



North Yorkshire Council

Pannal and Burn Bridge Neighbourhood Plan

Planning and 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 has produced this 'Decision Statement' in relation to the Pannal and Burn Bridge Neighbourhood Plan, which was submitted to the former Harrogate Borough Council by Pannal and Burn Bridge Parish Council in December 2022.

1.2 On 1 April 2023 local government re-organisation in North Yorkshire took place. This resulted in a new council, North Yorkshire Council (NYC), taking on the local planning authority functions previously carried out by the former Harrogate Borough Council and the other former district councils in North Yorkshire.

1.3 The Pannal and Burn Bridge Neighbourhood Plan sets out a vision, objectives and a number of planning policies relating to the designated neighbourhood area. If 'made', the plan will become part of the statutory development plan and will be used to determine planning applications within the neighbourhood area, alongside other development plan policies.

1.3 Following an independent examination conducted through written representations, North Yorkshire Council now confirms that it is making modifications to the plan, as set out in Table 1 below.

1.4 The plan will then proceed to a neighbourhood planning referendum, which will take place as soon as reasonably practicable. In accordance with the examiner's recommendations, the voting area for the referendum will be the parish of Pannal and Burn Bridge.

1.5 This Decision Statement, the independent examiner's report, the plan- as modified, and supporting documents can be inspected at:

- North Yorkshire Council, Harrogate Civic Centre, St Luke's Mount, Harrogate HG1 2AE
- On the North Yorkshire Council website at:
www.northyorks.gov.uk/pannalandburnbridgeneighbourhoodplan

2. Background

2.1 The former Harrogate Borough Council designated the Pannal and Burn Bridge neighbourhood area on 10 August 2017 following receipt of an application from Pannal and Burn Bridge Parish Council. The neighbourhood area has the same boundaries as the parish council area.

2.2 Following designation, the parish council prepared a neighbourhood plan on behalf of the local community. Consultation on a draft neighbourhood plan (Regulation 14) was carried out from 22 April to 3 June 2022.

2.3 A submission version of the plan was submitted to the local planning authority along with supporting documents in December 2022.

2.4 On 1 April 2023 local government re-organisation in North Yorkshire took place. This resulted in a new council, North Yorkshire Council (NYC), taking on the local planning authority functions previously carried out by the former Harrogate Borough Council and the other former district councils in North Yorkshire.

2.5 North Yorkshire Council consulted on the submission documents (Regulation 16) from 17 April to 2 June 2023.

2.6 An Examiner was appointed to undertake an independent examination of the plan in July 2023. The examination took place between August 2023 and April 2024 and was conducted by written representations.

2.7 During the examination the examiner identified a need for further consultation to inform her consideration. The examination was, therefore, paused to allow a further focussed consultation to be held. This took place from 31 January to 28 February 2024 and the examiner issued her final report to both North Yorkshire Council and Pannal and Burn Bridge Parish Council on 23 April 2024.

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 Following the issuing of the Examiner's report, North Yorkshire Council is required to decide what action to take in response to each modification recommended by the Examiner.

3.3 North Yorkshire Council accepts all of the Examiner's recommended modifications and the reasons put forward for them. Table 1, attached to this statement, sets out each of the recommended modifications and the council's decision in respect of each of them.

3.4 North Yorkshire Council is satisfied that, subject to the modifications specified in Table 1 being made, the Pannal and Burn Bridge 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. As such, the council is satisfied that the Plan can proceed to referendum.

3.5 To meet the requirements of the Localism Act 2011, a referendum which poses the following question: *Do you want North Yorkshire Council to use the Neighbourhood Plan for Pannal and Burn Bridge to help it decide planning applications in the neighbourhood area?* will be held as soon as reasonably practicable.

3.6 In accordance with the Examiner's recommendations, the voting area for the referendum will be the parish of Pannal and Burn Bridge.

This decision statement is dated 18 June 2024

Pannal and Burn Bridge Neighbourhood Plan

Table 1: Schedule of Modifications Recommended in the Examiner’s Report on the Pannal and Burn Bridge Neighbourhood Plan

NYC ref /Exam Report page ref	Section in the Pannal and Burn Bridge NP	Examiner’s Recommendation	Examiner’s Reasons	North Yorkshire Council’s Decision
Mod: 1 /Pg 15 bullet 1	Throughout	Update references to the local planning authority to North Yorkshire Council throughout the Plan	Given the local planning authority is now North Yorkshire Council, references to Harrogate Borough Council should be updated.	Agree to modify in-line with Examiner’s recommendation.
Mod: 2 /Pg 15 bullet 2	Throughout	Update references to the NPPF as necessary throughout the Plan	It may be helpful to update NPPF references.[following publication of a new NPPF during the examination].	Agree to modify in-line with Examiner’s recommendation.
Mod: 3 /Pg 15 bullet 3	Introduction Page 5, para 1	Change the phrase “...statutory Local Plan (The HDLP)...” to “...statutory <i>development plan</i> ...”	In the interests of accuracy.	Agree to modify in-line with Examiner’s recommendation.
Mod: 4 /Pg 16	The Neighbourhood Plan Area- Yesterday and Today	<p>Insert the following new paragraphs into the Plan:</p> <p><i>“The strategic planning context for the Pannal and Burn Bridge parish is set by the Harrogate District Local Plan 2014-2035 (adopted 2020). The local plan sets out a strategy to meet the development needs of the district that focuses growth within the three main settlements of Harrogate, Knaresborough and Ripon, settlements in key public transport corridors and a new settlement.</i></p> <p><i>Under the strategy growth in individual settlements is based on a number of factors. These include a settlement’s relationship to key public transport corridors, its role (as defined in a settlement hierarchy), and the need to maintain or enhance services and facilities in villages, but also its character and setting and the capacity of local infrastructure.</i></p> <p><i>The local plan defines a single settlement within the parish, which it calls Pannal. Locally the area defined as Pannal is known as Pannal</i></p>	To incorporate text on the strategic context for the Plan.	Agree to modify in-line with Examiner’s recommendation.

		<p><i>and Burn Bridge and is considered to comprise three distinct areas: Pannal, Burn Bridge and Walton Park. Within the settlement hierarchy Pannal is defined as a service village. As a minimum, service villages contain a primary school or GP surgery, recreational facilities, a meeting place and a shop, pub or café. Pannal is one of nine service villages that the local plan indicates has a wider range of retail, service and leisure businesses and both a school and a surgery.</i></p> <p><i>The strategy allows land in service villages to be allocated for development in order to maintain or enhance the provision of services, shops and facilities. As the local plan shows Pannal within key public transport corridors, with good access to both rail and bus services, the settlement could provide a focus for growth, subject to the identification of suitable sites. Development within the settlement is supported by the strategy, subject to proposals meeting other relevant development plan policies. The extent of the defined settlement of Pannal is indicated by a development limit.</i></p> <p><i>Other than in the north, where a small part of the parish is included within the Harrogate development limit, the remaining land in the parish is defined as countryside. In countryside areas the strategy only supports development where expressly permitted by other development plan policies or national planning policy</i></p> <p><i>The countryside to the south and east of the area defined as Pannal is Green Belt where development is strictly controlled in accordance with national planning policy. Inappropriate development in the Green Belt is, by definition, harmful and would not be approved, except in very special circumstances. Countryside in the parish that is not within the Green Belt forms part of the Crimple Valley Special Landscape Area, a local landscape designation, that also includes small areas that are in the Green Belt as well. In addition to other controls, where r quality, be linked to an existing settlement and enhance the appearance of the urban fringe.”</i></p>		
Mod: 5 /Pg 18	Vision and Aims Page 11, 7 th aim	<p>Replace the seventh aim with:</p> <p><i>“To manage the level and impacts of housing development in the parish in line with the area’s environmental and infrastructure capacity and established planning policy.”</i></p>	To reflect the growth strategy set out in the Harrogate District Local Plan 2014-2035.	Agree to modify in-line with Examiner’s recommendation.
Mod: 6	Green and Natural Environment	<p>Insert the map “Green and Blue Infrastructure” sent to me in response to queries at a convenient point in relation to Policy GNE1 in the Plan</p>	To improve clarity.	Agree to modify in-line with

/Pg 26 bullet 1	GNE1: Green and Blue Infrastructure			Examiner's recommendation
Mod: 7 /Pg 26 bullet 2	GNE1: Green and Blue Infrastructure	Change the word "should" in the first and last paragraphs of Policy GNE1 to "must"	In the interests of clarity.	Agree to modify in- line with Examiner's recommendation
Mod: 8 /Pg 26 bullet 3	GNE2: Crimple Valley Special Landscape Area	Amend the Policies Map to show the extent of the SLA referred to in Policy GNE2 to align with the SLA boundary shown in the Local Plan. The amendments are 1) a triangular shaped piece of land abutting Yew Tree Lane and Rossett Green Lane should be removed from the SLA and 2) a triangular piece of land in the south-west of the Parish to the south of Brackenthwaite Lane should be included in the SLA.	To correct anomalies.	Agree to modify in- line with Examiner's recommendation
Mod: 9 /Pg 26 bullet 4	Appendix 3, page 72, map 4	Substitute the Map showing Key Views and Vistas sent to me in response to queries for Map 4 in Appendix 3 on page 72 of the Plan	For clarity.	Agree to modify in- line with Examiner's recommendation
Mod: 10 /Pg 26 bullet 5	Appendix 3, page 72, map 4	Modify the substituted Map of Key Views and Vistas by 1) ensuring the Plan area boundary is correct; 2) deleting Views O, Q, S, AK and AL and 3) moving the viewpoint arrows for View P (mis-labeled Z) and View W to be within the Plan area	For accuracy, to ensure the plan relates only to areas within the plan area and to correct an error.	Agree to modify in- line with Examiner's recommendation
Mod: 11 /Pg 26 bullet 6	Appendix 3, page 75	Swap the photographs for Views L and M1 in Appendix 3	Correction.	Agree to modify in- line with Examiner's recommendation
Mod: 12 /Pg 26 bullet 7	GNE3: Local Green Space Protection	Insert the detailed maps of each LGS sent to me in response to queries at a convenient point in relation to Policy GNE3 in the Plan [noting that the boundaries for LGSs 3 and 9 change]	For clarity and to remove land that may be required to deliver a 'park and stride'.	Agree to modify in- line with Examiner's recommendation
Mod: 13 /Pg 26 bullet 8	GNE3: Local Green Space Protection	Change the second sentence of Policy GNE3 to read: " <i>Development proposals within the designated local green space will be consistent with national policy for Green Belts.</i> "	To align with the NPPF.	Agree to modify in- line with Examiner's recommendation

Mod: 14 /Pg 26 bullet 9	Appendix 2	Number and identify the LGSs in Appendix 2 to correspond with the order in Policy GNE3 and the numbering on the Policies Map	For clarity.	Agree to modify in-line with Examiner's recommendation
Mod: 15 /Pg 26 bullet 10	GNE6: Land at Almsford Bridge	Delete Policy GNE6 and its supporting text; it can be changed into a non-planning community action if desired	To address deliverability concerns.	Agree to modify in-line with Examiner's recommendation
Mod: 16 /Pg 30 bullet 1	The Built Environment: Heritage, Development and Design BE1: Pannal Conservation Area- Development and Design	Change the first sentence of Policy BE1 to read: "In order to preserve <i>or</i> enhance the character <i>or</i> appearance of Pannal Conservation Area..." [retain remainder of sentence as existing]	To reflect terminology within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Agree to modify in-line with Examiner's recommendation
Mod: 17 /Pg 30 bullet 2	BE1: Pannal Conservation Area- Development and Design	Delete the last sentence of Policy BE1 which reads: "The sympathetic enhancement of the area will be encouraged."	To remove imprecise language to ensure the policy provides a practical framework for decision-making.	Agree to modify in-line with Examiner's recommendation
Mod: 18 /Pg 31 bullet 1	BE2: Local Heritage Areas	Change the last sentence of Policy BE2 to read: " <i>Development proposals that enhance the heritage features of these areas will be supported</i> in accordance with the design principles set out in Policy BE3."	To remove imprecise language to ensure the policy provides a practical framework for decision-making.	Agree to modify in-line with Examiner's recommendation
Mod: 19 /Pg 31 bullet 2	BE3: Local Heritage Areas- Development and Design	Change the reference to the "Harrogate Local Plan" in Policy BE3 to "Harrogate <i>District</i> Local Plan"	In the interests of accuracy.	Agree to modify in-line with Examiner's recommendation
Mod: 20	Page 23, para 5.2.12	Delete the word "...similar..." from paragraph 5.2.12 on page 23 of the Plan	To prevent misinterpretation.	Agree to modify in-line with

/Pg 31 bullet 3				Examiner's recommendation
Mod: 21 /Pg 31 bullet 4	BE4: Protection and Enhancement of Non-designated Heritage Assets	Change the wording of Policy BE4 to read: "The following two buildings and structures are designated as non-designated heritage assets: [list Pannal Memorial Hall and the Crimple Beck Bridge at Burn Bridge] [Add the first paragraph of the policy as existing] [Delete the bullet list at the end of the existing policy]	To provide clarity that the policy designates the two assets as non-designated heritage assets.	Agree to modify in-line with Examiner's recommendation
Mod: 22 /Pg 31 bullet 5	BE4: Protection and Enhancement of Non-designated Heritage Assets	Delete the word "sympathetic" from the last sentence of the first [existing paragraph] of Policy BE4	To remove imprecise language to ensure the policy provides a practical framework for decision-making.	Agree to modify in-line with Examiner's recommendation
Mod: 23 /Pg 31 bullet 6	BE5: village Character Areas- Development and Design	Change the first sentence of Policy BE5 to read: "Development within the character areas of Pannal and Burn Bridge, as defined on the Neighbourhood Plan Policies Map, <i>must take account of the Design Code</i> and should:-..." [retain remainder of policy as existing]	To make the policy more robust.	Agree to modify in-line with Examiner's recommendation
Mod: 24 /Pg 33 bullet 1	Traffic, Transport and Travel TTT3: Car Parking Standards for New Development in the Vicinity of Pannal Station and Pannal Primary School/ Policies Map	Include new mapping to show the half mile radius from the station and primary school referred to in Policy TTT3 using a centre point of each site and taking a pragmatic approach as to the area subject to the policy	To clarify where the policy applies.	Agree to modify in-line with Examiner's recommendation

Mod: 25 /Pg 33 bullet 2	TTT6: Highway Improvement Schemes	Amend the wording of the first paragraph of Policy TTT6 to read: "Subject to compliance with other policies in this Neighbourhood Plan or the Harrogate District Local Plan, development which would bring about or contribute to <i>highway</i> improvements <i>in the following locations</i> as identified on the Neighbourhood Plan Policies Map, will be supported:-"	To address concerns regarding achievability of specific schemes.	Agree to modify in-line with Examiner's recommendation
Mod: 26 /Pg 33 bullet 3	TTT6: Highway Improvement Schemes	Delete the specific schemes from the policy and Policies Map	To address concerns regarding achievability of specific schemes.	Agree to modify in-line with Examiner's recommendation
Mod: 27 /Pg 33 bullet 4	TTT6: Highway Improvement Schemes	Add numbers to the locations in Policy TTT6 so that they accord with the Policies Map	For clarity.	Agree to modify in-line with Examiner's recommendation
Mod: 28 /Pg 35	Community Facilities and Services Page 38, para 5.4.4	Correct the reference to "Appendix 6" in paragraph 5.4.4 on page 38 of the Plan to "Appendix 7"	Correction.	Agree to modify in-line with Examiner's recommendation
Mod: 29 /Pg 37 bullet 1	Housing H1: Small-scale and Infill Housing Development within the Development Limit	Delete the words "Small scale and infill" from the title of Policy H1	To avoid confusion.	Agree to modify in-line with Examiner's recommendation
Mod: 30 /Pg 37 bullet 2	Page 42, para 5.4.4	Amend the supporting text to Policy H1 to read: "5.5.4 In response, the Neighbourhood Plan includes a policy (H1) making it clear that <i>all housing development</i> within the HBC-defined village development limit should comply, as appropriate, with the Neighbourhood Plan's various design and development policies. <i>Within the development limit, the community has a clear preference for small scale or infill housing.</i> Such housing could relate to small gap sites, 'backland' or corner plots. The policy seeks to ensure that local	To avoid confusion.	Agree to modify in-line with Examiner's recommendation

		concerns are reflected in decisions on <i>sites which</i> are developed for <i>housing</i> and <i>in</i> the way that housing schemes are actually designed and delivered on the ground.”		
Mod: 31 /Pg 37 bullet 3	H2: Development Outside the Development Limit	<p>Amend Policy H2 to read:</p> <p>“In the absence of a five-year supply of housing land, proposals for new housing development on sites outside the Pannal development limit will be considered in accordance with the presumption in favour of sustainable development set out in national planning policy. Such proposals must be compliant with Local Plan Policy GS3 (Development Limits) and meet the following additional criteria:</p> <ul style="list-style-type: none"> - <i>the development would not result in the loss of greenfield land which has intrinsic value as an amenity or recreation space or biodiversity/geodiversity value or makes an important contribution to the visual, historic or spatial character of the Neighbourhood Area, with particular reference to Policies GNE1, GNE2, GNE3, GNE6, BE1, BE2, BE3 and BE5 of this plan.</i> - <i>there must be sufficient capacity in community infrastructure including that of education including local primary school places, health provision including doctor and dental practices and local highways capacity which either exists to serve the development or satisfactory mitigation must be provided by the scheme. Cumulative impacts must be taken into account including those of other allocations and permitted sites.</i> - <i>the development does not result in any detrimental effects in air quality, particularly within Pannal village. An appropriate air quality assessment and/or dust assessment report must be submitted where development may create significant amounts of traffic, in accordance with Local Plan Policy NE1 and supporting guidance in the Air Quality SPD.”</i> 	To improve clarity.	Agree to modify in-line with Examiner’s recommendation
Mod: 32 /Pg 39	Economic Development ED1: Protection of Existing employment Sites	<p>Change Policy ED1 to read:</p> <p><i>“POLICY ED1: PROTECTION OF LEEDS ROAD COMMERCIAL SITES</i></p> <p><i>The following key commercial sites on Leeds Road, as shown on the Neighbourhood Plan Policies Map, should continue to be occupied by the commercial uses:</i></p> <ul style="list-style-type: none"> - <i>Land east of Leeds Road (1)</i> - <i>Crimple Hall (2)</i> 	To ensure requirements reflect and are appropriate to the current uses (as defined by the Use Class Order) of these sites.	Agree to modify in-line with Examiner’s recommendation

		<p>- Spacey Houses (3)</p> <p><i>The development or redevelopment of land and premises within these sites for purposes other than commercial uses (as defined by Use Classes E and F2 of the Use Classes Order*) will not normally be supported unless it can be clearly demonstrated that the proposed use is ancillary to the functioning of the commercial site and clear evidence is provided to demonstrate that:</i></p> <ul style="list-style-type: none"> - <i>There is no unacceptable impact on the operation of the site as a key commercial site;</i> - <i>The proposal provides a complementary benefit to the commercial site;</i> - <i>The land/premises in question have been actively marketed for commercial use for at least 12 consecutive months in line with stipulated provisions**;</i> - <i>Continued use of the land/premises for commercial purposes is no longer viable in line with the stipulated provisions**;</i> - <i>There is no significant adverse impact on residential or other amenity;</i> - <i>The existing business has relocated (or will be able to relocate) to other suitable premises.</i> <p><i>Failing the above, the development or redevelopment must be acceptable as permitted development following a Prior Approval application.</i></p> <p><i>*Use Class E includes shop; financial and professional services (not medical); café or restaurant; office; research and development of products or processes; industrial processes which can be carried out in any residential area without causing detriment to the amenity of the area; clinics, health centres, creches, day nurseries, day centre; gyms, indoor recreations not involving motorised vehicles or firearms. Use F2 includes shops less than 280sqm selling essential goods, including food and at least 1km from another similar shop; hall or meeting place; swimming baths, skating rinks and outdoor sports and recreations not involving motorised vehicles or firearms.</i></p> <p><i>**Proposals will have to provide evidence that commercial use (E and F2) of the site is no longer viable through relevant marketing information, and feasibility or viability studies. The following information will be required:</i></p> <ul style="list-style-type: none"> -<i>Copy of sales particulars, including any subsequent amendments made;</i> -<i>Details of the original price paid, date of purchase and the new guide price;</i> 		
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Mod: 33 /Pg 41 bullet 1	Page 45, paras 5.6.3, 5.6.4 and 5.6.5; and Policies Map	Consequential amendments will be needed to the Policies Map and paragraphs 5.6.3, 5.6.4 and 5.6.5 to reflect the changes to Policy ED1's terminology including the change of name from Almsford Bridge to Land east of Leeds Road.	For consistency.	Agree to modify in-line with Examiner's recommendation
Mod: 34 /Pg 41 bullet 2	Appendices Appendix 8	Update the definition of the NPPF, change the definition of non-designated heritage asset in Appendix 8 to ensure that it is clear that such assets can be designated through a number of means including neighbourhood plans.	To reflect the updated NPPF (Dec 2023). To acknowledge that non-designated heritage assets can be designated through a number of means.	Agree to modify in-line with Examiner's recommendation
Mod: 35 /Pg 7	Policies Map; throughout	Consequential amendments to the Policies Map resulting from recommended modifications. As a result of some modifications consequential amendments may be required.	For consistency.	Agree to modify in-line with Examiner's recommendation