



Agenda

Notice of a public meeting of

Strategic Planning Committee

To: Councillors Andy Brown, Sam Cross, Richard Foster, Tom Jones, Peter Lacey, Andrew Lee, John Mann, Steve Mason, John McCartney, Bob Packham (Vice-Chair), Andy Paraskos (Chair), Yvonne Peacock, Neil Swannick, Roberta Swiers and Malcolm Taylor.

Date: Tuesday, 13th June, 2023

Time: 10.00 am

Venue: Council Chamber, County Hall, Northallerton, DL7 8AD

Prior to the start of the meeting there will be a training session for Members of the Committee – The public meeting itself will commence at 11.30am

Business

1. Chair's welcome, introductions and apologies
2. Minutes of the former NYCC Planning and Regulatory Functions Committee - 28th March 2023 (Pages 3 - 8)
3. Declarations of Interest
4. Public Questions and/or 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 Steve Loach of Democratic Services (contact details at the foot of page 1 of the Agenda sheet) by midday on Thursday 8th June 2023. 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 matters 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.

Enquiries relating to this agenda please contact Stephen Loach tel 01609 532216/email stephen.loach@northyorks.gov.uk Tel:
or e-mail

Website: www.northyorks.gov.uk

5. **Planning application for variation of condition No. 2 of Planning Permission Ref. C3/07/00515/CPO for an extension of time to allow the remaining limestone reserves at the quarry to be extracted and the site to be fully restored on land at Newbridge Quarry, Yatts Road, Pickering, North Yorkshire** (Pages 9 - 36)
6. **Neighbourhood Planning - Examiner's Report on the Bradleys Both Neighbourhood Development Plan** (Pages 37 - 130)
7. **Items Dealt with under the Scheme of Delegation - Items determined between 24 February 2023 to 17 May 2023** (Pages 131 - 132)
8. **Publication by Local Authorities of Information about the handling of Planning Applications - Quarter 4 (the period 01 January to 31 March 2023).** (Pages 133 - 142)
9. **Such other business as, in the opinion of the Chairman should, by reason of special circumstances, be considered as a matter of urgency**

For all enquiries relating to this agenda or to register to speak at the meeting, please contact Stephen Loach, Democratic Services Officer on Tel: 01609 532216 or by e-mail at: stephen.loach@northyorks.gov.uk

Barry Khan
Assistant Chief Executive
(Legal and Democratic Services)
County Hall
Northallerton

5th June 2023

North Yorkshire County Council

Planning and Regulatory Functions Committee

Minutes of the meeting held at County Hall, Northallerton on Tuesday 28 March 2023 at 10am.

Present:-

County Councillors Andy Paraskos (Chair), Chris Aldred (as substitute for Pat Marsh), Andy Brown, Bryn Griffiths, Tim Grogan, Robert Heseltine, Mike Jordan, John McCartney, Bob Packham, Roberta Swiers and David Webster.

Apologies were received from County Councillors Eric Broadbent and Pat Marsh

There were 5 members of the public and a representative of the press present.

Copies of all documents considered are in the Minute Book

25. Welcome and Introductions

The Chairman welcomed everyone to the meeting.

26. Minutes of the meeting held on 15 November 2022

Resolved -

That the Minutes of the meeting held on 15 November 2022 be confirmed by Members and signed by the Chairman as a correct record.

27. Declarations of Interest

There were no declarations of interest.

28. Public Questions or Statements

The representative of the Assistant Chief Executive (Legal and Democratic Services) stated that there were no general questions or statements from members of the public, however, questions/statements had been submitted in respect of Minute No. 29, below, which would be submitted to the Committee when that item was considered.

29. C6/22/04004/CMA - Planning application for the demolition of an existing pre-fabricated classroom unit and erection of a permanent single storey pre-fabricated classroom unit, external fixed wall lights, fan coil units, re-location of nurture room, removal of a tree, paved hardstanding, tree planting and hard and soft landscaping works on land at Great Ouseburn Community Primary School, Main Street, Great Ouseburn, North Yorkshire.

Considered -

The report of the Corporate Director - Business and Environmental Services requesting Members to determine a planning application for the demolition of an existing pre-fabricated classroom unit and erection of a permanent single storey pre-fabricated classroom unit, external fixed wall lights, fan coil units, re-location of nurture room, removal of a tree, paved hardstanding, tree planting and hard and soft landscaping works on land at Great Ouseburn Community Primary School, Main Street, Great Ouseburn, North Yorkshire

The application was subject to three objections having been raised in respect of the proposal on the grounds of lighting, design and landscaping and was, therefore, reported to this Committee for determination.

Local resident, Carol Burrell addressed the Committee, outlining the following:-

"I have written in to raise my concerns and as the nearest neighbour to the development I am most impacted. I have previously written about noise impact, lighting and intensification of use of the site. There will be an increase of 30 to 60 children accessing this area.

I'm pleased that many of my points have been taken onboard, but given the proximity of the development to my boundary and garden which is of very shallow depth, I still have some key concerns that remain.

1. Nurture room

While revision 2 of the plan sited the development further away from my boundary potentially reducing noise impact, since this plan, a further plan, revision 3 has been submitted with the addition of the 'nurture room', directly against my boundary. This is described as 'essential teaching provision' by the school and is of wooden summerhouse construction which would be flimsy and uninsulated. There is no information on the extent or nature of its usage, I am concerned that this could add to my noise levels, reduce privacy and lead to greater use of the outside area in front of this. This will impact my noise levels and enjoyment of my garden, particularly in the summer months. It would also shade the hedge from light.

I have suggested a solution which is to site it behind my brick garage which adjoins the north east corner of the site, which would remove it from my hedge boundary and hopefully reduce noise as it would be sited away from my garden which is just 1.5m the other side. The proposed hedge could be re-sited to the side of the nurture room, and potentially leave space for more planting supporting a biodiversity gain for the site where currently there is a loss.

2. Shed siting and root impact

It is proposed to site a shed 1.5m from my hedge, but the arboriculture plan is not accurate. It shows the trunk of my mature apple tree as being sited within my garden, when in fact it is in-line with the hedge and therefore the area of rootzone projects further into the school site, and the shed would sit on top of it potentially adversely impacting my hedge.

If the shed was sited to the west of the development, where there is no root area of

concern, this would solve this issue.

3. Design /Conservation

I note that the Conservation officer has not looked at this planning submission and therefore my comments on the design have not been included. There is no report including the Conservation officers comments which is an omission.

Para 7.19 -7.21 of the report- the argument is flawed. The officer says the development won't harm the Conservation Area because there would be no major demolition works, and that the replacement building would be similar and is in keeping with the existing school site and the Conservation Area.

BUT, the replacement building is twice the size, replaces a previous 'portacabin type' building and involves the removal of an oak tree. Its design is a much larger flat roof temporary type of structure at odds with the traditional school building and surrounding developments. Therefore it will have a more harmful impact on the conservation area than the current development and would neither 'preserve' nor 'enhance ' the character or appearance of the Conservation area which is the duty of the planning.

Reference - LPA's must have regard to the above under S72 (1) and S66 (1) of the Town and Country Planning (Listed Buildings and Conservation Area) Act 1990.

The planning officer does not appear to have the comments from the Harrogate Conservation Officer and therefore the officer assessment is not based on professional Heritage advice.

4. Question

Will condition 6 will be sufficient to ensure movement sensor lighting does not operate between the specified hours?

Summary

I would like my concerns regarding siting of shed and nurture room to be addressed and these two constructions to be moved away from my boundary and my suggestions regarding design taken onboard."

Local resident and Headteacher at the school, Nick Oswald, I addressed the Committee, outlining the following:-

"Great Ouseburn Primary School was facing the threat of closure just seven years ago, with a falling roll of just 46. Children from Great Ouseburn were going to neighbouring schools instead and the proposal to reduce the school from three classes to two would have resulted in more children leaving. However, with a lot of hard work, the school is now a thriving and happy place with over 100 children. We have navigated the challenges of the last few years and come out of it stronger, becoming a central part of the village community.

Whilst this is overwhelmingly positive for the village, it has created some issues with the classrooms. Two of the rooms are just 42m2 compared to the recommended 60m2. This proposal was the only realistic way to increase the classrooms to a size that can accommodate the children we already have in school. It is important to recognise that this isn't about increasing the capacity of the school. This will remain the same. It is to

provide adequate space for the children already entitled to a place in our school. As a result, it will not increase traffic or make parking more difficult as the number of children will not increase.

We have adapted the plans as far as we can to address any concerns raised by neighbours as we are very keen to work with them and do not want this project to negatively impact on them. There are indeed several benefits. Two years ago our neighbours objected to the installation of a small cabin (which was an emergency and temporary solution to overcrowding in one of the classrooms). Part of the complaints were about the oak tree - which blocked out the light to their house. This will be removed as part of the proposal. There was also a complaint about the small storage sheds on our side of the hedge. These will also be removed as part of the project. Moving the nurture room will also open up the view across the fields. I was surprised to hear that our neighbours find the sound of the children playing to be a disturbance as they have repeatedly asked our gardener to cut the hedge down and back, which would have further reduced the 'acoustic barrier'.

I trust that the committee will bear in mind that this proposal will NOT increase the capacity of the school which will remain as 120 children, made up of four classes of up to 30 children. We will reach this capacity within 3 years anyway, this project is just to provide the children with enough classroom space to achieve their potential."

A representative of the Chief Planner presented the Committee report, highlighting the proposal, the site description, the consultations that have taken place, the advertisement and representations, planning guidance and policy and planning considerations. The report also provided a conclusion and recommendations

Detailed plans, photographs and visual information were presented to complement the report.

- A Member stated that he was unaware of the location and suggested that, going forward, site visits be considered for such locations.
- Members noted the suggestions of Mrs Burrell in her statement to the Committee regarding the relocation of the Nurture Room and Shed and asked whether these would be appropriate. The Chief Planning Officer stated that there was planning objection to the alternative location and the applicant stated that he was willing to consider the relocation.
- Whilst supporting the school's reasons for the application a Member suggested that changes to the application would assist with his support. He stated that the suggested relocation and alternative design of the buildings should be undertaken, that consideration to Climate Change matters should be addressed through the provision of solar panels accompanied with batteries on the new builds, and the tree planting as a result of the removal of the mature tree should be semi-mature, food bearing trees. Members outlined their support for the amendments to the application as suggested. The Committee's Legal adviser stated that, should Members be minded to agree the suggested amendments the matter should be delegated to the Chief Planning Officer to negotiate those issues with the applicant, should there be no satisfactory conclusion, then the application would be brought back to the Committee for further consideration. It was clarified that the matter would return to the appropriate Area Constituency Planning Committee should it be referred back.
- A Member raised concerns as to whether water run off and the proposed lighting scheme could affect neighbours. It was suggested that proximity detectors may

- be more appropriate than the timers that were being recommended.
- In relation to the provision of solar panels a Member raised concern that these may be unaffordable to the school. In response it was emphasised that the matter would be deferred to the Chief Planning Officer to negotiate any amendments to the application with the applicant and should a suitable compromise not be found the application would return to Members.

Resolved: -

That Members are minded to grant planning permission for the reasons stated in the report, subject to negotiations, delegated to the Chief Planning Officer on behalf of the Committee, in relation to alterations to the site placement of the new builds and the replacement trees for replanting being semi-mature and food bearing as well as exploring the possibility of the purchase and use of solar panels and associated batteries on the new builds; and in accordance with the conditions outlined. Should the negotiations in respect of the alternative siting of the proposed buildings and the provision of replacement trees prove to be unsuccessful the application would be resubmitted to the appropriate Area Constituency Planning Committee for determination.

31. Items dealt with under the Scheme of Delegation

Considered -

The report of the Corporate Director - Business and Environmental Services outlining items dealt with under the Scheme of Delegation for the period 19 October 2022 to 20 December 2022 inclusive.

Resolved -

That the report be noted.

32. Items dealt with under the Scheme of Delegation

Considered -

The report of the Corporate Director - Business and Environmental Services outlining items dealt with under the Scheme of Delegation for the period 21 December 2022 to 17 January 2023 inclusive.

Resolved -

That the report be noted.

33. Items dealt with under the Scheme of Delegation

Considered -

The report of the Corporate Director - Business and Environmental Services outlining items dealt with under the Scheme of Delegation for the period 18 January 2023 to 23 February 2023 inclusive.

Resolved -

That the report be noted.

34. Publication by Local Authorities of Information about the handling of Planning Applications – 1 April to 30 June 2022 – Quarter 1

Considered –

A report by the Corporate Director, Business and Environmental Services, which outlined the County Council's performance in the handling of "County matter" and County Council development planning applications for Quarter 3 (the period 1 October to 31 December 2022).

Updates were provided on:-

Land at Sandholme Lane, Sowerby
Gayles Quarry
Minerals and Waste training for Members

Resolved –

That the report be noted.

The meeting concluded at 10.45 am

SL

North Yorkshire Council

Community Development Services

Strategic Planning Committee

13 JUNE 2023

**C3/22/01196/CPO - VARIATION OF CONDITION NO. 2 OF PLANNING PERMISSION REF. C3/07/00515/CPO FOR AN EXTENSION OF TIME TO ALLOW THE REMAINING LIMESTONE RESERVES AT THE QUARRY TO BE EXTRACTED AND THE SITE TO BE FULLY RESTORED NEWBRIDGE QUARRY, YATTS ROAD, PICKERING, NORTH YORKSHIRE, YO18 8JL
ON BEHALF OF BREEDON TRADING LTD**

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the report

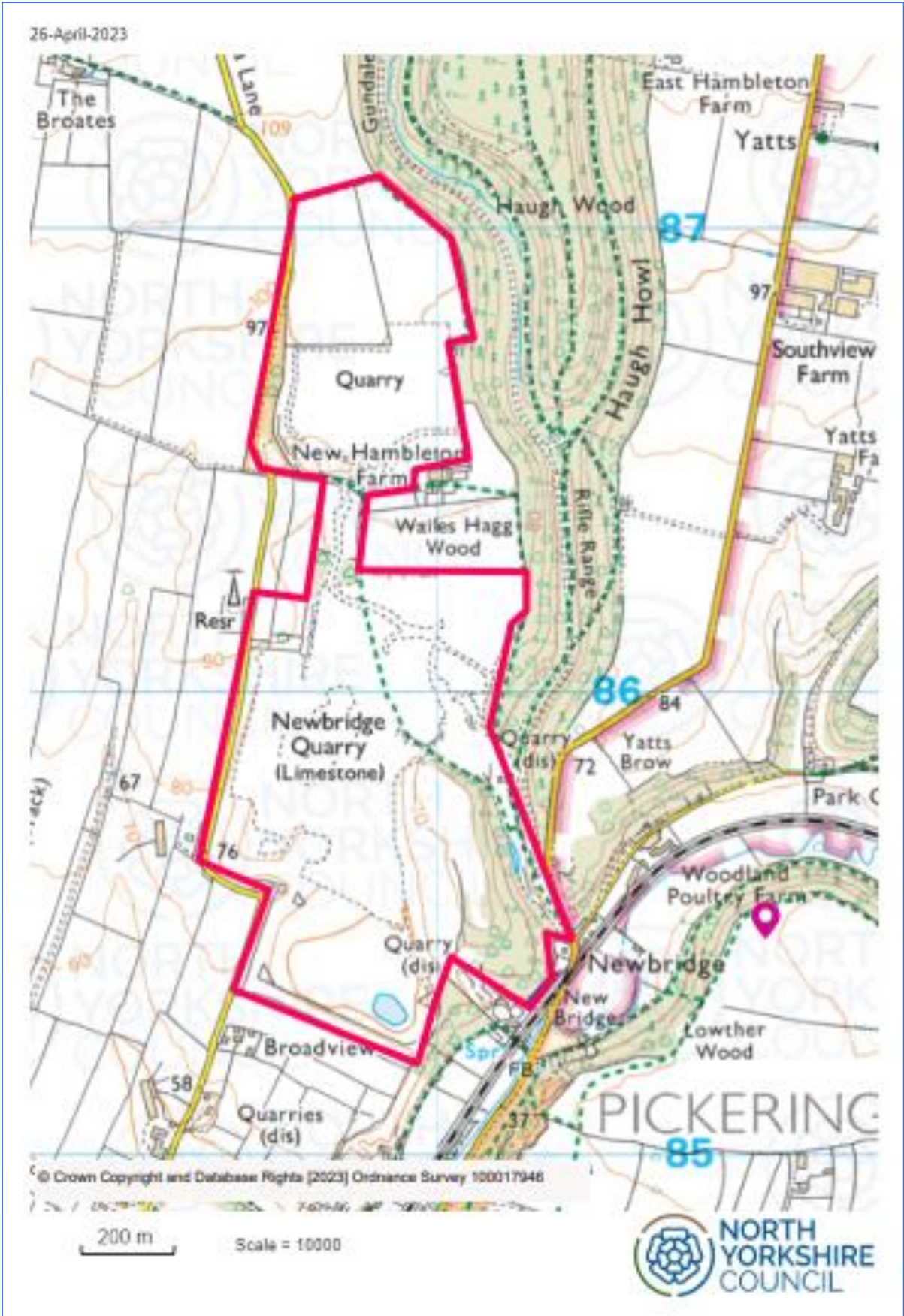
- 1.1 To determine a planning application for variation of condition No. 2 of Planning Permission Ref. C3/07/00515/CPO for an extension of time to allow the remaining limestone reserves at the quarry to be extracted and the site to be fully restored on land at Newbridge Quarry, Yatts Road, Pickering, North Yorkshire, YO18 8JL
- 1.2 This application is accompanied by an Environmental Statement and is recommended to be approved. It is, therefore, reported to this Committee for determination.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be GRANTED subject to conditions.

- 2.1. The application seeks permission for an extension of time until 31 December 2026 to allow for the extraction of the remaining 500,000 tonnes of Jurassic limestone reserves and the site's restoration to a previously approved scheme.
- 2.2 Dating back to 1946 the quarry has undergone a number of spatial extensions and permissions since that time. Currently, the quarry site covers an overall area of 80 hectares.
- 2.3 The Minerals and Waste Joint Plan (adopted in February 2022) acknowledges that mineral extraction can only take place where suitable resources occur and also the contribution this site makes to the overall supply of aggregate to the market. Also acknowledged in the Plan is the support for the continuation of working at sites where existing time-limited permissions are due to expire, but where reserves still exist. The continuation of operations for a further 4 years would in addition ensure ongoing local economic benefits and retain 14 jobs as well as additional employment provided through contractors and the wider supply chain; a factor supported through adopted Ryedale Local Plan Strategy (adopted September 2013).

- 2.4. There are no objections from statutory consultees and general compliance, overall, with the *Development Plan* for the area, when taken as a whole. The proposal is considered to be sustainable, and approval is recommended subject to conditions to suitably mitigate any effects.



3.0 Preliminary Matters

3.1. There are a number of relevant planning applications for this application which are detailed below. As well as the details listed below a scoping report was also provided by the applicant in relation to this application dated May 2021 and a Scoping opinion was issued by North Yorkshire Council on the 9th July 2021 reference 21/00878/CPO.

- GIDO/5/2/23 – Extraction granted 4th December 1946;
- 5/2/23E – Extension to limestone quarrying area granted 3rd February 1954;
- 5/2/23G – Extension of quarrying into OS fields 1314, 1315, 1500 and 1501 granted 4th August 1959;
- 5/2/23J – Extension of quarrying into fields 1440, 1440a, 1438 and 1439 granted 3rd August 1971;
- C3/102/276/PA – Extraction granted 25th June 1979;
- C3/07/00515/CPO – Northerly extension for the working of limestone granted 23rd October 2009.

3.2. Access to the case file on Public Access can be found here: -
[Displaying Planning record: NY/2022/0220/73 \(northyorks.gov.uk\)](https://publicaccess.northyorks.gov.uk/DisplayingPlanningRecord/NY/2022/0220/73)

4.0 Site and Surroundings

4.1 The site is located 1.7 kilometres to the north of Pickering. It lies immediately to the north-west of the hamlet of Newbridge and is approximately 5 kilometres to the south of the village of Newton-on-Rawcliffe. The site is situated within an Area of High Landscape Value (AHLV) and the boundary of the North York Moors National Park abounds the boundary line of Yatts Road from the site entrance. The current active limestone quarry which includes previously worked areas which have been restored or are in the process of restoration and landscaping lay within a predominately rural area. This area forms agricultural land which is bound by a combination of trees adjacent to farmland to the south, hedgerows and vegetation along Swainsea Lane to the west along with hedgerows and further farmland to the north and towards Gundale Slack / Haugh Wood to the east.

4.2 New Hambleton Farm which is a Grade II listed building is the closest residence 10 metres from the existing site boundary and to the current working area and various farmsteads including: Yatts Brow Farm, East Hambleton Farm (both Grade II listed farmhouses) and South View Farm are located approximately 800m to the east and north-east with The Broates (a Grade II listed building) located a similar distance to the north-west. A small number of individual properties are located close to the site entrance on Yatts Road, such as Glen Villa, Railway and Woodland Cottages (Grade II listed building). Isolated properties are also located along Swainsea Lane to the east of the site, including Broadview and Vale View.

4.3 The quarry site covers an overall area of approximately 80 hectares and the original quarry developed in a valley lying to the north-west of Newton Dale and approximately 3 hectares of the land closest to the access is occupied by site

administrative and ancillary quarrying infrastructure including the weighbridge. Within the site there is an internal haul road which follows a westerly direction to previously restored workings of approximately 50 hectares which includes, retained vegetation and / stockpile areas, including mineral products, overburden, and soils. The restored southern section of Newbridge Quarry includes the Newbridge Quarry Geological SSSI which covers an area of 7.9 hectares and ancient woodland and the Haugh and Gundale Slacks SSSI form part of the eastern boundary of the Site.

- 4.4 An internal quarry haul road connects the area of the administrative and ancillary quarrying infrastructure northwards to the current northern extension working areas, via several further soil storage bunds prior to crossing the private access road to New Hambleton Farm (which also serves as a public right of way) from Swainsea Lane to the west. The current active limestone workings, comprise restored areas, disturbed ground / stockpiles and they extend to approximately 25 hectares, with a further 2 hectares of peripheral landscaping and standoffs.
- 4.5 The site has an established access onto Yatts Road approximately 50m to the north of a railway level crossing at Newbridge, and this railway is part of the North Yorkshire Moor Railway line. Yatts Road is a 'C' class road that runs in a general north to south route linking Pickering with the village of Newton on Rawcliffe. All quarry traffic turns right out of the site towards Pickering. Access to the wider highway network is gained within Pickering to the A170 via Undercliff and Castle Road that link Yatts Road to the town. The A170 leads westwards towards markets to the west via Helmsley and Thirsk, and eastwards towards Scarborough, and, within Pickering itself, the A170 connects with the A169 heading towards markets to the north, including Whitby, and southwards towards Malton.
- 4.6 There are several footpaths that cross or are in the vicinity of the quarry. This includes a route along the quarry access road from the site entrance, past the weighbridge and site office and northwards in two directions with one part rising behind the old processing plant on the alignment of a haul route before cutting across the existing quarry site in a general northerly direction, to link up with the public footpath that runs along the access road to New Hambleton Farm. The other part splits itself in two with one route following the valley bottom and the second following the eastern boundary of the site. This footpath also joins up with the route along the access road to New Hambleton Farm. Footpath 25.73/6 just to the north of New Hambleton Farm is currently the subject of a diversion order to enable the extraction of minerals from the approved working area and so that it now follows between the workings and the edge of Gundale Slack / Haugh Wood.

5.0 Description of Proposal

- 5.1 This planning application seeks permission for the variation of condition no. 2 of planning permission ref. no. C3/07/00515/CPO, dated 23rd October 2009 for an extension of time to allow the remaining limestone reserves at the quarry to be extracted and the site to be fully restored.

- 5.2 The applicant states that there are approximately 500,000 tonnes of limestone remaining to be extracted; all within the application site area, which includes an extension of the original quarry. The reason the extraction has not been completed is partially due to the recent economic downturn and market conditions and reduction of production during Covid restrictions. The applicant claims that an extension of time would avoid unnecessary sterilisation of the remaining mineral on site.
- 5.3 The limestone is extracted in a series of benches through a combination of drilling and blasting. The maximum depth of extraction is proposed to be 95m AOD which will predominantly occur within the northern part of the quarry although the working depth is dictated by the basal slope of the workable limestone with all blasting continuing as existing and as set out in in conditions 16-19 of permission ref. no. C3/07/00515/CPO, dated 23rd October 2009 (NY/2007/0150/ENV). Once extracted, the limestone is transported by a front-end loader to the mobile crushing plant for crushing and screening to produce a range of graded aggregates. The graded aggregate is stored in stockpiles before being loaded onto HGV's to be transported via the highway network.
- 5.4 The approved restoration scheme for the application site and wider quarry, (under Planning Permission C3/07/00515/CPO, dated 23rd October 2009) provides for predominately low-level agricultural land. Fields are proposed to be divided predominantly by hedgerows with steeper wooded and grassland side slopes. A small area of wet grassland is also proposed that would act as a natural soak away at the lowest parts of the site. Material including topsoil, subsoil, weathered limestone/overburden and quarry waste material generated from continued working the quarry would be re-used within the restoration without recourse to import materials with restoration taking part on a progressive basis.
- 5.5 There are no proposals to alter the site layout or the way in which operations are carried out, and extraction and restoration would continue to progress in accordance with the currently approved schemes for a further 4-year period in the application site where workings have already commenced in the south-western corner with progression made northwards and eastwards.
- 5.6 It is estimated that there are a further 4 years of reserves remaining in the quarry (subject to demand), so the applicant is seeking to vary Condition 2 of Planning Permission Ref C3/07/00515/CPO, dated 23 October 2009 until 31 December 2026
- 5.7 Condition 2 of the planning permission C3/07/00515/CPO, dated 23 October 2009 states: *"The permission hereby granted authorises the extraction of mineral only until 31 December 2022. The development hereby permitted shall be discontinued and all plant and machinery associated with the development shall be removed from the site before that date and the site shall be restored in accordance with the Argus Ecology "Revised Restoration Management Plan" dated 8 June 2009 before that date or within such longer period as may be specifically approved in writing by the County Planning Authority."*

- 5.8 It is proposed to change this to: *“The permission hereby granted authorises the extraction of mineral only until 31 December 2026. The development hereby permitted shall be discontinued and all plant and machinery associated with the development shall be removed from the site before that date and the site shall be restored in accordance with the Argus Ecology “Revised Restoration Management Plan” dated 8 June 2009 before that date or within such longer period as may be specifically approved in writing by the County Planning Authority.”*

6.0 Planning Policy and Guidance

- 6.1. Section 73 of the Town and Country Planning Act 1990 provides for applications for planning permission to develop land without complying with conditions previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original conditions should continue.
- 6.2. With a Section 73 application the Planning Authority is required to consider only the question of the conditions subject to which planning permission should be granted. This does not prevent the Planning Authority from looking at the wider considerations affecting the original grant of permission, but the permission itself should be left intact. Section 73 enables the Planning Authority to grant permission subject to conditions differing from those subjects to which the previous permission was granted or to refuse the application, for example, where there has been a change in policy
- 6.3. 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

- 6.4. The Adopted Development Plan for this site is:
- The extant policies of the Minerals and Waste Joint Plan (adopted February 2022).
 - The extant policies of the Ryedale Plan- Local Plan Strategy (adopted September 2013).

Guidance - Material Considerations

- 6.5. Relevant guidance for this application is:
- National Planning Policy Framework 2021
 - National Planning Practice Guidance

7.0 Consultation Responses

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

- 7.2 **Pickering Town Council** – Confirmed no objections in principle to the above application. However, they raised some concerns that another four years of heavy quarry traffic up and down Newbridge Road will lead to further damage to the road.
- 7.3 **County Cllr. Joy Andrews** confirmed no objections to the proposal.
- 7.4 **Environment Agency York-** confirmed no comments regarding the proposal.
- 7.5 **Environmental Health Officer (previously Ryedale)** – at the time of writing this report no comments have been received.
- 7.6 **Health and Safety Executive (Quarries)** – at the time of writing this report no comments have been received
- 7.7 **Highway Authority** -stated the quarry operations do have an impact on the local highway network and the developer needs to continue sweeping and cleaning the highway surrounding the site to maintain safe environment for its vehicles emerging from the site and the travelling public. The Local Highway Authority (L.H.A) recognizes the developer has willingly undertaken their responsibility and L.H.A would expect this to continue. Therefore, there are no local highway authority objections to the proposed development.
- 7.8 **Natural England** – confirmed that they have no objection to the proposal. However, they do provide further advice relating to Sites of Scientific Interest, Protected Landscapes and Best and Most Versatile Agricultural Land or Minerals and Waste Reclamation Soils, Land Quality and Reclamation
- 7.9 **Archaeology** – confirmed that they have no issues with the proposed extension of time application.
- 7.10 **Ecology** – confirmed they have no specific comments to offer in relation to the proposal.
- 7.11 **Landscape** – confirmed that there is no Landscape objection to the proposal.
- 7.12 **Public Rights of Way-** Confirmed that there is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary and provided further information relating to temporary and permanent changes that affect the right of way in which the applicant can contact the paths team if applicable.
- 7.13 **Ryedale Area office** - at the time of writing this report no comments have been received.

Local Representations

- 7.14 Two representations have been received in response to the advertisement of the application. Comments received related to concerns regarding the restoration and maintenance of public footpaths, but neither stated an objection to the proposal.

8.0 Environment Statement (EIA)

- 8.1. The applicant has provided an Environmental Statement with the application and a Scoping Opinion has been adopted ref. no. NY/2021/0135/SCO, dated 09 July 2021. The EIA Regulations 2017 set out descriptions of Schedule 1 developments for which Environmental Impact Assessment (EIA) is mandatory and the proposal falls within this schedule which is why an environmental statement has been required.
- 8.2 The Environmental Statement uses the existing quarry operations as the baseline to assess the impact of activities. The ES includes chapters relating to the assessments undertaken for various topics and the Applicant has commissioned technical reports from expert consultants to assess the impact of the proposed activities on the locality around the Quarry including cumulative effects and the assessments' conclusions are set out briefly below.

i.) Cultural Heritage (Archaeology) – The Heritage Assessment considered the impact on the setting of designated heritage and areas of high potential that have been identified within the vicinity of the quarry. The proposal remains within the existing quarry and includes areas where archaeological mitigation is already agreed or that has already been undertaken. Archaeological fieldwork has taken place throughout all previous successive phase of the quarry, but mitigation and approved methodologies, previously agreed under planning condition, are recommended to be carried forward as part of the current proposal for an extension of time for the mineral extraction and restoration works

ii.) Landscape and Visual Impact – Since the Landscape and Visual Impact Assessment (LVIA) in 2007 was undertaken, the topography and vegetation of the site has changed, due to the soil stripping and progressive working in the north and restoration of part of the southern area. An additional 13 hectares has been stripped of soils and excavated down. Active face positions are in an east-west alignment and there are areas of top rock removal and storage to the north and an area stripped of soil further to the north. There are also approximately 2 hectares of soil storage mounds (up to 5 metres high) in the south of the site; in addition, there is approximately 2.5 hectares of agricultural land on rising land to the immediate north which has been stripped of soils and overburden during May 2022. This will vary the original topography. The exposed quarry faces of the existing geological SSSI along 350m of the southern boundary is unchanged. The magnitude of landscape change for the completion of mineral extraction has been re-assessed as low and neutral, as follows

- small size or scale of change, as the part-worked northern area would be deepened, but only to the approved limits, whilst the stockpiling areas, site management and access would be 'as existing'. The character of the site would continue as "Industrial Limestone Workings".
- small geographical extent, as the area to be deepened is limited to the current approved site areas (with 'limited' to 'no influence' at the wider scales); and
- short-term duration of the proposed extension of time.

It is viewed that there would be no change to the views or visual amenity following restoration, which would be in accordance with currently approved scheme (e.g., with a combination of hedgerow, tree planting and farmland reinstated at the lower level

iii.) Ecology and Biodiversity – The Preliminary Ecological Appraisal (2022) explains the Phase 1 Habitat Survey followed the standard methodology (JNCC, 2010), and as described in the Guidelines for Preliminary Ecological Assessment (IEEM, 2012). In summary, this comprised walking over the survey area and recording the habitat types and boundary features present and a Protected Species Scoping Survey was carried out in conjunction with the Phase 1 Habitat Survey. Four statutory designated sites have been identified within the 2km search radius. Newbridge Quarry SSSI relates to the geological interest of the exposed quarry faces in the already restored, southern part of the site. These faces are not proposed to be altered by the proposals to complete mineral extraction in the northern part of the site, in accordance with the approved schemes. Much of the current site is bare ground in the active quarry and supports very little vegetation. Woodland and hedgerows are established around the perimeters of the site and there is a moderately diverse woodland ground flora with some typical limestone woodland vegetation, The quarry and adjacent woodland/scrub habitats are of potential value to feeding and commuting bats but, no significant impacts upon roosting bats have been predicted.

iv) Geology and Soils - The site extracts Corallian Limestone, with the base of the quarry workings being the level at which the limestone overlies a brownish orange Sandstone (Middle Calcareous Grit). This ranges from 5.3m below ground level in the northwest corner to 13.1m in the south, reflecting the 2-3° dip of the beds to the south. No changes to the geology or proposed excavation for quarry design are proposed with this application and therefore no significant or unacceptable environmental impacts would result from the proposed extension of time for the working and restoration of the site in terms of soils and geology.

v.) Highways and Traffic – The Transport Assessment concluded that the traffic movements associated with this development should be acceptable in terms of both highway capacity and road safety and not give rise to any significant traffic related environmental effects.

vi) Hydrological and Hydrogeological Impact – the Hydrological and Hydrogeological Impact Assessment identified a small area of the site access and processing area lying within Flood Zones 2 and 3a, but most of the site lies within Flood Zone 1 suggesting that the site has a very low risk of flooding; less than 0.1% each year (or 1 in 1,000 years). The site overlies the Corallian Limestone to an average depth of around 10 metres below ground level. During extraction of the limestone, it is proposed that the site would not be dewatered, therefore the potential impacts of dewatering would not apply. The extension of time of operations is not expected to increase local flood risk and groundwater quality control and trigger levels are proposed to enable monitoring of groundwater quality using the existing mitigation controls

vii) Noise Impact – The Noise Impact Assessment previously recorded background noise levels at three locations around the site: New Hambleton Farm, Vale View and The Broates. Short term surface activities such as soil stripping and soil bund formation/removal were likely to have a much higher impact than activities which would be undertaken below ground level. Due to there being no proposed changes to the established working schemes; hours of operation; and as no new noise sensitive receptors have been introduced since the original permission was granted, the conclusions of the previous noise assessment remain valid.

viii) The Air Quality Assessment which was originally preformed in 2007 primarily considered the potential for dust emissions. Potential dust emission sources from the various operations on site were examined and were considered to be from the transport, handling, and stocking of materials. The main potential source of dust was considered to be from the movement of vehicles on surfaced and unsurfaced roads with a small contribution from handling and stockpiles. The USEPA AP42 emission factors were used to calculate dust emission rates where the results showed that the impact on the local environment with mitigation was minimal and there would be little change over existing levels given that the proposed activities were effectively a replacement of existing operations and existing management plans and planning conditions have been in force and had not led to any complaints over the last 5 years.

ix) Human beings and Socio-economic Impacts - The key aspects of the proposals with regard to local socio-economic effects include employment for up to 14 people on site plus additional “downstream jobs” in transport and contracting. There would be benefits to local industry and service suppliers including continuation of supply of Jurassic Limestone in the region, continued positive contribution of the existing operation that impacts local and regional economy together with expenditure of wages within the local economy.

9.0 **Main Issues**

9.1. The key considerations in the assessment of this application are:

- Principle of development
- Highways
- Landscape, biodiversity, and restoration
- Amenity issues
- Water management, drainage, and climate change

10.0 **ASSESSMENT**

Principle of Development

10.1 The application seeks to extend the time permitted for extraction of limestone from Newbridge Quarry to recover the remaining mineral resources until 31 December 2026. The current permission C3/07/00515/CPO expired on the 31 December 2022

and there are still reserves of 500,000 tonnes of limestone present in the application area which equate to a total of 7.5% of Jurassic Limestone identified in the Local Aggregate Assessment for North Yorkshire sub-region (LAA) 5th edition October 2019. There are a number of reasons which have affected the rate of the extraction resulting in the development having not been completed to date. These include economic downturn and market conditions as well as restrictions during the pandemic.

- 10.2 Aggregates can only be worked where they naturally occur, and they represent a finite resource. Therefore, where they are permitted, it is in the interests of sustainability to manage the reserves and hence avoid the need for permitting new reserves. In this respect, there is also a balance to be reached between the environmental benefits of restoring a site quickly and the provision of an adequate supply of aggregates. In this case, there are no material planning objections to the proposed extension of time at the quarry and, furthermore, it is considered that any adverse impacts from the quarry operation can be adequately controlled as before, by appropriate conditions.
- 10.3 The principle of development is supported by the Minerals and Waste Joint Plan (MWJP) where sites are not listed in the MWJP but are existing quarries and development would not compromise overall delivery of the strategy for the sustainable supply and use of minerals. Particular policies in the MWJP which are relevant are: Policy M01 as the site abuts the National Park and AONB boundaries at the site entrance; Policy M05 as this policy deals with the requirement for crushed rock up to 2031; Policy M06 which deals with maintaining the landbanks for crushed rock and Policy M09 which lists Newbridge Quarry to help maintain the supply of crushed rock as an unallocated site in the MWJP. Policy M09 of the MWJP acknowledges that “a small volume of further reserves of Jurassic Limestone (estimated at 1.8mt) could be needed to maintain a 10-year landbank on 31 December 2030.” Avoiding early sterilisation of material would support the proposal to extend the operation time at the quarry and would receive support from policy M09 of the MWJP. The extraction of minerals is supported by paragraphs 209, 2011 and 213 of the NPPF 2021 which deal with the supply and benefits of minerals.
- 10.4.1 In terms of the principle of extending the time of development for this proposal, full weight can be given to the terms of Policies M05 and M06 in the MWJP. It is also in compliance with Policy SP19 and Policy SP20 of the Ryedale Local Plan Strategy due to the promotion of sustainable growth and being an acceptable use. Furthermore, the proposal is considered in compliance with MWJP Policy D01 in regard to sustainable development as it accords with the relevant policies of the development plan and does not have a negative effect on the economic, social, or environmental conditions of the area. As the proposal is considered to accord with the Development Plan, it is also consistent with the NPPF Paragraph 211 because of the benefits of the application.

Highways

- 10.5 The proposal does not seek to increase vehicle movements to and from the site; although it is worth noting that the site currently is has no condition controlling the numbers they can accept and release per day. This is instead controlled through an Environmental Agency permit to control highway movement numbers to and from the site and through the town of Pickering which in terms limits the throughput of the site and amount of material allowed to be exported which is a separate regime. The Highway Authority has no objection to the proposal but would wish to ensure that previous conditions apply to this application (proposed condition numbers 4 through 10) as it is an extension of time, and the Highway Authority would wish to ensure that the existing access is kept in a safe and well-maintained condition.
- 10.6 The planning policies that are most relevant include Policy D03 of the MWJP which deals with the transport of minerals and associated traffic impacts. This states that there should be capacity on the existing network for the level of traffic from the site, there should be no unacceptable impact on the local community or other road users and that access arrangements are appropriate. Paragraphs 104 to 106 and Paragraph 111 of the NPPF take the stance that development should only be prevented on transport grounds if the development would have an unacceptable impact on the highway network or the residual cumulative impacts of the development would be severe; a stance shared by Policy SP1 of the Ryedale Local Plan Strategy.
- 10.7 The number of vehicle movements is proposed to remain the same as the current number. It is considered that the highway network has sufficient capacity for the number of HGVs and there have been no complaints or issues relating to vehicles from the site using the highway. The Town Council did make comment regarding the road conditions along Yatts Road, but as this is a public highway and outside of the Quarry's control and is utilised by more than just quarry traffic, the Highway Authority again has no objection to the proposal. The proposal accords with local and national policy and so is acceptable in relation transport as there is capacity on the highway network for the number of HGVs and the impact on amenity and other road users would be minimal.

Landscape, Biodiversity and Restoration

- 10.8 The site is located in a rural setting surrounded largely by agricultural land. The site is well screened due to the surrounding topography and established planting at the perimeter of the site.
- 10.9 To the south-east of the site the boundary of the North Yorkshire Moors National Park (NYMNP) is close to the entrance of the quarry. Schedule 4 of the Town and Country Planning Act 2015 references as part a) Development likely to affect land in the national park that consultation with the national park should occur. However, as Newbridge Quarry does not fall within any parts of the NYMNP, and the original permission (C3/07/00515/CPO) was never consulted with NYMNP. Addition to this as the proposal is not amending any boundary lines or proposing any changes other than an extension of time, and the northerly part of the development is that of a greater distance away from the parks boundary (in excess of 500m) and the

application is not proposing any additional lighting which would affect the NYMNP Dark Night Sky's policy and traffic movement should continue to not enter the park; it was therefore deemed reasonable to not consult with NYMNP as it was viewed that there would not be any increase of significance of impact to the National Park.

- 10.10 Natural England in their consultation response dated 14 November 2022 notes that the site is linked to three Sites of Special Scientific Interest (SSSI); Newbridge Quarry SSSI, Haugh and Gundale Slacks SSSI and Newtondale SSSI which have mixed Interests. However, the site only falls partially within these SSSI's primarily to the eastern boundary and the face which is reference in the Newbridge SSSI features is fenced off from quarry operations. Natural England have noted that the proposed development would not damage or destroy the interest features for which these sites have been notified and has stated no objection to the proposal. Any potential impact on the SSSI sites is viewed as being low risk and the benefits of extending the duration the quarry may operate in the area clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest which accord with the principles of paragraph 180 of the NPPF.
- 10.11 The approved restoration scheme seeks to provide agricultural land and landscape and nature conservation benefits in the long term through the provision of a number of habitats, including conservation, limestone grassland, which is a nationally rare resource promoted within the Ryedale Biodiversity Action Plan. Restoration at the site is undertaken on a progressive basis as extraction advances across the site. No changes to the approved restoration scheme are proposed. Clarification has been provided in relation to the level of restoration which has already been undertaken and the phasing and timing of the remaining restoration of the whole site. In response to the original permission and the previous application, the Landscape Architect was satisfied with the information provided and had no objection to the restoration scheme submitted in relation to permission C3/07/00515/CPO, dated 23 October 2009. No objection has been received from the Landscape Architect in respect of this current application as it was noted that no changes are proposed from the previously approved restoration scheme that received support.
- 10.12 Policy D06 in the MWJP states that development should not adversely impact on the landscape, and if it does a high standard of design and mitigation needs to be employed to ensure the landscape is not adversely affected in the long term. Policy D10 deals with reclamation and aftercare of mineral and waste sites ensuring they are carried out to a high standard and, in terms of minerals extraction, deliver a more targeted approach to restoration that is relevant to the scale, nature and location of sites. The approved restoration scheme for the Newbridge Quarry although predominantly is to be restored for agricultural land use, would still include a range of nature conservation land uses consisting of woodland thicket, hedgerows and scrub and conservation grassland. The proposal is partially supported by Policy SP13 of the Ryedale Local Plan Strategy which highlights that development proposals should contribute to the protection or enhancement of distinctive elements of landscape character which have heritage, cultural, natural, or aesthetic qualities. However, the proposal is not in full compliance with Policy SP13 as it is situated within the fringe of

the North Yorkshire Moors National Park and within an area of high landscape value and would continue to have a significant impact of the area. However, the impact is not proposed to be increased by the proposal of extending the period of time of the quarry and the benefits of the proposal outweigh any adverse impact and the proposal which due to the mineral locality cannot be located elsewhere in a less damaging location in which paragraph 209 of the NPPF and policies M09 and M15 of the MWJP which acknowledge that mineral can only be extracted from areas where it is located. Screening is in place on the site to minimise the impact on the landscape and the restoration scheme seeks to provide enhancement to the landscape in the long term by the creation of different habitats through inclusion of hedgerows. Paragraph 174 of the NPPF highlights that planning applications should conserve and enhance biodiversity and landscape and should improve conditions such as air and water quality. Furthermore, as the site is outside the National Park and the continuation of operations is demonstrated as being in the public interest relating to local economy and regional need for mineral, the proposal is supported through [paragraph 177 of the NPPF. The restoration scheme is designed to improve the landscape and habitats on the site in the long term. Paragraph 210 of the NPPF states that planning authorities should provide for restoration and aftercare. A restoration scheme was approved in a previous permission C3/07/00515/CPO dated 23 October 2009. This scheme has not been amended, although further information in relation to phasing and timing has been provided. The landscaping is considered to be acceptable in terms of both local and national policy. Substantial weight should be applied in terms of landscape policy as, whilst there would be some impact on the landscape in the short term until extraction and restoration is complete, screening is in place to minimise the visual impact of the site on the landscape and over all the proposal meets the principles of policy SP13 through protecting existing landscapes and ensuring that restoration will be undertaken to reinstate, reinforce and improve landscape character to the site upon completion of mineral extraction.

Amenity

- 10.13 The amenity issues relevant in respect of this proposal are visual impact, noise, vibration due to blasting and dust. No complaints have been received since the grant of the previous planning permission in 2009 and the effects upon amenity could continue to be controlled by planning conditions (proposed planning conditions 11 through 19). In terms of visual impact, the site is well screened and the only place where the site can be seen is from the highway at Yatts Lane at the site entrance where passing vehicles can see into the site entrance with its office and weighbridge, so the visual impact is considered to be minimal.
- 10.14 Noise generated on site would primarily arise from the vehicles and equipment movements. The current permission includes conditions to ensure adequate protection of amenity which also relates to measures to ensure the control of blasting and reduction of vibration levels. The conditions include noise attenuation equipment being employed on vehicles and plant operating in the quarry site (condition 10 of permission C3/07/00515/CPO, dated 23 October 2009), noise levels not exceeding background noise levels more than 10db at any noise sensitive buildings (condition 11 of permission C3/07/00515/CPO, dated 23 October 2009), noise monitoring being

undertaken if requested by the County Planning Authority (condition 13 of permission C3/07/00515/CPO, dated October 2009), temporary noise limit during specific operations such as soil stripping and defining the hours of operation (condition 11 of permission C3/07/00515/CPO, dated 23 October 2009). There are four conditions relating specifically to blasting, including one (condition 16 of permission C3/07/00515/CPO, dated 23 October 2009) which restricts the hours of blasting to between the hours of 09:00 and 16:00 Monday to Friday. In terms of dust, two conditions were included which required the spraying of roadways and stockpiles to minimise the dust emissions from the site (condition 14 of permission C3/07/00515/CPO, dated 23 October 2009) and for HGV vehicles to be securely sheeted when leaving the site (condition 15 of permission C3/07/00515/CPO, dated 23 October 2009), all of which are proposed to be continued through this permission if granted through conditions 4 through 10.

- 10.15 Policy D02 of the MWJP requires that proposals should not have an adverse impact on local amenity including in terms of noise and dust. Paragraph 185 of the NPPF highlights that development needs to be appropriate for its location including any impacts from noise being mitigated or reduced. With unavoidable noise from the site being able to be controlled and mitigated to minimise the impact and the dust being controlled through the dust control scheme, it is considered to be consistent with Paragraph 210 of the NPPF which requires that criteria are set so that operations do not have unacceptable impacts to local environments. Compliance with Policy D02 of the MWJP is also secured through ensuring mitigation measures such as acoustic and screening bunds, screen planting, dust suppression systems and sensitive placement of site lighting proposed to be implemented in order to protect local amenity. The development is considered to be compliant with Policies D02, D06, D07, D10 and D12 of the MWJP in regard to local amenity and cumulative impacts, Ryedale Local Plan Strategy Policy SP16 in regards to design, all of which seek to ensure that the restoration of minerals sites and developments generally, would include landscape requirements to enhance the character and appearance of the site and local area, adding further weight in support of the application.

Water management, drainage, and climate change

- 10.16 Only the site entrance to the southeastern corner lies within Environment Agency designated Flood Zones 2 and 3, the entire northern extension of Newbridge Quarry is not within a flood zone. Due to its locality the applicant submitted a flood risk assessment to ensure the developments compliance with paragraph 167 of the NPPF which requires authorities to ensure that flood risk should not be increased due to development. All water that accumulates in the base of the workings naturally percolates through the fissured limestone and no pumping of water is required. There are no records of the quarry flooding or flooding of adjacent areas due to the elevation of the site. There is no other known flood risk which would impact on the proposed development or require mitigation. Operations at the site are proposed to continue as previously. The Environment Agency has raised no objection. Conditions are proposed to protect the water environment (conditions 20 to 23 of decision CC3/07/00515/CPO, dated 23 October 2009).

- 10.17 MWJP Policy D09 deals with water environment, and it states that no unacceptable impacts from minerals development will be allowed on surface or groundwater. Policy SP17 of the Ryedale Local Plan Strategy also promotes the protection of natural resources including water which is relevant to this site. This policy approach accords with the principles of the NPPF in terms of favouring sustainable development which does not increase environmental risks.
- 10.18 No objections have been received in relation to flood risk and the development does not give rise to any impact upon flood zones or the water table. The surface water which accumulates on site is dealt with on site by being pumped out of the void onto the top of the slopes and then allowed to drain naturally back into the void. The proposal although not fully consistent with local Policy SP17 of the Ryedale Local Plan Strategy due to the proposal not proposing ways of reducing emissions in the locality or demonstrating efficient water design it is considered in many ways to follow the overall reasoning of the policy as the proposal does not increase flood risk and no objections have been received in terms of water management and is, therefore, considered acceptable.
- 10.19 Paragraph 154 of the NPPF states that new development should be planned for to avoid increased vulnerability to a range of impacts from climate change. This proposal is not a new development, but rather it proposes an extension of time in which to continue working the mineral. The activities on site have a low impact in terms of climate change as once the material has been extracted, no further work is done on it, and it is transported to another site for processing. In terms of transport, an increase in HGV numbers is not proposed and with the current infrastructure, HGVs have direct access to the trunk road network, so the level of emissions generated would be kept to a minimum. The proposal, although not fully consistent with Policy SP17 of the Ryedale Local Plan Strategy in terms of air and water quality, is considered to be in line with the general thrust of the policy by ensuring adequate mitigation levels are used for development and the proposal has received no objections in terms of water management or climate change and so is considered acceptable.

The Equality Act 2010

- 10.20 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.
- 10.21 Given the substantial scale of the site and the works involved with the development, if approved, the development is considered to create temporary amenity and obstructions to residents within of a nature and duration that is potentially likely to affect older and younger people, people with disabilities or who are pregnant if not factors are not mitigated to protect the local amenity.

- 10.22 Therefore, in order to ensure that the Council fulfils its duty under Section 149 of the Equality Act, it needs to be ensured that if planning permission is granted, the decision notice includes conditions which require the impacts on those residents with the aforementioned protected characteristics to be mitigated as much as possible, taking into consideration their specific requirements and needs.

Existing Conditions

- 10.23 All previously imposed planning conditions (44) and informatives (4) are proposed to remain. An updated condition to reflect the development proposed by this application (Condition 2) would be required and any schemes approved under conditions since the grant of planning permission C3/07/00515/CPO, dated 23 October 2009 would need to be reflected were permission to be forthcoming.

- 10.24 The wording of condition 2 of C3/07/00515/CPO, dated is therefore proposed to be changed as follows:

Condition no.2: *'The permission hereby granted authorises the extraction of mineral only until 31 December 2026. The development hereby permitted shall be discontinued and all plant and machinery associated with the development shall be removed from the site before that date and the site shall be restored in accordance with the Argus Ecology "Revised Restoration Management Plan" dated 8 June 2009 before that date or within such longer period as may be specifically approved in writing by the County Planning Authority.'*

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The proposal to extend the period of time for operations at Newbridge Quarry would assist in the realisation of the development vision of the Local Aggregate Assessment and the MWJP through policies M05, M06, M09 and M10 through ensuring provision levels and supply of mineral are maintained within the county.
- 11.2 Allowing the continuation of quarrying operations and preventing the sterilisation of over 500,000 tonnes of limestone within North Yorkshire (equating to approximately 7.5% of the total Jurassic Limestone reserves identified in the LAA) would see a number of benefits to the local and regional economy and mineral reserves. The continuation of operations would also accord with both strategic and development management policies for the Mineral and Waste Joint Plan including Policy M01 and Policy M09 to ensure that a sustainable approach is given to mineral supply and demand.
- 11.3 Continuation of existing mitigation measures would ensure that the Local Planning Authority could continue to control and monitor the site and ensure that protection of features including local landscape, flood risk, soils and amenity are continued to be upheld. This mitigation ensures compliance with policies D02, D07 and D12 of the Mineral and Waste Joint Plan.

- 11.4 Where the proposal does not fully comply with policies SP13 and SP17, it is not viewed as being in conflict and does still follow a number of the principles of these policies, whilst it is also noted that any permission to extend operations being granted would allow further time to review and enhance restoration of the site so that compliance with these policies can improve. The benefits of the proposal also outweigh any adverse impact on landscape and air, land and water resource protection within Ryedale and proposals for mineral extraction can only occur in areas where the mineral can be located. Overall, the development is considered to be sustainable and would continue to bring a host of benefits to the Ryedale locality including economic and environmental benefits such as being able to continue to supply the local economy and market with continued provision of local stone for local developments which results in a reduced need to import stone from locations outside of NYC and through the restoration mitigation measures proposed. On balance, it is considered the development is acceptable and approval is recommended subject to conditions listed below.

12.0 **RECOMMENDATION**

- 12.1 That planning permission be GRANTED subject to conditions listed below:

Recommended conditions:

Condition 1 Implementation

The development to which this permission relates must be implemented no later than the expiration of three years from the date of this Decision Notice.

Reason: To comply with Section 91 of Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2 Duration

The permission hereby granted authorises the extraction of mineral only until 31 December 2026. The development hereby permitted shall be discontinued and all plant and machinery associated with the development shall be removed from the site before that date and the site shall be restored in accordance with the Argus Ecology "Revised Restoration Management Plan" dated 8 June 2009 before that date or within such longer period as may be specifically approved in writing by the Local Planning Authority. Definition of development.

Reason: To reserve the right of control by the Local Planning Authority to ensure the restoration of the land with the minimum of delay in the interests of amenity and to ensure that the development is carried out in accordance with the application details.

Condition 3 Approved Plans

The development hereby permitted shall be carried out in accordance with the application details dated 19 October 2022 and the additional environmental and supplementary information accompanying the letter from CEMEX UK Operations Limited (reference: KBF/jr/1619/P2) dated 11 March 2009, including the additional surveys identified in paragraph 3.10 in respect of badgers and 3.21 in respect of bats

of the “Additional Environmental and Supplementary information in support of Planning Application” dated March 2009 and amended by the information within the letter from SLR Consulting Ltd (reference: 403/0968/00015) dated 1 May 2009 and the Argus Ecology “Revised Restoration Management Plan” dated 8 June 2009 and the following plans and conditions which at all times shall take precedence

REF	DATE	TITLE
NB 2/1	Feb 2007	Site Location Plan
NB-TE-2	May 2021	Current Situation
Rev. B	14/09/22	Planning Statement
Appendix ES1	May 2021	EIA Scoping Report
Appendix ES2	July 2021	EIA Scoping Opinion
Appendix ES3	May 2022	Preliminary Ecological Appraisal
Appendix ES4	May 2022	Viewpoints
Rev. B	14/09/22	Environmental Statement
Rev. 2	27/09/22	Flood Risk Assessment

Reason: *To ensure that the development is carried out in accordance with the application details*

Condition 4 Access

Access to the site shall be via the existing access onto Yatts Road and no other access shall be used.

Reason: *In the interests of highway safety and amenity and convenience of highway users.*

Condition 5 Maintenance of Access

The access road from the site to the public highway shall be kept clean and maintained in a good standard or repair, free of potholes for the life of the operations.

Reason: *In the interests of highway safety, amenity, and convenience of highway users*

Condition 6 HGV Wheel Washing

All lorries leaving the site shall use the vehicle wheel washing facilities adjacent to the weighbridge. The wheel cleaning facilities shall be regularly cleaned out and maintained in full working order. In the event that vehicles are not suitable for the wheel wash then they shall be checked and cleaned before leaving the site so that no material is deposited on the public highway.

Reason: *In the interests of highway safety, amenity, and convenience of highway users*

Condition 7 Access

No lorries shall be parked in the quarry site entrance by Yatts Road overnight.

Reason: *To minimise disturbance to residential properties in the interests of amenity.*

Condition 8 Hours of Operation

Except for the maintenance of plant and machinery and for the loading and unloading of materials for sale within the existing quarry site as delineated on Drawing No. NB 5/1 and/or except with the prior written approval of the Local Planning Authority, no quarrying or associated operations including transport of mineral from the site shall take place except between the following times: 07.00 – 19.00 Mondays to Fridays and 07.00 – 13.00 hours on Saturdays The loading and unloading of materials for sale within the existing quarry site shall only take place between the following times: 06.00 – 19.00 Mondays to Fridays and 06.00 – 13.00 hours on Saturday No quarrying or associated operations shall take place on Sundays or Bank and Public Holidays.

Reason: *In the interests of amenity.*

Condition 9 Hours of Operation

The duration of stripping and replacement of soils and formation, removal or alteration of screen or soil storage bunds, drilling and secondary breaking up of rock shall not exceed 8 weeks in any period of 12 months and shall only be carried out between the following times: -

08.00 – 18.00 Monday to Friday

08.00 – 13.00 Saturdays

No operations shall take place on Sundays or Bank and Public Holidays.

Reason: *In the interests of amenity.*

Condition 10 Noise (Vehicle Safety)

Machinery, vehicles, and equipment being used by the site operator requiring reversing warning systems shall be fitted with broadband reversing warning systems and shall not use standard reversing beepers. Such machinery, vehicles and equipment shall also be regularly maintained accordance with the manufacturer's instructions and fitted with effective exhaust silencers.

Reason: *To ensure the rights of control of the Local Planning Authority in the interests of amenity.*

Condition 11 Noise levels

Noise from site operations shall not exceed 49 dB LAeq, 1-hr (Free Field) at the residential property at New Hambleton Farm and shall not exceed 45 dB LAeq, 1-hr (Free Field) at any other noise sensitive properties. The only exceptions to this requirement are as follows: i. Whilst soil stripping or baffle construction operations are being undertaken a noise limit of 65 dB LAeq, 1-hr (Free Field) shall apply at the residential property at New Hambleton Farm; ii. Whilst drilling and secondary breaking of oversize stone is being undertaken a noise limit of 55 dB LAeq, 1-hr (Free Field) shall apply at the residential property at New Hambleton Farm.

Reason: *To ensure the rights of control of the Local Planning Authority in the interests of amenity.*

Condition 12 Exceeding Noise Levels

In the event that the noise levels specified in Condition No 10 is exceeded, those operations at the site causing the excessive noise shall cease immediately and steps shall be taken to attenuate the noise level to be in compliance with the requirements of Condition No 10.

Reason: To ensure the rights of control of the Local Planning Authority in the interests of amenity.

Condition 13 Noise Monitoring

Noise shall be monitored in accordance with the scheme for monitoring dated 19 March 2001 as amended by the revised monitoring locations as shown on Drawing No NB/14/4B dated August 2009 and provide for monitoring to be carried out at the approved locations at six monthly intervals. Between those noise surveys additional monitoring shall be carried out at the written request of the Local Planning Authority. All results shall be available for inspection on request by the Local Planning Authority and the annual summary of results shall be submitted to the Local Planning Authority for consideration not later than May in the following calendar year. In the event that the background noise levels change, or it is demonstrated that higher permitted levels will not cause nuisance to nearby noise sensitive properties the scheme shall be reviewed and implemented thereafter as approved.

Reason: To ensure the rights of control of the Local Planning Authority in the interests of amenity.

Condition 14 Dust control

Steps shall be taken to ensure that the site is operated at all times, and in particular during periods of high winds, to minimise dust emissions.

Reason: To ensure the rights of control of the Local Planning Authority in the interests of amenity.

Condition 15 Dust control in vehicles

All vehicles involved in the transport of mineral from the site shall be securely sheeted in such a manner as no material may be spilled on the public highway.

Reason: To ensure the rights of control of the Local Planning Authority in the interests of amenity.

Condition 16 Blasting operation hours

Except with the prior written approval of the Local Planning Authority no blasting shall be carried out on any part of the site except between the hours of 08.00- and 16.00-hours Monday to Friday inclusive and no blasting shall be carried out at any time on Saturdays, Sundays, Bank and Public Holidays.

Reason: To ensure the rights of control of the Local Planning Authority in the interests of amenity.

Condition 17 Blasting

No secondary blasting shall be carried out without the prior approval in writing of the Local Planning Authority.

Reason: *To ensure the rights of control of the Local Planning Authority in the interests of amenity.*

Condition 18 Blasting vibration levels

Blasting operations shall be designed and executed such that resultant ground vibration levels shall not exceed a peak particle velocity of 10mm/second at any inhabited building.

Reason: *To ensure the rights of control of the Local Planning Authority in the interests of amenity.*

Condition 19 Ground vibration levels

Ground vibration levels from all blasts shall be monitored as per the attached blast monitoring procedure unless otherwise approved in writing by the Local Planning Authority. Monitoring results shall be used to determine the design of future blasts so as to maintain ground vibration levels within the limits referred to in Condition No 17 above.

Reason: *To ensure the rights of control of the Local Planning Authority in the interests of amenity.*

Condition 20 Pollution Control

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compounds shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank or the combined capacity of the inter-connected tanks plus 10%. All filling points, vents and gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land, or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: *In the interests of pollution control.*

Condition 21 Pollution Control

Any lubricant, paint or solvent within the site shall be so stored as to prevent such material from contaminating topsoil, subsoil, soil forming material, or reaching any watercourse.

Reason: *In the interests of pollution control.*

Condition 22 Pollution Control

There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason: *In the interests of pollution control.*

Condition 23 Archaeology

No development shall take place within the application area except in accordance with the programme of archaeological working set out in the Written Scheme of Investigation set out in Appendix 6 of the Archaeological Services WYAS reported entitled "Newbridge Quarry Extension, Pickering North Yorkshire - Archaeological Evaluation Volume 2: Appendices" dated February 2009.

Reason: *To ensure that archaeological remains are preserved by record in accordance with advice as set out in Planning Policy Guidance*

Condition 24 Public Rights of Way

The existing Public Right of Way within the proposed extension area shall be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990.

Reason: *To protect the route of the Public Right of Way in the interests of and to protect the general amenity for all prospective users*

Condition 25 Soils

Within 3 months of the formation of any new storage bunds being formed onsite the operator shall submit a plan for approval in writing by the Local Planning Authority showing the location, contours, and volumes of the bunds, and identifying the soil types and units contained therein. Any amendments to the Scheme of Soil Movement shall also be included.

Reason: *In the interests of amenity and to ensure soil resources are correctly handled and safeguarded*

Condition 26 Soil Movement

All soil movement operations shall only be carried out when the full volume of soil involved is in a dry and friable condition. Conditions shall be sufficiently dry for the topsoil to be separated from the subsoil without difficulty. Soil handling and movement shall not be carried out between the months of October to March inclusive unless otherwise agreed in writing by Local Planning Authority.

Reason: *To ensure soil resources are correctly handled and safeguarded*

Condition 27 Soil protection

Plant or vehicle movement shall be confined to clearly defined haul routes agreed in writing by or on behalf of the Local Planning Authority, or to the overburden/infill surface and shall not cross areas of topsoil and subsoil except for the express purpose of soil stripping or replacement operations.

Reason: *To ensure soil resources are correctly handled and safeguarded*

Condition 28 Soil protection

Before any part of the site is excavated or traversed by heavy vehicles or machinery (except for the purpose of stripping that part or stacking topsoil on that part), or is built upon, or used for the stacking of subsoil, soil forming material or overburden, or as a machinery dump or plant yard, or for the construction of a road, all available topsoil (and subsoil) shall be stripped from that part.

Reason: *To ensure soil resources are correctly handled and safeguarded*

Condition 29 Soils

Topsoil and subsoil shall be separately stripped to their full depth and shall wherever possible be immediately re-spread in their correct sequence to the same settled depth. If this immediate re-spreading is not practicable the topsoil and subsoil shall be stored separately for subsequent replacement.

Reason: *To ensure soil resources are correctly handled and safeguarded*

Condition 30 Soils

Soils identified for use as a subsoil substitute shall be stripped separately and, wherever possible, be immediately re-spread over the replaced overburden/infill/low permeability cap. If this re-spreading is not practicable, the subsoil substitute shall be stored separately for subsequent replacement.

Reason: *To ensure soil resources are correctly handled and safeguarded*

Condition 31 Soil stripping

Written notification shall be made giving the Local Planning Authority five clear working days' notice of the intention to start stripping soils.

Reason: *In the interests of amenity and to ensure soil resources are correctly handled and safeguarded*

Condition 32 Retention of soils

All topsoil, subsoil, and soil forming material shall be retained on the site.

Reason: *To ensure soil resources are correctly handled and safeguarded*

Condition 33 Soil retention for restoration

Pockets of suitable soil forming material shall be recovered, wherever practicable and necessary during the stripping or excavation operations, for use during the restoration phase.

Reason: *To ensure soil resources are correctly handled and safeguarded*

Condition 34 Soil bunds

Bunds for the storage of agricultural soils shall conform to the following criteria:

- a) Topsoil, subsoil, and subsoil substitutes shall be stored separately.
- b) Where continuous bunds are used dissimilar soils shall be separated by a third material, previously agreed in writing with the Local Planning Authority.
- c) Topsoil bunds shall not exceed 3 metres in height and subsoil (or subsoil substitute) bunds shall not exceed 5 metres in height.
- d) Materials shall be stored like upon like, so that topsoil shall be stripped from beneath subsoil bunds and subsoil from beneath overburden bunds.

Reason: In the interests of amenity and to ensure soil resources are correctly handled and safeguarded

Condition 35 Storage of soil bunds

All storage bunds intended to remain in situ for more than 6 months or over the winter period are to be grassed over in accordance with a seed mixture and application rates specification submitted to and agreed in writing by the Local Planning Authority no less than one month before it is expected to complete the formation of the storage bunds. Thereafter mounds shall be managed throughout the period of storage to maintain satisfactory vegetation cover, ensure weed control and to avoid erosion and water logging.

Reason: To ensure soil resources are correctly handled and safeguarded

Condition 36 Soils

The subsoil is to be tipped in windrows and spread to the required level, in 5-metre-wide strips in such a manner as to avoid compacting placed soils. Topsoil is then to be tipped, lifted, and evenly spread onto the levelled subsoil, also in such a manner as to avoid compacting the placed soils.

Reason: To ensure soil resources are correctly handled and safeguarded

Condition 37 Soil depth

The minimum settled depth of agricultural restoration soil layer (topsoil, subsoil, weathered limestone and/or quarry waste) shall be 1 metre.

Reason: To ensure soil resources are correctly handled and safeguarded and to reserve the right of control by the Local Planning Authority to ensure the restoration of the land with the minimum of delay in the interests of amenity.

Condition 38 Soil material

All stones and other materials in excess of 150 millimetres in any dimension which are likely to obstruct cultivation in the agricultural after use shall be picked and removed from the site.

Reason: To reserve the right of control by the Local Planning Authority to ensure the restoration of the land with the minimum of delay in the interests of amenity.

Condition 39 Subsoil placement (discharge required)

The applicant shall notify the Local Planning Authority at least 5 working days in advance of the commencement of the final subsoil placement on each phase, or part phase to allow a site inspection to take place.

Reason: *To reserve the right of control by the Local Planning Authority to ensure the restoration of the land with the minimum of delay in the interests of amenity.*

Condition 40 Soil settlement

In any part of the site where differential settlement occurs during the restoration and Aftercare period, the applicant, where required by the Local Planning Authority, shall fill the depression to the final settlement contours specified with suitable imported soils, to a specification to be agreed in writing with the Local Planning Authority.

Reason: *To reserve the right of control by the Local Planning Authority to ensure the restoration of the land with the minimum of delay in the interests of amenity.*

Condition 41 Aftercare Scheme (discharge required)

An Aftercare Scheme requiring that such steps as may be necessary to bring the land to the 'required standard' for the use of agriculture shall be submitted for the approval of the Local Planning Authority not later than 3 months prior to the date on which it is first expected that the replacement of topsoil shall take place. The submitted Scheme shall:

- a) Provide an outline strategy in accordance with Annex A of MPG 7 for the five-year Aftercare period. This shall specify steps to be taken and the period during which they are to be taken. The Scheme shall include provision of a field drainage system and provide for an annual meeting between the applicants, the Local Planning Authority and Defra.
- b) Provide for a detailed annual programme, in accordance with Annex A of MPG 7 to be submitted to the Local Planning Authority not later than two months prior to the annual Aftercare meeting.

Reason: *In the interests of amenity, monitoring site operations and in the interests of achieving a high standard of landscaping and restoration in a timely manner*

Condition 42 Aftercare

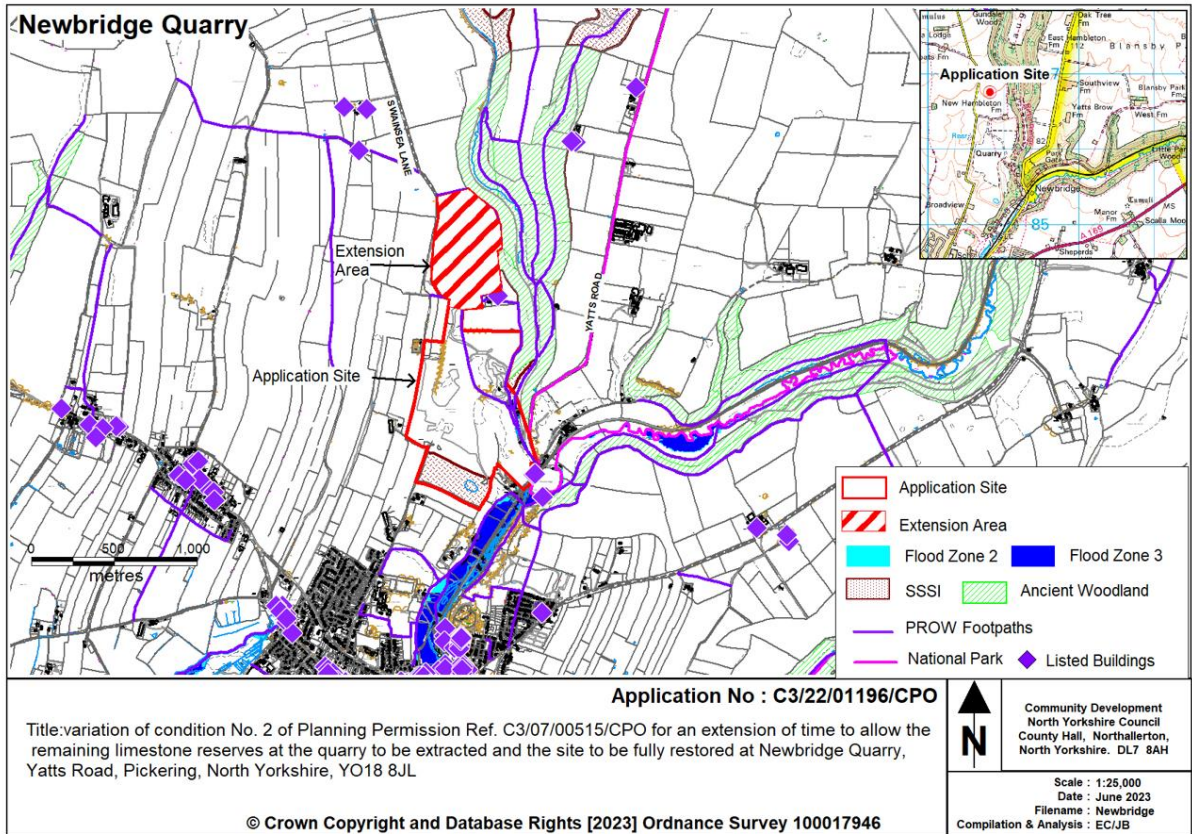
Unless the Local Planning Authority, after consultation with Defra, agree in writing with the person or persons responsible for undertaking the Aftercare steps that there shall be lesser steps or a different timing between steps, the Aftercare shall be carried out in accordance with the approved Scheme.

Reason: *In the interests of amenity*

Target Determination Date: 13 June 2023

Case Officer: Emma Coverdale, emma.coverdale@northyorks.gov.uk

Appendix A – Proposed Layout Plan



North Yorkshire Council

Strategic Planning Committee

13th 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 9th 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 9th 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 27th 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. In line with the Council's constitution, this report has been presented to the Skipton and Ripon Area Constituency Planning Committee on the 6th June 2023. 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 9th 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

13th 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.

This page is intentionally left blank

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

Planning and Management Ltd

collisonchris@aol.com

9 March 2023

Contents

Summary of Main Findings	2
Neighbourhood Planning	3
Independent Examination.....	3
Basic Conditions and other Statutory Requirements	5
Documents	8
Consultation.....	9
The Neighbourhood Plan taken as a whole.....	12
The Neighbourhood Plan Policies	21
Policy ENV1: Local Green Spaces	23
Policy ENV2: Green Infrastructure Links	39
Policy ENV3: Conserving the Landscape	39
Policy ENV4: Nature Conservation.....	42
Policy ENV5: Wind Turbines.....	43
Policy ENV6: Control of Solar Farms	45
Policy ENV7: Infill Development	47
Policy ENV8: Protecting Conservation and Heritage Sites.....	48
Policy HOU1: Land at Skipton Road, Bradley	49
Policy HOU2: New Housing Development Design Policy.....	51
Policy HOU3: Housing Type and Mix.....	52
Policy HT1: Road Safety and Congestion	52
Policy HT2: New Development Infrastructure	53
Policy CFS1: Bradley’s Community Facilities.....	54
Policy CFS2: Creation of New and the Extension of Existing Sporting and Recreation Facilities.....	55
Policy ELB1: Retaining Productive Farmland	56
Policy ELB2: Airedale Business Centre and Acorn Business Park.....	57
Policy ELB3: Proposals for Change of Use.....	58
Policy ELB4: Supporting Rural Business	59
Conclusion and Referendum.....	60
Annex: Minor Corrections to the Neighbourhood Plan.....	61

1 OFFICIAL - SENSITIVE

Bradleys Both NDP Report of

Independent Examination March 2023

Christopher Collison Planning and Management Ltd

Page 44

OFFICIAL - SENSITIVE

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.

2 OFFICIAL - SENSITIVE

Bradleys Both NDP Report of

Independent Examination March 2023

Christopher Collison Planning and Management Ltd

Page 45

OFFICIAL - SENSITIVE

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.

3 OFFICIAL - SENSITIVE

Bradleys Both NDP Report of

Independent Examination March 2023

Christopher Collison Planning and Management Ltd

Page 46

OFFICIAL - SENSITIVE

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

4 OFFICIAL - SENSITIVE

Bradleys Both NDP Report of

Independent Examination March 2023

Christopher Collison Planning and Management Ltd

Page 47

OFFICIAL - SENSITIVE

- 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;

5 OFFICIAL - SENSITIVE

Bradleys Both NDP Report of

Independent Examination March 2023

Christopher Collison Planning and Management Ltd

Page 48

OFFICIAL - SENSITIVE

- 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

6 OFFICIAL - SENSITIVE

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)

8 OFFICIAL - SENSITIVE

Bradleys Both NDP Report of

Independent Examination March 2023

Christopher Collison Planning and Management Ltd

Page 51

OFFICIAL - SENSITIVE

- 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

9 OFFICIAL - SENSITIVE

Bradleys Both NDP Report of

Independent Examination March 2023

Christopher Collison Planning and Management Ltd

Page 52

OFFICIAL - SENSITIVE

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

10 OFFICIAL - SENSITIVE

Bradleys Both NDP Report of

Independent Examination March 2023

Christopher Collison Planning and Management Ltd

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

11 OFFICIAL - SENSITIVE

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

12 OFFICIAL - SENSITIVE

Bradleys Both NDP Report of

Independent Examination March 2023

Christopher Collison Planning and Management Ltd

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

15 OFFICIAL - SENSITIVE

Bradleys Both NDP Report of

Independent Examination March 2023

Christopher Collison Planning and Management Ltd

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

16 OFFICIAL - SENSITIVE

Bradleys Both NDP Report of

Independent Examination March 2023

Christopher Collison Planning and Management Ltd

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;

17 OFFICIAL - SENSITIVE

- 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;

20 OFFICIAL - SENSITIVE

Bradleys Both NDP Report of

Independent Examination March 2023

Christopher Collison Planning and Management Ltd

Page 63

OFFICIAL - SENSITIVE

- 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

21 OFFICIAL - SENSITIVE

Bradleys Both NDP Report of

Independent Examination March 2023

Christopher Collison Planning and Management Ltd

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

22 OFFICIAL - SENSITIVE

Bradleys Both NDP Report of

Independent Examination March 2023

Christopher Collison Planning and Management Ltd

Page 65

OFFICIAL - SENSITIVE

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

23 OFFICIAL - SENSITIVE

Bradleys Both NDP Report of

Independent Examination March 2023

Christopher Collison Planning and Management Ltd

Page 66

OFFICIAL - SENSITIVE

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

24 OFFICIAL - SENSITIVE

Bradleys Both NDP Report of

Independent Examination March 2023

Christopher Collison Planning and Management Ltd

Page 67

OFFICIAL - SENSITIVE

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.

25 OFFICIAL - SENSITIVE

Bradleys Both NDP Report of

Independent Examination March 2023

Christopher Collison Planning and Management Ltd

Page 68

OFFICIAL - SENSITIVE

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

27 OFFICIAL - SENSITIVE

Bradleys Both NDP Report of

Independent Examination March 2023

Christopher Collison Planning and Management Ltd

Page 70

OFFICIAL - SENSITIVE

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

28 OFFICIAL - SENSITIVE

Bradleys Both NDP Report of

Independent Examination March 2023

Christopher Collison Planning and Management Ltd

Page 71

OFFICIAL - SENSITIVE

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

29 OFFICIAL - SENSITIVE

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

30 OFFICIAL - SENSITIVE

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

31 OFFICIAL - SENSITIVE

Bradleys Both NDP Report of

Independent Examination March 2023

Christopher Collison Planning and Management Ltd

Page 74

OFFICIAL - SENSITIVE

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

34 OFFICIAL - SENSITIVE

Bradleys Both NDP Report of

Independent Examination March 2023

Christopher Collison Planning and Management Ltd

Page 77

OFFICIAL - SENSITIVE

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

35 OFFICIAL - SENSITIVE

Bradleys Both NDP Report of

Independent Examination March 2023

Christopher Collison Planning and Management Ltd

Page 78

OFFICIAL - SENSITIVE

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.

37 OFFICIAL - SENSITIVE

Bradleys Both NDP Report of

Independent Examination March 2023

Christopher Collison Planning and Management Ltd

Page 80

OFFICIAL - SENSITIVE

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”**

38 **OFFICIAL - SENSITIVE**

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

40 OFFICIAL - SENSITIVE

Bradleys Both NDP Report of

Independent Examination March 2023

Christopher Collison Planning and Management Ltd

Page 83

OFFICIAL - SENSITIVE

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

45 OFFICIAL - SENSITIVE

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

46 OFFICIAL - SENSITIVE

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

49 OFFICIAL - SENSITIVE

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

50 OFFICIAL - SENSITIVE

Bradleys Both NDP Report of

Independent Examination March 2023

Christopher Collison Planning and Management Ltd

Page 93

OFFICIAL - SENSITIVE

'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

54 OFFICIAL - SENSITIVE

Bradleys Both NDP Report of

Independent Examination March 2023

Christopher Collison Planning and Management Ltd

Page 97

OFFICIAL - SENSITIVE

- **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.”

56 OFFICIAL - SENSITIVE

Bradleys Both NDP Report of

Independent Examination March 2023

Christopher Collison Planning and Management Ltd

Page 99

OFFICIAL - SENSITIVE

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

57 OFFICIAL - SENSITIVE

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

60 OFFICIAL - SENSITIVE

Bradleys Both NDP Report of

Independent Examination March 2023

Christopher Collison Planning and Management Ltd

Page 103

OFFICIAL - SENSITIVE

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
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 1st 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 27th 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 19th 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 9th 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 26th March and 7th 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 18th October 2022. Craven District Council held a 6 week public consultation period on the submitted Plan from 12th December 2022 to 30th January 2023, in accordance with Regulation 16.
- 2.4 An Independent Examiner was appointed on 1st 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 9th 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 1st 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 27th July 2023.

This decision statement is dated 6th 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>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:</p> <ol style="list-style-type: none"> 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; 	<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"> • 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” 	<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>Recommended Modification 2: In Policy ENV2</p> <ul style="list-style-type: none"> • replace “be resisted” with “not be supported” • assign “The North Gill link” a bullet point 	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>Recommended Modification 3: In Policy ENV3</p> <ul style="list-style-type: none"> • 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)” 	<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	Recommended Modification 4: 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	Recommended Modification 5: 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	Recommended Modification 6: In Policy ENV6 <ul style="list-style-type: none"> • in the final sentence of the third bullet point replace “Assets” with “Natural environment assets” • replace “minimize” with “minimise” 	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	Recommended Modification 7: 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>Recommended Modification 8: 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"> • 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).” 	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>Recommended Modification 9: 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>Recommended Modification 10: In Policy CFS1</p> <ul style="list-style-type: none"> 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 	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>Recommended Modification 11: 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>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.”</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>Recommended Modification 13: In Policy ELB2</p> <ul style="list-style-type: none"> • 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 	<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>

		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.	
3.6.2. Policy ELB3: Proposals for change of use	Recommended Modification 14: Delete Policy ELB3	<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>	Agree to modify the text as indicated to comply with the examiner’s recommendation.
3.6.3. Policy ELB4: Supporting Rural Business	Recommended Modification 15: In Policy ELB4 replace the third bullet point with “do not result in additional on-street parking, and”	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	Agree to modify the text as indicated to comply with the examiner’s recommendation.

		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.	
	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.	The examiner states in the annex of his report that: <ul style="list-style-type: none"> • 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). 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.

This page is intentionally left blank

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.



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) trevor.watson@northyorks.gov.uk Ruth Parker, Principal Spatial Planning Officer Ruth.Parker@northyorks.gov.uk
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 Bradley North Yorkshire Council
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.

Section 6. How will this proposal affect people with protected characteristics?	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
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](#)

Section 7. How will this proposal affect people who...	No impact	Make things better	Make things worse	Why will it have this effect? Provide evidence from engagement, consultation and/or service user data or demographic information etc.
..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	
If you have ticked one or more districts, will specific town(s)/village(s) be particularly impacted? If so, please specify below.	

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.

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)	Tick option chosen
1. No adverse impact - no major change needed to the proposal. There is no potential for discrimination or adverse impact identified.	X
2. Adverse impact - adjust the proposal - 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>3. Adverse impact - continue the proposal - 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>4. Actual or potential unlawful discrimination - stop and remove the proposal – The EIA identifies actual or potential unlawful discrimination. It must be stopped.</p>	
<p>Explanation of why option has been chosen. (Include any advice given by Legal Services.)</p> <p>See the EIA to the Bradleys Both Neighbourhood Plan, submitted as appendix 5. Bradley North Yorkshire Council</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

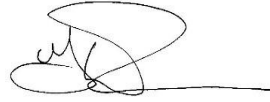
Job title: Principal Spatial Planning Officer

Directorate: Community Development

Signature: 

Completion date: 15/05/2023

Authorised by relevant Assistant Director (signature):



Date: 22 May 2023

APPENDIX D: 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

Title of proposal	NEIGHBOURHOOD PLANNING – Examiner’s Report on the Bradleys Both Neighbourhood Development Plan
Brief description of proposal	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">• The modifications to the submitted Bradley 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 Bradley Neighbourhood Plan meets the basic conditions; and• Whether the Council is satisfied that the Plan can proceed to referendum.
Directorate	Community Development
Service area	Planning
Lead officer	Trevor Watson, Assistant Director (Planning) Ruth Parker Principal Spatial Planning Officer, CDC (Author of the report)
Names and roles of other people involved in carrying out the impact assessment	Jos Holmes, Climate Change Policy Officer

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.

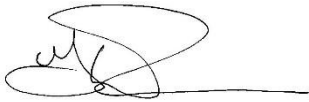
Remember to think about the following;

- 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.

Decision (Please tick one option)	Full CCIA not relevant or proportionate:	X	Continue to full CCIA:	
Reason for decision	<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>
Signed (Assistant Director or equivalent)	<p>Trevor Watson</p> 
Date	22/05/2023

This page is intentionally left blank

North Yorkshire Council
Strategic Planning Committee

13 June 2023

Items Dealt with under the Scheme of Delegation

Report of the Corporate Director – Community Development

The Items reported below have been determined between:
24 February 2024 to 17 May 2023

A. County Council Development

NY/2023/0025/73 (ZG2023/0441/CPO)

Cliffe Voluntary Controlled School, Main Street, Cliffe, Selby, North Yorkshire, YO8 6NN

Decision Notice: 03 May 2023

Retention of prefabricated classroom unit 1788 for a further 6 years

PLANNING PERMISSION GRANTED subject conditions

NY/2022/0284/73 (C5/2023/24708/NYCC)

Greatwood Community Primary School, Pinhaw Road, Skipton, North Yorkshire, BD23 2SJ

Decision Notice: 20 April 2023

Variation of condition No. 2 of Planning Permission Ref. C5/2021/23435/NYCC to amend the approved documents to include photovoltaic panels and an air source heat pump and enclosure

PLANNING PERMISSION GRANTED subject conditions

NY/2022/0015/FUL (C8/2022/1146/CPO)

Whitley and Eggborough Community Primary School, Learning Lane, Whitley, Goole, DN14 0WE

Decision Notice: 25 April 2023

Erection of 2.4 metre high green weldmesh fencing

PLANNING PERMISSION GRANTED subject conditions

B. County Matter Development

NY/2023/0008/NMT

**Yorkshire Water Sewage Pumping
Station, Main Street, Colton, Tadcaster,
North Yorkshire, LS24 8EP**

Decision Notice: 28 Feb 2023

Application for Non Material Minor Amendment to reflect Minor design changes to reflect efficiencies made during construction. Further significant local investment programme proposed by Yorkshire Water to undertake extensive sewer lining works to reduce ground water ingress, reducing the requirement for excessive storage requirements, resulting in a overall reduced capacity, reduced scale SPS than that as initially proposed relating to Planning Permission Ref. C8/2020/1338/CPO

Details APPROVED

To access the planning application details, consultation responses and a copy of the report and decision notice containing any planning conditions relevant to the development please access the Council's Online Planning Register at the following web address:
<https://onlineplanningregister.northyorks.gov.uk/register/PlanAppSrch.aspx>

(Please enter the planning application reference number (NY/...) into the 'Application Reference' field).

NIC HARNE
Corporate Director – Community Development

Author of Report: Steph Christon

Background Documents: None

North Yorkshire Council
Community Development
Strategic Planning Committee

13 June 2023

Publication by Local Authorities of Information about the handling of Planning Applications

Report of the Corporate Director – Community Development

This report outlines the County Council's performance in the handling of 'County Matter' and County Council development planning applications for Quarter 4 (the period 01 January to 31 March 2023).

Information on Enforcement Cases is attached as an Appendix.

Recommendation: That the reported be noted.

Nic Harne
Corporate Director, Community Development

Author of Report: Jo Brownless

Background Documents to this Report: Application Files

Information on planning applications can be accessed via the County Council's Online Planning Register at the following web address:

<https://onlineplanningregister.northyorks.gov.uk/register/PlanAppSrch.aspx>

(Please enter the planning application reference number (NY/...) into the 'Application Reference' field).

County Matter' Planning Applications (i.e. Minerals and Waste related applications)

Table 1: 'County Matter' planning applications determined during quarter 4 (the period 1 January to 31 March 2023).

Total number of applications determined		1	
Number of delegated/committee decisions		Delegated: 1	Committee: 0
Speed of decisions			
Under 13 weeks	13- 16 weeks (if major, 13 and if EIA 16 weeks)	Over 13/16 weeks within agreed Extension of Time (EoT)*	Over 13/16 weeks without or outside of agreed EoT
0	0	1	0

*Article 34 of the Town and Country Planning (Development Procedure Order) 2015 provides for authorities to agree with the applicant to determine the planning application beyond the statutory 8/13/16 week period. This is referred to as an agreement for the extension of time (EoT) for the determination of the planning application. In instances where the application is determined within the agreed period the application is counted as satisfying the timeliness requirement.

Table 1a: Performance on 'County Matter' planning applications (NYCC Service Plan target - 60%)

2022/23	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
No. of 'County Matter' applications determined within 13/16 weeks or within agreed Extension of Time (EoT)	60% (No 3/5)	75% (No (6/8)	50% (No 2/4)	100% (No.1/1)
No. of 'County Matter' applications determined within 13/16 weeks discounting Extension of Time agreements (EoT)	40% (No 2 /5)	0% (No 0/8)	0% (0/4)	0% (0/1)

Table 1b: "Special measures" ** performance on 'County Matter' planning applications

2022/23	Quarter 1	Quarter 2	Quarter 3	Quarter 4
"Special Measures" stat. No. of 'County Matter' applications determined within 13/16 weeks or within agreed Extension of Time (EoT) over rolling two year period	01/07/20 to 30/06/22 87% (No.40/46)	01/10/20 to 30/09/22 83.7% (No. 36/43)	01/01/21 to 30/12/22 80.5% (No. 33/41)	01/04/21 to 31/03/23 81.1% (No. 30/37)

** Under section 62A of the TCPA 1990 LPAs making 60% or fewer of decisions on time are at risk of designation ("Special Measures")

Table 2: County Council’s own development planning applications determined during quarter 4 (the period 1 January to 31 March 2023)

Total number of applications determined		8		
Minor¹/Major²/EIA³		Minor: 8	Major: 0	EIA: 0
Number of delegated/committee decisions		Delegated: 8		Committee: 0
Speed of decisions				
Under 8 weeks	8- 13 weeks (if Major)	13- 16 weeks (if EIA)	Over 8/13/16 weeks within agreed Extension of Time (EoT)	Over 8/13/16 weeks without or outside of agreed EoT
5	1	0	2	0

¹A 'minor' development application is one where the floor space to be built is less than 1,000 square metres or where the site area is less than one hectare.

²A 'major' development application is one where the floor space to be built is more than 1,000 square metres or where the site area is more than one hectare. All minerals and waste related applications fall within the definition of major development.

³An EIA development application is one considered likely to have significant environmental effects and is accompanied by an Environmental Statement.

Table 2a: Performance on County Council’s own development minor planning applications (NYCC Service Plan target - 65%)

2022/23	Quarter 1 (Apr-Jun)	Quarter 2 (Jul-Sept)	Quarter 3 (Oct-Dec)	Quarter 4 (Jan-Mar)
No. of County Council’s own development minor applications determined within 8 weeks or within agreed Extension of Time (EoT)	100% (No. 6/6)	100% (No. 12/12)	100% (No.4/4)	100% (No.8/8)
No. of County Council’s own development minor applications determined within 8 weeks discounting Extension of Time agreements (EoT)	66.7% (No. 4/6)	41.6% (No. 5/12)	75% (No.3 /4)	50% (No.4/8)

Table 3: List of all ‘County Matter’ planning applications in hand for more than 13 weeks and awaiting decision as at the end of Q4 i.e. 31st March

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No
Blubberhouses Quarry, Kex Gill NY/2011/0465/73 (C6/105/6C/CMA)	Variation of condition 2 of planning permission reference C6/105/6A/PA to allow extraction of silica sand and erection of processing plant at the site until 2036	06.12.11	Committee	Further environmental information from the Applicant was expected to be received Autumn (2022); requiring to be consulted upon thereafter. Nothing received to date.	No
Land to the west of Maincliffe Grange Farm, Main Street, Seamer NY/2017/0269/ENV (C4/17/02418/CC)	Extraction and processing of sand and gravel from new quarry (11.9 hectares) including the construction of a site access road, internal haul road, mobile processing plant, site office, soil storage bunds, lagoons, stockpile area and restoration to agriculture and lake	25.10.17	Committee	Application presented to Members on 26 July 2022 with a resolution to grant subject to the completion of a S106 Legal Agreement which is currently in progress. Negotiated position on behalf of the applicant on highway matters covered by the draft agreement received on 13 September 2022.	Yes - until 31 January 2023.
Pallett Hill Quarry, Catterick Village, Nr Richmond NY/2017/0326/ENV (C1/18/00013/CM)	Variation of condition No's 2, 5 & 8 of Planning Permission Ref. C1/15/250/PA/F dated 7 November 1994 to facilitate an extension to the permitted area of extraction, an amendment to the restoration design and to alter the period for completion of all mineral operations from 31 December 2017 to 31 December 2024 and the restoration of the site from 31 December 2018 to 31 December 2025	20.12.17	Committee	Awaiting completion of legal agreement.	No – to be requested upon confirmation of legal agreement

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No
Old London Road Quarry, Stutton, Tadcaster NY/2018/0009/FUL (C8/2018/0180/CPO)	Extraction of 30,000 tonnes of limestone and importation of 600,000 tonnes of construction waste to complete restoration and export of 300,000 tonnes of secondary aggregate	9.2.18		ES being prepared by applicant, to be submitted in 2023.	Yes – until 31 May 2023
Barton Quarry, Barton, Richmond, DL10 6NF – NY/2020/0051/73 (C1/20/00277/CM)	Variation of Condition No's 2 & 20 of Planning Permission Ref. C1/93/113C/CM to allow a revision of the approved restoration scheme and an associated extension of the area into which it is permitted to place imported inert material	14.4.20	Delegated	Chased a response to NYCC Legal advice to Applicant on 16 September 2022, awaiting a response.	Yes – until 30 June 2023
Middleton Lodge, Kneeton Lane, Middleton Tyas, DL10 6NJ NY/2021/0012/73 (C1/21/00118/PLANYC)	Variation of conditions 1,6, 7, 10, 14, 20, 24, 26, 27, 30 of planning permission C1/14/00747/CM which relates to site access arrangements at Middleton Lodge, Kneeton Lane, Middleton Tyas, Richmond, DL10 6NJ	21.1.21	Committee	Application approved by Committee and Chief Executive on 22 February 22, waiting for S106 to be completed.	Yes – until 30 June 2023
Gebdykes Quarry, Gebdykes Farm, Burton on Yore NY/2022/0013/ENV (C6/22/0349/CMA)	importation of 3.6 million tonnes of inert waste with final restoration, together with associated screening and resale of soils and soil-type materials	14.1.22	Committee	The applicant has submitted a draft S106 Legal Agreement regarding long term aftercare. Ongoing discussions relating to the draft S106.	Yes – but needs extending.
Land west of Nosterfield Quarry, Nosterfield NY/2022/0022/ENV C2/22/00251/CCC	a lateral extension to allow the extraction of an additional 1 million tonnes of sand and gravel, together with the rephasing of 471,000 tonnes of permitted reserves, together with final restoration	1.2.22		Awaiting updates to ES, anticipated to be received in April 2023.	Yes - until 31 May 2023
Betteras Hill Quarry, Brotherton Road, Monk Fryston	Variation of condition no. 1 of planning permission ref. C8/2012/0147/CPO to	14.2.22	Delegated	Further consultation on linked application NY/2022/0200/FUL required.	No – further EoT to be requested

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No
NY/2022/0021/73 (C8/2022/0197/CPO)	extend the time limits for the completion of landfill and recycling operations				
Land at Sandholmes Lane, Sowerby, YO7 1FA NY/2022/0059/FUL (C2/22/00918/GENENQ)	Change of use of land to commercial to create a recycling waste centre	11.4.22	Committee	Report in prepration.	Yes until 30 April 2023
Gayles Quarry, nr Gayles Village NY/2022/0103/FUL – C1/22/00365/CM –	Extraction of sandstone at Gayles Quarry, near Gayles Village	23.5.22	Committee	On hold until December 2022 at request National Highways waiting for further information from applicant.	Yes until 31 August 2023
Land off A63 Lumby, North Yorkshire, NY/2022/0102/ENV – C8/2022/0616/CPO -	Extraction and processing of magnesian limestone, the installation and operation of a low-level aggregate processing plant with ancillary buildings and restoration by infilling of the void space with inert waste to original ground levels	19.5.22		Updated ES Received April 23, further consultation required.	Yes until 17 July 2023
Land to the south of existing quarry, Jackdaw Crag Quarry NY/2022/0198/73 - C8/2022/1115/CPO	Removal of condition No.7 of Planning Permission Ref. C8/2009/1066/CPO to allow blasting in the southern extension area	21.9.22	Delegated	Awaiting a signed Deed of Variation from legal as well as further review from the Senior and Chief planner.	Yes until 4 April 2023
Betteras Hill Quarry NY/2022/0200/FUL – C8/2022/1182/CPO	Retrospective application for the erection of single storey 6 No. office cabins	30.9.22	Delegated	Awaiting responses to consultation on further information	Yes until 31 May 2023
Land at Allerton Waste Recovery Park, Harrogate NY/2022/0208/ENV – C6/22/04403/CMA	Erection of an Asphalt Plant, single storey site office cabin, welfare storage area with associated car parking spaces, aggregate storage bays, widening of internal access road, blast wall/acoustic barrier, lighting,	09.11.22	Committee	Awaiting updates to ES, anticipated to be received in 2023 and requiring further consultation upon thereafter	Yes until 31 May 2023

Site Address NY application ref. no. (LPA ref. no.)	Proposed Development	Date registered as valid	Delegated or Committee item	Reasons why still in hand	Is an agreed Extension of Time (EoT) in place? Yes/No
	associated hardstanding and removal of trees				

* The Development Management Procedure Order 2015 (Part 9, Article 40, Paragraph 13) allows for Local Authorities to “*finally dispose*” of applications for which the statutory period for determination has elapsed and the subsequent period for appealing against non-determination has passed.

Monitoring & Compliance Statistics Report – Quarter 4 (the period 01 January 2023) 2022/23

Table 1 – Complaints/alleged breaches of planning control received this quarter

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
County Matters						
Land at Scholla Grange (cmp/0460)	Hambleton	1	Unauthorised disposal of waste including ink cartridges	11.1.23	Site Visit took place and confirmed breach. Site owner agreed to remove cartridges. Operators most recent update that these will be removed from the site before the end of May.	No - Ongoing
Land at former East Farm (cmp/0462)	Selby	1	Unauthorised waste disposal site close to private dwellings – complaint received from resident.	24.01.23	Site visit undertaken by NYC Officer (Property department). The site is being cleared and a planning application to be submitted to Selby. Further site visit scheduled in April by the Property department officer.	No - Ongoing
AHUS Plant Hire Ltd (cmp/0461)	Hambleton	1	Mobile stone crusher on site and storage without planning permission.	06.02.23	Site visit undertaken, confirmed waste operation occurring on site. Applicant agreed to submit a retrospective planning application. Told Applicant complaint would remain live until Application is received.	No – Ongoing
Land adjoining Birch House (cmp/0463)	Scarborough	1	Alleged Waste Disposal Site	09.2.23	Awaiting further information from complainant before looking into carrying out site visit.	No - Ongoing
Jackdaw Crag Quarry (cmp/0465)	Selby	1	Alleged breach of condition 23 of planning permission	21.03.23	Site visit arranged with operator. Current planning application regarding Jackdaw Crag Quarry	No - Ongoing

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
					is being prepared , which will re-state to the agent the conditions imposed on the quarry.	
County Council Development						

Table 2 – Updates on ‘live’ complaints/alleged breaches of planning control received prior to this quarter

Site Address	District	No. of Complaints	Subject of Complaints	Date of receipt of complaint	Action	Resolved?
County Matters						
Carr Lane, Sutton on The Forest (cmp/0454)	Hambleton	1	Increase in height of screening Bund and no planting maintenance	23.2.22	Site visit undertook. Two applications for approval of condition has been received. Th application in relation to condition no.4 relating to planting is valid and out for consultation currently.	Will remain open/ unresolved until approval of conditions application decided
Settrington Quarry	Ryedale	2	Noise from quarrying operations.	5.10.22	Operator has been engaged with to limit noise from the site. A further noise survey has been requested through and will be submitted in support of the current planning applications for the site. Two blast events at the site has been undertaken and the monitoring has shown it to be within the limits in the existing conditions for the site.	No – To be kept open until the updated noise survey is completed through the planning application process.
County Council Development						

Page 142

Table 3 - Monitoring and Compliance Visits undertaken in Quarter 4 (Minerals and Waste Sites only)

Site	District	Date Visited
Eggborough Sandpit	Selby	19.01.23
Settrington Quarry	Ryedale	1.3.23