



# Planning Inspectorate

## Examination of the New Settlement (Maltkiln) Development Plan Document

Inspector: Clive Coyne BA (Hons) Dip TP MRTPI

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Natasha Durham  
Planning Manager, Policy  
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St Luke's Avenue  
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24 January 2025

Dear Ms Durham,

1. I write further to the examination hearing sessions which concluded in September 2024. At the hearings I committed to write to the Council to set out my recommendations on any soundness matters which were not agreed in the sessions. The Council and participants should note that these comments do not represent my full and/or final conclusions on these matters. They shall be set out in my Report, having first considered any representations made in response to the Main Modifications consultation.

### Land ownership

2. At the hearing sessions the land ownership issue was discussed as it raised a potential soundness issue relating to the deliverability of the new settlement. This issue stemmed from the fact that a large landowner stated that approximately 42% of the developable area of the allocation is no longer available<sup>1</sup>. This land is in the ownership of Mr B Dent (Dent Land).
3. At the hearings the remaining site promoters suggested potential Main Modifications to ensure that the new settlement would come forward for development as envisaged. The primary suggested modification is to make changes to Figure 2 'the Development Framework' to facilitate the development of a portion of the allocation amounting to approximately 14% of its developable area<sup>2</sup>. At present there is a plant nursery business, Johnsons, in operation on this land (Nursery Site).

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<sup>1</sup> Matter 1 Hearing Statement of Mr B Dent

<sup>2</sup> Examination Document NYCD07

4. Other main modifications to Policies NS1, NS3, NS12, NS15, NS26, NS27, NS28, NS31 and NS36 are also suggested that would better reflect the intention that the Development Framework is indicative. There would also likely be consequential changes to the supporting text. The principle of these suggested modifications has now been agreed by the Council and the remaining land promoters for the new settlement in a signed Statement of Common Ground.<sup>3</sup>
5. The suggested changes to Figure 2 include the insertion of a new link road facilitating access to the developable area of the allocation that would be closer to the existing Nursery Site. This proposed new access would be via the B6265 which, according to the illustrative map set out in Examination Document NYCD04, would cut across the proposed Green Gap (Policy SG2) and also intersect with the proposed Green Loop. These modifications would mean that the Nursery Site would be developed in the first phases rather than the currently unavailable Dent Land. In addition, for this to happen, the existing Johnsons nursery business would need to relocate from its current site to a new one that would be located outside the new settlement plan area.
6. As set out above, the currently unavailable land comprises about 42% of the developable area of the allocation with the Nursery Site consisting of around 14%. Clearly, the development of the Nursery Site alone would not make up for the loss of the Dent Land in its entirety. However, circumstances can and do change. Modifying the plan in this way would enable development to commence across a significant part of what is a large, strategic allocation that is expected to come forward over several years.
7. It is also a requirement of extant Harrogate District Local Plan policy DM4 for the nursery business to be relocated. Furthermore, according to the Matter 2 hearing statement submitted by Caddick Developments Ltd (Caddick), the nursery would need to be relocated by February 2026 due to operational business reasons. It is also stated that an agreement is in place to acquire the land for the relocation of the nursery business and that there is a stipulation that this should be done by February 2026. Caddick have also stated that they have control of around 86% of the other remaining parcels of land within the allocation area that would be needed to deliver the new settlement.
8. Additionally, a planning application was submitted for the allocation area in 2019 (Ref. 19/00017/EIAMAJ)<sup>4</sup>. According to the Matter 2 hearing statement submitted by Caddick this application has subsequently been revised to include amendments to the settlement boundary which reflect the above proposed modifications. The updated application phasing plan (Appendix E) shows that the Dent Land would not be developed until phases 9 to 12 with the Nursery Site shown as coming forward in phase 1.

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<sup>3</sup> Examination Document NYCD04

<sup>4</sup> Examination Document DF01a

9. The Council have also stated that they would use their compulsory purchase powers to acquire the currently unavailable land should this be necessary to ensure the deliverability of the new settlement. Members have resolved to do so in principle<sup>5</sup>.
10. Consequently, it would be rational to conclude that the currently unavailable land would not likely remain so indefinitely meaning that it would have a reasonable prospect of being developed during the later phases of the new settlement. As a result, I consider that there is a reasonable prospect that the unavailable land would be developed as envisaged.
11. Therefore, based on the updated information submitted, the written representations and discussions to date, I agree that, in principle, the land ownership issue could potentially be rectified by the suggested Main Modifications. These main modifications are necessary to ensure that the Plan is justified, effective in delivering new development and sound. However, this does not represent my full findings on this matter, which shall be set out in my final Report after I have considered any comments made in response to the Main Modifications consultation.

### **Next Steps**

12. I trust that the necessary changes highlighted above are all self-explanatory and that you can accommodate them into the schedule of Main Modifications already in preparation. In the meantime, should you have any queries please do not hesitate to contact me. I have asked the Programme Officer to upload a copy of this letter to the website for those following the examination, however, I am not seeking additional comments from participants at this stage.

Yours sincerely,

*Clive Coyne*  
INSPECTOR

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<sup>5</sup> Submission Document SDNS11