



## **North Yorkshire Council**

### **Clapham cum Newby Neighbourhood Plan**

### **Planning and Compulsory Purchase Act 2004**

### **The Neighbourhood Planning (General) Regulations 2012 (as amended)**

### **Regulation 18 Decision Statement**

#### **1. Summary**

1.1 In line with Regulation 18 of the regulations set out above North Yorkshire Council has produced this 'Decision Statement' in relation to the Clapham cum Newby Neighbourhood Plan, which was submitted to North Yorkshire Council by Clapham cum Newby Council (as Qualifying Body) Council in September 2023.

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

1.3 Following an independent examination conducted through written representations, the Examiner was satisfied that with modifications the plan would meet the Basic Conditions of Neighbourhood Plans and could then proceed to referendum. North Yorkshire Council now confirms that it has, in conjunction with the Qualifying Body, made those modifications to the plan, as set out in Table 1 below.

1.3 The plan will then proceed to a neighbourhood planning referendum, which will take place as soon as reasonably practicable. In accordance with the examiner's recommendations, the voting area for the referendum will be the parish of Clapham cum Newby.

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

- North Yorkshire Council, Belle Vue Square, Broughton Road Skipton, BD23 1FJ; and
- On the Yorkshire Dales National Park website at:

[Clapham - Draft Neighbourhood Plan - Yorkshire Dales National Park : Yorkshire Dales National Park](#)

## **2. Background**

2.1 The former Craven District Council and the Yorkshire Dales National Park Authority designated the Clapham cum Newby neighbourhood area in September 2018 following receipt of an application from Clapham cum Newby Parish Council. The neighbourhood area has the same boundaries as the parish council area.

2.2 Following designation, the Parish Council prepared a neighbourhood plan on behalf of the local community. Consultation on a draft neighbourhood plan (Regulation 14) took place in January 2021. Craven District Council and the Yorkshire Dales National Park Authority, as Local Planning Authorities, made representations.

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

2.4 A submission version of the plan was submitted to the local planning authority along with supporting documents in September 2023.

2.5 North Yorkshire Council and the Yorkshire Dales National Park Authority consulted on the submission documents (Regulation 16) from 6<sup>th</sup> November to 18<sup>th</sup> December 2023.

2.6 An Examiner was appointed to undertake an independent examination of the plan in March 2024 and the examination was conducted by written representations.

2.7 The Examiner issued his final report to North Yorkshire Council in September 2024 and it was duly provided to Clapham cum Newby Parish Council.

## **3. Decision and Reasons**

3.1 The Examiner has concluded that, with certain modifications, the plan meets the 'basic conditions' and other relevant legal requirements.

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

3.3 North Yorkshire Council accepts all of the Examiner's recommended modifications and the reasons put forward for them. Table 1, attached to this statement, sets out each of the recommended modifications and the council's decision in respect of each of them. It is also noted that Clapham cum Newby Parish Council as Qualifying Body have accepted the recommended modifications.

3.4 North Yorkshire Council is satisfied that the modifications specified in Table 1 have been made and the Clapham cum Newby Neighbourhood Plan meets the legal requirements and basic conditions, as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with the Convention Rights and complies with the provision made by or under s38A and S.38B of the Planning & Compulsory Purchase Act 2004. As such, the council is satisfied that the Plan can proceed to referendum.

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

3.6 In accordance with the Examiner's recommendations, the voting area for the referendum will be the parish of Clapham cum Newby.

3.7 As the neighbourhood area is bisected by the YDNP boundary, both LPAs are responsible for making decisions relating to the Clapham NP. The majority of the area falls within the YDNP and so the YDNPA has been the lead authority in supporting the QB in preparing the plan. Both NYC and the YDNPA is required to make a decision relating to whether the plan meets the basic conditions and whether it can proceed to referendum. This decision was made by the YDNPA on 17<sup>th</sup> December 2024 and has published its own decision statement.

**This decision statement is dated 9<sup>th</sup> July 2025.**

## Clapham cum Newby Neighbourhood Plan

**Table 1: Schedule of Modifications Recommended in the Examiner's Report**

Section	Examiner's Recommendation to modify Policy	Examiner's Reasons	North Yorkshire Council and Yorkshire Dales National park decision
Introduction	<p><b>Recommend that the NPSG work with the Local Authorities to replace Figure 1 with a clearly legible plan and that this plan focuses in more on the Neighbourhood Area itself at a larger and clearer scale.</b></p> <p><b>Delete page 3 which appears blank other than the word "Notes"</b></p> <p><b>Delete pages 5 and 6 which appear blank</b></p> <p><b>Page numbers only start on page 7. This appears a little confusing – I recommend the introduction of Roman numerals for the first pages (or commence numbering from the start of the Neighbourhood Plan).</b></p> <p><b>Para 6, delete repetition of "The designated...front cover."</b></p>	For clarity and accuracy.	Modify the policy and accompanying text as recommended

	<p>Para 14, line two, change to: "...media was used..."</p> <p>Para 15, change Craven Local Plan reference to: "...-2032"</p> <p>Para 15, noting that evidence relating to emerging plans can be relevant, but that Neighbourhood Plans are not considered against emerging policies, change reference to emerging YDNPA Local Plan policy to: "...2023-2040, evidence relating to the emerging Local Plan where relevant."</p> <p>Paras 23 and 24. To address the typo and noting that the adoption of Neighbourhood Plans is more formally referred to as "making" a Neighbourhood Plan, merge paras and change text, to read: "When made, or adopted, this Neighbourhood Plan..."</p> <p>Delete page 12, which appears blank.</p>		
Policy H1 (Housing Mix)	<p>Delete Policy H1.</p> <p>Replace Policy H1 with: <b><i>Community Aspiration – Housing Mix. The Neighbourhood Plan Area should provide for a mix of housing sizes, types and tenures in accordance with current and future local housing needs. The</i></b></p>	<p>In the absence of any proposed housing allocations Policy H1 on its own will be unlikely to force a mix of house sizes and tenures. The examiner recommends that Policy H1 is changed to a community aspiration instead.</p>	<p>Modify the policy and accompanying text as recommended</p>

	<p><b><i>Parish Council will seek to encourage proposals to reflect the most up to date evidence, from the Clapham-cum-Newby Housing Needs Assessment (2022), its successor and any other robust and up to date evidence on local housing need, prepared by relevant Local Planning Authorities. The Parish Council will seek to encourage the delivery of smaller homes with fewer bedrooms and new affordable housing above other forms of housing.</i></b></p> <p><b>Delete Para 34 (“Based on...Plan area.”)</b></p> <p><b>Para 36, delete last sentence (“Some affordability...Housing Mix.”).</b></p>		
Policy H2 (Affordable Housing Tenure Mix)	<p><b>Delete title and change to “<i>Policy H1: Affordable Housing</i>”.</b></p> <p><b>Delete wording of Policy H2 and replace with: “<i>Where affordable housing is delivered, the mix of tenure should reflect up-to-date evidence of local housing need, including the Clapham cum Newby Housing Assessment (2022) or its successor; and should include affordable rental products.</i>”</b></p> <p><b>Delete pages 26, 27 and 28. Pages 26 and 27 simply comprise a long list of various policies from other documents. Whilst</b></p>	<p>There are no allocated housing sites in the Parish. Development will therefore come forward against this policy on unplanned windfall sites. The policy is not able to state the precise mix of affordable housing on unallocated sites. The 2022 assessment may be used for guidance only.</p> <p>For clarity and accuracy.</p>	Modify the policy and accompanying text as recommended

	<p>this information may have been helpful at the drafting and consultation stages, it is unnecessary and serves to detract from the presentation of the important content of the Neighbourhood Plan. Page 28 is blank.</p> <p>Para 48 appears as though it comprises a Policy. Change to: “As with other development throughout the Neighbourhood Area, the Parish Council expects new affordable housing to respect and complement its surroundings, in line with the details set out in Appendix...Guide.”</p>		
Policy BH1 (design quality)	<p>Line 4, delete “appropriate” (line 4 to read: “...having regard to...”</p> <p>Page 29, change Title to: “Built and Historic Environment”</p> <p>Para 15, line 3, change wording to: “...that should be conserved in a manner appropriate to their significance. See paragraph...Spellings.”</p>	<p>The use of the word appropriate is ambiguous and unnecessary in this context.</p> <p>The Examiner makes a recommendation with respect to an apparent typographical error on page 29; and recommend a change to the supporting text in Paragraph 15, in order to accurately reflect national policy requirements.</p>	Modify the Policy and supporting text as recommended
Policy BH2 (non designated Heritage Assets)	<p>Delete wording and replace with: “<i>Clapham cum Newby’s non-designated heritage assets, as identified in Table 2.1 and Table 2.2*, will be conserved in a manner appropriate to their significance.</i>”</p>	<p>The Policy goes on to reference the Clapham cum Newby Design Guide. This is unnecessary, as the development plan is considered as a whole and Neighbourhood Plan Policy BH1 already requires all</p>	Modify the Policy and supporting text as recommended

	<p><b>(NB, retain policy footnote, “*The list of...historical research”)</b></p> <p><b>Para 16, line 2, change to: “...appeal and it is important that it is conserved in an appropriate manner. As well...”</b></p> <p><b>Para 18, line 1, change to: “...outlines guidance to be taken into account when proposals involve work to designated and non-designated heritage assets.” (delete rest of Para)</b></p> <p><b>Para 19, line 1, change to: “...relevant, should also take account of The Yorkshire...”</b></p> <p><b>Para 20, change to: “The guidance set out in...Authority Design Guide, guides development with the purpose of protecting the distinctive character of the landscape and the built environment.”</b></p> <p><b>Delete the box between Paras 21 and 22 on page 36</b></p> <p><b>Delete Table 2.1a heading. Merge Tables 2.1a and 2.1b and change heading of the single merged Table to: “Table 2.1 Non-Designated Heritage Assets that fall within the YDNPA area.”</b></p>	<p>development to have regard to this guidance.</p> <p>The Examiner makes further recommendations relating to the supporting text, each of which are aimed at ensuring that it supports and is in line with the Policy and that it is reflective of and does not conflict with, existing policy and guidance.</p> <p>Para 21 includes a reference stating that non-designated heritage assets “are deemed to be of Demonstrably Equivalent Significance to Designated Assets.” This is not the case. Such an approach results in direct conflict with national policy. I recommend deletion of the reference and recommend that Table 2.1 should not be split into two tables.</p>	
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	<b>Delete pages 50, 51 and 52.</b>		
Policy NE1 (Dark Skies)	<p><b>Delete all wording after the first paragraph and replace with: “<i>Where external lighting is proposed as part of any new development, it must take account of the area’s dark skies and should be designed to minimise the impact on dark skies and should not comprise prominent lighting widely visible from the surrounding landscape.</i>”</b></p> <p><b>Reference the guidance set out in the three bullet points recommended for deletion from Policy NE1 in a new supporting paragraph above the Policy and following on from Para 38. New Para to read: “Good practice relating to lighting and dark skies is set out in the following guidance: THREE BULLET POINTS HERE”</b></p> <p><b>Box on page 57, second para, change wording to: “The LCA recommends that development avoids ridge-lines and hilltops and that it should be located...land. It goes on to state that the dispersed settlement pattern should be preserved and that tall buildings...the area.”</b></p> <p><b>Box on page 58, second and third paras, change wording to: “The Project states</b></p>	<p>Policy NE1 seeks to impose controls over lighting without evidence that such controls can be imposed by planning policies.</p> <p>To include reference to existing guidance, provided by other bodies, beyond the control of the Neighbourhood Plan.</p>	Modify the Policy and supporting text as recommended

	<p>that development on ridgelines...land. It goes on to state that ribbon development...groups.”</p> <p>Para 17, delete last sentence (“There are...policies.”), which is inaccurate.</p> <p>Para 22, line 1, change to: “The Neighbourhood Plan recognises the importance of protecting green...”</p> <p>Page 64, Community Aspiration, delete the last paragraph, which refers to encouraging a belief and goes on to read as a policy requirement, and replace with: “The Neighbourhood Plan supports the protection of wildlife corridors and the mitigation of any impacts on such.”</p> <p>Delete Para 34, which reads as a planning policy.</p>		
Policy NE2 (Trees)	<p><b>1. Delete first sentence (“Any new...appropriate:”)</b></p> <p><b>2. Delete bullet points. First two sentences of Policy to read:</b>  “Development proposals within the Neighbourhood Area should avoid the loss of trees. Where possible, trees and hedges should be <i>retained</i>, especially</p>	As set out, the first sentence of the Policy is unnecessary and detracts from the concise nature of the Policy. The last two bullet points of the Policy appear repetitive.	Modify the Policy and supporting text as recommended

	<p>where they contribute to the landscape character and amenity of the area.”</p> <p>3. Delete last two bullet points and replace text with a new third sentence:  <i>“Where loss is unavoidable, replacement planting should be proportionate to the scale of development and comprise native species.”</i></p> <p>Para 39, line 2, change to:  “...irreplaceable and Paragraph 186 of the NPPF establishes that development resulting...refused.”</p> <p>Para 42, last sentence, change to: “The Neighbourhood Plan is supportive of the protection of trees and hedgerows.”</p> <p>Para 46 appears confusing and does not fully reflect Policy NE2. Delete and replace with: “The Neighbourhood Plan policy seeks to ensure that tree and hedgerow cover, with its associated benefits, is retained to the benefit of Neighbourhood Area’s intrinsic qualities.”</p> <p>Delete the text below Policy NE2 on pages 69, 70, 71, 72, 73 and 74. This is all unnecessary background information which detracts from the presentation,</p>	<p>Some of the supporting text appears unclear and the Examiner propose recommendations in this regard.</p>	
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	clarity and concise nature of the Neighbourhood Plan and the primacy of its Policies.		
Policy EB1 (Economy and Business)	<p>Delete the wording of Policy EB1 and replace with: “<b><i>Business and employment development, including tourism development, will be supported subject to proposals being demonstrated to be in keeping with local character, respect residential amenity and not result in harm to highway safety.</i></b>”</p> <p>Page 81, Para 14, change to “The Neighbourhood Plan seeks to encourage growth...tourism.”</p> <p>Delete pages 83 and 84.</p>	<p>In the absence of evidence it is not clear how the Neighbourhood Plan will “encourage” new business and employment “opportunities.”</p> <p>It is not clear in the absence of any evidence, how Policy EB1 will prioritise trades, apprenticeships and other things. These are not land use planning policy matters.</p> <p>To address typographical error and delete pages.</p>	Modify the Policy and supporting text as recommended
Policy CF1: (Protection of Existing Community Facilities)	Delete text and replace with: “ <b><i>The loss of a community facility, including any of Clapham Village Store, Clapham Village Hall, St James’ Church, St Matthews’ Church, Bethel Chapel and Newby Chapel, will not be supported unless it is demonstrated that the facility is no longer viable, or that the facility can be relocated in an equivalent or improved form and in a location which is as accessible, or more accessible, than the facility to be replaced.</i></b> ”	<p>As presented, the Policy sets out requirements relating to community facilities in general, but refers to two specific facilities and states that these should simply be “protected.” This results in an unclear, imprecise and confusing Policy. This lack of clarity is increased by the additional requirement for “these facilities and spaces” to be <i>maintained</i> so that they are <i>fit for purpose</i>.</p> <p>There is no indication or evidence setting out how the Neighbourhood Plan will provide</p>	Modify the Policy and supporting text as recommended

	<p><b>Para 6 suggests that only two community facilities have been identified, which conflicts with the information set out in Policy CF1. Change Para 6, line 3, to: “...warrant protection. Proposals which...”</b></p>	<p>for the maintenance of community facilities. This final part of the Policy is not justified or evidenced and would not be deliverable.</p>	
<p>Policy CF2 (New, Enhanced and/or Improved Community Facilities)</p>	<p><b>Delete text and replace with:</b>  <b><i>“Development of new and/or improved community facilities in the Neighbourhood Area will be supported. New facilities should be inclusive and accessible to all.”</i></b></p>	<p>As set out, the Policy is worded in a way that could be considered to prevent community facility-related development unless any such development provided access to health, social care, well-being facilities, has a material impact on reducing loneliness or improve mental health and social inclusion, and provides education and learning facilities for children and adults. This approach would be an onerous requirement that could place a hurdle in the way of sustainable community facility development. It has been confirmed by the Qualifying Body that this is not the intent of the Policy. Rather, the provision of the various well-being and educational facilities are simply examples of community facilities that would be supported.</p>	<p>Modify the Policy and supporting text as recommended</p>
<p>Policy CF3 (Local Green Space)</p>	<p><b>Delete opening paragraph (“Local...below:”) and replace with: <i>“The following sites, identified on Figures XXX, are designated as Local Green Space and will be protected from development in a manner consistent with</i></b></p>	<p>The proposed designation of LGS8 Ingleborough Estate Nature Trail would result in the creation of a Local Green Space covering 46 hectares, or more than 100 acres. This vast area of land varies significantly in terms of its geography and</p>	<p>Modify the Policy and supporting text as recommended (Plans provided in Appendix 7)</p>

	<p><b><i>the protection of land within the Green Belt:</i></b></p> <p><b>Delete asterisks in the list of sites. Delete the three asterisked footnotes at the bottom of page 97.</b></p> <p><b>Provide new plans, to follow the Policy, showing the precise boundaries of each area of Local Green Space against a clear Ordnance Survey or equivalent base map. Plans must be at a scale where precise boundaries can be observed.</b></p> <p><b>Para 18, delete from end of line 2 to line 6 (“; this is...maintained.”).</b></p> <p><b>Delete Para 22, which contains incorrect interpretations of policy and is presented as though it comprises policy.</b></p> <p><b>Para 23, delete text and replace with: “Further information relating to the assessment of areas of Local Green Space can be found in Appendix 5.”</b></p> <p><b>Delete page 98.</b></p>	<p>topography. Given its scale, the Examiner has stated that they cannot reasonably consider it comprising anything other than an extensive tranche of land. Further, relative to the size of the adjacent settlement of Clapham, the Examiner does not consider it to be local in character.</p> <p>Recommend the inclusion of appropriately scaled plans showing the LGS sites and their boundaries clearly.</p>	
Policy C1: (Communications Infrastructure)	<p><b>Change wording to: “<i>The expansion of electronic communications networks will be supported. Such development should have regard to the Clapham cum Newby Design Guide and conserve heritage</i></b></p>	<p>Policy C1 narrows down electronic communications to what it describes as “<i>mobile digital infrastructure</i>” and introduces heritage requirements at odds with national policy, the general intent of the Policy, which</p>	<p>Modify the Policy and supporting text as recommended</p>

	<p><b><i>assets in a manner appropriate to their significance.</i></b></p> <p><b>Delete text below the Policy C1 box on page 104.</b></p>	is to support the development of communications infrastructure that has appropriate regard to its surroundings, meets the basic conditions.	
Policy ST1: (Sustainable Transport)	<p><b>Delete text and replace with: “<i>The development of sustainable and accessible transport facilities will be supported. The enhancement of existing and provision of new public rights of way will be supported.</i></b></p> <p><b>Para 16, line 5, change to: “...usage. Therefore, the community will support proposals that improve accessibility to footpaths and cycleways where these maintain local...Guide.”</b></p> <p><b>Delete page 116.</b></p>	As worded, the Policy would support any form of development that results in transport improvements. Such an approach runs the risk of supporting inappropriate forms of development. The Policy also includes unnecessary cross-references and footnotes which detract from its concise nature and clarity.	Modify the Policy and supporting text as recommended
Typographical and mapping amendments	<p><b>The Inspector recommends various minor typographical and formatting modifications including:</b></p> <ul style="list-style-type: none"> <li>• <b>Update the Contents, Page, Paragraph and Figure numbering</b></li> <li>• <b>Provide new Figures/replacement of existing Figures, as per the recommendations.</b></li> </ul>	<p>These are required to improve clarity and conform with the scope and legality of the Planning system.</p> <p>The recommendations made in the Examiner’s Report will have a subsequent impact on Contents, including Page, Paragraph and Figure numbering. The recommendations require the provision of new Figures/replacement of existing Figures.</p>	Modify the text and formatting as recommended