

**KIRKBY MALZEARD, LAVERTON AND DALLOWGILL  
NEIGHBOURHOOD PLAN  
PARISH NEIGHBOURHOOD PLAN 2025 - 2035**

**BASIC CONDITION STATEMENT PREPARED BY  
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KIRKBY MALZEARD, LAVERTON AND DALLOWGILL PARISH COUNCIL**

**March 2026**

## **1.0 INTRODUCTION**

1.1 As part of the formal submission of the Kirkby Malzeard, Laverton and Dallowgill Neighbourhood Plan ('the Plan') for examination there is a need for the Kirkby Malzeard, Laverton and Dallowgill Neighbourhood Plan Parish Council ('the Parish Council'), as the 'qualifying body' to demonstrate that it has complied with a series of 'basic conditions' as set out in the Town and Country Planning Act 1990 (as amended). This Basic Conditions Statement accompanies the submission to North Yorkshire Council, of the Plan under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended). These Regulations require that a submission neighbourhood plan to be submitted with a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

1.2 This statement has been submitted to confirm compliance with these basic conditions as follows:

- Section 2 identifies the legislative requirements for the basic conditions;
- Section 3 identifies the policies and advice that the examiner must consider and confirms how the Plan meets them;
- Section 4 confirms the Plan meets environmental impact and habitat regulations;
- Sections 5 confirms the Plan is compatible with the Human Rights requirements;

1.3 It is considered that the Plan complies with the requirements of the basic conditions set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended), in particular as:

- it has regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.
- its preparation contributes to the achievement of sustainable development.
- It is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- it does not breach, and is otherwise compatible with, assimilated obligations.

## **2.0 LEGAL REQUIREMENTS**

2.1 Paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) identifies the basic conditions that a neighbourhood plan must comply with.

2.2 Paragraph 8(1) states that the examiner must consider:

“(a) whether the draft neighbourhood development plan meets the basic conditions (see subparagraph (2)),

(b) whether the draft neighbourhood development plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act,

(c) whether any period specified under section 38B of the Planning and Compulsory Purchase Act is

appropriate,

(d) whether the area for any referendum should extend beyond the neighbourhood plan area to which the draft neighbourhood plan relates, and (e) such other matters as may be prescribed”.

- 2.3 Paragraph 8(2) sets out the basic conditions and requires that a draft neighbourhood development plan:
1. Has regard to national policies and advice
  2. Contributes to sustainable development
  3. Is in general conformity with the strategic policies in the relevant Development Plan
  4. Is not in breach and is otherwise compatible with assimilated obligations, including Human Rights requirements.
- 2.4 All neighbourhood plans must also meet the requirements of Environmental Assessment of Plans and Programmes Regulations 2004. This means that they must either produce an environmental assessment report in accordance with those Regulations or, where a plan is unlikely to have significant environmental effects, a statement that sets out the reasons for that decision.
- 2.5 Also, they should not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
- 2.6 Paragraph 15(1)(e) of The Neighbourhood Planning (General) Regulations 2013 (as amended) states that a neighbourhood plan must include:
- “(i) an environmental report prepared in accordance with paragraphs (2) and (3) of Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004; or
- (ii) where it has been determined under Regulation 9(1) of those Regulations that the plan proposal or the modification proposal is unlikely to have significant environmental effects (and accordingly does not require an environmental assessment), a statement of reasons for the determination”.
- 2.7 General compliance with the individual elements of the legal requirements is set out below. It includes only the relevant parts of the legislation that it is considered apply to this FPDP.

### **The Plan is being submitted by a qualifying body**

- 2.8 The Plan has been submitted by the Parish Council, which is a qualifying body and entitled to submit a neighbourhood plan for the neighbourhood area covering the parish of Kirkby Malzeard, Laverton and Dallowgill. The Parish has been formally designated as a Neighbourhood Plan Area through an application made under the Neighbourhood Planning Regulations 2012 (as amended) and approved by Harrogate Borough Council on 4 April 2019. A copy of the formal notice of designation can be viewed at [Neighbourhood Area Designation - Kirkby Malzeard, Laverton and Dallowgill.pdf](#). The Plan has been prepared by a working party comprising parish councillors and other members of the community under the auspices of the Parish Council.

**It sets out policies in relation to the development and use of land for the whole or of neighbourhood area specified in the plan**

- 2.9 The Plan sets out policies that relate to the development and use of land for the neighbourhood plan area covering the parish of Kirkby Malzeard, Laverton and Dallowgill Neighbourhood Plan, as designated by the former Harrogate Borough Council (Harrogate Borough Council was subsequently replaced by North Yorkshire Council in 2023).

**The proposed neighbourhood plan states the period for which it is to have effect**

- 2.10 The Plan states that the period which it relates to is from 2025 until 2035.

**The policies do not relate to excluded development**

- 2.11 The Plan does not deal with mineral extraction, waste development, nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990. Harrogate Borough Council/North Yorkshire Council was consulted on the initial draft of the Plan and did not raise any concerns that it deals with 'excluded development'.

**The proposed neighbourhood plan does not relate to more than one neighbourhood area and there are no other neighbourhood plans in place within the neighbourhood area**

- 2.12 The Plan does not relate to more than one neighbourhood area, and there are no other neighbourhood plans in place within the designated neighbourhood plan area.

**A policy set out in a neighbourhood development plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy.**

- 2.13 There are no identified conflicts within the Plan, nor has any been identified as part of its preparation.

**Regulations require an appropriate assessment of a neighbourhood plan to be carried out should the SEA and HRA screening opinion deem it necessary.**

- 2.14 A screening opinion was carried out by Harrogate Borough Council/North Yorkshire Council to determine whether a Strategic Environmental Assessment (SEA) or a Habitats Regulations Assessment (HRA) would be required. This concluded that neither was required.

### 3.0 CONSIDERATION OF NATIONAL AND STRATEGIC LOCAL PLANNING POLICIES

3.1 One of the Basic Conditions is that a neighbourhood plan must have regard to national policies and advice. Of particular importance is the National Planning Policy Framework ('NPPF'), which sets out the Government's planning policies for England, including the preparation of development plans. The Plan has been developed in consideration of the NPPF (2025 version) and other relevant national planning policy advice. An explanation of how each of the Plan policies has shown regard to the NPPF and national planning advice is considered in detail later. In general terms:

- The Plan is succinct.
- The local community has been empowered to develop the Plan for their neighbourhood. The Plan sets out a series of positive objectives for the future development of the area.
- Has been prepared with the objective of contributing to the achievement of sustainable development at its heart.
- The policies in the Plan provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.
- The development of the Plan has been a creative process, and policies seek to enhance and improve the area.
- The policies are clearly written and unambiguous, serve a clear purpose and avoid unnecessary duplication of policies.
- Regard has been made to planning guidance that, where wider community aspirations than those relating to the development and use of land, are contained as part of a neighbourhood plan they should be made clearly identifiable and made clear in the document that they do not form part of the plan.

#### Contributing to sustainable development

3.2 The Plan has been positively prepared, reflecting that the purpose of the planning system is to contribute to sustainable development as articulated in the NPPF. It seeks to manage development pressures to ensure that, in addition to economic considerations, reasonable environmental and social considerations are taken into account.

3.3 The NPPF sets out three dimensions to sustainable development:

- **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

- **an environmental objective** – to protect and enhance our natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

3.3.2 While there is no formal requirement or need for a neighbourhood plan to demonstrate how it contributes to achievement of sustainable development, it is considered important that it does. The Plan, and the policies it contains, by guiding development to sustainable solutions contribute to the achievement of sustainable development. Broadly, the Plan seeks to contribute to sustainable development by ensuring schemes are of an appropriate nature and quality to contribute to economic and social well-being; whilst also protecting important environmental and community assets of the parish, including by:

- A positive vision, and supporting objectives, for the parish with economic, social and environmental dimensions;
- Criteria to ensure development is good quality, sustainable and locally distinctive;
- Ensure housing development meets local needs;
- Protect important green spaces;
- Maintain dark skies;
- Conserve and enhance biodiversity;
- Ensure developments achieve nature and biodiversity gains;
- Support the re-use of redundant properties;
- Conserve local valued heritage assets;
- Safeguard important community facilities for the health, social and cultural wellbeing of the community;
- Establish conditional support for new or enhanced community facilities;
- Establish conditional support for enhancement of assets of community value;
- Support a strong rural economy;
- Avoid adverse traffic or highway safety (including parking) impacts of development;
- Ensure developments improve promotes cycling, walking and horse riding; and
- Establish conditional support for electricity charging points.

## **NPPF**

3.4 A summary explanation of how each of the Plan policies has shown regard to the NPPF and any relevant national advice are outlined below. The particular sections referred to in the table are those considered the most relevant, but are not intended to be an exhaustive list of all relevant sections.

**Table 1: A summary assessment of how each policy of the Plan conforms to the National Planning Policy Framework (NPPF)**

Summary of Plan Policy	NPPF (para.)	Why it is in general conformity with the NPPF
<p>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.</p>	<p>96, 97, 108, 109, 114 and 115</p>	<p>This policy requires that development proposals of 10 or more dwellings (or of 0.5 hectares 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. This is in general conformity with the NPPF with its emphasis at paragraph 108 that transport issues should be considered from the earliest stages of plan-making and development proposals, so that the potential impacts of development on transport networks can be addressed. Full regard has been made to paragraph 115 which states “development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.</p>
<p>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.</p>	<p>11, 27a, 29 and 42</p>	<p>This policy requires that the new increase in wastewater generation and the local 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) and provides conditional for development proposals where it can be demonstrated that the sewerage network can accommodate. This policy is in general conformity with paragraph 29 with its emphasis on non-strategic policies should be used by communities to set out more detailed policies, including the provision of infrastructure.</p>
<p>POLICY KMLD 3: HOUSING MIX. To meet the identified need for smaller homes, no more than 50% of new homes in a development</p>	<p>61 &amp; 63</p>	<p>The Policy seeks to ensure a mix of housing that meets an identified need in the community. The Policy is in accordance with paragraph 63 which states, “Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies”.</p>

of two or more dwellings should have 4 or more bedrooms.		
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.	29, 85 and 88b	This Policy aims to provide local preference and context with regard applications to remove agricultural occupancy conditions. The Policy supports paragraph 85 with its emphasis on planning policies should help create the conditions in which businesses can invest, expand and adapt and paragraph 88b with its general support for planning policies that support the development and diversification of agricultural and other land-based rural businesses.
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.	29 and 88a	This policy provides qualified support for the conversion of rural buildings to form residential units, this supports, and provides local detail, paragraph 88a with its emphasis on that planning policies should enable “the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings”. Also, paragraph 29 with its emphasis on non-strategic policies should be used by local communities to set out more detailed policies for specific areas, conserving and enhancing the natural and historic environment and setting out other development management policies.
POLICY KMLD 6: 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.	29, 203 and 216	The Policy seeks to identify, protect and enhance non-designated heritage assets. This Policy supports the ambitions of paragraph 203 that “Plans should set out a positive strategy for the conservation and enjoyment of the historic environment”. This includes non-designated heritage assets, as reflected and articulated in paragraph 216. Paragraph 29 is also relevant here with its emphasis on non-strategic policies should be used by communities to set out more detailed policies for specific areas, including conserving and enhancing the historic environment.
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	29, 203 and 216	Similar to Policy, KLMD 6, this Policy seeks to identify, protect and enhance non-designated heritage assets. It also seeks establish building design principles for development proposals affecting the proposed area of local Character and its setting. This Policy supports the ambitions of paragraph 203 that “Plans should set out a positive strategy for the conservation and enjoyment of the historic environment”. This includes non-designated heritage assets, as

<p>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.</p>		<p>reflected and articulated in paragraph 216. Paragraph 29 is also relevant here with its emphasis on non-strategic policies should be used by communities to set out more detailed policies for specific areas, including conserving and enhancing the historic environment. Paragraph 132 is also relevant here with its emphasis on that neighbourhood plan can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.</p>
<p>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 specified criteria</p>	<p>29, 131 and 132</p>	<p>The policy requires that development proposals must respect local distinctiveness and demonstrate high quality design. It sets out criteria in support of this. This is in accordance with paragraph 131 which states “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve”. and specifically identifies at paragraph 132 “that Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.”</p>
<p>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</p>	<p>188-190</p>	<p>This policy requires that development should conserve and where possible enhance the natural beauty of the Nidderdale National Landscape (an area legally designated as an area of outstanding natural beauty). It is, therefore, in full accordance with paragraph 189 which states “Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues.”</p>

guidelines, within the relevant Landscape Character Area.		
POLICY KMLD 10: LOCAL GREEN SPACES. The specified sites identified are designated as Local Green Spaces. 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.	106-109	This policy seeks to identify and protect local green spaces of particular importance to the community. An approach and policy that is advocated at paragraph 106. It is considered that the proposed designations meet the criteria set out paragraph 107 of the NPPF.
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'.	198	The policy seeks to conserve dark skies, a distinctive feature of the parish. It is in accordance with "Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should", specifically clause c with its emphasis on.... "c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation".
POLICY KMLD 12: PROTECTING AND ENHANCING BIODIVERSITY The biodiversity of the parish, including locally important sites	8c, 62, 187 and 189	This Policy seeks to protect and enhance local nature conservation, including specified local sites. This is in support of and accordance with paragraph 187 with its emphasis that planning policies and decisions should protect and enhance sites of biodiversity or geological value and

<p>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.</p>		<p>minimise impacts on and providing net gains for biodiversity. Paragraph 189 is also relevant here with its emphasis on the conservation and enhancement of wildlife are important considerations in National Landscapes (which the parish is located within)</p>
<p>POLICY KMLD 13: PROTECTING, ENHANCING AND CREATING COMMUNITY FACILITIES AND RECREATIONAL OPEN SPACES. a) The protection and enhancement of the specified existing community facilities, 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. b) The protection and enhancement of existing specified recreational open spaces, and the creation of new recreational open spaces will be supported, subject to development proposals demonstrating that they respect local character and neighbouring</p>	<p>29, 88d, 96 and 98</p>	<p>This policy provides qualified support for new and the enhancement of existing important community and recreational spaces. It also seeks to protect existing important community facilities. The safeguarding and planning positively for the provision of social, recreational and cultural facilities and services the community needs is a high priority in the NPPF, as reflected in paragraph 98 with its emphasis on that planning policies should plan positively for the provision of community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments and should “guard against the unnecessary loss of valued facilities and services and facilities, particularly where this would reduce the community’s ability to meet its day-to-day needs.” (paragraph 98c)</p>

uses and do not result in harm to highway safety.		
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.	98	This Policy is consistent with the stated aim of paragraph 98d that planning policies “should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs” . Further, a non-statutory DCLG Policy Statement <sup>1</sup> states that a listing of an Asset of Community Value can be a planning consideration, “The provisions do not place any restriction on what an owner can do with their property, once listed, if it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However, the fact that the site is listed may affect planning decisions – it is open to the Local Planning Authority to decide that listing as an asset of community value is a material consideration if an application for change of use” .
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.	7, 109, 110, 115 and 116	This policy seeks to ensure an adequate level of car parking provision and the prevention of a reduction in parking provision where highway safety is an issue. As such, it has regard to NPPF in particular its emphasis in paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. Also, paragraph 108 that transport issues should be considered from the earliest stages of plan-making and development proposals and ensuring patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places. Paragraph 116 states “development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe” .

<sup>1</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/14880/Community\\_Right\\_to\\_Bid\\_-\\_Non-statutory\\_advice\\_note\\_for\\_local\\_authorities.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/14880/Community_Right_to_Bid_-_Non-statutory_advice_note_for_local_authorities.pdf)  
Kirkby Malzeard, Laverton and Dallowgill Neighbourhood Plan – Basic Statement (March 2026)

<p>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.</p>	<p>112 and 161</p>	<p>This policy seeks to establish that development proposals that include the provision of ultra-low emission vehicle infrastructure where they are sympathetically located and designed. This is supported by the NPPF. Paragraph 112(e) refers to provision of spaces for charging plug-in and other ultra-low emission vehicles. Paragraph 161 states the planning system should support the transition to net zero by 2050.</p>
<p>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</p>	<p>85, 88 and 127</p>	<p>This policy seeks to establish conditional encouragement for commercial and businesses development where sympathetically designed and located. This policy is in general conformity with the NPPF. Paragraph 85 states planning policies should help create the conditions in which businesses can invest, expand and adapt. Paragraph 88 specifically concerning the rural economy requires that planning policies should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings and the development and diversification of agricultural and other land-based rural businesses. Regard has also been had to paragraph 127 that states planning policies need to reflect changes in the demand for land.</p>

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.		
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## **General conformity with the strategic policies of the development plan for the area**

- 3.5 The Basic Conditions require that a neighbourhood plan must be in general conformity with the strategic policies for the relevant Development Plan (in this case those covering North Yorkshire). The Government's Planning Practice Guidance<sup>2</sup> explains that strategic policies will be different in each local planning authority.
- 3.6 For the purpose of this assessment, all of the approved policies in the North Yorkshire Local Plan are considered to be strategic policies. It has been developed to be in general conformity with them.
- 3.7 The North Yorkshire Local Plan consists of several documents. Of particular relevance to the Plan is:
- The Harrogate district Local Plan 2014 – 2025 (adopted 4 March 2020)
- 3.8 The Harrogate district Local Plan 2014 – 2025 sets out the spatial vision and development strategy for the Harrogate district. It also sets the scale of planned new development 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.
- 3.9 The Plan sets out 17 local i.e. parish specific policies. The table below shows these policies along with the policies of greatest relevance in the Local Plan which it is in general conformity with. The particular policies referred to in the table are those considered the most relevant, but are not intended to be an exhaustive list of all relevant policies.
- 3.10 A summary explanation of how each of the Plan policies has regard to and is general conformity with the Harrogate district Local Plan/North Yorkshire Local Plan is outlined below.

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<sup>2</sup> [Neighbourhood planning - GOV.UK](#)

**Table 2: A summary assessment of how each policy of the Plan generally conforms to the Harrogate Local Plan**

Summary of Plan Policy	Local Plan Policy	Why it is in general conformity with the Approved Local Plan
<p>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.</p>	<p>TI1 and TI4</p>	<p>The policy is in general conformity with and provides local detail and context in relation TI1: Sustainable Transport with its emphasis at D on Ensure development proposals seek to minimise the need to travel and achieve more sustainable travel behaviour by requiring all developments which will generate significant amounts of traffic to be supported by a transport statement or transport assessment TI4: Delivery of New Infrastructure with its emphasis on working with infrastructure and service providers and developers to deliver infrastructure and services to future development across the district.</p>
<p>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.</p>	<p>TI4</p>	<p>The policy is in general conformity with and provides local detail and context to TI4: Delivery of New Infrastructure with its emphasis on working with infrastructure and service providers and developers to deliver infrastructure and services to future development across the district to deliver sustainable development.</p>
<p>POLICY KMLD 3: HOUSING MIX. To meet the identified need for smaller homes, no more than 50% of new homes in a development of</p>	<p>HS1, HS2, HS4</p>	<p>The policy seeks to ensure that new housing meets an identified need it is, therefore, in conformity with and adds local detail and criteria to the provisions of Policy HS1: Housing Mix and Density, with its emphasis on “Housing developments should seek</p>

two or more dwellings should have 4 or more bedrooms.		to deliver a range of house types and sizes that reflect and respond to the identified housing needs and demands of the district's households...The mix should be informed by: A. Local assessments of housing need”
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.	HS9	The Policy confirms with and adds local context and preference to HS9: Rural Workers Dwellings
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.	HS6	The Policy confirms with and adds local detail and preference to HS6: Conversion of Rural Buildings for Housing
POLICY KMLD 6: 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.	HP2	The Policy conforms with HP2: Heritage Assets with its emphasis on “Proposals for development that would affect heritage assets (designated and non-designated) will be determined in accordance with national planning policy” and adds to it by detailing individual local assets identified by the community, based on assessments, to which policy will apply.
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	HP2	The Policy conforms with HP2: Heritage Assets and adds to it by identifying, based on an assessment, and following consultation, a local heritage area and setting out detailed criteria to guide new development within it.

<p>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.</p>		
<p>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 specified criteria</p>	<p>HP3</p>	<p>The intention of the Policy is to ensure that new development is of high quality and distinctive design and includes detailed criteria in support of this aim. It is, therefore, in general conformity with HP3: Local Distinctiveness with its requirement that “Development should incorporate high quality building, urban and landscape design that protects, enhances or reinforces those characteristics, qualities and features that contribute to the local distinctiveness of the district’s rural and urban environments”.</p>
<p>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.</p>	<p>NE4 and GS6</p>	<p>The aim of this policy to conserve and enhance the natural beauty of the Nidderdale National Landscape. It, therefore, is in full accordance as well as adding local preference and context to this policy.</p>

<p>POLICY KMLD 10: LOCAL GREEN SPACES. The specified sites identified are designated as Local Green Spaces. 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.</p>	<p>NE6</p>	<p>The policy is in full conformity with NE6: Local Green Space. It adds to by identifying individual local assets identified by the community, based on assessments, to which policy will apply. Para 9.54 of the Local Plan makes specific reference to that “Local Green Space can be designated through a Local Plan or through Neighbourhood Plans.”</p>
<p>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’.</p>	<p>GS6 and HP3</p>	<p>This policy conforms with HP3: Local Distinctiveness with its emphasis on that development should incorporate high quality building, urban and landscape design that protects, enhances or reinforces those characteristics, qualities and features that contribute to the local distinctiveness of the district’s rural environments. Also, GS3, which states that “Within the areas designated as Dark Skies, development proposals should ensure that lighting is directed and designed so as to reduce obtrusiveness and protect sensitive habitats”. Dark skies is a distinctive, special and a highly prized characteristic of the parish. It also important feature for light sensitive species and habitats, many of which are prevalent in the parish. The Policy has had full regard to the emerging Protecting Dark Skies in the Nidderdale Area of Outstanding Natural Beauty (AONB) Supplementary Planning Document (SPD).</p>
<p>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</p>	<p>NE3 &amp; NE4</p>	<p>With its emphasis protecting and enhancing biodiversity it is general conformity with NE3: Protecting the Natural Environment. Further, it adds to by identifying, other locally important sites for nature conservation and providing criteria to guide new development to support nature conservation.</p>

<p>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 (201920) and the White Rose Forest Action Plan (2021-25) or similar future schemes.</p>		
<p>POLICY KMLD 13: PROTECTING, ENHANCING AND CREATING COMMUNITY FACILITIES AND RECREATIONAL OPEN SPACES. a) The protection and enhancement of the specified existing community facilities, 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. b) The protection and enhancement of existing specified recreational open spaces, 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.</p>	<p>HP7, HP8 &amp; HP9</p>	<p>In seeking to prevent the loss of locally specified community facilities, the policy is in conformity with and adds local detail to HP8: Protection and Enhancement of Community Facilities. By provide general and qualified support to certain types of new community facilities it is in conformity with and provides local detail to policies HP7: New Sports, Open Space and Recreation Development and HP9: Provision of New Community Facilities</p>
<p>POLICY KMLD 14: ASSETS OF COMMUNITY VALUE Development proposals that support the ability of an Asset of Community Value to</p>	<p>HP7, HP8 &amp; HP9</p>	<p>With its emphasis on protecting and enhancing appropriate community assets identified by the community of special importance the policy is conformity and adds local detail and context to HP8: Protection and Enhancement of Community Facilities. By</p>

<p>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.</p>		<p>provide general and qualified support to certain types of new community facilities it is in conformity with and provides local detail to policies HP7: New Sports, Open Space and Recreation Development and HP9: Provision of New Community Facilities</p>
<p>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.</p>	<p>T13</p>	<p>The policy is in conformity and provides local detail and context with T13: Parking Provision, specifically where it states that "Development will be supported where it incorporates appropriately designed vehicle and bicycle parking" and at A where it states "the need to provide....parking at appropriate levels"; the need "to address parking standards for cars".</p>
<p>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.</p>	<p>T13 and T14</p>	<p>The policy approach is in conformity with T13: Parking Provision, which encourages the use of low emission vehicles as part of the proposal, including the ability to provide electric vehicle charging points) and T14 (Delivery of New Infrastructure).</p>

<p>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.</p>	<p>EC2 and EC3</p>	<p>With its qualified support for specified types of commercial and business development within existing development limits, existing employment sites and the countryside it provides local context, preference and detail to several policies, especially EC2: Expansion of Existing Businesses in Open Countryside and Outside Established Employment Areas and EC3: New Employment Development in the Countryside.</p>
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## **4.0 ENVIRONMENTAL IMPACT AND HABITAT REGULATIONS**

- 4.1 Schedule 2(1) of The Neighbourhood Planning (General) Regulations 2012 (as amended) states that in relation to the examination of neighbourhood development plans the following basic condition is prescribed for paragraph 8(2) of Schedule 4B to the Act – that the making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (as amended).
- 4.2 In addition, the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) states that the responsible authority shall carry out, or secure the carrying out of, an environmental assessment, in accordance with Part 3 of these Regulations, (using a specified set of criteria set out in Schedule 1 of the Regulations). The results of this process must be set out in a SEA Screening Statement, which must be made public.
- 4.3 The Parish Council requested Harrogate Borough Council/North Yorkshire Council, as the responsible body, to consider whether an environmental assessment of the emerging Plan was required and that it was compatible with the 2017 Habitats and Species Regulations. This exercise determined that an environmental assessment of the emerging Plan was not required and that it was compatible with the said Regulations. This followed consultation with the statutory bodies (Historic England, Environment Agency and Natural England) who shared North Yorkshire Council's opinion. This determination is set out in the Strategic Environmental Assessment and Habitats Regulations Assessment Screening Opinion dated January 2025. This document is published on the neighbourhood plan page of the Parish Council website.

## **5.0 HUMAN RIGHTS**

- 5.1 Paragraph 8 (2f) of Schedule 4B of the Town and Country Planning Act 1990 requires that a neighbourhood plan must not breach, and is otherwise compatible with, assimilated conditions. This includes the fundamental rights and freedoms guaranteed under the Human Rights Act 1998. The Plan has had regard to, and satisfied that the Plan does not breach, Human Rights.

## **6.0 CONCLUSIONS**

- 6.1 The Basic Conditions as set out in Schedule 4B of the Town and Country Planning Act 1990 (as amended) are considered to have been met by the Plan.
- 6.2 The Plan has regard to national planning policy and guidance, will contribute towards the achievement of sustainable development, and is in general conformity with the approved policies contained in the North Yorkshire Local Plan.
- 6.3 It is, therefore, respectfully suggested to the Examiner that the Plan complies with Paragraph 8(1)(a) of Schedule 4B of the Act (as amended).