



The Planning Inspectorate

Report to North York Moors National Park Authority

by Richard Schofield BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Date: 15 May 2020

Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the North York Moors National Park Authority Local Plan

The Plan was submitted for examination on 2 July 2019

The examination hearings were held between 12 and 13 November 2019

File Ref: PINS/W9500/429/7

Abbreviations used in this report

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| The Authority | North York Moors National Park Authority |
| The Framework | National Planning Policy Framework |
| DPA | Dwellings Per Annum |
| HMA | Housing Market Area |
| LAA | Land Availability Assessment |
| MM | Main Modification |
| The Plan | North York Moors National Park Authority Local Plan |
| SHMA | Strategic Housing Market Assessment |

Non-Technical Summary

This report concludes that the North York Moors National Park Authority Local Plan ("the Plan") provides an appropriate basis for the planning of the National Park, provided that a number of main modifications (MMs) are made to it. The National Park Authority ("the Authority") has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

The MMs all concern matters that were discussed at the examination hearings. Following the hearings, the Authority prepared schedules of the proposed modifications and carried out sustainability appraisal of them. The MMs were subject to public consultation over a six-week period. In some cases I have amended their detailed wording and/or added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering all of the representations made in response to consultation on them.

The MMs can be summarised as follows:

- Amending a number of policies to ensure that they are fully effective, internally consistent and consistent with national policy;
- Deleting policies ENV12 and ENV14 as they are not justified;
- Amending the Monitoring Framework; and
- Inserting a housing trajectory.

Introduction

1. This report contains my assessment of the North York Moors National Park Authority Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework 2019 ("the Framework") (paragraph 35) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The North York Moors National Park Authority Local Plan, submitted in July 2019, is the basis for my examination. It is the same document that was published for consultation in April 2019.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Authority requested that I should recommend any main modifications (MMs) necessary to rectify matters that make the Plan unsound and, thus, incapable of being adopted. My report explains why the recommended MMs, which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2**, etc, and are set out in full in the Appendix to this report.
4. Following the examination hearings, the Authority prepared a schedule of proposed MMs and carried out sustainability appraisal of them. The MM schedule was subject to public consultation for six weeks.
5. I have taken account of the consultation responses in coming to my conclusions and have made some amendments to the detailed wording of the main modifications where these are necessary for consistency or clarity. These amendments do not significantly alter the content of the modifications as published for consultation nor do they undermine the participatory processes and sustainability appraisal that has been undertaken. Where necessary I have highlighted these amendments in the report.

Policies Map

6. The Authority must maintain an adopted policies map, which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Authority is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as PM1 to PM11; PMIMEES1 and PMIMESS2; and PMIM1 to PMIM90.
7. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it. However, a small number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. These further

changes to the policies map were published for consultation alongside the MMs.

8. When the Plan is adopted, in order to comply with the legislation and to give effect to the Plan's policies, the Authority will need to update the adopted policies map to include all of the changes that were proposed and published alongside the MMs.

Assessment of Duty to Co-operate

9. Section 20(5)(c) of the 2004 Act requires that I consider whether the Authority complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
10. There was no suggestion from any representors that the Duty to Co-operate had not been met. The Authority's Duty to Co-operate Statement sets out clearly the work that has been undertaken with relevant local authorities and prescribed bodies. Statements of Common Ground with the National Park's constituent local authorities have also been provided, supporting the approach taken by the Authority.
11. I am satisfied that, where necessary, the Authority has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

Assessment of Soundness

Main Issues

12. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified seven main issues upon which the soundness of the Plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan. My conclusions should also be read in the context of the statutory purposes of the National Park, namely to:
 - Conserve and enhance the natural beauty, wildlife and cultural heritage; and
 - Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public.

When national parks carry out these purposes they also have the duty to seek to foster the economic and social well-being of local communities within the national parks.

Issue 1 – Whether the Plan's strategic approach is justified, effective and consistent with national planning policy

13. Strategic Policies A to D set out the Plan's overall approach to the design, scale and distribution of development, alongside its overarching view of sustainable development.

14. Within the context of the National Park's statutory purposes, these approaches are justified. They are consistent with the thrust of national planning policy, set out in the Framework, which affords National Parks the highest status of protection with regard to conserving and enhancing landscape and scenic beauty.
15. The Framework also affords "*great weight*" to the conservation and enhancement of wildlife and cultural heritage, limits the scale and extent of development and indicates that major development proposals should be refused other than in exceptional circumstances or in the public interest.
16. **MM5** is required to ensure that Strategic Policy A and its supporting text is clearer and more flexible in relation to matters of design and scale in a national park context.
17. Strategic Policy B sets out a settlement hierarchy. This does not establish the levels of development that will be directed to each tier (for reasons set out below). Nonetheless, it provides a clear indication of the role of each tier and the tenure of housing expected therein. It also gives an indication of the breadth and scale of non-residential development that will be supported within each tier.
18. The hierarchy is based upon a careful consideration of the scale and role of individual settlements, the facilities that they offer and the transport (and other) linkages between them. This is set out in more detail in the Spatial Strategy and Settlement Hierarchy Topic Paper. The judgements made in establishing the tiers and allocating settlements to them are just that. Others may have different views, but I consider those of the Authority to be reasonable.
19. **MM6** is required to ensure that Strategic Policy B, and its supporting text, is consistent with other Plan policies (in relation to the location and type of development) and with the Framework (with regard to heritage terminology). This also brings greater clarity about the role and purpose of Whole Estate Plans, which is lacking.
20. **MM7** is required to make Strategic Policy C effective by avoiding repetition in relation to design requirements and by being emphatic about what is sought in relation to biodiversity and to access requirements. It also provides clarity within the supporting text about open space considerations, following the deletion of Policy ENV14 (see below).
21. **MM8** is necessary to ensure that the geographic scope of Strategic Policy D is evident in relation to the local economy; that the expectations upon applicants for major development proposals are clear; and that it is explicit to what standard land should be restored following the end of major development schemes.
22. **MM1** to **MM4** are necessary to make a number of policies effective, by making it clear which criteria in a policy need to be addressed and that the grant of planning permission is not conditional on meeting only the terms of a single policy. This applies to policies under each of the Issues, but I do not intend to repeat the matter each time.

Conclusion

23. Overall, subject to the main modifications referred to, the strategic approach is justified, effective and consistent with national planning policy.

Issue 2 – Whether the Plan's approach to housing provision is justified, effective and consistent with national planning policy

Housing Target

24. Strategic Policy M is clear that the Plan aims to deliver a minimum of 551 new houses over the plan period, equating to 29 dwellings per annum. As the Plan makes clear, this number is not a housing requirement. In other words, it is not a figure that the Authority *has* to deliver, for the reasons that I set out below.
25. The National Park falls within the local authority areas of Hambleton District, Redcar & Cleveland Borough, Ryedale District and Scarborough Borough. Thus, it also falls within four different Housing Market Areas (HMA). The local authorities within those HMAs will meet the objectively assessed need for their areas by delivering housing outside the National Park boundaries. The exceptions to this are the allocations in Helmsley, set out in the Helmsley Local Plan (prepared by Ryedale District Council and the Authority).
26. Consequently, there is no need (insofar as the requirements of the Framework are concerned) for the National Park to accommodate any new residential development, including for gypsy and traveller provision, within its boundary.
27. Nonetheless, the Authority has a duty to foster the economic and social wellbeing of local communities. It is also apparent, from the early consultation responses of residents of the National Park, that there are concerns about the potential loss of local services, arising from a declining population, and a lack of affordable housing options. The knock on effects of this situation upon local communities within the National Park, were it to endure, would clearly be adverse.
28. Thus, the Authority has produced a Strategic Housing Market Assessment (SHMA) for the National Park. This recommends that 29 dwellings per annum (dpa) are required over the plan period in order to sustain the National Park's population at 2014 levels.
29. It is clear from the evidence that the National Park's population has dropped quite considerably from a high point in 2003/2004. One could reasonably set out a strategy to grow it back to that level. SHMAs are not, however, an exact science; they require the application of judgement. One must start from somewhere and I do not find there to be anything unsound about the Authority's decision to take 2014 population levels as the benchmark for the purposes of plan making.
30. This is quite aside from the fact that the level of residential development likely to be required to bring the population back up to 2003/2004 levels would be arguably at odds with a National Park environment and statutory purposes. I am also mindful that the Framework is clear that "*the scale and extent of development within these designated areas should be limited*".

31. Levels of housing delivery since 2008 have, when averaged, been well above the 29 dwellings per annum now being proposed. This level of delivery has, however, been somewhat skewed by the large allocations in Helmsley coming on stream; a situation which will not endure or be replicated through the Plan. As such, I do not consider that a higher housing target could be justified on the basis of past levels of delivery. I find that the provision of 551 dwellings over the plan period is justified.

Future delivery

32. The anomalous situation of Helmsley's allocations aside, past delivery has relied largely upon windfall sites and affordable housing exception sites. The Plan continues this strategy, making no allocations. Given the sensitivities of the National Park's landscape this is not unreasonable. That said, the Authority has recognised the distinct possibility that maintaining current policy approaches to windfall development could mean that very few, if any, future windfall sites would be policy compliant.
33. The Plan increases, therefore, the current limits on the number of new dwellings permitted on sites within the different tiers of the settlement hierarchy. It is also more flexible in its approach to the type of site that may be supported, moving away from the strict infill only approach. Allowance is now made for conversions in the open countryside to be for permanent residential development, albeit for local occupancy.
34. Allocating sites would have made for more certain delivery and it is not uncommon for National Parks to have allocations. Even so, every area is different (in so far as the scope for allocations in the context of their particular landscape and settlement types are concerned) and windfall development has been a reliable source of most of the housing supply in the North York Moors National Park for some time. I am satisfied that broadening the windfall site restrictions is a reasonable approach to securing ongoing supply, the success of which can be monitored over the plan period.
35. In addition, local occupancy criteria have been broadened and a "*principal residence*" category has been introduced as a bridge between open market and local residency housing. These actions should, arguably, make new dwellings with these restrictions upon them more attractive to the market, and thus to developers, than those under the current local occupancy conditions.
36. Affordable housing exception sites have made up a large proportion of past housing supply. On the basis of all that I have read and heard, notably the Authority's proactive approach to such sites, and the apparent appetite for such schemes from Parish Councils, I consider it reasonable to assume that this will continue to be the case (if the grant funding regime is not curtailed significantly).
37. In this context, given the strong need for affordable housing delivery in the National Park, I am satisfied that allowing only exception sites "*adjacent*" to settlements is a sensible policy approach. Allowing market or principal residence housing development in such locations would very likely mean that the supply of exception sites would reduce considerably, as landowners sought to realise more profitable development opportunities.

Settlement Tiers

38. Each tier of the settlement hierarchy has a bespoke range of dwelling types and tenures that would be supported by the Authority. These range from the full gamut of housing tenures in Helmsley to only local needs and affordable housing in the Smaller Villages.
39. The logic of not allowing open market housing outside Helmsley is that this will prevent the further proliferation of second homes, which can push up house prices, and diminish the supply of available homes, to the disadvantage of those who need to live in the National Park. This seems to me to be a reasonable approach, in the context of an area with around 17 per cent of the total housing stock being second homes.
40. Principal residence housing is allowed in the Larger Villages. This is a sensible means of ensuring that those who need or want to live in the National Park could do so, but would be unable to treat such housing as a second home. It would be in the interests of sustainable development, serving to support the vitality of local communities year round.
41. The Authority's viability work demonstrates that such housing would be commercially viable, even with the estimated *circa* five percent reduction in market value against an open market dwelling.
42. Arguably, allowing principal residence dwellings in both Larger and Smaller Villages would offer increased support for communities in both types of settlement, while offering a wider choice of housing. That said, there is nothing inherently unsound in the Authority's approach. It would serve to limit development in less sustainable locations, while ensuring that residential development that does occur within them is targeted at those living and working in the National Park, having regard to the more limited site availability in these smaller settlements.
43. **MM49** is necessary to ensure that Strategic Policy M highlights the need to deliver smaller dwellings, rather than leaving it to supporting text, and to make it effective in relation to what is expected of applicants.
44. **MM50** to **MM60**, which apply to policies CO6 to CO14, and **MM62**, which applies to CO18, are necessary to address inconsistencies between the policies and discrepancies between the policies and their supporting text; to provide greater flexibility over the numbers of dwellings permitted on windfall sites in each settlement tier, in line with the revised Housing Policies Diagram; address the affordable housing threshold and requirement for conversion schemes; specify the acceptable locations for affordable housing exception schemes; ensure consistency with the Helmsley Local Plan; clarify the status of the Botton Village Character Appraisal; and introduce greater flexibility in relation to local occupancy requirements.
45. They are also required to excise from policy the maximum floor space requirements, for which there is no clear justification, particularly when considering the size of sites that may come forward for development. The focus of policy on smaller dwellings (see **MM49** above), along with proposed additional guidance in the supporting text, will ensure that the delivery of such is retained without unnecessary rigidity in requirements.

46. I have amended **MM50**, **MM52** and **MM53** to ensure that the proposed supporting text does not replicate the demands of excised policy rather than, more appropriately, giving an indication of expected development scales.
47. **MM61** is necessary to clarify that the CO15's requirements apply to "pitches" not "units", in line with accepted terminology and definitions.
48. **MM63** is necessary to remove policy CO19's requirement for environmental enhancements, the justification for which is unclear. Its role as guidance in the supporting text is more appropriate. It is also required to clarify what is meant by the policy's reference to "the land".

Conclusion

49. Overall, I am satisfied that, subject to the MMs noted above, the Plan's approach to housing provision is justified, effective and consistent with national planning policy.

Issue 3 – Whether the Plan's approach to protecting and enhancing the natural environment is justified, effective and consistent with national planning policy.

50. Strategic policies E to H set out the Plan's overarching approach to the natural environment, including the impacts of climate change.
51. **MM9** is necessary to make Strategic Policy E: The Natural Environment more emphatic, and thus more effective, in its requirements. The introduction of the term "natural capital" brings the policy into line with terminology used elsewhere in the Plan, ensuring consistency.
52. **MM10** is required to ensure that Strategic Policy F: Climate Change and Mitigation is effective by "requiring" action rather than merely "supporting" it.
53. **MM11** is necessary to remove text from Strategic Policy G: Landscape, which is unjustified by virtue of it describing how development proposals will be assessed rather than being a policy requirement.
54. **MM12** is required to make Strategic Policy H: Habitats, Wildlife, Biodiversity and Geodiversity effective by requiring, rather than expecting, certain activity. It also removes unnecessary, and potentially confusing, text in relation to the status of Sites of Special Scientific Interest. Commensurate changes to the supporting text ensure that the guidance it gives is consistent.
55. ENV1 to ENV8 provide a suite of development management policies, which 'hang' from their overarching strategic parents. Of these, ENV2 is problematic as it is difficult to see how any development could reasonably conserve tranquillity, when one takes account of the uses arising (domestic or otherwise). In addition, the policy blends, ineffectively, impacts upon tranquillity that may arise as a result of development and features that are already present at a development site. In this context, it is rather opaque regarding what it is that applicants would need to demonstrate. **MM13** is necessary to address these matters, with commensurate changes to the policy's supporting text.

56. The title of ENV3 lacks clarity over its application. In addition, the policy is not wholly justified as it merely replicates Plan policy in relation to tranquillity. **MM14** is required to address this.
57. The final criterion of ENV4 is an informative rather than a policy requirement and, as such, ineffective in a policy. **MM15** is necessary to address this.
58. **MM16** is required to delete a non-specific, and thus ineffective, policy requirement, with regard to the trigger for Sustainable Drainage Schemes, from ENV5.
59. **MM17** is needed to make ENV6 effective, by clarifying that it refers to permanent buildings.
60. By requiring the removal of contaminants and pollutants, to ensure safe development, and removing the ambiguous (in this context) term "significant", **MM18** will ensure that ENV7 is effective.
61. **MM19** is necessary to ensure that ENV8 and its supporting text are clear and emphatic with regard to the extent of the policy's coverage and requirements for renewable energy and wind turbine proposals.
62. **MM64** to CO20 is necessary in the interests of the Plan's internal consistency in so far as the qualification of unacceptable impacts is concerned.

Conclusion

63. I conclude that, subject to the MMs noted above, the Plan's approach to protecting and enhancing the natural environment is justified, effective and consistent with national planning policy.

Issue 4 - Whether the Plan's approach to protecting and enhancing the historic environment is justified, effective and consistent with national planning policy.

64. Strategic policy I sets out the Plan's ambitions with regard to the historic environment of the National Park. To ensure that it, and the supporting text, is consistent with national planning policy, however, **MM20** and **MM21** are required. They will also ensure that the policy is locally distinctive by setting out the key historic features that contribute to the character of the National Park.
65. Similarly, **MM22** is necessary, first, to ensure that policy ENV9 and its supporting text provide comprehensive (albeit not exhaustive) identification of historic landscape assets and, second, are effective in aligning with the wording of other heritage policies in the Plan and with national planning policy.
66. **MM23** is required to ensure that the wording of policy ENV10 accords with the requirements of national planning policy. Namely that Substantial harm to or loss of a Scheduled Monument should be wholly exceptional.
67. ENV11 lacks clarity about the approach to in-situ preservation of archaeological assets. **MM24** is necessary to address this and to ensure that

the policy is clear about the need for approval of Written Schemes of Archaeological Investigation.

68. Policy ENV12, which deals with heritage assets 'at risk', includes within the Plan a policy for something which is, explicitly, contrary to other Plan policies. As such it is not justified and should be deleted, not least because the issue of enabling development, which is an issue that goes wider than just "at risk" heritage assets, is in any case addressed by national guidance. **MM25** addresses this.
69. Policy ENV14 replicates the requirements of other policies and, without actually identifying specific Important Undeveloped Spaces, is overly restrictive in its blanket approach. The policy is not justified and **MM26**, deleting the policy, addresses this. I have amended the proposed additional supporting text to ensure that the policy's approach is not merely relocated.
70. **MM27** is necessary to ensure that policy ENV15 is effective by being clear about the process for preparing and approving planning briefs.

Conclusion

71. Subject to the MMs noted above, I find that the Plan's approach to protecting and enhancing the historic environment is justified, effective and consistent with national planning policy.

Issue 5 – Whether the Plan's approach to sustaining the economic well-being of local businesses and communities is justified, effective and consistent with national planning policy.

72. The National Park does not contain any areas that one could reasonably characterise as being concentrations of economic or major retail activity. Helmsley's industrial estate lies outside the National Park boundary and, while some of Whitby's Business Park lies just within the National Park it is, clearly, a focus for activity in Whitby rather than the National Park. I also note that around 16 hectares of new employment land has been allocated in recently adopted local plans for areas around the National Park.
73. The Woodsmith polyhalite mine, which is currently under construction, is likely to become a significant employer within the National Park, but this is an exceptional development, arising from the location of a specific mineral. It does not set a precedent for further largescale employment development within the National Park.
74. In short, in the context of a National Park that relies largely on small scale (and often seasonal) businesses in the tourism, recreation and agricultural sectors (which do not often require new employment floorspace, and for which a geographical focus is not easy to achieve), standard economic and retail forecasts are not especially helpful.
75. Instead, the Authority has sought to scrutinise the available data at the National Park level, to provide a proportionate evidence base to inform planning policy decisions. I am satisfied, given the context summarised above, that this approach, and the subject matter of the policies arising, is reasonable.

76. Strategic Policy J: Sustainable Tourism and Recreational Development requires **MM28** to ensure that it is internally consistent; consistent with policy UE1; more direct about the Authority's principles of sustainable tourism; and allows for development that does not involve the re-use of a building. The same modification also makes the supporting text effective by clarifying the occupation time limits for holiday letting.
77. The title of Policy UE1 is not helpful and is, arguably, misleading. Criteria relating to how accommodation should be constructed and screened are imprecise. Requirements relating to static caravans are too stringent in the context of modern caravan design. They are, thus, unjustified in this particular instance, having regard to the Authority's real aim to ensure that there is not a proliferation of unsightly, large, starkly coloured box caravans.
78. **MM30** makes significant changes to policy UE1, which is renumbered as policy UE2, to address these issues. With these changes, and the deletion of the current policy UE2 and supporting text (through **MM31**), which lacks clarity as to its coverage (whether to new or to existing tourism businesses), the plan is effective and justified.
79. **MM29** creates a new policy UE1 and adds additional supporting text. This is necessary to make the plan effective, by ensuring that it is clear about how and where it may support new tourism and recreational development, particularly new, permanent buildings.
80. **MM32** is necessary in order that policy UE3's requirement in relation to highway improvements does not go beyond that set out in the Sustainability Appraisal, in the absence of clear justification. It is also necessary to make it clear that occupancy restrictions, in relation to changes of use, will be applied in accordance with the settlement hierarchy. Concomitant changes to the supporting text are also required.
81. Policy UE4 is unsound as it and its supporting text fail to recognise that there may be instances where holiday accommodation within a residential curtilage may be acceptable even if it does not make use of an existing building of architectural or historic interest. It also departs from national planning policy by stating that permitted development rights will be removed in every instance where planning permission is granted under this policy. **MM33** and **MM34** are necessary to address these shortcomings and, thus, to make the policy effective and justified.
82. Turning to matters of land management, **MM35** is needed to clarify Strategic Policy K's criterion in relation small and micro businesses. I have reinstated criterion 1 of the policy, in the light of representations, to ensure that the policy covers the full range of development scenarios that may arise.
83. Policy BL1 requires **MM36** to make the policy effective, by clarifying the nature of employment and training development that would be supported. It is also needed to ensure that the criteria in relation to building re-use and extensions are consistent and that the onerous requirement in relation to physical and functional links to existing businesses is removed. **MM37** is necessary to ensure that the Plan is clear about which other development plans certain types of economic development may be assessed against.

84. **MM38** is required to ensure that policy BL2's criterion in relation to highway improvements does not go beyond that set out in the Sustainability Appraisal, in the absence of clear justification. It is also necessary to make the policy effective, by inserting wording from the supporting text upon which the Plan was seeking to rely as a policy requirement.
85. BL3 is ineffective as it fails to define the full range of rural businesses that it should cover or to address the locational requirements of new buildings. **MM39** rectifies this.
86. Policy BL5 is unclear about what is meant by "*in recent years*" and requires **MM40** to excise this reference and to make the policy effective. The same modification ensures that the Plan does not use the wording of the national planning policy test in relation to Green Belt development and apply it instead to isolated buildings in the countryside. Such an approach is potentially confusing and unhelpful to applicants, rendering the policy ineffective.
87. Policy BL6 is not justified, as it contains text that sets out how policy will be applied, rather than what is expected of applicants. **MM41** addresses this.
88. It is unclear how "*severe economic disadvantage*" in policy BL7 would be demonstrated. In any event, the policy's requirement to demonstrate the financial viability of a farming enterprise is sufficient for the policy's purposes, albeit that it needs to be made clear that it is financial, rather than logistical, viability, which is under scrutiny. **MM42** addresses these points to make the policy effective.
89. Policy BL8 requires **MM43** to ensure that it is consistent with the Helmsley Local Plan, as far as development in the town centre is concerned. It will also address the movement of supporting text relating to the loss of retail premises, which reads as a policy requirement, into the policy itself.
90. Policies BL9 and BL10 require **MM44** and **MM45** respectively to ensure that their wording, ensuring that planning permission will "only" be granted if certain criteria are met, is consistent with that in other policies throughout the Plan.

Conclusion

91. I conclude that, subject to the MMs noted above, the Plan's approach to sustaining the economic well-being of local businesses and communities is justified, effective and consistent with national planning policy.

Issue 6 – Whether the Plan's approach to community infrastructure is justified, effective and consistent with national planning policy

92. Strategic policy L is the overarching policy relating to community facilities. It is not clear, however, what is meant by "*an unacceptable adverse impact*" upon a community facility. Rather, the policy seeks to avoid compromising the use of such facilities. **MM46** is necessary to clarify this point and, thus, to make the policy effective. It also pulls marketing and viability test requirements into the policy from the supporting text, also necessary to ensure that the policy is effective.

93. Policy CO1 fails to reflect the wording of national planning policy (and, indeed of the Community Infrastructure Levy Regulations 2010) with regard to when developer contributions may be sought. **MM47** is needed to bring the policy, and its supporting text, into line with the Framework.
94. The supporting text to policy CO5 contains wording that reads as policy. This is not justified or effective and **MM48**, which moves this wording into policy CO5, is necessary to make the Plan sound.

Conclusion

95. I conclude that, subject to the MMs noted above, the Plan's approach to community infrastructure is justified, effective and consistent with national planning policy.

Issue 7 – Whether the Plan's approach to monitoring is justified, effective and consistent with national planning policy

96. The Plan's monitoring framework is ineffective, with few triggers for action in the event that policy is not operating or delivering as expected. **MM65** and **MM123** are needed to address this matter.
97. The Plan's lack of a housing trajectory is also inconsistent with national planning policy. Given that the Authority has produced a trajectory, there is no obvious reason why it should not feature in the Plan. **MM66** rectifies this omission with a new Appendix 5 to the Plan.

Conclusion

98. I conclude that, subject to the MMs noted above, the Plan's approach to monitoring is justified, effective and consistent with national planning policy.

Assessment of Legal Compliance

99. My examination of the legal compliance of the Plan is summarised below.
100. The Plan has been prepared in accordance with the Authority's Local Development Scheme. There was been a two month slippage with regard to the anticipated submission date, but I do not consider this marginal departure from the timetable to be significant in the overall scheme of things.
101. Consultation on the Plan and the MMs was carried out in compliance with the Authority's Statement of Community Involvement.
102. Sustainability Appraisal has been carried out and is adequate.
103. The Habitats Regulations Assessment of the Plan (June 2019) sets out why an Appropriate Assessment is not necessary.
104. The Plan includes policies, such as Strategic Policies A, E and F; and Policies ENV5 and ENV8, designed to ensure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.

105. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

106. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination, including policies relating to the supported community at Botton Village; the relaxation of local connection criteria for carers; and Gypsy, Roma and Traveller Accommodation.

Overall Conclusion and Recommendation

107. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

108. The Authority has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix to this report the North York Moors National Park Authority Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Richard Schofield

INSPECTOR

This report is accompanied by an Appendix containing the Main Modifications.