
Appeal Decision

Inquiry held on 16 and 17 February 2017

Site visit made on 17 February 2017

by R W Allen B.Sc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 05 May 2017

Appeal Ref: APP/E2734/W/16/3150954

Land at Orchard Close, Knaresborough, North Yorkshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Robin McGinn (Persimmon Homes (Yorkshire) Ltd) against the decision of Harrogate Borough Council.
 - The application Ref 14/03849/OUTMAJ, dated 27 August 2014, was refused by notice dated 25 November 2015.
 - The development proposed is erection of up to 74 dwellings with associated access and open space.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of up to 74 dwellings with associated access and open space at Land at Orchard Close, Knaresborough, North Yorkshire in accordance with the terms of the application, Ref 14/03849/OUTMAJ, dated 27 August 2014, subject to the following conditions set out in the Schedule of Conditions at the end of this decision.

Application for Costs

2. An application for costs was made by Robin McGinn (Persimmon Homes (Yorkshire) Ltd) against Harrogate Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The Council refused the proposed development on the one ground in respect of air quality, and the appeal was originally to be heard by way of a Hearing. However, prior to the event, the Council stated it was no longer defending its position, and withdrew from the appeal. Nevertheless third parties and in particular the Scriven East Residents' Group (SERG) raised lengthy and technical issues on air quality in their written responses. This prompted a similarly extensive rebuttal by the appellant, which he tabled and I accepted at the Hearing. Because of the significant local interests in the case, and the complex and technical matters before me, I determined that an Inquiry was the appropriate forum to hear the appeal and I closed the Hearing shortly afterwards.
 4. Notwithstanding the Council's reason for refusal, because ecology concerns had also been raised by third parties, particularly by Mr Barker from the Harrogate Trust for Wildlife Protection, I informed the parties at the Inquiry that I
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intended to treat ecology as a main issue. The appellant raised no objection to this, having submitted a proof of evidence on ecology matters and having previously made his intention clear that he intended to call upon its author as a witness.

5. The appeal proposal is in outline form, with all matters reserved for subsequent approval with the exception of access. Any other details shown which would be a reserved matter, such as the layout, I shall treat as being indicative only. An obligation under Section 106 of the Planning Act is before me dated 16 February 2017 which makes provisions for local facilities and infrastructure. I will return to this matter later.

Main Issues

6. The main issues are:

- The effect of the proposed development on air quality at Bond End; and
- The effect of the proposed development on ecology having specific regard to populations of great crested newts, and goosander the Hay-A-Park Site of Special Scientific Interest (SSSI).

Reasons

Policy context

7. The development plan for the area comprises the Harrogate Core Strategy 2009 (Core Strategy) and the Harrogate District Local Plan 2001 (with saved policies 2006) (Local Plan). The main parties agree that the appeal site lies outside of the settlement boundary of Knaresborough as defined by the Core Strategy, and as such is within the open countryside.
8. At the Inquiry, an addendum to the Statement of Common Ground was tabled in which it is now agreed by the Council and the appellant that the Council is unable to demonstrate that it has a five year supply of housing land. I heard no evidence from interested parties which disputed this. Accordingly, paragraphs 49 and 14 of the National Planning Policy Framework (the Framework) are engaged. I return to the requirements of paragraph 14 later.
9. Paragraph 49 of the Framework advises that policies relevant for the supply of housing are out-of-date if the local planning authority cannot demonstrate a five year housing land supply. Core Strategy policy SG1 is the most relevant to the appeal; which directs growth towards a settlement hierarchy. However, Core Strategy policy CS1 also states that Knaresborough (and Harrogate) will have to accommodate most of the borough's housing growth, and critically that greenfield land release will be an inevitable necessity to meet the housing requirement. The policy goes on to state that such greenfield release in Knaresborough, with the potential to accommodate new housing sustainably, will be found within an 'Area of Search' on "*land to the east of the B6165 in the vicinity of Scriven eastwards to the land lying east of Birkham Wood to the south of the town*".
10. No party disputes or disagrees that the appeal site is within this 'Area of Search', and I have no reason to disagree. Accordingly, I find the proposed development would not conflict with Core Strategy policy SG1 irrespective that it is out-of-date. In any event, the Council, in fairness, has never advanced

any concerns over conflict with Core Strategy policy SG1 or indeed any other housing policy. Moreover, it acknowledges that because housing requirement set out in Core Strategy policy SG1, which is 390 dwellings per annum (dpa), falls considerably short of the most up-to-date Strategic Housing Market Assessment of 2016 which indicates objectively assessed need now stands at 577 dpa, greenfield land release is an essential and necessary means to achieve and maintain a healthy housing supply.

11. The Council and appellant agree that saved Local Plan policy C2, which seeks to protect existing landscape character from development, is both inconsistent with the Framework's approach to significantly boosting housing supply, and is out-of-date. I have no reason to disagree and I afford little weight to it in my decision.

Effect on air quality

12. The principle area of dispute between the appellant and interested parties concerns the level of impact of the proposed development on nitrogen dioxide (NO₂) levels at Bond End, and particularly how the baseline data has been used to calculate impact. Bond End is a designated Air Quality Management Area (AQMA), and the appeal site is outside and some distance from it.
13. The appellant's transport assessment (TA) identifies that the majority of vehicular traffic generated by proposed development would flow towards the Chain Lane and A59 intersection. Less would turn towards Hyde Park Road, and less still would turn into Boroughbridge Road in the direction towards Bond End. The appellant states that in fact only six two-way additional traffic movements at both AM and PM peak periods would flow towards the Bond End intersection.
14. I note the significant representations received, notably from SERG, which cast doubt on the adequacy and inaccuracies of these predicted movements. However, no party produced an alternative TA which countered the appellant's evidence, and SERG's own alternative traffic survey, which concentrated on a much smaller area and over a lesser time period, does not in fact substantially differ from that stated in the appellant's TA. I heard little persuasive evidence that the TA had been undertaken in an incorrect or flawed methodological approach to traffic particularly in regard to cumulative assessments; indeed neither the Council nor North Yorkshire County Council (NYCC) raises any objection in this regard. No party disputes that the six two-way additional traffic movements at both AM and PM peak periods, as stated by the appellant, would amount to anything more than a negligible and insignificant level.
15. The appellant states that the negligible increases in traffic would subsequently have the same insignificant effect on NO₂ levels at Bond End. This conclusion is based on the measured increases from the proposed development on the future baseline data of air quality, which comprises the existing baseline data plus known committed developments, which were identified as two recently approved and larger housing developments in Knaresborough at Manse Farm, and Boroughbridge Road. The conclusion of a negligible effect is also reached without assessment of the proposed mitigation measures to be undertaken at Bond End as part of the Manse Farm development, which the appellant states and not disputed by any other party includes junction improvements and the installation of MOVA controllers designed to reduce air quality emissions from standing traffic.

16. SERG draws my attention to an excerpt of a document entitled '*Land-Use Planning & Development Control: Planning for Air Quality*' produced by Environmental Protection UK and the Institute of Air Quality Management (IAQM document), which it tabled at the Inquiry. Paragraph 6.21 of that document states that there may be a case for modelling scenarios where the committed development is excluded from all baseline data, and that cumulative impacts of all committed developments and future development are assessed as a combined impact. This they say, is the correct approach and would give a more accurate indication of impact.
17. However, I draw from this paragraph, and having read the document more broadly, that this alternative form of modelling is applicable only in certain, and perhaps special circumstances. Paragraph 6.20 of the IAQM document identifies that the normal correct approach is to identify firstly the existing baseline, then the future baseline data which includes the committed development, and finally the future baseline including the proposed development; I am satisfied that this approach has been followed by the appellant. Furthermore, paragraph 6.21 of the IAQM document goes on to state, and somewhat repeated in paragraph 6.22 (k) that in most cases, the approach to committed development is to include it within future baselines. Neither SERG nor any other party has sufficiently explained why this alternative method should be applied here. Moreover, no alternative air quality evidence has been advanced by any party to counter the appellant's evidence, or to suggest that the effect of the proposed development, even taken against the existing baseline data, would amount to a significant or moderate level of harm.
18. In any event, paragraph 6.20 of the IAQM document states that it is important that an agreement is reached between the applicant and the local authority as to the proposed assessment methodology. The Council and its experts have raised no concerns with the appellant's methodological approach to air quality, or its findings, and it is not for me to disagree with experts in the field particularly in the absence of sufficient evidence to the contrary. I therefore find no reason to find the appellant's methodological approach and conclusions on harm are flawed or inaccurate.
19. The proposed development would make a financial contribution towards an urban traffic management and control system (UTMC) along the A59 between Bond End and Chain Lane, which I was told involved improving remote communication and the installation of cameras to reduce traffic and improve air quality. This is being promoted by NYCC, and I have no obvious reason to find this initiative would have little and only a short-term effect.
20. I am evidently aware of the legal objectives of the Government under EU law to control air quality and pollution. However, this requirement should not be confused with the intentions of the Framework and the Planning Practice Guidance (the Guidance) in respect of development and relationship to AQMAs. Paragraph 109 of the Framework states that the planning system should contribute to, and enhance the local environment by preventing new development from contributing to unacceptable levels of air pollution. Paragraph 005 of the Guidance (*Ref: 32-005-20140306*) advises that air quality matters are relevant to a planning decision where it would significantly increase traffic by, amongst other things, increasing traffic congestion and significantly changing traffic volumes.

21. The Framework and Guidance do not place a moratorium or embargo on development that may affect AQMAs. Indeed the emphasis is to prevent unacceptable development. I am satisfied on the evidence before me that the proposed development would have only a negligible effect on traffic and air quality on the AQMA at Bond End.
22. I therefore find no conflict from the proposed development with the Framework or the Guidance. I also find no conflict with Core Strategy policy SG4, which states that the environmental impact of development should conform to Core Strategy policies EQ1 and EQ2; neither of which makes any specific reference to air quality matters. It would also accord with Local Plan policy HD20, which requires the general principles for new development make provision for a safe environment. Paragraph 124 of the Framework is, I find, focused on the role of plan making for AQMAs, and thus applies more to the responsibility of the Council. All parties agreed at the Inquiry that the Council's current air quality action plan is out-of-date; it was not tabled in evidence before me; and accordingly it follows that no conflict arises from the decision making element of the paragraph 124.
23. While I understand the deep rooted concerns of residents and interested parties on the air quality of Bond End and Knaresborough as a whole, I garnered that much of the concerns of local people pertained to what they perceive as the Council's inability and inadequacy to put in place an adequate and up-to-date air quality action plan for managing, amongst other things, future development in Knaresborough. This is not a matter before me.
24. I heard at the Inquiry that a second AQMA is proposed to be designated further along the A52 at York Place. But as this has yet to be formally defined, and this is not a matter initially objected to by the Council, I have not considered this matter further in my decision.

Effect on ecology

25. The appeal site lies to the west of the Hay-A-Park SSSI; its boundaries largely surround a waterbody. It is designated because of its population of goosander. The land in which the SSSI is designated is within private ownership, and public footpaths and roads largely avoid penetrating the SSSI although an unauthorised footpath does to some extent circumvent the edges of the waterbody.
26. The appellant identifies relatively low numbers of goosander on the site. The appellant further states that the goosander behavioural pattern is that they rarely take flight; and when disturbed by users of the unauthorised footpath goosander generally travel short distances and fly to other parts of the waterbody. The appellant concludes that the proposed development would not significantly harm goosander population or their habitat including the quality of the water, to which I understand much of surface water drainage of the surrounding area drains in to.
27. The adjacent field to the east of the appeal site contains two ponds which contain populations of great crested newts. However, the survey evidence before me indicates that numbers are low, and that great crested newts are territorial in their behaviour and rarely stray from their waterbody and breeding sites. The appeal site is not on a migration or dispersal route.

28. The appellant concludes that the proposed development would not significantly harm goosander or great crested newt populations. The scheme nevertheless proposed to incorporate mitigation measures on the site such as a dog-walking area within the designated public open space, designed to prevent future occupiers with dogs from walking to the SSSI and alongside the waterbody, notwithstanding that undertaking such walks is trespassing. It also proposes a pond on the on-site public open space to encourage biodiversity; as well as measures during construction to prevent any possibility of newts straying on to the site.
29. I note Mr Barker's assertion that great crested newt populations were, in his experience, considerably larger than that advocated by the appellant. However, he advanced no survey evidence of his own to support his claim or counter the appellant's evidence, and his basis for this assertion relies on conservation work he undertook some 20 to 25 years ago, which I find is too distant in the past to be considered reliable. While I do not doubt that great crested newts may navigate towards domestic drains, I find little evidence before me to suggest that this would be inevitable or likely, and I find no obvious reason why a suitable landscaped boundary, to be approved at reserved matters stage, would act as a suitable deterrent.
30. Neither the Council nor Natural England raises any concerns or objections to the proposed development on the SSSI or on great crested newts, and it is not for me to disagree with these experts in the field particularly in the absence of sufficient evidence to the contrary. I am therefore satisfied that the proposed development would not cause any significant harm ecology and wildlife. The proposed development would accord with requirements of paragraph 118 of the Framework, which compels planning decisions to refuse applications if significant harm results to wildlife, or adverse effects are caused to SSSIs.

Planning Obligations

31. The Council seeks financial contributions of £3,399.00 per two bed or greater dwellings towards education; £481 per bedroom towards off-site open space provision, and £65,000 (increased to reflect any increase in the Retail Price Index) towards the provision of the Knaresborough UTMC along the A59 corridor approaches to Bond End. These are set out in a planning obligation in the form of a unilateral undertaking, dated 16 February 2017.
32. Paragraph 204 of the Framework says requests for planning obligations must meet three tests, which are: (i) necessary to make the development acceptable in planning terms; (ii) directly related to the development; and (iii) fairly and reasonably relate in scale and kind to the development. The Council confirmed at the Inquiry that it was satisfied with the content of the obligation and that its requirements were met; and no other party raised any concerns as to the adequacy of the obligation. In light of the evidence before me, I am satisfied that obligation would be consistent with the tests of Framework and with the provisions contained within the Community Infrastructure Levy Regulations 2010 in respect of pooled contributions.

Conditions

33. I have considered the conditions suggested by the Council against paragraph 206 of the Framework, and made changes necessary to comply with those requirements. These include removal of references to the Highway Authority in

the condition; where I find the conditions are loose and imprecise; where I find the condition can be more succinctly expressed; and where I find conditions can be merged.

34. Conditions requiring the development accord with the masterplan and specifying the numbers of dwellings that can be developed on the appeal site are necessary for the avoidance of doubt. A condition requiring details of affordable housing, and while the appellant does not agree, a condition requiring a details of housing mix are necessary to ensure the proposed development accords with the Framework's approach to provide a wide choice of housing. A number of conditions in respect to details of highway works both on and off-site are necessary in the interests of providing adequate access for the proposed development. A condition requiring a construction management plan is necessary in the interests of highway safety and the living conditions of surrounding occupiers.
35. Conditions in relation to ecological mitigation and control of removal of hedges and shrubs are necessary in the interests of protecting and promoting biodiversity and wildlife. A condition requiring an arboricultural statement is necessary in the interests of protecting trees on the site and its boundaries, and as such a statement will include root protection measures, a separate condition to this effect is not necessary. A surface water drainage condition is necessary to ensure the site is adequately drained. However as foul sewage is controlled under other legislation and the Council has not identified any particular issue in this regard, I find a condition is not necessary. A condition in respect of investigation of land contamination is necessary to ensure the site is not a danger to health and to ensure, if necessary, that it will be adequately mitigated. A condition in respect of electric charging points and submission of a travel plan is necessary in the interests of promoting sustainable travel. An archaeology condition is necessary to ensure protection of heritage assets if found. A condition requiring Secure by Design is necessary in the interests of good and safe design.
36. I have deleted conditions requiring details of arrangements for improved education facilities and open space provision as this is adequately provided for in the planning obligation. As landscaping is a reserved matter, I do not feel a condition in respect of highway tree planting is necessary.

Whether Sustainable Development and Planning Balance

37. Paragraph 6 of the Framework sets out the three dimensions to sustainable development: social; economic and environmental.
38. Paragraph 47 of the Framework requires local planning authorities to significantly boost housing supply. The Council cannot demonstrate a five year housing land supply, and the proposed development would make a significant contribution to the shortfall. It would provide new market dwellings to meet the needs of present and future generations. I especially afford considerable weight to the 40% contribution the proposed development would make towards the Council's affordable housing stock, which I was told by the appellant and not disputed by any party that the Council's shortfall in affordable housing provision in the borough is somewhat sizeable. The proposed development would generate opportunities for local construction employment, and would support accessible local services and facilities. The social and economic

benefits are considerable, and I attach significant weight to them in my decision.

39. Paragraph 17 of the Framework requires new development to actively manage patterns of growth and make the fullest possible use of public transport, walking and cycling. The proposed development would be conveniently located on the edge of the settlement edge of Knaresborough. No party disputes or disagrees that the appeal site is closely located to local services and facilities. A frequent bus service operates along Hyde Park Road and Halfpenny Lane as well as on Boroughbridge Road. The town centre is not a considerable distance away from the appeal site and I do not find it insurmountable that future occupiers of the proposed development would walk or cycle to access services and facilities. Notwithstanding the concerns of SERG in respect to the proportion of car to non-car trips from the proposed development, I am satisfied that the appeal site is sustainably located.
40. As I have set out above, I find the proposed development would have negligible environmental harm on air quality at Bond End; or on populations of great crested newts on the adjacent site or goosander within the SSSI. No party has advanced any other environmental concerns from the proposed development, particularly in respect to the effect on the character and appearance of the area, and on the evidence before me I have no reason to find that the proposed development would not assimilate well into its surroundings. I understand that part of the appeal site may be contaminated from a previous use; however the Council and appellant find such matters can be controlled by planning condition, and as I have set out above and I have no reason to disagree.
41. Paragraph 14 of the Framework is engaged because of the absence of a five year housing land supply. Paragraph 14 states that a presumption in favour of sustainable development exists and should be seen as a golden thread running through decision-taking. Where the development plan is absent, silent, or relevant policies for the supply of housing are out-of-date as is the case here, planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
42. In applying the tilted balancing exercise required by bullet point 4(1) of paragraph 14 of the Framework, I find that the negligible level of environmental harm I have identified above, would not be capable of significantly and demonstrably outweighing the considerable benefits of the scheme. I find the proposal would amount to sustainable development in accordance with the Framework when taken as a whole, and there is no basis for refusal of the scheme.

Conclusion

43. Having taken all matters into consideration, I conclude that the appeal should be allowed.

R Allen

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) Details pursuant to condition (1) shall show the layout in broad accordance with drawing number SK11 Revision D 'Illustrative Masterplan' dated 19 August 2015.
- 5) No more than 74 dwellings shall be constructed pursuant to this permission
- 6) Details pursuant to condition (1) shall demonstrate a mix of market and affordable housing in accordance with that specified within the 'Harrogate Borough Council Strategic Housing Market Assessment Final Report (September 2015) or any subsequent updates to, or replacement for this document.
- 7) Other than for any demolition, site investigation and/or remediation works, no development shall take place until full details of the affordable housing has been submitted to the Local Planning Authority for approval in writing. It shall not be less than 40% of the total number of housing units provided, and shall include details of quantum, location, type, tenure, phasing, transfer to an affordable housing provider and occupancy criteria. The development shall be carried out in accordance with the approved details.
- 8) With the exception of investigative works or the depositing of material on the site, no excavation or other groundworks shall take place until details of the standards to which the roads, kerbs, footways and verges serving the development are to be constructed, to include but not limited to details of levels, drainage, lighting and visibility splays and a programme for completing the works have been submitted to the Local Planning Authority for approval in writing. No dwelling shall be occupied until the development has been constructed in accordance with the approved details.
- 9) No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works including any phasing shall be carried out in accordance with the approved details before occupation of the first dwelling.
- 10) With the exception of investigative works or the depositing of material on the site, no excavation or other groundworks shall take place until details of the realignment of the Hyde Park Road and Boroughbridge Road

junction and alterations to the centre line road marking at the junction of Hyde Park Road/Boroughbridge Road have been submitted to the Local Planning Authority for approval in writing. Development shall not commence until the approved highway works have been subjected to an independent Stage 2 Safety Audit in accordance with HD19/03 - Road Safety Audit or any superseding regulations, and a programme for the completion of the proposed works have been submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved details prior to the occupation of the first dwelling.

- 11) No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved highway engineering drawings required under condition (8). The approved parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 12) Unless otherwise approved in writing by the Local Planning Authority, there shall be no HCVs brought onto the site until a survey recording the conditions of the existing highway has been carried out in a manner that has been first been submitted to the Local Planning Authority for approval in writing.
- 13) With the exception of investigative works or the depositing of material on the site, no excavation or other groundworks shall take place until a construction management plan, which shall include but not limited to construction access and routes used by HCV construction traffic; traffic management and delivery times; construction activity times; on-site operative parking and materials storage; measures to control dust; and wheel washing facilities have been submitted to the Local Planning Authority for approval in writing. Development shall be carried out in accordance with the approved details.
- 14) No development shall take place until an ecological mitigation and enhancement scheme for the site, including details of the proposed pond, with an on-going management plan, have been submitted to the Local Planning Authority for approval in writing. The scheme shall make provision for great crested newts including the provision of sloping kerbs, bats and breeding birds, and any other species as may be directed by the Local Planning Authority. Thereafter, reserved matters shall be brought forward, and development carried out, in accordance with the approved scheme.
- 15) No development shall take place until a scheme for the provision, implementation and on-going management of the on-site Hay-A-Park SSSI mitigation measures (as set out in section 7.2 of the SSSI Impact Assessment, Quants Environmental, November 2014) has been submitted to the Local Planning Authority for approval in writing. Thereafter development shall be carried out in accordance with the approved scheme.
- 16) No ground works or removal of hedges and shrubs shall be undertaken during the main bird nesting season unless a survey by a qualified ecologist immediately prior to the start of works demonstrates that no nesting birds will be adversely affected.

- 17) No development shall take place until an Arboricultural Impact Assessment and Arboricultural Method Statement, in accordance with British Standard 5837:2012 'Trees in Relation to Construction,' have been submitted to the Local Planning Authority for approval in writing. The development shall be carried in accordance with the approved details.
- 18) The site shall be developed with separate systems of foul and surface water drainage. No development shall take place until full details of the proposed means of surface water drainage, including management during the construction phases, have been submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved details. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.
- 19) No development shall commence until an assessment of the risks posed by any contamination, has been submitted to the Local Planning Authority for approval in writing. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to the Local Planning Authority for approval in writing. The site shall be remediated in accordance with the approved measures and a verification report shall be submitted to the Local Planning Authority for approval in writing. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to the Local Planning Authority for approval in writing. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority for approval in writing within 14 days of the completion of remedial works.
- 20) No development shall take place until details of an electric vehicle infrastructure strategy and implementation plan, to include details of the number, location and maintenance of electric vehicle charging points has been submitted to the Local Planning Authority for approval in writing. Thereafter the development shall be carried out as approved with charging points associated with dwellings installed prior to occupation of that dwelling.
- 21) No development shall take place until a Travel Plan to encourage the use of alternative modes of transport has been submitted to the Local Planning Authority for approval in writing. The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.
- 22) No development shall take place until a scheme of archaeological investigation to identify and describe the nature and significance of any surviving archaeological remains within the development site, and any mitigation options for avoiding and minimising damage to, and/or the recording of any archaeological remains has been submitted to the Local Planning Authority for approval in writing. The scheme shall comprise geophysical survey followed by trial trenching where appropriate. The works shall be carried out in accordance with the approved details.

- 23) No development shall take place until details of how the development has adopted the principles of Secure by Design have been submitted to the Local Planning Authority for approval in writing. The development shall be carried in accordance with the approved details.

APPEARANCES

FOR THE APPELLANT:

Mr Richard Sagar

Instructed by Mr Robin McGinn

He called:

Mr Steven Windass
BSc (Hons) MSc (Eng)
MCIHT MIHE

Local Transport Projects

Mr Tobias Fisher
BSc (Hons) MCIEEM
CEnv

Quants Environmental Ltd

Mr Nigel Mann
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Mr Chris Calvert
BSc (Hons) MA MRTPI

Pegasus Group

FOR THE LOCAL PLANNING AUTHORITY:

Mr Andrew Siddal

Planning Officer

Mr Steven Pilling

Principal Lawyer

INTERESTED PERSONS:

Dr Lorraine Ferris

Local Resident (SERG)

Mrs Laura McGrogan

Local Resident (SERG)

Mr Malcolm Woodward

Local Resident

Mrs Shan Oakes

Local Resident and Green Party Candidate

Mr John Barker

Harrogate Trust for Wildlife Protection

Councillor Ivor Fox

Ward Member Harrogate Borough Council

Councillor Andrew Willoughby

Knaresborough Town Council

DOCUMENTS SUBMITTED AT THE INQUIRY

1. Qualifications of Mr Mann
2. Appellant's list of speakers
3. Statement of Common Ground – Addendum dated 16 February 2017
4. Planning Obligation dated 16 February 2017
5. Letter from Dr Therese Coffey MP and The Rt Hon John Hayes CBE MP to Mr Neil Parish MP dated 6 January 2017
6. Excerpt from Local Air Quality Management Technical Guidance entitled 'Box 7.14 – Initial Comparison of Modelled and Monitored Total NO₂ Concentrations
7. Transcript of speech by Mr Barker
8. Transcript of speech by Councillor Fox

9. Excerpt from document entitled Land-Use Planning & Development Control: Planning for Air Quality by the Institute of Air Quality Management – page 25 paragraph 6.26 (submitted by Dr Ferris)
10. Excerpt from proof of evidence of Mr Conal Kearney (oral evidence given by Mr Mann)
11. Transcript of speech by Dr Ferris
12. Transcript of speech by Mrs McGrogan
13. Excerpt from document entitled Land-Use Planning & Development Control: Planning for Air Quality by the Institute of Air Quality Management – pages 21-25 paragraphs 6.13 to 6.26 (submitted by the appellant)
14. Consolidated information on air quality measurements taken from proof of evidence of Mr Conal Kearney (oral evidence given by Mr Mann)