

INGLEBY ARNCLIFFE NEIGHBOURHOOD DEVELOPMENT PLAN

Submission Draft Version

**A report to Hambleton District Council
into the examination of the
Ingleby Arncliffe
Neighbourhood Development Plan
by Independent Examiner, Rosemary Kidd**

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1.0 Summary

- 1.1 The Ingleby Arncliffe Neighbourhood Development Plan has been prepared to set out the community's wishes for the linked villages of Ingleby Arncliffe and Ingleby Cross plus the surrounding countryside, all within the parish of Ingleby Arncliffe.
- 1.2 I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer, including improvements to the mapping of sites referred to in policies to ensure that the Plan meets the Basic Conditions. Section 6 of the report sets out a schedule of the recommended modifications.
- 1.3 The main recommendations concern:
 - Clarification of the wording of policies and the supporting text; and
 - The inclusion of a Policies Map covering the whole plan area.
- 1.4 Subject to the recommended modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the Ingleby Arncliffe Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

2.0 Introduction

Background Context

- 2.1 This report sets out the findings of the examination into the Ingleby Arncliffe Neighbourhood Plan.
- 2.2 The Parish of Ingleby Arncliffe lies within Hambleton District situated 6.5 miles north-east of Northallerton and 7 miles south-east of Stokesley, and is on the edge of the North York Moors National Park. At 2011 there were 304 people living in the parish.

Appointment of the Independent Examiner

- 2.3 I was appointed as an independent examiner to conduct the examination on the Ingleby Arncliffe Neighbourhood Development Plan (IANDP) by Hambleton District Council (HDC) with the consent of Ingleby Arncliffe Parish Council in May 2021. I do not have any interest in any land that may be affected by the IANDP nor do I have any professional commissions in the area currently and I possess appropriate qualifications and experience. I am a Member of the Royal Town Planning Institute with over 30 years' experience in local authorities preparing Local Plans and associated policies.

Role of the Independent Examiner

- 2.4 As an independent Examiner, I am required to determine, under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether the legislative requirements are met:
- The Neighbourhood Development Plan has been prepared and submitted for examination by a qualifying body as defined in Section 61F of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004;
 - The Neighbourhood Development Plan has been prepared for an area that has been designated under Section 61G of the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004;
 - The Neighbourhood Development Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004, that is the Plan must specify the period to which it has effect, must not include provisions relating to 'excluded development', and must not relate to more than one Neighbourhood Area; and
 - The policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of the Planning and Compulsory Purchase Act 2004 Section 38A.
- 2.5 An Independent Examiner must consider whether a neighbourhood plan meets the "Basic Conditions". The Basic Conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by

section 38A of the Planning and Compulsory Purchase Act 2004. The Basic Conditions are:

1. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
2. the making of the neighbourhood plan contributes to the achievement of sustainable development;
3. the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
4. the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations, as incorporated into UK law; and
5. prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

The following prescribed condition relates to neighbourhood plans:

- Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended by the Conservation of Habitats and Species and Planning (various Amendments) Regulations 2018) sets out a further Basic Condition in addition to those set out in the primary legislation: that the making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

2.6 The role of an Independent Examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans. It is not within my role to comment on how the plan could be improved but rather to focus on whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention rights, and the other statutory requirements.

2.7 It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings. I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements.

The Examination Process

2.8 The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or so that a person has a fair chance to put a case.

2.9 I have sought clarification on a number of factual matters from the Qualifying Body and/or the local planning authority in writing. I am satisfied that the responses received have enabled me to come to a conclusion on these matters without the need for a hearing.

2.10 I had before me background evidence to the plan which has assisted me in understanding the background to the matters raised in the Neighbourhood Plan. I

have considered the documents set out in Section 5 of this report in addition to the Submission draft of the IANDP.

- 2.11 I have considered the Basic Conditions Statement and the Consultation Statement as well as the Screening Opinions for the Strategic Environmental Assessment and Habitats Regulation Assessment. In my assessment of each policy, I have commented on how the policy has had regard to national policies and advice and whether the policy is in general conformity with relevant strategic policies, as appropriate.

Legislative Requirements

- 2.12 The neighbourhood plan making process has been led by Ingleby Arncliffe Parish Council which is a “qualifying body” under the Neighbourhood Planning legislation which entitles them to lead the plan making process.
- 2.13 Paragraph 1.2 of the Basic Conditions Statement confirms that the parish lies within Hambleton District and the North York Moors National Park. The Neighbourhood Plan area was designated by HDC on 18 September 2014 and the North York Moors National Park Authority (NYMNP) on 7 October 2014.
- 2.14 A neighbourhood plan must specify the period during which it is to have effect. The front cover of the Plan states that this is from 2018 to 2036.
- 2.15 The Plan does not include provision for any excluded development: county matters (mineral extraction and waste development), nationally significant infrastructure or any matters set out in Section 61K of the Town and Country Planning Act 1990.
- 2.16 The Neighbourhood Development Plan should only contain policies relating to the development and use of land. I am satisfied that the IANDP policies are compliant with this requirement.
- 2.17 The Basic Conditions Statement confirms the above points and I am satisfied therefore that the IANDP satisfies all the legal requirements set out in paragraph 2.4 above.

The Basic Conditions

Basic Condition 1 – Has regard to National Policy

- 2.18 The first Basic Condition is for the neighbourhood plan “*to have regard to national policies and advice contained in guidance issued by the Secretary of State*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans which requires plans to be “*consistent with national policy*”.
- 2.19 The Planning Practice Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance

states a neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”

- 2.20 In considering the policies contained in the Plan, I have been mindful of the guidance in the Planning Practice Guide (PPG) that:

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like.”

- 2.21 The NPPF of July 2021 is referred to in this examination in accordance with paragraph 214 of Appendix 1, as the plan was submitted to the Council after 24 January 2019.
- 2.22 The Planning Practice Guidance on Neighbourhood Plans states that neighbourhood plans should “*support the delivery of strategic policies set out in the Local Plan or spatial development strategy and should shape and direct development that is outside of those strategic policies*” and further states that “*A neighbourhood plan should, however, contain policies for the development and use of land. This is because, if successful at examination and referendum, the neighbourhood plan becomes part of the statutory development plan.*”
- 2.23 Section 3 of the Basic Conditions Statement includes comments on how the policies of the IANDP have taken account of relevant sections of the NPPF. I consider the extent to which the plan meets this Basic Condition No 1 in Section 3 below.

Basic Condition 2 - Contributes to sustainable development

- 2.24 A qualifying body must demonstrate how a neighbourhood plan contributes to the achievement of sustainable development. The NPPF as a whole constitutes the Government’s view of what sustainable development means in practice for planning. The NPPF explains that there are three dimensions to sustainable development: economic, social and environmental.
- 2.25 Although a formal sustainability appraisal is not a requirement for a Neighbourhood Development Plan, an informal sustainability assessment has been undertaken of the IANDP and is set out in Appendix 2 of the Basic Conditions Statement and summarised in Table 4 of that Statement. It has been prepared to demonstrate how the Plan contributes to the achievement of sustainable development. It shows that there will be positive impacts overall, in terms of policies and benchmark criteria collectively. Further analysis indicates some overall minor negative impacts in relation to individual policies (in 1 case only) and benchmark criteria (again in one case), but far outweighed overall by positive impacts.
- 2.26 I am satisfied that the Plan contributes to the delivery of sustainable development and therefore meets this Basic Condition.

Basic Condition 3 – is in general conformity with strategic policies in the development plan

- 2.27 The third Basic Condition is for the neighbourhood plan to be in general conformity with the strategic policies contained in the Development Plan for the area. The Development Plan relevant to the area comprises the Hambleton District Local Development Framework Core Strategy adopted 2007, the Development Policies DPD adopted 2008 and the Allocations DPD adopted December 2010. The LDF covers the period up to 2026. The emerging Hambleton Local Plan covers the period 2014 – 2035 and was submitted for examination in March 2020.
- 2.28 The North York Moors Local Plan was adopted by the National Park Authority on 27 July 2020. The Plan covers the period 2016 - 2035.
- 2.29 Section 4 and Table 3 of the Basic Conditions Statement sets out the way that the Neighbourhood Plan policies conform to the relevant strategic planning policies in the Core Strategy.
- 2.30 I consider in further detail in Section 3 below the matter of general conformity of the Neighbourhood Plan policies with the strategic policies.

Basic Condition 4 – Compatible with EU obligations and human rights requirements

- 2.31 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.
- 2.32 Regulation 15 of the Neighbourhood Planning Regulations as amended in 2015 requires either that a Strategic Environmental Assessment is submitted with a Neighbourhood Plan proposal or a determination from the competent authority (HDC) that the plan is not likely to have “significant effects.”
- 2.33 A screening opinion was carried out by independent consultants for the Parish Council in August 2019 and determined that the IANDP would not require a full SEA to be undertaken. Paragraph 4.1 of the screening opinion concluded:
- “4.1 The assessment in tables 3.1 and 3.2 indicate a range of possible minor positive and negative environmental effects as a result of the draft plan policies. No likely significant environmental effects have been identified.”*
- 2.34 Consultation was carried out with the statutory environmental bodies on the SEA Screening Report in July 2019. The responses from all three bodies concurred with the conclusions of the SEA screening report, that the IANDP was not likely to have significant effects and that a full SEA was not required.
- 2.35 In the context of neighbourhood planning, a Habitats Regulation Assessment (HRA) is required where a neighbourhood plan is deemed likely to result in significant

negative effects occurring on a Special Area of Conservation or Special Protection Area, or other ecologically important European site (Ramsar) as a result of the plan's implementation.

- 2.36 An HRA Screening Opinion was carried out by independent consultants for the Parish Council in August 2019 in view of the proximity of the plan area to the North York Moors SPA/SAC.
- 2.37 Table 6.2 assesses the possible impacts of relevant policies on the North York Moors SPA/SAC and demonstrates that there is likely to be no negative effects. The screening opinion of the potential for in combination effects from other projects and plans in the area concluded in paragraphs 6.22 – 23 and 7.1 that:
- “6.22 The plan will not lead to any loss of supporting habitat to the North York Moors SAC/SPA. 6.23 In terms of recreational pressure, it is considered highly unlikely that any proposals in the Plan that would increase the recreational pressure that could undermine the conservation objectives of the qualifying features of any the European sites within the National Park and so likely significant effects (alone and in combination) can be screened out.”*
- “7.1 The assessment undertaken in section 6 of this report concludes the draft NDP is not likely to have a significant effect on a European site either alone or in combination with other plans or projects.”*
- 2.38 Consultation with Natural England on the HRA screening opinion was carried out by letter dated July 2020. They responded to say that they agreed with the conclusion of the screening opinion and advised that further HRA is not required.
- 2.39 I am satisfied that the SEA and HRA assessments have been carried out in accordance with the legal requirements.
- 2.40 The Basic Conditions Statement considers the impact of the Plan on Human Rights and concludes that: *“6.1 The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act. In preparing the plan, the parish council has consistently taken steps to ensure that the views of all sections of the community have been canvassed and taken into account. This approach to consultation is summarised in Chapter 1 (Background to the Neighbourhood Plan) and Chapter 2 (Next Steps in the Neighbourhood Plan Process) of the plan itself and fully detailed in the Consultation Statement”.*
- 2.41 From my review of the Consultation Statement, I have concluded that the consultation on the IANDP has had appropriate regard to Human Rights.
- 2.42 I am not aware of any other European Directives which apply to this particular Neighbourhood Plan and no representations at pre or post-submission stage have drawn any others to my attention. Taking all of the above into account, I am satisfied that the IANDP is compatible with EU obligations and therefore with Basic Conditions Nos 4 and 5.

Consultation on the Neighbourhood Plan

- 2.43 I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
- 2.44 Following the designation of the Neighbourhood Area in 2014, there have been a number of opportunities for comment on the plan as it was prepared. The following key stages of consultation were:
- Open Meeting – 14 July 2016 took place in the village hall;
 - Housing Needs Survey – 26 August 2016 with leaflets distributed to all households;
 - Call for Sites – Oct – Dec 2016;
 - Open Meeting - 24 February 2017;
 - Open Meeting - 30 November 2018 to consider progress on site selection;
 - The Policy Intentions version of the IANDP was hand delivered, posted or sent electronically on 6 December 2018 to all parish households, landowners and statutory consultees. 109 responses were received.
 - Open Meeting - 14 March 2019 to discuss potential housing development;
 - Pre-application Drop In event - 21 November 2019 – hosted by housing association to consider possible housing layout of proposed development;
 - The Regulation 14 Pre-submission Neighbourhood Plan consultation was held between 17 December 2019 and 20 February 2020. All households were provided with a copy of the document, a response sheet and a map of the Parish, inviting comments from each member of the household aged 18 or older. Additionally, the statutory consultees, local businesses and landowners were notified of the consultation and provided with a copy of the consultation document, a Parish area plan and response form, by either email or post. An Open Meeting was held on 6 February 2020.
- 2.45 The progress on the preparation of the NDP and consultations were informed through:
- sixteen PC Newsletters up to June 2020;
 - six meetings with village landowners in 2016 and 2017.
 - the parish website with a section devoted to the IANDP, providing a record of the meetings. activities and IANDP's key documents.
 - The Steering Group chair reported to the PC meetings and other items were made available for inclusion in the Local Press.
 - residents had the opportunity to ask questions at meetings of the PC and Steering Group.
- 2.46 Consultation on the Regulation 16 Submission draft Plan was carried out by HDC between 8 January and 22 February 2021. In total, 20 representations were received, thirteen of which were in support of the Plan.

- 2.47 I am satisfied that from the evidence presented to me in the Consultation Statement, adequate consultation has been carried out during the preparation of the IANDP.
- 2.48 I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulations 14, 15 and 16 in the Neighbourhood Planning (General) Regulations 2012.

3.0 Neighbourhood Plan – As a whole

- 3.1 The Neighbourhood Plan is considered against the Basic Conditions in this section of the Report following the structure and headings in the Plan. Given the findings in Section 2 above that the plan as a whole is compliant with Basic Conditions No 4 (EU obligations) and other prescribed conditions, this section largely focuses on Basic Conditions No 1 (Having regard to National Policy), No 2 (Contributing to the achievement of Sustainable Development) and No 3 (General conformity with strategic policies of the Development Plan).
- 3.2 Where modifications are recommended, they are presented and clearly marked as such and highlighted in bold print, with any proposed new wording in italics.
- 3.3 Basic Condition 1 requires that the examiner considers whether the plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State. Before considering the policies individually, I have considered whether the plan as a whole has had regard to national planning policies and supports the delivery of sustainable development.
- 3.4 The PPG states that “*a policy 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*”. I will consider this requirement as I examine each policy.
- 3.5 The IANDP is focused on the allocation of a site for housing development and associated policies to provide a mix of housing types and tenures to meet local housing needs. There are also policies on design, walking, cycling and bridleway provision, and parking.
- 3.6 The introductory sections of the Plan are fairly lengthy; they set out a spatial portrait of the area, the strategic planning context, the background to preparing the plan and the key issues facing the parish. There are also appendices on Community Actions, the Proposals Map, the Housing Needs Survey, an illustrative Lettings Policy, the Site Assessment and a Summary of Background Documents.
- 3.7 Once the plan is finalised it would be appropriate to place some of the introductory material in a background evidence report so that the plan can be focused on the policies. A brief spatial portrait, a summary of key issues, the strategic planning context, the Proposals Map and the Community Actions should be retained in the Plan.
- 3.8 The policies are clearly distinguishable from the supporting text by surrounding coloured boxes. The justifications to the policies are clear and succinct and set out the background to the policies and the strategic context.
- 3.9 The Plan contains a map of the plan area and a Proposals Map in Appendix A1 showing the location of the site allocated under Policy P1. This map is in effect an

Inset Map. It is customary to include a Policies / Proposals Map of the whole of the plan area. In this case, a Policies / Proposals Map should be included of the plan area with the location of the site shown as an Inset Map.

- 3.10 Community Actions are set out in Sections 11 and 12 of the Plan. Paragraph 11.4 explains that the Community Actions are not planning policies.

Recommendation 1: Include a Policies / Proposals Map for the whole of the plan area to show the location of the Inset Map showing the allocation under Policy P3 and the revised Development Boundary.

The Neighbourhood Plan

Key Issues

- 3.11 Section 5 of the Plan sets out the background to the identification of the key issue facing the parish of providing a mixed housing development to deliver the local housing needs that have been identified through comprehensive housing need surveys. Section 6 summarises the work that the plan makers have undertaken to assess potential sites and to work with landowners, HDC, NYCC and a social housing provider to secure a suitable site.

Vision and Objectives

- 3.12 The Plan includes a succinct vision statement and five objectives. As the Plan will be implemented by the local authorities, the wording of some of the objectives should be revised so that they are not solely focused on the parish council and residents. It would be helpful to plan users to number the objectives.

Recommendation 2: Number and revise the Objectives as follows:

Objective 1. Delete “Give the parish residents the ability to”;

Objective 4. Revise to read: “Ensure housing development is built to”

Objective 5. Delete the first sentence. Revise the second to read: “Ensure priority is given to achieving the community’s aspirations.”

Policies and Proposals

Policy P1 Housing Mix

- 3.13 The policy sets out support for a housing mix consistent with the most up to date housing market assessment and / or local needs survey. The second part of the policy states that accessible housing and specialist housing for older people should be “particularly considered”. It is appreciated that there is a need for flexibility in the policy, however I am concerned as to whether this phrasing lacks clarity as to

whether these types of housing should be provided where feasible and would therefore be open to interpretation by decision makers.

- 3.14 A representation has stated that the 2016 Housing Needs Survey is out of date and cannot be relied on. I have noted that the policies are clear that the most up to date assessment will be used in determining the housing mix and tenure.
- 3.15 Subject to the modification it is considered that the policy accords with national and strategic policies.

Recommendation 3: Revise the second part of Policy P1 to read: “....*should be provided as part of the mix, where feasible.*”

Policy P2 Affordable Housing

- 3.16 The policy sets out support for affordable housing consistent with the most up to date housing market assessment and / or local needs survey.
- 3.17 It is considered that the policy accords with national and strategic policies.

Policy P3 Housing Allocation - Land at the former Primary School and Associated Land

- 3.18 The policy allocates the site of the former primary school and part of the adjacent playing field for housing development. It sets a minimum capacity of 18 dwellings of a mix of types and tenures in accordance with the local housing needs survey. The policy stipulates that the mix of house types and tenures is to be consistent with the most up to date housing needs survey agreed with the parish council.
- 3.19 The plan makers have made considerable efforts to assess the nature of the housing need in the community and to identify a suitable site that is capable of delivering the number and type of housing needed.
- 3.20 I have been informed by HDC that planning permission has been granted for the demolition of the school and the construction of 4 dwellings. A further application is under consideration for the development of 18 dwellings.
- 3.21 NPPF paragraph 14 states that neighbourhood plans should contain policies and allocations to meet their identified housing requirement. Paragraphs 70 and 79 give further support to this. In order to deliver the type of development required, it is considered appropriate for neighbourhood plans to set out specific requirements for sites to be allocated in the plan where these are justified by local evidence. I am satisfied that the housing needs evidence is robust and has been prepared in discussion with the Rural Housing Enabler. It is good practice that these surveys should be updated regularly and the policy refers to “the most up-to-date local housing survey”. Appendix 2 of the Plan shows an indicative layout of the

development of the site to demonstrate that it is capable of accommodating 18 dwellings.

- 3.22 The adopted Core Strategy Policy CP8 states that *“Proposals for housing must take appropriate account of local housing needs in terms of size, type and tenure of dwellings.”*
- 3.23 Ingleby Arncliffe is designated as a Secondary Village in the adopted and emerging Local Plans where housing development proportionate to the size of the settlement will be supported. There is no requirement to allocate land for housing in the parish in the emerging Local Plan.
- 3.24 However, Policy S4 of the emerging Local Plan on Neighbourhood Plans states that *“The Council will expect communities preparing neighbourhood plans to identify local development requirements, and to address them in their plans where possible, reflecting the overall strategy set out in this plan for the pattern and scale of development and any allocations.”*
- 3.25 Paragraph 3.45 of the justification to the policy explains that *“The Council will expect communities preparing plans to plan positively for future growth within the plan period and to respond to the local context and identified local needs, including the provision of affordable housing and specific types of accommodation. In doing so communities should respond to local evidence including, but not limited to, local housing need surveys covering both market and affordable housing, local design requirements, settlement character studies, landscape character studies, and other local strategies and initiatives, such as for greenspace.”*
- 3.26 I consider that Policy P3 is in accordance with the national planning guidance and strategic planning policy in the adopted Core Strategy and will support the delivery of the emerging Local Plan.
- 3.27 A representation has been made by the owners of the site on which the school building is located. They state that the policy is undeliverable as it is reliant on the sale of the land to a particular housing association / developer; that the policy requirements would mean the value of the land could be lower than the value of the re-use of the existing building; the housing needs survey of 2016 is out of date and in any case does not project need through the life of the IANP; that there is no need for Policy P3 as the site is within the development boundary.
- 3.28 I have considered the concerns raised by the landowner of part of the site, however, the policy is not reliant on the sale of the land to a particular purchaser and no evidence has been provided that would mean that the development of the site was undeliverable.
- 3.29 Policies in the neighbourhood plan are part of the development plan and will be used by the LPA in determining planning applications. The final paragraph of the policy should refer to development plan instead of neighbourhood plan.

- 3.30 Neighbourhood plan policies should reflect the community's wishes and local evidence. They should set out the matters to be taken into account by applicants and the LPA in preparing and determining planning applications; they are not to set out the conditions whereby the parish council will support the planning application as stated in paragraph 29.
- 3.31 To address these points, I am recommending that the policy should specify that the type and mix of housing and the proportion of affordable housing should be consistent with the most up to date local needs survey "of the parish" and deleting that it should be "agreed with the parish council". Consultation with the parish council on any proposals is a procedural matter and not planning policy. A note may be included in the justification to state that the LPA will consult the parish council and agree the housing mix with them. I am also recommending that paragraph 29 should be amended to delete reference to the policy setting out circumstances the parish council will support the proposal.
- 3.32 I have considered the Council's SPD on Affordable Housing which highlights the importance of the need for close working with local communities in preparing local housing needs surveys and developing schemes for affordable housing in rural communities. The role of the Rural Housing Enabler is defined "*to undertake housing needs surveys, facilitate community consultation events and to seek community views and input on specific sites, scheme designs and the type and mix of any proposed homes*". I consider that the Council has suitable procedures and guidance in place to ensure that the parish council is consulted on the preparation of the local housing needs surveys and the design of any development proposals in the parish.
- 3.33 I have noted the parish council's concerns about the proposed recommendations to this policy concerning the deletion of references to agreement with the parish council. As explained above, it is not appropriate to include procedural matters in planning policies.
- 3.34 I am recommending modifications to the first paragraph of the policy to improve its clarity and to refer to the site being shown on the Proposals Map. It would be helpful to plan users to give the bullet points an alphabetical notation.
- 3.35 The allocation under this policy extends beyond the development boundary. It is recommended that a consequential amendment is made to the development boundary that it should follow the boundary of the allocated site.
- 3.36 NYCC Heritage has commented that the development of the school site should respect the medieval layout of the settlement with a strong frontage around the former village green. I have raised this with the LPA who consider that the local plan policies would ensure that consideration would be given to the heritage in the area in the design and layout of the new development. The Qualifying Body has commented that they are not aware of a former village green and have suggested that development should be set back from Main Street and trees protected by TPOs should be retained. I consider that these matters are addressed by Policy P4 and other strategic policies and there is no need to make additional reference to heritage matters or the layout of development in the policy.

Recommendation 4: Revise Policy P3 as follows:

Revise the first paragraph to read: *“Land within the former Primary School, together with part of the former playing field, as shown on the Proposals Map, is allocated for residential development for a minimum of 18 dwellings.”*

Revise the two bullet points by replacing “agreed with the parish council” with “of the parish”.

Notate the bullet points alphabetically.

Revise the final paragraph to read “..... other policies in the *Development Plan*.”

Revise paragraph 29 as follows:

- revise the first sentence to read: “Policy P3 allocates the site for housing development and sets out the details of the nature of the development that should be sought in order to deliver the housing needs of the plan area.”;
- delete “The parish council therefore understand that” from the third sentence;
- revise the fifth sentence to read: *“The plan is seeking to secure sufficient new affordable homes....”*
- Add at the end *“The mix of house types and tenures should be consistent with the results of the most up-to-date housing needs survey of the parish and agreed in consultation with the parish council.”*

Revise the Development Boundary on the Proposals Map to enclose the whole of the site allocation.

Policy P4 Key Guiding Principles for Development Design

- 3.37 The policy sets out the key factors that are to be taken into account in the design of new development in the plan area. Because of the varied character of the villages the Plan does not impose specific design requirements. Paragraph 36 states that developers are expected to take their cues from the environment of the immediate surroundings.
- 3.38 The final part of the policy requires off-road parking to be provided commensurate with the size of the property or nature of the development. It does not prescribe local parking standards.
- 3.39 A representation has stated that the policy is superfluous as it repeats advice in the NPPF and strategic policies.
- 3.40 It is considered that the policy does highlight those matters of design and layout that are locally important. It accords with Section 12 of the NPPF and Core Strategy Policy CP 17, Development Policy DP32 and the NYMNP Local Plan Strategic Policy C. A minor revision is recommended in response to the representation by Natural

England (see paragraph 3.52 below). Modifications are proposed to correct the typographical errors.

Recommendation 5: Correct typographical errors in paragraph 32 line 1 (it's) and paragraph 42 line 1 "Local Plan t".

Policy P5 New and Improved Walking, Cycling and Bridleway Provision

- 3.41 The policy expects new development that will give rise to increased usage of the walking, cycling and bridleway network to contribute to its improvement, make new provision and to provide connections to the existing network.
- 3.42 The NYCC as the Highways and Transportation Authority has commented to say that the policy does not contravene NYCC guidance. They advise that reference should be included in paragraph 53 to paragraphs 108 and 110 of the 2019 NPPF (paragraphs 110 and 112 of the 2021 NPPF). I consider that it would be helpful to plan users to make reference to this guidance.
- 3.43 Development Policy DP2 addresses securing developer contributions as part of new development and point (viii) refers to footpaths, cycleways and links to or creation of new public rights of way.
- 3.44 The final part of the policy refers to compliance with other policies in the Neighbourhood Plan and Local Plan. It is recommended that this is rephrased to refer to the Development Plan to be consistent with Policy P3.

Recommendation 6: Revise Policy P5 as follows:

Revise the last paragraph to read: "...other policies in the *Development Plan* that would add..."

Add the following to the end of paragraph 53: "*Further guidance is set out in paragraphs 110 and 112 of the 2021 NPPF.*"

Policy P6 Car Parking

- 3.45 The policy highlights the community's concerns about on road parking in the villages. It seeks to resist development that would lead to the loss of parking areas unless alternative provision can be made. It also seeks to ensure that adequate off road parking is provided in new developments in accordance with the most up to date guidance.
- 3.46 Development Policy DP3 supports the provision of minimum levels of car parking, commensurate with road safety in new developments.

- 3.47 It is noted that the NYCC Interim Guidance on Transport Issues including Parking Standards 2015 sets minimum standards for parking in housing developments. NYCC has commented to say that they consider that Policy P5 does not contravene NYCC guidance.
- 3.48 It is considered that the policy accords with national and strategic guidance.
- 3.49 The final part of the policy refers to compliance with other policies in the Neighbourhood Plan and Local Plan. It is recommended that this be rephrased to refer to the Development Plan to be consistent with Policy P3.

Recommendation 7: Revise Policy P6 as follows:

Revise the last paragraph to read: “....other policies in the *Development Plan* that would add....”

New Policies

- 3.50 NYCC has noted that it would be useful for the Plan to have set out their aspirations for improvements to be supported through CIL contributions. I consider that it is not necessary or appropriate for a neighbourhood plan to prescribe how any CIL contributions should be used in the plan area. It is noted that the Community Actions set out a number of ideas for improvements that will be pursued.
- 3.51 NYCC has noted that the plan could have included community nominated local heritage assets. As there is no requirement for neighbourhood plans to draw up a list of local heritage assets, I make no recommendation on this matter.
- 3.52 Representations have noted that the Plan has not taken the opportunity to promote biodiversity or landscape improvements in the plan area. I have raised this matter with the LPA who has commented that the local plan policies address these matters adequately and there is no need to include additional policies in the neighbourhood plan. The Qualifying Body has suggested adding the word “biodiversity” to the fifth paragraph of Policy P4 which I will recommend.

Recommendation 8: Revise the fifth paragraph of Policy P4 to read:

“Development should retain and seek to enhance the parish’s local ecology, *biodiversity*, wildlife and landscape.”

4.0 Referendum

- 4.1 The Ingleby Arncliffe Neighbourhood Development Plan reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of the community.
- 4.2 I am satisfied that the Neighbourhood Development Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the Basic Conditions namely:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contributes to the achievement of sustainable development;
 - is in general conformity with the strategic policies contained in the Development Plan for the area; and
 - does not breach, and is otherwise compatible with, EU obligations and human rights requirements
- 4.3 **I am pleased to recommend to Hambleton District Council and North York Moors National Park Authority that the Ingleby Arncliffe Neighbourhood Development Plan should, subject to the modifications I have put forward, proceed to referendum.**
- 4.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area designated by Hambleton District Council on 18 September 2014 and the North York Moors National Park Authority on 7 October 2014.

5.0 Background Documents

5.1 In undertaking this examination, I have considered the following documents

- Ingleby Arncliffe Neighbourhood Plan 2018-2036 Submission Draft Version
- Ingleby Arncliffe Neighbourhood Plan Basic Conditions Statement October 2020
- Ingleby Arncliffe Neighbourhood Plan Consultation Statement November 2020
- Ingleby Arncliffe Neighbourhood Plan SEA Screening Opinion August 2019
- Ingleby Arncliffe Neighbourhood Plan HRA Report August 2019
- Ingleby Arncliffe Housing Needs Survey November 2016
- National Planning Policy Framework July 2021
- Planning Practice Guidance (as amended)
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- Hambleton Local Development Framework Core Strategy adopted 2007
- Hambleton Development Policies DPD adopted 2008
- Hambleton Allocations DPD adopted December 2010
- Draft Hambleton Local Plan submitted for examination in March 2020
- The North York Moors Local Plan adopted 27 July 2020
- NYCC Interim Guidance on Transport Issues including Parking Standards 2015
- Hambleton District Council Affordable Housing SPD 2015

6.0 Summary of Recommendations

Recommendation 1: Include a Policies / Proposals Map for the whole of the plan area to show the location of the Inset Map showing the allocation under Policy P3 and the revised Development Boundary.

Recommendation 2: Number and revise the Objectives as follows:

Objective 1. Delete “Give the parish residents the ability to”;

Objective 4. Revise to read: “Ensure housing development is built to”

Objective 5. Delete the first sentence. Revise the second to read: “Ensure priority is given to achieving the community’s aspirations.”

Recommendation 3: Revise the second part of Policy P1 to read: “....*should be provided as part of the mix, where feasible.*”

Recommendation 4: Revise Policy P3 as follows:

Revise the first paragraph to read: “*Land within the former Primary School, together with part of the former playing field, as shown on the Proposals Map, is allocated for residential development for a minimum of 18 dwellings.*”

Revise the two bullet points by replacing “agreed with the parish council” with “of the parish”.

Notate the bullet points alphabetically.

Revise the final paragraph to read “..... other policies in the *Development Plan.*”

Revise paragraph 29 as follows:

- revise the first sentence to read: “Policy P3 allocates the site for housing development and sets out the details of the nature of the development that should be sought in order to deliver the housing needs of the plan area.”;
- delete “The parish council therefore understand that” from the third sentence;
- revise the fifth sentence to read: “*The plan is seeking to secure sufficient new affordable homes....*”
- Add at the end “*The mix of house types and tenures should be consistent with the results of the most up-to-date housing needs survey of the parish and agreed in consultation with the parish council.*”

Revise the Development Boundary on the Proposals Map to enclose the whole of the site allocation.

Recommendation 5: Correct typographical errors in paragraph 32 line 1 (it’s) and paragraph 42 line 1 “Local Plan t”.

Recommendation 6: Revise Policy P5 as follows:

Revise the last paragraph to read: “....other policies in the *Development Plan* that would add....”

Add the following to the end of paragraph 53: “*Further guidance is set out in paragraphs 110 and 112 of the 2021 NPPF.*”

Recommendation 7: Revise Policy P6 as follows:

Revise the last paragraph to read: “....other policies in the *Development Plan* that would add....”

Recommendation 8: Revise the fifth paragraph of Policy P4 to read:

“Development should retain and seek to enhance the parish’s local ecology, *biodiversity*, wildlife and landscape.”