

# **Knaresborough Neighbourhood Development Plan**

A report to North Yorkshire Council of the Independent  
Examination of the Knaresborough Neighbourhood  
Development Plan

Copy to Knaresborough Town Council

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## Summary of Main Findings

This is the report of the Independent Examination of the Knaresborough Neighbourhood Development Plan. The plan has been prepared by Knaresborough Town Council. The plan relates to the Knaresborough Town Council administrative area which was designated as a Neighbourhood Area by Harrogate Borough Council on 1 May 2013. The plan area now lies within the North Yorkshire Council area. The plan period runs until 2035. The Neighbourhood Plan includes policies relating to the development and use of land. The Neighbourhood Plan does not allocate land for housing development. As the Neighbourhood Plan was submitted to North Yorkshire Council before 12 March 2025, in accordance with paragraph 239 of the National Planning Policy Framework December 2024, I have undertaken this Independent Examination in the context of the National Planning Policy Framework published on 20 December 2023.

This report finds that subject to specified modifications the Neighbourhood Plan meets the Basic Conditions and other requirements. It is recommended the Neighbourhood Plan should proceed to a local referendum based on the plan area.

## **Neighbourhood Planning**

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. Paragraph 29 of the National Planning Policy Framework (the Framework) states that “neighbourhood planning gives communities the power to develop a shared vision for their area”.
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Knaresborough Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Knaresborough Town Council (the Town Council). The administrative area of Knaresborough Town Council was designated by Harrogate Borough Council as a Neighbourhood Area (the Neighbourhood Area) on 1 May 2013. The draft plan has been submitted by the Town Council, a qualifying body able to prepare a neighbourhood plan, to North Yorkshire Council (now the Local Planning Authority) in respect of the Neighbourhood Area. The Neighbourhood Plan preparation process was led by the Knaresborough Neighbourhood Development Plan Working Group made up of residents, representatives from local businesses, and Knaresborough Town Councillors.
4. The submission draft of the Neighbourhood Plan and accompanying documents were approved by the Town Council and submitted to North Yorkshire Council in July 2023. North Yorkshire Council arranged a period of publication between 31 July 2023 and 25 September 2023. North Yorkshire Council subsequently submitted the Neighbourhood Plan and necessary other documents to me for independent examination which commenced on 21 November 2023.

## **Independent Examination**

5. This report sets out the findings of the independent examination of the Neighbourhood Plan. The report makes recommendations to North Yorkshire Council including a recommendation as to whether the Neighbourhood Plan should

proceed to a local referendum. North Yorkshire Council will decide what action to take in response to the recommendations in this report.

6. North Yorkshire Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and a decision statement is issued by the local planning authority outlining their intention to hold a neighbourhood plan referendum, it must be considered and can be given significant weight when determining a planning application, in so far as the plan is material to the application.
7. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will form part of the Development Plan and be given full weight in the determination of planning applications and decisions on planning appeals in the plan area unless North Yorkshire Council subsequently decide the Neighbourhood Plan should not be 'made.' The Housing and Planning Act 2016 requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan. Paragraph 12 of the Framework is very clear that where a planning application conflicts with an up-to-date neighbourhood plan that forms part of the Development Plan, permission should not usually be granted.
8. I have been appointed by North Yorkshire Council with the consent of the Town Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Town Council and North Yorkshire Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan.
9. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; and a Member of the Institute of Historic Building Conservation. As a Chartered Town Planner, I have held national positions and have extensive experience at local planning authority Director or Head of Planning Service level. I have been a panel member of the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) since its inception and have undertaken the independent examination of neighbourhood plans in every region of England, prepared in the full range of types of urban and rural communities.
10. As independent examiner, I am required to produce this report and must recommend either:
  - that the Neighbourhood Plan is submitted to a referendum, or

- that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
- that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

11. I make my recommendation in this respect, and in respect to any extension to the referendum area, in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.

12. Paragraph 9 of Schedule 4B to the Town and Country Planning Act 1990 provides that the general rule is that the examination of a neighbourhood plan is to take the form of the consideration of written representations. The Planning Practice Guidance (the Guidance) states “it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.”

13. The examiner can call a hearing for the purpose of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. This requires an exercise of judgement on my part. All parties have had the opportunity to state their case, and no party has indicated that they have been disadvantaged by a written procedure. Regulation 16 responses clearly set out any representations relevant to my consideration whether the Neighbourhood Plan meets the Basic Conditions and other requirements. Those representations and the level of detail contained within the submitted Neighbourhood Plan and other documents have provided me with the necessary information required for me to conclude the Independent Examination. As I did not consider a hearing necessary, I proceeded based on examination of the submission and supporting documents; the written representations and comments; and an unaccompanied visit to the Neighbourhood Area.

14. This report should be read as a whole and has been produced in an accessible format.

## **Basic Conditions and other Statutory Requirements**

15. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions.” A neighbourhood plan meets the Basic Conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;

- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

16. With respect to the penultimate Basic Condition the European Withdrawal Act 2018 (EUWA) incorporates EU environmental law (directives and regulations) into UK law and provides for a continuation of primary and subordinate legislation, and other enactments in domestic law. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention Rights, which has the same meaning as in the Human Rights Act 1998. All these matters are considered in the later sections of this report titled 'The Neighbourhood Plan taken as a whole' and 'The Neighbourhood Plan Policies.' Where I am required to consider the whole Neighbourhood Plan, I have borne it all in mind.

17. In addition to the Basic Conditions and Convention Rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 (in sections 38A and 38B themselves; in Schedule 4B to the 1990 Act introduced by section 38A (3); and in the 2012 Regulations made under sections 38A (7) and 38B (4)). I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, including in respect to the Neighbourhood Planning (General) Regulations 2012 as amended (the Regulations) which are made pursuant to the powers given in those sections.

18. The Neighbourhood Plan relates to the area that was designated by Harrogate Borough Council on 1 May 2013. A map of the Neighbourhood Area is included as Map 1 of the Submission Version Plan. The Neighbourhood Plan does not relate to more than one neighbourhood area, and no other neighbourhood development plan has been made for the neighbourhood area. All requirements relating to the plan area have been met.

19. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area; and the Neighbourhood Plan does not include provision about excluded development (principally minerals, waste disposal, development automatically requiring Environmental Impact Assessment, and nationally significant infrastructure

projects). I can confirm that I am satisfied that each of these requirements has been met.

20. A neighbourhood plan must also meet the requirement to specify the period to which it has effect. The Foreword of the Neighbourhood Plan states the plan period runs from 2022 until 2035.
21. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the tests of soundness provided for in respect of examination of Local Plans. It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises because of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention Rights, and the other statutory requirements.
22. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with all land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
23. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans reflect thinking and aspiration within the local community. They should be a local product and have meaning and significance to people living and working in the area.
24. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. I refer to the matter of minor corrections and other adjustments of general text in the Annex to my report.

## **Documents**

25. I have considered each of the following documents in so far as they have assisted me in determining whether the Neighbourhood Plan meets the Basic Conditions and other requirements:

- Knaresborough Neighbourhood Development Regulation 16 Submission July 2023
- Knaresborough Town Council Neighbourhood Development Plan 2018-2035 Basic Conditions Statement July 2023 (includes SEA and HRA Screening Opinions) [In this report referred to as the Basic Conditions Statement]
- Knaresborough Neighbourhood Development Plan Consultation Statement July 2023 [In this report referred to as the Consultation Statement]
- Information available on the Knaresborough Town Council website including evidence base documents
- Information available on the North Yorkshire Council website including Supporting Documents Volumes 1-4 and a map of the Neighbourhood Area
- Representations received during the Regulation 16 publicity period
- Correspondence between the Independent Examiner and North Yorkshire Council and the Town Council including: the initial letter of the Independent Examiner dated 21 November 2025; and the comments of the Town Council on the Regulation 16 representations of other parties that the Independent Examiner received on 2 December 2025
- National Planning Policy Framework (2023) [In this report referred to as the Framework]
- Harrogate District Local Plan 2014-2035 adoption including new settlement policies 9 December 2020
- North Yorkshire Local Plan - Our First Conversation consultation document May 2025 (consultation period 19 May 2025 to 15 July 2025)
- Permitted development rights for householders' technical guidance MHCLG (10 September 2019) [In this report referred to as the Permitted Development Guidance]
- Planning Practice Guidance web-based resource MHCLG (first fully launched 6 March 2014 and subsequently updated) [In this report referred to as the Guidance]
- Town and Country Planning (Use Classes) Order 1987 (as amended)
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Equality Act 2010
- Localism Act 2011
- Housing and Planning Act 2016
- European Union (Withdrawal) Act 2018
- Planning and Infrastructure Act 2025
- Neighbourhood Planning Act 2017 and Commencement Regulations 19 July 2017, 22 September 2017, and 15 January 2019
- Neighbourhood Planning (General) Regulations 2012 (as amended) [In this report referred to as the Regulations. References to Regulation 14, Regulation 16 etc in this report refer to these Regulations]
- Neighbourhood Planning (General) (Amendment) Regulations 2015

- Neighbourhood Planning (General) incorporating Development Control Procedure (Amendment) Regulations 2016
- Conservation of Habitats and Species and Planning Regulations 2017 (as amended)

## Consultation

26. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which outlines the process undertaken in the preparation of the plan. I highlight here several key stages of consultation undertaken to illustrate the approach adopted.
27. In May 2014 results of public consultation meetings and workshops that had been held in 2013 were published. The issues and concerns raised shaped subsequent policy development work that was organised around the themes of housing; green environment; built environment; community services/facilities and infrastructure; traffic and transport; and other including employment and tourist potential. A policy intentions document sent to all households in 2015 resulted in more than 350 online or hard copy responses. Further consultation in 2017 informed the preparation of a draft plan. At appropriate stages of plan preparation publicity was achieved through press releases; consultation forms delivered to all households; contact with stakeholders including landowners, developers, statutory consultees, and local organisations; public exhibitions and workshops.
28. In accordance with Regulation 14 the Town Council consulted on the pre-submission draft Neighbourhood Plan between 25 September 2017 and 13 November 2017. The consultation on the pre-submission draft Plan and supporting documents included opportunity to submit comments online or in hard copy form. The Consultation Statement includes, between pages 18 and 23, details of the 214 responses received from all parties; and, between pages 23 and 24, sets out responses and any action taken, including modification and correction of the emerging Neighbourhood Plan. Suggestions have, where considered appropriate, been reflected in changes to the Plan that was submitted by the Town Council to North Yorkshire Council.
29. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publication between 31 July 2025 and 25 September 2025. Publicity was achieved through the North Yorkshire Council website and by making hard copies of the submission documents available at the Council offices; Knaresborough Library; Stockwell Community Centre; and at Knaresborough House.

Representations were submitted during the Regulation 16 period of publication from a total of 48 different parties.

30. North Yorkshire Council has submitted a detailed representation that includes many helpful points. I refer to points relevant to my remit when considering the appropriate policies later in my report. I refer to some of the other points made in the Annex to my report.
31. The Coal Authority, Historic England, and the Canal and Rivers Trust confirm no observations. A representation on behalf of National Grid Electricity Transmission identifies the 275KV overhead transmission line route within the plan area and offers general advice. The Theatres Trust support Policy CF1. Zero Carbon Harrogate suggest additions with respect to climate action to strengthen the plan. NHS Property Services submitted a late representation proposing Policy CF1 should recognise some facilities may be surplus to NHS requirements. The NPIERS Guidance to Service Users and Examiners states the general rule is that late representations will not be considered except in exceptional circumstances. No exceptional circumstances have been stated by NHS Property Services.
32. The Long Lands Common Limited states support for the preservation of green corridors and refers to the Nidd Gorge, and Hay-a-Park SSSI. Reference is also made to the preservation of trees, woodlands and hedgerows, and public rights of way, and an increase in parking provision in the town centre is advocated.
33. The Yorkshire Wildlife Trust state the Neighbourhood Plan should provide a more detailed overview how valuable assets will be protected from development, and that assets valued by members of the community should be identified in addition to those in published lists and documents. Suggestions for additional surveys and policies are made. It is also suggested Biodiversity Net Gain should be referred to.
34. The British Horse Association request greater consideration of issues important to the equestrian community including recognition of equestrians as vulnerable road users, and greater inclusion in shared use routes.
35. Two representations on behalf of HMCA Solutions and HMCA Limited, stated to be representing Knaresborough High Street local businesses, identify several highway issues to be addressed and include a document titled "Knaresborough High Street Road Improvements." The representations include a supporting petition stated to be signed on behalf of 35 businesses calling on North Yorkshire Council to address the identified problems.
36. Three individuals make suggestions how the Neighbourhood Plan could have been improved. Issues raised include greater coordination with plans for Harrogate; addressing current issues; more regard for climate change and access to housing; additional infrastructure; improvements for pedestrian movement; conservation area

windows, shop fronts, and signage; and designation of private gardens in the Windsor Lane to Iles Lane area as protected green space. Another individual stresses the importance of pedestrian routes.

37. A further individual raises objections including to consideration of viability in housing provision and aspects of the key objectives of the Neighbourhood Plan. Reference is made to the approach to shutters in shop fronts.
38. Twenty-three individuals oppose the construction of a new bridge over the River Nidd linking Horseshoe Field and the footpath at the rear of properties on Lands Lane that is referred to in the description of 'Community Projects and Aspirations' part of the Neighbourhood Plan.
39. A representation stresses the importance of a vibrant and successful retail provision and of car parking provision to serve tourism attractions, and identifies an opportunity for expanded use of the Coneythorpe site. Another individual makes suggestions for the Market Square including a covered area and permanent tables/stalls.
40. A representation refers to Aspin Pond, and the Friends Group established in 2012, and expresses concern that Aspin Pond including the meadow area with trees and hedges should continue to be safeguarded and not developed for housing.
41. A representation on behalf of Richborough suggests use of the term significant harm rather than harm in Policy CGE3 to ensure the policy is applied in a proportionate manner and is less susceptible to misinterpretation or challenge.
42. I have been sent each of the Regulation 16 representations. In preparing this report I have taken into consideration all the representations submitted, in so far as they are relevant to my role, even though they may not be referred to in whole in my report. Some representations, or parts of representations, are not relevant to my role which is to decide whether the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. Where the representations suggest additional policy matters that could be included in the Neighbourhood Plan that is only a matter for my consideration where such additions are necessary for the Neighbourhood Plan to meet the Basic Conditions or other requirements that I have identified. Where suggestions in representations are necessary for the Neighbourhood Plan to meet the Basic Conditions, I have recommended modifications either in respect of individual policies or in the Annex to my report. Having regard to *Bewley Homes Plc v Waverley District Council* [2017] EWHC 1776 (Admin) Lang J, 18 July 2017, and Town and Country Planning Act Schedule 4B paragraph 10(6), where representations raise concerns or state comments or objections in relation to specific policies, I refer to these later in my report when considering the policy in question where they are relevant to the reasons for my recommendations.

43. I provided the Town Council with an opportunity to comment on the Regulation 16 representations of other parties. Whilst I placed no obligation on the Town Council to offer any comments, such an opportunity can prove helpful where representations of other parties include matters that have not been raised earlier in the plan preparation process. The Town Council submitted comments to me on 2 September 2025 in this respect. I have taken those comments into consideration but not necessarily included them all in my report.
44. The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which:
- a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
  - b) explains how they were consulted;
  - c) summarises the main issues and concerns raised by the persons consulted; and
  - d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.
45. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. I am satisfied the requirements have been met. In addition, sufficient regard has been paid to the advice regarding plan preparation and engagement contained within the Guidance. It is evident the Neighbourhood Plan Working Group has taken great care to ensure stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.

## **The Neighbourhood Plan taken as a whole**

46. This section of my report considers whether the Neighbourhood Plan, when considered as a whole, meets EU obligations, habitats, and Human Rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the Development Plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this. In considering all these matters I have referred to the submission, background, and

supporting documents, and copies of the representations and other material provided to me.

**Consideration of Convention Rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017**

47. Paragraph 6.1 of the Basic Conditions Statement confirms “The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.” I have considered the European Convention on Human Rights and in particular Article 6 (fair hearing); Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property). The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law. Development Plans by their nature will include policies that relate differently to areas of land. Where the Neighbourhood Plan policies relate differently to areas of land this has been explained in terms of land use and development related issues. I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention.
48. I am satisfied the Neighbourhood Plan has been prepared in accordance with the obligations for Town Councils under the Public Sector Equality Duty (PSED) in the Equality Act 2010. I also find the policies of the Neighbourhood Plan will have neutral or positive impacts, and no negative impacts, on groups with protected characteristics as identified in the Equality Act 2010.
49. The objective of EU Directive 2001/42 (transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004) is “to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.” The Neighbourhood Plan falls within the definition of ‘plans and programmes’ (Defined in Article 2(a) of Directive 2001/42) as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result (Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012).
50. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Town Council, as the Qualifying Body, to submit to North Yorkshire Council either an

environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required.

51. Paragraph 6.2 of the Basic Conditions Statement confirms “The Knaresborough Neighbourhood Plan Strategic Environmental Assessment Screening Statement January 2023 concludes that it is unlikely there will be any significant environmental effects arising from the Neighbourhood Plan and therefore does not require a full Strategic Environmental Assessment to be undertaken. The statutory consultees did not disagree with the conclusion reached.” Appendix 2 of the Basic Conditions Statement sets out the consideration of the pre-submission consultation draft neighbourhood plan against Schedule 1 of the SEA Regulations. I have seen nothing, including in consultation responses, to suggest a different conclusion should be reached with respect to the submission draft plan I am satisfied the requirements regarding Strategic Environmental Assessment have been met.
52. Paragraph 6.3 of the Basic Conditions Statement confirms “The Neighbourhood Area is not in close proximity to any European designated nature sites so does not require an appropriate assessment under the EU Habitats Regulations.” I read the summary of comments of the statutory consultee Natural England presented on page 38 of the Basic Conditions Statement as confirming agreement that the Plan would be unlikely to result in any significant effect to European Sites, either alone or in combination, and therefore an appropriate assessment under the Habitats Regulations is not required. I am satisfied that the Neighbourhood Plan meets the requirements of the Basic Condition relating to Habitats Regulations.
53. There are other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.
54. I conclude that the Neighbourhood Plan is compatible with the Convention Rights, and does not breach, and is otherwise compatible with, EU obligations. I also conclude the making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
55. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met for the draft neighbourhood plan to progress. North Yorkshire Council as Local Planning Authority must decide whether the draft neighbourhood plan is compatible with EU environmental law obligations (directives and regulations) incorporated into UK domestic law by the European Withdrawal Act 2018 (EUWA):

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether to make the neighbourhood plan (which brings it into legal force).

**Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development**

56. I refer initially to the basic condition “having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.” The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to.” This is not the same as compliance, nor is it the same as part of the tests of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy.”
57. Lord Goldsmith has provided guidance (Column GC272 of Lords Hansard, 6 February 2006) that ‘have regard to’ means “such matters should be considered.” The Guidance assists in understanding “appropriate.” In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “must not constrain the delivery of important national policy objectives.”
58. As the Neighbourhood Plan was submitted to North Yorkshire Council before 12 March 2025, in accordance with paragraph 239 of the National Planning Policy Framework December 2024, I must undertake this Independent Examination in the context of the National Planning Policy Framework published on 20 December 2023. References to the Framework in my report refer to that version. I have considered the Planning Practice Guidance in that context. Whilst Government has, on 16 December 2025, announced it is seeking views on a revised Framework and other changes to the planning system, I have not taken those into account as the proposals are in draft form only.
59. Table 1 of the Basic Conditions Statement demonstrates how the Neighbourhood Plan policies have regard for the Framework. Considering the gradual development of the Framework and adjustment of paragraph references, and subject to recommended modifications contained within my report, I am satisfied the Basic Conditions Statement demonstrates how the Neighbourhood Plan has regard to relevant identified components of the Framework.
60. The Neighbourhood Plan includes in part 2.1 a positive vision for Knaresborough in 2035 with economic, social, and environmental dimensions. Seven key objectives are identified in part 2.2 relating to: achieving sustainable development; protecting

heritage; incorporating green infrastructure; sustainable transport; community development; a vibrant town centre; and supporting economic development. The policies of the Neighbourhood Plan presented under the five themes of: countryside and green environment (6 policies); built environment and public realm (6 policies); community facilities (2 policies); economy and business (3 policies); and housing (2 policies). The policies seek to ensure the vision and objectives of the Plan are achieved. Policies Maps helpfully illustrate the spatial application of the policies where appropriate.

61. The Neighbourhood Plan includes in Part 4.1 a statement that where a policy requires a contribution to community infrastructure this will be made through planning obligation as set out in the Local Plan. This clarification is appropriate.
62. The Neighbourhood Plan includes in Part 4.2 a listing of 24 community projects and aspirations that had been identified by various groups within the town through the process of preparing the Neighbourhood Plan. The plan preparation process is a convenient mechanism to surface and test local opinion on ways to improve a neighbourhood other than through the development and use of land. It is important that those non-development and land use matters, raised as important by the local community or other stakeholders, should not be lost sight of. The acknowledgement in the Neighbourhood Plan of issues raised in consultation processes that do not have a direct relevance to land use planning policy represents good practice.
63. I have noted the representations on behalf of HMCA Solutions and HMCA Limited, stated to be representing Knaresborough High Street local businesses, identify several highway issues to be addressed and include a document titled “Knaresborough High Street Road Improvements.” The representations include a supporting petition stated to be signed on behalf of 35 businesses calling on North Yorkshire Council to address the identified problems. The Town Council may wish to consider whether the community projects and aspirations should be adjusted to include additional matters raised in respect of highway issues.
64. Number 23 of the community projects and aspirations relating to “A new additional footbridge over the river” has been the subject of much concern. 23 of the Regulation 16 representations, just short of half of all the representations received, have focussed on raising a wide range of objections to this community project and aspiration. Issues raised include encroachment onto private land; poor condition of the footpath from Lands Lane down to the river and of the boardwalks between Burgess bridge and Nidd Viaduct; compromise of fishing rights; crime and anti-social behaviour; health and safety issues; accessibility limitations; noise and disturbance including from construction works and difficulty of bringing machinery and materials to site; increased parking on Lands Lane; increased flood risk; litter; increased pressure on the Nidd Gorge Woods SINC; felling of mature trees; and disturbance to

wildlife and impact on aquatic wildlife species including an otter habitat and disturbance to breeding and migrating birds. Reference is made to lack of need and cost-benefit, and the view is expressed that it would be better to improve other alternative routes for pedestrians, including along Ripley Road, or undertake alternative projects such as providing recreation facilities for young people.

65. The Guidance states, “Wider community aspirations than those relating to the development and use of land, if set out as part of the plan, would need to be clearly identifiable (for example, set out in a companion document or annex), and it should be made clear in the document that they will not form part of the statutory development plan.” The non land use policies are presented in a dedicated section of the Neighbourhood Plan although their status is not described. I have recommended text is added as an introduction to Part 4.2 of the Neighbourhood Plan that explains the status of the non-land use policies. I have also recommended Part 4.2 of the Neighbourhood Plan should be repositioned and retitled ‘Appendix 5: Community Projects and Aspirations’ so that it is more clearly distinguished from the statutory Neighbourhood Plan that it is intended will form part of the Development Plan. This will necessitate modification of the Contents pages of the Neighbourhood Plan. I confirm Part 4.2 of the Neighbourhood Plan, including the issues identified, have not been subject to Independent Examination. I am satisfied that subject to the recommended modification the approach to community projects and aspirations that do not form part of the Neighbourhood Plan is consistent with the Guidance. The Town Council may choose to re-visit the community project and aspiration relating to an additional footbridge in the light of the representations received.

**Recommended modification 1:**

- **reposition Part 4.2 of the Neighbourhood Plan as “Appendix 5: Community Projects and Aspirations”;**
- **insert introductory text to Appendix 5 to explain the status of the Community Projects and Aspirations as non-land use policies that do not form part of the Development Plan;**
- **modify the title of part 4 of the Neighbourhood Plan to “Community Infrastructure Levy”;** and
- **adjust the Contents pages of the Neighbourhood Plan accordingly.**

66. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that the need to ‘have regard to’ national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that except for those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan

meets the basic condition “having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.”

67. At the heart of the Framework is a presumption in favour of sustainable development which should be applied in both plan-making and decision-taking. The Guidance states, “This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic, and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced, or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions.”

68. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.

69. The Framework states there are three dimensions to sustainable development: economic, social, and environmental. Table 3 presented on pages 33-35 of the Basic Conditions Statement demonstrates ways in which the policies of the Neighbourhood Plan support the economic, social, and environmental aspects of sustainable development. Every policy is identified as having at least a positive impact in one of the three dimensions. Negative impacts are only identified in respect of the environmental dimension of Policies EB2 Promoting the visitor economy, and Policy H1 Responding to local needs, and in both those cases very positive or positive impacts are identified in respect of the economic and social dimensions.

70. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring schemes are of an appropriate nature and quality to contribute to economic and social well-being; whilst also protecting important environmental features of the Neighbourhood Area. I consider the Neighbourhood Plan as recommended to be modified seeks to:

- Identify and protect important features of the countryside and green environment;
- Ensure development enhances the functionality and design of the built environment including the public realm;

- Protect and support improvement of community facilities and designate 12 Local Green Spaces;
- Promote economic development; and
- Ensure housing development is of good design and responds to local needs.

71. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

**Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)**

72. The Framework states neighbourhood plans should “support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.” Plans should make explicit which policies are strategic policies. “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine its strategic policies”.

73. In this independent examination, I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). North Yorkshire Council has confirmed the Development Plan applying in the Knaresborough Neighbourhood Area and relevant to the Neighbourhood Plan comprises: the Harrogate District Local Plan 2014-2035 (adopted March 2020), and the Minerals and Waste Joint Plan (adopted 2022).

74. The Guidance states, “A local planning authority should set out clearly its strategic policies in accordance with paragraph 21 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.” North Yorkshire Council has advised me the Policies within Chapter 3: Harrogate District Growth Strategy (GS1 to GS6) of the Local Plan are regarded as the strategic policies of the development plan. In addition, North Yorkshire Council consider that there is strategic policy content (alongside non-strategic content) within some of the thematic policies in chapters 4 to 9 of the Local Plan as set out below:

<b>Policy</b>	<b>Strategic aspect</b>
EC1: Protection and Enhancement of Existing Employment Areas	A two-tier approach to change of use proposals (key and non-key employment sites). The key employment sites identified.
EC2: Expansion of Existing Businesses in Open Countryside and Outside Established Employment Areas	Further to GS2/GS3 approach of restricting new development in open countryside, para 1 parts A and B ensuring new development in countryside is required
EC3: New Employment Development in the Countryside	Further to GS2/GS3 approach of restricting new development in open countryside, para 1 part A – criteria to manage new development in countryside.
EC5: Town and Local Centre Management	Retail centre hierarchy with Harrogate, Knaresborough, and Ripon in the top tier; and the consequent need (alongside town centre boundaries) for identification of primary shopping areas, and primary and secondary frontages. Approaches to retail sequential tests and impact assessments
EC7: Sustainable Rural Tourism	Further to GS2/GS3 approach of restricting new development in open countryside, para 1 part A - criterion to ensure countryside development is necessary
HS1: Housing Mix and Density	Requiring a mix of housing that responds to local needs
HS2: Affordable Housing	An approach that maximises affordable housing provision and maximises on-site delivery.
HS3: Self and Custom Build Housing	Requiring the provision of self and custom build plots on strategic sites
HS6: Conversion of Rural Buildings for Housing	Provision of criteria enabling in principle support
TI1: Sustainable Transport	Strategic approach to sustainable transport
TI2: Protection of Transport Sites and Routes	Safeguarded transport sites and routes
TI4: Delivery of New Infrastructure	Requirement for, and approach to securing developer contributions for infrastructure to support development
CC1: Flood Risk and Sustainable Drainage	Approach to flood risk sequential testing
HP7: New Sports, Open Space and Recreation Development	Part A: Requirement for, and approach to securing developer contributions for public open space  Further to GS2/GS3 approach of restricting new development in open countryside, part Di – criterion requiring countryside location to be necessary.
HP9: Provision of New Community Facilities	Further to GS2/GS3 approach of restricting new development in open countryside, para 1 parts A and

	B – criteria to ensure countryside development is necessary and proportionate
NE4: Landscape Character	Para 1 (over-arching approach) and para 4 (designation of locally valued landscapes – special landscape areas)
NE9: Unstable and Contaminated Land	Approach to subsidence due to gypsum dissolution in the Ripon area.

75. North Yorkshire Council has begun preparation of a new local plan that will replace the Harrogate District Local Plan. Work is at an early stage, a ‘first conversation’ consultation took place in 2025, and further Regulation 18 consultation is planned. A Local Development Scheme (LDS) is available on the North Yorkshire Council website; however, the Council advise me it is expected timescales will change in the light of new plan making regulations made by the government.

76. The Guidance states: “Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan. A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft neighbourhood plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development. Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:

- the emerging neighbourhood plan;
- the emerging Local Plan;
- the adopted development plan;

with appropriate regard to national policy and guidance. The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination. The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the development plan.

Neighbourhood plans should consider providing indicative delivery timetables and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan.”

77. The Guidance states “It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies.” The approach of North Yorkshire Council and the Town Council has been consistent with that guidance. I am mindful of the fact that should there ultimately be any conflict between the Neighbourhood Plan, and the Local Plan review when it is adopted; the matter will be resolved in favour of the plan most recently becoming part of the Development Plan; however, the Guidance is clear in that potential conflicts should be minimised. To satisfy the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. The emerging Local Plan review is not part of the Development Plan and this requirement does not apply in respect of that. Emerging planning policy is subject to change as plan preparation work proceeds. The Guidance states “Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood areas. They can be developed before or at the same time as the local planning authority is producing its Local Plan.”

78. In considering a now-repealed provision that “a local plan shall be in general conformity with the structure plan” the Court of Appeal stated “the adjective ‘general’ is there to introduce a degree of flexibility” (*Persimmon Homes v. Stevenage BC* the Court of Appeal [2006] 1 P &CR 31). The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the entire development plan.

79. The Guidance states, “When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;
- the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;
- whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;
- the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.”

My approach to the examination of the Neighbourhood Plan policies has been in accordance with this guidance.

80. Consideration as to whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. I have taken into consideration Table 2 presented on pages 25 to 31 of the Basic Conditions Statement that demonstrates how each of the policies of the Neighbourhood Plan is in general conformity with relevant strategic policies. Subject to the modifications I have recommended, I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

## **The Neighbourhood Plan Policies**

81. The Neighbourhood Plan includes 19 policies as follows:

- Policy CGE1: Local green corridors
- Policy CGE2: Neighbourhood wildlife and geological sites
- Policy CGE3: Sites of Specific Scientific Interest conservation
- Policy CGE4: Public Rights of Way
- Policy CGE5: Nidd Gorge conservation and enhancement
- Policy CGE6: Flood prevention
- Policy BE1: Design of the Knaresborough built environment
- Policy BE2: Design in the Knaresborough Conservation Area
- Policy BE3: Town centre car parking
- Policy BE4: Shop front design
- Policy BE5: Empty properties
- Policy BE6: Non designated local heritage features
- Policy CF1: Protecting existing community facilities
- Policy CF2: Local Green Spaces
- Policy EB1: Employment sites
- Policy EB2: Promoting the visitor economy
- Policy EB3: Supporting the 'High Street'
- Policy H1: Responding to local needs
- Policy H2: Design of new homes

82. Paragraph 29 of the Framework states "Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct, and help to deliver sustainable development, by influencing local planning

decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.” Footnote 16 of the Framework states “Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.”

83. Paragraph 15 of the Framework states “The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.”

84. Paragraph 16 of the Framework states “Plans should: a) be prepared with the objective of contributing to the achievement of sustainable development; b) be prepared positively, in a way that is aspirational but deliverable; c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees; d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals; e) be accessible through the use of digital tools to assist public involvement and policy presentation; and f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”

85. The Guidance states “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise, and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”

86. “While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan.”

87. A neighbourhood plan should contain policies for the development and use of land. “This is because, if successful at examination and referendum (or where the neighbourhood plan is updated by way of making a material modification to the plan and completes the relevant process), the neighbourhood plan becomes part of the statutory development plan. Applications for planning permission must be

determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004).”

88. “Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need”. “A neighbourhood plan can allocate sites for development, including housing. A qualifying body should carry out an appraisal of options and an assessment of individual sites against clearly identified criteria. Guidance on assessing sites and on viability is available.”
89. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is ‘made’ they will be utilised in the determination of planning applications and appeals, I have examined each policy in turn. I have considered any inter-relationships between policies where these are relevant to my remit.

### **Policy CGE1: Local green corridors**

90. This policy seeks to establish that development within four identified Local Green Corridors should only be permitted in exceptional circumstances.
91. North Yorkshire Council state the intention that development over large swathes of land, no matter how minor, should be unacceptable in principle and only be permitted in exceptional circumstances is contrary to national (including Green Belt) and Local Plan policy. It is stated the highly restrictive approach is not sufficiently evidenced, including by Natural England’s R8 Green Infrastructure Corridor. Commenting on the representation of the Estates Service of North Yorkshire Council the Town Council state North Yorkshire Council is a custodian not owner of land referred to, and that the land is under public ownership and should remain green.
92. Paragraph 181 of the Framework states plans should distinguish between the hierarchy of international, national, and locally designated sites. Policy CGE1 is seeking to establish a policy approach that is more restrictive than that to apply in areas of the highest status for protection identified in paragraph 182 of the Framework. The reference to “multiple ecosystem functions and services for wildlife and people” is imprecise. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development

proposals” as required by paragraph 16d) of the Framework. I have recommended a modification in this respect so that the policy has sufficient regard for national policy.

93. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
94. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy, as recommended to be modified, is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions

**Recommended modification 2:**

**In Policy CGE1 replace the text before the colon with “To be supported development proposals within any of the following Local Green Corridors, (identified on the Policies Maps within part 3.2.1 of the Neighbourhood Plan) must identify impacts on the wildlife, amenity and recreational value of the Local Green Corridor and reduce and mitigate any harm, ensuring no significant harm to their connected corridor function”**

**Policy CGE2: Neighbourhood wildlife and geological sites**

95. This policy seeks to establish that six identified sites will be protected from development that would reduce or damage their nature and/or geological conservation value. The policy includes provisions relating to protection of wildlife and biodiversity, and protection of trees, hedges, and other landscape features of biodiversity value. The policy also seeks to establish an approach to replacement of trees lost to development.
96. Paragraph 180 of the Framework states planning policies should protect and enhance sites of biodiversity or geological value in a manner commensurate with their statutory status or identified quality in the development plan.
97. North Yorkshire Council recognise the identified sites have a level of nature and/or geological value to support a lower designation than Local Wildlife Sites, but consider the proposed degree of protection is inappropriate in the hierarchy of designations referred to in the Framework. I have noted the Town Council comment North Yorkshire Council is a custodian not owner of land referred to, and that the land is under public ownership and should remain green. I consider a policy approach requiring the areas concerned “to remain green” would not have sufficient regard for the achievement of sustainable development as set out in national policy.

I have proposed a modification of each of the parts of the policy based on the suggestions made by North Yorkshire Council so that the policy has sufficient regard for national policy. I have also recommended a modification to supporting text and the Policy title so that the policy is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

98. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
99. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 3:  
In Policy CGE2**

- **replace part a) before the colon with “To be supported development proposals in or adjacent to the following sites (identified on the Policies Maps in part 3.2.2 of the Neighbourhood Plan) must demonstrate significant harm to their nature or geological interest features will be avoided or mitigated”**
- **in part b) after “site” insert “where possible”**
- **in the final sentence of part c) replace “a” with “an at least”**

**Replace the Policy title with “Policy CGE2: Conserving and enhancing biodiversity and geological interest features” and adjust the Contents pages of the Neighbourhood Plan accordingly**

**In the final sentence of evidence preceding Policy CGE2 delete “local”**

**Policy CGE3: Sites of Specific Scientific Interest conservation**

100. This policy seeks to establish that development that results in harm to a Site of Special Scientific Interest (SSSI) will only be permitted in exceptional circumstances set out in national policy. The policy also seeks to establish that development proposals located in the vicinity of a SSSI should address stated aspects of the well-being of the site.

101. A representation on behalf of Richborough suggests use of the term significant harm rather than harm in Policy CGE3 to ensure the policy is applied in a proportionate manner and is less susceptible to misinterpretation or challenge. North Yorkshire Council refer to variations of Policy CGE3 from national policy and refer to Local Plan Policy NE3.
102. Paragraph 186b) of the Framework establishes a basis for determination of development proposals on land within or outside a Site of Scientific Interest, and which is likely to have adverse effect on it either individually or in combination with other developments.
103. Part a) of the policy seeks to restate national policy. Paragraph 16 of the Framework states plans should serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area, including policies in the Framework where relevant. The term “located in the vicinity of” in part b) of the policy is imprecise, and does not have sufficient regard for national policy which relates to proposals having “adverse effect.” As Policy CGE3 does not serve a clear purpose and does not have sufficient regard for national policy I have recommended it is deleted.

**Recommended modification 4:  
Delete Policy CGE3**

**Policy CGE4: Public Rights of Way**

104. This policy seeks to establish that development proposals should ensure that Public Rights of Way are not disrupted, and wherever possible provide for new-or enhanced opportunities for off-road travel. The policy includes examples of improvements that could be made to Public Rights of Way, and specifies existing routes should not be incorporated into roads or pavements of new development.
105. Paragraph 110 of the Framework states planning policies should provide for attractive and well-designed walking and cycling networks.
106. North Yorkshire Council state that in some site-specific circumstances, to deliver sustainable development, it may be necessary to incorporate existing routes into pavements or roads. It is stated design may need to balance the amenity of PROW users with wider considerations including designing out opportunities for crime. North Yorkshire Council also propose a less prescriptive wording of the second paragraph of the policy. The degree of prescription in both instances referred to is not sufficiently justified. Paragraph 31 of the Framework states all policies should be underpinned by relevant and up-to-date evidence. I have recommended a modification in these respects so that the policy has sufficient regard for national

policy. I note the representation of the British Horse Association requesting greater consideration of issues important to the equestrian community including recognition of equestrians as vulnerable road users, and greater inclusion in shared use routes. I do not consider any modification of the policy is necessary in these respects to meet the Basic Conditions.

107. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

108. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy, as recommended to be modified, is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 5:**

##### **In Policy CGE4**

- **commence the second sentence of part b) with “Where possible,”**
- **replace the second paragraph with “Proposals for development should, where possible, avoid and minimise harm to the amenity value of Public Rights of Way, including through diversions, closure or a change in their character or visual outlook.”**

#### **Policy CGE5: Nidd Gorge conservation and enhancement**

109. This policy seeks to establish that development proposals within the Nidd Gorge Local Green Corridor should include adequate mitigation measures, including those listed in the policy, in respect of impact on the Local Green Corridor.

110. Paragraph 181 of the Framework states plans should distinguish between the hierarchy of international, national, and locally designated sites. Policy CGE5 is seeking to establish a policy approach that is more restrictive than that to apply in areas of the highest status for protection identified in paragraph 182 of the Framework. I have recommended a modification in these respects so that the policy has sufficient regard for national policy.

111. North Yorkshire Council state text supporting Policy CGE5 should refer to the other designations that relate to the Nidd Gorge. The representation recommends paragraph 1 of the policy should be simplified and the terms 'the corridor' or 'the area' should be used throughout the list of measures. The representation made by North Yorkshire Council in respect of Policy CGE1 relating to exceptional

circumstances is relevant to Policy CGE5 also. Given Policy CGE1 applies to the Nidd Gorge it is confusing and unnecessary to repeat provisions of that policy. I have however exceptionally recommended reference is made to Policy CGE1 in the text of Policy CGE5 in the interests of clarity. The term “including” introduces uncertainty into Policy CGE5. The use of different tenses in the provisions of the policy results in a loss of clarity. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

112. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

113. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 6:**

**Replace Policy GCE5 with “Within the Nidd Gorge Local Green Corridor (identified on the policy map in part 3.2.1 of the Neighbourhood Plan), in addition to meeting the requirements of Policy CGE1, proposals should:**

- a) protect the remains of Gates Hill;**
- b) conserve and enhance areas of semi natural ancient, ancient replanted, and ancient woodland;**
- c) protect and conserve wildlife and biodiversity;**
- d) restore, and wherever management can be sustained, provide for maintenance of natural semi-natural open ground and freshwater habitats and create new open ground habitats where appropriate;**
- e) protect the heritage and cultural value of the corridor, and retain ancient trees for as long as possible;**
- f) ensure all activities undertaken will conform to sustainable forest management principles; are appropriate for the corridor; and will be balanced with the objective of enhancing biodiversity and recreational value of the woods and the wider landscape.**

**Ensure that the evidence text that precedes the policy refers to all the designations that apply to the Nidd Gorge.**

## **Policy CGE6: Flood prevention**

114. This policy seeks to establish principles that development proposals should adhere to so as not to add to the overall level of flood risk in the parish.
115. Paragraph 165 of the Framework states “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.” Paragraphs 167 to 172 of the Framework set out a sequential risk-based approach to the location of development and an exception test. Paragraph 173 of the Framework states when determining any planning applications local planning authorities should ensure that flood risk is not increased elsewhere, and refers to site-specific flood risk assessments and criteria to be met for development to be allowed in areas at risk of flooding. Paragraph 175 of the Framework states major developments should incorporate defined sustainable drainage systems unless clear evidence demonstrates they would be inappropriate.
116. If an alternative to the public sewer for the management of surface water is not available a connection of surface water to the sewer network must be accepted by Yorkshire Water in accordance with the statutory obligations and the hierarchy for the management of surface water in the Guidance.
117. North Yorkshire Council state alongside or instead of Maps 15 and 16 of the Neighbourhood Plan up-to-date flood risk information should be signposted. I refer to this matter in the Annex to my report. North Yorkshire Council also state paragraph 1 and parts a) to e) of Policy CGE6 are contrary to national policy and Local Plan Policy CC1; that parts b) to d) fail to recognise the role of the drainage hierarchy set out in Building Regulations; and that part f) duplicates Local Plan Policy CC1. North Yorkshire Council state that the policy, in its submission form, should be deleted.
118. Paragraph 16 of the Framework states plans should “serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).” I am satisfied paragraphs 165 to 175 of the Framework with Local Plan Policy CC1 set out a comprehensive and clear policy approach to flood prevention, and consider the local approach set out in Policy CGE6 has not been sufficiently justified. Policy CGE6 prevents the Neighbourhood Plan proceeding to referendum unless that policy, in its submission form, is deleted from the Plan. I recognise concerns of residents of the Neighbourhood Area relating to flood risk are such that there is an expectation the policies of the Neighbourhood Plan should not be silent in this respect. I have drafted a recommended major modification of Policy CGE6 so that I would be able to recommend it remains part of

the Neighbourhood Plan. I have recommended Policy CGE6 is modified to support proposals for flood risk management infrastructure, and that natural flood risk management measures, which would include design elements such as permeable hard surface areas, will be supported.

119. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

120. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy, as recommended to be modified, is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions

**Recommended modification 7:**

**Replace Policy CGE6 with "Proposals for flood risk management infrastructure, and natural flood management measures incorporated in development schemes will be supported."**

**Policy BE1: Design of the Knaresborough built environment**

121. This policy seeks to establish design principles for development proposals including conversion of existing premises.

122. Paragraph 132 of the Framework states "Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development." That paragraph states design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Policies should be clear about design expectations and how these will be tested.

123. Paragraph 135 of the Framework states "Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive

places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

124. North Yorkshire Council state the requirement in part E of Policy BE1 for a design statement would be unnecessarily onerous in certain circumstances such as minor householder development. I have recommended a modification in this respect so that the policy has sufficient regard for national policy.

125. Policy BE1 includes several references to areas of application of the policy or parts of the policy including “any part of the Neighbourhood Area”; “Knaresborough”; “that part of Knaresborough”; “in the immediate vicinity as set out in the Character Area appraisal”; “in the local area in which the development is to be placed”; “of Knaresborough and its rural hinterland”; “to its local environment”; “around and within Knaresborough and the surrounding countryside”; and “within the Character Area”. This variety of descriptions is confusing. The policies of a neighbourhood plan apply throughout the neighbourhood area unless a lesser area is specified. I have recommended a modification in this respect so that the policy is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

126. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

127. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy, as recommended to be modified, is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 8:**

**Replace Policy BE1 with “To be supported development proposals should be sympathetic to the predominant surrounding built environment and landscape character as identified in the Knaresborough’s Character Areas appraisal (July 2016) with particular attention to:**

- a) The significance of listed buildings and local non-designated heritage assets and their settings;**

- b) **The scale, style, materials, and detailed design of surrounding buildings;**
- c) **Generous use of visually and ecologically appropriate species of trees and shrubs;**
- d) **Provision of sufficient electric vehicle charging facilities, and avoidance of generation of additional on-street parking;**
- e) **Protection and enhancement of the public rights of way network, with new routes designed as shared pedestrian/cyclist routes wherever possible; and**
- f) **The design of any roof extension, which must demonstrate it is appropriate to the existing building and its Character Area.**

**Where a design and access statement is required by Regulations it should incorporate an assessment of the relationship of the development to its surrounding built environment and landscape character.”**

### **Policy BE2: Design in the Knaresborough Conservation Area**

128. This policy seeks to establish key principles for development within the Knaresborough Conservation Area.
129. North Yorkshire Council state that as part of the Scriven Conservation Area is included within the Neighbourhood Area the policy text should clarify it relates to the Knaresborough Conservation Area. I have recommended a modification in this respect so that the policy is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.
130. I have recommended a modification so that it is clear not all the identified key principles will be relevant to a proposal, and so that the policy has regard for the more balanced approach for considering potential impacts on the significance of heritage assets set out in paragraphs 200 to 214 of the Framework. The recommended modification will also ensure the policy recognises that not all elements of a Conservation Area will necessarily contribute to its significance as stated in paragraph 213 of the Framework. I have recommended a modification in these respects so that the policy has sufficient regard for national policy.
131. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
132. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to

the Framework and Guidance, as recommended to be modified, the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 9:**

**In Policy BE2 replace the opening text before the colon with “Development, including infill development and building alterations, within or affecting the Knaresborough Conservation Area should contribute to the preservation or enhancement of the Conservation Area in a manner appropriate to the significance of the elements affected and demonstrate recognition of the following key principles”**

**Policy BE3: Town centre car parking**

133. This policy seeks to establish support for proposals for increased numbers of off-road car parking spaces in or adjacent to the town centre, and states that where possible development proposals in those locations should make adequate provision for on-site parking and not rely on on-street parking. The policy also states new car parking should reflect the design of its immediate environs, particularly in the Conservation Area.

134. Paragraph 90 of the Framework states planning policies should support the role that town centres play at the heart of communities, by taking a positive approach to their growth, management, and adaptation.

135. North Yorkshire Council state the policy should be modified so it is clear where the provisions of the policy apply. I have recommended a modification in these respects so that the policy is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

136. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

137. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 10:**

**Replace Policy BE3 with “Within the Knaresborough Town Centre boundary (as defined on the Neighbourhood Plan Policies Map) and on sites outside but adjacent to that boundary:**

- a) Proposals to provide increased numbers of public off-road car parking spaces will be supported;**
- b) Development proposals should, where possible, make adequate provision for on-site car parking and not rely on on-street parking.**

**Wherever new car parking is proposed this must reflect the design of its immediate environs, particularly within a Conservation Area.”**

**Add the Knaresborough Town Centre boundary (as defined on the Harrogate District Local Plan 2014-2035) to the Neighbourhood Plan Policies Map**

#### **Policy BE4: Shop front design**

138. This policy seeks to establish design criteria for new shop fronts and for alterations to shop frontages.

139. Paragraph 132 of the Framework states “Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.” That paragraph states design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics. Policies should be clear about design expectations and how these will be tested.

140. North Yorkshire Council state there is confusion about where the policy is to apply. Text supporting the policy is focussed on consideration of Knaresborough Town Centre. I have recommended a modification in this respect so that the policy is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

141. The term “encouraged” does not provide a basis for the determination of development proposals. I have recommended a modification in this respect so that the policy has sufficient regard for national policy. I note the representation of an individual refers to the approach to shutters in shop fronts. I am satisfied no modification of the policy is necessary in this respect to meet the Basic Conditions.

142. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

143. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 11:**

**In Policy BE4**

- **replace “, will be encouraged” with “in Knaresborough Town Centre, as defined on the Neighbourhood Plan Policies Map, will be supported”**
- **in part b) replace “the town centre” with “its surroundings”**
- **replace part d) with “Within the Primary Shopping Area, defined on the Neighbourhood Plan Policies Map, the design of shop fronts should incorporate strong security measures where necessary, for example internal shutters, within the style of the overall shop front.”**

**Policy BE5: Empty properties**

144. This policy seeks to establish support, subject to stated criteria, for development proposals that bring back into use redundant buildings and empty properties and empty spaces within properties.

145. The Economic Development service of North Yorkshire Council state a desire to protect active ground floor frontage and not see commercial/retail conversion to residential use without supporting evidence. I note the Town Council comment that there have been empty shops on the High Street for many years and that there should be more of a mix of residential and shared workshops etc. The policy is sufficiently evidenced in this respect. The Planning Policy service of North Yorkshire Council state the policy should be amended to support re-use where other neighbourhood plan, local plan and national policies are met. This would also remove any necessity to refer specifically to heritage considerations. I agree that whilst paragraph 124 of the Framework states planning policies should promote and support the development of under-utilised land and buildings there is, exceptionally, a need to clarify proposals may need to comply with other policies. The term “encouraged” does not provide a basis for the determination of development proposals. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

146. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a

clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

147. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 12:  
In Policy BE5**

- **delete “encouraged and”**
- **after “environment” replace the full stop with “and other neighbourhood plan, local plan and national policies are met.”**
- **delete the final sentence**

**Policy BE6: Non designated local heritage features**

148. This policy seeks to establish that 10 local heritage features identified in Appendix 3 of the Neighbourhood Plan should be conserved and enhanced, and establish criteria for determination of development proposals affecting those local heritage features.
149. North Yorkshire Council state that whilst some justifications could be clearer, the assets identified have historic significance worthy of consideration within the planning process. It is suggested terminology and approaches should more clearly reflect national policy.
150. Paragraph 209 of the Framework states “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.” I have recommended a modification of Policy BE6 in this respect so that the policy has sufficient regard for national policy.
151. The Guidance states that all decisions to identify non-designated heritage assets must be based on sound evidence. The Local Heritage Listing: Identifying and Conserving Local Heritage, Historic England Advice Note 7 (draft 3<sup>rd</sup> edition) 2025 states non-designated heritage assets can be identified through the development of neighbourhood plans. It is appropriate for a local community to use the neighbourhood plan preparation process to identify non-designated heritage assets that are locally valued. Part 3.3.5 of the Neighbourhood Plan refers to Historic

England advice and explains potential non-designated heritage assets were identified by the Neighbourhood Plan Working Group. Part 3.3.5 of the Neighbourhood Plan also includes Policy Maps identifying the location of each local heritage feature. Appendix 3 of the Neighbourhood Plan presents an explanation why each asset is of interest and why the asset is significant. I am satisfied the process adopted and the criteria used are satisfactory. As a Member of the Institute of Historic Building Conservation I confirm I am also satisfied the identified heritage assets are suitable to be considered for inclusion in a local list of non-designated heritage assets.

152. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

153. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a 'made' neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 13:**

**Replace Policy BE6 with “Development proposals affecting the features of Local Heritage Interest listed in Appendix 3 of the Neighbourhood Plan, and identified on Maps within part 3.3.5 and on the Policies Maps of the Neighbourhood Plan, will be assessed having regard to the scale of any harm or loss to the heritage asset and the significance of the heritage asset.”**

**Policy CF1: Protecting existing community facilities**

154. This policy seeks to establish support for the retention and improvement of identified community facilities in their current use, and establish criteria for support of proposals to change the use of the facilities.

155. North Yorkshire Council state Local Plan Policy HP8 includes protection for land or premises currently or last in community use and supports the identification of the specific facilities listed in Policy CF1.

156. Paragraph 98 of the Framework states planning policies should plan positively for the provision of community facilities, guard against the unnecessary loss of valued facilities and services, and ensure established facilities and services are able to develop and modernise and are retained for the benefit of the community.

157. The unconditional support of improvement of community facilities in the first sentence of Policy CF1, and the criteria for support of a change of use of community facilities in the final part of the policy, have not been sufficiently justified and will cause confusion where they conflict with the provisions of Local Plan Policy HP8. Paragraph 31 of the Framework states policies should be underpinned by relevant and up-to-date evidence. Paragraph 16f) of the Framework states plans should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area. The requirement in part c) of the policy that need for new community facilities should be demonstrated may prevent the achievement of sustainable development. The final sentence of Policy CF1 is not “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework. I have recommended a modification in all these respects.

158. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

159. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 14:  
In Policy CF1**

- **replace text before the list of community facilities with “Development proposals relating to the following community facilities will be determined in accordance with Policy HP8 of the Harrogate District Local Plan 2014-2035 or successor Local Plan policies:”**
- **replace the text after the list of community facilities with “The list does not prevent protection being applied to other land and buildings currently or last in community use.”**

**Policy CF2: Local Green Spaces**

160. This policy seeks to designate 12 specified sites as Local Green Space, and establish a basis for determination of development proposals affecting them.

161. North Yorkshire Council welcomes Policy CF2 and considers each site meets the national criteria for designation but proposes the requirements of parts a) and b) of the policy should be amended to be consistent with national policy.
162. Designation of Local Green Space can only follow identification of the land concerned. For a designation with important implications relating to development potential it is essential that precise definition is achieved. The proposed Local Green Spaces are presented on Policy Maps in part 3.4.2 of the Neighbourhood Plan. When viewed electronically the maps can be expanded to better reveal the line of boundaries of the proposed Local Green Spaces. The scale and nature of the areas of land in question assist in understanding the alignment of boundaries. I am satisfied the areas of land proposed for designation as Local Green Spaces have been adequately identified.
163. The references to “harm the functions of these spaces” and “increasing or improving the functionality of a Green space are welcome” in Policy CF2 are imprecise and do not have sufficient regard for national policy. Decision makers must rely on paragraph 107 of the Framework that states “Policies for managing development within a Local Green Space should be consistent with those for Green Belts” and the part of the Framework that relates to ‘Protecting Green Belt land’, in particular paragraphs 152 to 156. That part of the Framework sets out statements regarding the types of development that are not inappropriate in Green Belt areas. The policy seeks to introduce a more restrictive approach to development proposals than apply in Green Belt without sufficient justification, which it may not (R on the Application of Lochailort Investments Limited v Mendip District Council. Case Number: C1/2020/0812). I have recommended a modification in this respect.
164. Paragraph 105 of the Framework states “The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.”
165. In respect of each of the areas proposed for designation as Local Green Space I find the Local Green Space designations are being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designations are not capable of enduring beyond the end of the plan period. The intended Local Green Space designations have regard to the local planning of sustainable development contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework.

166. Paragraph 106 of the Framework states “The Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land.” I find that in respect of each of the intended Local Green Spaces the designation relates to green space that is in reasonably close proximity to the community it serves, is local in character, and is not an extensive tract of land.
167. The submission Neighbourhood Plan includes in ‘Appendix 1 Local Green Spaces Appraisal’ information which seeks to justify the proposed designations as Local Green Space. Relevant reasons for designation are indicated as applying in respect of each site, including matters referred to in the Framework. I have visited each of the areas of land concerned and as a matter of planning judgement consider the attributes identified to be relevant and reasonable. The Neighbourhood Plan provides sufficient evidence for me to conclude that each of the areas proposed for designation as Local Green Space is demonstrably special to a local community and holds a particular local significance.
168. Where the proposed Local Green Spaces are subject to other existing designations these do not precisely replicate the aims of, nor preclude, a designation as Local Green Space. I find Policy CF2 will perform a legitimate role that does not duplicate other policies.
169. The areas proposed as Local Green Space are suitable for designation and have regard for paragraphs 105 to 107 of the Framework concerned with the identification and designation of Local Green Space.
170. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
171. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 15:  
In Policy CF2**

- in part a) replace the text before the list of sites with “The following sites, identified on the Policy Maps in part 3.4.2 of the Neighbourhood Plan, are designated as Local Green Space:”
- replace part b) with “The determination of development proposals within a Local Green Space will be consistent with national policies for Green Belt.”

### **Policy EB1: Employment sites**

172. This policy seeks to establish criteria for support of development proposals to upgrade or extend defined employment sites, and establish criteria for support of proposals that would result in loss of beneficial commercial premises or employment land. The policy also seeks to limit non-employment development on employment sites, and seeks to establish general support for new businesses in defined business sectors.
173. North Yorkshire Council state use classes require updating; insufficient regard is given to Local Plan Policies EC1, EC2 and EC7; parts 2 and 4 of Policy EB1 are contradictory; and the required marketing period in part e) is unnecessarily onerous. I agree with these representations.
174. Paragraph 85 of the Framework states planning policies should help create the conditions in which businesses can invest, expand, and adapt. Paragraph 86 of the Framework states planning policies should set criteria for local and inward investment. Paragraph 87 of the Framework states planning policies should address specific locational requirements of different sectors including making provision for knowledge or data-driven creative or high technology industries or for storage and distribution operations at a variety of scales and in suitable accessible locations. Paragraph 88 of the Framework states planning policies should enable the sustainable growth and expansion of all types of business in rural areas both through the conversion of existing buildings and well-designed beautiful new buildings.
175. Policy EB1 is not in general conformity with and duplicates parts of the strategic policies, in particular Policy EC1, EC2, EC3 and EC7. The term “extend existing employment sites” in the first paragraph of the policy, is imprecise and insufficiently justified. The second paragraph of the policy includes the imprecise term “existing sites” and includes the term “permitted” which does not have sufficient regard for the need to consider material considerations as required by paragraph 2 of the Framework. The term “encouraged” in the third paragraph does not provide a basis for the determination of sustainable development proposals. Unless an exceptional need to do so is demonstrated it is inappropriate for one policy to specify a requirement for compliance with other Neighbourhood Plan policies. All the policies

of the Neighbourhood Plan apply throughout the Neighbourhood Area unless a smaller area is specified. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

176. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

177. As recommended to be modified the policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

#### **Recommended modification 16:**

##### **In Policy EB1**

- **in the third paragraph replace “encouraged” with “supported in locations where suitable access, and satisfactory impacts on amenity can be achieved”**
- **delete the first, second and fourth paragraphs**

#### **Policy EB2: Promoting the visitor economy**

178. This policy seeks to establish conditional support for development proposals that are designed to enhance the visitor economy.

179. North Yorkshire Council state the policy should relate to the settlement of Knaresborough only or require proposals to meet Policy EC7 or successor policies and suggest adjustment of part b) of the policy. I have adopted these suggestions.

180. Paragraph 85 of the Framework states planning policies should help create the conditions in which businesses can invest, expand, and adapt, allowing an area to build on its strengths. Paragraph 86 of the Framework states planning policies should set criteria for local and inward investment. Paragraph 87 of the Framework states planning policies should address specific locational requirements of different sectors. Paragraph 88 of the Framework states planning policies should enable the sustainable growth and expansion of all types of business in rural areas both through the conversion of existing buildings and well-designed beautiful new buildings and should enable sustainable rural tourism and leisure developments which respect the character of the countryside. Paragraph 115 of the Framework states development

should only be prevented or refused on highway grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

181. As recommended to be modified the policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.

182. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 17:  
In Policy EB2**

- **continue part a) with “and in countryside locations comply with the requirements of Local Plan Policy EC7 or successor policy”**
- **replace part b) after “visitors” with “in terms of the quantity or the range of the tourism offer, or by extending the season for tourism.”**
- **in part c) after “demonstrate” insert “safe access, and”**

**Policy EB3: Supporting the ‘High Street’**

183. This policy seeks to establish criteria for support of proposals that would result in the loss of existing shopping facilities through redevelopment within the Primary Shopping Area. The policy also seeks to establish conditional support for new office space.

184. North Yorkshire Council state part a) of the policy is contrary to the Framework and Local Plan Policy EC5; and part b) duplicates Policy BE1.

185. Part a) of Policy EB3 is not in general conformity with the strategic content of Local Plan Policy EC5; duplicates parts of that policy; and includes the imprecise terms “alternative local shopping provision”, “no reasonable prospect”, and “discouraged”. Part b) of Policy EB3 is not in general conformity with Local Plan Policy EC5A which states “Proposals involving either the loss of existing A1 shop(s) in ground level frontages, or the creation of additional floorspace at ground floor level not intended for a class A1 retail use within the primary shopping frontages of

Harrogate, Knaresborough and Ripon will only be permitted where there is no harmful impact on the vitality and viability of the centre.” I have recommended Policy EB3 is deleted as it does not have sufficient regard for national policy and is not in general conformity with the strategic policies of the Development Plan.

**Recommended modification 18:  
Delete Policy EB3**

**Policy H1: Responding to local need**

186. This policy seeks to establish that major housing development should provide a mix of housing types and tenures that suit identified local housing needs.

187. North Yorkshire Council state the description of the issue should be updated and state Local Plan Policy HS1 establishes a more effective approach to sites of all sizes whereas the application of Policy H1 to schemes of 10 or more dwellings is not justified. North Yorkshire Council recommend Policy H1 is removed.

188. The title of Policy H1 is imprecise in that it does not refer to housing. Paragraph 63 of the Framework states that within the context of establishing need the size, type and tenure of housing needed by different groups in the community should be assessed and reflected in planning policies. Local Plan Policy HS1 requires all housing developments to seek to deliver a range of house types and sizes that reflect and respond to identified housing needs. Paragraph 16 of the Framework states Plans should serve a clear purpose avoiding unnecessary duplication of policies that apply in a particular area. I have recommended Policy H1 is deleted so that the Neighbourhood Plan has sufficient regard for national policy.

**Recommended modification 19:  
Delete Policy H1**

**Policy H2: Design of new homes**

189. This policy seeks to establish 12 criteria that new housing development proposals must demonstrate have been considered, where appropriate and subject to viability.

190. North Yorkshire Council state some of the criteria could apply to all types of development and could be moved to Policy BE1. In my consideration of Policy BE1 earlier in my report I did not find it necessary to recommend an extension of the scope of that policy to meet the Basic Conditions. I have explained earlier in my

report that my role is to consider whether the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified.

191. Paragraph 132 of the Framework states “Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.” That paragraph states design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area’s defining characteristics. Policies should be clear about design expectations and how these will be tested.
192. Paragraph 135 of the Framework states “Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.” Paragraph 110 of the Framework states planning policies should provide for attractive and well-designed walking and cycling networks. Paragraph 96 of the Framework states planning policies should aim to achieve healthy, inclusive, and safe places which promote social interaction, are safe and accessible, and enable and support healthy lifestyles.
193. The policy is in general conformity with the strategic policies included in the Development Plan and relevant to the Neighbourhood Plan. The policy serves a clear purpose by providing an additional level of detail or distinct local approach to that set out in the strategic policies.
194. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Having regard to the Framework and Guidance the policy is appropriate to be included in a ‘made’ neighbourhood plan. This policy meets the Basic Conditions

## Conclusion and Referendum

195. I have recommended 19 modifications to the Submission Version Plan. I recommend an additional modification in the Annex to my report. The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them. I am satisfied that the Neighbourhood Plan is compatible with the Convention Rights, and would remain compatible if modified in accordance with my recommendations; and subject to the modifications I have recommended, meets all the Statutory Requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990, and meets the Basic Conditions:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

**I recommend to North Yorkshire Council that the Knaresborough Neighbourhood Development Plan for the plan period up to 2035 should, subject to the modifications I have put forward, be submitted to referendum.**

I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension. I have seen nothing to suggest that the policies of the Plan will have “a substantial, direct and demonstrable impact beyond the neighbourhood area.” I have seen nothing to suggest the referendum area should be extended for any other reason. I conclude the referendum area should not be extended beyond the designated Neighbourhood Area.

**I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by Harrogate Borough Council as a Neighbourhood Area on 1 May 2013.**

## **Annex: Minor Corrections to the Neighbourhood Plan**

I have only recommended modifications and corrections to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy.

I also recommend supporting text in the Neighbourhood Plan should be adjusted where necessary to achieve consistency with the modified policies, and

- references to Harrogate Borough Council should be updated where appropriate to reflect the creation of North Yorkshire Council;
- references to the Local Plan should use the correct title, the Harrogate District Local Plan 2014-2035, and references to earlier plans as in part 3.2.2i of the Neighbourhood Plan should be updated;
- reference to the new Local Plan preparation process should be added to part 1.2.1 of the Neighbourhood Plan for clarity;
- references, including the final sentence of part 1.1 of the Neighbourhood Plan, that suggest the Neighbourhood Plan is part of the Local Plan should be corrected;
- references to plans and strategies, including the Economic Growth Strategy for Harrogate District, should be updated to the more recent replacement plan;
- references to the National Planning Policy Framework should be updated to refer to the relevant version of the Framework;
- references to footpaths and bridleways and Sustrans cycle routes should be replaced with the term Public Rights of Way to include all users; and references to footpaths “under pressure” should be reviewed; and
- alongside, or instead of, Maps 15 and 16 of the Neighbourhood Plan up-to-date flood risk information should be signposted.

I have recommended a modification in these respects so that the policy has sufficient regard for national policy and is “clearly written and unambiguous, so it is evident how a decision maker should react to development proposals” as required by paragraph 16d) of the Framework.

### **Recommended modification 20:**

**Modify policy explanation sections, general text, figures and images, and supporting documents to achieve consistency with the modified policies, and to achieve updates and correct identified errors.**

Whilst I agree with North Yorkshire Council that the addition of paragraph numbering would assist users of the Neighbourhood Plan, I am unable to recommend such a modification as it is not necessary to meet the Basic Conditions.

Chris Collison  
Planning and Management Ltd  
19 January 2026  
REPORT END