

## 9 Natural Environment

### Natural Environment Key Facts

- The district contains a number of European sites including the North Pennine Moors Special Protection Area, Kirk Deighton Special Area of Conservation (SAC) and North Pennine Moors SAC.
- The district contains over 100 Sites of Importance for Nature Conservation (SINCs)
- There are 25 sites across the district designated as Sites of Special Scientific Interest (SSSI's) covering 19,288ha.
- The district contain 5 Local Nature Reserves covering 38.63 ha.
- There is 7,659 hectares of woodland in the district, covering 6% of the district.
- There is 6,000 hectares of blanket bog, covering 5% of the district.
- Spa water, as a natural resource is an important asset of the historic environment which needs protecting.
- Air Quality Management Areas (AQMAs) have been declared at A59 Bond End in Knaresborough and High and Low Skellgate, Ripon due to the level of the pollutant Nitrogen Dioxide exceeding the air quality objective.
- Monitoring of air quality at a number of other sites is continuing due to concerns about present pollution levels.
- There are specific areas in Ripon where subsidence due to gypsum dissolution occurs and therefore there is a need to minimise the risks and effects on property, infrastructure and the public.
- 20% of the district is grade 1 or 2 agricultural land.

### NE1: Air Quality

#### Draft Policy NE 1

#### NE1: Air Quality

Applicants must submit an Air Quality Assessment and/or a Dust Assessment Report and identify mitigation measures to ensure no significant effects where development may:

- A. Affect the Air Quality Management Areas (AQMAs) at Bond End, Knaresborough, High and Low Skellgate, Ripon, Woodlands Junction at Hookstone Chase, Harrogate and York Place, Knareborough, or any other AQMAs designated over the course of the plan period.
- B. Create emissions of dust during demolition, earth moving and construction, or through site operations associated with mineral extraction, waste disposal or agriculture.
- C. Impact on the air quality of a Special Area of Conservation (SAC), Special Protection Area (SPA), or Site of Special Scientific Interest (SSSI), or on a non-statutory site where there is a relevant sensitivity.
- D. Create significant amounts of traffic.

Mitigation measures should ensure consistency with the council's Air Quality Action Plan and the Habitats Regulation Assessment where impacts are related to the diversity of ecosystems, and where impacts are traffic related, the current North Yorkshire Local Transport Plan.

## Justification

- 9.1** In the Harrogate district transport related emissions are the largest source of poor air quality. However, emissions of dust into the air through activities such as demolition, earth moving and construction, which although they may only occur for a limited period, can also have effects on human health, damage vegetation and affect the diversity of ecosystems.
- 9.2** Local authorities in the UK have statutory duties for managing air quality under Part IV of the Environment Act 1995. The council is required to carry out regular reviews and assessments of air quality against standards and objectives prescribed in The Air Quality (England) Regulations 2000 and the Air Quality (England) (Amendment) Regulations 2002. The concentrations of pollutants allowed within the regulations are set at levels that are considered to be acceptable in terms of what is currently scientifically known about the effects of each pollutant on health and the environment.
- 9.3** Local Air Quality Management: Technical Guidance (TG16) produced by Department for Environment, Food and Rural Affairs (DEFRA) sets out a streamlined approach to the review and assessment process. This prescribes the submission of a single Annual Status Report (ASR), which the council must submit by 30 June each year. The report should identify new non-compliant areas and report progress made with existing Air Quality Management Areas (AQMAS).
- 9.4** In November 2010 AQMAS were declared at A59 Bond End in Knaresborough and the B6265 at High and Low Skellgate in Ripon due to the level of the pollutant nitrogen dioxide exceeding the air quality objective of 40 micrograms per cubic metre. This pollutant is predominantly created by road traffic and congestion in these areas. The boundaries of the AQMAS can be viewed on the council's website. Both AQMAS are in locations where there are many buildings close to the highway creating a 'canyon' effect, with the buildings either side of the road restricting dispersion and dilution of the emissions. Both of these AQMAS are within conservation areas and include listed buildings. An Air Quality Action Plan was produced by the council in 2013 for these areas and agreed by both Harrogate Borough Council and North Yorkshire County Council (NYCC), the local highway authority. The Action Plan includes a number of measures to address air quality issues, including the development of planning policy and further guidance for developers.
- 9.5** In January 2017 the council published an assessment of air quality at York Place in Knaresborough and Woodlands Junction at Hookstone Chase in Harrogate by Air Quality Consultants in the document, Detailed Assessment of Air Quality for Harrogate Borough Council. Following consultation the council declared AQMAS at these locations in October 2017. A new Air Quality Action Plan will now be developed with partners, including NYCC. Applicants will need to have regard to the council's agreed Air Quality Action Plan when proposing development that is likely to impact on air quality across the district. Additional areas across the district where emissions may exceed the regulations continue to be monitored.
- 9.6** As air quality issues are primarily transport related integration between land use policies, the Local Transport Plan and the Air Quality Action Plan is important. This integration will ensure that the impact on air quality of development proposals across a wider area, which may impact on the AQMA areas, is considered, especially as high levels of transport related pollutants can have a significant detrimental effect on people's health and quality of life and on the environment generally. This will be achieved by requiring planning applications proposing development that would give rise to significant amounts of traffic or which are considered to potentially impact upon local air quality emissions to submit an Air Quality Assessment. The cumulative impact of traffic in an area and the type of traffic are also important considerations. The developer will be required to identify mitigation measures to address transport related issues as part of a Transport Assessment and/or Travel Plan.

- 9.7** Air quality also impacts the natural environment and wildlife, and is particularly important in relation to designated sites, such as Sites of Special Scientific Interest (SSSIs) and Special Areas of Conservation SACs, but may also impact on non-designated sites where the specific ecological features are sensitive to air pollution. In addition to the impact of emissions from transport, emissions of dust into the air during demolition, earth moving and construction, and site operations associated with minerals, waste and agriculture can also have impacts on habitats that are sensitive to dust. A Dust Assessment Report may therefore also be required to identify dust impact risk and mitigation required to ensure no significant effects.
- 9.8** Action to protect and improve air quality in the district will be undertaken by requiring all planning applications creating traffic to provide mitigation in the form of Electric Vehicle Charging Points and, where the application will give rise to significant amounts of traffic, to provide information on the increase in pollution arising and identify mitigation measures to address the increases.
- 9.9** Where air quality is likely to be an issue, pre-application discussion with the council's Environmental Protection team will also be required. Guidance will be prepared with the council's environmental protection team and the local highway authority to identify locations, land uses and size thresholds above which applications for development proposals will be required to provide assessments.

## Further Information

### Related planning policies

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

### Further information/guidance for applicants (see bibliography under Natural Environment for more details)

- Harrogate Borough Council: Air Quality Action Plan (2013)
- Harrogate Borough Council: Detailed Assessment of Air Quality for Harrogate Borough Council, Air Quality Consultants (2017)
- North Yorkshire County Council: Local Transport Plan 2016-2046 (LTP4) (2016)
- Part IV of the Environment Act 1995
- Department for Environment, Food and Rural Affairs (DEFRA): Local Air Quality Management: Technical Guidance (TG16) (2016)
- The Air Quality (England) Regulations 2000
- The Air Quality (England) (Amendment) Regulations 2002
- 
- Guidance on the assessment of dust from demolition and construction The Institute of Air Quality Management ( For latest guidance consult website at [www.iaqm.co.uk](http://www.iaqm.co.uk) )

### Evidence that may be required from applicants to accompany a planning application

- Transport Assessment/ Transport Statement /Travel Plan
- Air Quality Assessment
- Dust Assessment Report

## NE2: Water Quality

### Draft Policy NE 2

#### NE2: Water Quality

Developers shall undertake thorough risk assessments of the impact of proposals on surface and groundwater systems considering appropriate avoidance measures before incorporating appropriate mitigation measures where necessary. The council will expect developers to demonstrate that all proposed development will be served by an adequate wholesome supply of water, appropriate sewerage infrastructure and that there is sufficient sewage treatment capacity to ensure that there is no deterioration of water quality.

Development will not be permitted where it would:

- A. Prejudice the quality or quantity of surface or ground water;
- B. Have an adverse impact on water dependent Sites of Special Scientific Interest (SSSIs) and Natura 2000 sites;
- C. Prejudice the use and quality of the district's spa waters.
- D. Have an adverse impact on potable groundwater supplies within Source Protection Zones 1

### Justification

- 9.10** The quality and quantity of surface and ground water is vitally important to a wide range of uses and users including domestic, industrial and agricultural. It is also of great importance to general amenity, as a source of drinking water, water based recreation, fisheries and nature conservation. Ground water resources in particular are susceptible to a wide range of threats from land use policies and once contaminated it is difficult, if not impossible, to rehabilitate them. The Environment Agency designate groundwater Source Protection Zones (SPZs) where there are particular risks from polluting activities to a groundwater source and are often found around wells, boreholes and springs. It is, therefore, important that the location and design of development has regard to the presence of Source Protection Zones. Detailed advice is provided by the Environment Agency in the document, Groundwater Protection: Principles and Practice (GP3). Developers should be aware of the requirements in this document, or any subsequent revisions, and prepare hydro-geological risk assessments where necessary.
- 9.11** The council, in conjunction with the Environment Agency, will seek to resist development that threatens water quality and quantity, and will encourage initiatives that result in an improvement of water quality and the capacity of surface waters to support wildlife. The EU Water Framework Directive became part of UK law in 2003 with the primary objectives of achieving good ecological status in water bodies, and providing protection for drinking water sources and protected sites (Natura 200 sites and Sites of Special Scientific Interest). These requirements are reflected in the Environment Agency's River Basin Management Plans with the Humber River Basin Management Plan covering the Harrogate district.
- 9.12** Early engagement with the local planning authority, the Environment Agency and relevant water and sewerage companies can help to establish if water quality is likely to be a significant planning concern and, if so, to clarify what assessment will be needed to support the application. Where water quality has the potential to be a significant planning concern, an applicant should be able to explain how the proposed development would affect relevant

water bodies in the river basin management plan and how they propose to mitigate the impacts. Applicants should provide sufficient information for the council to be able to identify the likely impacts on water quality. The information supplied should be proportionate to the nature and scale of the development proposed and the level of concern about water quality. Where it is likely a proposal would have a significant adverse impact on water quality, then a more detailed assessment will be required in the form of an environmental statement.

- 9.13** Polluted surface water flows from areas like car parks or service yards should always have sufficient pollution prevention measures in place to ensure the protection of groundwater and watercourses from specific pollutants like petrol (hydrocarbons) and suspended solids. Developers should follow the appropriate pollution prevention guidance. Ideally, applicants should introduce more ‘surface’ or ‘green’ drainage solutions to aid improvements in water quality, such as swales along hardstanding boundaries, or a more advanced reed bed system for larger sites. These solutions are easier to access and maintain than engineered solutions like petrol and/or oil interceptors, which require regular maintenance to ensure they operate correctly.
- 9.14** Due to the rural nature of the district, the council is responsible for ensuring the quality and quantity of over 600 private water supplies. Development should recognise these drinking water sources and ensure that the quality and quantity is not compromised. Where a development includes a private water supply, developers should ensure that a wholesome supply is delivered.
- 9.15** Changes to scheme design and mitigation will often avoid harm to water bodies. In the few cases where a detailed assessment indicates that development will have a significant adverse impact on water quality, the proposed development will only be acceptable in terms of the Water Framework Directive in the circumstances set out in the Humber River Basin Management Plan.
- 9.16** The recorded history of the mineral springs in the town of Harrogate dates back over four hundred years. In 1571 the Tewit Well in High Harrogate was found to have medicinal qualities. This, along with other chalybeate (iron laden) springs found in the area, started to attract visitors to the town and Harrogate developed as a spa town. Ripon also established itself, on a more modest scale, as a health resort during the early twentieth century.
- 9.17** It is important to ensure that the high quality of the spring water in Harrogate is maintained as it provides employment opportunities and financial investment into the district in the form of the Harrogate Water Brands, an independent company that is based in Harrogate and produces many millions of bottles of spring water each year.
- 9.18** This policy, therefore, seeks to ensure that the spa water, as a natural resource and an important asset of the historic environment, is protected. Development should not prejudice the future use of the district's spa waters, its extraction and production.

## Further Information

### Related planning policies

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Policy CC1: Flood Risk and Sustainable Development

### Further information/guidance for applicants (see bibliography under Natural Environment for more details)

- Environment Agency: Humber River Basin Management Plan (2015)

- European Commission: EU Water Framework Directive (2000)
- European Commission: EU Habitats Directive (1992 amended 1997)
- The Private Water Supplies Regulations 2009
- HM Government: The Building Regulations 2010: Sanitation, Hot Water Safety and Water Efficiency: Approved Document G (2015 amended 2016)
- Environment Agency: Groundwater Protection: Principles and Practice (GP3) (2013)

**Evidence that may be required from applicants to accompany a planning application**

- Risk Assessment

## NE3: Protecting the Natural Environment

### Draft Policy NE 3

#### NE3: Protecting the Natural Environment

Proposals that protect and enhance features of ecological and geological interest and seek to provide net gains in biodiversity will be supported.

This will be achieved by:

- A. Considering proposals which would have a direct or indirect impact on a site protected under international or national legislation, including its features of interest or species, within the context of the statutory protection afforded to them.
- B. Permitting development that affects the interest features of Local Sites only where an appraisal has considered alternate sites and demonstrated that significant harm can be avoided, adequately mitigated, or, if either criteria cannot be achieved, compensated for.
- C. Permitting proposals which would impact on UK priority habitats and priority species or priority habitats, networks and species identified in the Harrogate Biodiversity Action Plan, or successive document, only where significant harm can be avoided, adequately mitigated, or, if either criteria cannot be achieved, compensated for.
- D. Refusing planning permission for development resulting in the loss or deterioration of irreplaceable habitats, including historic wetlands and species-rich grasslands, ancient woodland, including ancient semi-natural woodland and plantations on ancient woodland, and aged or veteran trees, unless the need for and benefits of the development in that location clearly outweigh the loss.
- E. Requiring proposals for major developments to undertake biodiversity accounting with the aim of avoiding a net loss of biodiversity and supporting schemes which achieve a net gain.<sup>(34)</sup>
- F. Requiring proposals to increase connectivity of habitats by locating features which enlarge, connect or support existing green corridors and natural and semi-natural green spaces in line with policy NE5 Green Infrastructure.

<sup>34</sup> For housing, major developments are those that consist of ten or more dwellings or, where the number of dwellings is not known, those developments of 0.5ha or more. For all other uses, major developments are those that consist of 1000 sq m of floor space or more or where the site area is 1ha or more.

- G. Requiring proposals to restore and re-create priority habitats and other natural habitats within and adjacent to development schemes.

## Justification

- 9.19** Biodiversity and geodiversity support the vital ecosystem services, such as fertile soil, clean air, and growing food, but also less obvious services such as protection from natural disasters, regulation of our climate, and purification of our water or pollination of our crops. Biodiversity also provides important cultural services, enriching our lives. Within Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services, the government set out their mission statement to halt overall biodiversity loss and by 2020 to have put in place measures so that biodiversity is maintained and enhanced. This policy seeks to action this mission statement by encouraging all development to include a net gain in biodiversity and avoid a net loss.
- 9.20** The district contains various sites and species which are protected as internationally, nationally and locally important. Statutorily protected biodiversity (generally under international or national designations) are afforded the highest level of protection. Developments outside but adjacent to statutory sites or within their catchments may have an adverse impact on them. Local designations identify important sources of environmental, social and economic benefit at the community level and contribute to functioning ecological networks.
- 9.21** In addition to conservation, it is important to enhance biodiversity and geodiversity wherever possible. This will involve restoring and increasing the total area of natural habitats and landscape features. The policy seeks to strengthen the resilience of the district's biodiversity by linking up areas of high value habitat to create ecological 'stepping stones' and wildlife corridors.
- 9.22** Biodiversity does not just occur on greenfield, undisturbed sites. Many brownfield sites can have biodiversity value, and many sites require management to retain their importance. Where possible, these areas will be enhanced and integrated into the functional network.
- 9.23** Applications for development likely to affect any of the aforementioned natural assets will be expected to include a suitable ecological survey and assessment containing sufficient information to allow a proper evaluation to be made of the impact upon the site. All major applications will be required to submit a Preliminary Ecological Appraisal using the standard approach as encouraged by the Chartered Institute of Ecology and Environmental Management. For housing, major developments are those that consist of ten or more dwellings or, where the number of dwellings is not known, those developments of 0.5ha or more. For all other uses, major developments are those that consist of 1000 sq m of floor space or more or where the site area is 1ha or more
- 9.24** In accordance with the biodiversity section of the council's local validation criteria, planning applications will not be validated where the extent of the impact of the proposal on the natural asset cannot be properly evaluated. The council's local validation criteria explains which planning applications require an ecological assessment. The council may use planning conditions and/or legal agreements to secure protection and enhancement of a natural asset and positive mitigation including, as a last resort, compensation.
- 9.25** Planning permission should be refused for development that is likely to have an adverse effect, or result in the deterioration of a natural asset, unless the need for, and the benefits of, the development clearly outweighs the loss. Where the development could not be reasonably located on an alternative site, adequate mitigation measures firstly to avoid and minimise the impact and then to restore biodiversity on-site should be put in place before

planning permission is granted. If it is not possible to fully restore biodiversity on-site then it may also be necessary to provide compensation off-site, for example through biodiversity offsetting.

### International and national sites

**9.26** Within the Harrogate district there are two types of international designations; Special Areas of Conservation (SAC) which are designated via the EU Habitats Directive (Directive 92/43/EEC) to protect natural habitats, wild fauna and flora and Special Protection Areas (SPA) designated via the EU Birds Directive (Directive 2009/147/EC) to conserve wild birds, particularly migratory and endangered species. Across the district there are areas of national importance designated as Sites of Special Scientific Interest (SSSI) under the Wildlife and Countryside Act 1981. These sites have been identified as being of special interest by reason of their flora, fauna or geological or physiographical features.

**9.27** Development has potential to impact on international and national sites either directly through land take from the designated site or indirectly through the loss of foraging sites, urban edge disturbance and increasing recreational pressure. The Habitats Regulations Assessment undertaken for the Local Plan identifies that species for which the North Pennine Moors SPA and South Pennine Moors SPA are designated will travel outside of the designated area to feed. The assessment recommends assessing all proposals within 2.5km of the North Pennine Moors SPA and South Pennine Moors SPA and proposals which impact on foraging and feeding grounds to be refused. Urban edge disturbance includes light and noise pollution and pets. Proposals which are within 400m of the boundary of a SPA should include an assessment on urban edge disturbance. Disturbance caused by an increase of visitors can take various forms including trampling and erosion of habitat or displacement of species avoiding areas frequented by people. The Habitats Regulations Assessment identified that development within 7km of a SAC or SPA could lead to negative recreational impacts on the designated site. Consequently, development within 7km of the boundary of the North Pennine Moors SAC/SPA and South Pennine Moors SAC/SPA must provide either on-site provision or contribute towards the enhancement of alternative natural or semi-natural green space in line with policy HP7: New Sports, Open Space and Recreation Development. Proposals should include an assessment for potential recreational impact and show how alternative natural or semi-natural green space will meet the recreational demand of new residents. Negative impacts on air quality also arise from the construction of development, increases in traffic and certain uses from agriculture and those involving combustion. Proposals will be subject to policy NE1: Air Quality which protects international and national sites from these impacts. The council will provide a Supplementary Planning Document to support this policy and provide further information on all these potential direct and indirect impacts on SAC and SPA and how they can be mitigated.

### Regional and local sites

**9.28** Local Nature Reserves (LNRs) are a statutory designation under the National Parks and Access to the Countryside Act 1949, and there are five such designations within the district. Section 21 of the Act gives principal local authorities the power to acquire, declare and manage nature reserves.

### Sites of Importance for Nature Conservation (SINCs)

**9.29** Sites of Importance for Nature Conservation (SINCs) form part of a wider national network of non-statutory locally valued wildlife sites. SINCs were initially identified through the Phase 1 Habitat Survey of the district undertaken in the 1990s. Most of these sites have been resurveyed in greater detail by the North Yorkshire SINC Panel and a number of additional sites have also been identified and surveyed since the last Harrogate District Local Plan was published in 2001. The North Yorkshire SINC Panel is made up of North Yorkshire County Council (NYCC) and district council ecologists, Natural England, the Yorkshire Wildlife Trust

and an independent ecological surveyor. Sites are evaluated by the SINC panel in accordance with 'Guidelines for Sites Selection' (North Yorkshire SINC Panel 2002, as amended) in keeping with the Department of Environment, Food and Rural Affairs (DEFRA) publication Local Sites: Guidance on their Identification, Selection and Management (2006). Sites that have been ratified by the SINC panel are included on the Policies Map.

- 9.30** Additional sites could be identified throughout the plan period. New or amended SINC panels will be incorporated into the Policies Map through regular updates. The council will notify the landowner of any new, amended or de-selected SINC designation when the Policies Map is updated.

### **Local Geological Sites**

- 9.31** Five Local Geological Sites (LGSs), formerly known as Regionally Important Geological and Geomorphological Sites (RIGS), have been designated in Harrogate district through the North Yorkshire Geodiversity Partnership which now operates as the North Yorkshire Local Geological Sites Panel. The sites were assessed in accordance with the GeoConservation UK assessment system using scientific, geodiversity, educational and cultural criteria. It is anticipated that a number of other Local Geological Sites will be put forward in the near future.

- 9.32** LGSs are currently the most important places for geology and geomorphology outside statutorily protected land such as Sites of Specific Scientific Interest (SSSIs). They are important as an educational, historical and recreational resource. Additional sites could be identified through the plan period. New or amended LGSs will be incorporated into the Policies Map through regular updates. The council will notify the landowner where this can be ascertained, of any new, amended or de-selected LGS designation when the Policies Map is updated.

### **Habitat and Species Action Plans**

- 9.33** The district is committed to the protection and enhancement of biodiversity. Biodiversity Action Plans identify or describe sites of habitat and species conservation. Habitats and species are listed as priorities in Biodiversity 2020 and in the Harrogate District Biodiversity Action Plan. National priority species and habitats are listed in Section 41 of the Natural Environment and Rural Communities Act 2006.
- 9.34** Regard should be had to Natural England's Standing Advice for protected species, which provides advice on deciding if there is a 'reasonable likelihood' of protected species being present as well as the protected species most often affected by development.

### **No net loss of biodiversity**

- 9.35** Biodiversity accounting is a mechanism that uses a standard formula or 'metric' to measure the losses and gains of biodiversity on site at a development. Under the accounting metric all land has, from the outset, an ecological value and therefore the impacts on the ecological value of that land can now be measured. Likewise the impact of mitigation can be quantified in a clear and transparent approach. A standard metric was developed by DEFRA and Natural England to run a biodiversity offsetting pilot from 2012-2014. All major applications will be required to submit a Preliminary Ecological Appraisal and a calculation of the biodiversity impact of the proposed development based on this standard metric.
- 9.36** Biodiversity accounting will be used to support the mitigation hierarchy. Initially, any potential harm must be avoided. If harm cannot be avoided then it must be reduced through mitigation. Biodiversity accounting can be used to confirm that all harm has been mitigated. If any residual harm still remains after avoidance and mitigation then compensation can be sought through biodiversity offsetting on-site, or if necessary off-site.

- 9.37** Further guidance on biodiversity offsetting will be provided within a Supplementary Planning Document to support policy this policy. In addition, there are now organisations that offer biodiversity accounting services and who will broker agreements for biodiversity offsetting.

## Further Information

### Related planning policies

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Policy NE1: Air Quality
- Policy NE7: Trees and Woodland
- Policy NE8: Protection of Agricultural Land

### Further information/guidance for applicants (see bibliography Natural Environment for more details)

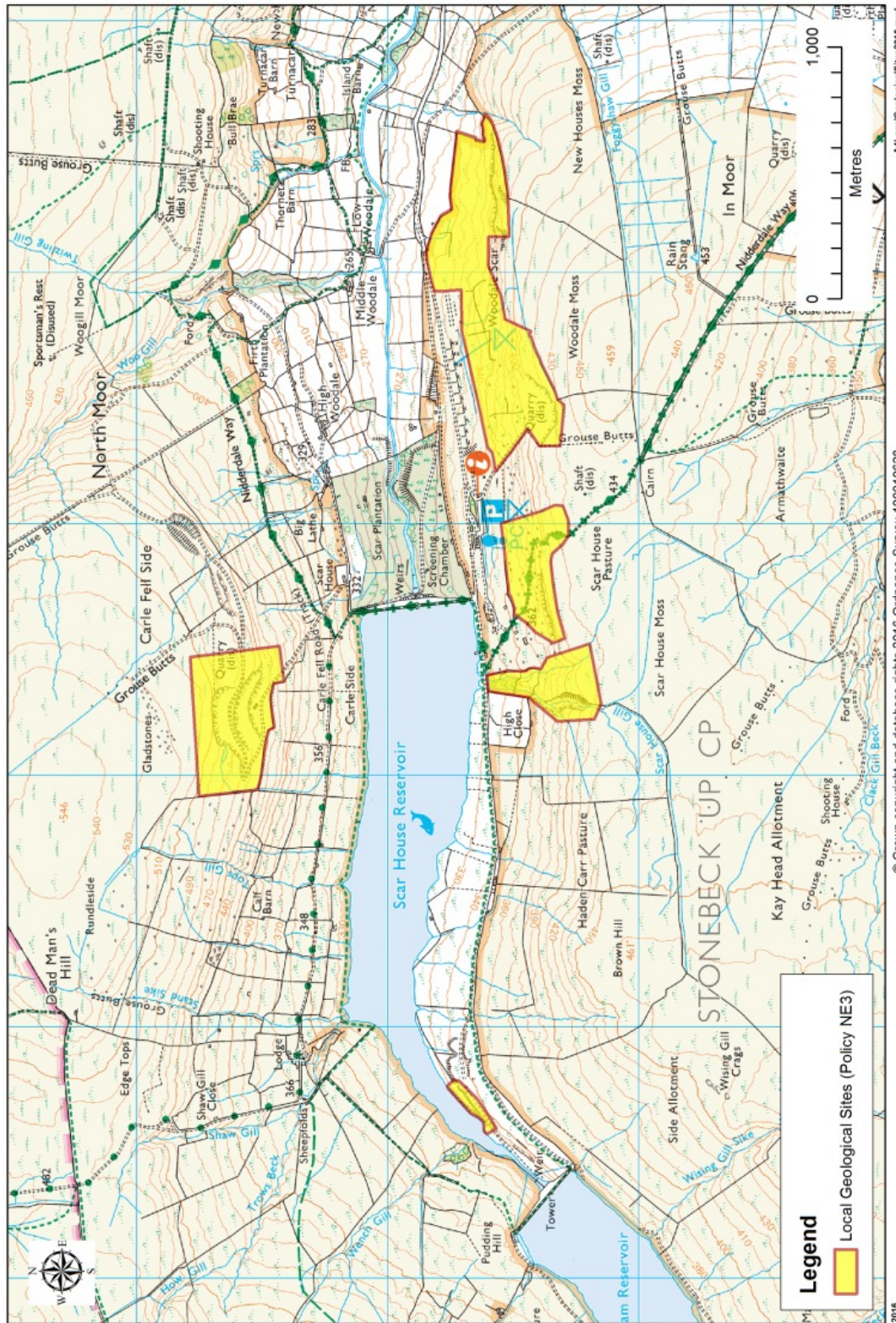
- European Commission: EU Birds Directive (2009)
- European Commission: EU Habitats Directive (1992 amended 1997)
- Wildlife and Countryside Act 1981
- The Conservation of Habitats and Species Regulations 2010
- Department for the Environment, Food and Rural Affairs (DEFRA): Local Sites: Guidance on their Identification, Selection and Management (2006)
- Harrogate Borough Council: Harrogate District Biodiversity Action Plan (2012)
- Department for the Environment, Food and Rural Affairs (DEFRA): Biodiversity 2020: A strategy for England's Wildlife and Ecosystem Services (2011)
- Natural Environment and Rural Communities Act 2006
- National Parks and Access to the Countryside Act 1949
- MAGIC maps
- SSSI Impact Risk Zone maps

### Evidence that may be required from applicants to accompany a planning application

- Ecological survey and assessment
- Preliminary Ecological Assessment
- Biodiversity Impact Calculator

### Designations/boundaries to be shown on the policies map

- Special Protection Areas (SPAs)
- Special Areas of Conservation (SACs)
- Sites of Special Scientific Interest (SSSIs)
- Sites of Importance for Nature Conservation (SINCs)
- Local Nature Reserves (LNRs)
- Local Geological Sites (LGS)



Map 9.1 Local Geological Sites in Harrogate District

## NE4: Landscape Character

### Draft Policy NE 4

#### NE4: Landscape Character

Proposals that will protect, enhance or restore the landscape character of Harrogate district for its own intrinsic beauty and for its benefit to the economic, environmental and social well-being of the district will be supported.

This will be achieved by:

- A. Requiring that development has particular regard to maintaining the aesthetic and biodiversity qualities of the natural and man-made heritage within the landscape such as trees and woodland, hedgerows, walls, buildings, watercourses, ponds, reservoirs, lakes, ecological networks or other topographical features;
- B. Requiring that development proposals are informed by and are sympathetic to the distinctive landscape character areas as identified in the Harrogate District Landscape Character Assessment and that proposals respect the distribution and form of settlements and buildings in their landscape setting;
- C. Requiring that development proposals protect and/or enhance the character, appearance and local distinctiveness of the landscape and consider the ambiance of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure;
- D. Requiring that visually sensitive skylines, hills and valley sides and visual amenity are protected and/or enhanced;
- E. Resisting development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement.

The council will work with landowners and statutory agencies to encourage land management practises that will protect and reinforce landscape character across the district and proposals which seek to restore areas of degraded landscape or individual landscape elements will be supported.

#### Locally Valued Landscapes

Outside of those landscapes protected by national landscape designations, the impact of development proposals on the following Special Landscape Areas, and shown on the Policies Map, will be carefully considered:

- a. Warren Top - Knox Hill, Oak Beck Valley to the north west of Harrogate
- b. Nidd Gorge
- c. Scriven Park and Coney Garth
- d. Crimple Valley
- e. Rudding Park
- f. Pine Woods and Valley Gardens
- g. Oak Beck Valley to the west of Harrogate including Birk Crag and Cardale Wood
- h. Ure Valley, Ripon
- i. Skell and Laver Valleys, Ripon

The Special Landscape Areas are valued locally for their high quality landscape and their importance to the settings of Harrogate, Knaresborough and Ripon. The designation reinforces the importance of these landscapes and their high sensitivity to inappropriate development which would adversely impact on the quality of the area designated. Development proposals within these areas are required to meet the following criteria:

- F. Avoid significant loss of key characteristics that contribute to the quality of the Special Landscape Area and the setting of Harrogate, Knaresborough and Ripon.
- G. Ensure that development proposals are linked to existing settlements and are designed to integrate the urban edge with the countryside and where appropriate to enhance the appearance of the urban fringe.

## Justification

- 9.38** Harrogate district's landscape is rich and varied, encompassing the apparent wilderness of the moors in the Nidderdale Area of Outstanding Natural Beauty and intensively cultivated farmland; the natural beauty of wood and water and carefully tended gardens and parks; town and country; small-scale details and large-scale planning; and new schemes and the legacy of the past, reflecting that the landscape is our living natural cultural heritage, be it ordinary or outstanding, urban or rural, on land or water as described by the European Landscape Convention.
- 9.39** The pressures of development and changing land management practices lead to constant change to the valued landscapes of the district. Planning aims to manage this change to make a positive contribution where possible and minimise any detrimental effects on landscape character and is one of the key tools used to manage changes to landscape character.
- 9.40** All landscapes are a unique combination of features that make a place distinct from its neighbours. The landscape is constantly changing and developing due to natural processes and human needs. The capacity of the landscape to accommodate change differs from place to place, and even small changes can often have a direct and immediately apparent effect on people's surroundings.
- 9.41** The majority of the district lies within three national character areas: the Yorkshire Dales, Pennine Dales Fringe and Southern Magnesian Limestone. For each character area Natural England have published a profile containing a description of the area and landscape, together with facts and information about the area and landscape which are included in a statement of environmental opportunity which offers suggestions where action can be best targeted to conserve and improve the natural environment. The Harrogate District Landscape Character Assessment (HDLCA) divides the district into local character areas and identifies landscape guidelines to protect and improve their character and distinctive features.
- 9.42** Proposals for development should have regard to the HDLCA Landscape Design Guide and Policy NE5: Green Infrastructure and associated Green Infrastructure Supplementary Planning Document (SPD) as a starting point to promote high quality design and, where possible, mitigation that respects the landscape character of the district.
- 9.43** A landscape assessment will normally be required as part of any planning application for all but the smallest applications. This should be proportionate to the scale and type of development proposal and contain the following information:
- The impact of the proposal on key natural and manmade features within the landscape;
  - The impact of the development on the wider landscape;

- How the proposal will contribute towards enhancing the landscape character of the area including measures to complement the priorities of the Green Infrastructure SPD and the AONB Management Plan where appropriate;
- A written justification for the development.

**9.44** Larger developments which are likely to have a significant impact may require a Landscape and Visual Impact Assessment (LVIA). This would look at the potential landscape and visual impacts of a proposed development including the effects of change that the development would be likely to have on the existing landscape, including its features and character, and on the existing visual amenity that people in and around the development would be likely to experience. Guidance on the preparation of LVIA's has been published by the Landscape Institute & Institute of Environmental Management.

**9.45** Proposals for landscape enhancement should embrace the character and appearance of an area, contribute to creating a sense of local distinctiveness and create new features and areas of open space that reflect local landscape character.

## Further Information

### Related planning policies

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Policy GS8: Nidderdale Area of Outstanding Beauty
- Policy NE5: Green Infrastructure
- Policy NE7: Trees and Woodland
- Policy HP3: Local Distinctiveness

### Further information/guidance for applicants (see bibliography Natural Environment for more details)

- Harrogate Borough Council: Harrogate District Landscape Character Assessment (2004)
- Harrogate Borough Council: Review of Landscape Designations (2016)
- Harrogate Borough Council: Landscape Design Guide
- Harrogate Borough Council: Green Infrastructure Supplementary Planning Document (SPD) (2014)
- Natural England: National Character Area Profiles (2014)
- European Landscape Convention (2000)
- Landscape Institute & Institute of Environmental Management: Guidelines for Landscape and Visual Impact Assessment (2013)

### Evidence that may be required from applicants to accompany a planning application

- Landscape assessment

### Designations/boundaries to be shown on the policies map

- Special Landscape Areas
- Nidderdale Area of Outstanding Natural Beauty

## NE5: Green Infrastructure

### Draft Policy NE 5

#### NE5: Green Infrastructure

Development proposals should:

- A. Protect and enhance the social, environmental and economic benefits of existing green infrastructure features and/or incorporate new green infrastructure features within their design;
- B. Capitalise on opportunities to enhance and/or create green links between green infrastructure features such as those listed in the green infrastructure checklist contained in Section 10, Green Infrastructure Supplementary Planning Document (2014);
- C. Avoid creating undifferentiated built-up areas within its overall boundaries and to prevent built-form coalescence;
- D. Where they are within or in close proximity to a green infrastructure corridor, enhance the functionality and connectivity of the corridor;
- E. Conserve and enhance the high quality and character of the district's towns, villages and rural environment by ensuring that all forms of new development are designed to a high standard and maintain and enhance the local vernacular and 'sense of place' of individual settlements;
- F. Safeguard the character of urban areas as manifest in the system of open spaces which link town and countryside; and
- G. Identify opportunities to work with partners at the local, district and sub-regional levels to deliver multiple key green infrastructure benefits.

### Justification

**9.46** Green infrastructure refers to a multi-functional linked network of green spaces that provide opportunities for biodiversity and recreation. It includes:

- Parks and gardens
- Natural and semi-natural urban greenspaces including woodlands, scrub, grasslands, wetlands, open and running water, disused quarries and pits
- Green corridors including river banks and rights of way
- Outdoor sports facilities (with natural or artificial surfaces either publicly or privately owned) and cycleways
- Amenity greenspace (most commonly, but not exclusively, in housing areas)
- Allotments and community gardens
- Cemeteries and churchyards
- Accessible countryside in urban fringe areas
- River corridors
- Green roofs and walls
- Orchards

- 9.47** Green infrastructure is essential for meeting a wide range of social, economic and environmental needs. It also has multi-functional benefits helping to enhance biodiversity through improved connectivity and linking habitats, contributing to water management through storing and slowly releasing surface water run-off, creating a sense of place, providing opportunities for active recreation, exercise and healthy living, mitigating climate change and creating places where people want to live and invest. In the districts towns, green spaces perform an important function in terms of reducing flood, noise and air pollution and providing urban cooling and shade. These benefits are all of value to the local economy and their monetary value can be calculated by considering the costs of rectifying damage if no mitigation were in place.
- 9.48** In order to maximise the multiple community and environmental benefits that can be delivered by green infrastructure, it is considered important that the existing green infrastructure network within the district is protected, enhanced and appropriately managed where possible. It is important that development proposals consider the existing ecosystem services provided on a site, including the value these bring to the local economy. From this starting point, developments should be designed to ensure these functions are not lost and are enhanced. Opportunities need to be assessed for new or enhanced green infrastructure assets and how they can be delivered. It is also important to improve the connectivity of the existing green infrastructure network and increase its accessibility for the benefit of both residents and visitors.
- 9.49** The council is working with the North and East Yorkshire Ecological Data Centre to map an ecological network for the district. Once completed this work will feed into an update of the Green Infrastructure Supplementary Planning Document (SPD).

## Further Information

### Related planning policies

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Policy NE3: Protecting the Natural Environment
- Policy NE4: Landscape Character
- Policy NE6: Local Green Space
- Policy NE7: Trees and Woodland
- Policy HP3: Local Distinctiveness
- Policy CC1: Flood Risk and Sustainable Design

### Further information/guidance for applicants (see bibliography under Natural Environment for more details)

- Harrogate Borough Council: Green Infrastructure Supplementary Planning Document (SPD) (2014)
- Natural England: Yorkshire and the Humber Green Infrastructure Mapping Project
- Leeds City Region Partnership: Leeds City Region Green Infrastructure Strategy (2010)

## NE6: Local Green Space

### Draft Policy NE 6

#### NE6: Local Green Space

The sites in Table 9.1, and as identified on the Policies Map, are proposed for allocation as Local Green Space:

Site Ref	Settlement	Name
LGS22	Harrogate	Beckwith Avenue Allotments
LGS25	Harrogate	Bachelor Fields
LGS28	Harrogate	The Pinewoods
LGS34	Harrogate	Grange Quarry Park
LGS101	Harrogate	Oatlands Allotments
LGS102	Harrogate	Pine Street Allotments
LGS103	Harrogate	Forest Avenue Allotments
LGS104	Harrogate	North Outfall Allotments
LGS106	Harrogate	Unity Allotments
LGS108	Harrogate	Stonefall Allotments
LGS109	Harrogate	Claro Allotments
LGS110	Harrogate	Panhandle Park and railway embankment
LGS111	Harrogate	Stonefall Park
LGS75	Knaresborough	Knaresborough House
LGS81	Knaresborough	Aspin Pond
LGS58	Scriven	Jacob Smith Park
LGS47	Masham	Masham Allotments
LGS9	Burnt Yates	Community Amenity Area
LGS14	Grantley	Playing Field
LGS35	Killinghall	Land at Cautley Drive
LGS48	North Deighton	The Green
LGS50	North Stainley	Community Garden
LGS51	North Stainley	Recreation Ground
LGS71	Spofforth	East Park Playground and Recreation Park
LGS73	Spofforth	Millennium Garden

Table 9.1 Local Green Spaces

Development will not be permitted within a Local Green Space designated either within the Harrogate District Local Plan or an approved Neighbourhood Plan, unless there are very special circumstances where the public benefits of the development proposed would outweigh the harm that would be caused by development within the Local Green Space.

## Justification

- 9.50** The National Planning Policy Framework (NPPF) allows local communities to identify green areas of particular local significance for designation as Local Green Space. Local Green Space can be designated through a local plan or through neighbourhood plans. Once designated, Local Green Space will be subject to the same planning policy safeguards as land designated as Green Belt. The Local Green Space designation will provide special protection and only allow new development in very special circumstances.<sup>(35)</sup>
- 9.51** Development should not be permitted within a Local Green Space, except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Local Green Space is clearly outweighed by other considerations. The development of new buildings within a Local Green Space is unlikely to be appropriate, however, other forms of development may not be inappropriate provided that they preserve the attributes which distinguish the Local Green Space as being suitable for designation.
- 9.52** There are no restrictions on the type of green space which can be designated as Local Green Space. The sites identified for designation within the Local Plan have been put forward by the community and assessed against a robust methodology to determine their suitability for designation.<sup>(36)</sup>
- 9.53** The NPPF states that identifying land as Local Green Space should be consistent with the local planning of sustainable development and should complement investment in sufficient homes, jobs and other essential services. The National Planning Practice Guidance (NPPG) also states that Local Green Space designations should not be used in a way that undermines the aims of plan making. As such, the decision to allocate Local Green Space has been taken alongside decisions to allocate land for development (e.g. for housing, employment or other commercial needs) within the Local Plan. The decision to designate areas for Local Green Space requires a balanced approach, considering all relevant criteria and needs within the district.

### Further Information

#### Related planning policies

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

#### Further information/guidance for applicants (see bibliography under Natural Environment for more details)

- Harrogate Borough Council: Local Green Space Assessment, (2016)

#### Evidence that may be required from applicants to accompany a planning application

- Evidence showing the very special circumstances where the public benefits of the development proposed would outweigh the harm that would be caused by development within the Local Green Space.

#### Designations/boundaries to be shown on the policies map

- Local Green Space Allocations

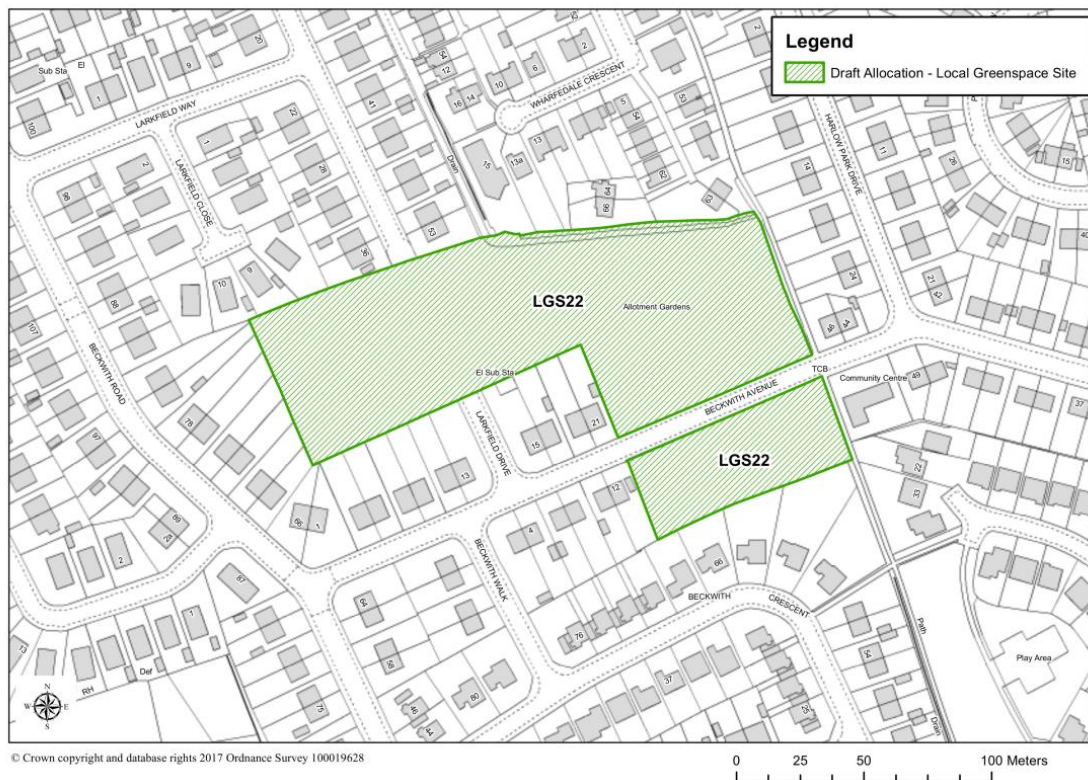
<sup>35</sup> Existing green spaces which are currently protected and are not suitable for Local Green Space designation will continue to be provided protection against development by Policy HP6 Protection of Existing Sport, Open Space and Recreation Facilities.  
<sup>36</sup> For further information please see: Local Green Space Assessment October 2016.

## Draft Local Green Space Allocations: Harrogate

### Site LGS25

#### LGS22: Beckwith Avenue allotments, Harrogate

Site Ref	LGS22
Settlement	Harrogate
Site Name	Beckwith Avenue allotments
Proposed Designation	Local Green Space

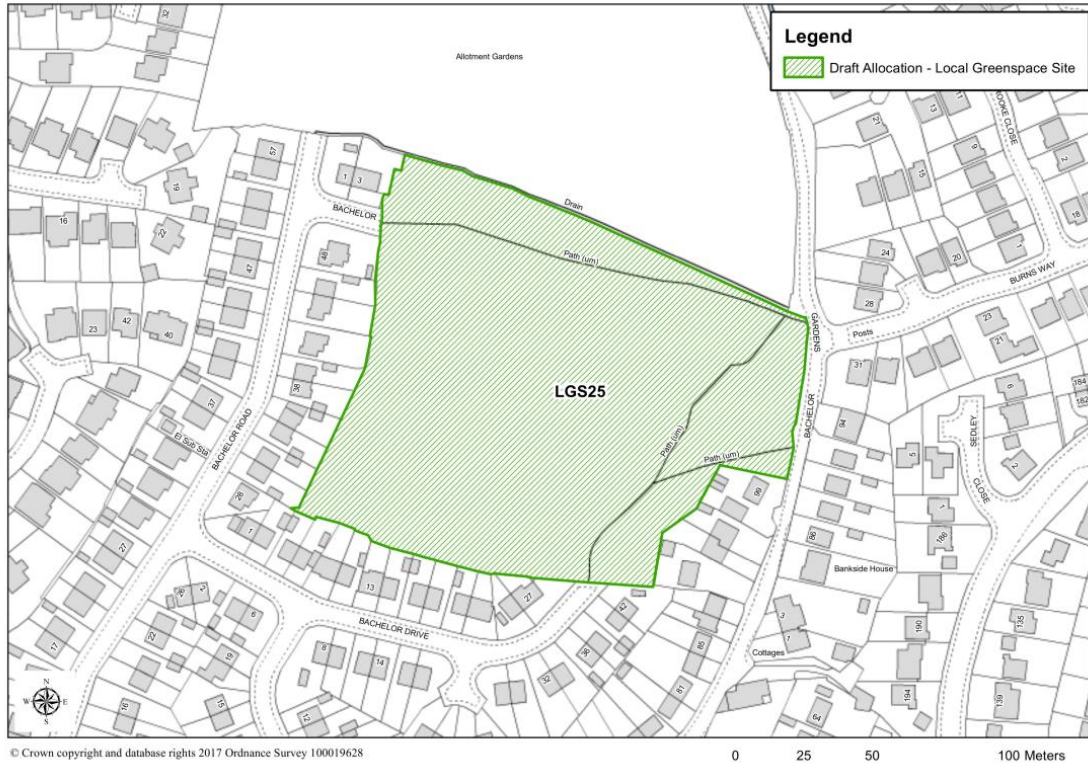


Map 9.2 Site LGS25

## Site LGS25

### LGS25: Bachelor Fields, Harrogate

Site Ref	LGS25
Settlement	Harrogate
Site Name	Bachelor Fields
Proposed Designation	Local Green Space

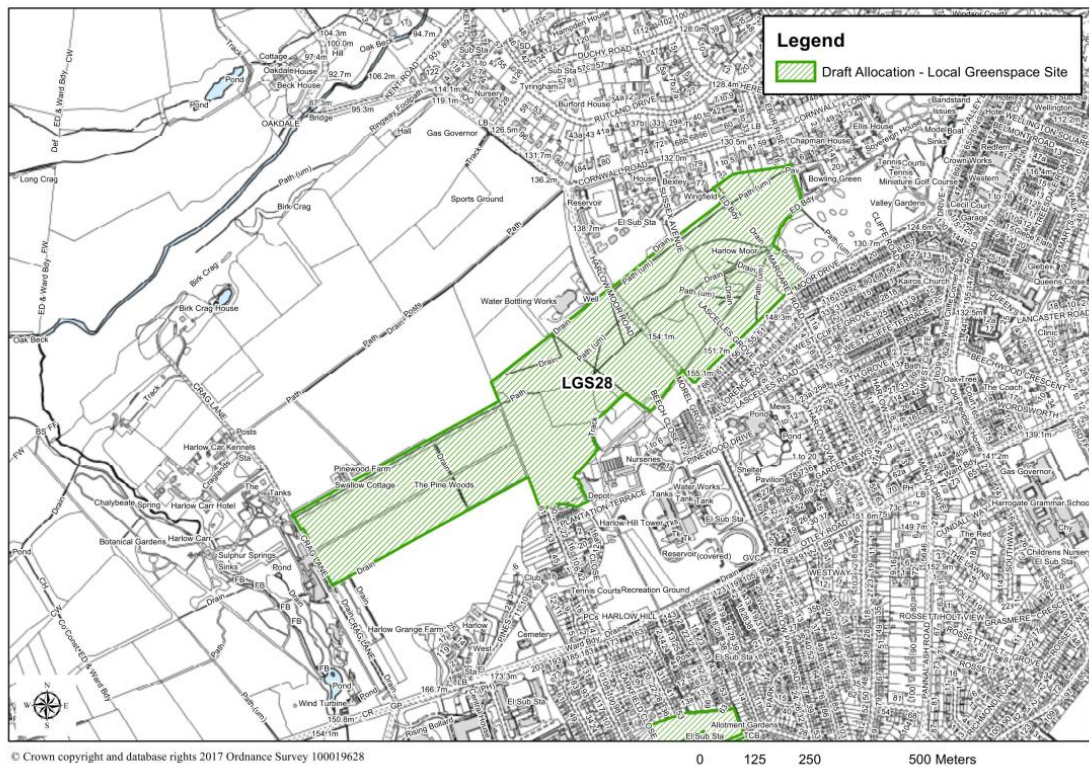


Map 9.3 Site LGS25

Site LGS110

LGS28: The Pinewoods, Harrogate - map needs amending

Site Ref	LGS28
Settlement	Harrogate
Site Name	The Pinewoods
Proposed Designation	Local Green Space

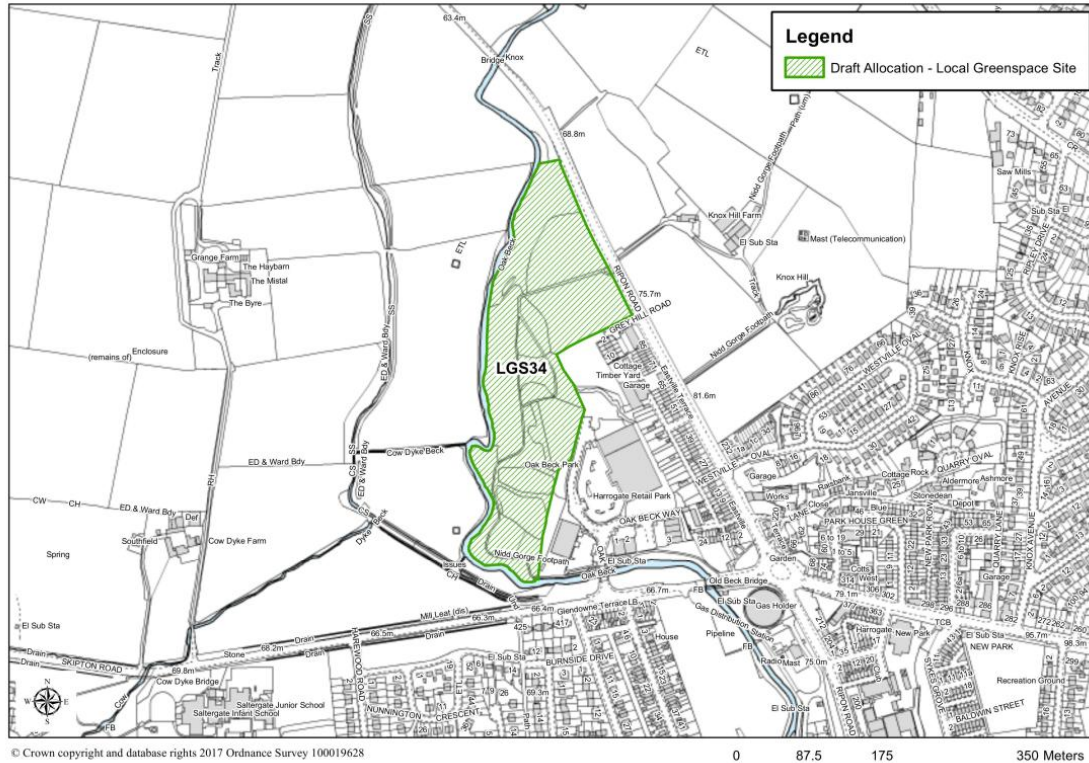


Map 9.4 Site LGS110

Site LGS34

LGS34: Grange Quarry Park, Harrogate

<b>Site Ref</b>	<b>LGS34</b>
<b>Settlement</b>	Harrogate
<b>Site Name</b>	Grange Quarry Park, Harrogate
<b>Proposed Designation</b>	Local Green Space

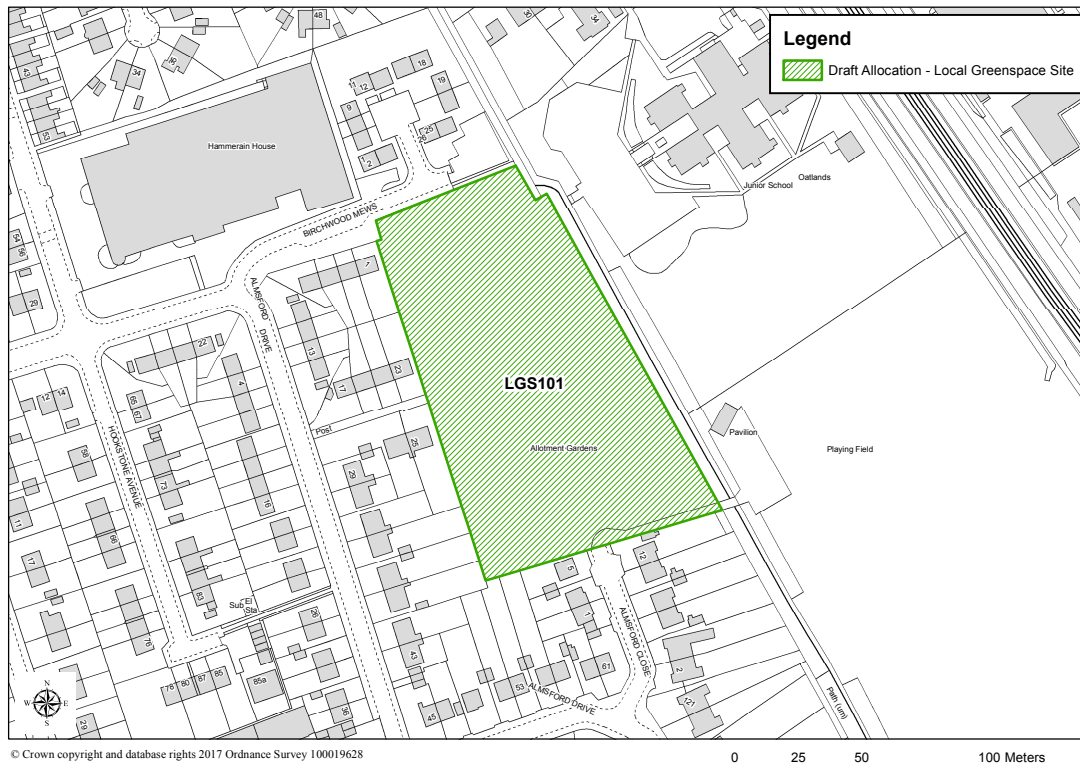


Map 9.5 Site LGS34

## Site LGS101

### LGS101: Otlands Allotments

<b>Site Ref</b>	<b>LGS101</b>
<b>Settlement</b>	Harrogate
<b>Site Name</b>	Otlands Allotments
<b>Proposed Designation</b>	Local Green Space

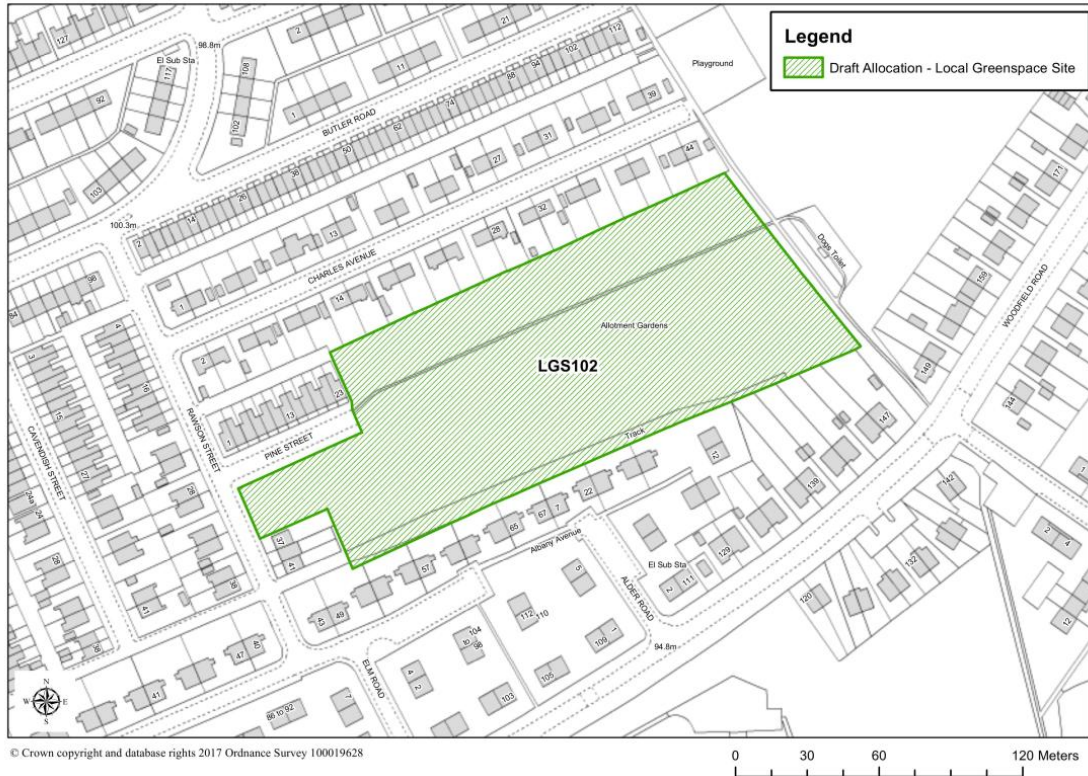


Map 9.6 Site LGS101

Site LGS110

LGS102: Pine Street allotments, Harrogate

<b>Site Ref</b>	<b>LGS102</b>
<b>Settlement</b>	Harrogate
<b>Site Name</b>	Pine Street allotments
<b>Proposed Designation</b>	Local Green Space



Map 9.7 Site LGS102

## Site LGS103

### LGS103: Forest Avenue allotments, Harrogate

<b>Site Ref</b>	<b>LGS103</b>
<b>Settlement</b>	Harrogate
<b>Site Name</b>	Forest Avenue allotments
<b>Proposed Designation</b>	Local Green Space



Map 9.8 Site LGS103

## Site LGS104

### LGS104: North Outfall allotments, Harrogate

<b>Site Ref</b>	<b>LGS104</b>
<b>Settlement</b>	Harrogate
<b>Site Name</b>	North Outfall allotments
<b>Proposed Designation</b>	Local Green Space



Map 9.9 Site LGS104

## Site LGS106

### LGS106: Unity allotments, Harrogate

<b>Site Ref</b>	<b>LGS106</b>
<b>Settlement</b>	Harrogate
<b>Site Name</b>	Unity allotments, Harrogate
<b>Proposed Designation</b>	Local Green Space



Map 9.10 Site LGS106

## Site LGS108

### LGS108: Stonefall allotments, Harrogate

<b>Site Ref</b>	<b>LGS108</b>
<b>Settlement</b>	Harrogate
<b>Site Name</b>	Stonefall allotments
<b>Proposed Designation</b>	Local Green Space



Map 9.11 Site LGS108

## Site LGS109

### LGS109: Claro allotments, Harrogate

<b>Site Ref</b>	<b>LGS109</b>
<b>Settlement</b>	Harrogate
<b>Site Name</b>	Claro allotments
<b>Proposed Designation</b>	Local Green Space



Map 9.12 Site LGS109

Site LGS110

LGS110: Panhandle Park and railway embankment

Site Ref	LGS110
Settlement	Harrogate
Site Name	Panhandle Park and railway embankment
Proposed Designation	Local Green Space

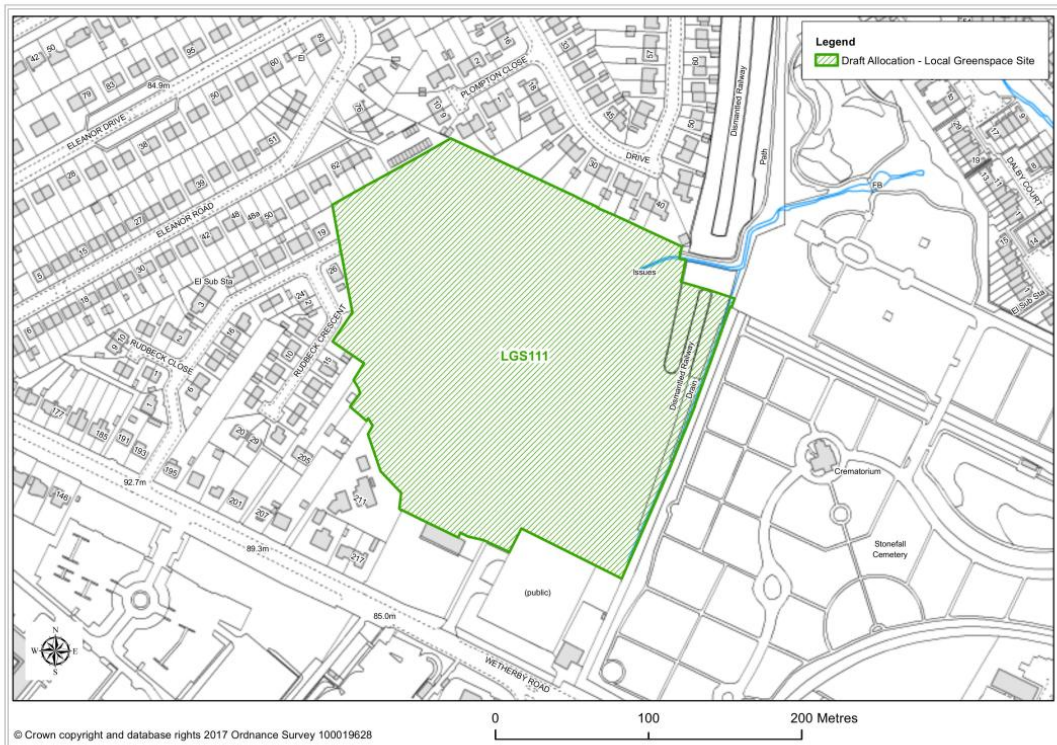


Map 9.13 Site LGS110

## Site LGS111

### LGS111: Stonefall Park, Harrogate

<b>Site Ref</b>	<b>LGS111</b>
<b>Settlement</b>	Harrogate
<b>Site Name</b>	Stonefall Park
<b>Proposed Designation</b>	Local Green Space

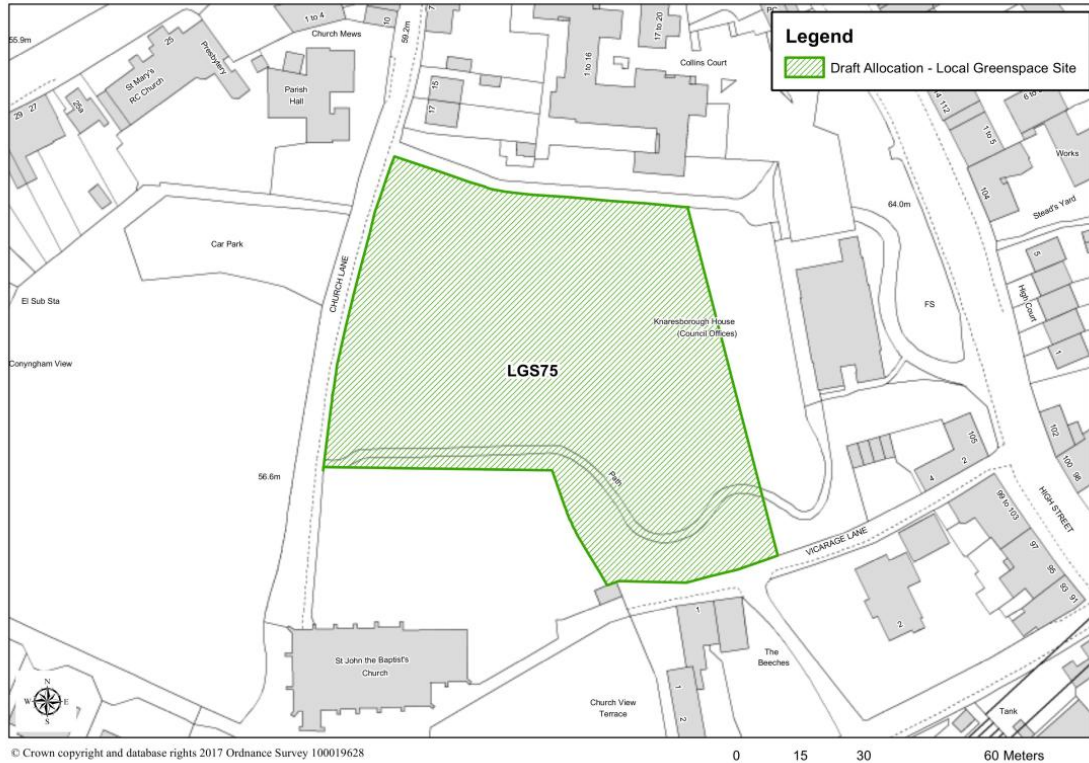


Map 9.14 Site LGS111

## Site LGS75

### LGS75: Knaresborough House, Knaresborough

<b>Site Ref</b>	<b>LGS75</b>
<b>Settlement</b>	Knaresborough
<b>Site Name</b>	Knaresborough House
<b>Proposed Designation</b>	Local Green Space

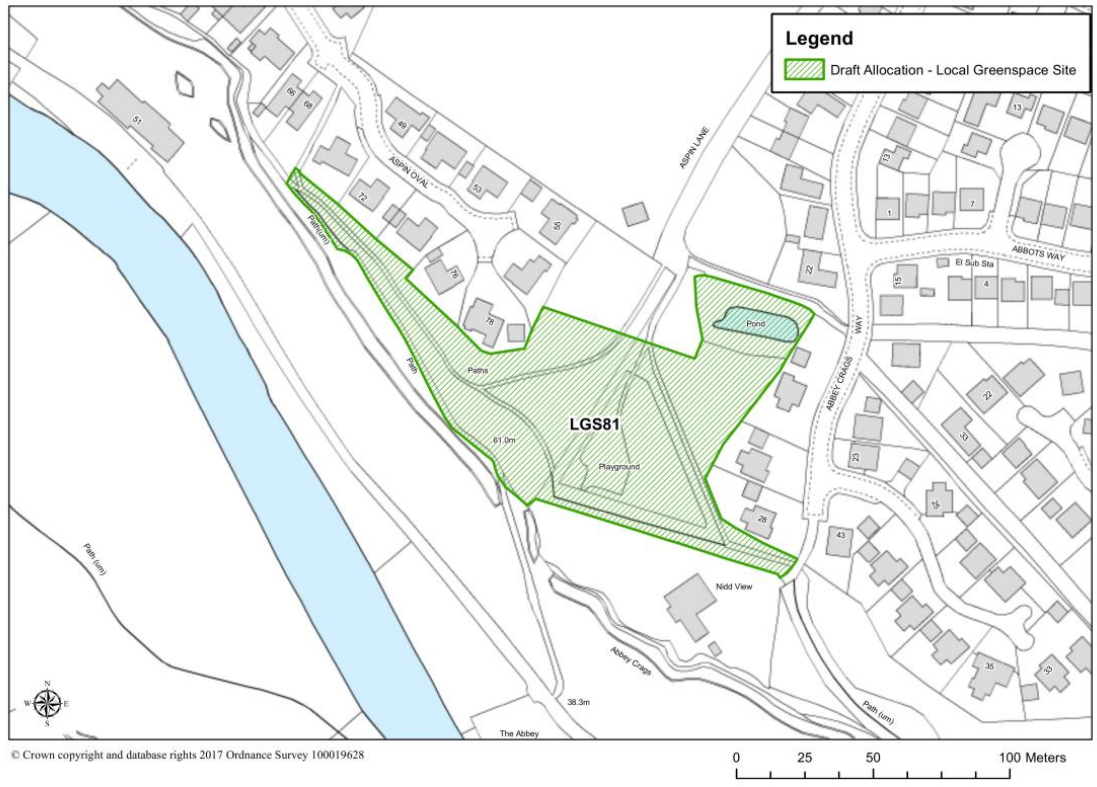


Map 9.15 Site LGS75

## Site LGS81

### LGS81: Aspin Pond, Knaresborough

<b>Site Ref</b>	<b>LGS81</b>
<b>Settlement</b>	Knaresborough
<b>Site Name</b>	Aspin Pond
<b>Proposed Designation</b>	Local Green Space



Map 9.16 Site LGS81

## Draft Local Green Spaces: Knaresborough and Scriven

### Site LGS58

#### LGS58: Jacob Smith Park, Scriven

Site Ref	LGS58
Settlement	Scriven
Site Name	Jacob Smith Park
Proposed Designation	Local Green Space



Map 9.17 Site LGS58

## Draft Local Green Spaces: Masham

### Site LGS47

### LGS47: Masham Allotments

<b>Site Ref</b>	<b>LGS47</b>
<b>Settlement</b>	Masham
<b>Site Name</b>	Masham Allotments
<b>Proposed Designation</b>	Local Green Space



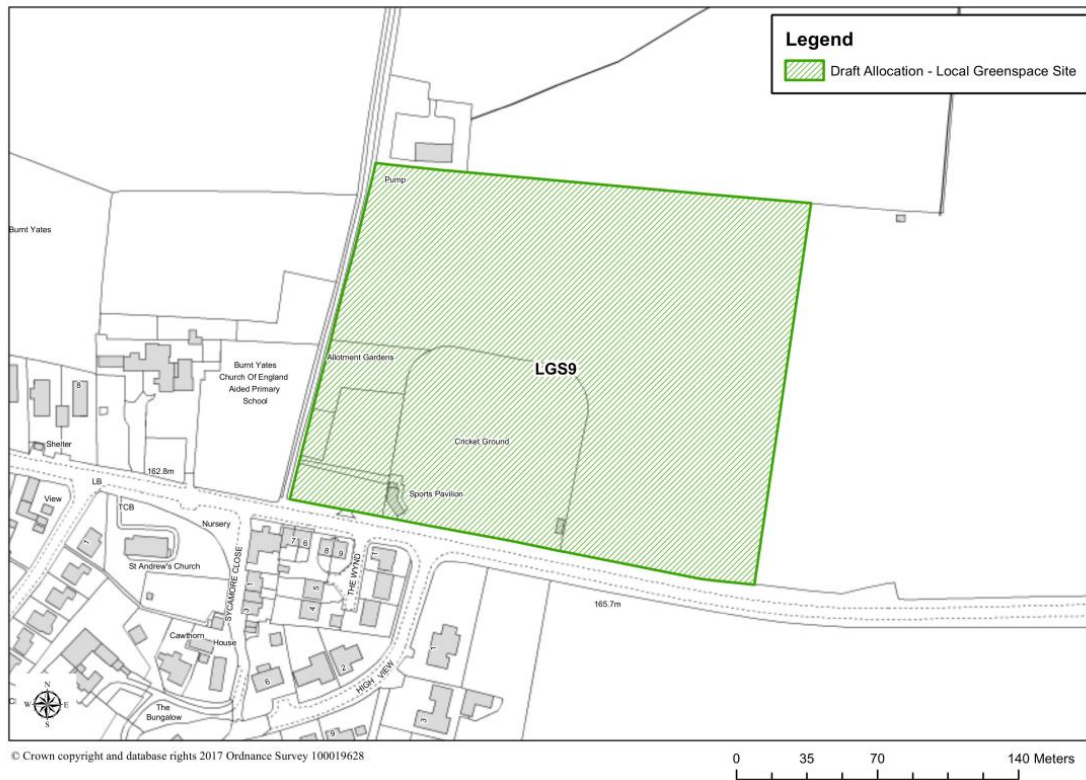
Map 9.18 Site LGS47

## Draft Local Green Spaces: Burnt Yates

### Site LGS9

#### LGS9: Community Amenity Area, Burnt Yates

Site Ref	LGS9
Settlement	Burnt Yates
Site Name	Community Amenity Area
Proposed Designation	Local Green Space



Map 9.19 Site LGS9

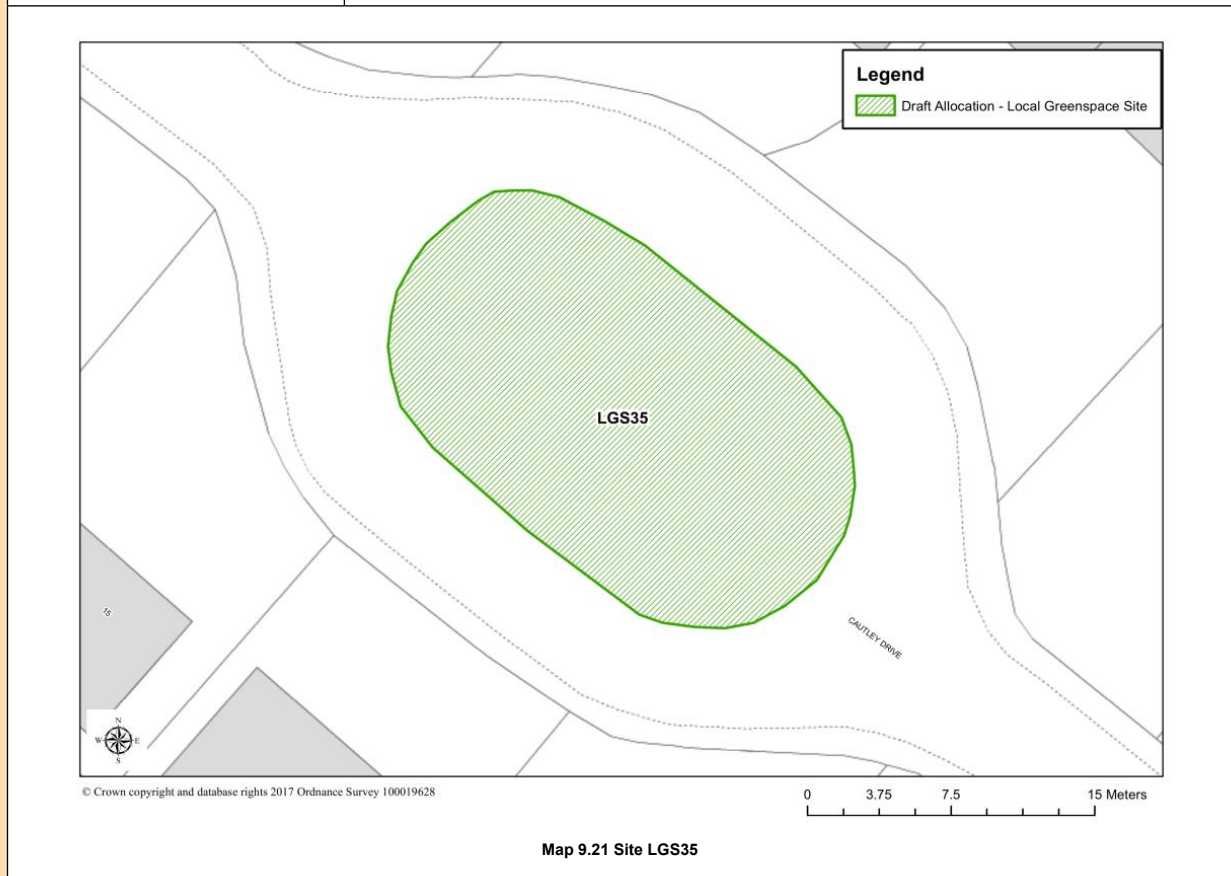


## Draft Local Green Spaces: Killinghall

### Site LGS35

#### LGS35: Island at Cautley Drive, Killinghall

Site Ref	LGS35
Settlement	Killinghall
Site Name	Island at Cautley Drive
Proposed Designation	Local Green Space

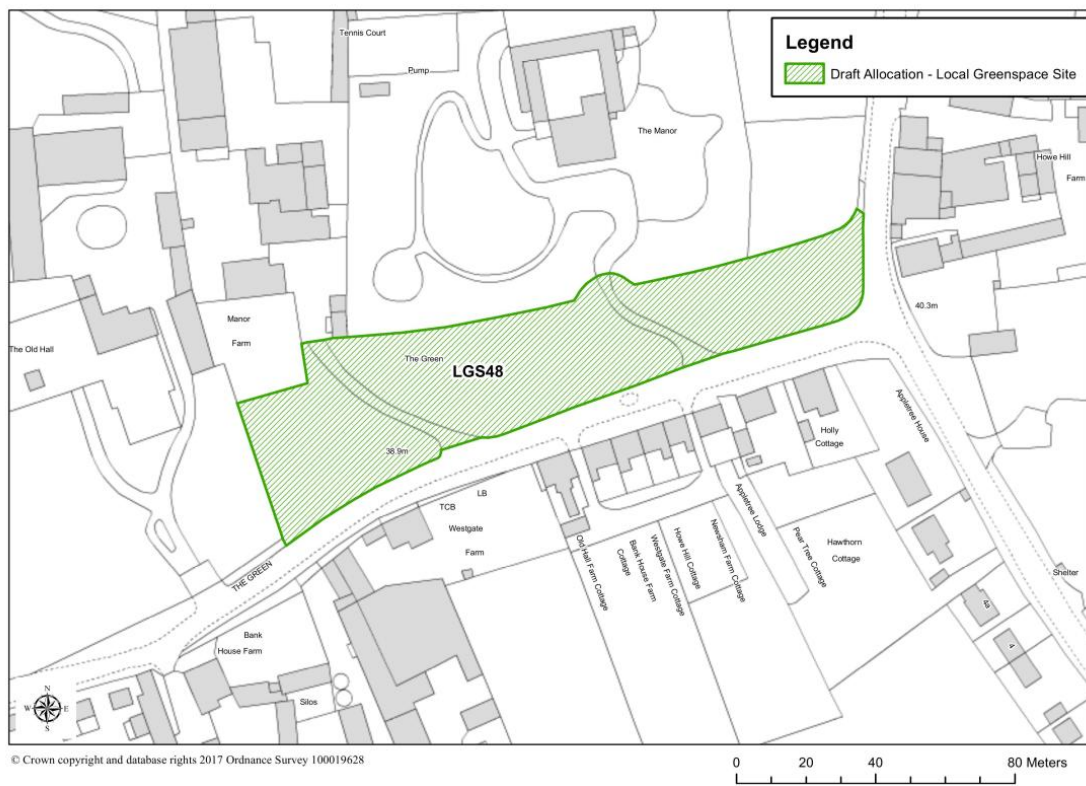


## Draft Local Green Spaces: North Deighton

### Site LGS48

#### LGS48: The Green, North Deighton

Site Ref	LGS48
Settlement	North Deighton
Site Name	The Green
Proposed Designation	Local Green Space



Map 9.22 Site LGS48

## Draft Local Green Spaces: North Stainley

### Site LGS50

#### LGS50: Community Garden, North Stainley

Site Ref	LGS50
Settlement	North Stainley
Site Name	Community Garden
Proposed Designation	Local Green Space

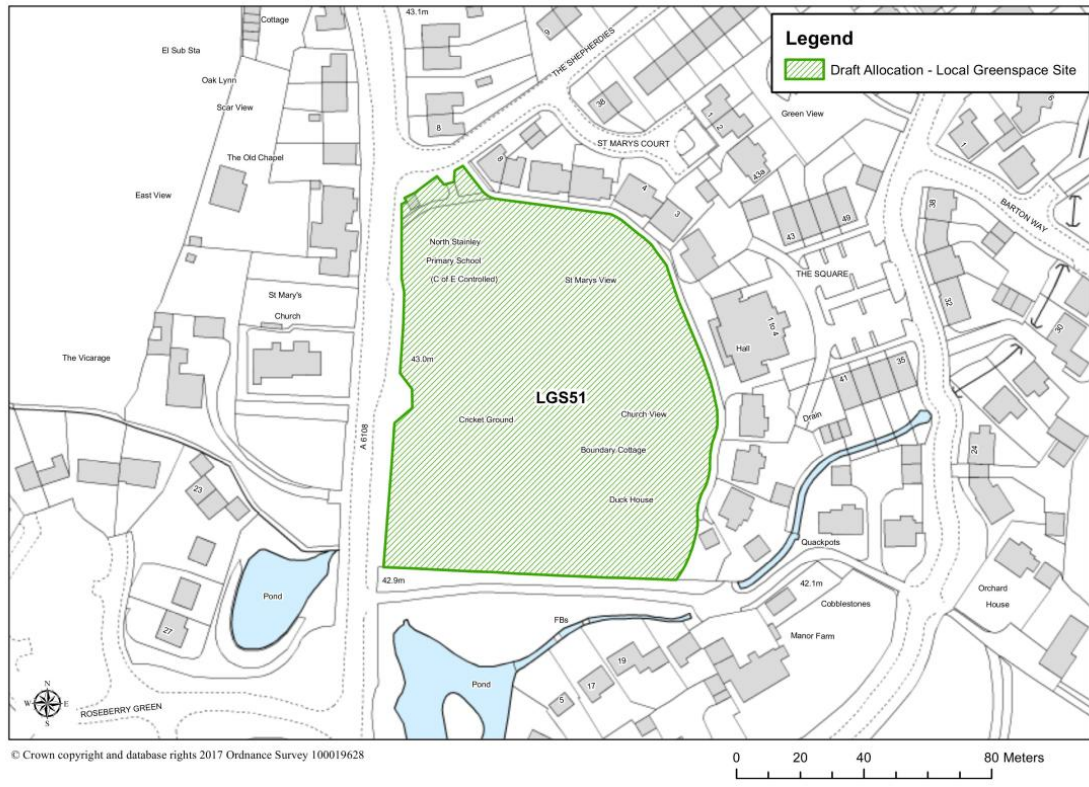


Map 9.23 Site LGS50

## Site LGS51

### LGS51: Recreation Ground, North Stainley

Site Ref	LGS51
Settlement	North Stainley
Site Name	Recreation Ground
Proposed Designation	Local Green Space



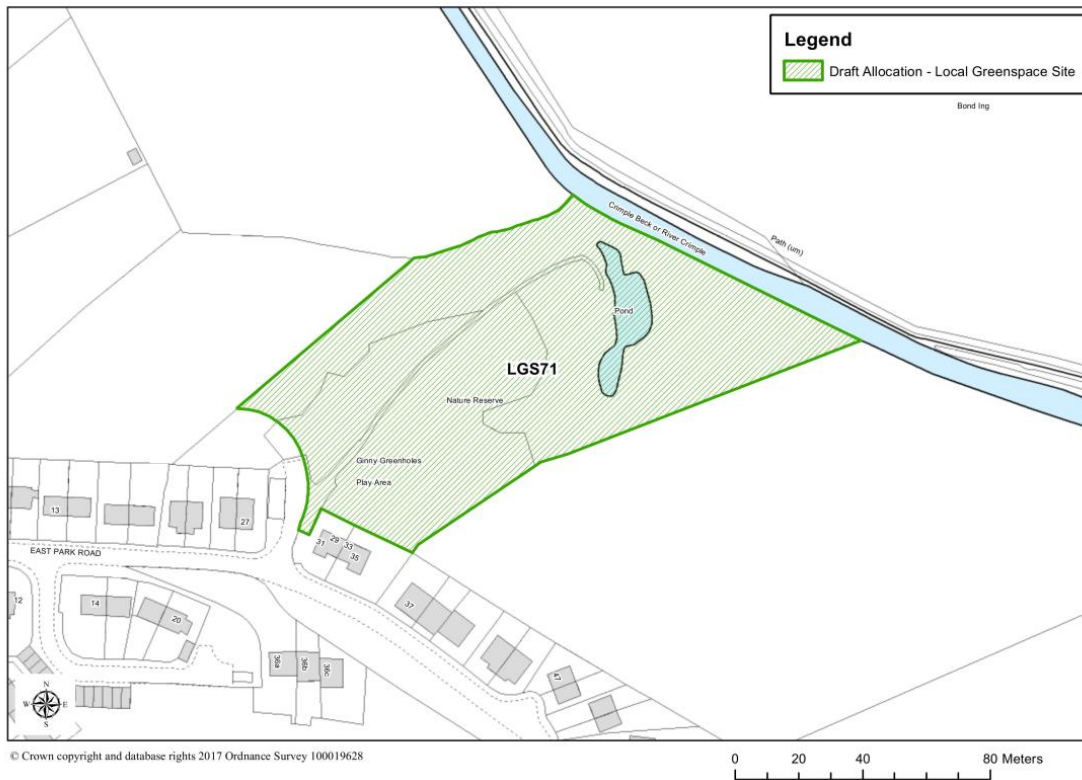
Map 9.24 Site LGS51

## Draft Local Green Spaces: Spofforth

### Site LGS71

### LGS71: East Park Playground and Recreation Park, Spofforth

<b>Site Ref</b>	<b>LGS71</b>
<b>Settlement</b>	Spofforth
<b>Site Name</b>	East Park Playground and Recreation Park
<b>Proposed Designation</b>	Local Green Space



Map 9.25 Site LGS71

## Site LGS73

### LGS73: Millennium Garden, Spofforth

<b>Site Ref</b>	<b>LGS73</b>
Settlement	Spofforth
Site Name	Millennium Garden
Proposed Designation	Local Green Space



## NE7: Trees and Woodland

### Draft Policy NE 7

#### NE7: Trees and Woodland

Development should positively incorporate new and protect and enhance existing trees that have wildlife, landscape, historic, amenity, productive or cultural value or contribute to the character and/or setting of a settlement, unless there are clear and demonstrable reasons why removal would aid delivery of a better development.

Proposals that would result in damage or destruction to ancient or veteran trees or subject to a Tree Preservation Order (TPO) will be permitted where:

- A. There is an overriding need for the development that outweighs the loss or harm;
- B. Development is location specific and there is no preferable alternative location.

Development that results in removal or damage to trees will be required to provide replacement trees on-site.

Wherever appropriate planting of additional trees should be included in new developments.

### Justification

- 9.54** Trees and woodlands provide a significant contribution to the landscape character, local distinctiveness and biodiversity of the district, therefore, it is important to prevent their loss. This will be done when such trees are considered to be under threat, by the confirmation of a Tree Preservation Order (TPO) or by conditions attached to a planning permission and this protection will be maintained and extended as appropriate. There are, however, many trees of value without existing protection and therefore careful consideration should be given to their removal. In order to prevent the loss of trees it is also important to protect them in an appropriate manner during development. Conditions will be attached to planning permissions to ensure this takes place.
- 9.55** New development should not be located too close to existing trees and new trees should not be planted too close to existing development to ensure trees can reach maturity and be retained in the longer term whilst preventing negative impacts on residential amenity.
- 9.56** It should be noted that the law allows for the felling of dead or dangerous trees even when protected by a TPO or planning conditions in accordance with the Wildlife and Countryside Act. In the event of this, the Local Planning Authority should be notified before these works take place, or the onus is on the person carrying out the works to the tree(s) to show that they are necessary to address the immediate risk.
- 9.57** If a tree is home to a protected species that species may be protected under the Wildlife and Countryside Act 1981 or Habitats Regulations and therefore to move or disturb such species may also require prior granting of a license from Natural England.
- 9.58** Some mature trees are of great antiquity and make a particular contribution to landscape character, local distinctiveness and biodiversity and they are often valued cultural features with historical associations. Veteran trees are in the latter stage of their life as well as the richest in terms of ecology, landscape and culture. Veteran trees can be found anywhere; along old hedgerows, road junctions, river corridors and in parkland.

- 9.59** The purpose of compensatory planting is to secure, through new woodland or tree planting on appropriate sites elsewhere, to at least the equivalent tree/woodland-related net public benefit embodied in the trees/woodland to be removed. The council will determine the need for compensatory planting, its type and extent and the most appropriate way of securing its delivery. This will be detailed in a planning condition or a planning agreement. As ancient woodland and veteran trees are irreplaceable, discussions on compensation should not form part of the assessment of the merits of the development proposal. Compensation measures are always a last resort and these measures can only partially compensate for damage. Compensation measures could include planting new native trees and/or woodland, restoring or managing other ancient trees/woodland, management of aged or veteran trees or replacing lost veteran trees.
- 9.60** The submission of a tree survey as part of the application may be required. Ecological surveys may also be required in line with the council's validation criteria. Regard should be had to Natural England's Standing Advice for protected species which includes advice about ancient woodlands and veteran trees. Protected species surveys e.g. for bats or nesting birds may be required in line with the council's validation criteria biodiversity proforma.

## Further Information

### Related planning policies

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Policy HP2: Heritage Assets
- Policy HP3: Local Distinctiveness
- Policy NE3: Protecting the Natural Environment
- Policy NE4: Landscape Character

### Further information/guidance for applicants (see bibliography under Natural Environment for more details)

- Forestry Commission website
- Natural England: Standing Advice for Protected Species
- Wildlife and Countryside Act 1981
- Micro guide to BS8596 - surveying for bats in trees and woodland
- BS5837: 2012 - Trees in relation to design, demolition and construction - Recommendations

### Evidence that may be required from applicants to accompany a planning application

- Tree survey
- Validation criteria biodiversity proforma
- Protected species survey

## NE8: Protection of Agricultural Land

### Draft Policy NE 8

#### NE8: Protection of Agricultural Land

The best and most versatile agricultural land (grades 1, 2 and 3a) will be protected from development not associated with agriculture or forestry.

Sites of over 5 hectares which may affect the best and most versatile agricultural land should produce an agricultural land classification survey to determine the quality, quantity and accurate location of agricultural land in grades 1, 2 and 3a. Planning permission for development affecting such land will only be granted exceptionally if there is an overriding need for the development and either:

- A. Sufficient land of a lower grade (grades 3b, 4 and 5) is unavailable or available lower grade land has an environmental value recognised by a statutory wildlife, historic, landscape or archaeological designation and outweighs the agricultural considerations; or
- B. The benefits of the development justify the loss of high quality agricultural land.

If best and most versatile land needs to be developed and there is a choice between sites in different grades, land of the lowest grade available must be used except where other sustainability considerations outweigh land quality issues.

Proposals for development should demonstrate that soil resources have been protected and used sustainably in line with best practice.

## Justification

- 9.61** Soil fulfils a number of functions and services for society which are central to social, economic and environmental sustainability, including food and fibre production, as a store for carbon and water and as a buffer against pollution. The quality of agricultural land is graded according to its versatility and suitability for growing crops, with grades 1, 2 and 3a considered to be the 'best and most versatile' (BMV). One hectare of topsoil, the most productive soil layer, can contain up to 5 tonnes of living organisms and because it can take more than 500 years to form a 2cm thickness, it is in practical terms non-renewable. The NPPF (paragraphs 109 and 112) stresses the need for the planning system to protect and enhance soils and requires a local planning authority to take into account the economic and other benefits of BMV agricultural land and minimise its loss to development.
- 9.62** Paragraph 109 of the National Planning Policy Framework (NPPF) also stresses the need for the planning system to protect and enhance soils. Soil is a finite resource that fulfils many important functions. For instance, as a growing medium for food, timber and other crops, as a store for carbon and water and as a buffer against pollution. It is important, therefore, that soil resources are appropriately protected and used sustainably.
- 9.63** The district contains a substantial amount of agricultural land, much of which is of high quality providing an important role in food and other resource production. Harrogate district has a total area of 130,500 hectares, nearly 20% of which comprises grades 1 and 2 agricultural land. A further 32% is grade 3 but it is not possible to differentiate the amount of grade 3a land as a comprehensive survey of grade 3 land is not available.
- 9.64** Some of the highest quality land is in close proximity to settlements where the pressure for development is greatest. Policy NE8 seeks to conserve and protect the BMV land and sets out the circumstances when development of BMV will be permitted. If there is a choice between sites of different grades, the lowest grade should be used. However, there may be cases where lower grade land should be retained in preference to higher grade land, for example where the lower grade land has greater biodiversity value.
- 9.65** In circumstances when higher grade land has to be used an agricultural land classification survey can inform site layout to reduce the loss of BMV land and can feed into a soil resource plan. Identification of clean soil resources is necessary to plan for effective reuse of soils.

## Further Information

### Related planning policies

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

### Evidence that may be required from applicants to accompany a planning application

- Agricultural land classification survey
- Justification for loss of Grade 1, 2 and 3a land.

## NE9: Unstable and Contaminated Land

### Draft Policy NE 9

#### NE9: Unstable and Contaminated Land

##### Unstable Land

Proposals for development on land suspected as being unstable will not be permitted unless it can be demonstrated either that there is no foreseeable instability, or that the effects of such instability can reasonably be overcome.

With specific regard to subsidence due to gypsum dissolution in the Ripon area, significant building development in areas which are suspected as being potentially susceptible to the problem will be subject to development control procedures, based on the development guidance categories in the section below titled 'Gypsum Related Subsidence in the Ripon Area' and as shown on the Policies Map. The accompanying advice on 'Gypsum Related Subsidence in the Ripon Area', including the requirements for Ground Stability Assessment Reports and Declaration Forms in certain areas should be taken into account in all applications for development.

##### Contaminated Land

Proposals for the redevelopment or re-use of land known or suspected to be contaminated and development or activities that pose a significant new risk of land contamination will be considered having regard to:

- A. The findings of a preliminary land contamination risk assessment;
- B. The compatibility of the intended use with the condition of the land; and
- C. The environmental sensitivity of the site.

Proposals that fail to demonstrate that the intended use would be compatible with the condition of the land or which fail to exploit appropriate opportunities for decontamination will be resisted.

## Justification

### General instability

- 9.66** Potential ground instability is an important issue which will, where appropriate, be a material consideration in the determination of applications for development.

- 9.67** In certain parts of the plan area, difficulties may be experienced in developing land due to instability of the ground and in these areas it will normally be necessary to take full account of the ground conditions prior to the determination of planning applications and/or the commencement of development. Within the plan area, the causes of such instability may include:
- the effects of subsidence associated with natural underground cavities caused by dissolution of gypsum deposits within the underlying strata;
  - the legacy of past coal mining activity, particularly in parts of Nidderdale, including mine entries and subsidence associated with shallow underground mine workings;
  - the effects of settlement associated with ground compression - due to human activities (landfill, made ground) or natural origins (peat, soft silts, shrinkable clays); and
  - the effects of slope failure on natural or man-made slopes.
- 9.68** The effects of ground instability vary considerably in their nature, scale and extent. Most commonly they are of a minor nature and occur very infrequently, only rarely causing damage to buildings. However, in the most extreme circumstances they may threaten health and safety or cause severe damage to unprotected buildings and structures. In many instances the proposed development may itself exacerbate any existing or potential instability, for example by increased loading, excavation or changes to local groundwater conditions.
- 9.69** When planning permission is applied for it is the developer and/or landowner, who is responsible for ensuring that the land is physically suitable for development or can be made so. Therefore, in appropriate cases the council may require planning applications to be supported by a Ground Stability Report describing and analysing the issues relevant to ground instability and indicating how any foreseeable problems would be overcome.
- 9.70** The nature of potential land instability is that, in most instances, it should be possible to overcome any difficulties, or at least reduce them to an acceptable level, through appropriate investigation and mitigation measures and/or through the careful design and placing of development.

### **Unstable land**

- 9.71** The specific issue of subsidence due to gypsum dissolution in the Ripon area was investigated by consultants in a two-year research programme, commissioned by the then Department of the Environment with a contribution from the council. From the results of that study the council adopted a development control policy designed to:
- minimise the risks and effects of land instability on property, infrastructure and the public;
  - ensure that various types of development should not be placed in unstable locations without appropriate precautions;
  - bring unstable land, wherever possible back into productive use;
  - assist in safeguarding public and private investment by a proper appreciation of site conditions and necessary precautionary measures.
- 9.72** The study and objectives remain valid and the policy's requirements include the need for many planning applications in affected areas to be supported by a Ground Stability Report, prepared by a suitable experienced competent person, (Gypsum Related Subsidence in the Ripon Area sets out further guidance regarding development proposals in gypsum affected areas).
- 9.73** The Ground Stability Report is required to assess whether or not any ground instability can reasonably be foreseen for the site in question, and where necessary, to provide detailed recommendations on the mitigation measures which may be needed in order to reduce the

potential effects of any foreseen instability to an acceptable level. Such recommendations, if acceptable by the planning officer, would form the basis of conditional planning consent and, would need to be implemented on site.

- 9.74** Detailed Development Management requirements are set out in the section below titled 'Gypsum Related Subsidence in the Ripon Area' and discussion with the Development Management Team at an early stage is recommended.

### **Contaminated land**

- 9.75** Land may be affected by contamination if substances present in, on or under the land are actually or potentially hazardous to people or the environment. The presence of contamination does not necessarily present an unacceptable risk. Risk exists when a source (a contaminant) and a receptor (e.g. people, groundwater, wildlife) both exist at a site with a pathway linking the two. Contamination may be present in various forms, including chemical, biological or radioactive. Land affected by the presence of invasive species such as Japanese Knotweed, Giant Hogweed and Himalayan balsam can also be classed as contaminated and therefore will be covered under this policy. Current and former landfill sites are also classed as contaminated land. Development can create risk by introducing new pathways and also by introducing new receptors.
- 9.76** The role of the planning process is to ensure that land is made suitable for its proposed future use. The NPPF aims to encourage sustainable development and the reuse of brownfield land but also states that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity and the potential sensitivity of the area or proposed development to adverse affects from pollution, should be taken into account. It also requires that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.
- 9.77** A Technical Guidance for Developers, Landowners and Consultants document has been produced by the Yorkshire and Humberside Pollution Advisory Council and has been adopted as guidance by 34 local authorities in Yorkshire, Lincolnshire and the North East, including Harrogate Borough Council. This document is intended to assist developers, landowners and consultants who intend to introduce a vulnerable end use (e.g. residential) to land, or wish to re-develop or significantly change the use of buildings or of land which could potentially be contaminated.
- 9.78** Applicants will also be expected to clearly set out the method of providing mitigation on site to avoid contamination of other land within the site or of accidentally spreading contamination into nearby watercourses.
- 9.79** Unlike many of the larger urban and metropolitan areas, Harrogate district does not have a history of heavy industrial activity. Therefore, there are few derelict, abandoned or current industrial sites, which are heavily contaminated. The district does however contain a number of specific local features which may have significant implications for the incidence of contaminated land including the concentration of naturally occurring springs and spas, the problem of gypsum dissolution and various former and current Ministry of Defence sites.

### **Further Information**

#### **Related planning policies**

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

**Further information/guidance for applicants (see bibliography under Natural Environment for more details)**

- 'Gypsum Related Subsidence in the Ripon Area'
- Assessment of Subsidence Activity Arising from Gypsum Dissolution (with particular reference to Ripon) - Symonds Travers Morgan Technical Report
- The Coal Authority website
- Yorkshire and Humberside Pollution Advisory Council: Development on Land Affected by Contaminated Land: Technical Guidance for Developers, Landowners and Consultants, (2016)
- Part IIA of the Environmental Protection Act 1990

**Evidence that may be required from applicants to accompany a planning application**

- Ground Stability Report
- Land contamination risk assessment
- Statement showing the method of providing mitigation on site

**Designations/boundaries to be shown on the policies map**

- Potential subsidence arising from gypsum dissolution - areas A, B and C

## Gypsum Related Subsidence in the Ripon Area

**9.80** This section provides accompanying advice to Policy NE9: Unstable and contaminated land and covers the following:

- Procedural requirements set out in the policy
- A development guidance map defining three areas relating to the presence of gypsum and the gypsum related subsidence hazard associated with each area, together with suggested development management procedures.
- Definition of a 'competent person' when undertaking a ground stability report

### Background

**9.81** Gypsum occurs at a relatively shallow depth in the rocks beneath the Ripon area. In some areas it is susceptible to dissolution by percolating groundwater leading to the localised development of natural, underground cavities. These cavities can become unstable and collapse, leading to their upward migration and ultimately to subsidence of the ground surface.

**9.82** The frequency of subsidence events in the Ripon area is low (about one event per year). Most incidents take place in the open countryside, however, without causing damage to buildings. Whilst the probability of subsidence occurring at a particular location is generally very low, the effects can be significant and the consequences could be serious if an occupied building were to be affected. It is therefore essential that the problem should be taken into account in planning new development in Ripon.

**9.83** Although the NPPF (para's 120 and 121) notes that responsibility for the safe development of unstable land rests with the developer and/or landowner, planning policies and decisions are nevertheless required to ensure that sites are suitable for proposed use, taking account of ground conditions and land instability, including that associated with natural hazards. They are also required to ensure that adequate site investigation information, prepared by a competent person, is presented.

**9.84** In order to establish an appropriate planning response for Ripon, a detailed investigation was therefore carried out, in 1996. That study identified a gravel-filled buried valley beneath the River Ure as a key factor influencing groundwater flows through the layers of gypsum beneath the city, enabling an understanding to be gained of the associated patterns of dissolution and subsidence. That in turn, led to the preparation of a Development Guidance map, a simplified version of which is presented below. The map identifies three different zones in which gypsum is thought to be: absent (Zone A); present at depth (Zone B) or present at relatively shallow depth and potentially susceptible to dissolution by flowing groundwater (Zone C). Natural underground cavities, relating to gypsum dissolution, are also likely to be present within Zone C.

### Policy Requirements

**9.85** Informed by the recommendations of the 1996 study, and by the NPPF requirements noted above, a range of detailed policies and procedures for forward planning and development management have been developed for each of the three zones. These requirements are set out in the table below. They provide a framework for the monitoring and control of development which should help to ensure that potential future problems arising from gypsum-related subsidence (particularly within Zone C) are adequately addressed. The procedures recognise that mitigation solutions to address the risk of subsidence at individual locations can only be determined on a site-specific basis, following appropriate ground investigations. The Policy requires that such investigations are undertaken and mitigation designs prepared, on behalf of the developer, by a suitably qualified and experienced competent person, as defined below.

**9.86** For the purposes of Policy NE9 and implementation of the requirements set out in table 9.1, a 'Competent Person' shall be a Registered Ground Engineering Advisor, as defined by the UK Register of Ground Engineering Professionals (RoGEP), or with an equivalent qualification, and with specific, demonstrable experience and expertise in dealing with issues relating to subsidence arising from gypsum dissolution within the Ripon area.

**9.87** Where a declaration form is required (i.e for proposals within Zone C), it will not be acceptable for this to be subject to any caveats or disclaimers of responsibility. Declarations which include such disclaimers will not be relied upon by the Council as a demonstration that there is either no foreseeable instability, or that the effects of such instability can reasonably be overcome. In those circumstances, the corresponding application would fail to meet the requirements of Policy NE9. Those who commission ground stability reports should therefore ensure that the appointed engineer is both competent and willing to accept full responsibility for their assessments and designs.

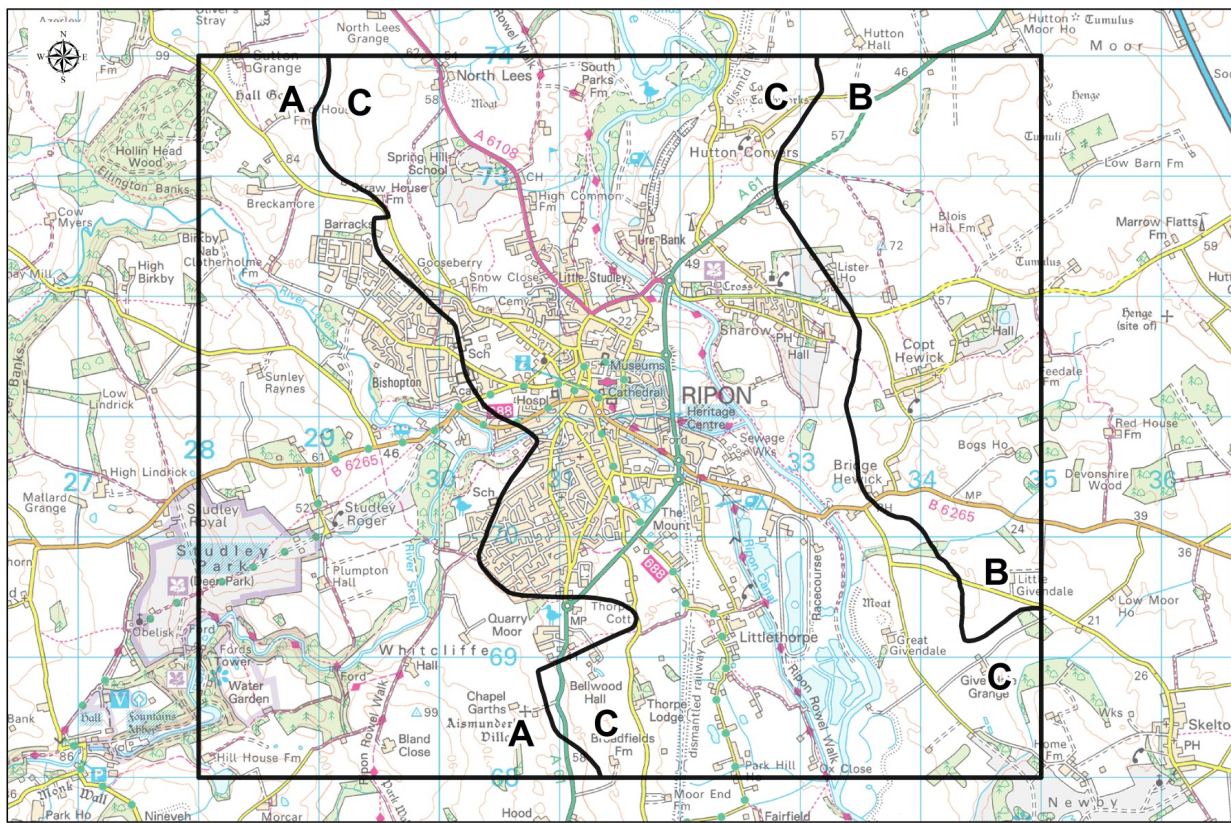
**9.88** A simplified version of the development guidance map forms part of this section. More detailed information of the areas is given on the policies map.

Development Guidance Zone	Gypsum-related subsidence hazard	Forward planning implications	Development Management Requirements
A	No gypsum present according to current geological maps.	Area suitable for development in accordance with the Local Plan. Gypsum problems impose no constraints on Local Plan development proposals.	No requirements with respect to gypsum at planning stage. Building control measures may be needed if isolated outliers of gypsum are discovered during routine site investigations or construction work.
B	Slight subsidence hazard associated with very localised, existing near-surface cavities, formed originally by the slow, localised dissolution of deep-seated gypsum deposits.	Areas that are generally suitable for development in accordance with the Local Plan. Gypsum related subsidence hazard may impose minor, localised constraints, which should be identified and taken account of in Local Plan development proposals.	A ground stability report prepared by a Competent Person <sup>(1)</sup> will normally <sup>(2)</sup> be required before planning applications for new building development in this area can be determined. In most cases it is likely that the report would need to be based only upon a geotechnical desk study and site appraisal, although site investigation to identify existing cavities may be required if problems are identified by the initial desk study. In recognition of the very limited degree of risk involved in this area, these requirements may often be imposed in the form of conditional planning permission.
C	Areas which may be potentially subject to localised subsidence hazard, associated with both existing cavities and with the on-going dissolution of gypsum deposits in areas affected by groundwater moving towards the Ure Valley.	Areas which are potentially subject to significant constraints on development. Local Plan development proposals should identify and take account of these constraints, making use of the detailed hazard assessment contained within Symonds Travers Morgan's Technical Report.	A ground stability report and declaration form signed by a Competent Person will normally be required before planning applications for new buildings, or those related to changes of use involving increased exposure of the public to a known risk of subsidence, can be determined. In most cases the report would need to be based on a geotechnical desk study and site appraisal followed up by a programme of ground investigation designed to provide information needed for detailed foundation design, unless adequate information from previous

Development Guidance Zone	Gypsum-related subsidence hazard	Forward planning implications	Development Management Requirements
			boreholes on the same site is available. Where planning permission is given, this may be conditional upon the implementation of approved foundation or other mitigation measures, designed to minimise the impact of any further subsidence activity.

Table 9.2 Development Guidance Categories and Policy Requirements, with respect to Gypsum-Related Subsidence Hazard in Ripon

- For the purposes of these requirements, a 'Competent Person' shall be a Registered Ground Engineering Advisor, as defined by the UK Register of Ground Engineering Professionals (RoGEP), or with an equivalent qualification, and with specific, demonstrable experience and expertise in dealing with issues relating to subsidence arising from gypsum dissolution within the Ripon area. Where a declaration form is required it will not be acceptable for this to be subject to any caveats or disclaimers of responsibility. Those who commission ground stability reports should therefore ensure that the appointed engineer is both competent and willing to accept full responsibility for their assessments and designs.
- Permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 and other minor developments, including most householder applications such as modest extensions, will not normally be subject to the development control requirements set out above. In the case of householder applications, the Council will issue an advice note, drawing the applicant's attention to the potential risk of subsidence, but it reserves the right to request ground stability reports in situations where there are particular reasons for greater concern, for example in locations which are close to sites of recent subsidence activity.



© Crown copyright and database rights 2016 Ordnance Survey 100019628

1:36,000

Map 9.27 Ripon Gypsum Map

Development Guidance Zones	
A	No known gypsum present.
B	Some gypsum may be present at depth.
C	Gypsum likely to be present and susceptible to active dissolution. Underground cavities relating to gypsum dissolution may be present.

Table 9.3 Key: Ripon Gypsum Map

Geographical details represented on this map are based upon an interpretation of data partly obtained from existing publications of the British Geological Survey and partly from other sources as described in the Symonds Travers Morgan technical report to the Department of the Environment: 'Assessment of Subsidence Activity Arising from Gypsum Dissolution (with particular reference to Ripon)'. The map above is intended to be used as a general guide and should not be relied upon to provide detailed information at specific sites.