

North Yorkshire Council  
**Pannal & Burn Bridge  
Neighbourhood Development Plan  
2021-2035**

**Independent Examiner's Report**

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23 April 2024

## Contents

	<b>Summary</b>	<b>3</b>
<b>1.0</b>	<b>Introduction</b>	<b>4</b>
<b>2.0</b>	<b>The role of the independent examiner and the examination process</b>	<b>4</b>
<b>3.0</b>	<b>Neighbourhood plan preparation</b>	<b>7</b>
<b>4.0</b>	<b>Compliance with matters other than the basic conditions</b>	<b>8</b>
<b>5.0</b>	<b>The basic conditions</b>	<b>9</b>
	<i>National policy and advice</i>	9
	<i>Sustainable development</i>	11
	<i>The development plan</i>	12
	<i>European Union (EU) obligations</i>	13
	<i>European Convention on Human Rights (ECHR)</i>	15
<b>6.0</b>	<b>Detailed comments on the Plan and its policies</b>	<b>15</b>
	1. Introduction	15
	2. The Neighbourhood Plan Area – Yesterday and Today	16
	3. The Neighbourhood Plan Preparation Process	17
	4. The Vision and Aims	17
	5. The Plan Policies and Non-planning Community Actions	
	- The Green and Natural Environment (Policies GNE1, GNE2, GNE3, GNE4, GNE5, GNE6 and GNE7)	18
	- The Built Environment: Heritage, Development and Design (Policies BE1, BE2, BE3 and BE4)	26
	- Traffic, Transport and Travel (Policies TTT1, TTT2, TTT3, TTT4, TTT5 and TTT6)	31
	- Community Facilities and Services (Policies CFS1, CFS2, and CFS3)	34
	- Housing (Policies H1, H2 and H3)	35
	- Economic Development (Policies EC1 and EC2)	38
	6. Monitoring, Review, Implementation	40
	Appendices	41
	Policies Map	42
<b>7.0</b>	<b>Conclusions and recommendations</b>	<b>42</b>
	<b>Appendix 1 List of key documents</b>	<b>43</b>
	<b>Appendix 2 Questions of clarification from the examiner</b>	<b>44</b>

## Summary

I have been appointed as the independent examiner of the Pannal and Burn Bridge Neighbourhood Development Plan.

The Plan area consists of the villages of Pannal and Burn Bridge and the residential areas of Walton Park and Crimple Meadows. The area includes exceptional countryside identified as a Special Landscape Area. The southern part of the Parish also falls within the Green Belt. Separation from Harrogate is important to maintain the distinct villages. There are many long distance views including of the impressive Crimple Valley Viaduct.

The Plan is presented to an exceptionally high standard. There is clarity of thought in the Plan with a vision and aims. Many of the 26 policies are locally distinctive and innovative. There is an excellent Design Code. The Plan is wide ranging covering a variety of topics and local aspirations.

The examination was paused to allow a focused period of consultation to be held. This was needed as unfortunately the Design Code document had not been included as part of the original suite of submission documents. In addition a new NPPF had been published in the interim period.

It has been necessary to recommend some modifications. In the main these are intended to ensure the Plan is clear and precise and provides a practical framework for decision-making as required by national policy and guidance. These do not significantly or substantially alter the overall nature of the Plan.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to North Yorkshire Council that the Pannal and Burn Bridge Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI  
Ann Skippers Planning  
23 April 2024



## 1.0 Introduction

This is the report of the independent examiner into the Pannal and Burn Bridge Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by North Yorkshire Council (NYC) with the agreement of the Parish Council, to undertake this independent examination. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over thirty years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this independent examination.

## 2.0 The role of the examiner and the examination process

### *Role of the Examiner*

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The basic conditions<sup>1</sup> are:

- 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
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, retained European Union (EU) obligations<sup>2</sup>

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<sup>1</sup> Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) and paragraph 11(2) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended)

<sup>2</sup> Substituted by the Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018/1232 which came into force on 31 December 2020

- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.<sup>3</sup> It states that:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

The examiner is also required to check<sup>4</sup> whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.<sup>5</sup>

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case NYC. The

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<sup>3</sup> Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

<sup>4</sup> Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act and paragraph 11(2) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended)

<sup>5</sup> The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

### ***Examination Process***

It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended) and paragraph 11 of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended).<sup>6</sup>

Planning Practice Guidance (PPG) confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.<sup>7</sup>

In addition, PPG is clear that neighbourhood plans are not obliged to include policies on all types of development.<sup>8</sup> Often, as in this case, representations suggest amendments to policies or new policies or put forward other alternative suggestions including site allocations. It is my role to consider the submitted plan. Where I find that the submitted policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

PPG<sup>9</sup> explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.<sup>10</sup>

I sought clarification on a number of matters from the Parish Council and NYC in writing on 15 September 2023 and my list of questions is attached to this report as Appendix 2. I am very grateful to both Councils who have provided me with comprehensive answers to my questions. The responses received (all publicly available) have enabled me to examine the Plan without the need for a hearing.

During the examination, it came to light that the Design Code had not been submitted alongside the suite of documents. As I consider this to be an important supporting document that a number of policies refer to or largely rely on, I advised that a further short period of focused consultation should be undertaken.

The Government published a revised National Planning Policy Framework (NPPF) on 19 December 2023, with an update on 20 December 2023. It seemed pragmatic to allow an opportunity for any comments to be made on the revised NPPF with regard to the basic conditions at the same time.

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<sup>6</sup> Paragraph 11(3) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended) and PPG para 055 ref id 41-055-20180222,

<sup>7</sup> PPG para 055 ref id 41-055-20180222

<sup>8</sup> Ibid para 040 ref id 41-040-20160211

<sup>9</sup> Ibid para 056 ref id 41-056-20180222

<sup>10</sup> Ibid

The further period of consultation was held between 31 January – 28 February 2024.

In 2018, the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) published guidance to service users and examiners. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for a qualifying body to make any comments; it is only if they wish to do so. The Parish Council made comments on the Regulation 16 stage representations and those made during the further period of consultation and I have taken these into account.

I am very grateful to everyone for ensuring that the examination has run so smoothly and in particular Jane Marlow at the PC and Joe Varga at NYC.

I made an unaccompanied site visit to familiarise myself with the Plan area on 19 September 2023.

### ***Modifications and how to read this report***

Where modifications are recommended they appear in a bullet point list of **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in **bold italics** in the bullet point list of recommendations. Modifications will always appear in a bullet point list.

As a result of some modifications consequential amendments may be required. These can include changing policy numbering, section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on.

I regard these issues as primarily matters of final presentation and do not specifically refer to all such modifications, but have an expectation that a common sense approach will be taken and any such necessary editing will be carried out and the Plan's presentation made consistent.

## **3.0 Neighbourhood plan preparation**

A Consultation Statement has been submitted. It meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012. A number of appendices accompany the Consultation Statement.

Work began on the Plan in 2016. A Steering Group was established with focus groups formed on landscape and environment, transport, traffic and sustainability, housing and community facilities. There was what the Consultation Statement calls a hiatus whilst work focused on the emerging Local Plan, but engagement using a range of methods has been undertaken between 2016 and 2022.

This includes using earlier work on a Community-led Plan Survey (2015) which incorporated a Young People's Questionnaire, a Save Crimble Valley Survey (2018) and detailed work by the focus groups. The main survey attracted a high response rate of 48%.

The detailed work undertaken by the focus groups included a Housing Needs Survey (2018).

In July 2021, a Policy Intentions Document was produced and consulted upon. It was sent to all households and local businesses as well as HBC and consultees. An online drop-in event was held due to the Covid 19 pandemic. The responses received were used to develop the pre-submission Plan.

Pre-submission (Regulation 14) consultation took place between 22 April – 3 June 2022. A Plan summary was available and the full Plan available in online and paper formats.

Targeted reconsultation with HBC and selected statutory bodies took place after the pre-submission consultation on advice from HBC.

The Consultation Statement includes a reflective section. This is to be warmly welcomed as good practice. The reflection offers an honest assessment and will be helpful to others.

I consider that the consultation and engagement carried out is satisfactory.

Submission (Regulation 16) consultation was carried out between 17 April - 2 June 2023.

The Regulation 16 stage resulted in 17 representations.

The focused period of consultation held between 31 January – 28 February 2024 resulted in nine representations.

I have considered all of the representations and taken them into account in preparing my report.

## **4.0 Compliance with matters other than the basic conditions**

I now check the various matters set out in section 2.0 of this report.

### **Qualifying body**

Pannal and Burn Bridge Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.



## **Plan area**

The Plan area is coterminous with the administrative boundary for the Parish. HBC approved the designation of the area on 10 August 2017. The Plan area is shown on page 7 of the Plan. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements.

## **Plan period**

The Plan period is 2021 – 2035. This is clearly stated in the Plan itself and confirmed in the comprehensive Basic Conditions Statement. The requirement is therefore satisfactorily met.

## **Excluded development**

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement. This is also helpfully confirmed in the Basic Conditions Statement.

## **Development and use of land**

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.<sup>11</sup>

In this instance, community actions are found throughout the Plan at the end of each topic section. The Plan explains what they are and that they do not form part of the policies.<sup>12</sup> They are clearly distinguishable from the planning policies. I consider this to be an appropriate approach for this particular Plan.

## **5.0 The basic conditions**

### **Regard to national policy and advice**

The Government revised the National Planning Policy Framework (NPPF) on 19 December 2023 and updated it on 20 December 2023. This revised NPPF replaces the

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<sup>11</sup> PPG para 004 ref id 41-004-20190509

<sup>12</sup> The Plan, pages 5, 9 and 48

previous NPPFs published in March 2012, revised in July 2018, updated in February 2019, revised in July 2021 and updated in September 2023.

The NPPF is the main document that sets out the Government's planning policies for England and how these are expected to be applied.

In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies in local plans or spatial development strategies and should shape and direct development that is outside of these strategic policies.<sup>13</sup>

Non-strategic policies are more detailed policies for specific areas, neighbourhoods or types of development.<sup>14</sup> They can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment as well as set out other development management policies.<sup>15</sup>

The NPPF also makes it clear that neighbourhood plans gives communities the power to develop a shared vision for their area.<sup>16</sup> However, neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.<sup>17</sup>

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.<sup>18</sup>

Policies should be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.<sup>19</sup>

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at [www.gov.uk/government/collections/planning-practice-guidance](http://www.gov.uk/government/collections/planning-practice-guidance) which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

PPG indicates that a policy should be clear and unambiguous<sup>20</sup> to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and

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<sup>13</sup> NPPF para 13

<sup>14</sup> Ibid para 28

<sup>15</sup> Ibid

<sup>16</sup> Ibid para 29

<sup>17</sup> Ibid

<sup>18</sup> Ibid para 31

<sup>19</sup> Ibid para 16

<sup>20</sup> PPG para 041 ref id 41-041-20140306

supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.<sup>21</sup>

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.<sup>22</sup> It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.<sup>23</sup>

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Plan's policies correspond to the most up to date NPPF at the time of submission. Consultation has been held as explained in earlier sections of this report to allow interested parties to comment in relation to the current NPPF.

### **Contribute to the achievement of sustainable development**

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development.

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.<sup>24</sup> This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.<sup>25</sup> The three overarching objectives are:<sup>26</sup>

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

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<sup>21</sup> PPG para 041 ref id 41-041-20140306

<sup>22</sup> Ibid para 040 ref id 41-040-20160211

<sup>23</sup> Ibid

<sup>24</sup> NPPF para 7

<sup>25</sup> Ibid para 8

<sup>26</sup> Ibid

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.<sup>27</sup>

Whilst this has formed part of my own assessment, the Basic Conditions Statement includes an informal sustainability assessment on how each Plan policy helps to achieve sustainable development as outlined in the NPPF and based on typical attributes used in sustainability assessment. This is an interesting approach and one I found very helpful so I commend it to others.

### **General conformity with the strategic policies in the development plan**

The Plan area lies within the Harrogate area of North Yorkshire where, until 31 March 2023, the local planning authority was the former Harrogate Borough Council (HBC). Following local government reorganisation on 1 April 2023 the local planning authority is now North Yorkshire Council.

The development plan for the Harrogate area of North Yorkshire consists of the Harrogate District Local Plan 2014-2035 (LP) adopted in December 2020. The Minerals and Waste Joint Plan adopted in 2022 also forms part of the development plan. There are also three other made neighbourhood plans which form part of the development plan, but are not relevant to this Plan area.

LP Policy GS2 sets out the growth strategy to 2035. This directs growth to the District's main settlements of Harrogate, Knaresborough and Ripon, settlements in key public transport corridors and to a new settlement in the Green Hammerton / Cattal area.

Under the strategy set out in the LP, growth in individual settlements is based on a number of factors including its role, location, services and facilities, the capacity of local infrastructure and its character and setting. In the settlement hierarchy, the LP identifies Pannal (known locally as Pannal and Burn Bridge) as a Service Village.

Development Limits are identified in LP Policy GS3. A small part of the Plan area is included within the Development Limit of Harrogate. Development is supported within the Development Limits. Outside the Development Limits, development is only permitted when expressly permitted by planning policy.

The countryside to the south and east of the area defined as Pannal falls within the Green Belt. Countryside in the Parish that does not fall within the Green Belt forms part of the Crimple Valley Special Landscape Area, a local landscape designation, that also includes small areas that are in the Green Belt as well.

Whilst this has formed part of my own assessment, the Basic Conditions Statement contains an assessment of how each policy generally conforms to the LP.

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<sup>27</sup> NPPF para 9

Where I have not specifically referred to a strategic policy, I have considered all strategic policies in my examination of the Plan.

### ***Emerging Local Plan***

A new local plan will be prepared for North Yorkshire; the intention is to have this in place within five years of the start of the new Council. On adoption the new local plan will replace all existing local plans, including the LP. Work on the new local plan is currently at an early stage.

### **European Union Obligations**

A neighbourhood plan must be compatible with retained European Union (EU) obligations. A number of retained EU obligations may be of relevance for these purposes including those obligations in respect of Strategic Environmental Assessment, Environmental Impact Assessment, Habitats, Wild Birds, Waste, Air Quality and Water matters.

With reference to Strategic Environmental Assessment (SEA) requirements, PPG<sup>28</sup> confirms that it is the responsibility of the local planning authority, in this case NYC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It states that it is NYC who must decide whether the draft plan is compatible with relevant retained EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

### ***Strategic Environmental Assessment and Habitats Regulations Assessment***

The provisions of the Environmental Assessment of Plans and Programmes Regulations 2004 (the 'SEA Regulations') concerning the assessment of the effects of certain plans and programmes on the environment are relevant. The purpose of the SEA Regulations, which transposed into domestic law Directive 2001/42/EC ('SEA Directive'), are to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes.

The provisions of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), which transposed into domestic law Directive 92/43/EEC (the 'Habitats Directive'), are also of relevance to this examination.

Regulation 63 of the Habitats Regulations requires a Habitats Regulations Assessment (HRA) to be undertaken to determine whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects. The HRA assessment determines whether the Plan is likely to have significant effects on a European site considering the potential effects both of the Plan itself and in combination with other plans or projects. Where the potential for likely significant

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<sup>28</sup> PPG para 031 ref id 11-031-20150209

effects cannot be excluded, an appropriate assessment of the implications of the Plan for that European Site, in view of the Site's conservation objectives, must be carried out.

A Screening Report dated October 2022 has been prepared by HBC. It concluded that the Plan was unlikely to have significant environmental effects. Consultation with the statutory bodies was undertaken. A response from Historic England concurred; no responses were received from Natural England (NE) or the Environment Agency. However, NE have responded during the Regulation 16 stage and confirm that there are unlikely to be significant environmental effects.

I have treated the Screening Report to be the statement of reasons that the PPG advises must be prepared and submitted with the neighbourhood plan proposal and made available to the independent examiner where it is determined that the plan is unlikely to have significant environmental effects.<sup>29</sup>

Taking account of the characteristics of the Plan, the information put forward and the characteristics of the areas most likely to be affected, I consider that retained EU obligations in respect of SEA have been satisfied.

Turning now to HRA, the Screening Report of October 2022 prepared by HBC also covers HRA. It concludes that no likely significant effects are predicted. NE, in their consultation response, agree.

On 28 December 2018, the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) was substituted by a new basic condition brought into force by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 which provides that the making of the plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

Given the nature and contents of the Plan, I agree with the conclusion of the Screening Report and consider that the prescribed basic condition relating to the Conservation of Habitats and Species Regulations 2017 is complied with.

### ***Conclusion on retained EU obligations and the prescribed basic condition***

National guidance establishes that the ultimate responsibility for determining whether a plan meets EU obligations lies with the local planning authority.<sup>30</sup> In undertaking work on SEA and HRA, NYC has considered the compatibility of the Plan in regard to retained EU obligations and does not raise any concerns in this regard. NYC will also review this again in reaching a view on whether the Plan can proceed to referendum following receipt of my report.

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<sup>29</sup> PPG para 028 ref id 11-028-20150209

<sup>30</sup> Ibid para 031 ref id 11-031-20150209

## European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a statement in relation to human rights.<sup>31</sup> Having regard to the Basic Conditions Statement, there is nothing in the Plan that leads me to conclude there is any breach or incompatibility with Convention rights.

## 6.0 Detailed comments on the Plan and its policies

In this section I consider the Plan and its policies against the basic conditions. Where modifications are recommended they appear in **bold text**. As a reminder, where I suggest specific changes to the wording of the policies or new wording these appear in **bold italics**.

The Plan is presented to an exceptionally high standard and contains 26 policies. There is a foreword which sets the scene and a helpful contents page at the start of the Plan.

Given the local planning authority is now North Yorkshire Council, references to Harrogate Borough Council should be updated.

In addition, it may be helpful to update NPPF references.

Both recommendations apply throughout the Plan and the modifications are not repeated elsewhere in this report.

- **Update references to the local planning authority to North Yorkshire Council throughout the Plan**
- **Update references to the NPPF as necessary throughout the Plan**

## 1. Introduction

This is a helpful introduction to the Plan.

There is one small change to the phrase used in paragraph 1.4 in the interests of accuracy.

- **Change the phrase “...statutory Local Plan (The HDLP)...” in paragraph 1.4 on page 5 of the Plan to “...statutory *development plan*...”**

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<sup>31</sup> Basic Conditions Statement page 16

## 2. The Neighbourhood Plan Area – Yesterday and Today

This sets out a brief history and rationale for the Plan.

I asked NYC and the Parish Council to agree some text for inclusion in the Plan on the strategic context of the Plan. This was very helpfully provided. This text should be inserted into the Plan in an appropriate location before the vision and aims chapter of the Plan. I make the modification here, but the Parish Council may prefer to insert a new chapter; that would be acceptable too.

- **Insert the following new paragraphs into the Plan:**

***“The strategic planning context for the Pannal and Burn Bridge parish is set by the Harrogate District Local Plan 2014-2035 (adopted 2020). The local plan sets out a strategy to meet the development needs of the district that focuses growth within the three main settlements of Harrogate, Knaresborough and Ripon, settlements in key public transport corridors and a new settlement.***

***Under the strategy growth in individual settlements is based on a number of factors. These include a settlement’s relationship to key public transport corridors, its role (as defined in a settlement hierarchy), and the need to maintain or enhance services and facilities in villages, but also its character and setting and the capacity of local infrastructure.***

***The local plan defines a single settlement within the parish, which it calls Pannal. Locally the area defined as Pannal is known as Pannal and Burn Bridge and is considered to comprise three distinct areas: Pannal, Burn Bridge and Walton Park. Within the settlement hierarchy Pannal is defined as a service village. As a minimum, service villages contain a primary school or GP surgery, recreational facilities, a meeting place and a shop, pub or café. Pannal is one of nine service villages that the local plan indicates has a wider range of retail, service and leisure businesses and both a school and a surgery.***

***The strategy allows land in service villages to be allocated for development in order to maintain or enhance the provision of services, shops and facilities. As the local plan shows Pannal within key public transport corridors, with good access to both rail and bus services, the settlement could provide a focus for growth, subject to the identification of suitable sites. Development within the settlement is supported by the strategy, subject to proposals meeting other relevant development plan policies. The extent of the defined settlement of Pannal is indicated by a development limit.***

***Other than in the north, where a small part of the parish is included within the Harrogate development limit, the remaining land in the parish is defined as countryside. In countryside areas the strategy only supports development where expressly permitted by other development plan policies or national***



*planning policy.*

***The countryside to the south and east of the area defined as Pannal is Green Belt where development is strictly controlled in accordance with national planning policy. Inappropriate development in the Green Belt is, by definition, harmful and would not be approved, except in very special circumstances. Countryside in the parish that is not within the Green Belt forms part of the Crimple Valley Special Landscape Area, a local landscape designation, that also includes small areas that are in the Green Belt as well. In addition to other controls, where relevant, proposals within the special landscape area should avoid significant loss of key characteristics that contribute to landscape quality, be linked to an existing settlement and enhance the appearance of the urban fringe.”***

### 3. The Neighbourhood Plan Preparation Process

This section usefully describes the process followed.

### 4. The Vision and Aims

The vision for Pannal, Burn Bridge and Walton Park is:

“The Pannal, Burn Bridge and Walton Park of 2035 will be built on the pillars of environmental, transport and social sustainability –valuing the past, while taking full advantage of new technological developments.

The parish’s villages will still remain proudly separate from the built-up area of Harrogate, both buffered and characterised by the Crimple Beck and its valley which lend the villages their distinctive rural, agricultural feel. This treasured countryside gap will enjoy even greater protection against development, while offering enhanced recreational opportunities and improved access for all, to enjoy its rich wildlife and landscape. The valley’s landmark beck bridges –at both Pannal and Burn Bridge –and the iconic views afforded of the Crimple Valley Viaduct, will have been conserved, alongside a newly identified list of locally valuable heritage assets.

Though strengthened in its own distinct identity, the parish will have retained and expanded its local and wider connectivity through more frequent and better quality rail links to Harrogate, Leeds, York and all points between, bolstered by a modernised Pannal Rail Station. The Public Rights of Way and cycle network will have been similarly enhanced, thereby further promoting local sustainable travel. Meanwhile, a local rural road network, in keeping with a rural parish, will survive, no longer overburdened by unwanted commuter and ‘rat-running’

traffic.

The settlements themselves will be home to a genuinely mixed community, boasting enhanced facilities and activities for the old, young and all between, with an emphasis on real community cohesion and support. Pannal's share of Harrogate's housing allocation will have been successfully integrated, providing a mix of housing appropriate to local needs, enabling the young to stay local and the old to downsize. Such a mix will have helped both to sustain and support the growth of the area's community facilities and services.

By 2035, the parish will not have gone, and of course literally cannot go, back in time. It will however be secure in its self-contained 'village' status, moving with the times, comfortably retaining a rural village feel and hosting a mixed proactive community with a 'can-do', 'will-do' attitude, fully justified in saying that it 'has done' in its delivery of its Neighbourhood Plan ambitions."

The vision is supported by nine aims. The detailed vision and its aims are well articulated, relate to the development and use of land and are unique to this Plan area.

However, whilst they may reflect the local community's wishes, one of the aims on large-scale house building does not appear to be reflective of the stance of the LP. In response to a query on this point, both the Parish Council and NYC have provided different suggestions for an amendment to this aim. I recommend a modification that attempts to take both suggestions on board.

- **Replace the seventh aim of the Plan on page 11 with:**

***"To manage the level and impacts of housing development in the parish in line with the area's environmental and infrastructure capacity and established planning policy."***

## 5. The Plan Policies and Non-Planning Community Actions

### 5.1 The Green and Natural Environment

This section has seven policies.

**Policy GNE1, Green and Blue Infrastructure**, seeks to protect three particular areas of green and blue infrastructure from development that would sever it or harm its contribution as a multifunctional wildlife, amenity and recreational network.

The three areas are shown on the Policies Map. I asked for a different map showing the three corridors to be provided just to help me identify the three areas clearly. I consider it would be helpful for this new map to be included within the Plan for clarity.

I also asked for further information on how the areas had evolved. Two of the areas, the Crimble and Haverah Corridors, have been defined at a local level, based on mapping at a more strategic level of the Crimble Sub-Regional Corridor and the Haverah District Corridor by NE. The third area, the Walton Fringe, is locally defined and associated with the Crimble Corridor. More information about each Corridor is found in Appendix 1 of the Plan.

The policy also requires any development within or adjacent to the corridors to include measures to enhance or extend it as appropriate. The policy does not rule out development within the corridors per se.

The NPPF defines green infrastructure as a network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.

It explains that plans should distinguish between the hierarchy of international, national and locally designated sites and, amongst other things, take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure.<sup>32</sup>

It encourages plans to identify, map and safeguard local habitats and wider ecological networks.<sup>33</sup>

The NPPF seeks to enable and support healthy lifestyles including through the provision of safe and accessible green infrastructure for example.<sup>34</sup> Access to a network of high quality open space and opportunities for recreation is also supported.<sup>35</sup> As part of this, the protection and enhancement of public rights of way (PROW) is supported including through the provision of better facilities by adding links to existing networks.<sup>36</sup>

LP Policy NE5 refers to green and blue infrastructure. It seeks to protect and enhance green infrastructure, create green links, enhance the corridors and conserve and enhance the local vernacular and sense of place.

The Plan explains that the Crimble Valley is a sub-regionally important corridor which links the Wharfe corridor at Wetherby with the Nidd and Haverah corridors at Harrogate. The Haverah corridor is of District importance connecting the Washburn Valley corridor in the west with the Nidd and Crimble corridors in the east. The Walton Fringe is a small locally defined area.

I consider the areas have been designated appropriately.

The policy is positively worded, but it needs to be more robust to ensure it will be

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<sup>32</sup> NPPF para 181

<sup>33</sup> Ibid para 185

<sup>34</sup> Ibid para 96

<sup>35</sup> Ibid para 102

<sup>36</sup> Ibid para 104

applied and so in the interests of clarity, a modification is recommended to the language used.

With this modification, the policy will have regard to national policy and guidance, it adds a local layer to, and is in general conformity with, the relevant strategic policies, in particular LP Policy NE5 and will help to achieve sustainable development. The policy will deliver a local strategy that provides benefits for nature and improves the wellbeing of the local community.

**Policy GNE2, Crimple Valley Special Landscape Area**, relates to an area designated as a Special Landscape Area (SLA) in LP Policy NE4.

The policy clearly identifies the area to which it applies insofar as the SLA affects this Parish. It is noted that the SLA extends beyond the Parish boundaries. The area appertaining to this Plan is shown on the Policies Map. The Parish Council has confirmed it is not seeking to amend the boundaries of the SLA. Two anomalies have been identified from a comparison of the SLA map in the LP and this Plan's Policies Map.

Firstly, in the north of the Parish, a triangular shaped piece of land abutting Yew Tree Lane and Rossett Green Lane is shown within the SLA, but falls outside it. Secondly, in the south west of the Parish, another triangle of land to the south of Brackenthwaite Lane has been excluded from the SLA, but falls within it. A modification is made to amend the Policies Map.

The SLA was first designated in the LP in 2001. Valued for its landscape quality, the area also acts as a buffer between Pannal and Harrogate. Part of the area is also Green Belt and the SLA is also identified in the Crimple Corridor, subject of Policy GNE1.

An online survey in 2018 demonstrated the value the local community place on this area. There are a number of views in the area including of the Grade II\* listed Victorian Viaduct.

The policy takes its lead from LP Policy NE4. LP Policy NE4 explains that the SLAs are valued locally for their high quality landscape and their importance to the settings of Harrogate, Knaresborough and Ripon. It explains that the designation reinforces the importance of these landscapes and their high sensitivity to inappropriate development. I saw at my site visit that this is exceptional countryside.

Any development is required to avoid significant loss of key characteristics that contribute to the quality of the SLA. Development not subject to LP Policies HS6, HS7 and HS9 (policies on conversions of rural buildings, replacement dwellings and rural workers dwellings respectively) should be linked to existing settlements and be designed to integrate the urban edge with the countryside and enhance the appearance of the urban fringe.

Policy GNE2 seeks to establish that development must not harm the character and appearance of the SLA and identifies aspects of landscape restoration or enhancement

that should particularly be addressed. It therefore sets out a more detailed, localised approach. I do not find any duplication between Policy GNE2 and LP Policy NE4.

The policy also refers to key views. The key views are identified in Appendix 3. Appendix 3 shows the views on a map, identifies each one with a short description and a photograph. Over 50 views are identified. Views are also referred to in other policies in the Plan; Policies BE1, BE3 and BE5 so not all of the views apply to every policy. I asked whether it might be wise to identify the relevant set of views for each policy. I am in two minds about this and whilst NYC thought this would be helpful, the Parish Council was unsure. I have decided to leave the views in one Appendix as I consider it sufficiently clear which policy applies to which view.

In response to my query, the views have been selected and appraised as part of the work on the Plan and are based on the Landscape Character Assessment, Pannal Conservation Area Character Appraisal and appraisals carried out by Steering Group members. There is therefore sufficient evidence to support the views.

In this area, I consider the key views to be one of the key characteristics of the SLA and many are fundamental to the landscape. Their identification assists with identifying the key characteristics and attributes of the SLA.

In looking at the views, I could not find Views P, AI or AJ on the Map. I am advised that View P had been mislabeled Z and Views AI and AJ have been erroneously missed off the Map. Given the location and nature of these two views, I do not consider that by now showing them on the Map, anyone would be prejudiced. In any case, both are included in Appendix 3.

A new Key Views and Vistas Map has been provided as part of the responses to my queries. I suggest this is substituted for the existing Map 4 on page 72 of the Plan. Please note though that other modifications apply to the Map and it should be the substituted Map as modified that is taken forward.

In addition, some of the views are recommended for deletion. This is because they are from within the Plan area, but look outside it or the views are situated outside the Plan area, but look into it. The Plan can only contain policies that pertain to the Plan area itself.

Following my site visit, some further queries about the views arose. The photographs for Views L and M1 need to be swapped around. The viewpoint arrows for View P (mislabeled Z) and View W need to be moved so that they both sit in the Plan area.

The policy is clearly and flexibly worded. It does not prevent development per se, but seeks to ensure any development within this area is appropriate given the special qualities of this landscape.

This policy has regard to the NPPF's stance on the conservation and enhancement of the natural environment.<sup>37</sup> It takes its lead from LP Policy NE4 and helps to achieve sustainable development. With the recommended modifications to the associated mapping, it will meet the basic conditions.

**Policy GNE3, Local Green Space Protection** seeks to designate 10 areas as Local Green Space (LGS). They are shown on the Policies Map and more information about the LGSs is to be found in Appendix 2 of the Plan, Local Green Space Assessments.

I asked that more detailed maps of each LGS were sent to me and these were helpfully provided. These should be inserted into the Plan at an appropriate point. A modification is duly recommended.

In relation to LGSs 3 and 9, I considered that it would be preferable for the gap which consists of the car park and access to the Church, but also would be the access to the proposed park and stride subject of Policy TTT4, to be omitted from the LGS designation. The Parish Council agreed and the more detailed maps have been prepared on that basis. I do not consider any interested parties would be prejudiced by this action.

The NPPF explains that LGSs are green areas of particular importance to local communities.<sup>38</sup>

The designation of LGSs should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.<sup>39</sup> It is only possible to designate LGSs when a plan is prepared or updated and LGSs should be capable of enduring beyond the end of the plan period.<sup>40</sup>

The NPPF sets out three criteria for green spaces.<sup>41</sup> These are that the green space should be in reasonably close proximity to the community it serves, be demonstrably special to the local community and hold a particular local significance and be local in character and not be an extensive tract of land. Further guidance about LGSs is given in PPG.

I saw the proposed areas on my site visit.

1. Allen Wood is a largely deciduous woodland which forms a boundary between Burn Bridge and Pannal. It is described in the Conservation Area Character Appraisal (CACA) as forming an enclosing wood which together with Sandy Bank gives the impression of Pannal village being set in a shallow wooded bowl. It is valued for its contribution to the setting of the village and wider rural area, its

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<sup>37</sup> NPPF para 180

<sup>38</sup> Ibid para 105

<sup>39</sup> Ibid

<sup>40</sup> Ibid

<sup>41</sup> Ibid para 106

views, beauty of trees, the wildlife the woods support and the bluebell carpet in the Spring as well as its recreational opportunities.

2. Crimple Meadows Recreation Ground lies at the heart of the community, within the Conservation Area (CA). It has landmark trees and a stone boundary wall. It is valued for recreational purposes including an adult gym as well as its landscape and CA context.
3. Pannal Village Green aka The Green is in the centre of Pannal within the CA offering views of the historic village.
4. Sandy Bank Wood is a mixed woodland of some four hectares. It is valued for recreational, education and for its landscape, wildlife and historical significance.
5. Long Acres Recreation Ground is valued as a recreational area. It has play equipment, fenced dog area and is popular. There is an impressive tree belt to two of its boundaries.
6. Pannal Cricket Club Ground is an attractive green space with views over surrounding fields and woodland. Cricket has been played here for over 100 years.
7. Pannal Community Park is valued for its recreation and is home to the Junior Football Club and has a running track.
8. Crimple Seasonal Wetland is an area of around three hectares on the west bank of the River Crimple. It is an area of grassland. Valued as a destination and as part of strategic Public Rights of Ways and local habitat.
9. Church of St Robert of Knaresborough Cemetery is valued for its tranquility and large yew trees as well as views of the Church. It falls within the CA.
10. Almsford Wood offers good views and is valued for its recreational, landscape and wildlife significance. I note the landowner (NYC) objects. I saw at my site visit that this undulating, green area is connected to LGS 8 via footpaths and there is a bridleway to Fulwith Mill Lane. Although the busy A61 does need crossing, there is a pavement on the west side of the road and two relatively convenient crossing points.

In my view, all of the proposed LGSs meet the criteria in the NPPF satisfactorily. The proposed LGSs are demonstrably important to the local community, are capable of enduring beyond the Plan period, meet the criteria in paragraph 106 of the NPPF and their designation is consistent with the local planning of sustainable development and investment in sufficient homes, jobs and other essential services given other policies in the development plan and this Plan.

I have also considered whether there is any additional benefit to be gained by the designation for spaces falling within the CA or indeed any other designations such as the SLA. I consider that there is additional local benefit to be gained by identifying those areas of particular importance to the community and that these designations serve different purposes.

Turning now to the wording of the policy, it designates the LGSs and indicates that development in the LGSs will not be supported except in very special circumstances. The NPPF is clear that policies for managing development within a Local Green Space should be consistent with those for Green Belts.<sup>42</sup> The policy should therefore be consistent with this and a modification is made accordingly.

With these modifications, the policy will meet the basic conditions.

It would also be helpful if the information about the LGSs in Appendix 2 of the Plan could correspond numerically with the order and numbering of the LGSs in the policy and on the Policies Map. A modification is duly made.

**Policy GNE4, Green Space Enhancement**, is a short policy which supports the enhancement of the LGSs where it would improve the quality or usability of the space. It cross-references back to Policy GNE3 which is appropriate.

This policy meets the basic conditions especially in relation to the NPPF's stance on LGSs and its support for high quality public open space<sup>43</sup> and helping to achieve sustainable development. No modifications are therefore recommended.

**Policy GNE5 Provision of New Open Space** seeks to establish support for the provision of five new types of open space, including allotments, tennis courts and play areas which reflect the results of the community engagement carried out. It seeks to shape and direct sustainable development to ensure that the local community has the right type of development for their needs.

It has regard to the NPPF which supports the development of accessible local space,<sup>44</sup> encourages the positive planning for open space<sup>45</sup> and emphasises the importance of access to a network of high quality open spaces.<sup>46</sup> The LP supports the provision of new open spaces. It will particularly support the social objective of sustainable development as this refers to open spaces which reflect the needs of the local community and support for wellbeing.<sup>47</sup> The policy meets the basic conditions. No modifications are therefore recommended.

**Policy GNE6 Land at Almsford Bridge** supports a new open space identified on the Policies Map. The area also partially coincides with LGS 10.

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<sup>42</sup> NPPF para 107

<sup>43</sup> Ibid paras 8, 88, 97 and 102

<sup>44</sup> Ibid para 88

<sup>45</sup> Ibid para 97

<sup>46</sup> Ibid para 102

<sup>47</sup> Ibid para 8



The land is to the north of an allocated employment site in the LP under LP Policy PN18, but there is no reason to assume any potential conflict between the two policies. The two policies relate to different, albeit adjoining, parcels of land. The site requirements for LP Policy PN18 include the need for robust screening and green infrastructure measures along the northern edge of the site to conserve the open corridor between Pannal and Harrogate. This policy would contribute to that aim.

I queried whether this was intended to be an allocation and the Parish Council has confirmed it is an aspirational policy. I consider this is acceptable. However, despite the merits of the proposal, I note the landowner objects and this throws the deliverability of the policy into question.

Given that, a modification is made to delete the policy, but the sentiment can be made into a community aspiration if desired and retained in the Plan alongside the supporting text as a non-planning community action.

The last policy in this section is **Policy GNE7 Development and Trees.**

The NPPF seeks the enhancement of the natural and local environment, including through the protection of trees.<sup>48</sup>

It also states that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly-planted trees and that existing trees are retained wherever possible.<sup>49</sup>

This policy supports the conservation of trees and supports tree planting recognising its multi-functional role of increasing biodiversity, helping to combat climate change and providing a high quality public realm. It establishes a three-for-one replacement of any tree to be lost on a development site. Where this cannot be achieved off-site tree planting is sought elsewhere in the Plan area. Where this cannot be achieved, a financial contribution for tree planting at a later date is sought as a last resort. As a result of this cascade approach, there is flexibility within the policy which clearly sets out local expectations in this regard.

I understand NYC's concern about how such financial contributions could be collected. However, I consider that developer contributions are a well established mechanism in planning.

The policy meets the basic conditions in that it has regard to the NPPF's emphasis on tree planting, is a locally determined approach to LP Policy NE7 which protects and enhances trees and will shape and direct sustainable development. No modifications are therefore recommended.

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<sup>48</sup> NPPF para 180

<sup>49</sup> Ibid para 136

The recommended modifications for this section of the Plan are:

- Insert the map “Green and Blue Infrastructure” sent to me in response to queries at a convenient point in relation to Policy GNE1 in the Plan
- Change the word “should” in the first and last paragraphs of Policy GNE1 to “*must*”
- Amend the Policies Map to show the extent of the SLA referred to in Policy GNE2 to align with the SLA boundary shown in the Local Plan. The amendments are 1) a triangular shaped piece of land abutting Yew Tree Lane and Rossett Green Lane should be removed from the SLA and 2) a triangular piece of land in the south west of the Parish to the south of Brackenthwaite Lane should be included in the SLA
- Substitute the Map showing Key Views and Vistas sent to me in response to queries for Map 4 in Appendix 3 on page 72 of the Plan
- Modify the substituted Map of Key Views and Vistas by 1) ensuring the Plan area boundary is correct; 2) deleting Views O, Q, S, AK and AL and 3) moving the viewpoint arrows for View P (mislabelled Z) and View W to be within the Plan area
- Swap the photographs for Views L and M1 in Appendix 3
- Insert the detailed maps of each LGS sent to me in response to queries at a convenient point in relation to Policy GNE3 in the Plan [noting that the boundaries for LGSs 3 and 9 change]
- Change the second sentence of Policy GNE3 to read: “*Development proposals within the designated local green space will be consistent with national policy for Green Belts.*”
- Number and identify the LGSs in Appendix 2 to correspond with the order in Policy GNE3 and the numbering on the Policies Map
- Delete Policy GNE6 and its supporting text; it can be changed into a non-planning community action if desired

### ***5.2 The Built Environment: Heritage, Development and Design***

The Plan area has a rich history. The Pannal Conservation Area (CA) lies in a bowl in the valley of Crimple Beck and is centred around the historic core of the village. The accompanying Pannal Conservation Area Character Appraisal (CACA) sets out the key elements.

The NPPF is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.<sup>50</sup> It continues<sup>51</sup> that great weight should be given to the assets' conservation when considering the impact of development on the significance of the asset.

In relation to achieving well-designed places, the NPPF explains 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, both through neighbourhood plans and engagement with the development industry and local planning authorities.<sup>52</sup>

The first policy in this section, **Policy BE1 Pannal Conservation Area – Development and Design** sets out a more detailed policy to complement LP Policy HP2 and is based on the CACA. It seeks to establish a number of design principles that development within or affecting the setting of the CA should respond to.

In relation to designated heritage assets, the NPPF is clear that great weight should be given to the asset's conservation.<sup>53</sup> Where a proposal would lead to the total loss or substantial harm to a designated heritage assets, consent should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss or other circumstances outlined in the NPPF.<sup>54</sup>

Where there is likely to be less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.<sup>55</sup>

The policy refers to “preserve and enhance the character and appearance” of the CA [my emphasis]. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 refers to the desirability of preserving or enhancing the character or appearance of that area. I therefore recommend a modification to the wording of the policy to reflect this statutory duty.

The last element of the policy encourages the sympathetic enhancement of the area. It is impossible to know how to apply this and in any case, I consider the remainder of the policy does this and in a more precise way. A modification is therefore made to delete this part of the policy.

Otherwise the policy has regard to the NPPF in that it promotes local character and distinctiveness.<sup>56</sup>

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<sup>50</sup> NPPF para 195

<sup>51</sup> Ibid para 205

<sup>52</sup> Ibid para 132

<sup>53</sup> Ibid para 205

<sup>54</sup> Ibid para 207

<sup>55</sup> Ibid para 208

<sup>56</sup> Ibid paras 196, 203

It refers to significant views and vistas in or out of the CA. These are detailed in Appendix 3 of the Plan. I have commented about the views in relation to Policy GNE2.

Subject to these modifications, the policy will have regard to the NPPF, be in general conformity with LP Policy HP2 and help to achieve sustainable development.

**Policy BE2 Local Heritage Areas and Policy BE3 Local Heritage Areas – Development and Design** refer to four Local Heritage Areas.

Policy BE2 seeks to designate these four areas which are shown on the Policies Map. Appendix 4 contains more details about each area and includes detailed information to support the local designations and about the key elements of special interest and what makes each area special.

These types of policies are common in neighbourhood plans. Often plans identify local areas of local heritage interest. I regard these as a local policy designation.

Policy BE2 uses imprecise language referring to sympathetic enhancement and also encouragement. A modification is recommended to ensure the policy provides a practical framework for decision-making.

Policy BE3 sets out more detailed design principles for each area. It provides a clear framework for decision-making. It refers to significant views identified in Appendix 3.

The policy also refers to the Harrogate Local Plan. This should be changed to the Harrogate District Local Plan in the interests of accuracy.

With the modifications recommended, both Policies BE2 and BE3 will have regard to the NPPF as they set out a positive strategy for the conservation of the historic environment and seek to conserve those buildings of local historic interest in a manner appropriate to their significance.<sup>57</sup> They are in general conformity with LP Policy HP2 and will help to achieve sustainable development.

Paragraph 5.2.12 on page 23 of the Plan refers to the Local Heritage Areas and indicates they are felt to be “...worthy of similar protection...” to the CA. I consider this could be misleading and so a modification is made to address this concern.

**Policy BE4 Protection and Enhancement of Non-Designated Heritage Assets** seeks to designate two non-designated heritage assets.

In relation to non-designated heritage assets, the NPPF is clear that the effect of any development on its significance should be taken into account and that a balanced judgment will be needed having regard to the scale of any harm or loss and the significance of the heritage asset.<sup>58</sup>

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<sup>57</sup> NPPF para 195

<sup>58</sup> Ibid para 209

Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes which have heritage significance, but do not meet the criteria for designated heritage assets. PPG advises there are various ways that such assets can be identified including through neighbourhood planning.<sup>59</sup>

However where assets are identified, PPG advises that it is important that decisions to identify them are based on sound evidence.<sup>60</sup> There should be clear and up to date information accessible to the public which includes information on the criteria used to select assets and information about their location.<sup>61</sup>

In this case, Appendix 5 supports the identification of the two assets. It has been compiled based on Historic England's published guidance, has taken a logical approach and supports the designation of these locally important buildings and structures.

I consider the wording of the policy needs to be clearer in that it designates Pannal Memorial Hall and the Crimple Beck Bridge at Burn Bridge as non-designated heritage assets.

The policy has regard to the NPPF insofar as how any development will be judged, but the phrase "sympathetic enhancement" is used. Again, in line with earlier recommendations, a modification to delete the word "sympathetic" is made.

With these modifications, the policy will meet the basic conditions. It will have regard to the NPPF, be in general conformity with LP Policy HP2 and help to achieve sustainable development.

The last policy in this section is **Policy BE5 Village Character Areas – Development and Design**. A number of Village Character Areas are identified and defined on the Policies Map.

The Village Character Areas are clearly evidenced through work carried out by the Steering Group and AECOM on the Design Code. The Design Code report identifies nine character areas within the Plan area. Those pertaining to the more built up areas have been extracted and become the Village Character Areas, subject of Policy BE5.

Policy BE5 sets out criteria for each Village Character Area. The criteria are the same or are selected from the work in the Design Code document. They are appropriate and underpinned by evidence.

One of the Village Character Areas, Leeds Road, was subject to construction projects and recent development. Whilst I consider the criteria are appropriate, it may be that particular attention is given to reviewing this area in any future review of the Plan as development continues.

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<sup>59</sup> PPG para 040 ref id 18a-040-20190723

<sup>60</sup> Ibid

<sup>61</sup> Ibid

The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.<sup>62</sup>

It continues that neighbourhood plans can play an important role in identifying the special qualities of an area and explaining how this should be reflected in development.<sup>63</sup> It refers to design guides and codes to help provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design.<sup>64</sup>

It continues that planning policies should ensure developments function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history whilst not preventing change or innovation, establish or maintain a strong sense of place, optimise site potential and create places that are safe, inclusive and accessible.<sup>65</sup>

LP Policy HP3 refers to local distinctiveness; it seeks high quality design that protects and reinforces local characteristics, qualities and features. It refers to views and vistas as does this policy. LP Policy NE4 refers to visually sensitive skylines, hills and valley sides and visual amenity amongst other things.

Policy BE5 is a long policy with numerous and varied criteria covering a wide range of issues. It is underpinned by evidence in the excellent Design Code. In essence, the policy seeks to deliver locally distinctive development of a high quality that protects, reflects and enhances local character leading on from LP Policy HP3. It will help to achieve sustainable development.

The Design Code document could be referenced in the policy; this will make the policy more robust. A modification is therefore recommended. With this modification, the policy meets the basic conditions.

**The recommended modifications for this section are:**

- **Change the first sentence of Policy BE1 to read:**  
  
**“In order to preserve *or* enhance the character *or* appearance of Pannal Conservation Area...” [retain remainder of sentence as existing]**
- **Delete the last sentence of Policy BE1 which reads: “The sympathetic enhancement of the area will be encouraged.”**

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<sup>62</sup> NPPF para 131

<sup>63</sup> Ibid para 132

<sup>64</sup> Ibid para 133

<sup>65</sup> Ibid para 135

- Change the last sentence of Policy BE2 to read:  
*“Development proposals that enhance the heritage features of these areas will be supported in accordance with the design principles set out in Policy BE3.”*
- Change the reference to the “Harrogate Local Plan” in Policy BE3 to “Harrogate District Local Plan”
- Delete the word “...similar...” from paragraph 5.2.12 on page 23 of the Plan
- Change the wording of Policy BE4 to read:  
*“The following two buildings and structures are designated as non-designated heritage assets:*  
  
[list Pannal Memorial Hall and the Crimple Beck Bridge at Burn Bridge]  
[Add the first paragraph of the policy as existing]  
[Delete the bullet list at the end of the existing policy]
- Delete the word “sympathetic” from the last sentence of the first [existing paragraph] of Policy BE4
- Change the first sentence of Policy BE5 to read:  
  
*“Development within the character areas of Pannal and Burn Bridge, as defined on the Neighbourhood Plan Policies Map, must take account of the Design Code and should:-...”* [retain remainder of policy as existing]

### ***5.3 Traffic, Transport and Travel***

There are six policies in this section.

**Policy TTT1 Improved Walking, Horse Riding and Cycling Provision** sets out principles for such improvement and details five particular improvements important to the local community.

The policy has regard to the NPPF which promotes sustainable transport. In particular, it indicates that transport issues should be considered from the earliest stages of plan-making and, amongst other things, the opportunities to promote walking, cycling and public transport are identified and pursued.<sup>66</sup>

This is exactly what this policy seeks to achieve. It meets the basic conditions by having regard to the NPPF, being in general conformity with LP Policy TI1 with its promotion of sustainable transport and in particular support for walking and cycling routes and helping to achieve sustainable development.

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<sup>66</sup> NPPF para 108

The next four policies in this section of the Plan focus on car parking. Work on the Plan showed a range of issues around parking provision, especially at the School, the Methodist Church and around the Station.

The NPPF accepts the principle of setting local parking standards based on the accessibility of the development, the type and use of development, public transport availability, local car ownership and the need for provision of electric charging points.<sup>67</sup>

Often congestion around key facilities in villages occurs. Parking is integral to the design of schemes and is one of the issues that can contribute to making high quality places as the NPPF sets out.<sup>68</sup> I also recognise that in more rural areas, parking is needed to meet business and community needs where those areas are not as well served by public transport.

Addressing the impact on the local transport network with the consequent improvements to congestion, emissions, air quality and public health and managing growth patterns are important considerations.<sup>69</sup>

**Policy TTT2 Pannal Station Car Park Capacity** protects the level of existing car parking provision at the Station. It also supports cycle parking and storage facilities. Two areas of car parking are shown on the Policies Map.

**Policy TTT3 Car Parking Standards for New Development in the Vicinity of Pannal Station and Pannal Primary School** sets a half mile radius around the Station and Pannal Primary School where parking provision in excess of the standards is required. It is not prescriptive in how much should be provided. Nevertheless this could be regarded as pragmatic flexibility over the precise amount needed on any given site. Given the documented issues with the local road network in this area, and the congestion I experienced at my site visit, this policy is justified and is a local expression of LP Policy TI3 which refers to parking provision.

It would seem sensible to map the area to provide greater clarity as to the policy's application. During the examination, both the Parish Council and NYC have indicated their agreement to identifying the centre point of each site using mapping software and drawing a circle with a half mile radius. A pragmatic approach should be taken.

**Policy TTT4 Pannal Park and Stride** is an innovative proposal to develop a 'park and stride' on land at the rear of the Church of St Robert of Knaresborough. The site is identified on the Policies Map. The aim of the policy is to alleviate Main Street parking at school drop off and collection times. However, the location of the car park also serves Pannal Community Park. The policy also seeks the provision of a new footpath from Harrogate Ringway to the Community Park.

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<sup>67</sup> NPPF para 111

<sup>68</sup> Ibid para 108

<sup>69</sup> Ibid paras 108, 109



I saw at my site visit that the land identified and track access would be appropriate for this use subject to discussions with the landowner.

**Policy TTT5 Electric Vehicle Charging Infrastructure** seeks the provision of electric charging points appropriate to the type of development and in accordance with the latest standards. Such provision has regard to the NPPF which supports plug-in and other ultra low emission vehicles in safe and accessible locations<sup>70</sup> and LP Policy TI1 which supports the provision of electric charging points.

I consider that Policies TTT2, TTT3, TTT4 AND TTT5 have regard to the NPPF, based on the prevailing local circumstances, are in general conformity with LP Policies TI1 which promotes sustainable transport and TI3 and will help to achieve sustainable development including through seeking to support reductions in greenhouse gas emissions.<sup>71</sup> These four policies meet the basic conditions and no modifications are recommended to them apart from the inclusion of new mapping for Policy TTT3.

The last policy in this section is **Policy TTT6 Highway Improvement Schemes**. This supports specific schemes to help local traffic management and is therefore very precise and prescriptive in nature. However, there is little evidence to demonstrate that each specific scheme is achievable. Therefore I propose to retain the locations for highways improvements but remove the specific schemes. The specifics can be added to the non-planning community actions which follow if desired.

The schemes are also shown on the Policies Map and it would be useful to add in the numbers to the policy just for completeness and clarity.

Otherwise, the policy meets the basic conditions by having regard to the NPPF, being a local expression of LP Policy TI1 and helping to achieve sustainable development.

- **Include new mapping to show the half mile radius from the station and primary school referred to in Policy TTT3 using a centre point of each site and taking a pragmatic approach as to the area subject to the policy**
- **Amend the wording of the first paragraph of Policy TTT6 to read:**

**“Subject to compliance with other policies in this Neighbourhood Plan or the Harrogate District Local Plan, development which would bring about or contribute to *highway improvements in the following locations* as identified on the Neighbourhood Plan Policies Map, will be supported:-“**
- **Delete the specific schemes from the policy and Policies Map**
- **Add numbers to the locations in Policy TTT6 so that they accord with the Policies Map**

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<sup>70</sup> NPPF para 116

<sup>71</sup> Ibid para 157

## 5.4 Community Facilities and Services

To support a prosperous rural economy, the NPPF expects planning policies to enable the retention and development of accessible local services and community facilities.<sup>72</sup> It also states that policies should guard against the unnecessary loss of valued facilities and services as part of its drive to promote healthy and safe communities.<sup>73</sup>

LP Policy HP8 protects and enhances community facilities. LP Policy HP9 supports the provision of new facilities where there is a local need and subject to satisfactory impacts.

There are three policies in this section.

**Policy CFS1 Protection and Enhancement of Community Facilities** only supports the loss of 12 identified community facilities in three circumstances; where the facility is replaced, when there is no longer any need for the facility or when it is unviable.

The second element of the policy supports the improvement of the 12 named facilities ranging from the Surgery to the Scout Hall which the policy seeks to protect. The wording of the policy is not precisely the same as LP Policy HP8, but it is in general conformity with it.

The supporting text refers to Appendix 6, but the relevant Appendix detailing the 12 facilities and services is 7. A modification is made to correct the reference.

**Policy CFS2 Provision of New Community Facilities** supports new facilities and especially encourages a public house and a café. It specifies that such facilities will be located within or adjacent to the built-up residential areas.

The policy also supports the provision of public conveniences.

It is a local and more detailed expression of, and relevant, to LP Policy HP9.

The last policy in this section, **Policy CFS3 Educational Facilities for Pannal Primary School – Development Requirements**, sets out five criteria that any educational development at the Primary School should meet.

LP Policy TI6 allocates a site PN20 for educational uses for Pannal Primary School. The site is the same as identified for Policy CFS3. PN20 sets out a number of statements such as a travel plan and flood risk assessments that will be necessary on the submission of any planning application.

As Policy CFS3 sets out additional criteria, my task is to firstly see whether the criteria are appropriate and secondly to see if this policy would help or hinder delivery of the LP policy. I saw at my site visit that all the criteria are appropriate adding local detail to the

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<sup>72</sup> NPPF para 88

<sup>73</sup> Ibid para 97

more general site requirements found in the LP in relation to PN20 and there is no reason to suppose that this policy would hinder delivery of LP Policy TI6.

All three policies have regard to the NPPF, are in general conformity with strategic policies LP Policies HP8, HP9 and TI6 (as relevant) and will help to achieve sustainable development. They all therefore meet the basic conditions and no modifications are recommended except to correct a reference in the supporting text.

- **Correct the reference to “Appendix 6” in paragraph 5.4.4 on page 38 of the Plan to “Appendix 7”**

## ***5.5 Housing***

**Policy H1 Small Scale Infill Housing Development Within the Development Limit** seeks to ensure that any such development complies with the other policies of the Plan. This could be considered unnecessary as all relevant policies would be taken account of, but it reinforces the preferences and the importance the local community place on the design of new development. The policy also serves the important purpose of defining the Development Limit on the Policies Map. Given this, on balance, it can be retained.

LP Policy GS2 sets out the growth strategy; small scale infill development on windfall sites is referred to in relation to smaller villages. Pannal is identified as a service village where land will be allocated for new homes according to LP Policy GS2.

I note that the stated community preference in the Plan is for smaller scale development. I understand NYC’s point about potential confusion. It seems to me that Policy H1 applies to all/any housing within the Development Limit and that arguably most opportunities will be small in scale in any case. Accordingly, modifications are made to the policy and its accompanying supporting text.

**Policy H2 Development Outside the Development Limit** sets out support for such development adding local detail to LP Policy GS3. The LP policy sets out how development will be considered in the absence of a five-year housing supply. It explains that development should not result in disproportionate level of development compared to the existing settlement and sets out four criteria. The four criteria are that the site is well related to the existing built form, coalescence, effect on the character and appearance of the countryside and heritage assets and scale and nature.

Policy H2 seeks to add three further criteria. They relate to the intrinsic value of greenfield land as an amenity space or recreation or for biodiversity/geodiversity or a valued contribution to visual, historic or spatial character; relationship to infrastructure provision and capacity; and air quality.

The criteria are varied, but all are aimed at directing and shaping new development thereby seeking to achieve sustainable development in this local community. This

particularly has regard to the NPPF's promotion of sustainable transport, delivering a wide choice of homes and promoting healthy communities.

NYC is concerned about the inclusion of three additional criteria and the application of the presumption in favour of sustainable development. However, Policy H2 takes a clear lead from LP Policy GS3 which itself refers to five-year housing supply and sets out four criteria.

I do not share concerns that the policy wording is imprecise or difficult to apply. However, I recommend some modifications that will help to ensure there is greater clarity in respect of the first criterion.

PPG is clear that infrastructure can be considered and in particular the infrastructure that is needed to support other development such as housing to ensure that the neighbourhood can grow in a sustainable way.<sup>74</sup> The policy seeks to ensure that new housing development can be accommodated by existing infrastructure or provide the requisite infrastructure. Again some modification is made in the interests of clarity to the second criterion.

In relation to air quality, I read this criterion as requiring development to not worsen the existing situation. This could be achieved through mitigation measures on or off site. Again some modification is made in respect of greater clarity.

**Policy H3 Housing Mix** supports the provision of three types of both affordable and market housing; smaller 1-2 bedrooms including accessible housing and housing suitable for older people with bungalow preference; medium sized housing of 3 bedrooms suitable for young families and downsizers and larger, 4+ bedroomed homes for upsizers.

This mix is reflected by the Housing Needs Survey (HNS) conducted in 2018. This showed that the large majority of homes in the Plan area are detached houses with four or more bedrooms. The District figure of homes with four or more bedrooms is also higher than national and regional averages.

The policy in some ways is meaningless given it supports small and large sized homes. Most policies of this nature seek to redress an imbalance in the local housing market. Nevertheless the policy specifically offers support for accessible housing and housing suitable for older people and starter homes.

The HNS indicates that the median age of Parish residents is in the mid 50s, older than Harrogate and the wider area, and is progressively increasing. Whilst I recognise that housing suitable for older people and those with limited mobility is not limited to bungalows, I saw at my site visit that there are some bungalows in the village and so in this case, I consider this to be acceptable.

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<sup>74</sup> PPG para 045 ref id: 41-045-20190509

The policy also, and rightly, is flexible recognising that these needs may change over time.

The NPPF states that the needs of groups with specific housing requirements should be addressed to support the Government's objective of significantly boosting housing supply.<sup>75</sup>

LP Policy HS1 seeks to deliver a range of house types and sizes that reflect and respond to local needs.

On balance, I consider this policy to be acceptable.

With the modifications to Policies H1 and H2, I consider all three policies will meet the basic conditions by having regard to national policy, contributing to the achievement of sustainable development and being in general conformity with strategic policy, and adding a local layer of detail to LP Policies GS3, HS1, HP2 and NE4 as appropriate.

- **Delete the words “Small scale and infill” from the title of Policy H1**
- **Amend the supporting text to Policy H1 to read:**

***“5.5.4 In response, the Neighbourhood Plan includes a policy (H1) making it clear that *all housing development* within the HBC-defined village development limit should comply, as appropriate, with the Neighbourhood Plan’s various design and development policies. *Within the development limit, the community has a clear preference for small scale or infill housing.* Such housing could relate to small gap sites, ‘backland’ or corner plots. The policy seeks to ensure that local concerns are reflected in decisions on *sites which* are developed for *housing* and *in* the way that housing schemes are actually designed and delivered on the ground.”***
- **Amend Policy H2 to read:**

***“ In the absence of a five-year supply of housing land, proposals for new housing development on sites outside the Pannal development limit will be considered in accordance with the presumption in favour of sustainable development set out in national planning policy. Such proposals must be compliant with Local Plan Policy GS3 (Development Limits) and meet the following additional criteria:***

***- the development would not result in the loss of greenfield land which has intrinsic value as an amenity or recreation space or biodiversity/geodiversity value or makes an important contribution to the visual, historic or spatial character of the Neighbourhood Area, with particular reference to Policies GNE1, GNE2, GNE3, GNE6, BE1, BE2, BE3 and BE5 of this plan.***

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<sup>75</sup> NPPF para 60

*- there must be sufficient capacity in community infrastructure including that of education including local primary school places, health provision including doctor and dental practices and local highways capacity which either exists to serve the development or satisfactory mitigation must be provided by the scheme. Cumulative impacts must be taken into account including those of other allocations and permitted sites.*

*- the development does not result in any detrimental effects in air quality, particularly within Pannal village. An appropriate air quality assessment and/or dust assessment report must be submitted where development may create significant amounts of traffic, in accordance with Local Plan Policy NE1 and supporting guidance in the Air Quality SPD.”*

### **5.6 Economic Development**

The NPPF is clear that planning policies should help create the conditions in which businesses can invest, expand and adapt.<sup>76</sup> It places significant weight on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.<sup>77</sup> It continues that the approach should be to allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.<sup>78</sup>

Planning policies should set out a clear economic vision and strategy which encourages sustainable economic growth whilst meeting anticipated needs over the plan period and being flexible and able to respond to changing economic circumstances.<sup>79</sup>

**Policy ED1 Protection of Existing Employment Sites** seeks to protect three existing employment sites. The Plan explains that the LP identifies the Dunlopillo Site as an existing employment site in LP Policy EC1 and there are plans for a mixed use scheme on the site. LP Policy EC1 also refers to an employment allocation South of Almsford Bridge (LP Policy PN18).

However, other sites, important in the Plan area, are not identified in the LP. This policy seeks to remedy that by identifying Almsford Bridge, Crimple Hall and Spacey Houses as key employment sites. All three are shown on the Policies Map.

Policy ED1 seeks to safeguard these sites for employment uses unless all the criteria in LP Policy EC1 are met. LP Policy EC1 protects the sites it identifies for business, general industrial and storage and distribution uses rather than the Use Classes E and F2, which the neighbourhood plan refers to.

I asked a question relating to this policy. I considered that two issues arose. Firstly, Use Classes E and F2 are cited in Policy ED1, but LP Policy EC1 refers to Use Classes B1, B2

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<sup>76</sup> NPPF para 85

<sup>77</sup> Ibid

<sup>78</sup> Ibid

<sup>79</sup> Ibid para 86

and B8. As a result, I pondered whether “employment sites” was the right terminology to use for the three locations of Almsford Bridge, Crimple Hall and Spacey Houses.

Secondly, I queried whether the criteria in LP Policy EC1 were appropriate given that the three locations do not appear to be in Use Classes B1, B2 or B8 uses (recognising that the Use Classes Order has been amended).

I therefore asked whether it might be better to identify the three locations by using a locally derived designation and adapting the criteria in LP Policy EC1 to stand on their own two feet in the neighbourhood plan policy. I am grateful to both the Parish Council and NYC for their agreement and for the suggestions made for an amended policy.

I have carefully considered the suggestion put forward by the Parish Council. With some tweaks to that suggestion, I recommend that the policy be modified.

In addition, some concern has been raised about the potential for confusion over the use of the name “Almsford Bridge” given LP Policies EC1 and PN18. A suggestion has been made to change the name of Almsford Bridge to Land east of Leeds Road. A modification is duly made in the interests of clarity.

Changes to the Policies Map and the supporting text will also be needed.

I turn now to the next policy in this section.

The LP identifies a new 12.7 hectare site on land South of Almsford Bridge for employment in LP Policies DM2 and PN18. **Policy ED2 Employment Site South of Almsford Bridge – Development Requirements** seeks to complement and supplement those LP policies by adding further local requirements. These include new planting, building height, transport related requirements and lighting.

I consider that the policy is appropriate and that these additional requirements would not adversely affect the delivery of the LP policy.

With the modification to Policy ED1, both policies will have regard to the NPPF, add a layer of local detail to LP Policies DM2 and PN18 and help to achieve sustainable development. They will therefore both meet the basic conditions.

**The recommended modifications for this section are:**

- **Change Policy ED1 to read:**

***“POLICY ED1: PROTECTION OF LEEDS ROAD COMMERCIAL SITES***

***The following key commercial sites on Leeds Road, as shown on the Neighbourhood Plan Policies Map, should continue to be occupied by the commercial uses:***

- Land east of Leeds Road (1)
- Crimple Hall (2)
- Spacey Houses (3)

**The development or redevelopment of land and premises within these sites for purposes other than commercial uses (as defined by Use Classes E and F2 of the Use Classes Order\*) will not normally be supported unless it can be clearly demonstrated that the proposed use is ancillary to the functioning of the commercial site and clear evidence is provided to demonstrate that:**

- There is no unacceptable impact on the operation of the site as a key commercial site;
- The proposal provides a complementary benefit to the commercial site;
- The land/premises in question have been actively marketed for commercial use for at least 12 consecutive months in line with stipulated provisions\*\*;
- Continued use of the land/premises for commercial purposes is no longer viable in line with the stipulated provisions\*\*;
- There is no significant adverse impact on residential or other amenity;
- The existing business has relocated (or will be able to relocate) to other suitable premises.

**Failing the above, the development or redevelopment must be acceptable as permitted development following a Prior Approval application.**

*\*Use Class E includes shop; financial and professional services (not medical); café or restaurant; office; research and development of products or processes; industrial processes which can be carried out in any residential area without causing detriment to the amenity of the area; clinics, health centres, creches, day nurseries, day centre; gyms, indoor recreations not involving motorised vehicles or firearms. Use F2 includes shops less than 280sqm selling essential goods, including food and at least 1km from another similar shop; hall or meeting place; swimming baths, skating rinks and outdoor sports and recreations not involving motorised vehicles or firearms.*

*\*\*Proposals will have to provide evidence that commercial use (E and F2) of the site is no longer viable through relevant marketing information, and feasibility or viability studies. The following information will be required:*

- Copy of sales particulars, including any subsequent amendments made;
- Details of the original price paid, date of purchase and the new guide price;
- Schedule of advertisements carried out with copies of the advertisements and details of where and when the advertisements were placed, along with an estimate of the expenditure incurred from advertising;
- The confirmed number of sales particulars distributed, along with a breakdown of where the enquiries resulted from, for example, from the "For Sale/To Let" board, advertisements, or websites etc;
- Websites used to promote the property/site together with details of links to other relevant sites, the number of hits, and whether North Yorkshire Council's 'Sites and Premises Service' \_has been used and on what date it was registered;
- Details of the number of viewings, including who and when;
- Resulting offers and comments on the offers;
- Details of the period when a "For Sale/To Let" board was displayed, or if not, the reasons behind the decision;
- Timetable of events from the initial appointment of the agents to current date;
- Details of agency/joint agency appointed including contact details;
- Date property/site brought to the market;
- Copies of accounts for the last five years.

*The above information needs to show that the property/site has been actively marketed for a period of 12 months at a value that reflects its existing use. Where there is evidence that a business has been allowed to run-down, an independent viability assessment may be required."*



- **Consequential amendments will be needed to the Policies Map and paragraphs 5.6.3, 5.6.4 and 5.6.5 to reflect the changes to Policy ED1's terminology including the change of name from Almsford Bridge to Land east of Leeds Road**

## 6. Monitoring, Review, Implementation

This section explains that the Plan will be reviewed annually. A Project Delivery Plan is included which shows in detail the actions and how they could be achieved.

Monitoring of neighbourhood plans is not yet mandatory. However, I welcome this intention as good practice.

## Appendices

Appendix 1 refers to green and blue infrastructure subject of Policy GNE1.

Appendix 2 contains the Local Green Space Assessments for Policy GNE3.

Appendix 3 contains photographs and details of the Key Views and Vistas. These are variously referred to in Policies GNE2, BE1, BE3 and ED2. An amended Map to replace Map 4 alongside some other minor changes has been subject of recommendations earlier in this report.

Appendix 4 contains details of the Local Heritage Areas subject to Policies BE2 and BE3.

Appendix 5 is the non-designated heritage assets information pertinent to Policy BE4.

Appendix 6 contains photographs of Pannal Station and Pannal Primary School environs that Policy TTT2 refers to.

Appendix 7 lists the community facilities subject of Policy CFS1.

Appendix 8 is a helpful glossary of terms. An update to the NPPF can now be included. The definition of non-designated heritage asset should be changed to ensure that it is clear that such assets can be designated through a number of means including neighbourhood plans.

- **Update the definition of the NPPF, change the definition of non-designated heritage asset in Appendix 8**

## Policies Map

The maps are generally clearly presented. I have made recommendations in my report which will result in some consequential amendments to the Policies Map as needed.

## 7.0 Conclusions and recommendations

I am satisfied that the Pannal and Burn Bridge Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to North Yorkshire Council that, subject to the modifications proposed in this report, the Pannal and Burn Bridge Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion.

I therefore consider that the Pannal and Burn Bridge Neighbourhood Development Plan should proceed to a referendum based on the Pannal and Burn Bridge Neighbourhood Plan area as approved by Harrogate Borough Council on 10 August 2017.

*Ann Skippers* MRTPI

Ann Skippers Planning  
23 April 2024

## **Appendix 1 List of key documents specific to this examination**

Neighbourhood Development Plan 2021 – 2035 Submission Version November 2022

Basic Conditions Statement 17 October 2022 and Appendices 1 – 4 which include the Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report October 2022 (Directions Planning/HBC)

Consultation Statement 17 October 2022 and Appendices 1, 2, 3, 4 (including the Housing Needs Survey), 5, 6 and 7 (Directions Planning)

Design Code March 2022 (AECOM)

Pannal Conservation Area Character Appraisal approved 13 January 2011 (HBC)

Harrogate District Local Plan 2014 – 2035 adopted 9 December 2020

List Ends

## Appendix 2 Questions of clarification from the examiner

### **Pannal and Burn Bridge Neighbourhood Plan Examination Questions of clarification from the Examiner to the Parish Council (PC) and North Yorkshire Council (NYC)**

Having completed my initial review of the Neighbourhood Plan (the Plan), I would be grateful if both Councils (as appropriate) could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information. Please do not send or direct me to evidence that is not already publicly available.

1. On 5 September 2023, the Government updated the National Planning Policy Framework (NPPF) a few weeks after the extended Regulation 16 stage had ended and shortly after the examination had commenced.

The update focused on national policy for onshore wind. Transitional arrangements are set out in the updated NPPF. These explain that the policies on renewable and low carbon energy and heat only apply to local plans that have not reached Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 or would reach that stage within three months of the publication of the updated NPPF.

Although that relates to Local Plans, I consider the same principle can pragmatically be applied to this Plan. I therefore consider that even if the updates are relevant to this Plan, the updates do not apply and it is not necessary to have further consultation on this. I invite comments on this proposed course of action from the PC and NYC.

2. Please could the date of the designation of the Plan area be confirmed?
3. The introductory chapters to the Plan do not include any information about the strategic context of the Neighbourhood Plan. Please would the PC and NYC agree and provide a paragraph or two of text to be included in the Plan about the strategic planning context for it i.e. the position of the villages in the settlement hierarchy and the level of growth anticipated etc.?
4. One of the aims of the Plan states “To not support further large-scale house-building and to control the building of any further new small-scale housing in the area.”. Given NYC’s growth strategy and Pannal’s position in the settlement hierarchy as set out in the Local Plan, please suggest a rewording for this aim to ensure it reflects the planning policy context.
5. Policy GNE1 Green and Blue Infrastructure. Two matters arise:
  - a. I have found it quite difficult to distinguish between the three corridors on the Policies Map. Please could a map which only shows the three areas be provided?
  - b. Could a brief explanation be given as to how the three areas were drawn up?
6. Policy GNE2 Crimple Valley Special Landscape Area. Six matters arise:
  - a. Is this exactly the same area as the SLA in the Local Plan?
  - b. The policy refers to key views. Appendix 3 contains details of key views and

- vistas. The appendix contains over 50 views. Views are also referred to in Policies BE1 Pannal Conservation Area – Development and Design and BE3 Local Heritage Areas – Development and Design and Policy BE5 Village Character Areas – Development and Design. How have the views been selected and appraised?
- c. I could not find Views P, Ai or AJ on the maps.
  - d. Would it be helpful to attribute the views in Appendix 3 to each policy as relevant? I am not sure, I am simply raising the question, but if considered to be helpful, please can this information be supplied.
  - e. Map 4 in the appendix is hard to read. Please can a larger scale map be provided? If the views are attributed to each relevant policy, then separate view maps for each policy could be produced.
  - f. Lastly, please note that any views such as views O, Q, S, W, Z, AK and AL are likely to be recommended for deletion as they are either from inside the Plan area but look outside it, or are situated outside the Plan area looking into it. The Plan can only contain policies for the Plan area itself.
7. With regard to Policy GNE3, Local Green Space Protection, please could more detailed maps showing the boundaries of each proposed LGS be provided.
  8. Policy GNE6 Land at Almsford Bridge:
    - a. Is this intended to be an allocation?
    - b. Is part of the land also identified as a proposed Local Green Space?
  9. Please could a copy of the Pannal Conservation Area Character Appraisal be provided?
  10. Policies BE2 Local Heritage Areas and BE3 Local Heritage Areas – Development and Design refer to Local Heritage Areas. How have the Local Heritage Areas been devised?
  11. Policy BE3 Local Heritage Areas – Development and Design refers to “surviving historic buildings”. Would it be helpful to identify these?
  12. Policy BE5 Village Character Areas – Development and Design identifies a number of Village Character Areas.
    - a. How have they come about?
    - b. Please refer me to the evidence that supports the various buffers and distances referred to in this policy.
  13. Reference is made to a Design Codes Report produced by AECOM. Please can a copy of this document be provided? It should form part of the suite of submitted documents.
  14. Policy ED1 refers to Local Plan Policy EC1 and seeks to use the criteria in the LP policy for the three sites it identifies as employment sites. Two issues arise:
    - a. Use Classes E and F2 are cited in Policy ED1, but the LP policy refers to Use Classes B1, B2 and B8. Is “employment sites” the right terminology to use for Almsford Bridge, Crimple Hall and Spacey Houses?

- b. Regardless of the answer to a. above, are the criteria A – K in LP Policy EC1 appropriate given that the three sites do not appear to be in Use Classes B1, B2 or B8 (recognising the Use Classes Order has been amended during this time)?
- c. Would it be preferable to identify the three sites by a different named local designation and adapt the criteria in LP Policy EC1 to stand on their own two feet for the neighbourhood plan policy? If so, I invite the PC to suggest some suitable wording.

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. These queries are raised without prejudice to the outcome of the examination. Where I have invited changes to be suggested, this is entirely without prejudice to my consideration of the issue.

Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites as appropriate.

With many thanks,

Ann Skippers MRTPI  
Independent Examiner  
16 September 2023

#### **Supplementary questions via email of 19 September 2023**

A1. I have asked for more detailed plans of the LGSs to be prepared. In relation to LGSs 3 and 9, I think it would be preferable for the gap which consists of the car park and access to the Church, but also would be the access proposed park and stride I think, to be omitted from the LGS designation. If you agree, please would you prepare the two maps for these LGSs on that basis?

A2. Views. Please could you check the following:

- a. Have Views L and M1 been identified correctly? Is this the right photo for each of these views?
- b. There seems to be two View Zs?
- c. Is View P which I think is labelled as View Z from outside the Plan area?
- d. Is View W outside the Plan area?
- e. Is there any potential conflict with View AB and the proposed park and stride policy?
- f. I think Views A1 and AJ are not shown on the Policies Map?