

## 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 PANNAL AND BURN BRIDGE PARISH 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.

**Answer: The PC agrees with the examiner's conclusion on this matter.**

#### **Question 2**

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

**Answer: The PC has been advised that NYC will respond on this matter. It would however direct the examiner to P7 of the plan, on which it is stated (para 2) that the Neighbourhood Area was approved by HBC on 10<sup>th</sup> August 2017.**

#### **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.?

**Answer: The PC has suggested to NYC that NYC is in the best position to provide the requested paragraphs, in the interests of efficiently arriving at wording with which NYC is happy. NYC has concurred with this view and provided draft wording, with which the PC agrees. See text provided by NYC.**

#### 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.

**Answer: The PC would suggest the following rewording:**

***“To manage the level, location and impact of new house-building in the area, in line with the established development limits, the area’s environmental and infrastructure capacity and Local Plan and national Green Belt policies.”***

**It is considered that such wording reflects both the planning policy context, while in turn providing the context for the NP’s own housing policies.**

#### 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?

**Answer:**

**a. See map provided.**

**b. The mapping of the Crimble and Haverah Corridors takes as its starting point the broad-brush mapping of these corridors by Natural England in 2010. Based on this strategic map work, detailed boundaries were deduced and drawn up for each corridor within the Neighbourhood Area. The NP (P12 & P57-9) aimed to provide an explanation of this process and more detailed information on the corridors themselves. ‘The Walton Fringe’, wrapping around the Walton Park residential area, comprising golf course, recreation ground/play area and fields, bisected by public rights of way, seemed to the PC to constitute a logical adjunct to the Crimble Corridor as it performed many of the same functions. It was however separately identified as it had not been previously included in the Natural England work. Its extent is essentially all the open land between the Crimble Corridor boundary and the Neighbourhood Area boundary. Again, the NP (P12 and P59) sought to explain its derivation and character.**

## Question 6

6. Policy GNE2 Crimple Valley Special Landscape Area. Six matters arise:
- Is this exactly the same area as the SLA in the Local Plan?
  - 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?
  - I could not find Views P, Ai (Al) or AJ on the maps.
  - 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.
  - 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.
  - 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.

### **Answer:**

- Yes**
- Views selected and appraised as follows:**
  - Initial view identification was the work of the ‘first generation’ Environment and Landscape Focus Group. Views were proposed, appraised and mapped by group members. The map was presented at a village meeting describing the work of the NP Steering Group. This map was provided to the ‘second generation’ and current Environment Focus Group which was happy to adopt these views with no further appraisal being considered necessary. Photographs were then taken and descriptions drafted by group members.**
  - Views identified in the HBC Pannal Conservation Area document.**
  - Views identified in HBC’s Landscape Character Assessment.**
  - Some additional views suggested by current NP Steering Group members at meetings.**
- View P is mis-labelled Z on the Appendix 3 map (Map 4) – immediately SW of View O (NB top right of map). Views Al and AJ are not marked on Appendix 3 map due to mapping error – see new map provided.**
- Like the examiner, the PC is also unsure at this stage. The PC is happy to be guided by the examiner’s recommendation in this regard and to address the matter as a post-examination amendment to the plan should the examiner be minded to recommend this course of action.**
- See map provided. The PC would refer the examiner back to its response to d. above.**
- Noted and understood, but see answers to QA2 below.**

## 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 (AI) and AJ are not shown on the Policies Map?

**Answer:**

- a. **The photos for Views L and M1 have been transposed in error. They need to be swapped round.**
- b. **Correct. See response to Q6c. above.**
- c. **View Z (top right of Map 4) is actually View P as stated in the question. View P is from inside the Plan area, south-west of the viaduct which forms the plan boundary. The placement of the arrow on Map 4 is inaccurate, as it is the arrow base which signifies the viewpoint not the arrow tip. The arrow needs to be moved so that the base sits within the plan area.**
- d. **No, this view is within the parish boundary. The photo was taken from the pavement within the parish boundary looking into the parish. The parish boundary is erroneously shown, on both Map 4 and the Policies Map, as the field boundary running along the south side of Rossett Green Lane, when in fact it runs down the middle of the lane. NYC should be able to confirm this fact. The boundary needs to be redrawn in this location and the view arrow on Map 4 needs to move slightly south of the boundary, so that its base is entirely within the plan area.**
- e. **No. The view would be respected in any Park and Stride development, as stated in Policy TTT4.**
- f. **Correct. See response to Q6c. above. For the sake of accuracy, no views are shown on the Policies Map. Map 4 (Appendix 3) is the key map for views. Views AI and AJ are not shown on Map 4 due to oversight. (ref answer to Q6c).**

## 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.

**Answer: See maps provided.**

## 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?

**Answer: The PC agrees. See maps provided.**

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?

**Answer:**

- a. **No. It is an aspirational policy, common to many 'made' NPs.**
- b. **Yes.**

Question 9

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

**Answer: NYC to supply a copy.**

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?

**Answer: In general terms, these were all areas which the PC considered to have heritage value worthy of conservation, by virtue of the quantity and quality of perceived surviving heritage assets, the relationships between them, their history and their development, warranting more detailed assessment. These assessments are set out in Appendix 4. More specifically, in the case of All Saints/Sandy Bank and Burn Bridge-Malthouse Lane, both areas or parts thereof had previously been considered for inclusion within the Pannal Conservation Area as part of the last review in 2011 (NB as set out in the Conservation Area Appraisal Appendix A), so were known to be of some acknowledged heritage value. Areas were defined and boundaries drawn based on the detailed assessments and perceived functional boundary features and property boundaries.**

Question 11

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

**Answer: The PC considers that the identification of these in Appendix 4 is sufficient.**

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.

**Answer:**

- a. **The Village Character Areas derive from the Design Codes Report produced for the PC by AECOM with the aid of a Locality grant.**
- b. **Design Code Report P37-57.**

#### 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.

**Answer: See document provided. This should have been included as part of the evidence base on the Neighbourhood Plan pages of the PC website – both in the schedule of evidence base documents and as an uploaded document. Its omission was an oversight. It will be added asap.**

#### 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.

**Answer:**

- a. **The PC is persuaded that alternative terminology may be more appropriate.**
- b. **Policy ED1 as submitted cites only criteria E to K of Policy EC1 as being applicable, rather than A to K in recognition of the fact that not all criteria are appropriate to the uses of the 3 sites in question – but see c. below.**
- c. **The PC is persuaded that a different named local designation could be preferable, with a policy which includes adapted Policy EC1 criteria. It suggests the following wording:**

#### ***POLICY ED1: PROTECTION OF LEEDS ROAD COMMERCIAL SITES***

***The following key commercial sites on Leeds Road, as shown on the Neighbourhood Plan Policies Map, should continue to be occupied by the commercial uses specified below:***

- Almsford Bridge (1)
- Crimple Hall (2)
- Spacey Houses (3)

**The development or redevelopment of land and premises within these sites for purposes other than commercial uses (as defined by Use Classes E and F2 of the Use Classes Order\*) will not normally be permitted unless it can be clearly demonstrated that the proposed use is ancillary to the functioning of the commercial site and there is clear evidence provided to demonstrate that:**

- There is no unacceptable impact on the operation of the site as a key commercial site;
- The proposal provides a complimentary benefit to the commercial site;
- The land/premises in question have been actively marketed for commercial use for at least 12 consecutive months in line with stipulated provisions\*\*;
- Continued use of the land/premises for commercial purposes is no longer viable in line with the stipulated provisions\*\*;
- There is no significant adverse impact on residential or other amenity;
- The existing business has relocated (or will be able to relocate) to other suitable premises.

**Failing the above, the development or redevelopment must be acceptable as permitted development following a Prior Approval application.**

*\*Use Class E includes shop; financial and professional services (not medical); café or restaurant; office; research and development of products or processes; industrial processes which can be carried out in any residential area without causing detriment to the amenity of the area; clinics, health centres, creches, day nurseries, day centre; gyms, indoor recreations not involving motorised vehicles or firearms. Use F2 includes shops less than 280sqm selling essential goods, including food and at least 1km from another similar shop; hall or meeting place; swimming baths, skating rinks and outdoor sports and recreations not involving motorised vehicles or firearms.*

**\*\*Proposals will have to provide evidence that commercial use (E and F2) of the site is no longer viable through relevant marketing information, and feasibility or viability studies. The following information will be required:**

- Copy of sales particulars, including any subsequent amendments made;
- Details of the original price paid, date of purchase and the new guide price;
- Schedule of advertisements 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, or websites etc;
- Websites used to promote the property/site together with details of links to other relevant sites, the number of hits, and whether North Yorkshire Council's 'Sites and Premises Service' has been used and on what date it was registered;
- Details of the number of viewings, including who and when;
- Resulting offers and comments on the offers;
- 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;
- Details of agency/joint agency appointed including contact details;
- Date property/site brought to the market;
- Copies of accounts for the last five years.

**The above information needs to show that the property/site has been actively marketed for a period of 12 months at a value that reflects its existing use. Where there is evidence that a business has been allowed to run-down, an independent viability assessment may be required.**

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,

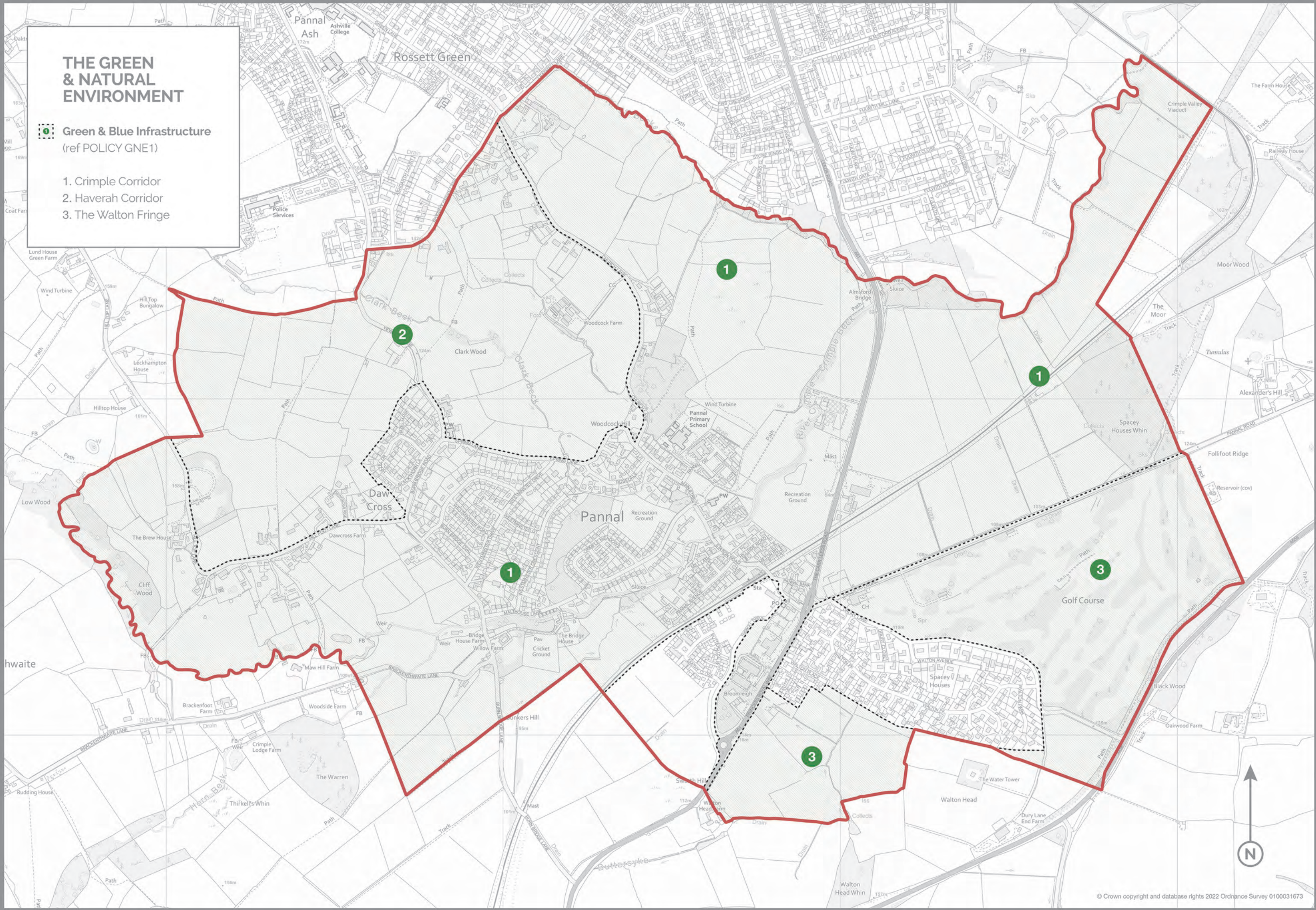
Ann Skippers MRTPI  
Independent Examiner  
16 September 2023



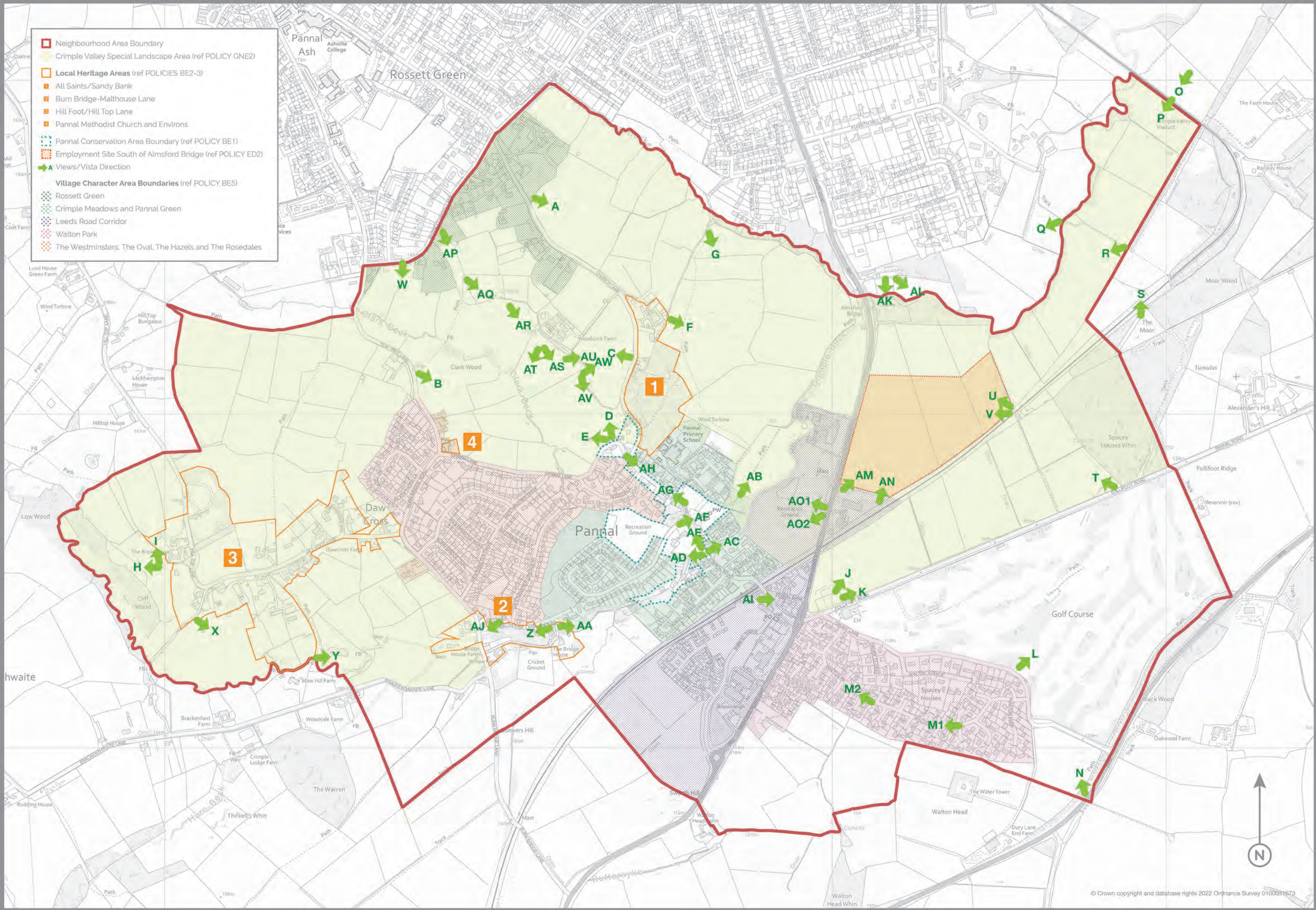
# THE GREEN & NATURAL ENVIRONMENT

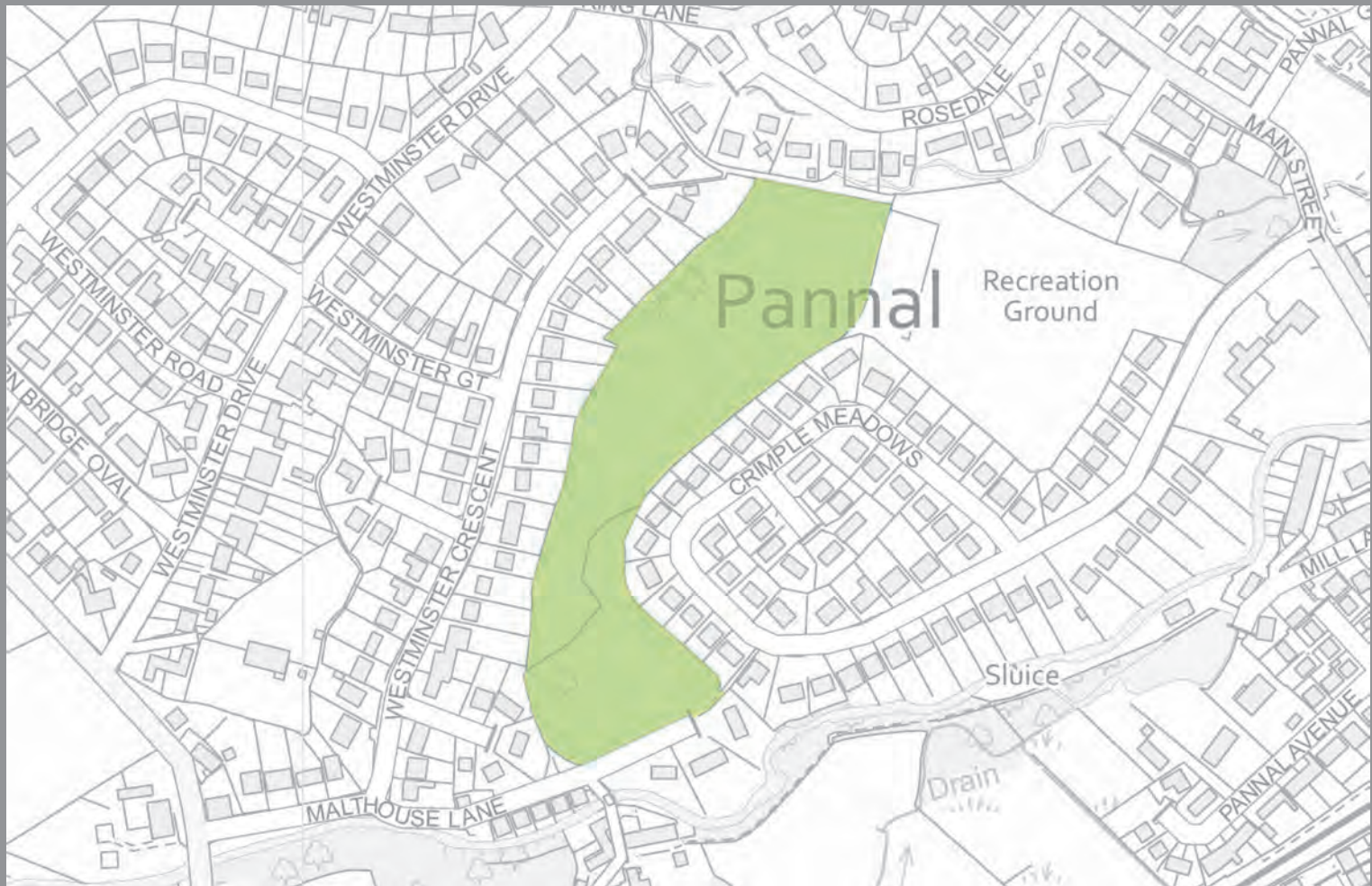
 Green & Blue Infrastructure  
(ref POLICY GNE1)

- 1. Crimble Corridor
- 2. Haverah Corridor
- 3. The Walton Fringe



- Neighbourhood Area Boundary
- Crimple Valley Special Landscape Area (ref POLICY GNE2)
- Local Heritage Areas (ref POLICIES BE2-3)
  - All Saints/Sandy Bank
  - Burn Bridge-Malthouse Lane
  - Hill Foot/Hill Top Lane
  - Pannal Methodist Church and Environs
- Pannal Conservation Area Boundary (ref POLICY BE1)
- Employment Site South of Almsford Bridge (ref POLICY ED2)
- Views/Vista Direction
- Village Character Area Boundaries (ref POLICY BE5)**
  - Rossett Green
  - Crimple Meadows and Pannal Green
  - Leeds Road Corridor
  - Walton Park
  - The Westminster, The Oval, The Hazels and The Rosedales







LGS-2 Crimple Meadows Recreation Ground



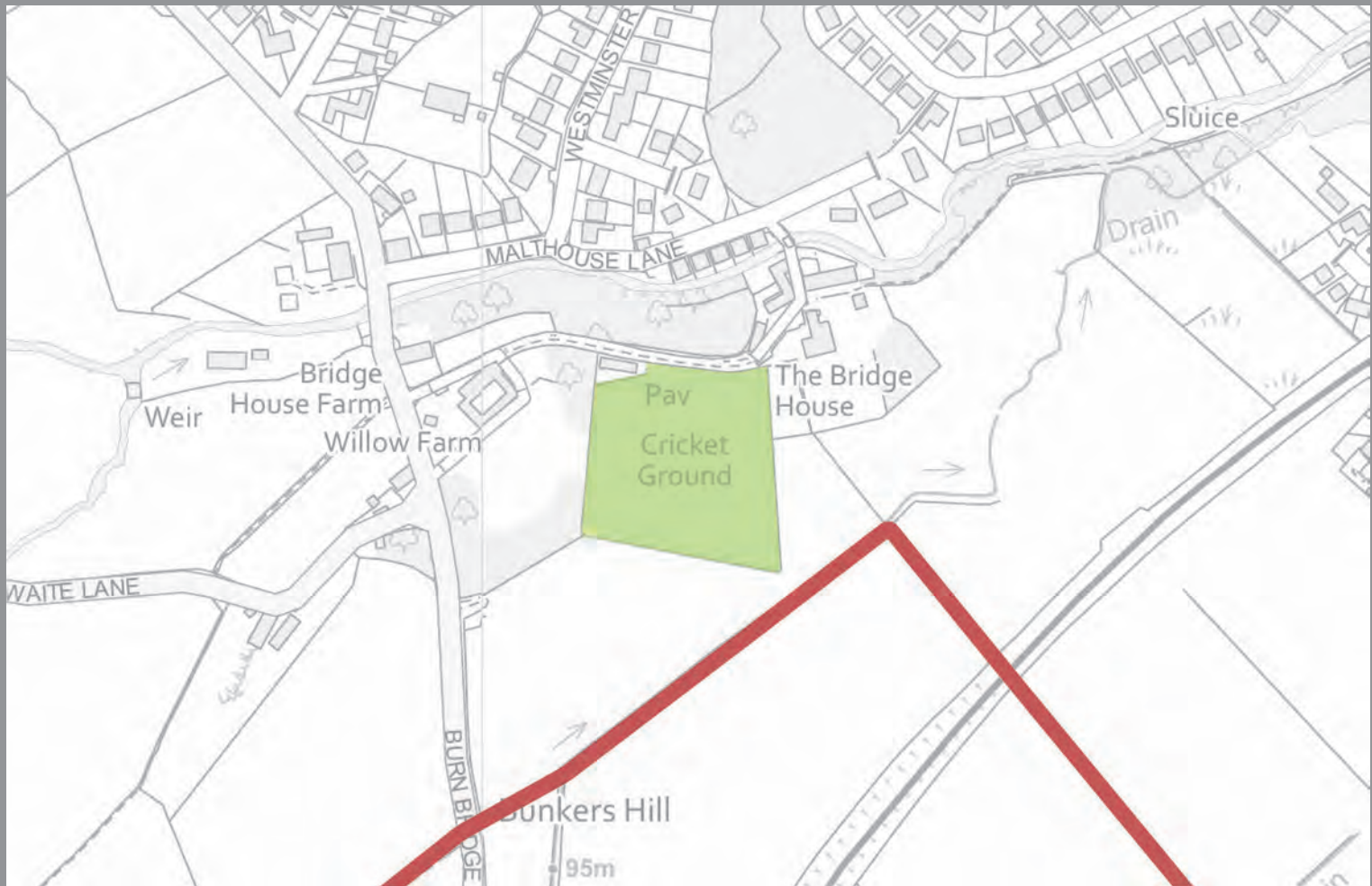
LGS-3 Pannal Village Green aka 'The Green'



LGS-4 Sandy Bank Wood



**LGS-5** Long Acres Recreation Ground



**LGS-6** Pannal Cricket Club Ground





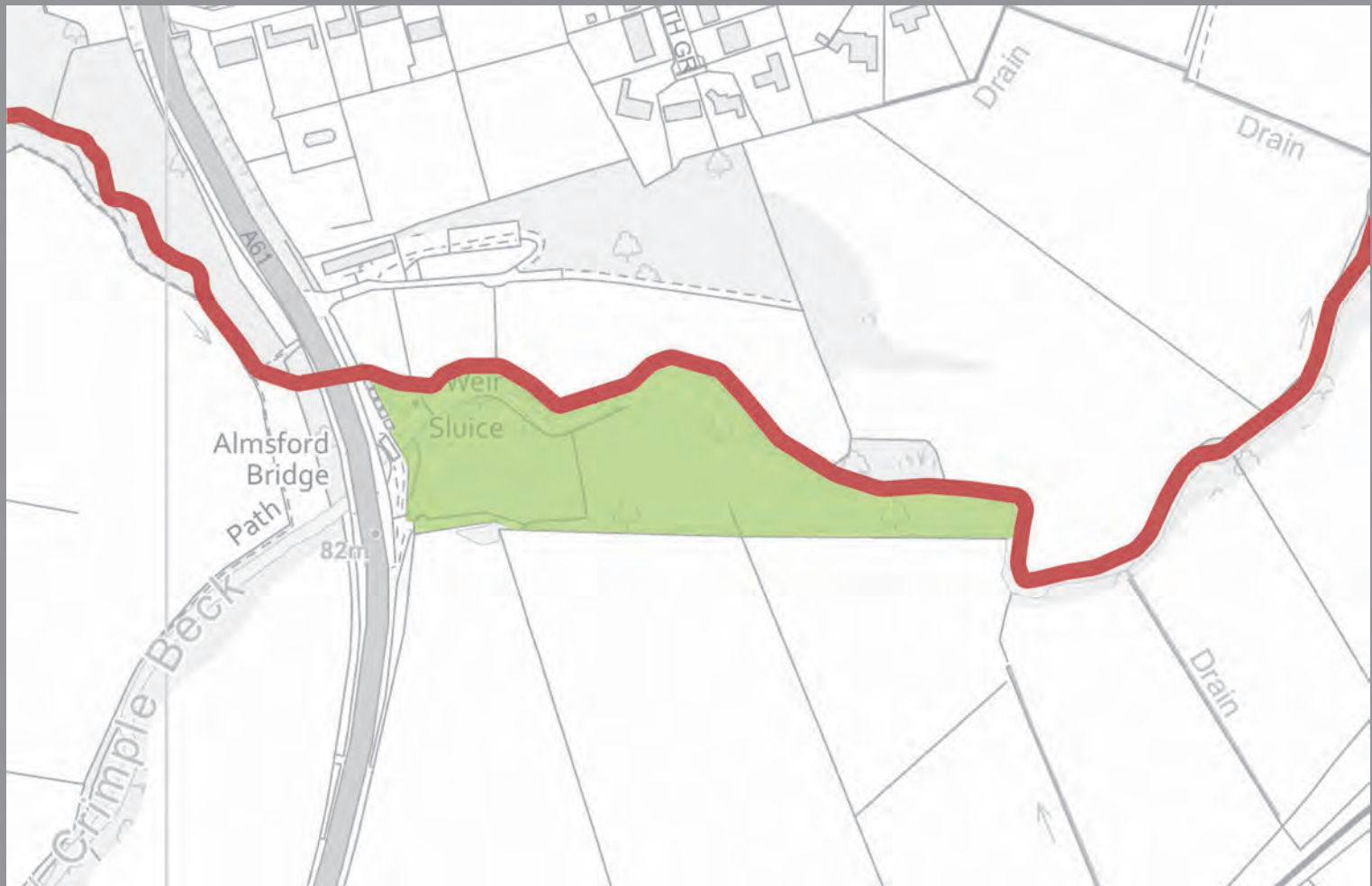
LGS-7 Pannal Community Park



LGS-8 Crimble Seasonal Wetland



LGS-9 Church of St Robert of Knaresborough Cemetery



LGS-10 Almsford Wood