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Report on Escrick Neighbourhood Development Plan 2021 - 2035

An Examination undertaken for Selby District Council with the support of the Escrick Parish Council on the December 2021 submission version of the Plan.

Independent Examiner: Patrick T Whitehead DipTP (Nott) MRTPI

Date of Report: 29 June 2022

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Main Findings - Executive Summary

From my examination of the Escrick Neighbourhood Development Plan (the Plan/ENDP) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the Escrick Parish Council;
- The Plan has been prepared for an area properly designated – the Escrick Parish area, map on page 7 of the Plan;
- The Plan specifies the period to which it is to take effect – 2021 - 2035; and
- The policies relate to the development and use of land for a designated neighbourhood area.¹

I recommend that the Plan, once modified, proceeds to referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Escrick Neighbourhood Development Plan 2021 – 2035

- 1.1 Escrick is a small village adjacent to the A19 and roughly equidistant between York and Selby. The Parish has a population of around 1,100 and a range of local facilities, including village pubs, restaurants, a village hall, a doctors' surgery and pharmacy and a range of local businesses. A Conservation Area includes the majority of the built-up area of the village. The setting is rural, comprising agricultural land – much of which forms part of the 8,000 acre Escrick Park Estate. Escrick Hall is now Queen Margaret's School, an independent all-girls boarding school.
- 1.2 Escrick Parish Council (EPC) recognises that the Parish is set in a very attractive and distinctive part of North Yorkshire, with a rich and diverse heritage. It therefore set out to prepare a Neighbourhood Plan to ensure sustainable development whilst protecting and enhancing the natural, built and historic environment. A project team was formed in 2017 to undertake the work, and planning consultants were appointed to provide help and guidance. The activity resulted in a Regulation 14 Consultation commencing on a draft ENDP in June 2021 and the submission draft being produced in December 2021.

¹ Subject to paragraph 3.8 below in relation to Policy MT4 and NE3 and PM.
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- 1.3 An Escrick Design Code was produced with the support of EPC in parallel with preparation of the ENDP. Policies within the Plan refer to the Design Code, which the Planning Practice Guidance (PPG) advises can be appended to the Neighbourhood Plan.² I have noted that the Design Code was consulted upon jointly with the ENDP at Regulation 14 and 16 stages. The Design Code indicates (page 4) that it aligns with the principles set out in the National Design Guide.

The Independent Examiner

- 1.4 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Escrick Neighbourhood Development Plan (ENDP) by Selby District Council (SDC), with the agreement of the EPC.
- 1.5 I am a chartered town planner and former government Planning Inspector, with more than 20 years experience inspecting and examining development plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft Plan.

The Scope of the Examination

- 1.6 As the independent examiner I am required to produce this report and recommend either:
- (a) that the neighbourhood plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
 - (c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.7 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the plan meets the Basic Conditions.
 - Whether the plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;

² PPG Reference ID: 26-008-20191001.

- it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development'; and
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area.
- Whether the referendum boundary should be extended beyond the designated area, should the plan proceed to referendum.
 - Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').

1.8 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.9 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations (under retained EU law)³; and
- Meet prescribed conditions and comply with prescribed matters.

1.10 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires 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 2017.⁴

³ The existing body of environmental regulation is retained in UK law.

⁴ This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

2. Approach to the Examination

Planning Policy Context

- 2.1 The Development Plan for this part of SDC, not including documents relating to excluded minerals and waste development, is the Core Strategy Local Plan, 2013 (CSLP) and the saved policies from the Selby District Local Plan, 2005 (SDLP). The preparation of a new Local Plan is underway with adoption currently anticipated in 2024 (Local Development Scheme, paragraph 4.1). This will provide a policy framework for decision making up to 2040. A consultation on a Preferred Options Local Plan 2021 (POLP) document was concluded in March 2021.
- 2.2 The PPG indicates that it is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan, including housing supply policies. It also advises that the reasoning and evidence informing emerging local plans can be relevant to neighbourhood plans. Where a neighbourhood plan is brought forward before an up-to-date local plan is in place, the local planning authority and qualifying body should discuss and aim to agree the relationship between their emerging policies and the adopted development plan.⁵
- 2.3 In this instance, SDC has drawn attention⁶ to the current emerging Local Plan, and specifically to three proposals that have been submitted to the Council for consideration as potential locations for a new settlement. One of these, at Stillingfleet Mine, is located across both Escrick and Stillingfleet Parishes. However, SDC is not yet in a position to confirm which, if any of these sites will be identified in a future 'Publication' version of the plan. Whilst I have noted its existence, the absence of up-to-date documentation means that there is little basis at this juncture to reasonably expect any further regard to be had to the advice in the PPG concerning this part of the emerging Local Plan.
- 2.4 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The PPG offers guidance on how this policy should be implemented. A revised NPPF was published in July 2021 and all references in this report are to that latest version and its accompanying PPG.

Submitted Documents

- 2.5 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including:
- the draft Escrick Neighbourhood Development Plan 2021-2035, December 2021;
 - The Map on page 7 of the Plan, which identifies the area to which the proposed Neighbourhood Development Plan relates;

⁵ PPG Reference ID: 41-009-20190509.

⁶ Regulation 16 consultation response, SDC, 28 March 2022.

- the Consultation Statement, January 2022;
- the Basic Conditions Statement, September 2021;
- the Strategic Environmental Assessment (SEA) Screening Opinion, June 2021 prepared by Selby District Council;
- the Escrick Design Code, undated;
- all the representations that have been made in accordance with the Regulation 16 consultation; and
- the request for additional clarification sought in my letters of 21 April and 12 May 2022 and the responses of 3 May and 24 May 2022 from EPC and 26 April and 17 May 2022 from SDC.⁷

Site Visit

2.6 I made an unaccompanied site visit to the Neighbourhood Plan Area on 26 April 2022 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

Written Representations with or without Public Hearing

2.7 This examination has been dealt with by written representations. There were no requests to appear at a hearing session in the Regulation 16 representations and the responses clearly articulated objections to the Plan and presented arguments for and against the Plan's suitability to proceed to a referendum. As a consequence, I concluded that hearing sessions would be unnecessary.

Modifications

2.8 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Escrick Neighbourhood Development Plan has been prepared and submitted for examination by Escrick Parish Council, which is a qualifying body for an area that was designated by Selby District Council on 9 November 2017.
- 3.2 It is the only Neighbourhood Plan for the Escrick Neighbourhood Development Plan area and does not relate to land outside the designated Neighbourhood Plan Area.

⁷ View at: [Escrick Neighbourhood Development Plan | Selby District Council](#)
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Plan Period

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2021 to 2035.

Neighbourhood Plan Preparation and Consultation

- 3.4 The ENDP has been produced by EPC, led by a Neighbourhood Plan Project Group comprising of both residents and councillors from across the Plan area. The decision to produce the Plan was taken in 2017, with the Neighbourhood Plan Area formally approved in November. It has been produced using the views and opinions expressed by all the stakeholders in the area. Initial engagement was undertaken through online and physical surveys, with leaflets distributed to all residents and businesses in the village. The survey was promoted through the Parish Council website and Facebook page.
- 3.5 A series of workshops were held at the village hall to encourage residents to help shape the content of the NDP and the policies. Face to face meetings with residents and local business owners were also held. There was a consultation on the draft ENDP with a survey of local residents and businesses, and a live Q&A session using Zoom. The table at paragraph 1.3 of the Statement of Consultation provides a summary of the consultation process. The Regulation 14 Consultation was conducted from 7 June to the 18 July 2021, resulting in submissions from a total of 13 respondents. The EPC has provided responses to these representations and has taken action where necessary. These are detailed in the Schedule at paragraph 1.9 of the Statement of Consultation.
- 3.6 The Regulation 16 Consultation was undertaken by SDC between 21 February and 4 April 2022 and there were 16 responses from statutory consultees and local residents and businesses.
- 3.7 With all these points in mind I am satisfied that a thorough, transparent and inclusive consultation process has been followed for the Plan, having due regard to the advice in the PPG about plan preparation and engagement and in accordance with the legal requirements.

Development and Use of Land

- 3.8 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act. However, Policy MT4 and Policy NE3 do not relate to the development or use of land. To ensure legal compliance I have recommended appropriate modifications in respect of these policies.

Excluded Development

- 3.9 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

- 3.10 Escrick Parish Council is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998), and from my independent assessment I see no reason to disagree.⁸

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 The Neighbourhood Development Plan was screened for by Selby District Council, which found that it was unnecessary to undertake SEA. The Plan was considered to be in general conformity with the CSLP (2013) which has been subject to a full Sustainability Appraisal, incorporating an SEA. Due to the nature of the Plan and as no sites are being allocated, the policies were considered to have no significant effects. The statutory consultees have not raised objections⁹ and, having read the SEA Screening Opinion, I support this conclusion.
- 4.2 The Plan was further screened for Habitats Regulations Assessment (HRA), which also was not triggered. The nearest European sites to the Plan area are the Skipwith Common Special Area of Conservation (SAC) at 5km and the Derwent Valley SAC at 6km from Escrick. It was considered that neither site would be affected by the Plan as it does not propose locating any sites or contain any policies that would impact the SAC sites. From my independent assessment, I agree with that conclusion.

Main Issues

- 4.3 I have approached the assessment of compliance with the Basic Conditions of the Escrick Neighbourhood Development Plan as two main matters:
- Issue 1: General compliance of the Plan, as a whole, having regard to national policy and guidance (including sustainable development) and the strategic adopted local planning policies; and
- Issue 2: The appropriateness of individual policies to support improvements to the Plan area, create a sustainable and inclusive community and support essential facilities and services.
- 4.4 As part of that assessment, I shall consider whether the policies are sufficiently clear and unambiguous, having regard to advice in the PPG that a neighbourhood plan should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when

⁸ Basic Conditions Statement, September 2021, Section 6, page 20.

⁹ Letters from Historic England, 14 July 2019, and Natural England, 15 June 2021.

determining planning applications. It should be concise, precise and supported by appropriate evidence.¹⁰

Issue 1: General compliance of the Plan, as a whole, having regard to national policy and guidance (including sustainable development) and the strategic adopted local planning policies.

- 4.5 The ENDP sets out a Vision for the Parish, which includes the statement that it will “*support appropriate scale growth that complements the existing character, and supports the sustainability of Parish services*”. To deliver the Vision, the Plan includes Objective 2 which is to “*support sustainable levels of new homes that provide for the needs in the community and support key facilities and services*”. The context for this approach is set by the CSLP which made an assessment of the relative overall sustainability of village settlements, including the availability of services and accessibility to higher order services and employment opportunities.¹¹ Consequent upon this, 18 villages, capable of accommodating additional limited growth, including Escrick, were identified as ‘*Designated Service Villages*’. CSLP Policy SP2 indicates that land will be allocated for development in Designated Service Villages using a ‘*sequential approach*’ to allocations, ranging from previously developed land to Greenfield extensions to settlements. However, the Policy recognises that Escrick, amongst other villages, is constrained by Green Belt and that it would fall to any Green Belt review to determine whether land should be taken from the Green Belt for development purposes.
- 4.6 CSLP Policy SP4 deals with the management of residential development within settlements and refers to Development Limits for different settlement types. These are defined on the Policies Map. In the case of Escrick, the Development Limit, annotated as the ‘*village boundary*’, is shown on the flood zone map on page 57 of ENDP, although the only policy reference is contained within Policy BEH3 concerned with the historic rural environment (this is a matter to which further reference will be made under Issue 2 of my analysis). Policy SP4 indicates that, in Designated Service Villages, an appropriate scale of development on Greenfield land will be acceptable in principle. It indicates that appropriate scale should be assessed in relation to the density, character and form of the local area and be appropriate to the role and function of the settlement within the hierarchy.
- 4.7 Paragraph 5.23 of the Core Strategy indicates that outside of Selby itself, housing development will be orientated towards meeting local needs and creating balanced communities. Policy SP5 indicates that allocations will be sought in Designated Service Villages where local need is established and specific sites identified through the Site Allocations part of the Local Plan.

¹⁰ PPG Reference ID: 41-041-20140306.

¹¹ Background Paper No 5 Sustainability Assessment of Rural Communities.

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- 4.8 The emerging Local Plan which is intended to help shape the growth of the District over a 20 year period, has now considered preferred options which are intended to identify where new homes and jobs growth will happen (paragraph 2.19). The preferred approach, SG2, focuses on allocation of land for development in the three main settlements with a longer term potential for a new settlement in one of three locations, as I have noted above (paragraph 2.3). SG2 also indicates the allocation of land in villages, including Escrick, of an appropriate scale reflecting the settlement's role in the hierarchy.
- 4.9 Paragraph 7.11 in the POLP indicates that for settlements which are entirely enveloped by Green Belt, including Escrick, it is not proposed to have allocated growth. Rather, sites with unimplemented planning permissions at the base date of the Plan (31 March 2020) will be allocated for the remainder of the Plan period and considered as part of the current housing supply. For Escrick, one such site is listed in Table 7.2. In response to the Examiner's questions, SDC has advised¹² it is the intention that *"..only sites with permission for 10 or more dwellings will be shown on our Policies Map"*. SDC has further indicated that *"..the base date for the list of applications will be updated and the list of residential planning permissions to be allocated may change"*.
- 4.10 I have considered the strategic policy framework in some detail because the PPG¹³ indicates that it is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, and that the reasoning and evidence informing emerging local plans can be relevant to neighbourhood plans (albeit the Basic Conditions require general conformity with the adopted strategic development plan policies). It is my conclusion that the decision to not allocate any further land for development, other than the one unimplemented permission, reflects the strategic direction set by the CSLP and POLP.
- 4.11 Looking at the Plan as a whole, the context for policies provided by Objective 2 has clearly ensured a sustainable approach in line with the economic, social and environmental objectives set down in the NPPF, paragraph 8. In particular, the housing policies support new developments of a small scale to meet local needs as set down in the CSLP, whilst acknowledging the approach being developed in the emerging Local Plan. In this context I am also satisfied that there is a satisfactory and collaborative working relationship between EPC and SDC which will ensure that conflict between the ENDP and the emerging Local Plan will be minimised. SDC has suggested that the wording of Objective 2 should be amended from *"small scale developments"* to *"appropriate scale developments"* (Regulation 16 comments). Policy H1 in the ENDP does refer to developments being of an appropriate scale which is in line with paragraph 4.28 of the CSLP. On this specific point, I conclude that the text of Objective 2 should be amended through a proposed

¹² SDC, email dated 26 April 2022.

¹³ PPG Reference ID: 41-009-20190509.

modification (**PM1**) to ensure general conformity with the strategic approach in the CSLP.

- 4.12 In respect of Issue 1, therefore, I consider that the Plan's vision and objectives should contribute to the achievement of sustainable development, having regard to national policy and guidance. I also consider that the ENDP, as a whole and subject to my detailed analysis (and associated **PMs**) dealing with Issue 2, is in general conformity with the strategic policies contained in the CSLP and has had appropriate regard to the PPG advice in relation to the emerging Local Plan. For these reasons, and subject to the proposed modifications being made, I conclude that the Plan has had regard to national policy and guidance, including the achievement of sustainable development, and is in general conformity with the adopted strategic local planning policies, thus meeting the Basic Conditions.

Issue 2: The appropriateness of individual policies to support improvements to the Plan area, create a sustainable and inclusive community and support essential facilities and services.

Community & Facilities

- 4.13 The objectives of this section can be summarised as to:

- Retain and enhance existing facilities;
- Support the development of new community facilities; and
- Protect and enhance green and open spaces.

Policy CF1 – Community Facilities

- 4.14 The Policy lists a number of services and facilities identified as important to the community. They include some of a commercial nature. During my visit, I observed that there was activity within St Helen's Church and the car park was full. I also observed that the Parsonage Hotel and its facilities and the Fat Abbot Public House were open for business. However, I noted that the Black Bull Public House is currently vacant with its freehold up for sale. The other facilities appeared to be well used, including the allotments to the rear of the Church.
- 4.15 The Policy has two parts, providing some protection for the existing facilities and encouragement for new provision. It is, therefore, in line with national advice in the NPPF, particularly with regard to paragraph 84(d) concerning the retention and development of accessible local services and community facilities, and paragraph 93, dealing with the provision of social, recreational and cultural facilities and services to the community. The Policy is also in general conformity with CSLP Policy SP12 concerning access to services, community facilities and infrastructure, and SP14A regarding support for local services and resisting their loss.

- 4.16 There is a degree of duplication between the provisions of the first and third paragraphs. Both oppose proposals that seek to remove community facilities unless alternative provision is provided. This is confusing to the user. A simple solution would be to remove the third paragraph altogether and ensure that the wording of the first paragraph covers all eventualities.
- 4.17 The Policy would benefit from a more specific requirement to be fulfilled, rather than simply referring to '*exceptional circumstances*': a point accepted by EPC¹⁴ and illustrated by the pending sale of the Black Bull Public House. A commonly used test requires that evidence is provided of a marketing exercise to show that continuation of the current use is no longer viable. A test of this nature would strengthen the Policy in circumstances where a facility is believed to be no longer economically viable.
- 4.18 The Policy is in general conformity with the local strategic framework, specifically CSLP, Policy SP14, and follows national policy in the NPPF, paragraph 93. Accordingly, and subject to appropriate amendments outlined in proposed modification **PM2**, the Policy meets the Basic Conditions.
- 4.19 I have noted amongst the Regulation 16 representations a request that a garage, located north of Escrick on the A19, and providing what is described as the only truly 'local' shop, should be recognised in Policy CF1 as an important Community Facility. However, it is a legal requirement that planning policies can only be applied within the Plan area so, whilst accepting that there is a functional link with the settlement, the garage cannot be subject to the provisions of Policy CF1.

[Policy CF2 – Local Green Spaces](#)

- 4.20 Policy CF2 identifies 6 sites to be designated as Local Green Spaces (LGS) using the criteria provided by the NPPF (paragraph 102). A full assessment is provided for each site in the Appendix to the Plan and EPC has confirmed that all owners have been consulted on a regular basis.¹⁵ All of the sites, apart from Site A, the Village Green, and a small part of Site C, Gashouse Plantation, appear to be entirely within the Green Belt. Many are also afforded protection through a variety of designations such as Sites of Importance for Nature Conservation (SINCs) and as Local Amenity or Recreational Open Spaces. As a consequence, I have to consider whether any additional local benefit would be gained by the designation as LGS. It appears to me that, whilst the Green Belt provides a general protection from development to sites within it, and the individual designations provide some specific protection to some sites, there is justification for the LGS designation in terms of the local significance of the individual sites. During my visit I saw that each of the

¹⁴ Responses to Examiner's Questions, Point D, EPC, 3 May 2022.

¹⁵ Responses to Examiner's Questions, Point E, EPC, 3 May 2022.

sites, in its own particular way, defines and enhances the character of Escrick and provides local benefits to the community. The sites also appear capable of enduring beyond the end of the Plan period.¹⁶

- 4.21 Paragraph 103 in the NPPF requires policies for managing development within LGS should be consistent with those for Green Belts. Policy CF2 simply states that LGS “...will therefore be protected from future development”. It also indicates that “appropriate enhancement” will be given due consideration. This is not the same level of protection as that provided for the Green Belt and amendment of the text is necessary to ensure consistency with national Green Belt policy (NPPF, paragraphs 147 – 148). In particular, the Policy should be clear that development will not be permitted “except in very special circumstances”, and that any enhancements “preserve the openness”. Proposed modification **PM3** provides appropriate amendments to ensure the Policy has regard to national policy for the Green Belt contained in the NPPF.
- 4.22 The correct reference for LGS designation in the revised NPPF is paragraph 102 and an appropriate amendment should be made to the second paragraph on page 24 of the ENDP.¹⁷

Housing Policies

Policy H1 – Allocated Housing Numbers

- 4.23 From Objective 2 the intention is to encourage appropriate levels of development and the purpose of Policy H1 is to provide a local policy context to determine proposals for development. However, the issue with H1 is that it explicitly refers to the settlement hierarchy set down in the emerging POLP rather than the approach contained in the CSLP, Policy SP2. It also makes no reference to the Development Limits as indicated in Policy SP2. As a consequence, the Policy cannot be said to be in general conformity with the strategic policies contained in the development plan for the area. Although as I have noted above (paragraph 2.2), it is important to minimise any conflicts between policies in the Neighbourhood Plan and those in the emerging Local Plan, the latter is at an early stage of preparation – as acknowledged by SDC in its Regulation 16 response.
- 4.24 As a consequence the purpose of the Policy and its relationship to the strategic housing policies in the CSLP and to the Objectives set down in the ENDP are unclear. The supporting text indicates “*the current approach is not to allocate any further land for development in Escrick*”. This is a reasonable approach to take in view of the CSLP indication that limited further growth in Designated Service Villages is considered

¹⁶ NPPF, paragraph 101.

¹⁷ Modifications for the purpose of correcting errors is provided for in Paragraph 10(3)(e) of Schedule 4B to the 1990 Act.

appropriate, whilst acknowledging in Policy SP2 that Escrick is a village constrained by the Green Belt and it will be for any Green Belt review to determine whether land may be removed for development purposes. The emerging POLP, draft Policy HG1 indicates new allocations, with none indicated for Escrick, whilst the table attached to paragraph 7.11 includes 1 site for one unit in the village. As set out, this strategy for allocations in Escrick is clear and is justified at strategic level both in the CSLP and the emerging Local Plan. However, this is not reflected in the ENDP Policy title or content.

- 4.25 In order to achieve general conformity with the SDC strategic policy framework (and align with that emerging), the Policy title should be changed to exclude reference to housing 'numbers', and to make a clear policy statement that there will be no new allocations in the Plan. It is also necessary to clarify what is meant by development being of an 'appropriate scale' in terms that follow the strategic policy framework. In this context I have noted local concern over new settlement proposals submitted for consideration as part of the consultation process for the emerging Local Plan. However, SDC has indicated that "*it is too early to establish the preferred approach*". A decision of this nature is a strategic matter that cannot be determined through the neighbourhood plan process.
- 4.26 As a result of further consultations with both the EPC and SDC regarding the nature of Policy H1¹⁸, it is clear that changes are necessary to the text in order to achieve general conformity with local strategic policy. It should provide a clear statement that there are no new housing allocations, and then provide guidance for proposals for residential development which recognise the different approaches necessary within, and outside of, the Development Limits. Additionally, amendments to the supporting text will be necessary to provide a proper explanation of the Policy. The final statement of the supporting text is not in line with the local strategic approach or with Government policy for rural housing (NPPF, paragraphs 78 – 80) and, for reasons of clarity, should be deleted.
- 4.27 Recommendations for appropriate amendments to the Policy text are included in proposed modification **PM4** to ensure general conformity with the adopted local strategic policies and meet the Basic Conditions.

[Policy H2 – Sustainable Design & Construction](#)

- 4.28 Achieving sustainable design and construction are important aspects of any new housing developments¹⁹ and CSLP, Policy SP15 provides strategic guidance relating to sustainable development and climate change. Policy H2 provides appropriate criteria to be met by development proposals,

¹⁸ Examiner's supplementary question, 12 May 2022, and responses of 24 May by EPC and 17 May by SDC.

¹⁹ NPPF, paragraph 126.

concentrating on issues relevant to the locality. The Policy is, therefore, in line with Government policy and in general conformity with the CSLP.

- 4.29 Policy H6 includes a requirement that development proposals should be in accord with the principles and parameters set out in the Design Code. Since the Plan should be read as a whole, it is unnecessary to include a similar reference in Policy H2. In the interests of clarity therefore, the final sentence in the Policy should be deleted as shown in proposed modification **PM5**. The Policy then meets the Basic Conditions.
- 4.30 I have noted a suggestion in Regulation 16 submissions that the Policy should include a reference to the Lifetime Homes Standards. However, that is a separate matter concerned with the provision of homes to meet the differing and changing needs of households. It is not appropriate to include a reference in Policy H2.

Policy H3 – Housing Mix

- 4.31 The Policy simply requires new developments to provide a mix of dwelling types, sizes and tenures “to meet local needs”. With regard to the provision of a proportion of affordable housing, the NPPF²⁰ indicates this should not be sought for residential developments that are not “major developments” - defined as 10 or more homes or a site area of more than 0.5 hectares or more. EPC has accepted that the Policy should be clearer, advising that “...it is only aimed at larger schemes where an appropriate mix is feasible (Schemes of 10+ units would constitute larger scale in this context to be consistent with current NPPF and planning application guidelines for ‘major’ developments)”.²¹
- 4.32 With appropriate amendments provided by **PM6**, the Policy will be in line with government policy in the NPPF, and in general conformity with the adopted local strategic policies in the CSLP and so it will meet the Basic Conditions.

Policy H4 – Homeworking

- 4.33 Homeworking is a relatively new facet of the housing market, accelerated by the recent pandemic. This, in turn, results in many people using their homes as a workspace leading to a re-evaluation of the way in which homes can provide office space, and the importance of outdoor space or proximity to open space. EPC has recognised the importance of the issue and the ENDP seeks to promote this type of economic activity through applying thoughtful building design and dedicated space in new housing. Policy H4 is intended to encourage and support the provision for desk-based homeworking, including a reasonable level of private outdoor amenity space to provide for mental health wellbeing.

²⁰ NPPF, paragraph 64.

²¹ Responses to Examiner’s Questions, Point G, EPC, 3 May 2022.

- 4.34 As drafted, the Policy requires two specific attributes for new housing developments: firstly, adequate internal space for members of the household to work from home and secondly, reasonable levels of private outdoor amenity space. In general terms, this is in line with national policy in the NPPF, paragraph 82, which advises that planning policies should “*allow for new and flexible working practices (such as live-work accommodation)*”. The Basic Conditions Statement acknowledges that there is no relevant policy in the CSLP, and there does not appear to be any policy directive in the emerging Local Plan. The Design Code, P1.1 which sets standards for internal space, indicates that new homes should provide adequate internal space to study or work from home, but does not translate this into a specific item within the standard. The Design Code also offers standards for garden size (Design Code G1.1).
- 4.35 On the basis of this analysis, there appears to be no foundation for a requirement that all new housing developments should make provision for homeworking. As a consequence, the first sentence of the Policy should be amended to read “*new housing developments will be encouraged to provide...*”. In order to reflect guidance in the Design Code, it would be appropriate to include a reference to studying in addition to working from home. Also, since the Design Code provides advice and guidance rather than policy, it would be more appropriate for the final sentence to read “should” rather than “must”. With these suggested amendments, as indicated in **PM7**, the Policy meets the Basic Conditions.

Policy H5 – Siting, Scale & Density of Residential Development

- 4.36 The Policy seeks to ensure that any proposal for new residential development is well sited and integrated with its surroundings. This is in line with the Government policies for achieving well designed places in the NPPF, paragraph 126, *et seq.* The CSLP, particularly Policy SP19, provides key requirements for achieving good design. Whilst Policy H5 could be seen as supporting the general principles that concern the CSLP, there are a number of points within the text which require attention in order to ensure consistency and clarity.
- 4.37 The EPC has accepted that the Policy should include a reference to the Development Limits defined in the Local Plan which differentiates between areas where strict control of new development is required and those areas where development in principle is likely to be acceptable.²²
- 4.38 There is a reference to a Tier 2 village which relates to the emerging Local Plan rather than the CSLP which is the adopted statutory development plan. There is also a degree of overlap between the first and the subsequent bullet points which refer to “*the scale of the village*” and “*existing settlement size*”. The Development Limits are tightly defined around the existing built-up area of the village so the scale of new development is limited and is, in any case, determined by the

²² Responses to Examiner’s Questions, Point H, EPC, 3 May 2022.

requirements of Policy H1 (as proposed to be modified by PM4). The EPC has accepted that the Policy should be clear that it applies to proposals within the Development Limits. Also, importantly, CSLP Policy SP19 identifies local distinctiveness, character and form as important, distinctive properties of the settlement, alluded to in the supporting text to Policy H5. The Policy would provide a more appropriate basis for judging proposals if the first two bullet points were amalgamated and reworded to increase clarity of intent.

- 4.39 The fourth bullet point refers to a siting requirement qualified by “*ideally*”. This is not a measurable qualification: a proposal is either well sited, or not well sited so for clarity of purpose the requirement would be better expressed as “*should be well sited...*”.
- 4.40 The final bullet point includes a requirement that existing Tree Preservation Orders (TPOs) must be obeyed. This is a legal prerequisite of TPOs to prevent harm being done to trees. It does not require re-statement in planning policy. The reference to Policy NE1 is unnecessary since the Plan should be read as a whole.
- 4.41 Appropriate amendments to the Policy are provided by proposed modification **PM8** to ensure the Basic Conditions are met.

Policy H6 – Design

- 4.42 National policy advises that good design is a key aspect of sustainable development²³ and further advises that “*neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development*”. Policy H6 has followed this advice by ensuring that proposals for new development reflect the principles set out in the Escrick Design Code. The Policy is also in general conformity with the CSLP, Policy SP19 regarding Design Quality, which indicates that “*where appropriate schemes should take account of design codes and Neighbourhood Plans to inform good design*”. The Policy therefore meets the Basic Conditions.
- 4.43 I have noted comments in Regulation 16 representations, suggesting Policy H6 should be qualified to apply only to the village of Escrick. However, the Introduction to the Design Code states that it “*..is applicable to development within the whole Parish*”. I have no reason to disagree with this statement.

Policy H7 – Infill, Backland & Replacement Dwellings

- 4.44 The Policy is justified by reference to “*many applications for infill, replacement and backland developments*” which, it is claimed, can lead to erosion of the character of the village. The Policy indicates that proposals should adhere to the principles set out in the Design Code. There is no

²³ NPPF, paragraph 126.

requirement that such development proposals will only be considered within the Development Limits. This conflicts with the CSLP Policy SP4 requirement that such types of residential development should be within the Development Limits.

- 4.45 The Policy does not indicate whether proposals would be supported, only that they should meet certain requirements. The implementation of the Policy would be strengthened by giving a positive support for proposals which meet those requirements. Suggested amendments are provided by proposed modification **PM9** to ensure that the Policy is in general conformity with the strategic policy framework and that the Basic Conditions are met.

Economic Development

Policy ED1 – Small Business Development

- 4.46 The Neighbourhood Plan area includes a number of small business developments located in the rural parts of the Parish, including the Escrick Business Park and others. I saw these during my site visit and agree with the statement in the supporting text on page 36 that these will have a positive impact on the sustainability of the Parish. Policy ED1 supports and encourages new small-scale economic activity based around these existing hubs. It includes the proviso that such developments should not result in harm to residential amenity. The Policy also includes support for co-working, flexible or managed business workspace within the Parish.
- 4.47 The Policy is in general conformity with CSLP, Policy SP13, which supports sustainable economic growth in rural areas through local employment opportunities, and/or expansion of businesses. It has also had regard to national policy which supports a prosperous rural economy through the sustainable growth and expansion of businesses in rural areas.²⁴ However, the text of the first paragraph is obscure and includes an unduly onerous requirement: that proposals should “*cause no undue negative impact on the residential amenity of the Parish through increased vehicular traffic, HGVs, waste, pollution or noise associated with uses such as industrial, warehousing or manufacturing*”. The locations of the existing business hubs are remote from the main centre of population so it would be difficult to argue that increased vehicular movements associated with small-scale expansion of the sites would cause undue negative impact on residential amenity. A more appropriate wording would reflect the requirement in Policy SP13 regarding harm to the character of the area. There is also an unnecessary reference to other relevant development plan policies. I have noted the term “active travel” is not defined and is a tautology. The final paragraph includes “se” which may be a misspelling for “use”.

²⁴ NPPF, paragraph 84.

- 4.48 Proposed modification **PM10** includes suggested amendments to ensure the Policy is unambiguous and capable of being applied consistently and with confidence when determining planning applications, ensuring that it meets the Basic Conditions.

Policy ED2 – Village Amenities

- 4.49 Policy ED2 has two parts, firstly to support proposals for the provision of new amenities and secondly, to seek the retention of existing amenities. This is in line with national policy in the NPPF, paragraph 93, which seeks to provide and retain facilities and services, and is in general conformity with the CSLP. In particular, CSLP Policy SP2 seeks to enhance or maintain the vitality of rural communities, and SP14 includes support for local shops and services, including village shops, and promoting the establishment of new facilities to serve the day-to-day needs of existing communities.
- 4.50 There is a significant amount of duplication and overlap with Policy CF1 of the Plan which could result in confusion in the application of the two policies, particularly in support for the retention of existing community facilities. Policy CF1 provides more specific and detailed requirements for the retention of facilities. It is therefore necessary, in the interests of clarity, to delete the second part of Policy ED2 in order to eliminate the duplication. This would ensure the Basic Conditions are met.
- 4.51 The first part of the Policy includes reference to other development plan policies which, as elsewhere in the Plan, is unnecessary. There are also unnecessary qualifications in the use of “*suitable*” and “*preferably*” which weaken the Policy intention through a lack of precision. Appropriate amendments to the text to cover all of these matters are provided by proposed modification **PM11**.

Policy ED3 – Reuse of Redundant Buildings

- 4.52 The NPPF encourages the re-use of buildings in support of the rural economy (paragraph 84), and in making effective use of land (paragraph 120). In paragraph 85, it suggests that “*it will be important to ensure that development is sensitive to its surroundings, [and] does not have an unacceptable impact on local roads*”. Policy ED3 is in line with this national policy. Locally the CSLP, Policy SP13, seeks to support the rural economy through supporting the re-use of existing buildings and infrastructure, subject to there being no harm to the character of the area. Policy ED3 is in general conformity with the CSLP. The Basic Conditions are therefore met.
- 4.53 The final statement, requiring compliance with other development plan policies is unnecessary and to ensure consistency between policies should be omitted as show in proposed modification **PM12**.

Policy ED4 – Agriculture

- 4.54 Policy ED4 provides support for agricultural diversification in line with national policy in the NPPF, paragraph 84(b). The CSLP also includes policy regarding agricultural diversity, particularly Policy SP13(C). In the context of diversification, the national and local strategic policies make reference to “*other land based rural businesses*”. The supporting text to Policy ED4 refers to the diversification of rural and agricultural enterprise. The text of the Policy should make it clear that in addition to agricultural businesses, rural businesses are also included.
- 4.55 The NPPF, paragraph 85, suggests it is important the development is sensitive to its surroundings, whilst Policy SP13 requires developments to not harm the character of the area. A qualification to the general support to this effect would ensure that necessary regard has been had to national policy and ensure general conformity with the strategic CSLP.
- 4.56 EPC has accepted that it is unnecessary to include the reference to other relevant development plan policies since the development plan must be read as a whole. Suggested amendments to the Policy to ensure the Basic Conditions are met are provided by proposed modification **PM13**.

Policy ED5 – Digital Connectivity

- 4.57 The Policy indicates support for decisions that would lead to the improvement of connectivity and the provision of infrastructure in line with government policy in the NPPF.²⁵ It also advises that new developments should be designed to connect to high quality infrastructure. The Policy is, therefore, in general conformity with the strategic policies of the development plan. It meets the Basic Conditions. I have also noted that the emerging Local Plan, Preferred Approach IC4, encourages the provision of digital infrastructure to be integrated into the design of new developments.

Policy ED6 – Business Expansion

- 4.58 The purpose of this Policy is not clear from the text, although the supporting paragraphs do provide a degree of clarity. This is important since the PPG indicates that “*a neighbourhood plan should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications*”.²⁶ The Policy title indicates that it is concerned with business expansion – suggesting expansion of existing business sites, but the first sentence refers to further business developments, a term which is not site-specific. The supporting text makes specific reference to the expansion of existing locations or other similar locations. Importantly, the Policy indicates that

²⁵ NPPF, Paragraph 114.

²⁶ PPG Reference ID: 41-041-20140306.

proposals will be assessed on the basis of criteria but does not suggest that proposals would receive support as a consequence.

- 4.59 The CSLP, Policy SP2, advises that Designated Service Villages, including Escrick, have some scope for additional small-scale employment growth to support rural sustainability (although accepting the constraint imposed by Green Belt designation). The NPPF, paragraph 85, advises that *“planning policies should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport”*. A policy that allows for the expansion of existing sites and the identification of new sites would clearly be in line with this Government advice and would support the local strategic policy. However, it is necessary to provide a clearer statement of policy to form the basis for operational planning decisions.
- 4.60 The starting point for a clear policy would be replacing “expansion” with “development” in the title and indicating that proposals which fulfil the criteria requirements would receive support. It is then important that the criteria are also clearly stated, so that a potential developer knows what requirements a proposal must fulfil. Appropriate amendments are included in the proposed modification **PM14** to ensure general conformity with local strategic planning policies and that the Basic Conditions are met.

Movement and Transport

[Policy MT1 – Traffic Flow along A19](#)

- 4.61 Issues with the traffic on the A19, including congestion and speed, are recognised as problematic and I saw evidence of this during my visit. Since access to the village is almost exclusively by means of the A19, it is a factor to be taken into consideration where any significant proposal for development is concerned. Recognition of the importance of the A19 corridor and its relevance to settlement expansion is recognised in the CSLP, paragraph 2.51, and in the analysis of future employment opportunities (CSLP, paragraph 6.8). However, there is no specific mention of the A19 in policies relating to housing developments. The emerging Local Plan, Preferred Approach IC1, includes a requirement for developers to demonstrate that there is sufficient infrastructure capacity, and to provide additional or improved infrastructure *“as necessary and evidenced”*.
- 4.62 National policy in the NPPF, paragraph 104, indicates that the potential impacts of development on transport networks should be addressed, including through consideration from the earliest stages in plan-making and development proposals. Paragraph 110 goes further in requiring that, in assessing development proposals, *“any significant impacts from the development on the transport network (in terms of capacity and*

congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree".

- 4.63 An appropriate amendment is provided by **PM15** to adjust the final part of the text that would give clarity in respect of national policy. From the above analysis, it is clear that Policy MT1 is in general conformity with the local strategic policy framework and therefore the Basic Conditions are met.

Policy MT2 – Car Parking

- 4.64 National policy, stated in the NPPF, paragraph 107, allows for the setting of car parking standards, and provides guidelines for new developments (paragraph 112). Policy MT2 shows that regard has been had for national policy, and is in general conformity with CSLP, particularly in relation to Policy SP15, Section B concerning the design and layout of development. In this context I have also noted that the preferred approach in the emerging Local Plan, SG10, is to *"ensure all new residential developments provide electric car charging points"*.

- 4.65 The second paragraph includes an unnecessary reference to the local Design Code which, for clarity reasons, should be removed. The final paragraph indicates a requirement for charging points for electric vehicles but which restricts them to the village. To ensure clarity and precision, the text requires amendment as shown in proposed modification **PM16**. With the amendments the Policy meets the Basic Conditions.

Policy MT3 – Pedestrian & Cycle Connections

- 4.66 The CSLP, Policy SP15B.(g), includes a requirement that the design and layout of new development should make provision for cycling and pedestrian routes. Policy MT3 is in general conformity with this strategic policy. It also has had regard to national policy in the NPPF, particularly paragraph 112, which indicates that applications for development should give priority first to pedestrian and cycle movements and create safe and secure places. However, to ensure clarity, the reference to other development plan policies should be deleted from the first paragraph, as shown in proposed modification **PM17**. With this modification, the Policy meets the Basic Conditions.

Policy MT4 – Village Bus Infrastructure

- 4.67 Proposals to upgrade village bus infrastructure, whilst important to local residents, is not a matter for land-use planning policy. Although the Basic Conditions Statement indicates that Policy MT4 is in line with CSLP Policy SP15, the reality is that it reflects a wider community aspiration not relating to the development and use of land, contrary to the advice in the PPG.²⁷ Such aspirational statements should be clearly identifiable, for

²⁷ PPG Reference ID: 41-004-20190509.

example by including them as an annex, so that it is clear they do not form part of the statutory development plan. EPC has accepted that this is the case and has indicated that the Policy should be framed as a community aspiration.²⁸ An appropriate amendment is provided by proposed modification **PM18** to ensure that the Basic Conditions are met.

Natural Environment

Policy NE1 – Green Infrastructure

- 4.68 The primary objective of this Policy is stated as *“to connect and/or reconnect areas of green infrastructure to enable wildlife to move more freely”*.²⁹ It seeks to achieve this through new developments meeting stated criteria. This reflects Government policy³⁰, which advises that opportunities to improve biodiversity in and around developments should be integrated as part of their design, *“especially where this can secure measurable net gains for biodiversity”*.
- 4.69 The Policy seeks to achieve a biodiversity net gain of at least 10% which is in line with the provision contained in Schedule 14 of the Environment Act 2021, to secure biodiversity gain through conditions attached to planning permission with a relevant percentage of 10%. The Schedule indicates that the gain should be *“at least the relevant percentage”* (paragraph 2(1)). However, the specific requirement to replace any trees which are proposed to be removed due to development *“at a ratio of at least 3:1”* is problematic. It is a requirement of planning conditions that they are reasonable in all respects and enforceable.³¹ EPC, responding to the examiner’s questions³², indicates that there is *“no robust local evidence to support this tree planting ratio”*. The Council goes on to suggest that a ratio of at least 1:1 would be necessary. This would appear more reasonable and represent a not too onerous imposition on the developer.
- 4.70 However, in general terms, the Policy is in conformity with the CSLP, specifically policies SP15 and SP18, provided an amendment to the text is made, as provided by proposed modification **PM19**. This would ensure the Basic Conditions are met.

Policy NE2 – Green Space Connectivity

- 4.71 The Parish Council cites the Three Haggas Woodmeadow, run by the Woodland Trust as an inspiration to identify suitable areas for habitat creation and Policy NE2 provides the local policy basis to encourage and support proposals. It is in general conformity with the CSLP, particularly

²⁸ Responses to Examiner’s Questions, Point L, EPC, 3 May 2022.

²⁹ ENDP, page 50, fourth paragraph.

³⁰ NPPF, paragraph 180.

³¹ NPPF, paragraph 56.

³² Responses to Examiner’s Questions, Point M, EPC, 3 May 2022.

Policy SP18 which seeks to protect and enhance the environment, and has regard to national policy.³³ It meets the Basic Conditions.

Policy NE3 – Accessing Nature

4.72 Policy NE3 seeks to encourage the use of permissive rights of way which the Basic Conditions Statement indicates is in line with CSLP Policy SP18. However, the emphasis is on the use, and the supporting text quotes extensively from the Countryside Access Team at North Yorkshire County Council. EPC has accepted³⁴ that encouragement for the use of permissive rights of way and the provision of new ones is a wider non-land use community aspiration rather than a statutory planning policy aimed at the control of land-use proposals. As such it is contrary to the Government's advice in the PPG.³⁵ As a consequence, EPC has accepted that the Policy should be incorporated as a community aspiration rather than as a Policy aimed at controlling land-use proposals. An appropriate amendment is provided by proposed modification **PM20** to ensure that the Basic Conditions are met.

Built Environment & Heritage

Policy BEH1 – Drainage & Flood Prevention

4.73 National planning policy requires the planning system to take full account of flood risk, taking a proactive approach to the long-term implications of flood risk.³⁶ Local strategic policy, in the CSLP, is provided by Policy SP15, which seeks to prevent development in areas of flood risk and supports sustainable flood management measures. Policy BEH1 has had regard to the national policy and is in general conformity with the CSLP. It also addresses local concerns arising from the extensive functional floodplain in the vicinity of the village.

4.74 The third bullet point of the Policy makes references to proposals not being permitted. However, the power to grant planning permission lies with the local planning authority, not the Parish. It follows that whilst a neighbourhood plan, as a part of the Local Development Plan, can support proposals or provide guidance and criteria against which applications will be measured, the Parish Council cannot determine applications for development. Accordingly, the Policy should refer to '*supported*' rather than '*permitted*'. Provided this bullet point is amended as shown in the proposed modification **PM21** the Policy meets the Basic Conditions.

³³ NPPF, paragraph 179.

³⁴ Responses to Examiner's Questions, Point N, EPC, 3 May 2022.

³⁵ PPG Reference ID: 41-004-20190509.

³⁶ NPPF, paragraph 152 et seq.

Policy BEH2 – Respecting Traditional Design

- 4.75 Maintaining the Parish’s character is seen as of paramount importance and the purpose of this Policy is to ensure new developments within or adjacent to the Conservation Area reflect and reinforce the local character. This is in accord with the indication that new development within Conservation Areas, or within the setting, should make a positive contribution³⁷ and the general duty that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area (Planning (Listed Buildings and Conservation Areas) Act 1990, Part II Section 72). The Policy is also in general conformity with the CSLP, Policy SP18 so far as safeguarding and, where possible, enhancing the historic environment.
- 4.76 However, amendments to the text are necessary to address clarity. Although the supporting text indicates that the Policy is aimed at development within and adjacent to the Conservation Area, the wording does not say this, implying that the Policy expectations would apply to all development, anywhere within the Parish. The Policy should be explicit on this point. The final bullet point requires proposals to show how they have incorporated the recommendations of the Design Code. This is an unnecessary duplication of Policy H6 and, for reasons of clarity should be deleted. Appropriate amendments have been provided by proposed modification **PM22** to ensure the Basic Conditions are met.

Policy BEH3 – Historic Rural Environment

- 4.77 The CSLP, Policy SP2, provides a clear strategic policy statement limiting development in the countryside outside Development Limits. This is in line with government policy which provides specific guidelines for development in rural areas.³⁸ In addition, the ENDP, Policy H1, provides support for a strict limitation on residential development in the countryside. Policy BEH3 provides an additional indication that developments having an adverse impact on the historic character of the Parish will not be supported.
- 4.78 Policy BEH3 has had regard for national policy and is in general conformity with local strategic planning policy. The reference to “*historic character*” would benefit from a more precise wording relating to the rural character outside of the Development Limits. Amending the reference to “*historic rural character*” would clarify the Policy’s intentions. With this amendment, as shown in proposed modification **PM23**, the Policy meets the Basic Conditions.

³⁷ NPPF, paragraph 206.

³⁸ NPPF, paragraphs 80 and 84.

Policy BEH4 – Streets & Street Scene

- 4.79 Policy BEH4 provides a strong focus on the provision of safe walkways for pedestrians and, in this respect is in general conformity with the CSLP, which includes a requirement that the design and layout of new development should make provision for cycling and pedestrian routes (Policy SP15B.(g)). It is also in line with government policy which indicates that applications for development should give priority first to pedestrian and cycle movements, and create safe and secure places (NPPF, paragraph 112).
- 4.80 There is a degree of overlap with Policy MT2. However, the emphasis on the detail of provision for pedestrians, with additional detail on the nature of provision and accessibility for all ensures the Policy does have a part to play in ensuring priority for pedestrians. The third bullet point duplicates the provisions of Policy MT2 and should, for clarity reasons be deleted. With this amendment, as shown in proposed modification **PM24**, the Policy meets the Basic Conditions.

Factual and Minor Amendments and Updates

- 4.81 I have not identified any typographical errors in the text of the ENDP that would affect the Basic Conditions. Minor amendments to the text can be made consequential to the recommended modifications, alongside any other minor non-material changes or updates, in agreement between SDC and EPC.³⁹ For consistency and clarity reasons, references to Development Limits should have upper case initial letters.
- 4.82 Paragraph numbers have been used for Sections 1.1 – 1.4 but appear to have been abandoned thereafter. This makes reference to particular parts of the Plan difficult and may cause misunderstanding in its use. As a general point, therefore, EPC may wish to consider utilising paragraph numbers for easy reference by the Plan’s users.
- 4.83 Whilst a policies map is not a statutory requirement of a neighbourhood plan, reference is made to their use in the PPG, for example at Reference ID: 41-098-20190509 (albeit there are no new sites being allocated for development in the Plan). In the case of the ENDP, a policies map would be helpful by illustrating the locational aspects of policies. Accordingly, EPC is encouraged to incorporate a policies map in the final version of the Neighbourhood Plan.

³⁹ PPG Reference ID: 41-106-20190509.

5. Conclusions

Summary

- 5.1 The Escrick Neighbourhood Development Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Escrick Neighbourhood Development Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Overview

- 5.4 I have been impressed by the amount of effort that has clearly gone into the production of the Neighbourhood Plan and its accompanying Design Code. The Parish Council is to be commended for its diligence, and its cooperation in the examination process. The members of the NDP Project Group, with the benefit of professional advice and the support of the Selby District planning team, has produced a comprehensive Plan which I am confident will provide an effective addition to the local development plan for managing development within the Parish.

Patrick T Whitehead DipTP (Nott) MRTPI

Examiner

Appendix: Modifications

Note: Additions are underlined and deletions are shown with strikethrough.

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 18	<p>Objective 2</p> <p>Amend the first bullet point as follows:</p> <p>“To enable sustainable growth of the community through appropriate levels of new home construction in small <u>appropriate</u> scale developments that meet the needs of existing and future residents”.</p>
PM2	Page 22	<p>Policy CF1</p> <p>Amend the Policy text as follows:</p> <p><i>“Existing community facilities and services, as identified below, will be protected, for continued community use; Proposals that seek to remove community facilities will be opposed unless alternative provision is provided to an equivalent or superior standard within close proximity to the community.</i></p> <p><i>a) Escrick Village Hall</i></p> <p><i>b) Escrick & Deighton Club & adjacent green space</i></p> <p><i>c) Tennis courts</i></p> <p><i>d) Cricket pitch & club house</i></p> <p><i>e) Queen Margaret’s School Swimming pool & sports facilities</i></p> <p><i>f) Black Bull Public House</i></p> <p><i>g) Parsonage Hotel, Cloisters Spa and Health Club</i></p> <p><i>h) Fat Abbot Public house</i></p> <p><i>i) St Helen’s Church</i></p>

		<p><i>j) Allotments (behind St Helen’s church)</i></p> <p><i>The Development of new additional community facilities, especially where there is no current provision, and in particular those aimed at young people and senior citizens, are encouraged within and adjoining the village (or within reasonably close proximity of it), including sports pitches and facilities, allotments and/or green spaces for recreational use.</i></p> <p><i>Proposals that seek to remove community facilities will be opposed except in exceptional circumstances, when <u>where</u> alternative provision must be <u>is</u> provided to an equivalent or superior standard in an appropriate and equally convenient location within reasonably close proximity to the existing community.</i></p> <p><i><u>The loss of a commercially operated facility or service will not be supported unless it can be shown to be no longer economically viable for its current use and has been marketed at an independently agreed price by a property professional for at least a year as a community use or other suitable employment or service trade uses and it is verified that no interest in acquisition has been expressed.</u></i></p>
PM3	Page 24	<p>Policy CF2</p> <p>The text of the Policy should be amended as follows:</p> <p><i><u>"The following sites as identified on the map, are to be designated Local Green Spaces, and will therefore be given protection protected from future development consistent with the Green Belt policy in section 13 of the NPPF. Development will not be</u></i></p>

		<p><u>permitted other than in very special circumstances. However, appropriate enhancement of these sites, including that provides improved amenity, access, or biodiversity enhancements in the future will be given due consideration, provided the openness of the Green Belt is preserved.</u></p> <p>A) Village green</p> <p>B) Recreation ground and play area</p> <p>C) Gashouse plantation</p> <p>D) Woodland buffer & QM pond</p> <p>E) St Helens Church precinct & associated Allotments</p> <p>F) Green space alongside Bridge Dike”.</p> <p>Amend the second paragraph of the supporting text to read:</p> <p>“Paragraph 100 <u>102</u> of the National Planning Policy Framework (NPPF) states Local Green Space designation should only be used where the green space is:”.</p>
PM4	Page 28	<p>Policy H1</p> <p>The title of the Policy should be amended to read:</p> <p><u>“H1 – Allocated Housing Numbers Development”</u></p> <p>The text of the Policy should be amended as follows:</p> <p><u>“There are no new housing land allocations for the Plan period.</u></p> <p><u>New residential development within the Development Limits The number of dwellings included in any development should be limited to of an appropriate a scale -reflecting proportionate to Escrick’s and reflecting its role in the settlement</u></p>

		<p>hierarchy. , a Tier 2 Village with circa 300 dwellings, and be in line with the approach set out in the Local Plan and NDP policies MT1 and NE1</p> <p><u>Outside the Development Limits, residential development will not be supported other than the replacement or extension of existing buildings or entry-level exception sites to meet rural affordable housing need</u> .</p> <p>The following explanatory text should be added following the second paragraph of the supporting text to the Policy:</p> <p><u>“The types of housing developments appropriate within Development Limits include conversions, replacement dwellings, redevelopment of previously developed land and the in-filling of gaps within a continuous frontage. New residential developments, other than entry-level exception sites, are not appropriate outside of the built-up area of the village in view of the rural character of the Parish. There are no new housing land allocations within the Escrick Plan Area in the adopted Selby District Core Strategy Local Plan 2013.”</u></p> <p>Delete part of the final sentence of the supporting text, as follows:</p> <p>“The current approach is to not allocate any further land for development in Escrick in light of the Green Belt constraint, however, there may be opportunities for infill development outside of the Green Belt.”</p>
PM5	Page 29	<p>Policy H2</p> <p>Delete the final sentence of the Policy as follows:</p> <p>“Applicants should refer to the Escrick Design Code for examples on how this policy can be achieved.”</p>

PM6	Page 30	<p>Policy H3</p> <p><u>"Proposals for major new housing developments of 10 or more dwellings or 0.5 hectares or more will be expected to provide a mix of dwelling types, sizes and tenures based on the latest evidence of to meet local needs."</u></p>
PM7	Page 30	<p>Policy H4</p> <p>The Policy should be amended to read:</p> <p><u>"New housing developments should will be encouraged to provide adequate internal space for members of a household to study or work from home.</u></p> <p><u>Reasonable levels of private outside amenity space should also be provided/retained to support mental health and wellbeing. Proposals must should adhere to the space standards set out in the Escrick Design Code"</u>.</p>
PM8	Page 31	<p>Policy H5</p> <p>The Policy should be amended as follows:</p> <p><u>"Proposals for residential development within the defined Development Limits should:</u></p> <ul style="list-style-type: none"> ● <u>Be proportionate to the scale of the village in accordance with the expected growth levels of a Tier 2 Village as set out by SDG</u> ● <u>Respect existing settlement size, along with key elements of the rural character and nature of the village, including its local distinctiveness, character and form.</u> ● <u>Include, appropriate to development size, additional road safety measures on the A19/Skipwith Road junction and/or traffic calming measures through Escrick itself.</u>

		<ul style="list-style-type: none"> • <i>Ideally Should be well sited in terms of connection to the highway network to maximise safety and minimise through traffic in the village on the A19 and Skipwith Road.</i> • <i>Promote and facilitate safe and convenient pedestrian and cycle access and movement in the village, including to public transport connections and connections with the wider network of footpaths, cycle tracks and bridleways locally.</i> • <i>Integrate well with the landscape, designed to a density appropriate to its rural setting, including in relation to neighbouring developments. All mature garden planting should be retained where possible as part of any plan for development of land. Existing tree preservation orders should be obeyed at all times. Where trees are replaced this should be at a ratio of 3:1 as sited by policy NE1 Green Infrastructure”.</i>
PM9	Page 32	<p>Policy H7</p> <p>The Policy should be amended as follows:</p> <p><i>“<u>Within the Development Limits P proposals for infill housing, replacement dwellings or backland development should will be supported provided they add to the coherence and integrity of the village and should adhere to the principles set out in the Escrick Design Code. Wherever possible, existing trees should be retained.</u>”</i></p>
PM10	Page 36	<p>Policy ED1</p> <p>Amend the Policy as follows:</p> <p><i>“Proposals for new small-scale spaces of economic activity based around existing business hubs, that would cause no undue negative impact on</i></p>

		<p>the residential amenity of the Parish through increased vehicular traffic, HGVs, waste, pollution or noise associated with uses such as industrial, warehousing or manufacturing will be supported - providing the proposal complies with other relevant development plan policies provided they do not result in harm to the rural character or amenity of the area.</p> <p>Applications for new development should demonstrate how the proposal supports and facilitates sustainable and active travel.</p> <p>The development of co-working, flexible or managed business workspace within the Parish, of appropriate scale, design and use is encouraged and will be supported.”</p>
PM11	Page 37	<p>Policy ED2</p> <p>Amend the Policy as follows:</p> <p>“Development proposals that support the day-to-day needs of residents, such as suitable required including retail and service outlets, will be supported providing the proposal complies with other relevant development plan policies. Preferably & These should be located in a suitable central location in the village, to the east of the A19 where the majority of parishioners reside.</p> <p>Existing amenities that support the needs of residents should be retained unless it can be demonstrated the amenity is no longer viable”.</p>
PM12	Page 37	<p>Policy ED3</p> <p>The final part of the second bullet point should be deleted as follows:</p>

		“; and complies with other relevant development plan policies.”
PM13	Page 38	<p>Policy ED4</p> <p>Amend the Policy text as follows:</p> <p><u>“Support will be given to proposals for agricultural diversification of agricultural or other land-based rural businesses providing the proposal:</u></p> <ul style="list-style-type: none"> ● <u>Supports an existing agricultural or rural business.</u> ● <u>Does not have a significant impact on production or lead to the loss of best and most versatile agricultural land and does not harm the character of the area.</u> ● <u>Does not result in significant increase in traffic movements, particularly HGVs.</u> ● Complies with other relevant development plan policies.”
PM14	Page 40	<p>Policy ED6</p> <p>Amend the Policy as follows:</p> <p><u>“ED6 - BUSINESS EXPANSION DEVELOPMENT</u></p> <p><u>The suitability of applications Proposals for further development on or adjacent to existing business locations will be assessed supported provided that the following criteria are met on the basis of:</u></p> <ul style="list-style-type: none"> ● <u>The proposal is for size and scope of the business operation i.e. small-scale business units are felt to be preferable.</u> ● Compliance with the relevant development plan policies.

		<ul style="list-style-type: none"> • Proposed suitability of Adequate parking arrangements are incorporated. • and iImprovements to be are made to the A19 junction where relevant and required. • The likely level of There is no significant environmental impact, including noise, The proposal having no undue negative impacts on surrounding nearby uses, e.g residential".
PM15	Page 44	<p>Policy MT1</p> <p>Amend the final part of the Policy text to read:</p> <p><u>"...that new traffic safety measures to address traffic safety and congestion will be part of any proposal made."</u></p>
PM16	Page45	<p>Policy MT2</p> <p>Amend the second and fourth paragraphs as follows:</p> <p><u>"Where garages are being included as part of any development proposal, they should be located to the side or rear of the property or be integrated and should adhere to the principles outlined in the Design Code"</u>.</p> <p><u>"On-site secure cycle storage and the provision of electric vehicle charging points in the village should be provided in any all new developments."</u></p>
PM17	Page 46	<p>Policy MT3</p> <p>Amend the first paragraph as follows:</p> <p><u>"The creation of new or the enhancement and/or extension of existing cycle lanes and footpaths within the Parish is encouraged and will be supported, providing the</u></p>

		<i>proposal complies with other relevant development plan policies"</i> .
PM18	Page 47	Policy MT4 The Policy and its supporting text should be deleted and replaced as a Community Aspiration in an Annex to the Plan.
PM19	Page 50	Policy NE1 Amend the text of the fourth bullet point as follows: <i>"to replace any trees which are proposed to be removed due to development at a ratio of at least 3 1:1. If it is not possible to secure <u>Where new or replacement tree planting cannot be achieved within the site, the trees should be planting at a suitable location within the Plan area should be sought. Replacement planting should consist of native species and be consistent with guidance provided by SDC and/or Natural England;</u></i>" .
PM20	Page 52	Policy NE3 The Policy and its supporting text should be deleted and replaced as a Community Aspiration in an Annex to the Plan.
PM21	Page 56	Policy BEH1 Amend the third bullet point as follows: <i>"Unnecessary culverting and the constriction of watercourses and their immediate environs will not be <u>permitted supported</u>"</i> .
PM22	Page 58	Policy BEH2 The Policy should be amended as follows: <i>"Proposals for new developments <u>within the Escrick Conservation Area or within it's setting will be expected to:</u>"</i> .

		“Demonstrate how the recommendations of the Eserick Design Code have been incorporated into the proposal”.
PM23	Page 59	Policy BEH3 Amend the first sentence as follows: <i>“Proposals for developments that have an undue adverse effect on the historic <u>rural</u> character of the Parish will not be supported”.</i>
PM24	Page 59	Policy BEH4 The third bullet point should be deleted as follows: “Management of safe and sensible car parking practices – in adherence to NYCC guidelines on car parking spaces for houses;”.