

North Yorkshire Council

Executive

7 May 2024

Protecting Dark Skies in the Nidderdale Area of Outstanding Natural Beauty Supplementary Planning Document

Report of the Assistant Director for Planning

1.0 PURPOSE OF REPORT

- 1.1 To consider and agree adoption of the Protecting Dark Skies in the Nidderdale Area of Outstanding Natural Beauty Supplementary Planning Document (SPD), which supports the implementation of the Harrogate Local Plan 2014-2035.

2.0 BACKGROUND

- 2.1 SPDs provide additional information about how policies contained within Development Plan documents (such as the Harrogate Local Plan 2014-35), can be taken forward. They do not contain new policies, but rather provide more information and clarity to how existing policies should be applied. Once adopted, they are used as a material consideration in the determination of planning applications within the area covered by the plan.
- 2.2 Both the Harrogate Local Plan 2014-35 and the Nidderdale AONB Management Plan 2019-2024 recognise the impact of light pollution on the dark skies, which are an important part of the special qualities of Nidderdale Area of Outstanding Natural Beauty (now known as Nidderdale National Landscape). The Local Plan included policy to protect dark skies from further light pollution and the SPD provides guidance on how this will be achieved.
- 2.3 It is recognised that the Council has begun preparation for a new North Yorkshire Local Plan, which will replace the various existing local plans. This SPD will be in use alongside the Harrogate Local Plan until the new North Yorkshire Local Plan is adopted.

3.0 ADOPTION OF SUPPLEMENTARY PLANNING DOCUMENT

- 3.1 The SPD (Appendix A) was prepared with input and support from colleagues across the former Harrogate Borough Council and North Yorkshire County Council during late 2022 and early 2023, prior to vesting day.
- 3.2 The summary of key objectives / content of the SPD is as follows:
- To provide help and guidance for projects involving external lighting in the AONB;
 - To explain why dark skies are important, that the AONB has measurably dark skies, and that light pollution can have a serious impact on dark skies;
 - To set out a zoning scheme that provides greater levels of protection to the darkest parts of the AONB;
 - To provide practical advice on the design of appropriate lighting schemes;
 - To explain when and how lighting design schemes are required as part of the development management process.

4.0 CONSULTATION UNDERTAKEN AND RESPONSES

- 4.1 During February and March 2023 the SPD was published for public consultation, as well as consultation with statutory consultees, agents and interested parties in accordance with the Council's Statement of Community Involvement (SCI). Consultation was undertaken in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 which sets out the requirements for preparing supplementary planning documents.
- 4.2 Following consultation, all comments received were analysed and considered, where required amendments were made to the text to provide further clarity. It is noted that all responses except one supported the introduction of the guidance proposed in the SPD.
- 4.3 Full details of the consultation responses received, the Council's response and any amendments proposed are set out in the Consultation Statement prepared for the SPD and attached at Appendix B. For clarity, amendments proposed are highlighted in grey in the SPD appended to this report (Appendix A).

5.0 STRATEGIC ENVIRONMENTAL APPRAISAL

- 5.1. The Draft SPD was screened in order to determine whether or not a Strategic Environmental Assessment (SEA) was required in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004, as amended by The Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018 (the SEA Regs). The screening exercise concluded that the SPD is not likely to have significant environmental effects. The outcomes of this screening were published for consultation alongside the SPD (Appendix C). No comments were received on the screening assessment and no changes proposed as a result of the consultation are considered to impact the results of the screening assessment.

6.0 ALTERNATIVE OPTIONS CONSIDERED

- 6.1 The alternative option is not to adopt the SPD. This option is rejected as the additional guidance provides clarity to our customers and will assist the Council in seeking to achieve the highest quality development in the Nidderdale AONB protected landscape.

7.0 FINANCIAL IMPLICATIONS

- 7.1 SPDs cannot introduce new planning policies or add unnecessarily to the financial burdens on development. Therefore, there will be no new financial implications beyond those already considered in the Harrogate Local Plan, which was adopted in 2020.

8.0 LEGAL IMPLICATIONS

- 8.1 The Council's Principal Planning Lawyer was consulted throughout the drafting of the SPD and is satisfied with its scope and content.

9.0 EQUALITIES IMPLICATIONS

- 9.1 Thorough Equality analysis took place alongside the development of the adopted Local Plan to understand the potential effects of emerging policies on people with protected characteristics and to use this information to seek to eliminate negative effects and maximise positive effects. The analysis concluded that none of the policies have an overall negative effect for individuals and groups with protected characteristics. As the Protecting Dark Skies in the Nidderdale AONB SPD is a guidance document to support implementation of the Local Plan, there are no further equalities implications beyond those already considered.

10.0 CLIMATE CHANGE IMPLICATIONS

10.1 The adopted Harrogate Local Plan was developed in line with national and local policy on climate change, with climate change mitigation and resilience at the forefront. The SPD provides guidance to support the implementation of the adopted Local Plan policy.

11.0 CONCLUSIONS

11.1 The Protecting Dark Skies in the Nidderdale Area of Outstanding Natural Beauty Supplementary Planning Document provides additional guidance to support policies in the Harrogate Local Plan 2014-2035.

11.2 The SPD has been out to consultation in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 and the relevant Statement of Community Involvement.

11.3 On adoption the SPD will provide guidance to support the relevant policies in the adopted Harrogate Local Plan and form a material consideration in the determination of applications within the Nidderdale Area of Outstanding Natural Beauty.

12.0 REASONS FOR RECOMMENDATIONS

12.1 The Harrogate Local Plan is a key mechanism for delivering the Council's corporate priorities in relation to planning. This SPD supports key policies in that plan, providing additional guidance to assist in their implementation.

13.0 RECOMMENDATION(S)

13.1 That the Protecting Dark Skies in the Nidderdale Area of Outstanding Natural Beauty SPD is adopted, to be used as a material consideration in planning decisions within the Nidderdale AONB area.

13.2 That the Head of Planning Policy and Place be authorised to make minor amendments and graphical improvements ahead of adoption.

APPENDICES:

- Appendix A – Protecting Dark Skies in the Nidderdale Area of Outstanding Natural Beauty Supplementary Planning Document
- Appendix B – Consultation Statement
- Appendix C – SEA Screening Statement
- Appendix D – Climate Change Assessment
- Appendix E – Equalities Impact Assessment Screening Form

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