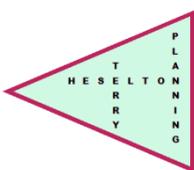


# **Draft Roecliffe and Westwick Neighbourhood Plan (Submission Version)**

## **Report of the Independent Examination**

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**Independent Examiner**



**Terry Heselton Planning**

**26 April 2021**



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## **Summary**

I have examined the Roecliffe and Westwick Neighbourhood Plan as submitted to Harrogate Borough Council by Roecliffe and Westwick Parish Council. The examination has been undertaken by written representations.

I conclude that the Neighbourhood Plan meets all of the statutory requirements, including those set out in paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990 (as amended). However, a number of modifications are required to ensure that the Plan meets the 'Basic Conditions', as defined in Paragraph 8(2) of the Schedule (as amended).

Subject to making the modifications set out in my report I recommend that the Roecliffe and Westwick Neighbourhood Plan proceeds to referendum, and that the voting area corresponds with the Roecliffe and Westwick Neighbourhood Area as designated by Harrogate Borough Council on 2 September 2015.

## 1.0 Introduction

- 1.1 I have been appointed by Harrogate Borough Council with the consent of Roecliffe and Westwick Parish Council, to examine the Roecliffe and Westwick Neighbourhood Development Plan and report my findings as an Independent Examiner.
- 1.2 The Roecliffe and Westwick Neighbourhood Plan (referred to as ‘the Neighbourhood Plan’ or ‘the Plan’) has been produced by Roecliffe and Westwick Parish Council under the provisions of the Localism Act 2011, which introduced the means for local communities to produce planning policies for their local areas. The Parish Council is a qualifying body for leading the preparation of a neighbourhood plan<sup>1</sup>.
- 1.3 The Plan covers the historic rural Parish of Roecliffe and Westwick which is situated immediately to the south west of Boroughbridge, on the southern bank of the River Ure. The A1(M) motorway crosses the easternmost extremity of the Parish.
- 1.4 The Parish contains the village of Roecliffe with a number of outlying farmsteads and rural businesses such as Roecliffe Business Centre, set in attractive countryside. The entire village and some adjacent countryside falls within Roecliffe Conservation Area.
- 1.5 A range of local employment opportunities are available in Bar Lane Employment Estate which is situated immediately to the west of the A1(M). The employment estate is separated from Roecliffe village further to the west by Claypits Pond, a former brickworks site which is now important for its nature conservation value.
- 1.6 The Plan focuses on managing proposals for new development, protecting and enhancing the local environment, safeguarding local facilities and heritage assets, supporting local businesses, and promoting traffic management measures and improvements to the footpaths and bridleways network.
- 1.7 My report provides a recommendation as to whether or not the Neighbourhood Plan should proceed to referendum. Were it to go to referendum and achieve more than 50% of votes in favour, then the Neighbourhood Plan would be *made* by Harrogate Borough Council. The Plan would then be used to determine planning applications and guide planning decisions in the Roecliffe and Westwick Neighbourhood Area.

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<sup>1</sup> Section 38C of the Planning and Compulsory Purchase Act 2004 and Section 61F of the Town and County Planning Act 1990.

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## 2.0 Scope and Purpose of the Independent Examination

- 2.1 The independent examination of neighbourhood plans is intended to ensure that neighbourhood plans meet five 'Basic Conditions'<sup>2</sup>, together with a number of legal requirements. Neighbourhood plan examinations are narrower in scope than Local Plan examinations and do not consider whether the plan is 'sound'.
- 2.2 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 plan contributes to the achievement of sustainable development,
  - it 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), and
  - the making of the plan does not breach, and is otherwise compatible with EU obligations (which, notwithstanding the UK's withdrawal from the EU on 31 December 2020<sup>3</sup> remain in force until replaced by UK legislation), and
  - it does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
- 2.3 In addition to reviewing the Draft Neighbourhood Plan and the supporting documents submitted at Regulation 16 stage I have as part of the examination considered a number of evidence and background documents which are listed in Appendix 1. I have also taken into account representations submitted in response to the Regulation 16 Publicity, including comments submitted by Harrogate Borough Council, and following my invitation to Roecliffe and Westwick Parish Council to comment on the Regulation 16 representations some additional comments from the Parish Council. (All submitted representations, including the Parish Council's additional comments, are available to view on Harrogate Borough Council's Neighbourhood Plan web pages).
- 2.4 During the course of the examination I have sought written clarification on a number of factual matters from Harrogate Borough Council and the Parish Council, including evidence to establish whether a number of regulatory and other requirements have been satisfied. (My clarification questions and the combined Borough Council/Parish Council responses are available to view on Harrogate Borough Council's Neighbourhood Plan web pages).
- 2.5 The general rule is that examination of the issues is undertaken through consideration of written representations, unless the examiner considers that a public hearing is necessary to ensure adequate examination of an issue

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<sup>2</sup> Set out in Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

<sup>3</sup> Sections 2 & 3 of the EU (Withdrawal) Act 2018

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(or issues) or to ensure that a person has a fair chance to put a case.

- 2.6 In reviewing the Neighbourhood Plan and the accompanying background documents and submitted representations, I have not identified any issues which require a public hearing to be held. I am also of the opinion that all parties have had the opportunity to register their views and put their case forward. I have therefore undertaken the examination through consideration of written representations.
- 2.7 In undertaking the examination I am also required to check whether:
- the Neighbourhood Plan policies relate to the development and use of land for the designated neighbourhood area <sup>4</sup>;
  - the Neighbourhood Plan meets the requirement to specify the period for which it is to have effect, not to include provision relating to 'excluded development', and not to relate to more than one neighbourhood area <sup>5</sup>;
  - the Neighbourhood Plan has been prepared for an area that has been properly designated <sup>6</sup> and has been developed and submitted for examination by a qualifying body <sup>7</sup>; and
  - adequate arrangements for notice and publicity have been made in connection with the preparation of the Neighbourhood Plan<sup>8</sup>.
- 2.8 As Independent Examiner, I must make one of the following recommendations:
- that the Neighbourhood Plan is submitted to referendum, on the basis that it meets the 'Basic Conditions' and other legal requirements; or
  - that modifications (as recommended in the report) are made to the draft Neighbourhood Plan and that the draft Neighbourhood Plan as modified is submitted to referendum; or
  - that the Neighbourhood Plan does not proceed to referendum, on the basis that it does not meet the 'Basic Conditions' and other relevant legal requirements<sup>9</sup>.
- 2.9 Modifications may only be recommended to ensure that the Neighbourhood Plan meets the 'Basic Conditions', that it is compatible with Convention Rights, or for the purpose of correcting errors.<sup>10</sup>
- 2.10 If recommending that the Neighbourhood Plan should proceed to referendum, I am required to then consider whether or not the Referendum Area should extend beyond the Roecliffe and Westwick Neighbourhood Area, and if so what the extended area should be<sup>11</sup>.
- 2.11 I make my recommendations in this respect in the final section of this report.

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<sup>4</sup> Section 38A (2) Planning and Compulsory Purchase Act 2004 as amended

<sup>5</sup> Section 38B (1) Planning and Compulsory Purchase Act 2004 as amended

<sup>6</sup> Section 61G Town and Country Planning Act 1990 as amended

<sup>7</sup> Section 38C Planning and Compulsory Purchase Act 2004 and Section 61F of the Town and Country Planning Act 1990.

<sup>8</sup> Section 38A (8) Planning and Compulsory Purchase Act 2004 as applied by the Neighbourhood Planning (General) Regulations 2012

<sup>9</sup> Paragraph 10(2) Schedule 4B of the Town and Country Planning Act 1990 as amended

<sup>10</sup> Paragraph 10(3) Schedule 4B of the Town and Country Planning Act 1990 as amended

<sup>11</sup> Paragraph 10(5) Schedule 4B of the Town and Country Planning Act 1990 as amended

### 3.0 Representations

- 3.1 Responses were received to the Regulation 16 Publicity from or on behalf of eight organisations, namely; the Coal Authority, the Environment Agency, Historic England, Natural England, Harrogate Borough Council, North Yorkshire County Council, Roecliffe Estates, and Staveley and Copgrove Parish Council.
- 3.2 **Harrogate Borough Council** consider the Plan is well presented and supported by appropriate evidence. They have provided detailed comments on a range of topics and issues to assist the examination, including suggestions to ensure compliance with national planning policy and local strategic policy, and to improve the clarity and consistency of the Plan.
- 3.3 **North Yorkshire County Council** acknowledge the benefits of protecting green infrastructure and welcome the fact that the proposed use of CIL funding to deliver improvements and projects will relieve pressure on County Council budgets. A number of suggestions are made to clarify parking and highways issues referred to in the Plan. Attention is also drawn to the fact that part of the Neighbourhood Area falls within mineral safeguarding and consultation areas within the emerging Minerals and Waste Joint Plan.
- 3.4 **Roecliffe Estates** support the majority of policies and statements but consider that landowners views on future development requirements have been misrepresented. They are also concerned that proposals to designate 'green corridors' could impede the day to day management of these areas and restrict the ability of rural businesses to evolve.
- 3.5 Although **the Environment Agency** are pleased to see the level of protection given to green spaces and wildlife in the Plan they would like to see the inclusion of policies addressing flood risk, climate change, green infrastructure, and sustainable construction, and the protection of natural resources. They also provide advice on foul drainage requirements and securing improvements to the water environment.
- 3.6 **Historic England** are satisfied that their previous comments and advice has been taken into account
- 3.7 **Staveley and Copgrove Parish Council** support the Plan.
- 3.8 **The Coal Authority** and **Natural England** have no substantive comments to make.
- 3.9 Detailed points made on specific issues and policies in the Plan by those submitting representations are considered in Section 6.0.
- 3.10 As referred to previously I have also taken into account the general comments provided by Roecliffe and Westwick Parish Council on the Regulation 16 representations following my invitation to the Parish Council to comment on the representations.

## **4.0 Compliance with Legal Requirements**

### **(a) The Qualifying Body**

- 4.1 Roecliffe and Westwick Parish Council is recognised as a relevant body for the purposes of preparing Neighbourhood Plans under sections 61F and 61G of the Town and Country Planning Act 1990.

### **(b) The Plan Area**

- 4.2 The Neighbourhood Plan relates to the Neighbourhood Area that was designated by Harrogate Borough Council on 2 September 2015, in response to an application submitted by Roecliffe and Westwick Parish Council. The Roecliffe and Westwick Neighbourhood Area is coterminous with Roecliffe and Westwick Parish.
- 4.3 The Neighbourhood Area application, supporting statement and map of the proposed Neighbourhood Area were publicised on Harrogate Borough Council's website and through the local press. Copies were also made available for inspection in Boroughbridge Library and St Mary's Church, Roecliffe. None of the 29 responses to the consultation disagreed with the proposed boundary of the Neighbourhood Area.
- 4.4 Designation of the Neighbourhood Area was publicised on the Council's web site accompanied by a map of the Neighbourhood Area.
- 4.5 I therefore confirm that the requirements for preparing a Neighbourhood Development Plan under section 61G of the Town and Country Planning Act 1990 (as amended) and Regulations 5, 5A and 7 of the Neighbourhood Planning (General) Regulations 2012 (as amended) have been complied with.
- 4.6 I am also satisfied that the Plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans for the designated Neighbourhood Area in accordance with statutory requirements.

### **(c) Policies for the Development and Use of Land**

- 4.7 The Neighbourhood Plan sets out policies in relation to the development and use of land for the defined Neighbourhood Area, which accords with the definition of neighbourhood plans in Section 38A of the Planning and Compulsory Purchase Act 2004 (as amended).

**(d) Time Period**

- 4.8 A neighbourhood plan must specify the period during which it is to have effect. The Neighbourhood Plan clearly states on its title page that it covers the period 2019 to 2032 and therefore satisfies this requirement.
- 4.9 While the start date of the Plan precedes the present date as there is no necessity to apply the provisions of the Plan retrospectively I do not consider this creates any practical difficulty. In any case as the Pre-Submission (Regulation 14) version of the Plan was published for consultation in 2019 this corresponds with the time when some (albeit limited) weight could have been attached to the emerging Plan in terms of development management decision making.
- 4.10 Because the Plan does not attempt to address future development needs identified in the Harrogate District Local Plan neither is there any necessity to align the start and end dates of the Plan with the base date (2014) or end date (2035) of the Local Plan for the purposes of monitoring housing delivery.

**(e) Excluded Development**

- 4.11 The Neighbourhood Plan does not include policies on excluded development such as national infrastructure, mineral or waste related development.

**(f) Publicity and Consultation**

- 4.12 Public consultation on the production of land use plans, including neighbourhood plans, is a legislative requirement. Building effective community engagement into the plan-making process encourages public participation and raises awareness and understanding of the plan's scope and limitations.
- 4.13 I have considered the steps taken to engage with the local community and other stakeholders during preparation of the Neighbourhood Plan with particular regard to content, openness and transparency, as well as the extent to which the regulatory requirements have been satisfied.
- 4.14 The various phases of consultation and engagement with the local community are signposted in the Consultation Statement and supporting evidence files which accompany the Submission Draft Plan. The main stages of consultation and engagement can be summarised as :-
- Initial Public Engagement/Awareness Raising (September 2014 – February 2015)
  - Preliminary Consultation (September 2015 – April 2016)

- Evidence Gathering/Plan Preparation (May 2016 –December 2018)
- Pre-Submission (Regulation 14) Consultation (April 2019 – June 2019)

#### Initial Public Engagement/Awareness Raising

- 4.15 The decision to proceed with the preparation of a neighbourhood plan was taken at a Parish Council meeting in December 2014 after a positive response to a flyer distributed to all residents in the Parish to explore the level of interest in the community for preparing a neighbourhood plan.
- 4.16 Following the December 2014 meeting a steering group was established to undertake the preparation of the Plan. This comprised a mixture of Parish Councillors, local residents and representatives from the local school and business community.
- 4.17 The first meeting of the steering group was held in February 2015 following which work began to identify themes and issues.

#### Preliminary Consultation

- 4.18 In order to obtain views on the emerging vision and objectives and help identify key issues a questionnaire was hand delivered or emailed to all households and businesses in the Parish in January 2016. This was collected from individual addresses in order to increase the response rate. The questionnaire also sought views on future housing requirements, and suggestions for safeguarding and enhancing local assets and sustaining the environment.
- 4.19 The results of the survey were subsequently presented to a Parish Assembly meeting in April 2016 followed by an open discussion on emerging community priorities.

#### Evidence Gathering/Plan Preparation

- 4.20 As work on the Plan progressed meetings were held with a range of organisations and stakeholders in order to explain the issues underlying the Plan and to continue gathering information and views on local issues.
- 4.21 Regular updates were provided to the community through the Parish Council notice board and through dedicated neighbourhood plan web pages on a new village website.
- 4.22 The opportunity for open discussion was also provided through the annual Parish Assembly held in April each year, and through a special meeting in October 2016.
- 4.23 During the preparation of the Plan the steering group met 41 times. As well as engaging with the local community and other stakeholders via emails and meetings, and examining available evidence, the steering group also sought regular feedback from Harrogate Borough Council.

#### Pre-submission (Regulation 14) Consultation

- 4.24 Consultation on the draft Plan and an accompanying questionnaire was launched at the Parish Assembly held on 15 April 2019 and a communication about the consultation was sent (by hand delivered letter or

- email) to all households within the Parish. The letter to residents was accompanied by a summary of the Plan proposals and a questionnaire.
- 4.25 A separate communication about the consultation was sent to local businesses, consultation bodies and other stakeholders on Tuesday 7 May 2019. The deadline for submitting comments was Friday 28 June 2019 allowing seven and a half weeks for the consultation (and longer for local residents).
- 4.26 In addition to viewing the draft Plan and accompanying questionnaire on the Parish Council's dedicated neighbourhood plan web pages, paper copies of the Plan were available in Boroughbridge Town Library, St Mary's Church and the former telephone kiosk swap library in Roecliffe village. Comments could be made either by email or by post to the Parish Council.
- 4.27 Evidence is provided in the Consultation Statement and accompanying evidence files to demonstrate how the Plan and the opportunity to comment on it has been publicised during the preparation of the Plan.
- 4.28 Details of the various organisations, consultation bodies and other stakeholders who were specifically consulted on the draft Plan have been provided to me in response to my questions to the Borough Council and the Parish Council in my letter dated 22 February 2021. A summary of all submitted comments and details of changes made to the Plan as a result, is provided in the Consultation Statement accompanying the Plan.

#### Conclusions

- 4.29 During the preparation of the Plan it is apparent that the Parish Council has placed considerable emphasis on community consultation and liaison with interested parties, and has taken positive steps to keep the local community informed of progress. This is demonstrated by the frequency of steering committee meetings, the use of the Parish notice board to publicise meetings and provide feedback and also through the creation of a dedicated Neighbourhood Plan web page(s) on the village website.
- 4.30 Delegating the preparation of the Plan to a steering group comprising Parish Councillors, local residents and local community/business leaders has ensured that the views of a wide cross section of the community have been taken into account.
- 4.31 The distribution and collection of flyers and questionnaires by hand to individual addresses also demonstrates the commitment to engage with the local community and to encourage participation in the preparation of the Plan.
- 4.32 I also note that the Regulation 14 Consultation Draft Plan and accompanying questionnaire were available in paper format (as well as online) so that those without internet access have not been unduly disadvantaged.
- 4.33 Taking all the above factors into account there is enough evidence to show that the consultation process as a whole was appropriate to the size and nature of the Neighbourhood Area and that reasonable steps were taken to publicise and invite comments on the Plan. The Regulation 14 requirements for consultation and publicity, including pro-actively seeking views of

relevant consultation bodies, have therefore been met and in some cases exceeded, for example by extending the time allowed for submitting comments beyond the statutory minimum six week period.

- 4.34 The Consultation Statement also addresses the requirement to summarise and explain how the various issues raised by interested parties at various stages of Plan preparation have been taken into account or rejected.

#### Regulation 16 Publicity

- 4.35 The Draft Neighbourhood Plan, as amended in response to the consultation, was subsequently submitted to Harrogate Borough Council together with a number of supporting documents including a Consultation Statement, and a Basic Conditions Statement explaining how the proposed Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990. The submitted documentation also includes a map identifying the area covered by the Neighbourhood Plan.
- 4.36 Harrogate Borough Council published details of the Plan on their website, notified interested parties and 'consultation bodies' of its receipt by letter/ email, and provided details as to how and by when, representations could be submitted on the Council's consultation portal. (Details of the consultation were also available on Roecliffe and Westwick Parish Council's website). The option of contacting the planning policy team by telephone to make alternative arrangements for viewing the documents was also available to ensure that interested parties without internet access were not disadvantaged. Comments could also be submitted via email or letter.
- 4.37 The formal publicity stage for submitting representations covered the period between Friday 20 November 2020 and Friday 15 January 2021, and I note that the statutory minimum six week period allowed for submitting representations was extended to eight weeks to allow for the Christmas holiday within the publicity period.

#### Conclusions

- 4.38 In the light of the foregoing I am satisfied that the Regulation 16 requirements to bring the proposal to the attention of people who live, work or carry on business in the neighbourhood area, and to provide an opportunity for representations to be submitted, have been met.

## **5.0 Basic Conditions**

- 5.1 This section of my report considers whether the Neighbourhood Plan taken as a whole 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 it is in general conformity with local strategic policy. It also addresses remaining EU obligations and EU Directives that have previously been transposed into UK

law. Each of the plan policies is considered in turn in the section of my report that follows this.

### **(a) National Planning Guidance**

- 5.2 National Planning Guidance is set out principally in the National Planning Policy Framework (NPPF) which was revised in July 2018, and updated in February 2019. At the heart of the NPPF is a presumption in favour of sustainable development (NPPF paragraph 11) which when applied to neighbourhood planning means that communities should develop policies which shape, direct and help to deliver sustainable development (NPPF paragraphs 28 and 29).
- 5.3 The NPPF also requires neighbourhood plans to be in general conformity with the strategic policies contained in any development plan that covers the neighbourhood area and not to promote less development than that set out in the strategic policies for the area, or undermine those strategic policies (NPPF paragraph 29).
- 5.4 Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless superseded by strategic or non-strategic policies that are adopted subsequently (NPPF paragraph 30).
- 5.5 More detailed guidance and advice, expanding on the general policies in the NPPF has been available since March 2014 as national Planning Practice Guidance. This includes specific guidance as to ‘What evidence is needed to support a neighbourhood plan?’<sup>12</sup>, and ‘How policies should be drafted’ that is *“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”*<sup>13</sup>.
- 5.6 I have had regard to these principles in carrying out the examination, since the manner in which policies are drafted and whether or not they are supported by appropriate evidence is clearly fundamental to determining whether or not individual policies and a plan as a whole satisfies the Basic Conditions.
- 5.7 Less straightforward to determine is whether a policy is distinct, and whether it reflects local circumstances. For example while it is clear that policies in the Roecliffe and Westwick Neighbourhood Plan are driven by local circumstances and community preferences, to a certain extent some could apply to other, if not all, locations. I have taken the view that the fact that a

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<sup>12</sup> Planning Practice Guidance para 040 Ref ID: 41-040-20160211

<sup>13</sup> Planning Practice Guidance para 041 Ref ID: 41-041-20140306

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local community has chosen to include a particular policy, reflects its awareness that the particular issue is of special importance to the locality, and this does not therefore prevent that policy from satisfying the Basic Conditions.

- 5.8 Taken as a whole I conclude that the Neighbourhood Plan has regard to the policies and principles embedded in the NPPF and Planning Practice Guidance. In those instances where individual policies and/or supporting text have been found to be inconsistent with national planning policy I have made specific recommendations to correct this later in the report.

### **(b) Sustainable Development**

- 5.9 In carrying out the examination I am also required to consider whether the Plan would contribute to the achievement of sustainable development.

- 5.10 In so doing I have had particular regard to the 3 overarching and interdependent objectives established in paragraph 8 of the NPPF, namely:

- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and co-ordinating the provision of infrastructure
- **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change including moving to a low carbon economy.

- 5.11 Although the Neighbourhood Plan does not make specific provision for new development, for example through site allocations, it includes policies to manage development subject to environmental safeguards, and to protect the character of Roecliffe village. Other policies aim to safeguard existing facilities, local heritage, and green infrastructure, and to encourage and support local businesses. These are key aspects of sustainable development, as set out in the NPPF.

- 5.12 Subject to the modifications recommended later in my report I am satisfied that the Neighbourhood Plan is capable of contributing to the achievement of sustainable development.

### **(c) Local Strategic Policy**

- 5.13 Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area. (NPPF paragraph 29). This ensures neighbourhood plans cannot undermine the overall planning and development strategy for the local area set out in the development plan.
- 5.14 I am informed by Harrogate Borough Council that the current development plan for the Harrogate Borough Council area comprises
- the Harrogate District Local Plan 2014 – 2035 (adopted December 2020), and
  - remaining ‘saved’ policies in
    - the North Yorkshire Minerals Local Plan (adopted 1997), and
    - the North Yorkshire Waste Local Plan (adopted May 2006)
- 5.15 The adopted Harrogate District Local Plan (HDLP) provides an up to date spatial strategy and a range of strategic and development management policies to guide future development across the whole of the Harrogate Borough Council administrative area, including Roecliffe and Westwick Parish.
- 5.16 Remaining ‘saved’ policies in the North Yorkshire Minerals and Waste Local Plans would appear to have no direct relevance to the Roecliffe and Westwick Neighbourhood Area.
- 5.17 My attention has also been drawn by North Yorkshire County Council to the fact that the Neighbourhood Area is affected by a Mineral Safeguarding Area and a Mineral Consultation Area in the emerging Minerals and Waste Plan (MWJP) which is being prepared jointly by North Yorkshire County Council, North York Moors National Park Authority and the City of York Council. I understand that the Plan is currently at examination, and following the completion of the Public Hearing, Main Modifications are in the process of being prepared at the Inspector’s request.
- 5.18 However until the Inspectors report is received (later this year), only limited weight may be given to the policies in the emerging Plan. In any case I do not envisage future conflict with MWJP policies (if adopted in their current form) as the Neighbourhood Plan does not contain specific proposals for development.
- 5.19 In assessing whether the Neighbourhood Plan is in general conformity with strategic policies contained in the Development Plan for the area I have therefore referred to policies in the adopted HDLP. Those which have been specifically identified as strategic policies within the meaning of national Planning Practice Guidance<sup>14</sup> by Harrogate Borough Council<sup>15</sup> are as follows:-

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<sup>14</sup> Planning Practice Guidance paras 075 – 077 inc Ref ID: 41-075/076/077 - 20190509

<sup>15</sup> in response to my clarification questions dated 22 February 2021

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- GS1 Providing New Homes and Jobs
  - GS2 Growth Strategy to 2035
  - GS3 Development Limits
  - GS5 Supporting the District's Economy
  - HP2 Heritage Assets
  - HP3 Local Distinctiveness
  - HP4 Protecting Amenity
  - HP5 Public Rights of Way
  - HP8 Protection and Enhancement of Community Facilities
  - NE5 Green Infrastructure
- 5.20 As the HDLP postdates the NPPF (2019 version) policies in the Local Plan take precedence in the event of any conflict.
- 5.21 A number of modifications are necessary for the Neighbourhood Plan to be in general conformity with the above strategic policies. These are set out in the *Comments on the Neighbourhood Plan* section of my report.

#### **(d) European Union Obligations**

- 5.22 As referred to previously although the UK government formally withdrew from the EU on 31 December 2020, EU obligations (and legislation) remain in force until replaced by UK legislation.
- 5.23 Local Planning Authorities also remain legally responsible for determining whether neighbourhood plan proposals are compatible with EU obligations (including those already transposed into UK law). This includes obligations under the Strategic Environmental Assessment (SEA) Directive<sup>16</sup>, the Wild Birds Directive<sup>17</sup>, and the Conservation of Natural Habitats Directive<sup>18</sup>. Any determinations carried out in this respect prior to the 31 December 2020 EU withdrawal date also remain valid.
- 5.24 In circumstances where a neighbourhood plan is likely to have significant environmental effects, it may be necessary to undertake a full SEA as part of the preparation process in accordance with the SEA Directive and Environmental Assessment Regulations<sup>19</sup>. Draft neighbourhood plan proposals should therefore be screened to assess whether they are likely to have significant environmental effects<sup>20</sup>.
- 5.25 In order to comply with this requirement a screening assessment of policies contained in the draft Plan was undertaken on behalf of the Parish Council

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<sup>16</sup> Strategic Environmental Assessment Directive 2001/42/EC

<sup>17</sup> Conservation of Wild Birds Directive 2009/147/EC

<sup>18</sup> Conservation of Natural Habitats Directive 92/43/EEC

<sup>19</sup> Environmental Assessment of Plans and Programmes Regulations 2004

<sup>20</sup> Planning Practice Guidance para 011 Ref ID: 11-027-20190722

by Harrogate Borough Council. This concluded that the Neighbourhood Plan does not require a full SEA as no significant environmental effects are likely to occur as a result of the implementation of policies contained in the Plan.

- 5.26 The submission of the screening report satisfies the additional Regulatory requirement that qualifying bodies should either submit a full SEA report or a statement of reasons why an environmental report is not required <sup>21</sup>.
- 5.27 All three statutory consultation bodies (the Environment Agency, Historic England and Natural England) who were consulted during the preparation of the screening opinion agree with the conclusions in the report and no concerns in relation to the screening process have been raised. While Historic England were the only consultation body to respond when specifically consulted on the draft screening opinion, I note that Natural England subsequently indicated their agreement with the conclusions in the screening report when commenting on the draft Plan at Regulation 14 stage, and the Environment Agency did likewise at Regulation 16 Publicity stage.
- 5.28 A separate Habitats Regulation Assessment screening as to whether a Habitats Regulations Assessment (HRA) <sup>22</sup> was required under the Habitats Directive<sup>23</sup> was also carried out on behalf of the Parish Council. Although there are no internationally designated wildlife sites within the boundaries of the Neighbourhood Area the screening report examined the impact of the Plan on sites located within 10km of the boundary. This concludes that no significant adverse effects on European sites are likely as a result of the implementation of the Plan and a full HRA assessment is therefore not required in order to progress the Plan further.
- 5.29 The statutory consultation body (Natural England) who were consulted during the preparation of the screening report formally stated their agreement with the conclusions in the report in commenting on the draft Plan at Regulation 14 stage, and no concerns in relation to the screening process have been raised.
- 5.30 Having reviewed the information available as part of the examination I am satisfied that the screening exercise has been undertaken in a logical manner consistent with current EU Directives and UK Regulatory requirements.

#### European Convention on Human Rights/Other EU obligations

- 5.31 The Basic Conditions also require neighbourhood plans to be fully compliant with the European Convention on Human Rights. Although an equalities impact assessment has not been undertaken the Neighbourhood Plan would appear to have neutral or positive impacts on property rights (Article 1), the right to respect private and family life (Article 8) and groups with protected

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<sup>21</sup> Neighbourhood Plan (General) (Amendment) Regulations 2015

<sup>22</sup> in accordance with Article 6(3) of the EU Habitats Directive and with the Conservation of Habitats and Species Regulations 2010 as amended.

<sup>23</sup> European Directive 92/42/EEC

characteristics (Article 14), and no evidence has been put forward to suggest otherwise.

- 5.32 Other EU obligations that can be relevant to land use planning such as the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive do not appear to be relevant in view of the scope of the Plan and the policies contained in it.
- 5.33 I therefore conclude that the Neighbourhood Plan does not breach, and is otherwise compatible with EU obligations and human rights requirements and therefore satisfies that 'Basic Condition'. No evidence has been submitted to suggest otherwise and all interested parties have had the opportunity to make their views known. As it does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species and Planning Regulations 2018, it also satisfies the additional Basic Condition introduced by those Regulations.

## 6.0 Comments on the Plan and its Policies

- 6.1 The Neighbourhood Plan is considered against the Basic Conditions in this section of my report, particularly whether individual policies and supporting text have regard to national policy, and whether they are in general conformity with local strategic policies. Where modifications are recommended, they are highlighted in **bold print**, with any proposed new wording in *italics*.

### (a) The Plans Overall Approach

- 6.2 As the Plan has been prepared in parallel with the recently adopted HDLP it is apparent that decisions regarding the future scale and distribution of new development have been left to the HDLP and the Plan does not attempt to establish an appropriate level of local housing growth or allocate specific sites for development. Instead it focuses on how development proposals will be managed through policies aimed at protecting and enhancing the character of the area, safeguarding community facilities, local heritage, and green infrastructure, promoting improvements in road safety and access to the footpaths and bridleway network, and supporting local business interests.
- 6.3 In order to satisfy the Basic Conditions neighbourhood plans should be in general conformity with the strategic policies contained in the extant development plan for the area, and must not promote less development than that set out in the Local Plan (NPPF paragraph29).
- 6.4 While I am satisfied that the Plan policies generally conform with local

strategic policy and will not undermine the spatial growth strategy in the adopted HDLP, various unsubstantiated references are made throughout the document to the fact that Roecliffe lacks sustainability credentials and should be regarded as a secondary village in the settlement hierarchy rather than a service village.

- 6.5 My recommended modifications to address this issue (in the Introduction to the Plan and in subsection 8.5 – Future Housing Development) ensure the Plan acknowledges Roecliffe’s status as a service village in the HDLP where although no land is allocated for future housing development it is anticipated that proposals for new housing will continue to come forward in the form of windfalls, including conversions and infilling.
- 6.6 Following the recent adoption of the HDLP a number of consequential modifications are also required to update the various references to the draft HDLP throughout the document and clarify that this is a higher tier part of the development plan.

### **(b) Scope of the Plan/Omissions**

- 6.7 While the Environment Agency have not made specific objections to the Plan they have requested that consideration be given to incorporating additional policies to minimise the impact of flooding, promote green infrastructure and biodiversity, encourage water efficiency, support the maintenance and restoration of the River Ure and other watercourses, and to protect groundwater. They also provide guidance on the type of measures they would like to see incorporated in the design of new developments such as water management, drainage and sustainable construction.

#### Comments

- 6.8 While the Plan may be improved by incorporating some of these suggestions there is no prescription in current guidance or legislation about the range of topics or aspirations that should be covered in neighbourhood plans, or the level of detail. It is also outside my remit to recommend the incorporation of additional policies and proposals, or more ambitious objectives, which have not previously been subject to consultation during the preparation of the Plan.
- 6.9 In addition some of the suggestions made, such as minimising flood risk and protecting groundwater, could more appropriately be addressed through higher tier plans or through the development management process.
- 6.10 The perceived omissions do not therefore affect the Plan’s ability to satisfy the Basic Conditions and the Plan instead concentrates on addressing issues which have been identified as local priorities through consultation with the wider community.
- 6.11 No changes to the Plan are therefore recommended in direct response to the Environment Agencies representations.

### **(c) Introductory Chapters**

- 6.12 The Introduction to the Plan explains the background to its preparation including the role of neighbourhood planning and the importance of meeting sustainable development objectives. It also describes the national and strategic planning context within which the Plan has been prepared.
- 6.13 This is followed by chapters describing the plan preparation process, the historical context and evolution of Roecliffe and Westwick (Rural Landscape), key stages in settlement growth (Development of Roecliffe and Westwick), and a spatial portrait of the area including demographic characteristics and key features (Roecliffe and Westwick Today).
- 6.14 The text (and the Plan as a whole) is supported by a number of photographs, figures and maps which contribute toward the readability of the Plan, including a helpful diagram identifying key stages in the plan preparation process. There is also a map identifying the Neighbourhood Area boundary.

#### Comments

- 6.15 These introductory chapters are clearly written and informative. They provide the background to the Plan and help to develop a sense of place. By highlighting specific local characteristics they provide a spatial portrait of Roecliffe and Westwick Parish which helps to demonstrate how the overall Plan vision and objectives have been arrived at.
- 6.16 While Chapter 6 (Roecliffe and Westwick Today) paints a very positive picture of the village it would have been helpful to include a commentary on the key issues emerging during preparation of the Plan and to explain how these have influenced the Plan's overall approach and the inclusion of specific policies. However, I acknowledge that this is not a prerequisite for satisfying the Basic Conditions.
- 6.17 A number of changes are required however to update and improve the clarity and accuracy of the text in a number of places, and to ensure the Plan is consistent with local strategic policy, as follows :

#### Section 1.0 Introduction

- 6.18 First, the references to local strategic planning policy which is described as 'the Local Development Framework' in paragraph 2, and the 'Core Strategy' in paragraphs 4 and 5, overlook the fact that the Local Plan has replaced the Local Development Framework and the Core Strategy as the development plan for the area, and should be changed to the Harrogate District Local Plan. In addition, as the Local Plan has now been adopted the description of the remaining stages of the adoption process in paragraph 4 is superfluous and can be deleted.
- 6.19 Second, the misleading description of Roecliffe and Westwick as a 'village/rural settlement' in paragraph 5, should be replaced with a more accurate description of its role in the settlement hierarchy based on Policy GS2 and paragraph 3.20 of the HDLP to ensure consistency with local

strategic policy.

- 6.20 Third, the reference to European planning policies in paragraph 2 should be updated to reflect current circumstances and terminology.
- 6.21 Fourth, I also recommend future proofing the document by removing reference to the 'Submission Draft Plan' in paragraph 1, in readiness for the final version of the Plan.

#### **Recommendation 01**

- a) **In Chapter 2 (Introduction), delete 'Submission Draft' in line 1 in paragraph 1**
- b) **In paragraph 2 replace 'European policies' in line 6 with '*EU Directives and legislation (which remain in force until replaced by UK Government legislation)*'**
- c) **In paragraph 2 replace 'Harrogate Borough Council Local Development Framework (Local Plan)' in line 7 with '*Harrogate District Local Plan which was adopted in December 2020.*'**
- d) **Delete paragraph 4**
- e) **In paragraph 5 replace 'Core Strategy of the Local Plan identified' in line 1 with '*Harrogate District Local Plan identifies*'**
- f) **In paragraph 5 replace the final sentence with '*Roecliffe and Westwick is identified as one of 41 service villages offering a basic range of services and community facilities and which represent sustainable locations for development*'.**

#### Chapter 3 The Preparation Process

- 6.22 Minor factual corrections are required in paragraph 3 which incorrectly attributes the right to produce neighbourhood plans as being conferred by the present government rather than through the Localism Act which was introduced by a previous government, and (as pointed out by Harrogate Borough Council) which also refers to North Yorkshire Borough Council rather than North Yorkshire County Council.
- 6.23 The date at which the Neighbourhood Area was formally designated should be corrected to 2 September in paragraph 4.
- 6.24 A typographical correction is also required in paragraph 5.

#### **Recommendation 02**

- a) **In Chapter 3 (The Preparation Process), replace 'the present Government' in line 3 in paragraph 3 with '*statute through the Localism Act 2011*' and replace 'Borough' with 'County' in line 7**
- b) **In paragraph 4 replace 'in a letter dated 4<sup>th</sup> September' in line 6 with '*on 2<sup>nd</sup> September*'**
- c) **In paragraph 5 delete the full stop between 'November 2015' and 'It was formally' in line 4 and change 'It ' to 'it'**

#### Chapter 4 Roecliffe and Westwick's Rural Landscape

- 6.25 Typographical corrections are required in paragraph 1 and paragraph 4 which should refer to the 'medieval open field system' rather than the 'medieval field system'. Paragraph 8 (on page 10) should refer to 'references to weavers' rather than 'references of weavers'.
- 6.26 I also recommend replacing the vague reference to the site of a Roman fort 'well' to the east of Roecliffe in paragraph 1 with a more precise description of its location.
- 6.27 As the commentaries on Roecliffe Conservation Area in Section 4.1 and on Roecliffe Village Development Limit in Section 4.2 introduce factors which are likely to inform decisions on current and future development proposals it seems to me that these considerations would be more appropriately addressed in Chapter 6 Roecliffe and Westwick Today.
- 6.28 Section 4.2 should also be updated to reflect the recent adoption of the HDLP and amended to correct the page number reference to Map 3.

#### **Recommendation 03**

- a) **In Chapter 4 (Roecliffe and Westwick's Rural Landscape), insert a full stop after 'of which it lies' in line 4 of paragraph 1 and change 'in' to 'In' at the start of the following sentence**
- b) **Delete 'well' after 'route of the A1M' in line 7 of paragraph 1 and insert '*and north of the Bar Lane Employment Area*' after 'to the east of the village' in line 8**
- c) **Insert '*field*' after 'The medieval open' in line 1 of paragraph 4**
- d) **Replace 'of' with 'to' in line 2 of paragraph 8 (on page 10)**
- e) **In Section 4.2 delete '2016' from the subheading, replace 'The draft Development Limit 2016 (Policy GS3) as defined by this map (map 3 page 16) produced by Harrogate Borough Council' with '*The Development Limit defined in the Harrogate District Local Plan (Policy GS3)*' and insert '(see Map 3 on page 12)' at the end of the paragraph.**
- f) **Move Section 4.1 (Roecliffe Conservation area) and Section 4.2 (Roecliffe Village Development Limit) to the end of Chapter 6 (Roecliffe and Westwick Today) and renumber.**

#### Chapter 5 The Development of Roecliffe and Westwick

- 6.29 A typographical correction is required in line 2 of paragraph 5 (on page 14) which should refer to Map 4 and not Map 3.
- 6.30 I also recommend replacing the vague reference to little development having taken place 'over the years' with a more up to date time frame since map 4 reveals that a relatively significant amount of development took place between 1960 and 2007.

#### **Recommendation 04**

**In Chapter 5 (The Development of Roecliffe and Westwick), replace ‘over the years. (see map 3)’ in line 2 of paragraph 5 (on page 14) with ‘in recent years (see Map 4).**

#### Chapter 6 Roecliffe and Westwick Today

- 6.31 The clarity and readability of the text would be improved by eliminating duplicate references to the ‘trees and spring bulbs’ on the village green in paragraphs 1 and 2.

#### **Recommendation 05**

**In Chapter 6 (Roecliffe and Westwick Today) delete the last sentence ‘The village now has a number of trees and bulbs in the spring.’ in paragraph 2.**

#### **(d) Vision and Objectives**

- 6.32 The overarching vision of the Plan is to preserve and enhance the distinctive and welcoming character and appearance of Roecliffe and Westwick. Particular emphasis is placed on developing a safer and more secure environment, protecting green space, footpaths and bridleways, and improving the quality of life for residents, workers and visitors.
- 6.33 To deliver the vision nine key objectives have been identified which inform the land use and development related policies and non-land use aspirations in the next section of the Plan.

#### Comments

- 6.34 The vision and objectives capture the concerns and priorities identified by the local community during the preparation of the Plan. The objectives are relevant to the local area and demonstrate how particular local issues have influenced the overall approach in the Plan and justify the inclusion of specific policies.
- 6.35 However the reference in the Vision to ‘ensuring positive management of future developments and avoiding high density housing’ is inappropriate as it strays into specific objectives and actions which have not been justified. Similarly while the reference to building a stronger community spirit and greater cohesion may represent a legitimate aspiration it is not directly related to land use planning, and the reference to continued consultation and involvement in the delivery of the Plan is a proposed action on the part of the Parish Council. I therefore recommend the deletion of these elements of the Vision in order to ensure the Vision focuses on overarching land use and environmental aspirations.
- 6.36 A small number of changes are also required to ensure that the Plan’s

objectives are consistent with national planning policy and local strategic policy, that the meaning is clear and unambiguous and that they relate to land use matters.

- 6.37 First, no justification is provided for restricting future housing development to meeting 'local needs only' in Objective Two. Roecliffe is identified in the HDLP as one of 41 service villages with a range of basic services and community facilities which are considered to be suitable locations for development. The fact that land is not specifically allocated for new homes in the Local Plan does not preclude future housing in the village from contributing toward meeting wider housing needs identified in the Local Plan.
- 6.38 Second, while the protection of village assets is a reasonable aspiration, by conflating local services and local heritage assets, Objective Six overlooks the fact that as part of the historic environment local heritage assets should be 'conserved and enhanced' in line with national planning policy rather than just 'protected'.
- 6.39 Third, by referring to 'supporting a small number of local businesses' Objective Seven diminishes the importance of businesses interests to the local economy, which in any case appear to be more than 'small in number', on the evidence of the Parish Council's list of businesses that were consulted on the draft Plan at Regulation 14 stage.
- 6.40 Fourth, Objective Eight is concerned with influencing operational practices to foster community cohesion and involvement in the delivery of the Plan, rather than the development and use of land, and should therefore be deleted.
- 6.41 There is also a typographical error in the subheading (Vision for Roecliffe and Westcliffe) on page 17 which should be numbered 7.1 and not 8.1.

#### **Recommendation 06**

- a) Replace '8.1' with '7.1' in the sub heading (Vision for Roecliffe and Westwick) on page 17**
- b) In the Vision, delete 'by ensuring positive management of future developments and avoiding high density housing.' in line 5, and delete 'To continue building a stronger community spirit and greater cohesion, local residents will continue to be consulted and involved in delivery of all aspects of the Plan.' in line 14**
- c) In Objective Two, insert '*meeting identified housing needs, including*' after 'housing development is tailored to' in line 1**
- d) In Objective Six replace 'all the village assets' with '*that village services and facilities*' and insert '*and local heritage assets are conserved and enhanced*' after 'are protected'**
- e) In Objective Seven delete 'the small number of' in line 1**
- f) Delete Objective Eight and renumber Objective Nine**
- g) Make consequential changes to the wording of the Objectives which are reproduced at the beginning of each section (Themes A-F) in Chapter 8 (Planning Policies for Roecliffe and Westwick)**

### **(e) Planning Policies and Supporting Text**

- 6.42 The land use policies are grouped into six themes: Preservation and Enhancement of the Built Environment; New Housing Development; Village Facilities, Services and Assets of Community Value; Footpaths, Cycleway and Bridleways; Green Space, and Local Economy.
- 6.43 Each theme is preceded by a list of objectives which are intended to be addressed through policies in that particular section of the Plan.
- 6.44 Individual land use policies are presented in subsections within each themed section, accompanied by the justification and evidence for the policy, which precedes the policy in each case. In some cases the policy justification incorporates 'community feedback' based on surveys and questionnaires which were undertaken during the preparation of the Plan.
- 6.45 For ease of reference policies are presented in a highlighted (pink) box with the policy headings highlighted in white on a red background to distinguish them from the supporting text and justification.
- 6.46 Six of the policy sub sections also incorporate non-land use related policies and aspirations or 'Community Actions' that the community would like to achieve. These are highlighted in a light green box to differentiate them from the land use policies.

#### Comments

- 6.47 The presentation of themes and policies, and the rationale and justification behind each policy is clear and easy to follow, particularly where this is cross referenced to supporting evidence, including the community feedback obtained during preparation of the Plan, and the Appendices at the end of the Plan.
- 6.48 The identification of objectives which each group of policies will contribute towards is particularly helpful in identifying the linkages between the policies and the issues and objectives which inform them.
- 6.49 I am also satisfied that the proposed 'Community Actions' which are presented in 6 out of the 14 policy subsections are sufficiently distinguishable from the Plan policies to avoid confusing non-land use aspirations with land use and development policies which will be used to inform the decision making process.

### **Theme A Preservation and Enhancement of the Historic Environment**

- 6.50 **(Subsection 8.1) Policy A1 Design and Development** establishes a range of considerations to be taken into account in considering proposals for development in Roecliffe village and the surrounding rural area, including Roecliffe Conservation Area. These include respecting local character and traditional materials, maintaining the space between buildings, and incorporating appropriate landscaping.

Comments

- 6.51 The policy integrates two of the fundamental principles of national planning policy by ensuring that new development incorporates high quality designs (a consideration which is being given even higher priority in emerging national policy), while aiming to protect and enhance Roecliffe conservation area which is recognised as a 'designated heritage asset'. By setting out clear design requirements, it also accords with the expectation in paragraph 125 of the NPPF that neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development. The promotion of good design principles and safeguarding built heritage are key aspects of sustainable development.
- 6.52 The policy also complements HDLP Policy HP3 (Local Distinctiveness) which promotes high quality designs which reinforce local distinctiveness and HDLP Policy HP2 (Heritage Assets) which is concerned with managing development affecting heritage assets, including Conservation Areas.
- 6.53 While I acknowledge, as pointed out by Harrogate Borough Council, that there is an element of duplication with HDLP policies which could potentially create ambiguity and uncertainty for decision makers, in this particular case I am satisfied that there is no conflict between policies. It is also helpful to have relevant planning and development criteria set out in a single policy. I therefore make no recommendations in this respect.
- 6.54 However I do have a number of reservations about the extent to which the policy, as drafted, provides a practical framework for managing development proposals.
- 6.55 First, I share Harrogate Borough Council's concern that it is not clear which elements of the policy are intended to apply to the Neighbourhood Area as a whole, including the Bar Lane employment area, and which are specific for Roecliffe village and/or the conservation area. It is also confusing to combine general design criteria with criteria that are specifically intended (in line with Theme A of the Plan) to protect and enhance the historic environment.
- 6.56 As the supporting text which precedes the policy concentrates on issues related to the character of Roecliffe village and the associated conservation area it would be logical for the policy to do the same, particularly since the justification for individual policy criteria relies on the findings in the 2008 Conservation Area Character Appraisal (CACA) published by Harrogate Borough Council.
- 6.57 The emphasis in the policy should also be on protecting and enhancing the conservation area rather than preserving and enhancing the village in view of the higher level of protection afforded to designated heritage assets in national planning policy plus the fact that the conservation area covers a larger area than Roecliffe village. I appreciate this means the Bar Lane employment area and the remaining rural parts of the Neighbourhood Area would fall outside the scope of the policy but development proposals in these locations will continue to be determined on the basis of relevant policies in the HDLP as well as national planning policy.

- 6.58 Second, neither the policy wording nor the accompanying justification accurately reflect the actions necessary to safeguard the special interest of the conservation area that are identified in the CACA, particularly the checklist for managing future change set out in Appendix A. In this regard the 'key ways to retain the character of the conservation area' listed in paragraph 7 of subsection 8.1 on page 21 bear little resemblance to the checklist actions and other recommendations in the CACA.
- 6.59 Third, there is an element of over prescription in some of the individual criteria, for example the intention to control building heights which is not specifically identified in the CACA checklist, although I recognise that the level of prescription must be balanced with the desirability of ensuring adequate protection for the conservation area where a greater degree of control may be justified than in other locations (NPPF paragraph 126).
- 6.60 Fourth, while the final criterion of the policy reflects the weight given to innovative design in national planning policy (NPPF paragraph 131), as the intention to support innovation in design may not always be compatible with other policy criteria I recommend that this criterion should be qualified by reference to exceptional circumstances, and amended to better reflect the intentions of national planning policy.
- 6.61 My recommendations to address these issues are therefore intended to better reflect the findings and suggested checklist actions (and other actions) identified in the CACA, as well as to clarify the area to which the policy applies, and ensure the wording is consistent with local strategic and national planning policy. I have also removed some elements of duplication, for example between bullet points 1 and 7, and bullet points 4 and 10.
- 6.62 I also recommend replacing the reference to a 'reputable company' in bullet point 6 with reference to a qualified arboroculturalist in order to overcome the concern raised by Harrogate Borough Council that decision makers would otherwise have to make a judgement as to whether a company was reputable or not.
- 6.63 Further changes are required to update the reference to local strategic policy in paragraph 9 of subsection 8.1 on page 22, and in this respect I agree with Harrogate Borough Council that it is misleading to create the impression that just because no specific housing allocations have been made in the HDLP, that Roecliffe will not accommodate some additional housing development or that housing density considerations do not apply. As no evidence has been put forward to justify deviating from HDLP density requirements new development will be expected to achieve a density of 30 dwellings per hectare in line with HDLP Policy HS1 (Housing Mix and Density). The Plan should also clarify that Roecliffe is identified as a service village where some future growth would help support basic services.
- 6.64 There are also a number of editorial anomalies and inaccuracies in the supporting text to address. For example Map 2 which is referred to in paragraph 5 of subsection 8.1 on page 21, is incorrectly credited with indicating the location of buildings which make a positive contribution to the character and appearance of the conservation area (as identified in the

CACA), whereas the map identifies four listed buildings.

- 6.65 In addition, as the 'Feedback from the Community' on page 23 concerns an aspiration to create facilities for holding meetings and events, and does not contribute toward the justification for policies to preserve and enhance the historic environment, this should be moved to the Village Facilities and Services section of the Plan (Theme C). Similarly the 'parking and traffic' issues and conclusion summarised under 'Feedback from the Community' on page 24 should be incorporated in 'Feedback from the Community' on page 37 in subsection 8.6 (Development Criteria: Highways).
- 6.66 The reference to the conservation area being flat and located above the River Ure flood line in paragraph 8 of subsection 8.1 on page 21 is also superfluous and should be deleted.
- 6.67 Finally, in the interests of clarity it would be advisable to refer to the Conservation Area Character Appraisal by its full and correct name in paragraph 4 of subsection 8.1 on page 21 rather than by its acronym as this is the first time it is referred to in the Plan. The meaning of the acronym which is used thereafter would then be understood.

#### **Recommendation 07**

- a) In line 1 of Policy A1 replace 'preserve and enhance the distinct rural feel of the village of Roecliffe and its surrounding rural environment by:' with '***protect or enhance Roecliffe Conservation Area and reinforce local distinctiveness and sense of place by:***'
- b) Replace bullet point 1 with '***respecting the form and character of Roecliffe village***'
- c) In bullet point 3 replace 'Maintaining space and proportion of building plots' with '***Respecting and not impacting on the space between buildings***'
- d) In bullet point 4 insert '***, pitched roofs, dormers and windows***' after 'new structures'
- e) In bullet point 6 replace 'an arboricultural report by a reputable company' with '***a report by a qualified arboriculturalist***'
- f) Replace bullet point 7 with '***using materials which match or complement local traditional materials in new buildings and boundary walls***'
- g) Delete bullet point 8
- h) In bullet point 9 replace 'New buildings should incorporate' with '***Incorporating***' and delete 'and maintains local distinctiveness'
- i) Delete bullet points 10 and 11
- j) Delete bullet point 12 and insert a new paragraph at the end of the policy '***Exceptionally, innovative designs which provide high levels of sustainability, or help raise the standard of design will be permitted, provided they fit in with the overall form and layout of their surroundings***'

### Recommendation 08

- a) In subsection 8.1 replace 'CAAMP' in line 1 of paragraph 4 on page 21 with '*Conservation Area Character Appraisal (CACA)*', and replace 'CAAMP' with 'CACA' in paragraphs 6 and 7
- b) In paragraph 5 delete 'have been identified as being 'positive' for one or more of the following reasons:', delete the accompanying 6 bullet points, and insert '*included on the Statutory List of Buildings of Special Architectural or Historic Interest, namely:*
  - *Church of St. Mary .....Grade II\**
  - *Manor Farm House .....Grade II*
  - *Vicarage Farmhouse .....Grade II*
  - *Roecliffe School & Schoolhouse .....Grade II'*
- c) Replace the bullet points in paragraph 7 with the following
  - *'Development should not impinge on the form and character of Roecliffe*
  - *Retain original historic features*
  - *Avoid the use of intrusive dormers or inappropriate roof windows*
  - *Use of material which generally match or complement local traditional materials*
  - *Retain important gaps between buildings to ensure glimpses of trees and views are maintained'*
- d) Delete 'The Conservation Area is relatively flat and well above the river Ure flood line.' in paragraph 8
- e) Replace paragraph 9 of subsection 8.1 on page 22 with '*Roecliffe is identified in the Harrogate District Local Plan as one of 41 service villages that are considered sustainable locations for development. Although no allocations of land have been made for additional growth in Roecliffe any future development that does occur will help support the continued provision of services and facilities. Any new housing development will be expected to achieve a density of 30 dwellings per hectare in line with HDLP Policy HS1 (Housing Mix and Density).'*
- f) Move the 'Feedback from the Community' on pages 23 and 24 to Village Facilities and Services (Theme C) except for 'Parking and Traffic' and 'Conclusions' on page 24 which should be incorporated in 'Feedback from the Community' on page 37 in subsection 8.6 (Development Criteria: Highways).

6.68 Subject to the above modifications the Policy meets the Basic Conditions.

6.69 **(Subsection 8.2) Policy A2 Design of Extensions** aims to minimise the potential negative impacts of extensions to existing properties by ensuring designs reflect the style and material of the existing property and do not dominate the streetscene.

Comments

- 6.70 By promoting good design principles in Roecliffe Conservation Area the policy reflects national planning policy and local strategic policy in relation to design, built heritage, and local distinctiveness. It also accords with HDLP Policy HS8 (Extensions to Dwellings).
- 6.71 However, similar considerations described previously in relation to Policy A1 above apply and a number of changes are required in order to ensure the Policy accurately reflects the conclusions and recommendation in the CACA and that the wording of individual bullet points is consistent with the wording in Policy A1.
- 6.72 As bullet points 3 and 5 are very similar, (because architraves, window styles and frames referred to in bullet point 5 could be considered to be specific types of character features referred to generally in bullet point 3), I recommend these be combined. Replacing the requirement to replicate the character features in the original building with a requirement to complement those features would address Harrogate Borough Council's point that the policy should be flexible enough to allow contemporary designs as advocated in national planning policy, (NPPF paragraph 131) since it is possible to create locally distinctive designs without replicating original features.
- 6.73 I also recommend splitting bullet point 1 into two bullet points because it addresses two separate issues.
- 6.74 Bullet point 4 should be deleted because it is overly prescriptive and because no evidence has been produced to justify this approach in either the Plan or the CACA.
- 6.75 In the interests of clarity, as the policy is clearly intended to manage proposals for extensions to residential properties, this should be referred to in the policy heading.

**Recommendation 09**

- a) In Policy A2 insert '***TO RESIDENTIAL PROPERTIES***' at the end of the policy heading
- b) In bullet point 1 delete 'and space will be retained between the buildings and the street similar to the space between neighbouring properties.' in line 2 after 'neighbourhood and street scene' and insert a new bullet point '***Space will be retained between the buildings and the street similar to the space between neighbouring properties.***'
- c) In bullet point 2 delete 'to' after 'materials' and insert '***which match or***'
- d) Combine bullet points 3 and 5 as follows '***Designs should complement the style and character features of the original building including door architraves, window styles and frames***'
- e) Delete bullet point 4

- 6.76 Subject to the above modifications the Policy meets the Basic Conditions.
- 6.77 **(Subsection 8.3) Policy A3 Community Involvement** requires applications for ten or more dwellings to be accompanied by a Statement of Community Involvement demonstrating how the local community has been consulted during the preparation of the scheme and how their views have been taken into account.
- Comments
- 6.78 Pre-application discussion is acknowledged in national planning policy as a means of improving the efficiency and effectiveness of the planning application system and ensuring that planning proposals are better informed (NPPF paragraph 39). However while seeking early engagement with developers at Parish level is a reasonable aspiration, in order to secure better outcomes for the community, there are no powers available to compel third parties to engage with Local Planning Authorities or with local communities before submitting a planning application (NPPF paragraph 40).
- 6.79 In any case as responsibility for determining planning applications rests with the Local Planning Authority decisions on any additional documentation which should accompany planning applications (in addition to mandatory information prescribed in Regulations) is also the responsibility of the Local Planning Authority.
- 6.80 In their response to the Regulation 16 Publicity Harrogate Borough Council confirm that while the Council has produced consultation guidance for developers on significant applications (including schemes of 10 or more dwellings) they cannot refuse to accept a planning application just because the applicant has not done enough pre-application community involvement.
- 6.81 The policy does not therefore satisfy the Basic Conditions although I agree with Harrogate Borough Council that the inclusion of an alternative policy which encourages developers to engage with local communities may go some way to achieving the Parish Council's objective as developers are likely to respond positively in order to gain community and Parish Council support.
- 6.82 In view of the fact that interested parties have only had the opportunity to comment on the Plan proposals as published, substituting an alternative policy or widening the scope of a policy would normally not be appropriate at this late stage in the process. However as the policy would not be binding on applicants I do not consider other parties would be disadvantaged in this case.

### **Recommendation 10**

**Replace Policy A3 with the following '*Developers are encouraged to engage with the local community during the preparation of and prior to the submission of planning applications*'**

6.83 **(Subsection 8.4) Policy A4 Key Views** requires designs to consider the visual impact of development proposals in order to protect important views into the village from the surrounding countryside. Five key views are described in the policy, and identified diagrammatically in Map 5 and on the Policies Map. Supporting evidence is presented in a separate Appendix (5).

Comments

6.84 By requiring development to take account of important views the policy will contribute toward maintaining the character of the built and historic environment and the quality of life of residents – key attributes of sustainable development.

6.85 Policy A4 also generally conforms with principles established in HDLP Policy HP3 (Local Distinctiveness) by ensuring that development reinforces characteristics that contribute to local distinctiveness and respects existing views and vistas. By protecting visually sensitive skylines and visual amenity it also contributes toward safeguarding landscape character in line with HDLP Policy NE4 (Landscape Character).

6.86 While there is nothing in national planning policy which gives entitlement to a view it is accepted practice to protect specific views where this is justified in the wider public interest. The evidence presented in the Plan and the accompanying Appendix clearly demonstrates the value of the significant views identified in the Plan to the character of the area.

6.87 The policy therefore satisfies the Basic Conditions and no modifications are required other than correcting a typographical error in the policy wording.

6.88 There are however a number of inaccuracies in the key views identified diagrammatically on Map 5 on page 29 and on the Policies Map, as well as the photographs on page 27.

6.89 For instance Key View 4 on Map 5 does not correspond with the view of the village green shown in the photograph on page 27. From personal observation during my visit to the area it is apparent that the view of the village green from the position shown in Key View 4 on Map 5 is obstructed by residential properties to the west. Map 5 and the Policies Map should therefore be corrected to more accurately reflect the view described in the policy and pictured on page 27.

6.90 Similarly the picture of Key View 1 on page 27 shows a view westward along Bar lane rather than a view from Bar Lane toward the village across 'small fields and the backs of houses' as described in the policy and delineated on Map 5 and the Policies Maps.

6.91 Additional changes are required to correct a numbering error as Key View 4 is incorrectly identified as Key View 6 on Policies Map 2, and to ensure that Key View 2 on Policies Map 2 corresponds with the view shown on Map 5. For clarification, Key View 4 on Policies Map 2 should also correspond with the amended view delineated on Map 5.

6.92 Although there is a similar draughting error on Policies Map 1, which does not accurately reflect the position of Key View 5 depicted on Map 5, no

amendment is necessary due to recommended changes to the Policies Map made later in my report (see Recommendation 25).

- 6.93 I also recommend updating the supporting text (paragraph 1 in subsection 8.4) to reflect the fact that the HDLP has now been adopted.

#### **Recommendation 11**

- a) In Policy A4 replace 'and' in line 2 with 'as'
- b) In paragraph 1 of subsection 8.4 (Key Views) replace 'Harrogate Borough Council's draft policy' in line 9 with '*Harrogate District Local Plan Policy*'
- c) Substitute the photograph of Key View 1 on page 27 with a photograph which accurately captures the view from Bar Lane toward Roecliffe village as described in Policy A4.
- d) Reposition Key View 2 on Policies Map 2 to correspond with the view delineated on Map 5
- e) Change the number of Key View 6 on Policies Map 2 to number 4
- f) Reposition Key View 4 on Map 5 and Policies Map 2 to accurately reflect the view described in Policy A4 and illustrated in the photograph on page 27

#### **Theme B New Housing Development**

- 6.94 **(Subsection 8.5) Policy B1 Small Scale Housing Development** supports small scale housing development of less than 10 dwellings in Roecliffe village. In exceptional circumstances development will be supported outside development limits provided it is well related to the built form of the village, does not result in coalescence with Boroughbridge and satisfies a number of considerations including avoiding adverse impacts on local heritage and the surrounding countryside.

#### Comments

- 6.95 The policy reflects the presumption in favour of sustainable development in national planning policy while having regard to core planning principles in the NPPF aimed at ensuring development takes account of its surroundings and avoids adverse impacts. This will ensure that future housing developments contribute to the social and environmental dimensions of sustainable development.
- 6.96 Policy B1 also reflects Roecliffe's role in the HDLP settlement hierarchy as a service village with a limited service base, which although not selected for further growth at the present time through allocations of land in the HDLP, may sustain limited development going forward.
- 6.97 However I have a number of reservations about whether the policy provides a practical mechanism for managing development proposals and whether it conforms with the approach to development in the countryside in national planning and local strategic policy.

- 6.98 First, there is no reference in national planning policy or local strategic policy, for example HDLP Policy GS3 (Development Limits), to limiting the size of housing schemes in rural areas. By restricting the scale of future housing developments inside development limits to 9 dwellings or less the policy may inhibit the scope for future regeneration/redevelopment within the built up area of the village, contrary to national planning policies aimed at focusing development on existing settlements and maximising the use of previously developed land. As no evidence has been produced to justify this threshold it should be removed from the policy.
- 6.99 Second, the policy overlooks the fact that national planning policy and local strategic policies support several types of residential development in the countryside, including replacement dwellings, conversions, and agricultural worker dwellings. It would therefore not be appropriate to treat these as exceptions to policy, nor to apply the range of considerations presented in criteria a–e) to what would otherwise be acceptable forms of development.
- 6.100 Third, in the case of proposals for development outside development limits no mechanism is provided for establishing whether suitable alternative sites are available inside development limits.
- 6.101 Fourth, the policy is (I assume unintentionally) more flexible than HDLP Policy GS3 because it facilitates residential development outside development limits in undefined exceptional circumstances, in comparison with Policy GS3 which only supports proposals in the absence of a five year supply of housing land.
- 6.102 In addition, as pointed out by Harrogate Borough Council, there is a significant level of duplication between individual policy criteria and the criteria in HDLP Policy GS3.
- 6.103 My recommended modifications to address these issues also clarify the distinction between development that will be supported within development limits and development proposals outside those limits in the countryside. In the case of the latter, in addition to relying on national and local strategic planning policy to determine whether proposals are acceptable or not, decision makers would also be expected to take into account whether proposals satisfy additional local objectives to ensure proposals do not create ribbon development or result in coalescence.
- 6.104 I appreciate this dilutes the intentions of the policy but the alternative would be to delete the policy as suggested by Harrogate Borough Council and rely on HDLP Policy GS3 to manage proposals for residential development in the Neighbourhood Area. The revised policy should be worded positively in line with national planning policy and cross referenced to other policies to ensure that all relevant considerations are taken into account in considering proposals for development.
- 6.105 Although I appreciate that design and development considerations are addressed in a separate policy (Policy A1 Design in New Development) the policy could also be strengthened by incorporating additional safeguards to ensure proposals avoid creating adverse amenity and highways impacts. This would help achieve a good standard of development particularly if cross

referenced to relevant national planning policy and local strategic policy requirements. I do not consider the introduction of these additional considerations at this stage would prejudice third party interests as they are in line with national planning policy objectives and would contribute toward consistent development management practice.

- 6.106 Having regard to the geography of the area and the views expressed elsewhere in the Plan about safeguarding green infrastructure, including the open land between Roecliffe and the Bar Lane Employment Zone, it would also be more appropriate to ensure development would not result in the coalescence of Roecliffe and Bar Lane Employment Zone rather than coalescence with the built up area of neighbouring Boroughbridge.
- 6.107 I am also mindful that parts of the supporting text have been superseded by the adoption of the HDLP, including the commentary on the steps taken to evaluate the suitability and availability of potential housing sites during the preparation of the Plan. In addition while there appears to have been little developer/landowner interest in releasing land for development at the time the Plan was prepared that is not to say circumstances may change and as pointed out by Roecliffe Estate as part of their response to the Regulation 16 Publicity proposals for small schemes and single dwellings may come forward during the lifetime of the Plan.
- 6.108 I therefore recommend that the commentary be replaced with an explanation that the Plan does not attempt to establish an appropriate level of future housing growth or allocate specific sites for development as the distribution of future housing has been determined through the HDLP. As no land is allocated for future development in Roecliffe it would also be helpful to clarify that future housing development is anticipated to come forward in the form of windfalls, including conversions and infilling.
- 6.109 Further changes are required in order to ensure consistency with national planning policy, update references to the HDLP, and clarify the role of Roecliffe in the settlement hierarchy.
- 6.110 In reviewing the supporting text I have also considered the extent to which some of the opinions expressed are factually correct and/or supported by appropriate evidence. Where appropriate I recommend the deletion or amendment of statements which potentially undermine Roecliffe's status in the settlement hierarchy, for example the challenge to Roecliffe's sustainability credentials in paragraph 12 of subsection 8.5 (on page 31) and the assertion in paragraphs 9 and 16 that opportunities for future housing are severely constrained by highways and infrastructure capacity. The contention that highway improvements cannot be undertaken without an unacceptable adverse effect on the character of the conservation area in paragraph 9 is also unsubstantiated.
- 6.111 While I understand the Parish Council's unease at Roecliffe's service village status and their desire to overlook the housing density policies in the HDLP<sup>24</sup>, without the above amendments the Plan would undermine local strategic policies and therefore fail to satisfy the Basic Conditions.

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<sup>24</sup> as articulated in the Parish Councils comments on the submitted responses to the Regulation 16

- 6.112 In addition, the suggestion that blanket protection should be given to all agricultural land in paragraph 9 is at odds with national planning policy and local strategic policy which both identify circumstances where development may be acceptable. In any case as the aspiration to protect all agricultural land is not supported by appropriate evidence nor carried through into Policy B1 it carries no weight and should be deleted.
- 6.113 I also recommend moving the commentary on parking issues and problems associated with HGV traffic to subsection 8.6 as these issues are unrelated to managing proposals for future housing development, whereas subsection 8.6 is concerned with highways issues. The same considerations apply to the proposed 'Community Action' at the end of subsection 8.5 which advocates continued liaison with the local school in order to address the impact of parking in the vicinity of the school.

#### **Recommendation 12**

- a) Delete 'SMALL SCALE' from the title of Policy B1
- b) Replace Policy B1 with the following

***'Proposals for new housing within defined development limit boundaries as defined on the Policies Map will be supported provided no significant adverse impact arises to residential amenity, highway safety, or the character of the area and subject to compliance with relevant policies elsewhere in the Neighbourhood Plan and other relevant development plan policies.'***

***Land outside the defined settlement boundaries will be treated as countryside where development will be supported which is compatible with national and local strategic planning policy and subject to compliance with relevant policies elsewhere in the Neighbourhood Plan provided it does not result in ribbon development or coalescence with Bar Lane Employment Zone.'***

#### **Recommendation 13**

- a) In subsection 8.5 replace the first three sentences in paragraph 1 with '***Roecliffe is identified as one of 41 service villages in the Harrogate District Local Plan. Service villages offer a range of basic services and community facilities, as indicated below, and represent sustainable locations for development.'***
- b) Insert the following new paragraph after paragraph 5 of subsection 8.5 on page 31 '***The Neighbourhood Plan does not attempt to identify future housing needs or allocate land for development as decisions over the scale and distribution of new housing have been taken in the Harrogate District Local Plan. Although no land is allocated for future housing development it***

*is anticipated that proposals for new housing will continue to come forward in Roecliffe in the form of windfalls, including conversions and infilling.'*

- c) Delete paragraphs 6 – 10 (inc)
- d) Replace the first sentence in paragraph 11 with '*The development limit boundary designated in the Harrogate District Local Plan (Policy GS3) is shown on Map 3 and the Policies Map*'.
- e) Delete paragraphs 12 – 16 (inc), the first sentence of paragraph 17, and paragraph 18
- f) Incorporate the second part of paragraph 17 from 'Additional on street parking' to the end of the paragraph, and paragraphs 19 and 20, within subsection 8.6
- g) Incorporate the Community Action at the end of subsection 8.5 in the Community Actions at the end of subsection 8.6

6.114 **(Subsection 8.6) Policy B2 Development Criteria Highways** is intended to encourage traffic management measures which have a positive impact on highway safety in and around Roecliffe village. Any measures should be of a design appropriate to the character of the village.

Comments

- 6.115 The creation of places that are safe, secure and attractive and the minimisation of conflict between different highway users, in a way which responds to local character and design, are principles embodied in national planning policy (NPPF paragraph 110c). These are key attributes of the economic, social and environmental elements of sustainable development.
- 6.116 The policy also generally conforms with place making objectives in local strategic policy which contribute positively to health and wellbeing, including community safety. By promoting measures that deliver new or improved infrastructure the policy also generally conforms with HDLP Policy T14 (The Delivery of New Infrastructure).
- 6.117 Although North Yorkshire County Council as the Local Highway Authority is ultimately responsible for highway safety and traffic management, as there does not appear to be any conflict between land use planning and transport/traffic management objectives and no comments regarding the policy have been submitted by the Local Highway Authority I am satisfied the policy meets the Basic Conditions and no modifications are required.
- 6.118 The supporting text should however be updated to reflect the fact, as pointed out by North Yorkshire County Council, that traffic regulation orders to restrict HGVs and help address overnight parking problems, were sealed in 2018.

**Recommendation 14**

**In paragraph 1 on page 37 insert '*following which traffic regulation orders to restrict HGVs were made in 2018.*' after 'NYCC in Spring 2017'**

- 6.119 **(Subsection 8.6) Policy B3 Adequate Car Parking Provision** requires new housing development to provide off road car parking spaces in accordance with North Yorkshire County Council standards, and to ensure there will be no overspill of car parking into Main Street Roecliffe.

Comments

- 6.120 By reducing the need for on street car parking the policy reflects principles established in national planning policy to minimise the scope for conflicts between pedestrians, cyclists and vehicles.
- 6.121 However as it relies on car parking standards established by the local highway authority, without providing an additional level of detail or local approach, it effectively duplicates part of HDLP Policy T1 (Parking Provision) contrary to the national planning policy requirement that plans should avoid unnecessary duplication of policies (NPPF paragraph 16). The first part of the policy is therefore surplus to requirements and should be deleted as planning applications will in any case be determined on the basis of HDLP Policy T1.
- 6.122 I also have reservations about the practicability of the second part of the policy as it is not clear how the avoidance of overspill parking on to Main Street, or indeed any other highway, could be enforced.

**Recommendation 15**

**Delete Policy B3**

**Theme C Village Facilities and Services**

- 6.123 **(Subsection 8.7) Policy C1 Maintaining Key Village Facilities and Services** is intended to resist the loss of existing facilities that have been identified as key village facilities unless it can be demonstrated that the facility has no reasonable prospect of ongoing viable use or a replacement facility is provided in a suitable location. Where proposals are acceptable in principle another policy strand safeguards against the loss of residential amenity.

Comments

- 6.124 The need to guard against the unnecessary loss of valued community facilities and services is a fundamental principle embedded in national planning policy (NPPF paragraph 92). By identifying specific local facilities the policy also provides a local dimension to HDLP Policy HP8 (Protection and Enhancement of Community Facilities). The protection of local services that support a community's health, social and cultural well-being are key attributes of the social objective of sustainable development.
- 6.125 However, while the policy wording provides a practical framework for considering development proposals there is an element of ambiguity in the Plan because both Map 7 on page 44 and the Policies map identify

additional facilities to those listed in the policy, namely, the Parish Notice Board, a number of benches at various locations around the village and the village defibrillator at the Crown Inn.

- 6.126 As moveable structures and pieces of street furniture do not require planning consent to be removed/discontinued it would not be appropriate to identify these facilities in the policy. However, in the interests of clarity I recommend cross referencing the facilities listed in the policy to the Policies Map, deleting the 'non listed' facilities from the Policies Map, and providing an explanation in the supporting text.
- 6.127 It is also unrealistic in criterion c) to require proposals to avoid any adverse impact on residential amenity since most development proposals conceivably have some degree of adverse impact. An alternative approach would be to test whether a proposal has a 'significant impact' or an 'unacceptable adverse impact'. While I appreciate that decision makers would still be required to make a judgement as to whether an impact is considered significant or unacceptable I consider this qualification to be a more realistic approach.
- 6.128 A number of additional changes are required to the supporting text in order to clarify the intention of the policy for example by cross referencing the key facilities identified in the Plan to the assessment of facilities in Appendix 1 and to Map 7. As suggested by Harrogate Borough Council the policy could be strengthened by cross referencing to HDLP Policy HP8 in order to demonstrate consistency with higher tier policy.
- 6.129 Other recommended changes are intended to remove duplication and superfluous commentary which is unrelated to the Plan content, update references to the settlement hierarchy, and ensure a consistent approach to formatting in the Plan. In this respect the introduction to subsection 8.7 (paragraphs 1 and 2) serves no useful purpose as it duplicates issues addressed in the paragraphs providing the 'justification and evidence' for the policy, The second part of paragraph 7 refers to 'Assets of Community Value', without identifying any assets and with no accompanying explanation. In addition the meaning of paragraph 9 is unclear and the Parish Council ownerships referred to are not identified.

#### **Recommendation 16**

- a) **In Policy C1 insert '*as identified on the Policies Map*' after 'loss of these key facilities' in paragraph 2**
- b) **In criterion c) insert '*significant*' after 'there is no'**
- c) **Delete the letters C, D and E (which indicate the location of the 'notice board', 'benches around the village', and the 'defibrillator') on the Policies Map, make consequential changes to the Policies Map legend including changing the letters prefixed to the individual key facilities, and replace 'COMMUNITY FACILITIES' with '*KEY VILLAGE FACILITIES*' in the legend**
- d) **In subsection 8.7 delete paragraphs 1 and 2 on page 39**
- e) **Move the Objective on page 39 so it immediately follows the**

**theme heading 'C VILLAGE FACILITIES AND SERVICES'**

- f) Replace 'a major urban settlements' with '*main settlements in the settlement hierarchy*' in line 3 of paragraph 4
- g) Delete the second sentence in paragraph 7
- h) Delete paragraph 9
- i) Insert a new paragraph in subsection 8.7 as follows '*Key village facilities are identified on Map 7. These comprise*
  - *Roecliffe C of E Primary School*
  - *St Mary's Church and churchyard*
  - *Notice Boards*
  - *Benches around the village*
  - *Defibrillator*
  - *The Crown Inn*

*An assessment of the condition and use of individual facilities is presented in Appendix 1. Roecliffe School, St Mary's Church and the Crown Inn are intended to be protected through Policy C1 which reflects the approach to protecting local facilities in the Harrogate District Local plan (Policy HP8). The remaining key facilities are not included in the list of facilities protected through Policy C1 as it is not appropriate to include moveable structures and pieces of street furniture which may be removed/discontinued without planning consent.'*

- j) Replace 'C Village Facilities, Services and Assets of Community Value' in the list of themes on page 19 with '*C Village Facilities and Services*'

6.130 Subject to the above modifications the Policy meets the Basic Conditions.

6.131 **(Subsection 8.8) Policy C2 Non Designated Local Heritage Assets** is intended to ensure that non designated heritage assets are conserved and enhanced in a manner that reflects their historic significance. Proposals for development will be expected to take account of the significance of the assets identified in the policy as well as the scale and impact of any harm or loss. Another policy strand supports and encourages the sympathetic enhancement of these assets.

Comments

6.132 Identifying and managing those parts of the historic environment valued by local communities, but which do not qualify for conservation area or listed building status (designated assets) is an important element of the heritage protection system. This can take the form of Local Lists of non-designated assets prepared by Local Planning Authorities incorporating any such assets which have been identified by neighbourhood planning bodies<sup>25</sup>.

6.133 Since Harrogate Borough Council does not have a formal Local List of non-designated heritage assets at the present time there is no reason why locally

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<sup>25</sup> Planning Practice Guidance para 040 Ref ID: 18a-040-20190723

valued features, buildings, structures and spaces should not be protected through the Neighbourhood Plan. This approach is recognised through recent changes in national Planning Practice Guidance<sup>26</sup>.

- 6.134 Additional information and justification for each of the proposed designations is provided in Appendix 3 which describes the characteristics, local significance and value of each of the assets to the local community.
- 6.135 While I have some reservations as to whether the assessment follows a consistent methodology based on Historic England guidelines and good practice advice<sup>27</sup>, I note that five of the proposed assets are specifically identified in the Roecliffe CACA as 'buildings of particular local interest'. In addition the remaining three, comprising the 'Best Kept Village' sign, the Victorian letter box and the two war graves, are examples of local features specifically recognised as potential candidates for designation in guidance produced by Harrogate District Council.<sup>28</sup>
- 6.136 I am also mindful that the local heritage assets identified in the Plan have been subject to consultation at both Regulation 14 and Regulation 16 stage, and no objection to any of the proposed designations have been raised by either Historic England or Harrogate Borough Council, or any other party. There is therefore no basis for me to recommend deletions or additions to the proposed list of non-designated heritage assets.
- 6.137 Modification is however required to clarify the precise location of the non-designated heritage assets to be protected in the Plan as the scales at which the Policies Maps are presented are inadequate for this purpose.
- 6.138 In line with Planning Practice Guidance it is not only important that the meaning of policies and proposals is clear and unambiguous but also that the areas to which they apply are identified in sufficient detail to be of use for development management purposes. I therefore recommend that the individual non-designated heritage assets should be identified on a revised Policies Map at a large enough scale to delineate either the building footprint or the site curtilage, as appropriate.
- 6.139 As the same considerations regarding scale and legibility apply to Map 7 on page 44 (Community Facilities and Non Designated Heritage Assets), the information regarding non designated heritage assets should be presented on a separate map at a more appropriate scale, again delineating either the building footprint or the site curtilage. The map provided to me in response to the questions set out in my letter of 22 February 2021 to Harrogate Borough Council and Roecliffe and Westwick Parish Council would be suitable for this purpose. For the avoidance of doubt the above comments do not apply to information regarding Key Facilities on Map 7 as the operation of Policy C1 (Maintaining Key Village Facilities and Services) is not dependent on the identification of precise boundaries.
- 6.140 Greater clarity could also be achieved by numbering the individual local

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<sup>26</sup> Planning Practice Guidance para 040 Ref ID: 18a-040-20190723

<sup>27</sup> Local Heritage Listing (Historic England Advice Note 7 May 2016)

<sup>28</sup> Harrogate District Heritage Management Guidance SPD (2014) Chapter 5 Criteria for Identifying Non Designated heritage Assets

heritage assets identified in Policy C2 and Appendix 3 to correspond with the numbering used on the Policies Maps, and by cross referencing the heritage assets to the Policies Map.

- 6.141 In order to provide a more practical basis for decision making the range of considerations outlined in paragraph 2 should be referred to as matters to be taken into account in determining planning applications, rather than matters for development proposals to take into account. This would strengthen the policy wording in line with national planning policy.
- 6.142 The policy is otherwise consistent with national planning policy on the conservation and enhancement of the historic environment (NPPF paragraph 197) and local strategic policy in HDLP Policy HP2 (Heritage Assets).
- 6.143 A number of minor changes are required to improve the clarity of the supporting text in relation to the level of protection afforded to listed buildings, and to ensure appropriate cross referencing to supporting maps and appendices.
- 6.144 I also recommend incorporating subsection 8.8 (which is incorrectly numbered 8.10 and which comprises Policy C2 and its supporting text) within the suite of policies presented under Theme A 'Preservation and Enhancement of the Historic Environment' as it is better related to those policies than to Policy C1 (Maintaining Key Village Facilities and Services). Consequential changes are required to subsection numbering, policy numbering and map numbering.

### **Recommendation 17**

- a) In Policy C2 replace 'should take full and proper account of' in line 1 of paragraph 2 with '*will be considered in relation to*'
- b) Insert '*and are delineated on the Policies Map*' after 'have been identified' in paragraph 3
- c) Present the Policies Map at a large enough scale to identify the building footprint or the site curtilage of individual non-designated heritage assets as appropriate.
- d) Identify the non designated heritage assets on a separate map at a scale large enough to delineate the building footprint or the site curtilage of individual non-designated heritage assets, as appropriate
- e) On Map 7 replace 'Facilities and Assets Map' with '*Key Village Facilities Map*' in the heading at the top of the map, delete 'and Non Designated Assets' from the map title, and delete the list of non designated heritage assets from the map legend
- f) In subsection 8.10 replace 'protected to an extent' in line 3 of paragraph 1 on page 42 with '*afforded a high level of protection through national planning policy and specific listed building legislation*'.
- g) Insert '*which are identified on Map 3*' after 'have listed the following assets' in line 5

- h) In paragraph 3 replace ‘map 7’ in line 5 with ‘Map 5’ and insert ‘3’ after ‘Appendix’ in line 6**
- i) Incorporate subsection 8.10 in Theme A (Preservation and Enhancement of the Historic Environment) after subsection 8.2**
- j) Renumber subsections, policies and maps in the Plan as appropriate**

6.145 Subject to the above modifications the Policy meets the Basic Conditions.

### **Theme D Footpaths, Cycleways and Bridleways**

6.146 **(Subsection 8.9) Policy D1 Footpaths, Cycleways and Bridleways** is intended to secure the expansion of the existing network of walking and bridleway routes in conjunction with future developments. A second policy strand requires the layout of schemes to ‘take into consideration the possibility of future footpaths and bridleways and access links not directly provided by the developments’.

#### Comments

6.147 The policy has regard to national planning policy by promoting the use of footpaths and bridleways for leisure and well being purposes. Increasing non-car based activities and promoting well being contributes to the social and environmental aspects of sustainable development.

6.148 The policy also compliments HDLP Policy HP5 (Public Rights of Way) which precludes development that would affect existing public rights of way unless satisfactory diverted routes or new links to the existing network and/or other enhancements are provided.

6.149 As drafted however the first part of the Policy does not make sense as it is not clear what is being referred to in the phrase ‘will take all reasonable opportunities to improve footpath and bridleway access’.

6.150 I would also question the extent to which the policy might realistically deliver improvements to the footpath and bridleway network, since such improvements might not always be relevant to the development permitted or would impact on its viability, and there may be few circumstances where applicants control land beyond the site boundaries, for example in order to secure tree planting rights. However as it is outside my remit to recommend changes which widen the scope of the policy or introduce more ambitious targets or delivery mechanisms I make no recommendations in this respect.

6.151 I do however recommend that the policy wording be qualified by referring to the fact that network enhancements and tree planting may be subject to landowners consent, and by inserting the words ‘where appropriate’ to acknowledge that not all developments can reasonably be expected to secure improvements to the footpaths and bridleways network. I appreciate this will dilute the effectiveness of the policy even further because it will need to rely on the judgement of decision makers as to what constitutes

- appropriate circumstances, but as drafted the policy does not provide a practical basis for decision making.
- 6.152 The meaning of the second part of the policy is also unclear and I agree with Harrogate Borough Council that it is questionable whether development proposals can reasonably be expected to take into account possible future access links unless these are identified and safeguarded in the Plan. This part of the policy should therefore be deleted.
- 6.153 In order to clarify the location and extent of the 'key routes' referred to in paragraph 6 of subsection 8.9 (on page 46) the 'key routes' should be superimposed on Map 8 and identified in an appropriate manner through a combination of colour coding and numbering. Consequential changes are required to the text.
- 6.154 Minor corrections are also required to remove typographical errors and superfluous references from the text.

### Recommendation 18

- a) Insert the following at the beginning of Policy D1 '*Where appropriate and subject to landowners consent,*'
  - b) Replace 'will take all reasonable opportunities' in line 1 with '*should incorporate measures*'
  - c) Delete paragraph 2 of Policy D1
  - d) In subsection 8.9 delete '146' at the beginning of paragraph 4 on page 46 and delete '(6 on map 7)' in line 2
  - e) Replace 'The key routes shown on Map 8 are as follows' at the beginning of paragraph 6 with '*Public Rights of Way and Key Routes are shown on Map 8. The key routes are as follows:*'
  - f) Replace the last bullet point in paragraph 6 with a new paragraph '*In addition various routes lead to and from Staveley Wildlife Park*'
  - g) Delineate the 'key routes' referred to in the bullet points in paragraph 6 (of subsection 8.9) on Map 8, except for route '6' in the final bullet point, using a combination of colour coding and numbering, and make consequential changes to the map legend.
- 6.155 Subject to the above modifications the Policy meets the Basic Conditions.

### Theme E Green Space

- 6.156 **(Subsection 8.10) Policy E1 Local Green Space** aims to protect green spaces which have particular local significance by ruling out development other than in very special circumstances.
- 6.157 Two sites are designated as Local Green Spaces, namely the well managed village green in the centre the village and Roecliffe Common on the western outskirts, which is a mainly wooded area containing a pond.

6.158 Additional information and justification for each of the sites is provided in Appendix 2 which identifies individual site characteristics and assesses the local significance and value of each of the sites to the local community.

Comments

6.159 The desirability of identifying and protecting locally important green space is specifically recognised in national planning policy subject to meeting stringent conditions set out in paragraph 100 of the NPPF.

6.160 By ensuring the retention of accessible open spaces the policy will contribute toward well being and the protection of the natural and historic environment, key elements in the social and environmental objectives of sustainable development.

6.161 The three NPPF paragraph 100 conditions which must all be satisfied are that the green space is;

- in reasonably close proximity to the community it serves
- demonstrably special to a local community and holds a particular local significance, and
- local in character and not an extensive tract of land.

6.162 Based on the information presented in supporting evidence and my own observations having visited each of the sites, I am satisfied that both sites satisfy the three criteria, and other NPPF and Planning Practice Guidance requirements.

6.163 First all of the sites are situated either within or immediately adjacent to the built up area and therefore satisfy the first criteria.

6.164 Second, it is clear from the assessment in Appendix 2 that both sites hold particular local significance and are demonstrably special to the local community.

6.165 Third, while it is a moot point as to what constitutes a site that is local in character it is apparent that all of the sites primarily serve the local community, and self evident that none of the sites are extensive in nature particularly in comparison with the scale of the built up area.

6.166 I am also satisfied that designation of the Local Green Spaces would be consistent with planning for sustainable development in the area, as referred to in Planning Practice Guidance<sup>29</sup>, since the Local Green Space designations would not undermine the need to identify sufficient land to meet identified development needs.

6.167 My only reservation concerns the reliance placed on national green belt policy to justify the designation of local green space since the basis for designating land as local green space is provided by NPPF policies aimed at promoting healthy and safe communities. In addition, as pointed out by Harrogate Borough Council, it would be more accurate to refer to the fact that policies for managing development within a Local Green Space should be consistent with those for Green Belts (NPPF paragraph 101). In order to

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<sup>29</sup> Planning Practice Guidance para 007 Ref ID: 37-007-20140306

clarify the location and extent of the proposed local green space, the policy should also be cross referenced to the Policies Map.

- 6.168 In addition a minor correction is required in the supporting text as the first paragraph in subsection 8.10 overlooks the fact that the village green is located in the centre of the village.

#### **Recommendation 19**

- a) **Delete ‘In accordance with national policy on Green Belts’ at the beginning of Policy E1**
- b) **Insert ‘*as identified on the Policies Map*’ after ‘The following areas’ in line 1**
- c) **Replace ‘where new development will only be allowed in very special circumstances’ in line 2 with ‘*and will be protected in a manner consistent with the protection of land within Green Belts*’**
- d) **In subsection 8.10 replace ‘centre’ in line 3 of paragraph 1 with ‘*itself*’**

- 6.169 Subject to the above modifications the Policy meets the Basic Conditions.

- 6.170 **(Subsection 8.11) Policy E2 Green and Blue Infrastructure** aims to protect and improve green and blue infrastructure corridors which provide multiple benefits to the community, including habitats preservation, flood risk mitigation and health and recreational opportunities. Six corridors have been identified in the Plan where development proposals will be expected to retain specific features such as hedgerows and trees, and create additional open spaces and wildlife corridors.

#### Comments

- 6.171 Policy E2 reflects the general intention in national planning policy to maintain and enhance existing networks of habitats and green infrastructure, one of the environmental objectives of sustainable development.
- 6.172 The policy complements local strategic policy which aims to protect the natural environment and avoid any net loss of biodiversity (HDLP Policy NE3). By safeguarding existing green infrastructure and requiring development to incorporate new green infrastructure features within their design it is also consistent with HDLP Policy NE5 (Green Infrastructure).
- 6.173 However, as drafted the first part of the policy (comprising paragraphs 1 and 2) does not provide a practical framework for decision making or managing areas of green and blue infrastructure.
- 6.174 First, with the exception of the Bar Lane Green Gap, it is not clear which area(s) the policy is intended to apply to as the diagrammatic representation of green and blue corridors on Map 11 and the Policies Maps is inadequate for this purpose. As referred to previously it is important that neighbourhood plans provide an indication as to which area(s) particular policies are

intended to apply to.

- 6.175 As the corridors appear to be based on four landscape character areas which were identified by Harrogate Borough Council in 2004<sup>30</sup> as part of a landscape character assessment I have considered whether these could be used as the basis for delineating the green and blue infrastructure corridors. However as third parties have not had the opportunity to scrutinise and comment on these boundaries that would not be appropriate.
- 6.176 In any case as the entire Parish area falls within one or other of the four landscape character areas, this would mean that the policy would apply to the whole of the neighbourhood area, although it is not clear whether this is intended. I am also mindful that both the 'Knaresborough to Boroughbridge dismantled railway corridor' and the 'Bar Lane Green Gap' fall within the 'River Tutt low lying agricultural land' character area
- 6.177 Second, it is apparent that one of the underlying purposes of delineating the boundaries of the Bar Lane Green Gap is to identify and maintain a buffer (or strategic gap), between Roecliffe village and the Bar Lane employment zone (as referred to in the last paragraph on page 53 of the Plan). This not only creates a potentially inconsistent approach to development proposals in the green and blue infrastructure corridors but it is also misleading to rely on the application of Policy E2 in order to achieve a separate objective, in this case preventing the coalescence of Roecliffe village with the employment zone.
- 6.178 While this may be a laudable objective in its own right, as pointed out by Harrogate Borough Council it should be balanced with other considerations such as the extent to which future employment growth should be accommodated, particularly since the area delineated as 'new green corridor' on the Policies Map does not take into account an HDLP employment commitment which has the benefit of planning permission.
- 6.179 Third, it is not clear what is meant by 'should not result in the disruption of the functioning of' in the second paragraph. For example as pointed out by Harrogate Borough Council any development resulting in the loss of agricultural land could be considered to lead to disruption of agriculture and food production, an activity identified in the policy as one of the multiple benefits to be protected. This concern is echoed by Roecliffe Estate in their response to the Regulation 16 Publicity, particularly if green corridor designation would impede the day to day management of these areas or restrict the ability of businesses to evolve.
- 6.180 Fourth, although the first part of the policy includes a commitment to improve green and blue infrastructure corridors no indication is provided as to how this might be achieved or which agencies might be involved.
- 6.181 I therefore conclude that the first part of the policy (comprising paragraphs 1 and 2) does not satisfy the Planning Practice Guidance requirement that the meaning of policies and proposals should be clear and unambiguous, that policies should be deliverable, and that the areas to which they apply are

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<sup>30</sup> Harrogate District Landscape Character Assessment 2004

identified in sufficient detail to be of use for development management purposes.

- 6.182 I appreciate that the Parish Council will be particularly disappointed by this conclusion in view of the obvious importance attached to protecting green infrastructure in the Plan, which was also referred to in the Parish Council's comments on the responses to the Regulation 16 Publicity. However, in my view as the flaws in the policy cannot reasonably be rectified through modification without subjecting the policy to further public scrutiny, the first part of the policy should be deleted and the related notation removed from the Policies Map.
- 6.183 At the same time I am satisfied that the remaining part of the policy does provide a practical basis for managing planning proposals in relation to green and blue infrastructure, and that this may be applied across the neighbourhood area as a whole to safeguard and to enhance existing infrastructure.
- 6.184 A number of changes are required to clarify the scope of the policy and the policy wording, including an acknowledgement that the policy will only apply in appropriate circumstances, as undertaking green infrastructure improvements may not be feasible or viable in all cases. It is also not appropriate (in bullet point 1) to require new development to remedy existing open space deficiencies and no justification has been put forward in support of this. In addition the reference to conserving and replacing trees at the same time (in bullet point 3) is contradictory.
- 6.185 Further changes are required to the supporting text to update references to the HDLP and the Claypit Ponds SINC sites, to correct typographical errors, and to ensure accurate cross referencing to other documents.

## **Recommendation 20**

- a) **Delete the first two paragraphs (and associated bullet points) of Policy E2, delete Map 11 and remove the 'new green corridor' notation from the Policies Map and legend**
- b) **Delete 'within or adjacent to these corridors' in line 1 of the third part of Policy E2**
- c) **Insert '*protect and*' after 'should seek to' in line 1**
- d) **Replace 'strong' in line 2 with '*with existing*'**
- e) **Insert '*where appropriate*' after 'blue infrastructure' in line 2**
- f) **Insert '*Provision of*' at the beginning of bullet point 1 and delete 'New green space should seek to address identified deficits in the area and/or vicinity of the development'**
- g) **Delete 'conserved and' in line 3 of bullet point 3 and replace 'deemed inevitable' in line 4 with '*unavoidable*'**
- h) **Replace 'Provide' in bullet point 5 with '*Provision of*'**
- i) **In subsection 8.11 delete 'draft' in line 8 of paragraph 6**
- j) **In paragraph 7 delete 'draft' in line 1 and line 3 and replace 'development' in line 4 with '*major development proposals*'**
- k) **In paragraph 12 delete the second 'as' after 'describes it as**

being' in line 5

- l) In paragraph 14 replace 'conducted a thorough landscape character assessment of the area' in line 2 with '*published a landscape character assessment of Harrogate District*'
- m) In paragraph 23 replace 'SSSI, also known locally as Roecliffe Ponds and Meadows.' in line 2 with '*which are designated as Sites of Importance for Nature Conservation (SINC). The area immediately to the east of the village is known as Roecliffe Pond SINC and the area surrounded by the Bar Lane employment area is known as Roecliffe Meadows SINC*'

6.186 Subject to the above modifications the Policy meets the Basic Conditions.

### Theme F Local Economy

6.187 **(Subsection 8.12) Policy F1 Local Business Support** aims to sustain and encourage local businesses subject to development proposals contributing to the character of the area, protecting residential amenity and avoiding adverse impacts on highway safety.

#### Comments

6.188 Policy F1 reflects national planning policy which places significant weight on positively supporting economic growth, including the creation of employment opportunities in rural areas, but which also includes environmental considerations among its core principles. Facilitating economic growth is also one of the key attributes of sustainable development.

6.189 The policy generally conforms with local strategic policy aimed at supporting employment development in the countryside (HDLP Policy EC3), together with the expansion of rural businesses (HDLP Policy EC2), and farm diversification (HDLP Policy EC4).

6.190 While the general intention behind the policy to support and encourage local business opportunities is reasonably clear the reference to 'ensuring viability is maintained and strengthened' is ambiguous as no explanation is provided as to whether this means specific businesses or the local economy generally. As no justification is provided for this part of the policy I recommend it be deleted.

6.191 As one of the underlying principles in the Plan is to safeguard the character of the area it would be more appropriate in criterion a) to require designs to respect the character of the area, rather than to 'contribute to' its character. This would also be more consistent with the approach taken in Policy A1 (Design and Development) particularly since it is difficult to assess how proposals 'contribute' to the character of the area. The requirement for proposals to contribute toward the vitality of the local area should also be removed as no explanation is provided as to how this could be assessed and/or achieved.

- 6.192 It is also unrealistic in criterion b) to require proposals to protect residential amenity without qualification since all proposals must arguably have some degree of adverse impact. Development plan policies which are intended to control the potential impacts of development on the character of an area or on local amenity often include a test as to whether a proposal has a 'significant effect' or an 'unacceptable adverse impact'. While I appreciate that decision makers would still be required to make a judgement as to whether an impact is considered significant or unacceptable I consider this to be a more realistic approach.
- 6.193 For clarification the qualified reference to 'unacceptable adverse impact' need not apply to impacts on highways safety in criterion c) as these tend to be more clear cut impacts, where any adverse impact would be reason to reject the proposal.

### **Recommendation 21**

- a) **In Policy F1 delete 'and ensure viability is maintained and strengthened' in line 2**
- b) **In criterion a) Replace 'Contribute to' with '*Respect*' and delete 'and vitality'**
- c) **In criterion b) Replace 'Protect' with '*Do not have an unacceptable adverse effect on*'**

- 6.194 Subject to the above modifications the Policy meets the Basic Conditions.
- 6.195 **(Subsection 8.13) Policy F2 Broadband/Connectivity** promotes improved broadband speeds and the provision of internet infrastructure in conjunction with new development. A second policy strand requires developments to demonstrate how they will contribute to internet connectivity through plans and a 'Connectivity Statement'.

### Comments

- 6.196 The provision of high quality and reliable communications infrastructure is recognised in national planning policy as essential for economic growth and social well-being. Policy F2 also generally reflects principles established in HDLP Policy TI5 (Telecommunications), including the requirement to provide Fibre to the Premises (FTTP) broadband connectivity infrastructure, or to meet minimum download speeds of 30 Mbps where this is not viable.
- 6.197 However, the level of prescription in the second part of the policy is inappropriate since the Parish Council has no powers to compel third parties to submit additional information with planning applications or to influence the list of relevant documentation required by the Local Planning Authority who are responsible for determining planning applications. I therefore recommend this part of the policy be deleted.

### **Recommendation 22**

**Delete 'This should include plans and a Connectivity Statement showing suitable infrastructure provision within the development to ensure all new developments are fibre ready' in paragraph 2 of Policy F2**

6.198 Subject to the above modification the Policy meets the Basic Conditions.

6.199 **(Subsection 8.14) Policy F3 Bar Lane Industrial Zone** encourages continued employment growth within the defined Bar Lane Industrial Zone, provided new buildings are in keeping with their surroundings, adequate car parking is provided and the impact on residential amenity is taken into account.

#### Comments

6.200 Bar Lane Employment Zone is identified in HDLP Policy EC1 (Protection and Enhancement of Existing Employment Areas) as a location that should continue to be occupied by employment uses.

6.201 Policy F3 has regard to national planning policy by positively promoting sustained economic growth and by supporting existing business sectors. It also reflects the guidance in national planning policy that in circumstances where sites to meet local business and community needs in rural areas are found adjacent to or beyond existing settlements it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (NPPF paragraph 84). This is consistent with the economic and environmental dimensions of sustainable development.

6.202 My only recommended change is that the extent of the defined employment zone on the Policies Map should be updated to reflect the existing planning permission referred to by Harrogate Borough Council in commenting on Policy E2 (Green and Blue Infrastructure) in response to the Regulation 16 Publicity.

### **Recommendation 23**

**Amend Policies Map 1 to incorporate land with planning permission for an extension to an existing cold store and trailer parking spaces, within the defined Bar Lane Employment Zone.**

6.203 Subject to the above modification the Policy meets the Basic Conditions.

## **(f) Delivering the Plan**

6.204 This chapter of the Plan highlights community projects and aspirations which were identified as important during the preparation of the Plan, and describes the way in which the Community Infrastructure Levy (CIL) mechanism will be used to generate funding to help deliver local aspirations and priorities.

### Comments

6.205 National Planning Practice Guidance recognises the importance of ensuring that neighbourhood plans are deliverable and the Parish Council are to be commended for identifying a list of local priorities for spending CIL monies on projects to be undertaken in conjunction with partner organisations.

6.206 While it would have been helpful to indicate which projects contribute to the delivery of specific policies and objectives this does not affect the Plan's ability to satisfy the Basic Conditions.

6.207 I am also mindful of the fact that not all of the projects identified in the Projects Priorities List fulfil the criteria to be included in the Plan as land use and development policies as the List represents the wide ranging aspirations of the community some of which are non land use based. The inclusion of non land use aspirations in a separate section ensures that they are clearly distinguishable from the land use and development policies that will be used to inform the decision making process.

6.208 As part of their response to the Regulation 16 Publicity North Yorkshire County Council suggest it would be useful to incorporate specific details of the proposed traffic management schemes which are identified as a high priority in the Projects Priorities List, and also to identify the delivery partners, and the projects CIL funding will be specifically targeted at. While these suggestions may improve the transparency of the Plan by providing more information about the manner in which projects may be delivered it is beyond the scope of the examination to explore issues which are not related to satisfying the Basic Conditions.

6.209 I do however agree that North Yorkshire County Council should be added to the list of partner organisations responsible for funding some of the identified projects as the County Council is responsible for highway matters including traffic management schemes.

## **Recommendation 24**

**Add North Yorkshire County Council to the list of 'project funders' at the end of subsection 9.2**

### **(g) Maps, Policies Maps and Appendices**

6.210 While there is no prescription in either legislation or neighbourhood plan regulations as to the form that any accompanying maps, diagrams and other illustrative material should take, the area to which particular policies and proposals apply are quite often delineated on a policies map. The Roecliffe and Westwick Neighbourhood Plan uses two Policies Maps for this purpose, supported by a number of illustrative maps within the main document. There are also five appendices at the end of the document.

#### Comments

- 6.211 It is not only important that the meaning of policies and proposals is clear and unambiguous but also that the areas to which they apply are identified in sufficient detail to be of use for development management purposes.
- 6.212 A number of my previously recommended changes to the Plan are intended to improve the legibility of the Policies Maps and a number of other maps in this respect, for example by presenting maps at a different scale and delineating specific site boundaries.
- 6.213 I am also mindful that there is an unnecessary amount of duplication between the Policies Maps which is potentially confusing. This can be rectified by delineating the area covered by Policies Map 2 as an Inset Map boundary (covering Roecliffe village and the immediately surrounding area) on Policies Map 1, and removing the notation inside this boundary.
- 6.214 For clarification, the areas and sites affected by specific policies in the Roecliffe village inset should be identified on Policies Map 2. The Neighbourhood Area boundary, the Roecliffe village Inset Map boundary, and the extent of the Bar Lane Employment Zone (as amended by Recommendation 23 above) should be shown on Policies Map 1.
- 6.215 I also recommend reducing the thickness of the lines used to delineate development limits and the extent of the Conservation Area in Policies Map 2 in order to improve the clarity of the Map. The inclusion of north points which are missing from some maps would also assist the interpretation of the maps.
- 6.216 In addition, consequential changes are required to the Policies Maps and a number of supporting maps as a result of previously recommended modifications. These include updating the map legend in a number of cases to acknowledge that the HDLP and development limit boundaries have now been adopted and that Roecliffe is a service village rather than a secondary village.
- 6.217 Changes are also required to correct inaccuracies in the names and dates of documents referred to in the Appendices at the end of the Plan.

### **Recommendation 25**

- a) On Map 3 delete 'Secondary' from the heading at the top of the**

- map, delete 'Draft' and '2016' from 'Draft Development Limit 2016' in the map legend, and change the title of the map to *'Development Limit, Conservation Area, and SINC boundaries delineated in the Harrogate District Local Plan'*
- b) On Policies Map 1 delineate the area covered by Policies Map 2 as an Inset Map boundary (covering Roecliffe village and the immediately surrounding area), and remove the notation inside this boundary
  - c) On Policies Map 2 reduce the thickness of the lines delineating the development limits and conservation area boundaries, and delete 'Draft' from 'Draft Development Limit' in the legend
  - d) Incorporate north points on Maps 1, 5, 6, 8 and the Policies Maps
  - e) In Appendix 3 change all references to 'Roecliffe Conservation Document written in 1995' to *'Roecliffe Conservation Area Character Appraisal (2008) published'* and insert *'Roecliffe Conservation Area Character Appraisal (2008) published by Harrogate Borough Council supports this selection'* in the final column of row 8 describing the Manor House
  - f) In Appendix 5 change the reference to 'Roecliffe and Westwick Conservation Plan (2008)' in the final column of row 1 to *'Roecliffe Conservation Area Character Appraisal (2008)'*

## 7.0 Conclusions and Formal Recommendations

### Referendum

- 7.1 I consider the Neighbourhood Plan meets the relevant legal requirements and subject to the modifications recommended in my report it is capable of satisfying the 'Basic Conditions'.
- 7.2 Although there are a number of modifications the essence of the policies would remain, providing a framework for managing future development proposals and conserving and enhancing the local environment.

**I therefore recommend that the Neighbourhood Plan should, subject to the recommended modifications, proceed to Referendum.**

### Voting Area

- 7.3 I am also required to consider whether the Referendum Area should be extended beyond the Roecliffe and Westwick Neighbourhood Area.
- 7.4 As the impact of the policies and proposals contained in the Plan, which does not include any land allocations, is likely to have minimal impact on land and communities outside the defined Neighbourhood Area I consider the Neighbourhood Area to be appropriate.

**I therefore recommend that the Neighbourhood Plan should proceed to Referendum based on the Roecliffe and Westwick Neighbourhood Area as designated by Harrogate Borough Council on 2 September 2015.**

### **Declaration**

In submitting this report I confirm that

- I am independent of the qualifying body and the Local Authority.
- I do not have any interest in any land that may be affected by the Plan and
- I possess appropriate qualifications and planning and development experience, comprising over 46 years experience in development management, planning policy, conservation and implementation gained across the public, private, and community sectors.

Examiner     Terry Raymond Heselton BA (Hons), DiP TP, MRTPI

Dated            6 April 2021

## **Appendix 1 :**

### **List of Documents referred to in connection with the examination of the Roecliffe and Westwick Neighbourhood Development Plan**

- Submission Draft Roecliffe and Westwick Neighbourhood Plan (November 2019)
- Basic Conditions Statement (January 2020)
- Consultation Statement (November 2019)
- Strategic Environmental Assessment and Habitat Regulations Assessment Screening Report (January 2020)
- National Planning Practice Guidance
- Historic England Advice Note 7 – Local Heritage Listing
- Historic England Advice Note 11 – Neighbourhood Planning and the Historic Environment (October 2018)
- Harrogate Borough Council Heritage Management Guidance SPD November 2014
- Roecliffe Conservation Area Character Appraisal (December 2008)
- Harrogate District Landscape Character Assessment (February 2004)
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- The Localism Act (2011)
- The Housing and Planning Act 2018
- The Neighbourhood Planning (General ) Regulations (2012) (as amended)
- The Environmental Assessment of Plans and Programmes Regulations (2004)
- The Conservation of Habitats and Species Regulations 2017 (as amended).
- The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018
- The Harrogate District Local Plan (adopted December 2020)
- Representations received from or on behalf of eight organisations during the Regulation 16 Publicity period
- Roecliffe and Westwick Parish Council's comments on the Regulation 16 representations (received by email dated 9 February 2021) which can be viewed on Harrogate Borough Council's Neighbourhood Plan web pages
- Examiners Questions (dated 22 February 2021) and the Harrogate Borough Council and Roecliffe and Westwick Parish Council combined response to the examiners questions (received by email dated 03 March 2021) which can be viewed on Harrogate Borough Council's Neighbourhood Plan web pages

I also accessed Harrogate Borough Council's planning policy web pages and Roecliffe and Westwick Parish Council web pages during the course of the examination.