

Campaign to Protect Rural England



North Yorkshire Branch

Response to 3rd Draft (July 2017)
Craven District Local Plan
Pre-Consultation Document

Document 4 of four full responses to consultations since 2012



North Yorkshire
Campaign to Protect Rural England

31 July 2017

Dear Sirs

**Pre-publication Draft Craven Local Plan Consultation Document - third draft
(July 2017)**

CPRENY are of the opinion that whilst this draft of the emerging Local Plan goes somewhat further than the previous draft document in relation to detailing housing and employment land allocations in terms of specific sites and requirements across the district, the document in itself should be made more robust to be considered sound via the specific policy tests as ascribed by Paragraph 182 of the National Planning Policy Framework (NPPF)

CPRENY commented on the previous publication stages of the emerging Local Plan produced by Craven District Council (CDC) in May 2016 and November 2014 and has also commented on the various consultations to date regarding their supporting evidence base and once again welcomes the opportunity to comment further at this stage in relation to the emerging Local Plan which is intended to replace the saved policies of the Craven District (outside the Yorkshire Dales National Park) Local Plan (adopted July 1999).

CPRENY wish to state that their comments made through previous consultation exercises remain valid and of relevance to the emerging document, therefore, comments made via this submission should be read in conjunction with all previous responses - specifically those submitted in May 2016.

The attached report commissioned by CPRENY will therefore deal with specific issues relating to the draft Local Plan, as published on 19th June 2017.

Yours Sincerely

JMW Marley
Chair

Pre-Publication Draft Craven Local Plan Consultation Document - third draft (July 2017) for CPRENY

Section 1: Introduction

CDC, through the published schedule of responses called ‘Policy/Site Response Paper’ (as part of the evidence base to be considered by this consultation exercise), stated that the next version of the Local Plan would be accompanied by a draft Duty to Cooperate (DtC) Statement. Similarly, section 1.11 of the Local Plan consultation document refers to the DtC Statement, however, this has not been published. Without this Statement, the plan cannot be considered to be legally compliant at this stage. The MOU (Memorandum of Understanding) between CDC and the Yorkshire Dales National Park Authority, published on the website by CDC, does not represent a DtC Statement although in itself, would be a useful appendix to such a Statement.

Paragraph 1.12 is entitled ‘engagement, collaboration and evidence’ and details how and when stakeholders have had the opportunity to comment on the emerging Local Plan document. CDC made the decision to amalgamate similar responses together within their published Policy Response Papers, available on their website as part of this consultation exercise. These papers have been created by CDC to comment specifically on consultation representations made at the previous consultation stage (June 2016). CPRENY are disappointed that individual responses have not been dealt with independently by the Council, however, understand the reasoning as to why it is sometimes considered preferable by Officers for Local Authorities to group similar comments together and provide one Council response to all within that group. However, in the case of CPRENY, who submitted a large and detailed response to the previous consultation exercise, many of the valid points raised have simply not been addressed or responded to and do not sit within the scope of the matters raised by other respondents. Detailed responses to the CPRE response have been collated only within the Environment section. It is therefore, imperative that the responses are considered alongside each other as stated in italics above.

Section 2: Context

Section 2 of the consultation document sets the context for the Craven District identifying key issues and challenges for the area. The Policy Response Paper sets out that the text at section 2.15 shall be amended to reflect agreed improvements to train services between Skipton and Lancashire as set out in the Council’s Infrastructure Development Plan, however, this has not been transposed across to the new document.



As set out in the previous response to the 2016 Consultation, CPRENY are disappointed that the loss of agricultural land has not been identified as a key issue arising in the Craven Plan Area at section 2.40. Craven District contributes enormously to national food production and the agricultural workers and landowners in the area are responsible for maintaining the farmed countryside in the District (outside the National Park) which is also a haven for tourists. Should agricultural land (especially land classified as the best and most versatile) continue to be permitted to be changed into large scale developments out-with traditional settlement boundaries, this important economic asset to the District will be lost as will the identity and character of the District. Whilst, CPRENY welcome the need to reconcile the need to meet objectively assessed development needs with the appropriate protection of the area's outstanding environment including its natural and historic assets, it is vital that the Local Plan refers to this valuable asset and the need to protect agricultural land in general.

Section 3: Sustainable Development

The Vision for the Craven Area until 2032 is set out within Section 3. CPRENY commented in the previous consultation that they did not believe that the brackets were necessary within the second paragraph of the vision and that the Council should be promoting a 'brownfield first' policy - regardless of the amount of brownfield land available, i.e. even if there is only a small amount of brownfield land throughout the District, development should be directed to these areas prior to the release of greenfield sites. Whilst no specific comment has been made to this comment, CDC have responded to a number of respondees including the HBF who stated that the plan should 'encourage' the use of brownfield land rather than 'prefer' it in line with Paragraph 111 of the NPPF. Indeed, CDC have responded by altering the wording in their Policy ENV7 to use the word 'encourage'. However, CPRENY would argue that this change was not necessary and that the use of the word 'prefer' is in conformity with the Government's usage of the word 'encourage' within the NPPF. Especially as the Government are currently encouraging the adoption of a Brownfield Register. On 10th March 2016, the then Secretary of State for Communities and Local Government, Greg Clark stated that: "*the government has pledged to get planning permission in place on 90% of suitable brownfield sites for housing.*" Brandon Lewis, the then Housing Minister reinforced this by stating: "*We want to help hard working families and first-time buyers to own their home and to achieve this by building on brownfield land wherever possible to help protect our valued countryside. The register helps deliver both of these at a stroke. By getting the first councils going in piloting a register of brownfield land for housing we have the first wave of areas pushing for more homes on suitable brownfield land, including affordable housing.*" This policy has not been dropped by the current Government, therefore illustrates the Government's stance on a brownfield first priority. CPRENY believe that CDC would be justified to change the vision and Policy ENV7 to reflect this principle.

CPRENY remain convinced that it would be more helpful to the reader if CDC provided a paragraph of explanatory text highlighting that the 10 Plan Objectives that follow on from the Vision are intended to aid the delivery of that Vision.

CPRENY welcomes the inclusion of 'biodiversity' into PO2, however, points raised in the previous consultation relating to the Plan Objectives remain extant, especially as no reference was made to these in the Policy Response Papers. Given the recent commitment to the Paris Agreement, CPRENY believe it is vital that PO9 is altered to reflect that 'all' forms of built development should incorporate energy efficient designs.



Section 4: Strategic Policies and Spatial Strategy

The following section of this representation deal specifically with the policies and supporting text as set out in the Consultation Document. Section 4 sets out the strategic policies and spatial strategy for the Craven District intended to meet the 10 policy objectives set out in Section 3.

The section entitled ‘meeting the housing need’ has been entirely updated since the previous consultation on the Local Plan in May 2016 and housing figures have been recalculated based on the most up to date evidence streams. CPRENY welcomes this action and also the lower housing requirement advocated through this consultation document as opposed to previous figures.

Table 1, set out within the consultation document shows that the annual average net completion rate in Craven between January 2007 and December 2016 was 140.3 units. The Council have opted to promote housing growth option C which suggests that there is a need to deliver 4,280 dwellings between 2012 and 2032 (214 dwellings per annum). CPRENY understand that the Council have accepted this to be a ‘minimum’ requirement and have adjusted Policy SP1 in order to reflect this. Policy SP1 sets out that 676 net dwellings were completed between April 2012 and March 2017 - which is an average of 135 units per year. CDC have therefore stated that there is therefore a need for 3,604 additional net dwellings to be delivered over the remaining 15-year period (from March 2017 - March 2032). When considering Table 2, as set out in the consultation document which sets out the number of extant planning permissions at 1st April 2017, this requires a gross requirement of an additional 2,467 dwellings to be delivered over the remaining plan period - which equates to an additional 164 units per annum (this incorporates a 12% allowance to ensure the net figure is delivered within the plan period).

CPRENY believe that as there has been a historical persistent under-delivery of housing throughout the Craven District area averaging a 135-140 completion rate, it is very likely that Craven will achieve the required 164 units (bearing in mind that the 1,569 extant permissions also have yet to be constructed) therefore, believe that a more realistic growth option should be promoted. Growth Option B (3,640 dwellings over the whole plan period) represents the full objectively assessed need for the Craven Local Plan area (excluding provision for the housing need within the Yorkshire Dales National Park (YDNP)). As the YDNP is reviewing its housing land allocations to identify more land for housing, it would seem sensible for the YDNP to do this jointly with CDC under the DtC and plan specifically for development opportunities across the district as a whole, rather than CDC take on the needs of the YDNP without understanding what can and cannot be achieved within the NP at this stage, especially as the development industry has historically underdelivered within the Plan Area. Promoting Growth Option B also allows development needs to be met without the need encroach into higher flood risk land or risk adverse impacts on the District’s heritage assets, so thus scores well in terms of the Sustainability Appraisal.

Similarly, the economic growth paragraphs have also been updated and a new employment land OAN range is being promoted in the order of 26 - 29Ha over the 20-year plan period. Lichfield’s have calculated that in order to promote Growth Option C (of 214 dwellings pa) the realistic range of employment land requirement needed to allow housing need and employment land to align fully is 28Ha.



CPRENY wish to seek clarity regarding point A ii of Policy SP2 with reference to the allocation of 15.5Ha of additional employment land for B1, B2 and B8 uses in Skipton, Settle and Ingletton - is this *additional* to the 28Ha - which is how it reads, or is it the intention of CDC to safeguard 15.5Ha of the overall 28Ha of land promoted through the Policy?

CPRENY welcomes the inclusion of 'North Yorkshire' into paragraph 4.34 of the supporting text to Policy SP2, however, this should also be transposed to Policy SP2 in the same way.

Policy SP3 has been completely revised to deal with specific targets for housing mix and density and CPRENY supports this approach, including the need for a lower density of dwellings per Ha. CPRENY would suggest the addition of *'in writing and to the satisfaction of by the Council'* immediately to the end of the text *'on planning grounds'* within the second paragraph regarding 'variations'. This is standard planning practise throughout the country and places a stronger emphasis on the developer to thoroughly justify any application to alter the density and mix of dwellings provided and gives the Council greater control over what is delivered on sites. CPRENY supports the deletion of Policy H4 and the insertion of SP3 in its place.

The Spatial Strategy and housing growth is set out within paragraphs 4.42- 4.61, although these are further separated into 2 different sections: Settlement Hierarchy and Distribution of Growth - preferred options.

Table 6 identifies the CDC Settlement Hierarchy which CPRENY remains in general agreement with. However, as stated in the previous 2016 response, CPRENY believe that the inclusion of a separate tier relating to homes within the open countryside should be considered in order to prevent inappropriate sporadic developments.

Policy SP4 details the spatial strategy and housing growth allocations for the plan period. Whilst recognising that in general housing figures have been reduced or remained the same in all areas within the district (apart from Cononley, Embsay and Gargrave which have seen moderate rises) CPRENY remain concerned about the section relating to Tier 5 of Policy SP4. In order to protect the countryside this should be re-worded to state:

"Tier 5 settlements and open countryside will only receive a low level of growth where it:

- a) Can be justified to the satisfaction of the Local Planning Authority that it is necessary to support a sustainable, vibrant and healthy rural economy and communities; or*
- b) ..."*

Policies SP5 - SP11 detail the specific strategy for particular tiers as set out in the settlement hierarchy and were not included within the previous consultation as at that time as the Council were undertaking a separate consultation on site options, for which CPRENY also provided a detailed response.

Policy SP5 relates to Skipton (Tier 1). When studying the inset map (the large policies map is too small to decipher effectively), it highlights that development is to occur in all locations around the town, excluding along Grassington Road due to the location of a scheduled ancient monument. Members are extremely concerned regarding the level of proposed development in the area and the impact this will have on already congested roads within the town, particularly along Gargrave Road.



There are significant concerns that air quality will be detrimentally impacted by the proposed housing and employment developments and associated congestion problems given the narrow nature of the roads within the town, indeed developments that have recently been approved and constructed (e.g. Keelham Farm Shop, college extensions) are already impacting upon the roads and safety of all road users within the area. Similarly, the recent approval of an extension of a development at Carleton Road from 35 to over 100 dwellings alongside the already approved 200 homes and employment site in the area is a cause for concern when the cumulative impact of such have not been recognised by the Highway Modelling exercises undertaken by the Council.

Policy SP11 details the strategy for Tier 4a and 4 b villages. CPRENY members remain concerned regarding the allocation of CN006 at Station Works, Cononley. This allocation has been increased from 3 to 5 units per year over the plan period in the new Local Plan. At present, 41 approvals are pending completion with the addition of the proposed Mill site this totals 140 units - which equates to 9 dwellings per year over the remaining 15-year period or 7 over the 20-year period. However, CPRENY members are concerned that should the approval at the Mill not take place (it has not yet been sold to a developer nor has the s106 monies been agreed) other less sustainable options may come forward for development in inappropriate locations.

Policy SP12 deals specifically with Infrastructure requirements and delivery. This section has been strengthened by the insertion of some explanatory text and the reference to the living document that is the Infrastructure Delivery Plan is welcomed. However, CPRENY is disappointed with the lack of detail within the IDP and feel this needs to be more robust to stand up to scrutiny and deliver fully sustainable development across the district. For example, in Skipton, only one of the proposed primary schools is identified.

The opening of the fourth paragraph of Policy SP12 does not currently make sense, CPRENY believe the word '*that*' immediately before infrastructure should be removed.

Development Management Policies

CPRENY welcome the inclusion of reference to Dark Skies within remote open countryside which is 'undesigned' within the textual justification and also Policy ENV1 and believe the policy is much strengthened by its reference.

In a similar vein, CPRENY are supportive of the inclusion of point e within the Policy relating specifically to the restoration, preservation and enhancement of the Public Rights of Way network, alongside creation of new Rights of Way and promotion of disabled access to the countryside.

CPRENY would hope that the Council would give further consideration to the need to update their Landscape Appraisal as set out in the response to the previous consultation in order to ensure the emerging Local Plan and policy documents are as up-to-date as possible, however, reference to the need for developers to have regard to Natural England's Character Area Profile's within the policy is welcomed.

Policy ENV2 on Heritage is supported by CPRENY and the inclusion of reference to their contribution to biodiversity is welcomed within the Policy and the supporting text.



CPRENY remain concerned, however, that no mention of the ‘setting’ to a heritage asset (designated or non-designated) has been identified via the policy or textual justification. It is vital that harm to the setting of these assets are not eroded by inappropriate development and the Local Plan must protect them. Recent Case Law indicates that the setting of Listed Buildings, Conservation Areas and other heritage assets should be conserved. The Court of Appeal (*Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others [2014] EW Civ 137*) held that in enacting section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Parliament intended that the desirability of preserving the settings of listed buildings should not simply be given careful consideration but “*considerable importance and weight*” when carrying out the balancing exercise. This gives rise to a strong statutory presumption against granting planning permission for development which would cause harm to the settings of listed buildings. Even where the harm would be “*less than substantial*” the balancing exercise cannot ignore the overarching statutory duty imposed by section 66(1). It is therefore imperative that CDC recognise this.

Policy ENV3 details good design principles to be followed within the Craven area. CPRENY is very supportive of this policy and hope that CDC will enforce these principles across all types of development within its jurisdiction. CPRENY particularly welcome the inclusion of points q and r as suggested in the previous round of consultations in 2016.

The section entitled Biodiversity has been expanded in line with CPRENY’s recommendation in relation to Local Nature Partnerships. CPRENY welcome this and the recognition of the Imperative Reasons of Overriding Public Interest (IROPI) Test that must be demonstrated should a development proposal be likely to adversely affect international designations. This has been transposed to Policy ENV4 as has the suggestion made by CPRENY to include reference to the impact on nationally and locally designated sites and their settings and is therefore supported.

Page 70 of the Policy Response Paper indicates that a list of allocated sites will be included within Policy SP4 as was indicated in the previous consultation document in 2016 - this has not been achieved. - The Response Paper sets out the following in the column headed ‘Changes to be made to the plan’: *Include list of preferred housing allocation sites at end of draft policy ENV4 where it is envisioned that the plan area’s biodiversity can be improved as part of the development.*

Similarly, Policy ENV5 on Green Infrastructure should also include a list of allocated sites as highlighted by both the previous consultation document and the Policy Response Paper.

In response to the revised text to Policy ENV7, land and air quality, CPRENY recognises that much of the agricultural land within Craven is not considered to be the Best and Most Versatile land in terms of crop production, however, Craven’s livestock farming is reliant on much of the lower quality (grade 4 and 5) land within the District. CPRENY would refer you to their previous response on this matter and urge the Council to reconsider this important fact. The Auction Mart turned over £39,445, 819.23 in 2014, which is a significant income for a rural authority. Should this land not be safeguarded from development, the rural economy will undoubtedly suffer. This was recognised by CDC Local Plan 1999 in Policy ENV11 and should be referred to within the new Local Plan as a matter of some priority for this rural area.



CPRENY is supportive of the new paragraphs inserted into the emerging Local Plan in relation to Local Green Space (Policy ENV10), The Leeds and Liverpool Canal (Policy ENV11), Footpaths, Bridleways and Cycle Routes (Policy ENV12) and Green Wedges (Policy ENV13).

Section 6 details policies specifically relating to Housing.

CPRENY's concerns regarding Policy H1 and the potential for a proliferation of small sites (1Ha or less than 5 dwellings) to come forward in the open countryside which the Council cannot control remains pertinent as set out in the previous consultation response of May 2016. CPRENY would therefore ask the Council to reconsider the points made in the previous response to the consultation.

CPRENY particularly welcomes the retention of the Council's 40% target for affordable home provision on sites for upwards of 1 dwellings and their intention to seek contributions from developers of sites for 6-10 dwellings in rural areas. The introduction of points h) and i) to this policy are particularly welcomed.

Policy EC3 deals specifically with the Rural Economy. Whilst being pleased that point c) of the policy has been updated to state "*helping 'existing and new' rural businesses...*" CPRENY remain disappointed that CDC have not recognised the contribution traditional farming and agricultural practises make to the rural economy of Craven and their need to be protected. Therefore, CPRENY asks the Council to reconsider the points made in the previous 2016 consultation response.

The section of the Local Plan entitled Tourism is much expanded and this is to be welcomed. However, in relation to Policy EC4: Tourism, CPRENY believe it is imperative, in the interests of clarity to insert in to the supportive text and policy that encroachment on to an area of designated Local Green Space, i.e. that immediately adjoining the Hellifield Flashes, in relation to point h) of the new Local Plan, will not be permitted, i.e. point h) iv) needs to be firmer.

It would be beneficial to include the proposed LGS for the Hellifield Flashes on the map for this area.

Section 8 of the Local Plan deals with infrastructure, services and facilities. CPRENY remain supportive in general of this section of the emerging Local Plan therefore, all of the comments made by CPRENY in this regard remain the same as in the previous consultation response (2016)



CONCLUSION

CPRENY welcomes the opportunity to comment on this version of the CDC Local Plan and look forward to reviewing the Publication version later this year in accordance with the timetable as set out by the Local Development Scheme published on the website.

CPRENY remain of the opinion that the DtC Statement is required in order to ensure legal compliance and should be consulted on prior to the formal submission stage.

Whilst, CPRENY recognise that this version of the Local Plan is much improved from the previous version, there remain some concerns in relation to the use of vague language in certain instances. Policies could in general be made more effective and easier to defend by utilising stronger language that prohibits confusion occurring and this development being permitted in areas which would not otherwise be allowed.

CPRENY believe that the most significant topic to not be given enough priority within the plan is the contribution and value of the importance of the production of food and associated agricultural uses as mentioned throughout this and previous representations. This is the predominant reason behind the character and valued landscapes of the Craven district which so many livelihoods still depend upon, including those linked to the tourism sector and should thus not be ignored.

CPRENY hopes that this letter is sufficient to register our comments on the Consultation Draft Local Plan. We would wish to be kept informed about the future stages of this Local Plan preparation and be notified when the Examination in Public is arranged.



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The countryside in is the jewel in the crown of the Craven District area.



image: Hellifield Flashes courtesy RHaffield

