

Section 2: The Planning Policy Context

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 an important consideration in the determination of planning applications.
2. Although neighbourhood planning gives more power to local communities to guide what goes on in their area, there are limitations.
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);
 - demonstrate they contribute to sustainable development;
 - be compatible with EU obligations¹ and human rights requirements; and
 - 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.
4. The Plan must, therefore, be developed with regard to national policy, especially the National Planning Policy Framework² ('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').
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.
6. In the case of the parish, the current development Plan for the Harrogate district comprises:

¹ This requirement remains in place until revoked by the UK Government

² <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

- The Harrogate district Local Plan 2014-2035 (both 4 March 2020 and 9 December 2020 versions)³ ('The Local Plan').
 - The North Yorkshire Minerals and Waste Plan⁴ prepared by North Yorkshire County Council.
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.
 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.
 9. Special mention here should be made of Policy GS2: Growth Strategy to 2035 in the Local Plan. 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 settlements of Laverton and 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'*.
 10. Also, Policy GS3: Settlement Limits that 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'*.
 11. 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.
 12. In accordance with Government guidelines, the Plan has been developed to generally conform with the strategic policies contained in the Local Plan.

³ 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>

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

13. 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 Areas of Outstanding Natural Beauty (the whole of the Parish falls within the Nidderdale AONB). Within AONBs there are special controls over development and that development which takes place should conserve and enhance its natural beauty.
14. Consideration has also been given to the specific Nidderdale AONB Management Plan 2019-2024⁵ 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.
15. 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 comprising 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.
16. A neighbourhood plan must be compatible with EU obligations⁶ and human rights requirements; and be compliant with the Strategic Environmental Assessment (SEA) and Habitats Directives.
17. Wherever possible, the most recent statistical data available has been used in the Plan, as provided by the 2021 census. However, at the time of writing, whilst some analysis has been carried out by the Office of National Statistics for individual Parishes, elsewhere only data from the 2011 census is currently available. In such cases the data is identified as such.
18. The scope and content of the Plan reflect the priorities and aspirations of the local community led by the Kirkby Malzeard, Laverton and Dallowgill Neighbourhood Plan Steering Group, on behalf of the Parish Council, being the qualifying body.
19. The community engagement process revealed issues that are of concern locally. It identified the features and characteristics of the parish that are valued, and that the community wish to see protected or enhanced.

⁵ Nidderdale_AONB_2019-2024_Management_Plan_Web.pdf (nidderdaleaonb.org.uk)

⁶ This requirement remains in place until revoked or replaced by the UK Government

20. The Plan also focuses on the key development issues and opportunities that face the parish the period until 2035 and on which the Plan can have the greatest impact.