



Craven District Council

Gargrave Neighbourhood Plan

Planning & Compulsory Purchase Act 2004

The Neighbourhood Planning (General) Regulations 2012 (as amended)

Regulation 18 Decision Statement

1. Summary

- 1.1 In line with Regulation 18 of the regulations set out above Craven District Council have produced this ‘Decision Statement’ in relation to the Gargrave Neighbourhood Plan (the ‘Plan’) submitted to them by Gargrave Parish Council in May 2018.
- 1.2 The Plan sets out a vision, objectives and a number of planning policies that relate to the designated neighbourhood area. If made, it will become part of the development plan for land use and development proposals within the area until 2032.
- 1.3 Following an independent examination of written representations, Craven District Council now confirms that it is making the modifications to the Plan as set out in Table 1 below. The Plan will then proceed to a neighbourhood planning referendum.
- 1.4 In accordance with the examiner’s recommendations, the Gargrave Neighbourhood Plan will proceed to a referendum scheduled for Thursday 30th May 2019.
- 1.5 This Decision Statement, the independent examiner’s report, the Plan and supporting documents can be inspected:
 - At Craven District Council offices at Belle Vue Square, Broughton Road, Skipton, North Yorkshire, BD23 1FJ. Opening Hours: 9.00am to 5.00pm Monday to Thursday, 9.00am to 4.30pm Friday.
 - Online via Craven District Council website at:
<https://www.cravendc.gov.uk/planning/planning-policy/planning-for-parishes/neighbourhood-planning/gargrave/>
 - At Gargrave & Malhamdale Community Library, West St, Gargrave, Skipton BD23 3RD. Opening hours: Monday, 3pm to 6pm, Wednesday, 2pm to 5pm,

Friday, 2pm to 5pm, Saturday, 10am to 1pm (closed Tuesday, Thursday & Sunday)

- Online via Gargrave Parish Council website at: <http://gargravepc.org.uk/>

2. Background

- 2.1 On 20th November 2013 Gargrave Parish Council submitted an application to Craven District Council for the designation of the Parish as a Neighbourhood Area. Craven District Council designated the Neighbourhood Area on 27th January 2014.
- 2.2 The Parish Council subsequently prepared the Draft Gargrave Neighbourhood Plan. Consultation on the draft neighbourhood plan was held during May 2015, between 5th Nov and 21 December 2015 and between 8th February and 21st March 2016.
- 2.3 The Submission version of the Gargrave Neighbourhood Plan was submitted to Craven District Council in May 2018. Craven District Council held a 6 week public consultation period on the submitted Plan from 25th June to 6th August 2018, in accordance with Regulation 16.
- 2.4 An Independent Examiner was appointed in October 2018 to undertake the examination of the Submitted Gargrave Neighbourhood Plan and this was completed with the final examination report sent to both the Parish Council and District Council on 22nd January 2019.

3. Decision and Reasons

- 3.1 The Examiner has concluded that, with certain modifications, the Plan meets the Basic Conditions and other relevant legal requirements.
- 3.2 Craven District Council must consider each of the recommendations made in the Examiner's report and decide what action to take in response. The Council accepts all of the modifications and the reasons put forward by the Examiner for them. Table 1, attached to this statement, sets out the Examiner's recommended modifications and the Council's decision in respect of each of them.
- 3.3 Craven District Council is therefore satisfied that, subject to the modifications specified in Table1 being made, the Draft Neighbourhood Plan meets the legal requirements and basic conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with the Convention Rights and complies with the provision made by or under s38A and S.38B of the Planning & Compulsory Purchase Act 2004. The Council is therefore satisfied that the Plan can proceed to referendum.
- 3.4 To meet the requirements of the Localism Act 2011, a referendum which poses the question "Do you want Craven District Council to use the Neighbourhood Plan for Gargrave to help it decide planning applications in the neighbourhood area?" will be held in the Parish of Gargrave on Thursday 30th May 2019.

This decision statement is dated 11/03/2019.

Gargrave Neighbourhood Plan

Table 1 Schedule of Modifications Recommended in the Examiner's Report Relating to the Gargrave Neighbourhood Plan

| Section in Gargrave NP | Examiner's Recommendation | Examiner's Reasons | Craven District Council's decision |
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| | Recommendation 1: Insert a glossary as an appendix to the plan | Recommend that a Glossary is added to the Plan in the interests of clarity and an aid to readers who may not be familiar with technical terms. This should cover all the acronyms used in the document. The NPPF contains a useful glossary as a guide. | Agree to modify the text as indicated to comply with the examiner's recommendation. |
| 6.1 Housing Policy G1: New Housing within the Settlement Boundary | <p>Recommendation 2:</p> <p>Add new para after 6.1.10 as follows: “The following policy provides a cross-reference and signpost to statutory policies which will particularly relate to consideration of new housing and also includes extra criteria.”</p> <p>Amend Policy G1 as follows:</p> <p>At the end of the introductory paragraph of the policy add “and conform to other statutory planning policies, including those in this Plan”.</p> <p>Amend Criterion 1 to “ The development integrates with the built form and grain of the village as required by Policy G8 1 “Promoting High Quality Design”;</p> <p>Amend Criterion 2 to “Sites have good accessibility and where possible connect with relevant footpaths and cycle ways”;</p> <p>Amend Criterion 4 to “They do not contravene Policy G10 “Local Green</p> | <p>There is some duplication with other Plan policies, which is confusing. In some cases the criteria in this policy only partially replicates the policy elsewhere in the Plan, which is clearly confusing and can be remedied by simply cross-referring to that policy.</p> <p>Rewording of criteria to be more specific about what is meant and to provide further qualification.</p> | Agree to modify the text as indicated to comply with the examiner's recommendation. |

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| | <p>Space" and Policy G11 "Protecting and Enhancing Local Recreational Facilities";</p> <p>Amend Criterion 5 to " They do not lead to loss of sites or buildings in B Class* employment use unless that use can be proven as unviable or unsuitable as an allocation for that use on planning grounds";</p> <p>*Use a footnote to explain it is as described in the T &CP (Use Classes Order) 1987, as amended.</p> <p>Add to the end Criterion 6 "in accordance with national policy and Plan policies G16 and 17 (as re-numbered).</p> <p>In Criterion 7 after "adversely" add "on highway safety".</p> <p>In Criterion 8 add "which are of architectural or historic interest and in sound condition."</p> <p>In Criterion 9 add "and conform to Plan policy G13 "Significant Views".</p> <p>In Criterion 10 add "and conform to Plan policy G8 1, "Promoting High Quality Design".</p> | | |
| 6.1 Housing Policy G2: Site Allocations | <p>Recommendation 3:</p> <p>a) Consultation Statement para 21 - Delete electronic link to 'Results of Feedback Forms' and replace with the link sent by GPC to Examiner on 20.12.18 as an appendix to Consultation statement and include an appropriate reference in paragraph 2.1.</p> | <p>a) The submitted Consultation Statement in paragraph 2.1 includes an electronic link to the informal consultation responses but this does not appear to work correctly.</p> <p>b) For clarification.</p> <p>c) The Parish Council has confirmed that it was not possible to demonstrate that such access to either of these sites could be achieved. It is therefore necessary that these allocations be deleted as the NPPF requires Plans to be deliverable.</p> | Agree to modify the text and maps as indicated to comply with the examiner's recommendation. |

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| | <p>b) Alter the opening paragraph of the Policy G2 as follows:</p> <p>“The following sites are identified for new housing development up to 2032. The following guidance will be taken into account in the consideration of planning applications for the development of the sites:”</p> <p>In the policy text insert the word “indicative” before the reference to “capacity” or “Potential Capacity”,</p> <p>c) Delete all text and maps relating to allocations ref G2/1 land to east of West Street and Paddock at Knowles House ref: G2/3. Amend Map 1 as appropriate and delete the references in the supporting text paragraph 6.1.8 to these sites.</p> <p>Add the following bullet points to paragraph 6.1.15;</p> <ul style="list-style-type: none"> “• Site GA003 (OptionG2/1) land to the east of West Street has no proven access to an adopted highway. • Site GA010 (Option G2/3) Paddock at Knowles House has no proven access to an adopted highway”. <p>d) In criterion 5 relating to site G2/4 land west of Walton Close add to the sentence “and of a size in accordance with Local Plan policy SCR2 “Provision in Recreation Space in New Housing Developments” or any subsequent local plan policy, which may supersede it.”</p> <p>e) For clarification.</p> <p>e) Recommendation that Table 3 in the Plan be modified as a result of the apparent errors in representing the informal stage responses.</p> | |
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| | e) Delete table 3 on pg 39 and include amended table 3 submitted by the PC to the Examiner on 17.12.18 in Consultation Statement as a further appendix 3. Amend the title of it to "Table summarising representations to the selected sites". Introduce a new paragraph after 4.6 in the Consultation Statement, which states "The table in appendix 3 is a summary of the responses to the informal and formal public consultation stage under regulation 14 of the Town and Country Planning (General regulations) 2012, as amended. | | |
| 6.1 Housing Policy G3: Ensuring an Appropriate Range of Tenures, Types and Sizes of Housing | Recommendation 4: Amend the third paragraph of the policy as follows; "Housing mix across all tenures shall be determined with reference to the latest housing needs data with an appropriate mix of 1,2,3 and 4 bedroom or more dwelling units. On sites of one and two dwellings the contribution such sites make to housing variety and mix will be considered separately to other scales of development but their contribution will be monitored and included in these policy requirements, if there is evidence to justify it." | To provide greater clarity | Agree to modify the text as indicated to comply with the examiner's recommendation. |
| 6.1 Housing Policy G4: | Recommendation 5: Delete the proposed policy text for policy | Concern that the site is identified as contributing towards meeting the housing targets for the Plan area but is not allocated. | Agree to modify the text and maps as |

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| Supporting Care Home Provision in Gargrave | <p>G4.</p> <p>Replace the policy title and text as follows:</p> <p>“Policy G4 Extra Care Housing in Gargrave. The following site is identified for housing development, including extra care housing:</p> <ul style="list-style-type: none"> • Site Allocation G4/1 land south of Eshton Road Area: 3.759 ha. Indicative Capacity 60 dwelling units”. Include the site on map 1 as a Site Allocation for New Housing. Add a map of the site to policy G4 in the same format as the sites allocated in policy G2. The site boundary shall be the same as that shown on map 1. <p>Include the following after the map as policy text;</p> <p>“The site has been identified as particularly suitable to meet the identified need for extra care housing in the Plan area to provide approximately 60 extra care residential units.”</p> <p>Amend paragraph 6.1.16 as follows;</p> <p>“Delete the fifth sentence in this paragraph.</p> <p>Amend paragraph 6.1.28 as follows;</p> <p>At the start of the first sentence insert:</p> <p>“The residential site selection process in....”</p> <p>Delete the last sentence in the paragraph.</p> | <p>The Plan needs to establish certainty that it can deliver to meet the latest housing targets, which identify a need for 116 dwellings.</p> | <p>indicated to comply with the examiner's recommendation.</p> |
| 6.2 Employment G5: Tourism & Business | <p>Recommendation 6:</p> <p>Delete the policy G5 but retain all the supporting text.</p> | <p>The policy is not in conformity with strategic saved LP policy EMP5, which establishes a presumption against new employment development outside settlement development limits and would</p> | <p>Agree to modify the text as indicated to comply with the</p> |

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| Development | <p>Add the following paragraphs after 6.2.5;</p> <p>“The existing adopted Local Plan policies aim to promote business and tourism development in an environmentally sensitive manner. Only in exceptional cases are new buildings allowed outside the village development limits but change of use of buildings is supported in most cases. The policies also support sustainable tourism. This is consistent with the overriding local opinion conveyed by the consultation on this Plan.</p> <p>This Plan fully supports the existing saved Local Plan policies and National Park Local Plan relating to employment, as listed below.”</p> <p>Under the title heading “Local Planning Policies” insert a number of extra strategic saved adopted Craven Local Plan policies under the Adopted Craven Local Plan column. (See examiner’s report page 27 & 28 for list of policies to be inserted).</p> | <p>only allow new employment development exceptionally. The draft NP policy does not refer to the need to limit development to the settlement boundary and has no distinction between the village and outlying areas. Most of the proposed supporting text provides a valuable local focus for the application of the local plan policy to the Plan area.</p> <p>The supporting text to the policy does not refer to a number of relevant saved Craven Local Plan policies relating to Employment and Tourism and also omits reference to similar national park Local Plan policies.</p> | examiner’s recommendation. |
| 6.3 Protecting the Environment, Green Spaces and Character of Gargrave Policy G6: Protecting Local Heritage Assets | <p>Recommendation 7:</p> <p>Renumber policy.</p> <p>At the end of the first sentence in the policy text add “in accordance with guidance in the National Planning Policy Framework.”</p> <p>In paragraph 6.3.2 delete “of the river”.</p> | <p>This policy follows the principles in the NPPF but it does not cover various nuances. This should be remedied with a cross-reference to the NPPF in the policy.</p> | Agree to modify the text as indicated to comply with the examiner’s recommendation. |
| 6.3 Protecting the Environment, Green Spaces and | <p>Recommendation 8:</p> <p>Renumber policy.</p> <p>Add following sentence to the end of the</p> | <p>The policy text only refers to the need to respect height and scale in the two ‘Character Areas’ which implies other heritage assets identified in the Draft Appraisal such as open-spaces, trees, canal</p> | Agree to modify the text and map as indicated to comply |

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| Character of Gargrave Policy G7: Development in the Conservation Area | first paragraph in the policy text: "The Draft Gargrave Conservation Area Appraisal, 2016 (or subsequent final versions) will be a relevant factor in determining the distinctive local character." Reformat key on Map 7 to make clearer. | area and important views have lesser significance. This should be remedied by a general reference to all aspects of the Draft Appraisal. | with the examiner's recommendation. |
| 6.3 Protecting the Environment, Green Spaces and Character of Gargrave Policy G8: Promoting High Quality Design | Recommendation 9: Renumber policy. Replace 'must' with 'should' in all criteria. Amend last sentence of Criterion 2 as follows: "Design and Access Statements should demonstrate how proposals take account of the locally distinctive character of the area." Amend criterion 3 as follows: "Extensions shall be subordinate in scale to the original building." Criterion 4 – Replace all "must" references with "should". | Some alterations are required to the policy text to make it clearer and easier to implement. Criterion 2-The reference that "schemes must not feature designs specific to a generic scheme" may provoke contention as to what constitutes a "generic" scheme. The term "must" is too prescriptive and contrary to advice in the NPPF. ¹⁹ The term "should" is less prescriptive but still retains the requisite degree of clarity. The term "must", should be replaced in all the criteria. Criterion 3 –It is unreasonable to require extensions shall all be small scale without reference to the host building. | Agree to modify the text as indicated to comply with the examiner's recommendation. |
| 6.3 Protecting the Environment, Green Spaces and Character of Gargrave Policy G9: Planning Out Crime | Recommendation 10: Renumber policy. Delete last sentence in policy G9 and add as last sentence to para 6.3.14. | The policy includes a statement that the Police representative for designing out crime should be consulted. This is a matter for the planning application process and is not appropriate for inclusion in a policy. This can however be included in the supporting text. | Agree to modify the text as indicated to comply with the examiner's recommendation. |
| 6.3 Protecting the Environment, Green Spaces and Character of Gargrave Policy G10: Local | Recommendation 11: Renumber policy. Add further para between point 8 and Map 8 as follows: "Development will not be allowed in these local green spaces unless it is ancillary to the use of the local green | To provide further clarity and to make the policy effective. | Agree to modify the text and map as indicated to comply with the examiner's recommendation. |

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| Green Spaces | space and does not diminish its character as a local green space or it is demonstrated there are very special circumstances in which to make an exception.” Amend Map 8 to show more of a colour difference for the area to the west of Mark House Lane and Local Green Space designations. | | |
| 6.3 Protecting the Environment, Green Spaces and Character of Gargrave Policy G11: Protecting and Enhancing Local Recreational Facilities | Recommendation 12: Renumber policy. Include a map showing the location of the recreational facilities to be protected. Subsequent maps (Map 9 & Map 10) within the document will require renumbering to Map 10 & Map 11. Any references to these to renumbered maps within the NP text will require amendment. In the second paragraph delete “change of use” and insert “loss”. In point 2 delete “Parish” and insert “District”. | The facilities referred to are not identified on a map and should be shown on a map in the interests of clarity. Second para: the policy should be amended to relate generally to loss of facilities whether by change of use or re-development with new buildings in non-recreation uses. In point 2 in the policy there is reference to the need for Parish Council approval for demonstration that there is no longer the need for a facility. The authority for this decision is the District Council's in the determination of planning applications. | Agree to modify the text and maps as indicated to comply with the examiner's recommendation. |
| 6.3 Protecting the Environment, Green Spaces and Character of Gargrave Policy G12: Protecting and Enhancing the Rural Landscape Setting and Wildlife of Gargrave | Recommendation 13: Renumber policy. Delete points 1 & 2 from policy and replace with the following: “1. Development proposals outside the settlement boundary should respect, safeguard, and wherever possible, restore or enhance the landscape character of the area. Proposals should have regard to the Craven District Landscape Appraisal, 2002, (or successor documents) and specifically to the different landscape character types | The policy, in points 1 and 2 specifies protection of the floodplain and open countryside to the north, which excludes consideration of impact in other areas. The policy should be worded more generally to offer landscape protection in accordance with any advice in landscape appraisals. In that context reference can be made to particular sensitive areas such as the National Park, Leeds Liverpool Canal and the Pennine Way. The reference to flooding in point 1 is inaccurate as guidance in the NPPF states some development is acceptable in flood zone 3. The reference to flooding in this policy should be deleted. Point 4 is valid but needs to be expanded to allow scope for habitat creation in other areas to satisfy national guidance in | Agree to modify the text as indicated to comply with the examiner's recommendation. |

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| | <p>that are identified in the plan area. Regard should also be had to the North Yorkshire and York Landscape Characterisation Project (2011) (or successor documents). Proposals will show how they respond to the particular character type they are located within.</p> <p>2. Views towards and from the Yorkshire Dales National Park and the key amenity corridors of the Leeds Liverpool Canal and the Pennine Way are particular areas of landscape, which should be protected from intrusive development.”</p> <p>Alter Point 4 as follows; After “creation” insert “particularly”.</p> <p>In the policy regarding Soils in the last sentence after “fertile” insert “versatile”. In the supporting text add a further sentence to the end of paragraph 6.3.28 as follows; “Furthermore, proposals will be assessed in relation to the National Planning Policy Framework (NPPF), which encourages protection of the most versatile agricultural land.”</p> <p>Under the heading Yorkshire Dales National Park delete the first sentence and insert the following; “ In the national park proposals will be considered in relation to the statutory duty under the Environment Act 1995 to</p> | <p>promoting net gains in biodiversity. The policy on soil protection should reference the national guidance in the NPPF25 to protect the most versatile agricultural land.</p> <p>The need to protect the landscape character of the national park is a statutory duty under national park purposes established in the Environment Act 1995. This should be referenced in the policy.</p> | |
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| | conserve and enhance the landscape character of the national park.” | | |
| 6.3 Protecting the Environment, Green Spaces and Character of Gargrave Policy G13: Significant Views | <p>Recommendation 14:</p> <p>Renumber policy.</p> <p>Amend the title of the policy by adding “in the Conservation Area and its setting”.</p> <p>Delete the first sentence in paragraph 2 of the policy and replace with the following; “Development should not be intrusive and block the visual appreciation of the Conservation Area or its setting.”</p> <p>Correct Map 8 reference to Map 7.</p> | <p>The title of the policy should be altered to reflect that it relates to the conservation area and setting in the interests of clarity.</p> <p>To ensure that the policy is clear what type of development may be acceptable.</p> | Agree to modify the text and map as indicated to comply with the examiner’s recommendation. |
| 6.4 Infrastructure Policy G14: Supporting Improvements to Accessibility | <p>Recommendation 15:</p> <p>Renumber policy.</p> <p>The presentation of the extract from the Leeds and Liverpool Canal Towpath Access Development Plan should be improved to the same standard as the rest of the Plan’s text. If this is not possible retain the extract but include a reference at the end of paragraph 6.4.2 to the document and page on which it is located.</p> | <p>In the interests of clarity the presentation of this extract should be improved to the same standard as the rest of the Plan’s text.</p> | Agree to modify the text as indicated to comply with the examiner’s recommendation. |
| 6.4 Infrastructure Policy G15: Development in Area of Flood Risk from Water Courses and Surface Water | <p>Recommendation 16:</p> <p>Delete policy.</p> <p>In para 6.4.9 delete the following text in brackets relating to the Saw Mill site.</p> <p>“(except for the Saw Mill site which already has planning consent for residential use of caravans and which would contribute towards the restoration of a building of historic interest through enabling</p> | <p>This policy is not in accordance with national guidance as it states only development in low risk flood areas will be acceptable. The supporting text adequately summarises the national guidance on flood risk and the policy should be removed.</p> <p>The text in paragraph 6.4.9 indicates the Saw Mill site is an allocated site when it was just a “potential allocation”. This reference should be removed.</p> | Agree to modify the text as indicated to comply with the examiner’s recommendation. |

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| | development)." | | |
| 6.4 Infrastructure Policy G16: Design for Flood Resilience and Resistance | <p>Recommendation 17: Renumber policy. Replace the first paragraph of the policy with the following; “Developments which are allowed within Flood Zone 2 and 3 should ensure appropriate flood mitigation measures are implemented, particularly the following” Include the remainder of the policy as written.</p> | <p>The policy requires flood mitigation measures in all new developments, which is contrary to national guidance. It is only appropriate to require flood mitigation in areas of flood risk i.e. flood zones 2 and 3. In areas of low risk flooding including flood zone 1, no mitigation measures should be required other than typical drainage design standards.</p> <p>The policy should not be worded in absolute terms to allow for flexibility in the type of flood mitigation suitable for different sites and proposals and conform to advice in the NPPF not to stifle innovation.</p> | Agree to modify the text as indicated to comply with the examiner’s recommendation. |
| 6.4 Infrastructure Policy G17: Design to Reduce Surface Water Run Off | <p>Recommendation 18: Renumber policy. Replace all references in the policy to ‘must’ with ‘should’.</p> | To allow for enough flexibility to provide different solutions and site scenarios. | Agree to modify the text as indicated to comply with the examiner’s recommendation. |

The Examiner, Mr Robert Bryan, has completed an independent examination of the Gargrave Neighbourhood Plan. The Summary section from the Examiner’s Report is set out in full below:

The Parish Council has carried out an appropriate level of consultation and shown how it has responded to the comments it has received. I have taken into account the further comments received as part of the consultation under Regulations 14 and 16 on the Neighbourhood Planning Regulations 2012. I have also considered certain representations made during the examination relating to the fairness of the residential site selection process.

I have recommended modifications to the policies in order to satisfy the basic conditions particularly to ensure that they provide a clear basis for decision-making in accordance with the NPPF and local development plan policies.

Subject to these modifications, I am satisfied that the plan meets the Basic Conditions, as follows:

- a) has regard to national policies and advice contained in guidance issued by the Secretary of State,
- b) the making of the plan contributes to sustainable development,

- c) the making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority,
- d) the making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,
- e) the making of the plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012, as amended by the 2018 Regulations)

I am also satisfied that the Plan meets the procedural requirements of Schedule 4B of the Town and Country Planning Act 1990.

I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if it is to be extended, the nature of that extension. There is no evidence to suggest that the referendum area should extend beyond the boundaries of the plan area, as they are currently defined.

I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area authorised by the Craven District Council.

I am therefore pleased to recommend that the Gargrave Neighbourhood Development Plan as modified by my recommendations should proceed to a referendum.