

North Yorkshire Council's Response to Inspector's Matters, Issues and Questions

Matter 4 – Natural Environment

Issue 1 – Green and Blue Infrastructure - Policy NS12

Q1. What is the justification for the suggested changes to Policy NS12 and its supporting text? Why are they necessary for soundness?

Harrogate District Local Plan Policy DM4 states that the DPD should provide biodiversity enhancements and appropriate landscaping measures to provide a high-quality landscape setting. It also requires the creation of a connected network of green infrastructure, open spaces and informal and formal recreational facilities that respects and enhances the landscape qualities of the area and maximises opportunities to create and strengthen green infrastructure. The green and blue infrastructure policies within the Green Blue Infrastructure chapter look to deliver the requirements set out in DM4.

Policy NS12 seeks to help achieve the vision for the new settlement set out on Page 5 of the DPD. The modifications recommended to the wording of the policy and its supporting text and justification respond to comments made by statutory consultees and others during the Regulation 19 consultation.

The introduction of the word 'must' to replace 'should' in the first paragraph enforces the importance of this policy in the master planning of the new settlement, necessary to help meet the new settlement's vision and objectives.

Modifications to bullets a-j are recommended to provide further detail for clarification.

Modifications recommended to the supporting text include two new paragraphs and the rewording of the bullet 5 of paragraph 6.10. The modifications recommended are in response to comments made by statutory consultees and others during the Regulation 19 consultation. The wording highlights opportunities the green and blue infrastructure strategy has for biodiversity, climate change and water quality.

The modifications are recommended to provide further details for clarification and are not necessary for soundness.

Issue 2 – Biodiversity – Policies NS13 and NS15

Q1. How will the required settlement wide Biodiversity Net Gain Strategy set out in Policy NS13 ensure that a net gain of at least 10% is delivered in each phase of development?

Policy NS13 seeks to help achieve the vision for the new settlement set out on Page 5 of the DPD. The DPD to be read as a whole sets Policy NS13 to build on Policy NS1 and NS3. Policy NS1 sets out the minimum Maltkiln must provide which includes biodiversity enhancements.

The modifications recommended to Policy NS1 require a single outline application for the allocated land which would ensure a comprehensive approach to site master planning and delivery. Policy NS3 requires a settlement wide masterplan with NS13 setting out the requirement for a settlement wide Biodiversity Net Gain strategy.

The Strategy is required to deliver at least 10% biodiversity net gain, the policy sets out what the strategy should cover with bullet f. requiring phasing plans, further information is included within the supporting text at paragraph 6.15 which reads;

The BNG strategy, an Ecological Impact Assessment and completed metric for all habitats must be submitted with the outline planning application to evidence how the required net gain will be delivered across the whole site. The masterplan and phasing plans must include the post-development biodiversity value for each phase of development and subsequent applications for reserved matters should show how the target biodiversity value for each phase will be met.

While Policy NS13 sets out what the strategy should achieve, modifications proposed to the DPD include Policy NS38 which provides clarity for decision makers and applicants/developers on how infrastructure, including how the requirement for at least 10% biodiversity net gain will be delivered across the new settlement. This is supported by the IDP.

Recent planning practice guidance (PPG) published 14 February 2024 and updated on the 1 May 2024 sets how phased development can be delivered through overall biodiversity gain plans and phased gain plans, which can feed into the wording of S106 agreements.

Q2. What is the justification for the specific percentage targets for the provision of bat and swift bricks in new dwellings?

Policy NS13 seeks to help achieve the vision for the new settlement set out on Page 5 of the DPD, the vision requires space for nature. In order to help achieve this Policy NS13 in addition to requiring 10% biodiversity net gain, seeks to provide targeted enhancements for specific species, including referring to the introduction of integrated bat bricks and swift bricks.

The numbers of bats and swifts are in decline, they rely on buildings for nesting, but modern building and renovation techniques have reduced their access. Introducing bat and swift bricks into the external fabric of buildings is an easy and cost-effective remedy to help increase nesting sites. In addition, swift boxes also allow access for other species and thus help address nesting sites for other nesting birds.

While percentage targets are not set out in either the Local Plan, they are the standards and targets requested and delivered through the Council's Development Management process on planning applications. Adding the specific percentages to draft Policy NS13 seeks to give clarity to the applicant/developer.

Q3. What is the justification for the suggested changes to the supporting text of Policy NS13? Why are they necessary for soundness?

This modification to the supporting text under the section on Water Framework Directive (WFD) is recommended following consultation with the Environment Agency at Regulation 19 and is recommended to provide further clarity and link back to the adopted Policy NE2 Water Quality.

Please note there is a typo in the modification text, it should read Local Plan Policy NE2, not NS2.

The modifications are recommended to provide further details for clarification and are not necessary for soundness.

Q4. Policy NS15 requires that recreational open space should be designed to mitigate additional recreational impact on Aubert Ings SSSI and that the Development Framework identifies two areas of open space which should serve as alternative, semi-natural destination points to the SSSI. What evidence can the Council point to which suggests these areas of open space would be deliverable and that they would adequately mitigate any impact?

Policy NS1 sets out the minimum Maltkiln must provide which includes sufficient open spaces and informal and formal recreational facilities linked by high quality green infrastructure in order to help achieve the vision for the new settlement.

The modifications recommended to NS1 would require a single outline application for the allocated land which would ensure a comprehensive approach to site master planning and delivery, including open space and linkages through green and blue infrastructure.

While Policy NS14 sets out in more detail what the open space should provide, ensuring open space is publicly accessible for all and accessible throughout the year. Designing space for informal recreation suitable for walkers and dog walkers will help provide an attractive and more suitable space for destination walkers and dog owners to exercise their pets, helping to mitigate any impact on Aubert Ings SSSI.

The modifications proposed to the DPD includes Policy NS38 which provides clarity for decision makers and applicants/developers on how infrastructure, including open space will be delivered. This is supported by the IDP.

Providing good quality walking routes and high-quality open space will provide more destination options which in turn should help to relieve the pressure from the number of visitors to Aubert Ings.

Q5. What is the justification for the suggested changes to paragraph 6.21? Why is it necessary for soundness?

The modification recommended to 6.21 is a correction to address a typo, from Malkiln to Maltkiln and is therefore not necessary for soundness.