

**EXPLANATORY NOTE PREPARED BY ALDERMAN COUNCILLOR PAUL ANDREWS  
IN SUPPORT OF THE ACCOMPANYING LETTER FOR NORTH YORKSHIRE  
COUNCIL ON PLANNING ISSUES AFFECTING MALTON AND NORTON**

1. The purpose of these representations is to request North Yorkshire Council to take a fresh look at the Ryedale Plan and the Review of the Ryedale Plan and to ask that some interim changes are made and to seek a dialogue with the new council at a senior member and cabinet level about these changes and how they might be addressed.
2. Paul Andrews holds university of London honours degrees in Law and Classics. He qualified as a solicitor in 1972 and retired in 2008. For most of his professional career he was employed in Local Government and specialised in Planning law and advocacy, as well as also carrying out or directing the run of the mill work of a local authority legal office. He was Ryedale's chief solicitor 1988 – 1996. First elected as a district councillor for Malton ward as a Liberal Democrat in 2003, he went independent the following year and has represented Malton as an independent from then until 1st April 2023. He was chair of Ryedale's Planning Committee 2021/2022. In 2007 he joined Malton Town council and was Malton Town Council's mayor 2016-2019. He has also been chair of Habton PC for the last eight years. He is an honorary alderman of Ryedale District Council and it is understood he is also an honorary alderman of North Yorkshire council as that council has taken over all the aldermen of Ryedale.

**3. Introductory Note**

- 3.1. Malton and Norton Town Councils wish to set out their concerns in regard to the housing distribution policies in the Ryedale Plan, the Review of the Plan. Both councils appreciate that officers will have come under political pressure to produce documents and policies which reflect the parochial interests of country areas to the detriment of the towns, particularly Malton and Norton. So, these representations should not be taken as a personal attack on officers, as this is not what is intended.
- 3.2. Ryedale District Council ceased to exist on 31st March 2023. However, this note contains several references to "the Council" as though Ryedale is still in existence. The reason for this is that NYC has taken over the functions of RDC and continues to be bound by all RDC policies currently in place until they are changed.

**4. The Ryedale Local Plan (2002), the Ryedale Plan (2013) and their context**

- 4.1. It is not possible to consider the Ryedale Plan (2013) without also looking at the Ryedale Local Plan (2002) and the context of both plans, particularly as the development limits set by the Ryedale Local Plan (2002) remain in full force and effect, and in fact are an important element of the Ryedale Plan (2013).
- 4.2. In the 1996 reorganisation, Ryedale lost its Southern area to York. This included the densely populated suburbs to the north and south of the Ring Road (e.g. Haxby, Wigginton, Clifton Moor, Huntington etc.). This left Ryedale with a sparsely populated area comprising some 500 square miles. Within this, there are over a hundred settlements, including the five towns of Helmsley, Kirkbymoorside, Pickering, Malton and Norton.
- 4.3. In the early 1990's, Ryedale started work on a local plan (The Ryedale Local Plan). This work was not concluded until the final document was adopted in 2002. Nevertheless, it had been an emerging plan for many years (I believe, since 1996) before and this emerging plan had formed the basis for planning decisions. The end date of the Ryedale Local Plan was 2006.

The saved policies of this plan continued in full force and effect until the adoption of the present plan (The Ryedale Plan) in September 2013.

- 4.4. Generally speaking, the Ryedale Local Plan (2002) did not allocate land for housing development as such. Instead, it drew development limits around most of the settlements in Ryedale. Within these village and town “envelopes”, development was to be permitted, subject to certain criteria. Development limits were not drawn tightly round settlements but allowed for growth. These development limits have remained unchanged (except as mentioned in the next paragraph) since the inception of the emerging Ryedale Local Plan.
- 4.5. Unfortunately, NIMBYism reigned supreme in Ryedale, and members representing the villages complained the Ryedale Local Plan allowed too much new housing in the villages. In fact, the proportion of new housing was 52% in the towns and 48% in the villages. However, this did not matter very much before the 1996 reorganisation, as this wave of NIMBYism was counterbalanced by the representation from the suburban area of York which was then part of Ryedale. But after the 1996 reorganisation, the village representation outweighed the representation from the towns. As a consequence, the village development limits in the emerging Ryedale Local Plan were tightened. So, for example, the village development limits of Habton were changed so as to exclude some brownfield land, being the old farmyard of Manor Farm which is situated in the middle of the village opposite the pub. This tightening of the village development limits did not satisfy members, and so, when work began on the new plan (the Ryedale Plan), an entirely different approach was adopted.
- 4.6. [It should be pointed out at this stage that this NIMBYISM has recently been exacerbated and reinforced by the perception (real or imaginary) of local housing being overwhelmed or at risk of being overwhelmed by holiday lets and second homes.]
- 4.7. Going back to the narrative sequence, it has to be understood that after the 1996 reorganisation, parochial politics prevailed in Ryedale. Consequently, nearly every member did their utmost to stop any development in their own wards. As Malton had the district council’s offices, the combined settlements of Malton and Norton was declared to be the “capital” of Ryedale. It was noted that Malton had a train station and a bus depot. So, it was decided that there was an environmental benefit in concentrating new development in a settlement where there would be immediate access to public transport – and less emissions from motor cars for travel to work or shops etc. However, these arguments are bogus, particularly given that so many people live in Malton but work in York. If one follows these arguments to their logical conclusion, it would make sense to build the houses closer to where people work, i.e. York - and not just dump a disproportionate amount of housing in Malton and Norton unrelated to people’s place of work or how they will get to work. It is therefore difficult to understand why no allocations under the Ryedale Plan were made in the villages North of York.
- 4.8. However, traffic congestion within Malton/Norton was identified as a concern, and Jacobs were engaged as consultants to look into this. They produced a report which was finalised in June 2010 (“The Malton and Norton Strategic Transport Assessment” – referred to as “The Jacobs’ Report”). This recommended “Option 4A” which concluded that Malton/Norton had the capacity to accommodate 2,165 new dwellings without any unacceptable increase in congestion. However, the study has weaknesses and the workings of the report were contained in a thick appendix which, due to its mass of data was impossible for any body but a skilled mathematician or statistical expert to interrogate. Nevertheless, in 2016 there was a planning application for a large estate at Castle Howard Road, and this provided the opportunity for a full analysis of the data in the appendix. It would appear that the detailed

appendix to the Jacobs report does not seem to take into account the impact of the closing of Castlegate when the level crossing gates are closed. Reference is made below to the attached report of Alan Martin. So, the view is taken that Jacobs' report is fundamentally flawed.

- 4.9. It should be noted that, in the Ryedale Plan, the number of new homes required to be provided at Malton/Norton during the plan period is 1,500. This is less than the 2,165 recommended by Jacobs. The reason for the difference is that the Jacobs report was dated 2010, but the Ryedale Plan was not adopted until September 2013. Between these two dates, planning permissions had been granted in both Malton and Norton, including permission for a substantial development at Broughton Rise in Malton.
- 4.10. Further, the Ryedale Plan's 1500 house target will soon be exceeded by at least 479 new dwellings. Although the Ryedale Plan was adopted in September 2013, the start date is 1st April 2012. The table on Page 34 in Ryedale's latest consultation document shows net completions within Malton and Norton from 2012 – 2022 as 1,226. To this there has to be added the 670 new dwellings on the land already allocated at Beverley Road, and a further 83 houses which Ryedale has recommended to NYC at Wentworth Street Car Park, land adjacent to the top deck, and the land at Ryedale House. This will add up to a total of 1,979 new dwellings in Malton/Norton.
- 4.11. To continue the narrative, the Council decided that the Ryedale Plan should require Malton/Norton to have 50% of all new housing, the rest should be allocated in the other towns and 10 service villages, but there should be no land allocated for new housing in the villages or anywhere else. In order to prevent any further expansion of any of the villages (except the service villages), the village development limits were not to be revised and the Council was recommended to adopt a "Local Needs Occupancy Condition" (LNOC) policy which would apply to any permission for new development within existing village development limits. As has been made abundantly clear in several officer reports, including reports to Ryedale's Local Plans Working Party, the purpose of the LNOC policy was not to ensure that new houses within the villages would be built for occupation by local people, but to prevent or discourage the building of any new houses at all within village development limits. Working party members have been told on many occasions that the fact that not many new houses have been built within village development limits proves how successful the LNOC policy has been. An astonishing revelation and shocking admission.
- 4.12. Eventually the draft plan went out for the crucial public consultation. As Councillor Andrews recalls, there were five options which the public were asked to consider. Every one of these options required Malton/Norton to accept 50% of all new housing. The difference between each option related to the proportions of new houses which other towns were expected to accommodate, but none of these options proposed an expansion or revision of existing village development limits, which (as revised and tightened following the 1996 reorganisation) are already more than 20 years old and completely out of date.
- 4.13. The consultation did not include a "dispersed development" option and the public were not given the opportunity to consider simply rolling forward the Ryedale Local Plan with some new land allocations (to satisfy government policy) and revising the existing development limits. In fact, the Council has always insistently ruled out and refused to consider a more dispersed option.
- 4.14. Malton Town Council was anxious not to be labelled a "NIMBY" council. We agreed that Malton/Norton could accept some new development, and asked that our towns' proportion should be 30% and not 50%.

4.15. Hearings of the EIP (Examination in Public) of the Ryedale Plan took place in 2012 and 2013. Councillor Andrews attended the duration of the entire enquiry. He produced his own comments and a report from Alan Martin (copy attached) which comments on the Jacobs' report. Alan Martin was for thirty years the county council officer responsible for highways planning in the Malton/ Scarborough area before he retired. He attended the EIP when his report was produced. Please note his conclusion:

*“Whilst it has been shown that key junctions can be “tweaked” to give some increase in traffic flow and capacity, nothing like the increase to be granted by present approvals and considerations can be accommodated by the existing road system without either the complete demolition and rebuilding of major parts of the town or the massive development of virtually a new town thus leaving the existing one as an anachronism of the past.”*

4.16. If you read Alan's report, you will see it is written in a form which most people can understand and can easily be interrogated. The huge appendix produced to support the Jacobs' report contains masses of data and is difficult for anybody but a trained mathematician or statistical expert to interrogate.

4.17. The inspector explained that he did not have any highways experience or qualifications. So, in order to satisfy himself, he simply asked the County Council's representative: “Is the plan robust in your opinion.” The County officer replied: “Yes”. And that was the end of the highways arguments.

4.18. The Council has made much of the fact that the inspector approved the Ryedale Plan. So, it is important to bear in mind exactly what the inspector did approve. His job was not to decide whether or not the proposed plan was the best for the district. All he was concerned to decide was whether or not the plan was sound in the sense that it complied with government policy and was sustainable and deliverable. As regards housing distribution, the decisions as to which options to consult on and adopt were for the district council and not matters for his decision. All he had to determine was whether or not the council had a plan for providing the number of houses required by government policy. It was not his job to decide which of many options was the best for the district.

## **5. There are four additional points:**

5.1. Firstly, in 2009 Butcher Corner, Malton and the roads leading to it, including Castlegate, were included in an Air Quality Management Action Area, as a result of the concentration of vehicular emissions in these roads. Emissions are currently monitored by an officer working party which until recently had no member representation and (up until 1st April 2023) reported to Ryedale's Resources Working Party – a working party which addressed practically every issue which can come before Policy and Resources Committee but had no decision-making power and was not open to scrutiny by the Press or the Public. So, in effect there was in 2012-3 no democratic accountability and in spite of the obvious concerns of local people, the officer working party persistently failed to oppose the overdevelopment of Malton when consulted on the Ryedale Plan. It is now accepted that the emissions in the AQMA exceeded the legal maximum until very recently, but is still close to the legal maximum, and new development within Malton combined with County Plans for traffic lights at the level crossing will exacerbate this.

- 5.2. Secondly, there is the issue of Brambling Fields and the “complementary measures”.
- 5.2.1. In 2003, there was a roundabouts working party tasked with considering options. At that time the main issue was the vast number of pigs which were being taken to the Bacon factory in Norton. So, the decision was taken to explore a fourth motorway access road from the A 64 to the bridge at Brambling Fields. However, by 2008 the Bacon Factory had been taken over and its management changed so that the number of deliveries of pigs drastically declined, so as not to be the main issue.
- 5.2.2. However, the Brambling Fields project gathered a head of steam and became unstoppable. It was subsequently used as an excuse for opening up Malton and Norton for massive overdevelopment under the Ryedale Plan.
- 5.2.3. Table 2 of Ryedale Plan Policy SP10 describes the improvement of the Brambling Fields roundabout (i.e. the new slip road onto the A64), and the associated “complementary measures” as “Critical Improvements to Physical Infrastructure”. The Ryedale Plan was approved in September 2013 with a start date of April 2012. The Brambling Fields slip road was completed (I think) in 2012, but most of the new housing development has been built on the Malton side of the river – where the Brambling Fields roundabout improvement would have little beneficial effect.
- 5.2.4. The main complementary measure required was an HGV ban across the Level Crossing. However, this was not put into force until 2019 - the year when it appeared that one impact of this measure had been to move the problem to another part of the town.
- 5.2.5. Some of the complementary measures were a complete nonsense (e.g. removing a turning lane from Butcher Corner) and turned down by Ryedale (even though it is in the plan documents), and one was imposed without any prior notice or consultations whatsoever. This is the change of priorities at the Norton side of the Level Crossing. One of the two main reasons given for removing the turning lane was to deliberately cause so much congestion at that point so as to encourage traffic to use the A64 to travel between Norton and Malton instead of County Bridge. No thought was given to measures which would enable traffic which did not want to pass through Malton Town Centre to escape without doing so, whilst reducing the congestion for traffic which does want to use the town centres.
- 5.2.6. It will be seen therefore that the housing land allocation policies of the Ryedale Plan depended on the critical works identified in Policy SP10. This has not worked and therefore discredits the Ryedale Plan’s housing distribution policies.
- 5.3. Thirdly, there needs to be tangible and credible progress on action required in the LEP Climate Change Plan which NYCC endorses, to reduce private car use by 48% by 2030, which in turn can only happen if there is a step change in increases in public transport, walking (40%) and cycling (900%), including places such as Malton and Norton. There is currently no such credible plan in evidence, and as such the North Yorkshire Council Plan cannot be relied upon in this regard within the confines of this Ryedale Plan for housing. Given that 50% of vehicle journeys are to and from York/A64 direction outside the town, where there is already public transport options, it is not clear how that 48% reduction is achievable without some very significant breakthroughs in transport priorities in National and Local priorities, and behaviour change in the population. Given that so many people live in Malton but work in York, it makes sense to build the houses closer to York, not just dump a disproportionate amount of housing in Malton and Norton unrelated to people’s place of work or how they will get to work.

#### 5.4. Fourthly - Second homes and holiday lets

5.4.1. Something needs to be done to allay fears of country communities being overwhelmed by the conversion of houses (existing or new) into holiday lets or second homes, as residents rightly fear that this will price local people out of the market. It is felt that the pressure for keeping the LNOC has a lot to do with this fear.

5.4.2. This may have exacerbated the NIMBYism of many living in villages – even though the LNOC policy does nothing to prevent existing local houses in villages being used as holiday lets or second homes. However, it is considered that many village residents do have good reason to fear that their communities could be overwhelmed by outsiders who have no intention to settle permanently in the district. This is why, when Ryedale commenced its review of the Ryedale Plan, some members of the working party promoted the idea of replacing the LNOC policy with a Primary Residence condition policy. This suggestion was opposed by officers for reasons which are not fully understood, as North Yorkshire has applied a Primary Residence condition policy in the North York Moors National Park, and most of Ryedale has been treated in the Ryedale Plan as requiring protection on the basis that it forms the setting for both the Park and the AONB. Some members were afraid that this policy might have a negative impact on Ryedale’s visitor economy. It was therefore proposed that a Primary Residence condition should only be required for new houses in any settlement if 10% or more of the houses within the settlement were being used as holiday lets or second homes. There is a precedent for this in Northumberland.

#### **6. The consequences of the Ryedale Plan in terms of housing distribution and the need for a review**

6.1. It is accepted that the Ryedale Plan is, generally speaking, a very good document. So, these representations are not aimed at undermining the plan, but are aimed specifically at the housing distribution policies, which have clearly turned out to be mistaken.

6.2. What has happened since the adoption of the Ryedale Plan was predictable. There is now more congestion than ever in Malton and Norton, particularly at Butcher Corner and the Level Crossing; in order to avoid Butcher Corner, heavy traffic has been using Highfield Road and is causing problems for the school there as well as residents; the haulage industry is applying pressure to have the weight limit on County Bridge removed and hauliers are ignoring the restriction and county is reluctant to enforce it; the AQMA is seeing an increase in pollution contrary to WHO recommendations; the villages which the council has been trying to preserve in aspic are losing out on the benefits of new development while being left at risk of being overwhelmed by second homes and holiday lets, resulting in the loss of village pubs and shops, dying churches and chapel closures, and the closure of local schools (e.g. Hingham school which is currently under consideration), as the decrease in school children makes village schools unviable etc; small and medium sized local builders have not been left with enough sites to sustain their businesses, while the large volume builders who have little local interest in Ryedale are allowed to overdevelop vast areas. In short, the situation is a ghastly mess.

6.3. This situation led Councillor Lindsay Burr and Councillor Andrews to ask for a review of the Ryedale Plan in 2019. Lindsay was a town and County councillor as well as a district councillor. The officers also favoured a review of the plan because the number of allocated sites which did not have planning permission was running out.

- 6.4. A working party was set up in 2019. This initially was expected to review the whole plan. Then there was an eleven-month delay during Lockdown when nothing happened. By then, time was running out and members were advised to restrict the review to the housing distribution policies and environmental issues. This was done, and then there was the decision to reorganise which resulted in additional pressure to get the review completed before reorganisation on 1st April 2023. Consequently, members were advised to restrict the review period from 15 years to five. Finally, in December 2022 counsel's opinion was obtained and the advice was not to proceed with the review on the restricted basis for legal reasons. This was accepted by Policy and Resources committee in December 2022.
- 6.5. In the meantime, at its meeting of 10th November 2022 P&R had considered the recommendations of the working party (which was not a unanimous recommendation). This can be summarised as the abolition of the LNOC policy; the refusal to substitute a Primary Residence clause policy; the continuation of the policy of allocating sites for 200 new houses every year in the towns and service villages; the increase in the number of service villages from 10 to 15, and a criteria-based policy for allowing small scale development on sites contiguous to village development limits.
- 6.6. Unfortunately, these changes do not help take any pressure off the towns because there is still a need to allocate sites for 200 new homes a year, and the view has been taken that new homes on land which is unallocated (i.e.. all new build in villages other than allocated sites within service villages) should not be taken into account in this figure – notwithstanding the NPPF (Para. 71) which clearly states that they can. They say that any new houses built in the villages as a result of the new policies abolishing the LNOC and allowing small developments outside village development limits should be considered to be “windfall” sites.
- 6.7. The officers accept that a “windfall assumption” can be built into the planned development, but say that this would shorten the plan period. The Town Council cannot understand this, as there is no suggestion that this would reduce the overall annual house-building target. So, at the Ryedale meeting it was proposed that we should plan ahead for 150 new houses a year on allocated sites and a “windfall assumption” of fifty new homes a year on other land. This would take account of the new opportunities which would be afforded to builders and developers by the release of land within village development limits following the abolition of the LNOC policy, and the release of land contiguous with and outside village development limits pursuant to the recommended criteria-based policy.
- 6.8. The Town Councils believe this is achievable because before the 2013 plan, 48% of new houses were built in the countryside and 52% were built in the towns. What was being suggested was that therefore an assumption that 25% of new homes will be built in the villages once the existing restrictions are removed was reasonable. The Town Council maintains this view and would suggest that 25% is a conservative figure.
- 6.9. The officers may say that there is a need for more information and evidence. The council uses several planning consultants, particularly WSP, and one would have thought that preparing a report to justify this proposal would not be a long or difficult task. Unfortunately, officers spoke against this suggestion at great length, and members accepted their advice. The officers' reasoning is not understood.
- 6.10. After members had made this decision, some members realised that, if there still has to be land allocated for 200 houses to be built every year in the towns and service villages, and if there is to be no development in Helmsley, and if Malton/Norton was to be accepted as overdeveloped, then most of the land allocated for new build would have to be in Pickering

and Kirkbymoorside. Accordingly, members representing Pickering and Kirkbymoorside then declared that more land for new houses should be allocated in Malton/Norton, and trotted out all the usual arguments about motor car emissions, train station and bus depot etc.

- 6.11. Up until this time, there seemed to have been a general acceptance and consensus amongst both officers and members that there was no room for any more land allocations for residential development in Malton/Norton, although this was not ruled out absolutely.
- 6.12. However, attention is drawn to the third para on page 11 of Ryedale's latest Consultation document. This reads as follows:

*“Some of the larger allocations of the current Ryedale Plan are still to roll out and so there will be new housing delivery at all the market towns, and in particular at Malton and Norton with the planning application under consideration for the close to 700 dwellings of the Norton Lodge Scheme” (which is referred to as The “Beverley Road proposal” in this note). “Development at Malton and Norton becomes more about consolidation of the existing sites and allocations. But it would not preclude the making of allocations which were considered, as part of the site assessment process, to be capable of being delivered without significant adverse impacts. In this regard, Option2 would still have a measured degree of focus at Malton and Norton. In pursuing Option 2, there is a need to explore what this means in terms of the quantum of development for Kirkbymoorside and Pickering, and what additional capacity if any exists in Malton/Norton. This is to be the subject of technical advice.”*

- 6.13. This suggests that the officers are once more under pressure to dump even more development onto Malton and Norton which many councillors do not want to see in their own back yard. It is clear, therefore, that the council no longer accepts the conclusions of the flawed Jacobs report and see this as an opportunity to increase the numbers so that the numbers in that report will shortly be exceeded once the development of the Beverley Road proposal proceeds.

## **7. This has also become clear from the following:**

- 7.1. Firstly – Request for new allocation:
- 7.2. The District Council at its meeting on 23rd February decided to request the new North Yorkshire Council to allocate for housing the top deck of Wentworth Street Car Park, the adjacent land between the bottom deck and the road and the land on which Ryedale House stands.
- 7.3. Despite the NPPF requiring all proposed housing developments in the vicinity of an Air Quality Management Area being subject to an Air Quality Impact Assessment, the council has voted in support of submitting a site allocation proposal for the top deck of Wentworth Street Car Park without first undertaking such an assessment. Confirming, once again, that Ryedale District Council are perfectly happy to overlook the harm caused to the public by air pollution in favour of approving large scale housing developments.
- 7.4. Email correspondence is attached showing the views of RDC's last chair of Planning contrasted against the views of three town councillors on this subject.
- 7.5. NB: The emerging Neighbourhood Plan has the following policies in regard to Wentworth Street Car Park are as follows:



7.5.1. *The future of Wentworth Street Car Park has been debated for a number of years and a number of proposals put forward. Questions have however remained regarding the site's future and local opinion is perceived as divided. In the absence of a clear community steer on this issue, a question on the preferred use(s) of the car park was put to the community as part of an area-wide informal policy options consultation, carried out between January and February 2019. Over 200 responses were received, from which it was clearly apparent that retention of the site in car parking use (with some improvements) was the most preferred use. A number of improvements were suggested, including tree/bush planting, screening of the recycling area, drainage works, better access and signage and the provision of public conveniences. A policy embodying these findings was supported at regulation 14 consultation stage.*

**7.5.2.4.10.3 Local Plan Strategy Policy SP10 (Physical Infrastructure) specifically supports the management of town centre car parking to ensure an appropriate level of provision of long and short stay spaces as set out in RDC's latest Car Parking Strategy. The maintenance of existing car parking capacity and the encouragement of improvements is also in line with NPPF paragraph 81 (creating the conditions in which businesses can invest, expand and adapt; allowing each area to build on its strengths) and paragraph 82 (seeking to address potential barriers to investment such as inadequate infrastructure).**

7.5.3.4.10.4 As such, Policy M1 below provides for the retention of current car parking capacity at Wentworth Street, together with environmental and operational improvements.

7.5.4.M1: Wentworth Street Car Park

**7.5.5. *Development of Wentworth Street Car Park, as shown on the Neighbourhood Plan Proposals Map, which would result in the loss of car parking capacity will not be supported. Where development is permitted, provision of compensatory car parking of equal or greater capacity will be expected. Proposals to improve the environment and/or the operation of the car park are encouraged and will be supported.***

7.6. Secondly, the way the outcome of the recent public consultation has been presented.

7.6.1. In January/February this year Ryedale carried out a consultation in regard to the changes proposed for the Ryedale Plan.. Malton Town Council leafleted the whole of Malton on Ryedale's recent consultation, directly bringing to residents attention the questions in it and suggesting replies. 42 residents responded to this (18 direct to the Council's website and the rest were sent in writing to the town clerk which she handed these over to Ryedale officers). However, Ryedale officers have refused to take these fully and properly into account. Copies of the email correspondence are attached. These show how the views of Malton residents have been ignored. A summary of the responses is set out in the table below.

Council Question	Council yes	Council No	MTC yes	MTC No	Total Yes	Total No
1, Should plan sustain 200 new homes a year?	53	78	3	37	56	127
2. Do you agree Option 2?	50	81	39	0	89	81
3. Do you agree more service villages?	26	103	0	39	26	143
4. Do you agree to cease LNOC?	61	68	38	1	99	69
5. Do you agree NOT to have a primary residence condition policy?	42	79	0	39	42	118
6. Do you agree to criteria based policy of allowing small scale development outside village envelopes?	68	68	40	1	108	69
7. Would you agree to additional criteria for 6 above?	60	46	40	0	100	46
8. Should all new bungalows be wheel-chair accessible?	92	26	41	0	133	26

7.6.2. NB. MTC respondents were prepared to accept (i) in regard to Question 1 allocations of 150 houses per year (throughout the district) and a “windfall assumption” of 50 houses; and (ii) in relation to Question 3, groups of “villages with services” around schools and focus on addressing development needs and facilities for each group. A copy of the MTC leaflet is attached.

7.7. Thirdly, Ryedale has decided to recommend that the work so far undertaken on the Review of the Ryedale Plan should be taken into account in the preparation of the New North Yorkshire Plan, but that the review should not be progressed ahead of the new plan for the entire county

7.7.1. In theory, the new council has five years to get a new plan adopted, but in practice this target is unlikely to be achieved. In the meantime, all the old rules will continue in force, including the percentage requirements for new development (i.e. Malton and Norton to receive 50%), for there to be no change to village development limits and for the Local Needs Occupancy policy to continue in force etc.). This is very disappointing.

8. Malton Town Council therefore concludes as follows

8.1. The Jacobs’ Report is fundamentally flawed and has been found to be so;

- 8.2. The full impact of the housing distribution policies of the Ryedale Plan on Malton and Norton have not yet been felt, as there remains outstanding a land allocation for 670 houses to be built at Beverley Road, Norton. This is in addition to the 1,226 completions since 1st April 2012, and Ryedale's request for NYC to allocate three further sites for an additional 83 units, resulting in a substantial excess of 479 dwellings over the plan target of 1,500 dwellings.
- 8.3. The quantity of new houses recommended in "option 4A" in the Jacobs report will have been exceeded before the proposed Beverley Road development at Norton has been completed;
- 8.4. Additional changes since the publication of the Jacobs' report (e.g. the decision to increase rail services leading to the barriers of the level crossing coming down 4 times an hour instead of 2 times an hour) will make worse the transport situation, particularly the congestion at Butcher Corner, Castlegate, Yorkersgate, Wheelgate and Old Malton Gate.
- 8.5. It follows that even the Jacobs' report taken by itself supports the view that there is NO room for any further expansion of Malton/Norton without substantial new infrastructure which MUST include new four way graded intersections between the A64 and Broughton Road, and between the A64 and Musley Bank
- 8.6. Notwithstanding the above, the Council is currently pursuing consultancy advice with a view to considering making more allocations in Malton and Norton.
- 8.7. There needs to be tangible and credible progress on action required in the LEP Plan, which NYCC now endorses but has not adopted, to reduce private car use by 48% by 2030, which in turn can only happen if there is a step change in increases in public transport, walking (40%) and cycling (900%), including places such as Malton and Norton. There is currently no such credible plan in evidence, and as such the North Yorkshire Council Plan cannot be relied upon in this regard within the confines of this Ryedale Plan for housing. Given that 50% of vehicle journeys are to and from York/A64 direction outside the town, where there are already public transport options, it is not clear how that 48% reduction is achievable without some very significant breakthroughs in transport priorities in National and Local priorities, and behaviour change in the population. Given that so many people live in Malton but work in York, it makes sense to build the houses closer to York – not just dump a disproportionate amount of housing in Malton and Norton unrelated to people's place of work or how they will get to work.
- 8.8. Policy SP 10 has been found to be unworkable, as the building of the new slip road at Brambling Fields only benefits Norton (and not Malton), and the "complementary measures" are either in dispute or not implemented.
- 8.9. Malton air quality has been, until recently, in breach of EU and UK law for the concentration of Nitrogen Dioxide (NO<sub>2</sub>) in the breathable air in the Malton Air Quality Management Area (AQMA).
- 8.10. North Yorkshire County Council's proposal to install traffic lights at Norton level crossing is predicted (by the County Council's own consultants WSP), to undo improvements to the air quality at three separate receptor locations in Castlegate, Malton (in the Malton AQMA) and cause the air pollution to return to both illegal and harmful concentrations of Nitrogen Dioxide (NO<sub>2</sub>).

- 8.11. NB: Malton Town Council objected to these traffic plans, but the County Council has indicated that it intends to continue with its project despite the evidence pointing to a dangerous increase in air pollution.
- 8.12. Whilst EU and UK law currently permits a concentration of 40 micrograms of NO<sub>2</sub> per cubic metre of air, the World Health Organisation (WHO) recently revised its guideline recommendation to just 10 micrograms per cubic metre of air. This dramatic reduction by a massive 75% was triggered by the findings of new scientific research into the harmful effects of NO<sub>2</sub>.
- 8.13. In practice, this means that the breathable air in the Malton AQMA now contains up to three times (3X) the WHO recommended safe limit for the concentration of Nitrogen Dioxide. No<sub>2</sub> causes asthma in young children, arteriosclerosis, cardiovascular disease, heart attack and stroke - and cancer. Furthermore, research has now identified a link between air pollution and Dementia. Notwithstanding the above damning evidence, at least one member of the North Yorkshire County Councillor Executive (Cllr. Duncan) has condemned the publication of these facts as scaremongering.
- 8.14. Conclusion: Malton air pollution is already at harmful levels and is set to deteriorate further due to the plans of NYCC Highways. Housing development in Malton and Norton should, therefore, be halted until such times as the air pollution problem has been addressed and cured. Resolving the air pollution problem in Malton (and Norton to a lesser degree) requires serious investment and commitment to construct new slip roads on/off the A64 at the B1257, Broughton Road, and a new roundabout at Mosley Bank / Huttons Ambo lane end. The result of providing this new infrastructure would be to rid the towns of Malton and Norton of thousands of polluting vehicle movements each week and make the air safe to breathe (which is a basic human right).
- 8.15. The villages are being preserved in aspic to their detriment. They are in a straight jacket where they cannot expand beyond development limits which have not been enlarged for at least 27 years, and where new build even within existing development limits is not viable because of the LNOC policy. They are losing out on the benefits of development as they see the loss of pubs, shops and other community facilities and the closure of village schools (e.g. Hingham village school which is currently under consideration for closure).
- 8.16. The officers were right to recommend the abolition of the LNOC policy and the implementation of a criteria-based policy for allowing small scale development contiguous to village development limits.
- 8.17. There should be adopted a policy of imposing a primary residence condition on new houses built in or adjacent to settlements which have 10% or more dwellings used as holiday lets and/or second homes, and this policy should be substituted for the LNOC policy.
- 8.18. The plan should allow for an allocation of 150 new dwellings per annum, and a “windfall assumption” should be made annually to cover the building of new dwellings on land becoming available through the abolition of the LNOC policy and the criteria-based policy for small scale residential development on sites contiguous with village development limits.
9. Taking into account the above, Malton Town council is concerned that Ryedale’s Housing distribution policies have been unfair to Malton, and are prejudiced against the town for the following reasons:

- 9.1. The Housing Distribution Policies of the Ryedale Plan (approved in September 2013) which required Malton/Norton to accept more than a fair share of new housing development.
- 9.2. The slow progression of the Review of the Plan (commenced in 2019);
- 9.3. The failure to implement last year's council resolution authorising the use of consultants.
- 9.4. The failure to even consider revising the village development limits.
- 9.5. The failure to take proper account of the Malton AQMA and pollution issues in making housing allocations etc.
- 9.6. The failure to take proper and full account of the impact of new housing development on the highways issues of these towns;
- 9.7. The failure to acknowledge the mistakes made in the housing distribution policies in the Ryedale Plan (particularly the disastrous impact of the LNOC);
- 9.8. The muddle in regard to the scope of the review (first of all a complete review of the whole plan over a 15 year period, then a reduction of the scope to include only housing, then a reduction of the review period from 15 to five years followed by the late obtaining of counsel's opinion [telling us, in effect, that everything we had been doing was a waste of time and effort] the rigid insistence on sticking to this counsel's opinion and refusal to even consider obtaining a second opinion from a more senior counsel in London etc. etc);
- 9.9. The general bias and prejudice in regard to making more allocations than necessary instead of making a "windfall assumption";
- 9.10. The foisting of an excessive amount of new development on Malton and Norton etc., including the decision to request three new housing allocations (WSCP, and Ryedale House) without considering evidence of demand for affordable housing, or the number of house completions in Malton/Norton during the plan period. Councillors also misunderstood a policy in the Neighbourhood Plan document which referred to housing instead of hotels;
- 9.11. Failure to take into account on the quantity of house completions over the plan period to the extent that the Ryedale Plan new house target of 1500 houses will be exceeded by almost 500 new houses if existing allocations are taken up and the top deck of Wentworth Street Car Park and the Ryedale House land are also allocated;
- 9.12. The unnecessary decision to oppose the designation of the High Malton land as a green open space etc.;
- 9.13. The refusal to fully and properly accept the responses of residents of Malton and Norton in their latest consultation on the Review.
10. In the circumstances, North Yorkshire Council are requested to take a fresh look at the Ryedale Plan and the Review of the Ryedale Plan, and to conclude the Review of the Ryedale Plan in advance of the adoption of a comprehensive plan for the whole of North Yorkshire with a view to considering the suggestions below. **The mayor Malton would welcome a meeting with senior cabinet members to discuss this.**
11. Desired Positive Outcomes:

- 11.1. A review of development limits (including village development limits) as part of the preparation for a county wide plan, subject to:
- 11.2. The urgent completion of the Ryedale Plan Review ahead of the adoption of a Local Plan for the whole of North Yorkshire on an interim basis and to work out policies to achieve the following objectives:
- 11.3. No further land allocations in Malton or Norton until substantial road improvements are completed, including four-way intersections with the A64 at Mosley Bank and Broughton Road;
- 11.4. No further land allocations in Malton/Norton until the emission levels at the Malton AQMA are brought down to WHO recommended standards;
- 11.5. The implementation of the criteria based policy for building outside village development limits proposed by the working party on an interim basis prior to a full review of village development limits;
- 11.6. The reduction of the number of allocated sites to take into account a windfall allowance (as in para 71 NPPF) of not less than 50 houses a year in respect of the number of houses likely to be built in accordance with the criteria-based policy for building outside development limits.
- 11.7. The discontinuation of the LNOC policy;
- 11.8. The implementation of a Principal Residence policy in line with the Northumberland precedent, at the request of the local town or parish council in settlements where more than 10% of dwellings are not occupied as principal residences.
- 11.9. The discontinuance of the Service Village policy and the substitution of a policy of looking at the development needs of groups of villages based on school catchment areas in accordance with NPPF para. 79.

**PAUL ANDREWS**

**5th May 2023**