

TERRINGTON NEIGHBOURHOOD PLAN

Report to North Yorkshire Council of the Independent Examination

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1. Executive Summary

1. I was appointed by North Yorkshire Council with the support of Terrington Parish Council to conduct the independent examination of the Terrington Neighbourhood Plan.
2. I undertook the examination by reviewing the submitted Plan, associated documents and written representations, and by making an unaccompanied visit to the Neighbourhood Area.
3. I consider the Plan to be an adequate expression of the community's views and ambitions for Terrington. It is based on an effective programme of public consultation which has informed a Vision to 2039. This is to be achieved through a set of six aims and 15 policies dealing with matters distinct to the locality within a framework of sustainable development principles. There are additionally eleven aspirations which are not considered by the examination for the purposes of meeting the Basic Conditions. The Plan is supported by a Consultation Statement and Basic Conditions Statement along with screening reports relating to the need for a Strategic Environmental Assessment and/or an Appropriate Assessment addressing the risk of likely significant effects on European sites recognised by the Habitats Regulations. There is supporting evidence provided and there is evidence of community support and the involvement of the local planning authority.
4. I have considered the 13 separate representations made on the submitted Plan, including from North Yorkshire Council. These are addressed in this report as appropriate.
5. Subject to the recommended modifications set out in this report I conclude that the Terrington Neighbourhood Plan meets all the necessary legal requirements, including satisfying the Basic Conditions. I make a number of additional optional recommended modifications.
6. I recommend that the modified Plan should proceed to Referendum and that this should be held within the Terrington Neighbourhood Area.

2. Introduction

7. This report sets out the findings of my independent examination of the Terrington Neighbourhood Plan. The Plan was submitted to North Yorkshire Council by Terrington Parish Council as the Qualifying Body.

8. I was appointed as the independent examiner of the Terrington Neighbourhood Plan by North Yorkshire Council with the agreement of Terrington Parish Council.

9. I am independent of Terrington Parish Council and North Yorkshire Council. I do not have any interest in any land that may be affected by the Plan. I possess the appropriate qualifications and experience to undertake this role.

10. My role is to examine the neighbourhood plan and recommend whether it should proceed to referendum. A recommendation to proceed is predicated on the Plan meeting all legal requirements as submitted or in a modified form, and on the Plan addressing the required modifications recommended in this report.

11. As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended). To comply with the Basic Conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
- contribute to the achievement of sustainable development; and
- be in general conformity with the strategic policies of the development plan in the area; and
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations, including the Conservation of Habitats and Species Regulations 2017.

12. An additional Basic Condition was introduced by Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) in 2018 that 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. I am also required to make a number of other checks under paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990.

13. In undertaking this examination I have considered the following documents as the most significant in arriving at my recommendations:

- the submitted Terrington Neighbourhood Plan
- the Basic Conditions Statement
- the Consultation Statement
- the Strategic Environmental Assessment and Habitat Regulations screening reports
- the relevant parts of the existing development plan, comprising the Ryedale Plan: Local Plan Strategy and Ryedale Plan: Local Plan Sites document
- representations made on the submitted neighbourhood plan
- relevant material held on the Terrington Parish Council and North Yorkshire Council websites
- National Planning Policy Framework
- Planning Practice Guidance
- relevant Ministerial Statements

14. The Plan was largely prepared prior to publication of the revised National Planning Policy Framework (NPPF) in December 2024 and the version of the NPPF published in December 2023 is used to inform the Basic Conditions Statement. The Plan was submitted to North Yorkshire Council on 4 April 2025 and the policies of the December 2024 version of the NPPF apply for all neighbourhood plans submitted on or after 12 March 2025 (paragraph 239, NPPF). Following consultation with the local planning authority and Qualifying Body on the implications of the December 2024 version of the NPPF I conclude that appropriate regard is had to national planning policy.

15. No representations were received requesting a public hearing and having considered the documents provided and the representations on the submitted Plan I was satisfied that the examination could be undertaken by written representations without the need for a hearing.

16. I conducted an unaccompanied visit to the Neighbourhood Area on a weekend during December. I visited the main locations addressed in the Plan, including the proposed Local Green Spaces, important views, community facilities and Local Non-designated Heritage Assets.

17. Throughout this report my recommended modifications are bulleted. Where modifications to policies are recommended they are highlighted in **bold** print with new wording in “speech marks”. Existing wording is in “*italics*”. Other modifications, including to the supporting text, are also recommended and these are not in bold. The recommended modifications are numbered from M1 and are necessary for the Plan to meet the Basic Conditions. A number of modifications are not essential for the Plan to meet the Basic Conditions and these are numbered from OM1 and indicated by [square brackets]. Some further changes will also be needed to the supporting text and documents consequential to the modifications. These should be agreed between North Yorkshire Council and Terrington Parish Council.

18. Producing the Terrington Neighbourhood Plan has clearly involved significant effort led by the Steering Group which included both parish council members and members of the local community. The process began in 2023 and is informed by significant community involvement. There is evidence of collaboration with North Yorkshire Council and continuing this will be important in ensuring implementation of the Plan. The commitment of all those who have worked so hard to prepare the Plan is to be commended and I would like to thank all those at Terrington Parish Council and North Yorkshire Council who have supported this examination process.

3. Compliance with matters other than the Basic Conditions

19. I am required to check compliance of the Plan with a number of matters.

Qualifying body

20. The neighbourhood plan has been prepared by a suitable Qualifying Body – Terrington Parish Council – which being a parish council is the only organisation which can prepare a neighbourhood plan for the area.

Neighbourhood Area

21. I am satisfied that the Plan relates to the development and use of land for a designated neighbourhood area. This was designated by North Yorkshire Council on 18 May 2023. Its boundary matches that of the parish.

22. The boundary of the neighbourhood area is shown on page 6 of the Plan. This presents as a hand drawn line on a relatively small scale (1:25000) map. It would be helpful to provide access to a larger scale online map of the boundary.

- [OM1 – Provide a link to a large scale map showing the boundary of Terrington parish]

Land use issues

23. I am satisfied that the Plan's policies relate to relevant land use planning issues

Plan period

24. The period of the neighbourhood plan runs to 2039. The period is shown on the Plan cover. It provides an important planning policy framework for the area beyond the term of the current Local Plan which runs to 2027. A new Local Plan is in preparation with the intention of running to 2045. This is unlikely to be adopted before 2028.

Excluded development

25. I am satisfied that the neighbourhood plan makes no provisions for excluded development (such as national infrastructure, minerals extraction or waste).

4. Consultation

26. I have reviewed the Consultation Statement and relevant information provided on the Parish Council website. It provides a clear record of the consultation process that has been undertaken since the prospect of a neighbourhood plan was first developed in 2022. This was guided by a Steering Group once the neighbourhood area had been designated and this included members of the local community.

27. The preparation of the neighbourhood plan has been open and transparent with good levels of participation. A number of different engagement methods have been used, including a website, public meetings, letter and leaflet drops, posters, participation in other community events, face to face meetings, surveys and items in local magazines. More than one third of households contributed to a survey. Local landowners, organisations and businesses were approached. Updates have been provided at meetings of the Parish Council which are open to the public.

28. The Plan was subject to Regulation 14 consultation between 15/16 September 2024 and 27 October 2024. The consultation included a letter delivered to every household and two engagement events. Printed copies of the plan and related documents were made available. There is evidence of the consultation including the required statutory and other consultees. There were responses from 21 individuals and seven statutory and other consultees. The responses included local landowners.

29. A comprehensive report on the issues raised is provided in the Consultation Statement and this process was supported by a planning consultant. There is considerable evidence of changes being made to the Plan.

30. 13 separate representations have been made on the submitted Plan, including from residents and statutory bodies. All the representations have been considered as part of the examination and are addressed as appropriate in this report. Terrington Parish Council was given an opportunity to comment on the representations received.

31. The representations include suggestions from North Yorkshire Council that the Plan could address additional issues, including community energy, adaptation and additional design considerations including inclusivity and public realm features. These are appropriate for consideration in a neighbourhood plan but the scope of the Plan is a matter for the Qualifying Body. These and other additional matters could be addressed as part of a future Plan review.

32. Representations from North Yorkshire Council also support inclusion of requirements for additional information through Landscape and Visual Impact Assessments, Design and Access Statements and Heritage Assessments with relevant planning applications. These are more appropriately addressed through the Planning Application Validation Requirements and the Local Plan given they are requirements common to the whole local authority area.

33. I am satisfied with the evidence of the public consultation undertaken in preparing the Plan. The Plan has been subject to appropriate public consultation at various stages in its development. Participation rates have been adequate and appropriate opportunities to shape the Plan as it has developed have been provided. Local landowners, statutory consultees, other stakeholders and the local planning authority have been engaged through the process.

5. General comments on the Plan's presentation

Vision and Objectives

34. The Plan includes a Vision for Terrington for the period of the Plan. This presents a positive ambition and reflects the feedback received through consultation. It is consistent with the aims and policies in the Plan. The overall approach is based on sustaining the unique and distinctive character of Terrington, Ganthorpe, Mowthorpe, Wiganthorpe, Little Terrington and Flat Top with new development meeting community needs. The Vision is consistent with sustainable development and this is complemented by the Plan's aims.

35. The Plan's aims are provided both on page 11 and in Annex B where they are linked to the most relevant policies. There is an instance where the wording of the same aims differs with a reference to "*increased*" biodiversity on page 11. There is no cross reference to Policy NE3 in Annex B although it is relevant to aims for the natural environment. The inclusion of the aims in two locations is also unnecessary duplication and I recommend moving the contents of Annex B to page 11 and deleting Annex B.

36. The Plan provides a set of "*Sustainable Development Principles*". These are presented in a tinted box of the same format as the Plan's policies. The "*Sustainable Development Principles*" do not form part of the Plan's policies and to avoid any confusion I recommend that they are not included in a tinted box.

- M1 – Removed tinted box from the "*Sustainable Development Principles*" on page 12
- [OM2 – Provide the Plan aims in a single location, with cross references to the most relevant Plan policies in each instance]

Other issues

37. The Plan is clearly structured and has a consistent format although there are some overlaps between various parts of the Plan. With some exceptions the general approach is to focus on issues where the Plan can add value to the existing Local Plan and national planning policy. This is commendable. It addresses the expectation in national Planning

Practice Guidance that neighbourhood plans 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*” (Paragraph: 041 Reference ID: 41-041-20140306,NPPG). The Policies are clearly identified by tinted boxes. Relevant supporting evidence is provided although there are issues with the evidence which I address in relation to individual policies. The Plan references documents which make up the evidence base. It would be helpful if links were provided to all documents and the main evidence base documents were brought together in an Annex.

38. There is a single instance of the Contents referencing an incorrect page (“*Biodiversity*” begins on page 18) and Policy SD1 and Policy SD2 come before the sections shown above them in the Contents on “*Sustainable Buildings and construction*”. The “*Foreword*” should appear in the Contents. There are other instances of errors in referencing various parts of the document and these are addressed below in relation to individual policies.

39. The Plan is supported by the *Terrington Parish Design Codes and Guidance*. This is referenced in diverse ways throughout the document and I recommend a consistent approach to avoid any ambiguity. Given its significance a weblink should be provided.

40. The supporting text makes a number of references to information expected to be provided in a Design and Access Statement. I share the view expressed in representations by Directions Planning Consultancy that these go beyond the scope of what is required in paragraphs 7.14 and 8.7. The scope of Design and Access Statements is explained in Planning Practice Guidance (Paragraph: 031 Reference ID: 14-031-20140306) and information on noise and landscape impacts can be provided in other ways.

- M2 – Identify the *Terrington Parish Design Codes and Guidance* in a consistent way throughout the Plan and provide a weblink to access it
- [OM3 – Provide an Annex containing the evidence base with links to the documents]

- [OM4 – Update the Contents to reflect the comments above and changes made in preparing a final version for referendum]
- [OM5 – Remove references in the supporting text to Design and Access Statements including information that goes beyond their scope]

6. Compliance with the Basic Conditions

National planning policy

41. The Plan is required to “*have regard*” to national planning policies and advice. This is addressed in the Basic Conditions Statement which relates the Plan to the December 2023 version of the NPPF. The neighbourhood plan was submitted to North Yorkshire Council on 4 April 2025 and it is the policies of the December 2024 version of the NPPF that apply for all neighbourhood plans submitted on or after 12 March 2025 (paragraph 239, NPPF).

42. I invited both Terrington Parish Council and North Yorkshire Council for a view on whether the differences between the 2023 and 2024 versions of the NPPF raise any material issues for the conclusion of the Basic Conditions Statement. After a paragraph by paragraph comparison both concluded the changes were not significant and this aligns with my own assessment. I am therefore satisfied with the robustness of the Basic Conditions Statement on this matter.

43. The Basic Conditions Statement includes a table that relates each of the Plan’s policies to relevant paragraphs of the NPPF and provides a short commentary. It also considers more general policies in the NPPF which relate to neighbourhood planning. No instances of conflict are identified and the assessment concludes that the neighbourhood plan “*has been prepared with regard to national policies*”.

44. I agree with the Basic Conditions Statement that the Plan has regard to national planning policy and guidance with some exceptions as addressed in my consideration of individual policies. I recommend some modifications. These include areas where the drafting of the Plan’s policies needs to be amended in order to meet the NPPF’s principles regarding the clarity of policies, the need for policies to be positively worded, to serve a clear purpose and to avoid duplication. I also address the requirement expressed in national planning policy and Planning Practice Guidance that “*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.” (NPPG Paragraph: 041 Reference ID: 41-041-20140306). The Plan’s policies do not always meet these requirements and a number of recommended modifications are made as a result.

45. I am satisfied that the Plan meets this Basic Condition other than where identified in my detailed comments and recommended modifications to the Plan policies.

Sustainable development

46. The Plan must *“contribute to the achievement of sustainable development”*. This is addressed in the Basic Conditions Statement by relating each of the Plan policies to each of the economic, social and environmental objectives of the planning system which contribute to sustainable development. This recognises a small number of negative effects in relation to individual attributes but their magnitude does not conflict with the overall objective of sustainable development.

47. I am satisfied that the overall contribution of the Plan to sustainable development is positive and that the Plan meets this Basic Condition.

Development plan

48. The Plan must be *“in general conformity with the strategic policies of the development plan”*. The Basic Conditions Statement addresses this by considering the relationship with the Ryedale Plan: Local Plan Strategy (2013) and relating each of the Plan’s policies to relevant Local Plan policies with a brief commentary. No conflicts are identified. The Basic Conditions Statement concludes that the Plan is *“in general conformity with the strategic policies of the Local Plan and the policies have been designed to add local context to the development plan policies of the area”*. North Yorkshire Council agrees the Plan meets the Basic Conditions, including the need for general conformity.

49. I am satisfied the Plan meets this Basic Condition.

Strategic Environmental Assessment (SEA)

50. The Plan must be informed by a Strategic Environmental Assessment if it is likely to have significant environmental effects. A screening assessment of the Plan policies was undertaken for Terrington Parish Council. This concluded *“it is unlikely there will be any significant environmental effects arising from the Terrington Neighbourhood Plan”* and so a Strategic Environment Assessment is not required because no Appropriate Assessment is needed in accordance with the Habitats Regulations. This conclusion was agreed by Natural England and Historic England and no contrary view was expressed by Environment Agency or North Yorkshire Council. I am content with this conclusion.

51. It is ultimately the responsibility of North Yorkshire Council rather than Terrington Parish Council to ensure the neighbourhood plan is compatible with relevant legal obligations including the Strategic Environmental Assessment Directive before it is made following a successful referendum (Paragraph: 031 Reference ID: 11-031-20150209, NPPG).

Habitats Regulations Assessment (HRA)

52. The Plan must be informed by a Habitats Regulations Assessment if it is likely to lead to significant negative effects on protected European sites. A screening assessment of the policies was undertaken by AECOM. This concluded that the Plan *“contains an appropriate policy framework to ensure no adverse effects on the integrity of any Habitats Sites, either alone or in combination with other plans or projects”* and so a full Habitats Regulations Assessment is not required. No contrary view has been expressed by Natural England or Environment Agency.

53. I am satisfied with the approach and conclude that the Plan meets this Basic Condition.

Other European obligations

54. The Plan must be compatible with European Convention on Human Rights (ECHR) obligations. The Basic Conditions Statement asserts compliance and includes a basic assessment of the likely impact of each of the Plan’s policies on persons with protected

characteristics. This identifies no negative impacts and is positive overall. No contrary evidence to the Plan meeting this Basic Condition has been presented.

55. There is good evidence of changes being made to the Plan during its preparation. I consider that there has been adequate opportunity for those with an interest in the Plan to make their views known and representations have been managed in an appropriate manner with changes made to the Plan.

56. I conclude that the Plan meets this Basic Condition.

7. Detailed comments on the Plan policies

57. This section of the report reviews and makes recommendations on each of the Plan's policies to ensure that they meet the Basic Conditions. I make comments on all policies in order to provide clarity on whether each meets the Basic Conditions. Some of the supporting text will need to be amended to take account of the recommended modifications.

Environment

58. **Policy E1** – This requires new development to respect local character and protects defined views.

59. The importance of the area's rural character and the significance of a number of views is supported by the consultation process. The significance of views is enhanced by Terrington village's location on a ridge. The Policy addresses issues of significance to the locality.

60. The Policy's description of contributors to local character is appropriate and supported by the *Terrington Parish Design Codes and Guidance*. I share the view expressed in representations by Directions Planning Consultancy that greater clarity could be provided by making direct reference to the *Terrington Parish Design Codes and Guidance* and this would be consistent with Policy SD1.

61. The relevant views are identified on Policy Map 4 rather than Policy Map 5 as indicated. They have been identified through community consultation. The Policy Map replicates the landscape view location map in the *Terrington Parish Design Codes and Guidance*. Other non-landscape views are also identified in the *Terrington Parish Design Codes and Guidance* and the policy drafting should be specific that it relates to landscape views.

62. The location map identifies each of 15 landscape views simply with a number. There is no indication as to the direction of the view. Some further information is provided in the

Terrington Parish Design Codes and Guidance which includes a single panoramic photograph for each view. No description of the views and what is significant within them is provided.

63. The importance of landscape views within the neighbourhood area is unquestionable. Their individual recognition nevertheless requires a significantly stronger evidence base that identifies the scope or field of view and describes the significances within it that need to be considered in relation to new development. On request I was provided with an updated Policy Map 4 (in three parts) indicating the direction and field of each view. This provides important additional clarity and should be included in the Plan.

64. There are unresolved issues between the updated Policy Map 4 and that which is extracted from the *Terrington Parish Design Codes and Guidance*. The location of the numbered views differs between the two sources and the updated map does not include View 4. The updated Policy Map 4 appears more accurate and this should be used without reference to the map provided in *Terrington Parish Design Codes and Guidance* which should additionally be updated if possible.

65. The evidence base for what is significant within each view remains limited and largely restricted to a photograph of each view in the *Terrington Parish Design Codes and Guidance*. Given the differences between the two source maps I recommend these photographs are included in the Plan as a new Figure 1 accompanied by both the name used in the Parish Council's response to my request for further clarity and numbering consistent with updated Policy Map 4.

66. The *Terrington Parish Design Codes and Guidance* adopts a general policy approach that the views should be "*protected and not obstructed*". In the absence of any analysis of the views it is unclear what should be protected and what would amount to an obstruction. Similar issues are raised in representations from North Yorkshire Council supporting the use of "Verified Views" or the results of Landscape and Visual Impact Assessment to inform understanding of the views. As a result the approach lacks the clarity, precision, lack of ambiguity and supporting evidence required (NPPG Paragraph: 041 Reference ID: 41-041-

20140306). I recommend an alternative approach which simply “respects” the landscape views.

67. The policy drafting is unduly restrictive in some respects. The expectation that development proposals “*must*” respect rural character and be in keeping with a rural setting is not consistent with the need for plan policies to be “*prepared positively*” (paragraph 16, NPPF). Similarly it is not appropriate to state where development will be “*strongly resisted*”. Other minor drafting improvements can be made.

68. Policy E1 does not meet the Basic Conditions.

- **M3 – Amend Policy E1 to:**
 - Replace “*must*” with “*should*” in the second line
 - Insert “*by demonstrating where appropriate how it has regard to the Terrington Parish Design Codes and Guidance, including*” after “*development*” in the third line
 - Replace “*must be*” with “*is*” in the first bullet
 - Replace “*will be strongly resisted unless it is*” with “*should be*” and insert “*otherwise*” before “*acceptable*” in the fourth bullet
 - Replace “*treatment is*” with “*treatments are*” and insert “*to*” before “*maintain*” in the fifth bullet
 - Replace the final paragraph with “*Development proposals should respect the important landscape views identified in Policy Map 4 and Figure 1.*”
- **M4 – Provide an updated and complete Policy Map 4**

69. **Policy E2** – This addresses the impact of development on dark skies and tranquillity.

70. The importance of tranquillity and dark skies to the neighbourhood area’s distinct character is clear from community feedback during preparation of the Plan and the Policy aligns with local approaches to protect dark skies in the Howardian Hills. There is evidence of the Howardian Hills having one of the darkest skies of all National Landscapes. On

request I was provided with additional evidence of the neighbourhood area's tranquillity and I recommend links to the evidence on both dark skies and tranquillity is provided in the final Plan. I am content that the Policy approach is appropriate in recognising the overall importance of rural tranquillity without unduly restricting development that may result in some increases in noise.

71. Street lighting does not require planning permission other than where it is proposed as part of new development where it will be subject to the need to respect the integrity of dark skies. The drafting of the Policy is unduly restrictive in stating what "*shall*" happen and what will be "*strongly resisted*". I am content that the Policy does not unduly restrict appropriate security lighting as raised in representations on the Plan and agree with representations made by Directions Planning Consultancy that a specific reference for the guidance on security lighting cited in paragraph 7.12 should be provided. North Yorkshire Council references the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light in its representations and this could be used.

72. Policy E2 does not meet the Basic Conditions.

- **M5 – Amend Policy E2 to:**
 - **Replace "*shall*" with "*should*" in the first line and delete "*shall*" in the third line**
 - **Replace the third paragraph with "Development proposals in unlit areas should have particular regard to the need to support the integrity of dark night skies"**
 - **Replace the final paragraph with "Development proposals should respect the tranquillity of the parish."**
- M6 – Include references to the evidence on dark skies and tranquillity in the evidence base
- [OM6 – Provide a reference to the guidance on security lighting cited in paragraph 7.12]

Natural Environment

73. **Policy NE1** – This addresses the impact of development on the historic and natural landscape.

74. The neighbourhood area includes a historic and natural landscape of high quality. It is recognised as being part of a distinct National Character Area by Natural England and the ridgelines are a distinct feature. The Policy addresses impacts on the National Landscape which are usually considered by the Local Plan and are also addressed by the NPPF. Given the Local Plan only runs to 2027 I consider the Policy does not duplicate the existing policy framework.

75. The drafting of the Policy is unduly restrictive in stating what “*will not be supported*” and not accepting minor adverse impacts.

76. Policy NE1 does not meet the Basic Conditions.

- **M7 – Amend Policy NE1 to:**
 - **Replace the final sentence of the first paragraph with “New development on the ridgelines should avoid any significant adverse impact on the landscape”**
 - **Replace “*adversely affect*” with “have a significant adverse impact on” in the last paragraph**

77. **Policy NE2** – This addresses the need for new development to protect and enhance biodiversity and make use of sustainable drainage

78. The value of the wildlife and habitats in the neighbourhood area is recognised as important in the community feedback provided during preparation of the Plan.

79. The requirement for new development to protect and enhance wildlife habitats and to provide for increases in biodiversity is addressed in national planning policy (e.g. Chapter

15, NPPF). This includes support for specific measures to help threatened species such as swifts and bats. The requirements for 10% net gain in biodiversity are mandated by law and also addressed in national planning policy and practice guidance.

80. The need for sustainable drainage systems to provide *“multifunctional benefits”* is addressed in national planning policy (paragraph 182, NPPF), which includes the ambition of the Policy for such measures to *“complement nature conservation objectives”*.

81. Neighbourhood planning is intended to add value to existing policy by being *“distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared”* (Paragraph: 041 Reference ID: 41-041-20140306,NPPG). Policy NE2 does not address any issues distinct to the neighbourhood area and no additional evidence is provided to support an approach which goes beyond that in national planning policy.

82. Neighbourhood plan policies also need to *“serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant)”* (paragraph 16, NPPF).

83. Policy NE2 is not distinct and duplicates existing policy. It serves no clear purpose and I conclude that it does not meet the Basic Conditions.

- **M8 – Delete Policy NE2**

84. **Policy NE3** – This seeks to protect mature trees and hedgerows and provides support for additional provision.

85. The importance of trees and hedgerows is recognised in the results of community engagement and there is evidence provided for the number of important trees and areas of Ancient Woodland.

86. In important aspects Policy NE3 duplicates existing policy. National planning policy already addresses the importance of trees and woodlands and, as the Policy drafting recognises, includes measures to protect Veteran Trees and Ancient Woodland. The use of BS5837 is already addressed in the planning application validation checklist used by North Yorkshire Council.

87. Nevertheless, there is evidence for the particular importance of trees, woodland and hedgerows in the neighbourhood area and national planning policy does not explicitly address the importance of hedgerows. I am content that the Policy is not restrictive in its support for hedgerow and tree planting as raised in representations from Directions Planning Consultancy.

88. The drafting is unduly restrictive in stating what *“will be resisted”* and more positive wording is necessary. A landscaping scheme will not be appropriate in all circumstances and regional appropriateness is inherent in the decision over what is an appropriate species.

89. Policy NE3 does not meet the Basic Conditions.

- **M9 – Amend Policy NE3 to:**
 - **Replace the first sentence of the second paragraph with “Development proposals should retain healthy, mature trees of an appropriate species.”**
 - **Delete the third paragraph**
 - **Insert “, where appropriate,” after “*should*” and delete “*preferably species appropriate to the region*” in the final paragraph**

Historic Environment

90. **Policy HE1** – This addresses the quality of development in Terrington Conservation Area and its setting.

91. The relationship of the location and design of new development to the Conservation Area and its setting is already addressed in national planning policy and Policy SP12 of the

Ryedale Local Plan, as acknowledged in paragraph 9.1. Policy HE1 does not address any issues distinct to the locality and duplicates existing policy. It serves no clear purpose.

92. Policy HE1 does not meet the Basic Conditions.

- **M10 – Delete Policy HE1**

93. **Policy HE2** – This identifies local heritage assets and addresses the impact of new development on their character, context and setting.

94. The Policy is supported by details of 22 local heritage assets that have been identified including photographs, descriptions and a location map. There is support for their recognition and protection from the community engagement.

95. There is limited justification provided for recognition of each asset beyond an assertion of their “*Historical significance*” in Annex C. Some additional historical information is provided along with links to relevant sources but the evidence provided is the bare minimum necessary. I visited each of the proposed assets and subject to the following comments am content that they are historically significant to the area.

96. The Policy includes two scheduled monuments which are already nationally designated and on the National Heritage List – Round Barrow near Home Farm <https://historicengland.org.uk/listing/the-list/list-entry/1017895> and Round Barrow at Coronation Clump <https://historicengland.org.uk/listing/the-list/list-entry/1014383>. These assets are already protected under national planning policy and should be excluded.

97. The Policy includes two areas of Ridge and Furrow which are not evident to the casual visitor. There is limited evidence provided to support identification of these two areas beyond a general link to Heritage Gateway that does not provide a clear location. On request I was provided with further evidence relating to both the location and significance of these assets and recommend this evidence is included in support of the Policy.

98. It is proposed that *“Ancient Property boundaries”* in Main Street, Terrington are included in the list of Local Non-designated Heritage Assets. Their location is not provided on Policy Map 1 nor is any further evidence, including photographs, provided. It is unclear what physical form the boundaries take and what is to be protected. On request I was informed by Terrington Parish Council that the *“ancient property boundaries are all the boundaries between properties within the village, most of which have been preserved from earlier times, though some of the original boundaries have been lost as properties were amalgamated”*. This definition is too wide and there are contemporary boundaries within the village that have limited historical interest. I was provided with links to historic maps which locate historic boundaries in the village but this does not locate them on a contemporary map.

99. I conclude that while there are *“Ancient Property boundaries”* in Terrington village there is insufficient evidence to justify, describe or locate the boundaries as Local Non-designated Heritage Assets. While they should be excluded from the list of assets in Annex C I am content for them to be recognised within Policy HE2, with appropriate supporting text and evidence. Whether or not a boundary can be considered historic will need to be evidenced on a case by case basis which can be expected as part of the heritage statement required for all development proposals in the Conservation Area. Given the lack of a definition of *“Ancient”* I recommend describing them as *“historic”* as a more widely used term.

100. The main contribution of the Plan is to identify the local heritage assets. Planning policy in respect of determining any development proposal is already provided in national planning policy (paragraph 207 ff and particularly 216, NPPF). It serves no purpose to duplicate this and alternative wording to achieve similar aims creates unnecessary ambiguity.

101. It is sufficient for the Policy to reference the local heritage assets as shown on Policy Map 1 and a selective listing of the distinct types in the Policy is unnecessary. The terminology used in Policy HE2 (*“Local Heritage Assets”*) and Policy Map 1 (*“Non-designated*

Heritage Assets”) should be the same. I recommend use of “Local Non-designated Heritage Assets” which is consistent with them being identified for their local significance and with the terminology of national planning policy. The title of the first Policy Map 1 should identify it as showing locations for Terrington Village and the maps for Ganthorpe and the Ridge and Furrow should be separately titled while also being part of Policy Map 1. There are some presentational issues with Policy Map 1, including text overwriting the locational numbering, poor centring of numbers, differently sized and colour numbered circles, a rogue “2” in the inset map for Ganthorpe and a lack of map scales and North lines. It is unclear that the separate maps locating two areas of Ridge and Furrow relate to the single Non-designated Heritage Asset numbered 17.

102. The drafting is unduly restrictive in stating what “*will be required*” to happen when considering development proposals.

103. Policy HE2 does not meet the Basic Conditions.

- **M11 – Replace Policy HE2 with:**

**“Policy HE2: Protecting Local Non-designated Heritage Assets
Development proposals should have regard to their impact on the
significance of any of the Local Non-designated Heritage Assets identified in
Policy Map 1 and Annex C and, where appropriate, the significance of any
of the historic property boundaries in Terrington Village.”**

- M12 – Remove the following from the Local Non-designated Heritage Assets identified in Policy HE2, Policy Map 1 and Annex C:
 - Ancient Property Boundaries – Terrington Village
 - Barrows near Home Farm and at Coronation Clump
- M13 – Retitle the section of Chapter 9, Policy Map 1 and Annex 3 as “Local Non-designated Heritage Assets”; add “- Terrington Village” to the title of the first Policy Map 1; and provide a title for the separate map for Ganthorpe and the Ridge and Furrow assets

- M14 – Address the presentational issues in Policy Map 1 to provide a consistent and clear presentation and enable the accurate location of each Local Non-designated Heritage Asset
- M15 – Provide supporting text in the “Local Non-designated Heritage Assets” section explaining the significance of the historic property boundaries and providing links to relevant evidence and maps
- M16 – Provide the additional evidence supporting identification of the two areas of Ridge and Furrow in the supporting text or on Policy Map 1

Sustainable Development

104. **Policy SD1** – This addresses the quality of design which should accord with the *Terrington Parish Design Codes and Guidance* and establishes relevant criteria.

105. The Policy is consistent with the support in national planning policy for neighbourhood plans to address design considerations – “*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, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers*” (paragraph 132, NPPF).

106. This has been progressed through the *Terrington Parish Design Codes and Guidance* which has been prepared as part of the neighbourhood planning process by AECOM. It is a significant document with considerable detail about the neighbourhood area. As well as a character assessment it provides 13 Design Codes on various aspects of development and the parish. Terrington Parish Council has confirmed the document has been included as part of consultation on the draft Plan. North Yorkshire Council supports the *Terrington Parish Design Codes and Guidance* while also identifying ways in which it could be strengthened and more aligned with its own emerging Local Plan and Design Code.

107. I am content with the approach and use of the *Terrington Parish Design Codes and Guidance* to support the Plan. It can be reviewed as part of a wider review of the Plan in the context of changes to the Local Plan in the future. A weblink should be provided. I

recommend above that the document is referenced in a consistent way as the *Terrington Parish Design Codes and Guidance* throughout the Plan. The Policy confusingly references design “principles” rather than the design “codes”.

108. The Policy both supports development in accordance with the *Terrington Parish Design Codes and Guidance* and requires new development to address a range of related criteria. The seven criteria appear to be informed by the *Terrington Parish Design Codes and Guidance* but they are selective and not entirely consistent with its approach. To avoid ambiguity I recommend a simpler approach which requires new development to demonstrate how it has regard to the *Terrington Parish Design Codes and Guidance*. This also addresses representations made by North Yorkshire Council for evidence to inform decision making.

109. The Policy is unduly restrictive in stating what “must” be considered by new development. It is unnecessary to specify that new development includes extensions and to qualify the application of the policy to “good quality” new development as this is a desired outcome from its effective application to new development proposals. I am content that appropriate security measures, such as lighting and boundary fences, are consistent with the approach of the *Terrington Parish Design Codes and Guidance* as raised in a representation.

110. I share representations made by Directions Planning Consultancy that the last sentence of paragraph 10.2 is inconsistent with national planning policy.

111. Policy SD1 does not meet the Basic Conditions.

- **M17 – Replace Policy SD1 with:**
 - **“Development proposals should demonstrate where appropriate how they have had regard to the *Terrington Parish Design Codes and Guidance* and will be supported where they are in accordance with its provisions.”**

- [OM7 – Delete from after “*where*” to end of last sentence in paragraph 10.2 and insert “development options are more limited”]

112. **Policy SD2** – This addresses the need for energy efficient buildings and includes a range of relevant considerations.

113. There is support through community engagement on the Plan for energy efficiency to be an important design consideration in new development.

114. Neighbourhood planning is intended to add value to existing policy by being “*distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared*” (Paragraph: 041 Reference ID: 41-041-20140306,NPPG). Policy SD2 does not address any issues distinct to the neighbourhood area and no additional evidence is provided to support an approach which goes beyond that which is already present in national planning policy (e.g. paragraph 164, NPPF). It serves no clear purpose. As far as a local approach is needed this is provided through Policy SD1 in respect of Design Codes 11 and 12 and this is acknowledged in the Plan’s supporting text.

115. Policy SD2 does not meet the Basic Conditions.

- **M18 – Delete Policy SD2**

116. **Policy SD3** – This addresses issues of water management and efficiency through support for sustainable approaches to flood risk, water efficiency and use of permeable surfaces.

117. The Policy raises similar issues to Policy SD2. It does not address issues specific to the unique characteristics and planning context of the neighbourhood area. The surface water and flooding issues identified are common to most areas and the Policy drafting is generic in its approach.

118. No additional evidence is provided to support an approach which goes beyond that which is already present in national planning policy (e.g. paragraph 170ff, NPPF) which also identifies sustainable drainage and flood risk management as strategic issues. As noted in representations from Directions Planning Consultancy the liability to flooding and the small scale of development envisaged in the Local Plan and neighbourhood plan means new development is unlikely to trigger a requirement for sustainable drainage systems. The Policy serves no clear purpose. As far as a local approach is needed this is provided through Policy SD1 in respect of Design Code 13.

119. Policy SD3 does not meet the Basic Conditions.

- **M19 – Delete Policy SD3**

Transport

120. **Policy T1** – This requires development to meet existing local authority parking standards and seeks to protect off street parking.

121. There is evidence of high dependency on the private car within the neighbourhood area and some concern about parking provision in the feedback from community engagement.

122. The first part of the Policy explicitly duplicates existing policy as set out in North Yorkshire Council's parking standards. It serves no clear purpose.

123. The Policy drafting is unduly restrictive in stating what will *"only be supported"*.

124. Policy T1 does not meet the Basic Conditions.

- **M20 – Amend Policy T1 to:**
 - **Delete the first paragraph**

- Replace “*will only be supported where alternative provision is made*” with “**should make alternative provision**”

125. **Policy T2** – This supports measures to reduce traffic speeds and improve access for pedestrians, cyclists and horseriders and seeks to both protect the rights of way network and encourage new links.

126. There is some evidence for a high level of non-motorised travel, including horse riding, around the neighbourhood area and the importance of circular and long distance routes to visitors. The Policy explicitly addresses horse riding, as welcomed by The British Horse Society in representations. With regard to representations made by North Yorkshire Council I do not have a view on the relative merits of using “horse riders” or “horseriders” and note representations from The British Horse Society while generally using two words also include references that are hyphenated.

127. The Policy will not be relevant to all development proposals in the neighbourhood area and there are small improvements which can be made to the drafting to aid clarity.

128. I am content with the Policy’s approach to supporting new pavements and access routes designed in ways that complement the rural character and heritage of the area. This is not inherently incompatible with the intention to designate Verges as Local Green Space as raised in representations from Directions Planning Consultancy. Instead the Plan will require imagination and careful consideration to be given to measures so they can meet multiple objectives.

129. The Policy is supported by reference to a map of the rights of way network in the *Terrington Parish Design Codes and Guidance*. This is a static source which may not reflect the up to date situation and I recommend a weblink is provided to the Definitive Map maintained by North Yorkshire Council (<https://experience.arcgis.com/experience/89a8ba565ea54db5931017cc0c2ff8fa>).

130. Policy T2 does not meet the Basic Conditions.

- **M21 – Amend Policy T2 to:**
 - Insert “where appropriate” after “*should*” in the first line
 - Replace “*rights of way network*” with “Public Rights of Way Network” in the second paragraph and provide a link to the Definitive Map maintained by North Yorkshire Council
 - Insert “the network” after “*improve*” in the second paragraph

Community

131. **Policy C1** – This identifies and protects community facilities valued by local residents and supports improvements and new community facilities.

132. The Policy is broadly consistent with Local Plan Policy SP11 and is supported by Policy Map 2 that locates each of the identified community facilities which are all in Terrington Village. Policy Map 2 should be referenced in the Policy and both the number and naming of the community facilities should be consistent between those listed in the Policy and those located on the Policy Map. The Village Hall and the adjacent Playground and sports courts should be identified as separate facilities and the allotments should be individually named.

133. On request Terrington Parish Council confirmed the continuing value of all the facilities and noted that the public house had been excluded as it was vacant. I was informed the Bowling Green was in active use during the season and there is resident access to the allotments via an allocation process run by Castle Howard Estates. I visited each of the proposed community facilities and am satisfied they are of value to the area.

134. Parts of the Policy are negatively drafted – “*resisted*”, “*may be considered*” – and the requirement for other uses to provide an “*improved*” service is not justified and unduly restrictive. Similarly, it is unduly restrictive to rule out even minor negative impacts on local amenity.

135. Policy C1 does not meet the Basic Conditions.

- **M22 – Amend Policy C1 to:**
 - **Replace the first part of the opening paragraph with “The following community facilities (see Policy Map 2) will be protected from loss or significant harm:”**
 - **Insert “equivalent or” before “*improved*” in subsection a. of the second paragraph**
 - **Insert “significant” before “*negative*” in the third paragraph**
- **M23 – Use the same names and identify the same number of community facilities in Policy C1 and Policy Map 2 as recommended above**

136. **Policy C2** – This identifies eight locations to be designated as Local Green Space and establishes the approach to development management in these locations.

137. The Policy is supported by the boundaries and location of each proposed Local Green Space being shown in Policy Map 3 with further details of their location, appearance and rationale for them being considered locally significant in Annex D (wrongly referenced as Annex C in the supporting text). The naming and the number of Local Green Spaces is inconsistent between the Policy, Policy Map 3 and Annex D.

138. Annex D addresses the reasoning behind designation of each Local Green Space in accordance with the requirements of the National Planning Policy Framework (paragraph 107). The evidence provided is limited and the bare minimum necessary. Landowners have been consulted as part of the process for preparing the Local Plan and are either supportive or have provided no response.

139. I visited each of the proposed Local Green Spaces and agree with the rationale and proposed boundaries with one exception. The footprint of the Church of All Saints building should be excluded from the area identified as Churchyard. I also noted the northern boundary of the Mowthorpe Garden of Rest was indistinct but am content with the approach taken.

140. There is potential confusion over the number of Local Green Spaces. The Policy Map provides for three distinct Local Green Spaces for the Playground, Tennis Courts and Playing Field adjacent to the Village Hall but these are grouped into one designation in the Policy and Annex D. My recommendation is that they are recognised as distinct Local Green Spaces given their distinct functions but it is an option where Terrington Parish Council and North Yorkshire Council agree for this to be a single designation. If it is a single designation then Policy Map 3 should depict a single boundary which includes all three.

141. Policy Map 3 does not depict the boundaries of each Local Green Space with sufficient clarity. It also depicts the boundary of Ganthorpe 'Green' in a separate way to other locations. On request I was provided with clearer large scale maps showing the boundaries of each Local Green Space and these should be used. Each Local Green Space should be named on the map consistent with the name used in Policy C2 and Annex D.

142. The proposals include designating numerous "*Verges*" / "*Wide Verges*" as Local Green Spaces. Their distinct contribution to the area is as described in Annex D and the *Terrington Parish Design Codes and Guidance* states that they make "*a notable contribution to the village's character*". Some of these verges are also recognised as Visually Important Undeveloped Areas in the Local Plan. I agree with the assessment of their value and am content with the designation although it needs to be recognised this only offers protection under planning and not highways legislation.

143. The linear geometry of the verges poses a particular challenge to depicting their boundary in an effective way. This is not achieved by Policy Map 3 but I am content by the quality of the updated maps which have been provided.

144. To be afforded protection Local Green Spaces need only be designated by the Plan. This follows a Court of Appeal case relating to a Local Green Space policy in a neighbourhood plan (*Lochailort Investments Limited v. Mendip District Council and Norton St Philip Parish Council*, [2020] EWCA Civ 1259) which means it is inappropriate without clear justification to include any wording that sets out how development proposals should

be managed. No such justification has been provided in the submitted Plan and its supporting documents. This means the second paragraph should be deleted.

145. Policy C2 does not meet the Basic Conditions.

- **M24 – Amend Policy C2 to delete the second paragraph**
- **M25 – Use the same names and identify the same number of Local Green Spaces in Policy C2, updated Policy Map 3 and Annex D as recommended above**
- M26 – Remove the footprint of the church building from the Churchyard Local Green Space
- M27 – Use the updated large scale maps which depict the boundary of each Local Green Space

146. **Policy C3** – This addresses proposals for the development of small businesses, including those associated with farming operations.

147. The Policy is informed by the limited employment opportunities within the area and takes a supportive approach to diversification and expansion subject to scale and impact. The drafting is unduly restrictive its approach to even modest adverse impacts. There is reference to the “*development boundary*” which should reference the “*development limits*” for consistency with Local Plan Policy SP1. A reference to the mapping of these limits should be provided in the supporting text, including a link to the relevant Policies Map.

148. Policy C3 does not meet the Basic Conditions.

- **M28 – Amend policy C3 to:**
 - Insert “significant” before “adverse” in the first bullet
 - Replace “boundary” with “limit” in the second paragraph

- [OM8 – Reference Local Plan Policy SP1 and the mapping of development limits in the supporting text, including a link to the relevant Policies Map]

8. Recommendation and Referendum Area

149. I am satisfied the Terrington Neighbourhood Plan meets the Basic Conditions and other requirements subject to the modifications recommended in this report and that it can proceed to a referendum. I have received no representations on the referendum area and recommend it matches that of the Neighbourhood Area.