



North Yorkshire
Campaign to Protect Rural England

CRAVEN DISTRICT COUNCIL: CRAVEN LOCAL PLAN 2012-2032
EXAMINATION IN PUBLIC

RESPONSE TO INSPECTOR'S MATTER 16 IN SUPPORT OF PREVIOUS REPRESENTATIONS MADE BY THE NORTH YORKSHIRE BRANCH OF THE CAMPAIGN TO PROTECT RURAL ENGLAND ('CPRENorthYorkshire')
(Ref: 009/09/ENV1/TS, Ref: 009/10/ENV1/GC and Ref: 009/11/ENV2/TS)

MATTER 16: LANDSCAPE, HERITAGE AND DESIGN (POLICIES ENV1, ENV2 AND ENV3)

Issue 1: Landscape - Policy ENV1

Question 1: What is the relevant Landscape Character Appraisal" for the purposes of Policy ENV1 a)? As submitted, is this clear to decision-makers, developers and local communities?

The recently published National Planning Policy Framework (the 'NPPF' or the 'Framework') states that for the purposes of examining plans, policies in the previous Framework (2012) will apply where plans are submitted on or before 24 January 2019 (paragraph 214).

CPRENorthYorkshire have provided detailed responses to all of the Craven District Council's ('CDC') consultations on the emerging Craven Local Plan since 2013 and have welcomed the opportunity to do so.

Paragraph 5.4 sets out that currently the Craven Landscape Appraisal (2002) and the Forest of Bowland Landscape Character Assessment (2009) are the relevant landscape appraisals used in decision making - it goes on to state that appraisals may be updated, and successor documents will be used at that time. However, CPRENorthYorkshire note that the Council have published alongside the draft Local Plan its 'Landscape Visual Impact Assessment prepared as part of the Evidence Base for the Craven District Council Local Plan, 2012-2032' by the Planning Policy Team for Natural England in October 2017. This appears to assess the sites that have been allocated near 5 settlements within closest proximity to either the Yorkshire Dales National Park ('YDNP') or the Forest of Bowland Area of Outstanding Natural Beauty (AONB).

CPRENorthYorkshire are confused as to whether or not this document is intended to be treated as the successor document? CPRENorthYorkshire are thus unsure as

to the status of this document - which does not set out why it has been prepared for Natural England and for what purpose. CPRENorthYorkshire are aware that developers will wish to utilise material published by the Local Planning Authority when assessing sites for potential planning applications and are concerned as to whether this document should be considered as appropriate evidence.

Question 3: Is Policy ENV1 consistent with paragraph 113 of the Framework which states that local planning authorities should set criteria-based policies against which proposals for any development on or affecting landscape areas will be judged, with protection commensurate to their status?

In accordance with the Framework, CDC has produced a criteria-based policy in the form of Policy ENV1. Whilst generally supportive of the principle of the policy, CPRENorthYorkshire believe this could be further strengthened by mention of the fact that much of Craven's landscape is considered to be of high local value.

Harrogate Borough Council have recently submitted their draft plan to the Secretary of State for examination. Their draft policy NE4 (within Chapter 9, pg. 214) deals specifically with landscape character. The policy sets clear criteria as to what will be expected for each proposal which may impact on Harrogate's landscape character and sets out areas of locally valued landscapes. CPRENorthYorkshire consider that this is a strong policy approach and could be used by CDC to strengthen their policy.

https://www.harrogate.gov.uk/downloads/file/3269/2018_january_local_plan_publication_draft_chapter_9_natural_environment

Whilst supportive of the policy thrust of ENV1, it is the opinion of CPRENorthYorkshire that the Policy could be made more robust by mention of the need to safeguard areas of tranquillity, which include the YDNP and AONB and are often associated with Dark Skies. This should also be referred to within the supportive text. Many local planning authorities within North Yorkshire have included reference to tranquillity within their (adopted and emerging) Local Plans, both within policy and the supportive text, for example, Policy SP13: Landscapes - within the Ryedale Local Plan Local Plan Strategy.

https://www.ryedaleplan.org.uk/attachments/category/12/Local_Plan_Strategy_FINAL.pdf

Given the designated landscapes within the administrative area of CDC, it is considered that the Local Plan would be less robust without mention of this important theme, especially given the Government's drive to improve public health and well-being. It is recognised that draft Policy ENV3 a) references 'tranquillity' and this is supported. However, it is considered that Policy ENV1 would benefit from the inclusion of a reference to tranquillity in relation specifically to the 'countryside and landscape' where CPRENorthYorkshire believe it is a natural fit.

The idea of valuing undisturbed countryside as a resource in itself emerged in the early 1990s. CPRE, nationally, built on this idea to produce the first ground-breaking tranquil areas maps of England in 1995 with the Countryside Commission. These showed areas that were ‘disturbed’ and ‘undisturbed’ by urban areas (towns and cities), traffic (road, rail and airports), power stations, pylons, power lines and open-cast mines. The maps compared England in the 1960s with the 1990s, which showed a growing loss of tranquil areas: down from 75% to only 60% of the country. Further research in 2007 showed tranquil areas had reduced to around 50% of England.

CPRE built upon this work by publishing new detailed tranquillity maps in 2006. They demonstrated areas valuable for lack of disturbance and for the presence of natural features - such as trees, water and wildlife - that foster feelings of tranquillity. The maps launched a three-year campaign to press Government to recognise and protect tranquillity at all levels of public policy.

In 2012 the Government put in place a national planning policy to protect tranquillity. Some progress has been made since, but tranquil countryside remains under threat from road and airport expansion, urban sprawl and new power lines to name but a few. Some allocations within the draft Local Plan are within the setting of the YDNP and the AONB, and for this reason, CPRE North Yorkshire believe protecting the tranquillity of these places should be built into planning policy and would be compliant with Policy 123 of the Framework which states that policies should “*identify and protect areas of tranquillity which have remained relatively undisturbed by noise and re prized for their recreational and amenity value for this reason*”.

Issue 2: Heritage - Policy ENV2

Question 2: How does Policy ENV2 require proposals to consider development within the setting of a heritage asset?

CPRE North Yorkshire were pleased that the submission version of the Local Plan included reference to the fact that the setting of a heritage asset is an important factor when considering an asset’s significance within paragraph 5.23 of the draft plan.

However, remain disappointed that the importance of the ‘setting’ of heritage assets has not been transposed through to Policy ENV2 and because of this fact, consider that the draft plan is not consistent with national policy.

Paragraphs 128 and 129 of the NPPF set out that in determining planning applications, local planning authorities should consider the potential harm to heritage assets as well as to their setting. This is confirmed in many examples of case law including the Court of Appeal case (Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC and Others [2014] EW Civ 137) which prescribed that the desirability of preserving the setting of listed buildings should not simply be given careful consideration but “*considerable importance and weight*” when

carrying out the balancing exercise, which gives rise to a strong statutory presumption against granting planning permission for development which would cause harm to the setting of listed buildings. Even where the harm would be “*less than substantial*” the balancing exercise cannot ignore the overarching statutory duty imposed by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is therefore important for the Council to recognise this.

CPRENorthYorkshire believe that in order to make the policy effective for use by the CDC Development Management team, a reference to the setting of heritage assets within the policy is vital. This would serve to trigger the appropriate consultations with statutory and non-statutory consultees at the development application stage, which have on several occasions not occurred when they should have done in the past.

In order to be consistent with national policy, and thus considered sound, CPRENorthYorkshire believe that the policy should be reworded to include the words ‘including its setting’ into each of the relevant sections of the policy.

For example:

ENV2 b) Ensuring that proposals affecting a designated heritage asset (or an archaeological site of national importance) conserve those elements, including its setting, which contribute to its significance....

This should also be added into:

section C regarding Conservation Areas; Section D regarding archaeological sites of less than national importance; and Section E regarding non-designated heritage assets.