

Our ref: General/40b – Planning Conformity/Final Response/Ryedale, Mixed Use Development, York Road – April 08

2 April 2008

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Dear Gary

Application reference: 08/00128/MOUT

Mixed-use development of Business (B1), General Industrial (B2), Storage and Distribution (B8) and Non-food Retailing (A1) at Land to west of York Road Industrial Estate, York Road, Malton, North Yorkshire.

The Assembly, as the Regional Planning Body, has been asked to comment on this development as its nature and location mean that it could have an effect on the implementation of the Regional Spatial Strategy (RSS). The current RSS for Yorkshire and Humber (based on the Selective Review of RPG12) was issued by the Secretary of State in December 2004. The RSS has the status of a Development Plan Document and forms part of the framework for decisions taken under section 38 of the Planning and Compulsory Purchase Act (2004), which means that decisions on all applications have to be taken in accordance with the Development Plan unless other material considerations indicate otherwise.

The Planning and Compulsory Purchase Act (2004) and Circular 08/2005 make it clear that a draft RSS submitted to the Secretary of State is a relevant regional policy against which strategic applications can be considered. This Assembly response therefore also highlights relevant issues that arise from the Yorkshire and Humber Plan (draft RSS) December 2005 – the RSS submitted to the Secretary of State.

Please note that the Secretary of State's Proposed Changes to Draft RSS have now been published (September 2007). Government guidance (paragraph 4.19 in PPS12) states: "Where the regional spatial strategy...has been through an Examination in Public, and the proposed changes have been published, considerable weight may be attached to that strategy because of the strong possibility that it will be published in that form by the Secretary of State".

Assembly responses to consultations on strategic applications will therefore have to make it clear how the Proposed Changes impact on the policies quoted and to point out to local authorities that 'considerable weight' will need to be attached to them by the decision-making body and by Inspectors at Examinations of DPDs and application Inquiries. At the same time, it should be noted that the Assembly itself has made comments on the Proposed Changes and that the final version of the new RSS is expected in spring 2008.

Both the existing and draft regional spatial strategies aim to achieve a more sustainable pattern and form of development, investment and activity across the region, putting a greater emphasis on matching needs across the region with opportunities and managing the environment as a key resource. There is a particular emphasis on achieving the regeneration and renaissance of the region's city and town centres by making them the focus for housing, employment, shopping, leisure, education, health and cultural activities and facilities in the region (for example Policy P1, existing RSS, December 2004 and Policy YH5, Draft RSS, December 2005).

In seeking the implementation of these policies across the region, the Assembly therefore offers the following comments on the proposed mixed-use development in Malton.

Regional Policy Context

The proposed development does raise a number of serious issues for the implementation of the RSS that need to be considered. The most significant of these are in relation to the proposed location of the development given its scale and nature.

Scale and nature – location in Malton

Policies in the current RSS (December 2004) seek to focus development on the region's town and city centres, reduce the need to travel, ensure that development is accessible by a range of transport modes and support the renaissance and regeneration of the region's urban centres by promoting high quality developments that reflect the scale and character of the centres to which they relate (see, for example, policies P1, S4, E1, SOC3, T1, T2).

Policies in draft RSS (December 2005) build on these principles. The Core Approach (Policies YH1 – YH9) makes it clear that most new development, and high trip generating uses, should be focused on Regional and Sub-Regional Centres and that away from these sufficient development should be permitted in Principal Service Centres to enable them to fulfil their role as service centres (Policy YH8 building on policies YH5, YH6 and YH7 and Policies E2 and T1).

Both current and draft RSS discourage development of greenfield land, and state that priority should in fact be given to the re-use of brownfield sites within settlements. Second priority should be given to other suitable infill opportunities, and thirdly, to planned growth areas. The proposed site is on greenfield land.

It should be noted that the Secretary of State's Proposed Changes to draft RSS (2007) replaces the terms "Regional Centres" with "Regional Cities", "Sub Regional Centres" with "Sub Regional Cities and Towns" and "Principal Service Centres" with "Principal Towns". The Core Approach of draft RSS is not changed by the Proposed Changes.

The proposed development is located to the south of the settlement of Malton. Policies P1 and E4 of current RSS and YH8 of draft RSS provide for an urban-focussed, transport-orientated approach to development. Policies P1 (b) and E4 (a) of current RSS state that, wherever possible, in considering development proposals preference should be given to land within urban areas that support urban concentration.

Malton is identified in the draft RSS (2005) as a Principal Service Centre. Policy YH6 states that Principal Service Centres will be the main focus for housing, employment, shopping, leisure, education, health and cultural activities and facilities. Policy YH8A specifically states that the majority of new development should be concentrated within Regional and Sub Regional Centres, with sufficient development in both Principal and Local Services Centres to fulfil their respective service roles. Policy Y1A of draft RSS (2005) provides for the development of Malton as a Principal Service Centre. The Secretary of State's Proposed Changes to draft RSS (2007) Policy Y1 B supports economic growth at Malton in line with its role as a Principal Town.

Policy P1 in current RSS (2004) requires a sequential approach to site selection. YH8B of draft RSS (2005) also makes it clear that a sequential approach should be taken in determining applications to ensure that developments are either reusing land or buildings within centres, infilling sites within centres or are sites that are well connected on public transport routes and that can maximise accessibility by public transport, walking and cycling. Policy YH8C requires a transport-orientated approach to ensure that development makes the best use of transport, infrastructure is focussed along existing or planned public transport corridors and maximises accessibility by public transport, walking and cycling.

It should be noted that the Secretary of State's Proposed Changes to draft RSS (2007) recommends changes to Policy YH8. These do not alter the Core Approach or change the site selection/accessibility orientated approach set out above.

Employment Land Review

Policy E3 in draft RSS (2005) states that all plans, strategies, and programmes in the Region will seek to support the availability of sufficient land in sustainable locations to meet the needs of a modern economy. Policy E3 requires that the pattern and scale of allocated employment land should be determined by local employment land reviews, which take account of the forecast change and spatial context set out in the draft RSS (2005). The proposed site has come forward as a result of the recent Employment Land Review.

Table 14.8 in draft RSS (2005) provides spatial guidance on the future development patterns for employment development in each local authority area. The spatial guidance for the Ryedale area recognises that 'there should be an evaluation of the land implications of growth generated the York sphere of influence, specially the Science City initiative'. In quantitative terms Table 14.6 in draft RSS (2005) sets out a net change of total employment land of between 8 to 17 ha of total employment land in the Ryedale District between 2006-2016 (this allows for loss of employment land to other uses and gains through allocations/new uses).

It should be noted that Table 14.8 has been deleted in the Secretary of State's Proposed Changes to draft RSS (2007) and Table 14.6 has been modified. The Proposed Changes has also inserted Table 14.7A, which sets out the potential annual job growth from 2006 by different land uses. In Ryedale the potential job growth for Industry (B1b/B2) is forecasted at 20 and is 10 for Storage/Distribution (B8).

Proposed Uses

The proposed development comprises B1, B2, B8 and A1 uses. The Assembly would like to raise concerns over locating office and retail uses outside of Malton town centre. Policy E2 of draft RSS (December 2005) states that "city and town centres will be the main focus for office, comparison shopping...and other uses which generate a high level of people movements" (for example B1 uses). These uses should not be located out side these centres if they would undermine the delivery of the Plan's Core Approach (YH1-YH8)". Policy E4 of current RSS (2004) specifically states, "offices should be located in town and city centres". Policy E3 of draft RSS (2005) further reinforces that office and retail use should mainly be located in or adjacent to town or city centres.

The Secretary of State's Proposed Changes to draft RSS (2007) Policy E2 states that Regional City and Sub Regional City and Town Centres will be the focus for office, retail, leisure, entertainment, arts, culture, tourism and more intensive sport and recreation.

Policy E4 of current RSS (2004) states that provision for warehousing and distribution “should be made for activities with high goods volume and low labour content close to major inter-regional road/rail/water transport nodes, ports and airports, integrated wherever possible with freight access and transport improvements.” Policy T4 of current RSS and draft RSS seeks to locate development which generates high levels of freight and commercial traffic closest to intermodal freight facilities, rail freight facilities, ports and wharves or roads designed and managed as traffic distributors.

The Secretary of State’s Proposed Changes to draft RSS (2007) recommends changes to Policy E4 of draft RSS (2005) to provide for plans, strategies, investment decisions and programmes to support key sectors including Financial and Business Services; Tourism; Logistics; and Construction, and regional priority clusters including Advanced Engineering and Metals; Chemicals; Bio-Science; Digital; Food and Drink; Healthcare Technologies; and Environmental Technologies.

Accessibility

The proposal is a high-trip generating development and it is essential that multi modal access is a reality. Policy YH8C encourages the maximisation of the use of rail and water for uses generating large freight movements. Policy T4 current RSS (2004) and draft RSS (2005) seeks to locate development which generate high levels of freight and commercial traffic closest to intermodal freight facilities, rail freight facilities, ports and wharves or roads designed and managed as traffic distributors.

It also seeks to maximise the use of rail or water for freight movements from new developments and significant changes of use and recognise the contribution that these modes can make to the transportation of bulk materials including waste.

It should be noted that the Secretary of State’s Proposed Changes to draft RSS (2007) does not alter the policy context of Policy T4.

Accessibility criteria are set out in both the current and draft RSS (Table 7.1 and 7.2 of current RSS and Table 16.8 and 16.9 of draft RSS). These tables include acceptable walking and overall journey times for the population that would be travelling to the site. It should be noted that the Secretary of State’s Proposed Changes to draft RSS (2007) makes no recommendations with regard to these criteria.

It is not clear from the application whether or not an assessment against the accessibility criteria has been carried out.

Parking Standards

Policy T2 of the draft RSS states that the maximum parking standards for new developments must be in line with Table 16.5. There is not sufficient detail provided with the application to assess whether this is the case.

It should be noted that the Secretary of State's Proposed Changes to draft RSS (2007) makes no recommendations with regard to these criteria.

Renewable Energy

The sustainable use of resources is a key theme in both current and draft RSS. Policy P6 of current RSS (2004) encourages new development to maximise energy efficiency and minimise resource demand. Policy ENV5 of draft RSS (2005) requires at least 10% of energy to be used in sizable new development is to come from on-site renewable energy sources. The Secretary of State's Proposed Changes to draft RSS (2007) removes this threshold, recommending that local authorities set their own proportions of the amount of energy to come from local renewable sources. Ryedale District Council should ensure that renewable energy is promoted and secured in the proposed development.

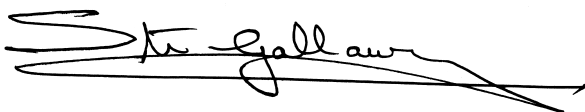
The Assembly has concerns about the application on the basis of its location

If the local authority were to approve the application:

- The local authority should be confident that the need for the site and its location fits within an overall assessment of the demand of employment land in the District.
- The Assembly has serious concerns around the location of the proposed office and retail uses. The local authority should be confident that there are not opportunities available to locate retail and office proposals in or adjoining the town centre and that it will not prejudice the emerging LDF.
- There should be an emphasis on ensuring multi-modal freight access to the site and that there is adequate public transport provision and provision for walking and cycling for employee's journey to work and to meet the accessibility criteria of current and draft RSS.
- A proportion of the energy to be used in the development should come from on-site renewable energy sources (bearing in mind the 10% figure quoted in the Proposed Changes to draft RSS).
- Parking standards should be in line with current and draft RSS.

If you have any queries about these points, please do not hesitate to contact Andy Haigh on 01924 331601.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Stephen Galloway', with a long horizontal flourish extending to the right.

Stephen Galloway
Chair, Regional Planning Board
Yorkshire and Humber Assembly