



Kirkby Malzeard, Laverton and Dallowgill Neighbourhood Plan (Final pre-submission consultation version 10/2025)

Kirkby Malzeard, Laverton and Dallowgill Grouped Parish
Council

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Foreword

This document contains the Neighbourhood Plan for the Parish of Kirkby Malzeard, Laverton and Dallowgill until 2035.

It has been prepared by the Parish Council through the mechanism of its Neighbourhood Plan Steering Group, being a committee of the Parish Council comprising residents and Councillors, and following various consultation processes, it reflects the views of the community including those who live, work or operate here together with the various stakeholders such as businesses, local groups and organisations.

It does not replace the existing provisions of the National Planning Policy Framework or the Local Plan but it will work alongside these, and by doing so it will enable the local community to have a greater degree of input into the future of the area and bring about the type of planned environment where we can all continue to be happy to live and work in the years to come.

It was realised in 2018, when the decision to proceed with the creation of a Neighbourhood Plan was first made, that this would be a lengthy process and, even allowing for the delay of approximately a year caused by the Covid pandemic, this has proved to be the case.

We are confident, however, that the time and effort put into creating the Plan has been usefully spent.

Cllr Pippa Manson, Chair of the Parish Council

Dr Claire Walker, Chair of the Neighbourhood Plan Steering Group

Section 1: Introduction and Background

- 1.1 The Kirkby Malzeard, Laverton and Dallowgill Neighbourhood Plan ('the Plan') sets out the vision, objectives and policies for the sustainable development of the parish until 2035.
- 1.2 The Plan covers the whole of the combined 'grouped'¹ parish of Kirkby Malzeard, Laverton and Dallowgill ('the parish') comprising the main village of Kirkby Malzeard (in which most services, facilities and population are concentrated), the smaller village of Laverton and the hamlets of Dallow, Carlsmoor, Swetton and Greygarth. These population centres are surrounded by unspoilt open countryside with farms, woodland, streams and, to the West, moorland.
- 1.3 The boundary of the neighbourhood plan area corresponds to the parish boundary, as illustrated in Figure 1 below.

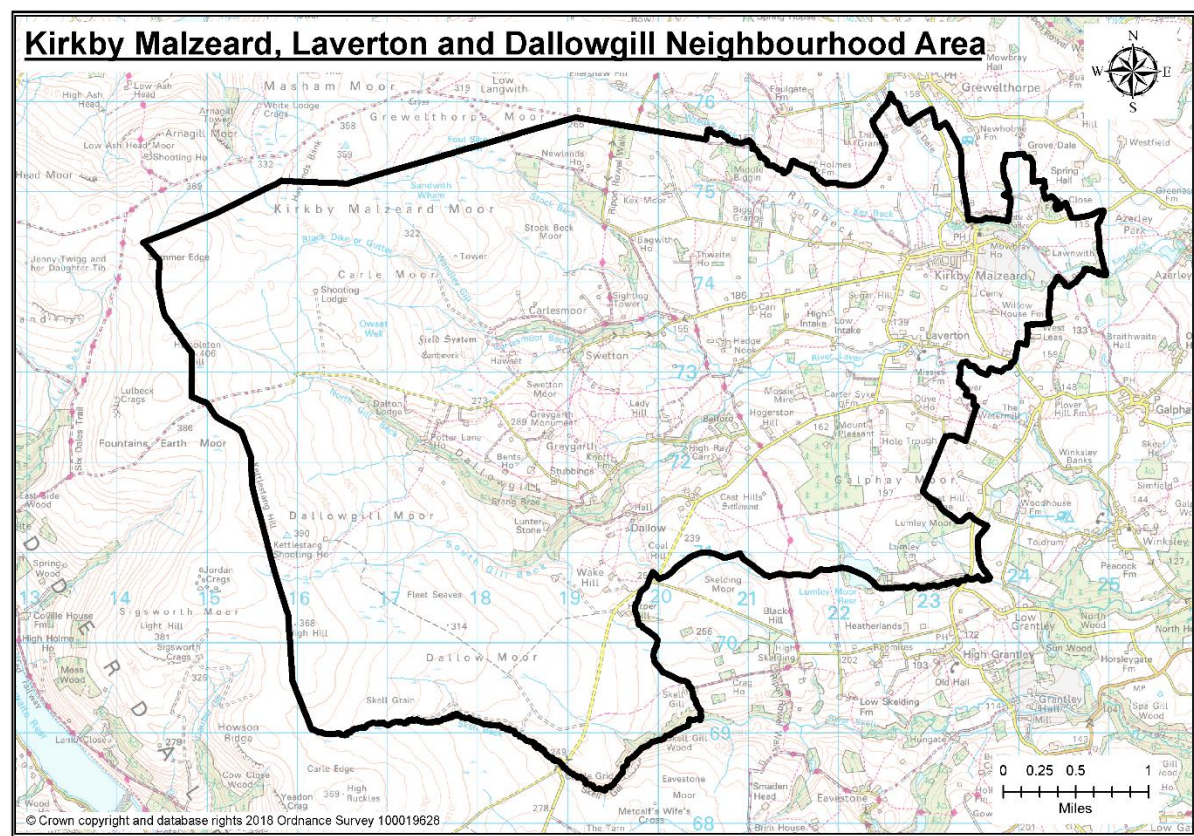


Figure 1: Map showing Kirkby Malzeard, Laverton and Dallowgill Neighbourhood Plan Area.

¹ Kirkby Malzeard, Laverton and Dallowgill Parish Council became a grouped Parish Council in 1977, although Kirkby Malzeard Parish Council and Laverton Parish Council (which includes the Dallowgill area) remain separate for electoral purposes.

- 1.4 A neighbourhood plan enables the community to play a much stronger role in shaping how the parish develops. It provides the opportunity to set out a vision and to determine how the community would like the parish to evolve in ways that meet identified local need, make sense for local people and make the parish an even better place to live, work and visit.
- 1.5 It contributes to sustainable development by seeking improvements in environmental, social and economic conditions. In particular, it seeks to ensure that any development protects and enhances the parish's distinctive character, built and natural environment and its strong sense of identity and community.
- 1.6 Unlike parish plans or other documents that may be prepared by a community, such as the existing Kirkby Malzeard Village Design Statement (2001), once approved at a local referendum, the neighbourhood plan becomes part of the statutory development plan for North Yorkshire and its policies will be used to determine applications for planning permission, alongside other development plan policies, in the neighbourhood plan area.
- 1.7 The important local issues have been identified through an extensive consultation process and the policies included in the Plan therefore focus on the key development issues in this area. Consultation also identified the features and characteristics of the parish that are valued, and those that the community wish to see protected or enhanced. The policies are intended to complement Policies in the National Planning Policy Framework and the District Local Plan. The context in which this Plan will operate is referred to in more detail in Section 2 (Legislative and Planning Context).
- 1.8 In addition to policies, the Plan also contains 'Parish Actions' which cover other issues revealed as being important during the consultation process, but which are not directly of a planning nature. These will be pursued by the Parish Council or other agencies during the Plan period.
- 1.9 The Plan covers the period up to 2035 as this matches the plan period for the current Local Plan for Harrogate district. Work to prepare a new Local Plan has, however, been commenced by North Yorkshire Council, being the unitary authority created in 2023 which replaced the individual district Councils including Harrogate Borough Council. It is not, however, expected that the new Local Plan will come into effect until 2029 by the earliest.
- 1.10 Having a neighbourhood plan will also result in direct financial and other benefits to the parish. In particular, the Local Planning Authority has in recent years introduced a levy on future development known as Community Infrastructure Levy (CIL). Without a neighbourhood plan, the Parish Council receives 15% of any CIL collected in respect of any qualifying development, whereas with one, it would receive 25% of the CIL collected by the Local Planning Authority to be spent in the parish. Full details of the type of development on which CIL payments are liable can be found in the Harrogate District CIL Charging

Schedule Document². The element passed onto the local Parish Council is known as the 'neighbourhood fund' which is to be spent on 'the improvement, replacement, operation or maintenance of infrastructure (e.g. roads, schools, open space, village halls etc.) or anything else that is concerned with addressing the demands that development places on an area (section 10.3)'.

- 1.11 The Plan has been prepared by the Neighbourhood Plan Steering Group (a committee of the Parish Council) comprising parish councillors and members of the local community, supported by officers of the Local Planning Authority together with neighbourhood planning consultants Andrew Towlerton Associates. Grant assistance has been provided by Locality for this project, for which we are grateful.
- 1.12 The decision to proceed with the creation of a Neighbourhood Plan was made at the Parish Council meeting held on 30 July 2018. As the appropriate 'Qualifying Body', the Parish Council applied to the Local Planning Authority and the designation was formally approved on 4 April 2019. Prior to applying for designation, the Parish Council had consulted with all six adjoining Parish Councils and no objections were received.
- 1.13 The Plan has been produced with strong and meaningful input from the community, being at the heart of its preparation. This includes regular Steering Group meetings which have been open to the public, with agendas, minutes and updates published on the community website.
- 1.14 Following delays in 2020 because of the Covid pandemic, in 2021 an initial Public Consultation Questionnaire was sent to everyone over 16 years in the Parish and also made available to anyone else who worked or operated here. This produced a very good response, and the views and opinions were duly analysed and published on the community website. A Stakeholders Consultation was also undertaken with input obtained from local employers, organisations and groups.
- 1.15 During 2022/23 the Steering Group worked with the planning consultants to produce a Draft Plan based on those responses and this was published in December 2023/January 2024, in order to obtain the views of the community on the proposed Policies and Parish Actions, as well as any other observations which they wished to make. This interim consultation ensured that residents and other interested parties had the opportunity to provide further views and opinions.
- 1.16 All the responses were then considered and reflected in the Pre-Submission (Regulation 14) version of the Plan. The formal Pre-Submission Consultation took place in Summer 2024 commencing on July 8th and ending on September 6th although the process was delayed

²<https://www.northyorks.gov.uk/planning-and-conservation/developer-contributions/developer-contributions-your-area/developer-contributions-harrogate/community-infrastructure-levy>

slightly as North Yorkshire Council were unable to provide their responses within that time-scale. The comments received from the community, stakeholders and statutory bodies have then been considered in detail and the Plan amended accordingly, as set out in this current version.

1.17 In order to ensure that the amended version continues to meet the approval of the community and all other interested parties, a further Consultation is now being undertaken repeating the same process as the Regulation 14 Consultation. If major concerns are raised which the Steering Group consider relevant, the Plan will be revised before it is formally submitted.

How the Plan is Organised

1.18 The Plan is structured in the following way:

Section 1 sets out the introduction and background to the Plan and how it is organised.

Section 2 outlines the strategic legislative and planning policy framework within which the Plan has been prepared.

Section 3 provides a profile of the parish as at present, together with a brief summary of its history, in order to illustrate the context for the Policies and Parish Actions which the Plan contains.

Section 4 outlines the vision for the parish for the future and details the key objectives that will help deliver the vision.

Sections 5-10 contain the Plan's detailed Policies and Parish Actions:

- The topics have been separated into six sections corresponding to the key objectives.
- Within each section individual issues have been identified, being those highlighted during the consultation processes.
- Background information is provided on each issue, together with data from the consultations, where applicable.
- The conclusion as to the measures to be taken is given either in the form of a Policy, a Parish Action or an indication that no action is felt to be currently needed but that it will be considered again when the Plan is reviewed in the future.

- Each Policy is clearly named and highlighted in green.
- Each Parish Action is also clearly named and highlighted in blue.

Section 11 outlines how the Plan will be reviewed and monitored.

1.19 It should be noted that while every effort has been made to make the main parts of this Plan easy to understand, the wording of the actual policies is necessarily more formal, so that it complies with statutory requirements.

Section 2: Legislative and Planning Context.

- 2.1 The right of communities to prepare a neighbourhood plan was established through the Localism Act 2011. The Plan once ‘made’ will form part of the statutory development framework for the area and will be taken into consideration in the determination of planning applications.
- 2.2 Although neighbourhood planning gives more power to local communities to guide what goes on in their area, there are, understandably, limitations.
- 2.3 Legislation requires that neighbourhood plans must meet certain ‘Basic Conditions’ before coming into force. These Basic Conditions include that a neighbourhood plan must:
- have appropriate regard to national planning policy and guidance
 - be in ‘general conformity’ with the strategic policies contained in the development plan for that area of the authority (or any part of that area)
 - contribute to the achievement of sustainable development
 - be compatible with EU obligations³ and human rights requirements
 - demonstrate it is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) either alone or in combination with other plans or projects.
- 2.4 The Plan must, therefore, be developed with regard to national policy, especially the National Planning Policy Framework⁴ (‘NPPF’), which sets out the Government’s planning policies for England. The NPPF contains core planning principles that must underpin all plan-making and provides the basis for local planning authorities to prepare their Local Plans and for communities producing neighbourhood plans. In preparing the Plan, full account has been taken of the NPPF and the supporting government guidance set out in National Planning Policy Guidance (‘NPPG’).
- 2.5 A further ‘Basic Condition’ is that a neighbourhood plan must also be in general conformity with, and does not promote less development than, the strategic policies of the development plan for the area.
- 2.6 In the case of the parish, the current development Plan for the Harrogate district comprises:
- The Harrogate District Local Plan 2014-2035 adopted on 4 March 2020⁵ (‘The Local Plan’).

³ This requirement remains in place until revoked by the UK Government

⁴ <https://www.gov.uk/government/publications/national-planning-policy-framework--2> The version referred to within this Plan is that published in December 2024 (as amended in February 2025).

⁵ Harrogate district Local Plan 2014-2035 – Harrogate Borough Council – <https://www.northyorks.gov.uk/planning-and-conservation/planning-policy/planning-policy-your-local-area/harrogate-planning-policy/harrogate-district-local-plan>

- The North Yorkshire Minerals and Waste Plan⁶ prepared by North Yorkshire County Council.

2.7 Of these two documents, the first, the Local Plan, is of particular importance in respect of development, especially as this Plan does not deal with waste and mineral issues.

2.8 The Local Plan sets out the spatial vision and development strategy for the whole of Harrogate district, including the parish. In addition, it sets the scale of new development that is planned and a strategy for accommodating this growth; includes detailed policies across several thematic areas to manage new development; and allocates specific sites for particular types of development. Many of these policies are relevant to the parish but we would refer to three Policies below which apply particularly:

2.9 ‘Policy GS2: Growth Strategy to 2035’. This identifies a settlement hierarchy and focuses the need for new housing and development on the most sustainable locations broadly based on their position in the settlement hierarchy. The village of Kirkby Malzeard is designated as a Service Village where *‘Land will be allocated for new homes to support the continued provision of a basic range of services and facilities; with new village shops and businesses supported to maintain their continued sustainability’*. The rest of the parish including the village of Laverton and the hamlets within Dallowgill *‘are considered to be part of the wider countryside where development will only be appropriate if permitted by other policies of this plan, a neighbourhood plan or national policy’*.

2.10 ‘Policy GS3: Development Limits’ which designates Development Limits around those settlements listed in Policy GS2 (see above). This includes Kirkby Malzeard. *‘Within development limits, proposals for new development will be supported provided they are in accordance with other relevant policies of the Local Plan’*.

2.11 ‘Policy GS6: Nidderdale Area of Outstanding Natural Beauty (AONB)’ states that *‘The natural beauty and special qualities of the Nidderdale Area of Outstanding Natural Beauty (AONB) will be conserved and enhanced’*. The whole of the parish is within the Nidderdale Area of Outstanding Natural Beauty (now renamed as the Nidderdale National Landscape).

2.12 The aim of the Plan is not to replicate existing planning policies, but to add value to them by providing local formulated policies and proposals that are specific to the parish and reflect the needs and aspirations of the community. Where there are national, county and Local Planning Authority planning policies that reflect and meet the needs and requirements of the parish, they are not duplicated here.

2.13 In accordance with Government guidelines, the Plan has been developed to generally conform with the strategic policies contained in the Local Plan.

⁶https://www.northyorks.gov.uk/sites/default/files/fileroot/planning_migrated/minerals_and_waste_plan/LPA128%20-%2020MWJP%20Policy%20adopted%20document%20-%20Final%20-%20accessible.pdf

- 2.14 In addition to the NPPF, the Plan must have regard to the Countryside and Rights of Way Act (CROW Act), which sets out the purposes and duties for managing National Landscapes. Within National Landscapes there are special controls over development in order to conserve and enhance its natural beauty.
- 2.15 Further to Local Plan Policy GS6 consideration has also been given to the specific Nidderdale AONB (now Nidderdale National Landscape) Management Plan 2019-2024⁷ and associated documents in preparing the Plan. This is a high-level strategy that provides a framework for action designed to protect the special qualities that make this area one of the UK's finest landscapes. Though technically not part of the development plan for the district, with which the law requires the Plan to be in conformity, it is still nevertheless considered relevant to the Plan's development and has been used to guide the policies in it. Work has commenced on a replacement Management Plan but at this point a draft version has not yet been prepared, being at the initial consultation stage.
- 2.16 The legislation also requires neighbourhood plans and local plans to contribute to the achievement of sustainable development, which the NPPF describes in paragraph 7 *'At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs'*. The Plan has the achievement of sustainable development at its heart. Protecting and enhancing the natural and built environment, meeting present and future needs for housing, work and facilities that support the well-being of the community, supporting actions that build prosperity and ensuring that local people can shape their surroundings are all good examples of how it will do this.
- 2.17 A neighbourhood plan must be compatible with EU obligations⁸ and human rights requirements; and be compliant with the Strategic Environmental Assessment (SEA) and Habitats Directive.

⁷ [Nidderdale AONB 2019-2024 Management Plan Web.pdf \(nidderdaleaonb.org.uk\)](https://www.nidderdaleaonb.org.uk/2019-2024-Management-Plan-Web.pdf)

⁸ This requirement remains in place until revoked or replaced by the UK Government

Section 3: A brief Introduction to the Parish

The Parish Past⁹

- 3.1 Archaeological findings indicate the presence of both Stone Age and Iron Age settlements within the parish, whilst the discovery of the body of a Centurion at Tom Corner in Dallowgill also suggests that there was activity in the area during the time of the Roman occupation.
- 3.2 The name Kirkby Malzeard (meaning the 'church by the poor clearing in the forest') has Danish and Norman origins and the village was referred to in the Domesday book with '8 villagers having a plough' at that time. St Andrews Church in Kirkby Malzeard originates from 1150 and is positioned close to the site of Mowbray Castle, which was destroyed by the forces of King Henry II in 1174.
- 3.3 Kirkby Malzeard was granted a Market Charter by King Edward I in 1307, and it became a locally important Township during the Middle Ages. There is still evidence of the medieval layout of the village, with the main village street running off to the west from the crossroads where the Market Cross is situated, with tofts and crofts behind the Back Lanes.



- 3.3 Dallowgill takes its name from the old English Dael (meaning valley) and Haga (meaning enclosure) with Gill (meaning ravine) added later. Laverton was previously referred to

⁹ Sources include Kirkby Malzeard 1850 to the Present Day – Ian Corfield (published 2012); Dallowgill – Lilian Chandler (published 1991); Laverton and Dallowgill – Lilian Chandler (published 1994); Dallowgill Local History website <https://www.dallowgill.org.uk/> and Kirkby Malzeard and Laverton History website <https://www.kirkbymalzeardhistory.co.uk/>

variously as Layreton or Lavertona. Carlesmoor, Swetton and Laverton are all mentioned in the Domesday book although the land was largely described as 'waste land'. By the 15th century, much of the area was controlled by Fountains Abbey and the monks had a farm at Azerley Grange providing produce for the Abbey. Parliamentary enclosure in the 1780s was largely responsible for the current field pattern.



3.4 In more recent times populations in the rural areas as well as in the villages and hamlets throughout the parish have fluctuated, reflecting changes in agricultural practices and the rise and decline of different trades. During the first half of the 19th Century, the area was one of the most important centres of straw plaiting and bonnet making in England and there were numerous small shops and businesses not only in Kirkby Malzeard but even in hamlets such as Greygarth.

3.5 Since the mid-20th century, there has been a transition away from agriculture towards tourism as the predominant source of income, with many residents living in the parish but working elsewhere in the larger centres of North Yorkshire. Undoubtedly there will be changes again in the future and it is hoped that the Plan will help the area to adapt in a positive way.

The Parish Present

3.6 The parish is an attractive, rural and historic parish in North Yorkshire, being a popular place to live with a strong sense of identity and community spirit.

3.7 It comprises several distinct settlements, the largest of which is Kirkby Malzeard, in which most of its population and services are concentrated. Other smaller settlements include the village of Laverton as well as the hamlets of Dallow, Carlsmoor, Swetton and Greygarth.

- 3.8 These settlements are interspersed and surrounded by large areas of open, attractive and largely unspoilt countryside. The parish extends in total to 4,848¹⁰ hectares.
- 3.9 The beauty and quality of this landscape are reflected in that the whole of the parish is within the Nidderdale National Landscape (Nidderdale NL).
- 3.10 In the 2021 Census, the Age dataset¹¹ indicated that it had a population of 1,220 (up from 1147 at the time of the 2011 census and from 1047 in 2001¹²). Reflecting the national trend, it has an ageing population. At 29.8%, the proportion of the population aged over 65 is in line with that of the Masham and Fountains Ward (29.7%) but above that of North Yorkshire (25.1%) and well above that of England as a whole (18.3%). The proportion of those in older age groups in the parish, when including those age 50 – 64 years, increases to 53.1%.
- 3.11 At 0.25 persons per hectare, its population density is similar to that of the Ward (0.28) but below that of the North Yorkshire Council area (0.77), and substantially below that of England (4.34). Farming and agriculture played an important role in the development of the parish, and this continues to be the main land use.
- 3.12 For a parish of its size and nature, there is an excellent range of community and service facilities. Mainly concentrated in Kirkby Malzeard, these include a church, a primary school, medical centre, pub, shops, a village hall and a range of other facilities. Residents also travel outside the parish, mainly to the nearby centres of Ripon and Harrogate, to access retail, leisure and other services.
- 3.13 There are employment opportunities in the parish, but the majority of those in employment commute beyond the parish to work. There was, however, a marked increase in people working mainly from home at the time of the 2021 census with the proportion of working-age residents who stated that this was the case being 41.8%, whereas in 2011 it had been only 10.1%. This data must however be seen against the backdrop of the Covid pandemic and the impact of Government advice to ‘work at home’ if practical at the time. The comparable 2021 figures for the Ward (40.5%), North Yorkshire (29.9%) and the England average (31.5%) have also shown similar marked increases.
- 3.14 The proportion of the population which holds a higher-level qualification at 40.5% is similar to the Ward (39.9%), but above the North Yorkshire (34.7%) and England (33.9%) averages.

¹⁰ Census 2021 https://www.nomisweb.co.uk/sources/census_2021

¹¹ There is a slight variation between this dataset and that based on Sex (total 1207) which is calculated in a different manner, but the Age dataset is quoted here as it provides a useful analysis of age groups.

¹² <https://www.citypopulation.de/en/uk/>

- 3.15 Levels of deprivation in the area are relatively low¹³ being ranked 21453 out of 32844 (where ranking 1 is the worst deprived and 32844 the least deprived) as are the rates of ill-health with 81.8% describing themselves as being in 'very good' or 'good' health within the 2021 census return.
- 3.16 Housing affordability, both for sale and rent, is a significant issue in the parish. 7.9% of residents live in 'social rented' accommodation which is marginally higher than the Ward (7.4%), but lower than North Yorkshire (11.9%) and England (17.1%) averages. There was a 0.0% return in the 2021 census within Laverton Parish as there is no social housing provision within this part of the overall grouped parish.
- 3.17 The built environment is generally of a high standard. There are numerous buildings and structures that have been identified as being of national and historic interest, with over 27 Listed Buildings and 2 Scheduled Monuments¹⁴.
- 3.18 Most people living in the parish use a car (or van). 93.2% of households have access to a vehicle, compared to 92.4 % in the Ward, 84.3% in North Yorkshire and only 76.5% in England. As there is limited public transport provision, the availability of a vehicle is important.
- 3.19 A more detailed statistical profile of the parish from the 2021 Census can be found at the websites of the Office of National Statistics/Nomis¹⁵ and City Population.¹⁶

¹³ English indices of deprivation 2019- GOV.UK (www.gov.uk)

¹⁴ Source English Heritage (2021)

¹⁵ <https://www.ons.gov.uk/>

¹⁶ <https://www.citypopulation.de/en/uk/>

Section 4: Vision for the Parish and Key Objectives

Vision

4.1

Vision

To conserve and enhance the character, heritage and identity of the Parish of Kirkby Malzeard, Laverton and Dallowgill, while supporting development that is sustainable and appropriate to the scale and nature of the parish.

Developments should be consistent with delivering a balanced mix of housing, conserving the built heritage and natural rural environment of the parish, maintaining and improving community facilities, transport and service infrastructure, and enhancing the local economy.

Objectives

4.2 This Vision has emerged from the core objectives which were identified from the responses produced by the community engagement process. They are designed to exist within the context of the existing planning structure.

- **Housing (Section 5)**

Balance the competing needs for growth and development with the protection and enhancement of the natural and physical environment. Seek to achieve a housing mix on new developments which reflects the local needs for all age groups with an emphasis on smaller homes suitable for younger people and for those in older age groups who are seeking to down-size.

- **Built Heritage (Section 6)**

To conserve and enhance the rich built heritage of the parish by identifying appropriate buildings and structures as 'non-designated heritage assets' and create an Area of Local Character and Heritage in the centre of Kirkby Malzeard, to ensure that this local setting enhances the historic buildings contained within it.

- **Natural Environment (Section 7)**

Enhance and conserve natural habitat whilst at the same time supporting agriculture and encouraging modern diversification. Identify Local Green Spaces that are important to the community and wildlife and provide these with further protection against development. Balance recreational use of the countryside with the needs of those who live and work here. Support measures to assist climate change resilience.

- **Community Facilities (Section 8)**

Ensure that the parish has an extensive and varied range of community facilities including leisure and recreational opportunities, which cater for all age groups. Existing facilities which are viable are to be protected and enhanced with new ones encouraged where they do not detract from the existing character of the area.

- **Infrastructure (Section 9)**

Ensure that existing and planned development proposals have suitable and sustainable infrastructure. Work towards the improvement of the transport and service infrastructure of the parish and wider local area.

- **Local Economy (Section 10)**

Support measures to enable the parish to boast a diverse and extensive array of businesses. Existing viable enterprises should be safeguarded and improved, appropriate farming diversification should be encouraged, and new businesses supported, providing these align with the area's existing character and National Landscape designation.

4.3 The Policies set out in Sections 5-10 seek to influence planning and development outcomes in the parish. The policies are complementary to, and in support of, the Plan objectives.

4.4 Neighbourhood plan policies must relate to development and land use. However, this does not mean that neighbourhood plans cannot include reference to other non-planning related issues that the community would like to influence. It is important however, that the Plan makes a clear distinction between planning policies and actions dealing with non-planning issues. This Plan achieves this by referencing the former as a 'Policy' and the latter as a 'Parish Action.'

4.5 It is important to note that when using the Plan to form a view on a proposed development all the policies contained in it must be considered alongside the Local Plan and national planning policies.

Section 5: Housing

Supporting Sustainable and Appropriate Housing Growth

- 5.1 The community believes that this is an attractive and vibrant place to live. They wish to retain its special qualities but also to ensure it remains adaptable and responsive and continues to flourish. The residents want a neighbourhood that is friendly and safe, with a housing supply which meets the needs of all age groups and with new development located in areas where the existing infrastructure can cope until such time as systems are upgraded.
- 5.2 It is important that the Plan recognises the need for a proportionate amount of housing growth, but this should be an amount appropriate to the local area and it should be carried out in the most sustainable and appropriate locations within that area.
- 5.3 In doing so, the Plan is not working from a blank piece of paper; there are rules and regulations governing how it must be prepared. Neighbourhood plans are required to support the strategic development needs set out in Local Plans.
- 5.4 The current Local Plan has set a housing target of a minimum of 13,377 new homes (including affordable homes) between 2014 and 2035 across the whole of the Harrogate district and seeks to direct new growth to the most sustainable settlements based on the defined settlement hierarchy and to strategic sites.
- 5.5 Within the Local Plan (Policy GS2), Kirkby Malzeard is designated as a Service Village with over 30 other villages, which have been identified as such. The Local Plan states that within the designated Service Villages *'Land will be allocated for new homes to support the continued provision of a basic range of services and facilities; with new village shops and businesses supported to maintain their continued sustainability'*.
- 5.6 Policy DM1 in the current Local Plan identifies three housing sites in Kirkby Malzeard which will cater for the future housing needs for the parish and the wider Harrogate district. These three sites comprise two existing housing 'commitments' - Land south of Richmond Garth (Local Plan Reference KM4) and Land east of Richmond Garth (Local Plan Reference KM5) with the potential to accommodate 37 dwellings over the two sites; and the new housing allocation – Wensleydale Dairy Products Limited (now trading as Saputo) (Local Plan Reference KM1) with the potential to accommodate 16 dwellings. Planning consent has subsequently been approved for the two housing commitments above for the provision of 33 homes (Ref 20/04874/REMMAJ) with construction work currently in progress. The location of these sites is shown in the Development Limits map at Figure 2. It should be noted that a new 'Call for Sites' process commenced in Autumn 2024 as part of the new North Yorkshire Local Plan.
- 5.7 Outside Kirkby Malzeard, as defined by the existing development limit boundary, the Local Plan does not make any housing allocations. It is essentially considered as open countryside in planning terms where there is strict control over development. As the Local

Plan states in para 3.23 *'Any land and buildings outside the defined limit will generally be considered countryside where there is a stricter control over development'*. Adding, at Policy GS3, *'proposals for new development will only be supported where expressly permitted by other policies of this plan or a neighbourhood plan or national planning policy'*.

- 5.8 The consultations carried out in conjunction with this Plan shows that the community is comfortable with the amount and location of housing growth envisaged for the parish as set out in the Local Plan. When asked in the initial community questionnaire *'Do you feel that more housing than that already allocated might be needed before 2035 both to meet future demand and help sustain facilities?'*, less than a quarter (24.6% or 103) of the 412 respondents said yes.
- 5.9 The community is clear therefore that at the present time it does not require any further housing development to be allocated by this Plan beyond that catered for in the Local Plan. This reflects and supports the view within the Local Plan which considers that the parish is not a suitable nor sustainable location for significant housing growth and that there are more sustainable locations for major development elsewhere in Harrogate district and further afield.
- 5.10 The community did however feel that the provision of additional infrastructure, or the upgrading of existing infrastructure, especially in terms of roads, parking and drainage (both sewer and surface water), is needed as a result of the planned new developments, and in an ideal world this would be carried out simultaneously. It is acknowledged that s106 commuted sum payments and CIL payments are made by developers, some of which goes towards such work, but it is very much the view of this community that neither the Kirkby Malzeard village road network nor the village sewers, which run along Main Street, are of an adequate nature to cope with any further development beyond that already planned or allocated.
- 5.11 The major nearby centre to which traffic flows for work, recreational and shopping purposes is Ripon (which then links to Harrogate, Leeds and Tees-side via the A61 and A19) which is located to the east of the Plan Area, with the consequence that most traffic from the main part of the village must travel along Main Street to reach its destination. A significant amount of traffic therefore passes along it, including agricultural and heavy good vehicles. This is particularly notable at peak times and the problems are compounded by the narrowness of some sections of road and the number of cars that park along it. The stretch of road between the Market Cross and the Long Swales Lane junction is effectively single track as there are vehicles parked on both sides. Furthermore, in many locations the footpaths running along the roads are narrow, making it hazardous when walking, especially for the elderly and parents with young children. The associated noise and vehicle emissions are also of concern.
- 5.12 The main issues surrounding traffic are perceived to be the speed and volume of traffic through the centre of Kirkby Malzeard village, endangering other drivers, horse riders and people wishing to walk, cycle or cross the road.

5.13 To this end the Plan includes Policies (KMLD 1 and KMLD 2) which aim to ensure that when further major development takes place in the future, that it be located in an appropriate part of Kirkby Malzeard village, such as the area east of the Market Cross, until the infrastructure is fully upgraded.

5.14

POLICY KMLD 1: HIGHWAY AND PEDESTRIAN SAFETY IN KIRKBY MALZEARD VILLAGE

Development proposals for sites of 10 or more dwellings (or of 0.5 ha or above), must be able to demonstrate that any additional traffic generation would not have a further adverse impact on highway, pedestrian and equestrian safety, in particular on Main Street. Appropriate upgrading work should otherwise be undertaken, in conjunction with the Local Authority Highways Department and other relevant Agencies, to alleviate all impacts, prior to the development being completed.

5.15 As mentioned above, there is also a particular issue relating to the condition and capacity of the foul sewerage system in the village. Much of the infrastructure is dated and is operating at or close to capacity, with a great deal of it having been built in Edwardian times. The existing network flows in an easterly direction along Main Street towards the sewage treatment works to the south-east of the village.

5.16 The infrastructure is simply not designed to meet the modern needs of a village the size of Kirkby Malzeard. This is illustrated in that there have been three separate collapses within the sewerage network over the last five years resulting in road closures for periods of several months whilst repairs have been undertaken. Two were on Main Street and one on Church Street (on the main north-south road through the village). The issue of surface water drainage in the village is referred to separately in Section 5.5.

5.17 Any additional major development within the centre and to the western end of the village will put further pressure on the system and it is imperative, therefore, that the location of new major development should be carefully considered until such time as this issue is resolved.

POLICY KMLD 2: SEWERAGE INFRASTRUCTURE IN KIRKBY MALZEARD VILLAGE

The net increase in wastewater generation and the impact on the local sewerage network must be carefully considered in any new major development proposal sites of 10 or more dwellings (or 0.5 ha or above).

Development will only be supported where it can be demonstrated that the sewerage network can accommodate the additional demand for sewage disposal, or that any necessary upgrading is to be carried out in conjunction with Yorkshire Water and other relevant Agencies, prior to the development being completed.

Development Limits

- 5.19 Policy (GS3) in the Local Plan defines a development limit boundary for Kirkby Malzeard, which identifies the acceptable area, in principle, for further sustainable development. Within this settlement boundary, the Local Plan states at para 3.23' *They indicate the extent to which each settlement should be allowed to develop during the plan period and where, within the defined area, there will be a presumption in support of development*'.
- 5.20 Whilst revisions were made to extend the Village Development Limits when the current Local Plan was drawn up, Planning Applications have since been approved by the Planning Authority and the Planning Inspectorate in respect of sites which are outside those Limits, particularly at the eastern end of Back Lane South and along Galphay Road.
- 5.21 It is understood that a review of the current limits can only be next undertaken when the new North Yorkshire Local Plan is being drafted, rather than as part of this Plan, but the conclusion of the community consultations is that such a review is needed.
- 5.22 To be clear the objective of the Parish Action below would not be to extend the Limits in order to enable further development but solely to rationalise the situation by including all the existing, and recently built housing, adjacent to the present limits. A map showing the suggested revisions to the Limits is included within Figure 2 below.

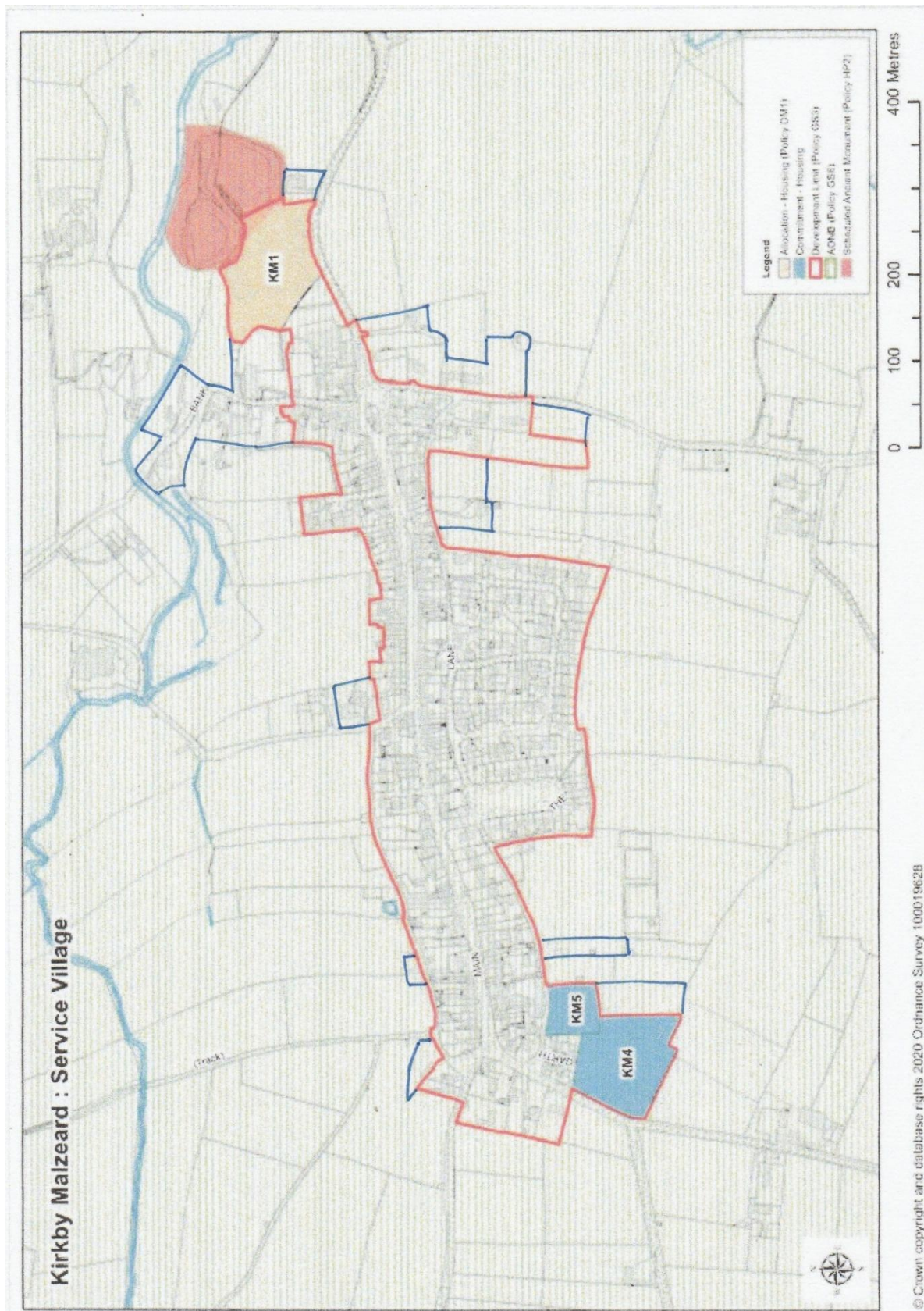


Figure 2- Kirkby Malzeard Development Limits Map showing existing (outlined in red) and with proposed additions (outlined in blue).

PARISH ACTION 1 – KIRKBY MALZEARD DEVELOPMENT LIMITS

During the consultation process for the new North Yorkshire Local Plan the Parish Council will lobby North Yorkshire Council to extend the development limits (if the concept of incorporating such limits is retained) in accordance with the map in Figure 2.

Windfall Sites

5.24 Windfall sites are sites not specifically identified for development in a local plan, neighbourhood plan or other development plan document. They mainly comprise the redevelopment of redundant or underutilised buildings, including former farm buildings, or the development of a small gap within an existing frontage of buildings. Usually, they are small sites suitable for only a single dwelling but could be larger. Normally windfall development is for new housing, though, in principle, could comprise other forms of development such as shops, employment units or community facilities.

5.25 In recent years, the parish has already experienced significant windfall development, much of it housing related. This is a trend that is likely to continue. Though these sites cannot be identified in advance, the high degree of market pressure for new and other forms of development coupled with the level of vacant and underutilised land and buildings, including some which are agricultural related, means that windfall sites will continue to provide a source of new housing.

5.26 The consultation shows that the community is generally supportive of suitable small windfall development, especially the sympathetic conversion of historic rural buildings where this helps conserve and improve the character and appearance of the building better than any other use. There are various redundant farm buildings at present within the Plan area and more may come forward over the lifetime of the Plan. Given the limited opportunity for suitable housing sites across the parish, their reuse of rural buildings for residential purposes would be supported as referred to in Policy KMLD 5 'Conversion of Rural Buildings to Dwellings'. 5.27 This is also in accordance with national and local planning policies that are generally supportive of the principle of windfall type development, especially within Kirkby Malzeard as defined by the Development Limits. Beyond Kirkby Malzeard while some windfall development is permitted in principle, there are stricter controls over it.

5.27 It is important, however, that when windfall sites come forward, they are of high-quality design, suitable located and generally contribute to sustainable development. This is especially important as they will often be in isolated or sensitive locations.

5.28 To ensure this, any such proposals must be considered in accordance with the policies in the Plan, as well as other supporting local and national planning policies.

Housing Mix

5.29 Housing growth must help to meet the needs of all members of the local population. This is important for creating balanced and sustainable communities. This is of special significance for the Plan area as there is some evidence that the housing type of the parish is unbalanced.

5.30 When Housing Mix (the ratios of homes of different sizes and specifically with varying numbers of bedrooms) is considered within the Local Plan (HS1) the main evidence on which policy was determined is the Housing and Economic Development Needs Assessment (HEDNA) 2018. This, amongst other things, estimated the future need for different sizes of housing in the district. It identifies that for both market and affordable housing there is a need for a mix of house sizes across the district with a focus on two bedroom and three bedroom properties. This is reflected in the following statement which can be found in the Key Points section (page 121) *'Based on the economic led forecasts there is a clear need across the district for market delivery to be focused on two and three bedrooms. This reflects the ageing population, existing stock and a need to support downsizing.'*

5.31 The HEDNA recommended the following housing mix to meet the needs of residents of the district over the Plan period, and these are reflected in the Local Plan.

	1-bed	2-bed	3-bed
Market housing	0-5%	30-35%	40-45%
Affordable housing	30-35%	40-45%	15-20%

The HEDNA also recommends that localised changes may be required to the district housing mix to reflect particular housing needs.

5.32 As part of the work towards the preparation of a new Local Plan, North Yorkshire Council commissioned a new HEDNA for the whole of the Local Plan area in 2025 which includes the following housing mix table:

	1-bed	2-bed	3-bed	4-bed
Market	10%	35%	40%	15%
Affordable home ownership	15%	45%	35%	5%
Affordable housing (rented) under 65	20%	35%	35%	10%
Affordable housing (rented) 65 and over	50%	40%		

Whilst the latest table now includes different analysis headings the conclusions remain that the majority of homes should be two or three bedroomed.

- 5.33 Analysis of the 2021 census (Number of Bedrooms dataset) confirms that whilst the nature of existing properties within the Plan area is similar to that within the Ward, these both vary from the results in North Yorkshire and England, with the number of homes with four or more bedrooms being significantly higher, and the percentages of smaller dwellings correspondingly lower overall.

2021	Plan Area	Masham and Fountains Ward	North Yorkshire	England
1 bedroom	3.2%	5.8%	8.2%	11.6%
2 bedrooms	22.4%	22.1%	26.3%	27.3%
3 bedrooms	38.9%	37.1%	39.2%	40.0%
4 or more bedrooms	35.5%	35.0%	26.3%	21.1%

- 5.34 Furthermore, in recent years where windfall housing has taken place in the Plan area, for example the development of five houses to the rear of Parkfield and the development, also of five houses, adjacent to The Grange, both off Back Lane South, together with the two houses on Galphay Road, (all in Kirkby Malzeard), the majority of these comprised houses of 4 or more bedrooms.

- 5.35 An existing housing mix skewed to larger dwellings will arguably also not meet the needs of the ageing population within the local area with the 2021 census indicating that 53.1% of the population within the Plan area are now aged 50 and over, with 29.8% of the total being 65 and over. Within North Yorkshire and England, the percentages of those aged 65 and over are lower at 25.1% and 18.3% respectively.

- 5.36 The findings from the consultation show support for the provision of smaller homes in housing developments, in particular 2-3 bedroomed houses, of a type suitable for young people, as well as for older residents wishing to downsize but remain in the parish. When asked in the initial community survey *‘Which of the following property types should be prioritised within new developments? – tick all that you consider appropriate’*; the most popular option, by a wide margin, was 2-3 bedroomed homes. 80% (or 333) of the 412 respondents stated that these should be prioritised within new developments. The next most popular property type was 1 bedroomed homes/flats with 28% (or 115) of

respondents prioritising this, confirming the wish to see an approach which controls the number of larger properties on new developments. Ideally there should also be a greater number of bungalows included within developments specifically for older residents which would enable and encourage down-sizing, which would in turn free up larger properties resulting in there being less need to construct additional properties of that size.

- 5.37 A Policy is therefore included within this Plan to emphasize the need to address the issue of ensuring that new homes, both 'market' and 'affordable', meet the requirements of prospective occupiers in line with the HEDNA findings and the wishes of the community.

5.38

POLICY KMLD 3: HOUSING MIX.

To meet the identified need for smaller homes, no more than 50% of new homes in a development of two or more dwellings should have 4 or more bedrooms.

Affordable Housing

- 5.39 Affordability of housing both for sale and rent is a long-standing major concern. This is not only reflected in the findings of the consultation undertaken as part of the preparation of the Plan, but also consistently in other reports and studies.

- 5.40 This is mainly a consequence of the above average house prices in the parish. In 2024 the average house price according to Rightmove in Kirkby Malzeard was £590,200 compared to £345,012 in the whole of the Ripon post code area. Even allowing for any inaccuracy due to a limited number of transactions, this is significantly above the ONS average house price index data for December 2024 for England (£291,000), for North Yorkshire (£276,000) and for Yorkshire and Humber Region (£204,000). This average house price figure of £590,200 is well beyond the means of many people who wish to live in the parish, especially those on low or modest incomes or those trying to enter the property market, including those who have been brought up, and wish to remain, here. Furthermore at 8% the proportion of housing in the parish which is socially rented is well below that of North Yorkshire (12%) and England (17%) according to the 2021 census.

- 5.41 The Local Plan sets out detailed policies concerning the provision of affordable housing. These include target levels of affordable homes to be provided in new housing developments. Policy HS2: Affordable Housing requires, amongst other things, '*40% affordable housing on all qualifying greenfield developments including mixed use schemes, and 30% on all qualifying brownfield developments including mixed use schemes and conversions, subject to viability and the demonstration of the need for affordable housing*'. Adding, '*The final tenure mix of the affordable housing on individual sites will be determined through negotiation taking account of up-to-date assessments and the characteristics of the area*'.

5.42 The current position locally is that 17 new affordable houses are required to be provided in total as part of the Housing Allocation (KM 1 -Saputo/Wensleydale Dairy Products Limited) and the two existing housing 'commitments' (KM4 and KM 5- Land south of Richmond Garth and Land east of Richmond Garth), in accordance with Local Plan Policy HS2. This should provide a useful boost to affordable housing provision in the parish if, and when, these developments are ultimately completed, but it is important that the adequacy of this provision is regularly assessed in the future, as referred to in Parish Action 2 below.

5.43 A 'Local Lettings' policy has also been considered as a possible mechanism that may help address future affordable housing challenges in the Parish. Such a policy could mean that priority for affordable housing on all new eligible housing developments in the Plan Area would be given to people from this Parish only.

5.44 The 'Local Connection' policy currently being implemented by the Local Authority for this Parish is based on a group of Parishes known as 'Ripon West Villages' which includes those surrounding Parishes set out in the paragraph below, which is used within the s106 agreements drawn up with developers:

"Eligible Occupier" means a person or household containing a person who is in housing need for a property of the type in question and who is unable to afford to purchase or rent dwellings of a similar kind generally available on the open market within the administrative area of the Council provided that a person within the household has a Local Connection with the Ripon West Villages Sub Area comprising parishes of Aldfield, Azerley, Eavestone, Grantley, Grewelthorpe, Kirkby Malzeard, Laverton, Lindrick with Studley Royal and Fountains, North Stainley with Sleningford, Sawley, Skelding, Studley Roger and Winksley, but in the event that no such person or household seeks to occupy the Affordable Housing Unit then the Registered Provider may widen the Local Connection catchment to the District of the Council with the written approval of the Corporate Director of Community Development.

5.45 After consideration it is felt that, as the Local Plan has not allocated any significant amount of new housing in the other Parishes with the Ripon West Villages, it would be unreasonable to exclude those people with a Local Connection there from being eligible for affordable housing here, and therefore this potential Policy is not being pursued within this Plan. It is noted however that the Harrogate district within North Yorkshire Council, of which the Plan area is part, has recently been transferred into the NYC Home Choice system of allocating social/affordable housing and the effects of this in respect of local people seeking such housing will need to be monitored to ensure that this has not adversely affected their interests.

5.46 Rural Exception sites have also been highlighted as possible mechanisms to provide more affordable housing in the parish to meet local need. The NPPF in its glossary of terms describes Rural Exception sites as *'Small sites used for affordable housing in perpetuity*

where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection'. Adding that 'A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding'. National and local planning policies are generally supportive of Rural Exception sites in special circumstances. Rural Exception sites have been used by many parish councils and others to provide affordable homes for local people. The Parish Council is supportive of, and actively encourages, a Rural Exception site and other forms of community-led housing where there is clearly identified local housing need which otherwise would not be met through the provisions of the Local Plan (especially Policy HS2) and which is in accordance with relevant local and national planning policies.

5.47

PARISH ACTION 2: AFFORDABLE HOUSING PROVISION.

The Parish Council will monitor the provision of affordable housing on the developments which have been 'allocated' or which are 'commitments' under the Local Plan. If these prove inadequate to meet the local housing need of the Parish, it will pursue a community-led housing scheme through the means of a Rural Exception site if appropriate.

5.48 It should also be noted that consideration was given to introducing a policy in the Plan seeking to increase the target for affordable housing provision on new housing developments contained in Local Plan Policy HS2. However, it is not considered that there is evidence of sufficient need to currently necessitate this, providing that existing targets for affordable housing provision in the parish are met and assertively applied. The Parish Council will continue to monitor this whole matter in the future. This Plan supports and reinforces Local Plan Policy HS2.

Essential Housing for Rural Workers

5.49 Meeting the essential housing needs of rural workers was a theme during the consultation. The parish is a relatively large rural parish, and agriculture is important to its distinctive character, well-being, and sustainable development. This issue is, therefore, of special significance to it.

5.50 The NPPF states local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. One of these circumstances is where there is an essential need for a rural worker to live permanently at or near to their place of work in the countryside. Local Plan Policy HS9 (Rural Workers Dwellings) set out the special circumstances where rural workers dwellings may be permitted in the countryside. This is a policy position that the Plan supports.

5.51 However, it is important to ensure that where such Consents are granted, occupation is carefully restricted to rural workers as defined in the consent, and also that applications to have the agricultural occupancy restrictions lifted are not granted without valid reasons. The latter is a view which was clearly supported within the Regulation 14 Consultation responses from the community.

5.52 The criteria which are to be met by applicants seeking a lifting of the restriction are set out within the HBC Agricultural Workers Dwellings Supplementary Planning Document (2021). The Plan seeks to prevent the manipulation of the planning system by some applicants by introducing an additional requirement that there be a minimum period of time before an application to lift the occupancy restriction can be considered.

5.53

POLICY KMLD 4: PROPERTIES WITH AGRICULTURAL OCCUPANCY RESTRICTIONS.

Applications to remove the occupancy requirements of rural workers dwellings will not be supported within 10 years of the original consent being granted.

5.54

PARISH ACTION 3: PROPERTIES WITH AGRICULTURAL OCCUPANCY RESTRICTIONS.

The Parish Council will request that checks be made by the Enforcement Office of the Local Planning Authority to verify that the dwelling is being occupied by an agricultural worker, if there are reliable grounds to suggest that someone not meeting the requirements as defined within the planning consent, is in permanent occupation.

Conversion of Rural Buildings to Dwellings.

- 5.55 Modernisation of agricultural practices have led to some traditional buildings becoming redundant. The increased size of farm machinery often means that old barns, granaries and general storage buildings are no longer usable and the cost of continuing to maintain them cannot be justified.
- 5.56 They can however often be important individual features within the landscape or part of a cluster of buildings within a farmyard and rather than these falling into a state of dereliction and disrepair, alternative uses, whether of a residential or commercial nature, should be encouraged. The issue of conversion to commercial uses is referred to in a separate policy (KMLD 17 – Supporting the local economy) within section 5.6 of this Plan.
- 5.57 Whilst Class Q Permitted Development Rights mean that a Full Planning Application is not now required for the conversion of such buildings to dwellings elsewhere, these rights do not apply to National Landscape areas such as that in which the Plan Area is situated.
- 5.58 Local Plan Policy HS6 supports the conversion of rural buildings where a full application is required, subject to a set of criteria and this Plan wishes to underline this approach. However, it considers it necessary to provide a further control where the building is in an isolated or stand-alone field location and not currently accessible from an existing track with opening directly onto a public highway, in order to ensure that landscape values of the area are fully protected against inappropriate redevelopment.

5.59

POLICY KMLD 5 – CONVERSION OF RURAL BUILDINGS TO DWELLINGS

Where planning consent is required for the conversion of rural buildings to form residential units, such consent would be supported in line with the criteria outlined in Local Plan Policy HS6 (or successive Local Plan approaches). This support would not however apply in respect of isolated buildings in prominent positions within the landscape, particularly where a new highway access and track is needed.

Second Homes and Holiday Lets

- 5.60 Consultation responses indicated that there was some concern that the nature of the parish could be adversely affected if the percentage of residential properties which are not permanently occupied were to significantly increase in the future. At present most houses are owner-occupied or rented as a main permanent residence but, as in other rural areas, there are some which are used as holiday lets or solely as second homes.
- 5.61 Within this parish the number of properties available for short term holiday lets throughout the year (through Air BnB or traditional letting agencies) has grown over the last decade, and there has also been a slight increase of properties which are used as 'second homes', which by definition are those which are used solely by the owners for their own occupation for brief periods during the year and which stand empty the remaining months.
- 5.62 The concerns are that the use of properties as holiday lets or second homes reduces the number of properties available for local people to buy or rent for their main home and that the owners of such properties do not support local facilities such as shops in the same way, if they are only being occupied for limited periods during the year.
- 5.63 There is however a positive effect from there being some holiday lets available as these support local tourism businesses in the area and can provide short term accommodation in the close season for people working here temporarily or who are in the process of buying and selling homes.
- 5.64 Section 80 of the Levelling Up and Regeneration Act 2023 permitted Councils such as North Yorkshire Council to apply a Council Tax premium on second homes. The Act required that the first decision to impose this class of premium must be taken 12 months before the financial year to which it would apply. The decision was taken by North Yorkshire Council on 21 February 2024 to apply this premium, and therefore from April 2025 a 100% council tax premium has been added to the bill for any property liable for council tax and classed as a second home. It is the intention of this approach to control the spread of second homes in areas such as the Plan Area and it is hoped that it will prove to be successful in this aim. The Government has also consulted on the introduction of specific Use Classes for holiday lets and whether neighbourhood plans should be able to attach primary residence conditions on new homes, and the outcome of this is awaited.
- 5.65 The conclusion is that at present no Policies or Parish Actions are required to control the numbers of holiday lets or second homes as part of this current Plan, but the matter will be carefully monitored by the Parish Council and specifically considered again when the Plan is next reviewed.

Section 6: Heritage and the Built Environment

Built Heritage

- 6.1 The long history of the parish means that it has a rich and diverse built heritage, with a variety of buildings of differing styles and designs, including many of high quality.
- 6.2 The history of the parish and how this has shaped its development has been well researched and documented in books and other publications, including the Kirkby Malzeard Village Design Statement. There are several active local history groups, such as the Discover Dallowgill History Project website¹⁷ and the Kirkby Malzeard and Laverton History website¹⁸
- 6.3 The community is proud of the parish's rich history and heritage. It is important to its distinctive character and a strong sense of identity. The residents wish to see that future development protects, conserves, and where possible, enhances the historic environment. This was a major theme of the consultation undertaken as part of the development of the Plan.
- 6.4 It is recognised that some change is inevitable and, indeed, necessary to address some of the economic, environmental and social issues highlighted in the Plan. However, the community would like to see this change managed, so that any development is well designed and sympathetic to the local character and history. The design of new development should add to the distinctive character and charm of the parish and generally what makes it special and loved.

Buildings of National Heritage Importance

- 6.5 Many buildings and other structures in the parish have been recognised as being of national importance. About 30 (27 entries of which some cover more than one building) have been granted 'Listed Building' status by the Government. A Listed Building is one that has been placed on the Statutory List of Buildings of Special Architectural or Historic Interest.
- 6.6 In addition, there are two scheduled Ancient Monuments; the site of a Motte and Bailey Castle at Mowbray Castle and the site of ancient earthworks on the Carlesmoor edge of Kirkby Malzeard moor. An Ancient Monument is an early historical structure or monument that has been designated by the Government as worthy of preservation.

¹⁷ <https://www.dallowgill.org.uk/>

¹⁸ <https://www.kirkbymalzeardhistory.co.uk/>

6.7 The full list of buildings and structures that have been designated as national importance (Historic England, 2024)¹⁹ is shown below. This includes a range of different architectural styles and types of buildings, including a dovecote, dwellings, farm buildings, public house, Table Tomb and the Twelfth Century Grade I St Andrews Church. The location of Listed Buildings in the Plan Area can be viewed by using this link (which for purely practical purposes is centred on Kirkby Malzeard Mechanics Institute) and selecting the Listed buildings layer – [Listed Buildings](#)

6.8 Statutory Listed Heritage Assets in the Parish (2025)

Name of Asset	Location	Grade
Listed Buildings		
Table tomb approximately 3 metres to south east of Chancel of Church of St Andrew	Approximately 3 metres to south east of chancel of Church of St Andrew, Church Street, Kirkby Malzeard	II
Cottage to right of Churchbye House	Right of Churchbye House, Church Street, Kirkby Malzeard	II
Churchbye House and Attached Railings	Church Street, Kirkby Malzeard	II
Market Cross	Main Street, Kirkby Malzeard	II
Rose Cottage and The Cottage	Main Street, Kirkby Malzeard	II
South View	Main Street, Kirkby Malzeard	II
Dovecote at Kexmoor Farm East	Ringbeck Road, Kirkby Malzeard	II
Mowbray House	Kirkby Road, Kirkby Malzeard	II
Tombstone to Peter Save	Approximately 2 metres to south of West End of nave of Church of St Andrew, Church Street, Kirkby Malzeard	II
Table Tomb to George Hewitt	Approximately 5 metres to south east of chancel of Church of St Andrew, Church Street, Kirkby Malzeard	II
Church of St Andrew	Church Street, Kirkby Malzeard	I
Table Tomb to William and Helen Holds	3 metres to south of chancel of Church of St Andrew, Church Street, Kirkby Malzeard	II
Pinfold	Main Street, Kirkby Malzeard	II
Cart Shed/Granary to Kexmoor Farmhouse East	Ringbeck Road, Kirkby Malzeard	II

¹⁹ [Search the List- Find listed buildings, monuments, battlefields and more | Historic England](#)

Creets Bridge	Ripon Road, Kirkby Malzeard	II
Medieval cross	Approximately 6 metres to south east of chancel of Church of St Andrew, Church Street, Kirkby Malzeard	II
The Old Rectory	The Old Rectory, Church Street, Kirkby Malzeard	II
The Shoulder of Mutton	Church Street, Kirkby Malzeard	II
1, Church Street	1 Church Street, Kirkby Malzeard	II
Barkways And Greystone	Kirkby Road, Kirkby Malzeard	II
Kexmoor Farmhouse East and Attached Outbuilding and Pump	Ringbeck Road, Kirkby Malzeard	II
Lawnwith Farmhouse	Ripon Road, Kirkby Malzeard	II
Barn at Junction with Long Swales Lane	Junction with Long Swales Lane, Main Street, Kirkby Malzeard	II
The Grange	Carlsmoor, Kirkby Malzeard	II
Bowes Farmhouse	Dallow, Grantley	II
Laverton Grange	Laverton	II
Azerley Grange	Pateley Bridge Road, Laverton	II
Scheduled Monuments		
Motte and Bailey Castle, known as Mowbray Castle,	East of Kirkby Malzeard	Scheduled
Fortress Dyke Camp	Dallowgill Moor, Laverton	Scheduled

6.9 Generally, the condition of these buildings is good. No Listed Buildings, for example, are included on Historic England's Heritage at Risk Register (2024)²⁰.

6.10 The designation of these buildings and structures as a Listed Buildings and Ancient Monuments gives them special legal protection beyond that which can be provided through a neighbourhood plan. It is important, however, that the Plan highlights the important contribution they make to the distinct character and identity of the parish and the need to conserve and enhance this.

²⁰ <https://historicengland.org.uk/advice/heritage-at-risk/search-register/>

Non-Designated Heritage Assets

- 6.11 In addition to the above 'statutory' designated heritage assets, there are other buildings and structures which, whilst they do not meet the criteria for designation as Listed Buildings, still have local historic or architectural importance that warrants consideration in the planning process. These are often known as non-designated heritage assets.
- 6.12 The North Yorkshire Historic Environment Record²¹ ('HER') identifies over 400 heritage items within the parish. These include designated and non-designated local archaeological sites and finds, historic buildings and historic landscapes and a wide diverse range of items including historic buildings; remains of a post medieval sheepfold; the site where a late Iron Age or Roman Statue was found; a well and two World War 2 aircraft crash sites.
- 6.13 Neighbourhood plans are able to identify non-designated heritage assets for greater conservation through the planning system.
- 6.14 The Plan has therefore taken the opportunity, using published guidance developed by the local planning authority (Heritage Management Guidance Supplementary Planning Document Chapter 5, Harrogate Borough Council, 2014)²² to identify a number of buildings and structures within the parish that are important locally and meet at least two of the criteria required be non-designated heritage assets, namely that they have architectural, historic, artistic or archaeological significance. These include buildings and structures identified as part of the HER as well as other assets considered locally significant. To ensure that these assets are considered appropriately in planning proposals, the Plan formally identifies them as non-designated heritage assets.
- 6.15 This approach supports and accords with national and local planning policies. A good example is Local Plan Policy HP2: Heritage Assets which seeks to conserve heritage assets both designated and non-designated, stating, amongst other things, that *'Proposals which would remove, harm or undermine the significance of a non-designated heritage asset will be permitted only where the benefits are considered sufficient to outweigh the harm'*.
- 6.16 Not all development that may affect an identified non-designated asset would necessarily require planning permission, but where a planning application is needed, then its identification as a Kirkby Malzeard, Laverton and Dallowgill Parish Non-Designated Heritage Asset will be a 'material consideration', i.e., the assets' local heritage significance will be taken into account when making a decision on the development proposals. Such proposals will be assessed against Policy KMLD6 and other relevant local and national planning policies.

²¹ <https://www.heritagegateway.org.uk/gateway/default.aspx>

²² <https://www.northyorks.gov.uk/planning-and-conservation/planning-policy/planning-policy-your-local-area/harrogate-planning-policy/harrogate-local-planning-guidance-and-supplementary-planning-documents/harrogate-heritage-management-guidance-supplementary-planning-document>

6.17 Further information regarding their heritage value is provided in the accompanying support document which can be found at Appendix A.

6.18

POLICY KMLD6: NON-DESIGNATED HERITAGE ASSETS

The Plan identifies the non-designated heritage assets listed below and illustrated at Appendix A. Further assets that meet Non-Designated Heritage Asset criteria may be identified over the lifetime of the Plan, for example through the determination of planning applications.

1. The Mechanics Institute, Kirkby Malzeard.
2. The Queen's Head Public House, Kirkby Malzeard.
3. The Ebenezer Methodist Chapel, Kirkby Malzeard.
4. The Henry Jenkins Public House, Kirkby Malzeard.
5. Laverton Bridge/Pinfold, Laverton.
6. Village Pump, Laverton.
7. Greygarth Methodist Chapel, Dallowgill.
8. Greygarth Monument, Dallowgill.
9. St. Peters Church, Dallowgill.
10. The Chapel of the Resurrection, Laverton.
11. Lady Hill (Dallowgill) Bridge.
12. Cast Hills Settlement, Dallow, Dallowgill.
13. Belford Aqueduct, Dallowgill.
14. Swetton Bridge, Dallowgill.
15. The Potato House, Carlesmoor, Dallowgill.
16. Carlesmoor Sighting Tower, Dallowgill.
17. Recording/Discharge Station, Carlesmoor, Dallowgill.
18. Carlesmoor Aqueduct, Dallowgill.
19. Stope Bridge, Dallowgill Moor.

Proposals for development which would adversely affect these will be considered in accordance with national planning policy relating to Non-Designated Heritage Assets.

Area of Local Character and Heritage

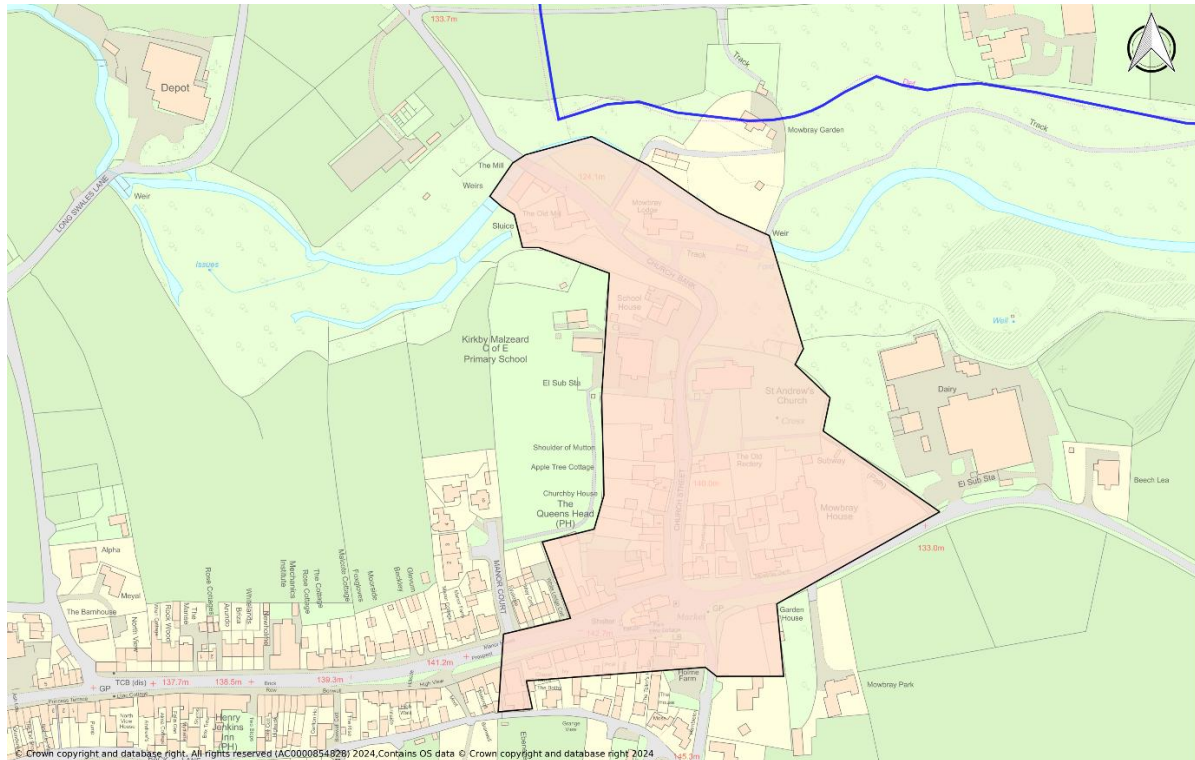


Figure 3: Map showing Area of Local Character and Heritage- Church Street, Kirkby Malzeard.

- 6.19 There is a cluster of nationally and locally recognised heritage buildings and structures to be found in and around Church Street, Kirkby Malzeard.
- 6.20 The Plan seeks to ensure that the distinctive character of the area is fully recognised and conserved in the planning system. A special character that is derived not only because of the historically and architecturally important buildings to be found within it but also its history, layout and open spaces.
- 6.21 To help ensure this, the Plan proposes that it be designated as an Area of Local Character and Heritage. Its identification does not introduce any specific planning restrictions such as, for example, restricting permitted development rights which allow certain changes to be made to a building without planning permission. However, where permission is required, developers are expected to show that the development proposals respect and, where possible, enhance the character and qualities of the area.

6.22 Where proposals would adversely affect the nature of the area these will be considered in accordance with national planning policies for non-designated heritage assets. Harrogate Borough Council's Heritage Management Guidance Supplementary Planning Document (SPD)²³ contains guidance. The SPD is a material consideration in the determination of planning applications and appeals, and supports the Local Plan policies. This SPD states, within Chapter 1 – Introduction to Guidance, paragraph 1.59:

'General principles for development that would affect non designated buildings or features:

a) There is a presumption against any development which would remove, demonstrably harm or undermine the significance of a non-designated asset, or its contribution to the character of a place, unless the public benefits of the development would outweigh the harm;

b) New development should enhance or reinforce those characteristics, qualities and features of the environment that contribute to local distinctiveness within the district's rural and urban areas.'

6.23 The Parish Council may give consideration in the future as to whether to apply for the area to be considered as a Conservation Area, but in the meantime, the Plan intends to designate it as an Area of Local Character and Heritage, to give it formal recognition and appreciation in the planning system.

6.24

POLICY KMLD 7: AREA OF LOCAL CHARACTER AND HERITAGE - CHURCH STREET, KIRKBY MALZEARD.

Within the Church Street, Kirkby Malzeard Area of Local Character and Heritage, as proposed and shown in Figure 3, on the Proposals Map and described in Appendix B, development proposals should reflect the traditional pattern of buildings and spaces in the area, especially in scale and proportion, and use materials such as those used presently in the area with preference towards those traditionally used, wherever practical and sustainable.

Proposals for development which would adversely affect the area will be considered in accordance with national planning policy relating to Non-Designated Heritage Assets.

²³ <https://www.northyorks.gov.uk/planning-and-conservation/planning-policy/planning-policy-your-local-area/harrogate-planning-policy/harrogate-local-planning-guidance-and-supplementary-planning-documents/harrogate-heritage-management-guidance-supplementary-planning-document>

Ensuring Good Design

- 6.25 Paragraph 131 of the NPPF makes it clear that *'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'* The NPPF reinforces that design policies should be developed with local communities, so they reflect local aspirations and are grounded in an understanding and evaluation of each area's defining characteristics. It sets out clearly at paragraph 132 that *'Neighbourhood Planning Groups can play an important part in identifying the special qualities of each area and explaining how this should be reflected in development.'*
- 6.26 The community attaches high priority to achieving development that is sustainable, of high quality and respond positively to the distinctive character of the local area.
- 6.27 It was evident, for example, that 373 of the 412 (90%) of the respondents to the Public Consultation Questionnaire felt that newly built properties must have adequate on-site parking with well over half also prioritising the use of traditional materials (71%), traditional design and construction (64%) and the use of landscaping and trees (71%).
- 6.28 In arriving at the Design Policy below, reference has been made to the existing Kirkby Malzeard Village Design Statement (KMVDS). It is almost a quarter of a century since this was drawn up, at which point the first stage of the St Andrews Meadow development, which now comprises 52 properties, had only recently taken place. In many ways, however, the overall nature of the village has not changed dramatically with a number of the same issues highlighted in the KMVDS, such as problems with traffic and parked cars, concerns over the adequacy of the sewers etc., still existing now.
- 6.29 Unfortunately, as the KMVDS was not legally part of the planning framework in the way that this Plan will be, many of the recommendations have not been implemented when considering applications in the manner that was hoped for by the community at the time.
- 6.30 General aspects of the design of buildings are already adequately controlled by the NPPF and by Local Plan policies, as well as by Building Regulations, and it is not the intention of this Policy to unnecessarily duplicate those. The Design Policy below is intended to reflect aspects which are essentially specific to the immediate local area with the intention of maintaining, and wherever possible enhancing, its character and appearance. Consideration was given to identifying individual character areas where different design

requirements might apply but this was not felt to be required. Distinction has been made between new build and extensions to existing buildings.

6.31

POLICY KMLD8: ENSURING HIGH QUALITY DESIGN.

Development proposals must achieve a high quality of design that respects and, where possible, enhances the distinctive character of the local area. Development proposals of poor or indifferent design which fail to take the opportunities available for enhancing the local character and sustainability will not be supported. Proposals should be designed in such a way as to meet the following criteria:

- a) Reinforce the distinctive qualities of the environment in which it is located, taking account of natural and built character, historical context and established patterns of development.
- b) Materials chosen should complement the design of the development and add to the quality or character of the surrounding environment. Elevations to new build properties should be faced with natural stone of the type typical of the area with the appearance of buildings to be inherently traditional.
- c) Extensions to existing buildings should follow a design approach that is consistent and in keeping with the building in the use of materials, design and roofline.
- d) Good use should be made of site characteristics and surroundings, including layout and use; form of space within the site; siting; scale; height; proportions and massing; orientation; architectural detailing; landscape, existing plants, trees and other features and materials. Trees and hedgerows on site should be retained where feasible and site enhancements could include appropriate native tree, shrub and hedgerow species planting, wildflower seeding, a sympathetic and appropriate lighting scheme and the incorporation of bird/bat nesting/roosting features (see also Policy KMLD12- Protecting and Enhancing Biodiversity).
- e) Incorporate adequate landscaping, where practical, to mitigate the visual impact of the development and to ensure that proposals harmonise and merge into the existing rural, village and hamlet context and respond to the wider countryside setting. A public open space should be incorporated into any major development scheme in proportion to its size.
- f) Protect residential amenity, giving careful consideration to noise, privacy, outlook and to sunlight and daylight. Development will be

expected to demonstrate how the design has been influenced by the need to plan positively to reduce crime and the fear of crime and how this can be achieved.

g) Ensure that the design of roads, parking areas and vehicular access includes adequate provision for road safety and measures to avoid indiscriminate parking by residents and visitors. Wherever practical, parking areas should be constructed of permeable materials to minimise the risk of surface water flooding.

h) Pedestrians, cyclists and horse riders should be considered and consulted at an early stage within the planning of any major housing or infrastructure development. Design of such schemes should also protect and enhance public rights of way and access, including, wherever possible providing improved facilities for non-vehicular users, for example by adding links to existing rights of way networks including National Trails.

i) Positively contribute to mitigation of climate change and meeting climate change targets by:

i. endeavouring to incorporate higher standards of energy efficiency than required under Building Regulation requirements and by using renewable energy sources wherever practical.

ii. reducing operational and lifecycle carbon emissions wherever possible through design.

iii. supporting the transition to low carbon or zero emissions forms of transport by measures such as installation of electric vehicle charging points in new dwellings, in public spaces, and in retail or commercial development (see also Policy KMLD 16– Ultra Low Emissions Vehicle Infrastructure).

Section 7: Natural Environment

Conserving and Enhancing the Landscape

- 7.1 The parish is set within the lovely and undulating countryside of Lower Nidderdale. About half of the total land area of the Parish is open heather moorland, with the remainder being mainly small-scale upland livestock farms, forming a patchwork of fields bounded by drystone walls. The steep wooded valleys of Dallowgill and Carlesmoor hold a mix of ancient oak woodland and more recent conifer plantations, with the latter being gradually replaced by new mixed broadleaf plantations.
- 7.2 For many residents and visitors alike, this diverse and interesting landscape makes the Parish special and distinctive. The beautiful setting of the parish provides for formal and informal recreational opportunities (walking, cycling and horse riding are popular pastimes), offers tranquillity, nurtures a richness of wildlife, and offers stunning views.
- 7.3 The quality and importance of this landscape are demonstrated in the findings of community consultation as well as other important studies. The Kirkby Malzeard and Grewelthorpe Landscape Character Assessment Area 35 (see below) described the landscape as *'beautiful, interesting and well-tended'* just to name one example.
- 7.4 That the landscape is of high value is reflected in that the whole of the Parish is within the Nidderdale National Landscape (Nidderdale NL). This means that the distinctive character, natural beauty and cultural heritage are so outstanding that it is in the nation's interest to conserve them. The Nidderdale NL received its protected status in 1994. Within National Landscapes there are additional and strict planning controls over the type of development which can take place. This acts as a major constraint on new development. More information about the Nidderdale NL can be found at <https://nidderdaleaonb.org.uk/>.
- 7.5 Consultations show that the designation of the whole of the parish as part of the Nidderdale NL is recognised and supported by the community. It is an important planning tool in conserving the distinctive character of Nidderdale, focusing development on more sustainable locations, while providing opportunities for recreation and leisure close to where people live. The area has many important assets including sites of nature conservation value. The Plan fully supports the continued designation of the whole of the parish as a National Landscape and urges that the additional planning controls and provisions this designation brings be assertively applied.
- 7.6 In 2004 the Local Planning Authority undertook a detailed assessment of this landscape. Known as a Landscape Character Assessment (LCA) this is a standard system for identifying, describing, classifying and mapping the landscape. It helps explain the unique combination of elements and features that make landscapes distinctive by

mapping and describing character types and areas. It identified 100 distinct landscape character areas in Harrogate district.²⁴

7.7 The Plan Area is covered by four Landscape Character Areas:

a) Area 9 Laverton Upland Fringe²⁵

b) Area 32 Skelding Moor, Galphay Moor and Lumley Moor Upland Fringe Farmland²⁶

c) Area 34 Kirkby Malzeard Parliamentary Enclosure²⁷.

d) Area 35 Kirkby Malzeard and Grewelthorpe Area²⁸

7.8 Details on the 'Key Characteristics', 'Sensitivities and Pressures' and 'Guidelines' for each Area can be found in the individual link to each of these provided within the footnotes below.

7.9 The Plan strongly supports maintaining all aspects of the special character of the landscape of the Parish; moorland, farmland with drystone walls, native woodland, and buildings using traditional materials in keeping with the landscape.

7.10

POLICY KMLD 9: CONSERVING AND ENHANCING THE LANDSCAPE.

Development should conserve and where possible enhance the natural beauty of the Nidderdale National Landscape.

Development proposals should be located and designed in a manner that is sensitive to its landscape setting, and has regard to the key characteristics, sensitivities and pressures, and guidelines, within the relevant Landscape Character Area.

²⁴<https://www.northyorks.gov.uk/planning-and-conservation/heritage-conservation-areas-and-listed-buildings/heritage-conservation-areas-and-listed-buildings-harrogate/landscape-character-assessment/landscape-character-assessment-quadrants>

²⁵https://www.northyorks.gov.uk/sites/default/files/fileroot/planning_migrated/heritage_conservation_areas_and_listed_buildings/9%20Laverton%20Upland%20Fringe.pdf

²⁶https://www.northyorks.gov.uk/sites/default/files/fileroot/planning_migrated/heritage_conservation_areas_and_listed_buildings/32%20Skelding%20C%20Galphay%20and%20Lumley%20Moors%20Upland%20Fringe.pdf

²⁷https://www.northyorks.gov.uk/sites/default/files/fileroot/planning_migrated/heritage_conservation_areas_and_listed_buildings/34%20Kirkby%20Malzeard%20Parliamentary%20Enclosure.pdf

²⁸https://www.northyorks.gov.uk/sites/default/files/fileroot/planning_migrated/heritage_conservation_areas_and_listed_buildings/35%20Kirkby%20Malzeard%20and%20Grewelthorpe.pdf

Protecting Important Local Green Spaces

- 7.11 There are numerous green spaces to be found in Kirkby Malzeard and beyond. These include play areas, sport pitches, green spaces within housing areas, churchyards and verges.
- 7.12 These green spaces are highly valued by the community. Access to good green spaces close to where people live is important to health and wellbeing. In the community survey when asked at question 14 *'Do you feel that additional controls should be included in the Neighbourhood Plan and if so, which are the priorities? – tick all boxes you consider important'*, 293 or 71% of respondents mentioned *'Identify and protect local green spaces used by the community'*.
- 7.13 It is essential, therefore, that important green spaces in, or close to, the built-up parts of the parish are fully protected from inappropriate development and where possible enhanced. This will help ensure that the community has access to quality open spaces near to where they live for sport and recreational purposes as well as protecting spaces that are important to the character of the area.
- 7.14 These green spaces have varying degrees of protection through various Local Plan policies including Policy HP6: Protection of Existing Sport, Open Space and Recreation Facilities.
- 7.15 The National Planning Policy Framework (Paragraph 106) allows neighbourhood plans the opportunity for *'communities to identify and protect green areas of particular importance to them'* by designating them as Local Green Spaces. It further states that *'Where land is designated as a Local Green Space, it is protected from development other than in very special circumstances. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period'*.
- 7.16 To be designated as Local Green Space it must also meet specified criteria set out in Paragraph 107 of the NPPF. These are that it is:
- In reasonably close proximity to the community which it serves,
 - demonstrably special to a local community and holds a particular local significance, for example, because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife and
 - local in character and not an extensive tract of land.

7.17 A number of green spaces in, or close to, the built-up parts of the parish were evaluated for their suitability for Local Green Space designation by the Steering Group. After careful consideration, seven green spaces were identified that are considered to have the greatest importance and meet the requirements and criteria for designation set out in the NPPF.

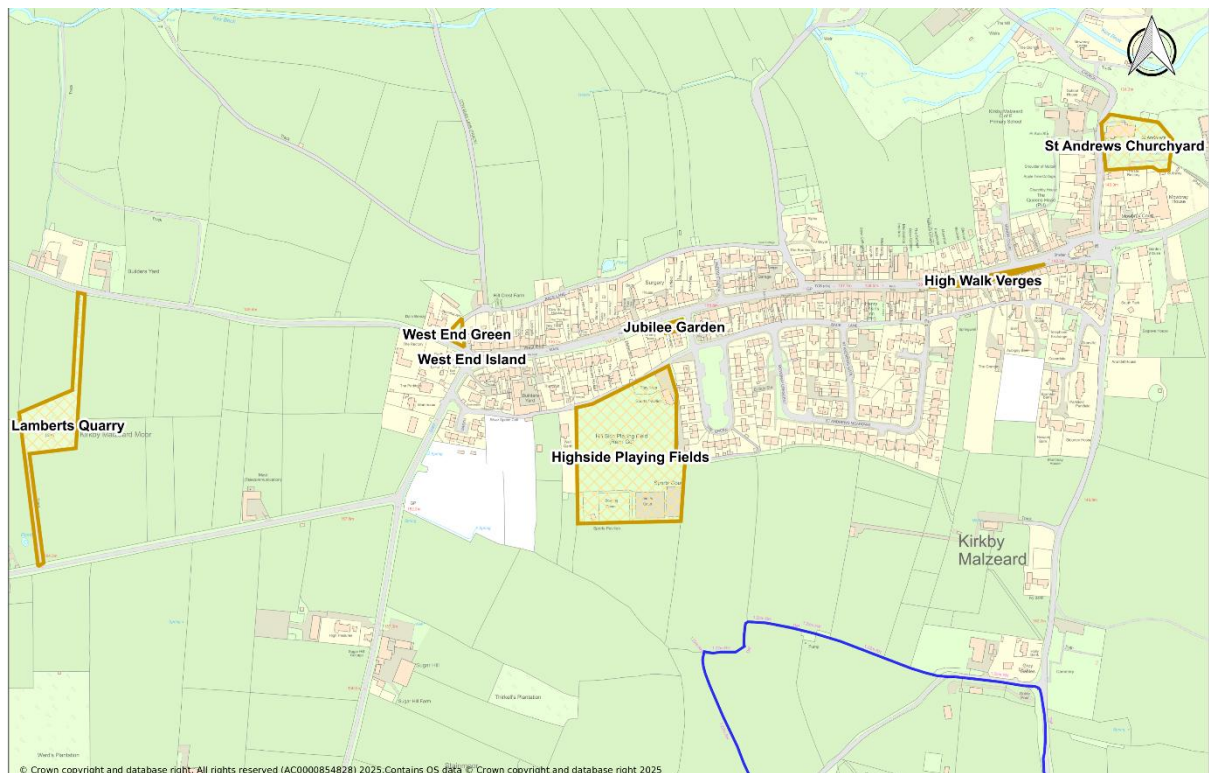


Figure 4: Map showing location of the Local Green Spaces

7.18 Further information about the sites that qualified under the criteria, together with justification for their inclusion is provided in Appendix C Local Green Spaces which forms part of the evidence base.

POLICY KMLD 10: LOCAL GREEN SPACES.

The sites identified below, in Figure 4, the proposals map and in Appendix C, are designated as Local Green Spaces.

1. Highside Playing Fields, Back Lane South, Kirkby Malzeard.
2. Jubilee Garden, Main Street, Kirkby Malzeard.
3. West End Green, located on the junction of Back Lane North/Ringbeck Road, Kirkby Malzeard.
4. West End Island, at the junction of Back Lane North, Ringbeck and Main Street, Kirkby Malzeard.
5. Churchyard surrounding St Andrew's Church, Church Street, Kirkby Malzeard.
6. High Walk Verges, Main Street, Kirkby Malzeard
7. Lamberts Quarry, off Ringbeck and Kirkby Moor Road, Kirkby Malzeard.

Development proposals within a designated Local Green Space are required to be consistent with the national policy for Green Belts, as set out in National Planning Policy Framework Section 13. Development will not generally be permitted unless there are very special circumstances where the public benefits of the development proposed would outweigh the harm that it would cause.

Allotments and Community Garden

7.20 Allotments and Community Gardens provide a wide range of benefits to communities and the environment, and are important for several reasons. These include providing sustainable and low-cost food production; giving a healthy activity for people with social contact; fostering community development and supporting wildlife.

7.21 There is currently one small allotment site in the parish created within 'The Pinfold' on Main Street, Kirkby Malzeard. This has been in continual use for many years. Some residents are presently known to rent allotments in neighbouring parishes.

7.22 Community consultation suggests that many residents would be interested in renting an allotment if there were some conveniently located in the parish. Parish councils have a legal duty to seek to provide allotments when there is sufficient demand.

7.23 The Parish Council is in the process of identifying a suitable site on which to create allotments and a community garden either in or on the edge of Kirkby Malzeard. It will work with landowners and with those interested in having an allotment in order bring this project to fruition as soon as possible.

7.24 Advice from The Allotment Society is that generally, developing an allotment site does not require planning permission, but often the associated buildings e.g. fences, sheds, vehicular access etc. do. Once a site has been found and negotiations with the landowners have taken place the Parish Council will therefore submit an Application to the Local Planning Authority in order to formally clarify the situation and also enable any interested parties such as neighbours, to make objections, if they wish.

7.25

PARISH ACTION 4: ADDITIONAL ALLOTMENT/COMMUNITY GARDEN PROVISION IN THE KIRKBY MALZEARD AREA.

The Parish Council will work in partnership with local landowners and other interested parties, including the Local Planning Authority, to bring forward an allotment site in or on the edge of Kirkby Malzeard.

Conserving Dark Skies

7.26 Darkness at night is one of the key characteristics of rural areas and a feature that national policy seeks to protect. The NPPF (para. 191) notes that in seeking to protect and enhance the natural environment, planning policies should '*limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation*'.

7.27 The intrinsically dark skies, that are a result of the rural nature of the parish, is one of the main things that sets it apart from more urbanised areas. As the Nidderdale National Landscape website states, '*The dark sky above Nidderdale AONB (Nidderdale National Landscape) is one of the most beautiful and darkest in the country. Not many places are truly dark anymore and this is one of the things that makes this area such a special place*'²⁹. Indeed, one of the objectives (L1:4) of the Nidderdale AONB (Nidderdale NL) Management Plan (2019 – 2024) is to secure International Dark Sky Reserve status for Nidderdale NL, together with the Yorkshire Dales National Park Authority, reflecting the international

²⁹ [Dark skies- Nidderdale AONB](#)

importance of and the need to protect the dark skies above it. The achievement of this status is something the Plan supports. The findings from community consultation underlined that many respondents consider that preserving dark skies should be a priority for the Plan.

7.28 The Council for the Preservation of Rural England (CPRE) 'night blight map'³⁰ confirms that the parish is an area of relatively dark skies. It forms part of a band to the western side of North Yorkshire which exhibits some of the darkest skies in Yorkshire and England more generally.

7.29 These dark skies are also important for the local wildlife. This includes several species of 'light-sensitive' bat and owl, as well as species of 'light-sensitive' moths that have been recorded across the parish. Light pollution can interrupt the natural rhythms of wildlife including migration, reproduction and feeding patterns. According to the International Dark-Sky Association, glare from artificial lights can have the following impacts:

- Wetland habitats – disruption of the nocturnal activity of amphibians whose night time croaking is part of the breeding ritual, interfering with reproduction and reducing populations.
- Migratory birds – disruption of migration patterns of birds which depend on cues from properly timed seasonal schedules, causing them to migrate too early or too late, and miss ideal climate conditions for nesting and foraging etc.
- Nocturnal species – detrimental effects most clearly seen in bats. Light falling on a bat roost exit point will at least delay bats from emerging, which shortens the amount of time available for foraging. In addition to causing disturbance to bats at roost, artificial lighting can also affect the feeding behaviour of bats and their use of commuting routes.

7.30 It is considered essential that given the susceptibility of some wildlife and ecosystems present in the parish, new development should help to maintain and enhance local tranquillity and dark skies.

7.31 The Policy below requires applicants to demonstrate that all proposed external lighting associated with new development is essential and carefully designed. In open countryside locations, applicants should be able to demonstrate that new external lighting is required for example for safety or security reasons. This is in support of and in accordance with Local Policy GS6: Nidderdale Area of Outstanding Natural Beauty (Nidderdale NL) which includes provisions relating to dark skies, which the Policy below seeks to support and expand. Para 3.69 states that *'Development proposals in the AONB (NNL) should ensure that lighting is carefully directed and sensitively designed so as to reduce obtrusiveness'*.

7.32 In May 2024, the Local Planning Authority also adopted the 'Protecting Dark Skies in Nidderdale AONB' Supplementary Planning Document (SPD)³¹. This provides detailed

³⁰ <https://nightblight.cpre.org.uk/maps/>

³¹ <https://www.northyorks.gov.uk/planning-and-conservation/planning-policy/planning-policy-your-local-area/harrogate-planning-policy/harrogate-local-planning-guidance-and-supplementary-planning-documents/protecting-dark-skies-nidderdale-area-outstanding-natural-beauty>

advice and guidance on appropriate lighting schemes in the NNL area and in section 3 identifies three 'darkness zones.' The vast majority of the Plan Area falls within the darkest zone (E0) where stricter requirements are to be met. The Policy below seeks to extend the requirements of zone E0 to cover the whole of the Plan Area. The areas which are currently included in zone E1 are seen as being equally suitable for E0 zoning as those already included, with no discernible difference between the two areas in terms of geography, landscape use or population density. This minor revision to the zoning areas will make implementation of planning policy in the Plan Area simpler for all parties when planning applications are being considered.

7.33

POLICY KMLD 11: CONSERVING DARK SKIES

Development should seek to minimise light spillage through good design and the avoidance of lighting that results in the loss of night-time dark skies. Development proposals that include external lighting should therefore demonstrate the following:

- a) That only external lighting which is essential, for example, for safety and security purposes, has been included.
- b) That the design of the lighting systems incorporates measures to avoid light spillage beyond the application site.

Applications within the whole of the Plan Area will be expected to meet Zone E0 requirements as set out in the 'Protecting Dark Skies in Nidderdale AONB Supplementary Planning Document'.

Protecting and Enhancing Biodiversity

7.34 The local landscape contains significant areas of upland and lowland heathland, woodlands and moorland as well as marshes, bogs and watercourses. These provide natural habitats for wildlife and wildflowers. They also create natural corridors/networks for wildlife and wildflowers.

- 7.35 The rural area within the Parish includes large areas of priority habitats³², including:
- Floodplain grazing marsh (Lumley Moor)
 - Blanket Bog (Kirkby Malzeard Moor and Dallow Moor)
 - Deciduous woodland (Various areas throughout Parish)
 - Grass moorland (Skell Gill).
 - Lowland heathland (SW of Bagwith House, Dallowgill).
 - Traditional Orchard (W end of Laverton village)
 - Upland heathland (Kirkby Malzeard Moor, Dallow Moor).
- 7.36 In recognition of their substantive natural value, several areas in the parish that include these habitats have been designated nationally and locally as having nature conservation value.
- 7.37 The most extensive designated area is the North Pennine Moors. This covers a large swathe of land across the north of North Yorkshire including much of the western part of the parish. The North Pennine Moors is both a Special Protection Area ('SPA') and a Special Area of Conservation ('SAC'). These are international designations denoting a high-quality conservation site that makes a significant contribution to natural habitats and fauna and flora. More information about the North Pennine Moors and its importance can be found at <https://sac.jncc.gov.uk/site/UK0030033>
- 7.38 Outside the North Pennine Moors SPA and SAC, several other areas, all or partly within the parish, have been identified as being of local biodiversity interest as reflected in their identification in 2019 as Sites of Importance for Nature Conservation ('SINCs')³³ by the North and East Yorkshire Ecological Data Centre ('NEYEDC'). These SINCs comprise:
- Lumley Moor Reservoir (NEYEDC Ref: SE27-25).
 - North Close Wood (NEYEDC Ref: SE27-22).
 - Kex Beck Wood (NEYEDC Ref: SE27-33).
- 7.39 In addition, to these a further three sites have been identified as candidate SINCs. These are:
- Lawnwith Two Acre (NEYEDC Ref: SE27-34).
 - Stripe Wood (NEYEDC Ref: SE27-32).
 - Mowbray Castle (NEYEDC Ref: SE27-26).
- 7.40 Candidate SINCs are sites that have been identified by the NEYEDC as having some nature conservation value, but further work is required to establish its full extent. The Plan is supportive of further investigation being carried out and, where found to be appropriate, such sites being designated as SINCs.

³² Priority habitats cover a wide range of semi-natural habitat types that have been identified as being the most threatened and requiring conservation action under the UK Biodiversity Action Plan (BAP). Priority habitat Inventory provided by NEYEDC November 2019.

³³ A SINC is the name given to a Local Wildlife Site in North Yorkshire. Nationally they are more commonly known as Local Wildlife Sites.

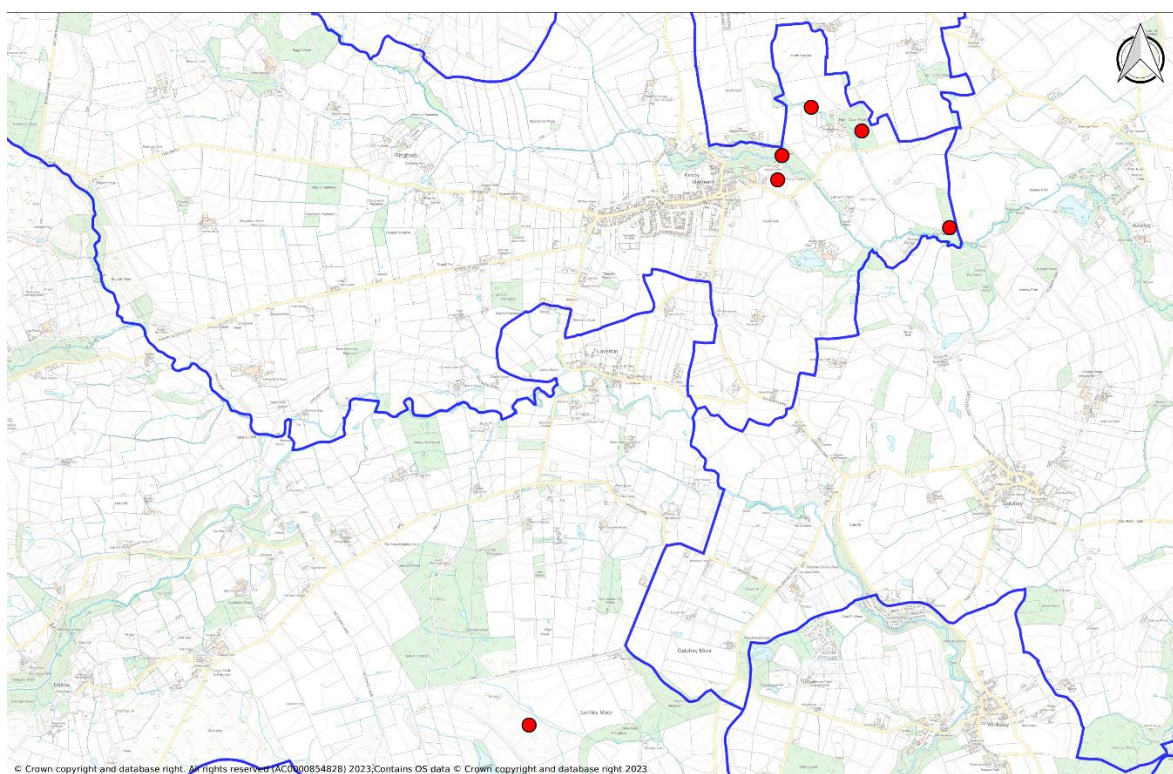


Figure 5: Map showing SINCS and candidate SINCS.

- 7.41 These habitats and sites provide an important haven for wildlife. Some of the wide and diverse range of species found in the parish include flowers and ferns such as bluebell, marsh pennywort, wood sorrel and lady-fern as well as rare and declining birds, insects and animals such as the swift, swallow, curlew, tawny owl, hedgehog, adder, hares and bats. Of the larger animals, badgers and deer are common. Wildlife lists for the parish prepared by the NEYEDC and others bear this out. Further information about the wide and diverse range of wildlife can be found in the Neighbourhood Plan pages of the [Parish Council website](#) (under 'Information on local wildlife' October 2023).
- 7.42 The consultations undertaken during the development of the Plan have demonstrated community support for the protection and enhancement of the biodiversity of the parish. This is for a variety of reasons, including supporting habitats for wildlife and wildflowers and improving resilience to climate change.
- 7.43 For similar reasons, a new national approach linking biodiversity to development has been recently introduced, known as Net Biodiversity Gain ('BNG'), which aims to leave natural environment in a measurably better state than before it was involved in development. The 2021 Environment Act introduced a mandatory requirement for BNG in the planning system, to ensure that new developments enhance biodiversity and create new green spaces for local communities to enjoy.

7.44 The Government's Department for Environment, Food and Rural Affairs (DEFRA) has produced a 'Biodiversity Metric'³⁴ to provide a way of measuring and accounting for biodiversity losses and gains resulting from development or land management change. Examples of appropriate methods to address BNG might include:

- a) Purpose designed boxes and bricks for bats, birds (including owls in remoter areas), bees and other invertebrates, within the structure of the building, or within the site boundaries on non-built features if this is not possible.
- b) Hedgehog access points in fences.
- c) Planting new native trees and hedges and flower-rich habitats.
- d) The intentional use of sustainable drainage systems ('SuDS').
- e) 'Re-wilding' of areas to support drainage and create habitat.
- f) Measures to protect the integrity of any affected wildlife corridors, mitigate any harmful impact, and incorporate linkages to provide new connections between corridors. This could also include the control of invasive species such as Himalayan Balsam, Japanese Knotweed etc.

7.45 The Plan supports these, and other methods, aimed at enhancing biodiversity. New developments, large and small, should consider how they can contribute to enhancing biodiversity over and above the requirements of BNG legislation.

7.46

POLICY KMLD 12: PROTECTING AND ENHANCING BIODIVERSITY

The biodiversity of the parish, including locally important sites of nature conservation, should be protected and enhanced. In particular, the following measures will be supported:

- a) designation of habitat banks within the Plan Area to enable Biodiversity Net Gain schemes to be carried out locally.
- b) the incorporation of measures in development schemes to support the habitats of locally important species of wildlife as identified by the North and East Yorkshire Ecological Data Centre.
- c) the planting of native trees, shrubs and wildflowers in open spaces within developments having regard to those promoted by the Nidderdale National Landscape Woodland Opportunity Plan (2019-20) and the White Rose Forest Action Plan (2021-25) or similar future schemes.

³⁴ <https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides>

Protecting and Improving Trees, Hedgerows and Woodlands

7.47 The parish has many trees and hedgerows, which add greatly to its character and appearance as well as providing a valuable habitat for wildlife and wildflowers.

7.48 Their importance is reflected in the findings of community consultation as well as important studies. When asked '*Do you feel that additional controls should be included in the Neighbourhood Plan and if so, which are the priorities? – tick all boxes you consider important*' (Q.14) in the community survey, preserve existing woodlands and trees and hedgerows and promoting further planting were mentioned most with 88% (or 362) of respondents identifying both of these as priorities.

7.49 Much of the parish falls within Kirkby Malzeard and Grewelthorpe Local Character Area (Area 35)³⁵. This identifies one of the main characteristics of the Landscape as '*Tree cover is of deciduous clumps of woodland plus lots of individual trees scattered along field boundaries (sycamore and ash dominate)*'. Adding '*Hedgerow trees are important to diversity, and filter views*' and promoting '*the planting and replacement of native hedgerow trees (e.g. oak and ash)*'. The Kirkby Malzeard Village Design Statement also underlined the importance of trees to the distinct character of the village and the wider parish. It also recommended the use of traditional species in hedging and tree planting.

7.50 The Parish Council through this Plan seeks to protect and enhance all important trees, hedgerows and woodlands.

7.51 The trees and woodlands listed below are already protected by Tree Preservation Orders (TPO's) as of June 2024. These Orders may be made on individual trees, groups of trees, woodlands or areas containing trees, if it appears beneficial in the interests of 'amenity' to do so. The majority of these have been made in large batches, usually on land where development was to take place.

a) REFVAL 95/00010/TPORDR. 9 individual Ash or Sycamore trees within, or on the boundaries of, the development which now comprises St Andrews Meadows and St Andrews Gate, Kirkby Malzeard.

b) REFVAL 15/00034/TPORDR. 61 Individual trees, groups of trees and areas of woodland (mainly comprising Oak, Ash and Sycamores, but with various other varieties) located over a large area to the South and East of Kirkby Malzeard village including The Grange, Back Lane South, South Park and Mowbray Park Farm, Ripon Road.

c) REFVAL 18/00007/TPORDR. 20 individual trees or groups of trees (mainly Ash) situated in, or on the boundary of, land allocated for housing off Laverton Road, Kirkby Malzeard.

d) REFVAL 17/00068/TPORDR. 2 groups of trees and 1 individual tree (Birch, Ash and Sycamore) located at Grey Gables, Laverton Road, Kirkby Malzeard.

- e) REFVAL 18/00018/TPORDR. One Redwood and one Sycamore together with a group of 3 Redwoods located at Wensleydale Dairy, Ripon Road, Kirkby Malzeard.
- f) REFVAL 20/00039/TPORDR. 3 individual Sycamores on land forming part of, or adjoining New House, Laverton.
- g) REFVAL 19/00044/TPORDR. An Area containing trees to the south of Low Keld, Laverton Road, Kirkby Malzeard.
- h) REFVAL 06/00022/TPORDR. A group of 6 Sycamores in a field east of Galphay Road, Kirkby Malzeard.
- i) REFVAL 92/00011/TPORDR. An Area comprising a line of trees South West of Laverton Bridge, Laverton.
- j) REFVAL 06/00022/TPORDR. A Copper Beech at the Old Vicarage, Church Street, Kirkby Malzeard.
- k) REFVAL 50/00001/TPORDR. A group of trees near to Holburn Beck, Grantley on the boundary of the Plan Area where it adjoins the neighbouring Grantley, Sawley, Skelding and Eavestone Parish Council area.

To view the location of these, use this link and select the [Tree Preservation Orders](#) layer.

- 7.52 In addition to those trees and woodlands protected by TPOs, all established hedgerows in the countryside are protected through national planning policies³⁶. Further clarification is also set out within the [countryside hedgerows guidance note \(pdf / 553 KB\)](#)
- 7.53 The Parish includes several designated areas of ancient woodland; Mowbray Castle Wood, Wood near Dalton Lodge, North Wood, Carlesmoor Beck Wood and Biggin Wood. Ancient Woodlands also have some protection in the planning system. The Plan considers these woodlands to be a key aspect of the Parish's character and seeks to preserve them.
- 7.54 Furthermore, Policy NE7: Trees and Woodlands in the Local Plan provides general protection for all trees that have 'wildlife, landscape, historic, amenity, productive or cultural value or contribute to the character and/or setting of a settlement'. However, not all the important trees and woodlands are specifically protected.
- 7.55 One of the main ways a community can seek to protect important trees is seeking their designation as TPOs. However, legislation does not allow a neighbourhood plan to make a TPO. This would need to be made by the Local Planning Authority. The Plan can, however, highlight the case and local importance for making more TPOs

³⁶ <https://www.gov.uk/guidance/countryside-hedgerows-regulation-and-management>

7.56

PARISH ACTION 5: TREE PRESERVATION ORDERS.

The Parish Council will work in partnership with the Local Planning Authority and other interested parties and individuals, to identify and protect trees and woodlands of amenity value in the parish by the use of Tree Preservation Orders.

7.57 Furthermore, the Plan strongly encourages the planting of new trees in the Parish, both to compensate for the loss of existing trees due to disease and natural causes, and to increase the tree coverage of the Parish. The Nidderdale National Landscape Woodland Opportunity Plan (2019-20)³⁷ covered all of the Parish and had an objective of increasing tree planting in appropriate areas to improve flood management and extend woodland habitats. The Parish Council is supportive of Nidderdale National Landscape's efforts, and encourages the planting of broadleaved native species, both those traditional to the local area and those potentially better suited to the future effects of climate change. Such native trees will reinforce the distinctive character of the parish and are better equipped to live with the local climate and soil types, and support food and habitats for wildflowers and wildlife. The White Rose Forest initiative extends throughout North and West Yorkshire working with landowners, farmers and communities with details provided within its Action Plan³⁸

7.58

PARISH ACTION 6: TREE PLANTING

The Parish Council will support and encourage native tree planting schemes in the Plan area which are in accordance with those promoted by the Nidderdale National Landscape Woodland Opportunity Plan (2019-20) and the White Rose Forest Action Plan (2021-25) or similar future schemes.

³⁷

<https://nidderdaleaonb.org.uk/wp-content/uploads/2020/11/Woodland-Opportunity-Plan-FINALWEB.pdf>

³⁸ <https://whiteroseforest.org/about/actionplan/>

Section 8: Community Facilities.

Protecting and Enhancing Community Facilities

- 8.1 Community facilities include important land and buildings that meet the health, welfare and social needs of the local population. These can include a wide range of facilities, such as shops, schools, community centres, places of worship, public houses and medical facilities that are important for good health, well-being and sustainable future development.
- 8.2 For a parish of its size and rural location, it has a very good range of community facilities. This is not only confirmed by the findings of the community consultations but within the Local Plan where Kirkby Malzeard is identified as a Primary Service Village reflecting its role in providing *‘residents and people in surrounding villages with a basic range of services and facilities’*.
- 8.3 These community facilities are predominantly in Kirkby Malzeard. They include a primary school and pre-school, doctor’s surgery, Mechanics Institute village hall, Highside playing fields (with cricket/football fields, tennis courts, bowling green and multi-use games area), children’s play area, general village stores, butcher’s shop, fish and chip shop, a hairdresser, a public house, two vehicle repair garages (one with fuel pumps), a caravan park with cafe, St Andrew’s church and a separate parish cemetery.
- 8.4 Elsewhere in the parish, facilities are more limited comprising Greygarth Chapel and Schoolroom (which now serves as a meeting venue), Dallowgill outdoor centre, a glamping site at Dallow and the Chapel of the Resurrection with cemetery near Laverton.
- 8.5 These facilities are much prized by the local community. They, and the activities and services they support, play a vital role in meeting the health, welfare and social needs of the residents of the parish and supporting the diverse range of local activities and social interaction that take place. Their retention, and wherever possible improvement, is a top priority of the community.
- 8.6 However, some residents lack accessible community facilities to meet their day-to-day needs. This means that many must travel, overwhelmingly by car, to the nearby centres such as Ripon, Masham, Pateley Bridge and Harrogate to meet their shopping and community facility needs. The need to travel outside the parish to access basic services is one of the main reasons for the high levels of car ownership. It also creates challenges for those residents who do not have access to a car or live in the more remote parts of the parish. This is compounded by the (at best) limited bus service coverage.
- 8.7 Furthermore, the parish has already lost some important community facilities, such as St Peters Church in Dallowgill, the Ebenezer Methodist Chapel in Kirkby Malzeard and The

Drovers Public House in Dallow. Other buildings such as the Henry Jenkins Public House in Kirkby Malzeard have now stood vacant for approximately fourteen years. Their loss has had an adverse impact on the parish, and there is concern that this trend in the gradual loss of community facilities may continue unless action is taken.

8.8 Through the preparation of the Plan, several key community facilities have been identified as being especially important to the community due to their location, accessibility to all sections of the community and generally the valuable role they play. The community wishes their special role to be acknowledged and recognised.

8.9 Local Plan Policy HP8: Protection and Enhancement of Community Facilities seeks to protect important community facilities and only allows their loss in special circumstances. The recreational facilities at Highside Playing Field are not covered by Policy HP8 but are protected under Local Plan Policy HP6 and have been provided with Local Green Space designation within Policy KMLD8 of this Plan. It is not therefore included in the list below (8.10) to avoid confusion but is referred to in the Policy itself below where reference is made to recreational facilities.

8.10 The Plan does not wish to duplicate and replicate Policy HP8. It does, however, support and add value to it by identifying the specific important community facilities that it wishes to see specifically protected and, where possible, enhanced. Policy HP8 in the Local Plan should be applied to all relevant community facilities including:

1. School and Pre-School, Church Street, Kirkby Malzeard.
2. The GP Surgery, Main Street, Kirkby Malzeard.
3. The Mechanics Institute Village Hall, Main Street, Kirkby Malzeard.
4. Kirkby Stores village shop, Main Street, Kirkby Malzeard.
5. St Andrew's Church, Church Street, Kirkby Malzeard.
6. The Queens Head Public House, Main Street, Kirkby Malzeard.
7. Dallowgill Chapel and Meeting Room, Greygarth, Dallowgill.

The facilities above are consistent with those outlined as minimum requirements set out in Local Plan Policy GS2: *'As a minimum, service villages contain at least one key public service (such as a primary school or GP surgery), recreational facilities and at least one meeting place (i.e. a village hall, a place of worship or both). Further to the minimum requirements, most service villages also contain a shop (a general store catering for day-to-day needs) or a pub or a café, and some contain more than one of these businesses.'*

8.11 In addition to their protection, the community also wishes to see wherever possible the enhancement of, and the creation of new community facilities to meet the future needs of the parish. The need for enhanced health care was especially cited by many residents. Development of any new facilities on a large scale, however, would not be appropriate as it would harm the distinctive nature and character of the parish and promote unsustainable

forms of development. Development should therefore meet the relevant criteria as outlined in existing Local Plan Policies HP7 (covering Open Spaces) and HP9 (covering Community Facilities).

8.12

POLICY KMLD 13: PROTECTING, ENHANCING AND CREATING COMMUNITY FACILITIES AND RECREATIONAL OPEN SPACES.

a) The protection and enhancement of existing community facilities as specified below, and the creation of new community facilities, will be supported, subject to development proposals demonstrating that they respect local character and neighbouring uses and do not result in harm to highway safety.

1. School and Pre-School, Church Street, Kirkby Malzeard.
2. The GP Surgery, Main Street, Kirkby Malzeard.
3. The Mechanics Institute Village Hall, Main Street, Kirkby Malzeard.
4. Kirkby Stores village shop, Main Street, Kirkby Malzeard.
5. St Andrew's Church, Church Street, Kirkby Malzeard.
6. The Queens Head Public House, Main Street, Kirkby Malzeard.
7. Dallowgill Chapel and Meeting Room, Greygarth, Dallowgill.

b) The protection and enhancement of existing recreational open spaces as specified below, and the creation of new recreational open spaces will be supported, subject to development proposals demonstrating that they respect local character and neighbouring uses and do not result in harm to highway safety.

1. Highside Playing Fields, including the Children's Play Area, Kirkby Malzeard.

8.13 As indicated, there is an extensive range of facilities available in the local community and for the most part these are able to serve all age groups. It is recognised however, that whilst a Youth Club exists in Kirkby Malzeard, principally for the 9-13 years age group and

that whilst there are sporting and recreational facilities available at Highside Playing Fields, the overall number of facilities available for younger people is, regrettably, quite limited. A Parish Action has therefore been included to seek to rectify this.

8.14

PARISH ACTION 7: PROVISION OF FACILITIES FOR YOUNGER PEOPLE.

The Parish Council, in conjunction with other local organisations such as Highside Playing Fields Association, will aim to expand the range of activities and facilities for younger people in the community, with appropriate consultation taking place with those members of the community in the age group who are to benefit.

Assets of Community Value

8.15 The designation of a community facility as an Asset of Community Value ('ACV') provides the opportunity to give it added protection from inappropriate development.

8.16 The Localism Act 2011 defines an ACV as '*a building or other land is an asset of community value if its main use has recently been or is presently used to further the social wellbeing or social interests of the local community and could do so in the future*'. The Localism Act states that '*social interests*' include cultural, recreational and sporting interests.

8.17 Where an asset is 'Listed' as an ACV the Parish Council or other community organisations will be given the opportunity to bid to purchase the asset on behalf of the local community if it comes up for sale on the open market.

8.18 Through the consultation, some properties have been identified as important to the social well-being of the community, for example those referred to in Policy KMLD13. The Parish Council will therefore consider the mechanism of designating them as ACVs, to further ensure that their social value is protected.

8.19

PARISH ACTION 8 – LISTING IMPORTANT COMMUNITY FACILITIES AS ASSETS OF COMMUNITY VALUE

The Parish Council will give consideration to Listing the Community Facilities referred to in Policy KMLD 13 as Assets of Community Value.

8.20 The inclusion of a specific policy in a neighbourhood plan with respect to ACVs provides the opportunity to give it formal recognition in the planning system. It ensures that the Listing of an ACV is a material consideration (i.e., it must be taken into account) when determining a planning application.

8.21

POLICY KMLD 14: ASSETS OF COMMUNITY VALUE

Development proposals that support the ability of an Asset of Community Value to further the social well-being or social interests of the local community will be supported and encouraged.

Where proposals could threaten the long-term registration of an ACV, for example through a change of use, the clear benefits of maintaining the asset's ability to further the social well-being or social interests of the local community will be fully considered.

Section 9: Infrastructure

Highway Safety

- 9.1 Much of the current road network in the Plan area consists of rural country lanes, many narrow and winding. It is simply not designed for modern vehicular traffic. This is compounded by the significant amount of traffic, including large agricultural vehicles and heavy goods vehicles, that passes through the parish. As a consequence, congestion and highway safety is seen by the Parish Council and the community as a serious and growing issue on many roads, not only for vehicle users but also vulnerable road users such as pedestrians, cyclists and horse riders.
- 9.2 Further new development and the continued growth in tourism in the parish and the surrounding areas will bring with it more vehicles, which is likely to result in an increase in congestion and issues for road safety. Policy KMLD 1 has therefore been included within the Plan to mitigate the effects of this, particularly within the centre of Kirkby Malzeard village.
- 9.3 Speeding is also seen as an issue throughout the parish, but again particularly along Main Street in Kirkby Malzeard. Roads generally are narrow with few natural or other obstacles to slow down motorists. Road signs do direct drivers to slow down and drive safely within the speed limits, but many fail to do so. When asked in the community survey *'How important are these specific issues within our Neighbourhood Area?'* over 91% (358 out of 412) of respondents identified speeding in villages to be important or very important and 86% (337 out of 412) speeding in rural areas to be important or very important.
- 9.4 Through the Plan's development, several areas of Main Street in Kirkby Malzeard were identified where road safety issues have been highlighted on which action is required to remedy. These include the Market Cross junction, the section at the western end of Main Street near to the Ringbeck Road junction, the area adjacent to the Long Swales Lane junction and the area in front of the Mechanics Institute Village Hall.
- 9.5 There is also concern that any new development should be linked to the village centre by pavements and that there is adequate street lighting in Kirkby Malzeard and Laverton villages to enable pedestrians to safely use pavements at night.
- 9.6 Whilst the formulation of transport policy at a local level is primarily a matter for North Yorkshire Council as the Highway Authority, the Parish Council wishes to support and encourage actions that can be taken to address highway safety particularly in areas where road safety issues have been identified as a significant concern. This may include the introduction of lower speed limits in areas where risks have been identified and the extension of zones elsewhere where speed limits below the national speed limit apply.

9.7

PARISH ACTION 9: HIGHWAY SAFETY.

The Parish Council will work in partnership with the Highway Authority, the Local Planning Authority and other bodies to encourage opportunities to improve highway safety, particularly where safety has been identified locally as an issue, including Main Street in Kirkby Malzeard.

Car Parking

9.8 On street car parking is a significant issue in Kirkby Malzeard and also, albeit to a lesser extent, elsewhere in the Plan area. This was highlighted as a concern in the consultation.

9.9 The roads and much of the housing in Kirkby Malzeard were not designed for the needs of modern traffic. The roads and pavements tend to be narrow, and much of the older parts of the village were designed with no off-street parking. Indeed, in parts of the village on-street parking is the only means of parking especially along Main Street. Consequently, there is a serious issue with on-street parking, which has a detrimental effect on pedestrian and road safety and the ease by which pedestrians and vehicles can travel safely within the village.

9.10 It is, therefore, important that any development does not adversely impact car parking provision in the village and wherever possible improves it, further to the principles included within Local Plan Policy TI3.

9.11

POLICY KMLD 15: CAR PARKING PROVISION WITHIN NEW DEVELOPMENTS.

To be supported, development proposals should incorporate sufficient, safe and convenient car parking provision either within the curtilage of the property, or an allocated parking area within close proximity, in accordance with the most up to date highway authority standards.

Development proposals that result in the loss of car parking provision will only be supported where:

- a) it can be shown that the loss of parking will not have a severe adverse effect on parking provision and road safety; or

b) adequate and convenient replacement car parking provision will be provided.

9.12 During the preparation of this Plan, several specific suggestions were made about other actions that could be taken forward to help address the parking issues in Kirkby Malzeard. One idea is to establish a community car park on part of 'The Green'. This site, owned by North Yorkshire Council is considered to be suitable for this use as it would serve the nearby Highside Playing Field, where serious parking problems arise, particularly when sporting activities are taking place, and also the Doctors' Surgery. Furthermore, it would provide additional parking for residents of The Green when not otherwise in use. This idea is to be taken forward by the Parish Council and the wider community.

9.13

PARISH ACTION 10: PROVISION OF PUBLIC CAR PARK IN KIRKBY MALZEARD.

The Parish Council will work in partnership with the Highway Authority, Local Planning Authority, residents and other interested bodies and individuals, including NYC Estates as landowner, to explore the feasibility of developing a section of 'The Green', Kirkby Malzeard to provide a public car park. The provision of publicly accessible charging points for ULEVs will also be considered and incorporated if practical.

Public Transport

9.14 Public transport within the Plan Area is very limited in nature, as in most rural areas, comprising a bus service only, with the nearest connections to the national rail network being at Thirsk (13 miles distant) and Harrogate (14 miles distant).

9.15 At the time of the initial public consultation the only bus service available in Kirkby Malzeard was that provided by Dales and District service number 138 (Mondays, Thursdays and Saturdays with one journey a day leaving at 09.15 am and returning at 12.52 pm) and 138a (Monday to Friday with one journey a day leaving at 07.08 am and returning at 18.22 pm).

9.16 We asked within that consultation how frequently people used the service and what could be done to make them use it more regularly. Of the 403 people who answered whether they used it 387 said that they 'never' or 'rarely' used it, leaving only 15 respondents using it on a regular basis.

9.17 In order to attempt to establish what might make people use it more frequently 199 respondents stated 'an increased frequency of service', 91 said 'a community bus/taxi would help' and 64 indicated that 'a rescheduled service would make a difference'. Other suggestions included making the school bus available for other users (although this was not deemed practical) and cheaper fares (although a price cap has subsequently been introduced). Clearly, as is the picture nationally, the vast majority of residents and employees use cars to travel in and around the area because the other options are impractical for them. There have been schemes to promote car journey-sharing in the past, but these have not had any quantifiable success within this locality.

9.18 Since the time of the original public consultation an initiative known as Yorbus was trialled in the district being initiated by the then North Yorkshire County Council. This was an 'on demand' service enabling users to book a bus at a specific stop at a specific time, via a phone app. Whilst not meeting everyone's requirements it was generally seen as a useful addition to the local transport network. It is considered regrettable that this service ceased as it was deemed unviable.

9.19 The general conundrum which surrounds public transport in rural areas is that the service will only improve if more people use it, but more people will only use it if it is improved.

9.20

PARISH ACTION 11: LOCAL BUS SERVICES.

The Parish Council will actively lobby the service provider to improve the timetable so that it is better suited to those who might wish to use it. It will continue to promote and publicise services through its website and Facebook pages.

Ultra-Low Emissions Vehicle Infrastructure

9.21 Supporting and encouraging Ultra-Low Emissions Vehicles (both public and private) was especially highlighted as an action that could be taken forward by many of those consulted during the preparation of the Plan, especially as levels of car ownership and use in the parish are above the regional and national averages, according to the 2021 Census.

9.22 There is compelling evidence that petrol and diesel-powered vehicles cause pollution, which contributes to climate change, poor air quality and is dangerous to public health. For these and other reasons, the Government intend to end the sale of conventional internal combustion engine powered cars at some point. Policy makers, vehicle manufacturers and

other transport innovators are, therefore, working to build interest in and around the use of alternative fuels, for example, electricity, biomethane and hydrogen.

- 9.23 As many transport users are likely to make the transition to Ultra-Low Emissions Vehicles (ULEVs) over the next few years it is appropriate to consider the need locally for suitable charging infrastructure that is 'fit for purpose', represents good value for money, and responds directly to the increasing expectation and demand for a network of public access infrastructure.
- 9.24 One specific idea that generated strong support was that a community charging point should be incorporated within the public car parking area referred to in Parish Action 9 as this could be used by residents where the nature of their existing properties made having their own charging points impractical.
- 9.25 In order to underline the importance of providing infrastructure of this nature, it is also considered appropriate to include a policy supporting the provision of charging points (which may in practice be initially for plug-in electric or hybrid cars but to include other forms of ULEVs as appropriate in the future) where relevant development, as specified by Approved Document S of the latest Building Regulations, is taking place in the Plan area.
- 9.26 This approach is in general accordance with NPPF paragraph 117e *'that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.'* and Policy TI1: Sustainable Transport in the Local Plan which also promotes the *'provision of electric vehicle charging points for both cars and bikes.'*

9.27

POLICY KMLD 16: ULTRA-LOW EMISSIONS VEHICLE INFRASTRUCTURE

To be supported, relevant development proposals must include the provision of Ultra-Low Emission Vehicle charging points. Specific encouragement is given for the provision of sympathetically located and designed public charging points where practical, in appropriate forms of development.

Public Rights of Way

- 9.28 As a predominantly rural area the availability of public footpaths, bridleways and, in recent years, off road cycle routes, is an important issue. These are now almost entirely used for recreational purposes although in the past these were often through routes to get

to market or used by residents to get to work during the week, to places of worship on Sundays, and for children to access school.

9.29 We are fortunate therefore to have inherited a large network of routes as can be seen via this link to the [North Yorkshire Council Public Rights of Way map](#)

9.30 The value of having an extensive network of footpaths, bridleways and tracks is now recognised as contributing to the well-being of residents from the perspective of both physical and mental health. Visitors to the area also view them as an attraction and as referred in Section 5.6, this can help to contribute to the local economy.

9.31 Planning policy should support an appropriate mix of high quality joined up networks and access areas, as this would improve road safety by reducing the number of vulnerable users on highways. The NPPF mentions walking and cycling and the need for high quality access, but neglects to include horse riders, making it essential that this is addressed within this Plan.

9.32 Parts of the Rights of Way network in the area have been restored in recent years. This has helped vulnerable road users such as horse riders, carriage drivers, cyclists and walkers avoid some road use, but there remain valid reasons for investigating whether any additional enlargement of the network locally is possible, as it would further benefit these groups. Lack of access to horses and riding facilities is cited as a barrier for 22% of lapsed riders returning to riding. Forty-four percent of those riding once a week would ride more frequently if they had access to safe bridleways or off-road riding ³⁹.

9.33

PARISH ACTION 12 – PUBLIC RIGHTS OF WAY

The Parish Council, in conjunction with residents, local walking groups, cyclists and horse riders, will take active steps to promote existing routes which could be more extensively used by a larger number of people without causing detrimental side effects. This could include the publication of guides, the maintenance of signs, stiles, gates etc. in conjunction with landowners and NYC Countrywide Access Services, and the shared use of rights of way by different types of vulnerable road users where practical. It will also investigate alongside other interested parties to establish whether scope exists to extend the local network further.

³⁹ National Equestrian Survey 2019 British Equestrian Trade Association www.beta-uk.org

Utilities

9.34 The adequacy or otherwise of Utilities is important to a community and can affect day to day quality of life.

9.35 Our public consultation responses indicated that the vast majority felt that the electricity supply and water supply was 'good' or 'very good' (90%) and (84%) respectively, but satisfaction levels for the mains sewerage system were lower at 59%, the broadband provision (54%), and the mobile phone service (51%), whilst only 36% felt the surface water/storm drainage infrastructure was adequate.

9.36 The issue surrounding the sewerage system within Kirkby Malzeard village has been referred to in Section 5.1 and Policy KMLD 2 has been incorporated into this Plan in order to prevent further problems in respect of condition and capacity if and when major development takes place. Elsewhere in the Plan area no other serious issues are known to exist at present to the sewers with many of the rural properties having off-grid solutions such as septic tanks.

9.37 Both the broadband and mobile phone provision are of much more recent origin, and it is acknowledged that generally these are services which are still being improved gradually as technology develops. They are however of increasing importance, particularly for local businesses and those working from home, and provision remains less extensive and reliable in the countryside than in urban areas.

9.38 One utility which is clearly of general concern to the community is the surface water/storm drainage provision. Whilst there is no recent history of serious flooding affecting properties there have been regular events of flooding to roads in both Laverton and Kirkby Malzeard villages in the past. This is generally attributed to lack of adequate maintenance by the Agencies responsible and it is considered essential that the adequacy and capacity of this existing infrastructure does need to be regularly assessed, particularly in the light of the likelihood of heavy and more prolonged rainfall because of climate change.

9.39

PARISH ACTION 13 – SURFACE WATER SEWERS

The Parish Council will closely monitor the maintenance and capacity of the surface water sewerage infrastructure and bring all issues to the attention of the Agencies responsible, to ensure that serious issues do not arise unnecessarily within the Parish in the future.

Section 10: Local Economy

Supporting the Local Economy

- 10.1 A vibrant local economy is seen as a key element to achieving a sustainable and balanced community.
- 10.2 While most people travel outside of the parish to access job opportunities, there are a significant number of businesses to be found within the parish. There are three large businesses; D & M Design and Fabrication located at North Close Farm, Kirkby Malzeard, R and J Yorkshire's Finest located at Long Swales Lane, Kirkby Malzeard and Saputo (formerly Wensleydale Dairy), on Kirkby Road, Kirkby Malzeard, all of whom employ over 50 people each.
- 10.3 Most businesses in the parish are smaller, having five or less employees. There are also a growing number of people who work from home, even allowing for the effect of Covid restrictions at the time of the 2021 Census (see Section 3 – Parish Present).
- 10.4 Historically, farming has been the backbone of the local economy. Although the number of farms and the number of workers employed on these has reduced over the years, the sector continues to be an important source of jobs and wealth and a key part of the identity and character of the parish.
- 10.5 Other rural businesses include grouse and pheasant shooting, and under the management of the Dallowgill Estate, this remains a significant feature of the local economy, providing full time employment for 5 people, part time employment for a further 40 people, and considerable associated expenditure with local businesses. The shooting estate also helps to maintain large areas of moorland and woodland within the parish.
- 10.6 The viability, development and diversification of agricultural and other land-based rural businesses are high priorities for the Plan and will be supported subject to any development respecting local character, residential amenity and highway safety.
- 10.7 Tourism is a growing aspect of the local economy and there has been a noticeable rise in the number of hospitality businesses (including Airbnb, glamping and holiday cottages) in recent years. Bringing visitors to this area is also believed to be helpful in developing our sense of 'place'. There are important tourist facilities within easy reach of the Plan area, including the National Trust sites of Fountains Abbey/Studley Royal Water Garden and Brimham Rocks, and Lightwater Valley Theme Park is also close by.
- 10.8 As described in Section 5.5 the parish has an extensive public access network of footpaths, bridleways and byways, as well as scenic lanes across the moors. This network includes well marked trails, such as the 7 mile Mosaic Trail around the western area of the

Parish, and parts of the Ripon Rowel Walk. Cyclists are also frequent visitors following the popularity of the Tour de Yorkshire events in 2018 and 2019. Motorcyclists enjoy the local road network and byways. Horse riding is increasingly popular with visitors and local residents and there is an extensive network of bridleways in the Parish. All of these activities have led to the growth of businesses which support them.

10.9 The Plan is strongly supportive of Nidderdale National Landscape and other local government support for the documentation, promotion and maintenance of footpaths, byways and bridleways across the Parish.

10.10 A survey of major local businesses was undertaken by the Steering Group as part of the stakeholder consultation between mid-2021 and early 2022. The public consultation also included a section which sought responses from those employers with 5 or less employees. From this consultation exercise it is evident that the parish is generally seen as a good business location, but employers would still welcome certain improvements. The resolution of highways issues, greater car parking capacity in Kirkby Malzeard and more affordable housing for employees were cited.

10.11 The consultation did underline strong local support and preference for the growth and expansion of smaller businesses, including home working. This could be both through the conversion of existing buildings and well designed, proportionate and suitably located new buildings from which such small-scale businesses can operate. The consultation indicated strong support especially for small businesses connected to hospitality, leisure and tourism in general.

10.12

POLICY KMLD 17– SUPPORTING THE LOCAL ECONOMY

Though some types of development do not necessarily need planning permission, where it is required, the following types of commercial and business development will be supported:

- a) Small scale employment units within existing development limits particularly on brownfield sites and existing employment sites.
- b) Proposals which allow farming to develop other income sources providing these are compatible in scale and nature with a farm-based location.
- c) The conversion of rural buildings to form commercial/business units in line with the criteria outlined in Local Plan Policy EC3 (or successive Local Plan approaches) with the exception of isolated buildings in prominent positions within the landscape, particularly where a new highway access and track is needed.

Development must be sympathetically located and designed and without detrimental impact to the quality of the NNL landscape, neighbouring uses and highway safety, and must accord with relevant national and local planning policies including Local Plan Policy GS6 (or successive Local Plan approaches). It must be of an appropriate scale in keeping with the NNL area designation.

10.13 In order to assist in strengthening the local economy, the Kirkby Malzeard, Laverton and Dallowgill Business and Community Group, (supported by the Parish Council), was created in 2022 with the aim of facilitating networking, peer-to-peer support and mentoring, within the Parish, within North Yorkshire and with national organisations, such as the Federation of Small Businesses.

10.14 The benefit of cooperation with neighbouring towns is promoted by North Yorkshire Council. These benefits are more significant to our parish now because of the growing hospitality economy. The success of the wider area as a destination clearly impacts on our local economy. In particular, the Plan is supportive of collaboration with neighbouring initiatives:

- Whilst Kirkby Malzeard, Laverton and Dallowgill are outside the Ripon BID (Business Improvement District) area, it is important to maintain communication with their initiatives in Ripon.
- Nidderdale Plus, based in Pateley Bridge, has facilities and services that are available to residents in this parish.
- Masham Community Office likewise offers services that are relevant to residents in this parish, and they publicise local events.

10.15 The idea of Ripon-Rural co-operation has been actively promoted by the Parish Council as a means to maintain local services and reduce ‘brain drain’ to urban areas. Events held here have helped raise the visibility of the parish in the wider area and increased visitor expenditure. This co-operation has also supported activities in Ripon of interest to residents of the parish. The Plan is supportive of proactively maintaining this cooperation and collaboration.

10.16 There is a mutual benefit to be gained from co-operation between local businesses and voluntary groups, and village events have been used as a springboard to facilitate such co-operation. This has benefited the businesses in publicity and consumer loyalty, and it has benefited the community groups in many ways – use of equipment, volunteers and donations. The Parish Council is supportive of this type of cooperation.

10.17

PARISH ACTION 14 – MEASURES TO PROMOTE LOCAL BUSINESSES

The Parish Council will actively encourage links between local businesses and with neighbouring communities in order to support the local economy and will facilitate activities within the Plan area which encourage co-operation between local residents, businesses, groups and organisations to create an environment in which the local economy can continue to prosper.

Section 11: Monitoring and Review

Monitoring and Review

- 11.1 It is anticipated that the Plan will last up to 2035. During this time, the circumstances which the Plan seeks to address may change.
- 11.2 The Plan will be monitored by the Parish Council in conjunction with the Local Planning Authority on at least an annual basis. The policies and measures contained in the Plan will form the core of the monitoring activity, but other data collected and reported at parish level relevant to the delivery of the Plan, will also be included.