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# Craven Local Plan Examination

## Matter 15

### Statement by Craven District Council

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**Matter 15** – Rural economy and Tourism (Policies EC3, EC4 and EC4a)

**Hearing Day 8** – Tuesday 23<sup>rd</sup> October 2018 (Week 3)

September 2018

## Issue 1 – Rural Economy – Policy EC3

**Q1. What is the justification for supporting proposals for the conversions of barns and other local vernacular buildings for residential and/or employment uses “within sustainable rural locations”? Is this consistent with paragraph 55 of the Framework regarding the reuse of buildings?**

### Council’s Response

1. Policy EC3 acknowledges the rural nature of the plan area and encourages growth in the rural economy by supporting proposals for sustainable development and increasing the variety and diversity of economic activity in rural areas. Throughout the plan period new opportunities are likely to arise in farming, land management and in the use of farm land and buildings for things other than agriculture, which may include opportunities for combined living and working in rural areas. Policy EC3 therefore recognises and acknowledges the role conversion of rural buildings for employment or residential and employment uses play in contributing towards the growth and diversity of Craven’s rural economy. Proposals for new homes in the countryside, with no employment uses proposed, would be assessed against policy SP4.
2. Criterion e) of the policy supports proposals for the conversion of barns and other vernacular buildings for residential and/or employment uses within sustainable locations, providing opportunities for people to live and work locally. It is considered that this criterion is not currently consistent with paragraph 55 of the Framework regarding the re use of buildings as it specifically supports proposals for the conversion of barns and buildings within sustainable rural locations. In order for policy EC3 to be consistent with paragraphs 28 (the rural economy) and 55 of the Framework, the following modification to criterion e) is proposed.

<b>Proposed Modification</b>
Page 185, policy EC3, criterion e) of the submission local plan:  Acknowledging the potential social, economic, environmental benefits of reusing existing buildings by supporting proposals for their <u>conversion to employment use or live/work units</u> , <del>of barns and other vernacular buildings for residential and/or employment uses within sustainable rural locations</del> , providing opportunities for people to live and work locally.

3. To ensure that Policy EC3 is clear to decision-makers, developers and local

communities about how live/work units are defined, the following modification to paragraph 7.12 is proposed:

<b>Proposed Modification</b>
<p>Page 184/185 of the Submission Draft Local Plan, Amendment to paragraph 7.12 of the supporting text to Policy EC3:</p> <p>New opportunities are likely to arise in farming, land management and support services, and in the use of farmland and buildings for things other than agriculture, for example green technology, renewable and low-carbon energy, flood management and related areas of research are potential areas of growth. Sustainable tourism projects will continue to be important; there may be further opportunities for combined living and working in rural areas; and local firms will wish to grow and expand. This policy supports the rural economy by recognising the contribution that existing live/work units make to the rural economy. <u>For the purposes of Policy EC3, live/work units are defined as buildings of sufficient size to accommodate a genuine business use and that any residential accommodation will be ancillary to that use. Proposals for substantial residential accommodation with a token area given over to business use will be considered to be residential development and will therefore fall outside the scope of policy EC3. The proposal must relate to an employment use which is designed so that it can be used independently of the dwelling space (so that employment potential is not restricted only to occupants of the dwelling space). The occupancy of the living space will be restricted to a person directly involved with the business being operated. The exact ratio of employment to residential space and restrictions relating to the occupancy of the living space will be specified by conditions attached to any planning permission as appropriate.</u> Existing live/work units will therefore be protected.</p>

**Q2. How would sustainable rural locations be defined for the purposes of Policy EC3 e)? Is the policy effective?**

**Council's Response**

1. As a result of the modification set out above, in answer to question 1, the term 'sustainable rural locations' would be removed from criterion e) of the policy.

**Q3. What is the justification for specifically protecting live/work units? Is it clear to decision-makers, developers and local communities under what circumstances the re-use of live/work units would be permitted?**

**Council's Response**

1. Craven Local Plan (1999) saved local plan policy EMP9: Conversion Of Buildings To Employment Generating Uses With Ancillary Living Accommodation

and associated Supplementary Planning Guidance: The Conversion of Rural Buildings to Live/Work Units within Craven (Oct 2009) supports the conversion of rural buildings to employment generating uses with ancillary living accommodation which help to reduce demands for new building in the countryside, can encourage new enterprises and can provide jobs needed in rural areas. Planning permission has been granted for a number of conversions of rural buildings which have met the requirements of this saved policy. New local plan policy EC3 continues to recognise the contribution existing live/work units make to the rural economy and aims to protect them.

2. Criterion e) (with proposed modifications, as set out above) supports proposals for the conversion of existing buildings to employment use or live/work uses. Criterion f) protects existing live/work units, however it does not clearly set out how proposals for the re-use of live/work units would be considered. In order to provide clarity to decision-makers, developers and local communities under what circumstances the re-use of live/work units would be permitted the following modification is proposed:

<b>Proposed Modification</b>
<p>Page 185 of the Submission Draft Local Plan: Policy EC3, criterion f) of the to be amended as follows:-</p> <p><u>“Supporting the continued use of <del>Protecting</del> existing live/work units for the valuable contribution they make to the rural economy. <del>The conversion of existing live/work units to other uses will be supported provided it can be demonstrated that there is no reasonable prospect of the live/work unit being retained.</del>”</u></p>

3. In order to provide clarity in terms of what information the council requires from any applicant to demonstrate that there is no reasonable prospect of the live/work unit being retained, the following modification is proposed to the supporting text for policy EC3:

<b>Proposed Modification</b>
<p>Page 185 of the Submission Draft Local Plan: Policy EC3 amendment to supporting text to policy EC3, last sentence of paragraph 7.12 of the submission local plan:</p> <p><u>“The continued use of existing live/work units will therefore be <del>supported</del> <del>protected.</del>”</u></p> <p>Also the following additional text is proposed at the end of paragraph 7.12:</p> <p><u>“The conversion of existing live/work units to other uses will only be supported provided it can be demonstrated, through robust marketing evidence, that the existing live/work unit is no longer required or that there is no reasonable prospect of it being used for its intended purpose in the future. Marketing evidence must</u></p>

substantiate a robust conclusion that every reasonable attempt has been made to secure a suitable business reuse, that the building is no longer suitable for commercial activity or that it is no longer required by other occupiers.”

## Issue 2 – Tourism – Policy EC4

**Q1. Are the key locations for tourism development under Policy EC4 identified on the Policies Map? Is it clear to decision-makers, developers and local communities which areas Policy EC4 relates to?**

### **Council’s Response**

1. Yes – The key locations for tourism development are identified, by a blue ‘T’ in a black circle, on the main Policies Map and the supporting text for Policy EC4, at paragraphs 7.20 – 7.34 of the Plan, provides further clarity by describing each location in more detail. However, an error in the Policies Map means that the relevant notation is missing from key locations at Skipton, Gargrave and Embsay. This will be corrected.

**Q2. Is it clear to decision-makers, developers and local communities what uses are permitted at the key locations for tourism development?**

### **Council’s Response**

1. Policy EC4 does not and is not intended to place any specific restriction on what uses are permitted at the key locations for tourism development. However, the final paragraph of Policy EC4 does state that individual proposals that accord with the policy’s general approach must also accord with all other relevant local plan policies. In Policy EC4 g), which refers specifically to the key locations, the Council commits to “Supporting, in principle, proposals for tourism development and for achieving synergies of co-location”, both of which are described throughout the policy’s supporting text and at paragraphs 7.14 – 7.18 of the Local Plan, in particular. Whilst there is no ‘Tourism’ Use Class (which might form the basis of a use restriction) the dictionary definitions of tourism include: “the business of providing services for people on holiday, for example hotels, restaurants, and trips; the business of providing services such as transport, places to stay, or entertainment for people who are on holiday; and the commercial organisation and operation of holidays and visits to places of interest”. Such definitions are widely and easily available to decision-makers, developers and local communities, if they need them. Therefore, the Council’s policy should be clear with respect to the key locations for tourism development.

**Q3. How were key locations for tourism development identified? What process did the Council follow in deciding which sites to include in the Local Plan?**

**Council's Response**

1. An initial draft list of potential key locations was included, for consultation, in document Ot004 – ‘Draft version of the Craven Local Plan in September 2014’. This preliminary list was based on locations known to have nascent plans for tourism development, i.e. Bolton Abbey – village area, Ingleton – viaduct area, Gargrave – canal area, Skipton – railway station area. In response to representations on document Ot004, summarised in document EL1.005 – ‘Response Paper to representations on first draft Local Plan (September 2014)’, the initial list was amended and then included, for consultation, in document Ot003 – ‘Draft version of the Craven Local Plan in April 2016’. In response to representations on document Ot003, summarised in document EL1.005a – ‘Policy Response Paper to representations on second draft Local Plan (April 2016)’, the supporting text relating to key locations was amended and then included, for consultation, in document Ot002 – ‘Draft version of the Craven Local Plan in June 2017’. In response to representations on document Ot002, summarised in document EL1.005c – ‘Policy Response Paper to representations on third draft Local Plan (June 2017)’, no further amendments were made to the list of key locations or to the supporting text relating to key locations, prior to publication of the Local Plan in January 2018.

**Q4. Are there any factors which indicate that a key location for tourism should not have been identified in the plan? Are all of the locations justified and sound?**

**Council's Response**

1. The issue of positive and negative factors in the identification of key locations is addressed in the Sustainability Appraisal of Policy EC4, which can be found in document PD007 – ‘Final Sustainability Appraisal Report (March 2018)’. Two options for Policy EC4 are appraised – one where the key locations are identified and one where they are not. The appraisal indicates that the better option is to identify the key locations. The outcome of the Sustainability Appraisal, the process of identifying key locations (described in the answer to Q.3, above) and support expressed for the key locations (including support in Representations 017, 046 and 059) indicate that all of the locations are justified and sound.

**Q5. What is the difference between the key locations for tourism development and land designated as a Tourism Development Commitment?**

**Council's Response**

1. The difference is explained in the supporting text for Policy EC4, at paragraph

7.18 of the Local Plan. The designation of a Tourism Development Commitment (TDC) acknowledges an extant planning permission for development of the land, whereas the designation of Key Locations for Tourism Development (KLTD) identifies locations that offer particularly good opportunities for new development proposals. The TDC is described at paragraph 7.19 of the Local Plan and the Council's specific policy with respect to the TDC is set out in Policy EC4 h). The KLTD are described at paragraphs 7.20 – 7.34 of the Local Plan and the Council's specific policy with respect to the KLTD is set out in Policy EC4 g).

**Q6. What is the justification for identifying land to the west of Hellifield under Policy EC4, but not other commitments, including for alternative uses?**

**Council's Response**

1. Land to the west of Hellifield (and its use) was raised in representations on the first draft Local Plan (document Ot004), which are summarised in document EL1.005, and was therefore identified as a significant local planning issue early in the plan-making process. Furthermore, the commitment with respect to land west of Hellifield is the only such commitment within the plan area. As a result, only the identification of land to the west of Hellifield is justified.

**Q7. What uses does the Local Plan permit on land at Hellifield? Is it clear to decision-makers, developers and local communities?**

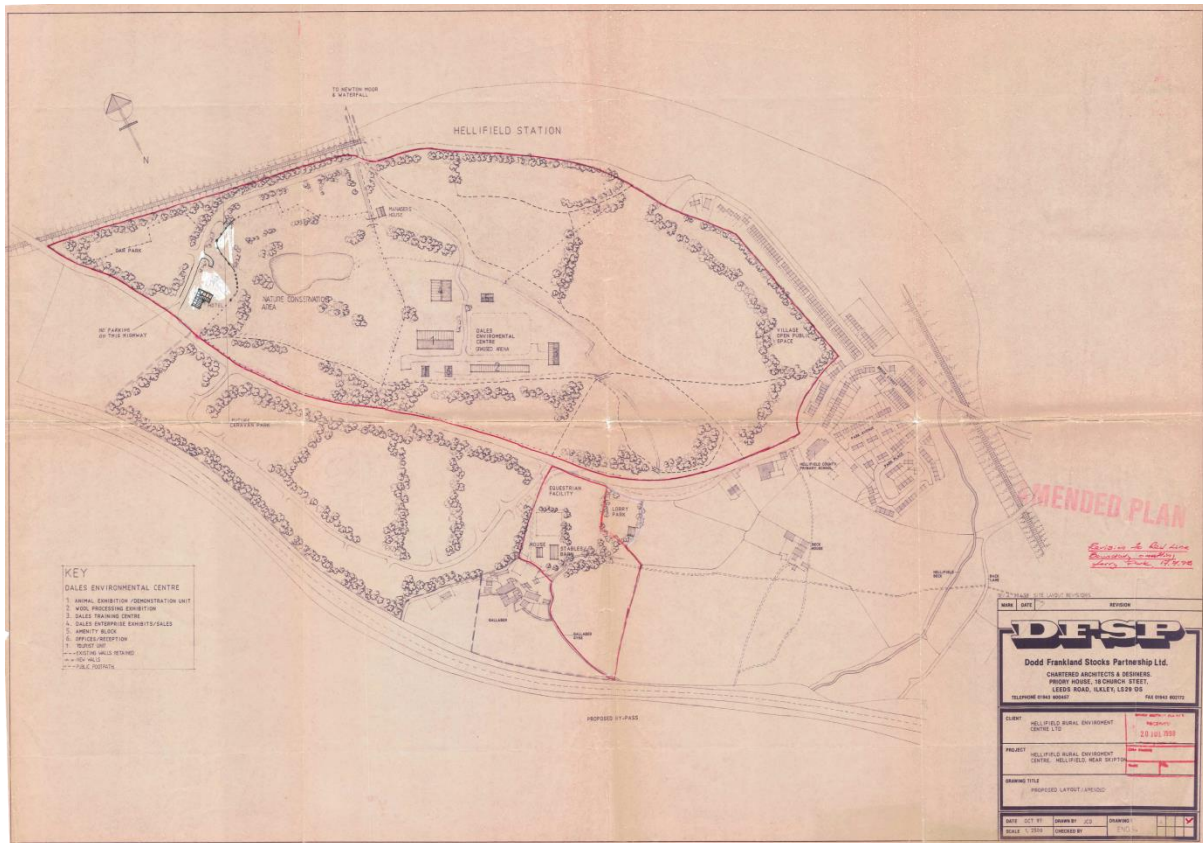
**Council's Response**

1. Policy EC4 h) of the Local Plan is specific to the Tourism Development Commitment on land to the west of Hellifield. It supports sustainable tourism use of the land, which is dependent on a number of broad criteria being met. Whilst there is no 'Tourism' Use Class, the nature of tourism and the Council's approach to growth in tourism is described in the policy's supporting text, at paragraphs 7.14 – 7.19 and 7.35 – 7.39 of the Local Plan. Therefore, it should be clear to decision-makers, developers and local communities what uses the Local Plan supports and what criteria will be particularly relevant in decision-making.

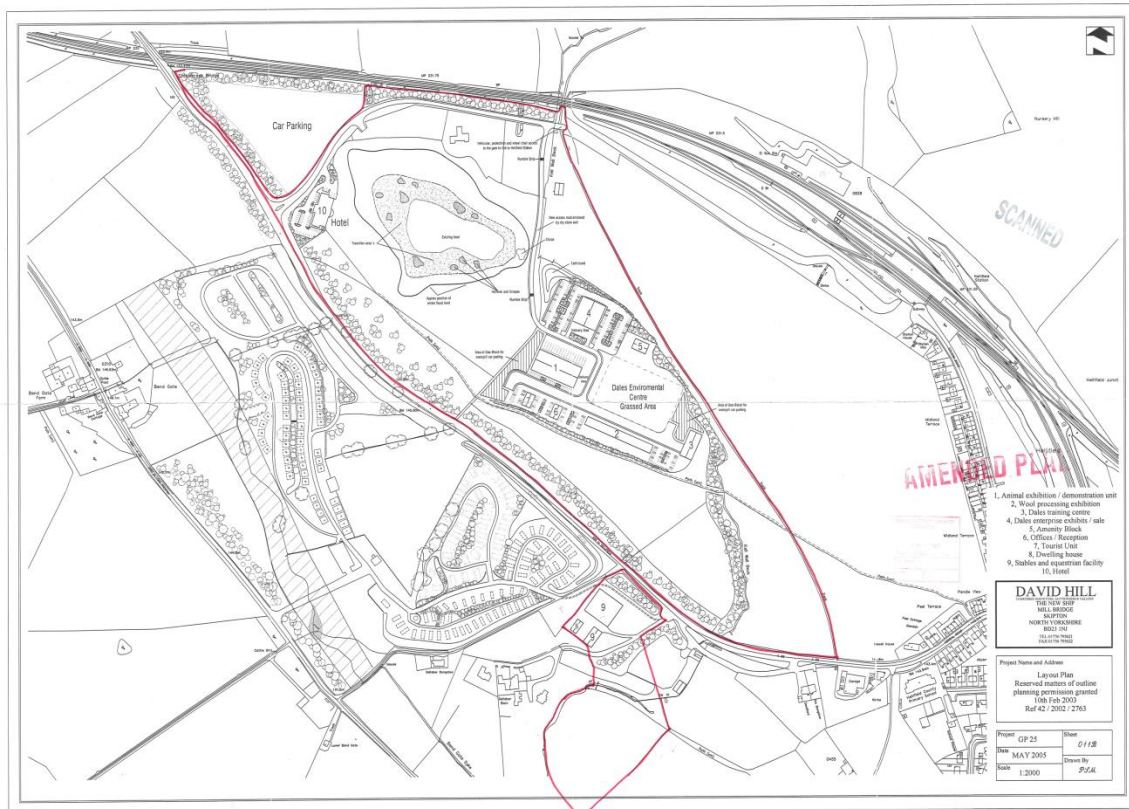
**Q8. How has the extent of the site area been defined? What is it based on and is it justified?**

**Council's Response**

1. The extent of the Tourism Development Commitment (TDC) matches the extent of operational development permitted by the extant planning permission for the land. This is based on and justified by the approved plans for the development, which are reproduced below. The extent of the TDC is explained in the supporting text for Policy EC4, at paragraph 7.19 of the Local Plan, and details of the extant planning permission are provided in the footnote to that paragraph (Footnote 47).



Amended layout plan ENQ54A, approved under decision number 5/42/149/C (Outline permission, renewed under decision number 42/2002/2763)



Amended layout plan 011B, approved under decision number 42/2005/5082 (Reserved Matters)



**Q9. What is the justification for including an area of Local Green Space wrapping round the existing commitment? What effect will this have on the deliverability of the site for tourism related uses?**

**Council's Response**

1. The justification for designating Local Green Space (LGS) is provided by Policy ENV10 and supporting evidence. The Tourism Development Commitment (TDC) has been excluded from LGS designation on grounds that it represents the extent of permitted operational development, which would be incompatible with LGS designation (see the answer to Q.8, above, for further details of the permitted operational development). Tourism development of the TDC, under Policy EC4, and the provision of LGS, under Policy ENV10, are mutually compatible and potentially mutually beneficial – the attractiveness and appeal of the TDC, in particular, is likely to be enhanced by the presence of LGS and the qualities which have led to its designation. Therefore, the effect on delivery of the TDC is likely to be neutral or positive.

**Q10. Representations submitted by Natural England refer to the need for further information to be submitted in respect of the Pan Beck Fen SSSI and River Ribble (Long Preston Deeps) SSSI. Is this still the case?**

**Council's Response**

1. No. Representation 051, submitted by Natural England, refers to a current planning application by Ballan Ltd for land west of Hellifield (application no. 42/2016/17496). However, the Local Plan does not support development proposed by Ballan Ltd. Instead, the Plan proposes to continue support for the (less extensive) Tourism Development Commitment (TDC), which already benefits from planning permission, and to designate surrounding land as Local Green Space. Any proposals for alternative development of the TDC will need to accord with Policy EC4 h) III) and other relevant local plan policies, including Policy ENV4: Biodiversity, which will ensure conservation of the SSSIs.

**Q11. How have the effects of tourism development on the Pan Beck Fen SSSI and the River Ribble (Long Preston Deeps) SSSI been assessed?**

**Council's Response**

1. As explained above, in the answer to Q10, the issue of impact on the SSSIs arises with respect to the current planning application by Ballan Ltd (application no. 42/2016/17496), which is for more extensive development beyond the Tourism Development Commitment (TDC). The TDC designation acknowledges development that has already been approved after being found acceptable in terms of its likely effects on biodiversity, including the SSSIs. Any proposals for alternative development of the TDC will need to accord with Policy EC4 h) III) and other relevant local plan policies, including Policy ENV4: Biodiversity, which

will continue to ensure that the SSSIs are conserved.

**Q12. How have the effects of tourism development on setting of the Yorkshire Dales National Park been considered?**

**Council's Response**

1. The issue of impact on the setting of the Yorkshire Dales National Park (YDNP) arises with respect to the current planning application by Ballan Ltd (application no. 42/2016/17496), which is for more extensive development beyond the Tourism Development Commitment (TDC). The TDC designation acknowledges development that has already been approved after being found acceptable in terms of its likely effects on the YDNP setting. Any proposals for alternative development of the TDC will need to accord with Policy EC4 h) I) and other relevant local plan policies, including Policy ENV1: Countryside and Landscape, which will continue to ensure that the YDNP setting is conserved.

**Q13. Is it clear to decision-makers, developers and local communities what proposals will be permitted on un-designated land surrounding the tourism commitment? How would a decision-maker determine whether or not a proposal for new development was "sensible in scale"?**

**Council's Response**

1. Policy EC4 h) refers specifically to proposals for alternative development of the Tourism Development Commitment (TDC) and includes the provision for additional non-designated adjoining land to be included in such proposals. Therefore it should be clear that the policy provides a degree of flexibility for alternative proposals to extend beyond the boundary of the TDC designation, provided that they meet the policy's requirements at I) to V) and are sensible in scale – 'sensible' meaning 'wise, prudent, sensitive, showing good sense or judgement'.

**Issue 3 – Tourism-led Development at Bolton Abbey – Policy EC4A**

**Q1. What is the justification for identifying a Core Visitor Area at Bolton Abbey? What is it based on and how has it been defined?**

**Council's Response**

1. The justification for identifying a Core Visitor Area (CVA) is set out in the supporting text for Policy EC4A, at paragraphs 7.20 – 7.27 of the Local Plan, and is based on document Hol001 – 'Bolton Abbey Development Options Appraisal Study (April 2017)'. The boundary of the CVA has been defined according to

Figure 2.1, page 4, of document Hol001.

**Q2. Is the mix of uses permitted under Policy EC4A restricted to the Core Visitor Area?**

**Council's Response**

1. The Core Visitor Area (CVA) is mostly within the Yorkshire Dales National Park and only partly within the Craven Local Plan area. That part of the CVA within the Plan area is defined on the Policies Map, at Inset Map No.24, and Policy EC4A, including its support for a mix of uses, applies to that defined area.

**Q3. What is the justification for permitting residential and commercial uses under Policy EC4A, which specifically relates to tourism-led development? How does this correspond with paragraph 4.45 of the Plan which states that "Bolton Abbey is not to be allocated housing growth in the spatial strategy in view of the significance and sensitivity of heritage assets"?**

**Council's Response**

1. The justification for supporting "other development (e.g. residential and commercial) which conforms to policies elsewhere in the Local Plan" is set out in the supporting text for Policy EC4A, at paragraphs 7.24 – 7.27 of the Local Plan. How this corresponds with paragraph 4.45 of the Local Plan is also set out therein, at paragraph 7.26.

**Q4. Is it clear to decision-makers, developers and local communities what uses are permitted at the general locations illustrated on the Policies Map?**

**Council's Response**

1. Yes – Policy EC4A supports the provision of sensitive and sustainable tourism-led, mixed-use development – and a specified mix of uses in particular – but larger scale development is restricted to general locations described in the policy and indicated on the Policies Map. This is explained further in the policy's supporting text, at paragraphs 7.24 – 7.27 of the Local Plan.

**Q5. What is the justification for identifying general locations for larger scale development?**

**Council's Response**

1. The justification is set out in the supporting text for Policy EC4A, at paragraphs 7.22 – 7.27 of the Local Plan, and is based on the findings of document Hol001 – 'Bolton Abbey Development Options Appraisal Study (April 2017)'.

**Q6. How were the locations for larger scale development considered? What factors were taken into account? Are they justified, effective and consistent with national planning policy?**

**Council's Response**

1. The general locations for larger scale development were considered in document Hol001 – ‘Bolton Abbey Development Options Appraisal Study (April 2017)’, taking account of heritage, ecology, landscape, flood risk, infrastructure, traffic and design, including issues of capacity and impact. Document Hol001 was produced rigorously, taking account of relevant national and local planning policy and with input from key stakeholders, including Craven District Council, Yorkshire Dales National Park Authority, Historic England, Natural England, Environment Agency, North Yorkshire County Council (as local highway authority) and the Bolton Abbey community. As a result, the document provides robust support for the general locations identified in the policy and ensures that they are effective and consistent with national planning policy. This is briefly set out in the supporting text for Policy EC4A, at paragraph 7.23 of the Local Plan.
2. During further pre-hearing engagement between the key stakeholders, including consideration of representations submitted by Natural England (051) and Chatsworth Settlement Trustees (046), it was agreed that, in order to clarify how the locations for larger scale development are justified, how they are to be considered and what factors are to be taken into account, the following modifications should be proposed.

**Proposed Modification**

Page 188 of the Submission Draft Local Plan: Footnote 48 amend as follows:-

“A map showing the boundary of the Bolton Abbey Core Visitor Area (CVA) is provided in the Bolton Abbey Development Options Appraisal Study (BADOAS), which has been prepared by the Bolton Abbey Estate in liaison with local and external stakeholders. The CVA extends from Bolton Bridge to Barden Bridge, includes Bolton Abbey Station and is bisected by the boundary of the Yorkshire Dales National Park. That part of the CVA falling within the Craven Local Plan area is shown on the Policies Map (Inset Map No. 24). The BADOAS has been incorporated into the Local Plan evidence base and supports Local Plan policies EC4 and EC4A.”

Page 190 of the Submission draft Local Plan: paragraph 7.27 amend as follows:-

“The Council therefore proposes to include an additional, but related policy to EC4 (EC4A), to support sensitive and sustainable tourism-led, mixed-use development at Bolton Abbey, in the general locations identified at Bolton Abbey and Bolton Bridge (see Policies Inset Map No.24), subject to a comprehensive strategy and Masterplan

~~for the Core Visitor Area being produced in collaboration with and to the satisfaction of itself (as local planning authority) and other key stakeholders, including the Yorkshire Dales National Park Authority, to the satisfaction of itself and the Yorkshire Dales National Park Authority (as local planning authorities) and in collaboration with other key stakeholders, including~~ Historic England, Natural England and the Environment Agency. Development proposals will be expected to accord with the principles of the Masterplan and development proposals which would prejudice the delivery of the related strategy for the Core Visitor Area will not be permitted.”

Page 197, final paragraph of Policy EC4A of the submission local plan:

Before any development takes place, a comprehensive strategy and Masterplan for the Core Visitor Area, including detailed development and design principles and a Landscape and Visual Impact Assessment, shall be produced to the satisfaction of the local planning authorities in collaboration with key stakeholders, including ~~in collaboration with, and to the satisfaction of, the local planning authority and other key stakeholders, including the Yorkshire Dales National Park Authority,~~ Historic England, Natural England and the Environment Agency. Development proposals will be expected to accord with the principles of the Masterplan and developments which would prejudice the delivery of the related strategy for the Core Visitor Area will not be permitted.

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