

Letter to Carl Les – Leader North Yorkshire Council

Copies to; Councillor Simon Myers
Councillor Keane Duncan Councillor Lindsay Burr

Dear Councillor Les,

Malton and Norton

We are writing to you as Mayors of Malton and Norton Town Councils to express our deep concerns about the impacts of abandoning the interim Local Plan Review for Ryedale in the final months of the former District Council's existence. We fear that as a result of this decision our communities are left with an outdated and unsustainable statutory planning framework which will stymie planning and investment decisions until a new Local Plan for North Yorkshire is available. We are requesting that some interim changes are made and we would welcome a dialogue with the new North Yorkshire Council, at a senior level and cabinet level, about these changes and how our concerns might be addressed.

Our concerns are multi-fold. We have summarised these below, before presenting a range of potential solutions which we would like to discuss with the new Council. A more detailed note from alderman Councillor Paul Andrews is attached in support of this letter.

- a) **Housing distribution policies are unfair and unsustainable;** since the adopted 2013 Ryedale Local Plan Strategy Malton and Norton has been required to accommodate 50% of the former Ryedale District's overall housing requirement of 200 homes per year for its towns and service villages. Whilst it had previously been accepted that as the towns, having better public transport links than other areas, could support proportionately more growth, 50% is an increase of 1500 houses (as required in the 2013 plan) which means a population increase of approximately 4,000 residents – an increase of one third of the pre-plan total population of Malton/Norton. Looked at another way, on a pro rata basis comparing the populations of the former Ryedale District with the towns of Malton and Norton a proportionate allocation would be just 26%, nearly half of the 50% share of allocations which Malton and Norton have been required to accommodate.
- b) **Local Needs Occupancy Condition (LNOC) imposed on non 'service' villages in Ryedale;** this restriction has virtually brought to a halt any new homes within the development limits of these settlements over the last 10 years, in many cases threatening key community infrastructure. It threatens to do the same over the next 5 to 10 years until a new Local Plan is available. Even through a Working Party set up to review the Ryedale Plan recommended that the LNOC should be abolished and a criteria-based policy for allowing small scale development on sites contiguous to village development limits should be set, as a result of the decision to abandon the review we are left with the status quo which continues to place pressure for development on the future viability and vitality of a number of our rural communities.

- c) **The continuation in force of village development limits** which (except for a decision to shrink them) have remained unchanged since they were first detailed in an emerging local plan process in 1996 and have prohibited village growth outside those limits ever since. As stated above, the working party recommended that small scale development should be permitted contiguous to village development limits on a criteria set basis. However, this proposed change has been prevented by the decision not to proceed with the review of the housing distribution policies in the Ryedale Plan.
- d) **Transport capacity within Malton and Norton has been reached;** new housing has now exceeded the transport capacity limit assessed in the 2010 Transport Assessment, figures provided by the former council in their last consultation document show that 1,979 homes will have been built, granted planning permission, allocated or are due to be allocated against a Local Plan housing target of 1,500. An increase of 479 homes which is 32% over the limit. Notwithstanding this, additional work had been commissioned by the former District Council to consider further allocations in Malton and 2 Norton. Routing of HGVs currently pass 2 primary schools in Highfield Road, Malton presenting real safety concerns.
- e) **Air quality is already at dangerous levels for human health and risks getting worse;** In 2009 the junction in Malton known as Butcher Corner, Malton and the roads leading to it were designated as an Air Quality Management Area (AQMA), as a result of the concentration of vehicular emissions in these roads. Emissions in the AQMA have exceeded the UK/EU legal maximum until very recently. The World Health Organisation has revised down its guideline concentration of Nitrogen Dioxide (NO₂). Breathable air in the centre of Malton contains three times (3X) the WHO recommended concentration of Nitrogen Dioxide. NO₂ is odourless, colourless and tasteless but causes Cancer, Asthma, Dementia, Stroke and Heart Disease and permanently stunts the growth of the lungs of young children. Even short exposure can trigger a heart attack.
- f) **Failure to deliver ‘complementary measures’ linked to the Brambling Fields/A64 junction;** this junction was completed in 2012, but was due to be supported by a range of complementary measures. The main one being an HGV ban across the Level Crossing. This was not put into force until 2019, however it has not been enforced leading to heavy goods traffic continuing to pass through the towns and the AQMA which has exacerbated air quality, congestion and safety problems.
- g) **Proposal to allocate Wentworth Street car park, adjacent land and land at Ryedale House for further housing;** the former District Council at its meeting on 23rd February decided to request the new North Yorkshire Council allocate for housing the top deck of Wentworth Street Car Park land adjacent to the top deck and the land at Ryedale House for 83 homes. It has done this without first undertaking an Air Quality Impact Assessment which is an NPPF requirement for all proposed housing developments in the vicinity of an Air Quality Management Area. It has also ignored our draft Neighbourhood Plan policy, which has now been through formal Regulation 14 consultation stages, which “provides for the retention of current car parking capacity at Wentworth Street, together with

environmental and operational improvements". We have been most disappointed that our representations on this matter have not been given fair consideration.

All of the above issues are inter-related. The overall consequences are that 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 will experience 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 whilst being overwhelmed by second homes and holiday lets for people who do not use local services, resulting in the loss of village pubs and shops, dying churches and chapel closures, and the closure of local schools (e.g. Hovingham school which is currently under consideration), as the decrease in school children makes village schools unviable etc. **This is unacceptable, needs urgent attention and should not be allowed to wait until a plan for the whole of the county has been adopted, particularly as, although the County is required to adopt a new plan within five years, it is feared that this target is unlikely to be met within the next ten years**

Malton Town Council have been so concerned about this issue that they leafleted the whole of Malton's residents seeking comments on Ryedale's consultation on housing distribution policies. An overwhelming number of respondents objected to the continuation of the extant distribution policies. A summary of the results of the consultation and how they were reported to the former council are set out in the accompanying note. As you can see, this feedback has not in our view been taken properly into account in the policy recommendations which we are told have been carried forward for the new Local Plan.

We recognise that there is a lot work that needs to be done to address these issues at a time when resources are constrained. Both Town Councils are committed to working with the new North Yorkshire Council to discuss and agree a way forward. We want to promote joint working wherever possible.

The solutions to these problems could be based on the following and we would like to suggest this forms the agenda for a conversation;

1. Amend the housing distribution policies as a partial review of the Ryedale Plan by;

a. Proceeding with the Working Party recommendation to abolish the LNOC policy and implement a criteria-based policy for allowing small scale development contiguous to village development limits; Adopt a primary residence condition where it is needed in selected locations, e.g. where more than 10% of dwellings are not occupied as principal residences; Review village development limits to bring them up to date; Abolish service village designations and look at the development requirements of villages as groups of villages – perhaps grouped around schools – in accordance with NPPF para 79. This will enable a fairer percentage of unencumbered

houses to be built in the villages across the district (in line with the other rural districts in the new North Yorkshire Council area);

b. Reducing the development pressure on the towns to, say, 150 homes p.a. by assuming a windfall assumption of, say, 50 homes p.a. in the villages. The NPPF ([para 71](#)) allows this approach.

2. Prepare an infrastructure plan identifying, prioritising and planning for substantial infrastructure upgrades, including;

a. Updating the technical evidence base, particularly the transportation assessment, which is now woefully out of date;

b. Advancing plans for a 4 way junction on the A64 at Musley Bank, a junction with the A64 and B1257 Broughton Road, both junctions will enable access on/off the A64 to and from the York Road Industrial Estate and enable HGV traffic to divert to and from the B1257 onto the A64 without having to travel through the towns. As well as improvements to air quality, the new junctions on / off the A64 would dramatically improve pedestrian safety in the towns and especially next to the two primary schools on Highfield Road, Malton.

c. Assess the feasibility of a southern by pass to Norton;

d. Delivering on the complementary measures associated with the Brambling Fields junction;

e. Actioning the LEP Climate Change Plan, which NYCC endorsed, to reduce private car use by 48% by 2030, through step change in increases in public transport, walking and cycling. We think this could bring significant benefits and network capacity within Malton and Norton.

3. Improve Air Quality.

a. The Councils of Malton and Norton want the breathable air in both towns to improve in accordance with the new WHO guideline recommendations for the concentration of Nitrogen Dioxide (to 10 micrograms per cubic metre of air). This represents and requires a dramatic reduction in the concentration of NO₂ from the current UK and EU legally binding limit of 40 micrograms per cubic metre of air.

b. We would like our concerns addressed that two major projects will, if not carried out and properly assessed in accordance with NPPF guidelines in respect of air quality, lead to the reversal of air quality improvements in the Malton Air Quality Management Area which we believe to be unlawful. The two projects in question are the NYC Highways, Norton and Malton Junction upgrade scheme, and Planning Application 21/01115/MOUTE for 672 new dwellings in Norton (21/01115/MOUTE). Studies produced to support the NYCC Highways, Norton and Malton Junction upgrade scheme show that the scheme will cause the concentration of Nitrogen Dioxide to rise above the legally binding limit as defined in both EU and UK law, and critically, there

has been NO assessment whatsoever (by either scheme) of the cumulative impact of both projects.

4. **Make no further land allocations in Malton and Norton** unless they can clearly demonstrate no adverse air quality or transport impacts, and until 1. and 2. above have been completed. This would include refusing the former council's request to allocate for housing the top deck of Wentworth Street car park, the land adjacent to it, and the land at Ryedale House.

We look forward to hearing your response and we hope that it will be possible to arrange a meeting to discuss our concerns and the potential solutions.

We look forward to hearing from you.

Yours etc

Councillor Ian Conlan Councillor Di Keal