

**NEIGHBOURHOOD PLAN FOR MALTON & NORTON
2020-2027**

BASIC CONDITIONS STATEMENT

**PREPARED ON BEHALF OF
MALTON AND NORTON TOWN COUNCILS**



Prepared By:
Mike Dando BA (Hons) BPI
23 Victoria Avenue
Harrogate
HG1 5RD

Tel: 01423 525456
Email: m.dando@directionsplanning.co.uk

8th December 2021

CONTENTS

Section 1 – Legal Requirements

Section 2 – Introduction and Background

Section 3 – Regard to National Planning Policy

Section 4 – General Conformity with the Strategic Policies of the Ryedale Local Plan

Section 5 – Contribution to Achieving Sustainable Development

Section 6 – Compatibility with EU Obligations and Legislation

Section 7 – Conclusions

Annex

Appendix 1 – Neighbourhood Plan for Malton & Norton 2020-2027 – Sustainability Assessment

Appendix 2 – Malton & Norton NP Screening Report

Appendix 3 – Malton & Norton NP SEA Screening Report

Appendix 4 – Screening Report: Natural England and Ryedale DC Comments

Appendix 5 – Malton & Norton NP HRA June 2020

Appendix 6 – Pre-Submission HRA: Natural England Comments

Appendix 7 – Malton & Norton NP Pre-Submission Reg 14 Version SEA Report

Appendix 8 – Malton & Norton NP Pre-Submission Reg 14 Version SEA Report: Appendices

Appendix 9 – Malton & Norton NP Submission Version HRA December 2021

Appendix 10 – Malton & Norton NP Submission Version SEA Report November 2021

Appendix 11 – Malton & Norton NP Submission Version SEA Report November 2021: Appendices

1. LEGAL REQUIREMENTS

This Statement has been prepared by Malton and Norton Town Councils to accompany their submission to the local planning authority, Ryedale District Council (RDC), of the Neighbourhood Plan for Malton and Norton (“the Neighbourhood Plan”) under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”).

The Neighbourhood Plan has been prepared by Malton and Norton Town Councils, the qualifying bodies, for the Neighbourhood Area covering the parishes of Malton and Norton, as designated by RDC on 19th February 2019.

The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Neighbourhood Area only. The plan period of the Neighbourhood Plan extends until the end of 2027 and it does not contain policies relating to excluded development in accordance with the Regulations.

This Statement addresses each of the five ‘basic conditions’ required by the Regulations and explains how the Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act.

The Regulations state that a Neighbourhood Plan will be considered to have met the basic conditions if:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan;
- The making of the Neighbourhood Plan contributes to the achievement of sustainable development;
- The making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- The making of the Neighbourhood Plan is compatible with European Union (EU) and European Convention on Human Right (ECHR) obligations;
- The making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.¹

¹ On 28 December 2018, the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 came into force. Amongst other things, these Regulations amended the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) which stated:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or projects.

2. Introduction and Background

In 2011, Malton and Norton Town Councils took the original decision to produce a Neighbourhood Plan, in order to give local people a greater say in the future of their communities, and engaged consultants to help generate an initial draft plan and to carry out early consultation work.

Following a hiatus, awaiting progress on the Ryedale Local Plan Strategy, a Neighbourhood Plan Steering Group was formed in 2015, comprising town councillors and local community volunteers. Four focus groups were subsequently formed to advise and inform the steering group.

After some delay, due to protracted and ultimately inconclusive discussions with neighbouring Hutton Ambo Parish Council regarding land contiguous with Malton but within Hutton Ambo parish, a Neighbourhood Area application was subsequently made and the Malton and Norton Neighbourhood Area designated by RDC on February 19th 2019.

Between 2011 and 2019, extensive community engagement was undertaken, involving questionnaires, community drop-ins and public meetings, together with consultation with RDC and a range of statutory and non-statutory bodies, but further delays occurred, again waiting on Local Plan work. Consultants were re-engaged during 2018. The key engagement stages were:-

- Initial engagement via questionnaire, interactive website and public exhibitions;
- Informal sites and policy options consultation;

Based on the results of this engagement, a Pre-Submission Draft Neighbourhood Plan was produced during 2019 and 2020 and a Regulation 14 consultation undertaken during February and March 2021.

Responses from this consultation have been considered, and some changes made to the policies, evidence and supporting text in the plan as a result. It is now ready to be submitted to RDC, the Local Planning Authority, for further publicity and independent examination.

3. Regard to National Planning Policy

The Neighbourhood Plan has been prepared with regard to national policies as set out in the National Planning Policy Framework (NPPF) of July 2021 and to guidance subsequently issued by the Secretary of State. It is also mindful of the National Planning Practice Guidance (NPPG), published by the Government as updated June 2021, in respect of preparing Neighbourhood Plans.

Table 1 below, is a summary of how each Neighbourhood Plan policy has regard to the policies of the NPPF. The particular paragraphs referred to in the table are those considered the most relevant to each policy but are not intended to be an exhaustive list of all possible relevant paragraphs.

Table 1: Neighbourhood Plan Policies Regard to NPPF Policies

NDP Policy	NPPF paragraph	Comment on regard to policies
TM1: Protection & Enhancement of Pedestrian, Cycle & Bridleway Networks	92, 100, 104, 105, 106, 112, 154	The encouragement of walking and cycling is in line with paras 92, 100, 104, 106 and 112 which promote the fullest possible use of walking and cycling. It is also in line with paras 104 (d), 105 and 154 which expect encouragement to be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
TM2: New Pedestrian & Cycle River/Railway Crossing	92, 100, 104, 105, 106, 112, 154	The encouragement of walking and cycling is in line with paras 92, 100, 104, 106 and 112 which promote the fullest possible use of walking and cycling. It is also in line with paras 104 (d), 105 and 154 which expect encouragement to be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. By identifying and protecting sites/routes which could be critical in developing infrastructure to widen transport choice, the policy is also in line with para 106 (c).
TM3: Highway Improvement Schemes	105, 106	In seeking to identify and protect sites and routes which could be critical in developing infrastructure to widen transport choice, policy is in line with para 106 (c). Policy is also aimed at reducing town centre congestion and emissions and improving air quality and public health (para 105).
TM4: County Bridge Level Crossing	92, 100, 104, 105, 106, 112	In seeking to identify and protect sites and routes which could be critical in developing infrastructure to widen transport choice, policy is in line with para 106 (c). Policy is also aimed at reducing town centre congestion and emissions and improving air quality and public health (para 105). Measures to improve the crossing for pedestrians and

NDP Policy	NPPF paragraph	Comment on regard to policies
		cyclists is in line with paras 92, 100, 104, 106 and 112 which promote the fullest possible use of walking and cycling.
TM5: New Vehicular River/Railway Crossing	105, 106	In seeking to identify and protect sites and routes which could be critical in developing infrastructure to widen transport choice, policy is in line with para 106 (c). Policy is also aimed at reducing town centre congestion and emissions and improving air quality and public health (para 105).
TM6: Development on Unallocated Sites	104, 105	In seeking to manage unallocated development in terms of its impacts on traffic and traffic infrastructure, the policy is in line with para 105 and its support for objectives a), c) and d) in para 104.
TM7: Electric Vehicle Charging Infrastructure	107, 112, 174, 186	The policies charging infrastructure requirements are in line with paras 107 and 112 (e) (in specifically promoting charging infrastructure for electric vehicles; para 174 (e) (in seeking to prevent unacceptable levels of air pollution in relation to any development and helping to improve air quality wherever possible); and para 186 (in taking account of the presence of an AQMA).
TM8: Traffic Management Plans	113	Policy is in line with the requirement of para 113 for the provision of travel plans and transport statements/assessments for all developments that will generate significant amounts of movement.
RC1: Malton & Norton River Corridor Development	119, 120, 167, 168, 179	The policy's support of development for recreation-based enhancement is in line with para 119 (promoting an effective use of land); para 120 (development of under-utilised land and buildings); 167 and 168 (need to satisfy flood risk requirements); and 179 (protection of international designated sites of importance for biodiversity).
RC2: Regeneration of Land North & South of County Bridge	119, 120, 167, 168, 179	The policy's support for development-related regeneration is in line with para 119 (promoting an effective use of land); para 120 (development of under-utilised land and buildings); 167 and 168 (need to satisfy flood risk requirements); and 179 (protection of international designated sites of importance for biodiversity).
E1: Protection of Local Green Space	101, 102, 103, 147-51, 84, 92	The designation of areas of Local Green Space is supported and guided by paras 101 and 102 (see Neighbourhood Plan Appendix 1). It is regulated by paras 103, together with 147-51. It is also in line with para 84 (retaining accessible local services and community facilities such as sports venues and open space in rural areas); and para 92 (c) (promoting access to high quality open spaces due to the

NDP Policy	NPPF paragraph	Comment on regard to policies
		contribution they make to the health and well-being of communities).
E2: Enhancement of Local Green Space	92, 93, 98	Local Green Space enhancement is in line with para 92 (aiming to achieve healthy, inclusive and safe places which are safe and accessible – e.g. high quality public space where active and continual use is encouraged – and which enable and support healthy lifestyles – e.g. through green infrastructure, sports facilities, allotments, layouts that encourage walking and cycling); para 93 (planning positively for use of open space); and para 98 (access to high quality open spaces is important for the health and well-being of communities).
E3: Open Space in New Development	92, 93, 98, 84	Provision of new open space is in line with para 92 (aiming to achieve healthy, inclusive and safe places which are safe and accessible – e.g. high quality public space where active and continual use is encouraged – and which enable and support healthy lifestyles); para 93 (planning positively for use of open space); para 98 (access to high quality open spaces is important for the health and well-being of communities); and para 84 (developing accessible local services and community facilities such as open space in rural areas).
E4: Green & Blue Infrastructure	175, 179	The identification and protection of Green and Blue Infrastructure, together with the promotion of its enhancement and extension, is in line with para 175 (taking a strategic approach to maintaining and enhancing networks of habitats and green infrastructure) and para 179 (identifying/mapping/safeguarding components of local wildlife-rich habitats and wider ecological networks, including wildlife corridors).
E5: Gateways	174	In seeking to safeguard key landscape/townscape views at ‘gateway’ locations, the policy is in line with para 174 (b) in contributing to the natural and local environment by recognizing the intrinsic character and beauty of the countryside.
E6: Development Affecting the Malton AQMA	174, 186, 107, 112	The policy’s requirements in respect of mechanisms to mitigate potential adverse impacts on AQMA air quality are in line with para 174 (e) (preventing unacceptable levels of air pollution in relation to any development and helping to improve air quality wherever possible); para 186 (taking account of the presence of an AQMA); and paras 107 and 112 (e) (encouraging use of low emission vehicles).
CF1: Norton’s Swimming Pool	93, 84, 98	The policy to enhance existing facilities or support the provision of a new community facility is in line with para 93

NDP Policy	NPPF paragraph	Comment on regard to policies
		(ensuring that established facilities and services are able to develop and modernize and are retained for the benefit of the community; planning positively for the provision of community facilities and other local services to enhance the sustainability of communities and residential environments); para 84 (d) (retaining and developing accessible local services and community facilities in rural areas); and para 98 (access to a network of opportunities...for sport and physical activity is important for the health and well-being of communities).
CF2: Malton Community Sports Centre	93, 84, 98	The policy to enhance existing facilities is in line with para 93 (ensuring that established facilities and services are able to develop and modernize and are retained for the benefit of the community; planning positively for the provision of community facilities and other local services to enhance the sustainability of communities and residential environments); para 84 (d) (retaining and developing accessible local services and community facilities in rural areas); and para 98 (access to a network of opportunities...for sport and physical activity is important for the health and well-being of communities).
CF3: Medical Centre Development	93, 84	The policy to enhance existing facilities or support the provision of a new community facility is in line with para 93 (ensuring that established facilities and services are able to develop and modernize and are retained for the benefit of the community; planning positively for the provision of community facilities and other local services to enhance the sustainability of communities and residential environments); para 84 (d) (retaining and developing accessible local services and community facilities in rural areas).
TC1: New Museums & Visitor Facilities	84, 93	In supporting the development of new and extension of existing museums, visitor centre facilities and venues which promote culture and the arts, the policy is in line with para 93 (ensuring that established facilities and services are able to develop and modernize and are retained for the benefit of the community; planning positively for the provision of community facilities and other local services to enhance the sustainability of communities and residential environments); para 84 (d) (retaining and developing accessible local services and community facilities in rural areas); and para 84 c) (planning policies enabling sustainable rural tourism which respect the character of the countryside).

NDP Policy	NPPF paragraph	Comment on regard to policies
TC2: Orchard Field	190	In supporting the sympathetic development of visitor facilities at Orchard Field, in order to improve understanding of its historic importance and to enhance its recreational value, the policy is in line with para 190 (promoting positive strategies for the conservation and enjoyment of the historic environment in plans, taking account of the desirability of enhancing assets and putting them to viable uses consistent with their conservation, and the wider social, cultural, economic and environmental benefits that conservation can bring).
TC3: Hotel Development	84	In supporting new hotel development, subject to locational constraints, the policy is in line with para 84 c) (planning policies enabling sustainable rural tourism which respect the character of the countryside).
TC4: Wentworth Street	84	In supporting new hotel development at this town centre location, the policy is in line with para 84 c) (planning policies enabling sustainable rural tourism which respect the character of the countryside).
HRI1: Protection of Horse Racing Stables	81, 82, 84	In seeking to safeguard existing horse racing stables integral to the area's traditional and nationally significant horse racing sector, the policy is in line with para 81 (helping create the conditions in which businesses can invest [while also recognizing the need to adapt] and taking an approach which allows each area to build on its strengths); para 82 (d) (flexible enough to accommodate needs not anticipated in the plan and enable a rapid response to changes in economic circumstances); and para 84 (b) (enabling the development and diversification of land-based rural businesses).
HRI2: Horse Racing Zones & Development	81, 82, 83	In not supporting development which would adversely affect identified horse racing zones, in terms of pedestrian, horse, rider and vehicle safety, the policy is in line with para 81 (helping create the conditions in which businesses can invest; para 82 (c) (seeking to address potential barriers to investment); and para 83 (addressing the specific locational requirements of different sectors).
HRI3: Improved Accessibility to the Horse Racing Industry	84, 102, 104	In supporting improvements to the footpath, cycleway and bridleway network, including at specified locations in close proximity to horse riding stables, in order to promote racing-related tourism, the policy is in line with para 84 (c) (enabling sustainable tourism which respects the character of the countryside); para 102 (identifying opportunities to promote walking and cycling); and para 104 (providing for high quality walking and cycling networks).

NDP Policy	NPPF paragraph	Comment on regard to policies
HRI4: Horse Racing Museum	84, 93	In supporting the development of a horse racing museum, the policy is in line with para 93 (planning positively for the provision of community facilities and other local services to enhance the sustainability of communities and residential environments); para 84 (d) (developing accessible local services and community facilities in rural areas); and para 84 c) (planning policies enabling sustainable rural tourism which respect the character of the countryside).
HD1: Development & Design – Conservation Areas	197, 201, 202, 206, 207, 127, 128, 129	The setting out of criteria for design and development within the NA’s 3 conservation areas is in line with para 197 (what should be taken account of in determining planning applications in terms of heritage assets, local character and distinctiveness); para 201 (re substantial harm or total loss of significance of a heritage asset); para 202, (re less than substantial harm to a heritage asset); para 206 (re opportunities for sympathetic new development within conservation areas and the setting of heritage assets) and associated para 207; and paras 127, 128 and 129 regarding design guides and codes. Para 127 is particularly pertinent re design policies in stating that “neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development...through their own plans”.
HD2: Development & Design – Area-wide Principles	127	In setting out area-wide development and design principles, the policy is in line with para 127 (neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development...through their own plans).
HD3: Shop Fronts	127, 128, 129, 86	In setting out principles for the development of new and alteration to existing shop fronts, in order to preserve and enhance the character and appearance of town centres and shopping areas, the policy is in line with para 127 (neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development...through their own plans). Policy is also in line with paras 128 and 129, regarding design guides and codes; and with para 86 (a) (promoting the long term vitality and viability of town centres by allowing them to grow and diversify in a way that reflects their distinctive characters.
HD4: Malton Town Centre Conservation	206	In identifying sites for enhancement within the conservation area, the policy is in line with para 206

NDP Policy	NPPF paragraph	Comment on regard to policies
Area - Enhancement		(looking for opportunities for new development within conservation areas to enhance or better reveal their significance).
HD5: Public Realm Improvements within Malton Town Centre Conservation Area	206, 92	In identifying sites for public realm improvements within the conservation area, the policy is in line with para 206 (looking for opportunities for new development within conservation areas to enhance or better reveal their significance); and with para 92 (b) (establishing the quality of development through the opportunities presented by high quality public space).
HD6: Norton-on-Derwent Conservation Area - Enhancement	206	In identifying sites for enhancement within the conservation area, the policy is in line with para 206 (looking for opportunities for new development within conservation areas to enhance or better reveal their significance).
HD7: Public Realm Improvements within Norton-on-Derwent Conservation Area	206, 92	In identifying sites for public realm improvements within the conservation area, the policy is in line with para 206 (looking for opportunities for new development within conservation areas to enhance or better reveal their significance); and with para 92 (b) (establishing the quality of development through the opportunities presented by high quality public space).
HD8: Malton Old Town Conservation Area - Enhancement	206	In identifying sites for enhancement within the conservation area, the policy is in line with para 206 (looking for opportunities for new development within conservation areas to enhance or better reveal their significance).
HD9: Public Realm Improvements within Malton Old Town Conservation Area	206, 92	In supporting development proposals for public realm improvements within the conservation area, the policy is in line with para 206 (looking for opportunities for new development within conservation areas to enhance or better reveal their significance); and with para 92 (b) (establishing the quality of development through the opportunities presented by high quality public space).
HD10: Area-wide Public Realm Improvements	92	In supporting development proposals for public realm improvements throughout the NA, the policy is in line with para 92 (b) (establishing the quality of development through the opportunities presented by high quality public space).
HD11: Archaeology	92, 93, 94, 189	In seeking to prevent any further loss of heritage assets with archaeological interest and to provide an opportunity to learn more about and to enjoy an important aspect of the history of the 2 towns, the policy is in line with paras 92 (b), 93, 94 and 189.

NDP Policy	NPPF paragraph	Comment on regard to policies
H1: Housing Mix	62	In supporting a housing mix reflective of local needs, the policy is in line with para 62 (the size, type and tenure of housing will be planned in order to reflect local demand).
EM1: Encouragement of Local Employment Sectors	81, 84	In supporting the development of employment generating uses, particularly in specified key local employment sectors, the policy is in line with para 81 (taking an approach which allows each area to build on its strengths); para 84 (a) (enabling the sustainable growth and expansion of all types of business in rural areas); and para 84 (c) (enabling rural tourism).
M1: Wentworth Street Car Park	81, 82	In seeking to maintain town centre car parking capacity and supporting environmental and operation car park improvements, the policy is in line with para 81 (creating the conditions in which businesses can invest, expand and adapt); and para 82 (seeking to address barriers to investment such as inadequate infrastructure).
M2: Malton Market Place	81, 82	In seeking to maintain town centre car parking capacity and supporting environmental and operation car park improvements, the policy is in line with para 81 (creating the conditions in which businesses can invest, expand and adapt); and para 82 (seeking to address barriers to investment such as inadequate infrastructure).
N1: Land to the Rear of Commercial Street	119, 120, 179, 84, 112	The policy's support for development-related regeneration, for retail, light industrial uses, a public car park and service access to the rear of commercial properties, is in line with para 119 (promoting an effective use of land); para 120 (development of under-utilised land and buildings); 179 (protection of international designated sites of importance for biodiversity); para 84 (a) (enabling the sustainable growth and expansion of all types of business in rural areas); and para 112 (development should allow for the efficient delivery of goods and access by service vehicles).

In conclusion, it can be seen that all of the policies of the Neighbourhood Plan have clear regard to national planning policy as it relates to those policies.

4. General Conformity with the Strategic Policies of the Development Plan

The development plan for Malton and Norton comprises the Local Plan Strategy (LPS) adopted in 2013 and the Local Plan Sites Document (LPSD) adopted in 2019.

The Neighbourhood Plan has been prepared to ensure its general conformity with the above applicable components of the adopted development plan.

Table 3 below sets out how each policy is in general conformity with the development plan. The particular policies referred to in the table are those considered the most relevant to each policy but are not intended to be an exhaustive list of all possible relevant policies.

Table 3: Conformity of Neighbourhood Plan Policies with Development Plan

NDP Policy	Development Plan Policy	Comment on Conformity
TM1: Protection and Enhancement of Pedestrian, Cycle & Bridleway Networks	LPS: SP10	The policy is in conformity with SP10 which supports which supports “the provision of safe cycling and walking routes linking residential areas with employment sites, town centres, schools and recreational facilities” and requires “new development schemes, where appropriate, to improve connectivity with existing footpaths, cycle routes and public rights of way”. SP10 also supports “the use of former railway lines and tracks for recreational purposes” including walking, cycling and horse riding.
TM2: New Pedestrian & Cycle River/Railway Crossing	LPS: SP10	The policy is in conformity with SP10 which supports which supports “the provision of safe cycling and walking routes linking residential areas with employment sites, town centres, schools and recreational facilities” and requires “new development schemes, where appropriate, to improve connectivity with existing footpaths, cycle routes and public rights of way”. SP10 also supports “the use of former railway lines and tracks for recreational purposes” including walking, cycling and horse riding.
TM3: Highway Improvement Schemes	LPS: SP10	The policy is in conformity with SP10 which supports “new or modified road and junction improvements where there is a net environmental benefit to the district” and seeks to ensure that “development decisions in this Plan Period do not undermine the ability to deliver further strategic transport improvements.”

NDP Policy	Development Plan Policy	Comment on Conformity
TM4: County Bridge Level Crossing	LPS: SP10	The policy is in conformity with SP10 which supports “new or modified road and junction improvements where there is a net environmental benefit to the district”.
TM5: New Vehicular River/Railway Crossing	LPS: SP10	The policy is in conformity with SP10 which seeks to ensure that “development decisions in this Plan Period do not undermine the ability to deliver further strategic transport improvements.”
TM6: Development on Unallocated Sites	LPS: SP1	The policy is in conformity with SP1 in requiring development sites to “satisfactorily address highway capacity and safety” and supporting “access on foot” to town centre services.
TM7: Electric Vehicle Charging Infrastructure	LPS: SP17, SP10, SP19	The policy is in conformity with SP17 (support for use of low emission vehicles); SP10, by requiring the provision of demand responsive transport initiatives. By requiring development to be in support of electric vehicles, it is also in conformity with SP19’s positive approach to sustainable development.
TM8: Traffic Management Plans	LPS: SP20	The policy is in general conformity with the amenity and safety provisions of SP20 relating to generic development management issues.
RC1: Malton & Norton River Corridor Development	LPS: SP14, SP17, SP12	The policy is in conformity with LPS provisions in respect of biodiversity (SP14); flood risk and air quality (SP17); conservation areas and other heritage assets (SP12) and . It is also in line with LPS aspirations regarding the redevelopment of underused river corridor sites as an opportunity to improve the built fabric of the towns.
RC2: Regeneration of Land North & South of County Bridge	LPS: SP14, SP17, SP12	The policy is in conformity with LPS provisions in respect of biodiversity (SP14); flood risk and air quality (SP17); conservation areas and other heritage assets (SP12) and . It is also in line with LPS aspirations regarding the redevelopment of underused river corridor sites as an opportunity to improve the built fabric of the towns.
E1: Protection of Local Green Space	LPS: SP11, SP12, SP14	The policy is in conformity with SP11 (existing community leisure and recreational facilities (including open spaces) will generally be protected from loss/development); SP12 (Scheduled Monuments will be conserved and harmful development resisted); and SP14 (prevention of loss/significant harm to Local Sites of Nature Conservation Importance). It is also in line with the LPA aspiration to increase awareness and use

NDP Policy	Development Plan Policy	Comment on Conformity
		of strategic green spaces, including the proposed Local Green Spaces at Lady Spring Wood, Orchard Field and Castle Gardens.
E2: Enhancement of Local Green Space	LPS: SP11	The policy is in conformity with SP11 which supports in principle expansion and improvement of existing facilities.
E3: Open Space in New Development	LPS: SP11, SP14	The policy is in conformity with SP11 (addressing open space deficiencies in Malton & Norton; the expectation that all residential development contribute to the provision of open space; on-site provision/off site contribution to open space depending on dwelling numbers); and SP14 support for proposals that aim to enhance biodiversity through incorporation of beneficial biodiversity features).
E4: Green & Blue Infrastructure	LPS: SP15, SP14, SP13, SP16	The policy is in conformity with SP15 (planning of a comprehensive network of green spaces, corridors and features involving both protection and new provision, with specific reference to the River Derwent, Howardian Hills, River Rye and other elements such as stream corridors, open spaces and woodlands); SP14 (protection of River Derwent SAC and Local Sites of Nature Conservation Importance); SP13 (valuing of the Wolds Area of High Landscape Value); and SP16 (respecting Visually Important Undeveloped Areas, i.e. the Mill Beck area of Norton).
E5: Gateways	LPS: SP13	The policy is in conformity with SP13 (development proposals should contribute to the protection and enhancement of distinctive elements of landscape character, including visually sensitive skylines, hill and valley sides, with particular emphasis on national landscape designations and locally valued landscapes).
E6: Developments Affecting the Malton AQMA	LPS: SP17	The policy is in conformity with SP17 (protection and improvement of air quality, specific measures re the Malton AQMA; encouragement of low emission vehicle use).
CF1: Norton's Swimming Pool	LPS: SP11, SP10	The policy is in conformity with SP11 (supports in principle the expansion/improvement of existing facilities and specifically identifies indoor sports in Malton and Norton as deficiencies to be addressed); and SP10 (ensuring an appropriate level of car parking is provided as part of any development scheme).

NDP Policy	Development Plan Policy	Comment on Conformity
CF2: Malton Community Sports Centre	LPS: SP11	The policy is in conformity with SP11 (supports in principle the expansion/improvement of existing facilities and specifically identifies indoor sports in Malton and Norton as deficiencies to be addressed).
CF3: Medical Centre Development	LPS: SP11	The policy is in conformity with SP11 (supports in principle the expansion/improvement of existing community facilities and the provision of new).
TC1: New Museums & Visitor Facilities	LPS: SP8	The policy is in conformity with SP8 (support for: tourism in Malton and Norton where potential is significantly underdeveloped; cultural and creative businesses inspired by Ryedale's unique environment; operational requirements of existing tourist/visitor attractions; support for new tourist attractions that do not undermine the character of the area or prejudice the quality of the natural or built environment). It also conforms with SP8's recognition of the value of tourism which uses the area's unique assets such as Malton's Roman heritage as an economic driver.
TC2: Orchard Field	LPS: SP8, SP12,	The policy is in conformity with SP8 (recognition of the value of tourism which uses the area's unique assets such as Malton's Roman heritage as an economic driver; cultural and creative businesses inspired by Ryedale's unique environment; operational requirements of existing tourist/visitor attractions); SP12 (Scheduled Monuments will be conserved and harmful development resisted). It is also in line with the LPA aspiration to increase awareness and use of strategic green spaces, including Orchard Field.
TC3: Hotel Development	LPS: SP8	The policy is in conformity with SP8 (support for the provision of a range and choice of tourist accommodation, specifically new hotel accommodation within market towns).
TC4: Wentworth Street	LPS: SP8	The policy is in conformity with SP8 (support for the provision of a range and choice of tourist accommodation, specifically new hotel accommodation within market towns).
HRI1: Protection of Horse Racing Stables	LPS: SP9	The policy is in conformity with SP9 (specific support of development or equine related purposes/activities). The policy is also in line with the LPA objective to support the land-based economy in ways which help to retain traditional land uses such as horse racing – acknowledged as a longstanding and traditional component of land-based economic activity.

NDP Policy	Development Plan Policy	Comment on Conformity
HRI2: Horse Racing Zones & Development	LPS: SP20	The policy is in general conformity with the amenity and safety (clauses 1 and 4) and the access, parking and servicing provisions (proposals need to demonstrate safe and effective vehicular servicing arrangements) of SP20 relating to generic development management issues. The policy is also in line with the LPA objective to support the land-based economy in ways which help to retain traditional land uses such as horse racing – acknowledged as a longstanding and traditional component of land-based economic activity.
HRI3: Improved Accessibility to the Horse Racing Industry	LPS: SP8, SP10	The policy is in conformity with SP8 (maximizing opportunities to further develop tourism using assets such as Malton and Norton’s longstanding association with horse racing as an economic driver);and SP10 which requires “new development schemes, where appropriate, to improve connectivity with existing footpaths, cycle routes and public rights of way”.
HRI4: Horse Racing Museum	LPS: SP8	The policy is in conformity with SP8 (support for: tourism in Malton and Norton where potential is significantly underdeveloped; cultural and creative businesses inspired by Ryedale’s unique environment; support for new tourist attractions that do not undermine the character of the area or prejudice the quality of the natural or built environment).
HD1: Development & Design – Conservation Areas	LPS: SP16, SP12	The policy is in conformity with the design approach and expectations set out in SP16 and with SP12 (conservation areas will be conserved and where appropriate enhanced).
HD2: Development & Design – Area-wide Principles	LPS: SP16	The policy is in conformity with the design approach and expectations set out in SP16.
HD3: Shop Fronts	LPS: SP16, SP12	The policy is in conformity with the design approach and expectations set out in SP16 and with SP12 (conservation areas will be conserved and where appropriate enhanced). The policy also builds on RDC’s Shopfront Design and Signs Supplementary Planning Guidance adopted in 2005.
HD4: Malton Town Centre Conservation Area - Enhancement	LPS: SP12	The policy is in conformity with SP12 (conservation areas will be conserved and where appropriate enhanced). The policy is also in line with LPS aspirations regarding the redevelopment of underused edge of centre sites and the reuse of iconic and

NDP Policy	Development Plan Policy	Comment on Conformity
		prestigious historic buildings, in order to repair the built fabric, address underuse and improve the appearance of the town, while ensuring that development is sensitive and responsive to different historic character areas.
HD5: Public Realm Improvements within Malton Town Centre Conservation Area	LPS: SP16, SP12, SP10	The policy is in conformity with the design approach and expectations set out in SP16; with SP12 (conservation areas will be conserved and where appropriate enhanced); and with SP10 (improvements to physical infrastructure in Malton and Norton, including public realm improvements – ref Table 3).
HD6: Norton-on-Derwent Conservation Area - Enhancement	LPS: SP12	The policy is in conformity with SP12 (conservation areas will be conserved and where appropriate enhanced). The policy is also in line with LPS aspirations regarding the redevelopment of underused edge of centre sites and the reuse of iconic and prestigious historic buildings, in order to repair the built fabric, address underuse and improve the appearance of the town, while ensuring that development is sensitive and responsive to different historic character areas.
HD7: Public Realm Improvements within Norton-on-Derwent Conservation Area	LPS: SP16, SP12, SP10	The policy is in conformity with the design approach and expectations set out in SP16; with SP12 (conservation areas will be conserved and where appropriate enhanced); and with SP10 (improvements to physical infrastructure in Malton and Norton, including public realm improvements – ref Table 3).
HD8: Malton Old Town Conservation Area - Enhancement	LPS: SP12	The policy is in conformity with SP12 (conservation areas will be conserved and where appropriate enhanced).
HD9: Public Realm Improvements within Malton Old Town Conservation Area	LPS: SP16, SP12, SP10	The policy is in conformity with the design approach and expectations set out in SP16; with SP12 (conservation areas will be conserved and where appropriate enhanced); and with SP10 (improvements to physical infrastructure in Malton and Norton, including public realm improvements – ref Table 3).
HD10: Area-wide Public Realm Improvements	LPS: SP16, SP10	The policy is in conformity with the design approach and expectations set out in SP16; and with SP10 (improvements to physical infrastructure in Malton and Norton, including public realm improvements – ref Table 3).

NDP Policy	Development Plan Policy	Comment on Conformity
HD11: Archaeology	LPS: SP12	The policy is in conformity with SP12 – distinctive elements of Ryedale’s historic environment will be conserved and where appropriate enhanced; recognition of the potential contribution of heritage assets in a number of areas, including education and community identity; elements of historic character and value within built-up areas will be safeguarded as part of sensitive expansion, growth and land use change in and around market towns.
Hi: Housing Mix	LPS: SP4	The policy is in conformity with SP4 – specific provision for extra-care provision in Malton, accommodation for older and vulnerable groups, bungalow provision. RDC has also identified a need for affordable rented accommodation in Malton and Norton, with demand exceeding supply.
EM1: Encouragement of Local Employment Sectors	LPS: SP6, SP7, SP8	The policy support for specified local distinctive sectors, as well as for employment-generating uses generally, is in conformity with the distribution provisions of SP6; SP7 (town centres and retail); and SP8 (tourism).
M1: Wentworth Street Car Park	LPS: SP10	The policy is in conformity with SP10 – support for the management of town centre car parking to ensure an appropriate level of provision of long and short stay spaces.
M2: Malton Market Place	LPS: SP10	The policy is in conformity with SP10 – support for the management of town centre car parking to ensure an appropriate level of provision of long and short stay spaces.
N1: Land to the Rear of Commercial Street	LPS: SP6, SP7, SP14, SP17	The policy support for retail and light industry is in conformity with the distribution provisions of SP6; and SP7 (town centres and retail). It is also in conformity with SP17 (flood risk) and SP14 (protection of the River Derwent SAC).

In conclusion, it can be seen that all of the policies of the Neighbourhood Plan are clearly in general conformity with the strategic policies of the development plan as they relate to its policies.

5. Contribution to Achieving Sustainable Development

Although a formal sustainability appraisal is not a requirement for a Neighbourhood Plan, an informal sustainability assessment has been undertaken (October 2021 – see *Appendix 3*) in order to take account of the need for the Neighbourhood Plan to contribute to the achievement of sustainable development.

The policies of the Neighbourhood Plan are derived directly from the vision statement and objectives of the plan which have sustainability at their heart. The sustainability assessment assesses each of the plan's forty three policies against twelve benchmark criteria derived from the plan's objectives and covering the three dimensions of sustainability, namely environmental, social and economic. The assessment 'scores' the impact of each policy against the criteria, on a scale from 'significant positive impact' through 'some positive or negative impact' or 'no overall impact/non-applicability' to 'significant negative impact'. It also records uncertainty as to impact.

Table 4 below, reproduced from the sustainability assessment, summarises:-

- The impact/contribution of policies as a whole in relation to the twelve individual benchmark criteria;
- The impact/contribution of individual policies on sustainability/benchmark criteria as a whole.

It shows that there will be positive impacts overall, in terms of policies and benchmark criteria collectively.

The overriding conclusion is that the policies of the Neighbourhood Plan will make Malton and Norton a more sustainable area.

Table 4: Assessment of Sustainability of Neighbourhood Plan Policies

NEIGHBOURHOOD PLAN POLICY NUMBERS																		
BENCHMARK CRITERION	TM1	TM2	TM3	TM4	TM5	TM6	TM7	TM8	RC1	RC2	E1	E2	E3	E4	E5	E6	SUMMARY IMPACT 1	
Biodiversity	+?	0	0	0	0	+/-?	0	0	+?	+?	++	0	+	+	0	+	-	
Landscape	+	0	0	0	0	+/-?	0	0	+	+?	++	0	+	+	+	+?	-	
Heritage	0	0	0	0	0	+/-?	0	+?	+?	+?	++	0	0	0	+	+	-	
Natural Resources	+	0	0	0	0	+/-?	+	+?	0	+	0	0	+?	0	0	++	-	
Movement	+	+	++	++	++	+	+?	+	+	+	0	0	+?	+	0	0	-	
Open Spaces	+	0	0	0	0	+/-?	0	0	+	0	++	++	++	+	0	+?	-	
Community	0	0	0	0	0	+/-?	0	0	+	0	0	0	0	0	0	0	-	
Housing Provision	0	0	0	0	0	+?	0	0	0	-?	0	0	0	0	0	0	-	
Safety /Security	+	+?	+	+	+	0	+?	+	+	+	0	0	+?	0	0	+	-	
Social Inclusion	+	+?	0	+	0	0	+?	0	+	0	+	0	+	+	+	+?	-	
Businesses	+?	0	0	+?	0	++	+?	-?	+?	+?	+/-?	0	+?	0	0	-	-	
Jobs/Training	+?	0	0	+?	0	+	+?	0	+?	+?	0	0	+?	0	0	0	-	
SUMMARY IMPACT 2	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	-	
																	+ve	
NEIGHBOURHOOD PLAN POLICY NUMBERS																		
BENCHMARK CRITERION	CF1	CF2	CF3	TC1	TC2	TC3	TC4	HRI1	HRI2	HRI3	HRI4	HD1	HD2	HD3	HD4	HD5	HD6	SUMMARY IMPACT 1
Biodiversity	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
Landscape	0	0	0	0	0	0	0	0	0	0	0	+	+	+	++	+	++	-
Heritage	0	0	0	+	+	0	0	0	0	0	+	++	+	+	++	+	++	-
Natural Resources	0	0	0	0	0	-?	0	0	0	0	0	0	0	0	0	0	0	-
Movement	+	0	0	0	0	-?	0	0	+	+	0	0	0	0	0	0	0	-
Open Spaces	0	0	0	0	+	0	0	0	0	+	0	0	0	0	+	0	0	-
Community	++	++	++	++	+	+?	+?	0	0	0	+	-?	0	-?	0	+?	0	-
Housing Provision	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-
Safety /Security	0	0	+	0	0	-?	0	0	+	+	0	0	+	0	+	0	0	-
Social Inclusion	+?	+?	+?	+?	0	0	0	0	0	0	+?	0	0	0	+	+	0	-
Businesses	+?	+?	+?	+?	+?	++	++	++	+	+	+	-?	0	-?	+	+?	+	-
Jobs/Training	+?	+?	+?	+?	+?	+	+	++	0	0	+	-?	0	0	+?	+?	+?	-
SUMMARY IMPACT 2	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	-
																		+ve

NEIGHBOURHOOD PLAN POLICY NUMBERS																	
BENCHMARK CRITERION	HD7	HD8	HD9	HD10	HD11	H1	EM1	M1	M2	N1							SUMMARY IMPACT 1
Biodiversity	0	0	0	0	0	0	0	0	0	0							+ve
Landscape	+	++	+	+	0	0	0	+?	+?	+?							+ve
Heritage	+	++	+	+	++	0	0	0	0	+?							+ve
Natural Resources	0	0	0	0	0	0	+?	0	0	0							+ve
Movement	0	+	0	0	0	0	0	+	+	+							+ve
Open Spaces	0	+	0	0	0	0	0	0	0	0							+ve
Community	+?	0	0	0	0	0	0	0	0	0							+ve
Housing Provision	0	0	0	0	0	++	0	0	0	-							+ve
Safety /Security	0	+	0	0	0	+?	0	+?	+?	+							+ve
Social Inclusion	0	+	0	0	0	+	0	+?	+?	0							+ve
Businesses	+	+?	+?	+?	0	-?	+	+	+	++							+ve
Jobs/Training	+?	+?	+?	+?	0	0	+	+?	+?	+							+ve
SUMMARY IMPACT 2	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve	+ve							+ve

significant positive impact = ++/some positive benefit = +/no overall impact or not applicable = 0/some negative impact = -/significant negative effects = --/uncertain as to benefits/effects/impact = ?

6. Compatibility with EU Obligations and Legislation

Human Rights

The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act. In preparing the plan, the town councils have consistently taken steps to ensure that the views of all sections of the community including hard to reach groups have been canvassed and taken into account. This approach to consultation is summarised in Section 1 of the plan itself and fully detailed in the Consultation Statement. In particular, the following steps may be highlighted.

At every consultation stage, drop-in sessions (NB physical pre-Covid, online post-Covid) were held in both communities to ensure that both Malton and Norton were fully integrated into the plan preparation process. Young people were specifically consulted as part of the initial community questionnaire phase. All community/voluntary groups with community facilities in the area were individually consulted at all stages, including care homes, all churches and groups such as Sight Support Ryedale. Disability Action Yorkshire were also specifically consulted.

More generally, 'face to face' conversation and discussion was encouraged through steering group and focus group meetings and via drop-ins held variously in the town councils' offices, the Milton Rooms and latterly online; and full and effective coverage of the towns was achieved with door-to-door mail drops with supporting questionnaires. Every attendee at drop-in events was met, welcomed and encouraged to participate by a member of the Steering Group. A specific and focussed engagement event was put in place to engage with the local horse racing industry.

Habitats and Species Regulations/Strategic Environmental Assessment

Screening of Draft Pre-Submission Neighbourhood Plan

A Habitat Regulations Assessment screening report was issued by town council consultants Fleming Ecology in August 2019 (annexed as Appendix 1 to this statement) which concluded as follows:-

4.1. During July and August 2019, this HRA 'screened' the policies of the Malton and Norton-upon-Derwent Town Councils' Neighbourhood Development Plan according to the statutory procedures laid out in the Habitats Regulations and using the methodology laid out in the Habitats Regulations Assessment Handbook

4.2. With reference to the pre-screening exercise, it can be demonstrated that likely significant effects and the need for further assessment could be ruled out alone for all policies. There were no residual effects and, therefore, no need for an in-combination assessment. Consequently, there is no need for an appropriate assessment.

4.3. The decision to adopt this HRA or otherwise now lies with the Town Councils.

Based on the above, a Strategic Environmental Assessment screening report was prepared and issued by town council consultants Modicum Planning in August 2019 (annexed as Appendix 2 to this statement) which concluded as follows:-

4.1 As a result of the assessment in Section 3, no likely significant environmental effects resulting from the Malton and Norton NP have been identified.

Consultation was undertaken on the 2 screening reports as a result of which concerns were raised, by Natural England and RDC, in respect of the screening out of Policies RC1, RC2 and N1 (ref comments at Appendix 3), necessitating the preparation of a full HRA Appropriate Assessment and Strategic Environmental Assessment.

HRA and SEA Environmental Reports

A HRA report was prepared and issued in June 2020 by Fleming Ecology (annexed as Appendix 4) which concluded as follows:-

4.48. The appropriate assessment found that provided mitigation measures were adopted, including the removal of some types of proposed development and restrictions on others, adverse effects on the integrity of the River Derwent SAC could be ruled out for Policies RC1, RC2 and N1. Adverse effects from Policy CF1 could be ruled out without the need for mitigation.

4.49. Certain proposals have been recommended for exclusion. This is partly because of the limited detail presented in the policies. In these cases, reasonable worst-case scenarios were adopted, and it is possible that some of the restrictions recommended above could be removed if the policies were refined. If the NDP is not modified, this does not necessarily preclude speculative or windfall development in the future, but tests have been alluded to that any proposals would have to satisfy. Whilst only indicative, these do not necessarily represent an exhaustive list but could include Ryedale's local plan and the consenting regimes of the Environment Agency and Natural England amongst others.

Consultation on the HRA report resulted in the following comment from Natural England in September 2020 (ref Appendix 5):-

Overall Natural England agrees with the conclusions of the Malton and Norton Neighbourhood Plan Habitats Regulations Assessment. However notes the concerns raised in your email dated 19th August (NB e-mail from RDC) regarding the bandstand and Natural England recommends that this issue is looked into in more detail on how to control activities after dusk to protect the most sensitive time for Otters. We agree that further exploration is needed in relation to the ability to impose conditions on the timing of use/non-use of the bandstand, and whether this is feasible or references to the bandstand are removed.

A Pre-Submission Version Neighbourhood Plan was prepared incorporating the policy amendments as stipulated in the HRA report and in interim SEA report work (see below).

Based on the above, a SEA Environmental Report was prepared and issued by Modicum Planning in February 2021 (annexed as Appendices 6 and 7) which concluded as follows:-

7.1 Chapter 5 in this report highlights both potential positive and negative impacts from the environmental assessment of the draft planning policies in the Neighbourhood Plan. There is one uncertain significant positive effect identified for Policy RC1 against SEA objective 3. This is due to the potentially significant improvements the policy could facilitate in terms of public realm improvements along the River Derwent. But, as with a high number of registered impacts, this impact is uncertain. This is because all four policies being assessed are aspirational in nature where they are encouraging specific land uses. They are not site allocations as such. Deliverability or viability has not been tested and there is no evidence of any discussions having taken place with land promoters, owners or other stakeholders in terms of the implementation of schemes. The development being encouraged will not come forward without other drivers outside the NP process.

7.2 Alternative policy wording has been assessed as part of the SEA work. The interim SEA work assessed an earlier version of draft policies (the version that was subject to SEA and HRA screening). This resulted in a set of recommendations changes to the policy wording in order to improve the environmental performance of the drafted policies. The Reg 14 NP policies have performed better against the SEA than the previous version.

Final HRA and SEA Environmental Reports

A Regulation 14 consultation was undertaken in respect of the Pre-Submission Neighbourhood Plan, together with the HRA and SEA reports.

As a result of comments received, an amended Submission Version Neighbourhood Plan was prepared. No comments were received in respect of the HRA or SEA.

A final HRA report was prepared and issued in December 2021 by Fleming Ecology (annexed as Appendix 8) which concluded as follows:-

4.42. The appropriate assessment found that adverse effects on the integrity on the River Derwent SAC could be ruled out alone beyond reasonable scientific doubt for Policies RC1, RC2, CF1 and N1 could be ruled out without the need for mitigation.

Based on the above, a final updated SEA Environmental Report was prepared and issued in November 2021 by Modicum Planning (annexed as Appendices 9 and 10) which additionally (NB additionally to Pre-Submission report) concluded as follows:-

8.3 During the period 12 February 2021 to 26 March 2021, the Neighbourhood Plan was subject to a public consultation under Regulation 14 of the Neighbourhood Planning Regulations. The SEA environmental assessment was also made available for comment at the same time. No comments were received which required any changes to be made to the assessment set out in Chapters 5 and 6 of this report.

7. CONCLUSIONS

This Neighbourhood Plan for Malton and Norton Basic Conditions Statement addresses each of the four 'basic conditions' required by the Regulations and demonstrates that the Neighbourhood Plan for Malton and Norton meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town and Country Planning Act.

In line with the Regulations, this Basic Conditions Statement explains how the Neighbourhood Plan for Malton and Norton:-

- Has regard to national policies and advice contained in guidance issued by the Secretary of State;
- Is in general conformity with the strategic policies contained in the development plan for Ryedale;
- Contributes to the achievement of sustainable development;
- Does not breach and is otherwise compatible with EU obligations.

It is therefore respectfully suggested that the Neighbourhood Plan complies with Paragraph 8(1) (a) of Schedule 4B of the Act and subject to Examination can proceed to a Referendum.