

Heritage and Placemaking

8 Heritage and Placemaking

Heritage and Placemaking Key Facts

- Studley Royal Park, including the ruins of Fountains Abbey, is designated as a world heritage site.
- The Harrogate district contains 53 conservation areas, 2268 listed buildings, 12 registered parks and gardens, 3 registered battlefields and 169 scheduled monuments, as well as numerous non-designated heritage assets.
- 22 designated heritage assets are on the 'heritage at risk register'.
- Harrogate town centre benefits from a number of key assets including a high quality environment, strong retail offer and good parking, however, there are a number of opportunities to further enhance the performance of the town centre and deliver additional economic benefits.
- There are higher participation levels in sport within the district than nationally, however, the quality and quantity of sports facilities do not meet current and future demand.
- There is an extensive network of public rights of way across the district.

HP1: Harrogate Town Centre Improvements

Policy HP1: Harrogate Town Centre Improvements

The vitality and viability of Harrogate town centre as the district's largest business, retail, leisure and tourist destination, and a major conference and exhibition venue, will be enhanced through the:

- A. Realisation of development opportunities in the town centre, including the:
 - i. Construction of a modern transport hub on Station Parade as part of a wider mixed used development incorporating high quality office space, retail and residential uses; and
 - ii. Mixed use development of land off Dragon Road.

Development proposals that will contribute towards the achievement of the following will be supported:

- B. Improvement of B1 office space;
- C. Improvement and development of key visitor attractions;
- D. Improvement of the town centre's public realm and environment;
- E. Creation of flexible spaces for recreation and events;
- F. Aid the management of the evening and night-time economy;
- G. Aid the management of on and off street parking;
- H. Improvement of routes and facilities for pedestrians and cyclists.

Justification

- 8.1** Harrogate town centre plays a pivotal role in driving the local economy. It is the district's largest retail, leisure, business and tourist destination, a major conference and exhibition venue, and an important source of local employment. Town centres around the country are facing a number of challenges, such as the growth of online shopping, pressure from out of centre retailing and supermarkets, and reduced town centre footfall. The National Planning Policy Framework (NPPF) identifies 'promoting the vitality and viability of our main urban areas' as a core land use planning principle and provides that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. This includes recognising town centres as the heart of their communities and pursuing policies that support their vitality. National planning guidance, set out in the Planning Practice Guidance (NPPG) goes on to say that local planning authorities should plan positively to support town centres to generate local employment, promote beneficial competition within and between centres and create attractive, diverse places where people want to live, visit and work.
- 8.2** The purpose of this policy is to provide a framework for the implementation of a number of town centre improvements in Harrogate town centre. Proposals for the improvement of Knaresborough town and Ripon city centres will be dealt with through their respective neighbourhood plans.

8.3 The council adopted the Harrogate Town Centre Strategy and Masterplan (HTCSM) as a Supplementary Planning Document (SPD) in May 2016. The HTCSM sets out the council's vision for the development of Harrogate town centre in the period to 2025, seeks to deliver town centre improvements, attract inward investment and inform development management decisions within the town centre. The purpose of the strategy and masterplan is to provide a co-ordinated approach to the centres development that will ensure that the future development of the town centre enables it to compete effectively with other destinations and delivers the borough council's wider objectives for the improvement of the environment and the local economy. A Baseline Report was prepared to inform the preparation of the HTCSM that provides information on the current strengths and weaknesses of the town centre, and where there are opportunities to enhance its offer and develop the centre in a sustainable way.

8.4 The Baseline Report to the HTCSM found that Harrogate has a strong core of loyal customers, a good stock of hotel beds, a national role in terms of business tourism, a good events programme and a distinctive mix of operators. However, it also identified opportunities to diversify the hotel stock, provide a family visitor attraction within the town centre, create outdoor spaces for events, and for additional commercial leisure facilities.

8.5 The HTCSM sets out the following vision for Harrogate town centre:

Vision for Harrogate town centre

By 2025 Harrogate town centre will be a leading UK destination for culture, shopping, leisure and business tourism. The unique qualities of the town centre will be enhanced to provide a distinctive visitor offer that differentiates Harrogate from its regional and national competitors. This distinctiveness will be characterised by an exceptional town centre environment, the key components of which will be:

- public realm of an outstanding quality;
- a special blend of retail, leisure and cultural uses;
- unique facilities for conferences and events; and
- integrated and sustainable transport infrastructure.

The realisation of this vision will ensure that important economic benefits are delivered for local residents and businesses, and that opportunities for the sustainable development of the town centre are fully exploited.

8.6 Harrogate Retail Study (2013) shows that Harrogate town centre currently performs strongly as a shopping destination with an estimated turnover of £300 million per annum. The centre has improved its position in national retail rankings over the last ten years, despite the negative effects of the economic recession. This is partly due to the strength and quality of its independent retail offer and its ongoing ability to attract premium comparison retailers. Tourism and leisure clearly play an important role in the economic performance of the town centre and the wider area. The Harrogate Retail Study recommends that the council work towards a requirement for approximately 8,900 square metres gross additional comparison retail floorspace over the period to 2026 (6,200 square metres net). Up to 4,500 square metres gross comparison retail floorspace, is expected up to be delivered as part of the transport hub development on Station Parade. In addition, an element of comparison retail floorspace could also come forward as part of a mixed use development on land off Dragon Road. The remainder of the comparison retail requirement over the local plan is expected to come forward through developments in Ripon (to the east of the market place) and Knaresborough (as part of the development of the cattle market site) and through windfall development elsewhere.

- 8.7** In terms of the need for new floorspace in the convenience goods retail sector, the Harrogate Retail Study identified a negative requirement over the period to 2026 due to the the estimated turnover from existing commitments. The report did however recommend that the council monitor the implementation of these extant planning permissions as non-implementation could release significant additional expenditure capacity. The council intends to update the Harrogate Retail Study at the beginning of 2017 to account for changes in population estimates, expenditure assumptions, retail trends, developments and commitments since the original study was undertaken.
- 8.8** Harrogate's railway station and adjoining facilities, including the town centre's bus station, have long been identified by the council as an area for improvement. A development brief was developed for the site in 2005 but the subsequent downturn in the economy, and in particular the fortunes of the retail industry and the market for flatted residential developments, has seen this proposal stall. The current buildings and infrastructure detract from the overall quality of the town centre environment and provide a poor gateway for visitors. The comprehensive redevelopment of the site is complicated by various land ownerships and the need to maintain flexibility over the future operation of the railway line and its capacity. However, various recent developments suggest that the comprehensive redevelopment of the site may now be a more viable prospect and could be delivered in the plan period. These developments include the proposed electrification of the Leeds-Harrogate-York railway line and renewed developer interest in parts of the site. The HTCSM sets out a number of key principles for the future development of this area. These principles should help to deliver a high quality transport interchange that provides an appropriate welcome to Harrogate for visitors, promotes the use of sustainable modes of transport, and improves the appearance of this part of the town centre. A site-specific masterplan/development brief will be prepared in due course to support the comprehensive development of the site.
- 8.9** Town centre office accommodation is under threat from recent permitted development changes allowing its conversion to residential use without planning permission. The recently refurbished Exchange building on Station Parade provides some of the highest quality office accommodation in Harrogate town centre. It is the council's aspiration to create further complimentary high quality office space in this location as part of the wider redevelopment of the Station Parade area, linked to the improvements in rail facilities and services.
- 8.10** To the north of Dragon Road, on the periphery of the town centre, is located the Harrogate Convention Centre (HCC) vehicle holding area which also acts an occasional public car park. This is adjoined by small warehouses that have been converted to retail uses and which front Dragon Road. Subject to the relocation or incorporation (in whole or in part) of the HCC holding area, the site is suitable for redevelopment for a range of potential uses, including new residential accommodation, offices and small-scale retail and leisure uses.
- 8.11** The high quality of the town centres environment is one of its key strengths and is central to its success as a visitor destination. The environment of Harrogate town centre is characterised by attractive historic architecture of a consistent style, an established historic urban grain with interesting streets, alleys and squares, and unique open spaces including parkland, formal gardens and floral displays. However, there are features of the town centre that detract from its environmental quality, including unattractive buildings around the railway station, on-street parking that visually obstructs the street scene and limits pedestrian movements, and the limited use of local or natural materials within the public realm that is so important to the setting of the town centre's fine architecture.
- 8.12** The HTCSM identifies a number of streets and spaces within the town centre where improvements to the public realm and environment would be beneficial to the towns continuing success in attracting visitors, both local and those from outside the district. The purpose of these improvements is to reinforce the visitor appeal of the centre, better integrate key destinations, and provide new opportunities to enhance the town centres leisure offer by creating flexible spaces for informal recreation and managed events. Public realm proposals

should create an attractive, high quality, locally distinctive, safe, accessible and useable environment that improves legibility and enhances linkages, particularly for pedestrians and cyclists, across the town centre. The council will look to organise a co-ordinated approach to the improvements to ensure design consistency across the town centre, that engages positively with all relevant stakeholders.

8.13 The management of the evening and night-time economy is important to the overall economic performance of the town centre and the positive perceptions of visitors to Harrogate. Such management extends beyond planning policy and development control to include licensing, policing and environmental health. The council intends to develop a co-ordinated strategy for the evening and night-time economy to cover all aspects of its management.

8.14 The NPPF provides that local authorities should seek to improve the quality of parking in town centres so that it is convenient, safe and secure, including appropriate provision for motorcycles. There is a considerable amount of on-street parking throughout the town centre with a maximum stay of three hours. Occupancy data for town centre car parks shows that they are generally well used and comfortably meet demand (except for 15 to 20 days a year). However, the three largest multi-storey car parks are often significantly below capacity and could accommodate additional demand associated with any reduction in on-street parking. A number of the public realm projects that form part of the masterplan would result in the loss of on-street car parking within the town centre. This loss of on-street parking is to the benefit of pedestrian movements and will significantly improve the appearance of some parts of the town centre. The council, together with the county council, will review the on-street and off-street parking regime in the town to ensure the efficient use of these facilities for short-stay and long-stay car parking.

Further Information

Related planning policies

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Policy GS5: Supporting the District's Economy
- Policy EC5: Town and Local Centre Management
- Policy TI1: Sustainable Transport
- Policy TI3: Parking Provision
- Policy TI4: Delivery of New Infrastructure
- Policy DM3: Mixed Use Allocations

Further information/guidance for applicants (see bibliography under Heritage and Placemaking for more details)

- Harrogate Borough Council: Harrogate Town Centre Strategy and Masterplan Supplementary Planning Document (2016)

Designations/boundaries shown on the policies map

- See allocations made under policy DM3: Mixed Use Allocations

HP2: Heritage Assets

Policy HP2: Heritage Assets

Proposals for development that would affect heritage assets (designated and non-designated) will be determined in accordance with national planning policy.

Applicants should:

- A. Ensure that proposals affecting a heritage asset, or its setting, protect or enhance those features which contribute to its special architectural or historic interest;
- B. Ensure that any development that would have an impact on the Studley Royal Park including the ruins of Fountains Abbey World Heritage Site, or its setting, will conserve and, where appropriate, enhance those elements that contribute towards its outstanding universal value. Protection of key views and vistas to and from the world heritage site will be protected and there will be a strong presumption against tall or very large buildings within the world heritage site or its setting. Within the Studley Royal Park including the ruins of Fountains Abbey World Heritage Site Buffer Zone, applicants will be required to demonstrate that their scheme will not harm those elements which contribute to the outstanding universal value of the world heritage site. Development proposals likely to have an impact on the world heritage site, or its setting, will be permitted only where it can be demonstrated that the scheme will conserve elements which contribute towards its outstanding universal value. Development that would cause substantial harm to the significance of the world heritage site will be allowed only in wholly exceptional circumstances;
- C. Ensure that proposals affecting a conservation area protect and, where appropriate, enhance those elements that have been identified as making a positive contribution to the character and special architectural or historic interest of the area and its setting;
- D. Ensure that any development that would affect a registered park and garden should not harm those elements which contribute to its layout, design, character, appearance or setting (including any key views from or towards the landscape), or prejudice its future restoration;
- E. Ensure proposals affecting a registered battlefield would not harm its historic, archaeological or landscape interest or prejudice any potential for interpretation;
- F. Ensure that proposals affecting a scheduled monument or other archaeological site of national importance conserve those elements which contribute to their archaeological interest and their setting;
- G. Development affecting archaeological sites of less than national importance should conserve those elements which contribute to their significance in line with the importance of the remains.

Harm to elements which contribute to the significance of a designated heritage asset or archaeological site of national importance will be permitted only where this is clearly justified and outweighed by the public benefits of the proposal. Substantial harm or total loss to the significance of such assets will be permitted only in exceptional circumstances.

Proposals which would remove, harm or undermine the significance of a non-designated heritage asset will be permitted only where the benefits are considered sufficient to outweigh the harm.

Schemes that help to ensure a sustainable future for the district's heritage assets, especially those identified as being at greatest risk of loss or decay, will be supported.

Justification

- 8.15** The council's main objective is to protect and enhance the features of the historic environment that contribute to the character and quality of the district. It is recognised that the historic environment brings wide social, economic and environmental benefits to the district. Harrogate district has an exceptionally high quality environment with exceptional diversity straddling the Vale of York and the Pennine fringe and development that is particular to the area, including the spa town, cathedral city, castles, abbey and roman river crossing.
- 8.16** Examples of components of the district's historic environment, which are of collective thematic or historic value unique to the Harrogate district and consequently have high local significance, whether designated or non-designated, are:
- The attractions, accommodation and facilities relating to Harrogate's function as a spa town;
 - Studley Royal Park including the Ruins of Fountains Abbey World Heritage Site, the outlying routes and bridges and associated granges, gardens and settlements;
 - The diverse buildings and spaces associated with Ripon Cathedral;
 - The legacy of industrial buildings and structures associated with lead and lime working and with water management and supply in the upland landscapes of the Nidderdale Area of Outstanding Natural Beauty (AONB);
 - The registered battlefields at Boroughbridge, Myton and Marston Moor.
- 8.17** The National Planning Policy Framework (NPPF) identifies the conservation and enhancement of designated and non-designated heritage assets in a manner appropriate to their significance as a material consideration in the determination of planning applications. New development should sustain and enhance the significance of heritage assets and can support these aims by creating or supporting viable uses that are consistent with an asset's conservation. There is a presumption in favour of the conservation and enhancement of heritage assets, and any harm will need to be clearly justified. The more significant the asset, the greater the level of justification that will be required.
- 8.18** The council will seek to conserve the heritage assets of the district for their historic significance and their important contribution to local distinctiveness, character and sense of place. The historic environment is a finite and non-renewable resource requiring careful management. It is therefore essential that development is managed to maintain our heritage assets for future generations, and to ensure that development proposals are well designed and do not detract from existing local characteristics and built form that make a positive contribution to the area.
- 8.19** If development is proposed in an area believed to contain archaeological remains, an archaeological investigation will be required. As a minimum, the Historic Environment Record (HER) should be consulted prior to the submission of a planning application to determine whether there is known archaeological interest or whether the site has the potential for assets of archaeological interest. In those cases where development affecting such sites is acceptable in principle, mitigation of damage will be ensured through preservation of the remains in-situ as a preferred solution. When in-situ preservation is not justified, the developer will be required to make adequate provision for excavation and recording before or during development. Subsequent analysis, publication and dissemination of the findings will be required to be submitted to the local planning authority and deposited with the Historic Environment Record.
- 8.20** If in-situ preservation of archaeological remains is not possible or appropriate, the applicant will need to demonstrate that satisfactory provision has been made for a programme of archaeological investigation, excavation and recording before or during development, and for the subsequent publication of any findings, where appropriate.

- 8.21** Where development may affect any heritage asset type, applicants will be required to demonstrate a full understanding of its significance and will be expected to address any impact that proposals may have, ensuring any harm to significance has been minimised through the design of the development. Advice on understanding the significance of heritage assets and the design of development is given in the Harrogate District Heritage Management Guidance Supplementary Planning Document (SPD).
- 8.22** A heritage statement submitted with all applications affecting heritage assets or their setting may be included in the design and access statement if one is to be submitted. The NPPF, in paragraph 128, sets out what should be included in a heritage statement.
- 8.23** Where proposed development would lead to substantial harm to, or the total loss of, the significance of a designated heritage asset, it must be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss in accordance with NPPF paragraph 133.

Appropriate Marketing

- 8.24** Applicants will be required to demonstrate that reasonable attempts have been made to actively market the heritage asset for sale or lease for uses that will enable its conservation. In demonstrating this it will be necessary to provide copies of sales particulars, including the guide price, details of the original price paid and date of purchase, or value at inheritance, a schedule of advertising carried out including dates, number of sales particulars distributed, along with a breakdown of where the enquiries resulted from, details of the number of viewings, resulting offers and why they were discussed and details of the periods when a 'for sale/to let board was displayed.
- 8.25** The loss of the whole, or part, of a heritage asset will not be permitted without taking reasonable steps to ensure that new development will proceed. Where it is appropriate to grant consent for the demolition of the whole or part of any heritage asset (designated or non-designated), there shall be a condition, or legal agreement, to ensure that demolition shall not take place until a contract for the carrying out of works for redevelopment has been signed and planning permission for those development works has been granted.

Designated Heritage Assets

- 8.26** The designations described below are discussed in greater detail in the Harrogate District Heritage Management Guidance SPD, which also sets general principles for development of these assets.

World Heritage Site

- 8.27** Studley Royal Park including the Ruins of Fountains Abbey World Heritage Site is a place of outstanding universal value, which is defined as having a cultural and natural significance so exceptional that it transcends national boundaries. Inscription of a world heritage site does not provide any specific statutory protection, however, the UK government is committed to their protection and conservation, and this commitment is reflected in the National Planning Policy Framework. The statement of outstanding universal value, which includes the authenticity and integrity of the world heritage site, can be found alongside the Fountains Abbey and Studley Royal Management Plan 2015-2021 on the National Trust's website. These documents are a key material consideration and the council will have due regard to the impact of any proposals on the outstanding universal value, authenticity and integrity of the world heritage site.
- 8.28** A buffer zone to the world heritage site was approved by the World Heritage Committee in 2012. The buffer zone is to safeguard those elements that contribute to the outstanding universal value of the Studley Royal Park including the ruins of Fountains Abbey World

Heritage Site. You can view the rationale for the buffer zone prepared by the National Trust and English Heritage on the council's website. The buffer zone does not bring any additional planning controls but it is a material consideration in the determination of applications and appeals. The buffer zone is shown on the policies map.

- 8.29** World heritage sites are classed as Article 2.3 land in the General Permitted Development Order, which limits permitted development rights. World heritage sites are classified as "sensitive areas" for the purposes of the Environmental Impact Assessment Regulations. A landscape and visual impact assessment may be required to accompany certain applications for development.

Scheduled Monuments

- 8.30** A scheduled monument⁽³¹⁾ is defined by the Ancient Monuments and Archaeological Areas Act 1979 as any structure, or site of a structure, above or below ground that is considered by the Secretary of State to be of public interest by reason of its historic, architectural, traditional, artistic or archaeological importance. Scheduled monuments in the Harrogate district vary from individual stones carved with cup and ring marks to area monuments such as Ripon Minster Close. Historic England maintains an up-to-date register of scheduled monuments as part of the National Heritage List for England. The register can be found on Historic England's website. The district's scheduled monuments are shown on the policies map.
- 8.31** An application must be made to Historic England for any proposed works affecting a scheduled monument. This requirement is in addition to any requirement for planning permission. Development proposals that would result in substantial harm to or total loss of significance of scheduled monuments, or any associated features contributing to their significance including their setting, and non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance, will be refused except in wholly exceptional circumstances.

Listed Buildings

- 8.32** The council has a statutory duty to secure the preservation of buildings listed under Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as being of special architectural or historic interest. Buildings and structures within the curtilage of listed buildings are also protected under the Act.
- 8.33** There are no permitted development rights for listed buildings or land in their curtilage. A listed building should not be demolished, extended or altered in any way which affects its character without first having obtained listed building consent. This applies to internal and external works, anything fixed to buildings, outbuildings, walls, gates or other features or structures within the curtilage. The National Heritage List for England contains an up-to-date list and description of all nationally designated heritage assets, including listed buildings. The list is maintained by Historic England and can be found on Historic England's website.
- 8.34** Substantial harm to or total loss of significance of grade I or grade II* listed buildings, including their setting will not be permitted, unless it can be shown that the public benefits outweigh the harm or loss.

Conservation Areas

- 8.35** Local authorities have a duty to designate 'areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance' as conservation areas under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

31 can also be referred to as Scheduled Ancient Monuments

Designation of a conservation area provides a clear commitment to preserve and enhance it as an area of special architectural or historic interest. It also confers control over demolition, strengthens control over minor development and protects trees.

- 8.36** There are currently 53 conservation areas in the Harrogate district and these are shown on the policies map. In 2011 the council completed a review of conservation areas in the district. Each has an individual conservation area character appraisal that aims to define and analyse the special interest that constitutes the character and appearance of the settlement. Appraisal documents and detailed maps are available on the council's website. Appraisals provide information and guidance to those wishing to carry out works in a conservation area and form a material consideration when determining planning applications proposing development affecting conservation areas.
- 8.37** Proposals for development affecting a conservation area should preserve and, where appropriate, enhance those elements that have been identified as making a positive contribution to its character and special architectural or historic interest. These elements may include buildings, boundary features, other structures, landscape features, open spaces and the setting. Where proposals would lead to harm of conservation areas the harm will be assessed as either substantial or less than substantial based on the relative significance of the element affected and its contribution to the significance of the conservation area as a whole.
- 8.38** Development proposals in a conservation area should preserve and enhance the character and local distinctiveness of the historic environment. Innovative design of a new building may be appropriate provided it is of high quality and is sensitive to the context of the site. Substantial harm to the significance of conservation areas, or any associated features contributing to their significance, will be permitted only in exceptional circumstances where the substantial public benefits of the proposal clearly and convincingly outweigh the substantial harm or loss caused.
- 8.39** **Article 4 Directions:** Certain types of small-scale development, known as permitted development, do not require planning permission. This is set out in the Town and Country Planning (General Permitted Development) (England) Order (GPDO). In order to further control small-scale changes the GPDO enables the council, as the local planning authority, to remove permitted development rights in a conservation area through the use of an Article 4 Direction. There is currently an Article 4(1) Direction covering the centre of Harrogate to control the painting of stonework and other surfaces in the town, and an Article 4(2) Direction covering the perimeter of the Stray to control the installation of solar and photovoltaic panels on roofs visible from the Stray. In addition, there is an Article 4(2) Direction restricting numerous development rights in Great Ouseburn. Links to the Article 4 Directions are included in the Appendices of the Heritage Management Guidance SPD.

Registered Parks and Gardens

- 8.40** Parks and gardens of national historic importance are designated as registered parks and gardens and included in a register maintained by Historic England. The register is part of the National Heritage List for England and can be found on Historic England's website. Registered parks and gardens in the district are shown on the policies map.
- 8.41** New development should not detract from the enjoyment, layout, design, character, appearance or setting of that landscape. Nor should development cause harm to key views from or towards these landscapes or, where appropriate, prejudice their future restoration. Substantial harm to or total loss of significance of grade I or grade II* registered parks and gardens, including their setting will not be permitted unless it can be shown that the public benefits outweigh the harm or loss.

Registered Battlefields

- 8.42** The sites of battles judged to be engagements of national significance are protected as registered battlefields under the National Heritage Act 1983. Historic England maintains an up-to-date register of historic battlefields as part of the National Heritage List for England. Harrogate district contains three registered battlefields: Marston Moor (1644), Boroughbridge (1322) and Myton-on-Swale (1319); all three battlefields are shown on the policies map.
- 8.43** When considering applications for development in, or affecting the setting of, historic battlefields the overriding consideration will be desirability of conserving and enhancing the significance of the designated heritage asset and supporting a viable use consistent with its conservation. All registered battlefields will be given strict protection. New development should not detract from the enjoyment, layout, design, character, appearance or setting of that landscape. Nor should development prejudice any potential for interpretation of the site, cause harm to key views from or towards these landscapes or, where appropriate, prejudice their future restoration. Development proposals that would result in substantial harm to, or total loss of, significance of historic battlefields, including their setting will not be permitted, unless it can be shown that the public benefits outweigh the harm or loss.

Non-designated Heritage Assets

- 8.44** The effect of development proposals on the significance of non-designated heritage assets will be taken into account when determining planning applications. In assessing applications, a balanced judgement shall have regard to the scale of any harm and the significance of the heritage asset. The consideration of the level of the significance of the asset should take account of the thematic or historic values unique to the Harrogate district. The Heritage Management Guidance SPD provides guidance on understanding significance and selection criteria for non-designated heritage assets.

Enabling Development

- 8.45** Enabling development that would secure the future of a heritage asset that is at risk but would contravene other planning policy objectives may be acceptable provided that the impact of the proposed development on other public interests is mitigated and:
- It would not materially harm the significance of the asset, giving particular consideration to the contribution of setting to its significance;
 - It avoids detrimental fragmentation of the place;
 - It will secure the long-term future of the place through a viable use that is consistent with its conservation;
 - It is necessary to resolve problems arising from the inherent needs of the asset (rather than the actions or circumstances of the present owner or purchase price paid);
 - Sufficient subsidy is not available from any other source;
 - It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the asset;
 - The public benefit of securing the future of the heritage asset through such enabling development outweighs the dis-benefits of contravening other policies.
- 8.46** Planning consent may be granted if all of these criteria are met. The impact of the development must be clearly defined at the outset within a full application, and the significance of the heritage asset must be demonstrably conserved by the proposed development and enforceably linked to it (this will generally be through a legal agreement). Information that establishes and quantifies the need for development will be required to be submitted with the application because financial contributions involved would be fundamental to the decision.

Further Information

Related planning policies

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Policy HP3: Local Distinctiveness
- Policy NE4: Landscape Character
- Policy NE7: Trees and Woodland

Further information/guidance for applicants (see bibliography under Heritage and Placemaking for more details)

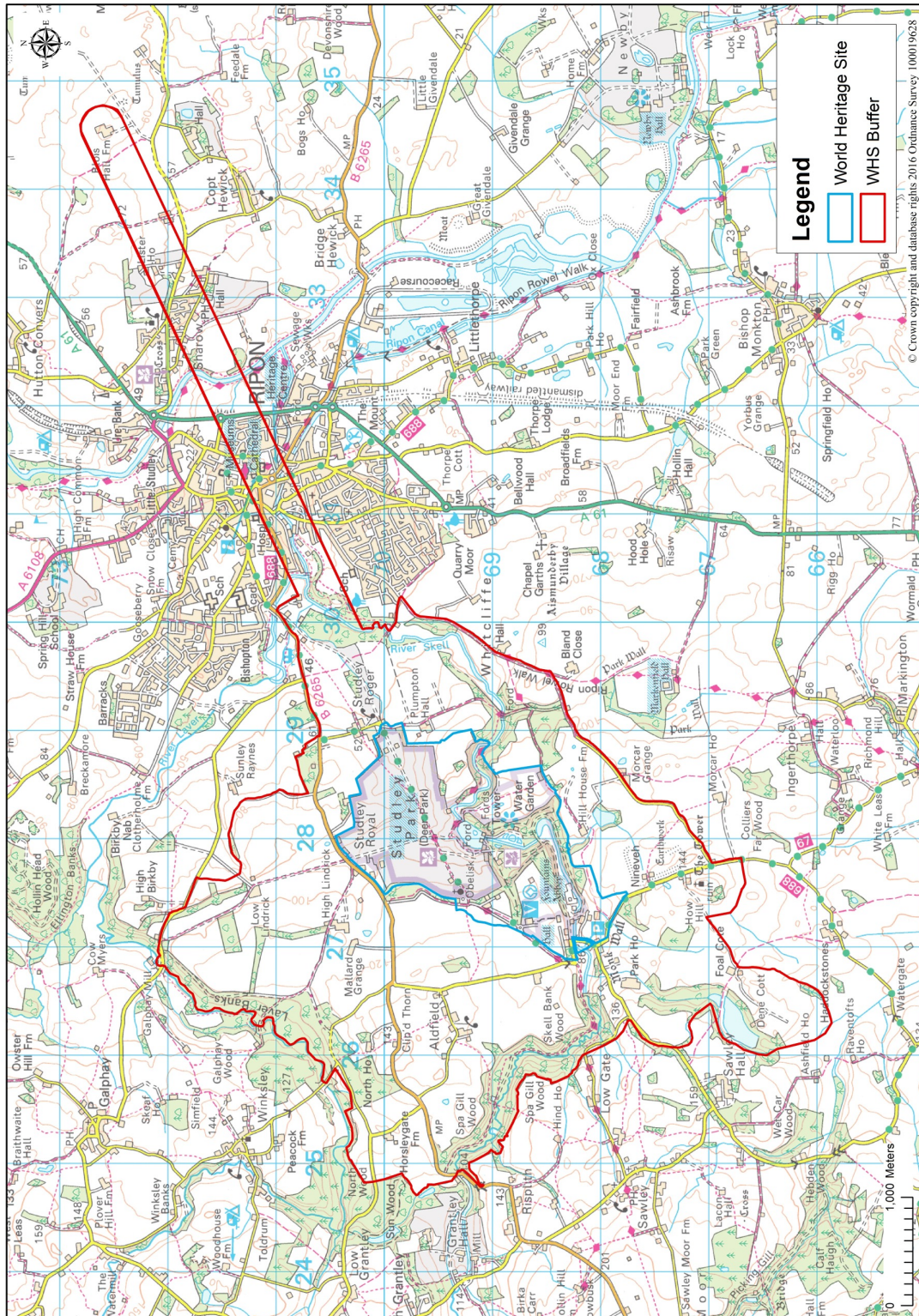
- Harrogate Borough Council: Heritage Management Guidance Supplementary Planning Document (2014)
- Historic England: Good Practice Advice
- Historic England: National Heritage List for England
- National Trust: Fountains Abbey and Studley Royal World Heritage Site Management Plan
- The Town and Country Planning (General Permitted Development) Order 1995: Article 4
- Planning (Listed Buildings and Conservation Areas) Act 1990

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

- Heritage statement
- Environmental Impact Assessment
- Field evaluation
- Measured drawings of particular features that contribute to an assets significance may be required in addition to scaled survey drawings listed in the council's validation criteria.
- Landscape assessment

Designations/boundaries shown on the policies map

- Conservation areas
- World heritage site and world heritage site buffer zone
- Registered parks and gardens
- Scheduled monuments
- Registered battlefields



Map 8.1 World Heritage Site and Buffer Zone.

HP3: Local Distinctiveness

Policy HP3: Local Distinctiveness

Development should incorporate high quality building, urban and landscape design that protects, enhances or reinforces those characteristics, qualities and features that contribute to the local distinctiveness of the district's rural and urban environments. In particular, development should:

- A. Respect the spatial qualities of the local area, including the scale, appearance and use of spaces about and between buildings or structures, visual relationships, views and vistas;
- B. Respond positively to the building density, building footprints, built form, building orientation, building height and grain of the context, including the manner in which this context has developed and changed over time;
- C. Take account of the contribution of the natural environment, including biodiversity, landscape, and green and blue infrastructure;
- D. Take account of the contribution of fenestration, roofscape, detailing, trees and planting, the palette and application of materials, traditional building techniques, and evidence of past and present activity to local distinctiveness;
- E. Where a departure from this approach can be justified in design terms, incorporate design of exceptional quality which would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area;
- F. Retain and repair traditional shopfronts, where practicable.

Justification

- 8.47** The Harrogate district has experienced a varied history, encompassing pre-history through to the recent past, which has resulted in the district's different urban and rural environments evolving in different ways. This has given rise to a wide variety of environments that today provide the present generation with a diverse range of locally distinctive places and landscapes. Individually and collectively these places and landscapes create the local distinctiveness of the district. Some of these places, their buildings, archaeology and landscapes are protected through international, national or local designations, however, the bulk of what makes the district distinctive is not designated.
- 8.48** This policy establishes criteria against which all development proposals will be assessed. It reflects the importance of maintaining high quality, locally distinctive environments across the district for their own sake, and as a means of ensuring the conservation and contributing to the enhancement of the significance of heritage assets as well as the protection of landscape character. Protection for designated and non-designated heritage assets is provided under policy HP2: Heritage Assets, and protection of landscape character is provided under policies NE4: Landscape Character and GS6: Nidderdale Area of Outstanding Natural Beauty.
- 8.49** The National Planning Policy Framework (NPPF) identifies good design as a component of sustainable development, and states that proposals for development that are poorly designed and fail to take the opportunities available for improving the character and quality of an area and the way it functions should be refused. In the context of this policy, poor design is design that fails to respond positively to the local character and sense of place of the area in which development is proposed, fails to take available opportunities to improve the quality of the local environment, or is visually unattractive as a result of its architecture and landscape design.

Local Distinctiveness

- 8.50** Local distinctiveness is an umbrella term for all of those elements that give a place its character, sense of place and sense of identity. Landscape character, landscape design, views, vistas, the scale and layout of buildings, the size, distribution and types of open spaces, building materials and detailing can all contribute to local distinctiveness, as can present activity and evidence of past activity.
- 8.51** Local distinctiveness exists in all places; it is not limited to areas that enjoy the protection of landscape or heritage designations, nor is it limited to areas with specific listed buildings. The contribution of a building, space, trees, landscape or view to local distinctiveness is more often not reflected by it being nationally or locally designated. In many cases, unlisted buildings can be fundamental to the overall character of a street scene, village green or skyline. Similarly, non-designated hedges, walls or railings are often vital components that give areas a sense of place and identity, while trees and greenery can be vital elements contributing to locally distinctive urban and rural built environments. Local distinctiveness of an area is also influenced by the natural environment and proposals should be responsive to the existing topography, landscape features, wildlife habitats and the existing green and blue infrastructure networks.

Protect, Enhance or Reinforce

- 8.52** Where local distinctiveness has previously been compromised or undermined, new development should seek to reinstate or reinforce those attributes which contribute positively to local distinctiveness and the sense of place. An example could be the reinstatement of a traditional timber shop front in place of an inappropriately designed shop front, or the reinstatement of traditional walls and railings along a village street. Where local distinctiveness is totally inconsistent with the vernacular of the area, for example, next to a suburban estate that does not represent a good precedent for design and has no strong sense of place, design should be inspired by positive features in its local context, and/or be of the best design, whether contemporary or otherwise, that fits comfortably in its surroundings and establishes a new strong sense of place.
- 8.53** Evidence of the character and appearance of the conservation areas designated in the Harrogate district can be found in the relevant conservation area appraisal. Useful information may also be found in neighbourhood plans or village design statements, where they have been produced. Conservation area appraisals, neighbourhood plans that have been made part of the development plan, and village design statements can be found on the council's website.

Spatial Qualities

- 8.54** The degree and manner in which spaces are enclosed by buildings, structures, trees and landscaping will dictate the overall character of a place and how it appears in the wider townscape or landscape. Some places have an intimate and enclosed character, whilst others are more open with significant gaps in the built form and landscaping. Some places have quite uniform spatial qualities whilst others are less consistent due to the manner in which they have developed historically. For new development to integrate with its context, it must complement the spatial qualities of the area.

Context and Change of Context over Time

- 8.55** The development of the district's built environments and countryside has been shaped by its topography, its historical land use and movement patterns, and land ownership. These factors have contributed to the distinctive character of the district's settlements and countryside. The district's built environments are as diverse as tightly packed medieval burgage plots, generously spaced suburbia, organically developed villages, and isolated but

intimately grouped farmsteads. New development should respond positively to the context provided by the morphology and grain of surrounding areas in order to protect, enhance or reinforce local distinctiveness across the district. The grain comprises building lines, orientation, the pattern of buildings and spaces between, and the ratio of building to plot size.

Palette of Materials and Traditional Building Techniques

- 8.56** The large size and varied geology of the Harrogate district mean that traditional local building materials vary from locality to locality within the district, and are often distinct from those of neighbouring areas, such as the Yorkshire Dales and West Yorkshire.
- 8.57** Historically most building materials were sourced from as close to the settlement as possible. As a result, there is varying use of sandstone, gritstone, stone slate, timber framing, brick, cobble, render, tiling, pantiles, limestone and thatch across the district. From the mid-nineteenth century onwards materials from outside the region, such as Welsh slate and some types of brick, were imported by rail. Like the local materials available before them, the way that these new materials have been used in different places varies across the district, contributing to local distinctiveness. Examples include variations in how walling is coursed and how stonework is dressed, whether openings have lintels, cambered arches or flat arches, detailing at the eaves and margins of roofs, and the use of horizontally sliding Yorkshire sash windows.
- 8.58** Today, natural building materials are often sourced globally and mass-manufactured building components and materials are readily available. The use of materials which are not local or traditional to a settlement or landscape can significantly undermine the character, local distinctiveness and quality of a place. New development should protect, enhance or reinforce local distinctiveness by responding positively to the context provided by traditional building materials and traditional construction techniques. The use of locally sourced materials are encouraged.

Design

- 8.59** Genuinely creative and innovative high quality design will be encouraged provided that the principles embodied within this policy are adopted.
- 8.60** There are some forms of development which, due to their intrinsic character, cannot be easily designed to fully integrate with existing development in certain locations. Examples include large-scale energy generating plant and infrastructure (including wind turbines and incinerators), large-scale buildings and structures relating to transportation (including multi-storey car parks and airfields) and other uses which, by their very nature require buildings or structures of a substantial footprint or height, or specific site sizes, layouts or engineering works that are essential to the function of the development.
- 8.61** These types of development are exceptional and are often of strategic importance. It would be undesirable for such developments, which are frequently the product of technological advances, to ape the scale, massing and form of historic development. Instead, where there is an overriding public need for the development, proposals of this sort should be of high quality design and the harmful impacts should be mitigated as far as possible. Nevertheless, development proposals that are incongruous with their context and deliver few or limited public benefits cannot be justified by high quality design and mitigation alone.

Development Type

- 8.62** This policy will be applied to all types of development ranging from large-scale new housing, industrial or mixed use development through to individual house extensions or alterations, new shop fronts and advertisements. To help satisfy the requirements of this policy, the

council has developed supplementary planning documents (SPDs) on house extensions, garage design, and equestrian development. The council has also produced a range of design related non-statutory guidance that are available on the council's website.

Advertisements

8.63 Advertisements are controlled under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, and many non-illuminated signs enjoy deemed consent. However, local planning authorities can designate Areas of Special Control in which the categories of deemed consent are restricted. Harrogate Borough Council has designated an Area of Special Control that broadly covers the whole district, including all rural areas, Valley Gardens and the Stray in Harrogate, Knaresborough Castle and the riverside in Knaresborough, and the Ripon Cathedral precinct. The areas excluded from special controls are the areas defined for planning purposes as town centres within Harrogate, Knaresborough and Ripon. The areas excluded from the Area of Special Control are shown on the policies map.

Shop Fronts

8.64 Traditional shopfronts represent an important element of the district's built environment with numerous examples surviving in Harrogate, Ripon, Knaresborough and also the smaller towns of Boroughbridge, Pateley Bridge and Masham. They contribute positively to the character and appearance of town centres. Traditional shopfronts vary in form but in general follow certain design conventions which are indicative of changing styles over time. Quality of workmanship and joinery details contribute greatly to the significance of surviving examples.

Further Information

Related planning policies

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Policy HP2: Heritage Assets
- Policy NE3: Natural Environment
- Policy NE4: Landscape Character
- Policy NE5: Green and Blue Infrastructure
- Policy NE7: Tress and Woodland

Further information/guidance for applicants (see bibliography under Heritage and Placemaking for more details)

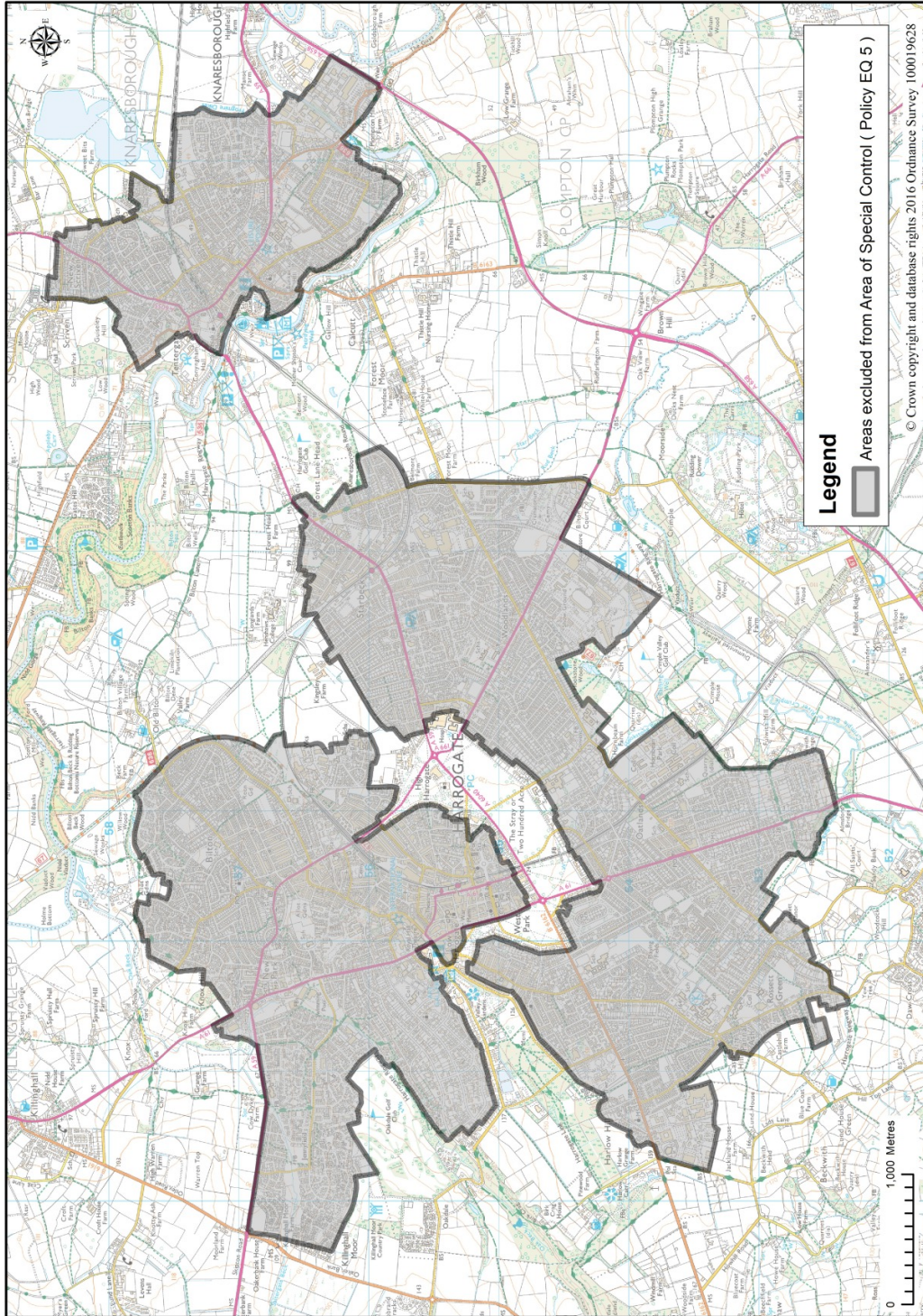
- Harrogate Borough Council: Heritage Management Guidance Supplementary Planning Document (2014)
- Harrogate Borough Council: Landscape Design Guide
- Town and Country Planning (Control of Advertisements) (England) Regulations 2007
- Harrogate Borough Council: Shop Front Design Guide

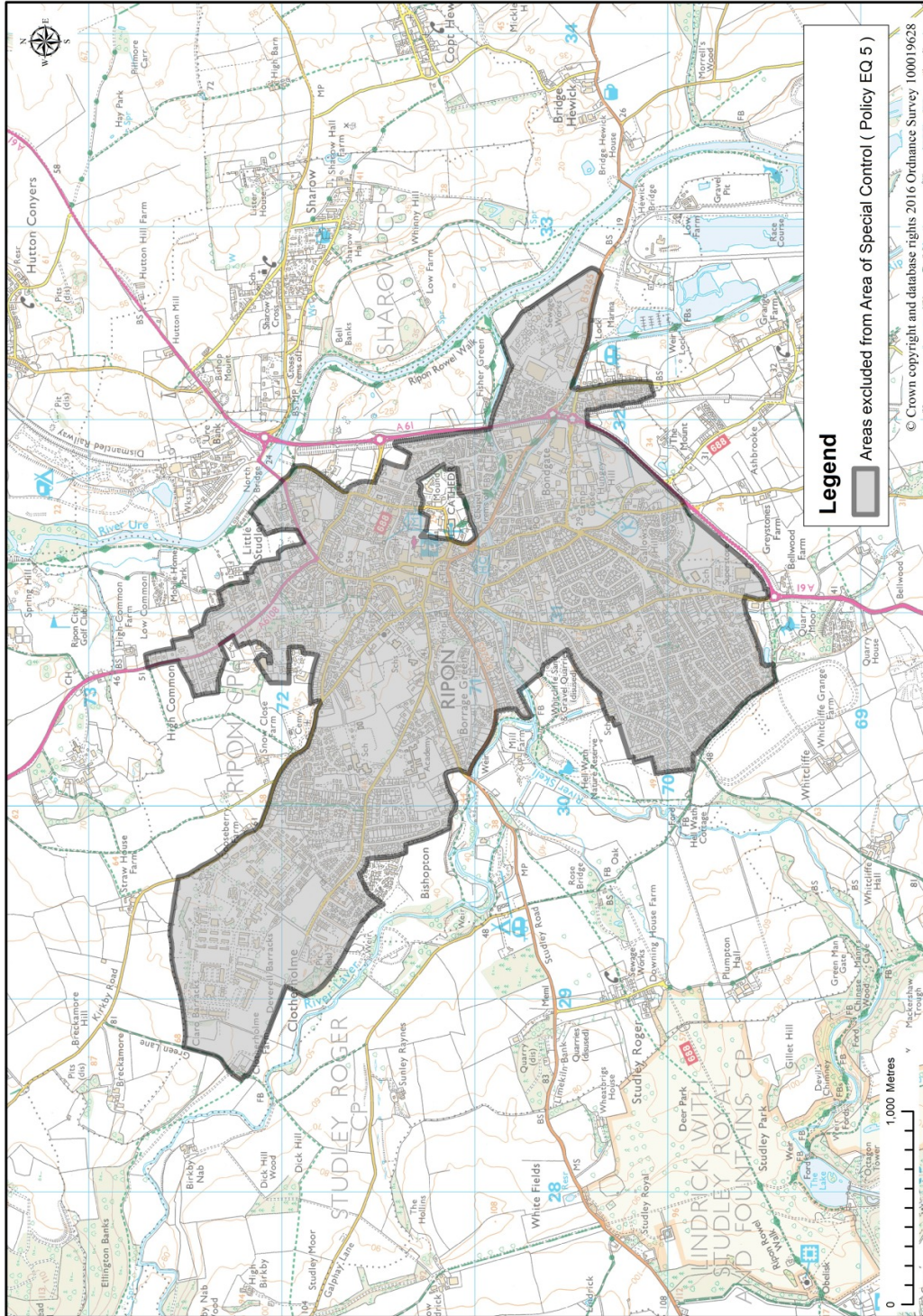
Evidence that may be required from applicants to accompany a planning application

- Heritage statement
- Design and access statement

Designations/boundaries shown on the policies map

- Areas excluded from the Area of Special Control





Map 8.3 Areas excluded from special control in Ripon.

HP4: Protecting Amenity

Policy HP4: Protecting Amenity

Development proposals should be designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours.

Amenity considerations will include the impacts of development on:

- A. Overlooking and loss of privacy;
- B. Overbearing and loss of light; and
- C. Vibration, fumes, odour noise and other disturbance.

The individual and cumulative impacts of development proposals on amenity will be considered.

New residential development should incorporate well-designed and located private and/or communal outdoor amenity space which is of an adequate size for the likely occupancy of the proposed dwellings.

Justification

- 8.65** Paragraph 17 of the National Planning Policy Framework (NPPF) is clear that a core principle of planning should be to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Protecting the amenity and wellbeing of communities, and ensuring residents and businesses are not adversely affected by development will be a key success of managing growth within the district.
- 8.66** For the purposes of this policy, amenity is defined as "the pleasant or normally satisfactory aspects of a location which contribute to its overall character and the enjoyment of residents or visitors". Developments that affect people's visual and other amenities, such as those that create noise, smell or air pollution require careful siting to minimise impacts and appropriate measures to minimise or mitigate any potential negative impacts that location does not resolve. Equally, the siting and design of sensitive uses, such as residential development needs careful consideration to ensure that problems are not created. Development should consider not only the individual impacts but also cumulative impacts.
- 8.67** The provision of private amenity space as part of residential development allows individuals to carry out household and leisure activities, such as gardening, drying clothes, children's play. All new residential units will be expected to have direct access to an area of private amenity space. The size and form of amenity space will be dependent on the type of housing and could include a private garden, roof garden, balcony or ground level patio with defensible space from any shared amenity areas. In some circumstances, such as flatted developments or specialist housing schemes, it may not be feasible for the development to provide individual private garden space. In these cases private communal amenity space would be acceptable although ground floor flats may benefit from private amenity space immediately adjacent the residential unit.
- 8.68** This policy seeks to ensure that amenity is protected, setting out general standards. Other Local Plan policies also contribute to protecting amenity through setting out the approach to specific issues.

Further Information

Related planning policies

- National Planning Policy Framework (NPPF)
- Policy HP3: Local Distinctiveness
- Policy NE1: Air Quality
- Policy NE2: Water Quality
- Policy NE9: Unstable and Contaminated Land

HP5: Public Rights of Way

Policy HP5: Public Rights of Way

Proposals for development that would affect existing public rights of way will be permitted only where it can be demonstrated that:

- A. The routes and the recreational and amenity value of rights of way will be protected, or satisfactory diverted routes that deliver a level of recreational and amenity value at least as good as the routes being replaced are provided; and
- B. In all cases, opportunities for enhancement through the addition of new links to the existing network and the provision of improved facilities have been fully explored and, where appropriate, all reasonable and viable opportunities have been taken up.

Justification

- 8.69** A public right of way is a route over which the public has the right to pass and repass on foot. As such, public rights of way include footpaths and bridleways, restricted byways and byways open to all traffic. This policy applies to all public rights of way with the exception of publicly maintained roads, their pavements or verges. In addition to access on foot, certain public rights of way are also open to horse riders, cyclists or motorists. Some public rights of way cross publicly owned land, while others are on land that is privately owned. The local highway authority, North Yorkshire County Council (NYCC), is responsible for managing the network of public rights of way in the Harrogate district.
- 8.70** The district's network of public rights of way, together with permissive routes, provide an important recreational resource that enables the public to experience and enjoy the district's high quality natural, built and historic environments through activities such as walking, cycling and horse riding. As such, these routes play an important role in ensuring the physical and mental health and wellbeing of the district's residents, as well as contributing to what the district has to offer to visitors. The network is also an important sustainable transport resource, providing safe connections for low carbon forms of travel within, around and between settlements.
- 8.71** This policy aims to protect public rights of way so that the routes and their existing recreational and amenity value is not undermined by new development. It also aims, where appropriate, to use development to deliver enhancements to the public rights of way network, whilst not making development unviable. The policy strongly encourages the addition of new links to the existing network to encourage their greater use by providing more convenient access points and connecting to more places. Although this is most easily achieved where a right of way crosses or runs adjacent to a development site, there will be occasions where new links can be provided to rights of way that are at a greater distance from the development site at minimal expense, for example, where the site and the land between the site and the public right of way is under the same ownership. The policy also encourages enhancements through improved facilities, such as gates, stiles and signage etc., as well as improved surfaces and boundary treatments. The nature of improvements and any materials used should be discussed with NYCC prior to the submission of a planning application.
- 8.72** In circumstances where the route or the recreational or amenity value of a public right of way would be negatively affected by development, the route should be diverted along an appropriate alternative route that provides at least as good recreational and amenity value as the one being replaced. New development should not demonstrably deter the use of a

public right of way. Important factors to consider will include the safety, directness, convenience and attractiveness of the right of way following development. Where possible, routes should be diverted to maintain key views and long range vistas.

- 8.73** A number of long-distance trails and circular routes pass through, or are wholly contained in, the Harrogate district. Examples of these include the Nidderdale Way, the Ripon Rowel, the Harrogate Ringway, the Knaresborough Round, the Beryl Burton Cycleway, the Ebor Way, the Six Dales Trail, and the Way of the Roses Cycle Route. Public rights of way within the Harrogate district can be found on the rights of way definitive map maintained by NYCC.

Further Information

Related planning policies

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

Further information/guidance for applicants (see bibliography under Heritage and Placemaking for more details)

- Harrogate Borough Council: Green Infrastructure Supplementary Planning Document (2014)
- North Yorkshire County Council: Rights of Way Definitive Maps and Statements

HP6: Protection of Existing Sport, Open Space and Recreation Facilities

Policy HP6: Protection of Existing Sport, Open Space and Recreation Facilities

- A. Proposals for development that would involve the loss of existing outdoor public and private sport, open space and recreational facilities will be supported where:
- i. The applicant can demonstrate that there is a surplus of similar facilities in the area and that the loss would not adversely affect the existing and potential recreational needs of the local population, making allowance for the likely demand generated by allocations in this plan; or
 - ii. A satisfactory replacement facility is provided and available for use before the existing facility is lost, in a suitable location, accessible to current users, and at least equivalent in terms of size, usefulness, attractiveness and quality; or
 - iii. The land is incapable of appropriate sport and recreational use due to its size, location and physical conditions; or
 - iv. In the case of playing fields:
 - The sport and recreation facilities on a site would best be retained and enhanced through the development of a small part of the site, and the benefits of development to sport and recreation clearly outweigh the loss of the land; or
 - The proposal involves the development of an alternative indoor or outdoor sports facility on the site, and the benefits of development to sport and recreation clearly outweigh the loss of the playing fields;
 - v. The applicant can demonstrate that the loss would not cause significant harm to the amenity and local distinctiveness of the local area.
- B. Development proposals that would involve the loss of existing indoor public and private sport and recreation facilities will be permitted only where:
- i. Their loss would not adversely affect the existing and potential sport and recreational needs of the local population, making allowance for the likely demand generated by allocations in this plan; or
 - ii. A satisfactory replacement facility is provided on the same grounds as criterion A. ii. above; or
 - iii. They are incapable of continued sport and recreational use.

Justification

- 8.74** This policy provides protection for a wide range of indoor and outdoor sport, open space and recreation facilities in public ownership or in educational use, including parks, gardens, allotments, playing fields, tennis courts, cricket grounds, bowling greens, sports halls, swimming pools, gyms, natural and semi-natural green spaces (including urban woodland), play areas, and golf courses. The policy also protects privately owned facilities in non-educational use where the use is not solely domestic. The policy applies equally to land currently in use or last used for these purposes, including land that has been neglected for an extended period of time but is capable of being brought back into active use with reasonable endeavours. The decision on whether proposals are assessed as involving the loss of a sport, open space and/or a recreational facility, either in whole or in part, will be determined on a case-by-case basis in line with this policy.

- 8.75** Where a replacement facility is to be provided it must meet the test set out in criterion A ii of the policy and be fully usable before the existing facility is lost.
- 8.76** The recreational and amenity value of school playing fields and other playing fields is considered particularly important. When not required for their original purpose these recreational assets may be able to meet the growing need for recreational land in the wider community. In view of an identified shortage of sports pitches in Harrogate, Knaresborough and Ripon, the retention of playing fields in these settlements is considered particularly important.
- 8.77** In general terms there is a deficiency of recreation open space throughout the district, however, in certain areas the supply of particular types of open space is above the council's minimum standards. In these limited locations, if it can be demonstrated that the open space cannot be used for other recreational needs (e.g. where a surplus of casual play space cannot be used for formal sports pitches), its loss to development may be acceptable under criterion A ii. The distance thresholds contained in the Provision for Open Space in Connection with New Housing Development Supplementary Planning Document (SPD) will be used to define the extent of the area to be considered. In determining the acceptability of a loss, and whether the existing and potential needs of the local population would be adversely affected, any assessment would need to take account of the quality of the open space, its value to the community and its contribution to the character and local distinctiveness of the area. The council has commissioned consultants to undertake an Indoor Sports Facilities Assessment and to update the Playing Pitch Strategy (Outdoor Sports). These will inform the implementation of this policy and will provide evidence regarding the surplus/deficit of sports facilities across the district.
- 8.78** In very limited circumstances, existing facilities may best be retained and enhanced through the redevelopment of a small part of the site. For example, the use of monies generated from such a redevelopment may be used to improve drainage or the quality of pitches, or fund the provision of an all-weather surface. However, this would only be acceptable where the loss of open space will not have any adverse effect on the recreational needs of the area.
- 8.79** The policy also seeks to protect indoor sport and recreation facilities, including swimming pools, sports halls and gymnasiums. Such facilities, even where they are currently not in use, are a valuable community resource and should be protected to safeguard opportunities for future recreational use. In most areas, once these types of community facilities are lost they are often very difficult to replace, and this is particularly true in Harrogate district where land values are particularly high. Whilst the council will normally resist proposals which would result in the loss of indoor facilities, there will be occasions where their loss could be considered acceptable, for example where the continued use of a facility is not feasible, where the facility has been or is being replaced, or where its loss would not otherwise affect existing or future recreational needs.
- 8.80** Open spaces can often contribute positively to the amenity and local distinctiveness of settlements by providing an important and attractive break in the built-up area, or by providing views beyond the immediate street scene to, for example, more distant streets or into the countryside. These open spaces may include village greens, churchyards, grounds of halls or country houses, paddocks, woodlands, orchards, parks, large private gardens etc. Where this is the case, these spaces will be protected as amenity open space under the provisions of this policy.
- 8.81** Amenity open space may or may not have public access, for example, in villages many amenity open spaces are agricultural land with no public access. Sports and recreational open space that make a significant contribution to the character and local distinctiveness of an area through their amenity value will also be considered amenity open space.

- 8.82** The policy aims to conserve the smaller amenity open spaces within villages in their entirety and, as a result, any loss would be wholly exceptional. In Harrogate, Knaresborough and Ripon some of the amenity open spaces, such as the Valley Gardens in Harrogate, are large and help to support tourism. In exceptional circumstances, where the public benefits outweigh the harm to amenity and local distinctiveness, approval will be given to small scale development that enhances the function of the open space.
- 8.83** The Stray in Harrogate is considered an amenity open space. In addition to protection through this policy, it is also protected by an Act of Parliament- the Harrogate Stray Act 1985.

Further Information

Related planning policies

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Policy NE5: Green and Blue Infrastructure
- Policy HP3: Local Distinctiveness

Further information/guidance for applicants (see bibliography under Heritage and Placemaking for more details)

- Harrogate Borough Council: Provision for Open Space in Connection with New Housing Development Supplementary Planning Document (2016)
- Harrogate Borough Council: Statement of Community Involvement (2014)
- Act of Parliament: Harrogate Stray Act 1985
- Outdoor Sports Strategy 2013 (or successor study)

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

- Pre-application consultation in line with the council's Statement of Community Involvement

HP7: New Sports, Open Space and Recreation Development

Policy HP7: New Sports, Open Space and Recreation Development

- A. New housing and mixed use developments will be required to provide new sports, open space and recreational facilities to cater for the needs arising from the development in line with the provision standards set out in the Provision for Open Space in Connection with New Housing Development Supplementary Planning Document.
- B. Proposals for the development of new sports, open space and recreation facilities should ensure:
 - i. The facility is located in or adjacent to built-up areas, or located to best serve the intended catchment population in rural areas; and
 - ii. The proposal would not have an unacceptable impact on the operation of the highway network; and
 - iii. New buildings or structures are well designed and appropriately integrated into the landscape; and
 - iv. Proposals on the edge of settlements should not have an adverse impact on the setting of the settlement; and
 - v. The proposal would not give rise to significant residential amenity problems.
- C. Proposals for sport and recreational facilities likely to attract a large number of people due to their nature or scale (including sports stadia, health and fitness centres, swimming pools and other indoor sports facilities) should be located within or adjacent to Harrogate, Knaresborough, Ripon, Boroughbridge, Masham or Pateley Bridge, and be proportionate to the size of the settlement.
- D. Proposals for sport and recreational activities that require a countryside location will be permitted in the open countryside outside of development limits (or the built up area of settlements) only where they:
 - i. Cannot be located adjacent to a built up area; and
 - ii. Are of a scale and nature appropriate to their landscape setting; and
 - iii. Do not involve a significant number or size of buildings or structures; and
 - iv. Would not cause excessive noise disturbance or light pollution to other users of the countryside, land uses or residents in the area or adversely impact on wildlife; and
 - v. Would not give rise to significant traffic congestion or road safety problems.

Justification

- 8.84** The district contains a wide range of formal parks and gardens, recreation grounds and outdoor sports facilities, informal open spaces, and playgrounds that cater for the needs of residents and visitors. Together these open spaces provide a wealth of opportunities for formal and informal sport and recreational activities. As such, they make an important contribution to the physical and mental health and wellbeing of the district's residents, as well as contributing to what the district has to offer for visitors.
- 8.85** The National Planning Policy Framework (NPPF) requires planning policies relating to sports, open space and recreation to be based on robust and up-to-date assessments of local needs and the opportunities for delivering new provision. In response, the council has produced an Outdoor Sports Strategy (2013), which has informed the approach set out in this policy. The strategy identifies that existing sport, open space and recreational facilities will be

sufficient to meet the majority of the district's recreational needs over the life of the plan, although new provision will be required to meet the needs arising from new housing development and to address a number of specific requirements that have been identified.

- 8.86** The council will work with communities over the plan period to explore opportunities for the delivery of new sport, open space and recreation facilities in response to local needs.

New Provision

- 8.87** Across the district, all housing developments that result in a net housing gain, with the exception of temporary homes, rest homes, nursing homes and other institutional uses, will be expected to contribute towards the provision and enhancement of open space to meet the needs generated by residents of the development. The quantity standards set out in the council's Provision for Open Space in Connection with New Housing Development Supplementary Planning Document (SPD) will be applied to determine the required level and type of on-site or off-site open space provision or enhancement. Where on-site provision is necessary, appropriate arrangements must be made for the on-going maintenance of the new facilities in line with the SPD. The council intends to review and consult on its open space standards prior to the submission, adoption and implementation of the Local Plan.

- 8.88** The calculation to determine whether a housing development needs to make a contribution towards the provision of open space will be based on the net population of the development along with the quantity and quality of open space within a reasonable distance of the development site. This ensures that any resultant open space requirement is directly related to the development, is necessary to make the development acceptable in planning terms and is fairly and reasonably related to the development in both scale and kind.

- 8.89** If it is not possible to provide the various types of open space at functional and maintainable sizes and dimensions on-site, the developers will be required to make a developer contribution towards the new provision or enhancement of that type of open space off-site, in line with the provisions within the SPD.

- 8.90** New children's play facilities should be carefully located so that they are adequately overlooked in order to reduce the potential for anti-social behaviour whilst ensuring that they do not give rise to residential amenity problems through noise disturbance.

- 8.91** The council's Outdoor Sports Strategy (2013) identifies specific improvements to sports facilities that are needed, as well as new facilities that would enhance recreational provision in the district. In particular it recommends that the council:

- Seeks to relocate football clubs that are dispersed across a variety of sites in order to promote the development of these clubs;
- Supports the relocation of rugby clubs where existing bases are constraining the amount and standard of play;
- Considers the need to extend provision of cricket clubs where capacity is becoming restricted;
- Considers the provision of an additional artificial grass pitch to support the needs of the hockey club in Harrogate, or for wider sports use.

- 8.92** Harrogate Borough Council has commissioned consultants to update the Outdoor Sports Strategy and undertake an Indoor Sports Facilities Assessment. The updated study will inform the provision standard for Outdoor Sports facilities within a revised Provision for Open Space in Connection with New Housing Development Supplementary Planning Document.

- 8.93** Dual and joint use of education, sports and recreation facilities will be encouraged. The use of school playing fields by local sports clubs may offer potential for helping to meet the demand for sports facilities, especially in the district's larger settlements.

- 8.94** The policy recognises that in remoter rural areas where a new facility is intended to serve the needs of more than one village, it may be more appropriate to locate the facility in the open countryside away from the built up areas of the villages. Where this is proposed the council will expect clear evidence to justify the approach, and to demonstrate that the facility will be accessible by its intended catchment population without creating unacceptable highway issues. Proposals for development within the Green Belt must also comply with Green Belt policies, as set out in this plan and the NPPF. The extent of Green Belt within the Harrogate district is shown on the policies map.

Sports and Recreational Activities that Require a Countryside Location

- 8.95** A number of sports and recreational activities commonly associated with the countryside often require a site with a particular geographical feature or landscape character (e.g. water sports, aerial sports, equestrian sports, motor sports, mountain biking, archery, angling and rock climbing). If these activities cannot be accommodated within built-up areas this policy seeks to manage such uses in the countryside in order to prevent harm to sensitive environments or conflict with other countryside uses. In particular, it is important that inappropriate levels of activity do not result from new sport and recreation development in the countryside.
- 8.96** Countryside locations are also sensitive to increases in noise and artificial light. Artificial light from, for example, floodlights, security lights and street lighting can have an urbanising effect and lead to amenity problems for residents and other land uses. Noise from certain activities and sports, such as motor sports, war games, aerial sports, gun sports and powered water sports may cause harm in some locations, particularly tranquil areas. When planning permission is required for sports and recreational activities or associated access, buildings and car parks, the noise and light impacts of the proposal will be major determinants in considering acceptability.
- 8.97** Schemes for the development of sports and recreation facilities that require a countryside location and are proposed within the Green Belt must also comply with Green Belt policies, as set out in this plan and the NPPF.

Further Information

Related planning policies

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Policy GS4: Green Belt
- Policy TI1: Sustainable Transport
- Policy HP2: Heritage Assets
- Policy HP3: Local Distinctiveness
- Policy NE3: Protecting the Natural Environment
- Policy NE4: Landscape Character
- Policy NE5: Green and Blue Infrastructure

Further information/guidance for applicants (see bibliography under Heritage and Placemaking for more details)

- Harrogate Borough Council: Provision for Open Space in Connection with New Housing Development Supplementary Planning Document (2016)
- Harrogate Borough Council: Outdoor Sports Strategy (Neil Allen Associates, 2013)
- Harrogate Borough Council: Statement of Community Involvement (SCI) (2014)

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

- Pre-application consultation in line with the council's Statement of Community Involvement (SCI).

HP8: Protection and Enhancement of Community Facilities

Policy HP8: Protection and Enhancement of Community Facilities

Proposals for development that involves the loss of land or premises currently or last in community use (including community/village halls, schools, colleges, nurseries, places of worship, health services, care homes, libraries, public houses, and village shops or post offices that cater for day-to-day needs in rural communities) will be permitted only where it can be clearly demonstrated that:

- A. Continued community uses would cause unacceptable planning problems; or
- B. A satisfactory replacement facility is provided in a suitably convenient location for the catchment served prior to the commencement of development; or
- C. There is no reasonable prospect of the existing use continuing on a viable basis with all options for continuance having been fully explored, and thereafter there is no reasonable prospect of securing a viable satisfactory alternative community use.

Proposals involving the improvement of existing community facilities by way of redevelopment or extension will be supported unless it would:

- D. Cause unacceptable adverse impacts on the amenities of neighbouring occupiers; or
- E. Have an unacceptable impact on the operation of the highway network.

Justification

- 8.98** This policy seeks to encourage the retention of a wide range of locally based community facilities to help ensure that people have good access to a range of services. The policy is geared towards retaining existing community uses or re-instating former community uses by whatever means possible. However, in circumstances where this can be shown to be unviable, it requires all reasonable attempts to be made to secure alternative community uses. The policy does not apply to sports facilities, open space or recreation facilities as development proposals affecting these assets will need to meet the requirements of Policy HP7: Protection of Existing Sport, Open Space and Recreation Facilities.
- 8.99** Where an existing community use, and all viable alternative community uses, would cause unacceptable planning problems, for example, with regard to residential amenity or highway safety, which cannot be resolved by reasonable measures, the loss of community use will be permitted. Proposals involving the provision of a satisfactory replacement facility prior to development and in an equally or more beneficial location for the community served will also be permitted. It is likely that the replacement facility will have to be provided off-site, although the policy does not negate replacement as part of a mixed-use scheme on the development site itself. However, to be "*satisfactory*", the replacement must fully address the community needs met by the existing facility. In assessing the location of replacement facilities, safe and easy accessibility (including in terms of travelling time and cost of travel) by foot, cycle and public transport will be important considerations. However, in remoter rural areas it is recognised that this may not always be achievable, nevertheless, replacement facilities must still be at least as accessible to the community they serve as the facilities they are replacing.
- 8.100** The policy supports bringing vacant buildings or land back into use for alternative purposes in circumstances where there is evidence to demonstrate that there is no realistic prospect of the land or premises operating viably in the short to medium term (i.e. five years) in, firstly, its existing community use, and thereafter in other community uses. Where large sites or

buildings are involved, this should include investigating the potential for part of the site or building to be retained for community use. Consideration should also be given to the innovative diversification of existing facilities to improve custom and viability, for example, the combination of village hall and crèche, or a “pub in the community” where a shop or post office is located in the local pub to provide a dual service to the community. Identifying the views of the local community as part of meaningful pre-application consultation will be very important in this respect.

Criterion C

8.101 To assess proposals against criterion C, applicants will be required to provide the following evidence to demonstrate that reasonable attempts have been made to actively market the land or premises for sale or lease by an appropriate agent(s), at existing use value for at least 12 consecutive months prior to the application being made:

- Details of the company and person who has carried out the marketing exercise;
- Copy of the sales particulars;
- Details of the original price paid, date of purchase and the new guide price;
- Schedule of the advertising carried out, with copies of the advertisements and details of where and when the advertisements were placed, along with an estimate of the expenditure incurred from advertising;
- The confirmed number of sales particulars distributed, along with a breakdown of where the enquiries resulted from, for example, from the “For Sale/To Let” board, advertisements, etc.;
- Details of the number of viewings;
- Resulting offers and why they were dismissed;
- Details of the period when a “For Sale/To Let” board was displayed, or if not, the reasons behind the decision;
- Timetable of events from the initial appointment of the agents to current date.

8.102 In the context of this policy, appropriate agent(s) means agent(s) specialising in premises with the same use as the application site, where they exist, alongside local property agents. For example, when considering proposals involving the loss of public houses, applicants would need to demonstrate marketing with agents specialising in licenced premises and local property agents.

8.103 In addition, for applications involving licensed premises the following information will also be required:

- The last three years’ trading accounts with a breakdown of the percentages of income from food and drink;
- Where a dining facility is provided, details of the market aimed at and the number of covers available;
- Who the licence is currently held with and when it is due for renewal;
- The opening times for the premises.

8.104 In relation to the marketing of current or former public houses, the asking price should be pre-agreed in writing with the local planning authority following an independent valuation (funded by the developer) by a RICS⁽³²⁾ certified valuer with expertise in the licensed leisure sector who is not engaged to market the property. The asking price should be based on the valuation of the site as a trading pub without a tie, in the first instance. If this exercise is unsuccessful, the pub site should be marketed for alternative community uses.

Loss of Specialist Accommodation for Older People

8.105 Whilst national and local policy is moving away from traditional older persons' accommodation in care homes towards better home care support, including extra care housing and assisted living, there remains a need to retain specialist housing in care homes as part of a range of solutions aimed at meeting the needs of older people. This is particularly true given that the 2011 census shows that the population of the Harrogate district includes higher proportions of older people than the national average in all age categories over 65 years, and the proportion of older people is forecast to increase. It is also noted that a lack of care home places puts additional pressure on NHS services by leading to hospital stays that are longer than necessary. In assessing proposals involving the loss of specialist accommodation for the elderly, the viability of continued operation and the scope for providing more suitable replacement accommodation within the community will be particularly important considerations. The assessment of whether care homes are capable of meeting care standards legislation, including the Care Standards Act 2000, will be a critical viability consideration, requiring consultation with the Care Quality Commission.

Validation of Planning Applications

8.106 Planning applications involving the loss of land or premises currently or last in community use will not be validated until the council is satisfied that the information set out in the paragraphs above is provided in support of the application. While the asking price for current and former licenced premises should always be agreed with the council in writing, as set out above, to avoid delays in validating applications involving the loss of other community uses, applicants are strongly encouraged to agree site valuations and marketing arrangements with the council in advance of making an application.

8.107 As the public often have important views on the continued operation of community facilities, it is important that they have access to the facts on which a council decision is based. As a result, as much of the information as possible that is provided in support of an application needs to be accessible to the public. Whilst commercially sensitive information will be treated in confidence, applicants should set out a justification for the loss of the community facility that summarises the facts that is available for all to read. Specialist financial details may be subject to independent expert assessment. The policy is not intended to operate in such a way that owners suffer real personal hardship, especially where living accommodation is involved. Therefore, in order to avoid delays in determining applications, the council strongly encourages the submission of all the necessary information required to assess proposals against this policy at the outset of making a planning application.

Enhancement of Community Facilities

8.108 Community facilities should also have the flexibility to continually improve and expand in order to offer the best service and amenity to local residents. Development proposals to extend or improve community facilities by way of either a complete or partial redevelopment will be permitted provided that they would not have an adverse impact on the surrounding area.

Further Information

Related planning policies

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

Further information/guidance for applicants (see bibliography under Heritage and Placemaking for more details)

- Harrogate Borough Council: Community Facilities Protection: Guidelines for Development Control (2004)⁽³³⁾
- Harrogate Borough Council: Statement of Community Involvement, (2014)

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

- Marketing details as set out in the policies supporting text.
- Pre-application consultation in line with the council's Statement of Community Involvement (SCI).

33 This guidance will be updated.

HP9: Provision of New Community Facilities

Policy HP9: Provision of New Community Facilities

New community facilities will only be permitted where it can be demonstrated that there is a local need for the facility, and the following criteria are met:

- A. The facility is of a scale and nature appropriate to its location and intended purpose;
- B. The facility is accessible to the community it is intended to serve;
- C. There are no significant adverse impacts on residential amenity;
- D. There will be no significant loss of industrial, business or housing land or buildings, recreational land or important amenity open space;
- E. All options to reuse existing appropriately located buildings are exhausted before proposals for the development of new buildings are considered;
- F. The proposal would not have an unacceptable impact on the operation of the highway network.

Justification

- 8.109** Proposals for new community facilities will be required to demonstrate that they are needed by the local community, taking account of the availability and convenience of using the nearest alternative facility in the area. New community facilities should be of a sufficient size to meet the needs of the community they are intended to serve but no larger.
- 8.110** New facilities should be located where they are accessible by public transport, or within walking distance of their anticipated users, wherever possible. However, the policy recognises that in the more remote rural areas this may not always be possible, either because existing services are not as frequent or convenient, or because there is currently no local service provided. Where this is the case, community facilities should be located where they would be most convenient to the community they are intended to serve, making the best use of public transport services that are available, where these do exist, and not have an adverse impact upon the operation of the highway network nor on highway safety.
- 8.111** The loss of land protected for other purposes within the plan should be avoided. However, in exceptional circumstances where no suitable site or building is available within a settlement or locality to meet the requirement for a proven necessary community facility (such as a school or health centre), the redevelopment of existing industrial land or buildings or a new site on the edge of the settlement may be acceptable. This would not apply to public houses.
- 8.112** The re-use of suitable and appropriately located vacant buildings in the countryside would be preferable to the development of new buildings in the countryside. Applications involving the development of new buildings for use as community facilities should be accompanied by information on the availability and suitability of existing vacant buildings and why these have not been considered appropriate.
- 8.113** Development proposals involving the provision of cultural facilities that cater for the needs of the district as opposed to individual communities, such as theatres, museums, galleries and concert halls, are not covered by this policy. These proposals would be considered in line with Local Plan policy EC5: Town and Local Centre Management and the National Planning Policy Framework (NPPF).

Further Information

Related planning policies

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Policy TI1: Sustainable Transport
- Policy HP2: Heritage Assets
- Policy HP3: Local Distinctiveness
- Policy NE3: Protecting the Natural Environment
- Policy NE4: Landscape Character

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

- Pre-application consultation in line with the council's Statement of Community Involvement (SCI).

Natural Environment

9 Natural Environment

Natural Environment Key Facts

- The Harrogate district contains a number of European sites, including the North Pennine Moors Special Protection Area (SPA), Kirk Deighton Special Area of Conservation (SAC) and the North Pennine Moors SAC.
- The district contains over 100 sites designated as sites of importance for nature conservation (SINCs)
- There are 25 sites across the district designated nationally as sites of special scientific interest (SSSI's), which cover 19,288 hectares (ha).
- The district contain five designated local nature reserves, which cover 38.63 ha.
- There are 7,659 ha of woodland in the district, covering 6% of the district's area.
- There are 6,000 ha of blanket bog, covering 5% of the district's area.
- As a natural resource, spa waters are an important asset of the historic environment which need protecting.
- Air quality management areas (AQMAs) have been declared at A59 Bond End in Knaresborough and High and Low Skellgate in Ripon due to the levels of Nitrogen Dioxide exceeding the air quality objective.
- Monitoring of air quality at a number of other sites is continuing due to concerns about present pollution levels.
- There are specific areas in Ripon where subsidence due to gypsum dissolution occurs and, therefore, there is a need to minimise the risks and effects on property, infrastructure and the public.
- 20% of the district is grade 1 or 2 agricultural land.

NE1: Air Quality

Policy NE1: Air Quality

Applicants must submit an air quality assessment and/or a dust assessment report and identify mitigation measures to ensure no significant adverse effects where development may:

- A. Affect the air quality management areas (AQMAs) at Bond End, Knaresborough; High and Low Skellgate, Ripon; Woodlands Junction at Hookstone Chase, Harrogate; and York Place, Knaresborough; or at any other AQMAs designated over the course of the plan period;
- B. Create emissions of dust during demolition, earth moving and construction, or through site operations associated with mineral extraction, waste disposal or agriculture;
- C. Impact on the air quality of a special area of conservation (SAC), special protection area (SPA), or site of special scientific interest (SSSI), or on a non-statutory site where there is a relevant sensitivity; or
- D. Create significant amounts of traffic, as determined through a transport assessment and/or air quality modelling specific to the proposal.

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

Justification

- 9.1 In the Harrogate district transport related emissions are the largest source of poor air quality. However, emissions of dust into the air through activities such as demolition, earth moving and construction, which although they may only occur for a limited period, can also have effects on human health, damage vegetation and affect the diversity of ecosystems.
- 9.2 Local authorities in the UK have statutory duties for managing air quality under Part IV of the Environment Act 1995. The council is required to carry out regular reviews and assessments of air quality against standards and objectives prescribed in The Air Quality (England) Regulations 2000 and the Air Quality (England) (Amendment) Regulations 2002. The concentrations of pollutants allowed within the regulations are set at levels that are considered to be acceptable in terms of what is currently scientifically known about the effects of each pollutant on health and the environment.
- 9.3 Local Air Quality Management: Technical Guidance (TG16) produced by the Department for Environment, Food and Rural Affairs (Defra) sets out a streamlined approach to the review and assessment process. This prescribes the submission of a single annual status report (ASR), which the council must submit by 30 June each year. The report should identify new non-compliant areas and report progress made with existing air quality management areas (AQMAs).
- 9.4 In November 2010 AQMAs were declared at A59 Bond End in Knaresborough and the B6265 at High and Low Skellgate in Ripon due to the level of the pollutant nitrogen dioxide exceeding the air quality objective of 40 micrograms per cubic metre. This pollutant is predominantly created by road traffic and congestion in these areas. The boundaries of the AQMAs can be viewed on the council's website. Both AQMAs are in locations where there are many buildings close to the highway creating a 'canyon' effect, with the buildings either side of the road restricting dispersion and dilution of the emissions. Both of these AQMAs are within

conservation areas and include listed buildings. An Air Quality Action Plan for these areas was produced by the council in 2013 and agreed by both Harrogate Borough Council and North Yorkshire County Council (NYCC), the local highway authority. The action plan includes a number of measures to address air quality issues, including the development of planning policy and further guidance for developers.

- 9.5** In January 2017 the council published a report titled Detailed Assessment of Air Quality for Harrogate Borough Council, which contains an assessment of air quality at York Place in Knaresborough and Woodlands Junction at Hookstone Chase in Harrogate. Following consultation the council declared AQMAs at these locations in October 2017. A new Air Quality Action Plan will now be developed with partners, including NYCC. Applicants will need to have regard to the council's agreed Air Quality Action Plan when proposing development that is likely to impact on air quality across the district. Additional areas where emissions may exceed the regulations continue to be monitored across the district.
- 9.6** As air quality issues are primarily transport related integration between land use policies, the Local Transport Plan and the Air Quality Action Plan is important. This integration will ensure that the impact on air quality of development proposals across a wider area, which may impact on the AQMA areas, is considered, especially as high levels of transport related pollutants can have a significant detrimental effect on people's health and quality of life, and on the environment generally. This will be achieved by requiring planning applications proposing development that would give rise to significant amounts of traffic, or which are considered to potentially impact upon local air quality emissions, to submit an air quality assessment. The cumulative impact of traffic in an area and the type of traffic are also important considerations. The developer will be required to identify mitigation measures to address transport related issues as part of a transport assessment and/or travel plan.
- 9.7** Air quality also impacts the natural environment and wildlife, and is particularly important in relation to designated sites, such as sites of special scientific interest (SSSIs) and special areas of conservation (SACs) but may also impact on non-designated sites where the specific ecological features are sensitive to air pollution. In addition to the impact of emissions from transport, emissions of dust into the air during demolition, earth moving and construction, and site operations associated with minerals, waste and agriculture can also have impacts on habitats that are sensitive to dust. A dust assessment report may, therefore, also be required to identify dust impact risk and mitigation required to ensure no significant effects.
- 9.8** Action to protect and improve air quality in the district will be undertaken by requiring all planning applications creating traffic to provide mitigation in the form of electric vehicle (EV) charging points and, where the application will give rise to significant amounts of traffic, to provide information on the increase in pollution arising and identify mitigation measures to address the increases.
- 9.9** Where air quality is likely to be an issue, pre-application discussion with the council's environmental protection team will also be required. Guidance will be prepared with this team and NYCC, as the local highway authority, to identify locations, land uses and size thresholds above which applications for development proposals will be required to provide assessments.

Further Information

Related planning policies

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

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

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

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

- Transport assessment/ transport statement
- Travel plan
- Air quality assessment
- Dust assessment report

NE2: Water Quality

Policy NE2: Water Quality

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

Development will not be permitted where it would:

- A. Prejudice the quality or quantity of surface or ground water;
- B. Have an adverse impact on water dependent sites of special scientific interest (SSSIs) and Natura 2000 sites;
- C. Prejudice the use and quality of the district's spa waters; and/or
- D. Have an adverse impact on potable groundwater supplies within source protection zone (SPZ) 1.

Justification

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

nature and scale of the development proposed and the level of concern about water quality. Where it is likely a proposal would have a significant adverse impact on water quality, then a more detailed assessment will be required in the form of an environmental statement.

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

Further Information

Related planning policies

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

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

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

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

- Environmental statement
- Risk assessment

NE3: Protecting the Natural Environment

Policy NE3: Protecting the Natural Environment

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

This will be achieved by:

- A. Considering proposals which would have a direct or indirect impact on a site protected under international or national legislation, including its features of interest or species, within the context of the statutory protection afforded to them;
- B. Permitting development that affects the interest features of local sites only where an appraisal has considered alternate sites and demonstrated that significant harm can be avoided, adequately mitigated, or, if either criteria cannot be achieved, compensated for;
- C. Permitting proposals which would impact on UK priority habitats and priority species or priority habitats, networks and species identified in the Harrogate Biodiversity Action Plan, or successive document, only where significant harm can be avoided or adequately mitigated for;
- D. Refusing planning permission for development resulting in the loss or deterioration of irreplaceable habitats, including historic wetlands and species-rich grasslands, ancient woodland, including ancient semi-natural woodland and plantations on ancient woodland, and aged or veteran trees, unless the need for and benefits of the development in that location clearly outweigh the loss;
- E. Requiring proposals for major developments to avoid any net loss of biodiversity and supporting schemes which achieve a net gain.⁽³⁴⁾
- F. Requiring proposals to increase connectivity of habitats by locating features which enlarge, connect or support existing green corridors and natural and semi-natural green spaces in line with policy NE5 Green and Blue Infrastructure and the Green Infrastructure Supplementary Planning Document (2014) (or successive document);
- G. Requiring proposals to make use of opportunities to restore and re-create priority habitats and other natural habitats within development schemes.

Justification

- 9.19** Biodiversity and geodiversity support the vital ecosystem services, such as fertile soil, clean air, and growing food, but also less obvious services such as protection from natural disasters, regulation of our climate, and purification of our water or pollination of our crops. Biodiversity also provides important cultural services, enriching our lives. Within Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services, the government set out their mission statement to halt overall biodiversity loss and by 2020 to have put in place measures so that biodiversity is maintained and enhanced. This policy seeks to action this mission statement by encouraging all development to include a net gain in biodiversity and avoid a net loss.

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

- 9.20** The district contains various sites and species which are protected as internationally, nationally and locally important. Statutorily protected biodiversity (generally under international or national designations) are afforded the highest level of protection. Developments outside but adjacent to statutory sites or within their catchments may have an adverse impact on them. Local designations identify important sources of environmental, social and economic benefit at the community level and contribute to functioning ecological networks.
- 9.21** In addition to conservation, it is important to enhance biodiversity and geodiversity wherever possible. This will involve restoring and increasing the total area of natural habitats and landscape features. The policy seeks to strengthen the resilience of the district's biodiversity by linking up areas of high value habitat to create ecological 'stepping stones' and wildlife corridors.
- 9.22** Biodiversity does not just occur on greenfield, undisturbed sites. Many brownfield sites can have biodiversity value, and many sites require management to retain their importance. Where possible, these areas will be enhanced and integrated into the functional network.
- 9.23** Applications for development likely to affect any of the aforementioned natural assets will be expected to include a suitable ecological survey and assessment carried out to BS42020 (or as updated) containing sufficient information to allow a proper evaluation to be made of the impact upon the site. All major applications will be required to submit a Preliminary Ecological Appraisal carried out to BS42020 (or as updated) using the standard approach, as encouraged by the Chartered Institute of Ecology and Environmental Management. For housing, major developments are those that consist of ten or more dwellings or, where the number of dwellings is not known, those developments of 0.5 hectares (ha) or more. For all other uses, major developments are those that consist of 1000 square metres (sq m) of floor space or more, or where the site area is 1 ha or more.
- 9.24** In accordance with the biodiversity section of the council's local validation criteria, planning applications will not be validated where the extent of the impact of the proposal on the natural asset cannot be properly evaluated. The council's local validation criteria explains which planning applications require an ecological assessment. The council may use planning conditions and/or legal agreements to secure protection and enhancement of a natural asset and positive mitigation including, as a last resort, compensation.
- 9.25** Planning permission should be refused for development that is likely to have an adverse effect, or result in the deterioration of a natural asset, unless the need for, and the benefits of, the development clearly outweighs the loss. Where the development could not be reasonably located on an alternative site, adequate mitigation measures, firstly to avoid and minimise the impact, and then to restore biodiversity on-site should be put in place before planning permission is granted. If it is not possible to fully restore biodiversity on-site then it may also be necessary to provide compensation off-site, for example through biodiversity offsetting.

International and National Sites

- 9.26** Within the Harrogate district there are two types of international designations: special areas of conservation (SACs), which are designated via the EU Habitats Directive (Directive 92/43/EEC) to protect natural habitats, wild fauna and flora; and special protection areas (SPAs), designated via the EU Birds Directive (Directive 2009/147/EC) to conserve wild birds, particularly migratory and endangered species. Across the district there are areas of national importance designated as sites of special scientific interest (SSSIs) under the Wildlife and Countryside Act 1981. These sites have been identified as being of special interest by reason of their flora, fauna or geological or physiographical features.

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

Regional and Local Sites

Local Nature Reserves

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

Sites of Importance for Nature Conservation (SINCs)

- 9.30** In North Yorkshire local wildlife sites are termed sites of importance for nature conservation (SINCs). This policy designates SINCs, as shown on the policies map. SINCs form part of a wider national network of non-statutory locally valued wildlife sites. The SINCs have been identified through a variety of work including the Phase 1 Habitat Survey Report (English Nature, 1995), the North Yorkshire SINC Panel Phase 2 Site Assessments, known as the 'Biodat Survey' (2000), the SINC Survey project conducted by Nidderdale AONB (2009) and the preparation for the current Local Plan.
- 9.31** All of the sites have been subject to an initial ecological survey, which has been assessed by the North Yorkshire SINC Panel against the Guidelines for Site Selection (North Yorkshire SINC Panel, 2002) (as amended); and have been ratified by the SINC Panel as qualifying for SINC status. The North Yorkshire SINC Panel is made up of North Yorkshire County Council (NYCC) and district council ecologists, Natural England, the Yorkshire Wildlife Trust and independent consultant ecological surveyors who are commissioned by the panel. When sites have been re-surveyed the new evidence has been reviewed by the SINC panel and

a decision made whether to provide or retain ratified status, or whether to denotify the sites or change the boundaries. Those sites which had ratified status in September 2017 have been designated as SINC on the policies map.

- 9.32** Additional sites could be identified throughout the plan period. New or amended SINC will be incorporated into the policies map through regular updates. The council will notify the landowner of any new, amended or de-selected SINC designation when the policies map is updated. The ecological data for each SINC site is held by the North and East Yorkshire Ecological Data Centre (NEYEDC). Requests to view the ecological data for specific SINC should be made to the NEYEDC. The guidelines for the selection of North Yorkshire SINC and an outline of the procedures for surveying and proposing new SINC can be viewed at the NEYEDC website (www.neyedc.org.uk).

Local Geological Sites

- 9.33** Five local geological sites (LGSs), formerly known as regionally important geological and geomorphological sites (RIGS), have been designated in the Harrogate district through the North Yorkshire Geodiversity Partnership, which now operates as the North Yorkshire Local Geological Sites Panel. The sites were assessed in accordance with the GeoConservation UK assessment system using scientific, geodiversity, educational and cultural criteria. It is anticipated that a number of other local geological sites will be put forward in the near future.
- 9.34** LGSs are the most important places for geology and geomorphology outside statutorily protected land such as Sites of Specific Scientific Interest (SSSIs). They are important as an educational, historical and recreational resource. Additional sites could be identified through the plan period. New or amended LGSs will be incorporated into the policies map through regular updates. The council will notify the landowner, where this can be ascertained, of any new, amended or de-selected LGS designations when the policies map is updated.

Habitat and Species Action Plans

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

No Net Loss of Biodiversity

- 9.37** Biodiversity accounting is a mechanism that uses a standard formula or 'metric' to measure the losses and gains of biodiversity on site at a development. Under the accounting metric all land has, from the outset, an ecological value and, therefore, the impacts on the ecological value of that land can be measured. Likewise the impact of mitigation can be quantified in a clear and transparent approach. A standard metric was developed by Defra and Natural England to run a biodiversity offsetting pilot from 2012-2014. All major applications will be required to submit a Preliminary Ecological Appraisal carried out to BS42020 (or as updated) and a calculation of the biodiversity impact of the proposed development based on this standard metric.

- 9.38** Biodiversity accounting will be used to support the mitigation hierarchy. Initially any potential harm must be avoided. If harm cannot be avoided, it must be reduced through mitigation. Biodiversity accounting can be used to confirm that all harm has been mitigated. If any residual harm still remains after avoidance and mitigation then compensation can be sought through biodiversity offsetting on-site or, if necessary, off-site.
- 9.39** Further guidance on biodiversity offsetting will be provided within a supplementary planning document to support this policy. In addition, there are now organisations that offer biodiversity accounting services and who will broker agreements for biodiversity offsetting.

Further Information

Related planning policies

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Policy NE1: Air Quality
- Policy NE5: Green and Blue Infrastructure
- Policy NE7: Trees and Woodland
- Policy NE8: Protection of Agricultural Land

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

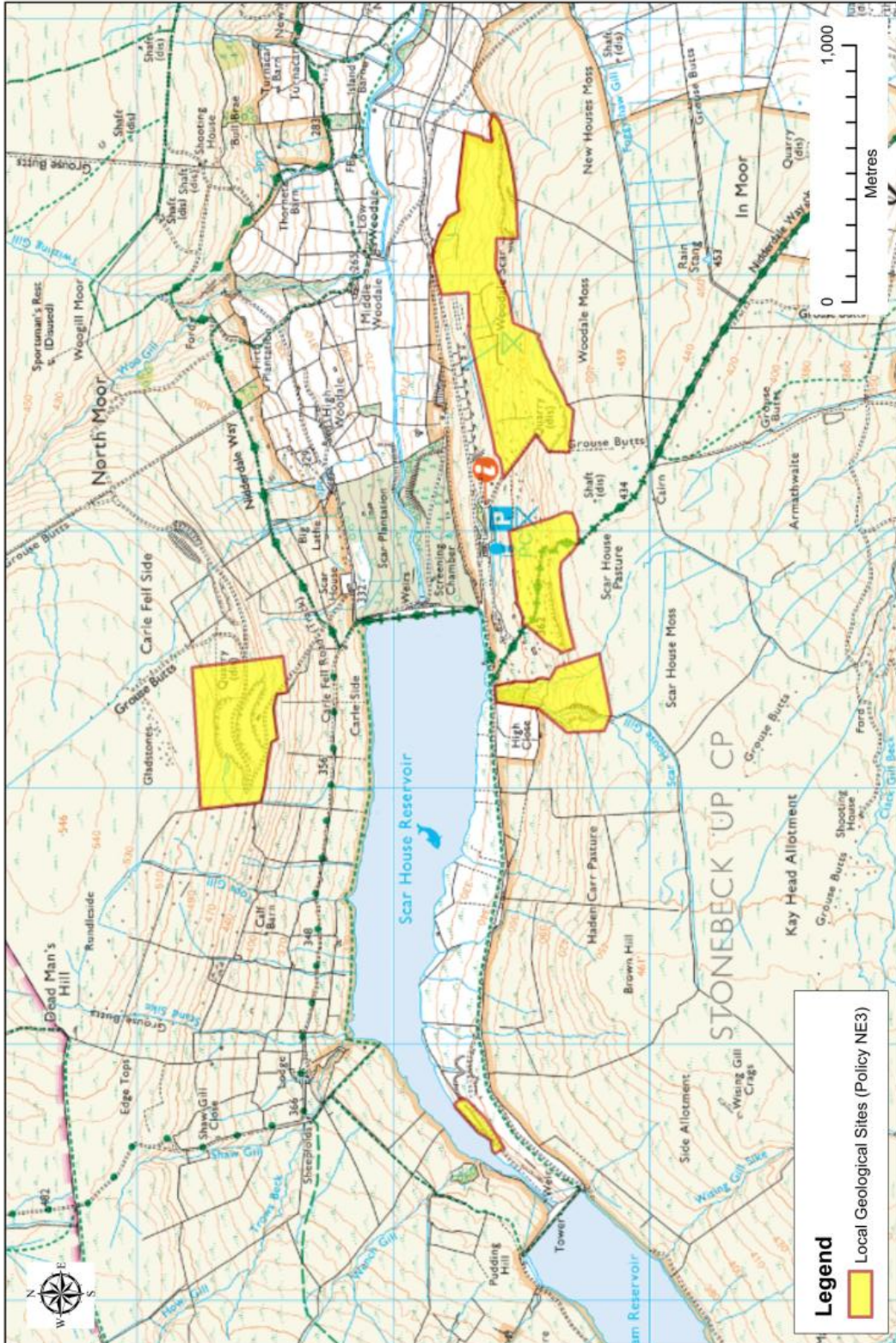
- European Commission: EU Birds Directive (2009)
- European Commission: EU Habitats Directive (1992 amended 1997)
- Wildlife and Countryside Act 1981
- The Conservation of Habitats and Species Regulations 2010
- Department for the Environment, Food and Rural Affairs (Defra): Local Sites: Guidance on their Identification, Selection and Management (2006)
- Department for the Environment, Food and Rural Affairs (Defra): Biodiversity 2020: A Strategy for England's Wildlife and Ecosystem Services (2011)
- Harrogate Borough Council: Green Infrastructure SPD (2014) (or successive document)
- Harrogate Borough Council: Harrogate District Biodiversity Action Plan (2012)
- MAGIC maps
- Natural Environment and Rural Communities Act 2006
- National Parks and Access to the Countryside Act 1949
- Natural England: SSSI Impact Risk Zone Maps
- North Yorkshire SINC Panel: Guidelines for Site Selection (2002) (as amended)

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

- Ecological survey and assessment
- Preliminary Ecological Assessment
- Biodiversity impact calculator

Designations/boundaries shown on the policies map

- Special protection areas (SPAs)
- Special areas of conservation (SACs)
- Sites of special scientific interest (SSSIs)
- Sites of importance for nature conservation (SINCs)
- Local nature reserves (LNRs)
- Local geological sites (LGSs)



NE4: Landscape Character

Policy NE4: Landscape Character

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

This will be achieved by:

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

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

Locally Valued Landscapes

The following areas, as shown on the policies map, are designated as special landscape areas (SLAs):

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

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

- F. Avoid significant loss of key characteristics that contribute to the quality of the special landscape area and the setting of Harrogate, Knaresborough and Ripon.
- G. Ensure that development proposals that are not subject to policies HS6, HS7 and HS9 are linked to existing settlements and are designed to integrate the urban edge with the countryside and to enhance the appearance of the urban fringe.

Justification

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

- 9.46** Larger developments which are likely to have a significant impact may require a landscape and visual impact assessment (LVIA). This would look at the potential landscape and visual impacts of a proposed development, including the effects of change that the development would be likely to have on the existing landscape, including its features and character, and on the existing visual amenity that people in and around the development would be likely to experience. Guidance on the preparation of LVIA's has been published by the Landscape Institute & Institute of Environmental Management.
- 9.47** Proposals for landscape enhancement should embrace the character and appearance of an area, contribute to creating a sense of local distinctiveness and create new features and areas of open space that reflect local landscape character.

Special Landscape Areas

- 9.48** In the Harrogate district, special landscape areas (SLAs) have played an important role in helping to protect locally important landscapes for many years. The SLAs listed above have been identified as being important for the landscape settings of Harrogate, Knaresborough and Ripon through an assessment of landscape analysis and evaluation. The methodology and findings of this assessment, including a summary of the key characteristics for each SLA, are presented within the Review of Local Landscape Designations: Special Landscape Areas 2011: Updated 2016.
- 9.49** While the use of local landscape designations, such as SLAs, is supported by the NPPF, national policy is clear that distinctions should be made between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status. This policy therefore contains criteria by which development proposals will be judged to avoid significant adverse impact on the quality of the SLAs and settings of Harrogate, Knaresborough and Ripon.

Further Information

Related planning policies

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Policy GS6: Nidderdale Area of Outstanding Beauty
- Policy NE5: Green and Blue Infrastructure
- Policy NE7: Trees and Woodland
- Policy HP3: Local Distinctiveness

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

- Harrogate Borough Council: Harrogate District Landscape Character Assessment (2004)
- Harrogate Borough Council: Review of Local Landscape Designations: Special Landscape Areas 2011 Updated (2016)
- Harrogate Borough Council: Landscape Design Guide
- Harrogate Borough Council: Green Infrastructure Supplementary Planning Document (SPD) (2014)
- Natural England: National Character Area Profiles (2014)
- European Landscape Convention (2000)
- Landscape Institute & Institute of Environmental Management: Guidelines for Landscape and Visual Impact Assessment (2013)

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

- Landscape assessment

Designations/boundaries shown on the policies map

- Special landscape areas
- Nidderdale Area of Outstanding Natural Beauty

NE5: Green and Blue Infrastructure

Policy NE5: Green and Blue Infrastructure

Development proposals should:

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

Justification

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

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

9.51 Green and blue infrastructure is essential for meeting a wide range of social, economic and environmental needs. It also has multi-functional benefits helping to enhance biodiversity through improved connectivity and linking habitats, contributing to water management through storing and slowly releasing surface water run-off, creating a sense of place, providing

opportunities for active recreation, exercise and healthy living, mitigating climate change and creating places where people want to live and invest. In the district's towns green spaces perform an important function in terms of reducing flooding, noise and air pollution and providing urban cooling and shade. These benefits are all of value to the local economy and their monetary value can be calculated by considering the costs of rectifying damage if no mitigation were in place.

9.52 In order to maximise the multiple community and environmental benefits that can be delivered by green and blue infrastructure, it is considered important that the existing green and blue infrastructure network within the district is protected, enhanced and appropriately managed, where possible. It is important that development proposals consider the existing ecosystem services provided on a site, including the value these bring to the local economy. From this starting point, developments should be designed to ensure these functions are not lost and are enhanced. Opportunities need to be assessed for new or enhanced green blue infrastructure assets and how they can be delivered. It is also important to improve the connectivity of the existing green blue infrastructure network and increase its accessibility for the benefit of both residents and visitors.

9.53 The council is working with the North and East Yorkshire Ecological Data Centre to map an ecological network for the district. Once completed this work will feed into an update of the Green Infrastructure Supplementary Planning Document (SPD).

Further Information

Related planning policies

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

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

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

NE6: Local Green Space

Policy NE6: Local Green Space

The sites in table 9.1, and as identified on the policies map, are designated as Local Green Space:

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

Table 9.1 Local Green Space Designations

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

Justification

- 9.54** The National Planning Policy Framework (NPPF) allows local communities to identify green areas of particular local significance for designation as Local Green Space. Local Green Space can be designated through a Local Plan or through Neighbourhood Plans. Once designated, Local Green Space will be subject to the same planning policy safeguards as land designated as Green Belt. The Local Green Space designation will provide special protection and only allow new development in very special circumstances.⁽³⁵⁾
- 9.55** Development should not be permitted within a Local Green Space, except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Local Green Space is clearly outweighed by other considerations. The development of new buildings within a Local Green Space is unlikely to be appropriate, however, other forms of development may not be inappropriate provided that they preserve the attributes which distinguish the Local Green Space as being suitable for designation.
- 9.56** In order to be designated as Local Green Space, a green area needs to meet the criteria set out in paragraph 77 of NPPF. The sites designated within the Local Plan were put forward by the community and assessed against a robust methodology to determine their suitability for designation.⁽³⁶⁾
- 9.57** The NPPF states that identifying land as Local Green Space should be consistent with the local planning of sustainable development and should complement investment in sufficient homes, jobs and other essential services. National planning guidance, set out in the Planning Practice Guidance (NPPG), also states that Local Green Space designations should not be used in a way that undermines the aims of plan making. As such, the decision to designate Local Green Space has been taken alongside decisions to allocate land for development (e.g. for housing, employment or other commercial needs) within the Local Plan. The decision to designate areas as Local Green Space requires a balanced approach, considering all relevant criteria and needs within the district.

Further Information

Related planning policies

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

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

- Harrogate Borough Council: Local Green Space Assessment (2016)
- Harrogate Borough Council: Local Green Space Assessment Update Report (2017)

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

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

Designations/boundaries shown on the policies map

- Local green space designations

35 Relevant green spaces, including areas not designated as Local Green Space, are subject to the provisions of policy HP6 Protection of Existing Sport, Open Space and Recreation Facilities.

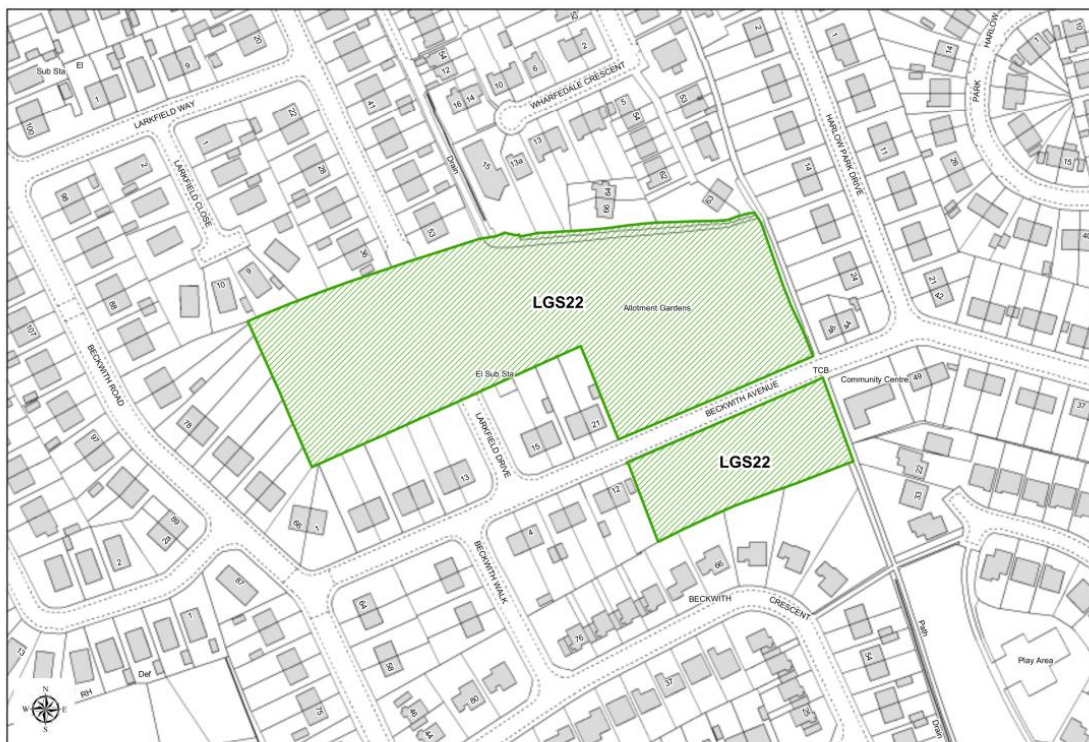
36 For further information see: Local Green Space Assessment October 2016.

Local Green Space Designations: Harrogate

Site LGS22

LGS22: Beckwith Avenue allotments, Harrogate

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



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0 25 50 100 Meters

Picture 9.1 Site LGS22

Site LGS22

Site LGS25

LGS25: Bachelor Fields, Harrogate

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



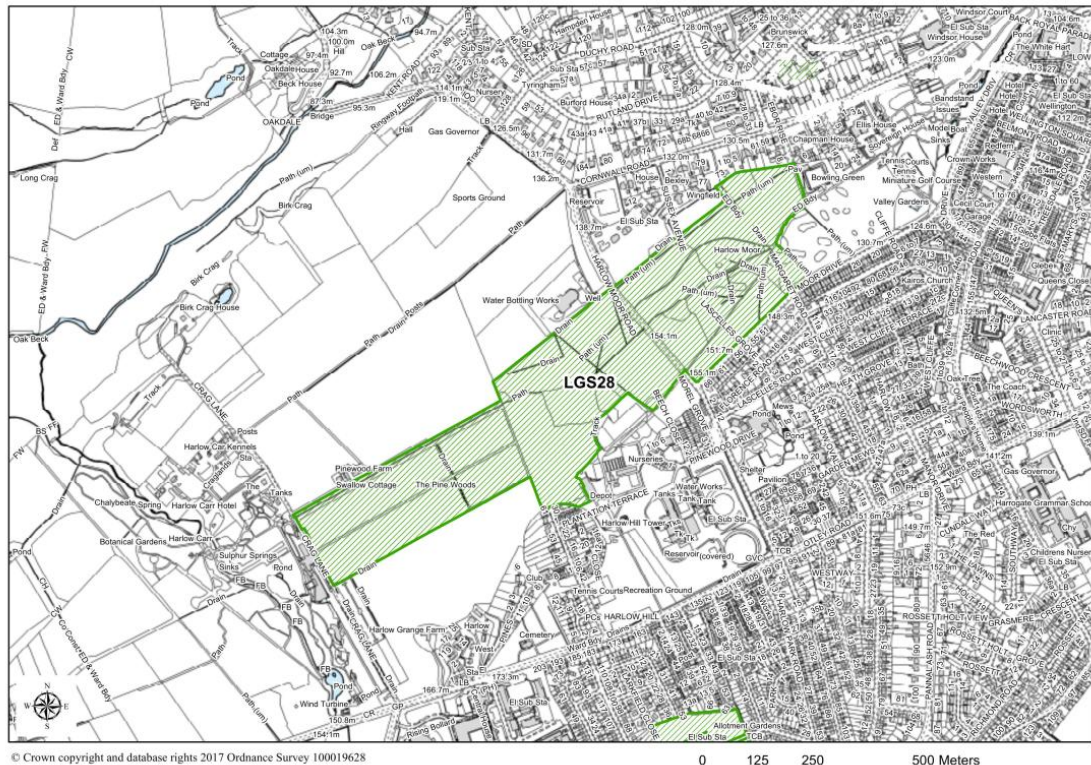
Picture 9.2 Site LGS25

Site LGS25

Site LGS28

LGS28: The Pinewoods, Harrogate

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



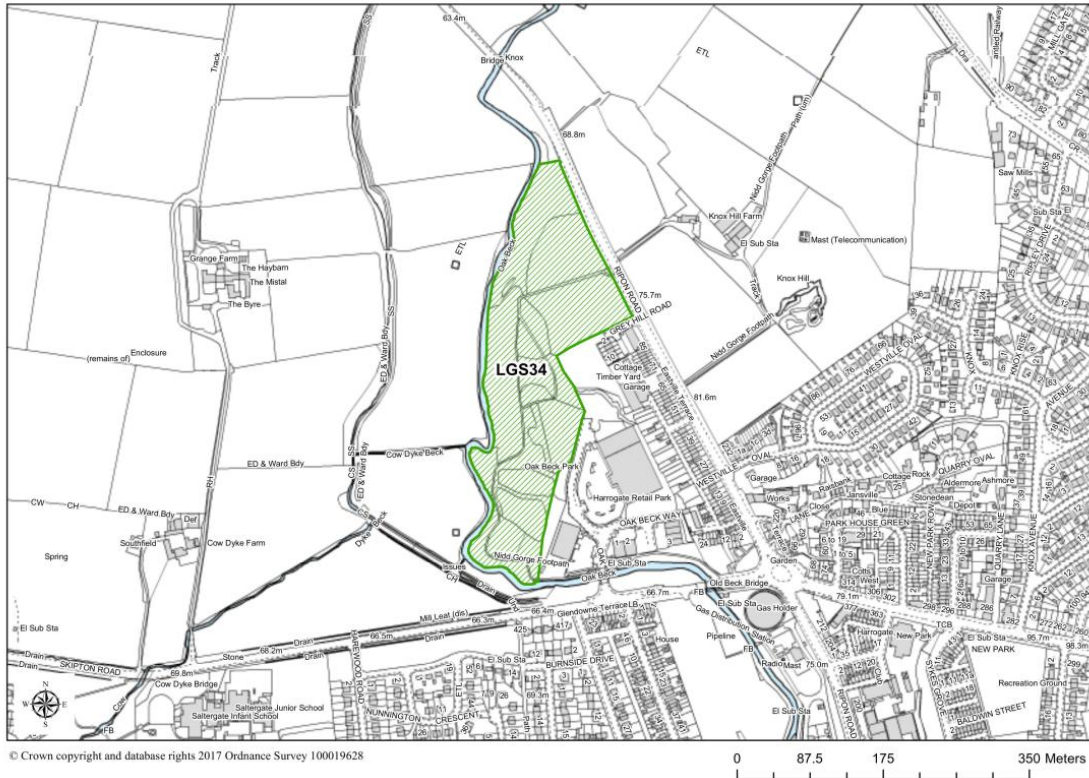
Picture 9.3 Site LGS28

Site LGS28

Site LGS34

LGS34: Grange Quarry Park, Harrogate

Site Ref	LGS34
Settlement	Harrogate
Site Name	Grange Quarry Park, Harrogate
Designation	Local Green Space



Picture 9.4 Site LGS34

Site LGS34

Site LGS101

LGS101: Otlands Allotments

Site Ref	LGS101
Settlement	Harrogate
Site Name	Otlands Allotments
Designation	Local Green Space



Picture 9.5 Site LGS101

Site LGS101

Site LGS102

LGS102: Pine Street allotments, Harrogate

Site Ref	LGS102
Settlement	Harrogate
Site Name	Pine Street allotments
Designation	Local Green Space



Picture 9.6 Site LGS102

Site LGS102

Site LGS103

LGS103: Forest Avenue allotments, Harrogate

Site Ref	LGS103
Settlement	Harrogate
Site Name	Forest Avenue allotments
Designation	Local Green Space



Picture 9.7 Site LGS103

Site LGS103

Site LGS104

LGS104: North Outfall allotments, Harrogate

Site Ref	LGS104
Settlement	Harrogate
Site Name	North Outfall allotments
Designation	Local Green Space



Picture 9.8 Site LGS104

Site LGS104

Site LGS106

LGS106: Unity allotments, Harrogate

Site Ref	LGS106
Settlement	Harrogate
Site Name	Unity allotments, Harrogate
Designation	Local Green Space



Picture 9.9 Site LGS106

Site LGS106

Site LGS108

LGS108: Stonefall allotments, Harrogate

Site Ref	LGS108
Settlement	Harrogate
Site Name	Stonefall allotments
Designation	Local Green Space



Picture 9.10 Site LGS108

Site LGS108

Site LGS109

LGS109: Claro allotments, Harrogate

Site Ref	LGS109
Settlement	Harrogate
Site Name	Claro allotments
Designation	Local Green Space



Picture 9.11 Site LGS109

Site LGS109

Site LGS110

LGS110: Panhandle Park and railway embankment

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



Picture 9.12 Site LGS110

Site LGS110

Site LGS111

LGS111: Stonefall Park, Harrogate

Site Ref	LGS111
Settlement	Harrogate
Site Name	Stonefall Park
Designation	Local Green Space



Picture 9.13 Site LGS111

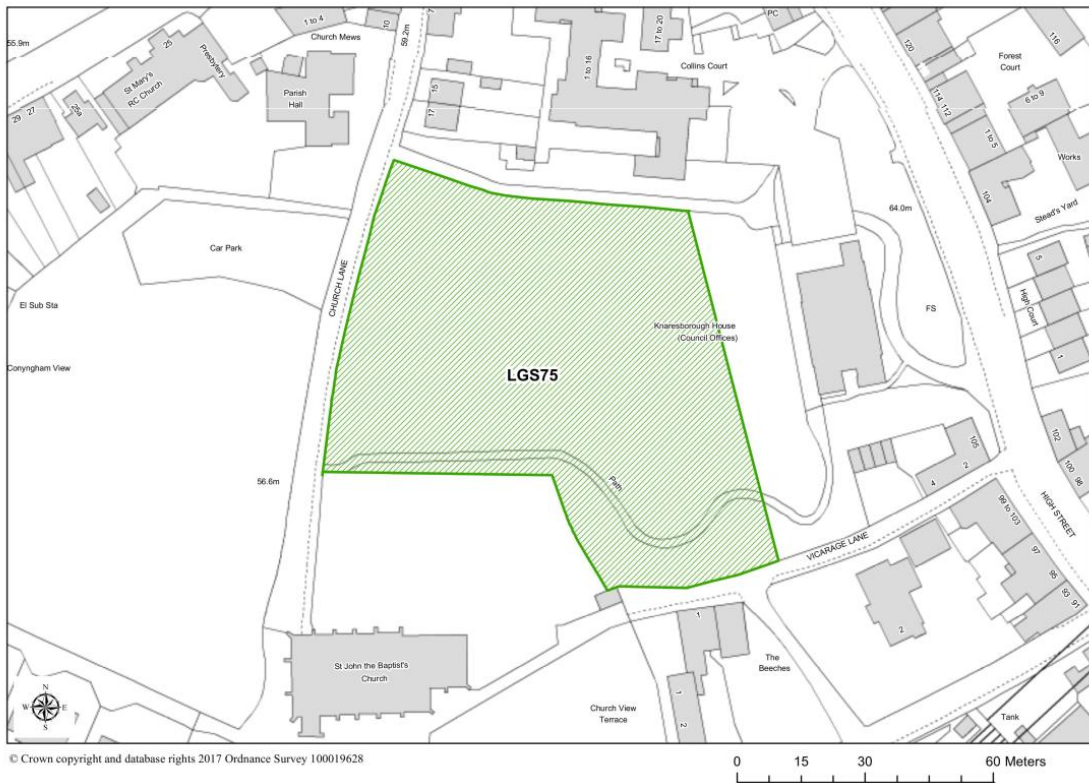
Site LGS111

Local Green Space Designations: Knaresborough

Site LGS75

LGS75: Knaresborough House, Knaresborough

Site Ref	LGS75
Settlement	Knaresborough
Site Name	Knaresborough House
Designation	Local Green Space



Picture 9.14 Site LGS75

Site LGS75

Site LGS81

LGS81: Aspin Pond, Knaresborough

Site Ref	LGS81
Settlement	Knaresborough
Site Name	Aspin Pond
Designation	Local Green Space



Picture 9.15 Site LGS81

Site LGS81

Site LGS58

LGS58: Jacob Smith Park, Scriven, Knaresborough

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



Picture 9.16 Site LGS58

Site LGS58

Local Green Space Designations: Masham

Site LGS47

LGS47: Masham Allotments

Site Ref	LGS47
Settlement	Masham
Site Name	Masham Allotments
Designation	Local Green Space



Picture 9.17 Site LGS47

Site LGS47

Local Green Space Designations: Burnt Yates

Site LGS9

LGS9: Community Amenity Area, Burnt Yates

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



Picture 9.18 Site LGS9

Site LGS9

Local Green Space Designations: Grantley

Site LGS14

LGS14: Playing Field, Grantley

Site Ref	LGS14
Settlement	Grantley
Site Name	Playing field
Designation	Local Green Space



Picture 9.19 Site LGS14

Site LGS14

Local Green Space Designations: Killinghall

Site LGS35

LGS35: Island at Cautley Drive, Killinghall

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



Picture 9.20 Site LGS35

Site LGS35

Local Green Space Designations: North Deighton

Site LGS48

LGS48: The Green, North Deighton

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



Picture 9.21 Site LGS48

Site LGS48

Local Green Space Designations: North Stainley

Site LGS50

LGS50: Community Garden, North Stainley

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



Picture 9.22 Site LGS50

Site LGS50

Site LGS51

LGS51: Recreation Ground, North Stainley

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



Picture 9.23 Site LGS51

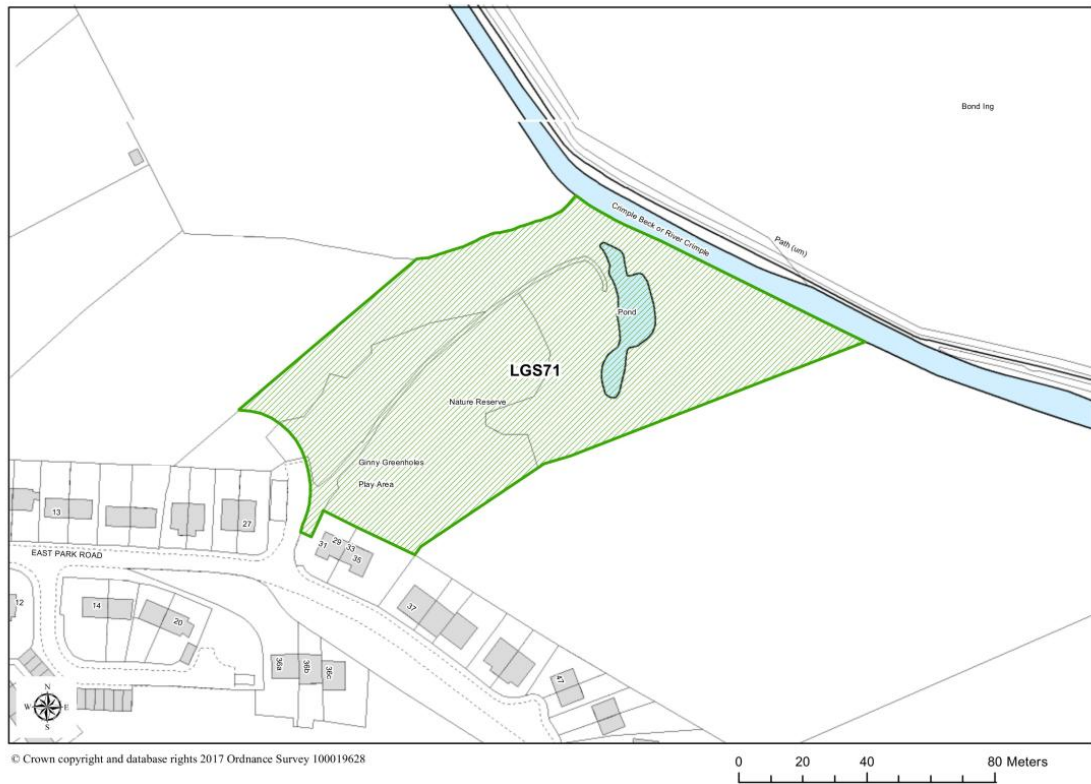
Site LGS51

Local Green Space Designations: Spofforth

Site LGS71

LGS71: East Park Playground and Recreation Park, Spofforth

Site Ref	LGS71
Settlement	Spofforth
Site Name	East Park Playground and Recreation Park
Designation	Local Green Space



Picture 9.24 Site LGS71

Site LGS71

Site LGS73

LGS73: Millennium Garden, Spofforth

Site Ref	LGS73
Settlement	Spofforth
Site Name	Millennium Garden
Designation	Local Green Space



Picture 9.25 Site LGS73

Site LGS73

NE7: Trees and Woodland

Policy NE7: Trees and Woodland

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

Proposals that would result in the loss of, or damage to ancient or veteran trees or trees that are subject to a tree preservation order (TPO) will not be permitted unless:

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

Development that results in the loss of, or damage to trees will be required to provide replacement trees on-site or, if this is not possible, compensatory planting off-site that is equivalent to the public value of the trees to be removed.

New development should be designed to ensure a satisfactory relationship between buildings and new and existing trees, which both safeguards the future health of the trees and avoids unacceptable impacts on residential amenity.

Justification

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

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

Further Information

Related planning policies

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

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

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

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

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

NE8: Protection of Agricultural Land

Policy NE8: Protection of Agricultural Land

The best and most versatile agricultural land (grades 1, 2 and 3a) will be protected from development not associated with agriculture or forestry except where it can be demonstrated to be necessary.

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

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

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

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

Justification

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

- 9.68** In circumstances when higher grade land has to be used, an agricultural land classification survey can inform site layout to reduce the loss of BMV land and can feed into a soil resource plan. Identification of clean soil resources is necessary to plan for effective reuse of soils.

Further Information

Related planning policies

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

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

- Department for the Environment, Food and Rural Affairs (Defra): Construction Code of Practice for the Sustainable Use of Soil on Development Sites (2009)

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

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

NE9: Unstable and Contaminated Land

Policy NE9: Unstable and Contaminated Land

Unstable Land

Where development is proposed on potentially unstable land the developer will need to demonstrate that appropriate measures can be put in place to ensure that the development can be safely undertaken and that there are no significant risks of instability over the lifetime of the development. With specific regard to subsidence due to gypsum dissolution in the Ripon area, significant building development in areas which are suspected as being potentially susceptible to the problem will be subject to development control procedures, based on the development guidance categories in the section below titled 'Gypsum Related Subsidence in the Ripon Area', and as shown on the policies map. The accompanying advice on 'Gypsum Related Subsidence in the Ripon Area', including the requirements for ground stability assessment reports and declaration forms in certain areas, should be followed for all applications for development.

Contaminated Land

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

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

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

Justification

General Instability

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

9.70 In certain parts of the plan area difficulties may be experienced in developing land due to instability of the ground, and in these areas it will normally be necessary to take full account of the ground conditions prior to the determination of planning applications and/or the commencement of development. Within the plan area, the causes of such instability may include:

- The effects of subsidence associated with natural underground cavities caused by dissolution of gypsum deposits within the underlying strata;
- The legacy of past coal mining activity, particularly in parts of Nidderdale, including mine entries and subsidence associated with shallow underground mine workings;
- The effects of settlement associated with ground compression due to human activities (landfill, made ground) or natural origins (peat, soft silts, shrinkable clays); and
- The effects of slope failure on natural or man-made slopes.

9.71 The effects of ground instability vary considerably in their nature, scale and extent. Most commonly they are of a minor nature and occur very infrequently, only rarely causing damage to buildings. However, in the most extreme circumstances they may threaten health and safety or cause severe damage to unprotected buildings and structures. In many instances the proposed development may itself exacerbate any existing or potential instability, for example, by increased loading, excavation or changes to local groundwater conditions.

9.72 When planning permission is applied for it is the developer and/or landowner who is responsible for ensuring that the land is physically suitable for development, or can be made so. Therefore, in appropriate cases the council may require planning applications to be supported by a ground stability report describing and analysing the issues relevant to ground instability and indicating how any foreseeable problems would be overcome.

9.73 The nature of potential land instability is that, in most instances, it should be possible to overcome any difficulties, or at least reduce them to an acceptable level, through appropriate investigation and mitigation measures and/or through the careful design and placing of development.

Unstable Land

9.74 The specific issue of subsidence due to gypsum dissolution in the Ripon area was investigated by consultants in a two-year research programme commissioned by the then Department of the Environment with a contribution from the Harrogate Borough Council. From the results of that study the council adopted a development management policy designed to:

- Minimise the risks and effects of land instability on property, infrastructure and the public;
- Ensure that various types of development should not be placed in unstable locations without appropriate precautions;
- Bring unstable land, wherever possible, back into productive use;
- Assist in safeguarding public and private investment by a proper appreciation of site conditions and necessary precautionary measures.

9.75 The study and objectives remain valid and the policy's requirements include the need for many planning applications in affected areas to be supported by a ground stability report prepared by a suitable experienced competent person.

9.76 The ground stability report is required to assess whether or not any ground instability can reasonably be foreseen for the site in question, and where necessary, to provide detailed recommendations on the mitigation measures which may be needed in order to reduce the potential effects of any foreseen instability to an acceptable level. Such recommendations, if acceptable to the planning officer, would form the basis of conditional planning consent and would need to be implemented on site.

9.77 Detailed development management requirements are set out in the section following this policy titled 'Gypsum Related Subsidence in the Ripon Area'. Discussion with the council's development management team is recommended at an early stage.

Contaminated Land

9.78 Land may be affected by contamination if substances present in, on or under the land are actually or potentially hazardous to people or the environment. The presence of contamination does not necessarily present an unacceptable risk. Risk exists when a source (a contaminant) and a receptor (e.g. people, groundwater, wildlife) both exist at a site with a pathway linking the two. Contamination may be present in various forms, including chemical, biological or radioactive. Land affected by the presence of invasive species such as Japanese Knotweed, Giant Hogweed and Himalayan balsam can also be classed as contaminated and, therefore,

will be covered under this policy. Current and former landfill sites are also classed as contaminated land. Development can create risk by introducing new pathways and also by introducing new receptors.

- 9.79** The role of the planning process is to ensure that land is made suitable for its proposed future use. The NPPF aims to encourage sustainable development and the reuse of previously developed land but also states that the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse affects from pollution, should be taken into account. It also requires that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.
- 9.80** Technical guidance for developers, landowners and consultants has been produced by the Yorkshire and Humberside Pollution Advisory Council and has been adopted as guidance by 34 local authorities in Yorkshire, Lincolnshire and the North East, including Harrogate Borough Council. This document is intended to assist developers, landowners and consultants who intend to introduce a vulnerable end use (e.g. residential) to land or wish to re-develop or significantly change the use of buildings or of land which could potentially be contaminated.
- 9.81** Applicants will also be expected to clearly set out the method of providing mitigation on-site to avoid contamination of other land within the site, or of accidentally spreading contamination into nearby watercourses.
- 9.82** Unlike many of the larger urban and metropolitan areas, Harrogate district does not have a history of heavy industrial activity. Therefore, there are few derelict, abandoned or current industrial sites that are heavily contaminated. The district does, however, contain a number of specific local features that may have significant implications for the incidence of contaminated land, including the concentration of naturally occurring springs and spas, the problem of gypsum dissolution and various former and current Ministry of Defence sites.

Further Information

Related planning policies

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

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

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

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

- Ground stability report
- Land contamination risk assessment
- Statement showing the method of providing mitigation on site

Designations/boundaries shown on the policies map

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

Gypsum Related Subsidence in the Ripon Area

- 9.83** This section provides accompanying advice to policy NE9: Unstable and contaminated land and covers the following:
- Procedural requirements set out in the policy;
 - A development guidance map defining three areas relating to the presence of gypsum and the gypsum related subsidence hazard associated with each area, together with suggested development management procedures;
 - Definition of a 'competent person' when undertaking a ground stability report.

Background

- 9.84** Gypsum occurs at a relatively shallow depth in the rocks beneath the Ripon area. In some areas it is susceptible to dissolution by percolating groundwater leading to the localised development of natural, underground cavities. These cavities can become unstable and collapse, leading to their upward migration and ultimately to subsidence of the ground surface.
- 9.85** The frequency of subsidence events in the Ripon area is low (about one event per year). Most incidents take place in the open countryside without causing damage to buildings. Whilst the probability of subsidence occurring at a particular location is generally very low, the effects can be significant and the consequences could be serious if an occupied building were to be affected. It is therefore essential that the problem should be taken into account in planning new development in Ripon.
- 9.86** Although paragraphs 120 and 121 of the National Planning Policy Framework (NPPF) note that responsibility for the safe development of unstable land rests with the developer and/or landowner, planning policies and decisions are nevertheless required to ensure that sites are suitable for a proposed use, taking account of ground conditions and land instability, including that associated with natural hazards. They are also required to ensure that adequate site investigation information prepared by a competent person is presented.
- 9.87** In order to establish an appropriate planning response for Ripon, a detailed investigation was carried out in 1996. The study identified a gravel-filled buried valley beneath the River Ure as a key factor influencing groundwater flows through the layers of gypsum beneath the city, enabling an understanding to be gained of the associated patterns of dissolution and subsidence. That in turn led to the preparation of a development guidance map, a simplified version of which is presented below. The map identifies three different zones in which gypsum is thought to be: absent (zone A); present at depth (zone B) or present at relatively shallow depth and potentially susceptible to dissolution by flowing groundwater (zone C). Natural underground cavities relating to gypsum dissolution are also likely to be present within zone C.

Policy Requirements

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

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

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

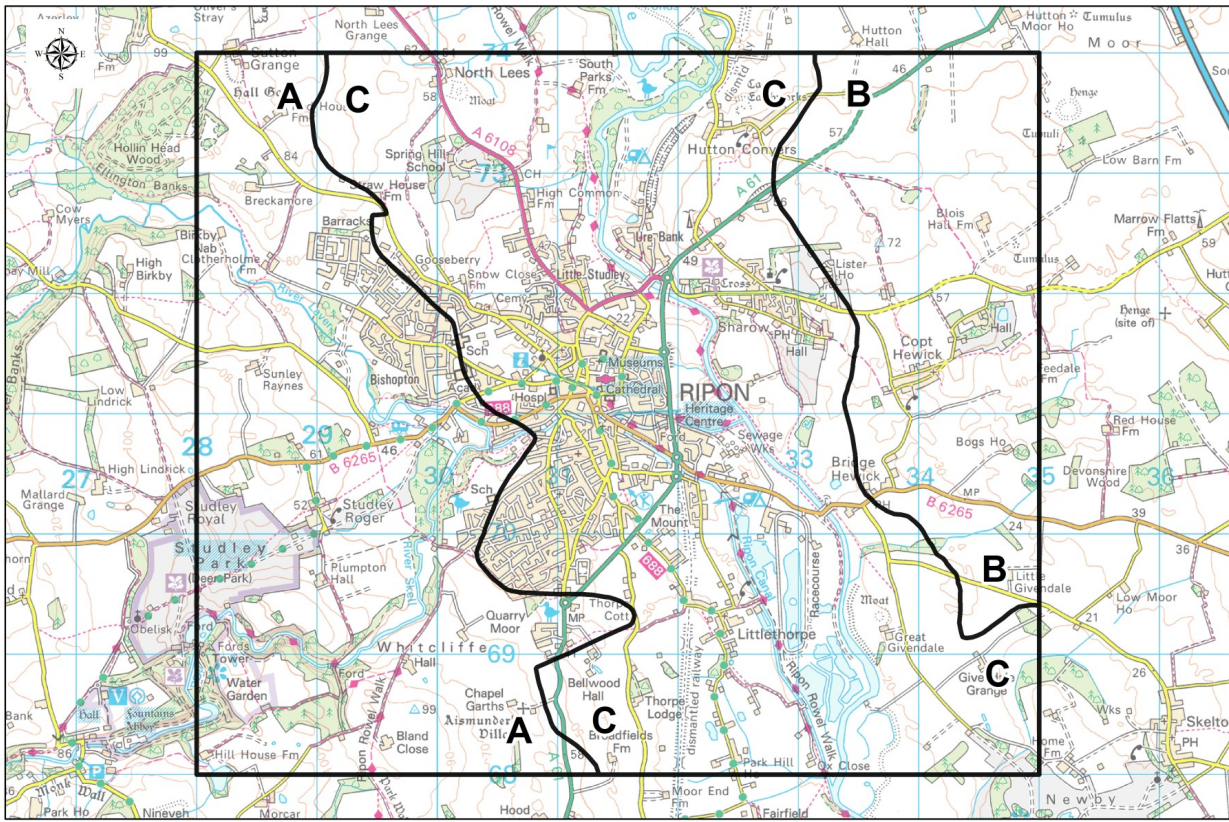
9.91 A simplified version of the development guidance map forms part of this section. More detailed information of the areas is given on the policies map.

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

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

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

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



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Map 9.2 Ripon Gypsum Map

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

Table 9.3 Legend: Ripon Gypsum Map

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