its location close to existing uses and the availability of land elsewhere, the Council concluded that the poor accessibility rating of the site should not preclude its allocation. Again, this is a reasonable and justified conclusion to reach when assessed against the Plan as a whole.

256. The main vehicular access to the site will be taken from the A684. Given the size of the allocation, sufficient scope exists to create a safe and suitable point of access. As submitted, Policy LEB3 states that if a secondary access is required, it should be taken from Leases Road via a new link from Low Street. However, no evidence has been provided to substantiate that a secondary access is necessary, or, if it is, that a link from Leases Road would be appropriate or deliverable. On the contrary, Low Street is a primarily residential street and its use by commercial vehicles would be harmful to the living conditions of neighbouring residents. **MM104** is therefore necessary to explicitly prevent such a scenario and confirm that access will be taken from the A684 only.
257. Residential properties are situated close to the southern site boundary along Low Street, Lowlands Drive, Ashlands Drive and to the south of the railway line on Northallerton Road. Without some controls over the type and location of development, there is also potential for the use of the site for employment purposes to have a detrimental impact on the living conditions of residents in these locations.
258. In response, Policy LEB3 requires a 25m buffer between existing houses and the proposed development. We appreciate that having a figure in the Plan provides certainty to local residents about where buildings will be sited. But the distance is not based on any site-specific assessment and may not be sufficient in all circumstances to mitigate the harmful effects of noise and disturbance. Instead, the size, type and location of the landscape buffer should be informed by the scale, layout, design and use of buildings proposed. This is achieved by **MM104**, which is necessary to ensure that the plan is effective in protecting the living conditions of existing residents.
259. For the same reasons, it is also necessary to require development proposals to consider the position of servicing yards, vehicle movements, lighting, operating hours and noise impacts, including for occupants on Willow Gardens. Furthermore, given the proximity of residential properties to the site, modifications are needed to restrict general industrial and storage and distribution uses to the northern and easternmost parts of the allocation. This will ensure that more intensive, commercial buildings are located away from residential properties. Combined with the need for a landscaped buffer, we are satisfied that an adequate degree of separation can be achieved. Whilst considering impacts on the living conditions of existing occupants will require planning judgement at the application stage, subject

to the MMs, Policy LEB3 will provide a robust framework to ensure that impacts are minimised and appropriately mitigated.

260. Developing the land will inevitably have an urbanising impact on the character and appearance of the site and the countryside to the north and east of Leeming Bar. But this would also be the case with other strategic employment sites to the north and west. Indeed, alternative sites on the opposite side of the A1(M) would possibly have an even greater visual impact, due to the topography of the area and wide-ranging views from the motorway. In contrast to other options, site LEB3 would be located to the east of the A1(M) where the majority of existing commercial development is focussed. It would also be contained by the recently constructed bypass to the north of the village. Furthermore, as part of the development, a masterplan would be required. This is made clear by **MM104** which, for effectiveness, states that a masterplan must be submitted, rather than being prepared by the Council. The masterplan requires a consideration of matters such as access, layout and landscaping. It also includes a requirement to produce a design code, setting out detailed principles including materials and lighting. To ensure that Policy LEB3 is effective in requiring high quality design which is sensitive to its surroundings, it is also necessary to require the masterplan to consider the impact of development on, and integrate with, the surrounding area (**MM104**).
261. We have carefully considered the significant level of objection to the scheme and residents' concerns that the village would become harmfully enclosed and overwhelmed by such a large employment allocation. However, for the reasons given above, any development of the site will have to locate industrial and/or storage and distribution uses away from existing houses on Low Street. The site will also have to be accessed directly from the A684 to the north, incorporate appropriate landscaped buffers, be supported by a masterplan and design code to demonstrate how it will successfully integrate with the surrounding area and carefully consider matters such as noise exposure, external lighting and operating hours. When taking into account the size of the allocation and land available, subject to the recommended MMs we are satisfied that an appropriate scheme can come forward at the planning application stage which does not overwhelm or dominate the existing village. There is nothing to suggest that a high-quality, sensitively designed scheme cannot be achieved in this location.
262. The Vision for the Local Plan seeks to make the most of the opportunities for growth along the A1(M) and maximise the visitor economy potential of the area. Given the importance of the rural economy to the area, it will therefore be necessary to ensure that the final design and layout of the development ensures a high standard of amenity for all existing and future users (not just residential users), as required by paragraph 130 of the Framework. The necessary requirements are achieved by **MM104**.

263. The allocation is subject to a number of site-specific constraints, including in relation to surface water flooding and the location of utilities. Owing to its scale and nature as a greenfield site, it is also possible that there may be biodiversity assets which will have to be taken into account in the final design. However, there is no clear evidence to suggest that any of these constraints would preclude any development taking place. Instead, given the size of the site, we are satisfied that such matters can be adequately addressed through the design and layout, with the development requirements and other policies requiring necessary mitigation to be secured. For effectiveness, and to ensure that the Plan is not rendered out of date, **MM104** refers to the 'pipeline operator' rather than the specific company, which could change during the course of the plan period.
264. Finally, in reaching our conclusions, we have taken into account concerns that the size and location of the allocation is based on the needs of a specific local business. However, the Plan does not restrict use of the site to a particular operator or individual use class. We have considered the allocation on its merits, having regard to the need identified, the strategy of the Plan to support economic growth in this location and the range of uses proposed.
265. To the east of the allocation, a further 9.99 hectares of land is safeguarded for future employment development, to be allocated in a future review of the Plan. Whilst we understand the reasons for identifying land for the longer term, the Council confirms that the additional 9.99 hectares is not needed in this plan period, nor is it required to deliver the LEB3 allocation. Any future review and update of the Plan would also require its own evidence base and would need to consider whether the continued expansion of Leeming Bar for employment purposes represented an appropriate strategy at that time, having regard to the reasonable alternatives and matters such as highways and landscape character. As a result, there is no justification for safeguarding a further 9.99 hectares of land for employment purposes at this moment in time. **MM25** and **MM104** are necessary to remove references to the safeguarded area and the subsequent phasing of the development.

### **Dalton Industrial Estate – Policy DAI1**

266. Around 25 hectares of land is allocated at the Dalton Industrial Estate by Policies EG1 and DAI1. For effectiveness, the mix of uses permitted at the site is made clear by **MM23**.
267. The allocation represents an extension of the existing industrial estate and is recognised by the Plan and the supporting evidence as a strategically important site. The former airfield is a key employment location and is occupied by some of the district's largest companies, employing roughly 850 people. It is also located close to the A1M and within the 'economic corridor' which runs north/south through Hambleton. The principle of

extending the existing site is therefore consistent with the spatial strategy and is justified.

268. As submitted, Policy DAI1 requires the main point of access to be taken through the existing industrial estate. However, this would lead to longer and unnecessary journeys in order to access the proposed site. In the interests of the more sustainable and more efficient movement of goods and vehicles, **MM94** therefore specifies that vehicle, cycling and pedestrian access will be taken from Eldmire Lane. For effectiveness, the MM also illustrates the change on the inset map which forms part of the submitted Plan. This identifies a point approximately midway between Dalton Lane and The Bungalow. The modification also confirms that should a secondary point of access be required, it may be taken from Dalton Lane. Otherwise, the site boundary is appropriate and justified. A consequential change to the Policies Map will also be necessary to ensure the policy is effective.

269. In the interests of the living conditions of neighbouring residents, Policy DAI1 is justified in seeking to prevent HGVs from being routed through Dalton Village. For the same reasons, reference to Topcliffe village should also be included given its proximity to the industrial estate and the A168. The change is achieved by **MM94** and is necessary for effectiveness.

270. Requiring new development proposals to retain existing boundary features, such as hedgerows and mature trees is justified in the interests of biodiversity and landscape character. However, for effectiveness, the policy should clarify that this excludes the creation of the new access and specify that it refers to existing biodiversity and landscape features. (**MM94**)

### **Sowerby Gateway – Policy TIS3**

271. The area of land allocated by Policy TIS3 forms part of the wider 'Sowerby Gateway' site, which already benefits from outline planning permission for a mix of uses. Further reserved matters approvals have also been granted specifically for industrial uses on part of the allocated site. The principle of development has therefore already been established and the mix of uses are appropriate and justified. However, as submitted, the site is only allocated for 'employment' uses, which lacks clarity and is rectified by **MM91**.

272. To the east of the site are existing residential properties which have been completed as part of the wider Sowerby Gateway scheme. In order to ensure an appropriate relationship and provide a good standard of living conditions for existing residents, it is necessary to make it clear that more intensive storage and distribution uses will be focused on the western site boundary nearest the railway line, bounded by landscaping. This is achieved by **MM91**. For the same reasons, a requirement is needed to ensure that development proposals consider and avoid any unacceptable

adverse impacts on neighbouring properties and provide high quality design, rather than relying on statements.

273. For effectiveness, **MM91** states that biodiversity and landscape features should be retained, which is less ambiguous than referring to 'existing' features. Reference to open space provision is also deleted, which infers that future schemes would be required to meet open space, sport and recreation standards applicable to residential development.
274. As referred to above, for other allocations, reference to requiring 'early consultation' with the Northern Gas Network, Northern Power Grid and Yorkshire Water has been modified to provide greater flexibility. In error, the schedule of MMs consulted upon omitted the change from site TIS3. To ensure consistency with other employment sites, we have therefore modified the wording in the schedule of MMs at **Appendix 1** to this Report.

### **Market Towns – Policies EAS2, NOR2, NOR3, STK2 and STK3**

275. Site EAS2 (Shires Bridge Mill, Easingwold) supports the expansion of the Shires Bridge Business Park. Although the site is some distance from Easingwold, and is not accessible by public transport, it is an established business park which provides a mix of smaller units suitable for local occupants in, and close to, a former mill building. The proposed extension to the site would provide further support for the local economy without resulting in a significant amount of additional out-of-centre floorspace or associated trips. The allocation is therefore appropriate and justified.
276. There would be some degree of encroachment into the countryside which would be relatively prominent given the open and flat topography of the area, especially from viewpoints along the A19. However, adequate mitigation can be provided through the retention of existing, and provision of new landscaping, which is achieved by **MM106**.
277. Site NOR2 (West of Darlington Road, Northallerton) is allocated for a mix of employment uses. Development in this location would result in the urbanisation of open fields and encroachment into an area of countryside. Nevertheless, the allocation would constitute the natural extension of an existing industrial area. The site is also situated opposite a large area of relatively recent housing development. It would therefore be viewed in an urban context.
278. As submitted, the site boundary shown on the inset map contains plotting errors that do not properly reflect the developable area or what is shown on the Policies Map. **MM84** is necessary to ensure that the policy is effective and justified with consequential changes to the site area.

279. Site NOR3 (Northallerton Former Prison Site) is a mixed-use allocation which seeks to deliver retail, offices, restaurants and cafes and a cinema. This is a brownfield site close to Northallerton town centre and some development has already taken place. The continued reuse and redevelopment of the former prison site, and the uses proposed, are appropriate in this location and we are satisfied that development can be achieved whilst preserving the significance of relevant heritage assets. The allocation is therefore justified. However, modifications are necessary to provide clarity and accuracy in relation to the uses proposed, access arrangements, necessary pedestrian and cycle links and how the layout should seek to promote their use. In addition, the policy should reflect the need for additional landscaping to both enhance the biodiversity value of the site, but also for the benefit of local character, appearance and the setting of heritage assets. **MM85** therefore ensures the policy will be an effective framework for the regeneration of the remainder of the site.
280. Sites STK2 (East of Stokesley Business Park) and STK3 (South East of Terry Dicken Industrial Estate) are allocated for a range of employment generating uses. Development of both sites would form a natural extension to the existing business and industrial area to the west. There will be an inevitable impact on the character and appearance of the area resulting from this, but harm can be reduced in the longer term by landscaping, layout and design. In order to be effective and clear about expectations for the site, the need for landscaping is also clarified by **MM110** and **MM111**.
281. The sites are located on the edge of Stokesley and will be visible from the edge of the North York Moors National Park. Whilst the development requirements recognise this, it is not sufficient for applicants to only give consideration to the scale, massing and roofscape. To be effective, it must be clear that development should avoid harm to the setting of the National Park. This soundness issue is rectified by **MM110** and **MM111**.
282. The development requirements for each site set out a number of measures to address specific issues, including vehicular access, flood risk, biodiversity protection and enhancement and the need to improve pedestrian and public transport links to the site. MMs are necessary to ensure these latter requirements include cycle links for completeness and to promote more sustainable travel patterns. Modifications are also necessary to ensure effectiveness in terms of flood mitigation and the safeguarding of the Ellerbeck flood alleviation scheme (**MM110** and **MM111**). We are satisfied that none of the issues identified are sufficient to render the sites unacceptable and that issues can be adequately mitigated through layout. On this basis, both allocations are justified and effective.

## Protection and Enhancement of Existing Employment Land – Policy EG2

283. Where a development proposal would lead to the loss of land or buildings used for employment purposes, Policy EG2 sets a threshold of 2,000 square metres or 2 hectares of land. Above this threshold, it must be demonstrated that the proposal will not have an unacceptable impact on the overall supply of employment land.
284. The threshold of 2,000 square metres is based on the recommendations in the Employment Land Review ('ELR')<sup>42</sup>. It described anything above 2,000 square metres as a 'significant' loss of employment. The inclusion of a 2-hectare threshold also accounts for proposals involving the change of use of land. Ultimately, the figure is a judgement, and a case could be made for a higher or lower amount. However, it seeks to strike a balance between allowing the flexible re-use of buildings whilst protecting the interests of the district and ensuring that an adequate supply of land and buildings is available. In our opinion, it is justified and sound. **MM26** does however expand on the original text to make it clear that the policy applies to all existing employment land, including allocations and individual operations that might not fall within a designation. This better reflects the intention of the policy and will ensure clarity and effectiveness.
285. The application of Policy EG2 is based upon the classification of land as either a 'key' or 'general' employment location. The key employment locations include the industrial estates at Dalton, Leeming Bar and Thirsk, in addition to the Northallerton Industrial Area and the Stokesley Business Park. Their identification adequately reflects their role, form and function as part of the Plan's strategy. A list of 'general' industrial locations is provided in the supporting text. The sites are based on a review in the ELR and are also justified, appropriately categorised and are sound. The exception is the omission of Sowerby Gateway, which is allocated as a strategic employment site. For effectiveness, this is rectified by **MM26**, which also clarifies that the requirements of Policy EG2 apply to all the allocated sites in Policy EG1. Consequential changes to the supporting text are necessary by **MM28**.
286. Development proposals for alternative uses on key employment sites (over the 2,000 square metre threshold) must demonstrate no unacceptable impact on the supply of employment land across the district as a whole. Similar proposals on general employment sites only need to consider localised impacts. The difference in approach is justified and reflects the hierarchy of employment sites, with 'general' employment sites typically providing smaller premises with a focus on providing local jobs and investment opportunities.

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<sup>42</sup> Core Document SD07

287. On key employment sites, proposals for changes of use under the 2,000 square metre/2-hectare threshold are only permitted where they are ancillary to the existing employment uses. For effectiveness, this is made clear by **MM26**. The approach is justified to ensure that key employment sites continue to provide the primary focus for employment in Hambleton.
288. In terms of new economic development, Policy EG2 supports the principle of former and existing use classes, B1, B2 and B8 on key employment sites. Some sui generis uses may be appropriate but are only supported where there is no available and suitable land on 'general' employment sites. In doing so, the policy seeks to direct uses such as car showrooms and waste disposal sites away from the district's primary, 'flagship' employment sites. It is appropriate and justified. The principle of office uses is also appropriate, but for consistency with national planning policy and in the interests of maintaining the vitality and viability of town centres should have regard to the sequential test. This is achieved by **MM26** which includes a cross-reference to Policy EG3.
289. As submitted, it is unclear that economic development is also supported on general employment sites. **MM26** makes the necessary change for effectiveness. For the same reasons, and to ensure internal consistency, it also permits new economic development within the main built-up areas. In doing so, the Plan seeks to provide a flexible approach to accommodate needs not anticipated in the plan period, allow for new working practices and avoid barriers to investment as required by Framework paragraph 82.
290. Criterion a) of Policy EG2 requires the provision of comprehensive marketing and/or a financial assessment to justify the loss of employment use. This is a reasonable expectation. The supporting text suggests that this should be for a minimum period of 2 years, but there is no clear justification for the length of time proposed. Furthermore, it could lead to situations where units are left vacant for extended periods, which would be contrary to the Council's economic objectives. The requirement is therefore neither justified nor effective. **MM27** introduces further flexibility for effectiveness. While less specific, this would allow the Council to consider the marketing that has been carried out on a case-by-case basis. We are satisfied that this will be a logical and effective approach, particularly given the likely variety in sites and premises being considered.

### **Rural Businesses and the Visitor Economy – Policies EG7 and EG8**

291. Policy EG7 is intended to support employment generating development beyond the main built-up areas where it meets one of the defined exceptions. For effectiveness, this is made clear by **MM37**, which also clarifies that proposals are only required to meet one criterion, not all. In doing so, Policy EG7 is consistent with paragraph 84 of the Framework, which expects planning policies to enable the sustainable growth and expansion of all types of business in rural areas, both through the

conversion of existing buildings and well-designed new buildings. Where new buildings are concerned, **MM37** clarifies what is expected through a standalone policy requirement. The change is necessary for effectiveness.

292. As submitted, criterion c) allows new buildings to be constructed where a proposal cannot be located within the built form of an existing settlement. This is consistent with paragraph 85 of the Framework, which recognises that in meeting local needs, some sites may need to be located adjacent to or beyond existing settlements. Some of the general employment sites are also located in rural areas and may offer the potential to reuse existing land and buildings. In the interests of promoting more sustainable patterns of development, and the character and appearance of the rural areas, **MM37** requires applicants to consider the suitability of land within allocated employment sites.
293. As submitted, the Plan also required proposals to avoid 'harm to the countryside'. In our view, this lacks sufficient precision to be effective. When also taking into account that the Plan is read as a whole and the requirements of policies, **MM37** therefore recommends the deletion of criterion f-h. This does not mean that the issues are any less important and will continue to be relevant considerations in determining applications.
294. Consistent with paragraphs 81-85 of the Framework, Policy EG8 supports the principle of tourism-related development in Hambleton. However, in the interests of effectiveness, changes are required by **MM38** and **MM39**.
295. For precision, modifications are required to specify that proposals will be permitted for new development, or the extension of an existing facility provided that the policy requirements are met. With regard to character and appearance, **MM38** quantifies that schemes should avoid unacceptable impacts on the surrounding area and the wider countryside. This reflects the fact that for some types of development, such as some caravan and camping sites, visual impacts can be much wider than just the local area. The change also makes it clear to users of the plan that the criterion is concerned with character and appearance, thus avoiding ambiguous references to 'harm' to the countryside.
296. As submitted, Policy EG8 requires schemes to demonstrate that they will benefit the local economy and support local services. No justification has been provided to demonstrate why this is necessary or how it would be measured. In the interests of effectiveness, it is therefore not justified as a policy requirement. It is replaced with an expectation that the Council will take the benefits of a scheme into account when determining planning applications.
297. **MM38** also replaces ambiguous phrases such as 'planning problems' with a clearer indication to consider the impacts of development on the living

conditions of neighbouring occupants. Because of the rural nature of Hambleton, visitor accommodation is often located in rural areas such as on, or adjacent to agricultural uses. It is therefore necessary to also consider the relationship proposed between new accommodation and existing uses to minimise conflict where possible.

298. Paragraph 4.85 of the submitted Plan recognises that tourism already makes a significant contribution to the local economy in Hambleton and is forecast by the ELR to become even more important. In recognition of its importance to the local economy, a MM is required to ensure that new developments can be integrated effectively with existing visitor attractions and accommodation. Consequential changes are made to the supporting text by **MM39**.

### **Commercial Buildings, Signs and Advertisements – Policy EG6**

299. Within conservation areas, traditional and historic shopfronts may contribute positively to the traditional character and appearance of the area. To reflect this, and for effectiveness, **MM36** is necessary to specify that traditional or historic shopfronts should be retained, and 'where appropriate', refurbished or reinstated. The change provides additional flexibility as such works may not be appropriate in all circumstances.

### **Changes to the Use Class Order**

300. On 1 September 2020 The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force. The Regulations revoked Class B1 (business) and replaced it with Class E, which includes a wider range of commercial, business and service uses. For clarity, effectiveness and to ensure that the Plan is up to date on adoption, it is therefore necessary to delete references to previous Use Classes. This is achieved by **MM24, MM26, MM31, MM32, MM84, MM85, MM94, MM104, MM106, MM110** and **MM111**. Referring to the description of each use class is sufficiently clear to users of the Plan.

301. In error, **MM31**, as consulted on, did not delete all the references to Use Class A1 in Policy EG4. We have therefore amended the schedule in **Appendix 1** as required.

### **Conclusion**

302. Subject to the recommended MMs, we conclude that the strategy for job growth and employment is positively prepared, justified, effective and consistent with national planning policy.

## **Issue 9 – Whether the strategy for retailing and town centres is justified, effective and consistent with national planning policy**

### **Retail Hierarchy – Policy EG3**

303. Northallerton is the main regional centre for Hambleton and serves the wider district with a range of retail, service and leisure uses. It is materially different to, and larger than Thirsk, which has a more localised catchment. Identifying Northallerton as the Main Town Centre is therefore justified.
304. Below Thirsk are the District Centres of Bedale, Easingwold and Stokesley. The Market Towns primarily serve the day-to-day needs of their surrounding rural areas. The Local Centre at Great Ayton is smaller still and meets the day-to-day convenience needs of the immediate surrounding area. In principle therefore, the retail hierarchy is appropriate and justified. It is supported by the appraisals in the Hambleton Retail and Leisure Study, which also provides the necessary justification for the relevant town centre boundaries.<sup>43</sup>
305. As not all the centres are 'towns', for effectiveness, **MM29** refers to 'defined centres' in Policy EG3. Upon adoption of the Plan, it will also be necessary for the Council to identify the Local Centre at Great Ayton on the Policies Map.
306. Within the town centre boundaries, Primary Shopping Areas are identified at Northallerton, Thirsk, Bedale, Easingwold and Stokesley. This is consistent with paragraph 86 of the Framework which requires planning policies to define the extent of town centre boundaries and primary shopping areas. The areas have been reviewed as part of the Retail and Leisure Study. Although some uses on the ground may have changed since publication of the Study, the areas remain justified and sound. A Primary Shopping Frontage has also been identified in Northallerton, running along the High Street between the roundabouts to the north and south. This is the main focus for retail uses in the Primary Shopping Area, which contribute significantly to its character and appearance as the district's main retail centre. The designation is therefore justified.
307. Policy EG3 requires a sequential approach to site selection and the submission of an impact assessment for any retail or leisure use above 400 square metres. This is significantly lower than the threshold of 2,500 square metres referred to in the Framework but is reflective of the scale of retail proposals that have been submitted to the Council in recent years and the changing nature of the retail market. Because the centres in Hambleton also contain typically smaller units in historic market towns, new out-of-

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<sup>43</sup> Core Document SD13

centre proposals above 400 square metres could have a significant impact on vitality and viability. The threshold for requiring an impact assessment is therefore proportionate and justified. For effectiveness, **MM29** makes it clear how the Council will consider applications above this threshold and under what circumstances planning permission will be refused.

308. However, the policy is unclear as to how these assessments would be considered. To be effective, measures set out in paragraph 4.31 of the supporting text should be set out in the policy (**MM29**). As submitted, it also provides no guidance on the location of small shops meeting day-to-day needs. In addition, the policy fails to recognise the potential benefits of such development in meeting local needs. It should therefore be modified to allow this to be part of the decision-making process for effectiveness (**MM29** and **MM30**).

### **Management of Centres – Policy EG4**

309. Within Northallerton's Primary Shopping Frontage, Policy EG4 seeks to prevent changes of use away from retail. In principle, the approach is justified in seeking to maintain the primary function of the High Street. However, in some cases, alternative main town centre uses may benefit vitality and viability, such as where it would be complementary to existing uses or reuse a longstanding vacant unit. Specifying that no more than two consecutive non-retail units can exist is also overly restrictive. Additional flexibility is therefore necessary for effectiveness and the long-term viable future of the High Street. This is achieved by **MM31** which requires a wider consideration of the viability and suitability of continued retail uses, the overall level of vacancy along the frontage, the effect of non-retail units on the retail function of the High Street and the prominence and importance of individual buildings. The changes also require a more holistic consideration of highway safety and not just congestion. Consequential changes are made to the supporting text by **MM32**.
310. Similar flexibility is required for effectiveness within the Primary Shopping Areas by **MM31**. This is achieved by deleting the arbitrary requirement for no more than three or more consecutive non-retail units and its replacement with a wider consideration of vitality and viability, including the accumulation of non-retail units as a whole. For effectiveness, reference to 'unacceptable planning impacts' is also deleted by **MM31**. Consequential changes to the supporting text are made by **MM32**.
311. As consulted on, **MM31** deleted the requirement to avoid three or more consecutive non-retail uses, but in error, **MM32** did not make the corresponding change to paragraph 4.42. We have therefore deleted the relevant text from the schedule of MMs at **Appendix 1** to this Report.

312. New residential development is supported in town centres by Policy EG3. This is consistent with paragraph 86 of the Framework which recognises that residential development often plays an important role in ensuring the vitality of centres. Although the Retail and Leisure Study advised that careful consideration should be given to further residential conversions in Easingwold, there is no justification for the blanket ban of residential development in Policy EG3. It is therefore deleted by **MM29**. Subject to requiring development proposals to avoid any unacceptable impacts on vitality (which for effectiveness, is also achieved by **MM29**) the policy will provide an appropriate framework to consider future planning applications against. Consequential changes are made to the supporting text by **MM30**.
313. Outside defined centres, Policy EG3 seeks to maintain and enhance retail facilities that provide for local needs. Requiring applicants for a change of use to demonstrate that existing premises are no longer financially viable, or that alternative provision exists nearby, is justified. Supporting new neighbourhood or village shops is also appropriate in ensuring the vitality of rural communities and promoting more sustainable travel patterns such as walking and cycling. However, for effectiveness, Policy EG3 needs to be clear that new provision should be within, or immediately adjacent, to the settlement and meet an identified local need. In some (but not all) cases, it may also be necessary to restrict the type of goods sold. Both soundness issues are addressed by **MM29**. Where new retail uses are proposed, other policy requirements relating to the sequential and impact tests would continue to apply.

### **The Bedale Gateway Car and Coach Park – Policy EG5**

314. Policy EG5 sets out an overview of the measures that the Council is intending to pursue to help improve town centre vitality and viability. Amongst other things, this includes the Bedale Gateway Car and Coach Park (site AIB3). The site is currently allocated by the Hambleton Allocations Development Plan Document. Planning permission was also granted in 2016 but was never implemented and has now since lapsed.
315. The original concept was to help alleviate parking pressures within the town centre following completion of the A684 bypass. However, in the time since the bypass has been operational, there is no evidence to suggest that parking is a particular concern. There is also no guaranteed funding available to deliver the site, with the Council confirming that development costs remain uncertain.
316. Furthermore, at present the site provides a physical buffer between the bypass and the town. The open character of the site makes a positive contribution to the northern approach to Bedale, and, to the setting of the Bedale Conservation Area, the Grade II listed St. Gregory's House and Grade I listed Church of St. Gregory. Development of the site would introduce areas of hardstanding, parked vehicles, lighting, signage and

other associated paraphernalia. This would have a harmful visual impact on the approach into Bedale and to the significance of the identified heritage assets. Although the harm would be less than substantial, it would nonetheless still be material. In the absence of any convincing evidence to suggest that the scheme is either necessary or deliverable, we are not convinced that the public benefits are capable of outweighing the identified harm. The circumstances are therefore materially different to when the Site Allocations DPD was adopted, and the allocation is no longer justified or effective. As a result, it is deleted by **MM33**, **MM35** and **MM98** with consequential changes made by **MM03**.

317. Other projects are also listed by Policy EG5, some of which are already underway. Where the policy refers to general improvements to the public realm, it is not expected that commuted sums will be expected from development proposals to fund such works at this moment in time. In the interests of effectiveness this is made clear to users of the Plan by **MM34**.

## Conclusion

318. Subject to the recommended MMs, we conclude that the strategy for retailing and town centres is justified, effective and consistent with national planning policy.

## Issue 10 – Whether the Plan makes adequate provision to ensure that the necessary infrastructure and community facilities will meet the day-to-day needs of local communities

### Infrastructure Provision – Policies CI1 and CI2

319. Policy CI1 is concerned with the provision of new infrastructure. In summary, it provides an adequate policy framework to ensure that required improvements are delivered both on and off-site. Further, more specific details on the type of new infrastructure expected to be required over the plan period is contained in the Infrastructure Delivery Plan ('IDP'), which sits alongside the Local Plan. Paragraph 7.8 of the Plan states that the Council will keep the IDP under review to ensure that it provides the most up-to-date position on infrastructure needs.

320. Where new infrastructure is required to be funded by developments, the tests are set out in Regulation 122(2) of the Community Infrastructure Levy Regulations and paragraph 57 of the Framework. But there is no need to repeat either for soundness reasons in the Plan. The only changes necessary are to the supporting text by **MM65** and **MM66**. The first aligns

guidance on highways improvements with Policy CI2 (for effectiveness)<sup>44</sup>. The second deletes unjustified and inaccurate text which infers that no windfall sites will be required in Hambleton.

321. Policy CI2 supports new development where, amongst other things, it seeks to minimise the need to travel and maximise the use of sustainable modes of transport, is located where the highway network can satisfactorily accommodate the level of traffic generated and where adequate car parking provision is included. Where proposals could potentially impact on the strategic road network, early engagement with National Highways is expected. However, it is not justified or effective for the Plan to require compliance with non-statutory guidance. It is therefore amended by **MM67** and **MM68**.
322. The impacts of development on the strategic and local road networks have been considered throughout the plan-making process. The evidence is provided in Core Documents SD41 – SD44.2 and highlighted in Examination Document L006. In summary, for the strategic road network, the evidence showed that 10 junctions would require some mitigation, with the A168/A19 junction at Thirsk and the A19/A174 junction at Thornaby assessed further. Further work, referred to in Examination Documents SD42.2 and L006, then concluded that the growth proposed in the Local Plan would only result in the need for mitigation at the A168/A19 junction. The final detail of the mitigation scheme is yet to be designed, but there is nothing to suggest that it cannot be provided within the plan period.
323. A similar conclusion was reached in respect of the assessment of the local road network, namely that mitigation will be required, but in principle, there is nothing to suggest that the necessary works cannot be delivered. To assist users of the Plan, the junctions are included at Appendix 3. For larger allocated sites, such as NOR1, the provision of a Transport Assessment will provide the necessary detail on which junctions require remedial action. Policy CI2 also provides further safeguards to ensure that the highway network is capable of accommodating the growth proposed in the Plan. We are therefore satisfied that the Council has adequately considered the transport impacts of the proposed allocations, and when read as a whole, the Plan provides a robust policy framework to require any necessary junction improvements.
324. As submitted, Policy CI2 also implies that all proposals will be expected to provide a travel plan and transport assessment or transport statement. In the interests of effectiveness, **MM67** is needed to make it clear that such evidence is only necessary where it relates to major development or where transport impacts are likely. Consequential changes are made to the supporting text by **MM68**. For the same reasons, it is also necessary to delete the requirement to specify that proposals will only be supported

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<sup>44</sup> Inspectors' Note – The supporting text is reinserted by **MM70**

where they meet the policy criteria, including a requirement to maintain highway safety, and provide appropriate parking provision (**MM67**).

325. Criterion c) states that new development will be supported where, amongst other things, it seeks to maximise 'sustainable transport options'. The supporting text provides further information and suggests that charging points are fitted in new developments for ultra-low emission vehicles. For effectiveness, and to provide greater clarity to users of the Plan, **MM69** deletes this suggestion and states that for residential schemes, charging points should be fitted in garages as a minimum, whilst extra care and nursing homes should consider providing parking and charging space for mobility scooters, should they be required. This will ensure that the Plan is effective in promoting more sustainable transport solutions. It also ensures consistency with the Framework. In particular, paragraph 104 states that transport issues should be considered from the earliest stages of plan-making and development to, amongst other things, realise opportunities from changing transport technology and usage.

### **Open Space, Sport and Recreation – Policy CI3**

326. Policy CI3 outlines the Council's requirements for open space provision within new development. Although sound in principle, the policy is unclear about the scale of development for which open space contributions will be required. In addition, there is a conflict between the policy and the standards set out in Appendix E insofar as the policy is not explicit that financial contributions might be acceptable in certain circumstances. **MM71** is therefore necessary to ensure clarity and effectiveness.

327. The Council's preference is for entirely new open space, sport and recreational facilities to be provided on site as part of new major developments. However, in some circumstances, the improvement and/or enhancement of existing facilities may be more appropriate. **MM71** provides the necessary wording and is required for effectiveness.

328. Seeking to protect existing open space, sports and recreational facilities from redevelopment is justified and consistent with national planning policy. Where redevelopment is permitted, **MM71** ensures that the wording of Policy CI3 more accurately reflects paragraph 99 of the Framework.

329. As submitted, Policy CI3 refers to the loss of open space, sport or recreational facilities under criterion d) to f), but then also refers to outdoor sport and recreational facilities under criterion g) and h). This could be confusing to users of the Plan, and subject to the MM referred to above, would largely repeat the same policy tests. For effectiveness the wording is therefore deleted by **MM71**.

330. As noted above, criterion a) requires open space provision in accordance with Appendix E. **MM117** presents the requirements in a more legible manner and is necessary for effectiveness.
331. Land to the west of Applegarth in Northallerton is allocated as a Town Park (NOR4) where the existing uses are protected and supported in principle. The reason for the allocation is to increase the quality and quantity of open space to meet the needs of the growing population in the town. This is made clear by **MM71** in the interests of the effectiveness of the Plan. For the same reasons the MM also clarifies that the Applegarth car park is outside of the Town Park boundary. Although the allocation does not specifically support cycle parking, this omission does not make the policy unsound. The Plan is to be read as a whole and contains other policies supporting more sustainable modes of transport, such as CI2 which specifically refers to maximising walking and cycling.
332. Detailed development requirements for Northallerton Town Park (NOR4) are set out in the allocations section of the Plan. Here, the site is allocated for open and green space and recreation. However, this is not entirely consistent with Policy CI3 which also includes reference to a cemetery and allotments. **MM86** is needed to ensure internal consistency and clarity about what the site is allocated for.
333. Elsewhere there are currently no policies in the Plan which establish the two Sports Villages allocated under Policy NOR5 (Northallerton Sports Village) and Policy TIS4 (Sowerby Sports Village). To be effective, **MM71** includes a reference to the sports villages under Policy CI3. The development requirements for each of these sites are set out in more detail in the allocations section of the Plan.
334. As with other allocations, the requirements for Site NOR5 should be made clear that they constitute formal policy, make it clear what uses will be permitted and what will be required of development proposals (**MM87**). The guidance on landscaping and biodiversity should also be amended to allow for new access and for the need to seek opportunities to enhance biodiversity.
335. Similar changes are necessary in respect of the Sowerby Sports Village (TIS4) by **MM92**. The Plan also identifies an area of land that would be safeguarded for the expansion of the sports village in the future. However, the Council confirms that the site is likely to be required before the end of the Plan period. Without any mechanism to allow the expansion site to come forward early, there is no clear reason why the land could not form part of the allocation now. Modifications are therefore necessary to incorporate the safeguarded area into the allocation. To enable the land to be protected until such time as it is needed, the policy should also make it clear that other uses will be resisted. This ensures there is no ambiguity

about the delivery of the site in the long term. Finally, requirements relating to access, both in terms of location and landscaping, should be modified to provide additional clarity. **MM92** ensures that there will be a suitable and effective framework for the delivery of the Sports Village.

### **Community Facilities - Policy CI4**

336. To ensure effectiveness, the scope of Policy CI4 should be modified to ensure that it covers proposals for both new and enhanced community facilities (**MM73**). As drafted criterion a) implies that all proposals for new community facilities would have to be supported by 'demonstrable local need' for the facility. This is neither justified nor realistic for all community proposals and could frustrate the delivery of new or improved local facilities. **MM73** therefore replaces the text with a requirement to consider local need when determining planning applications for new developments.

337. As consulted upon, **MM73** also proposed the deletion of criterion c) which relates to impacts on the character and appearance of the area. Although such matters are already covered by other policies, it is not unsound. We have therefore not recommended its deletion in the schedule of MMs at **Appendix 1**.

### **Neighbourhood Planning – Policy S4**

338. Paragraph 21 of the Framework is clear that plans should be explicit about which policies are strategic. As submitted, Policy S4 identifies all policies in the Vision and Spatial Development chapter as strategic, along with policies HG3, E1, CI1 and RM2. However, these do not fully reflect the full range of strategic policies in the plan. In particular, policies HG1 and EG1, which establish the distribution of housing and employment allocations, should be considered strategic in the context of the overall spatial strategy. Modifications are therefore necessary to ensure the plan is effective and consistent with national policy (**MM13** and **MM14**).

339. Policy S4 has been criticised for not establishing a housing requirement for each 'designated area' as set out in paragraph 66 of the Framework. Whilst the policy identifies designated 'neighbourhood areas', it does not set out a specific housing figure for each one. The Council's justification for this is that as the Plan identifies sufficient land to meet the overall housing requirement, there are no outstanding needs that could be accommodated in each neighbourhood area or, as a result, any clear evidence as to what the requirement would be. Moreover, through Policies S5 and HG5, the Plan seeks to introduce a flexible and positive strategy by removing settlement boundaries and allowing growth within and adjacent to rural villages. The scale of growth permitted in each village is purposely not set out and will be determined by the application of the windfall policies. In this particular case the Council's approach is therefore justified and sound.

## Conclusion

340. Subject to the recommended MMs, we conclude that the Plan will make adequate provision to ensure that the necessary infrastructure and community facilities will meet the day-to-day needs of local communities.

## Issue 11 – Whether the approach to the provision of green infrastructure and Local Green Spaces is justified, effective and consistent with national planning policy

### Green Infrastructure – Policy E4

341. Green infrastructure refers to a network of multi-functional green spaces which are capable of providing benefits to the environment and the health and well-being of communities. The approach to protecting and enhancing green infrastructure is therefore justified. Where a site is located within or close to a green infrastructure corridor, Policy E4 requires development proposals to enhance, or create links between the site and the corridor, in addition to enhancing its functionality. On the whole, green infrastructure corridors are not, therefore, areas where certain forms of development are precluded in the same way as the Green Belt, for example.<sup>45</sup>

342. Some changes are required to Policy E4 to ensure effectiveness. Firstly, **MM58** clarifies that linkages between new development and green infrastructure could be provided by multi-user paths. Secondly, it is necessary to differentiate between increasing woodland tree cover and, where possible, increasing access to woodland (recognising that not all wooded areas will have public access). Finally, reference to the North Yorkshire & York Local Nature Partnership Strategy is removed from the wording of the policy as other documents equally identify areas of green infrastructure. The Strategy is also referred to in the supporting text.

### Local Green Spaces – Policy CI3

343. Appendix D of the Plan contains a list of sites designated as Local Green Spaces and a summary reason for their designation. The sites are also illustrated on the submission version policies maps.

344. The sites were all appraised in the Hambleton District Council Local Green Space Assessment: Combined Recommendations Report.<sup>46</sup> It assessed sites based on the requirements of the 2012 Framework, which stated that the designation should only be used where the green space is reasonably close to the community it serves, is demonstrably special and where the site is

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<sup>45</sup> Inspectors' Note – Local Green Spaces are also considered to form part of the wider 'green infrastructure' and are discussed separately under Policy CI3

<sup>46</sup> Core Document SD25

local in character and is not an extensive tract of land. The same requirements are found in paragraph 102 of the latest Framework, and thus, the basis of the assessment remains sound.

345. In seeking to determine whether a site is reasonably close to the community it serves, the Assessment has used a maximum distance of 2km. Without specific guidance in either the Framework or the PPG, we agree that this is a reasonable threshold to use and represents a typical maximum walking distance to use an area of green space. For determining whether a site holds a particular local significance, sites have been considered for their beauty, historic significance, recreational value, tranquillity, richness of wildlife or other specified reason. The criteria are therefore consistent with the examples used in paragraph 102 of the Framework.

346. Determining whether a site holds significance because of its beauty, recreational value or tranquillity is subjective and requires judgement to determine whether or not to designate sites. On the whole, we consider that the judgements used in the Council's Assessment are broadly accurate and reasonable, with two notable exceptions.

347. Firstly, land at Easby Lane, Great Ayton (Ref ALT/S/058/032/G) is included for its historic significance. Whilst the site may have archaeological potential, there is no substantive evidence that the site has any strong connection with the local community or is demonstrably special. The designation of the site as a Local Green Space is not justified and deleted by **MM115**.

348. Similarly, land along Hundale Gill at Hutton Rudby has been identified for its richness of wildlife (Ref ALT/S/073/022b/G), but inconclusive evidence has been presented to justify its inclusion as a Local Green Space. It is noteworthy that in this case, the local Parish Council themselves contend that the area is not demonstrably special. Based on the evidence provided it is not justified and is deleted by **MM116**.

349. Where sites are designated as Local Green Space, paragraph 103 of the Framework states that policies for managing development should be consistent with those for Green Belts. **MM71** is necessary to ensure consistency with the Framework in this regard, with consequential changes to the supporting text made by **MM72**.

## Conclusion

350. Subject to the recommended MMs, we conclude that the approach to the provision of green infrastructure and Local Green Spaces is justified, effective and consistent with national planning policy.

## **Issue 12 – Whether the plan provides sufficient measures to protect, preserve and enhance the built, historic and natural environments**

### **Design and Amenity – Policies E1 and E2**

351. As submitted, Policy E1 requires a masterplan for all 'large scale development', as defined by the Glossary in the Plan. Using a threshold of 50 dwellings is appropriate given the predominantly rural nature of Hambleton and the size of developments likely to be proposed. However, in some circumstances smaller, phased or more complex schemes may also require masterplanning to ensure that sites are planned in a comprehensive and coherent manner. This is made clear by **MM53**, which is necessary for effectiveness. For the same reasons, the Plan should be more flexible by removing detail regarding the masterplanning process from the policy wording and directing applicants to agree the necessary scope with the Council instead.
352. As submitted, the policy also requires all large-scale major development (defined as over 200 dwellings or 4 hectares for residential uses and 10,000 square metres or 2 hectares for commercial uses) to be accompanied by a design code. However, there is limited evidence to justify the use of this threshold in Hambleton having regard to the context of the area and the type of developments likely to come forward. Moreover, the Council's justification for the policy was to ensure that it applied to phased developments, but there is no guarantee that development of this scale would always be phased. For effectiveness therefore, **MM53** sets out a more flexible approach.
353. The policy as submitted seeks to ensure any proposals that would be subject to a masterplan or design code should be prepared to engage with a design review panel and implement recommendations from the process. As consulted upon, **MM53** sought to remove this requirement. However, paragraph 133 of the Framework states that local planning authorities should ensure that they have access to, and make appropriate use of, tools such as design review panels, which are of most benefit if used early in the process and are particularly important for significant projects such as large-scale housing and mixed-use developments. Requiring applicants to engage in this process is therefore not unsound or unjustified and we have not recommended its deletion in the schedule of MMs at **Appendix 1**.
354. Proposals relating to the extension of a dwelling, or the provision of ancillary development within the curtilage of a dwelling, are also addressed by Policy E1 and must meet additional criteria. Because extensions to residential properties in the countryside may have wider visual implications, a consideration of landscape impact is required by **MM53**.

355. As consulted upon, **MM53** also deleted criterion k) and l) as they repeated requirements applicable to all proposals. Although this results in some repetition, it is not unsound. As such, we have not recommended their deletion in the schedule of MMs at **Appendix 1** to this Report.
356. The design-based criteria for extensions apply equally to annexes, which may result in the enlargement of a property or the reuse of outbuildings. In the interests of effectiveness, **MM53** therefore makes the necessary changes. Where annexes are concerned, Policy E1 is overly prescriptive in what may or may not be permitted. In modifying the policy, **MM53** therefore makes it clearer that annexes will be permitted where they are within the curtilage of the existing dwelling, are subordinate to it, have a clear functional link with the host property and share access, parking and garden areas.
357. For all of the changes proposed by **MM53** above, consequential changes to the supporting text are made by **MM54**. Some of the changes also make the requirements of the policy clearer to users of the Plan, and thus, are also necessary for effectiveness. In addition, **MM54** introduces references to documents such as the National Design Guide and National Model Design Code which are intended to inform the design of new development. When read as a whole, the policy and the supporting text reflect the requirements of paragraph 126 of the Framework which states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
358. Policy E2 requires all proposals to provide and maintain a high standard of amenity for both existing and future occupants of land and buildings. On some occasions, development may be subject to impacts from noise (such as from airfields in the area). To reflect this, and for effectiveness, **MM55** introduces a requirement to avoid significant adverse noise impacts. In the interests of promoting high quality design consistent with national planning policy, the MM also introduces a requirement to provide adequate private outdoor space for amenity, and not just the storage and collection of waste.

### **Development and Heritage Assets – Policies S7 and E5**

359. Policy S7 provides the Council's strategic approach to conservation and the historic environment. It sets out those aspects of the built environment which it considers to be the most important to the area's distinctive character. This is appropriate and justified.
360. The second part of Policy S7 sets out what is expected of development proposals affecting heritage assets. However, greater detail is provided in Policy E5, which is also more accurate. For effectiveness, **MM19** therefore confirms that for development management purposes, Policy E5 will be used

to determine planning applications. As a consequence of these changes, **MM20** is also necessary to move the associated supporting text.

361. The starting point for Policy E5 is the requirement for relevant development proposals to assess their impact on any heritage assets affected. **MM59** provides additional text to ensure that the policy is both effective and consistent with national planning policy in this regard. Amongst other things, it requires heritage statements to be proportionate, assess impacts on historic significance and provide clear and convincing justification where harm is weighed against public benefits. In accordance with paragraph 194 of the Framework, it also requires relevant assessments and justification on sites where archaeological assessments may be required.
362. As submitted, Policy E5 does not accurately enough distinguish between substantial and less than substantial harm. For effectiveness and consistency with national planning policy, this is rectified by **MM59**. Also for effectiveness, and as a consequence of **MM59**, additional supporting text is required by **MM60** to help define non-designated heritage assets.
363. As consulted upon, the third sentence of the paragraph inserted by **MM60** contained missing text. To reflect the remainder of the paragraph, it should state that sites identified within the Historic Environment Record may be considered as non-designated heritage assets, in addition to buildings of local interest identified in conservation area appraisals. We have therefore amended **MM60** in **Appendix 1** to this Report. This does not alter the intent of the supporting text but provides necessary accuracy and clarity.

### **The Natural Environment – Policy E3**

364. To ensure consistency with paragraph 174 of the Framework and contribute to the enhancement of the natural environment, **MM56** requires all development proposals to provide net gains for biodiversity. The avoid/mitigate/compensate approach required by paragraph 180 of the Framework is also achieved by **MM56**. Further changes are made to ensure that Policy E3 is effective and justified. They include the balancing requirements for developments affecting designated sites of importance for biodiversity and the requirement for long-term maintenance arrangements. Consequential changes to the supporting text are made by **MM57**.
365. As consulted upon, **MM56** deleted the word 'normally' insofar as it relates to Sites of Special Scientific Interest ('SSSIs'). However, this is not necessary for soundness and would lead to an inconsistency with paragraph 180 of the Framework. It is therefore retained in the schedule of MMs at **Appendix 1** to this Report.

## Landscape – Policies E6 and E7

366. The Local Plan includes parts of the Howardian Hills and the Nidderdale Areas of Outstanding Natural Beauty ('AONB'). Located outside the Plan area is the North York Moors National Park, which also has a significant influence on the character of the area. Setting out requirements for developments affecting national landscapes (Policy E6) and those affecting local landscapes (Policy E7) is a justified and reasonable strategy.
367. Paragraph 177 of the Framework states that planning permission should be refused for major development in AONBs other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest. For the purposes of paragraph 177, 'major development' is a matter for the decision maker, taking into account matters such as the nature of the development, its scale and setting. Because major development is defined elsewhere in the Local Plan, **MM62** makes the necessary distinction for effectiveness.
368. Because the AONB management plans are non-statutory documents, **MM61** requires proposals for small-scale development to have regard to their priorities and objectives, rather than according with them. For similar reasons, and for effectiveness, it is necessary to modify Policy E7 by deleting reference to specific parts of the Hambleton Landscape Character Assessment and Sensitivity Study (**MM63**).
369. Under the heading of Townscape, Policy E7 states that the development of 'important open spaces' identified in the Settlement Character Assessments<sup>47</sup>, or other areas contributing to character or setting, will only be supported where proposals would enhance the setting, character and townscape of that area. Although the policy has sound intentions, not all the 'important open spaces' are identified in the Settlement Character Assessments. The ambiguity and lack of clarity over which sites the policy applies to would make it ineffective. **MM63** therefore deletes the paragraph with consequential changes to the supporting text required by **MM64**.
370. As consulted upon, **MM63** also deleted the preceding paragraph from Policy E7. However, this is not necessary in the interests of soundness and includes a more general requirement that the Council will protect and enhance the distinctive character and townscapes of the district's settlements. The policy requirement is clear, justified and sound. It is therefore not deleted from the schedule of MMs at **Appendix 1**.
371. Likewise, the proposed modification deleting reference to conserving valued trees, hedgerows and woodlands is not necessary. Paragraph 174 of the Framework requires planning policies to recognise the benefits of trees and

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<sup>47</sup> Core Documents SD27 and SD28

woodland. The deletion is therefore not recommended in the schedule at **Appendix 1**. However, modification is necessary to highlight the protection given to ancient woodland or veteran trees. **MM63** ensures that any loss or deterioration is only justified by exceptional circumstances and can be suitably compensated. This will ensure the Plan is effective and consistent with paragraph 180 of the Framework.

### **Water Quality and Supply, Flood Risk, Water Management, Air Quality, Contamination and Pollution – Policies RM1, RM2, RM3, RM4 and RM5**

372. Within its Water Resource Management Plan<sup>48</sup>, Yorkshire Water concludes that there could be a water supply deficit in the area by the mid-2030s. Improving water efficiency from development is identified as one of the tools necessary to mitigate the growth in water demand. The standards required by Policy RM1 are therefore justified.

373. In terms of water quality, the inclusion of reference to natural geomorphology and ecological value would ensure the full remit of the Water Framework Directive is included within the scope of Policy RM1. This is achieved by **MM74** which is needed for effectiveness.

374. Policy RM2 is broadly consistent with national policy in its approach towards flood risk. However, there are areas where the wording is unclear and imprecise. In the interests of effectiveness, the policy is modified by **MM75**, which refers back to the tests in national policy. It also deletes the text relating to circumstances where a flood risk assessment is required because it does not accurately reflect the Framework. The full requirements are set out in national planning policy and there is no need to repeat them in the Local Plan.

375. Seeking to incorporate sustainable drainage systems into new development is justified in order to manage water run-off and minimise the risk from flooding. For effectiveness, **MM76** makes it clear under what circumstances new development will be permitted, clarifies that sustainable drainage systems should be used where appropriate and that their design should have regard to NYCC guidance. For the same reasons, the MM states that where the drainage system would discharge to a watercourse that the Environment Agency has responsibility for, regard must be had to any relevant standing advice. Similarly, where support is given for flood risk management schemes, this can occur in any location and not just 'upstream'. (**MM76**)

376. With regard to Policy RM4, to be effective, the policy needs to include a reference to what happens where air quality mitigation measures are not

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<sup>48</sup> Core Document SD49

possible (**MM77**). Policy RM5 relates to contaminated land, the protection of groundwater and unexploded ordnance. As submitted, the policy is unclear and difficult for users of the Plan to follow, contrary to paragraph 16 of the Framework. Much of the policy text should also be in the supporting text, as it explains processes rather than establishes policy. The relevant changes are made by **MM78** and set out what is required of assessments and what is required in circumstances where remedial action is necessary. Consequential changes are made to the supporting text by **MM79**.

### **Minerals and Waste – Policy RM6**

377. Policy RM6 seeks to address the effect of development within minerals safeguarding areas. However, the policy refers to the North Yorkshire Minerals and Waste Joint Plan ('MWJP') and the need for engagement with NYCC, who are the waste and minerals authority. The supporting text to the policy also states that the MWJP contains the relevant policies for the safeguarding of minerals. The policy therefore covers issues that are outside the scope of the Plan and relies on the content of the MWJP. On this basis, the policy is therefore not necessary, not justified and is ineffective. It is deleted, with the content transferred to supporting text by **MM02** and **MM80**.

### **Sustainable Development Principles, Renewables and Low Carbon Energy – Policies S1, E1 and RM7**

378. Policy S1 sets out the central role that sustainable development plays in meeting the growth requirements for Hambleton. It states that the Council will seek to ensure that development makes a positive contribution towards the sustainability of communities. Amongst other things, this includes minimising the need to travel, promoting the use of sustainable modes of transport and supporting developments that take available opportunities to mitigate and adapt to climate change, minimise greenhouse gas emissions and make prudent and efficient use of natural resources. For effectiveness, **MM05** extends the scope of the policy to ensure that it encompasses all development and opportunities for the efficient use of land and materials.

379. The design and layout of buildings are critical to adapting to, and mitigating against the effects of, climate change. It is therefore necessary for all development to consider climate change through its location, orientation and design and seek to minimise energy consumption. This is achieved by a modification to Policy E1 insofar as it deals with the design of new development. (**MM53**)

380. The submitted Plan and associated policies maps do not identify areas defined as being suitable for wind turbines. However, this does not prevent such areas from being identified through neighbourhood plans.

381. In seeking to support proposals for renewable and low carbon development, where impacts can be made acceptable (with the exception of wind turbines), Policy RM7 is consistent with paragraph 158 of the Framework. In some cases, proposals may involve community-led initiatives. For clarity and effectiveness, **MM81** makes it clear that such proposals will also be supported in principle, including any associated infrastructure (which may go beyond service roads and grid connections).

### **York Green Belt - Policy S6**

382. The extent of the Green Belt is illustrated on the adopted Policies Map for Hambleton. No changes are proposed, and no exceptional circumstances have been demonstrated to support any such alterations.

383. For development proposals within the Green Belt, Policy S6 applies. As submitted, it refers to some, but not all the requirements for new development. To remove any ambiguity, and for effectiveness, **MM18** states that proposals for new development will be determined in accordance with national planning policy. There is no need to repeat the provisions of the Framework within the Local Plan.

### **Conclusion**

384. Subject to the recommended MMs, we conclude that the approach to the protection, preservation and enhancement of the built, historic and natural environment is justified, effective and consistent with national planning policy.

### **Overall Conclusion and Recommendation**

385. The Plan has a number of deficiencies in respect of soundness and legal compliance which, for the reasons set out above, mean that we recommend non-adoption of the Plan as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues above.

386. The Council has requested that we recommend MMs to make the Plan sound, legally compliant and capable of adoption. Overall, we conclude that with the recommended modifications set out in the accompanying Appendix the Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the Framework.

*Matthew Birkinshaw and Steven Lee*

INSPECTORS

This report is accompanied by the following Appendix:

Appendix 1 – Schedule of Recommended Main Modifications