

GARGRAVE
NEIGHBOURHOOD DEVELOPMENT PLAN

EXAMINER'S REPORT

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APPENDIX 1

Relevant email correspondence carried out during examination (excludes basic acknowledgements, information exchanges etc.)

ABBREVIATIONS and ACRONYMS

The following are acronyms and abbreviations used in this examination:

Emerging Local Plan – Publication Draft Craven Local Plan (Jan 2018)

HRA - Habitats Regulation Assessment.

Local Plan - Craven Local Plan 1999, Saved Policies

NPPF - National Planning Policy Framework.

NPPG - National Planning Practice Guidance.

SEA - Strategic Environmental Assessment.

SHLAA - Strategic Housing Land Availability Assessment

The Council - Craven District Council.

The Plan - the Neighbourhood Development Plan under examination.

INTRODUCTION

1. This is an independent examination of a Neighbourhood Plan prepared by the Parish Council in consultation with the local community. The Localism Act 2011 provided local communities with the opportunity to have a stronger say in their future by preparing neighbourhood plans, which contain policies relating to the development and use of land.

2. If the plan is made, following a local referendum, which must receive the support of over 50% of those voting, it will form part of the statutory development plan. It will be an important consideration in the determination of planning applications as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.

3. I have been appointed by Craven District Council (the Council) in consultation with the Parish Council to carry out this independent examination. I am a Chartered Town Planner with over 30 years experience working at a senior level in local government and as a private consultant. I am a member of the Royal Town Planning Institute

4. I confirm that I am independent of the Parish and the Council and have no interest in any land, which is affected by the Neighbourhood Development Plan (the Plan).

5. This report is the outcome of my examination of the submitted version of the Plan.

6. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the Council puts the plan forward to a referendum and it then receives the support of over 50% of those voting, then the Plan will be “made” by the Authority as the Local Planning Authority.

BACKGROUND DOCUMENTS

7. I have considered the following documents as part of this examination:

Documents submitted for the examination

The Gargrave Neighbourhood Development Plan 2018-2032, Submission Version, Basic Conditions Statement, May 2018,
Map of the NDP area,
Consultation Statement May 2018 and attached tables 1,2,3 and 4.1,4.2.
Regulation 16 Consultation Responses
Habitats Regulation Assessment “Examination of Likely Significant Effects”, January 2018 and updated version, November 2018, David Feeney, B.E. (Environmental), MRUP, MSc, Craven DC,
Strategic Environmental Assessment, Screening Report”, February 2018 and updated version Iteration 2, November 2018, prepared by David Feeney, B.E. (Environmental), MRUP, MSc Craven DC.

Local and National Policies

National Planning Policy Framework (NPPF)¹; National Planning Practice Guidance (NPPG).
Craven Local Plan 1999, Saved Policies,
Craven Local Plan (Publication draft) January 2018,
Craven Strategic Housing Market Assessment (SHMAA) Update 2017, Final Report, November 2017,
Craven Local Plan Residential Site Selection Process, Background Paper, June 2017.

Other Documents

Results of Residents’ Feedback Forms relating to the consultation period 22.9.14 - 3.11.14,
Gargrave Call for Sites Assessment Report, updated May 2015, Kirkwells.
Gargrave Site Assessment Methodology, Kirkwells, 15.2.15,
Gargrave Neighbourhood Development Plan Informal Public Consultation (contains Ranking Order) – May/June 2015,
Gargrave Draft Neighbourhood Development Plan Autumn 2015 Public Consultation 5.11.15-21.12.15 2015 Representation Form
Draft Gargrave Conservation Appraisal, August 2016,
Gargrave NDP Proposed Local Green Spaces, Assessment by Gargrave Neighbourhood Plan Working Group (GNPWG), Spring 2016,
Gargrave Draft Neighbourhood Development Plan, Results & Ranking Order Sheet 23.07.15, Results & Ranking Order Sheet 23.07.15,
See Appendix 1 at rear for list of relevant email correspondence.

¹ The relevant version for this Plan is the NPPF, March 2012.

THE EXAMINATION

8. The nature of the independent examination is set out in Section 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

9. The examiner has to make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and if the area for the referendum should extend beyond the plan area.

10. As a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a case.

11. I visited the Plan area on the 13.12.18 and assessed the implications of the proposed Plan as part of the examination.

PROCEDURAL MATTERS

12. It is necessary to determine that the Plan complies with the following procedural matters²:

- The Plan has been prepared and submitted by a qualifying body
- The Plan has been prepared for an area that has been properly designated
- The Plan specifies the period to which it has effect, does not include provisions about excluded development and does not relate to more than one neighbourhood area
- The policies relate to the development and use of land for a designated neighbourhood area.

13. The Plan had been prepared and submitted by a qualifying body, Gargrave Parish Council. It relates to an area, which includes a small part of the Yorkshire Dales National Park. The designated neighbourhood area includes the Parish area apart from that part which was formerly within Stirton and Thorlby. The designated plan area was approved by the Council on 27.4.14 and the National Park Authority on the 25.3.14.

14. In accordance with the regulations³, the Plan sets out policies in relation to the development and use of land and does not refer to “excluded” development. It specifies the period for which it has effect (2018-2032). It does not relate to more than one neighbourhood area.

² Paragraph 8(1) of Schedule 4 B of the Town and Country Planning Act 1990 (as amended)

³ Neighbourhood Planning (General) Regulations 2012

CONSULTATION

15.The Parish has submitted a Consultation statement, which describes the process of consultation and summarises responses received up to the time of the final statutory consultation period administered by the Council from 25.6.18 to 6.8.18.

16.The Plan working group was set up in 2013 and made up of interested village residents and several Parish Councillors. A web site was established to provide information on the progression of the Plan.

17.The first consultation exercise in the summer 2014 sought feedback from the public via a questionnaire and drop-in session in September 2014. This highlighted issues of concern and importance and the proposed site allocations as part of the emerging Craven District Local Plan.

18.A “Call for Sites” exercise was carried out in January 2015 and the sites were assessed in a report published on the web site.

19.A draft Plan was prepared and the subject of consultation via a drop-in session in the village hall in May 2015 and publication on the web site through the summer of 2015. Responses were collated and a further draft sent out for formal consultation⁴ from 5.11.15 to 21.12.15.

20.The publicity of this draft included publication on the web site, leaflets posted to households and businesses, adverts in the “Craven Herald” and the Parish newsletter of October 2015.

21.At the end of this consultation it became apparent that certain technical consultation bodies had not been consulted so a further formal consultation was carried out from 8.2.16 to 21.3.16.

22.The Plan was amended following the consultation and submitted to the Council in July 2016. The Plan was then withdrawn on the advice of the Council to take account of further evidence arising from the preparation of the Craven District Local Plan. In particular, this related to revisions to the emerging Local Plan’s Strategic Environmental Assessment (SEA), Habitats Regulation Assessment (HRA) and further information on the objectively assessed housing needs. Further amendments were made to the Plan mainly to take account of this extra evidence.

⁴ carried out under Regulation 14 of the Neighbourhood Planning (General) Regulations 2012

23. The Plan was submitted to the Council and the final formal consultation⁵ was carried out from 25.6.18 to 6.8.18.

24. The submitted Consultation Statement explains the manner in which the Plan was publicised, a summary of the representations and how these were taken into account in the further drafting of the Plan. The Consultation Statement also lists all the organisations that were consulted and summarises their responses.

25. I am satisfied that the “Consultation Statement”, demonstrates a good level of consultation, which has targeted all sections of the community and allowed technical consultees and developers to be effectively involved in the emerging Plan. Some members of the public have raised issues, during the examination, regarding the reporting of representations. I deal with these issues below in relation to the policies and the specific topics raised.

BASIC CONDITIONS

26. It is necessary to decide whether the Neighbourhood Development Plan meets the “basic conditions” specified in the Act.⁶ This element of the examination relates to the contents of the Plan.

27. This Plan meets the basic conditions if:

- a) It 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,
- d) The making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,
- e) Prescribed conditions are met in relation to the Plan and prescribed matters have been complied with. The prescribed condition is that the ‘making’ of the neighbourhood 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) (either alone or in combination with other plans or projects).

28. The Parish has submitted a “Basic Conditions Statement”, to seek to demonstrate conformity. The analysis of conformity with the basic conditions is carried out below. Note this is not in the order specified above.

⁵ carried out under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012

⁶ Contained Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

SUSTAINABLE DEVELOPMENT

29. The Parish submits in the Basic Conditions Statement that the Plan complies with NPPF core policies, which ensure the Plan promotes sustainable development. The NPPF establishes that the three components of sustainability are economic, social and environmental and that these underpin all planning policy.

30. In the Basic Conditions Statement there are two tables, which itemize the manner in which various policies in the Plan meet the core principles and three components of sustainable development as referred to in the guidance in the NPPF.

31. Table 1 demonstrates that the Plan is firmly aligned with the core principles of the NPPF and the principles of sustainability, which underpin them.

32. In economic terms, in principle, the Plan supports saved Local Plan policies and the national park Local Plan, which are concerned to promote environmentally sensitive smaller scale development. I have recommended below that the draft Plan policy G5 "Tourism and Business Development" be deleted on account of certain detailed issues and have further recommended there is cross –reference to saved Local Plan and national park Local Plan policies on economic development. On this basis I am satisfied the Plan supports sustainable economic development.

33. In the social respect, the Plan protects community facilities (policy G11) and promotes health and well being through the protection of the landscape and facilities for active recreation. Policy G14 contributes with the encouragement of public transport, walking and cycling. Housing policy G3 seeks to meet the needs of the community provide a range of housing to meet local needs including affordable housing.

34. In its environmental role the Plan contains a range of policies, which contribute to sustainability. These policies protect and enhance local landscape character (Policy G12), protect local heritage assets (policy G6), assimilate new development into the conservation area (policy G7), promote high quality design (policy G8), protect local green spaces (policy G10), protect and enhance local recreational facilities (policy G11) and protect and enhance the rural landscape setting and wildlife of Gargrave.

35. I am satisfied that the Plan contributes to sustainable development as defined by the NPPF.

EU OBLIGATIONS, HUMAN RIGHTS REQUIREMENTS

36. A neighbourhood plan must be compatible with European Union Directives as incorporated into UK law, in order to be legally compliant. Key directives are the Strategic Environmental Assessment Directive⁷ and the Habitats and Wild Birds

⁷ Article 3(5) of Directive 2001/42/EC

Directives⁸. These require that consideration should be given to the need for a Strategic Environmental Assessment to assess any significant environmental impacts and /or an appropriate Habitats Regulations Assessment to assess any impact on a site/habitat recognised as protected under European legislation⁹. A neighbourhood plan should also take account of the requirements to consider human rights.

37.The Council made a Strategic Environmental Assessment (SEA) Screening Determination. It is concluded that an SEA of the emerging Neighbourhood Plan is not required and the policies in the Plan are not likely to lead to any significantly adverse effects of a social, environmental or economic dimension.

38.The Assessment highlights that the policies of the neighbourhood plan seek to avoid deleterious impacts and in Appendix V are shown to have negligible impacts. In some cases there are potentially positive impacts on social, environmental and economic interests.

39.In particular, listed buildings are protected from residential site allocations and design policies protect the locally distinctive architecture. The allocation of green spaces has health and well being benefits and diverts pressure from important designated environmental assets. There are no significant pollution threats and high flood risk is avoided. The housing policies contribute to meeting local housing needs.

40.Natural England (NE) stated it had no significant concerns regarding environmental effects but in procedural terms noted that the SEA did not adhere to the SEA European Directive, which advises it should set out SEA objectives against which the policies and allocations in the plan are assessed. During the examination the SEA was updated (Iteration 2, November 2018) to reflect this advice and the initial conclusions remain unaffected.

41.I am content with the conclusions on the SEA.

42.A draft screening opinion regarding the need for a Habitats Regulation Assessment (HRA) was prepared in early 2016. Following advice from NE, a stage 2 appropriate assessment was then prepared to identify “Likely Significant Effects” of the Plan’s policies, either alone or cumulatively with other Plans relating to the vicinity of the Plan area. The potential impacts on the North Pennine Moors SAC and SPA, the South Pennine Moors SAC and SPA Phase 2, the Craven Limestone Complex SAC and Malham Tarn Ramsar site were examined.

⁸ European Directives 92/43/EEC and 2007/147/EC transposed into the Conservation of Habitats and Species Regulations 2010.

⁹ Often referred to as Natura 2000 sites and include Ramsar sites - wetlands of international importance, Special Areas of Protection (SPA) - providing protection to bird habitats and Special Areas of conservation (SAC) - protect a variety of plants animals and habitats.

43. It is concluded the Plan establishes a reasonable and pragmatic strategic approach to appropriately reduce the risk of adverse impacts. This includes allocating and distributing proposed development sites effectively, providing pathways for green infrastructure networks, and maintaining and establishing alternative recreational sites in the form of local green spaces and otherwise. The Plan is shown to have negligible impacts, or in many cases to have potentially positive impacts on designated site protection. It is concluded that any significant adverse effects are capable of being avoided and/or mitigated.

44. Natural England (NE) responded at the regulation 16 stage that they were “broadly satisfied” with the HRA. However they advised *“that more details should be provided in relation to the assessment of recreational disturbance on the North Pennine Moors Special Area of Conservation (SAC) and Special Protection Area (SPA) alone and in-combination with the wider Craven Local Plan and the assessment of traffic emissions on the North Pennine Moors Special Area of Conservation (SAC) and Special Protection Area (SPA) in combination with the draft Craven Local Plan and Harrogate Local Plan.”* The emerging Local Plan HRA was then updated and NE responded that they concurred with the conclusion that in terms of the impacts of the Craven and Harrogate Local Plans there are no adverse effects on air quality and the integrity of the North Pennine Moors SAC and North Pennine Moors Special Protection Area.

45. Following my request, the HRA was updated in turn to take account of associated updates to the emerging Local Plan HRA, which allowed an assessment of the air quality and recreational impacts. The updated HRA maintains the position of no likely significant effects on the basis that the Neighbourhood Plan development allocations are contributing little traffic to the cumulative total envisaged in the emerging Craven and Harrogate Local Plans.

46. The updated Neighbourhood Plan HRA also adds analysis of the recreational impacts of extra people living close to the designated areas. It is concluded that there is no significant impact of the extra development and particular locations of development sites in Gargrave. Any impact is to an extent mitigated by the protection of existing green spaces, which are closer to the proposed allocated sites than the SPA/SAC sites. Furthermore, the updated HRA notes the location of the allocated sites for developments do not unduly interfere with supporting habitats for species in the designated areas.

47. Natural England has responded to the District Council that in terms of the cumulative impact of the traffic emissions with the emerging strategic local plans they consider there are *“no adverse effects on the integrity”* of the SPA/SAC sites. Natural England has not within the reasonable time limits of this examination responded to the amended HRA in relation to the recreational impacts but in view of its earlier expressed broad satisfaction and that the updated HRA clearly demonstrates no reasonable potential for likely significant effects I am content with the overall analysis and conclusions of the HRA. I am satisfied that the HRA complies with the basic conditions as amended by the Conservation of Habitats and

Species Regulations 2012, as amended by the 2017 Regulations.

48.I note that the statutory consultees Historic England and the Environment Agency were consulted at two relevant stages in the process and were made aware of the changes to the settlement boundaries and the removal of some site allocations. Neither of these bodies raised an overriding objection to the SEA or HRA reports.

49.I do not consider the Plan raises any issues under the European Convention and the Human Rights Act 1998. In terms of the Article 6 of the Act and the right to a “fair hearing” I consider the consultation process has been effective and proportionate in it’s efforts to reach out to different groups potentially affected. Consultation responses have been taken into account in a satisfactory manner during the processing of the plan. There have been some concerns regarding the consultation process in relation to the choice of the housing sites, which I have dealt with as a specific issue below.

CONFORMITY WITH NATIONAL AND LOCAL STRATEGIC POLICIES

50. The Parish states in the “Basic Conditions Statement” that the Plan takes into account national planning policies and guidance in the NPPF and is in general conformity with local strategic planning policies.

51.Table 1 in the “Basic Conditions Statement” demonstrates in relative detail that the Plan takes into account the core planning principles outlined in the NPPF. I am satisfied that the Plan takes account of national advice apart from those instances where I have recommended Plan modifications referred to below.

52.The “Basic Conditions Statement” provides more detail to demonstrate the Plan is in general conformity with strategic policies in the adopted Craven Local Plan 1999 Saved Policies and the Adopted Yorkshire Dales National Park Local Plan 2015 - 2030.The emerging Local Plan is not yet at a stage where its has to be regarded although evidence produced in connection with it can be used to inform policies as explained in national planning policy guidance (NPPG).¹⁰ The table 3 in the “Basic Conditions Statement” analyses each of the Plan’s policies in relation all three of these Plans.

53.This demonstrates that the Plan is broadly in conformity with strategic policies. I have however identified some modifications below, which are necessary to fully achieve this.

54.I also note that at the end of each policy chapter there is reference to the relevant supporting local planning policies.

¹⁰ Paragraph: 043 Reference ID: 41-043-20140306

55. I am satisfied that the Plan is in general conformity with strategic policies subject to my modifications below which refer to certain matters of detail.

RECOMMENDATIONS IN RELATION TO BASIC CONDITIONS

General Matters

56. I have made recommendations below, which will allow the plan to conform to “basic conditions”. Where I am suggesting modifications I have given reasons. In cases of minor grammatical or formatting issues, I have simply highlighted the need for correction.

57. I have taken into account all aspects of the representations received during the Plan process. In some cases these do not require specific reference or highlight of particular issues as they do not in my view effectively raise a concern that the Plan does not conform to basic conditions.

58. In some cases due to the specific and detailed nature of a representation and its relevance to “basic conditions”, for ease of reference, I have referred to the author of the representation by name.

59. I have explained my recommendations in accordance with the order and format of the Plan and expressed them in bold type at the end of the various sections

60. I 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.

RECOMMENDATION 1

Insert a glossary as an appendix to the Plan.

POLICY G1 New Housing within the Settlement Boundary

61. The supporting text sets out the basis of the site allocations and the settlement boundary. It explains there was a thorough process of site selection involving a “Call for Sites” public consultation in February 2015. A Call for Sites Assessment Report was prepared and included sites identified in the Council’s Strategic Housing Land Availability Assessment (SHLAA) and one further site identified by the Parish Council’s “Call for Sites”. A systematic scoring system was applied based on criteria which align with the vision and objectives of the Plan, the national and local strategic planning policies and principles of sustainability. This process has factored in adequate community consultation.

62. The policy is in general conformity with the saved Local Plan policies, which identify the village as a local service centre and evidence relating to the emerging local plan. The most recent housing needs survey, which informs the emerging plan, establishes that the village as a “Tier 3 Settlement Local Service Centre” will have to provide 116 dwellings in the Plan period, once commitments have been taken into account.

63. The policy establishes the settlement boundary based on the need to allocate 116 dwellings. It further establishes a number of criteria for accepting smaller scale new housing within the settlement boundary, which is not allocated. Some of these require further definition and clarity in order to meet the requirements of government advice in the National Planning Policy Guidance (NPPG)¹¹ that “*A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications.*”

64. The policy establishes some planning criteria but the introductory paragraph should cross-refer to other planning policies including those in this Plan. Whilst a wide range of statutory policies are relevant to any development proposal in view of the particular wide-ranging nature of planning issues relating to housing proposals, it would establish more clarity by signposting to the wider policy context.

65. 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.

66. Criterion 1 states sites should be “well-related” which is rather vague. Policy G8 1, Promoting High Quality Design”, provides a more informative reference.

67. Criterion 2 would benefit from elaboration as to what constitutes “good accessibility”.

68. Criterion 4 is too prescriptive in reference to development being unacceptable on all open spaces or recreational areas. These areas need further qualification.

69. Criterion 5 refers to loss of employment opportunities, which needs qualification. Planning policies should be rooted in land use matters and the policy should refer to sites and buildings in employment use and consider when such uses are not viable. Furthermore, employment opportunities are associated with a range of different uses some of which provide a relatively low number of jobs and on sites, such as retail,

¹¹ Paragraph: 041 Reference ID: 41-041-20140306

cafes, restaurants which are not necessarily primarily suitable for employment use. In planning terms, therefore, it is not justifiable to protect all employment generating sites and uses. No evidence has been provided in the Plan to this effect. I consider that only B Class¹² business and industry uses provide significant employment opportunities and this should be reflected in the policy. This covers office, business and industrial uses.

70. Criterion 6 relates to flooding and should refer to national policy and this Plan's policies.

71. Criterion 7 should refer to highway safety.

72. Criterion 8 is seeking to minimise the intrusive impact of new development by utilising existing buildings and to ensure their sustainable use. This can only apply to buildings of some architectural or historic interest, which are in reasonable condition.

73. Criterion 9 should refer to Plan policy G13 "Significant Views".

74. Criterion 10 should refer to Plan policy G8 1 "Promoting High Quality Design";

RECOMMENDATION 2

Add a new paragraph in the supporting text 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."

Amend Policy G1 as follows;

At the end of the introductory paragraph of the policy add "and conform to other statutory planning policies, including those in this Plan".

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";

Amend Criterion 2 to "Sites have good accessibility and where possible connect with relevant footpaths and cycle ways";

Amend Criterion 4 to "They do not contravene Policy G10 "Local Green Space" and Policy G11 "Protecting and Enhancing Local Recreational Facilities";

¹² as described in the Town and Country Planning (Use Classes) Order 1987, as amended.

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”;
***Use a footnote to explain it is as described in the T &CP (Use Classes Order) 1987, as amended.**

Add to the end Criterion 6 “in accordance with national policy and Plan policies G16 and 17 (as re-numbered).

In Criterion 7 after “adversely” add “on highway safety”.

In Criterion 8 add “which are of architectural or historic interest and in sound condition.”

In Criterion 9 add “ and conform to Plan policy G13 “ Significant Views”.

In Criterion 10 add “and conform to Plan policy G8 1, “Promoting High Quality Design”.

POLICY G2 Site Allocations

75.This policy allocates sites for residential development within the settlement boundary. It is based on a process to meet the objectively assessed housing needs for the Plan area, which is 116 dwellings over the Plan period.

76.The identification of sites has involved a “Call for Sites” and a process of scoring to identify the preferred options. The Council’s Strategic Land Availability Assessment (SHLAA) has also been used to identify sites for consideration. The scoring system is explained in Kirkwells “Site Assessment Methodology, 15.2.15” and was based on criteria relating to achieving sustainable development including proximity to services, facilities, avoiding impact on heritage assets, avoiding flooding and use of the most versatile agricultural land.

77.There are no overriding objections from technical consultees to the selected sites. In particular the highways and flooding issues have been accounted for in the site selection process. Comments from the County Council Highways Authority are included as an appendix to the Plan on some of the proposed allocations whilst the remainder i.e. Neville House and Eshton Road sites, are covered by the evidence relating to the emerging Local Plan.

78.There is a rationale in the supporting text to justify the site selection process. The scoring of sites, technical constraints and public comments are factored in to the sites, which were chosen and the supporting documents and Plan text provides an adequate explanation in relation to the identified sites. The scoring of sites is consistent with that of the emerging Local Plan site selection process. All the sites are assessed in a proportionate manner and the scoring and final choice explained in a rational, transparent manner.

Concerns about the consultation process

79. The Parish Council state community support was factored into the decisions on site allocations. During the examination I received correspondence from the community that some responses to the Plan consultations are not referred to in the Consultation Statement or text in the Plan. I considered that these matters should be investigated in the interest of assessing basic conditions relating to fairness and human rights, despite the fact that the opportunity for public comment on the Plan had passed. I made it clear that as the formal consultation period had passed and the planning context affecting the plan had not changed since that time, I would only consider procedural issues in relation to the fairness of the consultation procedures and not comments relating to the planning merits of the draft Plan.

80. There were some concerns that the Parish Council had not accurately referred in the Plan documents to consultation responses, particularly relating to comments (referred to as “votes” by concerned residents) on the site selection process at the informal stage of plan preparation up to the summer of 2015. At my request, the Parish Council agreed to investigate the situation regarding site selection and public consultation.

81. Residents who formed the Marton Road Working Group (MRWG) articulated particular concerns in relation to the allocation of the Marton Road site ref G2/4, land west of Walton Close. The Parish Council agreed to undertake a review of the concerns raised by the group with regard to the Marton Road site and the procedure for its selection. The Parish also responded to a “freedom of information” request from MRWG to inspect its records of the public consultation responses to site selection.

82. The Parish Council held a meeting on the 14.12.18 to review these concerns and forwarded the minutes to myself.

83. It was accepted by the Parish Council that table 3 (page 39) in the Plan may not be a fully accurate reflection of informal consultation responses i.e. prior to the regulation 14 stages but that was an “honest mistake”. The Parish Council had a re-examination of the returns in relation to the informal consultation responses in May/June 2015 to the Marton Road site. Current members of the Parish Council who were not members at the time and had no involvement with the Plan carried this out. The revised figures were 36 in support of and 9 objections to the Marton Road site (ref: G2/4) compared to the initial figure reported in table 3 of the Plan, of 42 in support and 2 objections. The Parish also submitted the “Minutes of the Gargrave Neighbourhood Plan Working Group dated Wednesday 24 June 2015” which indicate the responses to this site (then referenced G2/10) was 39 support and 12 opposed.

84. There are clearly some discrepancies but I do not consider these are materially different to undermine the credibility of the consultation process on site selection.

85.The Consultation Statement analysis of the informal stages of consultation provides a summary of the main issues and concerns in public responses to the Plan in process. In accordance with the regulations¹³ a summary is provided in Appendix 1 to the Consultation Statement rather than precise tabulation. The use of a summary is particularly appropriate to the informal stages as opposed to the formal consultation stage.

86.In this case, whilst there is some variation in the figures produced by the Parish it is a relatively small deviation. I do not consider that the precise tabulation of the numbers of residents (or 'votes') either supporting or objecting to sites at the informal stages of Plan preparation is necessary to demonstrate adequate transparency or justify site selection. There have been concerns that not all Parish Council meetings were minuted. However, the Parish Council asserts that the important formal meetings of relevance to the Plan are minuted. I consider, regardless of concerns about the minutes, the submitted Plan documentation explains that the process allowed adequate proportionate public involvement in site selection and the Plan process in general. The fact that some minutes were not available during plan formulation is regrettable but given the availability of other information not detrimental to fairness in my view.

87.There was ample further opportunity for the public to make comment at the regulation 14 and 16 stages, and the Parish Council informs me, these public responses have been properly represented in the Plan documents. The Council has further confirmed that all the regulation 16 consultation period consultations have been forwarded to myself. I have only received allegations rather than firm evidence that the responses to the formal consultation have not been referred to in the Consultation Statement. Even if the claims of mis-representation at the informal stages are correct, on the basis of the evidence, I do not consider they are material in terms of the ultimate outcome, on account of the subsequent opportunities at the formal consultation and referendum stages.

88.I have assessed the Consultation Statement and the regulation 16 responses and am satisfied that the comments received have been properly taken into account. The different referencing of the sites at stages of the consultation process appears to have created an element of confusion but this is not of overriding significance to the fair consideration of the sites in my view.

89.I have recommended that Table 3 in the Plan be modified as a result of the apparent errors in representing the informal stage responses. In response to concerns from Mr. Adams, I do not consider that including those who supported all the proposed sites at the regulation 14 stage as supporting "votes" in relation to the individual sites is prejudicial to the process. Furthermore, it is not necessary to produce the precise figures for representations on sites in the Plan itself and these

¹³ Regulation 15 of the Town and Country Planning (General) Regulations 2012, as amended.

are better located as an appendix to the Consultation Statement where there is a detailed reference to the public consultation response.

90. 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. I explored this with the Parish Council and it forwarded to me the document (via a new link) of the 2014 consultation responses to which this link refers. This new link should be inserted and the document summarising the consultation outcome added as an appendix to the Consultation Statement.

91. The Marton Road Working Group (MRWG), which was the primary source of these concerns highlighted that a highway analysis of the inadequacies of the capacity of Marton Road was not factored into the regulation 14-stage analysis. The Parish Council subsequently pointed to its reference in the table 4.2 of the Consultation Statement as part of the Johnson Brook comments on pages 23 and 25-31. I am satisfied that this was received and considered. I note that there are no objections to the allocation of this site by the County Council Highway Authority.

92. Following a freedom of information request relating to consultation response records, the MRWG submitted its response via an email attachment on the 3/1/19 and reiterated and added concerns. My reaction to these are largely covered above, however, I wish to make the following further comments in relation to the fairness of the process. I do not accept that the absence of documentation and records of response to the early stages of the informal consultation is significant as, again, this is an informal preparatory stage of the process followed by ample opportunity for public comment. I consider the "Call for Sites" approach to scoring and recommending sites and the subsequent analysis by the Parish to be based on sound criteria as explained above in paragraphs 76 to 78. Whilst the regulation 14 consultation revealed a majority opposing the Marton Road site, I consider that the response to the comments on the site in the tables 4.1 and 4.2 of the Consultation Statement explain adequately the reasons it is appropriate for allocation despite the objections. I can find nothing in this statement, which alters my conclusions above that on the whole the process has been adequate and fair.

93. I am satisfied that the site selection was based on a rigorous and fair process.

Analysis of the Policy

94. The total proposed housing numbers is 61 but this is to be supplemented by the site allocated as part of policy G4 relating to Extra Care Housing which is examined in detail below. I am content that with the addition of this site the housing numbers allocated is in conformity with strategic policies. I note the Council has not objected to the policy in terms of it meeting the strategic housing target and identified needs.

95. The policy is formatted in a manner that contains maps of the locations of the sites and guidance regarding the appropriate design and layout for each site. This guidance is valuable but it is worded rather flexibly in some cases and could be

confusing. This could be avoided with an acknowledgement in the policy that this is “guidance” reflecting its flexibility, rather than absolute requirements, which will be taken into account in considering proposals for development on the respective sites.

96. During the examination, I queried that the proposed allocations at Land to the east of West Street ref; G2/1 and Paddock at Knowles House ref G2/3 did not appear to show access to a public highway and were therefore effectively not deliverable. The Parish Council subsequently 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 NPPF¹⁴ requires Plans to be deliverable.

97. In the light of this I sought the views of the District Council in terms of the need to meet the objectively assessed housing needs in the area. It confirmed that if site GA009 (land at Eshton Road for extra care homes) was allocated in the Gargrave Neighbourhood Plan the total potential yield from sites GA009, G2/2 & G2/4 would be 118 dwellings, which is two dwellings more than the gross residual housing requirement for allocation in Gargrave of 116 dwellings. If, however there was any shortfall, the Council considered that, based on past trends of the net gain of dwellings on small sites below 5 dwellings in Gargrave, the shortfall could be addressed through the allowance made in the Craven Local Plan relating to small sites and dwellings in the open countryside.

98. I confirm below in the assessment of Policy G4 that site GA009 should be allocated and I concur with the Council’s view that the housing target can be met despite the deletion of the two sites (Ref: G2/1 and G2/3).

99. There are references in the policy and table 3 relating to each site of the potential capacity for the number of dwellings. This should also not be taken as an absolute requirement for reasons of flexibility and to avoid confusion. Other design policies and national guidance regarding the efficient use of land can be invoked if necessary if it is considered a proposal represents over or under development.

100. The specific requirement for open space to be integrated in the design of the site G2/4 would be given the requisite clarity regarding the extent of the open space, if there was a cross reference to the Local Plan policy SCR2 “Provision in Recreation Space in New Housing Developments” and any subsequent policy relating to open space provision.

101. In conclusion, I am satisfied that the policy meets basic conditions.

Comments on objections to this policy as part of the formal public consultation

¹⁴ Paragraph 173 of the NPPF

102. There are representations regarding some sites proposed as local green space under policy G10 where it is submitted the sites are more suitable as a residential allocation. I have considered these below under policy G10, below.

103. Mark Johnson of Johnson Mowat, Planning Consultants supports residential allocation of the land east of the cricket pitch, Skipton Road (site GA025). He states that the main reason for not selecting it in this Plan was that the majority of the site was considered to be in a high flood risk area (Zone 3) but the Environment Agency has now accepted recent flood-modelling work carried out by a potential developer and confirmed the site is at the lowest risk of flooding (zone 1). I enquired of the Council who confirmed that a recent application to develop the site was refused on the basis it was outside of the settlement limits defined by the adopted Local Plan but not on flood risk grounds. The EA had no objection to this application provided that the development was built in accordance with the submitted Flood Risk Assessment (FRA).

104. The Council has confirmed that at the time of the site selection process relating to the emerging Local Plan, the majority of the site (ref: GA025) was located within the high risk EA flood zone 3, therefore, given this constraint and sequential testing of all potential allocations in Gargrave, it was not considered for allocation in the emerging Local Plan. The Environment Agency has stated the flood maps are the subject of a potential update this year but the Council has confirmed that this has not yet happened and the current (Dec 2018) flood risk map relating to this site has not changed and it is still in a high flood risk area. The Council further emphasizes in an email of 10/12/18, received during the examination, that the Local Plan site selection is based on the Plan's Strategic Flood Risk Assessment and not individual site assessments.

105. The Kirkwells "Call for Sites Assessment Report" states the site relates quite well to the settlement and development on that part not susceptible to flooding would be appropriate. However, this Plan's site selection process concludes with a statement in the Plan supporting text that the site is not, on full analysis, acceptable as it is technically in a high risk flood area, does not adjoin the built-up area and is in open countryside. I note also that the Council in its assessment relating to the Local Plan states the site is an open site, adjacent to a scenic part of the canal and is not attached to any existing residential or employment development in the village.

106. I agree on the basis of my site visit with the evidence that the site is relatively separate from the main built-up area due to separation from it by the cricket and football pitches.

107. The recent Environment Agency view of the flood risk status of the site has not been considered as part of the emerging Local Plan examination. It is not necessary for this Plan to generally conform to the emerging Craven Local Plan, but it is at a relatively late stage in the process and the evidence relating to it is relevant. The emerging Craven Local Plan considers the site to be unacceptable compared to other sites on account of the current formal technical flood risk status. Flood mitigation

works would have to be carried out on the site to allow for its full development. The NPPF requires that a sequential approach be adopted towards development such that sites of lower risk flooding potential are given priority. This guidance is relevant here where there is a higher risk of flooding than sites proposed for allocation. I also agree on the basis of my site visit with the view that the site is not well related to the built form of the village

108.I conclude therefore that the Plan site selection process and evidence relating to it are sufficiently robust¹⁵ in terms of national guidance to justify that the site is not selected for residential allocation. Furthermore, the site is not suitable for development in terms of the sequential approach, which in accordance with national guidance should be applied to the allocation of sites in relation to flood risk.

RECOMMENDATION 3

In the Consultation Statement paragraph 2.1 delete the electronic link to the “Results of Feedback Forms” to the consultation in the summer of the 2014. Insert the document to which this refers i.e. included in the link sent to the examiner by email on the 20.12.18, as an appendix to the Consultation Statement and include an appropriate reference in the paragraph 2.1.

Alter the opening paragraph of the Policy G2 as follows:

“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:”

In the policy text insert the word “indicative” before the reference to “capacity” or “Potential Capacity”,

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.

Add the following bullet points to paragraph 6.1.15;

“

- Site GA003 (OptionG2/1) land to the east of West Street has no proven access to an adopted highway**

¹⁵ See NPPG Paragraphs: 013 Reference ID: 12-013-2070728 and Paragraph: 040 Reference ID: 41-040-20160211

- **Site GA010 (Option G2/3) Paddock at Knowles House has no proven access to an adopted highway**

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.”

Delete table 3 on page 39. Include the amended table 3 submitted by the Parish Council to the examiner on the 17th December 2018 in the 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.

POLICY G3 Ensuring an Appropriate Range of Tenures, Types and Sizes of Housing

109. This policy reflects national guidance and strategic policies, which seek to ensure the type of housing provided matches the identified housing needs of the area. The policy, however, requires reference to the latest available housing needs survey i.e. SHMA as a guide to determining housing mix both for market and affordable housing. The exclusion of 1 and 2 dwelling unit sites from these requirements subject to monitoring is acceptable as such sites offer less flexibility. However, this element of the policy should be framed with greater clarity.

110. The policy also refers to affordable housing and in these respects meets national guidance and is in conformity with strategic policies including the evidence relating to the emerging local plan.

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.”

POLICY G4 Supporting Care Home Provision in Gargrave

111. The policy title includes the term “care home” and there is reference to it in this manner within the policy wording. However, the supporting text refers to extra care housing which is a more flexible term relating to a broader provision and extent of

care housing not just direct care in a home(s) as described by Class C2 Residential Institutions¹⁶. The concept of extra care housing as described in the County Council's "2020 North Yorkshire Care and Support Where I Live Strategy (2015)" is providing different levels of care to people in their own homes, rather than in institutional accommodation.

112.A site has not been specifically allocated in the Plan but a potential site identified and the settlement boundary adjusted to allow its development. This site, south of Eshton Road ref: GA009 Eshton Road, has also been identified in the emerging Local Plan as a potential site to provide extra care housing as part of fulfilling the need in Gargrave, identified in the County Council's Strategy referred to in the previous paragraph.

113.The Neighbourhood Plan "Call for Sites Assessment" expressed some reservations that the site is partly subject to flooding, poorly related to the village, important to the setting of the village and views of the national park and the canal, which is a key amenity corridor. It scored 13th out of 21 sites in the Assessment but has been selected as part of the Local Plan Site Selection Process. However, the Parish Council is prepared to adhere to the Local Plan site selection outcome in the interests of meeting the County Council's Strategy.

114.I am concerned that the site is identified as contributing towards meeting the housing targets for the Plan area but is not allocated. The Plan needs to establish certainty that it can deliver to meet the latest housing targets, which identify a need for 116 dwellings.

115.The site has been subject to a site selection procedure and identified in the emerging Local Plan as a housing site. I am satisfied that the rigorous process undertaken to select the site for the Local Plan also supports an allocation in the Neighbourhood Plan. The allocation is clearly in accordance with the latest evidence relating to the emerging Local Plan to respond to an identified need for this type of accommodation, which will contribute to meeting housing targets. The site is of a scale, which the evidence of the Local Plan indicates can accommodate approximately 60 extra care dwelling units and there is no evidence that there is an alternative preferred option identified in the site selection process, both in the Local Plan and this Plan.

116.During the examination the Council confirmed that it has no objections to the allocation of the site in this Plan. Furthermore there have been no overriding objections to the settlement boundary or policy G4 in the public consultation relating to the Neighbourhood Plan. It is made clear in the final submitted version of the Plan that the Parish Council wish to promote this site for extra care accommodation by inclusion of this site within the settlement boundary. The site is marked clearly on the map 1 as a site proposed for allocation for housing in the emerging Local Plan.

¹⁶ As described in the Town and Country Planning (Use Classes Order) 1987, as amended.

117. It is clear that the intention of the Plan as it has gone through the final stages of public participation is that the site should be for housing. Whilst there have been objections to the site selection process in the final (regulation 16) consultation on the Neighbourhood Plan from developers promoting alternative sites, I consider these are not sufficient to override the choice, based on the evidence, to allow for development of this site.

118. I recommend therefore that this site be allocated to provide for housing, which includes extra care housing in Class C3 as defined by the Town and Country Planning (Use Classes) Order 1987, as amended. The site is in the ownership of the County Council, which is responsible for the care and support strategy and there is a strategic need identified for extra care housing in Gargrave, identified in the "Care and Support Here I Live Strategy". The supporting text and policy guidance can explain that the preference is for extra care housing. No further design guidelines can be specified at this stage, as these have not effectively been through public participation. However, I consider given other national guidance and strategic policies including those in this Plan then this will not be problematic in securing a satisfactory design.

RECOMMENDATION 5

Delete the proposed policy text for policy G4.

Replace the policy title and text as follows:

"Policy G4 Extra Care Housing in Gargrave

The following site is identified for housing development, including extra care housing:

- ***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.

Include the following after the map as policy text;

"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."

Amend paragraph 6.1.16 as follows;

"Delete the fifth sentence in this paragraph.

Amend paragraph 6.1.28 as follows;

At the start of the first sentence insert:

“The residential site selection process in.... ”. Delete the last sentence in the paragraph.

POLICY G5 Tourism and Business Development

119.The policy is seeking to promote tourism and business development at a scale and intensity appropriate to the rural setting of the village and immediate area. In these respects the basic principle is in conformity with the saved Local Plan policies but the detail is not.

120.Local Plan Policy EMP5. “New employment development outside development limits and established industrial areas (excluding conversions)”, establishes a presumption against new buildings for these uses outside of settlement development limits. It allows new buildings exceptionally if a case can be made that it is essential to the socio-economic needs of the area and subject to certain criteria, mainly relating to protecting the environment and satisfactory design. The draft Plan policy does not refer to the need to limit development to the “development limits” i.e. settlement boundary and has no distinction between the village and the outlying rural area. The policy is therefore not in conformity with this strategic policy.

121.The policy also is confusing in that the first phrase is effectively repeated in the following criteria.

122.The Criterion 4 is vague in requiring that it enhances and complements the existing important tourist industry. It would be difficult to determine whether a proposal complemented the existing tourist industry and the objective of this criterion is not clear. It militates against new forms of tourism. This criterion also contains the imprecise phrase “rural feel”.

123.The last paragraph in the policy is also not clear in the circumstances in which priority may be given to change of use of buildings. This would only seem possible where there was scope to convert a building rather than erect a new building.

124.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.

125.In view of the extent of divergence from the adopted Local Plan policy and the modifications required, it is not possible to modify the proposed Plan policy without totally re-drafting it, which is not the role of the examiner.

126.It is nevertheless important that the Plan cross-refers to the Local Plan policies seeking to promote these activities. I have therefore recommended modifications as appropriate to delete the policy text but retain supporting text as amended. Most of the proposed supporting text provides a valuable local focus for the application of the local plan policy to the Plan area.

RECOMMENDATION 6

Delete the policy G5 text but retain all the supporting text.

Add the following paragraphs after 6.2.5;

“ 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.

This Plan fully supports the existing saved Local Plan policies and National Park Local Plan relating to employment, as listed below.”

Under the title heading “Local Planning Policies” insert the following extra policies under the Adopted Craven Local Plan column.

“Employment Development

EMP4. Employment Development within Development Limits and Established Industrial

Areas

EMP5. New Employment Development outside Development Limits and Established Industrial Areas (Excluding Conversions)

EMP6. Extensions to Existing Employment Uses

EMP7. Change of Use from Industrial to Non-Industrial

EMP8. Conversion of Buildings to Employment Use

EMP9. Conversion of Buildings to Employment Generating Uses with Ancillary Living Accommodation

Tourism and Tourist Development

EMP10. Tourist Attractions

EMP11. Tourist Development Opportunity Sites

EMP14. Rural Buildings for Tourism Related Use

EMP15. Camping Barns

EMP16. Static Caravans and Chalets

EMP17. Camping and Touring Caravan Sites

EMP18. Permanent Buildings on Camping, Caravanning and Chalet Developments

EMP19. Occupancy Conditions ”

Add the following to the Yorkshire Dales National Park Local Plan column.

“BE1 Business development sites

BE2 Business development sites

BE3 Business development sites

BE4 Business development sites

BE5 Business development sites

BE6 Business development sites

BE7 Business development sites

T1 Camping

T2 Touring caravan sites

T3 Sustainable self catering visitor accommodation

T5 Indoor visitor facilities ”

POLICY G6 Protecting Local Heritage Assets

127. This policy follows the principles in the NPPF but it does not cover various nuances. For example the need to consider “public benefit” in certain exceptional cases¹⁷, which may take precedence over heritage concerns. Furthermore, the difference in policy approach for non-designated heritage assets¹⁸ referred to in paragraph 135 is not emphasised. This should be remedied with a cross-reference to the NPPF in the policy.

RECOMMENDATION 7

Renumber the policy

**At the end of the first sentence in the policy text add;
“in accordance with guidance in the National Planning Policy Framework.”**

In paragraph 6.3.2 delete “of the river”.

POLICY G7 Development in the Conservation Area

128. The policy is in accordance with national guidance and conforms to strategic policies in the relevant Local Plans.

129. It is a valuable addition to statutory policy to include reference to the Draft Conservation Area Appraisal. However, 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 area and important views have lesser significance. This should be remedied by a general reference to all aspects of the Draft Appraisal.

RECOMMENDATION 8

Renumber the policy.

¹⁷ Paragraphs 133 and 134 of the NPPF

¹⁸ Paragraph 135 of the NPPF

Add a further sentence to the end of the first paragraph in the policy text as follows;

“The Draft Gargrave Conservation Area Appraisal, 2016 (or subsequent final versions) will be a relevant factor in determining the distinctive local character. ”

The key to map 7 was difficult to read in my hard copy of the Plan. This should be reformatted to make it clearer.

POLICY G8 Promoting High Quality Design

130.This policy is in accordance with the NPPF and strategic policies in seeking to reinforce local distinctiveness and design, which is appropriate to a rural area close to a national park.

131.Some alterations are required to the policy text to make it clearer and easier to implement.

132.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.

133.Criterion 3 –It is unreasonable to require extensions shall all be small scale without reference to the host building.

RECOMMENDATION 9

Renumber the policy.

In all criteria replace all “must” references with “should.”

Criterion 2 – Amend the last sentence as follows;

“Design and Access Statements should demonstrate how proposals take account of the locally distinctive character of the area. ”

Criterion 3 – Amend as follows:

“Extensions shall be subordinate in scale to the original building.”

Criterion 4 – Replace all “must” references with “should.”

¹⁹ Paragraph 59 of the NPPF

POLICY G9 Planning Out Crime

134. This policy is based on national guidance²⁰, which advocates a role for planning in designing out crime.

135. The policy includes a statement that the Police representative for designing out crime should be consulted. This is a matter of planning application process, which is not appropriate for inclusion in a policy. This can however be included in the supporting text.

RECOMMENDATION 10

Renumber the policy.

In policy G9 delete the last sentence and add it as the last sentence to paragraph 6.3.14.

POLICY G10 Local Green Spaces

136. This policy is properly evidenced with clear reference to the criteria in the NPPF regarding green space allocation. Table 4 highlights the attributes of the local green spaces and confirms their selection for this designation in the Plan.

137. The policy should refer to the criteria, which will be applied to them in the face of development proposals. The NPPF²¹ states that these spaces will be afforded the same protection as sites in the green belt.

138. On the map there is an area shaded green to the west of Mark House Lane, which is not designated as local green space according to the description of area 8. These areas are the same colour, which is confusing. The map should be amended to show more colour difference for these areas.

139. There is a representation from WBW, Chartered Surveyors on behalf of a client, about the inclusion of site 5 "Field and part of field north of Church Close farm, off Marton Road" and site 6 "Fields west of the old School House/Cottage" as local green spaces. It is submitted that these two sites are more suited to housing as they are in a more sustainable position than sites allocated for housing, as a result of their close proximity to infrastructure in the centre of the village and more favourable pedestrian links.

140. I deal with the site selection process above in relation to policies G2 and G4 but in terms of local green space, the Plan states site 5 is valued for its affording of long distant views of the listed St Andrews Church, the Pennine Way and its contribution to the setting of the scheduled monument, the moated site west of Paget Hall.

²⁰ Paragraph 69 of the NPPF

²¹ Paragraph 77 of the NPPF

Similarly, it is submitted site 6 contributes to the setting of the moat and the adjacent Pennine Way.

141.I note that both these sites are at a strategic point in the Conservation Area identified in the Conservation Area Appraisal as making a strong contribution to the character and appearance of the Conservation Area. Also, they are identified as containing two views (MF5 and MF6) classed as moderately significant. The importance of these views is further emphasised in policy G13 in this Plan, which classes them as “significant” and worthy of protection and enhancement.

142.I consider this evidence supports the designation of these sites as local green space in terms of the NPPF criteria, particularly as a result of their value to the Conservation Area and the scheduled monument. This overrides the claim that they should be allocated for housing in my view.

143.An objection was received from Mr. Clark regarding the designation of site 7 “Smaller linear pasture bounded by Church Street, Church Lane and Riverside”. A number of points are advanced suggesting the site is inappropriate as local green space and should be a residential allocation. Mr. Clark questions the validity of the Parish Council’s Local Green Space Assessment and proposes an alternative scoring for the site in terms of the site selection criteria applied to residential development in the “Call for Sites Assessment Report”, 2015. He further demonstrates support by the community at the informal consultation stage for designation of the site as an infill residential allocation.

144.However this site was allocated as an “important open space” in the Local Plan but this was under policy BE1, which was not saved in 2007. Nevertheless, I consider this gives weight to the value of the site as open space on the basis of the previous affirmation. I note further that an appeal ref: APP/C2708/A/14/2228873 in January 2015 relating to a dwelling on part of the site was dismissed and reference was made in the decision to the importance of the Local Plan designation.

145.Mr. Clark advances evidence to seek to demonstrate that in terms of the NPPF criteria the site is not appropriate as local green space. He states no attempt is made to demonstrate why it is visually important and points out that it is enclosed by residential properties and there are limited views of it. The Local Green Space Assessment document, supporting the Plan, however, does demonstrate this satisfactorily in my view and, following my site visit, I concur with this evidence.

RECOMMENDATION 11

Renumber the policy.

In the policy add a further paragraph in between point 8 and the map as follows;

“Development will not be allowed in these local green spaces unless it is ancillary to the use of the local green 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.”

Map 8 should be amended to show more colour difference for the area to the west of Mark House Lane than that shown to illustrate the local green spaces.

POLICY G11 Protecting and Enhancing Local Recreational Facilities

146. This policy seeks to protect recreational facilities and is in accordance with the advice in the NPPF²² that states sites of recreational value can be afforded the same protection as local green spaces. Whilst no specific justification is advanced for the proposed sites, my site visit revealed all are available and accessible to the community.

147. The policy allows the requisite flexibility for facilities to be improved and removed if they are no longer viable.

148. The facilities referred to are however not identified on a map, which I consider should be remedied in the interests of clarity.

149. 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.

150. 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.

RECOMMENDATION 12

Renumber the 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”.

²² Paragraph 77 of the NPPF

POLICY G12 Protecting and Enhancing the Rural Landscape Setting and Wildlife of Gargrave

151. The policy is based on national guidance and local strategic policy to protect the landscape. The supporting text provides a valuable overview of the relevant landscape appraisals and projects.

152. The policy, in points 1 and 2 however 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.

153. The reference to flooding in point 1 is inaccurate as guidance in the NPPF²³ states some development is acceptable in flood zone 3. The reference to flooding in this policy should be deleted.

154. Point 4 is valid but needs to be expanded to allow scope for habitat creation in other areas to satisfy national guidance in promoting net gains in biodiversity.²⁴

155. The policy on soil protection should reference the national guidance in the NPPF²⁵ to protect the most versatile agricultural land.

156. 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.

RECOMMENDATION 13

Renumber the policy.

Delete points 1 and 2 from the 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 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.

²³ Paragraph 100 of the NPPF

²⁴ Paragraph 109 of the NPPF

²⁵ Paragraph 112 of the NPPF

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.”

**Alter Point 4 as follows;
After “creation” insert “particularly”**

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.”

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 conserve and enhance the landscape character of the national park.”

POLICY G13 Significant Views

157.The policy is properly evidenced in replicating the Conservation Area Appraisal and accords with national guidance and strategic policies concerned to protect the Conservation Area and its setting.

158.The title of the policy should be altered to reflect that it relates to the conservation area and setting in the interests of clarity.

159.The policy should be worded in a more flexible manner. The term “should not obstruct” may be difficult to interpret and should be replaced with a more informative phrase to illustrate what type of development may be acceptable.

160.It is important in the interests of clarity that these views are depicted on a map as part of this Plan.

RECOMMENDATION 14

Renumber the policy.

Amend the title of the policy by adding “in the Conservation Area and its setting”.

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.”

Reference to Map 8 requires correction to Map 7.

POLICY G14 Supporting Improvements to Accessibility

161.The policy accords with national guidance promoting sustainable transport.

162.The copying of the map and sections of the Leeds and Liverpool Canal Towpath Access Development Plan was rather blurred in my copy and difficult to read. 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.

RECOMMENDATION 15

Renumber the policy.

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.

POLICY G15 Development in Areas of Flood Risk from Water Courses and Surface Water

163.This policy is not in accordance with national guidance as it states only development in low risk flood areas will be acceptable. The National Planning Policy Framework states²⁶ “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere”. It is not therefore possible in every case to refuse applications for development within Flood Zone 2 and 3 however additional justifications are required through the application of the Sequential and Exception tests if necessary.

164.The supporting text adequately summarises the national guidance on flood risk and the policy should be removed.

165.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.

²⁶ Paragraph 100 of the NPPF

RECOMMENDATION 16

Delete Policy G15.

In paragraph 6.4.9 delete all the text in brackets relating to the Saw Mill site

POLICY G16 Design for Flood Resilience and Resistance

166. 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.

167. 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 NPPF²⁷ not to stifle innovation.

RECOMMENDATION 17

Renumber the 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.

POLICY G17 Design to Reduce Surface Water Run Off

168. The text of the policy is too prescriptive and does not allow for enough flexibility to provide different solutions and site scenarios. The use of “must” should be removed.

RECOMMENDATION 18

Renumber the policy

Replace all references in the policy to “must” with “should”.

SUMMARY

169. I have completed an independent examination of the Neighbourhood

²⁷ Paragraph 60 of the NPPF

Development Plan.

170. 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.

171. 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.

172. 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)

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

174. 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.

175. There is no evidence to suggest that the referendum area should extend beyond the boundaries of the plan area, as they are currently defined.

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

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

APPENDIX 1

Relevant email correspondence (and attachments) carried out during examination (excludes basic acknowledgements, information exchanges etc.). E mails are available from Craven District Council web site.

<https://www.cravencd.gov.uk/planning/planning-policy/planning-for-parishes/neighbourhood-planning/gargrave/>

To R Bryan from the Council confirming it made no comments during consultation 26.10.18,

From David Feeney of the Council to R Bryan re additional information on HRA 1.11.18,

From David Feeney of the Council to R Bryan re Council's view on Eshton Rd site GA009 1.11.18,

From Council to R Bryan re Martin & Aldersely reps. 14.11.18,

From Council to R Bryan re Call for Sites Assessment Report 20.11.18,

From R Bryan to Council re resolving consultation objections 19.11.18,

From Council to R Bryan re resolving the consultation issue 20.11.18,

From R Bryan to Council re clarification request from Parish Council 20.11.18,

From the Council to R Bryan re information requested of Parish Council by R Bryan, re. consultation responses and Eshton Rd site, 27.11.18,

Email Attachment: Results & Ranking Order Sheet 23.07.15 Gargrave Parish Council,

The Council fwd. email from Parish Council to R Bryan re CA ref site GA031 27.11.18,

Email fwd. to Parish Council from R Bryan re Policy G2 27.11.18,

From R Bryan response to Aldersley re. objections 27.11.18,

From Council to R Bryan re HRA and SEA documents Gargrave NP 29.11.18,

Email Attachment: Gargrave HRA (November 2018),

Email Attachment: Gargrave SEA (November 2018),

From R Bryan response to Council email re HRA & SEA 30.11.18,

From Council to R Bryan fwd. info from Parish Council re table 3 amends 4.12.18,

Email Attachment: Table 3 Proposed Housing Sites plus reg. 14 responses, Gargrave Parish Council

From Council to R Bryan re SEA HEA 4.12.18,

From R Bryan response to Marton Rd Working Group.(MRWG) 4.12.18,

From R Bryan to Council re additional info re access 2 site allocations 4.12.18,

From R Bryan response to MRWG re representations on site GA031 Marton Rd 5.12.18,
 From Council to R Bryan re appeal decision Church Ln. Gargrave 10.12.18,
 Council fwd. Parish Council LGS Ass Doc to R Bryan 10.12.18,
 Email attachment: Gargrave LGS Assessment CDC Methodology May 2016 Gargrave Parish Council,
 From Council, response to R Bryan flood risk GA025 10.12.18,
 Email attachment: Appendix 2 - EA letter 8th March,
 Email attachment: Appendix 3 - EA letter 28th March,
 Email attachment: Appendix 4 - EA confirmation of FZ1,
 From Parish Council to R Bryan re request about access to sites G2,1 & G2,3 10.12.18,
 Email attachment: Highways response G2 1Gargrave Parish Council,
 Email attachment: Highways response G2 3Gargrave Parish Council,
 Response from the Council to R Bryan re. land east of cricket pitch Skipton Road (GA025),
 From R Bryan to Council further questions re Table 3, 13.12.18,
 From R Bryan to Council and Parish requesting response to MRWG points in its email (of 11.12.18), 13.12.18. From Council fwd. of Parish Council response to R Bryan email (13.12.18), 17.12.18,
 Email attachment: Minutes GNPWG 24 June 15,
 Email attachment: Results & Ranking Order Sheet 23.07.15,
 Email attachment: Results & Ranking Order Sheet 23.07.15,
 From Council, forwarding MRWG email of 14.12.18 to R Bryan which was mistakenly not sent, 17.12.18, Response from R Bryan, 17.12.18,
 From Parish Council, Table 3 amendments,17.12.18,
 Email attachment: Table 3 Proposed Housing Sites plus reg. 14 responses V3
 Email from R Bryan to Parish Council re Table 3 17.12.18 and response form Parish Council,
 Email from Council to R Bryan fwd. Minutes of GPC Mtg. (14.12.18) 18.12.18,
 Email attachment: Minutes of Parish Council Review Meeting 14 Dec 2018,
 Email from R Bryan to CDC re GPC Minutes 18.12.18,
 Email from the Council to R Bryan re questions re. Yorkshire Water consultation, 19.12.18,
 Email from the Council to R Bryan re Gargrave NP Consultation with Natural England 19.12.18,
 Email from MRWG to the council and R Bryan responding to minutes of Parish Council meeting of the 14.12.18,
 Email attachment: MRWG comments on minutes of Parish Council meeting of 14.12.18.
 Email from Parish Council re. missing minutes, 20.12.18,
 Email from Jeff Adams re. fairness and openness,20.12.18 and R Bryan response of 20.12.18,
 Email from Parish Council regarding electronic links and arrangements for the public to inspect Parish Council documents 20.12.18,
 Email from Jeff Adams re. further concerns, 3.1.19,

Email attachment: Consultations document.
Email from Jeff Adams and response from R Bryan, 9.1.19,
E mail from R Bryan to MRWG, 9.1.19.