

## **Pannal and Burn Bridge Neighbourhood Plan Examination**

### **Questions of clarification from the Examiner to the Parish Council (PC) and North Yorkshire Council (NYC)**

#### **RESPONSE FROM NORTH YORKSHIRE COUNCIL**

Having completed my initial review of the Neighbourhood Plan (the Plan), I would be grateful if both Councils (as appropriate) could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information. Please do not send or direct me to evidence that is not already publicly available.

#### **Question 1**

1. On 5 September 2023, the Government updated the National Planning Policy Framework (NPPF) a few weeks after the extended Regulation 16 stage had ended and shortly after the examination had commenced.

The update focused on national policy for onshore wind. Transitional arrangements are set out in the updated NPPF. These explain that the policies on renewable and low carbon energy and heat only apply to local plans that have not reached Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 or would reach that stage within three months of the publication of the updated NPPF.

Although that relates to Local Plans, I consider the same principle can pragmatically be applied to this Plan. I therefore consider that even if the updates are relevant to this Plan, the updates do not apply and it is not necessary to have further consultation on this. I invite comments on this proposed course of action from the PC and NYC.

#### **NYC Response**

**NYC agree that while the transitional arrangements are set out only with reference to timescales applicable to local plans, a pragmatic approach of applying the same approach to this neighbourhood plan would be appropriate. On this basis it is agreed that even if the updates were relevant to the plan's content they do not apply.**

#### **Question 2**

2. Please could the date of the designation of the Plan area be confirmed?

#### **NYC Response**

**The Pannal and Burn Bridge Neighbourhood Area was designated by Harrogate Borough Council on 10 August 2017. The decision notice and other documents relating to designation, including a plan showing that the area has the same extent as the Pannal and Burn Bridge parish, are available on the NYC website at:**

<https://www.northyorks.gov.uk/planning-and-conservation/planning-policy/planning-policy-your-local-area/harrogate-planning-policy/neighbourhood-planning/neighbourhood-planning-harrogate-district/pannal-and-burn-bridge-neighbourhood-plan>. The date of designation is noted in the plan on page 7.

### Question 3

3. The introductory chapters to the Plan do not include any information about the strategic context of the Neighbourhood Plan. Please would the PC and NYC agree and provide a paragraph or two of text to be included in the Plan about the strategic planning context for it i.e. the position of the villages in the settlement hierarchy and the level of growth anticipated etc.?

### **NYC Response**

**NYC and Pannal and Burn Bridge Parish Council (PBBPC) have agreed text describing the strategic planning context. This is set out in Appendix 1.**

### Question 4

4. One of the aims of the Plan states “To not support further large-scale house-building and to control the building of any further new small-scale housing in the area.”. Given NYC’s growth strategy and Pannal’s position in the settlement hierarchy as set out in the Local Plan, please suggest a rewording for this aim to ensure it reflects the planning policy context.

### **NYC Response**

**NYC suggest that the aims of a plan should only encompass outcomes that can be delivered by its content. Where aims and expected policy outcomes are not aligned, one or the other, or both, should be amended to ensure the plan is coherent and can deliver as intended. On this basis it is noted that, in terms of relevant housing policies, the plan includes a policy that re-affirms the design requirements of other policies in the plan; and a policy that adds further criteria to a requirement of local plan policy GS3: Development Limits, which applies to proposals outside development limits in the absence of a districtwide five-year supply of housing land. A third policy concerning housing mix is not considered relevant since it is likely covered by the aim of ensuring ‘that homes of the right types are built to meet the needs of local people’.**

**Based on the policies highlighted, and notwithstanding comments made previously in relation to these, NYC suggests the following aim: ‘To manage the impacts of housing development in the parish and, in the absence of a districtwide five-year supply of housing land, manage settlement growth’.**

### Question 5

5. Policy GNE1 Green and Blue Infrastructure. Two matters arise:

- a. I have found it quite difficult to distinguish between the three corridors on the Policies Map. Please could a map which only shows the three areas be provided?
- b. Could a brief explanation be given as to how the three areas were drawn up?

#### **NYC Response**

- a. **PBBPC has agreed to supply the maps requested.**
- b. **As the neighbourhood plan has been prepared by PBBPC the parish council will respond on this matter.**

#### Question 6

6. Policy GNE2 Crimple Valley Special Landscape Area. Six matters arise:
  - a. Is this exactly the same area as the SLA in the Local Plan?
  - b. The policy refers to key views. Appendix 3 contains details of key views and vistas. The appendix contains over 50 views. Views are also referred to in Policies BE1 Pannal Conservation Area – Development and Design and BE3 Local Heritage Areas – Development and Design and Policy BE5 Village Character Areas – Development and Design. How have the views been selected and appraised?
  - c. I could not find Views P, Ai or AJ on the maps.
  - d. Would it be helpful to attribute the views in Appendix 3 to each policy as relevant? I am not sure, I am simply raising the question, but if considered to be helpful, please can this information be supplied.
  - e. Map 4 in the appendix is hard to read. Please can a larger scale map be provided? If the views are attributed to each relevant policy, then separate view maps for each policy could be produced.
  - f. Lastly, please note that any views such as views O, Q, S, W, Z, AK and AL are likely to be recommended for deletion as they are either from inside the Plan area but look outside it, or are situated outside the Plan area looking into it. The Plan can only contain policies for the Plan area itself.

#### **NYC Response**

- a. **The Crimple Valley Special Landscape Area (SLA) is a locally valued landscape designated by policy NE4 of the Harrogate District Local Plan 2014-2035, which includes land within the Pannal and Burn Bridge parish but also land outside the parish. NYC understands that the intention of PBBPC in preparing policy GNE2 is to set out additional controls (to those within the local plan policy) for the SLA, as defined by the local plan, where it exists within the parish, and not to amend SLA boundaries.**

While the intention is not to amend SLA boundaries it is noted that a comparison of the extent of the SLA within the parish, as defined by the local plan, and that shown on the neighbourhood plan policies map has identified at least two anomalies, which it is recognised are likely due to drafting errors. A map of the SLA defined in the local plan is included with this submission.

Firstly, in the north of the parish, some of the land designated as the Rosset Green Character Area is also shown as within the SLA, contrary to the local plan; and secondly, in the south-west of the parish, a small triangular parcel of land to the south of Brackenthwaite Lane has been incorrectly excluded from the SLA. If it is confirmed that the neighbourhood plan does not seek to amend SLA boundaries, it is suggested that this issue may be resolved through a modification, with the neighbourhood plan policies map amended using the NYC shapefile for the SLA.

- b. As the neighbourhood plan has been prepared by PBBPC the parish council will respond on this matter.
- c. As the neighbourhood plan has been prepared by PBBPC the parish council will respond on this matter.
- d. NYC considers that it would be helpful to attribute the views in Appendix 3 to each policy, as relevant, as this would provide greater clarity to applicants, decision makers and others.

At present the plan places requirements on proposals that may affect any of over 50 views, and it does this through four policies. As these policies have different aims, such as protecting historic significance, protecting landscape character or protecting locally distinctive design characteristics, and offer differently worded protections, it would follow that consideration of proposals affecting views may differ depending on the policy or policies involved. Similarly, although policies BE1 and BE3 both protect historic significance the consideration of views under each policy is likely to differ to reflect that BE1 relates to a designated heritage asset (the conservation area) while BE3 relates to non-designated heritage assets (local heritage areas).

Attributing views to relevant policies would help applicants consider relevant views and prepare satisfactory proposals and help decision makers apply the correct policies and protect the relevant characteristics within views. Attributing views to policies may also be helpful at this stage in consideration of whether appropriate views are being protected.

It is noted that policies GNE2, BE1 and BE3 refer to views identified in Appendix 3 but that a similar reference in BE5 for the four out of five village character areas where protection of views is mentioned is not included. This may suggest that views protected by BE5 are in addition to those outlined in Appendix 3. In each case the policy infers protection upon views across landscapes outside of the character area that are within the SLA or designated Green Belt.

- e. **PBBPC has agreed to supply a larger scale version of Map 4. Based on its response to 'd' above, it is understood that the parish council has not supplied separate view maps for each policy but is happy to do so if considered necessary by the Examiner.**
- f. **The possible deletion of these views is noted and would be supported where the reasons given apply.**

#### Question 7

- 7. **With regard to Policy GNE3, Local Green Space Protection, please could more detailed maps showing the boundaries of each proposed LGS be provided.**

#### **NYC Response**

**PBBPC has agreed to supply the maps requested.**

#### Question 8

- 8. **Policy GNE6 Land at Almsford Bridge:**
  - a. **Is this intended to be an allocation?**
  - b. **Is part of the land also identified as a proposed Local Green Space?**

#### **NYC Response**

- a. **NYC understands that site GNE6 it is not being proposed as an allocation for open space use. While it may be helpful to communicate the parish council's support for an open space use on this site within the neighbourhood plan, it is not considered necessary to do this within policy. Inclusion of the current policy may lead to confusion for applicants, decision makers and others if proposals are received for uses or development other than open space which comply with all other local plan and neighbourhood plan policies.**
- b. **It is understood that a portion of this site is also proposed as Local Green Space, ref: LGS10 Almsford Wood. LGS10 appears to be located to the north of the public right of way that crosses the GNE6 site and is proposed for designation on the basis of landscape, wildlife and recreational significance.**

#### Question 9

- 9. **Please could a copy of the Pannal Conservation Area Character Appraisal be provided?**

#### **NYC Response**

**NYC will supply a copy of the Pannal Conservation Area Character Appraisal alongside this response.**

### Question 10

10. Policies BE2 Local Heritage Areas and BE3 Local Heritage Areas – Development and Design refer to Local Heritage Areas. How have the Local Heritage Areas been devised?

#### **NYC Response**

**As the neighbourhood plan has been prepared by PBBPC the parish council will respond on this matter.**

### Question 11

11. Policy BE3 Local Heritage Areas – Development and Design refers to “surviving historic buildings”. Would it be helpful to identify these?

#### **NYC Response**

**Policy BE3 includes the retention of historic buildings as part of a general requirement applying to each local heritage area, which also requires the retention of historic features, such as stone walls, hedgerows, railings and cobbled surfaces.**

**Requirements to retain historic features are supported, however, where policy requires proposals to retain a non-listed building due to its historic significance, particularly if the building is not within a conservation area, it is considered that the building would need to be a non-designated heritage asset. As the plan includes a policy identifying non-designated heritage assets (BE4), and on the basis that BE3 protects additional buildings, NYC consider that such buildings should be assessed against criteria for non-designated heritage assets and, where the criteria are met, identified as such within policy BE3 or BE4 to ensure that appropriate weight is given to their conservation and enhancement.**

**Where there are buildings within local heritage areas, whether historic or not, that are not considered non-designated heritage assets but where retention is desirable for other reasons, such as their characteristic features or other contribution to local distinctiveness, this could also be encouraged in policy.**

### Question 12

12. Policy BE5 Village Character Areas – Development and Design identifies a number of Village Character Areas.

- a. How have they come about?
- b. Please refer me to the evidence that supports the various buffers and distances referred to in this policy.

#### **NYC Response**

**As the neighbourhood plan has been prepared by PBBPC the parish council will respond on these matters.**

### Question 13

13. Reference is made to a Design Codes Report produced by AECOM. Please can a copy of this document be provided? It should form part of the suite of submitted documents.

### **NYC Response**

**Information in the plan (page 26) indicates that the Design Codes Report produced by AECOM was prepared for PBBPC. NYC have not had this report but understand that PBBPC will supply a copy.**

### Question 14

14. Policy ED1 refers to Local Plan Policy EC1 and seeks to use the criteria in the LP policy for the three sites it identifies as employment sites. Two issues arise:

- a. Use Classes E and F2 are cited in Policy ED1, but the LP policy refers to Use Classes B1, B2 and B8. Is “employment sites” the right terminology to use for Almsford Bridge, Crimple Hall and Spacey Houses?
- b. Regardless of the answer to a. above, are the criteria A – K in LP Policy EC1 appropriate given that the three sites do not appear to be in Use Classes B1, B2 or B8 (recognising the Use Classes Order has been amended during this time)?
- c. Would it be preferable to identify the three sites by a different named local designation and adapt the criteria in LP Policy EC1 to stand on their own two feet for the neighbourhood plan policy? If so, I invite the PC to suggest some suitable wording.

### **NYC Response**

- a. **Given the nature of existing uses NYC does not consider ‘employment sites’ an accurate description of these sites.**
- b. **As NYC does not recognise these sites as being in ‘employment use’ it does not consider that criteria carried from local plan policy EC1 unaltered and referencing employment (such as A, B, D, E, F, G, H, J and K) are appropriate.**
- c. **NYC consider that, if appropriate, it would be preferable for a different named local designation to be created with its own criteria, where these can be justified, and it is clear why existing uses are being protected.**

**Given the nature of these sites and the requirements of NPPF, NYC would consider criteria amended from those in EC1 and used to protect the district’s key employment sites (A to D) to be overly restrictive. These include allowances only for proposals that are ‘ancillary to the functioning of the site’. This is included in EC1 for key employment sites in recognition that while these sites are strongly protected, they are often large and accommodate many workers and, as such, it may be appropriate to allow non-employment uses, primarily aimed at users of the site, to support the**

**functioning of the site, for example, creche facilities or places to buy food and drinks. NYC consider that any criterion aimed at allowing only small-scale losses of the protected use should employ different and appropriate terminology.**

**NYC consider that EC1 F to K could provide an appropriate starting point for the development of bespoke criteria. Criteria included in local plan policy HP8: Protection and Enhancement of Community Facilities or the similarly intentioned neighbourhood plan policy CFS1 may also be worthy of consideration.**

**It is considered that requirements relating to development meeting the definition of permitted development (PD) should not be included in policy since such proposals would not be subject to the policy, although given the extent of current PD rights it is recognised that it may be useful to acknowledge PD when discussing the aims of the policy within the plan.**

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. These queries are raised without prejudice to the outcome of the examination. Where I have invited changes to be suggested, this is entirely without prejudice to my consideration of the issue.

Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites as appropriate.

With many thanks,

Ann Skippers MRTPI  
Independent Examiner  
16 September 2023

### **Additional Questions from the Examiner to the Parish Council (PC) and North Yorkshire Council (NYC) following site visit**

As a follow on from the questions of clarification raised with you in the email below, I'm afraid I have a few additional questions following the site visit which has now taken place.

#### Question A1

A1 I have asked for more detailed plans of the LGSs to be prepared. In relation to LGSs 3 and 9, I think it would be preferable for the gap which consists of the car park and access to the Church, but also would be the access proposed park and stride I think, to



be omitted from the LGS designation. If you agree, please would you prepare the two maps for these LGSs on that basis?

### **NYC Response**

**LGS3 is titled Pannal Village Green and is proposed for LGS designation as it ‘provides a readily accessible and important green space in the centre of Pannal’. LGS9 is titled as the Cemetery of St Robert’s Church and is proposed for designation for the same reasons but also due to heritage, being the cemetery of the adjacent listed church. The church car park does not appear to form part of either the green or the cemetery or be supported by their reasons for designation. As such NYC consider that this area should be omitted from LGS designation for this reason irrespective of whether other reasons also apply.**

**Notwithstanding the above, policy TTT4 identifies a site where policy would support the development of a Park and Stride car park, however, it does not allocate the site for this purpose. Notwithstanding NYC comments on the merits of this approach, it is not clear whether satisfactory work has taken place to establish that a Park and Stride could be brought forward in-line with planning policies (and other regulatory requirements) and operated from the site.**

**At present it is unclear whether there is vehicular access to the site. If it is envisaged that access is taken across land that is also proposed for LGS designation it is likely that this would result in a policy conflict that could prevent delivery of the Park and Stride. As such, omission of land for the reason suggested would be supported. It is noted that if land is removed from the LGS, the non-designated land would need to enable access that meets any additional highway authority requirements in order for any development to proceed. Finally, it is noted that proposals to form access at this point may also conflict with existing local plan policies protecting the conservation area and listed church, as well as neighbourhood plan policies BE1, including Key View AF, and GNE7.**

### Question A2

A2 Views. Please could you check the following:

- a. Have Views L and M1 been identified correctly? Is this the right photo for each of these views?
- b. There seems to be two Views Zs?
- c. Is View P which I think is labelled as View Z from outside the Plan area?
- d. Is View W outside the Plan area?
- e. Is there any potential conflict with View AB and the proposed park and stride policy?
- f. I think Views A1 and AJ are not shown on the Policies Map?

## NYC Response

As the neighbourhood plan has been prepared by PBBPC the parish council will respond on matters 'a to d' and 'f'.

- e. It would appear that the photo showing View AB has been taken from within the site supported by the plan for a park and stride facility, although NYC is not certain that this is the case. The photo appears to show some land within the site, which is part of the proposed Crimble Meadows and Pannal Green Village Character area (policy BE5), as well as land beyond. The land seemingly within the site and the land beyond are both part of the Crimble Valley SLA (policy GNE2) and proposed as part of the Crimble GBI Corridor (GNE1).

Noting that GNE1 does not include criteria relating to views and that BE5 does not identify that relevant views are within Appendix 3, it is concluded that View AB relates to policy GNE2. This policy requires that, 'In terms of siting, design and materials, development or change in land use must demonstrate regard to the area's landscape character and special features and contribute positively to landscape restoration or enhancement, paying particular attention to... key views' (including View AB).

If land within the site is within View AB, NYC consider that there is potential for development proposals for a park and stride to conflict with policy GNE2. If it is clarified that View AB only shows land beyond the site NYC feel that the potential for conflict with GNE2 requirements may still remain due to the site being within the SLA, despite the views criterion no longer being relevant.

With many thanks, best wishes

Ann Skippers MRTPI  
Independent Examiner  
19 September 2023

## Appendix 1

**The text below has been agreed by NYC and Pannal and Burn Bridge Parish Council as providing a description of the strategic planning context for the neighbourhood plan:**

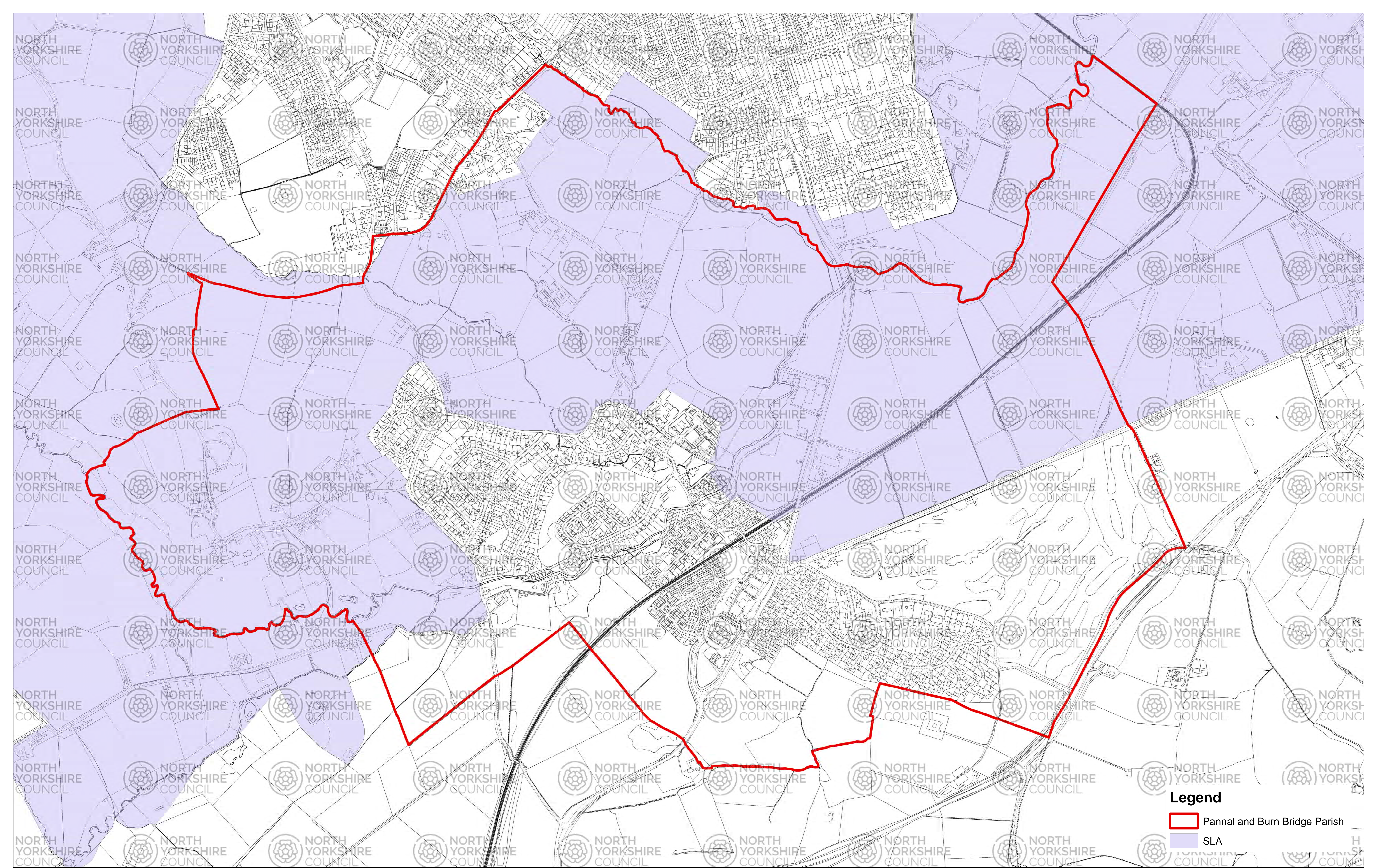
The strategic planning context for the Pannal and Burn Bridge parish is set by the Harrogate District Local Plan 2014-2035 (adopted 2020). The local plan sets out a strategy to meet the development needs of the district that focusses growth within the three main settlements of Harrogate, Knaresborough and Ripon, settlements in key public transport corridors and a new settlement. Under the strategy growth in individual settlements is based on a number of factors. These include a settlement's relationship to the key public transport corridors, its role (as defined in a settlement hierarchy), and the need to maintain or enhance services and facilities in villages, but also its character and setting, and the capacity of local infrastructure.

The local plan defines a single settlement within the parish, which it calls Pannal. Locally the area defined as Pannal is known as Pannal and Burn Bridge and is considered to comprise three distinct areas: Pannal, Burn Bridge and Walton Park. Within the settlement hierarchy Pannal is defined as a service village. As a minimum, service villages contain a primary school or GP surgery, recreational facilities, a meeting place and a shop, pub or café. Pannal is one of nine service villages that the local plan indicates has a wider range of retail, service and leisure businesses and both a school and a surgery.

The strategy allows land in service villages to be allocated for development in order to maintain or enhance the provision of services, shops and facilities. As the local plan shows Pannal within key public transport corridors, with good access to both rail and bus services, the settlement could provide a focus for growth, subject to the identification of suitable sites. Development within the settlement is supported by the strategy, subject to proposals meeting other relevant development plan policies. The extent of the defined settlement of Pannal is indicated by a development limit.

Other than in the north, where a small part of the parish is included within the Harrogate development limit, the remaining land in the parish is defined as countryside. In countryside areas the strategy only supports development where expressly permitted by other development plan policies or national planning policy.

The countryside to the south and east of the area defined as Pannal is Green Belt where development is strictly controlled in accordance with national planning policy. Inappropriate development in the Green Belt is, by definition, harmful and would not be approved, except in very special circumstances. Countryside in the parish that is not within the Green Belt forms part of the Crimple Valley Special Landscape Area, a local landscape designation, that also includes small areas that are in the Green Belt as well. In addition to other controls, where relevant, proposals within the special landscape area should avoid significant loss of key characteristics that contribute to landscape quality, be linked to an existing settlement and enhance the appearance of the urban fringe.



**Legend**  
Pannal and Burn Bridge Parish  
SLA