

North York Moors National Park Authority

Planning Committee

5 September 2019, 10am

Draft Local Plan – Using New Policies

1 Purpose of the Report

- 1.1 To note that the emerging Local Plan is sufficiently advanced in its preparation that parts of it can be afforded appropriate weight as a ‘material consideration’ in decision making.
- 1.2 To note the initial assessment of the weight that will be attached to policies (**Appendix 1**), and approve publication of this assessment on the Authority’s website.

2. Introduction

- 2.1 The draft Local Plan is now at an advanced stage of production. Comments on the ‘Pre-Submission’ version of the draft Local Plan were invited from 10 April to 24 May 2019, with thirty five individual responses received. The draft Plan was then submitted on 2 July to the Planning Inspectorate for independent examination.
- 2.2 Members will be aware that planning decisions must be made in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework paragraph 48 advises that authorities may give weight in their decision making to relevant policies in *emerging* local plans, prior to adoption. The NPPF advises that the amount of weight the Authority can give to an emerging policy depends on the following three considerations:
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - The extent to which there are unresolved objections to relevant policies (the less significant the objections, the greater the weight that may be given); and,
 - The degree of consistency of the relevant policies to the policies in the NPPF.

3. Attaching weight to draft policies

- 3.1 Officers have carried out an assessment of the weight that may be attached to draft policies in decision making. This assessment is attached at **Appendix 1**. Policies, when assessed under the criteria above fall into three categories (shown as green, amber and red in the summary on page two):
- a) *‘Weight may be attached to this policy’* This covers policies which the Authority considers to be in accordance with NPPF policy and which have received no objections or the level of objection is low and/or of a nature that is unlikely to lead to significant changes to the policy.
 - b) *‘Some weight may be attached to this policy.’* This indicates that objections have been received to particular parts/aspects of the policy. In these cases the applicant and decision maker should review the objections made and whether their significance could potentially lead to changes that could alter consideration of the proposal.

c) *'No weight will be attached to this policy'*. Significant objections have been lodged which may necessitate testing through examination; hence this policy will not be used in decision making.

3.2 In short, the test being applied is whether the Authority can be confident that any draft policies used to grant or refuse planning permission are not subject to a level or significance of objections that could cause that draft policy to change in the future in a way that would result in a different conclusion being reached.

3.3 It also must be stressed that this assessment is indicative only and the weight to be attached to policies in the 'planning balance' will need to be assessed on a case by case basis. However, publication of this assessment is intended to provide applicants with an indication of the policies which may be used as a material consideration in decision making.

4. Next Steps

4.1 An Inspector has now been appointed (Richard Schofield) and the Authority has been informed that the Local Plan examination will take place in November. No date has yet been set.

5. Financial and Staffing Implications

5.1 None at present. Work has been carried out in house within existing budgets.

6. Contribution to National Park Management Plan

6.1 An up to date Local Plan supports a number of the priorities set out in the Management Plan and sets a framework for ensuring that the objectives can be delivered.

7. Legal Implications

7.1 None at present.

8. Recommendation

8.1 That Members note that the emerging Local Plan is sufficiently advanced in its preparation and that parts of it can be afforded appropriate weight as a 'material consideration' in decision making.

8.2 That Members note the initial assessment of the weight that may be attached to policies, and approve publication of this assessment on the Authority's website.

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Appendix 1 Schedule of Weight Attributed to the North York Moors National Park Pre-Submission Draft Local Plan (April 2019) Policies






Weight Attributed to the North York Moors National Park Pre-Submission Draft Local Plan (April 2019) Policies
































1. This note is intended as an informal aid to assist those submitting planning applications during the period between publication of the 'Pre-Submission' (Regulation 19) Local Plan and its eventual adoption. It contains guidance on which policies in the draft Plan may be used by the Authority in decision-making on planning applications during this period.
2. The table below sets out and **indicative list** of the policies in the draft Plan. **The Authority may therefore use some of these policies as a material consideration in future decision-making.** It is based on Planning Officer's assessment of the significance of the objections made to policies in the draft Plan.
3. References (Representation numbers) to objections that are considered to be of some significance can be found in the [Response Schedule](#) which lists all representations submitted to the Authority during the consultation period and the Authority's initial response. Individual responses can be found [here](#).


































Why have we produced this table?

4. Paragraph 48 of the National Planning Policy Framework (NPPF) states that decision-takers may also give weight (unless material considerations indicate otherwise) to relevant policies in emerging plans according to:
 - The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
5. The North York Moors National Park Pre-Submission Draft Local Plan is considered to be at an advanced stage of preparation given that the formal 'Pre-Submission' consultation under regulation 19 of the Town and Country (Local Plan) (England) Regulations 2012 was undertaken during April/May 2019. The Authority considers that the third test set out above is met and policies within the Plan can therefore potentially form a material consideration and can be used and given appropriate weight in the decision making process.
6. The weight to be given to each policy in the Pre-Submission Draft Local Plan needs to be considered in each case having regard to the advice in the last bullet points within paragraph 48 of the NPPF. The Authority may attach weight to draft policies in the following circumstances:
 - a) Where no objections have been made
 - b) Where objections have been made to a specific part of a policy which is not of relevance to the application under consideration.
 - c) Where objections or comments have been made that are not considered significant in that they would not change policy intention or direction if they lead to a modification of the Plan.
 - d) Where objections have been made but they are not of relevance in terms of the proposed development
 - e) Where policies are considered consistent with the NPPF
7. In short, the test being applied is whether the Authority can be confident that any draft policies used to grant or refuse planning permission are not subject to a level or significance of objections that could cause that draft policy to change in the future in a way that would result in a different conclusion being reached.
8. Policies are primarily divided into three categories:
 - a) *'Weight may be attached to this policy'* This covers policies which the Authority considers to be in accordance with NPPF policy and which have received no objections or the level of objection is low and/or of a nature that is unlikely to lead to significant changes to the policy.
 - b) *'Some weight may be attached to this policy.'* This indicates that objections have been received to particular parts/aspects of the policy. In these cases the applicant and decision maker should review the objections made and whether their significance could potentially lead to changes that could alter consideration of the proposal.
 - c) *'No weight will be attached to this policy'.* Significant objections have been lodged which may necessitate testing through examination; hence this policy will not be used in decision making.

Summary of weight which may be applied to policies

Weight may be attached	
Some weight may be attached	
No weight to be attached	

CH3	Strategic Approach	
SPA	Achieving National Park Purposes and Sustainable Development	
SPB	Spatial Strategy	
SPC	Quality and Design of Development	
SPD	Major Development	
CH4	The Environment	
SPE	The Natural Environment	
SPF	Climate Change Mitigation and Adaptation	
SPG	The Landscape	
SPH	Habitats, Wildlife, Biodiversity and Geodiversity	
ENV1	Trees, Woodlands, Traditional Orchards and Hedgerows	
ENV2	Tranquillity	
ENV3	A Strong Sense of Remoteness	
ENV4	Dark Night Skies	
ENV5	Flood Risk	
ENV6	Land Instability	
ENV7	Environmental Protection	
ENV8	Renewable Energy	
SPI	The Historic Environment	
ENV9	Historic Landscape Assets	
ENV10	Archaeological Heritage	
ENV11	Historic Settlements and Built Heritage	
ENV12	Supporting the Conservation and Reuse of Designated Heritage Assets	
ENV13	Shopfronts	
ENV14	Important Undeveloped Spaces	
ENV15	Environmental Enhancement Sites	
CH5	Understanding and Enjoyment	
SPJ	Sustainable Tourism and Recreational Development	
UE1	Small scale tourism accommodation	
UE2	Development of Existing Tourism and Recreational Businesses	
UE3	Loss of Existing Tourism and Recreational Facilities	
UE4	New Holiday Accommodation within Residential Curtilages	
CH6	Business and Land Management	
SPK	The Rural Economy	
BL1	Employment and Training Development	

BL2	Reuse of Existing Employment and Training Facilities	
BL3	Rural Diversification	
BL4	Managers and Staff Accommodation	
BL5	Agricultural Development	
BL6	Tracks	
BL7	Relocation of Agricultural Businesses	
BL8	Shops, Offices, and Food and Drink Services	
BL9	Advertising and Signposting	
BL10	Communications Infrastructure	
BL11	Commercial Horse Related Development	
BL12	Temporary Rural Workers Dwellings	
CH7	Communities	
SPL	Community Facilities	
CO1	Supporting New Development	
CO2	Transport	
CO3	Car Parks	
CO4	Public Rights of Way and Linear Routes	
CO5	Community Spaces	
SPM	Housing	
CO6	Housing in Helmsley	
CO7	Housing in Larger Villages	
CO8	Housing in Smaller Villages	
CO9	Botton Village	
CO10	Housing in the Open Countryside	
CO11	Affordable Housing on Exceptions Sites	
CO12	Conversion of Existing Buildings in Open Countryside	
CO13	Local Connection Criteria for Local Needs Housing	
CO14	Replacement Dwellings	
CO15	Gypsy, Roma and Traveller Accommodation	
CO16	Removal of Agricultural Occupancy Conditions	
CO17	Householder Development	
CO18	Residential Annexes	
CO19	Extensions to Domestic Curtilages	
CO20	Equestrian Development for Private Use	

More detailed summary:

Policy		Consultation Response and the Authority's Conclusion on Significance	Proposed Action
Strategic Approach			
SPA	Achieving National Park Purposes and Sustainable Development	Objections of some significance received (21/2, 29/1).	No weight will be attached to this policy.
SPB	Spatial Strategy	The following are considered objections of some significance (32/1, 21/3, 3/1, 10/1) One (32/1) requests inclusion of Egton Bridge in the hierarchy. Three others relate to policy on the open countryside.	Some weight may be attached to this policy unless proposals relate to: <ul style="list-style-type: none"> • Small scale housing, employment, training and other facilities in Egton Bridge • Development within in the Open Countryside as defined in the draft Plan (i.e. proposals in defined settlements set out in the Core Strategy and Development Policies document and not included in the draft Plan will be assessed under existing development plan policy.
SPC	Quality and Design of Development	One supporting comment received (15/13) plus two objections. One (21/4) relates to potential impact on viability and no specific changes are requested. It is considered that this policy is vital to helping deliver the statutory purposes, is similar to existing Core Strategy and Development Policies Policy DP3 and mirror guidance in the NPPF (124, 126 and 127) One (3/2) requests deletion of words 'of the settlement' in criteria 3 as policy applies to all areas – however the policy is intended to apply to all areas including within settlements where it is considered that reference to form is necessary. It is not considered that the objection is fundamental.	Weight may be attached to this policy.
SPD	Major Development	Objections of some significance received (2/1, 29/2, 30/2, 31/1)	No weight will be attached to this policy.
The Environment			
SPE	The Natural Environment	Objections of some significance received (29/3).	No weight will be attached to this policy.
SPF	Climate Change Mitigation and Adaptation	Three responses were received, one of which offered support (23/2), one of which offered no comment (35/1) and one of which (19/1) requested a reference to the Marine Policy statement in supporting text. No objections have been raised to the policy itself.	Weight may be attached to this policy in decision making.
SPG	The Landscape	Seven comments were received, four of which are supportive. One of which (21/5) relates to availability of the Landscape Character Assessment and not to the policy itself. One (29/4) requests reference to proposals being acceptable is effects can be moderated or compensate for off-site. The Authority does not consider that this is appropriate given the first National Park statutory purpose, and that this policy is in line with NPPF 172 which attaches great weight to conserving and enhancing landscape in National Parks and that states that the scale and extent of development within them should be limited. The Policy aims to conserve and enhance landscape (i.e. not moderate or compensate for loss) is also in existing policy (Core Strategy and Development Policies Core Policy G)	Weight may be attached to this policy in decision making.
SPH	Habitats, Wildlife, Biodiversity and Geodiversity	Two comments were received – one from Natural England (24/2), supporting the policy but requesting further detail on the implementation of net gain and one from the Marine Management Organisation (19/4) requesting a reference to the Marine Policy statement in supporting text. No objections have been raised to the policy itself.	Weight may be attached to this policy in decision making.
ENV1	Trees, Woodlands, Traditional Orchards and Hedgerows	The policy received one positive comment (15/16) and one objection stating that the policy should not cover all trees (21/16). However the policy states are the first paragraph that it is intended to apply to trees 'of value' and it will be interpreted in this way. The Authority also considers the policy to be in line with NPPF 175.	Weight may be attached to this policy in decision making.
ENV2	Tranquillity	Objections of some significance received (28/1, 21/7, 29/5, 31/2)	No weight will be attached to this policy.
ENV3	A Strong Sense of Remoteness	Objections of some significance received (21/8, 30/3)	No weight will be attached to this policy.
ENV4	Dark Night Skies	Objections of some significance received (29/7, 21/9, 7/1).	No weight will be attached to this policy.
ENV5	Flood Risk	No objections received.	Weight may be attached to this policy in decision making.
ENV6	Land Instability	Significant objection received (21/10).	No weight will be attached to this policy.
ENV7	Environmental Protection	One comment was received from the Marine Management Organisation (19/5) supporting the policy.	Weight may be attached to this policy in decision making.
ENV8	Renewable Energy	Only one objection was received (21/11) relating to demonstration of community backing. This is a requirement of national policy (NPPF footnote 49).	Weight may be attached to this policy in decision making.
SPI	The Historic Environment	This policy was subject to three comments from Historic England (15/19, 15/20, 15/21) requesting that the policy is revised to more exactly reflect policy terminology set out in the NPPF. Modifications have been proposed to amend the policy accordingly. The Authority does not consider the objection to be significant. Changes requested by Historic England are within the NPPF which can also form a material consideration. In the event of any conflict over interpretation NPPF guidance will outweigh this policy in decision-making.	Some weight may be attached to this policy.

Policy	Consultation Response and the Authority's Conclusion on Significance	Proposed Action
ENV9 Historic Landscape Assets	Two comments were received from Historic England (15/23 & 15/24) requesting that the policy is revised to more exactly reflect policy terminology around designated and non-designated assets set out in the NPPF and to add additional features and modifications have been proposed. The Authority does not consider the objection to be significant. Changes requested by Historic England are within the NPPF which can also form a material consideration. In the event of any conflict over interpretation NPPF guidance will outweigh this policy in decision-making. One further objection was received (21/12) stating that the written justification should explain the circumstances where in situ preservation may not be justified. The Authority considers that any changes would relate to process rather than the intensions of the policy and as such the objection is not significant	Some weight may be attached to this policy.
ENV10 Archaeological Heritage	Two objections were received from Historic England (15/25, 15/26) requesting that the policy is revised to more exactly reflect policy terminology set out in the NPPF and to add additional features and modifications have been proposed. The Authority does not consider the objections to be significant. Changes requested by Historic England are within the NPPF which can also form a material consideration. In the event of any conflict over interpretation NPPF guidance will outweigh this policy in decision-making. One further objection was raised (21/13), however the Authority considers that the change requested is already incorporated at Strategic Policy I.	Some weight may be attached to this policy.
ENV11 Historic Settlements and Built Heritage	One objection was received (21/14) requesting that the policy is revised to more exactly reflect policy terminology around designated and non-designated assets set out in the NPPF – a suggestion that is being taken on board via changes to Strategic Policy I. In the event of any conflict over interpretation NPPF guidance will outweigh this policy in decision-making.	Some weight may be attached to this policy.
ENV12 Supporting the Conservation and Reuse of Designated Heritage Assets	This policy is subject to a Proposed Modification to delete it in its entirety and rely on NPPF guidance instead.	No weight will be attached to this policy.
ENV13 Shopfronts	One supporting comment was made (Historic England, 15/29)	Weight may be attached to this policy in decision making.
ENV14 Important Undeveloped Spaces	Significant objections were made to this policy. (8/1, 9/1, 15/30, 21/15, 27/2)	No weight will be attached to this policy.
ENV15 Environmental Enhancement Sites	No objections received.	Weight may be attached to this policy in decision making.
Understanding and Enjoyment		
SPJ Sustainable Tourism and Recreational Development	Objections of some significance received. (10/2, 23/6, 30/4, 33/1)	No weight will be attached to this policy.
UE1 Small scale tourism accommodation	Objections of some significance received (10/3, 10/4, 21/17, 30/5, 32/2).	No weight will be attached to this policy.
UE2 Development of Existing Tourism and Recreational Businesses	Objections of some significance received (10/5, 21/18, 30/6),	No weight will be attached to this policy.
UE3 Loss of Existing Tourism and Recreational Facilities	No objections received.	Weight may be attached to this policy in decision making.
UE4 New Holiday Accommodation within Residential Curtilages	Objections of some significance received (10/6, 32/3).	No weight will be attached to this policy.
Business and Land Management		
SPK The Rural Economy	Objection received requesting recognition of the significant economic and social benefits played by existing major development in the National Park (29/8) however as this covers existing development it would not add anything to the policy that would be of relevance to a development management decision. Should expansion of existing businesses, of any size, be promoted these will be considered in accordance with all policies in the Local Plan including SPK. Proposals for major new development would be assessed against the Policy SPD and SPA. .	Weight may be attached to this policy in decision making.
BL1 Employment and Training Development	Objections of some significance received (7/2, 7/3, 10/7, 21/19, 29/9).	No weight will be attached to this policy.
BL2 Reuse of Existing Employment and Training Facilities	No objections received.	Weight may be attached to this policy in decision making.
BL3 Rural Diversification	Objections of some significance received (10/8, 21/20, 30/9).	No weight will be attached to this policy.
BL4 Managers and Staff Accommodation	No objections received.	Weight may be attached to this policy in decision making.
BL5 Agricultural Development	Objections of some significance received (21/21).	No weight will be attached to this policy.
BL6 Tracks	Two supportive comments received (24/5, 15/33) One further comment from Historic England (15/34) on the wording of the first criterion and a modification is proposed. This is not considered to significant alter the policy.	Weight may be attached to this policy in decision making.
BL7 Relocation of Agricultural Businesses	Objection of some significance received (21/22).	No weight will be attached to this policy.
BL8 Shops, Offices, and Food and Drink Services	Objection of some significance received (21/23).	No weight will be attached to this policy.

Policy	Consultation Response and the Authority's Conclusion on Significance	Proposed Action
BL9 Advertising and Signposting	One supporting comment was made (15/34).	Weight may be attached to this policy in decision making.
BL10 Communications Infrastructure	One supporting comment was made (15/35)	Weight may be attached to this policy in decision making.
BL11 Commercial Horse Related Development	No objections received.	Weight may be attached to this policy in decision making.
BL12 Temporary Rural Workers Dwellings	No objections received.	Weight may be attached to this policy in decision making.
Communities		
SPL Community Facilities	No objections received.	Weight may be attached to this policy in decision making.
CO1 Supporting New Development	Objection of some significance received (21/24).	No weight will be attached to this policy.
CO2 Transport	No objections received.	Weight may be attached to this policy in decision making.
CO3 Car Parks	No objections received.	Weight may be attached to this policy in decision making.
CO4 Public Rights of Way and Linear Routes	No objections received.	Weight may be attached to this policy in decision making.
CO5 Community Spaces	Battersby Junction (BJUN – CS02) Ingleby Greenhow Parish Council (18/1) objected as the station car park has not been included as a community space. Comments were raised regarding Grosmont and Kilburn but only modifications to the boundary of the community space and therefore are not considered to significantly alter the policy. These spaces are Grosmont (GROS - CS02, York Diocese, 34/1) and Kilburn (KILB –CS01, York Diocese, 34/2)	Weight may be attached to this policy in decision making except in respect of Community Spaces BJUN -CS02.
SPM Housing	Significant objections received (16/1, 21/25)	No weight will be attached to this policy.
CO6 Housing in Helmsley	One supportive comment was received from CPRE North Yorkshire (6/4)	Weight may be attached to this policy in decision making.
CO7 Housing in Larger Villages	Significant objections received (1/1, 3/3, 16/2, 21/26). However, the tenor of the objections are that the policy is too restrictive in terms of tenure, that new housing should be allowed on the edges of villages and to the size limit proposed. No objections have been raised to the change in policy from infill sites to suitable sites or to allow for up to five dwellings to be built on such sites. This policy may therefore be used to support some developments of more than one dwelling and on a suitable site which would otherwise be contrary to current policy.	Some weight will be attached to this policy.
CO8 Housing in Smaller Villages	Significant objections received (16/3, 21/27). However, the tenor of the objections are that the policy is too restrictive in terms of tenure, that new housing should be allowed on the edges of villages and to the size limit proposed. No objections have been raised to the change in policy from infill sites to suitable sites or to allow for up to five dwellings to be built on such sites. This policy may therefore be used to support some developments of more than one dwelling and on a suitable site which would otherwise be contrary to current policy.	Some weight will be attached to this policy.
CO9 Botton Village	No objections received.	Weight may be attached to this policy in decision making.
CO10 Housing in the Open Countryside	Significant objection received (21/28)	No weight will be attached to this policy.
CO11 Affordable Housing on Exceptions Sites	Significant objection received (21/29)	No weight will be attached to this policy.
CO12 Conversion of Existing Buildings in Open Countryside	Significant objections received (3/4, 10/9, 21/30,30/10)	No weight will be attached to this policy.
CO13 Local Connection Criteria for Local Needs Housing	Significant objections received (16/4, 21/31)	No weight will be attached to this policy.
CO14 Replacement Dwellings	Significant objection received (3/5)	No weight will be attached to this policy.
CO15 Gypsy, Roma and Traveller Accommodation	No objections received.	Weight may be attached to this policy in decision making.
CO16 Removal of Agricultural Occupancy Conditions	No objections received.	Weight may be attached to this policy in decision making.
CO17 Householder Development	No objections received.	Weight may be attached to this policy in decision making.
CO18 Residential Annexes	No objections received.	Weight may be attached to this policy in decision making.
CO19 Extensions to Domestic Curtilages	No objections received.	Weight may be attached to this policy in decision making.
CO20 Equestrian Development for Private Use	No objections received.	Weight may be attached to this policy in decision making.