

Harrogate District Local Plan 2014 – 2035

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

Schedule of Matters, Issues and Questions for the Examination Made on Behalf of Caddick Developments Ltd

Matter 1 – Legal Compliance

Issue 1 – Duty to Cooperate

Q1. What evidence can the Council point to which demonstrates that it has engaged constructively, actively and on an ongoing basis in relation to the known cross-boundary issues?

- 1.1 We do not wish to respond to this question in writing however reserve the right to respond verbally depending on other responses received.

Q2. Are the remaining issues to resolve (such as transport, healthcare, and education) matters of soundness or legal compliance?

- 1.2 We do not wish to respond to this question in writing however reserve the right to respond verbally depending on other responses received.

Issue 2 – Public Consultation

Q1. Has public consultation been carried out in accordance with the Council's Statement of Community Involvement, the Framework, the PPG and the requirements of the 2004 Act and 2012 Regulations? If not, what were the reasons why?

- 1.3 We do not wish to respond to this question in writing however reserve the right to respond verbally depending on other responses received.

Q2. Were adequate opportunities made available for participants to access the Plan, and other relevant documents, in different locations and in different formats (such as in paper, at face-to-face meetings/events and online)?

- 1.4 We do not wish to respond to this question in writing however reserve the right to respond verbally depending on other responses received.

Q3. Were adequate opportunities made available for participants to submit and make representations, having particular regard to the length of public consultation and the process for making comments?

- 1.5 Preliminary work on the DPD commenced in 2018 where there was targeted engagement, including stakeholder workshops.
- 1.6 The Regulation 18 consultation ran for 13 weeks from 19th October 2020 until 22nd January 2021 and the Regulation 19 consultation ran for 7 weeks from 3rd October 2022 until 25th November 2022.
- 1.7 The level of consultation and nature of the consultation events is similar to many other local plan consultations that we have been involved with in the region and adequate opportunities were made available for participants to submit and make representations.

Issue 3 – Sustainability Appraisal

Q1. What are the ‘concept options’ in the Sustainability Appraisal (‘SA’) based on? How have they been determined, and do they adequately reflect a reasonable range of alternatives? If not, what should the SA have considered at this stage?

- 1.8 Policy DM4 of the adopted Harrogate District Local Plan (‘LP’) identifies a broad location for growth for a New Settlement.
- 1.9 Three options for the location of the New Settlement within this broad location were then established through a Study¹ commissioned by the Council which looked at baseline evidence and explored concept options as a starting point to the DPD. The potential options were developed from the work undertaken by the Study and through stakeholder engagement and were assessed against the SA framework.
- 1.10 Option 1 focused on the area north of the railway line between Cattal and Hammerton train stations and incorporated the village edges of Green Hammerton and Kirk Hammerton. Option 2 focused on the area north of the railway line around Cattal station, with the majority of the development located south of the A59 and Option 3 focused on the area around Cattal station expanding towards the south and southwest of the railway line.
- 1.11 The three options were based on broad areas rather than having defined boundaries and were framed in the context of the Plan’s Vision and Objectives and were all capable of accommodating the quantum of development required by Policy DM4 of the LP. Alternatives needed to be sufficiently distinct to allow for a meaningful appraisal and also needed to be capable of accommodating the requirements of the adopted LP.
- 1.12 At the time of drafting the DPD two planning applications were lodged with the Council, which broadly reflect Options 1 and 3. A further option was then considered by the Council, which included parts of both applications, providing a comprehensive set of options in the area identified in the LP.
- 1.13 At the time, the options assessed therefore adequately reflected a reasonable range of alternatives based on constraints, opportunities and land availability within the adopted broad location for growth and the SA process was sound.
- 1.14 Since assessment of the options through the SA process, land within Option 3 has become unavailable. It will require CPO. This will delay the commencement of development as the main access to the New Settlement (beyond the first short stretch) is affected by that unavailable land. In addition, there are further timing issues which mean that for delivery reasons, the New Settlement needs a new/additional access from the A59, east of the Gilsforth Hill/Station Road junction to access the Johnsons nursery land early in the proposed development to ensure it remains available for development (refer to Matter 2, Issue 3 Question 1). The new alignment of the circulatory route within the New Settlement is facilitated by the new access and is in the most suitable alignment taking account of topography and is at the most suitable location to cross the railway line where there is a cutting to ensure the bridge is set at existing ground levels. The amendment required would be a slight variant on concept Option 3.
- 1.15 As our responses to Matter 2 make clear, whilst there is no issue with legal soundness, the DPD is no longer considered sound in policy terms (NPPF35) and a main modification is required to undertake a relatively modest amendment to the boundary of the New Settlement in Figures 1 and 2 to include an additional access and land to the east, together with amendments to the extent of land within the Strategic Green Gap boundary. The amended DPD boundary is still considered to

¹ Green Hammerton/Cattal New Settlement Concept Framework (prepared by Gillespies, Vectos, Cushman and Wakefield and Harrogate Borough Council)

be generally consistent with Option 3, however the changes are material enough that an updated sustainability appraisal may be required as part of the ongoing SA process of the DPD.

Q2. Are there any other reasonable spatial options that should have been tested by the Council through the SA, and if so, why?

- 1.16 The broad location for a new settlement established within Policy DM4 of the Local Plan and shown on a plan, clearly identifies a location to the west of Green and Kirk Hammerton in the vicinity of Cattal train station. The DPD seeks to deliver that New Settlement and therefore the three spatial options represent the three alternative options in the area. We do not consider that there were any other reasonable spatial options that should have or could have been tested by the Council through the SA, based on the information known to the Council at that time.
- 1.17 However, circumstances have changed. The landowner of the Dent land is no longer a willing party to the development of the land. A CPO would be required, which would lead to significant delays. The antidote to such delay is an amendment to the DPD area to include additional land to the east, as explained in our Matter 2 response. The amendment sought is however still consistent with Spatial Option 3.

Q3. Do each of the concept options propose the same amount of growth? How has the potential loss of any best and most versatile agricultural land been considered?

- 1.18 The specific quantum of development was not defined for each of the concept options however the Concept Framework Deliverability and Viability Assessment assessed all the options to determine whether the net developable area of each option was large enough to support the volume of housing numbers and employment space required by the Local Plan policy. Therefore, all options were assessed as being capable of accommodating the quantum of development required by Policy DM4.
- 1.19 With regards to the potential loss of any best and most versatile agricultural land, the SA notes that there will be a loss of agricultural land regardless of the option pursued. Given the scale of the New Settlement in this location is committed within the adopted Local Plan, loss of BMV is an inevitable consequence of the LP and has been considered to be sound and justified already.
- 1.20 SA Objective 7 however seeks to minimise the avoidable loss of the most valuable soils and agricultural land. All options result in minor negative effects. There are no universally applicable measures available to mitigate the direct loss of agricultural land. The use of best and most versatile land for development should be considered in the context of the need for the development and the high quality of agricultural land in the District.
- 1.21 Our Client's outline application is accompanied by an Agricultural Land Classification Survey and the loss of agricultural land is fully assessed within the Environmental Statement.

Q4. The preferred option (Option 3) is predicted to have likely significant negative effects in terms of biodiversity and potential significant negative effects in terms of landscape including retaining the area's rural character. How will these negative effects be addressed by the DPD?

- 1.22 Sustainability Appraisal Objective 2 is to protect and enhance the function and connectivity of biodiversity habitats and species. Against this objective, the SA determines that Option 3 would have likely significant negative effects, a higher level than Options 1 and 2. This is primarily based on the proximity and potential impact from dog walkers on the Aubert lngs SSSI, with the SA noting that an increase in housing could lead to damage through increased trampling, dog fouling, impacts on management and urban edge effects.

- 1.23 Option 3 includes housing in closer proximity to the SSSI Site and the SA considers it could potentially (our emphasis) generate more footfall than the other options. The SA does however caveat this by noting that this will depend on the nature of any footpath access².
- 1.24 The SA notes that there is 'flexibility in design and layout that should allow for negative effects to be avoided and positive effects secured in the longer term (hence the effects not being recorded as likely)'. The point made is that mitigation can address the potential effects. The DPD has addressed potential effects by introducing Policy NS15 which requires recreational open space to be designed to mitigate additional recreational impact on the SSSI. Whilst we do have objections to the lack of flexibility in that policy it demonstrates that the approach in the SA was a suitable one and the negative effects capable of being avoided.
- 1.25 The SSSI has been assessed within the outline application and its July 2024 revision (reference 19/00017/EIAMAJ) submitted by our Client. The SSSI is not directly accessible via any public footpath. To reach the SSSI residents would need to walk down Cattal Street which is a narrow road with no pavements. The nearest part of the Site to the SSSI is 1.2km. The proposed development will include the provision of a footpath network including convenient and attractive walking routes which provide a suitable alternative provision. It is therefore concluded that there would be a neutral effect on the SSSI rather than the potential impact.
- 1.26 Option 3 is also reported to have the greatest amounts of recorded woodland which could potentially be affected; however, the design and layout of the scheme can effectively mitigate against any adverse impacts. Policy N13 requires the scheme to deliver at least 10% net gain in biodiversity value. It sets out what the BNG strategy should achieve, and this includes utilising opportunities to connect existing habitats, particularly woodlands in the west.
- 1.27 In terms of landscape impacts, the broad location for a New Settlement as set out within the adopted Local Plan is largely rural and undeveloped therefore all options are considered to have a negative impact on local landscape character due to the scale and location of the New Settlement. Given the New Settlement within this broad location is an adopted Local Plan policy, the landscape effects cannot be avoided, but can be minimised. The SA therefore focuses on the extent to which the options could limit the likely significant effects, which are then supported by policies in the DPD relating to masterplanning and a design code for the scheme.
- 1.28 The SA considered that Option 3 has the potential to impact less significantly upon the relationship between the existing villages and was scored more favourably out of the three options given this option intrudes less on existing villages and is less likely to lead to coalescence.
- 1.29 The main modification put forward by our Client would not materially change the outcome of this assessment. Although the boundary of the New Settlement is proposed to move further north and east through the modification, it would still intrude less on existing villages than the other concept options and would not lead to coalescence. As demonstrated within our response to Matter 3 Issue 3 Question 5 it would only be a partial incursion into the Strategic Green Gap. It would not conflict with the objectives of the Strategic Green Gap between the proposed New Settlement boundary and the existing villages
- 1.30 Both issues were noted in a high-level SA, with Option 3 having the least impact on landscape and rural character. With regards biodiversity it was assessed as potentially higher, based on the SSSI, however this was noted as being capable of being mitigated to result in no impacts. This in turn informed clear policies within the DPD to ensure that ecological impacts were reduced, both in terms of the SSSI and BNG, together with policies on the design of the scheme to minimise impact on landscaping and the rural character. These policies have all been considered in the pending planning application (reference 19/00017/EIAMAJ) and demonstrate the effectiveness of those policies.

² Regulation 19 SA Report, page 25

Issue 4 – Climate Change

Q1. Does the Plan (taken as a whole) include policies designed to secure that the development and use of land in the area contributes to the mitigation of, and adaptation to, climate change? If so, how?

- 1.31 The Plan includes policies to ensure the development contributes to the mitigation of, and adaptation to, climate change. Policy NS3 requires the masterplanning to reflect the detailed strategies and assessments required by climate change policies in the DPD to support the delivery of net zero carbon by 2038 and deliver a climate resilient place. This is then supported by eight key climate change policies. These are Policies NS4, NS5, NS6, NS7, NS8, NS9, NS10 and NS11 of the DPD.
- 1.32 The scale of the development proposed means that it can take a holistic view of sustainability and in particular focus on climate change mitigation, including net zero carbon principles, climate change adaptation and climate change resilience. This is to ensure the proposed New Settlement is futureproofed, adaptable and resilient to future climate challenges.

Issue 5 – Public Sector Equality Duty

Q1. In what ways does the DPD seek to ensure that due regard is had to the three aims expressed in s149 of the Equality Act 2010 in relation to those who have a relevant protected characteristic?

- 1.33 We do not wish to respond to this question in writing however reserve the right to respond verbally depending on other responses received.

Issue 6 – Habitats Regulations Assessment

Q1. Have the requirements for appropriate assessment under the Habitats Regulations been met? Have the results of the Habitats Regulations Assessment been carried forward in the DPD?

- 1.34 We do not wish to respond to this question in writing however reserve the right to respond verbally depending on other responses received.

Q2. What measures will the DPD put in place to ensure that likely significant effects would be avoided?

- 1.35 We do not wish to respond to this question in writing however reserve the right to respond verbally depending on other responses received.