

- Meeting:** Skipton and Ripon Area Constituency Planning Committee
- Members:** Councillors Barbara Brodigan, Andy Brown, Nick Brown, Robert Heseltine, Nathan Hull (Chair), David Ireton and Andrew Williams (Vice-Chair).
- Date:** Tuesday, 6th June, 2023
- Time:** 1.00 pm
- Venue:** Ripon Town Hall, Market Place South, Ripon HG4 1DD

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact the named democratic services officer supporting this committee, details at the foot of the first page of the Agenda, if you have any queries.

This meeting is being held as an in-person meeting that is being recorded and will be available to view within three working days via the following link [www.northyorks.gov.uk/livemeetings](http://www.northyorks.gov.uk/livemeetings) . Please contact the named democratic services officer supporting this committee if you would like to find out more.

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## **Agenda**

**1. Apologies for Absence**

**2. Declarations of Interests**

All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

**3. Public Questions and Statements**

Members of the public may ask questions or make statements at this meeting if they have given notice (including the text of the question/statement) to Vicky Davies, of Democratic Services of Democratic Services (contact details at the foot of page 1) by midday on Thursday 1<sup>st</sup> June 2023, 3 working days before the day of the meeting. Each speaker should limit themselves to 3 minutes on any item. Members of the public who have given notice will be invited to speak:

- At this point in the meeting if their questions/statements relate to matter

which are not otherwise on the Agenda (subject to an overall time limit of 30 minutes).

- When the relevant Agenda item is being considered if they wish to speak on a matter which is on the Agenda for this meeting.

If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chairman who will instruct anyone who may be taking a recording to cease while you speak.

- 4. 21/01833/FULMAJ Erection of 23 No. residential dwellings including associated access, landscaping and drainage works at land comprising field at 432860, 465889, Knaresborough Road, Bishop Monkton.** (Pages 3 - 32)  
Report of the Assistant Director - Planning.
- 5. Neighbourhood Planning - Examiner's report on the Bradley's Both Neighbourhood Development Plan** (Pages 33 - 126)  
Report of the Corporate Director of Community Development.
- 6. Any other items**  
Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.
- 7. Date of Next Meeting**  
Tuesday, 4 July 2023 at 2pm at Council Offices, Skipton.

Members are reminded that in order to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty, they are encouraged to contact Officers prior to the meeting with questions on technical issues in reports.

**Agenda Contact Officer:**

Vicky Davies, Senior Democratic Services Officer  
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Email: [Vicky.davies@northyorks.gov.uk](mailto:Vicky.davies@northyorks.gov.uk)

Friday, 26 May 2023

**North Yorkshire Council**

**Community Development Services**

**Skipton and Ripon Area Constituency Committee**

**06 JUNE 2023**

**21/01833/FULMAJ – ERECTION OF 23NO. RESIDENTIAL DWELLINGS INCLUDING ASSOCIATED ACCESS, LANDSCAPING AND DRAINAGE WORKS AT LAND COMPRISING FIELD AT 432860 465889, KNARESBOROUGH ROAD, BISHOP MONKTON ON BEHALF OF KEBBELL DEVELOPMENT LTD**

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**Report of the Assistant Director Planning – Community Development Services**

**1.0 Purpose of the Report**

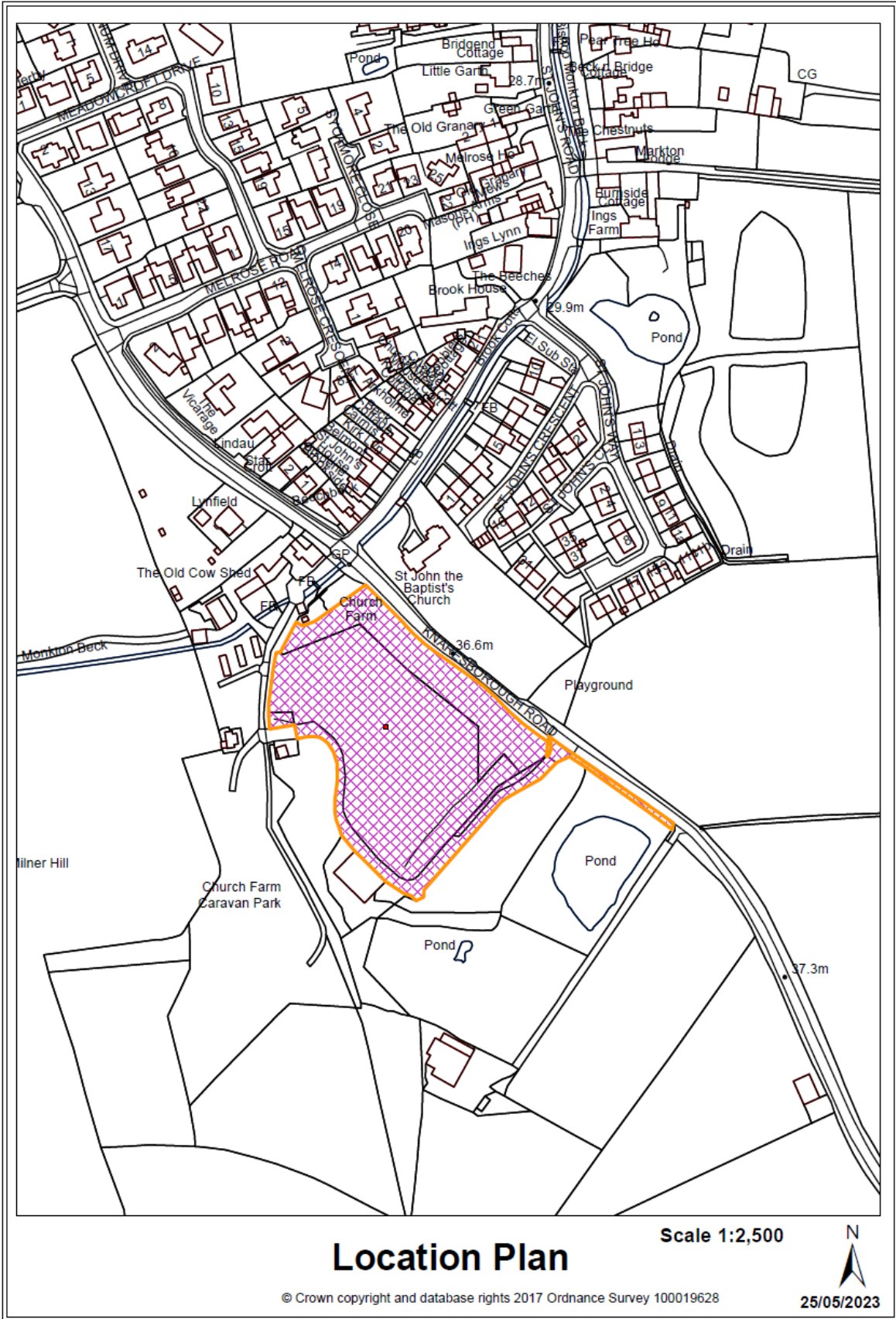
- 1.1 To determine a planning application for the erection of 23no. dwellings including associated access, landscaping and drainage works on land comprising field 432860 465889, Knaresborough Road, Bishop Monkton.
- 1.2 The application is brought to committee, as it is a sensitive site and raises significant material planning issues.

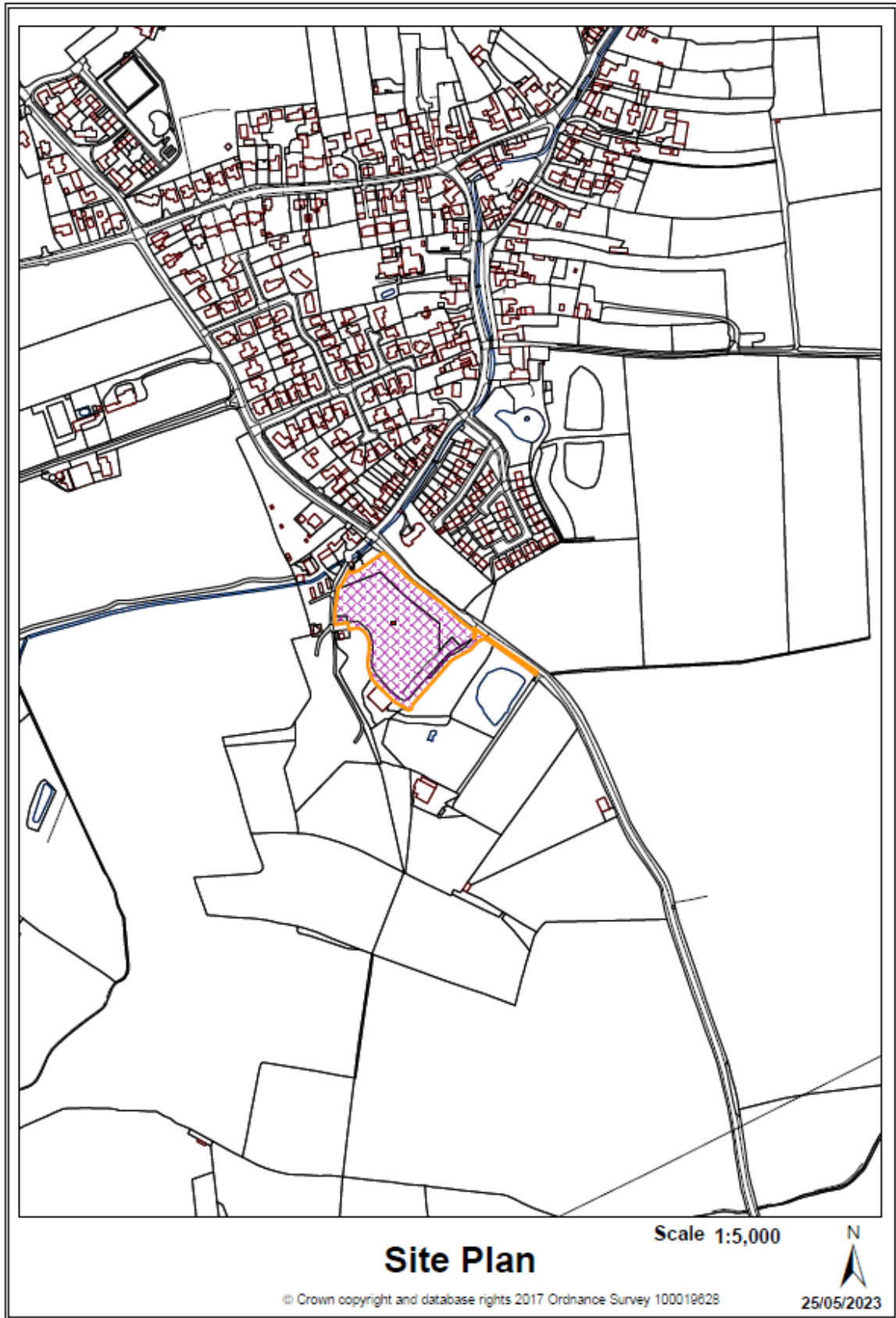
**2.0 SUMMARY**

**RECOMMENDATION: That planning permission be GRANTED subject to the conditions listed below and completion of a S106 agreement in the terms detailed in Table 1.**

- 2.1. This is a full planning application for the development of 23 dwellings including access, landscaping and drainage works. The site is identified as housing allocation BM3: Land at Church Farm, Bishop Monkton in the adopted Harrogate Local Plan with an indicative yield of 32 dwellings.
- 2.2. The application site is a paddock on the southern edge of Bishop Monkton, fronting Knaresborough Road. A caravan park is located to its west, the access for which will serve the proposed development. Trees on the site are protected by a Tree Preservation Order. The site lies outside but adjacent to the conservation area and the Grade II Listed Church of Saint John the Baptist.
- 2.3. Residential development of the site is acceptable in principle. Key issues relate to heritage, design and layout, highways, flood risk, drainage and trees. The full list of main issues is set out at Section 9.0.

- 2.4. There are no objections from statutory consultees. Having regard to the overall planning balance, the development is considered sustainable and approval is recommended subject to conditions and S106 agreement.







### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found [here](#).
- 3.2. Originally submitted as a scheme for 28 dwellings, the application has been subject to detailed negotiation with Officers to resolve issues relating to impact upon trees and heritage assets, flood risk and drainage, highways and design. The scheme was subsequently reduced in scale, to 23 dwellings.
- 3.3. There is no relevant planning history.

### **4.0 Site and Surroundings**

- 4.1. The application site is a paddock on the southern edge of Bishop Monkton, to the west of Knaresborough Road. To the north are a number of dwellings, separated from the site by existing trees and the Bishop Monkton Beck; to the west is a caravan park and to the east, on the opposite side of Knaresborough Road, is the Grade II Listed Church of Saint John the Baptist and church ground. To the south of the church ground is a playground.
- 4.2. The total site area measures approximately 2 hectares, however only 1.3 hectares form the residential development. An area of approximately 0.7 hectares to the south east of the access road is proposed to be used for ecological and drainage purposes only. Access to the site is via the existing access to the caravan park from Knaresborough Road. A footpath connection in the northwest of the site will connect to the existing public right of way passing through the caravan park.
- 4.3. Trees on the site are protected by a Tree Preservation Order and are located along the northern, southern and eastern boundaries. The site lies outside but adjacent to the conservation area, which covers the central part of the village.
- 4.4. Bishop Monkton is identified as a service village in Policy GS2 of the Local Plan. The site is located within walking distance of the village and also provides a new footpath for existing residents to reach the playground opposite the site.

### **5.0 Description of Proposal**

- 5.1. This application seeks Full Planning Permission for 23 dwellings, including access, landscaping and drainage works.

### **6.0 Planning Policy and Guidance**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

6.2. The Adopted Development Plan for this site is:

- Harrogate District Local Plan 2014-2035 adopted December 2020

Guidance - Material Considerations

6.3. Relevant guidance for this application is:

- National Planning Policy Framework 2021
- National Planning Practice Guidance
- National Design Guide 2021
- Affordable Housing SPD adopted June 2021
- Providing Net Gain for Biodiversity SPD adopted June 2021
- Provision of Open Space and Village Halls SPD adopted June 2021
- Bishop Monkton Conservation Area Character Appraisal adopted October 2008

**7.0 Consultation Responses**

7.1. The following consultation responses have been received and have been summarised below.

7.2. **Parish Council:** The Parish Council objects on the grounds of drainage (both surface and foul water) and flooding, impact upon the St John's Church and the conservation area, highway safety, biodiversity and cumulative impact.

7.3. Arboriculture – No objection, recommends conditions.

7.4. Building Control – No objection. Permission should only be granted conditionally and subject to the provision of a satisfactory ground stability report and ground stability declaration form and mitigating measures.

7.5. Conservation and Design – concerns regarding design, impact upon the conservation area and St John's Church.

7.6. Ecology – No objection, recommends condition and S106.

7.7. Environment Agency – No objection, recommends conditions.

7.8. Environmental Protection – no objection, recommends conditions.

7.9. Estates – No objection.

7.10. Highways – No objection, recommends conditions.

7.11. Highways - PROW – No objection.

7.12. Housing – No objection.

7.13. LLFA – No objection, recommend condition.



- 7.14. MOD – No objection.
- 7.15. North Yorkshire Police – No objection.
- 7.16. Open Space – Commuted sum required (see Table 1).
- 7.17. Planning Services (Minerals and Waste) – No objection.
- 7.18. Yorkshire Water – No objection, recommends conditions.

#### Local Representations

- 7.19. 128 local representations have been received of which 1 are in support and 127 are objecting. Comments have also been received from local interest group Bishop Monkton Action Group (BMAG) who object to the application. A summary of the comments is provided below, however, please see website for full comments.
- 7.20. Support: Welcomes new housing to the village.
- 7.21. Objections: Objections, including those from BMAG, cover a range of matters including surface water drainage, flood risk, impact upon the sewerage system, traffic impact, highway and pedestrian safety, removal of the hedge and trees, unsustainable location, impact upon the local school and doctors, overdevelopment, impact upon the conservation area and the character of the village, design, style and layout, loss of biodiversity, impact upon the listed church, lack of engagement with local residents, lack of public transport in the village, lack of employment and services in the village, landscape impact, gypsum, light pollution.
- 7.22. St John the Baptist Church object to the development on the grounds of: harmful impact upon the setting and appearance of the church; adverse impact upon the conservation area; highway safety concerns; inadequate pedestrian connections and ecological harm.

### **8.0 Environment Impact Assessment (EIA)**

- 8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

### **9.0 Main Issues**

- 9.1. The key considerations in the assessment of this application are:
  - Principle and Compliance with Site Requirements
  - Affordable Housing
  - Heritage
  - Design and Layout
  - Highways and Accessibility
  - Flood Risk and Drainage

- Landscaping and Trees
- Public Rights of Way
- Ecology
- Environmental Health
- S106 Agreement
- Other Matters

## **10.0 ASSESSMENT**

### Principle of Development

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The Harrogate District Local Plan 2014-2035 was adopted by Harrogate Borough Council on 4 March 2020. Following adoption, a legal challenge was raised against the new settlement policies. In line with the court order received, the whole of the plan was remitted to the Council and formally adopted, with the new settlement policies, on 9 December 2020. All the policies in the Local Plan can therefore be given full weight.
- 10.2. Local Plan Policy GS1 advises that provision will be made in the district, over the plan period, for a minimum of 13,377 new homes, including affordable housing. Policy GS2 sets out a settlement hierarchy; Bishop Monkton is identified as a Service Village, where land will be allocated for new homes to support the continued provision of a basic range of services and facilities. Policy GS3 advises that within development limits, proposals for new development will be supported provided they are in accordance with other relevant policies of the Local Plan. The site lies within the development limits of the village.
- 10.3. The Council's Local Plan makes allocations of land and sets development limits to meet the housing needs of the District. Policy DM1 identifies the application site as housing allocation BM3: Land at Church Farm, Bishop Monkton. The principle of housing development is therefore acceptable.
- 10.4. The area covered by the former Harrogate Borough Council has a healthy land supply position, currently 7.3 years when compared against the housing requirement with an appropriate buffer. Accordingly, the policies which are most important for determining the application are not considered to be out of date. Full weight can be afforded to the housing policies of the Local Plan.
- 10.5. Policy DM1 lists a number of site requirements relating to the design of the site as follows:
- a) The design of the site should reflect the qualities of the adjacent Bishop Monkton Conservation Area and positively contribute to the approach to the conservation area in order to enhance or better reveal its significance.
  - b) Development should be designed to minimise harm to the significance of the nearby Grade II Listed St John's Church including ensuring appropriate building heights, allowing views through the development, creating vistas of the church,

- improving the settlement edge to aid transition from built form to open countryside and improved integration of the play equipment at the edge of the village.
- c) Investigate the potential for the creation of a small SuDS wetland in the north or north-west of the site close to the Bishop Monkton Beck.
  - d) Retain the hedgerow and woodland tree belt along the northern site boundary and introduce additional native hedgerow and native tree planting along the north-western site boundary.
  - e) Retain the hedgerow along the north-eastern site boundary where possible. Any unavoidable loss, for example to allow provision of a footway (as per requirement g) should be compensated for by new native planting elsewhere within the site.
  - f) Provide vehicle, cycle and pedestrian access from Knaresborough Road.
  - g) Create a footway on the southern side of Knaresborough Road to the site entrance and, if necessary, beyond the site entrance to provide safe and convenient pedestrian routes to both the centre of the village and the children's play area opposite the site.
  - h) Provide a pedestrian link from the north-west of the site to the adjacent public footpath in order to access the countryside and wider public rights of way network.
  - i) Provide a Transport Assessment, Travel Plan, Heritage Statement, Landscape and Visual Impact Assessment, Ecological Appraisal and Flood Risk Assessment.
- 10.6. The proposal satisfies all the site requirements as summarised below and within the relevant sections of this report.
- 10.7. The boundary of the Bishop Monkton Conservation Area follows the opposite side of Knaresborough Road, around the Church. The design and layout of the site reflects the conservation area and positively contributes to this approach to the village. This is expanded upon within the Heritage section.
- 10.8. Site requirement (b) seeks to minimise harm to the significance of St John's Church, a Grade II Listed Building. The positioning and heights of the dwellings and landscaping creates an acceptable edge to the village. A new internal path will link the village to the playground with a crossing provided over Knaresborough Road.
- 10.9. The existing ground conditions are very low permeability clay soils therefore soakaways and the provision of a SuDS wetland are not considered suitable for the site.
- 10.10. The existing woodland and hedgerow along the northern and north-western boundaries are retained apart from a small area near to the attenuation tank. A number of new trees and hedgerows are proposed within the gardens to the dwellings.
- 10.11. An area of hedge along the north-eastern boundary of the site needs to be removed in order to provide a level footpath along the edge of the site that will link the village to the play area. This is acknowledged within the site requirements. Compensatory planting is provided within the site and the hedgerow will be replaced behind the path.
- 10.12. Vehicle, cycle and pedestrian access is provided from Knaresborough Road.

- 10.13. A footway is provided along the internal eastern boundary of the site to link the village, through the site, to the play area, as noted above.
- 10.14. A pedestrian link is included in the northwest corner of the site to link to the adjacent public footpath.
- 10.15. All required documents were submitted alongside the application.

### Affordable Housing

- 10.16. Local Plan Policy HS2 requires 40% on site provision of affordable housing. The scheme will require First Homes as part of that provision. Affordable homes must be integrated within the development and visually indistinct from the market dwellings.
- 10.17. The application proposes 9 affordable homes, which is policy compliant. The mix includes one, two, three and four bed houses offered for rent and shared ownership. Provision of all affordable housing tenures will be controlled via a S106 agreement.
- 10.18. The affordable housing mix is acceptable and the homes are well integrated throughout the site and designed so that they are indistinguishable from the market properties. All affordable homes meet the NDSS requirements and National Design Guide requirements relating to natural light and ventilation. The Council's Housing Officer has confirmed support of the scheme, which satisfies the requirements of Policy HS2.

### Heritage

- 10.19. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving and enhancing the character and appearance of a Conservation Area.
- 10.20. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving the Listed Building(s) or its setting or any features of special architectural or historic interest which it possesses.
- 10.21. Local Plan Policy H2 advises that planning applications affecting heritage assets will be determined in accordance with national planning policy. Section 16 of the NPPF (Conserving and Enhancing the Historic Environment) sets out national policy in relation to heritage assets. Paragraph 199 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 advises that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 202 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The policies seek to protect the significance of heritage assets but also advocate a balanced approach, weighing any harm against the benefits of the proposal.

*Impact Upon the Conservation Area*

- 10.22. The boundary of the Bishop Monkton Conservation Area follows the eastern side of Knaresborough Road, on the other side of the application site and enclosing the Church of Saint John the Baptist and its grounds. The church is a Grade II Listed Building (considered below) and the boundary walls are noted as important boundaries. The hedge along the eastern boundary of the site is noted as a significant field boundary/hedge, enhancing the landscape setting of the village, and two landmark trees are noted within the woodland belt in the north of the site. The view out of the village from the rear of the church along Knaresborough Road is noted as a key view.
- 10.23. The site and its hedgerow and tree planted boundaries currently contributes to the landscape setting of the village and the setting of the church. However, it is important to recognise that this is an allocated site in the Local Plan. The proposed scheme has been revised substantially since originally submitted and it is considered that, taking into account the Local Plan site requirements, the public benefits of the proposal outweigh the less than substantial harm afforded to the significance of the conservation area.
- 10.24. Dwellings are set back from Knaresborough Road, allowing for views through the development and towards the church. The dwellings have their gables towards Knaresborough Road. Whilst it would normally be preferable for dwellings to face the road, it is felt that, in this instance, given the need to retain as many of the trees and hedging along Knaresborough Road as possible, the proposed layout is acceptable. The gaps between dwellings help to reduce the visual impact of the houses in the approach to the village.
- 10.25. A portion of the boundary hedge and tree planting along Knaresborough Road will be removed to provide a path along the site frontage and eastern side of the site. There is currently no footpath along Knaresborough Road and the scheme proposes a new footpath along the edge of the site, which will link the village to the playground opposite. As a result of level changes and to provide an inclusive path without steps, part of the hedge needs to be removed. It is acknowledged that this will have an impact upon the setting of the site and the character of the conservation area. However, the path is a site requirement and it is considered on balance, that the public benefit of providing a level path, which links the village to the play area, outweighs the less than substantial harm to the conservation area. A replacement hedge will be planted between the path and the road with new tree planting behind. The below ground attenuation tank will be located at the north eastern corner, which means that this area of the site remains a green space free from development, helping to minimise the impact. Approaching the village, the hedge and tree planting remains at the south eastern side of the site helping to retain and soften the appearance of the site. Whilst the existing hedge along the field boundary to the south of the site will be removed for the access and visibility splay, this will be replanted with new trees and hedging along the access road.
- 10.26. The design of the proposed dwellings reflects the character of dwellings within the village, including two contrasting styles of sash windows, head and cill details, stone door canopies to larger detached dwellings and small pitched roof timber canopies to smaller dwellings. Chimneys are included to the majority of house types. A number of

the larger dwellings have ground floor bay windows. Materials are a mix of brick and natural stone walls with natural slate and clay pantile roofs. A condition is attached requiring the submission of samples for approval.

- 10.27. In summary, the concerns of the Council's Conservation and Design Officer have been considered and the scheme has been amended to overcome these where possible. It is concluded that the proposal will lead to less than substantial harm to the significance of the conservation area. However, this is outweighed by the public benefits of providing housing, including affordable housing and a new footpath link from the village to the play area. It therefore meets the requirements of paragraph 202 of the NPPF and Policy HP2 of the Local Plan as well as satisfying site requirement (a).

*Impact Upon Church of Saint John the Baptist*

- 10.28. The application site forms part of the setting of the Church of Saint John the Baptist (the "Church"), which is a Grade II Listed Building. The proposed development opposite the church will alter its setting however the layout has been designed to minimise impact.
- 10.29. Views from the cross-roads of Knaresborough Road and St John's Road show that the site is viewed in the same context as the church and this needs careful consideration. Removal of the hedge to create the path will also have an adverse impact upon the setting of the church. The new dwellings will be visible from this perspective and seen in the same view. In order to help mitigate this impact, the dwellings are set back from Knaresborough Road and the number of dwellings close to the road is reduced to three, reducing the built form in proximity to the church. Due to the location of the attenuation tank, the north eastern part of the site, closest to the church remains open, which helps to minimise impact upon the setting of the church. Replacement hedge and tree planting will help assimilate the development over time.
- 10.30. As with the assessment in relation to the conservation area, the proposed development will have a less than substantial harm to the significance of the church. However, it is considered that the provision of housing, on an allocated site, and the provision of a level path, which connects the village to the playground, are public benefits that outweigh this harm. Site requirement (b) is also satisfied.

Design and Layout

- 10.31. Local Plan Policies HS1, HS5, HP3 and HP4 set out expectations for well-designed schemes. The NPPF places great importance on the creation of healthy and safe communities and the creation of high quality buildings and places. The National Design Guide also provides additional guidance on how well designed places can be achieved in practice.
- 10.32. The applicant has worked with Officers to create a layout that is considered to be well-designed with good connectivity and replacement landscaping. Dwellings are set back from Knaresborough Road to retain the existing hedge and trees. A new path, as discussed above, is proposed along the internal northeast edge of the site to link the village to the playground. This will include off-site highways works to provide a crossing



point near to the crossroads of Knaresborough Road and St John's Road and a new crossing from the site to the playground. A link to the existing public right of way is also proposed in the northwest corner of the site. These access links satisfy site requirements (g) and (h).

- 10.33. An area of open space around a mature Horse Chestnut tree is provided at the entrance to the site and a further area of open space is provided at the north eastern corner. There is good surveillance over these open spaces, as they are overlooked by existing dwellings. The new footpath passes through an area of open space planted with existing and proposed trees and is also overlooked by windows in the gable ends of the adjacent dwellings. A Public Space Management Plan has been submitted to identify those areas which will be passed to a management company; this will be controlled via a S106 Agreement.
- 10.34. The application proposes a range of house types and materials (a variety of brick, natural stone, natural slate and pantile), which provides interest across the scheme. Dwellings are set back from the access road through the site with front gardens and hedge planting, irrespective of tenure. Parking is a mix of garages, frontage and side parking. The proposed layout responds to the location of the site at the edge of the village, adjacent to the conservation area and the listed church with the design details according with Local Plan Policy HP3.
- 10.35. Each dwelling is provided with an acceptable level of private amenity space of an adequate size for the likely occupancy. Dwellings are positioned to ensure there will be no adverse amenity impacts through overlooking, loss of privacy, overbearing or loss of light. Policy HP4 is therefore satisfied.
- 10.36. Policy HS1 requires the provision of a range of house types and sizes to reflect and respond to the identified needs of the district, referencing the latest Housing and Economic Development Needs Assessment (HEDNA). The HEDNA recommended mix for open market units and the proposed mix is shown in the following table. Whilst the proposal does not strictly meet the HEDNA mix, it is considered that the proportion of dwelling sizes is acceptable for this edge of village location. Policy HS1 also requires 25% of the market dwellings to be built to accessible and adaptable homes. All houses (market and affordable) will meet the accessible and adaptable homes standard.

<b>Number of Bedrooms</b>	<b>HEDNA Mix</b>	<b>Proposed Mix</b>
1-Bed	0-5%	0%
2-Bed	30-35%	28.5%
3-Bed	40-45%	42.8%
4-Bed	20-25%	28.5%

- 10.37. Policy HS1 also expects new development to meet a minimum net density of 30 dwellings per hectare. A net density of 17.6 dwellings per hectare is proposed. The site is subject to a number of constraints, including the need to retain existing trees where

possible and the impact upon the adjacent conservation area and church. A lower density is considered acceptable in this instance, given the context of the site.

- 10.38. Policy HS5 requires all new market and affordable homes to meet, as a minimum, the relevant Nationally Described Space Standards. The applicants have provided information to confirm the proposed dwellings meet the standards.
- 10.39. Policy CC4 requires developments to make the fullest contribution to reducing greenhouse gas emissions. The applicant has submitted an Energy Report, which sets out the measures proposed. All dwellings will be designed to include high levels of insulation, reduce heat loss, use energy efficient lighting, minimise water consumption, and have high performance glazing and energy efficient white goods, leading to a 10-16% reduction in carbon emissions over building regulations requirements. All dwellings will have solar panels and electric vehicle charging points, the detail of which will be controlled by condition.

#### Highways and Accessibility

- 10.40. Local Plan Policy T11 requires developments to create safe and accessible communities and encourage sustainable travel behaviour. Vehicular access is proposed using the existing access to the adjacent caravan park, which will be widened along the frontage of the development. The main access is taken from this road and serves the majority of the site. A secondary access further west will serve five dwellings.
- 10.41. A pedestrian footpath is provided within the site along the eastern boundary. A pedestrian connection to the existing public right of way to the northwest is also provided. The access points satisfy site requirement (f).
- 10.42. It is understood that the Local Highway Authority has met with the Bishop Monkton Action Group to discuss potential amendments to the access and footpath arrangements, including extending the site footpath along Knaresborough Road to the junction with St John's Road, relocation of the attenuation tank, improved signage and cycle routes. These suggested amendments have been considered by both Highways and the applicant and a detailed response is provided on the application file. A summary of the response is provided below.
- 10.43. Attenuation tank – It is not possible to amend the location of the attenuation tank. It has been sited close to the outfall position and in one of the lower areas of site, which is typical for attenuation features, so that it maximises the area that can be drained by gravity while also minimising excavation required. The tank will be adopted and requires easements for future maintenance in accordance with Yorkshire Water standards. The tank is positioned as close as possible to the dwellings, whilst still achieving the necessary easement.
- 10.44. Extension of footpath along Knaresborough Road – Consideration has been given to extending the footpath along the western side of Knaresborough Road to cross at the junction with St John's Road. There is an existing culvert and root protection areas of the trees close to the beck that prevent being able to achieve a sufficient width of path along the western side of Knaresborough Road. A footpath of sufficient width can be

achieved on the eastern side of Knaresborough Road. The proposed traffic calming measures and additional signage are considered to be sufficient to ensure vehicles entering the village from the south have adequate forward visibility and awareness of the crossing.

- 10.45. Improved signage – Improved signage has been provided to warn drivers of the playground and crossing. This is shown on the revised Proposed Traffic Calming Plan Rev D.
- 10.46. Provision of off-road cycle routes – There are no off-road cycle routes in the vicinity of the site, therefore highways would not require the provision of such for this scheme. Cyclists would use the highway, as at present, to connect to any routes outside of the village.
- 10.47. The Local Highway Authority has assessed the application and confirms that they are satisfied with the submitted details.
- 10.48. A number of off-site highways works are included to ensure pedestrian and vehicular safety:
- To provide a crossing point at the junction of St Johns Road and Knaresborough Road;
  - To provide a chicane on Knaresborough Road prior to the site entrance;
  - Improved signage at the entrance to the village and by the playground crossing; and
  - To provide a footway from the site to the playground opposite the site.
- 10.49. The proposal is considered to accord with national and local planning policies in relation to highways and accessibility and the Local Highways Authority therefore recommend approval subject to conditions and S106 contributions as noted in Table 1 below.

#### Flood Risk and Drainage

- 10.50. Policy CC1 requires proposals to demonstrate that the development will be safe with respect to flood risk, without increasing flood risk elsewhere and to ensure there is no increase in surface water flow rate run off, giving priority to sustainable drainage systems where possible. The application site lies within Flood Zone 1 and is at a low risk of surface water flooding. An area to the south of the access road, in flood zones 2 and 3 has been included within the site area for drainage, landscaping and biodiversity purposes. However, this area will not form part of the residential development, all development will take place within Flood Zone 1, and a condition is proposed to control this. The Environment Agency has advised that they do not object providing all built development is located in Flood Zone 1 and that there are no land level changes in Flood Zones 2 and 3. The applicant has confirmed that these areas will not be subject to any changes to levels.
- 10.51. The Bishop Monkton Beck runs along the northern boundary of the site and does cause substantial flooding issues as it passes through the village. As a result, the applicant has been requested to consider which areas of the site currently directly contribute to the beck. Levels on the site are raised centrally and then fall to the west and east. The

pond to the east of the site has an overflow drain, which discharges into an adjacent ditch before outfalling to the beck. This has influenced the proposed drainage design.

- 10.52. The proposed drainage strategy includes an attenuation tank in the northeast corner of the site, which will enable controlled discharge to the beck. The surface water runoff rate will also be restricted to less than greenfield runoff rates, which represents a betterment in terms of surface water discharge and will control the flowrate. The Lead Local Flood Authority has assessed the drainage report and strategy and confirms that this demonstrates a reasonable approach to the management of surface water on the site. Conditions are recommended to ensure that the development is carried out in accordance with the submitted drainage designs, to restrict the maximum flowrate and to require details of maintenance and management of the storage facility.
- 10.53. BMAG (Bishop Monkton Action Group) have submitted a number of objections to the development in relation to the existing flooding and sewerage issues in the village. It is understood that a meeting has been held between BMAG and Yorkshire Water to discuss these issues and a letter from BMAG dated 17<sup>th</sup> April 2023 summarises this however the Council has not had sight of the full correspondence. Extracts from the letter from Yorkshire Water advice that the drainage issues currently experienced by the village are Yorkshire Water internal operational issues and that Yorkshire Water has identified the village as requiring improvement, although no definite timescale has been provided this.
- 10.54. Foul water drainage is proposed to an existing foul water sewer to the north of the site. Improving the Yorkshire Water systems in the village are not within the applicant's control and it would be considered unreasonable to expect the applicant to be able to achieve such improvements. The applicant has demonstrated that the application site can be properly drained for both foul and surface water discharges and Yorkshire Water, the Environment Agency and the LLFA have confirmed they do not have objections to the scheme.

#### Landscaping and Trees

- 10.55. Policy NE7 advises that development should protect and enhance existing trees that have wildlife, landscape, historic, amenity, productive or cultural value or contribute to the character and/or setting of the settlement. New development should be designed to ensure a satisfactory relationship between buildings and new and existing trees.
- 10.56. Tree Preservation Order 21/00059/TPORDR protects the existing trees along the northern and eastern boundaries, two areas along the southern boundary and ten individual trees along the southern side of the access road.
- 10.57. An important element of the layout design has been to retain as many trees and hedges as possible, whilst appreciating that this is an allocated site for housing development. Some losses are inevitable, however it is considered that the resulting scheme retains as many trees and hedges as possible and offers a good level of replacement planting for those that are to be removed.

- 10.58. As mentioned elsewhere in this report, removal of part of the roadside hedge and some trees within the site is necessary to enable creation of a level footpath to connect the village to the site and the playground beyond. The hedge will be replaced on the inside of the footpath, which will mature over time so the site appears as existing with a gap for the path. Hedgerow planting as front and rear boundary garden treatment, is also included, as well as replacement trees within the site. The proposal satisfies site requirements (d) and (e) in this regard.
- 10.59. The Council's Arborist has considered the submitted details and is satisfied with the information provided. Conditions are proposed to require an updated landscaping scheme, to include crate system details for planting, to protect the existing trees to be retained and to provide a monthly report to the Council to demonstrate that the trees are being protected in accordance with the submitted detail.

#### Public Rights of Way

- 10.60. Policy HP5 protects the recreational and amenity value of public rights of way and supports their enhancement. An existing public footpath runs to the north and west of the application site, through the caravan park to the west. One of the site requirements is the provision of a pedestrian link from the northwest side of the site to the public right of way. This is provided between plots 12 and 14 and therefore satisfies site requirement (h) and Policy HP5 of the Local Plan.

#### Protected Species, Biodiversity and Off-Site Habitats

- 10.61. The Council has a duty to consider the conservation of biodiversity when determining planning applications. Policy NE3 requires proposals to protect and enhance features of ecological and geological interest and major developments should avoid any net loss of biodiversity.
- 10.62. The applicant has submitted a Biodiversity Net Gain Design Report, Defra Metric calculation and Ecological Impact Assessment, which have been considered by the Council's Ecologist. The area to the south of the access road is included for ecological enhancements, as well as the planting on the development site. An overall net gain of 7.65% for habitat units and 10.07% for hedgerows is demonstrated. Provision for the long term establishment and management of habitats is to be incorporated into the S106 Agreement, to be secured for a minimum of 30 years and monitored by a suitably qualified ecological clerk of works.
- 10.63. A Construction Ecological Management Plan will be required by condition to include measures to safeguard retained habitats and protected species during the construction works and to also create integrated provision for bats, nesting birds (including swifts) and movement of hedgehogs.
- 10.64. Great Crested Newts have recently been found to be present in Bishop Monkton in association with a development site within 400m of the application site. Whilst no GCN's have been found at the site to date, the applicant has opted to join Natural England's District Level Licence scheme, which obviates the need to provide any further surveys, or assessment. A copy of a certificate to verify that a District Level

Licence has been received must be provided to the Council prior to commencement of works.

- 10.65. The application complies with the requirements of Policy NE3 subject to conditions and S106 requirements.

#### Environmental Health

- 10.66. Local Plan Policy NE9 deals with unstable and contaminated land, including subsidence due to gypsum dissolution in the Ripon area. With regards to gypsum, a ground stability report and declaration form signed by a Competent Person (as defined in the Policy) are required.
- 10.67. Land Contamination – Phase 1 and Phase 2 contaminated land reports and gas monitoring for the site have been submitted. The Council's Environmental Health Officer is satisfied with the results provided and recommends a condition relating to unexpected land contamination.
- 10.68. Gypsum – The site lies in an area of suspected gypsum dissolution. The submitted Phase 1 and Phase 2 reports and Ground Stability Assessment investigate the presence of gypsum under the site. The results showed that dissolution of gypsum under the site had occurred in the past. There were no underground caves or voids present beneath the site, but there is gypsum present, which poses a low risk to the site. There is also possible dissolution at the existing pond to the south of the site, however there seems to have been little activity in recent years. It is concluded that this risk can be mitigated through the use of shallow raft foundations for all dwellings.
- 10.69. The Council's Building Control team, advises that planning permission should only be granted conditionally and subject to the provision of a suitable, satisfactory ground investigation report and provision of the completed ground stability declaration form and mitigating measures. These documents have been provided and the requirements of Policy NE9 are satisfied. A condition is proposed to require the development to be carried out in accordance with the submitted Ground Stability Assessment.
- 10.70. A Construction Management Plan will be required by condition to control construction impacts relating to dust and noise. This is the most appropriate method of control to deal with planning impacts of the construction phase.

#### Other Matters

- 10.71. A Minerals Assessment has been submitted in relation to minerals potential across the site. This has been assessed by Planning Services and is considered to be acceptable.
- 10.72. Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally



young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

- 10.73. The proposed residential development is considered to have a positive effect on persons with The Equality Act protected characteristics. The proposed layout includes a level footpath for all users to access the site and the playground to the southeast of the site, public open space and pedestrian connections that are well overlooked

#### S106 Legal Agreement

- 10.74. The following Heads of Terms have been agreed with the applicant for this application.

<b>Table 1</b>		
<b>Category/Type</b>	<b>Contribution</b>	<b>Amount &amp; Trigger</b>
Affordable Housing	40% on-site provision to include First Homes	9 dwellings
Off-Site Open Space Provision and Management	Bishop Monkton Village Hall Grassed area Bishop Monkton Cemetery Bishop Monkton Boules Bishop Monkton playground	£39951.48
On-Site Open Space Provision and Management	Maintenance Payment	£12635.88 either to the Council or to a Management Company as financial security for ongoing maintenance of on-site public open space obligations over 10 years
Village Hall	Bishop Monkton Village Hall	£35035.49
Travel Plan Monitoring	Monitoring	£5000
BNG	Management and Monitoring of habitats	30 year period. Requirement for a bond as financial backing for the maintenance obligations

- 10.75. Local Plan Policy T14 requires developers to make reasonable on-site provision and/or off-site provision and/or contributions towards infrastructure and services in order to cater for the needs generated by development. Table 1 above sets out the S106 contributions required for this development.

- 10.76. It is considered that the above S106 Heads of Terms are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010.

- 10.77. The application is also subject to the Community Infrastructure Levy (CIL), which will be charged at £50 per square metre.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1. The principle of residential development is established through the inclusion of this site as a housing allocation in the adopted Local Plan in accordance with policies GS1, GS2, GS3 and DM1.
- 11.2. The proposed development is of a good quality design that respects the site constraints whilst ensuring that it retains and builds upon the natural features of the site. The scheme provides a new pedestrian route through the site, linking the village to the village playground to its south and meets all site requirements as set out in Policy DM1.
- 11.3. The development has been found to be acceptable in relation to affordable housing, design, highways and accessibility, flooding and drainage, biodiversity, trees, public rights of way, land contamination and gypsum.
- 11.4. Whilst there will be some level of harm to the conservation area and setting of the listed church, this has been assessed as being less than substantial harm with this being outweighed by the public benefits of the provision of housing, including affordable housing, and the provision of a level path, which connects the village to the playground.
- 11.5. On balance it is concluded that the proposal is acceptable and approval is recommended subject to conditions and the completion of a S106 Agreement.

## **12.0 RECOMMENDATION**

- 12.1 That planning permission be GRANTED subject to conditions listed below and completion of a S106 agreement with terms as detailed in Table 1 above.

### **Recommended conditions:**

#### **Condition 1**

The development hereby permitted shall be begun on or before 3 years from date of this permission.

Reason: To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.

#### **Condition 2**

The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details set out below and as modified by the conditions of this consent:

Location Plan – BMKH-PHS-XX-XX-DR-A-9001-S2 Rev P04

Proposed Site Plan – BMKH-PHS-XX-XX-DR-A-9003 Rev P27

Landscape Masterplan – JBAB-ZZ-CA-DR-L-3601-s4-P06-Landscape\_Masterplan Rev P06

Planting Plan (1 of 4) – JBAB-ZZ-CA-DR-L-3601-S4-P01-Planting\_Plan\_01 – Rev 01

Planting Plan (2 of 4) - JBAB-ZZ-CA-DR-L-3603-S4-P01-Planting\_Plan\_02 – Rev 01

Planting Plan (3 of 4) - JBAB-ZZ-CA-DR-L-3604-S4-P01-Planting\_Plan\_03 – Rev 01  
 Planting Plan (4 of 4) - JBAB-ZZ-CA-DR-L-3605-S4-P01-Planting\_Plan\_04 – Rev 01  
 Boundary Treatment Plan – BMKH-PHS-XX-XX-DR-A-9002 Rev 09  
 Proposed Materials Layout – BMKH-PHS-XX-XX-DR-A-9005 Rev P10  
 Proposed EV Charge Point Locations – BMKH-PHS-XX-XX-DR-A-9008 Rev P05  
 Proposed Accessible/Adaptable Homes – BMKH-PHS-XX-XX-DR-A-9019 Rev P02  
 Public Space Management Plan – BMKH-PHS-XX-XX-DR-A-9020 Rev P01  
 Boundary Treatment Types – BMKH-PHS-XX-XX-DR-A-9012 Rev P01  
 Boundary Treatment Types Sheet 2 – BMKH-PHS-XX-XX-DR-A-9021 Rev P01  
 Sections Through Highway and Proposed Footpath – BM03-BGP-01-ZZ-DR-C-90-4-01107 Rev P01  
 External Works GA – BM03-BGP-01-ZZ-DR-C-90-4-01110 Rev P05  
 Proposed Traffic Calming – 100-SK-001 Rev D  
 House Type AHT1 – 2B4P – BMKH-PHS-XX-XX-DR-A-1024 Rev P04  
 House Type AHT1 – Pair – 2B4P – BMKH-PHS-XX-XX-DR-A-1030 Rev P01  
 House Type 11 – 3B5P – BMKH-PHS-XX-XX-DR-A-1011 Rev P06  
 House Type 11 – 3B5P Attached Garage – BMKH-PHS-XX-XX-DR-A-1028 Rev P02  
 House Type AHT12 – 4B6P – BMKH-PHS-XX-XX-DR-A-1021-S2 Rev P06  
 House Type AHT13 – 1B2P – BMKH-PHS-XX-XX-DR-A-1023 Rev P03  
 House Type 14 – 4B6P – No Garage – BMKH-PHS-XX-XX-DR-A-1029 Rev P02  
 House Type 14 – 4B6P – Attached Garage – BMKH-PHS-XX-XX-DR-A-1014 Rev P07  
 House Type AHT14 – 3B5P – BMKH-PHS-XX-XX-DR\_A-1032 Rev P01  
 House Type 15 – 3B5P – BMKH-PHS-XX-XX-DR-A-1015 Rev P05  
 House Type 19 – 2B4P – BMKH-PHS-XX-XX-DR-A-1034 Rev P02  
 House Type AHT20 – 3B5P – BMKH-PHS-XX-XX-DR-A-1033 Rev P02  
 House Type 23 & 24 – BMKH-PHS-XX-XX-DR-A-1035 Rev P02  
 Garage Types – BMKH-PHS-XX-XX-DR-A-120 Rev P02

Reason: In order to ensure compliance with the approved drawings.

### **Condition 3**

No development shall take place on the hatched area identified on Location Plan BMKH-PHS-XX-XX-DR-A-9001-S2 Rev P04.

Reason: In order to comply with Local Plan Policy DM1.

### **Condition 4**

The development shall be built in accordance with the following submitted designs:

- Drainage Layout GA, Billingham George & Partners, Ref: BM03-BGP-01-ZZ-DR-C-52-01130, PO8, 11.04.202;
- Impermeable Areas Plan, Billingham George & Partners, Ref: BM03-BGP-01-ZZ-DR-C-52-01101, PO5, 11.04.2023;
- Flood Exceedance Plan, Billingham George & Partners, Ref: BM03-BGP-01-ZZ-DR-C-52-01102, PO5, 11.04.2023; and
- Drainage Philosophy, Billingham George & Partners, Ref: 20T2198, Issue 006, 11/04/202).

The flowrate from the site shall be restricted to a maximum flowrate of 3.0 litres per second. A 30% allowance shall be included for climate change and an additional 10%

allowance for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change plus urban creep critical storm event. Principles of sustainable urban drainage shall be employed wherever possible.

Reason: To ensure that the development is built to the submitted drainage design; to prevent the increased risk of flooding; to ensure the provision of adequate and sustainable means of drainage in the interests of amenity.

### Pre-Commencement

#### **Condition 5**

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.

#### **Condition 6**

No development shall commence until a detailed scheme for the maintenance and management of the storage facility has been submitted for the written approval of the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity.

#### **Condition 7**

Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

#### **Condition 8**

The following schemes of off-site highway mitigation measures, as indicated on Fore drawing 3255/100/SK001/D Proposed Traffic Calming, must be completed as indicated below:

- i) To provide a crossing point at the junction of St John Road & Knaresborough Road prior to occupation of the first property;
- ii) To provide a chicane as shown in the scheme drawings at Knaresborough Road before the site entrance prior to occupation of the first property;

- iii) To provide a footway from the development access to the play area opposite the site;
- iv) To provide signage at the entrance of the village and along Knaresborough Road.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason: To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

#### **Condition 9**

There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) at Knaresborough Road until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- i) Vehicular, cycle, and pedestrian accesses;
- ii) Vehicular and cycle parking;
- iii) Vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear, and;
- iv) Loading and unloading arrangements.

No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas at within the site have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

#### **Condition 10**

No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

- i) Details of any temporary construction access to the site including measures for removal following completion of construction works;
- ii) Restriction on the use of existing access on Knaresborough Road access for construction purposes;
- iii) Wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- iv) The parking of contractors' site operatives and visitor's vehicles;
- v) Areas for storage of plant and materials used in constructing the development clear of the highway;
- vi) Details of site working hours;
- vii) Details of the measures to be taken for the protection of trees; and
- viii) Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity.

#### **Condition 11**

A concise Construction Ecological Management Plan must be submitted for the written approval of the LPA prior to the commencement of works. It must include (but not be limited to) measures for the avoidance of harm to protected and priority species (such as nesting birds, hedgehogs and toads) during the course of works, the provision of a sensitive lighting scheme and specifications (including locations) of integrated bat and swift bricks and access opportunities for hedgehogs. It should also include a copy of the GCN District Level Licence certificate from Natural England. The agreed CEcMP must be available on site, at all times during construction, for use by site managers and operatives.

Reason: To avoid harm to protected and priority species during the course of works and to provide for use of the site by wildlife species following its redevelopment.

#### **Condition 12**

Before any materials are brought onto the site or any development is commenced, the developer shall implement the agreed specification for root protection area (RPA) (as per Elliott Consultancy Impact Assessment dated March 2023) fencing in line with the requirements of British Standard BS 5837: 2012 Trees in Relation to Construction – Recommendations, or any subsequent amendments to that document, around the trees or shrubs or planting to be retained, as indicated on the approved plan and for the entire area as specified in accordance with BS 5837:2012. The developer shall maintain such fences until all development the subject of this permission is completed.

Reason: In order to ensure protection of existing trees in accordance with Policy NE7.

#### **Condition 13**

No operations shall commence on site in connection with the development hereby approved (including any demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the root protection area (RPA) works required by the approved tree protection scheme are in place.

Reason: In order to ensure protection of existing trees in accordance with Policy NE7.



### Early Stage/ Construction Period

#### **Condition 14**

Notwithstanding the details on the drawings hereby approved, no works above slab level shall take place until an updated detailed scheme for landscaping, including the planting of trees and/or shrubs and the use of surface materials, shall be submitted to the Local Planning Authority (LPA). No development shall take place until the LPA has approved such a scheme which shall specify materials, species, tree and plant sizes, number and planting densities, details of required crate systems specification and the timing of the implementation of the scheme, including any earthworks required. The landscaping of the site shall be carried out in accordance with the details hereby approved.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity in accordance with Local Plan Policy NE7.

#### **Condition 15**

The applicant is to retain, throughout the development process, including the proposed tree planting (as per the approved plans), the arboricultural consultant who is to forward a monthly progress report to the LPA for approval. The progress report is required to demonstrate that the trees are being protected in accordance with the submitted detail, and any approved Method Statement or other documentation, during the course of the development. The retention of the arboricultural consultant will aid in the development process where it applies to trees in all forms e.g. no dig road, Root Protection Area enforcement and tree planting.

Reason: In order to ensure protection of existing trees in accordance with Policy NE7.

#### **Condition 16**

In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the local planning authority. No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the local planning authority.

Reason: In the interests of general amenity and in accordance with Local Plan Policy NE9.

**Condition 17**

Before the first use of any materials in the external construction of the roof and walls of the development hereby approved, samples of those materials shall have been made available for inspection by, and the written approval of, the Local Planning Authority and the development shall be carried out in strict accordance with the approved details.

Reason: In order to ensure that the materials used conform to the amenity requirements of the locality in accordance with Local Plan Policy HP3.

**Condition 18**

The ground levels must not be altered within Flood Zone 3 as shown on the Environment Agency Flood Map unless otherwise agreed in writing with the Local Planning Authority in conjunction with the Environment Agency.

Reason: To ensure there is no loss of storage from the flood plan and that flood flows are not diverted off-site.

**Condition 19**

Notwithstanding details as approved by Conditions 4 (Drainage Layout GA BM03-BGP-01-ZZ-DR-C-52-01130 Rev P08), should any further alterations be considered necessary to levels on site, full details of existing and proposed site levels, finished floor levels and any changes to the surrounding landform must be submitted in writing to the Local Planning Authority and approved prior to any such changes taking place.

Reason: In the interests of general amenity.

**Condition 20**

There must be no access or egress by any vehicles between the highway and the application site at Knaresborough Road until splays are provided giving clear visibility of 45 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety

**Condition 21**

There must be no access or egress by any vehicles between the highway and the application site at Knaresborough Road until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down the side of the access and the back edge of the footway of the major road have been provided. In measuring the splays the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety.

## Pre-Occupation

### **Condition 22**

No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

### **Condition 23**

No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

### **Condition 24**

Prior to the first occupation of the development, a Travel Plan must be submitted to and approved in writing by the Local Planning Authority. The Travel Plan will include: -

- Agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a programme for delivery;
- A programme for the delivery of any proposed physical works;
- Effective measures for the on-going monitoring and review of the travel plan;
- A commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development, and;
- Effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.

The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

Reason: To establish measures to encourage more sustainable non-car modes of transport.

### **Condition 25**

In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to survive for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced by the developer with such live specimens of such species in such number as may be approved by the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity in accordance with Local Plan Policy NE7.

**Condition 26**

Prior to the occupation of any dwelling hereby permitted an electric vehicle infrastructure and implementation plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall contain details of the number and location of all electric vehicle charging points which shall be of Mode 3 type (specific socket on a dedicated circuit with a minimum current rating of 16 Amp). Buildings and parking spaces that are to be provided with charging points shall not be brought into use until associated charging points are installed in strict accordance with approved details and are operational. The charging point installed shall be retained thereafter.

Reason: To safeguard the environment and mitigate climate change in accordance with Local Plan Policy T11 and CC4.

**Condition 27**

Prior to occupation of the dwellings a scheme for the installation of solar panels to include details and timing of installation pre-occupation shall be submitted in writing for the written approval of the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason: To safeguard the environment and mitigate climate change in accordance with Local Plan Policy CC4.

**Condition 28**

Prior to occupation of any dwelling details shall be submitted in writing for the written approval of the Local Planning Authority to confirm that the solar panels have been installed in accordance with the approved details in condition 26 and certified in accordance with MCS standards (or any future such standards).

Reason: To safeguard the environment and mitigate climate change in accordance with Local Plan Policy T11 and CC4.

**Condition 29**

The development must be carried out in accordance with the foundation design and mitigation included in the Ground Stability Assessment by GeoInvestigate, reference G20280 dated April 2021.

**Target Determination Date:** 09 June 2023

**Case Officer:** Kate Broadbank [Kate.broadbank@northyorks.gov.uk](mailto:Kate.broadbank@northyorks.gov.uk)

**Appendix A – Proposed Layout Plan**



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## North Yorkshire Council

### Skipton and Ripon Area Constituency Planning Committee

6<sup>th</sup> June 2023

## **NEIGHBOURHOOD PLANNING – Examiner’s Report on the Bradleys Both Neighbourhood Development Plan**

### **Report of the Corporate Director of Community Development.**

#### **1.0 PURPOSE OF REPORT**

- 1.1 To present the Examiner’s Report on the Bradleys Both Neighbourhood Development Plan, as set out at Appendix A.
- 1.2 To present a Regulation 18 Decision Statement, as set out at Appendix B which sets out:
- The modifications to the submitted Bradleys Both Neighbourhood Plan recommended by the Examiner and reasons contained within the Examiner’s report;
  - The recommended decision North Yorkshire Council, as the Local Planning Authority, is asked to take in response to each recommended modification, as suggested by Planning Policy Officers;
  - Whether the Bradleys Both Neighbourhood Plan meets the basic conditions; and
  - Whether the Council is satisfied that the Plan can proceed to referendum.

#### **2.0 SUMMARY**

- 2.1 This report presents the Examiner’s report on the Bradleys Both Neighbourhood Development Plan (the Plan). The Examiner has considered whether the plan meets the basic conditions, with or without modifications to it and other requirements set out by law and recommends whether it can proceed to the next stage of the process which is a referendum. The Examiner recommends that the Plan, subject to a number of recommended modifications being made, meets the Basic Conditions and should proceed to referendum based on the neighbourhood area designated by Craven District Council, on the 9th December 2013. It is the responsibility of North Yorkshire Council, as the Local Planning Authority, to decide what action to take in response to the recommendations set out in the Examiner’s report, relating to the basic conditions, modifications and proceeding to referendum, and to prepare and publish a Regulation 18 Decision Statement setting out what decision is taken in response to each recommendation.

#### **3.0 BACKGROUND**

- 3.1 The Bradleys Both Neighbourhood Development Plan is a community-led planning framework, which sets out a vision, objectives and a number of planning policies that relate to the designated neighbourhood area. If the Plan is adopted or ‘made’, it will become part of the local statutory development plan for the area up to 2032 and together with the adopted Craven Local Plan will form the basis for determining planning applications in that area of North Yorkshire.
- 3.2 The Plan was submitted to Craven District Council in October 2022 and relates to Bradleys Both Parish which was designated as a Neighbourhood Area by Craven District Council on 9 December 2013. As required by The Neighbourhood Planning (General) Regulations 2012 (as amended), Craven District Council held a period of public consultation on the submitted

neighbourhood plan over a 7-week period from Monday 12th December 2022 to Monday 30th January 2023. The submitted Bradleys Both Neighbourhood Plan can be viewed at [Bradley | North Yorkshire Council](#)

- 3.3 Mr Chris Collison was appointed by Craven District Council, as the Local Planning Authority, as an independent examiner in January 2023 to undertake the examination of the submitted Bradleys Both Neighbourhood Development Plan. The Plan was examined during January and February 2023 and was conducted by written representations. The final examination report was sent by Mr Collison to both the Parish Council and District Council on 9<sup>th</sup> March 2023.
- 3.4 The role of the independent examiner is to consider whether the proposed neighbourhood plan meets the following basic conditions set out by law:
- Has appropriate regard to national policy
  - Contributes to the achievement of sustainable development
  - Is in general conformity with the strategic policies in the development plan for the area
  - Is compatible with human rights requirements
  - Is compatible with EU obligations.
- 3.5 In addition, an independent examiner is required to consider whether a proposed neighbourhood plan meets other requirements set out by law, including provisions set out in the relevant sections of the Planning and Compulsory Purchase Act 2004 & the Neighbourhood Planning (General) Regulations 2012 as amended, and whether the voting area for the referendum should be for the neighbourhood area or a wider area.

#### **4.0 Examiner's Report on the Bradleys Both Neighbourhood Development Plan**

- 4.1 It is the responsibility of North Yorkshire Council, as the Local Planning Authority, to ensure that the Plan meets the basic conditions set out in paragraph 3.4 above and to determine whether or not it proceeds to referendum with or without modifications. If the authority is satisfied that the neighbourhood plan does meet the basic conditions, or can do so if modified, a referendum must be held. It is therefore the responsibility of the Council to decide what action to take in response to the recommendations set out in the Examiner's report.
- 4.2 The Examiner's Report relating to the Bradleys Both Neighbourhood Development Plan sets out a total of sixteen recommended modifications to the submitted Plan. The Examiner recommends that this neighbourhood plan, subject to the recommended modifications being made, meets the Basic Conditions and should proceed to referendum based on the neighbourhood area designated by Craven District Council, on the 9<sup>th</sup> December 2013.
- 4.3 The local planning authority is required to prepare and publish a Regulation 18 Decision Statement, considering each of the Examiner's recommended modifications to the Plan and setting out what decision is taken in response to each of them. The Regulation 18 Decision Statement relating to the Plan is set out at Appendix B to this report and table 1 within it sets out each of the examiner's recommended modifications and reasons, together with recommended decisions to be taken by the Council in response to each modification. Members will note that the Regulation 18 Decision Statement recommends that each of the Examiner's modifications are made to the plan and that, subject to these modifications, the Plan meets the basic conditions and can proceed to a referendum.
- 4.3 As soon as possible after considering the examiner's recommendations and making a formal view about whether the Plan meets the basic conditions, North Yorkshire Council, as the local planning authority, must publish on their website, and in such other manner as it

considers is likely to bring these documents to the attention of people, who live, work or carry-on business in the neighbourhood area:

- The Regulation 18 Decision Statement
- The Examiner's Report
- Details of where and when the Regulation 18 Decision Statement and report can be inspected.

Paragraph 1.5 of the Regulation 18 Decision Statement explains where these documents will be published.

#### 4.4 Referendum Relating to the Bradleys Both Neighbourhood Plan:

The referendum on the Bradleys Both Neighbourhood Plan is planned to be held on 27<sup>th</sup> July 2023. The rules for the referendum are covered in The Neighbourhood Planning (Referendum) Regulations 2012 (as amended by the NP (Referendum) (Amendment) Regulations 2013 etc. Information about the referendum is required to be published 28 days before the date of the referendum. North Yorkshire Council must then give notice that the referendum is taking place and the date of the poll, 25 working days before the date of the referendum. All local government electors whose names appear on the electoral register in Bradleys Both Parish as of 12 working days before polling day will be entitled to vote. The question that will be asked of people on the electoral register is: *"Do you want North Yorkshire Council to use the Neighbourhood Plan for Bradley to help it decide planning applications in the neighbourhood area?"* If more than 50% of those voting vote "yes" then North Yorkshire Council is required to bring the plan into force, which means that it would form part of the statutory Development Plan for North Yorkshire.

### 5.0 CONTRIBUTION TO COUNCIL PRIORITIES

- 5.1 Enabling neighbourhood planning positively contributes towards the Council Plan objective to support local citizens to become more actively involved in their communities.

### 6.0 ALTERNATIVE OPTIONS CONSIDERED

- 6.1 No other options considered. The report sets out the steps the Council is required to take to comply with its legal duties under the Town and Country Planning Act relating to preparation of a Neighbourhood Plan and specifically consideration by the local planning authority of each modification recommended by an independent neighbourhood plan examiner and the arrangement of the referendum.

### 7.0 FINANCIAL IMPLICATIONS

- 7.1 Once a neighbourhood area is approved, the local planning authority is legally required to support, advise and assist parish and town councils in producing a Neighbourhood Plan in its area. This Duty to Support does not require the provision of financial assistance to parish or town councils. The Localism Act does however require the local planning authority to pay for the local referendum and examination in respect of a neighbourhood plan. The Department for Levelling Up Housing and Local Communities (DHULC) provides financial support for neighbourhood planning in the form of a Neighbourhood Planning Grant (NPG). As part of this financial support, local planning authorities can claim £5,000 for the first five neighbourhood areas designated and £20,000 when they issue a decision statement detailing their intention to send the plan to referendum (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012). Therefore, if members choose to approve the recommendations contained in this report, the NPG will be used to fund the referendum for the Bradleys Both Neighbourhood Plan.

## **8.0 LEGAL IMPLICATIONS**

- 8.1 The legal requirements of The Neighbourhood Planning (General) Regulations 2012 (as amended) have been complied with. The next step requires the Council to publish the examiner's report and the plan proposal decision via a Regulation 18 Decision Statement on the Council's website and in such other manner as the Council considers is likely to bring these documents to the attention of people, who live, work or carry on business in the neighbourhood area. The Localism Act 2011 places a duty on local authorities to hold referendum(s) where a neighbourhood plan has a successful examination, and the local planning authority is satisfied that it meets the basic conditions set out in the legislation. The Neighbourhood Planning (Referendums) Regulations 2012 and the subsequent amendments as made by the Neighbourhood Planning (Referendums) (Amendment) Regulations 2014 sets out the Council's legal duties in respect of covering all aspects of organising and conducting polls including the opening hours of polling stations and the content of ballot papers. These largely replicate the Local Authorities (Conduct of Referendums) (England) Regulations 2012. The plan should proceed to the referendum stage in a timely manner.

## **9.0 EQUALITIES IMPLICATIONS**

- 9.1 All Development Plan Documents are accompanied by an Equalities Impact Assessment (EIA) to ensure that planning policies do not unlawfully discriminate against any protected characteristic. An EIA was provided as appendix 5 to the submitted Bradleys Both Neighbourhood Plan and can be viewed at [Bradley | North Yorkshire Council](#) This EIA concludes that the submitted Bradleys Both Neighbourhood Plan itself has no negative impacts on any of the protected characteristics but any need for mitigation that arises subsequently could be addressed as part of the planning process. An Equalities Impact Assessment is set out at Appendix C which refers to and reflects the EIA submitted with the Bradleys Both Neighbourhood Development Plan.

## **10.0 CLIMATE CHANGE IMPLICATIONS**

- 10.1 Plan making presents a key opportunity to set out and deliver a county-wide approach to reduce carbon emissions and mitigate the impact of climate change. The submitted Bradleys Both Neighbourhood Plan includes a range of policies to guide development in the designated neighbourhood area (the parish), including policies relating to climate change. This Neighbourhood Plan has been examined to determine whether it meets a number of 'Basic Conditions' (as listed at paragraph 3.4 above). The Conclusion and Referendum section of the Examiner's Report (see page 60 of Appendix A) sets out that subject to 16 recommended modifications the submitted Bradleys Both Neighbourhood Plan does meet these Basic Conditions. Therefore, it is considered that, subject to the Examiner's recommended modifications, the submitted Bradleys Both Neighbourhood Plan considers how the plan can help to deliver the council's climate change ambitions. A Climate Change Impact Assessment is set out at Appendix D.

## **11.0 REASONS FOR RECOMMENDATIONS**

- 11.1 In order to meet the requirements of The Neighbourhood Planning (General) Regulations 2012 (as amended) and The Neighbourhood Planning (Referendums) Regulations 2012 (as amended) the Council is required to publish the examiner's report and the plan proposal decision via a Regulation 18 Decision Statement, and to make a decision as to whether the Bradleys Both Neighbourhood Plan can proceed to referendum. The following recommendations relate to these legal requirements.

## **12.0 RECOMMENDATIONS**

- i) To consider the Examiner's Report presented to Appendix A and agree with the following recommendations included in that report:
  - The sixteen modifications to the Bradleys Both Neighbourhood Plan recommended by the Examiner.
  - That, subject to the recommended modifications being made, the plan meets the Basic Conditions.
  - That the Bradleys Both Neighbourhood Plan should, subject to the recommended modifications being made, proceed to referendum based on the area that was designated by Craven District Council on 9<sup>th</sup> December 2013.
- ii) To approve the Regulation 18 Decision Statement set out at Appendix B which sets out the information in the bullet points above.

### **APPENDICES:**

Appendix A – A Report of the Independent Examination of the Bradleys Both Neighbourhood Development Plan

Appendix B – Regulation 18 Decision Statement

Appendix C – Equalities Impact Assessment

Appendix D - Climate Change Impact Assessment

### **BACKGROUND DOCUMENTS:** None

Corporate Director – Nic Harne, Corporate Director Community Development  
County Hall  
Northallerton  
6<sup>th</sup> June 2023

Report Author – Ruth Parker, Principal Spatial Planning Officer  
Presenter of Report – Ruth Parker, Principal Spatial Planning Officer

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

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# Bradleys Both Neighbourhood Development Plan

A report to Craven District Council of the Independent  
Examination of the Bradleys Both Neighbourhood Development  
Plan

Copy to Bradleys Both Parish Council

Independent Examiner Christopher Collison

Christopher Collison

BA (Hons) MBA MRTPI MIED IHBC

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9 March 2023

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## Summary of Main Findings

This is the report of the Independent Examination of the Bradleys Both Neighbourhood Development Plan. The plan has been prepared by Bradleys Both Parish Council. The plan relates to Bradleys Both Parish which was designated as a Neighbourhood Area on 9 December 2013. The plan area lies within the Craven District Council area. The plan period runs until 2032. The Neighbourhood Plan includes policies relating to the development and use of land. The Neighbourhood Plan does not allocate land for development.

This report finds that subject to specified modifications the Neighbourhood Plan meets the Basic Conditions and other requirements. It is recommended the Neighbourhood Plan should proceed to a local referendum based on the plan area.

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## Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. Paragraph 29 of the National Planning Policy Framework (the Framework) states that “neighbourhood planning gives communities the power to develop a shared vision for their area”.
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Bradleys Both Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Bradleys Both Parish Council (the Parish Council). Bradleys Both Parish was designated by Craven District Council (the District Council) as a Neighbourhood Area on 9 December 2013. The draft plan has been submitted by the Parish Council, a qualifying body able to prepare a neighbourhood plan, in respect of the Bradleys Both Neighbourhood Area (the Neighbourhood Area). The Neighbourhood Plan preparation process was led by a Neighbourhood Plan Working Group (the Working Group) made up of Parish Councillors and other volunteers from the local community.
4. The submission draft of the Neighbourhood Plan and accompanying documents were approved by the Parish Council and submitted to the District Council on 18 October 2022. The District Council arranged a period of publication between 12 December 2022 and 30 January 2023, and subsequently submitted the Neighbourhood Plan to me for independent examination which commenced on 1 February 2023.

## Independent Examination

5. This report sets out the findings of the independent examination of the Neighbourhood Plan. The report makes recommendations to the District Council including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. The District Council will decide what action to take in response to the recommendations in this report.

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6. The District Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and a decision statement is issued by the local planning authority outlining their intention to hold a neighbourhood plan referendum, it must be taken into account and can be given significant weight when determining a planning application, in so far as the plan is material to the application.
7. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will form part of the Development Plan and be given full weight in the determination of planning applications and decisions on planning appeals in the plan area unless the District Council subsequently decide the Neighbourhood Plan should not be 'made'. The Housing and Planning Act 2016 requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan. Paragraph 12 of the Framework is very clear that where a planning application conflicts with an up-to-date neighbourhood plan that forms part of the Development Plan, permission should not usually be granted.
8. I have been appointed by the District Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and the District Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan.
9. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; and a Member of the Institute of Historic Building Conservation. As a Chartered Town Planner, I have held national positions and have 35 years' experience at Director or Head of Service level in several local planning authorities. I have been a panel member of the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) since its inception, and have undertaken the independent examination of neighbourhood plans in every region of England, and in the full range of types of urban and rural areas.
10. As independent examiner, I am required to produce this report and must recommend either:
  - that the Neighbourhood Plan is submitted to a referendum, or
  - that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or

- that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

11. I make my recommendation in this respect and in respect to any extension to the referendum area, in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.
12. The Planning Practice Guidance (the Guidance) states “it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.” The examiner has the ability to call a hearing for the purpose of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. This requires an exercise of judgement on my part. All parties have had the opportunity to state their case and no party has indicated that they have been disadvantaged by a written procedure. Regulation 16 responses clearly set out any representations relevant to my consideration whether or not the Neighbourhood Plan meets the Basic Conditions and other requirements. Those representations; the level of detail contained within the submitted Neighbourhood Plan and supporting documents; and the responses to my request for clarification of matters have provided me with the necessary information required for me to conclude the Independent Examination. As I did not consider a hearing necessary, I proceeded on the basis of examination of the submission and supporting documents; consideration of the written representations; and an unaccompanied visit to the Neighbourhood Area undertaken on 12 February 2023.
13. This report should be read as a whole, and has been produced in an accessible format.

## **Basic Conditions and other Statutory Requirements**

14. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”. A neighbourhood plan meets the Basic Conditions if:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
  - the making of the neighbourhood plan contributes to the achievement of sustainable development;

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- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

15. With respect to the penultimate Basic Condition the European Withdrawal Act 2018 (EUWA) incorporates EU environmental law (directives and regulations) into UK law and provides for a continuation of primary and subordinate legislation, and other enactments in domestic law. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention Rights, which has the same meaning as in the Human Rights Act 1998. All of these matters are considered in the later sections of this report titled 'The Neighbourhood Plan taken as a whole' and 'The Neighbourhood Plan Policies'. Where I am required to consider the whole Neighbourhood Plan, I have borne it all in mind.

16. In addition to the Basic Conditions and Convention Rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (in sections 38A and 38B themselves; in Schedule 4B to the 1990 Act introduced by section 38A (3); and in the 2012 Regulations made under sections 38A (7) and 38B (4)). I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 as amended (the Regulations) which are made pursuant to the powers given in those sections.

17. The Neighbourhood Plan relates to the area that was designated by the District Council on 9 December 2013. A map of the Neighbourhood Area is included as Figure 1 of the Submission Version Plan. The Neighbourhood Plan does not relate to more than one neighbourhood area, and no other neighbourhood development plan has been made for the neighbourhood area. All requirements relating to the plan area have been met.

18. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area; and the Neighbourhood Plan does not include provision about excluded development (principally minerals, waste disposal, development automatically requiring Environmental Impact Assessment, and nationally

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significant infrastructure projects). I am able to confirm that I am satisfied that each of these requirements has been met.

19. A neighbourhood plan must also meet the requirement to specify the period to which it has effect. The front cover of the Neighbourhood Plan states the plan period runs until 2032. The plan period is confirmed in the footer appearing on every page of the submitted Neighbourhood Plan.
20. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the tests of soundness provided for in respect of examination of Local Plans. It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises as a result of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention Rights, and the other statutory requirements.
21. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with all land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
22. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans reflect thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
23. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. I refer to the matter of minor corrections and other adjustments of general text in the Annex to my report.

## Documents

24. I have considered each of the following documents in so far as they have assisted me in determining whether the Neighbourhood Plan meets the Basic Conditions and other requirements:

- Bradleys Both Parish Council Neighbourhood Development Plan Up to 2032 Regulation 16 Submission Version (including Appendices 1-4)
- Appendix 5 Equality Impact Analysis (March 2022)
- Appendix 6 SEA (September 2022)
- Appendix 7 HRA (September 2022)
- Appendix 8 Consultation Statement v2 (March 2022) [In this report referred to as the Consultation Statement]
- Appendix 9 Basic Conditions Statement (March 2022) [In this report referred to as the Basic Conditions Statement]
- Appendix 10 Correspondence
- Annexe 1 Bradley Site assessments
- Annexe 2 Bradley Character Assessment
- Annexe 3 Draft Low Bradley Conservation Area Appraisal
- Information available on the Bradleys Both Parish Council website
- Information available on the Craven District Council website including the Low Bradley Conservation Area Appraisal (2023) adopted 28 February 2023
- Representations received during the Regulation 16 publicity period
- Correspondence between the Independent Examiner and Craven District Council and the Parish Council including: the initial letter of the Independent Examiner dated 1 February 2023; the letter of the Independent Examiner seeking clarification of various matters dated 16 February 2023; and the responses of the Parish Council reviewed and agreed by the District Council which I received on 23 February 2023
- National Planning Policy Framework (2021) [In this report referred to as the Framework]
- Craven Local Plan 2012 to 2032 (adopted November 2019)
- Permitted development rights for householders' technical guidance MHCLG (10 September 2019) [In this report referred to as the Permitted Development Guidance]
- Planning Practice Guidance web-based resource MHCLG (first fully launched 6 March 2014 and subsequently updated) [In this report referred to as the Guidance]
- Town and Country Planning (Use Classes) Order 1987 (as amended)
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)

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- Planning and Compulsory Purchase Act 2004 (as amended)
- Equality Act 2010
- Localism Act 2011
- Housing and Planning Act 2016
- European Union (Withdrawal) Act 2018
- Neighbourhood Planning Act 2017 and Commencement Regulations 19 July 2017, 22 September 2017, and 15 January 2019
- Neighbourhood Planning (General) Regulations 2012 (as amended) [In this report referred to as the Regulations. References to Regulation 14, Regulation 16 etc in this report refer to these Regulations]
- Neighbourhood Planning (General) (Amendment) Regulations 2015
- Neighbourhood Planning (General) incorporating Development Control Procedure (Amendment) Regulations 2016
- Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

## Consultation

25. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods, it also provides a summary of comments received from local community members, and other consultees, and how these have been addressed in the submission plan. I highlight here a number of key stages of consultation undertaken in order to illustrate the approach adopted.

26. Consultation began in respect of a then proposed neighbourhood plan with a public meeting, to which every home and business in the parish had received an invitation, held in Bradley Village Hall on 10 April 2013. Comments captured were considered by the Working Group. A District Council Local Plan housing sites public drop-in session in July 2013 offered an opportunity for stakeholders to learn more about the proposed neighbourhood plan. An outline draft Neighbourhood Plan prepared in November 2014 was published on the Parish Council website and publicised in the Craven Herald and on posters displayed around the village. A questionnaire circulated to all premises in the parish resulted in 184 responses which were analysed by the Working Group and which informed the production of a revised draft plan.

27. In accordance with Regulation 14 the Parish Council consulted on the pre-submission version of the draft Neighbourhood Plan between 26 March 2016 and

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7 May 2016. The District Council, statutory consultees, local businesses and community organisations were contacted directly. The draft Plan was published on the Parish Council website and hard copies were available to view in the Village Hall at two sessions attended by 106 people at which Working Group representatives were available to answer questions. Hard copies of the Plan were also available to view in four locations. A letter was distributed to all residences and businesses; posters were displayed; and a notice was published in the Craven Herald. Figure 9 in Appendix 3 of the Consultation Statement details the comments received from all parties and sets out a response and any action taken, including modification and correction of the emerging Neighbourhood Plan. A further period of consultation was held in 2020. The further consultation was undertaken to test the vision and objectives of the Neighbourhood Plan and ensure they were still fit for purpose given the significant passage of time since the earlier consultation draft of the plan. A village drop-in event on 1 February 2020 in the Village Hall was advertised in a flyer. Suggestions have, where considered appropriate, been reflected in a number of changes to the Plan that was submitted by the Parish Council to the District Council.

28. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publication between 12 December 2022 and 30 January 2023. Publicity was achieved through the District Council website and by making hard copies of the submission documents available at the District Council office reception, Bradley village shop, and in Bradley Village Hall. On the day of my visit to the Neighbourhood Area which was after the Regulation 16 period had closed there was a prominent display in the village shop window drawing attention to the Neighbourhood Plan preparation and opportunity to make representations. Representations were submitted during the Regulation 16 period of publication from a total of 11 different parties.

29. The District Council state “Prior to submission of the Bradley Neighbourhood Plan Craven District Council (CDC) worked closely with Bradley Parish Council, advising them on pre-submission drafts of the Neighbourhood Plan as part of our duty to support them throughout this process. Much of CDC’s comments, advice and recommendations for amendments were taken on board during the preparation of the draft Neighbourhood Plan. CDC is concerned however that during the development of policy ENV1, relating to the designation of Local Green Space (LGS) sites, Bradley Parish Council has not taken account of all of CDC’s recommendations. CDC considers that whilst many of our advice and suggestions have been taken into account in relation to the choice, assessment and proposed designation of LGS sites, some key concerns have not been fully resolved.” The District Council has set out a summary of key concerns made in relation to policy ENV1 with references included to the relevant parts of the submitted Consultation Statement and submission draft SEA document, providing

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more detail. Historic England states it considers it inappropriate for an area of land, identified as BR011 in Appendix 5 of the Neighbourhood Plan, to be excluded from the Local Green Space Policies Map. The representation of an individual states the field off College Road between Primrose Hill and the listed properties off College Road to the north of Primrose Hill, and the adjoining field behind St Mary's church are no longer identified as local green space but should be retained as such. A representation submitted by two individuals with a total of 24 signatories states that the decision not to designate the land identified as BR011 as either ENV1 or ENV3 is wrong. I refer to these representations when I consider Policy ENV1 and Policy ENV3 later in my report.

30. The representations of the Coal Authority; Pendle Borough Council; Sport England; Natural England, and the National Grid confirm they have no specific objections or comments relating to the Neighbourhood Plan. The representation of an individual objects to development of land west of Skipton Road, referred to as BR16, on grounds of drainage and sewerage, and traffic problems. A representation of two people objects to development off Skipton Road, referred to as site BB03, on highway grounds
31. I have read each of the Regulation 16 representations. In preparing this report I have taken into consideration all of the representations submitted, in so far as they are relevant to my role, even though they may not be referred to in whole in my report. Having regard to *Bewley Homes Plc v Waverley District Council* [2017] EWHC 1776 (Admin) Lang J, 18 July 2017 and Town and Country Planning Act Schedule 4B paragraph 10(6) where representations raise concerns or state comments or objections in relation to specific policies, I refer to these later in my report when considering the policy in question where they are relevant to the reasons for my recommendations.
32. I provided the Parish Council with an opportunity to comment on the Regulation 16 representations of other parties. Whilst I placed no obligation on the Parish Council to offer any comments, such an opportunity can prove helpful where representations of other parties include matters that have not been raised earlier in the plan preparation process. The Parish Council did submit comments to me in respect of several of the Regulation 16 representations and those comments have been published on the District Council website. I have taken those comments into consideration in preparing my report. The Parish Council has also submitted responses to my requests for clarification of various matters. Those responses have been reviewed and agreed by the District Council. My requests and the responses have been published on the District Council website. I have taken the responses of the Parish Council as agreed by the District Council into consideration in the preparation of my report.
33. The Regulations state that where a qualifying body submits a plan proposal to the

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local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which:

- a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
- b) explains how they were consulted;
- c) summarises the main issues and concerns raised by the persons consulted; and
- d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.

34. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. I am satisfied the requirements have been met. In addition, sufficient regard has been paid to the advice regarding engagement in plan preparation contained within the Guidance. It is evident the Neighbourhood Plan Working Group has ensured stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.

## **The Neighbourhood Plan taken as a whole**

35. This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and Human Rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the Development Plan for the area. Two of the plan policies are considered together and each of the other plan policies is considered in turn in the section of my report that follows this. In considering all of these matters I have referred to the submission, background, and supporting documents, and copies of the representations and other material provided to me.

**Consideration of Convention Rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017**

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36. Paragraph 6.5 of the Basic Conditions Statement states “The Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human rights and complies with the Human Rights Act 1998. The Act sets out the human rights in a series of Articles. The ones of most relevance to the NDP are the right to family life and protection from discrimination”. I have considered the European Convention on Human Rights and in particular Article 6 (fair hearing); Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property). The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law. Development Plans by their nature will include policies that relate differently to areas of land. Where the Neighbourhood Plan policies relate differently to areas of land this has been explained in terms of land use and development related issues. I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention.
37. Paragraph 6.6 of the Basic Conditions Statement states “a Public Sector Equality Assessment has been prepared and demonstrated how the plan has considered and responds to the needs of individuals”. From my reading of the Equality Impact Assessment prepared by the Parish Council in March 2022 (Appendix 5 of the Neighbourhood Plan), and from my own assessment, the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics as identified in the Equality Act 2010. I am satisfied the Neighbourhood Plan has been prepared in accordance with the obligations for Parish Councils under the Public Sector Equality Duty (PSED) in the Equality Act 2010.
38. The objective of EU Directive 2001/42 (transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004) is “to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.” The Neighbourhood Plan falls within the definition of ‘plans and programmes’ (Defined in Article 2(a) of Directive 2001/42) as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result (Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012).
39. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Parish Council, as the Qualifying Body, to submit to Craven District Council either an environmental report prepared in accordance with the Environmental

Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required.

40. Paragraph 6.2 of the Basic Conditions Statement states “A Strategic Environmental Assessment (SEA) Screening Report was undertaken by Craven District Council in November 2019. This considered the NDPs potential economic, social and environmental impacts. As the NDP has been amended following consultation and liaison with Craven District Council as Local Planning Authority the screening report was reviewed to ensure that its assessment and conclusions was not affected by the modifications. This was carried out in July 2022. The latest version of the plan and screening report were then sent to the Statutory Environmental Bodies (Environment Agency, Natural England and Historic England) for comment. The Statutory Bodies confirmed that they do not think that the policies of the NDP will result in significant environmental effects and therefore concluded it does not require SEA. A screening opinion was then produced by CDC confirming that the NDP does not require SEA.” I have examined the Strategic Environment Assessment Screening Report prepared for the Parish Council on 13 September 2022 (Appendix 6 of the Neighbourhood Plan) and find it represents a thorough analysis and is entirely satisfactory. I am satisfied the requirements regarding Strategic Environmental Assessment have been met.
41. It is reported at paragraph 6.4 of the Basic Conditions Statement that “A Habitat Regulation Assessment (HRA) Examination of Likely Effects was undertaken by Craven District Council in November 2019. This assessed the NDP’s potential impacts on the natural environment. As with the SEA process described above the Examination of Likely Effects was reviewed by CDC in July 2022 to check that the amended policies did not affect the assessment and conclusions on the impacts on the natural environment. The draft NDP and Examination of Likely Effects report were then sent to the relevant Statutory Body Natural England for comment. Natural England confirmed that they did not think that the NDP requires an HRA”. I have examined the Habitats Regulations Assessment Examination of Likely Significant Effects prepared for the Parish Council on 13 September 2022 (Appendix 7 of the Neighbourhood Plan) and find it represents a thorough analysis and is entirely satisfactory. I am satisfied that the Neighbourhood Plan meets the requirements of the Basic Condition relating to Habitats Regulations.
42. There are a number of other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.

43. I conclude that the Neighbourhood Plan is compatible with the Convention Rights, and does not breach, and is otherwise compatible with, EU obligations. I also conclude the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
44. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. The District Council as Local Planning Authority must decide whether the draft neighbourhood plan is compatible with EU environmental law obligations (directives and regulations) incorporated into UK domestic law by the European Withdrawal Act 2018 (EUWA):
- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
  - when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).

**Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development**

45. I refer initially to the basic condition “having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan”. The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to”. This is not the same as compliance, nor is it the same as part of the tests of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy”.
46. Lord Goldsmith has provided guidance (Column GC272 of Lords Hansard, 6 February 2006) that ‘have regard to’ means “such matters should be considered.” The Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “must not constrain the delivery of important national policy objectives.”
47. The most recent National Planning Policy Framework published on 20 July 2021 sets out the Government’s planning policies for England and how these are expected to be applied. The Planning Practice Guidance was most recently

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updated, in part, on 25 August 2022. As a point of clarification, I confirm I have undertaken the Independent Examination in the context of the most recent National Planning Policy Framework and Planning Practice Guidance. The Government consultation on possible changes to the Framework published in December 2022 has not formed part of my consideration.

48. The Table presented as Appendix 1 of the Basic Conditions Statement sets out an explanation how each of the policies of the Neighbourhood Plan has regard to identified parts of the Framework. I am satisfied the Basic Conditions Statement demonstrates how the Neighbourhood Plan has regard to relevant identified components of the Framework.
49. The Neighbourhood Plan includes in section 2 a positive vision for Bradleys Both in 2032 with economic, social and environmental dimensions. Eight objectives are also set out that will help realisation of the vision.
50. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that the need to 'have regard to' national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that with the exception of those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition "having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan."
51. At the heart of the Framework is a presumption in favour of sustainable development which should be applied in both plan-making and decision-taking. The Guidance states, "This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions".
52. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need

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to assess whether or not the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.

53. The Framework states there are three dimensions to sustainable development: economic, social and environmental. Section 5 of the Neighbourhood Plan sets out a statement how the Neighbourhood Plan meets the requirement for sustainable development. The Table at Appendix 3 of the Basic Conditions Statement demonstrates ways in which the policies of the Neighbourhood Plan support the economic, social and environmental dimensions of sustainable development. Whilst the impact of some policies is found to be neutral in respect of one, or in some cases two, of the dimensions of sustainable development every policy makes a positive or significant positive impact in respect of at least one of the dimensions. The statement does not highlight any negative impacts of the Neighbourhood Plan policies.

54. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring schemes are of an appropriate nature and quality to contribute to economic and social well-being; whilst also protecting important environmental features of the Neighbourhood Area. In particular, I consider the Neighbourhood Plan as recommended to be modified seeks to:

- designate Local Green Spaces;
- identify and protect identified Green Infrastructure links;
- ensure development conserves the landscape;
- ensure development conserves the natural environment and achieves biodiversity net gain;
- establish criteria for support of solar farms;
- establish circumstances when infill development will not be supported;
- ensure new development will conserve and enhance local character including heritage and natural environment assets;
- establish principles for the housing development of land at Skipton Road;
- establish design principles for all new development;
- ensure the type and mix of new housing development meets local needs;
- ensure new residential or commercial development can wherever possible be accessed without vehicles passing through the village centre;
- establish support for pedestrian safety improvements and establish priorities;
- establish support for improvement of community facilities, and establish criteria for support of loss or harm to such facilities;

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- establish conditional support for new or extended sporting or recreation facilities including on an identified site;
- establish criteria for loss of good quality agricultural land and for siting of agricultural buildings;
- establish criteria for development at the Airedale Business Centre and Acorn Business Park; and
- establish criteria for support of business/tourism-related development.

55. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

**Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)**

56. The Framework states neighbourhood plans should “support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies”. Plans should make explicit which policies are strategic policies. “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine its strategic policies”.

57. In this independent examination, I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). The District Council has confirmed the Development Plan applying in the Bradleys Both Neighbourhood Area and relevant to the Neighbourhood Plan is the Craven Local Plan, adopted November 2019. The Guidance states, “A local planning authority should set out clearly its strategic policies in accordance with paragraph 21 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.” The District Council has advised me that the Local Planning Authority considers all of the policies within the Local Plan as strategic policies.

58. The District Council has informed me a Local Government Reorganisation within North Yorkshire means “a single new council for North Yorkshire will launch on 1 April 2023, replacing the current county council and seven district and borough councils including Craven District Council. Once the new North Yorkshire Council is created it will have a legal requirement to prepare a single Local Plan for the area of North Yorkshire excluding the Yorkshire Dales and North York Moors National Parks, within five years from the date of investiture. This has implications for the reviews of the adopted Craven, Hambleton, Harrogate, Richmondshire and Scarborough Local Plans. The NYCC Executive approved a number of recommendations relating to the approach to plan making in North Yorkshire in December 2022, including that the reviews of those adopted local plans be halted to enable resources to be focussed on the preparation of a new local plan for the new North Yorkshire plan area. These recommendations will be presented to a meeting of Full Council in May 2023”.

59. The Guidance states: “Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan. A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development. Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:

- the emerging neighbourhood plan;
- the emerging Local Plan;
- the adopted development plan;

with appropriate regard to national policy and guidance. The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination. The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision

maker favouring the policy which is contained in the last document to become part of the development plan. Neighbourhood plans should consider providing indicative delivery timetables and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan.”

60. The Guidance states “It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies.” The approach of the District Council and the Parish Council has been consistent with that guidance. I am mindful of the fact that should there ultimately be any conflict between the Neighbourhood Plan, and a future Local Plan for North Yorkshire when it is prepared and adopted by the new unitary North Yorkshire Council; the matter will be resolved in favour of the plan most recently becoming part of the Development Plan; however, the Guidance is clear in that potential conflicts should be minimised. In order to satisfy the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. The future Local Plan for North Yorkshire is not part of the Development Plan and this requirement does not apply in respect of that. The Guidance states “Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood areas. They can be developed before or at the same time as the local planning authority is producing its Local Plan”.

61. In considering a now-repealed provision that “a local plan shall be in general conformity with the structure plan” the Court of Appeal stated “the adjective ‘general’ is there to introduce a degree of flexibility” (Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P &CR 31). The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.

62. The Guidance states, “When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;

- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.”

My approach to the examination of the Neighbourhood Plan Policies has been in accordance with this guidance.

63. Consideration as to whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. I have taken into consideration the Table presented as Appendix 1 of the Basic Conditions Statement that seeks to demonstrate how each of the policies of the Neighbourhood Plan is in conformity with relevant strategic policies. Subject to the modifications I have recommended, I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

## **The Neighbourhood Plan Policies**

64. The Neighbourhood Plan includes 19 policies as follows:

- Policy ENV1: Local Green Spaces
- Policy ENV2: Green Infrastructure Links
- Policy ENV3: Conserving the Landscape
- Policy ENV4: Nature Conservation
- Policy ENV5: Wind Turbines
- Policy ENV6: Control of Solar Farms
- Policy ENV7: Infill Development
- Policy ENV8: Protecting Conservation and Heritage Sites
- Policy HOU1: Land at Skipton Road, Bradley
- Policy HOU2: New Housing development Design Policy
- Policy HOU3: Housing Type and Mix
- Policy HT1: Road Safety and Congestion
- Policy HT2: New Development Infrastructure
- Policy CFS1: Bradley’s Community Facilities
- Policy CFS2: Creation of New and the Extension of Existing Sporting and Recreation Facilities
- Policy ELB1: Retaining Productive Farmland

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Policy ELB2: Airedale Business Centre and Acorn Business Park  
Policy ELB3: Proposals for Change of Use  
Policy ELB4: Supporting Rural Business

65. Paragraph 29 of the Framework states “Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies”. Footnote 16 of the Framework states “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.”
66. Paragraph 15 of the Framework states “The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.”
67. Paragraph 16 of the Framework states “Plans should: a) be prepared with the objective of contributing to the achievement of sustainable development; b) be prepared positively, in a way that is aspirational but deliverable; c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees; d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals; e) be accessible through the use of digital tools to assist public involvement and policy presentation; and f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”
68. The Guidance states “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. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”
69. “While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the

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choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.

70. A neighbourhood plan should contain policies for the development and use of land. “This is because, if successful at examination and referendum (or where the neighbourhood plan is updated by way of making a material modification to the plan and completes the relevant process), the neighbourhood plan becomes part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004).”
71. “Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need”. “A neighbourhood plan can allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Guidance on assessing sites and on viability is available.”
72. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is ‘made’ they will be utilised in the determination of planning applications and appeals, I have examined each policy in turn. I have considered any other inter-relationships between policies where these are relevant to my remit.

### **Policy ENV1: Local Green Spaces**

73. This policy seeks to establish a development management approach to development proposals on land designated as Local Green Space.
74. Paragraph 101 of the Framework states “The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them.” It is evident from the final column of Table 2 in Appendix 3 of the Neighbourhood Plan that the intention is that the Neighbourhood Plan should designate areas of land as Local Green Space, but no policy of the Neighbourhood Plan achieves that. In response to my request for clarification the Parish Council, with the agreement of the District Council, confirmed it is intended Policy ENV1 should designate Local Green

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Spaces. I have recommended a modification in this respect so that the policy “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

75. Designation of Local Green Space can only follow identification of the land concerned. For a designation with important implications relating to development potential it is essential that precise definition is achieved. The proposed Local Green Spaces are presented on the Local Green Space Policies Map and the Village Inset Map of the Parish Wide Policies Map of the Neighbourhood Plan. In answer to my request for clarification whether proposed LGS 4 Canal towpath should only relate to the length of towpath within the Inset Map the Parish Council state “the intention was for the LGS 4 to include all of the canal towpath within the boundary of the NDP and not just the part that fits within the Village Inset Map. The LGS designation is not showing clearly on the wider policies map as it is a very narrow line but it is included. CDC officers have advised that this will be shown as a specific layer on the Council’s website.” When viewed electronically the Local Green Space Policies Map, the Parish Wide Policies Map, and the Inset Map can be expanded to better reveal the line of boundaries of the green spaces in question. The scale and discrete nature of the areas of land in question assist in understanding the alignment of boundaries. For the avoidance of doubt, I have recommended a note should be added to the Key to the Local Green Space Policies Map and the Key to the Parish Wide Policies Map to clarify the LGS 4 Canal towpath designation relates to the entire length of canal towpath in the Neighbourhood Area. I have also recommended the Key to Local Green Space Policies Map and the Key to the Parish Wide Policies Map is adjusted to clarify the designation of sites reference 1 and 3 as Local Green Space as this is not at present clear. Subject to these modifications I am satisfied the areas of land proposed for designation as Local Green Spaces have been adequately identified.

76. Part d) of Policy ENV1 refers to “the defined curtilage of a domestic building”. In response to my request for clarification whether any curtilage, or part curtilage, of a domestic building is included in any of the proposed LGSs, and the reason for any such inclusion, the Parish Council stated “previous drafts of the NDP included land that formed part of the curtilage to domestic properties but these sites have now been removed. Criteria d) in policy ENV1 was not however removed. This is an error and the criteria therefore serves no purpose in policy ENV1.” I have recommended a modification to correct this error.

77. Decision makers must rely on paragraph 103 of the Framework that states “Policies for managing development within a Local Green Space should be



consistent with those for Green Belts” and the part of the Framework that relates to ‘Protecting Green Belt land’, in particular paragraphs 147 to 151. That part of the Framework sets out a development management approach to development proposals including statements regarding the types of development that are not inappropriate in Green Belt areas. Policy ENV1 seeks to introduce a more restrictive approach to development proposals than apply in Green Belt without sufficient justification, which it may not (R on the Application of Lochailort Investments Limited v Mendip District Council. Case Number: C1/2020/0812). Policy ENV1 includes much text that merely repeats national and strategic policy. Paragraph 16 f) states plans should serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in the Framework, where relevant). In response to my request for clarification the Parish Council has confirmed it is intended Policy ENV1 should establish that management of development within Local Green Spaces will be consistent with those for Green Belts (in accordance with paragraph 103 of the Framework). I have recommended a modification in this respect so that the policy has sufficient regard for national policy.

78. Paragraph 102 of the Framework states the Local Green Space designation should only be used where the green space is in reasonably close proximity to the community it serves. Whilst the canal towpath is a linear area of land that extends to the boundaries of the Neighbourhood Area it passes immediately adjacent to the built area of Low Bradley and is accessible from the village at the swing bridge. The towpath also passes close to other residential and commercial properties in the Neighbourhood Area. I regard the canal towpath as being in reasonably close proximity to the community it serves. The other proposed Local Green Spaces are all within, or immediately adjacent to the built framework of Low Bradley. I find that in respect of each of the intended Local Green Spaces the designation relates to green space that is in reasonably close proximity to the community it serves.

79. Paragraph 102 of the Framework states the Local Green Space designation should only be used where the green space is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife. The submission Neighbourhood Plan includes in Appendix 3 information which seeks to confirm why each of the proposed Local Green Space designations is demonstrably special to a local community and holds a particular local significance. Relevant reasons for designation are indicated as applying in respect of each of the sites proposed for designation including matters referred to in the Framework. I have visited each of the areas of land concerned.

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80. With respect to proposed Local Green Space site 4 Canal towpath I have considered the part of the Guidance which states there is no need to designate linear corridors as Local Green Space simply to protect rights of way, which are already protected under other legislation (Paragraph: 018 Reference ID: 37-018-20140306 Revision date: 06 03 2014). I do not regard the designation of Local Green Space site 4 Canal towpath as solely to protect the linear right of way but has a range of reasons for designation including historic significance as part of the history of the development of Low Bradley and access to the Polish Airmen memorial, the richness of wildlife, and as a recreation resource not limited to passage along a right of way.

81. With respect to proposed Local Green Space site 6 Rear of Ings Drive I have noted Table 2 of Appendix 3 of the Neighbourhood Plan sets out several factors in support of a conclusion that the site is demonstrably special to a local community and holds a particular significance as follows:

- Under the heading richness of wildlife, it is stated “some wildlife potential with dry stone wall boundaries and native hedgerows.” The term “some wildlife potential”, which is both indefinite and lacking in any detail, is insufficient to confirm the site is demonstrably special to a local community and holds a particular local significance because of its richness of wildlife.
- Under the heading beauty, it is stated “the site maintains medium range views to the canal from Bradley village”. In response to my request for clarification as to the meaning of this statement the Parish Council state “This refers to the location and aspect of the proposed LGS 6 site which allows views from within the village and particularly from parts of the village shown within the ‘Village Inset’ towards the canal area. There are glimpses through the gaps between houses within the village towards the canal across the land.” I am not satisfied this response provides sufficient justification for the designation. Planning policy must operate in the public interest. For views to be relevant they must be seen from locations to which the general public have free and unrestricted access. When walking along the highways in the village closest to LGS 6 I was not able to see glimpsed views towards the canal area. Even if I had been able to see such views, those publicly accessible views would be an attribute of the highway looking across the proposed LGS 6 site, not an attribute of the proposed LGS 6 site itself. Where paragraph 102 of the Framework refers to the example of beauty of a site it is specifically referring to “its beauty”. Site reference LGS 6 has not been shown to be beautiful in its own right, and not shown to hold particular local significance. It is made up of agricultural fields not dissimilar in appearance to many others within the Neighbourhood Area. The reference to “holds a particular local significance” in paragraph 102 of the Framework is to the green space itself. It is not

appropriate to designate the whole of several agricultural fields as Local Green Space on the basis of views across part of that land, not seen from the site itself, but seen from adjoining locations. The basis for designation of Local Green Space must relate to attributes of the site itself and not to the fact it provides airspace for part of a view between other locations. The implications of acceptance of an alternative interpretation are significant. I find the justification relating to beauty is insufficient to confirm the site is demonstrably special to a local community and holds a particular local significance.

- Under the heading historic significance, it is stated “part of the LGS comprises a medieval long field. See Bradley Village Character Assessment.” In response to my request for clarification the Parish Council confirmed the reference to the Bradley Village Character Assessment is a reference to paragraph 4.2.2 Medieval Arable Fields which states “The extensive medieval arable fields from the Ings to High Bradley are partly covered by a 20th century housing estate. However, some hedges and 17th century walls and earthworks can still be seen. The boundaries have retained the S-shaped boundary from ox drawn ploughing. Today, the fields are used for haymaking and animal pasture.” This paragraph which relates to an extensive area of land does not provide sufficient justification to confirm the proposed LGS site 6 is demonstrably special to a local community and holds a particular local significance because of its historic significance. The District Council has, during the Independent Examination, drawn my attention to finalisation of the Low Bradley Conservation Area Appraisal (CAA) adopted in February 2023, and the Parish and District Councils have advised me this forms part of the evidence base for the Local Plan and the Neighbourhood Plan. The District Council have also advised that references to the CAA throughout the NDP will need to be updated to refer to the final draft adopted CAA (2023). I refer to this latter matter in the Annex to my report. Section 3.3 of the Conservation Area Appraisal (2023) states “There is a good survival of early enclosed (with drystone walls) former medieval strip fields to the north of Ings Lane and the Canal. This field pattern can be seen from the Canal and Ings Lane to the southwest.” The archaeological analysis layer of the interactive map forming part of the Conservation Area Appraisal identifies field boundaries of the two long fields in LGS site 6 situated to the west of 1-23 Aire Valley Drive and Wood Close and Woodfield Drive. On this basis I am satisfied those two long fields have historic significance and that they are demonstrably special to a local community and hold a particular local significance. Their designation as Local Green Space is appropriate in respect of this criterion.

82. With respect to the part of proposed LGS site 6 comprising fields situated north of 23 and 27-47 inclusive Aire Valley Drive, the Conservation Area Appraisal (2023) states “Immediately north of the estate (Aire Valley Drive), the fields here have

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limited visibility from significant locations. However, further up the slope, the fields are visible from Matthew Lane and Crag Lane.” The interactive map indicates there is some contribution, but not a strong contribution, to the character and appearance of the Conservation Area. I have noted the major part of the fields is not visible from significant locations within the Conservation Area due to the topography and the intervening properties fronting Aire Valley Drive. Apart from at the gap between 23 and 27 Aire Valley Drive, due to topography, I was not able to see the fields from that highway. In all of the evidence base I have not found any basis to conclude the fields north of 23 and 27-47 Aire Valley Drive are demonstrably special to a local community and hold a particular local significance. For designation of a site as Local Green Space to proceed all of the requirements of paragraph 102 of the Framework must be met. I conclude that part of site reference LGS 6 should not be designated as Local Green Space. I have recommended the boundaries of site reference LGS 6 should be modified on the Parish Wide Policies Village Inset Map in Appendix 2 of the Neighbourhood Plan, and on the Local Green Space Policies Map in Appendix 3 of the Neighbourhood Plan. As I have found part of site reference LGS 6 does not meet a requirement of designation I have not considered that part of the site any further.

83. Appendix 3 of the Neighbourhood Plan provides sufficient evidence for me to conclude that each of the other proposed Local Green Space sites, reference numbers 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, and 14, is demonstrably special to a local community and holds a particular local significance.

84. Paragraph 102 of the Framework states the Local Green Space designation should only be used where the green space is not an extensive tract of land. The regulation 16 representation of the District Council provides much valuable background information including the fact that in responding to the 2021 pre submission Neighbourhood Plan the District Council had set out its concerns that four sites (proposed LGS's 6, 9, 10 and 12) represent extensive tracts of land. The Parish Council has commented on this matter as follows: “The NDP group acknowledge the comments from CDC regarding the application of the methodology for assessing sites as possible LGS designation. CDC have maintained a consistent stance on this point and in the absence of a clear definition of what constitutes an ‘extensive tract of land’ in national planning policy and guidance it will be a matter for the examiner to determine whether the sites put forward for LGS designation in the draft NDP meet the tests set out in national planning policy.”

85. The Guidance (at Paragraph: 015 Reference ID: 37-015-20140306 Revision date: 06 03 2014) states “There are no hard and fast rules about how big a Local

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Green Space can be because places are different and a degree of judgment will inevitably be needed. However, paragraph 100 of the National Planning Policy Framework is clear that Local Green Space designation should only be used where the green area concerned is not an extensive tract of land. Consequently, blanket designation of open countryside adjacent to settlements will not be *appropriate. In particular, designation should not be proposed as a ‘back door’* way to try to achieve what would amount to a new area of Green Belt by another name.” I have recommended a modification that has the effect that only part of proposed LGS site 6 is designated and I do not regard that part to be an extensive tract of land. I regard the canal towpath and the small areas of green space within the 1960’s developed part of Low Bradley to not be extensive tracts of land. The remaining sites are all located within the Conservation Area and all represent distinct areas of land with identifiable boundaries, which apart from those bordering the canal, are spatially separate from one another being divided at least by a right of way. As a matter of professional planning judgement, I find that in respect of each of the intended Local Green Spaces (LGS site 6 as recommended to be modified) the designation relates to green space that is not an extensive tract of land.

86. Paragraph 101 of the Framework states “Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.” Clearly the proposed designations of Local Green Space are being made when a neighbourhood plan is being prepared. In Table 1 of Appendix 3 it is stated in respect of both proposed LGS 6 Rear of Ings Drive, and proposed LGS 10 Land between Crag Lane and Silsden Road, under the heading of Planning History “see planning history table below”. As a planning permission for development would raise very real uncertainty that the designated land may be capable of enduring beyond the end of the plan period I asked for a clarification of this matter. The Parish Council informed me the LGS Assessment should include a table that sets out the planning history of each of the sites that are proposed as LGS but it has been omitted from the publication draft in error. Having been provided with the table in question I conclude planning permissions do not prevent any of the proposed designations. I have recommended the table should be included in the LGS Assessment in order to correct the error of omission.

87. The Regulation 16 representation of the District Council states “The SEA concludes (page 29) that over the neighbourhood plan period, there are positive impacts on both socio-economic and environmental elements. However, it suggests that it may be beneficial to investigate how the number and location of



the proposed LGS will influence what potential development sites can come forward beyond this time period as the potential for continual development aligned to the existing built form of the village would seem to be quite limited due to the combination of LGS designations to the west and south, the CFS2 designation to the south, and some topography issues to the north. The report states that it is expected that the allocated site in the plan will come forward, however if this does not happen, due to unforeseen circumstances, there may be potential difficulties in locating alternative site(s) during the lifetime of the plan. The report states that there are no mitigation measures required during the lifetime of the neighbourhood plan, however, the number and location of LGS sites may inhibit development opportunities beyond the timespan of this neighbourhood plan. The report suggests that this potential restriction could be analysed during the neighbourhood plan's examination and/or at the 5-year review of the neighbourhood plan, however it is advisable that further consideration is given in this regard."

88. The Regulation 16 representation of the District Council also states that in 2018 the District Council had raised concerns about the extent of LGS designations, as those at the time included all of the SHLAA sites which ringed the village, which could prevent future residential sites coming forward and fail to achieve sustainable development. The District Council Regulation 16 representation also states that in responding to the 2021 pre submission Neighbourhood Plan concerns had been raised that the LGS designations would significantly affect the ability of Bradley to grow and develop in a sustainable way in the future. The District Council report the Parish Council response was that the extent and coverage of proposed LGS designations had been substantially reduced from those previously proposed and large areas of land were retained outside of the proposed LGS designations and would allow for future expansion of the village outward from its core.

89. The Parish Council has commented in respect of this matter as follows "The comments in regard to the potential LGS designations limiting the long-term sustainable growth of the village and effects on the future SEA process have been answered during the earlier discussions between the NDP group and the LPA (see consultation statement). Significant areas of land to the west and north of the village and outside the Conservation Area are not proposed as LGS sites and could help to meet the future long-term growth needs of the village."

90. As recommended to be modified Policy ENV1 would constrain potential future development within the Conservation Area but it would have limited impact on the consideration of proposals in much of the Neighbourhood Area outside the Conservation Area. The Local Plan has provided for housing development to 2032 and the Neighbourhood Plan does not allocate land for further housing

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development in that period. The Guidance states “The scope of neighbourhood plans is up to the neighbourhood planning body. Where strategic policies set out a housing requirement figure for a designated neighbourhood area, the neighbourhood planning body does not have to make specific provision for housing, or seek to allocate sites to accommodate the requirement (which may have already been done through the strategic policies or through non-strategic policies produced by the local planning authority). The strategic policies will, however, have established the scale of housing expected to take place in the neighbourhood area. Housing requirement figures for neighbourhood plan areas are not binding as neighbourhood planning groups are not required to plan for housing.” There is no obligation that the Neighbourhood Plan should make any such provision. I am however satisfied that as recommended to be modified Policy ENV1 will not prevent local housing needs being met and has sufficient regard for paragraph 29 of the Framework which states “Neighbourhood Plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.” On the basis that the LGS designations are to be expected to endure beyond the plan period I am satisfied that the LGS designations as proposed to be modified will not prevent the development of sufficient homes to meet local needs in the longer term.

91. In respect of each of the areas proposed for designation as Local Green Space, with LGS site 6 as recommended to be modified, I find the Local Green Space designations are being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designations are not capable of enduring beyond the end of the plan period. I also conclude the intended Local Green Space designations, as recommended to be modified, have regard to the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services whilst contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework.

92. During the Regulation 16 representation period Historic England initially confirmed no further comments on the Neighbourhood Plan, but later stated “Following our letter of 16th January 2023 it has been drawn to our attention that an area of Local Green Space identified in the Bradleys Both Parish Council Neighbourhood Development Plan 2016-2031 has been omitted from the Submission Draft Bradleys Both Parish Council Neighbourhood Development Plan Up to 2032. The area identified in Bradleys Both Parish Council Neighbourhood Development Plan 2016- 2031 Appendix 5 (attached) is BR011; the draft Low Bradley Conservation Area Appraisal August 2016 (which was co-funded by Historic England and Craven District Council) identifies this area as part of the landscape surrounding Low Bradley as making a strong contribution to

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the character and appearance of the Conservation Area. Given that the appraisal is due for adoption by Craven District Council in late February or early March 2023 (according to the Craven District Council Conservation Areas webpage), Historic England considers it inappropriate for this area to be excluded from the Local Green Space Policies Map. Given that both Craven District Council and (insofar as it can exercise Planning function) Bradleys Both Parish Council have a statutory responsibility to pay “special attention to the desirability of preserving or enhancing the character or appearance of its Conservation Areas” this is particularly important.”

93. A Regulation 16 representation signed by 24 people states that land east of College Road (identified as SHLAA No BR011) that had been designated as proposed LGS in the 2016 draft Neighbourhood Plan is, in the Submission Draft Neighbourhood Plan, not designated as LGS nor under Policy ENV3 conserving the landscape. The representation objects to the decision not to designate the land under Policy ENV1, or under Policy ENV3, for several reasons which I summarise as including:
1. The 2016 draft Plan designated the land as LGS and the landscape was described as being open land critical to maintain and retain the green balance of this section of the Conservation Area.
  2. The Conservation Area Appraisal identifies the land as open space which makes a strong contribution to the character and appearance of the Conservation Area. The Conservation Area exists to manage and protect the special architectural and historic interest of a place and we believe allowing development on this site would be directly contrary to the conservation areas objectives.
  3. The District Council Site Allocations Methodology identified the land as making a strong contribution to Bradley Conservation Area and stated development of the land would affect the setting of College House (Listed Building Grade II).
  4. A planning application for three houses on the land was rejected on appeal in 1991.
  5. The Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of its conservation areas and special regard must be had to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. The land must be designated Green Land to fulfil these obligations.
  6. In terms of Neighbourhood Plan objectives the land is situated within the oldest part of the village with a number of listed buildings including College House and College Cottage that abut the land, and is the only open space along the entire length of College Road. There is inconsistency with the approach to listed buildings between the land and that land allocated for development at Skipton Road.

7. The land permits publicly accessible highly significant views of the village graveyard.
  8. The removal of the land from proposed LGS designation in the 2016 draft Plan, where it was described as critical to retain the green balance of this section of the Conservation Area, is not explained in the LGS Assessment.
  9. The land is Grade 3 agricultural value.
  10. This is the most historic part of Low Bradley.
  11. The risk of planning applications on the land is strong.
- The representation concludes by requesting the land is designated as LGS.

94. The Regulation 16 representation of an individual states “On page 46 Village Inset Map, the field off College Road between Primrose Hill and the listed properties off College Road to the north of Primrose Hill, and the adjoining field behind St Mary’s church are no longer identified as local green space. In previous plans they have been identified as local green space. I urge you to check this has not been an oversight. If it is intentional, I would ask you to reconsider. These fields maintain the character of the area in that part of the village and the setting of listed properties, and should be maintained. In addition, these fields are within the conservation area and should be retained adding to the conservation area benefits. Identifying these fields as local green space within the plan recognises the history of the village and the importance of crofts and the farming heritage.”

95. The Parish Council has corrected a factual error in its initial response to the representations described above relating to an absence of LGS designation of land at College Road by stating: “the NDP group wish to point out that the NDP has been prepared over a considerable length of time (commencing in 2013) and with the best endeavours of the Parish Council and support from local volunteers. There have been changes to the composition of the Parish Council NDP group, and those currently working on the NDP have no recollection for the reasons of the alteration to the earlier proposed LGS site at College Road and so it has unfortunately not been possible to provide definitive answers to some points made by this representation. The NDP group have tried to provide as full an explanation as possible in regard to the changes made from the 2016 consultation draft of the NDP and the current publication version. Changes to the proposed LGS designation - Following the 2016 pre-publication consultation (Regulation 14 stage) the draft NDP underwent a review to take into account the various responses. Discussions were also held with planning policy officers from Craven District Council (CDC) to ensure that the NDP was in general conformity with the then emerging Local Plan as well as national planning policy. One of the issues identified by CDC related to the amount of land proposed as LGS (NDP policy ENV1) and the methodology used to assess the suitability of sites for LGS designation. CDC also considered that the proposed coverage of LGS land would

compromise the future sustainable growth of the village and that a number of the sites would constitute 'extensive tracts of land', failing to meet the relevant criteria set out in the NPPF. The NDP group then applied the CDC LGS methodology and it appears that at this time a number of proposed LGS sites were removed, one of these was the land adjacent to College Road. The NDP group have unfortunately been unable to locate specific records to show why these sites were removed as possible LGS designations and so are not able to conclusively determine if this was a deliberate decision to exclude the land as an LGS or whether it was a drafting/mapping error" and "the Bradley Village Conservation Area boundary remains unaltered in the current draft NDP and includes the land to the immediate east of College Road. Concerns about the potential future development on the land to the east of College Road - The designation of land as LGS in Local or Neighbourhood Plans provides a strong level of protection against most forms of development. The concerns expressed by residents about the removal of the proposed LGS designation are acknowledged, particularly as the land was included in the earlier 2016 consultation version. The representation from residents (and Historic England) rightly points out the findings of the draft Conservation Area Appraisal which concludes that all of the land around the village makes a strong contribution to the Conservation Area as it enables views into the historic core. Equally the comments of residents regarding the value they attach to the land as a green space close to the historic core of the village and associated heritage assets is understood. The NDP group therefore welcomes the examiner's independent assessment of this and will fully accept the conclusions of the examination. Notwithstanding this the Conservation Area designation and the proximity to the Grade II Listed building at College House and College Cottage means that any proposals to develop the site would need to preserve or enhance the setting of these heritage assets and, if harmful, would be grounds for refusal. The provisions of Policy SP4 (I) of the adopted Local Plan require that development of non-allocated housing sites will only be allowed where it can be demonstrated that the planned growth will not be delivered in the plan period. The allocated housing site at land off Skipton Road (BB03) together with extant planning permissions within the village provide for sufficient deliverable land to meet the housing needs of the village within the local plan period (up to 2032)." The Parish Council also commented on references in the representations to Policy ENV3. I consider that matter later in my report.

96. I have earlier in my consideration of Policy ENV1 explained the criteria for designation of LGS and those do not include suitability or unsuitability for development. I have noted the area of land referred to in representations is one of several areas that had previously been proposed for designation as LGS but which had not been pursued in that respect following the Regulation 14 consultation stage of plan preparation. I have visited the land in question and

walked along the highways and public rights of way in the vicinity. I have noted a high stone wall across the frontage to College Road makes an important contribution to the character of the Conservation Area but that wall obscures views into the land such that the parts of the land closest to College Road south and south-east of College House cannot be viewed by a pedestrian walking along either side of the highway. I appreciate the importance of an area of land to the character of a Conservation Area is not limited to visual considerations. I have noted the adopted Conservation Area Appraisal (2023) does not identify the part of the land in question closest to College Road and south and south-east of College House as making, either some contribution, or a strong contribution to the character and appearance of the Conservation Area.

97. The statutory duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, including that under section 66(1), and the provisions of the Framework, including section 12 and paragraph 134 within, and section 16 including paragraphs 189, 197, 200, 202, and 206 within, cannot be extended to be interpreted as an obligation to designate land as LGS. Whilst the contribution a site makes to the character and appearance of a conservation area may be a factor in the selection of a site to be proposed for designation as LGS, there is no obligation or requirement on the Parish Council to propose sites for designation as LGS on the basis that they make a contribution to the character or appearance of a conservation area. As stated in the previous paragraph of my report I have in any case noted the adopted Conservation Area Appraisal (2023) does not identify the part of the land in question closest to College Road and south and south-east of College House as making, either some contribution, or a strong contribution to the character and appearance of the Conservation Area.

98. I have earlier in my report explained the role of an independent examiner of a neighbourhood plan is defined. I am not examining the tests of soundness provided for in respect of examination of Local Plans. It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises as a result of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention Rights, and the other statutory requirements. Where representations suggest alternative policy approaches, for example because they are preferred or considered to be more sustainable than the policy approaches adopted in the submitted Neighbourhood Plan, that is not a matter for my consideration unless they are necessary for the Neighbourhood Plan to meet the Basic Conditions or other requirements I have identified. Alternative policy approaches were relevant considerations in earlier stages of the Neighbourhood Plan preparation process. These matters are only

relevant to my role if they are necessary for the Neighbourhood Plan to meet the Basic Conditions or other requirements that I have identified. A modification of the Neighbourhood Plan to designate land in the vicinity of College Road as a Local Green Space, as requested in representations, is not necessary to meet the Basic Conditions. I realise this may be a disappointment to some parties submitting Regulation 16 representations but I am only able to operate within the statutory framework.

99. I am satisfied there is sufficient evidence, including that in Appendix 3 of the Neighbourhood Plan, for me to conclude that each of the areas proposed for designation as Local Green Space (LGS site 6 as recommended to be modified) is demonstrably special to a local community and holds a particular local significance.

100. In its Regulation 16 representation the District Council state there is no evidence that the Parish Council took up its recommendation to consult with the Environment Agency, Natural England, Historic England and Yorkshire Wildlife Trust to gain advice on evidence to support the proposed LGS designations. The Parish Council has commented as follows: “specific advice from the Statutory Bodies regarding the heritage or ecological value of sites proposed for LGS designation was not obtained but the findings of the Conservation Area Appraisal and presence of physical habitat features such as trees and hedgerows have been considered for the sites that are proposed as LGS.” Whilst I regard the advice given by the District Council as valuable it is not a requirement of LGS designation that the specified consultation should be undertaken. I have earlier in my report concluded I am satisfied the Parish Council has met the requirements regarding consultation in plan preparation.

101. The Regulation 16 representation of the District Council also states no response has been received from the Parish Council with respect to the District Council advice that landowners of sites proposed to be designated as LGS should be consulted. The Parish Council has commented in respect of this matter as follows: “The NDP group have not been able to find definitive evidence to show that landowners of the proposed LGS sites were directly approached as part of the preparation of the NDP. However, there was extensive local consultation and publicity during the 2016 consultation stage and this included a letter to all properties within the Parish which it was expected would enable landowners to be aware of the draft plan and therefore have the opportunity to comment.” The Guidance states “A Local Green Space does not need to be in public ownership. However, the local planning authority (in the case of local plan making) or the qualifying body (in the case of neighbourhood plan making) should contact landowners at an early stage about proposals to designate any part of



their land as Local Green Space. Landowners will have opportunities to make representations in respect of proposals in a draft plan.” (Paragraph: 019 Reference ID: 37-019-20140306 Revision date: 06 03 2014). Whilst no record of specific consultation with landowners of sites proposed for LGS designation has been provided I have earlier in my report considered consultation in plan preparation and concluded I am satisfied each of the requirements set out in the Regulations have been met, and that it is evident the Neighbourhood Plan Working Group have ensured stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan. None of the Regulation 16 representations object to a LGS designation.

102. With the exception of LGS sites 4, 6, and 7 the sites proposed for designation as LGS are located within the Conservation Area. If land proposed for LGS designation is already protected by designations such as a conservation area the Guidance states “different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space” (Paragraph: 011 Reference ID: 37-011-20140306 Revision date: 06 03 2014). The regime set out in paragraphs 197, 206, and 208 of the Framework, relevant to the conservation and enhancement of a Conservation Area (including assessment of the desirability of new development ; making a positive contribution to local character and distinctiveness; looking for opportunities for new development to enhance or better reveal the significance of the conservation area; and assessment of the benefits of enabling development) together provide a very different approach to that arising from designation as Local Green Space which is seeking to rule out new development other than in very special circumstances.
103. I find that the areas proposed as Local Green Space at the identified sites, 1 to 14 inclusive (LGS site 6 as recommended to be modified), are suitable for designation and have regard for paragraphs 101 to 103 of the Framework concerned with the identification and designation of Local Green Space.
104. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Local Plan Policy ENV10. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
105. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

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**Recommended modification 1:**

**Replace Policy ENV1 with “The following sites (identified on the Parish Wide Policies Map and Village Inset Map) are designated as Local Green Space:**

- 1. Sports Ground Matthew Lane/Ings Lane;**
- 2. Children’s Play Area/Sports Ground Matthew Lane;**
- 3. Picnic/canal area Ings Lane;**
- 4. Canal Towpath;**
- 5. The Green Braimes Field, Lidget Road;**
- 6. Rear of Ings Drive;**
- 7. Various green spaces within the 1960’s developed housing area of Bradley;**
- 8. Mill field between Ings Drive and Ings Lane;**
- 9. Junction of Crag Lane and Main Street and land between Meadow Close and Leeds and Liverpool Canal;**
- 10. Land between Crag Lane and Silsden Road;**
- 11. Land to the rear of the Methodist Church Skipton Road;**
- 12. Land to the north of College Road, College Court and College Crescent;**
- 13. Junction of Skipton Road and Mill Lane;**
- 14. Land to the south east of Mill Lane;**

**The determination of development proposals within a Local Green Space will be consistent with national policies for Green Belt.”**

**On the Parish Wide Policies Village Inset Map in Appendix 2, and on the Local Green Space Policies Map in Appendix 3 delete the fields north of 23 and 27-47 Aire Valley Drive from LGS Site 6 Rear of Ings Drive.**

**Include a note in the Key to the Local Green Space Policies Map and the Key to the Parish Wide Policies Map to clarify the LGS 4 Canal Towpath designation relates to the entire length of canal towpath in the Neighbourhood Area.**

**Adjust the Key to Local Green Space Policies Map and the Key to the Parish Wide Policies Map to clarify the designation of sites reference 1 and 3 as Local Green Space.**

**In Appendix 3 LGS Assessment**

- include the missing planning history of sites**
- in Tables 1 and 2 adjust the name of site reference 8 to “Mill field between Ings Drive and Ings Lane”**
- in Table 2 adjust the name of site reference 9 to “Junction of Crag Lane and Main Street and land between Meadow Close and Leeds and Liverpool Canal”**

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## **Policy ENV2: Green Infrastructure Links**

106. This policy seeks to establish that development that would sever, block or prejudice the operation of green infrastructure links defined on the Policies Map as multifunctional wildlife, amenity and recreational resources should be resisted.
107. Paragraph 174 of the Framework states planning policies should recognise the intrinsic character and beauty of the countryside, and contribute to and enhance the natural and local environment including establishing coherent ecological networks.
108. Paragraph 2 of the Framework states planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. As material considerations will not be known until the time of determination of a proposal the use of the term “resisted” is inappropriate. I have recommended a modification in this respect so that the policy has sufficient regard for national policy. A minor typographical error requires correction in order to assign the North Gill link its own bullet point.
109. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Local Plan Policies ENV1 and ENV5. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
110. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 2: In Policy ENV2**

- **replace “be resisted” with “not be supported”**
- **assign “The North Gill link” a bullet point**

## **Policy ENV3: Conserving the Landscape**

111. This policy seeks to establish that within an area identified on the Policies Map development should not adversely affect the visual character of the countryside and specifies ways in which this can be achieved.

112. Paragraph 174 of the Framework refers to protection of valued landscapes. To be valued, a landscape needs to be more than popular with local residents but must demonstrate physical attributes beyond “ordinary” (Stroud District Council vs. SSCLG [2015] EWHC 488 (Admin) and Forest of Dean DC v. SSCLG [2016] EWHC 2429 (Admin)). This would require a formal landscape evaluation. The Policies Map shows Policy ENV3 is intended to apply as far as the north, east and south boundaries of the Neighbourhood Area. Policy ENV3 is not seeking to identify valued landscapes but is seeking to ensure development proposals are sensitive to significant aspects of the environmental, historic and aesthetic character of the area. Policy ENV3 is not seeking to prevent all development within the identified area to which the policy applies. Such an approach would be more restrictive than Green Belt designation and would not have sufficient regard for national policy. I am satisfied sustainable development, through careful consideration to siting and design, or other mitigation measures, may be shown to not result in an adverse effect on the visual character of the landscape, including views and vistas.
113. In response to my request for clarification regarding an explanation of the term “views and vistas” the Parish Council state “This should have referred to the ‘Dynamic and Fixed Views’ as identified in section 3.0 of the Bradley Conservation Area Appraisal (2016 Draft). However, in preparing this response CDC have advised that a revised Conservation Area Appraisal (CAA) is due to be reported to the Council’s Policy Committee on the 28th February 2023 and following a resolution by that committee would form part of the evidence base for the Local Plan and the NDP. The revised CAA is publicly available at <https://www.cravencdc.gov.uk/planning/conservation-and-heritage-assets/conservation-areas/>. Policy ENV3 should therefore refer to the Dynamic and Fixed views as identified in section 4.0 and as shown on the interactive map of the Low Bradley Conservation Area Appraisal (2023 draft).” I have treated this matter as a correction and have recommended a modification in this respect.
114. When considering Policy ENV1 earlier in my report I have referred to a Regulation 16 representation signed by 24 people which states that land east of College Road (SHLAA No BR011) that had been designated as proposed LGS in the 2016 draft Neighbourhood Plan is in the Submission Draft Neighbourhood Plan not designated as LGS nor included under Policy ENV3 conserving the landscape. The Parish Council stated in respect of this matter “Other designations no longer proposed for the land east of College Road -The land was the subject of other designations in the 2016 version of the NDP. This included the ‘Special Landscape Value’ area which was a designation in the former CDC Local Plan. This has subsequently been removed in the now adopted Local Plan and was accordingly deleted from the draft NDP. Additionally, the land was

included as part of the 'Conserving the Landscape' designation (NDP policy ENV3) in the 2016 consultation draft but this designation is shown reduced in size in the current publication draft and now excludes the part of the land immediately adjoining College Road. The rationale for the 'Conserving the Landscape' designation is expressed in the 'issues' paragraph of the Landscape Character section of the NDP (page 18) and refers to the value of land outside the built-up parts of the village (farmed countryside, moor and woodlands with far reaching views and vistas, wildlife habitats and numerous opportunities for outdoor recreation) and so covers the land further to the east of College Road as it rises up the hill. The provisions of this policy do not seek to prevent development but place greater emphasis on the landscape character impacts.”

115. I have noted the Village Inset Map of the Parish Wide Policies Map does include parts of the SHLAA site reference BR011 in the area to which Policy ENV3 applies but not the part of site BR011 that fronts College Road south and south-east of College House. I have explained when considering Policy ENV1 that it is not within my role to recommend a modification of the Neighbourhood Plan to include additional LGS designations. Similarly, for the reasons previously stated in my report it is not within my role to recommend Policy ENV3 should apply to additional land. My role is limited to deciding whether the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. There is no requirement to modify the area to which Policy ENV3 applies in order to meet the Basic Conditions.
116. Paragraph 2 of the Framework states planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. As material considerations will not be known until the time of determination of a proposal the use of the term “not be permitted” is inappropriate. I have recommended a modification in this respect so that the policy has sufficient regard for national policy.
117. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Local Plan Policy ENV1. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
118. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 3:**

#### **In Policy ENV3**

- replace “permitted” with “supported”
- replace “views and vistas” with “the Dynamic and Fixed Views as identified in section 4.0 and as shown on the interactive map of the Low Bradley Conservation Area Appraisal (adopted 2023)”

### **Policy ENV4: Nature Conservation**

119. This policy seeks to establish criteria for support of development proposals that would result in either loss of, or damage to, wildlife species or an existing area of natural habitat.

120. Paragraph 174 of the Framework states planning policies should minimise impacts on, and provide net gains, for biodiversity. Paragraph 179 of the Framework states plans should protect and enhance biodiversity. Paragraph 2 of the Framework states planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. As material considerations will not be known until the time of determination of a proposal the use of the term “not be permitted” is inappropriate. I have recommended a modification in this respect so that the policy has sufficient regard for national policy.

121. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan in particular Local Plan Policy ENV4. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

122. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 4:**

#### **In Policy ENV4 replace “permitted” with “supported”**

## Policy ENV5: Wind Turbines

123. This policy seeks to establish criteria for support of proposals for new wind turbines.
124. The first criterion for support of proposals (not damage or compromise the open views across the countryside) is imprecise and does not provide a basis for the determination of development proposals. In this respect the first criterion does not meet the requirement of paragraph 16d) of the Framework that policies should be “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals”. The second criterion for support of proposals relates to diversion or stopping up of a public right of way. There are statutory procedures relating to the diversion or closure of a public right of way included in the Definitive Map and Statement. It is inappropriate for a planning policy to seek to override those provisions. I would be mindful to recommend a modification to delete both criteria set out in the policy however there is a more fundamental difficulty with the policy which I now consider.
125. Paragraphs 155 to 158 of the Framework set out national policy relevant to renewable energy. Footnote 54 of the Framework states with respect to new wind turbines “a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has its backing.”
126. The Guidance includes advice how Local Planning Authorities can identify suitable areas for renewable and low carbon energy as follows “There are no hard and fast rules about how suitable areas for renewable energy should be identified, but in considering locations, local planning authorities will need to ensure they take into account the requirements of the technology and, critically, the potential impacts on the local environment, including from cumulative impacts. The views of local communities likely to be affected should be listened to. When identifying suitable areas, it is also important to set out the factors that will be taken into account when considering individual proposals in these areas. These factors may be dependent on the investigatory work underpinning the identified area. There is a methodology available from the Department of Energy and Climate Change’s website on assessing the capacity for renewable energy development which can be used and there may be existing local assessments. However, the impact of some types of technologies may have changed since assessments were drawn up (eg the size of wind turbines has been increasing).

In considering impacts, assessments can use tools to identify where impacts are likely to be acceptable. For example, landscape character areas could form the basis for considering which technologies at which scale may be appropriate in different types of location. Landscape Character Assessment is a process used to explain the type and characteristics of landscape in an area. Natural England has used Landscape Character Assessment to identify 159 National Character Areas in England which provide a national level database. Landscape Character Assessment carried out at a county or district level may provide a more appropriate scale for assessing the likely landscape and visual impacts of individual proposals. Some renewable energy schemes may have visual impacts on the marine and coastal environment and it may be appropriate to also to assess potential impacts on seascape character. Identifying areas suitable for renewable energy in plans gives greater certainty as to where such development will be permitted. For example, where councils have identified suitable areas for large scale solar farms, they should not have to give permission outside those areas for speculative applications involving the same type of development when they judge the impact to be unacceptable. In the case of wind turbines, a planning application should not be approved unless the proposed development site is an area identified as suitable for wind energy development in a Local or Neighbourhood Plan. There is information in the rest of the guidance on technical considerations, criteria-based policies, buffer zones and decentralised energy.” (Paragraph: 004 Reference ID: 5-004-20140306 Revision date: 06 03 2014).

127. The Guidance also states “Suitable areas for wind energy development will need to have been allocated clearly in a Local or Neighbourhood Plan. Maps showing the wind resource as favourable to wind turbines or similar will not be sufficient.” (Paragraph: 032 Reference ID: 5-032-150618 Revision date: 1806 2015).

128. Local Plan Policy ENV9 sets out criteria for the support of renewable and low carbon energy and includes the following: “Commercial Scale Wind Turbines/Farms -The Council has not identified suitable areas for commercial scale wind turbines or farms for the purpose of providing power into the National Grid within Craven. The development of commercial scale wind turbines or wind farms for the purposes of inputting power into the National Grid will therefore only be permitted where criteria a) to k) listed above are met and;

- i) the site is located within an area defined as being suitable for such use within an adopted Neighbourhood Plan; and
- ii) following consultation, it can be demonstrated that the planning impacts identified by affected communities have been fully addressed and therefore the proposal has their backing.



Small Scale Wind Turbines - In the case of small-scale turbines, defined as turbines under 50m in height to the tip, proposals will be supported where they meet the criteria a) to k) listed above and;

- iii) they are directly related to, and generate power principally for the operation of a farmstead or other rural business or a local settlement; or
- iv) the site is identified as being suitable for the development of wind turbines within an adopted Neighbourhood Plan.”

129. In respect of commercial scale wind turbines/farms Policy ENV9 includes a requirement that the site is located within an area defined as being suitable for such use within an adopted neighbourhood plan. With respect to small scale wind turbines Policy ENV9 includes a requirement that the site is identified as being suitable for the development of wind turbines within an adopted neighbourhood plan.

130. Policy ENV5 is capable of being interpreted as identifying the entire Neighbourhood Area as being suitable for both commercial scale wind turbines/farms and small-scale wind turbines subject to the criteria included in the policy. The Guidance states “Proportionate, robust evidence should support the choices made and the approach taken.” I am not satisfied sufficient evidence has been presented to support this conclusion. The policy does not meet the Basic Conditions. I have recommended Policy ENV5 is deleted.

**Recommended modification 5:  
Delete Policy ENV5**

**Policy ENV6: Control of Solar Farms**

131. This policy seeks to establish criteria for support of proposals for ground-mounted solar photovoltaic farms.

132. Paragraphs 155 to 158 of the Framework set out national policy relevant to renewable energy. The Guidance includes advice on how Local Planning Authorities can identify suitable areas for renewable and low carbon energy as follows “There are no hard and fast rules about how suitable areas for renewable energy should be identified, but in considering locations, local planning authorities will need to ensure they take into account the requirements of the technology and, critically, the potential impacts on the local environment, including from cumulative impacts. The views of local communities likely to be affected should be listened to. When identifying suitable areas, it is also important to set out the factors that will be taken into account when considering individual proposals in these areas. These factors may be dependent on the investigatory

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work underpinning the identified area. There is a methodology available from the Department of Energy and Climate Change's website on assessing the capacity for renewable energy development which can be used and there may be existing local assessments. However, the impact of some types of technologies may have changed since assessments were drawn up (e.g., the size of wind turbines has been increasing). In considering impacts, assessments can use tools to identify where impacts are likely to be acceptable. For example, landscape character areas could form the basis for considering which technologies at which scale may be appropriate in different types of location. Landscape Character Assessment is a process used to explain the type and characteristics of landscape in an area. Natural England has used Landscape Character Assessment to identify 159 National Character Areas in England which provide a national level database. Landscape Character Assessment carried out at a county or district level may provide a more appropriate scale for assessing the likely landscape and visual impacts of individual proposals. Some renewable energy schemes may have visual impacts on the marine and coastal environment and it may be appropriate to also assess potential impacts on seascape character. Identifying areas suitable for renewable energy in plans gives greater certainty as to where such development will be permitted. For example, where councils have identified suitable areas for large scale solar farms, they should not have to give permission outside those areas for speculative applications involving the same type of development when they judge the impact to be unacceptable. There is information in the rest of the guidance on technical considerations, criteria-based policies, buffer zones and decentralised energy." (Paragraph: 004 Reference ID: 5-004-20140306 Revision date: 06 03 2014). Policy ENV6 shows sufficient regard for national policy and guidance.

133. Local Plan Policy ENV9 sets out criteria for the support of renewable and low carbon energy. The criteria included in Policy ENV6 are in general conformity with the strategic policy.

134. The NPPF defines best and most versatile agricultural land as land in grades 1, 2, and 3a of the Agricultural Land Classification (ALC). In response to my request for clarification of the reference to best and most versatile land in the first bullet point of Policy ENV6 the Parish Council state "The NDP area does not contain any agricultural land in grades 1 or 2 of the Agricultural Land Classification and so the first criteria of policy NDP ENV6 refers only to grade 3. The national ALC mapping does not show the subdivision of land in grades 3a or 3b and there is no localised survey to assess this within the Craven area. The CDC Local Plan para. 5.63 and accompanying policy ENV7 part (a) states that the plan area's best and most versatile land is grade 3 (it doesn't specify 3a). This policy was tested and found to be sound at the local plan examination, and

so for the purposes of the Craven plan area (including Bradley) the best and most versatile land is considered to be grade 3. A plan showing the location of the grade 3 land relative to the NDP area is provided under separate cover.” I am satisfied with this explanation.

135. In response to my request for clarification the Parish Council has confirmed the final sentence of the third bullet point is a reference to natural environment assets. I have recommended a modification to clarify this point. The word “minimize” requires correction.

136. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

137. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance as recommended to be modified the policy is appropriate to be included in a ‘made’ neighbourhood plan. As recommended to be modified this policy meets the Basic Conditions.

#### **Recommended modification 6:**

##### **In Policy ENV6**

- **in the final sentence of the third bullet point replace “Assets” with “Natural environment assets”**
- **replace “minimize” with “minimise”**

#### **Policy ENV7: Infill Development**

138. This policy seeks to establish that proposals for new dwellings on private residential gardens or within the curtilage of existing buildings will not be supported under three stated circumstances.

139. Paragraph 124 of the Framework states planning policies should support development that makes efficient use of land taking into account “the desirability of maintaining an area’s prevailing character and setting (including residential gardens)”. Paragraph 71 of the Framework states “plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area”. Paragraph 111 of the Framework states “development should only be prevented or refused on highway grounds if there would be an unacceptable impact on

highway safety, or the residual cumulative impacts on the road network would be severe". I am satisfied Policy ENV7 has sufficient regard for this policy context.

140. The term "inconsiderate" is imprecise. In response to my request for clarification the Parish Council has confirmed it is intended that proposals would not be supported where they would result in additional on-street parking. The term "within the plan" is an error. It would in any case be confusing and unnecessary for a policy to state within the plan area as all the policies of the Neighbourhood Plan apply throughout the Neighbourhood Area unless a lesser area is specified. I have recommended a modification in these respects so that the policy "is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.

141. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan in particular policies SP3, SP4 and ENV3. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

142. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 7:**

**In Policy ENV7 delete "within the plan" and "inconsiderate"**

**Policy ENV8: Protecting Conservation and Heritage Sites**

143. This policy seeks to establish principles for new development so that it protects conservation and heritage sites.

144. Paragraph 174 of the Framework states planning policies should "contribute to and enhance the natural and local environment" by stated means. Paragraph 189 of the Framework states heritage assets "should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".

145. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Local

Plan Policy ENV2. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

146. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

### **Policy HOU1: Land at Skipton Road, Bradley**

147. This policy seeks to establish that the land at Skipton Road identified as Reference BB03 on the Policies Map, which is allocated in the Local Plan for residential development, should provide for a minimum of 24 homes and conform to the requirements of the Site Brief at Appendix 4 of the Neighbourhood Plan.

148. Paragraph 34 of the Framework states "Plans should set out the contributions expected from development" and that "such policies should not undermine the deliverability of the plan". As a matter for clarification, I expressed concern that the requirement, in the Site Brief at Appendix 4, to provide a footway along Skipton Road to a point opposite the entrance sign to Bradley Village is an obligation that does not meet the tests set out in paragraph 57 of the Framework. I invited comment on a possible modification to replace the second sentence of the eleventh design parameter of Appendix 4 Site Brief with "Subject to viability assessment the footway should be continued along Skipton Road from the site boundary to a point opposite the entrance sign to Bradley Village." The Parish Council with the agreement of the District Council responded "The examiner's concerns are noted and specifically the need to ensure that viability considerations can be taken into account in determining whether the footway can be secured as part of the future development of the site at Skipton Road. The reference to the tests in para 57 of the NPPF are also noted as the current proposed requirement for the footway would extend some way beyond the site's north west boundary. However, the Qualifying Body consider that it will be critical to ensure that as a minimum a footway is provided along the front boundary of the site to ensure that there is a safe pedestrian route along the site frontage where pedestrians will interact with vehicles entering and exiting the development site. This section of footway would be limited to land exclusively within the site boundary. The Qualifying Body do not consider that this would be a significant abnormal development cost and so would meet all three tests of para 57 of the NPPF as it is necessary to ensure safety of pedestrians, directly related to the site and reasonable in terms of the scale and kind. The Qualifying Body do however accept that the remaining section of footway extending beyond the site boundary could be a more significant abnormal development cost and that it will

be fair and reasonable to ensure that the impact of this on scheme viability is taken into account. The Qualifying Body would therefore ask the examiner to consider whether a two-stage approach to the footway could address this issue. Firstly, that the requirement for the future development to provide a footway across the frontage of the site is maintained. Secondly that subject to viability assessment the footway should also be continued along Skipton Road from the site's north western boundary to a point opposite the entrance sign to Bradley Village." I have recommended a modification in this respect so that the policy has sufficient regard for national policy.

149. I have taken into account the representation of an individual, and another representation by two people, which raise issues regarding unsuitability of potential housing developments off Skipton Road. The Parish Council has commented in respect of these representations as follows: "the site is already allocated for housing development in the adopted CDC Local Plan. The NDP contains additional policy provisions to ensure that the future development responds to the local issues and that safe access/egress arrangements are included. It also seeks to secure localised pedestrian improvements" and "The site is allocated for housing as part of the CDC local plan (previously referenced as BR016 in the then emerging Local Plan and now referenced as BB03 in the NDP). The site brief contained at Appendix 4 of the NDP makes reference to the surface run off issues (Flood Risk section) and requires future planning applications to include a site-specific flood risk assessment and appropriate mitigation measures including SUDS to ensure that surface run off rates are not increased during periods of peak rainfall." The Neighbourhood Plan does not seek to allocate any land for housing development. The principal of residential development of the site to which Policy HOU1 relates is already established as the site is allocated for development in the Local Plan. Policy HOU1 is seeking to influence aspects of the form and nature of any development that may occur on land that is already allocated. There is no requirement for Policy HOU1 to address any particular aspects of future development. No modification of Policy HOU1 is necessary in respect of matters raised in these representations in order to meet the Basic Conditions.

150. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Local Plan Policy SP11. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

151. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a

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'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 8:**

**In the eleventh design parameter of Appendix 4 of the Neighbourhood Plan, which is referred to in Policy HOU1:**

- **in the first sentence replace “adjacent to Skipton Road” with “along the entire Skipton Road site frontage”**
- **replace the second sentence with “Subject to viability assessment the footway should be continued along Skipton Road from the site’s north western boundary to a point opposite the entrance sign to Bradley Village (as identified on the Village Inset Map of the Parish Wide Policies Map).”**

**Policy HOU2: New Housing Development Design Policy**

152. This policy seeks to establish design parameters for new housing development in Bradley village.

153. Paragraph 127 of the Framework states Plans should “set out clear design vision and expectations so that applicants have as much certainty as possible about what is likely to be acceptable”, and “neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development”. Policy HOU2 will ensure development is sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging robustly justified innovation or change.

154. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Local Plan Policies ENV3 and ENV6. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

155. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

### **Policy HOU3: Housing Type and Mix**

156. This policy seeks to establish requirements for new development proposals relating to housing type and mix.
157. Within the context of paragraph 61 of the Framework, Paragraph 62 of the Framework states “the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies”.
158. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Local Plan Policies H1, H2, and SP3. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
159. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. This policy meets the Basic Conditions.

### **Policy HT1: Road Safety and Congestion**

160. This policy seeks to establish that new residential or commercial development proposals must, wherever possible, demonstrate vehicular access to and from the A629 and A6131 without the need for traffic to pass through the village centre.
161. Paragraph 111 of the Framework states “development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”. On the day of my visit to the plan area the presence of temporary traffic lights on the A629 was resulting in a very large number of vehicles diverting through the village. The flow of traffic was wholly inappropriate for the highway network in the village centre. Whilst I recognise this was not a normal situation it did highlight to me the rationale of the policy. I am satisfied Policy HT1 is sufficiently flexible to recognise that it may not always be possible to satisfy the aim of the policy.
162. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Local Plan Policy INF7. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

163. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. This policy meets the Basic Conditions.

## **Policy HT2: New Development Infrastructure**

164. This policy seeks to establish support for development that improves pedestrian safety and identifies priorities for improvements. The policy also seeks to establish that any future funding opportunities should be targeted to addressing those issues.

165. Paragraph 112 of the Framework states, that in the context of paragraph 111 of the Framework, applications for development should "minimise the scope for conflicts between pedestrians, cyclists and vehicles". Paragraph 104 of the Framework states plans should identify and pursue "opportunities to promote walking." In response to my request for clarification the Parish Council with the agreement of the District Council has confirmed the references to "footpaths" and "footpath" should be to "footways" and "footway" respectively. I have recommended modification of the policy in these respects so that the policy "is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals" as required by paragraph 16d) of the Framework.

166. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Local Plan Policy INF7. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

167. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance, subject to the recommended modification, the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 9:**

**In Policy HT2 replace "footpaths" with "footways" and "footpath" with "footway"**

## **Policy CFS1: Bradley's Community Facilities**

168. This policy seeks to establish criteria for support of development that would result in loss or significant harm to the value of identified community facilities or services. The policy also seeks to establish support for development that would enhance the community value or viability of a facility or service.
169. Paragraph 93 of the Framework states planning policies should “plan positively” for the provision of community facilities including meeting places. Paragraph 93 of the Framework also states planning policies should “guard against the unnecessary loss of valued facilities and services”. Further to my request for clarification the Parish Council has confirmed it is not intended that Policy CFS1 should address circumstances where proposals include loss or reduction of a facility or service and alternative provision.
170. The term “or service” placed after the term “(listed above)” is imprecise. I have recommended the facilities and services to which the policy relates should be listed in the policy itself. Paragraph 2 of the Framework states planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. As material considerations will not be known until the time of determination of a proposal the use of the term “will be resisted” is inappropriate. I have recommended these modifications so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
171. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Local Plan Policies INF2 and INF3. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
172. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 10: In Policy CFS1**

- **replace “a specified community facility (listed above) or service will be resisted” with “any of the community facilities and services listed below will not be supported”**
- **replace the full stop at the end of the first bullet point with a colon and the list of facilities set out in section 3.5.1 i. of the Neighbourhood Plan**

## **Policy CFS2: Creation of New and the Extension of Existing Sporting and Recreation Facilities**

173. This policy seeks to establish conditional support for development proposals linked to the creation of new/extension of existing recreation facilities including on identified land.

174. The requirement in the first bullet point of the policy that a new or extended sporting and recreation facility should be for the benefit of residents of Bradley Parish exclusively has not been sufficiently justified. The Guidance states “Proportionate, robust evidence should support the choices made and the approach taken.” I have recommended a modification in this respect so that the policy has sufficient regard for national policy. In response to my request for clarification on this matter the Parish council has confirmed agreement with the recommended modification.

175. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Local Plan Policy INF3. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

176. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 11:**

**In Policy CFS2 replace “is for the benefit of” with “will benefit”**

## Policy ELB1: Retaining Productive Farmland

177. This policy seeks to establish that good quality agricultural land should be protected from loss to development except in stated circumstances. The policy also seeks to establish new or replacement agricultural buildings should be suitably located.
178. Paragraph 174 of the Framework states planning policies should contribute to and enhance the natural and local environment by “recognising the economic and other benefits of the best and most versatile agricultural land”. The Parish Council has agreed the policy should refer to the benefits of development. My recommended modification will require the weighing of benefits in the determination of development proposals. In response to my request for clarification which are the “the areas of variable pasture quality” referred to, the Parish Council stated “the term has been used in the draft NDP to describe the pasture land surrounding the built-up parts of the village. However, this may cause some confusion and so the phrase could be removed and just refer to the grade 3 land.” I have earlier in my report when considering Policy ENV6 referred to the issue of agricultural land quality and accepted the explanation of the Parish Council. I have recommended a modification of Policy ELB1 in these respects that achieves consistency between the two policies; avoids use of the imprecise terms “e.g.”, and “areas of variable pasture quality”; has sufficient regard for national policy; and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
179. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Local Plan Policy EC3. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
180. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

### **Recommended modification 12:**

**In Policy ELB1 replace the first sentence with “Non-agricultural development of the best and most versatile agricultural land (grade 3) will only be supported where it is demonstrated the benefits of the development outweigh the economic and other benefits of the agricultural land that will be lost.”**

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## **Policy ELB2: Airedale Business Centre and Acorn Business Park**

181. This policy seeks to establish conditional support for proposals to upgrade or redevelop buildings and their surroundings within the Airedale Business Centre and Acorn Business Park.
182. Paragraph 81 of the Framework states “planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt”. That paragraph states significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
183. The reference to Airedale Business Centre and Acorn Business Park in the final bullet point only, has the potential to cause confusion. The reference to “surrounding environment” in the opening text and the restriction “to within the site boundary” in the final bullet point has the potential to cause confusion also. The term “upgrade” is imprecise. I have recommended a modification to delete the final bullet point and replace the opening text with “Development proposals relating to the existing buildings and sites within the boundaries of the Airedale Business Centre and Acorn Business Park (shown hatched pink on the Policies Map at Appendix 2) will be supported provided that:”
184. The reference to “existing employment” in the second bullet point is not sufficiently justified. I have recommended a modification to refer to existing employment levels.
185. The third bullet point relating to additional floorspace does not have sufficient regard for the sequential test referred to in paragraph 87 of the Framework, which does envisage circumstances when out of centre sites may be an acceptable location for main town centre uses. The third bullet point is not in general conformity with Craven Local Plan Policy EC5 which includes “Proposals for main town centre uses in locations outside of defined town centres as identified on the policies map, will be required to demonstrate that there are no sequentially preferable locations that are available and suitable for the proposed development, and that the proposal will not result in a significant adverse impact on vitality and viability.” Paragraph 16 f) of the NPPF states policies should serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework), where relevant). I have recommended a modification to delete the third bullet point of Policy ELB2.
186. I have recommended modifications in respect of each of the above matters so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development

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proposals” as required by paragraph 16d) of the Framework. In response to my request for clarification the Parish Council in consultation with the District Council have confirmed agreement with the modifications I have recommended.

187. The policy as recommended to be modified is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Local Plan Policies EC2, SP2, and INF4. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

188. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 13:**

##### **In Policy ELB2**

- **replace the opening text with “Development proposals relating to the existing buildings and sites within the boundaries of the Airedale Business Centre and Acorn Business Park (shown hatched pink on the Policies Map at Appendix 2) will be supported provided that:”**
- **in the second bullet point after “employment” add “levels”**
- **delete the third bullet point**
- **delete the final bullet point**

#### **Policy ELB3: Proposals for Change of Use**

189. This policy seeks to establish that proposals for change of use of business premises to those involving retail of goods or sale of food and drink will be resisted unless specified circumstances exist.

190. Paragraph 87 of the framework establishes a sequential test that should be applied to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.

191. The spatial area of application of Policy ELB3 is unstated and therefore must be taken to apply to the entire Neighbourhood Area. The policy does not have sufficient regard for the sequential test referred to in paragraph 87 of the Framework nor is it in general conformity with Strategic Policy EC5. In response to my request for comment on a proposed modification to delete the policy the

Parish Council has confirmed agreement. This policy does not meet the Basic Conditions.

**Recommended modification 14:  
Delete Policy ELB3**

**Policy ELB4: Supporting Rural Business**

192. This policy seeks to establish criteria for support of small-scale business/tourism related developments.
193. Paragraph 84 of the Framework states planning policies should enable “sustainable rural tourism and leisure developments which respect the character of the countryside”. Paragraph 84 of the Framework also states planning policies should enable “the sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings”. The inclusion of the term “where possible” means the second bullet point of Policy ELB4 has sufficient regard for national policy.
194. The third bullet point is imprecise, and does not have sufficient regard for paragraph 111 of the NPPF which states “development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” I have recommended a modification to replace the third bullet point with “do not result in additional on-street parking.” I have recommended insertion of the word “and” at the end of that bullet point to confirm all of the bullet points must be satisfied for a proposal to be supported. I have recommended these modifications so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework. The Parish Council has confirmed agreement to this modification.
195. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan, in particular Local Plan Policies EC3 and SP2. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
196. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a

'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 15:**

**In Policy ELB4 replace the third bullet point with “do not result in additional on-street parking, and”**

## **Conclusion and Referendum**

I have recommended 16 modifications to the Submission Version Plan including a modification in the Annex to my report. The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them. I am satisfied that the Neighbourhood Plan is compatible with the Convention Rights, and would remain compatible if modified in accordance with my recommendations; and subject to the modifications I have recommended, meets all the Statutory Requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990, and meets the Basic Conditions:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

**I recommend to Craven District Council that the Bradleys Both Neighbourhood Development Plan for the plan period up to 2032 should, subject to the modifications I have put forward, be submitted to referendum.**

I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension. I have seen nothing to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area”. I have seen nothing to suggest the referendum area should be extended for any other reason. I conclude

the referendum area should not be extended beyond the designated Neighbourhood Area.

**I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by Craven District Council as a Neighbourhood Area on 9 December 2013.**

## **Annex: Minor Corrections to the Neighbourhood Plan**

I have only recommended modifications and corrections to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified.

If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy.

Supporting text must be adjusted to achieve consistency with the modified policies.

In paragraph 2.2 the two sub-points to the fifth objective should be indented.

The second bullet point of Policy CFS2 should be commenced with a lower-case letter.

The District Council have advised that references to the Conservation Area Appraisal throughout the Neighbourhood Plan should be updated to refer to the Low Bradley Conservation Area Appraisal (adopted 2023).

I recommend these modifications are made.

### **Recommended modification 16:**

**Modify policy explanation sections, general text, figures and images, and supporting documents to achieve consistency with the modified policies, and to achieve updates and correct identified errors.**

Chris Collison  
Planning and Management Ltd  
[collisonchris@aol.com](mailto:collisonchris@aol.com)  
9 March 2023  
REPORT END



**North Yorkshire Council**

**Bradleys Both Neighbourhood Plan**

**Planning & Compulsory Purchase Act 2004**

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

**Regulation 18 Decision Statement**

**1. Summary**

1.1 In line with Regulation 18 of the regulations set out above North Yorkshire Council have produced this 'Decision Statement' in relation to the Bradleys Both Neighbourhood Plan (the 'Plan') submitted to the former Craven District Council by Bradleys Both Parish Council in October 2022.

Note: As a result of Local Government Reorganisation, on the 1<sup>st</sup> April 2023, eight former district, borough and county councils (including Craven District Council) merged to become one unitary authority – North Yorkshire Council covering the area of North Yorkshire outside the two National Parks.

1.2 The Plan sets out a vision, objectives and a number of planning policies that relate to the designated neighbourhood area. If made, it will become part of the development plan for land use and development proposals within the area until 2032.

1.3 Following an independent examination of written representations, North Yorkshire Council now confirms that it is making the modifications to the Plan as set out in Table 1 below. The Plan will then proceed to a neighbourhood planning referendum.

1.4 In accordance with the examiner's recommendations, the Bradleys Both Neighbourhood Plan will proceed to a referendum scheduled for 27<sup>th</sup> July 2023.

1.5 This Decision Statement, the independent examiner's report, the Plan and supporting documents can be inspected:

- At North Yorkshire Council offices at Belle Vue Square, Broughton Road, Skipton, North Yorkshire, BD23 1FJ. Opening Hours: 9.00am to 5.00pm Monday to Thursday, 9.00am to 4.30pm Friday.
- Online via North Yorkshire Council website at the following link:



### [Bradley Neighbourhood Plan](#)

- At Bradley Village Shop
- Online via Bradleys Both Parish Council website at: <https://bradleyvillage.org/>

## **2. Background**

- 2.1 On 19<sup>th</sup> August 2013 Bradleys Both Parish Council submitted an application to the former Craven District Council for the designation of the Parish as a Neighbourhood Area. Craven District Council designated the Neighbourhood Area on 9<sup>th</sup> December 2013.
- 2.2 The Parish Council subsequently prepared the Draft Bradleys Both Neighbourhood Plan. Consultation on the draft neighbourhood plan was held during April and July 2013, during November 2014, between 26<sup>th</sup> March and 7<sup>th</sup> May 2016 (Regulation 14 consultation), and during February 2020.
- 2.3 The Submission version of the Bradleys Both Neighbourhood Plan was submitted to Craven District Council on 18<sup>th</sup> October 2022. Craven District Council held a 6 week public consultation period on the submitted Plan from 12<sup>th</sup> December 2022 to 30<sup>th</sup> January 2023, in accordance with Regulation 16.
- 2.4 An Independent Examiner was appointed on 1<sup>st</sup> February 2023 to undertake the examination of the Submitted Bradleys Both Neighbourhood Plan and this was completed with the final examination report sent to both the Parish Council and District Council on 9<sup>th</sup> March 2023.
- 2.5 The Bradleys Both Neighbourhood Plan proceeded through the neighbourhood plan process, up to the receipt of the Independent Examiner's final report, under the former Craven District Council. Following Local Government Reorganisation and the creation of the North Yorkshire Council on the 1<sup>st</sup> April 2023, the new Council has responsibility for the neighbourhood plan process for the Bradleys Both Neighbourhood Plan from this date. This includes organisation of the Referendum and formally making or adopting the Bradley Neighbourhood Plan.

## **3. Decision and Reasons**

- 3.1 The Examiner has concluded that, with certain modifications, the Plan meets the Basic Conditions and other relevant legal requirements.
- 3.2 The Council must consider each of the recommended modifications made in the Examiner's report and decide what action to take in response. The Council accepts all of the recommended modifications and the reasons put forward by the Examiner for them. Table 1, attached to this statement, sets out each of the Examiner's recommended modifications and the Council's decision in respect of each of them.
- 3.3 The Council is therefore satisfied that, subject to the modifications specified in Table 1 being made, the Draft Neighbourhood Plan meets the legal requirements and basic conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with the Convention Rights and complies with the provision made by or under s38A and S.38B of the Planning & Compulsory

Purchase Act 2004. The Council is therefore satisfied that the Plan can proceed to referendum.

- 3.4 To meet the requirements of the Localism Act 2011, a referendum which poses the question “*Do you want North Yorkshire Council to use the Neighbourhood Plan for Bradleys Both to help it decide planning applications in the neighbourhood area?*” will be held in the Parish of Bradleys Both on 27<sup>th</sup> July 2023.

**This decision statement is dated 6<sup>th</sup> June 2023**

## Bradleys Both Neighbourhood Plan

**Table 1: Schedule of Modifications Recommended in the Examiner’s Report Relating to the Bradleys Both Neighbourhood Plan**

Section in Bradleys Both NP	Examiner’s Recommendation	Examiner’s Reasons	North Yorkshire Council’s decision
3.2.1. Policy ENV1: Local Green Spaces	<p><b>Recommended modification 1:</b> Replace Policy ENV1 with “The following sites (identified on the Parish Wide Policies Map and Village Inset Map) are designated as Local Green Space:</p> <ol style="list-style-type: none"> <li>1. Sports Ground Matthew Lane/Ings Lane;</li> <li>2. Children’s Play Area/Sports Ground Matthew Lane;</li> <li>3. Picnic/canal area Ings Lane;</li> <li>4. Canal Towpath;</li> <li>5. The Green Braimes Field, Lidget Road;</li> <li>6. Rear of Ings Drive;</li> <li>7. Various green spaces within the 1960’s developed housing area of Bradley;</li> <li>8. Mill field between Ings Drive and Ings Lane;</li> <li>9. Junction of Crag Lane and Main Street and land between Meadow Close and Leeds and Liverpool Canal;</li> <li>10. Land between Crag Lane and Silsden Road;</li> </ol>	<p>The examiner states in his report that it is evident from the final column of Table 2 in Appendix 3 of the Neighbourhood Plan that the intention is that the Neighbourhood Plan should designate areas of land as Local Green Space, but no policy of the Neighbourhood Plan achieves that. In response to his request for clarification the Parish Council, with the agreement of the District Council, confirmed it is intended Policy ENV1 should designate Local Green Spaces. The examiner recommends a modification in this respect so that the policy “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.</p> <p>The examiner states in his report that in response to his request for clarification the Parish Council has confirmed it is intended Policy ENV1 should establish that management of development within Local Green Spaces will be consistent with those for Green Belts (in accordance with paragraph 103 of the Framework). He recommends a modification in this respect so that the policy has sufficient regard for national policy.</p>	Agree to modify the text and maps as indicated to comply with the examiner’s recommendation.

	<p>11. Land to the rear of the Methodist Church Skipton Road;          12. Land to the north of College Road, College Court and College Crescent;          13. Junction of Skipton Road and Mill Lane;          14. Land to the south east of Mill Lane;</p> <p>The determination of development proposals within a Local Green Space will be consistent with national policies for Green Belt.”</p>		
<p>Appendices 2 and 3</p>	<p>On the Parish Wide Policies Village Inset Map in Appendix 2, and on the Local Green Space Policies Map in Appendix 3 delete the fields north of 23 and 27-47 Aire Valley Drive from LGS Site 6 Rear of Ings Drive.</p>	<p>The examiner states in his report that for designation of a site as Local Green Space to proceed all of the requirements of paragraph 102 of the Framework must be met. He concludes that part of site reference LGS 6 should not be designated as Local Green Space. He recommends the boundaries of site reference LGS 6 should be modified on the Parish Wide Policies Village Inset Map in Appendix 2 of the Neighbourhood Plan, and on the Local Green Space Policies Map in Appendix 3 of the Neighbourhood Plan. He states that as he has found part of site reference LGS 6 does not meet a requirement of designation he has not considered that part of the site any further.</p>	
<p>Appendices 2 and 3</p>	<p>Include a note in the Key to the Local Green Space Policies Map and the Key to the Parish Wide Policies Map to clarify the LGS 4 Canal Towpath designation relates to the entire length of canal towpath in the Neighbourhood Area.</p>	<p>The examiner requested clarification about whether proposed LGS 4 Canal towpath should only relate to the length of towpath within the Inset Map. The Parish Council state “the intention was for the LGS 4 to include all of the canal towpath within the boundary of the NDP and not just the part that fits within the Village Inset Map. The LGS designation is not showing clearly on the wider policies map</p>	

		<p>as it is a very narrow line but it is included. CDC officers have advised that this will be shown as a specific layer on the Council’s website.” When viewed electronically the Local Green Space Policies Map, the Parish Wide Policies Map, and the Inset Map can be expanded to better reveal the line of boundaries of the green spaces in question. The scale and discrete nature of the areas of land in question assist in understanding the alignment of boundaries. For the avoidance of doubt, the examiner recommends a note should be added to the Key to the Local Green Space Policies Map and the Key to the Parish Wide Policies Map to clarify the LGS 4 Canal towpath designation relates to the entire length of canal towpath in the Neighbourhood Area.</p>	
<p>Appendices 2 and 3</p>	<p>Adjust the Key to Local Green Space Policies Map and the Key to the Parish Wide Policies Map to clarify the designation of sites reference 1 and 3 as Local Green Space.</p>	<p>The examiner recommends the Key to Local Green Space Policies Map and the Key to the Parish Wide Policies Map is adjusted to clarify the designation of sites reference 1 and 3 as Local Green Space as this is not at present clear.</p>	
<p>Appendix 3</p>	<p>In Appendix 3 LGS Assessment</p> <ul style="list-style-type: none"> <li>• include the missing planning history of sites</li> <li>• in Tables 1 and 2 adjust the name of site reference 8 to “Mill field between Ings Drive and Ings Lane”</li> <li>• in Table 2 adjust the name of site reference 9 to “Junction of Crag Lane and Main Street and land between Meadow Close and Leeds and Liverpool Canal”</li> </ul>	<p>The examiner states in his report that as a planning permission for development would raise very real uncertainty that the designated land may be capable of enduring beyond the end of the plan period, and he asks for a clarification of this matter. The Parish Council informed the examiner that the LGS Assessment should include a table that sets out the planning history of each of the sites that are proposed as LGS but it has been omitted from the publication draft in error. Having been provided with the table in question the examiner concludes planning permissions do not prevent any of the proposed designations. He recommends the table should be included in the LGS Assessment in order to correct the error of omission.</p>	

		The examiner recommends corrections to the names for LGS sites 8 and 9 for clarity.	
3.2.2. Policy ENV2: Green Infrastructure Links	<p><b>Recommended Modification 2:</b> In Policy ENV2</p> <ul style="list-style-type: none"> <li>replace “be resisted” with “not be supported”</li> <li>assign “The North Gill link” a bullet point</li> </ul>	The examiner states in his report that paragraph 2 of the Framework states planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. As material considerations will not be known until the time of determination of a proposal the use of the term “resisted” is inappropriate. He recommends a modification in this respect so that the policy has sufficient regard for national policy. He also recommends that a minor typographical error requires correction in order to assign the North Gill link its own bullet point.	Agree to modify the text as indicated to comply with the examiner’s recommendation.
3.2.3. Policy ENV3: Conserving the Landscape	<p><b>Recommended Modification 3:</b> In Policy ENV3</p> <ul style="list-style-type: none"> <li>replace “permitted” with “supported”</li> <li>replace “views and vistas” with “the Dynamic and Fixed Views as identified in section 4.0 and as shown on the interactive map of the Low Bradley Conservation Area Appraisal (adopted 2023)”</li> </ul>	<p>The examiner states in his report that paragraph 2 of the Framework states planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. As material considerations will not be known until the time of determination of a proposal the use of the term “not be permitted” is inappropriate. He recommends a modification in this respect so that the policy has sufficient regard for national policy.</p> <p>The examiner requested clarification regarding an explanation of the term “views and vistas”. The Parish Council state “This should have referred to the ‘Dynamic and Fixed Views’ as identified in section 3.0 of the Bradley Conservation Area Appraisal (2016 Draft). However, in preparing this response CDC have advised that a revised Conservation Area Appraisal (CAA) is due to be reported to the Council’s Policy Committee on the 28th February 2023 and following a resolution by that committee would form part of the evidence base for the Local Plan and the NDP. The</p>	Agree to modify the text as indicated to comply with the examiner’s recommendation.



		examiner has treated this matter as a correction and recommends a modification in this respect.	
3.2.4. Policy ENV4: Nature Conservation	<b>Recommended Modification 4:</b> In Policy ENV4 replace “permitted” with “supported”	The examiner’s states in his report that paragraph 2 of the Framework states planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. As material considerations will not be known until the time of determination of a proposal the use of the term “not be permitted” is inappropriate. He recommends a modification in this respect so that the policy has sufficient regard for national policy.	Agree to modify the text as indicated to comply with the examiner’s recommendation.
3.2.5. Policy ENV5: Wind Turbines	<b>Recommended Modification 5:</b> Delete Policy ENV5	The examiner’s states in his report that Policy ENV5 is capable of being interpreted as identifying the entire Neighbourhood Area as being suitable for both commercial scale wind turbines/farms and small-scale wind turbines subject to the criteria included in the policy. The Guidance states “Proportionate, robust evidence should support the choices made and the approach taken”. The examiner is not satisfied sufficient evidence has been presented to support this conclusion. The policy does not meet the Basic Conditions. He recommends Policy ENV5 is deleted.	Agree to modify the text as indicated to comply with the examiner’s recommendation.
3.2.6. Policy ENV6: Control of Solar Farms	<b>Recommended Modification 6:</b> In Policy ENV6 <ul style="list-style-type: none"> <li>• in the final sentence of the third bullet point replace “Assets” with “Natural environment assets”</li> <li>• replace “minimize” with “minimise”</li> </ul>	The examiner states in his report that in response to his request for clarification the Parish Council has confirmed the final sentence of the third bullet point is a reference to natural environment assets. He recommends a modification to clarify this point. He also recommends that the word “minimize” requires correction.	Agree to modify the text as indicated to comply with the examiner’s recommendation.
3.2.7. Policy ENV7: Infill Development	<b>Recommended Modification 7:</b> In Policy ENV7 delete “within the plan” and “inconsiderate”	The examiner states in his report that the term “inconsiderate” is imprecise. In response to his request for clarification the Parish Council has confirmed it is intended	Agree to modify the text as indicated to comply with the

		that proposals would not be supported where they would result in additional on-street parking. The term “within the plan” is an error. It would in any case be confusing and unnecessary for a policy to state within the plan area as all the policies of the Neighbourhood Plan apply throughout the Neighbourhood Area unless a lesser area is specified. The examiner recommends a modification in these respects so that the policy “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.	examiner’s recommendation.
Appendix 4	<p><b>Recommended Modification 8:</b> In the eleventh design parameter of Appendix 4 of the Neighbourhood Plan, which is referred to in Policy HOU1:</p> <ul style="list-style-type: none"> <li>• in the first sentence replace “adjacent to Skipton Road” with “along the entire Skipton Road site frontage”</li> <li>• replace the second sentence with “Subject to viability assessment the footway should be continued along Skipton Road from the site’s north western boundary to a point opposite the entrance sign to Bradley Village (as identified on the Village Inset Map of the Parish Wide Policies Map).”</li> </ul>	The Parish Council asked the examiner to consider whether a two-stage approach to the footway could address the issues of pedestrian safety and viability. Firstly, that the requirement for the future development to provide a footway across the frontage of the site is maintained. Secondly that subject to viability assessment the footway should also be continued along Skipton Road from the site’s north western boundary to a point opposite the entrance sign to Bradley Village. The examiner recommends a modification in this respect so that the policy has sufficient regard for national policy.	Agree to modify the text as indicated to comply with the examiner’s recommendation.
3.4.2. Policy HT2: New	<p><b>Recommended Modification 9:</b> In Policy HT2 replace “footpaths” with “footways” and “footpath” with “footway”</p>	In response to the examiner’s request for clarification the Parish Council with the agreement of the District Council confirmed the references to “footpaths” and “footpath”	Agree to modify the text as indicated to comply with the

Development Infrastructure		should be to “footways” and “footway” respectively. He recommends modification of the policy in these respects so that the policy “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.	examiner’s recommendation.
3.5.1. Policy CFS1: Bradley’s Community Facilities	<p><b>Recommended Modification 10:</b> In Policy CFS1</p> <ul style="list-style-type: none"> <li>• replace “a specified community facility (listed above) or service will be resisted” with “any of the community facilities and services listed below will not be supported”</li> <li>• replace the full stop at the end of the first bullet point with a colon and the list of facilities set out in section 3.5.1 i. of the Neighbourhood Plan</li> </ul>	The examiner states in his report that the term “or service” placed after the term “(listed above)” is imprecise. He recommends the facilities and services to which the policy relates should be listed in the policy itself. Paragraph 2 of the Framework states planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. As material considerations will not be known until the time of determination of a proposal the use of the term “will be resisted” is inappropriate. He recommends these modifications so that the policy has sufficient regard for national policy and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.	Agree to modify the text as indicated to comply with the examiner’s recommendation.
3.5.2. Policy CFS2: Creation of new and the extension of existing Sporting and Recreation Facilities	<p><b>Recommended Modification 11:</b> In Policy CFS2 replace “is for the benefit of” with “will benefit”</p>	The examiner states in his report that the requirement in the first bullet point of the policy that a new or extended sporting and recreation facility should be for the benefit of residents of Bradley Parish exclusively has not been sufficiently justified. The Guidance states “Proportionate, robust evidence should support the choices made and the approach taken.” He recommends a modification in this respect so that the policy has sufficient regard for national policy.	Agree to modify the text as indicated to comply with the examiner’s recommendation.

3.6.1. Policy ELB1: Retaining productive farmland	<p><b>Recommended Modification 12:</b> In Policy ELB1 replace the first sentence with “Non-agricultural development of the best and most versatile agricultural land (grade 3) will only be supported where it is demonstrated the benefits of the development outweigh the economic and other benefits of the agricultural land that will be lost.”</p>	<p>The examiner recommends a modification of Policy ELB1 in this respect so that it achieves consistency with Policy ENV6; avoids use of the imprecise terms “e.g.”, and “areas of variable pasture quality”; has sufficient regard for national policy; and “is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.</p>	<p>Agree to modify the text as indicated to comply with the examiner’s recommendation.</p>
3.6.2. Policy ELB2: Airedale Business Centre & Acorn Business Park	<p><b>Recommended Modification 13:</b> In Policy ELB2</p> <ul style="list-style-type: none"> <li>• replace the opening text with “Development proposals relating to the existing buildings and sites within the boundaries of the Airedale Business Centre and Acorn Business Park (shown hatched pink on the Policies Map at Appendix 2) will be supported provided that:”</li> <li>• in the second bullet point after “employment” add “levels”</li> <li>• delete the third bullet point</li> <li>• delete the final bullet point</li> </ul>	<p>The examiner states in his report that the reference to Airedale Business Centre and Acorn Business Park in the final bullet point only, has the potential to cause confusion. The reference to “surrounding environment” in the opening text and the restriction “to within the site boundary” in the final bullet point has the potential to cause confusion also. The term “upgrade” is imprecise. He recommends a modification to delete the final bullet point and replace the opening text with “Development proposals relating to the existing buildings and sites within the boundaries of the Airedale Business Centre and Acorn Business Park (shown hatched pink on the Policies Map at Appendix 2) will be supported provided that:”</p> <p>The reference to “existing employment” in the second bullet point is not sufficiently justified. The examiner recommends a modification to refer to existing employment levels.</p> <p>The third bullet point relating to additional floorspace does not have sufficient regard for the sequential test referred to in paragraph 87 of the Framework, which does envisage circumstances when out of centre sites may be an acceptable location for main town centre uses. The third bullet point is not in general conformity with Craven Local</p>	<p>Agree to modify the text as indicated to comply with the examiner’s recommendation.</p>

		<p>Plan Policy EC5 which includes “Proposals for main town centre uses in locations outside of defined town centres as identified on the policies map, will be required to demonstrate that there are no sequentially preferable locations that are available and suitable for the proposed development, and that the proposal will not result in a significant adverse impact on vitality and viability.” Paragraph 16 f) of the NPPF states policies should serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework), where relevant). The examiner recommends a modification to delete the third bullet point of Policy ELB2.</p>	
3.6.2. Policy ELB3: Proposals for change of use	<p><b>Recommended Modification 14:</b> Delete Policy ELB3</p>	<p>The examiner states in his report that paragraph 87 of the framework establishes a sequential test that should be applied to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.</p> <p>The spatial area of application of Policy ELB3 is unstated and therefore must be taken to apply to the entire Neighbourhood Area. The policy does not have sufficient regard for the sequential test referred to in paragraph 87 of the Framework nor is it in general conformity with Strategic Policy EC5. The examiner recommends a modification to delete the policy.</p>	<p>Agree to modify the text as indicated to comply with the examiner’s recommendation.</p>
3.6.3. Policy ELB4: Supporting Rural Business	<p><b>Recommended Modification 15:</b> In Policy ELB4 replace the third bullet point with “do not result in additional on-street parking, and”</p>	<p>The examiner states in his report that the third bullet point is imprecise and does not have sufficient regard for paragraph 111 of the NPPF which states “development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” He recommends a modification to replace the third bullet point with “do not result in additional on-street parking.” He</p>	<p>Agree to modify the text as indicated to comply with the examiner’s recommendation.</p>

		also recommends insertion of the word “and” at the end of that bullet point to confirm all of the bullet points must be satisfied for a proposal to be supported.	
	<b>Recommended Modification 16:</b> Modify policy explanation sections, general text, figures and images, and supporting documents to achieve consistency with the modified policies, and to achieve updates and correct identified errors.	The examiner states in the annex of his report that: <ul style="list-style-type: none"> <li>• Supporting text must be adjusted to achieve consistency with the modified policies.</li> <li>• In paragraph 2.2 the two sub-points to the fifth objective should be indented.</li> <li>• The second bullet point of Policy CFS2 should be commenced with a lower-case letter.</li> <li>• The District Council have advised that references to the Conservation Area Appraisal throughout the Neighbourhood Plan should be updated to refer to the Low Bradley Conservation Area Appraisal (adopted 2023).</li> </ul> The examiner recommends these modifications are made.	Agree to modify the text, figures and images as indicated to comply with the examiner’s recommendation.

**The Examiner, Mr Chris Collison, has completed an independent examination of the Bradleys Both Neighbourhood Plan. The Summary section from the Examiner’s Report is set out in full below:**

This is the report of the Independent Examination of the Bradleys Both Neighbourhood Development Plan. The plan has been prepared by Bradleys Both Parish Council. The plan relates to Bradleys Both Parish which was designated as a Neighbourhood Area on 9 December 2013. The plan area lies within the Craven District Council area. The plan period runs until 2032. The Neighbourhood Plan includes policies relating to the development and use of land. The Neighbourhood Plan does not allocate land for development.

This report finds that subject to specified modifications the Neighbourhood Plan meets the Basic Conditions and other requirements. It is recommended the Neighbourhood Plan should proceed to a local referendum based on the plan area.



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# Equality impact assessment (EIA) form: evidencing paying due regard to protected characteristics

(Form updated April 2023)

## NEIGHBOURHOOD PLANNING – Examiner’s Report on the Bradleys Both Neighbourhood Development Plan

If you would like this information in another language or format such as Braille, large print or audio, please contact the Communications Unit on 01609 53 2013 or email [communications@northyorks.gov.uk](mailto:communications@northyorks.gov.uk).



যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔

Equality Impact Assessments (EIAs) are public documents. EIAs accompanying reports going to County Councillors for decisions are published with the committee papers on our website and are available in hard copy at the relevant meeting. To help people to find completed EIAs we also publish them in the Equality and Diversity section of our website. This will help people to see for themselves how we have paid due regard in order to meet statutory requirements.

Name of Directorate and Service Area	Community Development, Planning
Lead Officer and contact details	Trevor Watson, Assistant Director (Planning) <a href="mailto:trevor.watson@northyorks.gov.uk">trevor.watson@northyorks.gov.uk</a>  Ruth Parker, Principal Spatial Planning Officer <a href="mailto:Ruth.Parker@northyorks.gov.uk">Ruth.Parker@northyorks.gov.uk</a>
Names and roles of other people involved in carrying out the EIA	N/A
How will you pay due regard? e.g. working group, individual officer	The Bradleys Both Neighbourhood Development Plan has been prepared and submitted by Bradleys Both Parish Council. Spatial Planning Officers have worked with Bradley Parish Council as part of the local planning authority’s duty to support those preparing neighbourhood plans. An EIA was produced in March 2022 and was provided as appendix 5 to the submitted Bradleys Both Neighbourhood Plan and can be viewed at <a href="#">Bradley   North Yorkshire Council</a>
When did the due regard process start?	15/05/2023

**Section 1. Please describe briefly what this EIA is about.** (e.g. are you starting a new service, changing how you do something, stopping doing something?)

All Development Plan Documents, including Neighbourhood Plans are accompanied by an Equalities Impact Assessment (EIA) to ensure that planning policies do not unlawfully discriminate against any protected characteristic.

**Section 2. Why is this being proposed? What are the aims? What does the authority hope to achieve by it?** (e.g. to save money, meet increased demand, do things in a better way.)

The Localism Act 2011 introduced new powers for people, including Parish Councils to make neighbourhood plans for their local areas, putting in place a strategy and policies for the future development of their areas. Once made/adopted a Neighbourhood Plan forms part of the statutory development plan for the area, which means that local planning authorities and planning inspectors considering planning applications or appeals must make their decisions in accordance with the policies of the development plan for the area, unless material considerations indicate otherwise.

The EIA prepared and submitted with the Bradleys Both Neighbourhood Plan assesses whether the planning policies included within the plan do not unlawfully discriminate against any protected characteristic. [Bradley | North Yorkshire Council](#)

**Section 3. What will change? What will be different for customers and/or staff?**

If the submitted Bradleys Both Neighbourhood Plan is successful at referendum and then made/adopted it will be used consider planning applications and appeals, as described above.

**Section 4. Involvement and consultation** (What involvement and consultation has been done regarding the proposal and what are the results? What consultation will be needed and how will it be done?)

The submitted Bradleys Both Neighbourhood Plan and associated documents including the EIA submitted as appendix 5 to the Bradleys Both Neighbourhood Plan has been subject to a period of public consultation as required by The Neighbourhood Planning (General) Regulations 2012 (as amended).

Further details about public consultation that has been carried out by the Parish Council on the draft Bradley's Both Neighbourhood Plan is provided in the EIA to the Bradleys Both Neighbourhood Plan, submitted as appendix 5.

[Bradley | North Yorkshire Council](#)

**Section 5. What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?**

The Localism Act requires the local planning authority to pay for the local referendum and examination in respect of a neighbourhood plan. The Department for Levelling Up Housing and Local Communities (DHULC) provides financial support for neighbourhood planning in the form of a Neighbourhood Planning Grant (NPG). The NPG will be used to fund the referendum for the Bradley Neighbourhood Plan.

<b>Section 6. How will this proposal affect people with protected characteristics?</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.</b>
Age		X		Housing policies within the plan seek to ensure that new housing meets the needs of all parts of the community including the elderly. Policies that seek improvements to community facilities are also included which would benefit younger age groups.
Disability		X		The plan seeks to ensure that new developments area accessible and help to deliver improvements to safety and accessibility.
Sex	X			Policies and proposals aim to support new housing and protect community facilities for all members of the community.
Race	X			As above
Gender reassignment	X			As above
Sexual orientation	X			As above
Religion or belief	X			As above
Pregnancy or maternity	X			As above
Marriage or civil partnership	X			As above

Please note that the information in the above table has been taken from the EIA to the Bradleys Both Neighbourhood Plan, submitted as appendix 5. [Bradley | North Yorkshire Council](#)

<b>Section 7. How will this proposal affect people who...</b>	<b>No impact</b>	<b>Make things better</b>	<b>Make things worse</b>	<b>Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.</b>
..live in a rural area?		X		The Bradleys Both Neighbourhood Plan includes policies that aim to support new housing, employment and local businesses, infrastructure improvements and protect the environment and community facilities for all members of the community.
...have a low income?		X		As above

...are carers (unpaid family or friend)?		X		As above

**Section 8. Geographic impact – Please detail where the impact will be (please tick all that apply)**

North Yorkshire wide	
Craven district	X Relating to Bradleys Both Parish
Hambleton district	
Harrogate district	
Richmondshire district	
Ryedale district	
Scarborough district	
Selby district	
<b>If you have ticked one or more districts, will specific town(s)/village(s) be particularly impacted? If so, please specify below.</b>	

**Section 9. Will the proposal affect anyone more because of a combination of protected characteristics? (e.g. older women or young gay men) State what you think the effect may be and why, providing evidence from engagement, consultation and/or service user data or demographic information etc.**

The proposal will have the same effect on all people with protected characteristics.

<b>Section 10. Next steps to address the anticipated impact. Select one of the following options and explain why this has been chosen. (Remember: we have an anticipatory duty to make reasonable adjustments so that disabled people can access services and work for us)</b>	<b>Tick option chosen</b>
<b>1. No adverse impact - no major change needed to the proposal.</b> There is no potential for discrimination or adverse impact identified.	<b>X</b>
<b>2. Adverse impact - adjust the proposal -</b> The EIA identifies potential problems or missed opportunities. We will change our proposal to reduce or remove these adverse impacts, or we will achieve our aim in another way which will not make things worse for people.	

<p><b>3. Adverse impact - continue the proposal</b> - The EIA identifies potential problems or missed opportunities. We cannot change our proposal to reduce or remove these adverse impacts, nor can we achieve our aim in another way which will not make things worse for people. (There must be compelling reasons for continuing with proposals which will have the most adverse impacts. Get advice from Legal Services)</p>	
<p><b>4. Actual or potential unlawful discrimination - stop and remove the proposal</b> – The EIA identifies actual or potential unlawful discrimination. It must be stopped.</p>	
<p><b>Explanation of why option has been chosen.</b> (Include any advice given by Legal Services.)</p> <p>See the EIA to the Bradleys Both Neighbourhood Plan, submitted as appendix 5. <a href="#">Bradley   North Yorkshire Council</a></p>	

**Section 11. If the proposal is to be implemented how will you find out how it is really affecting people?** (How will you monitor and review the changes?)

All adopted local plan policies are regularly monitored by the Parish Council and if necessary reviewed and updated.

**Section 12. Action plan.** List any actions you need to take which have been identified in this EIA, including post implementation review to find out how the outcomes have been achieved in practice and what impacts there have actually been on people with protected characteristics.

Action	Lead	By when	Progress	Monitoring arrangements
See section 11 above				

**Section 13. Summary** Summarise the findings of your EIA, including impacts, recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

All Development Plan Documents are accompanied by an Equalities Impact Assessment (EIA) to ensure that planning policies do not unlawfully discriminate against any protected characteristic. An EIA was provided as appendix 5 to the submitted Bradley Neighbourhood Plan and can be viewed at [Bradley | North Yorkshire Council](#) This EIA concludes that the submitted Bradley Neighbourhood Plan itself has no negative impacts on any of the protected characteristics but any need for mitigation that arises subsequently could be addressed as part of the planning process.



**Section 14. Sign off section**

This full EIA was completed by:

**Name: Ruth Parker**

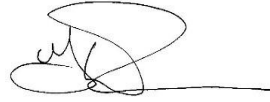
**Job title: Principal Spatial Planning Officer**

**Directorate: Community Development**

**Signature:** 

**Completion date: 15/05/2023**

**Authorised by relevant Assistant Director (signature):**



**Date: 22 May 2023**

### Initial Climate Change Impact Assessment (Form created August 2021)

The intention of this document is to help the council to gain an initial understanding of the impact of a project or decision on the environment. This document should be completed in consultation with the supporting guidance. Dependent on this initial assessment you may need to go on to complete a full Climate Change Impact Assessment. The final document will be published as part of the decision-making process.

If you have any additional queries, which are not covered by the guidance please email [climatechange@northyorks.gov.uk](mailto:climatechange@northyorks.gov.uk)

<b>Title of proposal</b>	<b>NEIGHBOURHOOD PLANNING – Examiner’s Report on the Bradleys Both Neighbourhood Development Plan</b>
<b>Brief description of proposal</b>	To present the Examiner’s Report on the Bradleys Both Neighbourhood Development Plan, as set out at Appendix A. To present a Regulation 18 Decision Statement, as set out at Appendix B which sets out: <ul style="list-style-type: none"> <li>• The modifications to the submitted Bradley Neighbourhood Plan recommended by the Examiner and reasons contained within the Examiner’s report;</li> <li>• The recommended decision North Yorkshire Council, as the Local Planning Authority, is asked to take in response to each recommended modification, as suggested by Planning Policy Officers;</li> <li>• Whether the Bradley Neighbourhood Plan meets the basic conditions; and</li> <li>• Whether the Council is satisfied that the Plan can proceed to referendum.</li> </ul>
<b>Directorate</b>	<b>Community Development</b>
<b>Service area</b>	<b>Planning</b>
<b>Lead officer</b>	<b>Trevor Watson, Assistant Director (Planning)</b> <b>Ruth Parker Principal Spatial Planning Officer, CDC (Author of the report)</b>
<b>Names and roles of other people involved in carrying out the impact assessment</b>	<b>Jos Holmes, Climate Change Policy Officer</b>

The chart below contains the main environmental factors to consider in your initial assessment – choose the appropriate option from the drop-down list for each one.

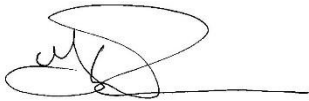
Remember to think about the following;

- Travel
- Construction
- Data storage
- Use of buildings
- Change of land use
- Opportunities for recycling and reuse

Environmental factor to consider	For the council	For the county	Overall
Greenhouse gas emissions	Increases emissions	Increases emissions	Increases emissions
Waste	Increases waste	Increases waste	Increases waste
Water use	Increases water usage	Increases water usage	Increases water usage
Pollution (air, land, water, noise, light)	Increases pollution	Increases pollution	Increases pollution
Resilience to adverse weather/climate events (flooding, drought etc)	Increases resilience	Increases resilience	Increases resilience
Ecological effects (biodiversity, loss of habitat etc)	Positive impact on ecology	Positive impact on ecology	Positive impact on ecology
Heritage and landscape	Increases protection of heritage and landscape	Increases protection of heritage and landscape	Increases protection of heritage and landscape

If any of these factors are likely to result in a negative or positive environmental impact then a full climate change impact assessment will be required. It is important that we capture information about both positive and negative impacts to aid the council in calculating its carbon footprint and environmental impact.

<b>Decision (Please tick one option)</b>	Full CCIA not relevant or proportionate:	X	Continue to full CCIA:	
<b>Reason for decision</b>	<p>The recommendations included in the report relate to the examination of the Bradleys Both Neighbourhood Plan prepared by the Parish Council. A neighbourhood plan puts in place planning policy for a neighbourhood area to guide future development and is about the use and development of land.</p> <p>If the Bradley’s Both Neighbourhood Development Plan proceeds to referendum, is successful and then made/adopted, the policies contained within it will guide development in that area and will seek to implement the council’s climate change and environmental ambitions through the provision of new development, infrastructure, and protection of the environment.</p> <p>The chart above indicates that the Bradleys Both Neighbourhood Plan would have both positive and negative environmental impacts. The Council’s guidance on preparing a full CCIA, however states that it may not be necessary to undertake a full CCIA if the proposal will be subject to Planning Permission, Environmental Impact Assessment, Strategic Environmental Assessment.</p> <p>Given that the policies contained in the Bradleys Both Neighbourhood Plan relate to the use and development of land which would be used to guide future development that would require planning permission, it is considered that, in line with the Council’s supporting guidance on CCIA, is not necessary to undertake a full CCIA.</p>			

	<p>The draft Bradleys Both Neighbourhood Development Plan has been subject to the Strategic Environmental Assessment (SEA) and Habitats Regulations Assessments (HRA) screening processes. The conclusion of the SEA screening process is that the policies and development proposed by the Bradleys Both Neighbourhood Plan are not likely to lead to any adverse effects of a social, environmental or economic dimension over the lifetime of the neighbourhood plan. The conclusion of the HRA screening process is that the development proposed by the Bradleys Both Neighbourhood Plan is not likely to lead to any significantly adverse effects on the European designated sites. The potential impacts on the North Pennine Moors SAC and SPA and the South Pennine Moors SAC and SPA Phase 2 were examined, and there are no negative impacts envisaged.</p> <p>The SEA screening process also considered cumulative impacts arising from the Bradleys Both Neighbourhood Plan in combination with other plans. The most significant is the Craven Local Plan (adopted in November 2019), which has an accompanying HRA Appropriate Assessment that concludes that there is an unlikely to be any negative cumulative effects arising from the proposals within it. Analysis of the effective mitigation measures in the Craven Local Plan's Appropriate Assessment, along with green infrastructure provision and development avoidance measures in the southeast of the Craven Local Plan area, shows that there will not be significant cumulative effects from the neighbouring plans in the area.</p>
<p><b>Signed (Assistant Director or equivalent)</b></p>	<p>Trevor Watson</p> 
<p><b>Date</b></p>	<p>22/05/2023</p>



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